

CSAC BOARD OF DIRECTORS

BRIEFING MATERIALS

Thursday, February 16, 2017

10:00am - 1:30pm



Meeting Location:
Capitol Event Center, Sacramento
Sacramento County



California State
Association of Counties



CALIFORNIA STATE ASSOCIATION OF COUNTIES
BOARD OF DIRECTORS
Thursday, February 16, 2017
10:00am – 1:30pm
Capitol Event Center, Sacramento
Conference line (800) 719-7514 code: 165252

A G E N D A

Presiding: Keith Carson, President

10:00am **PROCEDURAL ITEMS**

1. Roll Call Page 1

2. Approval of Minutes of December 1, 2016 Page 3

SPECIAL PRESENTATIONS

3. Corporate Partner Presentation Page 7
 - *Shawn Kraatz, Alliant Insurance*
 - *Jim Manker, CSAC staff*

4. Report on Uneven Economic Recovery Among California Counties
 - *Geoff Neill, CSAC staff*

5. Report on Governor's Budget for 2017-18
 - *Michael Cohen, Director, CA Department of Finance*
 - *Diane Cummins, Special Advisor to the Governor*

DISCUSSION ITEMS

6. State Budget Impacts on Counties Page 17
 - *DeAnn Baker & CSAC Advocacy staff*

7. CSAC Officers Meeting with Governor Brown
 - *President Carson*

ACTION ITEMS

8. Consideration of Amendments to CSAC County Platform Administration of Justice Page 45
 - *Darby Kernan, CSAC staff*

- Agriculture, Environment & Natural Resources Page 63
 - *Cara Martinson, CSAC staff*

- Government Finance & Administration Page 103
 - *Dorothy Holzem & Faith Conley, CSAC staff*

- Health & Human Services Page 130
 - *Farah McDaid-Ting, CSAC staff*

- Housing, Land Use & Transportation Page 160
 - *Chris Lee, CSAC staff*

12:00pm **LUNCH**

ACTION ITEMS (cont.)

9. Consideration of State and Federal Legislative Priorities for 2017 Page 187
- *DeAnn Baker & CSAC Advocacy staff*
10. CSAC Finance Corporation Report and CSCDA Appointment Page 199
- *Alan Fernandes, Finance Corp. Executive Vice President*

INFORMATION ITEMS

11. Conflict of Interest Statement for CSAC Board Members Page 202
- *Graham Knaus, CSAC staff*
12. Information Reports without Presentation Page 205
- ❖ Institute for Local Government (ILG) Update
 - ❖ CSAC Litigation Coordination Program Update
 - ❖ CSAC Financial Statement
13. Other Items

1:30pm **ADJOURN**

CALIFORNIA STATE ASSOCIATION OF COUNTIES
Board of Directors
2017

<u>Section</u>	<u>County</u>	<u>Director</u>
U	Alameda County	Scott Haggerty
R	Alpine County	Terry Woodrow
R	Amador County	Richard Forster
S	Butte County	Bill Connelly
R	Calaveras County	Michael Oliveira
R	Colusa County	Kim Dolbow Vann
U	Contra Costa County	John Gioia
R	Del Norte County	Chris Howard
R	El Dorado County	John Hidahl
U	Fresno County	Buddy Mendes
R	Glenn County	John Viegas
R	Humboldt County	Virginia Bass
S	Imperial County	Raymond Castillo
R	Inyo County	Jeff Griffiths
S	Kern County	Mick Gleason
R	Kings County	Doug Verboon
R	Lake County	Jim Steele
R	Lassen County	Chris Gallagher
U	Los Angeles County	Mark Ridley-Thomas
R	Madera County	Max Rodriguez
S	Marin County	Damon Connolly
R	Mariposa County	Marshall Long
R	Mendocino County	Carre Brown
S	Merced County	Lee Lor
R	Modoc County	Patricia Cullins
R	Mono County	Larry Johnston
S	Monterey County	Luis Alejo
S	Napa County	Diane Dillon
R	Nevada County	Ed Scofield
U	Orange County	Lisa Bartlett
S	Placer County	Jim Holmes
R	Plumas County	Lori Simpson
U	Riverside County	Chuck Washington

U	Sacramento County	Susan Peters
R	San Benito County	Jaime De La Cruz
U	San Bernardino County	James Ramos
U	San Diego County	Greg Cox
U	San Francisco City & County	Malia Cohen
S	San Joaquin County	Bob Elliott
S	San Luis Obispo County	John Peschong
U	San Mateo County	Carole Groom
S	Santa Barbara County	Das Williams
U	Santa Clara County	Ken Yeager
S	Santa Cruz County	Bruce McPherson
S	Shasta County	Leonard Moty
R	Sierra County	Lee Adams
R	Siskiyou County	Ed Valenzuela
S	Solano County	Erin Hannigan
S	Sonoma County	James Gore
S	Stanislaus County	Vito Chiesa
R	Sutter County	Larry Munger
R	Tehama County	Robert Williams
R	Trinity County	Judy Morris
S	Tulare County	Steve Worthley
R	Tuolumne County	Sherri Brennan
U	Ventura County	Kelly Long
S	Yolo County	Jim Provenza
R	Yuba County	Andy Vasquez

President: Keith Carson, Alameda
 First Vice President: Leticia Perez, Kern
 Second Vice President: Virginia Bass, Humboldt
 Immed. Past President: Richard Forster, Amador

SECTION: U=Urban S=Suburban R=Rural

1/26/17

CALIFORNIA STATE ASSOCIATION OF COUNTIES
 BOARD OF DIRECTORS
 December 1, 2016
 Renaissance Hotel, Palm Springs, Riverside County

M I N U T E S

Presiding: Richard Forster, President

1. ROLL CALL

Alameda	Keith Carson	Placer	absent
Alpine	Terry Woodrow	Plumas	absent
Amador	Forster/Boitano	Riverside	absent
Butte	Bill Connelly	Sacramento	Susan Peters
Calaveras	Michael Oliveira	San Benito	Jaime De La Cruz
Colusa	absent	San Bernardino	James Ramos
Contra Costa	John Gioia	San Diego	Roberts/Cox
Del Norte	David Finigan	San Francisco	vacant
El Dorado	absent	San Joaquin	Bob Elliott
Fresno	Buddy Mendes	San Luis Obispo	Bruce Gibson
Glenn	John Viegas	San Mateo	Carole Groom
Humboldt	Virginia Bass	Santa Barbara	absent
Imperial	absent	Santa Clara	Ken Yeager
Inyo	Jeff Griffiths	Santa Cruz	absent
Kern	Perez/Gleason	Shasta	Leonard Moty
Kings	Craig Pederson	Sierra	Lee Adams
Lake	absent	Siskiyou	Ed Valenzuela
Lassen	Jim Chapman	Solano	Linda Seifert
Los Angeles	absent	Sonoma	James Gore
Madera	absent	Stanislaus	Vito Chiesa
Marin	Damon Connolly	Sutter	absent
Mariposa	Marshall Long	Tehama	Robert Williams
Mendocino	Carre Brown	Trinity	Judy Morris (audio)
Merced	Hubert "Hub" Walsh	Tulare	Steve Worthley
Modoc	Jim Wills (audio)	Tuolumne	Sherri Brennan
Mono	Larry Johnston	Ventura	Kathy Long
Monterey	Fernando Armenta	Yolo	Jim Provenza
Napa	Diane Dillon	Yuba	Roger Abe
Nevada	Ed Scofield		
Orange	Lisa Bartlett		

The presence of a quorum was noted.

2. APPROVAL OF MINUTES

The minutes of September 1, 2016 were approved as previously mailed.

3. CSAC FINANCE CORPORATION REPORT

With the retirement of Supervisors Seifert and Finigan, the CSAC Finance Corporation Board will have two vacant positions beginning in January. Recommendations for filling those seats will be brought to the CSAC Executive Committee in early 2017. Staff distributed a chart outlining county-by-county participation in the various Finance Corporation programs. Greg Watson from Nationwide Retirement Solutions (NRS) described the retirement services that NRS offers to county employees. Currently, over 63,000 county employees utilize the Nationwide deferred compensation program.

4. CSAC CORPORATE PARTNER REPORT

Staff reported that this year's exhibit program was a success. The program currently has 64 partners. It was announced that the next CSAC regional meeting will take place in Kern County on March 8-9. Paul Mello from Hanson Bridgett LLP addressed the Board regarding the services that Hanson Bridgett offers to counties. The firm specializes in public agency law and currently represents more than 35 counties.

5. ELECTION OF 2017 CSAC EXECUTIVE COMMITTEE

In addition to the CSAC officers, the following members were elected to the 2017 Executive Committee:

Urban Section

John Gioia, Contra Costa
Mark Ridley-Thomas, Los Angeles
Lisa Bartlett, Orange
Carole Groom, San Mateo
Ken Yeager, Santa Clara
Vacant
Vacant (alternate)

Suburban Section

Bruce McPherson, Santa Cruz
Leonard Moty, Shasta
Steve Worthley, Tulare
James Gore, Sonoma (alternate)

Rural Section

Ed Scofield, Nevada
Lee Adams, Sierra
Larry Johnston, Mono (alternate)

Note: Supervisors Haggerty and Washington will be added to the urban section once their respective boards nominate them to serve on the CSAC Board of Directors.

6. CSAC POLICY COMMITTEE REPORTS

Supervisor John Viegas, Chair of the Administration of Justice committee, presented a report from the meeting held earlier today. The committee heard a panel discussion on how counties should respond to inmate advocacy groups and how to prevent jail lawsuits. Diane Cummins from the Governor's Office discussed implementation of Proposition 57. The future of federal criminal justice funding was also discussed. No action items were brought forward for consideration.

Supervisor Diane Dillon, Chair of the Agriculture, Environment and Natural Resources committee presented a report from the meeting held earlier this week. The committee received reports on marijuana cultivation regulation, implementation of the Sustainable Groundwater Management Water

Act, Secure Rural Schools, PILT, and 2017 legislative priorities. No action items were brought forward for consideration.

Supervisor Erin Hannigan, Vice Chair of the Government Finance and Administration committee, presented a report from the meeting held earlier today. The committee received a state budget update and fiscal forecast from the Legislative Analyst's Office, a report on marijuana in the workplace and authorized CSAC sponsorship of two bill proposals. No action items were brought forward for consideration.

Supervisor Ken Yeager, Chair of the Health and Human Services (HHS) committee, presented a report from the meeting held earlier this week. The committee received a report on Ventura County's Foster Health Link program and discussed potential HHS legislative priorities for the coming year. The committee will reconvene in January to further discuss issues of importance. No action items were brought forward for consideration.

Supervisor Bob Williams, Vice Chair of the Housing, Land Use and Transportation committee, and CSAC staff presented a report from the meeting held earlier this week. The committee received reports on California's housing shortage, transportation funding and reform, and state gaming compacts and federal tribal lands policy. No action items were brought forward for consideration.

President Forster thanked policy committee chairs and vice chairs for their hard work this year.

7. APPOINTMENT OF CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) ALTERNATE COMMISSIONER

The California Statewide Communities Development Authority (CSCDA) was created in 1988 to provide California's local governments with an effective tool for the timely financing of community-based public benefit projects. CSCDA is governed by a seven-member commission, four appointed by CSAC and three appointed by the League of Cities. There is currently one vacancy for an alternate due to resignation of Sacramento CEO Nav Gill, citing scheduling conflicts. CSAC recommended that Kern County Treasurer/Tax Collector Jordan Kaufman be appointed to fill that vacancy.

Motion and second to appoint Jordan Kaufman as CSCDA alternate commissioner. Motion carried unanimously.

8. CSAC ANNUAL MEETING SITE SELECTION FOR 2019 AND 2020

CSAC staff has been researching potential sites for future annual meetings. In order to ensure CSAC receives the best available rates, staff requested approval of locations for the 2019 and 2020 conferences. For 2019, staff recommended the Hyatt Regency San Francisco Embarcadero Center. For 2020, staff recommended the Westin Bonaventure Hotel in Los Angeles. The Executive Committee previously approved the two locations and is seeking Board of Directors affirmation of that action.

Motion and second to affirm Executive Committee action to approve CSAC Annual Meeting sites in 2019 and 2020. Motion carried.

9. CSAC EXECUTIVE DIRECTOR'S REPORT AND RESOLUTION AUTHORIZING CONDUCT OF CSAC BUSINESS

Matt Cate introduced two new CSAC employees. They are Chastity Benson, Training Coordinator for the CSAC Institute and Tracy Sullivan, Legislative Analyst for Government Finance and Administration.

Motion and second to approve the annual resolution authorizing the CSAC Executive Director to conduct day-to-day business of the association. Motion carried unanimously.

10. POST ELECTION: FEDERAL OUTLOOK

Joe Krahn, CSAC's Washington representative, provided an update on current federal issues. He noted that President-Elect Trump's legislative agenda will include proposals to fund construction of a southern border wall, repealing the Affordable Care Act, bolstering military spending while cutting taxes, and

scaling back regulations on businesses. Congress will be passing a short-term budget bill next week prior to adjourning next Friday. A detailed federal report was contained in the briefing materials.

11. OTHER ITEMS

In addition to the reports that were presented, the briefing materials contained a report on the Institute for Local Government (ILG), a CSAC Institute class schedule, a CSAC financial statement, 2017 calendar of events and a Litigation Program report.

The following outgoing CSAC Board members were acknowledged: Ron Mikulaco from El Dorado County; Henry Perea from Fresno County; Jim Chapman from Lassen County; Don Knabe from Los Angeles County; Fernando Armenta from Monterey County; Margie Barrios from San Benito County; Dave Roberts from San Diego County; Linda Seifert from Solano County; Kathy Long from Ventura County; and Roger Abe from Yuba County.

Meeting adjourned.

CSAC Board of Directors Report – 2.16.17

Corporate Partnership Program

The Corporate Partnership Program has continued its growth pattern from the last few years. 2016-17 began with 56 partners, including 24 Premier, 6 Executive, and 26 Associate. Since our last report, we are now at 67 Partners, with 26 Premier, 8 Executive and 33 Associate. With just under half the year left we will continue to strive for more.

Annual Meeting highlights - We had a great end to the year with our partners involved at the CSAC Annual Meeting. Many were involved in our exhibit hall, general meetings and workshops, various receptions and the CSAC Partner breakfast. Speaking of the exhibit hall, it was our largest expo in five years and will net just under \$43,000. Thank you again for your interaction with our corporate partners throughout the week.

CSAC Executive Committee Leadership Forum – We just completed our Leadership Forum in San Diego, February 8-10. This was our largest Forum to date with over 50 in attendance. A majority of our Executive Committee and Premier Partners were able to participate in discussion around public private partnerships and other issues key to county leadership and success.

Regional Meetings – These one day regional events are designed to bring together members and leaders from counties, our CSAC Executive and Advocacy Team members and our Premier and Executive level partners. The meetings are designed around a policy issue of interest in each region; panels and round table discussions help foster the sharing of information and creative solutions critical to excellent county governance. Our next Regional Meeting is scheduled for March 8-9, Kern and surrounding Central California Counties.

Partnership Program and Finance Corporation Program - We continue to work closely with the CSAC Finance Corporation to leverage and strengthen the marketing strategy and elevate understanding of the available Finance Corporation revenue programs as well as CSAC corporate partners. The strengthening of this relationship will further open strategic opportunities to leverage the networks and revenue growth to benefit counties.

Thank you again for your support of our Partnership Program.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Jim'.

Jim Manker
CSAC Director of Corporate Relations

CSAC EXECUTIVE COMMITTEE LEADERSHIP FORUM
San Diego County
Wednesday, February 8 – Thursday, February 9, 2017

WEDNESDAY, FEBRUARY 8, 2017

6:30pm

OPENING RECEPTION AND DINNER (Charles Fries Room)

WELCOME/INTRODUCTIONS: CSAC President Keith Carson, Supervisor, Alameda County

PURPOSE/OVERVIEW OF THE FORUM: Graham Knaus, CSAC Deputy Executive Director

BENEFITS OF PUBLIC/PRIVATE PARTNERSHIPS: Jim Manker, CSAC Director of Corporate Partners

THURSDAY, FEBRUARY 9, 2017

8:30am

BREAKFAST AND PUBLIC/PRIVATE PARTNERSHIPS CONTINUED (MAURICE BRAUN ROOM)

9:00am

SESSION: CALIFORNIA AND CANNABIS, THE NEW FRONTIER

THIS PANEL WILL EXPLORE SOME OF THE CHALLENGES ASSOCIATED WITH PROPOSITION 64 IMPLEMENTATION INCLUDING, REVENUE COLLECTION, BANKING AND HOW COUNTIES AND THE INDUSTRY ARE DEALING WITH THIS ISSUE.

Moderator: Cara Martinson, CSAC Legislative Representative/Federal Affairs Manager

Panel: Fiona Ma, CPA, Chairwoman, Board of Equalization

Supervisor Bruce McPherson, Santa Cruz County

10:00am

Break

10:15am

SESSION: TERROR ATTACK IN A CALIFORNIA COUNTY, THE SAN BERNARDINO COUNTY STORY

THIS PANEL WILL EXPLORE THE COUNTY'S RESPONSE AND LESSONS LEARNED FROM THIS DECEMBER 2, 2015 TERRORIST ATTACK.

Panel: Supervisor Janice Rutherford, San Bernardino County

Greg Deveraux, Chief Executive Officer, San Bernardino County

11:15am

NACo PRIORITIES FOR THE UPCOMING YEAR

Matt Chase, Executive Director, NACo

11:45am

LUNCH AND PUBLIC PRIVATE PARTNERSHIPS

WELCOME: Supervisor Kristin Gaspar, San Diego County

12:30pm

CALIFORNIA POLITICAL LANDSCAPE

THIS PANEL WILL DISCUSS THE CHANGING POLITICAL LANDSCAPE, INCREASED FEDERAL/STATE UNCERTAINTY, CALIFORNIA OPPORTUNITIES AND CHALLENGES, AND IMPLICATIONS ON COUNTY PRIORITIES.

Moderator: Matt Cate, CSAC Executive Director

Panel: Ana J. Matosantos, Budget and Policy Consultant
Andrew Acosta, Founder and President, Acosta Consulting
Rob Stutzman, CEO and President, Stutzman Public Affairs

1:30pm

SESSION: TOP ISSUES FACING COUNTY OFFICIALS IN THE COMING YEAR

RUNNING A COUNTY IS A COMPLEX, DIFFICULT, AND EVER-CHANGING TASK. THIS PANEL WILL DISCUSS THE PRIORITIES AND PERSPECTIVES FACING COUNTY ADMINISTRATORS.

Moderator: CSAC CAOAC Advisor, Helen Robbins-Meyer, Chief Administrative Officer, San Diego County

Panel: Susan Muranishi, County Administrator, Alameda County
Ralph Cordova, Chief Executive Officer, Imperial County
Sachi Hamaj, Chief Executive Officer, Los Angeles County
Jay Orr, Chief Executive Officer, Riverside County
Mona Miyasato, County Executive Officer, Santa Barbara County

3:30pm

TOUR OF GENOMICS INSTITUTE OF THE NOVARTIS RESEARCH FOUNDATION (GNF) AT LA JOLLA

We will board a tour bus and head over just down the street to the Novartis Genomics Institute

6:30pm

CLOSING RECEPTION AND DINNER (Charles Fries Room)

Premier Partners (as of 2.1.2017)**1. Aetna**

Josh Miller, Director of Sales and Service
2850 Shadelands Dr.
Walnut Creek, CA 94598
(925) 964-5800
millerj6@aetna.com
www.aetna.com

2. Alliant Insurance Services, Inc.

Nazi Arshi, Senior Vice President
1301 Dove St. Suite 200
Newport Beach, CA 92660
(949) 660-8110
narshi@alliant.com
www.alliant.com

3. Anthem Blue Cross

Michael Pro시오, Regional Vice President, State
Affairs
1121 L Street, Suite 500
Sacramento, CA 95814
(916) 403-0527
Michael.prosio@anthem.com
www.anthem.com

4. Argyle Security

Buddy Johns, President & CEO
12903 Delivery Drive
San Antonio, TX 78247
(210) 495-5245
bjohns@argylesecurity.com
www.isisecurity.com

5. CaliforniaFIRST

Cliff Staton, Executive Vice President
500 12th St., Suite 300
Oakland, CA 94607
(510) 451-7917
cliff@renewfund.com
www.renewfund.com

**6. California Statewide Communities
Development Authority**

Catherine Bando, Executive Director
1700 North Broadway, Suite 405
Walnut Creek, CA 94596
(800) 531-7476
cbando@cscda.org
www.cscda.org

7. CGI

Monica Cardiel Cortez, Partner, Consultant
621 Capitol Mall, Suite 1525
Sacramento, CA 95814
(916) 830-1100
monica.cardielcortez@cgi.com
www.CGI.com

8. Coast2Coast Rx

Marty Dettelbach, Chief Marketing Officer
335 Felspar Way
Cary, NC 27518
(919) 465-0097
marty@c2crx.com
www.coast2coastrx.com

9. CSAC Excess Insurance Authority

Rick Brush, Chief Member Services Officer
75 Iron Point Circle, Suite 200
Folsom, California 95630
(916) 850-7378
rbrush@CSAC-EIA.org
www.csac-eia.org

10. Dell | Enterprise Solutions Group

Rob McCaffrey, Regional Sales Director
5480 Great America Parkway
Santa Clara, CA 95054
(916) 813-9514
Robert.McCaffrey@Dell.com
www.dell.com/networking

11. DLR Group

Dan Sandall, Business Development
1050 20th Street, Suite 250
Sacramento, CA 95811
(310) 804-7997
dsandall@dlrgroup.com
www.dlrgroup.com

12. Dominion Voting Systems

Steve Bennett, Regional Sales Manager
26561 Amhurst Court
Loma Linda, CA 92354
(909) 362-1715
steven.bennett@dominionvoting.com
www.dominionvoting.com

13. Election Systems & Software

Larry Tonelli, Regional Sales Manager
1714 Bilbao Drive
Santa Maria, CA 93454
(315) 559-1653
larry.tonelli@essvote.com
www.essvote.com

14. Hanson Bridgett LLP

Paul Mello, Partner
Samantha Wolff, Senior Counsel
425 Market Street, 26th Floor
San Francisco, CA 94105
(415) 777-3200
swolff@hansonbridgett.com
pmello@hansonbridgett.com
www.hansonbridgett.com

15. Hewlett Packard Enterprise

Frank Ury, Business Development, US Public Sector
22851 Driftstone
Mission Viejo, CA 92692
(949) 922-9979
frank.ury@hpe.com
www.hpe.com

16. Kaiser Permanente

Kirk Kleinschmidt, Director, Government Relations
1950 Franklin St, 3rd Floor
Oakland, CA 94612
(510) 987-1247
kirk.p.kleinschmidt@kp.org
www.kp.org

17. Nationwide

Rob Bilo, VP of Business Development
4962 Robert J Mathews Parkway, Suite 100
El Dorado Hills, CA 95762
(866) 677-5008
bilor@nationwide.com
www.nrsforu.com

18. Novartis Pharmaceuticals

Allison G. Barnett, Associate Director of State Government Affairs
1121 L St #211
Sacramento, CA 95814
(916) 548-2989
allison.barnett@novartis.com
www.novartis.com

19. Optum

Margaret Kelly, National VP, Government Education and Labor
505 N Brand Blvd Ste 1200
Glendale, CA 91203
(818) 484-9188
Margaret.kelly@optum.com
www.optum.com

20. Pacific Gas & Electric Company

Joe Wilson, Local Government Relations
350 Salem St.
Chico CA 95928
(530) 896-4289
J8WE@pge.com
www.pge.com

21. PayPal

Devin Whitney, Senior Manager, State Government Relations
2211 North First Street
San Jose, CA 95131
(707) 319-3753
dewhitney@paypal.com
www.paypal.com

22. Renovate America, HERO Program

Dustin Reilich, Director of Municipal Development
15073 Avenue of Science #200
San Diego, CA 92128
(949) 237-0965
dreilich@renovateamerica.com
www.heroprogram.com

23. Synoptek

Marc Moring II, Regional Manager
3200 Douglas Blvd. Suite 320
Roseville, CA 95661
(916) 402-1150
marc@synoptek.com
www.synoptek.com

24. UnitedHealthcare

Meghan Newkirk, Senior Vice President, Public Sector

5701 Katella Avenue

Cypress, CA 90630

(714) 252-0335

Meghan.Newkirk@uhc.com

www.uhc.com

25. U.S. Communities

Rob Fiorilli, Program Manager

2999 Oak Road, Suite 710

Walnut Creek, CA 94597

(925) 588-5054

rfiorilli@uscommunities.org

www.uscommunities.org

26. Vanir Construction Management, Inc.

Bob Fletcher, Vice President of Business

Development

4540 Duckhorn Drive, Suite 300

Sacramento, CA 95834

(916) 997-3195

bob.fletcher@vanir.com

www.vanir.com

Executive Partners

1. AT&T

Mike Silacci, Regional Vice President
External Affairs – Greater Los Angeles Region
2260 E. Imperial Hwy, Room 947
El Segundo, CA 90245
(213) 445-6817
Michael.Silacci@att.com
www.att.com

2. GEO Care

Rachel Kienzler, Regional Director, Business
Development - Western Region
6100 Center Drive, Suite 825
Los Angeles, CA 90045
(619) 204-8630
rkienzler@geogroup.com
www.geogroup.com

3. HdL Companies

Andrew Nickerson, President
1340 Valley Vista Drive
Diamond Bar, CA 91765
(909) 861-4335
anickerson@hdlcompanies.com
www.hdlcompanies.com

4. KPMG

Ian McPherson, Principal Advisory – Justice
and Security
1225 17th Street, Suite 800
Denver, CO 80202
(303) 382-7561
(720) 485-7276
ianmcperson@kpmg.com
www.kpmg.com

5. PhRMA

Henry T Perea, Senior Director
1215 K Street, Suite 970
Sacramento, CA 95814
(916) 233-3480
HPerea@phrma.org
www.PhRMA.org

6. Recology

Eric Potashner, Senior Director Strategic Affairs
50 California Street, 24th Floor
San Francisco, CA 94111-9796
(415) 624-9885
epotashner@recology.com
www.recology.com

7. Southern California Edison

Mary Rosas, Local Public Affairs
2244 Walnut Grove Avenue
Rosemead, CA 91770
(626) 302-3011
mary.rosas@sce.com
www.sce.com

8. Waterman & Associates

Joe Krahn, President
900 Second St., NE Ste. 109
Washington, DC 20002
(202) 898-1444
jk@wafed.com
www.watermandc.com

Associate Partners**1. CCHI**

Mark Diel, Executive Director
1107 9th Street, STE 601
Sacramento, CA 95814
(916) 404-9442
mdiel@cchi4families.org
www.cchi4families.org

2. CGL Companies

Robert Glass, Executive Vice President
2485 Natomas Park Drive, Suite 300
Sacramento, CA 95833
(509) 953-2587
bglass@cglcompanies.com
www.cglcompanies.com

3. Comcast

Ron Speno, Director, Enterprise Sales
Government and Education
1242 National Drive
Sacramento, CA 95834
(925) 724-9005
Ronald_Speno@comcast.com
www.business.comcast.com

4. Corrections Corporation of America

Brad Wiggins, Senior Director, Site Acquisition
10 Burton Hills Boulevard
Nashville, TN 37215
(615) 263-3093
brad.wiggins@correctionscorp.com
www.cca.com

5. Customer Service Advantage, INC.

Ray Esonis, Business Development Associate
555 W. Country Club Ln., Suite C-350
Escondido, CA 92026
(760) 803-2004
resonis@thecsaedge.com
www.theCSAedge.com

6. Dewberry Architects, Inc.

Alan Korth, RA, LEED Associate Principal
300 N. Lake Ave, Suite #1200
Pasadena, CA 91101
(626) 437-4674
akorth@dewberry.com
www.dewberry.com

7. Enterprise Holdings

Lisa Holmes, State of CA Contract Manager
199 N. Sunrise Ave.
Roseville, CA 95747
(916) 787-4733
Lisa.m.holmes@ehi.com
www.enterprise.com

8. ESRI

Jan Cunningham, Account Manager
380 New York St
Redlands, CA 92373
(909) 793-2853 x4363
jcunningham@esri.com
www.esri.com

9. Equinox Industries Ltd.

Mari-Lynn Rougeau, Business Manager
401 Chrislind Street
Winnipeg, Manitoba, Canada R2C 5G4
(800) 563-3352
Mari-lynn@eqnx.biz
www.desertplanters.com

10. GreenbergTraurig

Roger Dickinson, Shareholder
1201 K St., Suite 1100
Sacramento, CA 95814
(916) 442-1111
dickinsonr@gtlaw.com
www.gtlaw.com

11. Harrison, Temblador, Hungerford & Johnson LLP

Brad Johnson, Partner
980 9th Street, Suite 1400
Sacramento, California 95814
(916) 382-4377
bjohnson@hthjlaw.com
www.hthjlaw.com

12. Hospital Council of Northern & Central California

Brian L. Jensen, Regional Vice President
1215 K Street, Suite 730
Sacramento, CA 95814
(916) 552-7564
bjensen@hospitalcouncil.net
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**GOVERNOR'S PROPOSED BUDGET FOR 2017-18
JANUARY 10, 2017**

January 10, 2017

TO: CSAC Board of Directors
County Administrative Officers
CSAC Corporate Partners

FROM: Matt Cate, CSAC Executive Director
DeAnn Baker, CSAC Deputy Executive Director of Legislative Affairs

RE: **Governor's January Budget Proposal for 2017-18**

Governor Jerry Brown echoed familiar themes in the release of his proposed 2017-18 budget with emphasis on prudence and caution due to reduced revenue expectations and a long list of unknowns facing California's fiscal outlook. The proposed budget totals \$122 billion in state General Fund expenditures, with just a 0.2% decrease from last year's January budget.

The Department of Finance (DOF) has reported revenues below forecast from the adopted 2016-17 budget with all of the "big three" general fund sources – income, sales and corporation taxes – showing weakness as part of an economic slowdown. The proposed budget seeks to cover what would be a \$1.6 billion dollar deficit in the current budget and future deficits of \$1-\$2 billion annually. State revenues are still expected to grow by 3% in 2017-18 but this is inadequate to cover spending levels established in last year's adopted budget.

The list of unknowns influencing spending reductions and freezing planned expenditures includes the ever-volatile source of major state funding from personal income taxes and capital gains; the impending sluggish economy following unprecedented growth over the last eight years; and a new Administration in Washington, D.C. that could make significant changes to federal programs and state funding levels.

Many of the questions surrounding possible changes under President-Elect Trump, including those related to repeal of the Affordable Care Act, will not be addressed by

DOF until greater certainty and next steps are known. This could be reflected in the Governor's May Revision along with improved revenue returns and revised estimates.

However, a significant program concern for counties is already reflected in the 2017-18 proposal. This includes the unwinding of the Coordinated Care Initiative (CCI) and elimination of the In-Home Supportive Service (IHSS) maintenance of effort (MOE) resulting in approximately \$625 million in new county costs statewide for 2017-18 alone and at least \$4.4 billion over the next six years. The cost is a result of shifting 35 percent of all costs related to the IHSS program to counties, including newly added costs due to state action to increase in minimum wage and pay sick leave to IHSS workers, as well as, additional cost due to federal action to require overtime pay.

The Governor's January Budget also includes a slightly modified version of the Administration's transportation funding proposal originally released in September 2015. While the \$4.3 billion per year proposal is a starting point for efforts to secure robust and sustainable new funding for local streets and roads in 2017, the Governor's plan by itself will not be enough to stop the continued deterioration of the local network. Transportation funding remains a top priority for CSAC in 2017 as work continues with a broad coalition of partners to find consensus points among the various parties to see a comprehensive and robust package come to fruition.

The following pages provide statewide revenue and expenditure summary charts and specific budget proposals by policy area. For more detail on these and other items of importance, see the following policy sections below or contact CSAC legislative staff.

If you would like to receive the Budget Action Bulletin electronically, please e-mail Amanda Yang, CSAC Senior Legislative Assistant at ayang@counties.org.

**2017-18 Governor's Budget
General fund Budget Summary
(\$ in millions)**

	2016-17	2017-18
Prior Year Balance	\$5,023	\$1,027
Revenues and Transfers	\$118,765	124,027
Total Resources Available	\$123,788	\$125,054
Non-Proposition 98 Expenditures	\$72,431	\$71,169
Proposition 98 Expenditures	\$50,330	\$51,351
Total Expenditures	\$122,761	\$122,520
Fund Balance	\$1,027	\$2,534
Reserve For Liquidation of Encumbrances	\$980	\$980
Special Fund for Economic Uncertainties	\$47	\$1,554
Budget Stabilization Account/Rainy Day Fund	\$6,713	\$7,869

**General fund Revenue Sources
(\$ in millions)**

	2016-17	2017-18	\$ Change	% Change
Personal Income Tax	\$83,136	\$85,866	\$2,730	3.3%
Sales and Use Tax	24,994	25,179	185	0.7%
Corporation Tax	10,389	10,878	489	4.7%
Insurance Tax	2,309	2,368	59	2.6%
Alcoholic Beverage Taxes and Fees	370	372	2	0.5%
Cigarette Tax	79	65	-14	17.7%
Motor Vehicle Fees	24	24	0	0.0%
Other	648	431	-217	33.5%
Subtotal	\$121,949	\$125,183	\$3,234	2.7%
Transfer to the Budget Stabilization / Rainy Day Fund	-3,184	-1,156	2,028	63.7%
Total	\$118,765	\$124,027	\$5,262	4.4%

Long-Term Revenue Forecast – Three Largest Sources
(General fund Revenue - \$ in billions)

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	Average Yearly Growth
Personal Income Tax	\$78.6	\$83.1	\$85.9	\$89.1	\$93.2	\$97.5	4.2%
Sales and Use Tax	24.9	25.0	25.2	26.2	27.2	28.1	2.9%
Corporation Tax	9.9	10.4	10.9	11.3	11.9	12.5	4.8%
Total	\$113.7	\$118.5	\$121.9	\$126.7	\$132.3	\$138.1	4.0%
Growth	4.1%	4.2%	2.9%	3.9%	4.4%	4.4%	

General Fund Expenditures by Agency
(\$ in millions)

	2016-17	2017-18	\$ Change	% Change
Legislative, Judicial, Executive	\$3,500	\$3,322	-\$178	-5.1%
Business, Consumer Services & Housing	493	388	-105	-21.3%
Transportation	225	243	18	8.0%
Natural Resources	3,110	2,811	-299	-9.6%
Environmental Protection	90	89	-1	-1.1%
Health and Human Services	35,263	33,994	-1,269	-3.6%
Corrections and Rehabilitation	10,889	11,088	199	1.8%
K-12 Education	50,589	52,169	1,580	3.1%
Higher Education	14,527	14,627	100	0.7%
Labor and Workforce Development	177	122	-55	-31.1%
Government Operations	1,772	741	-1,031	-58.2%
General Government:				
Non-Agency Departments	787	691	-96	-12.2%
Tax Relief/Local Government	459	435	-24	-5.2%
Statewide Expenditures	880	1,800	920	104.5%
Total	\$122,761	\$122,520	-\$241	-0.2%

Administration of Justice

2011 Realignment

The Governor's budget updates revenue assumptions for 2011 Realignment programs. For the Community Corrections Subaccount (AB 109) the 2016-17 statewide base remains \$1.616 billion, however the estimate for growth funds has fallen to \$59.1 million. When the 2016-17 budget passed, the growth amount was estimated to be \$102 million. The 2011 Realignment estimates will be revisited and revised in this spring's May Revision, then finalized in the fall.

Counties should also note that the Enhancing Law Enforcement Activities Subaccount—which funds a variety of local assistance programs including Citizens' Option for Public Safety, the Juvenile Justice Crime Prevention Act, and the rural and small county sheriffs program, among others— should achieve its guaranteed funding level of \$489.9 million with VLF alone, with growth available in 2016-17 (an estimated \$154.7 million) and 2017-18 (an estimated \$153.8 million).

CCP Training Grants

The budget continues with another round of planning grants totaling \$7.9 million for Community Corrections Partnerships (CCPs) to support work associated with ongoing AB 109 implementation efforts. Counties will recall that the planning grants are disbursed in fixed amounts, depending on the county's size. As in past years, it is expected that receipt of the grants will be conditioned upon reporting to the Board of State and Community Corrections regarding AB 109 implementation plans.

SB 678 Funding

The budget assumes sustained SB 678 funding, reflecting counties' ongoing success under the 2009 performance-based probation funding program. Based on the revised formula established in 2015-16, the Budget proposes \$114.9 million to continue the Community Corrections Performance Incentive Grant Program. The budget recognizes the significance of this funding stream in supporting probation's important evidence-based prevention and intervention efforts.

Post Release Community Supervision

The budget includes \$11 million for county probation departments to supervise the temporary increase in the average daily population of offenders on Post Release Community Supervision as a result of the implementation of court-ordered measures and Proposition 57.

Proposition 47

Proposition 47 was passed by the voters in November 2014, which requires misdemeanor rather than felony sentencing for certain property and drug crimes and permitted inmates previously sentenced for these reclassified crimes to petition for resentencing. Based on fall projections, Proposition 47 is expected to reduce the 2016-17 adult inmate average daily population by 4,425, compared to 5,247 in 2015-16. The DOF currently estimates net savings of \$42.9 million, an increase of \$3.5 million over the estimated savings in 2015-16. Ongoing savings are currently estimated to be approximately \$69 million.

Community Infrastructure Grants

The current year budget includes \$67.5 million for community infrastructure grants to cities and/or counties to promote public safety diversion programs and services by increasing the number of treatment facilities for mental health, substance use disorder, and trauma-related services. The proposed budget eliminates this funding.

Fines, Fees and Assessment Review

The proposed budget recognizes the courts reliance on funding generated by fines, fees, and penalties assessed on court filings and citations. These funds, which have been declining over the last decade, are distributed based on a statutory formula into eight special funds for various programs. The Administration is proposing to amend the process for which the state portion of the assessment is distributed including eliminating the state funding to the Internet Crimes Against Children Task Forces, Local Public Prosecutors and Public Defenders Training Program, and the California Gang Reduction, Intervention and Prevention Program which is solely funded by the State Penalty Fund.

In addition, the budget proposes to eliminate the statutory provisions related to suspending drivers' licenses for failure to pay fines and penalties.

Corrections – Proposition 57

The budget document provides an extensive update on the state's efforts to comply with the three-judge panel orders relative to prison overcrowding. As counties will recall, the federal court granted the state in a February 2014 order, an additional two years to meet the previously imposed population cap. As of December 14, 2016 the prison population was at 134.0 percent of design capacity, which is below the court-ordered population cap of 137.5 percent of design capacity.

The California Department of Corrections and Rehabilitation (CDCR) has implemented many solutions to meet the court order including expanding reentry programs throughout the state. Proposition 57, the most recent effort to comply with the Three Judge Panel and establish a durable solution, is estimated to reduce the average daily adult inmate population by approximately 2,000 in 2017-18, growing to an inmate reduction of approximately 9,500 in 2020-21. These figures are preliminary and subject to considerable uncertainty.

Overall, the budget estimates that Proposition 57 will result in net savings of \$22.4 million in 2017-18, growing to net savings of approximately \$140 million in 2020-21.

Proposition 57 also requires that all juvenile offenders who committed their crimes prior to age 18 have a hearing in juvenile court before being transferred to adult court. The anticipated effect is that fewer juvenile offenders will be tried in adult court, which is estimated to reduce the state prison population by 81 in 2017-18. The budget notes that these changes will likely result in some local government costs, since probation departments will assist in more juvenile court proceedings where a judge determines whether a juvenile offender should be tried in adult or juvenile court. If more wards are committed to the state Division of Juvenile Justice, county probation departments will be required to pay the state \$24,000 per year for certain juvenile court commitments.

State Hospitals

In an effort to address the growing state hospital Incompetent to Stand Trial (IST) population, the Administration has contracted with several counties to open 138 jail-based competency restoration beds, with an additional 10 beds expected to be available in early 2017. Despite all of these efforts, the State Hospital IST population continues to grow with a waitlist of approximately 600 individuals as of December 2016. The budget proposes a new approach to addressing IST referrals from counties. The budget includes \$10.8 million in to establish a 60-bed Admission, Evaluation, and Stabilization Center for the assessment and treatment of ISTs. The proposed Center would be located in a county jail (unspecified at this time) and would admit patients from Southern California counties. Patients would receive a full evaluation upon admission to determine the degree of competency restoration required. Evaluated patients who do not meet the criteria for IST, after the initial admission assessment, will be considered short-term patients to be treated and discharged back to the referring county directly from the Center.

The Administration continues to work with counties and other partners to look for solutions including exploring opportunities for joint-use facilities that would provide services to both State Hospital patients and appropriate jail populations.

Judicial Branch

The Judiciary’s proposed budget provides \$3.6 billion for the judicial branch which includes \$35.4 million in new funding that would be used to address general cost increases and support technology initiatives. The proposal also continues to backfill the Trial Court Trust Fund revenue shortfall.

In addition, the budget proposes amending the statute for judicial officer salaries so that Judicial Officers receive the proportional equivalent of the salary increases that have been provided retroactively to July 1st state workers. The budget also reallocates four vacant superior court judgeships to areas where the workload is highest without increasing the total number of judges.

Agriculture, Environment and Natural Resources

Cap and Trade Funding

The Governor emphasized that the cap and trade program is an important element in the state’s climate change strategy. The Governor's 2017-18 budget proposes to appropriate \$2.155 billion in cap and trade revenues as illustrated in the table on the following page. Allocation amounts are general and additional programmatic details will be available in the coming months. However, this cap and trade expenditure plan will only be allocated upon a two-thirds vote of the legislature to authorize the program beyond 2020. Pending litigation challenging the program’s authorization under a majority vote bill (AB 32) has precipitated this call for a super majority vote.

Investment Category	Department	Program	Amount (millions)
Continuous Appropriation	High Speed Rail Authority	High Speed Rail Project	\$375
	Transportation Agency	Transit and Intercity Rail Capital Program	\$150
	State Transit Assistance	Low Carbon Transit Operations Program	\$75
	Strategic Growth Council	Affordable Housing & Sustainable Communities	\$300

Transportation Package	Transportation Agency	Transit and Intercity Rail Capital Program	\$500
	Caltrans	Active Transportation	
50 percent in reduction in Petroleum Use	Air Resources Board	Low Carbon Transportation & Fuels	\$363
Local Climate Action	Strategic Growth Council	Transformational Climate Communities Program, including technical assistance and outreach	\$142
Short-Lived Climate Pollutants	Air Resources Board	Black Carbon Woodsmoke	\$95
	Cal Recycle	Waste Diversion	
	Dept. of Food & Agriculture	Dairy Digesters	
Carbon Sequestration	CAL Fire	Healthy Forests	\$127.5
		Urban Forestry	
	Dept. of Food & Agriculture	Climate Smart Agriculture	
	Natural Resources Agency	Urban Greening	
Energy Efficiency/ Renewable Energy	Dept. of Community Services & Development	Energy Efficiency Upgrades/Weatherization	\$27.5
	Dept. of Food & Agriculture	State Water Efficiency and Enhancement Program	
TOTAL			\$2,155

*The cap and trade plan includes \$500 million for transportation programs (included in the table above). For more information on this category, please see the Housing, Land Use and Transportation section of this document.

Transformational Climate Communities Program

The Governor’s cap and trade spending plan dedicates \$142 million to the cross-cutting Climate Communities Program. The goal of this program is to make investments in the state’s top five percent of disadvantaged communities for energy, transportation, water, waste reduction, and other greenhouse gas (GHG) reducing projects. This is a relatively new program, first funded in last year’s budget, and largely reflects advocacy work to create a dedicated, cross-sector local climate funding program. The City of Fresno received \$70 million through the Transformational Climate Communities Program.

Short-Lived Climate Pollutants/Waste Reduction

The cap and trade funding plan includes funding for the reduction of short-lived climate pollutants, which include black carbon and methane. The plan also increases funding to Cal Recycle for waste diversion. Reducing waste will result in an overall reduction in methane emissions from our landfills.

Tree Mortality

The Governor's cap and trade plan includes a total of \$127.5 million for the category of carbon sequestration, which includes programs like Healthy Forests and Urban Forestry at Cal Fire as well as Climate Smart Agriculture – Healthy Soils and Urban Greening. Details are not yet available, but it is possible that some of this funding could be used to support tree mortality work.

Beverage Container Recycling Program Reform

The Governor has included placeholder language for a reform proposal for the Beverage Container Recycling Program, or Bottle Bill. This program administers the California Redemption Value (CRV) for recycling bottles and cans, which is 5 cents for containers less than 24 ounces, 10 cents for containers 24 ounces or larger. As recycling rates have increased, this fund, and the programs it supports, has decreased necessitating reform. Relevant to local governments are the city/ county payments, which provide \$10 million to eligible cities and counties for beverage container recycling and litter cleanup activities, and the \$15 million in curbside supplemental payments. Additional details on the reform proposal are forthcoming.

Emergency Drought Response

Despite improved drought conditions with recent winter storms across the state, the overall snow pack is still below normal and the need for additional drought funding is reflected in the Governor's budget. The proposed budget includes \$178.7 million in emergency drought funding for a variety of different program areas, including local assistance for small water systems, tree mortality and enhanced fire protection and funding to implement the Governor's Executive Order on water conservation, among other things.

Investment Category	Department	Program	Amount (millions)
Protecting Water Supplies & Water Conservation	Department of Water Resources	Local Assistance for Small Communities	\$5
	Water Board	Water Rights Management	\$5.3
	Department of Water Resources	Drought Management and Response	\$7
	Department of Water Resources	Save Our Water Campaign	\$2
Emergency Response	Department of Forestry and Fire Protection	Enhanced Fire Protection	\$91
	Office of Emergency Services	California Disaster Assistance Act	\$52.7
		State Operations Center	\$4
Protecting Fish and Wildlife	Department of Fish and Wildlife	Emergency Fish Rescues and Monitoring	\$8.2
		Delta Smelt Resiliency Strategy	\$3.5
TOTAL			\$178.7

Tree Mortality

The drought and subsequent bark beetle infestation of our forests has resulted in an estimated 102 million dead and dying trees through the Sierra. As counties are well aware, the Governor issued an Executive Order in October 2015 directing state and local entities as well as utilities to remove dead and dying trees that threaten critical infrastructure and pose a health and safety risk. The Governor’s Tree Mortality Task Force has been working diligently to implement the Executive Order, and many of our counties are active participants. To assist with the effort and the increased fire risk posed by the state of our forests, the Governor’s proposed budget includes \$88 million in general fund and \$3 million in State Responsibility Area (SRA) funds for expanded fire protection in 2017. Specific to local governments, the budget includes \$52.7 million in general fund monies to the Office of Emergency Services to provide assistance to counties through the California Disaster Assistance Act (CDAA). These funds will be available to aid local agencies in the removal of dead or dying trees that are a direct threat to public safety.

Local Assistance to Small Communities

The Governor's proposed budget includes \$5 million in general fund for the Department of Water Resources to provide emergency drinking water support for small communities by working to develop additional water supplies.

Implementing California's Water Action Plan

The state's Water Action Plan, released in January 2014, provides a blueprint for water investments and policy priorities to build a more sustainable and resilient water system for the state. The budget prioritizes the top ten actions identified in the Water Action Plan and includes policy direction and budget adjustments to reflect these priorities. With respect to water conservation, the budget highlights the Governor's Executive Order on water conservation, Making Water Conservation a Way of Life, and states that implementation will require new legislation and regulatory processes.

With respect to groundwater, the proposed budget includes an increase of \$15 million in general fund to the Department of Water Resources for additional staff to provide statewide technical assistance to help implement the Sustainable Groundwater Management Act (SGMA), a priority identified in the Water Action Plan. In addition, the budget includes \$2.3 million to the State Water Board for new positions to help enforce reporting requirements in high and medium priority basins that fail to form local governance structures as required by SGMA.

Finally, the proposed budget draws down the Water Commission's allotment of \$2.7 billion from Proposition 1 water bond funding for storage for the Department of Fish and Wildlife to support outreach and technical review of water storage project proposals submitted to the Water Commission.

Cannabis Regulation

With the passage of Proposition 64 and the Medical Cannabis and Regulatory Safety Act (MCRSA), California will be regulating and taxing cannabis for medical and recreational purposes. The budget includes \$52.2 million for the regulation of cannabis in 2017-18 to fund state regulatory activities, processing of licenses, and enforcement. Proposition 64 requires the state to start issuing licenses for recreational cannabis beginning January 1, 2018. Since cannabis license fees will not be collected until then, the General Fund provided loans to the Marijuana Control Fund to cover the initial implementation and regulatory costs for cannabis-related activities. It is anticipated that these loans will be repaid in 2018-19.

Specific proposals include:

- Department of Consumer Affairs—\$22.5 million to enhance the Bureau of Medical Cannabis Regulation within the Department of Consumer Affairs. The Bureau will regulate the transportation, storage, distribution, and sale of cannabis within the state and will also be responsible for licensing, investigation, enforcement, and coordination with local governments.
- Department of Public Health—\$1 million for the licensing and regulation of medical cannabis product manufacturers.
- Department of Food and Agriculture—\$23.4 million to provide Cannabis Cultivation Program administrative oversight, promulgate regulations, issue cannabis cultivation licenses, and perform an Environmental Impact Report. In addition, the Department of Food and Agriculture is responsible, with assistance from the California Department of Technology and the Board of Equalization, for establishing a track and trace program to report the movement of medical cannabis products throughout the distribution chain using unique identifiers.
- Board of Equalization—\$5.3 million in 2017-18 to notify businesses of the new tax requirements and update its information technology systems to register businesses and process tax returns from retail sales. Proposition 64 requires the Board of Equalization to administer an excise tax on cannabis sales and a cultivation tax on all harvested cannabis that enters the commercial market.
- Department of Health Care Services—\$5 million in 2016-17 for the public information program specified in Proposition 64. The program, to be established and implemented no later than September 1, 2017, will cover a number of health-related topics pertaining to cannabis and cannabis products.

Payment in Lieu of Taxes (PILT)

The Governor’s proposed budget includes \$644,000 in Payment in Lieu of Taxes (PILT) funding to local governments, which reflects the county share of on-going PILT. The Department of Fish and Wildlife (DFW) operates wildlife management areas throughout the state. Existing law (Fish and Game Code Section 1504) requires DFW to compensate counties for loss property taxes and assessments as a result of the establishment of a wildlife management area. These “payments in-lieu of taxes” are equal to the county taxes levied upon the property at the time the state acquired the property plus any assessments levied upon the property by any irrigation, drainage, or reclamation

district. Counties received a one-year allocation of PILT funds in the FY 16-17 budget, and this allocation is consistent with that appropriation.

Government Finance and Administration

EMPLOYEE RELATIONS AND ADMINISTRATIVE SERVICES

In-Home Supportive Services.

The Governor, citing a lack of cost-effectiveness of the Coordinate Care Initiative (CCI), proposes ceasing the CCI program in 2017-18. Counties will recall that the CCI, created in 2012, permits Californians eligible for Medicare and Medi-Cal to receive certain benefits and services that are coordinated through a single health plan. A fundamental aspect of the CCI is a transfer of IHSS bargaining responsibilities from counties to the State. Ending the CCI would include the elimination of the IHSS Statewide Authority and reinstate the state-county share of costs that were in place prior to the establishment of the CCI. (Please refer to the Health and Human Service policy section on page 16 of this document for a full summary of the proposal and county impacts.)

