INTERVIEW
From family farm to Assembly Local Government Committee Chair

FEATURE
LAFCOs and Special Districts: A special relationship between two unique entities
For 75 years, Nossaman has partnered with public, private, and governmental agencies to provide a unique perspective on the law.

Nossaman is a full service public agency law firm based in California, proudly serving as CSDA’s Bond Counsel, and also providing counsel to special districts in areas such as Public Finance, Public Agency Law, Water, Environmental, Land Use, Infrastructure, Employment, Insurance Recovery, Public Policy, and Eminent Domain.
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Three conferences in three months

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Three conferences in three months

I am very honored to serve as your CSDA Board President this year. After being appointed to the CSDA Board of Directors in 2012, I made it a mission to encourage the growth of CSDA’s professional development opportunities for special district board members/trustees and staff. Over the course of the last five years, CSDA has grown to now offer a total of seven conferences in 2017 which include six specialized educational events in addition to the Annual Conference.

During the next three months, this is what you can expect from CSDA in specialized professional development opportunities for board and staff of special districts…

CSDA’s Special District Leadership Academy (SDLA) Conference is considered the core governance training for elected and appointed officials. This conference is a groundbreaking, curriculum based, continuing education program that recognizes the necessity for the board and general manager to work closely toward a common goal; and provides the knowledge base to perform essential governance responsibilities. This event is being offered three times in 2017, with the next conference scheduled for April 23-26 in San Luis Obispo.

In May, CSDA is showcasing their advocacy efforts through the Special Districts Legislative Days event held from May 16-17 in Sacramento. During this two-day conference, district board and staff can exchange ideas with legislators and discuss priority legislation at pre-arranged Capitol visits, hear directly from state leadership on hot topics affecting local services and infrastructure, explore how decisions are made in the Capitol and how to influence outcomes, and get answers to burning legislative questions.

Last but not least, the General Manager Leadership Summit, a leadership conference for district general managers and management staff, is scheduled for June 25-27 in Newport Beach. The demands of a general manager are such that you must stay current on governance best practices, state laws, human resource issues, pension reform issues, budgeting, risk management, and so much more. This event is a way for managers to come together to network and learn more about specific job responsibilities.

To register for any of the above events, please visit www.csda.net.

In addition to these, there are plenty more professional development opportunities available in 2017 through CSDA. Go to the CSDA website for a full list of workshops, live webinars, on-demand webinars, and other conferences coming up later in the year.

I look forward to meeting a lot of you at our events this year! •
Two Conferences You Won’t Want to Miss

The first, Special Districts Legislative Days, held May 16 – 17 in Sacramento, brings movers and shakers from all over California together at the legislative conference for special districts. This event provides local government leaders the opportunity to meet with and educate their legislators about the significant contributions special districts make in their communities and throughout the state.

In addition to advocating on the biggest challenges impacting special districts in California, attendees at Legislative Days will hear from state leaders on the latest policy issues facing special districts in Sacramento. Already confirmed are The Honorable Pedro Nava, Chair of The Little Hoover Commission, and The Honorable Cecilia Aguiar-Curry, Chair of the Assembly Local Government Committee.

The second, CSDA’s General Manager Leadership Summit, June 25 – 27 in Newport Beach, is always full of new content and material. Attendees will hear from opening keynote speaker Keni Thomas – U.S. Army Veteran of “Black Hawk Down” mission sharing “Get It On! What It Means to Lead the Way.” In addition to our leadership-focused keynotes, our breakout sessions include timely and relevant content that make this a must-attend event for general managers and other senior special district staff. Registration for both events is now open at www.csda.net.
NEARLY $26 THOUSAND IN REBATES DISTRIBUTED

Participants of CSDA’s District Purchasing Card program received rebates totaling nearly $26,000, with some agencies receiving checks of more than $1,000. Developed by Bank of the West especially for CSDA members, the District Purchasing Card program aggregates the spend of all participating agencies to determine the annual rebate rate. The potential for rebates has grown as more and more agencies use the card for their essential purchases.

Application forms and step-by-step instructions for enrollment are available on the CSDA website.

U. S. COMMUNITIES & AMAZON BUSINESS MAKE PURCHASING EASIER

CSDA’s Endorsed Affiliate, U.S. Communities, recently announced a new contract for the purchase of goods and services on the Amazon Business online marketplace. This means that CSDA member agencies that are registered with the U.S. Communities purchasing cooperative can now create a free Amazon Business account that includes access to tax-exempt purchasing, free two-day shipping on eligible items, purchase approvals, and purchase-order tracking.

U.S. Communities is the leading national cooperative purchasing program for government agencies and provides the best overall supplier government pricing. Learn how to take advantage of this new contract and many others at www.uscommunities.org.

The recognition is awarded by CSDA, and was presented March 3, 2017 at the Monterey Regional Waste Management District (MRWMD) in Marina, CA. The event was held at MRWMD’s state-of-the-art Community Franchise Collection Facility, currently leased to GreenWaste Recovery as their base of operations for their local collection.

Bruce Delgado, Chairman of the District Board of Directors said, “Waste Management districts vary enormously across the state. Assembly Member Stone has shown a deep understanding of the complexity of waste management and the value of special districts in diverse communities. Assembly Member Stone is an advocate for local flexibility and a champion for local residents.”

In presenting the award, CSDA President Vince Ferrante stated, “As Chair of the Assembly Judiciary Committee, Assembly Member Stone has served as a thoughtful and considerate voice. His record on local issues demonstrates his willingness to defend local flexibility and protect local taxpayers and ratepayers.”

Assembly Member Stone is recognized for fostering close relationships with the special district officials in his Assembly District to find solutions that empower communities to find answers to meet local needs.

In 2016, Assembly Member Stone played a key role in protecting limited resources for essential infrastructure projects by proposing a compromise solution to SB 885 when it came before his committee. As originally
a law firm that’s

RESOURCEFUL

The people and businesses that make up this community are its greatest resource. This community matters to us. That’s why we’ve called it home for 40 years.
Sponsored Legislation Promotes Efficient Local Process for LAFCO Representation

This year, CSDA will be co-sponsoring legislation with the California Association of Local Agency Formation Commissions to ensure special districts are afforded an efficient, local process for gaining representation on their Local Agency Formation Commission (LAFCO).

In 28 of California’s 58 counties, special districts have yet to obtain representation on their LAFCO, raising some concern during the recent Little Hoover Commission review of special districts. CSDA’s proposed legislation would protect the local flexibility for special districts within a county to choose whether LAFCO representation is appropriate, while removing red-tape inhibiting them from voting on the issue.

Gaining representation on LAFCOs empowers special districts with a seat at the table for important decisions related to the governance and boundaries of special districts and other local agencies. Moreover, it provides a more diverse and stable governance foundation to LAFCOs. Finally, by attaining representation on LAFCOs, special districts demonstrate their leadership role alongside cities and counties, and fulfill their responsibility as one of the three legs of local government.

COSTLY PUBLIC WORKS RESTRICTION BILL RETURNS

In addition to its sponsored legislation, CSDA has received word that a new indemnity bill, similar to last year’s Senate Bill 885 (Wolk), has made its way back to the State Legislature.

Last year, CSDA opposed SB 885 and, thanks to strong coalition efforts and grassroots action, the bill was successfully defeated and did not move past the Assembly Committee on Judiciary. This year may require an even stronger response to confront the reintroduced version, Senate Bill 423 (Canella), which was introduced in “spot” form without substantive bill language.

We invite you to join our advocacy efforts by attending Special Districts Legislative Days May 16-17. Help advocate on behalf of special districts and share your local perspective on key measures, such as the LAFCO representation proposal, SB 423, and other important legislative measures making their way through the Legislature.
drafted, SB 885 would have required local agencies to defend legal claims arising out of the work of private, contracted design professionals. While this legislation was then pulled from consideration, Assembly Member Stone’s efforts were critical to protecting local taxpayers and ratepayers from an otherwise costly new law.

