

To: East Contra Costa Fire Protection District
From: Townsend Public Affairs, Inc.
Date: September 4, 2020
Subject: Legislative Report for ECCFPD – August 2020

State Legislative Update

In the early morning hours of September 1st, the Legislature officially adjourned for the 2019-2020 Legislative Session. The end of this year's session may be remembered more for the priority legislation that did not pass, more so than the bills that were approved.

It became clear that the end of the 2020 session would be unlike any before when, on August 26th, Senator Brian Jones (R-Escondido) tested positive for COVID-19, shortly after he attended a Republican caucus meeting and was on the Senate floor wearing a mask. The Senate Pro Tem, after hearing the news that a Senator had contracted the virus, suspended Senate business, and conducted a thorough cleaning of the Senate chambers. Senators that had been in close contact with Senator Jones, which included all but one Republican Senator, were required to self-quarantine and vote remotely for the final four days of the legislative session.

Republican Senators were opposed to the remote voting requirements, and when, on the last night of session, Senate Majority Leader Bob Hertzberg (D-Los Angeles) made a motion to limit debate on bills to two speakers per side, Senate Republicans protested and the Senate recessed to agree on a debate process for the remaining bills. Senator Hertzberg then rescinded his motion to limit debate on bills and the Senate proceeded to consider bills under standard debate rules. While standard operations were ultimately restored in the senate, the two-hour delay, coupled with constant conflict between Senators and inter-House politicking between the Assembly and Senate, resulted in numerous measures not being heard in the Senate before midnight.

As a reminder, since 2020 was the second year of the legislative session, the State Constitution requires any bill, that does not include an urgency clause, to pass both houses by midnight. A number of priority bills were not considered on the Senate and/or Assembly Floor in the final days of session, including two of the Senate Pro Tem's housing bills, and a number of police reform measures. For the measures that failed to pass the Legislature, it is very possible that they will be re-introduced when the new legislative session is convened in January. For those bills that were approved by the Legislature and sent to the Governor for his consideration, the Governor will have until midnight on September 30th to sign or veto those bills.

While unlikely, several Republican lawmakers wrote a letter to the Governor requesting that he call a special session to address several legislative issues that were not considered this year due to the reduced calendar. If the Governor does choose to call a special session, all work would need to be completed in the special session by November 30th.



Below are the upcoming relevant dates for the Governor and Legislature:

September 1st – Legislature adjourned the 2019-2020 Regular Legislative Session

September 30th – Last day for the Governor to sign or veto legislation

November 3rd – General Election

December 7th – 2021-22 Regular Legislative Session convenes for Organizational Session

Governor's COVID-19 Action Summary

Below is a summary of the major COVID-19 actions taken by the State Administration in August:

- **August 28th – COVID-19 Testing:** Governor Newsom signed an executive order to help the state build out its laboratory capabilities. The order would expedite efforts by the Department of General Services and the Department of Public Health to establish and operate up to three sites for use as laboratories to increase the state's testing capacity.
- **August 28th – COVID-19 Blueprint:** Governor Newsom unveiled the "Blueprint for a Safer Economy", a statewide plan for living with COVID-19. The plan imposes risk-based criteria on tightening and loosening COVID-19 allowable activities and expands the length of time between changes to assess how any movement affects the trajectory of the disease. The plan includes a phased-down approach to the county monitoring system and replacing it with a new four-tiered system that all counties will fall under.
- **August 24th – Testing Executive Order:** The Governor signed an executive order that allows the California Department of Consumer Affairs, in consultation with the California Department of Public Health, to issue waivers permitting pharmacists and pharmacy technicians to conduct CLIA-waived COVID-19 tests, which detect the presence of the virus.
- **August 14th – Education Executive Order:** Governor Newsom signed an executive order to direct state agencies to work together to help bridge the digital divide and provide greater online resources to students across the state. The executive order builds on the state's efforts to increase hotspots and computing devices for students. The state has also worked with several companies such as Apple, T-Mobile, and Staples to set aside devices and materials for students returning to school.

