



# TAKE ACTION BRIEF

## January 2023

California’s State Legislature has reconvened with nearly one-third of the Legislature new to their office. In total, voters elected 10 new State Senators to the Upper House and 23 new Assemblymembers to the “People’s House.” Download CSDA’s guide to [Take Action: Engaging with Your Community and Legislators](#) for guidance on building relationships with the new legislators serving your area. Visit [CSDA’s Map of Special Districts](#) to learn which legislative districts overlap with your special district. If you have a relationship with your new legislators, please let us know by completing our brief [Grassroots Mobilization Survey](#).

After all the formal swearing-in ceremonies were completed, Legislators have already started introducing their first bills of the year. As required by the State Constitution, on January 10, Governor Gavin Newsom formally released his 2023-24 State Budget proposal. CSDA members can track all bills affecting special districts at [csda.net/bill-tracking](#). Learn more about the State Budget in this *Take Action* Brief and stay tuned to CSDA eNews as well as the [Advocacy News Blog](#) for developments throughout the year.

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### Contact a local CSDA representative near you!

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## ➤ Governor Newsom's state budget proposal guards reserves in face of \$22.5 billion shortfall

On Tuesday, January 10, 2023, California Governor Gavin Newsom presented his proposed budget for the 2023-24 fiscal year. As 2023 begins, economic and revenue risks highlighted in last year's budget have materialized – multiple federal reserve bank interest rate increases, continued high inflation, and further stock market declines. Largely due to California's highly progressive income tax structure and reliance on capital gains, the state anticipates a budget shortfall of \$22.5 billion in the upcoming fiscal year.

**Governor Newsom highlighted a \$297 billion budget proposal that leaves the state's \$35 billion in reserve funding whole and instead closes the projected shortfall through a series of budgetary maneuvers, including:**

- \$7.4 billion in funding delays
- \$5.7 billion in reductions and pullbacks
- \$4.3 billion in fund shifts
- \$3.9 billion in trigger reductions (these items placed in a "trigger" would restore the reductions at the 2024 Governor's Budget should sufficient funds be made available to cover certain commitments)
- \$1.2 billion in limited revenue generation and building.

Budget items that will remain untouched include, but are not limited to education and homelessness funding. Furthermore, the proposed 2023-24 State Budget sustains \$44 billion for various statewide infrastructure projects including funding to accelerate the transition to zero-emission vehicles (ZEV).

During his press conference for the January 10 budget presentation, Governor Newsom emphasized that climate change continues to be a major priority for his administration. Specifically, there will be new investments in urban flood risk reduction, ongoing Delta projects to reduce the risk of levee failure and flooding, \$25 million for Central Valley Flood Protection, urban water use objectives, planning and permitting for new water supplies, and \$125 million General Fund one-time as a drought contingency set-aside.

In the event the state wanted to tap into California's Constitutionally established "Rainy Day Fund," the Governor would first have to declare a fiscal emergency, and no more than 50 percent of the balance may be withdrawn in any given fiscal year. This option may become a point of conversation in the coming months as the Legislature begins considering the Governor's proposal.

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***2023-24 State Budget proposal available at [ebudget.ca.gov](https://ebudget.ca.gov)***

***If you have questions or input on the 2023-24 State Budget proposal, please contact CSDA Legislative Analyst Cole Query at [cole@cdda.net](mailto:cole@cdda.net).***

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The Governor will release his May Revision to his State Budget proposal come mid-May; the "Revise" will reflect updated revenues proceeding the April tax deadline and the Legislature will be constitutionally obligated to pass a budget to the Governor by June 15.



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## ➤ Proposed CARB zero emissions vehicle mandate on local agencies

As part of a larger strategy to accelerate the state's large-scale transition to zero-emission vehicles, the California Air Resources Board (CARB) has proposed (and workshopped) the Advanced Clean Fleet (ACF) regulation. The primary goal of the proposed ACF regulation is to accelerate the market for zero-emission trucks, vans, and buses by requiring fleets suited for electrification to transition to zero-emission vehicles (ZEV) where feasible.

This proposed regulation will be applied to fleets, businesses, and public entities that own or operate medium- and heavy-duty vehicles ranging from Class 2b to Class 8. Class 2b vehicles are trucks that weigh between 8,500 – 10,000 pounds fully loaded as classified by the Federal Highway Administration. Class 8 vehicles are vehicles with a gross vehicle weight rating (GVWR) exceeding 33,000 pounds.

### **Proposed mandate on medium- and heavy-duty state and local government vehicles:**

- **50 percent of additions to fleet must be ZEV between 2024-26; and**
- **100 percent of additions to fleet must be ZEV after January 1, 2027.**

State and local government exemptions include ZEV unavailability, daily usage, infrastructure delay, backup vehicles, and mutual aid. Excluded from the ACF requirements are emergency vehicles as defined in California Vehicle Code Section 165, dedicated snow removal vehicles, heavy cranes, and two-engine trucks and workover rigs amongst a few other exemptions.

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### *Share your questions and concerns regarding the CARB ZEV mandate*

*Special district officials with questions, concerns, or an interest in joining a working group to ensure essential services are not disrupted by the proposed regulation are encouraged to email CSDA Legislative Analyst Cole Querry at [cole@csda.net](mailto:cole@csda.net).*

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CSDA is continuing to monitor developments within the proposed regulation while keeping a keen focus on the proposed changes addressed by CARB at their October 27, 2022 public hearing to consider the regulation. These changes include more time for infrastructure exemptions, added flexibility for public fleets, more flexibility for Senate Bill 1383 fleets, enhanced criteria for ZEV unavailability determination, and the temporary use of transient trucks in the state. CSDA joined a local government coalition comment letter addressing concerns with the proposed regulation in advance of the October 27 hearing.

