



PROGRAM AT A GLANCE

As of September 23, 2019 *(subject to change)*

Wednesday, October 16

8:00 a.m. - 6:00 p.m.	Registration Open
8:30 a.m. - 1:00 p.m.	City Clerks Workshop <i>(additional registration required)</i>
9:00 - 11:00 a.m.	Policy Committees; AB 1234 Ethics Training
11:00 a.m. - 12:00 p.m.	Department Business Meetings
11:30 a.m. - 1:15 p.m.	Regional Division Lunches
12:45 - 1:15 p.m.	First Time Attendee Orientation
1:30 - 3:30 p.m.	Opening General Session
3:45 - 5:00 p.m.	Concurrent Sessions
5:00 - 7:00 p.m.	Grand Opening Expo Hall & Host City Reception <i>(exhibitor exclusive; no competing events)</i>
7:00 - 10:00 p.m.	CitiPAC Leadership Reception

Thursday, October 17

7:00 a.m. - 4:00 p.m.	Registration Open
8:15 - 9:30 a.m.	Concurrent Sessions
9:00 a.m. - 4:00 p.m.	Expo Open
9:45 - 11:45 a.m.	General Session
11:30 a.m. - 1:00 p.m.	Attendee Lunch in Expo Hall
1:00 - 2:15 p.m.	General Resolutions Committee
1:00 - 5:30 p.m.	Concurrent Sessions
2:15 - 2:45 p.m.	Diversity Caucus Board Meetings
4:00 - 5:30 p.m.	Board of Directors Meeting
Evening	Division and Caucus Events

Friday, October 18

7:30 a.m. - 12:00 p.m.	Registration Open
7:30 - 9:15 a.m.	Regional Division Breakfasts
8:00 a.m. - 12:15 p.m.	Concurrent Sessions
8:45 - 10:45 a.m.	AB 1661 Sexual Harassment Prevention Training
12:30 - 2:30 p.m.	Closing Luncheon & General Assembly

GENERAL INFORMATION

CONFERENCE LOCATION

The 2019 Annual Conference will be held at the Long Beach Convention Center, located downtown at 300 East Ocean Boulevard. All sessions will be held at the convention center unless otherwise noted.

PARKING AND PUBLIC TRANSPORTATION

In addition to the main parking lot along Shoreline Drive, the convention center has three parking garages, Terrace Theater, Arena, and Promenade. Convention center garages can be accessed from Linden Avenue. Parking rates are \$15.00 per car entry and special rates as posted at garage may apply during the conference (*subject to change without notice*).

Public transportation is easily accessible and includes the Metro Blue Line, Los Angeles County's light rail system, and the Passport, a free downtown shuttle, connecting the convention center with all local conference hotels, restaurants, and area attractions. The Passport operates daily, every 6 to 20 minutes.

CONFERENCE APP

The League of California Cities mobile application is a great organization and conference tool. The app provides full access to the conference in the palm of your hand. You can see the schedule of events, build your own custom schedule, import your selected events into your calendar, access session materials, speaker bios, all exhibitor information, and the list goes on. The League's mobile app is available for download through your device's app store by searching "League of CA Cities", "League of California Cities" or "CACities"

BROWN ACT AND LEAGUE CONFERENCES

The Brown Act permits the attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that addresses issues of general interest to the public or to public agencies of the type represented by the legislative body. However, a majority of the members cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the local agency's subject matter jurisdiction.

HELEN PUTNAM AWARD FOR EXCELLENCE

This program, supported by the League Partners, recognizes outstanding cities that deliver the highest quality and level of service in the most effective manner possible. Visit the special displays by cities that won the 2019 prestigious awards program and learn what your city can adapt from their success. Displays can be found in the League Partner Village in the Expo Hall.



The Institute for Local Government promotes good government at the local level with practical, impartial, and easy-to-use resources for California communities. Current program areas and resources to help local officials in service to their communities include local government basics, public engagement, sustainable communities and public service ethics. Please visit www.ca-ilg.org.



MAYORS AND COUNCIL MEMBERS LEADERSHIP ACADEMY TORCH PROGRAM

The MCMLA torch program is for elected officials who are seeking continuing education to enhance their own knowledge and skills in order to better serve the public. Each year officials from throughout the state earn recognition as they progress upward through three sequential levels of achievement. For more information visit www.cacities.org/TorchProgram.

SESSION MATERIALS

Our goal is to provide exceptional educational experiences, networking opportunities, and innovative tools that will make attendees and their cities more successful. Presentation materials are an important element of the Annual Conference and will be available at www.cacities.org/achandouts as well as on the League's mobile app. You can download or print session materials in advance or after the conference for additional resources.

NETWORKING OPPORTUNITIES

CITIPAC – LEADERSHIP RECEPTION - In conjunction with hosts Keenan & Associates, CitiPAC will present its Leadership Reception immediately following the host city reception. Join conference attendees for this wonderful event in support of CitiPAC featuring food, beverages and entertainment.

HOST CITY RECEPTION - The City of Long Beach welcomes the delegates to the League of California Cities Annual Conference & Expo. Please join us at the opening night host reception and enjoy a selection of delicious hors d'oeuvres. The reception will take place from 5:00 – 7:00 p.m. on Wednesday, October 16, at the Long Beach Convention Center in the Expo Hall. A registration badge is required to access the event.

DIVERSITY GROUPS - The Board of Directors has recognized five diversity groups: African-American Caucus; Asian-Pacific Islander Caucus; Lesbian, Gay, Bisexual & Transgender, Queer Caucus; Latino Caucus and Women's Caucus. Sign up to join one or more of the League's caucuses. Caucus networking events at the Annual Conference are open to all attendees.

REGIONAL DIVISIONS - Regional Divisions function as the League's grassroots advocacy teams. Divisions are staffed locally by public affairs managers to support League goals. Contact your [regional manager](#) for more information about division networking events during the conference. Additional fees may apply.

WEDNESDAY – OCTOBER 16, 2019

8:00 a.m. - 6:00 p.m. - Registration Opens

8:30 a.m. - 1:00 p.m. - City Clerk's Workshop: Through the Lens of a Voter - A Closer Look at Elections

Additional registration \$150 per attendee of a member city/\$300 per attendee of a non-member city. (Department business meeting 8:30 – 9:00 a.m. and 4 hour workshop). Accredited for 1 CMC/MMC Advanced Education Point.

Municipal clerks are proficient at the mechanics of a local election. Whether its candidate nominations, campaign filings or certifying results, local elections officials are well versed in the technical aspects of the Elections Code and conducting the election itself. This session, however, will go beyond the technicalities and facilitate an understanding of voter demographics and voter behavior. It is only through this deeper understanding of voting patterns and psychology that we can learn to better serve and engage our residents. Participants will learn how national and state conversations in the elections space affect local elections, why it is important to understand community demographics to fully engage our constituency, and the social responsibility of the local elections official on the front lines of this democratic process.

SPEAKERS: Lorrie Frasure-Yokley, Associate Professor and Department Vice Chair, Department of Political Science and African American Studies, UCLA | Neal Kelley, Registrar of Voters, Orange County

9:00 - 11:00 a.m. - Policy Committee Meetings

9:00 - 11:00 a.m. - Understanding Public Service Ethics Laws and Principles (*AB 1234 Training*)

State law requires elected and appointed officials to receive two hours of training in specified ethics laws and principles every two years. Newly elected and appointed officials must receive this training within one year of becoming a public servant. Join a panel of experts as they help navigate the ethics laws and principles. Sign-in will begin 30 minutes prior to the session and you must be present for the full two hours to receive the certification of attendance. Entry will be prohibited once session begins. The Institute for Local Government is a State Bar of California minimum continuing legal education (MCLE) approved provider and certifies this activity meets the standards for MCLE credit by the State Bar of California in the total amount of 2 hours (general credits). Provider #13881

SPEAKERS: Maggie Stern, Attorney, Kronick, Moskovitz, Tiedemann & Girard | Gary Winuk, Managing Attorney, Kaufman Legal Group

11:00 a.m. - 12:00 p.m. - Department Business Meetings

- **City Manager**
- **Fire Chiefs**
- **Fiscal Officers**
- **Mayors & Council Members**
- **Personnel and Employee Relations**
- **Public Works**

11:30 a.m. - 12:30 p.m. - Inland Empire/Desert Mountain Division Luncheon

Contact your Regional Public Affairs Manager, Laura Morales (909) 275-4110 for more information. *Additional fees may apply.*

11:30 a.m. - 1:15 p.m. - Riverside Division Breakfast

Contact your Regional Public Affairs Manager, Erin Sasse (951) 321-0771 for more information. *Additional fees may apply.*

11:45 a.m. - 1:00 p.m. - South San Joaquin Valley Division Luncheon

Contact your Regional Public Affairs Manager, Rajveer Rakkar (559) 244-1849 for more information. *Additional fees may apply.*

12:00 - 1:15 p.m. - Los Angeles County Division Luncheon

Contact your Regional Public Affairs Manager, Jennifer Quan (626) 786-5142 for more information. *An additional fee of \$50 applies.*

12:00 - 1:15 p.m. - Sacramento Valley Division Luncheon

Contact your Regional Public Affairs Manager, Charles Anderson (916) 798-2231 for more information. *Additional fees may apply.*

12:45 - 1:15 p.m. - First Time Attendee Orientation

Join League leadership and staff as you begin your first Annual Conference experience. Hear about the League, and most importantly, how to get the most out of your conference experience.

1:30 - 3:30 p.m. - **Opening General Session - Annual Report and Keynote Address**

Keynote Address: The Future of Cities

This much is true: We're all going to live the rest of our lives in the future. But how can we know what that tomorrow will look like? Where should we focus our efforts today? In this engaging, entertaining and informative keynote presentation, John Martin will share the key trends impacting cities and towns of all sizes across the U.S. Rather than predict the future, however, John will lay out the future we already know — the demographic, societal and cultural shifts already underway. He'll equip attendees with a unique lens to understand these trends and help everyone think like a futurist. Fast-paced and filled with practical action steps, The Future of Cities presentation will help you be better positioned to succeed today and tomorrow.

PRESIDING: Jan Arbuckle, Council Member, Grass Valley, President, League of California Cities

SPEAKER: John Martin, CEO and Managing Partner, SIR Institute of Tomorrow

3:45 - 5:00 p.m. - **Carrots or Sticks? Housing & Land Use in Newsom's Budget**

Governor Newsom revealed his 2019-20 budget proposal in January, which proposes \$1.75 billion in new funding that would be earmarked to address the state's affordable housing shortage. With the Governor taking a carrot-and-stick approach to encourage cities to meet their Regional Housing Needs Assessment (RHNA) production numbers, how quickly do California cities and their governments need to consider the impacts of the new legislation? Seasoned city managers from across the state will weigh in on local control and how cities can earn their carrots.

MODERATOR: Anthony Gonsalves, President, Joe A. Gonsalves and Son

SPEAKERS: Paul Arevalo, City Manager, West Hollywood | Karen Pinkos, City Manager, El Cerrito

3:45 - 5:00 p.m. - **The Sixth Council Member: Social Media**

It's easier than ever to pick up your phone and get digitally involved in the trials and tribulations of your neighbors. Vocal residents, especially, can point out otherwise unknown issues in your community. But what happens when you or a fellow council member want to start wandering into the fray? At what point does the Brown Act come into play? And how do you know whether naysayers are part of a majority or minority opinion? A panel of experts will help you navigate the pitfalls and provide some advice on engaging with your community on social media.

MODERATOR: Ryder Smith, President, Tripepi Smith

SPEAKERS: Eric Figueroa, City Manager, Martinez | Meghan Sahli-Wells, Mayor, Culver City | Teresa L. Stricker, Partner, Renne Public Law Group

3:45 - 5:00 p.m. - **When Wildfire Strikes- What to Expect and How to Prepare**

The call from a Fire Chief indicating that a significant wildfire has erupted in your jurisdiction and within a State Responsibility Area can immediately trigger calls for coordinated evacuations, broadcast notifications, regional shelters and the onset of literally thousands of personnel, equipment and aircraft associated with a CalFire Incident Management Team. This session will teach and inform attendees on what to expect, how to respond, and tips on what to have in place to best prepare your community to deal with a catastrophic wildfire.

MODERATOR: Randall Stone, Mayor, Chico

SPEAKERS: Dana Carey, Emergency Manager, Yolo County | Brian Estes, Unit and Fire Chief, Cal Fire Nevada Yuba Placer Unit / Placer County Fire Department | Lauren Gill, Town Manager, Paradise

3:45 - 5:00 p.m. - **Innovative Solutions for Filling the Future Workforce**

City leaders and educators will share successes and lessons learned from modeling unique programs that develop youth as the future of our local government workforce. By providing hands-on experiences in fire departments and general services, or bringing technology and accounting staff as speakers into classrooms, city leaders are finding new ways to build the pipeline into public service. Hear how cities are leveraging partnerships with community colleges and high schools to get creative with long-term recruitment tools that develop diverse workforces, increase staff engagement and build lasting bridges. Learn how fresh ideas are helping students gain a zest for public service careers and an important understanding of local government.

MODERATOR: Randi Kay Stephens, Associate Program Manager, Institute for Local Government

SPEAKERS: Kim Iannucci, Assistant Chief, Sacramento Fire Department | Bina Lefkowitz, Consultant, Institute for Local Government | Jeffrey Mrizek, Ed.D., MBA, Dean - Workforce and Economic Development, CA Community Colleges Chancellor's Office

5:00 - 7:00 p.m. - **Grand Opening Expo Hall & Host City Reception**

More than 265 city government product and service-related companies have come together to help communities do a better job and provide quality opportunities and services. Meet the exhibitors inside the League's 42nd Annual Expo.

Host City Reception

The City of Long Beach welcomes the delegates to the League of California Cities Annual Conference and Expo. Please join us at the opening night host reception and enjoy a selection of delicious hors d'oeuvres. The reception will take place at the Long Beach Convention Center. A registration badge is required to access the event. *A registration badge is required to access the event.*

7:00 - 10:00 p.m. - CitiPAC - Annual Leadership Reception

The Reef, 880 Harbor Scenic Drive

In conjunction with host Keenan & Associates, CitiPAC will present its Leadership Reception immediately following the host city reception. Join conference attendees for this wonderful event in support of CitiPAC, featuring food, beverages and entertainment.

AB 1234 Training

League of California Cities Annual Conference
Wednesday, October 16, 2019

About the Institute for Local Government

ILG is the non-profit training and education affiliate of...



**California Special
Districts Association**
Districts Stronger Together

What Does ILG Do?

Promoting good government at the local level

Program Areas

Leadership & Governance

Sustainable Communities

Public Engagement

Youth & Civics Education



Services

Education & Training

Technical Assistance

Capacity Building

Convening

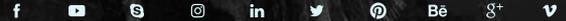


**KEEPING YOUR HANDS CLEAN AND YOUR DECISIONS TRANSPARENT:
A.B. 1234 TRAINING FOR PUBLIC OFFICIALS**

LEAGUE OF CALIFORNIA CITIES

GREGORY M. MURPHY

Partner, Los Angeles



gmurphy@bwsllaw.com



(213) 236-2835

Gregory Murphy is a partner in Burke's Los Angeles office. Mr. Murphy is a trusted advisor, counselor, and transactional attorney for public entities throughout California.



ETHICS 102
AB 1234 FOR THE ADVANCED STUDENT



**NOT A SENIOR SEMINAR;
BUT NOT YOUR FRESHMAN LECTURE HALL**

WHY IS ETHICS TRAINING NEEDED FBORA

Bell: 'Corruption on Steroids'

Former Member of Moreno Valley City Council Agrees to Plead Guilty to Federal Bribery Charge for Taking \$2.3 Million Cash Payment

Former Vernon official pleads guilty to illegally using public money

Villaraigosa to pay \$123,500 in fines for ethics violations

UPDATED: Six Jailed in \$43 Million Beaumont Public Corruption Case

The district attorney outlined an alleged public corruption scheme dating back to the early 1990s.

THE GOLDEN RULE

- The public expects local officials to act ethically, whether or not doing so is required by law

“When a man assumes a public trust, he should consider himself as public property.”

- *Thomas Jefferson*

The Golden Rule:

Do Unto Others as You Would
Have Them Do Unto You



GOAL OF TRAINING

- We will cover legal requirements & general ethical principles
- There is a lot of law to digest in one session...so be SAFE:
 - Spot the Issues
 - Ask for Help
 - Focus on more than just the law
 - Exercise Ethics in Practice

LEGAL ETHICAL REQUIREMENTS

- **Three Types of Ethics Laws:**
 1. Personal Advantages and Perks
 2. Governmental Transparency
 3. Conflicts of Interest & Fairness of Process
 4. Ethics in Practice



got ethics?



PERSONAL ADVANTAGES & PERKS: GIFT RESTRICTIONS

- **Rule:** No elected office holder, candidate or designated employee of a local agency may accept any gift or gifts from a *single source* aggregating in excess of \$470 in a calendar year. (Gov't Code § 89503)
 - Gift limit is adjusted annually.
 - Gifts aggregating \$50+ must be disclosed on Form 700.



PERSONAL ADVANTAGES & PERKS: GIFT RESTRICTIONS

- Don't forget local agency rules and codes
 - City charters
 - Ordinances
 - Local conflicts of interest rules
- Sometimes more restrictive than State law

PERSONAL ADVANTAGES & PERKS: GIFT RESTRICTIONS



- “Gifts” defined:
 - Includes any benefit for which the official does not provide goods or services of equal or greater value in return.
 - Gifts include money, goods, services, activities, meals, tickets, rebates, discounts and travel.
 - A gift is received when you take possession of it or exercise control over it, including discarding it or re-gifting.

PERSONAL ADVANTAGES & PERKS: GIFT RESTRICTIONS

- In 2012, the regulations added new exemptions, including:
 - Reciprocal gifts between friends.
 - Bona fide prize winnings.
 - Wedding & similar party favors.
 - Bereavement gifts.
 - Neighborly gestures.
- **Exception** - Beware of anything from a lobbyist.



PERSONAL ADVANTAGES & PERKS: GIFT RESTRICTIONS

- Watch out for indirect gifts given to a family member:
 - If the official will financially benefit, use or control the gift, and/or
 - The donor has no established relationship with the family member,
 - Then the gift may be considered a gift to the official. (Reg. 18943).

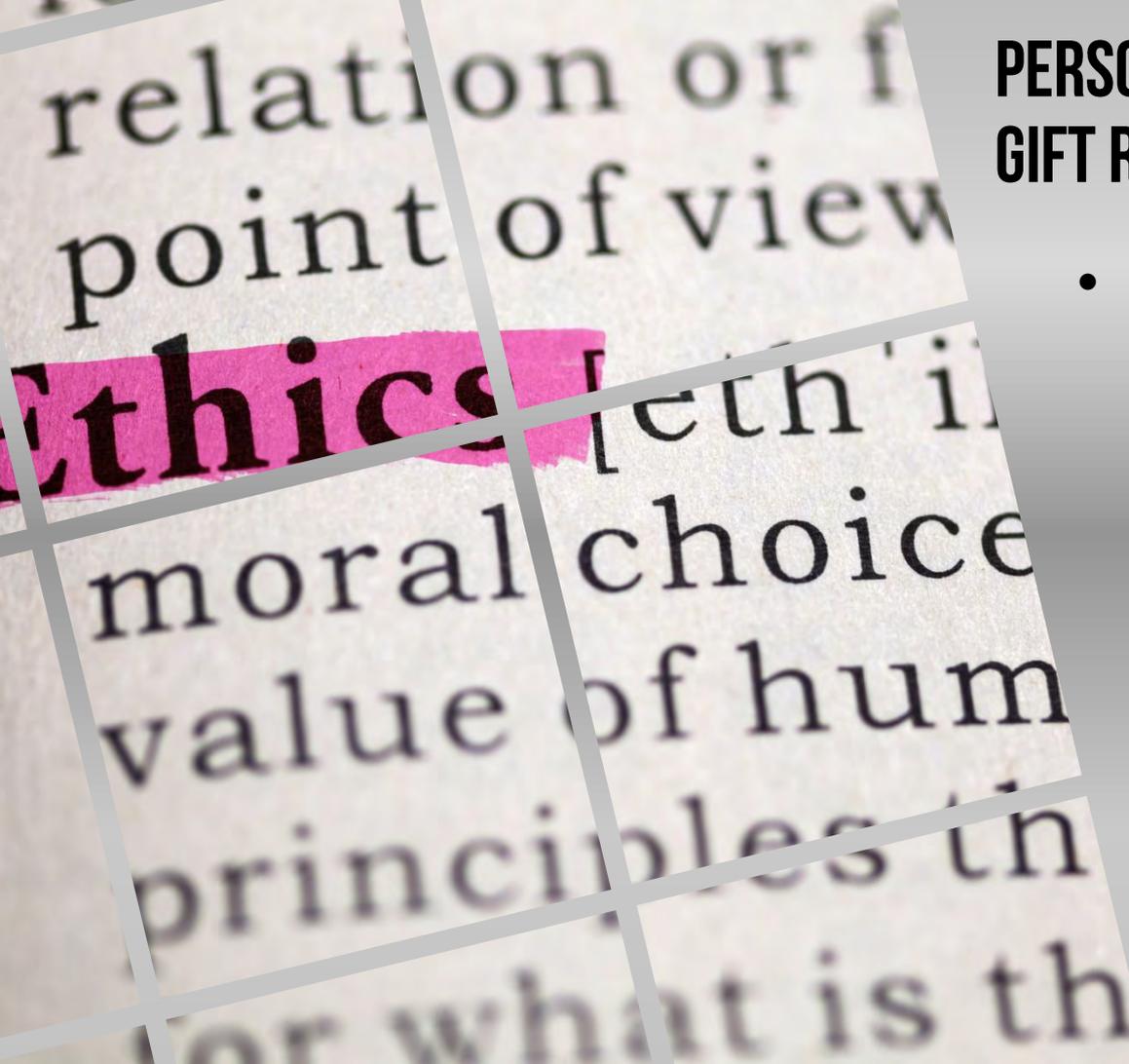


PERSONAL ADVANTAGES & PERKS: GIFT RESTRICTIONS

- Options when you receive a gift over \$50:
 - Decide if you want to report it on your Form 700.
 - If not, then within 30 days:
 - Reimburse the donor for the fair market value,
 - Return the gift unused, or
 - Donate the gift to charity (no tax deductions).
 - If the gift exceeds \$470, you have a duty to reject it.
 - Or “buy down” the value.



Code of Ethics



PERSONAL ADVANTAGES & PERKS: GIFT RESTRICTIONS

- **Some Gifts are Considered Gifts to the Agency:**
 - If a gift that benefits an official may only be used for official business, and
 - The Agency controls the gift.
 - Then it will be reportable as a gift to the Agency, not the official.
 - Use a Form 801 rather than a Form 700.
 - Post the form on agency website.



PERSONAL ADVANTAGES & PERKS: GIFT RESTRICTIONS

- Many rules regarding free tickets or passes:
 - Some are not reportable:
 - When given to perform an official / ceremonial role.
 - When not used by the official or anyone else.
 - **Some are Gifts:** Reportable on Form 700 when provided directly to an official who has no official role in the event.
 - **Some are Gifts to the Agency:** Reportable on Form 802 when provided to the agency and then given to an official based on an unbiased agency ticket distribution policy.



PERSONAL ADVANTAGES & PERKS: GIFT RESTRICTIONS

- **Consequences:**
 - Disqualification from decisions that may affect sources of gifts.
 - Criminal or civil sanctions
 - Administrative fines.



PERSONAL ADVANTAGES & PERKS: GIFT RESTRICTIONS

- Don't become another headline:

Villaraigosa Ethics Fine: Record Punishment Recommended After Mayor Accepts Free Tickets

PERSONAL ADVANTAGES & PERKS: HONORARIA BAN



- **Rule:** No elected official, candidate or designated employee of a local agency may accept any honorarium. (Gov't Code § 89502)
 - “Honorarium” – a payment for a speech, article, or attendance, from source other than your employer.
 - **Exception** - earned income in private capacity.

PERSONAL ADVANTAGES & PERKS: HONORARIA BAN

RESPONSIBILITY

BUSINESS ETHICS

COMMITMENT

TRUST

QUALITY

- Exceptions
 - Items of nominal value – pens, etc.
 - Money received and donated to the agency general fund within 30 days (without claiming an income tax deduction)
 - Money donated to a bona fide charitable or other tax-exempt organization (and not a condition of speaking or attending)

BEHESTED PAYMENTS

- An elected official who fundraises or solicits payments to be given to another individual or organization may be required to report the payment.
 - May cover an honorarium if the official directs the honorarium to a specific organization
- File Form 803





BEHESTED PAYMENTS

- A payment is considered "behested" and subject to reporting if:
 - it is made at the request, suggestion, or solicitation of, or made in cooperation, consultation, coordination or concert with the public official;
 - it is made for a legislative, governmental or charitable purpose; and
 - it does not qualify as a gift (made for personal purposes), or a contribution (made for election-related activity) to the elected official.

PERSONAL ADVANTAGES & PERKS: MASS MAILING RESTRICTIONS

- **Rule:** No mass mailing prepared or mailed at public expense shall feature an incumbent elected officer affiliated with the agency. (Gov't Code §89001)
 - Use caution when sending out 200+ mailings per month that contain an elected official's name, office, pictures, or other reference.





PERSONAL ADVANTAGES & PERKS: MASS MAILING RESTRICTIONS

- **Purpose:**
 - To conserve limited public funds and
 - To avoid arbitrary preference of a candidate over another by reason of incumbency.
- **Consequences:** Criminal and civil sanctions, and fines up to \$5,000 per violation and attorneys fees.

PERSONAL ADVANTAGES & PERKS: MASS MAILING RESTRICTIONS

- Don't become another headline:

Dec 16, 2009 | Posted by: [thompson-Western Mavrick](#)

Orange Cove faces fine over mailer

Full story: www.fresnobee.com 

Mayor, city accused of misusing taxpayer funds.

11:42 PM, Tuesday, Dec. 15, 2009

By Chris Collins / Fresno Bee

The city of Orange Cove and its longtime mayor, Victor Lopez, each face possible fines amid accusations that they broke a state law prohibiting the use of taxpayer funds to mail campaign material to voters.

PERSONAL ADVANTAGES & PERKS: GIFTS OF PUBLIC FUNDS

- **Rule:** All expenditures of public funds must be for a public purpose. (Cal. Const. Art XVI, § 6)
- **Test:**
 - Is the expenditure for a public purpose?
 - Does it advance the agency's purpose?



PERSONAL ADVANTAGES & PERKS: MISUSE OF PUBLIC RESOURCES



dishonesty

- **Rule:** No local officer, appointee, employee, or consultant shall use or permit others to use public resources for campaign, personal, or other unauthorized purpose. (Gov't Code 8314; Penal Code § 424)

PERSONAL ADVANTAGES & PERKS: MISUSE OF PUBLIC RESOURCES

- Application:
 - “Personal or unauthorized purpose” means personal enjoyment, private gain or advantage, or an outside endeavor not related to official business.
 - “Public resources” includes land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and government-compensated time.



PERSONAL ADVANTAGES & PERKS: MISUSE OF PUBLIC RESOURCES

- Don't become another headline:

San Bernardino County Fire Chief faces discipline for improper use of equipment

Powered by
 LexisNexis®

By Joe Nelson, Staff Writer

Publication: San Bernardino County Sun (California)

Date: [Tuesday, August 11 2009](#)

You are viewing page 1

San Bernardino County Fire Chief Pat Dennen will take punitive unpaid administrative leave for assisting Deputy Chief Dan Wurl move to Wurl's new home on county time and with a county vehicle, officials said Tuesday.

Dennen is expected to go on leave for about two weeks when he returns from

PERSONAL ADVANTAGES & PERKS: ABUSE OF PUBLIC OFFICE



Code of Ethics

- If a public official or employee is convicted of abuse of public office, they must reimburse the Agency for certain funds. (Gov't Code § 53243 *et seq.*)
 - Reimbursable funds include paid leave, defense costs, and cash settlements for termination.
 - Abuse of office includes bribes, waste, fraud, and violation of the law under color of authority, among others.

PERSONAL ADVANTAGES & PERKS: EXPENSE REIMBURSEMENT

- Rule: Where an agency reimburses officials for actual and necessary expenses:
 - Officials must timely submit expense reports on agency forms (with receipts);
 - Officials must make an oral report at next regular meeting of their attendance at Brown Act “meetings” at the agency’s expense. (Gov’t Code 53232.)

NO PER DIEMS ALLOWED!!!+



GOVERNMENT TRANSPARENCY: ECONOMIC INTEREST DISCLOSURE

- **Rule:** A public agent, upon taking office, leaving office, and annually must file a statement (Form 700) disclosing:
 - Income (if \geq \$500),
 - Investments,
 - Interests in real property (except personal residence),
 - Business positions, and
 - Gifts (if \geq \$50) (Gov. Code 87200)



GOVERNMENT TRANSPARENCY: ECONOMIC INTEREST DISCLOSURE

- Don't become another headline:

Los Angeles Times | ARTICLE COLLECTIONS

[← Back to Original Article](#)

CalPERS board member Priya Mathur is fined \$4,000

California's Fair Political Practices Commission increases a \$3,000 fine against Mathur, saying she evaded efforts to reach her over a missed financial filing.

May 14, 2010 | By Marc Lifsher, Los Angeles Times

Reporting from Sacramento — The state's political watchdog panel fined public pension board member Priya Mathur \$4,000 for not submitting a required statement of economic interests on time, and state Treasurer Bill Lockyer proposed that directors be barred from carrying out their official duties if they fail to file financial disclosure papers.

GOVERNMENT TRANSPARENCY: BROWN ACT

- **Brown Act:** All meetings of a legislative body of a local agency shall be open and public, unless an exception applies. (Gov't Code § 54950 *et seq.*)
 - **Purpose:** Conduct the people's business in the open; give public access to decision making.





GOVERNMENT TRANSPARENCY LAWS: BROWN ACT

- “Meeting” - any congregation of a majority of legislative body members at the same time and place to hear, discuss, or deliberate upon an item within its jurisdiction.
 - Includes:
 - any use of direct communication, personal intermediaries, or technological devices
 - employed by a majority of the members of the legislative body
 - to develop a collective concurrence

GOVERNMENT TRANSPARENCY LAWS: BROWN ACT

What is not a meeting?

Attendance by a majority at:

- a meeting of another body of their local agency or another local agency (e.g. County Supervisors);
- an open and publicized meeting organized by a person or organization other than the local agency to address a topic of local community concern (e.g., Chamber of Commerce);
- a conference or similar gathering (e.g., League of Cities);

PROVIDED:

a majority of the members do not discuss among themselves, other than as part of the scheduled program, agency business.



TRUST

GOVERNMENT TRANSPARENCY LAWS: BROWN ACT

What is not a meeting? (cont.)

Attendance by a majority at:

- a purely social or ceremonial occasion;
- attendance by a majority at an open and noticed meeting of a standing committee of that body;

Provided:

that a majority of members do not discuss agency business (and in the case of a standing committee attend only as observers).



GOVERNMENT TRANSPARENCY LAWS: BROWN ACT

What is not a meeting? (cont.)



Individual contacts or conversations

BUSINESS ETHICS

INFOGRAPHIC BANNER DESIGN

OPTION

1

YOUR TITLE GOES HERE

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RELIABILITY

OPTION

3

YOUR TITLE GOES HERE

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CORPORATE CULTURE

OPTION

2

YOUR TITLE GOES HERE

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RELATIONSHIP

OPTION

4

YOUR TITLE GOES HERE

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PRINCIPLES

GOVERNMENT TRANSPARENCY LAWS: BROWN ACT

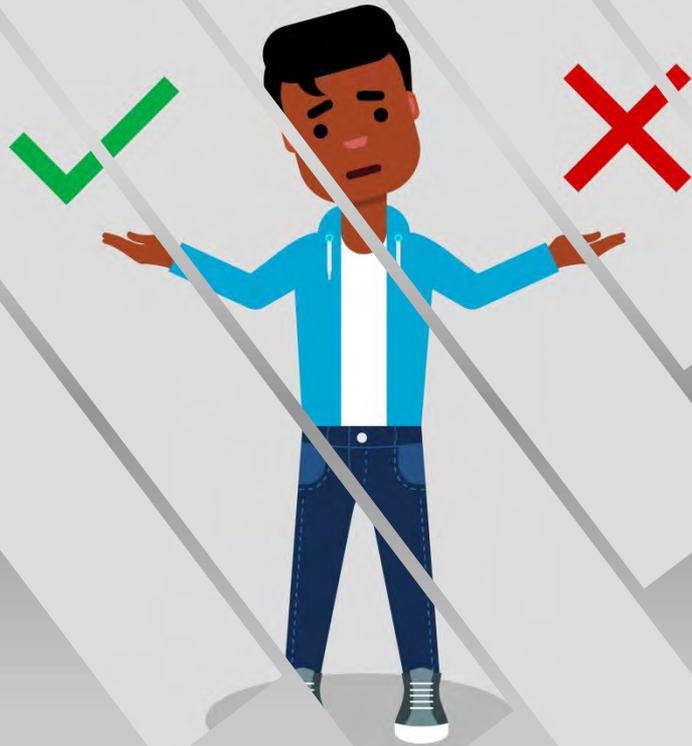
- Conducting a Lawful Meeting:
 - Agenda Requirements:
 - Include a brief general description of matters to be discussed.
 - Post 72 hours before regular meetings.
 - Post 24 hours before special meetings.
 - Post in an accessible location and on the agency's website.



GOVERNMENT TRANSPARENCY LAWS: BROWN ACT

- **Limit Discussion at Meetings:**
 - Council may only discuss agendized matters.
 - Allow for public comment on:
 - Agenda items, and
 - Any item within Agency's jurisdiction.

GOVERNMENT TRANSPARENCY LAWS: BROWN ACT



- Action or discussion on non-agendized items is generally prohibited. Members may only:
 - Briefly respond to public statements or questions,
 - Ask a question for clarification,
 - Make a brief announcement,
 - Make a brief report on his or her activities,
 - Provide a reference to staff or other sources for factual information, or
 - Request staff to report back to the legislative body in a subsequent meeting.
- The legislative body may direct staff to place the matter on a future agenda. § 54954.2(a)(2)

GOVERNMENT TRANSPARENCY LAWS: BROWN ACT

- Don't become another headline:

Judge Rules L.A. Planners Hid Environment Reports, Violated Brown Act

By Peter B. Matuszak
Daily Journal Staff Writer

LOS ANGELES — Open government advocates won a victory last week when a judge ruled that the city's practice of using internal city codes to disguise key environmental matters before the Planning Commission was illegal.

Los Angeles County Superior Court Judge David Yaffe ruled in favor of public interest attorney Robert Silverstein on Oct. 6, finding that the city had repeatedly violated the Brown Act, the state's open government law, by not clearly disclosing when commissioners would be deciding whether to approve environmental reports for new developments mandated by the California Environmental Quality Act.

"The evidence before the court, which is uncontradicted, shows that the City Planning Commission of the City of Los Angeles repeatedly posted agendas of its meetings during the year 2007 that clearly disclosed each action that it intended to take or discuss at a meeting except actions to be taken or considered under the California Environmental Quality Act," Yaffe wrote. *La Mirada Avenue Neighborhood Assoc. v. Los Angeles*, BS108652 (L.A. Super. Ct., filed March 30, 2007).

The judge pointed out that all other items on at least six Planning Commission agendas were spelled out in simple

understandable terms but that environmental matters to be taken up under CEQA were only mentioned in, "a cryptic reference like the following 'CEQA: ENV-2005-7720-EIR.'"

"Such cryptic references are meaningless to most members of the public ... Such descriptions not only violate the Ralph M. Brown Act, but they also violate the fundamental purposes of CEQA," he wrote.

The ruling will force the city to change how it informs the public about pending environmental and land use decisions. The order enjoined the Planning Commission from taking any actions under CEQA that are not "described with clarity, particularity and detail," understandable to the general public.

The ruling will not stop any current projects, including the Paseo Plaza, which the suit was originally filed against. The preservationists who opposed the mixed-use project have settled their grievances with the developer, who agreed to pay into a fund that will be used to fix potential traffic problems. The plan calls for 437 residential units and 377,900 square feet of commercial space to be built near the corner of Santa Monica Boulevard and Western Avenue.

Despite the agreements, Silverstein continued to pursue
See Page 4 — L.A.



ROBERT LEVINS / Daily Journal

"It has now become a lawsuit to vindicate the public's right to a transparent government," said attorney Robert Silverstein.



GOVERNMENT TRANSPARENCY: PUBLIC RECORDS ACT

- **Rule:** Public records maintained by a local agency in any form are subject to public inspection and/or copying, unless a specific exception applies. (Gov't Code § 6250 *et seq.*)
 - **Purpose:** Ensure public access to info concerning the conduct of the people's business.

GOVERNMENT TRANSPARENCY: PUBLIC RECORDS ACT

- “Public Record” – any writing containing information relating to the conduct of the public’s business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristic. (Gov’t Code §6252(e))

A photograph of a wooden table with a blue mug of coffee, a pen, and a white napkin. The napkin has the text "Take 100% responsibility." written on it in blue ink. The background is a wooden surface with a blue and white geometric pattern overlay.

Take
100%
responsibility.



GOVERNMENT TRANSPARENCY LAWS: PUBLIC RECORDS ACT

- **Exceptions include:**
 - Preliminary drafts not ordinarily retained,
 - Pending litigation,
 - Personnel, medical, or similar files,
 - Attorney-client privileged info, and
 - Catch-all (public interest balancing test).

GOVERNMENT TRANSPARENCY LAWS: PUBLIC RECORDS ACT

- Don't become another headline:

January 2009

**Sixth District Court Upholds Attorney's
Fee Award in Action Brought Pursuant to
California Public Records Act**

Bernardi, et al. v. County of Monterey,
___ Cal. App.4th ___

CONFLICTS OF INTEREST: CONTRACTUAL CONFLICTS

- **Rule:** Public officials are absolutely prohibited from having a financial interest in a contract made by them or their board. (Gov. Code §1090)
 - **Purpose:** Prohibits contractual self-dealing.



CONFLICTS OF INTEREST: CONTRACTUAL CONFLICTS

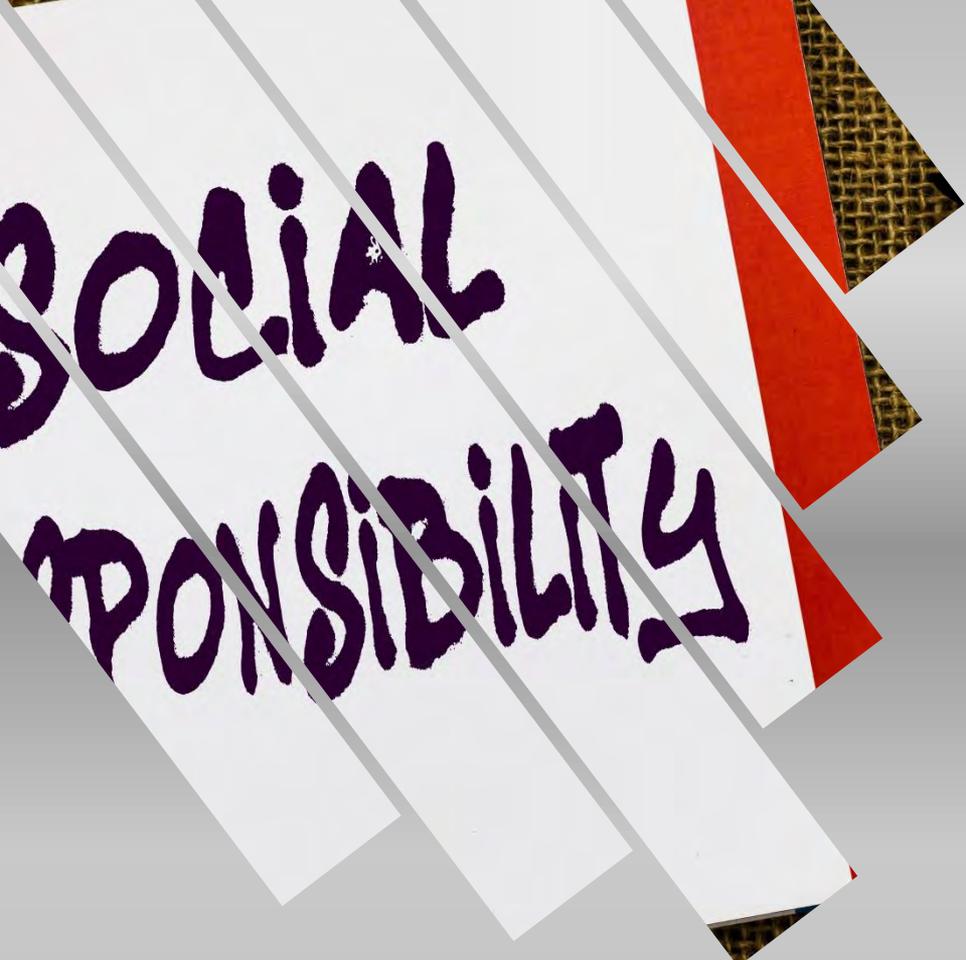


- **Application of § 1090:**
 - **“Public officials”** - Virtually all agency board members, officers, and employees.
 - **“Financial interest”** - One penny is enough.
 - **“Absolutely prohibited”** - the individual’s conflict extends to entire board and his/her participation is presumed.
- **Exceptions** - may apply under a “rule of necessity,” or if the financial interest is minor or remotely involved.

CONFLICTS OF INTEREST: CONTRACTUAL CONFLICTS

- **To avoid §1090 Conflicts:**
 - Be vigilant about how your financial interests may be involved in your agency's contracts.
 - Consult your City Attorney as early as possible if there may be an issue.
 - Recognize that recusing yourself will not resolve the conflict.

honest



**SOCIAL
RESPONSIBILITY**

CONFLICTS OF INTEREST: CONTRACTUAL CONFLICTS

- **Consequences of §1090 Violation:**
 - Contract is void and unenforceable.
 - Official must return any money, but agency keeps the benefits received.
 - Violation is a felony (if willful):
 - Fine,
 - Imprisonment, and
 - Disqualification from public office.

CONFLICTS OF INTEREST: FINANCIAL INTEREST

- **Rule:** “No public official...shall make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.” (Political Reform Act, Gov’t Code § 87100)

**FAIR
USE**



CONFLICTS OF INTEREST: FINANCIAL INTEREST

Four Step Test to Identify Financial Conflict:

1. Is it reasonably foreseeable that the decision will have a financial effect on the official's economic interests?
2. Will the effect be material?
3. If the effect indistinguishable from the effect on the public generally?
4. Is the official "making, participating in making, or attempting to influence" the decision?



CONFLICTS OF INTEREST: FINANCIAL INTEREST

What are the official's financial interests?

- **Business:** (a) investment of more than \$2,000 in a for-profit organization or (b) a business position.
- **Real Property:** equity or lease interest in real property worth more than \$2,000.
- **Source of Income:** any source that provided or promises \$500 or more in prior 12 months
- **Source of Gifts:** a person or business that gave gifts totaling \$470 or more in prior 12 months.
- **Personal Finances:** expenses, income, assets, liabilities.

CONFLICTS OF INTEREST: FINANCIAL INTEREST



A financial effect is reasonably foreseeable if:

- The official's economic interest is expressly involved, or
- The financial effect "is a realistic possibility and more than hypothetical or theoretical."

CONFLICTS OF INTEREST: FINANCIAL INTEREST

- Materiality standards are complex . . . Consult with your City Attorney!
- Rule of Thumb: if the economic interest is expressly involved in the decision, then the impact is presumed to be material.

Transparency



CONFLICTS OF INTEREST: FINANCIAL INTEREST

Making, participating in making, or influencing a governmental decision?

- Includes voting, providing advice, or using your position to influence a decision.

CONFLICTS OF INTEREST: FINANCIAL INTEREST

- Don't become another headline:



Paul Wellman (file)

MAINTAINING INNOCENCE: Joni Gray admitted no wrongdoing to the state watchdog agency that docked her but paid the fine it was asking "in order to put this issue behind me."

Joni Gray's Gotta Pay

Former Supervisor Fined For Conflict of Interest

FAIR PROCESS: COMMON LAW BIAS



- **Rule:** “A public officer is impliedly bound to exercise the powers conferred on him with disinterested skill, zeal, and diligence and primarily for the benefit of the public.”
 - Bans using an official position for private gain.
 - Regulates both financial and personal interests.

FAIR PROCESS: BRIBERY

- **Bribery Rule:** No officer or employee can ask for, receive, or agree to receive, any bribe, upon any agreement or understanding that they will take a particular action in their official capacity upon any pending or future matter. (Penal Code § 68)
- **Consequences:**
 - Imprisonment or fine,
 - Permanent loss of office



FAIR PROCESS: BRIBERY

State files bribery charges in Postmus corruption case

2010-02-10 11:22:30



The following statement is from the California Attorney General's Office.

[Click here to read the related story.](#)

SAN BERNARDINO • Attorney General Edmund G. Brown Jr. and San Bernardino County District Attorney Michael A. Ramos on Wednesday announced the filing of criminal charges against former Chairman of the San Bernardino County Board of Supervisors William Postmus and James Erwin, former Chief of Staff to

Supervisor Neil Derry, on "conspiracy, corruption and bribery" charges related to a \$102 million land-development settlement paid by San Bernardino County.



FAIR PROCESS: REVOLVING DOOR RULE

- **Revolving Door Rule:** Certain local officials cannot appear before their former agency for 1 year. (Gov't Code § 87406.3)
 - “Appear” means act as a compensated agent or attorney for another.
 - Rule applies to appearances made to influence the outcome of agency action.



FAIR PROCESS: FUTURE EMPLOYMENT

- **Future Employment Rule:** Local officials are prohibited from participating in decisions involving prospective employers. (Gov't Code § 87407)

FAIR PROCESS: INCOMPATIBLE OFFICES

- **Incompatible Offices Rule:**
An official can not hold two public offices simultaneously if there is a potential conflict or responsibilities overlap.
(Gov't Code § 1099)
 - Example: City council and school board.
- **Consequence:** The official will be deemed to have forfeited the first office.

SCAR



FAIR PROCESS: COMPETITIVE BIDDING

- **Public Projects**
 - see Public Contract Code: Local Agency Public Construction Act
OR Uniform Public Construction Cost Accounting Act
- **Other Purchases**
 - See Agency's Purchasing Policy
 - E.g., supplies, equipment, professional services
- **Purpose**
 - Get the best deal for the agency's money, &
 - Ensure the process is fair, avoids favoritism.



FAIR PROCESS: COMPETITIVE BIDDING

- **Consequences:**
 - If contract is not awarded to the lowest responsible bidder, the agency may be liable for reimbursing the low bidder's cost in submitting the bid (but not the lost profits).



FAIR PROCESS: COMPETITIVE BIDDING

The LA School iPad Scandal: What You Need To Know

By ANNIE GILBERTSON, NPR
August 27, 2014

A massive expansion of classroom technology has come to a grinding halt in Los Angeles.

The LA Unified School District had planned to buy some 700,000 iPads for its students and teachers. The Apple tablets would include learning software built by publishing giant Pearson. But Superintendent John Deasy announced earlier this week he is canceling the contract and restarting the bidding process.

The decision comes on the heels of an investigation by NPR member station KPCC, *which obtained emails between Deasy and tech executives that bring into question whether the initial bidding process was fair.*

ESSENTIAL ETHICS FOR PUBLIC AGENCIES: SUMMARY

- Avoid the appearance of impropriety.
- Be aware of your financial interests.
- Use public funds for public purposes.
- Conduct the people's business in the open.
- Use fair procedures when making decisions.
- Ask your attorney for help – sooner rather than later!



GENERAL ETHICAL PRINCIPLES

- How can a public servant determine the “right thing” to do?
 - Laws establish what the official must do.
 - Ethics establish what the official should do.

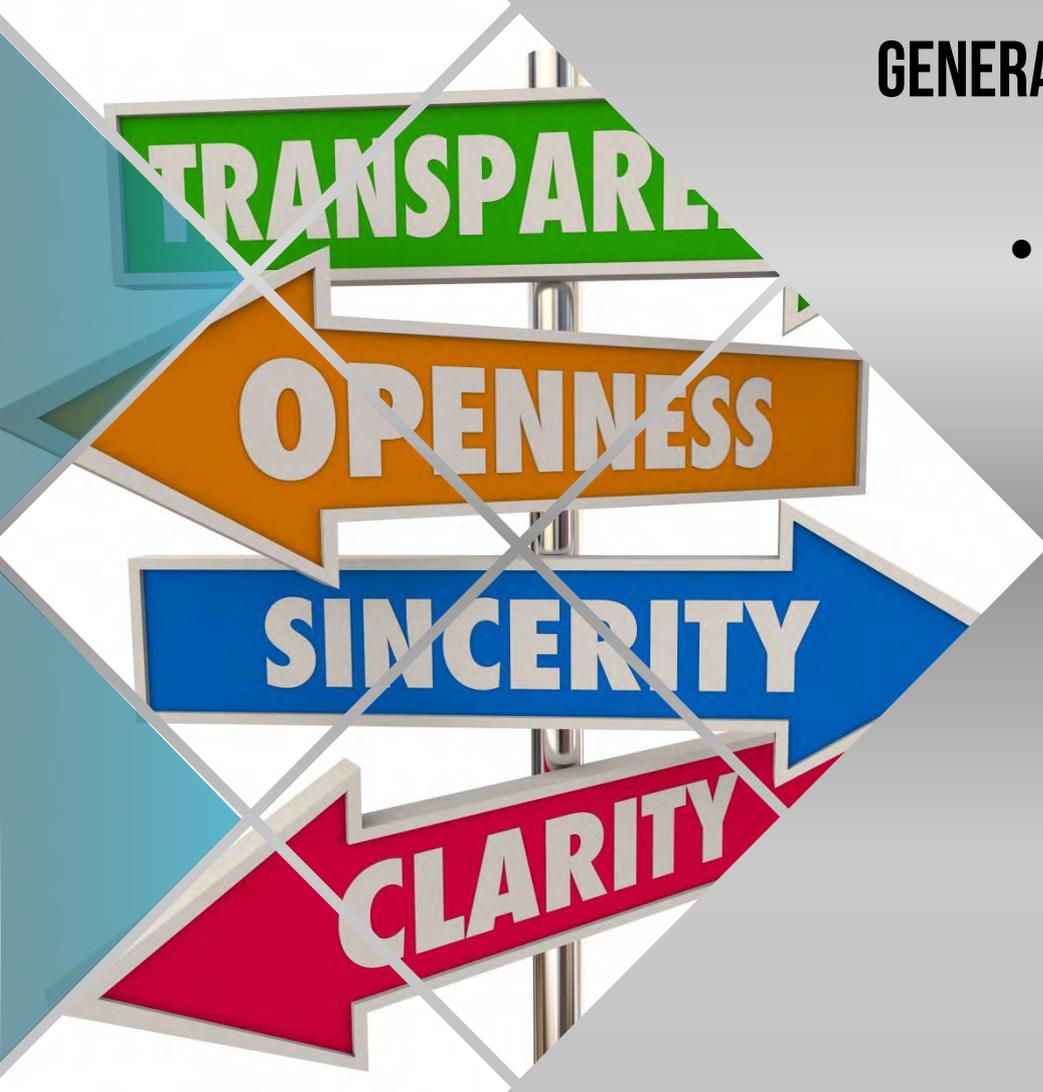


GENERAL ETHICAL PRINCIPLES



- When faced with a difficult issue, take an “ethical gut check.”
- Ask yourself:
 - Is the action legal?
 - Is it consistent with my values?
 - How will it look in the newspaper?

GENERAL ETHICAL PRINCIPLES



- Use your ethical compass to guide you:
 - When making unpopular decisions.
 - When choosing whether to conduct public business openly.
 - In balancing competing interests.
 - In evaluating how to use public resources.
 - When deciding whether to participate in decisions you are passionate about.

ADDITIONAL INFO AND RESOURCES

- California Attorney General
www.caag.state.ca.us
- Fair Political Practices
Commission www.fppc.ca.gov
- Institute for Local Government
<http://www.ca-ilg.org/ethics-education-ab-1234-training>
- <http://www.ca-ilg.org/ethics-law-information>





ANY QUESTIONS?

CONTACT US!

WE'RE SOCIAL



213.236.0600



GMURPHY@BWSLAW.COM



FACEBOOK/BWSLAW



LINKEDIN/BURKEWILLIAMSSORENSEN

Carrots or Sticks? Housing & Land Use in Governor Newsom's Budget



Promoting and encouraging *excellence* in city management

Your Panel



President:
Anthony Gonsalves
Gonsalves & Sons



Karen Pinkos
City Manager,
El Cerrito



Paul Arevalo
City Manager,
West Hollywood



Deb Feng
City Manager,
Cupertino





The Housing Crisis

- CA ranks 49th among 50 states for housing units per capita.
- CA is the second-most expensive state to rent in, in the United States.
- Affordable housing developers are particularly vulnerable to delays by opponents because they operate under tight funding and timelines.
- The state's 2014 Affordable Housing Cost Study found that projects with four or more community hearings were, on average, 5% more expensive to complete.

SB 35

- Signed into law by Governor Brown in Sept. 2017.
- Aims to streamline housing construction in cities & counties that fail to build enough housing to meet state requirements.
- If the development meets all state-mandated criteria, localities must approve the project in either 60 days (if less than 150 housing units) or 90 days (if more than 150 units of housing).

City of El Cerrito



Population: 25,000 Square Miles: 3.66
Commuter/bedroom community

- **Median Household Income:** \$96,914
- **Median Property Value:** \$682,300
- **Housing Units:** 10,671 (73% single-family)
- **Renters:** 40% ; **Owners:** 60%
- **Jobs-to-housing ratio:** 0.55



City of El Cerrito



1 of 24 cities statewide on target to meet its RHNA production targets, at all levels

	Very Low	Low	Moderate	Above Moderate
RHNA Requirement (2015-22)	100	63	69	166
Permitted and/or Built Units	62	6	13	287
Remaining Need	38	57	56	-121



City of West Hollywood



Population: 36,000 Square Miles: 1.89
 Dense/compact, urban community

- **Shares of property taxes:**
 \$19,636,080 (18% of General Fund Revenue)
- **Median Household Income:** \$66,458
- **Median Property Value:** \$684,200
- **Housing Units:** approx. 24,000
- **Renters:** 78.7% ; **Owners:** 21.3%
- **Jobs-to-housing ratio:** 1.17



City of West Hollywood



1 of 12 cities/counties statewide that has met its
 lower and above moderate income RHNA

	Very Low	Low	Moderate	Above Moderate
RHNA Requirement (2014-21)	19	12	13	33
Total Building Permits Issued (2014-18)	145	91	81	1,942



City of Cupertino



Population: 64,000 Square Miles: 11.31
 In the heart of Silicon Valley

- **Shares of property taxes:**
 \$? (?% of General Fund Revenue)
- **Median Household Income:** \$153,449
- **Median Property Value:** \$1,370,000
- **Housing Units:** approx. 21,000
- **Renters:** 37.6% ; **Owners:** 62.4%
- **Jobs-to-housing ratio:** 1.36



City of Cupertino



	Very Low	Low	Moderate	Above Moderate
Projected Need (RHNA)	356	207	231	270
Total RHNA Entitled & Produced (2014-18)	19	0	59	191
Total Projects Entitled (not yet Produced)	377	847	32	1,934



Challenges

- Labor & Developers
- Economy: Financing and a looming Recession
- Parking/Transportation
- Restrictions that take away flexibility (ie: CEQA)
- **One size does not fit all**
- **Cities don't have 100% control over housing production**



Cities of the Future

- Short-Term Solutions
- Long-Term Vision/Effects
 - Impacts on infrastructure, utilities, public safety.
- Legislation needed?
 - Do we need to rewrite RHNA regulations?
 - Is Redevelopment 2.0 a reality?



Success Stories

- What are we doing in our respective cities to meet our RHNA goals?



City of El Cerrito



Affordable Housing Strategy (2017)

Ensures that the City advances policies & programs to produce, protect & preserve housing at all income levels.

Inclusionary Zoning Ordinance (2018)

Applies to all new development after June 14, 2018. Requires new market-rate residential projects to set aside between 10-12% of its units for low to moderate-income households or the option of paying an in-lieu fee to the City's Affordable Housing Trust Fund.



City of El Cerrito



San Pablo Avenue Specific Plan (2014)

Driven by a Form Based Code, a Complete Streets Plan, an Infrastructure Analysis and Program EIR that allows for development capacity of:

- 1,706 new residential units
- 243,112 new square feet of new commercial space



City of West Hollywood



Inclusionary Housing program

Produced 77 new affordable apartments for extremely low, very low, and low income seniors.

From 2014–2016: produced 214 new units for moderate and lower income households.

Affordable Housing Fees

Currently, 75% of new multi-unit projects under review will pay the In-lieu fee. In-lieu fees are held in the City's Affordable Housing Trust Fund and used to provide loans to non-profit housing providers constructing new affordable buildings.



City of West Hollywood



The Crown (2017)
48 Residential Units
Inclusionary, low-income
& very-low income



City of West Hollywood



Blue Hibiscus (2018)
22 Residential Units
100% affordable housing



City of Cupertino



Below Market Rate Housing program

- Adding affordable housing units to city's housing stock in proportion to overall increase in new jobs & market-rate housing units.
- Ensure that market-rate housing development does not utilize all land available in the city for affordable housing.
- Mitigate environmental and other impacts to reduce demands on regional transportation infrastructure.
- Increase supply of for-sale and rental housing for families & individuals employed in Cupertino whose incomes are insufficient to afford market-rate housing.



City of Cupertino



Vallco Town Center (pending-2019)

- Project was approved on September 21, 2018 for streamlining under SB 35
- 400,000 sq. ft. of retail
- 1.81M sq. ft. of office space
- 2,402 total units of housing: 1,201 would be designated as below-market rate housing for low and very low-income residents



City of Cupertino



The Veranda (2019)

A mixed-use neighborhood for seniors, directly across from Main Street.

Came together through:

- County Measure A funds
- City funding
- Housing Trust Silicon Valley
- HOME Investment Partnerships Program (HOME) Consortium



Your Key Takeaways

- 1. We have a housing development crisis.**
- 2. One size doesn't fit all for solving this crisis.**
- 3. Cities don't have 100% control over housing development/production.**
- 4. We need the State Legislature's help to build the cities of the future.**
- 5. We are in this together! Ask your regional networks for support.**



Audience Q&A



Thank You!

Full presentation is available on
www.cacities.org



For more info about CCMF:
www.cacitymanagers.org



The 6th Council Member: Social Media

#LOCCAC



October 16, 2019

Your Panel



Presider
Ryder Todd Smith
President
Tripepi Smith



hey.
Meghan Sahli-Wells
Council Member
Culver City



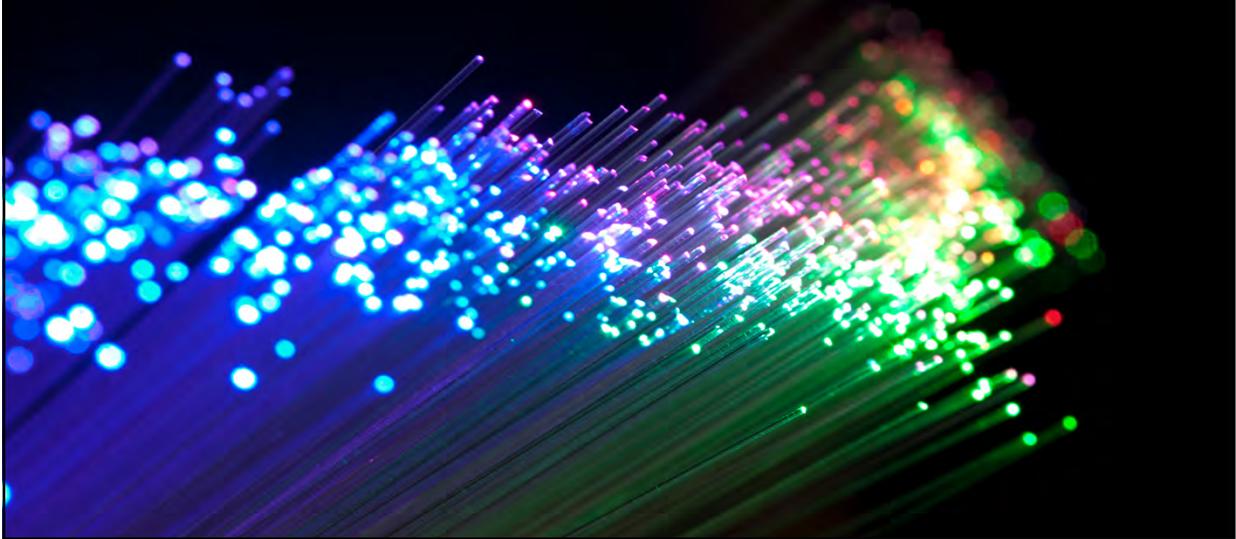
Teresa Stricker
Renne Public
Law Group



Eric Figueora
City Manager
Martinez



The medium equates the messenger



The image displays three screenshots of Facebook pages side-by-side. The first is the 'City of Coronado' page, showing a video player and a like count of 4,825. The second is the 'Coronado Happenings' closed group, showing 19,976 members, 45,846 photos, 10 upcoming events, and 71 files. The third is the 'Coronado Eagle & Journal' newspaper page, showing a like count of 4,050. Red boxes highlight the member and like counts in each screenshot.

Community Group
4-5x size of:

Official City Page

Local Newspaper

The logo for TRIPEPI SMITH features a stylized lightbulb icon to the left of the company name in a green, sans-serif font.

What You Will Learn

- Unique insights from 3 different viewpoints: legal counsel, City administration, and Council Member
- More appreciation for what SM can do
- Ideas about positive ways to leverage SM for your city
- Common pitfalls to avoid for personal/professional use
- Better understanding of how to distinguish “vocal minority” rants from more widespread community concerns
- Write down your questions and we’ll answer as many as we can at the end!



What We Mean by “Social Media”



Profile – personal
Page – professional
Group – personal



Profile – personal
Page – professional
Group – personal



Profile – personal



Profile – personal
Agency Page – professional



Channel – personal or professional



Social Media is the New Normal

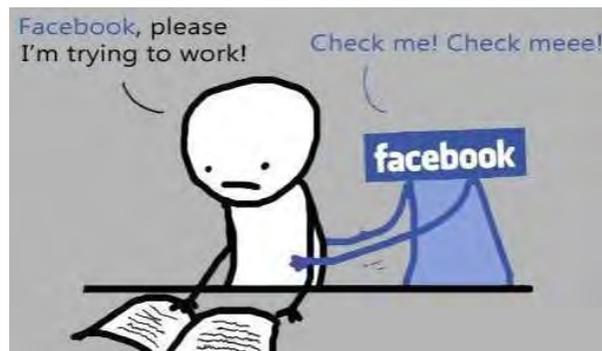


- Given potential negatives, opting out is tempting.
- BUT if you want to serve your community, you need to be able to listen to them.
- And social media can be powerfully good.



Your Residents Are on Facebook

- #3 website in world
- 68% of Americans
 - Only 51% of teens ↓
 - 41% of seniors ↑
- 58 minutes per day, 10-12 min. at a time
- 7-10 ad clicks/month
- Instagram tie-in



Local Gov is Embracing Social Media



- Customer service
- Being your own media outlet
- 2-way vs. 1-way communication

Quick answer

Lots of love



Local Gov is Embracing Social Media

- Crowdsourcing content
- Public safety agencies solving crimes
- Social media as “public forum,” potentially referenced in Council Meetings



Los Angeles County Sheriff's Department and murder victim Dennis Bracamonte's loved ones, are asking you to please call with information that can help investigators find the suspects responsible for taking his life.

The shooting death of 18 year-old Dennis Bracamonte occurred Friday, May 31, 2019, at approximately 10:30 p.m., on the 300 block of North Hollow Avenue, West Covina.

Your tips regarding the shooting incident, the suspect's identities and/or suspects location could help investigators. Please call Homicide Bureau Sgt. H. Cooper or Det. J. Marz at (323) 890-5500.

If you want to remain ANONYMOUS, you can call "Crime Stoppers" at 800-222-8477, use your smartphone by downloading the "PS Tips" Mobile APP on Google play or the Apple App Store or by using the website <http://www.lacrimestoppers.org>

ANY INFORMATION CONTACT: LASD HOMICIDE BUREAU (323) 890-5500

If you prefer to provide information anonymously, you can call Crime Stoppers at (800) 222-TIPS(8477), or using your smart phone and downloading the "PS" Tips Mobile App on Google Play or the Apple App Store, or by using the website <http://lacrimestoppers.org>.



Social Media Can Tell Your Best Stories!

- Show off your services, programs and the beautiful parts of your community
- Ask others to show their love for where they live, work and play



This post about lifeguards and feel-good Council action got 133 reactions, vs. 10-15 for other posts around the same time.

Listening is a culture



Why we ❤️ social media for community engagement

1. Cost-effective
2. Print media is dying
3. Content is visual
4. Easy customer service
5. 'Canary in the coal mine'
6. Metrics!

WHY
SOCIAL
MEDIA
MARKETING?



Engaging On Social Media Helps Working Class

- Can't expect public to physically come to you when other tools are available.
- Favoring social media direct messaging over phone, email, contact forms, etc.

Engaging On Social Media Helps Working Class

The next wave:
live streaming
public meetings
on social &
accepting
public
comments



Personal vs. Professional on Social Media



Profile – personal
Page – professional
Group – personal



Profile – personal
Page – professional
Group – personal



Profile – personal

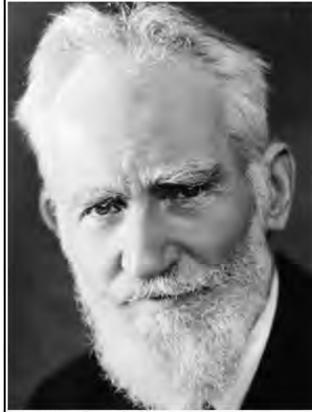


Profile – personal



Don't Feed the Trolls!

Arguing
online is a
lose-lose
situation



I learned long ago, never to wrestle
with a pig. You get dirty, and
besides, the pig likes it.

— *George Bernard Shaw* —

AZ QUOTES



"With Great Power..."

- You, too, can be an "Influencer"
- More (real) Followers means:
 - More opportunities for community engagement
 - A stronger platform for advocacy at County, State and Federal levels



Social Media is Great! But ...

- There are still precautions to take to ensure you are in compliance with the law and the court of public opinion.



Public Forum: Social Media vs. Traditional Website

- A traditional website pushing out information in one direction—to the public—does not establish a public forum, and that means the entity does not risk violating First Amendment rights when it excludes content.

— *Real world example: Vargas v. City of Salinas (Cal. 2009) 46 Cal.4th 1*



Social Media As Public Forum

- Social media has become a vital platform for speech of all kinds.
- Social media may now be “the most important” modern forum “for the exchange of views.”

– *Real world example: Packingham v. North Carolina, 137 S. Ct. 1730 (2017)*



What Kind of Forum? Public Forum or Limited Public Forum

Public Forum: highest level of scrutiny; narrowly tailored to achieve compelling government interest



Limited Public Forum: restrictions must be reasonable and view-point neutral



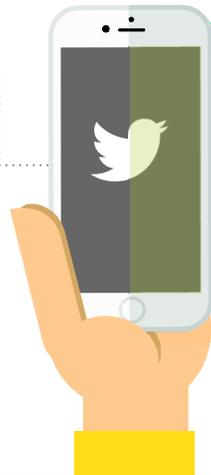
Takedown Litigation

- Public entities face litigation for deleting comments and banning users from the page that are critical of the entity.
 - *Real world example: Hawaii Defense Foundation v. City of Honolulu, (D. Hi. 2014)*



First Amendment Constraints Public Agencies Cannot Prohibit:

Comments
critical of you
or your City
based on policy
issues



Comments
based on the
viewpoint
expressed



Is a “Personal” Page a Public Forum?

Case law is still developing, but possibly YES. Factors:

- Does the official identify as a government official?
- Does the official use it to address constituents?
- Does the official use it to share info of importance to the community?
- Does the official post photos of community events?
- Does the official use it to acknowledge colleagues or City employees?
- Does the official use it to discuss their work as government official?
- Are there any links to the City’s website or social media pages?
- Do the official’s constituents have access to the page?
- Does the official use any City resources?



“Liking” and the First Amendment

Bland v. Roberts (4th Cir. 2013)

- Sheriff terminated employees who supported his opponent in an election, allegedly for poor performance
- Many of the employees had only “liked” his opponent’s Facebook page
- The Court held that “liking” a page was pure speech and symbolic expression, and that the Sheriff’s interests in maintaining effective services to the public were outweighed by the employees’ interest in highly-protected political speech



Social Media and the Brown Act



- Members of legislative bodies cannot meet to discuss official business unless the meeting complies with the Brown Act
- Must have public notice and access to the meeting
- The Brown Act does not prevent individual members from publishing their own comments and opinions



Social Media and the Brown Act

- Brown Act would not apply to social media engagement by elected official IF a quorum does not discuss specific business within their jurisdiction
 - Individual posts are ok
 - But do not respond directly to posts of other electeds
 - “Discuss” does not include emojis or “Likes”



Conflicts and Biases

- Duty to make decisions motivated by the public good, not personal interests
- Duty of loyalty
- Duty of fairness (i.e., avoid conflicts of interest)
- Duty to treat all members of public in fair & unbiased manner
- Nasha, LLC v. City of Los Angeles (2004) 125 Cal. App. 4th 470
- Disclosure of “ex parte” communications when item is on Agenda for discussion/action.



You're Always on the Record!

- **Treat your social media pages like an open mic.**
- **Be transparent and open.**
- **Have 'public conversations' with your constituents.**
- **You don't have to weigh in on *everything*.**
- **Don't post when angry, impaired, etc.**
- **Don't tweet about pending agenda items.**
- **No restrictions on content not within your jurisdiction.**



Check Your City's Policies

- Know what you're allowed to do on the City's social media sites in your elected official capacity.
- You might not be allowed to share content, even if it's positive.
- West Hollywood takes the strict approach:
 - “3.7. City social media sites shall be managed consistent with the Brown Act. **Members of the City Council, Commissions and/or Boards shall not respond to, 'like', 'share', retweet or otherwise participate in any published postings,** or use the site or any form of electronic communication to respond to, blog or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body.”

Nextdoor



Nextdoor
is GROWING!

Why You Should Embrace Nextdoor

- Cities are about PLACE. So is Nextdoor.
- Neighborhood Leads = your Neighborhood Watch
- "Urgent Alerts" feature!
- GIS map integration for targeted messaging
- Every member sees every Agency post!



Loudoun Co. Sheriff
@LoudounSheriff

Follow

Are you on @Nextdoor? Yesterday, the LCSO utilized the neighborhood social networking app to help locate a missing woman. After sending an urgent alert through Nextdoor, we received vital information to help locate her safe. #Loudoun now has over 55,600 residents on Nextdoor.



7:02 AM - 21 May 2019



City of Glendale Rumor Page

Home Page

Safe Browsing

About

The City of Glendale's Rumor Page is dedicated to eliminating misconceptions, and bringing residents the facts about varying issues and concerns within our community.

Measure S Revenue Appropriations

✘ Council cannot tell the public how it will spend...



Americana at Brand Economic Impact

? The City of Glendale received numerous inquiries



City of Glendale Rent Freeze

✘ Council imposed a six-month rent freeze on Nov. 13



Leverage Your City's Website

- If you need to respond to misinformation, facts should be available on your City website.
- Cuts down on back-and-forths in social media comments.



Responding as a Council Member

- When a comment is negative:
 - Be clear and factual
 - Address the problem and the city's response to it
 - Do not engage in a back-and-forth debate
 - Refer to external data sources in your comments
- When a comment is positive:
 - Thank them and be personable
 - Link to other positive and relevant stories



Have Process in Place Before Emergency

- Does your PIO or CM loop you in on emergencies ASAP?
- Does your Media Inquiry Policy encourage you to speak directly to media/news/blogs?



How to Increase Constituent Engagement

1. Give people the content they want
2. Ask questions, then respond
3. Pay for it (Boosted Posts & ads)



Individual Rants vs. Widespread Concerns

- “I saw on Facebook...” or “I saw on Nextdoor...” can be dangerous for Councils.
- Without scientific survey data, hard to tell a complaint from a vocal minority from concerns of the majority (who just aren’t speaking up).
- How do you tell the difference?



Knight First Amendment Institute at Columbia University V. Trump et al

302 F.Supp.3d 541 (S.D.N.Y. 2018)
Currently on appeal to the Second Circuit

- Donald Trump established @realDonaldTrump in March 2009, which he has used since his inauguration to communicate with the public about his administration.
- The 7 individual defendants tweeted a critical message in reply to a tweet, and were blocked by the President. The government did not dispute that they were blocked because of the content of their tweets.
- Plaintiffs could not view, reply to, or retweet original tweets, but they could still engage via other users' replies. They could also see the original tweets from a secondary account or when not signed into their blocked account.



Banning, Blocking and Takedown

Davison v. Randall (4th Cir. 2019)

- Chair of County Board of Supervisors temporarily banned a resident who posted about County corruption on the Chair's Facebook page
- Chair acted under color of State law in maintaining a govt. official Facebook Page and in banning resident from Page
- The "interactive component" of the Chair's Facebook Page qualified as a public forum under the First Amendment
- "Unlawful viewpoint discrimination by banning resident"



representatives, petition governme
assemble freely to consult for the
(b) (1) have the rig
concern of the peop
meeting and the
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(2) ile, or c



Angela Greben

@AngelaGreben

Creator of the Wage Theft Wedding Dress. 1st Amendment Fan! Raising awareness of unlawful Twitter blocking & censorship. Paralegal. Loved by @Twitter.

San Jose, CA

wagetheftweddingdress.blogspot.com

Greben vs. City of San Mateo



Politicians use Twitter's block button, and citizens feel censored

Among them are comedians, veterans, entrepreneurs, journalists, a professional athlete, a mom, staunch liberals and registered Republicans. ...

sfchronicle.com

Stern v. City of Miami

- Grant Stern, a local radio host and activist, sued the City of Miami and its Mayor, Philip Levine, over access to the list of people Levine has blocked on his Facebook account; audio recordings of "The Mayor," a Sirius/XM show Levine hosts, and a month's worth of Levine's Twitter posts.
- Levine identifies himself as the Miami Mayor on his Twitter and Facebook pages, and posts about official city business and political issues.
- Levine blocked Stern after Stern responded to a Levine tweet where he was critical of potential pollution into Biscayne Bay by the City's stormwater system.

Questions?



Thank you, League of CA Cities!

Full presentation is available on cacities.org



When Wildfires Strike

What to Expect and How to Prepare



Welcome

Municipal fires in California history have been consistently breaking records for the costliest in terms of lives lost and property destroyed – all while our departments and personnel are even more prepared than ever to battle these regional disasters.





What's In It For Me?

- Learn how to work with the hundreds of fire resources that could be headed your way
- Be introduced to work that can be done ahead of time to make things easier
- Understand what may be in front of you
- Identify what a disaster for your neighbor jurisdiction could mean for you



WIIFM?



Introductions



Brian Estes

Cal Fire Unit Chief - Nevada-Yuba-Placer Unit &
Fire Chief - Placer County Fire Department



Dana Carey

Emergency Manager
County of Yolo



Lauren Gill

Town Manager
Town of Paradise



Randall Stone

Mayor
City of Chico





CAL FIRE

What to Expect & How to Prepare



Before an Event

Pre Fire Efforts

- Fuels Management
- Prescribed Fire
- Fuels Crews
- CAL FIRE Grants

Preparedness

- Firewise Communities
- Fire Safe Councils
- City WUI Plans
- Cooperative Agreements

WILDFIRE PREPAREDNESS SPEAKER SERIES
 Board Chambers, 6:00-7:30 P.M.
 550 Modulu Ave
 Ready@evadiscoounty.org

FEB 25 GET FIREWISE: ORGANIZE!
 Want to become Firewise, but aren't sure where to start? Gain helpful tips for how to successfully coordinate your neighborhood.

MARCH 25 DEFENSIBLE SPACE
 Learn how to harden your home, implement defensible space and create fire-resistant landscaping from experts in the science and safety field.

APRIL 15 SITUATIONAL AWARENESS
 Register for Code Red emergency alerts, create a plan for Red Flag Warnings, and learn more about Public Safety Power Shutoffs (PSPS).

JUNE 10 READY, SET, GO!
 Family Friendly!
 Don't miss an opportunity to tour a fire engine! Learn from CAL FIRE and Nevada County Consolidated Fire District about preparing your family for wildfire.



Why is CAL FIRE Coming?

They work for us	They were asked to come	They are responsible
Some jurisdictions contract Fire Department duties to CAL FIRE and they provide full service Fire and EMS services to that jurisdiction	CAL FIRE could be ordered under Mutual Aid to assist a local Fire Department or Mission tasked to Assist a local jurisdiction	If you have State Responsibility Areas, CAL FIRE has fiscal and jurisdictional responsibility for wildland fires



California's Fire & Rescue Mutual Aid System Working To Battle Season's Biggest Wildfires

July 11, 2017 Jonathan Gudel

Swinging into action for yet another season, teams of specially-trained firefighters from across the state are being strategically deployed to



What is an IMT or a Type 1 Event

Incident Management Team



Type 1 Incident



What is a Base Camp



How Do We Work Together

Information Sharing with IMT

- 0700 – Ops Briefing
- 1000 – Cooperators Mtg
- 1800 – Planning Mtg

Coordination with Local City

- Public Information Officers
- Liaison Officers
- Law Enforcement Liaison Officers
- City EOC Representation





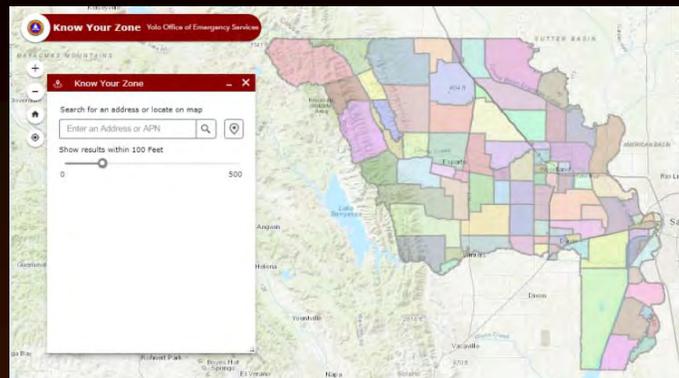
YOLO OES

How to Interface at the Onset of a Large Fire



Evacuation Preparedness

- Create a System
- Educate the Responders - how to use it
- Educate the Public - what may happen





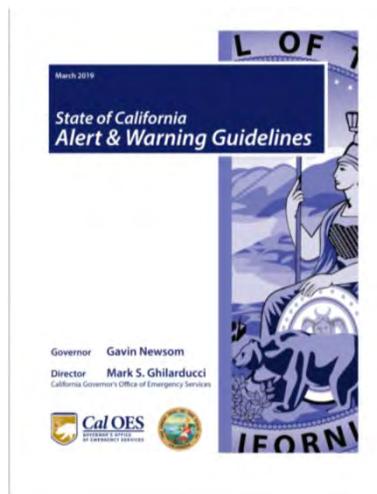
Alert & Warning

Pre-event:

- Public Education
- Citizen Opt-in

During:

- Coordination & Redundancy
- Multiple Formats



Mass Care & Sheltering



Local Knowledge

- Population & Culture
- Area
- Challenges



PARADISE

On-going Operations and
Transitioning to Recovery



Camp Fire Day 1

6:30 am Fire starts in Pulga and in 1.5 hrs. reaches Town of Paradise.
 Wind speeds clocked at 79 miles an hour. The wind flung softball size embers 1-2 miles ahead of the fire.

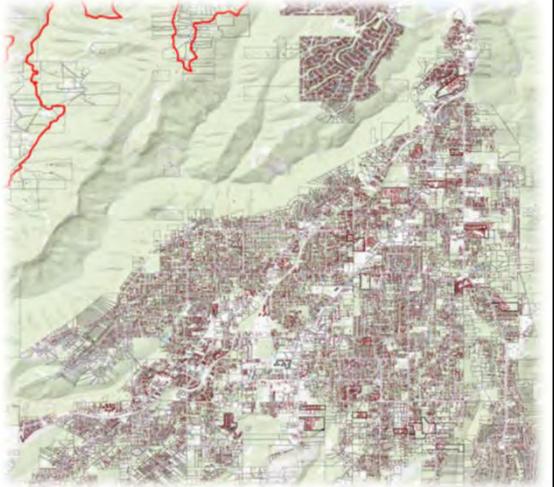



10:45 am Nov. 8, 2018



After a Week

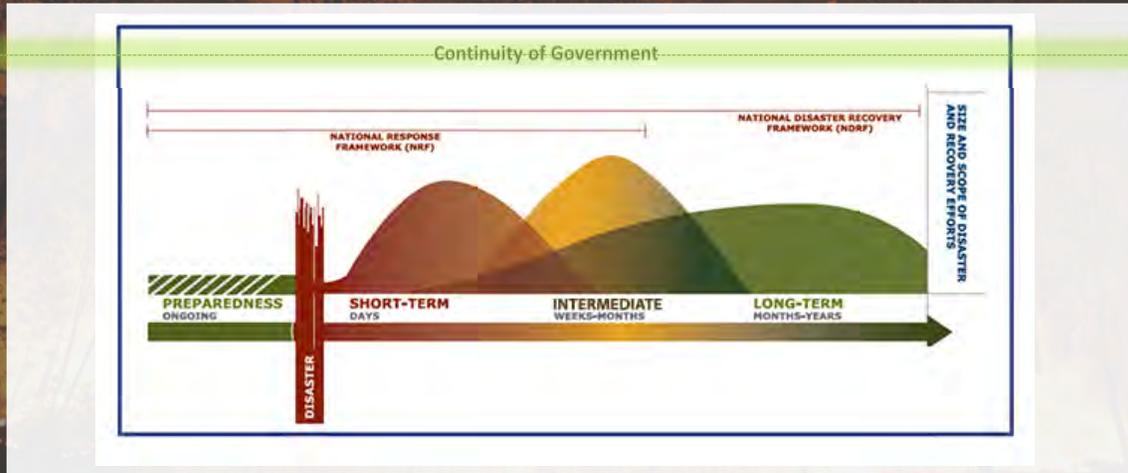
- 90% of Town staff lost their homes
- 100% of Council lost their homes
- 49 EMMA workers
- Managing Resources
- National, State, Local Emergency



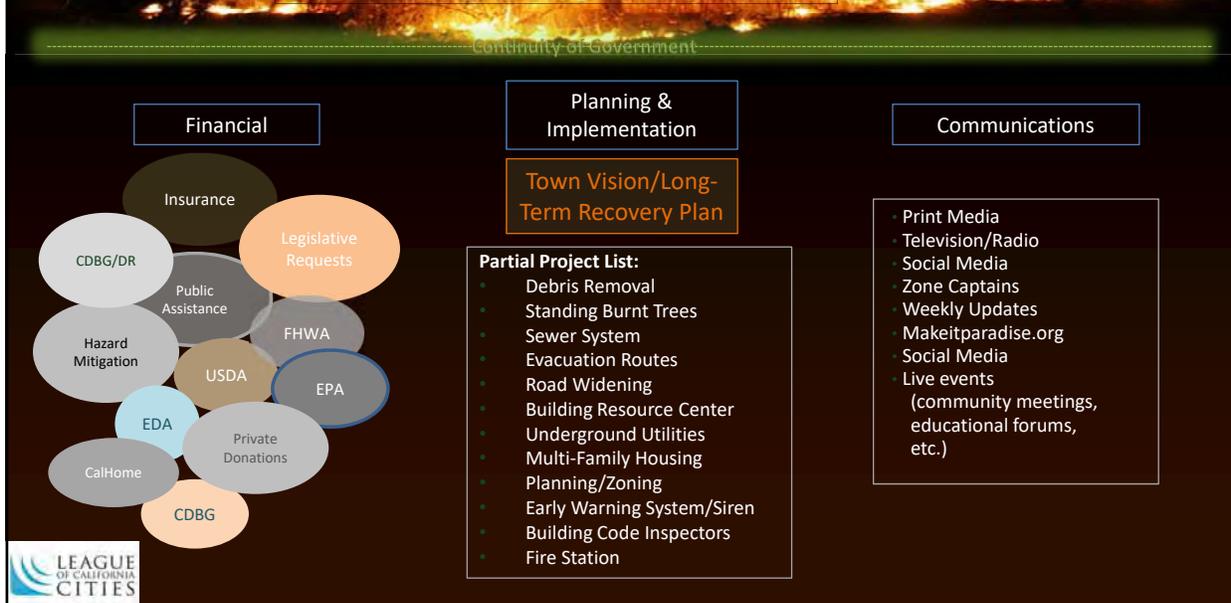
Destroyed Structures
November 2018




Phases of Long-Term Recovery



Long-Term Recovery Components



Debris Removal

- Search and Rescue for human remains
- Damage assessments/cost assessments
- Debris



Things We Didn't Consider

- Extended Disaster/Continuity of Government in a long-term crisis
- Loss of property and sales tax base
 - \$1.5 billion in property value lost
 - \$87 million revenue loss projected over 10 years
- Coordination with local agencies (Water)
- Coordination with State and Federal Agencies
- Difficulty of traumatized staff trying to help traumatized residents
- Public Requests for Information Act
- Communication-Communication-Communication
 - Never enough information
 - Rumor Control/social media
 - JIC





CHICO

Long-Term Impacts



The Mass Exodus





Working Together



A New Population



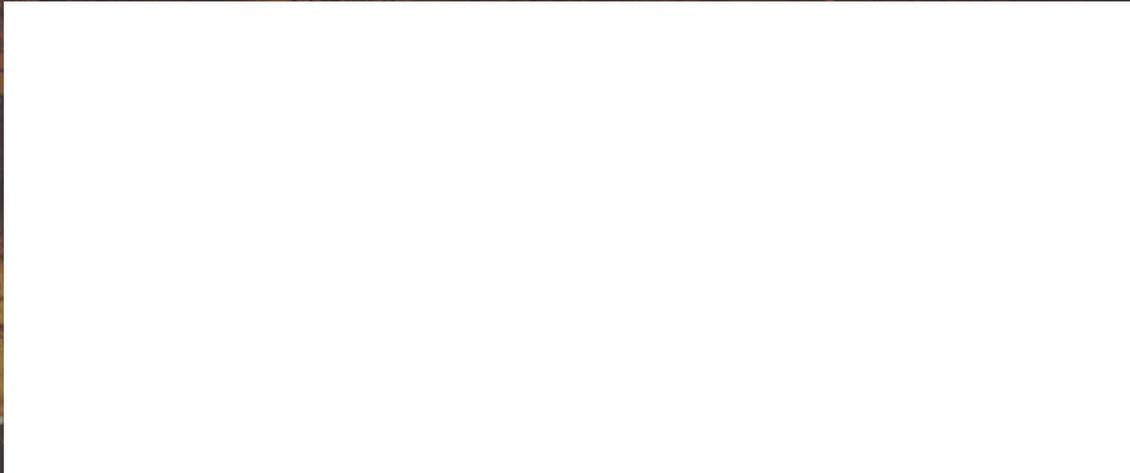
Interim and Long Term Housing



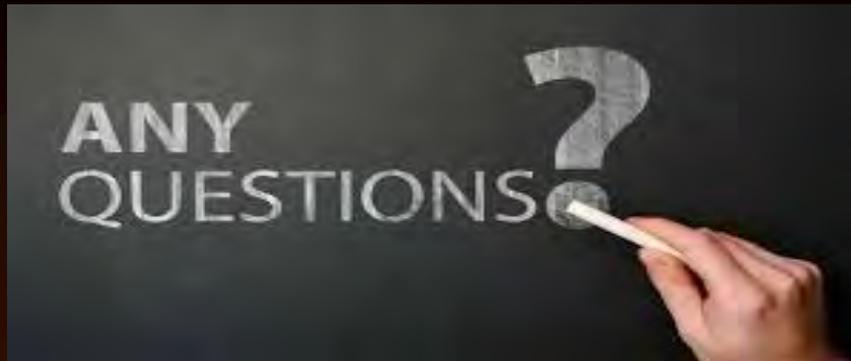
Funding



Take-Away



Q & A



THURSDAY – OCTOBER 17, 2019

7:00 a.m. - 4:00 p.m. - **Registration Open**

7:15 - 8:00 a.m. - **Grab & Go Breakfast**

8:15 - 9:30 a.m. - **ABCs of Safety, Communications and Large Events**

Hosting large events takes a multi-disciplinary approach. A dynamic, city leadership team for one of the large city events in Southern California, The Mission Inn Hotel & Spa Festival of Lights, has created a strong team approach in planning, executing and evaluating this large event. The safety of all who attend is the guiding principle. Come learn from our successes and failures so that you, too, can successfully plan exciting events that draw people from all over the state and world.

