

LEGISLATIVE COMMITTEE MEETING AGENDA

March 14, 2023 – 3:00 P.M.
Phelan Community Center
4128 Warbler Road, Phelan, CA 92371
& Via Conference Call

LEGISLATIVE COMMITTEE MEETING – 3:00 P.M.

Call to Order – Pledge of Allegiance

Roll Call

1) **Approval of Agenda**

2) **Public Comment** – Under this item, any member of the public wishing to directly address the Board on any item of interest that may or may not be within the subject matter jurisdiction of the Board, but not listed on the agenda, may do so at this time. However, the Board is prohibited by law from taking any action on any item not appearing on the agenda unless the action is otherwise authorized by the Brown Act. Any member of the public wishing to directly address the Board on any item listed on the agenda may do so when the item is being considered by the Board. Speakers are requested to be brief in their remarks. The Chair may limit each speaker to a comment period of five (5) minutes.

3) **Appointment of Committee Chair**

4) **Acceptance of Minutes**

5) **Updates from Representatives**

- Congress
- State Senate
- State Assembly
- County Supervisor

6) **Review of March CSDA Legislative Brief**

7) **Review of State Ballot Initiative #21-0042A1**

8) **Review of Committee Roles & Responsibilities**

9) **Staff Report**

10) **Committee Comments**

11) **Review of Action Items**

- a) **Prior Meeting**
- b) **Current Meeting**

12) **Set Agenda for Next Meeting** – June 13, 2023

13) **Adjournment**



Mission Statement:

The Mission of the Phelan Piñon Hills Community Services District is to efficiently provide authorized services and maximize resources for the benefit of the community.

Authorized Services:

- Water
- Parks & Recreation
- Street Lighting
- Solid Waste & Recycling

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting should be directed to the District's General Manager at (760) 868-1212 at least 24 hours prior to said meeting.

Agenda materials can be viewed online at www.pphcsd.org

- **Remote Viewing:**

To watch the livestream (view only – nonparticipating), visit our YouTube channel:

[PPHCSD YouTube Channel Link](#)

- **Remote Participation:**

To provide public comment, or otherwise participate remotely, select the meeting you wish to attend on the District's website and then click the "Join Remote Meeting" option.

<https://www.pphcsd.org/meetings>

Please be advised that remote participation and livestreaming options are provided as a courtesy to the public and technical issues could occur, resulting in delays or the inability to participate remotely or livestream. It is recommended that you attend in person to ensure you are able to participate.

- **Written Comments:**

You may also email your public comment to the Board Secretary at ksevy@pphcsd.org by the meeting start time listed on this agenda. Your comment will be added to the record by the Board Secretary.

Please check the District website for updates on this meeting. We encourage you to sign up for our email notifications by emailing ksevy@pphcsd.org or by visiting our website and completing the signup form at www.pphcsd.org under the "Agendas and Minutes" tab.

LEGISLATIVE COMMITTEE MEETING MINUTES

November 10, 2022
Phelan Community Center
4128 Warbler Road, Phelan, CA 92371
& Remotely Via Zoom or Conference Call

Board Members Present: Deborah Philips, Chair/Vice President
Kathy Hoffman, Director

Board Members Absent: None

Staff Present: Kim Ward, HR & Solid Waste Manager/District Clerk

Call to Order

Vice President Philips called the meeting to order at 3:00 p.m.

Roll Call

All Committee Members were present at Roll Call.

1) Approval of Agenda

Director Hoffman moved to approve the Agenda. Vice President Philips seconded the motion. Motion passed unanimously.

2) Public Comment – None

3) Approval of Minutes

Director Hoffman moved to approve the Minutes. Vice President Philips seconded the motion. Motion passed unanimously.

4) Update from Representatives

- **State Assembly**

Kassie Vickers, Field Representative for Assemblyman Smitty Smith, noted this will be their last meeting and thanked everyone. The Assembly is out of session. She wished everyone a happy Veterans Day.

- **County Supervisor**

Sam Shoup, Field Representative for Supervisor Cook, noted Measure D is going to pass. He provided an update on the Phelan Road extension project that widens the road from Hwy 138 to Main Street.

- **Congress**

Hayden Bartz, Field Representative for Congressman Obernolte, noted federal overspending, high gas prices, illegal marijuana grows, and the SAFE Veterans Act.