Public Safety

Since the death of George Floyd in Minneapolis, the California Legislature has been focused on passing police reform legislation. However, due to intra-house disagreements and politics during the final day of session, lawmakers were unable to advance some of the measures on the final day's agenda. One of the major bills that did not advance this year was AB 66 (Gonzalez, D-San Diego) which would have limited police use of projectiles and chemical agents to disperse lawful assemblies, enforce curfews, or non-compliance with law enforcement directives. The bill was not considered on the Senate floor in time to pass before midnight.



Similarly, SB 731 (Bradford, D-Inglewood) sought to increase police officer accountability by creating a process to decertify officers who engage in serious cases of misconduct. The bill was not considered on the Assembly floor but will likely be re-introduced next session.

Lastly, SB 776 (Skinner, D-Oakland) would have expanded the types of police personnel records that would be subject to public disclosure. The bill passed the Assembly late on August 30th, by a vote of 48-13, but the vote was taken late in the evening and there was not sufficient time for the bill to be considered by the Senate, for its final vote, before midnight.

Despite lawmakers failing to pass all the bills on their agendas, they were able to pass some police reform bills and send them to the Governor's desk. AB 1196 (Gipson, D-Compton) prohibits law enforcement agencies from authorizing carotid restraint holds and choke holds. AB 1506 (McCarty, D-Sacramento) will require the state to investigate police shootings of unarmed civilians and allow local governments to request an investigation into other deaths. AB 1299 (Salas, D-Bakersfield) will require law enforcement agencies to notify the Commission on Police Officers Standards and Training (POST) when an officer separates from employment, making it more difficult for police departments to hire officers with marks on their records. These bills passed the Legislature and have been sent to the Governor's desk for his consideration.

Wildfire Legislation

Although wildfires are a natural part of California's climate and landscape, the 2020 wildfire season has started aggressively. Dozens of wildfires were starting seemingly overnight as northern California experienced a lightning storm that contributed to the already busy fire season. Despite this, the Legislature adjourned on August 31st without taking significant action to address the State's wildfire crisis.

In the last week of session, Assembly Member Bloom (D-Santa Monica) gutted and amended language into AB 1659, which would have generated \$2.5 billion in revenue through the extension of surcharges on the customer bills of PG&E, Southern California Edison, and San Diego Gas and Electric from 2035 to 2045. Despite an initial aggressive push from certain members of the Legislature, the bill failed to generate significant support from Legislative leadership or the Governor's office.

TPA expects this issue to continue into next year and remain on the Legislature's and the Governor's priority list.

Housing and Eviction Legislation

The most significant legislation that passed in the final days of session was AB 3088 (Chiu, D-San Francisco). This is the compromise measure negotiated between the Governor, Senate and Assembly leaders, and numerous stakeholders to stave off a wave of evictions and foreclosures due to the financial impacts from COVID-19. Reaching an agreement and passing the legislation was the top priority of the Newsom Administration, as the state-level eviction moratorium that has been in place for several months was set to expire on September 1st. AB 3088 was approved by both the Senate and Assembly, and then was then signed into law by Governor Newsom late on August 31st.



The bill will allow renters experiencing COVID-19-related financial distress some relief, including removing a requirement for tenants to immediately repay rent they missed between March and August, although landlords will be able to initiate litigation to recover past due rent beginning March 2021. Tenants must pay at least 25 percent of their rent from September 1st through January 31st to be protected from eviction. Landlords will be able to initiate litigation in civil court to recover unpaid rent. Beginning on February 1, 2021, the protections will expire, and tenants will have to start paying rent in full. For high-income renters seeking assistance, they will need to, under the penalty of perjury, submit a form declaring financial distress. Landlords can still evict tenants who create disturbances or refuse to provide rent but have the finances to make the payments.

