

To: East Contra Costa Fire Protection District
From: Townsend Public Affairs, Inc.
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Subject: Legislative Report for ECCFPD – March 2021

State Legislative Update

For much of March, the Legislature has been operating under pandemic restrictions, but still making progress on conducting policy and budget committee hearings to consider newly introduced bills, as well as receive information on the Governor's January Budget proposal. In March, the Legislature passed, and the Governor signed, several bills, including SB 95 (Skinner, D-Oakland) to provide workers with access to COVID-19 supplemental paid sick leave through September 30, 2021. The Governor also signed AB 83, a budget cleanup bill that clarifies prior legislation regarding waived license renewal fees for breweries and wineries. The Governor also signed AB 88, an additional budget cleanup bill to the Golden State Stimulus package signed earlier this year.

At the end of March, the Legislature took a brief spring recess, returning on April 5th. For the remainder of the month of April, the Legislature will shift its focus to holding policy committee hearings to consider bills in advance of the April 30th legislative deadline for policy committees to consider bills with a fiscal component. Due to the pandemic protocols in the State Capitol, most policy committees will not be able to conduct as many hearings as they would in a normal year, so committee chairs will be responsible for prioritizing which bills are considered by the committee during their hearings.

Governor Delivers State of the State

On March 9th, Governor Newsom delivered his annual State of the State address from Dodger Stadium. The stadium has served as a massive vaccination site for Angelinos over the past several months. This was Governor Newsom's third Address to the State, but his first since the outbreak of the pandemic over one year ago. The overarching theme of his speech was dedicated to the recovery of the State, not only from the pandemic, but also several calamities that took place over the last year, including civil unrest and devastating wildfires.

The Governor also mentioned the recently approved Golden State Stimulus package that allocates \$600 payments to many low-income individuals. The Governor also highlighted the \$6.6 billion school package aimed at a safe return to school for students. Additionally, vaccination sites and the State's efforts to roll out major initiatives to quickly vaccinate the most vulnerable Californians was another key pillar of his speech, which the Governor notes is the key to fully re-opening various business sectors.



Governor Nominates New Attorney General

The Governor announced that he will submit to the State Legislature the nomination of Assembly Member Rob Bonta as the next California Attorney General, filling the seat vacated by Xavier Becerra. Should he be confirmed, Mr. Bonta will become the first Filipino American to serve as California Attorney General after serving nine years as a Deputy City Attorney in the San Francisco City Attorney's Office, representing the city and its employees, and running for local office in Alameda County. The nomination is subject to confirmation by the California State Assembly and Senate within 90 days.

Early Budget Action for Wildfire Prevention

On April 8th, Governor Newsom, Senate President Pro Tempore Atkins, and Assembly Speaker Rendon announced that they had reached an agreement on a \$536 million package of funding to help improve California's resilience to wildfires.

The funding agreement, which the Legislature is expected to consider in mid-April, will provide short- and long-term funding for wildfire, climate, watershed, and forest health, as well as implement modern vegetation, forest management, and community hardening plans, and train and deploy a fire resiliency workforce. The package includes multi-year funding on projects with both wildfire and drought resilience benefits, and legislative priorities such as CalFire grants for small landowners, funding for home hardening, urban greening and forestry, and funding for immediate, shovel-ready projects by conservancies across the state.

While the exact details are still being finalized, the package will be funded with \$411 million in state general fund money and \$125 million from the greenhouse gas reduction program.

State Economic Update

On March 22nd, the Governor announced that General Fund revenues are running \$14.3 billion above January's revenue forecast, with receipts for February exceeding the month's projections by \$3.8 billion. The Governor's office stated that nearly 60 percent of February's gain can be attributed to timing, including lower refunds caused by the enactment of the \$600 one-time payments from the Golden State Stimulus, and fewer state tax refunds due to the delayed federal start to the tax filing season.

