

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-1

Urgent

Routine



CEO Concurs with Recommendation YES NO
(Information Attached)

AGENDA DATE March 4, 2014

4/5 Vote Required YES NO

SUBJECT:

Approval of the Stanislaus County Legislative Platform for 2014

STAFF RECOMMENDATIONS:

Approve the Stanislaus County Legislative Platform for 2014.

FISCAL IMPACT:

There is no immediate fiscal impact in approving the platform. A primary focus of the legislative priorities is financial. Changes in the law and actions by elected officials and government agencies during the year may have a significant fiscal impact on local government. The County contracts under separate agreement with Shaw/Yoder/Antwih, Inc. and Peterson Consulting for State legislative advocacy at an annual cost of \$49,992 and with Pillsbury Law for federal legislative advocacy at an annual cost of \$90,000. These advocacy agreements are included in the Chief Executive Office - Operations and Services 2013-2014 Final Budget.

BOARD ACTION AS FOLLOWS:

No. 2014-98

On motion of Supervisor Withrow, Seconded by Supervisor Monteith

and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, Monteith, and Chairman De Martini

Noes: Supervisors: None

Excused or Absent: Supervisors: Chiesa

Abstaining: Supervisor: None


1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

805 bills were sent to the Governor in 2013 and he vetoed 96. For Stanislaus County, there were several important pieces of legislation:

- AB 195 (Hall) was chaptered. This bill extended the sunset date of design-build authority until July 1, 2016. This will be extremely helpful for Stanislaus County in light of its major construction projects over the next several years.
- AB 191 (Padilla) was chaptered and extended the sunset date until January 1, 2017 giving authorization to county boards of supervisors to levy an additional penalty on criminal offenses. Those additional funds could be collected to provide funding for pediatric trauma centers.
- SB 328 (Knight) was chaptered and extended until January 1, 2018, authorizing counties to utilize construction manager at-risk construction contracts in excess of \$1,000,000 for the erection, construction, alteration, repair or improvement of any building owned or leased by a county.
- AB 741 (Brown) died in committee. This bill would have increased the allocation of property tax revenues to qualifying cities under a new formula. This bill had the potential to divert even more property tax away from Stanislaus County.

The Legislative Platform for 2014 consists of State and Federal components. The platform focuses on issues of concern and priority for the Board of Supervisors, the County Chief Executive Officer and County departments. The platform is used as guidance and direction for legislative involvement throughout the year. The Legislative Platform includes subject areas such as Legislative Priorities, Legislative Principles and issue areas for the County's legislative efforts.

Identified Legislative Priorities of the State Platform include realignment funding, the negative bailout issue, the property tax administration fee and water policy.

The Legislative Principles of the State Platform address areas such as program flexibility, revenues, mandates and financial burdens, regulatory law and legislation changes, economic development, healthcare reform, tax revenue, collaboration and protection of payments.

Additional State Legislative Platform items include mental and physical health issues, public safety facilities, Williamson Act, roads and bridges, property tax allocation, environmental regulation and more.

The Federal Legislative Platform addresses significant priorities such as enhanced radio operability for public safety, Orestimba Creek flood control, the Tuolumne River Regional Park, veterans issues, water recycling, roads and bridges and the Valley Family Medicine Residency Program.

Approval of the Stanislaus County Legislative Platform for 2014

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The Legislative Platform of 2014 is not “all-inclusive” and does not prohibit Board of Supervisors consideration of additional issues, policies or legislation that may arise throughout the year.

POLICY ISSUES:

The Board of Supervisors should determine if the 2014 Legislative Platform is consistent with their legislative priorities.

STAFFING IMPACT:

There is no staffing impact associated with this item.

CONTACT PERSON: David Jones, Chief Executive Office (209) 525-6333.

STANISLAUS COUNTY
2014 LEGISLATIVE PROJECTS
AND ISSUES



**STANISLAUS COUNTY
2014 LEGISLATIVE PROJECTS & ISSUES**

**STANISLAUS COUNTY
BOARD OF SUPERVISORS**

William O'BrienDistrict 1
Vito Chiesa.....District 2
Terry WithrowDistrict 3
Dick MonteithDistrict 4
Jim DeMartiniDistrict 5

Stan Risen Chief Executive Officer

.....
Stanislaus County Administrative Offices
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Prepared in Collaboration with Shaw/Yoder/Antwih, Inc., Peterson Consulting, Inc, &
Pillsbury Winthrop Shaw Pittman LLC

Stanislaus County 2014 Legislative Platform

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Stanislaus County 2014 Legislative Projects and Issues

Stanislaus County Legislative Priorities

The following is a list of legislative priorities approved by the Stanislaus County Board of Supervisors. Additional projects and priorities are contained in this document. Further legislation and administrative actions also may be added during the 2014 legislative session.

- **Realignment Funding** – The Legislature and Governor approved a massive public safety and health and human services realignment in 2011. In November 2012, voters approved a Constitutional Amendment that protects state funding for counties implementing this realignment. Support any action, including legislation, which would increase realignment funding and decrease any taking of realignment funding for Stanislaus County.
- **Negative Bailout** - When the State of California enacted enabling legislation (AB 8) following the passage of Proposition 13, counties were supposed to benefit by an infusion of property tax dollars. Stanislaus County is one of five counties that were negatively impacted. Support any action, including legislation, which would provide a solution to correct the negative bailout which was a result of Proposition 13 implementing legislation in 1982.
- **Property Tax Administration Fee** - The current structure of the property tax administration fee does not allow counties to fully recover their costs associated with administering the program. Support any budget, legislative or executive action to restore appropriate funding to the property tax administration program.
- **Water Policy**- Water is a precious commodity for Stanislaus County. Different federal and state agencies have proposed increasing the release of unimpaired flow from these rivers for the stated goals of benefitting native fish populations and promoting ecosystem restoration. Oppose any law or regulation that inappropriately increases unimpaired flows or that does not appropriately address non-flow alternatives. Support policies that appropriately protect unimpaired river flows for rivers running through Stanislaus County.



Stanislaus County 2014 Legislative Projects and Issues

Stanislaus County Legislative Principles

The Stanislaus County Board of Supervisors supports the principles set forth below as general, guiding principles for legislative issues impacting Stanislaus County. County staff, including the County's legislative advocates, will apply these general, guiding principles to evaluate proposed and adopted legislation, as well as executive and regulatory directives, and to guide action on these issues. Positions of “support” and “oppose” in the Legislative Platform authorize action to be taken on issues, but do not mandate the Board to act on each issue that might arise.

- **Program/Regulatory Flexibility** - Support full funding and maximum program flexibility for the County to implement state and federally mandated programs, including the 2011 Public Safety and Health and Human Services Realignments. Support efforts to streamline or eliminate unnecessary administrative requirements, and to reduce or eliminate inappropriate legal or regulatory burden on local government.
- **Revenue - Reductions, Enhancements, Shifts and Fees** - Oppose any further state revenue reductions to Stanislaus or revenue shifts away from the County including, but not limited to, inappropriate shifting of property tax. Oppose inappropriate increases in fees charged to the County or associated County programs or services. Support appropriate revenue enhancement to counties including revenue from appropriate grant applications.
- **Mandates and Financial Burdens** - Oppose state or federal mandates without a dedicated, ongoing revenue source. Support efforts to lessen financial burdens on counties through legislative, administrative or regulatory action. Oppose the transfer of state or federal programs to the County unless adequate and protected on-going revenues are provided and dedicated exclusively for that purpose. Support legislation which would relieve local governments from implementing state mandates in the absence of state funding. Require State to reimburse Stanislaus County in full for any mandate payments previously deferred. Oppose passage of State mandates which contain only optional funding sources. Oppose, as needed, the use of optional, new local fees as the funding source for mandates. Support the ability of the County to streamline or eliminate unnecessary administrative requirements, reduce or eliminate regulations that control implementation of state-mandated programs, and promote the ability of the County to exercise greater program flexibility to meet its needs.
- **New Regulations & Legislation** - Oppose new regulations that increase costs to local governments without an appropriate funding source. Support legislation that freezes or decreases the imposition of new regulations that negatively impact local governments. Oppose any additional non-urgent regulatory requirements on the county from any organization, agency or entity. Support legislative and administrative efforts to appropriately



Stanislaus County 2014 Legislative Projects and Issues

suspend or reduce regulatory burdens on local public agencies. Support efforts for all new legislation to include the financial impact to local government.

