

COUNTY ENGINEERS ASSOCIATION OF CALIFORNIA

2022 ANNUAL REPORT



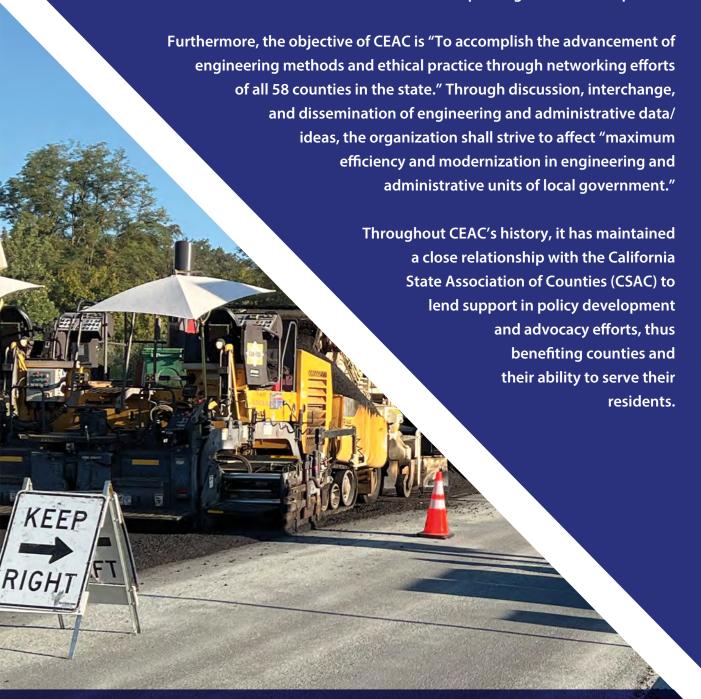
PREPARED BY THE CALIFORNIA STATE ASSOCIATION OF COUNTIES

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CEAC'S PURPOSE

The County Engineers Association of California (CEAC), formed in 1914, is comprised of county engineers, public works directors, county road commissioners, and professional personnel throughout California's 58 counties. Its purpose is "To advance county engineering and management by providing a forum for the exchange of ideas and information aimed at improving service to the public."



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MESSAGE FROM THE 2021–2022 PRESIDENT OF THE COUNTY ENGINEERS ASSOCIATION OF CALIFORNIA

I want to thank the County Engineers Association of California (CEAC) for allowing me to serve as your President in 2021 and 2022. I continue to be impressed by the value of our association. That value is the networking with 58 counties that do the same unique work on Roads, Bridges, Official Survey Records, Development Standards, Water, Solid Waste and Airports. All our staff, the CEAC membership, the CLODS, the Affiliates and California State Association of Counties (CSAC) all form a great team. As President, I was able to see this CEAC team serve on committees, to engage on specific issues and to act as a resource to the legislative staff at CSAC.

The CEAC team activity extends to six regions, and I want to thank and acknowledge those regional Directors: Johannes Hoevertsz at Bay Area, Kent Edler at Central Coast, Bob Bronkall at Northern California, Matt Randall at Sacramento Mother Lode, David Leamon at San Joaquin Valley, and Nardy Khan at Southern California. Regional meetings are an excellent forum for sharing information and learning from each other in addressing the challenges we face as county engineers. I was glad to attend various regional meetings although most were virtual as we switch back from the COVID isolation. The regions also helped communicate CEAC needs such as finding worthy candidates (college student interns or staff family members) for the CEAC Memorial Scholarship Program. Regions support each other in the same way CEAC does statewide by networking and sharing experiences.

2022 was a very different kind of budget year. California enjoyed record budget surplus (departure from typical short falls) and the State was implementing grants to spend that surplus – however; most spending centered around wildfire (2015 to present has produced record wildfires statewide) and drought (2020 to the present has been a record drought in many parts of California).

Furthermore, federal pandemic relief funds and the new Infrastructure Investment and Jobs Act (IIJA) are starting to flow to our counties. Most of our policy makers are applying these funds to future pandemic, wildfire resilience, infrastructure, and sustainable energy.

2016's Senate Bill (SB) 1 revenues did stabilize our Highway Users Tax Account (HUTA) and added the Road Maintenance and Repair Account (RMRA) so we are not seeing State Budget surplus money flow to transportation maintenance the way some counties had hoped. The 2023 update of our California Local Streets and Roads Statewide Need Assessment Report (Report) is underway slated to be released in 2023-24. These reports have shown a trend downward in our pavement conditions statewide and emphasized a need for more funding to adequately maintain our local road network. The report has proven to be a valuable tool and continues to be a priority for CEAC. I hope for better results in future updates for a Statewide Needs Assessment being done in partnership with the League of California Cities. We have also added an awards program to the Report. At the Spring Conference, we presented Outstanding Local Streets and Roads Project Awards for 2022: Los Angeles County was the winner in the Efficient and Sustainable Road Maintenance, Construction and Reconstruction category for their "Keith Drive" project, Riverside County was the winner in the Efficient and Sustainable Bridge Maintenance, Construction and Reconstruction category for their "66th Avenue Grade Separation" project.

I want to thank several people for the support I have had this past year. I will start with the CLODS for giving me the opportunity. Thinking back to fall of 2019 when Mehdi Madjd-Sadjadi and Doug Wilson took me to lunch in Ukiah. I was surprised, honored, and grateful they asked me to be an officer of CEAC



on behalf of the CLODS - the CEAC nominating committee. I want to thank the entire membership with a special thanks to the CEAC Officers who have been great to work with - Jim Porter, Rick Tippett, Brian Balbas and Panos Kokkas.

Furthermore, the Committee Chairs who add content to our conferences - Josh Pack (Administrative), Pattie McNamee (Fellowship), Mark Strudley (Flood Control/Water Resources), Trisha Tillotson (Infrastructure & Development), Coby Skye (Resource Recovery and Waste Management), Scott DeLeon (Scholarship), Aleks Jevremovic (Surveyors) and Dave Fleisch (Transportation) – many thanks.

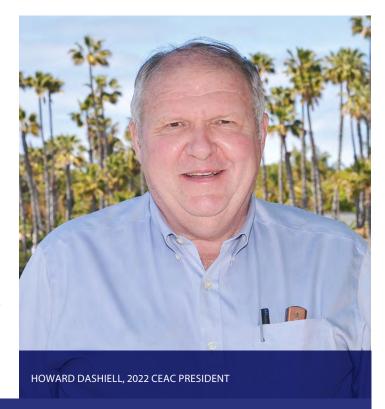
The above-mentioned Committee Chairs who carry on the business of CEAC beyond our conferences. I want to also thank our Affiliates who do so much for the organization with their sponsorship and their participation.

We could not do all we do in CEAC without the relationship we have with CSAC. The legislative team works hard on our behalf every day. Chris Lee moved on this year and will be missed, but we look forward to continued efforts with his replacement, Mark Neuburger, and the rest of the CSAC team; Catherine Freeman, Ada Waelder, Kristina Gallagher, and Merrin Gerety! Merrin provides great support for CEAC officers, and she makes our jobs a lot easier.

To conclude, I would like to express my sincere appreciation to CEAC for the opportunity of serving on the governing board as Secretary, then Vice

President, acting President half-year and now President. I have been a member of CEAC since 2005 and have greatly benefitted from networking and collaborating with colleagues across the state. It is an honor to be a part of the leadership of our association and I hope my time next year as Past President (and in the years to come), will be ones in which I can help promote our mission, and increase attendance because any public works professionals out there who do not engage with us are missing out on a valuable resource.