While the Legislature passed this major legislation, there were several major housing bills that were not considered in time to meet the August 31st midnight deadline. SB 995 (Atkins, D-San Diego) would have extended the expedited CEQA administrative and judicial review procedures for environmental leadership development projects. The measure would have also expanded current project eligibility to include smaller housing projects. SB 1049 (Glazer, D-Orinda) would have enhanced fines for violations of local short-term rental ordinances.

SB 1085 (Skinner, D-Oakland) would have made various changes to the State Density Bonus Law, including providing additional benefits to housing developments that include moderate-income rental housing units. SB 1120 (Atkins) would have required approval of housing developments with duplexes and subdivision maps that meet certain conditions. It would have also increased the length of time that cities and counties can extend the validity of existing subdivision maps. Lastly, SB 1299 (Portantino, D-Glendale) would have created a program to provide grants to local governments for production of workforce housing on idle commercial shopping center properties.

None of these bills made it to the Governor's desk, but it is likely that these measures will return in 2021.

Priority Legislation

In addition to the bills outlined above, below are updates for other priority legislation that was considered by the Legislature in the final weeks of session.

AB 66 (Gonzalez): Police: Use of Force

Would limit the use of kinetic energy projectiles and chemical agents to disperse lawful assemblies, enforce curfews, in response to verbal threats, or to enforce mere non-compliance with law enforcement directives. **AB 66 was not considered on the Senate Floor prior to adjournment.**

AB 196 (Gonzalez): Workers' compensation: COVID-19

Would define "injury," for certain employees who are employed in an occupation or industry deemed essential in the Governor's Executive Order of March 19, 2020, or who are subsequently deemed essential, to include COVID-19 that develops or manifests itself during a period of employment of those persons in the essential occupation or industry. The bill would apply to injuries occurring on or after March 1, 2020, would create a disputable presumption that the injury arose out of, and in the course of, the employment, and would extend that presumption following



termination of service for a period of 90 days, commencing with the last date actually worked. **AB 196 was not considered on the Senate Floor prior to adjournment.**

AB 664 (Cooper): Workers' compensation: COVID-19

This bill would, until July 1, 2024, define "injury," for certain state and local firefighting personnel, peace officers, certain correctional and law enforcement personnel, as described, certain health care employees who provide direct patient care at an acute care hospital, and certain fire and rescue services coordinators who work for the Office of Emergency Services to include illness or death resulting from COVID-19, that is diagnosed on or after January 1, 2020, if certain circumstances apply. **AB 664 was not considered on the Senate Floor prior to adjournment.**

AB 685 (Reyes): COVID-19: exposure notification

Requires employers to provide written notice and instructions to employees who may have been exposed to COVID-19 at their worksite and enhances CalOSHA's ability to enforce health and safety standards to prevent workplace exposure to, and spread of, COVID-19. **AB 685 passed the Assembly (52-17) and will be sent to the Governor for his consideration.**

AB 1196 (Gipson): Peace officers: use of force

Prohibits law enforcement agencies from authorizing carotid restraint holds and choke holds. **AB 1196 passed the Assembly (67-0) and will be sent to the Governor for his consideration.**

AB 2167 (Daly): Residential property insurance: high fire risk areas study

The Insurance Rate Reduction and Reform Act of 1988, an initiative measure enacted by Proposition 103, as approved by voters in 1988, prohibits specified insurance rates from being approved or remaining in effect that are excessive, inadequate, unfairly discriminatory, or otherwise in violation of the act. The act requires an insurer that wishes to change a rate to file a complete rate application with the Insurance Commissioner. This bill would require the commissioner to investigate, study, and prepare a report that addresses specific issues relating to ratemaking for residential property insurance policies in high fire risk areas. **AB 2167 was not considered on the Senate Floor prior to adjournment.**