- **Economic Development** - Encourage and seek legislation that facilitates orderly economic expansion and growth, and increases the opportunity for appropriate economic development in the County. Support State incentives for hiring and bringing employment opportunities to Stanislaus County. Support appropriate State incentives or funding for the development of shovel ready land at the local level, including programs for funding local infrastructure development. Oppose any state actions that would negatively impact economic development in Stanislaus County.
- **Healthcare Reform** – Support healthcare reform that provides for more cost-effective care of County uninsured patients. Support reform efforts that increase provider competition in order to decrease the cost of healthcare for employers.
- **Tax Revenue** - Support legislation that provides tax and funding formulas for the equitable distribution of state and federal monies. Oppose attempts to decrease, restrict, shift, or eliminate County tax revenue sources. Support the additional allocation of property tax revenues to Stanislaus County.
- **Collaboration** - Seek appropriate cooperation with the state and federal government on regulatory and administrative issues affecting the County so as to ensure the protection and well-being of its citizens.
- **Protection of Payments** - Support legislative and administrative action to assure that the state will meet its financial obligations to counties through the timely and full remittance of payments due.



Stanislaus County 2014 Legislative Projects and Issues

DEPARTMENT ISSUES

Stanislaus County has identified the following legislative interests, concerns, and proposed actions:

Assessor

Contact: Don Gaekle, Interim Assessor
(209) 525-6461

1. Support of the Williamson Act

Issue: The Williamson Act is economically and environmentally important to Stanislaus County. There are nearly more than 6,800 properties with more than 682,949 acres under contract in Stanislaus County. For the 2013-2014 tax year, the Williamson Act reduced overall revenue from property taxes by nearly \$15.7 million. The County's share of that would have been \$1.72 million. In the 2009-2010 Budget, the Governor eliminated the subventions, creating significant fiscal hardship for counties like Stanislaus with substantial acreage enrolled in the Act. Had the County received a fully funded subvention from the State it would have been eligible for \$1.44 million. AB 1265 (Nielson, 2011) was enacted to afford Counties a way to recoup a portion of the lost tax in the form of a direct assessment on the owner and the county is recovering \$1.44 million. AB 1265 is scheduled to sunset in 2016.

Action: Support restoration of subventions to fully fund the loss of property tax as a result of the Williamson Act program. Support legislation and administrative action that would enhance the program and improve the ability of both the State and the County to enforce the Williamson Act contracts through uniform control measures. Oppose any further weakening of the Act.



Stanislaus County 2014 Legislative Projects and Issues

Auditor-Controller

Contact: Lauren Klein, Auditor-Controller
(209) 525-6398

1. Negative Bailout

Issue: When the State of California enacted enabling legislation following the passage of Proposition 13, counties were supposed to benefit by an infusion of property tax dollars to assist with state mandated health and welfare programs. Stanislaus County, and five other counties, actually incurred a loss of property tax receipts negatively impacting the county. This so-called "Negative Bailout" grows each year and is an unfair and unanticipated impact of this legislation. The most current number indicates the Stanislaus County is subsidizing the state approximately \$3 million each year through the "Negative Bailout." More than \$63 million in Negative Bailout funds have been shifted since implementation.

Action: Sponsor/support legislation or any administrative or budget action to end the Negative Bailout and hold Stanislaus County harmless in the implementation of property tax legislation associated with Proposition 13, cap the Negative Bailout or decrease the bailout paid to the State on an annual basis. Support action that would fully compensate Stanislaus County for the negative bailout that has occurred since 1982.

2. Property Tax Allocation – AB 8

Issue: Counties receive an average of 17% of property tax revenues generated within their boundaries. Stanislaus County receives approximately 10% of each tax dollar generated countywide. This is the third smallest number for all counties statewide. These funds are discretionary and are used principally to fund public safety and other vital county services. Addressing this issue would help facilitate an adequate and stable level of services for Stanislaus County.

Action: Support legislation that would appropriately address this inequity.



Stanislaus County 2014 Legislative Projects and Issues

Behavioral Health and Recovery Services

Contact: Madelyn Schlaepfer, Behavioral Health Director
(209) 525-6225

1. Protect Funding for Mental Health (MH) and Substance Use Disorder (SUD) Treatment

Issue: With the 2011 realignment structure, Substance Use Disorder (SUD) is at risk. SUD funding includes an entitlement program (Drug Medi-Cal) that has no provisions to limit or manage services. County allocations are based on the previous year's utilization. Thus, if demand grows and the County's realignment allocation for match is exhausted, demands for new funding could increase with no accompanying funds. Mental Health funding for Early and Periodic Screening, Diagnosis and Treatment (EPSDT) and Managed Care, both entitlements, are now part of the same subaccount. Thus, the source of funding for future years remains uncertain.

Action: Advocate for continued state involvement in compensating for increased cost of entitlements, and for the full funding of the federal maintenance of effort so that federal funds are not cut further. Support legislation or efforts to have counties participate in developing the reimbursement methodology for entitlement funds, e.g., EPSDT and Drug Medi-Cal, that implement the federal timeframes when submitting claims for reimbursement.

Advocate for county control of the selection and certification of contractors to provide Drug Medi-Cal services. This may involve a request to the federal government for a 1915(b) waiver of Freedom of Choice. This would provide for local authority to contract only with providers that adhere to quality service standards. This also allows for an assessment of need for additional services in this county. Without this waiver, the county may be obligated to offer contracts to all Drug Medi-Cal certified providers who want a Drug Medi-Cal contract regardless of performance issues or need for a particular type of service. The State has the authority to contract with providers that the county rejects, using Local County funding to pay for the services provided by those contractors. Advocate for fair compensation for administrative costs to assist the state in certifying new providers.

2. Mental Health (MH) and Substance Use Disorder (SUD) Treatment Parity

Issue: Current federal law speaks to parity of Mental Health (MH) and Substance Use Disorder (SUD) services with general physical health services in health plan coverage. If health plans choose to cover MH and SUD services, they need to do so with the same limitations as they would put on general health services. New federal parity regulations were



Stanislaus County 2014 Legislative Projects and Issues

issued on November 8, which address some of our previous concerns. However, the regulations do not appear to apply to Medi-Cal and Medicare services.

Action: Support legislation which expands the coverage requirement for certain health care service plan contracts and health insurance policies to include the diagnosis and treatment of a mental illness or substance abuse of a person of any age. Advocate for both MH and SUD services to be included as part of the federal parity regulations for Medi-Cal and Medicare.

3. Drug Medi-Cal (DMC) Expansion

Issue: With the Drug Medi-Cal expansion on 1/1/2014, many state and county agencies are identifying service needs and potential savings to their organizations that could be realized if substance use disorder treatment were to expand and become readily available for their Medi-Cal eligible populations. With full Federal funding for these expanded services for the first 3 years, this would seem to be what the State and counties would want to have happen. Previously, since Drug Medi-Cal is an entitlement and since the match for the federal funds was 50% and since there was less imperative to expand substance use disorder treatment, cost containment strategies were developed at the state agency level. These strategies involved specific procedural restrictions and requirements that made expansion virtually impossible without substantial additional funding. As the California Department of Health Care Services (DHCS) develops rules and regulations for Drug Medi-Cal expansion, it appears that some of these deliberately restrictive rules and requirements are being retained, over the objection of the counties and the County Alcohol and Drug Program Administrators Association (CADPAAC). It appears that DHCS cost containment concerns regarding the small match (up to 10% by 2020) is driving this process, even though the potential savings to the counties and to other state agencies greatly exceeds the relatively minor future costs to this single state department. There may not be full awareness of this dynamic at the top levels of DHCS and at higher state administration levels.

Action: Advocate for and raise awareness, along with CADPAAC, for reasonable DHCS Drug Medi-Cal rules and regulations with top DHCS administration and with higher state administrative and legislative levels.