Howard N. Dashiell 2022 CEAC President



REFLECTING ON 2022

The 2022 legislative session brought some hope against COVID-19 with unprecedented investments made by the state. Although inflation, increases in gas prices and the lasting effects of COVID continued to heavily impact California, the Governor started out the year with a \$45.7 billion surplus to allocate the 2022–23 budget process that eventually rose to \$97.5 billion by the time of the May Revise. Even though California experienced extraordinary revenue growth over the last two years, the Legislative Analyst's Office predicts that the growth is unlikely to continue and that the state has a heightened risk of recession over the budget multiyear based on certain historical economic indicators such as rising inflation, a tight labor market, slowing home sales and falling consumer sentiment.

The Gann Limit was also brought up a great deal this year due to the extreme revenue growth. The Gann Limit was a ballot measure approved in 1979 which amended the state constitution to limit state and local government spending to a level that is adjusted each year to account for inflation and population growth. If revenues exceed the limit over a two-year period, state policy makers must spend revenue over that limit in specific ways such as returning money to taxpayers and spending more on K-14 education, or alternatively structure the budget to avoid going over the limit by investing into infrastructure projects, which are excluded from the limit, which is a reason why major infrastructure proposals were prioritized this year.

Several challenges remained at the Capitol, including internal legislative conversations on what is the new "normal" and how to keep the public and staff safe from COVID-19, while still allowing for an adequate public input process. While both houses allowed for in-person testimonies, speakers had to follow guidelines to safeguard against the virus including adhering to social distancing guidelines and were encouraged to participate through the web portal or telephonically - something that was not widely available before the pandemic.

CSAC staff along with our members from CEAC continued to advocate this year for much needed funding for infrastructure projects. The 2022–23 state budget plan made a massive multi-year commitment to the state's infrastructure in transportation, housing, broadband, energy and zero emission vehicles, including planned investments in the subsequent three fiscal years and provided \$47 billion for infrastructure investments – a very robust and ambitious state infrastructure budget which will create jobs and prepare the state's economy better for future challenges.

CSAC staff were also key stakeholders in the California Department of Transportation's (CalTrans) working group that developed a balanced Infrastructure Investment and Jobs Act (IIJA) funding distribution formula, resulting in a fair resolution (Resolution G-22-49) which created a formula that splits total funding 60 percent for state programs and 40 percent for regional/local programs for Federal Fiscal Year 2022.

CSAC was particularly supportive of the agreedto proposed investments in local bridge repair and replacement, local road safety and active transportation projects, and flexible regional funding needed to meet multiple transportation priorities, including reductions in greenhouse gas emissions from the transportation sector.

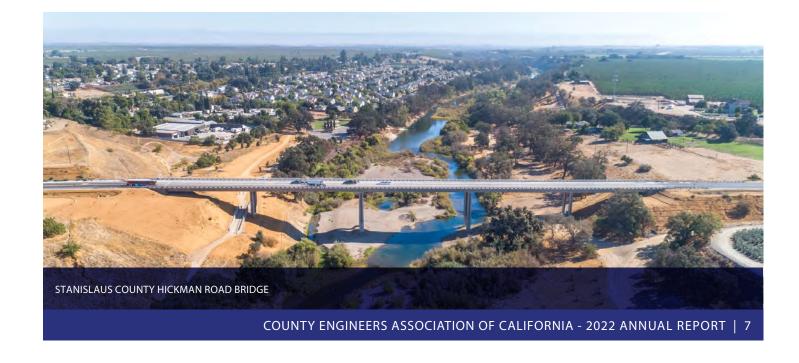
On the legislative side, CSAC was heavily involved in working on a variety of policy bills that will give local governments more flexibility, including sponsoring AB 1932 by Assemblymember Tom Daly (D-Anaheim) that extends the sunset date on current state law authorizing counties to utilize the Construction Manager At-Risk method, while opposing numerous bills that sought to override local control such as AB 916 by Assemblymember Rudy Salas (D-Bakersfield) that would have originally added a provision that set a minimum height requirement of 25 feet for ADUs and mandated the approval of two additional bedrooms per dwelling unit. The bill was heavily amended on August 22nd, which removed CSAC's opposition.

The State Legislature adjourned on the early morning of September 1st. The vast majority of the last month of session was spent processing legislation in the Appropriations Committees and then being taken up on the legislature's respective floors. August 31st was the deadline for most legislative actions with hundreds of bills sent to the

Governor before the midnight deadline and then continued past midnight for urgency bills and other measures.

September 30th was the last day for the Governor to sign or veto bills passed by the Legislature before September 1st and in the Governor's possession on or after September 1st. If the bill is signed or approved without a signature, it goes to the Secretary of State to be chaptered. If the Governor vetoes the bill, a two-thirds vote in each house is needed to override the veto, although this is usually unlikely. The new 2023-24 Regular Session convened for an Organizational Session at 12 noon on December 5th. The Legislature went through a formal process of swearing in the new elected members and selected the Speaker and President Pro Tempore, and then recessed until January when bill introductions will begin, as well as the new budget cycle.

The following sections highlight the important legislative, budget, and regulatory advocacy that CSAC undertook on behalf of counties and our public works partners within CEAC during this past year. As always, this work would not be possible without CSAC's longstanding partnership with CEAC and the ongoing leadership, commitment and expertise provided by its resolute public works leaders from around the state.



TRANSPORTATION

State Transportation Funding

Governor Newsom submitted his 2022-23 budget proposal to the Legislature on January 10th which proposed \$286 billion in spending. The May Revise was released on May 13th. The Legislature released their version of the budget on June 1st. The Legislature's version of the budget represented an agreement between the leaders and budget chairs of both houses. The Legislature and the Governor reached an agreement on the budget on June 26th, passing the AB 178 – the Budget Bill Jr. and the package of trailer bills on June 29th. The Governor signed AB 178 and the trailer bill package on June 30th. The Administration, Legislature, and stakeholders continued to work on remaining changes to the budget through the last day of August. A number of trailer bills were introduced in the last three days of session including AB 179, the Budget Bill Jr. which amended the 2022 Budget Act to reflect changes necessary to implement the August adjustments to the budget bill. AB 179 and AB 211, the Public Resources Trailer Bill, both included funding to support zero emission vehicles and infrastructure, as well as buyer incentive programs.

The final budget did not include the Governor's proposal for a gasoline excise tax holiday, in favor of a broader package of rebates to offset the impacts of inflation on Californians. The budget does, however, include a one-year diesel sales tax holiday that is outlined in more detail below. The Legislature and Governor also reached an agreement on a final package of transportation investments. The budget agreement appropriates the remaining \$4.2 billion in Proposition 1A High Speed Rail bonds, with legislative direction to prioritize the Merced to Bakersfield segment. The bonds are packaged as \$5.4 billion in General Fund investments through FY 2022-23 for transportation infrastructure, including transit capital, freight infrastructure, state and local climate adaptation, and local active transportation

grants, as part of a broader \$10.8 billion fouryear package. The appropriation of bond funding and General Fund allocations to transportation infrastructure were both contingent on passage of the transportation trailer bill (SB 198).

Transportation Budget Trailer Bill

SB 198 creates new programs to reconnect communities divided by highway projects and adapt transportation infrastructure to the impacts of climate change. The trailer bill also creates new oversight for the High Speed Rail project, including the creation of an Inspector General position, and includes the framework for \$4 billion in additional transit capital investments in FY 2023–24 and 2023–25.



