



# COMMUNICATOR 2019

## PRESIDENT'S MESSAGE



Happy New Year everyone!

If you haven't already, please register for our Annual Conference to be held at the South Lake Tahoe Resort Hotel Wednesday, May 22 to Friday, May 24, 2019. All managers, new managers, and board members will gain a great deal of information and contacts by attending.

To stay up to date and find everything Conference related; Awards of Distinction Application process to Electronic Registration forms visit our website at:

<http://www.carpd.net/Conference.html>

Below are a few highlights and reminders of upcoming events:

- **Scholarship submissions** are Due **March 15, 2019.**
- **Awards of Distinction Packets** are Due **March 18, 2019.**
- The Early Bird Conference price ends and **raises to \$300,** on Tuesday **March 19, 2019.**
- The **General Membership Meeting** will be held Thursday, May 23rd at 9:00AM.

This year the Keynote Session will be a compilation of a few of our very own! We are pleased to welcome Member General Managers who will focus on and highlight how their Districts have dealt with the recent disasters and the roads they are forging toward recovery. We are hopeful that these lessons will prove valuable to the membership at large

should they ever be confronted with catastrophe in their community.

There will be many more interesting breakout sessions, including one on general obligation bond financing and the process of getting a park and recreation district on the ballot for a bond measure. There will be informative sessions for everyone, so please attend if you are able. This will truly be one of our best Conferences yet!

As for an update on the Woolsey Fire in Oak Park and Simi Valley, all is well. The last rain did cause some additional damage. Rancho Simi Park and Recreation maintenance crews were all stationed in Oak Park before, during and after the rain. They cleared v-ditches and drains to limit any damage to residents and park property. They did a wonderful job. I hope all the victims from the fires are doing well. We should be very proud of CAPRI and our additional insurance carriers. They stepped up big time in facilitating claims.



Thank you all,  
Mark Johnson  
President

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## 2019 CARPD CONFERENCE

### PREVIEW OF SPEAKERS

<u>Date</u>	<u>Speaker</u>	<u>Topic/Speaker</u>	<u>Time</u>
<b>Thursday, May 23</b>	Keynote Panel: Guest General Managers	Leadership Lessons During and After Disaster	10:30-11:30
	Special Guests	Lunch: Mock Board Meeting	12:00-1:00
	Kristine Kwong Musick Peeler, LLP	SB 1343 Compliant Training on Sexual Harassment Prevention for Supervisors	1:30-3:30
	General Managers	Round Table	3:45-4:45
	Board of Directors	Round Table	3:45-4:45
<b>Friday, May 24</b>	Tim Seufert, NBS	Fees, Fees and more Fees	9:00-10:15
	Sedrick Mitchell, Cal State Parks	Outdoor Youth Connection and FamCamp	9:00-10:15
	Sean De Burgh, Cole & Huber	The Rising Tide of Voting Rights Act Claims	10:30-11:45
	Jeff Land, Brandis Tallman Mike Aho, Fair Oaks	Up your Game: Accessing the Capital Markets for Capital Improvement Funding	10:30-11:45
	Sedrick Mitchell // Russ Noack, PPA	Lunch: Prop. 68 // Legislative Update	12:15-1:15
	Serena Sanders, Angelo, Kilday & Kilduff	Independent Contractors vs. Employee Classifications	1:30-2:45
	Sloane Dell'Orto, Streamline	How "Social" Should Districts Be? The Obstacles and Opportunities of Social Media.	1:30-2:45

*Please Note: Session times are subject to change.*

**Register Now to secure the **\$265 price!****

Find everything Conference Related by visiting us at -  
**<http://www.carpd.net/Conference.html>**

### CONDENSED SCHEDULE

Wednesday	May 22nd	3:00pm	CARPD Board Mtg.
Wednesday	May 22nd	4:00pm / 4:30pm / 6:30pm	Registration / Hotel Check In / Presidents Reception
Thursday AM	May 23rd	8:00am / 9:00am / 10:30am	Breakfast / General Membership Mtg. / Conference Begins
Thursday PM	May 23rd	6:00pm	Sponsors Reception at Riva Grill (Off-Site)
Friday AM	May 24th	8:00am / Noon / 2:45pm	Breakfast / Lunch / Afternoon Break
Friday PM	May 24th	5:00pm / 5:30pm	Social Hour / Awards Banquet

## LEGISLATIVE UPDATE

Written on January 25, 2019 by Russell W. Noack

### Public Policy Advocates, LLC

On January 7, 2019, the California Legislature convened the new 2019-20 Session with much fanfare. As predicted, the Democratic Party picked up enough seats to have a  $\frac{2}{3}$  “supermajority” in both houses of the legislature. The Assembly now has 60 Democrats and 20 Republicans, and the Senate has 28 Democrats, 10 Republicans and 2 vacancies. Senators Gaines and Lara resigned their seats as each were elected to statewide offices, Board of Equalization and Insurance Commissioner, respectively.

January 7th also was the day Gavin Newsom, the Democratic former Lieutenant Governor and Mayor of San Francisco was sworn into office as the 40th Governor of California.