5) Update on Elections Results

The District election is too close to call at this point but there will be at least one new director.

6) **Staff Reports/Committee Comments**

Nothing further at this time.

7) **Review of Action Items**

a) **Prior Meeting** – None

b) **Current Meeting** – None

8) **Set Agenda for Next Meeting** – February 9, 2023

9) **Adjournment**

With no further business before the Committee, the meeting adjourned at 3:13 p.m.

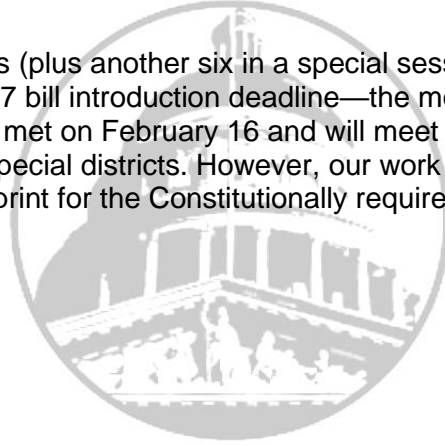
Agenda materials can be viewed online at www.pphcsd.org



TAKE ACTION BRIEF

March 2023

CSDA has reviewed the 2,632 bills (plus another six in a special session) introduced in the California State Legislature prior to the February 17 bill introduction deadline—the most bills introduced in over a decade. The CSDA Legislative Committee met on February 16 and will meet again March 10 to adopt initial positions on legislation affecting special districts. However, our work will not stop there as many authors will amend their bills after they are in print for the Constitutionally required 30-day period. Stay up to-date with CSDA.



Inside this edition of the Take Action Brief:

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FEEDBACK REQUEST: Does your district employ temporary or seasonal employees?.....3

Three newly-introduced alternative contracting bills.....4

Special districts must act FAST to secure federal earmarks.....5

Contact a local CSDA representative near you!

Chris Norden
 Dane Wadlé
 Colleen Haley
 Melissa Green
 Charlotte Holifield
 Chris Palmer

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➤ **ACTION ALERT: Ensure your district board can meet safely during the next state of emergency affecting your community**

Assembly Member Gregg Hart (D–Santa Barbara) has introduced [Assembly Bill 557](#), CSDA's 2023 sponsored bill on the Brown Act. This bill follows the successful passage of [Assembly Bill 361 \(R. Rivas, 2021\)](#), which established modified remote meeting procedures within the Brown Act for local agencies meeting during specified emergencies. CSDA is calling upon all special districts to register a support position.

Support Emergency Remote Meeting Flexibility (AB 557)

Visit CSDA's AB 557 Take Action Page at csda.net/brown-act557 and submit a letter of support using CSDA's [Automated Form Letter](#). Contact CSDA Legislative Representative Marcus Detwiler with questions at marcusd@csda.net.

The COVID-19 state of emergency in California terminated at the end of February 2023 and local agencies are no longer be able to use AB 361 remote meetings for COVID-19-related reasons. However, local agencies may rely on AB 361's remote meeting provisions through the remainder of 2023 should they suffer a different emergency (e.g., flooding, wildfires, earthquakes) that makes it unsafe to meet in-person, so long as that emergency is accompanied by a formal state of emergency declaration made by the Governor.

On January 1, 2024, the provisions added to the Brown Act by AB 361 “sunset,” or expire, on their own terms and local agencies will lose statutory authority for remote emergency meetings as established by AB 361. In order to preserve the modified remote meeting procedures beyond the end of 2023, CSDA has sponsored **AB 557, which would abolish the sunset that would otherwise repeal these procedures.**

AB 557 also makes one minor change to the timeframe for the renewal resolutions required under the AB 361 framework. Currently, the terms of AB 361 require an agency looking to rely on its provisions beyond 30 days to pass a resolution recognizing that the state of emergency prompting the transition to remote meetings remains active, and that conditions persist that prevent the agency from holding meetings safely in-person. **AB 557 would change this to 45 days**, providing agencies with an additional two weeks and accommodating those agencies that meet monthly on a fixed date that may occasionally fall outside of the original 30-day window provided by AB 361.

