



Midpeninsula Regional
Open Space District

R-20-73
Meeting 20-14
July 8, 2020

AGENDA ITEM 6

AGENDA ITEM

Review of 2020 State of California Legislative Session – Board of Directors Briefing on Matters of Interest to Midpeninsula Regional Open Space District

GENERAL MANAGER'S RECOMMENDATION

Receive and discuss the 2020 State of California legislative session update from legislative consultants: Public Policy Advocates LLC and Environmental and Energy Consulting. No Board action required.

SUMMARY

Representatives from Public Policy Advocates LLC (PPA) and Environmental and Energy Consulting (EEC) will provide a legislative briefing on the current 2020 State of California legislative session. The briefing will include an overview of the most significant actions taken during the session, particularly in light of the impacts to the state as a result of COVID-19, and provide predictions for the remainder of the session. The Board of Directors (Board) last received a briefing on the 2019 legislative session on October 24, 2019.

DISCUSSION

The 2020 Legislative Program, which the Board approved at its February 12, 2020 meeting, reflects Board policy positions on a variety of issues affecting the Midpeninsula Regional Open Space District (District), its mission, and its annual strategic goals. The Legislative Program has guided the determination of priority legislation to track during the year. Staff and the District's legislative consultants actively use the Legislative Program to communicate District positions on bills, budget recommendations, and other legislative items to the respective authors and/or legislative committees as appropriate. Throughout the 2020 session, staff has fielded time-sensitive requests from partners and monitored evolving pieces of legislation based on Board Policy 1.11 (attachment 1). Legislation deemed a priority by the Board pursuant to this policy is tracked, and, when appropriate, either supported or opposed (attachment 2).

COVID-19 and California Shelter-in-Place

In response to the rising threat of COVID-19, Governor Newsom initiated a statewide shelter-in-place order on March 19, 2020, effectively shutting down all “nonessential” activities across the state. The State Senate and Assembly initiated a joint recess that concluded May 4 for the Assembly and May 11 for the Senate. Due to the compressed timeline and magnitude of the crisis, both houses have significantly reduced the slate of bills under consideration, which has impacted the list of priority bills promoted by the District. The District's legislative consultants

will discuss the outcome of the FY21 budget process and the prospects for legislation for the remainder of the legislative session (Attachment 3).

Legislative Categories

In addition to their written reports (Attachments 4 and 5), EEC and PPA may discuss legislation and topics including, but not limited to, the following:

- California budget
- Potential state funding measures
- Cap and trade/Greenhouse Gas Reduction Fund/Climate change
- Wildlife corridors
- Water legislation
- Wildfire prevention/forest health legislation
- Governor's executive orders and implications
- Workers compensation
- Other COVID-19-related legislation

FISCAL IMPACT

There is no fiscal impact associated with this briefing.

BOARD COMMITTEE REVIEW

Legislative updates are periodically brought to the Legislative, Funding, and Public Affairs Committee (LFPAC) throughout each year. The most recent LFPAC review was June 11, 2019.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. No additional notice is required.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

The Governmental Affairs Specialist will bring legislative items and proposals to LFPAC and the Board as needed throughout the remainder of the 2020 legislative session.

Attachments:

1. Board Policy 1.11, Positions on Ballot Measures and Legislative Advocacy
2. 2020 Priority Bill Legislative Status as of July 1, 2020
3. Amended state legislative calendar
4. EEC Budget Update – June 23, 2020
5. PPA Funding Questions Update – June 23, 2020

Responsible Department Head:

Korrine Skinner, Public Affairs Manager

Prepared by:

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Midpeninsula Regional Open Space District

Board Policy Manual

Positions on Ballot Measures and Legislative Advocacy	Policy 1.11 Chapter 1 – Administration and Government
Effective Date: 4/13/16	Revised Date: N/A
Prior Versions: N/A	

Purpose

To establish a policy governing positions on local and state ballot measures/propositions and state and federal legislative advocacy. It is intended to cover all matters before the Legislature and the voters.

Definitions

For the purposes of the *Positions on Ballot Measures and Legislative Advocacy* policy, the following terms and definitions shall be used:

Measure – may be included on a municipal, county, or district ballot and includes ordinances, initiatives, referenda, advisory measures, issuance or refunding of bonds, city or county charter amendments, or any other measure or proposition a legislative body may submit to the voters within the body’s jurisdiction.

