

Contra Costa Special Districts Association Newsletter

Contra Costa Chapter of the California Special Districts Association

September/October 2020 Quarterly Newsletter

Reminder we have changed from Quarterly to Bi-monthly meetings!

The following are our scheduled the third Monday of the month.

September 21st
November 16th

Institute for Local Government (ILG) and California Special Districts Association (CSDA)

Local government plays an integral part in shaping a thriving community. That's why ensuring that local government leaders have the best resources, Connections and knowledge available is essential for their success. With a 65-year history of serving the needs of local governments in California, the Institute for Local Government (ILG) supports city, county and special district officials in tackling the state's most pressing and evolving issues. Close alignment with our three affiliates - CSDA, the League of California Cities and the California State Association of Counties (CSAC) -- is critical to our success. Together with these local government partners, ILG maintains continued engagement with local leaders that affords us the opportunity to empower and educate them with real-world expertise. We are a mission-driven nonprofit organization that is also non-partisan. And -- since ILG is not focused on advocacy -- we have the flexibility to serve as an objective third-party convener that helps cities, counties, and special districts navigate complex issues crossing multiple local and state agencies.

Reminder

CCSDA has changed administrative support. Going forward, please inquire about meeting dates, agendas, paperwork, notices to be sent out to the membership, etc. through Member at Large, Chad Davisson at CCSDA@isd.us.com.

California Special Districts Update

CSDA update on recent federal advocacy work as CSDA continues to lead efforts for the National Special Districts Coalition (NSDC).



NSDC Coalition current partners

- California Special Districts Association
- Special Districts Association of Colorado
- Florida Association of Special Districts
- Special Districts Association of Oregon
- Utah Association of Special Districts

CSDA also Continues Leadership on Special Districts Provide Essential Services Act.

CSDA is continuing to build on the successes it has had in securing both S. 4308 and H.R. 7073, the Special Districts Provide Essential Services Act. CSDA, along with its National Special District Coalition partners, is communicating with key legislative offices on Capitol Hill during this August recess, and has developed a support coalition of more than 75 special district stakeholder organizations across the country.

A Contra Costa Special District Thank you

We wish to thank Susan Morgan and Chad Davisson for putting together and hosting our virtual meetings. It has been great to have such a turnout for our virtual meetings. It will be nice when Covid 19 restrictions will be lifted so we can meet again in person.

Groundbreaking Court Victory for Local Agency with At-Large Election System

For the first time since the passage of the California Voting Rights Act (CVRA) in 2003, a local government With an at-large voting system successfully defended a substantive legal challenge to its election method. The ruling from the Second District Court of Appeal in Pico Neighborhood Association, et al. v. City of Santa Monica held that "the legislature required litigants to prove both dilution and racially polarized voting in order to establish a claim, to have a remedy, and to recover fees." A rehearing petition has been filed by the plaintiffs, and the decision is likely to be appealed to the California Supreme Court, but it nonetheless represents a positive development for any local government facing the threat of litigation to an at-large voting method. In recent years special districts throughout the state have begun to face legal challenges to their voting systems, and many have sought guidance on switching from an "at-large" to "by-district" voting method to comply with the CVRA. The CVRA prohibits any political subdivision from using an at-large method of election that "impairs the ability of a protected class to elect candidates of its choice or influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of the protected class[.]" Prior to the decision in this case, plaintiffs usually prevailed on CVRA claims simply by presenting evidence of the existence of racially polarized voting without also showing dilution of the vote. In this case, the City argued evidence at trial that demonstrated Santa Monica's at-large election system for City Council members is fair and inclusive and does not dilute the voting power of protected classes. The City pointed to the fact that Santa Monica has a history of electing minority people of color to a variety of local positions. Moreover, the evidence at trial showed that under the at-large election system, between 2002 and 2016, candidates preferred by Latinx voters won at least 70 of the time in Santa Monica city council races.

On February 18, 2020 CSDA joined the League of California Cities to file an amicus brief in support of Santa Monica, authored by Derek Cole from municipal law firm Cole Huber.

