

CEACOUNTIES.ORG

2023 COUNTY ENGINEERS ASSOCIATION OF CALIFORNIA ANNUAL REPORT



PREPARED BY THE CALIFORNIA STATE ASSOCIATION OF COUNTIES



TABLE OF CONTENTS

CEAC'S PURPOSE	1
2023 CEAC MEMBERS	2
MESSAGE FROM THE 2022-2023 PRESIDENT OF CEAC	4
REFLECTING ON 2023	6
TRANSPORTATION.....	7
TRANSPORTATION LEGISLATION	8
INFRASTRUCTURE AND DEVELOPMENT	9
RULE 20 UTILITY UNDERGROUNDING TARIFF PROGRAM	11
INFRASTRUCTURE AND HOUSING LEGISLATION.....	12
SURVEYORS	14
FLOOD CONTROL AND WATER RESOURCES MANAGEMENT	14
RESOURCE RECOVERY AND WASTE MANAGEMENT	16
FEDERAL AFFAIRS - 2023 FEDERAL FUNDING CRISIS.....	17
WHICH LOCAL PROGRAMS ARE AFFECTED (AND NOT AFFECTED) BY A SHUTDOWN?	19
CEAC PROGRAM UPDATE.....	22
ANNUAL PLATINUM SPONSORS.....	23
AWARD AND SCHOLARSHIP WINNERS	25
ON THE HORIZON IN 2024	27

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."

Furthermore, the objective of CEAC is "To accomplish the advancement of engineering methods and ethical practice through networking efforts of all 58 counties in the state." Through discussion, interchange, and dissemination of engineering and administrative data/ideas, the organization shall strive to affect "maximum efficiency and modernization in engineering and administrative units of local government."

Throughout CEAC's history, it has maintained a close relationship with the California State Association of Counties (CSAC) to lend support in policy development and advocacy efforts, thus benefiting counties and their ability to serve their residents.



2023 CEAC MEMBERS

BOARD OF DIRECTORS

OFFICERS

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Contra Costa County

Vice President

Panos Kokkas

Trinity County

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Mendocino County

NACE Representative

Matt Machado

Santa Cruz County

Historian

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Newsletter Editor

Patrick V. DeChellis

Los Angeles County (Retired)

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Bay Area

Johannes Hoevertsz

Sonoma County

Sacramento Mother Lode

Matt Randall

Placer County

San Joaquin Valley

Dave Leamon

Stanislaus County

Central Coast

Kent Edler

Santa Cruz County

Southern California

Nardy Khan

Orange County

FRONT COVER:

SANTA BARBARA COUNTY, BRADBURY DAM (TOP)

TRINITY COUNTY, NEW PAVER TRAINING (LEFT)

ORANGE COUNTY, MODJESKA GRADE ROAD TROPICAL STORM HILARY (RIGHT)

BACK COVER:

RIVERSIDE COUNTY, RAMONA EXPRESSWAY 1824

2023 CEAC MEMBERS

2023 COMMITTEE CHAIRS & VICE CHAIRS

POLICY COMMITTEES

Flood Control and Water Resources Policy Committee

Chair, Glenn Shephard, Ventura County
Vice Chair, Nardy Khan, Orange County
Vice Chair, Walter Rubalcava, Santa Barbara County
Vice Chair, Kent Edler, Santa Cruz County

Infrastructure & Development Policy Committee

Chair, Trisha Tillotson, Nevada County
Vice Chair, Warren Lai, Contra Costa County
Vice Chair, Matt Randall, Placer County

Resource Recovery & Waste Management Policy Committee

Chair, Jared Carter, Madera County
Vice Chair, Emiko Thompson, Los Angeles County
Vice Chair, David A. Garcia, Jr., Nevada County
Vice Chair, Johannes Hoevertsz, Sonoma County

Surveyor Policy Committee

Chair, Aleksandar Jevremovic, Santa Barbara County
Vice Chair, Ian Wilson, Alameda County
Vice Chair, Bob Bronkall, Humboldt County

Transportation Policy Committee

Chair, Najee Zarif, San Joaquin County
Vice Chair, Stephen Kowalewski, Contra Costa County
Vice Chair, Steve Burger, Los Angeles County
Vice Chair, Chris Sneddon, Santa Barbara County

OTHER COMMITTEES

Administrative Committee

Chair, Joshua Pack, Butte County
Vice Chair, Tom Mattson, Humboldt County
Vice Chair, Johannes Hoevertsz, Sonoma County
Vice Chair, Kim MacFarlane, Tuolumne County
Vice Chair, Joan Araujo, Ventura County

Fellowship Committee

Chair, Pattie McNamee, Contra Costa County (retired)
Vice Chair, Jim Porter, San Mateo County (retired)
Vice Chair, Jason Jurens, Consor
Vice Chair, Martin McIlroy, MGE
Vice Chair, Tracy Bartlett, NCE

Scholarship

Chair, Alicia Winokur, Mendocino County
Vice Chair, Scott DeLeon, Lake County
Vice Chair, Glenn Shephard, Ventura County



EL DORADO COUNTY, MOSQUITO ROAD BRIDGE OVER THE AMERICAN RIVER

MESSAGE FROM THE 2022-2023 PRESIDENT OF THE COUNTY ENGINEERS ASSOCIATION OF CALIFORNIA

As my term as your CEAC President ends, I can't help but reflect on the enduring strength of this wonderful organization and the truly incredible work it has accomplished since its inception in 1914. While I can't claim to have witnessed all 109 years of CEAC, I first became active in CEAC in 2007. During that time, and despite some significant challenges including the great recession, multiple funding dilemmas, wildfires, floods, the COVID-19 pandemic, and a host of issues, CEAC stayed strong. The membership, staff, and affiliated partners make this organization strong and incredibly resilient regardless of the challenges we may face. I've been fortunate enough to learn and grow from true experts in their fields that have been, and continue to be, dedicated to serving the residents of our great State of California. Our partnership with CSAC is strong. We must continue to maintain that partnership by providing the legislative team with the necessary technical expertise to allow them to advocate on behalf of all 58 county public works agencies.