Stanislaus County 2014 Legislative Projects and Issues

Chief Executive Office

Contact: Stan Risen, Interim Chief Executive Officer
(209) 525-6333

1. Property Tax Administration Fees

Issue: In the past, the State has provided a subvention to counties to assist in paying for the administration of the property tax system. This was an important source of revenue necessary to sustain the property tax program. However, in the final 2005-2006 budget negotiations, the Property Tax Administration Grant program was eliminated. It has not been funded in any subsequent budget. The current structure of the property tax administration fee does not allow counties to fully recover their costs associated with administering the program. Current property tax administration fee legislation specifically precludes counties from recovering their costs from school districts. This has a significant impact on county discretionary funds which must be diverted to cover these costs. In Fiscal Year 2011 - 2012 these unreimbursed costs totaled nearly \$3.5 million in Stanislaus County. Also, in late 2012, the California State Supreme Court ruled in favor of cities who opposed the use of Triple Flip and VLF Swap property taxes in the calculation of the annual property tax administration fee. Current negative impact to Stanislaus County based on the recent California State Supreme Court decision is an additional loss of \$800,000 annually

Action: Support any appropriate budget, legislative or administrative action to restore funding to the property tax administration program while maintaining local Board of Supervisors discretion for the final allocation of funds.

2. County Jail and Coroner Facilities

Issue: The Stanislaus County Jail and Coroner's Facility need significant expansion and upgrading.

Action: Support any budget, legislative or administrative action to appropriately provide funding for the County jail expansion projects and new coroner facilities. Support any budget, legislative or administrative actions that promote timely completion of public safety projects.

3. AB 109 Realignment Funding

Issue: Enactment of AB 109 (Chapter 15, Statutes of 2011) mandated a massive shift in the supervision of many felony criminal offenders and parolees from the California Department



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of Corrections and Rehabilitation to county law enforcement authorities beginning October 1, 2011. Under the law, felons convicted of so-called “non-violent, non-serious, non-sexual” (triple-non) offenses are now sentenced to county jail and supervision instead of State prison, and the same class of offenders who are housed in State prison must now be paroled to counties for Post Release Community Supervision. In addition, offenders who violate State parole must enter our County Sheriff’s supervision instead of State prison.

To help offset the cost of the added public safety responsibilities imposed on counties under this significant new mandate, SB 1020 (Chapter 40, Statutes of 2012) dedicates a share of State sales and use tax revenues to be distributed among counties. However, in many counties, the distribution of Fiscal Year 2013-2014 falls far short of the amount needed to house and supervise these offenders or to provide evidence-based drug, mental health, and job training services aimed at breaking the cycle of re-offense and re-incarceration, which is a principal goal of AB 109. Many counties outside the San Joaquin Valley are receiving several times more money per AB 109 offender than valley counties, yet the need for these funds is greatest in the valley, where struggles consist of persistent high unemployment and serious felonies such as robbery, burglary, and vehicle theft, all of which now send these offenders to our local supervision and treatment. Also, the methodology for the allocation of growth funds for AB 109/SB 1020 that was created as a result of larger than anticipated funds received by the state, is not equitable and needs to be changed.

Action: Support changes in the AB 109/SB 1020 funding formula and also the “growth funds” formula to provide additional funding to Stanislaus County.

5. Medi-Cal Payments for Jail Medical Services

Issue: Currently, Stanislaus County uses General Fund dollars to fund the cost of medical, dental, vision and mental health care for inmates. The one possible exception is for patients who are enrolled in Medi-Cal and need inpatient, offsite hospital care. Upon qualification of the inmate, the State can choose to reimburse the hospital and providers for this care in this situation.

Action: Support legislation or administrative action that would provide reimbursement to the County for medical, dental, vision and mental health care for inmates.

6. Levees and Flood Control Issues

Issue: Stanislaus County is home to many levees in need of significant repair and improvement. There are approximately 75-80 miles of levees in the County. Other flood control measures are needed to protect the residents and property of the County. Two solid waste treatment sites in Stanislaus County would pose an immediate health and safety risk to the public if flooding from the San Joaquin River should occur. Also, SB 5 (Machado -



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2007) created requirements for certain local land use decisions consistent with the Central Valley Flood Protection Plan. Some of these requirements impact counties' general plan and zoning ordinances.

Action: Support any budget, legislative or administrative action to provide funding for repairing and upgrading levees and/or to support flood control efforts in Stanislaus County, provided such actions do not create a new or increased level of financial or legal risk to Stanislaus County and that ownership of the levee does not transfer to the County. Support appropriate statutory changes to address outstanding SB 5 implementation issues including the extension of deadlines for SB 5 requirements.

7. Roads, Bridges and Transportation

Issue: There is not sufficient funding to maintain and improve the road, bridges and transportation network in Stanislaus County.

Action: Support any budget, legislative or administrative action to provide funding for building, repairing, upgrading and maintaining the roads, bridges and transportation network in Stanislaus County.

8. Orestimba Creek Flood Control Project

Issue: Orestimba Creek, on the west side of Stanislaus County, floods and creates millions of dollars of annualized damages to the community with significant negative impact on the local economy, especially the City of Newman.

Action: Support any budget, legislative or administrative action that would appropriately fund the Orestimba Flood Control Project through the feasibility, preconstruction engineering and design and construction phases. Support City of Newman efforts to become the Non-Federal Sponsor for Project Engineering and Design (PED) and Construction phases of the US Army Corps of Engineers Orestimba Creek Flood Control Project.

9. Worker's Compensation for Adult Work Program

Issue: Currently inmates working and participating in the Adult Work Program in the County are covered by worker's compensation in the event of injury during such participation.

Action: Support legislation that would exclude inmate labor from worker's compensation protection for any injury occurring as a participant in the Adult Work Program. Restore actual earnings as the basis for minimum temporary disability.



Stanislaus County 2014 Legislative Projects and Issues

10. **Worker's Compensation Program Reforms**

Issue: Since the enactment of substantial reform to California's Worker's Compensation System several years ago, there has been a slow legislative erosion of those reforms. As a large employer, Stanislaus County is concerned about legislative efforts to add new benefits or presumptions to worker's compensation coverage, due to the cost and liability concerns.

Action: Oppose legislation that will weaken reform, add new presumptions or otherwise increase liability to the county.

11. **SB 375 Implementation**

Issue: The principles of SB 375 (Steinberg, 2008) are meant to encourage development that will reduce vehicle miles traveled and reduce greenhouse gas emissions. While these are important goals, they were not accompanied by funding for the local agencies that must implement the law.

Action: Support legislation that will ensure adequate funding to Stanislaus County to implement the tenets of SB 375. This source of funding should not be a burden to businesses or local government.

12. **Jobs and Housing Imbalance**

Issue: Stanislaus County has a jobs/housing ratio that is less than the currently accepted standard of 1.5 jobs per housing unit. The current ratio is less than 1.1 jobs per housing unit in Stanislaus County.

Action: Support legislation and administrative rule making that provides State-funded fiscal incentives and local flexibility to support job creation projects to mitigate the imbalance of jobs and housing.

13. **UC Merced Medical Education**

Issue: There is an extreme shortage of physicians in the central valley of California. A School of Medicine at UC Merced will provide increased access to health services for needy patients in the valley by graduating physicians who would stay in the valley.

Action: Support efforts that would develop and sustain a school of medicine at the University of California, Merced.



Stanislaus County 2014 Legislative Projects and Issues

14. Valley Family Medicine Residency Program

Issue: The central valley is in desperate need of physicians. The Valley Family Medicine Residency Program began training resident physicians in Stanislaus County starting July 1, 2010.

Action: Support the Valley Family Medicine Residency Program. Support budget, grants, legislative or administrative action that would assist in supporting and enhancing the program.

15. Enterprise Zones

Issue: In November 2005, Stanislaus was awarded its Enterprise Zone designation. Since that time there has been a substantial amount of legislative activity focused on changing the Enterprise Zone program. Many of these changes may negatively impact the opportunity for the Stanislaus Enterprise Zone to be fully developed. Tax vouchering credits are an extremely important element of the Enterprise Zone program. Recent legislation passed by the state legislature, AB 93, eliminated Enterprise Zones and established the extension of benefits under the newly established Hiring Tax Credit Program to only qualified businesses located in census tracts with the 25 percent highest share of both unemployment and poverty in the state. SB 90 followed and subsequently extended the Hiring Tax Credit to include qualified businesses in pre-existing Enterprise Zone boundaries as of June 30, 2013.

Action: Support any action that would extend the sunset date of Enterprise Zones or protect the economic benefit of Enterprise Zones in Stanislaus County.

16. Video Arraignments

Issue: The Stanislaus County Public Safety Center is located four miles from the Stanislaus County Courthouse. The cost of transporting prisoners for arraignment is costly and can be physically dangerous for officers, with the risk of a possible inmate escape or injury being present. Existing law allows rights for certain prisoners as they may choose to be arraigned remotely via video so they do not need to be transported to the Courthouse.

