

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

STATE LEGISLATIVE UPDATE AND OUTLOOK

On January 3rd, legislators returned to Sacramento to begin a busy legislative and budget year. In addition to the normal policy and political dynamics, this year legislators will need to navigate a number of issues that do not typically impact a legislative session, including the Legislature's relocation as the State Capitol building undergoes renovations, new Assembly and Senate district boundaries that will require many members to appeal to new voters outside of their current district, and a significant number of legislators opting to pursue other political and career opportunities outside of their elected positions in response to upcoming elections dates and term limits. Moreover, the onset of the Omicron variant, at the start of what was expected to be a year of transitioning back into in-person meetings and committee hearings, has the Legislature reassessing the procedures they anticipated operating under this year.

Despite all of these changes, the Legislature and Governor are ramping up for a busy year where they will consider another budget with a significant surplus, pursue legislation that remained unfinished in 2021, and introduce new bills for consideration in 2022. Below is an overview of key issue areas the Legislature will likely consider in 2022, and how they relate to the outcomes and circumstances that were present in 2021.

BUDGET

Despite predictions to the contrary, 2021 showed a promising outlook for the state's cash reserves. Federal relief packages, in tandem with increased tax collections, allowed for massive state investments in a number of areas, including broadband infrastructure development, homelessness and housing production, and climate resiliency.

In anticipation for the 2022 budget, the Legislative Analyst's Office (LAO) released its fiscal outlook report for the State's 2022-23 upcoming budget cycle, which estimated that the state would have a close to \$31 billion operating budget surplus. Despite the economic impact of the ongoing COVID-19 pandemic, the LAO stated that state revenues are growing at "historic rates," which can be attributed to an annual 30% rate increase in tax collections in the 12-month period ending in September, representing the fastest rate in roughly 40 years. While this report serves as merely a projection, it does provide important clues to how the state's budget allocation process will function in the upcoming year. For example, while the surplus is great news for the state's fiscal stability and earmark potential, it's important to note that not all off the \$31 billion will be



under the Legislature’s discretion. The report estimates that in order to meet the State Appropriations (“Gann”) Limit requirements, which limits state expenditures to the annual growth in population and to growth in average personal income, the state would need to divert roughly \$14 billion between statutorily available avenues. These avenues include such things as infrastructure and education investments, tax rebates, and paying down the state’s debt, which are expected to be featured in the upcoming budget.

In addition to the LAO report, the Assembly and Senate Budget Committees released overviews of their priorities for 2022 in advance of the Governor’s January Budget proposal.

The Assembly’s key budget priorities include the following:

- Implementing the 2021 investments including broadband infrastructure, wildfire prevention, and climate resiliency,
- Ensuring that existing homelessness and affordable housing investments provide permanent supportive housing,
- Drought response and water resilience funding to the most vulnerable communities,
- Increased funding for education, particularly as it relates to mental health and learning loss,
- Addressing the State Appropriations (Gann) Limit by allocating budget funds to major infrastructure transportation projects and education investments,
- Leveraging federal infrastructure funds; and,
- Promoting the creation of living wage jobs.

The Senate’s key budget priorities include the following:

- Sustaining existing programs through building upon reserves, paying down debts, and ensuring one-time funding is used for one-time purposes,
- Maximizing state and federal infrastructure investments,
- Expanding targeted tax relief programs for families,
- Improving higher education quality, affordability, and accessibility,
- Improving public health, mental health, and health access and affordability; and
- Enhance climate, environment, and resource protection, including wildfire mitigation.

While the Governor will not unveil his January Budget proposal until January 10th, he has already outlined some preliminary budget priorities. These include infrastructure investments to match funds to federal dollars coming from the recently approved infrastructure plan, paying down unfunded pension liabilities, and investing in public safety efforts to curb the proliferation of organized retail theft and illegal gun trade throughout the state.

THE COVID-19 CLIMATE

The onset of the Omicron variant has sparked quick reactions from California leaders in order to mitigate its spread. In December, the California Department of Public Health (CDPH) issued statewide indoor masking mandate, beginning December 15th and ending January 15th in order to temper the spread of the Omicron variant during the holiday season. This mandate was since extended to February 15th, as positive cases continue to climb through the state. The mandate applies to all public indoor settings and all people, irrespective of vaccination status.