Ballot Proposition – can be a referendum or an initiative measure that is submitted to the electorate for a direct decision or direct vote. Propositions may be placed on the ballot by the California State Legislature or by a qualifying petition signed by registered voters.

Initiative – power of the electors to propose legislation, and to adopt or reject them. Any proposed ordinance may be submitted to the legislative body by means of a petition.

Referendum – applies to the process for repealing newly enacted legislation. Within specified time limits, the electors may file a petition protesting the adoption of that legislation.

Local Legislation – typically ordinances, which are the laws of a city, charter, or district, often having the force of law, but only within the local jurisdiction.

State or Federal Legislation – bills or proposed legislation under consideration by the legislature at the state or federal level.

Policy

1. Positions on Matters Before the Voters
 - a. From time to time the Board of Directors may be asked or may desire to take a position on local or state measures. The Board may consider taking a position on the measure/proposition if the measure/proposition:
 - i. Would directly impact the District's finances, responsibilities, legal authority, or operations; AND
 - ii. Is in line with or inconsistent with the District's mission and/or commitment to preserve open space within its boundaries and sphere of influence.

The Board, by majority vote, may direct the General Manager to research the measure/proposition and return to the Board at a future meeting with information and a General Manager recommendation. At that time, the Board may vote to take a position on a measure/proposition.
 - b. Measures/propositions determined to not impact District business may nonetheless be analyzed by the General Manager when directed by a majority vote of the Board, of which the analysis report would include possible alternatives for Board action, but no position recommendation.
2. Local, State, and Federal Legislative Advocacy
 - a. The Legislative, Funding, and Public Affairs Committee (LFPAC) receives periodic updates regarding the District's legislative program. When LFPAC determines that proposed legislation may affect District business, it may direct the General Manager to prepare a recommendation for consideration by the full Board or where there is not adequate time to convene the full Board, may direct the General Manager to take action to support or oppose the legislation without full Board approval. In such cases, the General Manager or designee shall report to the Board any actions taken to support or oppose legislation at or before the next Board meeting.
 - b. When time is so short that neither the full Board nor LFPAC can be convened to consider positions to support or oppose local, state or federal legislation, the General Manager is authorized to take a position on behalf of the District if the legislation:
 - i. Is related to the District's mission; AND
 - ii. Would directly impact the District's business, such as project delivery, operations, finances, legal authority, or other District responsibilities; AND
 - iii. The position being taken is consistent/inconsistent with existing District policy, past action, or District Strategic Plan; OR
 - iv. The legislation carries other considerations that make it contrary to the District's interests.

In such instances, the General Manager or designee shall report to the Board any actions taken to support or oppose the legislation at or before the next Board meeting.
 - c. Full Board action is required regarding legislation that is not clearly within the criteria listed above under Section 2.b. or guided by direction previously given by LFPAC.

3. Full Board action is required to support or oppose any type of grassroots advocacy action, such as social, political, or economic movements, that are not legislation.
4. Board members representing the District in their official capacity on regional or other bodies may, at his or her discretion, take actions based on the principles above consistent with previously approved Board positions and policies.
5. This policy is not intended to limit the prerogative of individual Board members from expressing their individual support for or opposition to any local ballot measure, State proposition, State or Federal legislation, or grassroots advocacy actions. However, in doing so, the member should clearly state they are speaking for themselves, and not in an official capacity on behalf of the Board or the District. Individual Board Members who take a position in support or opposition to ballot measure or legislation for which the Board has not previously taken a position are encouraged as a professional courtesy to include the language *for identification purposes only* parenthetically following their signature referencing their position on the Board.



Midpeninsula Regional Open Space District
Priority Bill Status as of June 24, 2020

