SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

ITEM: 2.3
(ID # 27628)
MEETING DATE:
Tuesday, April 15, 2025

FROM : EXECUTIVE OFFICE

SUBJECT: EXECUTIVE OFFICE: Receive and File the Legislative Report for March 2025, [All Districts] [$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and File the Legislative Report for April 2025.

ACTION:Policy

Carolina Salazar Herrera, Director of Legislative Advocacy 4/9/2025

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Gutierrez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is received and filed as recommended.

Ayes:	Medina, Spiegel, Washington, Perez and Gutierrez
Nays:	None
Absent:	None
Date:	April 15, 2025
xc:	EO

Kimberly A. Rector
Clerk of the Board
By: _____
Deputy

BACKGROUND:

Summary

Board Policy A-27 provides, in part, that the County's legislative advocates and/or the Executive Office shall provide monthly reports on the progress of County-sponsored legislation and issues at the forefront of discussion at State/Federal levels that may have a fiscal and/or operational impact on the County. Included in the reports shall be known formal positions of notable associations and/or organizations.

ATTACHMENTS:

Legislative Report (April 2025)
CSAC Letters (April 2025)
UCC Letters (April 2025)

LEGISLATIVE REPORT

Board Policy A-27 provides, in part, that the County's legislative advocates and/or the Executive Office shall provide monthly reports on the progress of County-sponsored legislation and issues at the forefront of discussion at state/federal levels that may have a fiscal and/or operational impact on the County. Included in the reports shall be known formal positions of notable associations and/or organizations. The Legislative Report is meant to meet that requirement.

This report includes updates on the County's federal and state legislative advocacy efforts, legislation of interest, and copies of advocacy letters sent.

REGULATORY AFFAIRS AND FUNDING

The County encourages Congress to take a balanced approach to fiscal responsibility to address the federal FY 2026 budget (letter attached). As Congress releases Appropriations Committee guidance and direction related to FY 2026 funding requests, "earmarks," our Board has sent letters of support for several projects (attached).

OUTREACH & COMMUNICATIONS

- RivCo met with Assembly Member Leticia Castillo on March 21, 2025, to update her on the latest countywide priorities.
- RUHS participated in Representative Raul Ruiz's Health Care Roundtable on April 4, 2025.

Testimony

- Flood Director Jason Uhley testified at the Assembly Water, Parks and Wildlife Committee 'Is California ready for floods?' Hearing on March 11, 2025, on a panel on Urban/coastal flood protection case studies.

Lobby Days

- County Leaders were in Sacramento and Washington. DC advocating county priorities:
  - Community Action Partnership (CAP) at National Community Action Foundation (NCAF) Conference in Washington DC on 03/19/25.
  - Workforce Development Board at California Workforce Association Day at the Capitol in DC on March 29, 2025.
  - Flood in DC April 7-9, 2025.

RivCo Bill List

FEDERAL ADVOCACY

119th Congress

- **HR 471 Fix Our Forests Act [Westerman (R-AR-4)], Local agencies: transient occupancy taxes: short-term rental facilitator.** This bill aims to enhance forest management and reduce wildfire risks through interagency coordination, expedited

processes, and innovative strategies, while also addressing vegetation management, reforestation, and technology deployment, with a focus on collaboration across federal, state, and tribal entities and includes support for firefighters' families.
Position: Support [Per Board Item 3.27 on April 15, 2025.]

CALIFORNIA STATE ADVOCACY

2025-26 California Legislative Session

- **AB 1 (Connolly-D) Residential property insurance: wildfire risk.** This bill would require the California Department of Insurance to periodically review and update wildfire risk mitigation regulations, incorporating public input and consulting with state agencies, while emphasizing the use of noncombustible materials and maintaining a structured process for regulatory amendments.
  Position: Support [Per Board Item 3.27 on April 15, 2025.]
- **AB 1358 (Valencia-D) Santa Ana River Conservancy Program: lower Santa Ana River region.** Would mandate that 60% of funds for Santa Ana River Conservancy projects be allocated to urbanized areas in the Lower Santa Ana River Region to aid disadvantaged communities.
  Position: Oppose [Per Letter to Assembly Natural Resources on April 2, 2025.Attached.]
  Impact: This bill would restrict Proposition 4 funds that RivCo Parks advocated for.
- **SB 72 (Cabellero-D) The California Water Plan: long-term supply targets.** This bill would complement and amplify Governor Newsom's Water Supply Strategy, ensuring there are reasonable water supply targets.
  Position: Support [Per Board Agenda Item 3.4 on November 1, 2022.]
  Impact: This bill is being proposed by the Solve the Water Crisis Coalition as a solution to creating more reasonable water targets.
- **SB 239 (Arreguin-D) Open meetings: teleconferencing: subsidiary body.** Would authorize members of local non-decision-making legislative bodies to participate in public meetings via two-way virtual teleconferencing without posting their location.
  Position: Support [Per Letter Sent to Senate Local Government on February 25, 2025.]
  Impact: Would allow virtual participation on County appointed boards and commissions, removing barriers for participation.
- **SB 346 (Durazo-D) Local agencies: transient occupancy taxes: short-term rental facilitator.** The bill would assist the county's ability to collect transient occupancy taxes from short-term rentals.
  Position: Support [Per Letter Sent to Senate Local Government on March 10, 2025.]

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District 5	**Yxstian Gutierrez** 951-955-1050

March 17, 2025

The Honorable Ken Calvert
2205 Rayburn Building
Washington, DC 20515

Re: Federal Budget Negotiations and Reconciliation

Dear Representative Calvert:

On behalf of the County of Riverside Board of Supervisors, I write to urge your thoughtful consideration of the ongoing federal budget negotiations and reconciliation.

Riverside County has a long history of working collaboratively with our federal partners to serve our shared constituents. Put simply, your voters are our residents. As Congress deliberates on the fiscal framework for the coming years, we recognize the need for responsible budgeting. However, we are deeply concerned about proposals that would significantly reduce federal funding, which would have devastating consequences for our region's most vulnerable populations.

We appreciate the difficult task before Congress in crafting a budget that reflects our nation's priorities while maintaining fiscal responsibility. We recognize and commend your commitment to ensuring that federal resources are used efficiently and effectively to strengthen communities across the country. Riverside County stands ready to support efforts that invest in critical infrastructure, public safety, healthcare, and economic development, all of which contribute to long-term fiscal stability and prosperity.

Additionally, we share and support the President's and Congress' stated commitment to find savings and cut fraud, waste, and abuse in government programs. Ensuring that taxpayer dollars are spent wisely is essential to maintaining public trust and protecting the integrity of federally funded programs. We encourage targeted reforms that enhance oversight and accountability while preserving funding for essential services that directly impact the well-being of our residents. Efforts to root out inefficiencies should complement, rather than compromise, critical investments in healthcare, housing, and social services that sustain communities like Riverside County.

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Riverside County is prepared to serve as a resource to you and your staff. We welcome the opportunity to discuss how federal policies translate into real-world impacts and to provide data and firsthand insights into the challenges we face. Please do not hesitate to reach out to Carolina Herrera, Director of Legislative Advocacy & Governmental Affairs, at (951) 955-1180 or csherrera@rivco.org for additional information.

We appreciate your leadership and your commitment to serving our shared constituents. Thank you for your time and consideration.

Sincerely,

Supervisor V. Manuel Perez
Chair, County of Riverside Board of Supervisors

cc: Honorable Members, County of Riverside Legislative Delegation

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March 17, 2025

The Honorable Darrell Issa
2108 Rayburn House Office Building
Washington, DC 20515

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The Honorable Alex Padilla
331 Hart Senate Office Building
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March 17, 2025

The Honorable Alex Padilla
331 Hart Senate Office Building
Washington, DC 20510

Re: Federal Budget Negotiations and Reconciliation

Dear Senator Padilla:

On behalf of the County of Riverside Board of Supervisors, I write to urge your thoughtful consideration of the ongoing federal budget negotiations and reconciliation.

Riverside County has a long history of working collaboratively with our federal partners to serve our shared constituents. Put simply, your voters are our residents. As Congress deliberates on the fiscal framework for the coming years, we recognize the need for responsible budgeting. However, we are deeply concerned about proposals that would significantly reduce federal funding, which would have devastating consequences for our region's most vulnerable populations.

We appreciate the difficult task before Congress in crafting a budget that reflects our nation's priorities while maintaining fiscal responsibility. We recognize and commend your commitment to ensuring that federal resources are used efficiently and effectively to strengthen communities across the country. Riverside County stands ready to support efforts that invest in critical infrastructure, public safety, healthcare, and economic development, all of which contribute to long-term fiscal stability and prosperity.

Additionally, we share and support the President's and Congress' stated commitment to find savings and cut fraud, waste, and abuse in government programs. Ensuring that taxpayer dollars are spent wisely is essential to maintaining public trust and protecting the integrity of federally funded programs. We encourage targeted reforms that enhance oversight and accountability while preserving funding for essential services that directly impact the well-being of our residents. Efforts to root out inefficiencies should complement, rather than compromise, critical investments in healthcare, housing, and social services that sustain communities like Riverside County.

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We strongly encourage Congress to take a balanced approach to fiscal responsibility, one that does not disproportionately shift costs to state and local governments or jeopardize essential services for communities like ours. We ask that you work with your colleagues to ensure that any spending offsets do not come at the expense of the very programs that keep millions of Americans healthy and secure.

Riverside County is prepared to serve as a resource to you and your staff. We welcome the opportunity to discuss how federal policies translate into real-world impacts and to provide data and firsthand insights into the challenges we face. Please do not hesitate to reach out to Carolina Herrera, Director of Legislative Advocacy & Governmental Affairs, at (951) 955-1180 or csherrera@rivco.org for additional information.

We appreciate your leadership and your commitment to serving our shared constituents. Thank you for your time and consideration.

Sincerely,

Supervisor V. Manuel Perez
Chair, County of Riverside Board of Supervisors

cc: Honorable Members, County of Riverside Legislative Delegation

March 10, 2025

The Honorable Raul Ruiz
2342 Rayburn House Office Building
Washington, DC 20515

Re: Federal Budget Negotiations and Reconciliation

Dear Congressman Ruiz:

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March 17, 2025

The Honorable Adam Schiff
Hart Senate Office Building #112
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2078 Rayburn House Office Building
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We strongly encourage Congress to take a balanced approach to fiscal responsibility, one that does not disproportionately shift costs to state and local governments or jeopardize essential services for communities like ours. We ask that you work with your colleagues to ensure that any spending offsets do not come at the expense of the very programs that keep millions of Americans healthy and secure.

Riverside County is prepared to serve as a resource to you and your staff. We welcome the opportunity to discuss how federal policies translate into real-world impacts and to provide data and firsthand insights into the challenges we face. Please do not hesitate to reach out to Carolina Herrera, Director of Legislative Advocacy & Governmental Affairs, at (951) 955-1180 or csherrera@rivco.org for additional information.

We appreciate your leadership and your commitment to serving our shared constituents. Thank you for your time and consideration.

Sincerely,

Supervisor V. Manuel Perez
Chair, County of Riverside Board of Supervisors

cc: Honorable Members, County of Riverside Legislative Delegation

March 27, 2025

The Honorable Matt Haney
Chair, Assembly Housing and Community Development Committee
1020 N Street, Room 156
Sacramento, CA 95814

RE: AB 299 (Gabriel) Motels, hotels, and short-term lodging: disasters.
As amended on March 4, 2025 – Notice of Support

Dear Chair Haney,

On behalf of the California State Association of Counties (CSAC) and the California Chapter of the American Planning Association (APA), we write in support of AB 299. This bill ensures individuals displaced by a disaster, like the recent fires in Los Angeles, can access stable temporary housing at hotels, motels, and short-term rentals.

Following the Eaton and Palisades fires, thousands of Los Angeles County residents have lost their homes or been displaced. Many impacted individuals who needed immediate housing have turned to hotels, motels, and short-term rentals. While stays under 30 days do not present any legal complications, following that time frame, existing laws can make it challenging for individuals to access a stable place to stay. In practice, this can lead to lodgers needing to shuffle individuals between rooms or remove them from the property each month, which can be harmful and destabilizing.

Under AB 299, guests displaced by a disaster will be able to stay for longer than 30 days without establishing a landlord-tenant relationship, providing lodgers with the certainty needed to not shuffle individuals between rooms or remove them from the property.

California was already facing a housing and homelessness crisis before these fires began, and we must act quickly to ensure displaced individuals can access stable temporary shelter. Counties support measures that provide housing assistance to all community members. By extending critical legal assurances, AB 299 will directly help provide stability and security to those who have already been through so much.

CSAC supports efforts to comprehensively protect communities from future disasters - including wildfires, floods, extreme heat, and other climate-driven events. Additionally, CSAC supports legislation that codifies community recovery and rebuilding best practices

so that all counties that experience future disasters can utilize these laws to expedite the restoration of their communities. AB 299 aligns with these efforts and will strengthen counties' abilities to meaningfully prepare for disasters, provide effective response during the emergency, and expedite post-disaster recovery.

For these reasons, CSAC and APA supports AB 299 and respectfully requests your AYE vote. Should you have any questions regarding our position, please do not hesitate to contact us at mneuburger@counties.org or policy@apacalifornia.org

Sincerely,

Mark Neuburger
Legislative Advocate
California State Association of Counties
mneuburger@counties.org

Reuben Duarte
Vice President, Policy and Legislation
APA California
policy@apacalifornia.org

Cc: The Honorable Jesse Gabriel, Member of the California State Assembly
Members and staff, Assembly Housing and Community Development Committee
Lisa Engel, Chief Consultant, Assembly Housing and Community Development Committee
Sarah Haynes, Fiscal Director, Assembly Republican Caucus

March 27, 2025

The Honorable Tina McKinnor
Chair, Assembly Committee on Public Employment and Retirement
1020 N Street, Room 153
Sacramento, CA 95814

RE: **AB 465 (Zbur) Local public employees: memoranda of understanding.**
OPPOSE *(As Amended March 13, 2025)*

Dear Assembly Member McKinnor,

The League of California Cities (Cal Cities), California State Association of Counties (CSAC), California Special Districts Association (CSDA), Rural County Representatives of California (RCRC), and Urban Counties of California (UCC) write to inform you of our respectful opposition to Assembly Bill (AB) 465. This bill proposes significant changes to the Meyers-Milias-Brown Act (MMBA) which would decrease accountability for law enforcement officers and other public employees, increase local government costs, and disrupt the stability of collective bargaining statewide.

In 1975, the *California Supreme Court in Skelly v. State Personnel Board (1975) 15 Cal.3d 194,* made clear that a local agency may not discipline an employee (except in certain very limited circumstances) without affording the employee procedural due process. Procedural due process includes certain steps that ensure that the employee has adequate notice, and that the employer is acting reasonably. This bill would go far beyond codifying *Skelly v. State Personnel Board* by requiring binding arbitration and expanding and redefining "progressive discipline" – among other things.

Most dramatically, this bill would require that an MOU include a "grievance procedure" that culminates with *compulsory final and binding arbitration* for all disputes over the interpretation or application of the MOU. While binding arbitration is one common means of resolving labor disputes, it remains highly controversial many contexts – most notably employee discipline. The Attorney General's Racial and Identity Profiling Advisory Board (RIPA) has studied the effect of binding arbitration on policing practices, and noted that:

> "[U]sing arbitration for peace officers' disciplinary appeals raises accountability concerns. According to policing scholars, arbitration almost exclusively reduces disciplinary penalties for officers guilty of misconduct. Scholars have also found arbitration also allows for third parties who may not be from the community to make final disciplinary decisions that overturn police supervisors' decisions or oppose civilian oversight entities. According to scholars, arbitrators can reinstate fired officers, sometimes with back pay...According to researchers, the tendency for arbitrators to side with officers is likely, because police officers and unions often have some level of influence over the selection of arbitrators."[1]

The Independent Police Auditor for the City of Palo Alto recently examined the role of binding arbitration in responding to excessive force incidents, and similarly concluded that "Major Reduction of the Discipline by the Arbitrator…Shows the Structural and Practical Defects of Such a System." The auditor's report noted that other common labor dispute resolution mechanisms, such as an independent civil service commission or non-binding arbitration subject to judicial review, would promote better accountability.[2] While these studies both arose in the law enforcement context, the same accountability concerns may arise for employees entrusted with other critical public functions, such as child welfare, public safety, and management of public funds.

Moreover, binding arbitration provisions are presently negotiated at the bargaining table, where the specific needs of each community and bargaining unit, and the potential consequences and tradeoffs can be discussed and resolved by the affected parties. This bill would deprive all parties at the table of the ability to negotiate and agree upon the mechanisms that work best for their community.

The bill would further upset local bargaining by mandating unlimited amounts of paid released time, for an unlimited number of union representatives, to investigate *potential* grievances, the scope and extent of which – and any possible limits – is deeply unclear. While released time is an important part of local labor relations, reflected in the MMBA, the specific amount and contours of paid released time is presently negotiated at the bargaining table – as befits an item with budgetary and staffing implications that will vary from community to community. As above, this bill would deprive local parties of the ability to negotiate their own specific practices sensitive to local needs.

Additionally, the bill attempts to redefine and expand "progressive discipline" in a manner that is both unclear and actively harmful to good management and labor peace. As currently understood, progressive discipline is a system of imposing increasingly severe disciplinary actions on an employee's continued failure to meet performance standards or to conform their conduct to employer policies, rules, and regulations. While the concept of "progressive discipline" is widely used to ensure procedural due process, it is not appropriate or required in all circumstances.

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[1] https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf

[2] https://www.cityofpaloalto.org/files/assets/public/v/1/police-department/accountability/ipa-reports/independent-police-auditors-report-and-papd-use-of-force-report-for-second-half-of-2023.pdf

For example, procedural due process is not generally required for disciplinary procedures that do not result in a loss of the employee's pay or benefits including written reprimands; transfer without a loss of pay; negative performance evaluation; economic layoff. However, this bill would impose progressive discipline in all of these instances.

Progressive discipline is put into practice on a case-by-case basis depending upon the employee's conduct because progressive discipline may not make sense for particularly unacceptable work performance, egregious conduct, or situations where progressive discipline is unlikely to address the issue.

The bill dramatically expands the scope of existing law and would prohibit non-progressive discipline, particularly regarding at-will and probationary employees. There is concern that particularly egregious behavior may not be able to be dealt with in proportional manner.

AB 465 would also define "progressive discipline" as a "written preventative, corrective, or disciplinary action providing an employee with notice of departmental expectations, an opportunity to learn from prior mistakes, and correct and improve future work performance." The definition is problematic because it contains vague phrases such as "an opportunity to learn from prior mistakes." The definition is also not clear as to what it means to "correct" future work performance and what is included in a "notice of departmental expectations?" This lack of clarify will result in litigation and challenging implementation.

This will also be incredibly difficult and disruptive for employees subject to a civil service commission. Many local government employees have a right to a Civil Service Commission hearing for needs improvement evaluations, letters of reprimand, suspensions, demotions, and terminations. Commission operates hearings on any level of discipline much like a multi-day civil trial, with each party represented by an attorney before a hearing body. These hearings consume an enormous amount of time and resources, and potentially having 4-5 different hearings for a single employee at various levels of discipline before moving toward termination is untenable.

Adopting a grievance procedure to investigate an alleged violation of an MOU is considered a best practice. The PERB has the authority to hear and determine any complaints alleging violations of the MMBA or any rules and regulations concerning employee relations. We are concerned how this may conflict with PERB's authority.

We are entirely aligned with the importance of respecting the due process rights of local government employees. With respect, this bill is not required in order to uphold and guarantee those rights.

For the reasons discussed above, the organizations listed below are respectfully opposed to AB 465. If you have any questions, please do not hesitate to contact our organizations' representatives directly.

Sincerely,

Johnnie Piña
Legislative Advocate
League of California Cities
jpina@calcities.org

Sarah Dukett
Policy Advocate
Rural County Representatives of California
sdukett@rcrcnet.org

Eric Lawyer
Legislative Advocate
California State Association of Counties
elawyer@counties.org

Aaron Avery
Director of State Legislative Affairs
California Special Districts Association
aarona@csda.net

Jean Hurst
Legislative Representative
Urban Counties of California
jkh@hbeadvocacy.com

CC:

The Honorable Rich Chavez Zbur
Honorable Members, Assembly Committee on Public Employment and Retirement
Michael Bolden, Principal Consultant, Assembly Committee on Public Employment and Retirement
Lauren Prichard, Policy Consultant, Assembly Republican Caucus

California State Association of Counties®
1100 K Street, Suite 101 | Sacramento, CA 95814

March 24, 2025

The Honorable Diane Papan, Chair
Assembly Water, Parks, and Wildlife Committee
1020 N Street, Suite 160
Sacramento, CA 95814

RE: AB 514 (Petrie-Norris): Water: Emergency Water Supplies
As Introduced on February 10, 2025 – Notice of SUPPORT
To be heard in the Assembly Water Parks and Wildlife Committee

Dear Chair Papan,

On behalf of the California State Association of Counties (CSAC), representing all 58 California Counties, I write to support AB 514 (Petrie-Norris) which would enact a state policy to encourage investment in and development of emergency water supplies across the state.

CSAC supports efforts to comprehensively protect communities from future disasters - including wildfires, floods, extreme heat, and other climate-driven events. Additionally, CSAC supports legislation that codifies community recovery and rebuilding best practices so that all counties that experience future disasters can utilize these laws to expedite the restoration of their communities. AB 514 aligns with these efforts and will strengthen county abilities to meaningfully prepare for disasters, provide effective response during the emergency, and expedite post-disaster recovery.

Counties often rely on our water supplier partners to provide adequate water for local communities, homes, farms and ranches including during emergencies. Unfortunately, prolonged drought, increasingly intense wildfires, and localized water emergencies have increased in recent years. Counties are on the front line of disaster response and often are the first to respond to any emergencies.

The development of emergency water supplies — a water supply that has been developed by a water supplier to enhance its water supply reliability during times of shortage and is a supply in addition to the baseline water supplies that the agency draws upon during non-shortage times to meet water demands within its service area — is one tool that can aid the state in mitigating the impacts of more frequent droughts.

AB 514 seeks to remedy this by enacting a policy in the Water Code that recognizes emergency water supplies, encourages their development, and supports their use during times of shortage. Such a policy will encourage investment in and development of emergency supplies— making communities more resilient, better able to withstand drought and flood, and more prepared to provide safe and reliable water supplies to residents, businesses and the environment.

For these reasons, we support AB 514 and urge your "Aye" vote on the bill. Should you have questions or concerns, please contact Catherine Freeman at cfreeman@counties.org with any questions.

Catherine Freeman

Senior Legislative Advocate, CSAC

cc: Assemblymember Petrie-Norris
Members of the Water Parks and Wildlife Committee

March 26, 2025

The Honorable Ash Kalra
California State Assembly
1021 O Street, Suite 4610
Sacramento, CA 95814

SUBJECT: AB 692 (KALRA) EMPLOYMENT:CONTRACTS IN RESTRAINT OF TRADE OPPOSE – AS AMENDED MARCH 10, 2025

Dear Assemblymember Kalra:

The California Chamber of Commerce and the organizations listed below respectfully **OPPOSE** your **AB 692 (Kalra). AB 692** will disincentivize voluntary benefits programs for employees and is duplicative of existing law regarding reimbursements and trainings. It imposes significant penalties for any good faith error and improperly sweeps in independent contractors in a way that is at odds with the legal definition of an independent contractor.

AB 692 Disincentivize Voluntary Benefits Programs for Employees

Many California employers presently offer monetary bonuses or educational opportunities to their employees. For example, employers may pay a worker's tuition to get an advanced degree or additional certification or pay a signing bonus at the outset of employment. These mutually beneficial programs give the employee an opportunity to improve their resume/skills or receive additional money up front while the employer simultaneously makes an investment in its workforce. Understandably, employers are more motivated to invest in these types of voluntary benefits if they know the worker will be at the company for a longer period of time. It is therefore common for employers to offer more benefits if the worker agrees to remain at the company for a certain amount of time afterwards. Conversely, it does not make sense to offer an employee a signing bonus only to have them quit two weeks later.

AB 692 jeopardizes these benefits because it would classify them as a "debt" if the employer placed conditions on the bonus or education. In other words, **AB 692** would prohibit an employer from requiring that the worker remain at the company for a certain amount of time after receiving a benefit. Any requirement that the worker pay back the signing bonus would be considered unlawful, subjecting the employer to penalties and a private right of action. The unintended consequence of this bill is that it removes

the incentive for employers to offer these benefits programs. That is especially true for small and medium-sized businesses in light of the *mandatory* minimum $5,000 penalty.[1]

In effect, **AB 692** does not help workers – it hurts them.

Existing Labor Law Already Requires Employers to Pay for Employer Required Trainings or Any Other Expense

The intent behind **AB 692** appears to be aimed at prohibiting employers from requiring specific training and then saddling employees with a bill for that training upon termination of employment. That scenario is already addressed under Labor Code section 2802. Under section 2802, employers must reimburse employees for all necessary expenses and/or losses incurred in the course and scope of their employment. Courts have interpreted this provision quite broadly in favor of the employee. For example, if an employee makes a mistake at work that costs the employer money – such as damaging valuable equipment – the employee cannot be required to reimburse the employer. Or if the employer requires the employee to use their cell phone to conduct work, the employer must provide reimbursement, even if the employee is not incurring any additional cost because they have an unlimited data plan.

Regarding training, section 2802 requires reimbursement for required training as well as payment for time spent in training. DLSE guidance provides:

- There's generally no requirement that an employer pay for training leading to licensure or the cost of licensure for an employee.
- If the license is required by the state or locality as a result of public policy, the employee bears the cost of licensing.
- If the license isn't actually required by statute or ordinance but the employer requires the training and/or licensing simply as a requirement of employment, the employer must reimburse for the cost.

DLSE Opinion Letter No. 1994.11.17; DLSE *Enforcement Manual* section 29.2.3.4

In Re Acknowledgment Cases, 239 Cal.App.4th 1498 (2015) is illustrative of how section 2802 operates regarding training. A police department required all newly hired police officers to attend and graduate from a department-specific program. If the officers did not stay for at least five years, they were required to reimburse the department for the training costs. The court held that this violated section 2802. The department could require officers to pay for state-mandated training, but not the training that was specific to that department.

Further, Labor Code section 2802.1 specifically addresses the requirement for employers to pay education and training costs for employees who provide direct patient care. That statute was added just a few years ago based on the concern that some healthcare facilities were not correctly complying with section 2801.

AB 692's purported intent regarding training is therefore already addressed under sections 2802 and 2802.1. **AB 692** is not adding anything of substance here. Rather, its broad provisions will unintentionally deter employers from offering employee benefits like those discussed above.

AB 692's Application to Independent Contractors is At Odds with the Concept of an Independent Contractor

None of **AB 692**'s provisions should apply to independent contractors. For example, Labor Code 2802's requirements apply to employees, not independent contractors. This makes sense given the concept of an independent contractor – someone who performs work outside of the company's usual course of business, is free from control of the company regarding the performance of the work, and is customarily engaged in an independent trade or business. Independent contractors often work for many different companies. Anything specific to the needs of a specific company would be negotiated for in the terms and price of the contract between the contractor and that company.

[1] The bill states that any violation "shall" result in a minimum penalty of $5,000 or actual damages, whichever is greater.

In summary, **AB 692** will disincentivize employers investing in their own workforce by paying for additional certifications or degrees, and will make routine practices such as signing bonuses impossible to offer.

For these and other reasons, we respectfully **OPPOSE AB 692.**

Sincerely,

Ashley Hoffman
Senior Policy Advocate
California Chamber of Commerce

Acclamation Insurance Management Services (AIMS)
Allied Managed Care (AMC)
California Association for Health Services at Home
California Hospital Association
California Hotel and Lodging Association
California League of Food Producers
California Retailers Association
California State Association of Counties
California Trucking Association
Coalition of Small and Disabled Veteran Businesses
Flasher Barricade Association (FBA)
National Federation of Independent Business
Rual County Representatives of California
Society for Human Resource Management (SHRM)
Urban Counties of California

cc: Legislative Affairs, Office of the Governor

AH:am

March 26, 2025

TO: Members, Assembly Labor and Employment Committee

SUBJECT: AB 692 (KALRA) EMPLOYMENT:CONTRACTS IN RESTRAINT OF TRADE
OPPOSE – AS AMENDED MARCH 10, 2025

The California Chamber of Commerce and the organizations listed below respectfully **OPPOSE AB 692 (Kalra). AB 692** will disincentivize voluntary benefits programs for employees and is duplicative of existing law regarding reimbursements and trainings. It imposes significant penalties for any good faith error and improperly sweeps in independent contractors in a way that is at odds with the legal definition of an independent contractor.

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AB 692 jeopardizes these benefits because it would classify them as a "debt" if the employer placed conditions on the bonus or education. In other words, **AB 692** would prohibit an employer from requiring that the worker remain at the company for a certain amount of time after receiving a benefit. Any requirement that the worker pay back the signing bonus would be considered unlawful, subjecting the employer to penalties and a private right of action. The unintended consequence of this bill is that it removes the incentive for employers to offer these benefits programs. That is especially true for small and medium-sized businesses in light of the *mandatory* minimum $5,000 penalty.[1]

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AB 692's purported intent regarding training is therefore already addressed under sections 2802 and 2802.1. **AB 692** is not adding anything of substance here. Rather, its broad provisions will unintentionally deter employers from offering employee benefits like those discussed above.

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In summary, **AB 692** will disincentivize employers investing in their own workforce by paying for additional certifications or degrees, and will make routine practices such as signing bonuses impossible to offer.

For these and other reasons, we respectfully **OPPOSE AB 692.**

Sincerely,

Ashley Hoffman
Senior Policy Advocate
California Chamber of Commerce

Acclamation Insurance Management Services (AIMS)
Allied Managed Care (AMC)
California Association for Health Services at Home
California Chamber of Commerce
California Hospital Association
California Hotel and Lodging Association
California League of Food Producers
California Retailers Association
California State Association of Counties
California Trucking Association
Coalition of Small and Disabled Veteran Businesses
Flasher Barricade Association (FBA)
National Federation of Independent Business
Rual County Representatives of California
Society for Human Resource Management (SHRM)
Urban Counties of California

cc: Legislative Affairs, Office of the Governor
Erika Salazar, Office of Assemblymember Kalra
Megan Lane, Assembly Labor and Employment Committee
Lauren Prichard, Assembly Republican Caucus

AH:am

March 26, 2025

The Honorable Mia Bonta, Chair
Assembly Health Committee
1020 N Street, Room 390
Sacramento, CA 95814

RE: AB 870 (Hadwick): Children's Services
As proposed to be amended – SUPPORT
Set for Hearing in Assembly Health Committee on April 1, 2025

Dear Assembly Member Bonta,

On behalf of the California State Association of Counties (CSAC) and Rural County Representatives of California (RCRC), we write in support of Assembly Bill 870 by Assembly Member Hadwick. This measure, as proposed to be amended, would authorize the County of Alpine to designate another county to administer its California Children's Services (CCS) program, if that county agrees to administer the program, is compliant with the standards set forth by the Department of Health Care Services (DHCS), and is not a Whole Child Model County.