AB 2655 (Gipson): Invasion of privacy: first responders

Would make it a misdemeanor for a first responder who responds to the scene of an accident or crime to capture the photographic image of a deceased person for any purpose other than an official law enforcement purpose or a genuine public interest. The bill would require an agency that employs first responders to, on January 1, 2021, notify those first responders of the prohibition imposed by the bill. **AB 2655 was approved by the Senate (39-0), and Assembly (75-0), and will be sent to the Governor for his consideration.**

AB 3074 (Friedman): Fire prevention: ember-resistant zone

Current law requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or structure in, upon, or adjoining a mountainous area, forest-covered land, brush-covered land, grass-covered land, or land that is covered with flammable material that is within a very high fire hazard severity zone, as designated by a local agency, or a building or structure in, upon, or adjoining those areas or lands within a state responsibility area, to maintain a defensible space of 100 feet from each side and from the front and rear of the structure. This bill would require a person described above to use more intense fuel reductions between 5 and 30 feet around the structure, and to create an ember-resistant zone within 5 feet of the structure, based



on regulations promulgated by the State Board of Forestry and Fire Protection. **AB 3074 was approved by the Senate (37-0), and Assembly (72-0), and will be sent to the Governor for his consideration.**

AB 3269 (Chiu): State and local agencies: homelessness plan

Would establish the Housing and Homelessness Inspector General (Inspector General), require the Homeless Coordinating and Financing Council (HCFC) to conduct a specified needs and gaps analysis, require local governments to develop actionable plans to address homelessness, and create a public right of action for the Inspector General to compel compliance with those new plans. **AB 3269 was held on the Senate Appropriations Committee Suspense File.**

SB 182 (Jackson): 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 June 1, 2022, 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. **SB 182 was approved by the Assembly (70-1), and the Senate (32-5), and will be sent to the Governor for his consideration.**

SB 292 (Rubio): Wildfire risk reporting

Current law creates the Department of Insurance, headed by the Insurance Commissioner, and prescribes the commissioner's powers and duties. Current law requires the commissioner to conduct or commission various studies and prepare various reports relating to the business of insurance. This bill would require the commissioner, on or before July 1, 2022, to complete a study on wildfire risk and insurance, including market-based approaches. **SB 292 was held on the Inactive File on the Assembly Floor and was not considered prior to adjournment.**

SB 731 (Bradford): Peace officers: certification: civil rights

The bill makes three changes to the Bane Civil Rights Act in order to do the following: clarify that threats, intimidation, and coercion may constitute an inherent interference with a right for purposes of the Act, without a showing of specific intent to interfere with those rights in addition to the threats, intimidation, or coercion; declare that the immunity usually enjoyed by public entities and public employees under certain provisions of the Government Claims Act does not apply to actions brought under the Act; and allow a family member to bring an action on behalf of a person who died as a result of a violation of the Act. The bill also grants new powers to the Commission on Peace Officer Standards and Training, most notably by giving the Commission the power to investigate and determine peace officer fitness and to decertify officers who engage in "serious misconduct." **SB 731 was not considered on the Assembly Floor prior to adjournment.**

SB 776 (Skinner): Peace officers: release of records

Expands the categories of personnel records of peace officers and custodial officers that are subject to disclosure under the California Public Records Act and establishes civil penalties for



untimely disclosure. **SB 766 was approved by the Assembly (48-13) but was not able to be voted on by the Senate prior to adjournment.**

SB 795 (Beall): Economic development: housing: workforce development: climate change infrastructure

This bill allocates \$10 billion over five years to several existing housing, homelessness, and pre-apprenticeship programs, as well as creating two new infrastructure financing programs at the Governor's Office of Business and Economic Development (Go-Biz). **SB 795 was held on the Assembly Appropriations Committee Suspense File.**