MODERATOR: Kristi Smith, Chief Assistant City Attorney, Riverside

SPEAKERS: Margie Haupt, Arts & Cultural Affairs Manager, Riverside | La Wayne Hearn, Deputy Fire Chief, Riverside Fire Department | Kevin Townsend, Lieutenant, Riverside Police Department

8:15 - 9:30 a.m. - **Re-imagining Modern Policing in California**

State laws have led to changes at police departments with regards to use of force, body worn cameras, incident reporting, transparent disclosure of police personnel records, and training. This panel will address the practical implementation of police policies and practices from different perspectives. Learn about legislative proposals for reform pertaining to the work of law enforcement agencies. This session is suitable for anyone interested in understanding the cutting edge issues driving the framework under which law enforcement agencies operate in California today and how that is related to the public's interest in accountability and transparency.

MODERATOR: Neil Okazaki, Assistant City Attorney, Riverside

SPEAKERS: Jorge Cisneros, Chief of Police, Anaheim Police Department | David Mastagni, Partner, Mastagni Holstedt, APC | J. Scott Tiedemann, Managing Partner, Liebert Cassidy Whitmore

8:15 - 9:30 a.m. - **Optimize Government Outcomes by Leveraging Technology**

Information technology is not just servers and networks anymore; it's driving culture, value and productivity through data-driven decision making and real-time citizen engagement. IT, in partnership with other departments, can be vital to establishing and maintaining rapidly evolving technological landscapes, preparing for continuity of operations during emergencies and recovering from disasters, whether natural catastrophes or ransomware attacks. Learn from experienced city managers and IT professionals how IT plays a critical role in improving municipal operations and connecting with communities through security advances, smart cities initiatives and other trending topics anticipated to inspire innovation and cause disruption.

MODERATOR: Jim Lewis, City Manager, Pismo Beach

SPEAKERS: Purvi Bodawala, Senior Financial Analyst, Thousand Oaks | Gaurav Garg, CIO, Santa Clara | Bryon Horn, CIO, Fresno

8:15 - 9:30 a.m. - **The Secret to Effective Short-Term Rental Regulations**

With the rapid growth of vacation rental websites, local governments are struggling to find the right balance between rules that maximize the economic benefits of short-term vacation rentals, while mitigating the negative impacts such as noise, trash, parking, changes in neighborhood character and decreased housing affordability. A panel of industry experts and city officials will share best practices for writing and enforcing short-term rental regulations and explain how they each enacted effective, enforceable and revenue enhancing ordinances that makes Airbnb-style rentals work for everyone in their communities.

MODERATOR AND SPEAKER: Ulrik Binzer, Founder and CEO, Host Compliance

SPEAKERS: Kim Chafin, AICP, LEED-AP, Planning Manager, Hermosa Beach | Pete Roque, Code Enforcement Supervisor, Garden Grove | Kim Szczurek, Administrative Services Director, Truckee

9:00 a.m. - 4:00 p.m. - **Expo Open**

Don't miss your opportunity to meet businesses that can solve your product and service needs and assist your community to find budget solutions.

9:45 a.m. - 11:45 a.m. - **General Session**

- Innovations for Cities – Homelessness
- Cities for Workforce Health Awards
- Beacon Awards
- National League of Cities Update
- ESRI

PRESIDING: John Dunbar, Mayor, Yountville and 1st Vice President, League of California Cities

11:30 a.m. - 1:00 p.m. - **Monterey Bay Division Lunch**

Yard House, 401 Shoreline Village Drive

Space is limited; please RSVP to your Regional Public Affairs Manager, Deanna Sessums (831) 429-6605 for more information. *Additional fees may apply.*

1:00 - 2:15 p.m. - **Where Transportation Technology and Funding Meet the Road**

The revolution in transportation has already begun. Autonomous vehicles are currently being tested on our local streets and roads, auto manufacturers are aggressively pursuing all electric vehicle line-ups, the state has set the world's most ambitious greenhouse gas emissions reductions goals, and the way we pay for transportation infrastructure will need to adapt to these developments as they become reality. Come learn from local, state, and federal transportation experts what challenges cities will face and how best to prepare for changes already underway.

MODERATOR: Jim Madaffer, President, Madaffer Enterprises

SPEAKERS: Randell Iwasaki, Executive Director, Contra Costa Transportation

Authority | Brittney Kohler, Program Director, Transportation & Infrastructure, National League of Cities | Greg Rodriguez, Attorney, Best Best & Krieger LLP

1:00 - 2:15 p.m. - **Achieving an Accurate Count in 2020: Best Practices for Cities**

Achieving an accurate census count for California's cities, especially for our hard to survey populations, has never been more important. With an unprecedented investment of over \$140 million, cities, counties, and community organizations across the state are mounting a statewide outreach campaign. Ensure your city has an accurate count by learning best practices from the city of Long Beach, the Los Angeles Countywide Outreach Complete Count Committee (the first established in the country), and the California Complete Count Committee. Understand what resources are available to your city and how you can conduct an effective outreach census campaign.

MODERATOR: Stephania Ramirez, Director, Strategic Initiatives, California Community Foundation

SPEAKERS: Cecil Flournoy III, Regional Program Manager, California Complete Count

Census 2020 | Maria de la Luz Garcia, Director, Census 2020 Initiative, Office of Mayor Eric Garcetti | Kevin Jackson, Deputy City Manager, Long Beach

1:00 - 2:15 p.m. - [Manufacturing: The Revenue Source You Forgot You Needed](#)

Manufacturing has cleaned up its act and is no longer the environmental culprit of the past. With advanced manufacturing technologies, facilities are modern, clean, and employ high-skilled and highly paid workers - jobs your residents could and must fill! How do you attract these new advanced manufacturing firms to your community? Do you know which of your existing firms have adopted new technologies and if not, how you can help them? Attendees will gain an insight into how innovative partnerships can lead to an enhanced tax base, learning from those who are already benefiting.

MODERATOR: Dion Jackson, Program Director, Center for Economic Development, USC

SPEAKERS: Trish Kelly, Managing Director, Valley Vision | Ricardo Vazquez, Economic Policy Manager, LA Mayor's Office of Economic Development | Grace Williams, Director of Planning & Economic Development, Perris

1:00 - 2:15 p.m. - [Mapping Black California: Sharing Stories of Culture, Comfort, and Circumstance](#)

People from all around the world consider the Golden State their home. Many have experienced hardships and obstacles to live comfortably due to policy and race, rising rent, cost of living, gentrification, and other political factors. In 2016, UC Berkeley reported 67 percent of African American households were renters and among them 64.1 percent were rent burdened. African American homeownership in the state was only 41.9 percent. This session will look at the narrative of what “home” is considered for many in our state, while telling the stories of millions through their own experiences and voice. What does home look like to you? *Planned by the African-American Caucus*

MODERATOR: Paulette Brown-Hinds, Founder, Mapping Black California

SPEAKERS: Jovan Agee, Deputy Treasurer, California State Treasurer's Office | Stephanie Williams, Editor, Voice Media Ventures

1:00 - 2:15 p.m. - [General Resolutions Committee](#)

1:15 - 2:15 p.m. - [Rural City Information Exchange Meeting](#)

2:00 - 3:45 p.m. - [Coastal Cities Issues Group](#)

2:15 - 2:45 p.m. - [African American Caucus Business Meeting](#)

2:15 - 2:45 p.m. - [Asian Pacific Islander Caucus Business Meeting](#)

2:15 - 2:45 p.m. - [Latino Caucus Business Meeting](#)

2:15 - 2:45 p.m. - [Lesbian Gay Bisexual-Transgender Queer Caucus Business Meeting](#)

2:45 - 4:00 p.m. - **Delivering Sustainability and Climate Resiliency Without Sacrificing Budget**

California municipalities face sustainability requirements and growing demand for mission critical emergency services within constrained budgets. How do cities balance these conflicting pressures when much attention is focused on expensive zero-emission technologies? A growing list of cities in California have found a solution. Recent research and case studies will be presented, showing the benefits to municipalities when incorporating clean diesel technology and renewable diesel fuel to boost sustainability credentials without sacrificing essential city services.

MODERATOR: Ezra Finkin, Policy Director, Diesel Technology Forum

SPEAKERS: Matt Leuck, Technical Manager, North America, Neste | Joseph Williams, Fleet Manager, Oakland

2:45 - 4:00 p.m. - **Delivering Sustainability and Climate Resiliency Without Sacrificing Budget**

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MODERATOR: Ezra Finkin, Policy Director, Diesel Technology Forum

SPEAKERS: Matt Leuck, Technical Manager, North America, Neste | Joseph Williams, Fleet Manager, Oakland

2:45 - 4:00 p.m. - **Resiliency in the Midst of Tragedy and Devastation**

On November 7, 2018, the Borderline Bar and Grill in Thousand Oaks was the site of a mass shooting taking the lives of 12 victims. As the city was preparing for a community vigil the next day, it was simultaneously setting up its Emergency Operations Center as the Hill and Woolsey wildfires swept through the region burning 96,949 acres and destroying 43 structures. Learn about the cross-sector collaboration strategies the besieged city of Thousand Oaks used to build resiliency, support a grieving community and respond to a raging wildfire, and how they emerged from a harrowing 24-hours "TO Strong."

MODERATOR: Andrew Powers, City Manager, Thousand Oaks

SPEAKERS: Geoff Dean, Retired Sheriff, Ventura County Sheriff's Office | Andrew Fox, Mayor Emeritus, Thousand Oaks | Ingrid Hardy, Assistant City Manager, Thousand Oaks

2:45 - 4:00 p.m. - [#MeToo2.0: A Guide to Help Navigate New Workplace Harassment Laws](#)

In response to the #MeToo movement, the California Legislature enacted a jaw-dropping number of bills that expand protections for employees claiming workplace harassment under FEHA. The legal standards have changed, from who can be personally liable for unlawful retaliation, to what constitutes severe and pervasive harassment, to the ability of an employer to show it has promptly responded to claims of harassment. These new laws will have a substantial impact on existing and future FEHA litigation. Learn best practices to reboot workplace culture, increase productivity, and mitigate your agency's liability.

MODERATOR: Tamara Letourneau, Assistant City Manager, Costa Mesa

SPEAKERS: J. Scott Tiedemann, Managing Partner, Liebert Cassidy Whitmore

2:45 – 3:05 p.m. - [Kindergarten to College: \\$50 Million Could be Yours](#)

Low-income families in San Francisco have saved more than \$4 million for college through the Kindergarten to College (K2C) program. K2C is the first universal and automatic college savings account in the country and was inspired by research that shows that if a child grows up with a college savings account in his or her own name, that child is up to seven times more likely to go to college compared to a child without an account. Governor Newsom has put funding in the state budget to replicate this program statewide. Learn how your city could be next.

SPEAKER: José Cisneros, Treasurer, City and County of San Francisco

3:10- 3:30 p.m. - [The Santa Rosa Story: Housing Crisis to Housing Opportunity](#)

When faced with a housing crisis made worse by a disaster that destroys 5 percent of your housing stock, what do you do? This session will take the audience through the Santa Rosa Story and how they handled the loss of 5 percent of their housing stock (moving over half into the rebuild process in less than a year), and at the same time worked to address the mounting housing crisis by implementing numerous housing policies, process improvements, fee reductions, use of city property, and regional partnerships in place to spur new housing construction in the downtown near transit. Does it take a disaster to do this? No.

MODERATOR: name

SPEAKER: David Guhin, Assistant City Manager, Santa Rosa

3:35 – 3:55 p.m. - [Preserving Community Identity](#)

Issues like homelessness, affordable housing and renewable energy—important subjects that demand urgent attention—dominate our attention. We sometimes forget what characteristics truly define our communities. In our efforts to solve the big problems, we must not treat all communities as interchangeable but celebrate their differences. This session focuses on how to embrace one's unique community identity even when collaborating with other local jurisdictions on regional or statewide issues. Norco survives by being different—carving out a low-density equestrian lifestyle with a Western-themed physical environment—while addressing 21st century issues facing the Golden State.

SPEAKER: Kevin Bash, Council Member, Norco

4:15 - 5:30 p.m. - **Ballot Measure Training Academy**

Cities are exploring ways to generate critical revenues to address city needs. This training will offer insight into the issues of carrying out a local ballot measure campaign and will cover the essentials of building a campaign operation, organizing grassroots support, developing ballot materials, and crafting a winning message. These tactics can help city officials craft a winning public education message, and ultimately secure passage on Election Day.

MODERATOR: Anton "Tony" Dahlerbruch, Former City Manager, Palos Verdes Estates

SPEAKERS: John Fairbank, Partner, Fairbank, Maslin, Maullin, Metz & Associates (FM3) | Brandon Stephenson, Chief Strategic Officer, Cerrell Associates, Inc.

4:15 - 5:30 p.m. - **Ensuring an Impactful Census 2020: What California Cities Can Do**

The Census 2020 has a direct impact on the funding and services that your city will receive over the next decade and helps ensure fair representation at all levels of government. An undercount will have devastating impacts on cities and local governments throughout the state. California is the hardest to count state in the nation with 75% of Californians belonging to a historically hard to count (HTC) community, population or demographic. Unprecedented level of fear in immigrant communities and the shift to an online count pose serious threats for high undercounts in many cities. How will you engage these extremely HTC populations about the Census? This session will hear from experts working on the 2020 Census in CA, who will discuss effective messaging and approaches for informing and motivating key HTC populations including immigrant communities throughout the state. *Planned by the API Caucus.*

MODERATOR: Dean Logan, Registrar-Recorder/County Clerk, Los Angeles County

SPEAKERS: Efrain Escobedo, Vice President of Education and Immigration, California Community Foundation | Ditas Katague, Director, CA Complete Count | Jonathan Tran, Senior Program Manager, The California Endowment

4:15 - 5:30 p.m. - **Vested Right to Pensions - Has Anything Changed?**

On March 4, 2019, the California Supreme Court delivered its long awaited opinion in Cal Fire, which held that the Legislature's elimination of "air-time" – the ability to buy up to five years of service credit not based on time worked – did not infringe on the vested rights of employees who had not yet purchased it. The "air time" issue itself is narrow, but that didn't stop some from hoping that the decision would roll back the so called "California Rule" that many have construed as preventing the modification of pension benefits absent the granting of an "equivalent benefit." But the Supreme Court took a narrow approach, and declined to rule on the continued validity of the California Rule. In this session you'll learn about which retirement benefits may be considered "vested" or subject to change, and whether prospective changes are permitted.

MODERATOR: name

SPEAKERS: Jonathan Holtzman, Partner, Renne Public Law Group | Linda Ross, Of Counsel, Renne Public Law Group

4:15 - 5:30 p.m. - **Tips and Tools to Improve Trust in Local Government**

In today's environment of the 24-hour news cycle, social media and "fake news," cities throughout California are working hard to strengthen trust in local government. City officials and staff are grappling with questions like "How can we promote public trust and confidence?" and "How can we minimize missteps that undermine or damage this trust?" Discover the answers to these fundamental questions and receive practical tools and tips to proactively avoid ethical missteps and implement ethical best practices in your community.

MODERATOR: Melissa Kuehne, Communications Manager, Institute for Local Government

SPEAKERS: Ruben Duran, Partner, Best Best & Krieger LLP

4:15 - 5:30 p.m. - **Civility in the Chambers: Impacts on Employee Attraction and Retention**

Disagreement and debate among an elected body is part of the democratic process. But when does healthy discourse go too far? What impact does incivility in council chambers have on the ability to recruit and retain talented staff? Based on research from Talent 2.0, a Cal-ICMA Report on recruiting, attracting and retaining a talented workforce, elected officials play a major role. Learn best practices for keeping council chambers civil, and how elected officials can foster employee attraction and retention.

MODERATOR: Nat Rojanasathira, Assistant City Manager, Monterey

SPEAKERS: Rob Houston, City Manager, Fountain Valley | Dominic Lazzaretto, Co-Chair, Cal-ICMA Talent Initiative, City Manager, Arcadia | Steve Nagel, Mayor, Fountain Valley | April A. Verlato, Mayor, Arcadia

5:30 - 6:30 p.m **North Bay Division Reception**

Space is limited; please RSVP to your Regional Public Affairs Manager, Nancy Hall Bennett (415) 302-2032 for more information. *Additional fees may apply.*

5:30 - 7:00 p.m. - **East Bay Division Reception**

Space is limited; please RSVP to your Regional Public Affairs Manager, Sam Caygill (510) 473-5418 for more information. *Additional fees may apply*

5:30 - 7:00 p.m. - **Orange County Division Reception**

Space is limited; please RSVP to your Regional Public Affairs Manager, Tony Cardenas (714) 766-9290 for more information. *Additional fees may apply.*

5:30 - 7:00 p.m. - **Channel Counties Division**

Space is limited; please RSVP to your Regional Public Affairs Manager, David Mullinax (805) 797-3530 for more information. *Additional fees may apply.*

5:30 - 7:00 p.m. - **San Diego & Imperial Counties Division Reception**

Space is limited; please RSVP to your Regional Public Affairs Manager, Catherine Hill (619) 733-1751 for more information. *Additional fees may apply*

6:00 - 8:00 p.m. - **Redwood Empire Division Reception**

Rock Bottom Restaurant, 1 Pine Avenue

Space is limited; please RSVP to your Regional Public Affairs Manager, Sara Sanders (916) 548-9030 for more information. *Additional fees may apply*

6:30 - 9:00 p.m. - **Central Valley Division**

Tequila Jack's Restaurant, 407 Shoreline Village Drive

Space is limited; please RSVP to your Regional Public Affairs Manager, Stephan Qualls (209) 614-0118 for more information. *Additional fees may apply.*

5:30 - 7:00 p.m. - **Lesbian Gay Bisexual-Transgender Queer Caucus Reception**

Aquarium of the Pacific Long Beach, 100 Aquarium Way

5:30 - 7:00 p.m. - **Women's Caucus Reception**

Gladstone's Long Beach at the Pike, 330 South Pine Ave

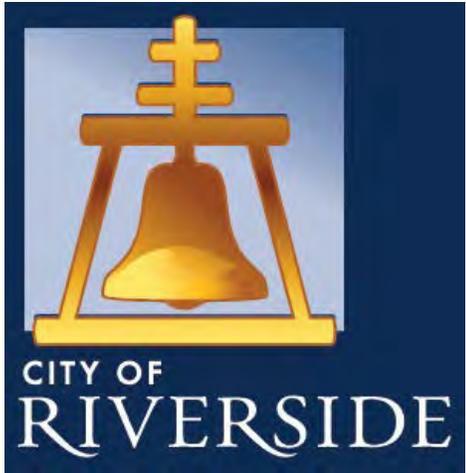
5:30 - 7:00 p.m. - **Beacon Spotlight Awards Reception**

6:00 - 8:00 p.m. - **African American Caucus Reception**

6:00 - 9:00 p.m. - **Latino Caucus 29th Anniversary Gala**

Shannon's At The Top, 201 S Pine Ave

9:00 - 11:00 p.m. - **Asian Pacific Islander Caucus Karaoke Night**



ABC'S OF SAFETY, COMMUNICATIONS & LARGE EVENTS



CITY OF RIVERSIDE



12th
largest city
in **California**



31.3
median age

81.5
square miles



Fastest
growing region in
California

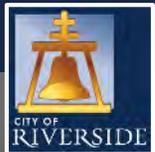
2.7 Million
20-mile radius population



330,063 Riverside
population (2018)



58th largest city
in **the US**



THE INSPIRATION



SWITCH-ON CEREMONY



85K
Attendees

Family Event



Comprehensive
Incident Action Plan

200 Public Safety
Personnel



BEST PUBLIC LIGHTS IN THE U.S.





BUSINESSES

- 1. Cab Restaurant (Abroad)
- 2. Minnie's Real Estate
- 3. Giam's Mission BBQ
- 4. Curves
- 5. Sweet Vintage Bacon
- 6. Revolve (Yoga & Fitness)
- 7. Cakes & Co.
- 8. Manhattan's Salon & Spa
- 9. Hairpieces and Accessories
- 10. Swathika Portrait Studio
- 11. Bechtel BarberShop
- 12. Upper Coast
- 13. Prohibition
- 14. Athletic Callow
- 15. Linc Physical Fitness
- 16. Jani-King Salon
- 17. Downtown Apothecary
- 18. Simple Simons
- 19. Tonsils Factory
- 20. Mrs. Tilly's Nooks
- 21. Ciferes Hairdressers (L104)
- 22. Mission Nooks
- 23. Elephant Thai Cuisine
- 24. Collins Books & Tea Bar
- 25. Pacific Bites
- 26. Artistic M&W Plaza
- 27. Inkase Dance
- 28. Mexican Conchos
- 29. Subway
- 30. T-Mobile
- 31. Walk Tapes (ATM)
- 32. Artisan's Collective
- 33. Pacific Coffee Shop
- 34. Koko Mexican Grill
- 35. Teledig (3700 12th St.)
- 36. Card's Workshop
- 37. Downtown Hooky
- 38. Manoj on Main
- 39. T. Dill Design Studio
- 40. Santa Barbara
- 41. Casey's Cupcakes
- 42. Kelly's Boutique
- 43. Mission Inn Museum
- 44. Whelan Gallery
- 45. Riverside Art on Main
- 46. M.P. Cantaro
- 47. Juvia Tacos
- 48. Rick Bowers of Photography
- 49. Dulce Creches of the Arts
- 50. Halloway Cade
- 51. Malinos Coffee
- 52. Malinos Pizzeria
- 53. DragonMarsh
- 54. Domo Bar & La Cascaida
- 55. MFL (ATM)
- 56. Lake Aliso Trading Co.
- 57. Ravi on the Canal
- 58. Ramona's Chicago Pizzeria & Italian Restaurant
- 59. Shop on Lemon

VENDORS

- V1. Souther's Treaties
- V2. Mission's Jelly
- V3. Sweet Shop Candy Shop
- V4. Kettle Corn
- V5. Gingham Bread Shop
- V6. Market Popcorn (Casper)
- V7. Robert's Breads Almonds
- V8. King's Kettle Corn
- V9. G. Bismuthum
- V10. The Sweet Shop
- V11. Mini Donut Factory
- V12. Candy Connoisseurs
- V13. Novelty Vendor

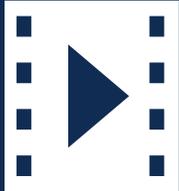


BY THE NUMBERS



750,000
Attendees

facebook



276,342
Video Views

4,450,360
Impressions



10,222
FOL Metrolink Riders



371,467
Webpage Views



41.38%
Web traffic Nov 1
through January 7



BY THE NUMBERS

Revenues to City



\$124,305

Attractions



\$247,298

Vendors/Artisans



\$18,000

Horse Carriages

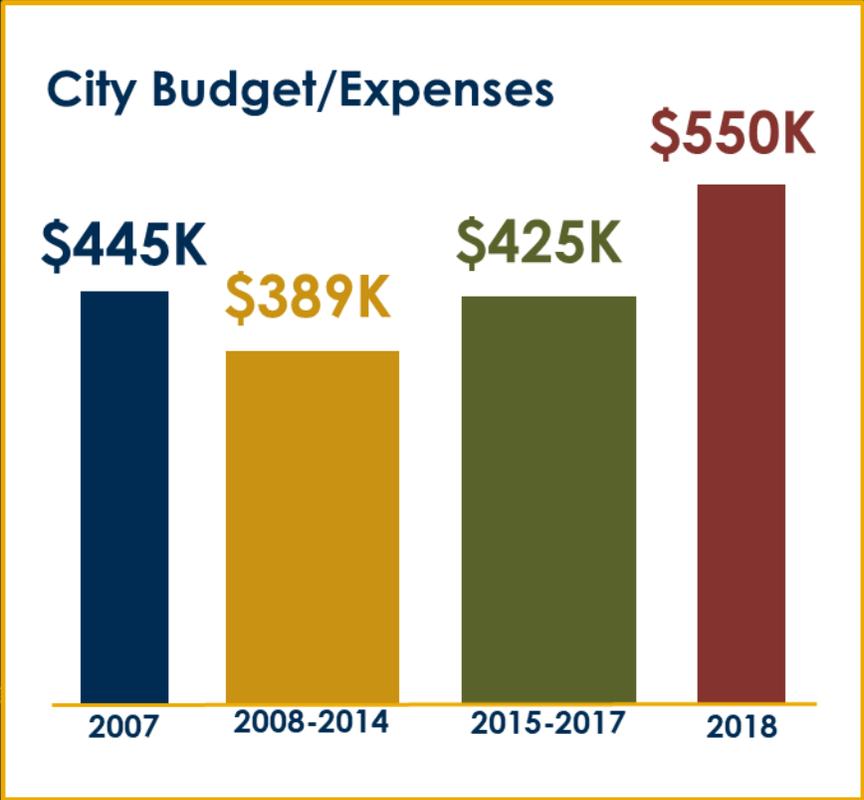


\$409,187 Parking

Total Revenue: **\$832,791**

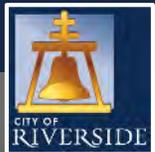
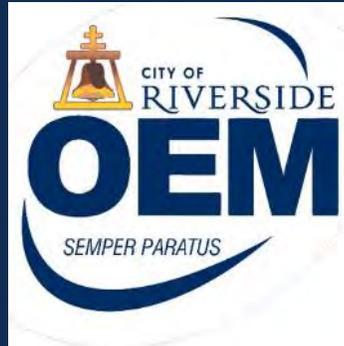


BY THE NUMBERS

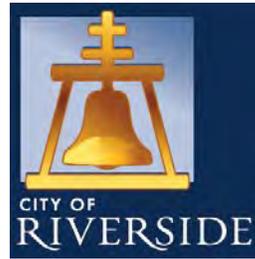


5000+ Hours

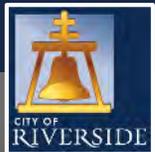
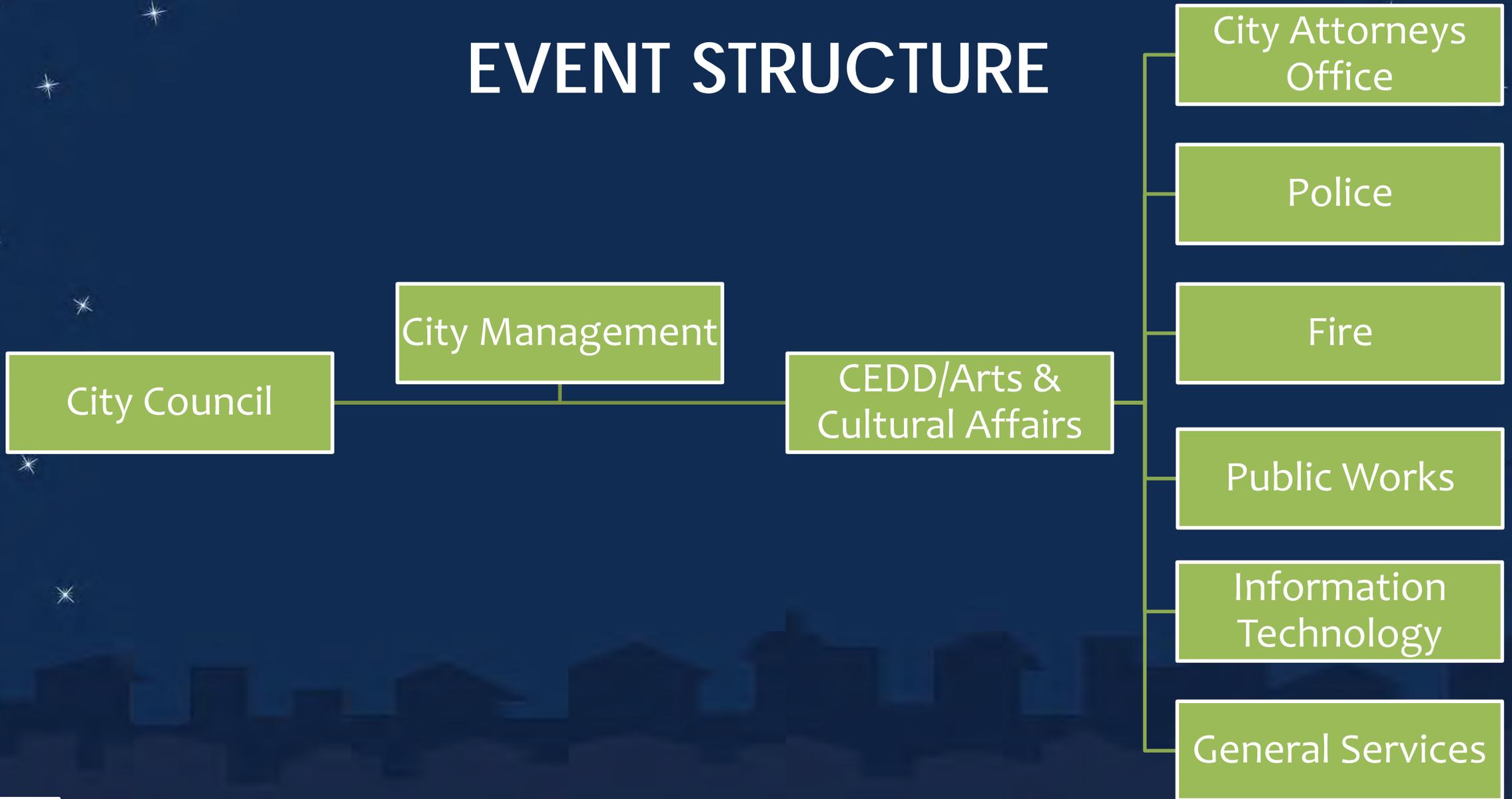
THE SAFETY TEAM



THE COMMUNITY TEAM



EVENT STRUCTURE



EVENT REVIEW, PLANNING AND EXECUTION



UNIFIED VOICE



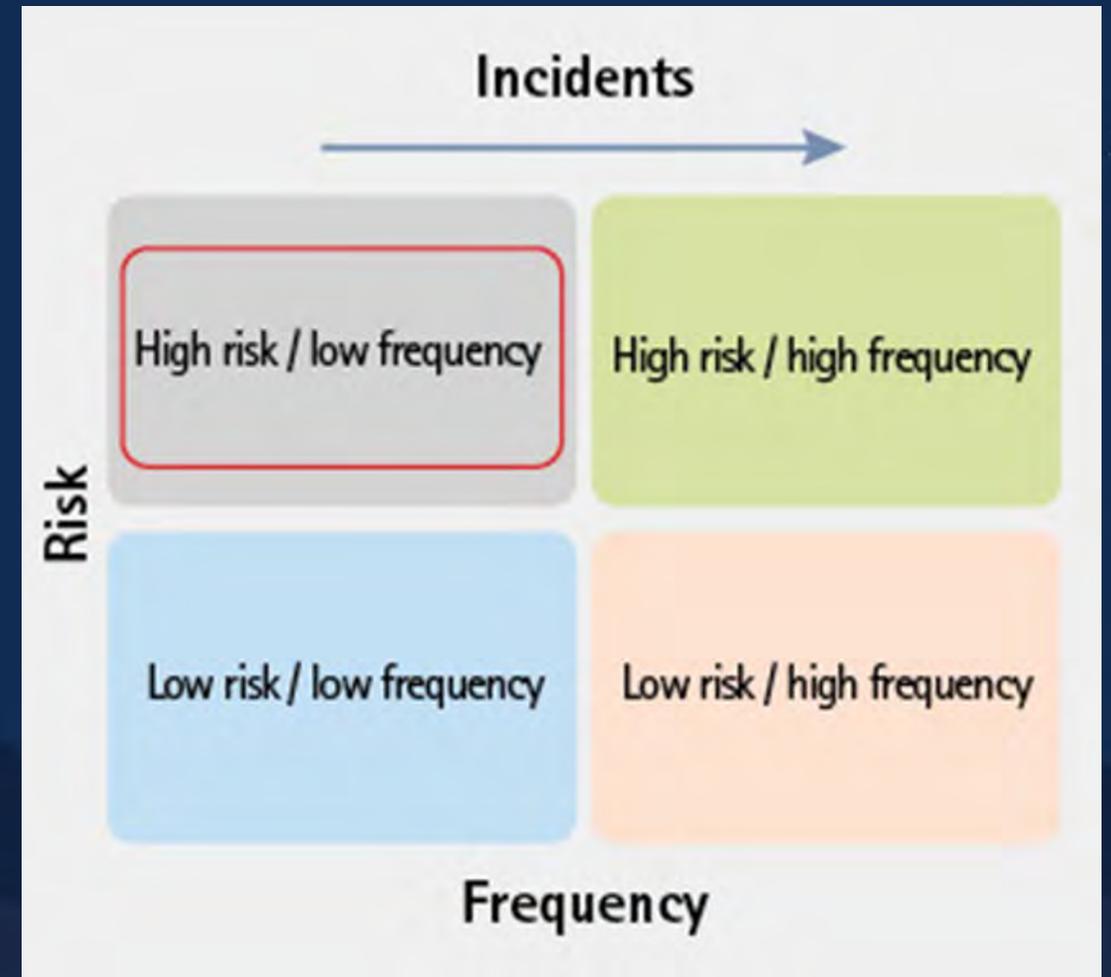
PUBLIC SAFETY AND EVENTS



1. Long Term Planning
2. Policy and Direction
3. Fiscal Accountability
4. Problem Solving

RETURN ON INVESTMENT WITH PUBLIC SAFETY

1. Safety for the Community
2. Reduced Impact of Hazards
3. Dedicated Resources
4. Better Use of Resources



UNIFIED COMMAND CENTER

- Police and Fire Admin
- Emergency Managers
- Dispatch
- Intelligence Detective
- FBI
- Security Companies
- AMR
- Event Organizer



PUBLIC SAFETY AND EVENTS

- Who needs to support?
 - Elected Officials
 - City/County/Board Management
 - Department Stakeholders
- Why should they support?
 - Higher level of accountability
 - Responsible
 - Makes event better



PLANNING

- Year – round process
- Meet Regularly
- Bring in subject experts
- Assess changes and the impact on venue, event and safety
- Core safety planning group including organizer



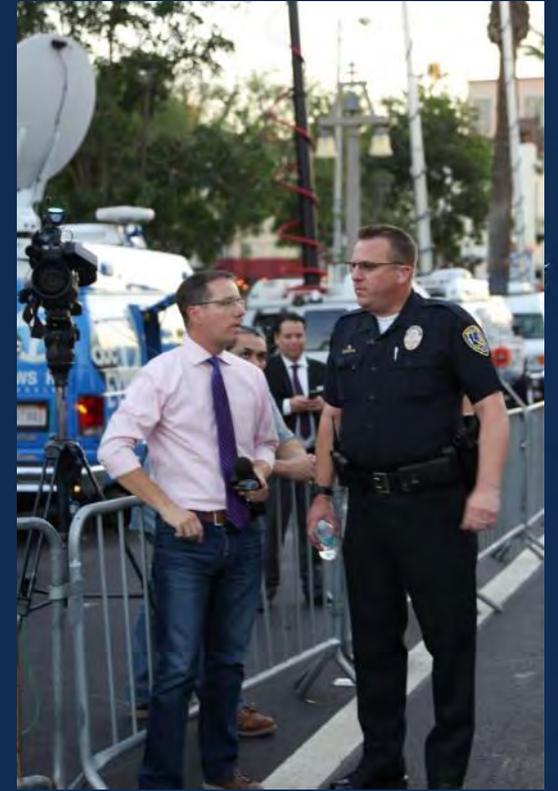
PLANNING



- Assess all equipment needs and resources
- Speak with every agency and division for required needs
- Invest in Infrastructure
 - IT
 - Barricades
 - Cameras

RELATIONSHIPS

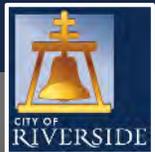
- Build and strengthen constantly
- Borrow resources, staff or equipment from other agencies
- Cultivate new ones



COMMUNICATION

- Leadership Team
 - Arts & Cultural Affairs
 - Emergency Operations
 - Fire Department
 - Police Department
 - Public Works - Traffic Engineering

Date	Time	Meeting
April 2, 2019	3 pm	FOL Leadership Meeting
Attendees		
Steve Goodson	Kevin Townsend	Meghan Eastin
Nathan Mustafa	LaWayne Hearn	Bill Stamper
Gema Ramirez	Mark Annas	Pete Sellas
Time	Item	Owner
3 pm	Welcome	All
	City Manager Update Meeting	
	Hours Tracking	
	Scenario Discussion & Options	
	Infrastructure Needs and/or Plans	
	Strategizing for the 2019 event	



COMMUNICATION

- Pre – Event
 - Legislative Body
 - Key Departments and Stakeholders
 - Tabletop Exercises
 - Information & Training for volunteers & vendors
 - Integration Plan for Dispatch



COMMUNICATION



- At Event
 - Off – site centralized Command Center
 - Use resources for important messaging (electronic signs)
 - Access to Cameras
 - On the ground resources
 - Inside the event
 - Outside the event
 - Interactions with Public

2007 2008-2014

COMMUNICATION

- Post – Event
 - Legislative Body
 - Safety Team De-brief
 - Assessment of Event and planning for future
 - Recognition of work & individuals
 - Invite others who should be added to the team



LESSONS LEARNED



1. Proactive approach vs. reactive approach
2. Include vested parties in all aspects of decision making, they may have creative solutions
3. Always consider access to the public when making decisions on the layout of your event

LESSONS LEARNED (CONT.)

4. Let the subject matter experts lead the way
5. Share public safety messages with the public
6. Alerting mechanism in place the day of the event



LESSONS LEARNED (CONT.)



7. Plan for the worse case scenario
8. After Action meeting to document areas of improvement
9. Its all about the people.

Contact Information



Margie Haupt

mhaupt@riversideca.gov

Deputy Chief Lawayne Hearn

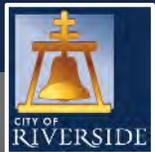
lhearn@riversideca.gov

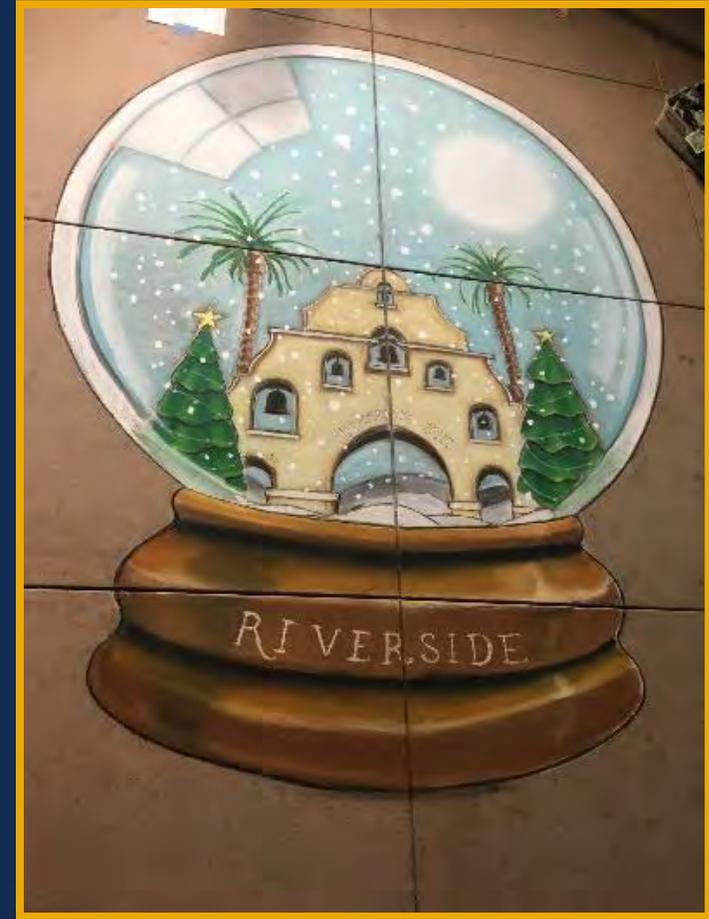
Deputy City Attorney Kristi Smith

ksmith@riversideca.gov

Lt. Kevin Townsend

ktownsend@riversideca.gov





#ILoveRiverside

RiversideFestivalofLights.com





Optimize Government Outcomes by Leveraging Technology

League of California Cities Annual Conference
October 17, 2019

Introductions

Moderator

- James R. Lewis, City Manager, Pismo Beach

Panelists

- Purvi Bodawala, Sr Financial Analyst, City of Thousand Oaks
- Bryon Horn, CIO, City of Fresno
- Gaurav Garg, CIO, City of Santa Clara

What We'll Be Discussing

- The Value Proposition
- Digital Outcomes
- Business Continuity
- Legislative Update
- Smart Cities
- Small and Smart Cities

What We'll Be Discussing

Format

- Brief Discussions
 - Issues
 - Best Practices
 - Take-aways
- Multiple Speakers
- Q and A
 - In Person
 - Send questions via Twitter to [#CityITQuestions](#)

The Value Proposition of Technology

The Value Proposition

Why YOU really need to care...

- Enhanced efficiency through technology lowers staffing costs/needs (PERS, Benefit Costs, Hiring Difficulty, etc.)
- Reclaims physical space
- Empowers/engages the citizenry
- Access builds trust
- Motivates and retains employees
- Security and response needs more necessary than ever

The Value Proposition

Why YOU really can't afford to ignore it...

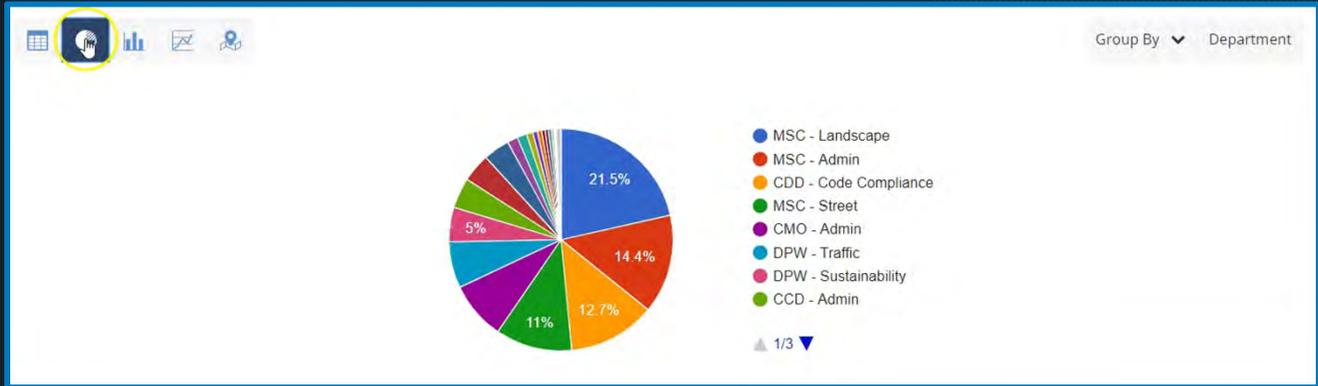
- Citizens have expectations of technology and expect to interact using it.
- Evolution of business processes
- Competition with other agencies
- Changing protocols and formats
- Workflow Management/Cost and Resource Controls
- Security
- Business cycles

Digital Outcomes

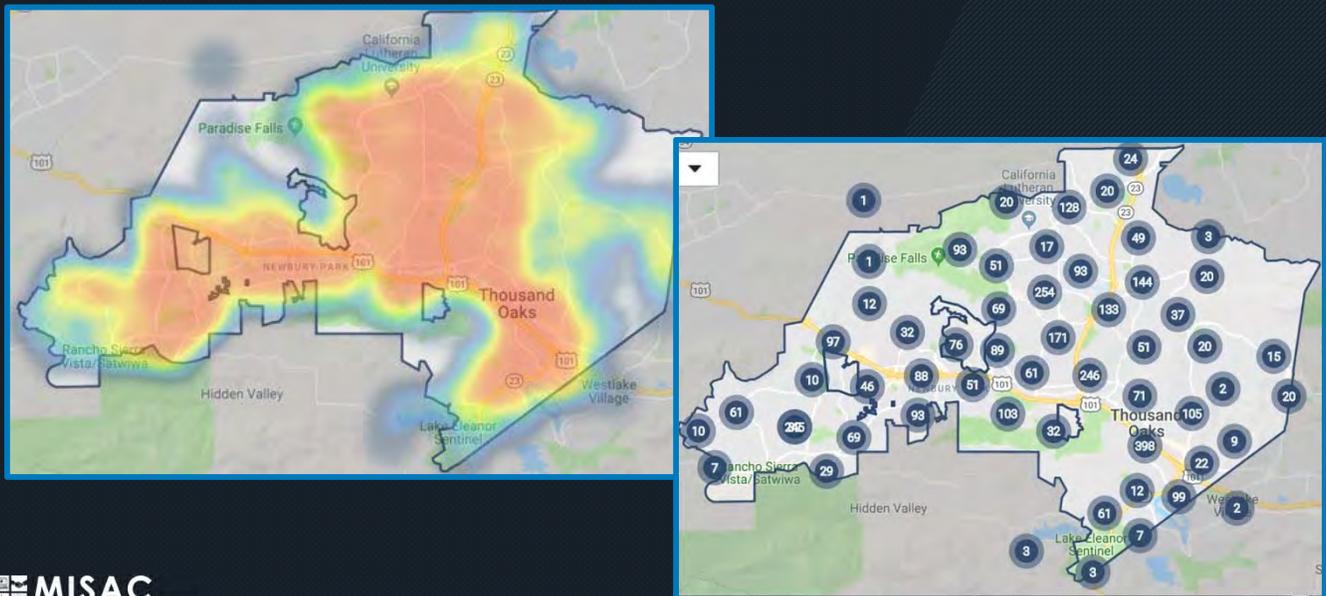
Purvi Bodawala

Senior Financial Analyst
City of Thousand Oaks

Modernizing Government

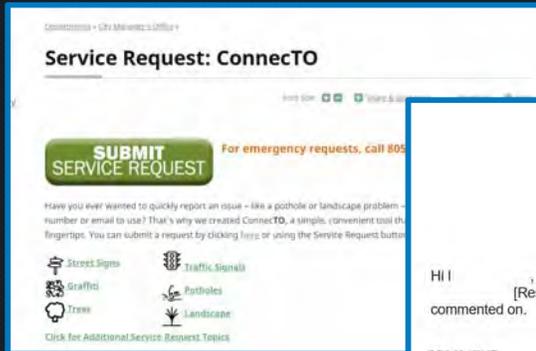


Modernizing Government



Modernizing Government

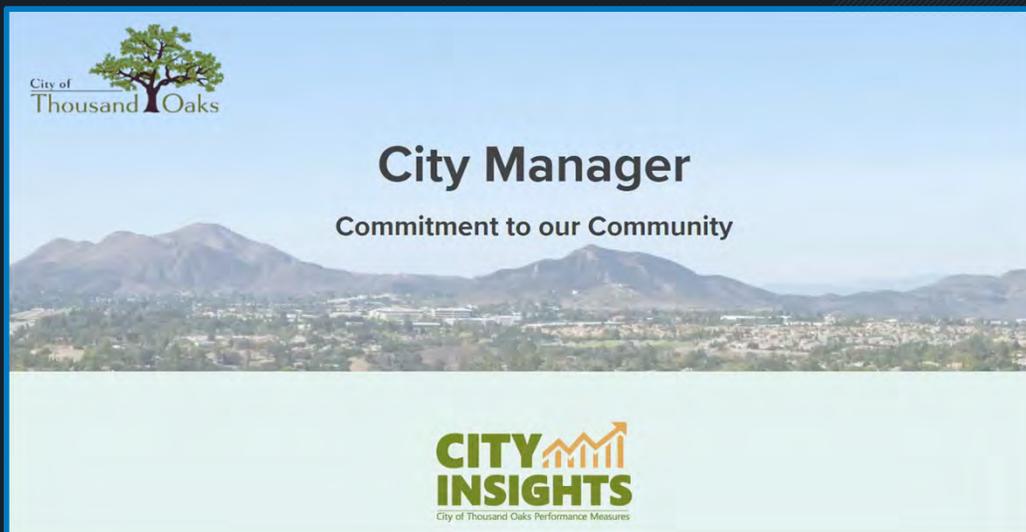
Direct contact with City staff through mobile and public website interfaces



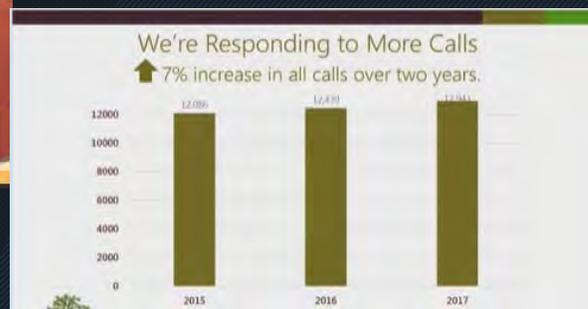
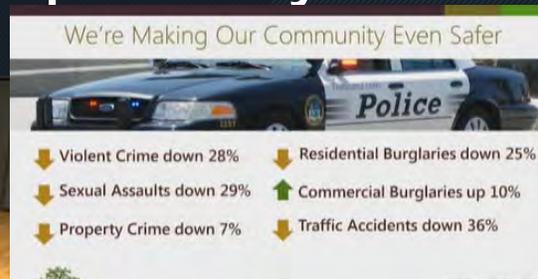
Government Transparency



Government Transparency



Government Transparency



Government Transparency

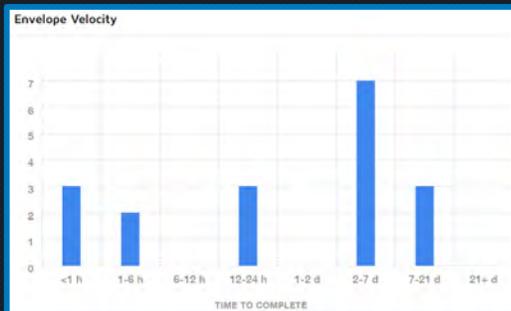


Electronic Signatures

City of Thousand Oaks Administrative Policies and Procedures		
SUBJECT: Electronic Signature Usage – Pilot Program	APP. NO.: 6.024 Submission Date: 02/19/19 Revision Dates:	AUTHORITY: City Manager Adoption/Approval Revision Dates:
DEPARTMENT: City Clerk		
BACKGROUND: The use of electronic signatures on legally binding documents has become increasingly prevalent. The use of electronic signatures has resulted in a significant decrease in time and cost associated with transmitting, approving and retaining physical documents. The United States Electronic Signatures in Global and National Commerce (ESIGN) Act, and the State law: 1. Intent to sign – Electronic signatures, like traditional handwritten signatures are valid only if: 2. Consent to do business electronically – The parties to the transaction must consent to do so: a. Received UETA Consumer Consent Disclosures b. Affirmatively agreed to use electronic records for the transaction c. Has not withdrawn such consent. 3. Association of signature with the record – In order to qualify as an electronic signature, the record must be: a. Proving that it was executed with an electronic signature. 4. Record retention – U.S. laws on electronic signatures and transactions require that electronic records be retained for a certain period of time.		
PURPOSE: To establish a pilot program to enable the City of Thousand Oaks to use and accept approved electronic signatures in accordance with other applicable laws and regulations.		
PROCEDURE: Acceptance of Electronic Signatures. It is the policy of the City of Thousand Oaks to encourage the use of electronic signatures in accordance with the provisions that follow:		

Coordination and approval from the City Clerk and City Attorney's Offices

Electronic Signatures



Quicker turnaround time

Save staff time in tracking down documents

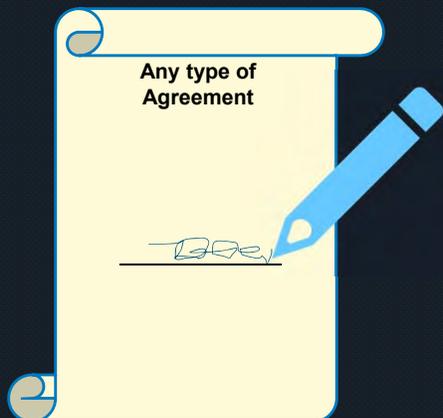


Saves shipping costs



Electronic Signatures

Modern perception of doing business with the City



- Signing vendor contracts
- New Hires

Business Continuity and Legislation Update

Bryon Horn

Chief Information Officer
City of Fresno

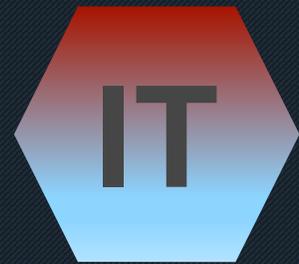
Business Continuity/Disaster Recovery

- What is Business Continuity?
- How does it differ from Disaster Recovery?
- What do these mean to City Services?



What does this have to do with IT Anyway?

- Anything? Everything?
 - Police? Fire? Other services?
 - Includes Cyber Outages – especially Ransomware
 - What Service Doesn't include an IT system?



What is Considered a Disaster?

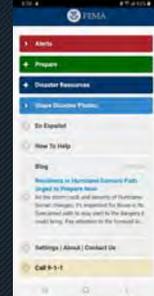
- IT Disasters
 - Server Outages, Network Outages, Internet Outages, Cyber Attacks
 - Any system outage or inability to provide a City Service
- Regional Disaster
 - Floods, Earthquakes, Fire, Weather
 - Different regions have different threats

You need a plan ...



FEMA

- FEMA/NIMS compliant
- Considers IT resources – IT will need 2 plans
 - Regional and Local (Internal)
- Plans to include
 - Activation, Essential Functions, Continuity Personnel, Records Management, Facilities, Delegation of Authority, etc.
 - Identify critical functions – i.e. communications, support Police & Fire, Streets, etc.



Things to Include

- Identify local and regional threats
 - Flood, fire, earthquake, power, etc. – Cloud Threats?
- Identification of critical City Services
 - No one answer – each City is Different
 - Communications Outages – internet, radio, power, cyber.3
- Not an easy task
 - Every Department needs involvement - Fire probably already has an Incident Command System (ICS)
 - FEMA Worksheets and Sample Plans
- IT needs to have similar objectives for supporting Citizen Services



How to Plan

- Fresno's Plan
 - Being revamped
 - City Manager Driven – Fire leading - IT at the table
 - Based on FEMA/Worksheets, etc.
 - Every Department has a Plan
 - IT Critical Functions
 - Email, Voice, Cell, Radio, Internet, Network
 - Identified services, what to do in emergency and alternate modes for providing
 - The City needs to be able to communicate!



Fresno's IT Business Continuity Plan

- Fresno's IT Plan includes
 - Continuity Plan
 - Essential Functions
 - Business Process Analysis
 - Continuity Facilities Suitability and Functionality
 - Continuity Facilities MOA/MOU
 - Continuity Communications and ability to support Essential Functions Fully
 - Non-Headquarters IT Functions



Fresno's IT Continuity/Disaster Recovery Plan

- Fresno's IT Plan includes
 - Identification of critical systems from a City Operation Perspective
 - Major, Minor and Moderate incidents (and procedures for each)
 - Communication outages, server outages, application outages
 - How to communicate with City personnel
 - Alternative services
 - How to recover



Fresno's IT Disaster Recovery Plan

- City Communications considered #1 Priority
 - Ensure communications
 - Voice, Radio, email
- Redundant sites
- Generators in Key sites (in case of Power Outages)
 - Provides for work productivity and a place to go if outages occur
- Not a lot of cloud (yet)
 - Multiple Internet Connections
 - Redundant connectivity



Key Takeaways

- Create a Plan
 - IT needs to be involved
 - Operational plan for internal operations
- Regional Plan for broader emergency
- Ensure FEMA Compliance
 - www.FEMA.org
 - www.Ready.gov
- Coordinate with Neighboring Cities/County
- Plan needs to be communicated and/or software to support



Legislative Updates for IT

- MISAC's position
 - MISAC is not a lobbyist – it is merely looking out for the best interest of its members.
 - Leverage partnership with the League of CA Cities and the California Special Districts Association (CSDA)
 - MISAC will send letters of support or opposition as desired by its members
- What's in play?
 - There are 96 Bills that include IT concerns
- Why should you care?
 - Systems will need to be implemented/changed to support bills
 - State generally does not include funding



Bills High on MISAC's Watch List

- AB 459 – Artificial Intelligence
 - Requires reporting of Artificial Intelligence usage in State Government Services
- AB 477 – Emergency Preparedness
 - Requires Cities integrate Accessibility (ADA)/have representation of such into their emergency plans
- AB 510 – Local Government Destruction of Records
 - Provides for a one-year destruction of video, telephone and/or radio communications
- AB 654 – Public Records: Utility Customers Personal Information
 - Disclose customer utility information for education and scientific information

Bills High on MISAC's Watch List

- AB 1184 – Public Records : Writing Transmitted by Electronic Mail
 - Requires a 2 year retention of email
- AB 1190 – Unmanned Aircraft State (UAS) and Local Regulation limitations (Drones)
 - Prohibits local agency from creating laws prohibiting the use of UAS and allow the enforcement of FAA regulations
- AB 1555 – Police Radio Communications Encryption
 - Requires law agencies to provide encrypted communications to a duly authorized representative of any news service, radio station or network under certain circumstances
- Federal HR 530 – FCC Order/Small Cells – restoring local control
 - A law that states certain actions by the Federal Communications Commission shall have no force or effect
- AB 1366 – Voice Over IP Protocols
 - Extends the Public Utilities Commission's prohibition of regulation of Voice over IP (VOIP) and Internet enabled service except as required or delegate by federal law

Smart Cities

Gaurav Garg

Chief Information Officer
City of Santa Clara

The Center of What's Possible

- Known as The Mission City
- Incorporated 1852
- ~129,604 Residents
 - 40% Foreign-born
 - 57% Bachelor's degree or higher
- 18.41 Square miles
- 1,116 Full time employees
- \$900M City budget



The Center of Innovation



MISAC
MINI-CAL INFORMATION SYSTEMS EDUCATION OF CALIFORNIA



Santa Clara...is undergoing an extraordinary transformation!



City Place

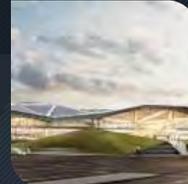
The Center of Development

Downtown Revitalization and Precise Plan



Westfield Valley Fair Mall Expansion

Nvidia (Phase 2)



Tasman East – Housing Developments

Specific Plans (Lawrence Station, Tasman East, El Camino, Patrick Henry, Freedom Circle)

City Place



Kyli Project



Next phase of Santa Clara Square

MISAC
MUNICIPAL INFORMATION SYSTEMS ASSOCIATION OF CALIFORNIA

Related Santa Clara

- 240 Acres
- 9.2M SF total project
- 5.4M SF office
- 700 hotel rooms
- 1,680 residential units including 400 serviced apartments and nearly 170 affordable units
- 1.0M SF retail, food & beverage, entertainment



Three Lines of Service



City of Santa Clara



Silicon Valley Power



Stadium Authority

Silicon Valley Power

- Santa Clara's full-service electric utility
- Region's lowest combined utility rates: 21% to 41% below PG&E
- Ranked 8th in the nation for Green Power purchases
- All residential load is met with 100% carbon free resources



Smart City

A Smart City connects data, technology and sensors to city services and people with the goal of improving the quality of life and strengthening the community.



Smart Cities

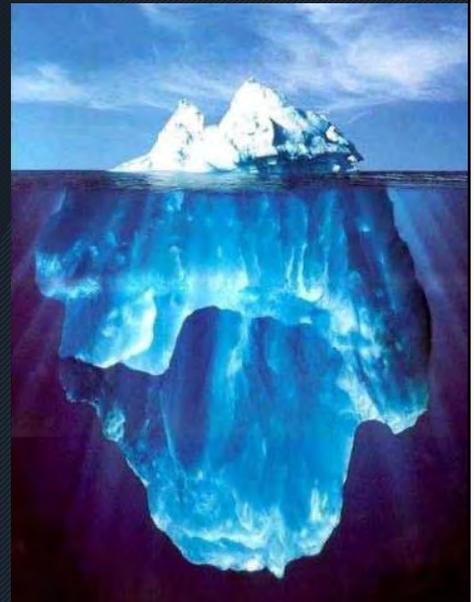
What Issues?

- Response to quality of life, sustainability, traffic congestion, climate change, safety and security, energy, aging infrastructure, healthcare, pollution
- Technology moving faster than the urban planning process. Where to Start?

Smart City Iceberg

10% Publicly Visible

90% City Technology Foundation



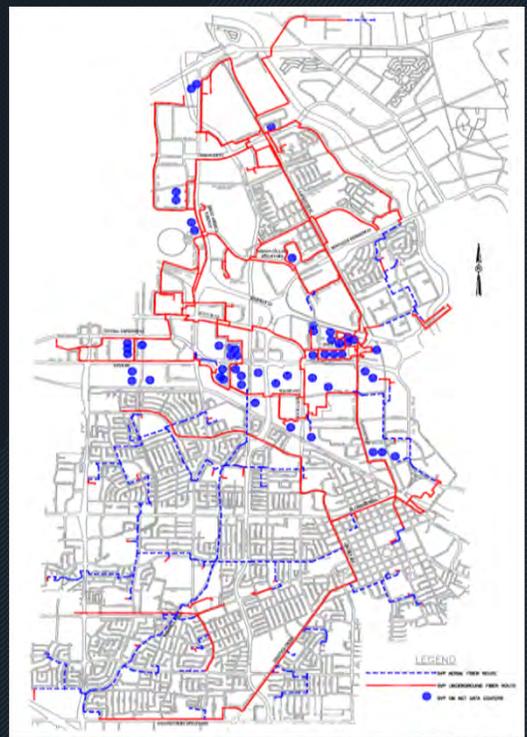
City Technology Stack

Five major strategic focus areas in support of council objectives:

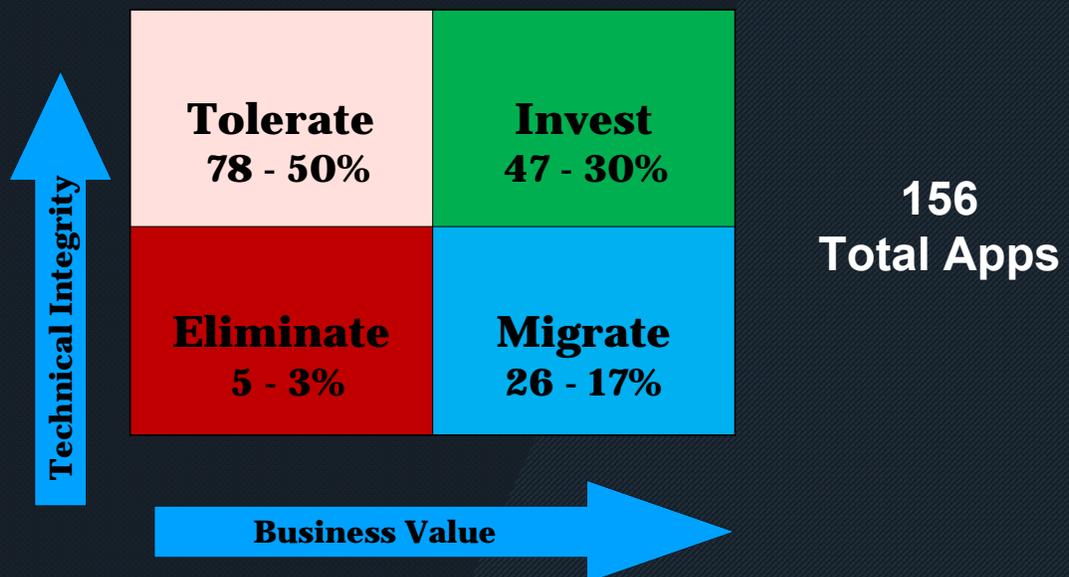
- Digital Infrastructure
- Applications Modernization
- Geographic Information System
- Citizen Engagement
- Cybersecurity

Foundational Connectivity

- Dark Fiber Leasing Program
- 45 on-net data centers & colocations
- Connects City facilities and schools
- Utility poles and LED streetlights
- Outdoor Distributed Antenna System
- Free Outdoor Public Wi-Fi: Backhaul for Advanced (Smart) Metering
- Santa Clara is the 8th most connected city in California (broadbandnow.com)



Applications Modernization



GIS: Smart City Platform

- Location is the **common denominator**
- When you know where everything is you can visualize and **understand** how it connects and interacts with everything else
- Model the City, play various scenarios, make informed decisions
The Digital Twin

Enable communication, coordination, engagement, transparency

Public Works

Community Dev.

Utilities

Public Safety

Recreation

Citywide Basemap

Open Data Portal

- map.santaclaraca.gov/data – launched May 2016
- Open Data Geospatial Portal for public access to authoritative data
- Self service up-to-date open data available
- City staff not spending time fulfilling GIS data requests anymore
- Furthers transparency and engagement
- 17 currently and growing machine-readable GIS datasets



Levi's Stadium



Public Safety



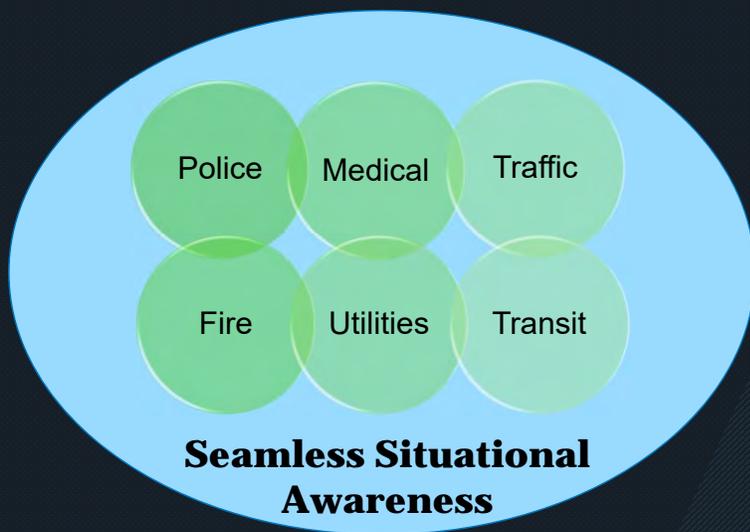
Emergency Services



Traffic Management

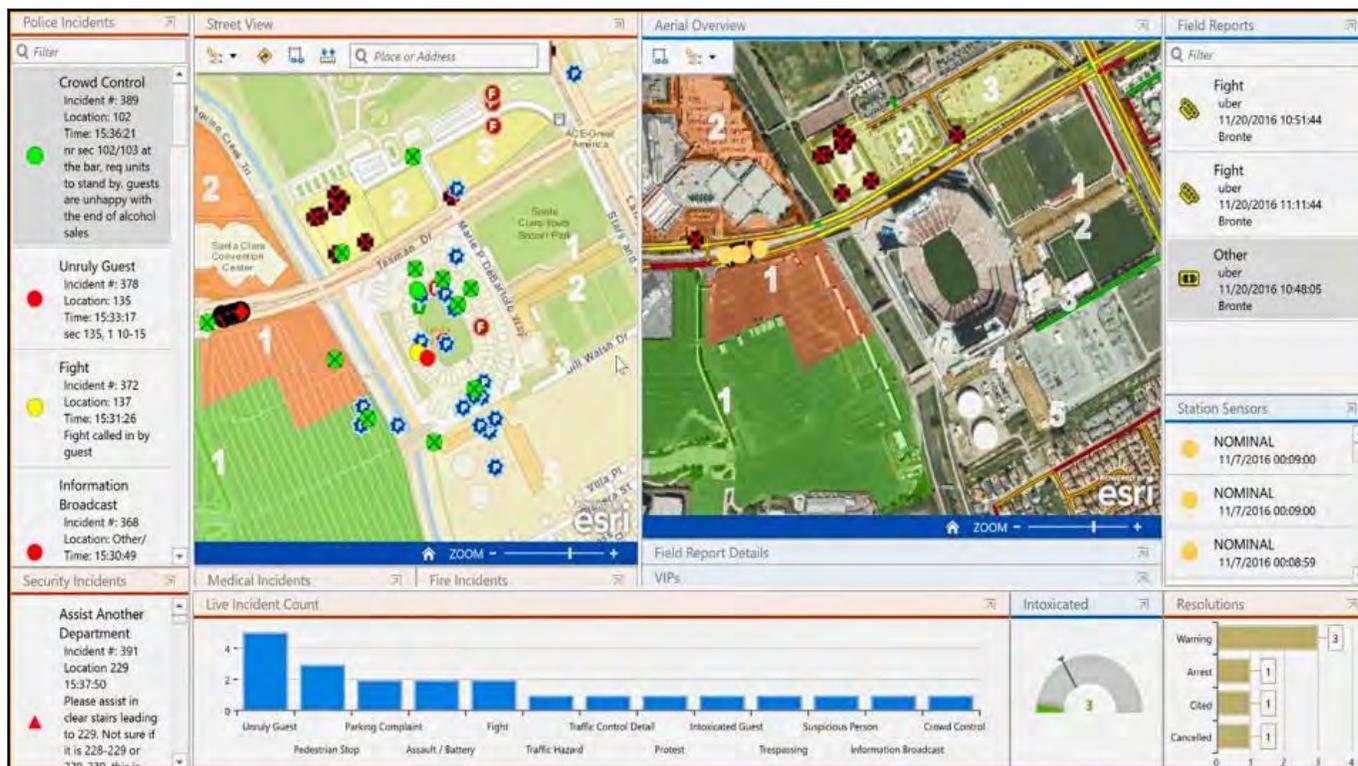


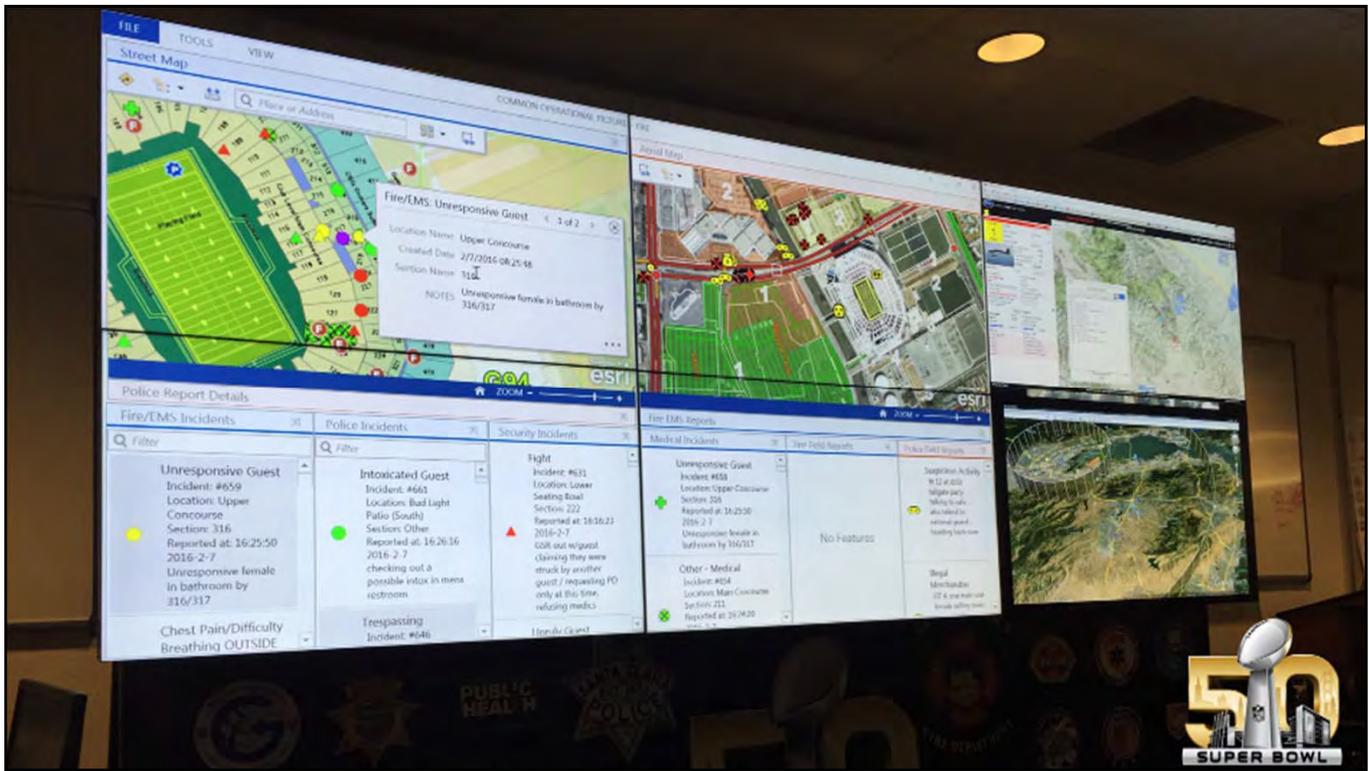
Common Operational Picture



Multiagency integration, coordination and management

Multidisciplinary approach, **same operational picture**, including when different command and control locations are being used





Transportation Management

- Fiber to Intersections
- Video Monitoring
- Signal Synchronization
- Digital Signage
- Public Traffic Cams
- Traffic Cam app



Responsive, mobile-friendly web map that allows attendees to plan their route to their parking spots at Levi's Stadium, especially for Super Bowl 50.



santaclaraca.gov/trafficcam

Electric Transportation



Ready to Roll

- Over 600 Public Charging spaces and growing

City has installed

- 49 at Tasman Garage
- 7 at City Hall
- 8 at the Libraries
- 6 at the Convention Center
- and more coming

Adding EVs to City Fleet



The Low Carbon Fuel Standard (LCFS)

- Administered by California Air Resources Board, established in 2007
- Requires those who import or produce fuels over a certain carbon intensity to purchase credits from others to offset the associated emissions
- These carbon credits are generated by the distribution of low carbon transportation fuels such as electricity
- Proposed SVP budget estimates \$2.4M from LCFS credits for the fiscal year

\$101

LCFS Credit Price Dec.
2017

\$183

LCFS Credit Price Dec.
2018

13,333,000

Volume of credits traded in
2018

\$2.1B

Total value of credits traded in 2018

32%

Percent of credits from
credits derived from
Electricity as a fuel in
2018

\$695M

Value of credits derived
from Electricity as a fuel
in 2018

SVP Blockchain Pilot Objectives

- Develop and implement a Proof-of-Concept (PoC) system to track LCFS credits and trades
- Utilize Power Ledger's Energy Blockchain platform to connect energy assets at the Tasman Drive municipal parking garage
- Work with CARB and other stakeholders to validate process and demonstrate potential value of a tokenized LCFS credits
- Enable engagement and transparency for SVP and CARB
- Provide the City of Santa Clara the opportunity to begin exploring the potential for blockchain technology within its ecosystem

Smart City Challenge

- Holistic view across city operations for citizen centric outcomes
- Balance broader smart city view in phased manner with opportunistic/pragmatic view with small executable projects
- Change is hard. Top down leadership.
- Community outreach and stakeholder engagement
- Procurement to encourage innovation
- Fail fast as a means to success
- Public-private partnerships. Outcome based business model
- Cybersecurity. Privacy. Citizen trust.
- It's about improving the quality of life and community!

Small and Smart Cities

James R. Lewis

City Manager
City of Pismo Beach

Small But Smart City Assessment

Assessment and planning is key to success

- Where are you headed?
- Where is biggest benefit?
- What amount of change can you handle?
- What partners do you have?
- What resources you have to invest and what resources might you grow?

How Can Pismo Be A Better City Today?

*The City of Pismo Beach aims to be a Better City Today **by using technology to collect, communicate, and analyze data** to improve the design and operations of its core systems and programs, as well as **citizen and tourist engagement**, for greater efficiency and effectiveness; the city's **sustainability, resilience, bottom line, quality of life and visitor experience** will improve as a result.*

Have Partners and a Process

We partnered with ENGIE

Their Unlock Process™ was used as a guiding framework to uncover City priorities, opportunities, and strategies to improve the utilization of technology and data in Pismo Beach.



Unlocking Opportunity In Pismo Beach

Unlock Priorities

Evaluation of Pismo Beach through:

- Online research reviewing 19 City documents
- City staff survey: 29 responses
- 10 stakeholder interviews with executive staff and community leaders

Mapped findings onto a **City 360 Scan**

Unlock Possibilities

Facilitated a workshop with approximately 20 City staff and community leaders on August 14, 2018

Discovered that **citizen engagement, transportation and water infrastructure** were the primary opportunity areas for improvement

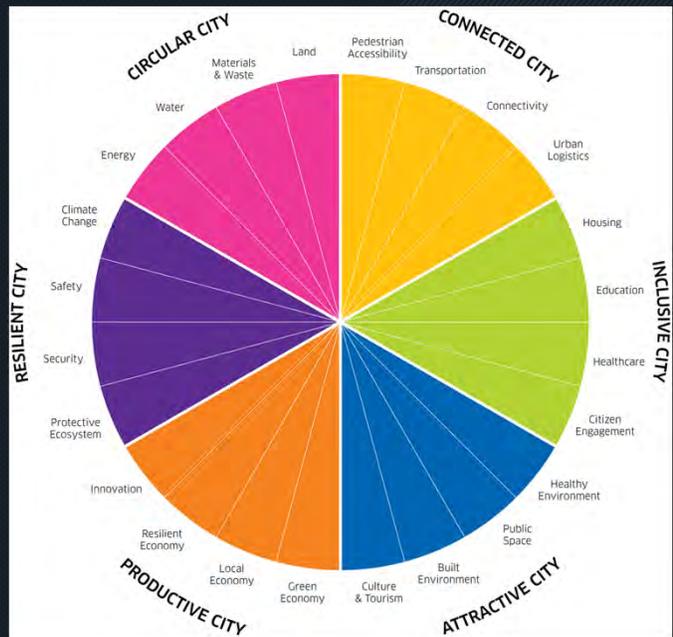
Unlock Partnerships

Developed a roadmap to serve as a **prioritization and implementation guide** for the 5 City projects identified in the workshop and developed

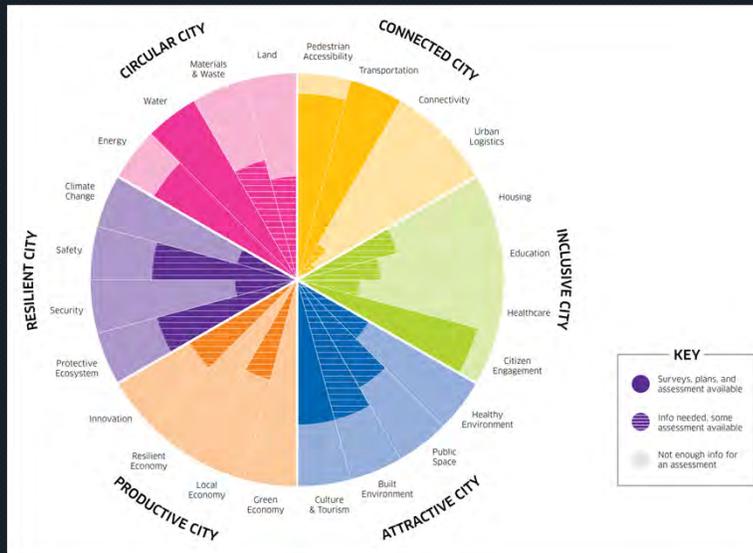
1. Smart Parking Strategy
2. Smart Water Meters
3. Improvements to the City Website
4. Pomeroy Promenade Enhancement Project
5. Highway Digital Signage

City 360 Scan

We developed the City 360 Scan as a framework to provide a holistic and measurable view of “better city” readiness and maturity



ASSESSING PISMO: 360 Scan Results



FOCUS! Where We Are Focusing

- Transportation
- Parking
- Recycled Water/Utilities
- Citizen Engagement/Web Content

KEY FINDINGS & OPPORTUNITIES: 360 Scan

CIRCULAR CITY

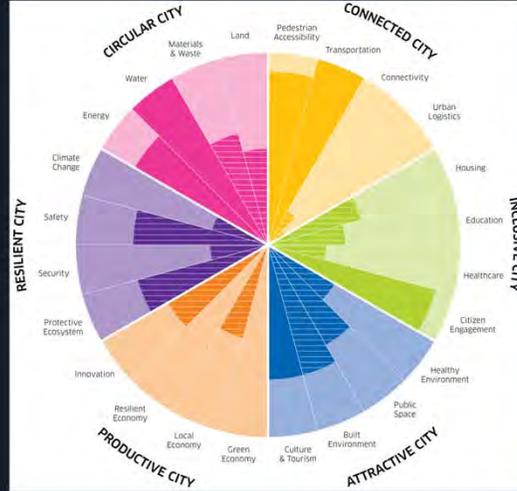
Pismo Beach has stressed **water conservation** as a key priority, through recycled water, customer education, and replacement of inefficient infrastructure.

RESILIENT CITY

With the adoption of more Technology, the City has set goals around **IT security** and further leveraging **digital resources** to improve public safety, such as boosted emergency and Advisory alerts on social media.

PRODUCTIVE CITY

Pismo Beach enjoys a robust local economy, though reliance on tourism has generated **challenges** such as **congestion** and limited amount of **low- and moderate-income housing**.



CONNECTED CITY

During peak tourism times, **parking and congestion** are key issues for residents and visitors. Increasing **pedestrian accessibility** and **multi-modal transportation** are also City goals.

INCLUSIVE CITY

In recent years, Pismo Beach has prioritized **citizen engagement** and **communication** with residents and visitors, particularly online.

ATTRACTIVE CITY

The City's economy is reliant on visitors; approximately **40%** of the City's revenue is generated from a Transient Occupancy Tax.

Pismo Beach City 360 Roadmap

The sequence of projects was strategically determined based on project feasibility, current City plans, and staff capacity.



Annual Conference



2019 Annual Conference

MISAC

MUNICIPAL INFORMATION SYSTEMS ASSOCIATION OF CALIFORNIA

IT: Your Vision, Our Future

2019 MISAC ANNUAL CONFERENCE

PORTOLA HOTEL & SPA AT MONTEREY BAY
MONTEREY, CA

SEPTEMBER 29 - OCTOBER 2, 2019



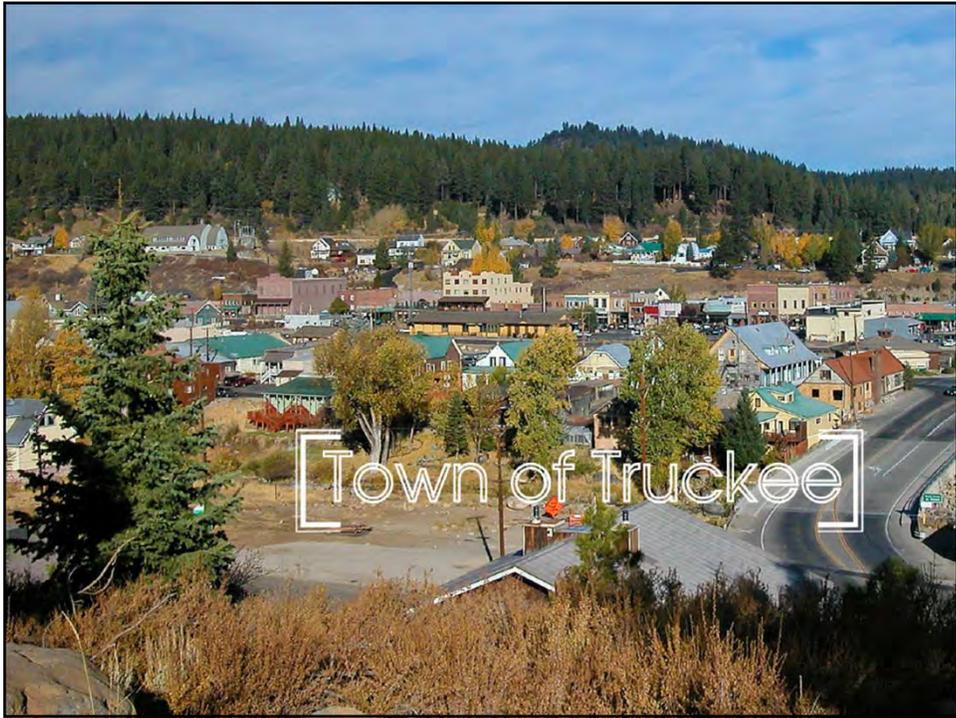
THANK YOU!

jlewis@pismobeach.org

pbodawala@toaks.org

bryon.horn@fresno.gov

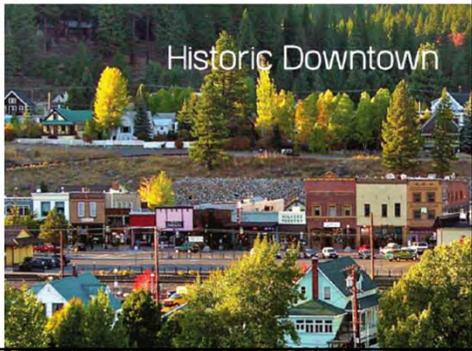
ggarg@santaclaraca.gov



What makes Truckee special?

The collage features several small images and a map:

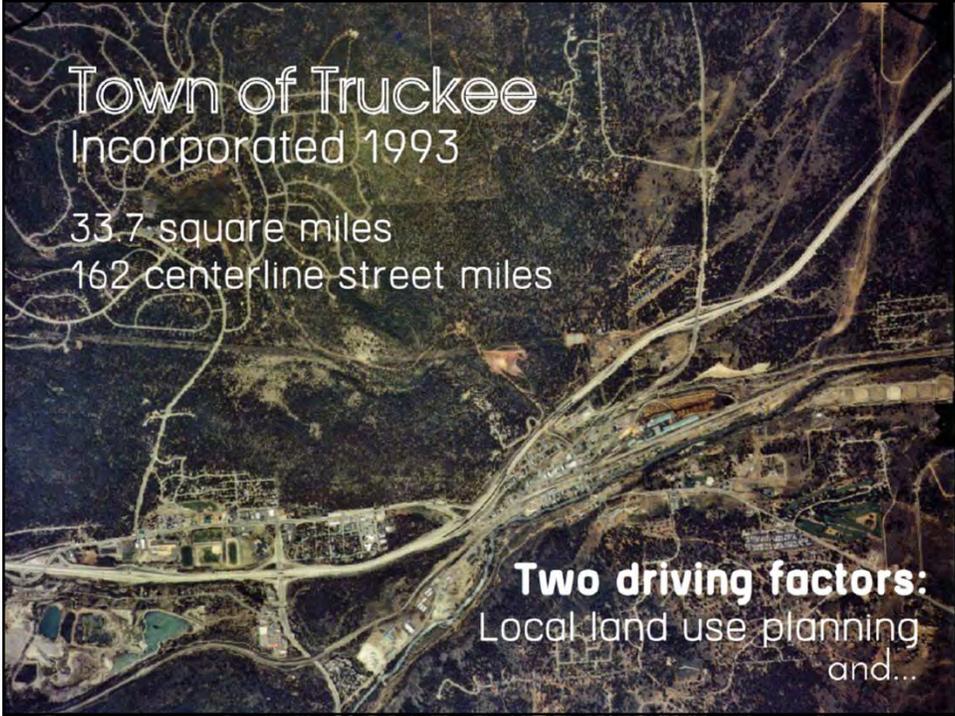
- the natural setting**: A scenic view of a lake and mountains.
- the railroad**: A train passing through a landscape.
- proximity to Sacramento & San Francisco**: A map of California with a line connecting Truckee to Sacramento and San Francisco.
- skiing**: A person skiing down a snowy slope.
- snowboarding**: Two people snowboarding down a slope.
- hiking**: A person hiking on a trail.
- the wild west**: A street scene with historic buildings.
- Historic Downtown**: A street scene with historic buildings.
- fishing**: A person fishing in a lake.
- paddling**: A person paddling a canoe on a lake.
- bicycling**: A person riding a bicycle on a paved path.











Population
as of 1/1/18 (DOF)

16,681 

Elevation

5,980 ft.

Average snowfall/year

201 in. 



