

Highlighting new laws in 2017



On behalf of the Board of Directors and staff of SDRMA, we hope everyone had a happy and safe Holiday Season. As we start a new year, we are highlighting new laws that will take effect in 2017.

AB 1661 – Local government: sexual harassment prevention training and education.

Existing law requires all local agency officials to receive training in ethics, at specified intervals, if the local agency provides any type of compensation, salary, or stipend to those officials. Existing law also requires any civil or political subdivision of the state and all cities to provide at least two hours of training and education regarding sexual harassment to all supervisory employees, as specified.

This bill would additionally require local agency officials, as defined, to receive sexual harassment prevention training and education if the local agency provides any type of compensation, salary, or stipend to those officials, and would allow a local agency to require employees to receive

sexual harassment prevention training or information. The bill would also require an entity that develops curricula to satisfy this requirement to consult with the city attorney or county counsel regarding the sufficiency and accuracy of that proposed content.

SB 441 – Public Records Act: exemptions. The California Public Records Act requires that public records be open to inspection at all times during the office hours of a public agency —any state or local agency — and that every person has a right to inspect any public record, except as specifically provided. The Act further requires that a reasonably segregable portion of a public record be available for inspection by any person requesting the public record after deletion of the portions that are exempted by law. This law exempts from disclosure any identification number, alphanumeric character, or other unique identifying code used by a public agency to identify a vendor or contractor, or an affiliate of a vendor or contractor, unless the identification number, alphanumeric character, or other unique identifying code is used in a public bidding or an audit involving the public agency. *Section 6254.33 of the Government Code.*

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SB 807 – Unmanned aircraft systems. This bill further limits the exposure to civil liability of an emergency responder, defined as a paid or an unpaid volunteer or private entity acting within the scope of authority implicitly or expressly provided by a local public entity or a public employee of a local public entity to provide emergency services, for damage to an unmanned aircraft or unmanned aircraft system, if the damage was caused while the emergency responder was performing specific emergency services and the unmanned aircraft or unmanned aircraft system was interfering with the provision of those emergency services. This bill contains other related provisions and other existing laws. *Section 43.101 of the Civil Code, and Chapter 4.5 (commencing with Section 853) of Part 2 of Division 3.6 of Title 1 of the Government Code, relating to unmanned aircraft systems.*

SB 1107 – Political Reform Act of 1974. Current law prohibits a person who has been convicted of a felony involving bribery, embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes, from being considered a candidate for, or elected to, a state or local elective office. The Political Reform Act of 1974 provides that campaign funds under the control

of a former candidate or elected officer are considered surplus campaign funds at a prescribed time, and it prohibits the use of surplus campaign funds except for specified purposes. This bill also prohibits an officeholder who is convicted of one of those enumerated felonies from using funds held by that officeholder's candidate controlled committee for purposes other than certain purposes permitted for the use of surplus campaign funds. *Section 85300 and Section 89519.5 of the Government Code, relating to the Political Reform Act of 1974.*

SB 1436 – Local agency meetings: local agency executive compensation: oral report of final action recommendation. Current law prohibits the legislative body from calling a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive, as defined. This bill, prior to taking final action, requires the legislative body to orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive during the open meeting in which the final action is to be taken. This bill contains other related provisions and other existing laws. *Section 54953 of the Government Code, relating to open meetings.*



AB 1732 – “All Gender” Bathroom Bill – Effective March 1, 2017, businesses are prohibited from labeling any “single-user toilet facility” as either “male” or “female.” AB 1732 defines “single-user toilet facility” as “a toilet facility with no more than one water closet and one urinal with a locking mechanism controlled by the user.”

AB 1787 – Open meetings: public comments: translation. The Ralph M. Brown Act requires a local legislative body to provide an opportunity for members of the public to directly address the body concerning any item described in a notice of meeting. The Act authorizes the legislative body to adopt reasonable regulations limiting the total amount of time allocated for public testimony for each individual speaker. Now, if a local legislative body limits the time for public comment, this bill requires the legislative body to provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body, unless simultaneous translation equipment is used to allow

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the body to hear the translated public testimony simultaneously. *Section 54954.3 of the Government Code, relating to open meetings.*

AB 2257 – Local agency meetings: agenda: online posting. The Ralph M. Brown Act requires the legislative body of a local agency to post, at least 72 hours before the meeting, an agenda containing a brief general description of each item of business to be transacted or discussed at a regular meeting, in a location that is freely accessible to members of the public and to provide a notice containing similar information with respect to a special meeting at least 24 hours prior to the special meeting. This bill now requires an online posting of an agenda for

a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the State that has a website to be posted on the local agency's primary website homepage accessible through a prominent, direct link, as specified. *Laws: Section 54954.2 of the Government Code, relating to local government.*

AB 2853 – Public records. Authorizes a public agency that posts a public record on its website to refer a member of the public that requests to inspect the public record to the public agency's website where the public record is posted. This bill requires, if a member of

the public requests a copy of the public record due to an inability to access or reproduce the public record from the website where the public record is posted, the public agency to promptly provide a copy of the public record to the member of the public, as specified. *Section 6253 of the Government Code, relating to public records.*

SAVE THE DATE!

SDRMA's Safety/Claims Education Day will be held on Tuesday, March 28, 2017 at the Hilton Sacramento Arden West Hotel.

Please contact Dennis Timoney, SDRMA-CRO at 800.537.7790 or dtimoney@sdрма.org if you have any questions. ^

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