For more information, visit [arb.ca.gov/our-work/programs/advanced-clean-fleets](http://arb.ca.gov/our-work/programs/advanced-clean-fleets)



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## ➤ February 28, 2023: The last day for COVID-19 teleconference board meetings under AB 361

- *The provisions enacted into law as part of [Assembly Bill 361 \(R. Rivas, 2021\)](#) currently remain in place until 2024.*
- *However, the state-of-emergency related to COVID-19 in the state of California terminates on February 28, 2023.*
- *The end of the state-of-emergency means local agencies cannot use AB 361's provisions after February 28, for COVID-19 reasons*

On October 17, 2022, Governor Gavin Newsom [announced](#) that the state-of-emergency proclamation related to COVID-19 would terminate at the end of February 2023.

**The impending repeal of the Governor's COVID-19 proclamation means that local agencies conducting remote meetings based on the COVID-19 State of Emergency must transition to either:**

- 1) In-person meetings,
- 2) "Typical" teleconferenced meetings (as they existed pre-COVID, replete with all the corresponding open meeting requirements including those related to agenda postings, remote meeting site identification, and others), or
- 3) "AB 2449-style" teleconferenced meetings (i.e., teleconferenced meetings using the framework provided as a result of the passage of [Assembly Bill 2449 \[Rubio, 2022\]](#)). CSDA has previously written about AB 2449 in CSDA eNews, "[What to Know About Brown Act Legislation Reaching the Finish Line.](#)"

CSDA members interested in more discussion on this topic may be interested in one of the association's January webinars, "[Brown Act: Come for the Basics, Stay for the Updates.](#)"

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### ***Would your district use AB 361 remote meetings if confronted with an emergency other than COVID-19?***

***CSDA is interested in hearing whether AB 361 would have been useful in disasters that preceded COVID-19 as well as those that may arise in the future (e.g., during select wildfires, earthquakes, floods, and other large-scale disasters). Your input is critical to efforts to secure continued legal access to remote meetings during future emergencies. Please [visit this page](#) to answer two quick questions with your feedback.***

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While the ability to use AB 361 for COVID-19-related reasons will expire February 28, the provisions of law codified as a result of the bill's passage will remain in place until 2024, at which point they will be repealed by their own provisions. This means that, should a new state of emergency proclamation be issued by the Governor in connection with a disaster that makes it impossible to meet in-person safely, local agencies may turn to AB 361's provisions to meet remotely during the course of the disaster (at least, until the law sunsets).



## ➤ California Public Records Act recodification takes effect

### *What special districts need to know*

On January 1, a long-awaited reorganization and recodification of the California Public Records Act (CPRA) took effect. The CPRA was enacted to provide transparency and access to public records, and declares that “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.” Therefore, all California special districts are required to comply with the provisions of the CPRA.

Since its enactment in 1968, the CPRA has gone through many revisions and additions to the statutes governing public records. In an attempt to address the unwieldy and sometimes confusing CPRA statutes resulting from the decades of revisions to the law, the Legislature enacted [AB 473 \(Chau\)](#) in 2021.

**Working with the Law Revision Commission, the Legislature sought to recodify the text in a “clear and organized manner” without making any substantive changes to the law, and sought to accomplish seven objectives:**

1. Reduce the length and complexity of current sections.
2. Avoid unnecessary cross-references.
3. Neither expand nor contract the scope of existing exemptions to the general rule that records are open to the public pursuant to the current provisions of the CPRA.
4. To the extent compatible with (3), use terms with common definitions.
5. Organize the existing provisions in such a way that similar provisions are located in close proximity to one another.
6. Eliminate duplicative provisions.
7. Clearly express legislative intent without any change in the substantive provisions.

AB 473 unanimously passed the Legislature in 2021 and was signed by the Governor, although it delayed the effect of the text change until January 1, 2023. Accordingly, the CPRA – which previously started in the California Government Code at section 6250, is now beginning at [Government Code section 7920.000](#).

Special districts that have standard language in documents used for CPRA requests and responses, and which reference CPRA code sections, may need to update those documents to reflect the recodified CPRA sections. In addition, districts will need to be mindful of the recodification when citing the statutes in any response to a CPRA request.

The California Law Revision Commission has created a “[disposition table](#),” intended to help translate the old code sections into the new code sections.

**For questions regarding this change to the CPRA, contact CSDA Deputy General Counsel Mustafa Hessabi at [mustafah@csda.net](mailto:mustafah@csda.net).**





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## ➤ OTHER WAYS TO TAKE ACTION

### Join Today

Join an Expert Feedback Team to provide CSDA staff with invaluable insights on policy issues. Email [updates@csda.net](mailto:updates@csda.net) to inquire about joining one of the following teams:

- Budget, Finance and Taxation
- Environment
- Formation and Reorganization
- Human Resources and Personnel
- Governance
- Public Works and Contracting

### Stay Informed

In addition to the many ways you can **TAKE ACTION** with CSDA's advocacy efforts, CSDA offers a variety of tools to keep you up-to-date and assist you in your district's legislative and public outreach. Make sure you're reading these resources:

- CSDA's weekly e-Newsletter
- Districts in the News
- CSDA's CA Special District Magazine

Email [updates@csda.net](mailto:updates@csda.net) for help accessing these additional member resources.