“Special Districts play an important role in closing critical service gaps to communities. Special Districts allow local leaders who are both highly-informed about a particular service and about the specific needs of an area to make decisions that best serve people in the community,” said Assemblyman Stone upon receiving the Legislator of the Year from CSDA.

“Assembly Member Stone has clearly demonstrated his knowledge and respect of the special district governance structure,” said Tim Flanagan, General Manager of the Monterey Regional Waste Management District.

The newest edition of the CSDA Sample Policy Handbook allows you to purchase a complete hardcopy collection or download just the individual policies you need. Our collection of over 100 essential policies includes policies for board and board meetings, administration and financial management, and personnel. Visit the online CSDA Bookstore for more information or call CSDA Member Services to request a table of contents.
A “quorum” refers to the number of Trustees who must be present to take action. Ordinarily a quorum will be a majority of the total number of seats on the Board. For a seven-member board to convene a meeting, at least four members must be present.

Vacancies are ignored when determining a quorum. In other words, having two empty seats does not mean that the quorum will be reduced to three members (based on the five filled seats). This puts pressure on the remaining members to attend agency meetings and ultimately creates an incentive to fill vacant positions quickly.

Vacancies (and absences) can potentially affect the Board’s ability to act on agenda items. To approve an agenda item, the general rule is that it will require a simple majority vote of those present and voting. For a seven-member board with five present and voting, three affirmative votes would ordinarily be required for an item to pass. If the vacancies were filled and all seven members were present, then four affirmative votes would be necessary.

However, there are some important exceptions to this general rule. Some agencies’ enabling legislation or local rules impose different voting requirements. For example, Resource Conservation Districts (RCD) require “concurrence of at least the number constituting the quorum” for all items requiring a vote. This means a seven-member RCD needs four affirmative votes to approve any agenda item regardless of how many seats are filled. Community Services Districts have a similar rule, as do a number of other special districts.

Also, be aware that the nature of the Board action may trigger other laws that require a higher vote threshold. For example, for the Board to add an item to an agenda and take action on it after the agenda was published, the Brown Act requires a supermajority vote. The application of the rule is nuanced but ultimately would require five affirmative votes if all seven members were present or four affirmative votes if fewer members were present.

Determining a quorum and counting votes can be a trap for the unwary. District administrators can avoid confusion on the dais if they work with their agency counsel in advance to prepare a “cheat sheet” that summarizes the quorum and voting requirements applicable to their district. Another best practice is to identify any special voting requirements in staff reports. Taking these proactive measures will help manage both the Board and the public’s expectation about what it takes to conduct agency business.

Alexandra Barnhill currently acts as General Counsel for the Livermore-Amador Valley Water Management Agency and the San Mateo County Mosquito and Vector Control District. As an advisor to cities, special districts and joint powers agencies across California, Alexandra counsels her clients on a broad range of municipal, environmental, land use and public revenue matters.
MOVERS AND SHAKERS

Does your district have an individual recently appointed as general manager or a top staff position? Have you recently elected a new board president? Have any district personnel been appointed to other community boards or positions? Email your district’s movers and shakers to Charlotte Lowe, editor, at charlottel@csda.net and we will include them in our next issue!

Fitch Ratings affirmed Dublin San Ramon Services District’s ‘AA’ rating on $35.1 million water revenue bonds (series 2011), saying the district is financially sound and the rating outlook is stable. Water revenue bonds helped finance Dublin San Ramon Services District’s share of water recycling infrastructure, as well as other infrastructure for distributing potable water.

The Mission Springs Water District (MSWD) Board of Directors voted 4-0-1 (one absent) to appoint veteran board member, Russ Martin as President for 2017. Martin, a six-year veteran of the MSWD Board, stated that he was honored to accept the nomination and commended outgoing President, Nancy Wright, for her service over the past two years.

The Contra Costa Water District Board of Directors elected Lisa Borba as their President and Constance Holdaway as their Vice-President for a two-year term. Borba has been on the board since 2010 and Holdaway since 2014. They were both unanimously elected by their fellow board members, Ernie Avila, Bette Boatmun and John Burgh.

Western Municipal Water District was honored as one of The Press-Enterprises “2016 Top Workplaces” thanks to input from 92 percent of the District’s employees, who gave the District high marks on topics such as job satisfaction, compensation and benefits. Companies were chosen as a “Top Workplace” based solely on anonymous employee surveys, which gathered information on employees’ workplace experience and the leadership of their companies.

The Vista Irrigation District (VID) Board of Directors elected Marty Miller as its President and Randy Reznicek as its Vice-President for 2017. Miller has served on the board since December 2008 and Reznicek since 2015. Miller and Reznicek are joined by directors Richard Vásquez (division 2), Paul Dorey (division 3), and Jo MacKenzie (division 5) to form the VID Board of Directors.

The Cucamonga Valley Water District (CVWD) has been awarded the top Legislative Outreach Award for the region by the Association of California Water Agencies (ACWA). The award is given to those agencies who respond to legislative alerts and providing comment letters that help shape legislation and policy. In addition, Cucamonga Valley Water District Board President James V. Curatalo Jr. was elected Chair of the Chino Groundwater Basin Watermaster Board of Directors for the 2017 term.

Olivenhain Municipal Water District’s Board of Directors unanimously elected to take new seats and made Larry Watt its next President, his second term filling this office. In addition, Christy Guerin was selected to serve as Vice-President, Edmund Sprague as Treasurer, Jerry Varty as Secretary, and Bob Topolovac as Director. These officer positions are effective for the 2017-2018 term. In addition, the Olivenhain Municipal Water District was recently awarded the Distinguished Budget Presentation Award for its 2015-2016 fiscal year budget document from the Government Finance Officers Association (GFOA) of the United States and Canada, marking the sixteenth consecutive year OMWD has achieved this award.

The Santa Clara Valley Water District Board of Directors unanimously elected John L. Varela, District 1 representative, to serve as Board Chair in 2017. Richard P. Santos, representing District 3, was elected Vice-Chair.

Movers & Shakers
In Brief

Utilities Districts Receives Funding for Canal Protection

In a joint collaborative partnership, Tuolumne Utilities District (TUD), as the project applicant, was awarded $496,000 in grant funding from the Sierra Nevada Conservancy to implement a critical fuel break along the Tuolumne Main Canal which conveys water from Lyons Reservoir. The Lyons-South Fork Watershed Forest Resiliency (LSFWFR) project is a collaborative effort to increase forest health, resiliency to wildfires and beetle outbreaks, and protect adjacent communities. This collaborative project will provide protection to critical sections of the South Fork Stanislaus River and infrastructure that would benefit Tuolumne County and the ecoregion. The LSFWFR Project will help protect the PG&E’s Tuolumne Main Canal a historic feature consisting of a series of wooden flumes and connected canals. It is the primary drinking water conveyance system for TUD and 90 percent of the residents of Tuolumne County. If a wildfire destroyed a section of the flume it is estimated that most of the residents of Tuolumne County would be without drinking water for more than a month. Estimated start date for the fuel break project is March 2017 with the main goal to reduce surface, ladder and canopy fuels on the Stanislaus National Forest Service lands in conjunction with adjacent landowners to reduce fuels across multiple land ownerships.

Aerial Applications in Southern California Target Invasive Mosquitoes

The Coachella Valley Mosquito and Vector Control District will conduct larval mosquito treatments by helicopter in the City of Indio where Aedes aegypti, an invasive mosquito species, was detected initially in October. Since then, vector control staff have conducted more than 1,300 door-to-door inspections and resident education, carried out both larval and adult mosquito control at properties where necessary, and 12 nights of truck-mounted ultra-low volume (ULV) applications in affected neighborhoods. Despite these efforts, detections of the invasive mosquito continue in Indio. Applications are scheduled to take place from February through April 15. Aedes aegypti can transmit deadly viruses including dengue, chikungunya, and Zika. While these viruses are not currently transmitted locally, the District is taking steps to rid this mosquito from the Coachella Valley before it becomes established. Aerial control helps to reduce mosquito populations in areas that are hard to reach by truck or personnel. While recent storms provided some relief to drought-thirsty Southern California, the water left behind in people's yards provide havens for potentially disease-spreading mosquitoes. Mosquitoes can complete their life cycles from egg to adult in about a week, and therefore any standing water should be dumped or drained prior to that to prevent the production of adult mosquitoes. Community commitment to removing standing water sources both inside and outside of the home is critical to any success in eliminating both Aedes aegypti and other disease-transmitting mosquitoes from the Coachella Valley.