Minimum Wage Increases

The Governor's budget proposal sets aside \$217 million to cover costs associated with the minimum wage increase signed into law last summer, which incrementally raises the state minimum wage to \$15 per hour by 2022. Counties should note that changes to the state minimum wage fall within the "compensation" purview of the State Constitution home rule provisions granted to all counties under Article 11, Section 1(b) and, therefore, the minimum wage requirement is not applicable to county employees.

CalPERS

The proposed budget includes \$2.8 billion for state contributions to the California Public Employees' Retirement System (CalPERS) for state employees' pension costs. This figure includes the implementation of the [recent reduction](#) in the CalPERS discount rate from 7.5 percent to 7 percent by fiscal year 2020-21. The state will experience the first phase of the implementation of this reduction in 2017-18, while contracting cities, counties and special districts will incur the increased costs associated with the reduction beginning with fiscal year 2018-19.

FINANCE AND OPERATIONS

Redevelopment Dissolution Work Continues

The dissolution of redevelopment agencies continues and the Administration stated their committed to ensuring the proper return of tax money to local governments. The budget proposal anticipates that in 2016-17 and 2017-18, counties will receive an additional \$869 million in general-purpose revenues.

The proposed budget anticipates Proposition 98 General fund savings resulting from the dissolution of RDAS will be \$1.3 billion in 2016-17. For 2017-18 and on an ongoing basis, Proposition 98 General fund savings are expected to be \$1.4 billion.

The Governor's budget notes that recent laws creating new economic development tools, which also rely on property tax increment financing, have been underutilized and could be helpful in efforts to increase affordable housing supply in the state.

State Mandates

The proposed budget mirrors the 2015-16 Budget Act and last year's adopted budget with 23 mandates funded for a total of \$34.5 million. There are 56 mandates that continued to be suspended, and therefore are not eligible for reimbursement if they are carried out optionally by local agencies.

Other Local Finance Provisions

- The budget proposes to fund the state's insufficient ERAF backfill, totaling \$138,000 (for Alpine County).
- To prevent an undercount of the state's population in the 2020 Census, the proposed budget appropriates \$7 million to cities and counties for a grant program, with individual grants ranging from \$7,500 to \$125,000, to encourage local jurisdictions to partner with the Census Bureau and assist in developing their Master List of Addresses. As noted in the proposal, grant amounts will be based on the volume of housing transactions within an agencies jurisdiction between 2010 and 2016.

Sales and Use Tax Revenue Projections

Sales and Use Tax, the state's second largest revenue source, is of particular importance to counties as the primary source of funding for realignment, Proposition 172 funds for public safety, transportation, and other local programs. Wholesale trade, motor vehicle and parts dealer sales, and food service sales are significant contributors to the sales tax base.

The Governor's budget estimates that the sales tax will generate \$25 billion in General fund revenues in 2016-17 and \$25.2 billion in 2017-18. However, these figures fall \$1.7 billion short from 2016 Budget Act projections. The downgrade in the revenue forecast reflects slower growth in consumer spending and business investment as well as the sunset of the 0.25-cent Proposition 30 sales tax increase.

Property Tax Revenue Projections

Property taxes are primarily a source of local revenue, but estimates are included in the state budget because of the complex interactions with school funding. The Governor's budget estimates a 5.9 percent increase in 2016-17 and 5.3 percent increase in 2017-18 for statewide property tax revenues.

Health and Human Services

Governor Dismantles the County IHSS MOE and Returns Collective Bargaining to Counties

Governor Brown's Director of Finance will discontinue the Coordinated Care Initiative (CCI) and dismantle the In-Home Supportive Services (IHSS) Maintenance of Effort (MOE) deal in the 2017-18 budget. Following current statute, Director Cohen has the authority to do so without legislative action. The county IHSS MOE for all counties will expire on June 30 of this year, health plans will lose their enhanced capitation rates for IHSS benefits, and the CCI would end on December 1, 2018. CSAC will oppose the state's efforts to shift new IHSS program costs to counties.

Cost: According to estimates developed by the County Welfare Directors Association, the demise of the county MOE for all 58 counties will result in \$625 million in increased county costs for the IHSS program in 2017-18 if statutory sharing ratios for the nonfederal share of the current program costs are used: 65 percent state and 35 percent county. This estimate is based on normal program growth costs and includes new costs recently enacted by the state – the minimum wage increase up to \$15 per hour and three paid sick leave days for IHSS workers – and the new federal overtime regulations. The IHSS MOE deal had limited county IHSS costs to a base year calculation of 2011-12 costs plus an annual 3.5 percent inflator.

Collective Bargaining: The January Budget proposal means that IHSS Collective Bargaining from counties participating in the CCI will transfer from the Statewide

Public Authority back to the counties. This also means that any future transfer of collective bargaining in the other 51 counties will not occur. To date, only the 7 current CCI counties (Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Mateo and Santa Clara) had transferred IHSS Collective Bargaining to the state.

Timeline:

- Jan 10, 2017 - Deadline for Director of Finance to announce that CCI will not generate net General Fund savings and will become inoperative
- July 1, 2017 - County IHSS MOE (WIC §12306.15), including 3.5 percent inflator and state responsibility for collective bargaining, becomes inoperative.
- Jan 1, 2018 - CCI becomes inoperative.

Coordinated Care Initiative: While Director Cohen has decided to repeal the CCI, including the elimination of the enhanced rates for health plans, the eradication of the Statewide Public Authority, and a return to pre-MOE state-county costs sharing (65/35), he does indicate that the budget proposes to continue the Cal Medi-Connect program, continue mandatory enrollment for dual eligibles, and include long-term services and supports – but not IHSS – into managed care. The budget also encourages continued cooperation between plans and counties, but without funding for these activities, it is unclear how the policy directives would be carried out.

Health Care Reform – Affordable Care Act

Governor Brown has steadfastly maintained that the state will operate under the current Affordable Care Act (ACA) statutes and continue to budget accordingly despite the potential for Congress to repeal the Act. He has included language in the budget indicating his willingness to build on what has worked and “play a constructive role” on the issue, but only “within the fiscal constraints facing the state.”

MEDI-CAL

Overall

Medi-Cal caseload continues to increase from 7.9 million beneficiaries in 2012-13 to an estimated 14.3 million beneficiaries in 2017-18 for total costs of \$20 billion. The state will also assume a 5 percent share of cost for the nearly 4 million ACA Medi-Cal Expansion cases in 2017, contributing \$888 million State General Fund in 2017-18 for this population alone.

County Medi-Cal Administration Costs

As part of a budget deal in 2016, the 2017-18 budget maintains the state's commitment to fund county Medi-Cal administration activities with \$217.1 million State General Fund (\$655.3 all funds). The budget also includes \$731,000 (\$1.5 million all funds) for the development of a new Medi-Cal Administration budgeting methodology.

MCO Revenues for Medi-Cal

The Managed Care Organization tax passed in 2016 and provides \$1.1 billion for Medi-Cal in the current year and is estimated to provide \$1.6 billion in 2017-18. This funding is used for the nonfederal portion of managed care rates for services provided to children, adults, seniors, persons with disabilities, and those who are dually eligible for both Medicare and Medicaid. CSAC supported the MCO Fix to assist the state with Medi-Cal and Coordinated Care Initiative costs.

Medi-Cal Error

The State is using \$1.8 billion in 2017-18 to repay federal drug rebates and correct a calculation error made in the reimbursement rates for the Coordinated Care Initiative.

Children's Health Insurance Program

Due to the uncertainty in the future of the Children's Health Insurance Program (CHIP) at the federal level – it needs to be reauthorized by Congress by September of this year – the Governor's budget takes a cautious approach and assumes it will be reauthorized, but with a lower federal matching rate (65 percent instead of the enhanced 88 percent) for a total State General Fund cost of \$536.1 million in 2017-18.

Medi-Cal Benefits for Undocumented Children and Adults

The Governor's budget proposal maintains state funding for the recent expansion of Medi-Cal benefits to undocumented children (SB 75, Chapter 18, Statutes of 2015) for \$279.5 million in 2017-18. It also books \$48 million in Medi-Cal savings from the new policy to allow undocumented persons to purchase private insurance from Covered California (SBX1 1m Chapter 4, Statutes of 2016, First Extraordinary Session).

Hospital Quality Assurance Fee (Proposition 52)

Proposition 52 passed in November 2016 and the 2017-18 budget assumes General Fund savings of more than \$1 billion due to the fee, which is indefinite. CSAC supported Proposition 52 to assist the state with Medi-Cal costs.

Medicaid Managed Care Regulation

The Governor is dedicating an additional \$4.5 million to implement the new federal Medicaid managed care regulations, which require more oversight by the Department of Health Care Services (DHCS). DHCS will oversee the implementation of the regulation for the state, and it is not yet known how much this new regulation package will cost California and counties.

2011 AND 1991 REALIGNMENT FUNDING

Please refer to the Appendices for more details on the Governor's 2017-18 estimates for 2011 and 1991 Realignment.

Base Set for 2011 Realignment Behavioral Health Subaccount

CSAC and the County Behavioral Health Directors Association worked with the Administration for nearly two years to develop and set a base allocation for the 2011 Realignment Behavioral Health Subaccount. While the base formula was implemented in the current year, beginning with the 2017-18 allocation, the ongoing base allocations will consist of the 2016-17 base allocation plus subsequent growth allocations. This will then serve as a rolling base mechanism for future allocations to the Behavioral Health Subaccount.

PUBLIC HEALTH

AB 85 Health Realignment Redirections

The Governor's budget estimates \$585.9 million in county 1991 Realignment Health Subaccount savings for the current year, and \$546.2 in 2017-8 – if the Affordable Care Act is still in place. Additionally, the state will complete the "True Up" for the 2014-15 fiscal year, which preliminarily indicates additional county savings of \$245.6 million in that fiscal year. Please keep in mind that the True Up is a county-by-county calculation and only those counties that have experienced additional savings in 2014-15 above what was redirected under AB 85 will owe these funds. We also anticipate that some counties will receive reimbursements due to reduced savings under AB 85. These estimates will be updated with audited results in the May Revision Budget. Attached as an appendix to this document are the 2017-18 AB 85 redirections.

PROPOSITION 56: TOBACCO TAX INCREASE

In November 2016, voters passed Proposition 56, the California Healthcare, Research and Prevention Tobacco Tax Act of 2016, which increases the excise tax rate on cigarettes and tobacco products, effective April 1, 2017. This tax is now also applicable

to electronic cigarettes. The excise tax, which is paid by distributors selling cigarettes in California, increased by \$2 – from 87 cents to \$2.87 per pack of 20 cigarettes. Proposition 56 requires backfills to Proposition 99, Proposition 10, the Breast Cancer Fund, and to state and local governments to address revenues declines resulting from the additional tax. The specific allocation of Proposition 56 funding in 2017-18 is reflected in the chart on the following page. Because of the April 1, 2017, effective date of the increased excise tax, the budget includes five quarters of tax revenues for expenditure in 2017-18.

Proposition 56 Allocations
(\$ in millions)

<i>Investment Category</i>	<i>Department</i>	<i>Program</i>	<i>2017-18 Amount^{1/}</i>
Enforcement	Dept. of Justice	Local Law Enforcement Grants	\$37.5
		Distribution and Retail Sale Enforcement ^{2/}	\$7.5
	Board of Equalization	Distribution and Retail Sales Tax Enforcement ^{2/}	\$5.8
	Dept. of Public Health	Law Enforcement ^{2/}	\$7.5
Education, Prevention, and Research	University of California	Cigarette and Tobacco Products Surtax Medical Research Program	\$80.7
		Graduate Medical Education ^{2/}	\$50.0
	Dept. of Public Health	State Dental Program ^{2/}	\$37.5
		Tobacco Prevention and Control	\$178.5
	State Dept. of Education	School Programs	\$31.5
Health Care	Dept. of Health Care Services	Health Care Treatment	\$1,237.4
Administration and Oversight	State Auditor	Financial Audits	\$0.4
	Board of Equalization	Sales and Use Tax	\$1.1
Revenue Backfills	Proposition 99, Breast Cancer Research Fund, and Proposition 10		\$37.1
Total			\$1,712.5

1/ "2017-18 Amount" includes one quarter of 2016-17 revenue and four quarters of 2017-18 revenue.

2/ Annual amount specified in statute.

BEHAVIORAL HEALTH

Drug Medi-Cal

The budget includes \$3.1 million General Fund (\$19.9 million total funds) in 2017-18 for the rollout of the new Drug Medi-Cal Organized Delivery System Waiver, and \$141.6 million General Fund in 2018-19. Six counties will participate in 2016-17, and 10 more are expected onboard in the following year.

2011 Behavioral Health Subaccount Base

Please see the Realignment section above for information about the new 2011 Realignment Behavioral Health Subaccount base.

Children's Mental Health Crisis Service Grants

The Budget revokes the \$17 million General Fund from the 2016-17 Budget intended for grants to local governments to increase the number of facilities providing mental health crisis services for children and youth under the age of 21. This language was initially included in last year's SB 833 (Committee on Budget and Fiscal Review, Statutes of 2016).

HUMAN SERVICES

Continuum of Care Reform

The Continuum of Care Reform (CCR) of the state's foster and probation youth group homes went live on January 1. The Budget includes \$163.2 million General Fund (\$217.3 million total funds) to continue the implementation of the Continuum of Care Reform (AB 403, Statutes of 2015). Counties, including Child Welfare Services, Behavioral Health services, and probation services, continue to grapple with implementing CCR. The Budget states that while progress has been made in implementing CCR, assumptions on caseload movement were revised to more accurately reflect the pace of implementation.

CalWORKs

Repeal of the CalWORKs Maximum Family Grant

The 2017-18 proposal includes \$224.5 million (\$198.2 General Fund) to reflect a full year of increased grant costs that are due to the repeal of the Maximum Family Grant (MFG) rule, effective January 1, 2017. The rule prohibited cash aid for any child born into a CalWORKs household ten or months after initially receiving aid for the purposes of calculating a household's maximum aid payment. It was repealed last year thanks to the work of Senator Holly Mitchell.

Child Welfare Digital Services

The proposed budget includes \$88 million General Fund (\$175.9 total funds) to support an increase in project activity, including increased funding for county engagement as individual digital services are designed, developed and implemented. The Child Welfare Services New System case management project continues to make progress since adoption in November 2015. The system is a suite of services being developed and integrated to deliver continually improving assistance to state and county workers.

Continue Consolidation of Statewide Automated Welfare Systems

The proposed budget includes \$38.5 million (\$7.5 million General Fund) for 39 counties using the Consortium IV system to migrate to the LEADER Replacement System. The first year of funding for these migration activities will be available after the county consortia negotiations are complete and both the Department of Finance and the Department of Technology have reviewed and approved detailed project documents.

SUPPLEMENTAL SECURITY INCOME/STATE SUPPLEMENTAL PAYMENT

As of January 2017, the maximum SSI/SSP grant levels are \$895.72 per month for individuals and \$1,510.14 per month for couples. For 2017, the current Consumer Price Index growth factor is 0.3 percent, and it is projected to be 2.6 percent for 2018.

Additionally, maximum SSI/SSP monthly grant levels will increase by \$20 for individuals and \$29 for couples as of January 2018.

STATE HOSPITALS

Incompetent to Stand Trial Admissions

Please see the Administration of Justice Section of the Budget Action Bulletin for more details on Incompetent to Stand Trial Admissions.

PUBLIC HEALTH

Licensing and Certification

The proposed budget includes \$1.1 million in Licensing and Certification Program Fund in 2017-18 for the Los Angeles County contract to account for several salary increases. Los Angeles County salaries for burse surveyors and other contracted staff are higher than state salaries. These Los Angeles County salaries have increased in each of the past two years and will continue to increase in 2017 and 2018. Because of these ongoing cost pressures, the Department of Public Health is evaluating the most effective way to provide ongoing regulatory oversight of health care facilities in Los Angeles County. The Budget states that any continuation of the current relationship with Los Angeles County will require:

- Regulatory actions be completed in a timely manner and consistent with other areas of the state,
- Consistency in the quality of evaluations ,
- Cost Maintenance and within budgeted amounts.

Elimination of the Health Care Workforce Augmentation

The proposed budget includes the reversion of \$33.4 million General Fund from 2016-17 that were intended to fund health care workforce initiatives at the Office of Statewide Health Planning and Development. The Budget does not include additional funding for this purpose in the future.

Housing, Land Use and Transportation

HOUSING

The Governor’s January Budget highlights California’s continued housing affordability crisis, noting that the state has consistently produced fewer than 100,000 units per year over the last decade, while estimating that 180,000 units of new housing per year would be required to meet projected demand. As a result of the existing shortage, the proposal notes that over half of California households spend more than 30 percent of their income on housing costs, and nearly one-third spend more than 50 percent. This shortage contributes to California’s high rates of homelessness: while the state has 12 percent of the nation’s population, it has 22 percent of its homeless residents.

Despite acknowledging the tremendous scope of California’s housing affordability crisis, the Administration insists that “no new costs, or cost pressures” should be added to the state’s General Fund. Moreover, the Governor argues that “any permanent source of funding” should be linked to other policy reforms. The Department of Finance noted that this policy discussion will take place as part of a legislative package from the Administration outside of the budget process and shall be consistent with the following general principles:

- Housing construction should be streamlined through the reduction of “local barriers” in order to “limit delays and duplicative reviews, maximize the impact of public investments, and temper rent increases through housing supply increases.”
- Per unit costs should be reduced by addressing “permit and construction policies that drive up unit costs.”

- Compliance with existing laws, including the Housing Element, should be increased through additional accountability and enforcement measures.
- Leveraging “other infrastructure-related” investments to provide incentives for local governments to “meet or exceed housing goals” and to punish those jurisdictions that “do not build enough to increase production.”

CSAC is particularly concerned with the last principle, which seems to conflate the responsibility of cities and counties to plan and zone for adequate housing development with a responsibility to actually produce new housing units. While the proposal recognizes some of the factors beyond local government control, including high construction and land costs, that tend to limit housing production, it largely ignores the limited availability of state and federal subsidies that are necessary to construct housing units that can be sold or rented at below-market rates. For instance, the proposed budget highlights that there were 15 counties in California in which there was not a single unit constructed with tax credits from the Tax Credit Allocation Committee between 2011 and 2015.

For its part, CSAC will continue to review opportunities for additional streamlining of housing production, while also supporting new funding for affordable homes through a dedicated permanent source outside of the General Fund, as well through additional statewide affordable housing bonds. While proposing to link a permanent source with policy reforms, the Governor clearly signaled his opposition to further General Obligation bonds, stating that they would be an “inefficient and ineffective use of General Fund resources.”

Transportation Funding

The Governor’s January Budget includes a slightly-updated version of the Administration’s transportation funding proposal originally released in September 2015. While the \$4.3 billion per year proposal continues to be a positive starting point for CSAC’s continued efforts to secure robust and sustainable new funding for local streets and roads in 2017, the Governor’s plan by itself will not be enough to stop the continued deterioration of the local network.

The Governor noted in his press conference that he was “very committed” to securing a funding solution for state and local transportation infrastructure, but stressed that a deal would require bipartisan cooperation and coordination with interest groups. According to the summary document, the Governor’s plan reflects six key principles:

- A “fix-it-first” approach to repairing state highways and bridges and local streets and roads;
- Investing in key trade corridors to support economic growth and implementing a sustainable freight strategy;
- Providing funds to match locally generated funds for high-priority projects;
- Improving performance, accountability and efficiency at Caltrans;
- Investing in passenger rail and public transit modernization and improvement; and
- Avoiding an impact on the General Fund.

While consistent with the Administration’s earlier position, the last priority is particularly interesting, as Republican members have consistently pushed for transportation funding to be prioritized as part of the state’s overall spending, including the General Fund. Moreover, both [AB 1 \(Frazier\)](#) and [SB 1 \(Beall\)](#) include partial return of truck weight fees to current-year transportation projects, which would result in additional General Fund expenditures on transportation bond debt service of approximately \$500 million per year at full implementation. CSAC’s analysis of those proposals is available online [here](#).

Transportation funding remains a top priority for CSAC in 2017 work will continue with a broad coalition of partners to find consensus points among the various parties to see a comprehensive and robust package come to fruition.

Governor Brown Reintroduces 2015 Transportation Funding and Reform Package

As noted, the budget proposal included a reintroduction of the [Governor’s September 2015 transportation funding and reform package](#). Counties may recall that the proposal would spend an additional \$3.6 billion annually for ten-years on maintenance and rehabilitation of state and local transportation systems and investments in transit.

The proposal also includes a number of reforms and accountability measures including project delivery and environmental streamlining, enhanced oversight of state project delivery by the California Transportation Commission, and innovative procurement methods. Notably, this year’s plan includes a limited-term, focused pilot program for routine highway projects using the job order contracting method. Reform measures in the plan aren’t limited to state projects: the Governor proposes a limited California Environmental Quality Act (CEQA) exemption for projects on existing rights-of-way with previously completed CEQA approval, as well as removing the sunset for the existing NEPA delegation program that allows Caltrans, rather than the Federal Highways

Administration, to review and approve NEPA documents for transportation projects that include federal funds.

The updated plan stabilizes the gas excise tax by eliminating the complicated adjustment process from the fuel tax swap, raising the price-based rate from 11.7 cents in the 2017-18 budget to 21.5 cents and indexing the gas tax to inflation. The proposal spends \$500 million a year from cap and trade funds, including \$100 million for active transportation grants and \$400 million for transit and intercity rail capital projects. Other revenues consists of an 11-cent increase to the diesel excise tax, a \$65 per year “road improvement charge” imposed on California’s 32.9 million registered vehicles, and \$100 million in cost-savings from Caltrans efficiencies.

In addition to supporting local street and road maintenance and rehabilitation through approximately \$1.16 billion in new annual subventions allocated to jurisdictions by formula—a slight increase over the previous plan’s \$1.05 billion in local formula funds—the plan would provide \$250 million annually for state-local partnership grants. This is in contrast to the two leading legislative funding plans, which would provide [approximately \\$2.2 billion in new funding for local streets and roads](#) in addition to \$200 million annually for a state-local partnership program.

Finally, the Governor proposes additional investments in transportation from the Greenhouse Gas Reduction Fund. Specifically, his plan would provide \$100 million for local complete streets projects and an additional \$400 million for transit capital projects. For more information on the Governor’s comprehensive cap and trade proposal, please see the Agriculture, Environmental and Natural Resources section of this document.

The Governor’s plan serves as a solid baseline from which to continue discussions on how much additional funding the state should raise, and how best we can invest it in statewide transportation infrastructure. CSAC will continue to push for more robust funding for local streets and roads, as the most recent needs assessment illustrates that at least \$3 billion in new funding for cities and counties would be necessary to see a reduction in the deferred maintenance backlog and an improvement in local pavement conditions over the next decade.

Gas Tax Trends and Anticipated FY 2017-18 Funding for Counties

Due to slight increases in fuel prices, the Department of Finance estimates that the gasoline excise tax will be increased by 1.9 cents in July to maintain revenue neutrality with the former sales tax on gasoline. The overall state excise rate would increase from 27.8 cents to 29.7 cents, even without the approval of a state transportation funding

package. (Note that the Governor's transportation plan would increase to total gasoline excise tax rate back to its 2013-14 high of 39.5 cents per gallon.)

Despite an estimate increase in fuel consumption of 2.7 percent in 2015-16, which was driven largely by low fuel prices, the Department of Finance expects fuel consumption to decrease by 0.7 percent in 2016-17 and 0.1 percent in 2017-18. The resulting slight decreases in revenue from the fixed 18-cent gas tax rate will partially offset new revenues from the increase in the price-based excise tax rate.

CSAC staff has requested detailed budget information to create county-by-county fuel tax revenue estimates and will share this information with public works departments as soon as it is available.

Appendices

The following charts show the estimated revenues, expenses, and redirections under 1991 Realignment, 2011 Realignment, and AB 85 redirections, respectively. The 2011 Realignment is funded through two sources: a state special fund sales tax rates of 1.0625 percent, totaling \$6.9 billion, and \$643.7 million in Vehicles License Fees.

If you would like to receive the Budget Action Bulletin electronically, please e-mail Amanda Yang, CSAC Senior Legislative Assistant at ayang@counties.org.



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To: Administration of Justice Policy Committee Members

From: Darby Kernan, Legislative Representative
Stanicia Boatner, Legislative Analyst

Re: **CSAC Administration of Justice Platform Review – ACTION ITEM**

Recommendation. Staff recommends that the Administration of Justice Policy Committee approve the recommended changes to the CSAC policy platform as drafted and forward to the CSAC Board of Directors.

Background. The California County Platform is a statement of basic policies on issues of concern and interest to California's counties. CSAC's policy committees and Board of Directors review the platform regularly, amending and updating when necessary. In addition, the CSAC policy committees recommend updates to their relevant platform chapters every two years, with action taken at the Annual Meeting by the respective committee and Board of Directors.

As part of this biannual process, the Administration of Justice staff in late October suggested edits and invited committee members to provide additional suggestions. This memo provides a brief summary of proposed changes to two chapters under the purview of the Administration of Justice Policy Committee. The attached documents reflect the suggested markups to the platform changes themselves.

Chapter 2 – Administration of Justice

Section 2: Legislative and Executive Matters: Pre Sentence Detention – Addition of bail language.

Section 2: Legislative and Executive Matters: General Principles for Local Corrections – Addition of language previously in CSAC Corrections Reform County Policy Principles and Guidelines attachment.

Section 3: Sex Offender Management – Addition of language previously stated in Sex Offender Management Policy Principles and Guidelines attachment.

Section 5: Family Violence – Addition of batterer intervention language.

Chapter 16 – Realignment

To increase user-friendliness, the 2010 CSAC Realignment Principles have been incorporated into the Realignment Chapter. Previously, the 2010 Realignment Principles were an attachment to the Platform. Further edits were made to reformat the chapter in a more reader-friendly manner.

Chapter Two

Administration of Justice

Section 1: General Principles

This chapter is intended to provide a policy framework to direct needed and inevitable change in our justice system without compromising our commitment to both public protection and the preservation of individual rights. CSAC supports improving the efficiency and effectiveness of the California justice systems without compromising the quality of justice.

The Role of Counties

The unit of local government that is responsible for the administration of the justice system must be close enough to the people to allow direct contact, but large enough to achieve economies of scale. While acknowledging that the state has a constitutional responsibility to enact laws and set standards, California counties are uniquely suited to continue to have major responsibilities in the administration of justice. However, the state must recognize differences arising from variations in population, geography, industry, and other demographics and permit responses to statewide problems to be tailored to the needs of individual counties.

We believe that delegation of the responsibility to provide a justice system is meaningless without provision of adequate sources of funding.

Section 2: Legislative and Executive Matters

Board of Supervisors Responsibilities

It is recognized that the state, and not the counties, is responsible for trial court operations costs and any growth in those costs in the future. Nevertheless, counties continue to be responsible for justice-related services, such as, but not limited to, probation, prosecutorial and defense services, as well as the provision of local juvenile and adult detention facilities. Therefore, county board of supervisors should have budget control over all executive and administrative elements of local justice programs for which we continue to have primary responsibility.

Law Enforcement Services

While continuing to provide the full range of police services, county sheriffs should move in the direction of providing less costly specialized services, which can most effectively be managed on a countywide basis. Cities should provide for patrol and emergency services within their limits or spheres of influence. However, where deemed mutually beneficial to counties and cities, it may be appropriate to establish contractual arrangements whereby a county would provide law enforcement services within incorporated areas. Counties should maintain maximum flexibility in their ability to contract with municipalities to provide public safety services.

District Attorney Services

The independent, locally-elected nature of the district attorney must be protected. This office must have the capability and authority to review suspected violations of law and bring its conclusions to the proper court.

Victim Indemnification

Government should be responsive to the needs of victims. Victim indemnification should be a state responsibility, and the state should adopt a program to facilitate receipt of available funds by victims, wherever possible, from the perpetrators of the crime who have a present or future ability to pay, through means that may include, but are not limited to, long-term liens of property and/or long-term payment schedules.

Witness Assistance

Witnesses should be encouraged to become more involved in the justice system by reporting crime, cooperating with law enforcement, and participating in the judicial process. A cooperative anonymous witness program funded jointly by local government and the state should be encouraged, where appropriate, in local areas.

Grand Juries

Every grand jury should continue to have the authority to report on the needs of county offices, but no such office should be investigated more than once in any two-year period, unless unusual circumstances exist. Grand juries should be authorized to investigate all local government agencies, not just counties. Local government agencies should have input into grand jury reports on non-criminal matters prior to public release. County officials should have the ability to call the grand jury foreman and his or her representative before the board of supervisors, for the purpose of gaining clarification on any matter contained in a final grand jury report. Counties and courts should work together to ensure that grand jurors are properly trained and that the jury is provided with an adequate facility within the resources of the county and the court.

Public Defense Services

Adequate legal representation must be provided for indigent persons as required by constitutional, statutory, and case law. Such representation includes both criminal and mental health conservatorship proceedings. The mechanism for meeting this responsibility should be left to the discretion of individual counties.

Counsel should be appointed for indigent juveniles involved in serious offenses and child dependency procedures. The court-appointed or -selected attorney in these procedures should be trained specifically to work with juveniles.

Adult defendants and parents of represented juveniles who have a present and/or future ability to pay part of the costs of defense should continue to be required to do so as determined by the court. The establishment of procedures to place the responsibility for the cost of juvenile defense rightfully upon the parents should be encouraged. The state should increase its participation in sharing the costs of public defense services.

Coroner Services

The independent and investigative function of the coroner must be assured. State policy should encourage the application of competent pathological techniques in the determination of the cause of death.

The decision as to whether this responsibility should be fulfilled by an independent coroner, sheriff-coroner combination, or a medical examiner must be left to the individual boards of supervisors. In rural counties, the use of contract medical examiners shall be encouraged on a case-by-case basis where local coroner judgment is likely to be challenged in court. A list of expert and highly qualified medical examiners, where available, should be circulated to local sheriff-coroners.

Pre-Sentence Detention

Adults

1) Facility Standards

The state's responsibility to adopt reasonable, humane, and constitutional standards for local detention facilities must be acknowledged.

Recognizing that adequate standards are dynamic and subject to constant review, local governments must be assured of an opportunity to participate in the development and modification of standards.

It must be recognized that the cost of upgrading detention facilities presents a nearly insurmountable financial burden to most counties. Consequently, enforcement of minimum standards must depend upon state financial assistance, and local costs can be further mitigated by shared architectural plans and design.

2) Pre-sentence Release

Counties' discretion to utilize the least restrictive alternatives to pre-sentence incarceration that are acceptable, in light of legal requirements and counties' responsibility to protect the public, should be unfettered.

3) Bail

We support a bail system that would validate the release of pre-sentence persons [using risk assessment tools as a criteria for release](#). We also believe that public protection should be a criterion considered when setting bail.

Any continuing county responsibility in the administration or operation of the bail system must include a mechanism to finance the costs of such a system.

Juveniles

1) General

We view the juvenile justice system as being caught between changing societal attitudes calling for harsher treatment of serious offenders and its traditional orientation toward assistance and rehabilitation. Therefore, we believe a thorough review of state juvenile laws is necessary. Any changes to the juvenile justice system should fully involve and draw upon the experience of county officials and personnel responsible for the administration of the present system. CSAC must be involved in

state-level discussions and decision-making processes regarding changes to the juvenile justice system that will have a local impact. There must also be recognition that changes do not take place overnight and that an incremental approach to change may be most appropriate.

Counties must be given the opportunity to analyze the impact, assess the feasibility, and determine the acceptability of any juvenile justice proposal that would realign services from the state to the local level. As with any realignment, responsibility and authority must be connected, and sufficient resources — with a built-in growth factor adjustment — must be provided. Any shift in juvenile detention or incarceration from large state-run facilities to local facilities — if determined to be appropriate — must be pre-planned and funded by the state. However, counties believe that a class of juvenile offenders exists that is best treated by the state. These juvenile offenders are primarily those offenders whose behavioral problems, treatment needs, or criminogenic profile are so severe as to outstrip the local ability to properly treat.

We support a juvenile justice system that is adapted to local circumstances and increased state and federal funding support for local programs that are effective.

2) Facility Standards

The state's responsibility to adopt reasonable, humane, and constitutional standards for juvenile detention facilities is recognized. The adoption of any standards should include an opportunity for local government to participate. The state must recognize that local government requires financial assistance in order to effectively implement state standards, particularly in light of the need for separating less serious offenders from more serious offenders.

3) Treatment and Rehabilitation

As with adult defendants, counties should have broad discretion in developing programs for juveniles.

To reduce overcrowding of juvenile institutions and to improve the chances for treatment and rehabilitation of more serious offenders, it is necessary that lesser offenders be diverted from the formal juvenile justice system to their families and appropriate community-based programs. Each juvenile should receive individual consideration and, where feasible, a risk assessment.

Counties should pursue efficiency measures that enable better use of resources and should pursue additional funding from federal, state, and private sources to establish appropriate programs at the county level.

Prevention and diversion programs should be developed by each county or regionally to meet the local needs and circumstances, which vary greatly among urban, suburban, and rural areas of the state. Programs should be monitored and evaluated on an ongoing basis to ensure their ability to protect public safety and to ensure compliance with applicable state and federal regulations. Nevertheless, counties believe that the state must continue to offer a commitment option for

those juvenile offenders with the most serious criminogenic profile and most severe treatment needs.

4) Bail

Unless transferred to adult court, juveniles should not be entitled to bail. Release on their own recognizance should be held pending the outcome of the proceedings.

5) Separation of Offenders

We support the separation of juveniles into classes of sophistication. Separation should be based upon case-by-case determinations, taking into account age, maturity, need for secure custody among other factors, since separation by age or offense alone can place very unsophisticated offenders among the more mature, sophisticated offenders.

In view of the high cost of constructing separate juvenile hall facilities, emphasis should be placed on establishment of facilities and programs that facilitate separation.

6) Removal of Serious Offenders to Adult Court

To the greatest extent possible, determinations regarding the fitness of serious offenders should be made by the juvenile court on a case-by-case basis.

7) Jury Trial for Serious Offenders

Except when transferred to adult court, juveniles should not be afforded the right to a jury trial — even when charged with a serious offense.

General Principles for Local Corrections

Definition

Local corrections include maximum, medium and minimum security incarceration, work furlough programs, home detention, county parole, probation, Post Release Community Supervision (PRCS) and community-based programs for convicted persons.

Purpose

We believe that swift and certain arrest, conviction, and punishment is a major deterrent to crime. Pragmatic experience justifies the continuation of rehabilitative programs for those convicted persons whom a court determines must be incarcerated and/or placed on local supervision.

In light of the state's recent efforts on corrections reform — primarily on recidivism and overcrowding in state detention facilities, counties feel it is essential to articulate their values and objectives as vital participants in the overall corrections continuum. Further, counties understand that they must be active participants in any successful effort to improve the corrections system in our state. Given that local and state corrections systems are interconnected, true reform must consider the advantage — if not necessity — of investing in local programs and services to help the state reduce the rate of growth in the prison population. Front-end investment in local programs and initiatives will enrich the changes currently being contemplated to the state system and, more importantly, will yield greater economic and social dividends that benefit communities across the state.

An optimum corrections strategy must feature a strong and committed partnership between the state and local governments. State and local authorities must focus on making productive use of offenders' time while in custody or under state or local supervision. A shared commitment to rehabilitation can help address the inextricably linked challenges of recidivism and facility overcrowding. The most effective method of rehabilitation is one that maintains ties to an offender's community.

Programs and services must be adequately funded to enable counties to accomplish their functions in the corrections system and to ensure successful outcomes for offenders. To the extent that new programs or services are contemplated, or proposed for realignment, support must be in the form of a dedicated, new and sustained funding source specific to the program and/or service rather than a redirection of existing resources, and adequate to achieve specific outcomes. In addition, any realignment must be examined in relation to how it affects the entire corrections continuum and in context of sound, evidence based practices. Any proposed realignment of programs and responsibility from the state to counties must be guided by CSAC's existing Realignment Principles.

System and process changes must recognize that the 58 California counties have unique characteristics, differing capacities, and diverse environments. Programs should be designed to promote innovation at the local level and to permit maximum flexibility, so that services can best target individual community needs and capacities.

Equal Treatment

Conditions, treatment and correctional opportunities that are equal for all detainees, regardless of gender, are strongly supported. State policy must allow recognition of the individual's right to privacy and the differing programmatic needs of individuals.

Community-Based Corrections

The most cost-effective method of rehabilitating convicted persons is the least restrictive alternative that is close to the individual's community and should be encouraged where possible.

State policy must recognize that correctional programs must always be balanced against the need for public protection and that community-based corrections programs are only successful to the extent that they are sufficiently funded.

Relationship to Human Services Systems

State policy toward corrections should reflect a holistic philosophy, which recognizes that most persons entering the correctional system should be provided welfare, medical, mental health, vocational and educational services. Efforts to rehabilitate persons entering the correctional system should involve these other services, based on the needs — and, when possible, a risk assessment — of the individual.

Relationship to Mental Health System: Mentally Ill Diversion Programs

Adequate mental health services can reduce criminal justice costs and utilization. Appropriate diagnosis and treatment services, as well as increased use of diversion programs, will result in positive outcomes for offenders with a mental illness. Ultimately, appropriate mental health services will benefit the public safety system. Counties continue to work across disciplines to achieve good outcomes for persons with mental illness and/or co-occurring substance use disorder issues.

Comment [SB1]: This section was previously stated in the CSAC Corrections Reform County Policy Principles and Guidelines attachment

Inmate Medical Services

CSAC supports efforts at the federal level to permit local governments to access third-party payments for health care provided in detention facilities, including medical services provided for those who are accused, but not yet convicted. CSAC also supports efforts to ensure continuity of benefits for those detained in county detention facilities – adult and juvenile – and for swift reenrollment in the appropriate benefits program upon a detainee’s release.

Private Programs

Private correctional programs should be encouraged for those categories of offenders that can most effectively be rehabilitated in this manner.

Investment in Local Programs and Facilities

The state’s investment in local programs and facilities returns an overall benefit to the state corrections system and community safety. State support of local programs and facilities will aid materially in addressing the “revolving door” problem in state and local detention facilities.

The state should invest in improving, expanding and renovating local detention facilities to address overcrowding, early releases, and improved delivery of inmate health care. Incentives should be included to encourage in-custody treatment programs and other services.

The state should invest in adult probation services — using as a potential model the Juvenile Justice Crime Prevention Act (JJCPA) — to build a continuum of intervention, prevention, and supervision services for adult offenders.

The state should continue to fully support the successful JJCPA initiative, which provides a range of juvenile crime prevention and intervention programs and which represents a critical component of an overall crime reduction and public safety improvement strategy. Diverting juveniles from a life of offending will help to reduce pressure on the adult system.

The state should invest in mentally ill in-custody treatment and jail diversion programs, where treatment and services can help promote long-term stability in mentally ill offenders or those with co-occurring disorders, decrease recidivism, and divert appropriate offenders out of the criminal justice system.

The state should continue to invest in alcohol and drug treatment and diversion programs, including but not limited to outpatient treatment facilities, given that the vast majority of inmates in state and local systems struggle with addiction, which is a primary factor in their criminality.

Inmate Reentry Programs

Reentry programs represent a promising means for addressing recidivism by providing a continuum of care that facilitates early risk assessment, prevention, and transition of inmates back into the community through appropriate treatment, life skills training, job placement, and other services and supports. The state should consider further investment in multiagency programs authorized under SB 618¹, which are built on proven, evidence-based strategies including comprehensive pre-sentence assessments, in-custody treatment, targeted case management, and the development of an individualized life plan. These programs promote a permanent shift in the way nonviolent felony

Comment [SB2]: This section was previously stated in the CSAC Corrections Reform County Policy Principles and Guidelines attachment.

¹Chapter 603, Statutes of 2005.

offenders are managed, treated and released into their respective communities. Examples of program elements that have been demonstrated to improve offenders' chances for a successful reintegration into their communities upon release from custody include, but are not limited to, the following:

- a. Early risks and needs assessment that incorporates assessments of the need for treatment of alcohol and other drug abuse, and the degree of need for literacy, vocational and mental health services;
- b. In-custody treatment that is appropriate to each individual's needs — no one-size-fits-all programming;
- c. After care and relapse prevention services to maintain a "clean and sober" lifestyle;
- d. Strong linkages to treatment, vocational training, and support services in the community;
- e. Prearranged housing and employment (or vocational training) for offenders before release into their communities of residence;
- f. Completion of a reentry plan prior to the offenders' transition back into the community that addresses the following, but is not limited to: an offender's housing, employment, medical, dental, and rehabilitative service needs;
- g. Preparation of the community and offenders' families to receive and support each offender's new law-respecting and productive lifestyle before release through counseling and public education that recognize and address the inter-generational impact and cycles of criminal justice system involvement;
- h. Long-term mentorship and support from faith-based and other community and cultural support organizations that will last a lifetime, not just the duration of the parole period, and
- i. Community-based treatment options and sanctions;
- j. Counties believe that such reentry programs should include incentives for inmate participation.

Siting of New Facilities

Counties acknowledge that placement of correctional facilities is controversial. However, the state must be sensitive to community response to changing the use of, expanding, or siting new correctional facilities (prisons, community correctional facilities, or reentry facilities). Counties and other affected municipalities must be involved as active participants in planning and decision-making processes regarding site selection. Providing for security and appropriate mitigations to the local community are essential.

Impact on Local Treatment Capacity

Counties and the state must be aware of the impact on local communities' existing treatment capacity (e.g., mental health, drug treatment, vocational services, sex offender treatment, indigent healthcare, developmental services, and services for special needs populations) if the correction reforms contemplate a major new demand on services as part of development of community correctional facilities, reentry programs, or other locally based programs. Specialized treatment services that are not widely available are likely the first to be overtaxed. To prevent adverse impacts upon existing alcohol and drug and mental health treatment programs for primarily non-criminal justice system participants, treatment capacity shall be increased to accommodate criminal justice participants. In addition, treatment capacity shall be separately developed and funded.

Comment [SB3]: This section was previously stated in the CSAC Corrections Reform County Policy Principles and Guidelines attachment.

Impact on Local Criminal Justice Systems

Proposals must adequately assess the impact on local criminal justice systems (courts, prosecution and defense, probation, detention systems and local law enforcement).

Emerging and Best Practices

Counties support the development and implementation of a mechanism for collecting and sharing of best practices that can help advance correction reform efforts.

Comment [SB4]: This section was previously stated in the CSAC Corrections Reform County Policy Principles and Guidelines attachment.

Adult Correctional Institutions

Counties should continue to administer adult correctional institutions for those whose conviction(s) require and/or results in local incarceration.

The state and counties should establish a collaborative planning process to review the relationship of local and state corrections programs.

Counties should continue to have flexibility to build and operate facilities that meet local needs. Specific methods of administering facilities and programs should not be mandated by statute.

Adult Probation

Counties should continue to provide adult probation services as a cost-effective alternative to post-sentence incarceration and to provide services—as determined appropriate—to persons released from local correctional facilities. Counties should be given flexibility to allocate resources at the local level according to the specific needs of their probation population and consideration should be granted to programs that allow such discretion. State programs that provide fiscal incentives to counties for keeping convicted offenders out of state institutions should be discouraged unless such programs – on balance – result in system improvements. State funding should be based upon a state-county partnership effort that seeks to protect the public and to address the needs of individuals who come into contact with the justice system. Such a partnership would acknowledge that final decisions on commitments to state institutions are made by the courts, a separate branch of government, and are beyond the control of counties. Some integration of county probation and state parole services should be considered. Utilization of electronic monitoring for probationers and parolees should be considered where cost-effective and appropriate for local needs.

General Principles for Juvenile Corrections

We believe that efforts to curtail the criminal behavior of young people are of the highest priority need within the correctional area. The long-term costs resulting from young offenders who continue their criminal activities justifies extraordinary efforts to rehabilitate them.

Efforts should be made to force parents to assume greater responsibility for the actions of their children, including fines and sanctions, if necessary. Counties should be given flexibility to allocate resources at the local level according to the specific needs of their probation population and consideration should be granted to programs that allow such discretion. State programs that provide fiscal incentives to counties for keeping convicted offenders out of state institutions should be discouraged unless such programs – on balance – result in system improvements. Any program should recognize that final decisions on commitments to state institutions are made by the courts, a separate branch of government, and are beyond the control of counties.

Juvenile Correctional Institutions

Counties should continue to administer juvenile correctional institutions and programs for the majority of youths requiring institutionalization. Retention of youths at the local level benefits the state by reducing demands on programs and institutions operated by the California Division of Juvenile Justice.

While counties believe that a state-operated rehabilitation and detention system is a necessary component of the continuum of services for juvenile offenders, CSAC opposes efforts that would require any additional county subsidy of that system. The state should provide subvention for these activities at a reasonable level, with provisions for escalation so that actual expenses will be met.

Juvenile Probation

Counties should continue to provide juvenile probation services as a cost-effective alternative to post-adjudication and to provide juvenile probation services to individual youths and their families after the youth's release from a local correctional facility.

Truants, run-a-ways, and youths who are beyond the control of their parents should continue to be removed from the justice system except in unusual circumstances. These youths should be the responsibility of their parents and the community, not the government. Imposing fines and/or sanctions on parents to prompt their participation in their children's lives and involvement in the process should remain an option.

Gang Violence Prevention

Counties recognize the devastating societal impacts of gang violence – not only on the victims of gang-related crimes, but also on the lives of gang members and their families. Counties are committed to working with allied agencies, municipalities, and community-based organizations to address gang violence and to promote healthy and safe communities. These efforts require the support of federal and state governments and should employ regional strategies and partnerships, where appropriate.

Human Services System Referral of Juveniles

State policy toward juvenile corrections must be built on the realization that a juvenile offender may be more appropriately served in the human services system. Considering the high suicide potential of youths held in detention facilities and, acknowledging the fact that juvenile offenses are more often impulse activities than are adult offenses, juvenile cases and placement decisions should be reviewed more closely under this light.

Federal Criminal Justice Assistance

The federal government should continue to provide funding for projects that improve the operation and efficiency of the justice system and that improve the quality of justice. Such programs should provide for maximum local discretion in designing programs that are consistent with local needs and objectives.

Section 3: Sex Offender Management

For the safety and well-being of California's citizens, especially those most vulnerable to sexual assault, it is essential for counties and the state to manage known sex offenders living in our communities in ways that most effectively reduce the likelihood that they will commit another offense, whether such reoffending occurs while they are under the formal supervision of the criminal justice system or takes place after that period of supervision comes to an end.

In light of this counties need to develop strategies to 1) educate county residents, 2) effectively manage the sex offender population, which may or may not coincide with existing state policy, 3) assess which sex offenders are at the highest risk to re-offend and thus in need of monitoring and 4) partner with other state and local organizations that assist in supervision of sex offenders.

To that end, CSAC has adopted the following principles and policy on sex offender management.

Any effective sex offender management policy should contain restriction clauses that do not focus on where a sex offender lives but rather on the offender's movements. Counties believe an offender's activities and whereabouts pose a greater danger than his or her residence. Therefore, any strategy should consider the specific offense of the sex offender and prohibit his/her travel to areas that relate to their specific offense.

Each county, when taking actions to address and/or improve sex offender management within its boundaries, should do so in a manner that does not create difficulties for other counties to manage the sex offender population within their jurisdiction.

There are many community misconceptions about how to best monitor the sex offender population, how sex offenders are currently monitored and the threats sex offenders do and do not pose to communities. Any comprehensive sex offender management program must contain a community education component for it to be successful.

Supervision programs administered at the local level will require stable and adequate funding from the State to ensure that the programs are appropriately staffed, accessible to local law enforcement departments, and effective.

Global Positioning Systems (GPS) devices are but one of a multitude of tools that can be used simultaneously to monitor and supervise sex offenders. California counties believe that if the State is to adopt the use of GPS to monitor sex offenders a common system should be developed. This system should be portable and accessible no matter where an offender travels within California.

Counties and the state should rely more heavily on the use of risk and needs assessments to determine how to allocate resources. These assessments will allow an agency at the local level to determine who is most at risk to reoffend and in need of monitoring.

Regional collaboration should be encouraged as a means to address sex offender management.

The level of government with jurisdiction to supervise a sex offender (state parole or county probation) should be responsible and be given the authority for managing that offender.

Counties believe that for any policy to work, local governments and the State must work collaboratively to manage this population of offenders. The passage of Jessica's Law (Proposition 83, November 2006) intensified discussions regarding sex offender management and the public's perception about effective sex offender management policies. Accordingly, state and local governments should reexamine sex offender management policies.

Comment [585]: This section was previously stated in the Sex Offender Management County Principles and Policies attachment.

Section 4: Judicial Branch Matters

Trial Court Management

The recognized need for greater uniformity and efficiency in the trial courts must be balanced against the need for a court system that is responsive and adaptable to unique local circumstances. Any statewide administrative structure must provide a mechanism for consideration of local needs.

Trial Court Structure

We support a unified consolidated trial court system of general jurisdiction that maintains the accessibility provided by existing trial courts. The state shall continue to accept financial responsibility for any increased costs resulting from a unified system.

Trial Court Financing

Sole responsibility for the costs of trial court operations should reside with the state, not the counties. Nevertheless, counties continue to bear the fiscal responsibility for several local judicial services that are driven by state policy decision over which counties have little or no control. We strongly believe that it is appropriate for the state to assume greater fiscal responsibility for other justice services related to trial courts, including collaborative courts. Further, we urge that the definition of court operations financed by the state should include the district attorney, the public defender, court appointed counsel, and probation.

Trial Court Facilities

The court facility transfers process that concluded in 2009 places responsibility for trial court facility maintenance, construction, planning, design, rehabilitation, replacement, leasing, and acquisition squarely with the state judicial branch. Counties remain committed to working in partnership with the courts to fulfill the terms of the transfer agreements and to address transitional issues as they arise.

Court Services

Although court operation services are the responsibility of the state, certain county services provided by probation and sheriff departments are directly supportive of the trial courts. Bail and own recognizance investigations, as well as pre-sentence reports, should be provided by probation, sheriff, and other county departments to avoid duplication of functions, but their costs should be recognized as part of the cost of operating trial courts.

Jurors and Juries

Counties should be encouraged to support programs that maximize use of potential jurors and minimize unproductive waiting time. These programs can save money, while encouraging citizens to serve as jurors. These efforts must consider local needs and circumstances. To further promote efficiency, counties support the use of fewer than twelve person juries in civil cases.

Collaborative Courts

Counties support collaborative courts that address the needs and unique circumstances of specified populations such as the mentally ill, those with substance use disorders, and veterans. Given that the provision of county services is vital to the success of collaborative courts, these initiatives must be developed locally and entered into collaboratively with the joint commitment of the court and county. This decision making process must include advance identification of county resources – including, but not limited to, mental health treatment and alcohol and drug treatment programs and services,

prosecution and defense, and probations services – available to support the collaborative court in achieving its objectives.

Court and County Collection Efforts

Improving the collection of court-ordered debt is a shared commitment of counties and courts. An appropriately aggressive and successful collection effort yields important benefits for both courts and counties. Counties support local determination of both the governance and operational structure of the court-ordered debt collection program and remain committed to jointly pursuing with the courts strategies and options to maximize recovery of court-ordered debt.

Section 5: Family Violence

CSAC remains committed to raising awareness of the toll of family violence on families and communities by supporting efforts that target family violence prevention, intervention and treatment. Specific strategies for early intervention and success should be developed through cooperation between state and local governments, as well as community, and private organizations addressing family violence issues.