I want to thank the CLODS for selecting me, and the membership for supporting that selection. I also want to thank so many of the CLODS for their support, wisdom, and guidance over the course of this year, but also going back to when I first became active in CEAC. Their individual wisdom and experiences are vital to the organization. I also want to thank the CEAC membership for their overwhelming support, engagement and sharing of ideas, opinions, and solutions. One of my goals this year was to reinvigorate engagement in CEAC. I'm extremely happy to report our membership is strong and fully engaged. Thank you to the various Policy Committee Chairs and Vice Chairs, to the Regional Directors, and the CEAC Board of Directors. A special thank you to the CEAC Oversight Committee; Howard Dashiell, Panos Kokkas, Dave Leamon, and George Johnson.

Thank you to the wonderful CSAC staff; Mark Neuburger, Catherine Freeman, Ada Waelder, Kristina Gallagher, and Amber Garcia Rossow. They are all incredibly talented and have been very supportive of our mission and vision. CEAC Program Manager, Merrin Gerety, continues to be our champion and strongest advocate. Merrin celebrated 15 years working with CEAC this year. Merrin's dedication and perseverance to our organization remains as strong as ever.

For years, CEAC has championed initiatives and programs to deliver infrastructure projects and programs that improve our economy and quality of life. Many of these initiatives have taken years, but through hard work and dedication, we are seeing the fruits of these efforts. The Bipartisan Infrastructure Bill signed by President Biden in late 2021, has been rolling out over the last two years, and counties are starting to see this "once in a lifetime" infrastructure investment initiate critically needed projects nationwide. Supported by additional funding, including SB1 dollars, California is now addressing many much-needed county infrastructure projects.

CEAC achieved several legislative, program, and policy successes during 2022-2023. Some of those are highlighted in the various policy sections of this Annual Report. With the assistance of CSAC legislative staff, CEAC will continue to work with our many partners to advance county engineering, and effect change at a county, regional, state, and national level. We still have significant work left to do on several CEAC policy and legislative priorities, including working with FEMA on improved disaster response and funding, flood control and stormwater funding, homelessness, illegal dumping, and a host of other issues.

The 2024 NACE Conference hosted by CEAC in Palm Springs, April 2024, will be a wonderful opportunity to highlight California's county engineering processes and ideas. CEAC will be host to our public works peers from around the nation, providing them with the professional and genuine hospitality that helps to make our state a leader in so many ways. I strongly encourage our California membership, partners, and private sector affiliates to not only attend the NACE Conference in April 2024, but be part of the army of volunteers and staff that we'll need to make this NACE Conference the best one yet!

Let me close by saying again, thank you to each one of you for your continued engagement in CEAC. I understand that we all face challenges in our individual counties; we all have our responsibilities and unique situations to be dealt with in serving our residents, our Board of Supervisors, and our County Administrators. It can be extremely challenging to juggle all these responsibilities and still have time to invest in organizations like CEAC. However, I implore you to think about what our lives might be like without the comprehensive, coordinated, and unified voice of CEAC. We all know our voices are louder when we can speak as one. We must maintain our strong identity. We must maintain our unified, collective voice. We must keep our priorities and focus on the issues that face us all. We must keep CEAC strong, and it takes all of us to carry some of the load, so the burden isn't carried by a few to the benefit of us all.

Thank you for an incredible 2023 and I wish continued success to Panos Kokkas as the CEAC President in the coming year.

Brian M. Balbas

Public Works Director

Contra Costa County

2022–2023 CEAC President



BRIAN M. BALBAS, 2022–2023 CEAC PRESIDENT

REFLECTING ON 2023

The 2023 legislative session saw 27 new assembly members and 7 new senators sworn in as legislators. In many ways this legislative year saw operations return more to pre-COVID 19 rhythms. Many CSAC policy units dedicated significant amounts of their time advocating for bills that support CSAC's AT-HOME initiative which seeks to provide counties with the tools they need to address the states homelessness crisis.

Similar to the past, the state's budgetary situation showed indications of leaner times ahead. On January 10 the Administration released its proposed budget for 2023–24, where they projected a \$22.5 billion budget deficit, which was proposed to address with a mix of spending delays, clawing back certain planned spending, and pausing some new spending. The bulk of the Administration's January narrative highlighted investments approved in previous years' budgets that are being "preserved" in this proposal. With the release of the budget the legislative budgetary process began, including a May Revise update which forecasted an increased budget deficit. The budget process culminated on June 27 with the passage of 21 bills which together comprise most of the 2023–24 budget agreement reached between Governor Gavin Newsom, the Assembly, and the Senate. The budget outlines a \$310.8 billion spending plan for the 2023–24 fiscal year. The final agreement also closes an estimated \$32 billion budget deficit while setting aside about \$37.8 billion in reserves.



MADERA COUNTY, MADERA ROAD 200 BRIDGE AT FINEGOLD CREEK

State Transportation Funding

The final budget agreement in AB 102 reverses the Governor's January budget proposal's cut of \$2 billion to public transit and provides \$2 billion to the California State Transportation Agency (CalSTA) for Population-Based Transit and Intercity Rail Capital Program (TIRCP) (\$4 billion total through 2024–25). Additionally, the bill provides \$410 million to CalSTA for the newly created Zero Emission Transit Capital Program (\$1.1 billion total through 2026–27). Receipt of funding from either program is contingent on transit entities meeting specified accountability provisions in the transportation trailer bill outlined below.

Transportation Budget Trailer Bill

Transit Accountability

SB 125 requires CalSTA to develop and administer an accountability program for the distribution of funds from the Zero-Emission Transit Capital Program and the TIRCP (General Fund), requires a regional transportation planning agency to submit a regional short-term financial plan to CalSTA in order to receive the funds from these funding sources, and requires a regional transportation planning agency to submit a long-term financial plan by June 26, 2026.

