



# CARPD COMMUNICATOR

## October 2023

### PRESIDENT'S MESSAGE

With the busy summer now behind us, now is a great time to reflect back upon all of the hard work of the past few months. Our membership's parks and recreation professionals are the backbone of our Districts and every year they work tirelessly to deliver for our constituents. I encourage all of my colleagues that serve on District Boards to make sure you recognize the efforts of your respective Staffs and let them know you appreciate the positive impact they have in your community.

The end of Summer also means the end of California's legislative session -- and it was a busy one! The CARPD Board of Directors has resolved to step up our engagement and advocacy at the Capitol and this year marked our first with our new Legislative Advocates, Alyssa Silhi and Sharon Gonsalves, at Renne Public Policy Group ("RPPG"). In just a few short months, Alyssa and Sharon have done a great job ensuring that our districts' voices are heard and our interests protected. All members are welcome to join the CARPD Legislative Committee for its next meeting on November 9th at 9:30am to review the past legislative year and hear about plans for 2024. For more info about the meeting, please contact Alyssa at [asilhi@publicpolicy.com](mailto:asilhi@publicpolicy.com).

I was able to attend the California Special Districts Association (CSDA) annual conference in Monterey in late August along with several CARPD colleagues. While CSDA serves a larger constituency, we share many similar goals and objectives. My "takeaway" from the conference was realizing that no matter our mission or respective challenges, you can always find a partner to help, or be helped by, to reach common goals, whether at the state or local level.

Finally, I am excited to share that CARPD's 2024 Conference will be held on May 22 -25, 2024 at the Hyatt Regency – Sonoma County! Our Conference Committee is working hard to bring our members another great event full of educational sessions and opportunities to network with your colleagues from across the State. If you have never been to a CARPD Conference, I believe you and your District will benefit greatly from attending and would encourage you to consider joining us.

Happy fall!

Sincerely,

Doug Nickles,  
Conejo Recreation and Park District  
President, CARPD



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## CARPD CONFERENCE 2024

We are excited to announce that the CARPD Conference is headed to Sonoma Wine Country in 2024!

Here are the preliminary details, so you can block this time on your calendar now:

When:

May 22, 2024 - May 25, 2024

Where:

Hyatt Regency  
Sonoma Wine Country

Be on the lookout for Conference Registration information in your inbox soon.

Can't wait to see you in the Spring!

[caparkdistricts.org](http://caparkdistricts.org)



**Save the date!**

**2024 CARPD Conference  
Built to Last**



**Sonoma Wine Country  
May 22, 2024 - May 25, 2024**

Heidi Garner Studio

Artwork courtesy of Heidi Garner, Heidi Garner Studio

## ABOUT THE ARTIST

For the 2024 Conference, CARPD has again partnered with a local artist and outdoor lover for the Conference logo and art! Meet Heidi Garner, Artist and Owner of Heidi Garner Studio:

“I am an Artist, Mother of 4, Art Teacher, Ultra Runner, Manic Volunteer, Outdoor Enthusiast and small Business Owner. I love creating art and putting it on quality apparel! Late in 2018 I painted a few pair of vans shoes for myself and little did I know, I "accidentally" started a business. 2019 I focused solely on shoes, then in 2020 I added custom hand painted hats and visors. I love being surrounded by beautiful things and providing art at an affordable price that everybody can enjoy. In 2021, in order to keep up with demand, I extended my offerings to printed apparel featuring my own original art work printed on quality products at great prices. I also sell fine art prints of my work. I continue to offer full custom work on shoes and hats and even commission fine artwork!”



Check out Heidi's website: [heidigarnerstudio.com](http://heidigarnerstudio.com)

## CALIFORNIA VOTING RIGHTS ACT LITIGATION UPDATE

### California Supreme Court Sheds *Some* Light on California Voting Rights Act Litigation

The California Supreme Court recently released its long awaited opinion in the *Pico Neighborhood Association v. City of Santa Monica* case. The Court's opinion reverses a 2021 Court of Appeal decision that upheld Santa Monica's at-large voting system under the California Voting Rights Act ("CVRA," Elec. Code § 14025 et seq.). In doing so, the Court shed *some* light on what has been an indisputably ambiguous area of the law for some time.