Since counties have specific responsibilities in certifying domestic violence batterer intervention programs, it is in the best interest of the state and counties that these programs provide treatment that addresses the criminogenic needs of offenders and looks at evidence-based or promising practices as the most effective standard for certifying batterer intervention programs.

Section 6: Government Liability

The current government liability system is out of balance. It functions almost exclusively as a source of compensation for injured parties. Other objectives of this system, such as the deterrence of wrongful conduct and protection of governmental decision-making, have been largely ignored. Moreover, as a compensatory system of ever-increasing proportions, it is unplanned, unpredictable and fiscally unsound – both for the legitimate claimant and for the taxpayers who fund public agencies.

Among the principal causes of these problems is the philosophy – expressed in statutes and decisions narrowing governmental immunities under the Tort Claims Act – that private loss should be shifted to society where possible on the basis of shared risk, irrespective of fault or responsibility in the traditional tort law sense.

The expansion of government liability over recent years has had the salutary effect of forcing public agencies to evaluate their activities in terms of risk and to adopt risk management practices. However, liability consciousness is eroding the independent judgment of public decision-makers. In many instances, mandated services are being performed at lower levels and non-mandated services are being reduced or eliminated altogether. Increasingly, funds and efforts are being diverted from programs serving the public to the insurance and legal judicial systems.

Until recently, there appeared to be no end to expansion of government liability costs. Now, however, the "deep pocket" has been cut off. Insurance is either unavailable or cost prohibitive and tax revenues are severely limited. Moreover, restricted revenue authority not only curtails the ability of public entities to pay, but also increases exposure to liability by reducing funding for maintenance and repair programs. As a result, public entities and ultimately, the Legislature, face difficult fiscal decisions when trying to

balance between the provision of governmental service and the continued expansion of government liability.

There is a need for data on the actual cost impacts of government tort liability. As a result of previous CSAC efforts, insurance costs for counties are fairly well documented. However, more information is needed about the cost of settlements and awards and about the very heavy "transactional costs" of administering and defending claims. We also need more information about the programmatic decisions being forced upon public entities: e.g., what activities are being dropped because of high liability? CSAC and its member counties must attempt to fill this information gap.

CSAC should advocate for the establishment of reasonable limits upon government liability and the balancing of compensatory function of the present system with the public interests in efficient, fiscally sound government. This does not imply a return to "sovereign immunity" concepts or a general turning away of injured parties. It simply recognizes, as did the original Tort Claims Act, that: (1) government should not be more liable than private parties, and (2) that in some cases there is reason for government to be less liable than private parties. It must be remembered that government exists to provide essential services to people and most of these services could not be provided otherwise. A private party faced with risks that are inherent in many government services would drop the activity and take up another line of work. Government does not have that option.

In attempting to limit government liability, CSAC's efforts should bring governmental liability into balance with the degree of fault and need for governmental service.

In advocating an "era of limits" in government liability, CSAC should take the view of the taxpayer rather than that of counties per se. At all governmental levels, it is the taxpayer who carries the real burden of government liability and has most at stake in bringing the present system into better balance. In this regard, it should be remembered that the insurance industry is not a shield, real or imagined, between the claimant and the taxpayer.

4-18-13

~~PROPOSED NEW PLATFORM CHAPTER/LANGUAGE REALIGNMENT~~

~~Proposed for adoption by the CSAC Health and Human Service Policy Committee. Approved by the Administration of Justice and Government Finance and Operations Policy Committees November 2012.~~

~~Proposed Chapter:~~

DRAFT November 2016

Chapter 16

Realignment

In 2011, an array of law enforcement and health and human services programs – grouped under a broad definition of “public safety services” – was transferred to counties along with a defined revenue source. The 2011 Realignment package was a negotiated agreement with the Brown Administration and came with a promise, realized with the November 2012 passage of Proposition 30, of constitutional funding guarantees and protections against costs associated with future programmatic changes, including state and federal law changes as well as court decisions. Counties will oppose proposals to change the fiscal structure of 2011 Realignment, including proposals to change or redirect growth funding that does not follow the intent of the law.

CSAC will oppose efforts that limit county flexibility in implementing programs and services realigned in 2011 or infringe upon our individual and collective ability to innovate locally. Counties resolve to remain accountable to our local constituents in delivering high-quality programs that efficiently and effectively respond to local needs. Further, we support counties’ development of appropriate measures of local outcomes and dissemination of best practices.

These statements are intended to be read in conjunction with previously adopted and refined Realignment Principles, already incorporated in the CSAC Platform—~~Those below. These~~ principles, along with the protections enacted under Proposition 1A (2004), ~~would will~~ guide ~~counties’ our~~ response to any future proposal to shift additional state responsibilities to counties.

~~Attachment:~~2010 CSAC Realignment Principles. Approved by the CSAC Board of Directors

Facing the most challenging fiscal environment in the California since the 1930s, counties are examining ways in which the state-local relationship can be restructured and improved to ensure safe and healthy communities. This effort, which will emphasize both fiscal adequacy and stability, does not seek to

Comment [CSAC1]: Edit made in response to concerns from Santa Clara County about growth funds being redirected

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reopen the 1991 state-local Realignment framework. However, that framework will help illustrate and guide counties as we embark on a conversation about the risks and opportunities of any state-local realignment.

With the passage of Proposition 1A the state and counties entered into a new relationship whereby local property taxes, sales and use taxes, and Vehicle License Fees are constitutionally dedicated to local governments. Proposition 1A also provides that the Legislature must fund state-mandated programs; if not, the Legislature must suspend those state-mandated programs. Any effort to realign additional programs must occur in the context of these constitutional provisions.

Counties have agreed that any proposed realignment of programs should be subject to the following principles:

- 1) Revenue Adequacy. The revenues provided in the base year for each program must recognize existing levels of funding in relation to program need in light of recent reductions and the Human Services Funding Deficit. Revenues must also be at least as great as the expenditures for each program transferred and as great as expenditures would have been absent realignment. Revenues in the base year and future years must cover both direct and indirect costs. A county's share of costs for a realigned program or for services to a population that is a new county responsibility must not exceed the amount of realigned and federal revenue that it receives for the program or service. The state shall bear the financial responsibility for any costs in excess of realigned and federal revenues into the future. There must be a mechanism to protect against entitlement program costs consuming non-entitlement program funding.
 - a. The Human Services Funding Deficit is a result of the state funding its share of social services programs based on 2001 costs instead of the actual costs to counties to provide mandated services on behalf of the state. Realignment must recognize existing and potential future shortfalls in state responsibility that have resulted in an effective increase in the county share of program costs. In doing so, realignment must protect counties from de facto cost shifts from the state's failure to appropriately fund its share of programs.
- 2) Revenue Source. The designated revenue sources provided for program transfers must be levied statewide and allocated on the basis of programs and/or populations transferred; the designated revenue source(s) should not require a local vote. The state must not divert any federal revenue that it currently allocates to realigned programs.
- 3) Transfer of Existing Realigned Programs to the State. Any proposed swap of programs must be revenue neutral. If the state takes responsibility for a realigned program, the revenues transferred cannot be more than the counties received for that program or service in the last year for which the program was a county responsibility.
- 4) Mandate Reimbursement. Counties, the Administration, and the Legislature must work together to improve the process by which mandates are reviewed by the Legislature and its fiscal committees, claims made by local governments, and costs reimbursed by the State. Counties believe a more accurate and timely process is necessary for efficient provision of programs and services at the local level.

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- 5) Local Control and Flexibility. For discretionary programs, counties must have the maximum flexibility to manage the realigned programs and to design services for new populations transferred to county responsibility within the revenue base made available, including flexibility to transfer funds between programs. For entitlement programs, counties must have maximum flexibility over the design of service delivery and administration, to the extent allowable under federal law. Again, there must be a mechanism to protect against entitlement program costs consuming non-entitlement program funding.
- 6) Federal Maintenance of Effort and Penalties. Federal maintenance of effort requirements (the amount of funds the state puts up to receive federal funds, such as IV-E and TANF), as well as federal penalties and sanctions, must remain the responsibility of the state.



November 18, 2016

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To: CSAC Agriculture, Environment & Natural Resources (AENR)
Policy Committee
From: Karen Keene, Senior Legislative Representative
Cara Martinson, Legislative Representative

Re: California County Platform Updates – ACTION ITEM

Recommendation. Staff recommends that the AENR Policy Committee approve the recommended changes to the CSAC policy platform as drafted and forward to the CSAC Board of Directors.

Background. The California County Platform is a statement of basic policies on issues of concern and interest to California's counties. CSAC's policy committees and Board of Directors review the platform regularly, amending and updating when necessary. In addition, the CSAC policy committees recommend updates to their relevant platform chapters every two years, with action taken at the Annual Meeting by the respective committee with final approval by the Board in 2017. As part of the bi-annual process, in late October the committee was provided with recommended edits and was invited to provide additional comments and suggestions. The four chapters and Flood Control Attachment under the purview of the Agriculture, Environment & Natural Resources Policy Committee, along with a description of changes reflected in the attached documents, are listed below:

- **Chapter 3 – Agriculture & Natural Resources**
 - *Formatting and organizational changes throughout to promote consistency across platform chapters, this includes incorporating the previously adopted medical marijuana policy into Chapter 3.*
 - *Staff has included updates and enhancements to our policies in the following areas:*
 - *State and County Fair Policy (pg. 16)*
 - *Support for resources to address Tree Mortality bullet (pg. 16)*
 - *Financing of Water Management Policy (pg. 20)*
- **Chapter 3 Attachment – Flood Protection Principles and Policy Guidelines**
 - *No changes*
- **Chapter 4 – Energy**
 - *Formatting and organizational changes throughout to promote consistency across platform chapters.*

- **Chapter 14 – Climate Change Policy Guidelines**
 - *Formatting and organizational changes throughout to promote consistency across platform chapters.*
 - *The addition of Cap and Trade and CalEnvironScreen policy bullets (pg. 3).*

- **Chapter 17 – CEQA Policy Guidelines**
 - *Formatting and organizational changes throughout to promote consistency across platform chapters.*

Action Requested. Staff requests approval from the committee to advance the proposed changes to the CSAC Board of Directors.

Contacts. Please contact Cara Martinson, CSAC Legislative Representative at 916-327-7500, 504, or cmartinson@counties.org if you have questions or would like additional information.

Chapter Three

Agriculture, Environment and Natural Resources

Counties recognize the necessity of balancing the need to develop and utilize resources for the support of our society and the need to protect and preserve the environment. Counties also recognize that climate change and the release of greenhouse gases (GHG) into the atmosphere have the potential to dramatically impact our environment, public health and economy. Due to the overarching nature of the climate change issues, all sections in this chapter should be viewed in conjunction with chapter fifteen.

Counties assert that solutions necessary to achieve this delicate balance can best be formulated at the local level in cooperation with public and private industry and state and federal government.

Over-regulation is not the answer. Processes must be adopted for all federal and state proposed rules and regulations to include a detailed environmental and economic cost/benefit analysis. Additionally, proposed and existing state rules and regulations that exceed federal standards should be evaluated and justified.

Section 1: Agriculture

Counties recognize the importance of agriculture and its contribution to the state's economy. If California is to continue as the leading agriculture state in the nation, the remaining viable agricultural lands must be protected. In order to ensure that agricultural land protection is a statewide priority, the state, in cooperation with local governments, must continue to implement existing policies or adopt new policies which accomplish the following:

- 1) Provide innovative incentives that will encourage agricultural water conservation and retention of lands in agricultural production;
- 2) Promote agricultural economic development activities.
- 3) Support allocation of transportation resources to improvement of important goods movement corridors and farm-to-market routes.
- 4) Encourage the development of new water resources [and delivery systems](#);
- 5) Provide research and development for biological control and integrated pest management practices;

- 6) Ensure water and air quality standards are retained at a level that enables agricultural production to continue without significant lessening in the quantity or quality of production;
- 7) Support the continuation of statewide public education curricula that address the essential role that agriculture plays in California and world economics;
- 8) Promote California agriculture, protect it from pests and diseases and ensure the safety and wholesomeness of food and other agricultural products for the consumer;
- 9) Foster a decision-making environment based upon input from all interested parties and analysis of the best available information, science and technology;
- 10) Continue to build consumer and business confidence in the marketplace through inspection and testing of all commercial weighing and measuring devices;
- 11) Encourage low impact/sustainable agricultural practices;
- 12) Support the elimination of inheritance taxes on agricultural lands; and,
- 13) Support full funding for UC Cooperative Extension given its vital role in delivering research-based information and educational programs that enhance economic vitality and the quality of life in California counties.

Working with other Entities

The University of California's Cooperative Extension Service, County Agriculture Commissioners, Sealers of Weights and Measures, Resource Conservation Districts (RCDs), local farm bureaus, Coordinated Resource Management Planning committees (CRMPs), and Resource Conservation & Development Councils (RC&Ds) are valuable resources that can be relied upon to assist state and local governments with the implementation of the policy directives noted above, as well as other programs supporting agricultural and natural resources. Given the long-standing relationship between local cooperative extension offices, county agricultural departments (i.e. County Farm Advisors and Agricultural Commissioners), RCDs, local farm bureaus, CRMPs, RC&Ds and individual counties, it is imperative that state and county officials develop ongoing support for these programs. Further, state and county officials are encouraged to remind other policy and decision makers of the importance of these entities and their value to agriculture, natural resources, the environment and community development.

Williamson Act

Counties support revisions to the California Land Conservation Act of 1965, also known as the Williamson Act, that provide property owners greater incentives to continue participation under the Act. Additionally, counties are committed to support other reasonable legislative changes which preserve the integrity of the Williamson Act and eliminate abuses resulting in unjustified and premature conversions of contracted land for development.

Counties support the restoration of Williamson Act subventions. The state subventions to counties also must be revised to recognize all local tax losses.

State and County Fairs

Whether state-owned/operated or county-owned, fairs are important assets to California's counties. They provide educational and competitive exhibits that highlight state and local industrial enterprises, resources and products. Fairs also provide the venue for a variety of agricultural and local community events and serve the state by assisting in emergency preparedness and response.

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Unfortunately, declining budget resources threaten to force the closure of fairs throughout the state unless a new governance and funding structure is established. Counties recognize that fairs represent a critical state and community asset that is in dire need of funding and strongly support the development of a comprehensive solution that will ensure the viability of the entire fair network.

Section 2: Forests

Counties recognize the importance of forests to the state's economy. California is the second leading timber producing state in the nation. As with agriculture, to remain so, the state must protect and maintain its viable timberland base. Counties also recognize the importance of forestry in the context of climate change. Effectively managed forests have less of a probability of releasing harmful greenhouse gases into the atmosphere and increase the potential for carbon sequestration. To ensure protection of the viable timberland base, it must become a statewide priority to implement existing policies or adopt new policies that accomplish the following:

- 1) Continue reimbursement to counties for lost timber related revenues as currently provided under the Secure Rural Schools and Community Self-Determination Act of 2000;
- 2) Encourage sustainable forestry practices through the existing regulatory process;
- 3) Encourage continued reforestation on private timberlands;
- 4) Provide new and innovative incentives that will encourage good management practices and timberland retention;

5) Support the State Fire Safe Council's mission to preserve California's natural and man-made resources by mobilizing all Californians to make their homes, neighborhoods and communities fire safe; and,

6) Support for state and federal resources to address the tree mortality crisis in California; and,

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- 6) Oppose any net increase in state or federal land acquisition, unless otherwise supported by the affected local governments and until all of their issues and concerns are addressed or mitigated to their satisfaction.

Biomass

Counties recognize the problems and opportunities presented by biomass bi-product and accumulated fuels reduction efforts. The state of California must develop a coherent, integrated biomass policy that will guide regulation and investment for the next 20 years. The state must give highest priority in the near term to the retention of its unique biomass energy industry, which is in danger of disappearing as the result of electric services restructuring and changes in energy markets. By integrating State and local air quality goals, wildfire prevention and waste management strategies into a statewide biomass policy, California will solve several critical environmental problems and create viable private industries, which will serve the public need.

Section 3: Mineral Resources

The extraction of minerals is essential to the needs and continued economic well-being of society. To ensure the viability of this important industry and to protect the quality of the environment, existing and new statewide policies concerning mineral resources must accomplish the following:

- 1) Encourage conservation and production of known or potential mineral deposits for the economic health and well-being of society;
- 2) Ensure the rehabilitation of mined lands to prevent or minimize adverse effects on the environment and to protect public health and safety;
- 3) Recognize that the reclamation of mined lands will allow continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land;
- 4) Recognize that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological and social conditions are significantly different and that reclamation operations and the specifications thereof may vary accordingly;
- 5) Oversee surface, pit, in-stream and off-site mining operations so as to prevent or minimize adverse environmental effects;
- 6) Specify that determination of entitlements to surface mining operations is a local land use issue provided that reclamation plans are obtained and enforced.

Section 4: Air Quality

Counties fully recognize that clean air laws have been enacted to protect the public from the adverse and deleterious health effects of air pollution. However, any rules and regulations aimed at improving California's air quality must be developed with the input of local government. Rule makers working on air quality issues must ensure a balance between economic advancement, health effects and environmental impacts.

Counties assert that federal and state agencies, in cooperation with local agencies, have the ability to develop rules and regulations that implement clean air laws that are both cost-effective and operationally feasible. In addition, state and federal agencies should be encouraged to accept equivalent air quality programs, thereby allowing for flexibility in implementation without compromising air quality goals.

As it pertains to air quality regulations, distinctions need to be drawn between different types of open burning (i.e. wildland fuel reduction programs using prescribed fire v. agricultural burning). Efforts should continue to find economical alternatives to open burning in general.

Failure to meet air quality standards may jeopardize federal transportation funding statewide. Counties continue to work closely with congestion management agencies, air quality districts, metropolitan organizations and regional transportation agencies to ensure that transportation planning is coordinated with air quality objectives.

Many portions of the state, including the broader Sacramento area and mountain counties air basin, have been formally identified by the California Air Resources Board (CARB) as receptors of ozone-related air pollution transported from the San Francisco Bay Area and the San Joaquin Valley. Although the California Air Resources Board is considering actions that will help mitigate air pollution transport, the receptor counties are still potentially subject to sanctions if they do not take sufficient steps to achieve and maintain healthy air quality. Sanctions can take many forms, including lowered New Source Review thresholds in the receptor districts as compared to transporting districts and through transportation conformity. Given the potential impacts on the receptor counties, legislation and/or policy measures must be enacted that provide reasonable sanction protection for counties impacted by air pollution transport from upwind areas. Other legislative or policy measures that would require the upwind areas to implement air pollution mitigation measures should also be considered.

Given its longstanding support of local autonomy, CSAC opposes the addition of state appointees to local air districts. Such an action would result in a loss of local control without perceived improvements to the public process and clean air efforts. However, technical support services at the state level such as research, data processing and specialized staff support should be maintained and expanded to assist local air quality management efforts.

Section 5: Water Resource Management

Water Resources Development

Counties recognize the complexities of water use and distribution throughout the state, and therefore should be officially represented geographically on all federal, state, and/or regional water policy bodies and decision-making authorities. A comprehensive statewide water resource management plan – one that includes the upper watershed areas – is essential to the future of California. Such a plan should include a full assessment of needs for all users.

In relation to any specific water project, counties support statutory protection of counties of origin and watershed areas. These protections provide that only water that is surplus to the reasonable ultimate human and natural system needs of the area of origin should be made available for beneficial uses in other areas. A natural system includes the ecosystem, meaning a recognizable, relatively homogeneous unit that includes organisms, their environment, and all interactions among them. Additionally, the cost of water development to users within the areas of origin should not be increased by affecting a water export plan. Furthermore, in all federal and state legislation, county of origin protections should be reaffirmed and related feasibility studies should clearly identify and quantify all reasonable future needs of the counties of origin to permit the inclusion of specific guarantees. Existing water rights should be recognized and protected.

Counties must be compensated for any third party impacts, including, but not limited to, curtailed tax revenues and increases in costs of local services occasioned by an export project.

There currently exists a need for the development of new solutions to expand water resources to meet the growing needs of the state. The increased demand for water is due to the rapid population growth, agricultural needs and industrial development. Projects should be considered that will create new water supplies through a variety of means such as recycling, water neutral developments, storm water capture, desalinization, waste water reclamation, watershed management, development of additional storage and conservation. In building any new water projects, the state must take into account and mitigate any negative socio-economic impacts on the affected counties.

Counties support the incorporation of appropriate recreational facilities into all water conservation and development projects to the extent feasible.

Water Rationing

Counties oppose statewide mandatory water rationing programs that would establish unrealistic and unnecessary restrictions on some areas of the state and which establish inadequate goals for other areas. Instead, counties support a voluntary approach to water conservation that promotes a permanent "conservation ethic" in California. If water rationing does become necessary in certain areas of the state, counties will need statutory authorization to impose water rationing decisions at the county government level.

Water Conservation

The Legislature has recognized the need for water conservation. Counties recognize the need for local programs that promote water conservation and water storage. Water conservation may include reuse of

domestic and industrial wastewater, reuse of agriculture water, groundwater recharge, or economic incentives to invest in equipment that promotes efficiency. No conservation of water shall be recognized if the conservation arises from the fallowing of agricultural land for compensation, unless the board of supervisors of the county in which the water has been devoted to agricultural use consents to the following.

The Regional Water Quality Control Boards need to direct staff to issue permits for direct discharge of properly treated wastewater to promote reuse.

Ground Water Management

It is CSAC's position that ground water management is necessary in California and that the authority for ground water management resides at the county level. Adequate management of water supply cannot be accomplished without effective administration of both surface and ground water resources within counties. Ground water management boundaries should recognize natural basins and responsibilities for administration should be vested in organizations of locally elected officials. Private property rights shall be addressed in any ground water management decisions.

Ground water management programs should maintain the flexibility to expeditiously address critical localized and basin-wide problems. Studies necessary to design ground water programs should be directed by local agencies with technical or economic support from state and federal programs.

Financing of Water Conservation and Ground Water Management

~~Area-wide water conservation and ground water management programs are costly. Those benefiting should pay a fair share of these costs. Local agencies should have the discretion to recover those costs. Counties throughout California face many funding challenges and needs that involve stormwater, flood control, groundwater management requirements and compliance with water conservation requirements. Proposition 218 creates challenges for local government to manage water responsibly for public safety, and environmental and conservation purposes. Given all of the changes that have occurred and requirements enacted since the 1970's relative to how the State manages its water resources, voters should be provided with the opportunity to consider constitutional reforms that reflect the needs of modern water management.~~

CSAC supports constitutional reforms to address the unintended consequences of Propositions 218 for local governments' ability to manage water responsibly. These reforms should maintain high standards of transparency and accountability, while providing local agencies with the needed flexibility to enact funding mechanisms that will enable them to improve supply reliability, maintain water quality for public and environmental health, and protect the state's residents and businesses from harmful flooding.

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Flood Control

The following policy guidance on flood control shall be followed in conjunction with CSAC's Flood Management Principles and Policy Guidelines.

Long-term flood control improvements are necessary in order to provide improved flood protection and minimize future damages. Local, state and federal agencies should work to improve communications, coordination and consistency prior to and following a flood disaster. Counties are encouraged to look for funding opportunities to move structures out of flood plains.

CSAC supports and encourages the U.S. Army Corps of Engineers, through the Waterways Experiment Stations, to adopt innovative geo-technical (high-tech) inspections systems to identify unexpected voids and saturated sand lenses in government-authorized levees. CSAC further supports follow up by the Army Corps with a recommendation for non-federal sponsors to add these techniques to their annual levee inspection programs.

Counties continue to experience frustration when applying for the state and federal permits that are required to repair, restore and maintain flood control facilities. Counties support streamlining of such permits or any other efforts that would allow expeditious implementation of such activities.

Counties recognize the need for environmental mitigation measures to protect endangered species. The unique need for ongoing and routine levee maintenance must be reconciled with reasonable mitigation requirements. Solutions could include a blanket "take permit" exempting levee maintenance from compliance and a more efficient process for routine maintenance.

Counties further recognize that providing habitat and flood control may not be mutually achievable goals within river, stream or ditch channels. However, ecosystem restoration projects may provide flood control benefits and will require detailed hydraulic and other engineering studies to assess the individual and cumulative hydraulic impacts in floodways. Counties also recognize that habitat areas shall be maintained in such a manner as to not obstruct the flow of water through the channel. Further, the river, stream and ditch channels should also have blanket "take permits" issued to allow for proper cleaning of obstructions to the water flow and/or carrying capacity.

Federal and state agencies that have the expertise and have been funded to identify, protect and are responsible for species that would be harmed in the course of flood control projects – such as levee reconstruction, maintenance or repairs – must be charged with the rescue of these species and not the local government performing such activities. These local governments have little, if any, expertise in the identification and rescue procedures of threatened and endangered species. This identification and rescue should be accomplished in the most expedient time frame practicable. The federal agencies should be required to consult with the local action agencies within thirty days of any species rescue determination.

In respect to locally sponsored flood control projects, CSAC shall continue to urge the administration and the legislature to fully fund the State Flood Control Subvention Program.

Delta

CSAC believes that any proposed Delta solutions be implemented in a manner that:

- Respects the affected counties' land use authority, revenues, public health and safety, economic development, water rights, and agricultural viability.
- Promotes recreation and environmental protection.
- Ensures Delta counties' status as voting members of any proposed Delta governance structure.
- Improves flood protection for delta residents, property, and infrastructure.
- Improves and protects the Delta ecosystem, water quality, flows and supply.
- Ensures consistency with affected counties adopted policies and plans.
- Secures financial support for flood management, improved emergency response, preservation of agriculture, protection of water resources, and enhancement and restoration of habitat.
- Accords special recognition, and advances the economic vitality of "heritage" or "legacy" communities in the Delta.
- Demonstrates a clearly evidenced public benefit to any proposed changes to the boundaries of the Delta.
- Support development of adequate water supply, utilizing the concept of "Regional Self Sufficiency" whereby each region maximizes conservation and recycled water use, implements storage (surface and groundwater) and considers desalination, as necessary.

Section 6: Parks and Recreation

Counties are encouraged to consider supporting the efforts of the California Association of Regional Park and Open Space Administrators to provide for the health, safety and quality of life for all Californians by protecting parkland and open space.

Section 7: Solid Waste Management

CSAC supports policies and legislation that aim to promote improved markets for recyclable materials, and encourages the following:

- The use of recycled content in products sold in California;
- The creation of economic incentives for the use of recycled materials; and,
- The expansion of the Beverage Container Recycling Program.

CSAC shall support legislation that:

- Protects local solid waste franchising and fee-setting authority;
- Provides for the use of performance standards and alternative daily cover for landfills; and,
- Requires state facility cooperation with local jurisdictions on waste reduction to meet AB 939 and organic waste diversion goals.
- Promotes the development of conversion technologies as an alternative to land filling, and provides state funding to local jurisdictions for such projects; provides full diversion credit and greenhouse gas emission reduction credits under applicable state law; and, provides that all energy produced by these conversion technology facilities be designated as renewable energy.

CSAC shall oppose legislation that:

- Preempts local planning decisions regarding solid waste facility siting;
- Preempts local solid waste and AB 939 fee-setting authority; and,
- Requires burdensome changes to locally adopted plans.

CSAC does not oppose legislation that assesses fees on solid waste that is disposed of out of state, as long as the fees reflect the pro-rata share of California Integrated Waste Management Board services used.

CSAC supports an Extended Producer Responsibility Framework Approach to the end-of-life management of products, which creates effective producer-lead reduction, reuse and recycling programs, to deal with a product's lifecycle impacts from design through end of life management, without relying solely on state and local governments.

In order to comply with the diversion requirements of the California Integrated Waste Management Act, local governments must continue to have the ability to direct the flow of waste. Given federal and state court decisions which restrict this ability, counties are encouraged to consider supporting legislation which ensures local governments' authority to direct the flow of waste.

Section 8: Endangered Species

Because of widespread impacts of the state and federal endangered species acts on public projects, agriculture, timber and other industries in California, including the resulting impact on county revenues, both acts should be amended to provide for the following:

- 1) Recognition and protection of private property rights and local government's land use authority;

- 2) All those who benefit should pay the costs. It should be recognized that inequity exists concerning the implementation of the existing acts in that the cost of species protection on private property is borne by a few property owners for the benefit of all;
- 3) If Congress and the state legislature deem the protection of certain species is of national interest, then the responsibility for that protection, including the costs, should be assumed by all who benefit through federal and/or state funding, and a process should be adopted which is consistent with other public projects of national interest;
- 4) Applications for a listing should be required to include a map of critical habitat, a recovery plan and an economic and environmental analysis of costs and benefits;
- 5) The development of a delisting process that is as aggressively adhered to as the listing process;
- 6) The creation of a scientifically based and efficient process for delistings;
- 7) Include independent scientific peer review, local public hearings, and equal access to judicial review;
- 8) Delegation of implementation of the Federal Endangered Species Act to the state;
- 9) Full compensation to property owners when historical or future use of their land is diminished;
- 10) Use of public lands first for multi-species protection;
- 11) Prohibit the distribution of public grant funds to private entities for the primary purpose of supporting or opposing listings or delistings of endangered species;
- 12) Control of protected species that prey upon and reduce either the adult or juvenile population of any listed species;
- 13) Protection of current land uses;
- 14) Support recovery efforts of endangered species;
- 15) The ability to produce food, fiber, and all other agricultural products is not abridged; and
- 16) Agricultural produces should not be held liable for any "take" that occurs during normal agricultural operations.

Section 9: Public Lands

Plans for state and federal public lands shall be coordinated and compatible with local general plans and zoning. Private uses on public federal lands, exclusive of Native American lands, should be required to comply with applicable state and local laws. In addition, counties should be reimbursed for lost tax revenues when land is transferred for non-profit or public uses.

Counties should have an opportunity to review and comment on management decisions affecting their economies, general plans and resources. Public participation, including public hearings, should be required in land use planning on public lands to ensure that economic or environmental concerns are addressed.

Counties encourage the operation and ownership of land resources under private rather than governmental control. Lands acquired by government or utilities for particular purposes which are no longer essential should be returned to private ownership – with preference to previous owners where possible – and without reservation of water and mineral rights. Small isolated units of publicly held property should be offered for sale to private operators, with preference to adjacent owners.

Government should be required to demonstrate, using reliable data, an integrated program of land use and the need for the acquisition before being permitted to purchase, further expand or transfer land from one governmental agency to another. Management plans and budgetary information should be required on all lands proposed for acquisition by governmental agencies prior to such acquisition, so that they can be made part of the public hearing process.

The practice of government funding through grants or other means to organizations and foundations in order to purchase private land that will be resold or donated to some governmental entity threatens to diminish the tax base of local units of government. As a result, counties' tax base should be kept whole in the event of federal or state purchase of land.

Counties support the multiple use of public lands. Uses of these lands include grazing, mining, timber, wildlife and recreation. Lands under governmental control should be actively managed in concert with private activities to encourage the greatest use and improvement. Counties believe that timber harvest, mining, and grazing activities are a valuable component of ecosystem management in some instances and that recreational activities, impacts on wildlife and natural events like fires and floods must be considered. Properly managed land results in higher sustained yields of water, forage, timber, minerals, and energy. Grazing and logging are important elements of the multiple-use concept. Therefore, counties support efforts to minimize additional acreage designated as wilderness, unless otherwise supported by the affected local governments, and all of their issues and concerns are addressed or mitigated to their satisfaction.

Reforestation and continued management of public lands with suitable soils for producing forest crops are essential to maintaining a viable forest industry in California. Timber stand improvement is needed and required for producing maximum yields both for quality and quantity of timber products. Additionally, comprehensive fuels management programs are encouraged for the protection and sustainability of timber producing lands. Counties support economically and environmentally sound

management of public forests for the production of forest products, which support local industry and, in the case of National Forests, maximize federal payments for support of local government.

Federal and State Compensation

Adequate compensation must be made available to local governments to offset the costs of providing services to public lands. Current federal compensation programs, such as PL 106-393, should be retained with respect to land where harvesting is severely limited or no longer occurs. Counties continue to support a per acre charge for any land which has historically received revenue timber receipts.

Information regarding county revenues generated from federal lands indicates that receipts are down, will continue to go down, and are not likely to change direction in the near future. In order to ensure that a system is in place that is fair and equitable, a revenue sharing and/or payment in-lieu of taxes system must meet three criteria:

- 1) Equitable - The federal government must compensate the state and counties at a level that is consistent with revenues that would be expected to be generated if such lands were not in federal ownership and management.
- 2) Predictable – The system in place must provide some assurance and predictability of the level and timing of revenues; and,
- 3) Sustainable - Revenues should be maintained over time; and changes in federal policies in the future should not adversely affect local communities.

CSAC shall continue to pressure the state and the federal government to meet its statutory obligation to annually pay local agencies full in-lieu fees and payments in-lieu of taxes for state and federal purchased properties. CSAC supports the premise that no new state or federal acquisitions of private property shall occur until state in-lieu fees and federal payments in-lieu of taxes are fully funded. Federal legislation is needed to provide additional compensation for those public land counties that meet specified hardship criteria.

Forest Service and Bureau of Land Management Exchanges

Counties recognize that efficient management of public lands requires land adjustments to ensure manageable units and prevent conflicts with adjacent private land uses.

Land exchanges and purchases are the usual means available to the two federal agencies. Tripartite and direct timber for land exchange are permitted under federal law.

Counties will support the federal agencies in these exchange and consolidation efforts when:

- 1) Better and more productive management of public land will result;

- 2) Counties affected are consulted and given opportunity to help determine acquisition of local lands in exchange process and negative effects are fully mitigated;
- 3) County revenues, including PL 106-393 and payment in lieu of taxes (PILT) are protected or enhanced;
- 4) Areas slated for disposal in exchanges are included in the county general plan and classified as to probable use (e.g. residential, TPZ, commercial); and
- 5) Land-for-land exchanges enhance the counties and result in no net loss of value.

Counties support efforts to streamline and shorten the federal land exchange procedure so mutually beneficial consolidations will be more attractive and expeditious.

Local Use of Public Lands

Counties support legislation and land management policies to enable local agencies to acquire state and federal lands for public purposes.

Waste Disposal on Public Lands

Counties experience considerable difficulty locating and maintaining facilities to dispose of solid waste. Counties with large areas of state and federal lands used for recreation are required to assume the responsibility of disposing solid waste generated by these recreational activities. The entities that administer these public lands should assume responsibility for providing sites for solid waste disposal and funds for development, maintenance and operation of such sites.

Section 10: Invasive Species Control

Counties support aggressive action by federal, state, and local agencies to limit the spread, and to enhance the eradication of, identified invasive plants and animal species, and support prioritizing the efforts that are most attainable and cost-effective.

Section 11: Predator Control

Counties benefit from the established federal-state Cooperative Animal Damage control program through reduced livestock depredation, and property damage as well as public health protection.

Counties support predator control and promoting program efficiency through cooperative federal-state-county programs.

Changes in state law have removed many tools previously utilized by landowners and Animal Damage Control professionals for use in predator control. The result is an increased need for additional Animal Damage Control professionals.

Counties support expanded program funding through the current Federal-State Cooperative Animal Damage Control program and strongly support equal cost sharing between counties and cooperative agencies.

Section 12: Emergency Management

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CSAC shall support legislative and regulatory proposals that maximize California counties' ability to effectively mitigate, prepare for, respond to, and recover from natural and man-made disasters and public health emergencies, protecting both physical and fiscal health. Such proposals must recognize that the 58 California counties have unique characteristics, differing capacities, and diverse environments. In addition, emergency management and homeland security policies, practices, and funding should be designed to promote innovation at the local level and to permit maximum flexibility, so that services can best target individual community needs, hazards, threats, and capacities. To achieve this broad-based policy direction, CSAC shall:

- Support adherence to the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS) processes, especially as they relate to the operational area concept.
- Advocate for broad county access to technologies that offer effective and wide-ranging communications capabilities for alerting the public in emergency situations.
- Work to ensure that proposals that impose responsibilities upon counties are accompanied by full and flexible funding.
- Advocate for improved coordination between state and local offices of emergency services and state and local departments with health and safety-related responsibilities (e.g. California Health and Human Services Agency, Department of Health Services, and the Emergency Medical Services Authority, and county offices of emergency services, county health agencies and local emergency services agencies).
- Support full and flexible funding for on-going emergency preparedness and all hazard planning.
- Support grant processes, procedures, and guidelines that allow full funding for personnel in order to carry out emergency management and homeland security mandates.
- Support efforts to reform the existing state and federal grant funding structure that result in a streamlined and flexible process for the protection of Californians' physical and fiscal health and wellbeing.
- Support full and flexible funding for on-going emergency preparedness exercises and training, focusing on an all hazards approach, at the state and local level.

- [Support full and flexible funding for emergency communication system interoperability between all local government agencies and the State of California.](#)
- [Advocate at the federal level for policies and requirements that are practically achievable by local governments.](#)

Fire Protection

Fires are best prevented and fought through long-term fuels management and other anticipatory actions. Such fire protection efforts must be integrated and supported by other natural resource programs and policies. Counties support the achievement of a sustainable ecosystem and the maintenance of healthy forests while providing defensible space for protection of life and property. Governmental agencies alone cannot achieve fire safe communities; private property owners are also obligated to take necessary actions to reduce their fire risk.

Counties further support an increase in state and federal funding for fuels management. However, given existing concerns expressed by counties regarding the allocation of fire protection resources, it is imperative that local governments be included in any effort to develop appropriate allocation of these resources between pre-fire management and fire suppression.

Fires are best fought by rapid response from trained firefighters. Counties support CDF's reconnaissance and rapid response systems. Counties support state funding of local fire agencies – both paid and volunteer – and local Fire Safe Councils for wildland fire response.

Prescribed Fire

The state of California should pursue alternate methods of biomass disposal that conserves energy in order to reduce the wildland fuel volumes consumed by prescribed fire.

Where alternative methods are not available, the state of California should assume greater responsibility in the development of a less restrictive program of prescribed fire for forest and range improvement, enhancement of wildlife, watershed management and reduction of major wildfire hazards.

Solutions must be found to the problems of liability when a county maintains a controlled burning program.

The State Department of Forestry [and Fire Protection](#) and the State Air Resources Board should arrive at a joint policy concerning controlled burning so that counties will be dealing with one state government policy, rather than with two conflicting state agency policies.

Section 13: Energy

This section should be viewed in conjunction with Chapter 4, which includes CSAC's Energy Policy Guidelines.

It is CSAC's policy that the state and the 58 counties should seek to promote energy conservation and energy efficiency. Counties are encouraged to undertake vigorous energy action programs that are tailored to the specific needs of each county. When developing such action programs counties should:

- Assess available conservation and renewable energy options and take action to implement conservation, energy efficiency and renewable energy development when feasible;
- Consider the incorporation of energy policies as an optional element in the county general plan; and,
- Consider energy concerns when making land use decisions and encourage development patterns which result in energy efficiency.

In order to meet the state's energy needs, counties fully recognize the importance of establishing a cooperative relationship between other levels of government and the private sector. This includes working with public and private utilities that serve their areas to develop energy transmission corridors and to minimize delays in approvals and land use conflicts.

With respect to alternative and renewable energy sources, the state and counties should encourage use of agricultural, forestry and non-recyclable urban wastes for generating usable energy. They should also take into consideration the other benefits of waste-to-energy production. Additionally, the state should encourage, and counties should explore, the development of cogeneration projects at the local level. In respect to public power options, counties support efforts that enhance local governments' ability to become community aggregators of electricity.

Counties support the encouragement of new generation facilities by the provision of increased incentives and a streamlined permitting process. However, state government needs to maintain regulatory oversight of these facilities. Lastly, counties oppose state acquisition and/or management of electric generating or transmission facilities.

Section 14: Medical Marijuana

CSAC believes that the constitutional police powers of counties to protect the health, safety, and general welfare of the public authorizes counties to take actions to address what an elected Board of Supervisors legislatively determines to be the negative secondary effects of medical marijuana dispensaries and cultivation. The proliferation of such dispensaries and cultivation has created a variety of problems in many areas of the State. Counties must be able to enact prohibitions or regulations in the face of threats to the public health, safety and general welfare. Such decisions represent legislative judgments made by locally elected legislative bodies about the wisdom and need for local control over a particularly vexing and unusual land use. Under well settled constitutional separation of powers principles, deference must be afforded to the legislative judgments made by locally elected officials,

who are in the best position to evaluate local conditions, community needs, and the public welfare. Accordingly, CSAC believes that any legislation to develop a statewide program for the regulation of medical marijuana dispensaries and cultivation must allow individual local governments the discretion to either adopt that program in full, to modify the program as they see fit, or to opt out of the program completely.

In addition, the cultivation of marijuana is often accompanied by land use and operational activities such as clearing of land, grading, road-building, water withdrawals from streams and application of herbicides, pesticides and fertilizers. These activities are routinely regulated and enforced by Federal, State and local agencies when they are associated with industries such as timber, ranching or farming, so as to reduce their potential impacts on the environment. CSAC believes responsible agencies should be given clear guidance and adequate resources to regulate and enforce existing environmental laws when they are associated with the cultivation of marijuana. CSAC also supports a requirement that state agencies coordinate with local governments to ensure uniform application in enforcement efforts

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Chapter Four

CSAC Energy Policy Guidelines

The following policy guidelines cover a wide range of energy issues of significant interest to county governments. This policy direction will assist CSAC with its efforts to represent county interests on energy proposals moving through the legislative process.

Section 1: Tax and Revenue Impacts

- Legislative, Public Utility Commission (PUC), and State Board of Equalization (SBE) decisions concerning energy issues shall include provisions to avoid negative impacts on local government and schools.
- Local governments rely on property tax revenues and franchise fees from utilities to provide essential public services. These revenues, as well as property tax revenues from alternative energy facilities, must be protected to ensure that local governments can continue to provide essential services, and support statewide energy needs by siting new power plants, and alternative energy facilities, bringing old power plants back on line and enacting long-term conservation measures.

Section 2: Energy Generation

- Counties support efforts to ensure that California has an adequate supply of safe, reliable energy at the most competitive prices possible, while adhering to the state's expressed order of priorities of conservation, renewables, new generation and new transmission.
- Counties support establishing incentives that will encourage the development and use of alternative energy sources such as wind, solar, biomass, hydropower, and geothermal resources. Counties also support promoting the timely development of new infrastructure, such as new electric transmission, needed to facilitate renewable energy development. Such efforts will lead to the state realizing its goal of having 33% of its electricity supply come from renewable sources by 2020. To encourage local siting of renewable energy facilities, counties support restoring authority to assess alternative energy facilities such as commercial solar facilities currently exempt under AB 1451.
- While CSAC supports a statewide assessment and planning for future transmission needs, we oppose transmission corridor designations that ignore the local land use decision-making process.
- Counties support the construction and operation of biomass facilities through the establishment of state policies that will ensure sustainable long-term commitments to

resource supply and electrical generation purchases at a price that supports resource-to-energy conversion.

- Counties shall commit to examine their own policies on alternative energy for any potential impacts that discourage the use of such systems.
- Counties support efforts to allow local agencies to retain regulatory oversight over generators by statutorily changing the threshold from 50 megawatts to 100 megawatts.
- Counties support additional state grant funding for back-up generation for essential facilities.
- Counties support additional state grant funding for air quality compliance for emergency generation facilities.
- Provide incentives to local agencies to site energy facilities. The following incentives would stimulate the development and siting of more energy generation facilities: Some of the financial incentives that would stimulate the development and siting of more energy generation facilities in California include:
 - 1) ~~1.~~ Funding to streamline the siting process at the local level. Funds would be available to reimburse cities and counties for the costs of permits, environmental review and other local expenses in order to expedite the process at the local level.
 - 2) Energy facility incentive payments. Financial incentives for cities and counties that approve new generating facilities, and/or the expansion of existing generation facilities, to replace them with more efficient facilities, or to build renewable projects, including photovoltaics, fuel cells or cogeneration. Increased incentives would be given to those facilities that generate power beyond the demand of the host jurisdiction's facilities alone.
 - 3) Property tax allocation incentives. Any city or county that approves siting of a privately developed generating facility should receive 100% of the property tax of that facility.
 - 4) Waiving charges. To stimulate development of projects such as cogeneration facilities, standby charges for generating facilities should be waived.
 - 5) Aligning processes at various levels. Streamlining of timeframes currently associated with the state and federal regulatory process for siting power generating facilities.
- Counties support an amendment to the California Integrated Waste Management Act (CIWMA) to provide full diversion credit for cogeneration facilities to further encourage

their development. The CIWM Act currently establishes a 10% limitation on solid waste diversion that occurs through transformation.

- Counties support streamlining the approval and environmental review process for new power plants and any building using alternative sources of energy.
- Counties support payments to qualified facilities consistent with state and federal standards for renewable energy sources.
- Counties oppose state ownership of power plants because of the impact on local government revenue streams, water rights, the operation of hydro facilities, and the efficient management of such systems, including the economic uncertainty associated with state ownership of power plants. In the event of state ownership, all impacts on local government shall be mitigated.

Section 3: Public Power

- Counties support measures that enhance public power options available to local governments.
- Counties support measures that enhance local government's ability to become community aggregators of electricity.

Section 4: Conservation

- CSAC and its member counties are committed to reducing electricity use and increasing efficiency in their facilities.
- Counties support development of a statewide grant program to fund energy conservation and energy management equipment in local government facilities.
- Counties support a rate structure that recognizes conservation efforts.
- Counties support grants and loans that promote energy efficiency among businesses and homeowners.
- Counties support the adoption of real-time metering and time-of-use metering, allowing consumers to make choices about their consumption of electrical energy based on the real-time price of electricity.

- Counties support providing incentives, including the use of new technologies, for businesses that generate their own energy, and support encouraging them to make their excess capacity available to the utilities.

Section 5: Economic Development

- Counties support the development and implementation of a statewide “proactive” California business retention strategy, led by the California Business, Transportation and Housing Agency in partnership with local economic development organizations, including support of legislation that would provide funding for this effort through emergency legislation.
- Counties support the development and execution of a statewide, consistent and balanced message campaign that presents the true business climate in California.
- Counties support efforts to encourage alternative energy solutions to be instituted in businesses and residences.
- Counties support the right to implement Property Assessed Clean Energy (PACE) programs and establish property assessment liens for energy conservation and renewable energy investments. PACE programs create jobs, stimulate business growth, reduce greenhouse gas emissions and add lasting value to residential and commercial properties without increasing risks of mortgage defaults.

Section 6: Notification of Power Outages

- Counties, as providers of essential services, must be provided with adequate notice regarding any planned rotating block outages.

Section 7: Miscellaneous

- Counties support a utility market structure that ensures that energy supply and demand is not unreasonably constrained by artificially imposed price caps.

Chapter Fourteen

CSAC Climate Change Policy Guidelines

Section 1: GENERAL PRINCIPLES

- CSAC recognizes that sustainable development and climate change share strong complementary tendencies.
- CSAC recognizes that mitigation and adaptation to climate change – such as promoting sustainable energy, improved access and increased walkability, transit oriented development, and improved agricultural methods – have the potential to bolster sustainable development.
- CSAC recognizes that climate change will have a harmful effect on our environment, public health and economy. Although there remains uncertainty on the pace, distribution and magnitude of the effects of climate change, CSAC also recognizes the need for immediate actions to mitigate the sources of greenhouse gases.
- CSAC recognizes the need for sustained leadership and commitment at the federal, state, regional and local levels to develop strategies to combat the effects of climate change.
- CSAC recognizes the complexity involved with reducing greenhouse gases and the need for a variety of approaches and strategies to reduce greenhouse gas (GHG) emissions.
- CSAC supports a flexible approach to addressing climate change, recognizing that a one size fits all approach is not appropriate for California’s large number of diverse communities.
- CSAC supports special consideration for environmental justice issues, disadvantaged communities, and rural areas that do not have the ability to address these initiatives without adequate support and assistance.
- CSAC supports cost-effective strategies to reduce GHG emissions and encourages the use of grants, loans and incentives to assist local governments in the implementation of GHG reduction programs.

- CSAC recognizes that adaptation and mitigation are necessary and complementary strategies for responding to climate change impacts. CSAC encourages the state to develop guidance materials for assessing climate impacts that includes adaptation options.
- CSAC finds it critical that the state develop protocols and GHG emissions inventory mechanisms, providing the necessary tools to track and monitor GHG emissions at the local level. The state, in cooperation with local government, must determine the portfolio of solutions that will best minimize its potential risks and maximize its potential benefits. CSAC also supports the establishment of a state climate change technical assistance program for local governments.
- CSAC believes that in order to achieve projected emission reduction targets, cooperation and coordination between federal, state and local entities must occur to address the role public lands play in the context of climate change ~~must occur~~.
- CSAC recognizes that many counties are in the process of developing, or have already initiated climate change-related programs. CSAC supports the inclusion of these programs into the larger GHG reduction framework and supports acknowledgement and credit given for these local efforts.
- CSAC acknowledges its role to provide educational forums, informational resources and communication opportunities for counties in relation to climate change.
- CSAC recognizes that collaboration between cities, counties, special districts, and the private sector is necessary to ensure the success of a GHG reduction strategy at the local level.
- CSAC encourages counties to take active measures to reduce GHG greenhouse gas emissions and create energy efficiency strategies that are appropriate for their respective communities.

Section 1: Fiscal

The effects of climate change and the implementation of GHG reduction strategies will have fiscal implications for county government.

CSAC recognizes the potential for fiscal impacts on all levels of government as a result of climate change, i.e. sea level rise, flooding, water shortages and other varied and numerous consequences. CSAC encourages the state and counties to plan for the fiscal impacts of climate change adaptation, mitigation and strategy implementation.

- CSAC supports the use of grants, loans, incentives and revenue raising authority to assist local governments with the implementation of climate change response activities and GHG reduction strategies.
- CSAC continues to support its state mandate principles in the context of climate change. CSAC advocates that new GHG emissions reduction programs must be technically feasible for counties to implement and help to offset the long-term costs of GHG emission reduction strategies.
- CSAC advocates that any new GHG reduction strategies that focus on city-oriented growth and require conservation of critical resource and agricultural lands within the unincorporated areas should include a mechanism to compensate county governments for the loss of property taxes and other fees and taxes.
- CSAC supports the allocation of cap and trade revenues to fund programs that help reduce GHG emissions at the local level.
- CSAC supports changes and refinement to the California Communities Environmental Health Screening Tool (CalEnviroScreen) to include criteria that reflects the diversity of disadvantaged communities in California.

Section 2: Land Use, Transportation, and Housing

CSAC recognizes that population growth in the state is inevitable, ~~and therefore~~ climate change strategies that affect land use must focus on how and where to accommodate and mitigate the expected growth in California. Land use planning and development plays a direct role in transportation patterns, affecting travel demands and in turn vehicle miles traveled (VMT) and fuel consumption. It is recognized that in addition to reducing VMTs, investing in a seamless and efficient transportation system to address congestion also contributes to the reduction of GHG emissions. The provision of housing affordable to all income levels also affects the ability to meet climate change goals. Affordable housing in close proximity to multi-modal transportation options, work, school, and other goods and services is a critical element to reducing GHG emissions in the state. Smart land use planning and growth, such as that required by SB 375 (Chapter 728, Statutes of 2008), remains a critical component to achieve the GHG emission reduction targets pursuant to AB 32 (Chapter 488, Statutes of 2006), particularly to address the emissions from the transportation sector (i.e. vehicle, air and train). In order to better understand the link between land use planning, transportation, housing, and climate change further modeling and consideration of alternative growth scenarios is required to determine the relationship and benefits at both the local and regional levels.