Three days later he released his first State Budget. The total budget proposal exceeds \$209 Billion, which is roughly \$8 Billion more than Governor Brown’s final budget. The 2019-20 Budget includes increased funding for affordable housing, healthcare reform, early childhood education, and maintains expenditures for environmental programs, including greenhouse gas emission reduction and wildfire preparedness and suppression.

For Proposition 68-related projects, the Governor’s [budget change proposal](#) indicates funding for the following:

- \$27,750M Trails and Greenways administered by CNRA has been appropriated for the current budget year.
- \$200M in Statewide Park Program dollars will be appropriated in 2020-21, with the final distribution of \$195M slated for 2021-22.
- \$14M in Per Capita distributions for cities and districts with populations of fewer than 200,000 in counties greater than 500,000 in population.
- \$92M Stormwater improvements is appropriated for this year. Projects must contain co-benefits (i.e. parkland development for water capture).
- \$23,125M Regional Park Program will be appropriated in 2020-21.
- \$37M Block grants for self-taxing entities will be appropriated this year.
- \$23,125M Competitive rural program scheduled to be appropriated in 2020-21.

These are early days, but Governor Newsom’s first couple of weeks in office indicate a Governor prepared to pursue an active legislative agenda in cooperation with a “mega-majority” Democratic Legislature. The Legislature will now begin the process of considering the Governor’s Budget in various budget hearings.

Very few bills of substance have been introduced to date. However, two measures seeking to enact a “new and improved” community redevelopment law have been submitted. [Assembly Bill 11](#) by David Chiu of San Francisco and [Senate Bill 15](#) by Anthony Portantino of La Cañada Flintridge are designed to authorize a city or county to propose the formation of redevelopment agencies. During the press conference on the State Budget, Governor Newsom seemed to reject the revival of redevelopment and indicated that the State would be investing \$7.7 Billion in low and moderate-income housing, which far exceeds what redevelopment reformation would contribute to providing affordable housing.

Additional legislation recently introduced include [Assembly Bill 42](#) by James Gallagher of Yuba City expressing legislative intent to back-fill property tax revenue reductions resulting from re-assessments for damages incurred due to the Camp Fire in Paradise, [Assembly Bill 209](#) by Monique Limón of Santa Barbara to provide additional funding for outdoor environmental education programs for underserved youth, and [Senate Bill 45](#) by Ben Allen of Santa Monica to place a Wildfire, Drought and Flood Protection Bond Act on the 2020 Ballot.

February 22nd is the deadline for introducing bills in the new Session and most legislators wait until the deadline week to propose their legislative ideas. The CARPD Legislative Committee will continue to actively review relevant measures as they are introduced.

## CALIFORNIA LAW UPDATE

It's an annual tradition that comes along every January 1<sup>st</sup>....no not the Times Square Ball Drop, it's a new round of California laws! This year is no different as several laws changed that impacted our industry.

### **Automatic External Defibrillator (AED) at Public Pools with Lifeguards and Charge:**

As of January 1, 2019, AB 1766 requires an AED be available at those public swimming pools that are required to provide lifeguard services and that charge a direct fee. The failure to comply is considered a crime. CARPD and CAPRI are continuing to evaluate the specifics of this new law and look forward to providing further guidance to our membership.

### **Salary History:**

Last year's law banning inquiries into salary history and requiring employers provide pay scales to applicants upon request resulted in several questions for employers that have since been clarified by AB 2282. The Labor Code has been amended to clarify that

- Employers can ask about an applicant's salary expectations for the position applied for;
- Only external applicants (not current employees) are entitled to a pay scale upon request; and only after completing an initial interview;
- The pay scale provided only needs to include salary or hourly wage ranges.

### **Sexual Harassment Prevention Training:**

Current law requires employers with 50 or more employees to provide supervisors with two hours of sexual harassment training. Under SB 1343, by January 1, 2020, all employers with **five or more** employees will be required to

- Provide two hours of sexual harassment training to supervisors
- Provide one hour of training to non-supervisory employees within six months of hire or promotion
- Temporary and seasonal employees must receive the training within 30 days of hire or 100 hours worked, whichever is earlier.

### **Wage and Hour:**

On January 1, 2019, the state minimum wage increases to \$11 per hour for employers with 25 or fewer employees and to \$12 per hour for employers with 26 or more employees per SB 3 from 2016.

### **Independent Contractor:**

Although not technically a new law, last year saw an important change that employers continue to grapple with in 2019. On April 30, 2018, the California Supreme Court issued a landmark ruling in the matter of *Dynamex Operations West, Inc. v. Superior Court of Los Angeles*. In its ruling, the Supreme Court reinterpreted existing law and created a new test to determine if a worker is an independent contractor or employee.

Under the ABC test, a worker will be deemed to have been "suffered or permitted to work," and thus, an employee for wage order purposes, unless the putative employer proves:

- That the worker is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact;
- That the worker performs work that is outside the usual course of the hiring entity's business; and
- That the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed.

Note that each of these requirements need to be met in order for the presumption that a worker is an employee to be rebutted, and for a court to recognize that a worker has been properly classified as an independent contractor.

If you're looking for **more information** on these items, you're in luck! Our CARPD Conference in May will feature some great speakers. We hope you will be able to join us!

**Matthew Duarte, Executive Director  
CAPRI & CARPD**