The Court of Appeal reversed, ruling that "it is incorrect to read the [CVRA] to say a mere showing of racially polarized voting necessitates a finding a city has misapplied at-large voting. Under the [CVRA], racially polarized voting is a necessary but not sufficient element. Dilution also is an independent and necessary element." The court went on to state that a finding of dilution requires "a showing, not of a merely marginal Percentage increase in a proposed district, but evidence the change is likely to make a difference in what counts in a democracy: electoral results." In a separate portion of the opinion addressing the plaintiff's equal protection

claims under the California Constitution, the court held that the City did not act with a racially discriminatory purpose and therefore the plaintiff's equal protection claims failed. For More Information on the Voting Rights Act, redistricting in 2021, and this court decision, sign up for the upcoming CSDA Webinars. See article on page 6 for more information.

CoCo San Sustainable Farm

AgLantis has donated over 12,000 pounds of produce from 1/2 acre!

We want to expand to 10 acres.

We are donating 1000+ lbs/ week of fresh produce to the Food Bank from 1/2 acre!



Engineer Michael McGill, who serves as board president of the Central Contra Costa Sanitary District, is also a loyal supporter and volunteer at the farm.

Photo by Carolyn Phinney

Districts Make the Difference Video Contest - Scholarship Opportunity

Deadline for submission is September 30, 2020



<https://www.districtsmakethedifference.org/home>

NOTE

CSDA continues to monitor the impacts of COVID-19 and has compiled resources so special districts can easily access information made available through state and federal agencies. Visit the CSDA website:

<https://www.csdanet/home>

Fire district overhauls web presence in four days

Chief Brian Helmick
East Contra Costa Fire Protection District

"The District's website is an invaluable tool to share information with our citizens. As the Fire Chief, it is good to know that I have full control over our website and the content on it. The District now has multiple staff members that can update whenever we need to. Adding agendas and keeping up with meetings is easy, and knowing our site is compliant with 01/ state and federal online requirements gives us one less thing we need to worry about."

Chief Benedict worked with the Streamline team to create a new website. At first he updated the site himself as he identified others who could help manage it over time. The free training, included with his Streamline subscription, taught individuals how to add and modify content as needed. The cloud-based platform and support ensures the district will never be in the position of having a site that is difficult to update.

East Contra Costa Fire Protection District;
www.eccfpd.org

Streamline

Affordable internet and intranet tools
Built for special districts

We are committed to strengthening the relationship of special districts and their communities.

As the only company building website and intranet tools designed exclusively for special districts, we partner with our districts to help them better serve their customers.

Contra Costa County Fish and Wildlife Committee

Contra Costa County Internal Operations Committee of the Board of Supervisors is now accepting applications from individuals to fill two (2) At-Large Member Seats and one (1) At-Large Alternate member seat on the Contra Costa County Fish and Wildlife Committee.

Applications are due by October 2, 2020, at 5:00 p.m

To apply and learn more: apply here:
<https://www.contracosta.ca.gov/4317/Fish-Wildlife-Committee-FWC>



Upcoming webinar 2021 Redistricting:
New Rules for CA Local Governments

Thursday, September 17, 2020 | 10:00am - 4:00pm
Virtual Conference.

The Rose Institute of State and Local Government is hosting a virtual conference discussion about new election rules for CA local governments. Featured speakers include ILG Partner Tripepi Smith and ILG Program Manager Melissa Kuehne. Register online at:
[:https://2021redistrictingconference.org/registration/](https://2021redistrictingconference.org/registration/)

2020 Census

There are only a few weeks left to get counted in the 2020 Census!

Contra Costa County goal is a Census 2020 complete count.

If you have not done so the census is now open through September 30, 2020. If you have any questions about Census takers, you can call the Census Bureau at 800-923-8282.



Zoom Video Communications



(Zoom) is an American communications technology company headquartered in San Jose, California. It provides videotelephony and online chat services through a cloud-based peer-to-peer software platform and is used for teleconferencing, telecommuting, distance education, and social relations. Zoom's business strategy focuses on providing an easier to use product than competitors, as well as cost savings, which include minimizing computational costs at the infrastructure level and having a high degree of employee efficiency.