Town of Truckee
Quick Facts

← Sacramento (100 mi) →

← SF (190 mi) →

→ Reno (30 mi) →

San Diego (600 mi)

Housing Units
13,322

Vacancy Rate
51.0%

Average Median Income
\$73,500

Median home price (SFR)
\$719,000

Economic Drivers

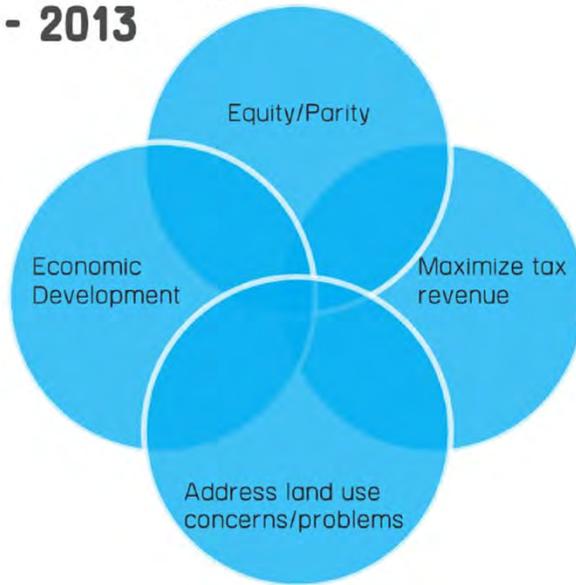
Tourism
Ski resorts | summer outdoor recreation | hospitality | service

Construction
Second homes

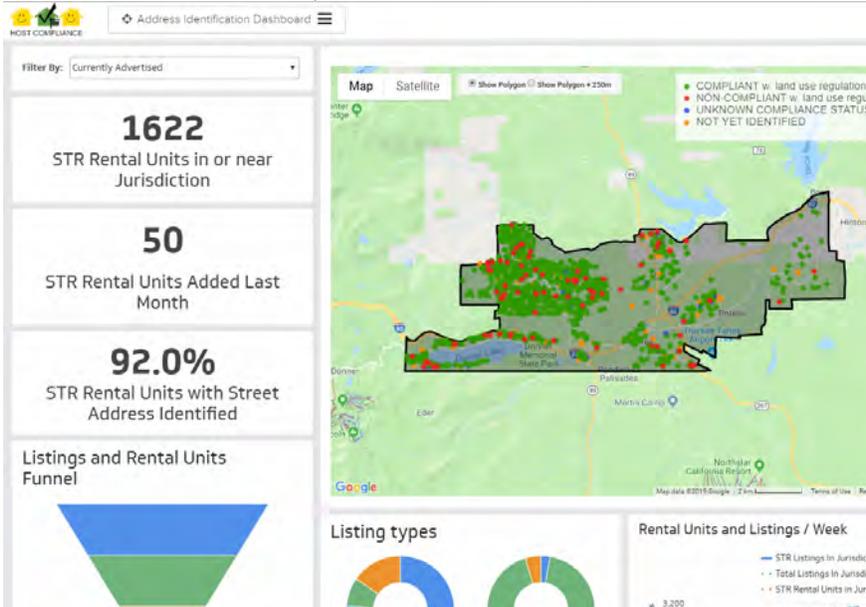


Town Council/Public Education & Enforcement Program

GOALS - 2013

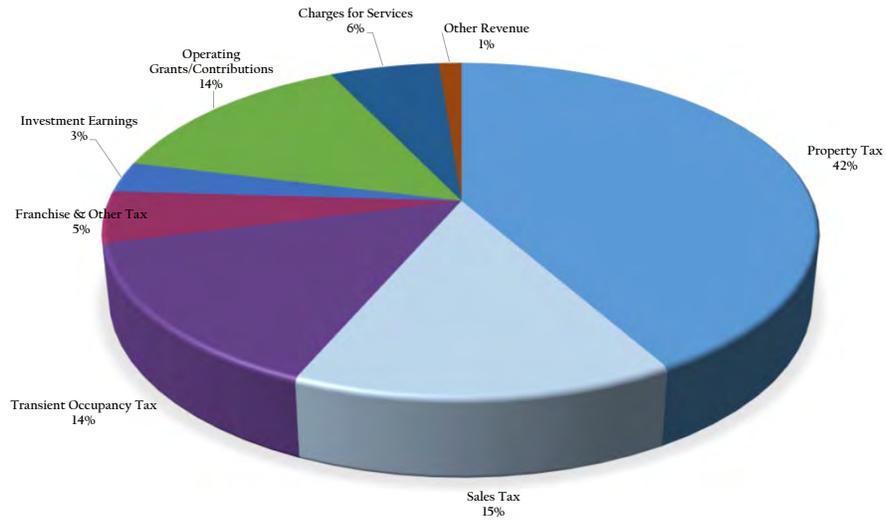


Host Compliance Dashboard

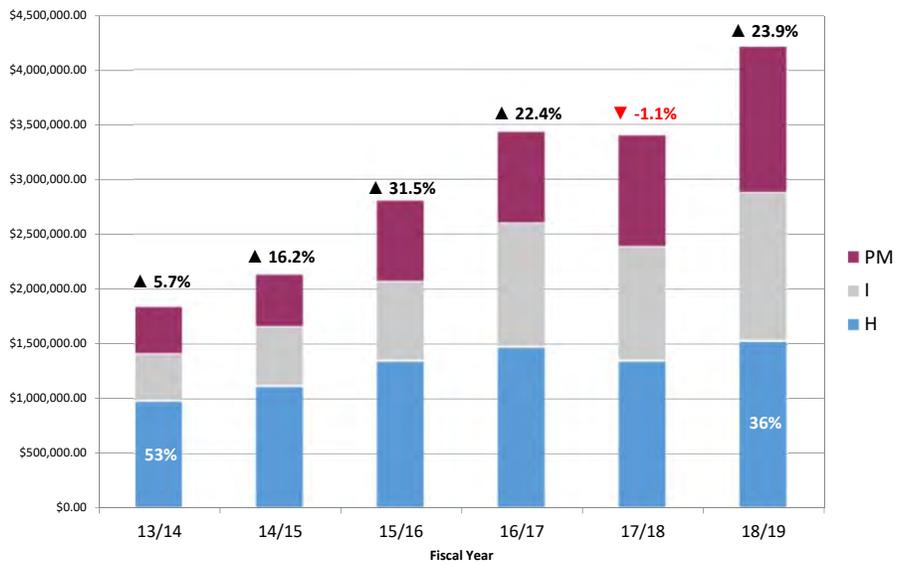


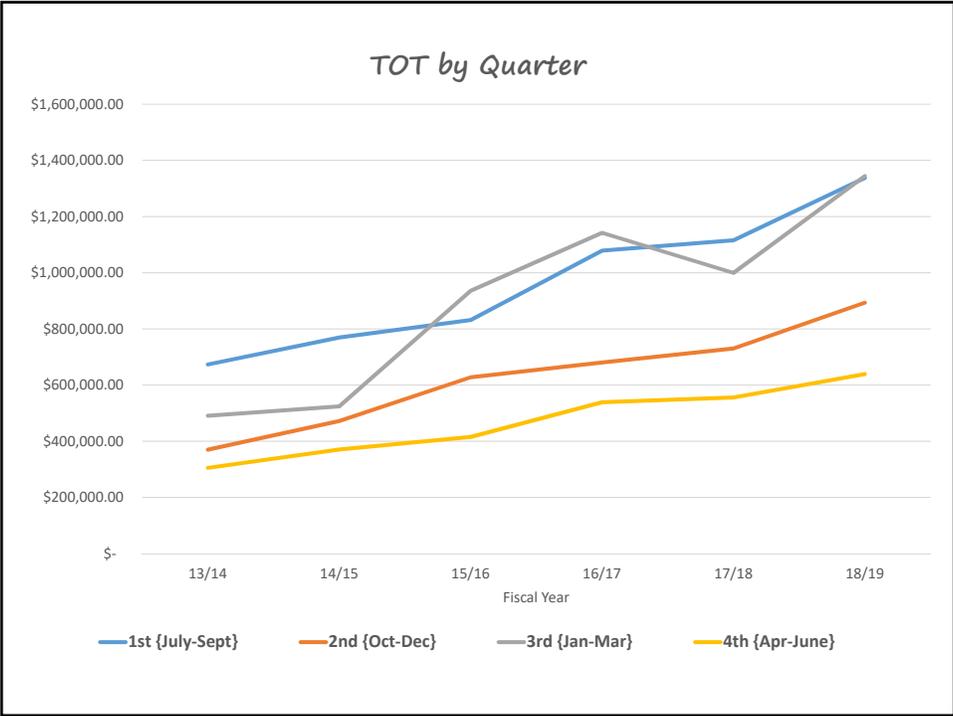
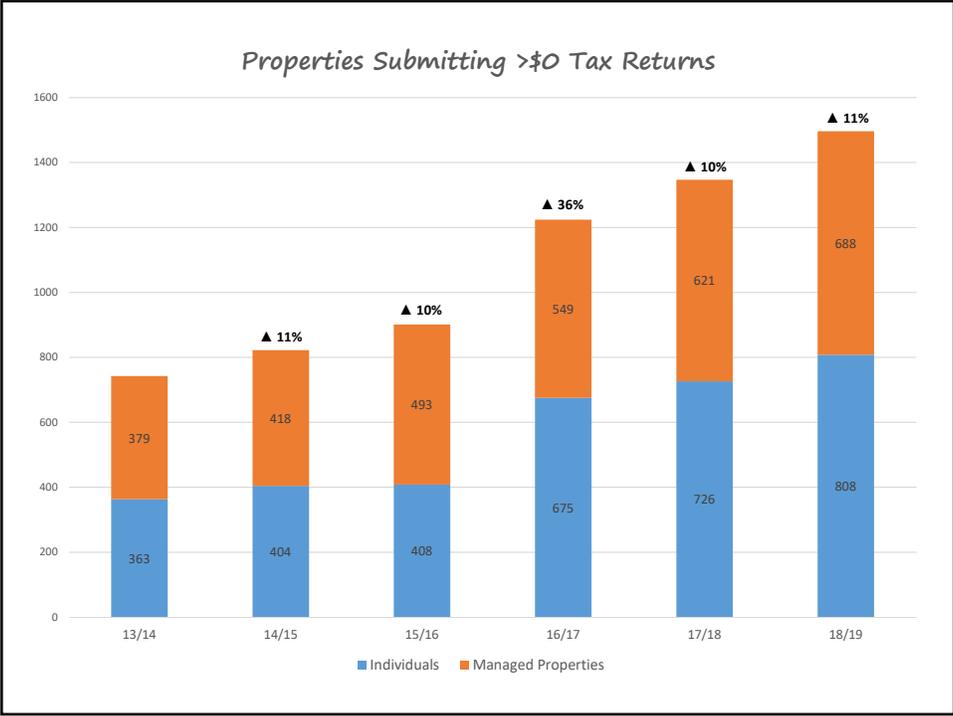
Town of Truckee

General Fund revenue sources:



Transient Occupancy Tax





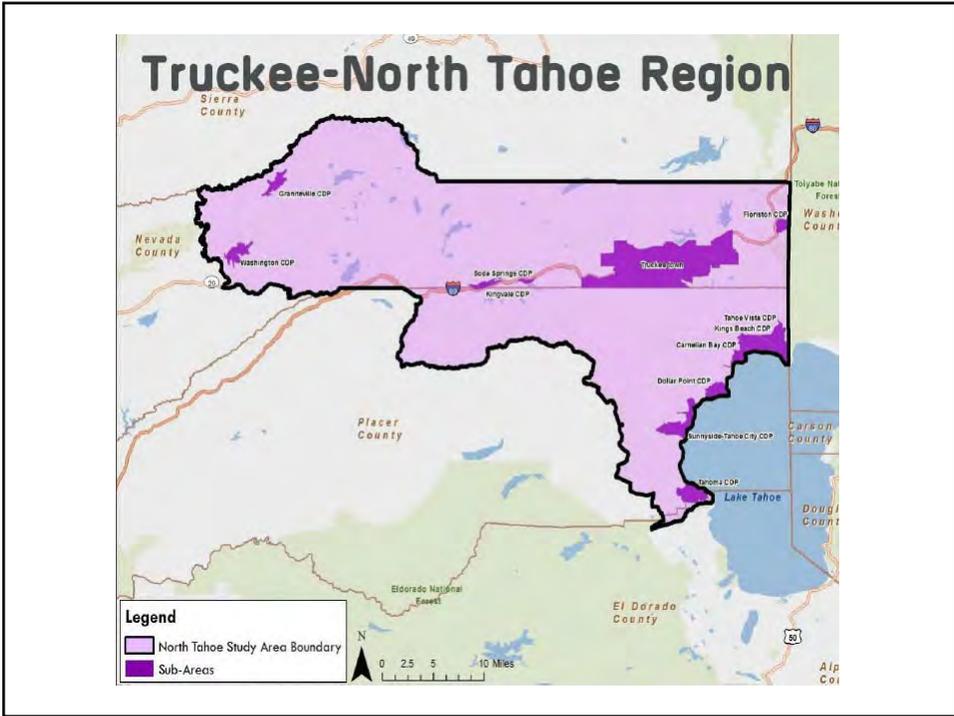
Housing Challenges

 <p>Lack of high wage jobs</p>	 <p>Inflated second home market</p>	 <p>Cost of construction</p>	 <p>Lack of labor</p>
 <p>Short term rentals</p>	 <p>Lack of housing stock/ diversity of housing types</p>	 <p>Challenging sites</p>	 <p>Climate</p>



28+ partners | 13 funding partners





Short-term Rentals

Inherited regulations from Nevada County
 Very few regulations are in place
 Anticipated future discussion of increased regulations to unlock housing units





THANK YOU!

For more information:

Kim Szczurek

 Administrative Services Director | Town of Truckee
kszczurek@townoftruckee.com | (530) 582-2913

Mayor's Office of Budget and Innovation
Census 2020 Initiative

Census 2020

Achieving an Accurate Count in 2020 Best Practices for Cities

Presentation for League of California Cities Conference

October 17, 2019





California has 10 of the top 50 Hard-to-Survey Counties in the nation, including the number 1 Hardest-to-Survey County:

Los Angeles

Hard-to-Count Populations in LA City



Communities that are typically HTC	Approximate population in L.A. City	Percent (%)
Racial and ethnic minorities	3.1 million (2017)	71.6%
People who speak English less than very well	979,688 (2017)	26.4%
People living in poverty	791,860(2017)	20.4%
LGBTQ	589,000 (2015)	15%
Undocumented immigrants	374,000 (2017)	9.6%
Children (5 and under)	243,819 (2017)	6.2%
People experiencing homelessness	34,198 (2017)	.009%

LA City Decennial Census Preparations



EXECUTIVE DIRECTIVE NO. 21

Issue Date: February 8, 2018

Subject: Decennial Census Preparations

The United States Constitution requires an enumeration of the entire population of our country every 10 years. U.S. Const. art. I, § 2. The census is a core part of American governance, allowing us to apportion Congressional representatives among the 50 states and to distribute federal funds equitably. Because the census happens only once a decade, its impact on local, state, and tribal governments is long lasting. An accurate census ensures that our children and families receive their fair share of critical health and social services, and that our City can invest in vital infrastructure projects.

The City of Los Angeles recognizes that it is more important than ever to make sure that all Angelenos are counted regardless of citizenship, and that the City must do what it can to achieve a full and complete count in the upcoming 2020 Census. Residents may be reluctant to share their information, and the City must be cognizant of treating all Angelenos fairly while ensuring an accurate census count.

Given the critical importance of the 2020 Census, I established the Mayor's Office of the Census within my Office of Budget and Innovation. My team has been working with City Councilmembers and their Chief Legislative Analyst, the City Attorney, the City Administrative Officer, and their staffs to design and implement the City's census activities.

In furtherance of these efforts, I hereby order the following:

- Each General Manager or Head of Department/Office from the following Departments/Offices shall designate a senior manager as the departmental Census Liaison, notifying the Director of my Office of the Census of that person's

- LA City begins planning 2½ years ahead of Census 2020--Jun '17
- LA City and County form partnership--Nov '17
- LA is among the first in the country to convene a **Complete Count Committee**--Jan '18
- Mayor Eric Garcetti issues **Executive Directive 21: Decennial Census Preparations**--Feb '18
- City of Los Angeles joins CA Attorney General's **lawsuit** opposing the addition of a citizenship question --May '18
- City departments submit draft Outreach Plans--June '18
- Identified approximately **450,000 addresses** as part of the **LUCA** program--Jul '18

Barriers to Overcome



Lack of Understanding/Information

Digital Divide

53% of South Los Angeles Households have Internet Access

- Limited or no access to **high-speed internet** and/or **computer equipment**
- More likely to be **technologically illiterate**

Linguistic Isolation

More than 200 languages are spoken Los Angeles County alone.

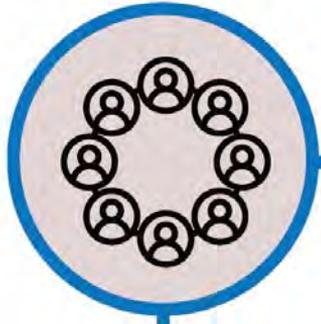
- Some non-English language communities will have **limited access** to information in their native language

Distrust of Govt.

The attempt to add a citizenship question has increased concerns over security and confidentiality of survey.

- Concerns over **security** and **confidentiality** **specifically** how data might be shared with **law enforcement**
- Increased sense of **fear and anxiety**

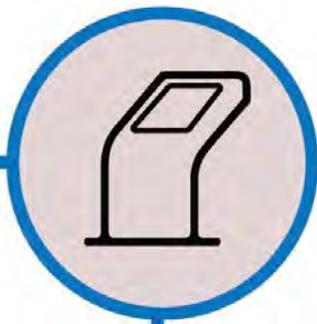
LA's Census 2020 Five Pillar Strategy



**CONVENE A
COUNTYWIDE
OUTREACH
COMPLETE COUNT
COMMITTEE**



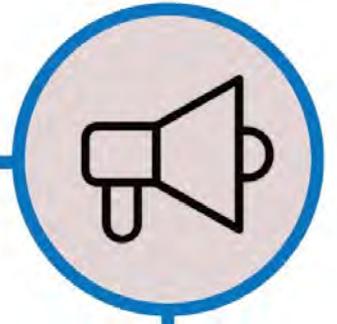
**IDENTIFY
HARD-TO-SURVEY
POPULATIONS**



**ESTABLISH
CENSUS
ACTION KIOSKS**



**RECRUIT AND
TRAIN CENSUS
GOODWILL
AMBASSADORS**



**FOSTER AND
SUPPORT
OUTREACH**

Census Action Kiosks (CAKs)

Increase access to the new digital census and create a uniform user experience countywide.



Translate

CA
CENSUS
2020



BE COUNTED
LOS ANGELES

WHAT IS THE CENSUS?

The Census is a mandated count by the federal government taken every ten years of EVERY person living in the United States, regardless of age, sex, ethnicity, citizenship or immigration status.

The count is used to determine how much federal funding each state receives (CA currently receives over \$115 billion per year) for education, healthcare, housing and other social safety net programs, as well as for apportionment of Congressional seats and redistricting at all levels of government.

The County of Los Angeles counts on approximately \$7 billion dollars annually for the top federally funded programs in transportation, job training, child welfare, Section 8 housing vouchers, Medicaid and older adult programs.

 I'M READY TO RESPOND TO THE CENSUS

 LEARN MORE ABOUT THE CENSUS

This portal is made possible by the City of Los Angeles and the County of Los Angeles who are leading the countywide effort to inform, educate, and engage all residents in the upcoming decennial census to achieve a fair, inclusive and accurate count countywide and ensure everybody counts.

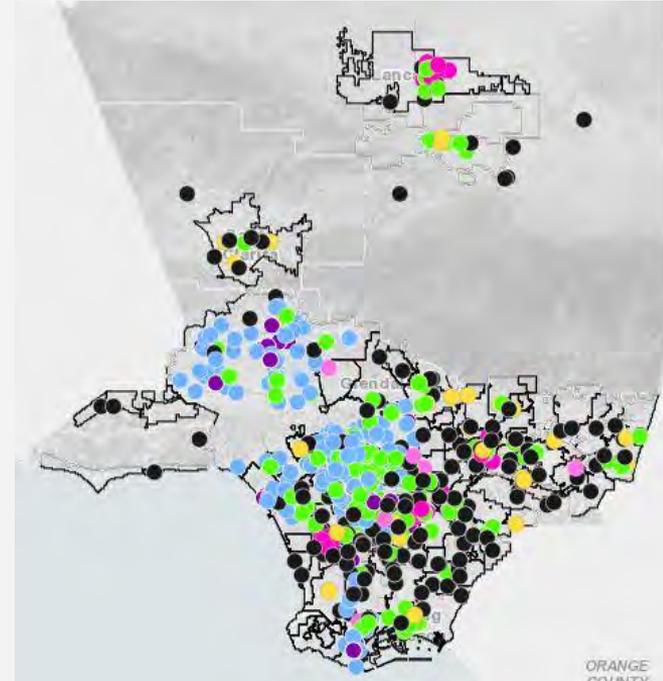
© Copyright 2019 City of Los Angeles. All rights reserved. Disclaimer | Privacy Policy

Census Action Kiosks (CAKs)



- LA City Departments: 198
- LA County Departments: 249
- CBOs - 236
- LAUSD - 40
- Higher Education - 7
- Municipalities - 71 (30+ cities)
- Los Angeles County Office of Education - 74
- Total CAKs countywide: 875, and counting

Map of Potential CAKs: <https://Bit.ly/CAKlocations>



Census Action Kiosks (CAKs)



LA City

Will train community leader volunteers to host events at CAKs and available City employees to provide assistance.

LA County

Will train County employees to provide assistance at all County staffed CAKs.

Census Goodwill Ambassadors



The Census Goodwill Ambassador program is the City of Los Angeles' effort to recruit and train volunteers from the community to assist with education and outreach.

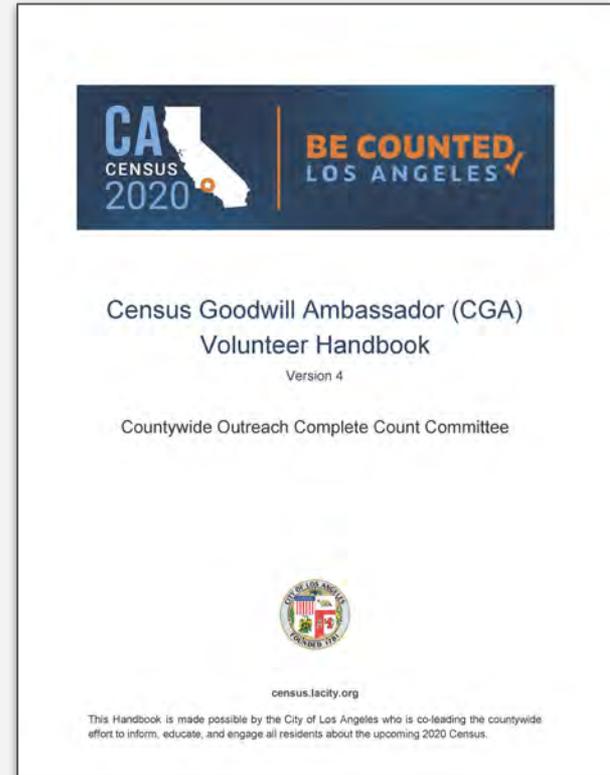
The CGAs will be the face and voice of Census 2020 on-the-ground in their communities.

Census Goodwill Ambassadors



- Utilizes a train-the-trainer model
- 1.5 hour training
- Participants walk away with
 - Knowledge of the 2020 Census, what it is and why it is important
 - Template Slide Decks
 - Census 2020 Talking Points
 - Conversation Starters
 - Frequently Asked Questions

Learn more: Bobby.Kobara@lacity.org



Outreach Resources



Census website: [Census.lacity.org](https://census.lacity.org)

Outreach resources

Flyers

Posters

Social Media Toolkit

FAQs

Hard to Count Profile Maps

Link to Jobs

A vertical flyer for the 2020 Census in Los Angeles. The background is orange. On the right side, a woman with dark hair is shown in profile, holding a young child. The child is looking towards the camera. In the top left corner, there is a dark blue box containing the 'CA CENSUS 2020' logo and the 'BE COUNTED LOS ANGELES' logo. Below this, the text 'Los Angeles!' is written in white. The main body of text is in white, starting with 'The Census is coming in 2020 and we need your help to make it the best and most accurate count yet.' followed by 'When you participate in the census, you help the state gain over \$115 billion each year for schools, healthcare, housing, transportation, and more.' At the bottom, there is a blue banner with the text 'Be Informed. Be Involved. Be Counted.' and the website 'census.lacity.org' and hashtag '#2020Census'. There is also a small logo for Eric Garcetti and a small seal of the City of Los Angeles.

What Can You Do?



- Disseminate Census 2020 information on public counters
- Add Census 2020 websites to city departments websites
- Disseminate Census 2020 messages on department social media platforms
- Add social media messages to newsletters, email signatures, communications and correspondence)
- Record and use census 2020 messages instead of hold music on telephones
- Issue intra/inter departmental memos to city employees
- Incorporate Census 2020 messaging into your talking points at community events



Be Counted, Los Angeles!

Maria de la Luz Garcia
Director, Census 2020 Initiative
Mayor's Office of Budget and Innovation
maria.garcia@lacity.org
(213) 922-9768

census.lacity.org



Manufacturing: The Revenue Source You Forgot You Needed

LA Manufacturing, Workforce Development & Climate Action

Ricardo Vazquez, City of Los Angeles, Mayor's Office

October 17, 2019



**Eric
Garcetti**
@MayorOfLA

The State of Manufacturing in the LA Region

13,000
manufacturing
businesses
throughout the
Greater LA
Area

60%
automation potential
in manufacturing,
highest in all sectors

667,075 jobs

90%
of LA manufactures have
fewer than 100 employees

Second only to
Texas in total # of
manufacturers



Understanding the Challenges

Warehouses & Distribution Centers

Customers

Energy & Waste Footprint

- Consumed over 772,000,000 kwh of power in 2018
- High energy use common in manufacturers that use heat in their processes
- Too much waste to landfill, particularly in the food and beverage & garment and apparel sectors

Mayor Garcetti's Green New Deal

- 15% Energy Reduction
- Zero Waste by 2050
- Carbon Neutral Buildings

Challenges

- Complex supply chains with little transparency
- Zero waste is not perceived as a better bottom line
- Significant cost in transitioning to purely electrical processes
- Impact of Automation on Workforce
- Small manufacturers have little awareness

Material Costs

Transportation Costs

Manufacturing Costs

Transportation Costs

Inventory Costs

Transportation Costs

City of LA's Solution: LA Made 4.0



Democratizing Smart Manufacturing will help us improve the *standard of living* for everyone

MORE productive
sustainable

Manufacturing

Safer, more accessible
food supply

More productive and
connected workforce

More accurate & efficient
emissions monitoring

Resources

More efficient
wastewater treatment

Sustainable Product Design,
Operation, Maintenance

Safer, more
cost-effective mining

Infrastructure

Better energy management
in production facilities

Less waste in
production processes

More affordable
oil & gas production

Smart Manufacturing
Energy/Environment Immediate
Improvement Reachability

Operational Focus
Line & Supply Chain *Productivity*
Process in situ *Precision*
Unit Operation *Performance*

Data and Modeling Focus
Model, Analyze, Diagnose, Control
Predict, Optimize

10% Adoption & 15% Economic
\$200 Billion & 1.5 million jobs
10 years

Energy Improvement	Operational Focus	Smart Manufacturing Focus
Paper 15 – 20%	Line operation	Process sensing, control, prediction, optimization
Steel 20 – 25%	Line operation	Property sensing, control, fidelity modeling, optimization
Metals 20 – 30%	Line operation	Property sensing, control, machine modeling, fidelity modeling
Glass 5 – 15%	Precision, supply chain, line operation	Process/property sensing, analytics, prediction, optimization
Food 15 – 20%	Supply chain, line operation, chain of custody	Property sensing, prediction, diagnostics, enterprise
Micro Electronics 20 – 30%	Precision, line operation, tool/machine supply chain	Diagnosis, prediction
Oil Gas Chemical 5 – 10 %	Performance, line operation	Process/property sensing, fidelity modeling, control, diagnosis, prediction
Coatings 20-25%	Precision operation, line operation, supply chain	Image sensing, analytics, fidelity modeling, control, optimization
Plastics/composites 20 – 25%	Precision, line operation	Property sensing, control, diagnostics, prediction, optimization
Aerospace Indirect reachability	Precision, supply chain, chain of custody	Supply chain data, chain of custody
Utilities 15 – 20 %	Demand response, renewables, distributed generation	Ecosystem management

Important to Los Angeles

One of Our Local Manufacturers

Eric
Garcetti
@MayorOfLA



Manufacturing: The Revenue Source You Forgot You Needed

POWERING ECONOMIC DEVELOPMENT THROUGH WORKFORCE

DR. GRACE I. WILLIAMS, “PLANET GW”

OCTOBER 17, 2019



Current Snapshot

The Opportunity



Network: Who – What – Where – Why

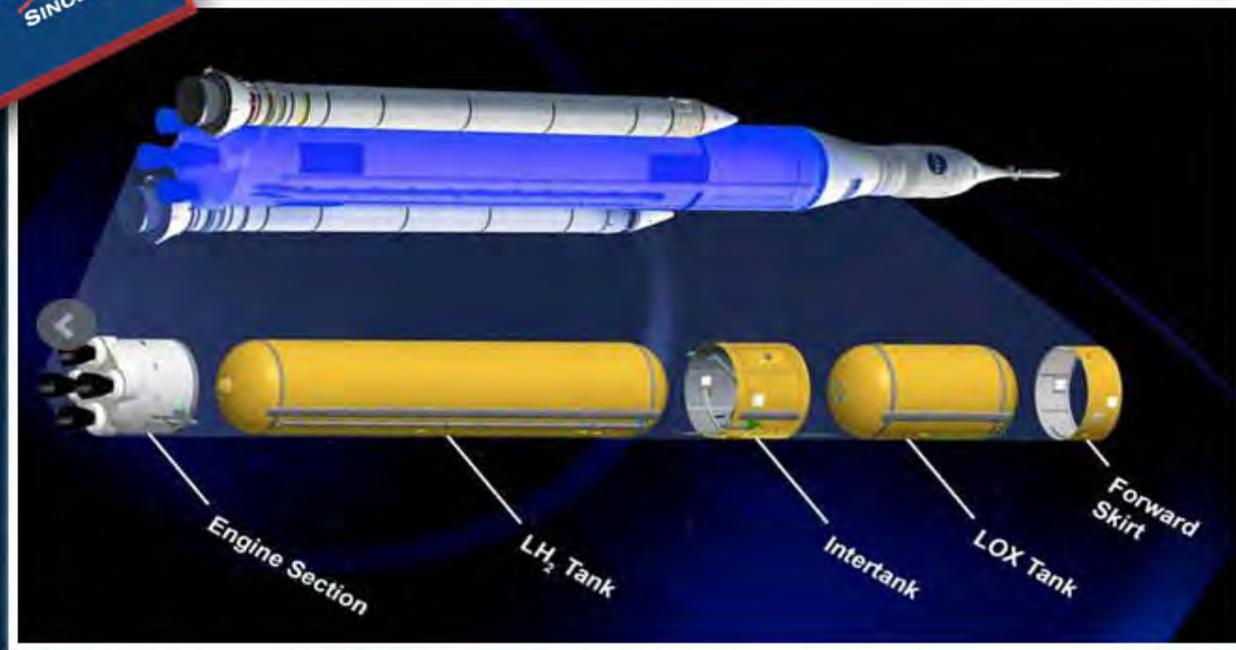


The Vision and Brand





FABRICATING



SLS

WE ARE CURRENTLY PROVIDING TURNKEY MANUFACTURING OF ALL THE LIGHTWEIGHT METALLIC CORE STAGE BARREL PANELS TO OUR CUSTOMER. PROCESSES INCLUDE; HIGH-SPEED MACHINING, PRECISION FORMING, HEAT-AGE, SECONDARY MACHINING OPERATIONS, NDT AND ASSEMBLY. OTHER SLS ACTIVITIES INCLUDE THE LAUNCH VEHICLE STAGES ADAPTER (LVSA) WHICH IS MORE ISOGRID (LIGHTWEIGHT METALLIC STRUCTURES) MANUFACTURING.

Welcome to AMRO Fabricating

AMRO Fabricating Corporation is a leading manufacturer of precision machined and formed Isogrid and Orthogrid Skin Panels, Major Assembly Tooling, and Ground Support Equipment for the Aerospace, Defense and Commercial Markets.

What's new at AMRO?

2018 BOEING EXCELLENCE AWARD RECIPIENT
 Thursday July 11
[READ MORE](#)

AMRO IS A PROUD ULA SUPPLIER
 Wednesday June 26
[READ MORE](#)

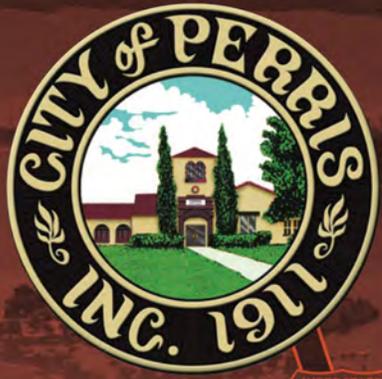


The Career Technical Training Education



The Skills Training & Job Placement Center





IN THE CENTER OF IT ALL

The **City of Perris** believes that working with government should not be difficult.

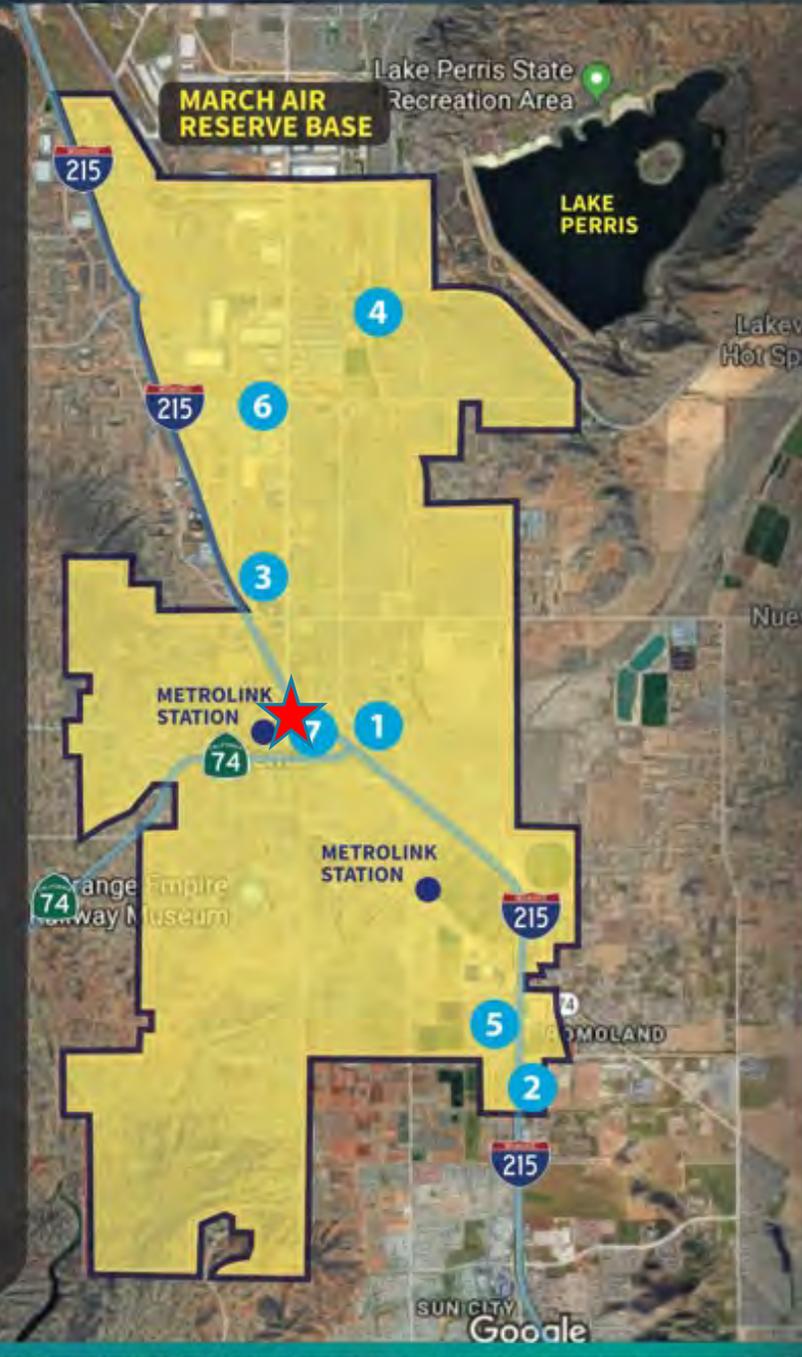
We have the pro-business environment and incentive programs to help your business succeed!

The **City of Perris** provides a designated business liaison that can help you with:

- Site Selections
- Streamlined entitlements
- Expedited Permits

How can we help your business grow? Just ask!

- One of the fastest-growing cities in one of the fastest-growing counties in the U.S.
- 10,000 new homes approved or under construction
- 5 million square feet of new developments and growing!
- Six exits off the 215 Freeway – nearly 110,000 cars a day
- Great amenities – 3 million visitors a year



Manufacturing: The Revenue Source You Forgot You Needed

Food and Beverage Manufacturing Collaboration: AgPlus and the Sacramento Valley Manufacturing Initiative

Evan Schmidt, Valley Vision

October 17, 2019

California's Central Valley AgPlus Food & Beverage Manufacturing Consortium

- **Covers 28 counties in the Great Central Valley** – federal designation to support manufacturing ecosystem and job creation
- **Co-Leads:** Chico State, Fresno State, Valley Vision
- **More than 1,600 companies** in the food and beverage manufacturing ecosystem
- **Collaboration with AMP SoCal and CMTC** (California Manufacturing Technology Consulting – Manufacturing Extension Partnership)



Bringing Sustainability to Food & Beverage and Other Manufacturing

- **Supported/created 3 employer led manufacturing councils** to address critical skills gaps & create future pipeline – currently holding back job growth
- **Working with Universities:** on new technologies to improve resource efficiencies in manufacturing, and new products (healthy foods,
- **Developing statewide network of incubators, accelerators:** to drive next generation manufacturing - development & adoption of
- **Infrastructure:** addressing systemic broadband challenges that enable adoption of new technologies – sensors, monitoring, etc. for water and energy efficiencies, food and product safety, waste and pollution reduction

Addressing Critical Skills Gaps

- Major skills shortages, for both new & replacement jobs, & “future of work” emerging/digital skills
- Need for STEM pathways, **early career awareness**, non-traditional apprenticeships, industry partnerships
- Collaboration with local community colleges (convening regional advisory meeting), high schools, workforce boards, employers, industry associations, cities, economic development partners, with focus on new career education investments from Community Colleges – **Strong Workforce Program** – especially with California League of Food Producers, CMTC, CA Manufacturing & Technology Assn.

Sacramento Valley Manufacturing Initiative (SVMI)



- Employer-led industry collaboration, to address chronic shortage of skilled workers across all types of manufacturing & create 21st century workforce with opportunities for youth and adults
- Leadership includes Siemens Mobility, 40 other members: hosting facilities tours for students and teachers, doing “train the trainers,” developing new community college programs for high demand occupations and new technologies
- **Siemens is modeling sustainability**, and affecting the supply chain of smaller manufacturers: 60 acre solar powered rail manufacturing hub; more than 1,500 employees - manufacturing, service and state-of-art technologies and operations, for rolling stock vehicles (light rail, streetcars, etc.) supporting public transit across the country

Sacramento Valley Manufacturing Initiative (SVMI)



**Rocklin Mini
Maker Faire®**

Contacts

- Evan Schmidt – evan.Schmidt@valleyvision.org
- Trish Kelly, Valley Vision – trish.kelly@valleyvision.org
- Eduardo Gonzalez, Office of Community and Economic Development, Fresno State – edgonzalez@csufresno.edu
- Courtney Farrell, Center for Economic Development, Chico State – cafarrell@csuchico.edu





LEAGUE OF CALIFORNIA CITIES
AFRICAN AMERICAN CAUCUS

Home & Housing in the Golden State
Concurrent Session



When you Can't Breathe, Nothing Else Matters

Assessing Asthma and Other Respiratory Illnesses in Riverside





Dr. Paulette Brown-Hinds

Founder, Voice Media Ventures, Mapping Black California



Stephanie Williams

Managing Editor, Mapping Black California



Jovan Agee

Deputy Treasurer, Housing and Economic Development, Office of California State Treasurer Fiona Ma



Mapping Home

Golden State Stories



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WELCOME!

*Delivering
Essential City
Services and
Sustainability
without
Sacrificing
Budget*

League of California Cities
Long Beach, CA
October 17, 2019

Importance of Diesel
Technology to Deliver
City Services &
Sustainability Goals

Ezra Finkin – Diesel
Technology Forum

Matt Leuck – Neste

Joey Williams – City
of Oakland



**The Diesel Technology Forum is supported by leaders in
advanced diesel engines, vehicles, equipment, components
and fuels.**

- AGCO
- Bosch
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- CNH Industrial
- Cummins Inc.
- Daimler
- Delphi Automotive
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- Neste
- Umicore
- Volvo Group
- Yanmar

Allied Members

- National Biodiesel Board
- Western States Petroleum Association



Diesel Technology Moves Cities & Provides Essential City Services



DIESEL POWER Delivers Essential City Services

Because of its efficiency, safety, reliability and performance, diesel is the technology of choice for supplying a wide array of city services. Diesel facilitates the efficient delivery of city services, enhancing mobility and sustainability with a new generation of emissions performance and renewable fuel capabilities.

Maintaining, repairing or building roads and other infrastructure requires diesel-powered heavy equipment. The new generation of heavy equipment is greening construction by reducing emissions on jobsites and using less fuel. Hybridization and advanced energy storage systems that boost fuel savings as well as the latest advanced technologies including telematics and autonomy are also built on the foundation of diesel power.

30% of all commercial trucks on the road are powered by the latest generation of advanced diesel technology.

Diesel and diesel-electric hybrids power almost 90% of America's bus fleet.

A hybrid wheel loader can achieve 40% greater efficiency and can move 25% more material on a gallon of fuel.

Diesel is the gold standard for the efficient and reliable delivery of a wide range of city services. Now with near-zero emissions and readiness for low carbon advanced renewable biodiesel fuels, the new generation of diesel power will help cities save money and be more sustainable and resilient.

DIESEL TECHNOLOGY FORUM www.dieselforum.org/cities

Cities Depend on Diesel for Mission Critical Services



MISSION-CRITICAL SERVICES DEPEND ON DIESEL POWER

Diesel is an essential partner powering vital emergency services 24 hours a day, 365 days a year. Count on proven technologies like diesel power to get the job done, no matter the conditions or circumstances.

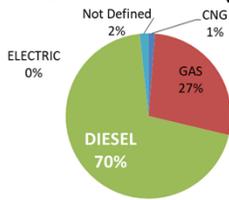
Diesel engines are the gold standard for backing up grid electrical power due to their reliability, response time and load-carrying capability. Essential city services like drinking water treatment, wastewater systems and telecommunications are key to ensuring public health and safety.

Call 911 and odds are that a piece of diesel-powered equipment will respond. Nowhere is it more critical to have the ultimate performance and reliability than in fire and emergency vehicles, where diesel is the technology of choice.

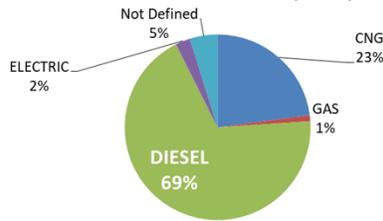
DIESEL TECHNOLOGY FORUM www.dieselforum.org/cities

California's Trucks and Buses in California Are Mostly Diesel

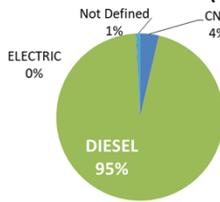
Technology Types Powering Class 3-8 Vehicles in California (2019)



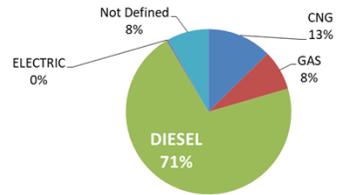
Technology Types Powering Transit Buses in California (2019)



Technology Types Powering Class 8 Trucks in California (2019)



Technology Types Powering School Buses in California (2019)

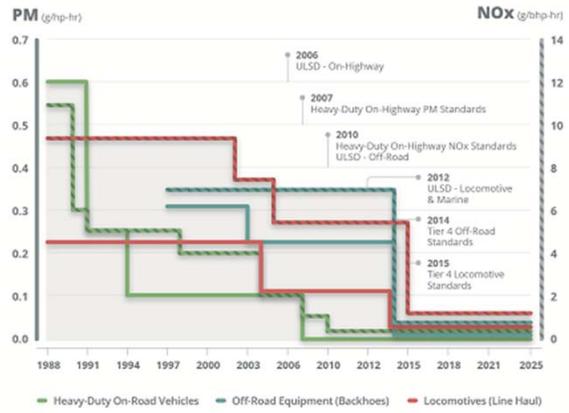


Diesel is a Platform for Continual Improvement

Trucks, Trains, Construction and Agricultural Equipment are on the Near-Zero Emissions Diesel Path



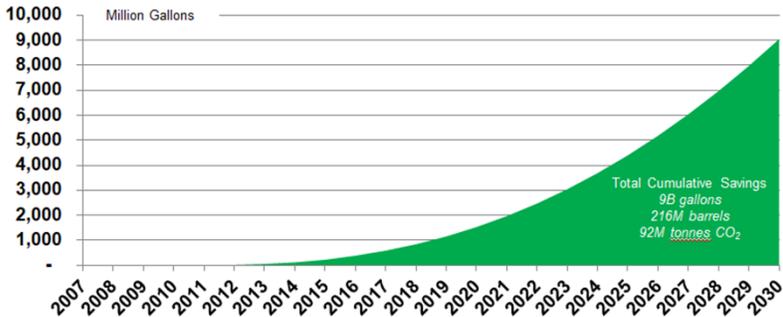
PROGRESS TO NEAR-ZERO PM & NOx EMISSIONS



Source: U.S. EPA Office of Transportation and Air Quality (OTAQ)



Diesel Trucks Are Part of California's Sustainable Future



Between 2010 and 2030, diesel trucks will save California **9 billion gallons of fuel** and eliminate **92 million tons of CO₂**.

What does that work out to?

Eliminating the emissions from **92 million cars**, or making them EVs

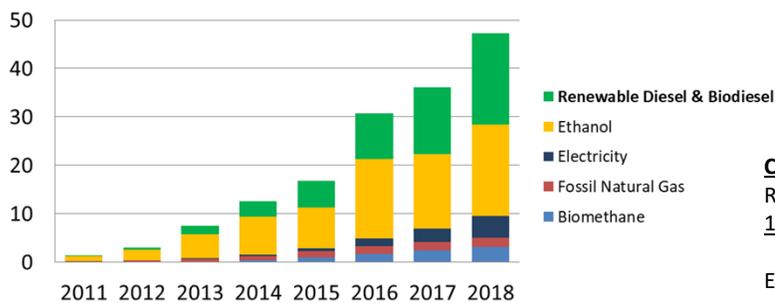
Electricity use from **16 million homes**



But Wait, There's More. Advance Biofuels Add Significant Benefits at Low Cost

Cumulative CO₂ Reductions (million tons)

SOURCE: California Energy Commission, Low Carbon Fuel Standard Dashboard



Of all the fuel types and technologies, biodiesel and renewable diesel are contributing the greatest CO₂ reductions in California...and **it takes a diesel engine to realize the benefits**

CO₂ Reduced (2011-2018)

Renewable Diesel and Biodiesel = **18.9 million tons**

Ethanol = 18.8 million tons

Battery-Electric = 2.5 million tons





Summing it All Up

Diesel is a leading technology choice today for fleets.

Diesel Technology is clean and getting much more efficient.

The latest engine designs coupled with advanced biofuels will deliver substantial sustainability benefits at low cost

*Ezra Finkin
Policy Director
Efinkin@dieselforum.org
(301) 668-7230*

THANK YOU



MY World
MY Choice

What is Renewable Diesel?

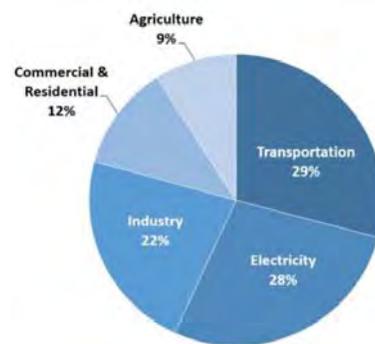
Matt Leuck
Technical Manager, North America
October 2019



Transportation and climate change

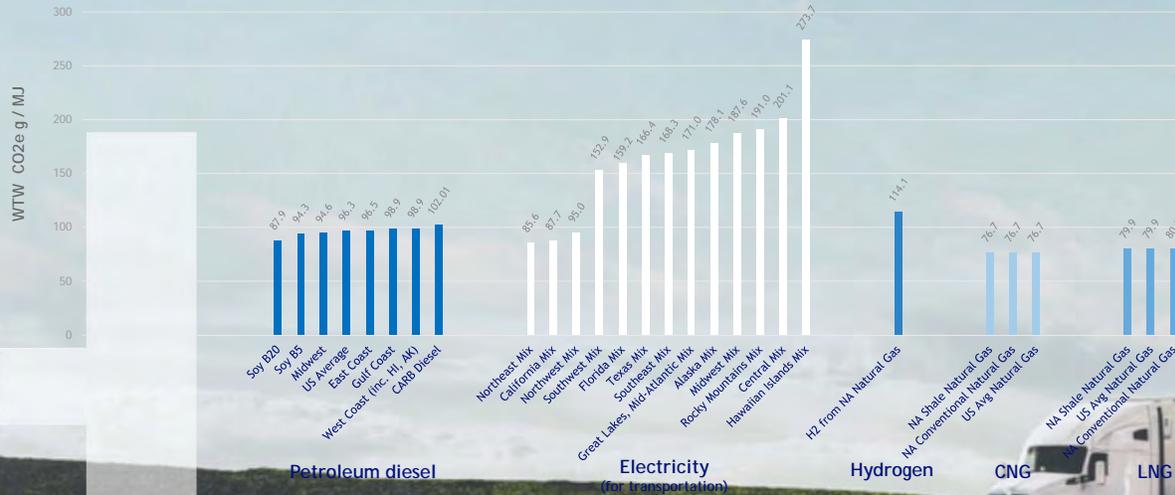
- Transportation is the #1 source of GHG emissions in the U.S.
- Between 1990 and 2015, GHG emissions in the transportation sector increased more in absolute terms than any other sector.
- 78% of commercial vehicles are powered by diesel engines
- In California medium and heavy duty trucks only make up 4% of the 28.2 million vehicles, but account for 20% of the GHG emissions in the transportation sector and 8% of statewide GHG emissions.

2017 U.S. GHG Emissions by Sector



Source: EPA

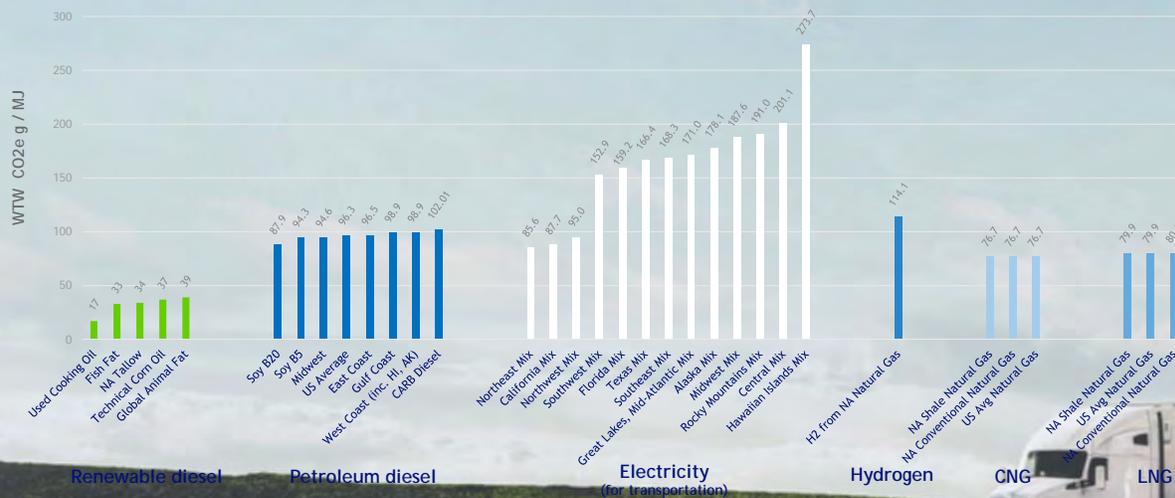
Alternative transportation fuel carbon intensities per MJ



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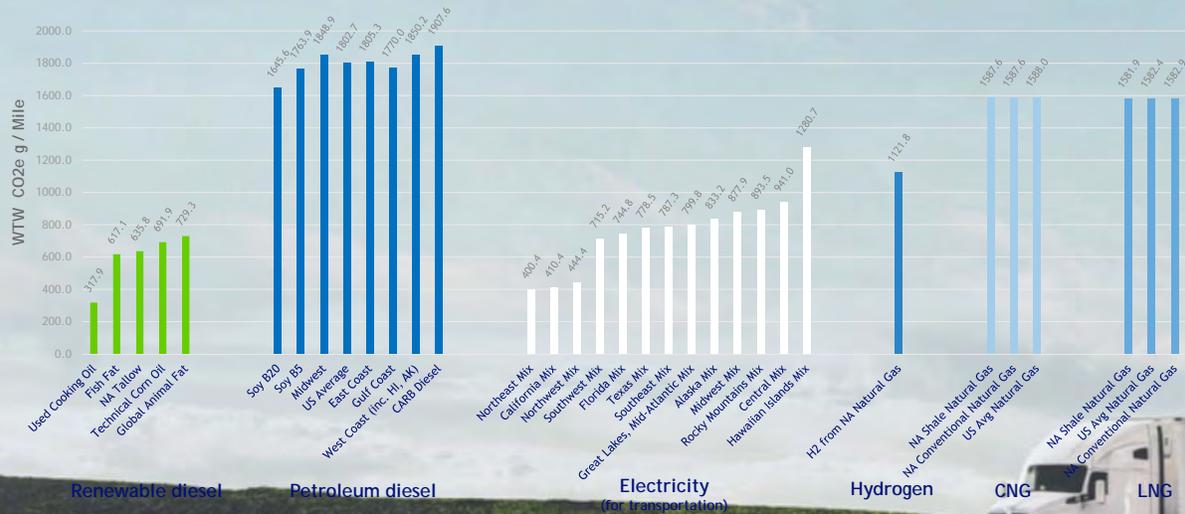
Alternative transportation fuel carbon intensities per MJ



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Alternative transportation fuel carbon intensities per mile



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Carbon cycle



The fossil cycle takes carbon that has been sequestered underground for millions of years and releases it into the atmosphere

The biogenic cycle reuses carbon already in the atmosphere and does not increase atmospheric carbon levels

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Neste MY is refined from a mix of more than 10 different wastes & residues and various vegetable oils



Used cooking oil



Waste animal fat



Waste fish fat



Vegetable oils



Residue oils



Neste MY Renewable Diesel

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Consistency

- Clear and bright every time
 - D975 still has variability
 - Neste MY is consistent

10 random fossil diesel samples from CA



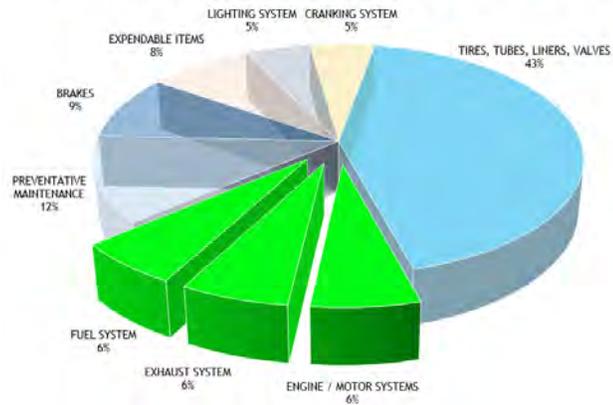
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Fleet maintenance costs

- The systems affected by fuels combine to be the second largest cost, behind tire related expenses
- Switching to Neste MY can lead to savings in those areas

PERCENT OF TOTAL MAINTENANCE AND REPAIR COST



*Mitigating Rising Maintenance & Repair Costs for Class-8 Truck Fleets" white paper - Fleet Advantage

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What is renewable diesel?

- It is ULSD and CARB diesel and is certified as a drop-in fuel by CARB
- Produced from 100% renewable and sustainable raw materials
- Pre-treatment of raw materials ensures near zero contaminants
- A premium quality, high cetane diesel fuel that is colorless, odorless, cleaner burning, and very stable
- Renewable diesel is NOT biodiesel



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What is diesel fuel?

The first diesel engines were designed to run on peanut oil and coal dust.

This box represents everything that could potentially fuel a diesel engine.



All Possible Fuels for a Diesel Engine

Everything in Neste MY is in Petroleum Diesel - Neste MY meets and exceeds D975, ULSD and CARB Specifications

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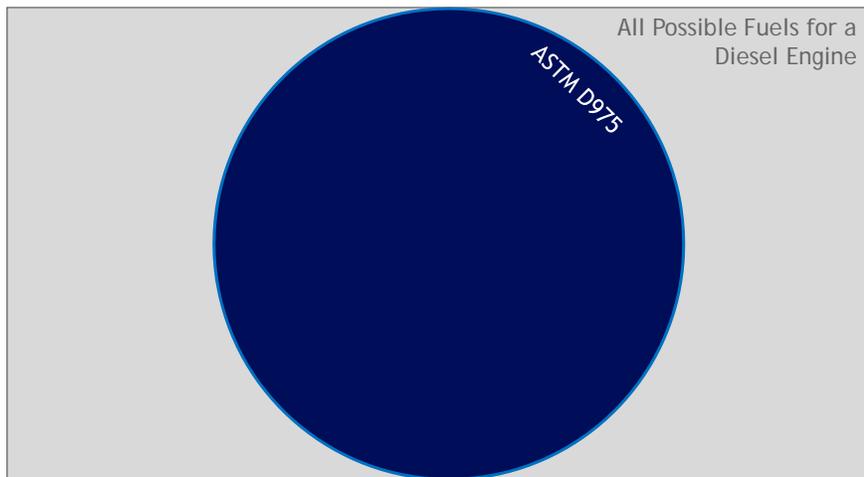
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What is diesel fuel?

Within the US the diesel fuel specification is managed by ASTM International (formerly the American Society for Testing and Materials).

The hydrocarbon diesel spec is called ASTM D975.

Every gallon of hydrocarbon diesel fuel sold must meet this spec.



All Possible Fuels for a Diesel Engine

Everything in Neste MY is in Petroleum Diesel - Neste MY meets and exceeds D975, ULSD and CARB Specifications

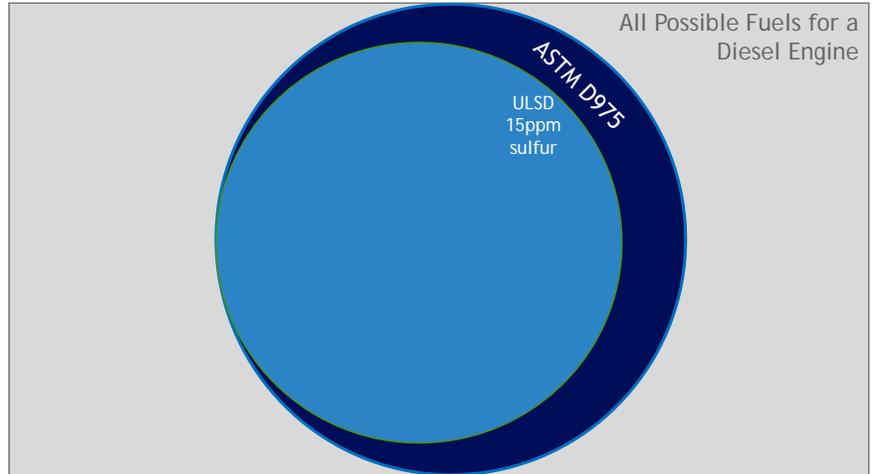
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What is diesel fuel?

In 2007 the allowable sulfur limit in US diesel fuel was reduced from 500 ppm to just 15 ppm.

This allowed engine manufacturers to begin implementing advanced emissions reduction technology that would otherwise be poisoned by high sulfur content.



Everything in Neste MY is in Petroleum Diesel - Neste MY meets and exceeds D975, ULSD and CARB Specifications

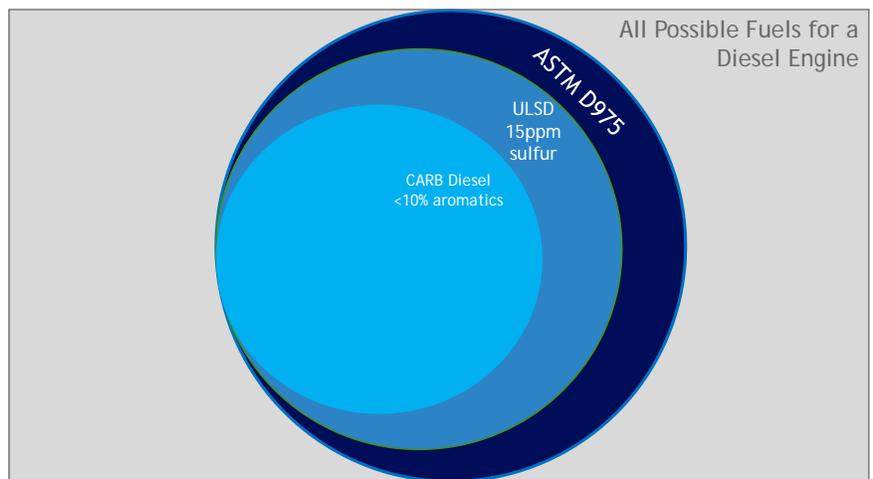
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What is diesel fuel?

Because the California Air Resources Board was formed before the US EPA they have the ability to make regulations more stringent than other states.

California chose to limit the aromatics content of their diesel fuel to 10%.



Everything in Neste MY is in Petroleum Diesel - Neste MY meets and exceeds D975, ULSD and CARB Specifications

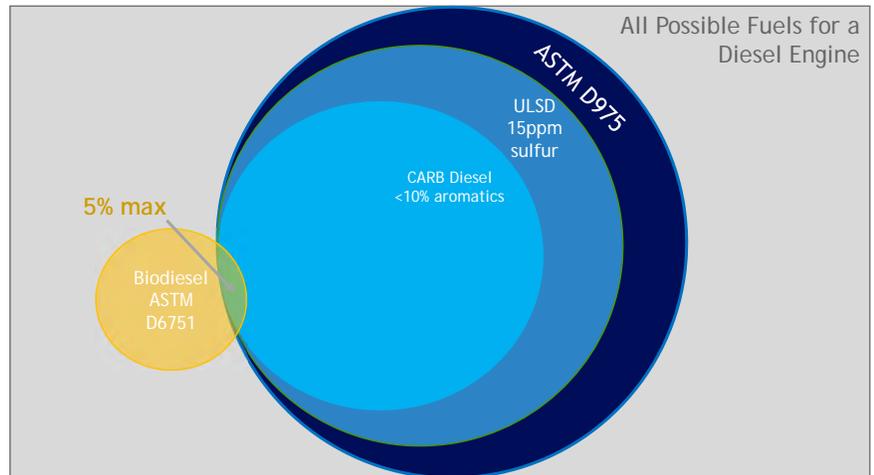
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What is diesel fuel?

Biodiesel is not a hydrocarbon fuel, so it is controlled by a different spec - ASTM D6751.

In 2008 a change was made to D975 which allowed for up to 5% biodiesel to be blended in (B5).



Everything in Neste MY is in Petroleum Diesel - Neste MY meets and exceeds D975, ULSD and CARB Specifications

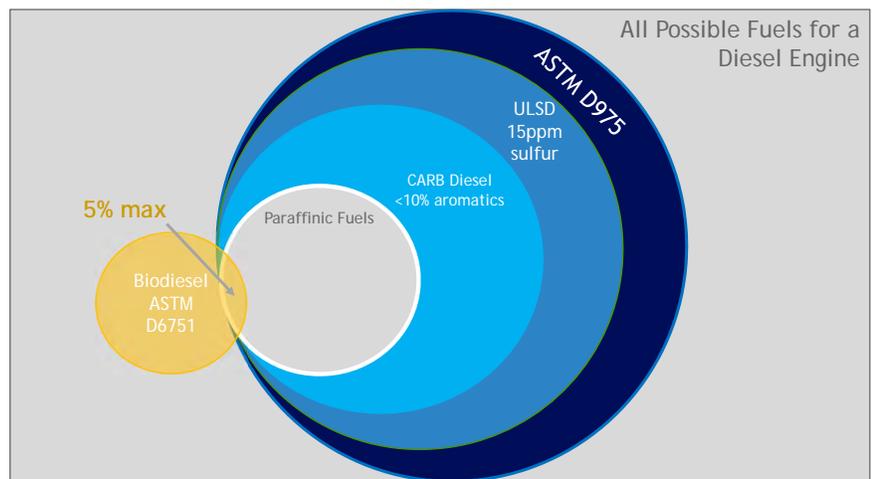
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What is diesel fuel?

Deeper within the tightening circles of cleaner fuel are paraffinic fuels. These are synthetic fuels that consist of only paraffinic molecules, with no aromatics.

Paraffinic fuels are hydrocarbons, so they are governed by D975 and are allowed to have 5% biodiesel blended in.



Everything in Neste MY is in Petroleum Diesel - Neste MY meets and exceeds D975, ULSD and CARB Specifications

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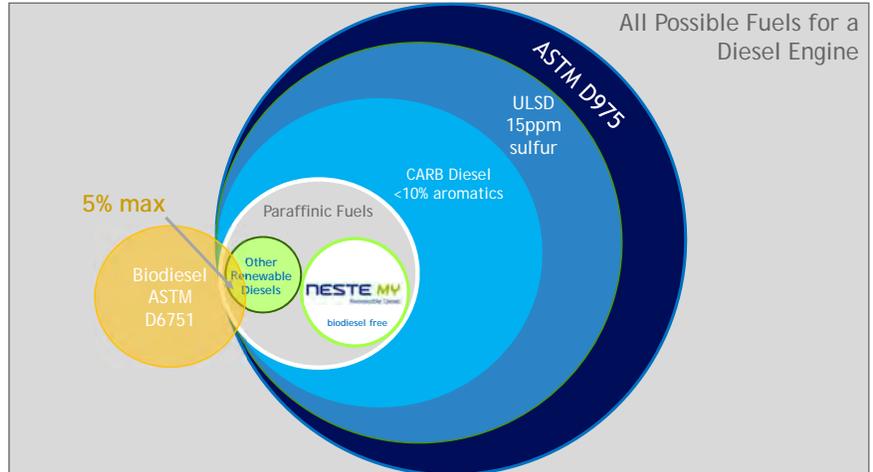
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What is diesel fuel?

This is where Neste MY is unique and differentiated.

Neste sells pure renewable diesel without any blending of biodiesel into the finished product.

This ensures complete control of every fuel molecule from production through consumption.



Everything in Neste MY is in Petroleum Diesel - Neste MY meets and exceeds D975, ULSD and CARB Specifications

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Neste MY benefits

Appearance

- Clear and bright every time
- Product not variable like petroleum based fuels

Fueling

- Aromatic-free means Neste MY is less harmful to employees, handlers & environment
- High flash point improves safety for emergency vehicles, school buses other and mission-critical applications
- Flash point guaranteed >60°C

Handling and storage

- Almost zero risk of water absorption or microbial growth
- Great oxidative stability = long shelf life
- Minimal to zero risk of filter blocking
- Non-polar, will not clean out debris in older fuel tanks
- Neste R&D has fuel from the first production in 2005. This fuel is tested annually, and in 14 years the oxidative stability has not changed.



Vista Unified School District
4,000 mile maintenance intervals



CARB diesel

Neste MY

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Neste MY benefits

Combustion

- High cetane (70+) for greater pick up, quicker cold start, and quieter operation
- 33% less soot to plug DPFs and reduce fuel economy
- Better lubricity than CARB ULSD - 460 μm HFRR (EN590), compared to 520 HFRR for D975
- Maintenance intervals & costs can be reduced (high pressure pumps, fuel injectors, after-treatment systems)

Fuel injectors

- Example from Detroit Diesel engine testing
- Test artificially aged fuel similar to real-world, longer term storage applications
- Demonstrated much lower risk of deposits in injectors which lead to failures
- Purity and lack of oxygen in RD showed no injector failures on Neste test where others failed

Exhaust system

- Burns cleaner due to high cetane number and zero aromatics
- 33% less soot can lead to fewer regenerations and lower backpressure, improving fuel economy
- Improved DPF safety due to reduced soot load and less risk of over-temp
- Near zero ash-forming components reduce ash accumulation extend cleanout intervals

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Simulated Harsh Environment Injector Testing



NESTE

By reducing emissions, we're improving the environment

Average **30%** lower hydrocarbons (HC), which can cause eye and lung irritation

Average **24%** lower carbon monoxide (CO)

Near-zero polyaromatic hydrocarbons (PAH), which cause health problems

Up to **80%** reduction in life cycle greenhouse gas (CO₂) emissions



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The impact of switching to renewable diesel

- There are 3.24 million truck drivers in the United States, according to the U.S. Dept. of Labor.
- Most long-haul, over-the-road trucks drive on average 110,000 miles per year.
- If you switched 100 trucks, each averaging 110,000 miles at 6 miles per gallon, your CO₂ savings would be the equivalent of taking **2,981 cars off the road** for a year.
- The 80% carbon intensity reduction for that volume of renewable diesel would also provide the same environmental benefits as **16,396 acres of forests**.



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What do you need to do to switch to renewable diesel overnight?

NOTHING!

- No change in vehicle purchase price
- No specialized fueling or recharging infrastructure
- No change in maintenance parts stocking
- No retraining and certifying of maintenance personnel
- No compatibility issues with fossil diesel
- No regulatory issues



Compatible with Your Current Infrastructure

Zero change or disruption to your fleet's operations.

Just Drop-In and Go

Suitable for all diesel engines, requiring absolutely no additional investment.



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Neste by the numbers

The world's largest producer of renewable diesel

900M gallons
Annual production

Total capacity increased to **1.4B gallons** by 2022

5,000+ Professionals in 15 countries

\$16.3 billion In revenue

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Sustainability is deeply embedded into Neste's everyday business

Global 100: Neste is the world's

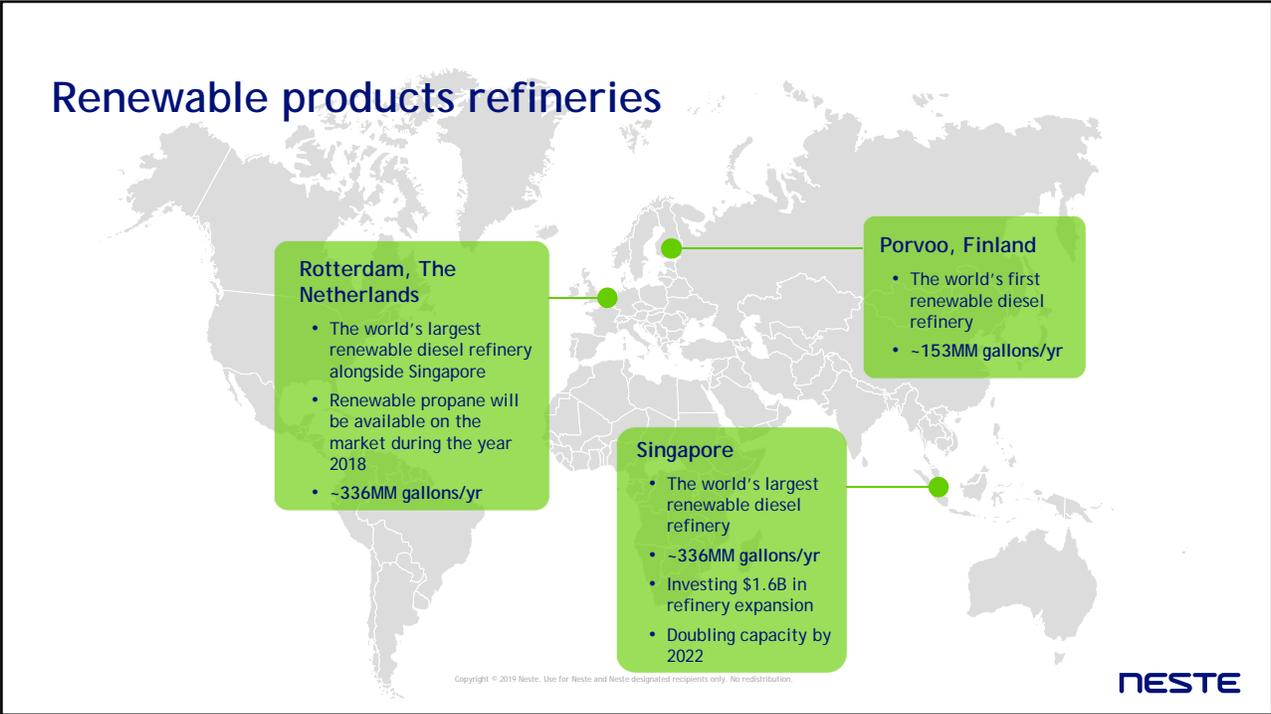
3rd

most sustainable company.

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Renewable products refineries



Thank You



NESTE

Renewable Diesel

use by the
City of Oakland, CA



Joey Williams | Fleet Manager | City of Oakland, CA



City of Oakland's recent notable Achievements

- 2019 – Ranked 3rd in Top 50 Green Fleets North America
- 2018 – Ranked 15th in Top 50 Green Fleets North America
- 2017 – Featured in Government Fleet Magazine
- 2017 – Ranked 19th in 100 Best Fleets North America
- 2017 – Clean Air Champion Award recipient – Bay Area Clean Cities



Sustainability measures in the City of Oakland

Green Fleet Policy

- Resolution No. 77842 C.M.S- May 29, 2003
- Purchase vehicles powered by alternative fuels
- Improve energy efficiency of fleet
- Reduce emissions of fleet
- Develop performance measures

Environmental Preferable Purchasing Policy

- Enacted July 17, 2007
- Minimize environmental impacts
- Reduce greenhouse gas emissions
- Purchase re-refined lubricants
- Purchase bio-fuels
- Purchase less-polluting vehicles (liquefied natural gas, bio-based fuels, hybrids, electric batteries, and fuel cells)



City of Oakland's Fleet

- 1545 Motorized vehicles, 175 other fueled units
- 752 Oakland Police Department units
 - 550 Patrol units
- 652 Oakland Public Works/ D.O.T. units
 - 185 Medium/Heavy Truck
- 141 Oakland Fire Department units
 - 55 Fire Apparatus



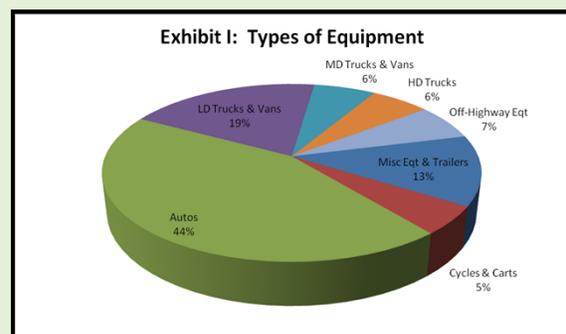
100% of non-Law Enforcement Sedans replaced by Alternatively Fueled Vehicles since 2002

Electric
CNG
Hydrogen
Plug-In Hybrid Electric
Renewable Diesel



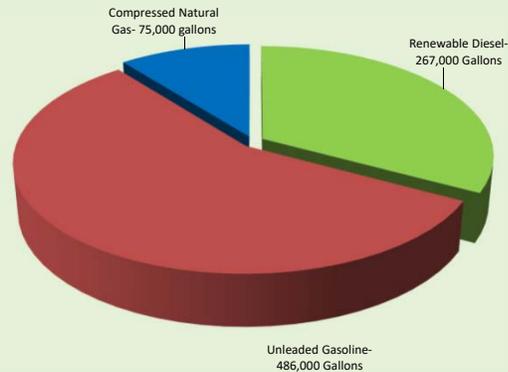
City of Oakland's Fleet By Fuel Type

- 1,019 Unleaded Gasoline
- 458 Renewable Diesel
- 110 Compressed Natural Gas
- 63 Hybrid
- 42 Battery Electric (EV)
- 16 LPG/propane
- 12 Plug in Hybrid Electric (PHEV)
- 4 Hydrogen Fuel Cell



Oakland's Annual Fuel Consumption

- **828,000 gallons total**
- Gasoline
 - 486,000 gallons
- Renewable Diesel
 - 267,000 gallons
- Compressed Natural Gas (CNG)
 - 75,000 gasoline gallon equivalents



Oakland's Fueling Facilities

- 2 Public Works Corporation Yards
 - Gasoline/Renewable Diesel
- Police Lot
 - Gasoline
- 7 Fire Stations
 - Gasoline/Renewable Diesel
- 17 Fire Stations
 - Renewable Diesel
- 3 Large Police Stationary Generator Locations (911 call center)
 - Renewable Diesel



City of Oakland's Renewable Diesel Use

- Used exclusively since October 2015
- 267,000 gallons/year, approximately 1,068,000 gallons to date
- Mobile equipment – Trucks, Vans & Automobiles
- Stationary & portable generators
- Emergency response equipment
- On-road and off-road applications



Oakland's Renewable Diesel Experience

- **No** vehicle/equipment modifications required
- **No** fuel storage/dispensing modifications required
- **No** fuel tank emptying/cleaning required
- **No** performance issues on any equipment
- **No** issues with DPF/PM traps

City of Oakland's Fleet Running on Renewable Diesel



Greenhouse Gas Reduction

- In 2018:
 - 79.2% GHG Reduction
 - 2,911.8 tCO₂e/a Reduction



Reductions Equivalent to...

519 Homes



- OR -

25 Trucks



- OR -

622 Cars



How much does Renewable Diesel really Cost?

- City of Oakland's pricing from most recent RFQ (August 2018):
 - Renewable Diesel 1,001 - 4,000 gallons: +\$0.035 per gallon markup from previous days OPIS rack price
 - Renewable Diesel 4,001 - 10,000+ gallons: -\$0.038 per gallon markdown from previous days OPIS rack price
- "On average, due to the LCFS (Low Carbon Fuel Standard) along with subsidies from the State of California, the OPIS rack price of Renewable Diesel is currently \$0.02 - \$0.05 per gallon lower than conventional Diesel Fuel" – Tom Burke, Western States Oil

CARB votes to approve several changes to LCFS program

By Erin Voegele | October 01, 2018

On Sept. 27, the California Air Resources Board approved several amendments to the state's Low Carbon Fuel Standard, including one that sets a new carbon intensity target for fuel sold within the state. The changes also create additional incentives for zero-emissions vehicles and establish protocol for carbon capture and sequestration (CCS).

The LCFS currently requires a 10 percent reduction in the carbon intensity of California's transportation fuels by 2020. The amendments approved by CAEB on Sept. 27 will require a 20 percent reduction in carbon intensity by 2030. CARB said the new requirement aligns with California's overall target of reducing greenhouse gas emissions 40 percent below 1990 levels by 2030.



What does Renewable Diesel mean to us?

- We now have 44% of our entire fleet alternatively fueled, including 30% by Renewable Diesel
- We now have more alternatively fueled equipment purchasing options
- We are minimizing the environmental impact when operating diesel powered equipment in the City of Oakland
- We are in 100% compliance with the City of Oakland's Purchasing Policies and Resolutions
- We are experiencing fewer problems with DPF Systems, and longer intervals between the service of DPF particulate filters
- Our entire diesel powered fleet manufactured by Ford Motor Company is currently being analyzed for fuel related repairs and the long term effects of running exclusively on Renewable Diesel
- Sharing knowledge and experience is a benefit to everyone



Can I store it in an Underground Storage Tank?



Air Resources Board
Mary D. Nichols
Chairman

State of California

Edmund G. Brown Jr.



State Water Resources Control Board
Felicia Marcus
Chair

Renewable Diesel Should Be Treated the Same as Conventional Diesel

This is a joint statement by the Air Resources Board (CARB) and the State Water Resources Control Board intended to clarify questions that have been raised regarding the status of renewable diesel. As discussed below, renewable diesel should be treated the same as conventional CARB diesel for all purposes, including storage in underground storage tanks (USTs).

Procurement Options:

- Spot bid
- RFP/RFO
- Co-Op - State General Services, SACOG, City of Oakland



Local Retail Fuel Stations now offering Renewable Diesel



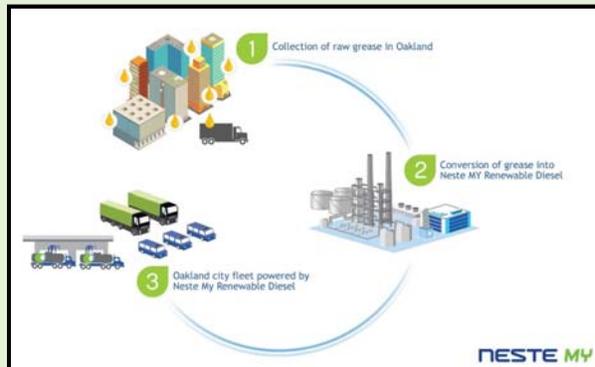
City of Oakland establishes a circular fuel economy

The City's fleet has run on renewable diesel since 2015, and now that fuel is produced with raw materials gathered from Oakland itself, establishing a circular fuel economy and reducing greenhouse gases.

"Oakland is a proud leader in protecting our environment and practicing the highest levels of sustainability," Mayor Libby Schaaf said. "This bold move will give our residents cleaner air, and it takes us one important step forward in our work to reduce greenhouse gas emissions."



City of Oakland Mayor Libby Schaaf



Need More Information?



Joseph A. Williams, CAFM, CFPF

Equipment Services Manager

[100 Best Government Fleets](#) | [50 Greenest Government Fleets](#)

Bureau of Infrastructure & Operations

City of Oakland | Oakland Public Works Department | APWA Accredited Agency

7101 Edgewater Dr. Bldg. 2 | Oakland, CA 94621

(510) 615-5489 | (510) 867-5185 Cell | (510) 615-5477 Fax

jwilliams2@oaklandca.gov

Report A Problem | Public Works Agency Call Center | (510) 615-5566

www.oaklandpw.com | pwacallcenter@oaklandnet.com | Mobile app: [SeeClickFix](#)



#MeToo2.0: A Guide to Help Navigate New Workplace Harassment Laws

League of California Cities Annual
Conference | October 17, 2019

Presented By: J. Scott Tiedemann

Agenda

- #MeToo Movement
- California Legislative Changes in Response to #MeToo
- Navigating the Workplace in Response to #MeToo and the FEHA Amendments
- “Rebooting” Workplace Culture

#MeToo Movement

- 2006: Tarana Burke coins the phrase “Me Too”
- Fall 2017
 - Ashley Judd accuses Harvey Weinstein in The New York Times
 - Alyssa Milano reignites “Me Too” with a tweet
 - Accusations of sexual misconduct against other famous individuals are reported
 - Time magazine names the “Silence Breakers” its 2017 Person of the Year

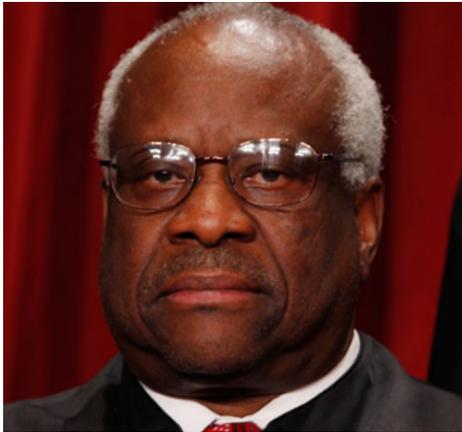
#MeToo Movement



#MeToo Movement

- 2018
 - January: Over one million nationwide took to the streets in Women’s March
 - February: Weinstein is sued by several women
 - March: #MeToo and Times Up dominate the Oscars
 - May : Weinstein is criminally charged
 - September: Sexual misconduct claims against U.S. Supreme Court nominee Brett Kavanaugh
 - *Many more high-profile individuals are accused*

Why Now? Why Never Before?



California Legislature Responds

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Gov't Code Section 12923

- Sets forth Legislature's "declaration of intent" regarding harassment laws in California
- Broadens scope of harassment claims that will violate the FEHA

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Richard made an off-hand, offensive comment to a gay employee twice over the course of a calendar year. The employee sued for sexual orientation harassment.

Sufficient basis for a harassment lawsuit?

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Sarah claims that she was sexually harassed in the workplace. The employer has evidence that despite her complaints, there was no evidence that Sarah missed work, no evidence that her productivity declined and no evidence that her performance suffered in any way.

Does this matter?

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 - Employee need not prove tangible productivity has declined
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LCW files a summary judgment to dispose of a harassment claim on the grounds that the harassment only occurred twice over a two-year period, that the victim was not offended by the conduct and that the alleged harassing comments did not impact Plaintiff's workplace.

What are the odds?

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An employee sues for harassment and the City settles the claim. The settlement states that the employee will not disparage the City or disclose information about the harassment. The settlement also requires the claimant to release all claims against the City.

Is this valid?

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- Pre-2019
 - Valid and common
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 - The same as long as the provisions are contained in a “negotiated” settlement agreement to resolve an underlying complaint filed in court, before an administrative agency, or through the employer’s internal complaint process
 - “Negotiated” means voluntary, deliberate, informed, provides consideration and claimant advised of notice of right to consult an attorney

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After an employee files a lawsuit for sexual harassment, the City settles the lawsuit. Concerned about bad publicity and embarrassment, the City places a confidentiality clause in the agreement.

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 - The confidentiality clause would not be impermissible, but of limited value, due to Public Records Act request, or other legal process

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 - Sexual assault
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Employees accuse an elected Councilmember of harassment. The employee sues the City and the City contends that it cannot be liable because the Councilmember is not an employee of the City.

Will this defense be successful?

Training: True or False

- Your agency only employs 45 full-time staff members. The agency provided its supervisors with training on sexual harassment in December 2018.
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Sexual Harassment Training - Gov't Code §12950.1

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- Optional training
 - Employer may now provide “bystander” intervention training
 - Includes information/guidance on
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What Can Agencies Expect?

- Potential impact for agencies
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Navigating the Workplace in Response to #MeToo

Culture of Intolerance Toward Harassment

- Take a hard look inside your agency
- Encourage transparency and open dialogues
 - Understand workplace culture and any communication gaps
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- Ensure anti-harassment and discrimination policies are up to date
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 - Increasing discipline for violations of policy?
 - Mandatory letter of counseling for violations?
 - May want to review the wording of legislative intent and incorporate into policy

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“Rebooting” Workplace Culture

- Heightened awareness of their interactions with colleagues
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- Explore positive reinforcement to help create a healthy, stress-free workplace
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- Be open to having conversation with employees that may be uncomfortable at times but that allows employees to share honestly and enables employers to address concerns in the post #MeToo workplace.

**The Ultimate Goal is to Establish
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Courtesy, Sensitivity, and
Respect**

Thank You!