A regional transportation planning agency is eligible to receive future grants under the TIRCP beginning in the 2026–27 FY, or any subsequent fiscal years, only if CalSTA approves their long-term financial plan.

Transit Statutory Relief

SB 125 continues COVID-19 relief programs previously authorized by the Legislature and creates a task force to examine the ways to improve transit and increase ridership in the long term, including reforming the transportation development act.

Relief to self-help counties

SB 125 limits the California Department of Transportation (Caltrans) from charging self-help counties with countywide sales tax measures dedicated to transportation improvements more than 10 percent for administration indirect cost recovery.

Advanced Clean Fleets

CSAC engaged in the California Air Resources Board (Board) Advanced Clean Fleets (ACF) regulatory drafting process. Despite consistent advocacy outlining the challenges the regulations would create for county public works fleets in terms of lack of available technology, feasibility and cost of the proposed regulations, the Board adopted the regulations in April 2023 without the needed modifications. CSAC will continue to engage with counties to gather information on the challenges these regulations are creating in their efforts to balance the need to reduce the emissions from their public works fleets while effectively providing public services. CSAC is also involved in efforts to support legislative changes to assist counties with these regulations.

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 6 (Friedman) Transportation planning: regional transportation plans

Position: Concerns

Would empower the California Air Resources Board (CARB) with additional authority to provide each region of the state with greenhouse gas (GHG) emission reduction targets for the automobile and light truck sector for 2035 and 2045 and would make related changes to CARB's oversight of sustainable community's strategies (SCS), was made a two-year bill. Assemblymember Friedman intends to work with stakeholders over the interim to continue to seek consensus around various ideas for accelerating progress towards transportation related greenhouse gas emissions reductions goals. The bill was held on the Assembly Appropriations Committee Suspense File, therefore became a two-year bill.

AB 334 (Rubio) Public contracts: conflicts of interest.

Position: Support

Gives public agencies the local control to contract with the same independent contractors on multiple phases of a public project, clarifying that in doing so would not violate any conflict-of-interest rules. The Governor signed this bill into law.

AB 744 (Carrillo) California Transportation Commission: data, modeling, and analytic software tools procurement

Position: Support

This bill requires the California Transportation Commission (CTC), to convene relevant state agencies to assess the procurement and implementation of data, modeling, and analytic software tools to support various state goals, and requires the CTC to develop, by July 1, 2025, a proposal to procure and a process to provide access to data, modeling, and analytic software tools, among other provision. The Governor signed this bill into law.



Housing Budget Trailer Bill

AB 129 adopts language for the Homeless Housing, Assistance and Prevention Program (HHAPP) Rounds 5 program.

The trailer bill makes a number of technical changes to HCD that includes the transition of the HHAPP grant program and other grant programs from the Interagency Council on Homelessness to HCD, removes the California Housing Finance Agency (CalHFA) from within HCD, and continues CalHFA within the Business, Consumer Services and Housing Agency.

The bill also requires HCD, instead of the California Department of Finance (DOF), to publish the list of programs that must award pro-housing jurisdictions additional points or preferences on its website. Additionally, AB 129 requires HCD instead of DOF to publish a list of programs, if any, where eligibility for funding is contingent upon the jurisdiction having adopted a housing element. Finally, the bill establishes the Employee Housing Regulation Fund and requires HCD to deposit monies collected pursuant to the Employee Housing Act into the fund.

In addition, AB 129 includes the following components:

- Low Income Housing Tax Credit Rural Definition - Revises the criteria for a rural area to be eligible for financing a multifamily housing program pursuant to Part 3560.1 of Title 7 of the Code of Federal Regulations as it read on January 1, 2023, or successor program, of United States Department of Agriculture Rural Development.
- Middle Class Housing Act of 2022 - Requires exempted parcels to be subject to an ordinance that allows for development by right when a local agency reallocates the residential density from that exempt parcel.
- Affordable Housing and High Road Jobs Act of 2022 - Clarifies the procedures for local governments to exempt specified parcels from provision of the law in a manner that results in no net loss of development capacity in the jurisdiction.
- Surplus Lands Act - Establishes a narrow exemption to the Surplus Lands Act for disposal of land acquired by a local agency that meets specified criteria including. Among a variety of provisions, the bill requires the inclusion of at least 25 percent affordable housing on the impacted land and a requirement that the parcels are subject to a locally adopted plan and legal restrictions that predate significant amendments to the Surplus Land Act that took effect in 2020.

Governor's Infrastructure Trailer Bill Package

In late May, the Governor proposed a package of bills that the administration believes will reduce the barriers and delays faced by specific types of infrastructure, allowing the state to expedite the use of federal funds for these types of projects. CSAC supported a subset of these bill, specifically:

- **SB 146: Progressive Design-Build** - This language would allow the California Department of Transportation (Caltrans) and the Department of Water resources to utilize the progressive design-build and job order contracting procurement methods until 1/1/2034.
- **SB 147: Fully Protected Species Reclassification** - The bill reclassified the 37 fully protected species so that 15 will be listed as threatened under the California Endangered Species Act (CESA), 19 will be listed as endangered under CESA, and three will have no listing status and would retain the protections afforded to species generally under the Fish and Game Code.
- **SB 149: CEQA Judicial Streamlining** – This trailer bill language provides for expedited judicial review of challenges to certain water, transportation, clean energy, and semiconductor or microelectronic projects under the California Environmental Quality Act. The trailer bill also streamlines procedures related to the preparation of the public record for the judicial review of level challenges brought under CEQA to reduce the litigation time.



CONTRA COSTA COUNTY, ADMINISTRATION BUILDING & JAIL DEMOLITION & REDEVELOPMENT PROJECT

RULE 20 UTILITY UNDERGROUNDING TARIFF PROGRAM

CSAC 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. In June 2023 the CPUC decided to discontinue the Rule 20A and 20D programs. The following provides a summary of how CSAC engaged in the Rule 20 rulemaking process.