CSDA is asking for Support Letters on COVID-19 Relief Legislation

(Contributed by Colleen Haley)

The federal government has already enacted several measures to provide economic relief to governments, businesses, non-profits and individuals in response to the pandemic. By in large, that relief has not extended to special districts, as they are not eligible to receive most of it. As essential service providers, special districts need COVID-19 relief funding to allow them to continue to fully operate and serve their residents.

H.R. 7073, the “Special Districts Provide Essential Services Act” by Congressman John Garamendi was introduced as a result of collaborating with CSDA. The collaboration was spurred by a special district within the Congressman’s district reaching out to his office for assistance with financial hardships. Congressman Garamendi’s office began working with CSDA in late April and H.R. 7073 was introduced on June 1, 2020. The bill seeks to do the following

- Provide special districts access to the Coronavirus Relief Fund: States would be required to direct 5 percent of future appropriations made under Section 601 of the Social Security Act (established in CARES as the Coronavirus Relief Fund). The state would have 60 days from the time the U.S. Treasury releases the fund to transfer the funds to special districts. The state would grant the funds at its discretion.
- This 5 percent is not intended to subtract from cities and county’s portion of the funding, but rather 5 percent from the state’s allocation under Section 601.
- Special districts would be determined “eligible issuers” for the Federal Reserve’s Municipal Liquidity Facilities Program.
- “Special District” would be defined. There currently is no federal statute defining the term.

The term ‘special district’ means a political subdivision, formed pursuant to general law or special act of a State, for the purpose of performing one or more governmental or proprietary functions.”

In late July 2020, Senator Kyrsten Sinema, D-Ariz., and Senator John Cornyn, R-Texas, introduced S.4308, which is a Senate companion bill to H.R. 7073. Other Senators who helped make this bill possible include Senator Kamala Harris, who is an original cosponsor and Senator Dianne Feinstein, who has been supportive of the bill. It is also significant to note that this bill was introduced with bipartisan support.

S.4308 is similar to H.R. 7073, but differs in that it adds greater flexibility for states with less reliance on special

districts within their communities. It also additionally provides states guidance on how to distribute the 5 percent they must direct for future Coronavirus Relief Fund appropriations. Here is a summary of the bill:

- Would require states to distribute 5 percent of future Coronavirus Relief Fund allocations to special districts within their respective state within 60 days of receiving funds from the U.S. Treasury.
- Special districts applying for funding would submit information to their state demonstrating the degree to which they have experienced or anticipate they will experience COVID-19-related revenue loss, grant/inter-governmental revenue loss, or increased COVID-19-related expenditures.
- Limits allocations such that a special district may not receive funding that exceeds the amount the district expended in any quarter of 2019. Special districts providing services the federal Cybersecurity and Infrastructure Security Agency deems to be within a “critical infrastructure sector” would be exempt from limitations.
- Provides flexibility for states with excess funds reserved for special districts that make a good faith effort to distribute funds to districts within the state. States file a waiver with U.S. Treasury after 60 days demonstrating how the state distributed its special districts funding. If approved, the state may use the balance of the funds for other COVID-19 response purposes.
- “Special district” would be defined as a “political subdivision of a State, formed pursuant to general law or special act of the State, for the purpose of performing one or more governmental or proprietary functions.”
- Would direct the U.S. Department of Treasury to consider special districts as eligible issuers to take advantage of the Municipal Liquidity Facility, as established in the CARES Act, for access to capital during the current financial downturn.

CSDA will continue working with the National Special Districts Coalition and stakeholders across to the county to get this legislation included in future COVID-19 relief packages, but we need your help too. CSDA needs your district’s support letter to continue building on the success we’ve had and to urge your local congress member to support the legislation. Templates for letter-writing are available on CSDA’s COVID-19 Take Action page, located under the Advocate Tab on our website at CSDA.Net.