The California Children's Services (CCS) program provides diagnostic and treatment services, medical case management, and physical and occupational therapy services to children under age 21 with CCS-eligible medical conditions whose parents are unable to pay, in whole or in part, for their medical care. Examples of CCS-eligible conditions include chronic medical conditions such as cystic fibrosis, hemophilia, cerebral palsy, heart disease, cancer, traumatic injuries, and certain infectious diseases.

Alpine County is the state's smallest county with a total population of about 1,200 residents. The County itself employs only 85 individuals. Alpine County's current CCS program has been administered with a single public health nurse. When this employee is not available, there is no one to manage the program in their place, as nursing credentials are required to process and coordinate care for recipients.

AB 870 would allow Alpine County to enter into an agreement with another county to administer its CCS program to facilitate the most timely and effective care for CCS recipients. Current law does not allow this flexibility. As the state's smallest county, Alpine County

requires an alternative approach to ensure consistent and quality care for CCS-eligible children.

For these reasons, our organizations are pleased to support AB 870 as proposed to be amended and respectfully requests your "AYE" vote on this measure. Please do not hesitate to reach out with any questions.

Sincerely,

Jolie Onodera
Senior Legislative Advocate
California State Association of Counties
jonodera@counties.org
916-591-5308

Sarah Dukett
Policy Advocate
Rural County Representatives of California
sdukett@rcrcnet.org
916-447-4806

cc: Members and Consultants, Assembly Health Committee
The Honorable Heather Hadwick, California State Assembly
Justin Boman, Consultant, Assembly Republican Caucus

March 26, 2025

The Honorable Anamarie Ávila Farías
Member, California State Assembly
1021 O Street, Suite 6140
Sacramento, CA 95814

Re: AB 933 (Ávila Farías): Organized Residential Camps: Organized Day Camps
As Introduced February 19, 2025 – OPPOSE

Dear Assembly Member Ávila Farías:

The California State Association of Counties (CSAC), Urban Counties of California (UCC), Rural County Representatives of California (RCRC), County Health Executives Association of California (CHEAC), and the Health Officers Association of California (HOAC), respectfully OPPOSE your AB 933.

While we commend your goal to increase oversight of children's day camps, we believe, and have long advocated that, placing this responsibility with local health departments that exist to protect communities from public health threats, including but not limited to infectious diseases, climate-related illness, and chronic disease, is an inappropriate assignment. We have instead advocated that children's day camps in California should be regulated by an agency with the applicable training and expertise in child supervision and safety. The California Department of Social Services (CDSS) is well suited to lead this process given their expertise in regulating facilities that provide care to children, including childcare facilities and children's residential care facilities.

Last legislative session, our organizations enthusiastically supported AB 262/Holden (Chapter 341, Statutes of 2024), which sets out a process, led by CDSS, to engage with other relevant state agencies, such as the California Department of Public Health and the California Department of Education, as well as stakeholders such as parent advocate groups, local parks departments, and local public health and environmental health departments, among others, to gather information and develop recommendations to establish child supervision requirements, physical facility standards, and camp licensure and regulatory requirements, among others. We believe this process will identify the appropriate agencies and/or entities, with applicable expertise and resources, to ensure children's safety and supervision when attending these day camps.

We would note that some children's camps, such as YMCA programs, are currently licensed by CDSS as a childcare facility, yet have sought licensure as a recreational camp (day camp) during school breaks. Proponents of expanding current organized camps statute to include day camps have argued that they are "unwilling to sacrifice their existing relationships with county health inspectors"; however, they continue to disregard the central issue of how to ensure child safety.

Local health departments play a critical role in protecting our communities from public health threats. Local health department responsibilities include infectious disease control and prevention, food safety, environmental health, laboratory services, emergency preparedness, and chronic disease prevention and

health promotion. Our current responsibilities and expertise do not include enforcing appropriate child supervision and safety measures.

We have significant concerns about vastly expanding local health department responsibilities beyond the scope of our expertise and do not believe this proposed oversight structure puts the safety of children first. Additionally, we continue to strongly support the stakeholder process as signed into law last year, which will bring entities with specialized expertise together to develop a workable regulatory framework. AB 933 would circumvent this thoughtful and reasonable stakeholder process designed to ensure the safety of all children participating in children's camps.

It is for these reasons that we must respectfully oppose AB 933.

Sincerely,

Jolie Onodera
Senior Legislative Advocate
California State Association of Counties (CSAC)

Kelly Brooks-Lindsey
Urban Counties of California (UCC)

Sarah Dukett
Policy Advocate
Rural County Representatives of California (RCRC)

Farrah McDaid Ting
Deputy Director of Policy
County Health Executives Association of California (CHEAC)

Kat DeBurgh
Executive Director
Health Officers Association of California (HOAC)

March 23, 2025

The Honorable Lori Wilson, Chair
Assembly Committee on Transportation
1020 N Street, Room 112
Sacramento, CA 95814

RE: **AB 978 (Hoover) Recycled/Reclaimed Asphalt Pavement.**
Notice of OPPOSITION *(2/20/2025)*

Dear Chair Wilson,

On behalf of the League of California Cities (Cal Cities) and the California State Association of Counties (CSAC) Rural County Representatives of California (RCRC), we regrettably must **OPPOSE Assembly Bill 978**, that removes existing "cost-effective and feasible" provision in statute related to the use of recycled asphalt pavement (RAP) materials.

While we recognize the environmental and economic benefits of utilizing recycled materials, where appropriate, we believe AB 978 undermines local authority and fails to account for the diverse conditions and application techniques that are unique to local streets and in some cases where RAP would be inappropriate.

Local governments are responsible for maintaining the vast majority of California's roads—over 87% of the state's 144,000 centerline miles of streets that encompass high elevation cold climates, wet coastal conditions and dry/arid desert landscapes. Mandating local municipalities to use Caltrans specifications that are designed specifically for large highway projects to be used for local streets without any flexibility could, in some cases, cause greater harm to the environment, cost pressures to local taxpayers and more frustration for drivers having to deal with more frequent road repair. The "one-size-fits-all" approach imposed by AB 978 ignores several critical factors.

Effectiveness. Caltrans is gradually working towards using up to 40% RAP in new mixes for what is called hot mix asphalt (HMA). However, Caltrans does not use HMA on the surface, they use rubberized gap-graded hot mix (RHMA-G) to meet requirements for rubber usage and use HMA in the layers below the RHMA-G surface. RHMA-G has recycled tires, but putting RAP in it is challenging and degrades surface performance. While the use of high RAP HMA below the surface is not as risky, typically local use HMA above as their surface mix, thus causing performance concerns in some cases.

Flexibility. Why don't local use RHMA-G on the surface? Not all road maintenance and rehabilitation projects are suitable for RAP. Roads in different parts of the state experience varying weather patterns, temperature fluctuations, and traffic loads. The performance of recycled materials may differ significantly in rural, suburban, and urban environments. What might be suitable in metropolitan Los Angeles with year-round temperate weather and having access to many contractors might be a bad fit for a smaller community with more extreme weather, different traffic conditions and fewer contractors with lesser capabilities. Hence some flexibility for local governments is warranted. Engineers and public works officials must have the flexibility to make case-by-case decisions based on performance requirements, longevity, and maintenance costs. It requires more skill to inspect

construction compaction and is more difficult to use on city streets. While we recognize that some larger local governments have done very well with RHMA-G, it just takes more effort and is harder, in some cases, for small and medium size agencies. Over time ongoing research with Caltrans and industry will likely make high RAP mixes less risky on the surface, but not now.

Environment. If the goal is to reduce GHG, AB 978 could, in some cases, have the reverse impact. The high RAP mixes that get used on the surface of local streets, and have 20 percent GHG from mix production, but because of inappropriate application may last half as long before age related cracking requiring another road repair, then AB 978 would have increased GHG. 20 percent GHG for a product that survives only 50 percent before replacing is bad for the environment and antithetical to our state's climate goals.

Cost Considerations. While RAP can be a cost-effective solution in some instances, requiring its use without ensuring economic viability could lead to increased expenses for taxpayers. The availability and transportation costs of RAP vary by region, and for some communities, purchasing and processing recycled asphalt may be more expensive than using traditional materials.

Only some parts of the state have adequate resources and inventories of RAP. Smaller and more rural areas typically are remote and do not have adequate RAP on hand because they don't mill their streets up to match curb and gutter, they overlay. Caltrans specs allow contractors to use RAP in their mix, they don't make them. If AB 978 requires maximum of what Caltrans allows, they won't be able to get the RAP without trucking it long distances, resulting in potentially higher costs.

Furthermore, AB 978 sets a concerning precedent by mandating the adoption of specific materials without meaningful local input. SB 1 (Chapter 5, 2017 Statutes), the Road Repair and Accountability Act, required the use of material recycling where "cost effective and feasible." Additionally, the governor returned AB 1035 (Salas, 2021) with the following veto message:

> *"Requiring all local agencies that have jurisdiction over streets and highways to comply with Caltrans' recycling standards may result in increased costs. The standards adopted by Caltrans are specifically designed for Caltrans projects, which are generally larger and address a greater volume of traffic than some local projects. These requirements may not be appropriate for all local streets and roads. Further, this bill may create a reimbursable state mandate, which could result in significant state costs."*

As a result, AB 2953 (Chapter 872, 2022 Statutes) was negotiated as a compromise between local agencies, industry, the legislature and the governor's office to recognize the importance of local decision making. AB 978 disregards this agreement and these principles and places unnecessary constraints on local governments.

We welcome discussions on policies that promote responsible and sustainable infrastructure practices while preserving local control over transportation planning and fiscal responsibility. For these reasons, Cal Cities and CSAC regrettably must oppose **AB 978 (Hoover)**. If you have any questions, do not hesitate to contact Damon with Cal Cities at dconklin@calcities.org, Mark with CSAC at mneuburger@counties.org, or John with RCRC at jkennedy@rcrc.org.

Sincerely,

Damon Conklin
Legislative Advocate

Mark Neuburger
Legislative Affairs, Lobbyist

John Kennedy
Senior Policy Advocate

Cc: The Honorable Josh Hoover, Assembly Member
The Honorable Members, Assembly Committee on Transportation
Julia Kingsley, Senior consultant, Assembly Committee on Transportation
Daniel Ballon, Consultant, Republican Assembly Committee

March 25, 2025

The Honorable Greg Wallis
California State Assembly
1021 O Street, Suite 4650
Sacramento, CA 95814

RE: **AB 1293 (Wallis) – Qualified Medical Evaluator Report Quality**
SUPPORT

Dear Assemblymember Wallis,

The undersigned organizations are pleased to **SUPPORT** your **AB 1293**, which will improve the quality of medical-legal evaluations necessary to resolve disputes in the workers' compensation system.

According to the Commission on Health and Safety and Workers' Compensation's (CHSWC), in 2023 California's workers' compensation system covered 16.7 million employees who reported a total of 748,982 occupational injuries and illnesses with a total cost of $22.3 billion.[1] California's worker's compensation system is known to be expensive, complex, and litigious.

The various parties in the system – claims administrators, doctors, injured workers, attorneys – experience a wide range of disputes that need to be resolved quickly and effectively to avoid delays. Some disputes require the use of the state-administered Panel QME Process, whereby the Division of Workers' Compensation sends a panel of three independent doctors who are available to complete a medical legal report to resolve the dispute. In 2022 the state received 192,600 requests for QME Panels and assigned 141,239 Panels[2]. These are not minor disputes being resolved – these reports determine whether temporary disability continues, whether a

[1] CHSWC 2023 Annual Report, Page 30
[2] CHSWC 2023 Annual Report, Page 117

requested medical treatment is appropriate, or how much permanent impairment a worker has suffered from the injury.

Unfortunately, the Panel QME reports are frequently inadequate for the purpose of resolving disputes in the system. Resolution of disputes is frequently delayed so a supplemental report can be prepared or so the parties can depose the Panel QME. These delays harm injured workers and increase costs for employers. AB 1239 seeks to improve the quality of Panel QME reports with the aim of resolving disputes faster. Specifically, the bill requires the Division of Workers' Compensation (DWC) to take three actions:

- **Implement State Auditor's Recommendation for Evaluating QME Report Quality**
  In 2019 the legislature asked the California State Auditor to evaluate the Panel QME system. One recommendation from the auditor was for the DWC to create and implement a plan to review the quality and timeliness of reports so that the state can ensure efficient resolution of workers' compensation claims. AB 1239 creates a statutory requirement for the DWC to implement this recommendation and ensure that Panel QME reports are timely, complete, and sufficient to resolve disputes.

- **Develop a Joint Panel QME Request Form**
  Labor Code Section 4062.3 outlines the types of information that can be provided to Panel QMEs and the process for doing so. Despite these guidelines, QMEs often receive incomplete or inadequate case information, which can compromise the accuracy and utility of their reports. AB 1293 requires the DWC to establish a standardized request form, ensuring that all parties submit the necessary information in a clear and consistent manner.

- **Create a Template for Panel QME Reports**
  To improve the clarity and consistency of Panel QME evaluations, AB 1293 directs the DWC to develop and distribute a standardized QME report template. When used alongside more complete request submissions, this measure will facilitate the production of higher-quality medical reports, thereby reducing the need for costly and time-consuming follow-ups.

All the actions described above would be subject to the Administrative Procedures Act so that injured workers, labor representatives, doctors, employers, and other stakeholders are given thorough opportunity to contribute as the processes are developed and implemented. There is, of course, a cost to the state to have the DWC implement AB 1293, but all costs for the DWC are paid by direct fees on employers and there is no general fund impact.

For these reasons, we are proud to **SUPPORT** your **AB 1293**.

Sincerely,

Acclamation Insurance Management Services (AIMS)
Allied Managed Care (AMC)

Association of California Healthcare Districts
California Association of Joint Powers Authorities
California Attractions and Parks Association
California Coalition on Workers' Compensation
California Chamber of Commerce
California Joint Powers Insurance Authority
California Restaurant Association
Coalition of Small and Disabled Veteran Businesses
California State Association of Counties
Flasher Barricade Association (FBA)
Keenan
Self-Insured Schools of California
Urban Counties of California

March 24, 2025

The Honorable Rebecca Bauer-Kahan
Chair, Assembly Committee on Privacy and Consumer Protection
1020 N Street, Room 162
Sacramento, CA 95814

Re: **AB 1337 (Ward): Information Practices Act of 1977**
As introduced February 21, 2025

Dear Chair Bauer-Kahan,

On behalf of the California State Association of Counties (CSAC) Association of California Healthcare Districts (ACHD), the League of California Cities, Rural County Representatives of California (RCRC) and the Urban Counties of California (UCC) write to respectfully oppose AB 1337, which would apply the Information Practices Act of 1977 ("IPA," or "the Act") in its entirety to all 58 counties, 483 cities, 977 school districts, 2,200 or so independent special districts, and the hundreds of JPAs, regional bodies, and other public agencies.

The bill in its current form does not appear to contemplate the vast technical effort that would be required for thousands of agencies to come into compliance. The effort would certainly require technological changes, including in many cases new equipment, coding for proprietary systems, and software purchases. It would also require personnel changes, including hiring new specialized staff and widespread training, which is not only required by the IPA but also important to local agency employees given the statutorily required discipline in the Act, up to and including termination, for errors made due to negligence. This requirement for new staff would come at a time when local agencies are experiencing workforce shortages, high vacancy rates, and challenges to fill current vacancies.

Application of the Act to local agencies would not only require time and staff capacity, it would also require significant financial resources that are not provided in the bill. AB 1337 clearly imposes a state mandate by requiring a new program for data management and a higher level of service to everyone whose personal information local agencies receive from any source. State mandates require reimbursement to local agencies and in this case could total many millions of dollars just for the initial implementation, not including the ongoing support needed to sustain compliance. Application of the Act to local agencies must be accompanied by sustainable and sufficient resources.

To the extent there are specific concerns about aspects of how local agencies protect and use personal information, we would be happy to discuss them and the resources necessary to address them. We are open to discussing incentive-based approaches for achieving greater data security and the time and resources that would be required to extend new mandates to local agencies.

However, the Act as it exists was not designed with local agencies in mind and is peppered with requirements that do not make sense in that context. To give just one example, as AB 1337 would amend the law, agencies under the IPA would be required to adopt policies consistent with the State Administrative Manual and the State Information Management Manual, highly detailed documents that are prepared for state agencies and departments by a state agency. State agencies with questions about those materials are assigned account leads

and oversight managers by the California Department of Technology (CDT). Would CDT likewise assign oversight managers to local agencies to answer questions?

Local agencies already have in place policies and procedures to protect personal information. These efforts would need to be scrapped to the extent they do not take the same approach as those outlined in the Act, regardless of their effectiveness or the cost of doing so.

To add to these challenges, the bill allows local agencies little time to prepare for compliance. Because the bill would take effect January 1, 2026, and because local agencies may not know if the bill will become law until the Governor's October 12, 2025, deadline to sign or veto bills, local agencies could have fewer than three months to prepare for compliance with the Act.

Finally, Section 17 of the bill asserts that no reimbursement is required by the act, suggesting that the only state-mandated activity directed by the bill is due to the adjustments to a crime or infraction. We believe the language is inappropriate and should be amended to clearly declare that the bill would establish a new mandate reimbursable under state law, as the bill clearly mandates a new activity by local agencies: compliance with the IPA, which requires significant changes to software, internal practices, and duties of local agency workforces.

For the reasons above, we must respectfully oppose AB 1337. While we understand the goals of this bill, we must oppose it due to the significant efforts that would be needed by local agencies for compliance, the minimal timeframe provided to allow local agencies to prepare for compliance, and the lack of any resources available to aid local agencies to comply with the complexity of the Act.

Sincerely,

Eric Lawyer
Legislative Advocate
California State Association of Counties
elawyer@counties.org

Sarah Bridge
Vice President, Advocacy & Strategy
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Sarah Dukett
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Johnnie Pina
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Jean Hurst
Legislative Representative
Urban Counties of California
jkh@hbeadvocacy.com

CC: The Honorable Assemblymember Chris Ward
Members, California State Assembly Committee on Privacy and Consumer Protection
Josh Tosney, Chief Consultant, California State Assembly Committee on Privacy and Consumer Protection
Liz Enea, Consultant, Assembly Republican Caucus

March 24, 2025

The Honorable Chris Ward
Member, California State Assembly
1021 O Street, Room 6350
Sacramento, CA 95814

Re: **AB 1377 (Ward): Information Practices Act of 1977**
As introduced February 21, 2025

Dear Assemblymember Ward,

On behalf of the California State Association of Counties, I write to respectfully oppose your AB 1337, which would apply the Information Practices Act of 1977 ("IPA," or "the Act") in its entirety to all 58 counties, 483 cities, 977 school districts, 2,200 or so independent special districts, and the hundreds of JPAs, regional bodies, and other public agencies.

The bill in its current form does not appear to contemplate the vast technical effort that would be required for thousands of agencies to come into compliance. The effort would certainly require technological changes, including in many cases new equipment, coding for proprietary systems, and software purchases. It would also require personnel changes, including hiring new specialized staff and widespread training, which is not only required by the IPA but also important to local agency employees given the statutorily required discipline in the Act, up to and including termination, for errors made due to negligence. This requirement for new staff would come at a time when local agencies are experiencing workforce shortages, high vacancy rates, and challenges to fill current vacancies.

Application of the Act to local agencies would not only require time and staff capacity, it would also require significant financial resources that are not provided in the bill. AB 1337 clearly imposes a state mandate by requiring a new program for data management and a higher level of service to everyone whose personal information local agencies receive from any source. State mandates require reimbursement to local agencies and in this case could total many millions of dollars just for the initial implementation, not including the ongoing support needed to sustain compliance. Application of the Act to local agencies must be accompanied by sustainable and sufficient resources.

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However, the Act as it exists was not designed with local agencies in mind and is peppered with requirements that do not make sense in that context. To give just one example, as AB 1337 would amend the law, agencies under the IPA would be required to adopt policies consistent with the State Administrative Manual and the State Information Management Manual, highly detailed documents that are prepared for state agencies and departments by a state agency. State agencies with questions about those materials are assigned account leads and oversight managers by the California Department of Technology (CDT). Would CDT likewise assign oversight managers to local agencies to answer questions?

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Sincerely,

Eric Lawyer
Legislative Advocate
California State Association of Counties
elawyer@counties.org

Sarah Bridge
Vice President, Advocacy & Strategy
Association of California Healthcare Districts
sarah.bridge@achd.org

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Policy Advocate
Rural County Representatives of California
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Johnnie Pina
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Jean Hurst
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jkh@hbeadvocacy.com

March 27, 2025

The Honorable Maria Elena Durazo
Chair, Senate Committee on Local Government
State Capitol, Room 407
Sacramento CA, 95814

RE: **SB 239: Open meetings: teleconferencing: subsidiary body.**
As Introduced January 30, 2025 – SUPPORT
Set to be heard in Senate Local Government Committee – April 2, 2025

Dear Senator Durazo:

On behalf of the California State Association of Counties (CSAC), League of California Cities (CalCities), City Clerks Association of California (CCAC), and California Association of Public Authorities for IHSS (CAPA-IHSS), Association of Bay Area Governments (ABAG), Metropolitan Transportation Commission (MTC), we are pleased to sponsor this important legislation and thank you for your leadership in removing barriers to entry into civic leadership. We and the undersigned organizations write to express our strong support for SB 239 (Arreguín).

Advisory bodies exist to serve as the voices of our communities on a variety of issues, including civic matters impacting seniors, accessibility concerns for those with disabilities,

representation for the LGBTQIA+ community, or the needs of youth who are homeless or at risk of homelessness. However, many advisory bodies frequently fail to meet due to inability to establish a quorum and difficulties to recruit and retain members of the community to serve. Over 90% of counties surveyed report challenges in establishing a quorum and 84% report difficulties in recruiting and retaining members to serve.

The in-person requirement to participate in local governance bodies presents a disproportionate challenge for those with physical or economic limitations, including seniors, persons with a disability, single parents or caretakers, or those who live in rural areas and face prohibitive driving distances. During the COVID-19 global pandemic, individuals who could not otherwise accommodate the time, distance, or mandatory physical participation requirements were able to participate remotely, gaining them access to leadership opportunities and providing communities with greater diversified input on critical community proposals.

SB 239 (Arreguín) would address these problems by allowing members to participate in meetings remotely without posting their home address or making it available to the public. The measure would improve transparency and ease of participation by the public by ensuring that meetings are available both in person and remotely whenever a member participates remotely or in person.

Existing law (Stats. 1991, Ch. 669) requires local bodies to publish and publicly notice opportunities to participate in and serve on local regulatory and advisory boards, commissions, and committees under the Local Appointments List, known as Maddy's Act. However, merely informing the public of the opportunity to engage is not enough: addressing barriers to entry to achieve diverse representation in leadership furthers the Legislature's declared goals of equal access and equal opportunity.

Two years ago, the Legislature overwhelmingly passed, and the Governor signed, SB 544 (Stats. 2023, Ch. 216). Noting equity issues presented by physical attendance requirements, the bill provided teleconferencing flexibility to members of state bodies that are purely advisory in nature, just like those included in SB 239 (Arreguín). In order to achieve representative diversity in leadership and equity in opportunity at the local level, SB 239 (Arreguín) would extend these same narrow exemption for non-decision-making legislative bodies not taking final action.

The public rightly deserves every opportunity to participate in their democracy. SB 239 (Arreguín) will improve on public accessibility in advisory body meetings by requiring meetings to be held online any time a member participates remotely and requires an in-

person meeting location for the public regardless of how many members participate remotely. The bill also requires approval by both the legislative body that establishes an advisory body and the advisory body itself. Any elected official who serves on an advisory body is prohibited from using the flexibility provided by this bill and bodies addressing the issues related to law enforcement, elections, or the budget are exempt from the bill.

In total, SB 239 (Arreguín) will modernize the Brown Act for advisory bodies and improve representation by diverse communities while maintaining critical public accountability of their local government decision making.

For these reasons, we are pleased to support SB 239 (Arreguín) and respectfully request your AYE vote.

If you have questions regarding this letter, please contact Eric Lawyer at (916) 767-9403, Johnnie Pina at (916) 802-4997, Dane Hutchings at (916) 898-2432, or Kim Rothschild at (916) 492-9111.

Sincerely,

Eric Lawyer
Legislative Advocate
California State Association of Counties
elawyer@counties.org

Johnnie Piña
Legislative Affairs, Lobbyist
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Kim Rothschild
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Andy Fremier
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Dane Hutchings
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Marcus Detwiler
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Sarah Dukett
Policy Advocate
Rural County Representatives of California
sdukett@rcrcnet.org

Amanda Kirchner
Director of Legislative Advocacy
County Welfare Directors Association of California
akirchner@cwda.org

CC: The Office of Jesse Arreguín, Senator, California State Senate
Members, Senate Local Government Committee
Jonathan Peterson, Principal Consultant, Senate Local Government Committee
Ryan Eisberg, Policy Consultant, Senate Republican Caucus

California State Association of Counties®
1100 K Street, Suite 101 | Sacramento, CA 95814

March 27, 2025

The Honorable Christopher Cabaldon
Member, California State Senate
1021 O Street, Ste. 7320
Sacramento CA, 95814

RE: SB 299: Local government: ordinances
As Introduced February 10, 2025 – PENDING
To be heard in Senate Local Government Committee – April 2, 2025

Dear Senator Cabaldon,

On behalf of the California State Association of Counties (CSAC), representing all 58 counties in California, we write to share our comments on your SB 299. At this point, we have a 'Pending' position on the bill. We are generally supportive of the intent behind the legislation and want to see it move forward, however we believe additional conversations are needed to narrow and clarify the scope of the bill.

Counties are often required to amend their zoning ordinances to comply with new laws by specific prescribed deadlines that can be challenging for smaller, more rural counties with limited resources and workforces that are already challenged with responding to new mandates on top of their normal duties. To compound the challenges of those communities, their planning commissions and boards of supervisors typically meet less often than more populous counties, raising the challenges of adopting ordinances. CSAC welcomes meaningful efforts to streamline the more ministerial types of ordinances contemplated by this bill.

However, we believe there are aspects of the bill that require further clarification and consideration. Currently, the bill would reduce the public's ability to monitor and engage on *all* ordinances, not just those needed to bring zoning current with general plans. We believe that matters like simply making zoning ordinances compliant with general plans should benefit from this streamlined process. However, we question whether it makes sense for all ordinances including, for example, those related to unlawful camping, short-term rentals, or fireworks, to name just a few examples.

Additionally, we have significant concerns about the current language in Government Code § 65860(c)(4), which would deem that adoption or amendment of a zoning ordinance needed to comply with a general plan can be passed through a "streamlined, ministerial approval process." We understand this language to mean that staff would be empowered to adopt these ordinances, bypassing approval from a county board of supervisors. While we understand the intent behind the language, we do not believe it is appropriate to authorize staff to both determine when an ordinance qualifies for staff approval, nor that staff should empowered to adopt ordinances on their own without oversight from a legislative body, like a county board of supervisors or city council.

CSAC believes there is a path forward for this bill and wants to see the bill move forward so we can continue conversations and refine the bill in a way that benefits cities and counties without sacrificing the public's ability to engage on important local matters. However, as written, we are not ready to commit to a position and must remain with a "Pending" position at this time. Should you have any questions regarding our position, please do not hesitate to contact Eric Lawyer (elawyer@counties.org).

Sincerely,

Eric Lawyer
Legislative Advocate
California State Association of Counties

California State Association of Counties®
1100 K Street, Suite 101 | Sacramento, CA 95814

March 27, 2025

The Honorable Maria Elena Durazo
Chair, Senate Committee on Local Government
State Capitol, Room 407
Sacramento CA, 95814

RE: SB 299: Local government: ordinances
As Introduced February 10, 2025 – PENDING
To be heard in Senate Local Government Committee – April 2, 2025

Dear Senator Durazo,

On behalf of the California State Association of Counties (CSAC), representing all 58 counties in California, we write to share our comments on SB 299 (Cabaldon). At this point, we have a 'Pending' position on the bill. We are generally supportive of the intent behind the legislation and want to see it move forward, however we believe additional conversations are needed to narrow and clarify the scope of the bill.

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Sincerely,

Eric Lawyer
Legislative Advocate
California State Association of Counties

CC : The Honorable Christopher Cabaldon, California State Senate
Members, Senate Local Government Committee
Anton Favorini-Csorba, Chief Consultant, Senate Local Government Committee
Ryan Eisberg, Consultant, Senate Republican Caucus

California State Association of Counties®
1100 K Street, Suite 101 | Sacramento, CA 95814

California State Association of Counties®
1100 K Street, Suite 101 | Sacramento, CA 95814

March 25, 2025

The Honorable John Laird
California State Senate
1021 O St. Ste. 8720
Sacramento, CA 95814

RE: SB 340 (Laird) General plans: housing element: emergency shelter.
As amended on March 17, 2025 – Notice of Support
To be heard in the Senate Housing Committee on 4/1/2025

Dear Senator Laird,

On behalf of the California State Association of Counties (CSAC), representing all 58 counties in California, we write in support of SB 340. Specifically, we support this bill's efforts to clarify and strengthen the provisions related to emergency shelter services in zones where shelters are a use by right. This bill is a crucial step towards ensuring that emergency shelters can operate without unnecessary barriers, thereby providing essential services to our most vulnerable residents.

Under current law, specific areas have zoning designations where emergency shelters are a use by right. However, despite these provisions, many shelter providers continue to face obstacles that hinder their ability to offer comprehensive services. Senate Bill 340 addresses these issues by clarifying that all services offered by an emergency shelter, as well as any expansion of services, are included in the by-right approval for shelters in designated zones.