Water District Launches New User-Friendly Mobile App for its Customers

Coachella Valley Water District (CVWD) customers can now get quick and convenient access to the latest information and more with the launch of the new, user-friendly CVWD mobile app. The free app is available for iPhone and Android devices. Key information and tools in the new CVWD app include: emergency alerts; news releases and board agendas; job postings; notifications about upcoming events; the ability to report water waste; a link to pay bills; rebates and discounts; canal water ordering; and social media links. “With technology being a huge part of our customers’ lives, our new mobile app will offer them a wealth of information right at their fingertips,” said Director of Communication & Conservation Heather Engel. “We wanted the app’s interface to provide an efficient and easy-to-use mobile experience that our customers would appreciate.” The new app allows customers to sign up to receive the latest alerts and notifications as a text message or email.
District’s First Town Hall Forum a Pioneering Success

The Palmdale Water District (PWD) hosted its very first “Keep the H2O Flowing” Town Hall Forum in late 2016. All Board members, most managers, project personnel and customer care representatives were present to ensure that all questions could be answered genuinely and accurately. The attendees brought great questions, comments and energy to a healthy discussion in regards to the district and water. “This forum is part of our continued efforts to include the community into our vision through transparency and effective outreach,” said Mike McNutt, Director of Public Affairs and Sustainability for the Palmdale Water District. “We are focused on establishing more contact between the District and the community so that accurate information can be shared with the public. An educated community is a strong community.” The PWD will continue to offer opportunities for the public to openly communicate with district officials and to assist the community in answering questions regarding water, rates, bills, projects, and any other functions. Many citizens attended the Forum and participated to better understand the district vision, programs offered to help the community, and how low the district’s water rates are compared to many others in the area. “This is your Water District, you own it. We are here temporarily, at your mercy via election, so we are here to serve you. If you have any questions or concerns please come talk to us, talk to one of our supervisors or managers,” said Board Member Robert E. Alvarado. “Our former customer service department is now called customer care, because we are going the extra mile to serve you better, talk to them. We have a lot of programs and services that are available for you, and that’s our way to give back to the community.”

District Launches Water Use Efficiency Campaign

The Monte Vista Water District (MVWD) launched a new public awareness campaign that encourages residents to preserve the state’s limited water resources and embrace conservation as a way of life. “Water You Doing…” the campaign’s theme, emphasizes the many ways that people can conserve water by making simple decisions at home. With a concerning long-term outlook and changing climate, Gov. Jerry Brown released an executive order on Nov. 30 that will make conservation a way of life in California. The new framework aims to make the state a more resilient and efficient user of water resources, permanently prohibiting wasteful practices such as hosing off sidewalks and watering lawns in a manner that causes runoff. As such, water efficiency is essential to ensure water reliability for years to come. The new campaign was developed to give water users a fun and unique way to look at water conservation. It promotes permanent changes in water-use behavior and encourages customers to use water wisely every day. “Our hope is that our customers will be inspired to make a lifelong commitment to saving water at home, at work and in their communities,” said President of the Board of Directors, Sandra Rose. “We are asking everyone to do their part – not just under emergency conditions.”

The bilingual English and Spanish campaign includes a series of ads that focus on six main themes that build on MVWD’s existing water use efficiency programs. Over the next year, the community can expect to see the ads in their water bills, on the district’s website and social media pages, as well as in email blasts, newsletters and print publications. In addition to water-use efficiency tips, the campaign offers opportunities to sign up for water-use efficiency clinics and rebate programs for low-flow toilets, washing machines, sprinklers, irrigation devices, and rain barrels. Visit www.mvwd.org to learn more about the “Water You Doing…” campaign.

Sources: Coachella Valley Water District, Palmdale Water District, Tuolumne Utilities District, Monte Vista Water District, Coachella Valley Mosquito and Vector Control District.
What is your background in local government?
From a young age, I was interested in small businesses, public policy and public service. I grew up around agriculture – cutting apricots in the packing shed and helping my dad in the walnut orchards – and today I am a co-owner of my family’s walnut farm. That experience with agriculture was a big part of the reason why I launched a consulting firm specializing in water, public policy and community outreach.

I also have volunteered in numerous community organizations, including the Yolo Housing Commission, the Yolo County Water Resource Association, and served in various capacities on the Sacramento Area Council of Governments and on the League of California Cities.

Additionally, I was the Director of Public Outreach for the Freeport Regional Water Authority, a Joint Powers Agreement between the Sacramento County Water Agency and the East Bay Municipal Utility District. Most recently I served on the Winters City Council and had the privilege of being the first female Mayor. I am honored to serve in the California State Assembly and take the responsibility of serving my constituents and community seriously, just as I did when I served as Mayor.

I’ve been on both sides – working for a local agency and serving as an elected official, so I will draw on those experiences for my role as Chair of the Local Government Committee.
Having been the first woman elected Mayor in Winters, California — what challenges have you faced in the political landscape because of gender?

The issues I’ve faced as a woman have made me work that much harder to achieve my goals. I think it’s important for the kids in our communities to see the diversity in action, especially with their elected officials. What do young girls think when all they see is elected officials who are men? I hope I’m able to show the next generation and future generations that women can have great careers in public policy and public service, as well as run small businesses, and that the State Legislature is not a “Man’s World.”

You are a co-owner of your family’s walnut farm here in California. Growing up on a working farm, what values and work ethic have you taken with you throughout your political career?

I’m an early riser – I like to get up, get moving, and get things done. I’m the first one in the office because I like the quiet time to think about the day ahead. I’m sure that’s an outgrowth of growing up on a family farm.

With over 150 special districts in your jurisdiction, how do these local agencies impact your residents?

Special districts serve an important role in my district. They fill the niche that the cities and counties cannot, or choose not, to fill. They allow community members to have a voice in the type of services, and delivery of services that best meets their needs. Special districts are the true “local” governments.

Would you say the role special districts play in Assembly District 4 is a significant part of meeting your constituents’ needs?

I think special districts can fill a void that is sometimes left by city and county government, especially in rural communities. They can give the community a voice and an option when there may not be one otherwise.

What suggestions do you have for special districts as they attempt to encourage more minorities and women to run for elected boards?

I think the current political climate is a perfect opportunity for more women and minorities to get involved in public service and run for office. People are passionate about the direction of their communities, the state, and their county. I hope that CSDA, as part of its role in educating its members and providing professional development opportunities, can tap into this movement and provide additional support and training to women and minorities who are serving as elected officials for the first time.

As a new legislator, what are you most looking forward to accomplishing during your first term of service?

My goal is to continue to serve my constituents well and to maintain the local perspective that I had when I served in local government, while considering and balancing that with statewide needs.

I also hope to work in a collaborative fashion with my colleagues – both Democrat and Republican – to address some of the more pressing issues like affordable housing and infrastructure deficiencies.

We have a lot of work to do, and I’m ready to dive in.

Continued on page 16
Congratulations on recently being appointed Chair of the Assembly Local Government Committee. What would you like to see come out of this committee for the 2017-18 legislative session?

I am honored to serve as Chair of the Local Government Committee, especially as a ‘freshman’ legislator. It’s a big committee, and is involved in a lot of important conversations that impact the future of our communities and our state.

In that capacity, I’m hoping to take on several goals this session – first, an oversight role. The Legislature passes and the Governor signs a lot of bills each year. It’s important to take a pause and check in on implementation of bills, statewide ballot initiatives, local mandated programs, and to think critically about these new programs and requirements before we pass new ones. I also think oversight over long-standing programs or agencies is important because situations change. Technology changes. Community needs and wants change. Government needs to be responsive to these changes and statutes need to be updated.