The state mandate ultimately brings all California counties into mandatory compliance with indoor masking rules. Before, many counties had existing indoor mask mandates that have been in effect since the summer. However, roughly half of the state's population, in areas such as San Diego County, the Inland Empire, and the Central Valley, had no existing masking mandate and are now mandated to comply with this new rule until mid-February, unless it is extended further.

In addition to the new masking mandate, there have been updates to Cal/OSHA COVID-19 workplace standards. In mid-December, the Cal/OSHA Standards Board voted to readopt the COVID-19 Emergency Temporary Standard ("ETS") with changes that will take effect January 14, 2022. This readoption includes many changes to the current ETS, including an elimination of many of the current distinctions between vaccinated and unvaccinated workers.

California administrative procedure allows an emergency regulation to be readopted up to two times. The Cal/OSHA ETS was first readopted (and revised) on June 17, 2021. The recent December 16, 2021, readoption represents the second of two re-adoptions. However, also on December 16, 2021, the Governor issued an Executive Order permitting a third readoption of the ETS, so long as it does not extend beyond December 31, 2022. It is likely that Cal/OSHA will consider adopting permanent standards in 2022 instead of reconfiguring temporary standards.

The newly revised ETS includes several changes, including:

- *A new COVID-19 test definition:* When testing is required under the ETS, it cannot be both self-administered and self-read unless observed by the employer or an authorized telehealth proctor. Which means that employees won't be able to simply report results of a home-test to their employer.
- *Permissible types of face coverings:* Despite harsh opposition from commenters, Cal/OSHA's new standard says that permissible face coverings include surgical masks, a medical procedure mask, a respirator worn voluntarily, or a tightly woven fabric or non-woven material of at least two layers that does not let light pass through when held up to a light source (except for clear face coverings worn for accommodations purposes). This means that many of the cloth masks that have been used by employees will no longer be acceptable under this new standard.
- *A new definition of "worksites":* The revised ETS clarifies that a "worksites" does not include locations where the worker worked by themselves without exposure to other employees, or to a worker's personal residence or alternative work location chosen by the worker when working remotely. This new definition may, in some circumstances, enable employers to forego employee notification that it would have otherwise been obligated to provide under the previous version of the ETS.
- *Testing must be provided to all close-contact employees, vaccinated or not:* It used to be that employers only needed to offer COVID-19 testing to unvaccinated workplace close-contacts. But now, because of the rapidly evolving virus and breakthrough cases in the workplace, Cal/OSHA will require employers to offer testing to employees, vaccinated or not, who had a workplace close contact. The only exception for close-contact testing are employees who recovered from COVID-19 in the past 90 days and are asymptomatic.



As the pandemic continues, the Legislature plans to continue its remote meeting accessibility for committee hearings and individual meetings. After planning to require employees to return to the new temporary offices at the start of the 2022 session, Assembly Speaker Rendon announced that the Assembly would temporarily reinstate its remote work flexibility plan until February 14th in order to accommodate those affected by the pandemic. It is unclear how the Omicron variant will continue to affect Legislative procedure. As of now, it appears that legislators and their staff are operating in a hybrid environment, with limited staff in office and in-person meetings taken on a case-by-case basis.

REDISTRICTING

The decennial process of re-drawing state district lines to ensure districts have equal population size, maintain minority voting power, and are contiguous has officially concluded. The [new districts](#) will take effect beginning in the 2022 election cycle and will continue for the next decade. The new line-drawing process garnered massive amounts of public comment regarding maps protecting communities of interest and minority representation, as well as complications from the COVID-19 pandemic which among other things, delayed census data intrinsic to drawing maps. Major changes brought forth by the new district lines include one less congressional district and a greater number of districts with a Latino citizen voting age population greater than 50%. The new districts have also prompted many legislators' retirement announcements and will force many to move into new districts and court new voters or will pit incumbents of the same or opposing political parties to run against one another in what used to be their old districts.