Emergency shelters play a vital role in addressing the immediate housing needs of individuals experiencing homelessness. The services they provide, such as housing navigation, case management, outreach, and access to basic needs like meals, showers, laundry, mail services, and health care, are integral to helping individuals transition from homelessness to stable housing. By removing the requirement for conditional use permits or other discretionary permits for these services, Senate Bill 340 ensures that shelters can operate more efficiently and effectively.

The intent of the original law was to support the production of interim housing solutions and ensure that every jurisdiction provides barrier-free opportunities for the development of shelters. Senate Bill 340 reinforces this intent by closing loopholes and preventing

jurisdictions from imposing additional hurdles on shelter providers. This bill is sponsored by the Public Interest Law Project, which underscores its importance and the broad support it has garnered from advocates for the homeless.

To make meaningful progress in helping those who are unhoused, CSAC developed the 'AT HOME' Plan. The six-pillar plan (Accountability, Transparency, Housing, Outreach, Mitigation, and Economic Opportunity) is designed to make true progress to effectively address homelessness at every level - state, local and federal. Through the AT-HOME Plan, CSAC is working to identify the policy changes needed to build a homelessness system that is effective and accountable including specific recommendations related to prevention, housing, the unsheltered response system, and sustainable funding. SB 340 aligns with our AT HOME efforts, specifically as it relates to the shelter portion of the Housing pillar.

For these reasons, CSAC supports SB 340. Should you have any questions regarding our position, please do not hesitate to contact me at mneuburger@counties.org.

Sincerely,

Mark Neuburger
Legislative Advocate, CSAC

California State Association of Counties®
1100 K Street, Suite 101 | Sacramento, CA 95814

March 25, 2025

The Honorable Aisha Wahab
Chair, California State Senate
1021 O St. Ste. 3330
Sacramento, CA 95814

RE: SB 340 (Laird) General plans: housing element: emergency shelter.
As amended on March 17, 2025 – Notice of Support
To be heard in the Senate Housing Committee on 4/1/2025

Dear Chair Wahab,

On behalf of the California State Association of Counties (CSAC), representing all 58 counties in California, we write in support of SB 340. Specifically, we support this bill's efforts to clarify and strengthen the provisions related to emergency shelter services in zones where shelters are a use by right. This bill is a crucial step towards ensuring that emergency shelters can operate without unnecessary barriers, thereby providing essential services to our most vulnerable residents.

Under current law, specific areas have zoning designations where emergency shelters are a use by right. However, despite these provisions, many shelter providers continue to face obstacles that hinder their ability to offer comprehensive services. Senate Bill 340 addresses these issues by clarifying that all services offered by an emergency shelter, as well as any expansion of services, are included in the by-right approval for shelters in designated zones.

Emergency shelters play a vital role in addressing the immediate housing needs of individuals experiencing homelessness. The services they provide, such as housing navigation, case management, outreach, and access to basic needs like meals, showers, laundry, mail services, and health care, are integral to helping individuals transition from homelessness to stable housing. By removing the requirement for conditional use permits or other discretionary permits for these services, Senate Bill 340 ensures that shelters can operate more efficiently and effectively.

The intent of the original law was to support the production of interim housing solutions and ensure that every jurisdiction provides barrier-free opportunities for the development of shelters. Senate Bill 340 reinforces this intent by closing loopholes and preventing

jurisdictions from imposing additional hurdles on shelter providers. This bill is sponsored by the Public Interest Law Project, which underscores its importance and the broad support it has garnered from advocates for the homeless.

To make meaningful progress in helping those who are unhoused, CSAC developed the 'AT HOME' Plan. The six-pillar plan (Accountability, Transparency, Housing, Outreach, Mitigation, and Economic Opportunity) is designed to make true progress to effectively address homelessness at every level - state, local and federal. Through the AT-HOME Plan, CSAC is working to identify the policy changes needed to build a homelessness system that is effective and accountable including specific recommendations related to prevention, housing, the unsheltered response system, and sustainable funding. SB 340 aligns with our AT HOME efforts, specifically as it relates to the shelter portion of the Housing pillar.

For these reasons, CSAC supports SB 340 and respectfully requests your AYE vote. Should you have any questions regarding our position, please do not hesitate to contact me at mneuburger@counties.org.

Sincerely,

Mark Neuburger
Legislative Advocate, CSAC

CC : The Office of the Honorable John Laird
Members, California State Senate Committee on Housing
Alison Hughes, Chief Consultant, Senate Committee on Housing
Kerry Yoshida, Policy Consultant, Senate Republican Caucus

March 27, 2025

The Honorable Tom Umberg, Chair
Senate Judiciary Committee
1021 O Street, Suite 7510
Sacramento, CA 95814

Re: **SB 346 (Durazo): Local agencies: transient occupancy taxes: short-term rental facilitator**
As amended 3/20/25 - SUPPORT
Awaiting hearing – Senate Judiciary Committee

Dear Senator Umberg:

On behalf of the Urban Counties of California (UCC), the California State Association of Counties (CSAC), and the Rural County Representatives of California (RCRC), we write to express our support for Senate Bill 346, Senator Durazo's measure that will strengthen local tools to ensure compliance with local ordinances regarding the collection and remittance of transient occupancy taxes (TOT) applicable to short-term rentals.

Regrettably, the application of local TOT ordinances and collection and remittance of taxes is inconsistent and often simply avoided, even when voluntary collection agreements are entered into. Because local agencies do not have access to the address or any other personally identifiable information for listed properties, even under voluntary collection agreements, cities and counties are in the untenable position of choosing between collecting some taxes without this critical information and trusting that it is accurately collected, or trying to pursue collection directly from property owners, which is a time- and cost-intensive process that may or may not result in a fair application of local laws.

By authorizing a local agency to require the short-term rental facilitator to report, in the form and manner prescribed by the local agency, the assessor parcel number of each short-term rental listed on the site, along with any locally-required permit number, SB 346 will increase TOT compliance and ensure that local agencies are appropriately collecting tax revenue from those that are lawfully licensed short-term rental properties. Further, such authority will assist local agencies in ensuring that TOT obligations are consistent among other short-term stay facilities, like hotels, motels, and bed and breakfasts, and that those

that profit from short-term rental properties are no longer able to obfuscate their location and therefore their tax obligations.

SB 346 is a much-needed effort to modernize California statute and provide local agencies the tools needed to fairly and effectively apply existing laws to evolving technologies. As a result, we are strongly supportive of SB 346 and respectfully urge your aye vote when it comes before your committee.

Sincerely,

Jean Kinney Hurst
Legislative Advocate
Urban Counties of California

Emma Jungwirth
Senior Legislative Representative
California State Association of Counties

Sarah Dukett
Policy Advocate
Rural County Representatives of California

cc: Members and Consultants, Senate Judiciary Committee
Ben Triffo, League of California Cities
Karen Lange, California Association of County Treasurers and Tax Collectors

March 26, 2025

The Honorable Catherine Blakespear
Chair, Senate Environmental Quality Committee
1021 O Street, Room 7720
Sacramento, CA 95814

RE: **SB 601 (Allen) – Water: Waste Discharge**
OPPOSE

Dear Chair Blakespear:

The undersigned organizations respectfully **OPPOSE** SB 601. We understand the bill is intended to protect water quality in the face of retreating federal requirements; however, we believe SB 601 would challenge the ability of local governments around the state to reliably and affordably deliver vital water, wastewater, and stormwater utilities, as well as many other essential public services to Californians. While we share the author's goal of protecting water quality, the approach proposed by this bill goes far beyond simply returning to a previous level of protection, as the bill's sponsors assert it would. SB 601 would strain local resources and unnecessarily complicate California's legal and regulatory framework for achieving water quality goals. For the reasons detailed below, we must respectfully oppose the bill.

1) **SB 601 proposes a complex and costly change to the state's water quality law that will make it harder for local governments to deliver critical services.**

   The bill would amend California's Porter-Cologne Water Quality Control Act (Porter-Cologne Act) in a manner that applies the more stringent federal Clean Water Act permitting regulations to former waters of the United States prior to the U.S. Supreme Court's ruling in *Sackett v. EPA*. SB 601 would incorporate a new category of waters into state law, called "nexus waters", which expands the definition of waters of the United States (WOTUS) to, in essence, any water, unless specifically exempted in statute. The federal Clean Water Act requires point source discharges to any navigable waters under WOTUS to obtain a permit from the State Water Resources Control Board (State Water Board). This provision would subject all waters, unless exempted, to more prescriptive discharge permitting requirements that do not currently apply and would go well beyond the requirements prior to *Sackett*. The vague definition of "nexus waters" would create uncertainty around the types of permits that are needed.

Further, the bill would expand the impaired water body listing requirements to "nexus waters," which would substantially expand the water bodies subject to total maximum daily loads (TMDLs) requirements. Significant resources would be required from the state and regional water boards to expand their regulatory oversight to nearly all waters in California, unless exempted, and this change would impose costly permitting and water quality mandates on local governments. Such an expansion in the law would cause confusion and require significant investments from local governments and others to comply, without a corresponding benefit to water quality.

2) **California already has the ability to protect water quality standards when federal requirements are relaxed.**

Existing state law and regulations already provide the State Water Board with the needed authority to uphold water quality protections, even in the face of federal rollbacks. In 2019, the State Water Board adopted its own comprehensive program for the protection of wetlands as "waters of the State" (WOTS). This policy was expressly intended, in part, to fill the regulatory void created by changing and evolving U.S. Supreme Court interpretations as to what constitutes WOTUS under the federal Clean Water Act and is designed to protect wetlands as waters of the state that may no longer be considered WOTUS under the federal Clean Water Act.

State law provides the State and Regional Water Boards with broad authority to prescribe general waste discharge requirements for categories of dischargers – just like federal general permits. Nothing in existing state law prevents the Water Boards from including permit provisions that are equivalent to those in federal permits. California does not need SB 601 to achieve the goals of the bill.

3) **The proposed citizen suit provision will delay infrastructure construction, raise utility bills, and invite predatory litigation.**

SB 601 would, for the first time, establish a private right of action (citizen suit) under the Porter-Cologne Act, which will increase the potential for litigation on permittees under the proposed definition of "nexus waters." There is currently no private-right-of-action under the Porter-Cologne Act, as enforcement is handled by the state and regional water boards.

The addition of a private right of action is deeply troubling, as it will almost certainly instigate a wave of new litigation, because anyone could bring a lawsuit alleging a violation of permit conditions for permits associated with "nexus waters." The vague and expansive definition of "nexus waters" in SB 601 significantly increases the risk of frivolous litigation. SB 601 not only creates confusion as to what type of permit or discharge is subject to this new private right of action, but it also allows for recovery of attorneys' fees and expert fees, all of which further incentivize this litigation. Proposition 65, which has a similar citizen suit provision, has enabled a flood of costly frivolous lawsuits. SB 601 would allow for opportunistic legal challenges against permitholders, including local governments, the costs of which will be borne by ratepayers, taxpayers, and local general funds.

4) **SB 601 will frustrate efforts to build desperately needed housing and water infrastructure.**

The bill would require local governments to review building or construction permits to prove applicable discharge permit requirements are met, expanding the existing state permitting program on industrial stormwater permits to all construction stormwater permits. Local governments would be required to confirm that a business or municipality has a valid waste discharge identification number or application number before issuing or renewing a building or construction permit.

California's byzantine permitting requirements are already a significant driver of cost and delay – a dynamic that was recently explored by the California Assembly's Select Committee on Permitting Reform. With the expansion of "nexus waters," permittees – including local governments – will likely experience confusion, and be subject to delayed approval of building and construction permits for housing and infrastructure. This will be costly for local governments to navigate and would indirectly increase the cost of building and construction in the state. Layering confusing and costly requirements will falsely scapegoat local governments for delaying the permitting of housing, which is among the top priorities mandated by the state on local governments.

Additionally, existing law (Water Code Section 13241) compels regional boards, when establishing water quality objectives, to consider certain factors, including economic considerations, the need for developing housing within the region, and the need to develop and use recycled water. Section 9 of SB 601 would remove this requirement. This will add yet another impediment to quickly building more housing and diversifying our water supplies – both top priorities for the state.

5) **SB 601 would needlessly strain local budgets and drive up costs for Californians.**

SB 601 would create an untenable regulatory and legal environment for local governments that require wastewater discharge permits. Increased regulatory compliance costs and the cost of legal fees and settlements that will almost certainly follow the establishment of a citizen suit provision under the Porter-Cologne Act will lead to higher utility bills for ratepayers and more demands on already strained local budgets.

For these reasons, we must respectfully oppose SB 601 and request your "NO" vote when the bill is heard in the Senate Environmental Quality Committee. Please contact ACWA Senior Policy Advocate Soren Nelson with any questions at sorenn@acwa.com.

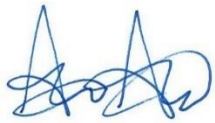
Sincerely,

Soren Nelson
Association of California Water Agencies

Jessica Gauger
California Association of Sanitation Agencies

Karen Cowan
California Association of Stormwater Quality Association

Melissa Sparks-Kranz
Cal Cities



Andrea Abergel
California Municipal Utilities Association

Catherine Freeman
California State Association of Counties

Aaron Avery
California Special Districts Association

Jim Peifer
Regional Water Authority

March 27, 2025

The Honorable María Elena Durazo
Member, California State Senate
1021 O Street, Room 7530
Sacramento, CA 95814

RE: SB (707): Open meetings: meeting and teleconference requirements
As Introduced February 21, 2025 – CONCERNS
Set to be heard in the Senate Local Government Committee April 2, 2025

Dear Senator Durazo,

The California State Association of Counties (CSAC), the League of California Cities (CalCities), City Clerks Association of California (CCAC), Urban Counties of California (UCC), California Association of Public Authorities (CAPA) and Rural County Representatives of California (RCRC), we want to first share our appreciation for your willingness to work with local government stakeholders in developing this bill. SB 707 would represent the most extensive changes to the Brown Act in several years, with a variety of changes designed to improve public participation in local government meetings, expand accessibility, and includes several provisions that address the needs of local governments.

However, due to several concerns we have about new mandated costs, technical implementation challenges, and a variety of questions about the intent, meaning, and proper language for several new provisions, we respectfully share concerns regarding the bill in its current form.

Local agencies are facing significant fiscal uncertainty due to state budget pressures, new unfunded state mandates, declining or flat revenue, and threats by the federal government to withhold vital funds for the social safety net and disaster response, among others. These pressures are occurring at the same time that local governments are being asked to do more with less, implementing bold new changes to state law without adequate funding and growing fiscal risk. For these reasons, we often have concerns with bills even when we have an ability to seek reimbursement from the state through the Commission on State Mandates. However, due to passage of Proposition 42 in 2014, the Brown Act is no longer a reimbursable state mandated program, meaning that local governments are required to absorb all the costs of new requirements under the Brown Act.

Our organizations agree that the Brown Act is due for modernization. Many of the provisions in SB 707 are well-intended policies that could improve the public's engagement with their local representatives. We also believe that the changes contemplated by this bill are substantive and

require additional time to analyze, vet, and craft language that will ensure the Brown Act can meet current needs.

We also note that open meetings laws for state boards, commissions, and authorities are not subject to many of the new mandates proposed by this bill and enjoy the flexibility for their advisory bodies to meet remotely without posting their remote location or making their location open to the public.

With those broader concerns in mind, we share the following comments, amendments, and questions about some of the key provisions of SB 707.

Required Two-Way Audiovisual

Government Code § Section 54953.9(a)(1) requires a city council or county board of supervisors to include a method for members of the public to participate in a meeting through a two-way telephonic or two-way audiovisual platform and explicitly requires those bodies to allow the public to comment on items through those platforms.

Need for Flexibility to Manage Disruptions

We believe it is critical that language be added to allow for these bodies to cease remote public comments upon either a technological disruption or an actual disruption under Government Code § 54957.95. Unfortunately, cities and counties have seen intentional coordinated disruptions of public meetings, something commonly known as "Zoombombing." When these occur, several individuals can pretend to be concerned citizens providing comments via two-way audiovisual platforms on an item before engaging in ugly hate speech designed to disrupt the meeting. Without the ability to turn off remote public comments, governing boards and public attendees would be forced to either endure unrelenting hate speech or cease a meeting.

Expensive Unfunded Mandate to Provide Video Streaming

Section 54953.9(a)(2) requires any city council or county board of supervisors to provide video streaming if they had ever provided video streaming in the past. While we understand the desire to ensure ongoing live stream video of meetings, we do not believe such a mandate is appropriate. Similar to the reasons above, we are concerned that there is no language in the law accounting for failure of a live streaming video option and worry that the law could be interpreted to require that a meeting cease when live video streaming no longer functions.

More importantly, we worry that imposing this requirement on any city council or board of supervisors that provided video streaming *before 2026* will include many cities and counties that briefly provided the service during COVID-19 meetings and ceased to provide it when meetings began to occur in person again. Video streaming can be expensive, complicated, and prone to failure. Cities and counties would be required to purchase and maintain expensive cameras, keep software subscriptions, and maintain a workforce capable of managing complex audio-visual needs on an ongoing basis.

Providing the Public with Access to a Computer

Section 54953.8(b)(11) would require local agencies to make reasonable efforts to provide members of the public with access to a computer. We understand that this provision is aimed at ensuring all members of the public can view and participate in a meeting, including those who are both unable to travel to a meeting in person, as well as those who lack access to a computer.

It is unclear how local agencies are expected to meet this requirement, or how a court could interpret what constitutes a 'reasonable effort' to comply with the requirement. Even if local agencies did provide computers to all their residents who request one, it would not guarantee access to a remote meeting due to the lack of reliable broadband – or internet connectivity at all – for many rural communities. In practice, most if not all two-way audiovisual platforms allow for use of a telephone number for audio connectivity. Due to the significant concerns about how local agencies could meet this requirement and the ability for non-computer-owning individuals to participate via telephone, we believe this section should be struck entirely.

Translation and Interpretation Services

Interpretation Services

Section 54953.8(b) requires city councils or county boards of supervisors to make reasonable efforts to accommodate any member of the public who requests interpretation services and requires those services to be provided by certified interpretation services. This requirement poses significant cost pressures on cities and counties and real implementation concerns.

Interpretation services can cost anywhere between $100-$250 an hour and typically require minimum fees for a day of work. Costs may be higher for languages that are less commonly spoken. While there are technological advances that could ultimately reduce these costs, use of those technologies would require the purchase of headsets or tablets that could speak or display the interpreted information.

We believe this requirement imposes too many costs for cities and counties and raises too many questions about our ability to comply with the mandate. Additionally, we know that cities and counties often have multilingual staff who can assist with *ad hoc* interpretation services. The requirement that services be by 'certified' interpretation services would render efforts by those cities and counties moot, as multilingual employees may not necessarily be certified interpreters.

Finally, this requirement appears to be completely open ended, requiring cities and counties to make reasonable efforts to provide interpretation services upon a request for any language, lacking the formal definition established later in the bill referring to an "applicable language." While we have similar concerns with the translation requirements for an "applicable language," required in § 54953.9(c)(2), those provisions limit the language services to those spoken by 20% or more of the population who does not speak English "very well."

Translation Services

Section 54954.2(a)(1)(D) requires local agencies to provide translated agendas into applicable languages. Again, we have concerns about the cost of providing this service for all of the many thousands of Brown Act bodies among cities, counties, special districts, school districts, and councils of governments.

Emergency Meetings

SB 707 would make needed improvements to AB 557 (Hart, 2023) by allowing local agencies to invoke emergency meeting procedures upon a local emergency, not just a state-declared emergency. This addition will ensure that local bodies can continue to meet in a local emergency without risking the health and safety of their members, staff, or the public in attendance.

Multi-Jurisdictional Bodies

Section 54953.8.7 would allow multi-jurisdictional bodies some additional remote meeting flexibility. The section would allow a member of such a body to participate remotely without posting or making their remote meeting location open to the public if their meeting location is 20 miles or more round trip from their remote meeting location. The section requires at least a quorum of members to participate in person. While we would prefer to see this section allow for members participating remotely to count toward the quorum if they are participating under a "just cause," we believe this section represents a helpful improvement.

Advisory Bodies

Regarding our position on how SB 707 addresses advisory bodies, please see our support letter for SB 239 (Arreguín). While we believe this section is close to achieving the goals we seek through SB 239, we do not agree that compensated members should be barred from using remote meeting flexibility. One amendment that may address concerns without impeding the ability of these volunteers from participating in meetings remotely would be to simply prohibit per-diem and travel reimbursement for members any time they choose to participate remotely.

Additionally, while we prefer not to require an in-person quorum, allowing remote meeting participants to count toward the quorum for "just cause," would be an improvement over the current abilities of advisory body members to participate remotely. The addition of a few other "just causes," including immunocompromised members or family members, weather hazards, or contagious illnesses, would significantly improve this section.

Extension of Sunset Dates

We support and appreciate the extensions of several sunset dates of recent Brown Act legislation in SB 707. In addition to extending those sunset dates, we appreciate some needed fixes to some of those measures.

SB 707 includes some welcome changes to the remote meeting options established in AB 2449 (Rubio, 2022), including the addition of two new categories to the "just cause," definition: unforeseen medical or family emergencies and an immunocompromised family member.

Once again, we want to thank you for your willingness to work with local government associations on this critical legislation and look forward to continuing to work with you on SB 707. However, for the reason shared in this letter, CSAC, the League of California Cities (CalCities), City Clerks Association of California (CCAC), Urban Counties of California (UCC), California Association of Public Authorities (CAPA) and Rural County Representatives of California (RCRC) remain concerned with

some of the provisions of SB 707. We look forward to continuing our discussions with you and your office on this important legislation.

Sincerely,

Eric Lawyer
Legislative Advocate
California State Association of Counties
elawyer@counties.org

Sarah Dukett
Policy Advocate
Rural County Representatives of California
sdukett@rcrcnet.org

Jean Hurst
Legislative Representative
Urban Counties of California
jkh@hbeadvocacy.com

Johnnie Piña
Legislative Affairs, Lobbyist
League of California Cities
jpina@calcities.org

Kim Rothschild
Executive Director
California Association of Public Authorities
kim@capaihss.org

Ethan Nagler
Legislative Representative
City Clerks Association of California
enagler@publicpolicygroup.com

cc: Members and Consultants, Senate Local Government Committee
Jonathan Peterson, Principal Consultant, Senate Local Government Committee
Ryan Eisberg, Policy Consultant, Senate Republican Caucus

March 27, 2025

The Honorable Laura Richardson
California State Senate
1021 O Street, Suite 7340
Sacramento, CA 95814

Re: **SB 777 (Richardson): Abandoned endowment care cemeteries: local agency possession and responsibility**
As amended 3/26/25 – OPPOSE
Set for hearing 4/2/25 – Senate Local Government Committee

Dear Senator Richardson:

On behalf of our collective memberships, our organizations – the Urban Counties of California (UCC), the California State Association of Counties (CSAC), the Rural County Representatives of California (RCRC) the California Special Districts Association (CSDA), and the League of California Cities (CalCities) – write in respectful opposition to your Senate Bill 777, which would require local agencies to assume responsibility for abandoned privately-operated cemeteries. Put simply, SB 777 would add significant responsibility and liability to our already broad program and service obligations and poses an unanticipated practical and financial burden.

While we are deeply sympathetic to situations where private cemeteries have been abandoned and left vulnerable to vandalism and decay, especially for those family members whose loved ones are interred, apart from specialized cemetery districts, local governments do not currently provide cemetery services. To even consider accepting responsibility for a former private business would require a deeper understanding of that business: its records (including contracts for purchase of burial plots for a future use), condition (to assess deferred maintenance, repair, and upkeep costs), and other liabilities. Additionally, we understand that there are insufficient funds in the state's endowment care fund for these cemeteries to continue to be maintained, which raises the concern that the state is simply transferring its own liabilities to a local agency and perhaps even *incentivizing* a private entity to abandon its property and liabilities without consequence. We understand that is not your intent, but would argue that this is a potential result of the current structure of the bill.

Finally, it is important to communicate that local agencies assert that this bill is a mandate for which the state should be providing resources. As you are aware, local agencies are deeply concerned about the challenging fiscal situation facing the state, the likelihood of dramatic reductions in support from the federal government, and an uncertain economy. Local funds are already spread thin, so we will continue to advocate for amendments to the bill that minimize fiscal risk to local agencies and ensure that revenues are available to meet the expectations of the public when taking over a private cemetery. We greatly appreciate your willingness to engage with us on this matter and look forward to additional conversations with you and your staff.

Sincerely,

Jean Kinney Hurst
Legislative Advocate
Urban Counties of California

Eric Lawyer
Legislative Advocate
California State Association of Counties

Sarah Dukett
Policy Advocate
Rural County Representatives of California

Marcus Detwiler
Legislative Representative
California Special Districts Association

Johnnie Pina
Legislative Affairs, Lobbyist
League of California Cities

cc: The Honorable Maria Elena Durazo, Chair, Senate Local Government Committee
Members and Consultants, Senate Local Government Committee

California State Association of Counties®
1100 K Street, Suite 101 | Sacramento, CA 95814

March 18, 2025

The Honorable Lisa Calderon
California State Assembly, District 56
1021 O Street, Suite 4650
Sacramento, CA 95814

RE: AB 226 (Calderon) California FAIR Plan Association.
As Introduced on January 9, 2025 – Notice of SUPPORT
To be heard in Assembly Appropriations Committee – March 19, 2025

Dear Assemblymember Calderon,

On behalf of the California State Association of Counties (CSAC) representing all 58 California Counties, I write to support AB 226 (Caballero) which would allow the California Fair Access to Insurance Requirements Plan (FAIR Plan) to access bond funding from the California Infrastructure and Economic Development Bank (IBank).

California is in the midst of a home insurance crisis, with major insurers leaving the state citing regulatory pressure and outsized liability. It is intended to be a temporary safety net, however, as fire risk has increased in California more and more homeowners are finding themselves unable to get any other insurance. As a result, many homeowners have turned to the FAIR Plan for basic property coverage with policies increasing the most in counties with higher concentrations of homes at high wildfire risk.

The FAIR plan is not a state agency nor is it funded by public dollars. Allowing the FAIR Plan access to additional funding through the IBank alleviates some of the financial burden the catastrophic effects wildfires are having on the state.

In recent years, California has experienced an increasing frequency and intensity of disasters, including wildfires. As evidenced by the Los Angeles County Wildfires, communities across all geographical landscapes are under pressure to protect their homes. Policies must be flexible and adaptable to meet the distinct needs, risks, and capacities of each county. For these reasons, CSAC supports AB 226, which affords a level of financial security while the state adapts to a changing environment and the insurance market is restructured.

Sincerely,

Catherine Freeman
Senior Legislative Advocate, CSAC

California State Association of Counties®
1100 K Street, Suite 101 | Sacramento, CA 95814

March 18, 2025

The Honorable Buffy Wicks
Chair, Assembly Appropriations Committee
1021 O Street, Suite 8220
Sacramento, CA 95814

RE: AB 226 (Calderon) California FAIR Plan Association.
As Introduced on January 9, 2025 – Notice of SUPPORT
To be heard in Assembly Appropriations Committee – March 19, 2025

Dear Assemblymember Wicks,

On behalf of the California State Association of Counties (CSAC) representing all 58 California Counties, I write to support AB 226 (Caballero) which would allow the California Fair Access to Insurance Requirements Plan (FAIR Plan) to access bond funding from the California Infrastructure and Economic Development Bank (IBank).

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The FAIR plan is not a state agency nor is it funded by public dollars. Allowing the FAIR Plan access to additional funding through the IBank alleviates some of the financial burden the catastrophic effects wildfires are having on the state.

In recent years, California has experienced an increasing frequency and intensity of disasters, including wildfires. As evidenced by the Los Angeles County Wildfires, communities across all geographical landscapes are under pressure to protect their homes. Policies must be flexible and adaptable to meet the distinct needs, risks, and capacities of each county. For these reasons, CSAC supports AB 226, which affords a level of financial security while the state adapts to a changing environment and the insurance market is restructured.

Sincerely,

Catherine Freeman
Senior Legislative Advocate, CSAC

CC : The Honorable Lisa Calderon
Members, Assembly Appropriations Committee
Jay M. Dickenson, Chief Consultant, Assembly Appropriations Committee
Joe Shinstock, Consultant, Assembly Republican Caucus

March 18, 2025

The Honorable Ash Kalra
Chair, Assembly Judiciary Committee
1020 N Street, Room 104
Sacramento, CA 95814

RE: Assembly Bill 614 (Lee) – OPPOSE
As Introduced on February 13, 2025

Dear Chair Kalra,

On behalf of the Rural County Representatives of California (RCRC), California State Association of Counties (CSAC), Urban Counties of California (UCC) the League of California Cities (Cal Cities), Association of California Healthcare Districts (ACHD), Public Risk Innovation, Solutions, and Management (PRISM), California Association of Joint Powers Authorities (CAJPA), and School Excess Liability Fund (SELF), we write in respectful opposition to Assembly Bill 614 (Lee). This measure extends the timeframe from six months to one year for a person to file a tort claim for damages related to death or injury, personal property damage, or damage to growing crops.

Public entities are required to comply with an administrative claims process. A claimant injured by a public entity must first file a claim with the public entity before filing a civil lawsuit. A claimant can file their suit if their claim is rejected by the public entity, or is deemed rejected 45 days after they filed their claim, whichever is sooner. As explained by the California Law Revision Commission in the 1963 report that recommended adoption of the current Government Claims Act:

> "Claims statutes have two principal purposes. First, they give the governmental entity an opportunity to settle just claims before suit is brought. Second, they permit the entity to make an early investigation of the facts on which a claim is based, thus enabling it to defend itself against unjust claims and to correct the conditions or practices which gave rise to the claim."[1]

[1] Recommendation Relating to Sovereign Immunity, No. 2 — Claims, Actions and Judgments Against Public Entities and Public Employees (Jan. 1963) 4 Cal. Law Revision Com. Rep. (1963) p. 1008.

The first rationale applies equally to all claims against public entities, including contract claims presently subject to a longer, one-year claims filing period. However, the second applies especially to tort claims – for which a *shorter period* has consequently been provided by state law since the first comprehensive local government claims statute was adopted *in 1959*.[2]

> "For example, when personal injury or property damage has resulted from alleged ordinary negligence by a public employee, the policy in favor of prompt filing of a claim in order to allow for early investigation of the facts seems to be at its peak. Evidence relating to liability or non-liability in such cases is often solely, or largely, in the form of oral testimony of witnesses. The advantages of early interview before memories grow dim are considerable."[3]

Moreover, the need for *prompt corrective action* is critical in tort matters, where dangerous practices or property conditions may continue to injure others unless quickly remedied – and the public entity cannot correct conditions that are not brought to its attention.