SB 1044 (Allen): Firefighting equipment and foam: PFAS chemicals

Would, commencing January 1, 2022, require any person, including a manufacturer, that sells firefighter personal protective equipment to any person to provide a written notice to the purchaser at the time of sale if the firefighter personal protective equipment contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS). The bill would require the seller and the purchaser to retain a copy of the written notice on file for at least 3 years and to furnish the notice and associated sales documentation the Attorney General, a city attorney, a county counsel, or a district attorney within 60 days upon request. The bill would authorize the Attorney General, a city attorney, a county counsel, or a district attorney to request from a manufacturer, and the bill would require the manufacturer to provide, a certificate of compliance that certifies that the manufacturer is in compliance with these provisions. **SB 1044 was approved by the Assembly (72-0), as well as the Senate (39-0), and will be sent to the Governor for his consideration.**

SB 1159 (Hill): Workers' compensation: COVID-19

Codifies the Governor's Executive Order that created a rebuttable presumption that essential employees who contracted COVID-19 were infected on the job and establishes the scope and terms of a similar presumption for infected employees outside of the Executive Order. **SB 1159 was approved by the Assembly (58-0), as well as the Senate (30-8), and will be sent to the Governor for his consideration.**

SB 1348 (Stern): Fire prevention: vegetation management

Would require the Director of Forestry and Fire Protection to identify areas of the state as moderate and high fire hazard severity zones and would require a local agency to make this information available for public review and comment. **SB 1348 was not considered on the Assembly Floor prior to adjournment.**

Federal Legislative Update

Over the past month, Congressional lawmakers were on recess – although the House briefly returned mid-month to hold a special vote on the “Delivering For America Act (H.R. 8015), which would provide \$25 billion in aid for the United States Postal Service. COVID-19 relief funding remained the primary point of focus, as many provisions from the previously approved CARES Act, including federal supplements for unemployment insurance, expired on July 31st. While negotiations have largely remained at a stalemate, subtle signs are emerging that negotiations may be resuming as opposing sides are floating various legislative packages. The House is scheduled to return from recess on September 14th, and the Senate will return on September 8th.



Earlier this month, Democratic Presidential nominee, former Vice-President Joe Biden, selected Senator Kamala Harris (D-CA) as his running mate for Vice-President. Vice-President Biden narrowed his selection from a list of potential candidates that included former national security adviser Susan Rice, Michigan Governor Gretchen Whitmer, Congresswoman Karen Bass (D-CA), and Senators Elizabeth Warren (D-MA) and Tammy Duckworth (D-IL). Should Vice President Biden and Senator Harris win the Presidency, California's major economic and business sectors will have a direct line to assistance from the White House for the first time since former President Ronald Reagan held office. Governor Gavin Newsom will be tasked with selecting Senator Harris' successor should Democrats re-take the White House.

Coronavirus Aid Packages

The Senate released details of the "Delivering Immediate Relief to America's Families, Schools and Small Businesses Act," which is being touted as a "skinny" COVID-19 relief bill. The legislation has not been formally introduced, since the Senate is not currently in session, but the proposal is viewed as a sign of Republican's willingness to return to the negotiation table.

The Senate's proposal includes liability protections for businesses and health care providers, a second round of Paycheck Protection Program loans, and an extension of federal unemployment benefits at a reduced level of \$300 per week.

Additionally, the legislation also includes \$105 billion in funding for schools, with funding distributed to elementary and secondary schools, higher education institutions, and to each state to address education-related priorities.

However, the Senate's proposal does not include federal assistance for state and local governments. House Speaker Nancy Pelosi (D-CA) has expressed her willingness to possibly negotiate a smaller COVID-19 spending package, focusing on issues of compromise in the interim and deferring action on more contentious legislative priorities until later this year or next year.

Executive Orders

Amidst congressional stalemate, President Trump took steps to try to mitigate coronavirus's economic impact. The President, though limited in the legislative actions he can take, signed a series of directives in an attempt to fill gaps left by the lack of a negotiated congressional package.

President Trump signed a Presidential Memorandum that directs the Department of Education to extend the student loan relief granted in the CARES Act until the end of the year.