Measure	Author	Focus Area	Goal	Topic	Status	Brief Summary	Position	Priority
AB 2482	Stone, Mark D	Climate	Protect the positive environmental values of open space lands	Agriculture: environmental farming programs and grants.	Removed due to COVID-related reduction of bills at the request of leadership	Would require the Department of Food and Agriculture, upon appropriation by the Legislature of additional funds, to administer the State Water Efficiency and Enhancement Program (grant program) to provide grants to agricultural operations to implement irrigation systems that reduce greenhouse gases and energy use and increase water use efficiency, as prescribed. The bill would also require the department to fund culturally competent training on irrigation and nutrient management, authorize the department to contract with qualified third parties to measure grant program outcomes, and require the department to adopt guidelines for the grant program.	Support	2
AB 2619	Stone, Mark D	Climate	Protect the positive environmental values of open space lands	Coastal resources: Program for Coastal Resilience, Adaptation, and Access.	Removed due to COVID-related reduction of bills at the request of leadership	Would establish the Program for Coastal Resilience, Adaptation, and Access for the purpose of funding specified activities intended to help the state prepare, plan, and implement actions to address and adapt to sea level rise and coastal climate change. The bill would create the Coastal Resilience, Adaptation, and Access Fund in the State Treasury, and would authorize the California Coastal Commission and specified state agencies to expend moneys in the fund, upon appropriation in the annual Budget Act, to take actions, based upon the best scientific information, that are designed to address and adapt to sea level rise and coastal climate change, as prescribed.	Support	2
AB 2954	Rivas, Robert D	Climate	Protect the positive environmental values of open space lands	California Global Warming Solutions Act of 2006: climate goal: natural and working lands.	Awaiting committee assignment in Senate Rules	Would require the State Air Resources Board, in collaboration with the California Environmental Protection Agency, the Natural Resources Agency, the Office of Planning and Research, and other relevant departments, to identify by July 1, 2021, an overall climate goal for the state's natural and working lands, as defined, to sequester carbon and reduce atmospheric greenhouse gas emissions. As part of this process, the bill would require the state board, in collaboration with the same agencies and departments, to among other things, identify practices, policy incentives, and potential reductions in barriers that would help achieve the climate goal for integration into the next update to the scoping plan that immediately follows the identification of the climate goal and, on or before January 1, 2022, report to the Legislature recommended policy incentives that the state could enact to help reach the climate goal.	Support	2
SB 1296	Durazo D	Climate	Protect the positive environmental values of open space lands	Natural resources: the Nature and Parks Career Pathway and Community Resiliency Act of 2020.	Died in Senate Appropriations Committee	Current law establishes various environmental and economic policies and programs. This bill would establish the Nature and Parks Career Pathway and Community Resiliency Act of 2020, which would require state conservancies, the Wildlife Conservation Board, and the Natural Resources Agency to establish independent grant programs to support climate-beneficial and climate resiliency projects that incorporate partnerships with nonprofit organizations that provide certifications and placement services for jobs and careers in the natural resources field, as specified.	Support	2
SB 1323	Skinner D	Climate	Protect the positive environmental values of open space lands	Carbon sequestration: state goals: natural and working lands: registry of projects.	Removed due to COVID-related reduction of bills at the request of leadership	Would require, no later than July 1, 2021, that the Natural Resources Agency, in coordination with the California Environmental Protection Agency, the State Air Resources Board, and the department establish carbon sequestration goals for natural and working lands, as defined. The bill would require the board to include specified carbon dioxide removal targets as part of its scoping plan.	Support	2