Under the new district lines, ECCFPD will continue to be represented by State Senator Steve Glazer, but there has been a shift in the Assembly boundaries. Currently, the District is primarily contained within Assembly District 11, which was represented by Assembly Member Jim Frazier prior to his retirement on December 31st. Under the new maps, Assembly Member Tim Grayson will pick up more of eastern Contra Costa County, including portions of Antioch and Brentwood, while Oakley and portions of the delta will remain in Assembly District 11.

ANTICIPATED LEGISLATION

2022 marks the second of the two-year session, meaning legislation introduced in 2021 that has not yet moved to the second house must move forward in January or will be dead for the legislative session. At the start of Session, there are a total of 140 measures eligible to be considered in the Assembly as 2-year bills and 83 measures in the Senate eligible to be considered as 2-year bills. Thus, January will feature a policy and fiscal committees in rapid fire in addition to the release of the Governor's budget proposal by January 10th. Below is a summary of recent developments that may materialize into legislation in 2022.

COVID-19 Legislation

The 2021 session produced a number of bills aimed at reducing the economic impacts of COVID on California's most vulnerable residents and ensuring that essential functions of government could be held remotely. Of note was the passage of AB 361 (R. Rivas), which created criteria for state and local governing bodies to hold remote meetings under modified Brown Act standards.



In addition, the Governor vetoed AB 339 (Lee). Which would have required local jurisdictions with a specific population to produce call-in and internet-based participation options in addition to in person options for members of the public during any public meeting.

While the passage of Brown Act modification legislation was beneficial as local governments grappled with the need to social distance, its implementation was quick and is likely to need reform if applied to future emergencies. Despite this, there appears to be little appetite to modify AB 361 in 2022, which some say needs more time to understand its strengths and weaknesses.

In addition to updates related to remote meetings legislation, there are likely to be a number of bills introduced related to the ongoing pandemic. These could include legislation allowing or restricting personal belief exemptions, mandating vaccinations for unvaccinated individuals, and expanding the definition of “fully vaccinated” to include booster shots. Near the end of the 2021 Legislative Session, gut & amend language circulated that would have required employees and patrons of certain industries to be vaccinated. Specifically, the bill would have required and patrons of restaurants, bars, cafeterias, gyms, hotels, indoor sports arenas, and movie theaters either be fully vaccinated or submit to weekly testing and show proof of a negative COVID-19 test before entering the workplace/establishment as a condition of employment. While the language ended up not being amended, it may signal a desire from the Legislature to use similar language in 2022 legislation.

Public Safety

Following the death of George Floyd and the civil unrest that ensued, it became apparent early on that 2021 would be the year for the Legislature to prioritize public safety reform legislation. The session produced a reform package that included changes to police immunity standards and a de-certification process, the release of records related to officers engaging in unreasonable or excessive force and creating a robust curriculum for young officers entering the police force.

Despite these massive reforms, there is still an appetite for a continued focus on public safety heading into 2022. In recent months, organized retail theft has dominated conversations related to public safety reform. In response to this, the Governor and the Attorney General unveiled a comprehensive public safety package that addresses organized retail theft, gun reform, and transnational drug trafficking.

With regard to upcoming gun safety measures, the Governor officially announced that he will be working with the Legislature in 2022 to limit the sale of assault weapons and “ghost guns” in the state. The measure will be modeled almost identical to Texas’ Senate Bill 8, which enacts an enforcement scheme by allowing private citizens to sue an abortion provider or someone suspected of aiding an abortion performed after the six-week window of time the state established as permissible to receive an abortion. The legality of the Texas law was adjudicated in the courts and was recently upheld by the Supreme Court. Governor Newsom’s idea for similarly structured legislation would allow Californians to sue anyone who manufactures, distributes, or sells an assault weapon or ghost gun kit or parts for damages.

On the budget front, Governor Newsom will plan to include the following investments into the budget sometime in January. What is unclear is if he will include it in his budget framework which set to be released in January, meaning the funds would likely be available in summer of 2022.