Local agencies that would like to continue teleconferencing or video conferencing board meetings following the February 28, 2023 expiration of the COVID-19 state of emergency have two options:

1. “Traditional” Brown Act teleconferenced meetings (as they existed pre-COVID, replete with all the corresponding open meeting requirements including those related to agenda postings as well as remote meeting site identification and access), or
2. “AB 2449-style” teleconferenced meetings (i.e., teleconferenced meetings using the framework provided as a result of the passage of [Assembly Bill 2449 \[Rubio, 2022\]](#)).

Learn more about how to comply with shifting Brown Act Meeting Laws in [this January 30 CSDA eNews article](#).



➤ **FEEDBACK REQUEST: Does your district employ temporary or seasonal employees?**

CSDA is seeking feedback on Assembly Bill 1484 (Zbur). The bill may be viewed here: [Bill Text - AB-1484 Temporary public employees. \(ca.gov\)](#).

AB 1484 will bring a broad range of temporary employees, hired to perform the same or similar type of work that is performed by permanent employees represented by a recognized employee organization (or union), into collective bargaining agreements, and apply specified union procedures and requirements to them.

The bill defines “temporary employee” to mean a temporary employee, casual employee, seasonal employee, periodic employee, extra-help employee, relief employee, limited-term employee, per diem employee, and any other public employee who has not been hired for a permanent position.

Feedback Requested on AB 1484

Please provide responses to Senior Legislative Representative Aaron Avery at aarona@csda.net.

1. Does your agency employ temporary employees who would be covered by this bill?
2. If your answer to Question 1 is “yes”, please provide specifics on the types of employees that would be covered, the numbers of employees that would be covered, seasonality considerations, and other relevant information.
3. Would implementation of this bill be expensive, difficult, or challenging for your agency?
4. If your answer to Question 3 is “yes”, please provide specifics on exactly how it would be expensive, difficult, or challenging to implement, additional expenses you would incur, and staffing adjustments you would anticipate making.
5. Do you have suggestions for amendments to this bill which would alleviate your concerns or make it more workable?



➤ Three newly-introduced alternative-contracting bills

One of CSDA's top advocacy priorities in 2023 is infrastructure and project delivery to ensure that the most beneficial projects are built in the most efficient manner. Accordingly, CSDA is taking an interest in three newly introduced bills and would welcome feedback from members as we assess next steps with our Legislative Committee and stakeholder partners:

AB 400 Design-Build Sunset Elimination (Rubio, B), makes the existing local government design-build authority found in [Public Contract Code Sections 22160-22169](#) permanent by eliminating the sunset of January 1, 2025.

SB 706 Progressive Design-Build (Caballero), would allow counties, cities and special districts to use the progressive design-build (PDB) project delivery method for construction contracts. This bill would remove the 15-project maximum and would authorize all cities, counties, city and counties, or special districts to use the PDB process for other projects in addition to water-related projects. The bill would change the required reporting date to no later than December 31, 2028.

SB 617 Regional Transportation Progressive Design-Build (Newman), would provide regional transportation agencies authorization to use progressive design-build (PDB) procurement to design and construct projects on or adjacent to the state highway system, including related nonhighway portions of the project, based on either best value or lowest responsible bid. It also authorizes a regional transportation agency to utilize the PDB method of procurement, based on either best value or lowest responsible bid, to design and construct projects on expressways that are not on the state highway system if the projects are developed pursuant to an expenditure plan.

If you would like to provide feedback on these measures or any other public works alternative contracting legislation, please contact CSDA Legislative Representative, Heidi Hannaman at heidih@csda.net.



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➤ Special districts must act FAST to secure federal earmarks

Both the U.S. House and Senate Appropriations Committees have released their earmark (Community Project Funding / Congressionally Directed Spending) guidance, completing the full view of Fiscal Year (FY) 2024 earmark opportunities.

Each U.S. Senator and Representative participating in the earmark programs have their own process for constituent submission. Special districts are encouraged to contact their congressional representatives' offices for local guidance.

Individual office processes may be announced with very tight deadlines, with most hitting the week of March 13, 2023.

To gauge whether your House representative may participate in the FY24 process based on whether they have historically participated, [click here](#) for a list of legislators requesting earmarks in FY22 and [click here for the FY23 list](#).

The U.S. Senate's overall cap on earmark spending is set at one percent of federal discretionary spending; however, the House Appropriations Committee aims to limit total earmarks at 0.5 percent of federal discretionary spending. The House Community Project Funding (CPF) bans funding memorials and museums, and restricts "commemorative projects," which could entail projects named after any particular individual.