Reconnecting Communities Pilot Program

The bill creates the Reconnecting Communities: Highways to Boulevards Pilot Program and the budget provides \$149 million in funding. The program, administered by Department of Transportation (CalTrans), will award competitive grants to eligible entities, including counties, for planning or implementing the conversion or transformation of underutilized sections of state highways into multimodal corridors that serve residents of underserved communities. The program seeks achieve specific goals related to providing transportation benefits to underserved communities. Finally, the program allocates 25 percent of funding for planning and 75 percent for implementation.

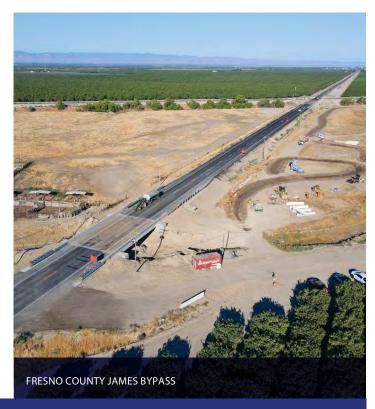
Transportation Climate Adaptation Funding

SB 198 creates the Transportation Infrastructure Climate Adaptation Strategy Grant Program and the budget provides \$50 million to support a competitive grant program administered by CalTrans to provide funding to local agencies, including counties, to identify transportation related climate vulnerabilities through the development of climate adaptation plans and to identify ways to incorporate transportation-related climate adaptation needs into existing transportation plans, as well an additional \$148 million to support the newly established Local Transportation Infrastructure Climate Adaptation Project Program. The program will be administered by the California Transportation Commission, for purposes of developing and implementing projects adapting local transportation infrastructure to climate change. Local agency will be required to submit various reports to the Transportation Commission and CalTrans regarding the expenditure of those funds.

Finally, the bill creates the State Transportation Infrastructure Climate Adaptation Program, administered by CalTrans, for planning, developing, and implementing projects adapting state transportation infrastructure to climate change. The bill would require the department, as part of the State Transportation Infrastructure Climate Adaptation Program, to develop a program of its top priority climate adaptation projects and to submit projects in this program to the California Transportation Commission for adoption. The budget dedicates \$200 million in federal transportation funding from the National Highway Performance Program, with ongoing funding subject to future appropriations.

Diesel Sales Tax Suspension

The taxation budget trailer bill (AB 194) includes a suspension of the General Fund (3.9375%) portion of the sales tax on diesel fuel for twelve months, beginning October 1, 2022. Diesel sales tax revenues are used to support public transit services, and the suspension is estimated to reduce revenues by \$327 million in 2022-23 and \$112 million in 2023-24. The budget will backfill this funding with quarterly transfers from the General Fund.



FEDERAL INFRASTRUCTURE INVESTMENT AND JOBS ACT (IIJA)

On November 15, 2021, President Biden signed the Infrastructure Investment and Jobs Act (IIJA). The bill included \$1.2 trillion in investments over five years, from Federal Fiscal Year (FFY) 2022 through FY 2026, including \$550 billion in new spending on transportation, water and power infrastructure, and pollution cleanup, in addition to regular annual spending on infrastructure projects.

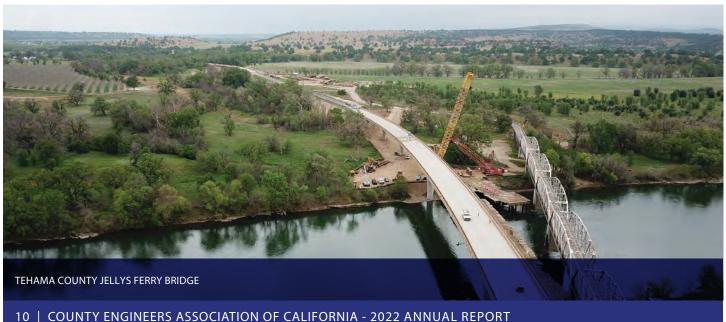
Under IIJA, California is estimated to receive the following guaranteed formula transportation funding:

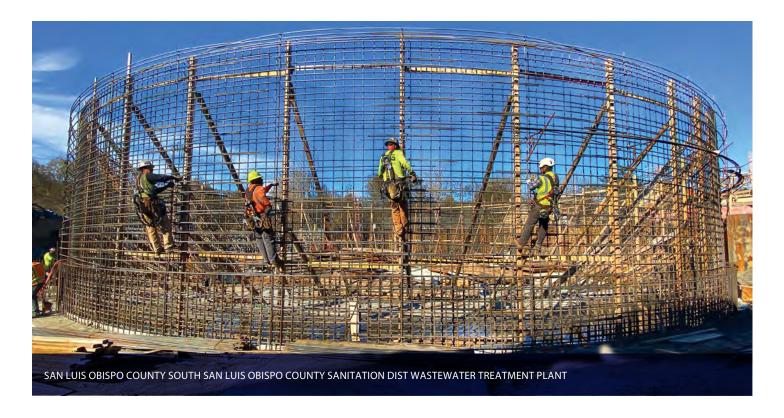
- \$25.3 billion for federal-aid highway apportioned programs over five years (compared to approximately \$19.4 billion under the Fixing America's Surface Transportation Act (FAST Act), the last five-year authorization of federal-aid highway programs);
- \$4.2 billion over five years from a new bridge program;
- \$384 million over five years from a new program to support the expansion of an electric vehicle (EV) charging network; and
- \$9.45 billion over five years to improve public transportation options across the state (compared to approximately \$8.1 billion under the FAST Act, the last five-year authorization of federal-aid highway programs).

Beginning in December 2021, CSAC was a key stakeholder at a series of statewide IIJA Transportation Implementation Working Group meetings held by the California State Transportation Agency (CalSTA).

CSAC engaged CEAC members during the working group meetings and provided updates as the group worked collectively to develop a common understanding of IIJA, and developed action plans for implementing it. The Working Group met approximately every three weeks and formed several Sub Working Groups, which had more in-depth discussions of specific policy areas.

The guidance from the Federal Highway Administration (FHWA) came out on January 14th. California was given a lot of flexibility in how it will spend the 85% of funding that is not dedicated to off-system bridges. Recommendations were coordinated in the Sub-Working Groups' conversations. Sub-Working Groups met and developed Action Plans. Action Plans were then reviewed by CalSTA/Caltrans leadership.





On June 29th, the California Transportation Commission (CTC) approved a resolution establishing the distribution of federal formula transportation funding to California from the IIJA, which included a five-year surface transportation reauthorization bill. Key items of interest included:

- Increased funding to repair & replace local bridges Grows from \$289m/year under FAST to an average of \$594m/year under IIJA.
 - Includes 44% of new bridge formula funds, an additional \$10 million annually in flexible Surface Transportation Block Grant Program (STBGP) funds, the full \$100 million off-system bridge set-aside in the STBGP, and a share of the National Highway Performance Program for "on-system" local bridges (unlike during the past two bills, the NHPP share for local bridges will grow at 2% annually along with the program).
- Increased funding for local safety projects Grows from \$67m/year under FAST to \$120m in FFY22 and 2.2% annual growth under IIJA.
 - The Local Highway Safety Improvement Program will receive its full 50% share for competitive local government safety grants after set-asides for Office of Traffic Safety and railroad grade separations.
- Retains maximum flexible funding for regional agencies from the Surface Transportation Block Grant Program.

