

*Mendocino County Russian River Flood Control &
Water Conservation Improvement District*

STAFF REPORT

**Agenda Item 7: Public Hearing
On Vacancies, Retention Efforts, and Any Necessary Actions
As Mandated Per Assembly Bill 2561
Monday, June 2, 2025**

The Strategic Plan relevant priority is **Administration** through effective systems and improved transparency, accountability, and consistency across the District.

Background

In Assembly Bill 2561, the legislature found and declared as follows:

- (a) Job vacancies in local government are a widespread and significant problem for the public sector affecting occupations across wage levels and educational requirements.
- (b) High job vacancies impact public service delivery and the workers who are forced to handle heavier workloads, with understaffing leading to burnout and increased turnover that further exacerbate staffing challenges.
- (c) There is a statewide interest in ensuring that public agency operations are appropriately staffed and that high vacancy rates do not undermine public employee labor relations.

The enacted provisions of AB 2561, effective January 1, 2025, require special districts to take the following actions as summarized by the CA Special Districts Association:

First, special districts must present the status of vacancies and recruitment and retention efforts at a public hearing at least once per fiscal year. At the hearing, the district is required to identify changes to policies and recruitment efforts that create hiring obstacles. Moreover, if the special district adopts an annual budget during the fiscal year, the special district must present the status of vacancies before adopting the final budget.

Secondly, the bill allows recognized employee organizations for a bargaining unit to make a presentation at the public hearing at which the public agency presents the status of vacancies and recruitment and retention efforts for positions within that bargaining unit. This requirement appears to apply only to local agencies with recognized employee organizations.

This will be a new law with no current Attorney General opinions or case law guidance on implementation. Special districts may wish to seek advice from counsel as to whether a public hearing for AB 2561 compliance should be held separate from any regularly scheduled public hearing before budget adoption.

(Continued...)

Discussion

The District's Legal Counsel advised no exception seems present in the bill or the code section for complying when there are no vacancies. Perhaps the legislature wants districts to provide such a report whether or not there are vacancies to describe things such as what recruitment and retention efforts would be if there was a vacancy. A short public hearing was recommended, stating there are no vacancies and summarizing how the District addresses vacancies, and whether there are any needed changes to policies, procedures, or recruitment activities to remove obstacles to the hiring process.

Recommendation:

- Move to approve the following:

The Board of Trustees of the Mendocino County Russian River Flood Control & Water Conservation Improvement District does hereby declare:

- (a) There are no current vacancies and no vacancies within the last calendar year, therefore no recruitment efforts have been made; and
- (b) If a vacancy occurs, the District engages professional recruitment services to assess District needs, advertise, and provide the District with qualified candidates; and
- (c) Annual performance evaluations performed as per District policy contribute to employee retention efforts; and
- (d) No changes to policies, procedures, or recruitment activities are needed at this time to remove obstacles in the hiring process; and
- (e) The District is committed to ensuring that information concerning District employment is available to the public.

Attachment:

- AB 2561 Legal Memo

Link:

- Assembly Bill 2561 text:
https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=202320240AB2561&showamends=false
- CA Special District Association article:
<https://www.csda.net/blogs/vanessa-gonzales/2024/10/29/2025-new-laws-series-part-2-assembly-bill-2561-mck>

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Prepared and submitted to the Board of Trustees by: Elizabeth *Salomone*, General Manager

Date: April 24, 2025
To: SPECIAL DISTRICTS
From: Jeanne Zolezzi
Subject: AB 2561 – Codified as Government Code 3502.3

UPDATE REGARDING LEGISLATION IMPLEMENTED JANUARY 1, 2025

In 2024, the California State Legislature passed AB 2561: Local Public Employees: Vacant Positions. The goal of the legislation is to ensure that public agency operations are appropriately staffed and that high vacancy rates do not undermine public employee labor relations. AB 2561 enacted Government Code section 3502.3 which became effective January 1, 2025, a copy of which is included below.

In sum, Government Code 3502.3 requires all public agencies to take the following steps at least once per fiscal year prior to adoption of the agency’s final budget:

1. Present the status of vacancies and recruitment and retention efforts during a public hearing and identify any necessary changes to policies, procedures, or recruitment activities that may be causing obstacles in the hiring process.
2. If the number of job vacancies within a single bargaining unit meets or exceeds 20% of the total number of authorized full-time positions, the public agency shall include all of the following information during the public hearing, upon request of the recognized employee organization¹:
 - a. The total number of job vacancies within the bargaining unit.
 - b. The total number of applicants for vacant positions within the bargaining unit.
 - c. The average number of days to complete the hiring process from when a position is posted.
 - d. Opportunities to improve compensation and other working conditions.

If your district did not comply with this requirement for the current fiscal year, the legislation, nor the code section, provide any mechanism for enforcement or penalties for non-compliance.

Please reach out if there are any questions regarding implementation of this requirement.

¹ “Employee Organization” means either (i) any organization that includes employees of a public agency and that has as one of its primary purposes representing those employees in their relations with that public agency, or, (ii) any organization that seeks to represent employees of a public agency in their relations with that public agency. (Gov. Code 3501(a)).