In April 2021, the CPUC issued the Proposed Phase 1 Decision, which it later was slightly revised and 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 considered whether to further modify the Rule 20A program to support projects located in underserved or disadvantaged communities. CSAC 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 Phase 2 rulemaking discussions. Specifically, we worked with the CEAC Infrastructure and Development Committee to guide our advocacy during the proceedings and have filed and served comments in response to the CPUC's subsequent rulings on 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.

On May 5, 2023 CPUC administrative law judge released a decision to discontinue the Rule 20A and Rule 20D programs. The judge's ruling held that the programs funded inefficient and inequitable infrastructure investments. Rule 20A is a subprogram of Rule 20 that allocates ratepayer-funded work credits to cities and unincorporated counties for projects that meet criteria focused on aesthetic purposes. Rule 20D is a subprogram that allocates ratepayer-funded work credits to projects for mitigating fire risk in San Diego Gas & Electric Company's service territory. The CPUC noted that no project has ever been completed through Rule 20D. The ruling was made final and approved by the CPUC in June 2023.

AB 68 (Ward) Land use: streamlined housing approvals

Position: Opposed

This bill would limit housing production by limiting the areas where it can occur. Specifically, the bill proposes to strip local governments of their land-use authority by permanently prohibiting all new housing construction in counties that the bill claims are not “climate smart parcels,” despite the California Air Resources Board’s (CARB) recognition to the contrary and will worsen California’s existing housing crisis by preventing local governments from permitting new housing units in most of their jurisdictions. This bill failed to pass the house of origin and became a two-year bill.

AB 356 (Mathis) California Environmental Quality Act: aesthetic impacts

Position: Support

Extends the sunset date of a provision of CEQA stating that lead agencies are not required to evaluate the aesthetic effects of a project involving the refurbishment, conversion, repurposing, or replacement of an existing building that is abandoned, dilapidated, or has been vacant for more than one year and which includes the construction of housing. The Governor signed this bill into law.

AB 400 (Rubio) Local agency design-build projects: authorization.

Position: Sponsor

Allows local governments to continue the utilization of existing state law which allows them to use the Design-Build (DB) procurement process for qualifying public works contracts more than \$1 million using either a low bid or best value process. This bill achieves this by extending the existing January 1, 2025 sunset date to January 1, 2031 on the statutory DB authority. The Governor signed this bill into law.

AB 1033 (Ting) Accessory dwelling units: local ordinances

Position: Support

Authorizes a local agency to adopt a local ordinance to allow ADUs to be sold separately or conveyed from the primary residence as condominiums. The Governor signed this bill into law.

AB 1307 (Wicks) California Environmental Quality Act: noise impact: residential projects

Position: Support

Specifies that noise generated by occupants is not a significant effect on the environment for residential projects for purposes of the California Environmental Quality Act (CEQA). The Governor signed this bill into law.

AB 1504 (McCarty) Planning and zoning: electric vehicle charging infrastructure: public right-of-way.

Position: Oppose unless amended

The bill would require local governments to complete a plan for the installation of electric vehicle (EV) charging stations in the public right-of-way and would update the requirements of the statewide assessment of necessary EV charging infrastructure the California Energy Commission (CEC) prepares pursuant to existing law. The bill was held on the Assembly Appropriations Committee Suspense File and became a two-year bill.

SB 4 (Wiener) Planning and zoning: housing development

Position: Support

Enacts the Affordable Housing on Faith and Higher Education Lands Act of 2023, which requires a housing development project to be a use by right on land owned by independent higher education institutions or religious institutions, until January 1, 2036. The Governor signed this bill into law.

SB 91 (Umberg) California Environmental Quality Act: supportive and transitional housing

Position: Support

Permanently extends existing law that allows for a motel, hotel, residential hotel, or hostel that is converted into a supportive housing or transitional housing project to be exempt from CEQA. In addition, the bill also extends CEQA streamlining provisions for “environmental leadership transit projects” (ELTPs) located within the County of Los Angeles that meet certain specified requirements. The Governor signed this bill into law.

SB 450 (Atkins) Housing development: approvals.

Position: Support

For background, SB 9 was passed in 2021, which allowed up to four homes on lots where currently only one exists. It did so by allowing existing single-family homes to be converted into duplexes, it also allowed single-family parcels to be subdivided into two lots, while allowing for a new two-unit building to be constructed on the newly formed lot. SB 450 amends SB 9 and to establish a ministerial approval or denial of an application for a duplex or a lot split and remove the ability of a local agency to deny a proposed duplex or lot split because the local agency has found that it would have a specific, adverse impact on the physical environment. The Governor signed this bill into law.

SB 706 (Caballero) Public contracts: progressive design-build: local agencies.

Position: Sponsor

This bill allows counties, cities and special districts to use the progressive design-build (PDB) project delivery method for construction contracts. Until January 1, 2030, the bill authorizes local agencies to use the PDB process for up to 10 public works projects more than \$5 million for each project. The Governor signed this bill into law.



YUBA COUNTY, TOWER, PUBLIC WORKS

While there was not 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

Water and Flood Management. CSAC supported SB 23 (Caballero) that would have added permit streamlining for flood and water projects statewide. Most of this legislation was instead included in the Infrastructure Trailer Bill, where notably all actions related to the Delta Tunnels are explicitly excluded. After two years of work with a seat on the Stream Gage Technical Advisory Committee, CSAC supported SB 361 (Dodd) which would have allocated funding and continued programs for the recommendations of the committee. Funding, as proposed in the bill, was shifted to the budget with an allocation of \$26 million over two years for the actions.

For the second year in a row, CSAC stopped legislation that would have forced counties to be liable for any well drilled that did not conform to the local groundwater sustainability plan, AB 1563 (Bennett). This jurisdiction continues to rest with the Groundwater Sustainability Agency whose charge is maintaining and improving groundwater levels. Additionally, CSAC continues to advance changes in water planning statewide through a multi-year effort to re-focus the state's Water Plan. This includes sponsoring SB 366 (Caballero) which revises the water plan from a technical advisory plan to an action plan and will be heard in 2024.