CSAC continues to participate in ongoing working groups to make sure counties continue to get their fair share of funds and will keep CEAC engaged on any further issues.

Additional resources and materials related to CalSTA's efforts to implement the IIJA with California transportation stakeholders can be found on the IIJA website (https://calsta.ca.gov/subject-areas/infrastructure-investment-act).

CALIFORNIA AIR RESOURCES BOARD (CARB) ADVANCED CLEAN CARS II

On August 25th, the California Air Resources Board (CARB) approved the "Advanced Clean Cars II" rule requiring 100 percent of new car sales in California to be zero-emission vehicles (ZEVs) by 2035, with the exception of selling some plug-in hybrid vehicles, which use gasoline in addition to electricity.

The rule establishes a year-by-year roadmap so that by 2035 100% of new cars and light trucks sold in California will be zero-emission vehicles, including plug-in hybrid electric vehicles. The regulation realizes and codifies the light-duty vehicle goals set out in Governor Newsom's Executive Order N-79-20.

This plan's yearly targets include 35 percent ZEV sales by 2026, 68 percent by 2030, and 100 percent by 2035. Noting that the rule approved by CARB will allow automakers to sell 20 percent plug-in hybrid vehicles in 2035, with a requirement of 80 percent to be true EVs.

The Governor's Executive Order and the CARB ruling has created a new urgency for developing a long-term, sustainable replacement revenue stream for the gas tax. Fuel tax revenues currently provide the vast majority of state funding for local streets and roads in California. It is the priority of CSAC and CEAC to work on determining the best method for a replacement revenue stream.

TRANSPORTATION LEGISLATION

CSAC and CEAC worked together in a mutual effort to advocate for and against several transportation and infrastructure measures that were introduced in this year's session. Over the course of the legislative session, CSAC also worked with legislators and other stakeholders to amend these measures to address concerns and advance county priorities.



AB 2438 (FRIEDMAN) TRANSPORTATION FUNDING: **GUIDELINES AND PLANS**

Position: Dropped Opposition/ Neutral

This bill would have required various state transportation programs to incorporate strategies from the Climate Action Plan for Transportation Infrastructure (CAPTI) into program guidelines. It would have also required various state agencies to establish new transparency and accountability guidelines for certain transportation funding programs, as specified. CSAC dropped its opposition to the bill and became neutral after the bill was amended to explicitly list the California State Transportation Agency, California Transportation Commission, and California Department of Transportation programs that are the subject of the bill and removed the language that would have made the bill applicable to an open-ended list of programs. The amendments also clarified that this bill would have only applied to the competitive component of the Local Partnership Program. The bill was ultimately vetoed by the Governor.

AB 2514 (DAHLE) STATE HIGHWAY SYSTEM MANAGEMENT PLAN: UNDERSERVED RURAL

Position: Support

This bill would have directed Caltrans to include a comprehensive evaluation of transportation in rural counties as part of its State Highway System Management Plan, which includes a 10-year state highway rehabilitation plan and a 5-year maintenance plan that is submitted to the California Transportation Commission (CTC) every two years, during an odd-numbered year, and is then transmitted to the Governor and the Legislature during that same odd-numbered year. CSAC supported this measure. This bill was ultimately vetoed by the Governor with a veto message that stated, "While I appreciate the author's goal to assess the needs of underserved rural communities, this work is already underway, as envisioned in the Interregional Transportation Strategic Plan and the California State Transportation Agency's Climate Action Plan for Transportation Infrastructure."

AB 2953 (SALAS) DEPARTMENT OF TRANSPORTATION AND LOCAL AGENCIES: STREETS AND HIGHWAYS: RECYCLED MATERIALS

Position: Neutral

This bill requires local governments above a specified size to adopt specified Caltrans recycled material standards unless certain criteria are met. CSAC worked with the author's office on amendments that remove the provision using annual average revenues for determining which local jurisdictions would be exempt from adopting the standards set forth by AB 2953, but rather use population, one hundred thousand (100,000) for counties and twenty-five thousand (25,000) for cities to determine which local jurisdictions would be exempted from using the updated standards. Furthermore, these proposed amendments addressed the significant cost pressures on local jurisdictions as highlighted in the Governor's veto message of AB 1035 (2021). In light of the amendments taken, CSAC removed its opposition to this measure. The Governor signed this bill into law on September 30, 2022

SB 922 (WIENER) CALIFORNIA ENVIRONMENTAL QUALITY ACT: EXEMPTIONS: TRANSPORTATION-**RELATED PROJECTS**

Position: Support

The bill exempts various types of qualifying transportation projects that are vital to meeting California's transportation greenhouse gas emissions reduction goals from review under the California Environmental Quality Act (CEQA). Importantly for California's counties, who are responsible for transportation facilities in unincorporated communities that range from highly urban to very rural, this bill would expand a tailored set of exemptions offered under existing law to apply to transportation projects in both rural and urban communities. CSAC supported this bill. The Governor signed this bill into law on September 30, 2022.

SB 932 (PORTANTINO) GENERAL PLANS: CIRCULATION ELEMENT: BICYCLE AND PEDESTRIAN PLANS AND TRAFFIC CALMING PLANS

Position: Dropped Opposition/Neutral

This bill requires every city and county to develop and implement bicycle plans, pedestrian plans, and traffic calming plans upon a substantive revision of the circulation element. Originally, the bill would have exposed many local governments to a new legal liability that was likely to result in significant litigation costs to defend and settle. As agreed, the proposed amendments removed the language on the private right of action, and made clarifying and technical amendments to include specific principles included in the Federal Highway Administration's Safe System Approach; ensured goals and implementation are subject to local conditions and funding; incorporated specific projects in implementation plans rather than the General Plan; and removed inapplicable references to the Transportation Agency's Zero Traffic Fatalities Task Force Report, the State Local partnership Program, the Surface Transportation Block Grant, and the Congestion Mitigation and Air Quality Improvement Program. CSAC has removed its opposition based on amendments taken by the author. The Governor signed this bill into law on September 28, 2022.

SB 1121 (GONZALEZ) STATE AND LOCAL TRANSPORTATION SYSTEM: NEEDS ASSESSMENT

Position: Support

The bill requires the California Transportation Commission, in consultation with the California Transportation Agency and Caltrans, to prepare a needs assessment of the cost to operate, maintain and provide for the necessary future growth of the state and local transportation system. The needs assessment required by SB 1121 would provide important information necessary to identify anticipated revenue to cover the cost of the needs identified, along with information on funding shortfalls and how those gaps should be addresses. Additionally, needs assessments can be a helpful tool in clarifying and identifying transportation goals, identifying tradeoffs (for instance, the fundamental tradeoff between capital improvements or expansion and system preservation) and encouraging alignment across agencies and programs. CSAC supported SB 1121. The Governor signed this bill into law on September 23, 2022.



INFRASTRUCTURE AND DEVELOPMENT

Infrastructure Funding to Support Housing Development

The state budget builds on General Fund allocations proposed for housing and infrastructure in the Governor's January budget proposal with a \$2 billion multiyear package of affordable housing and homeownership investments. The housing budget trailer bill (SB 197) includes additional time for jurisdictions with housing element updates due in 2021 to complete required rezonings, creates the new California Dream for All homeownership program, and makes technical changes to several other programs.