The President also signed an Executive Order directing the Department of Health and Human Services and Center for Disease Control (CDC) to consider whether any measures temporarily halting residential evictions of any tenants for failure to pay rent are reasonably necessary.

Third, the President signed a Presidential Memorandum deferring payroll tax for Americans earning under \$104,000 from September 1st through December 31st, and the deferral would be optional for companies to implement. The expectation is that taxes must be paid at the end of the year unless Congress passes countering legislation. This would potentially provide an additional \$600 to employees and would equate to a \$300 billion tax cut. Democrats criticized the payroll



tax deferral as having serious implications for the future of Social Security and Medicare. President Trump has indicated that if he's re-elected in November, he may extend the deferral and terminate the tax for some workers altogether.

Additionally, the memo also included a redirection of \$44 million in Federal Emergency Management Agency (FEMA) money for a new "low-wage assistance" program, which reduces the CARES Act's \$600 per week in federal unemployment to \$300 with a \$100 state match.

Appropriations

The current fiscal year will end on September 30, 2020. While the House has marked up and passed the majority of its fiscal year 2021 funding bills, the Senate has yet to even introduce any of its bills. There is broad recognition on both sides of the Capitol that the funding bills will not be fully finalized prior to the beginning of the new fiscal year on October 1st. Given this reality, House and Senate Appropriations Committee staff are now beginning to plan for the high probability of a Continuing Resolution (CR), which will extend current funding levels past the month of September.

Congressional staff is working to prepare draft legislative text and engage in conversations with federal government agencies to prevent any lapse in federal funding. The Trump Administration is also preparing for the reality and is said to be formulating a list of its CR priorities that will soon be transmitted to Congress for review and consideration. Any priorities included in the CR must ultimately be negotiated between the House and Senate Appropriations Committees and approved by the President.

FEMA

FEMA has announced funding notices for two hazard mitigation grant programs for more than \$660 million. The two grant programs, the Flood Mitigation Assistance grant and the Building Resilient Infrastructure and Communities, or BRIC, will provide funds to states, local communities, tribes and territories for eligible mitigation activities to strengthen the nation's ability to build a culture of preparedness. These programs allow for funding to be used on projects that will reduce future disaster losses. The application period opens on September 30th. Eligible applicants must apply for funding using the new FEMA Grants Outcome (FEMA GO). Applications are due January 29, 2021.

Census

The Census Bureau recently announced that it plans to end its decennial count of the U.S. population on September 30th. The decision highlights a new timeline with an end date that is a month earlier than previously anticipated, raising some congressional lawmakers' concerns about the accuracy of the survey which serves as the basis for congressional and state legislative district boundaries and government funding.

The agency has indicated that so far 63 percent of 121 million U.S. households have responded to the census via phone, mail and online. The Bureau also plans to hire additional data collectors to maximize responses by the end of next month.



The Democratic-led House previously passed legislation to allow the agency to continue the census count, but the Republican-led Senate has not followed suit. Congress could extend the census count in an upcoming coronavirus economic aid package, but it is unclear if that effort is gaining traction in negotiations.

Public Charge Rule

In August, a federal court reversed last month's order that blocked the nationwide implementation of the controversial "public charge" rule. The decision allows the Trump Administration to continue the policy in every state except New York, Connecticut, and Vermont.

The U.S. Court of Appeals reversed a previous ruling from a federal judge in New York, who indicated the "public charge" test hindered nationwide efforts to contain COVID-19 because it discouraged immigrants from requesting public assistance and medical treatment during the pandemic. USCIS, the agency responsible for implementing the public charge rule, is currently reviewing the most recent court order to determine the administrative viability of policy reimplementation where appropriate. This decision will likely continue to be challenged in court moving forward.

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 – 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.

TPA had previously discussed this issue with Assembly Member Grayson, who has spearheaded efforts in the Legislature to amend current law relating to impact fees. Numerous conversations have occurred with the Assembly Member's office, and other stakeholders, regarding the importance of impact fees to fire districts.