AB 1922	Rivas, Luz D	Education	Connect people to open space and a regional environmental protection vision	Pupil instruction: science requirements: climate change.	Removed due to COVID-related reduction of bills at the request of leadership	Current law requires the adopted course of study for grades 1 to 6, inclusive, and the adopted course of study for grades 7 to 12, inclusive, to include certain areas of study, including, among others, English, mathematics, social sciences, science, and visual and performing arts, as specified. This bill, with respect to both of the above-referenced adopted courses of study, would require the science area of study to include an emphasis on the causes and effects of climate change. The bill would require that appropriate coursework including this material be offered to pupils as soon as possible, commencing no later than the 2021–22 school year.	Support	2
AB 3256	Garcia, Eduardo D	Funding	Strengthen organizational capacity and long-term financial sustainability to fulfill the mission	Climate risks: bond measure.	On hold in Assembly Rules awaiting negotiation with Governor	The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, approved by the voters as Proposition 68 at the June 5, 2018, statewide direct primary election, authorizes the issuance of bonds in the amount of \$4,000,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program. This bill would state the intent of the Legislature to enact a bond measure that would address climate risks to the State of California.	Support	1
ACR 179	Voepel R	Governance	Strengthen organizational capacity and long-term financial sustainability to fulfill the mission	Special Districts Week	Removed due to COVID-related reduction of bills at the request of leadership	This measure proclaims the week of May 17, 2020, to May 23, 2020, to be Special Districts Week.	Support	2
SB 1372	Monning D	Habitat Connectivity	Protect the positive environmental values of open space lands	Wildlife corridors and connectivity: Wildlife and Biodiversity Protection and Movement Act of 2020.	Removed due to COVID-related reduction of bills at the request of leadership	Current law requires the Department of Fish and Wildlife, contingent upon funding being provided by the Wildlife Conservation Board or from other appropriate bond funds, upon appropriation by the Legislature, to investigate, study, and identify those areas in the state that are most essential as wildlife corridors and habitat linkages, as well as the impacts to those wildlife corridors from climate change, and requires the department to prioritize vegetative data development in these areas. This bill would additionally require the department to investigate, study, and identify impacts to those wildlife corridors from state infrastructure projects, including transportation and water projects, large-scale development projects not covered by an existing natural community conservation plan or habitat conservation plan, and planned or potential land conversions.	Support	1
AB 2987	Flora R	Planning and Permitting	Strengthen organizational capacity and long-term financial sustainability to fulfill the mission	Local agency public contracts: bidding procedures.	Removed due to COVID-related reduction of bills at the request of leadership	The Uniform Public Construction Cost Accounting Act authorizes a public agency to elect to become subject to uniform construction cost accounting procedures. The act authorizes bidding procedures for public projects, as specified. Those bidding procedures include procedures for the publication or posting and electronic transmission of notice inviting formal bids. This bill would authorize a public agency, as an alternative to the publication or posting requirement, to meet the notice inviting formal bids requirement by transmitting notice electronically, as specified, and publishing the notice electronically in a prescribed manner on the public agency's internet website at least 14 calendar days before the date of opening the bids.	Support	2
AB 3005	Rivas, Robert D	Planning and Permitting	Protect the positive environmental values of open space lands	Leroy Anderson Dam and Reservoir: environmental review, permitting, and public contracting.	Awaiting committee assignment in Senate Rules	Would require the Department of Fish and Wildlife, within 15 days of receipt of the notification from the Santa Clara Valley Water District, to inform the department whether the Anderson Dam project, as defined, will not substantially adversely affect an existing fish and wildlife resource. If the department determines that the project will substantially adversely affect an existing fish and wildlife resource, the bill would specify the process by which the department is to issue a final agreement to the district that includes reasonable measures necessary to protect the affected resource.	Support	2



AB 2373	Rubio, Blanca D	Stewardship	Protect the positive environmental values of open space lands	Structural pest control: second generation anticoagulant rodenticides.	Removed due to COVID-related reduction of bills at the request of leadership	Current law provides for the licensure and regulation of structural pest control by the Structural Pest Control Board in the Department of Consumer Affairs. This bill would require a licensee, beginning July 1, 2021, to complete a training course of at least one hour on the ecological impact of second generation anticoagulant rodenticides, as defined, on wildlife with respect to primary and secondary poisoning. The bill would require the training course to be developed by the board or a provider approved by the board, and to meet and apply to the continuing education requirements for licensees established by the board.	Support	2
AB 2502	Quirk D	Water	Protect the positive environmental values of open space lands	Groundwater sustainability plans: impacts on managed wetlands.	Removed due to COVID-related reduction of bills at the request of leadership	The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020. The act prescribes that plans contain certain required contents and requires that plans contain, where appropriate and in collaboration with the appropriate local agencies, additional analyses or components, including, among others, control of saline water intrusion, wellhead protection areas and recharge areas, a well abandonment and well destruction program, well construction policies, and impacts on groundwater dependent ecosystems. This bill would add impacts to managed wetlands, as specified, to the additional analyses or components that a plan is required to contain when appropriate.	Support	2
AB 2518	Wood D	Water	Protect the positive environmental values of open space lands	Voluntary stream restoration landowner liability.	Removed due to COVID-related reduction of bills at the request of leadership	Would exempt a landowner who voluntarily allows land to be used for such a project to restore fish and wildlife habitat from civil liability for property damage or personal injury resulting from the project if the project is funded, at least in part, by a state or federal agency that promotes or encourages riparian habitat restoration, unless the property damage or personal injury is caused by willful, intentional, or reckless conduct of the landowner or by a design, construction, operation, or maintenance activity performed by the landowner.	Support	2