**California Special
Districts Association**
Districts Stronger Together

More Mosquitoes, Birds Test Positive for West Nile Virus in Contra Costa County



The Contra Costa Mosquito & Vector Control District (District) has reported six more groups of mosquitoes and six more dead birds have tested positive for West Nile virus (WNV) in Contra Costa County. The mosquitoes were from Palm Tract (near Knightsen), Discovery Bay, and Brentwood. Five of the six birds that tested positive were picked up in the city of Brentwood and one was from Antioch. This brings the total number of virus positive dead birds so far this year in Contra Costa County to seven.

Certain types of birds may carry WNV. When a mosquito bites an infected bird, the mosquito can become infected and transmit the virus to another bird or a person through a mosquito bite.

While the risk level for West Nile virus is currently elevated in Brentwood, it is not necessarily restricted to that area, according to the District's Scientific Program Manager Steve Schutz, Ph.D.

"Residents countywide should be taking precautions against mosquito bites," said Schutz. "We appreciate members of the public reporting dead birds - this helps our agency identify where the virus hot spots may exist. Additional surveillance and control are being conducted where the mosquitoes and birds were collected to mitigate the risk of disease transmission. We advise residents to use an insect repellent when mosquitoes are present and to dump out any standing water on their property."

Adult mosquito control may be necessary to decrease the number of infected mosquitoes and risk of WNV transmission in the area.

Since 2005, 66 people in Contra Costa County have been diagnosed with West Nile virus. In 2006, two people died from the disease. For current human case information, please contact Contra Costa Health Services at 888-959-9911.

Contra Costa Mosquito & Vector Control District, an independent special district.

BPD launches Text BART Police



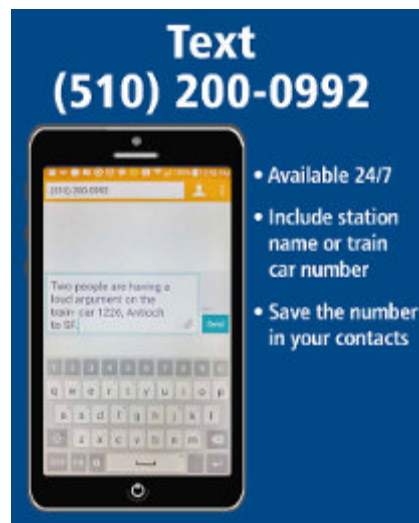
The BART Police Department (BPD) is launching a new initiative that gives riders another way to request assistance from officers while they're in the system. Text BART Police allows riders, employees, and others to directly contact the BPD Dispatch Center. The launch builds on the success of the BART Watch app, which has been downloaded 89,000 times.

The number for Text BART Police is 510-200-0992. Text BART Police is operational 24 hours a day, seven days a week and can also be used to send pictures to BPD. Much like the BART Watch app, the number should be primarily used for non-emergency reports. Anyone with an emergency is still urged to call 911 or contact their Train Operator.

You Can Now Text BART Police

For Non-emergencies Only.

For emergencies dial 911 or call BART Police at (510) 464-7000



Bay Area
Rapid Transit

Voting Rights Act and Redistricting Update

Special article Contributed by Mustafa Hessabi, Deputy General Counsel California Special Districts Association

In recent years special districts throughout the state have begun to face legal challenges to the at-large voting system they use to elect their governing board, and many have sought guidance on switching from an “at-large” to “by-district” voting method to comply with the California Voting Rights Act (CVRA). The CVRA was enacted in 2002 to resolve perceived deficiencies in the Federal Voting Rights Act, among them the fact that “at-large” election systems can sometimes impair the ability of “protected classes” from electing candidates of their choice. The CVRA was found to be violated when “racially polarized voting” exists in the elections for governing boards of districts.

Recently, for the first time since the passage of the CVRA, a local government with an at-large voting system successfully defended a legal challenge to its election method. The ruling last month in favor of Santa Monica from the Second District Court of Appeal in *Pico Neighborhood Association, et al. v. City of Santa Monica* held that “the legislature required litigants to prove both dilution and racially polarized voting in order to establish a claim, to have a remedy, and to recover fees.”