Housing Budget Trailer Bill

SB 197, the housing budget trailer bill, provides additional time for local agencies with housing elements due in 2021, but which did not have a housing element in substantial compliance within 120 days of the statutory deadline, to complete any required rezonings. Specifically, the bill would grant a local government three years and 120 days from the statutory deadline for the adoption of its housing element to complete the required rezoning of sites to comply with that housing element if the local government adopts its 6th revision of the housing element that the department finds to be in substantial compliance within one year of the applicable statutory deadline. The bill also extends the due date for a report from HCD and the Office of Planning and Research on long-term reforms to the Regional Housing Needs Assessment Process to December 31, 2023, with an update to the Legislature by July 1, 2023. The bill also establishes the new California Dream for All first-time homebuyer assistance program and makes technical changes to several housing programs, including the Portfolio Reinvestment Program, the Housing Accelerator Program, the Excess Sites Local Government Matching Grants Program, the Foreclosure Intervention Housing Preservation Program, the Mobile home Park Rehabilitation and Resident Ownership Program, and the Infill Infrastructure Grant Program.

RULE 20 UTILITY UNDERGROUNDING TARIFF PROGRAM

CSAC has remained involved in the California Public Utilities Commission (CPUC) R.17-05-010 proceeding to consider changes to the Electric Tariff Rule 20, which provides utility ratepayer funding to relocate overhead electrical lines underground.

As background, in early 2020, the CPUC proposed to sunset the Rule 20A program, which many counties use to underground their electric facilities, in an accelerated manner. Over the past year and a half, CSAC has leaned on the technical expertise of public works directors and played a key role in advocating against the CPUC's original proposal to eliminate the program. Based on feedback from public works experts around the state, CSAC expressed support for refining and expanding the public interest criteria for Rule 20A projects and maintaining the core components of the program, while opposing elimination of Rule 20A.

In April 2021, the CPUC issued the Proposed Phase 1 Decision, which it later was slightly revised and ultimately approved in June 2021. The approved Phase 1 Decision revised Electric Rule 20 by discontinuing new work credit allocations for Electric Rule 20A projects after December 2022, clarified Electric Rule 20A project eligibility criteria and work credit transfer rules, and enhanced program oversight. The approved Phase 1 Decision states that the CPUC declines to sunset the Rule 20A program or modify the Rule 20B or 20C programs.

In a subsequent Phase 2 of this proceeding, the CPUC will determine whether to further modify the Rule 20A program to support projects located in underserved or disadvantaged communities. To resolve some of the remaining issues raised by CSAC and other stakeholders, the CPUC extended the deadline to consider additional changes to the Electric Rule 20 program by one year and intends to address some of the remaining concerns in Phase 2 of the proceeding. CSAC has relied on feedback from public works directors to shape the formal

comments we have submitted to the CPUC and has been a key voice for local government in these discussions.

CSAC has continued to work with the CEAC Infrastructure and Development Committee to guide our advocacy during the proceeding and has filed and served comments in response to the California Public Utilities Commission's (CPUC) subsequent rulings for revisions to the Rule 20 program.

The Phase 2 of the proceeding considered: 1) Whether to modify the Rule 20A program to support projects in underserved and disadvantaged communities; 2) Whether there are barriers to the conversion of Rule 20A projects with insufficient work credits to Rule 20B or Rule 20C projects; and 3) Whether to modify or discontinue the Rule 20D program.

CSAC submitted reply comments in the rulemaking process on September 26th. On November 8th CSAC participated as a panelist in a CPUC workshop where we shared county thoughts on the best ways to address the equity concerns that PUC staff have raised regarding the current Rule 20 format and ways to improve the existing program. On December 7, 2022 the CPUC requested stakeholders provide additional comments by mid-February 2023. CSAC staff will engage with county partners to ensure that county concerns are shared with the CPUC during the Rule 20 process.



INFRASTRUCTURE AND HOUSING LEGISLATION

AB 916 (SALAS) ZONING: BEDROOM ADDITION

Position: Dropped Opposition/Neutral

AB 916 would have originally increased the height maximum of ADU's from 16 to 18 feet on all parcels and to 25 feet for multifamily or single-family parcel located within a half mile of transit. This bill would have added a provision that sets a minimum height requirement of 25 feet for ADUs that are attached to a primary single-family residence and mandated the approval of two additional bedrooms per dwelling unit. The bill was amended on August 22nd removing any height increases to ADUs in the bill and as amended, would only prohibit a city or county's legislative body from adopting or enforcing an ordinance requiring a public hearing as a condition of reconfiguring existing space to increase the bedroom count within an existing dwelling unit. CSAC removed its opposition to this measure and is now neutral. The Governor signed this bill into law on September 28, 2022.

AB 1932 (DALY) PUBLIC CONTRACTS: CONSTRUCTION MANAGER AT-RISK CONSTRUCTION CONTRACTS

Position: Sponsor

The bill extends the January 1, 2023 sunset date to January 1, 2029 on current state law authorizing counties to utilize the Construction Manager At-Risk (CMAR) method for specified public works projects.

Existing statute grants counties the authority to use CMAR contracts on any infrastructure owned or leased by the county, excluding roads, but including buildings, utility improvements associated with buildings, flood control, underground utility improvements, and bridges. Allowing CMAR for construction projects has already given counties the ability to make the most cost-effective and advantageous decision for individual public works projects, thereby stretching limited local funds and improving on-time completion of complex projects. In the traditional "Design-Bid-Build" method of construction procurement the design and contracting phases are sequential, with no direct collaboration process. For more complex projects, the early contractor involvement provided by CMAR is essential. AB 1932 allows counties to continue using this authority until its sunset date of January 1, 2029. AB 1932 is CSAC's sponsored measure. The Governor signed this bill into law on September 19, 2022.

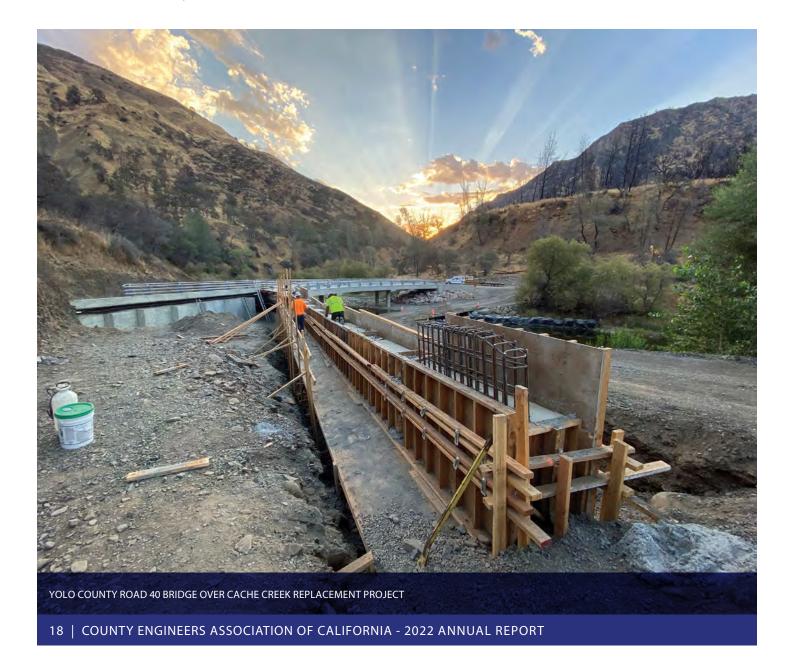


AB 2234 (RIVAS) PLANNING AND ZONING: HOUSING: POST ENTITLEMENT PHASE PERMITS

Position: Oppose Unless Amended

This bill establish time limits for approval and requires online permitting of post entitlement permits. It would create practical concerns for the ability of local governments to effectively review applications and would impose costly mandates for electronic permitting on large counties and cities of any size within those counties without providing state funding to offset these costs.