However, because 2022 marks the second year of the two-year session, there is another viable avenue, which would include amending a 2-year bill from 2021 and inserting the funding language to then expedite through the legislative process. This avenue could result in funds being available as soon as February. Below is a brief overview of the proposed investments:

- \$255,000,000 in competitive grants for local law enforcement agencies over the next three years to help advance the prosecution of retail crime rings.
- \$30,000,000 in grants to District Attorney offices throughout the state over a three-year period.
- \$20,000,000 in business assistance grants for small businesses affected by the recent uptick in retail theft crimes.
- \$25,000,000 to create a statewide gun buyback program by providing matching grants and safe-disposal opportunities to local law enforcement agencies.
- \$20,000,000 to enforcement along the border to fight transnational crimes related to drug trafficking.
- \$18,000,000 over three years for the creation of a dedicated state team of special investigators and prosecutors in the Attorney General's office to go after perpetrators of organized theft crime rings that cross jurisdictional lines.

In addition to the anticipated legislation and investments, the Governor and Attorney General emphasized the expanded collaboration of law enforcement personnel throughout the state to share information and help bring perpetrators to justice collectively.

Housing and Land Use

Similar to public safety legislation, the Legislature in 2021 was dedicated to implementing top-down housing and land-use reform, with the passage of bills like SB 9 and SB 10 which significantly increased development potential throughout the state. In addition, the Legislature passed bills like AB 215 (Chiu) which increases the enforcement authority within the Housing and Community Development Department (HCD) when it comes to pursuing legal action against local governments deemed noncompliant with their housing production goals.

With regard to what to expect in 2022, it appears that the focus on new reform measures may be set aside to focus on the implementation and enforcement of existing measures. The start of the 2022 session also comes on the tails of the introduction of two new housing accountability units established in both the Attorney General's office and HCD, with a focus on holding local jurisdictions accountable for accomplishing their housing production targets.

However, there are a handful of 2-year bills that have potential to reemerge in 2022. These include AB 1401 (Friedman), which would prohibit public agencies from imposing or enforcing a minimum parking requirement on developments near public transit, and AB 989 (Gabriel) which would establish a system capable of appealing a local government's decision to deny a housing development.



Climate Resiliency

After significant cuts to climate resiliency and disaster preparedness were made in the 2020 budget to account for pandemic-related budget shortfalls, the 2021 budget included a massive \$3.7 billion appropriation over three-years to bolster the state's response to climate change and its effects. Notably, only a small portion of the \$3.7 billion was appropriated in 2021, meaning that there is likely to be more funding available in 2022.

Since the approval of last year's budget, the State has continued to feel the effects of the ongoing drought and the resulting threat of catastrophic wildfires. It is quite likely that there will be introduction of new legislation to both fund and support fire response, as well as prevention, efforts. There has also been discussion around the need for fire preparedness and response funding to be provided to the local agencies that are primarily responsible for responding to wildfires. While significant resources have been allocated in previous budgets, most of that funding has been directed to CalFIRE at the state level, but there remain significant financial needs at the local level from agencies that are tasked with responding to wildfires.

Transportation

In July 2021 the Legislature passed a comprehensive Transportation Infrastructure Plan, providing more than \$5 billion (\$3 billion from the General Fund) for transportation infrastructure across the state. This increase in funding was only to become available if the Legislature sent implementing legislation to the Governor by October 10th which included the appropriation of \$4.2 billion in Proposition 1A High-Speed Rail funding. The transportation funding contingent on the additional legislation included the following:

- \$1 billion to deliver critical transportation projects in the LA region prior to the 2028 Olympics.
- \$1 billion for transit and rail projects statewide that improve rail and transit connectivity between state and regional/local services.
- \$500 million for the Active Transportation Program to fund more projects in the program's recently adopted program.
- \$500 million to support critical safety improvements throughout the state.
- Roughly \$2 billion in special funds and federal funds for streets, roads, and highway projects.
- \$400 million for the development and implementation of projects intended to adapt to the changing climate to ensure that the state highway system is safe for the traveling public.

Due to concerns with where the high-speed rail funding was going to be spent, the Legislature did not pass the necessary implementing legislation prior to the deadline. Instead, Legislative leaders and the governor's office agreed to continue negotiations on high-speed rail into 2022, and with those negotiations will come the promise of additional funding for various transportation priorities.