Extending the tort claim process timeline from six months to one year provides little benefit to a claimant, and increases both the burden on public entities and hazards to the public. As noted, the tort claim process exists in part to provide public entities with notice of a potential claim and lawsuit so they may conduct their own internal investigation, collect and preserve evidence, and resolve claims and suits more quickly and efficiently. A longer claim process lengthens and increases costs for all these activities, particularly for litigation costs. Retaining legal counsel in anticipation of a claim is a major cost for public entities. Delaying the start of the claim process puts evidence that is necessary to defend a potential claim or suit at risk of becoming stale. A lack of evidence could be the difference in successfully defending a lawsuit or having to settle an unmeritorious claim. Just as importantly, delaying the initial claim filing hinders the prompt correction of dangerous conditions, with obvious – and immediate – negative consequences for public safety.

The Government Claims Act outlines a process to file a late claim within a year of the date of injury. These provisions allow more liberal time allowances in cases for a late filing of a claim upon a showing of cause. The existing structure of the Government Claims Act has effectively balanced the foregoing policies with the need to provide some "[r]elief for persons who could not reasonably have been expected to present a claim"[4] *for over 60 years*, and there is no cogent reason for disturbing this well-settled area of law now.

Finally, the more legal risk that public entities face, the higher their liability insurance premiums. The time it takes to resolve claims, and the ultimate cost of litigation and settlements significantly impact these premiums. Furthermore, liability insurers are already facing significant cost pressures to continue offering coverage in California. Most public sector entities obtain liability insurance through a Joint Powers Authority risk sharing pool funded by the public agencies themselves. These increased premiums directly impact jurisdiction's ability to fund direct services. By extending the claim timeline, AB 614 only increases this pressure.

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[2] Stats. 1959, ch. 1724 § 1 (former Gov. Code, § 715).

[3] Recommendation and Study Relating to the Presentation of Claims Against Public Entities (Jan. 1959) 2 Cal. Law Revision Com. Rep. (1959) p. A-52.

[4] Recommendation Relating to Sovereign Immunity, No. 2, *supra,* 4 Cal. Law Revision Com. Rep. at p. 1009.

For these reasons, we respectfully oppose AB 614 (Lee). If you have any questions, please do not hesitate to contact our organizations' representatives directly.

Sincerely,

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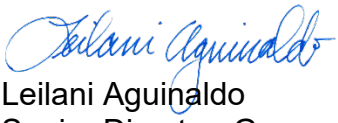

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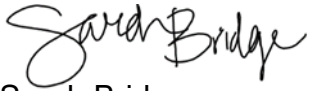

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cc: The Honorable Alex Lee, Member of the California State Assembly
Members of the Assembly Judiciary Committee
Nicholas Liedtke, Deputy Chief Counsel, Assembly Judiciary Committee
Daryl Thomas, Consultant, Assembly Republican Caucus

March 20, 2025

The Honorable Lori Wilson, Chair
Assembly Committee on Transportation
1020 N Street, Room 112
Sacramento, CA 95814

RE: **AB 1421 (Wilson) Vehicles: Road Usage Charge Technical Advisory Committee.**
Notice of SUPPORT *(2/21/2025)*

Dear Chair Wilson,

The League of California Cities (Cal Cities) and the California State Association of Counties (CSAC) is pleased to support **your measure Assembly Bill 1421 (Wilson)**, which would extend the operation of the Road Usage Charge Technical Advisory Committee and its pilot program evaluating mileage-based alternatives to the gas tax from 2027 to 2035.

As local governments strive to maintain and improve transportation infrastructure, it is imperative to explore sustainable and equitable revenue mechanisms to fund roadway maintenance and improvements. The existing gas tax system, while historically effective, is becoming increasingly inadequate due to the rise of fuel-efficient and zero-emission vehicles, which contribute less revenue while still utilizing our road networks.

As Per Cal Cities 2024 Existing Policy and Guiding Principles, "*Cal Cities supports the ongoing study of the Road Charge and any other alternative to the gas tax to sustainably fund transportation infrastructure.*" Additionally, CSAC supports efforts to diversify the revenue sources that support California's local transportation system. AB 1421 ensures that California continues its research and pilot programs to evaluate the viability of this approach, allowing for data-driven policy decisions that balance revenue needs with public equity and environmental sustainability.

For these reasons, Cal Cities and CSAC is pleased to support **AB 1421 (Wilson)**. If you have any questions, do not hesitate to contact Damon with CalCities at dconklin@calcities.org or Mark with CSAC at mneuburger@counties.org.

Sincerely,

Damon Conklin
Legislative Advocate

Mark Neuburger
Legislative Affairs, Lobbyist

Cc: The Office of the Honorable Lori Wilson
Members, California State Assembly Committee on Transportation
Julia Kingsley, Senior consultant, Assembly Committee on Transportation
Daniel Ballon, Consultant, Republican Assembly Committee

March 17, 2025

Assemblymember Juan Carrillo
1021 O Street, Suite 5610
Sacramento, CA 95814

Senator Eloise Gomez Reyes
1021 O Street, Suite 7210
Sacramento, CA 95814

RE: AB 735 (Carrillo) and SB 415 (Reyes): Planning and zoning: logistics use: truck routes

Dear Assemblymember Carrillo and Senator Reyes,

The League of California Cities (Cal Cities) and the California State Association of Counties (CSAC) respectfully submit our local government priorities on AB 735 (Carrillo) and SB 415 (Reyes). These bills are identified as the clean-up legislation for AB 98 (Chapter 931, Statutes of 2024).

Effective January 1, 2025, AB 98 requires specific standards on new or expanded logistic use and warehouse developments on existing and rezoned industrial sites, where the development is within 900 feet of a sensitive receptor. The law requires all local governments to update their circulation elements, for some jurisdictions as early as January 1, 2026, to include logistic use development related information, including truck routes, signage, parking, and idling, and authorizes the Attorney General to fine local jurisdictions $50,000 every six months if they are not in compliance with the law.

Attached to this letter are the AB 98 clean-up priorities from our organizations. In representing cities and counties collectively, we share the following priorities related to the AB 98 clean up and emphasize that these modest revisions will help ensure the law can be implemented effectively:

1. **Allow flexibility for how cities and counties meet the truck route requirements, including through adopted ordinances or other plans, rather than the General Plan, to effectively implement these measures.**

2. **Provide a Good Faith Effort provision protecting local governments working in good faith to update their circulation elements from enforcement actions by the Attorney General.**

3. **Avoid unintended consequences that could pose impacts on local communities (please see specific priorities and redline revisions).**

4. **Support for general clarification to provisions and definitions to ensure clarity regarding zoning standards, land use authority, and consistency of terms in the law.**

Thank you for your commitment to the clean-up legislation on AB 98 and your consideration of these priorities. We are available to discuss our detailed priorities and comments by contacting Melissa Sparks-Kranz (Cal Cities) at msparkskranz@calcities.org, or Mark Neuburger (CSAC) at mneuburger@counties.org,

Sincerely,

Melissa Sparks-Kranz
Legislative Advocate
League of California Cities

Mark Neuburger
Legislative Advocate
California State Association of Counties

cc: Paul Ramey, Chief of Staff, Assemblymember Juan Carrillo
Matthew Hamlett, Chief of Staff, Senator Eloise Gomez Reyes
Linda Rios, Senior Consultant, Assembly Local Government Committee
Anton Favorini-Csorba, Chief Consultant, Senate Local Government Committee
Katie Kolitsos, Policy Consultant, Office of Speaker Robert Rivas
Misa Lennox, Principal Consultant, Office of Senate Pro Tem Mike McGuire

AB 98 (2024): Legislative Clean Up Priorities

1. **Ensure there is flexibility for local governments to realistically meet the circulation element update requirements**
    A. Amend Government Code Section 65098.1 and Section 65302.02 to modify the circulation element update to allow a local government to meet the requirements through a local plan or ordinance with the same standards
        - *This would create flexibility to meet the circulation element requirements*

    B. Amend Government Code Section 65098.1 and 65302.02 to remove the circulation element update if a local government does not have any proposed new or expanded logistic use development

    C. Amend Government Code Section 65098.1 to clarify the circulation element requirements are non-substantive to prevent the mobility requirements from being triggered in this specific update
        - *This aims to prevent the principles of the Federal Highway Administration's Safe System Approach and development of bicycle plans from being included in the AB 98 circulation element update, which is triggered by "any substantive revision of the circulation element on or after January 1, 2025." [65302(b)(2)(B)] [For reference from SB 932 (2022)]*

    D. Amend Government Code Section 65098.1 to allow additional time for the circulation element update for smaller cities and counties
        - *Counties with populations with less than 100,000, including each city within that county, is exempt from the circulation element update*
        - *Counties with populations of 100,000 to 600,000, including each city within that county, have delayed implementation of the circulation element update to January 2030*

2. **Clarify in Government Code Section 65302.02 that penalties for violating the circulation element updates are only if local agencies have not made good faith effort**

3. **Revise Government Code Section 65098.2.7 and Section 65302.02(b)(3) to ensure accessibility of local roads to avoid the unintended consequence of preventing industrial development on rural lands**

4. **Support clarification to Government Code Section 65098.1.5 regarding land use authority in the grandfather clause**

Please contact Cal Cities Environmental Quality Legislative Advocate Melissa Sparks-Kranz at msparkskranz@calcities.org or 916-658-8232 or CSAC Housing, Land Use, and Transportation Legislative Advocate Mark Neuburger at mneuburger@counties.org or 916-591-2764 for follow up questions.

AB 98 (2024) Legislative Clean Up Priorities

SECTION 1.

Chapter 2.8 (commencing with Section 65098) is added to Division 1 of Title 7 of the Government Code, to read:

CHAPTER 2.8. Warehouse Design and Build Standards

65098.1.

(a) Commencing January 1, 2026, any proposed new or expanded logistics use development 250,000 square feet or more where the loading bay is within 900 feet of a sensitive receptor that is utilizing a site zoned for industrial use or any site where an application was submitted to the jurisdiction by September 30, 2024, to rezone as industrial and the rezone to industrial was ultimately approved shall comply with all of the following:

(1) Include all Tier 1 21st century warehouse design elements described in subdivision (g) of Section 65098.

(2) Orient truck loading bays on the opposite side of the logistics use development away from sensitive receptors, to the extent feasible.

(3) Locate truck loading bays a minimum of 300 feet from the property line of the nearest sensitive receptor to the nearest truck loading bay opening using a direct straight-line method.

(4) Have a separate entrance for heavy-duty trucks accessible via a truck route, arterial road, major thoroughfare, or a local road that predominantly serves commercial oriented uses.

(5) Locate truck entry, exit, and internal circulation away from sensitive receptors. Heavy-duty diesel truck drive aisles shall be prohibited from being used on sides of the building that are directly adjacent to a sensitive receptor property line.

(6) Include buffering and screening to mitigate for light and noise, as described in Section 65098.2.

(b) Commencing January 1, 2026, except as provided for in subdivision (c), any proposed new or expanded logistics use development that is on land that is not zoned industrial, whether developed or undeveloped, or land that needs to be rezoned, where the loading bay is within 900 feet of a sensitive receptor, shall comply with all of the following:

(1) If the logistics use development is 250,000 square feet or more it shall include all Tier 1 21st century warehouse design elements described in subdivision (g) of Section 65098. If the logistics use development is less than 250,000 square feet it shall include all 21st century warehouse design elements described in subdivision (a) of Section 65098.

(2) Orient truck loading bays on the opposite side of the logistics use development away from sensitive receptors, to the extent feasible.

(3) Locate truck loading bays a minimum of 500 feet from the property line of the nearest sensitive receptor to the nearest truck loading bay opening using a direct straight-line method.

(4) Have a separate entrance for heavy-duty trucks accessible via a truck route, arterial road, major thoroughfare, or a local road that predominantly serves commercial oriented uses.

(5) Locate truck entry, exit, and internal circulation away from sensitive receptors. Heavy-duty diesel truck drive aisles shall be prohibited from being used on sides of the building that are directly adjacent to a sensitive receptor property line.

(6) Include buffering and screening to mitigate for light and noise, as described in Section 65098.2.

AB 98 (2024) Legislative Clean Up Priorities

(c) Commencing January 1, 2026, any proposed new or expanded logistics use development that is on land that is not zoned industrial, whether developed or undeveloped, or land that needs to be rezoned, and is located in the warehouse concentration region, shall comply with all of the following:

(1) If the logistics use development is 250,000 square feet or more it shall include all Tier 1 21st century warehouse design elements described in subdivision (g) of Section 65098. If the logistics use development is less than 250,000 square feet it shall include all 21st century warehouse design elements described in subdivision (a) of Section 65098.

(2) Orient truck loading bays on the opposite side of the logistics use development away from sensitive receptors, to the extent feasible.

(3) Locate truck loading bays a minimum of 500 feet from the property line of the nearest sensitive receptor to the nearest truck loading bay opening using a direct straight-line method.

(4) Have a separate entrance for heavy-duty trucks accessible via a truck route, arterial road, major thoroughfare, or a local road that predominantly serves commercial oriented uses.

(5) Locate truck entry, exit, and internal circulation away from sensitive receptors. Heavy-duty diesel truck drive aisles shall be prohibited from being used on sides of the building that are directly adjacent to a sensitive receptor property line.

(6) Include buffering and screening to mitigate for light and noise, as described in Section 65098.2.

(d) Commencing January 1, 2026, any proposed new or expanded logistics use development less than 250,000 square feet where the loading bay is within 900 feet of a sensitive receptor that is utilizing a site zoned for industrial use or any site where an application was submitted to the jurisdiction by September 30, 2024, to rezone as industrial and the rezone to industrial was ultimately approved shall comply with all of the following:

(1) Orient truck loading bays on the opposite side of the logistics use development away from sensitive receptors, to the extent feasible.

(2) Locate truck entry, exit, and internal circulation away from sensitive receptors. Heavy-duty diesel truck drive aisles shall be prohibited from being used on sides of the building that are directly adjacent to a sensitive receptor property line.

(3) Include buffering and screening to mitigate for light and noise, as described in Section 65098.2.

(4) Complies with or exceeds all requirements of the most current building energy efficiency standards specified in Part 6 (commencing with Section 100) of Title 24 of the California Code of Regulations and the California Green Building Standards Code (Part 11 of Title 24 of the California Code of Regulations), including, but not limited to, the following requirements related to:

(A) Photovoltaic system installation and associated battery storage.

(B) Cool roofing.

(C) Medium- and heavy-duty vehicle charging readiness.

(D) Light-duty electric vehicle charging readiness and installed charging stations.

(5) Provides conduits at loading bays equal to one truck per every loading bay serving cold storage. Idling or use of auxiliary truck engine power to power climate control equipment shall be prohibited if the truck is capable of plugging in at the loading bay.

(6) Ensures that any heating, ventilation, and air-conditioning is high-efficiency.

(7) Have a separate entrance for heavy-duty trucks accessible via a truck route, arterial road, major thoroughfare, or a local road that predominantly serves commercial oriented uses.

(e) (1) Except as provided in paragraph (2), on or before January 1, 2028, a city, county, or city and county shall adopt a logistics use transportation plan, ordinance, or other similar plan~~update its circulation element to include truck routes~~, as specified in Section 65302.02.

(2)(A) On or before January 1, 2026, all cities and counties in the warehouse concentration region shall adopt a logistics use transportation plan, ordinance, or other similar plan~~update its circulation element to include truck routes~~, as specified in Section 65302.02.

(B) On or before January 1, 2030, a county with a population of more than 100,000 but fewer than 600,000, including each city within that county, shall adopt a logistics use transportation plan or other similar plan, as specified in Section 65302.02.

(C) A county with a population of fewer than 100,000, including each city within that county, is exempt from this subdivision.

(D) The circulation element requirements in this subdivision shall not apply to a city, county, or city and county that as of January 1, 2025 does not have any proposed new or expanded logistics use development within their jurisdiction. If any proposed new or expanded logistics use development is approved within a jurisdiction after January 1, 2025 on land that is not zoned industrial, whether developed or undeveloped, or land that needs to be rezoned, a city, county, or city and county shall comply with the requirements in this subdivision.

(E) The circulation element requirements in this subdivision shall be considered non-substantive, with regard to Section 65302(b)(2)(B).

65098.1.5.

(a) (1) Notwithstanding any other provision of law, any existing logistics use development in existence as of September 30, 2024, shall not be subject to the requirements described in paragraph (3) of subdivision (a) of, paragraph (3) of subdivision (b) of, or paragraph (3) of subdivision (c) of Section 65098.1, as applicable, if a new sensitive receptor is constructed, established, or permitted after the effective date of this chapter.

(2) Notwithstanding any other provision of law, if, by September 30, 2024, ~~a proposed expansion of a~~ any existing logistics use development ~~is in a local entitlement process~~has submitted a complete application to expand the existing development, then the proposed expansion shall not be subject to the requirements described in paragraph (3) of subdivision (a) of, paragraph (3) of subdivision (b) of, or paragraph (3) of subdivision (c) of Section 65098.1, as applicable, if a sensitive receptor is constructed, established, or permitted after the effective date of this chapter.

(3) Notwithstanding any other provision of law, if, by September 30, 2024, a complete application has been submitted for a property ~~is currently in a local entitlement process~~ to become a logistics use, then the proposed logistics use development shall not be subject to the requirements described in paragraph (3) of subdivision (a) of, paragraph (3) of subdivision (b) of, or paragraph (3) of subdivision (c) of Section 65098.1, as applicable, if a sensitive receptor is constructed, established, or permitted after the effective date of this chapter.

(b) (1) Any new logistics use developments that require the rezoning of land ~~and must undergo a municipal entitlement process~~ shall not be subject to the requirements described in paragraph (3) of subdivision (a) of, paragraph (3) of subdivision (b) of, or paragraph (3) of subdivision (c) of Section

Commented [MS1]: Addresses Cal Cities Clean Up Priority 1A

Commented [MS2]: Addresses Cal Cities Clean Up Priority 1D

Commented [MS3]: Addresses Cal Cities Clean Up Priorities 1B

Commented [MS4]: Addresses Cal Cities Clean Up Priority 1C

Commented [MS5]: Addresses Cal Cities Clean Up Priority 4

65098.1, as applicable, if ~~the start of the entitlement process~~ for the logistics use was deemed complete before the development application for a proposed sensitive receptor was deemed complete~~began before any sensitive receptor started its own entitlement or permitting process~~, unless the proposed sensitive receptor was an existing ~~allowable~~ permitted use according to local zoning regulations or by a school district.

(2) ~~During a logistics use development's entitlement process for a new or expanded logistics use~~For any new or expanded logistics use that do not require the rezoning of land, if, during the entitlement process for the use, a new sensitive receptor is proposed or established within the distances ~~required by~~ described by paragraph (3) of subdivision (a) of, paragraph (3) of subdivision (b) of, or paragraph (3) of subdivision (c) of Section 65098.1, as applicable, then those distance requirements shall not apply to the logistics use development ~~so long as~~ unless the logistics use development was ~~not~~ already subject to those requirements prior to the new sensitive receptor being proposed or established.

(c) This chapter shall not apply to any logistics projects that were subject to a commenced local entitlement process prior to September 30, 2024.

(d) The ~~protection afforded by this section~~ provisions of this section shall apply ~~remain in effect~~ from the time of the ~~initial~~ submittal of a complete application ~~submission~~ through the completion of the entitlement process, including any necessary rezoning actions and through the development period. If grading or other activity requiring a permit from a local agency does not commence within five years of final approval of the application,~~If no development activity occurs within five years of entitlement approvals~~, the ~~protections~~ provisions of this section shall ~~be waived~~not apply.

(e) Except as otherwise provided in this section, ~~T~~this chapter shall not apply to any new or expanded ~~a~~ logistics project that received an approval ~~by~~ from a local agency prior to the effective date of this chapter. ~~For purposes of this subdivision, "approval" shall have the same meaning as set forth in subdivision (a) of Section 15352 of Chapter 3 of Division 6 of Title 14 of the California Code of Regulations.~~

65098.2.7.

(a) The purpose of this section is to ensure that logistics use developments, beginning January 1, 2026, are sited in locations that minimize adverse impacts on residential communities and enhance transportation efficiency. This is achieved by restricting logistics use development to roadways that are suited to handle the associated traffic and that predominantly serve commercial uses.

(b) (1) Any new logistics use development shall be sited on roadways that meet the following classifications:

(A) Arterial roads.

(B) Collector roads.

(C) Major thoroughfares.

(D) Local roads that predominantly serve commercial uses.

(2) For purposes of this chapter, a local agency shall identify those local roads shall be considered to predominantly serve commercial uses ~~if more than 50 percent of the properties fronting the road within 1000 feet are designed for commercial or industrial use according to the local zoning ordinance~~.

Commented [MS6]: Addresses Cal Cities Clean Up Priority 3

(c) A waiver may be granted where siting on the designated roadways pursuant to subdivision (b) is impractical due to unique geographic, economic, or infrastructure-related reasons. The waiver shall be approved by the city, county, or city and county, provided that the applicant demonstrates all of the following:

(1) There is no feasible alternative site that exists within the designated roadways.

(2) A traffic analysis has been completed and submitted to the local approving authority.

(3) The site is an existing industrial zone.

(4) The proposed site will incorporate mitigations to minimize traffic and environmental impacts on residential areas to the greatest extent feasible.

SEC. 2.

Section 65302.02 is added to the Government Code, to read:

65302.02.

By January 1, 2028, except as provided for in subdivision (h), a county or city shall prepare and adopt a logistics use transportation plan, ordinance, or other similar plan, or integrate a plan into the next adoption or revision of the circulation element of the city's, county's, or city and county's general plan, that does ~~update its circulation element, as required by subdivision (b) of Section 65302, to do~~ all of the following:

Commented [MS7]: Addresses Cal Cities Clean Up Priority 1A

(a) Identify and establish specific travel routes for the transport of goods, materials, or freight for storage, transfer, or redistribution to safely accommodate additional truck traffic and avoid residential areas and sensitive receptors, as defined by Section 65098.

(b) Maximize the use of interstate or state divided highways as preferred routes for truck routes. The county or city shall also maximize use of arterial roads, major thoroughfares, and predominantly commercially oriented local streets when state or interstate highways are not utilized. Truck routes shall comply with the following:

(1) Major or minor collector streets and roads that predominantly serve commercially oriented uses shall be used for truck routes only when strictly necessary to reach existing industrial zones.

(2) Trucks shall be routed via transportation arteries that minimize exposure to sensitive receptors.

(3) On and after January 1, 2028, all proposed development of a logistics use development, as defined in subdivision (d) of Section 65098, shall be accessible via arterial roads, major thoroughfares, or roads that predominantly serve commercially oriented uses.

(A) The purpose of this section is to ensure that logistics use developments are sited in locations that minimize adverse impacts on residential communities and enhance transportation efficiency. This is achieved by restricting logistics use developments to roadways that are suited to handle the associated traffic and that predominantly serve commercial uses.

(B) AFor purposes of this section, a local agency shall identify those local roads that shall be considered to predominantly serve commercial uses ~~if more than 50 percent of the properties fronting the road within 1000 feet are designated for commercial or industrial use according to the local zoning ordinance~~.

Commented [MS8]: Addresses Cal Cities Clean Up Priority 3

(c) The county or city may consult with the Department of Transportation and the California Freight Advisory Committee for technical assistance.

(d) The county or city shall provide for posting of conspicuous signage to identify truck routes and additional signage for truck parking and appropriate idling facility locations.

(e) The county or city shall make truck routes publicly available in geographic information system (GIS) format and share GIS maps of the truck routes with warehouse operators, fleet operators, and truck drivers.

(f) The city or county shall provide opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, educational, and other community groups through public hearings and any other means the planning agency deems appropriate, consistent with Section 65351.

(g) The city or county shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the changes required pursuant to this section.

(h)(1) The warehouse concentration region, as defined in Section 65098, shall implement the provisions of this section by January 1, 2026.

(2) A county with a population of fewer than 600,000, including each city within that county, shall implement the provisions of this section no later than January 1, 2030.

(3) The provisions in this subdivision shall not apply to a city, county, or city and county that as of January 1, 2025 does not have any proposed new or expanded logistics use development within their jurisdiction. If any proposed new or expanded logistics use development is approved within a jurisdiction after January 1, 2025 on land that is not zoned industrial, whether developed or undeveloped, or land that needs to be rezoned, a city, county, or city and county shall comply with the provisions in this subdivision.

(i) Only ~~T~~the Attorney General may enforce this section.

(1) The Attorney General may request that the court impose a fine against a jurisdiction that has failed to make a good faith effort to take the actions required by ~~is in violation of~~ this section of up to fifty thousand dollars ($50,000) every six months ~~if~~ until the required ~~updates~~ actions have not been made.

(2) Upon appropriation by the Legislature, any fines collected shall be distributed by the Attorney General and returned to the local air quality management district in which the fine was imposed and be used for the district's efforts to improve air quality.

Commented [MS9]: Addresses Cal Cities Clean Up Priority 1D

Commented [MS10]: Addresses Cal Cities Clean Up Priority 1B

Commented [MS11]: Addresses Cal Cities Clean Up Priority 2

California State Association of Counties®
1100 K Street, Suite 101 | Sacramento, CA 95814

March 20, 2025

The Honorable Jesse Gabriel
Chair, Assembly Budget Committee
1021 O Street, Suite 8230
Sacramento, CA 95814

The Honorable Heath Flora
Vice Chair, Assembly Budget Committee
1021 O Street, Suite 8230
Sacramento, CA 95814

The Honorable Sharon Quirk-Silva
Chair, Assembly Budget Subcommittee on State Administration
1021 O Street, Suite 8230
Sacramento, CA 95814

RE: Assembly Budget Subcommittee 5 on State Administration
Hearing Scheduled for Tuesday, March 25 at 1:30pm
8885 Commission on State Mandates

Dear Assembly Member Gabriel, and Assembly Member Flora, and Assembly Member Quirk-Silva,

The California State Association of Counties (CSAC), proudly representing all 58 of the state's counties, writes to bring to light the collective struggles of California's counties to receive timely and adequate state reimbursement for mandated programs and services. The California Constitution requires the state to pay local agencies for the cost of mandated programs and services, such as providing vote-by-mail ballots, testing of sexual assault evidence kits, the Racial and Identity Profiling Act, mental health crisis intervention training for law enforcement, and more. However, the process to receive reimbursement to provide these critical services is long, cumbersome, and burdened by laborious bureaucratic obstacles.

To be clear, the nature of the new programs and requirements is not the problem. The core challenge is that local resources are not always aligned with the changing demands of the state and local constituents. There are fewer and fewer places where counties are afforded flexibility to meet mandates in a way that capitalizes on local strengths and conditions. Further, there are major consequences for California residents when there is a disconnect between the state and local governments regarding how well-intended policies work in practice or what institutional barriers exist to implement new programs. This is particularly salient given the threats to critical federal funding for county governments at this time.

No New Requirements Without New Funding

Every year, notwithstanding the merits of new initiatives, the Legislature and Administration create new, unfunded requirements for county governments. Just like the state, every program and service that a county provides has a cost. Over the past two decades, the state has enacted new, unfunded requirements that are complex and costly, leaving counties with a significant administrative burden to implement these new requirements and fewer resources to deliver essential services to California residents. Few newly enacted laws that impose new requirements on counties qualify for reimbursement from the state through the Commission on State Mandates. Those few programs that do qualify for state reimbursement must first survive a review process that can last for more than five years before counties receive any funding; all while counties are diligently carrying out the state's priorities with no additional resources.

The Long and Burdensome Reimbursement Process

The process that counties must endure to potentially receive reimbursement from the state can take several years. For example, the Racial and Identity Profiling Act (RIPA) was signed into law (Chapter 466, Statutes of 2015, AB 953) in **October 2015**. This bill established new requirements for local law enforcement agencies to collect data on all "stops" by officers and report that data to the California Department of Justice (DOJ) at least annually beginning in **July 2018.** California counties support the goal of improving relationships between law enforcement and the communities they serve. However, the new information collection and reporting activities created a new state-mandated program for local governments without any funding for the costs that local governments would incur to comply with the requirements. Within one year of first incurring costs to comply with a new law, a local government files a "test claim" for reimbursement with the Commission on State Mandates. A "test" claim for reimbursement for RIPA was filed with the Commission in **June 2019**.

The Commission's process to determine whether the requirements of RIPA met the definition of a reimbursable mandate and the creation of a reimbursement methodology for county activities to carry out the new program was finalized in **March 2023**. An appropriation to reimburse county governments for the costs they incurred in prior years to comply with RIPA ($50.5 million General Fund) was included in the 2023 Budget Act in **June 2023**. Since counties began incurring costs to implement RIPA, it took the state **five years** to recognize the fiscal impact to county governments and provide support.

Counties Absorb the Cost to Implement New Programs

In 2023, Governor Newsom signed AB 1637 (Chapter 877, Statutes of 2023), which requires local agencies to secure and migrate to a new .gov or .ca.gov website domain no later than January 1, 2029. It also requires all associated email addresses connected to reflect the updated domain within the same time frame. Ostensibly, this new law is in the interest of increased cybersecurity. However, a large coalition of local government agencies argued that

this bill was a solution in search of a problem, and that there is no evidence that these requirements would deter cyberfraud.

According to the California Department of Finance's analysis of this new law, the Department "…anticipates this bill likely creates a significant state-reimbursable mandate for cities and counties to change their websites, web applications, email addresses, and active directory accounts." The Department also estimates that it will **collectively cost cities and counties $51 million** to comply with these requirements.

Local governments are not automatically reimbursed for their costs to comply with new state laws that include a new fiscal burden. Rather, new programs or services that qualify for state reimbursement must first survive a review process that can last for more than five years before counties receive any funding; all while counties are diligently carrying out the state's priorities with no additional resources. **This means that cities and counties will absorb the $51 million cost to comply with this new law and *might* be reimbursed several years after the fact.** In order to absorb these new and unexpected costs, counties must divert local resources from other critical programs and services that our communities depend on.