Specifically, this bill requires local agencies to complete review, either return in writing a full set of comments to the applicant with a comprehensive request for revisions or return the approved permit application, and electronically notify the applicant of its determination within 30 business days of the application being complete for housing development projects with 25 units or fewer; or 60 business days of the application being complete for housing development projects with 26 units or more. CSAC and a broad coalition of organizations adopted an oppose unless amended position on AB 2234. The Governor signed this bill into law on September 28, 2022.



SB 361 (UMBERG) SURPLUS LAND: CITY OF ANAHEIM

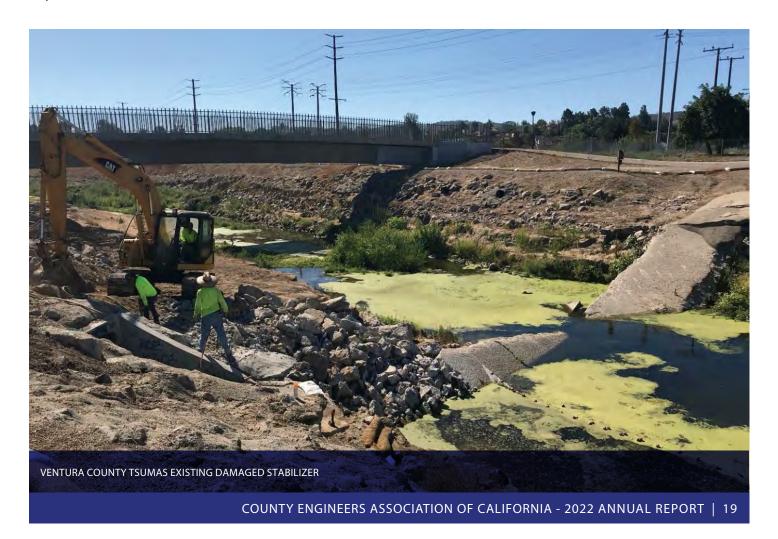
Position: Dropped Opposition/Neutral

Originally, SB 361 would have made significant changes to the Surplus Lands Act. The bill would have essentially given the Department of Housing and Community Development (HCD) veto power over the disposition of surplus lands. Specifically, the bill would have prohibited local agencies from proceeding with disposal of property if HCD issues a notice of violation. After negotiations with the author, the bill was amended to require the City of Anaheim to discuss a Notice of Violation of the Surplus Land Act issued by HCD at a properly noticed public session prior to taking final action to ratify or approve the disposal of land subject to the notice. CSAC removed its opposition to SB 361 as a result of the amendments. This measure ultimately died.

SB 897 (WIECKOWSKI) ACCESSORY DWELLING UNITS: JUNIOR ACCESSORY DWELLING UNITS

Position: Oppose Unless Amended

This bill increases the height maximum of ADU's from 16 to 18 feet for parcels with an existing multistory building or 20 feet for a multifamily or single-family parcel located within a half mile of transit. This bill also adds a provision which sets a minimum height requirement of 25 feet for ADUs that are attached to a primary single-family residence. CSAC opposed this measure. The Governor signed this bill into law on September 28, 2022.



SB 948 (BECKER) HOUSING FINANCE PROGRAMS: **DEVELOPMENT RESERVES**

Position: Support

This bill replaces individual project transition reserves for the development of affordable housing to a pooled reserve model, as specified, operated by the Department of Housing and Community Development (HCD). Specifically, the bill creates the Pooled Transition Reserve Fund to be operated by HCD and will continuously appropriate funding into that fund for the purpose of maintaining a pooled transition reserve to mitigate the impacts on tenant rents from the loss or exhaustion of rental or operating subsidies. SB 948 also authorizes HCD to charge a fee to a development that receives qualified project rental or operating subsidies at the time of permanent loan closing, to be deposited into the fund. CSAC supported SB 948. The Governor signed this bill into law on September 28, 2022.

SCA 2 (ALLEN) PUBLIC HOUSING PROJECTS

Position: Support

SCA 2 aims to repeals Article 34 of the California Constitution, which requires development, construction, or acquisition of publicly funded low-rent housing projects to be approved by a majority of voters in a city or county. Repealing Article 34 eliminates this discriminatory provision from the California Constitution and removes an electoral hurdle for counties that seek to fund affordable homes in their jurisdictions. SCA 2 asks California voters to remove a limitation on local government's ability to financially support affordable homes, while maintaining strict voter approval requirements for new taxes or general obligation bonds. CSAC supported SCA 2, which will ultimately be placed on the 2024 statewide ballot.

SURVEYORS

While there wasn't much legislative work focused on Surveying this year, the Surveyor's Committee convened in April and August with robust conversation about emerging issues in the field. At the Fall Policy Conference, the surveyors piloted a hybrid meeting to test how to best gather everyone together for maximum participation.

FLOOD CONTROL AND WATER RESOURCES MANAGEMENT

Despite the continuation of severe drought conditions, flood remains top of mind for the Flood Control and Water Resources Committee. The 2022-2 Budget makes available \$10.8 million from the General Fund and \$50 million from the California Emergency Relief Fund for investments that support drought and water resilience. Notably, the proposal does not include funding in the budget year for general dam safety and flood infrastructure, proposed by a coalition of water and local government advocates, including CSAC. The budget proposes \$100 million in 2023–24 and 2024–25 for a new dam safety program with details to be determined in future legislation.

AB 1811 (FONG) LOCAL FLOOD PROTECTION PLANS

AB 1811 requires local flood protection plans to include planning for climate change and rainwater and stormwater management. The bill would require the plan to additionally include an update on the status of coordination with water suppliers on how the management of flood waters can bolster local water supplies.

RESOURCE RECOVERY AND WASTE MANAGEMENT

Conversations about organic waste and SB 1383 implementation continued throughout this legislative session. CSAC, along with local government partners, successfully advocated for \$270 million over two years to provide direct support for local governments in the implementation of organic waste recycling. The January Budget proposal included the remaining \$65 million of the two-year investment, but the June Budget deal increased this allocation to \$180 million in local assistance grants to help bring cities in counties in compliance with SB 1383.

In addition to budget requests, the Legislature considered a number of bills to support local organic waste programs. These included AB 1985 (Rivas), a CSAC supported bill, which establishes a delayed and ramping timeline for CalRecycle to impose penalties on local jurisdictions which fail to reach organic waste procurement targets. CSAC also advocated for SB 45 (Allen) which formally directs Cal Recycle to assist local agencies in implementing SB 1383.



FEDERAL AFFAIRS - 2022 FEDERAL ADVOCACY SUCCESSES

CSAC's federal policy advocates, Paragon Government Relations, describe below the status of a number of federal issues of importance to CEAC.

On the heels of last year's enactment of the landmark Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58), Democratic congressional leaders devoted significant attention during the 2022 session to pursuing the second half of President Joe Biden's job creation and economic recovery agenda. After months of intraparty negotiations, lawmakers approved, and the president signed into law legislation that provides the single largest federal investment in climate change and clean energy programs in U.S. history. Known as the Inflation Reduction Act (IRA; P.L. 117-69), the measure includes a number of provisions that are of direct interest to California's counties, including various funding opportunities promoted by CSAC that are intended to boost the deployment of clean energy at the local level.