The CVRA prohibits any political subdivision from using an at-large method of election that “impairs the ability of a protected class to elect candidates of its choice or influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of the protected class[.]” Prior to the decision in this case, plaintiffs usually prevailed on CVRA claims simply by presenting evidence of the existence of racially polarized voting without being required to prove vote dilution of a protected class.

In this case, the City argued evidence at trial that demonstrated that its at-large election system for City Council members is fair and inclusive and does not dilute the voting power of protected classes. The City pointed to the fact that Santa Monica has a history of electing minority people of color to a variety of local positions. Moreover, the evidence at trial showed that under the at-large election system, between 2002 and 2016, candidates preferred by Latino voters won at least 70% of the time in Santa Monica city council races.

The Court of Appeal ruled in favor of Santa Monica, stating that “it is incorrect to read the [CVRA] to say a mere showing of racially polarized voting necessitates a finding a city has misapplied at-large voting. Under the [CVRA], racially polarized voting is a necessary but not sufficient element. Dilution also is an independent and necessary element.” The court went on to state that a finding of dilution requires “a showing, not of a merely

marginal percentage increase in a proposed district, but evidence the change is likely to make a difference in what counts in a democracy: electoral results.”

In a separate portion of the opinion addressing the plaintiff’s equal protection claims under the California Constitution, the court held that the plaintiff’s equal protection claims failed because City did not act with a racially discriminatory purpose.

A petition for review by the California Supreme Court was filed by the plaintiffs and is currently pending. Nonetheless, the decision represents a positive development for any local government facing the threat of litigation to an at-large voting method because it requires a higher threshold from a plaintiff to prove a CVRA violation has occurred.

Looking Ahead


Districts that receive a letter notifying them of a CVRA violation and demanding remedy should share the letter immediately with your district legal counsel. In 2016, legislation was enacted to provide “safe harbor” from CVRA lawsuits, capping plaintiffs’ attorney fees and establishing a procedure for conducting public hearings and establishing districts. For more information about the safe harbor, read CSDA’s CVRA white paper is available at:

at: https://higherlogicdownload.s3.amazonaws.com/CSDA/UploadedImages/ca680dd1-dba6-4f29-b8dd-81da9d5056d6/CVRA_White_Paper.pdf

Since March, California has had two executive orders in effect that suspend CVRA deadlines due to the COVID-19 emergency. These orders suspended the running of two safe harbor periods provided under law as of March 20. The second executive order states that safe harbor periods will begin to run again “upon further notice.” Unfortunately, despite the Governor’s executive orders, special districts in the state continue to receive demand letters alleging violations of the CVRA.

Districts will also have to decide how to respond to the 2020 census. Data from the 2020 census is not likely to be available until spring or summer of 2021, thereby potentially forcing some districts facing the threat of CVRA litigation to switch to by-district elections using 2010 census data, rather than 2020, because the 2020 data is not available yet.

Contra Costa Special Districts



Send Us Your News!

Got a story we should know about?
Have an event you want to share?

Email us at:
stan_caldwell@comcast.net

Conducting Public Meetings during the COVID-19 Pandemic

Your actions save lives!

Keep California healthy.

Wear a mask, wash your hands, and keep your distance.

California Sets Standards for Holding Public Meetings during the COVID-19 Pandemic Agencies following the state's open meeting laws must balance public safety imperatives with advancing critical projects as they determine how to hold public meetings while Californians can't go out in public.

California's two open meeting laws – the Brown Act and the Bagley-Keene Open Meeting Act – require that meetings of local agencies' and state boards' legislative bodies generally be open to the public. To satisfy this requirement, meetings must be publicly noticed, an agenda must be posted in advance, and the public must be allowed to observe and participate.

However, once the COVID-19 pandemic led to the requirement of physical distancing, these agencies were no longer able to host public meetings consistent with the open meeting laws.