J. Scott Tiedemann

Managing Partner | Los Angeles Office

Phone: 310.981.2000 | stiedemann@lcwlegal.com

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SUITE 1260
SACRAMENTO, CALIFORNIA 95814
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F: (916) 584-7083

LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

#MeToo2.0: A Guide to Help Navigate New Workplace Harassment Laws

10/17/2019

PRESENTED BY:

J. Scott Tiedemann

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League of California Cities Annual Conference | October 17, 2019

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LCW LIEBERT CASSIDY WHITMORE



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Agenda

- #MeToo Movement
- California Legislative Changes in Response to #MeToo
- Navigating the Workplace in Response to #MeToo and the FEHA Amendments
- “Rebooting” Workplace Culture

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#MeToo Movement

- 2006: Tarana Burke coins the phrase “Me Too”
- Fall 2017
 - Ashley Judd accuses Harvey Weinstein in The New York Times
 - Alyssa Milano reignites “Me Too” with a tweet
 - Accusations of sexual misconduct against other famous individuals are reported
 - Time magazine names the “Silence Breakers” its 2017 Person of the Year

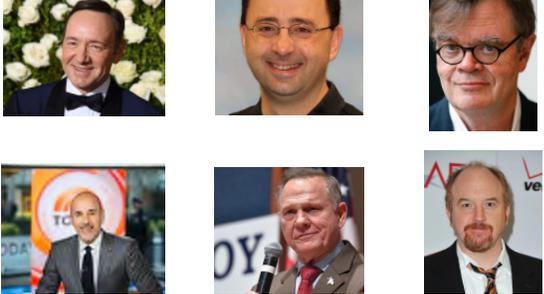
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#MeToo Movement



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#MeToo Movement

- 2018
 - January: Over one million nationwide took to the streets in Women’s March
 - February: Weinstein is sued by several women
 - March: #MeToo and Times Up dominate the Oscars
 - May : Weinstein is criminally charged
 - September: Sexual misconduct claims against U.S. Supreme Court nominee Brett Kavanaugh
 - *Many more high-profile individuals are accused*

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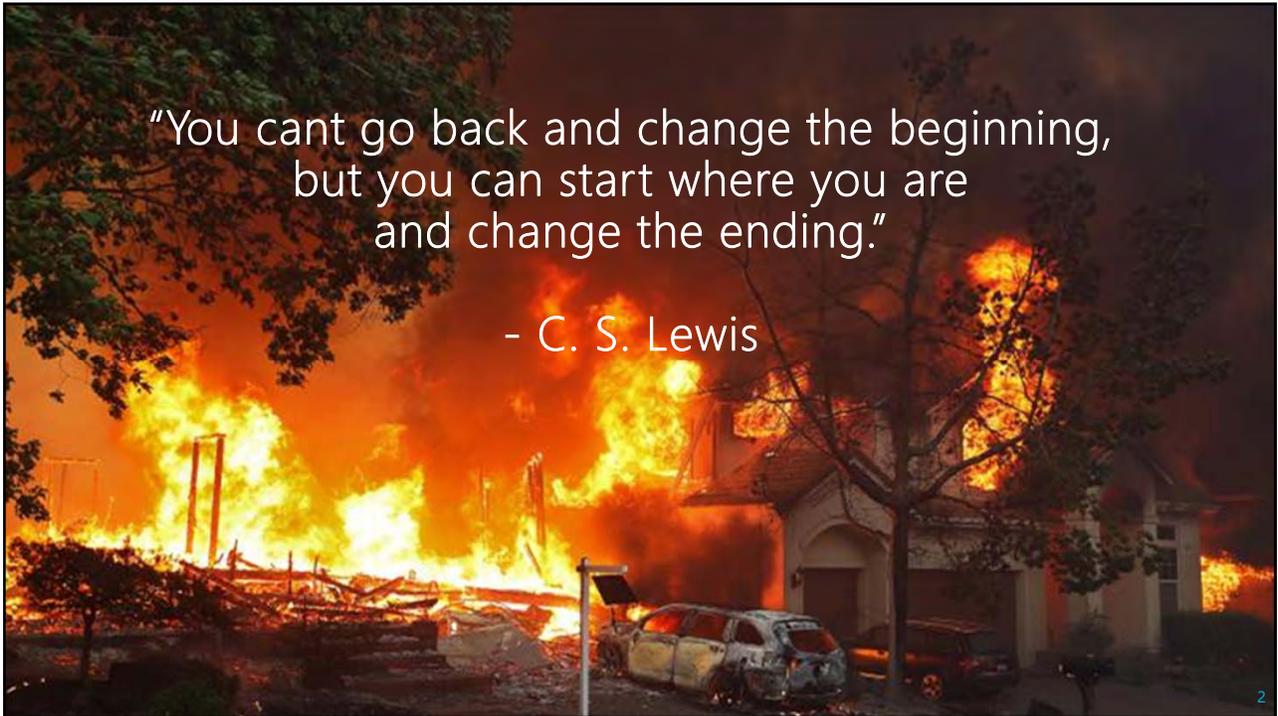
The Santa Rosa Story: From Housing Crisis to Housing Opportunity



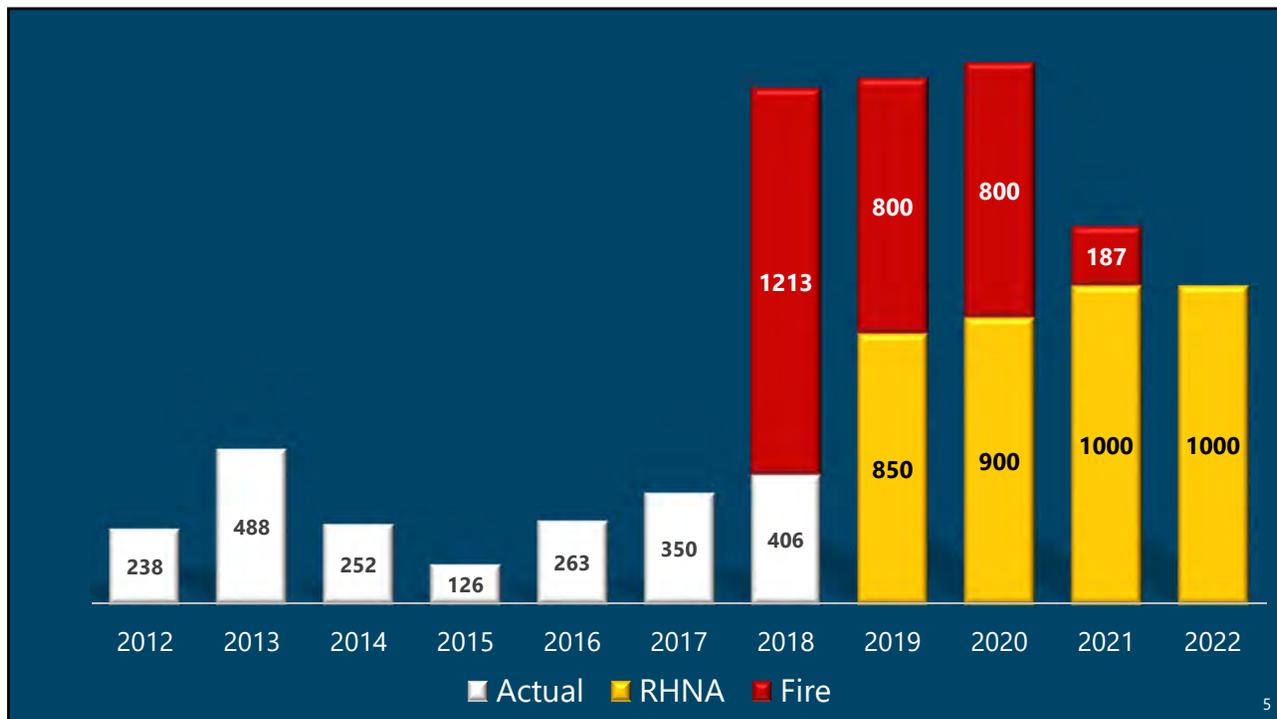
David Guhin
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"You can't go back and change the beginning,
but you can start where you are
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- C. S. Lewis







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“IF WE GET TO 2020 AND ALL WE HAVE DONE IS REPLACE THE 3,000 HOMES WE LOST, WE WILL HAVE FAILED.”

— CHRIS COURSEY, FORMER MAYOR CITY OF SANTA ROSA

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HOUSING

THE 4-PRONGED “WALK AND CHEW GUM” APPROACH
TO HOUSING RECOVERY AND PRODUCTION

1

REBUILD

2

SET BOLD
HOUSING
POLICY

3

GO UP!
DOWNTOWN
HOUSING

4

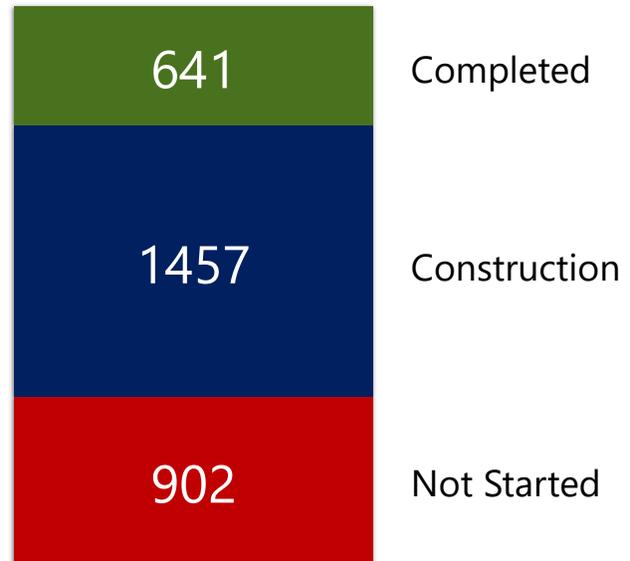
ESTABLISH
REGIONAL
ALLIANCES

1

REBUILD

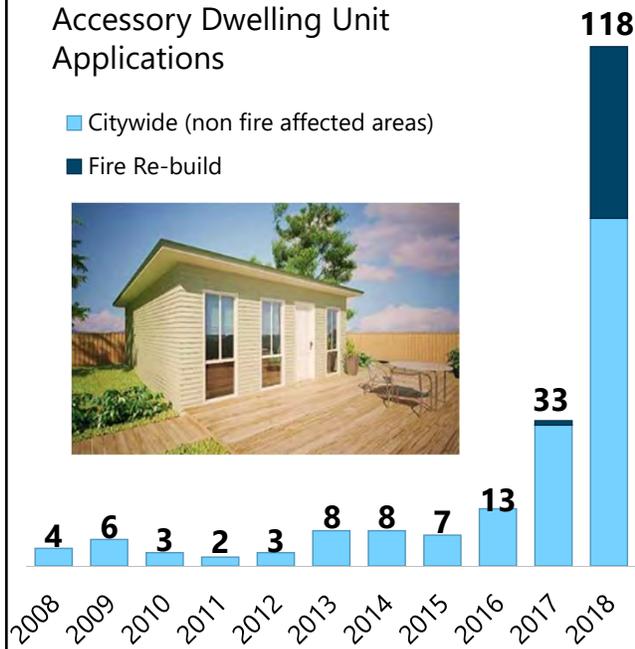
Goal:
Rebuild 3,000 homes in two
years

70% to Goal



Accessory Dwelling Unit Applications

- Citywide (non fire affected areas)
- Fire Re-build



2

Bold Housing Policies

ADU Regulations

Inclusionary Policy

Density Bonus

4

Downtown

100% Density Bonus

Reduce Discretion

Specific Plan

Reduce Fees

Expedited Review Process



2

Regional Alliances

Renewal Enterprise District

Enhanced Infrastructure

Finance District (EIFD)

Employer Housing Council



Key Tenants

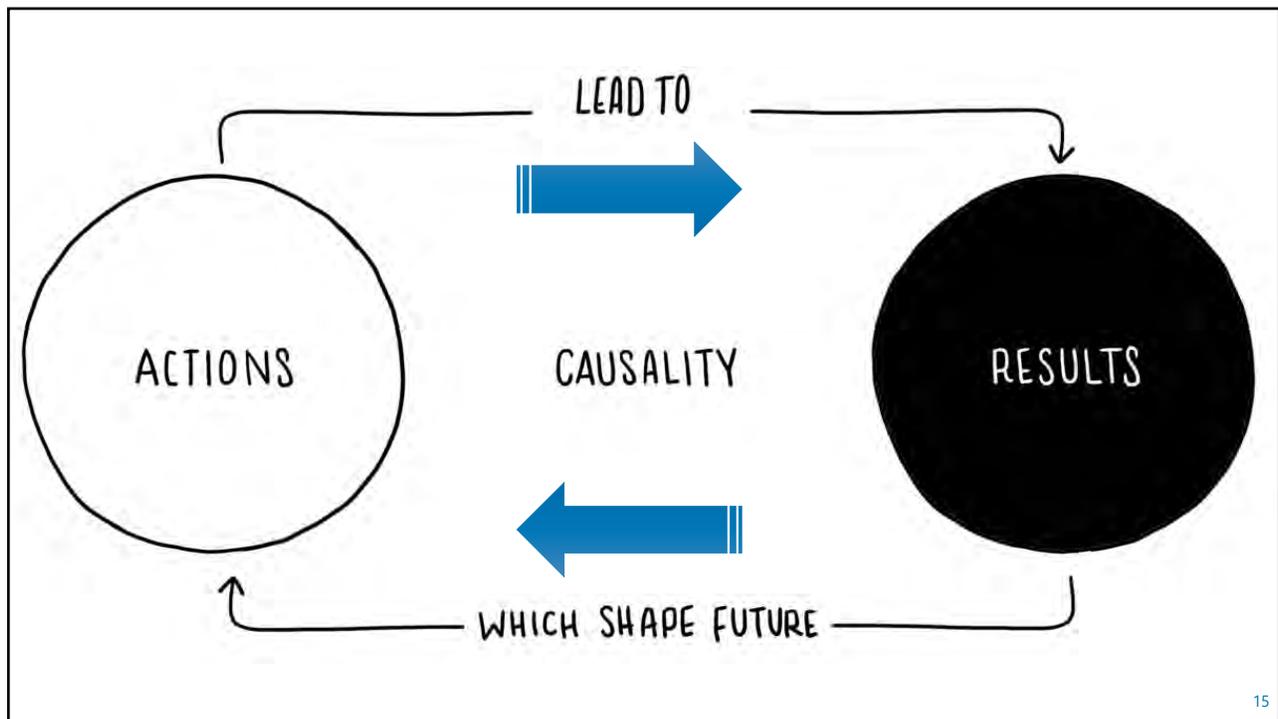
1

Get to Yes

Key Tenants

2

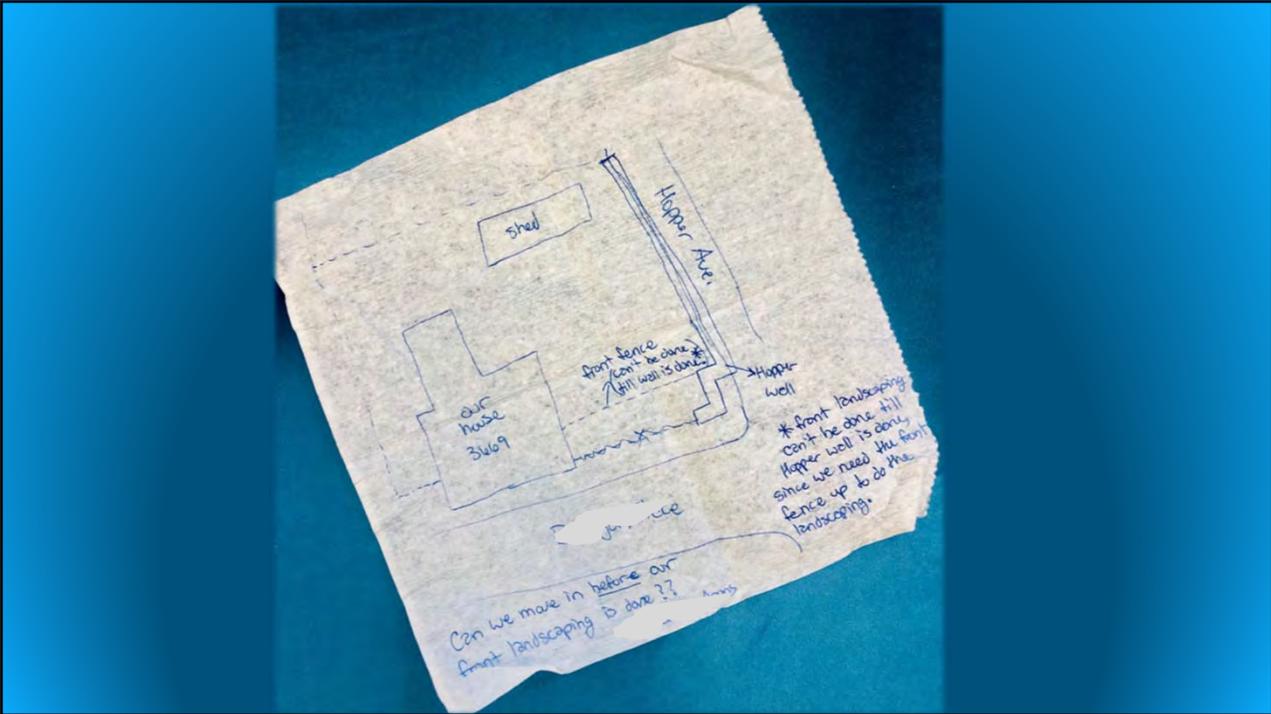
**Try it, if it does not work, fix
it and try again**



Key Tenants

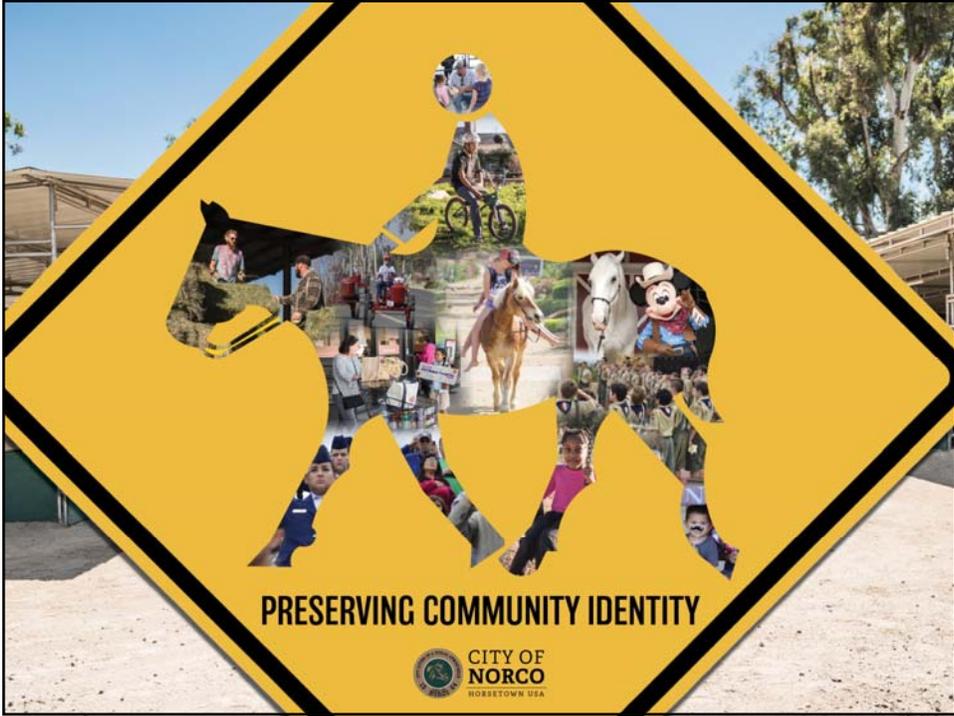
3

**Remember the Human
Element**



* front landscaping
can't be done till
Hopper well is done
since we need the front
fence up to do the
landscaping.

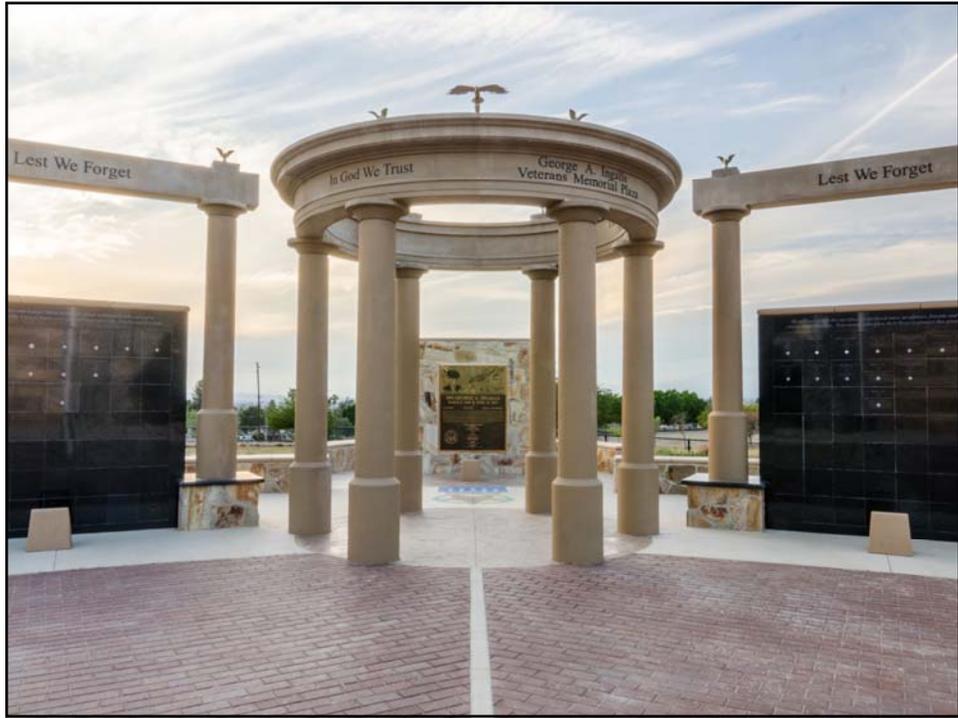
Can we move in before our
front landscaping is done??

















PRESERVING COMMUNITY IDENTITY



**CITY OF
NORCO**
NORCOTOWN USA



Ballot Measure Training Academy

The Palos Verdes Estates Experience

Measure D and Measure E

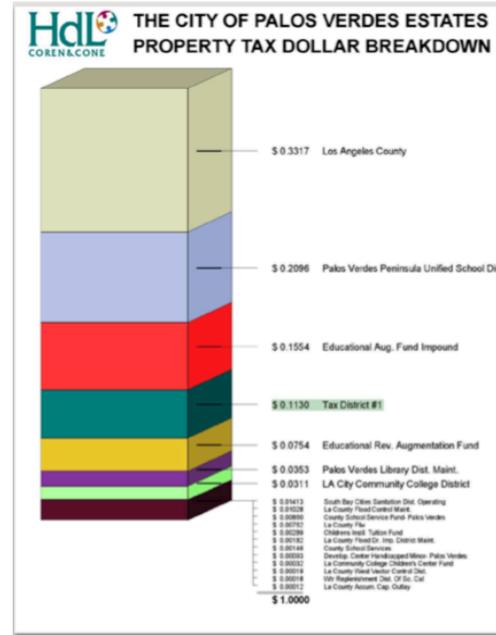
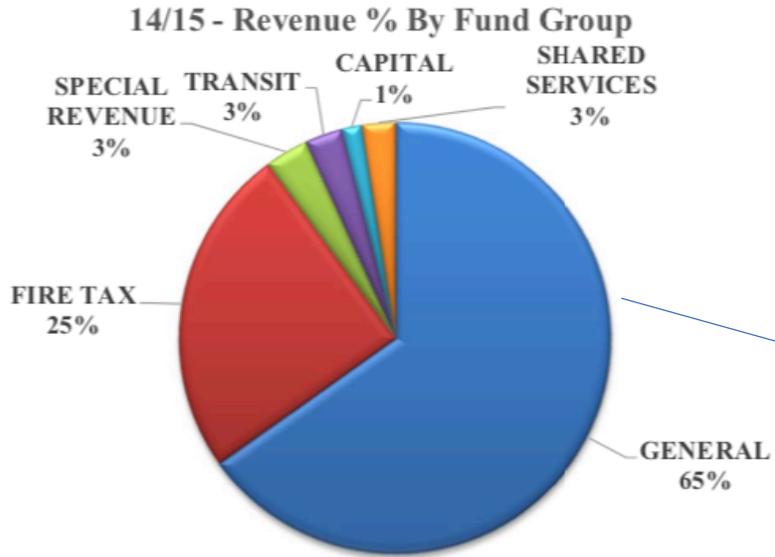
Presenter: Anton “Tony” Dahlerbruch

Former City Manager

Palos Verdes Estates



Prop 13 Cause & Effect



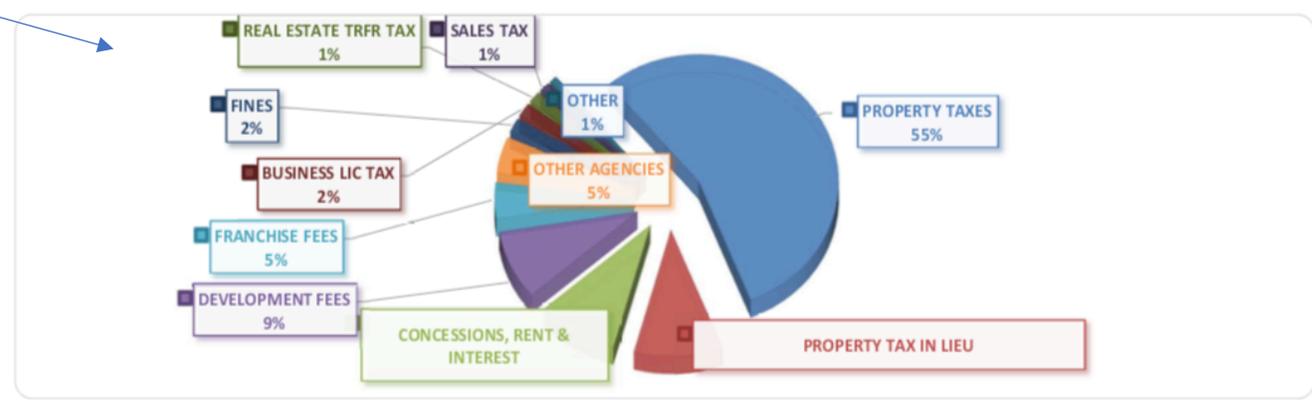
1% Share of the Basic Tax Levy

PVE receives a 11.3¢ share of each tax dollar collected in the City.

This is close to the average share received by all cities in the County. 31 cities receive a larger share/55 cities a smaller share. Lynwood the same share.

LOS ANGELES COUNTY - 2017/18 REPRESENTATIVE GENERAL LEVY SHARE ESTIMATE
Estimate of City Representative Share of the General Levy

City	City Rate*	Other Rates*	Total	City	City Rate*	Other Rates*	Total
Los Angeles	0.2629	0.2629	0.5258	Arcadia	0.0950	0.0950	0.1900
South Pasadena	0.2400	0.2400	0.4800	Hawthorne	0.0948	0.0948	0.1896
San Marino	0.2354	0.2354	0.4708	La Brea	0.0914	0.0914	0.1828
Pasadena	0.2335	0.2335	0.4670	Rosemead	0.0898	0.0898	0.1796
San Gabriel	0.2191	0.2191	0.4382	Temple City	0.0886	0.0886	0.1772
San Dimas	0.2166	0.2166	0.4332	Norwalk	0.0863	0.0863	0.1726
Flowerdale	0.2159	0.2159	0.4318	Quarte	0.0860	0.0860	0.1720
Hermosa Beach	0.2030	0.2030	0.4060	Bel Gardens	0.0820	0.0820	0.1640
La Brea	0.1847	0.1847	0.3694	Pico Rivera	0.0807	0.0807	0.1614
West Hollywood	0.1816	0.1816	0.3632	Westdale Village	0.0805	0.0805	0.1610
Monrovia	0.1744	0.1744	0.3488	Cerritos	0.0800	0.0800	0.1600
Beverly Hills	0.1742	0.1742	0.3484	Hickman Hills	0.0798	0.0798	0.1596
Avalon	0.1665	0.1665	0.3330	Industry	0.0794	0.0794	0.1588
Redondo Beach	0.1654	0.1654	0.3308	Huntington Park	0.0730	0.0730	0.1460
Alhambra	0.1443	0.0199	0.1642	Vernon	0.0728	0.0728	0.1456
Munich Park	0.1578	0.1578	0.3156	Whittier	0.0717	0.0717	0.1434
Covina	0.1541	0.1541	0.3082	Commerce	0.0679	0.0679	0.1358
Azusa	0.1482	0.1482	0.2964	Signal Hill	0.0678	0.0678	0.1356
Marlborough Beach	0.1462	0.1462	0.2924	Carson	0.0674	0.0674	0.1348
San Fernando	0.1456	0.1456	0.2912	Paramount	0.0672	0.0672	0.1344
Inglewood	0.1409	0.1409	0.2818	La Cañada Flintridge	0.0670	0.0670	0.1340
Downey	0.1307	0.1307	0.2614	Rising Hills Estates	0.0669	0.0669	0.1338
Sierra Madre	0.1303	0.1303	0.2606	Rolling Hills	0.0667	0.0667	0.1334
West Covina	0.1301	0.0031	0.1332	Bellflower	0.0666	0.0666	0.1332
Glendale	0.1307	0.1307	0.2614	Artesia	0.0665	0.0665	0.1330
Covina	0.0472	0.0202	0.0674	Lawndale	0.0662	0.0662	0.1324
Santa Clarita	0.0573	0.0554	0.1127	Lancaster	0.0661	0.0661	0.1322
Torrance	0.1220	0.1220	0.2440	Cudahy	0.0659	0.0659	0.1318
Baldwin Park	0.0952	0.0254	0.1206	Rossmore	0.0648	0.0648	0.1296
Claremont	0.1142	0.1142	0.2284	Maywood	0.0639	0.0639	0.1278
Palos Verdes Estates	0.1130	0.1130	0.2260	Rancho Palos Verdes	0.0637	0.0637	0.1274
Lynwood	0.1130	0.1130	0.2260	El Segundo	0.0632	0.0632	0.1264
Gardena	0.1116	0.1116	0.2232	Santa Fe Springs	0.0626	0.0626	0.1252
San Gabriel	0.1064	0.1064	0.2128	South Gate	0.0615	0.0615	0.1230
Culver City	0.1043	0.1043	0.2086	Bradbury	0.0614	0.0614	0.1228
Pomona	0.0953	0.0274	0.1227	Agoura Hills	0.0595	0.0595	0.1190
Lomita	0.0966	0.0361	0.1327	Lakeview	0.0584	0.0584	0.1168
Inverdale	0.1039	0.1039	0.2078	Hawston Gardens	0.0560	0.0560	0.1120
La Puente	0.0806	0.0349	0.1155	Bel	0.0537	0.0537	0.1074
Cumpton	0.1004	0.1004	0.2008	Walnut	0.0520	0.0520	0.1040
La Habra Heights	0.1004	0.1004	0.2008	Diamond Bar	0.0519	0.0519	0.1038
San Dimas	0.0658	0.0335	0.0993	County Average:	0.1055	0.0065	0.1120
Montebello	0.0960	0.0960	0.1920				
El Monte	0.0964	0.0964	0.1928				
Glendora	0.0962	0.0962	0.1924				



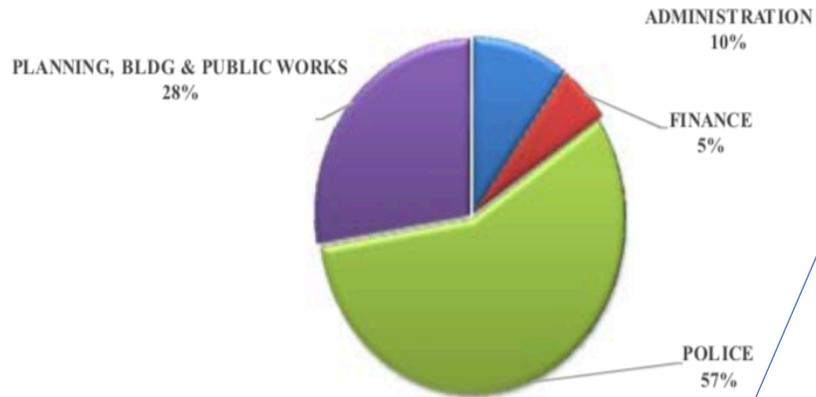
Snapshot of Expenditures



EXPENDITURES BY PROGRAM

PROGRAM	ACTUAL 2012/13	BUDGET 2013/14	PROJECTED 2013/14	ADOPTED 2014/15	PLANNED 2015/16
GENERAL FUND					
CITY MANAGER	464,888	541,390	558,610	617,105	651,290
CITY ATTORNEY	149,694	131,300	231,300	181,300	156,300
CITY CLERK	161,162	180,375	185,274	192,050	158,340
NON-DEPARTMENTAL	144,686	179,635	156,900	151,219	140,189
ADMINISTRATION	920,429	1,032,700	1,132,084	1,141,674	1,106,119
FINANCE	334,654	476,380	495,233	573,624	601,334
TREASURER	31,752	37,385	37,290	37,845	38,065
FINANCE	366,406	513,765	532,523	611,469	639,399
POLICE SERVICES	5,643,145	6,072,295	6,027,710	6,418,685	6,634,245
POLICE	5,643,145	6,072,295	6,027,710	6,418,685	6,634,245
BUILDING	509,529	571,540	516,321	625,180	620,730
PLANNING	369,508	414,970	397,029	435,270	426,300
CITY PROPERTIES	193,665	211,390	216,690	271,905	273,055
PUBLIC WORKS	236,285	279,330	290,505	426,995	427,755
STREETS	146,345	175,570	172,360	181,485	200,060
PARKLANDS	1,078,136	1,118,075	1,164,740	1,172,790	1,235,945
PLANNING, BLDG & PUBLIC WKS	2,533,468	2,770,875	2,757,645	3,113,625	3,183,845
	9,463,448	10,389,635	10,449,963	11,285,453	11,563,608
SPECIAL REVENUE FUNDS					
FIRE SERVICES	4,122,392	4,275,235	4,275,240	4,458,230	4,591,830
FIRE	4,122,392	4,275,235	4,275,240	4,458,230	4,591,830
STREETS	272,279	312,445	313,317	332,225	340,485
GAS TAX FUND	272,279	312,445	313,317	332,225	340,485
PARKLANDS	10,190	9,620	9,620	11,550	11,550
PUBLIC WORKS	1,429	-	-	-	-
SPECIAL PROJECTS	11,619	9,620	9,620	11,550	11,550
POLICE SERVICES	78,875	55,080	20,926	75,910	-
POLICE GRANTS (SLES) FUND	78,875	55,080	20,926	75,910	-
POLICE SERVICES	6,302	3,000	3,000	4,700	4,700
CORRECTIONS FUND	6,302	3,000	3,000	4,700	4,700
NON-DEPARTMENTAL	5,309	5,310	5,309	5,310	5,310
PROP A EXCHANGE	100,000	200,000	200,000	200,000	200,000
PROP A	105,309	205,310	205,309	205,310	205,310
PROP C TRANSIT	180,550	189,580	189,580	197,000	200,940
PROP C	180,550	189,580	189,580	197,000	200,940
	4,777,327	5,050,270	5,016,992	5,284,925	5,354,815
CAPITAL FUNDS					
CAPITAL IMPROVEMENTS	1,398,564	1,499,500	1,495,976	3,554,000	1,941,500

14/15 - General Fund By Department



Police and Fire combined total approx. 2/3rds of operating budget

Do you rely on past experience?

HISTORY ON BALLOT TAX MEASURES

		YES	NO
March 1979	Prop 1 - \$300 parcel tax for police/fire/paramedic (failed)	1,712 (39%)	2,690 (61%)
April 1980	Prop A – Police/Fire/Paramedics Parcel Tax (passed)	3,845 (85%)	675 (15%)
April 1980	Prop B – Streets/Parklands Parcel Tax (passed)	3,559 (79%)	930 (21%)
April 1982	Prop B – Streets/Parklands Parcel Tax (passed)	2,205 (81%)	521 (19%)
November 1983	Prop K – Parcel tax to replace Utility Tax & Prop A & B with deductible general property tax (failed) \$485/parcel, annual CPI increase, Ten-year sunset	1,660 (43%)	2,175 (57%)
April 1984	Prop A-Police/Fire/Paramedic Parcel Tax (passed)	4,418 (88%)	619 (12%)
April 1986	Prop B – Streets/Parklands Parcel Tax (passed)	1,690 (76%)	532 (24%)
April 1988	Prop A – Police/Fire/Paramedic (passed)	3,345 (89%)	431 (11%)
April 1990	Prop B – Streets/Parklands Parcel Tax (passed)	1,716 (73%)	632 (27%)
March 2001	Measure A-01 – Special Fire Tax to replace Fire Benefit Assessment District (passed)	3,256 (87%)	485 (13%)
March 2003	Measure B – 2.5% Utility User tax to fund non-Sewer capital improvements (failed)	1,767 (60%)	1,161 (40%)
March 2007	Measure A – Police/Fire/Paramedics Parcel Tax (passed)	2,243 (87.28%)	327 (12.72%)

What is different now?

- Prop 218 (2/3rds approval)
- Social Media
- “NextDoor”
- Public/national sentiment (lack of bipartisanship /compromise, distrust of gov’t, conspiracy theorists, etc.)
- Higher expenditures (e.g. for CalPERS and capital) without available revenue

Palos Verdes Estates – Measure D

Action

- Did not retain consultants for development materials and polling
- Followed decades-old practices
 - Assembled resident committee
 - Resident committee formed and facilitated by City Manager with input from Mayor (not subject to Brown Act)
 - Committee assessed needs for meeting City's financial condition
 - Committee made several recommendations to City Council
 - City Council accepted some, not all, of committee recommendations
 - City staff prepared all (and many) educational materials
 - City Attorney prepared ballot measure
 - Residents expected to form into private advocacy group

(Measure failed)

Reaction

- No consistent message
 - POA confused purpose of measure
- Little resident advocacy
- Staff information
 - Confusing and not trusted
 - Limited distribution in fear of being perceived as advocacy
- Reliance on past successes and establishment for support of measure; minor Council involvement
- New residents had no history / connection to measure or City
- Lower voter turn out
- Ballot Measure
 - Confusing
 - Compromises in final measure did not satisfy detractors
- Detractors effective in distracting, challenging and dissuading

Palos Verdes Estates – Measure E

Action

- City Council took responsibility for all aspects of Measure and information
 - Ad Hoc committees created
 - Public engagement enhanced
 - Studies commenced
 - City Manager facilitated process
- Retained consultant for developing measure and for providing guidance (until Measure approved for the ballot)
- No staff involvement
- Private resident advocacy group formed for community education and encouraging voter turnout
- City Council formed Finance Advisory Committee
- Ballot language simplified (clear purpose and tax amount) and included resident parcel tax oversight committee, shorter term
- Budget reductions implemented

Reaction

- 59% voter turnout
- 69% voter approval
- Engaged residents in community for community building

(Measure successful)

Measure D and Measure E

March 2017

April 2018

MEASURE SUBMITTED TO PALOS VERDES ESTATES VOTERS

D	Shall an ordinance be adopted that continues a levy of the existing special tax for a period of twelve (12) years on each eligible parcel in the City at the initial base rate of \$342.34 plus \$0.196073 per square foot of building improvement effective July 1, 2017, and maintains the existing 6.2% limit on annual adjustments, initially generating approximately \$4.7 million annually to finance fire suppression and paramedic services?	63	YES → <input type="radio"/>
		64	NO → <input type="radio"/>

END OF BALLOT

PALOS VERDES ESTATES		
MEASURE SUBMITTED TO THE VOTERS		
E	To fund the Palos Verdes Estates Police Department, shall an ordinance be adopted approving an annual parcel tax of \$342 plus 20¢ per square foot of building improvements, generating approximately \$5 million annually for 9 years and requiring a Citizens Financial Oversight Committee and annual financial audits?	YES → <input type="radio"/>
		NO → <input type="radio"/>
END OF BALLOT		

Lessons Learned

- Keep it simple!
- Do not underestimate the effectiveness of communications in the outcome.
- Engage and trust the expertise of professionals.
- Be prepared.
- Focus the City's business in a manner that provides public participation.

League of California Cities – Ballot Measure Training Academy

Presented by:

John Fairbank
Partner



FAIRBANK, MASLIN,
MAULLIN, METZ
& ASSOCIATES

October 17, 2019

Presentation Overview



1) Voters'
Perceptions

2) What Can
Cities Do?

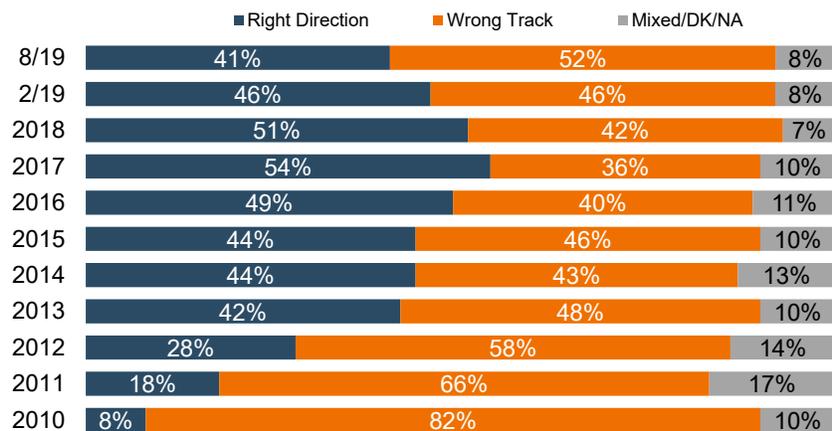




1) Voters' Perceptions

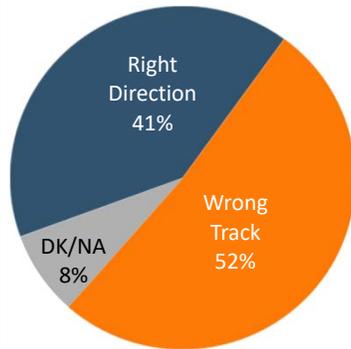
Views on the direction of the state have vastly improved since 2010.

Would you say that things in the State of California are generally headed in the right direction, or are they off on the wrong track?



Voters are split on the direction of the state with notable partisan, demographic and geographic differences.

Would you say that things in the State of California are moving in the right direction, or are they off on the wrong track?



Demographic Groups	Right Direction	Wrong Track	DK/NA
Party			
Democrats	65%	25%	10%
Independents	33%	57%	10%
Republicans	7%	92%	1%
Age			
18-49	43%	47%	10%
50-64	38%	58%	4%
65+	42%	53%	5%
Education			
Non-College Graduates	36%	56%	8%
Four-Year College Graduates	36%	57%	7%
Post-College Graduates	54%	39%	7%
Region			
Los Angeles County	48%	45%	7%
Counties Surrounding Los Angeles	33%	58%	9%
Bay Area	45%	47%	8%
San Diego	37%	57%	6%
Sacramento/Rural North	39%	53%	8%
Central Valley/Central Coast	38%	56%	6%

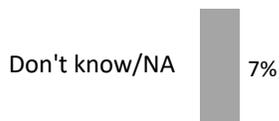
FM3
RESEARCH

Voters overwhelmingly prefer to have local city governments take on critical problems.

When there are critical problems that affect your community and other communities, **STATE GOVERNMENT** should take charge because they have the resources and expertise to take on the big problems that affect the whole state.



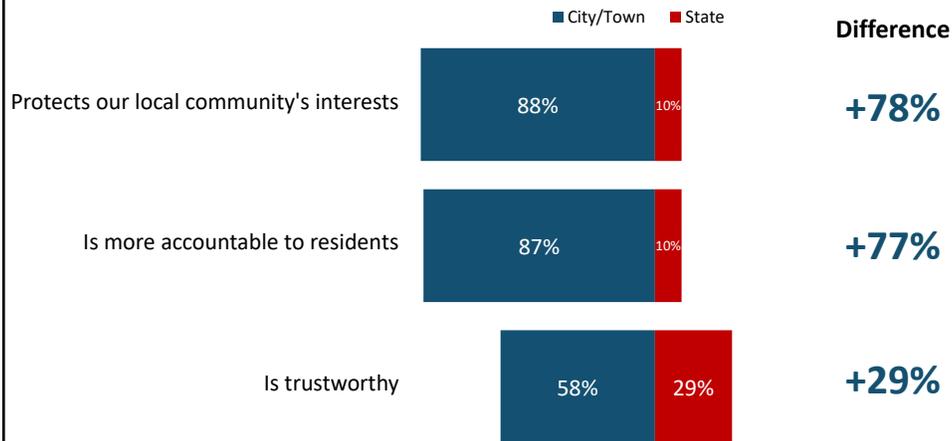
LOCAL CITY GOVERNMENTS are best-suited to take on critical problems because they are more accountable to residents and they know what is best for their local community.



FM3
RESEARCH

Q4. Which of the following statements do you agree with more?

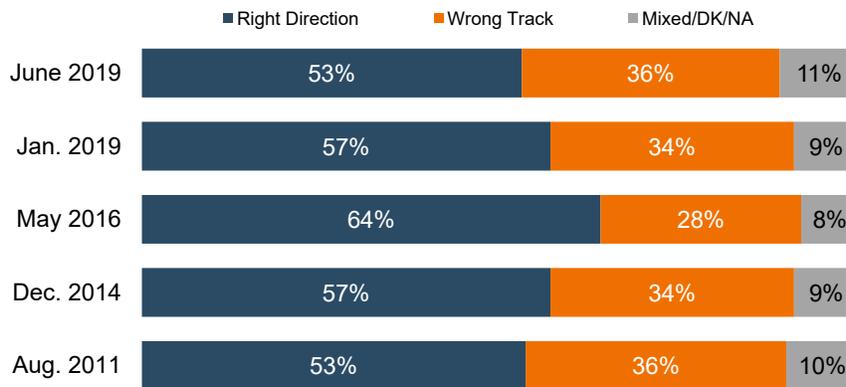
Accountability and protecting local interests are strong attributes of city government.



FM3 Q6. Thinking some more about state and city governments, I am going to mention some terms and phrases. For each one, please tell me who you think it applies to more: your local city or town's government or California state government.

A majority of voters statewide continue to believe that their community is headed in the right direction.

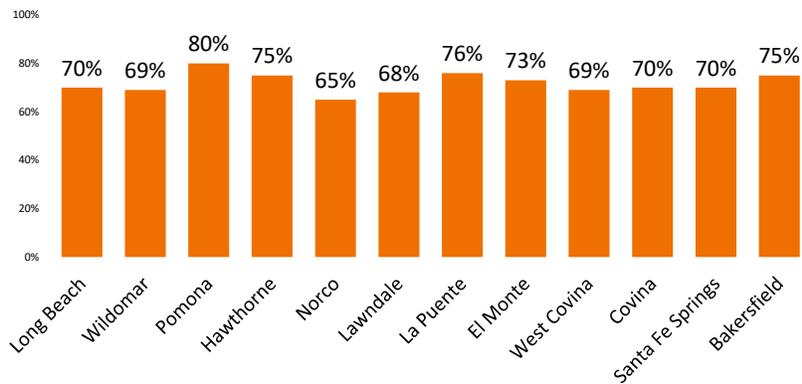
Would you say that things in your city or town are generally headed in the right direction, or are they off on the wrong track?



FM3 RESEARCH

Majorities in many communities perceive that their City needs additional revenue.

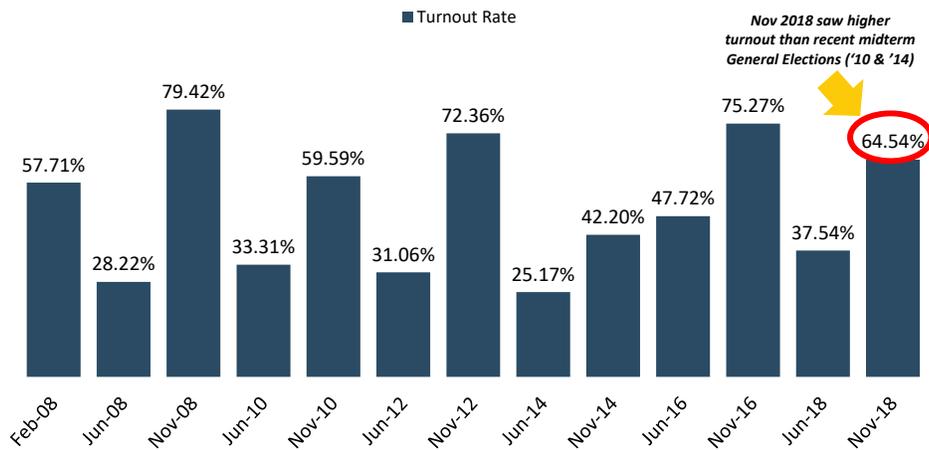
(Percentage saying the city has a "great" or "some" need for additional funding to maintain local programs and services)



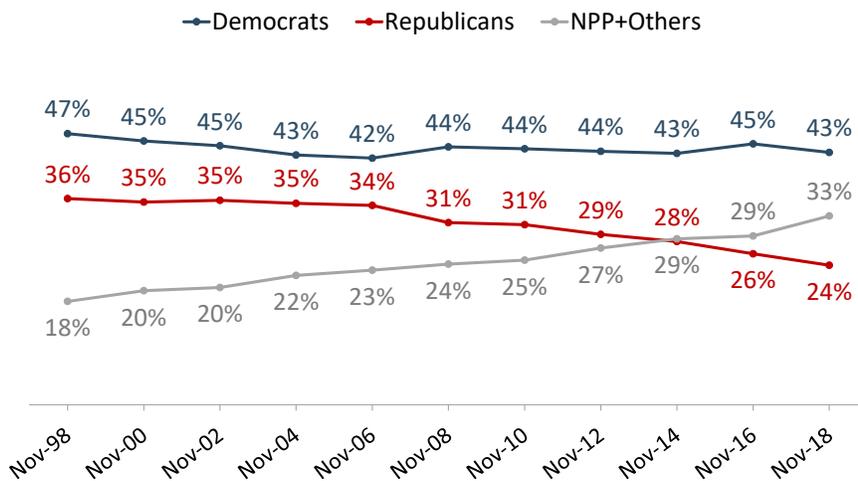
California's 2020 Election: A Major Opportunity for Cities

- High Turnout.....*but how high?*
- A Weakened GOP.....*but how weak?*
- Crucial Constituencies/Factors:
 - Democratic & Independent voters
 - Voters of Color
 - College-educated white voters – especially women
 - Millennials
 - Impact of ballot measures

Voter turnout is cyclical, with higher turnout for General Elections than primaries, and higher turnout in Presidential years than midterms.



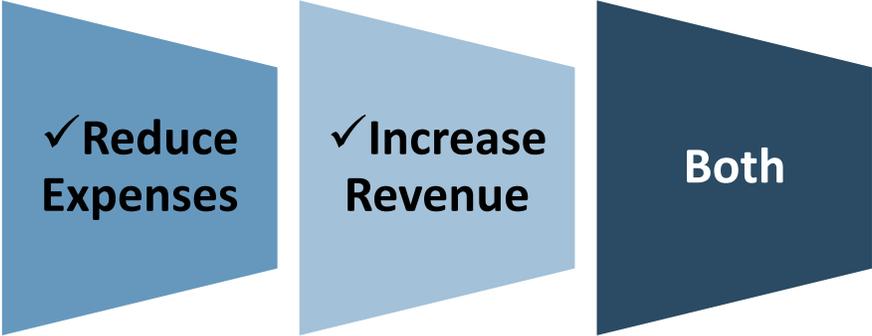
The proportion of CA voters registered as Republicans has fallen steadily since roughly 2006, while the proportion of independents has been rising.





2) What Can Cities Do?

There are three basic fiscal choices:

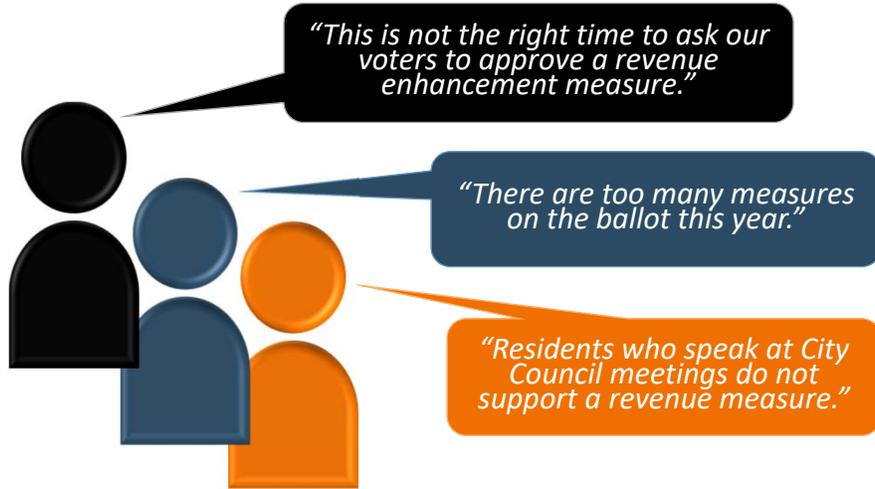


- ✓ Reduce Expenses
- ✓ Increase Revenue
- Both

FM3
RESEARCH

13

Every election cycle, many cities repeat the same Mantras:



In fact, Californians have shown a consistent willingness to pay more in local city taxes.

Election	Total Local Measures Passed	City, County & Special District Measures	School Measures	Success Rate of All Measures
November 2018	313	207	106	81%
June 2018	85	41	44	77%
November 2016	355	164	191	83%
June 2016	72	23	49	81%
November 2014	191	92	99	71%
June 2014	65	27	38	76%
November 2012	176	71	105	73%
June 2012	87	40	47	66%

Several jurisdictions have passed multiple measures for the City and School District on the same or subsequent ballots.

Election	Measure	Yes	No
Pomona			
November 2016	Pomona Unified School District Bond Measure	78%	22%
November 2018	Pomona Sales Tax	67%	33%
	Pomona Marijuana Business Tax	71%	29%
Culver City			
November 2018	Culver City Sales Tax	71%	30%
	Culver City Unified School District Parcel Tax	75%	25%

Several jurisdictions have passed multiple measures for the City and School District on the same or subsequent ballots.

Election	Measure	Yes	No
Burbank			
November 2018	Burbank Sales Tax	62%	38%
	Burbank Unified School District Parcel Tax (*Required 67% for passage)	64%*	36%
Pasadena			
November 2018	Pasadena Sales Tax	69%	31%
	Pasadena Sales Tax Advisory Measure	72%	28%
Not on ballot	Pasadena Unified School District Bond Measure Polling	72%	23%

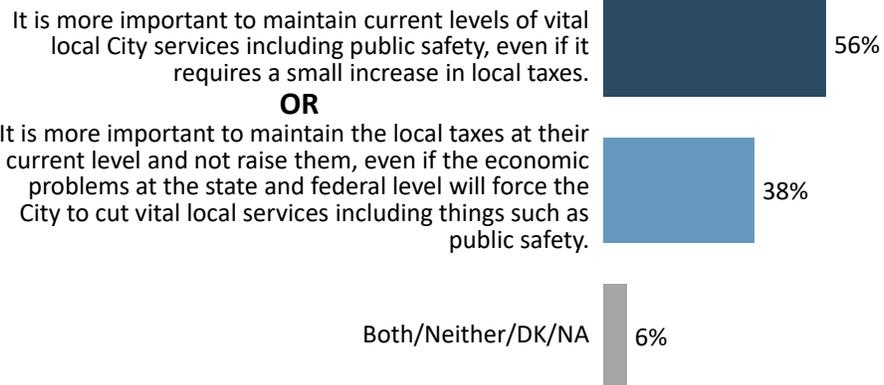
What are the revenue enhancement measure options?

Type of Tax/Fee	Percent Needed to Win	Election Date
General Purpose Measure (sales tax, business tax, utility user tax, transient occupancy tax, cannabis tax)	50%+1	Regularly scheduled city election (or Declare a Fiscal Emergency)
G.O. Bond Measure	2/3	Any election
Parcel Tax	2/3	Any election
Property Assessment (Prop. 218 Measure)	50%+1	Special vote-by-mail election
Other Dedicated Taxes/Fees	2/3	Any election

"Is placing a local revenue measure before voters the right approach for my community?"



The best way to find out is to ask your voters.



What Research Offers:

- Determine **which tax mechanism and rate** voters are willing to support
- Evaluate **which 2020 election date (March or Nov)** provides the best opportunity for success
- Assess whether a **sunset clause is needed** for viability
- Assist in **drafting the most compelling 75-word ballot label possible** for your ballot measure

What Research Offers; Continued:

- Identify which unique, **legally permissible messages will resonate most** among your constituents to inform your community outreach and education efforts
- Provide a **thematic and communications roadmap** to securing the required level of support for your measure
- Evaluate which **sources of information** voters use to get news about City matters

Polling has Never Been More Important

- In a time of turmoil, possessing some certainty and gaining direction is vital. In the land of the blind, the one-eyed man is king.
- When you can do anything and everything in terms of communicating with the public, you must determine the best thing to do.
- The voters still have the ultimate power— there is no substitute for learning what they want.

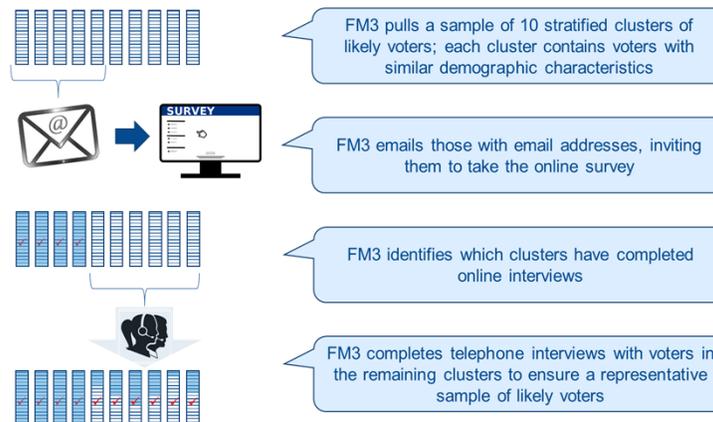


Polling Has Never Been More Difficult

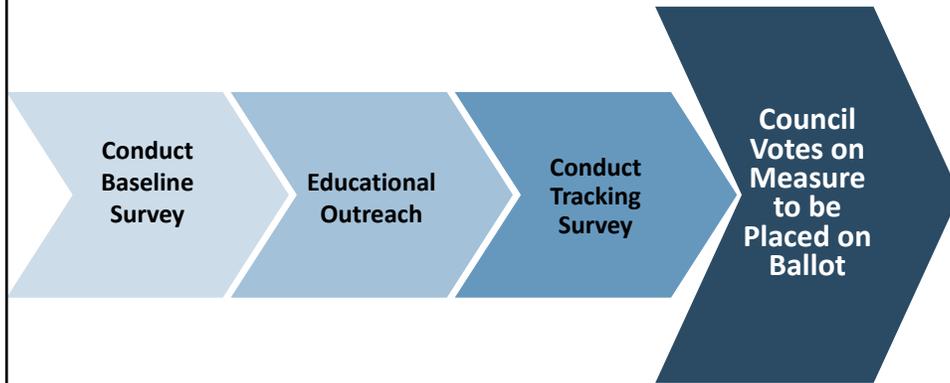


- Life-styles, media habits, and reaction to our current politics make the task of getting accurate information very hard. Hard but **not impossible**.
- Samples are crucial. **You must know who you want to reach before determining how to reach them.** Primary turnouts are smaller and take different shape than general elections. Presidential years are larger and invite different voting groups into the dance than midterms. Turnout is the most significant variable.
- There are new ways to reach voters, but the tried and true still has considerable value.

Collecting data both online and by telephone (“Dual mode”) helps to overcome some of the challenges with telephone-only surveys. (10 interview example)



Process of Testing a Revenue-Generating Measure



Goals of Baseline Survey for Local City Finance Measures

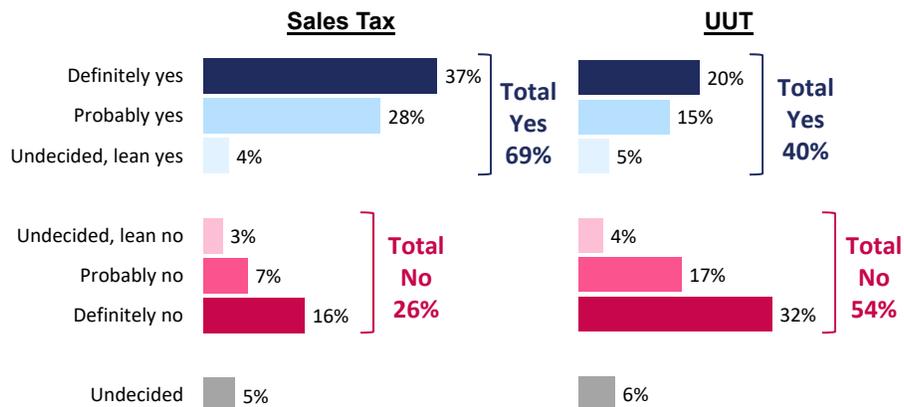
- Determine **willingness to support** a local City finance measure
- Identify the **funding mechanism & tax rate** voters will support
- Work with legal counsel to determine specific, permissible **ballot label language to maximize voter support**
- Assess voters' **understanding** of the City's **current financial status**
- Evaluate perception of the City's **financial needs**
- Identify **voter priorities** for local City funding
- Determine the most **effective themes and messages** for building and solidifying support for the measure
- Evaluate **vulnerability to opposition**

Goals of a Tracking Survey for Local City Finance Measures

Evaluate the impact of a number of factors that could have changed since the initial baseline survey, such as:

- ✓ **Refinements to the finance measure's 75-word ballot label** language based on the baseline survey results
- ✓ The impacts of the City's **public outreach** efforts
- ✓ The presence of **other ballot measures** (statewide, county, school district, community college, etc.) that may impact support for the finance measure
- ✓ The impacts of **external events** that may have changed the political landscape

Voters in this City preferred a Sales Tax to a UUT *(Preferences Vary by City)*



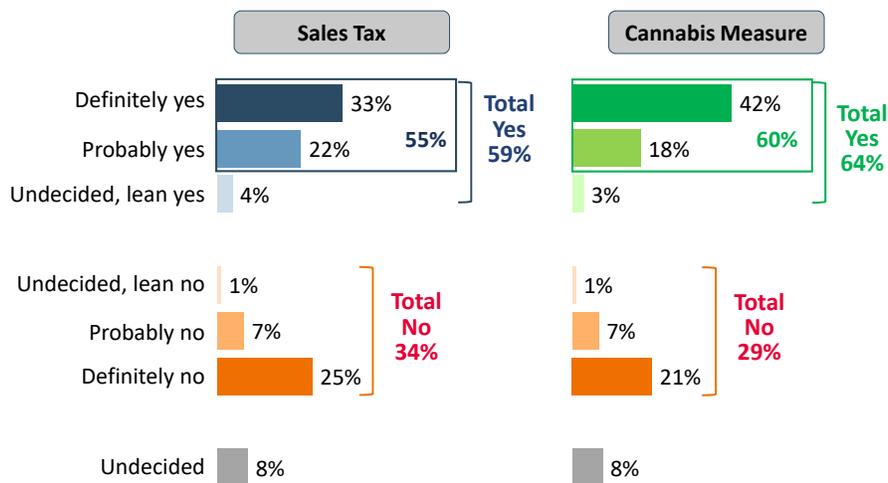
Cannabis measure ballot label language that emphasizes regulation and revenue for services rather than legalization often attracts broad support.

City of _____ Cannabis Regulation, Taxation, Public Safety, and Essential City Services Measure.

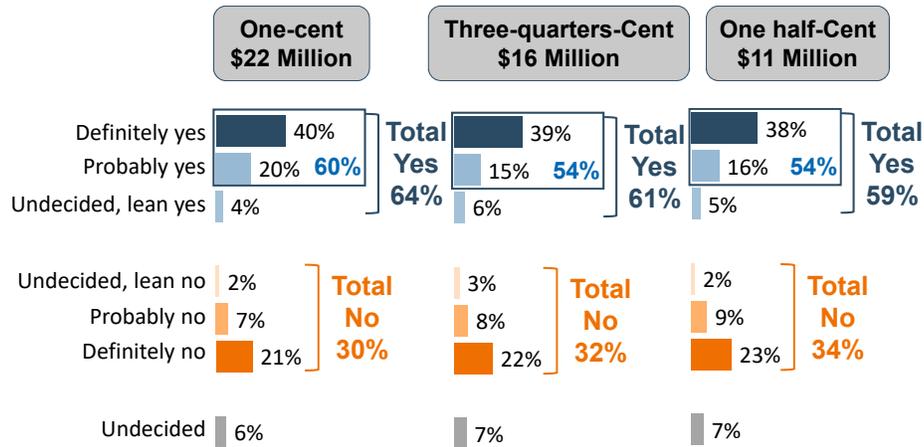
Shall an ordinance be adopted expanding the City’s regulation of cannabis businesses; establishing regulations to protect neighborhoods/schools/children/patients’ health; imposing a 4% tax until ended by voters on the sale/distribution/production of cannabis products, raising approximately \$3 million annually for 911 emergency response, police/fire protection services; pothole repair; afterschool programs; senior services; homeless reduction; graffiti removal and other City of _____ general fund services?

Polling Result: 69% Would Vote “YES”

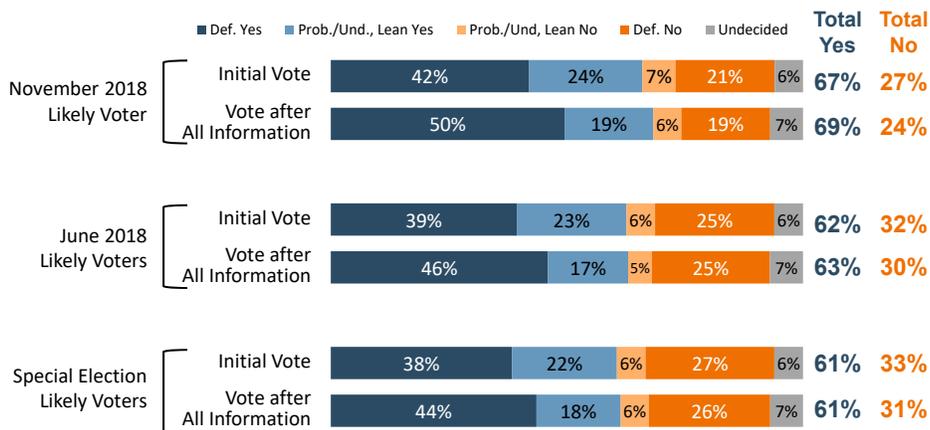
Cannabis tax measures are often well-supported, as shown below compared with a sales tax measure tested by the same community.



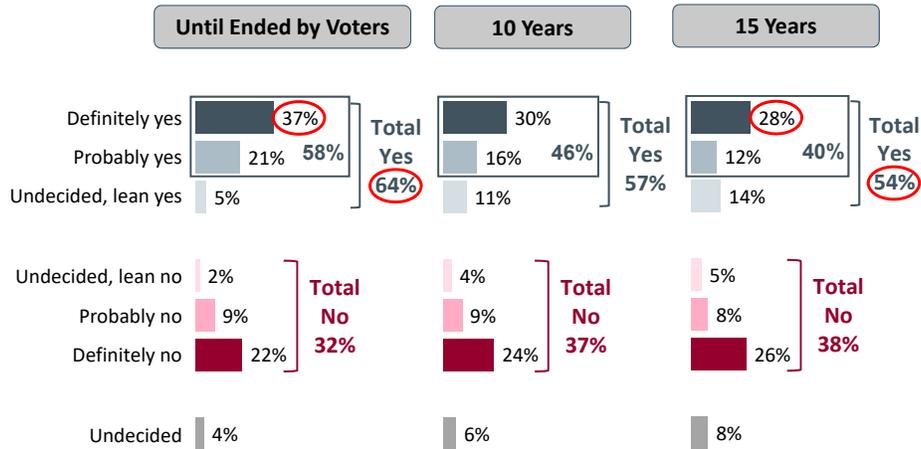
Support is stronger for a one-cent measure than lower options tested in this survey.



Higher-turnout elections often produce greater voter support for finance measures than smaller-turnout elections.



Support usually declines when various specific sunset dates are mentioned.



FM3 RESEARCH Q. If the vote on this measure were held today, would you vote yes in favor, or no to oppose it? (City of Burbank)
Q. What if the local three-quarter cent sales tax measure that I described to you earlier was written so that it would be in effect for _____, and would then be legally required to end at that time? If that were the case, would you vote yes in favor of it, or no to oppose it? **34**
Working Draft

Research can aid you in crafting the strongest possible ballot label language for your measure.

City of Palm Desert – Measure G: (November 2014)

Shall Ordinance No. 1270 be adopted to approve an increase in the City's Transient Occupancy Tax from the current rate of nine percent (9%) to a rate of eleven percent (11%)

43% Yes – DEFEATED

City of Palm Desert – Measure T: (November 2016)

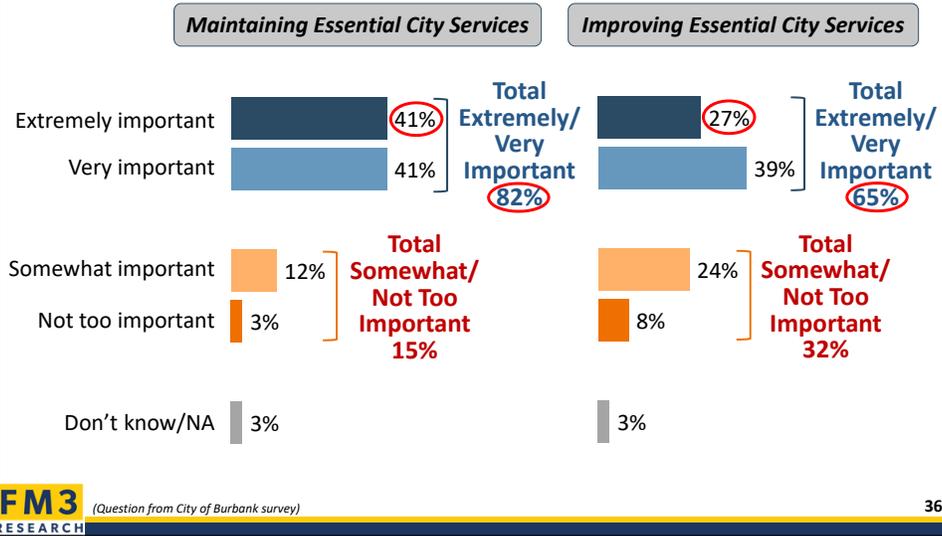
To maintain 9-1-1 emergency medical/police/fire response; Palm Desert's long-term financial stability; neighborhood policing/crime prevention; water conservation; street repairs and other vital services, shall an ordinance increasing Palm Desert's short-term general rental tax from 9% to 11%, paid only by hotel guests/short-term renters, generating approximately \$2,200,000 annually until ended by voters, requiring independent audits, public oversight, and local control of funds be adopted?

74% Yes – APPROVED

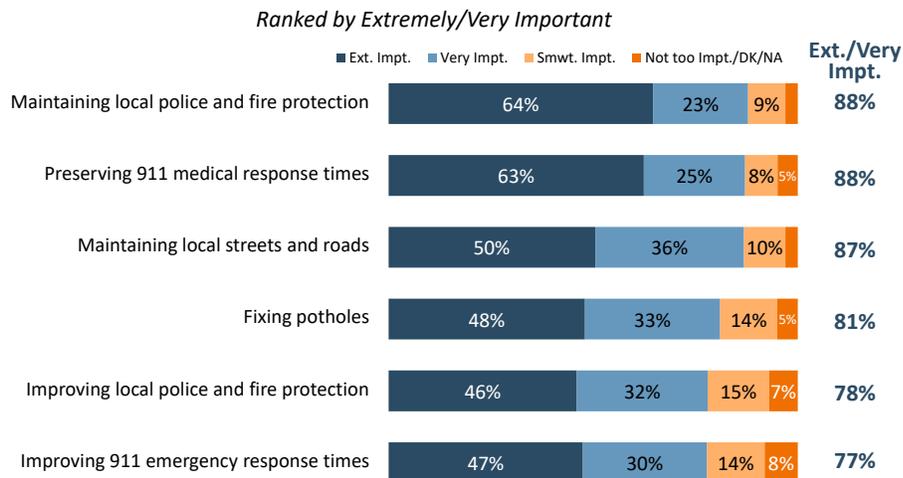
Green = How funds may be used
Blue = Who pays this tax
Yellow = Accountability features

FM3 RESEARCH

There is a 17% gap between “maintaining essential City services” and “improving essential City services”, with voters showing a comparatively greater concern for maintaining what they already have.



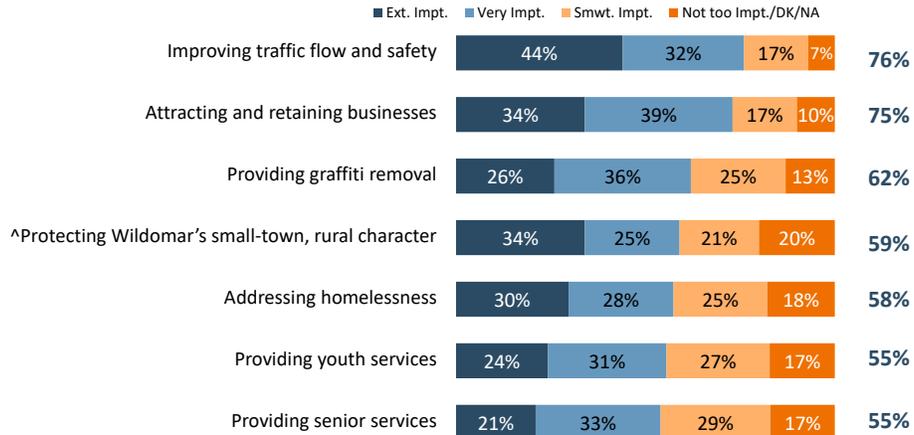
Public safety, and road repairs and upgrades are the community's top priorities.



Traffic flow improvements and attracting/retaining businesses are “extremely” or “very” important to at least three in four.

Ranked by Extremely/Very Important

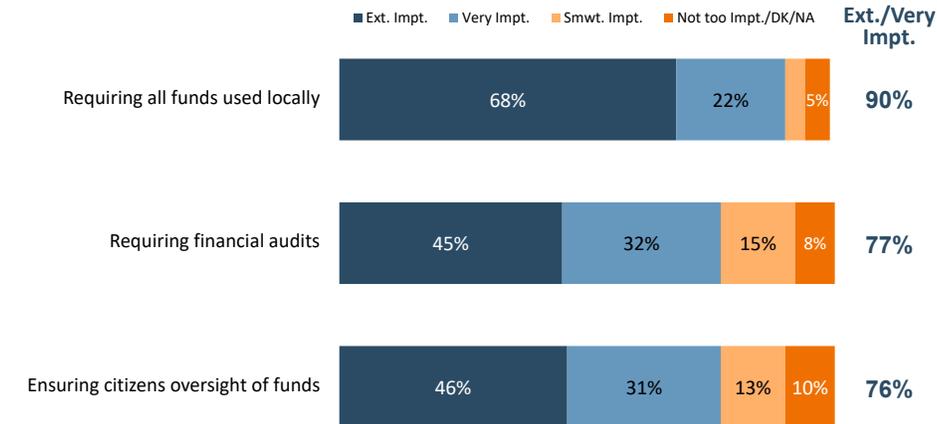
Ext./Very Impt.



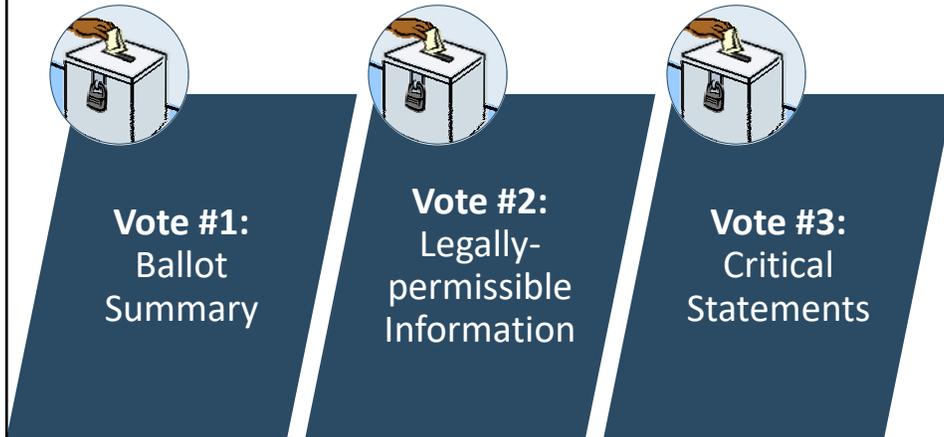
Keeping funds local is “extremely important” to more than two-thirds.

Ranked by Extremely/Very Important

Ext./Very Impt.



Survey simulates actual election environment by testing measure three times:

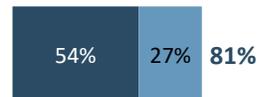


Information about the need for road upgrades, safety, and accountability resonates with majorities of voters.

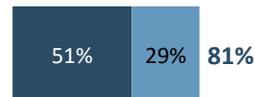
Ranked by Total More Inclined to Vote Yes

■ Much More Incl. ■ Smwt. More Incl.

(STREET RATINGS) More than 30% of our streets are rated “poor,” “very poor” or “failed” by independent pavement management engineers, with many additional streets still unpaved. It is about time we make these essential repairs and safety improvements before they become more expensive.



(PUBLIC SAFETY) Our city doesn’t have enough fire stations, firefighters and emergency paramedics. This means 80% of the responses to 911 calls don’t meet emergency medical time standards. This measure will save lives by upgrading the only current city fire station and adding an additional station with additional firefighters and paramedics.



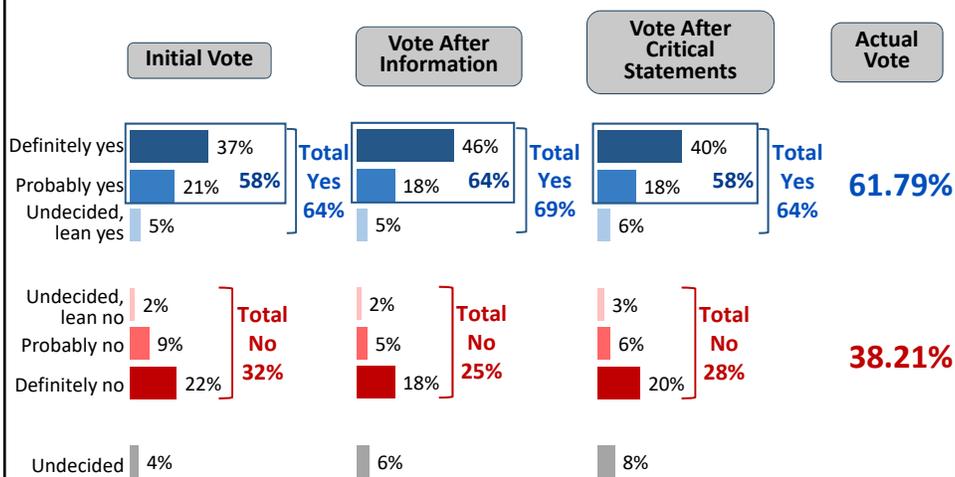
^(ACCOUNTABILITY) This measure includes strict accountability requirements to make sure that funds are used effectively and as promised, including an independent oversight committee and annual independent financial audits, and all money will stay local and cannot be taken by Sacramento or Washington, DC.



Research can help you target specific public-education themes and messages to specific geographic and demographic areas of your community.

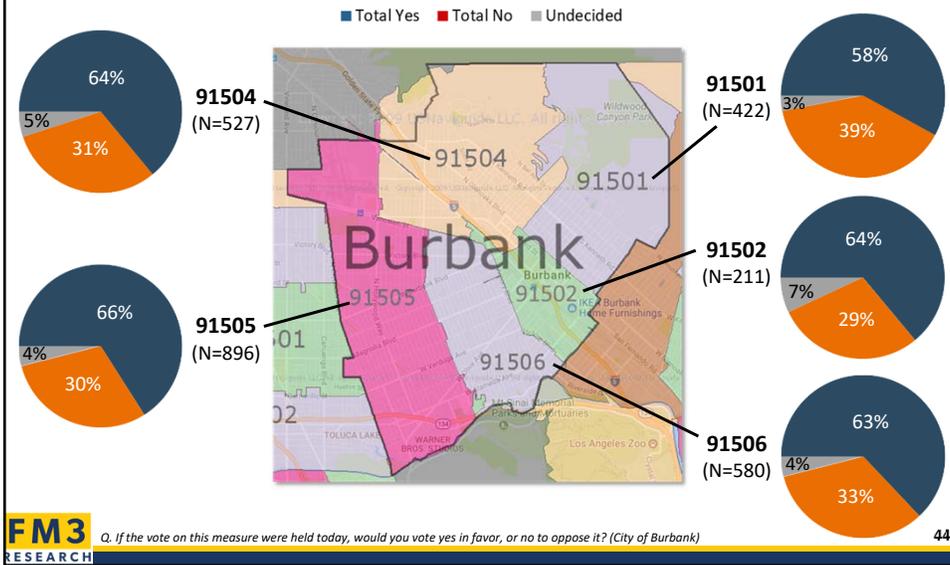
Demographic Group	Initial Vote Total Yes	Vote After Supportive Statements Total Yes	Difference	% of Sample
Overall	53%	63%	+10%	100%
Democratic Women	60%	75%	+15%	20%
Non-White Democrats	68%	83%	+15%	18%
Own Residence	50%	64%	+14%	81%
Republicans Age 50+	43%	56%	+13%	24%
Permanent Absentees	50%	63%	+13%	31%
Age 18-29	62%	75%	+13%	13%
No Kids	52%	65%	+13%	63%
Republicans Age 18-49	50%	63%	+13%	21%
Republicans	45%	58%	+13%	47%
Women Age 18-49	57%	69%	+12%	27%
Age 50+	49%	61%	+12%	50%
Women	56%	67%	+11%	55%
Democrats	62%	73%	+11%	36%
Republican Men	39%	49%	+10%	21%
Age 65+	47%	57%	+10%	24%
White	47%	56%	+9%	66%
Men	50%	58%	+8%	45%

This sales tax measure was approved well within the survey's margin of error.



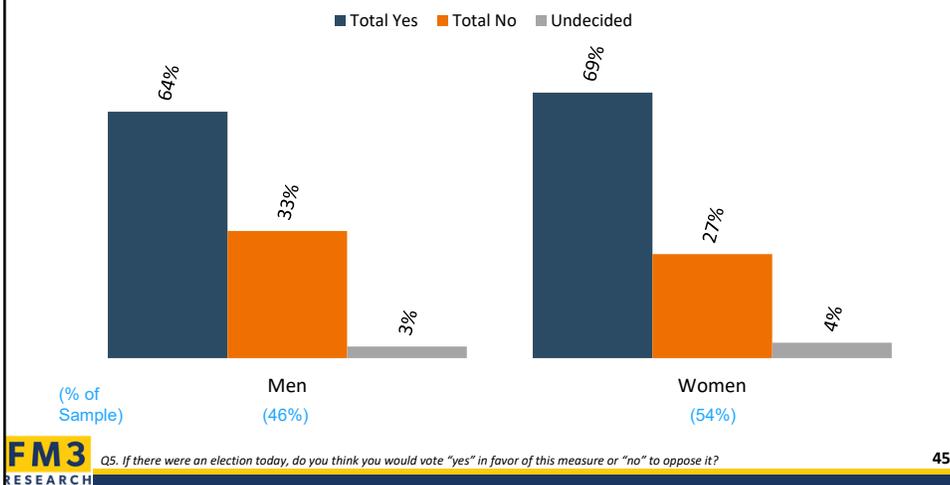
Support is strong across zip codes, well above the 50% +1 threshold.

Initial Vote on the Sales Tax Measure by ZIP Code



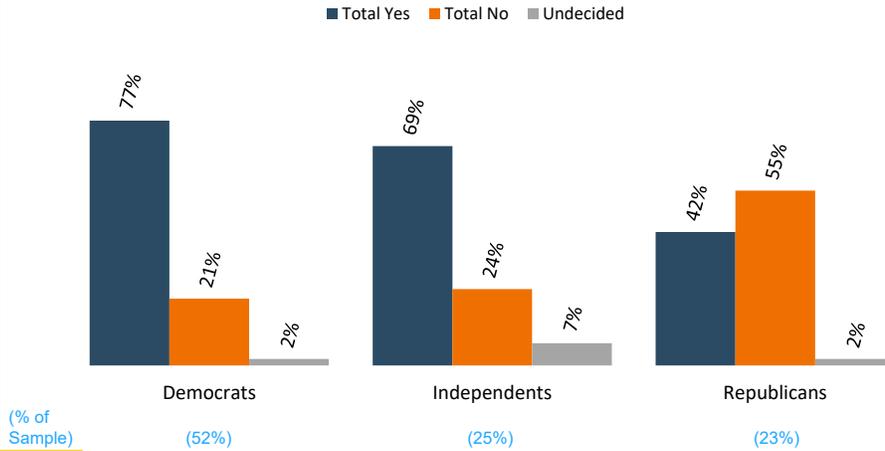
Women are often more supportive of local city finance measures than men.

Initial Vote on City of Long Beach Sales Tax Measure by Gender



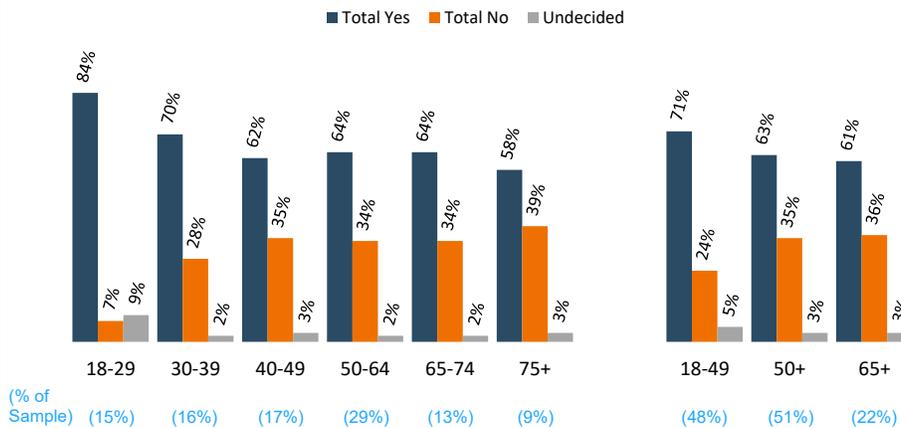
Democrats and independents are often more likely to support measures than Republicans.

Initial Vote on City of Long Beach Sales Tax Measure by Party



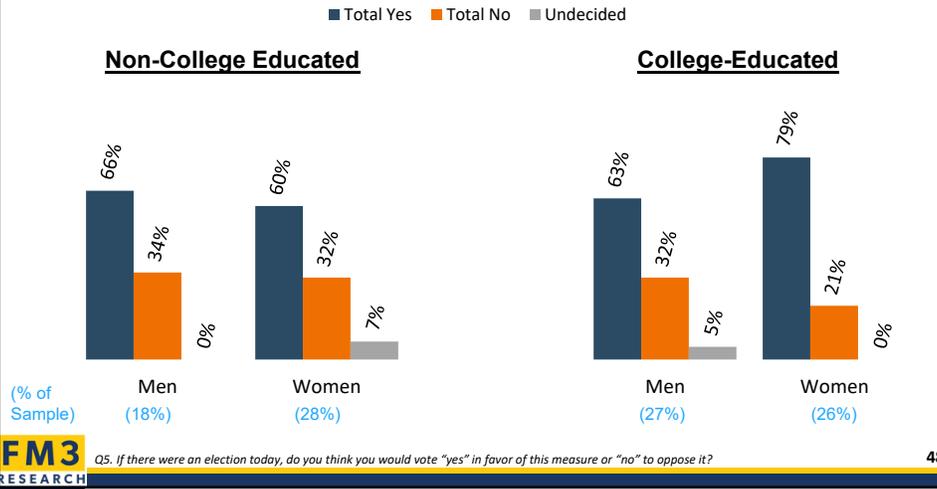
Age is often a critical factor as well, with younger voters often strongly supporting city finance measures.

Initial Vote on City of Long Beach Sales Tax Measure by Age



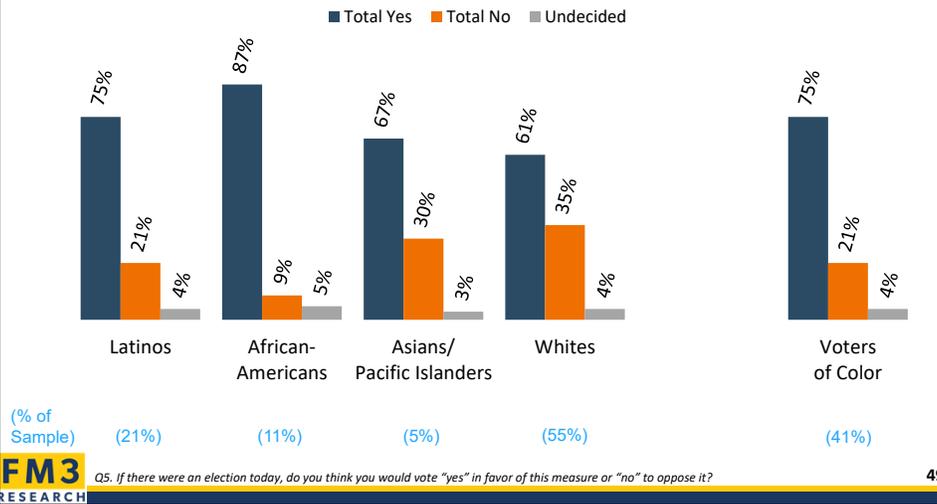
College educated voters (particularly women) often support city finance measures.

Initial Vote on City of Long Beach Sales Tax Measure by Education by Gender

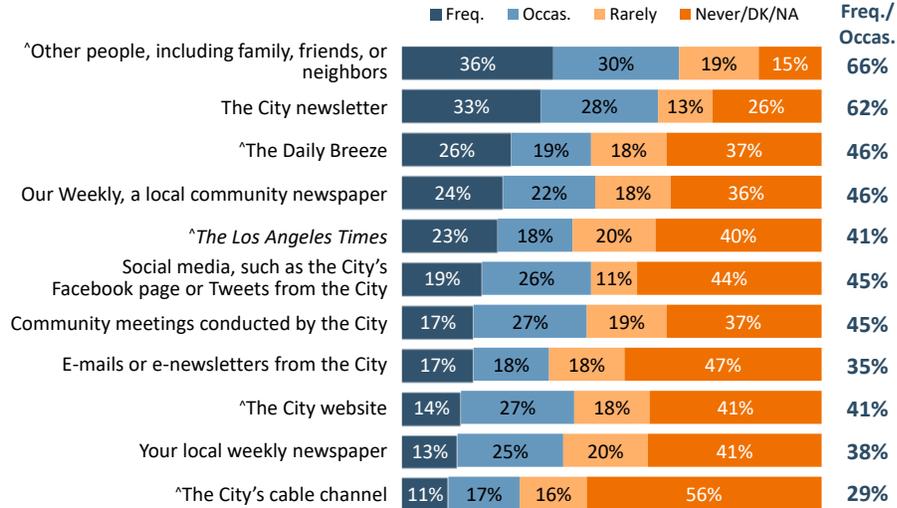


Voters of color are another demographic that often exhibits strong support.