Suspension of State-Mandated Programs
Compounding these fiscal constraints for counties, the state has **suspended** some state-mandated programs to address state budget deficits. While a state-mandate is suspended, the requirement remains in statute, but local governments are not required to comply with the law in that fiscal year and **the state has no reimbursement obligation**. To meet the expectations of the public and continue an existing level of service for the community, **counties often continue to perform and pay for suspended state-mandated programs**. This cost-shifting pattern wherein the state acknowledges fiscal responsibility for a program, the public subsequently expects and relies on that program, and then the state suspends funding has added pressure and needless complications to county management.

In fact, according to data obtained from the State Controller's Office, the state has accumulated a backlog of **$72.5 million in unpaid reimbursement claims** owed to counties for costs incurred to comply with state-mandated programs and requirements to conduct elections. Included below are three existing suspended mandates that many counties continue to perform in the interest of the public good and promoting access to the democratic process although they **no longer receive reimbursement from the state**:

- Absentee Ballots *Mandate:* Absentee ballots shall be available to any registered voter. *Status:* Suspended.

- Permanent Absent Voters II *Mandate:* County elections officials shall make an application for permanent absent voter status available to any voter. *Status:* Suspended.
- Voter Identification Procedures *Mandate:* Elections officials shall compare the signature on each provisional ballot envelope with the signature on the voter's affidavit of registration. *Status:* Suspended.

To quote the Legislative Analyst's Office, which opined on this exact topic a few years ago, **"…the process the state uses to achieve its local elections priorities—the mandates process—simply has not worked."**

The Big Picture and Opportunities for Reform
CSAC's issue brief on state-imposed mandated programs is attached to this letter for your reference to further illustrate this labor-intensive process, which lacks certainty for whether, when, and how much counties will be reimbursed for state-mandated activities. Therefore, in the interest of better serving California residents, CSAC welcomes discussion and consideration of the following recommendations:

1. Reform and streamline the Commission on State Mandates' regulatory processes that govern the determination of test claims and the process to create and adopt reimbursement methodologies. Counties should be paid for providing mandates programs and services in a timely manner.
2. Adopt alternatives to the process for mandate determination and reimbursement to increase fairness and avoid future backlogs of payments to local governments.
3. Alternatively, new programs or services must be subject to sufficient appropriation in the state budget from the time of enactment or be otherwise amended to alleviate additional fiscal burdens for county governments altogether.

Progress Together
The development of the 2025-26 budget is an opportunity to rebuild the state and local relationship in the image of a future wherein the state and counties are in lockstep. To this end, we look forward to a mutual commitment to embrace partnership sufficient to ensure support and resources to achieve shared priorities. Should you have any questions regarding the information outlined in this letter, please do not hesitate to contact us.

Respectfully,

Jacqueline Wong-Hernandez
Chief Policy Officer, CSAC

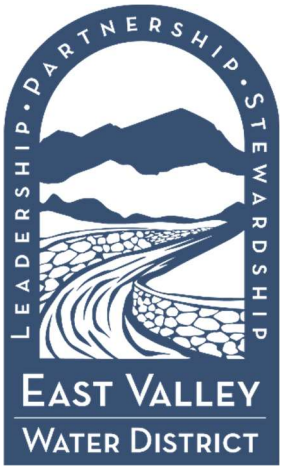
CC : Honorable Members, Assembly Budget Committee
Christian Griffith, Chief Consultant, Assembly Budget Committee
Joe Shinstock, Fiscal Director, Assembly Republican Caucus
Gabriel Petek, Legislative Analyst, Legislative Analyst's Office
Carolyn Chu, Chief Deputy Legislative Analyst, Legislative Analyst's Office
Guy Strahl, Consultant, Assembly Budget Committee

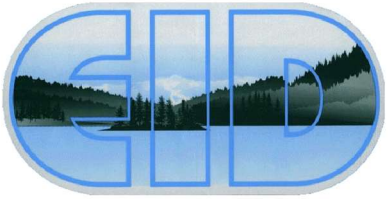
California Special Districts Association

Districts Stronger Together

ACHD

ASSOCIATION OF CALIFORNIA HEALTHCARE DISTRICTS



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THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA


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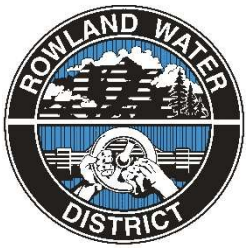
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RCRC


CITY OF SAN BERNARDINO
WATER DEPT.


WQA
SAN GABRIEL BASIN
WATER QUALITY AUTHORITY


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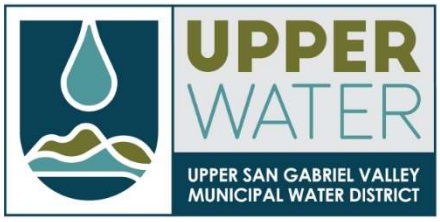
AZUSA | SIERRA MADRE | MONTEREY PARK | ALHAMBRA


Solano County
Water Agency


SCWC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MUNICIPAL WATER DISTRICT


URBAN COUNTIES
OF CALIFORNIA


Walnut Valley
Water District


WRD
WATER REPLENISHMENT DISTRICT


WESTERN
MUNICIPAL WATER DISTRICT


EST. 1918

April 3, 2025

The Honorable Juan Carrillo
Chair, Assembly Local Government Committee
1020 N Street, Room 157
Sacramento, California 95814

RE: Assembly Bill 259 (Rubio) – Support [As Introduced]
Hearing Date: April 9, 2025 – *Assembly Local Government Committee*

Dear Assembly Member Carrillo:

The undersigned organizations write to express our support for Assembly Bill 259 (Rubio), which will preserve important teleconferencing procedures that have afforded public agency board members the flexibility to attend meetings they might have otherwise not been able to attend.

Recognizing the evolving landscape of public meetings and the demonstrated value of remote participation options when members of governing bodies are unable to attend a physical gathering, the Legislature passed Assembly Bill 2449 in 2022, which amended the Ralph M. Brown Act. Beginning in 2023, special districts and other local agencies began using the procedures established by AB 2449, successfully facilitating remote participation for officials that would otherwise been encumbered by illness, official travel, or medical emergency. The provisions of that bill, having been negotiated by civil society groups and local government stakeholders, contained numerous requirements, including the presence of an in-person quorum at the official meeting location.

While the provisions added by AB 2449 were modified slightly by technical amendments made by subsequent legislation, the January 1, 2026 sunset included in the original bill remains. To preserve the flexibility provided by AB 2449, Assembly Bill 259 would eliminate this sunset date, thereby preserving indefinitely the remote meeting procedures added by the earlier legislation. AB 259 would not otherwise change any other elements of the remote meeting provisions.

For these reasons, we the undersigned are proud to support Assembly Bill 259 (Rubio). Please feel free to contact us if you have any questions.

Sincerely,

Marcus Detwiler
Legislative Representative
California Special Districts Association

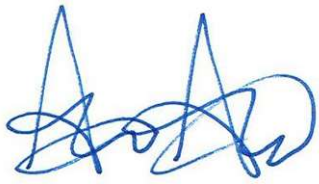
Matthew Litchfield
General Manager
Three Valleys Municipal Water District

Sarah Bridge
VP, Advocacy & Strategy
Association of California Healthcare Districts

Julia Hall
State Legislative Director
Association of California Water Agencies

Kim Rothschild
Executive Director
California Association of Public Authorities for IHSS

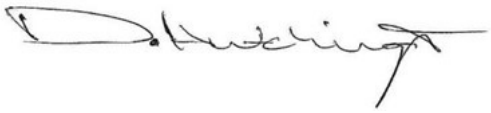
Ethan Nagler
Legislative Representative
California Association of Recreation & Park Districts



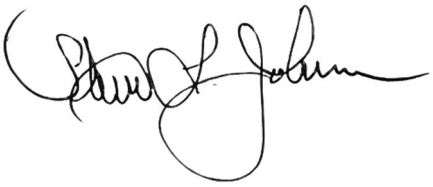
Andrea Abergel
Director of Water
California Municipal Utilities Association

Eric Lawyer
Legislative Advocate
California State Association of Counties

Kristine McCaffrey, P.E.
General Manager
Calleguas Municipal Water District



Dane Hutchings
Legislative Representative
City Clerks Association of California



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Inland Empire Utilities Agency

Paul Cook
General Manager
Irvine Ranch Water District

David Pedersen
General Manager
Las Virgenes Municipal Water District

Johnnie Piña
Legislative Affairs, Lobbyist
League of California Cities

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Mesa Water District

Deven Upadhyay
General Manager
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Sarah Dukett
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Randy Schoellerman
Executive Director
San Gabriel Basin Water Quality Authority

Luis Portillo
President & CEO
San Gabriel Valley Economic Partnership

Darin Kasamoto
General Manager
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Chris Lee
General Manager
Solano County Water Agency

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Southern California Water Coalition

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Palmdale Water District

CC: The Honorable Blanca Rubio
Members, Assembly Local Government Committee
Angela Mapp, Chief Consultant, Assembly Local Government Committee
Sarah Haynes, Consultant, Assembly Republican Caucus

California Special Districts Association

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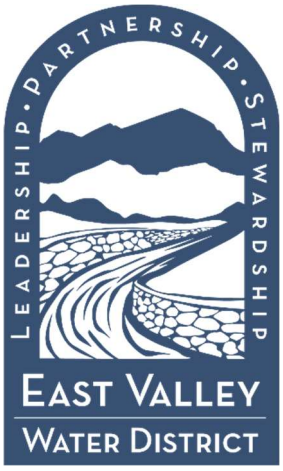

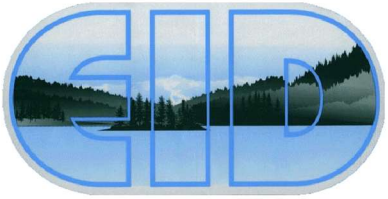


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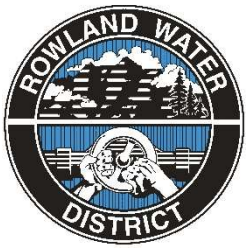
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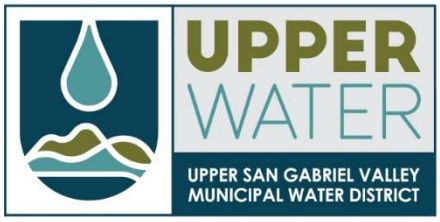
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April 3, 2025

The Honorable Blanca Rubio
California State Assembly
1021 O Street, Suite 5250
Sacramento, California 95814

RE: Assembly Bill 259 (Rubio) – Support [As Introduced]

Dear Assembly Member Rubio:

The undersigned organizations write to express our support for Assembly Bill 259, which will preserve important teleconferencing procedures that have afforded public agency board members the flexibility to attend meetings they might have otherwise not been able to attend.

Recognizing the evolving landscape of public meetings and the demonstrated value of remote participation options when members of governing bodies are unable to attend a physical gathering, your office introduced, and the Legislature passed, Assembly Bill 2449 in 2022, which amended the Ralph M. Brown Act. Beginning in 2023, special districts and other local agencies began using the procedures established by AB 2449, successfully facilitating remote participation for officials that would otherwise been encumbered by illness, official travel, or medical emergency. The provisions of that bill, having been negotiated by civil society groups and local government stakeholders, contained numerous requirements, including the presence of an in-person quorum at the official meeting location.

While the provisions added by AB 2449 were modified slightly by technical amendments made by subsequent legislation, the January 1, 2026 sunset included in the original bill remains. To preserve the flexibility provided by your AB 2449, Assembly Bill 259 would eliminate this sunset date, thereby preserving indefinitely the remote meeting procedures added by the earlier legislation. AB 259 would not otherwise change any other elements of the remote meeting provisions.

For these reasons, we the undersigned are proud to support Assembly Bill 259. Please feel free to contact us if you have any questions.

Sincerely,

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Legislative Representative
California Special Districts Association

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General Manager
Three Valleys Municipal Water District

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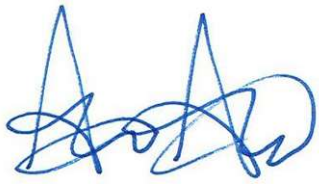

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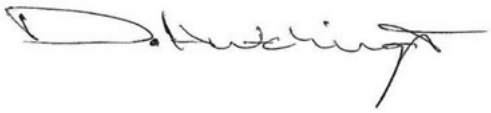

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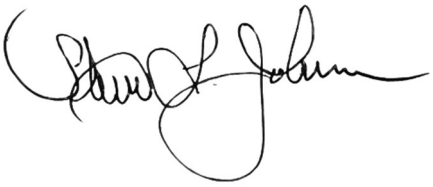

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General Manager
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Dennis LaMoreaux
General Manager
Palmdale Water District

April 1, 2025

The Honorable Juan Carrillo
Chair, Assembly Committee on Local Government
1020 N Street, Room 157
Sacramento, CA 95814

RE: AB 632 (Hart) Local ordinances: administrative fines or penalties
As introduced on February 13, 2025 – SUPPORT
To be heard in the Assembly Local Government Committee on April 9, 2025

Dear Chair Carrillo,

The California State Association of Counties (CSAC), League of California Cities (Cal Cities), and Urban Counties of California (UCC) write in **support** of AB 632 (Hart), which would strengthen local enforcement mechanisms for state housing law violations, fire hazards, and unlicensed cannabis activities by providing more penalty collection options and clarifying local jurisdictions' ability to collect fines and penalties through ordinary priority lien.

Counties and cities are currently authorized to enforce local ordinances through several methods, including imposing administrative fines and penalties that may be collected through ordinary priority real property liens, as established in City of Santa Paula v. Narula (2003). However, existing penalty statutes were primarily designed for routine zoning and building violations and are not always well suited to address serious certain code violations such as large-scale illegal commercial cannabis operations, imminent fire hazards, or dangerously substandard housing conditions. Local governments often struggle to enforce these serious violations because current code enforcement mechanisms are insufficient when dealing with persistent bad actors that frequently have numerous other violations and liens on the property and are undeterred by existing enforcement mechanisms.

To enhance code enforcement mechanisms for serious violations, AB 632 provides local agencies additional tools to collect penalties imposed for certain serious violations, once the administrative review process is concluded. Specifically, penalties for these violations could be entered as a money judgment, thereby providing the full range of enforcement mechanisms available for judgment under the Code of Civil Procedure. This model can be effective in cases where existing code enforcement mechanisms may be insufficient, as

exemplified in the Food and Ag. code for pesticide violations. Given this mechanism is an enhanced penalty collections option, it would be limited to serious violations that impact community health and safety, specifically, only those violations that pertain to cannabis, State Housing Law and laws pertaining to the safety of rental housing, and fire hazards.

Additionally, AB 632 would simply codify existing caselaw, to provide clarity and avoid unnecessary disputes. Local governments already use ordinary priority liens to collect fines and penalties, based on the broad authorization to adopt "procedures that shall govern the…collection" of administrative penalties, as well as their Constitutional police power. This lien authority, while not explicitly in statute, has been recognized by California caselaw (see, for example, City of Santa Paula v. Narula (2003) 114 Cal.App.4th 485). Some confusion has arisen due to language used in one unpublished federal court opinion involving superpriority liens (Mechammil v. City of San Jacinto (9th Cir. 216) 653 Fed. Appx. 562). This bill would address that confusion by clearly differentiating between ordinary and superpriority liens, and specifically confirming that the former are permissible. Therefore, AB 632 addresses the potential for future litigation by explicitly establishing that local governments can use ordinary liens to collect any administrative fines and penalties but does not change existing law regarding superpriority liens. The bill would also codify certain minimum requirements for notice before a lien is imposed, consistent with best practices already used by many jurisdictions.

For these reasons, CSAC, Cal Cities, and UCC **support** AB 632. Should you have any questions regarding our position, please do not hesitate to contact Jordan Wells (CSAC) at jwells@counties.org, Jolena Voorhis (Cal Cities) at jvoorhis@calcities.org, or Jean Hurst (UCC) at jkh@hbeadvocacy.com.

Sincerely,

Jordan Wells
Legislative Advocate
California State Association of Counties

Jolena Voorhis
Legislative Advocate
League of California Cities

Jean Kinney Hurst
Legislative Advocate
Urban Counties of California

CC : The Honorable Gregg Hart, Member of the California State Assembly

California State Association of Counties®
1100 K Street, Suite 101 | Sacramento, CA 95814

The Honorable Ash Kalra
Chair, Assembly Judiciary Committee
California State Assembly
1020 O Street, Room 104
Sacramento, CA 95814

RE: Support for AB 859 (Macedo) – Civil Procedure: recovery of defense costs.
As Introduced February 21, 2025 – SUPPORT
Set to be heard in Assembly Judiciary Committee – April 8, 2025

Dear Chair Kalra,

I am writing on behalf of the California State Association of Counties (CSAC) to express support for **AB 859 (Macedo),** a measure to allow counties to recoup legal costs from defending meritless lawsuits.

Existing law does not allow defendants to recover legal costs when they file for a demurrer and get dismissed from a lawsuit. Counties and other government entities often face lawsuits where they are improperly named as defendants, requiring them to allocate significant funds to legal defenses. Local governments waste precious taxpayer dollars on lawsuits that they should not be named on.

AB 859 (Macedo) offers a commonsense solution by allowing local governments to recover the legal costs incurred when they file for a demur and are subsequently dismissed from a lawsuit. Allowing cost recovery when a demur is granted will help discourage the filing of frivolous lawsuits and ensure taxpayer dollars are directed toward essential community services.

CSAC supports AB 859 (Macedo), which will reduce legal costs to local governments, save taxpayer dollars, and promote more efficient use of judicial resources.

For these reasons, CSAC respectfully requests an "AYE" vote on AB 859 (Macedo). Thank you for your time and consideration.

Sincerely,

Eric Lawyer
Legislative Advocate
California State Association of Counties
elawyer@counties.org

Cc: The Honorable Alexandra Macedo, Member of the California State Assembly
Members and staff, Assembly Judiciary Committee
Alison Merrilees, Chief Counsel, Assembly Judiciary Committee
Daryl Thomas, Consultant, Assembly Republican Caucus

California State Association of Counties®
1100 K Street, Suite 101 | Sacramento, CA 95814

The Honorable Alexandra Macedo
California State Assembly
1021 O Street, Room 5530
Sacramento, CA 95814

RE: Support for AB 859 (Macedo) – Civil Procedure: recovery of defense costs.
As Introduced February 21, 2025 – SUPPORT
Set to be heard in Assembly Judiciary Committee – April 8, 2025

Dear Assemblymember Macedo,

I am writing on behalf of the California State Association of Counties (CSAC) to express support for your **Assembly Bill 859,** a measure to allow counties to recoup legal costs from defending meritless lawsuits.

Existing law does not allow defendants to recover legal costs when they file for a demurrer and get dismissed from a lawsuit. Counties and other government entities often face lawsuits where they are improperly named as defendants, requiring them to allocate significant funds to legal defenses. Local governments waste precious taxpayer dollars on lawsuits that they should not be named on.

AB 859 (Macedo) offers a commonsense solution by allowing local governments to recover the legal costs incurred when they file for a demur and are subsequently dismissed from a lawsuit. Allowing cost recovery when a demur is granted will help discourage the filing of frivolous lawsuits and ensure taxpayer dollars are directed toward essential community services.

CSAC supports AB 859 (Macedo), which will reduce legal costs to local governments, save taxpayer dollars, and promote more efficient use of judicial resources.

For these reasons, CSAC is proud to support your AB 859. Should you have any questions regarding our position, please do not hesitate to contact Eric Lawyer (elawyer@counties.org).

Sincerely,

Eric Lawyer
Legislative Advocate
California State Association of Counties
elawyer@counties.org

April 3, 2025

The Honorable Lori Wilson, Chair
Assembly Committee on Transportation
1020 N Street, Room 112
Sacramento, CA 95814

RE: **AB 978 (Hoover) Recycled/Reclaimed Asphalt Pavement.**
Notice of REMOVAL OF OPPOSITION *(4/1/2025)*

Dear Chair Wilson,

On behalf of the League of California Cities (Cal Cities) and the California State Association of Counties (CSAC) we are writing to express our neutral position on **Assembly Bill 978**, related to the use of recycled asphalt pavement (RAP) materials in local street and highway projects.

We greatly appreciate Assembly Member Hoover and the author's office for their engagement and willingness to work with local government stakeholders, and for accepting amendments that reintroduce important flexibility related to feasibility and cost-effectiveness. These changes meaningfully acknowledge the diverse needs and conditions faced by local agencies across California.

While we recognize the environmental and economic benefits of utilizing recycled materials, where appropriate, we remain mindful of the operational and engineering challenges that local governments must navigate.

Local governments are responsible for maintaining the vast majority of California's roads—over 87% of the state's 144,000 centerline miles of streets that encompass high elevation cold climates, wet coastal conditions and dry/arid desert landscapes. Allowing local municipalities the flexibility to use RAP materials how they see fit could, in some cases, reduce harm to the environment, cost pressures to local taxpayers and limit frustration for drivers having to deal with more frequent road repair.

We welcome continued discussions on policies that promote responsible and sustainable infrastructure practices while preserving local control over transportation planning and fiscal responsibility. We again thank the author's office for working closely with our organizations to make meaningful changes to the bill, and we look forward to continuing the conversations.

For these reasons, Cal Cities and CSAC is removing our opposition to **AB 978 (Hoover)**. If you have any questions, do not hesitate to contact Damon with Cal Cities at dconklin@calcities.org or Mark with CSAC at mneuburger@counties.org.

Sincerely,

Damon Conklin
Legislative Advocate

Mark Neuburger
Legislative Affairs, Lobbyist

Cc: The Honorable Josh Hoover, Assembly Member
The Honorable Members, Assembly Committee on Transportation
Julia Kingsley, Senior consultant, Assembly Committee on Transportation
Daniel Ballon, Consultant, Republican Assembly Committee

April 3, 2025

Assemblymember Nick Schultz
Chair, Assembly Committee on Public Safety
1020 N Street, Room 111
Sacramento, CA 95814

RE: AB 1108 (Hart) County officers: coroners: officer-involved deaths.
As amended on March 28, 2025 –SUPPORT.
Set for hearing in the Assembly Committee on Public Safety on April 8, 2025.

Dear Chair Schultz,

On behalf of the California State Association of Counties (CSAC), the Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC), we write in support of Assembly Bill (AB) 1108 (Hart). This bill would prohibit a sheriff-coroner from performing autopsies in cases that involve use of force by sheriff personnel or an in-custody death, instead requiring independent medical examinations for these cases to be performed by another county or state agency, or a third-party medical examiner.

Under existing law, county boards of supervisors may consolidate specified county departments, which includes combining the sheriff's office with the coroner's office, as is the case for 48 of our 58 counties. Over the years constituents, advocates, and the Legislature have raised concerns with sheriff-coroner offices determining the cause and manner of death for individuals who have died while in-custody or during/after an encounter with law enforcement. Previous legislation sought to address this concern by requiring structural reorganization of county government, such as eliminating consolidated sheriff-coroner offices and establishing an office of the medical examiner (SB 1303 in 2018) or imposing a blanket deconsolidation of all sheriff-coroner offices (AB 1608 in 2022). These bills would have upended the delivery of services by county departments with crippling budgetary impacts.

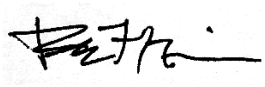
AB 1108 takes a targeted approach, instead of imposing sweeping changes to the structure of county government. In fact, the approach in this measure mirrors a solution counties proposed during past legislative deliberations. We believe AB 1108 is appropriately narrow in its drafting and its application; it would give counties practical and workable solutions to

assure death investigations under specified circumstances, while avoiding any potential for bias.

Preservation of local authority for our elected boards of supervisors is a bedrock to county advocacy. However, although this bill imposes limitations on county authority and extends the requirements for conducting death investigations – which creates a state mandate – it ultimately strikes the right balance by eliminating potential ethical concerns and restoring public trust.

For these reasons, CSAC, UCC and RCRC support AB 1108. Should you have any questions regarding our position, please do not hesitate to contact us at rmorimune@counties.org, ehe@hbeadvocacy.com, or sdukett@rcrcnet.org.

Sincerely,



Ryan Morimune
Senior Legislative Advocate
CSAC

Elizabeth Espinosa
Legislative Advocate
UCC

Sarah Dukett
Policy Advocate
RCRC

CC: Members and Consultants, Assembly Committee on Public Safety
The Honorable Gregg Hart, California State Assembly

April 1, 2025

The Honorable Isaac G. Bryan
Assembly Natural Resources, Chair
1020 N Street, Room 164
Sacramento, CA 95814

RE: AB 1153 (Bonta) Solid waste disposal and codisposal site cleanup: illegal disposal site abatement
As introduced on February 20, 2025 – Notice of SUPPORT
To be heard in Assembly Natural Resources Committee on April 7, 2025

Dear Chair Bryan,

The California State Association of Counties (CSAC), Rural County Representatives of California (RCRC), and the League of California Cities (Cal Cities) are pleased to **support** AB 1153 (Bonta), which will expand the activities eligible for grant funding from the Solid Waste Disposal Site Cleanup Trust Fund for the purposes of illegal disposal site abatement.

The California Integrated Waste Management Act of 1989 requires the Department of Resources Recycling and Recovery (CalRecycle) to initiate a program to pay for the cleanup of solid waste disposal sites and solid waste at codisposal sites where no responsible party is available to pay for timely remediation, and where cleanup is needed to protect public health and safety or the environment. Paid from the Solid Waste Disposal Site Cleanup Trust Fund, CalRecycle's Solid Waste Site Cleanup Program utilizes the funding to provide grants or loans to local, state, or federal governments, certified local enforcement agencies, or directly manage and fund cleanup projects. AB 1153 (Bonta) expands the activities eligible for funding under this grant program to include enforcement strategies, local enforcement officers and teams, and the removal and disposal of recreational vehicles.

CSAC, RCRC, and Cal Cities **support** AB 1153 (Bonta), however, additional funding is needed for this grant program to address the growing need for financial assistance from local jurisdictions for the purposes of illegal disposal site abatement including the costly management of abandoned vehicles.

If you have any questions, please contact Jordan Wells (CSAC) at jwells@counties.org, John Kennedy (RCRC) at jkennedy@rcrcnet.org, or Melissa Sparks-Kranz (Cal Cities) at msparkskranz@calcities.org.

Sincerely,

Jordan Wells
Legislative Advocate
California State
Association Of Counties

John Kennedy
Senior Policy Advocate
Rural County Representatives
of California

Melissa Sparks-Kranz
Legislative Advocate
League of California Cities

April 1, 2025

The Honorable Ben Allen
Member, California State Senate
1021 O Street, Room 6610
Sacramento, CA 95814

RE: SB 413 (Allen) - Juveniles: case file inspection.
As introduced on February 14, 2025 – SUPPORT
To be heard in the Senate Judiciary Committee April 8, 2025

Dear Senator Allen,

On behalf of the California State Association of Counties (CSAC), Urban Counties of California (UCC), and Rural County Representatives of California (RCRC), we write in strong support of your SB 413, which will benefit both local agencies and plaintiffs with claims against local agencies by expediting access to relevant juvenile case records protected in the Welfare and Institutions Code (WIC). Critically, the bill would maintain confidentiality protections for the juvenile case records.

WIC § 827 allows certain parties to access juvenile records, including court personnel, the minor who is subject to the proceeding, and the minor's parents, or guardian, among others. Parties not included in WIC § 827 must file a petition with a juvenile court to obtain access to records, a process that can delay proceedings for more than a year.

SB 413 will improve existing procedures for resolving claims against local agencies for both plaintiffs and defendants by:

- Saving counties, as well child litigants suing counties, money;
- Expediting civil claims against counties (for everything from claims of child sexual assault to dangerous conditions);

- Clarifying the statute to reduce inconsistencies among counties and courts; and,
- Ensuring that juvenile records are handled with care and confidentiality.

First, this bill clarifies that the use of the term "county counsel" in subparagraph (a)(1)(F) applies to the county counsel attorneys who represent the child welfare agency or probation department in any capacity. Second, this bill ensures that attorneys representing parties in a government tort claim or civil action, where a local agency, child welfare agency, probation department, or their employees acting in their official capacity, are named, are entitled parties for the purpose of accessing juvenile records.

This proposal would make meaningful progress in ensuring plaintiffs who are filing claims against a county, the child welfare department, or the probation department obtain timely resolution of their claims. In addition to saving time, this proposal will reduce litigation costs by eliminating the now necessary, time-consuming, and costly WIC § 827 petition process. And, importantly, it protects the confidentiality rights of minors by including very specific requirements for the care, handling, and ultimate destruction of the juvenile records.

SB 413 strikes the appropriate balance between the Code's presumption that juvenile records are unavailable to the public except under specified circumstances, and the need for county counsel and attorneys representing counties to access the files when counties are sued for damages by current or former wards and dependents.

For these reasons, CSAC is proud to support your SB 413. Should you have any questions regarding our position, please do not hesitate to contact Eric Lawyer (elawyer@counties.org), Jean Hurst (jkh@hbeadvocacy.com), or Sarah Dukett (sdukett@rcrcnet.org).

Sincerely,

Eric Lawyer

Jean Hurst

Legislative Advocate
California State Association of Counties
elawyer@counties.org

Legislative Representative
Urban Counties of California
jkh@hbeadvocacy.com

Sarah Dukett
Policy Advocate
Rural County Representatives of California
sdukett@rcrcnet.org

April 1, 2025

The Honorable Thomas Umberg
Chair, Senate Committee on Judiciary
1021 O Street, Suite 3240
Sacramento, CA 95814

RE: SB 413 (Allen) - Juveniles: case file inspection.
As introduced on February 14, 2025 – SUPPORT
To be heard in the Senate Judiciary Committee April 8, 2025

Dear Chair Umberg,

On behalf of the California State Association of Counties (CSAC), Urban Counties of California (UCC), and Rural County Representatives of California (RCRC), we write in strong support of SB 413 (Allen), which will benefit both local agencies and plaintiffs with claims against local agencies by expediting access to relevant juvenile case records protected in the Welfare and Institutions Code (WIC). Critically, the bill would maintain confidentiality protections for the juvenile case records.

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For these reasons, CSAC is proud to support SB 413 (Allen). Should you have any questions regarding our position, please do not hesitate to contact Eric Lawyer (elawyer@counties.org), Jean Hurst (jkh@hbeadvocacy.com), or Sarah Dukett (sdukett@rcrcnet.org).