Senators and Representatives will formally request eligible constituent projects to their respective appropriations committees for further consideration. Senators may submit an unlimited amount of requests while the House will impose a 15-project limit per Representative. Participating offices can only consider projects that fit within the eligibilities of the appropriations committee's pre-selected federal funding accounts.

[Read the Senate CDF's full guidance document here.](#) | [Read the House CPF's general guidance document here.](#)

This information is provided by the National Special Districts Coalition, of which CSDA is a founding member. CSDA members receive full NSDC benefits by virtue of membership in CSDA. For more information about this article, contact Cole Arreola-Karr, NSDC Federal Advocacy Director, at colek@nationalspecialdistricts.org.



➤ OTHER WAYS TO TAKE ACTION

Learn More

The 2023 Special Districts Legislative Days Conference Brochure is LIVE!

*Tuesday and Wednesday, May 16 -17, 2022
Sheraton Grand Hotel
Sacramento, CA*

Gain the edge on policy changes impacting your agency and exchange ideas with California's top decision-makers at the 2023 Special Districts Legislative Days, an interactive and informative two-day legislative conference in our State's Capitol. Fully one-third of the State Legislature turned over this year, making the 2023 Special Districts Legislative Days a MUST-ATTEND EVENT! Don't miss this opportunity to build partnerships and strengthen the voice of local control. Check out all the details for this year's conference, and secure early bird pricing before the deadline on April 21!

View the brochure here: <https://www.csdanet/viewdocument/2023-special-districts-legislative>

Join Today

Join an Expert Feedback Team to provide CSDA staff with invaluable insights on policy issues. Visit [csdanet/get-involved](https://www.csdanet/get-involved) or email updates@csdanet to inquire about joining one of the following teams:

- Environment & Disaster Preparedness
- District Operations
- Governance
- Human Resources and Personnel
- Public Works, Facilities, and State Infrastructure Investment & Partnership
- Local Revenue

Stay Informed

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

- CSDA's weekly e-Newsletter
- Districts in the News
- CSDA's *California Special Districts* Magazine

Email updates@csdanet for help accessing these additional member resources.

Initiative #21-0042A1 (aka #1935)



Background

Initiative #21-0042A1 (aka #1935):

Limits Ability of Voters and State and Local Governments to Raise Revenues for Government Services. Initiative Constitutional Amendment.

The purported “Taxpayer Protection and Government Accountability Act,” a statewide initiative measure to amend the California Constitution sponsored by the [California Business Roundtable](#) (“CBRT”), is the most consequential proposal to limit the ability of the state and local governments to enact, modify, or expand taxes, assessments, fees, and property-related charges since the passage of Proposition 218 (1996) and Proposition 26 (2010). If enacted, public agencies would face a drastic rise in litigation that could severely restrict their ability to meet essential services and infrastructure needs.

On February 1, 2023, California Secretary of State Shirley Weber issued a memo to all county clerks/registrars of voters announcing that proponents of Initiative 21-0042A1, or Initiative 1935 as now numbered by the Secretary of State, had filed the necessary number of valid signatures to make it eligible for the November 5, 2024 General Election ballot. Proponents now have until June 27, 2024 to consider withdrawing the initiative before the Secretary of State

officially certifies it for the ballot.

CSDA has joined a coalition of local government leaders in adopting an Oppose position on Initiative 21-0042A1 and encourages all special districts, partners, and community leaders to join the coalition by passing a board resolution. Once approved, please email your resolution to advocacy@csla.net and consider issuing a press release to local media. Individuals may also register their opposition with the growing coalition by emailing their name, title, and organization.

Quick Summary

Ballot Initiative [21-0042A1](#) would result in the loss of billions of dollars annually in critical state and local funding, restricting the ability of local agencies and the State of California to fund services and infrastructure by:

- Adopting new and stricter rules for raising taxes, fees, assessments, and property-related fees.
- Amending the State Constitution, including portions of Propositions 13, 218, and 26 among other provisions, to the advantage of the initiative's proponents and plaintiffs; creating new grounds to challenge these funding sources and disrupting fiscal certainty.
- Restricting the ability of local governments to issue fines and penalties to corporations and property owners that violate local environmental, water quality, public health, public safety, fair housing, nuisance and other laws and ordinances.