Second, I’d like to see the Committee craft the best public policy possible. I hope that we can have thoughtful dialogues during our Committee hearings and listen to the experiences and suggestions of stakeholders.

If the Committee can achieve both of these goals, and I can serve my district well, I’ll count that as a success.
| **SPECIAL ACKNOWLEDGEMENTS** |
| **BUSINESS AFFILIATE** |
| **THANK YOU TO OUR DIAMOND, PLATINUM AND GOLD LEVEL BUSINESS AFFILIATES FOR THEIR GENEROUS SUPPORT.** |

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**CSDA Online Career Center**

The Career Center offers your agency an easy-to-use and highly targeted resource for online employment connections. Set up an Employer Account to post jobs online and search for qualified candidates. You’ll also benefit from online reporting that provides job activity statistics.

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Visit the Career Center at careers.csda.net and use promo code SPRING17.
I find myself more frequently answering questions such as, “What do LAFCOs do?”; “Why don’t LAFCOs take more action to consolidate districts?”; and “What kind of relationship exists between LAFCOs and special districts?”

The reality is that LAFCOs and special districts share more commonalities than differences. While the creation mechanisms differ, both are created for specific purposes. Both focus on providing services at the local level and work directly with local stakeholders. And, perhaps most importantly, both share a mission to ensure the effective and efficient provision of local services to the communities they serve (noting this is not the only mission of LAFCO).

For those of you who are unfamiliar with LAFCO, allow me to take a brief moment to introduce us. LAFCOs were created by the state Legislature in 1963 (under the provisions of the Knox-Nisbet Act) as a result of recommendations from then Governor Pat Brown’s Commission on Metropolitan Area Problems. The Commission was charged with studying urban sprawl and its statewide effects and was formed by the Governor out of growing concern for the post-WWII population and housing boom in California. This boom led to a large number of problems, not the least of which included poorly planned cities due to rapid growth and a scramble to finance and extend government services to meet the increased service demands, the proliferation of freeway suburbs, city annexations wars, costly duplication of services, and the hasty conversion of agricultural land.
So, what does LAFCO do?
The original charge of LAFCO was very limited in scope: to review and approve or disapprove proposals for incorporations and the creation of special districts. However, over the past 54 years, the role, scope, and scale of services provided by LAFCOs have evolved greatly. Today, for example, LAFCOs process city and district annexations and detachments, district consolidations, dissolutions and mergers, city consolidations and disincorporations; address the activation and/or divestiture of district latent services or powers; conduct sphere of influence (SOI) updates and municipal service reviews (MSRs) of special districts and cities; and review and authorize the extension of services by special districts and cities outside existing jurisdictional boundaries, among many other things. Many local agencies look to their LAFCO to facilitate discussions on things like shared services opportunities, property tax exchange agreements, or, more recently, the formation of Sustainable Groundwater Management Agencies (SGMA).

The composition of the LAFCO Commission in all 58 counties is all local, as is the funding. Today, 30 of the 58 LAFCOs enjoy special district representation. This map indicates in yellow those LAFCOs who have special district representation. Like CSDA, CALAFCO feels strongly that special district representation on LAFCO promotes a more diverse and informed decision-making process. Without that representation, special districts are relinquishing their voices on LAFCO.

Recognizing the current statutory process for seating special districts on LAFCO may be a bit cumbersome, CALAFCO and CSDA have come together to co-sponsor legislation to maintain local control and flexibility, while reducing the red-tape in this process. This proposal was born from several years of discussion between CSDA and CALAFCO, as well as the Little Hoover Commission hearing held in August 2016. Both Associations identified improvements to the process for gaining representation on LAFCO as a future opportunity for collaborative change.

The role of LAFCOs and special districts
The nature of relationships between LAFCOs and special districts vary across the state from one of mutual respect, to a fear and contempt of LAFCO, and many places in between. Many LAFCOs are proactive in their efforts to stay connected with the special districts
in their area. For those LAFCOs with special districts seated on their LAFCO, staying connected with special districts is a much easier task. Further, regardless of whether special districts are seated on LAFCO, a district’s response to LAFCO’s outreach is important to the building of that relationship. If you do not hear from your LAFCO, you are encouraged to reach out to them and initiate dialogue.

Special districts are strongly encouraged to talk with your respective LAFCO early and often when you are considering any kind of organizational change. Believe it or not, your LAFCO wants your district to be as successful as you do. So, the recommendations made by the LAFCO during an application process or the MSR process are intended for that purpose.

So, what is a MSR and why are they done?
By statute, LAFCOs are required to conduct MSRs (Government Code Section 56430). Over the years, the frequency with which the MSR is to be conducted and the factors to be considered in a MSR have changed. Today, the statute indicates LAFCO shall, as necessary, review and update each SOI every five years. Should there be a change in the SOI, then the appropriate MSRs must be revisited. The “as necessary” clause allows for the adoption of local policies based on local circumstances and conditions. MSRs today must include LAFCOs’ determinations on seven areas, including: growth and population projections for the area being studied; location and characteristics of any disadvantaged unincorporated community within or contiguous to the SOI; present and planned capacity of facilities, adequacy of public services, and infrastructure needs and deficiencies; financial ability of the agency to provide the services; identification of opportunities for shared services; accountability for community service needs (including governance and operational efficiencies); and any other matters the LAFCO deems relevant in the provision of services.
CALAFCO is hearing an increasingly concerning message regarding the recommendations in MSRs. Simply put, LAFCOs have been criticized for not doing enough when it comes to dissolving or consolidating districts. CALAFCO recognizes that CSDA and its members are also feeling the heat of this criticism. We want to acknowledge that reorganizing agencies does not necessarily improve services – ultimately LAFCO recommendations are designed to improve the provision of service. Each district has its own funding approach and some have distinctly different levels of service. Consolidation or dissolution for the sake of change is not as simple or logical a path as one presumes and often leads to unintended consequences. LAFCOs must always recognize and respect that a special district board is locally elected and is accountable to its constituents when making local decisions, even if in stark contrast to a LAFCO recommendation. So, when such a recommendation is made or when the LAFCO initiates a district reorganization action, it is not done lightly.

Having said that, many LAFCOs around the state have taken proactive action to reorganize districts. The inherent and complex issues related to reorganizations take time, effort and great understanding to successfully work through. These are not recommendations or actions taken lightly by the LAFCO and they are done with the intent to ensure the most efficient and effective provision of services to the community being served. The most successful and systemic changes occur when the local agencies involved work with the LAFCO rather than against the LAFCO, and always when the public is involved in the decision-making process. CALAFCO took our LHC testimony as an opportunity to educate and inform the LHC and others on what has been accomplished by LAFCOs and districts in the realm of creating greater service efficiencies through district reorganizations, while also acknowledging more can be done.

**Future opportunities for collaboration, education, and action**

CALAFCO and CSDA have made great progress in strengthening our Associations’ relationship and increasing the lines of communication not only between the leaders of our organizations but also amongst our members. In addition to co-sponsoring legislation this year, we co-authored two User Guides in 2016 (one on the formation of a special district and one on the process for appointing special district representatives to new countywide RDA Oversight Boards). Going forward, CALAFCO will again participate in CSDA’s Legislative Days in May; we continue to attend each other’s Annual Conferences; and we continue to stand together in educating the larger statewide stakeholder community on the special relationship that exists between our two unique entities.

Further, both Associations have been making great effort since August 2016 to communicate a positive message and educate the members of the Little Hoover Commission on all things related to special districts and LAFCO, including the topic of consolidation. This is also true of members of the Legislature, in light of the increase in bills specific to individual districts over the past several years. The LHC report on special districts, climate adaptation, and LAFCOs was expected in early spring. However, we recently learned their final report is being postponed, and there is a strong possibility an additional hearing could occur. While we are concerned about this turn of events, we also see this as an opportunity. This is a critical time for LAFCOs and special districts – we have the rare opportunity to stand in the spotlight and think and act constructively in terms of reasonable progress for special districts. There is no question the status quo is no longer acceptable...so it is up to us to collectively and collaboratively determine the best path forward and take the actions necessary towards that path.