Initial Vote on City of Long Beach Sales Tax Measure by Ethnicity

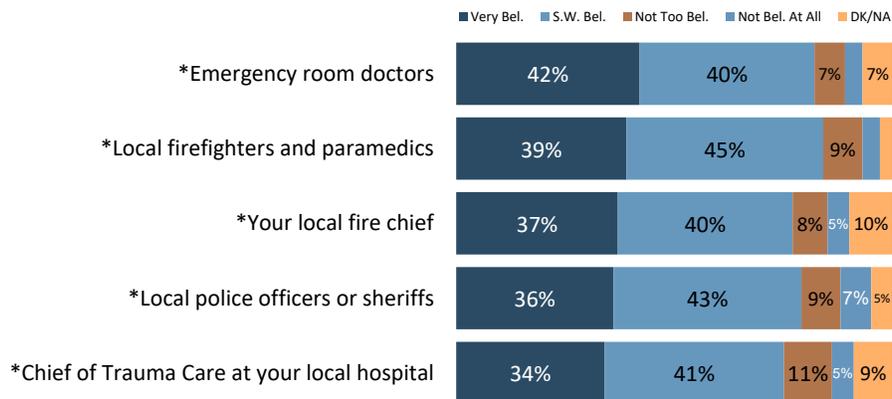


Source of Information about Local News and Issues



Los Angeles County UUT Ballot Measure Survey Research Believability of People/Organizations on the UUT Ballot Measure

(Ranked by Very Believable)



Conclusions:

➤ Start early with baseline research!
Time is not your friend.



Use research to inform ballot label language.



Conduct legally-permissible, non-advocacy public outreach efforts informed by research.



Conduct tracking research before placing measure on the ballot.

Ballot Measure Placement Deadlines

Deadline for
March 2020
Election is
November 2019

Deadline for
November
2020 Election is
August 2020

For more information, contact:

John Fairbank

John@FM3Research.com

12100 Wilshire Blvd., Suite 350

Los Angeles, CA 90025

Phone (310) 828-1183

Fax (310) 453-6562

VESTED RIGHTS TO PENSIONS – HAS ANYTHING CHANGED?

Jonathan V. Holtzman and Linda Ross

October 17, 2019

Renne Public Law Group
League of California Cities 2019 Annual Conference



AGENDA

- Introduction to the California Rule
- Cal Fire Local 2881 v. CalPERS
 - What it changed, what it didn't
- Pending Cases
 - *Marin Assn. of Public Employees v. Marin County Employees Retirement System*
 - *Alameda Deputy Sheriffs' Assn., et al. v. Alameda County Employees' Retirement Assn, et al.*
- Discussion

RATIONALE BEHIND THE “CALIFORNIA RULE”

THE RATIONALE FOR VESTING

- ❖ Earned based upon prior service
 - ❖ This rationale does not fit neatly with the argument that prospective (as-yet-unearned) benefits are vested
 - ❖ But the reality is often complex because future accruals affect the value of prior accruals
 - ❖ Also, retiree health benefits are not generally accrued incrementally
- ❖ Promise of future benefit

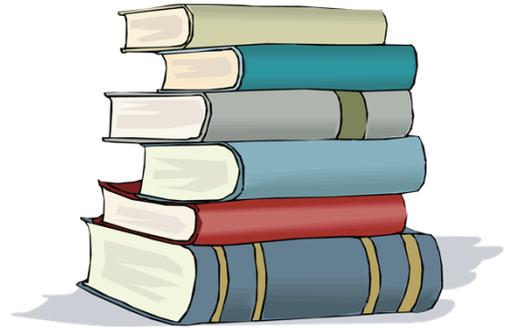
THE RATIONALE BEHIND THE CALIFORNIA RULE

- ❖ Amy Monahan, in her well-known article on the subject (*Statutes as Contracts? The “California Rule” and Its Impact on Public Pension Reform*, 97 IOWA L. REV. 1029 (2012)), argues that the rule evolved as a result of selective quoting and misquoting of prior cases
- ❖ Unions’ arguments in briefs have generally been based on “snippets,” rather than a cohesive explanation of the basis for the rule

JUDICIAL HISTORY OF THE “CALIFORNIA RULE”

AGENDA

- ❖ Theory of Vested Pension Rights
- ❖ Limits Of Vested Rights Doctrine
- ❖ Issues Raised By Recent Case Law



THEORY OF PENSIONS AS VESTED RIGHTS

KERN V. CITY OF LONG BEACH (1947)

THE FACTS:

- ❖ The City of Long Beach offered pension benefit to city employees after **20 years of service**.
- ❖ The pension was equal to **50% of annual salaries**.
- ❖ 32 days before Kern hits 20 years of service, the City amended its charter to **eliminate pensions for all persons who were not yet eligible to retire**.

KERN V. CITY OF LONG BEACH (1947)

HOLDING:

The Supreme Court said that Kern acquired a vested right to a pension which the city could not eliminate without impairing a contractual obligation.

- ❖ Pensions are compensation for services performed and part of the employment contract.
- ❖ Pensions induce individuals to become and remain public employees.
- ❖ Public employees earn pension rights as soon as they perform substantial service for the public employer.

Kern acknowledged that “pension systems must be kept flexible to permit adjustments.”

KERN V. CITY OF LONG BEACH (1947)

Although the court did not need to consider the permissible scope of changes to pension rights, the court said:

“[A]n employee may acquire a vested contractual right to a pension but that ... right is not rigidly fixed by the specific terms of the legislation in effect during any particular period in which [he or she] serves... **The employee does not have a right to any fixed or definite benefits, but only to a substantial or reasonable pension.**”

ALLEN V. CITY OF LONG BEACH (1955) (“Allen I”)

THE FACTS:

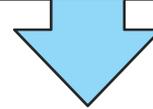
- ❖ The city did not offer pension benefits to police and fire employees hired between 1945 and 1950.
- ❖ The city then contracted with the state to make employees hired after 1945 part of state pension system.

ALLEN V. CITY OF LONG BEACH (1955) (“Allen I”)

In 1951, the city amended its charter to alter the pension rights of police and fire employees hired prior to 1945 to “**somewhat equalize**” the compensation paid to the pre-1945 and post-1945 employees.

PRE-1945 PLAN

Increased with the compensation paid to active employees and only required active employees to contribute 2% of salary



POST-1945 PLAN

Fixed as a percentage of the employee’s highest salary and required a 10% employee contribution.

ALLEN V. CITY OF LONG BEACH (1955) (“Allen I”)

ANALYSIS:

The *Allen I* court acknowledged that vested contractual pension rights **may be modified** prior to retirement, but “[s]uch modifications must be reasonable and it is for the courts to determine upon the facts of each case what constitutes a permissible change.”

ALLEN V. CITY OF LONG BEACH (1955) (“Allen I”)

Allen I announced: What is called “The California Rule”

To be sustained as **reasonable**, modifications to vested pension rights:

- must bear some **material relation to the theory of a pension system** and its successful operation, and
- changes which result in disadvantage to employees *should* be accompanied by **comparable new advantages**.



ALLEN V. CITY OF LONG BEACH (1955) (“Allen I”)

- ❖ The *Allen I* court concluded the changes to pre-1945 pension rights were **not reasonable** because they were all detrimental and there was no corresponding increase in benefits.
- ❖ The *Allen I* court also stated that the change bore no relation to the functioning and integrity of the pension systems established for the employees.
- ❖ Notably, there was no indication that the city would have any difficulty meeting its pension obligations to the pre-1945 employees under the prior system.

ABBOTT V. CITY OF LOS ANGELES (1958)

THE FACTS:

- ❖ The city sought to change from a fluctuating pension benefit to a fixed pension benefit.

The *Abbott* court found the change unreasonable and underscored: **“it is the advantage or disadvantage to the particular employees whose own contractual pension rights, already earned, are involved which are the criteria by which modifications to pension plans must be measured.”**

ABBOTT V. CITY OF LOS ANGELES (1958)

The *Abbott* court rejected as “speculation” the assertion that rising costs might otherwise cause the pension system to cease to exist.

“Rising costs alone will not excuse the city from meeting its contractual obligations, the consideration for which has already been received by [the city].”

BETTS V. BOARD OF ADMINISTRATION (1978)

When positive changes are made to the pension system at any time during employment, such changes become part of the employee's vested pension rights.

“An employee's contractual pension expectations are measured by benefits which are in effect not only when employment commences, but which are thereafter conferred during the employee's subsequent tenure.”

ALLEN V. BOARD OF ADMINISTRATION (1983) (“Allen II”)

- ❖ Constitutional revisions in 1966 turned state legislators from part-time employees making \$6,000 per year to full-time public servants making \$16,000 per year.
- ❖ State legislators who retired prior to 1967 were entitled to pension benefits based on the salaries of active legislators. The 1966 revisions eliminated that provision. But a new COLA formula was implemented in the meantime that substantially increased pension benefits without the need for salary increases.

ALLEN V. BOARD OF ADMINISTRATION (1983) (“Allen II”)

- ❖ The *Allen II* court applied a federal contracts clause analysis and focused on the employee’s reasonable expectations during employment to define the scope of the contract giving rise to vested pension rights.
- ❖ Ruled against legislators who sought COLA increases after they left service

ALLEN V. BOARD OF ADMINISTRATION (1983) (“Allen II”)

Before undertaking its analysis, the Allen II court stated:

“With respect to active employees, we have held that any modification of vested pension rights must be reasonable, and when resulting in disadvantages to employees must be accompanied by comparable new advantages.”



This is the only time the Supreme Court has replaced the word “should” with “must” when describing the California Rule.

LEGISLATURE V. EU (1991)

- ❖ Statewide proposition: no participant in Legislators' Retirement Plan should accrue any further benefit or any further service towards vesting
- ❖ Supreme Court: Legislators had “**right to earn future pension benefits through continued service, on terms substantially equivalent to those**” existing at the time they began working, or added at any point during their service.

LIMITS ON THE “CALIFORNIA RULE”

MILLER V. STATE OF CALIFORNIA (1977)

THE FACTS:

- ❖ Legislature reduced the mandatory retirement age from 70 years to 67 years.
- ❖ At the same time as it reduced the mandatory Retirement age, the Legislature increased, for all ages of retirement, the benefit factor used to determine benefits of all members.
 - Nevertheless, the difference between prior maximum benefit at age 70 and current benefit at age 67 was a decrease from \$2,365/month to \$1,863/month.

MILLER V. STATE OF CALIFORNIA (1977)

HOLDING:

The Legislature retained the Authority to change the statutory provisions relating to duration of permitted employment.

ANALYSIS:

“It is well settled in California that public employment is not held by contract but by statute and . . . no employee has a vested contractual right to continue in employment beyond the time or contrary to the terms and conditions fixed by law.”

MILLER V. STATE OF CALIFORNIA (1977)

- ❖ “In view of these long and well settled principles, we conclude that the power of the Legislature to reduce the tenure of plaintiff’s civil service position and thereby to shorten his state service, by changing the mandatory retirement age was not and could not be limited by any contractual obligation.”
- ❖ However, the Court also notes that **pension laws do “establish contractual rights.”**

MILLER V. STATE OF CALIFORNIA (1977)

- ❖ Court notes that the scope of permissible modifications of vested pension rights was established in *Allen v. City of Long Beach* and *Abbott v. City of Los Angeles*.
- ❖ Here, however, there was “no vested right to remain in public employment beyond the age of retirement established by the Legislature.”

MILLER V. STATE OF CALIFORNIA (1977)

TAKE AWAYS:

- ❖ *Miller v. State* does **not** extend extra protection given to pension rights under California law to employment rights.
- ❖ No reasonableness or comparable advantage analysis required where no underlying vested right impaired.

INTERNATIONAL ASSN. OF FIREFIGHTERS V. CITY OF SAN DIEGO (1983)

THE FACTS:

- ❖ Member contributions were established based on age at entry into the retirement system, and were actuarially determined thereafter

INTERNATIONAL ASSN. OF FIREFIGHTERS V. CITY OF SAN DIEGO (1983)

Retirement handbook included this language

Q. As a member grows older does his rate of contribution change with his age?

A. No. The percentage rate of contribution at which a member begins contributing is computed to remain unchanged. This is not to say however, that all rates could not be adjusted at some future time to reflect either changes in benefit provisions of the system or increased earnings in the Retirement Fund.

31

INTERNATIONAL ASSN. OF FIREFIGHTERS V. CITY OF SAN DIEGO (1983)

Issues identified by Court for decision:

- “(1) whether defendants are authorized by the City’s actuarially based retirement system to increase the employees’ contributions to the system **without** providing commensurate added benefits to those employees and, if so,
- (2) whether in this instance defendants nonetheless should be **estopped** from effecting such increase because of certain representations contained in retirement handbooks distributed to those employees at the time of employment.”

RPLG 32

INTERNATIONAL ASSN. OF FIREFIGHTERS V. CITY OF SAN DIEGO (1983)

HOLDINGS:

- ❖ Retirement system was authorized, upon actuary's recommendation, to add an inflation factor to determination of employee contribution rates without providing commensurate added benefits to those employees, and
- ❖ The handbook did not misrepresent the retirement plan to members because it simply noted that member contributions would not change "with his age," it does not tell the member that such rate will never change for any other reason.

INTERNATIONAL ASSN. OF FIREFIGHTERS V. CITY OF SAN DIEGO (1983)

Court discusses *Kern*, *Allen I*, *Abbott* and *Betts*, then notes:

"What distinguishes each of these cases from the one before us is the nature of the contractual rights which became vested in plaintiff's members upon their acceptance of employment. In the cases relied upon by plaintiff, employees' vested contractual rights were modified by amendment of the **controlling provisions of the retirement system** in question to reduce (or abolish) the net benefit available to the employees."

INTERNATIONAL ASSN. OF FIREFIGHTERS V. CITY OF SAN DIEGO (1983)

“In the present case, no modification was made in the retirement system; instead, the revision in the factor representing future compensation of employees and the resulting revision in the rate of contribution were made pursuant to the charter and ordinances which delineate City’s retirement system and prescribe the employees’ vested rights.”

INTERNATIONAL ASSN. OF FIREFIGHTERS V. CITY OF SAN DIEGO (1983)

“Change in contribution is implicit in the operation of City’s system and is expressly authorized by that system and no vested right is impaired by effecting such change.”

REAOC V. COUNTY OF ORANGE

Question posed to the California Supreme Court by the United States Court of Appeals for the Ninth Circuit:

“Whether, as a matter of California law, a California county and its employees can form an implied contract that confers vested rights to health benefits on retired county employees.”

REAOC V. COUNTY OF ORANGE

- ❖ Supreme Court’s analysis includes a discussion of a number of lower court of appeal decisions on vested pension rights. As to one of them (*California League v. Palos Verdes Library*), the Court notes:

“Although we agree with the criticism by some state and federal courts that the California League analysis was deficient in **failing to focus explicitly on the ‘legislative body’s intent to create vested rights,’** or the plaintiff’s ‘heavy burden’ to demonstrate that intent, none of this criticism purports to quarrel with the underlying theory in California League that public employee benefits, in appropriate circumstances, could become **vested by implication** [citations omitted].”

REAOC V. COUNTY OF ORANGE – BUT

- ❖ The “legislative intent to create private rights of a contractual nature against the governmental body must be ‘**clearly and unequivocally expressed.**’”
- ❖ “Thus, it is presumed that a statutory scheme is not intended to create private contractual or vested rights and a person who asserts the creation of a contract with the state has the burden of overcoming that presumption.”

HOW TO APPLY REAOC

- The legislative intent to create private rights of a contractual nature against the government body must be ‘clearly and unequivocally expressed.’” (52 Cal. 4th 1171, 1186-1187.)
- *REAOC* court applied standard to “implied contracts” for retiree health benefits.
- Does it apply to pension statutes?
- Comes from federal constitutional law; and applied in other states.

CAL FIRE Local 2881 v. CalPERS: WHAT CHANGED? WHAT DIDN'T?

CAL FIRE LOCAL 2881 V. CALPERS (2016) 7 CAL.APP.5TH 115

- ❖ PEPPRA elimination of “airtime” (purchase of up to five years service credit). (Gov. Code §§ 20909, 7522.46.)
- ❖ Plaintiffs: violation of vested pension right.
- ❖ Court finds that presumption is against statutory creation of vested rights, citing *Retired Employees Assn. of Orange County, Inc. v. County of Orange* (2011) 52 Cal.4th 1171, 1186, 1189. (7 Cal.App.5th at p. 126.)

***CAL FIRE* COURT OF APPEAL:**

- ❖ No failure to provide a comparable advantage. (7 Cal.App.5th at p. 130.) Court agrees with *Marin* that “should” is only a recommendation. (7 Cal.App.5th at pp. 130-131.)
- ❖ No showing that plaintiffs lost right to a “reasonable” pension, again citing *Marin*. (7 Cal.App.5th at p. 132.)

***CAL FIRE* SUPREME COURT ORAL ARGUMENT**



***CAL FIRE* SUPREME COURT ORAL ARGUMENT**

- Held December 5, 2018.
- ❖ *Cal Fire* was the **first** case heard by Supreme Court.
- ❖ The Supreme Court writes its opinions before oral argument; so watching the questions in oral argument can provide clues to individual Justices' views (obviously)
- ❖ That said, you can lose ground in oral argument, and the advocates here could both have done so

***CAL FIRE* SUPREME COURT ORAL ARGUMENT**



What is a pension benefit?



CAL FIRE SUPREME COURT ORAL ARGUMENT

- ❖ Chief Justice Cantil-Sakauye: Is this a pension benefit?
- ❖ Union's Answer: Yes, it is an exchange of consideration.
- ❖ Do pension benefits operate under different standard than other benefits?
- ❖ If so, what's the definition of a pension benefit? Is it just the "core" equation (salary x percentage of final compensation per year of service)?
- ❖ Or are all aspects of a pension system to be treated as "pension," and pension as an exception to the general rule that government benefits are based on statutes, and statutes can be changed?

CAL FIRE SUPREME COURT ORAL ARGUMENT



Where's the line?



CAL FIRE SUPREME COURT ORAL ARGUMENT

- ❖ Justice Liu: Where's the line? Does Cal Fire's argument apply to ***any*** benefit, even life insurance?
- ❖ Union's Answer: Basically, yes.
- ❖ This cannot be right.
- ❖ What does Union's counsel mean by reliance? Does this mean that any benefit that affects retirement benefits is vested?
- ❖ How does collective bargaining fit into the Union's argument? (See e.g. *M&G Polymers v. Tackett*)

CAL FIRE SUPREME COURT ORAL ARGUMENT



The primacy of the deferred compensation theory



***CAL FIRE* SUPREME COURT ORAL ARGUMENT**

- ❖ Chief Justice Cantil-Sakauye and Justice Kruger: The deferred compensation rationale seems to be the primary rationale for pension vesting.
- ❖ But does that apply to the component parts of pensions?
- ❖ Deferred compensation lends itself to inherent line-drawing problems
- ❖ For example, note, the Chief Justice refers to present service? How does the rationale apply at all to future service?

***CAL FIRE* SUPREME COURT ORAL ARGUMENT**



Consideration



CAL FIRE SUPREME COURT ORAL ARGUMENT

- ❖ Justice Kruger: Have both elements of consideration for air time been satisfied? Both done the work and paid for the air time? No! Because the folks who did not get the benefit are those who did not pay.
- ❖ Question suggests Court is thinking about how Contract Law actually applies to these cases. This is a hopeful sign.
- ❖ Yet, oddly, there is no reference to *REAOC*'s “unmistakability” analysis.

CAL FIRE SUPREME COURT ORAL ARGUMENT



Some members of the Court want to follow *Legislature v. Eu* re: prospective benefits but struggle with explaining its holding



CAL FIRE SUPREME COURT ORAL ARGUMENT

- ❖ Justice Liu: Doesn't *Legislature v. Eu* protect prospective benefits?
- ❖ Gov't Answer: Prospective benefits only protected when changes would totally destroy pension benefits, or at least would destroy the right to "substantial and reasonable" pension benefit.
- ❖ *Legislature v. Eu* is a huge roadblock for a coherent theory of prospective vesting.
- ❖ But it also acts as a backstop on a fundamental fairness issue – prevents working for the state for 10 years, and then state saying at start of Year 11 – "no more pension accrual from here on out." So it may be tempting for Supreme Court to keep it as a part of any analysis.

CAL FIRE SUPREME COURT ORAL ARGUMENT



So how do we write the rule to define a vested right?



CAL FIRE SUPREME COURT ORAL ARGUMENT

- ❖ Justice Krueger: (to Rei Onishi) How would you write a rule describing what is a vested benefit?
- ❖ First question posed to the gov't!
- ❖ Gov't Answer: Legislature's intent must be unmistakable.

CAL FIRE SUPREME COURT ORAL ARGUMENT

Based on the oral argument, if Court actually reaches the California Rule issue, one way the Court could approach the rule:

- ❖ (1) Has the right been “earned,” meaning all consideration satisfied? If yes, vested + protected.
- ❖ (2) Where right has not yet been earned, is there unmistakable legislative intent that the right should be available indefinitely/for certain time period once an employee starts service? (*REAOC*)
- ❖ (3) If neither of the above, not a vested right and can be changed unless the benefit is destroyed or no reasonable pension remains.
- ❖ But: the fly in the ointment is *Legislature v. Eu*.

***CAL FIRE* SUPREME COURT ORAL ARGUMENT**

What was missing?

Any discussion of the standard for altering a benefit that is deemed “vested”

“Must” vs. “should” debate

RPLG 59

**THE CALIFORNIA RULE:
PENDING CASES TO WATCH FOR**

KEY PENDING CASES

- ❖ ***Marin Assn. of Public Employees v. Marin County Employees Retirement Sys.* (2016) 2 Cal. App. 5th 674 (Supreme Court Case No. S237460)**: largely dispensed with the “comparable new advantage” requirement and takes an expansive view on what constitutes “reasonable changes” to vested pension benefits.
- ❖ ***Alameda Deputy Sheriffs’ Assn., et al. v. Alameda County Employees’ Retirement Assn, et al.* (2018) 19 Cal.App.5th 61 (Supreme Court Case No. S247095)**: agreed with *Marin* on no need for “comparable new advantage,” but departed from *Marin* in appearing to require an onerous financial burden to justify any modification.

KEY PENDING CASE

Marin Assn. of Public Employees v. Marin County Employees Retirement Sys.
(2016) 2 Cal. App. 5th 674 (Supreme Court Case No. S237460)

MARIN - BACKGROUND INFO

- ❖ Involves '37 Act (CERL).
- ❖ AB 340/197 amended Gov. Code § 31461, which defines “compensation earnable” under '37 CERL Act.
 - Also known as anti-“pension spiking” provision.
- ❖ MCERA excludes from “**compensation earnable**”:
 - standby pay, administrative response pay, call-back pay.
 - cash payments in lieu of health insurance and due to changes in IRC 125 plan.
- ❖ Applies to payments and final average salary periods occurring after January 1, 2013.

MARIN COURT:

“[W]hile a public employee does have a ‘vested right’ to a pension, that right is only to a ‘reasonable’ pension—not an immutable entitlement to the most optimal formula of calculating the pension. **And the Legislature may, prior to the employee’s retirement, alter the formula, thereby reducing the anticipated pension. So long as the Legislature’s modifications do not deprive the employee of a ‘reasonable’ pension, there is no constitutional violation.**” (2 Cal.App.5th at p. 680.)

MARIN CASE STATUS

- ❖ Grant and hold by California Supreme Court
- ❖ Notably, other cases coming up from the California appellate courts are also having petitions granted, but held in anticipation of decisions in *Cal Fire* and *Alameda*
- ❖ Just recently, on February 13, 2019, *Wilmot v. Contra Costa County Employees' Retirement Association* – a case involving pension forfeiture provisions of the Pension Reform Act - was issued a grant and hold

KEY PENDING CASE

Alameda Deputy Sheriffs' Assn., et al. v. Alameda County Employees' Retirement Assn, et al.

(2018) 19 Cal.App.5th 61 (Supreme Court Case No. S247095):

ALAMEDA/CONTRA COSTA/MERCED CASES 19 CAL.APP.5TH 61

- ❖ Also involves changes to '37 Act (CERL).
- ❖ Involves “cash-outs”, on-call/standby pay and various one-time payments.
- ❖ But these cases involve AB 197 – additional sections to those considered in *Marin*.
- ❖ State: CERL always prevented inclusion of certain final comp period “cashouts,” “terminal” pay, “on-call” pay; legislature entitled to “clarify” that spiking prohibited.
- ❖ Plaintiffs – Disagree, and employees were entitled to rely on retirement board policies that permitted inclusion.

ALAMEDA COURT:

“Much of *Marin*’s vested rights analysis-including its rejection of the absolute need for comparable new advantages when pension rights are eliminated or reduced is not controversial, and we do not disagree with it. **However, we must respectfully part ways with our colleagues...when it comes to their application of the law to this specific dispute.**”

ALAMEDA COURT:

“[W]hen no comparative new advantages are given, the **corresponding burden to justify any changes with respect to legacy members will be substantive.**”

“[T]otal pension system collapse may be a sufficiently weighty concern to meet this standard....”

ALAMEDA CASE STATUS

- ❖ Fully briefed in California Supreme Court
 - Another case concerning pension forfeiture provisions of the Pension Reform Act is on grant and hold – *Wilmot v. Contra Costa County Employees' Retirement Association*



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Civility in the Chambers: Impacts on Employee Attraction & Retention

LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE
OCTOBER 17, 2019



Meet Your Panel



Rob Houston
City Manager



Dominic Lazzaretto
City Manager



Steve Nagel
Mayor



April A. Verlato
Mayor



Audience Question

- ▶ Who has consistently wild meetings?
- ▶ Wild Moments?
- ▶ Fairly mellow?



Why Civility Matters

- ▶ Prospective employees may hesitate to join an organization knowing that there is a lack of civility
- ▶ Employees want to feel respected and cared about
- ▶ They want to make a positive impact and identify with the organization's values



Why Civility Matters (cont'd)

- ▶ When leaders behave disrespectfully employees become less committed to their work
- ▶ Such an environment erodes trust
- ▶ Employees start looking elsewhere for employment opportunities



Cal-ICMA Talent Initiative

- ▶ Three goals:
 - ▶ Strengthen ability to compete for employees
 - ▶ Increase the pool of talent for top jobs
 - ▶ Engage local government in a conversation about talent acquisition and retention



Why Should You Care?



If You Don't Have
the Right People,
You Can't
Get Stuff Done!



We Asked: What is Your
Employee Value Proposition?

- ▶ Why Would A Talented Professional **Want** to Join and Stay With your Organization?
- ▶ Why Would A Talented Professional **Be Reluctant** to Join and Stay with Your Organization?



Cal-ICMA Talent Initiative

Download Talent 2.0 Report:

cal-icma.org/talentinitiative

Cal-ICMA
California Consortium
A State Affiliate of ICMA

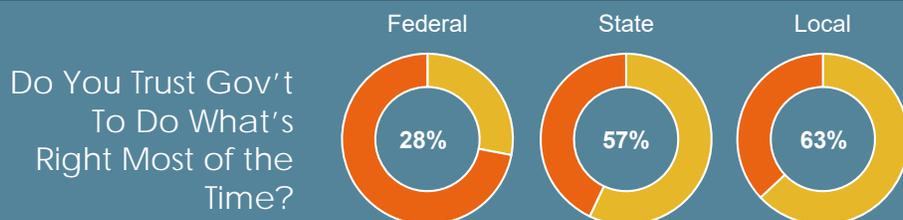
Key Findings

- ▶ Organizational culture (incl. political culture) is key to attracting & retaining talent
 - ▶ Culture > Money
- ▶ We can no longer rely on “stealing” talent; we need to grow our own
- ▶ Local gov’t has competitive advantage regarding meaning & purpose



Key Findings (cont'd)

- ▶ We aren't telling our story
 - ▶ The story we tell accidentally often matters more
- ▶ Talent retention is about learning, challenge, & engagement
- ▶ Emerging leaders need to develop "soft" leadership skills
- ▶ **Elected officials have key role to play**



All Eyes Are On You!

- ▶ Be mindful of how civility on the dais impacts an agency's reputation
- ▶ Your employees are likely the most frequent viewers of your Council Meetings
- ▶ If you watched your Council meetings on video, would you want to work for your agency?



Stand Up For Staff

- ▶ Focus on policy, not people, when debating issues
- ▶ When speakers belittle the City team, communicate that personal attacks will not be tolerated
- ▶ It's fine to disagree with and critique staff's work
 - ▶ Stick to the content, not the person



Help Staff Prioritize

- ▶ If everything is a Number One Priority, nothing is a priority
- ▶ Be clear on where new projects fall among current priorities
 - ▶ Be prepared to temporarily suspend other missions if a key project needs focus
- ▶ Be clear and consistent in your directives
 - ▶ Changing directives and uncertainty cause anxiety, delays, and turnover



Manage Evening Commitments

- ▶ Night and weekend meetings are a given
 - ▶ But they aren't always necessary
- ▶ Supplement public meetings with online engagement tools that can gather feedback 24/7
- ▶ Look for ways to allow staff, policymakers, and residents to spend more time with their families
- ▶ Show appreciation when they stay for late night and weekend events



Create a Culture of Appreciation

- ▶ Preparing a staff report takes more time and brain power than you might think
- ▶ Delivering a presentation to the city council is a big deal to new employees
- ▶ People perform better when they are comfortable
- ▶ When they look good, everyone looks good
- ▶ Participate in employee recognition events and other celebrations



Welcome New Faces

- ▶ Provide opportunities for staff at all levels to hone their public speaking skills
- ▶ Provides a chance to learn and develop skills
 - ▶ More interesting than the same few people every week
- ▶ Meet future leaders
- ▶ A simple acknowledgement can significantly boost morale
 - ▶ E.g., a special pin after employee's first presentation



Fund Employee Development

- ▶ Employee training is a business imperative
- ▶ Instead of asking, "What if we train employees and they leave?"
- ▶ The question is, "What if we don't train employees and they stay?"
- ▶ To serve the public, employees need the training and tools to be effective and efficient
- ▶ Training is especially important when employees are being asked to do more with less

Be Flexible

- ▶ Adapt to the changing needs of your workforce without compromising service to your community
- ▶ Some positions must have a set work schedule; others do not
 - ▶ Focus on attaining goals vs. set hours in the office
- ▶ Adaptable schedules can boost morale and allow for longer counter coverage
- ▶ Flextime can save costs and accommodate working parents
- ▶ Employees often put in extra hours at home
- ▶ Norm in the private sector



Panelist Discussion



Tell Us About Your Civility Moments



- ▶ Examples of tough moments at the dais
 - ▶ Problems and how they affected everyone
 - ▶ The solutions that followed

Tell Us About Impediments

What are the things **preventing you** from promoting civility in your community?





Tips For Elected Officials

1. Conduct a conversation about your local government's Employee Value Proposition
2. Ensure business-like Council meetings
3. Do not allow personal attacks on anyone
4. Encourage staff to take "smart risks"
5. Create a culture of appreciation



Tips For Elected Officials

6. Provide policy direction...and then let them implement it
7. Support and fund training – demand it!
8. Encourage internships and fellowships to attract new talent
9. Make meetings "safe" for staff
10. Encourage flexibility & wellness programs

Ending Quote

"If your actions inspire others to dream more, learn more, do more, and become more, you are a leader."

John Quincy Adams

One Commitment

Starting tomorrow, what is **just one thing** I can immediately put into practice to promote civility in my community?



Resources

- ▶ Cal-ICMA Talent Initiative Website:

cal-icma.org/talentinitiative

- ▶ Talent 2.0 Report
- ▶ Examples of Exemplary Programs
- ▶ Stay Interview Questions
- ▶ Best Practices Articles
- ▶ (Coming Soon!) “Best Places for Talent Development” Recognition

What Questions Do You Have?



What Would You Like To Add?

FRIDAY – OCTOBER 18, 2019

7:30 a.m. - 12:00 p.m. - **Registration Open**

7:30 a.m. - 8:30 a.m. - **Peninsula Division**

Space is limited; please RSVP to your Regional Public Affairs Manager, Seth Miller (415) 595-8629 for more information. *Additional fees may apply.*

8:00 - 9:15 a.m. - **The Village Movement and Resilient, Age-Friendly Cities**

By 2030, adults over the age of 60 are projected to outnumber children in California. Learn about the diversity and strength of the older adult population whose growth is impacting municipal services. Become aware of the village movement: community based organizations that leverage the skills and talents of older adults to build resilience, support healthy aging, and promote World Health Organization's Age Friendly Cities platform. Learn practical steps to engage the strengths and assets of older adults to transform the experience of aging in cities.

MODERATOR: Steve Lustig, Associate Vice Chancellor Emeritus, UC Berkeley, The Berkeley Age Friendly Continuum

SPEAKERS: Charlotte Dickson, Executive Director, Village Movement California | John Hall, Emeritus Professor, Arizona State University | Aisha Jasper, Senior Center Manager, Fremont

8:00 - 9:15 a.m. - **You Can Do It!: Early Childhood Policies in General Plans**

Local government has a unique opportunity to lead and lay the foundation for timely investments by including early childhood policies in General Plans. These policies prioritize the youngest residents and their families through well-informed decision-making. The cross-sectional panel will present the city of Gonzales as an example of how to adopt a local General Plan with early childhood and health language infused throughout the document. Panelists will share lessons learned, community partnership strategies, and specific early childhood policy language examples. Participants will have the opportunity to strategize and innovate for their own community in this interactive and reflective session.

MODERATOR: Michelle Slade, Chief Strategist, C4 Consulting

SPEAKERS: Nina Alcaraz, Sr. Policy, Advocacy, and Communications Manager, First 5 Monterey County | Carmen Gil, Health in All Policies Manager, Monterey County Health Department | Rene Mendez, City Manager, Gonzales

8:00a.m. - 9:15 a.m. – **What Does the Public Banking Movement Mean For Your City?**

From Eureka to Imperial County, there is a surge of interest in public banking. Los Angeles recently had a ballot measure, and numerous cities and counties have published feasibility reports. Listen to experts discuss the promise and potential pitfalls of public banking, focusing on the goals behind the public banking movement, legal, regulatory and operational hurdles to forming and running a public bank, and current legislative activity. Speakers will provide sufficient details on public banking so that when advocates come knocking, policymakers are prepared to discuss the merits and drawbacks of a public banking proposal.

MODERATOR AND SPEAKER: José Cisneros, Treasurer, City and County of San Francisco

SPEAKERS: Fiona Ma, State Treasurer, California State Treasurer's Office

8:45 – 10:45a.m. – **Harassment Prevention Training for Supervisors and Officials (AB 1661 Training)**

This informational and interactive workplace harassment prevention training will focus on current and emerging issues resulting from the #MeToo movement, and teach officials and supervisors how to identify, prevent, and properly respond to workplace harassment, discrimination, retaliation, and abusive conduct in order to avoid personal and agency liability in compliance with AB 1825/2053/1661 and SB 396. Sign-in will begin 30 minutes prior to the session and you must be present for the full two hours to receive the certification of attendance. Entry will be prohibited once session begins. The Institute for Local Government is a State Bar of California minimum continuing legal education (MCLE) approved provider and certifies this activity meets the standards for MCLE credit by the State Bar of California in the total amount of 2 hours (general credits). Provider #13881

SPEAKER: Christopher Frederick, Associate, Liebert Cassidy Whitmore

9:30 - 10:00 a.m. – **Women's Caucus Business Meeting**

Contact your Regional Public Affairs Manager, Erin Sasse (951) 321-0771 for more information. *Additional fees may apply.*

9:30 - 10:45 a.m. – **The Hidden Costs of Tackling Homelessness**

Homelessness continues to be a big concern in California – both in rising numbers of people affected and in costs incurred by cities trying to address the issue. Sometimes, it seems the only way to comprehensively address homelessness is to spend large amounts of time and resources. But cities don't have to wrestle with this issue alone. In this session, experts deeply familiar with the topic will delve into strategic methods and related fiscal issues for tackling homelessness at the local level, and how to find willing partners who can help.

MODERATOR: Kurt Wilson, Davenport Institute Trainer, Pepperdine University

SPEAKERS: Elizabeth Andrade, Chief Operations Director, Mercy House | Roxanne Diaz, Shareholder, Richards, Watson & Gershon | Hafsa Kaka, Homeless Services Manager, Santa Ana

9:30 – 10:45a.m. – **Death, Taxes and Other Unavoidables: A Municipal Finance Update**

Join an information-packed update of the latest developments in all things concerning money for California cities. Hear about legal developments, new laws, proposals for reform and an explanation of the underlying issues of your agency's finances. Learn about the latest major developments in city revenues, spending and financing, including information on important changes, significant challenges, and new opportunities.

MODERATOR: Olivia Valentine, Mayor Pro Tem, Hawthorne

SPEAKERS: Michael Colantuono, Managing Shareholder, Colantuono, Highsmith & Whatley, PC | Michael Coleman, League Fiscal Policy Advisor, CaliforniaCityFinance.com

9:30 - 10:45 a.m. – **Leading California Cities Into the Future**

What will our cities look like 10, 20, or 50 years from now? Considering the technological sea change we've experienced over the last decade, what should city leaders think about today to prepare for the technologies of tomorrow? How will cities harness the power of innovation to improve quality of life? Three cities will share perspectives on planning for the future, capturing and analyzing data, and building the appropriate technology infrastructure to achieve their goals. Learn from this exchange of ideas about positioning your city to capture the benefits of the next wave of technology.

MODERATOR: Jim Madaffer, President, Madaffer Enterprises

SPEAKERS: Gary Halbert, City Manager, Chula Vista | John Keisler, Economic Development Director, Long Beach | Jim Lewis, City Manager, Pismo Beach

11:00 a.m. - 12:15 p.m. – **Let's Talk Shop: How Are You Managing Adult Use Cannabis?**

This panel will provide a comprehensive look at successes and challenges of adult use cannabis in various jurisdictions. Challenges such as enforcement, taxation and budget disparities (i.e. staffing and revenue expectations) will be discussed. Regardless of your city's regulation, or lack thereof, we will provide an update of where cities are at 22 months out. Panelists will provide their cities' best practices for their regulation implementation process. *Planned by the Latino Caucus.*

MODERATOR: Daniel Parra, Council Member, Fowler

SPEAKERS: Michelle McGurk, Assistant to the City Manager, San José | Dave Potter, Mayor, Carmel-by-the-Sea | Esmeralda Soria, Council Member, Fresno

11:00 a.m. - 12:15 p.m. – **Housing for All: Framing a New Conversation About Housing in Your Community**

The need for housing in California has reached critical proportions, but there still seems to be opposition and obstacles to projects at every turn. Learn new strategies to address community opposition, funding solutions to support developers and best practices from colleagues that can help your city get its housing production back on track.

MODERATOR: Karalee Browne, Manager, Institute for Local Government

SPEAKER: Cindy Silva, Mayor, Walnut Creek

11:00 a.m. – 12:15 p.m. – **The Power of Partnership with Gender Equality**

Women now make up 28 percent of the California State Legislature, up from its previous 21 percent just one year ago. Will the phenomena of growing women elected leaders with 2018’s “Year of the Woman” influence the decisions that mayors and city councils make in choosing their city manager? How should they determine the best fit? Approximately one out of five city managers of the 473 city council/city manager governed cities in California are female. Will this trend shift favorably for female city managers and create greater gender equality? Join this lively panel discussion of women leaders. *Planned by the Women's Caucus.*

MODERATOR: Karen Brust, City Manager, Encinitas

SPEAKERS: Georgette Gomez, Council President, San Diego | Katie Lichtig, Assistant City Manager/Chief Operating Officer, Santa Monica | Bobbi Peckham, President, Peckham & McKenney, Inc.

11:00 a.m. – 12:15 p.m. – **LGBT Legislation and Your City: Moving Forward Together**

California continues to lead the nation in assuring cities are welcoming places for LGBT persons, with landmark laws embracing diversity in the workplace and advocates continuing to identify gaps in the state laws that stifle full equality to workplaces. The workshop is designed to help cities with strategies to successfully comply with new laws and continue to be welcoming and safe places for all. Experts will outline winning strategies designed by cities to implement new laws related to the recruitment, hiring and retention of LGBT persons, and will also identify emerging policy issues at the state and federal level. Planned by the Lesbian Gay Bisexual Transgender Queer (LGBTQ) Caucus.

MODERATOR: Catherine Carlton, Council Member, Menlo Park

SPEAKER: Lisa Middleton, Council Member, Palm Springs

12:30 - 2:30 p.m. – **Closing Luncheon & General Assembly**

Gather on this final day for the launch of a new League year. Vote on resolutions; celebrate the new League leadership transition.

- Policy Committee Chairs
- Welcome to New Board of Directors
- Leadership Transition: John Dunbar, Mayor, Yountville, 1st Vice President, League of California Cities
- Grand Prize Drawing (*Must be present to win*)
- League General Assembly of City Voting Delegates

PRESIDING: Jan Arbuckle, Council Member, Grass Valley, President, League of California Cities



VILLAGES AND RESILIENT, AGE-FRIENDLY CITIES

OCTOBER 18, 2019

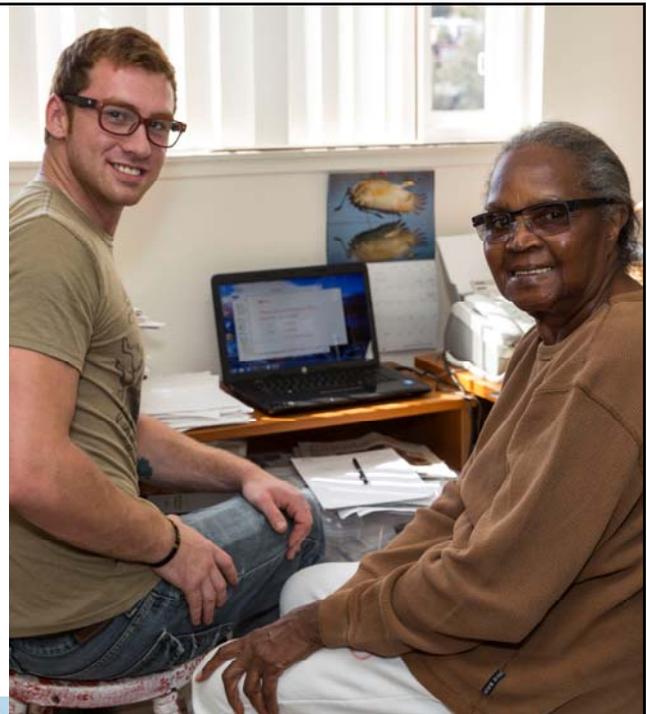
STEVE LUSTIG, ASHBY VILLAGE AND BERKELEY CONTINUUM
CHARLOTTE DICKSON, VILLAGE MOVEMENT CALIFORNIA
JOHN HALL, ARIZONA STATE UNIVERSITY
AISHA JASPER, CITY OF FREMONT



OBJECTIVES

- DEMOGRAPHICS
- VILLAGE MODEL
- VILLAGES UNLOCK RESILIENCE
- VILLAGES AND AGE FRIENDLY CITIES
- RESOURCES

AGING. BETTER.



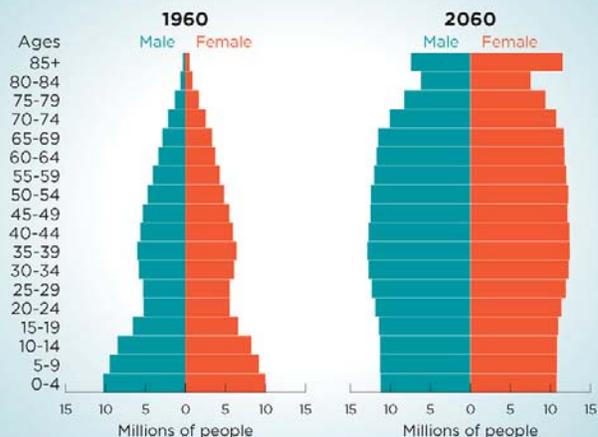
DEMOGRAPHICS

- **BY 2030 ONE IN FIVE OVER 60, AND ONE IF TEN OVER 80**
- **BY 2035 MORE OLDER ADULTS THAN KIDS**
- **85+ FASTEST GROWING SEGMENT**
- **INCREASED RACIAL AND ETHNIC DIVERSITY**
- **WOMEN LIVING ALONE IN 2018:**
 - **26% 65-74**
 - **39% 75-84**
 - **55% 85 AND OLDER**

AGING. BETTER.

From Pyramid to Pillar: A Century of Change

Population of the United States



United States
Census
Bureau

U.S. Department of Commerce
Economics and Statistics Administration
U.S. CENSUS BUREAU
census.gov

Source: National Population
Projections, 2017
www.census.gov/programs-surveys
/popproj.html

WHAT ARE VILLAGES?

- **AGE IN COMMUNITY**
- **GRASSROOTS, MEMBER-DRIVEN**
- **CONNECT OLDER ADULTS TO EDUCATIONAL & SOCIAL PROGRAMMING, SERVICES, REFERRALS**

AGING. BETTER.



VILLAGE MOVEMENT CALIFORNIA

- 51 VILLAGES, 7000 + PEOPLE & GROWING!
- GROWTH
- IMPACT
- SUSTAINABILITY
- INFRASTRUCTURE FOR SOCIAL CARE

AGING. BETTER.



COMMUNITY RESILIENCE AS A FORCE IN HEALTHY AGING, AND VICE VERSA



AGING. BETTER.

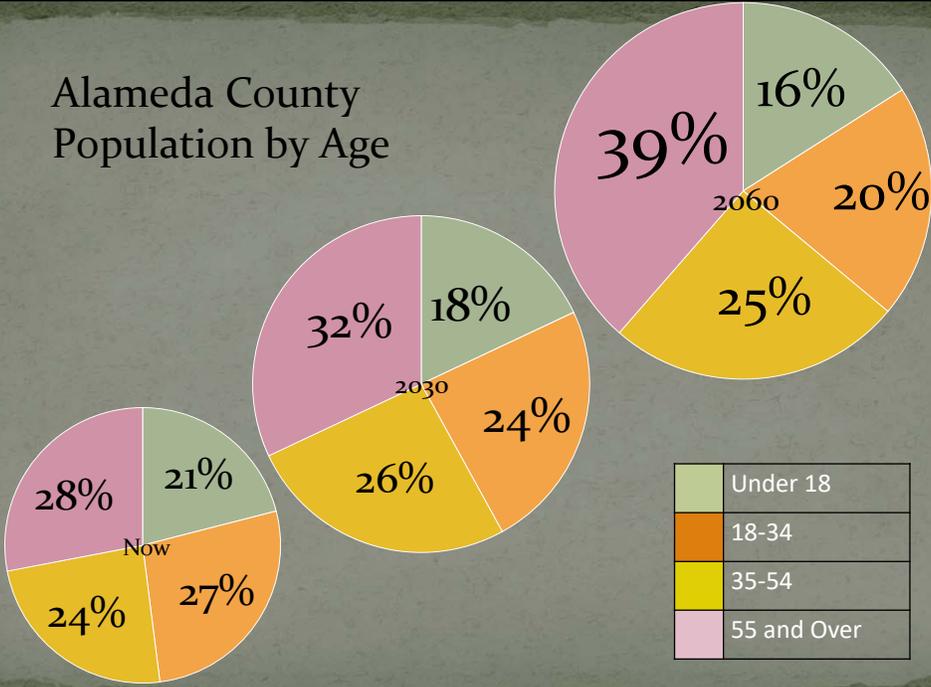




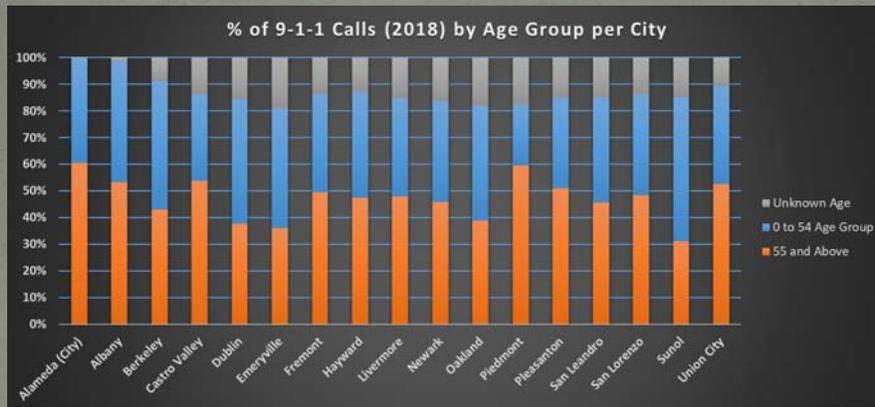
Aisha Jasper

Senior Center Manager
 City of Fremont
 Human Services
 Department

**Alameda County
 Population by Age**



Changing Demographics - Impact



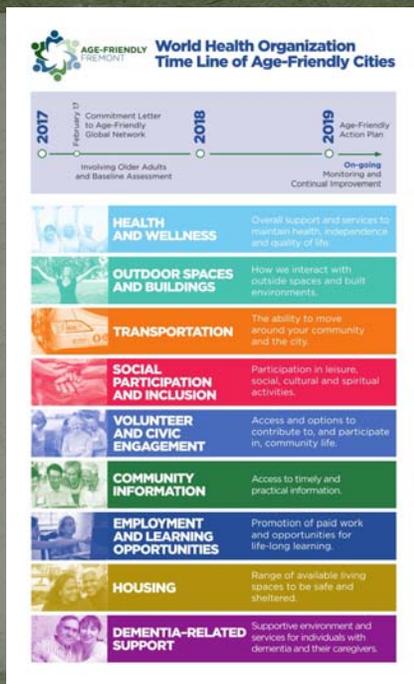
Partnerships

**“If you want to go fast,
go alone.
If you want to go far,
go together.”**



Civic Engagement: Residents as active participants in building and strengthening their communities.

Healthy Aging is More Than the Absence of Disease



Trained 35 Community Facilitators

25 Focus Groups

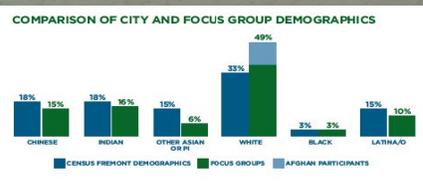
9 Domain Consensus Groups

Community Days

Groups offered in: English, Farsi, Punjabi, Chinese and Spanish

Target Populations: Caregivers, LGBT+, Lived experience with mental health, men, varied living arrangements (Assisted living, mobile home park, etc.)

Participants mirrored City demographics



Key Themes from Residents

- Include Older Adults as Part of the Solution
- Promote Positive Perceptions of Aging
- Value Inclusivity
- Strengthen Neighborhoods
- Support Economic Security
- Incorporate Technology

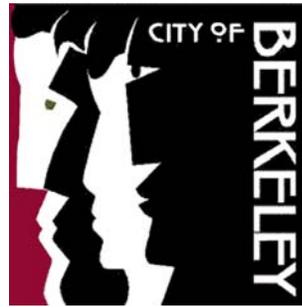
Age-Friendly Partner: GNVillage



AGING.
BETTER.



PARTNERS: CITY OF BERKELEY & ASHBY VILLAGE



AGING. BETTER.



RESOURCES

- THE FORGOTTEN MIDDLE, HEALTH AFFAIRS APRIL 2019
[HTTPS://WWW.HEALTHAFFAIRS.ORG/DOI/FULL/10.1377/HLTHAFF.2018.05233](https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2018.05233)
- HEALTH CARE'S BLIND SIDE, ROBERT WOOD JOHNSON FOUNDATION, 2011
[HTTPS://TINYURL.COM/Y47NY3B](https://tinyurl.com/y47ny3b)
- COMMUNITY RESILIENCE AS A FORCE IN HEALTHY AGING, AND VICE VERSA
- ROCKEFELLER FOUNDATION, 100 RESILIENT CITIES NETWORK (JULY 2019). RESILIENT CITIES. RESILIENT LIVES: A NEW REPORT WITH LESSONS FROM THE 100 RESILIENT CITIES NETWORK [HTTP://WWW.100RESILIENTCITIES.ORG/WP-CONTENT/UPLOADS/2019/07/100RC-REPORT-CAPSTONE-PDF.PDF](http://www.100resilientcities.org/wp-content/uploads/2019/07/100RC-REPORT-CAPSTONE-PDF.PDF)
- JASON AXELROD, AMERICAN CITY AND COUNTY (OCT 18, 2018)
[HTTPS://WWW.AMERICANCITYANDCOUNTY.COM/2018/10/08/THE-ROUTE-TO-RESILIENCE/](https://www.americancityandcounty.com/2018/10/08/the-route-to-resilience/)
- WORLD HEALTH ORGANIZATION (WHO). GLOBAL NETWORK FOR AGE-FRIENDLY CITIES AND COMMUNITIES
[HTTPS://WWW.WHO.INT/AGEING/PROJECTS/AGE_FRIENDLY_CITIES_NETWORK/EN/](https://www.who.int/ageing/projects/age-friendly-cities-network/en/)
- AGE FRIENDLY BERKELEY [WWW.AGEFRIENDLYBERKELEY.ORG](http://www.agefriendlyberkeley.org)
- BERKELEY CONTINUUM [WWW.BERKELEYCONTINUUM.ORG](http://www.berkeleycontinuum.org)

AGING. BETTER.





THANK YOU & QUESTIONS

**STEVE LUSTIG, ASHBY VILLAGE AND BERKELEY
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YOU CAN DO IT!

EARLY CHILDHOOD POLICIES INTO GENERAL PLANS

Speakers:

Rene Mendez, City of Gonzales, City Manager
Carmen Gil, Monterey County Health Department
Nina Alcaraz, First 5 Monterey County

Moderator:

Michelle Slade, C⁴ Consulting

Session Objectives

INSPIRE LOCALISM - You will gain insights you can turn into action for your community:

- WHY Early Childhood Development (ECD) is a City Matter
 - WHAT the City of Gonzales did to move its Mission, Vision & Values into ECD Policy & Practice
 - HOW you can lead & engage your community in ECD planning & policy design and implementation
-

City Mission, Vision & Values



Gonzales will continue to be a safe, clean, family-friendly community, diverse in its heritage, and committed to working collaboratively to preserve and retain its small town charm.

City Vision, Mission & Values

City services will be delivered in a cost-effective, respectful and friendly manner to insure the safety and well being of the residents and the promotion of business, recreational, housing and employment opportunities in an environmentally sustainable manner.

Strong fiscal policies allow us to provide appropriate infrastructure for: Public Safety, Housing, Recreation, Environment, Education.



Leadership Support

We will realize our Vision by providing the:

- Leadership;
- Commitment; and
- Resources necessary to provide excellent services that enhance the quality of life of our diverse community.



Why Early Childhood Matters

Context

- Socio- demographics
 - 30% of pop under 18
 - 1000+ under 5
 - Licensed childcare slots: 96 to 82; nearly half, 1/2 day only
- Council & Community committed to Children & Youth

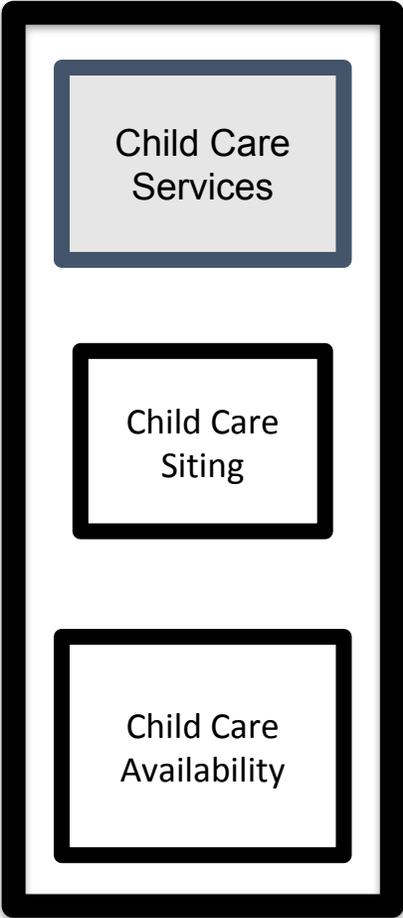


Why Early Childhood Matters

- 90% of the brain is developed by age 5
- Every \$ invested in high-quality 0-5 education delivers a 13% ROI
- ECD yields: increased academic achievement, social emotional competency, educational progression; decreased delinquency and crime.
- Early Childhood Development = Economic Development & Workforce Development

67% of working families do not have access to child care

59% of children ages 3 to 4 do not have access to preschool



Early Childhood Dev – An Extension & Enhancement

I³: Intentionality, Investment, Institutionalization

- Gonzales Grows Green Sustainability Initiative
- Gonzales Youth 21st Century Success Initiative
- *THE GONZALES WAY*



Partnership Development

- Values in Action
 - Mindset
 - Leadership: Mayor, Council, staff
 - Willingness from the top
 - Tap Subject Matter Experts/Additional Talent
 - Community Partners
 - Staff
 - Organizations
 - Residents



Key Partners & Related Initiatives

- City of Gonzales
 - City Manager's Office
- Health Department
 - Health in All Policies
- First 5
 - Bright Beginnings Monterey County
 - Women's Policy Institute Fellows Program - Women's Foundation of California



MCHD & Gonzales: HiAP

Health in All Policies

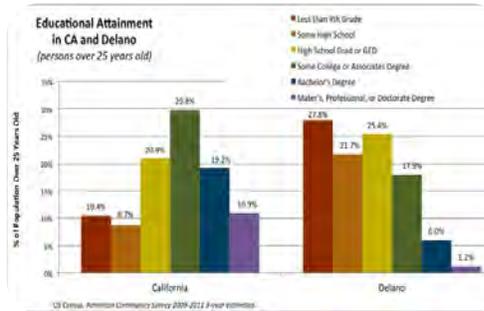
Health in All Policies is a collaborative approach to improving the health of all people by incorporating health considerations into decision-making across sectors and policy areas.

The goal is to ensure that all decision-makers are informed about the health consequences of various policy options during the policy development process.

Social Determinants of Health



Why Health in All Policies



Responds to
diverse
community
needs

Humanizes
“unhuman”
topics

Uses health
data to
prioritize
non-health
policies

Broadens
stakeholders
and
partnerships

Resident Engagement & Leadership

- A Resident Committee was developed to validate the data and ensure nothing was missing
- They helped develop the policy language
- Prioritized issue areas and presented and advocated for Element's adoption to the City Council and Planning Commission



Authentic Community Engagement

HiAP works best when collaborating across systems and when the community that is directly impacted by the policy, service or program is involved in the decision and design.



The Big Why

Consider the Benefits

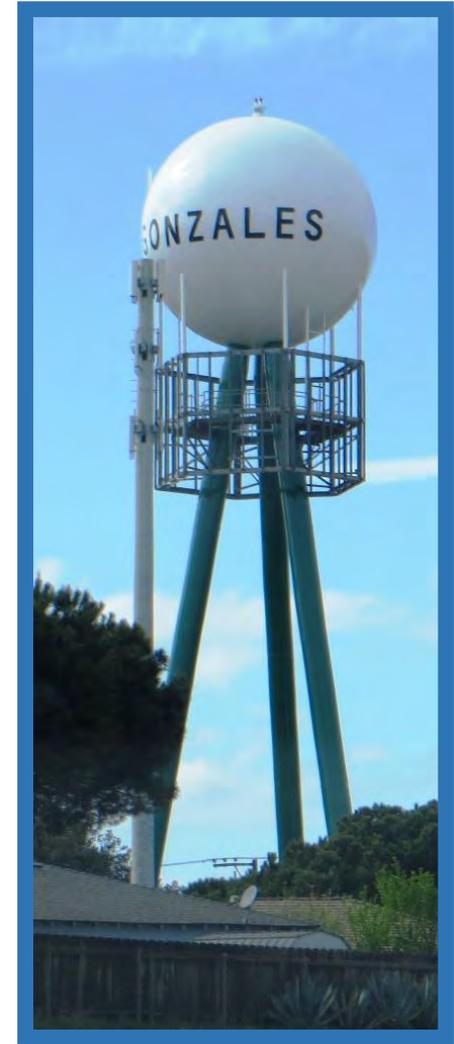


Residents' ECD Insights

- **ECD AFFIRMED:** Early childhood policies were identified as key
- **RELEVANCY:** Most residents don't speak or understand policy lingo so it was important that we make the information relevant to their daily lives
- **INSIGHTS INTO LIVED EXPERIENCE:** They brought this area up by saying things like "I can't afford childcare" "it's too expensive". "There's not enough to do with my 2-year-old. I wish there were more opportunities for them to be active here in our community."
- **"TRANSLATION" & RESPONSIVENESS:** We then decoded this language and partnered with our local Women's Policy Institute cohort and subject matter experts to develop policy language that spoke to what they were calling for

Women's Policy Institute

- The local Women's Foundation of California Women's Policy Institute (WPI) Fellows collaborated with the City on early childhood policy and funding options.
- WPI Fellows researched throughout the state for examples of early childhood policies in general plans.



Early Childhood Policies

Policy

Child and Youth-Friendly Construction

Implementation Action

Child Care and Play Facilities: Coordinate with developers of large-scale residential projects to include child care and play facilities as part of their development projects (play areas, parks, etc.)



Policy Implementation

- Residents are now helping to implement some of the policies in the Element.
- There is an intentional effort to support complete communities by staff and partners.



Lessons Learned

- Look for collaborative opportunities: Don't let cost hold you back, you can get a lot done through collaboration
- Leverage expertise:
Not only from system leaders, but also from those that make up your community (youth and adults)
- Think “outside the box”
Don't let your first answer be “no,” or “we don't do that”. Being open to new ideas/new ways of working can bring a big dividends.

Culture of Health Award



Robert Wood Johnson Foundation

Because of its comprehensive efforts, the City has been named one of the **Top 12** finalists for the 2019 Robert Wood Johnson Foundation's Culture of Health Award.

What Now

The City continues to strengthen turning Policy into Practice...

- How we will continue to engage community?
 - What opportunities do we have to align resources with our community's interests and needs?
 - How we will continue to build off the policies and actions in the Element?
 - What else can we do to ensure sustainability as Leaders change?
-

Your Initial Next Steps

- Think “outside the box”
 - Funding should not be your starting point - There is no extra expense to reach out to partners.
 - Don't let your first answer be “no,” or “we don't do that”. Being open to new ideas, new ways of working can bring a big dividends.
- Identify who your partners could be:
 - Who could be starting points?
 - County Health Department
 - Local First 5
 - Others – E.g., United Way, Host of Initiatives, Collaboratives

Additional Resources

- Gonzales General Plan: <https://gonzalesca.gov/government/information-center/general-plan>
- Gonzales Annual Reports:
<https://gonzalesca.gov/government/information-center/annual-report>
- Highlights of Early Childhood Development aspects of Health Update of General Plan: see conference materials
- Bright Beginnings Early Childhood Development Initiative:
<https://brightbeginningsmc.org/>
- Health in All Policies: A Guide for State and Local Government:
<http://www.phi.org/resources/?resource=hiapguide>

Additional Resources

- Health in All Policies - A Guide for State and Local Government:
<http://www.phi.org/resources/?resource=hiapguide>
- Heckman Equation - Early Childhood Economics: <https://heckmanequation.org/>
- First 5 California - <http://www.cafc.ca.gov/>
- The Women's Foundation of California, Women's Policy Institute
- Fellows Program: <https://womensfoundca.org/policy/wpi/>

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C⁴ CONSULTING

ACTIVATING TALENT. IGNITING RESULTS.

Gonzales Health Element

Early Childhood Development Policies

OVERVIEW

Policy makers have a unique opportunity to lay the foundation for timely investments in early childhood by including early childhood policies in general plans. A general plan is a community's strategic plan, comprised of various elements with policies that identify how early childhood can be integrated into the fabric of a community. General Plans also include implementation plans that outline how quality programming will be achieved and work to build collaborative partnerships.

Several communities in Monterey County are currently examining their general plans and reviewing how to incorporate early childhood policies, including the City of Seaside and the Alisal Vibrancy Plan. On July 16, the City of Gonzales adopted a new Health Element to their General Plan that included strong language to support early childhood demonstrating the government's' understanding of the long-lasting value of early learning.

Adopted Early Childhood Policies

Policy HW – 1.3 Child Care Friendly Developments (page 597)

Encourage that child care be located strategically to support workforce and livable communities.

- Implementation Action HW-1.3.1 – Child Care Needs Assessment. New developments having more than 50 housing units or 50,000 square feet of commercial or industrial space shall contribute to the preparation of a Child Care Facilities Needs Assessment. The purpose is to assess new child care demand created by new residents and employees against available community resources to identify need and if need is significant, support the expansion of child care services.
 - Implementation Action HW-1.3.2 – Social Inclusion. When feasible, coordinate with developers of large projects to include amenities like: child care facilities, community spaces, green spaces, transit stops and shelters, etc. in new developments or proposals for mixed-use space prior to issuing and approving permits.
 - Implementing Action HW-1.3.3 – Inclusive Developments. Support the development of child care facilities and family child care homes. Review zoning regulations regarding home-based early childhood education facilities, when needed.
-

Policy HW – 7.1 Child and Youth-Friendly Construction (page 608)

Through collaborations, City policies and guidelines encourage the inclusion of child-friendly spaces in new residential, and non-residential developments.

- Implementing Action HW-7.1.1 – Child Care and Play Facilities. Coordinate with developers of large-scale residential projects to include child care and play facilities as part of their development projects (play areas, parks, etc.).
- Implementing Action HW-7.1.2 – Growth and Expansion. Promote the inclusion of preschools in residential neighborhoods and expansion of early learning facilities as part of mixed-use neighborhoods.

Early Childhood Education Childcare Services (Pages 625-627)

Goal HW – 17: Enhance educational attainment and employment readiness through early childhood education childcare services

Policy HW-17.1 Affordable and Quality Preschool and Head Start

Support the development of affordable and accessible, quality early child care, preschools, and Head Start programs to increase and promote early learning.

- Implementing Action HW-17.1.1 – Cross-Agency Work. Develop child care facilities through collaborative work among multiple City and County agencies and initiatives (i.e. cradle to career initiatives), including Bright Beginnings, United Way, Bright Futures, Monterey County Child Care Planning Council, local child care providers, transportation, Recreation Department, neighborhood groups, Chamber of Commerce, etc.
- Implementing Action HW-17.1.2 – City Child Care Subsidies. Coordinate with early childhood education partners to develop a subsidy program to support access to local quality child care.
- Implementing Action HW-17.1.3 – Recreation Support. Develop playgroups that support all stages of child development. Utilize existing partnerships of cradle to career initiatives to determine best practices of early childhood education delivered in playgroup models and find ways to incorporate them into group settings.

-
- Implementing Action HW-17.1.4 – Public Facility Use. Intentionally use community space to partner with local agencies to host workshops for parents on building early literacy skills. Consider applying to First 5 Monterey County’s sponsorship program for all community events, for books, Kits for New Parents, and for the use of the Wheelie Mobile. Through collaborations, City policies and guidelines encourage the inclusion of child-friendly spaces in new residential, and non-residential developments.

Policy HW-17.2 Child Care System

Through partnerships work to develop a comprehensive, affordable, high quality child care delivery system.

- Implementation Action HW-17.2.1 – Child Care Task Force. Create a community-wide child care task force (or council) to study the development of child care programs, fill service gaps, increase program effectiveness, improve service accessibility, and maximize available resources.
- Implementation Action HW-17.2.2 – Child Care Master Plan. Create a joint public/private child care master plan that will coordinate a range of services for children and their families, in conjunction with local agencies, groups, and larger county initiatives.
- Implementing Action HW-17.2.3 – Needs Assessment. In collaboration with child care advocates prepare a child care nexus study to determine the extent of need for early childhood education programs within the community and expenses related to expansion of programs. Explore avenues to implement a systematic way to monitor and evaluate this on a periodic basis, developing mechanisms for gathering regular feedback from families on all aspects of programming and using those findings to inform ongoing improvements.
- Implementing Action HW-17.2.4 – After-school and Summer Child Care. Collaborate with the Gonzales Unified School District and local child care providers to expand after-school, and summer child care activities to support the working parents and guardians.

Policy HW-17.3 Mindful Child Care Facilities

Encourage strategically located child care to support workforce and livable communities.

- Implementation Action HW-17.3.1 – Provision of Child Care. Encourage developers and larger commercial employers to support and/or provide child care.
- Implementing Action HW-17.3.2 – Facility Development. Streamline processing and permit regulations, to the extent possible, to promote and support the development of child care facilities

and family child care homes. Review zoning regulations, and remove barriers to home-based early childhood education facilities

- Implementation Action HW-17.3.3 – Expansion of Learning Facilities. Promote mixed-use permits that will allow for inclusion of preschools in residential neighborhoods and expansion of early learning facilities as part of the City’s growth.

Enrichment Programs (Pages 627-628)

Goal HW – 18: Enhance educational attainment and employment readiness through enrichment programs

Policy HW-18.1 Programming

Find ways to support and promote free or low-cost child and family enrichment programs, after-school supplemental education programs, and senior citizen friendly programming.

- Implementing Action HW-18.1.1 – Recreation Centers. Encourage programming at recreational centers to serve all phases of life (e.g. children, families and senior citizens).
- Implementing Action HW-18.1.2 – Family Strengthening. Provide families with practical ways to support their children, which build on content covered and instructional practices used within the classroom; family engagement supports, including resources on social-emotional development, extending learning into the home, and successful transitions into and out of pre-K to ensure that all children gain foundational language, cognitive and social emotional skills, including students with special needs and children whose primary language is not English.
- Implementing Action HW-18.1.3 – Family-Centric Messaging. Incorporate family strengthening messaging into Gonzales Way social marketing campaign and all City sponsored events.
- Implementing Action HW-18.1.4 – Year-Round Enrichment Programs. Continue collaboration with GUSD and public/private partnerships to maintain and enhance existing extended learning opportunities through after-school enrichment programs, summer boost programs, school breaks, and weekends for all children, especially low to moderate income families and English language learners.

Policy HW-19.1 Capacity Development and Training (Page 628)

Through partnerships and collaborations, support and facilitate the availability of training and skill development through school courses, colleges, trade schools, and other programs for adult learners within the city limits, when possible.

- Implementation Action HW-19.1.3 – Licensed Childcare Providers. Work with local institutions of higher education and the Child Care Resource & Referral Agency to coordinate and expand professional development pathways for residents to become licensed childcare providers.

Policy HW-20.1 Educational Opportunities (Page 629)

Work towards developing an education system that provides an opportunity for all residents by supporting early childhood education programs that equip all children with the foundation to become happy, healthy, and successful adults.

- Implementing Action HW-20.1.2 – Information Campaign. Promote significant benefits of quality early childhood education to community members, employers, businesses and developers through Gonzales Way social marketing campaigns.



Promoting the Power of
General Plans:
A Strategy to Support
Early Childhood
Development

March 2018

Sponsored by

the WOMEN'S
FOUNDATION
of CALIFORNIA

Executive Summary

Research underscores the importance of early childhood development. Upstream, preventative programs and services have the largest impact over a child’s lifetime. Policy makers have a unique opportunity to lay the foundation for timely investments in early childhood by including early childhood policies in general plans. These policies will prioritize our youngest residents and their families through well-informed decision-making.

One method of influencing change in communities is strategic planning through a general plan. A general plan is a broad document, comprised of various elements, that guides a city or county’s direction and priorities. Within each element, policies identify how early childhood can be integrated into the fabric of a community, implementation plans outline how quality programming will be achieved, and work to build collaborative partnerships is identified. In general plans, early childhood development policies demonstrate governments’ understanding of the long-lasting value of early learning. Ultimately, communities’ commitment to family friendly general plan policies and implementation will increase access to affordable and high-quality early childhood education.

WHAT HAPPENS WHEN COMMUNITIES INVEST IN EARLY LEARNING



Figure 1: Image courtesy of Bright Beginnings

Promoting the Power of General Plans: A Strategy to Support Early Childhood Development

Research underscores the importance of early childhood development. “Early experiences affect the development of brain architecture, which in turn provides the foundation for all future learning, behavior, and health,” according to the Center for the Developing Child at Harvard University.ⁱ The first 5 years of life are critical for children’s development-- nearly 85% of the brain develops during this time. Yet, only 14% of public education dollars are spent on early childhood education (ECE) in the United States.ⁱⁱ

Quality Early Childhood Environments

Upstream, preventative programs and services have the largest impact over a child’s lifetime. Quality early childhood education makes a difference for all children, has the greatest impact on closing the “opportunity gap” for under-resourced children, and is closely linked to increasing children’s welfare. Further, high-quality child care settings provide safe, nurturing environments while promoting young children’s physical, social, emotional, and intellectual development. Low-quality child care is especially detrimental to low-income and vulnerable children.ⁱⁱⁱ

School Readiness

Kindergarten readiness establishes a foundation from which children can learn successfully. Children who are ready to enter school are more likely to experience later academic success, attain higher levels of education, and secure employment.^{iv} Children ready for kindergarten tend have commonalities, including that their parents read to them daily, were enrolled in preschool, and that their transition to kindergarten was reported by their parent(s) as “easy.”^v According to the Annie E. Casey Foundation, children who do not read



Monterey County Early Childhood: Fast Facts

- There are 47,545 children aged 5 and under (2016).^x
- 48% of Monterey County parents of children under 6 years old (and not in kindergarten) report a grandparent or family member as the only source of childcare (2015).^{xi}
- 47% of working families with children aged 0 to 4 have access to part- or full-day licensed care (2014).^{xii}
- 41% of children aged 3 to 4 have access to preschool (2014).^{xii}
- 87% of adults expressed a desire for their children to attend some form of child care or preschool. Only half said their children were enrolled in such programs. The most cited reason for lack of attendance was financial concerns (2015).^{xi}
- 28% of kindergarteners had the skills needed to be optimally ready for kindergarten (2015).^{xiii}

on grade level by 3rd grade are four times more likely to drop out of high school.^{vi}

Economic and Social Outcomes

Nobel Memorial Prize Winner Dr. James J. Heckman stated that investing in “quality early childhood development heavily influences health, economic, and social outcomes for individuals and society at large,” especially for under-resourced families. Dr. Heckman’s research shows that investments in quality, early childhood services can yield a 13% return on investment per child, per annum, through better education, economic, health, and social outcomes.^{vii} A holistic approach to early development is key. Family engagement, parent/caregiver development, relationship-based, reflective interactions, and two-generation programs and services are effective approaches.

While awareness of early childhood’s importance has increased, practices and investment have not kept pace.^{viii} Policy makers have a responsibility to lay the foundation and facilitate timely investments in early childhood by prioritizing our youngest residents.

Policy Recommendation – Institutionalize Early Childhood Development Policies in General Plans

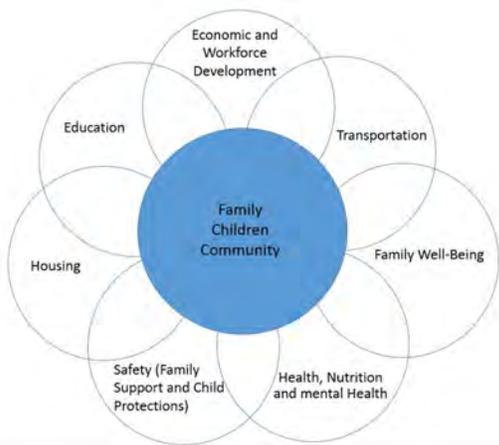


Figure 2: Public Policies that affect early childhood development collectively overlap.

True change does not happen in isolation. Factors that affect early childhood include health, nutrition, mental health, education, safety (family support and child protection), and family well-being. However, there are policy areas that also influence a child and their family’s ability to thrive, including housing, transportation, and economic development, particularly workforce development.

One method of influencing change in communities is strategic planning and a general plan. Early childhood policies in a general plan reveal a local government’s prioritization of the well-being of their children. Children and families live in dynamic environments and should be supported in integrated ways. To create supportive environments for children and families, non-profit organizations, government agencies, private sector businesses, faith-based communities, and schools need to incorporate early childhood development in all aspects of the community.

What is a General Plan?

A general plan is a broad document that guides a city or county's direction and priorities. The state of California requires that every city and county have a general plan to articulate its long-range goals "for the physical development of the county or city, and any land outside its boundaries which bears relation to its planning" (Government Code §65300). Within each general plan, there are eight different "elements" defined by the state as land use, housing, circulation, conservation, noise, safety, open space, and environmental justice.^{ix} The general plan must also incorporate 4 components: (1) vision, (2) goals, (3) objectives, (4) policy, and (5) implementation measures for their communities. Although there are required elements, a community can adapt the required elements to meet its specific needs.



Intentionally adding early childhood policies in all elements of a general plan, including additional ones guided by the community, highlights the importance of early childhood, prioritizes childhood development, and opens early childhood programming and services to additional resources. Early childhood policies can be integrated within each element to call for implementing high quality programs and building collaborative partnerships. Policies in a general plan can guide a communities' budget, influencing the expansion or development of early childhood programs and allowing opportunities to leverage monies with other funding sources.

San Mateo County adopted early childhood policies in several cities' general plans.



For instance, the city of San Mateo included the need for quality child care programs and facilities in its 2010 General Plan. Since then, staff proposed to city council the development of new child care facilities. The city also implemented a Developer Impact Fee that raised, so far, \$1.2 million in revenue. With these funds, city staff set the goal of expanding the number of child care spaces in the community and implementing programs with little to no increase in administrative costs. It is

anticipated that this revenue will create up to 90 new child care spaces, with the hope of increasing that number in the future.

Without similar, consistent commitment to quality early childhood settings, children will enter kindergarten already behind, and, by 3rd grade, will struggle even more.



San Mateo’s dedication to quality early childhood is reflected in data. Half of the county’s children are reading proficiently by 3rd, in comparison to Monterey County’s 28%^{xv}. This indicator cannot be completely attributed to a county or city’s general plan. However, a community’s understanding of the individual and collective power between non-profits, businesses, schools, and government to holistically support children and families contributes to enabling all children to be prepared for success today and later in life.

Good intentions do not create an effective general plan that addresses early childhood. For example, a community in Monterey County incorporated early childhood development policies for child care in their general plan, yet these were not impactful to children and their families. While the child care policies were approved and adopted, implementation lacked actions that should have guided city staff on how to carry them out. Lack of city council members monitoring progress added further challenges. As a result, city government did not prioritize implementing early childhood development policies. Simultaneously, residents did not call attention to these oversights.

Authentic community voice and engaging constituents in a commitment to early childhood development policies are important components to long-term success. Early childhood advocates have an important job in general plans—to provide input about needs and hold their elected officials and government staff accountable. Communities can make sure that decision makers stay informed on relevant early childhood issues and policies by attending public meetings and speaking during public comment sessions, participating in public input meetings, and



completing surveys. Government staff and elected officials can hold each other accountable by creating a system to track and monitor progress on policy implementation.

Several communities in Monterey County recognized the power of early childhood policies in their general plans. At the time of this policy brief, several communities were reviewing goals, policies, objectives, and implementation measures (Appendix A).



Imperative Policies and Implementation

It is imperative that local elected officials be at the forefront of supporting early childhood development. The following is a sample recommendation for early childhood policies in general plans and implementation actions. For a longer list of recommendations for each element, see Appendices B through H.

LAND USE

Goal: Available quality child care for all community members.

Objective: Ensure there is enough quality childcare for children 0-5 years old.

Policy: *Develop Quality Child Care Space* – Facilitate and promote the development of quality childcare spaces in areas and acknowledge that the provision of such facilities is a community goal.

Implementation Action – *Available Inventory* Review unused public and private locations for potential conversion into child care sites and identify available funding for the effort.

Implementation Action – *Partnerships* Encourage the use of public facilities for child care services, including collaboration between schools and parks, faith-based institutions, community centers, libraries, and senior centers.

Conclusion

Supporting early childhood development enriches the well-being of a community both socially and economically. While legislative efforts take place at the national and state level, local policy can occur concurrently. By inserting early childhood development policies in general plans, local governments demonstrate that they prioritize the needs of all children and all families. This action creates more opportunities to ensure access to affordable, high quality early care and education and ensures more children enter school ready to learn. It further improves workforce development and allocates much-needed additional resources for services. Government at all levels should not forget their youngest residents when planning, their future—and our future—depends on it.



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APPENDIX A: CALENDAR OF GENERAL PLANS IN MONTEREY COUNTY

	Link to General Plan	Date of Most recent plan	Scheduled to update again	Status of ECE in general plan
Monterey County	http://www.co.monterey.ca.us/government/departments-i-z/resource-management-agency-rma-/planning/resources-documents/2010-general-plan/final-version-of-the-monterey-county-general	October 2010	2020	None
Carmel	http://ci.carmel.ca.us/carmel/index.cfm/search-results/?keywords=general+plan&display=search&newSearch=true&noCache=1	June 2003	2023	None
Del Rey Oaks	https://www.delreyoaks.org/general-plan.htm	January 1997	Unknown	None
Gonzales	http://www.ci.gonzales.ca.us/planning.php	2010	2017 addition of Health Element	Proposed language in Health Element with thoughts to expand throughout general plan
Greenfield	http://ci.greenfield.ca.us/Search?searchPhrase=general%20plan	2005	2025	None
King City	http://www.kingcity.com/city-departments/community-development-department/general-plan-housing-element/	November 1998	Unknown	None
Marina	http://www.ci.marina.ca.us/Search?searchPhrase=general%20plan&page=1&perPage=10	October 2000 with amendments through 2010	Unknown	Land Use Element
Monterey	http://www.monterey.org/Portals/0/Policies-Procedures/Planning/GeneralPlan/16_0323-General-Plan.pdf	January 2005 with amendments March 2016	Unknown	None
Pacific Grove	https://www.cityofpacificgrove.org/living/community-economic-development/planning/general-plan	1994	Unknown	None
Salinas	https://www.cityofsalinas.org/sites/default/files/departments_files/community_development_files/general_plan_files/generalplan.pdf	September 2002	Alisal Vibrancy Plan Element 2017	None
Seaside	http://www.ci.seaside.ca.us/Search?searchPhrase=general%20plan	August 2004	In process 2017	Proposed language in draft throughout general plan
Soledad	http://ci.soledad.ca.us/Search?searchPhrase=general+plan&page=1&perPage=10	September 2005	Unknown	None

APPENDIX B: HEALTH

A Health Element is an optional element for most general plans. Healthy community design bridges together planning activities (including land use, economic development, and infrastructure) to establish a strong tie with health-related items, including but limited to increasing the public's perception of safety, social support and cohesion, and livable complete communities. A healthy community will bring many benefits to a community, from better physical and emotional health to economic investments. Implementing these determinants can also help promote equity and community development over the long term.

Goal: Enhance educational attainment and employment readiness

Objective: Ensure early childhood supports are available to the community

EARLY CHILDHOOD EDUCATION

Policy: *Affordable and Quality Preschool and Head Start*

Support the development of affordable and accessible, quality early child care, preschools and Head Start programs to increase and promote early learning.

Implementing Action – **Cross-Agency Work** Develop childcare facilities through collaborative work among multiple city and county agencies and initiatives (ex: cradle to career initiatives).

Implementing Action – **Growth and Expansion** Promote mixed-use permits that will allow for inclusion of childcare facilities and preschools in residential neighborhoods and expansion of early learning facilities as part of the city's growth.

Implementing Action – **Facility Space** Explore ways of utilizing existing school, private, and commercial facilities for non-school related and child care activities, and advocate for the inclusion of early learning spaces in both the planning of new facilities and for the expansion of existing school facilities.

Implementing Action – **City Childcare Subsidies** Develop a subsidy program to support family access to quality local childcare.

Policy: *Early Childhood Development Partnerships*

Develop an education system that supports accessible early childhood education programs that provide all children with a foundation to become happy, healthy and successful.

Implementing Action – **Year-Round Enrichment Programs** Develop or continue collaboration with School Districts and public/private partnerships to maintain and enhance existing extended learning opportunities through after-school enrichment programs, summer boost programs, school breaks, and weekends for all children, especially low to moderate income families and English language learners.

Implementation Action – **Licensed Childcare Providers** Work with local institutions of higher education and the Child Care Resource & Referral agency to coordinate and expand professional development pathways for residents to become licensed childcare providers.

Implementing Action - **Family Strengthening** Through community events, provide families with practical ways to support their children, including resources on social-emotional development, extending learning into the home, and successful transitions into and out of pre-K. Ensure that all children gain foundational language, cognitive and social emotional skills, including students with special needs and children whose primary language is not English. Incorporate family strengthening messaging into social marketing campaigns.

Implementing Action – **Needs Assessment** Complete a child care nexus study to determine the extent of need for early childhood education and care programs within the community and expenses related to expansion of quality programs. Explore avenues to implement a systematic way to monitor and evaluate this on a periodic basis, developing mechanisms for gathering regular feedback from families on all aspects of programming and using those findings to inform ongoing improvements.

Policy: *Support of Early Childhood Education*

Promote community health and well-being through the promotion and support of early childhood education in collaboration with public and private entities.

Implementing Action - **Recreation Support** Partner with parks to develop parent-child playgroups that support all areas of child and parenting development.

Implementing Action – **Information Campaign** Promote significant benefits of quality early childhood education to community members, employers, businesses and developers through social marketing campaigns.

Implementing Action - **Community Engagement** Intentionally use community space to partner with local agencies to host workshops for parents on building early literacy skills.

CHILDCARE SERVICES

Policy: Increase and Maintain Childcare Services

Support the expansion of affordable, high quality child-care, and early learning options for working parents.

Implementing Action – **Year-Round Enrichment Programs** Increase collaboration with school districts and public/private partnerships to maintain and enhance existing extended learning opportunities through after-school enrichment programs, summer boost programs, school breaks, and weekends for all children.

Implementation Action – **Licensed Childcare Providers** Work with local institutions of higher education and the Child Care Resource & Referral agency to coordinate and expand professional development pathways for residents to become licensed childcare providers.

Implementing Action – **Facility Development** Streamline processing and permit regulation to the extent possible to promote and support the development of childcare facilities and family child care homes. Review zoning regulations regarding home-based early childhood education facilities for areas that can be streamlined.

Implementing Action – **Support License-Exempt Child Care** Create network of family, friend and neighborhood (FFN) caregivers to form a peer learning playgroup for information and strategy sharing. The playgroup will serve as an important strategy to achieve FFN caregivers feeling competent, well-informed,

and capable of supporting the children to become happy, healthy and successful.

Policy: *Livable Communities*

Encourage childcare to be located strategically to support workforce and livable communities.

Implementation Action – **Future Development** Encourage developers and larger commercial employers to provide on-site childcare or to cluster public uses such as schools, early education centers, parks, libraries, and community activity centers around sites of development.

Implementation Action – **Inclusion in New Developments** New developments having more than 50 housing units or 50,000 square feet of commercial or industrial space shall prepare a Child Care Facilities Needs Assessment. The purpose is to assess new childcare demand created by new residents and employees against available community resources.

Implementation Action – **Permits** Ensure Local City Permits Department inform new developments of this policy to ensure they meet this requirement.

Implementation Action – **Permits and Zoning** Ensure staff issuing permits are knowledgeable of policy which would require them to include a child care facility, community space, green space, etc. in new development or proposal for mixed-use space prior to permits being issued and approved.

Implementation Action – **Childcare Land Trust** Explore possibility of establishing a childcare land trust that reserves land and space for community uses such as early childhood education.

Policy: *Childcare Delivery Services*

Develop a comprehensive child care delivery system.

Implementation Action – **Childcare Task Force** Join a community-wide child care task force (or council) to study the development of childcare programs, fill service gaps, increase program effectiveness, improve service accessibility, and maximize available resources.

Implementation Action – **Childcare Master Plan** Create a joint public/private childcare master plan that will coordinate a range of services for children and their families, in conjunction with local agencies, groups, and larger county initiatives.

Implementation Action – **Childcare Trust Fund** Establish a Childcare Trust Fund under the direction of the Childcare Task Force with an emphasis on fundraising for capital projects and seed money for new programs.

APPENDIX C: LAND USE

The Land Use element is a system for classifying and designating the appropriate use of properties. It functions as a guide to planners, the public, and decision makers as to the ultimate pattern of development for the city or county as it grows. Land use plays a central role in correlating all land use issues into a set of coherent development policies. The land use element has a pivotal role in zoning, subdivision, and public works decisions. Recommendations provided could be inclusive of Land Use, Facilities, and other pertinent general plan elements.

Goal: Available quality child care for all community members.

Objective: Ensure there is enough available quality childcare for children.

Policy: *Develop Quality Child Care Space*

Facilitate and promote the development of quality child care spaces in all areas and acknowledge the provision of such facilities as a community goal.