- CSAC supports measures to achieve reductions in GHG emissions by promoting housing/jobs proximity and transit-oriented development, and encouraging high density residential development along transit corridors. CSAC supports these strategies through its support for SB 375 ([Chapter No. 728, Statutes of 2008](#)) and other existing smart growth policies for strategic growth. These policies support new growth that results in compact development within cities, existing unincorporated urban communities and rural towns that have the largest potential for increasing densities, and providing a variety of housing types and affordability.
- CSAC ~~also~~ supports policies that efficiently utilize existing and new infrastructure investment and scarce resources, while considering social equity as part of community development, and strives for an improved jobs-housing balance.
- CSAC ~~existing policy also~~ supports the protection of critical lands when it comes to development, recognizing the need to protect agricultural lands, encourage the continued operations and expansion of agricultural businesses, and protect natural resources, wildlife habitat and open space.
- CSAC ~~policy also~~ acknowledges that growth outside existing urban areas and growth that is non-contiguous to urban areas may be necessary to avoid the impacts on critical resource and agricultural lands that are adjacent to existing urban areas.
- CSAC ~~policy~~ supports providing incentives for regional blueprints and countywide plans, outside of SB 375, to ensure that all communities have the ability to plan for more strategic growth and have equitable access to revenues available for infrastructure investment purposes. It is CSAC's intent to secure regional and countywide blueprint funding for all areas.
- CSAC supports new fiscal incentives for the development of countywide plans to deal with growth, adaptation and mitigation through collaboration between a county and its cities to address housing needs, protection of resources and agricultural lands, and compatible general plans and revenue and tax sharing agreements for countywide services.
- CSAC recognizes that counties and cities must strive to promote efficient development in designated urban areas in a manner that evaluates all costs associated with development on both the city and the county. Support for growth patterns that encourage urbanization to occur within cities must also result in revenue agreements that consider all revenues generated from such growth in order to reflect the service demands placed on county government. As an alternative, agreements could be entered into requiring cities to assume portions of county service delivery obligations resulting from urban growth.

- While local governments individually have a role in the reduction of GHG emissions through land use decisions, CSAC continues to support regional approaches to meet the State’s GHG emission reduction and climate change goals, such as ~~SB-375~~ efforts, which build upon existing regional blueprint and transportation planning processes. CSAC continues to support regional approaches over any statewide “one size fits all” approach to addressing growth and climate change issues. Further, CSAC supports countywide approaches to strategic growth, resource and agricultural protection, targeting scarce infrastructure investments and tax sharing for countywide services.
- CSAC finds it critical that state and federal assistance is provided for data and standardized methodologies for quantifying GHG emissions for determining and quantifying GHG emission sources and levels, vehicle miles traveled and other important data to assist both local governments and regional agencies in addressing climate change in environmental documents for long-range plans.

Section 3: Energy

Reducing energy consumption is an important way to reduce GHG emissions and conserve. Additionally, the capture and reuse of certain GHGs can lead to additional sources of energy. For example, methane gas emissions, a mixture of methane, carbon dioxide and various toxic organic and mercuric pollutants, from landfills and dairies have been identified as potent GHGs. Effective collection and treatment of these gases is not only important to the reduction of GHG emissions, but can also result in an additional source of green power.

CSAC continues to support efforts to ensure that California has an adequate supply of safe and reliable energy through a combination of conservation, renewables, new generation and new transmission efforts.

Energy Efficiency

- CSAC supports energy conservation and energy efficiency, along with broader use of renewable energy resources. Counties are encouraged to undertake vigorous energy action programs that are tailored to the specific needs of each county. When developing such action programs counties should:
 - (1) assess available conservation and renewable and alternative energy options and take action to implement conservation, energy efficiency and renewable energy development when feasible;
 - (2) consider the incorporation of energy policies as an optional element in the county general plan; and,
 - (3) consider energy concerns when making land use decisions and encourage

development patterns which result in energy efficiency.

- CSAC supports incentive based green building programs that encourage the use of green building practices, incorporating energy efficiency and conservation technologies into state and local facilities. A green building is a term used to describe structures that are designed, built, renovated, operated or reused in an ecological and resource-efficient manner. Green buildings are designed to meet certain objectives using energy, water and other resources more efficiently and reducing the overall impact to the environment.
- CSAC supports the state's development of green building protocols sustainable building standards, including guidelines for jails, hospitals and other such public buildings.
- CSAC supports the use of grants, loans and incentives to encourage and enable counties to incorporate green building practices into their local facilities.
- CSAC supports the use of procurement practices that promote the use of energy efficient products and equipment.

Methane Emissions

- CSAC supports state efforts to develop a dairy digester protocol to document GHG emissions reductions from dairy farms. CSAC supports funding mechanisms that support the use of dairy digesters to capture methane gas and convert it to energy.
- ~~CSAC supports state efforts to capture methane gases from landfills, and supports its development of a reasonable regulatory measure with a feasible timeline, to that will require landfill gas recovery systems on landfills that can support a self-sustaining collection system.~~
- CSAC supports the development of a guidance document for landfill operators and regulators that will recommend technologies and best management practices for improving landfill design, construction, operation and closure for the purpose of reducing GHG emissions.
- CSAC also supports funding mechanisms, including grants, loans and incentives to landfill operators to help implement these programs.
- ~~CSAC continues to support its existing energy policy, which states that counties should seek to promote energy conservation and energy efficiency and broader use of renewable energy resources. Counties are encouraged to undertake vigorous energy action programs that are tailored to the specific needs of each county. When developing such action programs counties should: (1) assess available conservation~~

~~and renewable and alternative energy options and take action to implement conservation, energy efficiency and renewable energy development when feasible; (2) consider the incorporation of energy policies as an optional element in the county general plan; and, (3) consider energy concerns when making land use decisions and encourage development patterns which result in energy efficiency.~~

- ~~• CSAC continues to support efforts to ensure that California has an adequate supply of safe and reliable energy through a combination of conservation, renewables, new generation and new transmission efforts.~~

Section 4: Water

According to the Department of Water Resources, projected increases in air temperature may lead to changes in the timing, amount and form of precipitation, ~~— (rain or snow),~~ changes in runoff timing and volume, ~~effects of~~ sea level rise, and changes in the amount of irrigation water needed. ~~— CSAC has an existing policy that~~ recognizes the need for state and local programs that promote water conservation and water storage development.

~~CSAC recognizes that climate change has the potential to seriously impact California's water supply. CSAC continues to assert that adequate management of water supply cannot be accomplished without effective administration of both surface and ground water resources within counties, including the effective management of forestlands and watershed basins.~~

- CSAC supports the incorporation of projections of climate change into state water planning and flood control efforts.
- ~~• CSAC recognizes that climate change has the potential to seriously impact California's water supply. CSAC continues to assert that adequate management of water supply cannot be accomplished without effective administration of both surface and ground water resources within counties, including the effective management of forestlands and watershed basins.~~
- CSAC supports water conservation efforts, including reuse of domestic and industrial wastewater, reuse of agriculture water, groundwater recharge, and economic incentives to invest in equipment that promotes efficiency.
- CSAC continues to support the study and development of alternate methods of meeting water needs such as desalinization, wastewater reclamation, watershed management, the development of additional storage, and water conservation measures.

Section 5: Forestry

With a significant percentage of California covered in forest land, counties recognize the importance of forestry in the context of climate change. Effectively managed forests have a ~~lower~~ ~~less-of-a~~ probability of releasing large amounts of harmful GHG emissions into the atmosphere in the form of catastrophic wildfires. Furthermore, as a result of natural absorption, forests reduce the effects of GHG emissions and climate change by removing carbon from the air through the process of carbon sequestration. CSAC also recognizes the benefits of biomass energy as an alternative to the burning of traditional fossil fuels, as well as the benefits of carbon sequestration through the use of wood products.

- CSAC ~~continues to support~~ ~~its existing policy on sustainable forestry~~, encouraging sustainable forestry practices through the existing regulatory process, and encouraging continued reforestation and active forest management on both public and private timberlands.
- CSAC supports responsible optimum forest management practices that ensure continued carbon sequestration in the forest, provide wood fiber for biomass-based products and carbon-neutral biomass fuels, and protect the ecological values of the forest in a balanced way.
- CSAC supports the state's development of general forestry protocols that encourage private landowners to participate in voluntary emission reduction programs and encourage National Forest lands to contribute to the state's climate change efforts.
- It is imperative that adequate funding be provided to support the management of forest land owned and managed by the federal government in California in order to ensure the reduction of catastrophic wildfires.
- CSAC supports additional research and analysis of carbon sequestration opportunities within forestry.

Section 6: Agriculture

The potential impacts of climate change on agriculture may not only alter the types and locations of commodities produced, but also the factors influencing their production, including resource availability. Rising temperatures, changes to our water supply and soil composition all could have significant impacts on California's crop and livestock management. Additionally, agriculture is a contributor to GHG emissions in form of fuel consumption, cultivation and fertilization of soils and management of livestock manure. At the same time, agriculture has the potential to provide offsets in the form of carbon sequestration in soil and permanent crops, and the production of biomass crops for energy purposes.

- CSAC supports state efforts to develop guidelines through a public process to improve and identify cost effective strategies for nitrous oxide emissions reductions.
- CSAC continues to support incentives that will encourage agricultural water conservation and retention of lands in agricultural production.
- CSAC continues to support full funding for UC Cooperative Extension given its vital role in delivering research-based information and educational programs that enhance economic vitality and the quality of life in California counties.
- CSAC supports additional research and analysis of carbon sequestration opportunities within agriculture.

Section 7: Air Quality

CSAC encourages the research and development and use of alternative, cleaner fuels. Further, air quality issues reach beyond personal vehicle use and affect diesel equipment used in development and construction for both the public and private sector.

- CSAC supports state efforts to create standards and protocols for all new passenger cars and light-duty trucks that are purchased by the state and local governments that conform to the California Strategy to Reduce Petroleum Dependency. CSAC supports state efforts to revise its purchasing methodology to be consistent with the new vehicle standards.
- CSAC supports efforts that will enable counties to purchase new vehicles for local fleets that conform to state purchasing standards, are fuel efficient, low emission, or use alternative fuels. CSAC supports flexibility at the local level, allowing counties to purchase fuel efficient vehicles on or off the state plan.
- CSAC supports identifying a funding source for the local retrofit and replacement of county on and off road diesel powered vehicles and equipment.
- CSAC opposes federal standards that ~~supercedes~~supersede California's ability to adopt stricter vehicle standards.
- Counties continue to assert that federal and state agencies, in cooperation with local agencies, have the ability to develop rules and regulations that implement clean air laws that are both cost-effective and operationally feasible. In addition, state and federal

agencies should be encouraged to accept equivalent air quality programs, thereby allowing for flexibility in implementation without compromising air quality goals.

- CSAC also recognizes the importance of the Air Pollution Control Districts (APCDs) and Air Quality Management Districts (AQMDs) to provide technical assistance and guidance to achieve the reduction of GHG emissions.
- CSAC supports the development of tools and incentives to encourage patterns of product distribution and goods movement that minimize transit impacts and GHG emissions.
- CSAC supports further analysis of the GHG emission contribution from goods movement through shipping channels and ports.

Section 8: Solid Waste and Recycling

The consumption of materials is related to climate change because it requires energy to mine, extract, harvest, process and transport raw materials, and more energy to manufacture, transport and, after use, dispose of products. Recycling and waste prevention can reduce GHG emissions by reducing the amount of energy needed to process materials, and reducing the amount of natural resources needed to make products.

CSAC continues to support policies and legislation that aim to promote improved markets for recyclable materials, and encourages:

- The use of recycled content in products sold in California;
- The creation of economic incentives for the use of recycled materials;
- Development of local recycling markets to avoid increased emissions from transporting recyclables long distances to current markets;
- The expansion of the Electronic Waste Recycling Act of 2003 and the Beverage Container Recycling Program;
- The use of materials that are biodegradable;
- Greater manufacturer responsibility and product stewardship.

Section 9: Health

CSAC recognizes the potential impacts of land uses, transportation, housing, and climate change on human health. As administrators of planning, public works, parks, and a variety of public health services and providers of health care services, California's counties have significant health, administrative and cost concerns related to our existing and future built environment and a changing climate. Lack of properly designed active transportation facilities have made it

difficult and in some cases created barriers for pedestrians and bicyclists. Lack of walkability in many communities contributes to numerous chronic health related issues, particularly obesity which is an epidemic in this country. Heat-related illnesses, air pollution, wild fire, water pollution and supply issues, mental health impact and infectious disease all relate to the health and well-being of county residents, and to the range and cost of services provided by county governments.

CSAC recognizes that there are direct human health benefits associated with improving our built environment and mitigating greenhouse gas emissions, such as lowering rates of obesity, injuries, and asthma. Counties believe that prevention, planning, research, education/training, and preparation are the keys to coping with the public health issues brought about by our built environment and climate change. Public policies related to land uses, public works, climate change and public health should be considered so as to work together to improve the public's health within the existing roles and resources of county government.

- CSAC supports efforts to provide communities that are designed, built and maintained so as to promote health, safety and livability through leadership, education, and funding augmentations.
- CSAC supports efforts to improve the public health and human services infrastructure to better prevent and cope with the health effects of climate change through leadership, planning and funding augmentations.
- CSAC supports state funding for mandated local efforts to coordinate monitoring of heat-related illnesses and responses to heat emergencies.
- CSAC supports efforts to improve emergency prediction, warning, and response systems and enhanced disease surveillance strategies.

Glossary of Terms

Climate change

A change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.

United Nations Framework Convention on Climate Change

Carbon Sequestration

Carbon sequestration refers to the provision of long-term storage of carbon in the terrestrial biosphere, underground, or the oceans so that the buildup of carbon dioxide (the principal greenhouse gas) concentration in the atmosphere will reduce or slow. In some cases, this is accomplished by maintaining or enhancing natural processes; in other cases, novel techniques are developed to dispose of carbon.

US Department of Energy

Environmental Justice

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

US Environmental Protection Agency

Greenhouse gas

A gas that absorbs radiation at specific wavelengths within the spectrum of radiation (infrared radiation) emitted by the Earth's surface and by clouds. The gas in turn emits infrared radiation from a level where the temperature is colder than the surface. The net effect is a local trapping of part of the absorbed energy and a tendency to warm the planetary surface. Water vapour (H₂O), carbon dioxide (CO₂), nitrous oxide (N₂O), methane (CH₄) and ozone (O₃) are the primary greenhouse gases in the Earth's atmosphere.

United Nations Intergovernmental Panel on Climate Change

Chapter 17

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CEQA Reform

The California Environmental Quality Act (CEQA), signed into law by Governor Ronald Reagan in 1970, establishes a process to incorporate scientific information and public input into the approval of development projects, both public and private. Viewed by many as California's landmark environmental law, CEQA has attracted controversy throughout its 43 years and the current discussion of reform is only the latest round in a long-standing debate.

In 2012, Governor Brown and members of the Legislature expressed an interest in reforming CEQA to streamline the approval of development and infrastructure projects and promote job creation in California. Since that time, ~~there have been ongoing attempts~~ ~~Senate President Pro Tem, Darrell Steinberg has committed to working~~ to develop ~~raft~~ a set of reforms that improve California's benchmark environmental protection law. [The following chapter sets general policy principles that will guide CSAC through the CEQA reform debate.](#)

~~In order to respond to CEQA reform proposals, CSAC convened a Working Group of CEQA experts, including Planning Directors, County Counsels and Public Works Directors, to help draft general policy principles that will guide CSAC through the CEQA Reform debate.~~

Section 1: Role of CEQA

Counties acknowledge that CEQA provides essential environmental information to the local decision-making process. Its purpose is to ensure that governmental decisions take full account of environmental impacts, including reducing or avoiding significant environmental impacts wherever feasible, as well as fostering transparency in the decision making process.

The protection of our environment is a responsibility that counties take very seriously. Likewise, counties know that local governments must balance environmental protection and the need to complete necessary infrastructure projects and ensure the economic vitality of our communities. This balancing role is explicitly recognized in the CEQA statute and its Guidelines, which provide that CEQA must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. However, the CEQA process remains wrought with uncertainty, costly litigation, and project delays.

Counties believe there are several opportunities for enhancing key areas of CEQA to improve its effectiveness and the efficiency of the environmental review process while ensuring that the law's environmental protection and public involvement purposes are fulfilled. As lead agencies with responsibility for a wide range of environmental resources, counties have a unique ability to provide

meaningful input into the process. CSAC's focus is to identify improvements that will streamline our delivery of public works and other public projects and make our development review processes more efficient by enhancing CEQA in ways that apply our increasingly scarce resources to actions that actually protect the environment.

The following general principles and policy statements are CSAC's foundation for representing counties and the citizens they serve at both the administrative and legislative level.

Section 2: General Principles

- Counties support the balance of sound environmental protection with the need to complete projects that promote economic prosperity and social equity. Any proposed CEQA revisions should seek to modernize, simplify and streamline the law, and not dismantle it or create new and equally complicated processes resulting in litigation.
- General purpose local government performs the dominant role in the planning, development, conservation, and environmental processes. Counties have and should retain the primary responsibility for land use decisions in unincorporated territory. In addition, counties should act as the lead agency where projects are proposed in unincorporated territory requiring discretionary action by the county and other jurisdictions.
- The CEQA process should be integrated with the planning process wherever possible, including the preparation of programmatic or master environmental documents that allow the use of tiered environmental review (including negative declarations) to achieve a more streamlined CEQA process for subsequent development and infrastructure projects.
- Counties support state funding to update and implement general plans, specific plans, sustainable communities strategies, and smart growth plans, including programmatic CEQA review of these plans.
- CSAC encourages state and federal agencies to provide timely and complete review of local projects within the timelines set forth in CEQA so that issues relevant to those agencies' regulatory role can be addressed at the earliest possible time.
- CSAC encourages local agencies to resolve CEQA disputes without costly litigation and in a way that buoys public confidence in local government, for instance through non-binding mediation.
- CSAC encourages state and federal agencies to provide timely and complete review of local projects within the timelines set forth in CEQA so that issues relevant to those agencies' regulatory role can be addressed at the earliest possible time.

- CSAC acknowledges its role to provide educational forums, informational resources and communication opportunities for counties in relation to CEQA practice and reform efforts.

Section 3: Policy Statements

- Counties support statutory changes that provide lead agencies with the ability to find that de minimis contributions to a significant impact are not cumulatively considerable.
- Counties strongly support statutory changes to improve the defensibility of well-prepared mitigated negative declarations (MND), including but not limited to applying the substantial evidence standard of review to MNDs that meet certain criteria, such as those prepared for projects that are consistent with the existing General Plan and zoning.
- CEQA currently allows for potential issues to be raised late in the decision-making process, giving rise to disruptive and counterproductive tactics known as “late hits” and “document dumps” to stall the project review process. Counties support limits on the submittal of late input into the process. In order to raise an issue in court, counties assert that the issue with an EIR or MND must have been raised during the Draft EIR or MND public comment period, unless the new issue was not known and could not have been raised earlier.
- Counties support CEQA exemptions and streamlining for infill projects in both cities and existing urbanized areas in counties. Conditions for such exemptions and streamlining processes should be based on population densities that reflect reasonable infill densities in counties or other objective measures of urban development, rather than arbitrary jurisdictional boundaries.
- Roadway infrastructure projects that protect the health and safety of the traveling public are subject to project delivery delays due to environmental review, even when a project replaces existing infrastructure. Counties support categorical and/or statutory exemptions and streamlining for road safety projects in the existing right-of-way. The maintenance or rehabilitation of existing public facilities, within existing public right-of-way, with previously approved environmental documents, should also be provided a streamlined process or be exempt from having to do another CEQA document.
- Support measures to reduce or eliminate duplicative environmental review for public works projects that are subject to both NEPA and CEQA. This could include action at the federal level to allow use of the CEQA document in place of a NEPA document.
- Counties support programmatic Environmental Impact Reports (EIRs) and standardized mitigation measures for the flood management system, levee maintenance and capital projects that fall under certain thresholds.

- Counties support providing the courts with more practical discretion to sever offending parts of a large project that is subject to CEQA litigation and allow the beneficial parts of a project to proceed when they are not relevant to the court's CEQA decision.
- Counties support transparency in the preparation and distribution of environmental documents. To accomplish this, CSAC supports state funding and assistance for the electronic filing of documents. Further, counties believe they are in the best position to decide how to make governmental information available to non-English speaking communities within their jurisdictions. Counties do not support state-mandated translation of CEQA documents.
- Counties believe that existing environmental laws and regulations can, in some circumstances, be used to streamline the CEQA process and avoid unnecessary duplication. However, Counties also believe that any such standards or thresholds must be found by the lead agency to be specifically applicable to the project where they are applied. If the use of existing environmental laws is intended to exempt a project from further CEQA review, it should be focused on specific impacts and limited to "qualified standards" that the lead agency reasonably expects will avoid significant impacts in the area addressed by the standard.
- Challenges to the contents of the administrative record have become a common way to create litigation delays and increased costs. Counties support a statutory clarification that the contents of an administrative record only include all documents that were submitted to the relevant decision making body before the challenged decision. Counties further support a statutory clarification allowing public agencies to certify both accuracy and completeness of an administrative record prepared by a petitioner. Counties support statutory clarification that resolution of disputes regarding preparation and certification of the administrative record occur through motions to supplement which run parallel to briefing on the merits, not prior.
- Counties support statutory revisions to increase the transparency and limit standing of parties filing CEQA lawsuits, and limit CEQA actions to those brought by persons or entities with an environmental rather than solely economic interest in the project.
- Counties support statutory revisions to the private attorney general statute governing awards of attorneys' fees, which are available to petitioners but not defendants. This low-risk, high-return imbalance in favor of petitioners is one of the primary drivers for CEQA litigation.
- Counties support the use of the substantial evidence standard for challenges to a categorical exemption.



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November 16, 2016

To: CSAC Government Finance and Administration Policy Committee

From: Faith Conley, Legislative Representative
Dorothy Johnson Holzem, Legislative Representative
Betsy Hammer, Legislative Analyst

Re: **California County Platform Updates – ACTION ITEM**

Recommendation. Staff recommends that the Government Finance and Administration Policy Committee approve the recommended changes to the CSAC policy platform as drafted and forward to the CSAC Board of Directors.

Background. The California County Platform is a statement of basic policies on issues of concern and interest to California’s counties. CSAC’s policy committees and Board of Directors review the platform regularly, amending and updating when necessary. In addition, the CSAC policy committees recommend updates to their relevant platform chapters every two years, with action taken by the respective committee and Board of Directors.

As part of the bi-annual process, in late October the committee was provided with recommended edits and was invited to provide additional comments and suggestions. This memo provides a summary of proposed changes and the attachments reflect the suggested markups to the platform chapters themselves.

Chapter 1 – General Provisions

These changes are non-substantive and reflect largely formatting updates.

Chapter 5 – Government Operations

Introductory Paragraph: Summarizes existing policy previously listed under “General Principles” Section.

Section 1: Scope of Services: Minor rewording.

Section 1: Uniformity in Services: Minor rewording.

Section 2: Electronic Data Processing: Minor rewording and formatting change.

Section 3: Local Government Organization: Minor rewording.

Section 5: Administration of Elections – Reimbursement for Special and Vacancy Election Costs: Rewording of existing policy to emphasize support for reforms to the special elections process absent a reimbursement of costs.

Section 5: Administration of Elections – All Mail Ballot Elections: Addition to emphasize that All Mail Ballot elections help reduce costs, especially when allowed to serve in place of, not in addition to, in person voting. This is consistent with positions previously taken on legislation and budget issues.

Section 6: Broadband: The CSAC board of Directors adopted the current language earlier this year to be added to the platform after a robust review and discussion by GFA Committee members.

Chapter 8 – Public Employment and Retirement

The vast majority of changes in this section are updates for formatting and language clarity.

Section 2: Public Retirement: Incorporates language that had been in an appendix. The “CSAC Guiding Principles for Pension Reform” were previously an appendix to the official policy platform. For ease of reading and understanding of all CSAC policy related to pensions and retirement, staff recommend incorporating all the principles into the platform and removing the appendix. The language is not new, but is simply shifted into the appropriate platform section.

Chapter 9 – Financing County Services

Section 1: State Policy Objectives – Program Realignment: Technical change in wording to reflect formatting update.

Section 1: State Policy Objectives – Financial Independence: Minor rewording and formatting change to give section headers to policy issues.

Section 1: State Policy Objectives – Existing Revenue Sources: Minor rewording and formatting change to give section headers to policy issues.

Section 2: Federal Policy Objectives: Addition of introductory paragraph to frame policy area and clarifying word added to “Taxation of Remote Sales”.

Chapter 12 – State Mandate Legislation

Rewording and formatting changes to give section headers.

Chapter 13 – Economic Development Policy Committee

Language related to the Economic Development Policy Committee was deleted because this Committee has not met for six years and the relevant policy statements have been incorporated already into the pertinent chapters. Deleting this chapter will bring the policy platform document into current standing.

Section 1: Economic Development Program Retention: Minor non-substantive wording changes.

Section 3: Military Base Retention and Reuse: Minor wording change and deletion of statistic that may change between policy platform revisions. Specifically, the dollar amount of the Department of Defense contribution to California’s economy was removed so that this section is always current.

Action Requested. Staff requests approval from the committee to advance the proposed changes to the CSAC Board of Directors.

Attachments. Marked up copies of the following platform chapters to illustrate the proposed changes:

Chapter 1 – General Provisions

Chapter 5 – Government Operations

Chapter 8 – Public Employment and Retirement

Chapter 9 – Financing County Services

Chapter 12 – State Mandate Legislation

Chapter 13 – Economic Development Policy Committee

Contacts. Please contact Faith Conley (fconley@counties.org or 916/650-8117), Dorothy Johnson Holzem (dholzem@counties.org or 916/650-8133), or Betsy Hammer (bhammer@counties.org or 916/650-8108) for additional information.

Chapter One

General Provisions

Preamble

The strength and creativity of America's government institutions reflects the ability of a free people to create, control, and use their freedom for the purpose of self-government. The bedrock foundation of that strength and creativity is responsible and responsive local government. It is to local government – and particularly to county government – that citizens turn for day-to-day government needs. It is to the county that citizens turn for equal protection under the laws guaranteed by the state and federal constitutions, and locally provided by the sheriff, courts, and jails. Citizens look to the county for the protection of health, the treatment of physical and mental illnesses and chemical dependency, and for help in times of financial crisis. The county enhances economic well-being through its work in the fields of transportation, business regulation, planning, public safety, agricultural advice, libraries, and the protection and improvement of the built and natural environment.

Yet decisions made by the California Legislature and electorate have restricted counties' ability to provide those services and others at the levels their communities desire. Beginning with its implementation of Proposition 13, the Legislature has entrusted counties, ~~with~~ but not funded counties, to provide the most important services to Californians. Counties now face the twin pressures of increasing service demands and statutory requirements on the one hand, and the inability to raise necessary resources to meet those demands on the other.

Local control is the chief principle underlying the California County Platform. Based on that principle, the three major planks of the Platform are:

- 1) to allow county government the fiscal resources that enable it to meet its obligations;
- 2) to permit county government the flexibility to provide services and facilities in a manner that resolves the day-to-day problems communities face; and
- 3) to grant county government the ability to tailor the levels of local revenues and services to citizens' satisfaction.

This Platform is a statement of general principle and policy direction. It recognizes that when dealing in a fast-changing political arena in a state with many local differences almost any policy guideline will occasionally require exceptions. Therefore, it is anticipated that both the CSAC Board of Directors and Executive Committee will support exceptions in appropriate situations upon finding that there exist compelling special conditions.

The Platform is incomplete in that it is continually subject to review and revision. The Platform chapters are arranged in a manner that facilitates additions and amendments without affecting remaining portions.

Section 1: Local Control

Local control calls for the recognition of the differences that exist throughout the state and holds that local government should have the flexibility to develop systems by which services are provided and problems are resolved. It calls on counties to resist externally imposed systems that ignore the differences among them.

Not only does local control fortify counties' position that the state must recognize local differences, it also allows for individual counties to adopt alternatives that might not be acceptable to other counties – provided that these alternatives are not imposed on those who do not wish them.

Counties adopt the principle of local control as the policy cornerstone of CSAC.

~~The Association~~ CSAC will strive to assure that all legislative proposals, policies, and regulations recognize the differences that exist throughout the state. ~~The Association~~ CSAC will strongly resist any externally imposed systems that ignore statewide differences or that erode local determination.

~~The Association~~ CSAC internally incorporates the principle of local control. In matters limited to county-wide or regional application, counties are free to determine their own solutions, except when the CSAC Board of Directors or the Executive Committee determines them to be of the gravest and most far-reaching proportions.

~~The Association~~ CSAC will firmly support any county or counties seeking to oppose the external imposition of systems upon them.

~~The Association~~ CSAC will firmly support any county or counties seeking to resolve local or regional issues through the enactment of legislation or otherwise, as long as the proposal is not contrary to the basic precepts of a strong and viable county government.

Comment [BH1]: Non-substantive changes for clarity about CSAC.

Section 2: Intergovernmental Relations

There are various issues and problems that transcend the boundaries of political subdivisions. In implementing the Platform, CSAC will endeavor to foster an understanding of the appropriate levels of governmental responsibility to promote efficient and effective governance for the citizens of the State of California. Within this context, it is essential that the roles of state, regional, and local agencies be recognized as distinct and separate. Areas of mutual concern do exist; however, the appropriate role of each agency varies.

Counties comprehensively plan for future growth, the management of natural resources, and the provision of public services; the state should only add requirements to this local planning in areas the Legislature explicitly finds to be of statewide concern. One useful measure of statewide significance is the Legislature's commitment of funds to local government for related costs.

Counties will fully implement state-mandated, state-funded programs locally. However, doing so is not financially or operationally feasible when state regulations are overly burdensome, internally inconsistent, too inflexible to local concerns, or generally under-funded. Therefore, CSAC supports a process of periodic legislative review to determine each mandated program's benefits, including the fiscal and operational feasibility of the program and related regulations.

Counties, cities, and special districts should adopt formal policies that encourage locally initiated solutions to regional problems.

~~The Association~~ CSAC will support reasonable proposals that encourage local agencies to resolve disputes without costly litigation and in a way that buoys public confidence in local government, for instance through non-binding mediation.

Comment [BH2]: Non-substantive changes for clarity about CSAC

Section 3: Efficiency, Economy, and Effectiveness

Counties also advocate the principle of local control to improve efficiency, economy, and effectiveness.

~~The Association~~ CSAC will consider proposals to realign responsibility for public services among levels of government. However, any realigned program responsibility must be accompanied by revenue authority sufficient to fund the ongoing costs of the program.

~~The Association~~ CSAC will support efforts to align program responsibility with revenue authority among various levels of government.

Comment [BH3]: Non-substantive changes for clarity about CSAC

Many local services are well-suited for the utilization of private contracts. When properly used, private contracts can be an effective method of increasing efficiency and economy. CSAC encourages expanded permission to use private contracts to provide local services in justifiable areas as a means of achieving efficiency and economy.

Chapter Five

Government Operations

Local control is the primary policy cornerstone of CSAC. Counties should determine the scope and extent of the government services that it will render in response to the needs and desires of the local community. While counties do act as agents of the state and federal government in performing state services in some policy areas – and do so with substantial state or federal financing – these activities should be distinguished from areas of local interest or state, federal and local interest when determining the basis for applying statewide standards and supervision.

Comment [BH1]: Summarizes existing policy previously listed under "General Principles" section

Section 1: General Principles

Local Control

As stated in Chapter 1, Section 2, General Provisions, local control is the primary policy cornerstone of CSAC.

B- County as State Agent vs. County As Local Entity

Those areas where counties act primarily as agents of the state in performing a state service – and do so with substantial state financing – should be distinguished from areas of local interest or state and local interest when determining the basis for applying statewide standards and supervision.

Comment [BH2]: Shifted to introductory paragraph above

C- Scope of Services

Counties should have full discretion over the scope and extent of governmental services offered. Each county should determine the scope and extent of the governmental services that it will render in response to the needs and desires of the local community. Each county should further examine its ability to support such services, always subject to the requirement to provide mandated services as state agents.

Comment [BH3]: Rewording for clarity

Uniformity in Services

When performing mandated duties, the degree of uniformity required should be carefully determined, with emphasis on the purpose of each requirement with the goal of uniformity not for uniformity's sake, but to serve a specific beneficial purpose – This will enable progress can come only from through the application of a variety of administrative approaches and methods.

Comment [BH4]: Rewording for clarity

Freedom to Devise Program Operating Policies

Counties should be free to devise their own operating policies for all government programs not financed wholly or substantially by federal or state funds.

Whole Responsibility with Board of Supervisors

To be directly responsible to the people, general control of county government should be placed wholly with the board of supervisors.

Non-Partisan Nature of County Government

The office of county supervisor should continue to be non-partisan, enabling the people to vote on the basis of local issues and to enable supervisors to solve local problems without binding allegiances to political parties.

Section 2: Electronic Data Processing (EDP)

~~A. General Principles~~

~~Counties are fully aware of the benefits that~~Utilizing technology and automation can provide for the improvement of government function ~~and accessibility, and counties~~ and pledge their cooperation to the state and federal governments in developing the means to fully utilize electronic resources.

Comment [BH5]: Rewording and updating formatting for clarity

~~BA. State and County EDP Policies~~

Differences in state and local applications of EDP must be fully recognized in order that efforts at excessive standardization will not reduce the effectiveness of the total system.

Section 3: Local Government Organization

~~Emphasis must be given to the d~~Different government organizational structures ~~that~~ exist throughout the state; ~~and to the principle of "local control,"~~ Legal constraints and time-consuming restrictions have severely limited the use of the charter as a method of obtaining local control. The State Constitution and statutes should be revised to provide authorization for counties to independently organize by local control.

The principle of local control also applies to the issue of elected "ministerial" officials. The board of supervisors should have authority to submit proposals for appointment of elected officials to the voters. Also, counties should be allowed to submit to their electorate the questions of whether elected non-legislative officials, except District Attorney, should be appointed by the board of supervisors.

~~Therefore, counties~~Counties should be allowed maximum flexibility to structure their organization through the process of "local option control "

Comment [BH6]: Rewording for clarity

Section 4: Library Services

The continued vitality of our free and democratic society and the effective operation of government at all levels is dependent on an informed and knowledgeable citizenry. Therefore, it is the responsibility of all levels of government, including county government, to assure that all people have access to sources of knowledge and information that affect their personal and professional lives and society as a whole.

The public library is a supplement to the formal system of free public education and a source of information and inspiration to persons of all ages, as well as a resource for continuing education. As such, public libraries deserve adequate financial support from all levels of government.

Counties are among the traditional providers of library and information services to the people. Counties form a natural region for the provision of this service. Citizens expect free library services that are responsive to local needs.

Intergovernmental Relationships

The state is urged to recognize public libraries as part of the system of public education and should continue providing financial assistance to support their operation.

The state should also continue and strengthen funding for the interjurisdictional library cooperatives established under Education Code Sections 18700 through 18766.

Privacy and Censorship

Recognizing the right of an individual to privacy, circulation records and other records identifying the names of library users with specific materials, including Internet usage, are to be confidential in nature.

Special Districts

See Chapter VII: PLANNING, LAND USE AND HOUSING, Section 5.

Section 5: Administration of Elections

Counties support efficient and accessible voting for all. Elections administration should strike a balance between uniformity and flexibility.

Reimbursement for Special and Vacancy Election Costs

Counties ~~will~~ support efforts to reinstate language directing the state to provide reimbursement to counties that hold a special election to ~~replace fill a legislative or Congressional vacancy, and other special elections~~ a member of Congress or a member of the state Legislature to fill a vacancy, as well as for the cost of special elections called for other reasons. ~~Until such reimbursement is provided, counties support efforts to reduce special election administrative costs borne by counties.~~

Comment [BH7]: Rewording for clarity and to emphasize support for reforms to the special elections process, absent a reimbursement of costs

All Mail Ballot Elections

Given the increasing popularity of voting by mail and the increasing costs of administering elections due to state and federal regulations, and also considering the positive effect it would have on voter participation, counties support proposals that would give Boards of Supervisors the option of holding any election by mail ~~in lieu of in-person voting.~~

Section 6: Broadband

Counties support the expansion of broadband (high speed internet service) to all parts of the State to drive economic development and job opportunities, support county service delivery, and improve health, education, and public safety outcomes for residents.

Broadband must be capable of supporting current technology standards and speeds in order for counties to realize these benefits. This may require infrastructure solutions specific to a given county or region.

Access and adoption are both necessary elements that should be supported in state and federal legislative or regulatory proposals. This includes, but is not limited to,

- Establishing and maintaining reliable broadband in unserved or underserved communities,
- Promoting the knowledge, skills and behaviors that comprise digital literacy,
- Making broadband affordable for all households,
- Maximizing funding for infrastructure, and
- Reducing infrastructure deployment barriers.

Comment [BH6]: The CSAC Board of Directors adopted this language earlier in 2016 to be added to the platform. The process involved a robust discussion and review by GFA Committee members.

Chapter Eight

Public Employment & Retirement

Section 1: Public Employee Relations

Counties are committed to an employment system that provides public employees with protection against arbitrary and capricious loss of jobs, unfair hiring practices, and preferential promotions or job assignments. Counties believe in and support merit systems. For this purpose, they have provided personnel services, grievance procedures, health and safety protection, retirement and pension plans. Foremost, however, counties have a fundamental obligation to all citizens to exercise the peoples' sovereign power in determining what government will do, at what cost to the taxpayer, and under what circumstances. Thus, the basic principle of county employer-employee relations is one of balancing the legitimate desires and needs of employees against the publics' right to economical, efficient, effective and stable government.

Collective Bargaining

Counties support collective bargaining legislation that:

- 1) Recognizes the right of each employee to join or not join organizations and bargain collectively or individually.
- 2) Recognizes the responsibility of local elected officials to govern and manage the organization and to implement public policy.
- 3) Minimizes conflict over procedural matters.
- 4) Provides an acceptable method of resolving impasse resulting from negotiations. CSAC opposes compulsory, binding arbitration.

Political Activity by Employees

Employees whose job security is protected by civil service or merit systems or by agreement between the county and an employee organization cannot be permitted to engage in any political activity during times when they are paid to be performing the duties of their employment.

Nepotism Restriction

CSAC supports nepotism restriction policies that are consistent with applicable state statutes. Specifically, we support policies that prohibit employment of immediate family members by county officers, or participation of county officers or employees in employment decisions affecting immediate family members. No person should be employed in a position where that position will be directly supervised by a member of the immediate family or where it is reasonable to believe and it can be shown that employment of immediate family members in the same department, division or facility involves potential conflicts of interest.

Employee Benefits Legislation

Counties strive to develop employee benefit plans that are affordable, responsive to the needs and desires of county employees, and reflect the values of the community. We are opposed to the state legislating salary, wages, or employee benefits for county employees. These issues must be determined only at the local bargaining table, otherwise the foundation of the collective bargaining process is undermined.

Comment [BH1]: Rewording for clarity.

Workers' Compensation

CSAC supports preserving the original intent of the Workers' Compensation Act and legislation that would prevent or correct abuses within the system. We believe that timely and unprejudiced benefits should be provided to employees who suffer from work-related injuries or illnesses at a reasonable cost to county employers. CSAC opposes state policy which would erode the original intent of the Workers' Compensation Act or result in excessive costs to county employers and increased litigation.

CSAC supports:

- 1) Reasonable measures to assist employees in returning to suitable employment.
- 2) Promoting medical care treatment guidelines that are based on evidentiary medicine and designed to cure or relieve the effects of employment-related injury or illness.
- 3) The concept of apportionment for disability that is the result of other industrial or non-industrial injuries or conditions.
- 4) Maintaining objectivity in evaluating permanent disability standards.
- 5) The concept that tax exemptions on temporary disability should extend only to the statutory maximum, as outlined in Labor Code 4453.
- 6) Ensuring that the Workers' Compensation Appeals Board remains a forum for efficient resolution of claim issues.

CSAC Opposes:

- 1) Extending workers' compensation benefits to any person other than the employee as defined by law, except in the case of dependent death benefits.
- 2) Injury presumptions for only certain employee classifications.

Coordination of Governmental Employers

Counties, cities, and local governmental management are strongly encouraged to freely exchange information of a timely nature on employee demands over wages and employee benefits as well as settlements reached. In this manner, each employer can deal more effectively with its own "meet and confer" process.

While multi-employer bargaining is not possible now, there are many real benefits available if governmental units would keep adjoining and comparable agencies promptly informed of employer positions on salaries, employee demands and employee benefits. Governmental entities are continuously used for comparison of employee benefits sometimes at an "anticipated" rather than actual level.

Closed Sessions for Negotiation Discussions

Successful negotiations depend upon meaningful discussions at the bargaining table. Under no circumstances should closed sessions of the Board of Supervisors and its designated management representatives be required to be opened to the public.

National Labor Relations Legislation

Counties oppose the intrusion of the federal government into the field of state and local public labor relations legislation. States should be free to experiment with new legislative approaches and to adopt procedures tailored to meet the needs of their constituents.

However, should national labor relations legislation become inevitable, counties should encourage adoption of legislation which parallels their positions on state legislation.

Section 2: Public Retirement

Public retirement systems should be established and maintained on actuarially sound principles and be fiscally responsible. Public pension reform has garnered widespread interest and has generated significant debate among policy leaders about the appropriate remedy for actual and perceived abuse, rising costs, and accountability to taxpayers. CSAC welcomes this discussion and approaches the concept of reform with the overarching goal of ensuring public trust in public pension systems, and empowering local elected officials to exercise sound fiduciary management of pensions systems, as well as maintaining a retirement benefit sufficient to assure recruitment and retention of a competent local

government workforce. The guiding principles are intended to apply to new public employees in both PERS and 1937 Act retirement systems.

Comment [BH2]: Incorporates language that had been in an appendix.

Local elected officials should be able to develop pension systems that meet the needs of their workforce, maintain principles of sound fiduciary management, and preserve their ability to recruit and retain quality employees for key positions that frequently pay less than comparable positions in the private sector. We oppose efforts to remove board of supervisor authority to determine retirement benefits since they are responsible for funding benefit changes. For 1937 Act county retirement systems, we are opposed to any legislation which would transfer authority now vested with the county board of supervisors to the county board of retirement. Such transfer could include, but is not limited to, adoption of salaries for retirement board members or employees, the extension of benefits, or decisions related to funding of the system.

Public pension systems provide an important public benefit by assisting public agencies to recruit and retain quality employees. Any fraud or abuse must be eliminated to ensure the public trust and to preserve the overall public value of these systems.

Public pension systems boards have a constitutional duty to:

- (a) Protect administration of the system to ensure benefits are available to members; and
- (b) Minimize employer costs. The constitutional provisions and state statutes governing such boards should promote responsible financial management and discourage conflicts of interest.

Please refer to the Appendix of the CSAC Platform to view CSAC's Pension Reform Guiding Principles.

Public pensions should adhere to the following principles:

1) Protect Local Control and Flexibility

- a. Local elected officials should be able to develop pension systems that meet the needs of their workforce, maintain principles of sound fiduciary management, and preserve their ability to recruit and retain quality employees for key positions that frequently pay less than comparable positions in the private sector. A statewide mandated retirement system is neither appropriate nor practical, given the diversity of California's communities. Further, a mandated defined contribution retirement system could force a reconsideration of the decision of local governments not to participate in Social Security.

2) Eliminate Abuse

- a. Public pension systems provide an important public benefit by assisting public agencies to recruit and retain quality employees. Any fraud or abuse must be eliminated to ensure the public trust and to preserve the overall public value of these systems.

3) Reduce and Contain Costs

- a. Public pension reform should provide for cost relief for government, public employees, and taxpayers.

4) Increase Predictability of Costs and Benefits for Employee and Employer

- a. Responsible financial planning requires predictability. Employers must be able to predict their financial obligations in future years. Employees should have the security of an appropriate and predictable level of income for their retirement after a career in public service.

5) Strengthen Local Control to Develop Plans with Equitable Sharing of Costs and Risks Between Employee and Employer

- a. Equitable sharing of pension costs and risks promotes shared responsibility for the financial health of pension systems and reduces the incentive for either employees or employers to advocate changes that result in disproportionate costs to the other party, while diminishing the exclusive impact on employers for costs resulting from increases in unfunded liability.

6) Increase Pension System Accountability

- a. Public pension systems boards have a constitutional duty to both protect administration of the system to ensure benefits are available to members and minimize employer costs. The constitutional provisions and state statutes governing such boards should promote responsible financial management and discourage conflicts of interest.

Comment [BH3]: Incorporates language that had been in an appendix.

Section 3: Industrial Disability Retirement

CSAC has traditionally supported the principle of provision of IDR to safety employees who are unable to continue their safety employment due to a bona fide job-connected disabling injury or illness. CSAC also has traditionally recognized that IDR can be extremely expensive, and that responsible reforms may be warranted to limit the cost to truly legitimate claims.

Section 4: Occupational Safety and Health Standards

The occupational safety and health standards and practices for counties should comply with Cal-OSHA.

Safety Member Category

The safety member classification is intended to provide a retirement system for the class or classes of public employees whose duties consist of physically active functions in the protection and safety of the public. The purpose of such classification is to ensure that persons so employed will be agile and active and possess a high degree of physical alertness and stamina and it is designed to provide an opportunity

for career employment and, at the same time, provide for and ensure separation from such service without financial hardship at a relatively younger age than other employees. The term "safety," as used in the retirement law, refers to the safety of the public.

Personal risk or the hazardous nature of job functions are not elements of the classification and shall have no bearing in determining the establishment of or eligibility for safety membership.

Coordination of Personnel Functions with Central Administration

Counties recognize the success or failures of local government rests heavily on the quality of its personnel, and therefore support the close organizational ties between the central administration and the personnel function. Counties are encouraged to establish and maintain effective partnerships between central administration and the personnel functions and to link activities directly related to those functions.

Comment [BH4]: Incorporates language that had been in an appendix.

Equal Employment Opportunity

The California State Association of Counties is committed to the concept of equal employment opportunity (EEO) in public service as a basic merit system principle. Acceptance of this principle does not end with mere prohibition of discriminatory practices. We recognize the obligation of counties to develop practical plans for specific steps to be taken to achieve more fully the goal of equal employment opportunity in county government. This includes positive efforts in recruitment, examination, selection, promotion, pay, job restructuring and due process protection so that appropriate numbers of protected group members achieve positions in county government and are provided promotional opportunities at all job classification levels.

Testing, Selection, and Promotion

Counties believe initial selection and promotional devices used should eliminate artificial barriers, be job related and ensure job success. Special consideration should be given to facilitate the transfer and promotion of qualified employees and full utilization of human resources particularly in protected classes.

Licensing and Certification

The counties urge a review of all requirements for licenses or certificates for county employment to ensure they are realistically related to job performance. Counties should strive to prevent the requirement of licenses or certificates when those requirements create artificial barriers to employment and/or upward mobility.

State Duplication of Federal Law and Reporting Requirements

Counties are opposed to the adoption of state laws which duplicate, are inconsistent or conflict with federal law or regulations.

Counties are greatly concerned with the multitude of varying EEO reporting requirements coming from state and federal government. The time required to gather and report EEO data from the many different state and federal agencies, each requiring its own data, greatly reduces the time available to accomplish the objective of EEO. Counties urge state and federal government reporting requirements that are realistically related to necessary monitoring and evaluation activities.

Counties support the consolidation and integration of federal agencies with responsibilities for the monitoring, auditing or regulating of local affirmative action plans and activities. The federal government should initiate efforts to increase standardization and uniformity of their practices in these areas.

Section 5: Workforce Development

CSAC recognizes and endorses the principles of prime sponsorship and accountability of county officials in the planning, administration and supervision of comprehensive local systems of workforce training and employment—with a minimum of federal regulation.

Chapter Nine

Financing County Services

California counties are the unit of government best suited to deliver public assistance, public protection, and some public works services, but counties have limited ability to adequately finance these responsibilities. In order to meet each community's unique needs, counties must be given greater financial independence from the state and federal budget processes, including the authority to collect revenues at a level sufficient to provide the degree of local services the community desires. Counties will seek a level of financial independence that provides for the conduct of governmental programs and services, especially discretionary programs and services, at an adequate level.

Section 1: State Policy Objectives

Program Realignment

Reforms of county finances need to involve agreement between the state and the counties on a realignment of responsibilities to provide social services, income maintenance, health care, justice services, or any other service that the county is best suited to provide. Counties must be given realistic and adequate revenue sources to pay for ongoing program and service responsibilities. The CSAC Realignment Principles ~~document that the Board of Directors adopted in 2010 appear~~ s in the Realignment chapter within this Platform, as an appendix to this Platform.

Comment [BH1]: Technical change to reflect formatting updates

Financial Independence

Counties have neither the financial resources to both operate state programs and also meet local needs, nor the ability to predict service levels beyond each legislative session. Therefore, counties advocate for aligning revenue authority with service responsibility, and also support other measures that would grant counties financial independence.

Comment [BH2]: Rewording for clarity

- 1) Protection of local government revenues: Counties strongly support the provisions of Proposition 1A (2004), which provides constitutional protection of local governments' property tax, sales tax, and Vehicle License Fee revenues. It also requires the Legislature to fully fund or else suspend reimbursable local mandates.
- 2) Mandate funding: Counties continue to advocate for guaranteed state with appropriations appropriate of sufficient funds prior to requiring counties to provide new or increased services. (Also see Chapter XII: STATE MANDATE LEGISLATION.) Counties also seek a guarantee that programs and services that are funded wholly or partially by the state will annually receive full adjustments for the increased cost of providing them, including inflation and population changes.
- 3) State Borrowing of Property Tax Revenues: Counties will firmly oppose any attempt by the state to borrow property tax revenue from counties under the provisions of Proposition 1A.

Such borrowing would cause counties increased costs in several areas, including the cost of borrowing and lost investment income. Furthermore, borrowing to cover ongoing state costs is fiscally unwise, and would put negative pressure on state funding of county-provided services in the out-years.

- 4) **Local Authority:** Counties should be granted enhanced local revenue-generating authority to respond to unique circumstances in each county to provide needed infrastructure and county services. Any revenue raising actions that require approval by the electorate should require a simple majority vote.

Comment [BH3]: Adding in section headers to clarify policy issues

Furthermore, counties should have the ability to adjust all fees, assessments, and charges to cover the full costs of the services they support.

- 5) **State Payments:** Counties seek a guarantee that the state will pay reimbursements and subventions promptly, with the payment of interest to counties when it does not pay promptly fails to do so.

Comment [BH4]: New language

Existing Revenue Sources

- 1) **Property Tax Revenue:** Counties oppose erosion of the property tax base through unreimbursed exemptions to property taxes. The state should recognize that property tax revenues are a significant source of county discretionary funds. Any subventions to counties that are based upon property tax losses through state action should be adjusted for inflation annually.
- 2) **Property Tax Administration:** ~~The state should recognize~~ Counties incur significant costs in administering the property tax system and in maintaining financial records for other government entities and jurisdictions, and should receive full reimbursement from all recipients – proportional to their benefit – for actual administrative costs upon distribution of property tax proceeds.
- 3) **1991 Realignment:** In 1991, the state and counties entered into a new fiscal relationship known as realignment. Realignment affects health, mental health, and social services programs and their funding. The state transferred control of certain programs to counties, altered program cost-sharing ratios, and provided counties with dedicated tax revenues from the sales tax and vehicle license fee to pay for these changes. Counties support full continuation of all dedicated realignment revenues. Counties also urge the state to pay counties for the full, current, actual costs of administering programs on its behalf, which is currently frozen at 2001 levels.
- 4) **Incorporation, Annexation, and Dissolutions:** Counties support the provisions of revenue neutrality and encourage enhancements and improvements to new city incorporation law. Property tax transfers resulting from municipal incorporations, annexations, or dissolutions should be generally negotiated.
- 5) **Sales Tax Distribution and Exemptions**
 - a. **Distributions:** Any distribution formula for new sales tax revenue growth should not be limited to a situs-only distribution. Other options for distribution of new

sales tax revenue growth should be fully explored.