The last decade has seen public agencies face increased scrutiny applied to their voting systems. In many cases, agencies have received letters from out-of-town attorneys claiming the at-large elections for their governing boards violates the CVRA. With the threat of a lawsuit looming, public agencies have been forced to quickly consider whether their voting system potentially violates the CVRA. Some agencies, with very little evidence to suggest that their voting systems even violate the CVRA, made the transition to by-district elections to avoid the possibility of costly litigation. Other public agencies, like the City of Santa Monica, dug in their heels, challenging the allegation their voting system violates the CVRA.

The CVRA prohibits any *political subdivision* from using any *at-large method of election* that "impairs the ability of a *protected class* to elect candidates of its choice or influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters are members of the protected class...."

In *Pico Neighborhood Association v. City of Santa Monica*, the trial court concluded that the City's at-large method of electing city council members diluted Latino voters' ability to elect their preferred candidates and influence the outcome of elections. The trial court ordered the City to transition to by-district elections.

The Court of Appeal reversed the trial court's judgment, holding that there had been no dilution of Latino voters' ability to elect their preferred candidates. On appeal, the Plaintiffs argued that a showing of racially polarized voting was sufficient and that a separate showing of dilution was not required. The Court of Appeal determined that both dilution *and* racially polarized voting must be proven. The Court's analysis emphasized that Latino voters were too few and too geographically dispersed to be able to create a majority, regardless of how the potential districts were carved up. The Court of Appeal ultimately held that the minority group must constitute a majority (or near majority) in a hypothetical election district to establish a CVRA violation, which mirrors requirements under the Federal Voting Rights Act ("FVRA").

The California Supreme Court agreed with the Court of Appeal that CVRA plaintiffs must establish both the racially polarized voting *and* vote dilution prongs, but rejected the requirement that the minority group has to be able to create a minority-majority district. As to the voter dilution prong, the Supreme Court prescribed an alternative test that considers whether "under some lawful alternative electoral system," the subject minority group would have "the potential, on its own or with the help of crossover voters, to elect its preferred candidate." The court further explained that courts presented with alleged CVRA violations "should undertake a searching evaluation of the totality of the facts and circumstances," including the agency's circumstances, election history and an "intensely local appraisal of the design and impact" of the challenged election system and the impact of potential alternative systems. Notably, this analysis leaves open the idea that remedies other than a by-district election system (e.g., ranked choice voting, cumulative voting and limited voting) can be CVRA compliant.

Overall, the Supreme Court's "totality of the facts and circumstances" test for voter dilution still leaves significant ambiguity in this area of the law. The decision undoubtedly constitutes a mild setback for public agencies, as the Supreme Court's test constitutes a somewhat lower threshold for Plaintiffs to meet. Moreover, confirming the need for Plaintiffs to prove voter dilution *in addition to* racially polarized voting means the analysis required to adequately evaluate CVRA claims will be an even more fact intensive and expensive endeavor than it has been. This, in turn, may make it harder for agencies to assess their potential legal liability—i.e., how they would fare in court—because of the open-ended nature of the dilution analysis. Agencies may thus have a greater incentive to voluntarily convert to district elections rather than defend their at-large systems in court.

*Derek Cole is a co-founder of Cole Huber LLP and Sean De Burgh is partner of the firm. Both specialize in municipal law and litigation. They can be reached by email at [dcole@cotalawfirm.com](mailto:dcole@cotalawfirm.com) or [sdeburgh@cotalawfirm.com](mailto:sdeburgh@cotalawfirm.com). Both attorneys are in the firm's Roseville office, and can be reached by phone at (916) 780-9009.*

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**UMPQUA BANK**

## LIVERMORE AREA RECREATION AND PARK DISTRICT IN THE NEWS



Livermore, California – September 25, 2023 – The Livermore Area Recreation and Park District (LARPD) announced the installation of new playground equipment at Robertson Park in response to a request from a young community member, Avery Kohn.