Sincerely,

Eric Lawyer

Jean Hurst

Legislative Advocate
California State Association of Counties
elawyer@counties.org

Legislative Representative
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Sarah Dukett
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CC: The Honorable Ben Allen, California State Senate
Members, Senate Committee on Judiciary
Allison Whitt Meredith, Counsel, Senate Committee on Judiciary
Morgan Branch, Consultant, Senate Republican Caucus


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COST DRIVER

April 2, 2025

TO: Members, Senate Labor, Public Employment and Retirement Committee

SUBJECT: SB 632 (ARREGUÍN) WORKERS' COMPENSATION: HOSPITAL EMPLOYEES OPPOSE/COST DRIVER – AS INTRODUCED FEBRUARY 20, 2025

The California Chamber of Commerce and the organizations listed below respectfully **OPPOSE SB 632 (Arreguín**), which has been labelled a **COST DRIVER. SB 632** will impose an astronomical financial burden on employers in the healthcare industry, especially at a time when there is uncertainty about federal funding and general concerns about affordability. **The Legislature has consistently rejected all nine versions of this bill, including narrower versions, over the last sixteen years**.

SB 632 creates a troubling precedent for the workers' compensation system in general by creating a legal presumption that blood-borne infectious disease, tuberculosis, meningitis, methicillin-resistant Staphylococcus aureus (MRSA), COVID-19, cancer, musculoskeletal injury, post-traumatic stress disorder, or respiratory disease are presumptively workplace injuries ***for up to 10 years for all hospital employees that provide direct care***. Injuries occurring within the course and scope of employment are automatically covered by workers' compensation insurance, regardless of fault. **SB 632** would require that hospital employees do not need to demonstrate work causation for specified injuries or illnesses in any circumstance. Instead, these injuries and illnesses are presumed under the law to be work related. Presumptions of industrial causation for specific employees and injury types are simply not needed and create a tiered system of benefits that treats employees differently based on occupation and undermines the credibility and consistency of our workers' compensation system.

Presumptions and the Workers' Compensation System:

SB 632 creates a presumption of industrial causation for ***all*** hospital employees that provide direct patient care who manifest a blood-borne infectious disease, tuberculosis, meningitis, methicillin-resistant Staphylococcus aureus (MRSA), COVID-19, cancer, musculoskeletal injury, post-traumatic stress disorder, or respiratory disease during their employment, and for a time period *after* employment. The practical impact of creating a presumption of industrial causation is that hospitals will have a higher burden of proof when attempting to contest a claim that they believe is non-industrial.

Workers' compensation insurance is a "no fault" system that is intentionally constructed in a way that leads to the vast majority of claims being accepted. In fact, when determining compensability, a Workers' Compensation Appeals Board administrative law judge is required to interpret the facts liberally in favor of injured workers.

> *Labor Code Section 3202: "This division and Division 5 (commencing with Section 6300) shall be liberally construed by the courts with the purpose of extending their benefits for the protection of persons injured in the course of their employment."*

California's no-fault system of workers' compensation insurance that must be "liberally construed" with the purpose of extending benefits to injured workers does not create many obstacles for employees who believe that they have been injured at work. The creation of a presumption for employees, absent some significant justification, serves only to make it nearly impossible for an employer to contest any claim for benefits, which will unnecessarily increase costs for employers.

In 2019, SB 567 (Caballero) included presumptions for a very similar, more narrow list of illnesses and injuries. The Senate Committee on Labor, Public Employment and Retirement issued an analysis concluding that there was no evidence supporting the need for this presumption. It also warned that "the creation of presumptive injuries is an exceptional deviation that uncomfortably exists within the space of the normal operation of the California workers' compensation system," and to not limit them "would essentially consume and undermine the entire system".

The Presumption Is Extended for Up to 10 Years After Termination of Employment:

Not only does this special standard for accepting claims apply to hospital workers while employed, but also it continues for up to ***3, 5, or 10 years*** (depending on the injury) after leaving employment. Generally, there is a one-year statute of limitations for workers' compensation claims. By requiring claims to be filed within one year from the date of injury, existing law ensures claims will be resolved while evidence and witnesses are still available. Stale claims, faded memories, and unavailable witnesses not only impede an employer's ability to defend against a claim, but also impedes the ability of the workers' compensation system to properly evaluate a claim.

However, per **SB 632**, a former employee could come back and file a claim based on this presumption for up to ***10 years*** after employment had ended and the employer would be virtually powerless to question the compensability of the claim. This presents a number of problems, not the least of which is that there is no rationale for basing the duration of an employee's post-employment presumption on the length of their service with a specific employer. Section 6 of the bill underscores how problematic this bill is by including a presumption that a healthcare worker's COVID-19 diagnosis ***10 years*** after their employment ended is covered by the workers' compensation system.

SB 632 Creates a Troubling Precedent and is Broader Than The COVID-19 Presumption Under SB 1159:

Although there is a long history of legal presumptions being applied to public safety employees in the workers' compensation system, there has never been a presumption applied to private sector employees outside of the COVID-19 pandemic. In 2020, the Legislature passed **SB 1159 (Hill)**, which established a rebuttable presumption that certain employees who contracted COVID-19 were covered under workers' compensation. The pandemic presented a unique moment in history when millions of Californians were contracting COVID-19 and the virus was spreading quickly. Even in this exceptional circumstance, **SB 1159** was limited in both time and scope. The bill had a sunset date of January 1, 2023[1] and most employees outside of a few industries can only fall under the presumption if four or four percent of other workers at the worksite also contracted COVID-19 within a short time frame.

SB 632 reaches far beyond SB 1159 without justification by making a permanent presumption that can apply up to ***10 years*** after an employee has stopped working. Workers' compensation is designed to apply a consistent, objective set of rules to determine eligibility, medical needs and disability payments for all injured workers in California. We do not believe that the Legislature should take on the role of trying to identify likely injuries for

[1] This sunset was extended only one more year to January 1, 2024 in AB 1751 (Daly) (2022). AB 1751 originally would have extended the sunset two years to January 1, 2025, but it was subsequently amended.

every occupation in the state with the goal of creating special rules for those employees. This is an unrealistic expectation in an insurance system that covers thousands of types of employees and employers.

There Is No Evidence Supporting the Presumption Proposed by SB 632:

Supporters of **SB 632** have argued that healthcare workers are more likely to contact blood-borne infectious disease, tuberculosis, meningitis, Methicillin-resistant Staphylococcus aureus (MRSA), cancer, musculoskeletal injury, post-traumatic stress disorder, and respiratory disease. The Senate Committee on Labor, Public Employment and Retirement has consistently explained in analyses of prior versions of this bill that there is no evidence to support that argument. Even if there were, all employees, in every type of occupation, face risks inherent to their employment. This is anticipated by current labor law, which requires every employer to evaluate the specific risks faced by their employees and develop an "Injury and Illness Prevention Plan" that mitigates those risks. It is also anticipated by California's workers' compensation system, under which **90% of all workers' compensations claims and requests for medical treatment are approved, including claims filed by healthcare workers**.

There is no evidence that hospital workers should be entitled to a separate legal standard for certain injuries and illnesses. In fact, it logically follows that the most obvious types of occupational injuries and illnesses for any given occupation would be far more likely to be accepted as industrial by employers and less in need of a legal presumption to obtain benefits.

Moreover, there is no demonstrated need for hospital workers to have special legal status in the workers' compensation system. There has been no statistical evidence presented that would indicate, in any way, that workers' compensation claims by hospital employees for exposure to blood-borne infectious disease, tuberculosis, meningitis, Methicillin-resistant Staphylococcus aureus (MRSA), COVID-19, cancer, musculoskeletal injury, post-traumatic stress disorder, and respiratory disease are being inappropriately delayed or denied by employers or insurers. In addition, there has been no demonstration that hospital employees are uniquely impacted in a negative way by the current legal standard for determining compensability of industrial injuries.

All Prior Versions of this Presumption Have Failed:

Both similar and much narrower versions of this bill have all failed passage with many of them not making it out of committee or failing on the Senate Floor. Two of the most recent iterations of this bill, **SB 893** (Caballero) and **SB 567** (Caballero) received 0 and 1 Aye votes in committee, respectively. **SB 213** (Cortese) did not receive a motion in Assembly Insurance in 2022. **AB 1156** (Bonta) was never set for hearing in 2023 or 2024.

In 2014, **AB 2616** (Skinner), the only version to make it to the Governor's desk, was vetoed by Governor Edmund G. Brown, Jr. In his veto message he stated, "This bill would create a first of its kind private employer workers' compensation presumption for a specific staph infection -- methicillin-resistant Staphylococcus aureus (MRSA) -- for certain hospital employees. California's no-fault system of worker's compensation insurance requires that claims must be 'liberally construed' to extend benefits to injured workers whenever possible. The determination that an illness is work-related should be decided by the rules of that system and on the specific facts of each employee's situation. While I am aware that statutory presumptions have steadily expanded for certain public employees, I am not inclined to further this trend or to introduce it into the private sector."

Notably, **AB 2616** was limited to only MRSA and the post-employment presumption only extended for 60 days, yet the bill was still vetoed. Here, **SB 632** extends the presumption to laundry list of illnesses and injuries including cancer where the post-employment presumption is ***10 years***.

Such a drastic shift in the law will create an astronomical financial burden on healthcare employers and the system, creating an appreciable impact on the cost of healthcare at a time when we are trying to make healthcare more affordable.

For these reasons, we respectfully **OPPOSE SB 632** as a **COST DRIVER.**

Sincerely,

Ashley Hoffman
Senior Policy Advocate
California Chamber of Commerce

Acclamation Insurance Management Services
Alameda Chamber & Economic Alliance
Alameda Chamber of Commerce
Alhambra Chamber of Commerce
Allied Managed Care
American Property Casualty Insurance Association
Anaheim Chamber of Commerce
Antelope Valley Chambers of Commerce
Associated Equipment Distributors
Association of Claims Professionals
Association of California Healthcare Districts
Beverly Hills Chamber of Commerce
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California Association of Joint Powers Authorities
California Business Properties Association (CBPA)
California Chamber of Commerce
California Coalition on Workers' Compensation
California Hispanic Chambers
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Greater High Desert Chamber of Commerce
Greater Riverside Chambers of Commerce
Greater San Fernando Valley Chamber of Commerce
Hayward Chamber of Commerce
Hollywood Chamber of Commerce
Imperial Valley Regional Chamber of Commerce
Industry Business Council
La Cañada Flintridge Chamber of Commerce
La Verne Chamber of Commerce
Lake Elsinore Valley Chamber of Commerce
Livermore Valley Chamber of Commerce
Lodi Chamber of Commerce

Lomita Chamber of Commerce
Lompoc Valley Chamber of Commerce & Visitors Bureau
Long Beach Area Chamber of Commerce
Los Angeles Chamber of Commerce
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Morgan Hill Chamber of Commerce
Murrieta/Wildomar Chamber of Commerce
National Federation of Independent Business (NFIB)
Newport Beach Chamber of Commerce
North Orange County Chamber
North San Diego Business Chamber
Norwalk Chamber of Commerce
Oceanside Chamber of Commerce
Orange County Business Council
Palos Verdes Peninsula Chamber of Commerce
Paso Robles and Templeton Chamber of Commerce
Pleasanton Chamber of Commerce
Porterville Chamber of Commerce
Public Risk Innovation, Solutions, and Management
Rancho Cordova Area Chamber of Commerce
Rancho Mirage Chamber of Commerce
Redondo Beach Chamber of Commerce
Roseville Area Chamber of Commerce
Rural County Representatives of California
San Diego Regional Chamber of Commerce
San Gabriel Valley Economic Partnership
San Juan Capistrano Chamber of Commerce
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Southwest California Legislative Council
Special District Risk Management Authority
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Urban Counties of California
Vacaville Chamber of Commerce
Valley Industry & Commerce Association
Vista Chamber of Commerce
Walnut Creek Chamber of Commerce
West Ventura County Business Alliance
Whittier Area Chamber of Commerce
Yorba Linda Chamber of Commerce

cc: Legislative Affairs, Office of the Governor
Carmen Ayon, Office of Senator Arreguin

Alma Perez, Senate Labor, Public Employment and Retirement Committee
Cory Botts, Senate Republican Caucus

AH:am

April 4, 2025

To: The Honorable Dr. Akilah Weber Pierson
Chair, Senate Budget Subcommittee No. 3

Honorable Members
Senate Budget Subcommittee No. 3

The Honorable Dr. Corey A. Jackson
Chair, Assembly Budget Subcommittee No. 2

Honorable Members
Assembly Budget Subcommittee No. 2

From: Carlos Marquez, Executive Director, CWDA
Justin Garrett, Senior Legislative Advocate, CSAC
Tiffany Whiten, Senior Government Relations Advocate, SEIU

RE: IN-HOME SUPPORTIVE SERVICES: COUNTY ADMINISTRATIVE FUNDING

The County Welfare Directors Association of California (CWDA), California State Association of Counties (CSAC), and the Service Employees International Union (SEIU) urge the Legislature and Administration to address the chronic underfunding of the In-Home Supportive Services (IHSS) Program in FY 2025-2026 by adjusting administrative funding levels in alignment with the upcoming budget methodology reassessment for county administration. Updates to the budget methodology and associated funding are needed to ensure IHSS social workers have manageable caseloads to perform essential functions of the IHSS program which enable older adults and persons with disabilities to remain safely in their homes and avoid costly institutionalization. Right now, caseloads in some counties exceed 500 and 600 IHSS recipients per social worker. Currently, CWDA and counties are working with the California Department of Social Services (CDSS) to reassess the methodology, which was last updated in 2017-18. The results of the reassessment will be reported at the May Revision, per the 2024 Budget Act. CWDA, CSAC, and SEIU anticipate the reassessment work will justify additional funding to address the historical underfunding of program administration, and we urge the Administration to include appropriate state funding in the 2025-26 State Budget as a result of the work.

IHSS is Essential to the Master Plan for Aging (MPA): IHSS is a key strategy in meeting the goals of the MPA. Currently, over 823,399 older adults and adults and children with disabilities are authorized to receive in-home care from nearly 727,787 trusted IHSS caregivers in

California. IHSS enables older adults to age with dignity and independence in their own homes. The program helps with daily and domestic tasks such as housework, meal preparation, laundry, personal care services, and accompaniment to medical appointments, allowing recipients to live independently and avoid the high costs of institutional care, such as nursing homes. By offering these services at home, the program ultimately enhances quality of life for IHSS recipients, reduces hospitalization, nursing home care, and premature death, and lessens time and financial burden on family and friends of program recipients.

The demand for IHSS services continues to grow as adults ages 65 and older are projected to reach 25 percent of the state's population by 2030. Moreover, the eligible population for the IHSS program has also expanded with the recent full-scope Medi-Cal expansion to undocumented adults over age 19, as well as the Medi-Cal asset test elimination, effective January 1, 2024. For instance, the FY 2025-26 Governor's Budget projects that IHSS caseload will grow by a staggering 7.5 percent in each FY 2024-25 and FY 2025-26, a trendline that will likely continue. Counties are committed and stand ready to serve the needs of this population, but sufficient administrative funding is needed for county agencies to retain and build a workforce to process new applications and reassessments in an accurate, consistent, and timely manner, and be responsive to clients' needs to live safely in their homes and communities.

County IHSS Administration State Budgeting Methodology is Flawed: In 2017-18, CDSS, in consultation with county human services agencies and CWDA, updated the methodology to fund county administrative activities associated with the IHSS program. That methodology remains in place to this date, and has significant shortcomings that we would like to see addressed:

> ***Methodology underfunds the cost of IHSS workers.*** The 2017-18 methodology never fully funded actual IHSS worker costs, due to a regional estimate approach that only applied costs from a handful of counties. The methodology continues to use the same artificially low wage rate for social work staff set in 2017-18, despite increases in the cost of social work staff and operations since 2017-18. The result is a significant funding gap: about 52 percent of actual worker costs are not accounted for and it's estimated that in 2025, hourly worker costs are approximately 107 percent higher than the current reflected rate.
>
> ***Methodology does not count all workload.*** In the IHSS program, some individuals are approved for services, but are unable to secure a provider. The workload associated with processing an application is not included if that application does not lead to someone receiving services; this includes the workload associated with processing denied applications, such as processing and tracking all applicant forms and conducting the 1-2 hour in-home assessment. For example, December 2024 CMIPS data show that 89 percent of "authorized" cases (those completing the application process) actually received services. The remaining 11 percent are cases that are authorized but not paid,

for which counties receive no administrative funding despite county workload occurring for those cases. This essentially equates to a funding cut of another 11 percent.

Higher per-worker caseloads, which will continue to grow without more funding for additional staff, are likely to impede access to IHSS: Administrative underfunding is contributing to higher worker caseloads in many counties, which in turn contributes to counties' inability to recruit and retain staff. Caseloads of 500 and 600 clients per social worker are not uncommon in some counties. This hampers counties' ability to ensure IHSS applications are processed on a timely basis and that reassessments occur every 12 months, as required under federal and state law, and causes strain for caregivers. In fact, as of February 2025, 24 counties were subject to a Quality Assurance Action Plan (QIAP) for non-compliance with timeliness requirements for application or reassessment processing, or both. Continued underfunding of IHSS administration may lead to IHSS clients facing longer wait times to reach their social worker between assessments when they have changes in their health or other needs that may warrant more IHSS services. For example, if a recipient breaks their hip between annual reassessments and requires additional assistance bathing or dressing, having the social worker available to talk to that recipient and approve those additional services as soon as possible is essential. This can also put their IHSS provider in a difficult situation of needing to provide additional care but not yet having the authorization from the county social worker to do so; authorization that allows the provider to get paid for those additional hours.

Proposed Solution – Update Worker Costs and CDSS Funding Methodology: The 2024 Budget Act required CDSS to work with CWDA, counties, and others to reassess the budget methodology for IHSS county administration every three years, beginning with the 2025-26 fiscal year. Currently, CWDA and counties are working with CDSS to update the budget methodology and per statute, CDSS is required to report to the Legislature the results of the current work at the May Revision. CWDA, CSAC, and SEIU anticipate the reassessment work to result in further justification for additional funding needed for program administration and urge the Administration to include appropriate state funding in the 2025-26 State Budget based on the rebase results. This will enable county IHSS social workers to respond to the growing demand for IHSS services as envisioned in the Master Plan for Aging and California's commitment to caring for its older adults and persons with disabilities.

For these reasons, we urge your support for updating the budget methodology for IHSS administration and that this be appropriately reflected in the 2025-26 State Budget.

Sincerely,

Carlos Marquez, Executive Director | CWDA
Justin Garrett, Senior Legislative Advocate | CSAC
Tiffany Whiten, Senior Government Relations Advocate | SEIU

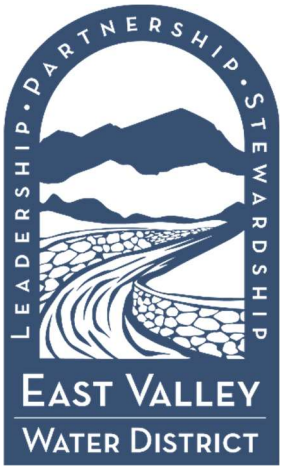
Cc: Chris Woods, Office of the Senate President Pro Tempore
Mareva Brown, Office of the Senate President Pro Tempore
Jason Sisney, Office of the Speaker of the Assembly
Kelsy Castillo, Office of the Speaker of the Assembly
Elizabeth Schmitt, Senate Budget and Fiscal Review Subcommittee No. 3
Nicole Vazquez, Assembly Committee on Budget Subcommittee No. 2
Kirk Feely, Fiscal Director, Senate Republican Fiscal
Joseph Shinstock, Fiscal Director, Assembly Republican Caucus
Megan DeSousa, Senate Republican Fiscal Office
Eric Dietz, Assembly Republican Fiscal Office
Ginni Bella Navarre, Legislative Analyst's Office
Richard Figueroa, Office of the Governor
Paula Villescaz, Office of the Governor
Kim Johnson, Health and Human Services Agency
Corrin Buchanan, Health and Human Services Agency
Jennifer Troia, California Department of Social Services
Kris Cook, Human Services, Department of Finance

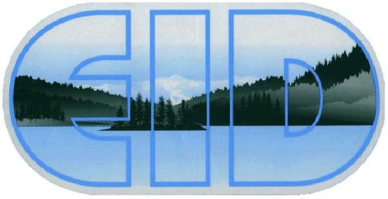
California Special Districts Association

Districts Stronger Together

ACHD

ASSOCIATION OF CALIFORNIA HEALTHCARE DISTRICTS



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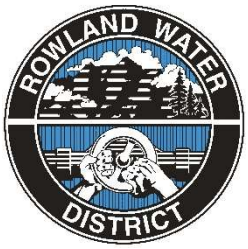
ROWLAND WATER
DISTRICT


RCRC


CITY OF SAN BERNARDINO
WATER DEPT.


WQA
SAN GABRIEL BASIN
WATER QUALITY AUTHORITY


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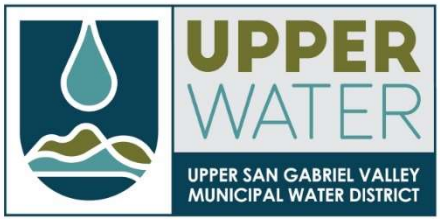
AZUSA | SIERRA MADRE | MONTEREY PARK | ALHAMBRA


Solano County
Water Agency


SCWC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MUNICIPAL WATER DISTRICT


URBAN COUNTIES
OF CALIFORNIA


Walnut Valley
Water District


WRD
WATER REPLENISHMENT DISTRICT


WESTERN
MUNICIPAL WATER DISTRICT


EST. 1918

April 3, 2025

The Honorable Juan Carrillo
Chair, Assembly Local Government Committee
1020 N Street, Room 157
Sacramento, California 95814

RE: Assembly Bill 259 (Rubio) – Support [As Introduced]
Hearing Date: April 9, 2025 – *Assembly Local Government Committee*

Dear Assembly Member Carrillo:

The undersigned organizations write to express our support for Assembly Bill 259 (Rubio), which will preserve important teleconferencing procedures that have afforded public agency board members the flexibility to attend meetings they might have otherwise not been able to attend.

Recognizing the evolving landscape of public meetings and the demonstrated value of remote participation options when members of governing bodies are unable to attend a physical gathering, the Legislature passed Assembly Bill 2449 in 2022, which amended the Ralph M. Brown Act. Beginning in 2023, special districts and other local agencies began using the procedures established by AB 2449, successfully facilitating remote participation for officials that would otherwise been encumbered by illness, official travel, or medical emergency. The provisions of that bill, having been negotiated by civil society groups and local government stakeholders, contained numerous requirements, including the presence of an in-person quorum at the official meeting location.

While the provisions added by AB 2449 were modified slightly by technical amendments made by subsequent legislation, the January 1, 2026 sunset included in the original bill remains. To preserve the flexibility provided by AB 2449, Assembly Bill 259 would eliminate this sunset date, thereby preserving indefinitely the remote meeting procedures added by the earlier legislation. AB 259 would not otherwise change any other elements of the remote meeting provisions.

For these reasons, we the undersigned are proud to support Assembly Bill 259 (Rubio). Please feel free to contact us if you have any questions.

Sincerely,

Marcus Detwiler
Legislative Representative
California Special Districts Association

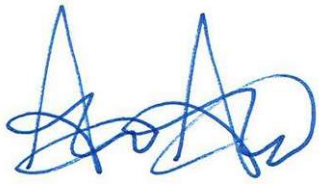
Matthew Litchfield
General Manager
Three Valleys Municipal Water District

Sarah Bridge
VP, Advocacy & Strategy
Association of California Healthcare Districts

Julia Hall
State Legislative Director
Association of California Water Agencies

Kim Rothschild
Executive Director
California Association of Public Authorities for IHSS

Ethan Nagler
Legislative Representative
California Association of Recreation & Park Districts



Andrea Abergel
Director of Water
California Municipal Utilities Association

Eric Lawyer
Legislative Advocate
California State Association of Counties

Kristine McCaffrey, P.E.
General Manager
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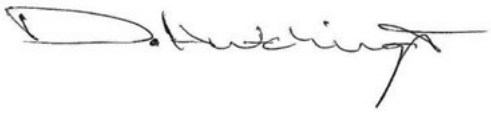
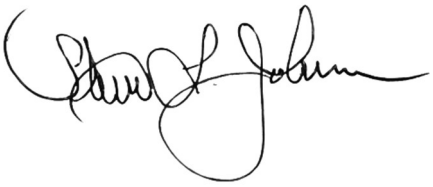


Dane Hutchings
Legislative Representative
City Clerks Association of California



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Paul Cook
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Irvine Ranch Water District

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Deven Upadhyay
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General Manager
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Upper San Gabriel Valley Municipal Water District

Jean Hurst
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CC: The Honorable Blanca Rubio
Members, Assembly Local Government Committee
Angela Mapp, Chief Consultant, Assembly Local Government Committee
Sarah Haynes, Consultant, Assembly Republican Caucus

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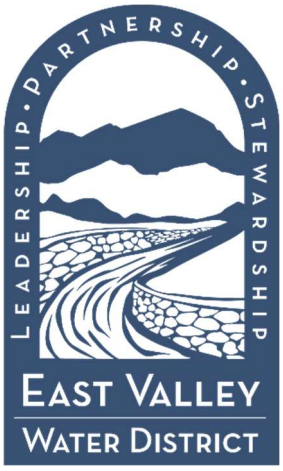

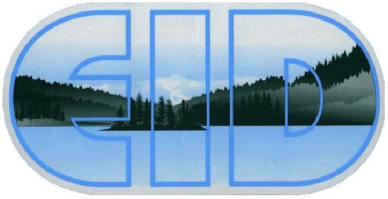


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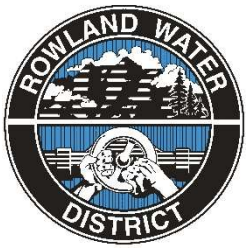
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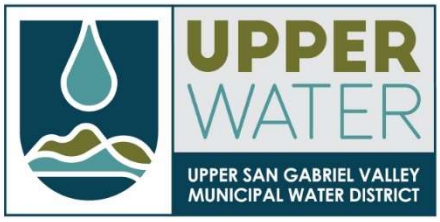
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April 3, 2025

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California State Assembly
1021 O Street, Suite 5250
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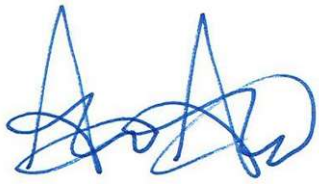

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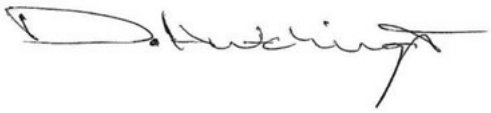

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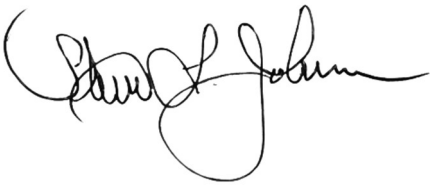

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Western Municipal Water District

Dennis LaMoreaux
General Manager
Palmdale Water District

March 13, 2025

The Honorable Liz Ortega
California State Assembly
1021 O Street, Suite 5120
Sacramento, CA 95814

Re: **AB 339 (Ortega): Local public employee organizations: notice requirements**
As introduced 1/28/25 – OPPOSE
Set for hearing 3/19/25 – Assembly Public Employment and Retirement Committee

Dear Assembly Member Ortega:

On behalf of the Urban Counties of California (UCC), California State Association of Counties (CSAC), Rural County Representatives of California (RCRC), Association of California Healthcare Districts (ACHD), California Special Districts Association (CSDA), League of California Cities (CalCities), Public Risk Innovation, Solutions, and Management (PRISM), Association of California Water Agencies (ACWA), County Health Executives Association of California (CHEAC), California State Sheriffs' Association (CSSA), Contra Costa County, Lake County, Merced County, Placer County , Sacramento County, San Joaquin County, San Mateo County, Santa Clara County, South San Joaquin Irrigation District, American Council of Engineering Companies of California, California Geotechnical Engineering Association (CalGeo), the American Institute of Architects California, Transportation California, and California Building Officials (CALBO), we write in respectful opposition to your Assembly Bill 339. This measure would require the governing body of a local public agency (non-school) to provide written notice to the employee organization no less than 120 days prior to issuing a request for proposals, request for quotes, or renewing or extending an existing contract to perform services that are within the scope of work of the job classifications represented by the recognized employee organization. AB 339 would be impractical in its execution,

is unworkable for ensuring provision of public services, and disincentivizes reaching final agreement in local labor negotiations.

AB 339 applies to ***any*** contract that is within the scope of work of any job classification represented by a recognized employee organization; for local agencies with represented workforces, this essentially means nearly every contract would be subject to notice and possible meet and confer. This provision is considerably broader than the existing requirement for bargaining under the Meyers-Milias Brown Act (MMBA); under existing law, where contracting out is legally permissible, local agencies are still required to "meet and confer in good faith" with any affected bargaining unit prior to making any decision ***that is within the scope of representation***. (Gov. Code, §§ 3505.) However, there are several common-sense exceptions to this requirement – including where there is a longstanding past practice of contracting for particular services, or where contracting out is contemplated in the applicable MOU. AB 339 subverts these well-settled principles to the detriment of local public services.

The lack of definition of emergency or exigent circumstances in AB 339 undermines existing emergency contracting authority; further, this provision only applies to the initial notice requirement – not the meet and confer provisions – making the provision nearly meaningless in an emergency circumstance. You are undoubtedly aware of the considerable responsibility assumed by local agencies in a natural disaster, public health emergency, or other local crisis. As first responders, local agencies rely on existing statutes that allow for considerable flexibility to ensure the safety and well-being of our communities.

AB 339 also undermines the existing provisions of the MMBA that ensure that negotiating parties can reach a final agreement on an MOU. Under the section of the measure that authorizes reopening negotiations indefinitely, there is no benefit to employers to finalize negotiations and close on an agreement and, as a result, no labor peace.
AB 339 deters local agencies from working in partnership with local community organizations, who are at the front lines of providing critical local services, and who are already under attack by the federal government, adding considerable uncertainty to their ongoing financial viability.

Finally, sponsors continue to assert that documents associated with a Request for Proposals (RFP), Request for Quotes (RFQ), contract extensions, and contract renewals are not disclosed to the public. In truth, RFPs and RFQs are typically public by nature and subject to competitive bidding processes and regulations, while contracts are almost always disclosable public records under the Public Records Act. We dispute that local agencies are inappropriately withholding public records and further disagree that local agencies are failing to comply with existing notification requirements under the MMBA. If either were true, there are already existing remedies for sponsors to address these issues.