- b. ~~Sales Tax Exemption Also~~ Counties oppose unreimbursed sales tax exemptions enacted by the state including exemptions of the local portion and state portions dedicated to counties for county administered services

Comment [BH5]: Adding in section headers to clarify policy issues

Efficient Government

The state should facilitate the efficient use of taxpayers' dollars by:

- 1) Streamlining or eliminating unnecessary planning, reporting, and administrative requirements in state-county partnership programs.
- 2) Reducing or eliminating regulations that seek to control the implementation of state-mandated programs and services.
- 3) Granting counties greater flexibility to manage county programs in a more efficient and effective manner and tailored to a community's individual needs.
- 4) Allowing counties to use the least costly methods of providing services while meeting operational needs.

Equal Treatment

The allocation of new financial resources or needed reductions should treat all counties equally, based on service needs.

~~There Counties should engage in should be~~ ongoing efforts to discuss and negotiate equitable resolutions of conflicts between counties and other units of local government.

Comment [BH6]: Rewording for clarity

Aligning Revenue Authority with Service Responsibility

The passage of Proposition 13 and implementing legislative and judicial decisions, along with myriad other actions since, have eliminated most connections between the payment of taxes and the benefits received by the individual or business taxpayer. Counties support aligning revenue authority with the level of government responsible for providing services.

Master Settlement Agreement

Under the terms of a Memorandum of Understanding (MOU) with the state, California counties receive forty percent of proceeds from the Master Settlement Agreement between the tobacco industry and a number of states. The MOU specifies that these funds are discretionary. Counties oppose any effort to diminish their share of the tobacco settlement or to impose restrictions on its expenditure. Additionally, counties oppose any effort to lower or eliminate the state's support for programs with the expectation that counties will backfill the loss with tobacco settlement revenue.

Section 2: Federal Policy Objectives

~~Adequate compensation must be made available to local governments to offset the costs of providing~~

services as required by federal law. Additionally, any revenue sharing or payment in-lieu of taxes should be equitable, predictable, and sustainable.

Comment [BH7]: Added introductory paragraph to frame policy area

Basic Service Levels

The federal government should finance a basic level of health, social service, and income maintenance services, including resultant county administrative costs. It must provide flexibility to adjust to local needs and circumstances and it must provide for long-term program planning and program stability.

Adequately Finance Specific Program Objectives

Federal efforts to address certain domestic needs as partners with counties must adequately provide for county administrative costs, provide flexibility to adjust to local needs and circumstances, provide for long-term program planning, and provide for program stability.

Shared Revenues

The federal government should continue to share the benefits of its greater and more equitable taxing ability with state and local government in a non-restrictive manner. When possible, the shared revenues should be provided in the form of block grants.

Encourage Public Investment

The maintenance and development of state and local infrastructure must be facilitated with federal tax exemptions for state and municipal debt and by special taxing and expenditure programs to meet priority needs.

Payments In Lieu Of Taxes

Payments in lieu of taxes (PILT) should be made in full whenever the federal government removes or withholds otherwise productive property from the property tax rolls. PILT payments should receive full cost of living adjustments annually.

Taxation Of Remote Sales

The federal government should endeavor to approve a nationwide system for sales taxation that ensures fairness between remote (online) and brick-and-mortar retailers.

Comment [BH8]: Clarifying word added

Telecommunications

Counties endorse promoting competition among telecommunications providers and treating like services alike. Any effort to reform the Telecommunications Reform Act of 1996 must maintain local management of the public rights-of-way, encourage investment in all communities and neighborhoods, preserve support funding for public education and governmental (PEG) channels and institutional networks (I-NET), and hold local governments fiscally harmless for any loss of fees or other revenue that result from franchise agreements.

Chapter Twelve

State Mandate Legislation

~~Ever since SB 90 (1972) limited property tax rates, the~~ The state is constitutionally required through Proposition 4 (1979) and Proposition 1A (2004) state has been required to pay for new or higher levels of service it ~~requires mandates from~~ counties and other local agencies provide. ~~Propositions 4 (1979) and 1A (2004) strengthened that requirement and established it in the California Constitution~~ However, the issue of mandate reimbursement remains contentious, since mandates reside ~~where at the intersection of the core principle of~~ local control and the reality ~~of that~~ counties as are providers of state services ~~intersect~~.

~~Mandates are particularly burdensome for counties because of the severe restrictions on raising county revenues to pay for new requirements~~

Comment [BH1]: Rewording for clarity

Section 1: Mandate Suspension

Comment [BH2]: Adding section headers

~~The ongoing suspension of established mandated programs or services is problematic. Implementing programs and new levels of service is costly, so the~~ The Legislature state should either fund a mandate annually or repeal it completely. Continually suspending mandates merely burdens counties with either funding the service out of its own general funds or absorbing the cost of repeatedly resetting service levels.

Comment [BH3]: Rewording for clarity

Section 2: Need for Mandates

Comment [BH4]: Adding section headers

~~Mandates are particularly burdensome for counties because of the severe restrictions on raising county revenues to pay for new requirements~~. State mandates should only be imposed when there is a compelling need for statewide uniformity.

Comment [BH5]: Adding clarity

Section 3: Timing of Mandate Payments

Comment [BH6]: Adding section headers

All state mandates should be funded prior to delivery of the new or higher level of service. The current policy of reimbursing established mandates ~~two years following a Commission on State Mandates determination after the fact~~ constitutes a loan from counties to the state. The state should not require counties to provide a service for which it is unwilling to timely pay. Bills mandating new or increased levels of service should include a direct appropriation.

Comment [BH7]: Rewording for clarity

Section 4: Mandate Alternatives

Comment [BH8]: Adding section headers

Local agencies and the state should endeavor to take advantage of Reasonable Reimbursement Methodology and Legislatively Determined Mandates. These processes will provide budgetary certainty to the state and counties, and help to decrease the extraordinary time and cost involved with determining reimbursement levels through the traditional Commission on State Mandates process.

Section 5: Mandate Reforms

Comment [BH9]: Adding section headers

The current mandate determination and processes must be reformed. The reforms must make the determination process more efficient, in terms of both time and cost, and less biased against local agencies. State audits of local claims must be timely, consistent, reasonable, and predictable.

It should not take ~~seven-several~~ years to determine whether the state has required a new or higher level of service. State Controller audits should not be able to cut reasonable claims by half or more based on technicalities or unreasonable records requirements.

Comment [BH10]: Rewording for clarity

Constitutional amendments should not exempt additional categories of state mandates from cost reimbursement. Also, voter approval of requirements or programs similar to those already established as reimbursable mandates should not be cause for the state to cease reimbursements.

Chapter Thirteen

Economic Development

Section 1: GENERAL PRINCIPLES

~~A. The general principle for economic development is as follows:~~ To maintain a vital economy in California, counties ~~must administer and~~ support an economic development process that retains, expands, and recruits businesses while reducing regulatory barriers to such businesses. For example, regulatory barriers may include permitting issues, fees and taxes on business in California, and streamlining government.

Comment [BH1]: Rewording for clarity.

~~The following general goals have been identified as priorities for the CSAC Economic Development Policy Committee:~~

- ~~1. Provide significant outreach to all county members in order to increase participation in the Economic Development Policy Committee.~~
- ~~2. Include our partners in the Economic Development Policy Committee meetings. Partners include the League of California Cities, the California Association for Local Economic Development, the Regional Council of Rural Counties, the Business Transportation and Housing Agency, the Employment Development Department, and the Department of Housing and Community Development.~~
- ~~3. Strengthen the partnership between the CSAC Economic Development Policy Committee and both the CSAC Corporate Associates Program and the California Association for Local Economic Development, in order to provide on-site economic development education, training, and resources.~~
- ~~4. Provide recommendations on legislation regarding economic development to the CSAC Board of Directors and other CSAC policy committees.~~
- ~~5. Provide new resources to county economic development departments, including a compendium of existing state and local resources available to economic development professionals.~~
- ~~6. Work to strengthen the partnership between counties and their workforce investment boards, which provide significant investment and tools to address economic development. CSAC also supports efforts to create a skilled workforce, both technical and vocational.~~
- ~~7. Encourage economic development incentive programs, such as enterprise zones, to support economic development investment at the local level.~~
- ~~8. Support the efforts of the California partnership for the San Joaquin Valley.~~

Comment [BH2]: Deleted language related to Economic Development Policy Committee. This entity has not met for 6 years. Relevant policy statements are incorporated into pertinent chapters.

Section 1: Economic Development Program Retention

Counties believe that existing state economic development programs should be retained within existing resources. Job creation is important to ~~our members~~counties and should help guide ~~our~~ policy on such issues as investment in infrastructure and the allocation of state resources.

Comment [BH3]: Rewording for clarity.

Currently, counties continue to advocate for the following programs to be retained within existing resources as budgeted by the State of California:

- 1) Office of Military Base Retention and Reuse. This office provides ongoing assistance and support to communities with closed bases, as well as communities with active installations, in an effort to ensure the continued viability and retention of the remaining bases in California.
- 2) Infrastructure Bank. The Infrastructure Bank is authorized to issue tax-exempt and taxable revenue bonds, provide financing to public agencies, provide credit enhancements, acquire or lease facilities, and leverage State and Federal funds. The Bank also provides low-cost financing to public agencies for a wide variety of infrastructure projects that help create jobs in California.
- 3) Marketing Programs. These programs include Team California, which is a network of economic development professionals actively involved in business attraction, retention, expansion, and job creation efforts throughout the state.
- 4) Small Business Development Centers (SBDC). The SBDC program links federal, state, educational, and private resources designed for small businesses. They provide one-stop access to free business counseling, planning, marketing and training programs.
- 5) Tourism. The State Office of Tourism supports efforts to attract tourist dollars to the Golden State, and CSAC supports efforts to promote agricultural, historic, and natural resources tourism throughout the state.
- 6) Film Industry. The California Film Commission works to retain film production in the state, and CSAC supports partnerships and continued collaboration between the state and the efforts of regional and county film commissions.
- 7) Manufacturing Retention and Expansion Programs. Support tools to create and expand manufacturing jobs and capacity throughout California.

Section 2: Community Development Block Grant Program

Counties recognize the importance of the Community Development Block Grant Program, which provides funding to small communities for economic development. This program is administered by the

State Department of Housing and Community Development (HCD). Counties maintain that this program is very important to rural counties and provides significant investment in the rural economy.

Within the economic development portion of the CDBG program, counties believe that there should be less paperwork, more flexibility, more emphasis on economic development issues, and an increase in the availability of technical assistance provided by HCD.

The state should provide more guidance and technical assistance to those counties in need of additional resources in order to apply for these funds.

Key priorities for reform in the CDBG Program include the following:

- 1) Model the state Economic Development CDBG program to the greatest extent possible after the current federal entitlement community in order to streamline the program.
- 2) Renew HCD focus on technical assistance, specifically to those jurisdictions with limited resources. This could include assistance from CALED and Economic Development Corporations located throughout California.
- 3) Increase the focus on economic development including the possibility of having an economic development advocate within HCD.
- 4) Improve communication between HCD and rural counties. This would include providing counties with new directives from the United States Department of Housing and Urban Development (HUD), and alerting counties to best practices and funding provided by the CDBG program. Counties also maintain that this should also include better guidance on the re-monitoring and auditing of grant recipients.
- 5) Increase the flexibility in the CDBG program to enable smaller jurisdictions to limit the amount of paperwork and regulation that currently make this program difficult to implement.

Section 3: Military Base Retention and Reuse

~~Counties believe that we should continue to~~ Counties support funding for and the, and advocate for the retention and sustainability of military installations and their inextricably linked sea, air, and land operating areas in California. The Department of Defense (DoD) generates \$41 billion~~s~~ for the economy in California, providing thousands of quality jobs with real benefits and career advancement opportunities. Counties believe that California is uniquely positioned to support military missions and operations and that the DoD provides a substantial economic benefit to the state. Therefore, counties vow to continue efforts to support, preserve, and enhance the military mission capabilities of areas throughout the state.

In the area of military base reuse, counties support programs and efforts to attract high quality technological businesses that can maximize existing facilities to further the economic development goals

Comment [BH4]: Rewording for clarity. Also deletes a statistic that may change between policy platform revisions.

of local governments. Counties further affirm that flexibility at the local level to help communities develop reuse areas in a timely manner is critical to the successful reuse of former military installations.



February 2, 2017

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To: CSAC Board of Directors

From: Farrah McDaid Ting, CSAC Legislative Representative
Elizabeth Marsolais, CSAC Legislative Analyst

RE: Health, Human Services, and Realignment Platform Review – ACTION ITEM

Background. At the end of each two-year legislative session, CSAC undertakes a policy platform review process. The HHS Policy Committee began this process during its November 29, 2016, Policy Committee Meeting. Following CSAC staff's solicitation of comments from counties and members of the HHS Policy Committee, staff presented an initial draft of the policy platform chapters on health, human services, and realignment to the committee. However, the election of President Trump required the committee to more closely examine federal portions of the proposed platform, especially the section on the Affordable Care Act. Below is a summary of the first round of edits that were made to the Health, Human Services, and Realignment chapters of the Policy Platform.

Health Services

Edits were made throughout the chapter to remove language that was out-of-date and to streamline the platform. Further edits were made to reformat the chapter in a more reader-friendly manner.

Additional substantive changes are noted below:

- The section on Proposition 63 was updated reflect the passage of the No Place Like Home Program and to address the potentially disruptive nature of any further diversions of Proposition 63 funds.
- The Mental Health section was updated to reflect 2011 Realignment while some out-of-date narrative was deleted.
- The California Children's Services (CCS) section was updated to include County Organized Health Systems under the Whole Child Model.
- Edits were made to streamline the section on Proposition 10 by deleting language that explains the differences in how Proposition 10 funds are disseminated in different counties.
- Language was added to the Substance Use Disorder Prevention and Treatment section to reflect our members' desire to seek a wide spectrum of housing options, including recovery and treatment homes, within the community.
- The sections on Medi-Cal and the implementation of the Affordable Care Act were updated to reflect the current status of ACA implementation and the election of President-Elect Trump.
- Language was added to the Medicaid and Aging issues section to express support for moving the IHSS Program to the Statewide IHSS Authority; this change conforms the language to the Human Services Chapter.
- Edits were made to the section on Emergency Medical Services to clarify county support for ensuring the continuity and integrity of the current emergency medical services system, including county authority related to medical control.

Human Services

Edits were made throughout the chapter to remove language that was out-of-date and to streamline the platform. Further edits were made to reformat the chapter and to make it more reader-friendly and concise. Additional substantive changes are noted below:

- The Child Welfare Services/Foster Care section was updated to reflect AB 403, the Continuum of Care Reform (CCR).

- Language on the Child Support Enforcement Program was updated to reflect county support for maximizing federal funding at the county level.
- Edits were made to streamline the section on Proposition 10 by deleting language that explains the differences in how Proposition 10 funds are disseminated in different counties.
- Clarifying edits about the roles of Proposition 1A and Proposition 30 were made in the Realignment section.
- Language was added to the section on Adult Protective Services to include county support for efforts to prevent, identify, and prosecute instance of elder abuse.
- The In-Home Supportive Services section was updated to reflect recent changes to the program, such as the IHSS MOE that was negotiated in the 2012-13 state budget, and to remove outdated language.
- The Veterans section was updated to include language supporting the coordination of services for veterans among all entities that serve this population, especially in housing, treatment, and employment training.

Realignment

To increase clarity, the 2010 CSAC Realignment Principles as adopted by the CSAC Board of Directors have been incorporated into the Realignment Chapter. Previously, the 2010 Realignment Principles were an attachment to the Platform. Further edits were made to reformat the chapter into a more reader-friendly product.

Based on the HHS Policy Committee’s feedback at the Annual Meeting, CSAC staff has undertaken an additional two rounds of edits to better reflect the federal uncertainty regarding the Affordable Care Act (ACA). The attached platform chapters show all changes made since the Policy Platform was last adopted. Edits that were made prior to the Annual Meeting are in purple or flagged with a comment from “CSAC,” while edits that have been made since Annual Meeting are in red or flagged with a comment from “EM.” Below is a high-level summary of the changes made to each of the chapters in response to comments made at the Annual Meeting.

Health Services

CSAC Staff received direction during the Annual Meeting to make edits to the Health Services Chapter to reflect the potential repeal and replacement of the ACA. These edits include:

- Reframing the platform to include more broad principles about the types of health policy CSAC supports and remove specific references to the ACA. This will allow CSAC Staff to take action regarding both the potential repeal and the potential replacement of the ACA without needing to complete an additional round of platform edits in the event that the ACA is repealed.
- Several edits were made prior to Annual Meeting to reflect that counties have implemented the recent changes to the Medi-Cal program under the ACA. Given the uncertainty at the federal level, this language was reverted to the original text which states that changes to Medi-Cal “will affect” counties.
- Language that had previously been deleted on counties’ inability to absorb or backfill the loss of additional state and federal Medi-Cal funds was added back into the platform given the uncertainty at the federal level.
- The language supporting moving collective bargaining for the IHSS program to the Statewide IHSS Authority or another single statewide entity was edited per a comment from Karen Keeslar and to reflect the Governor’s January 10 2017-18 Budget.
- Language that had been previously deleted on counties’ support for offering a comprehensive package of health care services that includes mental health and substance use disorder

treatment services at parity levels was added back into the platform given the uncertainty at the federal level.

- Language that had previously been deleted stating that counties are not in a position to contribute permanent additional resources to expand health care coverage was added back into the platform given the uncertainty at the federal level.
- Edits to clarify which federal waiver is being referenced.
- Previously deleted language referencing emergency medical services for medically indigent adults was added back into the platform.

Human Services

CSAC Staff received direction during the Annual Meeting to make edits to the Human Services Chapter to reflect the potential repeal and replacement of the ACA. These edits include:

- Reframing the platform to include more broad principles about the types of health policy CSAC supports and remove specific references to the ACA. This will allow CSAC Staff to take action regarding both the potential repeal and the potential replacement of the ACA without needing to complete an additional round of platform edits in the event that the ACA is repealed.
- Clarifying edits to the language on Continuum of Care Reform.
- Language was added in response to Yolo County Supervisor Rexroad's comments at Annual Meeting on the issue of supporting transparency related to child fatality and near-fatality incidents so long as it preserves the privacy of the child and additional individuals who may reside in a setting but were not involved or liable for any incidents.
- A duplicative reference to Medicaid was deleted.
- An edit was made in the Realignment section to clarify that the sentence was referring to 1991 Realignment.
- Language on the In-Home Supportive Services Maintenance of Effort and the Coordinated Care Initiative was deleted to reflect the Governor's January 2017-18 Budget.
- The language supporting moving collective bargaining for the IHSS program to the Statewide IHSS Authority or another single statewide entity was edited per a comment from Karen Keeslar and to reflect the Governor's January 10 2017-18 Budget.

Realignment

CSAC staff did not receive any comments on or make any additional edits to the Realignment Chapter following the Annual Meeting.

Process. In response to the comments received at the November 29, HHS Policy Committee and the Governor's January 2017-18 Budget Proposal, staff made changes to the proposed platform chapters, which are attached. At the January 25 HHS Policy Committee meeting, there was not a quorum present to adopt the platform. During this meeting, an additional edit to the Health chapter of the Policy Platform was suggested to support a long-term, instead of four-year, extension of funding for the federal Children's Health Insurance Program (CHIP/Healthy Families). Staff has incorporated this edit and will be taking the attached version of the Health, Human Services, and Realignment chapters to the HHS Policy Committee on February 8. CSAC staff will provide a verbal update at the Board of Directors meeting on the outcome of the February 8 HHS Policy Committee meeting.

If approved by the policy committee on February 8, these changes will be submitted to the CSAC Board of Directors for approval during their February 16 meeting. We wish to thank each of the supervisors, county affiliate organizations, and county staff who reviewed the proposed changes and suggested additional clarifications throughout this process.

Attachments:

1. Draft Health Services Platform Chapter
2. Draft Human Services Platform Chapter
3. Draft Realignment Platform Chapter

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Chapter Six
DRAFT ~~January 2015~~ ~~November 2016~~ January 2017

Health Services

Section 1: ~~GENERAL PRINCIPLES~~ General Principles

Counties serve as the front-line defense against threats of widespread disease and illness and promote health and wellness among all Californians. This chapter deals specifically with health services and covers the major segments of counties' functions in health services. Health services in each county shall relate to the needs of residents within that county in a systematic manner without limitation to availability of hospital(s) or other specific methods of service delivery. The board of supervisors in each county sets the standards of care for its residents.

Local health needs vary greatly from county to county. Counties support and encourage the use of multi-jurisdictional approaches to health care. Counties support efforts to create cost-saving partnerships between the state and the counties in order to achieve better fiscal outcomes for both entities. Therefore, counties should have the maximum amount of flexibility in managing programs. Counties should have the ability to expand or consolidate facilities, services, and program contracts to provide a comprehensive level of service and accountability and achieve maximum cost effectiveness. Additionally, as new federal and state programs are designed in the health care field, the state must work with counties to encourage maximum program flexibility and minimize disruptions in county funding, from the transition phase to new reimbursement mechanisms.

Counties also support a continuum of preventative health efforts – including ~~mental-behavioral~~ health services, substance use disorder services, nutrition awareness and disease prevention – and healthy living models for all of our communities, families, and individuals. Preventative health efforts have proven to be cost effective and provide a benefit to all residents.

~~The enactment and implementation of the federal Patient Protection and Affordable Care Act (ACA) of 2010 provides~~ Federal health care reform efforts, including the Patient Protection and Affordable Care Act (ACA) of 2010, provide new challenges, as well as opportunities, for counties. Counties, as providers, administrators, and employers, are deeply involved with health care at all levels and must be full partners with the state and federal governments in the effort to expand Medicaid and provide health insurance and care to millions of Californians. Counties believe in maximizing the allowable coverage ~~expansion under the ACA for their residents in accordance with eligibility criteria~~, while also preserving access to local health services for the residual uninsured. Counties remain committed to serving as an integral part of ACA implementation, and support initiatives to assist with outreach efforts, access, eligibility and enrollment services, and delivery system improvements.

At the federal level, counties also support economic stimulus efforts that help maintain services levels and access for the state's neediest residents. ~~Counties are straining to provide services to the burgeoning numbers of families in distress. People who have never sought public assistance before are arriving at county health and human services departments. For these reasons, counties~~ Counties strongly urge that any federal stimulus funding, enhanced matching funds, or innovation grants that have a

Comment [CSAC1]: This edit was made throughout the chapter in response to comments from CBHDA

county share of cost must be shared directly with counties.

~~A.~~

Public Health

The county public health departments and agencies are the only health agencies with direct day-to-day responsibility for protecting the health of every person within each county. The average person does not have the means to protect him or herself against contagious and infectious diseases. Government must assume the role of health protection against contagious and infectious diseases. It must also provide services to prevent disease and disability and encourage the community to do likewise. These services and the authority to carry them out become especially important in times of disaster and public emergencies. To effectively respond to these local needs, counties must be provided with full funding for local public health communicable disease control and surveillance activities.

County health departments are also charged with responding to terrorist and biomedical attacks, including maintaining the necessary infrastructure – such as laboratories, hospitals, medical supply, and prescription drug caches, as well as trained personnel – needed to protect our residents. Furthermore, counties play an integral role in chronic disease prevention through policy, system, and environmental changes promoting healthier communities. Counties welcome collaboration with the federal and state governments on the development of infrastructure for bioterrorism and other disasters. Currently, counties are concerned about the lack of funding, planning, and ongoing support for critical public health infrastructure.

- 1) Counties also support the mission of the federal Prevention and Public Health Fund, and support efforts to secure direct funding for counties to meet the goals of the Fund.

~~B. Health Services Planning~~

- 2) Counties believe strongly in comprehensive health services planning. Planning must be done through locally elected officials, both directly and by the appointment of quality individuals to serve in policy and decision-making positions for health services planning efforts. Counties must also have the flexibility to make health policy and fiscal decisions at the local level to meet the needs of their communities.

~~C. Mental Behavioral Health~~

~~Counties support provide community-based treatment for individuals living with severe mental illness. Counties also accept have responsibility for providing treatment and administration of such mental health programs. It is believed that Counties should have the greatest progress in treating mental illness can be achieved by continuing the counties' current role while providing flexibility for counties to design, and implement, and support mental health services that best meet the needs of their community. Programs that treat their local communities. The appropriate treatment of people living with severe mental illness health issues should be designed to meet in the framework of local requirements—within statewide, state, and federal criteria and standards—to ensure appropriate treatment of persons with mental illness.~~

Comment [CSAC2]: CHBDA edit

Proposition 63

The adoption of Proposition 63, the Mental Health Services Act of 2004, assists counties in service delivery. However, it is intended to provide new funding that expands and improves the capacity of existing systems of care and provides an opportunity to integrate funding at the local level. ~~We strongly~~

1) Counties oppose additional reductions in state funding for ~~mentalbehavioral~~ health services that will result in the shifting of state or federal costs to counties. These cost shifts result in reduced services available at the local level and disrupt treatment options for ~~mentalbehavioral~~ health clients. Any shift in responsibility or funding must hold counties fiscally harmless and provide the authority to tailor ~~mentalbehavioral~~ health programs to individual community needs. ~~We~~

2) Counties also strongly oppose any effort to redirect the Proposition 63 funding to existing state services instead of the local services for which it was originally intended. The realignment of health and social services programs in 1991 restructured California's public ~~mentalbehavioral~~ health system. Realignment required local responsibility for program design and delivery within statewide standards of eligibility and scope of services, and designated revenues to support those programs to the extent that resources are available.

3) Proposition 63 funds have been diverted in the past due to economic challenges and the establishment of the No Place Like Home Program. Any further diversions of Proposition 63 funding will be disruptive to programming at the local level. ---

Comment [CSAC3]: CBHDA edit

Counties are committed to service delivery that manages and coordinates services to persons with mental illness and that operates within a system of performance outcomes that assure funds are spent in a manner that provides the highest quality of care. ~~The 2011 Realignment once again restructured financing for the provision of Medi-Cal services for children and adults. ---~~

~~California law consolidated Counties supported actions to consolidate~~ the two Medi-Cal ~~mentalbehavioral~~ health systems, one operated by county ~~mentalbehavioral~~ health departments and the other operated by the state Department of Health Services ~~on a fee for service basis, effective in fiscal year 1997-98. Counties supported these actions to consolidate these two systems,~~ and to operate Medi-Cal ~~mentalbehavioral~~ health services as ~~a managed care program. ---~~ ~~Counties were offered the first opportunity to provide managed mental health systems, and every county chose to operate as a Medi-Cal Mental Health Plan. This consolidated program provides for, and there is a negotiated sharing of risk for services between the state and counties ---~~

Comment [CSAC4]: Santa Clara County edit

Comment [CSAC5]: CBHDA edit

~~In 2011, Counties, particularly because counties~~ became solely responsible for managing the nonfederal share of cost for these ~~mentalbehavioral~~ health services ~~under 2011 Realignment. ---~~

1) In response to county concerns, state law also provides funds to county programs to provide specialty mental health services to CalWORKs recipients who need treatment in order to get and keep employment. Counties have developed a range of locally designed programs to serve California's diverse population, and must retain the local authority, flexibility, and funding to continue such services. ~~Similar law requires county mental health programs to provide specialty mental health~~

~~services to seriously emotionally disturbed children insured under the Healthy Families Program. The Healthy Families Program was dissolved in the 2012-13 Budget Act, and counties will continue to provide specialty mental health services to this population under Medi-Cal. However, counties anticipate increased demand for these~~

~~1)2) Counties anticipate increased demand for these behavioral health services under Medi-Cal, and must have adequate revenues to meet the federal standards and needs of these children.~~

~~3) Adequate mental Behavioral health services can reduce criminal justice costs and utilization. Appropriate diagnosis and treatment services will result in positive outcomes for offenders with mental illness and their families. Ultimately, appropriate mental health services will benefit the public safety system.~~

~~2)4) Counties continue to work across disciplines and within the 2011 Realignment structure to achieve good outcomes for persons with mental illness and/or co-occurring substance abuse issues to help prevent incarceration and to treat those who are about to be incarcerated or are newly released from incarceration and their families.~~

~~Despite the passage of federal parity laws (the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008), access to mental health and substance use treatment remains elusive for many Californians. Counties recognize that millions of Californians are suffering from mental health and substance use disorders and support policies to ensure adequate resources are available for effective implementation of federal mental health and substance use parity requirements.~~

~~0-~~

Children's Health

California Children's Services

Counties provide diagnosis and some case management services, In conjunction with County Organized Health Systems (COHS) where they exist under the Whole Child Model (WCM), to more than 200,000 children enrolled in the California Children's Services (CCS) program, whether they are in Medi-Cal or the CCS-Only program. Under WCM, ccounties also are still responsible for determination of medical and financial eligibility for the program. Counties may also provide Medical Therapy Program (MTP) services for both CCS children and special education students, and have retain a share of cost for services to non-Medi-Cal children.

~~1) Maximum federal and state matching funds for CCS program services must continue in order to avoid the shifting of costs to counties. Counties cannot continue to bear the rapidly increasing costs associated with both program growth and eroding state support. Counties support efforts to redesign or realign the program with the goal of continuing to provide the timely care and~~

Comment [CSAC6]: CBHDA edit

Comment [CSAC7]: CBHDA edit

Comment [CSAC8]: In response to a comment from Butte County Public Health.

~~services for these most critically ill children.~~

1)2) Counties also support efforts to test alternative models of care under CCS pilots in the 2010 Medicaid Waiver and subsequent waivers.

3) ~~As counties shift towards the Whole Child Model, counties seek to ensure these high-need patients continue to receive timely access to quality care, there are no disruptions in care, and there is an adequate plan for employee transition.~~

Comment [CSAC9]: Santa Clara County edit

State Children's Health Insurance Program

1) ~~The State Children's Health Insurance Program (SCHIP) is a federally funded program that allows states to provide low or no-cost health insurance to children up to 250 percent of the Federal Poverty Level (FPL). CSAC supports a four-year long-term extension of funding for the federal Children's Health Insurance Program (CHIP/Healthy Families). As a block grant, the appropriation for the program expires on September 30, 2015, is being considered for reauthorization in 2017. Without federal funding, some families risk losing coverage for their children if their income is too high to qualify for Medicaid/Medi-Cal and too low to purchase family coverage through Covered California.~~

Comment [EM10]: Edit made in response to Humboldt County comment at 1/25/17 CSAC HHS Policy Committee meeting.

Comment [CSAC11]: In response to comments from Santa Clara and Butte Counties

Comment [EM12]: Clarifying edit

Proposition 10

Proposition 10, the California Children and Families Initiative of 1998, provides significant resources to enhance and strengthen early childhood development.

1) ~~Local children and families commissions (local First 5 Commissions), established as a result of the passage of Proposition 10, must maintain the full discretion to determine the use of their share of funds generated by Proposition 10. Further, local~~

1)2) ~~Local~~ First 5 commissions must maintain the necessary flexibility to direct these resources to the most appropriate needs of their communities, including childhood health, childhood development, nutrition, school readiness, child care, and other critical community-based programs. Counties oppose any effort to diminish Proposition 10 funds or to impose restrictions on ~~their local~~ First 5 Commissions' expenditure authority.

2)3) ~~In recognition that Proposition 10 funds are disseminated differently based on a county's First 5 Commission structure and appropriated under the premise that local commissions are in a better position to identify and address unique local needs, counties~~ Counties oppose any effort to lower or eliminate state support for county programs with the expectation that the state or local First 5 commissions will backfill the loss with Proposition 10 revenues.

E. Substance Use Disorder Prevention and Treatment

~~Counties have been, and will continue to be, actively involved in substance use disorder prevention and treatment, especially under the 2011 Realignment rubric, where counties were given responsibility for substance abuse treatment and Drug-Medi-Cal services. Counties believe the best opportunity for solutions reside at the local level. Counties continue to provide a wide range of substance use disorder treatment services, but remain~~ Counties are concerned about evidence-based treatment capacity for all persons requiring substance abuse treatment services.

1) Counties support and seek more housing options, including recovery and treatment housing options within the community.

~~2) Adequate early intervention, substance use disorder prevention, and treatment services have been proven to reduce criminal justice costs and utilization. Appropriate, but appropriate funding for diagnosis and treatment services ~~will result in positive outcomes for non-offenders and offenders alike with substance use disorders. Therefore, appropriate must be available.~~ Appropriate substance use disorder treatment services will benefit the public safety system. Counties will continue to work across disciplines to achieve good outcomes for persons with substance use disorder issues and/or mental illness.~~

Comment [CSAC13]: Santa Clara County edit

~~3) Counties continue to support state and federal efforts to provide substance use disorder benefits under the same terms and conditions as other health services and welcome collaboration with public and private partners to achieve substance use disorder services and treatment parity.~~

~~4) With the enactment of Proposition 36, the Substance Abuse and Crime Prevention Act of 2000, the demand for substance use disorder treatment and services on counties continues to increase. Dedicated funding for Proposition 36 expired in 2006, and the 2010-11 state budget eliminated all funding for Proposition 36 and the Offender Treatment Program. However, the courts can still refer individuals to counties for treatment under state law, and The courts may still refer individuals to counties for treatment under Proposition 36, but counties are increasingly unable to provide these voter-mandated services without adequate dedicated state funding.~~

F. Medi-Cal: California's Medicaid Program

California counties have a unique perspective on the state's Medicaid program, Medi-Cal. Counties are charged with preserving the public health and safety of communities. As the local public health authority, counties are vitally concerned about health outcomes. Undoubtedly, changes to the Medi-Cal program ~~will affect counties. Even as the Affordable Care Act is implemented, counties have will affected all counties.~~

Comment [CSAC14]: Butte County edit

Comment [EM15]: Clarification of Butte's previous edit based on potential ACA repeal/Medicaid block grant

- 1) Counties remain concerned about state and federal proposals that would decrease access to health care or shift costs and risk to counties.
- 2) ~~Counties are the foundation of California's safety-net system. Under California law,~~

~~counties are required to provide services to the medically indigent. To meet this mandate, some counties own and operate county hospitals and clinics. These hospitals and clinics also provide care for Medi-Cal patients and serve as the medical safety net for millions of residents. These local systems also rely heavily on Medicaid reimbursements.~~ Any Medi-Cal reform that results in decreased access to or funding of county hospitals and health systems will be devastating to the safety net. The loss of Medi-Cal funds translates into fewer dollars to help pay for safety net services for all persons served by county facilities. Counties are not in a position to absorb or backfill the loss of additional state and federal funds. Rural counties already have particular difficulty developing and maintaining health care infrastructure and ensuring access to services

~~3) Additionally, county County~~ welfare departments determine eligibility for the Medi-Cal program ~~and must receive adequate funding for these duties.~~

~~3)4) County mentalbehavioral~~ health departments are the health plan for Medi-Cal Managed Care for public ~~mentalbehavioral~~ health services ~~and must receive adequate funding for these duties.~~ Changes to the Medi-Cal program ~~will have will~~ undoubtedly affect the day-to-day business of California counties.

~~In the area of Medi-Cal, counties have developed the following principles:~~

~~5) 1. Safety Net.~~ It is vital that changes to Medi-Cal preserve the viability of the safety net and not shift costs to the county.

~~4)6) Counties oppose any efforts to decrease funding for or reverse expansions to the Medi-Cal program, which will shift the responsibility of providing these individuals with healthcare from the Medi-Cal program to counties, which are required to provide services to the medically indigent.~~

~~7) 2. Managed Care.~~ Expansion of managed care must not adversely affect the safety net and must be tailored to each county's medical and geographical needs. Due to the unique characteristics of the health care delivery system in each county, the variations in health care accessibility and the demographics of the client population, counties believe that managed care systems must be tailored to each county's needs. The state should continue to provide options for counties to implement managed care systems that meet local needs. The state should work openly with counties as primary partners in this endeavor.

~~5)8) The state needs to recognize county experience with geographic managed care and make strong efforts to ensure the sustainability of county organized health systems. The Medi-Cal program should must offer a reasonable reimbursement and rate mechanism for managed care.~~

~~9) 3. Special Populations Served by Counties — Mental Health, Substance Use Disorder Treatment Services, and California Children's Services (CCS).~~ Changes to Medi-Cal must preserve access to medically necessary ~~mentalbehavioral~~ health care ~~and drug treatment services, and California Children's Services.~~

Comment [EM16]: Added this language back into the platform given potential ACA repeal and Medicaid block grant

Comment [CSAC17]: Butte County edit

Comment [EM18]: Clarification of Butte's previous edit based on potential ACA repeal/Medicaid block grant

~~10) The carve-out of specialty mental/behavioral health services within the Medi-Cal program must be preserved, if adequately funded, in ways that ~~to~~ maximize federal funds and minimize county risks. ~~Maximum federal matching funds for CCS program services must~~ and continue ~~in order to avoid the shifting effective delivery of costs~~ rehabilitative community-based mental health services to counties ~~local Medi-Cal enrollees~~.~~

Comment [CSAC19]: CBHDA edit

11) Counties recognize the need to reform the Drug Medi-Cal Organized Delivery System Waiver program in ways that maximize federal funds, ensure access to medically necessary evidence-based practices, allow counties to retain authority and choice in contracting with accredited providers, and minimize county risks.

Comment [CSAC20]: CBHDA edit

Comment [CSAC21]: CBHDA edit

~~12) Any reform effort should recognize the importance of substance use disorder treatment and services in the local health care continuum.~~

~~13) 4. Financing.~~ Counties will not accept a share of cost for the Medi-Cal program. Counties also believe that Medi-Cal long-term care must remain a state-funded program and oppose any cost shifts or attempts to increase county responsibility through block grants or other means.

~~14) The state should fully fund county costs associated with the administration of the Medi-Cal program.~~

~~5. Simplification.~~ Complexities of rules and requirements should be minimized or reduced so that enrollment, retention and documentation and reporting requirements are not unnecessarily burdensome to recipients, providers, and administrators and are no more restrictive or duplicative than required by federal law. ~~Simplification should include removing barriers that unnecessarily discourage beneficiary or provider participation or billing and timely reimbursements. Counties support simplifying the eligibility process for administrators of the Medi-Cal program.~~

~~15) The State should consider counties as full partners in the administration of Medi-Cal, including ~~and~~ its expansion under ACA, and consult with counties in formulating and implementing all policy, operational and technological changes.~~

~~G. Medicare Part D~~

~~In 2003, Congress approved a new prescription drug benefit for Medicare effective January 1, 2006. The new benefit will be available for those persons entitled to Medicare Part A and/or Part B and for those dually eligible for Medicare and Medi-Cal.~~

~~Beginning in the fall of 2005, all Medicare beneficiaries were given a choice of a Medicare Prescription Drug Plan. While most beneficiaries must choose and enroll in a drug plan to get coverage, different rules apply for different groups. Some beneficiaries will be automatically enrolled in a plan.~~

~~The Medicare Part D drug coverage plan eliminated state matching funds under the Medicaid program and shifted those funds to the new Medicare program. The plan requires beneficiaries~~

~~to pay a copayment and for some, Medi-Cal will assist in the cost.~~
 For counties, this change Medicare Part D led to an increase in workload for case management across many levels of county medical, social welfare, criminal justice, and ~~mental~~behavioral health systems.

- 1) Counties strongly oppose any change to realignment funding that may result and would oppose any reduction or shifting of costs associated with this benefit that would require a greater mandate on counties.

~~H~~ Medicaid and Aging Issues

- 1) ~~Furthermore, counties~~Counties are committed to addressing the unique needs of older and dependent adults in their communities, and support collaborative efforts to build a continuum of services as part of a long-term system of care for this vulnerable but vibrant population. ~~Counties also believe that Medi-Cal long-term care must remain a state-funded program and oppose any cost shifts or attempts to increase county responsibility through block grants or other means.~~
 - 2) ~~Counties also believe that Medi-Cal long-term care must remain a state-funded program and oppose any cost shifts or attempts to increase county responsibility through block grants or other means.~~
 - 3) Counties support the continuation of federal and state funding for the In-Home Supportive Services (IHSS) program, and oppose any efforts to shift additional IHSS costs to counties.
 - 4) Counties support the IHSS Maintenance of Effort (MOE) as negotiated in the 2012-13 Budget Act. ~~state budget.~~
 - 5) Counties support moving ~~collective bargaining for the IHSS program to the Statewide IHSS Authority or another single statewide entity.~~
- 2) Counties also support federal and state funding to support Alzheimer's disease research, community education and outreach, and resources for caregivers, family members and those afflicted with Alzheimer's disease.

Comment [EM22]: Edit made per comment from Karer, Keeslar – noted at Policy Committee meeting at Annual Meeting

Section 2: ~~AFFORDABLE CARE ACT~~Affordable Care Act (ACA) IMPLEMENTATIONImplementationFederal Healthcare Reform Efforts

The fiscal impact of ~~the~~ federal action on the ACA on counties is uncertain and there will be significant county-by-county variation. However, counties support health care coverage for all persons living in the state. ~~The sequence of changes and implementation of the Act must be carefully planned, and the state must work in partnership with counties to successfully realize the gains in health care and costs envisioned by the ACA.~~ The sequence of changes and implementation of federal healthcare reform efforts must be carefully planned, and the state must work in partnership with counties to successfully realize any gains in health care and costs.

- 1) ~~Counties also caution that increased coverage for low-income individuals may not translate into savings to all county health systems. Counties cannot contribute to a state expansion of health care before health reform is fully implemented, and any moves in this direction would destabilize the county health care safety net.~~ Under AB 85, Counties must also retain sufficient health revenues for residual responsibilities, including public health. Any changes to AB 85 must also allow counties to retain sufficient health revenues for these residual responsibilities.

A. Access and Quality

- Counties support offering a truly comprehensive package of health care services that includes mental health and substance use disorder treatment services at parity levels and a strong prevention component and incentives.
- 2) Counties support the integration of health care services for prisoners and offenders, detainees, and undocumented immigrants into the larger health care service model.
- 3) ~~Health care~~ expansion-reform efforts must address access to health care in rural communities and other underserved areas and include incentives and remedies to meet these needs as quickly as possible.

Comment [EM23]: Added this language back into the platform given potential ACA repeal and replacement.

~~B. Role of Counties as Health Care Providers~~

- 4) Counties strongly support maintaining a stable and viable health care safety net with adequate funding.
- 5) ~~The current safety net is grossly underfunded. Any diversion of funds away from existing safety net services will lead to the dismantling of the health care safety net and will hurt access to care for all Californians.~~
- 6) ~~Counties believe that delivery systems that meet the needs of vulnerable populations and provide specialty care – such as emergency and trauma care and training of medical residents and other health care professionals – must be supported in any~~ health care reform effort/universal health coverage plan.
- 7) ~~Counties strongly support adequate funding for the local public health system as part of a plan to~~ reform health care and achieve universal health coverage. ~~Counties recognize the linkage between public health and health care.~~ A strong local public health system will reduce medical care costs, contain or mitigate disease, and address disaster preparedness and response.

~~C. Financing and Administration~~

- Counties support increased access to health coverage through a combination of mechanisms that may include improvements in and expansion of the publicly funded health programs, increased employer-based and individual coverage through purchasing pools, tax incentives, and system restructuring. The costs of universal health care and health care reform shall be

shared among all sectors: government, labor, and business.

Comment [CSAC24]: Language kept per Santa Clara County edit

- 8) ~~Efforts~~ Health care reform efforts, including efforts to achieve universal health care, should simplify the health care system – for recipients, providers, and administration. Any efforts to reform the – universal health care system should include prudent utilization control mechanisms that are appropriate and do not create barriers to necessary care.
- 9) ~~—~~ The federal government has an obligation and responsibility to assist in the provision of health care coverage.
- 10) ~~—~~ Counties encourage the state to pursue ways to maximize federal financial participation in health care expansion efforts, and to take full advantage of opportunities to simplify Medi-Cal, and other publicly funded programs with the goal of achieving maximum enrollment and provider participation.
- County financial resources are currently overburdened; counties are not in a position to contribute permanent additional resources to expand health care coverage.
 - ~~A universal health care system should include prudent utilization control mechanisms that are appropriate and do not create barriers to necessary care.~~
- 11) ~~—~~ Access to health education, preventive care, and early diagnosis and treatment will assist in controlling costs through improved health outcomes.

Comment [EM25]: Added this language back into the platform given potential ACA repeal and replacement.

~~D. Role of Employers—~~

- 12) ~~—~~ Counties, as both employers and administrators of health care programs, believe that every employer has an obligation to contribute to health care coverage. ~~Counties are sensitive to the economic concerns of employers, especially small employers, and employer-based solutions should reflect the nature of competitive industries and job creation and retention. Therefore, and~~ counties advocate that such an employer policy should also be pursued at the federal level and be consistent with the goals and principles of local control at the county government level.
- 13) ~~—~~ ReformsExpansionReforms of health care coverage should offer opportunities for self-employed individuals, temporary workers, and contract workers to obtain affordable health coverage.

~~E. Implementation—~~

~~The sequence of changes and implementation must be carefully planned, and the state must work in partnership with the counties to successfully realize the gains in health and health care envisioned by the ACA.~~

Section 3: ~~CALIFORNIA HEALTH SERVICES FINANCING~~ California Health Services Financing

- 1) Those eligible for Temporary Assistance for Needy Families (TANF)/California Work Opportunity and Responsibility to Kids (CalWORKs), should retain their categorical linkage to Medi-Cal ~~as provided prior to the enactment of the federal Personal Responsibility Work Opportunity Reconciliation Act of 1996.~~

Counties are concerned about the erosion of state program funding and the inability of counties to sustain current program levels. As a result, we strongly oppose additional cuts in county administrative programs as well as any attempts by the state to shift the costs for these programs to counties. ~~Counties support legislation to permit commensurate reductions at the local level to avoid any cost shifts to local government.~~

- 2) With respect to the County Medical Services Program (CMSP), counties support efforts to improve program cost effectiveness and oppose state efforts to shift costs to participating counties, including administrative costs and elimination of other state contributions to the program. ~~Counties believe that enrollment of Medi-Cal patients in managed care systems may create opportunities to reduce program costs and enhance access.~~ Due to the unique characteristics of each county's delivery system, health care accessibility, and demographics of client population, counties believe that managed care systems must be tailored to each county's needs, and that counties should have the opportunity to choose providers that best meet the needs of their populations. ~~The state must continue to provide options for counties to implement managed care systems that meet local needs. Because of the significant volume of Medi-Cal clients that are served by the counties, the state should work openly with counties as primary partners. Where cost-effective, the state and counties should provide non-emergency health services to undocumented immigrants and together seek federal and other reimbursement for medical services provided to undocumented immigrants.~~

~~Where cost-effective, the state should provide non-emergency health services to undocumented immigrants. The State should seek federal reimbursement for medical services provided to undocumented immigrants. The ACA provides federal Medicaid funds for emergency services for undocumented immigrants. Counties support the continued use of federal Medicaid funds for emergency services for undocumented immigrants.~~

~~Counties oppose any shift of funding responsibility from accounts within the Proposition 99 framework that will negatively impact counties. Any funding responsibilities shifted to the Unallocated Account would disproportionately impact the California Healthcare for Indigents Program/Rural Health Services (CHIP/RHS), and thereby potentially produce severe negative fiscal impacts to counties.~~

- 3) Counties support increased funding for trauma and emergency room services. Trauma centers and emergency rooms play a vital role in California's health care delivery system. Trauma services address the most serious, life-threatening emergencies. Financial pressures in the late 1980s and even more recently have led to the closure of several trauma centers and emergency rooms. The financial crisis in the trauma and emergency systems is due to a significant reduction in Proposition 99 tobacco tax revenues, an increasing number of uninsured patients, and the rising cost of medical care, including specialized equipment that is used daily by trauma centers. Counties support increased funding for trauma and emergency room services.

~~3) Although reducing the number of uninsured through expanded health care coverage will help~~

reduce the financial losses to trauma centers and emergency rooms, critical safety-net services must be supported to ensure their long-term viability.

A. Realignment

~~In 1991, the state and counties entered into a new fiscal relationship known as 1991 Realignment. Realignment affects health, mental health, and social services programs and funding. The state transferred control of programs to counties, altered program cost-sharing ratios, and provided counties with dedicated tax revenues from state sales tax and vehicle license fees to pay for these changes.~~

~~1) Counties support the concept of state and local program realignment and the principles adopted by CSAC and the Legislature in forming realignment. Thus, counties~~ Counties believe the integrity of realignment should be protected. However, counties strongly oppose any change to realignment funding that would negatively impact counties.

~~2) Counties remain concerned and will resist any reduction of dedicated realignment revenues or the shifting of new costs from the state and further mandates of new and greater fiscal responsibilities to counties in this partnership program.~~

~~3) With the passage of Proposition 1A, the state and counties entered into a new relationship whereby local property taxes, sales and use taxes, and Vehicle License Fees are constitutionally dedicated to local governments. Proposition 1A also provides that the Legislature must fund state-mandated programs; if not, the Legislature must suspend these state-mandated programs. Any effort to realign additional programs must occur in the context of these Proposition 1A constitutional provisions. Further, any effort to realign programs or resources and must guarantee that counties have sufficient revenues for residual responsibilities, including public health programs.~~

Comment [CSAC26]: Santa Clara County edit

~~4) In 2011, counties assumed 100 percent fiscal responsibility for Medi-Cal Specialty Mental Health Services, including Early and Periodic Screening, Diagnosis, and Treatment (EPSDT); Drug Medi-Cal; drug courts; perinatal treatment programs; and women's and children's residential treatment services as part of the 2011 Public Safety Realignment. Please see the Realignment Chapter of the CSAC Platform and accompanying principles.~~

Comment [CSAC27]: CBHDA edit

B. Hospital Financing

~~In 2014, 12 counties own and operate 16 hospitals statewide, including Alameda, Contra Costa, Kern, Los Angeles, Monterey, Riverside, San Bernardino, San Francisco, San Joaquin, San Mateo, Santa Clara, and Ventura Counties. These Public hospitals are a vital piece of the local safety net, but also serve as indispensable components of a robust health system, providing both primary and specialized health services to health consumers in our communities, as well as physician training, trauma centers, and burn care.~~

~~1) County hospitals could not survive without federal Medicaid funds.~~ CSAC has been firm that any proposal to change hospital Medicaid financing must guarantee that county hospitals do not receive less funding than they currently do, and are eligible for more

federal funding in the future as needs grow. ~~California's current federal Section 1115 Medicaid waiver (implemented in SB 208 and AB 342, Chapter 714 and 723, respectively, Statutes of 2010) provides county hospitals with funding for five years.~~

- 2) ~~Counties believe implementation of the federal Section 15000 waiver is necessary to ensure that county hospitals are paid for the care they provide to Medi-Cal recipients and uninsured patients and to prepare counties for federal health care reform implementation in 2014. California's existing Section 1115 "Bridge to Reform" Medicaid Waiver expires in October 2015. The Waiver is a five-year demonstration of health care reform initiatives that invested in the state's health care delivery system to prepare for the significant changes spurred on by the Affordable Care Act (ACA). Continuance of the federal government's commitment to the implementation of the ACA through a successor Waiver will allow the state and counties to further improve care delivery and quality. Through the Waiver, counties seeks federal and state support to promote and improve health outcomes, access to care and cost efficiency, building upon the system of care delivery models developed under the 2010 Waiver.~~

Comment [EM28]: Edit to specify which federal waiver this section refers to

- 3) Counties support a five-year state Medicaid Waiver that provides funding to counties at current levels. The successor waiver should: 1) support a public integrated safety net delivery system; 2) build on previous delivery system improvement efforts for public health care systems so that they can continue to transform care delivery; 3) allow for the creation of a new county pilot effort to advance improvements through coordinated care, integrated physical and behavioral health services and provide robust coordination with social, housing and other services critical to improve care of targeted high-risk patients.; 4) improve access to share and integrate health data and systems; 5) and provide flexibility for counties/public health care systems to provide more coordinated care and effectively serve individuals who will remain uninsured.