The initiative includes provisions that would retroactively void *all* state and local taxes or fees adopted after January 1, 2022 if they did not align with the provisions of this initiative. This may also affect indexed fees that adjust over time for inflation or other factors. Effectively, it would allow voters throughout California to invalidate the prior actions of local voters, undermining local control and voter-approved decisions about investments needed in their communities.

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21-0042 Amdt. # 1

January 4, 2022

RECEIVED

JAN 04 2022

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Anabel Renteria
Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

Re: Initiative 21-0042 - Amendment Number One

Dear Initiative Coordinator:

Pursuant to subdivision (b) of Section 9002 of the Elections Code, enclosed please find Amendment #1 to Initiative No. 21-0042 "The Taxpayer Protection and Government Accountability Act." The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed.

I am the proponent of the measure and request that the Attorney General prepare a circulating title and summary of the measure as provided by law, using the amended language.

Thank you for your time and attention processing my request.

Sincerely,



Thomas W. Hiltachk

The Taxpayer Protection and Government Accountability Act

[Deleted codified text is denoted in ~~strikeout~~. Added codified text is denoted by *italics and underline*.]

Section 1. Title

This Act shall be known, and may be cited as, the Taxpayer Protection and Government Accountability Act.

Section 2. Findings and Declarations

(a) Californians are overtaxed. We pay the nation's highest state income tax, sales tax, and gasoline tax. According to the U.S. Census Bureau, California's combined state and local tax burden is the highest in the nation. Despite this, and despite two consecutive years of obscene revenue surpluses, state politicians in 2021 alone introduced legislation to raise more than \$234 *billion* in new and higher taxes and fees.

(b) Taxes are only part of the reason for California's rising cost-of-living crisis. Californians pay billions more in hidden "fees" passed through to consumers in the price they pay for products, services, food, fuel, utilities and housing. Since 2010, government revenue from state and local "fees" has more than doubled.

(c) California's high cost of living not only contributes to the state's skyrocketing rates of poverty and homelessness, they are the pushing working families and job-providing businesses out of the state. The most recent Census showed that California's population dropped for the first time in history, costing us a seat in Congress. In the past four years, nearly 300 major corporations relocated to other states, not counting thousands more small businesses that were forced to move, sell or close.

(d) California voters have tried repeatedly, at great expense, to assert control over whether and how taxes and fees are raised. We have enacted a series of measures to make taxes more predictable, to limit what passes as a "fee," to require voter approval, and to guarantee transparency and accountability. These measures include Proposition 13 (1978), Proposition 62 (1986), Proposition 218 (1996), and Proposition 26 (2010).

(e) Contrary to the voters' intent, these measures that were designed to control taxes, spending and accountability, have been weakened and hamstrung by the Legislature, government lawyers, and the courts, making it necessary to pass yet another initiative to close loopholes and reverse hostile court decisions.

Section 3. Statement of Purpose

(a) In enacting this measure, the voters reassert their right to a voice and a vote on new and higher taxes by requiring any new or higher tax to be put before voters for approval. Voters also intend that all fees and other charges are passed or rejected by the voters themselves or a governing body elected by voters and not unelected and unaccountable bureaucrats.

(b) Furthermore, the purpose and intent of the voters in enacting this measure is to increase transparency and accountability over higher taxes and charges by requiring any tax measure placed on the ballot—

either at the state or local level—to clearly state the type and rate of any tax, how long it will be in effect, and the use of the revenue generated by the tax.

(c) Furthermore, the purpose and intent of the voters in enacting this measure is to clarify that any new or increased form of state government revenue, by any name or manner of extraction paid directly or indirectly by Californians, shall be authorized only by a vote of the Legislature and signature of the Governor to ensure that the purposes for such charges are broadly supported and transparently debated.

(d) Furthermore, the purpose and intent of the voters in enacting this measure is also to ensure that taxpayers have the right and ability to effectively balance new or increased taxes and other charges with the rapidly increasing costs Californians are already paying for housing, food, childcare, gasoline, energy, healthcare, education, and other basic costs of living, and to further protect the existing constitutional limit on property taxes and ensure that the revenue from such taxes remains local, without changing or superseding existing constitutional provisions contained in Section 1(c) of Article XIII A.