FEDERAL LEGISLATIVE UPDATE AND OUTLOOK

BIPARTISAN INFRASTRUCTURE LAW

Over the next few months, various agencies that are tasked with implementing and distributing funds allocated by the Infrastructure Investments and Jobs Act--now known as the Bipartisan Infrastructure Law will begin the process of outlining allocation amounts and procedures. Moving into the new year, there will be implementation of several new grant programs aimed at providing states and local governments with the needed funds to invest in their most in need infrastructure projects. A few highlights from the bill implementation in December include:

- The FAA announced its first round of airport funding through the bipartisan infrastructure law. The FAA is investing \$2.89 billion in airports around the nation in response to the Bipartisan Infrastructure Law. The money can be invested in runways, taxiways, safety and sustainability projects, as well as terminal, airport-transit connections and roadway projects. California is slated to receive \$294,572,149. The money will come from the Airport Infrastructure Grant program, one of three new aviation programs created by the Bipartisan Infrastructure Law.
- The U.S. Department of Transportation's Federal Highway Administration (FHWA) announced that it is providing \$52.5 billion in funding to all 50 states and the District of Columbia under the Bipartisan Infrastructure Law. California is getting \$4,862,447,187 in federal-aid highway funds.
- On December 31, the FCC launched the Affordable Connectivity Program (ACP). This longer-term program was created by Congress in the Infrastructure and Jobs Act and replaces the Emergency Broadband Benefit program. The ACP provides eligible households a \$30 monthly subsidy to purchase broadband internet services. The Affordable Connectivity Program will become a permanent program to provide households with discounted broadband service and allow participating providers to receive reimbursement for providing discounts.

CONGRESSIONAL COMMUNITY PROJECT FUNDING

TPA continues to work closely with ECCFPD to secure funding for the Fire Station project through the Congressional Community Project Funding, or earmark, process. TPA worked with ECCFPD to submit a request for \$3 million in funding for a new fire station. Congressman McNerney selected the Fire Station project as one of his top projects to be submitted to the House Appropriations Committee for consideration. The Fire Station project was included in the Six-Bill Appropriations Minibus that passed the House on July 31st, to be funded for \$1,500,000.

Congress is currently operating under a Continuing Resolution agreement to fund the federal government until February 18, 2022. This temporary extension extends current funding levels from the previous fiscal year (FY21) until February 18th. The District's \$1.5 million in funding is



dependent on an overall agreement being reached by the House and the Senate and an FY22 spending bill being approved. TPA continues to advocate on behalf of ECCFPD and will continue to advocate to secure this funding in the final budget agreement.

COVID-19

In early December, the Biden Administration laid out guidance to expand access to at-home testing. Americans with private insurance – who now are able to get tests covered in physician offices, pharmacies, and clinics with no cost sharing – will also be able to get at-home tests reimbursed by their insurance. For those not covered by private insurance, in addition to more than 20,000 federally supported free testing sites across the U.S., at-home tests will be distributed through key community sites, such as health centers and rural clinics. Additionally, to expand access and affordability of at-home COVID-19 tests, the Departments of Health and Human Services, Labor, and the Treasury will issue guidance by January 15th to clarify that individuals who purchase OTC COVID-19 diagnostic tests will be able to seek reimbursement from their group health plan or health insurance issuer and have insurance cover the cost during the public health emergency.

To ensure equitable access to free at-home tests for our uninsured and underserved communities, the President plans to double the commitment from September to distribute 25 million free tests to community sites to 50 million tests and will add rural clinics to the program. Partnerships with trusted community providers will aid in getting these important testing supplies into the homes of our hardest-hit communities.

Under its authority to reimburse States for direct federal assistance to establish and expand COVID-19 testing sites, FEMA reinforced its commitments to fighting COVID-19. FEMA will fund testing to detect COVID-19 infections. This includes both in a medical setting (primary medical care facilities, temporary medical care facilities, and community-based testing sites) and testing needed to safely open and operate public facilities, including schools and government offices. Funding may be used to support both diagnostic and screening protocols. In general, FEMA will fund diagnostic and screening testing to determine if an active coronavirus infection is present and if an individual should take steps to quarantine or isolate from others.