Action: Support legislative or other action that would promote increased use of video arraignment in the county public safety system.

17. Residential Housing Projects

Issue: The Housing Accountability Act, Government Code § 65589.5, limits the ability of local governments to reject proposed affordable housing development projects only if findings are made that (1) “the project would have a specific, adverse impact upon the



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public health or safety unless the project is disapproved” and (2) “[t]here is no feasible method to satisfactorily mitigate or avoid the adverse impact.” Until recently, local governments only made these findings when considering affordable housing projects. However, the Fifth Appellate District in *Honchariw v. Stanislaus County* (F060788) applied §65589.5(j) to a project unrelated to affordable housing. This new judicial requirement imposes a high burden for local government to deny residential housing projects that are unrelated to affordable housing, such as ranchettes and “McMansion” type projects.

Action: Support amendment of Government Code §65589.5 to clarify that it is only applicable to affordable housing projects.

18. Workers’ Compensation for County Jail Inmates

Issue: Existing law establishes a workers’ compensation system, administered by the Administrative Director of the Division of Workers’ Compensation, that generally requires employers to secure the payment of workers’ compensation, including medical treatment, for injuries incurred by their employees sustained in the course of employment. As the law currently is written, counties are required to provide a greater scope of workers’ compensation benefits to inmates than are provided to inmates in state penal and correctional institutions.

Action: Support legislative action that would create certain limitations for county prisoners entitled to workers’ compensation benefits for an injury arising during the course of assigned employment.

19. Grand Jury Financial Responsibility

Issue: Grand Juries are empaneled in each California county through provisions in the California Constitution. Existing law establishes the Superior Court system as having supervisory authority over the County Grand Jury, while the financial responsibility and the responsibility to defend actions brought against Grand Juries, is delegated to the local county.

Action: Support legislative or other action that would provide for full State funding of the Grand Jury, including the legal defense of the Grand Jury.

20. Design Build Authority

Issue: Stanislaus County has used and is using the design-build process for critical infrastructure projects including jail construction. Design-build allows the County to proceed with a cost-effective design and construction process. State statute authorizing counties to utilize design-build expires on July 1, 2016.



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Action: Sponsor and support legislation to extend the authority for counties to utilize the design-build method of project delivery beyond July 1, 2016.

21. Targeted Enforcement of Disadvantaged Communities

Issue: The State legislature has made attempts to pass laws and regulations that would cause negative impact to low income communities and communities of color. Stanislaus County is desperately in need of jobs and economic development. Actions that would target enforcement of businesses in underserved communities by doubling fines in these areas are unjust, do not promote good public policy and negatively impact economic development in these areas.

Action: Oppose legislation such as CalEnviroScreen or other programs that single out disadvantaged communities with more stringent regulations and excessive fines that can negatively impact economic development and the well-being of the local community.

22. Americans with Disabilities Act

Issue: The Americans with Disabilities Act (ADA) is extremely important legislation which requires businesses to comply with accessibility standards. Meaningful reforms have been enacted to reduce frivolous lawsuits for businesses, but local governments were inadvertently left out of the solution.

Action: Support legislation or other actions to permit local governments a window of 60 days to correct any ADA violations before a lawsuit could be brought forth, just as business are now granted.

23. Water Policy

Issue: Water is a precious commodity for Stanislaus County with rivers and reservoirs a vital part of the water supply system.

Action: Oppose any law or regulation that inappropriately increases unimpaired flows or that does not appropriately address non-flow alternatives. Support policies that appropriately protect unimpaired river flows for rivers running through Stanislaus County. Support the relicensing of the Don Pedro Project.



Stanislaus County 2014 Legislative Projects and Issues

Clerk of the Board

Contact: Christine Ferraro-Tallman, Clerk of the Board
(209) 525-6333

1. Brown Act Changes

Issue: Changes in the law regarding Closed Meeting regulations (Brown Act) or public records can impact the Clerk of the Board operations.

Action: Closely monitor legislation introduced in these areas, advocate as appropriate and oppose additional unfunded mandates.



Stanislaus County 2014 Legislative Projects and Issues

Community Services Agency

Contact: Kathy Harwell, Director
209-558-2520

1. Drug Felons in the CalWORKs program

Issue: Persons convicted of certain drug related felonies are not eligible for Temporary Assistance for Needy Families (TANF) benefits. States may pass specific laws to opt out of this federal provision. California has opted out of this federal provision for California residents in the CalFresh program, but has not yet enacted similar legislation for the CalWORKs program.

In the CalFresh program, specific drug felons who are taking steps to be drug free are now eligible for benefits. They are not eligible for CalWORKs that would support their efforts to maintain a stable family life. CalWORKs requires eligible persons to participate in employment activities and provide related supportive services to assist them in being successful. These employment services assist customers in keeping their family together, in becoming self-sufficient, and providing a stable and healthy atmosphere for their children. Customers who have a drug felony in their history are not eligible (no matter what their current status is related to drugs) but would benefit by the supportive atmosphere CalWORKs activities could provide for them.

Proposition 36 and other legislation opened doors to provide rehabilitation opportunities for drug-related offenses. It is recognized that drug felons are able to turn their lives around and become productive members of the community. The CalWORKs program does not recognize these efforts, which can increase the challenges of maintaining a stable lifestyle. The felony drug exclusion undermines the goals of the TANF program to reduce dependency. Customers' efforts to stay off of drugs and their efforts to improve their health and mental health should be supported by allowing access to CalWORKs benefits and services. Operationally, it is cumbersome for case-carrying staff to administer cases where there is a difference in the program eligibility. As caseloads increase, the simplification and alignment of programs is a priority.

Action: Utilize the criteria established by the CalFresh program and bring CalWORKs into alignment with CalFresh in dealing with drug felons.



Stanislaus County 2014 Legislative Projects and Issues

2. **Student Eligibility for CalFresh Program**

Issue: Persons who are full-time students and are not working at least 20 hours at federal minimum wage are not eligible for benefits in the CalFresh program. This creates a disincentive for individuals who are pursuing enhanced education to increase their employability. However, these same students are not prohibited from receiving benefits from other programs such as CalWorks and Medi-Cal. Often these students end up going on and off the CalFresh program as they are able to find temporary employment. This creates operational inefficiencies for staff and unnecessary complexity for the student. Simplification of state programs is a goal and converging program rules would promote better alignment.

Action: Support action that would allow full-time students to be eligible for CalFresh benefits for at least four (4) years while completing their education and increasing opportunities to become employable.



Stanislaus County 2014 Legislative Projects and Issues

Environmental Resources/Parks and Recreation

Contact: Jami Aggers, Director
(209) 525-6770

1. Park System

Issue: Stanislaus County has a master plan for development of park facilities in the County. The County also is in a Joint Powers Authority with the City of Modesto and the City of Ceres for the Tuolumne River Regional Park.

Action: Support any bonds, budget, legislative or administrative action to provide funding for the improvement and development of County parks, including the Tuolumne River Regional Park.

2. California Integrated Waste Management Board Diversion Credits

Issue: The Stanislaus County food processing industry generates more than 350,000 tons of solid food process by-products on an annual basis. These food processing by-products are land-applied as a soil amendment or fed to livestock, thereby keeping these byproducts out of landfills and creating a positive impact on the waste stream. At times, legislation and regulations are proposed that would impact this process and jeopardize the County's diversion credits. If Stanislaus County loses the food processing credit, it would lose an approximately 16% diversion credit that would drop the County to about 48% diversion rate. In addition, if the County also loses the Waste-to-Energy transformation credit, the Stanislaus Regional Planning Agency would be down to 38% landfill diversion. This would, in effect, put the County in violation of the Public Resources Code by having an inadequate Integrated Waste Management Plan, creating a liability for each jurisdiction in our Regional Agency of up to \$10,000 per day in fines. Ratepayers would incur additional costs for these new programs and the Regional Agency jurisdictions would incur (county) staff time costs to revise the plan(s).

Action: Support legislation to expand the County's ability to maximize its diversion credits, including allowing more than 10% diversion credit if conversion technologies are implemented when a jurisdiction already receives the full 10% diversion credit for transformation. Oppose legislation which would eliminate or negatively impact the diversion credits earned by the County.