(e) In enacting this measure, the voters also additionally intend to reverse loopholes in the legislative two-thirds vote and voter approval requirements for government revenue increases created by the courts including, but not limited to, *Cannabis Coalition v. City of Upland*, *Chamber of Commerce v. Air Resources Board*, *Schmeer v. Los Angeles County*, *Johnson v. County of Mendocino*, *Citizens Assn. of Sunset Beach v. Orange County Local Agency Formation Commission*, and *Wilde v. City of Dunsmuir*.

Section 4. Section 3 of Article XIII A of the California Constitution is amended to read:

Sec. 3(a) Every levy, charge, or exaction of any kind imposed by state law is either a tax or an exempt charge.

(b)(1) (a) Any change in state statute law which results in any taxpayer paying a new or higher tax must be imposed by an act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, and submitted to the electorate and approved by a majority vote, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property, may be imposed. Each Act shall include:

(A) A specific duration of time that the tax will be imposed and an estimate of the annual amount expected to be derived from the tax.

(B) A specific and legally binding and enforceable limitation on how the revenue from the tax can be spent. If the revenue from the tax can be spent for unrestricted general revenue purposes, then a statement that the tax revenue can be spent for "unrestricted general revenue purposes" shall be included in a separate, stand-alone section. Any proposed change to the use of the revenue from the tax shall be adopted by a separate act that is passed by not less than two-thirds of all members elected to each of the two houses of the Legislature and submitted to the electorate and approved by a majority vote.

(2) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, including a measure proposed by an elector pursuant to Article II, include:

(A) The type and amount or rate of the tax;

(B) The duration of the tax; and

(C) The use of the revenue derived from the tax.

(c) Any change in state law which results in any taxpayer paying a new or higher exempt charge must be imposed by an act passed by each of the two houses of the Legislature. Each act shall specify the type of exempt charge as provided in subdivision (e), and the amount or rate of the exempt charge to be imposed.

(d) ~~(b)~~ As used in this section and in Section 9 of Article II, "tax" means every ~~any~~ levy, charge, or exaction of any kind imposed by the State state law that is not an exempt charge, except the following:

(e) As used in this section, "exempt charge" means only the following:

~~(1) a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of conferring the benefit or granting the privilege to the payor.~~

(1) ~~(2)~~ A reasonable charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the State of providing the service or product to the payor.

(2) ~~(3)~~ A charge imposed for the reasonable regulatory costs to the State incident to issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

(3) A levy, charge, or exaction collected from local units of government, health care providers or health care service plans that is primarily used by the State of California for the purposes of increasing reimbursement rates or payments under the Medi-Cal program, and the revenues of which are primarily used to finance the non-federal portion of Medi-Cal medical assistance expenditures.

(4) A reasonable charge imposed for entrance to or use of state property, or the purchase, rental, or lease of state property, except charges governed by Section 15 of Article XI.

(5) A fine, or penalty, ~~or other monetary charge~~ including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or the State, as a result of a state administrative enforcement agency pursuant to adjudicatory due process, to punish a violation of law.

(6) A levy, charge, assessment, or exaction collected for the promotion of California tourism pursuant to Chapter 1 (commencing with Section 13995) of Part 4.7 of Division 3 of Title 2 of the Government Code.

(f) ~~(e)~~ Any tax or exempt charge adopted after January 1, ~~2010~~ 2022, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted by the Legislature and signed into law by the Governor in compliance with the requirements of this section.

(g) ~~(1) ~~(d)~~~~ The State bears the burden of proving by a preponderance of the clear and convincing evidence that a levy, charge, or other exaction is an exempt charge and not a tax. The State bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor. ~~that the amount is no more than necessary to cover the reasonable costs of the governmental activity and~~

that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by state law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind as being voluntary, or paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be a factor in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(h) As used in this section:

(1) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(2) "Extend" includes, but is not limited to, doing any of the following with respect to a tax or exempt charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

(3) "Impose" means adopt, enact, reenact, create, establish, collect, increase or extend.

(4) "State law" includes, but is not limited to, any state statute, state regulation, state executive order, state resolution, state ruling, state opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by the legislative or executive branches of state government. "State law" does not include actions taken by the Regents of the University of California, Trustees of the California State University, or the Board of Governors of the California Community Colleges.

