



**COUNTY OF LAKE
BOARD OF SUPERVISORS**

Courthouse - 255 North Forbes Street
Lakeport, California 95453
TELEPHONE (707) 263-2368
FAX (707) 263-2207

Moke Simon – District 1

Bruno Sabatier – District 2

Eddie Crandell – District 3

Tina Scott – District 4

Rob Brown – District 5

Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814

April 7, 2020

Dear Governor Newsom,

As State and local leaders, as we all navigate through these difficult times to protect the physical health of our citizens, we must also recognize the need to protect our economic health as well. As you have already recognized, once we are certain that our communities are safe, we must work to restore our economy as quickly as possible and get our citizens back to work. The Lake County Board of Supervisors would like to share its gratitude for your leadership in providing guidance to keep us all safe and to protect our communities both physically and financially. You have not only been a beacon of light for our communities and state, but also for the nation. This letter provides insight to our needs so we can work together to make the necessary changes to ensure a swift economic recovery in both urban areas and rural areas.

As part of that economic recovery, we are respectfully requesting that you act swiftly to consider the temporary deferral or suspension of certain legislation that poses particular obstacles to private small businesses which form the backbone of a rural county's economy. For example, the recently-enacted Assembly Bill Number 673 expands an employee's right to collect penalties for an employer's failure to timely pay wages. While actions to ensure the timely payment of wages are important, the Covid-19 pandemic has so jeopardized our local businesses and the jobs of our local workforce that the threat of these penalties creates a real obstacle to the economic recovery of both.

Another example is the recently-enacted Assembly Bill Number 5 which codifies the decision of the California Supreme Court in *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* which presumes, with certain exemptions, that a worker is an employee unless the hiring entity satisfies a three-factor test. During this pandemic and the period of recovery which follows it, we ask that Assembly Bill 5 be temporarily suspended. In rural areas, independent contractors are vital to a successful restart of a local economy and provide income to many of our workers. Additionally, Senate Bill Number 10, chaptered but presently inactive, eliminates money bail, but also potentially expands pre-trial incarceration – and with that expansion, the opportunity for those detained to maintain employment is correspondingly reduced.

In 2014, SB 88 for Sustainable Groundwater Management was enacted to sustainably manage groundwater in nearly 150 key basins in California. Most groundwater basins are already in the process of planning, grants have been awarded, and the temporary suspension of this legislation is unlikely. However, the California Ag industry has already experienced sweeping consequences, with thousands of acres of critical Ag land laid fallow as a result. We are requesting that Governor Newsom direct the Water Resources and the State Water Resources Control Board to extend deadlines for planning and implementation. The development of Big Valley Groundwater Basin, a newly formed entity, is still in its infancy, and critical meetings with public comment cannot happen for the indefinite future. Additionally, Big Valley farmers cannot afford any fees related to this program during this time of crisis.

On the same topic of agriculture, AB 1066, which was passed in 2016, requires farmworkers in California to qualify for overtime pay after working 8 hours in a single day or 40 hours in a workweek. Prior to passage of AB 1066, there was an exemption for Ag employees, which allowed for agriculture's unique need during harvest-time. The bill implemented a four-year phase-in for overtime compensation for agricultural workers and three additional years for employers with 25 or fewer employees. Lake County's pear harvest has been negatively impacted by AB 1066, Bartlett pears have a 2 week window for harvest, requiring concentrated work over a short period of time. Much like SB 88, the Ag Overtime Bill is one where an extension of the phase-in would be prudent.

Finally, Senate Bill Number 850 is presently pending in the Legislature. This bill will force grocery stores, restaurants, and retail stores to provide their employees, with certain exceptions, with a work schedule at least 7 calendar days prior to the first shift on that work schedule. Failure to do so subjects the employer to civil penalties. We ask that enactment of this bill be deferred while we all struggle through this pandemic and its immediate aftermath.

It should be noted that much of the workforce and the small businesses most affected these legislative actions have already been identified by you as essential during the Covid-19 crisis and, ironically, do not qualify for the benefits being made available to others by our State and Federal representatives.

Additionally, we ask that you consider reviewing recent changes to the State Building Codes to ensure that those changes do not create barriers to the economic recovery of our building trades. Commercial and residential construction is an essential part of our economy. You have correctly placed housing as a high priority for your administration. Both local and state goals may be achieved if the building trades, already at great risk because of this pandemic, are not further hamstrung during the period of recovery once you have successfully guided us through this frightening period of our history.

We thank you for all your work on our behalf and offer the commitment of the Lake County Board of Supervisors to diligently work with you now and during the period of recovery.

Respectfully Submitted,

COUNTY OF LAKE

Mokey Simon
CHAIR, Board of Supervisors