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3. **Cap and Trade**

Issue: The California Air Resources Board (ARB) has approved regulations that negatively impact the Stanislaus County Energy from Waste Facility. The ARB is now proposing to increase greenhouse gas (GHG) reduction targets more than three-fold, bringing landfills into the Cap and Trade program, adding additional costly and ineffective methane emissions controls at landfills and banning organics from landfills. The County is very concerned that such proposals, particularly by including solid waste facilities, will result in significant rate increases for our commercial and residential customers. The inclusion of the County's solid waste program in the Cap and Trade regulations are costly to the County.

Action: Monitor any changes in the Cap and Trade program that will expand the GHG reductions to include landfills into the Cap-and-Trade program. Support legislation requiring a workable commercial organics recycling program within the AB 939 and AB 341 waste management and recycling legislative and regulatory hierarchy.

4. **Definition of Solid Waste Facility**

Issue: The County is very concerned with legislative attempts to revise the definition of a solid waste facility.

Action: Monitor proposed legislative changes to ensure any new definition would include waste disposal eligible for diversion credit, inclusive of Waste-to-Energy transformation facilities.

5. **Increasing the State Solid Waste Diversion Mandate to 75%**

Issue: The enactment of AB 341 established a policy goal for California that by the year 2020, at least 75% of solid waste generated within the State be sourced reduced, recycled or composted. The law directs the California Department of Resources Recycling and Recovery (CalRecycle) to develop a plan detailing the strategies to achieve this goal and submit the report to the Legislature by January 1, 2014.

There are concerns that the measuring metric on defining the 75% policy goal is based on "recycling" rather than "diversion." Doing so goes above and beyond the language of AB 341 as approved by the Legislature. From the inception of AB 341 until the day it was signed into law, the subject heading of the bill has always been "Solid Waste Diversion," and at no time throughout the legislative process was the term "diversion" ever replaced with the term "recycling." The bill neither intended nor expressly stated a paradigm shift in how the 75% goal was to be measured. The plan clearly deviates from the accounting procedures set in the existing California Integrated Waste Management Act of 1989 (AB 939).



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In addition to the measuring metric, CalRecycle's plan is to phase out diversion credits for the Alternate Daily Cover (ADC) used in landfills (even from non-green waste) and the 10% diversion credit allowed for transformation facilities for purposes of meeting the 75% goal. These proposals are troubling to the County. These credits are crucial for the local governments in meeting their 50% diversion mandated by AB 939, so the credits must be protected. The usage of ADC at a landfill is specifically to minimize vectors, odors and stormwater control. ADC is a useful reuse of materials discarded as waste, so clearly, its usage at landfills is a form of waste diversion and therefore it should be counted towards the 75% goal. Stanislaus County has not used organic (green) waste as ADC historically.

In CalRecycle's November 2013 "75% Initiative Update," they further clarified their desire to divert all organic waste from landfills. The consequence of this action will substantially reduce revenue to the landfill. This will also have an impact on County businesses and residents through higher rates to offset the cost for new infrastructure and services needed to process the diverted organic waste.

Also, Stanislaus County invested millions of dollars to build a transformation facility. Providing employment to about 50 full time employees, the Stanislaus Waste-to-Energy Facility serves local communities by processing and transforming approximately 800 tons of municipal solid waste daily to produce up to 22.5 megawatts of clean renewable energy. If the ADC and 10% diversion credit for use of the Waste-to-Energy Facility are phased out, Stanislaus County will be forced to make significant additional investments in infrastructure and programs to replace the diversion credits lost, which currently is not feasible. This will be a real financial burden on the County and will have potential to increase disposal fees at the existing facilities which will need to be passed on to the garbage rates of residents and businesses of Stanislaus County.

Action: The 75% Recycling goal should remain a State target and not become a mandate. Strongly oppose any legislation which seeks to mandate the statewide 75% recycling goal. Support legislation requiring a workable commercial organics recycling program within the AB 939 and AB 341 waste management and recycling legislative and regulatory hierarchy. Oppose legislative or administrative action to divert organic waste from landfills to meet the 75% goal.

6. Recover Costs of School Inspections

Issue: A number of schools that contain food facilities in Stanislaus County require inspection, routine monitoring, and food safety education. This service has been provided without the benefit of cost recovery because of the exemption clause in Government Code Section 6103. Health & Safety Code Section 113920 provides for cost recovery. If Environmental Resources were to charge for this service, over \$100,000 in revenue could be



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collected. However, schools are considered exempt because of Government Code Section 6103. Adding a subset to Health and Safety Code Section 113920 would provide clarity to this issue and allow for cost recovery to take effect.

Action: Support legislation to change Health & Safety Code Section 113920 to clarify and allow for the recovery of the costs of inspecting, monitoring and providing education regarding food safety, so as to allow cost recovery to take place within the education system of the State of California.

7. **CalRecycle Clean-up Grants**

Issue: The clean-up of large-scale local nuisance (disposal) sites are beyond the scope of what traditional code enforcement clean-up efforts can afford. Expansion of grant funds from CalRecycle is needed to support these efforts.

Action: Support increased funding and the flexibility for CalRecycle to make available the maximum amount that is allowed for Illegal Disposal Site Clean-ups (a maximum of \$500,000) that may be associated with large-scale local nuisance sites including abandoned properties.

8. **Odor Complaints Associated with Composting Facilities**

Issue: The State is the Enforcement Agency (EA) and thus responsible for, but not able to respond quickly to, odor complaints due to travel distances. Furthermore, unlike local air districts, the State does not issue Notices of Violation (NOVs) which have financial penalties attached. NOVs are a necessary fiscal incentive to obtain compliance in problem situations. The State's inability to address these issues adequately results in significant problems with problematic or inadequate solutions.

Action: Return oversight responsibility for odor complaints back to the local air districts, at least in areas where the California Integrated Waste Management Board is the EA.

9. **Extended Producer Responsibility**

Issue: Local jurisdictions are shouldering an ever-increasing cost for the disposal of "Universal Wastes," which are toxic and hazardous substances such as batteries, pharmaceuticals, and fluorescent tubes that are banned from the landfill but have no other convenient disposal method. Presently, local governments are paying an increasing cost for disposal of Universal Wastes, while the manufacturers and distributors share no burden or responsibility for the costly disposal. Extended Producer Responsibility (EPR) legislation would place the responsibility for free and convenient disposal of these and other problematic products back on the manufacturers and remove this cost and logistical burden

from local governments. CalRecycle previously adopted Strategic Directive No. 5 seeking to establish legislation supporting “cradle to grave” producer responsibility and analyzing various approaches to EPR.

Action: Support legislation that implements EPR principles and removes the cost burden for disposal of products containing Universal Wastes from local governments.

10. Draft Industrial Storm Water Permit

Issue: The State Water Resources Control Board (SWRCB) is revising the Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Storm Water Associated with Industrial Activities (Industrial General Permit or IGP); the category of which landfills fall into. The County supports the implementation of storm water quality improvement measures that are cost-effective and practical. The proposed IGP that is currently being circulated still fails to meet these objectives. It would also place an undue hardship on the financial and technical resources of local governments at a time when they can least afford it.

Action: Monitor the activities at the SWRCB regarding the industrial permit for stormwater. Advocate for fair, cost-effective regulations to be included in this permit. Actively oppose the inclusion of permit regulations which are burdensome or costly to implement.

11. Off Highway Vehicle Parks

Issue: Stanislaus County operates two Off Highway Vehicle Parks utilizing State Grant funds. Operations would be severely reduced without grant funding.

Action: Support any budget, legislative or administrative action to provide continued grant funding for Off Highway Vehicle Parks. Oppose efforts to reduce funding and/or any transfer of local assistance funds to State Parks from the Off Highway Vehicle Trust Fund.

12. Architectural Paint/Paint Stewardship Program

Issue: The purpose of the Paint Stewardship Program is to reduce the generation of postconsumer architectural paint, promote the reuse of post-consumer (leftover) architectural paint, and manage the end-of-life of leftover architectural paint, in an environmentally sound fashion, including collection, transportation, processing, and disposal.

California is the second state in the U.S. to enact model, industry supported, paint stewardship legislation. This model legislation ensures environmentally responsible end-of-life management for leftover architectural paint while relieving local and state governments



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of the economic burden of leftover paint management. PaintCare's California Program began October 19, 2012.

As required by the law, at the program start date, a paint stewardship assessment fee ("PaintCare Recovery Fee") must be added by manufacturers to the wholesale price of all architectural paint sold in California. This fee will fund the collection, transportation, recycling and proper disposal of architectural paint. It will also pay for consumer education and administrative costs.