Section 5. Section 1 of Article XIII C of the California Constitution is amended, to read:

Sec. 1. Definitions. As used in this article:

(a) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(b) "Extend" includes, but is not limited to, doing any of the following with respect to a tax, exempt charge, or Article XIII D assessment, fee, or charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

~~(c) (a)~~ "General tax" means any tax imposed for general governmental purposes.

~~(d)~~ "Impose" means adopt, enact, reenact, create, establish, collect, increase, or extend.

~~(e) (b)~~ "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity, or an elector pursuant to Article II or the initiative power provided by a charter or statute.

~~(f)~~ "Local law" includes, but is not limited to, any ordinance, resolution, regulation, ruling, opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by a local government.

~~(g) (c)~~ "Special district" means an agency of the State, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.

~~(h) (d)~~ "Special tax" means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.

~~(i) (e)~~ As used in this article, and in Section 9 of Article II, "tax" means every any-levy, charge, or exaction of any kind, imposed by a local government ~~law that is not an exempt charge,~~ except the following:

~~(i)~~ As used in this section, "exempt charge" means only the following:

~~(1)~~ A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.

~~(1) (2)~~ A reasonable charge imposed for a specific local government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the local government of providing the service or product.

~~(2) (3)~~ A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

~~(3) (4)~~ A reasonable charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.

~~(4) (5)~~ A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or a local government administrative enforcement agency pursuant to adjudicatory due process, as a result of to punish a violation of law.

~~(5) (6)~~ A charge imposed as a condition of property development. No levy, charge, or exaction regulating or related to vehicle miles traveled may be imposed as a condition of property development or occupancy.

~~(6) (7)~~ An Assessments and property related fees assessment, fee, or charge imposed in accordance with the provisions of subject to Article XIII D, or an assessment imposed upon a business in a tourism marketing district, a parking and business improvement area, or a property and business improvement district.

(7) A charge imposed for a specific health care service provided directly to the payor and that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the health care service. As used in this paragraph, a "health care service" means a service licensed or exempt from licensure by the state pursuant to Chapters 1, 1.3, or 2 of Division 2 of the Health and Safety Code.

The local government bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.

Section 6. Section 2 of Article XIII C of the California Constitution is amended to read:

Sec. 2. Local Government Tax Limitation. Notwithstanding any other provision of this Constitution:

(a) Every levy, charge, or exaction of any kind imposed by local law is either a tax or an exempt charge. All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.

(b) No local law government, whether proposed by the governing body or by an elector, may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(c) ~~Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).~~ (d) No local law government, whether proposed by the governing body or by an elector, may impose, ~~extend, or increase~~ any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

(d) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, include:

(1) The type and amount or rate of the tax;

(2) the duration of the tax; and

(3) The use of the revenue derived from the tax. If the proposed tax is a general tax, the phrase "for general government use" shall be required, and no advisory measure may appear on the same ballot that would indicate that the revenue from the general tax will, could, or should be used for a specific purpose.

(e) Only the governing body of a local government, other than an elector pursuant to Article II or the initiative power provided by a charter or statute, shall have the authority to impose any exempt charge. The governing body shall impose an exempt charge by an ordinance specifying the type of exempt charge

as provided in Section 1(j) and the amount or rate of the exempt charge to be imposed, and passed by the governing body. This subdivision shall not apply to charges specified in paragraph (7) of subdivision (i) of Section 1.

(f) No amendment to a Charter which provides for the imposition, extension, or increase of a tax or exempt charge shall be submitted to or approved by the electors, nor shall any such amendment to a Charter hereafter submitted to or approved by the electors become effective for any purpose.

(g) Any tax or exempt charge adopted after January 1, 2022, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted in compliance with the requirements of this section.

(h)(1) The local government bears the burden of proving by clear and convincing evidence that a levy, charge or exaction is an exempt charge and not a tax. The local government bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor.

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by a local law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind imposed by a local law as being paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be factors in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

Section 7. Section 3 of Article XIII D of the California Constitution is amended, to read:

Sec. 3. Property Taxes, Assessments, Fees and Charges Limited

(a) No tax, assessment, fee, ~~or~~ charge, or surcharge, including a surcharge based on the value of property, shall be assessed ~~by any agency~~ upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax ~~imposed pursuant to~~ described in Section 1(a) of Article XIII and Section 1(a) of Article XIII A, and described and enacted pursuant to the voter approval requirement in Section 1(b) of Article XIII A.