At the beginning of the 2020 legislative session, a significant number of bills were introduced to change various aspects of current law relating to impact fees. Unfortunately, due to the coronavirus impact on the legislative schedule, and the need for members to significantly reduce the number of bills pursued, no impact fee bills were advanced in the Legislature in 2020. TPA anticipates that when the Legislature returns in January, several of the impact fee bills that were introduced this year will be re-introduced.

TPA will be meeting with Assembly Member Grayson's office, as well as staff for the Assembly Local Government Committee, the Senate Governance and Finance Committee, as well as the



Assembly and Senate Housing Committees to brief them on the District's priority and determine if there are any questions or concerns that the committees have regarding the modification to impact fee law requested by the District. Additionally, TPA will begin meeting with legislators that have previously introduced impact fee legislation to determine if they are planning to introduce legislation next year, and if so, if there may be an opportunity to include the language that would allow the District to assess impact fees.

Legislative Priority 2 – 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 also inconsistent with other laws pertaining to Professional and Special Services.

TPA has shared the concerns with the existing bid thresholds with the Senate Governance and Finance Committee. Additionally, TPA worked with stakeholders to determine if there was an opportunity to include language in an omnibus bill that would raise the bid thresholds to be consistent for all types of public agencies. Ultimately, the efforts to advance an omnibus bill did not materialize, as legislators and committees were forced to reduce their bill loads due to the shortened legislative calendar.

TPA will continue to work with Senate Governance and Finance Committee staff, as well as stakeholders to determine if a broad solution can be pursued when the Legislature returns in January. Additionally, TPA will be analyzing various legislative efforts over the previous years to amend bid thresholds for individual districts to determine if that legislative approach may produce quicker results. In prior years, efforts to raise bid thresholds have been met with resistance from various labor organizations, so TPA will be meeting with key labor stakeholders, including the California Professional Firefighters, to address any concerns they may have with increasing the bid threshold for the District, and determine if they would be willing to support the effort.

Legislative Priority 3 – 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.

TPA worked with Legislative Counsel to draft bill language that would allow different levels of tax to be assessed to different classes of parcels. Efforts to secure an author were unsuccessful, as the language was developed at the same time that the legislative calendar was truncated due to impacts from coronavirus.

During the legislative interim, TPA will be meeting with staff of the Assembly Local Government Committee, as well as Assembly Member Aguiar-Curry, to discuss this issue. In 2020, Assembly Member Aguiar-Curry attempted to advance legislation that would have modified vote thresholds for certain types of parcel taxes. While the Assembly Member's legislation was ultimately unsuccessful, there may be an opportunity to work with the Assembly Member on legislation for 2021. Additionally, Assembly Member Aguiar-Curry serves as the Chair of the Assembly Local



Government Committee, and as such, may have additional insights to other agencies with similar priorities as the District, policy considerations that we may want to incorporate into the legislative effort, or other stakeholders that we may want to reach out to prior to the introduction of legislation.

Legislative Priority 4 – 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 will appear as Proposition 19. If approved by voters, Proposition 19 would allow 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. If approved, Proposition 19 may create a funding stream that the District can access.

In addition to ACA 11, the Legislature also approved SB 1386 (Moorlach), which is currently pending before the Governor. SB 1386, which received bi-partisan unanimous support in the Legislature, declares that fire hydrants are part of water service, for the purposes of Proposition 218. This bill is an important measure that can be enacted to protect fire hydrant system funding that would not increase water rates because the costs of fire hydrant system maintenance and operation are already appropriately embedded in customers' water rates. SB 1386 was supported by a broad coalition of stakeholders, including the California Fire Chiefs Association, California Professional Firefighters, California Special Districts Association, California State Firefighters' Association, and numerous individual cities and water districts.

Legislative Priority 5 – 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.