In January 2023, a 9-year-old Livermore resident, Avery Kohn, sent a letter to LARPD Board Member Jan Palajac, expressing her desire to see monkey bars added to the Robertson Park playground. Recognizing the importance of involving young people in the public process, Palajac took the request seriously and referred it to the Facilities Committee.

Avery was invited to participate in a Facilities Committee meeting held via Zoom, where she presented her ideas and learned about the committee's responsibilities. Her presence was met with enthusiasm, not only by the committee members but also by her family.

Avery's mother, Laura Kohn, expressed her gratitude in an email to Palajac, stating, "Thank you so much for inviting my daughter, Avery Kohn, to participate in the democratic process and experience the power of her written voice. She learned a lot by seeing how the Facilities Committee operates and the variety of topics you are responsible for."

Kohn added, "Thank you for taking a 9-year-old girl seriously. I know this experience will be important to her as she grows and becomes more involved in her community as an adult."

Parks and Facilities Manager Fred Haldeman worked with equipment manufacturers on the feasibility of Avery's request. They determined that traditional monkey bars would not fit within the existing playground footprint. However, a suitable variation was identified, and LARPD staff purchased and installed the equipment.

On Thursday, September 21, a Ribbon Cutting was held at Robertson Park, attended by Avery Kohn, her family, friends, LARPD Board Members, LARPD Staff, and community members. The installation of the monkey bars is a testament to the power of community engagement, especially in working with Livermore's youth.

As Avery climbed and played on the new monkey bars, her mother shared a touching moment, revealing that Avery declared, "I'm going to be President!" Such dreams, sparked by early community involvement, are the building blocks of future leaders.

LARPD is grateful to the Kohn family for participating in the public process and inspiring other young community members to voice their ideas.

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We had a great Conference in Yosemite this year!  
CARPD Sponsors are integral to ensuring our member agencies are able to network and learn at our CARPD Annual Conference.  
We thank them for their generous support over the years!

## LEGISLATIVE UPDATE

By Alyssa Silhi  
Renne Public Policy Group

### LEGISLATURE CLOSES OUT FIRST YEAR OF 2023-24 SESSION

The Legislature closed out its first year of the 2023-24 legislative session on September 14. The final two weeks were hectic, with Floor session taking place every day and hundreds of bills passing the Legislature on or before the last day of session. Bills now have until October 14 to be signed or vetoed by Governor Newsom. Although during most of the legislative session the Governor must sign or veto a bill within 12 days of its passage by the Legislature (otherwise it automatically becomes law), during the final month this is extended to 30 days. We will therefore not have a full picture of how 2023 fared for legislation until that date.

Of the 2,662 bills introduced since the start of this session, 1,046 made it to the Governor's desk (note: around 3,000 measures were introduced, but not all march toward the Governor for potential enactment, such as constitutional amendments). This ratio of bills making it to enrollment is roughly congruent with all prior years Governor Newsom has been in office, with generally less than 15% vetoed and approximately 85% signed into law.

#### *Bills by the Numbers*

As of October 2, there are 738 bills on the Governor's desk awaiting his signature or veto. Thus far this session, 475 have been chaptered and 11 have been vetoed.

#### *End of Session Talk of The Town*

The following measures were focal points in the final weeks and days of session, with large groups in support and/or opposition working the items heavily in the halls of the Capitol.