The Governor highlighted the January Budget proposal and stimulus packages as part of the State's efforts to properly utilize the increased revenue. As a reminder, the January Budget proposal reflects \$34 billion in budget resiliency – budgetary reserves and discretionary surplus – including: \$15.6 billion in the Proposition 2 Budget Stabilization Account (Rainy Day Fund) for fiscal emergencies; \$3 billion in the Public School System Stabilization Account; an estimated \$2.9 billion in the state's operating reserve; and \$450 million in the Safety Net Reserve. The state began the year with an operating surplus of \$15 billion.

The Budget aims to continue paying down the state's retirement liabilities and reflects \$3 billion in additional payments required by Proposition 2 in 2021-22 and nearly \$6.5 billion over the next three years. The Governor also said that the improved revenue picture allows the state to delay \$2 billion in scheduled program suspensions for one year.



California Vaccine Eligibility

As vaccine supply is expected to significantly increase in the coming weeks, the State announced expanding vaccine eligibility to more Californians. Starting April 1st, individuals over 50 became eligible to make an appointment to be vaccinated and, beginning April 15th, all individuals over 16 will be eligible to make an appointment. The State expects to be allocated approximately 2.5 million first and second doses per week in the first half of April, and more than 3 million doses in the second half of April. With these anticipated allocation numbers, the end goal is to administer 4 million vaccines on a weekly basis by the end of April. In an effort to vaccinate the state's hardest hit populations, before eligibility expands to all individuals over 16, the state will be taking the following actions:

- Partnering with organizations to vaccinate essential workers
- Supporting community-based organizations to provide scheduling assistance for appointments
- Prioritizing currently eligible populations and allowing providers the discretion to vaccinate those who live in high impact areas

Governor's COVID-19 Action Summary

Below is a summary of the Governor's major actions taken regarding COVID-19 in March:

- **March 18th – Vaccines for Schools:** Governor Newsom and State Superintendent of Public Instruction Tony Thurmond announced a partnership between the California COVID-19 Testing Task Force and the California Department of Education to deploy up to 3 million free rapid COVID-19 antigen tests to support the return to in-person learning for staff and students in some of California's most disadvantaged school districts.
- **March 12th – Small Businesses:** Governor Newsom, Senate Pro Tem Atkins, and Speaker Rendon announced that they will work to pass legislation that aligns with the federal American Rescue Plan Act to provide additional PPP relief for small businesses. The leaders stated their commitment to an equitable and broad-based recovery, especially for those businesses most impacted by COVID-19, including restaurants, bars, barbers, nail salons, and performing arts venues.

Priority Legislation

The legislative deadline to introduce new bills passed on February 19th. All told, Legislature introduced just under 2,400 bills for consideration this year. All newly introduced bills must wait a minimum of 30 days before they can be considered by the Assembly or Senate; however, it is likely that most policy committees will conduct their bill hearings in late-March through the end of April.

Below are the upcoming relevant dates for the Legislature:

April 30th – Last day for policy committees to pass fiscal bills



May 7th – Last day for policy committees to pass non-fiscal bills

May 21st – Last day for fiscal committees to pass bills

June 4th – Last day for bills to pass their House of Origin

Below are bills that have been introduced that may be of interest to the District.

AB 267 (Valladares) – CEQA: exemption: prescribed fire, thinning, and fuel reduction projects

Current law, until January 1, 2023, exempts from the requirements of CEQA prescribed fire, thinning, or fuel reduction projects undertaken on federal lands to reduce the risk of high-severity wildfire that have been reviewed under the federal National Environmental Policy Act of 1969. Current law requires the Department of Forestry and Fire Protection, beginning December 31, 2019, and annually thereafter until January 1, 2023, to report to the relevant policy committees of the Legislature the number of times the exemption was used. This bill would extend the exemption from CEQA and the requirement on the department to report to the relevant policy committees of the Legislature indefinitely. CalChiefs/FDAC: Under Review. **This measure was approved by the Assembly Natural Resources Committee (8-1) and has been referred to the Assembly Appropriations Committee.**