To the greatest extent possible, schools should be utilized for after school programs whether operated by the school district or an outside entity.

Actively support efforts to develop child care facilities for downtown employees, shoppers, and visitors.

Implementation Action – **Available Inventory** Review unused public and private locations for potential conversion into child care sites and identify available funding for the effort.

Implementation Action – **Partnerships** Encourage the use of public facilities for child care services, including collaboration between schools and parks, faith-based institutions, community centers, libraries, and senior centers.

Goal: To develop a comprehensive child care delivery system that builds child care services into the fabric of community development.

Objective: Create a complete community with the inclusion of child care.

Policy: *Complete communities*

Promote health for all communities in the city/county, with attention to those that have been identified as lacking in amenities such as transit, clean air, grocery stores, bike

lanes, parks, child care, education, health care and other components of a healthy community.

Establish activity centers within or near residential neighborhoods that contain services such as child or adult-care, recreation, public meeting rooms, convenient commercial uses, or similar facilities.

Within residential districts, land uses that have historically been in residential neighborhoods and which, by design, can be made compatible with the purpose and character of the residential classification should continue to be allowed. These other land uses include, but are not limited to, small child care facilities for children, group and residential care homes of six or fewer persons, schools, and parks.

Where appropriate, design communities with a balanced mix of uses (shopping, residential, child care) that provide regional transportation facilities within walking distance.

Implementing Action – **Year-Round Enrichment Programs** Increase collaboration with school district and public/private partnerships to maintain and enhance existing extended learning opportunities through after-school enrichment programs, summer boost programs, school breaks, and weekends for all children.

Implementation Action – **Licensed Childcare Providers** Work with local institutions of higher education and the Child Care Resource & Referral agency to coordinate and expand professional development pathways for residents to become licensed childcare providers.

Implementing Action – **Facility Development** Streamline processing and permit regulation to the extent possible to promote and support the development of childcare facilities and family childcare homes. Review zoning regulations regarding home-based early childhood education facilities for areas that can be streamlined.

Implementation Action – **Information Sharing** Host community conversation around current city regulations with city officials.

Implementing Action – Support License-Exempt Child Care Create network of family, friend and neighborhood (FFN) caregivers to form a peer learning playgroup for information and strategy sharing. The playgroup will serve as an important strategy to achieve FFN caregivers feeling competent, well-informed, and capable of supporting the children to become happy, healthy and successful.

Goal: To encourage the development of child care (both family child care home and child care centers) within new development centers (residential or business).

Objective: Ensure new development accounts for early childhood care.

Policy: *New growth*

Encourage the inclusion of child care facilities as part of the city’s growth and to address existing demand.

Encourage retention of existing and development of new commercial uses that primarily are oriented to the residents of adjacent neighborhoods and promote the inclusion of community services (e.g., childcare and community meeting rooms).

Encourage child-care facilities (both in home and center based care) in residential areas if there is sufficient available space for outdoor activity, and traffic, parking and noise are mitigated.

Implementation Action – Early Education in Neighborhood Design All new residential developments with 50 or more homes should address the need for child care resulting from the new growth and consider the inclusion of child care facilities as a component of their neighborhood design.

Implementation Action – Child Care Needs Assessment New developments having 50,000 square feet or more of commercial or industrial floor area shall prepare a Child Care Facilities Needs Assessment. The purpose is to assess new child care demand created by new residents and employees against available community resources and recommend methods to meet these child care needs.

Implementation Action – Future Development Encourage developers and larger commercial employers to provide on-site childcare or to cluster public uses such

as schools, early education centers, parks, libraries, and community activity centers around sites of development.

Implementation Action – **Inclusion in New Developments** New developments having more than 50 housing units or 50,000 square feet of commercial or industrial space shall prepare a Child Care Facilities Needs Assessment. The purpose is to assess new childcare demand created by new residents and employees against available community resources.

Implementation Action – **Permits** Ensure Local City Permits Department inform new developments of this policy to ensure they meet this requirement.

Implementation Action – **Permits and Zoning** Ensure staff issuing permits are knowledgeable of policy which would require them to include a child care facility, community space, green space, etc. in new development or proposal for mixed-use space prior to permits being issued and approved.

Implementation Action – **Incentives** Study and adopt development guidelines that establish incentives for inclusion of public amenities, including child care facilities.

Goal: To streamline the facility development process.

Objective: Easier access for child care providers to do business within the community.

Policy: *Early Child Care Regulation and Permitting*

Reduce regulatory and other barriers to quality early care and education facilities.

Cooperate with the region's cities to draft a model ordinance or procedure for the processing of permits for child care facilities and to work with the region's cities to develop uniform zoning policies regarding location, parking and other requirements.

Implementation Action – **Permit Process** Streamline processing and permit regulation to promote the development of child care facilities.

Implementation Action – **Permits and Zoning** Ensure staff issuing permits are knowledgeable of policy which would require them to include a child care

facility, community space, green space, etc. in new development or proposal for mixed-use space prior to permits being issued and approved.

Implementation Action – **Provider Assistance** Where feasible, make underutilized properties or low-cost loans available to child care providers, particularly for those child care facility types of greatest need, center or home based providers.

Implementation Action – **Information Sharing** Assist in the development of such programs by providing child care providers with information and assistance in obtaining space for early childhood care and education. Hold meeting(s) where current child care providers can offer their expertise on local regulations along with officials and what additional regulations would be necessary.

Implementation Action – **Code Enforcement** Have a Code Enforcement staff member hold informational meetings when potential new providers are going through the permitting process to ensure follow-through of city regulations.

Implementation Action – **Inspection** Schedule inspections with child care facilities at least 1 time per year.

Goal: Enhance early education.

Objective: Increase awareness and support of quality early education.

Policy: *Support early education*

Encourage employers to support child care for their employees with family friendly policies.

Ensure that all households have access to a sufficient supply of quality early care and education and supervised school-age enrichment options for children.

Implementation Action – **Promote Benefits** Reserve and pay (in full or in part) for child care spaces with a provider near the worksite, offer Dependent Care Flexible Spending Accounts or “cafeteria plan” benefits, and enter a consortium with other employers to provide an on- or near-site child care center.

Implementing Action – **Recreation Support** Partner with parks to develop parent-child playgroups that support all areas of child and parenting development.

Implementing Action – **Information Campaign** Promote significant benefits of quality early childhood education to community members, employers, businesses and developers through social marketing campaigns.

Implementing Action – **Community Engagement** Intentionally use community space to partner with local agencies to host workshops for parents on building early literacy skills.

Goal: Make land available for early childhood activities.

Objective: Set aside land for early childhood care and education.

Policy: *Land Designation*

Land shall be reserved for community uses such as private schools, membership organization, child care centers, and senior centers.

Implementation Action – **Childcare Land Trust** Explore possibility of establishing a childcare land trust that reserves land and space for community uses such as early childhood education.

APPENDIX D: ECONOMIC DEVELOPMENT

Child care businesses contribute to the local economy. Quality child care promotes school readiness and ultimately a better workforce and productive citizens. Child care services attract and retain business and employees. Quality child care supports work/life balance and increases job loyalty and satisfaction. To develop and maintain livable communities, child care must be included in growth plans to encourage families to move to and remain in these local communities.

Goal: Increase the amount of quality childcare facilities.

Objective: To create incentives for developing child care facilities.

Policy: *Incentives to developers and businesses*

The City shall develop a formula for granting a bonus in density or intensify use for commercial, industrial, and residential projects (of specific sizes) that provide quality child care facilities.

Implementation Action – **Incentives** Review availability and provide incentives for building projects and new employment centers that include quality childcare facilities.

Implementation Action – **Mixed Use Space** Promote and permit mixed land use, including quality childcare centers in residential neighborhoods.

Implementation Action – **Expand Quality Childcare Facilities** Build relationships and collaborate with businesses, schools, and public/private partners to expand or develop childcare facilities.

Goal: Create an economic climate conducive to attracting new development and businesses which yield net social and economic benefits to the community.

Objective: Enable residents to prosper through employment with supports with quality child care services.

Policy: *Employment Opportunities*

Recognizing that working parents need affordable and available child care to enter and remain in the workforce, the City/County supports the provision of quality child care services in proximity to jobs.

Maintain and improve the City/County's strong, diversified economic base and provide for a wide range of employment opportunities and support services, such as job training and child care.

Work to remove impediments to gainful employment, such as lack of transportation, child care, job training, vocational education, and other factors.

Encourage the development of quality childcare facilities that support working parents.

Implementation Action – **Land Availability** Ensuring adequate land is available, with appropriate zoning, to encourage childcare centers in residential neighborhoods.

Implementation Action – **Expand Childcare Options** Establishing relationships with private businesses, schools, and other public and private entities to create more childcare facilities.

Implementation Action – **Incentives** Review availability and provide incentives for building projects and new employment centers that include childcare facilities.

Implementation Action – **Mixed Use Space** Promote and permit mixed land use, including childcare centers in residential neighborhoods.

Goal: Encourage quality child care to be located strategically to support workforce and livable communities.

Objective: Transportation efforts promoting childcare centers close to employment and home.

Policy: *Mixed Use Space*

Encourage community-serving uses, such as child care centers and personal services, to be in proximity to employment centers, at community and regional centers, near transportation facilities, in or adjacent to public parks and schools, and along the mixed-use corridors.

Encourage the inclusion of child care facilities in commercial and residential areas, near transportation facilities and in or adjacent to public parks and schools to provide a needed service to working parents and a benefit to the community.

Encourage developers of larger commercial and office projects to provide for on-site ancillary uses that would allow employees and residents to make non-work related trips (e.g., banking, lunch, dry cleaning, recreation, child care) without having to use their automobiles.

Implementation Action – **Mixed Use Space** Promote and permit mixed land use, including childcare centers in residential neighborhoods.

Implementation Action – **Promote Benefits** Promote significant benefits of quality childcare to citizens/employment centers/developers through public service announcement/social media/local publications campaigns.

Implementation Action – **Incentives** Review availability and provide incentives for building projects and new employment centers that include childcare facilities.

APPENDIX E: OPEN-SPACE

The Open-Space element guides the comprehensive and long-range preservation and conservation of open-space land, which is defined in statute as any parcel or area of land or water that is essentially unimproved and devoted to open-space use. This element has a broad scope and overlaps with several elements including Land Use, Conservation, Safety, Health, and Environmental Justice.

Goal: Increase early learning opportunities.

Objective: Provide early learning opportunities throughout the community.

Policy: *Recreational and Library Services*

Develop parks, recreational, and library programs that promote early learning opportunities for children.

Encourage joint-use agreements with school districts that allow school properties to be used during non-school hours.

Implementation Action – **Physical Structures** Ensure that parks include play areas that are developmentally appropriate for children ages 0-5.

Implementing Action – **Recreation/Library Support** Partner with parks and libraries to develop playgroups that support all areas of child development. Utilize existing partnerships of cradle to career initiatives to determine best practices of early childhood education delivered in playgroup models and ways to incorporate in groups.

Implementing Action – **Information Campaign** Promote significant benefits of quality early childhood education to community members, employers, businesses and developers through social marketing campaigns.

Implementing Action – **Community Engagement** Intentionally use community space to partner with local agencies to host workshops for parents on building early literacy skills.

Goal: Utilize open/park Space for early learning.

Objective: Encourage child care providers to utilize open/park space.

Policy: *Use of Open-Space*

Maximize the use and productivity of parks and recreation facilities by encouraging childcare facilities to be located adjacent to or nearby, allowing children who are under care and supervision to use the public space.

When planning communities, encourage the location of parks near other community facilities such as schools, senior centers, recreation centers, etc.

Require that development of parks, trails, and open-space facilities occur concurrently with other areas of development.

Implementation Action – Promote the use of community open-space and parks to child care providers through community conversations and informational sessions. Encourage the expansion of facilities and amenities in existing parks. Include map of city parks through public websites and in any information provided to childcare facilities interfacing with permitting office.

Implementation Action – Increase access to open-space resources by locating parks near homes and offices.

Goal: Understand relationship between open-space and child care

Objective: Include open-space in the development of larger child care planning documents.

Policy: *Create a joint public/private Child Care Master Plan and Child Care Trust Fund.*

Implementation Action – **Child Care Task Force** Create a community-wide child care task force (or council) to study the development of child care programs, to fill service gaps, increase program effectiveness, improve service accessibility, and maximize all available resources in the community.

Implementation Action – **Child Care Master Plan** Create a joint public/private child care master plan that will coordinate a range of services for children and their families, in conjunction with local agencies and groups.

Implementation Action – **Inventory and Repurpose Space** Review unused public and private facilities in the city (including open-space, parks, etc.) for potential renovation or use as child care sites.

APPENDIX F: HOUSING

The Housing Element addresses the provision of safe, affordable housing for existing and future community residents. The Housing Element is designed to meet the statewide goal of providing a home and suitable living environment for all Californians. It is also designed to meet local and regional goals for maintaining and improving the quality of life by making housing accessible to people of all ages, incomes, races, and physical capabilities.

Goal: Encourage communities to co-locate child care and other human services near homes, community centers, and transportation.

Objective: To provide social services at affordable housing locations.

Policy: *Housing-Community Partnership*

The City/County shall encourage the co-location of childcare, disabled, mentally-disabled, and elderly facilities compatible with the needs of residents and land use patterns; and encourage such facilities to be located near homes, schools, community centers, recreation, facilities, and transit hubs.

Incorporate child care and social services into affordable housing. Work with non-profit housing developers who build affordable housing to address any special needs of farm workers, such as on-site child care and community rooms. Encourage development of recreational centers to serve all phases of life (e.g. children, families, and senior citizens).

Implementation Action – Intergenerational Facilities Promote intergenerational community facilities. Senior centers and child-care facilities with the appropriate arrangements shall bring children and seniors together in new developments to maximize opportunities for innovation and interactions.

Implementation Action – Co-location of Services Encourage co-location of childcare services with other human services system that focus on the whole person. Expansion of partnerships, new equipment or renovations to facilities may be needed to help families struggling with adverse factors. Create a welcoming, friendly reception, and include private meeting spaces for privacy protection.

Implementation Action – **Develop On-site Child Care** Encourage non-profit housing developers to provide on-site child care and community rooms for children and their families.

Goal: Develop, conserve and improve affordable housing.

Objective: Allow for the development, conservation, and improvement of affordable housing.

Policy: *Quality of Life*

Maintain the quality of life within neighborhoods by maintaining an adequate level of community facilities, such as child care centers and municipal services by encouraging the inclusion of space for child care in new housing developments, including affordable housing developments.

Implementation Action – **On-site Child Care** Encourage low-income housing to offer child care space on-site.

Implementation Action – **Assessment** Work with project applicants to evaluate the demand for child care in new housing developments.

Implementation Action – **Incentives** Establish and provide incentives for the inclusion of child care facilities in affordable housing projects.

Goal: Ensure affordable housing is available to all residents.

Objective: Consider the affordable housing needs of single-parent and female-headed households.

Policy: *Single Parent Household Support*

The City/County will ensure that affordable housing constructed or rehabilitated by the City/County meets the needs of single-parent households, especially female-headed households.

Single parent households with children have special housing needs, primarily because single-parent households tend to contribute a higher percentage of their income to housing costs and women continue to earn less than men in comparable jobs. Due to

relying on one income, these families need lower cost housing in proximity to employment as well as access to affordable childcare.

Implementation Action – **Collaboration** Collaborative approach with multiple agencies to develop child care facilitates, including the Childcare Planning Council, local child care providers, transportation, parks and recreation, neighborhood groups, Chamber of Commerce, etc.

Implementation Action – **Partnership** Coordinate services for children and their families in conjunction with local agencies and groups. Build and maintain relationships with child development resource agencies and organizations in networking, referral, and coordination of services.

Implementation Action – **Funding Assistance** Research and promote grants for parents to afford quality child care centers within the jurisdiction, and for small businesses that offer affordable housing.

Goal: Provide support for license-exempt providers.

Objective: Assess and research the establishment of licensing requirements for license-exempt providers.

Policy: *Licensed Exempt (Family, Friend, and Neighbor)* Explore licensing (or training/inspection) for all license-exempt providers.

Implementing Action – **Support License-Exempt Child Care** Create network of family, friend and neighborhood (FFN) caregivers to form a peer learning playgroup for information and strategy sharing. The playgroup will serve as an important strategy to achieve FFN caregivers feeling competent, well-informed, and capable of supporting the children to become happy, healthy and successful.

Implementation Action – **Assessment** Explore opportunities for a pathway to licensure for license-exempt providers.

Implementation Action – **Safety** Adapt fingerprinting and background check requirements to now include license-exempt providers.

Implementation Action – **Subsidies** Create a tiered-reimbursement system that ties higher rates of government subsidy or other financial support to licensing levels or training requirements.

APPENDIX G: ENVIRONMENTAL JUSTICE

The Environmental Justice Element addresses environmental justice concerns in communities. It includes the fair treatment and meaningful participation of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies (Government Code §65040.12).

Goal: Reduce carbon footprint.

Objective: Reduce the number of trips in vehicles needed by residents.

Policy: *Smart Growth and Transit Oriented Development*

Commercial uses and services for employees and businesses (i.e. grocers, child care, dry cleaners, branch banks, etc.) shall be required, as a means of reducing trips and vehicle miles traveled.

Support research on the feasibility of locating child care centers at 'Park and Ride' sites, transit centers, or other locations accessible to public transportation.

When feasible, avoid locating new sources of air pollution near homes and other sensitive receptors, including early childhood learning facilities.

Implementation Action - Future Development Encourage developers and larger commercial employers to provide on-site childcare or to cluster public uses such as schools, early education centers, parks, libraries, and community activity centers around sites of development.

Implementation Action – Mixed Use Space Promote and permit mixed land use, including childcare facilities in residential neighborhoods and commercial areas to maximize existing structures.

Implementation Action –Partnerships Partner with parks and libraries to develop playgroups that support all areas of child development. Utilize existing partnerships of cradle to career initiatives to determine best practices of early childhood education delivered in playgroup models and ways to incorporate in groups.

APPENDIX H: CIRCULATION

The Circulation Element is an infrastructure plan addressing the movement of people, goods, energy, water, sewage, storm drainage, and communications. By law, the Circulation Element must correlate directly with the Land Use Element and has direct relationships with the Housing, Open-Space, Noise and Safety Elements. For communities who have additional elements, there may also be relationships with Health and Economic Development Elements.

Goal: To support child care facilities within transportation hubs.

Objective: Achieve support of child care facilities near transportation locations.

Policy: *Child care facilities near transportation locations*

Support research on the feasibility of locating child care centers at 'Park and Ride' sites, transit centers, or other locations accessible to public transportation.

Coordinate with transportation service providers and transportation planning entities to address the location of civic uses such as schools and government buildings, commercial corridors, and medical facilities so that they are accessible by public transit.

Implementation Action – **Existing Facilities** Continue researching availability of facilities for child care purposes that are also near public transportation.

Implementation Action – **Needs Assessment** Determine the proximity of child care to transportation hubs. If a gap is discovered, support and advocate within the community to ensure that additional bus routes and stops are added.

Implementation Action – **Information Campaign** Develop content on city website that includes Access to Public Transportation in relation to the location of child care facilities.

Implementation Action – **Partnership with Transportation** Coordinate with transportation service providers and transportation planning entities to ensure that public transportation facilities are located a convenient distance from residential areas.

Goal: Develop livable communities that promote walkability.

Objective: Create opportunities to include basic needs into the development of complete communities.

Policy: *Complete Communities*

Coordinate the development of complete neighborhoods that provide for the basic needs of daily life and for the health, safety, and welfare of residents.

Promote services that enable residents to meet their daily needs without driving. Such services may include: shopping shuttles to nearby retail districts, child care and social services near residential areas, and mobile or virtual health clinics.

Implementation Action – **Service Proximity** Where appropriate, require neighborhood retail, child care, service and public facilities within walking distance of residential areas.



Promoviendo el poder
de los planes
generales:
Una estrategia para
apoyar el desarrollo
infantil temprano

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of CALIFORNIA

Resumen ejecutivo

Las investigaciones realizadas subrayan la importancia del desarrollo infantil temprano. Los programas y servicios proactivos y preventivos son los que tienen mayor impacto durante el transcurso de la vida del niño. Los formuladores de políticas tienen una singular oportunidad de sentar las bases de inversiones oportunas en el desarrollo infantil temprano al incluir políticas sobre la niñez temprana en los planes generales. Estas políticas priorizarán a nuestros habitantes más jóvenes y sus familias por medio de la toma de decisiones bien informadas.

Un método para influenciar cambios en las comunidades es la planificación estratégica por medio de un plan general. Un plan general es un documento de alcance amplio, compuesto por varios elementos, que guía la dirección y las prioridades de una ciudad o un condado. Dentro de cada elemento, las políticas identifican cómo la niñez temprana puede ser integrada en el tejido de la comunidad; los planes de implementación describen cómo lograr programas de alta calidad e identifican los pasos necesarios para formar relaciones colaborativas. En los planes generales, las políticas sobre el desarrollo infantil temprano demuestran que los gobiernos entienden el valor duradero del aprendizaje temprano. A la larga, el compromiso de las comunidades con la inclusión e implementación de políticas favorables para las familias en el plan general aumentará el acceso a la educación económica y de alta calidad durante la niñez temprana.

QUE SUCEDE CUANDO LAS COMUNIDADES INVIERTEN EN APRENDIZAJE TEMPRANO

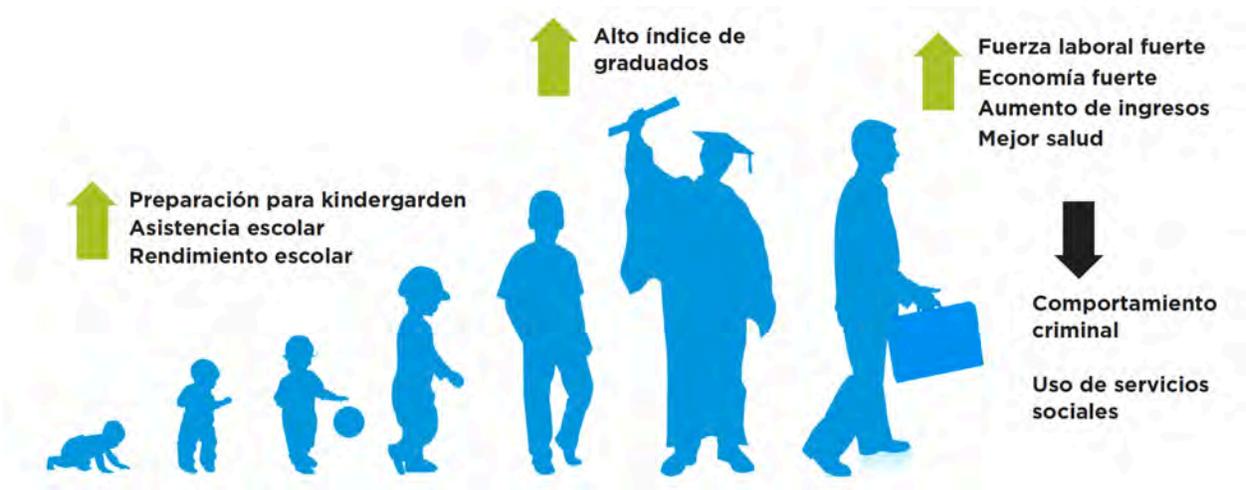


Figura 1: Imagen cortesía de Bright Beginnings

Promoviendo el poder de los planes generales: Una estrategia para apoyar el desarrollo infantil temprano

Las investigaciones realizadas subrayan la importancia del desarrollo infantil temprano. “Las experiencias tempranas afectan al desarrollo de la arquitectura del cerebro, lo cual a su vez forma la base de todo el aprendizaje, la conducta y la salud en el futuro”, según el Center for the Developing Child de la Universidad de Harvard.ⁱ Los primeros 5 años de vida son críticos para el desarrollo del niño –casi el 85% del cerebro se desarrolla durante este tiempo. Sin embargo, sólo el 14% de los dólares destinados a la educación pública se invierten en programas de educación infantil temprana (ECE, por sus siglas en inglés) en los Estados Unidos.ⁱⁱ

Ambientes de alta calidad durante la niñez temprana

Los programas y servicios proactivos y preventivos son los que tienen mayor impacto durante el transcurso de la vida del niño. La educación temprana de alta calidad hace una diferencia para todos los niños, tiene la mayor influencia en cerrar “la brecha de oportunidad” para niños con menos recursos, y está estrechamente vinculada con mejorar el bienestar de los niños. Asimismo, los ambientes de cuidado infantil de alta calidad proveen un entorno seguro y enriquecedor al tiempo que promueven el desarrollo físico, social, emocional e intelectual de los niños. El cuidado infantil de baja calidad es especialmente perjudicial para los niños vulnerables y los que son de familias con bajos ingresos.ⁱⁱⁱ



La niñez temprana en el Condado de Monterey: Datos rápidos

- Hay 47,545 niños de 5 años de edad o menos (2016).^{*}
- El 48% de los padres de niños menores de 6 años de edad en el Condado de Monterey (y no inscritos en kinder) reportan que un abuelo u otro familiar es su única fuente de cuidado infantil (2015).^{xi}
- El 47% de las familias empleadas con niños entre 0 y 4 años de edad tiene acceso a cuidado infantil regulado con licencia durante parte o todo el día (2014).^{xii}
- El 41% de los niños de 3-4 años de edad tienen acceso al preescolar (2014).^{xii}
- El 87% de los adultos expresaron el deseo de que sus hijos asistan a alguna forma de cuidado infantil o preescolar. Sólo la mitad dijo que sus hijos estaban inscritos en dichos programas. La razón principal que dieron por la falta de asistencia que mencionaron fue por preocupaciones económicas (2015).^{xi}
- El 28% de los niños en kínder contaba con las habilidades necesarias para estar óptimamente preparados para el kinder (2015).^{xiii}

Nivel de preparación para la escuela

Una buena preparación para entrar al kínder sienta las bases para que los niños puedan aprender bien. Los niños que están preparados para entrar a la escuela tienen mayores probabilidades de tener éxito escolar en el futuro, lograr niveles académicos más altos y conseguir empleo.^{iv} Los niños preparados para el kínder tienden a compartir ciertas características, por ejemplo: sus padres les leyeron diariamente, asistieron al preescolar y según lo reportado por sus padres, su transición al kínder fue “fácil”.^v Según la Fundación Annie E Casey, los niños que no leen al nivel de su grado escolar para el 3^{er} grado tienen cuatro veces más probabilidades de abandonar la escuela secundaria.^{vi}

Resultados económicos y sociales

El Dr. James J. Heckman, ganador del premio Nobel Memorial, declaró que invertir en “el desarrollo infantil temprano tiene una enorme influencia sobre las condiciones de



salud, económicas y sociales de los individuos y de la sociedad en general”, especialmente las familias con pocos recursos. La investigación realizada por el Dr. Heckman demuestra que las inversiones en los servicios de alta calidad para la edad temprana pueden producir un rendimiento sobre la inversión del 13% por cada niño, cada año, por medio de mejores desenlaces educacionales, económicos, médicos y sociales.^{vii} Un abordaje holístico al desarrollo temprano es fundamental. La

participación de la familia, el desarrollo de los padres de familia/cuidadores, las interacciones basadas en relaciones y los programas y servicios para dos generaciones son abordajes eficaces.

Aunque la conciencia sobre la importancia de la niñez temprana ha aumentado, las prácticas y las inversiones no han seguido el mismo ritmo de crecimiento.^{viii} Los formuladores de políticas tienen la responsabilidad de sentar las bases y facilitar las inversiones oportunas en la niñez temprana priorizando a nuestros habitantes más jóvenes.

Recomendación de política- Institucionalizar las políticas de desarrollo infantil temprano en los planes generales



Figura 2: Las políticas públicas que afectan al desarrollo infantil temprano coinciden colectivamente.

El cambio verdadero no sucede en forma aislada. Los factores que afectan a la niñez temprana incluyen la salud física, la nutrición, la salud mental, la educación, la seguridad (apoyo familiar y protección del niño) y el bienestar familiar. Sin embargo, las políticas también influyen en la capacidad de los niños y sus familias para prosperar, entre ellas las políticas de vivienda, transporte y desarrollo económico, y en particular el desarrollo de la fuerza laboral.

Un método para generar cambios en las comunidades es la planificación estratégica y la creación de un plan general. Las políticas para la niñez temprana de un plan general revelan hasta qué punto el gobierno local prioriza el bienestar de los niños en su localidad. Los niños y las familias viven en entornos dinámicos y deben ser apoyados en maneras integradas. Para crear ambientes favorables para niños y familias, las organizaciones sin fines de lucro, las agencias gubernamentales, los negocios del sector privado, las comunidades de fe y las escuelas necesitan incorporar el desarrollo infantil temprano en todos los aspectos de la comunidad.

¿Qué es un plan general?

Un plan general es un documento de alcance amplio, compuesto por varios elementos, que guía la dirección y las prioridades de una ciudad o un condado. El Estado de California requiere que cada ciudad y condado tenga un plan general que describa sus metas a largo plazo “para el desarrollo físico del condado o ciudad y de cualquier terreno fuera de sus fronteras que tenga relación con su planificación” (Código Gubernamental §65300).

Dentro de cada plan general, existen ocho “elementos” definidos por el estado como: uso de terrenos, vivienda, circulación, conservación, ruido, seguridad, espacios abiertos y justicia ambiental.^{ix}

El plan general también debe incorporar 5 componentes: (1) visión, (2) meta, (3) objetivos, (4) políticas y (5) medidas de



implementación para sus comunidades. Aunque existen elementos obligatorios, una comunidad puede adaptarlos para satisfacer sus necesidades específicas.

La adición intencional de políticas para la niñez temprana en todos los elementos de un plan general, incluyendo políticas adicionales guiadas por la comunidad, subraya la importancia de la niñez temprana, prioriza el desarrollo infantil y abre vías para que los programas y servicios para la niñez temprana reciban recursos adicionales. Las políticas para la niñez temprana pueden ser integradas dentro de cada elemento para promover la implementación de programas de alta calidad y la formación de relaciones colaborativas. Las políticas del plan general pueden guiar el presupuesto de la comunidad, influyendo en la expansión o desarrollo de programas para la niñez temprana y creando oportunidades para apalancar la financiación para conseguir fondos de otras fuentes.

El Condado de San Mateo adoptó políticas para la niñez temprana en los planes



generales de varias ciudades. Por ejemplo, la ciudad de San Mateo incluyó la necesidad de programas e instalaciones de cuidado infantil de alta calidad en su plan general del 2010. Desde entonces, el personal le ha propuesto al consejo municipal la creación de centros de cuidado infantil nuevos. La ciudad también implementó una cuota de impacto del desarrollo urbano (Developer Impact Fee) que ha recaudado, hasta la fecha, \$1.2 millones de dólares. Con estos fondos, el personal de la ciudad estableció la

meta de expandir el número de espacios de cuidado infantil en la comunidad y de implementar programas con poco o ningún aumento en los costos administrativos. Se espera que estos fondos lleven a la creación de hasta 90 espacios de cuidado infantil nuevos, con la esperanza de aumentar ese número en el futuro.

Sin un compromiso similar y constante a los ambientes de desarrollo infantil temprano de alta calidad, los niños entrarán al kínder ya retrasados y, para cuando lleguen al 3^{er} grado, tendrán que batallar aun más para tener éxito. La dedicación de San Mateo a servicios para niñez temprana de alta calidad se refleja en los datos. La mitad de los niños del condado leen hábilmente para el 3^{er} grado, en comparación con un 28% en el Condado de Monterey ^{xv}. Este indicador no se puede atribuir completamente al plan general de una ciudad o condado. Sin embargo, el entendimiento de la comunidad sobre el poder individual y colectivo entre organizaciones sin fines de

lucro, negocios, escuelas y gobiernos para apoyar integralmente a los niños y familias aumenta la posibilidad de que cada niño esté bien preparado para ser exitoso ahora y en el futuro.

Las buenas intenciones no son suficientes para crear un plan general eficaz que responda a la niñez temprana. Por ejemplo, una comunidad del Condado de Monterey incorporó políticas de desarrollo infantil temprano para el cuidado infantil en su plan general, pero al final éstas no lograron cambios positivos para los niños y sus familias. Aunque aprobó y adoptó políticas de cuidado infantil, no incluyó lo necesario para guiar al personal de la ciudad a la hora



de ponerlas en práctica. La falta de monitorización de progreso por parte de los concejales municipales creó aun más problemas. Como consecuencia, el gobierno de la ciudad no priorizó la implementación de las políticas de desarrollo infantil temprano. Al mismo tiempo, los miembros de la comunidad tampoco llamaron la atención sobre estas faltas.

Contar con la voz auténtica de la comunidad y la participación activa de los constituyentes en el compromiso a las políticas de desarrollo infantil temprano son



componentes importantes para lograr el éxito a largo plazo. Los proponentes de los programas para la niñez temprana juegan un papel importante en los planes generales—el de proveer información sobre las necesidades que existen y pedir cuentas a sus representantes elegidos y funcionarios gubernamentales. Las comunidades pueden asegurarse de que los tomadores de decisiones se mantengan informados sobre asuntos y políticas para la niñez temprana asistiendo a reuniones públicas

y hablando durante las sesiones de comentario público, participando en reuniones para solicitar comentarios del público y contestando encuestas. Los funcionarios gubernamentales y los representantes elegidos pueden hacerse responsables mutuamente creando un sistema para seguir de cerca el progreso en la implementación de políticas.

Varias comunidades en el Condado de Monterey County han reconocido el poder de las políticas para la niñez temprana en sus planes generales. En el momento de redactar este resumen de políticas, varias comunidades estaban revisando metas, políticas, objetivos y medidas de implementación (Adjunto A).

Políticas e implementación imperativas

Es imperativo que los representantes elegidos locales tomen la vanguardia para apoyar el desarrollo infantil temprano. Lo siguiente es un ejemplo de una recomendación sobre las políticas para la niñez temprana en los planes generales y acciones de implementación. Para una lista más larga de recomendaciones para cada elemento, lea los Adjuntos B a H.

USO DE TERRENOS

Meta: Disponibilidad de cuidado infantil de alta calidad para todos los miembros de la comunidad.

Objetivo: Lograr suficiente cuidado infantil de alta calidad para niños de 0-5 años de edad.

Política: **Desarrollar espacio de cuidado infantil de alta calidad**– Facilitar y promover el desarrollo de espacios de cuidado infantil de alta calidad en todas áreas y reconocer que la provisión de dichas instalaciones es una meta comunitaria.

Medida de implementación –Inventario disponible: Examinar locales no utilizados públicos y privados para su posible conversión en sitios de cuidado infantil e identificar fondos disponibles para financiar el trabajo.

Medida de implementación – Colaboraciones: Animar el uso de instalaciones públicas para los servicios de cuidado infantil, incluyendo colaboraciones entre escuelas y parques, organizaciones de base religiosa, centros comunitarios, bibliotecas y centros para personas de la tercera edad.

Conclusión

Apoyar el desarrollo infantil temprano enriquece el bienestar de la comunidad a nivel social y económico. Mientras los esfuerzos legislativos se llevan a cabo a nivel nacional y estatal, la formulación de políticas locales puede realizarse al mismo tiempo. Al incorporar las políticas de desarrollo infantil temprano en los planes generales, los gobiernos locales demuestran que priorizan las necesidades de todos los niños y todas las familias. Esta acción crea más oportunidades para asegurar el acceso al cuidado infantil y educación temprana de alta calidad, y asegura que más niños entren a la escuela bien preparados para aprender. También mejora el desarrollo de la fuerza laboral y designa recursos adicionales muy necesarios a la provisión de servicios. Todos los niveles gubernamentales deben mantener presentes a sus habitantes más jóvenes a la hora de planificar; su futuro—y el nuestro—depende de ello.



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ADJUNTO A: CALENDARIO DE PLANES GENERALES EN EL CONDADO DE MONTEREY

	Enlace al plan general	Fecha del plan más reciente	Actualización programada	Estado de la educación infantil temprana en el plan general
Condado de Monterey	http://www.co.monterey.ca.us/government/department-s-i-z/resource-management-agency-rma-/planning/resources-documents/2010-general-plan/final-version-of-the-monterey-county-general	Octubre 2010	2020	Ninguno
Carmel	http://ci.carmel.ca.us/carmel/index.cfm/search-results/?keywords=general+plan&display=search&news_earch=true&noCache=1	Junio 2003	2023	Ninguno
Del Rey Oaks	https://www.delreyoaks.org/general-plan.htm	Enero 1997	Desconocida	Ninguno
Gonzales	http://www.ci.gonzales.ca.us/planning.php	2010	2017 adición del elemento de salud	Lenguaje propuesto en el elemento de salud con la idea de expandirlo a través de todo el plan general
Greenfield	http://ci.greenfield.ca.us/Search?searchPhrase=general%20plan	2005	2025	Ninguno
King City	http://www.kingcity.com/city-departments/community-development-department/general-plan-housing-element/	Noviembre 1998	Desconocida	Ninguno
Marina	http://www.ci.marina.ca.us/Search?searchPhrase=general%20plan&page=1&perPage=10	Octubre 2000 con enmiendas hasta el final del 2010	Desconocida	Elemento de uso de terrenos
Monterey	http://www.monterey.org/Portals/0/Policies-Procedures/Planning/GeneralPlan/16_0323-General-Plan.pdf	Enero 2005 con enmiendas en marzo 2016	Desconocida	Ninguno
Pacific Grove	https://www.cityofpacificgrove.org/living/community-economic-development/planning/general-plan	1994	Desconocida	Ninguno
Salinas	https://www.cityofsalinas.org/sites/default/files/departments_files/community_development_files/general_plan_files/generalplan.pdf	Septiembre 2002	Elemento de vitalidad del Plan de Alisal 2017	Ninguno
Seaside	http://www.ci.seaside.ca.us/Search?searchPhrase=general%20plan	Agosto 2004	En proceso 2017	Lenguaje propuesto en borrador a través de todo el plan general
Soledad	http://ci.soledad.ca.us/Search?searchPhrase=general+plan&page=1&perPage=10	Septiembre 2005	Desconocida	Ninguno

ADJUNTO B: SALUD

La salud es un elemento opcional para la mayoría de los planes generales. El diseño de una comunidad saludable combina actividades de planificación (incluyendo uso de terrenos, desarrollo económico e infraestructura) para establecer un vínculo fuerte con asuntos de salud, entre ellos: un mayor sentido de seguridad, apoyo y cohesión social; y comunidades completas habitables. Una comunidad saludable traerá muchos beneficios a la comunidad, desde una mejor salud física y emocional hasta las inversiones económicas. La implementación de estos determinantes también puede ayudar a promover la equidad y el desarrollo comunitario a largo plazo.

Meta: Mejorar el éxito educacional y la preparación para conseguir empleo.

Objetivo: Asegurar que los apoyos para la niñez temprana estén disponibles para la comunidad.

EDUCACIÓN INFANTIL TEMPRANA

Política: *Preescolar y Head Start accesibles económicamente y de alta calidad*

Apoyar el desarrollo de programas de cuidado infantil temprano, preescolares y de Head Start que sean de alta calidad, económicos y asequibles, con el fin de aumentar y promover el aprendizaje temprano.

Medida de implementación – **Coordinación entre agencias** Desarrollar instalaciones de cuidado infantil por medio de colaboraciones entre varias agencias e iniciativas municipales y del condado (p. ej.: iniciativas de cuna a carrera).

Medida de implementación – **Crecimiento y expansión** Promover permisos de uso mixto que permitan la inclusión de centros de cuidado infantil y preescolares en vecindarios residenciales y la expansión de instalaciones de aprendizaje como parte del crecimiento de la ciudad.

Medida de implementación – **Espacio en las instalaciones** Explorar maneras de utilizar las instalaciones escolares, privadas y comerciales existentes para actividades no escolares y de cuidado infantil, y promover la inclusión de espacios de aprendizaje temprano en la planificación de instalaciones nuevas y también en la expansión de escuelas actuales.

Medida de implementación – Subsidios de la ciudad para el cuidado infantil

Crear un programa de subsidios que apoye el acceso de las familias al cuidado infantil de alta calidad.

Política: *Colaboraciones de desarrollo infantil temprano*

Crear un sistema educacional que apoye programas de educación infantil temprana accesibles que sienten las bases para que todos los niños puedan ser felices, sanos y exitosos.

Medida de implementación – Programas de enriquecimiento durante todo el

año Crear, o continuar, colaboraciones entre los distritos escolares y con alianzas públicas-privadas para mantener y mejorar las oportunidades de aprendizaje extendidas actuales, por medio de programas de enriquecimiento después de la escuela, programas intensivos de verano, vacaciones escolares y fines de semana para todos los niños, especialmente los de familias con ingresos de bajos a moderados y niños que están aprendiendo inglés.

Medida de implementación – Proveedores de cuidado infantil regulados con

licencia Colaborar con instituciones de docencia superior locales y la agencia de recursos y referencias de cuidado infantil para coordinar y expandir vías de desarrollo profesional para que personas que viven en la comunidad puedan convertirse en proveedores de cuidado infantil regulados con licencia.

Medida de implementación – Fortalecimiento familiar

Por medio de eventos comunitarios, brindar a las familias maneras prácticas de apoyar a sus hijos, incluyendo recursos para el desarrollo social-emocional, extensión del aprendizaje a la casa y transiciones exitosas al entrar y salir del preescolar. Asegurar que todos los niños adquieran una buena base lingüística, habilidades cognitivas y emocionales sociales, incluyendo estudiantes con necesidades especiales y con lengua primaria que no sea el inglés. Incorporar mensajes de fortalecimiento familiar en las campañas de publicidad social.

Medida de implementación – Evaluación de necesidades

Realizar un estudio nexos del cuidado infantil para determinar el grado de necesidad de programas de educación y cuidado infantil temprano en la comunidad e identificar los gastos relacionados con la expansión de programas de alta calidad. Explorar vías para implementar una manera sistemática de monitorear y evaluar esto periódicamente, creando mecanismos para obtener los comentarios y

sugerencias de las familias sobre todos los aspectos del programa, y usar esta información para planear mejoras constantes.

Política: *Apoyo para la educación infantil temprana*

Promover la salud y bienestar comunitario por medio de la promoción y apoyo a la educación infantil temprana en colaboración con entidades públicas y privadas.

Medida de implementación – **Apoyo para la recreación** Colaborar con los parques para crear grupos de juego padres-hijos que apoyen todos los aspectos de la crianza de niños y el desarrollo infantil.

Medida de implementación – **Campaña de información** Promover los beneficios significativos de la educación infantil temprana de alta calidad a las familias, los empleadores, los negocios y constructores de bienes raíces por medio de campañas de publicidad social.

Medida de implementación – **Participación comunitaria** Utilizar intencionalmente espacios comunitarios para colaborar con organizaciones locales y presentar talleres informativos para padres de familia sobre cómo ayudar a que sus hijos aprendan conceptos de literatura a una edad temprana.

SERVICIOS DE CUIDADO INFANTIL

Política: *Aumentar y mantener los servicios de cuidado infantil*

Apoyar la expansión del cuidado infantil accesible económicamente y de alta calidad, y de opciones de aprendizaje temprano para padres que trabajan.

Medida de implementación – **Programas de enriquecimiento durante todo el año** Aumentar la colaboración entre los distritos escolares y las alianzas públicas-privadas para mantener y mejorar las oportunidades de aprendizaje extendidas actuales por medio de programas de enriquecimiento después de la escuela, programas intensivos de verano, vacaciones escolares y fines de semana para todos los niños.

Medida de implementación – **Proveedores de cuidado infantil regulados con licencia** Colaborar con instituciones de educación superior locales y la agencia de recursos y referencias de cuidado infantil para coordinar y expandir vías de

desarrollo profesional para que personas que viven en la comunidad puedan convertirse en proveedores de cuidado infantil regulados con licencia.

Medida de implementación – **Desarrollo de instalaciones** Agilizar los trámites y los reglamentos para conseguir permisos en la medida que sea posible, para promover y apoyar el desarrollo de centros de cuidado infantil y hogares familiares de cuidado infantil. Examinar los reglamentos de zonificación que simplifican las instalaciones domiciliarias de educación infantil temprana para identificar las áreas que se puedan agilizar.

Medida de implementación – **Apoyar el cuidado infantil exento de licencia** Crear una red de cuidadores formada por familiares, amigos y cuidadores del vecindario (FNN por sus siglas en inglés) para formar un grupo de juego de colegas para compartir información y estrategias. El grupo de juego servirá como una estrategia importante para lograr que los cuidadores FFN se sientan competentes, bien informados y capaces de apoyar a los niños para que sean felices, sanos y exitosos.

Política: *Comunidades habitables*

Animar a que los servicios de cuidado infantil estén ubicados estratégicamente para apoyar la fuerza laboral y las comunidades habitables.

Medida de implementación – **Desarrollo urbano futuro** Animar a los constructores de bienes raíces y empleadores comerciales grandes a proveer cuidado infantil en sus instalaciones o agrupar los usos públicos como las escuelas, centros de educación infantil temprana, parques, bibliotecas y centros comunitarios alrededor de los sitios de desarrollo urbano.

Medida de implementación – **Inclusión en urbanizaciones nuevas** Las urbanizaciones nuevas con más de 50 unidades de vivienda o 50,000 pies cuadrados de espacio comercial o industrial prepararán una evaluación de necesidades de instalaciones de cuidado infantil, con el fin de evaluar la demanda de cuidado infantil creada por los habitantes y empleados nuevos en comparación con los recursos actuales disponibles en la comunidad.

Medida de implementación – **Permisos** Asegurar que el departamento que otorga los permisos de parte de la ciudad informe a las urbanizaciones nuevas sobre esta política para asegurar que cumplan con el requisito.

Medida de implementación – **Permisos y zonificación** Asegurar que el personal que otorga los permisos esté bien informado sobre cualquier política que exija la inclusión de una instalación de cuidado infantil, espacio comunitario, espacio verde, etc., en la urbanización nueva o propuesta para el uso mixto de un espacio antes de aprobar y otorgar cualquier permiso.

Medida de implementación – **Fideicomiso de terrenos para el cuidado infantil** Explorar la posibilidad de establecer un fideicomiso de terrenos que reserve terrenos y espacios para usos comunitarios como la educación infantil temprana.

Política: *Provisión de servicios de cuidado infantil*

Crear un sistema integral de provisión de cuidado infantil.

Medida de implementación – **Grupo de trabajo sobre el cuidado infantil** Unirse a un grupo de trabajo (o consejo) que represente toda la comunidad para estudiar el desarrollo de programas de cuidado infantil, llenar brechas de servicio, aumentar la eficacia de los programas actuales y maximizar los recursos disponibles.

Medida de implementación – **Plan maestro para el cuidado infantil** Crear un plan maestro colaborativo público-privado que coordine una gama de servicios para niños y sus familias, en conjunto con organizaciones, agencias y grupos locales e iniciativas de mayor alcance a nivel del condado.

Medida de implementación – **Fondo fiduciario para el cuidado infantil** Establecer un fondo fiduciario para el cuidado infantil bajo la dirección del grupo de trabajo sobre el cuidado infantil, con énfasis en recaudar fondos para proyectos capitales y financiación inicial para programas nuevos.

ADJUNTO C: USO DE TERRENOS

El elemento de uso de terrenos es un sistema para clasificar y designar el uso apropiado de las propiedades. Funciona como una guía para planificadores, el público y los tomadores de decisiones con respecto al patrón de urbanización a largo plazo de la ciudad o condado mientras crece. El uso de terrenos juega un papel central en la correlación de todos los temas de uso de terrenos en un conjunto de políticas de desarrollo coherentes. El elemento de uso de terrenos tiene un papel central en las decisiones tomadas sobre la zonificación, la subdivisión y las obras públicas. Las recomendaciones proporcionadas podrían incluir elementos de uso de terrenos, instalaciones y otros elementos pertinentes del plan general plan.

Meta: Disponibilidad de suficiente cuidado infantil de alta calidad para todos los miembros de la comunidad.

Objetivo: Lograr la disponibilidad de suficiente cuidado infantil de alta calidad para los niños.

Política: *Desarrollar espacios de cuidado infantil de alta calidad*

Facilitar y promover el desarrollo de espacios de cuidado infantil de alto cuidado en todas áreas, y reconocer como meta comunitaria la provisión de dichas instalaciones.

En la mayor medida posible, las escuelas deben alojar a los programas para después de la escuela, ya sea que sean operados por el distrito escolar o por un grupo no escolar.

Apoyar activamente los esfuerzos por crear centros de cuidado infantil para las personas que trabajan, hacen sus compras y visitan el centro urbano.

Medida de implementación – **Inventario disponible** Examinar locales no utilizados públicos y privados para su posible conversión en sitios de cuidado infantil e identificar fondos disponibles para financiar el trabajo.

Medida de implementación – **Colaboraciones** Animar el uso de instalaciones públicas para los servicios de cuidado infantil, incluyendo colaboraciones entre escuelas y parques, organizaciones de base religiosa, centros comunitarios, bibliotecas y centros para personas de la tercera edad.

Meta: Desarrollar un sistema de provisión de cuidado infantil integral que incorpore los servicios de cuidado infantil en el tejido del desarrollo comunitario.

Objetivo: Crear una comunidad completa con la inclusión del cuidado infantil.

Política: *Comunidades completas*

Promover la salud de todas las comunidades de la ciudad/condado, con atención en aquellas en donde se ha identificado una escasez de amenidades como tránsito, aire limpio, supermercados, carriles para bicicletas, parques, cuidado infantil, educación, atención médica y otros componentes de una comunidad saludable.

Dentro o cerca de vecindarios residenciales, establecer centros de actividad que alojen servicios como cuidado de niños o de adultos, recreación, salas para reuniones públicas, usos comerciales convenientes u otras instalaciones parecidas.

Dentro de los distritos residenciales, seguir permitiendo los usos de terrenos que históricamente hayan existido y que, por diseño, puedan hacerse compatibles con el propósito y carácter de la clasificación residencial. Estos otros usos de terrenos incluyen, pero no se limitan a: centros pequeños de cuidado infantil, residencias grupales o de atención asistida con seis habitantes o menos, escuelas y parques.

Cuando sea apropiado, diseñar comunidades con una mezcla equilibrada de usos (comerciales, residenciales, cuidado infantil) que provean servicios de transporte regionales a distancia caminable.

Medida de implementación – **Programas de enriquecimiento durante todo el año**

Aumentar la colaboración entre los distritos escolares y las alianzas públicas-privadas para mantener y mejorar las oportunidades de aprendizaje extendidas actuales por medio de programas de enriquecimiento después de la escuela, programas intensivos de verano, vacaciones escolares y fines de semana para todos los niños.

Medida de implementación – **Proveedores de cuidado infantil regulados con**

licencia Colaborar con instituciones de docencia superior locales y la agencia de recursos y referencias de cuidado infantil para coordinar y expandir vías de desarrollo profesional para que las personas que viven en la comunidad puedan convertirse en proveedores de cuidado infantil regulados con licencia.

Medida de implementación – **Desarrollo de instalaciones** Agilizar los trámites y los reglamentos para conseguir permisos en la medida que sea posible, para promover y apoyar el desarrollo de centros de cuidado infantil y hogares familiares de cuidado infantil. Examinar los reglamentos de zonificación que rigen las instalaciones domiciliarias de educación infantil temprana para identificar las áreas que se puedan agilizar.

Medida de implementación – **Compartir información** Convocar conversaciones sobre los reglamentos municipales actuales entre la comunidad y los funcionarios de la ciudad.

Medida de implementación – **Apoyar el cuidado infantil exento de licencia** Crear una red de cuidadores formada por familiares, amigos y cuidadores del vecindario (FNN por sus siglas en inglés) para formar un grupo de juego de colegas para compartir información y estrategias. El grupo de juego servirá como una estrategia importante para lograr que los cuidadores FFN se sientan competentes, bien informados y capaces de apoyar a los niños para que sean felices, sanos y exitosos.

Meta: Estimular el desarrollo de servicios de cuidado infantil (en casas particulares y en centros de cuidado infantil) dentro de nuevas urbanizaciones (residenciales o comerciales).

Objetivo: Asegurarse de que las nuevas urbanizaciones tomen en cuenta la necesidad de proveer cuidado infantil.

Política: *Urbanizaciones nuevas*

Estimular la inclusión de instalaciones de cuidado infantil como parte del crecimiento de la ciudad y para satisfacer la demanda actual.

Animar a la retención de usos comerciales existentes, y al desarrollo de otros nuevos, que sean orientados principalmente a los habitantes de los vecindarios lindantes, y promover la inclusión de servicios comunitarios (cuidado infantil y salones para reuniones comunitarias, etc.).

Promover instalaciones de cuidado infantil (domiciliarios y en centros) en las áreas residenciales si existe suficiente espacio para actividades al aire libre y si se toman medidas para mitigar el tráfico, necesidad de estacionamiento y ruido.

Medida de implementación – **Integración de la educación temprana en el diseño de vecindarios** Todas las urbanizaciones residenciales nuevas con 50 viviendas o más deben responder a la necesidad de cuidado infantil generada por los nuevos habitantes y considerar la inclusión de instalaciones de cuidado infantil como un componente integral de su diseño del vecindario.

Medida de implementación – **Evaluación de necesidades de cuidado infantil** Las urbanizaciones nuevas con más de 50 unidades de vivienda o 50,000 pies cuadrados de espacio comercial o industrial prepararán una evaluación de necesidades de instalaciones de cuidado infantil, con el fin de evaluar la demanda de cuidado infantil creada por los habitantes y empleados nuevos en comparación con los recursos actuales disponibles en la comunidad y recomendar maneras de satisfacer estas necesidades de cuidado infantil.

Medida de implementación – **Desarrollo urbano futuro** Animar a los constructores de bienes raíces y empleadores comerciales mayores a proveer cuidado infantil en sus instalaciones o agrupar usos públicos como escuelas, centros de educación temprana, parques, bibliotecas y centros comunitarios alrededor de los sitios de urbanización.

Medida de implementación – **Inclusión en urbanizaciones nuevas** Las urbanizaciones nuevas con más de 50 unidades de vivienda o 50,000 pies cuadrados de espacio comercial o industrial prepararán una evaluación de necesidades de instalaciones de cuidado infantil, con el fin de evaluar la demanda de cuidado infantil creada por los habitantes y empleados nuevos en comparación con los recursos actuales disponibles en la comunidad.

Medida de implementación – **Permisos** Asegurar que el departamento que otorga permisos de parte de la ciudad informe a las urbanizaciones nuevas sobre esta política para asegurar que cumplan con el requisito.

Medida de implementación – **Permisos y zonificación** Asegurar que el personal que otorga los permisos esté bien informado sobre cualquier política que exija

la inclusión de una instalación de cuidado infantil, espacio comunitario, espacio verde, etc., en la urbanización nueva o propuesta para el uso mixto de un espacio antes de aprobar y otorgar cualquier permiso.

Medida de implementación – **Incentivos** Estudiar y adoptar lineamientos sobre el desarrollo urbano que establezcan incentivos para la inclusión de amenidades públicas, entre ellas instalaciones de cuidado infantil.

Meta: Agilizar el proceso de desarrollo de instalaciones.

Objetivo: Que sea más fácil para los proveedores de cuidado infantil operar en la comunidad.

Política: *Regulación y permisos para el cuidado infantil*

Reducir las barreras regulatorias y otras que enfrentan los centros de cuidado infantil y educación temprana de alta calidad.

Cooperar con las ciudades de la región para redactar una ordenanza o procedimiento modelo para la tramitación de permisos para centros de cuidado infantil y para colaborar con las ciudades de la región para crear políticas de zonificación uniformes sobre los requisitos de ubicación, estacionamiento y otros aspectos.

Medida de implementación – **Proceso para conseguir permisos** Agilizar la tramitación y regulación de permisos para promover la creación de instalaciones de cuidado infantil.

Medida de implementación – **Permisos y zonificación** Asegurar que el personal que otorga los permisos esté bien informado sobre cualquier política que exija la inclusión de una instalación de cuidado infantil, espacio comunitario, espacio verde, etc., en la urbanización nueva o propuesta para el uso mixto de un espacio antes de aprobar y otorgar cualquier permiso.

Medida de implementación – **Ayuda para proveedores** En la medida que sea posible, ofrecer propiedades poco utilizadas o préstamos de bajo interés a los proveedores de cuidado infantil, especialmente para los tipos de servicios más necesarios, ya sean centros o casas particulares.

Medida de implementación – **Compartir información** Ayudar en la creación de dichos programas brindando a los proveedores de cuidado infantil información y ayuda para obtener espacio para la provisión de cuidado infantil y educación temprana. Convocar reuniones para que los proveedores actuales de cuidado infantil puedan ofrecer sus conocimientos expertos sobre los reglamentos locales, junto con funcionarios gubernamentales, y sobre qué otros reglamentos serían necesarios.

Medida de implementación – **Vigilancia de cumplimiento con los códigos** Que el personal de vigilancia de cumplimiento convoque reuniones informativas cuando proveedores nuevos soliciten un permiso, con el fin de hacer cumplir los reglamentos municipales.

Medida de implementación – **Inspección** Programar inspecciones de las instalaciones de cuidado infantil por lo menos una vez al año.

Meta: Mejorar la educación temprana.

Objetivo: Aumentar la conciencia sobre y el apoyo a la educación temprana de alta calidad.

Política: *Apoyar la educación temprana*

Animar a los empleadores a apoyar el cuidado infantil para sus empleados por medio de normas favorables para las familias.

Asegurar que cada familia tenga acceso a suficiente cuidado infantil y educación temprana y opciones de programas de enriquecimiento supervisados de alta calidad para sus niños de edad escolar.

Medida de implementación – **Promover los beneficios** Reservar y pagar (todo o parte del costo de) los servicios de cuidado infantil cerca del lugar de trabajo; ofrecer cuentas flexibles para gastos de cuidado de dependientes (Dependent Care Flexible Spending Accounts) o beneficios tipo “plan de cafetería”; y formar un consorcio con otros empleadores para proveer servicios de cuidado infantil en las instalaciones del trabajo o muy cercanos.

Medida de implementación – **Apoyo para la recreación** Colaborar con los parques para crear grupos de juego padres-hijos que apoyen todos los aspectos de la crianza de niños y el desarrollo infantil.

Medida de implementación – **Campaña de información** Promover los beneficios significativos de la educación infantil temprana de alta calidad a las familias, los empleadores, los negocios y los constructores de bienes raíces por medio de campañas de comercialización social.

Medida de implementación – **Participación comunitaria** Utilizar intencionalmente espacios comunitarios para colaborar con organizaciones locales y presentar talleres informativos para padres de familia sobre cómo ayudar a que sus hijos sean expuestos a la literatura a temprana edad.

Meta: Apartar terrenos para actividades de la infancia temprana.

Objetivo: Designar tierras para el cuidado y educación infantil temprana.

Política: *Designación de terrenos*

Reservar terrenos para usos comunitarios como escuelas privadas, organizaciones de membresía, centros de cuidado infantil y centros para personas de la tercera edad.

Medida de implementación – **Fideicomiso de terrenos para el cuidado infantil**
Explorar la posibilidad de establecer un fideicomiso de terrenos que reserve terrenos y espacios para usos comunitarios como la educación infantil temprana.

ADJUNTO D: DESARROLLO ECONÓMICO

Los negocios de cuidado infantil contribuyen a la economía local. El cuidado infantil de alta calidad promueve la preparación para la escuela a corto plazo y una mejor fuerza laboral y ciudadanos productivos a la larga. Los servicios de cuidado infantil atraen y retienen negocios y empleados. El cuidado infantil de alta calidad apoya al equilibrio trabajo-vida y aumenta la lealtad y satisfacción laboral. Para desarrollar y mantener comunidades habitables, es necesario incluir el cuidado infantil en los planes de crecimiento urbano para animar a las familias a mudarse a y permanecer en estas comunidades locales.

Meta: Aumentar la cantidad de instalaciones de cuidado infantil de alta calidad.

Objetivo: Crear incentivos para el desarrollo de instalaciones de cuidado infantil.

Política: *Incentivos para* constructores de bienes raíces **y negocios**

La ciudad establecerá una fórmula para otorgar un aumento de densidad o de uso intensificado para proyectos comerciales, industriales y residenciales (de tamaños específicos) que provean instalaciones de cuidado infantil de alta calidad.

Medida de implementación – **Incentivos** Examinar la disponibilidad de y proporcionar incentivos para proyectos de construcción y nuevos centros de empleo que incluyan instalaciones de cuidado infantil de alta calidad.

Medida de implementación – **Espacio de uso mixto** Promover y permitir el uso mixto de terrenos, incluyendo centros de cuidado infantil de alta calidad en vecindarios residenciales.

Medida de implementación – **Ampliar las instalaciones de cuidado infantil de alta calidad** Formar relaciones y colaborar con negocios, escuelas y entidades públicas y privadas para expandir o crear espacios de cuidado infantil.

Meta: Crear un clima económico favorable para atraer a constructores de bienes raíces y negocios que generen beneficios netos sociales y económicos para la comunidad.

Objetivo: Permitir que los habitantes de la comunidad prosperen por medio de empleos que cuentan con apoyos concretos para el cuidado infantil de alta calidad.

Política: *Oportunidades de empleo*

Reconociendo que los padres que trabajan necesitan de cuidado infantil económicamente accesible y de alta calidad para poder entrar y permanecer en la fuerza laboral, la ciudad/el condado apoya la provisión de servicios de cuidado infantil de alta calidad ubicados cerca de los lugares de empleo de los padres.

Mantener y mejorar la base económica fuerte y diversificada de la ciudad/el condado y proporcionar una amplia gama de oportunidades de empleo y servicios de apoyo, como la capacitación laboral y el cuidado infantil.

Trabajar para eliminar los impedimentos al empleo bien remunerado, como la falta de transporte, cuidado infantil, capacitación vocacional y otros factores.

Estimular el desarrollo de instalaciones de cuidado infantil de alta calidad que apoyen a los padres que trabajan.

Medida de implementación – **Disponibilidad de terrenos** Asegurar la disponibilidad de suficiente terreno, con la zonificación adecuada, para favorecer la creación de centros de cuidado infantil en los vecindarios residenciales.

Medida de implementación – **Expandir las opciones de cuidado infantil** Establecer relaciones con negocios privados, escuelas y otras entidades públicas y privadas para crear más instalaciones de cuidado infantil.

Medida de implementación – **Incentivos** Examinar la disponibilidad de y proporcionar incentivos para proyectos de construcción y nuevos centros de empleo que incluyan instalaciones de cuidado infantil de alta calidad.

Medida de implementación – **Espacio de uso mixto** Promover y permitir el uso mixto de terrenos, incluyendo centros de cuidado infantil de alta calidad en vecindarios residenciales.

Meta: Promover la ubicación estratégica del cuidado infantil de alta calidad para apoyar a la fuerza laboral y a las comunidades habitables.

Objetivo: Esfuerzos de transporte que promuevan centros de cuidado infantil cercanos al empleo y a la casa de los padres.

Política: *Espacios de uso mixto*

Estimular la ubicación de usos de beneficio comunitario, como centros de cuidado infantil y servicios personales, cerca de los centros de empleo, en centros comunitarios y regionales, cerca de servicios de transporte, en o al lado de parques públicos y escuelas y a lo largo de los corredores de uso mixto.

Animar la inclusión de instalaciones de cuidado infantil en áreas comerciales y residenciales, cerca de servicios de transporte y en o al lado de parques públicos y escuelas para brindar un servicio necesario a los padres que trabajan y un beneficio para la comunidad.

Estimular a los constructores de bienes raíces comerciales y de oficinas a que provean usos secundarios en sus instalaciones para permitir que los empleados y los habitantes locales hagan viajes no relacionados con el trabajo (al banco, a comer, a la tintorería, a sitios de recreación y cuidado infantil) sin tener que usar coche.

Medida de implementación – **Espacios de uso mixto** Promover y permitir el uso mixto de terrenos, incluyendo centros de cuidado infantil en vecindarios residenciales.

Medida de implementación – **Promover los beneficios** Promover los beneficios significantes del cuidado infantil de alta calidad a los habitantes/centros de empleo/promotores inmobiliarios por medio de campañas de anuncios de servicio público, en las redes sociales y en publicaciones locales.

Medida de implementación – **Incentivos** Examinar la disponibilidad de y proveer incentivos para urbanizaciones y centros de empleo nuevos que incluyan instalaciones de cuidado infantil.

ADJUNTO E: ESPACIOS ABIERTOS

El elemento de espacios abiertos guía la preservación y conservación integral y a largo plazo del terreno de espacios abiertos, que se define en los estatutos como cualquier parcela o área de terreno o agua que se encuentre esencialmente subdesarrollada y dedicada al uso de espacios abiertos. Este elemento tiene alcance amplio y coincide con varios otros elementos, entre ellos uso de terrenos, conservación, seguridad, salud y justicia ambiental.

Meta: Aumentar las oportunidades de aprendizaje temprano.

Objetivo: Brindar oportunidades de aprendizaje temprano en toda la comunidad.

Política: *Servicios de recreación y bibliotecas*

Crear programas de parques, recreativos y bibliotecarios que promuevan oportunidades de aprendizaje temprano para los niños.

Promover acuerdos de uso conjunto con los distritos escolares que permitan el uso de propiedades escolares durante horarios no escolares.

Medida de implementación – **Estructuras físicas** Asegurar que los parques incluyan áreas de juego que sean apropiadas desde el punto del desarrollo infantil para niños de 0-5 años de edad.

Medida de implementación – **Apoyo a la recreación/las bibliotecas** Colaborar con los parques y las bibliotecas para crear grupos de juego que apoyen todas las áreas del desarrollo infantil. Utilizar las colaboraciones actuales de las iniciativas de cuna a carrera para determinar las mejores prácticas de la educación infantil temprana proporcionada en modelos de grupo de juego y maneras de incorporarlas en grupos.

Medida de implementación – **Promover los beneficios** Promover los beneficios significantes del cuidado infantil de alta calidad a los habitantes, centros de empleo, negocios y promotores inmobiliarios por medio de campañas de comercialización social.

Medida de implementación – **Participación comunitaria** Utilizar intencionalmente espacios comunitarios para colaborar con organizaciones locales y presentar talleres informativos para padres de familia sobre cómo ayudar a que sus hijos aprendan a leer temprano.

Meta: Utilizar espacios abiertos y en parques para actividades de educación temprana.

Objetivo: Animar a los proveedores de cuidado infantil a utilizar los parques y espacios abiertos.

Política: *Uso de espacios abiertos*

Maximizar el uso y la productividad de los parques y lugares de recreación al promover la ubicación de instalaciones de cuidado infantil cercanas, permitiendo así que los niños bajo cuidado y supervisión puedan usar estos espacios públicos.

Al planificar comunidades, animar la ubicación de parques cerca de otras instalaciones públicas como escuelas, centros para personas mayores, centros de recreación, etc.

Requerir que el desarrollo de parques, senderos e instalaciones de espacios abiertos concorra con otras áreas de desarrollo urbano.

Medida de implementación – Promover el uso de espacios abiertos y parques en la comunidad por proveedores de cuidado infantil, por medio de conversaciones comunitarias y reuniones informativas. Estimular la expansión de instalaciones y amenidades en los parques existentes. Incluir un mapa de los parques municipales en sitios web públicos y en cualquier información proporcionada a proveedores de cuidado infantil que contacten a la oficina que otorga permisos.

Medida de implementación – Aumentar el acceso a recursos de espacio abierto ubicando parques cerca de las casas y oficinas.

Meta: Entender la relación entre los espacios abiertos y el cuidado infantil.

Objetivo: Incluir espacios abiertos en el desarrollo de documentos más amplios de planificación de servicios de cuidado infantil.

Política: *Crear un plan maestro colaborativo público-privado y un fideicomiso de terrenos para el cuidado infantil.*

Medida de implementación – **Grupo de trabajo sobre el cuidado infantil** Crear un grupo de trabajo (o consejo) que represente toda la comunidad para estudiar el desarrollo de programas de cuidado infantil, llenar brechas de servicio, aumentar la eficacia de los programas existentes y maximizar todos los recursos disponibles en la comunidad.

Medida de implementación – **Plan maestro para el cuidado infantil** Crear un plan maestro colaborativo público-privado que coordine una gama de servicios para niños y sus familias, en conjunto con organizaciones, agencias y grupos locales.

Medida de implementación – **Hacer un inventario y encontrar nuevos usos para los espacios** Examinar instalaciones públicas y privadas no utilizadas en la ciudad (incluyendo espacios abiertos, parques, etc.) para potencialmente renovarlas o usarlas como lugares para servicios de cuidado infantil.

ADJUNTO F: VIVIENDA

El elemento de vivienda responde a la provisión de vivienda segura y a precios accesibles para los habitantes actuales y futuros de la comunidad. El elemento de vivienda está diseñado para satisfacer la meta estatal de brindarles a todos en California un hogar y un entorno vital adecuado. También está diseñado para satisfacer las metas locales y regionales de mantener y mejorar la calidad de vida logrando que la vivienda sea accesible para todas las personas sin importar su edad, nivel de ingresos, raza o capacidades físicas.

Meta: Animar a las comunidades a ubicar programas de cuidado infantil y otros servicios humanos cerca de casas, centros comunitarios y servicios de transporte.

Objetivo: Brindar servicios sociales en lugares donde hay vivienda económicamente accesible.

Política: *Colaboración vivienda-comunidad*

La ciudad/El condado estimulará la ubicación conjunta de programas de cuidado infantil, servicios para personas con discapacidades mentales o físicas y centros para personas mayores que sean compatibles con las necesidades de las personas que viven en la comunidad y con los patrones de uso de terrenos; y animará la ubicación de dichas instalaciones cerca de casas, escuelas, centros comunitarios, lugares de recreación y centros de tránsito.

Incorporar servicios de cuidado infantil y sociales en la vivienda económicamente accesible. Colaborar con constructores de bienes raíces sin fines de lucro que construyen vivienda a precios accesibles para satisfacer las necesidades especiales de los trabajadores agrícolas, como el cuidado infantil y salas comunitarias ubicadas en el sitio. Animar la creación de centros de recreación para servir a todas las etapas de la vida (niños, familias, personas de la tercera edad).

Medida de implementación – **Instalaciones intergeneracionales** Promover las instalaciones comunitarias intergeneracionales. Centros para personas mayores y de cuidado infantil con las condiciones adecuadas juntarán a niños y ancianos en nuevas urbanizaciones para maximizar las oportunidades de innovación e interacción.

Medida de implementación – **Co-ubicación de servicios** Estimular la ubicación conjunta de servicios de cuidado infantil con otros servicios humanos para crear

un sistema enfocado en la totalidad de la persona. La expansión de colaboraciones, la adquisición de equipos nuevos y la renovación de las instalaciones pueden ser necesarias para ayudar a las familias que afrontan situaciones difíciles. Crear una recepción acogedora y amigable e incluir espacios de reunión privados para proteger la privacidad.

Medida de implementación – **Ofrecer cuidado infantil en el sitio** Animar a los constructores de bienes raíces sin fines de lucro a proporcionar cuidado infantil y salas comunitarias en el sitio para los niños y sus familias.

Meta: Construir, conservar y mejorar vivienda económicamente accesible.

Objetivo: Permitir el desarrollo, la conservación y la mejoría de vivienda económicamente accesible.

Política: *Calidad de vida*

Mantener la calidad de vida dentro de los vecindarios al mantener un nivel adecuado de instalaciones comunitarias, tales como centros de cuidado infantil y servicios municipales, promoviendo la inclusión de espacios de cuidado infantil en las urbanizaciones residenciales nuevas, incluyendo en las urbanizaciones residenciales económicamente accesibles.

Medida de implementación – **Cuidado infantil en el sitio** Promover la provisión de cuidado infantil en las urbanizaciones construidas para personas de bajos ingresos.

Medida de implementación – **Evaluación** Trabajar con los solicitantes de vivienda para evaluar la demanda de servicios de cuidado infantil en urbanizaciones residenciales nuevas.

Medida de implementación – **Incentivos** Establecer y proporcionar incentivos para la inclusión de instalaciones de cuidado infantil en las urbanizaciones residenciales económicamente accesibles.

Meta: Asegurar que todos en la comunidad tengan acceso a vivienda económicamente accesible.

Objetivo: Considerar las necesidades de vivienda económicamente accesible de las madres y padres solteros y hogares sostenidos por mujeres.

Política: *Apoyo para madres y padres solteros*

La ciudad/El condado asegurará que las viviendas económicamente accesibles construidas o renovadas por ellos satisfagan las necesidades de los hogares sostenidos por madres o padres solteros, especialmente los sostenidos por mujeres.

Los hogares sostenidos por padres y madres solteros con niños tienen necesidades especiales con respecto a la vivienda, principalmente porque tienden a dedicar un porcentaje mayor de sus ingresos al costo de vivienda, y las mujeres siguen ganando menos dinero que los hombres con trabajos comparables. Estas familias sólo cuentan con los ingresos de una persona y por lo tanto necesitan vivienda menos costosa y ubicada cerca de su lugar de empleo. También necesitan acceso a cuidado infantil a costo accesible.

Medida de implementación – **Cooperación** Emplear un abordaje colaborativo con varias entidades para crear instalaciones de cuidado infantil, entre ellas el concilio de planificación de cuidado infantil, proveedores de cuidado infantil locales, servicios de transporte, parques y servicios recreativos, grupos de vecindario, cámaras de comercio, etc.

Medida de implementación – **Colaboraciones formales** Coordinar servicios para niños y sus familias junto con agencias y grupos locales. Formar y mantener relaciones con agencias y organizaciones de recursos de desarrollo infantil por medio de redes de enlaces, referencias y coordinación de servicios.

Medida de implementación – **Ayuda económica** Investigar y promover subvenciones para padres de familia para que ellos puedan costear los servicios de cuidado infantil de alta calidad en su área, y subvenciones para negocios pequeños que ofrezcan vivienda a precio accesible.

Meta: Proporcionar apoyo para proveedores de cuidado infantil exentos de licencia.

Objetivo: Evaluar e investigar el establecimiento de requisitos de licencia para proveedores exentos de licencia.

Política: Exentos de licencia (familiares, amigos, vecinos) Explorar la obtención de licencia (o capacitación/inspección) para todos los proveedores de cuidado infantil exentos de licencia.

Medida de implementación – **Apoyar el cuidado infantil exento de licencia** Crear una red de cuidadores formada por familiares, amigos y cuidadores del vecindario (FNN por sus siglas en inglés) para formar un grupo de juego de pares para compartir información y estrategias. El grupo de juego servirá como una estrategia importante para lograr que los cuidadores FFN se sientan competentes, bien informados y capaces de apoyar a los niños para que sean felices, sanos y exitosos.

Medida de implementación – **Evaluación** Explorar oportunidades para abrir un camino hacia la adquisición de una licencia para los proveedores de cuidado infantil actualmente exentos de licencia.

Medida de implementación – **Seguridad** Adaptar los requisitos actuales sobre huellas dactilares y averiguación de antecedentes para incluir a los proveedores de cuidado infantil actualmente exentos de licencia.

Medida de implementación – **Subvenciones** Crear un sistema de reembolso estructurado que vincule las subvenciones gubernamentales u otras fuentes de financiación mayores con los niveles de licencia o requisitos de capacitación.

ADJUNTO G: JUSTICIA AMBIENTAL

El elemento de justicia ambiental responde a las preocupaciones de las comunidades con respecto al medio ambiente. Como tal, incluye el trato justo y la participación significativa de personas de todas las edades, culturas y niveles de ingreso con respecto al desarrollo, adopción, implementación y vigilancia del cumplimiento de leyes, reglamentos y políticas ambientales (Código Gubernamental §65040.12).

Meta: Reducir la huella de carbono.

Objetivo: Reducir el número de viajes en vehículos que se necesitan.

Política: *Crecimiento inteligente y desarrollo orientado hacia el tránsito*

Se requerirán usos y servicios comerciales para empleados y negocios (mercados, cuidado infantil, tintorerías, sucursales bancarias, etc.) con el fin de reducir los viajes y las millas recorridas en vehículo.

Apoyar la investigación científica sobre la factibilidad de ubicar centros de cuidado infantil en los lugares de estacionamiento tipo 'Park and Ride', centros de tránsito y otros lugares accesibles al transporte público.

En la medida que sea factible, evitar ubicar fuentes nuevas de contaminación aérea cerca de las viviendas y otros lugares vulnerables, como las instalaciones de educación infantil temprana.

Medida de implementación – **Desarrollo urbano futuro** Animar a los promotores inmobiliarios y empleadores comerciales mayores a proveer cuidado infantil en sus instalaciones o agrupar usos públicos como escuelas, centros de educación temprana, parques, bibliotecas y centros comunitarios alrededor de los sitios de urbanización.

Medida de implementación – **Espacios de uso mixto** Promover y permitir el uso mixto de terrenos, incluyendo instalaciones de cuidado infantil en vecindarios residenciales y áreas comerciales para maximizar el uso de las estructuras existentes.

Medida de implementación – **Colaboraciones formales** Colaborar con parques y bibliotecas para crear grupos de juego que apoyen todas las áreas del desarrollo infantil. Utilizar las colaboraciones actuales de las iniciativas de cuna a

carrera para determinar las mejores prácticas de la educación infantil temprana proporcionada en modelos de grupo de juego y maneras de incorporarlas en grupos.

ADJUNTO H: CIRCULACIÓN

El elemento de circulación es un plan de infraestructura que responde al desplazamiento de personas, bienes, energía, agua potable, aguas negras, drenaje pluvial y comunicaciones. Por ley, el elemento de circulación deberá correlacionarse directamente con el elemento de uso de terrenos y tiene relaciones directas con los elementos de vivienda, espacios abiertos, ruido y seguridad. Para las comunidades que tienen otros elementos adicionales, también puede haber relaciones con los elementos de salud y de desarrollo económico.

Meta: Apoyar las instalaciones de cuidado infantil dentro de los centros de transporte.

Objetivo: Adquirir el apoyo de otras entidades para las instalaciones de cuidado infantil cerca de lugares de transporte.

Política: *Instalaciones de cuidado infantil cerca de lugares de transporte.*

Apoyar la investigación sobre la factibilidad de ubicar centros de cuidado infantil en los lugares de estacionamiento tipo 'Park and Ride', centros de tránsito y otros lugares accesibles al transporte público.

Coordinar con los proveedores de servicios de transporte y con las entidades de planificación de transporte para responder a la ubicación de usos cívicos como escuelas y edificios gubernamentales, corredores comerciales y centros de atención médica para que todos sean accesibles por transporte público.

Medida de implementación – **Instalaciones actuales** Continuar investigando la disponibilidad de instalaciones para servicios de cuidado infantil que también estén ubicados cerca de transporte público.

Medida de implementación – **Evaluación de necesidades** Determinar la proximidad del cuidado infantil a los centros de transporte. Si se descubre alguna brecha, apoyar y promover en la comunidad para lograr la adición de rutas y paradas de autobús adicionales.

Medida de implementación – **Campaña de información** Crear mensajes y colocarlos en un sitio web de la ciudad para informar sobre el acceso al

transporte público en relación con la ubicación de los lugares de cuidado infantil.

Medida de implementación – Colaboración con los organismos de transporte

Coordinar con los proveedores de transporte y las entidades de planificación de transporte para asegurar que los servicios de transporte público estén ubicados a una distancia conveniente de las áreas residenciales.

Meta: Desarrollar comunidades habitables que promuevan la ubicación de servicios a distancias caminables.

Objetivo: Crear oportunidades para incluir las necesidades básicas en el desarrollo de comunidades completas.

Política: *Comunidades completas*

Coordinar el desarrollo de vecindarios completos que proporcionen lo necesario para satisfacer las necesidades básicas de la vida diaria y para la salud, seguridad y bienestar de las personas que viven ahí.

Promover servicios que permitan que los habitantes de la comunidad satisfagan sus necesidades diarias sin tener que usar un vehículo. Estos servicios pueden incluir: servicio de traslado (*shuttle*) a los centros comerciales cercanos, la ubicación de servicios de cuidado infantil y sociales cerca de zonas residenciales y clínicas de salud móviles o virtuales.

Medida de implementación –Proximidad de servicios En la medida apropiada, requerir la ubicación de tiendas y mercados, instalaciones de cuidado infantil, servicios comunitarios e instalaciones públicas a una distancia caminable de las áreas residenciales.

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League of California Cities
Annual Conference
Friday, October 18, 2019

 INSTITUTE FOR LOCAL GOVERNMENT

About the Institute for Local Government

ILG is the non-profit training and education affiliate of...





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Agenda

- Overview of Laws and Policies Related to Discrimination, Harassment, and Retaliation
- Protected Classifications and Bullying/Abusive Conduct in the Workplace
- What is Unlawful Discrimination, Harassment, and Retaliation?
- Types of Unlawful Harassment
- Duties of a Supervisor
- Addressing Unlawful Discrimination, Harassment, and Retaliation in the Workplace

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Preventing Workplace Discrimination, Harassment and Retaliation Training

Why Are We Here Doing This Training?

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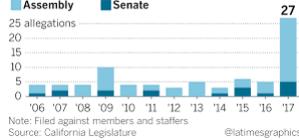
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Unlawful Harassment Unfortunately Still Takes Place....

Fox News settles sexual harassment allegations against Bill O'Reilly



Sexual harassment allegations



56 Uber workers to split \$1.9M sexual harassment settlement

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Preventing Workplace Discrimination, Harassment and Retaliation Training

Should You Want To Be at This Training?

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Preventing Workplace Discrimination, Harassment and Retaliation Training

So, What Do We Need to Know? & What Can We Do to Prevent It?

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Overview of Laws and Policies Related to Discrimination, Harassment, and Retaliation

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Sources of Law

- **Federal Law**

- Equal Pay Act of 1963
- Title VII of the 1964 Civil Rights Act
- Age Discrimination in Employment Act (ADEA)
- Americans with Disabilities Act (ADA)
- 42 U.S.C. §§ 1981 and 1983

- **California Law**

- Fair Employment and Housing Act (FEHA)
- California Equal Pay Act

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Administrative Agencies

- **U.S. Equal Employment Opportunity Commission (EEOC)**

- Federal Agency Administering Title VII, ADA, and ADEA Employment Discrimination Laws

- **California Department of Fair Employment and Housing (DFEH)**

- State Agency Administering FEHA Employment Discrimination Laws

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Agency Policy

- The Agency's Policy Against Harassment, Discrimination and Retaliation
 - Prohibits employees and non-employees from discriminating, harassing and retaliating based on any protected status
 - Protects applicants, volunteers, independent contractors and employees from being subject to prohibited conduct
 - Provides a complaint procedure for employees to report violations for the Agency to Investigate
 - Identifies DFEH/EEOC resources
 - Provides confidentiality to extent possible
 - Appropriate remedies for sustained violations

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Agency Policy

- Zero Tolerance
 - Single violation of Agency's policy can subject employee to appropriate disciplinary action even if violation would not establish liability or be a violation of state/federal law
- Distribution of Policy
 - Review with and provide to new and current employees with acknowledgement form to ensure receipt
 - Post in the workplace/intranet
 - Update policy when appropriate and notify employees of update

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Protected Classifications and Bullying/Abusive Conduct

Unlawful Harassment?

**What is Unlawful
Harassment?**

**Is There Such a Thing as
Lawful Harassment?**

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Protected Classifications

- Sex/Gender/Gender Identity/Gender Expression
- Sexual Orientation
- Race/National Origin/Color
- Disability/Medical Condition
- Genetic Information/Characteristics
- Religious Creed
- Marital Status
- Military/Veteran Status
- Age (40 Years of Age and Older)
- Opposition to Discrimination/Harassment
- Association/Perception

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Gender Identity / Expression

Employers **Must:**

- Permit employees to use the restroom that corresponds to the employee's gender identity/expression.
- Refer to employees using the employee's preferred name, gender, and pronouns.

Employers **Must Not:**

- Enforce dress codes more harshly against an employee based on their gender identity/expression.
- Discriminate against an applicant for failing to designate a gender or designating a gender that is inconsistent with the applicant's sex assigned at birth.
- Inquire about or require documentation or proof of an individual's sex or gender.

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Bullying/Abusive Conduct?

What About Bullying and Abusive Conduct in the Workplace?



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Bullying/Abusive Conduct is Improper in the Workplace

- “Bullying/Abusive Conduct”
 - Conduct in the Workplace with Malice that a Reasonable Person Would Find Hostile, Offensive, and Unrelated to an Employer’s Legitimate Business Interests
 - Includes Verbal Abuse, Derogatory Remarks/Insults, Threatening/Intimidating/Humiliating Physical or Verbal Conduct, or Undermining of a Person’s Work Performance
- Bullying/Abusive Conduct Issues are Generally Covered by the Agency’s Standards of Conduct Rules and Such Rules Should Be Enforced

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Bullying v. Unlawful Harassment

- Both Unlawful Harassment and Bullying Consist of Offensive Conduct that is Either Pervasive or Severe, and Thus Goes Beyond Mere Incivility...

So, What's the Difference?

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Bullying v. Unlawful Harassment

**Protected
Classification**

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Difference Between Unlawful Harassment and Bullying

- Unlawful Harassment is Directed at Membership in a Protected Classification
 - Therefore, it is Unlawful
- Bullying is **NOT** Necessarily Directed at Membership in a Protected Classification
 - Therefore, Bullying is **NOT** Unlawful
- **While Not Necessarily Unlawful, Bullying/Abusive Conduct Towards Employees in the Workplace is Entirely Inappropriate and Should Not Be Tolerated**



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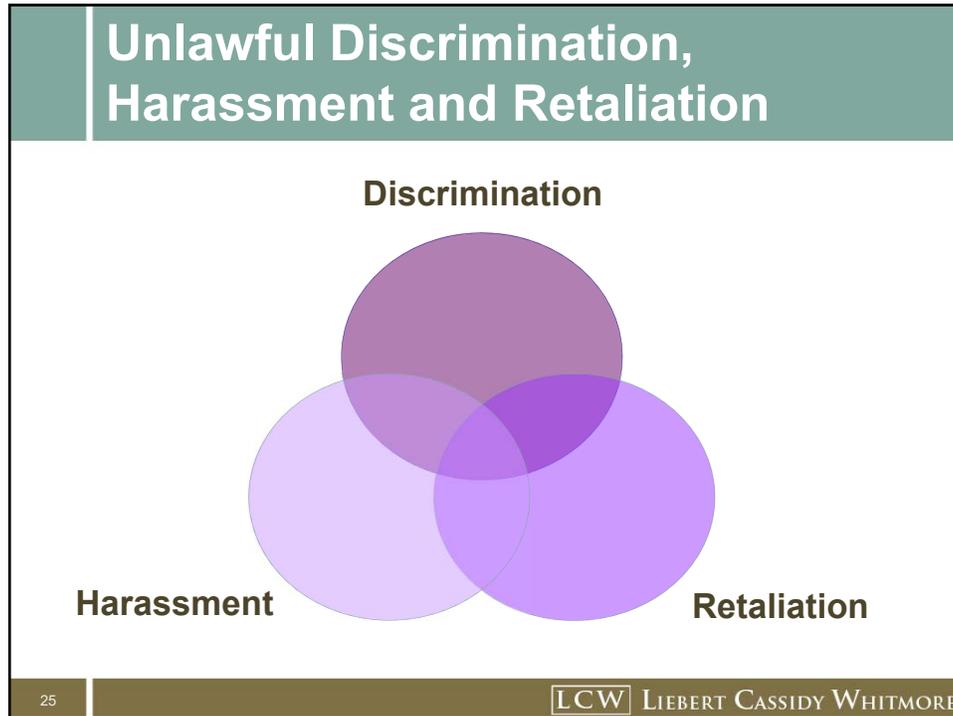
What is Unlawful Discrimination, Harassment, and Retaliation?

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Unlawful Discrimination

Elements of Unlawful Discrimination

- An Adverse Employment Action Taken Based on a Protected Classification

Adverse Employment Action =

- Action Taken Within the Course and Scope of Employment
 - Hiring, Firing, Demotion, Failure to Promote, Assignment of Job Duties, etc.

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Unlawful Harassment

- Harassment is **NOT** Within the Course and Scope of Employment
- Verbal, Visual, or Physical Actions That Are Unwelcome and Directed to or Related to an Employee's Protected Classification
- Includes Actions By/Towards Employees, Independent Contractors, Vendors, and Other Non-Employees

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Unlawful Retaliation

Elements of Unlawful Retaliation

- Protected Activity – Broad Standard
 - Reporting Discrimination or Harassment
 - Participating in an Investigation
 - Refusing to Follow Order Reasonably Believed to be Discriminatory
- Adverse Action – Broad Standard
- Causal Connection

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Case Study

Jody files a sexual harassment claim against her co-worker Don. While the Agency investigates Jody's allegations, Don is upset about the complaint and tells the other employees in the department that Jody is a "no good liar" and tells their supervisor that she has a "poor work ethic", resulting in Jody's demotion to a lower position.

Has Jody been subjected to unlawful retaliation?

What if Don instead ignores Jody at work following the harassment complaint and leaves the room when she comes in because he does not want her to accuse him of anything else?