Like previous unsuccessful proposals that have sought to undermine local agencies' ability to contract for public services, AB 339 represents a sweeping change to the fundamental work of local governments, but we remain unaware of a specific, current, and widespread problem that this measure would resolve or prevent. We are keenly aware, though, of the very real harm that could result from this measure. AB 339 will not improve services, reduce costs, or protect employees. As a result, we are opposed. Should you have any questions about our position, please reach out directly.

Sincerely,

Jean Kinney Hurst
Legislative Advocate
Urban Counties of California

Eric Lawyer
Legislative Advocate
California State Association of Counties

Sarah Dukett
Policy Advocate
Rural County Representatives of California

Sarah Bridge
Legislative Advocate
Association of California Healthcare Districts

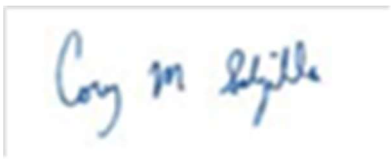
Johnnie Pina
Legislative Affairs, Lobbyist
League of California Cities

Aaron Avery
Director of State Legislative Affairs
California Special Districts Association

Jason Schmelzer
Legislative Advocate
Public Risk Innovation, Solutions, and Management

Julia Bishop Hall
Director of State Legislative Relations
Association of California Water Agencies

Farrah McDaid Ting
Deputy Director of Policy
County Health Executives Association of California



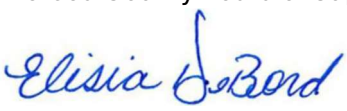
Cory M. Salzillo
Legislative Director
California State Sheriffs' Association

Candace Andersen
Chair, Contra Costa County Board of Supervisors

Susan Parker
County Administrative Officer
County of Lake

Joshua Pedrozo
Chairman
Merced County Board of Supervisors

Bonnie Gore
Chair (District 1)
Placer County Board of Supervisors



Elisia De Bord
Governmental Relations and Legislative Officer
County of Sacramento

Paul Canepa
Chair
San Joaquin County Board of Supervisors

Connie Juárez-Diroll
Chief Legislative Officer
County of San Mateo

Erin Evans-Fudem
Legislative Deputy County Counsel
Office of the County Counsel
County of Santa Clara

Peter M. Rietkerk
General Manager
South San Joaquin Irrigation District

Tyler Munzing
Director of Government Affairs
American Council of Engineering Companies of California

Noah Smith, PE, GE
President
California Geotechnical Engineering Association

Scott Terrell
Director of Government Relations
The American Institute of Architects California

Mark Watts
Legislative Advocate
Transportation California

Matthew Wheeler, DPPD
Executive Director
California Building Officials (CALBO)

Buddy Mendes, Chairman
Fresno County Board of Supervisors

cc: The Honorable Tina McKinnor, Chair, Assembly Public Employment and Retirement Committee
Members and Consultants, Assembly Public Employment and Retirement Committee

March 12, 2025

The Honorable Tina McKinnor
Chair, Assembly Committee on Public
Employment and Retirement
1020 N Street, Room 153
Sacramento, CA 95814

RE: **AB 340 (Ahrens) Employer-Employee Relations Confidential Communications.**
OPPOSE *(As Amended March 5, 2025)*

Dear Assembly Member McKinnor,

The League of California Cities (Cal Cities), California State Association of Counties (CSAC), California Special Districts Association (CSDA), Rural County Representatives of California (RCRC), Urban Counties of California (UCC), the Association of California Healthcare Districts (ACHD), the Association of California School Administrators (ACSA), the California School Boards Association (CSBA), the California Association of Joint Powers Authorities (CAJPA), Public Risk Innovation, Solutions, and Management (PRISM), the California Association of School Business Officials (CASBO), the California Association of Recreation and Park Districts (CARPD), California County Superintendents, and the School Employers Association of California (SEAC) write in respectful opposition to Assembly Bill (AB) 340. This bill would restrict an employer's ability to conduct internal investigations to the detriment of employees' and the public's safety and well-being, adding new costs and liability for public employers. Moreover, the substantive provisions of the bill create restrictions mirroring a privilege.

Previous Legislation and Previous Veto
Our concerns with AB 340 are consistent with the issues raised in response to previously introduced legislation, AB 2421 (Low, 2024), AB 729 (Hernandez, 2013), AB 3121 (Kalra, 2018) and AB 418 (Kalra, 2019). The issues are succinctly captured in the AB 729 veto message from Governor Brown, which states: "I don't believe it is appropriate to put communications with a union agent on equal footing with communications with one's spouse, priest, physician or attorney. Moreover, this bill could compromise the ability of employers to conduct investigations into workplace safety, harassment and other allegations."

New Costs and Added Liability for the State, Local Governments, and Schools
In order to conduct proper investigations that uphold the public's trust, protect against the misuse of public funds, and ensure the safety and well-being of both public employees and the public at large, it is critical that a public employer has the ability to interview all individuals with relevant information to ascertain the facts and understand the matter fully. AB 340 would increase investigation and litigation costs for the state as well as local governments and schools by creating incomplete investigations, since all appropriate employees with relevant information cannot be questioned. Costs and risks may also increase as conduct challenged as unlawful under the bill's provisions is adjudicated before the Public Employment Relations Board (PERB). For schools, this is a drain of Proposition 98 funding.

Inconsistent with PERB Decision
AB 340 states that its prohibition on employer questioning is intended to be consistent with, and not in conflict with, William S. Hart Union High School District (2018) PERB Dec. No. 2595. This is problematic for two reasons. First, the bill is inconsistent with that PERB decision. That decision engaged in a circumstantial analysis to determine whether employer questioning was prohibited or not, while weighing the employee's and the employer's interests. AB 340 goes far beyond that, forgoing any circumstantial analysis or weighing of interests. It categorically prohibits questioning of confidential employee representative communications, except for narrow, limited exceptions. Second, we are not aware of evidence that PERB is denying the interests of employees on this issue, raising the question of whether a legislative solution is warranted.

Expansion of New One-Sided Standard
AB 340 would create a de facto prohibition on employers requesting a court to compel disclosure of purportedly confidential communications, which is the same outcome as if the communication was privileged in those circumstances. This will have a significant impact on judicial and administrative proceedings.

Endangers Workplace Safety
AB 340 interferes with the ability to interview witnesses because it would prohibit public agencies from questioning any employee or "representative of a recognized employee organization, or an exclusive representative" about communications between an employee and a "representative of a recognized employee organization, or an exclusive representative." While AB 340 includes a narrow exception for criminal investigations, and provides that it does not supersede Gov. Code 3303, many necessary investigations are still subject to the bill's limitations, putting safety at risk.

This bill would hinder employees who wish to voluntarily report an incident or testify in front of necessary misconduct investigations since an employer would be prohibited from certain lines of questioning. It would also limit the ability of public employers to carry out the requirements of recently enacted law, Senate Bill 553 (Cortese, 2023),

which includes conducting investigations into workplace safety, harassment, and other allegations. As of January 1, 2025, SB 553 allows collective bargaining representatives standing to seek temporary restraining orders (TRO) in connection with workplace violence. AB 340 will create a problematic scenario wherein a TRO may be obtained but an employer could not fully investigate the underlying facts. AB 340 lacks guardrails to prevent potential conflicts of interest that could arise during employee safety issues.

Making matters worse, employers may not even know they are acting contrary to AB 340's restrictions by communicating with staff, because only the employee or the representative would know or could decide when a communication was made "in confidence." This could affect day-to-day activities and critical government operations.

For the reasons discussed above, the organizations listed below are respectfully opposed to AB 340. If you have any questions, please do not hesitate to contact our organizations' representatives directly.

Sincerely,

Johnnie Piña
Legislative Affairs, Lobbyist
League of California Cities
jpina@calcities.org

Eric Lawyer
Legislative Advocate
California State Association of Counties
elawyer@counties.org

Jean Hurst
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Sarah Dukett
Policy Advocate
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Aaron Avery
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Mishaal Gill
Director of Policy and Advocacy
California Association of School
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mgill@casbo.org

CC:

The Honorable Patrick Ahrens
Honorable Members, Assembly Committee on Public Employment and Retirement
Michael Bolden, Chief Consultant, Assembly Committee on Public Employment and Retirement
Lauren Prichard, Policy Consultant, Assembly Republican Caucus

March 12, 2025

The Honorable Patrick Ahrens
California State Assembly
State Capitol, Suite 6110
Sacramento, CA 95814

RE: **AB 340 (Ahrens) Employer-Employee Relations Confidential Communications.**
OPPOSE *(As Amended March 5, 2025)*

Dear Assembly Member Ahrens,

The League of California Cities (Cal Cities), California State Association of Counties (CSAC), California Special Districts Association (CSDA), Rural County Representatives of California (RCRC), Urban Counties of California (UCC), the Association of California Healthcare Districts (ACHD), the Association of California School Administrators (ACSA), the California School Boards Association (CSBA), the California Association of Joint Powers Authorities (CAJPA), Public Risk Innovation, Solutions, and Management (PRISM), the California Association of School Business Officials (CASBO), the California Association of Recreation and Park Districts (CARPD), California County Superintendents, and the School Employers Association of California (SEAC) write to inform you of our respectful opposition to your Assembly Bill (AB) 340. This bill would restrict an employer's ability to conduct internal investigations to the detriment of employees' and the public's safety and well-being, adding new costs and liability for public employers. Moreover, the substantive provisions of the bill create restrictions mirroring a privilege.

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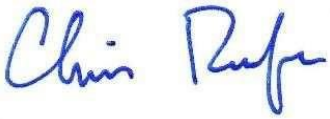

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Mishaal Gill
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California Association of School
Business Officials
mgill@casbo.org

March 5, 2025

The Honorable Ash Kalra
Chair, Assembly Judiciary Committee
1020 N Street, Room 104
Sacramento, CA 95814

RE: AB 370 (Carrillo): California Public Records Act: cyberattacks
As Introduced February 3, 2025, – SUPPORT
Set to be heard in the Assembly Judiciary Committee March 11, 2025

Dear Assemblymember Kalra,

The California State Association of Counties (CSAC), Urban Counties of California (UCC), Rural County Representatives of California (RCRC), and League of California Cities (Cal Cities) are pleased to support Assembly Bill (AB) 370 by Assemblymember Juan Carrillo. This bill would amend the definition of "unusual circumstances," in the California Public Records Act (PRA) to include the inability of an agency to access its electronic servers due to a cyberattack.

The California Public Records Act serves as a vital tool for the public to hold their governments and elected leaders accountable. California's public agencies take their responsibilities under the PRA seriously, devoting substantial resources to responding thoroughly and promptly to public records requests.

Public agencies at all levels of government have reported a significant increase in the quantity and breadth of PRA requests. A variety of public agencies reported a 73% increase in the volume of PRA requests over the past five years. A vast majority of those agencies reported receiving PRA requests that required an inordinate amount of staff time, with more than 90% reporting PRA requests that diverted local resources away from local programs and services.

These requests can be costly and time-consuming for local agencies, as they can require significant staff time to discover, review, and redact records, often requiring the specific subject matter experts on an issue to dedicate substantial time outside of their core responsibilities to ensure the agency fully responds to a PRA request. Counties have reported single PRA requests seeking decades of 911 call transcripts or decades of correspondence from local officials. One small, rural county reported a single requester who has submitted hundreds of PRA requests over the past few years, including a single request that required the county to review over 621,000 records. The county estimates that responding to a portion of the requests would cost the county over $1.8 million and require a minimum of 34 employees working around the clock for a year to honor the request.

Furthermore, due to the modernization of how public sector work is conducted, there has been a significant increase in disclosable records (e.g., emails, text messages, inter-office direct chat messaging platforms, etc.) created by routine government work. In response, there has been a proportionate increase in the complexity and sophistication of the work necessary to respond to PRA requests due to the staff time spent searching for records and redacting material that is exempt or prohibited from disclosure (e.g., confidential attorney-client correspondence, social security numbers, criminal history, trade secrets, medical records, etc.).

The heightened use of the PRA – and the subsequent heightened impacts to governments – has occurred over the same period that saw local governments lose revenue sources that absorbed some of the cost pressures of PRA requests.

In 2014, California voters approved Proposition 42, which, among other provisions, amended the California constitution to discontinue the requirement that the State reimburse local governments for the cost to comply with PRA laws or any subsequent PRA laws enacted by the Legislature. Prior to Proposition 42, costs for local governments to comply with the PRA were a reimbursable state mandate for which local governments could file annual claims with the State Controller's Office.

In 2020, the California Supreme Court ruled that local agencies cannot charge for staff time and technical costs necessary to review, redact, and release public records in response to PRA requests, allowing fees to be used only for limited circumstances – including, for example, $0.10 per page for physical copies, the cost of physical hardware used to transmit records, or the cost of data extraction. Agencies are not allowed to seek reimbursement for the significant costs that can be incurred for the time spent by legal counsel in reviewing and explaining the legality of a claim, exemptions, or redactions applicable to the request – or the staff time spent redacting private information from voluminous records requests.

AB 370 will provide some narrow, limited relief to counties when they receive PRA requests that are inaccessible due to a cyberattack. While other reforms to the PRA could both improve public access to records and reduce impacts on local agencies, we appreciate any effort to reform the PRA, including this narrow, but beneficial improvement.

For these reasons, CSAC, UCC, RCRC, and Cal Cities support AB 370 and respectfully request your AYE vote. Should you have any questions or concerns regarding our position, please do not hesitate to contact us.

Sincerely,

Eric Lawyer
Legislative Advocate
California State Association of Counties
elawyer@counties.org

Jean Kinney Hurst
Legislative Advocate
Urban Counties of California
jkh@hbeadvocacy.com

Sarah Dukett
Policy Advocate
Rural County Representatives of California
sdukett@rcrcnet.org

Johnnie Pina
Legislative Affairs, Lobbyist
League of California Cities
jpina@calcities.org

cc: The Honorable Juan Carrillo, California State Assembly
Members, Assembly Judiciary Committee
Alison Merrilees, Chief Counsel, Assembly Judiciary Committee
Daryl Thomas, Consultant, Assembly Republican Caucus

March 5, 2025

The Honorable Juan Carrillo
Member, California State Assembly
1021 O St., Ste. 5610
Sacramento, CA 95814

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Set to be heard in the Assembly Judiciary Committee March 11, 2025

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For these reasons, CSAC, UCC, RCRC, and Cal Cities are proud to support your AB 370. Should you have any questions or concerns regarding our position, please do not hesitate to contact us.

Sincerely,

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League of California Cities
jpina@calcities.org

cc: The Honorable Juan Carrillo, California State Assembly
Members, Assembly Judiciary Committee
Alison Merrilees, Chief Counsel, Assembly Judiciary Committee
Daryl Thomas, Consultant, Assembly Republican Caucus

March 27, 2025

The Honorable Tina McKinnor
Chair, Assembly Committee on Public Employment and Retirement
1020 N Street, Room 153
Sacramento, CA 95814

RE: **AB 465 (Zbur) Local public employees: memoranda of understanding.**
OPPOSE *(As Amended March 13, 2025)*

Dear Assembly Member McKinnor,

The League of California Cities (Cal Cities), California State Association of Counties (CSAC), California Special Districts Association (CSDA), Rural County Representatives of California (RCRC), and Urban Counties of California (UCC) write to inform you of our respectful opposition to Assembly Bill (AB) 465. This bill proposes significant changes to the Meyers-Milias-Brown Act (MMBA) which would decrease accountability for law enforcement officers and other public employees, increase local government costs, and disrupt the stability of collective bargaining statewide.

In 1975, the *California Supreme Court in Skelly v. State Personnel Board (1975) 15 Cal.3d 194,* made clear that a local agency may not discipline an employee (except in certain very limited circumstances) without affording the employee procedural due process. Procedural due process includes certain steps that ensure that the employee has adequate notice, and that the employer is acting reasonably. This bill would go far beyond codifying *Skelly v. State Personnel Board* by requiring binding arbitration and expanding and redefining "progressive discipline" – among other things.

Most dramatically, this bill would require that an MOU include a "grievance procedure" that culminates with *compulsory final and binding arbitration* for all disputes over the interpretation or application of the MOU. While binding arbitration is one common means of resolving labor disputes, it remains highly controversial many contexts – most notably employee discipline. The Attorney General's Racial and Identity Profiling Advisory Board (RIPA) has studied the effect of binding arbitration on policing practices, and noted that:

> "[U]sing arbitration for peace officers' disciplinary appeals raises accountability concerns. According to policing scholars, arbitration almost exclusively reduces disciplinary penalties for officers guilty of misconduct. Scholars have also found arbitration also allows for third parties who may not be from the community to make final disciplinary decisions that overturn police supervisors' decisions or oppose civilian oversight entities. According to scholars, arbitrators can reinstate fired officers, sometimes with back pay...According to researchers, the tendency for arbitrators to side with officers is likely, because police officers and unions often have some level of influence over the selection of arbitrators."[1]

The Independent Police Auditor for the City of Palo Alto recently examined the role of binding arbitration in responding to excessive force incidents, and similarly concluded that "Major Reduction of the Discipline by the Arbitrator…Shows the Structural and Practical Defects of Such a System." The auditor's report noted that other common labor dispute resolution mechanisms, such as an independent civil service commission or non-binding arbitration subject to judicial review, would promote better accountability.[2] While these studies both arose in the law enforcement context, the same accountability concerns may arise for employees entrusted with other critical public functions, such as child welfare, public safety, and management of public funds.

Moreover, binding arbitration provisions are presently negotiated at the bargaining table, where the specific needs of each community and bargaining unit, and the potential consequences and tradeoffs can be discussed and resolved by the affected parties. This bill would deprive all parties at the table of the ability to negotiate and agree upon the mechanisms that work best for their community.

The bill would further upset local bargaining by mandating unlimited amounts of paid released time, for an unlimited number of union representatives, to investigate *potential* grievances, the scope and extent of which – and any possible limits – is deeply unclear. While released time is an important part of local labor relations, reflected in the MMBA, the specific amount and contours of paid released time is presently negotiated at the bargaining table – as befits an item with budgetary and staffing implications that will vary from community to community. As above, this bill would deprive local parties of the ability to negotiate their own specific practices sensitive to local needs.

Additionally, the bill attempts to redefine and expand "progressive discipline" in a manner that is both unclear and actively harmful to good management and labor peace. As currently understood, progressive discipline is a system of imposing increasingly severe disciplinary actions on an employee's continued failure to meet performance standards or to conform their conduct to employer policies, rules, and regulations. While the concept of "progressive discipline" is widely used to ensure procedural due process, it is not appropriate or required in all circumstances.

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[1] https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf

[2] https://www.cityofpaloalto.org/files/assets/public/v/1/police-department/accountability/ipa-reports/independent-police-auditors-report-and-papd-use-of-force-report-for-second-half-of-2023.pdf

For example, procedural due process is not generally required for disciplinary procedures that do not result in a loss of the employee's pay or benefits including written reprimands; transfer without a loss of pay; negative performance evaluation; economic layoff. However, this bill would impose progressive discipline in all of these instances.

Progressive discipline is put into practice on a case-by-case basis depending upon the employee's conduct because progressive discipline may not make sense for particularly unacceptable work performance, egregious conduct, or situations where progressive discipline is unlikely to address the issue.

The bill dramatically expands the scope of existing law and would prohibit non-progressive discipline, particularly regarding at-will and probationary employees. There is concern that particularly egregious behavior may not be able to be dealt with in proportional manner.

AB 465 would also define "progressive discipline" as a "written preventative, corrective, or disciplinary action providing an employee with notice of departmental expectations, an opportunity to learn from prior mistakes, and correct and improve future work performance." The definition is problematic because it contains vague phrases such as "an opportunity to learn from prior mistakes." The definition is also not clear as to what it means to "correct" future work performance and what is included in a "notice of departmental expectations?" This lack of clarify will result in litigation and challenging implementation.

This will also be incredibly difficult and disruptive for employees subject to a civil service commission. Many local government employees have a right to a Civil Service Commission hearing for needs improvement evaluations, letters of reprimand, suspensions, demotions, and terminations. Commission operates hearings on any level of discipline much like a multi-day civil trial, with each party represented by an attorney before a hearing body. These hearings consume an enormous amount of time and resources, and potentially having 4-5 different hearings for a single employee at various levels of discipline before moving toward termination is untenable.

Adopting a grievance procedure to investigate an alleged violation of an MOU is considered a best practice. The PERB has the authority to hear and determine any complaints alleging violations of the MMBA or any rules and regulations concerning employee relations. We are concerned how this may conflict with PERB's authority.

We are entirely aligned with the importance of respecting the due process rights of local government employees. With respect, this bill is not required in order to uphold and guarantee those rights.

For the reasons discussed above, the organizations listed below are respectfully opposed to AB 465. If you have any questions, please do not hesitate to contact our organizations' representatives directly.

Sincerely,

Johnnie Piña
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CC:

The Honorable Rich Chavez Zbur
Honorable Members, Assembly Committee on Public Employment and Retirement
Michael Bolden, Principal Consultant, Assembly Committee on Public Employment and Retirement
Lauren Prichard, Policy Consultant, Assembly Republican Caucus

March 12, 2025

The Honorable Liz Ortega
Chair, Assembly Labor and Employment Committee
1020 N Street, Room 155
Sacramento, CA 95814

RE: AB 538 (Berman): Public works: payroll records
As Introduced February 11, 2025 – OPPOSE
Set to be heard in the Assembly Labor and Employment Committee March 19, 2025

Dear Assemblymember Ortega,

The California State Association of Counties (CSAC), Urban Counties of California (UCC), Rural County Representatives of California (RCRC), League of California Cities (Cal Cities), and the California Special Districts Association (CSDA) respectfully oppose Assembly Bill (AB) 538 because it would place an unnecessary burden on local agencies.

Current law requires contractors and subcontractors for public works projects to maintain payroll records for all workers employed as part of a public works project. Current law also requires that a certified copy of those records be made available upon request by either a body awarding the contract (e.g. a county or city) or by the Division of Labor Standards and Enforcement (DLSE). Current law empowers DLSE, not awarding bodies, to penalize contractors or subcontractors for failing to respond to a records request by either an awarding body or DLSE. Despite this reality, the bill only requires local agencies to seek out records not in their possession and lacks any language to compel the only body with enforcement powers to seek out the records.

Additionally, Section 2 declares that the bill is not a reimbursable state mandate, asserting that the only costs incurred by a local agency or school district will be due to changes to a crime or infraction. We believe the language is inappropriate and should be amended to clearly declare that the bill would establish a new mandate reimbursable under state law, as the bill clearly mandates a new activity by local agencies: seeking records from a public works contractor or subcontractor when the local agency is not in possession of those records.

We believe this bill unnecessarily adds to the administrative burdens of local agencies at a time when their resources are being further stretched due to increasing state mandates, emergency response, and federal uncertainty.

For these reasons, CSAC, UCC, RCRC, Cal Cities, and CSADA regretfully oppose AB 538 (Berman) and respectfully request your NO vote. Should you have any questions or concerns regarding our position, please do not hesitate to contact us.

Sincerely,

Eric Lawyer
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elawyer@counties.org

Jean Kinney Hurst
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Anthony Tannehill
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cc: The Honorable Marc Berman, California State Assembly
Members, Assembly Labor and Employment Committee
Megan Lane, Chief Consultant, Assembly Labor and Employment Committee
Lauren Prichard, Consultant, Assembly Republican Caucus

March 18, 2025

The Honorable Ash Kalra
Chair, Assembly Judiciary Committee
1020 N Street, Room 104
Sacramento, CA 95814

RE: Assembly Bill 614 (Lee) – OPPOSE
As Introduced on February 13, 2025

Dear Chair Kalra,

On behalf of the Rural County Representatives of California (RCRC), California State Association of Counties (CSAC), Urban Counties of California (UCC) the League of California Cities (Cal Cities), Association of California Healthcare Districts (ACHD), Public Risk Innovation, Solutions, and Management (PRISM), California Association of Joint Powers Authorities (CAJPA), and School Excess Liability Fund (SELF), we write in respectful opposition to Assembly Bill 614 (Lee). This measure extends the timeframe from six months to one year for a person to file a tort claim for damages related to death or injury, personal property damage, or damage to growing crops.

Public entities are required to comply with an administrative claims process. A claimant injured by a public entity must first file a claim with the public entity before filing a civil lawsuit. A claimant can file their suit if their claim is rejected by the public entity, or is deemed rejected 45 days after they filed their claim, whichever is sooner. As explained by the California Law Revision Commission in the 1963 report that recommended adoption of the current Government Claims Act:

> "Claims statutes have two principal purposes. First, they give the governmental entity an opportunity to settle just claims before suit is brought. Second, they permit the entity to make an early investigation of the facts on which a claim is based, thus enabling it to defend itself against unjust claims and to correct the conditions or practices which gave rise to the claim."[1]

[1] Recommendation Relating to Sovereign Immunity, No. 2 — Claims, Actions and Judgments Against Public Entities and Public Employees (Jan. 1963) 4 Cal. Law Revision Com. Rep. (1963) p. 1008.

The first rationale applies equally to all claims against public entities, including contract claims presently subject to a longer, one-year claims filing period. However, the second applies especially to tort claims – for which a *shorter period* has consequently been provided by state law since the first comprehensive local government claims statute was adopted *in 1959*.[2]

> "For example, when personal injury or property damage has resulted from alleged ordinary negligence by a public employee, the policy in favor of prompt filing of a claim in order to allow for early investigation of the facts seems to be at its peak. Evidence relating to liability or non-liability in such cases is often solely, or largely, in the form of oral testimony of witnesses. The advantages of early interview before memories grow dim are considerable."[3]

Moreover, the need for *prompt corrective action* is critical in tort matters, where dangerous practices or property conditions may continue to injure others unless quickly remedied – and the public entity cannot correct conditions that are not brought to its attention.

Extending the tort claim process timeline from six months to one year provides little benefit to a claimant, and increases both the burden on public entities and hazards to the public. As noted, the tort claim process exists in part to provide public entities with notice of a potential claim and lawsuit so they may conduct their own internal investigation, collect and preserve evidence, and resolve claims and suits more quickly and efficiently. A longer claim process lengthens and increases costs for all these activities, particularly for litigation costs. Retaining legal counsel in anticipation of a claim is a major cost for public entities. Delaying the start of the claim process puts evidence that is necessary to defend a potential claim or suit at risk of becoming stale. A lack of evidence could be the difference in successfully defending a lawsuit or having to settle an unmeritorious claim. Just as importantly, delaying the initial claim filing hinders the prompt correction of dangerous conditions, with obvious – and immediate – negative consequences for public safety.

The Government Claims Act outlines a process to file a late claim within a year of the date of injury. These provisions allow more liberal time allowances in cases for a late filing of a claim upon a showing of cause. The existing structure of the Government Claims Act has effectively balanced the foregoing policies with the need to provide some "[r]elief for persons who could not reasonably have been expected to present a claim"[4] *for over 60 years*, and there is no cogent reason for disturbing this well-settled area of law now.

Finally, the more legal risk that public entities face, the higher their liability insurance premiums. The time it takes to resolve claims, and the ultimate cost of litigation and settlements significantly impact these premiums. Furthermore, liability insurers are already facing significant cost pressures to continue offering coverage in California. Most public sector entities obtain liability insurance through a Joint Powers Authority risk sharing pool funded by the public agencies themselves. These increased premiums directly impact jurisdiction's ability to fund direct services. By extending the claim timeline, AB 614 only increases this pressure.

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[2] Stats. 1959, ch. 1724 § 1 (former Gov. Code, § 715).

[3] Recommendation and Study Relating to the Presentation of Claims Against Public Entities (Jan. 1959) 2 Cal. Law Revision Com. Rep. (1959) p. A-52.

[4] Recommendation Relating to Sovereign Immunity, No. 2, *supra,* 4 Cal. Law Revision Com. Rep. at p. 1009.

For these reasons, we respectfully oppose AB 614 (Lee). If you have any questions, please do not hesitate to contact our organizations' representatives directly.

Sincerely,

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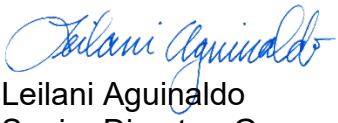

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Michael Pott
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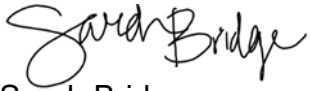

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Faith Borges
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cc: The Honorable Alex Lee, Member of the California State Assembly
Members of the Assembly Judiciary Committee
Nicholas Liedtke, Deputy Chief Counsel, Assembly Judiciary Committee
Daryl Thomas, Consultant, Assembly Republican Caucus

March 26, 2025

The Honorable Anamarie Ávila Farías
Member, California State Assembly
1021 O Street, Suite 6140
Sacramento, CA 95814

Re: AB 933 (Ávila Farías): Organized Residential Camps: Organized Day Camps
As Introduced February 19, 2025 – OPPOSE

Dear Assembly Member Ávila Farías:

The California State Association of Counties (CSAC), Urban Counties of California (UCC), Rural County Representatives of California (RCRC), County Health Executives Association of California (CHEAC), and the Health Officers Association of California (HOAC), respectfully OPPOSE your AB 933.

While we commend your goal to increase oversight of children's day camps, we believe, and have long advocated that, placing this responsibility with local health departments that exist to protect communities from public health threats, including but not limited to infectious diseases, climate-related illness, and chronic disease, is an inappropriate assignment. We have instead advocated that children's day camps in California should be regulated by an agency with the applicable training and expertise in child supervision and safety. The California Department of Social Services (CDSS) is well suited to lead this process given their expertise in regulating facilities that provide care to children, including childcare facilities and children's residential care facilities.

Last legislative session, our organizations enthusiastically supported AB 262/Holden (Chapter 341, Statutes of 2024), which sets out a process, led by CDSS, to engage with other relevant state agencies, such as the California Department of Public Health and the California Department of Education, as well as stakeholders such as parent advocate groups, local parks departments, and local public health and environmental health departments, among others, to gather information and develop recommendations to establish child supervision requirements, physical facility standards, and camp licensure and regulatory requirements, among others. We believe this process will identify the appropriate agencies and/or entities, with applicable expertise and resources, to ensure children's safety and supervision when attending these day camps.

We would note that some children's camps, such as YMCA programs, are currently licensed by CDSS as a childcare facility, yet have sought licensure as a recreational camp (day camp) during school breaks. Proponents of expanding current organized camps statute to include day camps have argued that they are "unwilling to sacrifice their existing relationships with county health inspectors"; however, they continue to disregard the central issue of how to ensure child safety.