AB 297 (Gallagher) – Fire prevention

This bill would continuously appropriate \$500 million to the Department of Forestry and Fire Prevention and the California Conservation Corps for fire prevention activities. CalChiefs/FDAC: Under Review. **This measure has been referred to the Assembly Natural Resources Committee and the Assembly Revenue and Taxation Committee. The bill has not yet been scheduled for hearing.**

AB 418 (Valladares) Emergency services: grant program

Would establish the Community Power Resiliency Program (program), to be administered by the Office of Emergency Services, to support local governments in priority areas including schools, elections offices, food storage reserves, COVID-19 testing sites, and traffic signals and street lamps. The bill would authorize the office to allocate specified sums, pursuant to an appropriation by the Legislature, to local governments, special districts, and tribes for various purposes relating to power resiliency, and would require those entities applying for funding to either describe the portion of their emergency plan that includes power outages or provide an attestation that power outages will be included when the entity revises any portion of their emergency plan. CalChiefs/FDAC: Support. **This bill was approved by the Assembly Emergency Management Committee (7-0) and has been referred to the Assembly Utilities and Energy Committee.**

ACA 1 (Aguiar-Curry) – Affordable housing and public infrastructure: voter approval

The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability



requirements. CalChiefs/FDAC: Support. **This measure is awaiting referral to policy committee.**

SB 12 (McGuire) – Planning and Zoning: wildfires

Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse. CalChiefs/FDAC: Support. **This measure was approved by the Senate Governance and Finance Committee (5-0) and referred to the Senate Housing Committee.**

SB 109 (Dodd) – Office of Wildfire Technology Research and Development

Would establish the Office of Wildfire Technology Research and Development within the Office of Emergency Services under the direct control of the Director of the Office of Emergency Services. The bill would make the office responsible for studying, testing, and advising regarding procurement of emerging technologies and tools in order to more effectively prevent and suppress wildfires, and serving as the central organizing hub for the state government’s identification of emerging wildfire technologies. CalChiefs/FDAC: Support. **This measure was approved by the Senate Governmental Organization Committee (13-0) and has been referred to the Senate Appropriations Committee.**

SB 206 (McGuire) – Firefighters Procedural Bill of Rights

The Firefighters Procedural Bill of Rights Act grants certain employment rights to firefighters. Among other things, under the act, when a firefighter is under investigation and is interrogated by the firefighter’s commanding officer, or another member of the employing agency, on matters that could lead to punitive action, the interrogation must be conducted pursuant to certain requirements. Current law defines “punitive action” for these purposes as any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment. This bill would include in the definition of “firefighter” a temporary, seasonal firefighter employed by the Department of Forestry and Fire Protection. CalChiefs/FDAC: Under Review. **This measure was approved by the Senate Judiciary Committee (11-0) and has been referred to the Senate Appropriations Committee.**

Federal Legislative Update

In March, Congress passed the fifth and largest coronavirus aid bill, which President Biden signed into law. The American Rescue Plan will send resources, through various federal funding channels, to states, counties, cities, and other entities tasked with addressing and combating impacts of the coronavirus pandemic. Additionally, March saw a massive ramp up of vaccines, as the U.S. approved a third vaccine requiring only one shot and continuously expanded eligibility at the state and local levels.

Next, Congress and the Administration turn their eyes to a combination infrastructure and economic stimulus package, while also navigating a long-term immigration solution.



Coronavirus Aid Package

In March, Congress passed and the President signed the most recent coronavirus relief package, titled the “American Rescue Plan Act” (H.R. 1319), a \$1.9 trillion coronavirus relief and stimulus bill. A few provisions worth highlighting:

- **State and Local Funding:** \$360 billion for state and local government funding, including a \$10 billion infrastructure fund to be controlled by the state. Eligible uses of funds include COVID-19 response, revenue loss, premium pay to essential employees, and broadband, water, or sewer projects. Language was also included in this funding that specifically allows state and local governments to grant a portion of these funds to special districts. Additional clarification and guidance will be issued from the Department of Treasury prior to the distribution of the funding.
- **Firefighter Grants:** \$300 million in firefighter grants.
- **Disaster Relief**
 - The measure would provide \$50 billion for the Federal Emergency Management Agency’s Disaster Relief Fund to respond to Covid-19 and other major disasters and emergencies declared by the president. Funding would remain available through September 30, 2025.
 - The funding could also be used to provide financial assistance for pandemic-related funeral expenses with a 100% federal cost share.
- **Homeless Grants**
 - Cities are slated to get \$5 billion in homelessness grants. Permitted expenditures would include acquiring non-congregate shelter units, such as hotel rooms, that could be converted to permanent housing.
 - The bill also has an additional \$5 billion for emergency Section 8 Housing Choice Vouchers. The Housing and Urban Development Department would have to provide the vouchers through public housing agencies to individuals and families who are currently or recently homeless, and to those who are fleeing domestic violence, sexual assault, or human trafficking. Public housing agencies couldn’t reissue the vouchers after Sept. 30, 2023.
- **Restaurant Support**
 - \$29.6 billion for a Restaurant Revitalization Fund to be administered by the SBA.
 - Eligible recipients would include restaurants, bars, food trucks, and caterers, including businesses in airport terminals and tribally owned entities.
- **Homeowner Assistance**
 - \$9.96 billion to establish a Homeowner Assistance Fund at the Treasury Department.
- **Airport Support**
 - \$8 billion for public agencies and private owners of public-use airports.
- **Employee Retention**
 - The measure would extend through Dec. 31 an employee retention credit established by the CARES Act.
- **Child Care**
 - \$24 billion for grants to child care providers to use for payroll, rent, personal protective equipment, mental health support, and other needs



- \$15 billion to the Child Care and Development Block Grant
- \$600 million increase to the Child Care Entitlement to States
- An additional \$1 billion to Head Start
- **Broadband**
 - Creates an “Emergency Connectivity Fund” in the U.S. Treasury and appropriate \$7.17 billion into it to cover the purchase of broadband service and devices by schools and libraries for use by students, staff, and patrons at other locations.
- **Child Tax Credit**
 - Expands the Child Tax Credit from \$2000 per child to \$3,600 for each child younger than 6 and \$3,000 for other children.
 - Makes the CTC fully refundable
 - Allows the CTC to be received on a periodic basis
- **Shuttered Venues:** Congress eliminated the provision that forced eligible venue operators and museums to choose between the PPP and the Shuttered Venue Operators Grant (SVOG). They could now apply for both and just have their PPP deducted from the larger SVOG.
- **Health Insurance:** The bill would allow individuals who receive unemployment compensation in 2021 to qualify for reduced cost-sharing under the ACA, and would subsidize 100% of premiums for individuals eligible for COBRA continuation coverage if they lose their job.

Vaccines

At the beginning of the month, the CDC formally recommended the Johnson & Johnson COVID-19 vaccine for adults ages 18 and older. The Johnson & Johnson vaccine only requires one shot, instead of two, and can be stored in regular refrigerators. This has allowed the U.S. to dramatically expand its vaccine efforts. On March 8th, the CDC released guidance on how vaccinated people can socialize with other individuals, vaccinated and unvaccinated. They recommended that vaccinated people can visit indoors without masks but should still wear them in public and avoid large gatherings when around those who aren’t immunized or are at high risk for contracting Covid-19.

Small Business

In March, Congress passed and the President signed an extension to the Paycheck Protection Program. The program would have expired at the end of March, but will now continue to expend funds through May 31, 2021. At the time the program was extended, PPP still had about \$79 billion in existing funds remaining to distribute to businesses.

Additionally, the IRS issued guidance clarifying that businesses with forgiven Paycheck Protection Program loans can still claim a tax credit meant to encourage businesses to keep employees on their payroll. The guidance follows the December relief law, which allowed businesses with a PPP loan to also get the employee retention credit, with a few parameters. The Monday guidance (Notice 2021-20) provides employers with information to determine their eligibility to receive the employee retention credit, incorporating information the agency previously posted in FAQs.