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What If You Are Accused?

- Refer the Accuser to a Superior, Human Resources, or Upper Management
- Report the Accusation to your Supervisor and to Human Resources
- Refrain From **ANY** Action That Could Be Interpreted as Retaliation
- Seek Constructive Counseling From Human Resources/Upper Management
- Cooperate in the Investigation
- Follow the Agency's Policy

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Types of Unlawful Harassment

Two Types of Harassment

1. Quid Pro Quo
("Economic")



2. Hostile Work Environment
("Environmental")



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Quid Pro Quo Sexual Harassment ("Economic" Harassment)



Classic Example:
***"Sleep with me and
I'll make sure you
get that
promotion..."***

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Quid Pro Quo Sexual Harassment ("Economic" Harassment)

Elements of "Economic" Harassment:

- Job Benefits Promised;
- Explicitly or Implicitly;
- In Exchange for:
 - Sexual Favors; or
 - Denied if Sexual Favors are Not Given

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Case Study

Sonya is the Finance Manager and oversees Accountant Leo among others at the Agency. Leo's current assignment includes preparing department budgets – a highly coveted duty that involves overtime. At one time, Sonya and Leo briefly dated, but Leo ended the relationship because they have to work together. Sonya still regularly flirts with Leo in the workplace and makes comments to him that they should “*get back together*”. Irritated by the flirting, Leo confronts Sonya and tells her to stop. Sonya tells Leo she'll just reassign him to the less desirable job duties of audits at the Agency (which has no overtime) if he does not “*chill out*”.

Is Sonya liable for quid pro quo sexual harassment?

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Case Study

Jack and Jill Begin Work at the Same Time as Entry Level Administrative Assistants at the Agency. Jill Turns to Jack on Their Second Day of Work and Says “*Sleep With Me and I'll Make Sure You Get That Promotion*”

Has Jill Engaged in Quid Pro Quo Sexual Harassment?

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Case Study

Program Analyst Mary finds a “sex toy” left in the unisex restroom at the office. Mary is immediately offended and complains to her supervisor.

***Is this quid pro quo sexual harassment?
If not, could this still constitute unlawful harassment in the workplace?***

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Hostile Work Environment (“Environmental” Harassment)

Elements of “Environmental” Harassment:

- Protected Classification
- Physical, Verbal, or Visual Conduct
- Objectively and Subjectively Offensive (Unwelcome)
- Severe **or** Pervasive
 - Single Incident May Establish Liability Under FEHA
- Unreasonably Interferes With Work

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Hostile Work Environment ("Environmental" Harassment)

2019 Changes to California Law:

- Decline in productivity not required to establish harassment – it is sufficient that the conduct “so *altered working conditions as to make it more difficult to do the job.*”
- A single incident of harassing conduct may be sufficient to create a hostile work environment
- Totality of the circumstances matter, including “stray remarks” by nondecisionmakers
- Standards do not vary by workplace
- Rarely determinable “on paper” alone

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Physical Conduct

Obvious Examples:

- Criminal Conduct
 - Rape
 - Sexual Assault
 - Touching/Groping
- Physical Intimidation



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Physical Conduct

Less Obvious:

- Massage
- Hugs



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Case Study – Verbal Conduct

Although Georgette was assigned at birth as a male, she recently chose to identify as a female. She notified her co-workers of her new gender identity as she previously identified as a male named George. Rick and John refuse to refer to Georgette by her name or female pronouns and still call her “George” and frequently ask “him” why “he” uses the Women’s Restroom and wears skirts.

Have Rick and John created a hostile work environment?

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Verbal Conduct

- Sexual Comments
- Jokes
- Mocking Accent
- Teasing
- Slurs
- “Stray Remarks”



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Case Study – Visual Conduct

Ron arrives to work and finds a noose hanging in his office’s doorway, with his co-workers and supervisor in the hallway looking at it and doing nothing. As an African-American, Ron is extremely offended and also embarrassed in front of his co-workers.

Has Ron been subjected to a hostile work environment?

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Visual Conduct

Posters
Calendars
Magazines

Emails

Racial or Religious
Cartoons

Gestures

Staring / Leering

Sexual Conduct /
Affection Between Other
Employees at Work

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“Gray” (Borderline) Areas

- “Private” and “Consensual” Relationships Between Supervisors and Subordinates? (**Warning:** Not For Long!)
- Off-Duty Conduct
- Invitations to Lunch, Drinks or Dinner
- References to Appearance or Dress
- Casual Touching of Non-Intimate Body Parts
 - Hands on Shoulders
 - Hands on Waist
 - Hand on Arm or Leg

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Duties of a Supervisor

Who is a “Supervisor”?

- Anyone Who Has Any Responsibility or Discretion to Lead Others

Government Code section 12926(t)

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Supervisor's Duty to Respond

- *“Harassment... Shall be Unlawful if the Entity, or its Agents or Supervisors, **Knows or Should Have Known of This Conduct** and Fails to Take Immediate and Appropriate Corrective Action.”*

Government Code section 12940(j)(1)

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Case Study

Margaret supervises a team of five employees, four of whom are male, and one of whom is female. Today, Margaret overheard the male employees standing around the water cooler speculating on how their female colleague must be “*in bed*”. The female colleague was not in the office and did not overhear the discussion.

Does Margaret have an obligation to take action even though the female employee was not there to overhear the discussion?

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Supervisor's Duty to Respond

- Report Observed/Overheard Conduct
- Forward Complaints/Issues to Management and Human Resources Promptly, Including:
 - Third-Party Complaints
 - Verbal Complaints
 - Rumors

Remember:

The Word “Harassment” Need Not Be Used to Trigger Your Duty to Act

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Supervisor's Duty to Respond

Don't Ignore the Response!

- Take Immediate Action and Report/ Follow-Up on Any Harassment, Discrimination, or Retaliation Complaints Received
- Cooperate in the Investigation
- Prevent Further Harassment
- Assure No Retaliation



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Addressing Unlawful Discrimination, Harassment, and Retaliation in the Workplace

What Can the Agency Do?

- Appropriate Corrective Action
 - Conduct Prompt and Thorough Investigation
 - Keep the Victim Informed
 - Discipline Perpetrator Appropriately
 - Preventative Training to Prevent Future Violations
 - Re-Publish/Update Agency Policy

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Options for Resolution

- Follow the Agency's Harassment Policy Complaint Procedure
- The Alleged Victim Can Also Take the Following Actions:
 - Report to the U.S. Equal Employment Opportunity Commission (EEOC)
 - Report to the California Department of Fair Employment & Housing (DFEH)
 - Lawsuits in State or Federal Court

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Consequences – Agency Liability

- The **Agency** is Liable for:
 - The Conduct of **Supervisors** Who Engage in Unlawful Harassment, Discrimination, or Retaliation
 - Failing to Take all Reasonable Steps Necessary to Prevent Harassment from Occurring

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Consequences – Personal Liability

- **ALL** Employees Can Be Personally Liable for Engaging in Unlawful Harassment
- **Supervisors** Can Also Be Personally Liable for Condoning Unlawful Harassment or Failing to Act in Response to an Unlawful Harassment Complaint

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Consequences – Damages

Damages Can Include:

- Back Pay
- Emotional Distress
- Punitive Damages (Individual Employees)

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Prevention

- Never Play Favorites
- Report All Complaints Immediately
- Take All Complaints Seriously
- Monitor the Workplace
- Follow the Agency's Policy
- Be a Good Role Model!

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***The Ultimate Goal is to Establish
a Workplace Defined By
Courtesy, Sensitivity, and
Respect***

AB 1661 Sexual Harassment Prevention Training

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Presented by: Christopher S. Frederick

Thank You!

Christopher S. Frederick

Associate | Los Angeles Office

Phone: 310.981.2032 | cfrederick@lcwlegal.com

www.lcwlegal.com/our-people/Christopher-Frederick

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LCW LIEBERT CASSIDY WHITMORE

The Hidden Costs of Tackling Homelessness



Promoting and encouraging excellence in city management

Your Panel



President:
Kurt Wilson
Davenport
Institute Trainer,
Pepperdine
University



Roxanne Diaz
Shareholder,
Richard Watson &
Gershon



Liz Andrade
Chief Operations
Director,
Mercy House



Hafsa Kaka
Homeless Services
Manager,
Santa Ana



Why You're Here

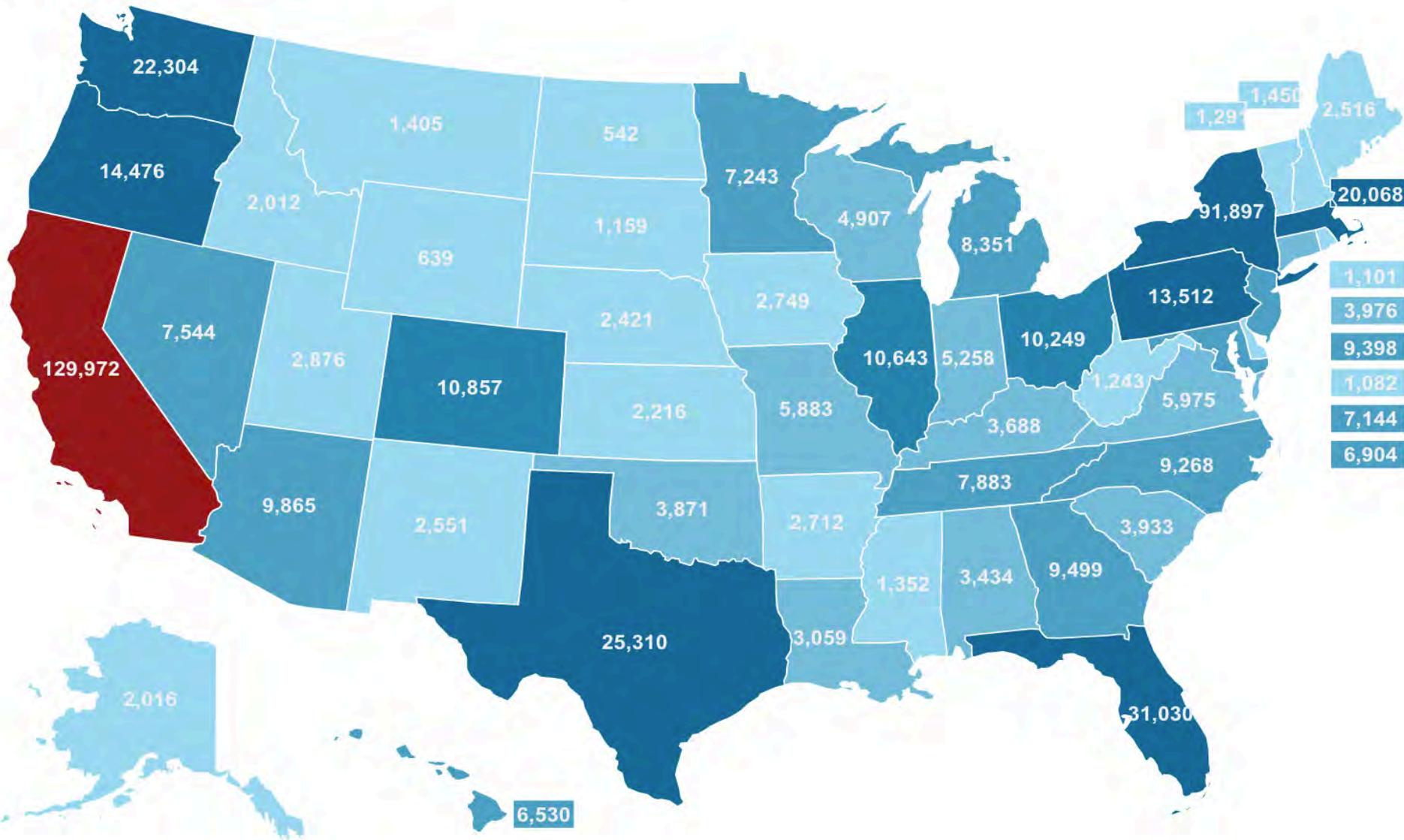
One or more may apply:

- You recognize there is a homelessness crisis in CA
- Your city has a growing homeless population and you want to learn how to effectively care for them
- Your city is currently/soon tackling the creation of homeless shelter(s)
- You want to take proactive steps to address homelessness in your city
- You want Hafsa's secrets for establishing a temporary homeless shelter in just 28 days



The Homelessness Crisis

Total People Experiencing Homelessness (As of Jan. 2018, as reported to HUD)



(From June 4, 2019)

California desert town
es surge in migrants as
order crisis worsens



The world's largest pot
farms, and how Santa
Barbara opened the door



Stanley Cup Final: David
Ortiz reportedly will deliver
video message during Ga...

L.A. NOW LOCAL

Homelessness jumps 12% in L.A. County and 16% in the city; officials 'stunned'

By BENJAMIN ORESKES and DOUG SMITH JUN 04, 2019 | 5:50 PM



⏏ This ad will end in 1 seconds [Skip](#)

ADVERTISEMENT

The Homelessness Crisis

Here's a breakdown of those increases between 2017 and 2019;

- In [Orange County](#), volunteers counted 43% more homeless people
- In [San Bernardino County](#) and [Riverside Counties](#), numbers increased 23% and 22% respectively
- In [Ventura County](#), the increase was 28%
- [San Francisco](#) saw a 17% increase
- In [Alameda County](#), home to Oakland and Berkeley, homelessness rose 43%
- In [Santa Clara County](#), home to San Jose and Silicon Valley, it jumped 31%
- In the Central Valley, Kern County [reportedly](#) saw a 50% jump since 2017
- In [San Joaquin](#) County, the increase was 69%.

Why California?

Unique factors:

- Weather = easier to stay unsheltered
- Largest population in U.S. (and growing)
- 5th-largest economy in the world
- Wages not keeping pace with cost of living
- Highest poverty rate in U.S.
- Lack of (affordable) housing

Image credit: Matt Tinoco/LAist

Challenges & Obstacles

- Not believing you have a crisis
- No/few partners willing to help
- Little political will
- No/little space for shelter(s)
- NIMBY residents
- Lack of funds
- No consensus on spending funds
- Who has jurisdiction?
 - County or City?



MERCY  HOUSE

We help people find their way back home.

Mercy House – Who We Are



We provide housing and comprehensive supportive services for a variety of homeless populations which includes families, adult men, women, mothers and their children, persons living with HIV/AIDS, individuals overcoming substance addictions, and some who are physically and mentally disabled.



Mercy House – Our Mission



To be a leader in ending homelessness by providing a unique system of dignified housing opportunities, programs, and supportive services.



Mercy House – Our Goals



- Our goal is simple: to end the cycle of homelessness of those who enter our system of care.
- Last year, we set an objective of preventing or ending homelessness for 1,300 through our system. We surpassed that with 1,570 provided with housing solutions!



We pride ourselves on being a cost-effective, high-impact organization

Current Shelter Programs

- 200 Bed Shelter in Anaheim
- 200 Bed Shelter in Santa Ana
- 50 Bed Shelter in Costa Mesa
- 70 Bed Family Shelter in Orange
- Two 200 Bed Seasonal Shelter Programs

Coming Soon!

- 150 Bed Shelter in Buena Park
- 110 Bed Shelter in Oxnard
- 55 Bed Shelter in Ventura



What is the cost of not housing your homeless population?



- National avg. cost per year of homelessness: \$37K –\$50K (\$101–\$137 per day). Sheltered at Mercy House: \$13K per year.
- Current City costs that include PD/Fire/Emergency Room Visit: \$3,700. Average number of times person brought to ER per year: 5. That's \$18,500.
- It's more cost-effective for a community when people are in housing than on the street.



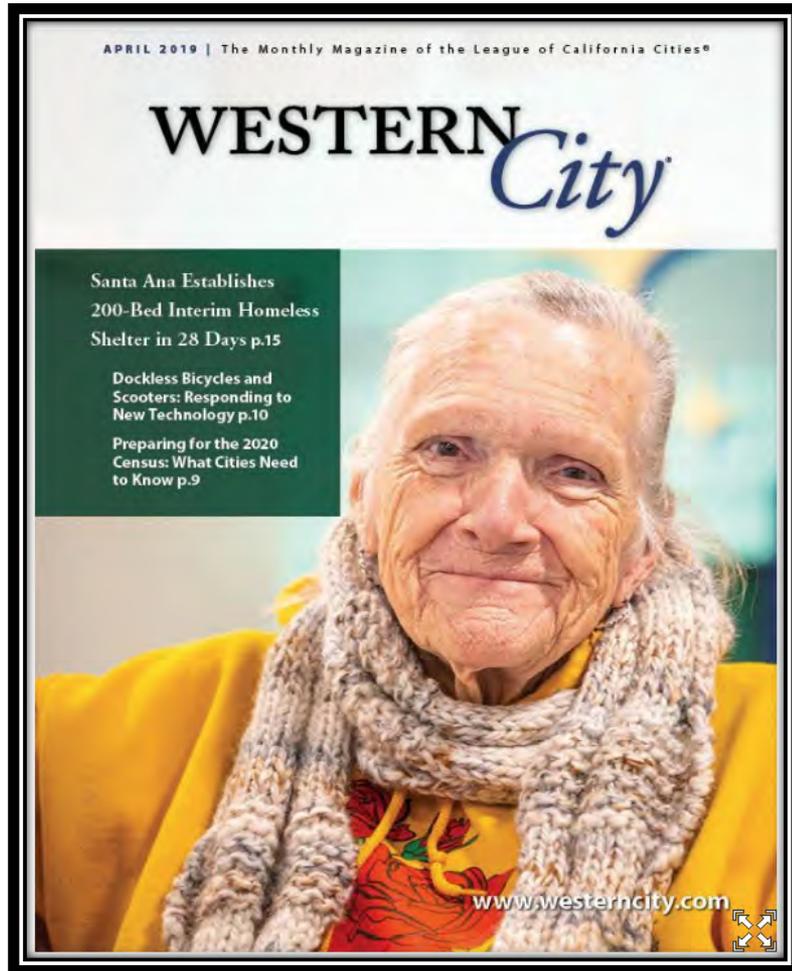


City of Santa Ana Homeless Services Presentation The "LINK"



League of California Cities Mayors and
Council Members Executive Forum
June 19, 2019

The Link



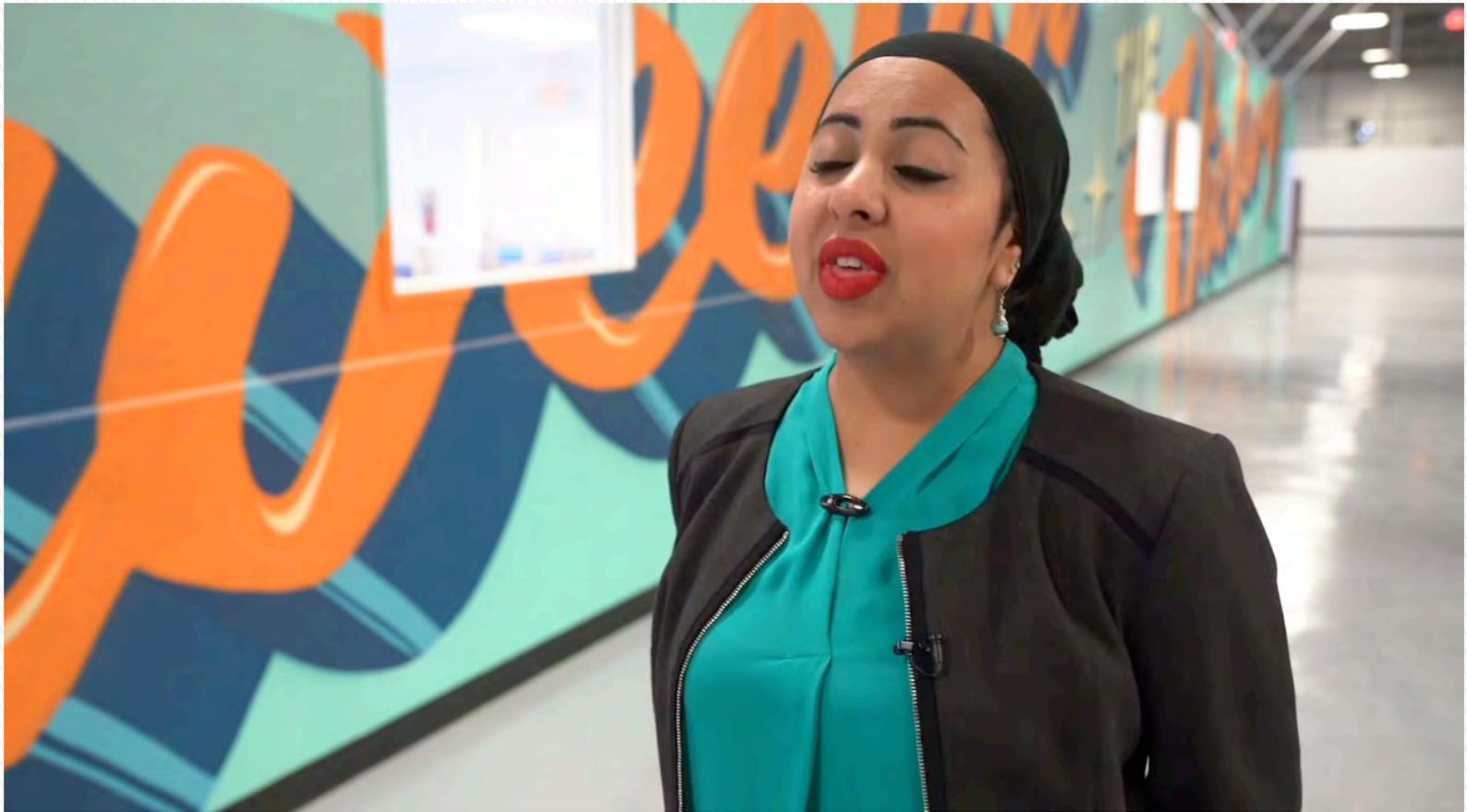
- ✓ Featured on the April 2019 Cover of the Western City Magazine
- ✓ Featured National Alliance to End Homelessness- Law Enforcement and Shelter
- ✓ Featured Housing California Summit 2019
- ✓ Visit by United States Interagency Council on Homelessness
- ✓ Visit by State of California Homeless Emergency Aid Program Administrator
- ✓ Visit by Senator Feinstein's Office



Interim Homeless Shelter – The Link



Miguel Pulido, Mayor of Santa Ana



Hafsa Kaka, Homeless Services Manager

Santa Ana PIT Count History



- Q1 2017 – O.C. Continuum of Care-led Point-In-Time (PIT) Count indicated: out of County's 4,792 total homeless population, Santa Ana carried 1,000. 534 Sheltered, 466 Unsheltered. **20.9% of County total.**
- Q1 2018 – Citywide PIT count indicated: Santa Ana carried 1,617 total homeless population. 587 Sheltered, 1,030 Unsheltered. **A 61.7% increase in about 1 year.**
- Q1 2019 – O.C. Continuum of Care-led PIT count indicated: out of the County's 6,860 total homeless population, Santa Ana carried 1,769. 939 Sheltered, 830 Unsheltered. **25.8% of County total.**



The Link's History



- September 18th 2018 – City Council approved the Agreement with Mercy House Living Center to Operate an Interim Emergency Homeless Shelter.
- Operation Launch Pad went live. A culmination of several City departments, the property owner, and Mercy House gathered weekly on design, construction, build out & operational plan.
- 28 Days later, on November 15th 2018 – The Link opened its doors and provided immediate shelter to individuals experiencing homelessness.

The Link

ADA Compliant Bathroom, Showers, Storage, Laundry, Meals



The Link – Outreach Efforts



- Outreach Efforts led by Santa Ana Police Department Homeless Evaluation Assessment Response Team (HEART)
- Operation Dignity– November 30th to December 7th 2018
- Operation Safe Passage – January 17th to 22nd 2019
- Ongoing “Link Outreach Collaborative”



The Link's Supportive Services



Multi-Services and Best Practices in Care Coordination

Mental Health Supportive Services

Medical Health Supportive Services

Case Management & Housing Navigation Services

Employment and Job Linkage Services

Veteran Supportive Services

Domestic Violence Referrals

Family Supportive Programs

Basic Needs and Supportive Services

Intake into County System of Care – Coordinated Entry System

Regular Service Partners include:

- O.C. Health Care Agency Mental Health
 - Serve the People
 - Heart4Pets
- Recovery/12 Step/A.A. Groups
 - CareerWise

The Link's Data Dashboard

Linked on Santa Ana's Homeless Services webpage.



Since Inception:

- 485+ Referrals
- Daily Intakes
- Avg. of 170 Enrolled
- Avg. of 142 Bed Nights
- Avg. of 84 Men
- Avg. of 64 Women
- Avg. of 22 Children
- Couples and Family Beds Filled
- Avg. of 10 Pets



The Link's Data Dashboard

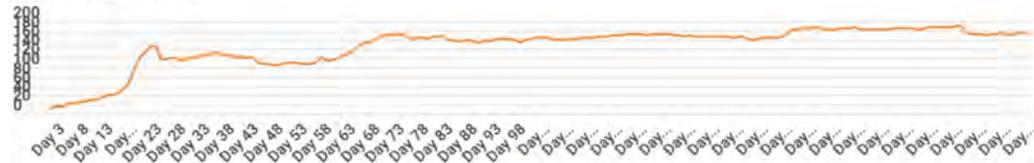


Santa Ana Homeless Shelter The LINK Summary Data

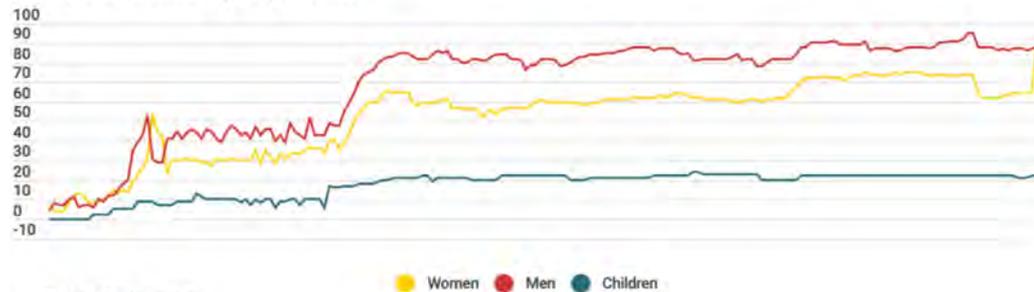
Daily Summary:
As of June 6, 2019

-  **170**
Total Enrolled
-  **142**
Total Bed Nights
-  **64**
Total Women
-  **84**
Total Men
-  **22**
Total Children
-  **2**
Total New Intakes

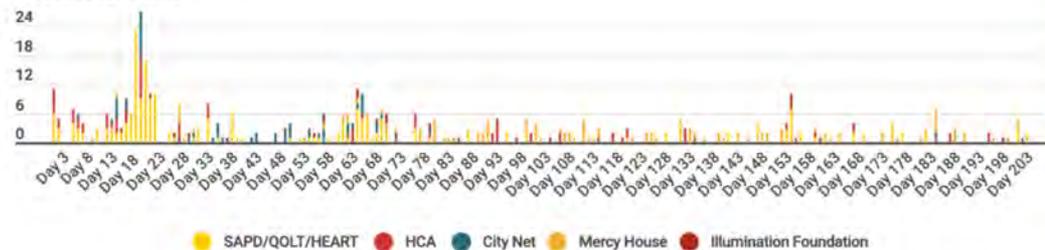
Total Enrollment



Total Enrollment by Population



Total Referrals



Housing Placements



Since Inception and within 100 days:

- *78 individuals connected to Permanent Supportive Housing in 100 days of operation!*



Linked to:

- Permanent Supportive Housing – Housing with Supportive Services on Site (“The Orchard”)
- Rapid Rehousing Rental Subsidy – Rental subsidy for apartments
- Santa Ana Housing Authority Section 8 Vouchers – rental assistance
- Family Reunification

Success Stories



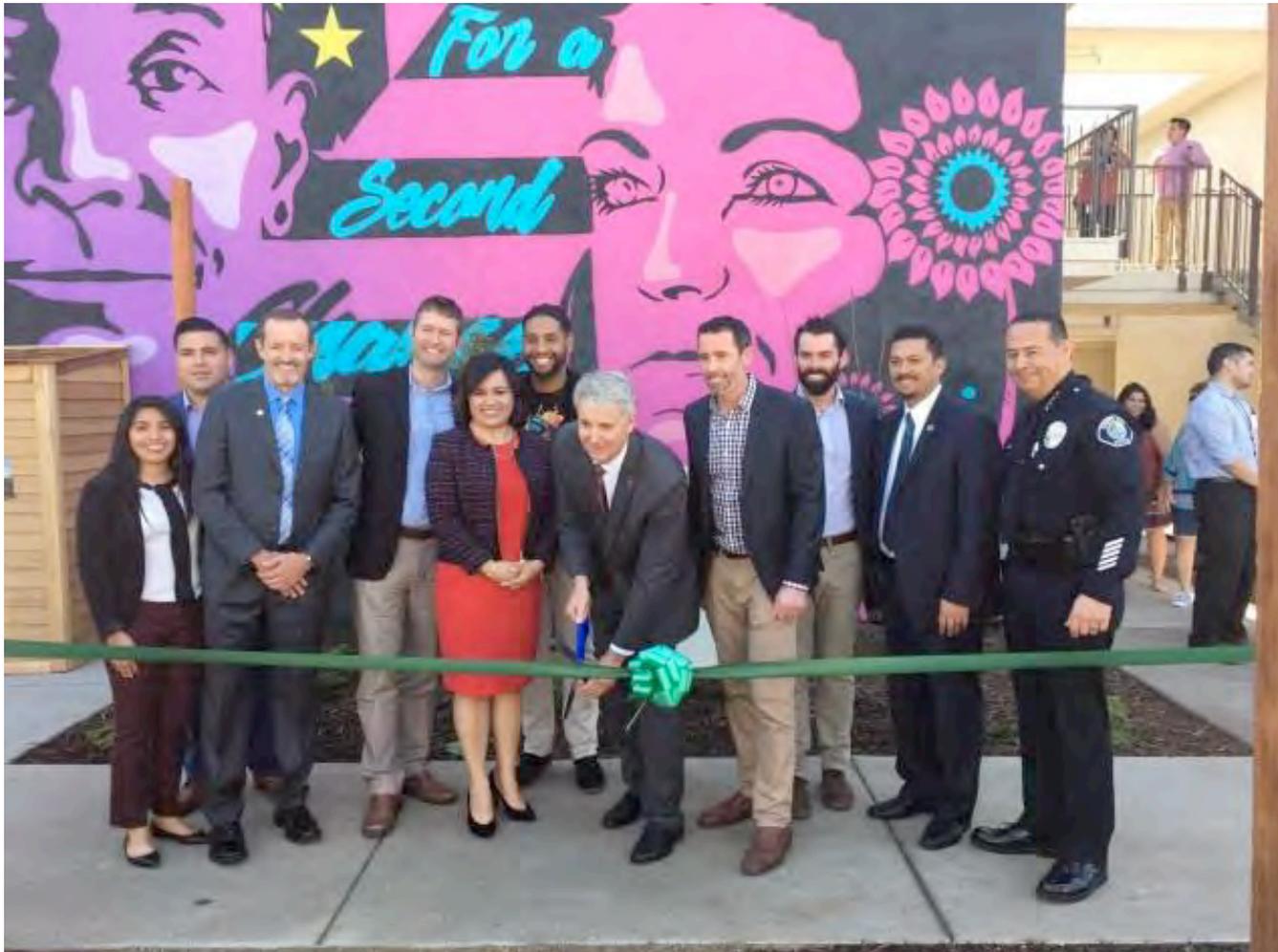
The Walker Family

Mr. Armando



Mr. Kelly

The Orchard



The Orchard



71 Permanent Supportive Housing (PSH) Units





Homelessness: The New Normal?

Options, Tools, and Legal Limitations

Presented by: Roxanne Diaz, City Attorney

Presentation Overview

- **Key Legal Concepts**
 - 8th, 4th, and 14th Amendments
 - Equal Protection
- **“Quality of Life” Laws**
 - Camping and Storage of Property
 - Regulation of distribution of food
- **Comprehensive Strategy**

Key Legal Concepts

8th Amendment

- **Eighth Amendment**

- Imposes substantive limits on what can be a crime.

- **Homelessness is not a crime**

- The City cannot punish people based on their status.
- Homelessness is a status.

- **Regulation of conduct is permissible**

- The City can adopt and enforce ordinances to regulate, prohibit, and punish conduct.
 - Gray area: conduct that is involuntary due to status.

4th & 14th Amendment

■ Fourth Amendment

- Protects against unreasonable seizures.
- Govt. interference with a property interests = seizure.

■ Fourteenth Amendment

- Prohibits deprivation of life, liberty, or property without due process.
- Due process requires notice and an opportunity to be heard.
- Individuals who are homeless have a protected property interest in their belongings and are entitled to due process.

Equal Protection

- **Equal Protection Clause**

- California and U.S. Constitutions.
- Similarly situated persons are to receive like treatment.

- **City laws must be enforced equally**

- Unequal enforcement may violate equal protection if there is intentional discrimination and no rational basis for disparate treatment.

“Quality of Life” Laws

“Quality of Life” Laws

■ Local “quality of life” laws

- Intended to protect the well-being of residents and preserve the quality of public spaces.
- Also called “anti-homeless” laws
 - Homeless more vulnerable to violations because they often inhabit public spaces.
- Common examples:
 - Prohibitions on sleeping/camping in public spaces.
 - Prohibitions on storing possessions on public property.

■ Evolving legal landscape

Camping

■ Typical camping ordinance

- Makes it unlawful to camp, occupy camp facilities, or use camp paraphernalia on public property.
 - “Camp” = to pitch a tent, sleep in, cook in, or occupy camp facilities for purpose of temporary/permanent human habitation.
- Some also prohibit camping on private property.

■ Enforceable? Maybe...

- *Martin v. City of Boise*: Citing a homeless person who has “no other option” but to sleep outside in public violates the 8th Amendment.
 - Conduct involuntary due to the status of being homeless & lack of available beds at local homeless shelters.

Storage of Property

■ Typical storage ordinance

- Unlawful to store personal possessions on public property.
 - “Store” = put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.

■ Enforceable? Yes, if procedures followed.

- *Lavan v. City of Los Angeles*: City confiscated & destroyed unattended items as part of weekly street cleaning. Enforcement violated 4th & 14th Amendments.
- Required procedures: (1) pre-removal notice, (2) impoundment of removed property, (3) 90 days storage, (4) process for owners to reclaim property.

Living in Vehicles

■ Typical ordinance

- No person shall use a vehicle parked or standing upon any City street or upon any parking lot owned by the City as living quarters either overnight, day-by-day, or otherwise.
- Enforceable? Subject to vagueness challenge.
- *Desertrain v. City of Los Angeles*: Challenged on ground ordinance was unconstitutionally vague & overbroad & other grounds. 9th Circuit invalidated the ordinance.
- San Diego's vehicle habitation ordinance challenged.
- Carefully define what constitutes "living in your vehicle."

Food Distribution in Parks

■ Food sharing ordinances

- Political and religious groups have challenged food-sharing ordinances.
- Very few cases. However, if carefully structured, likely to be upheld.
- First Amendment challenges?
- Ordinance should be tailored to protect public health and safety and ensure that city residents enjoy benefits of city parks.

Comprehensive Strategy

Developing a comprehensive homelessness strategy

- Focusing on law enforcement alone is insufficient.
- Reducing number of unsheltered homeless takes a multi-pronged approach.
- Must balance needs & rights of homeless persons and larger community.

Developing a comprehensive homelessness strategy

- **Could include the following elements:**
 - Inventory public & private service providers.
 - Develop arrangements with local shelters & service providers for info-sharing, transportation, referrals.
 - Work with County & other cities to identify sufficient shelter space, other housing options.
 - Engage homeless population, homeless advocates, business owners, other stakeholders.
 - Consider ordinances to restrict camping on public/private property, restrict tents or other structures, prohibit storage of personal property.



Thank you!

Roxanne Diaz
Richards, Watson & Gershon
rdiaz@rwglaw.com

Your Key Takeaways

1. There is a growing homelessness crisis in CA.
2. Tackling homelessness challenges requires a team. Preferably an inter-departmental / cross-agency one.
3. You need a comprehensive strategy that focuses on more than just law enforcement. It has to balance needs & rights of homeless persons and your larger community.
4. When building shelters, harness the power of those Public-Private Partnerships (P3s)!
5. Have a way to track metrics so you can prove how successful efforts have been (especially for local media).
6. Consider the costs of not housing your homeless.



Santa Ana-specific Resources

- [Addressing Homelessness webpage](#)
- [Detailed info about The Link](#)
- [Homelessness “Data Dashboard” \(Infogram\)](#)
- [City of Santa Ana’s Homelessness Plan](#)
- [City Council Resolution Declaring Homeless Shelter Crisis](#)



Audience Q&A



Thank You!

Full presentation is available on

www.cacities.org



For more info about CCMF:

www.cacitymanagers.org



Update on the Law of Municipal Finance

League of California Cities
Annual Conference

Long Beach, CA
October 18, 2019



10/3/2019

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Business License Taxes

- *Cal. Cannabis Coalition v. City of Upland* (2017) 3 Cal.5th 924
 - DCA concluded Prop. 218 does not require 2/3-voter approval of tax imposed by initiative, only of taxes proposed by government; Supreme Court affirmed
 - Dispute over scope of decision
 - Portions hold article XIII C, § 2 does not apply to voter-initiated taxes, and some argue this means all parts of § 2 do not apply
 - Other parts suggest only parts of § 2 – specifically, that requiring an election on a general tax at a general election – does not apply
 - Court identified “loophole” that might allow governing body to adopt special taxes without 2/3 vote

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Business License Taxes

- Following *Upland*, SF City Attorney opined that initiative special taxes can be approved by simple majority
- June 2018 SF ballot included Propositions C and D, nearly identical taxes on commercial landlords
- C required simple majority, D required 2/3
- C passed with 50.87%, D failed with 55.07%
- HJTA sued in August 2018
- November 2018 Ballot included another Measure C to increase business license taxes to fund homeless services; it received 61% and drew suit, too

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More on Upland

- Much litigation has followed
 - 3 suits against SF for treating taxes as approved
 - *HJTA v. CCSF*, 1st DCA Case No. A157983
 - City won in trial court 7/5/19
 - HJTA appealed 8/7/19
 - Fresno sued for treating tax as not approved
 - *City of Fresno v. Fresno Building Healthy Communities v. City of Fresno*, Fresno Superior Court Case No. 19 CECG 00422
 - HJTA intervened
 - HJTA won judgment on the pleadings on 9/5/19, appeal likely
 - Oakland sued for treating tax as approved
 - City sought to settle, but proponents intervened
 - City then filed its own validation action

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Sales & Use Taxes

- *Quill Corp. v. North Dakota* (1992) 504 U.S. 298 required physical contacts between retailer and state for sales taxes to apply
- This rule makes less sense in the internet economy and states sought to tax businesses which sell in their jurisdictions

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Sales & Use Taxes

South Dakota v. Wayfair (2018) 138 S.Ct. 2080

- Abandoned *Quill's* physical contacts requirement
- Tax jurisdiction now requires only "significant nexus" – meaning significant participation in a jurisdiction's marketplace
- So. Dakota limited duty to collect use tax to vendors w/ \$100k in receipts or 200 transactions per year



Sales & Use Taxes

Implications of *Wayfair*:

Short-term: better collection of use taxes, should enhance revenues to cities, counties and the State

Longer-term: new taxes can take advantage of the authority to tax out-of-jurisdiction vendors with meaningful role in local market

Exception for small vendors advisable, both legally and politically



Sales & Use Taxes

- AB 147 (Burke, D-LA)
 - Implements *Wayfair* by amending Bradley-Burns
 - Sets \$500k threshold for out-of-state taxpayers
 - Approved by Governor Newsom on 4/25/19
- CDTFA regulations had obliged out-of-state to commence collecting taxes as of 4/1/19

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SCAQMD Sales Tax

- SB 732 (Allen, D-Sta. Monica)
 - Proposal to allow SCAQMD to propose a Transactions and Use Taxes
 - This might compete with city and county taxes for the space under the 2% cap on all TUTs.
 - Author cancelled committee hearing on 5/13/19

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Sales & Use Tax

- Statute imposes a 2% cap on all local sales & use taxes
- Race-to-the-cap has begun in LA and some Bay Area Counties
- Legislative proposals to lift the cap for some cities and counties
 - AB 618 (Scotts Valley, Emeryville) – vetoed
 - AB 723 (Fremont) – pending 2nd reading in Senate as of 9/9

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Business License Taxes

Tesoro Logistic Operations, LLC v. City of Rialto (4th DCA Case No. E069070)

- Rialto voters approved a tax on petroleum storage operations in the City.
- Trial court concluded it was a preempted property tax because it was on storage facilities whether or not used for storage.
- DCA issued a tentative ruling (not designated for publication) on May 31, 2019 affirming; case was argued August 6 and remains under submission.
- If City loses, petition for SCOCA review may be likely.

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Property Tax

- The California Schools and Local Communities Funding Act of 2018, Measure No. 17-0055 qualified for the 11/20 ballot to amend Prop. 13 to impose a split roll
- Would allow annual re-appraisal of non-residential property, excludes residential and agricultural land
- Would raise billions of \$ to fund schools and local governments
- Would reduce business property tax and reimburse State for reduction in income taxes due to increased deductibility of property taxes
- Hugely expensive campaign likely

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Property Tax

- Proponents of split roll filed a new measure with the AG in late July
- No. 19-0008: "The California Schools and Local Communities Funding Act of 2020"
- May be a response to poor polling on Measure 17-0055.
- Awaiting AG's title & summary as of 9/9/19

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Property Tax

Major changes in new split-roll measure

- applies Local Control Funding Formulas for school funding
- applies AB 8 share to allocate city and non-school special district funding
- exempts residential & ag property,
- exempts small commercial and industrial property owners
- defers tax increase on properties occupied by small businesses
- reassessments to be phased in by statute

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Property Tax

Williams & Fickett v. Co. of Fresno (2017) 2 Cal.5th 1258

- DCA held usual duty to exhaust administrative remedies by seeking reassessment does not apply when assessment is a "nullity" because the taxpayer does not own it, it does not exist, or the property is tax-exempt
- Supreme Court held taxpayer must exhaust assessment appeal process to escape tax

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Property Tax

ACA 1 (Aguiar-Curry, D-Woodland)

- Would lower voter-approval threshold from 2/3 to 55% for bonds or special parcel taxes to fund affordable housing, permanent supportive housing, or public infrastructure
- 2/3 legislative approval required
- Failed third reading in the Assembly 44-20 w/ 15 abstentions, including many Dems in competitive seats
- Reconsideration granted, so the measure may come back as a two-year bill

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Property Tax

Jetsuite, Inc. v. County of Los Angeles (2017) 16 Cal.App.5th 10

- Upheld LA County decision to tax entire value of Jetsuite's fleet because no proof another state had acquired situs over the aircraft

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Property Tax

Machavia, Inc. v. County of Los Angeles (2017) 19 Cal.App.5th 1050

- Taxpayer challenge to property tax assessment of aircraft
- County successfully defended on basis of failure to exhaust administrative remedies
- Fact bills initially sent to incorrect address did not estop County to defend on exhaustion
- Nor would County have been estopped to defend on exhaustion by an affirmative misrepresentation to taxpayer b/c County issued new corrected bills thereafter

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Parcel Taxes

- *Borikas v. Alameda USD* (2013) held that statute required parcel taxes to be uniform and disallowed common structure of \$x / dwelling unit and \$y / sq. ft. of non-residential
- *Dondlinger v. LA County Regional Park & Open Space Dist.* (2019) 31 Cal.App.5th 994, review denied, tax of \$0.015 per sq. ft. of improved property was "uniform" within the meaning of statute and a permissible excise tax rather than a forbidden property tax

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Parcel Taxes

- SF adopted Measure G, a parcel tax to fund teacher salaries, by 61% at June 2018 election
- City Attorney filed validation action in September 2018 to test lawfulness of special tax approved w/o 2/3.
- Will likely be decided with the two Measure C business license taxes noted above.

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Documentary Transfer Tax

926 No. Ardmore Ave. v. County of LA (2017) 3 Cal.5th 319

- "Does R&T 11911 authorize county to impose documentary transfer tax based on a change in ownership or control of a legal entity that directly or indirectly holds title to real property?" – Answer: Yes
- Written instrument conveying interest in legal entity owning real property may be taxable even w/out reference to real property
- Legislation or Auditor-Controller Guidelines may be needed to implement new authority

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Sales & Use Taxes

Prop. 64 and Sales Taxes on Marijuana

- Medical marijuana sales are exempt from state and local sales and use taxes
 - Prop. 64 does not appear to apply to local sales taxes, but the CDTFA reads it that way
- Recreational sales are not exempt
- CDTFA published a "Tax Guide for Medical Cannabis Businesses" available at:
cdtfa.ca.gov/industry/cannabis.htm

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Measure A / Measure B Taxes

Coleman v. Co. of Sta. Clara (1998) 64 CA4th 662
allows general tax to be combined with advisory
measure; did not apply Prop. 218

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Measure A / Measure B Taxes

Johnson v. County of Mendocino (2018) 25 Cal. App.5th 1017

- *Coleman* survives Prop. 218
- Courts do not look to legislative motive, but to legislation language, to determine its effect
- HJTA's 2017 annotation of Prop. 218 is not authority for its construction
- Nice statement of very deferential Equal Protection test of tax distinctions



Under-Collection of Bed Tax by Online Resellers

- Resellers are subject to bed tax as sellers of hotel nights
- Hotels pay tax on wholesale rent reseller pays hotel, reseller collects tax on retail rent from customer and pockets the difference
- Class action counsel unsuccessfully pursued this issue for LA, SF, San Diego, Anaheim & W. Hollywood



Under-Collection of Bed Tax by Online Resellers

- *In re Transient Occupancy Tax Cases (San Diego v. Hotels.com)* (2016) 2 C5th 131
 - San Diego's TOT did not oblige online resellers of hotel rooms to collect and remit tax
 - LCC provided amicus brief for City
 - Likely controls in most other cities and counties because ordinance language is similar
- Divided CO S Ct reached opposite result in *Denver v. Expedia, Inc.* (Colo. 2017) 405 P.3d 1128

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Under-Collection of Bed Tax by Online Resellers

- *City of San Antonio v. Hotels.com* (5th Cir. 2017) 876 F.3d 717
 - Applying TX law, excluded online resellers service fees from tax base
- *City of Houston v. Hotels.com* (Tx. 2011) 357 S.W.3d 706
 - Same

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Under-Collection of Bed Tax by Online Resellers

- *In re Transient Occupancy Tax Cases: San Francisco v. Hotels.com, L.P.* (2d DCA Case No. B253197) (unpublished, 3/28/18)
 - DCA ruled for OTCs against San Francisco, which argued:
 - OTCs were "operators" under ordinance
 - All rent paid for occupancy was taxable, even if retained by OTC
 - DCA concluded hotel need only collect tax on rent it received
- *In re Transient Occupancy Tax Cases: Los Angeles v. Hotels. Com, L.P.* (2d DCA Case No. B255223)
 - DCA ruled for OTCs against Los Angeles; Los Angeles appealed, arguing ordinance reference to "secondary operators" ought to change result
 - DCA ruled for OTCs in an unpublished decision, LA did not seek review

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Under-Collection of Bed Tax by Online Resellers

- Options for Cities & Counties
 - Let the money go
 - Seek voter approval of an amended ordinance
 - Enforce your existing ordinance provisions requiring disclosure to hotel guests of taxes paid

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Bed Taxes on Short-Term Rentals

San Francisco v. Homeaway.Com, Inc. (2018) 21 Cal.App.5th 1116

- SF subpoenaed Homeaway's records to identify illegal short-term rentals, Homeaway resisted and City obtained court order, affirmed on appeal
- Federal Stored Communications Act was not an obstacle to City's information gathering
- Homeaway lacked standing to assert privacy rights of its customers
- No violation of rights of free association
- Subpoena was not overbroad

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Utility Users Taxes

Trial court challenges to UUTs on natural gas service

- *Lavinsky v. LA*: class action challenge to including state surcharges in tax base – settled
- *Engquist v. LA*: class action challenge to including monthly customer charge in tax base – class certified in May 2019 discovery underway as of 9/2/19; summary judgment motion expected if case does not settle

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Telephone Taxes

Gonzalez v. City of Norwalk (2017) 17 Cal.App.5th 1295

- Bush II administration's abandonment of much of the base of the Federal Excise Tax on Telephony led to challenges to California TUTs (*Ardon, McWilliams*)
- Many cities and counties adopted ordinances without voter approval to clarify they intended to maintain the earlier tax base
- This case upholds their doing so, finding no need for voter approval

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Telephone Taxes

MetroPCS California, LLC v. Michael Picker, 348 F.Supp.3d 948 (ND Cal. 2018) 9th Circuit Case No. 18-17382

- Enjoined enforcement of the Prepaid Mobile Telephony Services Surcharge Collection Act as preempted by federal law; PUC appealed to the 9th Circuit; fully briefed as of 9/4/19
- LCC expressed concern in 12/18 CDTFA would interpret it to forbid collection of local UUTs on prepaid wireless telephony
- CDTFA issued an advisory that same month informing carriers that the State's fee was suspended, but not local taxes

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Parking Taxes

CCSF v. UC Regents (2019) 7 Cal.5th 536

- Charter city may compel UCs and CSU to collect parking tax on use of campus lots by third parties
- Did not undermine the older test distinguishing governmental from “proprietary” activity, but applied balancing test drawn from charter city preemption cases and cases involving collection of UUTs by utility districts which are, technically, state agencies.
- Nice victory for local government
- Will apply broadly to third-party taxes like UUTs, hotel taxes, parking taxes, etc.

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Tax Ballot Measures

- AB 809 (Oberholte, R-Hesperia)
 - Effective 1/1/16, Elections Code section 13119 requires ballot labels to disclose amount to be raised annually by “initiative measure” that “imposes a tax or raises the rate of a tax”
 - Intended to apply to school bonds, but those are not proposed by initiative, but by Board resolution

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Tax Ballot Measures

- AB 195 (Oberholte, R-Hesperia)
 - Effective 1/1/18, amends Elections Code section 13119 to apply to all ballot measures that propose taxes
 - Label must be: "Shall the measure (stating the nature thereof) be adopted?"
 - Must state "the amount of money to be raised annually and the rate and duration of the tax"
 - Label "shall be a true and impartial synopsis of the purpose of the proposed measure, and shall be in language that is neither argumentative nor likely to create prejudice for or against the measure."
 - Purports to apply to charter cities, but many charters adopt the Election Code anyway.

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Tax Ballot Measures

- AB 1194 (Dababneh, D-San Fernando Valley)
 - Amends Elections Code section 9401 effective 1/1/18
 - Applies to bond proposals, which are more common for schools than other local governments
 - Requires ballot book to include an estimate of average annual tax rate required to fund proposed debt & its term

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Tax Ballot Measures

SB 268 (Wiener, D-San Francisco)

- Pending 3rd reading in Assembly as of 9/9/19
- For ballot measures to approve taxes w/ more than one rate, ballot book (not label) must
 - Describe purpose of measure and use of funds
 - List all tax rates and describe how tax imposed
 - Describe “any mechanism that would cause the tax rate or rates to vary over time”
 - State the duration of the tax
 - State “[t]he best estimate from official sources of the average annual dollar amount of tax that would be collected” in first 10 years
- Would apply to 3/20 and subsequent elections

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Tax Ballot Measures

SB 268 (Wiener, D-SF)

- For bond measures, ballot book (not label) must estimate
 - Average annual tax rate
 - Expected pay off of bonds and sunset of tax
 - Highest tax rate
 - Total debt service
 - “the statement may contain a declaration of policy of the legislative or governing body of the applicable jurisdiction, proposing to use revenues other than ad valorem taxes to fund the bond issue, and the best estimate from official sources of these revenues and the reduction in the tax rate levied to fund the bond issue resulting from the substitution of revenue.”

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Taxpayer Actions

Wheatherford v. San Rafael (2017) 2 Cal.5th 1241

- CCP § 526a allows taxpayers to challenge illegal government expenditures
- 526a challengers must pay tax “assessed” by defendant locality, but not necessarily property tax
- Case remanded to determine whether plaintiff paid “assessed” taxes
- Concurring opinion asked Legislature to clarify requirements for 526a standing



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Taxpayer Actions

AB 2376 (Stone, D-Sta. Cruz)

- Amended CCP 526a to broaden standing in response to *Wheatherford*
- Special districts now included
- Anyone who pays broad range of taxes has standing: income, sales, property (even if to landlord), business license taxes, provided they:
 - Live, work, own property or attend school in the jurisdiction
- Effective 1/1/19



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Taxpayer Actions

McClain v. Sav-On Drugs (2019) 6 Cal.5th 951

- Consumers cannot sue retailer for erroneous collection of sales tax
- Courts create remedies for tax refunds only in narrow circumstances
- Due process not offended by absence of remedy
- LCC did amicus brief
- Any remedy must come by legislation

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Taxpayer Actions

North Carolina Department of Revenue v. The Kimberly Rice Kaestner 1992 Family Trust (2019) __ US ____, 2019 WL 2552488

- Due Process clause of federal constitution limits State and local governments power to tax economic activity w/ minimum connection to the taxing agency.
- Presence of a trust beneficiary in No. Carolina did not create sufficient connection to allow the state to tax the trust.

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Revenue Enforcement

City & County of San Francisco v. Uber Technologies, Inc. (2019) 36 Cal.App.5th 66

- City sought data from Uber to enforce parking, traffic and safety ordinances. Uber refused, claiming the PUC had exclusive enforcement authority.
- City issued legislative subpoenas and sued for an order compelling. The trial court issued the order; the Court of Appeal affirmed.
- Statute authorizes city councils and boards of supervisors to issue legislative subpoenas to investigate anything subject to local regulation. They often require suit to enforce, but are a powerful tool.

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Income Taxes

- *Hyatt v. Yee* (9th Cir. 2017) 871 F.3d 1067
 - Pay first, litigate later rule did not offend federal Constitution
 - Accordingly, federal tax injunction act forbade federal court to interfere with CDTFA suit against wealthy inventor who claimed NV residency just before cashing in on his intellectual property
 - Case generated substantial media attention
- SCOTUS decided Constitution prohibits a state to be sued in the courts of another state without its consent:
Franchise Tax Board of California v. Hyatt (2019) 139 S.Ct. 1485

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Groundwater Extraction Charges

- *Pajaro Valley Water Mgmt. Agency v. AmRhein* (2007) 150 CA4th 1364
 - Groundwater augmentation / extraction charges are property related fees subject to Prop. 218
 - No longer good law due to *Ventura v. United Water*

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Groundwater Extraction Charges

- *Griffith v. Pajaro Water Mgmt. Agency* (2013) 220 CA4th 586
 - Charge is a fee for "water service" exempt from 13D, 6(c) election requirement
 - Omnibus Act's definitions are good authority notwithstanding *HJTA v. Salinas*
 - Notice of protest hearing can be given to property owners alone
 - Holding groundwater charges subject to 218 no longer good law under *Ventura*; but other holdings still useful

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Groundwater Extraction Charges

- *Griffith* (continued)
 - Debt service, GA&O, service planning all permissible uses of fee
 - AWWA M-1 Manual's cost-accounting process complies w/ Prop. 218
 - Parcel-by-parcel cost analysis is not required; class-by-class is okay if classes rationally drawn

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Groundwater Extraction Charges

- Ventura v. UWCD* (2017) 3 Cal.5th 1191
- Groundwater charges subject to Prop. 26, not 218
 - Remanded to decide if:
 - 3:1 ratio of ag. to non-ag. rates mandated by Water Code §75594 violates Prop. 26
 - Adequate justification for rates on UWCD's record
 - DCA remanded to UWCD for a new hearing
 - Review denied, litigation resumes in trial court, along with previously stayed cases involving subsequent years

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Groundwater Extraction Charges

Great Oaks Water Co. v. Sta. Clara Valley WD, 6th DCA
Case No. H035260, S Ct. Case No. S252978

- Grant & hold behind *Ventura*
- On remand to DCA, unpublished victory for SCVWD
- Groundwater charges not subject to Prop. 218, no Prop. 26 argument preserved for appeal
- Claim rates violated District's Act reviewed very deferentially; plaintiffs' trial victory reversed
- District did not obtain publication; SCOCA denied review 2/22/19
- Other trial court cases raise Prop. 26 claim

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Groundwater Extraction Charges

Sustainable Groundwater Management Act (Water Code
§ 10720 et seq.)

- 400+ new Groundwater Sustainability Agencies
- To fund and implement plans to bring groundwater basins into balance
- New fees on groundwater use expected to be adopted consistently with Prop. 218 (for supply) and Prop. 26 (for regulation)
- *Ventura* says Prop. 218 compliance not constitutionally required; will require legislation to relax this requirement; may not be politically feasible

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Groundwater Extraction Charges

First lawsuit filed under SGMA to contest reliance on earlier groundwater plan:

- *Sloughouse RCD v. Sacramento Central Groundwater Authority*, Sacto. Superior No. 34-2017-80002529
 - Alleges CEQA, CCP 526a, writ and declaratory relief claims under SGMA
 - Writ hearing on 11/16/18 vacated and case reassigned to new judge; no subsequent activity as of 9/2/19

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Water Meter Shut-Offs

- SB 998 (Dodd, D-Napa)
 - HSC Section 116900 et seq. requires water utilities with more than 200 customers to adopt a policy on residential service shut-offs to protect low-income customers
 - Arguably requires policy to be translated into several languages whether or not spoken in the community
 - Requires annual forgiveness of interest, caps repayment obligations, forbids turn-offs if customer has doctor's note
 - Will increase bad debt, may prompt policies to require credit-worthiness or security deposits
 - Mandates claim, challenge as violating Prop. 218 by compelling improper cross-subsidy possible; litigation, too
 - Effective 1/1/19
 - Clean-up bill in discussion for 2020

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Prop. 218 & Water Rates

City of Palmdale v. Palmdale Water District (2011) 198 CA 4th 926

- City challenged conservation water rates, claiming Prop. 218 disallows them
- DCA found 218 and Constitutional provision against wasting water (art. X, § 2) could be harmonized, but struck down PWD rates as insufficiently justified
- Conservation rates must be set carefully

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Prop. 218 & Water Rates

Capistrano Taxpayers Assn v. City of San Juan Capistrano (2015) 235 CA4th 1493

- Must satisfy water conservation mandate of article X, § 2 and Prop. 218
- Domestic rates can fund recycled water as supply program
- Tiered rates require precise cost-justification
- Disagrees with other cases and therefore trial courts need not follow it
- SCOCA read narrowly to invalidate rates b/c city offered no cost justification

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Prop. 218 & Water Rates

Morgan v. Imperial Irr. Dist. (2014) 223 CA4th 892

- No separate protest vote on water rates on domestic, municipal, industrial and agricultural water customers
- Full cost recovery
- Data need not be perfect

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Prop. 218 & Water Rates

Green Valley Landowners Assn v. City of Vallejo (2016)
241 CA4th 425

- Restates pay first, litigate later rule
- Urban water rates need not subsidize higher cost of service to exurban system

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Prop. 218 & Water Rates

- Challenges to tiered water rates following *San Juan Capistrano* pending in:
 - *Marin Municipal Water District* – DCA found no duty to exhaust, SCOCA denied review, to be tried in 12/19
 - *City of Glendale* – unpublished victory, publication and review denied, settled
 - *Goleta Water District* – unpublished victory, request to publish denied
 - *San Jose* (City prevailed b/c it ended tiered rates in 2017 and plaintiff did not show class could litigate refund issue efficiently; appeal pending as H046064 as of 9/2/19)
- General fund transfer disputes pending in
 - San Jose (City prevailed due to claiming requirement, overhead adequately justified, late fees not subject to 218)

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Prop. 218 & Water Rates

- Unpublished victories for water agencies on tiered rates in
 - *Boyd v. Soquel Creek Water Dist.*, 2016 WL 1752932
 - *Delano Guardians Comm. v. City of Delano*, 2018 WL 573015

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Prop. 218 & Water Rates

2016's SB 814 (Hill, D-San Mateo)

- adopted Water Code §§ 365 ff. to authorize tiered rates as a regulatory tool during drought
- Imposes state-wide penalty for violation of water conservation regulations to be administered locally
- Impact on *San Juan Capistrano* challenges uncertain

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Prop. 218 & Water Rates

2017's SB 564 (McGuire, D-Healdsburg)

- adopted Gov. Code § 6586.7 to authorize JPA to issue debt to fund water conservation improvements to be funded by surcharge on water bills of those who choose to participate
- "PACE for water efficiency"
- Effective 1/1/18

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Drinking Water Tax

SB 200 (Monning, D-Monterey)

- Would have required all water providers to collect a tax on potable water to fund the Safe and Affordable Drinking Water Fund to assist low-income communities in accessing safe potable water supplies
- Included in Governor Newsom's budget
- Legislature subsequently provided state funding for the SADWF
- This bill chaptered on another topic

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Water & Sewer Providers

AB 1751 (Chiu, D-SF)

- Facilitates acquisition of investor-owned water and sewer corporations by public agencies by requiring expedited PUC approval of transactions
- Intended to address failing systems in disadvantaged communities
- Held in Senate Appropriations as of 8/30/19

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Mandates & Prop. 218

Paradise Irrigation District v. Commission on State Mandates (2019) 33 Cal.App.5th 174

- Districts argued state water quality regulations were reimbursable mandates. State argued they had fee-making power to recover those costs, an exception to the duty to fund mandates
- Districts argued majority protest procedure under Prop. 218 meant they did not have rate-making power
- DCA was not persuaded
- Did cite SB 231 (storm sewer fees exempt from 218 election requirement) favorably
- Review denied

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Solid Waste Fees

Kahan v. City of Richmond (2019) 35 Cal.App.5th 721

- City liened tax roll for delinquent trash fees
- Investor who purchased property sued, arguing the lien was preempted by statutes governing the priority of liens against property.
- DCA concluded statute authorized the special assessment lien and that the assessment provisions of Prop. 218 did not apply.

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Sewer Fees

Moore v. City of Lemon Grove (2015) 237 CA4th 363

- Prop. 218 allows full cost recovery
- Approved informal cost justification of allocation of public works department costs to sewer utility

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Sewer Fees

Cape Concord HOA v. City of Escondido (2017) 7 CA5th 180

- GC § 53082(c) requires sewer fee refunds when agency discovers it has been billing those it does not serve if claim filed within 180 days of payment
- This bill did not allow HOA to claim refund for domestic rates applied to irrigation use before separate irrigation meter installed

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Sewer Fees

Plantier v. Ramona MWD (2019) 7 Cal.5th 372

- Prop. 218 challenge to sewer fees defeated in trial court for failure to exhaust administrative remedies by participating in the Prop. 218 majority protest hearing
- S Ct. reversed, concluding the Prop. 218 majority protest proceeding was not a fit forum to resolve restaurant's complaint about its EDU assignment
- Left open the possibility that plaintiffs might need to participate in protest hearing to challenge fee increase itself
- Advisable to establish a local remedy that **does** apply to as applied and facial challenges to fees and state in notice of 218 hearing that all challenges will be heard

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Sewer Fees

SB 231 (Hertzberg, D-San Fernando Valley)

- Effective 1/1/18, defines "sewer" under Prop. 218 to include storm sewers (GC 53750(k))
- Seeks to overrule *HJTA v. Salinas* by statute, citing *Crawley v. Alameda* and *Griffith v. Pajaro*
- This authority is most safely used for stormwater reuse project benefitting water supplies
- Test litigation coming
- Cited favorably in *Paradise Irr. Dist. v. Comm'n on State Mandates*

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Sewer Fees

Marks v. City of San Diego, San Diego Superior Court Case No. 37-2018-00014112

- Class action challenge to transfer from sewer to water fund to contribute to cost of advanced metering infrastructure
- Claims 50/50 split of AMI cost between two utilities violates Prop. 218 because sewer does not benefit equally with water
- Class certification to be heard in September 2019, trial set for June 2020
- Plaintiffs' counsel from San Diego & Seattle

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Referenda on Fees

- Prop. 218 allows initiatives to repeal or reduce fees
- Can a fee also be referended?
 - *Wilde v. City of Dunsmuir* (2018) 29 Cal.App.5th 158 (review grant, S. Ct. case no. S252915)
 - Allowed referendum in poorly reasoned decision
 - HJTA substituted in for pro per after DCA decision
 - Amicus briefs filed May 2019; awaiting argument
 - *HJTA v. Amador Water Agency* (2019) 36 Cal.App.5th 279
 - 3d DCA disagreed with its own earlier decision
 - Grant-and-hold review in SCOCA behind *Dunsmuir*

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Regulatory Fees

CBIA v. SWRCB (2018) 4 Cal.5th 1032

- Applies *Sinclair Paint* under Prop. 13 to SWRCB fees for water quality programs
- Very deferential review of SWRCB decision to account for 8 programs collectively
- Prop. 26 review of cost justification is fairly deferential
 - Ok that fees exceeded costs because surpluses were declining and stayed in the program to underwrite future costs
 - Ok to fund reserves
 - Reasonable estimates are acceptable in cost justification
- Plaintiff must make a prima facie case of invalidity before burden of proof shifts under 13 and perhaps 26
- Helpful discussion of Prop. 26
- Fee vs. tax is legal question reviewed de novo on independent judgment review of the facts

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Regulatory Fees

• *CBIA v. SWRCB* (2018) 4 Cal.5th 1032

- Subsidies of fees are permissible if from other sources
- Cost-to-fee ratio need not be "precise" – "inherent component of reasonableness in this context is flexibility"
- 3% overcharge of a class as between historic costs and projected fee collections was reasonable, especially as gap was closing over the years in the record
- Distinguished *San Juan Capistrano* b/c agency there "failed to show its property-related fees did not exceed the cost of services attributable to each parcel."
- Prop. 218 demands more than Prop. 26 as to proportionality of fee to cost of service

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Regulatory Fees

Northern California Water Assn. v. SWRCB (2018) 20 Cal.App.5th 1204

- Cal. S. Ct. upheld statutory fee on water rights holder to fund Water Rights Division of SWRCB
- Remanded to determine if rates were properly apportioned to benefits & burdens under Prop. 13 and *Sinclair Paint*
- Trial court ruled they were not; this decision reverses
- Favorable to rate-makers: all USBOR water of benefit to fee payors including that required for environmental purposes, general fund subsidy can be applied to cover uncharged beneficiaries

10/3/2019

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Franchise Fees

Jacks v. City of Santa Barbara (2017) 3 Cal.5th 248

- SCE agreed to increased franchise fee upon PUC authorization for line item on power bills
- DCA found tax requiring voter approval
- Supreme Court remanded: Franchise fees must reflect reasonable value of franchise
 - Reasonable value may be shown by bona fide negotiations, "other indicia of worth"
 - Also reaffirms that valid fees do not become taxes simply because passed on to rate payers
 - Challenger must bear legal, not economic, burden of fee or tax

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Franchise Fees

- Similar disputes in Ventura, Bakersfield and San Diego
 - *McNulty v City of Ventura* – stayed pending *Jacks*
 - *King v. City of Bakersfield* – plaintiffs dismissed
 - *Mahon v. San Diego* – City won summary judgment, appeal pending as D074877, fully briefed as of 8/29/19
- *Jacks* tried May 2019 and trial court found franchise fee not a tax due to good-faith bargaining between City and SCE
- *Jacks* appealed as Case No. B299297

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Franchise Fees

- *Zolly v. City of Oakland*, 1st DCA Case No. A154986
 - Challenge to franchise fee imposed on City solid waste franchisees under Props. 218 and *Jacks v. City of Santa Barbara*
 - City prevailed on demurrer because fees paid by hauler, not customers
 - Respondent's brief due 9/5/19 as of 9/9/19

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Franchise Fees

Apartment Owners Assn of CA, Inc. v. City of Los Angeles, LASC Case Nos. BC677423, BC709658

- Class action challenges to LA's recycling program, including franchise fees paid by private haulers, as tax under Prop. 26
- Filed September 27, 2017, in discovery as of 9/2/19
- Status Conference set for 10/8/191

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Vehicle License Fees

AB 818 (Cooley, D-Rancho Cordova; Quirk, D-Buena Park)

- Latest effort to restore favorable allocation of VLF to newly incorporated cities to reflect the lessened burden on the CHP which polices county, but not city, roads.
- VLF was reassigned during the State's budget crisis.
- Legislature solved the near-bankruptcy of four newly incorporated Riverside County cities, but has not restored the incentive for new incorporations
- Committee hearing postponed 5/16/19; two-year bill

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Development Impact Fees

1901 First Street Owner, LLC v. Tustin USD (2018) 21 Cal.App.5th 1186

- “Assessable space” for school impact fees included common area interior spaces
- Statute requires measurement to match “the standard practice of th[e] city or county in calculating structural perimeters”
- Thus, the standard varies by building department



Development Impact Fees

Summerhill Winchester LLC v. Campbell USD (2018) 30 Cal.App.5th 535

- Affirmed refund in developer’s challenge to school impact fee
- DCA concluded the fee study did not contain required data
- Use of hypothetical new schools the district did not intend to build was not reasonable means to measure capital need



Development Impact Fees

Tanimura & Antle Fresh Foods, Inc. v. Salinas Union HSD
(2019) 34 Cal.App.5th 775

- Ag. Business obliged to pay school impact fees for adults-only farm worker housing
- Construes statute, can be explained as reflecting school impacts of economic development (construction workers have kids, too).

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Development Impact Fees

SB 646 (Morell, R-Rancho Cucamonga)

- Requires water and sewer connection fees to satisfy the "fair or reasonable relationship" standard of Prop. 26, which otherwise does not apply to such fees
- May not change the law much; bill drew no opposition
- Chaptered 7/10/19
- Effective 1/1/20

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Development Impact Fees

SB 13 (Wieckowski, D-Fremont)

- Promotes accessory dwelling units (“granny units”)
- Prohibits development impact fees on ADUs of less than 750 square feet
- Prohibits requirement of new utility connection unless ADU is free-standing and fee proportional to sq. footage or fixture count
- As other units cannot be charged more to make up the difference, this will impose infrastructure costs on existing customers to be recovered by rates
- Pending 3rd reading in Assembly as of 9/9/19

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Development Impact Fees

Boatworks, LLC v. City of Alameda (2019) 35 Cal.App.5th 290

- Court invalidated City’s park impact fees because fee calculated on cost to acquire and improve land, but City owned the necessary land already
- City could treat areas zoned for open space as parks for purposes of the fee
- Remedy was to declare the ordinance void; not to order the City to repeal it
- Developer got fees as a private attorney general despite its economic interest in the case because it benefited other developers and buyers of 4,600 homes

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Prop. 26 Litigation

Griffith v. City of Santa Cruz (2012) 207 CA4th 982

- Challenge to fee on landlords for housing code enforcement
 - No violation of equal protection, 218 or 13
 - Helpful discussion of burden of proof under 26, practical application of licensing exception, applies pre-26 regulatory fee case law

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Prop. 26 Litigation

Newhall County Water Dist. v. Castaic Lake Water Agency (2016) 243 CA4th 1430

- Wholesaler w/ 4 customers could not make rates by class
- Wholesaler w/o groundwater services or regulatory authority could not tie rates to groundwater use (free-rider violation)
- Conservation rates must conserve rate-maker's own water supplies

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Prop. 26 Litigation

Schmeer v. County of Los Angeles (2013) 213 CA4th 1310

- Challenge to provision of plastic bag ban requiring retailers to charge \$0.10 for paper bags
- Because fee doesn't fund government, 26 doesn't apply

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Prop. 26 Litigation

Citizens for Fair REU Rates v. City of Redding (2018) 6 Cal.5th 1

- Challenge to electric utility PILOT
- Trial court found grandfathered
- DCA found subject to Prop. 26 b/c adopted w/ biennial budget & remanded for cost justification
- Court concluded fees not made taxes by PILOT because non-retail-rate revenues were sufficient to cover it
- Did not reach grandfathering issue or question whether cost could be deemed reasonable b/c comparable to taxes PUC-regulated utilities pay
- Other cases pending against other municipal utilities may reach those issues

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Prop. 26 Litigation

Citizens for Fair REU Rates v. City of Redding (2018) 6 Cal.5th 1

- Gross proceeds of wholesale transactions treated as discretionary revenue
- May make sense to segregate reserves between those funded by rates and those funded by discretionary revenues
- 26 is plainly less demanding than 218
- Free-riders are a problem only if other fee-payors cover them.
- No duty to subsidize rates with discretionary revenue

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Prop. 26 Litigation

Similar GFT challenges against gas and electric utilities

- Alameda (stayed)
- Anaheim (*Palmer v. City*, 30-2017-00938646, 30-2018-01013732)
- Burbank (settled)
- Glendale (unpublished decision 12/27/18, publication & review denied; remedy to be retried)
- Long Beach (settled)
- Los Angeles (settled)
- Modesto Irrigation District (9/27/19 trial)
- Palo Alto (9/18/19 trial)

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Prop. 26 Litigation

Webb v. City of Riverside (2018) 23 Cal.App.5th 244

- Challenge to general fund transfer from power utility rejected under 120-day statute of limitations of PUC §10004.5
- Changing the transfer formula (an expenditure) was not an “increase” that triggers new Prop. 26 claim
- Cited favorably in *Redding*

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Prop. 26 Litigation

Cal. Chamber of Commerce v. CARB (2017) 10 CA5th 604

- Greenhouse gas auctions did not exceed statutory authority under AB 32
 - Were not taxes under Prop. 13 because voluntarily paid for a valuable right (to emit carbon)
- Paves way for a new revenue strategy: use power to regulate to impose standard on industry and then allow businesses to buy around it

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Prop. 26 Litigation

Otay Mesa Water Dist. v. City of San Diego, Otay Water District v. City of San Diego, Riverside Superior Court
Case No. RIC1804278

- Challenges San Diego's allocation of costs for recycled water to other utilities. Argues two recycled water systems should be costed separately
- City answered, case moved to Riverside
- Trial set for 11/21/19



Prop. 26 Litigation

San Diego County Water Authority v. Metropolitan Water District (2017) 12 Cal.App.5th 1124

- SDCWA challenged wheeling rate for including costs of SWP rather than only costs to operate Colorado River Aqueduct and prevailed at trial
- DCA overturned that victory, concluding postage stamp rates allowed under statute were also sufficient under Prop. 26
- Core holding likely of little impact on other agencies, but many good holdings



Prop. 26 Litigation

San Diego County Water Authority v. Metropolitan Water District (2017) 12 Cal.App.5th 1124

- Independent judgment review doesn't allow court to choose between competing methodologies
- Conservation costs could not be recovered from a transportation rate on this record
- Common law standard of rate-making is very deferential
- Did not decide if Met "imposes" rate on SDCWA
- Confirms local governments have standing to assert constitutional claims, upholding SDCWA's preferential rights argument, striking Met penalty on San Diego for litigating the issue

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Prop. 26 Litigation

Templo v. State of California (2018) 24 Cal.App.5th 730

- Challenge to jury fees for civil trials under Prop. 26
- DCA affirmed trial court dismissal for suing the State rather than the Judicial Council
- Brief discussion of Prop. 26, including the shifting of the burden of proof from plaintiffs to government

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Prop. 26 Litigation

Reid v. City of San Diego (2018) 24 Cal.App.5th 343

- Class action challenge to tourism marketing district assessment under Prop. 26
- DCA affirmed dismissal for failure to comply with 30-day statute of limitations for validation specified by charter City assessment ordinance, rejecting tolling and continuous accrual claims
- No equal protection violation in limiting vote to hoteliers
- Rejected sanctions b/c fair question whether charter city could invoke validation by ordinance

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Prop. 26 Litigation

Howard Jarvis Taxpayers Assn v. The Bay Area Toll Authority, 1st DCA Case Nos. A157972, A157598

- Legislature authorized a voter-approved \$3 increase in Bay Area bridge tolls to fund BART, SF Muni, ferries, port improvements, and bike and pedestrian trails
- Voters approved it as Regional Measure 3 in June 2018
- HJTA sued, arguing Prop. 26 required 2/3 legislative approval
- Trial court concluded this was a fee for use of public property not subject to a cost-of-service limit
- HJTA appealed in June 2019

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State Fire Fees

HJTA v. California Department of Forestry and Fire Protection (3rd DCA Case No. C086660)

- HJTA challenged state fire fees on parcels in state responsibility areas as a tax under Prop. 26
- Case was dismissed for failure to try it w/in 5 years
- HJTA appealed, case fully briefed and awaiting argument since 2/06/19

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Assessments

Silicon Valley Taxpayer's Ass'n v. Sta. Clara Co. Open Space Auth. (2008) 44 Cal.4th 431

- Independent judicial review of assessments
- Tighter definition of "special benefit"
- Open space and other services that benefit public broadly harder to justify
- Proportionality requirement unclear

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BID Assessments

Dahms v. Downtown Pomona PBID

(2009) 174 CA4th 708 allows:

- exemption of residential property from assessment for security, streetscape maintenance & marketing
- discounted assessments for non-profits
- use of front-street frontage for apportionment, along with lot & building size
- Very generous to agency; later cases less so

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Utility Undergrounding Assessments

Tiburon v. Bonander (2009) 180 CA4th 1057

- No general benefit for utility undergrounding
- Court can look outside agency's record to reach earlier record on same assessment
- Invalidated allocation of assessment and establishment of zones of benefit

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Park Assessments

Beutz v. Riverside Co. (2010) 184 CA4th 1516

- Park M&O can be 100% assessment financed b/c capital provided w/ other \$
- Agency must always prove special benefit and proportional allocation even if challenger doesn't raise these points
- Questions use of cost to allocate benefit

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Fire Suppression Assessments

Concerned Citizens v. West Point FPD, Cal. S. Ct. Case No. S195152 (2012)

- Sufficiency of engineer's report to show special benefit or proportionality
- Use of cost to allocate benefit

• Dismissed as moot and DCA opinion not republished

Davis v. Mariposa County Board of Supervisors (2019) ___ Cal.App.5th ___ [2019 WL 3939067]

- County's trial court victory affirmed b/c plaintiff failed to appeal in the 30 days allowed for validation actions
- Still no published case upholding assessment funding of services post-*West Point*

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Maintenance Assessments

Golden Hill Neighborhood Ass'n v. City of San Diego (2011) 199 CA4th 416

- Invalidated maintenance district under 1972 Lighting & Landscaping Act for inadequate engineer's report (no basis for allocation of votes to City property)
- Helpfully limited DCA's *West Point* decision and provides guidance for engineers' reports



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Tourism Marketing Districts

TMD assessments have generated litigation under Prop. 26.

- Ontario prevailed on standing grounds;
- San Diego mooted by amendment to limit assessment to large hotels; fee award appealed; duplicative suits dismissed by trial court (*Reid* & unpublished victory for City)
- Fee appeal resulted in victory for City on 4/4/19



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Assessing Other Governments

- 218 says you cannot exempt other governments and it was unclear whether that means you can assess them
- *Manteca USD v. Reclamation District 17* (2017) 10 CA5th 730
 - Art. 13D, § 4(a) ban on exempting government property trumps Water Code provision forbidding RD to assess schools and roads



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Advice re Assessments

- Use a strong, current engineer's report
- Get legal review of reports at least until assessment law stabilizes
- Watch for current developments



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General Fund Transfers

National Asian American Coalition v. Newsom (2019) 33 CA5th 993

- Mortgage fraud settlement provided \$300+ million to fund consumer credit education, mortgage assistance and similar housing programs.
- Legislature appropriated it for general fund purposes.
- Activist groups sued; Court of Appeal ordered reversal of transfer
- Supreme Court granted review and remanded to DCA for reconsideration in light of 2018 budget trailer bill reconfirming the transfer
- DCA again ordered reversal of transfer; review denied

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Economic Development

SB 531 (Glazer, D-Antioch)

- Bans sales tax situs agreements as of 1/1/20
- They kickback part of tax to retailer for locating sales office in a jurisdiction.
- Failed on third reading in Assembly on vote of 36-21 w/ 22 abstentions
- Reconsideration granted
- To enrollment as of 9/5/19

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Questions?

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City of Long Beach

Leading California Cities Into the Future
Friday October 18, 2019



LONG BEACH



<https://youtu.be/Dnv1CL0DtVc>

WORLD FAMOUS ATTRACTIONS

KNOWING YOUR HISTORY

LONG BEACH'S ENVIRONMENT FOR DEMONSTRATION PROJECTS & STRATEGIES



1909

Residents issued a \$240,000 bond to build a municipal wharf.



1940s

The Navy selected Long Beach as the principal landing site for the Navy fleet, and Donald Douglas produced more than 4,200 C-47 Skytrain planes for the war near the Long Beach Airport.

1930s

Ford, DuPont, and Proctor and Gamble operated factories in the harbor, and oil was discovered under the city.



1960s

Long Beach became the Queen City when it acquired the ocean liner Queen Mary from Cunard Lines.



CONNECTED INFRASTRUCTURE, CONNECTED CITY, CONNECTED PEOPLE

A HISTORY OF INNOVATION

- Modern Sea Port
- Railway
- Airport
- Freeway System
- Leader for Engineering, Advanced Manufacturing, and Goods Movement

LEADING INTO THE 21ST CENTURY

- Economic Opportunity
- Access to Services
- Livability
- Safety
- Mobility
- Sustainability

LONG BEACH'S VISION

- Urban Automation
- Connected Vehicles
- Intelligent, Sensor-Based Infrastructure
- Urban Analytics
- User-Focused Mobility Services and Choices
- Urban Delivery and Logistics
- Strategic Business Models and Partnering Opportunities
- Smart Grid, Roadway Electrification & Electric Vehicles
- Connected, Involved Citizens
- Architecture and Standards
- Low-Cost, Efficient, Secure, and Resilient ICT
- Smart Land Use



STRATEGIC PLANNING



BLUEPRINT

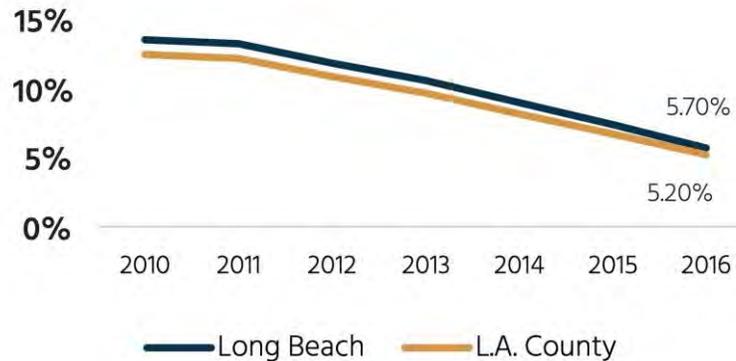
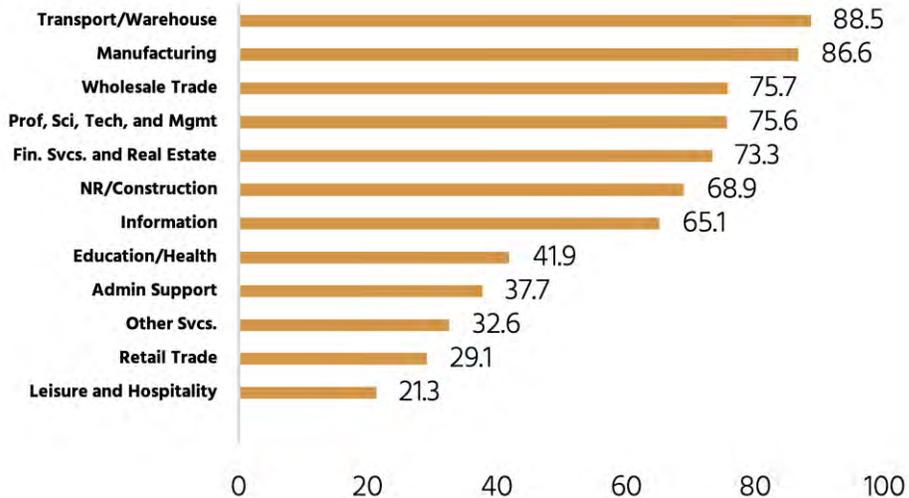
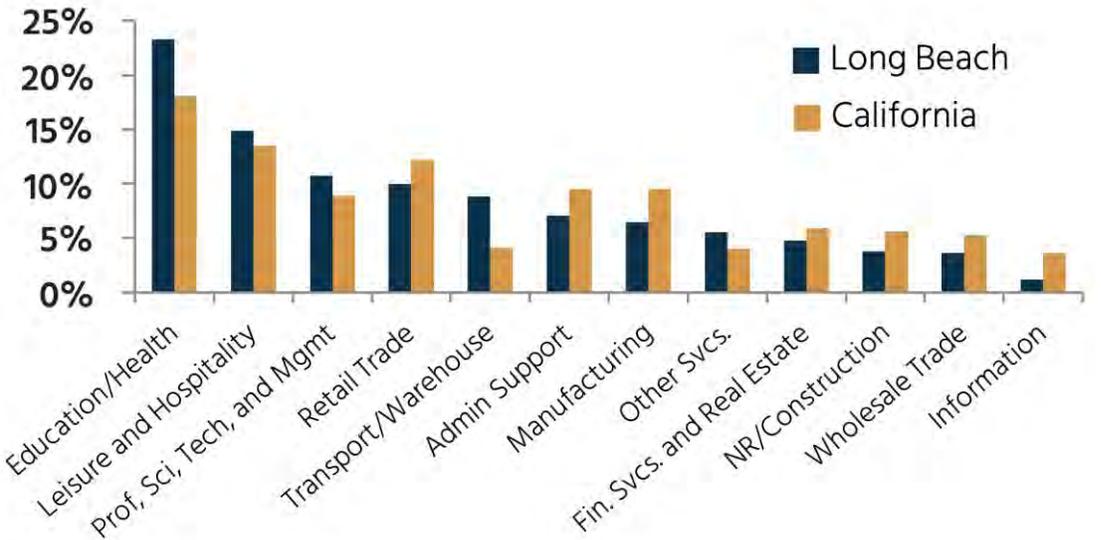
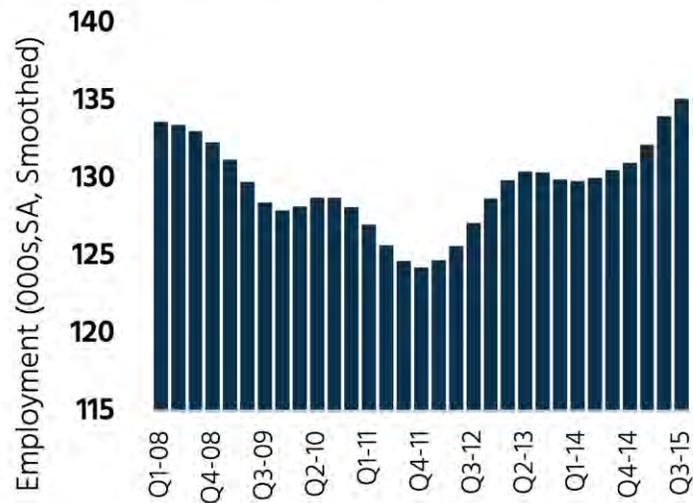
FOR ECONOMIC DEVELOPMENT

Creating economic opportunities for workers, investors, and entrepreneurs

Lakewood Village
Downtown
Wrigley
City of Long Beach
Carmelitos
El Dorado Park
Bluff Heights
Zaferia
Uptown
Belmont Shore

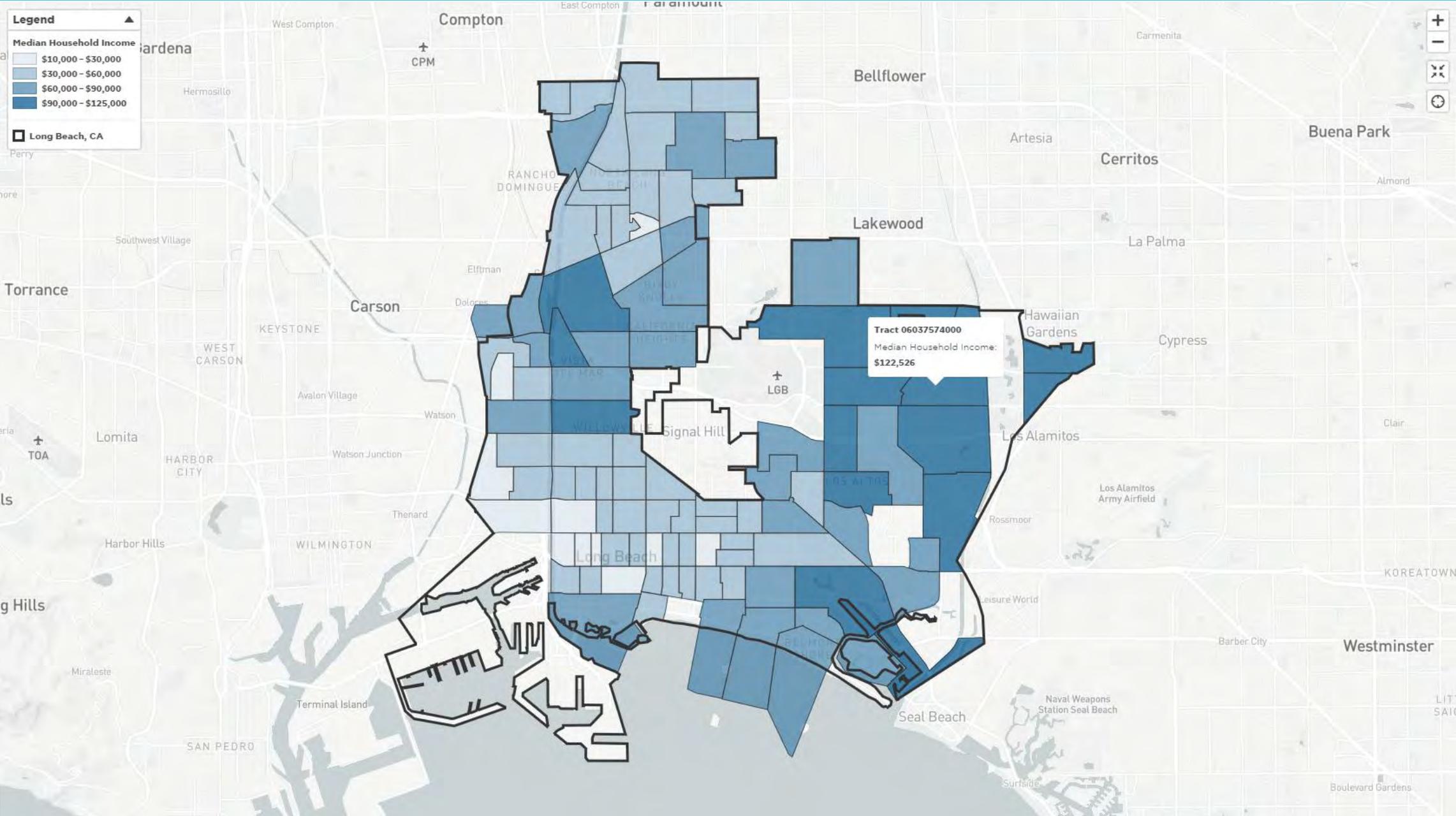
KNOWING YOUR DATA

2015 Total Private Employment



	Long Beach		L.A. County	
	Median Income	5-Year Growth	Median Income	5-Year Growth
White	\$69,809	5.9%	\$70,772	3.9%
Black	\$39,273	4.2%	\$33,744	-0.2%
Asian	\$59,087	15.7%	\$54,880	3.3%
Hispanic	\$43,869	7.8%	\$38,854	2.4%
Other	\$46,237	18.7%	\$35,615	-3.5%

OPENING YOUR DATA



Labor Force: Inflow and Outflow



CONNECTING YOUR PEOPLE



EXPANDING YOUR PORTS



EXPANDING YOUR PORTS



EXPANDING YOUR NETWORK

City Build Scenarios #1-3

Scenario #1

Build Fiber Backbone & Laterals - Connect 143 City Buildings

- ~\$12.6 Million Cost

Scenario #2

Extend to Connect Commercial Corridors

- ~\$32.8 Million Cost
- Lease Excess Capacity to Network Tenant(s)
- Business Enterprise Services Offered by City or Network Tenant(s)

Scenario #3

Extend Network Citywide

- ~\$182.5 Million Cost
- Lease Excess Capacity to Network Tenant(s)
- Business Enterprise and/or Residential Services Offered by Tenant(s)

CONNECTING YOUR NETWORK

OVERVIEW OF DIGITAL EQUITY AND INCLUSION

WHAT IS DIGITAL EQUITY?