2020 TENTATIVE ASSEMBLY LEGISLATIVE CALENDAR
COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK
Revised 5-6-20

JANUARY							
	S	M	T	W	TH	F	S
				1	2	3	4
Wk. 1	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
Wk. 4	26	27	28	29	30	31	

FEBRUARY							
	S	M	T	W	TH	F	S
Wk. 4							1
Wk. 1	2	3	4	5	6	7	8
Wk. 2	9	10	11	12	13	14	15
Wk. 3	16	17	18	19	20	21	22
Wk. 4	23	24	25	26	27	28	29

MARCH							
	S	M	T	W	TH	F	S
Wk. 1	1	2	3	4	5	6	7
Wk. 2	8	9	10	11	12	13	14
Wk. 3	15	16	17	18	19	20	21
Wk. 4	22	23	24	25	26	27	28
Wk. 1	29	30	31				

APRIL							
	S	M	T	W	TH	F	S
Wk. 1				1	2	3	4
Spring Recess	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
Wk. 4	26	27	28	29	30		

MAY							
	S	M	T	W	TH	F	S
Wk. 4						1	2
Wk. 1	3	4	5	6	7	8	9
Wk. 2	10	11	12	13	14	15	16
Wk. 3	17	18	19	20	21	22	23
Wk. 4	24	25	26	27	28	29	30
Wk. 1	31						

DEADLINES

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 6** Legislature reconvenes (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 17** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the odd-numbered year (J.R. 61(b)(1)).
- Jan. 20** Martin Luther King, Jr. Day.
- Jan. 24** Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year. (J.R. 61(b)(2)). Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass bills introduced in that house in the odd-numbered year (J.R. 61(b)(3)) (Art. IV, Sec. 10(c)).

- Feb. 17** Presidents' Day.
- Feb. 21** Last day for bills to be **introduced** (J.R. 61(b)(4), J.R. 54(a)).
- Mar. 3** Primary Election.
- Mar. 20** Joint Recess begins upon adjournment (A.C.R. 189, Resolution Chapter 15, Statutes of 2020).
- Mar. 27** Cesar Chavez Day observed.

- May 4** Assembly reconvenes from Joint Recess (A.C.R. 189, Resolution Chapter 15, Statutes of 2020).
- May 22** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in the Assembly (J.R. 61(b)(5)).
- May 25** Memorial Day.
- May 29** Last day for **policy committees** to hear and report to the floor **nonfiscal** bills introduced in the Assembly (J.R. 61(b)(6)).

*Holiday schedule subject to final approval by Rules Committee.

2020 TENTATIVE ASSEMBLY LEGISLATIVE CALENDAR
COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK
Revised 5-6-20

JUNE							
	S	M	T	W	TH	F	S
Wk. 1		1	2	3	4	5	6
Wk. 2	7	8	9	10	11	12	13
No Hrgs.	14	15	16	17	18	19	20
Summer Recess	21	22	23	24	25	26	27
Summer Recess	28	29	30				

JULY							
	S	M	T	W	TH	F	S
Summer Recess				1	2	3	4
Summer Recess	5	6	7	8	9	10	11
Wk. 3	12	13	14	15	16	17	18
Wk. 4	19	20	21	22	23	24	25
Wk. 1	26	27	28	29	30	31	

AUGUST							
	S	M	T	W	TH	F	S
Wk. 1							1
Wk. 2	2	3	4	5	6	7	8
Wk. 3	9	10	11	12	13	14	15
No Hrgs.	16	17	18	19	20	21	22
No Hrgs.	23	24	25	26	27	28	29
No Hrgs	30	31					

- June 5** Last day for **fiscal committees** to hear and report to the **floor** bills introduced in the Assembly (J.R. 61 (b)(8)).
- June 15** Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)).
- June 15-19 Assembly Floor session only.** No committee may meet for any purpose except for Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(10)).
- June 19** Last day for the Assembly to pass bills introduced in that house (J.R. 61(b)(11)).
- Summer Recess** begins for the Assembly upon adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).
- June 25** Last day for a legislative measure to qualify for the Nov. 3 General Election ballot (Elections Code Sec. 9040).

- July 3** Independence Day observed.
- July 13** Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).
- July 31** Last day for **policy committees** to hear and report **fiscal bills** to fiscal committees (J.R. 61(b)(13)).