This funding may include costs for:

- Laboratory testing materials and test kits, including antigen self-tests.
- Contracting for testing support by a third party.
- Testing facilities, including temporary facilities or expansion of space used for testing.
- Staffing to administer tests.
- Training for individuals to administer tests.
- Signage and other communication materials.
- Personal protective equipment and other administrative supplies to conduct testing and technology to register and track testing results.
- Mobilization and demobilization of testing activities.
- Facility operating costs (equipment, supplies, security, and cleaning/disinfection).



FEMA is committed to working with states and their public health departments to establish and expand access to testing.

BUILD BACK BETTER BILL

Momentum on President Biden's \$2 trillion climate and social spending bill which passed the House a month ago, appeared to slow to a halt. Democratic senators in December conceded there was no chance of passing the Build Back Better Act before the end of the year. It appears that portions of the bill may need to be reworked in order to garner support from Democratic Senator Joe Manchin (D-W.VA), who has expressed opposition to the bill's inclusion of a one-year extension of the expanded child tax credit, which he argues would result in tax hikes over the next decade. This recent issue comes after Senator Manchin expressed his opposition to the legislation's price tag, and that going over \$1.5 trillion would be out of the question for his support.

LOOKING AHEAD 2022

The actions of Congress and the Biden Administration will be influenced by one central occurrence in 2022: the midterm elections scheduled for November. Both congressional chambers and the White House are under Democratic control, but history and polling suggests that Republicans are poised to take the majority in the House of Representatives in the November elections. With this in mind, Democrats are motivated to advance as much of their agenda as possible in 2022. This includes social spending policies such as paid family leave, universal Pre-Kindergarten education, subsidized child-care, support for Affordable Care Act marketplaces, actions to curb greenhouse gas emissions, and more. Disagreements over the scope and scale of this agenda led to a breakdown in negotiations in late 2021. Expect Democrats to move forward with portions of their agenda in the first two quarters of 2022.

The decennial process of redrawing congressional lines will have an impact on policies and representation in 2022. Following the certification of new congressional districts in December 2021 by the California Citizens Redistricting Commission, the state will lose a congressional seat due to slow population growth in the last decade, thus requiring an adjustment that wound up costing Los Angeles County one of its seats. Nevertheless, the overall trajectory of the new congressional maps favor Democrats, which could play a role in which party controls the House after the midterm elections.

Additionally, in 2022 federal agencies will be busy at work implementing the Bipartisan Infrastructure Law passed in November 2021, the Infrastructure Investment and Jobs Act. This law provides \$1.2 trillion over 5 years for roads, bridges, rail, transit, water, broadband, grid resiliency, and more. Funding will begin to roll out in 2022 through a combination of formula grants and competitive discretionary grants.

The coronavirus pandemic will continue to impact federal policy making. Much will depend on the trajectory the pandemic takes and if additional federal funds are determined to be necessary to stem negative economic impacts.

Throughout 2022, both Congress and the Biden Administration will be focused on the midterm elections. Decisions will be based on their ability to help win and actions will be heavily influenced by these political calculations. History has shown that this dynamic often limits the ability for Congress to enact sweeping legislation, which will be compounded by the historically slim



majorities in both the House and Senate. Legislative inaction often leads the Administration to take bolder action through executive orders, rule makings, and litigation.

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 not put forward any proposed regulations for Chapter 13, they are currently in the process of considering regulations to implement AB 1544 from 2020, related to community paramedicine and triage to alternate destinations. The regulations, which are open for public comment until January 17th, look to provide additional detail to the provisions of AB 1544, which authorized local emergency medical services agencies to develop and seek approval for a program that provides various community paramedic or triage paramedic services. It should be noted that AB 1544 was supported by CalChiefs, as well as FDAC, as the bill moved through the Legislature.