(2) Any special non-ad valorem tax receiving a two-thirds vote of qualified electors pursuant to Section 4 of Article XIII A, or after receiving a two-thirds vote of those authorized to vote in a community facilities district by the Legislature pursuant to statute as it existed on December 31, 2021.

(3) Assessments as provided by this article.

(4) Fees or charges for property related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

Section 8. Sections 1 and 14 of Article XIII are amended to read:

Sec. 1 Unless otherwise provided by this Constitution or the laws of the United States:

(a) All property is taxable and shall be assessed at the same percentage of fair market value. When a value standard other than fair market value is prescribed by this Constitution or by statute authorized by this Constitution, the same percentage shall be applied to determine the assessed value. The value to which the percentage is applied, whether it be the fair market value or not, shall be known for property tax purposes as the full value.

(b) All property so assessed shall be taxed in proportion to its full value.

(c) All proceeds from the taxation of property shall be apportioned according to law to the districts within the counties.

Sec. 14. All property taxed by state or local government shall be assessed in the county, city, and district in which it is situated. Notwithstanding any other provision of law, such state or local property taxes shall be apportioned according to law to the districts within the counties.

Section 9. General Provisions

A. This Act shall be liberally construed in order to effectuate its purposes.

B. (1) In the event that this initiative measure and another initiative measure or measures relating to state or local requirements for the imposition, adoption, creation, or establishment of taxes, charges, and other revenue measures shall appear on the same statewide election ballot, the other initiative measure or measures shall be deemed to be in conflict with this measure. In the event that this initiative measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other initiative measure or measures shall be null and void.

(2) In furtherance of this provision, the voters hereby declare that this measure conflicts with the provisions of the "Housing Affordability and Tax Cut Act of 2022" and "The Tax Cut and Housing Affordability Act," both of which would impose a new state property tax (called a "surcharge") on certain real property, and where the revenue derived from the tax is provided to the State, rather than retained in the county in which the property is situated and for the use of the county and cities and districts within the county, in direct violation of the provisions of this initiative.

(3) If this initiative measure is approved by the voters, but superseded in whole or in part by any other conflicting initiative measure approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

C. The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not

declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

D. If this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge alleging a violation of state or federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

(1) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(2) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

(3) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(4) Nothing in this section shall prohibit the proponents of this Act, or a bona fide taxpayers association, from intervening to defend this Act.

Legislative Committee Roles and Responsibilities

The Board of Directors established the Legislative Committee as a standing committee with the following roles and responsibilities:

Role

The role of the Legislative Committee is to assist District staff with legislative activities.

Responsibilities

The responsibilities of the Committee are to study pending federal, state, and county legislation that has the potential to affect the District; to prepare Board authorized legislation or correspondence when needed; collaborate with other local agencies, such as ACWA, CSDA, and other similar special districts, concerning issues relevant to the powers vested to the District as a governing body; and to develop and maintain relationships with other local, county, state, and federal representatives and governmental agencies and their staff to foster awareness of the District.

Specific Tasks/Goals

- Represent the Board in an advisory capacity and report to the Board quarterly.
- Work to maintain and improve relations with elected representatives, and to help foster good staff-to-staff relations.
- Assist the General Manager by working as a conduit from the District to the San Bernardino County First District Supervisor and vice-versa. This would include the county's CAO/COO and any relevant department heads.
- Work to maintain communication, personal contact, relay District concerns, and seek support with California's two U.S. Senators, U.S. Congresspersons, and California State Senators and Assemblypersons.
- Maintain awareness of the legislative needs and elections in the District and deliberate to achieve a level of comfort with the prospect of the District's best interests being served.
- Attend workshop and conferences when applicable to legislative and other affiliated matters.
- Gather legislative information of local interest and check pertinent websites for legislative updates.
- Make Committee reports quarterly during Board meetings or whenever else necessary.
- Set up a network for quick communication with other similar committee members in the surrounding Victor Valley jurisdictions.
- Attend legislative training sessions or networking opportunities as they may come available and are pertinent to committee-related concerns.
- Make budget recommendations annually for committee-related activities.