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**Special Districts Legislative Days**

May 16-17, 2017
Held at the Grand Events Center

See CALAFCO Executive Director Pamela Miller and Chair of the Little Hoover Commission Pedro Nava speak at the upcoming Special Districts Legislative Days, May 16 – 17.

Register for the event at www.csda.net.
If you are responsible for managing a special district in California, chances are that you have, or at some point will need to go to the public to get input for a project. There is great variety in the kinds of work special districts do, but one thing they all have in common is the utilization of public funds for community projects. This creates an expectation for public trust that comes with the utilization of taxpayer funds to develop public lands, not to mention a legal requirement to do business in full view by your constituents.

Southgate Recreation and Park District is currently developing two community park sites that were designed utilizing consensus-building workshop techniques. Similarly, the Jurupa Community Services District utilized a three-part public workshop series to gather community input to develop their districtwide Parks and Recreation Master Plan. A few years ago, a similar process was used by El Dorado Hills Community Services District for both their skate park and a rehabilitation of a community pool site. These techniques can be applied to almost any type of project or planning effort where input from user groups is needed.

**Consensus Building**

Effective community-based input uses the power of group learning (education), small group discussions (dialogue), synthesis (consensus-formation), and focused feedback (needs prioritization). If a workshop process is well organized, all four of these objectives are accomplished, and the final recommendations that get presented to the Board of Directors will be the consensus of the community. This is true for any scale of a project; from a districtwide master plan all the way down to a community building or a site development plan.

**Strategic Thinking for Success**

Developing a public outreach plan is the first step in the formation of a strategy to include meaningful and productive community input. Have you ever been to
a workshop where less than five people showed up? Depending on the nature of the project, sometimes it can be difficult to get participation. And then there are the potentially contentious workshops where hundreds of people could show up. There are free or low cost internet tools such as Eventbrite that can help gather RSVP’s for community meetings, but a multi-media marketing campaign might be needed to reach out to your constituents. Utilize web-based and traditional tools to get the word out about the workshops, and to funnel the community to the digital sign-up applications so you can track how many people to anticipate for the meetings.

Establish a firm schedule for the entire input and design process (and stick to it) before you start advertising. If you let the community know how many and when the community meetings will be at the beginning, you establish expectations, trust, willingness to participate, a community that will want to track the progress of the project, and then support the funding effort later on.

Group Learning (Education)
Almost every project has existing conditions, opportunities, constraints, and adjacency issues. Communicating these conditions to the public at the beginning of a workshop in a concise and understandable way will help the participants give more meaningful input. For example, if there are environmental constraints on specific areas or types of development that can happen on a property, it is critical that the public learn this at the very beginning. If there are any Board of Directors’ pre-approved requirements that must be satisfied in the project, the public needs to know at the outset, and this can help participants focus on which parts of the project are fixed and which parts are flexible. The workshop activities can then focus on how to implement the project in the context of the site with all the known constraints communicated.

Small Group Discussions (Dialogue)
Participating in the process and contributing meaningful input is usually the goal for individuals that attend workshops. Receiving meaningful input from attendees should be the goal of the workshop organizers. Differing viewpoints are very common, and should be expected. Small group discussions help individuals to speak their minds, hear the opinions of others, and discuss where the common ground might be in response to questions developed by the workshop organizer. Have a volunteer ‘scribe’ from each small group record the common ground items on tablets of paper so the group can see the results and agree that the list represents the group’s collective response.

Synthesis (Consensus-Building)
Small groups need to hear what the other small group’s consensus lists look like, so a series of quick presentations are done to begin building commonality. The workshop organizers will then collect the lists and determine where there is repetition and agreement among all the small group responses for each topic. This is done in real time and presented back to the entire workshop so they can see the resulting consensus being built.

If the project is for a specific site and the goal of the workshop is to get design ideas on the physical site, then the next step is to roll out the base maps for the site. Using graphic design templates that are at the same scale as the base map, each small group develops a conceptual design plan for the site. The common ground established earlier in the discussion topics form the foundation for the conceptual design plan of each group. Presentations of the small group plans provides all attendees the opportunity to see all the solutions, understand the “why”, and observe common ground.

Continued on page 24
“Community planning meetings for the design of parks are usually exciting and a little stressful. It takes a lot of work and patience to sort through the sometimes-conflicting goals and perspectives of community members. If the outreach is done respectfully and openly, compromises are usually developed at the meeting that most people can support, and a better project is created.”

– Ward Winchell, District Administrator
Southgate Recreation and Park District

Focused Feedback (Needs Prioritization)
The final solutions are a synthesis of the commonality of all the small group plans. Usually a follow-up workshop provides the community the opportunity to see how all the small group inputs and plans are synthesized into a final design or program recommendation. Feedback is gathered to refine and ensure the final concepts represent the community input. If cost is a high concern, prioritization discussions and feedback is gathered so district staff and the Board of Directors can understand where phasing opportunities can be taken into consideration.

The consensus-building that happens for public projects provides a sense of ownership in the planning and design process, and helps demonstrate to your constituents that public funds are allocated toward facilities and programs that will be needed and utilized by current and future users.

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Refilling the Orange County Groundwater Basin — Inch by Inch

OCWD Works Collaboratively with Army Corps of Engineers to Take Advantage of Recent Storms

Since July 2016, the start of the Orange County Water District’s (OCWD) “water year,” north and central Orange County has received 17.12 inches of rain. Storm events from December 15 through February 11 alone brought in 14.99 inches. Rather than big flashes of heavy rain, slow and steady rainstorms, spaced out by one to two weeks are optimal, since this allows temporary capture of storm water behind Prado Dam in Riverside County and subsequent release of the captured storm water to flow down the Santa Ana River and be diverted into groundwater recharge basins in Orange County, owned and managed by OCWD.

A key component to capturing storm water is OCWD’s close collaboration with the U.S. Army Corps of Engineers (USACE), which operates Prado Dam for flood risk management and water conservation. The water conservation program at Prado has been extremely valuable to the Orange County region in capturing water that would otherwise flow to the Pacific Ocean. The existing water conservation program allows for capture of storm water up to elevation 498 feet above mean sea level (amsl) during the flood season, which is from October 1 to February 28, and up to elevation 505 feet amsl during the non-flood season.

Due to drought conditions in California, OCWD requested the USACE evaluate a temporary deviation from the Prado Water Control Manual to capture additional storm water above the 498 feet amsl. In anticipation of a storm, the USACE’s Los Angeles District expedited approval of a Planned Minor Deviation on December 23 to allow water conservation up to elevation 503.9 feet amsl during the flood season. This deviation allowed OCWD to capture an additional 3,500 acre-feet of storm water from December 24 to 25 and 1,700 acre-feet (AF) from January 1 to 9. On January 19, 2017, the Corps’ South Pacific Division Commander approved a Planned Major Deviation to allow water conservation up to elevation 505 feet through September 2017. This deviation, together with the Minor Deviation approved in December, allowed capture of an additional 4,000 acre-feet of storm water through February 11.

Except for required flood control releases, OCWD has been able to capture 100 percent of Prado Dam release flows since it began raining in November 2016 and has put the water back into the Orange County Groundwater Basin. Without the deviation, the water would have been lost to the Pacific Ocean. There is still 16,800 AF stored behind the dam, bringing storage to 31,000 AF so far. Without the minor and major deviations to capture additional water from the recent rains, 15,000 AF would have been lost to the ocean. That is enough water for approximately 120,000 people.

“The capture of storm water behind Prado Dam and recharge of this water into the groundwater basin is the most economical way for us to replenish local water supplies,” stated Denis Bilodeau, P.E., OCWD President. “We are very grateful to have a long and productive relationship with the Army Corps to maximize the capture of this water, which helps the region become less dependent on imported water supplies from Northern California and the Colorado River.”