School Guidance

The CDC published updated guidance for physical distancing in K-12 classrooms, which reduces the recommended physical distancing in some settings from 6 feet to 3 feet as long as mask use is universal. The CDC continues to recommend 6-foot physical distancing between adults, in common areas (eg, lobbies, auditoriums), when masks cannot be worn (eg, when eating), and during activities that involve “increased exhalation” (eg, singing, band practice/performance, sports practice/competition). Reducing the recommended physical distancing separation to 3 feet aims to make it easier for schools to resume in-person classes while continuing to mitigate transmission risk.

District Legislative Priorities

TPA works to further the mission of the East Contra Costa Fire Protection District in Sacramento and Washington DC. In addition to providing feedback on the priorities of the State and Federal government, the District has its own priorities that we continue to advance.

Legislative Priority 1 – Chapter 13 EMS System Modifications

California operates on a two-tiered emergency medical services (EMS) system. EMSA is the lead agency and centralized resource to oversee emergency and disaster medical services. The California Emergency Medical Services Authority (EMSA) is charged with providing leadership in developing and implementing local EMS systems throughout California, and in setting standards for the training and scope of practice of various levels of EMS personnel. California has 33 local EMS systems that provide EMS for California's 58 counties.

Local EMS agencies are responsible for planning, implementing, and managing local trauma care systems, including assessing needs, developing the system design, designating trauma care centers, collecting trauma care data, and providing quality assurance.

In late 2019, EMSA issued proposed Chapter 13 regulations that would have aimed to define the standards, policies, and procedures for all local EMS systems. Additionally, the proposed regulations would have clarified and made specific criteria for determining whether a city or fire district that has contracted for, or provided prehospital EMS as of June 1, 1980, has consistently provided that service without any reduction in the level of service since that time. The regulations would have also made specific criteria for the determining when an exclusive operating area may be created without a competitive process and the process to be used when awarding an exclusive operating area via a competitive process.

The EMSA proposed regulations garnered opposition from numerous entities. Additionally, CFCA's legal counsel requested that EMSA withdraw the proposed Chapter 13 regulations for failure to comply with certain substantive and procedural requirements for rulemaking under the Administrative Procedures Act. Ultimately, in August 2020, EMSA gave notice that it decided not to proceed with the rule making action related to Chapter 13.

While EMSA has withdrawn its previous regulatory proposal, it is possible that they could re-initiate the rule-making process or pursue statutory changes through the Legislature. TPA is coordinating efforts with the District to be prepared in the event of future legislative or regulatory



action. TPA has provided the District with more detailed background information on this subject and possible avenues for action. Additionally, TPA has working to coordinate with industry partners to educate legislators and staff on this issue, as well as to prepare for any potential legislative or regulatory action.

There have been two bills introduced in the current legislative session directly related to local EMS agencies, SB 232 (Nielsen) and AB 389 (Grayson). SB 232 was a spot bill but was amended to no longer deal with emergency medical services. AB 389 would authorize a county to contract for emergency services with a fire protection district that is governed by the county's board of supervisors and provides those services through a written contract with a private ambulance provider. This bill would also authorize a fire protection district to enter into a written subcontract with a private ambulance service. AB 389 is sponsored by Contra Costa County. AB 389 has been referred to the Assembly Health Committee and is scheduled to be considered on April 13th.

Legislative Priority 2 – Job Order Contracting

Job order contracting is a procedure that allows for the awarding of contracts based on prices for specific construction tasks, rather than bids, for a specific project. A catalog or book identifies all work that could be performed, typically maintenance or modernization, and the unit prices for each of those tasks. The tasks are based on accepted industry standards and process include the cost of materials, labor, and equipment for performing the work, but exclude overhead and profit. A contractor, who has been prequalified, rather than bid a total price for the project, will bid an adjustment factor, which reflects specified costs, to the preset unit prices.