Inflation Reduction Act. The overarching climate objective of the IRA is to reduce the nation's carbon emissions by 40 percent below 2005 levels by the year 2030. To help accomplish this goal, the Act provides \$369 billion in multi-year investments for a variety of new climate and energy programs, including: \$7 billion for a competitive grant program to provide financial assistance to low-income and disadvantaged communities to deploy clean energy technologies; \$5 billion to support collaborative vegetation management, reforestation, and hazardous fuels reduction projects; and \$3 billion for a new program to help reduce air pollution at ports.

Additionally, the IRA extends, modifies, and establishes several tax incentives to boost the development of clean energy. Notably, several of the tax incentives will be available to counties and other local entities under a new direct-pay option, which will allow local governments and public utilities to receive funds from the federal government in lieu of a tax credit to finance renewable and clean energy projects.

The new law also includes \$4 billion in funding for a wide range of drought resiliency, water conservation, and ecosystem restoration projects in California and other Western states. Furthermore, the Act provides \$550 million in grant funding for the planning, design, and construction of water supply projects in disadvantaged communities.



Finally, the IRA includes several healthcare related provisions, as well as provisions that will reduce the nation's burgeoning budget deficit. Among other things, the Act extends by three years Affordable Care Act (ACA) subsidies that were set to expire at the end of 2022. The premium subsidies help low-income individuals obtain affordable health insurance, thus reducing the number of uninsured and medically indigent individuals seeking care in county health facilities.

Fiscal Year 2022 Omnibus Appropriations Act. This spring, Congress cleared a \$1.5 trillion fiscal year 2022 omnibus appropriations package. The bipartisan legislation (P.L. 117-103) provides funding for every federal department and agency, as well as emergency humanitarian assistance and military aid to Ukraine. All told, the Act provides \$730 billion in funding for non-defense discretionary programs, a roughly 6.7 percent boost over FY 2021 spending levels.

At the programmatic level, the final budget provides significant funding increases for several policy areas of direct importance to California's counties, including transportation and housing, human

services, health, climate resiliency, natural resources, and others. Notably, the bill fully funds for FY 2022 the array of programs – both new and existing – that were authorized under the IJJA.

ARPA Flexibility. After months of development, the U.S. Department of the Treasury's final rule governing the expenditure of State and Local Fiscal Recovery Fund dollars went into effect in April of 2022. The Recovery Fund, which was authorized by the American Rescue Plan Act (ARPA), provides a total of \$7.7 billion in direct, flexible COVID-19-related fiscal relief to California's 58 counties. As pursued by CSAC, the final rule provides additional programmatic clarity and expenditure flexibility, including provisions that allow counties to use up to \$10 million in Recovery Funds for the provision of government services without having to go through a complicated revenue loss calculation. CSAC partnered with NACo and other local stakeholders to secure the aforementioned expenditure flexibility, as well as other beneficial changes to the final ARPA rule.



On a related matter, CSAC worked closely with Senator Alex Padilla (D-CA) on the development of his State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act (S. 3011/H.R. 5735). The bill, which is cosponsored by Senator John Cornyn (R-TX), would allow Recovery Fund recipients to spend \$10 million or 30 percent of their allocations, whichever is greater, on a wide variety of infrastructure, community development, and emergency relief purposes that are not permitted under current law. The bill also includes language clarifying the definition of "revenue sharing county" under ARPA's Local Assistance and Tribal Consistency Fund. At the time of this writing, Senators Padilla and Cornyn are working with key stakeholders in an effort to include the text of their flexibility bill in a must-pass piece of legislation.

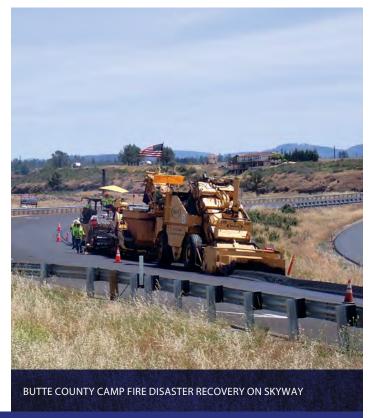
Wildfires and Disaster Relief. Throughout 2022, CSAC continued to work closely with key members of the California congressional delegation on several bills that would help counties prepare for and respond to the devastating effects of wildfires. In the House, lawmakers approved a comprehensive wildfire and drought resilience package (H.R. 5118) that incorporates several CSAC-endorsed measures, including the Wildfire Emergency Act (H.R. 3534), the Disaster Equity and Fairness Act (H.R. 5780), and the FIRE Act (H.R. 5782). Key reforms of the aforementioned bills include allowing for implementation of large-scale forest restoration projects; hardening of critical infrastructure; increased training of key fire response personnel; boosting the federal cost-share to 90 percent (up from the current 75 percent) for communities that have experienced multiple disasters; and increasing the federal cost-share for emergency food delivery.

In the Senate, CSAC worked closely with Senators Padilla and Dianne Feinstein (D-CA) on several FEMA reform measures, including the Fire Suppression Improvement Act (S. 4328), which would expand FEMA's Federal Fire Management Assistance Grant (FMAG) program to ensure that state and local fire suppression assets that are pre-deployed before a wildfire are eligible for FMAG funding. The bill also

would allow for the federal cost share of such grants to be increased beyond 75 percent, where necessary.

In addition to S. 4328, the senators introduced the Post Fire Flooding and Debris Flow Act (S. 4327), which would expand eligibility under FEMA's Hazard Mitigation Grant Program to explicitly include mitigating and preventing post-wildfire flooding and debris flows. The legislation also would allow for the federal cost share of such work to be increased beyond the typical 75 percent, where necessary.

Housing for All Act. CSAC was among a select group of stakeholders that worked closely with Senator Padilla on the development of his comprehensive Housing for All Act (S. 3788). Earlier this year, CSAC President Ed Valenzuela joined other state and local leaders as Senator Padilla announced his legislative proposal at a local Project Homekey site in Sacramento. The bill would invest \$532 billion over 10 years in programs that are designed to alleviate housing shortages and help reduce homelessness, including Housing Choice Vouchers, Project-based Rental Assistance, and grant programs to aid jurisdictions in navigating federal and state housing funding sources.



CEAC PROGRAM UPDATE

Like 2020, 2021 and now 2022, this was another unusual year. However, CEAC continued to thrive as an association thanks to our dedicated leadership and CSAC staff.

CEAC Online Forum

The forum is up and running! Thanks in large part to the efforts of Brian Balbas, Contra Costa County, and the surveyor's group, the CEAC online forum is now available to the CEAC membership. The forum is an online portal that allows CEAC members to interact with one another and seek input about issues affecting their county. It also provides a database that captures previously past discussion topics that are relevant to current issues.

Conferences

CEAC's 2022 spring conference, held March 23–25 in Monterey County was a huge success! The conference was attended by over 140 county members and affiliates, including 18 Platinum and 2 Gold Sponsors. In addition to the policy committee meetings, we held sessions focused organic waste regulations, reaching diverse communities, ways to enhance your political acumen, and more. The 2022

Policy Conference, which is now in its 17th year, was offered in a modified format, including both in person and virtual options for the various policy committees. The 128th CSAC Annual Meeting held in Orange County proved to be yet another well attended event. Hosted by CEAC President, Howard Dashiell, Mendocino County, CEAC was honored to have the current NACE President, Chris Champion, Henry County, Alabama in attendance. CEAC had over 115 attendees and 15 Platinum Sponsors. New in 2022, CSAC offered a water summit focusing on working together toward water-related solutions for the state of California.