The District and the Corps are currently working on a long-term plan called the Prado Feasibility Study that, if successful, could lead to permanently changing the Prado Water Control Manual to allow water conservation up to 505 feet amsl year-round. In
addition, the plan would restore ecosystems in Prado Basin which has been critical to the OCWD’s successful recovery of the endangered Least Bell’s vireo, a native California songbird, and the Santa Ana sucker.

OCWD uses storm water as one source of water to fill the groundwater basin it manages. Other sources used to replenish the Orange County Groundwater Basin, which provides 2.4 million people in north and central Orange County with 75 percent of their water supply, include recycled water from the Groundwater Replenishment System, Santa Ana River water, and imported water. In addition to storm water, the rains bring incidental recharge, which is rain that falls on OCWD’s service area (229,000 acres) and percolates naturally into the basin through permeable surfaces. Over the years, OCWD has managed the basin in a sustainable manner to ensure the region’s water future and has more than doubled its annual output. OCWD’s primary responsibility is to protect basin water quality, manage pumping and replenish what is taken out.

Average annual rainfall for Orange County is 14 inches. It will take years of above-average rainfall to recover from current drought conditions. By maximizing storm water capture, expanding its recharge system, enhancing groundwater management, building water infrastructure projects, and increasing the production of recycled water, the Orange County Water District has helped to strengthen water reliability for the region. The district also continues to explore all possibilities for alternative water supplies to help the region weather future dry-spells.

For more information about the Orange County Water District, call (714) 378-3200 or visit www.ocwd.com.
RELIGION IN THE PUBLIC SECTOR WORKPLACE
By David Urban
Liebert Cassidy Whitmore

For many Americans, religion is an important part of their lives. It is no wonder that, on occasion, religious beliefs and practices of employees will intersect with the workplace. For a public employer, this can present special concerns, because it not only has a responsibility to carry out its own mission as a government entity, but obligations to make sure it does not inhibit the religious rights of its workers in ways that violate applicable laws, and to maintain the required separation of church and state. When an issue regarding religious rights of employees in the public workplace does arise, agency human resources officers often turn to personnel rules, collective bargaining agreements, and other internal guidance to find that they are, for the most part, silent on how to respond to issues involving religion.

The following is a brief question and answer that explains the primary legal doctrines and addresses some commonly-occurring factual scenarios.

What if employees seek to proselytize in the public sector workplace?
What if an employee spends a substantial amount of time in the government workplace talking to co-workers about religion? What if he or she uses the email system to invite co-workers to church events or to explain positions on matters of faith? To answer this question, and others like it, the employer must take into account a number of fundamental legal requirements. The First Amendment of the U.S. Constitution prevents the government from creating an “establishment” of religion, from prohibiting the “free exercise” of religion, and from abridging freedom of speech, which includes certain speech in the government workplace. The California Constitution contains similar provisions. Title VII, a federal civil rights statute, and California’s Fair Employment and Housing Act (“FEHA”) prohibit employers (both public and private) from discriminating against employees on the basis of religion, and require reasonable accommodation of employee religious practices.

A potential complexity is that these laws sometimes appear to conflict – public employers cannot use their resources to promote religion (under the Establishment Clause) but cannot discriminate against employees on the basis of religion (under Title VII and the FEHA). Further, under constitutional free speech law, they are restricted in their ability to allow expression of some viewpoints but not others, including views on matters of faith.

In responding to the question of proselytize in the workplace, one approach many government employers use is to establish a policy limiting employees’ use of work time and the employer email system to work-related matters only (typically with an allowance for incidental personal use, and a carve-out for use mandated by labor relations laws). Pursuant to this type of rule, employees may freely express their views on their own time as long as they do not interfere with the work of others. But if an employee spends too much time at work talking with co-workers about non-work-related matters, including religion, then this can be addressed as a violation of the personnel rule.

The same is true of the employer’s email system. Lengthy emails on religious topics can be found to violate the policy, not because of the viewpoint expressed, but because of the lack of relationship to work. The issue can certainly become more complicated, for example, if the religious themes interweave with matters that relate to work, or if the employer does not have this type of rule in place, and freely allows
employees to use the email system for purposes that do not relate to work. It is prudent to consult legal counsel in these circumstances.

What if employees seek to take time out for prayer meetings in the public sector workplace – during the work day or on the agency’s property?
This type of scenario raises the same concerns as the previous one. The First Amendment and the California Constitution limit a public agency’s ability to curb employee free speech and association. But again, the use of government property to promote religion can infringe principles of separation of church and state, and violate the First Amendment’s Establishment Clause. A public employer’s making special accommodations for, and expending resources to support, prayer meetings can be problematic, because it could easily be viewed as the government promoting religion.

To navigate these challenges, many government employers adopt an approach similar to that described in the previous section. They allow employees to use a break room or facility to talk about basically any topic, on their own time. Employees can then use the break room for prayer to the same extent employees can use the room to talk about any other type of topic. For example, if employees are allowed to use empty areas to congregate on their own time and plan social events, employees should not be prohibited from using the area just because their speech happens to be on religion.

This is the simple answer – many circumstances will not present issues that are easily resolved. If organized religious activities by some employees tend to create a hostile environment for others, this will raise concerns under state and federal laws that prohibit workplace harassment. Also, as described in the next section, an employee may reasonably come forward and explain that his or her religion requires prayers at particular times during the workday, and claim a particular type of accommodation is necessary. Federal and state statutes require reasonable accommodation of religious practices, and the employer will have to evaluate the situation carefully to comply with those laws.

What if employees request workplace accommodations for religious dress or practices?
One the most important and sometimes confusing obligations employers face is responding to requests for workplace accommodations based on religion. Requests can include those relating to religious dress, for examples, headscarves, turbans, or burqas. Others can be more difficult: what if an employee requests for religious reasons to carry a kirpan, a Hindu ceremonial knife that is supposed to be worn at all times, in the workplace, even in areas where weapons are prohibited? What if an agency employee asks to have religious icons or images in offices or cubicles visible to the public whom the employee serves? Similar issues can

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arise relating to Christmas or other holiday decorations, Bible quotes, or religious content as part of workplace communications, refusals to take certain oaths, or requests not to work certain days of the week.

California law is the first place to look for answers. In general, it requires reasonable accommodation of employees’ religious grooming and practices, unless accommodation would impose an “undue hardship.” California’s FEHA sets forth specific requirements as follows. It makes it unlawful for an employer “to refuse to hire or employ a person or . . . to discharge a person from employment or . . . discriminate against a person in compensation or in terms, conditions, or privileges of employment because of a conflict between the person’s religious belief or observance and any employment requirement, unless the employer . . . demonstrates that it has explored any available reasonable alternative means of accommodating the religious belief or observance . . . but is unable to reasonably accommodate the religious belief or observance without undue hardship . . .” This obligation includes the employer’s exploring “the possibilities of excusing the person from those duties that conflict with his or her religious belief or observance or permitting those duties to be performed at another time or by another person.” (Government Code section 12940(l)(1).) Under the FEHA, undue hardship means “an action requiring significant difficulty or expense,” when considered in light of factors such as the “nature and cost of the accommodation needed,” financial resources of the facilities and of the employer, the size of the business, and the type of operations. (Gov. Code section 12926(u).) The applicable federal anti-discrimination law, Title VII, 42 USC sections 2000e-2(a)(1), 2000e(j), imposes its own accommodation requirement on employers, including public employers, and is in many ways similar to California law, although its accommodation requirements are considered not as extensive.

In practice, applying these standards often depends very much on individual facts and circumstances. An employer should be proactive and diligent in considering accommodations, and cautious in asserting the defense of undue hardship. Undue hardship can often be shown where accommodation of the employee’s religious practice would require significantly more than ordinary, administrative costs, impair workplace safety, cause co-workers inordinately to assume burden of work, or conflict with statute or regulation.