The State Legislature first authorized job order contracting on a pilot basis at Los Angeles Unified School District from 2004 through 2007. The Legislature later extended and modified the pilot program. Based on the results of the pilot program, legislation was approved in 2015 that authorized all school districts that have entered into a project labor agreement to utilize job order contracting. Additional legislation was approved in 2017, which further authorized community college districts that have entered into a project labor agreement to utilize job order contracting.

Current law does not provide special districts with the ability to utilize job order contracting and legislation would be needed to grant this permission. Since job order contracting is utilizes accepted industry standards to form the basis of the preset unit prices for work to be performed, it is likely that legislation would need to apply to a class of special districts, such as fire protection districts, to make practical sense.

As noted above, previously approved bills related to job order contracting has limited its use to those to those that have entered into a project labor agreement that applies to all public works in excess of \$25,000. Given the politics surrounding the previous legislative efforts, it is unlikely that future job order contracting legislation will be successful unless it contains the existing provisions related to project labor agreements. As such, the District may wish to consider the potential benefits of job order contracting, in conjunction with other actions it that may be required to take in order to utilize job order contracting.

Prior to the bill introduction deadline, Assembly Member Low introduced AB 846, related to job order contracting. This bill would extend the current December 31, 2021 sunset date that allows school districts and community colleges to utilize job order contracting until January 1, 2027.



Additionally, the bill modifies the job order contracting provisions to specify that any entity awarded a contract in excess of \$25,000 shall provide an enforceable commitment that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the job order contract that falls within an apprenticeable occupation in the building and construction trades. AB 846 was approved by the Assembly Higher Education Committee on April 8th.

If the District would be interested in utilizing job order contracting, under these conditions, TPA can reach out to the author's office to gauge their interest in adding additional types of public agencies to the provisions of the bill.

Legislative Priority 3 – Mitigation Fee Act

Under existing law, the Mitigation Fee Act authorizes local agencies to impose fees to offset the impacts of new development in the form of new services and/or facilities required. The Mitigation Fee Act also imposes a variety of administrative requirements on the fees collected. No voter approval is required to impose impact fees. The same does not apply to a District board, who is prohibited from charging a fee on new construction or development.

Last year, numerous bills were introduced that attempted to modify the Act in ways that would have resulted in a decreased ability for public agencies to collect impact fees. The aim of these legislative efforts has been to reduce the overall cost of housing in California and provide more opportunities for home ownership or for people to be able to afford to rent housing near employment centers.

This year there have not been nearly as many bills introduced dealing with mitigation fees as there were last year. Building on the roundtable discussions that were held early last year, Assembly Member Grayson has introduced two measures, AB 602 and AB 678, to continue the conversation around mitigation fees.

AB 602 includes provisions related to nexus studies, including best practices and standards for transparency, assessment based on proportional square footage, and cleanup on posting fee schedules. This language is intended to be a starting point for conversations, and additional language may be considered as the bill moves through the legislative process. The measure has been referred to the Assembly Local Government Committee and is scheduled to be considered on April 14th.

Legislative Priority 4 – Professional Services

Under existing law, the Public Contract Code provides that contracts over \$25,000 must be awarded to the lowest bidder. In addition to be a low threshold, Section 20812 is inconsistent with the requirements for many public agencies, and inconsistent with other laws pertaining to Professional and Special Services.

This session legislation has been introduced by Assembly Member Gallagher, AB 577, which would establish a \$50,000 threshold amount for county drainage districts, levee districts, and reclamation districts for the requirement to award to the lowest bidder. AB 577 has been referred



to the Assembly Local Government Committee for consideration, but the bill has not yet been set for a hearing.

Assembly Member Gallagher has previously introduced legislation related to issues of fire safety and prevention. The Assembly Member has experience with issues related to wildfires, as his district includes the Town of Paradise. It is likely that the Assembly Member would be willing to entertain amendments to his bill to expand its provisions to include fire protection districts. TPA is reaching out to the Assembly Member's office to gauge his willingness to amend his bill, as well as to gauge the likelihood that this measure will be considered by the Local Government Committee.