Digital equity is when everyone has access and use of digital literacy training, the Internet and technology devices to be successful in society, democracy and the economy regardless of their background and identity.

WHAT IS DIGITAL INCLUSION?

The City of Long Beach defines digital inclusion through an equity lens, which means proactively ensuring everyone has equitable access and use of digital literacy training, the Internet, technology devices and other digital resources.

APPROACH TO ADVANCING DIGITAL EQUITY AND INCLUSION



CAPACITY

- Leadership and capacity building.
- Multilingual digital literacy training and support.
- Technology jobs and internship opportunities.
- Job preparedness and digital literacy skills development.



CONNECTIVITY

- Low-cost, high-speed, quality in-home Internet services.
- Low-cost, quality cell phone data plans.
- Citywide fiber network infrastructure.
- Free City-provided public Wi-Fi.



TECHNOLOGY

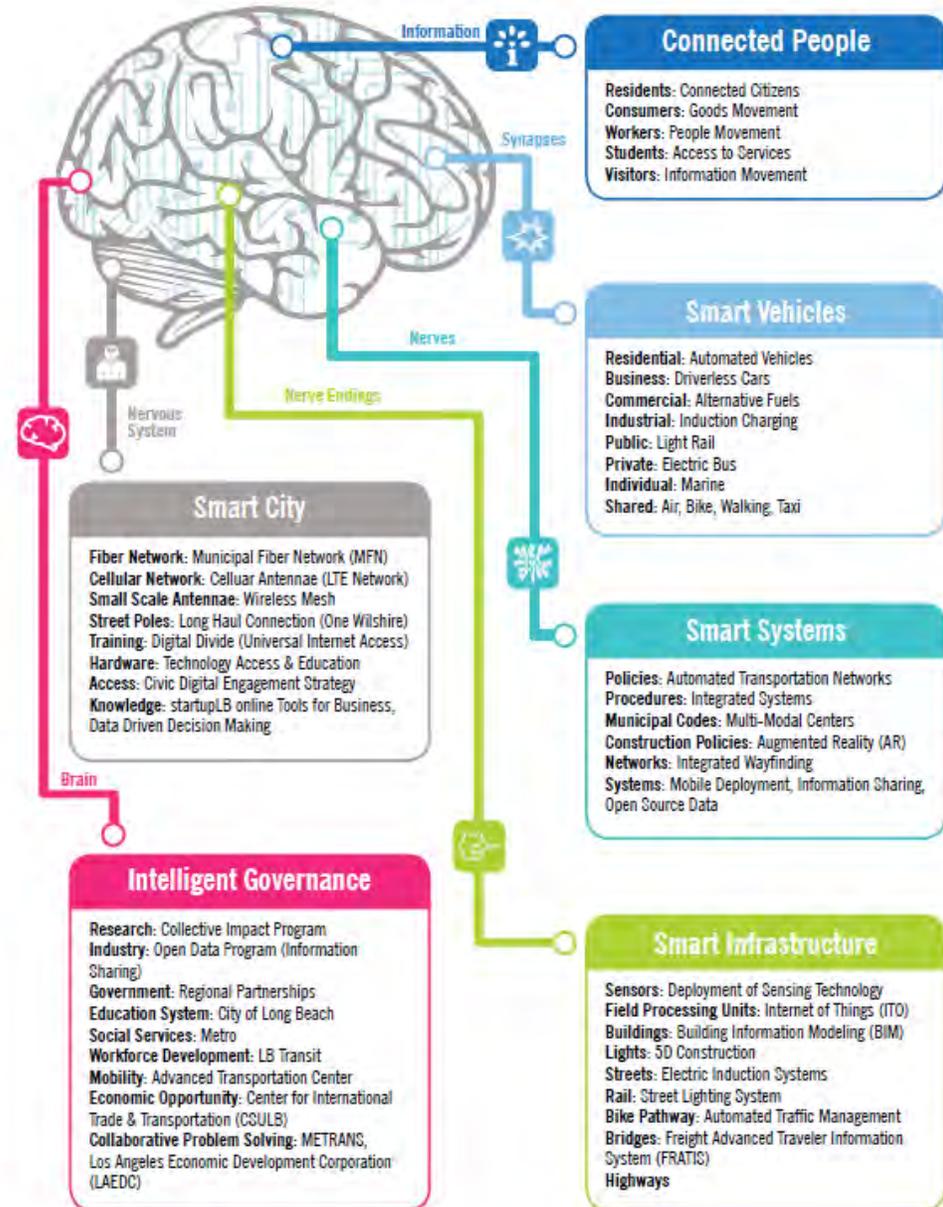
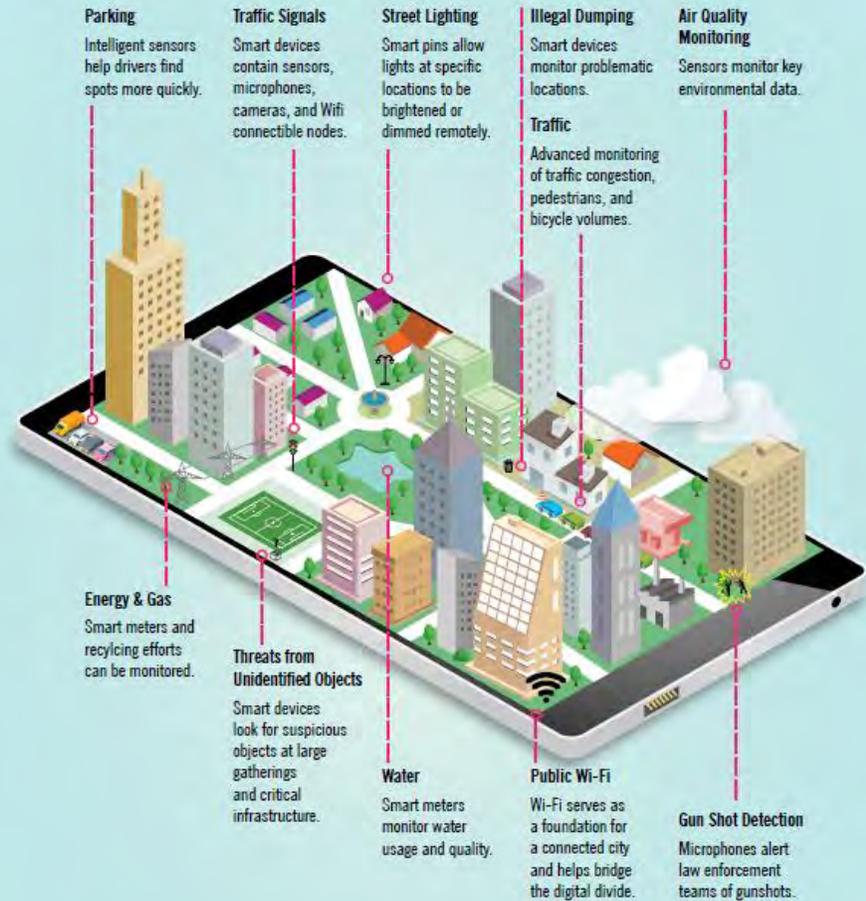
- Low-cost, quality, Internet-enabled technology devices -including refurbished (e.g. desktops, laptops, tablets).
- Quality technical support.
- Free City-provided community computer labs.



CONNECTING YOUR INFRASTRUCTURE

Section 9.0

21ST CENTURY DATA IN LONG BEACH

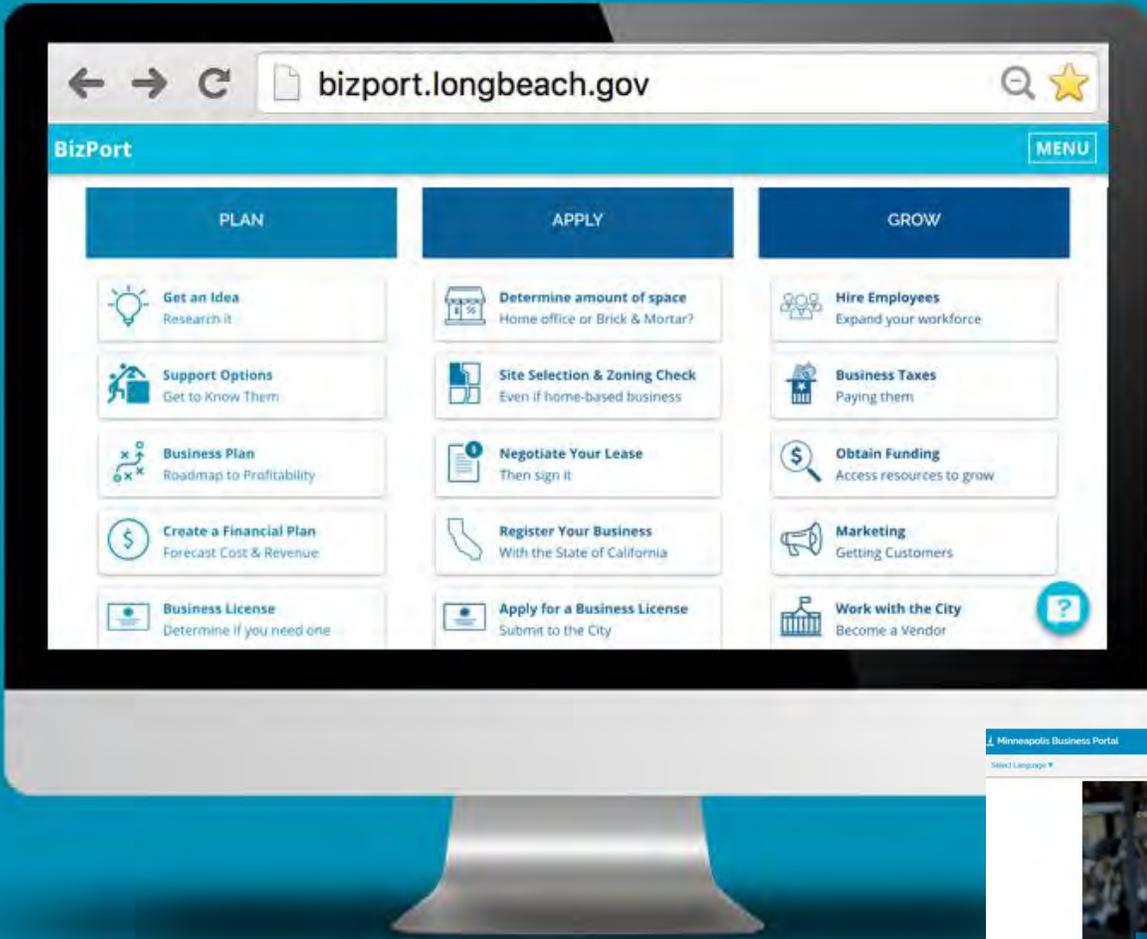
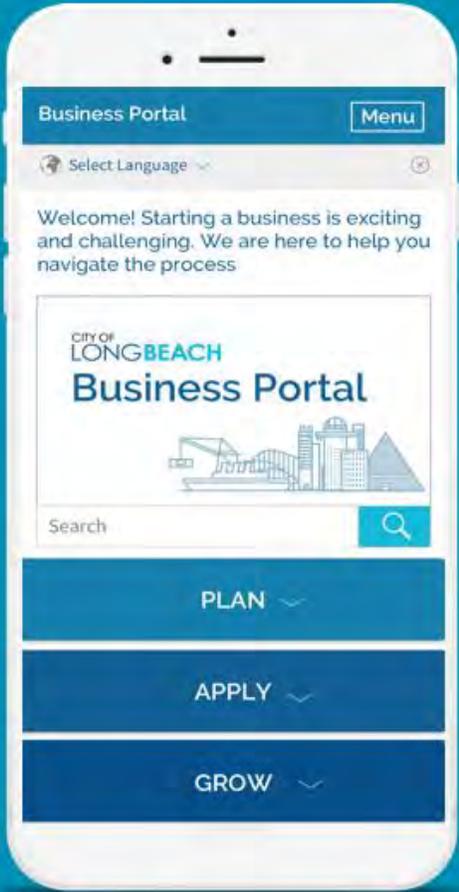


LEVERAGING PUBLIC PRIVATE PARTNERSHIPS

- Port Authority
- City Hall
- Residential
- Hotel
- Market Place
- Library
- Lincoln Park
- Civic Plaza Corridor



LEVERAGING OPEN SOURCE PLATFORMS



LEVERAGING THE MARKET

kiva

Lend

Borrow

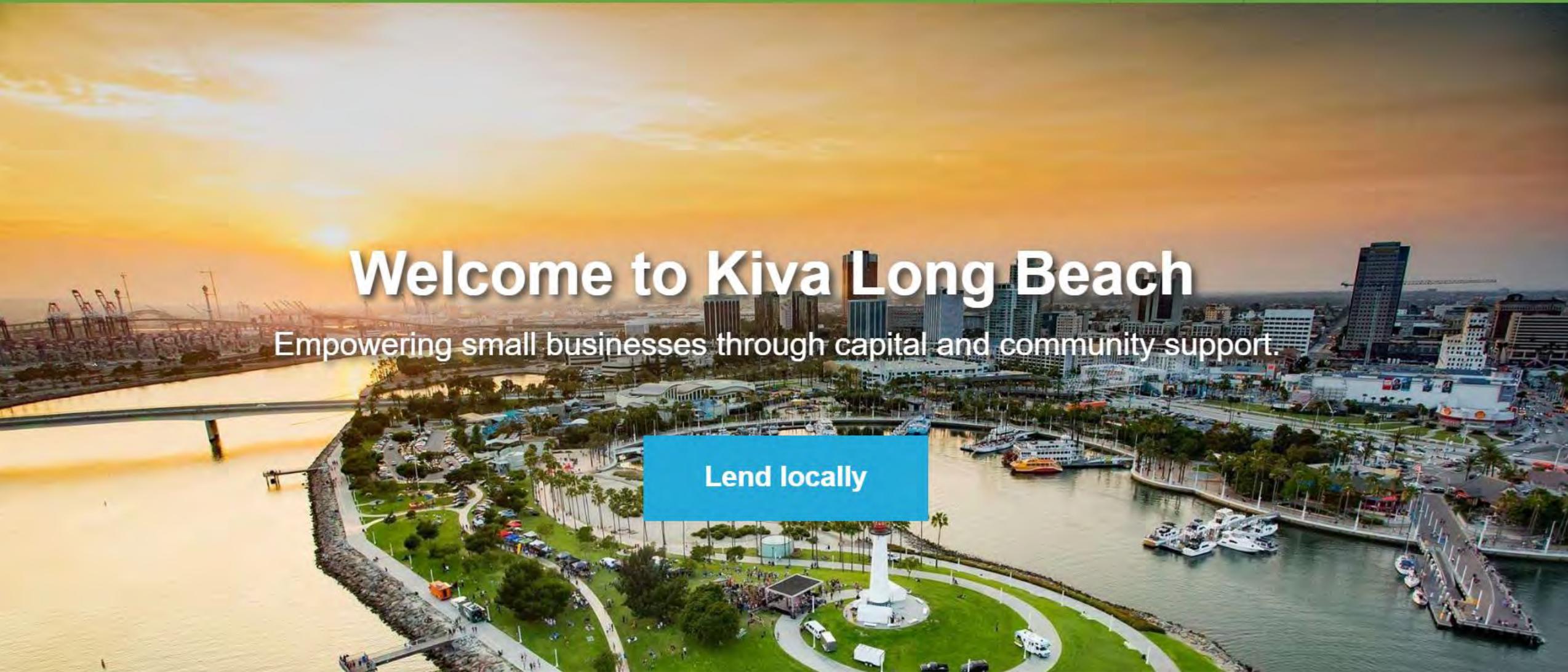
Trustees

Partners

Welcome to Kiva Long Beach

Empowering small businesses through capital and community support.

Lend locally



LEVERAGING TALENT

CALIFORNIA STATE UNIVERSITY LONG BEACH

Institute for Innovation & Entrepreneurship

MENU ≡



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for **Innovation**
& **Entrepreneurship**

Program Testimonial

"The (program) was more than I

THU

LONG BEACH REGIONAL ECONOMIC

ECOSYSTEM BUILDING

LONG BEACH ACCELERATOR



Letter of Intent
Long Beach Accelerator@
Updated: March 27, 2019



SUNSTONE



- Provide space at 1 World Trade Center, Suite 1130 in Long Beach. The specific amount of space will be clarified in the subsequent Memorandum of Understanding.
- Provide furnishings, utilities and technology infrastructure to support 7 to 10 start-up businesses that are admitted to the *Long Beach Accelerator@*.
- Serve on the Board to provide strategic direction for the *Long Beach Accelerator@*.
- Support fundraising and/or provide funding for the operations of the *Long Beach Accelerator@*.
- Refer potential business start-ups to the *Long Beach Accelerator@* for vetting.
- Develop and implement a strategy to attract private equity firms, venture capitalists, and the angel investor community to the *Long Beach Accelerator@*.

CITY OF LONG BEACH (ECONOMIC DEVELOPMENT DEPARTMENT)



- Provide access to city resources such as small business loan programs.
- Serve on the Board to provide strategic direction for the *Long Beach Accelerator@*.
- Support fundraising efforts for the operations of the *Long Beach Accelerator@*.
- Serve as a liaison with other programs in the city that are relevant to the entrepreneurial ecosystem.
- Refer potential business start-ups to the *Long Beach Accelerator@* for vetting.
- Provide marketing support to increase the awareness of the *Long Beach Accelerator@* programs and opportunities.
- Develop and implement a strategy to attract private equity firms, venture capitalists, and the angel investor community to the *Long Beach Accelerator@*.

CSU LONG BEACH (INSTITUTE FOR INNOVATION & ENTREPRENEURSHIP)



- Provide operational oversight of the day-to-day operations of the *Long Beach Accelerator@*.
- Develop programming to support business start-ups located at the *Long Beach Accelerator@*.
- Manage and evaluate the Director hired to operate the *Long Beach Accelerator@*.
- Recruit start-ups to locate at the *Long Beach Accelerator@*.
- Develop and implement a marketing plan to increase awareness of the *Long Beach Accelerator@*.
- Support fundraising for the operations of the *Long Beach Accelerator@*.
- Develop and implement a strategy to attract private equity firms, venture capitalists, and the angel investor community to the *Long Beach Accelerator@*.
- Establish a mentor network to support the start-ups located at the *Long Beach Accelerator@*.

An aerial photograph of a coastal city, likely Miami, showing a large harbor with numerous yachts and a prominent white dome structure. The foreground features modern high-rise buildings, including one with a distinctive black and white striped facade. The text "LIMITLESS FUTURE" is overlaid in white, bold, sans-serif font across the upper middle portion of the image.

LIMITLESS FUTURE



ADULT USE CANNABIS IN SAN JOSÉ

From the Wild Wild West to Regulation & Beyond

League of California Cities Annual Conference
October 18, 2019
Michelle McGurk, Assistant to the City Manager

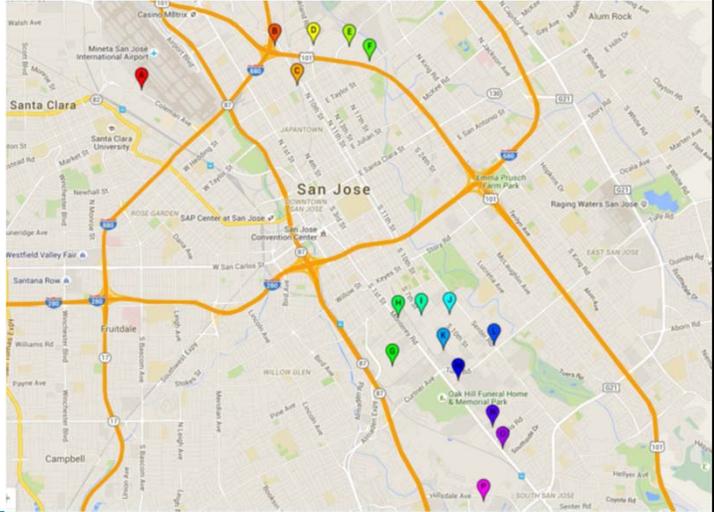
San José Cannabis Program Timeline



Current Program

16 Registered Dispensaries

- 1 retail location (open to public)
- Up to 2 cultivation/ manufacturing sites (not public)
- Annual City Registration required
- Annual State License required
- Delivery allowed



Program Expansion

3 new categories added in 2018. Currently, open for applications.

Manufacture



Distribution



Testing Labs



Cannabis Business Tax Revenues

Revenues		
2016-2017	2017-2018	2018-2019
\$10.5 million	\$13.0 million	\$14.0* million

Program Costs

- \$2.3 million
- 9 FTEs

2019-2020 Updated Tax Rates

Category	Cultivation	Manufacturing	Testing	Distribution	Retail / Delivery
Previous Rates	10%	10%	N/A	10%	10%
New Rates	4%	3%	0%	2%	10%

Current Workplan



Land Use

Evaluate current zoning program & recommend updates

Hot topics

- Delivery-only businesses
- Second retail locations
- Expanding the “green zone”
- Allowing private consumption events



Regulatory

Consider allowing sale of business components

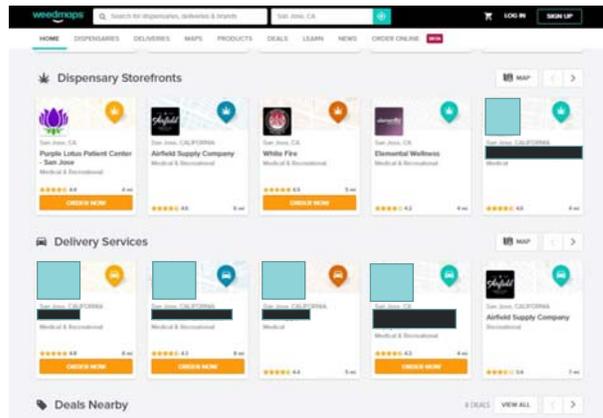
- Update cannabis waste & disposal policy
- Evaluate retail cannabis oversaturation & consider cap



Other

- Implement Cannabis Equity program
- Monitor retail tax rate

Challenges



- Unlicensed storefronts
- Unlicensed delivery businesses
- Lack of access to banking

New Manager Perspective: Tips for a Seamless Transition

By Katie Lichtig

I'm one of the lucky ones. My outgoing predecessor did everything possible to make my transition process successful. But even with all that was done to ease the transition, there are still some things I want to keep in mind if it's my turn again.

Here are my eight tips on what can help ease the transition from one local government manager to the next. To maximize the potential for a seamless transition, try to follow these tips during the first 100 days.

1. Have work-related transition plans.

This overall transition plan should include a plan for meeting with employees, labor leaders, and community groups like Rotary, Optimists, or other service organizations; a communications plan to introduce yourself and your management expectations to employees; and a plan for getting clear direction from elected officials on their performance objectives for you during the first year.

In my employment contract, it was spelled out that within the first 90 days the council and I were to develop performance objectives. This is extremely helpful for directing your time and attention.

2. Create a personal transition plan also.

This plan should include things like where to live, where to buy locally whenever possible (the sales representative at the local store where I bought my new appliances is, for example, the mom of a city employee), which grocery stores are located near your home, which dry cleaners are good, where to go to the gym, and other options for necessities.

Ask councilmembers, department heads, and the outgoing city manager for their advice. The less time you spend figuring out what you need to

know after you start, the easier your transition will be.

3. Get comfortable being the center of attention for the first 100 days.

I met and shook hands with more people, attended more welcome parties, and gave more speeches than I ever imagined possible. To help tailor the message, I created a standard “show and tell” about me and then tweaked the message depending on the group I was addressing. At one of the presentations, I actually got a laugh—and perhaps endeared myself to a few in the audience—by admitting that I felt a little like a new baby panda at the zoo the way people were flocking to see me and hear me speak.

4. Spend at least a few days in the community after your appointment but before you begin the new job.

There will be tons of curiosity—and some anxiety, too—about the “new manager.” This gives the new person an opportunity to start the process of getting to know the elected officials one on one (remember, these are your new bosses), the team of department heads, and the select members of a community. It also gives you a head start on tip number 2.

5. Ask the departing manager and the department heads to prepare an orientation package for the incoming manager that can, for example, include these items:

- Introductions and getting acquainted.
- Information about the organization: people, programs, and projects.
- Goals and objectives: departmental responsibilities.
- Key policy documents.
- Analysis of strengths, weaknesses, opportunities, and threats—in one page!
- Department field tour, including sug-

gestions for the future.

- Suggestions about community leaders to meet, from a departmental perspective.

Do your best to review the binder at least a couple of times before your first day, but don't have high expectations that you'll retain it all. Plan to go back to review the binder after 30 days and again after 60 days. It will be a great resource once you have context about the who, what, where, when, and why of the organization.

6. Ask the elected officials to take you on a tour of the community.

A guided tour is an incredible tool to get to know the councilmembers, their focus, and some interesting tidbits about the local government that you might not have learned otherwise. It also gives you the opportunity to learn your way around the community like an insider. In my case, my tour guide—the councilmember—was also the driver.

During your tour, be open to new ideas. One councilmember asked me if I was willing to take the tour on a bicycle (San Luis Obispo is a bike-friendly community), and I agreed. Another councilmember is a private pilot, and he has suggested that we take to the air for our tour. This trip is still pending.

7. Prioritize meet-and-greet opportunities.

Many people will want to get to know you, and you will need to space out your get-togethers with both current and former elected officials, department heads, employees, members of the media, chamber of commerce officials, representatives from major employers, community members, union representatives, and others.

Pace yourself because the meeting

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and greeting will take months, not weeks. But definitely get out, including spending time with employees in their own work environments. So far, I have trimmed trees, welded, changed tires, spent St. Patrick's Day on patrol with the police department (which included a code 3 incident), toured our reservoirs and dams, and saw the inner workings of the water treatment plant and wastewater treatment plant.

I also perused the bus depot and rode the busiest route, finished concrete, and cut the grass in a park. I still am making the rounds, but it has been an invaluable investment in getting to know our dedicated employees and the issues that our community faces.

8. Train yourself to recognize that it is a learning opportunity when you hear people say, "Well, when the former manager was here, he used to. . ."

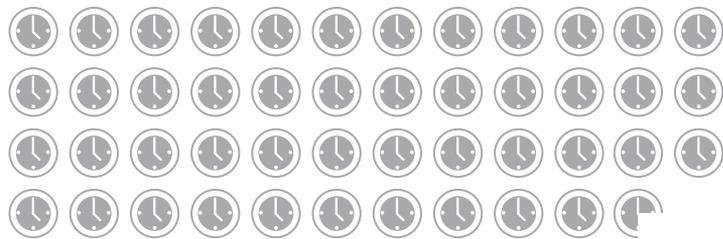
There will also be times when people contact the former manager to seek an opinion on a topic, but they do not contact the current manager. Remember that these are all data points and can be used to guide you in many directions—not just in the opposite direction—to prove that a new manager is in charge now.

In the end, there are lots of people who want you to be successful, including the elected officials, the department-head team, other city employees, caring members of the community, and—we hope—your predecessor. Take advantage of these tips and the advice and counsel of those who offer to assist—all of this taken together will lead to a smooth transition in your new community.



KATIE LICHTIG is city manager, San Luis Obispo, California (klichtig@slocity.org).

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Michael Stanford - Equipment Operations Specialist
City of Tucson Street and Traffic Maintenance Division



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September 6, 2019

To: Mayors, City Managers and City Clerks

From: Dan Carrigg, Deputy Executive Director and Legislative Director, League of California Cities

Re: League's 2019 Annual Conference Resolutions Packet

Please find an enclosed copy of the Resolutions Packet for the League of California Cities' 2019 Annual Conference, October 16-18 in Long Beach. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at www.cacities.org/ac.

Two resolutions have been submitted. The attached comprehensive packet contains the text of the proposed resolutions, background materials supplied by the sponsors, supporting letters from cities and city officials, and League staff analyses for each resolution. The packet also includes detailed information on the League's resolution process including meeting locations and times when the resolutions will be considered. A copy of the resolution packet is posted on the League's website for your convenience: www.cacities.org/resolutions.

Resolutions:

- Resolution 1 - Amendment to Rule 20A –Calls upon the California Public Utilities Commission (CPUC) to expand its Rule 20A program for undergrounding overhead utilities to include projects in high fire hazard severity zones.
- Resolution 2 - International Transboundary Pollution Flows – Calls upon the state and the federal governments of the U.S. and Mexico to address water quality issues resulting from transboundary flows from Mexico's Tijuana River into the United States.

Closing Luncheon/General Assembly - Friday, October 18, 12:30 p.m., Long Beach Convention Center.

Voting Delegates: In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity. If your city has not already done so, Please complete the Voting Delegate form and return it to the League's office no later than Friday, October 4. This will allow us time to establish voting delegate/alternate records prior to the conference.

We encourage each city council to consider the resolutions and to determine a city position so that your voting delegate can represent your city's position on the resolution. Should you have any questions regarding the attached material, please contact Carly Shelby cshelby@cacities.org 916-658-8279 or Meg Desmond mdesmond@cacities.org 916-658-8224 at the League office.



*Annual Conference
Resolutions Packet*

2019 Annual Conference Resolutions



Long Beach, California

October 16 – 18, 2019

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, two resolutions have been introduced for consideration at the Annual Conference and referred to League policy committees.

POLICY COMMITTEES: Two policy committees will meet at the Annual Conference to consider and take action on the resolutions referred to them. The committees are: Environmental Quality and Transportation, Communication & Public Works. The committees will meet from 9:00 – 11:00 a.m. on Wednesday, October 16, at the Hyatt Regency Long Beach. The sponsors of the resolutions have been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, October 17, at the Hyatt Regency Long Beach, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:30 p.m. on Friday, October 18, at the Long Beach Convention Center.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 17. Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Carly Shelby cshelby@cacities.org 916-658-8279 or Nick Romo nromo@cacities.org 916-658-8232 at the League office.

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principles around which more detailed policies may be developed by policy committees and the board of directors.
 - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

LOCATION OF MEETINGS

Policy Committee Meetings

Wednesday, October 16, 9:00 – 11:00 a.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

The following committees will be meeting:

1. Environmental Quality 10:00 - 11:00 a.m.
2. Transportation, Communication & Public Works 9:00 - 10:00 a.m.

General Resolutions Committee

Thursday, October 17, 1:00 p.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

Annual Business Meeting and General Assembly Luncheon

Friday, October 18, 12:30 p.m.

Long Beach Convention Center

300 East Ocean Boulevard, Long Beach

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee
 2 - General Resolutions Committee
 3 - General Assembly

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
1	Amendment to Rule 20A			
2	International Transboundary Pollution Flows			

TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE

		1	2	3
1	Amendment to Rule 20A			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet is posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

ACTION FOOTNOTES

* Subject matter covered in another resolution

** Existing League policy

*** Local authority presently exists

KEY TO ACTIONS TAKEN

- | | |
|-----|---|
| A | Approve |
| D | Disapprove |
| N | No Action |
| R | Refer to appropriate policy committee for study |
| a | Amend+ |
| Aa | Approve as amended+ |
| Aaa | Approve with additional amendment(s)+ |
| Ra | Refer as amended to appropriate policy committee for study+ |
| Raa | Additional amendments and refer+ |
| Da | Amend (for clarity or brevity) and Disapprove+ |
| Na | Amend (for clarity or brevity) and take No Action+ |
| W | Withdrawn by Sponsor |

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Guidelines for the Annual Conference Resolutions Process.](#)

League of California Cities Resolution Process

REGULAR RESOLUTIONS

Policy Committee Action	General Resolutions Committee Action	Calendar
Approve	Approve	Consent Calendar ¹
Approve	Disapprove or Refer	Regular Calendar ²
Disapprove or Refer	Approve	Regular Calendar
Disapprove or Refer	Disapprove or Refer	Does not proceed to General Assembly

PETITION RESOLUTIONS

Policy Committee Action	General Resolutions Committee Action	Calendar
Not Heard in Policy Committee	Approve	Consent Calendar
Not Heard in Policy Committee	Disapprove or Refer	Regular Calendar
Not Heard in Policy Committee	Disqualified per Bylaws Art. VI	Does not proceed to General Assembly

Resolutions

- Submitted 60 days prior to conference *Bylaws Article VI, Sec. 4(a)*
- Signatures of at least 5 supporting cities or city officials submitted with the proposed resolution *Bylaws Article VI, Sec. 2*
- Assigned to policy committee(s) by League president *Bylaws Article VI, Sec. 4(b)(i)*
- Heard in policy committee(s) and report recommendation, if any, to GRC *Bylaws Article VI, Sec. 4(b)(ii)*
- Heard in GRC
 - Approved by policy committee(s) and GRC, goes on to General Assembly on consent calendar *2006 General Assembly Resolution Sec. 2(C)*
 - If amended/approved by all policy committee(s) to which it has been referred and disapproved by GRC, then goes on to General Assembly on the regular calendar. If not all policy committees to which it has been referred recommend amendment or approval, and the GRC disapproves or refers the resolution, the resolution does not move to the General Assembly *2006 General Assembly Resolution Sec. 2(A),(C); 1998 General Assembly Resolution, 1st Resolved Clause*
 - If disapproved by all policy committees to which it has been referred and disapproved by the GRC, resolution does not move to the General Assembly *2006 General Assembly Resolution Sec. 2(C)*
- Heard in General Assembly

¹ The consent calendar should only be used for resolutions where there is unanimity between the policy committees and the GRC that a resolution should be approved by the General Assembly, and therefore, it can be concluded that there will be less desire to debate the resolution on the floor.

² The regular calendar is for resolutions for which there is a difference in recommendations between the policy committees and the GRC.

Petitioned Resolutions

- Submitted by voting delegate *Bylaws Article VI, Sec. 5 (a)*
- Must be signed by voting delegates representing 10% of the member cities *Bylaws Article VI, Sec. 5 (c)*
- Signatures confirmed by League staff
- Submitted to the League president for confirmation 24 hours before the beginning of the General Assembly. *Bylaws Article VI, Sec. 5 (d)*
- Petition to be reviewed by Parliamentarian for required signatures of voting delegates and for form and substance *Bylaws Article VI, Sec. 5(e)*
- Parliamentarian's report is presented to chair of GRC
- Will be heard at GRC for action (GRC cannot amend but may recommend by a majority vote to the GA technical or clarifying amendments) *2006 General Assembly Resolution sec. 6(A), (B)*
- GRC may disqualify if:
 - Non-germane to city issues
 - Identical or substantially similar in substance to a resolution already under consideration *Bylaws Article VI, Sec. 5(e), (f)*
- Heard in General Assembly
 - General Assembly will consider the resolution following the other resolutions³ *Bylaws Article VI, Sec. 5(g)*
 - Substantive amendments that change the intent of the petitioned resolution may only be adopted by the GA *2006 General Assembly Resolution sec. 6(C)*

Voting Procedure in the General Assembly

Consent Calendar: Resolution approved by Policy Committee(s) and GRC. Petitioned resolution approved by GRC)

- GRC Chair will be asked to give the report from the GRC and will ask for adoption of the GRC's recommendations
- Ask delegates if there is a desire to call out a resolution for discussion
- A voting delegate may make a motion to remove a resolution from the consent calendar for discussion
- If a motion is made to pull a resolution, the General Assembly votes on whether to pull the resolution from the consent calendar.
- If a majority of the General Assembly votes to pull the resolution, set "called out" reso(s) aside. If the motion fails, the resolution remains on the consent calendar.
- If reso(s) not called out, or after 'called out' reso is set aside, then ask for vote on remaining resos left on consent
- Move on to debate on reso(s) called out
- After debate, a vote is taken
- Voting delegates vote on resolutions by raising their voting cards.⁴

³ Petitioned Resolutions on the Consent Calendar will be placed after all General Resolutions on the Consent Calendar. Petitioned Resolutions on the Regular Calendar will be placed after all General Resolutions on the Regular Calendar.

⁴ Amendments to League bylaws require 2/3 vote

Regular Calendar: Regular resolutions approved by Policy Committee(s)⁵, and GRC recommends disapproval or referral; Regular resolutions disapproved or referred by Policy Committee(s)⁶ and GRC approves; Petitioned resolutions disapproved or referred by the GRC.

- Open the floor to determine if a voting delegate wishes to debate a resolution on the regular calendar.
- If no voting delegate requests a debate on the resolution, a vote to ratify the recommendation of the GRC on the resolution is taken.
- Upon a motion by a voting delegate to debate a resolution, a debate shall be held if approved by a majority vote of the General Assembly. If a majority of the General Assembly to debate the resolution is not achieved, then a vote shall be taken on whether to ratify the GRC's recommendation. If a majority of the General Assembly approves of the motion to debate the resolution, debate will occur. After debate on the resolution, a vote is taken based upon the substitute motion that was made, if any, or on the question of ratifying the GRC's recommendation.
- Voting delegates vote by raising their voting cards.

⁵ Applies in the instance where the GRC recommendation of disapproval or refer is counter to the recommendations of the policy committees.

⁶ Applies in the instance where the GRC recommendation to approve is counter to the recommendations of the policy committees.

1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS

Source: City of Rancho Palos Verdes

Concurrence of five or more cities/city officials

Cities: City of Hidden Hills, City of La Cañada Flintridge, City of Laguna Beach, City of Lakeport, City of Malibu, City of Moorpark, City of Nevada City, City of Palos Verdes Estates, City of Rolling Hills Estates, City of Rolling Hills, City of Ventura

Referred to: Environmental Quality Policy Committee; Transportation, Communications, and Public Works Policy Committee

WHEREAS, the California Public Utilities Commission regulates the undergrounding conversion of overhead utilities under Electric Tariff Rule 20 and;

WHEREAS, conversion projects deemed to have a public benefit are eligible to be funded by ratepayers under Rule 20A; and

WHEREAS, the criteria under Rule 20A largely restricts eligible projects to those along streets with high volumes of public traffic; and

WHEREAS, the cost of undergrounding projects that do not meet Rule 20A criteria is left mostly or entirely to property owners under other parts of Rule 20; and

WHEREAS, California is experiencing fire seasons of worsening severity; and

WHEREAS, undergrounding overhead utilities that can spark brush fires is an important tool in preventing them and offers a public benefit; and

WHEREAS, brush fires are not restricted to starting near streets with high volumes of public traffic; and

WHEREAS, expanding Rule 20A criteria to include Very High Fire Hazard Severity Zones would facilitate undergrounding projects that would help prevent fires; and

WHEREAS, expanding Rule 20A criteria as described above and increasing funding allocations for Rule 20A projects would lead to more undergrounding in Very High Fire Hazard Severity Zones; and now therefore let it be,

RESOLVED that the League of California Cities calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility and to increase funding allocations for Rule 20A projects.

Background Information on Resolution No. 1

Source: City of Rancho Palos Verdes

Background:

Rancho Palos Verdes is the most populated California city to have 90 percent or more of residents living in a Cal Fire-designated Very High Fire Hazard Severity Zone. Over the years, the Palos Verdes Peninsula has seen numerous brush fires that were determined to be caused by electrical utility equipment.

Across the state, some of the most destructive and deadly wildfires were sparked by power equipment. But when it comes to undergrounding overhead utilities, fire safety is not taken into account when considering using ratepayer funds to pay for these projects under California's Electric Tariff Rule 20 program. The program was largely intended to address visual blight when it was implemented in 1967. Under Rule 20A, utilities must allocate ratepayer funds to undergrounding conversion projects chosen by local governments that have a public benefit and meet one or more of the following criteria:

- Eliminate an unusually heavy concentration of overhead lines;
- Involve a street or road with a high volume of public traffic;
- Benefit a civic or public recreation area or area of unusual scenic interest; and,
- Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines.

As we know, brush fires are not restricted to erupting in these limited areas. California's fire season has worsened in severity in recent years, claiming dozens of lives and destroying tens of thousands of structures in 2018 alone.

Excluding fire safety from Rule 20A eligibility criteria puts the task of undergrounding power lines in Very High Fire Hazard Severity Zones squarely on property owners who are proactive, willing and able to foot the bill.

The proposed resolution calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the proposed resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

If adopted, utilities will be incentivized to prioritize undergrounding projects that could potentially save millions of dollars and many lives.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Rony Berdugo, Legislative Representative, Derek Dolfie, Legislative Representative, Caroline Cirrincione, Legislative Policy Analyst
Committees: Environmental Quality; Transportation, Communications, and Public Works

Summary:

This Resolution, in response to intensifying fire seasons and hazards associated with exposed energized utility lines, proposes that the League of California Cities (League) call upon the California Public Utilities Commission (CPUC) to amend the Rule 20A program by expanding the criteria for undergrounding overhead utilities to include projects in Very High Fire Hazard Severity Zones (VHFHSZ). This Resolution also proposes that the League call upon the CPUC to increase utilities' funding allocations for Rule 20A projects.

Background

California Wildfires and Utilities

Over the last several years, the increasing severity and frequency of California's wildfires have prompted state and local governments to seek urgent prevention and mitigation actions. Record breaking wildfires in Northern and Southern California in both 2017 and 2018 have caused destruction and loss of life. This severe fire trend has local officials seeking solutions to combat what is now a year-round fire season exacerbated by years of drought, intense weather patterns, untamed vegetation and global warming.

These conditions create a dangerous catalyst for wildfires caused by utilities as extreme wind and weather events make downed power lines more of a risk. In response to recent catastrophic wildfires, Governor Newsom established a Strike Force tasked with developing a "comprehensive roadmap" to address issues related to wildfires, climate change, and utilities. The Strike Force report acknowledges that measures to harden the electrical grid are critical to wildfire risk management. A key utility hardening strategy: undergrounding lines in extreme high-fire areas.

Governor Newsom's Wildfire Strike Force program report concludes, "It's not a question of "if" wildfire will strike, but "when."

Very High Fire Hazard Severity Zones

This Resolution seeks to expand the undergrounding of overhead utility lines in VHFHSZ. California Government Code Section 51178 requires the Director of the California Department of Forestry and Fire Protection (CalFIRE) to identify areas in the state as VHFHSZ based on the potential fire hazard in those areas. VHFHSZ are determined based on fuel loading, slope, fire weather, and other relevant factors. These zones are in both local responsibility areas and state responsibility areas. Maps of the statewide and county by county VHFHSZ can be found here.¹

¹ <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>

More than 25 million acres of California wildlands are classified under very high or extreme fire threat. Approximately 25 percent of the state's population, 11 million people, live in those high-risk areas. Additionally, over 350,000 Californians live in cities that are nearly encompassed within Cal Fire's maps of VHFHSZ. Similar to the proponents of this Resolution, City of Rancho Palos Verdes, over 75 communities have 90 percent or more of residents living in a VHFHSZ.

CPUC Rule 20 Program

The CPUC's Rule 20 program lays out the guidelines and procedures for converting overhead electric and telecommunication facilities to underground electric facilities. Rule 20 funding and criteria is provided at four levels. Levels A, B, and C, reflect progressively diminishing ratepayer funding for undergrounding projects. Recently added Rule 20D is a relatively new program that is specific to San Diego Gas and Electric (SDG&E), which was created in response to the destructive 2007 wildfires. Each of these levels will be discussed below:

Rule 20A

The first California overhead conversion program, Rule 20A, was created in 1967 under then Governor Ronald Reagan. The program was created to provide a consistent and structured means of undergrounding utility lines throughout the state with costs covered broadly by utility ratepayers.

Each year, Investor Owned Utilities (IOUs) propose their Rule 20A allocation amounts to the CPUC during annual general rate case proceedings. In this process, IOUs propose revised utility customer rates based on expected service costs, new energy procurement and projects for the following year, including Rule 20 allocations. The CPUC then reviews, amends, and approves IOU rates. Currently, the cumulative budgeted amount for Rule 20A for Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas and Electric (SDG&E) totals around \$95.7 million.

The funding set aside by IOUs for Rule 20A is allocated to local governments through a credit system, with each credit holding a value to be used solely for the costs of an undergrounding project. The credit system was created so that local governments and IOUs can complete undergrounding projects without municipal financing. Through Rule 20A, municipalities that have developed and received city council approval for an undergrounding plan receive annual credits from the IOU in their service area. At the last count by the CPUC, over 500 local governments (cities and counties) participate in the credit system.

While these credits have no inherent monetary value, they can be traded in or banked for the conversion of overhead lines. Municipalities can choose to accumulate their credits until their credit balance is sufficient to cover these conversion projects, or choose to borrow future undergrounding allocations for a period of up to five years. Once the cumulative balance of credits is sufficient to cover the cost of a conversion project, the municipality and the utility can move forward with the undergrounding. All of the planning, design, and construction is performed by the participating utility. Upon the completion of an undergrounding project, the utility is compensated through the local government's Rule 20A credits.

At the outset of the program, the amount of allocated credits were determined by a formula which factored in the number of utility meters within a municipality in comparison to the utilities' service territory. However, in recent years the formula has changed. Credit allocations for IOUs, except for PG&E, are now determined based on the allocation a city or county received in 1990 and is then adjusted for the following factors:

- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of overhead meters in any city or unincorporated area to the total system overhead meters; and
- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of meters (which includes older homes that have overhead services, and newer homes with completely underground services) in any city or the unincorporated area to the total system meters.

As noted, PG&E has a different funding formula for their Rule 20A credit allocations as they are not tied to the 1990 base allocation. Prior to 2011, PG&E was allocating approximately five to six percent of its revenue to the Rule 20A program. The CPUC decided in 2011 that PG&E's Rule 20A allocations should be reduced by almost half in an effort to decrease the growing accumulation of credits amongst local governments. Since 2011, PG&E's annual allocations for Rule 20A have been around \$41.3 million annually, which is between two and three percent of their total revenue.

Criteria for Rule 20A Projects

For an undergrounding project to qualify for the Rule 20A program, there are several criteria that need to be met. The project must have a public benefit and:

1. Eliminate an unusually heavy concentration of overhead lines
2. Involve a street or road with a high volume of public traffic
3. Benefit a civic or public recreation area or area of unusual scenic interest,
4. Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines

Notably, fire safety is excluded from the list of criteria that favors aesthetic and other public safety projects.

Rule 20A Credit System Imbalance Threatens Program Effectiveness

Allocations are made by utilities each year for Rule 20A credits. These current budget allocations total \$95.7 million a year. Currently, the cumulative balance of credits throughout the state totals over \$1 billion dollars. The Rule 20A cumulative balances aggregated by region can be found [here](#).²

² Program Review, California Overhead Conversion Program, Rule 20A for Years 2011-2015, "The Billion Dollar Risk," California Public Utilities Commission.

[https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_\(2014_forward\)\(1\)/PPD_Rule_20-A.pdf](https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_(2014_forward)(1)/PPD_Rule_20-A.pdf)

Note: The existing credit allocation formulas do not consider a municipality's need or plans for overhead conversion projects, resulting in large credit balances in some jurisdictions.

Cities and counties are, however, able to trade or sell unallocated Rule 20A credits if they will not be used to fund local undergrounding projects. There have been several cases where one agency has sold their unused credits, often for less than the full dollar value of the credits themselves to another agency.

Rule 20B

Rule 20B projects are those that do not fit the Rule 20A criteria, but do, however, involve both sides of the street for at least 600 feet. These projects are typically done in conjunction with larger developments and are mostly paid for by the developer or applicant. Additionally, the applicant is responsible for the installation.

Rule 20C

Rule 20C projects are usually small projects that involve property owners. The majority of the cost is usually borne by the applicants. Rule 20C applies when the project does not qualify for either Rule 20A or Rule 20B.

Rule 20D--Wildfire Mitigation Undergrounding Program

Rule 20D was approved by the CPUC in January of 2014 and only applies to SDG&E. The Rule 20D program was established largely in response to the destructive wildfires that occurred in San Diego in 2007 as a wildfire mitigation undergrounding program. According to SDG&E, the objective of the Rule 20D undergrounding is exclusively for fire hardening as opposed to aesthetics. The program is limited in scope and is restricted to communities in SDG&E's Fire Threat Zone (now referred to as the High Fire Threat District or HFTD). As of this time, the program has yet to yield any projects and no projects are currently planned.

For an undergrounding project to qualify for the Rule 20D program, a minimum of three of the following criteria must be met. The project must be near, within, or impactful to:

- Critical electric infrastructure
- Remaining useful life of electric infrastructure
- Exposure to vegetation or tree contact
- Density and proximity of fuel
- Critical surrounding non-electric assets (including structures and sensitive environmental areas)
- Service to public agencies
- Accessibility for firefighters

Similar to Rule 20A, SDG&E must allocate funding each year through their general rate case proceedings to Rule 20D to be approved by the CPUC. This funding is separate from the allocations SDG&E makes for Rule 20A. However, the process of distributing this funding to localities is different. The amount of funding allocated to each city and county for Rule 20D is based on the ratio of the number of miles of overhead lines in SDG&E Fire Threat Zones in a city or county to the total miles of SDG&E overhead lines in the entire SDG&E fire zone. The

Rule 20D program is administered by the utility consistent with the existing reporting, engineering, accounting, and management practices for Rule 20A.

The Committee may want to consider whether Rule 20D should instead be expanded, adapted, or further utilized to support funding for overhead conversions within VHFHSZ throughout the state.

Fiscal Impact:

The costs to the State associated with this Resolution will be related to the staff and programmatic costs to the CPUC to take the necessary measures to consider and adopt changes to Rule 20A to include projects in VHFHSZ to the list of criteria for eligibility.

This Resolution calls for an unspecified increase in funding for Rule 20A projects, inferring that portions of increased funds will go towards newly eligible high fire hazard zones. While the Resolution does not request a specific amount be allocated, it can be assumed that these increased costs will be supported by utility ratepayers. According to the CPUC, the annual allocations towards Rule 20A are \$95.7 million.

The CPUC currently reports a cumulative credit surplus valued at roughly \$1 billion that in various regions, given the approval of expanded eligibility called for by this Resolution, could be used to supplement and reduce the level of new dollars needed to make a significant impact in VHFHSZ. The CPUC follows that overhead conversion projects range from \$93,000 per mile for rural construction to \$5 million per mile for urban construction.

The Resolution states that “California is experiencing fire seasons of worsening severity” which is supported by not only the tremendous loss of property and life from recent wildfires, but also in the rising costs associated with clean up, recovery, and other economic losses with high estimates in the hundreds of billions of dollars.

The Committee may wish to consider the costs associated with undergrounding utility lines in relation to the costs associated with past wildfires and wildfires to come.

Comments:

CPUC Currently Exploring Revisions to Rule 20

In May 2017, the CPUC issued an Order Instituting Rulemaking to Consider Revisions to Electric Rule 20 and Related Matters. The CPUC will primarily focus on revisions to Rule 20A but may make conforming changes to other parts of Rule 20. The League is a party in these proceedings will provide comments.

Beyond Rule 20A: Additional Options for Funding Undergrounding Projects

There are various ways in which cities can generate funding for undergrounding projects that fall outside of the scope of Rule 20A. At the local level, cities can choose to forgo the Rule 20A process and opt to use their own General Fund money for undergrounding. Other options are also discussed below:

Rule 20D Expansion

The City of Berkeley in a 2018 study titled "Conceptual Study for Undergrounding Utility Wires in Berkeley." found that the city could possibly qualify for Rule 20D funding if they actively pursued this opportunity in partnership with PG&E and the CPUC.

One of the study's recommendations is to advocate for release of 20D funds (now earmarked exclusively for SDG&E) to be used for more aggressive fire hardening techniques for above-ground utility poles and equipment, for undergrounding power lines, and for more aggressive utility pole and vegetation management practices in the Very High Hazard Fire Zone within Berkeley's city limits.

As an alternative to changing the criteria for Rule 20A, the Committee may wish to consider whether there is the opportunity to advocate for the expansion of Rule 20D funding more broadly, expanding its reach to all IOU territories.

Franchise Surcharge Fees

Aside from Rule 20 allocations, cities can generate funding for undergrounding through franchise fee surcharges. For example, SDG&E currently operates under a 50-year City franchise that was granted in 1970. Under the franchises approved by the San Diego City Council in December 1970, SDG&E agreed to pay a franchise fee to the City equivalent to 3% of its gross receipts from the sales of both natural gas and electricity for 30 years.

These fees were renegotiated in 2000 and in 2001 an agreement was between the City of San Diego, SDG&E, and the CPUC to extend the existing franchise fee to include revenues collected from surcharges. SDG&E requested an increase of 3.88% to its existing electric franchise fee surcharge. The bulk, 3.53% of this increase is to be used for underground conversion of overhead electric wires.

Based on SDG&E's revenue projections, the increase would result in an additional surcharge revenue amount of approximately \$36.5 million per year. SDG&E estimates that this would create a monthly increase of approximately \$3.00 to a typical residential customer's electric bill. These surcharge revenues would pay for additional undergrounding projects including those that do not meet the Rule 20A criteria. The City of Santa Barbara has also adopted a similar franchise surcharge fee.

Having this funding source allows the City of San Diego to underground significantly more miles of above ground utility lines than other municipalities. However, the surcharge is currently being challenged in court, as it is argued that the City had SDG&E impose a tax without a ballot measure.

Utility Bankruptcy and Undergrounding Funding

In considering this Resolution, it is important to understand that Rule 20A allocations have been more substantial in the past. As mentioned earlier, prior to 2011, PG&E was allocating approximately 5% to 6% of its revenue to the Rule 20A program. Therefore, it is not unreasonable to encourage an increase in Rule 20A allocations as history shows that utilities had the capacity to do so in the past.

However, in a time where IOUs such as PG&E are facing bankruptcy as the result of utility caused wildfires, there is the possibility that expanding rule 20A funding will generate more costs for the ratepayers.

Questions to Consider:

- 1) Is Rule 20A or Rule 20D the more appropriate program to advocate for such an expansion?
- 2) Are there any wildfire risks outside of VHFHSZ that could be mitigated by undergrounding projects?

Existing League Policy:

Public Safety:

The League supports additional funding for local agencies to recoup the costs associated with fire safety in the community and timely mutual aid reimbursement for disaster response services in other jurisdictions. (pg. 43)

The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities' authority and discretion to provide all emergency services to their communities. (pg. 43)

Transportation, Communication, and Public Works:

Existing telecommunications providers and new entrants shall adhere to local city policies on public utility undergrounding. (pg. 54)

The League supports protecting the additional funding for local transportation and other critical unmet infrastructure needs. (pg. 51)

The League supports innovative strategies including public private partnerships at the state and local levels to enhance public works funding. (pg. 52)

Environmental Quality

The League opposes any legislation that interferes with local utility rate setting authority and opposes any legislation that restricts the ability of a city to transfer revenue from a utility (or other enterprise activity) to the city's general fund. (pg. 9)

Cities should continue to have the authority to issue franchises and any program should be at least revenue neutral relative to revenue currently received from franchises. (pg. 9)

The League is concerned about the impacts of escalating energy prices on low income residents and small businesses. The League supports energy pricing structures and other mechanisms to soften the impacts on this segment of our community. (pg. 10)

2019 Strategic Goals

Improve Disaster Preparedness, Recovery and Climate Resiliency.

- Provide resources to cities and expand partnerships to better prepare for and recover from wildfires, seismic events, erosion, mudslides and other disasters.
- Improve community preparedness and resiliency to respond to climate-related, natural and man-made disasters.

Support:

The following letters of concurrence were received:

The City of Hidden Hills

The City of La Cañada Flintridge

The City of Laguna Beach

The City of Lakeport

The City of Malibu

The City of Moorpark

The City of Nevada City

The City of Palos Verdes Estates

The City of Rolling Hills Estates

The City of Rolling Hills

The City of Ventura

LETTERS OF CONCURRENCE

Resolution No. 1

Amendment to Rule 20A



City of Hidden Hills

6165 Spring Valley Road • Hidden Hills, California 91302
(818) 888-9281 • Fax (818) 719-0083

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

Dear President Arbuckle:

The City of Hidden Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Larry G. Weber
Mayor



City Council
Leonard Pieroni, Mayor
Gregory C. Brown, Mayor Pro Tem
Jonathan C. Curtis
Michael T. Davitt
Terry M. Walker

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of La Cañada Flintridge supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of La Cañada Flintridge is one of the few Southern California cities in which 100% of the community within a Very High Fire Hazard Severity Zone. The City, in 1987, committed 100% of its 20A allocation for forty-five years from this year for a major downtown undergrounding project. Therefore, the only way our City can directly benefit from this Resolution is if there is an additional annual increased allocation for this purpose. Due to the extreme threat the City experienced at the time of the Station Fire, the City is keenly aware of the damage a fire may potentially cause, whether from utility issues or from natural causes. The City strongly supports any effort, including this Resolution, to reduce fire danger for the City's residents.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly with the City of La Cañada Flintridge in support.

Sincerely,

Leonard Pieroni
Mayor



July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Laguna Beach supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. Ten to the Top 20 most destructive fires in California were caused by electrical sources. The California's Rule 20A program, which allows local governments to pay for undergrounding of utilities costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it. We also believe that this program should redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. The City of Laguna Beach recommends that the resolution also be amended to call on the CPUC to redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

Nearly 90% of the City of Laguna Beach land area is designated under State Law and local ordinance as Very High Fire Hazard Severity Zone. While the City has used Rule 20A and 20B funding in the past to underground more than half of its overhead utilities, sufficient funding is not available to underground the remaining parts of the City.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

July 25, 2019
Page 2

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Whalen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bob Whalen
Mayor

CITY OF LAKEPORT

*Over 125 years of community
pride, progress and service*



August 7, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Lakeport supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Tim Barnes
Mayor
City of Lakeport



City of Malibu

Jefferson Wagner, Mayor

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: City of Rancho Palos Verdes Proposed Resolution to Amend California Public Utilities Commission Rule 20A – SUPPORT

Dear Ms. Arbuckle:

At its Regular meeting on August 12, 2019, the Malibu City Council unanimously voted to support the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state, but California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, as well as willing and able to foot the bill. The City of Malibu agrees with Rancho Palos Verdes that Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. As a recent series of news stories on wildfire preparedness in California pointed out, there are more than 75 communities across the state with populations over 1,000, including Rancho Palos Verdes and Malibu, where at least 90 percent of residents live in a Cal Fire-designated Very High Fire Hazard Severity Zone.

It is well-known that electric utility equipment is a common fire source, and has sparked some of the most destructive blazes in our state's history. Moving power lines underground is, therefore, a critical tool in preventing them. Currently, Rule 20A primarily addresses visual blight, but with fire seasons worsening, it is key that fire safety also be considered when local governments pursue Rule 20A projects, and that annual funding allocations for the program be expanded.

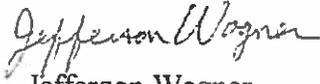
It is worth noting that the State does have a program, Rule 20D, that factors in fire safety for funding undergrounding projects. However, this is limited to San Diego Gas & Electric Company projects in certain areas only. This needs to be expanded to include projects in all projects within designated Very High Fire Hazard Severity Zones.

Rancho PV League Resolution
Amend Rule 20A
August 15, 2019
Page 2 of 2

The proposed resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, the City of Malibu strongly concurs that the resolution should go before the General Assembly.

Sincerely,



Jefferson Wagner
Mayor

Cc: Honorable Members of the Malibu City Council
Reva Feldman, City Manager
Megan Barnes, City of Rancho Palos Verdes, mbarnes@rpvca.gov



CITY OF MOORPARK

799 Moorpark Avenue, Moorpark, California 93021
Main City Phone Number (805) 517-6200 | Fax (805) 532-2205 | moorpark@moorparkca.gov

July 24, 2019

SUBMITTED ELECTRONICALLY

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: SUPPORT FOR RANCHO PALOS VERDES RESOLUTION RE: POWER LINE UNDERGROUNDING

Dear President Arbuckle:

The City of Moorpark supports the City of Rancho Palos Verdes effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

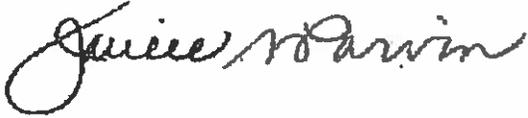
The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

All cities in Ventura County, including Moorpark, have wildfire prevention fresh in our memories following the highly destructive 2017-2018 Thomas Fire, which was caused by above-ground power lines. The 2018 Woolsey Fire similarly affected Ventura County, and lawsuits have been filed alleging it was also caused by above-ground power lines. Each of these fires caused billions of dollars in damages and highlight the importance of undergrounding power lines.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in black ink that reads "Janice Parvin". The signature is written in a cursive, flowing style.

Janice Parvin
Mayor

cc: City Council
City Manager



Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Nevada City supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of Nevada City would also like to add that the local agency be given the power to use private firms to do design, inspect and construct Rule 20A projects in local jurisdiction rather than be required to use the designated local utility. In addition, the City of Nevada City wants the CPUC to allow local jurisdictions to transfer excess funds between agencies to better serve projects in high fire hazard severity zones.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Reinette Senum
Mayor
City of Nevada City



CITY OF
Palos Verdes Estates

July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Palos Verdes Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's current Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Mayor Kenneth J. Kao
City of Palos Verdes Estates

cc: PVE City Council
PVE Interim City Manager Petru
RPV City Manager Willmore



City of
Rolling Hills Estates

Judith Mitchell
Mayor

Velveth Schmitz
Mayor Pro Tem

Britt Huff
Council Member

Frank V. Zerunyan
Council Member

Steven Zuckerman
Council Member

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Rolling Hills Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

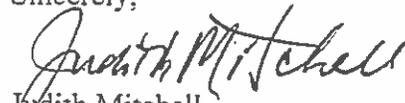
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The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,


Judith Mitchell
Mayor



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear Board of Directors:

The City of Rolling Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Leah Mirsch
Mayor

July 29, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Ventura supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,



Alex D. McIntyre
City Manager

2. A RESOLUTION CALLING UPON THE FEDERAL AND STATE GOVERNMENTS TO ADDRESS THE DEVASTATING IMPACTS OF INTERNATIONAL TRANSBOUNDARY POLLUTION FLOWS INTO THE SOUTHERNMOST REGIONS OF CALIFORNIA AND THE PACIFIC OCEAN

Source: San Diego County Division

Concurrence of five or more cities/city officials

Cities: Calexico; Coronado; Imperial Beach; San Diego

Individual City Officials: City of Brawley: Mayor Pro Tem Norma Kastner-Jauregui; Council Members Sam Couchman, Luke Hamby, and George Nava. City of Escondido: Deputy Mayor Consuelo Martinez. City of La Mesa: Council Member Bill Baber. City of Santee: Mayor John Minto, City of Vista: Mayor Judy Ritter and Council Member Amanda Young Rigby

Referred to: Environmental Quality Policy Committee

WHEREAS, international transboundary rivers that carry water across the border from Mexico into Southern California are a major source of sewage, trash, chemicals, heavy metals and toxins; and

WHEREAS, transboundary flows threaten the health of residents in the United States and Mexico, harm important estuarine land and water of international significance, force closure of beaches, damage farmland, adversely impact the South San Diego County and Imperial County economy; compromise border security, and directly affect U.S. military readiness; and

WHEREAS, a significant amount of untreated sewage, sediment, hazardous chemicals and trash have been entering southern California through both the Tijuana River Watershed (75 percent of which is within Mexico) and New River flowing into southern California's coastal waterways and residential and agricultural communities in Imperial County eventually draining into the Salton Sea since the 1930s; and

WHEREAS, in February 2017, an estimated 143 million gallons of raw sewage flowed into the Tijuana River and ran downstream into the Pacific Ocean and similar cross border flows have caused beach closures at Border Field State Park that include 211 days in 2015; 162 days in 2016; 168 days in 2017; 101 days in 2018; and 187 days to date for 2019 as well as closure of a number of other beaches along the Pacific coastline each of those years; and

WHEREAS, approximately 132 million gallons of raw sewage has discharged into the New River flowing into California through communities in Imperial County, with 122 million gallons of it discharged in a 6-day period in early 2017; and

WHEREAS, the presence of pollution on state and federal public lands is creating unsafe conditions for visitors; these lands are taxpayer supported and intended to be managed for recreation, resource conservation and the enjoyment by the public, and

WHEREAS, the current insufficient and degrading infrastructure in the border zone poses a significant risk to the public health and safety of residents and the environment on both

sides of the border, and places the economic stress on cities that are struggling to mitigate the negative impacts of pollution; and

WHEREAS, the 1944 treaty between the United States and Mexico regarding *Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* allocates flows on trans-border rivers between Mexico and the United States, and provides that the nations, through their respective sections of the International Boundary Water Commission shall give control of sanitation in cross border flows the highest priority; and

WHEREAS, in 1993, the United States and Mexico entered into the *Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a North American Development Bank* which created the North American Development Bank (NADB) to certify and fund environmental infrastructure projects in border-area communities; and

WHEREAS, public concerns in response to widespread threats to public health and safety, damage to fish and wildlife resources and degradation to California's environment resulting from transboundary river flow pollution in the southernmost regions of the state requires urgent action by the Federal and State governments, and

WHEREAS, Congress authorized funding under the U.S. Environmental Protection Agency's (EPA) Safe Drinking Water Act and established the State and Tribal Assistance Grants (STAG) program for the U.S.-Mexico Border Water Infrastructure Program (BWIP) in 1996 to provide grants for high-priority water, wastewater, and storm-water infrastructure projects within 100 kilometers of the southern border; and

WHEREAS, the EPA administers the STAG and BWIP programs, and coordinates with the North American Development Bank (NADB) to allocate BWIP grant funds to projects in the border zone; and

WHEREAS, since its inception, the BWIP program has provided funding for projects in California, Arizona, New Mexico and Texas that would not have been constructed without the grant program; and

WHEREAS, the BWIP program was initially funded at \$100 million per year, but, over the last 20 years, has been continuously reduced to its current level of \$10 million; and

WHEREAS, in its FY 2020 Budget Request, the Administration proposed to eliminate the BWIP program; and

WHEREAS, officials from EPA Region 9, covering California, have identified a multitude of BWIP-eligible projects along the southern border totaling over \$300 million; and

WHEREAS, without federal partnership through the BWIP program and state support to address pollution, cities that are impacted by transboundary sewage and toxic waste flows are

left with limited resources to address a critical pollution and public health issue and limited legal remedies to address the problem; and

WHEREAS, the National Association of Counties, (NACo) at their Annual Conference on July 15, 2019 and the U.S. Conference of Mayors at their Annual Conference on in July 1, 2019 both enacted resolutions calling on the federal and state governments to work together to fund and address this environmental crisis; and

WHEREAS, local governments and the public support the State's primary objectives in complying with environmental laws including the Clean Water Act, Porter-Cologne Water Quality Control Act, and Endangered Species Act and are supported by substantial public investments at all levels of government to maintain a healthy and sustainable environment for future residents of California, and

WHEREAS, League of California Cities policy has long supported efforts to ensure water quality and oppose contamination of water resources; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding to the U.S- Mexico Border Water Infrastructure Program (BWIP) and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

Background Information on Resolution No. 2

Source: San Diego County Division

Background:

Along California's southern border with Mexico, the New River in Imperial County and the Tijuana River in San Diego County are a major sources of raw sewage, trash, chemicals, heavy metals, and toxins that pollute local communities. Sewage contaminated flows in the Tijuana River have resulted in significant impacts to beach recreation that includes the closure of Border Field State Beach for more than 800 days over the last 5-years. Similarly, contaminated flows in the New River presents comparable hazards, impacts farm land, and contributes to the ongoing crisis in the Salton Sea. These transboundary flows threaten the health of residents in California and Mexico, harms the ecosystem, force closures at beaches, damage farm land, makes people sick, and adversely affects the economy of border communities. The root cause of this cross border pollution is from insufficient or failing water and wastewater infrastructure in the border zone and inadequate federal action to address the problem through existing border programs.

The severity of cross border pollution has continued to increase, due in part to the rapid growth of urban centers since the passage of the North American Free Trade Agreement (NAFTA). While economic growth has contributed to greater employment, the environmental infrastructure of the region has not kept pace, which is why Congress authorized the Border Water Infrastructure Program (BWIP) in 1996. The U.S. Environmental Protection Agency (EPA) administers the BWIP and coordinates with the North American Development Bank (NADB) to provide financing and technical support for projects on both sides of the U.S./Mexico border. Unfortunately, the current BWIP funding at \$10 million per year is only a fraction of the initial program budget that shares funding with the entire 2,000 mile Mexican border with California, Arizona, New Mexico and Texas. EPA officials from Region 9 have identified an immediate need for BWIP projects totaling over \$300 million just for California. Without federal partnerships through the BWIP and state support to address cross border pollution, cities that are impacted by transboundary sewage and toxic waste flows are left with limited resources to address a critical pollution and public health issue.

The International Boundary and Water Commission (IBWC) is another important federal stakeholder that, under the Treaty of 1944 with Mexico, must address border sanitation problems. While IBWC currently captures and treats some of the pollution generated in Mexico, it also redirects cross border flows without treatment directly into California.

Improving environmental and public health conditions for communities along the border is essential for maintaining strong border economy with Mexico. The IBWC, EPA, and NADB are the important federal partners with existing bi-national programs that are able to immediately implement solutions on cross border pollution. California is in a unique position to take the lead and work with local and federal partners to implement real solutions that will address the long standing and escalating water quality crisis along the border.

For those reasons, the cities of Imperial Beach and Coronado requested the San Diego County Division to propose a resolution at the 2019 League Annual Conference calling upon the federal

and state governments to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California, San Diego and Imperial Counties and the Pacific Ocean.

On August 12, 2019 at the regularly scheduled meeting of the San Diego County Division, the membership unanimously endorsed submittal of the resolution, with close to 75% membership present and voting.

The Imperial County Division does not have a schedule meeting until after the deadline to submit proposed resolutions. However, the City of Calexico, which is most directly impacted by initial pollution flow of the New River from Mexicali, sent a letter in concurrence of this resolution as well as numerous city official from cities within Imperial County and the Imperial County Board of Supervisors. The League Imperial County Division will place a vote to support this resolution on the agenda of their September 26, 2019 meeting.

League of California Cities Staff Analysis on Resolution No. 2

Staff: Derek Dolfie, Legislative Representative
Carly Shelby, Legislative and Policy Development Assistant
Committees: Environmental Quality

Summary:

This Resolution states that the League of California Cities should call upon the State and Federal governments to restore and ensure proper funding for the U.S. – Mexico Border Water Infrastructure Program (BWIP) and work bi-nationally to address water quality issues resulting from transboundary flows from Mexico’s Tijuana River into the United States containing untreated sewage, polluted sediment, and trash.

Background:

The League of California Cities’ San Diego County Division is sponsoring this resolution to address their concerns over the contaminated flows from the Tijuana River into California that have resulted in the degradation of water quality and water recreational areas in Southern California.

The Tijuana River flows north through highly urbanized areas in Mexico before it enters the Tijuana River Estuary and eventually the Pacific Ocean via waterways in San Diego County in California. Urban growth in Tijuana has contributed to a rise in rates of upstream flows from water treatment facilities in Mexico. These treatment facilities have raised the amount of untreated sewage and waste in the Tijuana River due to faulty infrastructure and improper maintenance. The federal government refers to the river as an “impaired water body” because of the presence of pollutants in excess, which pose significant health risks to residents and visitors in communities on both sides of the border.

Federal Efforts to Address Pollution Crisis

To remedy the Tijuana River’s low water quality, the United States and Mexico entered into a Treaty in 1944 entitled: *Utilization of Waters of the Colorado River and Tijuana Rivers and of the Rio Grande – the International Boundary and Water Commission (IBWC)*. The IBWC was designed to consist of a United States section and a Mexico section. Both sections were tasked with negotiating and implementing resolutions to address water pollution in the area, which includes overseeing the development of water treatment and diversion infrastructure.

After the formation of the IBWC, the U.S. and Mexico entered into a treaty in 1993 entitled: *Agreement Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank*. This agreement established the North American Development Bank (NADB), which certifies and funds infrastructure projects located within 100 kilometers (62 miles) of the border line. The NADB supports federal programs like the Border Water Infrastructure Program (BWIP), which was initially funded at \$100 million, annually.

The degradation of existing water treatment infrastructure along the border coincides with the federal government’s defunding of the BWIP, which has steadily decreased from \$100 million in 1996 to \$10 million today. The Federal FY 2020 Budget proposes eliminating BWIP funding

altogether. EPA's regions 6 and 9 (includes U.S. states that border Mexico) have identified a number of eligible projects that address public health and environmental conditions along the border totaling \$340 million.

The NADB has funded the development of water infrastructure in both the U.S. and Mexico. Water diversion and treatment infrastructure along the U.S – Mexico border includes, but is not limited to, the following facilities:

- *The South Bay International Wastewater Treatment Plant (SBIWTP)*. This facility was constructed by the U.S. in 1990 and is located on the California side of the border and is operated under the jurisdiction of the IBWC. The SBIWTP serves as a diversion and treatment sewage plant to address the flow of untreated sewage from Mexico into the United States.
- *Pump Station CILA*. CILA was constructed by Mexico in 1991 and is located along the border in Mexico. This facility serves as the SBIWTP's Mexican counterpart.

Both the SBIWTP and CILA facilities have had a multitude of overflows containing untreated sewage and toxic waste that spills into the Tijuana River. The cause of overflows can be attributed to flows exceeding the maximum capacity that the infrastructure can accommodate (this is exacerbated during wet and rainy seasons) and failure to properly operate and maintain the facilities. Much of the existing infrastructure has not had updates or repairs for decades, causing overflows to become more frequent and severe. The most notable overflow occurred in February 2017, wherein 143 million gallons of polluting waste discharged into the Tijuana River; affecting the Tijuana Estuary, the Pacific Ocean, and Southern California's waterways.

State Actions

In response to the February 2017 overflow, the San Diego Water Board's Executive Officer sent a letter to the U.S. and Mexican IBWC Commissioners which included recommendations on how to improve existing infrastructure and communications methods between both nations.

In September of 2018, California Attorney General Xavier Becerra submitted a lawsuit against IBWC for Violating the Clean Water Act by allowing flows containing sewage and toxic waste to flow into California's waterways, posing a public health and ecological crisis. The cities of Imperial Beach, San Diego, Chula Vista, the Port of San Diego, and the San Diego Regional Water Quality Board have also filed suit against the IBWC. The suit is awaiting its first settlement conference on October 19, 2019. If parties are unable to reach a settlement, the case will go to trial.

Fiscal Impact:

California's economy is currently the sixth largest in the world, with tourism spending topping \$140.6 billion in 2018. In the past five years, San Diego's Border Field State Park has been closed for over 800 days because of pollution from the Tijuana River. A decline in the State's beach quality and reputation could carry macroeconomic effects that could ripple outside of the San Diego County region and affect coastal communities throughout California.

Existing League Policy

The League of California Cities has extensive language on water in its Summary of Existing Policy and Guiding Principles. Fundamentally, the League recognizes that beneficial water quality is essential to the health and welfare of California and all of its citizens. Additionally, the League advocates for local, state and federal governments to work cooperatively to ensure that water quality is maintained.

The following policy relates to the issue of water quality:

- Surface and groundwater should be protected from contamination.
- Requirements for wastewater discharge into surface water and groundwater to safeguard public health and protect beneficial uses should be supported.
- When addressing contamination in a water body, water boards should place priority emphasis on clean-up strategies targeting sources of pollution, rather than in stream or end-of-pipe treatment.
- Water development projects must be economically, environmentally and scientifically sound.
- The viability of rivers and streams for instream uses such as fishery habitat, recreation and aesthetics must be protected.
- Protection, maintenance, and restoration of fish and wildlife habitat and resources.

[Click here to view the Summary of Existing Policy and Guiding Principles 2018.](#)

Comments:

1. Water quality issues are prevalent across California and have been a constant priority of the State's legislature and residents. In 2014, California's voters approved Proposition 1, which authorized \$7.5 billion in general obligation bonds to fund water quality improvement projects. In 2019, the Legislature reached an agreement to allocate \$130 million from the State's Greenhouse Gas Reduction Fund (GGRF) to address failing water infrastructure and bad water qualities for over one million of California's residents in rural communities. Water quality is not an issue unique to the County of San Diego and communities along the border.
2. Tijuana River cross-border pollution has caught national attention. Members of Congress have proposed recent funding solutions to address the pollution crisis, including:
 - In February of 2019, California Congressional Representatives Vargas, Peters, and Davis helped secure \$15 million for the EPA to use as part of its BWIP.
 - *H.R. 3895 (Vargas, Peters, 2019), The North American Development Bank Pollution Solution Act.* This bill seeks to support pollution mitigation efforts along the border by increasing the NADB's capital by \$1.5 billion.
 - *H.R. 4039 (Levin, 2019), The Border Water Infrastructure Improvement Act.* This bill proposes increasing funding to the BWIP from the existing \$10 million to \$150 million as a continuous appropriation until 2025.Additionally, the National Association of Counties (NACo) and the U.S. Conference of Mayors enacted resolutions in support of increased funding for U.S. – Mexico border water infrastructure to address the environmental crisis in 2019.

3. The border pollution problem has sparked action from local, state, and federal actors. Should this resolution be adopted, League membership should be aware that future action will be adapted by what is explicitly stated in the resolution's language. In current form, the resolution's resolve clause cites the BWIP as the only program that should receive reinstated and proper funding. League staff recommends the language be modified to state:

“NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding for environmental infrastructure on the U.S. – Mexico Border, including to the U.S.–Mexico Border Water Infrastructure Program (BWIP), and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.”

Modifying the language would ensure enough flexibility for the League to support funding mechanisms outside of the prescribed federally-operated BWIP.

4. It remains unclear if there is an appetite in Washington to fund border-related infrastructure projects that address environmental quality. Given the high probability of another overflow containing waste and sewage from the existing infrastructure operated by the IBWC, League membership should consider the outcome if no resolution is reached to address the issue.

Support:

The following letters of concurrence were received:

Cities:

The City of Calexico

The City of Coronado

The City of Imperial Beach

The City of San Diego

In their individual capacity:

Amanda Young Rigby, City of Vista Council Member

Bill Baber, City of La Mesa Council Member

Consuelo Martinez, City of Escondido Deputy Mayor

George A. Nava, City of Brawley Council Member

John Minto, City of Santee Mayor

Judy Ritter, City of Vista Mayor

Luke Hamby, City of Brawley Council Member

Norma Kastner-Jauregui, City of Brawley Mayor Pro-Tempore

Sam Couchman, City of Brawley Council Member

LETTERS OF CONCURRENCE
Resolution No. 2

International Transboundary
Pollution Flows



CITY OF CALEXICO

608 Heber Ave.
Calexico, CA 92231-2840
Tel: 760.768.2110
Fax: 760.768.2103
www.calexico.ca.gov

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts Of International Transboundary River
Pollution Flow Resolution**

President Arbuckle:

The city of Calexico strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Viva Calexico!

If you have any questions or require additional information, please do not hesitate to contact me at 760/768-2110.

Sincerely,

CITY OF CALEXICO



David Dale
City Manager

Cc: Honorable Mayor Bill Hodge

Viva Calexico!



CITY OF CORONADO

1825 STRAND WAY
CORONADO, CA 92118

OFFICE OF THE CITY MANAGER
(619) 522-7335
FAX (619) 522-7845

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts of International Transboundary River Pollution Flows Resolution

This letter is written on behalf of and with the support of the Coronado City Council. The City of Coronado wholeheartedly supports the resolution adopted by the San Diego County and Imperial County Division of the California League of Cities.

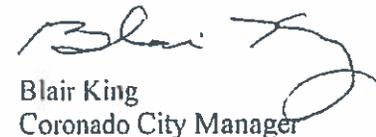
The San Diego County Division's resolution calls upon the federal and state governments to restore and ensure proper funding of the U.S.-Mexico Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

The City has been working closely with the Environmental Protection Agency and other federal partners on the matter since early 2018. City leaders are committed to finding long-term, sustainable solutions to this problem. Through its advocacy and education efforts, the City of Coronado has raised national awareness of the problem among legislators, political appointees and career staff at federal agencies. These efforts have been successful. However, the City along with our coalition partners, look forward to more action to swiftly resolve this issue.

Local government and the public support the state's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, Coronado values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact me if you have any questions.

Sincerely,



Blair King
Coronado City Manager

cc: Coronado Mayor and City Council
Bill Baber, President, San Diego County Division
c/o Catherine Hill, Regional Public Affairs Manager, San Diego County Division chill@cacities.org



City of Imperial Beach, California

OFFICE OF THE CITY MANAGER

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St. Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River
Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach appreciates and supports the San Diego County Division's effort to submit a resolution for consideration by the full membership of the League of California Cities.

The Division's resolution calls on Federal and State government to address the impacts of transboundary pollution flows into the Southwestern regions of California. The pollution in these areas is an environmental disaster that threatens the health and general welfare of residents near the Mexican border in Imperial and San Diego Counties.

I encourage all voting delegates and elected officials in attendance at the 2019 Annual League of California Cities Conference in Long Beach to support this important resolution as it addresses the critical need for the federal and state government to recommit to work bi-nationally to address the serious contamination issues and to develop and implement long-term solutions.

I am available for any questions or additional information related to this letter of support.

Sincerely,

Andy Hall
City Manger

Cc: Honorable Mayor Serge Dedina
Honorable Mayor Pro Tem Robert Patton
Honorable Councilmember Paloma Aguirre
Honorable Councilmember Ed Spriggs
Honorable Councilmember Mark West



City of Imperial Beach, California

OFFICE OF THE MAYOR

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. If you have any questions or require additional information, please do not hesitate to contact me at 619-423-8303.

Sincerely,

Serge Dedina
Mayor



THE CITY OF SAN DIEGO

KEVIN L. FAULCONER

Mayor

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts of International Transboundary River
Pollution Flow Resolution**

President Arbuckle:

The City of San Diego supports the San Diego County Division in their effort to submit a resolution to the General Assembly at the League of California Cities' 2019 Annual Conference in Long Beach.

To suppress the flow of pollution between the Mexico and Southern California's water channels, the Division requests for the Federal and State governments to give proper funding to the Border Water Infrastructure Program (BWIP).

The City of San Diego and its citizens have expressed their concerns about untreated sewage, polluted sediment and trash flowing from Mexico, into California, causing health, environmental and safety concerns. The State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. With the Division's resolution, the great need for federal and state governments to reconsider working together, will help in developing a long-term solution to address serious water quality and contamination issues.

As members of the League, our City values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Please contact me at (619)453-9946 if you have any questions.

Sincerely,

Denice Garcia
Director of International Affairs

Cc: Honorable Mayor Kevin L. Faulconer



AMANDA YOUNG RIGBY
CITY COUNCILWOMAN

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Re: Border Sewage Issues

Dear President Arbuckle;

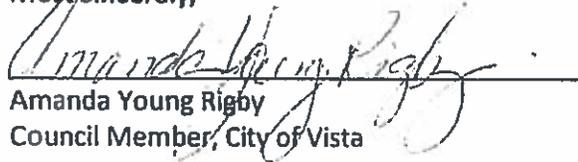
As a Council Member in the City of Vista, and solely in my individual capacity as such, I write in *support* of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the constant sewage pollution issues at the international border with Mexico.

This Resolution requests that the federal and state governments recognize the paramount importance of this issue and address the devastating impacts that this constant contamination has on the southernmost regions of California and the Pacific coastline by requesting the necessary funding to develop and implement effective and long term solutions to the raw sewage contamination coming into San Diego and Imperial Counties from Mexico.

Although I have lived in Vista for 27 years now, I grew up in Imperial Beach and know well the severe health and environmental impact that this situation has had on our border communities for the *decades*.

As a member of the League, I value the League's ability to effectively advocate on behalf of not only our cities but in effect, our citizens, and this is an important issue for our entire state. Should you have any questions or comments, please contact me at the number below. Thank you for your consideration.

Most Sincerely,


Amanda Young Rigby
Council Member, City of Vista

cc: Vista City Council
Vista City Manager
Vista City Attorney
City of Imperial Beach
City of Coronado
City of Calexico
City of San Diego



August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flows Resolution

President Arbuckle:

As a Council Member for the City of La Mesa and in my individual capacity, not on behalf of the full La Mesa City Council as a body or the City, I am writing you in support of the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

As San Diego County Division President and a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at 619-667-1106, should you have any questions.

Sincerely,

BILL BABER
COUNCIL MEMBER CITY OF LA MESA
PRESIDENT, LEAGUE SAN DIEGO COUNTY DIVISION



Consuelo Martinez, Deputy Mayor
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4638

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the city of Escondido, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at cmartinez@escondido.org if you have any questions.

Sincerely,

Consuelo Martinez
Deputy Mayor

cc: Honorable Mayor and City Council Members
Jeffrey R. Epp, City Manager



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES
383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

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As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

George A. Nava
City Council Member
City of Brawley

MAYOR
John W. Minto



CITY OF SANTEE

CITY COUNCIL
Ronn Hall
Stephen Houlahan
Laura Koval
Rob McNelis

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Santee, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

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As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (JMinto@cityofsanteeca.gov) if you have any questions.

Sincerely,

JOHN W. MINTO
Mayor
City of Santee



JUDY RITTER
MAYOR

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Vista, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

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As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at jritter@cityofvista.com if you have any questions.

Sincerely,

Judy Ritter
Mayor
City of Vista



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES
383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

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League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

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Sincerely,

Luke Hamby
City Council Member
City of Brawley



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August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

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As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Norma Kastner-Jauregui
Mayor Pro-Tempore
City of Brawley



CITY OF BRAWLEY

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August 15, 2019

Jan Arbuckle, President
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Sacramento, CA 95814

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Sincerely,

Sam Couchman
City Council Member
City of Brawley