- Aug. 7** Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)).
- Aug. 14** Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).
- Aug. 17 – 31 Floor session only.** No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(16)).
- Aug. 21** Last day to **amend** bills on the floor (J.R. 61(b)(17)).
- Aug. 31** Last day for each house to pass bills (Art. IV, Sec 10(c), J.R. 61(b)(18)). **Final Recess** begins upon adjournment (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2020

- Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).
- Oct. 1 Bills enacted on or before this date take effect January 1, 2021. (Art. IV, Sec. 8(c)).
- Nov. 3 General Election.
- Nov. 30 Adjournment *sine die* at midnight (Art. IV, Sec. 3(a)).
- Dec. 7 2021-22 Regular Session convenes for Organizational Session at 12 noon. (Art. IV, Sec. 3(a)).

2021

- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

*Holiday schedule subject to final approval by Rules Committee.



To: Board of Directors, Midpeninsula Regional Open Space District
 From: Environmental & Energy Consulting
 Date: June 23rd, 2020
 Re: California Funding Report

California's funding landscape has completely changed in the last few months as a result of the COVID-19 emergency. The legislature's budget, funding, and policy priorities have shifted almost completely to respond to the emergency, with a directive to focus all energy and resources only on COVID-19 response, wildfire prevention and response, housing and homelessness, and economic recovery. This, during a time when California anticipates a \$54B budget deficit, 18% unemployment rate, and less-than-projected Cap-and-Trade revenues.

Despite this depressed financial outlook, Environmental & Energy Consulting (EEC) continues to work to secure funding to advance the following Midpeninsula Regional Open Space District (District) projects:

- 1) Land Acquisitions: San Jose Water Company, etc.**
- 2) Highway 17 Projects**
- 3) Land Transfer: Cloverdale**

This memo summarizes the above District projects that we continue to pursue state funding for during Fiscal Year 2020-2021.

1) Land Acquisitions: San Jose Water Company, etc.

Budget Request:

- Senator Beall previously secured a \$10 million General Fund appropriation to the Wildlife Conservation Board (WCB), to be distributed as grants to the District to acquire lands in the Upper Guadalupe, Los Gatos Creek, and Saratoga Creek from the San Jose Water Company (SJWC).
- The existing budget language specifies that the funds are available for encumbrance or expenditure until June 30, 2021, and that the funds must be used to acquire lands from the SJWC.
- Due to changing dynamics impacting the planned transactions, EEC worked with Senator Beall to submit and advance a budget re-appropriation request that does the following: 1) Extends the encumbrance period of the funds to June 30, 2025; and 2) Creates more flexibility for eligible land acquisitions.
- The Governor's May Revise did not include Senator Beall's re-appropriation. On June 15th, the legislature passed SB 74, the Senate and

Assembly's negotiated state budget proposal, which included Senator Beall's re-appropriation request. Because the Governor and legislature had not negotiated prior to the legislature passing SB 74, further budget negotiations would need to be had prior to the three houses finalizing the state budget.

- On June 22nd, the legislature and Governor negotiated a final state budget and released their final budget deal, and associated budget bills. The final budget deal includes Senator Beall's re-appropriation. We are now waiting for the Governor to sign the state budget into law.

2) Highway 17 Projects

New Funding:

- EEC has been working to advance new, non-General Fund state funds to support the District's Highway 17 projects. This has been especially important as the state's General Fund continues to diminish and be renegotiated due to COVID-19.
- Working with the District's legislative delegation, Assemblymember Eduardo Garcia crafted new amendments to his bond, AB 3256, that appropriates \$400 million to the Wildlife Conservation Board to, among others, support projects necessary to the protection of wildlife corridors and habitat linkages.
- Senator Allen's bond, SB 45, includes an appropriation of \$600 million to the Wildlife Conservation Board to fund, among others, projects to protect and restore wildlife corridors and habitat linkages.
- The legislature has until July 26th to pass a bond. Conversations are ongoing to understand if there is an appetite for an economic stimulus bond within the legislature and with California voters.
- In parallel, EEC continues to work with other legislative leaders, including Senator Hertzberg, to position the Cloverdale-eligible funds in the case that another state funding package becomes viable.

General Fund Request:

- EEC worked with Senator Beall to submit a Member Budget Request to appropriate \$20 million to Caltrans and the Wildlife Conservation Board to support the District's Highway 17 projects.
- The status of Senator Beall's budget request is uncertain because conversations related to non-COVID-19 Member Budget Requests are being delayed, and will likely not happen until after the legislature returns from Summer Recess in July or August. It is unlikely that non-COVID-19 Member Budget Requests will be funded this year.