Legislative Priority 5 – Parcel Tax

Currently, a parcel tax requires a two-thirds vote to pass and must be applied to all parcels equally. This means that a residential property, a commercial property, and an undeveloped property would have to be assessed the same amount for fire service even though they place different levels of demand for service on the Fire District.

On December 7th, Assembly Member Aguiar-Curry reintroduced ACA 1 which would create an exception to the 1% limit that would authorize a city, county, or special district to levy an ad valorem tax to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, if the proposed tax measure is approved by 55% of voters. For purposes of the bill, "public infrastructure" includes public safety buildings or facilities, equipment related to fire suppression, emergency response equipment, or interoperable communications equipment for direct and exclusive use by fire, emergency response, police, or sheriff personnel.

Last year, ACA 1 was supported by a coalition of individual public agencies and associations, including: California Special Districts Association, League of California Cities, California State Association of Counties, East Bay MUD, and East Bay Parks. The measure also received significant support from labor, including from California Professional Firefighters.

While ACA 1 was introduced in December, it has not yet been referred to policy committee. Since constitutional amendments are not subject to the same legislative timelines as regular bills, it is likely that the bill will not be considered by a policy committee until after the policy committee deadlines pass in late-April and mid-May.

Legislative Priority 6 – Proposition 218

Proposition 218 restrict local governments' ability to impose assessments and property-related fees, as well as requires elections to approve many local government revenue raising methods. Over time, the responsibilities expected of local fire districts have grown, however, their share of local tax revenue has not grown to meet the increased demand.

Every few years, efforts have failed to modify the State Constitution to reduce the vote threshold for parcel tax measures to 55%. That included an effort earlier in the 2019-20 legislative session, ACA 1 (Aguiar-Curry). While that measure was unsuccessful, the Legislature was able to approve a measure, ACA 11 (Mullin), for the November ballot, which appear on the ballot as Proposition



19. Proposition 19 was approved at the November 2020 General Election and allows homeowners who are over 55, disabled, or victims of wildfire or natural disaster to transfer their primary residence's property tax base value to a replacement residence of any value, anywhere in the state. An individual could use these rules up to three times in their lifetime. The measure would also limit the ability of new homeowners who inherit properties to keep their parents' or grandparents' low property tax payments. The measure would allocate most resulting state revenue to fire protection services and reimbursement to local governments for taxation-related changes.

SB 539 (Hertzberg) has been introduced this year to assist with the implementation of Proposition 19. SB 539 provides statutory detail for taxpayers to claim base year value transfers under Proposition 19, as well as implements the proposition's limitations on parent-child/grandparent-grandchild change of ownership exclusions. SB 539 is currently moving through the Senate and is awaiting consideration on the Senate Floor.

Legislative Priority 7 – Building a Coalition

With the assistance of the California Special District's Association and the California Fire District's Association, TPA is working to build a coalition with other special fire districts in California that are impacted by Proposition 13 allocations, and growth since Proposition 13 was enacted. This coalition will also provide support for the long-term priorities listed above, as well as future priorities. A coalition will support efforts to show the long-term implications of Proposition 13 are a statewide issue and not unique to the District.

To date, the efforts to identify special districts that are similarly impacted by Proposition 13 have not resulted in a robust coalition. During the legislative interim, TPA will be re-doubling our efforts with our partners, as well as reaching out to new resources to assist in the identification of similar districts. TPA will be meeting with staff from the Senate Governance and Finance Committee, as well as the Assembly Local Government Committee, that work on Proposition 13-related issues to discuss how the District is impacted, as well as to determine if other special districts have raised this issue with committee staff. Additionally, we have reached out to the Senior Consultant on Local Government Issues within the Assembly Speaker's Office to determine if any other Assembly Members have raised this issue to the Speaker, which may help identify additional areas of the state where similar circumstances exist.