In conclusion, in terms of practicalities, legal issues relating to religion in the workplace can have a strong emotional dimension for those concerned. Sensitivity and tolerance are extremely important in crafting solutions to these issues. Also, management should consider at the outset that employees asking for accommodation of religious beliefs or practices will likely understand what is at stake for management and their co-workers, and will be glad to help management find a way to resolve the issue. Finally, working with legal counsel is important in resolving disputes that arise in this complex area of the law.

David Urban of Liebert Cassidy Whitmore represents public employers and educators in all aspects of labor and employment law.
We are happy to announce the launch of our new public outreach campaign, Districts Make the Difference.

This campaign is centered on the concept that special districts go beyond providing important services to their communities. They make a difference in the lives of their residents and help our state thrive. The goal is to bridge the gap between special districts and the essential services that millions of Californians value.

The first step is to visit DistrictsMakeTheDifference.org. This new website features a simple-to-use toolkit filled with public awareness videos, web banners, posters, factsheets, and other materials that can be easily downloaded.

Follow, like, subscribe, share!

DistrictsMakeTheDifference.org
Recreational trail liability

When is a “paved trail” not a sidewalk?

When the public agency dedicates the paved trail as a “RECREATIONAL TRAIL.”

Trail Immunity Upheld for Bike Path Used both as a Transportation Corridor and for Recreational Purposes

January 21, 2016 | Bulletin No. 1273991.1

On January 13, 2016, California’s Sixth Appellate District certified Burgueno v. Regents of the University of California (Cal. Ct. App., Dec. 15, 2015) ___ Cal.Rptr.3d ___, 2015 WL 9700324 for publication. The case involved a dangerous condition of public property and wrongful death complaint arising out of the death of a University of California, Santa Cruz (UCSC) student, Adrian Burgueno. Mr. Burgueno was fatally injured while bicycling on an on-campus bike path, the Great Meadow Bikeway, which the plaintiffs alleged was maintained by UCSC in a dangerous condition.

The Great Meadow Bikeway is a paved bike path that runs through the UCSC campus. The trail was constructed in 1973, and serves as a bicycle transportation corridor to and from the main campus. The Great Meadow Bikeway is also used for recreational purposes and is used by some cycling clubs to connect to other recreational trails leading into the redwood forests beyond the UCSC campus. Mr. Burgueno was fatally injured on a downhill portion of the path after leaving a photography class on February 10, 2011.

The trial court granted summary judgment to the Regents of the University of California on the issue of trail immunity, finding that the complaint was barred by Government Code section 831.4. Pursuant to Section 831.4, a public entity “is not liable for an injury caused by a condition of: […] (c) Any paved trail, walkway, path, or sidewalk on an easement of way which has been granted to a public entity, which easement provides access to any unimproved property…. As stated by the Court of Appeal, the “purpose of trail immunity statutes is to encourage public entities to open their property for public recreational use, because the burden and expense of putting such property in a safe condition and the expense of defending claims for injuries would probably cause many public entities to close such areas to public use.”

The plaintiffs appealed the trial court’s grant of summary judgment.

On appeal, the plaintiffs argued that, though it is sometimes used for recreational purposes, the Great Meadow Bikeway was designed primarily for the purpose of bicycle commuting on campus, and in fact was being used for commuting purposes by Mr. Burgueno at the time of the accident. The plaintiffs argued that the fact that the trail was sometimes used for recreational purposes did not change the fundamental character of the trail, and
that character should be the basis for the immunity analysis. The plaintiffs also argued that the Regents would take responsibility for the Great Meadow Bikeway’s safety and would keep it open even without statutory immunity and that, therefore, the purpose of statutory immunity (to allow a trail to be opened where it would otherwise be closed due to the risk of liability) would not be achieved in this case.

The court rejected plaintiffs’ arguments and focused solely on whether the trail met the definition of a paved recreational trail under Section 831.4. Upon finding that the trail met the definition of a recreational trail, the court determined that the action was barred by trail immunity and affirmed the trial court’s decision.

What this case means for your agency?
This case confirms the application of trail immunity for recreational trails, even where a trail is primarily developed for commuting and transportation purposes. Public agencies developing trails for commuting purposes can use this case to determine if any secondary recreational purposes achieved by a trail are sufficient to provide trail immunity under Government Code section 831.4.

The California Government Code identifies specific immunities that public entities enjoy to protect the public entity in order to allow the public to use these public lands for recreational purposes.

831.4. A public entity, public employee, or a grantor of a public easement to a public entity for any of the following purposes, is not liable for an injury caused by a condition of:

(a) Any unpaved road which provides access to fishing, hunting, camping, hiking, riding, including animal and all types of vehicular riding, water sports, recreational or scenic areas and which is not a (1) city street or highway or (2) county, state or federal highway or (3) public street or highway of a joint highway district, boulevard district, bridge and highway district or similar district formed for the improvement or building of public streets or highways.

(b) Any trail used for the above purposes.

(c) Any paved trail, walkway, path, or sidewalk on an easement of way which has been granted to a public entity, which easement provides access to any unimproved property, so long as such public entity shall reasonably attempt to provide adequate warnings of the existence of any condition of the paved trail, walkway, path, or sidewalk which constitutes a hazard to health or safety. Warnings required by this subdivision shall only be required where pathways are paved, and such requirement shall not be construed to be a standard of care for any unpaved pathways or roads.

For further information or to answer questions, please contact SDRMA’s Chief Risk Officer Dennis Timoney at dtimoney@sdrma.org or call at 800.537.7790.
The Monterey Regional Waste Management District celebrated their 65th anniversary of turning waste into resources on March 18. The district hosted an open house to the public that included a ribbon cutting ceremony at their new state-of-the-art GreenWaste Recovery Community Franchise Collection Facility. The facility will earn Leadership in Energy & Environmental Design (LEED) certification. Supporting the district’s mission of “Turning Waste into Resources,” 90 percent of the construction waste was diverted from landfill disposal and building materials incorporated recycled content.

By the Numbers

103 – Sanitation Districts that provide Californians with garbage removal, wastewater treatment, and solid waste management services.

1.5 Million – Tons of recyclable and reusable materials from landfill disposal that has been diverted through the Monterey Regional Waste Management District’s Materials Recovery Facility since opening in 1996.
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Labor Relations Reimbursement for Special Districts

By Andy Nichols, Nichols Consulting

The State of California provides special districts the opportunity to receive reimbursement for specific types of labor relation costs. These reimbursable activities include cases involving the California Public Employment Relations Board (PERB). The reimbursable SB 90/State Mandated Cost program “Local Government Employee Relations” provides local agencies this opportunity to recover these unique costs. Unfortunately, not all special districts are filing for their Constitutionally-protected reimbursable costs under the SB 90/State Mandated Cost process.

Many Special Districts are Eligible, Very Few File for Reimbursement
The opportunity to file for these costs date back to an initial period of reimbursement beginning with July 2001. Reimbursement claims by special districts for the initial filing period were due in the Fall of 2009. At that time, approximately 190 special districts had eligible PERB Costs. Unfortunately, only 22 special districts sought reimbursement for their reimbursement eligible Labor Relation costs during this first-ever opportunity.

The most recent filing period for special districts occurred in February 2017. The eligible costs began with July 1, 2014. Of the approximately 200 special districts having PERB cases in accordance with “Meyers-Milias-Brown Act” (MMBA), less than a dozen special districts filed reimbursable claims.

PERB Cases Can Be Very Costly to Special Districts
Depending on the level of contentiousness of a PERB case matter, the cost of these actions can add up quickly. Another variable affecting the time and cost of a case is the labor relationship between the Bargaining Unit and the District. This is due to the fact that attorney expertise is vital for special districts in their effort to resolve these cases. It is not uncommon for a single PERB Case to have between $15,000 - $40,000 in reimbursable costs in a fiscal year. Local Agency Claim Summary Reports produced by the State Controller’s Office show the average Special District “Local Government Employee Relations” claim for the each of the last two years have exceeded $26,000. Thus, the costs claimed by special districts have been significant.