Agency Funding:

- EEC provided Senator Beall with support to describe how the Department of Transportation (Caltrans) can use Advanced Mitigation funds to support the District's Highway 17 project. District staff have met with

Caltrans and the Department of Fish and Wildlife (CDFW) staff to begin the discussion as to the project might be able to utilize these funds.

- At the request of Senator Beall's office, EEC worked with CDFW to request a letter from the department in support of this project that could be sent to Caltrans to encourage their active pursuit of funding for the project. Although the department indicated that they are supportive of wildlife corridors in general, they were unable to publicly express support for the project because their comments could be perceived as their pre-approving a project before the project is officially presented and considered for approval.
- Caltrans wrote a letter describing how they are exploring funding options for the District's project, including all SB 1 funds, and suggested that the Regional Conservation Investment Strategies Program could be an option for funding.
- Conversations are ongoing to determine how Caltrans, and other agencies, can find funding for the Highway 17 project.

3) Land Transfer: Cloverdale

New Funding:

- EEC has been advancing various strategies to secure new, non-General Fund state funds to support the transfer of the Cloverdale property to the District. This has been especially important as the state's General Fund continues to diminish and be renegotiated due to COVID-19.
- With the support of Senator Hill and Assemblymember Berman, and in partnership with Together Bay Area, Assemblymember Eduardo Garcia crafted new amendments to his bond, AB 3256, that increases the appropriation to the State Coastal Conservancy from \$300 million to \$800 million, increasing the opportunity for the District to successfully attain a grant to support the Cloverdale land transfer.
- Senator Allen's bond, SB 45, includes an appropriation of \$700 million to the State Coastal Conservancy to fund projects identified by the conservancy. The District's Cloverdale land transfer would be an eligible project for these funds.
- The legislature has until July 26th to pass a bond. Conversations are ongoing to understand if there is an appetite for an economic stimulus bond within the legislature and with California voters.
- In parallel, EEC continues to work with other legislative leaders, including Senator Hertzberg, to position the Cloverdale-eligible funds in the case that another state funding package becomes viable.

General Fund Request:

- On behalf of Peninsula Open Space Trust, Public Policy Group worked with Senator Hill to submit a formal Member Budget Request requesting \$10 million from the General Fund to support the transfer of the Cloverdale property to the District.

- Due to the state's rapidly changing budget priorities as a result of the COVID-19 pandemic, we have heard that non-COVID-19 related Member Budget Requests are not likely be funded this year. We do believe, however, that PPG and Senator Hill are still pursuing this Member Budget Request to the best of their ability.

P U B L I C P O L I C Y A D V O C A T E S L L C



June 23, 2020

TO: Ana María Ruiz, General Manager
Midpeninsula Regional Open Space District

Joshua Hugg, MPA, Governmental Affairs Specialist
Midpeninsula Regional Open Space District

FROM: Russell Noack, Julee Malinowski Ball, Nadra Mamou
Public Policy Advocates, LLC

RE: District Administration COVID-19 Legislative Issues

Local Government Budgets: With the state projected to have a \$41 billion shortfall, local governments were concerned the state might have to dip into local coffers to balance their books.

To answer this question, we have the benefit of having the final budget being passed out of the Legislature last week. We can say with confidence the state did not dip into the local coffers to balance their books, although the state has the ability to do so. Proposition 1A (2014) says that local property and sales tax revenue is to remain with local governments rather than going into the statewide treasury, except when the governor declares an emergency and 2/3rds of the California State Legislature agrees. Local governments focused their efforts instead on getting financial assistance from the state.

The California State Association of Counties (CSAC), along with their affiliate organizations and counties up and down the state, were asking for the state to backfill 1991 Realignment and 2011 Realignment, which are projected to fall \$3.3 billion short of their base funding over the current year and budget year. California's safety-net system is delivered almost entirely by counties —public health, public safety, behavioral health and social services— and is under immense strain from the COVID-19 public health crisis and steep economic recession.

The final budget package prioritized relief to maintain the safety net in a severely challenging state budget and will help soften the blow to county programs and services. Although the counties requested \$1 billion, the Legislature approved \$750 million. Pursuant to Section 8.28 of the Budget Bill, as amendedⁱ, if the state receives an additional \$14 billion of flexible federal funding by October 15, 2020,

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the counties will receive another \$250 million. Also, worth noting, budget control language provides this funding is contingent on the county's certifying compliance with the state's stay-at-home requirements and health directives including face coverings.