4) Counties are supportive of opportunities to reduce costs for county hospitals, particularly for mandates such as seismic safety requirements and nurse-staffing ratios. Therefore, counties support infrastructure bonds that will provide funds to county hospitals for seismic safety upgrades, including construction, replacement, renovation, and retrofit.

5) Counties also support opportunities for county hospitals and health systems to make delivery system improvements and upgrades, which will help these institutions compete in the modern health care marketplace.

- 6) ~~Counties support proposals to preserve supplemental payments to public and private hospitals as the Federal Medicaid Managed Care rules are implemented in California.~~

Comment [CSAC29]: Los Angeles County edit

Section 4: ~~FAMILY VIOLENCE-Family Violence~~

~~CSAC remains committed to raising awareness of the toll of family violence on families and communities by supporting efforts~~ Specific strategies for early intervention and success ~~that target family violence prevention, intervention, and treatment. Specific strategies for early intervention and success~~ should be developed through cooperation between state and local governments, as well as community and private organizations addressing family violence issues.

Section 5: ~~HEALTHY COMMUNITIES~~ Healthy Communities

Built and social environments significantly impact the health of communities. ~~Counties acknowledge the role of public policy as a tool to reshape the environment and support public~~ policies and programs that aid in the development of healthy communities ~~which are designed to provide opportunities for people of all ages and abilities to engage in routine physical activity or other health-related activities. To this end, and~~ Counties ~~counties~~ support the concept of joint use of facilities and partnerships, mixed-use developments and walkable developments, where feasible, to promote healthy community events and activities.

Comment [CSAC30]: Santa Clara County edit

Section 6: ~~VETERANS~~ Veterans

~~Counties provide services such as mental health treatment, substance use disorder treatment, and social services that veterans may access.~~ Specific strategies for intervention and service delivery to veterans should be developed through cooperation between federal, state and local governments, as well as community and private organizations serving veterans.

~~Section 7: EMERGENCY MEDICAL SERVICES~~

- ~~1) Counties are tasked with providing critical health, safety, and emergency services to all residents, regardless of geography, income, or population. Because of this responsibility and our statutory authority to oversee pre-hospital emergency medical services, including ambulance transport service, counties are forced to operate a balancing act between funding, services, and appropriate medical and administrative oversight of the local emergency medical services system. Counties also support coordination of services for veterans among all entities that serve this population, especially in housing, treatment, and employment training.~~

Section 7: Emergency Medical Services

- 1) Counties do not intend to infringe upon the service areas of other levels of government who provide similar services, but will continue to discharge our statutory duties to ensure that all county residents have access to the appropriate level and quality of emergency services, including medically indigent adults.
- 2) Counties support ensuring the continuity and integrity of the current emergency medical services system. ~~Reductions in, including county~~ authority ~~for counties in these areas will be opposed, related to medical control.~~
- 3) Counties recognize that effective administration and oversight of local emergency medical services systems includes input from key stakeholders, such as other local governments, private providers, state officials, local boards and commissions, and the people in our communities who depend on these critical services.

Comment [EM31]: Added this language back into the platform given potential ACA repeal and replacement

Section 8: ~~Court-involved population~~ Involved Population

Counties recognize the importance of enrolling the court-involved population into Medi-Cal and

other public programs. Medi-Cal enrollment provides access to important behavioral health and primary care services that will improve health outcomes and may reduce recidivism. CSAC continues to look for partnership opportunities with the Department of Health Care Services, foundations, and other stakeholders on enrollment, eligibility, quality, and improving outcomes for this population. Counties are supportive of obtaining federal Medicaid funds for inpatient hospitalizations, including psychiatric hospitalizations, for adults and juveniles while they are incarcerated.

Section 9: Incompetent to Stand Trial

Counties affirm the authority of County Public Guardians under current law to conduct conservatorship investigations and are mindful of the potential costs and ramifications of additional mandates or duties in this area.

Counties support collaboration among the California Department of State Hospitals, county Public Guardians, Behavioral Health Departments, and County Sheriffs to find secure ~~supervised~~ placements for individuals originating from DSH facilities, county jails, or ~~conserved status~~ who are under conservatorship. Counties support a shared funding and service delivery model for complex placements, such as the Enhanced Treatment Program.

Comment [CSAC32]: CBHDA edit.

Comment [CSAC33]: CBHDA edit.

Counties recognize the need for additional secure placement options for ~~individuals~~ adults and juveniles who are conserved or involved in the local or state criminal justice systems, including juveniles.

Comment [CSAC34]: CBHDA edit.

Human Services

Section 1: ~~GENERAL PRINCIPLES~~ General Principles

Counties are committed to the delivery of public social services at the local level. However, counties require adequate and ongoing federal and state funding, maximum local authority, and flexibility for the administration and provision of public social services.

Inadequate funding for program costs strains the ability of counties to meet accountability standards and avoid penalties, putting the state and counties at risk for hundreds of millions of dollars in federal penalties. Freezing program funding also shifts costs to counties and increases the county share of program costs above statutory sharing ratios, while at the same time running contrary to the constitutional provisions of Proposition 1A.

At the federal level, counties support economic stimulus efforts ~~that~~ and additional federal funding to help maintain service levels and access for the state's neediest residents. Counties are straining to provide services to the burgeoning numbers of families in distress. ~~People who have never sought public assistance before are arriving at county health and human services departments. Counties~~ With each downturn in the economy, counties report long lines in their welfare departments as increasing numbers of people apply for programs such as Medicaid, Supportive Nutrition Assistance Program (SNAP or Food Stamps), Temporary Assistance to Needy Families (TANF), and General Assistance. For these reasons, counties strongly urge that any federal stimulus funding must be shared directly with counties for programs that have a county share of cost.

- ~~1) Counties support federal economic stimulus efforts in the following areas: An increase in the Federal Medical Assistance Percentage (FMAP) for Medicaid and Title IV-E, and benefit increases for the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), the Child Abuse Prevention and Treatment Act (CAPTA), Community Services Block Grants (CSBG), child support incentive funds, and summer youth employment funding.~~

Counties support health care reform efforts to expand access to affordable, quality healthcare for all California residents, including the full implementation of the federal Patient Protection and Affordable Care Act of 2010 (ACA) and the expansion of coverage to the fullest extent allowed under federal law. Health care eligibility and enrollment functions must build on existing local infrastructure and processes and remain as accessible as possible. Counties are required by law to administer eligibility and enrollment functions for Medi-Cal, and recognize that many of the new enrollees under the ACA may also participate in other human services programs. For this reason, counties support the continued role of counties in Medi-Cal eligibility, enrollment, and retention functions. The state should fully fund county costs for the administration of the Medi-Cal program, and consult with counties on all policy, operational, and technological changes in the administration of the program. Further, enhanced data matching and case management of these enrollees must include adequate funding and be administered at the local level.

~~Prior to Proposition 13 in 1978, property taxes represented a stable and growing source of funding for county-administered human services programs. Until SB 154 (1978) and AB 8 (1979), there was a gradual erosion of local control in the administration of human services due to legislation and regulations promulgated by the state, which included dictating standards, service levels and administrative constraints.~~

Despite state assumption of major welfare program costs after Proposition 13, counties continue to be hampered by state administrative constraints and cost-sharing requirements, which ultimately affect the ability of counties to provide and maintain programs. The state should set minimum standards, allowing counties to enhance and supplement programs according to each county's local needs. If the state implements performance standards, the costs for meeting such requirements must be fully reimbursed.

- 2) Counties support federal economic stimulus efforts in the following areas: An increase in the Federal Medical Assistance Percentage (FMAP) for Medicaid and Title IV-E, and benefit increases for the Supplemental Nutrition Assistance Program (SNAP); Temporary Assistance for Needy Families (TANF); the Child Abuse Prevention and Treatment Act (CAPTA); Community Services Block Grants (CSBG); child support incentive funds; and summer youth employment funding.
- 3) Counties also support providing services for indigents at the local level. However, the state should assume the principal fiscal responsibility for administering programs such as General Assistance. The structure of federal and state programs must not shift costs or clients to county-level programs without full reimbursement.

Section 2: HUMAN SERVICES FUNDING DEFICIT-Human Services Funding Deficit

While counties are legislatively mandated to administer numerous human services programs including Foster Care, Child Welfare Services, CalWORKs, Adoptions, and Adult Protective Services, funding for these services was frozen at 2001 cost levels. The state's failure to fund actual county cost increases ~~led~~ **contributes** to a growing funding gap of nearly \$1 billion *annually*. This ~~puts~~ **puts** counties in the untenable position of backfilling the gap with their own limited resources or cutting services that the state and county residents expect us to deliver.

2011 Realignment shifted fiscal responsibility for the Foster Care, Child Welfare Services, Adoptions and Adult Protective Services programs to the counties. Counties remain committed to the overall principle of fair, predictable, and ongoing funding for human services programs that keeps pace with actual costs. Please see the Realignment Chapter of the CSAC Platform and accompanying principles.

Section 3: CHILD WELFARE SERVICES/FOSTER CARE-Child Welfare Services/Foster Care

A child deserves to grow up in an environment that is healthy, safe, and nurturing. To meet this goal, families and caregivers should have access to public and private services that are comprehensive and collaborative. Further, recent policy and court-ordered changes, such as those proscribed in the *Katie A.* settlement require collaboration between county child welfare services/foster care and mental health systems.

The existing approach to budgeting and funding child welfare services was established in the mid-

1980's. Since that time, dramatic changes in child welfare policy have occurred, as well as significant demographic and societal changes, impacting the workload demands of the current system. 2011 Realignment provides a mechanism that will help meet the some of the current needs of the child welfare services system, but existing workload demands and regulations remain a concern.

Further, recent court settlements (Katie A.) and policy changes (AB 12 Fostering Connections to Success Act of 2010 and AB 403, Continuum of Care Reform) require close state/county collaboration with an emphasis on ensuring adequate ongoing funding that adapts to the needs of children who qualify.

- 1) Counties support efforts to reform the congregate care – or youth group home – system ~~and strongly support efforts to recruit, support, and retain foster family homes to address~~ under AB 403, the decline ~~Continuum of foster family home placements in California today.~~ Care Reform. Providing stable family homes for all of our foster and probation youth is anticipated to lead to better outcomes for those youth and our communities. However, funding for this massive post-2011 Realignment system change is of paramount importance. Any reform efforts must also consider issues related to collaboration, capacity, and funding. County efforts to recruit, support, and retain foster family homes and ~~provide pathways to mental health support, and incentive child and family teaming are but some of the challenges under AB 403.~~ Additionally, reform efforts must take into account the needs of juveniles who are wards of the court.

Comment [CSAC1]: CBHDA edit

Comment [EM2]: Clarifying edit

Counties support efforts to build capacity within local child welfare agencies to serve child victims of commercial sexual exploitation. Commercial sexual exploitation of children (CSEC) is an emerging national and statewide issue. In fact, three of the top ten highest trafficking areas in the nation are located in California: San Francisco, Los Angeles, and the San Diego metropolitan areas. Counties believe this growing and complex problem warrants immediate attention in the Golden State, including funding for prevention, intervention, and direct services through county child welfare services (CWS) agencies.

- 2) Counties also support close cooperation on CSEC issues with law enforcement, the judiciary, and community-based organizations to ensure the best outcomes for child victims.

3) When, despite the provision of voluntary services, the family or caregiver is unable to minimally ensure or provide a healthy, safe, and nurturing environment, a range of intervention approaches will be undertaken. When determining the appropriate intervention approach, the best interest of the child should always be the first consideration. ~~These efforts to protect the best interest of children and preserve families may include:~~

1. ~~A structured family plan involving family members and all providers, with specific goals and planned actions;~~
2. ~~A family case planning conference;~~
3. ~~Intensive home supervision; and/or~~
~~Juvenile and criminal court diversion contracts.~~

4) When a child is in danger of physical harm or neglect, either the child or alleged offender may be removed from the home, and formal dependency and criminal court actions may be taken. Where appropriate, family preservation, and support services should be provided in a comprehensive, culturally appropriate, and timely manner.

- 5) When parental rights must be terminated, counties support a permanency planning process that

quickly places children in the most stable environments, with adoption being the permanent placement of choice. Counties support efforts to accelerate the judicial process for terminating parental rights in cases where there has been serious abuse and where it is clear that the family cannot be reunified.

4)6) Counties also support adequate state funding for adoption services.

5)7) Furthermore, counties seek to obtain additional funding and flexibility at both the state and federal levels to provide robust transitional services to foster youth such as housing, employment services, and increased access to aid up to age 26. Counties also support such ongoing services for former and emancipated foster youth up to age 26, and pledge to help implement the Fostering Connections to Success Act of 2010 to help ensure the future success of this vulnerable population.

6)8) With regards to caseload and workload standards in child welfare, especially with major policy reforms such as AB 403, counties remain concerned about increasing workloads and fluctuations in funding, both of which threaten the ability of county child welfare agencies to meet their federal and state mandates in serving children and families impacted by abuse and neglect.

7)9) Counties support a reexamination of reasonable caseload levels at a time when cases are becoming more complex; often more than one person is involved in working on a given case, and when extensive records have to be maintained about each case. Counties support ongoing augmentations for Child Welfare Services to partially mitigate workload concerns and the resulting impacts to children and families in crisis. Counties also support efforts to document workload needs and gather data in these areas so that we may ensure adequate funding for this complex system.

10) As our focus remains on the preservation and empowerment of families, we believe the potential for the public to fear some increased risk to children is outweighed by the positive effects of a research-supported family preservation emphasis. Within the family preservation and support services approach, the best interest of the child should always be the first consideration. Counties support transparency related to child fatality and near-fatality incidents so long as it preserves the privacy of the child and additional individuals who may reside in a setting but were not involved or liable for any incidents. The Temporary Assistance for Needy Families (TANF) and California Work Opportunity and Responsibility to Kids (CalWORKs) programs allow counties to take care of children regardless of the status of parents.

Comment [EM3]: Edit made per Supervisor Rexroad's comments at the HHS Policy Committee Meeting at Annual Meeting

Section 4: ~~EMPLOYMENT AND SELF-SUFFICIENCY PROGRAMS~~ Employment and Self-Sufficiency Programs

There is strong support for the simplification of the administration of public assistance programs. The state should continue to take a leadership role in seeking state and federal legislative and regulatory changes to achieve simplification, consolidation, and consistency across all major public assistance programs, including Temporary Assistance for Needy Families (TANF), California Work Opportunity and Responsibility to Kids (CalWORKs), ~~Medicaid~~, Medi-Cal, and Food Stamps. In addition, electronic technology improvements in welfare administration are an important tool in obtaining a more efficient and accessible system. It is only with adequate and reliable resources and flexibility that counties can

Comment [EM4]: Removed reference to Medicaid for clarity and to avoid duplication with the reference to Medi-Cal.

truly address the fundamental barriers that many families have to self-sufficiency.

- 1) California counties are far more diverse from county to county than many regions of the United States. The state's welfare structure should recognize this and allow counties flexibility in administering welfare programs. Each county must have the ability to identify differences in the population being served and provide services accordingly, without restraints from federal or state government. There should, however, be as much uniformity as possible in areas such as eligibility requirements, grant levels and benefit structures. To the extent possible, program standards should seek to minimize incentives for public assistance recipients to migrate from county to county within the state.
- 2) A welfare system that includes shrinking time limits for assistance should also recognize the importance of and provide sufficient federal and state funding for education, job training, child care, and support services that are necessary to move recipients to self-sufficiency. There should also be sufficient federal and state funding for retention services, such as childcare and additional training, to assist former recipients in maintaining employment.
- 3) Any state savings from the welfare system should be directed to counties to provide assistance to the affected population for programs at the counties' discretion, such as General Assistance, indigent health care, job training, child care, mental health, alcohol and drug services, and other services required to accomplish welfare-to-work goals. ~~In addition, federal~~
- ~~2)4) Federal~~ and state programs should include services that accommodate the special needs of people who relocate to the state after an emergency or natural disaster. ~~It is only with adequate and reliable resources and flexibility that counties can truly address the fundamental barriers that many families have to self-sufficiency.~~
- 5) The state should assume principal fiscal responsibility for the General Assistance program.
- ~~3)5) Welfare-to-work~~ efforts should focus on prevention of the factors that lead to poverty and welfare dependency including unemployment, underemployment, a lack of educational opportunities, food security issues, and housing problems. Prevention efforts should also acknowledge the responsibility of absent parents by improving efforts for absent parent location, paternity establishment, child support award establishment, and the timely collection of child support.
- 4)7) California's unique position as the nation's leading agricultural state should be leveraged to increase food security for its residents. ~~Also, with the recent economic crisis, families and individuals are seeking food stamps and food assistance at higher rates.~~ Counties support increased nutritional supplementation efforts at the state and federal levels, including increased aid, longer terms of aid, and increased access for those in need.
- 5)8) Counties also recognize safe, dependable, and affordable child care as an integral part of attaining and retaining employment and overall family self-sufficiency, and therefore support efforts to seek additional funding to expand child care eligibility, access, and quality programs.
- 6)9) ~~Finally, counties~~ Counties support efforts to address housing supports and housing assistance

efforts at the state and local levels. Long-term planning, creative funding, and accurate data on homelessness are essential to addressing housing security and homelessness issues.

Section 5: ~~CHILD-SUPPORT-ENFORCEMENT-PROGRAM~~ Child Support Enforcement Program

Counties are committed to strengthening the child support enforcement program through implementation of the child support restructuring effort of 1999. ~~Ensuring a seamless transition and efficient ongoing operations requires sufficient federal and state funding and must not result in any increased county costs. Further, the state must assume full responsibility for any federal penalties for the state's failure to establish a statewide automated child support system. Counties support maximizing federal funding for child support operations at the county level. Any penalties passed on to counties would have an adverse impact on the effectiveness of child support enforcement or other county programs.~~

- 1) ~~More recently, the~~The way in which child support enforcement funding is structured prevents many counties from meeting state and federal collection guidelines and forces smaller counties to adopt a regional approach or, more alarmingly, fail outright to meet existing standards. Counties need an adequate and sustainable funding stream and flexibility at the local level to ensure timely and accurate child support enforcement efforts, and must not be held liable for failures to meet guidelines in the face of inadequate and inflexible funding.
- 2) ~~The state must assume full responsibility for any federal penalties for the state's failure to establish a statewide automated child support system. Any penalties passed on to counties would have an adverse impact on the effectiveness of child support enforcement or other county programs. Moreover, a~~
- 2)3) A successful child support enforcement program requires a partnership between the state and counties. Counties must have meaningful and regular input into the development of state policies and guidelines regarding child support enforcement and the local flexibility to organize and structure effective programs.

Section 6: ~~PROPOSITION~~ Proposition 10: ~~THE FIRST FIVE COMMISSIONS~~ The First Five Commissions

Proposition 10, the California Children and Families Initiative of 1998, provides significant resources to enhance and strengthen early childhood development.

- 1) Local children and families commissions (First 5 Commissions), established as a result of the passage of Proposition 10, must maintain the full discretion to determine the use of their share of funds generated by Proposition 10. ~~Further, local~~
- 1)2) Local First 5 commissions must maintain the necessary flexibility to direct these resources to the most appropriate needs of their communities, including childhood health, childhood development, nutrition, school readiness, child care and other critical community-based programs. Counties oppose any effort to diminish local Proposition 10 funds or to impose restrictions on their local expenditure authority.
- 2)3) ~~In recognition that Proposition 10 funds are disseminated differently based on a county's First 5~~

~~Commission structure and appropriated under the premise that local commissions are in a better position to identify and address unique local needs, counties~~ **Counties** oppose any effort to lower or eliminate ~~the state's~~ **state** support for county programs with the expectation that the state or local First ~~5 commissions~~ **5 commissions** will backfill the loss with Proposition 10 revenues. —

Section 7: ~~REALIGNMENT~~ **Realignment**

In 1991, the state and counties entered into a new fiscal relationship known as 1991 Realignment. 1991 Realignment affects health, mental health, and social services programs and funding. The state transferred control of programs to counties, altered program cost-sharing ratios, and provided counties with dedicated tax revenues from state sales tax and vehicle license fees to pay for these changes.

Comment [EM5]: Clarifying edit.

~~In 2011, counties assumed 100 percent fiscal responsibility for Child Welfare Services, adoptions, adoptions assistance, Child Abuse Prevention Intervention and Treatment services, foster care and Adult Protective Services as part of the 2011 Public Safety Realignment. Please see the Realignment chapter of the CSAC Platform and accompanying principles.~~

Comment [CSAC6]: Edit for consistency with Health Chapter.

- 1) Counties support the concept of state and local program realignment and the principles adopted by CSAC and the Legislature in forming realignment. Thus, counties believe the integrity of realignment should be protected. ~~—However, counties~~
- 2) **Counties** strongly oppose any change to realignment funding that would negatively impact counties. Counties remain concerned and will resist any reduction of dedicated realignment revenues or the shifting of new costs from the state and further mandates of new and greater fiscal responsibilities in this partnership program.
- 3) ~~With the passage of Proposition 1A the state and counties entered into a new relationship whereby local property taxes, sales and use taxes, and Vehicle License Fees are constitutionally dedicated to local governments. — Proposition 1A also provides that the Legislature must fund state-mandated programs; if not, the Legislature must suspend those state-mandated programs. Any effort to realign additional programs must occur ~~in~~ within the context of ~~these~~ the constitutional provisions: of Proposition 1A or Proposition 30.~~

~~In 2011, counties assumed 100 percent fiscal responsibility for Child Welfare Services, adoptions, adoptions assistance, Child Abuse Prevention Intervention and Treatment services, foster care and Adult Protective Services as part of the 2011 Public Safety Realignment. Please see the Realignment chapter of the CSAC Platform and accompanying principles.~~

Section 8: ~~FAMILY VIOLENCE~~ **Family Violence**

CSAC remains committed to raising awareness of the toll of family violence on families and communities by supporting efforts that target family violence prevention, intervention, and treatment. — Specific strategies for early intervention and success should be developed through cooperation between state and local governments, as well as community and private organizations addressing family violence issues.

Section 9: ~~AGING AND DEPENDENT ADULTS~~ Aging and Dependent Adults

California is already home to more older adults than any other state in the nation, and the state's 65 and older population is expected to double ~~over the next 20 years~~, from 3.5 million in 2000 to 8.2 million in 2030. The huge growth in the number of older Californians will affect how local governments plan for and provide services, running the gamut from housing and health care to transportation and in-home care services. While many counties are addressing the needs of their older and dependent adult populations in unique and innovative ways, all are struggling to maintain basic safety net services in addition to ensuring an array of services needed by this aging population.

- 1) Counties support reliable funding for programs that affect older and dependent adults, such as Adult Protective Services and In-Home Supportive Services, and oppose any funding cuts, or shifts of costs to counties without revenue, from either the state or federal governments.
~~Furthermore, counties~~
- 2) ~~Counties~~ are committed to addressing the unique needs of older and dependent adults in their communities, and support collaborative efforts to build a continuum of services as part of a long-term system of care for this vulnerable but vibrant population.
- 3) Counties also support federal and state funding to support Alzheimer's disease research, community education and outreach, and resources for caregivers, family members and those afflicted with Alzheimer's disease.

Adult Protective Services

The Adult Protective Services (APS) Program is the state's safety net program for abused and neglected adults and is now solely financed and administered at the local level by counties. As such, counties provide around-the-clock critical services to protect the state's most vulnerable seniors and dependent adults from abuse and neglect. ~~Timely~~ Counties must retain local flexibility in meeting the needs of our aging population, and timely response by local APS is critical, as studies show that elder abuse victims are 3.1 times more likely to die prematurely than the average senior. ~~Counties must retain local flexibility in meeting the needs of our aging population.~~

- 1) Counties support efforts to prevent, identify, and prosecute instances of elder abuse.

In-Home Supportive Services

The In-Home Supportive Services (IHSS) program is a federal Medicaid program administered by the state and run by counties that enables program recipients to hire a caregiver to provide services that enable that person to stay in his or her home safely. Individuals eligible for IHSS services are disabled, age 65 or older, or those who are blind and unable to live safely at home without help. ~~All Supplementary Income/ State Supplemental Payment recipients are also eligible for IHSS benefits if they demonstrate an assessed need for such services.~~

County social workers evaluate prospective and ongoing IHSS recipients, who may receive assistance with such tasks as housecleaning, meal preparation, laundry, grocery shopping,

personal care services such as bathing, paramedical services, and accompaniment to medical appointments. Once a recipient is authorized for service hours, the recipient is responsible for hiring his or her provider.

Although the recipient is considered the employer for purpose of hiring, supervising, and firing their provider, state law requires counties to establish an "employer of record" for purposes of collective bargaining to set provider wages and benefits. As

~~However, as part of the 2012-13 state budget, the Legislature and Governor approved major policy changes within the Medi-Cal program aimed at improving care coordination, particularly for people on both Medi-Cal and Medicare. Also approved as part of this Coordinated Care Initiative (CCI) are a number of changes to the In-Home Supportive Services (IHSS) program, including state collective bargaining for IHSS, creation of a county IHSS Maintenance of Effort (MOE), and creation of a Statewide Authority. Counties and providers evaluate proposals and existing IHSS recipients who may receive assistance with such tasks as house cleaning, meal preparation, laundry, grocery shopping, personal care services such as bathing, paramedical services, and accompaniment to medical appointments. Once a recipient is authorized for service hours, the recipient is responsible for hiring his or her provider. Although the recipient is considered the employer for purpose of hiring, supervising, and firing their provider, state law requires counties to establish an "employer of record" for purposes of collective bargaining to set provider wages and benefits. In 2014, the state became the employer of record for the eight Coordinated Care Initiative (CCI) counties.~~

Comment [EM7]: Language deleted to reflect the Governor's January 2017-18 Budget

~~IHSS cases are funded by one of three programs in California: the Personal Care Services Program (supported by federal Medicaid funds, state funds and county funds), the IHSS Residual Program (supported by state and county funds), or the IHSS Plus Waiver (supported by federal Medicaid funds, state funds and county funds). IHSS Program Administration is supported by a combination of federal, state and local dollars.~~

~~Costs However, costs and caseloads for the program continue to grow. State General Fund costs for the IHSS program have quadrupled from 1998 to 2008. Federal funds have almost quadrupled. County costs have grown at slightly slower pace—tripling over ten years. According to the Department of Social Services, caseloads are projected to increase between five and seven percent annually going forward.~~

- ~~1) Counties support the continuation of federal and state funding for IHSS, and oppose any efforts to further shift IHSS costs to counties. Furthermore, counties are committed to working with the appropriate state departments and stakeholders to draft, submit, and implement new ideas to continue and enhance federal support of the program, shift additional IHSS costs to counties.~~

~~**Section 10: VETERANS—**~~

- ~~2) Counties provide services such as mental health treatment, substance use disorder treatment, and social services that veterans may access. Counties support the MOE as negotiated in the 2012-13 state budget and will oppose any proposals to change the MOE as outlined in statute.~~

3) Counties support moving collective bargaining for the IHS program to a single statewide entity.
the Statewide IHS Authority.

Comment [EMS]: Edit made per comment from Karen Keeslar – noted at Policy Committee meeting at Annual Meeting

Section 10: Veterans

Specific strategies for intervention and service delivery to veterans should be developed through cooperation between federal, state, and local governments, as well as community and private organizations serving veterans.

- 1) Counties also support coordination of services for veterans among all entities that serve this population, especially in housing, treatment, and employment training.



October 17, 2016

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To: CSAC Housing, Land Use and Transportation Policy Committee
Legislative Coordinators
Public Works Directors
Planning Directors
CEAC Transportation Policy Committee
CEAC Land Use Policy Committee

From: Kiana Valentine, Legislative Representative
Chris Lee, Legislative Analyst

RE: CSAC Platform Adoption for 2017-18 Legislation Session

CSAC updates its legislative platform prior to the beginning of each two-year legislative session. Chapters under the purview of each policy committee will be discussed at each policy committee meeting during the Annual Meeting in Riverside County in November/December.

Staff has recommended minimal changes – mostly organizational—to the platform chapters in advance of the upcoming legislative session. CSAC's HLT staff request that counties submit any additional suggested edits to the platform chapters below to clee@counties.org by **Wednesday, November 2.**

The three chapters under the purview of the Housing, Land Use and Transportation Policy Committee, along with a description of changes reflected in the attached documents, are listed below:

- Chapter 7 – Planning, Land Use and Housing
 - *Formatting and organizational changes throughout to promote consistency across platform chapters.*
 - *Minor updates where facts and statistics are quoted.*
- Chapter 11 – Transportation and Public Works
 - *Formatting and organizational changes throughout to promote consistency across platform chapters.*
 - *Addition of a policy that states that any increases in weight or length limits for heavy vehicles should be balanced against the cost of additional wear and tear on roads, bridges and highways.*
 - *Updated statistics throughout.*
- Chapter 15 – Tribal and Intergovernmental Relations
 - *This chapter was substantially revised through a working group process in 2014-2015. Accordingly, there are only very minor formatting changes.*

There is one additional chapter under the purview of both the HLT Policy Committee and the Agriculture, Environment and Natural Resources Policy Committee (AENR). Counties should provide input/suggested edits to HLT staff on the former "general principles" section at the start of the document, the fiscal provisions in Section 2, Section 3 related to land use, transportation,

and housing, and Section 9 on health. The remaining sections will be reviewed and discussed by the AENR Policy Committee.

- Chapter 14 – CSAC Climate Change Policy Guidelines
 - *Formatting and organizational changes throughout to promote consistency across platform chapters.*

Chapter Seven

Planning, Land Use and Housing

Section 1: General Principals

General-purpose local government performs the dominant role in the planning, development, conservation, and environmental review processes. Within this context, it is essential that the appropriate levels of responsibility at the various levels of government be understood and more clearly defined. These roles at the state, regional, county, and city level contain elements of mutual concern; however, the level of jurisdiction, the scale of the problem/issue, available funding and the beneficiaries of the effort require distinct and separate treatment.

The following policies attempt to capture these distinctions and are intended to assist government at all levels to identify its role, pick up its share of the responsibility, and refrain from interfering with the details of how other agencies carry out their responsibility.

The housing needs throughout the state, lack of revenue, and controversial planning law in the area of housing have resulted in the need for new focus on housing planning law. Housing principles are identified and included under a separate heading in this section.

Counties are charged with comprehensive planning for future growth, the management of natural resources and the provision of a variety of public services both within the unincorporated and incorporated areas.

Although Agriculture and Natural Resources are in this Platform as a separate chapter, there is a correlation between Planning and Land Use, and Agriculture and Natural Resources (Chapter Three). These two chapters are to be viewed together on matters where the subject material warrants.

Additionally, climate change and the release of greenhouse gases (GHGs) into the atmosphere have the potential to dramatically impact our environment, land use, public health, and our economy. Due to the overarching nature of climate change issues this chapter should also be viewed in conjunction with Chapter Fourteen, which outlines CSAC's climate change policy.

- 1) Counties have and must retain a primary responsibility for basic land use decisions.
- 2) Counties are cognizant of the need for resource conservation and development, maintaining our economic and social well being, protecting the environment and guiding orderly population growth and property development.
- 3) Counties are responsible for preparing plans and implementing programs to address land use, transportation, housing, open space, conservation, air quality, water distribution and quality, solid waste, and liquid waste, among other issues.

- 4) Counties play a major role in facilitating inter-jurisdictional cooperation between all levels of government in order to achieve the balanced attainment of these objectives.
- 5) Counties must have sufficient funding from state sources to meet state mandated planning programs.
- 6) Counties define local planning needs based on local conditions and constraints.

Section 2: The County Role in Land Use

General Plans and Development

Counties should protect vital resources and sensitive environments from overuse and exploitation. General and specific plans are policy documents that are adopted, administered, and implemented at the local level. State guidelines can serve as standards to insure uniformity of method and procedure, but should not mandate substantive or policy content. Land use and development problems and their solutions differ from one area to another and require careful analysis, evaluation, and appraisal at the local government level. Local government is the best level of government to equitably, economically and effectively solve such problems. Further, it is important that other public agencies, (e.g. federal, state, regional, cities, schools, special districts, etc.) participate in the local general planning process to avoid conflicts with future local decisions that are consistent with the general plan.

- 1) State requirements for general plan adoption should be limited to major planning issues and general plan mandates should include the preparation of planning elements only as they pertain to each individual county.
- 2) Zoning and other implementation techniques should be a logical consequence to well thought out and locally certified plans.
- 3) Counties support a general plan judicial review process which first requires exhaustion of remedies before the Board of Supervisors, with judicial review confined to a reasonable statute of limitations and limited to matters directly related to the initial hearing record. Counties also support retaining the current judicial standard whereby the courts defer to the judgment of the local agency when that judgment is supported by substantial evidence in the record.

~~Land use and development problems and their solutions differ from one area to another and require careful analysis, evaluation, and appraisal at the local government level. Local government is the best level of government to equitably, economically and effectively solve such problems. Further, it is important that other public agencies, (e.g. federal, state, regional, cities, schools, special districts, etc.) participate in the local general planning process to avoid conflicts with future local decisions that are consistent with the general plan.~~

- 4) Policy development and implementation should include meaningful public participation, full disclosure and wide dissemination in advance of adoption.

Public Facilities and Service

Counties have a vital role in ensuring that municipal services and public facilities are provided to re residents in the unincorporated area in an efficient manner.

- 1) Within the framework of the general plan, counties should protect the integrity and efficiency of newly developing unincorporated areas and urban cores by prohibiting fringe area development, which would require services and compete with existing infrastructure.
- 2) Counties should accept responsibility for community services in newly developing unincorporated areas where no other appropriate entity exists.
- 3) In the absence of feasible incorporation, County Service Areas or Community Service Districts are appropriate entities to provide needed services for urbanizing areas. They work against proliferation of single purpose districts, allow counties to charge the actual user for the service, permit direct control by the Board of Supervisors, and set the basis of reformation of multi-purpose districts.
- 4) County authority to require land and/or in-lieu fees to provide public facilities in the amount needed to serve new development must be protected.

Environmental Analysis

The environmental review process under the California Environmental Quality Act (CEQA) provides essential information to be constructively used in local decision-making processes. Unfortunately, the CEQA process is too often used as a legal tool to delay or stop reasonable development projects.

- 1) The CEQA process and requirements should be simplified wherever possible including the preparation of master environmental documents and use of tiered EIRs and negative declarations, including Climate Action Plans and associated environmental impact reports for tiering under CEQA.
- 2) The length of environmental reports should be minimized without impairing the quality.
- 3) ~~Further, other~~ Other public agencies (federal, state, regional, affected local jurisdictions, special districts, etc.) should participate in the environmental review process for plans and projects in order to provide a thorough review and analysis up front and avoid conflicts in future discretionary actions.
- 4) Counties should continue to assume lead agency roles where projects are proposed in unincorporated territory requiring discretionary action by the county and other jurisdictions.
- 5) CEQA documents should include economic and social data when applicable; however, this data should not be made mandatory.

Coastal Development

Preservation, protection, and enhancement of the California coastline is the planning responsibility of each county and city with shoreline within its boundaries. Planning regulation and control of land use are the implementation tools of county government whenever a resource is used or threatened.

Counties within the coastal zone are also subject to the California Coastal Act which is implemented via cooperative agreements between the California Coastal Commission and counties and cities. Most development in the coastal zone requires a coastal development permit issued by local agencies with a certified Local Coastal Plan or by the Commission in the absence of a cooperative agreement. LCPs link statewide coastal policies to local planning efforts in an attempt to protect the quality and environment of California's coastline.

- 1) Counties are committed to preserve and provide access to the coast and support where appropriate beach activities, boating activities, and other recreational uses in developing and implementing precise coastal plans and appropriate zoning.
- 2) Comprehensive coastal plans should also include preservation of open space, development of commercial and recreational small craft harbor facilities, camping facilities, and commercial and industrial uses.
- 3) Local jurisdictions must have the statutory and legal authority to implement coastline programs. Statewide efforts related to the California coastline must respect local land use authority. The State should collaboratively and cooperatively work with counties and cities to ensure decisions do not erode local control and decision-making.
- 4) The State, counties, and cities should mutually encourage, seek, and support efforts to streamline, improve, and modernize coastal development permit and local coastal planning processes, without compromising or undermining the original intent and tenets of these laws.
- 5) Counties support measures to streamline the process for approving and amending Local Coastal Plans.
 - a. Measures should re-prioritize Commission staff and resources to the early scoping phase of any proposed amendment, to help identify key issues early on.
 - b. Measures should identify standard timelines for each stage of the amendment process and develop specific procedures/mechanisms for adhering to those timelines, and should also require clearly identified reasons for any extensions requested by Commission staff.
- 6) Counties support legislative funding options that will enhance efficiency and accountability in the local coastal planning process.

Open Space Lands

Counties support open space policy that sets forth the local government's intent to preserve open space lands and ensures that local government will be responsible for conserving natural

resources and developing and implementing open space plans and programs. Counties need state policies and fiscal resources to fully implement open space plans.

~~In order for counties to fully implement open space plans, it will be necessary to have:~~

- 1) Counties support ~~A~~ additional revenues for local open space acquisition programs, such as the subvention funds formerly provided by the Williamson Act.
- 2) Counties support ~~2-~~ R reimbursement to local agencies for property tax losses.
- 3) Counties support ~~3-~~ G greater use of land exchange powers for transfer of development rights.
- 4) Counties support P protection of current agricultural production lands through the purchasing of development rights.
- 5) In some cases, open space easements should be created and used by local jurisdictions to implement open space programs, like the Williamson Act program.
- 6) Timber preserve zones and timber harvesting rules should enhance protection of this long-term renewable resource.

Healthy Communities

Counties support policies and programs that aid in the development of healthy communities which are designed to provide opportunities for people of all ages and abilities to engage in routine daily physical activity. ~~This encompasses-~~

- 1) Counties support promoting active living via bicycle- and pedestrian-oriented design.
- 2) Counties support mixed-use development, providing recreation facilities, and siting schools in walkable communities.

Environmental Justice

~~Counties support policies and programs that ensure environmental justice or~~ Environmental justice is the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

- 1) Counties support policies and programs that ensure environmental justice by providing information and raising awareness on a number of environmental issues, such as air quality, greenhouse gas emissions, water quality, noise and heavy industrial uses.
- 2) Counties ~~also~~ support environmental justice by providing sufficient services and infrastructure; protecting and conserving open space, natural and resource areas, and making them accessible; preventing and minimizing pollution impacts.

- 3) Counties support environmental justice by ~~and~~ facilitating stakeholder participation in planning efforts.

Section 3: State Role in Land Use

Local government recognizes that state government has a legitimate interest in proper land use planning and utilization of those lands which are of critical statewide concern.

- 1) The state interest shall be statutorily and precisely defined and strictly limited to those lands designated to be critical statewide concern in concert with attainable and specified state goals and policies.
- 2) In determining those lands of crucial statewide concern, a mechanism should be created which ensures significant local involvement through a meaningful state/local relationship.
- 3) The state should prepare a statewide plan that reconciles the conflicts between the various state plans and objectives in order to provide local governments with greater certainty in areas of statewide concern. This is not intended to expand the State's authority over land use decisions; rather it should clarify the state's intent in relation to capital projects of statewide significance.
- 4) The state's participation in land use decisions in those designated areas shall be strictly limited to insuring the defined state interest is protected at the local level.
- 5) Any regulatory activity necessary to protect the state's interest, as defined in statute, shall be carried out by local government.
- 6) Counties enforcement procedures for violations of zoning and building ordinances should not be hampered by State established maximum fines that in some cases do not serve as a deterrent and are merely incorporated into the cost of doing business.

~~In determining those lands of crucial statewide concern, a mechanism should be created which ensures significant local involvement through a meaningful state/local relationship. The state should prepare a statewide plan that reconciles the conflicts between the various state plans and objectives in order to provide local governments with greater certainty in areas of statewide concern. This is not intended to expand the State's authority over land use decisions; rather it should clarify the state's intent in relation to capital projects of statewide significance.~~

- 7) Climate change is a programmatic issue of statewide concern that requires a clear understanding of the roles and responsibilities of each level of government as well as the state's interest in land use decisions to ensure statewide climate change goals are met. Population growth in the state is inevitable, thus climate change strategies will affect land use decisions in order to accommodate and mitigate the expected growth in the state.
- 8) Local government, as the chief land use decision-maker and integral part of the housing planning process, must have a clearly defined role and be supported with the resources to achieve the State's climate change goals.

- 9) Adequate financial resources shall be provided, before a state-mandate is activated, to ensure local government has the ability to carry out state-mandated planning requirements.

Section 4: Regional Governments

Counties support voluntary participation within regional agencies as appropriate to resolve regional problems throughout the State. Regional approaches to planning and resolution to issues that cross jurisdictional boundaries are increasingly important. While California's growth rate has slowed since the boom in the 1980's, the State will still see significant population gains over the next 50-years with the total population projected to reach 52.7 million by 2060. Within that same time frame, 13 counties will have one million or more residents and six of those counties will have a population of two million or more residents.

Regional agencies in California play an important role in the allocation of regional housing need numbers, programming of Federal and State transportation dollars, in addressing air quality non-attainment problems, and climate change to name a few. Regional collaboration remains important to address issues associated with growth in California, such as revenue equity issues, service responsibilities, a seamless and efficient transportation network, reducing GHGs and tackling climate change, job creation, housing, agricultural and resource protection, and open space designation.

- 1) The passage of SB 375 in 2008 and the preparation of regional Sustainable Communities Strategies in most of the State's regions elevate the importance of regional collaboration. Regional agencies must make genuine and substantive efforts to include local governments in their regional planning efforts.
- 2) While planning at the regional scale is increasingly important, land use decisions shall remain the exclusive province of cities and counties based on state planning and zoning law and the police powers granted to them under the State Constitution.
- 3) ~~Further, e~~Cities and counties are responsible for a vast infrastructure system, which requires that cities and counties continue to receive direct allocations of revenues to maintain, operate and expand a variety of public facilities and buildings under their jurisdiction. As an example, cities and counties own and operate 8~~12~~ percent of the state's publically maintained road miles, thus must retain direct allocations of transportation dollars to address the needs of this critical network and protect the public's existing investment~~t~~.
- 4) Regional approaches to tax sharing and other financial agreements are appropriate and often necessary to address service needs of future populations; however, cities and counties must maintain financial independence and continue to receive discretionary and program dollars directly.
- 5) Counties support voluntary revenue-sharing agreements for existing revenues at the regional level, and any mandated revenue sharing must be limited to new revenues.
- 6) Regional agencies must consider financial incentives for cities and counties that have resource areas or farmland instead of (or in addition to) high growth areas. For example, such incentives should address transportation investments for the preservation and safety of city and county road systems, farm to market transportation, and interconnectivity transportation needs.

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- 7) Regional agencies should also consider financial assistance to address countywide service responsibilities in counties that contribute towards the GHG emissions reductions targets by implementing policies for growth to occur within their cities and existing urbanized areas.

Section 5: Special Districts

In recent years, Local Agency Formation Commissions (LAFCOs) have been generally successful at regulating incorporations, annexations, and the formation of new special districts. However, the state has a legacy of a large number of independent special districts that leads to fragmentation of local government.

- 1) ~~Counties find that there~~ are many fully justified districts that properly serve the purpose for which they were created. However, there are districts whose existence is no longer "defensible."
- 2) ~~Counties find that nothing~~ is served by rhetorically attacking "fragmentation."
- 3) LAFCOs should retain the authority to evaluate special districts to test their value to the community for whom they were initially formed to serve and identify those districts that no longer serve the purposes for which they were created.

Section 6: Housing

Housing is an important element of economic development and essential for the health and well being of our communities. The responsibility to meet the state's housing needs must be borne by all levels of government and the private sector. Reductions in state and federal funding and the loss of redevelopment housing set aside funding create a need for new funding sources to support the development of affordable housing. Moreover, reforms are needed to address the current property and sales tax systems in California, which can work against housing affordability by providing fiscal disincentives for additional housing development.

Counties support the following principles in relation to housing. These principles must be taken as a whole, recognizing the importance of their interdependence. These principles provide a comprehensive approach to address the production of housing, recognizing the role of counties, which is to encourage and facilitate the production of housing. They should not be misinterpreted to hold counties responsible for the actual production of housing; instead they should recognize the need for various interests to cooperatively strive to provide affordable housing that is accessible and available to meet the needs of California residents at all income levels and in all geographic areas.

State Role in Housing Planning

- 1) CSAC supports a role by the state Department of Housing and Community Development (HCD) that focuses on assisting local governments in financing efforts and advising them on planning policies--both of which strive to meet the state's housing needs.
- 2) HCD's role should focus on facilitating the production of housing, rather than an onerous and unpredictable housing element compliance process that detracts from local governments' efforts to seek funding and actually facilitate housing production. ~~Counties support the following principles in relation to housing:~~

Housing Element Reform

- 1) ~~1) A sweeping reform of the current housing element requirements should be undertaken. Reform housing element law. Existing housing element law must be to~~ streamlined and simplified simplify existing housing element law.
- 2) The housing element should place Aa greater emphasis ~~should be placed~~ on obtaining financing and enabling production, rather than the overly-detailed data analysis ~~now required~~ under state law. ~~A sweeping reform of the current requirements should be undertaken.~~
- 3) Housing element reform should provide local governments with the flexibility and creativity to adopt local housing elements, comprehensive housing assistance strategies, and other local plans and programs that will be effective in their communities.
- 4) Housing element ~~R~~reform should conserve state and local resources by promoting predictable HCD review consistent with statutory requirements, including transparent standards that are uniformly applied and includes timelines for comment periods and decision-making.

Affordable Housing Funding

- 1) Counties support ~~identifying~~ and ~~generating~~ a variety of permanent financing resources and subsidy mechanisms for affordable housing, including a statewide permanent source for affordable housing.
- 2) These sources need to be developed to address California's housing needs, particularly with the reduction of federal and state contributions in recent years. The elimination of redevelopment in 2012 redirected most public funds previously dedicated to affordable housing development and preservation, as it ended all future receipts of affordable housing set-aside funds, as well as recapturing many millions of dollars in housing funds that had been received in prior years ~~and were being held for affordable housing projects some of which are already in progress and many of which were being planned for the next few years.~~
- 3) The need for new affordable housing units ~~exceeds the number of new units for which financing and subsidies will be available each year.~~ Therefore, additional funding is necessary to ~~insure~~ ~~(a)~~ production of new subsidized units, and ~~(b)~~ adequate funds for housing subsidies to households.
- 4) Policies should be established to encourage continued flow of capital to market rate ownership housing in order to assure an adequate supply of low-cost, low-down payment mortgage financing for qualified buyers.
- 5) ~~In addition, a~~ need exists to educate the private building and financial communities on the opportunities that exist with the affordable housing submarket so as to encourage new investments.

- 6) Establish federal and state tax incentives for the provision of affordable housing. The tax codes and financial industry regulations need to be revised to provide stimulus to produce affordable housing, particularly for median, low and very low-income households.

Restructure Local Government Funding to Support Housing Affordability

The current property and sales tax systems in California are not supportive of housing development and work against housing affordability because housing is not viewed as a "fiscal winner" by local governments as they make land use and policy decisions.

- 1) Local government finance should be restructured at the state level to improve the attractiveness and feasibility of affordable housing development at the local level.
- 2) At a minimum, there should be better mechanisms to allow and encourage local governments to share tax revenues.

Promote a Full Range of Housing in All Communities

1) Local governments, builders, the real estate industry, financial institutions and other concerned stakeholders should recognize their joint opportunities to encourage a full range of housing and should work together to achieve this goal.

2) ~~This will require a~~ Promoting a full range of housing will require cooperative effort from the beginning of the planning and approval process

4)3) ~~CSAC supports as well as~~ creatively applying incentives and development standards, minimizing regulations and generating adequate financing. ~~Using this approach in order to make, housing will become~~ more affordable and available to all income groups.

~~5) Establish federal and state tax incentives for the provision of affordable housing. The tax codes and financial industry regulations need to be revised to provide stimulus to produce affordable housing, particularly for median, low and very low income households.~~

Comment [CL1]: Moved to funding section

~~These principles must be taken as a whole, recognizing the importance of their interdependence. These principles provide a comprehensive approach to address the production of housing, recognizing the role of counties, which is to encourage and facilitate the production of housing. They should not be misinterpreted to hold counties responsible for the actual production of housing; instead they should recognize the need for various interests to cooperatively strive to provide affordable housing that is accessible and available to meet the needs of California residents at all income levels and in all geographic areas.~~

Comment [CL2]: Moved to beginning of housing section

Chapter Eleven

Transportation and Public Works

Section 1: General Principles:

Transportation infrastructure and multi-modal transportation choices are essential for the current and future well-being of the State of California. A balanced transportation system utilizes all modes of travel in a complimentary manner to provide all users access and mobility options to safely move about their community. Counties also recognize that climate change and the release of GHGs into the atmosphere have the potential to dramatically impact our environment, land use decisions, transportation networks, and the economy. Due to the overarching nature of climate change issues, all sections in this chapter should be viewed in conjunction with Chapter Fourteen, which outlines CSAC's climate change policy.

- 1) Transportation infrastructure investments should balance the competing needs of all segments of society and the economy with maximum coordination between all levels of government and reasonable amounts of free choice for the consumer.
- 2) Transportation systems must be fully integrated with planned land use; support the lifestyles desired by the people of individual areas; and be compatible with the environment by considering greenhouse gas (GHG) emissions, air and noise pollution, aesthetics, ecological factors, cost benefit analyses, and energy consumption measures.

~~Counties also recognize that climate change and the release of GHGs into the atmosphere have the potential to dramatically impact our environment, land use decisions, transportation networks, and the economy. Due to the overarching nature of climate change issues, all sections in this chapter should be viewed in conjunction with Chapter XV, which outlines CSAC's climate change policy.~~

- 3) Transportation systems should be designed to serve the travel demands and desires of all the people of the state and support a robust economy, recognizing the principles of local control and the unique restraints of each area.
- 4) Local control recognizes that organizational and physical differences exist and that governments should have flexibility to cooperatively develop systems by which services are provided and problems resolved.

Section 2: Balanced Transportation Policy

System Policy and Transportation Principles

It is of statewide interest to provide for a balanced, seamless, multi-modal transportation system on a planned and coordinated basis consistent with social, economic, political, and environmental goals within the state. The statewide network includes the local streets and roads, state highways, transit, bicycle and pedestrian facilities, rail, and ports. Rural and urban transportation needs must be balanced so as to build and operate a single transportation system. While urban transportation systems support significant daily vehicle miles traveled and

the transportation of millions of people, the rural transportation network connects communities together and plays a critical role in the movement of goods for the entire state. The statewide transportation system should be an asset to present and future generations. It must consider and protect the natural and built environment and support economic development of the state.