CEAC Flood-Related Legislation

AB 1638 (Fong) Local government: emergency response services: use of languages other than English

This bill requires in the event of an emergency a local agency to provide information related to the emergency in all languages spoken by five percent or more of the population whenever those same people also speak English less than very well and will have to reassess the data every five years. Starting January 1, 2027, the state will survey a sample of local agencies every three years to determine compliance rate. Governor Newsom signed this bill on October 8, 2023, and will take effect on January 1, 2025.

AB 345 (Wilson) Habitat restoration: flood control: advance payments

This bill provides the Department of Water Resources with discretionary authority to utilize an advanced payment option when funding local projects that restore vital habitat and/or improve flood protection. CSAC supported AB 345. Governor Newsom signed this bill on October 10, 2023, and will take effect on January 1, 2024.

AB 755 (Papan) Water: public entity: water usage demand analysis

This bill requires a public entity, including a county, to conduct a water usage demand analysis which includes identifying the annual volume of water delivered to high water users before or during completing a cost-of-service analysis used to set fees and charges for water service. Governor Newsom signed this bill on October 8, 2023, and will take effect on January 1, 2024.

AB 779 (Wilson) Groundwater: adjudication.

This bill makes procedural changes to when parties ask a court to resolve conflicts over groundwater rights such as requiring a Groundwater Sustainability Agency to host a public meeting to explain the adjudication process and the status of the adjudication to water users within the basin and the public, among other requirements. Governor Newsom signed this bill on October 10, 2023, and will take effect on January 1, 2024.

AB 1572 (Friedman) Potable water: nonfunctional turf

This bill bans the use of water suitable for human consumption to be used to irrigate nonfunctional turf on commercial, municipal, institutional (except for cemeteries), homeowners' association, common interest development, and community service organization properties. Governor Newsom signed this bill on October 13, 2023, with a phase-in beginning January 1, 2027.

SB 389 (Allen) State Water Resources Control Board: investigation of water right

This bill gives the State Water Resources Control Board the authority to investigate if a water right is valid with the ability to enforce any unauthorized diversion of water as a trespass. Governor Newsom signed this bill on October 8, 2023, and will take effect on January 1, 2024.



VENTURA COUNTY, OAK VIEW LEVEE REPAIR

RESOURCE RECOVERY AND WASTE MANAGEMENT

Solid waste continues to be a hot topic in the Legislature with conversation ranging from hazardous material disposal to Extended Producer Responsibility, to enforcement issues. The hottest issue as we head into 2024, however, is around cleanup of SB 1383's organic waste requirements. CSAC/CEAC is working closely with other local government groups, environmental advocates, and industry representatives to identify and advocate for changes that will reduce the burden and confusion around 1383 implementation.

Many of the bills we have been tracking did not make it out of the Legislature in the first year of our two-year session, but below are some key bills that were signed into law.

AB 592 (Wilson) Vehicles: commercial nonfranchise solid waste haulers: pilot program

This bill allows the counties of Solano, Contra Costa, and Alameda to create a three-year pilot program to regulate the transport of solid waste by commercial nonfranchise solid waste haulers on public roads in unincorporated areas. CSAC supported AB 592. Governor Newsom signed this bill on September 22, 2023, and will take effect on January 1, 2024.

AB 1548 (Hart) Greenhouse Gas Reduction Fund: grant program: recycling infrastructure projects

This bill expands CalRecycle's existing solid and organic waste recycling grant program to help local governments get recycled material into the marketplace, find new homes for useful consumer goods, and expand local edible food recovery programs. CSAC supported AB 1548. Governor Newsom signed this bill on October 10, 2023 and will take effect on January 1, 2024.

SB 568 (Newman) Electronic waste: export

This bill requires that when a person exports electronic waste or a covered electronic device

for recycling or disposal to a foreign country to demonstrate that the person attempted to locate an in-state and/or could not be managed by an in-state e-waste recycler. Governor Newsom signed this bill on October 4, 2023, and will take effect on January 1, 2024.

SB 613 (Seyarto) Organic waste: reduction goals: local jurisdictions: low-population waiver

This bill provides an exemption until December 31, 2028 to local jurisdictions, including a county, from their organic diversion and methane emission reduction targets under SB 1383 if they have fewer than 7,500 people and dispose of fewer than 5,000 tons of solid waste per year. Beginning January 1, 2027, the bill would authorize the department to renew the waiver. Governor Newsom signed this bill on October 13, 2023, and will take effect on January 1, 2024.

SB 642 (Cortese) Hazardous materials: enforcement: county counsel

This bill, sponsored by CSAC, will close a loophole to provide County Counsels with complete civil enforcement authority over hazardous waste violations, as originally intended by the Legislature. SB 642 will complete the Legislature's intent by granting county counsels complete civil enforcement authority over hazardous waste violations. CSAC sponsored SB 642. Governor Newsom signed this bill on September 1, 2023 and will take effect on January 1, 2024.

SB 806 (Archuleta) Trash receptacles and storage containers: reflective markings: enforcement

This bill makes changes to the type of reflective markings required to be placed on trash receptacles. CSAC supported SB 806. Governor Newsom signed this bill on October 10, 2023, and will take effect on January 1, 2024.