Local health departments play a critical role in protecting our communities from public health threats. Local health department responsibilities include infectious disease control and prevention, food safety, environmental health, laboratory services, emergency preparedness, and chronic disease prevention and

health promotion. Our current responsibilities and expertise do not include enforcing appropriate child supervision and safety measures.

We have significant concerns about vastly expanding local health department responsibilities beyond the scope of our expertise and do not believe this proposed oversight structure puts the safety of children first. Additionally, we continue to strongly support the stakeholder process as signed into law last year, which will bring entities with specialized expertise together to develop a workable regulatory framework. AB 933 would circumvent this thoughtful and reasonable stakeholder process designed to ensure the safety of all children participating in children's camps.

It is for these reasons that we must respectfully oppose AB 933.

Sincerely,

As Signed By
Jolie Onodera
Senior Legislative Advocate
California State Association of Counties (CSAC)

As Signed By
Kelly Brooks-Lindsey
Urban Counties of California (UCC)

As Signed By
Sarah Dukett
Policy Advocate
Rural County Representatives of California (RCRC)

As Signed By
Farrah McDaid Ting
Deputy Director of Policy
County Health Executives Association of California (CHEAC)

As Signed By
Kat DeBurgh
Executive Director
Health Officers Association of California (HOAC)

April 3, 2025

Assemblymember Nick Schultz
Chair, Assembly Committee on Public Safety
1020 N Street, Room 111
Sacramento, CA 95814

RE: AB 1108 (Hart) County officers: coroners: officer-involved deaths.
As amended on March 28, 2025 –SUPPORT.
Set for hearing in the Assembly Committee on Public Safety on April 8, 2025.

Dear Chair Schultz,

On behalf of the California State Association of Counties (CSAC), the Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC), we write in support of Assembly Bill (AB) 1108 (Hart). This bill would prohibit a sheriff-coroner from performing autopsies in cases that involve use of force by sheriff personnel or an in-custody death, instead requiring independent medical examinations for these cases to be performed by another county or state agency, or a third-party medical examiner.

Under existing law, county boards of supervisors may consolidate specified county departments, which includes combining the sheriff's office with the coroner's office, as is the case for 48 of our 58 counties. Over the years constituents, advocates, and the Legislature have raised concerns with sheriff-coroner offices determining the cause and manner of death for individuals who have died while in-custody or during/after an encounter with law enforcement. Previous legislation sought to address this concern by requiring structural reorganization of county government, such as eliminating consolidated sheriff-coroner offices and establishing an office of the medical examiner (SB 1303 in 2018) or imposing a blanket deconsolidation of all sheriff-coroner offices (AB 1608 in 2022). These bills would have upended the delivery of services by county departments with crippling budgetary impacts.

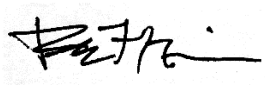
AB 1108 takes a targeted approach, instead of imposing sweeping changes to the structure of county government. In fact, the approach in this measure mirrors a solution counties proposed during past legislative deliberations. We believe AB 1108 is appropriately narrow in its drafting and its application; it would give counties practical and workable solutions to

assure death investigations under specified circumstances, while avoiding any potential for bias.

Preservation of local authority for our elected boards of supervisors is a bedrock to county advocacy. However, although this bill imposes limitations on county authority and extends the requirements for conducting death investigations – which creates a state mandate – it ultimately strikes the right balance by eliminating potential ethical concerns and restoring public trust.

For these reasons, CSAC, UCC and RCRC support AB 1108. Should you have any questions regarding our position, please do not hesitate to contact us at rmorimune@counties.org, ehe@hbeadvocacy.com, or sdukett@rcrcnet.org.

Sincerely,



Ryan Morimune
Senior Legislative Advocate
CSAC

Elizabeth Espinosa
Legislative Advocate
UCC

Sarah Dukett
Policy Advocate
RCRC

CC: Members and Consultants, Assembly Committee on Public Safety
The Honorable Gregg Hart, California State Assembly

March 26, 2025

The Honorable Liz Ortega
Chair, Assembly Labor and Employment Committee
1020 N Street, Room 155
Sacramento, CA 95814

RE: Assembly Bill 1198 (Haney) – OPPOSE
As Introduced on February 21, 2025

Dear Chair Ortega,

On behalf of the Rural County Representatives of California (RCRC), California State Association of Counties (CSAC), the League of California Cities (Cal Cities), and the California Special Districts Association (CSDA), we write in respectful opposition to Assembly Bill 1189 (Haney).

AB 1198 would require, commencing July 1, 2026, that if the Director of the Department of Industrial Relations (DIR) determines, within a semiannual period, that there is a change in any prevailing rate of per diem wages in a locality, that determination applies to any public works contract that is awarded or for which notice to bidders is published after July 1, 2026. We have serious concerns about potential unanticipated cost pressures or increases to public works projects mid-stream and the costs to the contractor that would need to recoup these unexpected costs because of prevailing wages increasing during an ongoing contract.

Currently, when a project is first advertised for bid, the public agency (as well as the contractor) can go to a webpage managed by DIR to see what the prevailing wage rates are. These wage rates generally include those upcoming increases which will occur during the duration of the project. We are concerned that further changes to the wages mid-stream will result in uncertainty in bidding and contracting and put projects in jeopardy.

Continual change orders during a public works project would make it impossible to predict the actual cost of a project and, consequently, difficult to budget funds accurately. These additional cost pressures may impact the ability of a jurisdiction to move forward with a project. It would be challenging to predict how many determinations could occur during the project period and adequately plan for cost increases, which may put potential projects at risk.

For these reasons, we respectfully oppose AB 1198 (Haney). If you have any questions, please do not hesitate to contact our organizations' representatives directly.

Sincerely,

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Anthony J. Tannehill
Legislative Representative
California Special Districts Association
anthonyt@csda.net

cc: The Honorable Matt Haney, Member of the California State Assembly
Members of the Assembly Labor and Employment Committee
Megan Lane, Chief Consultant, Assembly Labor and Employment Committee
Lauren Prichard, Consultant, Assembly Republican Caucus

March 25, 2025

The Honorable Greg Wallis
California State Assembly
1021 O Street, Suite 4650
Sacramento, CA 95814

RE: **AB 1293 (Wallis) – Qualified Medical Evaluator Report Quality**
SUPPORT

Dear Assemblymember Wallis,

The undersigned organizations are pleased to **SUPPORT** your **AB 1293**, which will improve the quality of medical-legal evaluations necessary to resolve disputes in the workers' compensation system.

According to the Commission on Health and Safety and Workers' Compensation's (CHSWC), in 2023 California's workers' compensation system covered 16.7 million employees who reported a total of 748,982 occupational injuries and illnesses with a total cost of $22.3 billion.[1] California's worker's compensation system is known to be expensive, complex, and litigious.

The various parties in the system – claims administrators, doctors, injured workers, attorneys – experience a wide range of disputes that need to be resolved quickly and effectively to avoid delays. Some disputes require the use of the state-administered Panel QME Process, whereby the Division of Workers' Compensation sends a panel of three independent doctors who are available to complete a medical legal report to resolve the dispute. In 2022 the state received 192,600 requests for QME Panels and assigned 141,239 Panels[2]. These are not minor disputes being resolved – these reports determine whether temporary disability continues, whether a

[1] CHSWC 2023 Annual Report, Page 30
[2] CHSWC 2023 Annual Report, Page 117

requested medical treatment is appropriate, or how much permanent impairment a worker has suffered from the injury.

Unfortunately, the Panel QME reports are frequently inadequate for the purpose of resolving disputes in the system. Resolution of disputes is frequently delayed so a supplemental report can be prepared or so the parties can depose the Panel QME. These delays harm injured workers and increase costs for employers. AB 1239 seeks to improve the quality of Panel QME reports with the aim of resolving disputes faster. Specifically, the bill requires the Division of Workers' Compensation (DWC) to take three actions:

- **Implement State Auditor's Recommendation for Evaluating QME Report Quality**
  In 2019 the legislature asked the California State Auditor to evaluate the Panel QME system. One recommendation from the auditor was for the DWC to create and implement a plan to review the quality and timeliness of reports so that the state can ensure efficient resolution of workers' compensation claims. AB 1239 creates a statutory requirement for the DWC to implement this recommendation and ensure that Panel QME reports are timely, complete, and sufficient to resolve disputes.

- **Develop a Joint Panel QME Request Form**
  Labor Code Section 4062.3 outlines the types of information that can be provided to Panel QMEs and the process for doing so. Despite these guidelines, QMEs often receive incomplete or inadequate case information, which can compromise the accuracy and utility of their reports. AB 1293 requires the DWC to establish a standardized request form, ensuring that all parties submit the necessary information in a clear and consistent manner.

- **Create a Template for Panel QME Reports**
  To improve the clarity and consistency of Panel QME evaluations, AB 1293 directs the DWC to develop and distribute a standardized QME report template. When used alongside more complete request submissions, this measure will facilitate the production of higher-quality medical reports, thereby reducing the need for costly and time-consuming follow-ups.

All the actions described above would be subject to the Administrative Procedures Act so that injured workers, labor representatives, doctors, employers, and other stakeholders are given thorough opportunity to contribute as the processes are developed and implemented. There is, of course, a cost to the state to have the DWC implement AB 1293, but all costs for the DWC are paid by direct fees on employers and there is no general fund impact.

For these reasons, we are proud to **SUPPORT** your **AB 1293**.

Sincerely,

Acclamation Insurance Management Services (AIMS)
Allied Managed Care (AMC)

Association of California Healthcare Districts
California Association of Joint Powers Authorities
California Attractions and Parks Association
California Coalition on Workers' Compensation
California Chamber of Commerce
California Joint Powers Insurance Authority
California Restaurant Association
Coalition of Small and Disabled Veteran Businesses
California State Association of Counties
Flasher Barricade Association (FBA)
Keenan
Self-Insured Schools of California
Urban Counties of California

March 24, 2025

The Honorable Chris Ward
Member, California State Assembly
1021 O Street, Room 6350
Sacramento, CA 95814

Re: **AB 1337 (Ward): Information Practices Act of 1977**
As introduced February 21, 2025

Dear Assemblymember Ward,

On behalf of the California State Association of Counties, I write to respectfully oppose your AB 1337, which would apply the Information Practices Act of 1977 ("IPA," or "the Act") in its entirety to all 58 counties, 483 cities, 977 school districts, 2,200 or so independent special districts, and the hundreds of JPAs, regional bodies, and other public agencies.

The bill in its current form does not appear to contemplate the vast technical effort that would be required for thousands of agencies to come into compliance. The effort would certainly require technological changes, including in many cases new equipment, coding for proprietary systems, and software purchases. It would also require personnel changes, including hiring new specialized staff and widespread training, which is not only required by the IPA but also important to local agency employees given the statutorily required discipline in the Act, up to and including termination, for errors made due to negligence. This requirement for new staff would come at a time when local agencies are experiencing workforce shortages, high vacancy rates, and challenges to fill current vacancies.

Application of the Act to local agencies would not only require time and staff capacity, it would also require significant financial resources that are not provided in the bill. AB 1337 clearly imposes a state mandate by requiring a new program for data management and a higher level of service to everyone whose personal information local agencies receive from any source. State mandates require reimbursement to local agencies and in this case could total many millions of dollars just for the initial implementation, not including the ongoing support needed to sustain compliance. Application of the Act to local agencies must be accompanied by sustainable and sufficient resources.

To the extent there are specific concerns about aspects of how local agencies protect and use personal information, we would be happy to discuss them and the resources necessary to address them. We are open to discussing incentive-based approaches for achieving greater data security and the time and resources that would be required to extend new mandates to local agencies.

However, the Act as it exists was not designed with local agencies in mind and is peppered with requirements that do not make sense in that context. To give just one example, as AB 1337 would amend the law, agencies under the IPA would be required to adopt policies consistent with the State Administrative Manual and the State Information Management Manual, highly detailed documents that are prepared for state agencies and departments by a state agency. State agencies with questions about those materials are assigned account leads and oversight managers by the California Department of Technology (CDT). Would CDT likewise assign oversight managers to local agencies to answer questions?

Local agencies already have in place policies and procedures to protect personal information. These efforts would need to be scrapped to the extent they do not take the same approach as those outlined in the Act, regardless of their effectiveness or the cost of doing so.

To add to these challenges, the bill allows local agencies little time to prepare for compliance. Because the bill would take effect January 1, 2026, and because local agencies may not know if the bill will become law until the Governor's October 12, 2025, deadline to sign or veto bills, local agencies could have fewer than three months to prepare for compliance with the Act.

Finally, Section 17 of the bill asserts that no reimbursement is required by the act, suggesting that the only state-mandated activity directed by the bill is due to the adjustments to a crime or infraction. We believe the language is inappropriate and should be amended to clearly declare that the bill would establish a new mandate reimbursable under state law, as the bill clearly mandates a new activity by local agencies: compliance with the IPA, which requires significant changes to software, internal practices, and duties of local agency workforces.

For the reasons above, we must respectfully oppose AB 1337. While we understand the goals of this bill, we must oppose it due to the significant efforts that would be needed by local agencies for compliance, the minimal timeframe provided to allow local agencies to prepare for compliance, and the lack of any resources available to aid local agencies to comply with the complexity of the Act.

Sincerely,

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Sarah Bridge
Vice President, Advocacy & Strategy
Association of California Healthcare Districts
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Sarah Dukett
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Johnnie Pina
Legislative Advocate
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Jean Hurst
Legislative Representative
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March 24, 2025

The Honorable Rebecca Bauer-Kahan
Chair, Assembly Committee on Privacy and Consumer Protection
1020 N Street, Room 162
Sacramento, CA 95814

Re: **AB 1337 (Ward): Information Practices Act of 1977**
As introduced February 21, 2025

Dear Chair Bauer-Kahan,

On behalf of the California State Association of Counties (CSAC) Association of California Healthcare Districts (ACHD), the League of California Cities, Rural County Representatives of California (RCRC) and the Urban Counties of California (UCC) write to respectfully oppose AB 1337, which would apply the Information Practices Act of 1977 ("IPA," or "the Act") in its entirety to all 58 counties, 483 cities, 977 school districts, 2,200 or so independent special districts, and the hundreds of JPAs, regional bodies, and other public agencies.

The bill in its current form does not appear to contemplate the vast technical effort that would be required for thousands of agencies to come into compliance. The effort would certainly require technological changes, including in many cases new equipment, coding for proprietary systems, and software purchases. It would also require personnel changes, including hiring new specialized staff and widespread training, which is not only required by the IPA but also important to local agency employees given the statutorily required discipline in the Act, up to and including termination, for errors made due to negligence. This requirement for new staff would come at a time when local agencies are experiencing workforce shortages, high vacancy rates, and challenges to fill current vacancies.

Application of the Act to local agencies would not only require time and staff capacity, it would also require significant financial resources that are not provided in the bill. AB 1337 clearly imposes a state mandate by requiring a new program for data management and a higher level of service to everyone whose personal information local agencies receive from any source. State mandates require reimbursement to local agencies and in this case could total many millions of dollars just for the initial implementation, not including the ongoing support needed to sustain compliance. Application of the Act to local agencies must be accompanied by sustainable and sufficient resources.

To the extent there are specific concerns about aspects of how local agencies protect and use personal information, we would be happy to discuss them and the resources necessary to address them. We are open to discussing incentive-based approaches for achieving greater data security and the time and resources that would be required to extend new mandates to local agencies.

However, the Act as it exists was not designed with local agencies in mind and is peppered with requirements that do not make sense in that context. To give just one example, as AB 1337 would amend the law, agencies under the IPA would be required to adopt policies consistent with the State Administrative Manual and the State Information Management Manual, highly detailed documents that are prepared for state agencies and departments by a state agency. State agencies with questions about those materials are assigned account leads

and oversight managers by the California Department of Technology (CDT). Would CDT likewise assign oversight managers to local agencies to answer questions?

Local agencies already have in place policies and procedures to protect personal information. These efforts would need to be scrapped to the extent they do not take the same approach as those outlined in the Act, regardless of their effectiveness or the cost of doing so.

To add to these challenges, the bill allows local agencies little time to prepare for compliance. Because the bill would take effect January 1, 2026, and because local agencies may not know if the bill will become law until the Governor's October 12, 2025, deadline to sign or veto bills, local agencies could have fewer than three months to prepare for compliance with the Act.

Finally, Section 17 of the bill asserts that no reimbursement is required by the act, suggesting that the only state-mandated activity directed by the bill is due to the adjustments to a crime or infraction. We believe the language is inappropriate and should be amended to clearly declare that the bill would establish a new mandate reimbursable under state law, as the bill clearly mandates a new activity by local agencies: compliance with the IPA, which requires significant changes to software, internal practices, and duties of local agency workforces.

For the reasons above, we must respectfully oppose AB 1337. While we understand the goals of this bill, we must oppose it due to the significant efforts that would be needed by local agencies for compliance, the minimal timeframe provided to allow local agencies to prepare for compliance, and the lack of any resources available to aid local agencies to comply with the complexity of the Act.

Sincerely,

Eric Lawyer
Legislative Advocate
California State Association of Counties
elawyer@counties.org

Sarah Bridge
Vice President, Advocacy & Strategy
Association of California Healthcare Districts
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Sarah Dukett
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Johnnie Pina
Legislative Advocate
League of California Cities
jpina@calcities.org

Jean Hurst
Legislative Representative
Urban Counties of California
jkh@hbeadvocacy.com

CC: The Honorable Assemblymember Chris Ward
Members, California State Assembly Committee on Privacy and Consumer Protection
Josh Tosney, Chief Consultant, California State Assembly Committee on Privacy and Consumer Protection
Liz Enea, Consultant, Assembly Republican Caucus


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IRRIGATION DISTRICT


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WEST BASIN
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LEADERSHIP
COUNCIL


California
Association
of Winegrape
Growers


3V
THREE VALLEYS
MUNICIPAL WATER DISTRICT


SAN BERNARDINO VALLEY
A REGIONAL WATER AGENCY
SINCE 1954


SAN JUAN WATER
SINCE 1854


Valley Ag Water Coalition


California
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CHAMBER OF COMMERCE


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SWC
STATE WATER CONTRACTORS


SCWC


Valley Water


BREA
CHAMBER
CATALYST. CONVENER. CHAMPION.


Agricultural Council
of California


MWDOC


PVID
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Water District


KRWA
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VALLEY COUNTY
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CAMROSA
WATER DISTRICT
BUILDING WATER
SELF-RELIANCE

West Valley
Water District

CALIFORNIA
BUSINESS
ROUNDTABLE

CALIFORNIA HISPANIC CHAMBERS OF COMMERCE
EST. 1978

CITY OF
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POWER

CITY OF
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CITY OF CANYON LAKE
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INCORPORATED DECEMBER 1, 1990

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United Water
CONSERVATION DISTRICT
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CITY OF
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PUBLIC UTILITIES

HDR

MONDAY
MORNING
GROUP

SBA
CC
San Bernardino Area
Chamber of Commerce

March 27, 2025

The Honorable Monique Limón
Chair, Senate Natural Resources and Water Committee
1021 O Street, Room 3220
Sacramento, CA 95814

RE: SB 72 (Caballero) The California Water Plan: long term supply targets **– SUPPORT**
*Updated to reflect additional supporters

Dear Chair Limón,

The California Municipal Utilities Association (CMUA), California State Association of Counties (CSAC), and California Council for Environmental and Economic Balance (CCEEB), co-sponsors of SB 72 (Caballero), and the coalition of organizations above are pleased to support SB 72.

California is in a race against climate change which is pressured by multi-year droughts, floods, fires, and other intensifying climate change impacts. Consequently, there is an urgent need for California to

develop aspirational targets that will complement and amplify Governor Newsom's Water Supply Strategy and extend beyond any single Administration. Given the extreme climate impacts of the 21st century, an expanding economy, a growing population, the anticipated reductions from existing water resources, and the controls on the use of groundwater, California needs to align the state's water supply strategy and policies with a target that will result in an adequate and reliable water supply for all beneficial uses including the environment, agriculture, the economy, and all Californians. Recent research estimates a shortfall in California's future water supply between 4.6 and 9 million acre-feet annually by 2050 if the state takes no action.

SB 72 will bring the fundamental changes that are necessary to ensure a sustainable water future. SB 72 will do the following:

- Transform water management in California taking us from a perpetual state of supply vulnerability to a reliable and sufficient water supply that is adequate for all beneficial uses, including urban, agriculture, and the environment.
- Create a new "North Star" water supply planning target for 2040 that the state will need to work toward, along with a process to develop a target for 2050.
- Preserve the California way of life, supplying water to our homes and communities, habitat and environment, recreation and tourism, and business and economic success.
- Support economic vitality for all businesses, from restaurants to technology companies, and employers that depend on a reliable water supply.
- Fulfill the generational responsibility to develop a water system that will adapt to changes in the environment and allow the state to thrive now and for future generations.

The California Water Plan is the strategic plan for managing and developing water resources for current and future generations in the state. SB 72 works within the structure of the current California Water Plan, which hasn't been meaningfully updated for decades. SB 72 updates the California Water Plan for a 21st century climate.

For these reasons we urge your support for SB 72. If you have any questions about our position, please contact Andrea Abergel with CMUA at aabergel@cmua.org or (916) 841-4060.

Sincerely,

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Director of Water
California Municipal Utilities Association

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Executive Director
Association of California Egg Farmers

Graham Knaus
Executive Director
California State Association of Counties

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Senior Legislative Advocate
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Bellflower Somerset Mutual Water Company

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California Apple Commission

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Natalie Collins
President
California Association of Winegrape Growers

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California Bean Shippers Association

Todd Sanders
Executive Director
California Blueberry Association

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President and CEO
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Policy Advocate
California Chamber of Commerce

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President/CEO
California Cotton Ginners and Growers Assoc.

Alex Biering
Senior Policy Advocate
California Farm Bureau

Daniel Hartwig
President
California Fresh Fruit Association

Chris Zanobini
President/CEO
California Grain and Feed Association

Lance Hastings
President & CEO
California Manufacturers & Technology Assoc.

Chris Zanobini
Executive Director
California Pear Growers Association

Chris Zanobini
Executive Vice-President
California Seed Association

Ann Quinn
Executive Vice President
California State Floral Association

Robert Verloop
Executive Director/CEO
California Walnuts

Ann Quinn
Executive Vice President
California Warehouse Association

Sharron Zoller
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California Women for Agriculture

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General Manager
Las Virgenes Municipal Water District

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McMullin Area GSA

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Mesa Water District

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General Manager
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General Manager
Zone 7 Water Agency

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Dave Puglia
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Western Growers

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Director, Administrative Services
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Western Water

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General Manager
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Chris Berch
General Manager
Jurupa Community Services District

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Rubidoux Community Services District

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City of Hemet

Natasha Johnson
Council Member
City of Lake Elsinore

Chris Barajas
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City of Jurupa Valley

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Mayor Pro Tem
City of Murrieta

Paul Leon
Mayor
City of Ontario

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Interim General Manager
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Chairman of Board of Directors
HDR Engineering

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Industrial Environmental Association

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Monday Morning Group of Riverside

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San Bernardino Area Chamber of Commerce

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President & CEO
San Gabriel Valley Economic Partnership

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CEO
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Legislative Affairs Lobbyist
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Watermaster
Kings River Water Association

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General Manager
Mid-Peninsula Water District

Jennifer Pierre
General Manager
State Water Contractors

Mauricio Guardado
General Manager
United Water Conservation District

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General Manager
Santa Margarita Water District

Harvey De La Torre
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Executive Director
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Casey Creamer
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President
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Jim Piefer
Executive Director
Regional Water Authority

Federico Barajas
Executive Director
San Luis & Delta Mendota Water Authority

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Contra Costa Water District

Caroline Schirato
Board Chair
Utica Water and Power Authority

Julee Malinowski-Ball
California Fire Chiefs Association

Julee Malinowski-Ball
Fire Districts Association of California

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Mountain Counties Water Resources Assoc

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WateReuse California

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CA-NV AWWA

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State Government Affairs Manager
Associated Equipment Distributors

Deven Upadhyay
General Manager
Metropolitan Water District of Southern California

March 27, 2025

The Honorable Maria Elena Durazo
Chair, Senate Committee on Local Government
State Capitol, Room 407
Sacramento CA, 95814

RE: **SB 239: Open meetings: teleconferencing: subsidiary body.**
As Introduced January 30, 2025 – SUPPORT
Set to be heard in Senate Local Government Committee – April 2, 2025

Dear Senator Durazo:

On behalf of the California State Association of Counties (CSAC), League of California Cities (CalCities), City Clerks Association of California (CCAC), and California Association of Public Authorities for IHSS (CAPA-IHSS), Association of Bay Area Governments (ABAG), Metropolitan Transportation Commission (MTC), we are pleased to sponsor this important legislation and thank you for your leadership in removing barriers to entry into civic leadership. We and the undersigned organizations write to express our strong support for SB 239 (Arreguín).

Advisory bodies exist to serve as the voices of our communities on a variety of issues, including civic matters impacting seniors, accessibility concerns for those with disabilities,

representation for the LGBTQIA+ community, or the needs of youth who are homeless or at risk of homelessness. However, many advisory bodies frequently fail to meet due to inability to establish a quorum and difficulties to recruit and retain members of the community to serve. Over 90% of counties surveyed report challenges in establishing a quorum and 84% report difficulties in recruiting and retaining members to serve.

The in-person requirement to participate in local governance bodies presents a disproportionate challenge for those with physical or economic limitations, including seniors, persons with a disability, single parents or caretakers, or those who live in rural areas and face prohibitive driving distances. During the COVID-19 global pandemic, individuals who could not otherwise accommodate the time, distance, or mandatory physical participation requirements were able to participate remotely, gaining them access to leadership opportunities and providing communities with greater diversified input on critical community proposals.

SB 239 (Arreguín) would address these problems by allowing members to participate in meetings remotely without posting their home address or making it available to the public. The measure would improve transparency and ease of participation by the public by ensuring that meetings are available both in person and remotely whenever a member participates remotely or in person.

Existing law (Stats. 1991, Ch. 669) requires local bodies to publish and publicly notice opportunities to participate in and serve on local regulatory and advisory boards, commissions, and committees under the Local Appointments List, known as Maddy's Act. However, merely informing the public of the opportunity to engage is not enough: addressing barriers to entry to achieve diverse representation in leadership furthers the Legislature's declared goals of equal access and equal opportunity.

Two years ago, the Legislature overwhelmingly passed, and the Governor signed, SB 544 (Stats. 2023, Ch. 216). Noting equity issues presented by physical attendance requirements, the bill provided teleconferencing flexibility to members of state bodies that are purely advisory in nature, just like those included in SB 239 (Arreguín). In order to achieve representative diversity in leadership and equity in opportunity at the local level, SB 239 (Arreguín) would extend these same narrow exemption for non-decision-making legislative bodies not taking final action.

The public rightly deserves every opportunity to participate in their democracy. SB 239 (Arreguín) will improve on public accessibility in advisory body meetings by requiring meetings to be held online any time a member participates remotely and requires an in-

person meeting location for the public regardless of how many members participate remotely. The bill also requires approval by both the legislative body that establishes an advisory body and the advisory body itself. Any elected official who serves on an advisory body is prohibited from using the flexibility provided by this bill and bodies addressing the issues related to law enforcement, elections, or the budget are exempt from the bill.

In total, SB 239 (Arreguín) will modernize the Brown Act for advisory bodies and improve representation by diverse communities while maintaining critical public accountability of their local government decision making.

For these reasons, we are pleased to support SB 239 (Arreguín) and respectfully request your AYE vote.

If you have questions regarding this letter, please contact Eric Lawyer at (916) 767-9403, Johnnie Pina at (916) 802-4997, Dane Hutchings at (916) 898-2432, or Kim Rothschild at (916) 492-9111.

Sincerely,

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Amanda Kirchner
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akirchner@cwda.org

CC: The Office of Jesse Arreguín, Senator, California State Senate
Members, Senate Local Government Committee
Jonathan Peterson, Principal Consultant, Senate Local Government Committee
Ryan Eisberg, Policy Consultant, Senate Republican Caucus

March 27, 2025

The Honorable Tom Umberg, Chair
Senate Judiciary Committee
1021 O Street, Suite 7510
Sacramento, CA 95814

Re: **SB 346 (Durazo): Local agencies: transient occupancy taxes: short-term rental facilitator**
As amended 3/20/25 - SUPPORT
Awaiting hearing – Senate Judiciary Committee

Dear Senator Umberg:

On behalf of the Urban Counties of California (UCC), the California State Association of Counties (CSAC), and the Rural County Representatives of California (RCRC), we write to express our support for Senate Bill 346, Senator Durazo's measure that will strengthen local tools to ensure compliance with local ordinances regarding the collection and remittance of transient occupancy taxes (TOT) applicable to short-term rentals.

Regrettably, the application of local TOT ordinances and collection and remittance of taxes is inconsistent and often simply avoided, even when voluntary collection agreements are entered into. Because local agencies do not have access to the address or any other personally identifiable information for listed properties, even under voluntary collection agreements, cities and counties are in the untenable position of choosing between collecting some taxes without this critical information and trusting that it is accurately collected, or trying to pursue collection directly from property owners, which is a time- and cost-intensive process that may or may not result in a fair application of local laws.

By authorizing a local agency to require the short-term rental facilitator to report, in the form and manner prescribed by the local agency, the assessor parcel number of each short-term rental listed on the site, along with any locally-required permit number, SB 346 will increase TOT compliance and ensure that local agencies are appropriately collecting tax revenue from those that are lawfully licensed short-term rental properties. Further, such authority will assist local agencies in ensuring that TOT obligations are consistent among other short-term stay facilities, like hotels, motels, and bed and breakfasts, and that those

that profit from short-term rental properties are no longer able to obfuscate their location and therefore their tax obligations.

SB 346 is a much-needed effort to modernize California statute and provide local agencies the tools needed to fairly and effectively apply existing laws to evolving technologies. As a result, we are strongly supportive of SB 346 and respectfully urge your aye vote when it comes before your committee.

Sincerely,

Jean Kinney Hurst
Legislative Advocate
Urban Counties of California

Emma Jungwirth
Senior Legislative Representative
California State Association of Counties

Sarah Dukett
Policy Advocate
Rural County Representatives of California

cc: Members and Consultants, Senate Judiciary Committee
Ben Triffo, League of California Cities
Karen Lange, California Association of County Treasurers and Tax Collectors