- 1) Transportation systems must be regularly and consistently maintained in order to preserve the existing public infrastructure (current revenues are not keeping pace with needs of the local road or state highway or transit systems), reduce the future costs to tax-payers, and to protect the environment. All users of the system have a responsibility to adequately invest in the transportation infrastructure that is so critical to every-day life.

~~The local road system, a large component of the State's transportation network, is critical in order to address congestion, meet farm to market needs, address freight and goods movement, and provide access to other public transportation systems.~~

~~Public safety, particularly access for public safety services, is dependent on a well-maintained local road network.~~

~~Analysis of the cost effectiveness of all modes of transportation, existing and proposed, is needed in order to provide the most coordinated and efficient transportation system.~~

- 2) ~~Additionally,~~ Repairs to local access roads that are damaged in the course of emergency operations (for example, in fighting a fire or flood) should be eligible for reimbursement under the same programs as roads which are directly damaged by the event.

- 3) System process modifications are needed to expedite project delivery and minimize project cost.

~~3)4) Heavy vehicles impose exponentially greater wear and tear on roadways than lighter vehicles. Many locally-maintained roads may not have been designed to accommodate heavy vehicles. Proposed increases in weight limits to improve efficiency by reducing number of heavy vehicle trips required, or to meet other policy goals should be balanced against the costs of additional wear and tear on roads, bridges and highways.~~

~~B.~~ Financing Policy and Revenue Principles

Transportation financing needs exceed existing and foreseeable revenues despite growing recognition of these needs at all levels of government. Further, traditional sources of revenue for transportation are declining as communities develop more sustainably and compactly in order to reduce vehicle miles traveled and GHG emissions to meet statewide climate change goals. Additional funding is required and should be supported and any new sources of funding should produce enough revenue to respond significantly to transportation needs.

- 1) As the owner and operator of a significant portion of the local system, counties support continued direct funding to local governments for preservation and safety needs of that system.

- 2) ~~Further, Cc~~ counties support regional approaches for transportation investment purposes for capital expansion projects of regional significance and local expansion and rehabilitation projects through regional transportation planning agencies.
- 3) Single transportation funds—comprised of state and federal subventions—should be available at each of the local, regional and statewide levels for financing the development, operation, and/or maintenance of highways, public transit, airports or any other modal system as determined by each area in accordance with local, regional, and statewide needs and goals.
- 4) The cooperative mechanisms established by counties and cities to meet multi-jurisdictional needs should be responsible for the financing, construction, operation and maintenance of regional transportation systems utilizing—as appropriate—existing transportation agencies and districts.
- 5) Federal and state funds for safety and preservation purposes should be sent directly to applicable operational levels without involvement of any intermediate level of government. Pass-through and block grant funding concepts are highly desirable.
- 6) The cost of transportation facilities and services should be fairly shared by the users and also by indirect beneficiaries.
- 7) Transportation funding should be established so that annual revenues are predictable with reasonable certainty over several years to permit rational planning for wise expenditure of funds for each mode of transportation.
- 8) Financing should be based upon periodic deficiency reports by mode to permit adjustment of necessary funding levels. ~~Additional~~ elements such as constituent acceptance, federal legislative and/or administrative actions, programmatic flexibility, and cost benefit studies should be considered.
- 9) Efforts to obtain additional revenue should include an examination of administrative costs associated with project delivery and transportation programs.
- 10) Funding procedures should be specifically designed to reduce the cost of processing money and to expedite cash flow. Maximum use should be made of existing collection mechanisms when considering additional financing methods.
- 11) In the development of long-range financing plans and programs at all levels of government, there should be a realistic appreciation of limitations imposed by time, financing, availability, and the possibility of unforeseen changes in community interest.
- 12) Existing funding levels must be maintained with historical shares of current funding sources ensured for counties (e.g. state and federal gas tax increases, etc.).
- 13) Although significant transportation revenues are raised at the local level through the imposition of sales taxes, additional state and federal revenue sources are needed such as additional gas and sales taxes, congestion pricing, public-private partnerships, and user or transaction fees to provide a diverse financing strategy.

- 14) ~~Further, a~~Additional revenue raising authority at the local and regional level is needed as well as other strategies as determined by individual jurisdictions and regions.
- 15) Transportation revenues must be utilized for transportation purposes only and purposes for which they are dedicated. They should not be diverted to external demands and needs not directly related to transportation activities.
- 16) Revenue needed for operational deficits of transit systems should be found in increased user fees, implementation of operating efficiencies and/or new sources, rather than existing sources depended upon by other modes of transportation.
- 17) Future revenues must be directed to meet mobility needs efficiently and cost effectively with emphasis on current modal use and transportation choices for the public.

Government Relations Policy

The full partnership concept of intergovernmental relations is essential to achieve a balanced transportation system. Transportation decisions should be made comprehensively within the framework of clearly identified roles for each level of government without duplication of effort.

- 1) Counties and cities working through their regional or countywide transportation agencies, and in consultation with the State, should retain the ability to program and fund transportation projects that meet the needs of the region.
- 2) No county or city should be split by regional boundaries without the consent of that county or city.
- 3) Counties and cities in partnership with their regional and state government, should attempt to actively influence federal policies on transportation as part of the full partnership concept.

Management Policy

Effective transportation requires the definite assignment of responsibility for providing essential services including fixed areas of responsibility based upon service output.

- 1) Greater attention should be devoted to delivery and maintenance of transportation infrastructure in a cost-effective manner with flexibility in delivery methods and project management.
- 2) Special transportation districts should be evaluated and justified in accordance with local conditions and public needs.
- 3) The State Department of Transportation should be responsible for planning, designing, constructing, operating, and maintaining a system of transportation corridors of statewide significance and interest. Detailed procedures should be determined in concert with regional and local government.

- 4) Restrictive, categorical grant programs at federal and state levels should be abandoned or minimized in favor of goal-oriented transportation programs which can be adjusted by effective management to best respond to the social and economic needs of individual communities.
- 5) Policies and procedures on the use of federal and state funds should be structured to minimize "red tape," recognize the professional capabilities of local agencies, provide post-audit procedures and permit the use of reasonable local standards.

Section 3: Specific Modal Transportation Policies

Aviation

- 1) Air transportation planning should be an integral part of overall planning effort and airports should be protected by adequate zoning and land use. Planning should also include consideration for helicopter and other short and vertical take-off aircraft.
- 2) State and federal airport planning participation should be limited to coordination of viable statewide and nationwide air transportation systems.
- 3) Local government should retain complete control of all airport facilities, including planning, construction, and operation.

Streets and Highways

The local street and road system, over 80~~1~~-percent of the total maintained miles in the state, continues to play an important role in the mobility of Californians and critical for a vibrant economy. Further, local roads serve as the right-of-way for active transportation and transit. In a coordinated statewide transportation system, highways will continue to carry a great percentage of the goods and people transported within the state. Non-motorized transportation facilities, such as pedestrian and bicycle facilities are also proper elements of a balanced transportation system.

- 1) Counties and cities must work cooperatively with regional agencies, the state, and the federal government to ensure the local system is maintained in a cost-effective and efficient condition and that is fully integrated into the statewide transportation network.

~~Highways—in a coordinated statewide transportation system—will continue to carry a great percentage of the goods and people transported within the state.~~

- 2) A program of highway maintenance and improvement of this modal system must be continued in coordination with the development of other modal components. Efforts to maximize utilization of transportation corridors for multi-purpose facilities should be supported.

~~Non-motorized transportation facilities, such as pedestrian and bicycle facilities are proper elements of a balanced transportation system.~~

- 3) **Counties** support efforts to design and build complete streets, ensuring that all roadway users – motorists, bicyclists, public transit vehicles and users, and pedestrians of all ages and abilities – have safe access to meet the range of mobility needs.
- 4) Given that funding for basic maintenance of the existing system is severely limited, however, complete streets improvements should be financed through a combination of sources best suited to the needs of the community and should not be mandated through the use of existing funding sources.

Public Transit

- 1) Counties and cities should be responsible for local public transit systems utilizing existing transportation agencies and districts as appropriate.
- 2) Multi-jurisdictional public transit systems should be the responsibility of counties and cities acting through mechanisms, which they establish for regional decision-making, utilizing existing transportation agencies, and districts as appropriate.
- 3) The State should be responsible for transportation corridors of statewide significance, utilizing system concepts and procedures similar to those used for the state highway system. Contracts may be engaged with existing transit districts and public transportation agencies to carry out and discharge these state responsibilities.
- 4) Consideration of public transit and intercity rail should be an integral part of a local agency's overall planning effort and should maximize utilization of land for multi-purpose transportation corridors.
- 5) Public transit planning should include a continuing effort of identifying social, economic, and environmental requirements.

Rail

Railroads play a key role in a coordinated statewide transportation system. In many communities, they form a center for intermodal transportation.

Rail carries a significant portion of goods and people within and out of the state. The continued support of rail systems will help balance the state's commuter, recreational, and long distance transportation needs. Support for a high-speed rail system in California is necessary for ease of future travel and for environmental purposes.

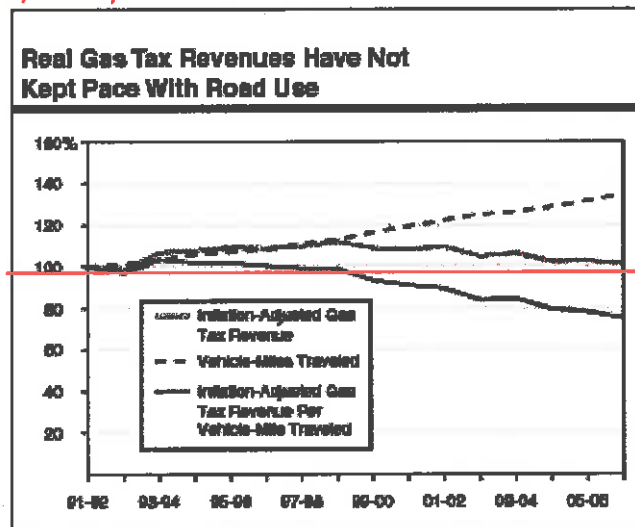
- 1) Rail should be considered, as appropriate, in any local agency's overall planning effort when rail is present or could be developed as part of a community.
- 2) Research and development of innovative and safe uses of rail lines should be encouraged.

Section 4: Conclusion

Since 1970, transportation demands and needs have out-paced investment in the system. An examination of transportation revenues and expenditures compared to population, travel and other

spending in the state budget, adjusted for inflation, shows a long period of under-investment in transportation continuing through the 1990s and into the next decade.

Between 1990⁴ (when the gas excise tax was increased) and 2004^{today}, California's population increased 20.6%, while^{and} travel in the state ^{have} increased 36.3% and the number of registered vehicles in California increased 43.2%. According to the Legislative Analyst's Office, travel is outpacing gas tax revenue (see chart, below).—



Source: Legislative Analyst's Office, Budget Analysis 2006

, while revenues for maintenance and improvement of state highways and local roads have not kept pace.

Further,^l inflation has seriously eroded the buying power of gas tax dollars. While revenues from the gas tax increase in the 1990s roughly kept pace with miles traveled, with no increases since 1994, travel has now outpaced revenues, creating not only chronic congestion but also extreme wear and tear on the state highway and local road system. Further, the sufficiency of gas tax revenues to fund transportation has declined over time as cars have become more fuel efficient and as project costs have increased. Inflation-adjusted gas tax revenues declined 8% just in the last seven years. The base gas tax was set at eighteen-cents per gallon in 1994. Adjusting for inflation shows that the base rate is only worth 10.5 cents today, while an additional adjustment to compensate for changes in fuel economy shows that it has lost half of its value since 1994.

The gas tax once funded most transportation programs in the state, including operations and construction. Now the per-gallon fuel tax collected at both the state and federal levels and the state weight fees does not even provide enough revenue to meet annual maintenance, operations, and rehabilitation needs for the state highway system (the State Highway Operation and Protection Program or SHOPP). Counties and cities dependent upon a portion of the State's gas tax revenues are in the same situation in that revenues are short of meeting their preservation needs of the local system. Basic Maintenance programs for California's aging system now consume 100% of gas tax revenues in most local jurisdictions.

In 2010, the State enacted a historic transportation tax swap in which the excise tax on gasoline was increased by 17.3-cents and the sales tax on gasoline (Proposition 42) was eliminated. Counties, cities, and the State Transportation Improvement Program (STIP) will receive similar amounts from the increase in excise tax as would have been provided by the sales tax. However, the local and state

systems are still woefully underfunded, especially in light of sustained reductions in fuel prices, which have reduced revenues from the price-based tax.

The 2014~~6~~ California Statewide Local Streets and Roads Needs Assessment Report Update found that the statewide average local street and road Pavement Condition Index (PCI), which ranks roadway pavement conditions on a scale of zero (failed) to 100 (excellent), is 66~~5~~, an “at risk” rating. The condition is projected to deteriorate to a PCI of 54~~6~~ by 2020~~6~~. In addition, the percentage of “failed” streets will grow from 6.1~~9~~% to ~~almost~~ 25~~2~~% of the network by 2020~~6~~. Furthermore, the funding shortfall considering all existing revenues is \$78.373.6 billion over the next 10 years.

The bottom line is that the current revenue system is not providing the funding necessary to maintain existing transportation systems, much less to finance operation, safety, and expansion needs.

The citizens of California have invested significant resources in their transportation system. -This \$3 trillion investment is the cornerstone of the state's commerce and economic competitiveness. -Virtually all vehicle, pedestrian, and bicycle trips originate and terminate on local streets and roads. -Emergency response vehicles extensively use local roads to deliver public service. Public safety and mobility rely on a well-maintained transportation infrastructure. -Transportation funding is important to the economy and the economic recovery of the state. -Increased investment in the transportation network is essential to stimulate the economy, to improve economic competitiveness and to safeguard against loss of the public's existing \$3 trillion investment in our transportation system.

(The source of information for the statistics provided is from the Transportation California website and includes reports from the: California Transportation Commission (CTC), Legislative Analyst Office (LAO), United States Department of Transportation (USDOT), ~~and~~ Federal Highway Administration (FHWA), and the Local Streets and Roads Needs Assessment).

Chapter Fifteen

Tribal and Intergovernmental Relations

Section 1: General Principals

CSAC supports government-to-government relations that recognize the unique roles and interests of tribes, states, and counties in protecting their mutual constituents and providing governmental services and infrastructure beneficial to all.

CSAC recognizes and respects the tribal right of self-governance to provide for tribal members and to preserve traditional tribal culture and heritage. In similar fashion, CSAC recognizes and promotes self-governance by counties as a means to provide for the health, safety and general welfare of all residents of their communities. To that end, CSAC supports active participation by counties on issues and activities that have an impact on counties' abilities to provide for the public safety, health, and welfare of all county constituents, including tribal members.

Federal or state law should not interfere with the provision of public health, safety, welfare or environmental services by local government. CSAC will support legislation and regulations that preserve—and do not impair—the ability of counties to provide these services. CSAC will work to mitigate any impacts on the ability of counties to provide these critical functions and services should federal or state law or regulations propose to hamper the ability of counties to protect all residents of their communities and the environment.

Accordingly, CSAC's fundamental goals for county-tribal intergovernmental relations are to facilitate intergovernmental agreements, develop mechanisms to mitigate for the off-reservation impacts of tribal developments on local government services and the environment, and to promote best practices and models of successful tribal-county relationships. CSAC is committed to promoting and supporting the development of positive working relationships between counties and tribes to the mutual benefit of both parties and the communities they respectively serve.

Section 2: Federal Acknowledgment

Due to the potential interaction between Federal Acknowledgement, Restoration, and Reaffirmation decisions and the Indian Gaming Regulatory Act (IGRA), as well as the potential for such decisions to impact the services provided by counties, CSAC recommends that federal law or policy include the following steps in the acknowledgement process:

- 1) CSAC supports requirements for the Bureau of Indian Affairs to solicit input from and convene consultation meetings with local governments, including counties, concerning acknowledgment petitions, at the earliest opportunity. Counties have government-to-government relationships with tribes affecting a variety of important interests, including child welfare, gaming, environmental protection and mitigation of off-reservation impacts created by on-reservation development, including gaming in particular.

- 2) CSAC supports requirements for Bureau of Indian Affairs consultation with counties prior to authorizing re-petition by a previously denied petitioner.
- 3) CSAC recognizes that newly acknowledged tribes are a clear exception under section 20 of IGRA. Although it is separate from the acknowledgement process, CSAC supports a stringent and transparent fee to trust process with significant input from all stakeholders considered regarding "initial" reservation lands.

Section 3: Federal Tribal Lands Policy/Development on Tribal Land

The overriding principle supported by CSAC is that when tribes are permitted to engage in gaming activities under federal law, then the state should negotiate in good faith with tribes to secure gaming compacts that require judicially enforceable mitigation agreements between counties and tribal governments. These agreements should fully mitigate local impacts from a tribal government's gaming activities and fully identify the governmental services to be provided by the county to that tribe.

Additionally, when tribes seek to acquire additional trust land, subsequent tribal development projects, which may not have otherwise been consistent with local land use regulations, could have impacts to off-reservation local government services and the environment. As such, federal law and regulations should incentivize intergovernmental agreements between counties and tribes to address the impacts of non-gaming development projects on proposed trust lands. Such agreements could also establish a process to identify and mitigate off-reservation impacts of future projects not envisioned or described in a fee-to-trust application.

CSAC believes that existing law fails to address the off-reservation impacts of tribal land development. The following provisions would address this issue while emphasizing that counties and tribal governments need to each carry out their governmental responsibilities in a manner that respects the governmental responsibilities of the other.

- 1) CSAC supports federal legislation that gives counties an effective voice in the decision-making process for taking lands into trust for a tribe and furthers the overriding principle discussed above.
- 2) CSAC supports federal legislation and regulations to provide that lands are not to be placed into trust and removed from the land use jurisdiction of local governments without adequate and timely notice and opportunity for consultation and the consent of the State and the affected county.
- 3) CSAC supports federal legislation and regulations which ensure that material changes in the use of trust land, particularly from non-gaming to gaming purposes, shall require separate approval and environmental review by the Department of the Interior.
- 4) CSAC reiterates its support of the need for enforceable agreements between tribes and local governments concerning the mitigation of off-reservation impacts of development on tribal land. CSAC opposes any federal or state limitation on the ability of tribes, counties and other local governments to reach mutually acceptable and enforceable agreements, including any federal prohibitions on deed restrictions mutually agreed to by tribal and local governments.

- 5) CSAC supports legislation or policy to incentivize intergovernmental agreements between counties and Tribes concerning an application to acquire additional trust lands. Agreements should include provisions related to environmental review and mitigation measures for off-reservation impacts of projects planned at the time of the acquisition, as well as future, projects that would represent a material change in land use from the projects envisioned and described by a fee-to-trust application.
- 6) CSAC supports Bureau of Indian Affairs standards and regulations requiring justification of the need and purpose for acquisition of additional trust lands. CSAC also supports a lower threshold for acquisition of trust land that will be restricted to only non-gaming or non-intensive economic purposes, including development of housing for tribal members, and religious, cultural, and governmental uses for tribes that lack sufficient trust lands for these purposes.
- 7) CSAC opposes the practice commonly referred to as “reservation shopping” where a tribe seeks to place land into trust outside its aboriginal territory over the objection of the affected county.
- 8) CSAC will support federal legislation that addresses “reservation shopping” or consolidations in a manner that is consistent with existing CSAC policies, particularly the requirements of consent from Governors and local governments and the creation of judicially enforceable local agreements.
- 9) CSAC supports the use by a tribe of non-tribal land for economic development purposes. CSAC recognizes that existing law requires tribes to fully comply with state and local laws and regulations applicable to development projects, including environmental laws, health and safety laws, and mitigation of environmental impacts on the affected community.
- 10) In recognition of the unique relationship between tribal governments and the federal government, CSAC will support changes in federal law that further the ability of counties to enforce compliance with all environmental, health and safety laws. CSAC opposes legislation to authorize the Secretary of the Interior to take land into trust for tribes that were not under federal jurisdiction in 1934 unless it includes additional reforms that ensure a meaningful role for counties in the fee-to-trust process and includes standards requiring justification of the need and purpose for acquisition of additional trust lands.
- 11) Class II bingo-style video gaming devices have similar off-reservation impacts to the environment and local government services as those of class III devices. CSAC supports requiring tribes that operate such machines to work with local governments to mitigate all impacts caused by such businesses. This would require an amendment to the Indian Gaming Regulatory Act.

Section 4: Intergovernmental Relations

The relationships between tribes and counties are not limited to gaming and issues related to development on tribal lands. Counties and tribes have shared interests in promoting economic development and self-sufficiency for their overlapping constituencies, promoting the general health, safety and well-being of the entire community, and protecting natural resources.

- 1) CSAC supports policy to encourage and incentivize collaboration between counties and tribes on state and federal grant applications and other funding sources.
- 2) CSAC supports policies, including the recently-created tribal nations grant fund, which will devote a portion of tribal gaming revenues to provide equitable opportunities for economic development for tribes and tribal members that do not participate in gaming.

Section 5: Tribal-State Gaming Compacts

CSAC recognizes that Indian Gaming in California is governed by a unique structure that combines federal, state, and tribal law.

While the impacts of Indian gaming fall primarily on local communities and governments, Indian policy is largely directed and controlled at the federal level by Congress.

The Indian Gaming Regulatory Act of 1988 (IGRA) is the federal statute that governs Indian gaming. IGRA requires compacts between states and tribes to govern the conduct and scope of casino-style gambling by tribes. Those compacts may allocate jurisdiction between tribes and the state.

While subsequent compacts provide a better framework to promote effective intergovernmental relationships between counties and tribes that seek to develop a casino and supporting facilities, CSAC believes that the 1999 Compacts fail to adequately address these impacts and/or to provide meaningful and enforceable mechanisms to prevent or mitigate impacts. Recent negotiations between Governor Brown and tribes have already resulted in new and extended compacts that address many issues with the original 1999 agreements.

The overriding purpose of the principles presented below is to harmonize existing policies that promote tribal self-reliance with policies that promote fairness and equity and that protect the health, safety, environment, and general welfare of all residents of the State of California and the United States. Towards that end, CSAC urges the State to consider the following principles when it negotiates or renegotiates Tribal-State Compacts:

- 1) Compacts should require a tribal government operating a casino or other related businesses to analyze and mitigate all off-reservation impacts caused by that business through the development of tribal environmental impact reports. In order to ensure consistent regulation, public participation, and maximum environmental protection, Tribes will promulgate and publish environmental protection laws that have standards for environmental analysis and mitigation that are at least as stringent as state and federal environmental laws, including the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) with judicial review in the California courts.
- 2) Compacts should require tribes to meet and negotiate judicially-enforceable mitigation agreements with local jurisdictions prior to the construction of new or expanded gaming facilities.
- 3) Compacts should include robust mechanisms for mitigation of the impacts on local government services of casino developments that pre-exist the date of the compact. The compacts should

consider the differences between tribes with very small pre-existing casinos and those that are permitted to operate larger facilities.

- 4) Compacts should impose binding “baseball style” arbitration on the tribe and county if the parties cannot agree on the terms of a mutually-beneficial enforceable agreement related to mitigation of the impacts of a new or expanded casino or related project.
- 5) Compacts should provide a process to determine whether tribal environmental impact reports provide analysis and mitigation measures consistent with what NEPA and CEQA standards would require and provide adequate information to fully assess the impacts of a project. In order to properly address the impacts of a project, this process should occur prior to negotiation of an intergovernmental agreement between a tribe and local government, and therefore prior to construction of a new facility or an expansion of an existing facility.
- 6) The compact should require a tribal government constructing or expanding a casino or other related business that impacts off-reservation land to seek review and approval of the local jurisdiction to construct off-reservation improvements consistent with state law and local ordinances, including the CEQA with the tribal government acting as the lead agency and with judicial review in the California courts.
- 7) The compact should require counties and tribes to negotiate local agreements as to the applicability of local and state regulations concerning health and safety issues, including, but not limited to, water service, sewer service, fire inspection and protection, rescue/ambulance service, and food inspection.
- 8) A Tribal Government operating a casino or other casino-related businesses will pay to the local jurisdiction the Tribe’s fair share of appropriate costs for local government services. These services include, but are not limited to, water, sewer, fire inspection and protection, rescue/ambulance, food inspection, health and social services, the full range of public safety functions, roads, transit, flood control, and other public infrastructure. Means of reimbursement for these services include, but are not limited to, in lieu payments equivalent to property tax, sales tax, transient occupancy tax, benefit assessments, appropriate fees for services, development fees, impacts fees, and other similar payments.
- 9) To address socioeconomic impacts and other impacts of casinos that are not easily quantifiable, in addition to direct mitigation offsets, the Compact shall provide for an appropriate percentage of Net Win to go to the affected county to address in-direct impacts.
- 10) The Indian Gaming Special Distribution Fund (SDF) has not been sufficiently funded, nor has it been adequate to serve as the exclusive source of casino mitigation funding for many counties. If the SDF is retained in new and amended compacts, it should serve as an additional mechanism to ensure that counties are guaranteed funds to mitigate off-reservation impacts caused by tribal gaming. Special Distribution Funds should be provided directly to the Indian Gaming Community Benefit Committee in each county that receives this funding. The SDF program should be amended to provide greater reliability of local government funding, as well as increased flexibility in the use of mitigation funding to reasonably address casino impacts.

- 11) The Governor should establish and follow appropriate criteria to guide the discretion of the Governor and the Legislature when considering whether to consent to tribal gaming on lands acquired in trust after October 17, 1988 and governed by IGRA (25 U.S.C § 2719). The Governor should also establish and follow appropriate criteria/guidelines to guide his/her participation in future compact negotiations.
- 12) Compacts should be specific to a particular tribal casino location rather than pertaining to a potential casino an indeterminate location.

Section 6: Sacred Sites

California's ever-increasing population and urbanization threatens places of religious and social significance to California's Native American tribes.

In the spirit of government-to-government relationships, local governments and tribal governments should work cooperatively to ensure sacred sites are protected at the earliest possible time, without undue delay to the development process, and ideally well before environmental review for a specific development project begins.

- 1) Local governments should consult with tribal governments when adopting or amending general plans to ensure that long-range development plans do not interfere with efforts to preserve and/or mitigate impacts to Native American historical, cultural, or sacred sites.
- 2) Local governments should also consult with tribes during the review of individual development projects to avoid and mitigate impacts to tribal cultural resources.
- 3) The state should provide counties with technical and financial assistance in identifying tribes whose cultural resources may be affected by a plan or project, and in determining how to mitigate or avoid impacts to these resources.
- 4) In the spirit of government to government collaboration, tribes should also consult with counties on the off-reservation impacts of projects proposed on tribal lands early in the development process.

Glossary of Terms

Fee Simple (Fee Land)

Land ownership status in which the owner, for instance a tribal government, holds title to and control of the property. The owner may make decisions about land use or sell the land without federal government oversight.

Fee-to-Trust Conversion

When fee simple lands are converted to trust status and title is transferred to the federal government. Tribes or individual Indians can initiate the process on fee lands they already own or lands they acquire.

Indian Gaming Regulatory Act (IGRA) of 1988

The United States Congress passed IGRA and President Reagan signed it into law on October 17, 1988. The Act established a statutory framework for tribal government gaming operations and regulation. Among others, the Act defines three classes of gaming and requires negotiation of a Tribal-State gaming compact before an Indian tribe can conduct Class III (casino style) gaming on their lands.

Tribal Gaming

A business enterprise of a tribe. Tribal governments initiated gaming on reservations to create jobs and generate revenue for tribal government operations, programs and services and to create/sustain an economy on reservations.

Tribal-State Gaming Compact

IGRA requires states to negotiate in good faith with Indian tribes that seek to enter into Tribal-State compacts to conduct Class III gaming on Indian lands. Class III gaming includes slot machines and banked card games. Although the content of these compacts vary from state-to-state and from tribe-to-tribe, the Act specifies that these agreements cover two primary issues: 1) the scope of gaming that is to be conducted at the tribal gaming facility, and 2) a system of regulation for the gaming activity on Indian lands. In California, the Tribal-State gaming compact provides for revenue sharing with tribes that have little or no gaming, funding and mitigation agreements for local governments to assist in addressing the impacts of tribal gaming, and the Tribal Labor Relations Ordinance, which prescribes a process for collective bargaining.

Trust Land

Land owned either by an individual Indian or a tribe, the title to which is held in trust by the federal government. Most trust land is within reservation boundaries, but trust land can also be off-reservation, or outside the boundaries of an Indian reservation.



California State Association of Counties®

DRAFT CSAC 2017 STATE AND FEDERAL ADVOCACY PRIORITIES

Each year, CSAC’s Board of Directors sets the Association’s state and federal advocacy priorities. These priorities, adopted with the input of policy committees, the CSAC Officers, the Executive Committee, and our affiliates, will guide CSAC’s advocacy efforts in 2017 both in Sacramento and Washington DC.

California continues to outpace the rest of the country in many measures as the nation enters its eighth year of economic growth, but there are signs that the expansion could soon end. Counties and the vital services they provide will be at the forefront of a changing economy, so CSAC will collaborate with the Legislature and Administration to advocate for continued investment in vital infrastructure and healthy communities, protecting counties’ abilities to provide services and govern the state’s diverse communities. Moreover, CSAC’s work doesn’t end when major laws are enacted; in 2017 we will continue our vital role helping counties implement recent statewide reforms, legislation and ballot measures.

Accordingly, the CSAC 2017 state advocacy priorities are organized around three concepts, including: **Investing in Infrastructure and Creating Healthy Communities, Implementing and Improving Statewide Policies and Defending County Interests.**

STATE PRIORITIES AT A GLANCE

Investing in Infrastructure and Creating Healthy Communities

- | | |
|-----------------------------------|--------------------------------------|
| Transportation Funding | Bail Reform |
| Homelessness & Poverty | Resource Recovery & Waste Management |
| Housing Affordability | Water Resources |
| Climate Change | Native American Affairs |
| Forest Health and Land Management | |

Implementing and Improving Statewide Policies

- | | |
|---------------------------------|---------------------------|
| Cannabis Issues | Foster Youth Services |
| Continuum of Care Reform | Body Cameras |
| Domestic Violence Intervention | Redevelopment Dissolution |
| In-Home Supportive Services MOE | Proposition 57 |

Defending County Interests

- | | |
|---------------------------------------|-----------------------------|
| Potential Affordable Care Act Changes | Electronic Jail Visiting |
| CalPERS’ Healthcare | Local Tax Authority |
| CalPERS’ Risk Mitigation | Mandates Reimbursement |
| Collective Bargaining | Open Data & Public Records |
| Elections Administration | County Governance Authority |

Local policy, budgetary, and fiscal decisions that spur the economy and improve the quality of life in communities are most successful when complemented by incentives and resources provided by state and federal governments. Investing in infrastructure and other policies and programs that create healthy, sustainable, vibrant, and safe communities is essential to quality of life and economic prosperity throughout California. CSAC is committed to working with the Legislature and Administration to ensure that state resources for infrastructure and programs are invested in a way to create and support healthy, sustainable communities within our counties.

Transportation Funding (Housing, Land Use and Transportation). The Special Session on Transportation and Infrastructure Development came to a close on November 30 without action by the Legislature on a comprehensive, sustainable and robust transportation funding and reform deal. While extremely disappointing that the Legislature and Governor were unable to use the unique opportunity that a special session provides – singular focus on an issue without distraction by other policy matters – legislative leaders and Governor Brown recently penned a letter committing to taking up the issue first thing in the 2017 legislative session. CSAC is already working with our partners in the Fix Our Roads Coalition to reassess the political landscape and reevaluate our strategy moving forward. With a number of new members in the 2017 legislative class, CSAC will continue to rely on the California Statewide Local Streets and Roads Needs Assessment Report to educate members on the importance of the county road system and the deleterious impacts of waiting to pass comprehensive funding and reform to reinvest in our surface transportation infrastructure. CSAC staff will also continue to engage the CSAC Board of Directors, County Supervisors and public works officials for direct advocacy and outreach efforts to keep the pressure on until final resolution of this long-sought goal.

Homelessness and Poverty Issues (Health and Human Services). Homelessness issues will remain at the top of the Legislature’s agenda, partly based on the fact that California’s poverty and homelessness rates remain among the highest in the nation, affecting all Californians including children, adults, veterans, and seniors. CSAC will continue to leverage the policy expertise of the health and human services, housing, land use, and transportation, and administration of justice policy committees and staff, as well as continue our collaboration with the League of California Cities on the Joint City-County Homelessness Task Force to examine issues and solutions for housing and homelessness, with a goal of offering a comprehensive solution that will help local jurisdictions address the issue at the root of the problem.

CSAC will also continue to work hand-in-hand with the California Department of Housing and Community Development on the new No Place Like Home Program, which will provide \$2 billion in bond funding to counties for building or refurbishing permanent supportive housing for those who are homeless and living with mental illness. CSAC will also work to minimize the local effects of the Mental Health Services Act diversions, which are used to pay for the debt service on the bonds. Lastly, CSAC will continue working with all counties on communication and education efforts related to homelessness issues, including featuring CSAC issue videos, CSAC Institute for Excellence in County Government courses, workshops, regional meetings, and social and web media to ensure the best outcomes for counties and the people we serve.

Supporting the Development of Housing Affordable to All Californians (Housing, Land Use and Transportation). The lack of housing that is affordable to households at all income levels in California has

reached a new pinnacle and the Legislature and Governor considered a wide array of policy and fiscal proposals to address the crisis in 2016. Given the lack of significant progress on either funding or regulatory streamlining, CSAC's HLT Policy Committee staff is prepared to work on this vital issue again in 2017 and is currently exploring a state budget proposal that would provide \$100-\$200 million in one-time grant funds and the creation of a revolving fund to support local planning that complements statewide housing and climate goals. CSAC staff is also part of a number of coalitions working to develop policy proposals to better align state law with our housing goals. These efforts include reviewing changes to development fees and other local financing structures that could further incentivize affordable housing construction at the local level. CSAC continues to support efforts to establish a permanent source of funding for affordable housing, recognizing that policy changes alone cannot replace the need for subsidies to build, maintain and operate affordable housing in California. CSAC will continue to focus on enhancing the supply of affordable housing, through funding and regulatory reform, to alleviate pressures that can contribute to homelessness.

Climate Change (Agriculture, Environment and Natural Resources; Housing, Land Use and Transportation). The Legislature, in 2006, passed Assembly Bill 32, the California Global Warming Solutions Act which created a comprehensive, multi-year program to reduce greenhouse gas (GHG) emissions in California. AB 32 required the California Air Resources Board (CARB) to develop a Scoping Plan that describes the approach California will take to reduce GHG emissions to achieve the goal of reducing emissions to 1990 levels by 2020. Since its passage, AB 32 targets have been updated for 2030 with the new goal of reducing GHG emissions to at least 40 percent below the 1990 level by 2030. As a result, CARB is moving forward with a second update to the Scoping Plan to reflect these new targets. Staff will work in coordination to comment on and participate in the Scoping Plan update process. In addition, CSAC will continue to advocate for additional cap and trade resources to help reduce GHG emissions at the local level. Early draft documents suggest that the Administration continues to focus on unfunded mandates so CSAC must be vigilant in ensuring needed resources for transportation and housing to meet our statewide climate goals. Finally, CSAC will continue to lobby both the Administration and Legislature for additional cap and trade resources to help reduce GHG emissions from the transportation sector.

Forest Health and Land Management (Agriculture, Environment and Natural Resources). CSAC will continue to work with the Administration and stakeholders to implement the Governor's Executive Order on tree mortality. Staff will advocate for local assistance, financial resources, regulatory relief and assistance with outreach and coordination efforts in order to effectively limit the public health and safety risk from dead and dying trees. In addition, CSAC will continue to advocate for funding of on-going Payment-In-Lieu of Taxes (PILT) payments as well as look for future opportunities to ensure the stability of the program.

Bail Reform (Administration of Justice). The nationwide movement toward bail reform is advancing, with several California legislators already declaring plans to introduce legislation in 2017. CSAC will engage in the conversation to ensure that any reforms include a system that utilizes evidence-based risk assessment tools to create a uniform bail decision process with public safety as its highest priority.

Resource Recovery and Waste Management (Agriculture, Environment and Natural Resources). The Administration suspended their efforts to seek an increase to the state's solid waste disposal fee (tipping fee) this year as focus turned to increasing the amount of organic material diverted from our landfills, and the reduction of methane gas – a short lived climate pollutant. This issue will remain critical along with the need for resources to fund additional infrastructure to manage the organics portion of

the waste stream. CSAC staff will focus on working to assist counties with the implementation of organic diversion requirements as well as continue to advocate for resources to assist with this effort.

Water Resources (Agriculture, Environment and Natural Resources). Water issues, including stormwater infrastructure, groundwater management and drought impacts will remain priorities as on-going work and implementation efforts continue into 2017. CSAC remains committed to finding a funding solution for local stormwater programs. Staff will work in coordination with county public works departments to build local political support with County Boards of Supervisors and state legislators, and work to increase public awareness of this critical issue until a successful statewide solution is identified. CSAC will continue to represent county interests throughout the Sustainable Groundwater Management Act (SGMA) regulatory processes in collaboration with the Rural County Representatives of California (RCRC) and in consultation with our joint County SGMA Working Group. Finally, staff will continue to work with the Administration and participate in efforts to implement Governor's Executive Order on drought preparedness, water conservation, and water supply emergency response.

Native American Affairs (Housing, Land Use and Transportation). CSAC staff will continue to use the results of our 2014 tribal gaming survey to influence the renegotiation of the remaining 44 tribal-state gaming compacts from 1999 which are set to expire in 2020 (although they may be extended until mid-2022). CSAC's priorities for the revised compacts, which were reflected in the 13 compacts from 2015-16, include requiring judicially enforceable local mitigation agreements for any new or expanded gaming or related facilities and a more comprehensive tribal environmental review process. Additionally, CSAC will continue to look for opportunities to fund the Special Distribution Fund, which is the only source of mitigation for off-reservation impacts for many counties where tribes operate casinos under 1999 compacts. SDF must be funded or another mechanism developed to mitigate impact existing impacts of gaming enterprises already operating in these counties. Unfortunately, CSAC staff anticipate continued reluctance to doing so until all 1999 compacts have been renegotiated.

IMPLEMENTING AND IMPROVING STATEWIDE POLICIES

The work of the Association does not end when the state enacts new, or reforms existing, laws, ballot measures and programs; it is then that CSAC must ensure counties have the knowledge, resources and tools to implement new laws, ballot measures and programs in the most effective and efficient manner possible. To this end, in addition to continuing legislative and budget work to advance our Association's goals and refine new or existing laws and programs, CSAC is dedicated to providing necessary information and guidance to counties on the myriad programs and policies prescribed by the state and to work with the Administration and Legislature to be the voice of California's 58 counties as implementation moves forward.

Cannabis (Agriculture, Environment and Natural Resources). The passage of Proposition 64, the Adult Use of Marijuana Act (AUMA), legalized the consumption and cultivation of marijuana for recreational use in California. CSAC will work closely with the Administration and the Legislature to ensure that local governments have the information and resources they need to effectively regulate and tax marijuana, if they so choose. In addition, CSAC staff will continue to work on any legislative clean-up efforts relative to medical and recreational marijuana, working to preserve and protect local control and provide adequate funding for environmental and other impacts. Further, education efforts will continue in earnest to ensure elected officials are prepared to make informed decisions regarding implementation of both Proposition 64 and recently passed laws governing medical marijuana.

Continuum of Care (AB 403) Reform Implementation (Health and Human Services). CSAC will continue to focus on the wholesale reform of the group home system in California under AB 403, which requires counties to implement the new system on January 1, 2017. CSAC will continue working closely with county child welfare services, behavioral health, and juvenile probation systems to ensure they are adequately resourced to implement this massive new policy change to improve outcomes for foster and probation youth. CSAC will also continue to convene county affiliates in discussions to ensure coordinated and strategic advocacy efforts and continue the work of ascertaining the fiscal and Proposition 30 implications of the reforms.

Domestic Violence Batterer Intervention Programs (Administration of Justice). CSAC convened a task force to comprehensively review California's Batterer Intervention Program statute in 2016. California's statute lays out a 52-week mandatory program for all domestic violence batterers, but does not provide structure or guidance about what cognitive behavioral treatments need to be provided to reduce recidivism among this population. The task force has convened several experts to discuss key issues like the length of the batterer intervention programs, and statutory clarity to address the criminogenic needs of offenders and improve the outcomes of domestic violence batterers, thereby reducing cases of domestic violence. CSAC plans to sponsor legislation in the 2017-18 legislative session that will reflect the work of the task force and its recommendations on how best to reform the program.

In Home Supportive Services Maintenance of Effort (Government Finance and Administration – Employee Relations and Administrative Services, Health and Human Services). In 2016, CSAC was successful in helping develop a new three-year Managed Care Organization (MCO) fix that prevented a \$1.1 billion loss in state funding and preserved the Coordinated Care Initiative (CCI) pilot project. Our role in 2017 requires CSAC to make strategic decisions calculated to preserve the CCI and effectuate the expansion of the pilot to the remaining 51 counties, which is the first step in eventually transferring collective bargaining for IHHS workers from each county to the state.

Foster Youth Services (Health and Human Services). Foster youth are among the most at-risk populations in California, but recent state law changes, such as expanding eligibility for foster care services from age 18 to age 21, have resulted in additional local costs beyond the cap on county expenditures in current statute. CSAC will work with state and county social services, the Department of Finance, and county counsels on this cost issue, as well as working to assess costs within individual counties. CSAC will also work to ensure that these vulnerable youth have timely access to child welfare and behavioral health services and that their medical and other records are updated and accessible to all youth, the professionals who are serving them, and the youth's caregiver. CSAC will also work to ensure transparency within all systems that serve foster youth.

Body Cameras (Government Finance and Administration – Employee Relations and Administrative Services). The discussion of the expansion of the Public Records Act cannot take place without the inclusion of what will continue to be a trending topic next year: the implementation within public agencies of public safety officer-worn body cameras. CSAC engaged in 2016 on bills that would permit the sharing of footage with the public as well as prescribing employment rights policies on local governments by the state. CSAC will work to ensure that county interests are retained regarding how and when such footage is made publicly available, as well as, seek clarity regarding management of those employees wearing the body cameras.

Redevelopment Agency Dissolution (Government Finance and Administration – Finance and Operations). Counties are key players in the ongoing dissolution of community redevelopment agencies.

CSAC is committed to assisting counties in their multiple roles as successor agencies, oversight board participants and administrators, tax administrators, and property tax increment recipients to ensure consistent and timely communication and coordination among counties, local stakeholders, and the state. This year will be important as oversight board consolidations take place in preparation for the 2018 deadline.

Proposition 57 (Administration of Justice). On November 8, 2016 California voters approved Proposition 57 which amended the California Constitution to give parole consideration to individuals sent to prison for a non-violent felony once they have completed the full term of their primary offense. The initiative defines primary offense as the longest term imposed excluding any additional terms that are added to an offender's sentence such as enhancements, consecutive sentences, or alternative sentences. In addition, Proposition 57 amends the California Constitution to specify that the California Department of Corrections and Rehabilitation (CDCR) has the authority to award credits to inmates for good behavior and approved rehabilitative and educational achievements. Both of these provisions require the Secretary of CDCR to certify that they protect and enhance public safety. Proposition 57's intent is to give offenders an incentive to participate in rehabilitative programs in prison and earn an opportunity to go before the Board of Parole Hearings. CSAC will engage in the development of regulations and the implementation of the initiative with the Administration and CDCR.

DEFENDING COUNTY INTERESTS

CSAC is committed to engaging on policy issues to avoid unnecessary costs and administrative burdens that would make it more difficult to balance our local budgets and provide ongoing services to our constituents. This is particularly, and more acutely true, during times of economic uncertainty. A number of policy, budgetary, and fiscal issues relevant to maintaining an appropriate level of control over local budgets, program, and services occurs outside the legislative arena. As such, in addition to our legislative advocacy, CSAC will engage on the following priorities on behalf of counties by working with stakeholders, the Administration, the executive branch, and the federal government.

Potential Changes to the Affordable Care Act (Health and Human Services). With the election of President-Elect Trump, California's counties must engage on any proposals to repeal or alter the Affordable Care Act (ACA). California draws down about \$16 billion in federal funds – including a large proportion of dollars associated with the ACA – within a total Medi-Cal budget of \$19.1 billion. Further, counties spent between \$1.5 and \$2 billion annually on medical services for the medically indigent before the ACA expanded Medicaid eligibility – a portion of which has been transferred to the state due to county savings as a result of this population transferring to Medi-Cal. The County response will depend on how President-Elect Trump and the new Congress proceed in potentially repealing the ACA in its entirety, or retain parts of it, or develop additional proposals to replace it. CSAC will work with our Washington representatives, county affiliates, and the Brown Administration to respond to any county impacts associated with changes to the ACA.

CalPERS' Healthcare Issues (Government Finance and Administration – Employee Relations and Administrative Services). Many counties contracting with the California Public Employees' Retirement System (CalPERS) for employee health benefits have voiced concerns with the costs and lack of data provided by the System to help counties analyze these costs. In an environment of rising health care costs across the nation, this lack of information is troubling for counties desiring to ensure their employees continue to receive comprehensive health benefits at costs that are fair to the county providing them. CSAC will work with CalPERS and contracting counties to address these concerns.

CalPERS' Risk Mitigation Discussion. (Government Finance and Administration – Employee Relations and Administrative Services). The CalPERS Board of Administration adopted a risk mitigation strategy last November to incrementally lower the discount rate in years of good investment returns, help pay down the fund's unfunded liability, and provide greater predictability and less volatility in contribution rates for employers. Specifically, if investment returns exceed the discount rate (currently 7.5 percent) by four points in any fiscal year, the discount rate will be lowered by a minimum of 0.5 percentage points to a maximum 0.25 percentage points. That excess gain will then offset the employer contribution rates that would usually increase when the discount rate is lowered. CalPERS' staff has projected that the discount rate would most likely decrease to 6.5 percent in 21 years. CSAC will closely monitor the discussion and ensure that the county perspective is heard.

Collective Bargaining (Government Finance and Administration – Employee Relations and Administrative Services) CSAC, in 2016, led a coalition of public employers and education management advocates to defeat AB 2835, which would have required specific union orientations for all new employees. It is expected that this legislation will be reintroduced in 2017 and, as per the usual after major election years and the beginning of another two-year legislative session, public employers will see many bills introduced that threaten the balance between the rights of employees and the inherent management rights of public agency employers. CSAC will fully engage again this upcoming year to ensure that counties as employers maintain the ability to effectively manage their workforces while also maintaining the exemplary benefits provided to their employees.

Court Security Funding (Administration of Justice). CSAC will continue to advocate for trial court security funding for new court facilities built by the state and opened after October 9, 2011. After the passage of the 2011 Public Safety Realignment, court security costs became a state responsibility, and as new court facilities come online many require additional security staffing. CSAC will remain engaged on this issue and work with the Administration to approve the appropriate ongoing funding levels for new court security costs.

Elections Administration Investment and One-Time Funding (Government Finance and Administration – Finance and Operations). The 2016 election cycle was unlike any other in recent history with surging voter registration and numerous statewide and local measures on the ballot. Given the attention to elections administration in this unprecedented election cycle, there may be a narrow window of opportunity to request additional one-time funding for ... pursuant to conversations in the Legislative Budget Committees when AB 120 (which allocated \$16 million to counties) was passed in early 2016. Attention will also be given to the potential chain of special elections called to fill various state and federal vacancies resulting from the new federal Administration or successful bids for new seats by current office holders. At the same time that administrative costs were highlighted, elections equipment and technology are drawing closer to the end of their useful shelf-life in many counties. CSAC will work through partnerships with county elections officials and the Secretary of State's Office to seek an investment plan to ensure current equipment and modern methods are available for elections administration through the next decade.

Electronic Jail Visiting (Administration of Justice). Last year, the Legislature passed but the Governor vetoed legislation that would have mandated counties to provide in-person visiting for all offenders in county jail. While CSAC supports and appreciates the importance of in-person visiting, there were clear issues with the bill and Governor Brown vetoed the legislation stating that it did not provide adequate flexibility to counties and created a strict mandate. CSAC will actively work with the Board of State and

Community Corrections and our local partners on policies that protect counties' flexibility while addressing the needs posed by the Legislature.

Local Tax Authority Protection (Government Finance and Administration –Finance and Operations). As in previous years, CSAC expects numerous bills will be introduced to create tax carve-outs that undermine important revenue streams for counties, including property tax and sales and use tax exemptions. A slowing economy can intensify these efforts especially for proposals that benefit seniors and others living on fixed incomes. In addition, different rules may be sought to give special treatment for online retailers as it relates to transient occupancy tax remittance and remote sales. CSAC will advocate for the protection of current tax revenue streams, including the state sales tax rate portion dedicated to county public safety and health services. Further, CSAC will engage in the developing dialogue regarding the state's tax system with legislators, the Administration, State Controller, Board of Equalization, State Treasurer, and third party stakeholders in an effort to ensure that local revenue authority adequately reflects county service responsibilities under any reform proposal.

Mandates Reimbursement Reform and Debt Repayment (Government Finance and Administration – Finance and Operations). CSAC will actively work with the Administration and local government stakeholders to review the current mandate reimbursement system and identify potential alternatives to establish greater payment security and reduce the potential for payment backlogs on services already rendered. This may include streamlining the approval of reasonable reimbursement methodologies and seeking legislatively-determined reimbursement status, amongst other solutions. In addition, CSAC will maintain the dialogue on efforts to secure repayment of the remaining debt owed to counties for services already rendered due to new or expanded program or service mandates. The previously secured reimbursement for pre-2004 mandated services still leaves approximately \$1.1 billion in unpaid state mandate debt for local agencies statewide.

Open Data and Public Records (Government Finance and Administration –Employee Relations and Administrative Services). CSAC was heavily engaged this year on legislation affecting the Public Records Act (PRA) and the sharing of public data on our county websites. It is expected that the introduction of bills attempting to expand the PRA and provide transparency in county government will not slow down in 2017. CSAC will continue to ensure that county interests on the administrative ability to implement such legislation, as well as working with the Legislature and proponents to determine how to reach these goals, is at the forefront of such endeavors.

Protecting County Governance Authority (Government Finance and Administration –Finance and Operations). Recent legislative interest in local governance models for cities, counties and special districts has increasingly put Board of Supervisors' authority in the spotlight for questions related to board structure, district size and general decision-making powers. This has been the case for charter and general law counties alike. CSAC will advocate for maintaining local authority for budget approval, redistricting, and the existing mechanisms that reflect local voter will for changes to board size, districts, or funding levels to reflect community service needs.

CSAC staff, in consultation with Waterman & Associates, developed the following list of federal issues of significance to California's counties. These issues will represent the association's top lobbying priorities in Washington DC for 2017.

As the new administration prepares to begin its tenure, a number of major policy debates are expected to occur early in the first session of the 115th Congress. For example, the Republican-controlled House and Senate are expected to employ an expedited legislative process that would allow for the repeal and replacement of the Affordable Care Act (ACA). The Trump administration also is expected to seek congressional approval of an ambitious infrastructure spending plan, propose significant tax and immigration reforms, and roll back certain environmental regulations. CSAC staff and Waterman & Associates will work collaboratively to address these issues, as well as other emerging topics, throughout the year.