FEDERAL AFFAIRS - 2023 FEDERAL FUNDING CRISIS

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

At the federal level, this past year was dominated by sparring over successive efforts to raise the debt limit in order to pass a federal budget. This led to several periods of time throughout the year when counties faced the imminent prospect of a government default, in late May, a deal was reached that required both sides on this effort to make a series of spending and policy concessions, many of which have been less than enthusiastically received by conservative Republicans and progressive Democrats alike. The summer short term budget agreement was passed by a mix of moderate Republicans and Democratic votes. On June 3, President Biden signed into law the Fiscal Responsibility Act of 2023 (FRA, H.R. 3746, Public Law 118-5), which suspended the limit on federal debt through January 1, 2025, and made a number of changes that affect federal spending and revenues. The aspects of most interest to CEAC members include:

Freezes Most Discretionary Spending

The Fiscal Responsibility Act provides an inflation-adjusted reduction in spending on most domestic discretionary programs. Specifically, H.R. 3746 cut fiscal year 2024 spending by roughly \$1 billion from current (FY 23) levels; however, the agreement mitigates a portion of the reductions by redirecting unspent funds from other areas, including the Internal Revenue Service (IRS). The Act keeps non-defense funding flat for the fiscal year that begins on October 1, at about \$637 billion. Regarding defense programs, the deal caps military spending at President Biden's budget request of \$886 billion, or a roughly 3.5 percent increase over fiscal year 2023 levels. Veterans' medical care also would mirror the president's budget request, at \$121 billion beginning in fiscal year 2024. Regarding the fiscal year 2025, non-defense discretionary spending would increase by one percent, followed by years of non-enforceable funding targets.



SAN DIEGO COUNTY, SLURRY SEAL, BROKEN ARROW ROAD, BORREGO SPRINGS

The deal also includes language that requires Congress to pass all 12 of the annual funding bills by the end of January or face a stopgap funding patch that cuts spending by one percent across the board. It should be noted that the final agreement is a far cry from the spending reductions that were approved by the House earlier this year as part of the GOP's Limit, Save, Grow Act of 2023 (H.R. 2811). Specifically, the House-passed bill included provisions that would have frozen non-defense discretionary spending at fiscal year 2022 levels – a 22 percent cut in spending (or a reduction of approximately \$130 billion). The legislation also would have limited the growth of spending over the next decade to one percent annually.

Rescission of Unspent COVID-19 and IRS Funding

H.R. 3746 rescinds roughly \$30 billion in unobligated funds from the various coronavirus relief packages that Congress passed in response to the COVID-19 pandemic. Rescissions include unspent funds that were authorized by the American Rescue Plan Act (P.L. 117-2), including funding under the Public Health and Social Services Emergency Fund, which supports the United States' ability to prepare for, respond to, and recover from medical and public health threats. Finally, the deal included certain National Environmental Policy Act (NEPA) process changes that were characterized as streamlining and time saving for federally funded projects.

While the Fiscal Responsibility Act extended the debt ceiling through January 2025, it didn't fully fund the federal government for the remainder of 2023. In the late summer another round of budget negotiations intensified in order to avoid a federal government shutdown. These discussions resulted in H.R. 5860, which extended funding authorizations for the government until mid-November. However, this agreement led to the historic ousting of Speaker Kevin McCarthy on October 4, 2023 by conservative members of the House Republican Caucus. The inability of the majority party to elect a replacement speaker during October has raised the prospect of a potential government shut down in late 2023.



SACRAMENTO COUNTY, GRANT LINE ROAD

WHICH LOCAL PROGRAMS ARE AFFECTED (AND NOT AFFECTED) BY A SHUTDOWN?

Mandatory spending programs – including Medicare and Social Security – are not affected by a government shutdown, as these programs are permanently funded. All told, roughly two-thirds of federal grant funding to States (a sizeable portion of which is passed on to local governments) is considered mandatory/entitlement spending.

Federal discretionary spending programs, however, would – or more appropriately, could – be impacted by a shutdown, with the extent of any impacts depending largely on the duration of the lapse in appropriations. For example, if the federal government shuts down for just a few days, many programs – including county-administered programs that receive federal appropriations either directly or through the State – are unlikely to be significantly affected. This is the result of the fact that many federal agencies have carryover funds (FY 23 dollars) that would allow them to operate key programs for a limited time.

Moreover, it is important to note that in a number of prior government shutdowns, States opted to keep most joint federal/state/local programs and services running. In most of these cases, States were subsequently reimbursed for their expenditures by Congress.

Looking ahead, if the current budget stalemate on Capitol Hill persists and a shutdown were to drag on for a month or more, many federal discretionary programs are likely to be impacted, with those impacts reverberating down to the local programmatic level. Although the full extent of any potential government shutdown cannot be reliably forecast, each federal department has developed its own contingency plan in the event there is a gap in appropriations. For its part, the White House Office of Management and Budget (OMB) has a clearinghouse of all agency contingency plans. While some

departments and agencies have updated their plans as recently as this month, several major departments are relying on contingency plans that date back to 2021.

Notably, and in the absence of fully updated contingency plans, the White House Office of Intergovernmental Affairs has indicated that individual departments and agencies are expected to release shutdown “guidance” in the very near future. To follow is a synopsis of how the impending shutdown is expected to impact key county-related programs and policies.

Housing and Community Development

The Department of Housing and Urban Development’s (HUD) Office of Community Planning and Development (CPD) has signaled that it will continue to make previously unobligated FY 2023 funds available to CDBG, HOME, Continuum of Care (CoC), Housing Opportunities for Persons with HIV/AIDS (HOPWA), Homeless Assistance Grants, and other grant programs available for draw down by CPD grantees in the event of a shutdown. In addition, HUD will make payments under previously obligated Section 8 contracts, rent supplement contracts, and other similar programs. HUD also has stated that it will work to find financial alternatives if the previously obligated Section 8 or Project Assistance Rental Contract allocations are insufficient to support ongoing program operations. Additionally, Public Housing programs will be able to draw down funds from the Line of Credit Control System (LOCCS) that had been previously obligated, and which can be drawn down without further action or review by HUD employees. Finally, HUD officials have stated that Housing Choice Voucher Program funds that were previously obligated would be disbursed at their normally scheduled time, suggesting that there would be no interruption in program operations.