The final budget also increased the state's CARES Act funding allocation to cities to \$500 million and established a floor allocation of \$50,000 per city. In the Governor's May Revisionⁱⁱ, the state's allocation was \$450 million and did not provide a minimum allocation for each city. Cities are facing a \$7 billion general revenue shortfall. There is no additional funding triggered like the counties if federal money is approved.

Landlord/Tenant Stabilization Fund: In the early stages of the budget process, Senate leadership put together a landlord/tenant stabilization fund proposal. This proposal would create a three-party agreement to resolve unpaid rents among renters, landlords and the state. Senator Caballero and Senator Bradford introduced SB 1410 COVID-19 emergency: tenanciesⁱⁱⁱ. SB 1410 outlines the terms of the tenant-owner rent stabilization agreement, which would protect tenants from eviction during the state of emergency, or for the unpaid rent from the state of emergency. The state of California will pay the unpaid rent in the form of a tax credit and the tenant will repay the state of California by installments over the span of ten years starting in 2024, without interest. Owners of real property are eligible to participate in this program. We are asking for clarity around how public entities qualify as owners of real property.

Workers' Compensation - Rebuttable Presumption: In early May, after months of negotiations, Governor Newsom issued Executive Order N-62-20^{iv}, which created a rebuttable presumption of work-relatedness for COVID-19 illness if the employee tested positive within 14 days of working outside the home at the direction of the employer. The Order lasts until July 5, 2020.

Three bills on the subject are also in the legislative process. Senate Bill 1159 (Hill)^v would codify the Governor's Executive Order. Assembly Bill 664 (Cooper)^{vi} would create a conclusive presumption for certain public safety and hospital workers. And Assembly Bill 196 (L. Gonzalez)^{vii} would create a conclusive presumption for all essential employees working outside the home and extends the time frame for 90 days.

Labor Code Section 3363.5 provides that a person who performs voluntary services for a public agency as authorized by the Governing Body upon adoption of a resolution shall be deemed to be an employee for workers' compensation purposes. It is our understanding that MROSD has adopted such a policy since 1994 and accordingly volunteers fall under the rebuttable presumption of the Executive Order (EO). Despite the negative impact on organizations that utilize a large number of volunteers each working only a few hours, it is not likely that the Governor or Legislature would revise the EO to exclude the presumption for volunteers asked to work outside their homes. Although an uphill fight, working in concert with the California Special Districts Association, MROSD is attempting to see if a broader coalition of districts and nonprofits can be created seeking some relief from legislative leaders and the Newsom Administration.

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Teeter Plan: Governor Newsom issued Executive Order N-61-20^{viii}, which among other things established a property tax penalty waiver program for taxpayers who are unable to pay due to financial hardship beyond their control caused by the COVID-19 crisis. A reduction in penalty payments would negatively affect Teeter Plan Counties as the Teeter Method allows counties to calculate an upfront payment plan to remit payments to special districts with the penalties ultimately remaining with the counties.

We have met with representatives of the Treasurer Tax Collector Association, County Assessors Association and CSAC and have received the positive news that the April 10 property tax payments have been remitted as usual and little or no impact has been observed to date.

We are closely monitoring the issue with the relevant stakeholder groups to determine if the volume of financial hardship waivers will have a greater impact on delayed property tax payments on the December 10 due date.

ⁱ [Senate Bill 74 \(Mitchell\)](#), As Enrolled 06/15/2020

ⁱⁱ [2020-21 May Revision to the Governor's Budget](#), As Revised on May 14, 2020

ⁱⁱⁱ [Senate Bill 1410 \(Caballero and Bradford\)](#), As Amended 06/19/2020

^{iv} [Executive Order N-62-20](#), Issued by Governor Gavin Newsom on 05/06/2020

^v [Senate Bill 1159 \(Hill\)](#), As Amended on 06/18/2020

^{vi} [Assembly Bill 664 \(Cooper\)](#), As Amended on 05/18/2020

^{vii} [Assembly Bill 196 \(L. Gonzalez\)](#), As Amended on 05/05/2020

^{viii} [Executive Order N-61-20](#), Issued by Governor Gavin Newsom on 05/06/2020