State Criminal Alien Assistance Program (SCAAP) (Administration of Justice). CSAC will continue to serve as a lead advocate in efforts to protect, as well as enhance, the SCAAP program, which is a key source of federal funding for a significant number of California's counties. CSAC will fight to restrict statutory language that authorizes the U.S. Department of Justice to transfer a significant percentage of SCAAP funding to other justice accounts. CSAC also will continue to advocate for a long-term reauthorization of SCAAP and will continue to seek several key changes to the program.

Native American Affairs/Fee-to-Trust Reform (Housing, Land Use and Transportation). CSAC will continue to lead local government efforts aimed at securing a comprehensive legislative overhaul of the Department of the Interior's fee-to-trust process. A number of CSAC-spearheaded reforms were included in legislation that was approved in 2016 by the Senate Committee on Indian Affairs. CSAC will look to build on those reform efforts in 2017.

CSAC will continue to advocate for a number of additional key amendments to S.1879 from the 114th Congress and will work with the House to promote a similar, comprehensive reform package.

Payments in Lieu of Taxes (PILT) (Agriculture, Environment and Natural Resources). CSAC will continue to advocate for a long-term reauthorization of mandatory entitlement funding for the PILT program. In the absence of a long-term renewal, CSAC will support continued full funding for PILT via the appropriations process.

Secure Rural Schools (SRS) Act Reauthorization/Federal Land Management Reform (Agriculture, Environment and Natural Resources). CSAC will maintain efforts aimed at securing a multi-year reauthorization of the SRS program. Absent a long-term program renewal, CSAC will continue to support short-term extensions of the Act. In addition, CSAC will continue to advocate for responsible reforms to federal land management. Such reform efforts should promote healthy forests, protect endangered species habitat, safeguard downstream water quality, improve California's water supply, and reduce the risk of wildfires.

Temporary Assistance for Needy Families (TANF) Reauthorization (Health and Human Services). CSAC will continue to promote TANF reauthorization legislation that would restore state and county flexibility to tailor work and family stabilization activities to families' individual needs. CSAC also supports

maintaining the focus on work activities under TANF, while recognizing that “work first” does not mean “work only.”

Child Welfare Services (Health and Human Services). CSAC will support increased federal funding for services and income support needed by parents seeking to reunify with children who are in foster care. CSAC also supports increased financial support for programs that assist foster youth in the transition to self-sufficiency, including post-emancipation assistance such as secondary education, job training, and access to health care.

In addition, CSAC will work to protect and retain the entitlement nature of the Title IV-E Foster Care and Adoption Assistance programs while seeking the elimination of outdated rules that base a child's eligibility for funds on parental income and circumstances. Finally, CSAC supports federal funding to address the service needs of youth who are victims of commercial sexual exploitation.

Affordable Care Act (Health and Human Services, Government Finance and Administration – Employee Relations and Administrative Services). With the election of President-Elect Trump, California's counties must engage on any proposals to repeal or alter the Affordable Care Act (ACA). California draws down about \$16 billion in federal funds – including a large proportion of dollars associated with the ACA – within a total Medi-Cal budget of \$19.1 billion. Further, counties spent between \$1.5 and \$2 billion annually on medical services for the medically indigent before the ACA expanded Medicaid eligibility – a portion of which has been transferred to the state due to county savings as a result of this population transferring to Medi-Cal. The County response will depend on how President-Elect Trump and the new Congress proceed in potentially repealing the ACA in its entirety, or retain parts of it, or develop additional proposals to replace it. CSAC will work with our Washington representatives, county affiliates, and the Brown Administration to respond to any county impacts associated with changes to the ACA.

Additionally, CSAC will continue to support bipartisan efforts to eliminate the ACA excise tax, should the ACA remain in place. A number of California counties offer health insurance plans and related programs that will be subjected to the tax on high-cost plans.

Medicaid (Health and Human Services). CSAC will closely monitor potential efforts to block grant or otherwise provide states per-capita payments based on their historical Medicaid spending patterns in return for increased administrative flexibility in designing and administering the program. California continues to be one of the lowest Medicaid spending states based on a per-capita basis, potentially locking the state in to a very low federal allotment. Moreover, to the extent that state administrative and benefit costs exceed what is covered by the block grant, counties are at risk of assuming the financial liability for those costs.

Property Assessed Clean Energy (PACE) Program (Agriculture, Environment and Natural Resources). CSAC supports legislative and administrative remedies that would help expand residential PACE programs. The Federal Housing Finance Agency (FHFA) issued a directive in 2010 that effectively shut down PACE programs in California and across the country. Bipartisan legislation that would prevent FHFA from adopting policies that contravene established state and local PACE laws remains on the table.

Water Resources (Agriculture, Environment and Natural Resources). CSAC will monitor legislative proposals to ensure consistency with CSAC's comprehensive policy direction on water. Given the ongoing drought, various interests continue to pressure California's congressional delegation and the administration to address the state's chronic water shortage. A range of proposals have been floated

that would address water transfers, endangered species laws, water quality, and California Bay-Delta protections, amongst others.

CSAC will continue to look for opportunities to promote legislation that would provide a *Clean Water Act* Section 404 permitting exemption for maintenance removal of sediment, debris, and vegetation from local flood control channels and basins.

CSAC also will continue to monitor and support efforts aimed at overturning some of the problematic reforms of Environmental Protection Agency's "Waters of the U.S." regulation.

Remote Sales Tax Legislation (Government Finance and Administration – Finance and Operations). CSAC will continue to advocate for federal legislation that would authorize state and local governments to require tax collection and remittance by remote sellers. As online sales continue to grow, local governments are losing billions of dollars in uncollected sales tax revenue.

CSAC also will oppose legislative efforts that would prohibit state and local governments from imposing taxes on digital goods and services that are taxable under current law. Digital goods and services are online purchases that are downloaded directly by consumers, including music downloads, movies, and newspaper subscriptions.

Victims of Crime Act Funding (VOCA) (Administration of Justice). The Victims of Crime Act (VOCA) Fund is supported by federal criminal fines and penalties. While dollars from fines/penalties comprise the entirety of the fund, congressional appropriators can adjust the cap. While most of the funding is allocated in the form of competitive grants, Cal OES recently established a \$40 million County Victim Services (XC) Program for fiscal years 2016/2017 and 2017/2018, with funds going directly to all 58 counties based on population and violent crime statistics. CSAC will continue to advocate for increased VOCA funding, which helps support domestic violence shelters, services for victims of human trafficking, and other services for victims of violent crimes.

Violence Against Women Act (VAWA) (Administration of Justice). Federal VAWA grants fund direct services to women who are the victims of violent crime. Counties depend on VAWA funds for the community-based organizations that provide services, which include housing, treatment, and other direct-victim services. CSAC supports the highest possible funding level for VAWA grants.

Tree Mortality Emergency Response and Preparedness (Agriculture, Environment and Natural Resources). CSAC will continue to urge the federal government to provide assistance through the Department of Agriculture (USDA) and the Federal Emergency Management Agency to help California address its tree mortality crisis.

Children's Health Insurance Program (CHIP) (Health and Human Services). Current funding for CHIP expires at the end of fiscal year 2016. CSAC supports full funding of CHIP and continuing the 23 percentage point boost in the federal contribution over the normal 65 percent federal match for CHIP. CSAC further supports action on CHIP early in 2017 to allow the State and counties to budget for the upcoming state fiscal year.

Marijuana Policy (Agriculture, Environment and Natural Resources). With the passage of Proposition 64 in November 2016, California has joined seven other states that have legalized marijuana for recreational purposes. As this change in law is not consistent with federal policy on marijuana, there will

be several issues, primarily in the areas of banking, finance and taxation that will need to be addressed. It is also unclear how the new administration will respond to legalization efforts, and if there will be attempts to amend or rescind guidance issued by the Department of Justice, known as the “Cole Memo” that outlines how the federal government prioritizes enforcement of the Controlled Substance Act. CSAC will work with the Governor’s office in seeking guidance to address this emerging issue.

Wildfire Funding Reforms. The U.S. Forest Service spends more than half of its budget putting out fires, which leaves significantly reduced funding for much needed fire prevention activities, including funding for projects related to tree mortality. This system has created a large backlog of needed prevention and forest health projects that have gone and continue to go unfunded. There has been a concerted effort to reform the USFS budget in recent years and end the practice of “fire borrowing” within the USFS budget, and to treat wildfires like other disasters. CSAC will continue to support these efforts.

FAA Reauthorization (Government Finance and Administration – Finance and Operations; Administration of Justice; Housing, Land Use and Transportation). The upcoming reauthorization of the Federal Aviation Administration offers an opportunity to shape several key policies of interest to California’s counties. CSAC will continue to support legislative efforts designed to clarify that local voter-approved sales tax revenues derived from the sale of aviation fuel are not subject to provisions of federal law that require the proceeds of certain taxes to be spent on airport capital and operating costs.

CSAC also will closely monitor legislative and regulatory efforts – including the activities of the Drone Advisory Committee (DAC) – to ensure that federal drone policy does not preempt local authority, including local land use, zoning, privacy, trespass and law enforcement operations.

Finally, CSAC will support legislative efforts to increase federal funding for local airports, including funding for the Airport Improvement Program (AIP), which is supported by revenue from the federal Passenger Facility Charge (PFC). CSAC also supports flexibility to allow local governments to invest in airport projects that best meet community needs.

Transportation Revenues and FAST Act Implementation (Housing, Land Use and Transportation). The Fixing America’s Surface Transportation Act (FAST Act) ensured solvency of the Highway Trust Fund (HTF) through 2020. However, the federal gas tax has lost its purchasing power much like California’s state gas tax since it was last increased in 1991. CSAC will continue to educate the California congressional delegation and administration on the importance of the county road system with respect to federal transportation policy and advocate at the federal level for new revenues to ensure federal programs of importance to counties, such as safety and bridge projects, are more robustly funded. CSAC will also continue to work with our federal partners to ensure implementation of the FAST Act and its processor, the Moving Ahead for Progress in the 21st Century Act (MAP-21) to ensure regulations allow flexibility and are not overly burdensome.



February 2, 2017

To: CSAC Board of Directors

From: Matt Cate, Vice President
Alan Fernandes, Executive Vice President

RE: CSAC Finance Corporation Update & CSCDA Appointment

CSCDA Appointment

Recommendation: Consider appointment of CSCDA Alternate Commissioner Jordan Kaufman, Kern County Treasurer/Tax Collector, to regular Commissioner seat, effective April 1, 2017.

Background: The California Statewide Communities Development Authority (CSCDA) was created in 1988, under California's Joint Exercise of Powers Act, to provide California's local governments with an effective tool for the timely financing of community-based public benefit projects. CSCDA is sponsored by CSAC and the League of California Cities and helps more than 500 cities, counties, and special districts build community infrastructure, provide affordable housing, create jobs, and make access available to quality healthcare and education. It also serves as an important revenue source to the CSAC Finance Corporation which in turn provides support to CSAC budget and services to counties.

CSCDA is governed by a 7-member Commission, four appointed by CSAC and three appointed by LCC. There is an upcoming vacancy on the Commission due to the retirement of Ron Holly (Monterey County Chief Deputy Auditor Controller), effective March 31, 2017. Jordan Kaufman was appointed as an alternate Commissioner in December 2016 and has already become active on the commission and expressed his desire to move from the alternate seat to a regular commissioner should the opportunity arise.

CSAC Finance Corporation Update

CSAC Finance Corporation staff attended the U.S. Communities Annual Meeting this month for a chance to meet with U.S. Communities staff, other national program sponsors, and U.S. Communities suppliers. U.S. Communities was started in California and remains the second largest revenue generator of the CSAC Finance Corporation. Benefits of the U.S. Communities pooled purchasing program include:

- Leverages purchasing power of over 90,000 public agencies.
- Easy and free to sign-up (www.uscommunities.org) and no obligations. All California counties are already registered and able to be utilizing contracts.
- Contracts are non-exclusive and discretionary, so an agency can choose to use any contract that, in its sole discretion, is in its best interest.
- Over 40 products, services, and solutions contracts available.
- Guaranteed best government pricing from U.S. Communities contracts.

U.S. Communities has grown to now include 42 suppliers. The following suppliers are new to the program, or have had their contracts renewed, so far in 2017:

Rehrig Pacific Company has been awarded a multi-year contract to provide waste carts, recycling carts and related products and services. Rehrig Pacific uses a consultative approach to identify how they can best serve your communities, integrate technology to eliminate waste and enhance the customer's experience, and provide simple and easy to implement solutions with a focus on sustainability.

Our partnership with **Advance Auto Parts** through the award of the U.S. Communities auto parts and accessories contract has been continued. This contract offers 600,000 products with competitive pricing that includes tiered volume discounts.

A dual award has been made for the new staffing services and solutions contract. This contract was awarded to **Acro Service Corporation** and **Knowledge Services** through a competitive solicitation process. This contract provides solutions for agencies to save on staffing services, but also on managed service provider solutions and services such as recruitment, payroll and temp-to-hire services.

Acro Service Corporation provides temporary staffing services across a wide range of job categories at predetermined prices, and then streamlines managing multiple temporary staffing providers in a single point of contact through its Managed Service Provider (MSP) program. MSP services are typically only possible for large organizations, but Acro is offering this service for all U.S. Communities participants, no matter how small. Acro is also a diversity supplier and fills positions with talent in your local community.

Knowledge Services takes on the primary responsibilities for managing an agency's workforce and temporary staffing process, vendors, and contractors. Knowledge Services provides a vendor-neutral solution which ensures all staffing partners receive the same requisitions simultaneously. The U.S.-based Knowledge Services MSP/VMS services allow public entities access to high-quality talent at the most competitive pricing in the industry. Knowledge Services understands the needs of public sector clients, embraces small/minority business initiatives and provides funding source reporting, among many other benefits.

AmazonBusiness was awarded a contract this month for their online business marketplace. This contract allows office supplies to once again be offered through U.S. Communities, as well as myriad of other products through the marketplace. AmazonBusiness allows agencies to access exclusive discounts, create multi-user accounts, set purchasing approval chains, and offers two-day shipping. We will be working with our counties to identify who currently uses AmazonBusiness to ensure that those accounts are rolled under the U.S. Communities contract.

For more information please contact Alan Fernandes at (916) 650-8120 or alan@csacfc.org or Laura Labanieh at (916) 650-8186 or laura@csacfc.org.

California State Association of Counties
Conflict of Interest Policy

Article I
Purpose

The California State Association of Counties (“CSAC”) is a California nonprofit mutual benefit corporation. Members of the Board of Directors (“Board Members”) of CSAC are subject to certain legal obligations in the performance of the duties of their position. For this reason, CSAC is establishing this Conflict of Interest Policy for its Board Members.

CSAC Board Members are required to exercise good faith in all transactions involving their duties, and they are subject to certain obligations not to use their position, or knowledge gained through their position, for their personal benefit. In their dealings with CSAC, Board Members should be mindful of potential conflict of interests.

Article II
Standard of Care

In determining potential conflicts of interest, the following standard of care shall be applicable:

- A. Board Members shall perform their duties in good faith, in a manner they believe to be in the best interest of CSAC, with such care, including reasonable inquiry, as an ordinary prudent person in a like position would use under the circumstances.
- B. Board Members are required in their capacity as members of a Board of Supervisors to receive training on ethics and conflicts of interest that satisfies the requirements of AB 1234. Board Members shall perform their duties in a manner consistent with the principles addressed in this training.
- C. Board Members are entitled to rely on the information, opinions, reports or statements (including financial statements and other financial data) prepared or presented by officers or employees of CSAC, independent accountants, and other experts who provide professional services to CSAC, provided that Board Members believe such individuals are reliable and competent, and that the matters on which they present are within their professional or expert competence. Board Members may also rely on the information, opinions, reports or statements of any committee of the Board of Directors with respect to matters within that committee’s designated authority if Board Members believe the committee merits their confidence. Board Members are entitled to rely on the information, opinions, reports or statements of any person, firm, or committee if, after reasonable inquiry when the need therefore is indicated by the circumstances, they have no knowledge that would cause such reliance to be unwarranted.

Article III
Conflicts and Disclosure

- A. Board Members are necessarily involved in the affairs of other institutions and organizations. Effective boards and organizations will include individuals who have relationships and affiliations that may raise questions about perceived conflicts of interest. Although many such potential conflicts are and will be deemed inconsequential, every Board Member has the

responsibility to ensure the entire Board of Directors is made aware of situations that involve personal, familial, or business relationships that could create a real or perceived conflict of interest. Every Board Member is also a member of a Board of Supervisors for a County in the State of California, and their counties pay dues to support CSAC. Decisions by Board Members related to setting dues for CSAC membership is deemed not to be a conflict of interest. Board Members are required annually to be familiar with the terms of this policy, and to acknowledge by his or her signature that he or she is acting in accordance with the letter and spirit of this policy.

B. Board Members are required to make a full disclosure to the Board of Directors of all material facts regarding any possible conflict of interest, to describe the transaction, and to disclose the details of their interest. CSAC shall, as appropriate, seek the opinion of legal counsel and such other authorities as may be required, before entering into any such transaction. Before approving a transaction in which a Board Member may have a conflict of interest, the Board of Directors will attempt, in good faith and after reasonable investigation under the circumstances, to determine that:

- (1) CSAC is entering into the transaction for its own benefit;
- (2) The transaction is fair and reasonable as to CSAC at the time CSAC entered into the transaction;
- (3) The Board of Directors has knowledge of the material facts concerning the transaction and the director's or officer's interest in the transaction; and
- (4) CSAC cannot obtain a more advantageous arrangement with reasonable effort under the circumstances.

The Board of Directors must then approve the transaction by a vote of a majority of the Board of Directors then in office, without counting the vote of any director who may have a conflict of interest due to the transaction under consideration.

CALIFORNIA STATE ASSOCIATION OF COUNTIES
CONFLICT OF INTEREST DISCLOSURE STATEMENT

I hereby certify that I have carefully read and hereby acknowledge receipt of a copy of this Conflict of Interest policy. In signing this Disclosure Statement, I have considered not only the literal expression of the policy, but also what I believe to be the spirit of the policy as well. To the best of my knowledge, information and belief, I hereby certify that, except as stated in the exception below, neither I nor any of my relatives by blood or marriage has any direct or indirect interest that conflicts with the interests of CSAC.

The exceptions are as follows (if more space is required, please attached additional page[s]; if no exceptions, please leave space blank):

If any situation should arise in the future that, as discussed in the policy, may involve me or my relatives by blood or marriage in a conflict of interest, I will promptly disclose the circumstances to the Board of Directors of CSAC.

I am completing this disclosure statement based on the attached CSAC Conflict of Interest Policy.

Date: _____

Signature

Print Name: _____

County: _____



INSTITUTE FOR LOCAL GOVERNMENTSM

Promoting Good Government at the Local Level

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Update on Activities

February 2017

The Institute for Local Government (ILG) is the research and education affiliate of the California State Association of Counties, League of California Cities and the California Special Districts Association.

ILG promotes good government at the local level with practical, impartial and easy-to-use resources for California communities. Our resources on ethics and transparency, local government basics, public engagement, sustainable communities and collaboration and partnerships are available at www.ca-ilg.org.

Highlights

- Three counties awarded Beacon Spotlight Awards at CSAC’s Annual Conference.
- ILG hosts public engagement trainings and workshops on healthy communities in the Valley (see details below).
- ILG is working with CSAC to provide upcoming trainings (see details below).
- ILG’s 2016 Annual Report highlights key activities.

Annual Report

Similar to last year, ILG has compiled a one-page, by the numbers overview of the work over the last year. Please find the report attached.

CSAC Conference Sessions and Institute Courses

ILG facilitated an AB 1234 training at CSAC’s Annual Conference in November and had a presence in the Expo. ILG also honored three counties – San Diego, San Mateo and Ventura – with Beacon Spotlight Awards.

Additionally, ILG will be working with the CSAC Institute on a course for March 2017, “Supporting the Next Generation – Collaborative Approaches and Funding Opportunities” and presenting on “Intergovernmental Collaboration and Shared Services” at the New Supervisors Institute in April.

Public Engagement Trainings

TIERS Training

In January ILG held two free public engagement trainings for local government teams in the Central Valley and Inland Empire. During the trainings, local government teams learned how to use ILG's new [step-by-step public engagement framework](#) to effectively engage residents. Attendees gained skills that helped them overcome barriers, challenging situations and political roadblocks in public engagement efforts. The Central Valley training took place on January 10th-11th and the Inland Empire training took place on January 31st- February 1st. Counties that participated include: San Bernardino, Fresno and San Joaquin. For more information contact Madeline Henry at mhenry@ca-ilg.org.

Public Engagement Strategy Workshop

Looking for assistance with organizing and sustaining productive public engagement? Struggling to decide how to use online engagement tools? Frustrated with the standard “2 minutes at the microphone” public meeting? Need expert advice on bringing together a diverse critical mass of people? ILG's Public Engagement Program is partnering with Public Agenda's Matt Leighninger and Nicole Cabral to bring a workshop to Sacramento on March 8th. Topics covered will include: the strengths and limitations of public engagement; practical skills for planning stronger engagement infrastructure; how to assess the strengths and weaknesses of public engagement in your community; and more. [Register here](#) or contact Sarah Rubin for more information at srubin@ca-ilg.org.

ILG Hosts Health and Prosperity Roundtables in the Central Valley

Local and regional government representatives, business leaders and community organization members are invited to learn, share and connect with others interested in the health and prosperity of San Joaquin Valley communities at two February events. ILG, the American Lung Association in California, and the League of California Cities in partnership with the San Joaquin Council of Governments and Merced County Association of Governments will hold roundtable discussions on how valley communities are using state climate change funding to create healthier communities and expand economic opportunities for their residents.

Find out more about the [February 21 workshop in Stockton here](#), and more about the [February 22nd workshop in Merced here](#). Or contact Julia Lave Johnston at jjohnston@ca-ilg.org.

Summer Meal Summits

Out-of-school time presents a unique opportunity for community leaders to work together to support the health and development of local youth. The California Summer Meal Coalition hosted two summits in January which convened leaders from across disciplines to highlight new opportunities for programming and partnerships, engaging local leaders and youth, effective outreach and addressing challenges. The first Summit took place on January 19th in Contra Costa County and the second took place on January 24th in San Bernardino County. Supervisor John Gioia and former Supervisor Ted Lempert presented at the Summit in Contra Costa County.

This year's events brought together over 250 representatives from cities, counties, schools, special districts and non-profits to discuss the importance of intentional collaborative efforts to meet the needs of California's youth and their families. Local, state and non-profit leaders shared their stories and made connections between health, literacy, youth employment, crime prevention and local agriculture. Attendees left with an understanding that these issues cannot be addressed by one agency alone, but that together federal, state and local governments along with non-profits can improve the lives of California's youth. For more information contact Patrice Chamberlain at pchamberlain@ca-ilg.org.

New Western City Articles and Resources

- *ILG Releases Updated Ethics Resource* shares the updates of ILG's ethics resources and training opportunities (www.westerncity.com/Western-City/December-2016/ILG-Releases-Updated-Ethics-Resources/).
- *ILG: Resources to Understand Municipal Finance* discusses the update to ILG's Understanding the Basics of Municipal Finance and other ILG resources on budgeting and financial management (www.counties.org/county-voice/ilg-resources-understand-municipal-finance). ILG wrote a Western City article on this same topic (www.westerncity.com/Western-City/November-2016/Understanding-Municipal-Finance-Resources-and-Tools/).
- *ILG Offers Ethics Resources and AB 1234 Training* outlines ILG's current ethics related resources and trainings (www.counties.org/county-voice/ilg-offers-ethics-resources-and-ab-1234-training).
- *Summer Food Programs Help Youth Stay on Track* discusses summer meal programs and outlines how counties can get more involved (www.counties.org/csac-bulletin-article/summer-food-programs-help-youth-stay-track).
- *From Crisis, a Lasting Solution for Ventura County* shares Ventura County's success in the Beacon Program (www.counties.org/county-voice/crisis-lasting-solution-ventura-county).
- *Hayward's Water Facility Ranked in Top 30 for On-Site Green Power Production* highlights how Hayward is making green infrastructure investments (www.westerncity.com/Western-City/February-2017/Haywards-Water-Facility-Ranked-in-Top-30-for-On-Site-Green-Power-Production/).
- *Special districts and summer: Building community connections and supporting healthy youth* outlines the benefits of summer meal programs and how special districts can get involved (November/December 2016 issue of CA Special District).

Recent Workshops and Trainings

- In December, ILG facilitated an ethics panel at the California Association for Clerks and Election Officials Conference.
- Staff attended the Municipal Management Association of Southern California's Annual Conference in December.
- Staff attended the California Climate Change Symposium in January.

Board of Directors

ILG's 2017 Board meetings will take place:

- Friday, March 17th (Sacramento)
- Friday, June 2nd (Sacramento)
- Thursday and Friday, August 17th - 18th (TBD)
- Friday, December 8th (Sacramento)



2016 ANNUAL REPORT

As 2016 comes to a close, we at the Institute for Local Government (ILG) have the chance to reflect on the work done throughout the year. It has been another busy, productive and exciting year for ILG! This year we updated our flagship ethics resources, began work on a Governments Engaging Youth project, continued to work with local governments to better engage and integrate immigrant communities and renewed our work on the connection between health, planning and sustainability. The numbers below provide an overview of the work completed in 2016. We look forward to continuing to work with and be a resource for local governments across California!

EDUCATION

54

Trainings reaching thousands of local officials and staff including 6 AB 1234 trainings

20

Conference sessions reaching hundreds of local officials and staff

11

Webinars drawing over 950 registrants

6

Summer Meal Kick-Off Events serving 1100 children and their families

RESOURCES



31 New tipsheets, case stories and white papers



1 New resource center on Community Health Partnerships



12 Electronic newsletters

WESTERN CITY MAGAZINE:



6 News from the Institute Columns



6 Feature articles and 1 online article

THE COUNTY VOICE:



7 Blogs

CA SPECIAL DISTRICT:



2 Feature articles

WHO WE SERVE

58

Counties

1000+

Special Districts

482

Cities



Local Agency Elected and Appointed Officials and Staff

ILG is the research and education affiliate of the League of California Cities, the California State Association of Counties and the California Special Districts Association. Our mission is to promote good government at the local level with practical, impartial and easy-to-use resources for California communities.

ILG relies on the generosity of individuals, organizations, foundations and businesses in order to continue to provide valuable information and resources that help local governments better serve and engage their communities each year. Help us continue to do this work by making a tax-deductible donation today!

The easiest way to donate is online by visiting the "Support ILG" section of our website, or you can contact ILG at 916-658-8208 or info@ca-ilg.org.

INFORMATION/COMMUNICATIONS

8,000 monthly hits to www.ca-ilg.org - an increase of 1,000 visitors a month over 2015

2,300 downloads monthly

4,500 monthly newsletter recipients

1,190 Facebook likes

930 Twitter followers

2,805 LinkedIn connections including 664 members of the Sustainable Communities Learning Network

RECOGNITION OF LOCAL GOVERNMENT LEADERSHIP THE BEACON PROGRAM:

100

Cities and counties participating representing over 30% of California's population



83 Spotlight Awards and 8 full Beacon Awards



10 Beacon champions



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2016-2018

EXECUTIVE DIRECTOR
Jennifer B. Henning

MEMORANDUM

To: Supervisor Keith Carson, President, and
Members of the CSAC Board of Directors

From: Jennifer Henning, Litigation Coordinator

Date: February 16, 2017

Re: Litigation Coordination Program Update

This memorandum will provide you with information on the Litigation Coordination Program's new case activities since your last Board meeting. Briefs filed on CSAC's behalf are available at: <http://www.counties.org/csac-litigation-coordination-program>.

The following jurisdictions are receiving amicus support in the new cases described in this report:

COUNTIES	CITIES	OTHER AGENCIES
Alameda	Carson	Amador Water Agency
Los Angeles	Palo Alto	Big Oak Flat-Groveland Unified School District
Napa	Pasadena (Two Cases)	Goleta Water District
San Francisco	San Gabriel	Ramona Municipal Water District
Santa Clara		
Shasta		
Siskiyou		
Sonoma		

February 2, 2017

Big Oak Flat-Groveland Unified School Dist. v. Superior Court

Status: Fully Briefed and Pending

Petition for Writ of Mandate Pending in the Fifth Appellate District (filed Aug. 29, 2016)(F074265)

Under the Government Claims Act, would-be plaintiffs must file a claim with a public agency before they can file litigation against the agency. Government Code section 905 lists 15 types of claims that are exempt from the claim requirement, including certain allegations of childhood sexual abuse. However, Government Code section 935 allows a local agency to adopt its own local claiming ordinance, and specifically provides that such ordinances can apply to the 15 types of claims that are exempt under State law. In this case, the school district adopted a local claiming requirement. Plaintiff filed a case alleging childhood sexual abuse without first filing a claim with the school district, believing no claim was required under the State law exemption. The trial court allowed the case to go forward, ruling that childhood sexual abuse claims cannot be the subject of local claiming ordinances, even though there is nothing in the statutory language or legislative history to support that ruling. The school district has appealed, and CSAC filed a brief in support.

City of Palo Alto v. Public Employment Relations Board

Status: Letter in Support of Petition for Review Filed February 3, 2017

5 Cal.App.5th 1271 (6th Dist. Nov. 23, 2016)(H041407), *petition for review pending* (filed Jan. 4, 2017)(S239282)

In 2010, the city planned to place a measure before the voters that would repeal interest arbitration procedures in the City Charter for police and firefighter employees. The local union demanded to meet and confer with the city about the rule modifications. The City refused, claiming that interest arbitration was a permissive, not a mandatory, subject of bargaining, and the meet and confer obligations therefor did not apply. The union filed a charge with PERB, which held that the city failed to meet and consult in good faith under section 3507 by refusing to meet with the union. PERB found that the duty to consult under section 3507 is the same as the meet and confer duties under section 3505, and therefore while there is no requirement for employers to meet and confer regarding impasse procedures under section 3505, employers must meet and consult on these subjects under section 3507. The city filed a writ petition in the Third Appellate District. The court determined that “PERB’s conclusion that [the union] sufficiently requested to meet and consult with the City is supported by substantial evidence and [] the constitutional issues raised by the City are meritless. Nonetheless, PERB’s order directing the City Council to rescind its resolution violated the doctrine of separation of powers by ordering a legislative body to take legislative action. We therefore annul PERB’s decision and remand the matter back to PERB with directions to strike this remedy.” The city is seeking Supreme Court review, and CSAC has filed a letter in support.

City of San Jose v. Sharma

Status: Letter in Support of Petition for Review Filed January 28, 2017

5 Cal.App.5th 123 (3d Dist. Nov. 3, 2016)(C074539), *petition for review pending* (filed Dec. 12, 2016)(S238918)

In 1944, Santa Clara County voters adopted an ad valorem property tax to help finance the county’s participation in CalPERS. This tax is now the subject of a

February 2, 2017

redevelopment agency dissolution dispute between the City of San Jose and Santa Clara County. The county auditor-controller, believing it was entitled to the portion of the property tax levied in 1944 to fund the county's retirement obligations, allocated that revenue to the county, but then held the funds in a trust account pending the outcome of this litigation. After this case was briefed at the Court of Appeal, the Legislature adopted SB 107, which clarified that the county is entitled to the tax increment from the retirement property tax. However, the Court of Appeal concluded that SB 107 did not apply because the county did not "allocate" the funds under the statute, but rather held them in a trust account. The court held that "[i]mpounding the funds so that they are not spent is different from allocating the funds 'to make payments in support of pension programs.'" CSAC has filed a letter in support of Santa Clara County's Petition for Review.

County of Siskiyou v. Superior Court (Environmental Law Foundation)

Status: Amicus Brief Due April 20, 2017

Pending in the Third Appellate District (filed Oct. 17, 2016)(C083239)

This case alleges that Siskiyou County's management of groundwater has led to a degradation of the Scott River in violation of the public trust doctrine. The trial court ruled against the county, finding that the public trust doctrine protects navigable water ways from harm caused by groundwater extraction, and the county is required to consider the public trust in regulating ground water and issuing well permits. The county sought reconsideration in light of the Legislature's enactment of the Sustainable Groundwater Management Act (SGMA), which occurred just two months after the trial court's order, but that motion was denied. The trial court then moved on to the second component of the lawsuit—whether the State Water Resources Control Board can step in and impose groundwater regulations under the public trust doctrine. The trial court found that the SWRCB has the authority and duty under the public trust doctrine to regulate groundwater extractions that affect public trust uses of surface water. The court rejected the county's argument that SGMA's enactment precludes SWRCB regulation of groundwater under the common law through adoption of a local regulatory system. Instead, the court concluded that there is no evidence that the Legislature intended SGMA to occupy the field of groundwater regulation or to supplant common law doctrines like public trust. CSAC will file a brief in support of Siskiyou County on appeal.

Flores v. City of San Gabriel

Status: CSAC's Brief Supporting US Supreme Court Review Due Feb. 2017

824 F.3d 890 (9th Cir. June 2, 2016)(14-56421,14-56514)

The City of San Gabriel allowed employees, if they provided proof of alternate medical coverage, to forgo medical benefits and receive the unused portion of the designated monetary amount as a cash payment (e.g., cash in lieu). The city treated the cash in lieu payments as benefits, not compensation, and thus excluded the payments from employees' regular rate of pay for overtime purposes. The Ninth Circuit held that under the Fair Labor Standards Act (FLSA), cash payments made to employees in lieu of health benefits must be included in the hourly "regular rate" used to compensate employees for overtime hours worked. CSAC supported the city's petition for rehearing, but rehearing was denied. The city is now seeking certiorari at the US Supreme Court, and CSAC will file a brief in support.

February 2, 2017

Garcia v City of Pasadena

Status: Fully Briefed and Pending

Pending in the Second District Court of Appeal (filed Oct. 20, 2015)(B267613)

Plaintiffs, a mother and her young son, were walking (the son in a stroller) on a three-mile recreational walkway adjacent to a golf course when the son was struck in the head by an errant golf ball. There is an eight foot chain link gate separating the walkway from the golf course at the incident location, but no high netting. Plaintiffs filed a lawsuit against the City of Pasadena, arguing that the walkway or golf course is a dangerous condition of public property under Government Code section 835. The city filed for summary judgment and the trial court entered judgment in favor of the city. The court held that Government Code section 831.4 (recreational use immunity) provides the city absolute immunity. The court reasoned that: (1) the walkway is a trail under the commonly accepted definition of trail; (2) the walkway is used for recreational purposes; and (3) public policy dictates that the walkway be classified as a trail because, otherwise, the city would be inclined to close the walkway to the public to avoid liability. Plaintiffs appealed, and CSAC has filed a brief in support of the city.

Goleta Ag Preservation v. Goleta Water District

Status: CSAC's Amicus Brief Due February 2017

Pending in the Second District Court of Appeal (filed Aug. 24, 2016)(B277227)

Defendant Water District raised rates for all customer classes (residential, commercial, and agricultural). The District's action maintained its tiered rates for residential customers, and added a flat drought surcharge on all customer classes in all tiers. Plaintiff filed this challenge arguing that notice of ratemaking hearings was required to be sent to all customers, rather than to property owners. Plaintiff also argued that the tiered and conservation rates violated Prop. 218. The trial court upheld the rates. As to the tiered rates, the court provided helpful guidance on implementing *Capistrano Taxpayers Assn v. City of San Juan Capistrano* and held that apportionment needs to be reasonable, that conservation costs may be included, and that there is no single correct method to allocate costs or structure rates. The Court further held that: (1) Proposition 218 sets the maximum amount for fees and charges; an agency that shows customers pay below the volumetric rate (total revenue divided by total usage) makes a prima facie showing of compliance with Proposition 218 as to those rates; (2) a uniform dollar surcharge complies with Proposition 218; and (3) as to the proper notice of a Proposition 218 hearing the Court concluded that notice to customers, rather than property owners, is acceptable absent evidence this method fails to provide notice to a "sufficiently large" segment of property owners. Petitioner appealed. CSAC will file a brief in support of the District.

Howard Jarvis Taxpayers Assn v. Amador Water Agency

Status: Fully Briefed and Pending

Pending in the Third District Court of Appeal (filed May 20, 2016) (C082079)

After determining that its rates were insufficient to meet the ongoing costs of providing water service, the Amador Water Agency, conducted a Proposition 218 process, and, after less than 1% of ratepayers submitted a protest, the agency adopted new water rates. A local group collected signatures for a referendum petition that demanded either repeal of the new rates or suspension of the rates until after a vote at the next regular

February 2, 2017

election. The agency declined to certify the referendum petition for a number of reasons, including: (1) the Amador Water Agency Act requires the agency to set rates sufficient to pay its expenses and (2) the only proper method to repeal the water rate increase is through an initiative. The Howard Jarvis Taxpayers Association (“HJTA”) petitioned for a court order directing the agency to comply with the statutory requirements for processing the referendum petition. The court denied HJTA’s petition, holding that Proposition 218 does not authorize voters to challenge water rates by referendum. CSAC has filed a brief in support of the water agency.

In re J.E. (Alameda County Social Services Agency v. T.G.)

Status: Request for Depublication Denied; Case Closed

3 Cal.App.5th 557 (1st Dist. Sept. 21, 2016)(A147724), *depublication request denied* (Nov. 30, 2016)(S238405)

A teenage minor in foster care had chronic behavior issues, including running away, cutting behaviors, drugs and alcohol, alleged sexual abuse against her younger sister, and more. Reunification services included family therapy, but neither the mother nor the minor engaged in therapy. At the 18-month review hearing, the county recommended that reunification services be terminated. Instead, the court ordered services continued and directed the agency to pursue additional assessments and provide additional therapy services (i.e., sexual offender treatment). The county appealed, arguing that reunification services can only be ordered after 18 months under limited circumstances not present here. The Court of Appeal upheld the juvenile court order, concluding that the juvenile court has discretion to order services beyond the 18 months, and its discretion was not abused here. CSAC’s depublication request was denied.

Mateos-Sandoval v. County of Sonoma

Status: Fully Briefed and Pending

Pending in the Ninth Circuit Court of Appeals (16-16122)

Vehicle Code section 14602.6 provides that if a person is driving a vehicle without a valid license, the vehicle “shall be impounded for 30 days.” Plaintiffs were cited by Sheriff Deputies for driving on suspended foreign driver’s licenses and, as required by statute, their vehicles were impounded for 30 days. Plaintiffs filed this lawsuit in federal court arguing that the 30 impoundment is an unlawful seizure in violation of the Fourth Amendment. The federal district court agreed, concluding that even if there was sufficient cause to impound the vehicle at the time of the citation, there was no evidence of the public safety risk justifying the 30 day hold. Sonoma County has appealed, and CSAC has filed a brief in support.

Mendez v. County of Los Angeles

Status: CSAC Amicus Brief Due January 2017

815 F.3d 1178 (9th Cir. Mar. 2, 2016)(13-56686), *cert. petition granted* (Dec. 2, 2016)(16-369)

In the process of searching for a parolee-at-large, sheriff deputies shot a homeless couple living in a shack in a residential backyard. The Ninth Circuit found that under clearly established law, the backyard shack was part of the home and therefore protected by Fourth Amendment. The Ninth Circuit further found that defendants were unable to

February 2, 2017

demonstrate specific and articulable objective facts to justify the warrantless sweep of the shack, and therefore violated the Fourth Amendment. The court acknowledged that the officers acted reasonably when they shot the couple because they saw the silhouette of a rifle pointed at them. But the court created a new “provocation” rule-- because the officers entered the shack without a warrant, they provoked plaintiffs to behave in a way that created cause to shoot. The US Supreme Court has granted certiorari to consider whether the Ninth’s Circuit provocation rule conflicts with Supreme Court precedent. CSAC will file a brief in support of the county.

Pasadena Police Officers Assn. v. City of Pasadena

Status: CSAC Amicus Brief Due April 2017

Pending in the Second Appellate District (filed June 10, 2016)(B275566)

In response to an officer-involved shooting, the city hired the Office of Independent Review Group (OIR) to review police department policies and report its findings. OIR based its report on a review of the Department’s criminal and administrative (personnel) investigations of the incident. Portions of the investigation reports were actually recited or referenced in the report. The LA Times, among others, sought the report under the Public Records Act (CPRA). The city proposed to release the report with portions redacted to preserve the officers’ right to confidentiality of their personnel record. The Pasadena Police Officers Association (PPOA) sought to enjoin disclosure of the report altogether, and the LA Times intervened seeking the report’s full disclosure. Ultimately, the Court of Appeal upheld the city’s actions, but concluded that four pages of the voluminous report should have been redacted. On remand, the LA Times sought attorney’s fees against the city through CPRA and the Private Attorney General Statute. The trial court awarded the LA Times attorney’s fees under CPRA for time spent obtaining the “unredactions” and making their fee motion, but denied the fee request under Private Attorney General statute, finding that it is inapplicable where another statute (here, CPRA) specifically authorizes the award of attorney’s fees. The LA Times appealed. CSAC will file a brief in support of the city.

People v. Clark

Status: CSAC Amicus Brief Due March 2017

Pending in the Third Appellate District (filed Mar. 22, 2016)(C081673)

The trial court ordered the Shasta County Public Guardian (PG) to investigate a conservatorship. The PG, however, asserted that defendant’s due process rights were violated because a preliminary hearing was conducted when defendant was mentally incompetent. The trial court nevertheless ordered the PG to petition for a conservatorship. County Counsel, representing the PG, moved to dismiss the petition, as the PG has the statutory authority to do. The District Attorney moved to disqualify County Counsel, which the court granted. The court essentially concluded that the type of conservatorship at issue are outgrowths of criminal proceedings, and the attorney presenting it is doing so on behalf of the People of the State of California not the PG. Thus, because County Counsel arguments on behalf of the PG were in conflict with the role of a public prosecutor, disqualification of County Counsel was warranted. On appeal, the PG argues that the court’s order was an unlawful means of removing her discretion.

February 2, 2017

Plantier v. Ramona Municipal Water District

Status: Amicus Brief Due March 2, 2017

Pending in the Fourth Appellate District (filed February 21, 2016)(D069798)

This case raises an important Prop. 218 procedural issue: Whether Prop. 218's protest procedures provide an administrative remedy that must be exhausted prior to filing a class action lawsuit challenging the methodology of calculating fees under Prop. 218's substantive requirements. In the case, plaintiffs filed a class action alleging that the District's sewer services charges, which utilized an Equivalent Dwelling Unit ("EDU") billing system, violates Prop. 218's proportionality requirement because it arbitrarily assigns EDUs to parcels based on assumed usage, and ignores available data regarding actual usage. Plaintiffs filed the complaint, but none of the named plaintiffs filed written protests or appeared at any of the Prop. 218 hearings held by the District. Plaintiffs all admitted they received notices of the hearings and were aware of the written protest process, but declined to participate because they did not believe it would make a difference. The trial court ruled in favor of the District based on plaintiffs' failure to exhaust administrative remedies. CSAC will file a brief in support of the water district.

Rand Resources v. City of Carson

Status: CSAC Amicus Brief Due February 24, 2017

247 Cal.App.4th 1080 (2d Dist. May 31, 2016)(B264493), *petition for review granted* (Sept. 21, 2016)(S235735)

The city entered into an exclusive agency agreement with plaintiff to negotiate with the NFL for stadium development. Plaintiff later brought this action for breach of contract, and the city responded by filing an anti-SLAAP motion, asserting their communications regarding the proposed NFL development fell within the "public interest" portion of the statute. The trial court granted the anti-SLAAP motion, but the Second District reversed. The Court of Appeal found that while the city's goal of bringing an NFL team and stadium to the city was a matter of public interest, discussions about how that contract would be negotiated were not. The California Supreme Court granted review. CSAC will file a brief in support of the city.

T-Mobile v. City and County of San Francisco

Status: Amicus Briefs Due April 12, 2017

3 Cal.App.5th 334 (1st Dist. Sept. 15, 2016)(A144252), *petition for review granted* (Dec. 21, 2016)(S238001)

In 2011, San Francisco adopted a personal wireless service facilities ordinance that required service providers to obtain a permit to place their facilities in the right-of-way. The ordinance included several requirements, but the element relevant to this appeal is a provision conditioning a permit for larger equipment on an aesthetic review. T-Mobile and other personal wireless providers challenged that requirement, relying on Public Utilities Code section 7901, which gives telecom providers the ability place their equipment in the public right-of-way so long as the equipment does not "incommode the public use of the road." Plaintiffs argue that since aesthetic considerations are not relevant to whether their equipment obstructs travel, the ordinance is preempted. The trial court ruled in the city's favor, and the First Appellate District affirmed, finding "Nothing in section 7901 explicitly prohibits local government from conditioning the approval of a particular siting permit on

February 2, 2017

aesthetic concerns. In our view, ‘incommode the public use’ means ‘to unreasonably subject the public use to inconvenience or discomfort; to unreasonably trouble, annoy, molest, embarrass, inconvenience; to unreasonably hinder, impede, or obstruct the public use.’” The Supreme Court has granted review. CSAC will file a brief in support of San Francisco.

United Auburn Indian Community of the Auburn Rancheria v. Brown

Status: Petition for Review Granting; Briefing Underway

4 Cal.App.5th 36 (3d Dist. Oct. 13, 2016)(C075126), *petition for review granted* (Jan. 25, 2017)(S238544)

Under the Indian Gaming Regulatory Act (IGRA), land can be taken into trust for the benefit of a tribe if the Secretary of Interior finds it is in the best interest of the tribe and not detrimental to the community, and the Governor concurs. In California, the Governor is designated by the California Constitution and the Government Code as the officer responsible for negotiating and executing tribal compacts. But the question presented here is whether a specific statutory delegation is needed for the Governor to concur in the Secretary findings to take land into trust. In the case, the Secretary made the requisite findings to take land into trust in Yuba County for the Enterprise Rancheria of Maidu Indians of California, and the Governor concurred. Plaintiff, a competing tribe, brought this action alleging that concurrence is a legislative act, and that absent a specific legislative delegation to the Governor, concurrence should be made by the Legislature. The Third District disagreed, holding that concurrence is an executive act that does not require legislative delegation. On December 2, 2016, the Fifth District reached the opposite conclusion, finding that the Governor did not have the authority to concur with the Secretary in a decision to take land into trust for the North Fork Rancheria of Mono Indians for an off-reservation casino. (*Stand Up for California! v. State of California*) CSAC filed a letter urging the Supreme Court to grant review in order to resolve the conflict between the Courts of Appeal, but did not take a position on the merits.

Wilson v. County of Napa

Status: Fully Briefed and Pending

Pending in the First District Court of Appeal (filed Aug. 22, 2016)(A149153)

Napa County’s Registrar of Voters rejected a citizen-generated Initiative Petition because it did not contain the “full text” of the measure it would enact into law as required by Elections Code § 9101. The proposed measure would establish a new mandatory permitting program for oak tree removals. It proposes to enact into new law as mandatory permit requirements specific provisions of the county’s current Voluntary Oak Woodland Management Plan. The Initiative Petition, however, merely cross references the text, but does not include the substantive provisions of the proposed law in its text or attach them. The initiative’s proponents filed a writ of mandate action challenging the Registrar’s action. The trial court denied the writ. The court noted that Elections Code section 9201 requires initiatives to include “the text of the measure” to ensure that a person has sufficient information to assess whether to sign the petition. The court concluded that cross referencing an existing voluntary policy does not meet section 9201’s “full text” requirement. The initiative proponents have appealed. CSAC has filed a brief in support of Napa County.

California State Association of Counties®
Financial Statement
July-December 2016

	FY 2016-17	FY 2016-17	FY 2016-17
	Budget	Actual	Percent
Revenues:			
Membership Dues	3,430,506	3,430,506	100%
Finance Corp Participation	3,500,000	1,700,000	49%
Rental Income	168,417	85,730	51%
Administrative Miscellaneous	579,800	377,509	65%
CSAC Conferences	413,000	329,875	80%
CEAC	159,565	81,543	51%
Corporate Associates	<u>929,000</u>	<u>769,750</u>	83%
Total Revenues	\$9,180,288	\$6,774,913	74%
Expenditures:			
Salaries/Benefits	5,563,381	2,516,591	45%
Staff Outreach	166,200	98,250	59%
Leadership Outreach	75,000	55,235	74%
NACo Meetings & Travel	120,500	72,954	61%
NACo 2nd VP Campaign	10,000	12,741	127%
Public Affairs/Communications	50,350	23,447	47%
CSAC Conferences	559,716	302,754	54%
Facilities	267,706	164,416	61%
Office Operations	286,810	150,110	52%
Donations	115,000	115,000	100%
CEAC	159,565	81,543	51%
Outside Contracts	647,000	304,490	47%
Corporate Associates	510,255	309,386	61%
Institute Contribution	<u>180,728</u>	<u>80,000</u>	44%
Total Expenditures	\$8,531,483	\$4,286,916	50%

2017 CSAC Calendar of Events

Board of Directors

January

- 4 Urban Counties of California (UCC) Board Conference Call
- 11 CSAC Executive Committee Orientation Dinner, Sacramento
- 12 CSAC Executive Committee Meeting, Sacramento
- 18 Rural County Representatives of California (RCRC) Board Meeting & Installation of Officers Reception, Sacramento

February

- 1 Urban Counties of California (UCC) Board Conference Call
- 8-10 CSAC Premier Corporate Partner Forum, San Diego County
- 16 CSAC Board of Directors Meeting, Sacramento
10:00am – 1:30pm, Capitol Event Center, 1020 11th Street, 2nd Floor, Sacramento
- 25-1 NACo Legislative Conference, Washington, D.C.

March

- 1 Urban Counties of California (UCC) Board Conference Call
- 15 Rural County Representatives of California (RCRC) Board Meeting, Sacramento

April

- 5 Urban Counties of California (UCC) Board Conference Call
- 6 CSAC Executive Committee Meeting, Los Angeles County
- 19-21 CSAC Finance Corporation Board Meeting, Monterey County
- 26-27 Rural County Representatives of California (RCRC) Board Meeting, Tehama County

May

- 17 Urban Counties of California (UCC) Board Meeting, Sacramento
- 17-18 CSAC Legislative Conference, Hyatt Regency Hotel, Sacramento
- 18 CSAC Board of Directors Meeting, Sacramento
12:30pm – 4:00pm, Hyatt Regency, 1209 L Street, Sacramento
- 24-26 NACo Western Interstate Region Conference, Deschutes County (Sunriver), Oregon

June

- 21 Rural County Representatives of California (RCRC) Board Meeting, Sacramento

July

- 5 Urban Counties of California (UCC) Board Conference Call
- 21-24 NACo Annual Conference, Franklin County/Columbus, Ohio

August

- 2 Urban Counties of California (UCC) Board Conference Call
- 3 CSAC Executive Committee Meeting, Sacramento
- 16 Rural County Representatives of California (RCRC) Board Meeting, Sacramento

September

- 6 Urban Counties of California (UCC) Board Conference Call
- 7 CSAC Board of Directors Meeting, Sacramento
10:00am – 1:30pm, Capitol Event Center, 1020 11th Street, 2nd Floor, Sacramento
- 13-15 CSAC Finance Corporation Board Meeting, Santa Barbara County
- 27-29 Rural County Representatives of California (RCRC) Annual Meeting, El Dorado County

October

- 4 Urban Counties of California (UCC) Board Conference Call
- 4-6 CSAC Executive Committee Retreat, Location TBD

November - December

- 27-1 CSAC 123rd Annual Meeting, Sacramento Convention Center
- 29 Urban Counties of California (UCC) Board Meeting, Sacramento
- 30 CSAC Board of Directors Meeting, Sacramento
2:00pm – 4:00pm

December

- 6 Rural County Representatives of California (RCRC) Board Meeting, Sacramento
- 13-15 CSAC Officers' Retreat, Napa County

As of 2/3/17