Action: Support the implementation of the Paint Stewardship Program principles to remove the cost burden of paint products disposal from local governments.

13. **DER Program Fees**

Issue: Stanislaus County operates several local programs that could otherwise be operated by the State (such as milk inspections). In these cases, the State's fees for County residents are typically higher than the County's fees. The customers of the programs the County regulates prefer the County to manage these programs. In recent years, however, it has become common for the State to impose surcharges on local fees charged to customers, placing a hardship on the County and its customers.

Action: Oppose efforts to implement State surcharges on local fees, if fees are not substantiated or appropriate.

14. **1991 Health Realignment Funding**

Issue: Stanislaus County has historically received an annual allocation of the Health Realignment funding from the State, which is an allocation of collected Vehicle License Fees and Sales Tax revenue that fluctuates somewhat with the strength of the economy. The statewide allocation of Health Realignment by county was based on an allocation percentage table and Stanislaus County's percentage was 1.0509% of which DER has received 6% of the total amount allocated annually by the State to cover public health-related services we can't charge a fee for (lead, surfacing sewage complaints, etc., and to off-set the cost of programs we can't charge enough to cover without substantially increasing our fees to local businesses).

Action: Support any budget, legislative or administrative action to provide continued or increased funding for these public health-related State-mandated program obligations currently paid for through Health Realignment allocations to counties. Oppose efforts to reduce funding and/or any redirection of these Health Realignment funds to cover public health-related State-mandated program obligations.



Stanislaus County 2014 Legislative Projects and Issues

Health Services Agency

Contact: Mary Ann Lee, Managing Director
(209) 558-7163

1. Section 17000

Issue: There continues to be financial exposure to the Stanislaus County General Fund for the Medically Indigent Adult program obligations. These obligations vary by county due to the vagueness in the law and the subsequent litigation which targeted only some counties, including Stanislaus. With the implementation of the Affordable Care Act's Medi-Cal Expansion and the passage of AB 85, there will be fewer indigents under the counties' obligation; however, there will be significantly fewer dollars to fund that residual obligation.

Action: Advocate for legislation and/or administrative policy which aligns adequate funding to the county's obligations under the law, including case law.

2. Certified Public Expenditures

Issue: Despite the fact there has been passage of AB 959 (2006), it still has not been implemented. It did however finally receive federal approval in August of 2012. If and when implemented, AB 959 would expand the provisions of current law to allow Stanislaus County access to funds available for non-hospital based clinic services and provide supplemental Medi-Cal reimbursements for some of Stanislaus County's non-Federally Qualified Health Center outpatient clinic services.

Action: Advocate for the implementation of AB 959.

3. Non-categorical Funding for Mandates

Issue: Infrastructure is required for emergency preparedness. Stanislaus County needs financial resources to enhance the Public Health Lab for active surveillance, for pre-event mandates from the State and Federal Governments, and for any major disaster or disease pandemic.

Action: Support State and Federal legislation for non-categorical funding to address individual county issues and mandates (e.g., pandemic flu, emerging diseases, smallpox pre-event vaccination plan). Support adequate funding for counties like Stanislaus that will serve displaced residents in the event of an emergency that displaces large numbers of Californians.



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4. **Funding for Public Health Services, Infrastructure and Workforce**

Issue: In the absence of adequate funding through Realignment, there are few funds to provide for Public Health infrastructure, chronic disease prevention, communicable disease data collection and community health efforts.

Action: Support legislation to assure the funding and infrastructure needs of the county's Public Health Services. Monitor any legislation or administrative policy change that alters realignment funds. Also, monitor health reform to ensure public health needs are adequately and appropriately addressed with appropriate funding to carry out mandates and responsibilities.

5. **Improved Efficiency and Effectiveness in Public Health**

Issue: There are administrative and program policies which result in costly administration and services delivery for both the State and the counties. Two specific examples include individual contracts for each scope of work rather than a consolidated contract, and California Children's Services (CCS) program model. Additionally, the CCS program passes a portion of utilization risk to the counties while the State controls factors which influence utilization and who can be determined eligible. Closely monitor discussions/activities at the State as the 2013 budget proposal suggested future realignment of CCS to the State.

Action: Support legislation and administrative policy change which improves efficiency and preserves quality and effectiveness. Support changes to the CCS system which more closely aligns spending authority with funding and risk exposure, and which provides service delivery in the most cost effective manner. Closely monitor Phase II realignment, which proposes realignment of CCS to the State.

6. **Expanded Access to Healthcare with Adequate Funding, Efficiency and Quality Improvement**

Issue: There is need for policy and administrative change to expand access to health care services in California and which adequately provides funding for the providers of healthcare. Strategic policy change would invest in prevention and outpatient care, support efficient and effective utilization management, and which in aggregate would reduce the exposure to the more costly inpatient and emergency room care.

Action: Support state and federal healthcare policy change which would expand access to medical care in a manner which does not financially impact Stanislaus County in a negative way. Negative impacts could include unfunded or under-funded mandates or reallocation of existing Stanislaus County funding that increases County general fund obligation. Support



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infrastructure, funding, and reimbursement policy for telemedicine and other forms of appropriate healthcare. Support appropriate reimbursement for email or telephonic consultation, and group visits.

In health reform solutions, the safety net care system needs adequate funding, public health needs to be adequately and appropriately addressed with appropriate funding, and workforce capacity must be addressed. Reimbursement related policy change should include same day outpatient visits in the Medi-Cal system, Patient Centered Medical Home support, telemedicine infrastructure and operational support, increased integration of behavioral health and primary care, and group visit reimbursement. Other administrative changes should include appropriate utilization management which supports quality evidence-based outcomes and avoids ineffective administratively burdensome controls.

7. Health Professional Shortages

Issue: There is a regional shortage of physicians, nurses and allied health personnel in the San Joaquin Valley.

Action: Support budget, legislative or administrative action to provide funding for health professional training and/or recruitment to increase access to healthcare for residents of the San Joaquin Valley, including support of the proposed UC Merced Medical School and adequate funding for physician graduate medical education.

8. Information Technology

Issue: There is a need for improved information technology in the outpatient clinic setting, in public health, and to data exchange with other healthcare entities. Such technology will add efficiency and create opportunities for improved quality, lower healthcare costs and better health outcomes.

Action: Support legislation and/or administrative action which provide funding or other incentives to finance, or make financially feasible, information technology infrastructure improvements for outpatient clinics, pharmacies and public health.

9. Pre-Hospital Emergency Medical Care System Improvement

Issue: There is a need for improved infrastructure and funding for the pre-hospital emergency medical services administration, training, integrated communications and dispatch, and operations/services at the county level.



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Action: Support legislation and/or administrative action which provide funding for infrastructure improvement, training, emergency preparedness and operations, which support the unique and growing needs at the local level.



Stanislaus County 2014 Legislative Projects and Issues

Planning and Community Development

Contact: Angela Freitas, Director
(209) 525-6330

1. Williamson Act Funding

Issue: The Williamson Act subvention from the State of California has been eliminated.

Action: Support budget, legislative or administrative action that would restore full funding of the Williamson Act subvention or similar program, including the use of cap and trade funds. Support legislation in the near-term which grants counties the ability to use alternative methods to recover lost subventions, while simultaneously pursuing restored funding to the Act through the budget process.

2. Williamson Act – AB 1265 (Nielson)

Issue: AB 1265 (Nielson) is set to expire in 2015.

Action: If appropriate, support budget, legislative or administrative action that would assist in extending the benefit of AB 1265 (Nielson) beyond its current expiration date.

3. Williamson Act Reform

Issue: Counties face various challenges administering the Williamson Act. Several years ago landowners were able to sign up for the Williamson Act without regard to a minimum parcel requirement. There is a minimum parcel size for lands to be enrolled; ten acres for “prime land” and 40 acres for “non-prime land.” The county has numerous parcels that do not meet the 10 acre minimum size and derive no benefit from the contract, which results in problems and possible breaches of the Act.

Action: Support potential statutory changes to the Williamson Act that will assist counties with their administrative responsibilities. Support incentives to land owners to remain in the program, if incentives do not financially harm the county. Seek an amendment to the Williamson Act which would provide that any property less than 10 acres which is under Williamson Act contract and has not had any monetary benefit from the contract for ten years be allowed out of the contract without penalty. Allow cancellation for non-compliant parcels and direct the cancellation fees to the County.