- **ACA 1 (Aguiar-Curry) Local government financing: affordable housing and public infrastructure: voter approval.** [ACA 1](#) passed the Legislature on the last day of session and per [SB 789](#) (Allen), which is pending before the Governor, will be put on the November 5, 2024 ballot. The measure, if approved by voters, would increase the taxing ability of local governments to fund public infrastructure and affordable housing. This measure was heavily lobbied in support by non-profit housing groups and backed by labor organizations, as well as the full spectrum of local government associations and individual agencies. However, it faced fierce opposition from realtor and taxpayer accountability organizations. Advocates worked hard in the final days to ensure the measure had enough votes to pass.
- **ACA 13 (Ward) Voting thresholds.** [ACA 13](#) passed the Legislature on the last day of session and is currently being “held at the desk” until after the deadline for March 2024 ballot measures so that it can be placed on the November 5, 2024 ballot. The measure, if approved by voters, would require that an initiative measure that increases the voter approval requirement to adopt any state or local measure must receive a proportion of votes in favor of the initiative that is equal to or greater than the highest voter approval requirement imposed by the initiative. This measure was heavily lobbied in support by labor organizations as well as the full spectrum of local government associations and individual agencies. However, it faced fierce opposition from the California Business Roundtable and taxpayer accountability organizations, who shared misinformation campaigns in the final weeks that led to much confusion among legislators and supporters alike. Advocates worked hard in the final days to provide correct information and to ensure the measure's passage.



## LEGISLATIVE UPDATE (CONTINUED)

By Alyssa Silhi  
Renne Public Policy Group

Of note, RPPG worked with coalition stakeholders to round up opposition to CARPD priority oppose measures, creating Floor Alerts and letters to the Governor and securing additional powerful opposition to add to the effort. RPPG participated in coalition meetings with committee staff doing Floor analysis and the Governor's office several times on [AB 1484](#) (Zbur), [SB 799](#) (Portantino), [AB 452](#) (Addis), and [SB 558](#) (Rubio) to try and persuade Governor Newsom to veto these bills on behalf of the Association. These meetings resulted in AB 1484 being substantially amended to remove the grievance process language entirely – which was CARPD's main priority – as well as to clarify that the provisions do not apply to contracted employees secured through third party staffing entities. The coalition was successful in its opposition to SB 799, which was vetoed by the Governor on September 30. RPPG is closely monitoring all of the bills on which the Association has adopted a position including:

### *Chaptered*

- [AB 30 \(Ward\) Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program](#) (Association Position: Support)
- [AB 334 \(Blanca Rubio\) Public contracts: conflicts of interest](#) — Association Position: Support
- [ACA 1 \(Aguiar-Curry\) Local government financing: affordable housing and public infrastructure: voter approval](#) Association Position: Support
- [ACA 13 \(Ward\) Voting thresholds](#) — Association Position: Support (Held at desk until November 1, 2023)
- [SB 799 \(Portantino\) Unemployment insurance: trade disputes: eligibility for benefits](#) — Association Position: Oppose (Vetoed)

### *Pending Signature/Veto*

#### Support

- [AB 557 \(Hart\) Open meetings: local agencies: teleconferences](#) — Association Position: Support
- [AB 781 \(Maienschein\) Accessibility to emergency information and services: emergency shelters: persons with pets](#) — Association Position: Support
- [SB 706 \(Caballero\) Public contracts: progressive design-build: local agencies](#) — Association Position: Support

#### Oppose

- [AB 452 \(Addis\) Childhood sexual assault: statute of limitations](#) — Association Position: Oppose
- [AB 1484 \(Zbur\) Temporary public employees](#) — Association Position: Oppose
- [SB 558 \(Susan Rubio\) Civil actions: childhood sexual abuse](#) — Association Position: Oppose

### **LOOKING FORWARD**

The legislative break between September 14 and January 3 is known formally as “Interim Study Recess.” During this time, legislators plan their priorities for the following year and begin to prepare to introduce new bills. Fall is the time to revisit the legislative platform and identify any sponsored legislation needed, as well as state budget priority asks, in the event funding opens up so that CARPD is pre-positioned to submit a request. To discuss further, join us on November 9 for the next CARPD Legislative Committee Meeting held via Zoom.

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JONES HALL  
Bond Counsel

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