Transportation Federal Highway Administration

Consistent with previous shutdowns, Federal Highway Administration (FHWA) operations will continue as normal during a lapse in annual appropriations since agency personnel and programs are primarily funded by contract authority and are paid out of the Highway Trust Fund. Accordingly, construction work is expected to continue all federal-aid highway and bridge projects without interruption and FHWA will continue to reimburse states for any projects that were approved prior to the shutdown. Federal Transit Administration Under previous shutdowns, Federal Transit Administration (FTA) employees were furloughed, and transit operating activities and construction projects were temporarily impacted. This year, however, FTA operations would not be affected by a shutdown since all agency activities and personnel are funded through the Highway Trust Fund and a series of advanced appropriations under the Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58).

Federal Aviation Administration

According to the Department of Transportation, many essential FAA functions (such as air-traffic control and Transportation Security Administration (TSA) screening activities, etc.) will proceed as usual if there is a government shutdown. However, the Department has indicated that a number of other key functions would cease, including all Airport Improvement Program (AIP) activities, passenger facility charge approvals, training of all air traffic control specialists, capital planning and environmental services, and aviation rulemaking, among other activities.

Potentially further complicating the aviation policy landscape, the legal authorization for the FAA is slated to expire on September 30. If Congress fails to approve a short-term extension of the FAA, the agency's spending and revenue-collecting authority will technically expire. Looking ahead, lawmakers are hoping to approve a new five-year aviation reauthorization package later this year.

DHS/FEMA/Disaster Relief

The Department of Homeland Security (DHS) houses a number of essential agencies that would remain operational during a shutdown. For example, the Department designates over 95 percent of TSA employees as "excepted," meaning they will report to work during a lapse in appropriations. Likewise, over 90 percent of U.S. Customs and Border Patrol employees and over 80 percent of U.S. Immigration and Customs Enforcement personnel fall into the excepted category.

Regarding the Federal Emergency Management Agency (FEMA), nearly 85 percent of the agency's employees will report to work if the government shuts down. However, the agency's primary disaster relief and recovery fund has fallen to roughly \$2.4 billion, a level that the agency has determined is unsustainable during the current hurricane season.

In anticipation of a potential shutdown, FEMA last month began rationing disaster relief dollars, pausing almost \$1.5 billion in long-term recovery projects to ensure it has enough cash on hand in the event of a major disaster. Absent new appropriations soon, FEMA leadership has indicated that the agency lacks funding to cover all its ongoing lifesaving operations, should a major disaster strike.

U.S. Forest Service

The Forest Service has indicated that it will apply unobligated prior year funds to pay all its employees at the onset of a lapse in appropriations. Once funds are exhausted, an operation that requires the presence of a Forest Service employee to protect land or property would continue, while all other operations would be suspended. Law enforcement officers and some recreation staff would continue to work and would perform most of the asset protection and public safety work, though reimbursement for cooperative law enforcement agreements could be delayed for state, local and tribal law enforcement partners.

In addition, forest management activities and grazing permits would continue, subject to available funding. However, grants that provide funding for hazardous fuels treatments, assistance to private landowners, insect and disease treatments, other forest management activities on state and private lands could be delayed. In addition, state and local fire departments' ability to train firefighters and acquire necessary equipment could be delayed. Projects conducted under Good Neighbor Authority agreements, as well as all active timber sale contracts, Stewardship Contracts, Stewardship Agreements, and service contracts that are directly connected to timber harvesting may continue, though it should be noted that local governments would not receive reimbursement for ongoing forest management work on nonfederal lands.

Energy and Environment

The Environmental Protection Agency (EPA) has not updated its contingency plan since September of 2021. However, according to the White House, most EPA-led inspections at hazardous waste sites, as well as drinking water and chemical facilities, would cease under a shutdown. In addition, EPA would halt oversight and review of clean air and water permits and efforts to address environmental contaminants, including PFAS, would be delayed.

The Biden administration also has indicated that the shutdown will heavily impact the regulatory work being done at various federal resource agencies, including rules and regulations implementing key programs that were authorized under the Inflation Reduction Act (P.L. 117-169). Likewise, the Interior Department's offshore oil and natural gas drilling plan, which is already four years behind schedule, would face further delays, as would new regulations limiting methane emissions from the oil and gas sector.

Regarding the Department of Energy, its contingency plan, although updated on September 6, 2023, lacks program-level specificity in the event of a shutdown. The Department does indicate that employees performing activities funded by multi-year appropriations would continue working after available balances from DOE's base appropriations are exhausted. Notably, DOE has received multi-year appropriations through both the IIJA and the IRA.



SAN JOAQUIN COUNTY, BYRON ROAD & WEST GRANT LINE RD ROUNDABOUT

Conferences

The 2023 CEAC spring conference was hosted by Los Angeles County at the Universal City Hilton, March 8–10 and was attended by over 140 county members and affiliates, including 17 Platinum and 2 Gold Sponsors. The 2023 conference focused on leadership and the changing landscape of public works financing, recycling and the new Infrastructure Investment and Jobs Act. Now in its 18th year, the 2023 Policy Conference, held August 24–25 in Sacramento was attended by over 120 people from around the state of California. Brian Balbas, Contra Costa County, CEAC's 2022–2023 President, hosted the 2023–2024 NACE President, Jeff Blue, Illinois, at CSAC's 129th Annual Meeting held in Alameda County. CEAC had over 115 attendees and 15 Platinum Sponsors.

Fifteen affiliated companies committed to sponsoring all three CEAC conferences at the platinum level in 2023 and are recognized as our "Annual Platinum Sponsors." The affiliate companies are AECOM, Consor, Dewberry, Dokken Engineering, GHD, Ghirardelli Associates, Inc., Kimley-Horn and Associates, Inc., MGE Engineering, Inc., NCE, Psomas, Transtech Engineers, Inc., TRC Engineers, Unico Engineering, Inc., Willdan Engineering, and Wood Rodgers, Inc. We appreciate our sponsors and all the continued affiliate support of CEAC.