4. Delay Future Required Updates to Housing Elements

Issue: State law requires local governments review and revise housing elements every five to eight years depending on certain criteria effecting each local government. The process for obtaining certification of a housing element from the California Department of Housing and Community Development (HCD) is very time intensive and costly to local governments. In light of the current economic downturn impacting California, and more specifically the Central Valley, the need to provide new housing to accommodate increasing populations has greatly diminished and the affordability of existing housing has greatly increased.

Action: Support legislation delaying the next revision date to a local government’s housing element. Support legislation to revise housing element requirements in an effort to streamline the revision process. Support legislation to eliminate or restrict HCD’s role in the housing element certification process.

5. Provide Local Control of the Regional Housing Needs Allocation Process

Issue: Under California Housing Element Law, COG’s are responsible to develop and approve a Regional Housing Needs Allocation (RHNA); however the California Department of Housing and Community Development (HCD) must ultimately approve the RHNA and certify individual housing elements. Local coordination with HCD has historically been difficult and HCD has proven inflexible and impractical in their housing needs expectations for the Central Valley. HCD’s housing targets have historically been higher than actual population growth and are inconsistent with local population growth projections that are the foundation of the regions planning efforts.

Passage of SB 375 now ties the upcoming fifth RHNA cycle to the local Sustainable Communities Strategy (SCS)/Regional Transportation Planning (RTP) process. An inconsistency between locally accepted population growth projections and HCD housing targets increases the risk of litigation, loss of funding, and forces the unnecessary allocation of land and infrastructure resources towards residential and away from efforts to attain a jobs-housing balance.

Action: Support legislation requiring the use of local population growth projections established by the COG’s for development of the RHNA housing numbers; and allows local jurisdictions to self-certify their housing elements and eliminates ties to housing element certification for receipt of any State funding.



Stanislaus County 2014 Legislative Projects and Issues

Probation

Contact: Jill Silva, Chief Probation Officer
(209) 525-5400

1. Division of Juvenile Justice

Issue: The Division of Juvenile Justice (DJJ) houses juvenile offenders who have committed serious or violent crimes and are a high-risk population. The legislature, through the enactment of SB 81 in 2007, narrowed the focus of juvenile offenders that were eligible for commitment to DJJ. Since that time, Probation has worked with the state on juvenile reforms, which has resulted in fewer youth being committed to DJJ. Additionally, Probation has taken over supervision of those paroled youth after February 1, 2010. Further reductions to DJJ were included in the Fiscal Year 2011-12 budget trigger cuts, which would have required counties to pay an annual rate of \$125,000 for every youthful offender committed to DJJ. The Governor later included closure of DJJ in his Fiscal Year 2012-13 Proposed Budget. The Chief Probation Officers of California (CPOC) came out in full force and prevailed in opposing the closure of DJJ and partially prevailed in reducing the amount of fees for DJJ commitments. DJJ will remain open for now and the fees have been reduced to \$24,000 per youthful offender committed to DJJ after July 1, 2012. The state has a necessary role to play in the juvenile justice system and we would have great difficulty to find appropriate facilities and programs for these offenders, who are the highest risk and highest need, if we were forced to absorb them back into our existing system. It is critical that DJJ remain a viable commitment option and that counties not be required to pay more than the current fee structure. Increases to fees would further impact counties funding for prevention and intervention programs that are designed to prevent youth from escalating further into the criminal justice system.

Action: Oppose any legislation that requires increased fees or closure of the Division of Juvenile Justice.



Stanislaus County 2014 Legislative Projects and Issues

Public Works

Contact: Matt Machado, Director
(209) 525-4153

1. Bridge Program

Issue: The new Federal Transportation Bill (MAP 21) requires implementation of some programs through the state. There is a threat that the money for the bridge program would no longer be dedicated just to bridges. This would mean that bridge projects would be competing against other projects such as road widenings and overlays for the same pool of money. Stanislaus County has a large financial need in its bridge program, as there are more than 222 bridges in the County maintained inventory. There are 22 bridges in the County targeted for repair or rehabilitation over the next five years. The total cost of these 22 projects is approximately \$250 million. Dedicated funding sources are needed for these projects. Currently there is no set aside for on-system non National Highway System bridges. This category represents the vast majority of Stanislaus County Bridge needs.

Action: Retain either through administrative policy or state statute the former Highway Bridge Program as a statewide program. Ensure that bridges, both on- and off-system and locally and State owned, receive at least the same amount of funding as under SAFETEA-LU.

2. Infrastructure Funding

Issue: The State has continually borrowed against, deferred and taken local roads, transit and other infrastructure funds to help manage State budget problems. Currently the state has directed Off Highway Vehicle (OHV) fuel tax sales revenue to the general fund instead of distributing as part of Highway Users Tax Account (HUTA) for transportation. This share of funds is approximately \$128 million annually statewide and approximately \$28 million for counties. Stanislaus County's share is approximately \$500,000 annually.

Action: Oppose any legislative or agency action that would not fully provide local road funds include HUTA, Prop 42, Prop 1B and other related monies. Seek coalition to support the return of the new HUTA revenues attributable to OHV fuel sales to counties, cities and the state as intended under the Transportation Tax Swap.

3. Stormwater Regulations

Issue: The State Water Resources Control Board controls and periodically changes permit requirements for Small MS4s (Municipal Separate Storm Water Systems).



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Action: Support storm water and urban runoff regulation which cost-effectively protects the environment and local community. Oppose new regulations which create unfunded mandates, are not cost-effective or place an undue financial burden on the local community.

4. **Seventh Street Bridge**

Issue: The Seventh Street Bridge was constructed in 1916. It has the lowest bridge rating in Stanislaus County and according to Caltrans District 10, is the lowest rated bridge in the 8 County District. The bridge has major structural deficiencies such as alkali silica reaction deteriorating the concrete, large deflections between cantilevered members in the bridge deck, and exposed and rusting reinforcing steel. The bridge has been weight restricted since the mid-1930s. The bridge carries over 14,000 cars per day and is a major link between the south side of Modesto and downtown Modesto.

Action: Seek and support design, engineering and construction funding to repair this bridge as it is a vital link between south Modesto and downtown Modesto. Also, support any budget, legislative or administrative action that would assist in the completion of this project.

5. **Road Construction Projects**

Issue: McHenry Corridor (Ladd to San Joaquin County Line), West Main Street Widening Project, State Route 132, State Route 219, Claribel Widening Project and the North County Corridor project serve, or will serve, as primary transportation roadways and corridors for County residents. These important projects are needed for the assurance of a quality road system for the County.

Action: Support any budget, legislative or administrative action to provide funding for the successful completion of the road projects and their phases.

6. **Proposition 218 Restrictions**

Issue: Proposition 218 requires a vote of the people to increase taxes or utility rates. Current legislation requires different procedures for utility rate increases such as water and sewer compared to storm drain fees. How communities address storm drainage is becoming more regulated by the state, costing local government new monies. These new regulations are unfunded and with the current restrictions of Proposition 218 are nearly impossible to establish a rate structure.



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Action: Support legislation that would amend the California Constitution to include storm drainage, flood control and urban runoff management to be treated as a utility such as water and sewer services as part of Proposition 218.



Stanislaus County 2014 Legislative Projects and Issues

Sheriff

Contact: Adam Christianson, Sheriff
(209) 525-7216

1. Court Security

Issue: The Stanislaus County Sheriff's Department is responsible for court security services in the Stanislaus Superior Court. The Sheriff, as directed by Government Code 69926 with the approval and authorization of the Board of Supervisors, enters into a memorandum of understanding with the superior court for court security services. Furthermore, Assembly Bill 118 Chapter 6.3 Section 3005 (f) (3) requires the monies in the Trial Court Security Account be used exclusively to fund court security provided by the County Sheriff. No general county administrative costs may be charged for court security services. Currently the general fund is funding these services by over \$200,000 on an annual basis.

Action: Support any budget, legislative or administrative action to provide Stanislaus County full cost recovery for court security services.



Stanislaus County 2014 Legislative Projects and Issues

2013 Federal Legislative Projects

Project Funding:

Stanislaus County Public Safety Radio Interoperability: \$6 million

Stanislaus County representatives are seeking \$6 million in funding to help obtain public safety equipment for regional law enforcement and homeland security needs. The requested funding would be used in ongoing efforts to build out an interoperability solution for the Highway 99 corridor from Modesto to Turlock. Funding will be used to replace twenty-five (25) 9-1-1 center dispatch consoles with P25 systems which would link the Dispatch Centers in Modesto, Turlock and Ceres. Six additional P25 linear trunking transmitter sites would be installed to expand county-wide coverage: one (1) in Oakdale; one (1) in Knights Ferry; one (1) in La Grange; one (1) in Newman; one (1) in Waterford; and one (1) in Patterson.