Bette Boatmun will close Out 46 Years on CCWD Board of Directors

Serving since 1974; Serving through 2020

When asked why she elected not to rerun another term she indicated that having served Contra Costa Water District (CCWD) for more than four decades the biggest reason is that the long planned vision of Los Vaqueros as an enlarged, regional water supply reservoir, improving water quality and supply for customers, assisting other water agencies and continuing to improve the environment of the area and the delta has become a reality. Many improvements have been adopted over the years, giving the rate payers a top notch water system.

Bette says the current the Board of Directors are strong, put the interest of the district first and are congenial with each other. Our relatively new General Manager, Steve Welch is forward thinking, a listener and has an excellent staff to work with.

"Having been a public servant for these many years has been a great honor. I am indebted to my many mentors and friends that I have met during this time" quoted Bette.

Bette Boatmun was elected to the Contra Costa Water District Board of Directors in 1974, representing Pittsburg, Antioch, and the northeast portion of Concord. During her tenure, she has made countless contributions to CCWD, the community and beyond.

She is the former executive director of the YWCA of Contra Costa County and continues to be active in a number of community organizations, including the Concord American Association of University Women, League of Women Voters of Diablo Valley, Sons of Italy, and Soroptomist International.

She is a past member of the Board of Directors for the Kennedy King Scholarship Foundation. In 2002 and 2003, she was president of the Association of California Water Agencies (ACWA), a statewide organization that represents approximately 90 percent of the water delivered in California and is past chair of ACWA Region 5. Ms. Boatmun is a member of ACWA's Past Presidents Council. She also serves on ACWA's JPIA Employee Benefits Committee.

She was chair of the Governing Board of East County Water Management Association, the Contra Costa Special Districts' Association, and the Sanitation and Water Agencies of Contra Costa County.

In March 2001, Ms. Boatmun was honored as the California State Assembly's "Woman of the Year" for the 11th Assembly District. Ms. Boatmun was also selected as Public CEO's Special Districts Official of the Year in March 2011. In 2013, she received the Hollingsworth Award of Excellence, which recognizes individuals "who exemplify what it means to go above and beyond the call of duty and advocate for special districts.

Director Bette Boatmun has shared publicly that she has decided not to seek re-election for the seat she has represented for over 46 years.

"I initially decided to apply for this position in the interest of bringing more women into the water industry and have been honored to represent our community on many important decisions," said Director Boatmun. "This Board works together constructively and collaboratively and CCWD's workforce is strong - I know that our community will continue to be well represented and served."

As a trailblazer for women in leadership in the community, water agencies and special districts, Director Boatmun was an advocate for all. "Bette has been a relentless advocate for customers by supporting water education, water use efficiency, financial responsibility and giving back to the community," said CCWD Board President Lisa Borba.



Director Boatmun always has had an eagle-eye on CCWD's finances to ensure fiscal responsibility and transparency for customers.



Please send your district news releases to stan_caldwell@comcast.net to keep us informed of all the exciting things your Special District is doing and to share your news with other districts by having it appear as an article in the next newsletter.

Our September
Meeting will be via Zoom. Meeting begins at 9:00 AM



The meeting will start at 10 am on September 21st. This will be a Zoom meeting, with Ironhouse Sanitary District hosting. From 9 am to 10 am, we will be conducting breakout sessions via zoom to allow networking between districts in Alameda and Contra Costa counties. We are working on a preliminary agenda, but expect to have East Bay Regional Parks, Contra Costa Public Health (CCPH) and Dr. Warne from CCPH will be providing an update to us on the virus and answering any questions people may have and Anthony Tannehill from CSDA will be providing updates on the association's activities and legislative updates.

Stan Caldwell President Stan_Caldwell@comcast.net
Susan Morgan - Vice President Email: smorgan@equilytics.com
Chad Davisson on - Member at Large Email; davisson@isd.us.com
Bert Michalczyk Treasurer - Email: leedscourt@comcast.net
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Our chapter has its own dedicated web site
<https://contracostasda.specialdistrict.org/>

Our chapter web page is powered by Streamline. Streamline is the host and creator of the web page. We thank them and appreciate the services they provide our chapter.

For all future meetings please RSVP via the website if you will be attending