According to the Initial Statement of Reasons for the regulations put forth by EMSA, they “do not have a mechanism to evaluate the initial approval and renewal of local emergency medical services agency’s Community Paramedicine and/or Triage to Alternate Destination Program. EMSA is mandated...to collect data from community paramedicine or triage to alternate destination providers, participating health facilities and local EMS agencies and submit a final report on these programs. Currently, no mechanism exists for this process. Likewise, no mechanisms currently exist or minimum standards for training and accreditation of the EMS personnel who will work in these programs.”

Once the public comment closes, EMSA will conduct a public hearing on January 18th to further discuss the proposed regulations.

Legislative Priority 2 – 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.

In 2020, 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. However, once the coronavirus pandemic hit, and there was concern about declining revenues for local governments, the Legislature did not consider many significant bills in 2021 related to the Mitigation Fee Act.

Moving forward, Assembly Member Grayson continues to be interested in revisiting the Mitigation Fee Act, as there is a concern that the provisions of the Act are leading to increased home prices and may be contributing to the lack of affordable housing in California. As the Legislature approaches the bill introduction deadline on February 18th, we will closely monitor all bill introductions for measures that would impact the Mitigation Fee Act and the District’s ability to assess fees for service.

Legislative Priority 3 – 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 was introduced last year 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 was referred to



the Assembly Local Government Committee for consideration, but was not set for hearing by the committee, and as such, the measure is now a two-year bill. It is possible that additional legislation will be introduced in 2022, but it is unclear if there will be any appetite within the Legislature to advance this type of legislation this year.

Legislative Priority 4 – 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.

ACA 1 has been referred to the Assembly Local Government Committee, which is chaired by the bill’s author, Assembly Member Aguiar-Curry. Since constitutional amendments are not subject to the same legislative timelines as regular bills, so the measure may still be considered by the Assembly Local Government Committee despite being past the deadline for policy committees to consider bills in their House of Origin. Last session, ACA 1 was approved by the committee on a 5-2 vote.

Legislative Priority 5 – 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.

In addition to any efforts to legislatively modify the Prop 218 voter thresholds, there is also a counter initiative effort underway that would impact the ability for local governments to raise revenue for government services. The proposed initiative, the Taxpayer Protection and Government Accountability Act, would limit the ability of the state and local governments to enact, modify, or expand taxes, assessments, fees, and property-related charges. The proposed initiative contains numerous provisions which aim to make it more difficult to implement fees and taxes, as well as reverse recent court determinations that voter-initiated revenue measures do not require a two-thirds supermajority for passage. The proposed initiative would also state that fees shall not exceed the actual cost of providing the product or service for which it is charged, and it must be reasonable for the taxpayer. In addition, the measure would increase the vote threshold for a local board to place a tax proposal on a ballot, from a majority to a two-thirds vote of the board, and also increases the vote threshold for voters to pass a local special tax from a simple majority to a two-thirds vote.

The proponents of the proposed initiative have received title and summary from the Attorney General's Office and are now in the process of collecting signatures. The proponents must submit 997,000 valid signatures by June 6th. The Secretary of State must certify that sufficient signatures have been submitted by June 30, 2022, in order for the measure to be placed on the November General Election ballot.

Legislative Priority 6 – Building a Coalition

TPA continues to work with the California Special Districts Association in efforts to further strengthen the relationship between CSDA and the District, as well as to ensure alignment on issues of importance to fire districts. TPA has worked with CSDA and the District to advocate for the District to be represented on the CSDA Legislative Committee. In December, CSDA staff notified the District that Chief Helmick has been selected to serve on the Legislative Committee for the upcoming year. The new Legislative Committee will begin meeting in January 2022 to consider legislative and policy items that may potentially impact CSDA and its members.

In addition to participation in the CSDA Legislative Committee, TPA and ECCFPD staff have been working closely with CSDA to generate support for the inclusion of funding, within the state budget, to reimburse special districts for costs incurred in response to the COVID-19 pandemic. Ultimately, \$100 million was included in the state budget to aid independent special districts with impact due to the coronavirus pandemic. The Department of Finance worked with CSDA to solicit applications for the available funding and the District received approximately \$25,000 in funding associated with the impacts from the COVID-19 pandemic.