We would like to recognize our 13 Annual Platinum Sponsors; those affiliate companies that committed to sponsoring all 3 CEAC conferences at the platinum level in 2022. The affiliate companies are AECOM, Dewberry, Dokken Engineering, Kimley-Horn and Associates, Inc., MGE Engineering, Inc., Consor (previously Murraysmith|Quincy Engineering), NCE, Psomas, Transtech Engineers, Inc., Unico Engineering, Inc., Willdan Engineering, Michael Baker International, and Wood Rodgers, Inc. We sincerely appreciate their and all continued affiliate support of CEAC.



Awards

Panos Kokkas, Public Works Director, Trinity County (Panos was with Nevada County when he was given the award) received the "prestigious" Buffalo Bull award, while Scott DeLeon, Lake County, received the Engineer of the Year award, and Raymond Mathe, San Diego County received the Surveyor of the Year award. The CHICS (California's Honorable Intrepid Sisters) Golden Egg Award was given to Brian Balbas, Contra Costa County, and wife of Brian Balbas, Nicole Balbas was awarded the Buddy Award.

After a three-year hiatus, CEAC awarded three scholarships in 2022. Recipients were Jacqueline A. Gomez (Cal Poly Pomona), Mariam Youssef (Cal Poly Pomona) and Luke Stewart (Cal Poly San Luis Obispo).

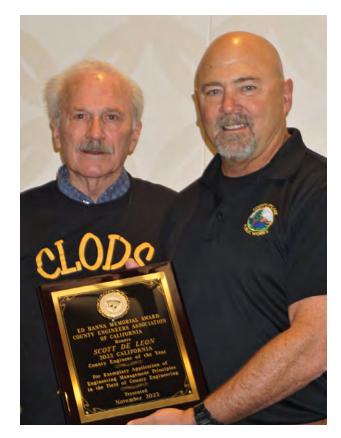
We celebrated our eighth year recognizing California's cities and counties with the Outstanding Local Streets and Roads Project Awards. Los Angeles County received the award in the Efficient and Sustainable Road Maintenance, Construction and Reconstruction Projects category for their Keith Drive Et Al project. In the Efficient and Sustainable Bridge Maintenance, Construction and Reconstruction Projects category, Riverside County received the award for their 66th Street Avenue Grade Separation, and Lake County received an honorable mention for their Bartlett Springs over Cache Creek Bridge Rehabilitation project.

Membership

Once again, there were several changes in county public works leadership in 2022. New appointments and changes included: the appointment of Donald Rust to Public Works Director, Glenn County; Fritz Buchman appointed to Director of Public Works, San Joaquin County; Shannon Hansen appointed to Director of Public Works, Mariposa County; Paul Roten appointed to Public Works Director, Mono County; Michael Errante appointed to Public Works Director, Inyo County; and Miki Esposito appointed to the position of Assistant Director of Public Works for Los Angeles County. And sadly, CEAC lost one of our most active – and funny – CEAC members very unexpectedly in 2022. Mike Carlson, Contra Costa County (retired), passed away in late July. In addition to Mike, Rudy Massman, longtime public works director for San Diego County, and Eugene Knapp, Solano County passed away in 2022.

CSAC Staff Changes

After nine years at CSAC, Chris Lee, CSAC's Housing, Land Use and Transportation (HLT) legislative representative left CSAC to join a private consulting firm. Mark Neuburger joined CSAC in early 2022 as the new HLT representative and was subsequently joined by Kristina Gallagher as the new HLT legislative analyst. With Catherine Freeman and Ada Waelder representing the Agriculture, Environment and Natural Resources policy areas, CEAC is very fortunate to have a complete team of legislative representatives serving the interests of county public works.



2022 AWARD AND **SCHOLARSHIP RECIPIENTS**



CEAC SCHOLARSHIPS RECIPIENTS IN 2022: JACQUELINE A. GOMEZ, CAL POLY POMONA (TOP RIGHT) MARIAM YOUSSEF, CAL POLY POMONA (TOP LEFT) LUKE STEWART, CAL POLY SAN LUIS OBISPO (MIDDLE LEFT)



SCOTT DELEON, LAKE COUNTY, 2022 ENGINEER OF THE YEAR (BOTTOM LEFT) **RAYMOND MATHE**, SAN DIEGO COUNTY, 2022 SURVEYOR OF THE YEAR (BOTTOM RIGHT)

Fiscal Update

The major budget emphasis for 2022 was to create a long term balanced and sustainable budget. Previous and ongoing inflationary costs eroded budget reserves over a period, which caused the CEAC Board of Directors to approve dues increases for all 58 county members. The county member dues increase of \$100,000 was needed to cover anticipated cost for the year, which brought the county member dues up to a total of \$260,000. To date, 56 of the 58 counties have fully paid their member dues for 2022. It will be important to have all members pay their dues, which creates a stronger and more unified organization to promote the significance of county engineering at the state and national levels, especially as it relates to legislation and infrastructure funding.

In addition to member dues from both counties and member affiliates, the annual conferences provide another source of revenue for the CEAC budget. CEAC has worked closely with CSAC to refine conference revenues and expenditures to create more budget certainty. Typically, the Spring Conference and Policy Conference generate a profit of \$20,000 and \$7,000 respectively, whereas the Annual Conference costs CEAC about \$15,000 each year.

The CEAC member affiliates provide a generous contribution toward revenues with conference sponsorships generating the following in 2022:

- Spring Conference \$22,300
- Policy Conference \$10,500
- Annual Conference \$15,500

The affiliate sponsorships help reduces the impacts to the CEAC budget.

Because of the ongoing inflationary pressures on the CEAC budget, the CEAC President created a special budget subcommittee to evaluate options to reduce costs and explore possible revenue increases. The subcommittee provided, and the board of directors approved the following key recommendations:

- Increase member county and affiliate dues by 10% per year for three years
- Increase charges for job posting by \$50
- The registration cost of the annual policy conference should be increased by \$50

Taken together, the above recommendations will generate an additional \$30,000 in revenue and create a balanced budget.



ON THE HORIZON IN 2023

The California Legislature and Congress returned on December 5, 2022 to begin the first year of their 2023–24 session. A combination of redistricting and legislative retirements has led to approximately 1/3rd of the seats in the Assembly and Senate turning over to new members. At the federal level the house and the senate are divided between Democrats and Republicans which will likely reduce the likelihood of major federal legislation being passed.

National and state economic indicators have begun to show signs of an impending recission. Additionally, in a major shift from past years, the state budget will likely be entering a period of declining resources. Given the reality of a negative fiscal environment in the near term, CSAC will continue to work with CEAC to defend the funding for existing programs that benefit county public works, including funds provided for local infrastructure, and other related funding provided in recent budgets.

2023 will bring a mix of new and familiar challenges for county public works programs, but it also promises to provide significant opportunities to secure policy changes in support of these vital local programs. The uncertainties of the drought and ongoing natural disasters will make the "ground truth" and practical perspective that county public works officials provide even more important to state and federal policymaking. CSAC looks forward to the ongoing and vital partnership with CEAC as we continue to ensure that counties are positioned to advance their interests and secure necessary policies to serve our communities statewide.

BACK COVER: RIVERSIDE COUNTY FISHER STREET PAVING (TOP) NEVADA COUNTY SNOWSTORM (LEFT)