STANISLAUS COUNTY, TUOLUMNE RIVER BRIDGE REPLACEMENT, OUTSTANDING LOCAL STREETS AND ROADS PROJECT AWARD WINNER

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Awards

The “prestigious” Buffalo Bull award was awarded to Panos Kokkas, Trinity County. Panos has the distinction of being the first Buffalo Bull Award winner to be: a two-time winner of this award; back-to-back winner of the award; and the distinction of being at two different counties when he received the award. He won the award in 2022 as the Public Works Director, Nevada County, and again in 2023 as Director of Transportation, Trinity County. Scott McGolpin, Santa Barbara County received the Engineer of the Year award, and Ian Wilson, Alameda County, received the Surveyor of the Year award. The CHICS (California’s Honorable Intrepid Sisters) Golden Egg Award was awarded to Fritz Buchman, San Joaquin County, and Linda Dashiell, Mendocino County, received the Buddy Award.

For the first time in many years, a deserving CEAC member was recognized with the Regional Employee of the Year Award. Kristi Rhea, Deputy Public Works Director was presented the San Joaquin Valley Regional Employee of the Year Award at the April 11 Board of Supervisors meeting.

CEAC awarded three scholarships in 2023. Recipients were Julianna Enriquez, attending San Francisco State University, Ava Pangborn, attending Loyola Marymount, and Nesslin Dineros, attending Cal Poly San Luis Obispo.

We celebrated our ninth year recognizing California’s cities and counties with the Outstanding Local Streets and Roads Project Awards. Stanislaus County received the Overall Winner award for their Hickman Road over Tuolumne River Bridge Replacement. Fresno County received the award in the Efficient and Sustainable Road Maintenance, Construction and Reconstruction Projects category for their Lincoln Avenue Cold Central Plan Recycling. In the Efficient and Sustainable Bridge Maintenance, Construction and Reconstruction

Projects category, Tehama County was recognized for their Jellys Ferry Road at Sacramento River Bridge Replacement Project.

Membership

Vin Cay was appointed the Director of Public Works for Yolo County in January 2023. Vin previously worked for the City of West Sacramento for over 20 years. Sam Booth was appointed the Director of Community Development for Alpine County in June 2022. In that capacity, he is also the Director of Public Works as was his predecessor, Brian Peters. Sam Bunton was appointed the Director of Public Works for Yuba County on August 1, 2023. Sam has been working for Yuba County Public Works since December 2017, first as a Civil Engineer, then as the Assistant Director of Public Works.

Matt Machado elevated his role in the National Association of County Engineers (NACE) by becoming the new NACE Western Region Vice President. Matt was the former NACE Representative to CEAC, and turned the reigns over to Howard Dashiell, Mendocino County upon taking the Western Region position. Sadly, Collin Yerzy, Deputy Director Public Works, Stanislaus County lost his battle to an illness January 26, 2023.

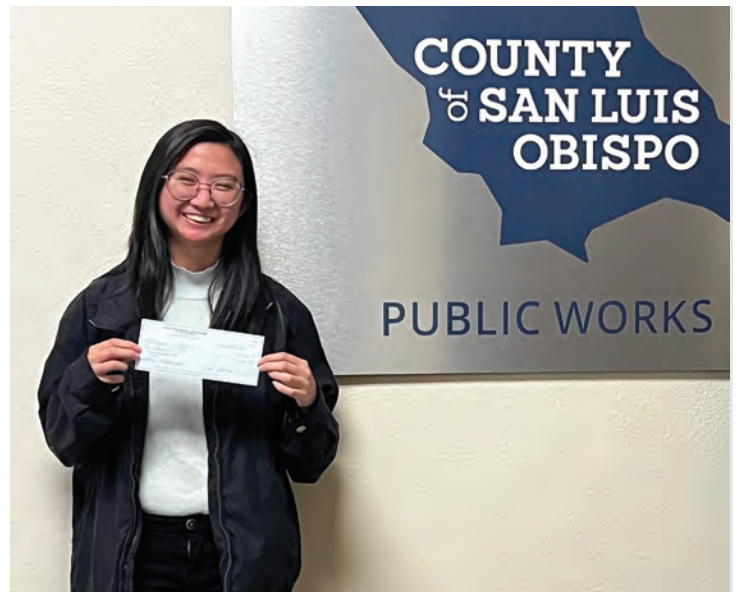


COLLIN YERZY, STANISLAUS COUNTY (CENTER)

AWARD AND SCHOLARSHIP WINNERS



PANOS KOKKAS, TRINITY COUNTY, BUFFALO BULL AWARD (TOP LEFT)
 SCOTT MCGOLPIN, SANTA BARBARA COUNTY, ENGINEER OF THE YEAR (BOTTOM LEFT)
 IAN WILSON, ALAMEDA COUNTY, SURVEYOR OF THE YEAR (TOP RIGHT)
 FRITZ BUCHMAN, SAN JOAQUIN COUNTY, CHIC GOLDEN EGG AWARD WINNER (MIDDLE RIGHT)
 LINDA DASHIELL, SPOUSE OF HOWARD DASHIELL, MENDOCINO COUNTY, BUDDY AWARD WINNER (BOTTOM RIGHT)



JULIANNA ENRIQUEZ, SAN FRANCISCO STATE UNIVERSITY (TOP LEFT)
 NEZZLIN DINEROS, CAL POLY SAN LUIS OBISPO (TOP RIGHT)
 KRISTI RHEA, SAN JOAQUIN VALLEY, REGIONAL EMPLOYEE OF THE YEAR
 AWARD (MIDDLE RIGHT)
 2023 LOCAL STREETS AND ROADS AWARDS WINNERS (BOTTOM)



ON THE HORIZON IN 2024

The California Legislature will return in January 2024 to finish the 2nd year of the 2023–24 session. At the federal level the house and the senate are divided between Democrats and Republicans which will continue to reduce the likelihood of major federal legislation being passed.

National and state economic indicators continue to show signs of an impending recession. Additionally, the state budget will 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.

2024 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 what this winter will bring for the state's water needs, and potential 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.



BUTTE COUNTY, NEW SKYWAY CAMP FIRE REPAIRS





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