Orestimba Creek Flood Control, West Stanislaus County: \$1 million

In Fiscal Year 2015, the U.S. Army Corps of Engineers will use funds to continue pre-construction engineering and design (PED) phase including Architect-Engineering (AE) contract awards for geotechnical and survey work required for project design.

Tuolumne River Regional Park (TRRP): \$1.8 million

\$1,800,000 will provide for development of a two-lane access road in the TRRP Gateway Parcel, including a Finding of Conformance to the existing Master Environmental Impact Report (MEIR), creation of Construction Documents and construction of approximately 2,300 feet of local access roadway within the Gateway Parcel, gateway connection to 10th Street and a Pedestrian Bridge over Dry Creek.

North Valley Regional Recycled Water Program (NVRWP): \$25 million

The Cities of Modesto, Turlock, and Ceres, and the Del Puerto Water District are seeking an initial \$25 million in funding to develop and establish the North Valley Regional Recycled Water Program (NVRWP). The total estimated cost for all program projects is \$100 million. Funding would allow NVRWP the ability to provide 32,900 acre-feet per year of recycled water to the drought-impacted west side of Stanislaus and San Joaquin Counties. This provides enough water to irrigate 10,966 acres of prime agricultural land, restore 572 jobs, generate \$29 million in total annual income, and provide \$67.5 million in total annual economic output to an area with a 17.2% unemployment rate.



Stanislaus County 2014 Legislative Projects and Issues

Federal Legislative Policy Items 2014

(not in rank order)

Public Safety Radio Interoperability

➤ Stanislaus County continues to work collaboratively in a regional approach to public safety radio interoperability. Support any efforts that expand Stanislaus County's ability to apply for grant funding to develop interoperable communications. Support appropriation of federal funds to the County's interoperability project.

Public Safety Resources

➤ Stanislaus County public safety departments are in need of additional staffing, equipment and other resources for the provision of services. Support appropriate grant applications to federal agencies such as the United States Department of Justice for financial support for hiring of personnel, equipment and support of programs in accordance with County priorities. Support appropriation of federal funds for County public safety.

Bridges

➤ There is not sufficient funding to maintain and improve bridges in Stanislaus County. Support any legislative, administrative or executive action to provide funding for building, repairing, upgrading and maintaining bridges in Stanislaus County. Oppose efforts to decrease funding for bridges.

Roads and Transportation

➤ There is not sufficient funding to maintain and improve the roads and transportation system in Stanislaus County. Support any legislative, administrative or executive action to provide funding for building, repairing, upgrading and maintaining the roads and transportation network in Stanislaus County.

Stanislaus Family Justice Center

➤ Ongoing funding is needed to support the work of the Stanislaus Family Justice Center. Support appropriate efforts to secure funding to continue and grow the work of this agency.

Prison Rape Elimination Act (PREA)

➤ The Prison Rape Elimination Act created several unfunded mandates for counties in both adult and juvenile detention. Costs include staff time for planning and implantation of plans, and also include a triennial audit and increased staffing ratios for juvenile detention. The audit costs are projected in the thousands of dollars and the additional staffing costs starting in 2017 are minimally projected to be \$600,000 per year and rising. Appropriate funding should be directed to counties to cover costs associated with this act.



Stanislaus County 2014 Legislative Projects and Issues

Water Recycling

➤ Water is a scarce but vital resource to the central valley. Support any appropriate legislative, agency, executive or other action that would promote the advancement and completion of the North Valley Regional Recycled Water Project.

Levees and Flood Control

➤ There is not sufficient funding to maintain and improve the levee and flood control system in Stanislaus County. Support any legislative or executive action to provide funding for building, repairing, upgrading and maintaining the levee and flood control system in Stanislaus County provided such funding does not create .

Energy-from-Waste /Alternative Energy

➤ Energy-from-waste is a renewable energy source that needs appropriate inclusion and recognition in legislation. Stanislaus County partners in an extremely environmentally clean energy-from-waste plant that diverts more than 50% of waste from the landfill into the plant. The County is very concerned with legislative attempts to revise the definition of a solid waste facility. Legislation has been introduced in the U.S. Senate to create a national Renewable Energy Standard (RES). The current legislation specifically excludes WTE from the RUS program. Supporters of WTE want to make sure that future legislation allows the anthropogenic portion of the waste stream to qualify as renewable. Without this fix, only two-thirds of Stanislaus' waste would qualify as renewable and receive a higher value for the electricity. Any new definition of renewable energy must include the energy-from-waste facility and that energy-from-waste is included in any renewable energy standard. Legislation must give energy-from-waste a full renewable energy credit in the Renewable Energy Standard. Further, EPA regulations must be sure to recognize the greenhouse gas and renewable benefits of WTE.

City/County Islands

➤ Stanislaus County has identified more than 25 city/county islands that have infrastructure needs. The County is working with local cities to create a strategy for continuing to improve infrastructure in these islands. Support any efforts that would assist the County's attempt to improve infrastructure in these areas.

Health Services Agency

➤ The Stanislaus County Health Services Agency is critical to the healthcare infrastructure of Stanislaus County. Agency staff provide over 205,000 outpatient clinic visits each year. The county has received the Federally Qualified Health Center Look-Alike designation from the Centers for Medicare and Medicaid Services (CMS) which will help to preserve health access in the community. Protect access to federal funding that will support the provision of healthcare to the underserved community and support increased funding for FQHC-LAs.



Stanislaus County 2014 Legislative Projects and Issues

Valley Family Medicine Residency Program

➤ Physician training is vital to help change the disproportionately low share of physicians per capita in the valley. Support additional funding for the Valley Family Medicine Residency Program through various funding sources.

Behavioral Health Recovery Services

➤ Behavioral health services continue to be under-funded at the federal and state levels. Support efforts to provide adequate funding for behavioral health needs in Stanislaus County.

Women, Infants and Children's (WIC) Program

➤ The Special Supplemental Nutrition Program for Women, Infants, and Children, (WIC) has improved at-risk children's health, growth and development, and prevented nutrition-related and other health problems for over 35 years. WIC children enter school ready to learn, showing better cognitive performance. WIC also improves the health of at-risk mothers during pregnancy and helps to rebuild nutrient stores after birth. Oppose funding cuts which could deprive vulnerable young children the opportunity of a healthy start on life, take away purchasing power in local economies, and increase long-term healthcare costs.

Subsidized Employment Programs

➤ Unemployment levels in Stanislaus County continue to be some of the highest in the nation. Support job creation through appropriate funding of work and educational opportunities for unemployed workers, underemployed, those who can't qualify for unemployment benefits, and other disadvantaged individuals. Support skills and career training enhancements for people currently employed.

Department of Labor Statistical Tracking

➤ Currently, the Department of Labor's (DOL) Workforce Investment Act (WIA) unemployment and mass layoff statistics do not include agricultural workers, forestry personnel, fishermen, and government workers. Stanislaus County supports inclusion of these statistics for the formula based funding allocations and Migrant Seasonal Farm Worker funds. Non-inclusion of these personnel could negatively impact the County.

Veterans Affairs

➤ Support appropriate funding for veterans' issues. Support efforts to increase prompt benefits processing and payment for veterans. Support funding for veterans' housing and homeless programs. Support increased funding and services for veterans medical care and counseling. Support jobs training and workforce development programs that positively impact veterans. Support programs for veterans that support, promote and develop self-sufficiency and successful transitions to civilian life. Support funding for local veterans facility one-stop center.



Stanislaus County 2014 Legislative Projects and Issues

Title IV-E Funding for Probation Services

➤ Title IV-E funding from the Administration for Children and Families (ACF) is extremely important to the health and safety of residents of Stanislaus County. Stanislaus County receives approximately \$800,000 in funding each year through a federal claiming process that is used to support home interventions for youth in the probation system. ACF has sent a directive to the California Department of Social Services (CDSS) that all California Probation Departments must cease claiming for funds related to this program retroactive to October 1, 2013 because of concerns of inappropriate use of funds. CDSS has proposed an alternative resolution that contains an expedited corrective action plan. Support the immediate reversal of the cease claim decision for the Title IV-E claiming process while corrective actions are taken by California counties.