Types of Eligible PERB Cases
There are currently nine different types of PERB cases with eligible reimbursable costs. A tenth case, “Impasse Request” (a.k.a. “Fact-finding”) will be re-submitted and is anticipated to be approved as a reimbursable cost by the Commission on State Mandates in the Winter/Spring of 2018.

Below is a listing of the 10 eligible types of PERB cases:
1. Amendment of Certification (AC)
2. Petition for Board Review (BR)
3. Unfair Practice Charge Employer (CE)
4. Decertification Petition (DP)
5. Impasse Request (IM) (Reimbursable in 2018)
6. Organizational Security Election Request (OS)
7. Petition for Certification (PC)
8. Request for Recognition (RR)
9. Severance Request or Petition (SV)
10. Unit Determination/Modification Petition (UM)
As previously described, the majority of eligible costs for districts are derived from attorney fees. With that said, a district’s own labor costs can be substantial burden, as well. Even though there are numerous activities eligible for PERB case reimbursement, the most common and costly cases are typically related to Unfair Labor Practice charges. Once again, a district’s own labor costs attempting to resolve an “Unfair” can also be a significant expense.

The State of California has been Paying-off SB 90/State Mandated Cost Obligations

As you may be aware, the State Legislature and the Department of Finance have made a concerted effort to pay down the SB 90/State Mandated Cost outstanding balance. Four years ago, the State had a balance due to Local Government Agencies of more than $8.7 billion. With the adoption of the Governor’s Proposed Budget for Fiscal Year 2017-18, this outstanding obligation would be reduced to less than $1.6 billion.

The Governor’s Department of Finance has recently stated that funding for claims such as “Local Government Employee Relations” would be included in the Governor’s payment plan during the 2018-2019 Fiscal Year and reimbursement for these claims could be received as early as Summer 2018.

Good News => Opportunities Still Available

Although a deadline to file claims has recently passed (February 15, 2017) and eligible costs occurring in FY 2014-15 have completely expired, all is not lost. For the more than 100 special districts and their most recent 200+ cumulative PERB cases, there is still time to claim eligible costs. Districts with costs occurring in FY 2015-16 can be file claims immediately. Since these costs were originally due in February, they are now considered “late” and subject to a 10% Penalty. FY 2016-2017 costs can be filed as early as this fall (November 2017) and can be submitted without penalty through February 2018.

State Controller’s Office Claiming Instructions are Available Online

Districts interested in filing reimbursement claims for their eligible costs can download Claiming Instructions from the State Controller’s Office website (www.sco.ca.gov/ard_mancost.html). Attorney costs are claimable “dollar-for-dollar” for fees expended. District employee costs are reimbursable based on a “productive hourly rate” as allowed by SCO Guidelines. Additional district employee costs include benefits and overhead/indirect costs (calculated in accordance with Federal Guidelines “OMB Circular A-87”).

For further information, including learning whether your district has eligible costs or questions on how to file these reimbursement claims, please contact Andy Nichols of Nichols Consulting by calling 916.455.3939 or via email at andy@nichols-consulting.com, and follow on Twitter: @NicholsSB90.

Nichols Consulting is a proud member of CSDA’s Consultant Connection™ and provides a “free, no-obligation, 20-minute consultation” to CSDA members upon request.

Restructure Debt Obligations

Many special districts are looking into restructuring debt obligations to take advantage of today’s low interest rates. If your district is paying 4.5 percent or higher for a 20-year loan, or 3.5 percent or higher for a 10-year loan, you may have an opportunity to save costs by refinancing at a lower rate. The CSDA Finance Corporation offers refinancing strategies designed to reduce your district’s budget pressures and free up cash for mission-critical operations.

Contact the CSDA Finance Corporation at 877.924.2732 or visit www.csdafinance.net to request a quote online.
For centuries, horses have provided children and adults with means of transportation and recreation. Recent therapy specialists have discovered an innovative approach to our interactions with these majestic animals and tapped into their ability to assist individuals with both physical and mental disabilities.

Conejo Recreation and Park District (CRPD) was able to recognize the benefits of equine therapy and partner with a local not-for-profit organization to bring those services to their community. California Special District asked CRPD to tell us more about Ride On and why this partnership is so important to the district’s mission.

What is Ride On?
Ride On is a not-for-profit organization dedicated to enhancing the quality of life of children and adults with disabilities through a unique combination of equine related therapy, recreation, and fun.

How did the partnership between your district and Ride On come about?
In 1999, Conejo Recreation and Park District worked cooperatively with the Rancho Conejo Homeowners Association to acquire what was a rundown private 13-acre common-ownership equestrian facility. Soon thereafter, CRPD entered into a 40-year agreement with Ride On Therapeutic Horsemanship to manage and maintain the facility.

What were some reasons you partnered with Ride On?
The CRPD Board of Directors is always looking for programs to serve the needs of all our residents. It is a great source of pride for us. Ride On is also extremely well-run as a nonprofit. Its financials are transparent and its leadership steady and businesslike.

How does Ride On help children and adults with disabilities?
Riding helps to improve the strength, balance, coordination, self-esteem and sense of freedom for
Conejo Recreation and Park District

Established: 1962
District Size: 64 square miles
Population: 140,000

California Special District – March-April 2017

Location: Ventura County
Website: www.crpd.org
Budget: $20 Million

anyone who rides a horse. Individuals with disabilities gain those same benefits and have those same dreams, they just need a safety net. Ride On is that safety net. Ride On also offers extensive scholarships so those in financial need can enjoy the benefits of these programs.

What are some of the programs that Ride On offers?
Ride On offers several programs. Our Adaptive Riding program focuses on horsemanship skills – learning to ride a horse at the walk, trot and canter. Our therapy program is more medically oriented and focuses on improving specific medical conditions. Here, a licensed Physical, Occupational or Speech therapist uses the movement of the horse to improve the function of our patients. A young child who can’t hold his head up can’t eat, swallow or speak properly but, sitting astride a horse, his body moves in response to the horse’s movement and this strengthens and develops muscles as the horse walks. Finally Ride On offers an equine facilitated psychotherapy program to Veterans – all at no cost to the client.

Why the horse?
The well-trained therapy horse moves in a rhythmic, symmetrical and organized way. Each step the horse takes provides strong sensory and physical input in many dimensions including up and down; side to side; and back and forth. By asking for variations in these movements the therapist gains results that cannot be achieved by a machine or duplicated in a clinic setting.

The very capable horses at Ride On have been carefully selected for their movement quality and even temperament and then are further trained. The horse accurately and tirelessly provides ample opportunities for the patients to experience movement and sensory input that will enhance their quality of life. The warmth, touch, sight and sound of the horse and the outdoor ranch environment allows our patients to reach their goals and have fun at the same time.

What is the impact of Ride On in the community?
Since its beginning in 1994, Ride On has given over 100,000 safe, effective, and individualized lessons and therapy treatments and currently serves over 200 individuals each week.

Are there other programs that your district offers for residents with disabilities?
In addition to Conejo’s partnership with Ride On, our district has a Therapeutic Recreation (TR) Unit which provides year-round recreation, sport, and leisure programs for children, teens, and adults who have difficulty participating in recreation due to the presence of a disability. Participants of Therapeutic Recreation programs include individuals with cognitive, neurological, physical, or emotional disabilities, and/or sensory impairments. A formal disability diagnosis is not required for participation.

More information about Conejo Recreation and Park District and their partnership with Ride On visit the Districts Make the Difference YouTube channel at bit.ly/2kS1RpW.
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Steve Churchwell, partner at Churchwell White LLP, knows the value of experience. Throughout his nearly 25-year legal career, Steve has served as lead counsel to more than two dozen statewide initiative or referendum measures, and has successfully litigated cases involving many of those measures. Handy experience when a municipal client’s approved sewer-rate increase was challenged by a local taxpayer association. By initiating a highly fast-tracked pre-election court challenge, Steve successfully argued that the proposed initiatives were unconstitutional. The court ruled in favor of every point presented in Churchwell White’s trial brief. Churchwell White’s court success kept construction of a new sewer treatment plant on time, on track and protected the right of California public entities to perform essential government functions.

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