

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Executive Office

SUBMITTAL DATE:
December 22, 2009

SUBJECT: 2010 Federal Legislative Platform

RECOMMENDED MOTION: That the Board of Supervisors approve the attached policy positions on federal issues and direct the Executive Office and the Board's Washington, D.C. legislative representatives to further the Board's positions.

BACKGROUND: Annually the Board adopts positions on selected federal legislative issues to guide advocacy efforts at the federal level. In addition to working with Board members and with our federal advocate, the Executive Office requests positions on federal issues from county departments. The 2010 platform contains new federal policy items and key selected policy items of continuing importance. The CSAC federal priorities are also included for Board approval. Previously adopted Board positions remain in effect. Federal appropriation requests will be brought to the Board for approval in late January or February 2010 once the process is complete.

Attachment

Gary M. Christmas

Gary M. Christmas
Chief Deputy County Executive Officer

Departmental Concurrence

FINANCIAL DATA

Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
Annual Net County Cost:	\$ 0	For Fiscal Year:	N/A

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:

Jay E. Orr

Jay E. Orr

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 3.7 12/19/06

District:

Agenda Number:

3.70

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New Federal Legislative Policy Items

Federal Housing Funding

Issue: Federal Housing Funding is not based on a predictable formula that allows local housing authorities to properly plan future budgets. Furthermore, funding allocations have declined as rising unemployment increased the need for housing assistance in Riverside County.

Action: Create a set formula to determine the level of funding for the Housing Choice Voucher Program. The formula should reflect and adequately fund increasing housing needs.

Background: A five month delay in receiving the 2009 HUD funding notice left the Housing Authority of the County of Riverside (HACR) with insufficient time to adjust its budget and address funding shortfalls. HUD uses different formulas each year to determine funding levels, leaving local housing authorities with limited guidelines for budget planning. This created delays for families in need of rental assistance and can create serious budget issues for the agency.

Additionally, Riverside County's funding allocation was required to use its program reserves as part of its funding allocation. This reduced the level of funding Riverside County would receive from HUD for rental assistance. Unprecedented increases in the county's unemployment surged demand for Housing Assistance Payments, known as Section 8 subsidies. The housing authority was forced to reduce program costs and has issued vouchers to families from their waiting list to those who were slated to receive assistance. Families from outside the area who wanted to move to Riverside and transfer their Section 8 voucher were no longer accepted and those who wanted to move outside of the county were required to relocate to lower-cost locations. Increases in payments to landlords and rising demand for housing assistance further stressed the agency's finances.

The HACR was able to avoid further cuts to rental assistance by using all of its program reserves. Any delays in the 2010 funding notice or additional cuts to funding would jeopardize the rental assistance provided for many Riverside County families.

Health Care

Issue: For most of 2009, Congress has been working on far reaching legislation to reform health care. The House approved H.R. 3962, the *Affordable Health Care for America Act*, in November. The Senate is expected to complete work on its version, H.R. 3590, the *Patient Protection and Affordable Care Act*, before they recess for 2009. When Congress reconvenes in January, House and Senate Conferees will begin to negotiate a final agreement on health care reform.

Action: The County of Riverside supports the following positions regarding the final conference agreement on federal health care reform legislation:

Medicaid Disproportionate Share Hospital (DSH) Program Payments:

The County opposes any attempts to reduce or eliminate payments to the DSH program. Medi-Cal – California’s Medicaid program - currently reimburses hospitals well below the cost of providing care, with an estimated \$3.7 billion annual shortfall. According to state figures, the Riverside County Regional Medical Center (RCRMC) alone provides 81 percent of all the indigent care hospital patient days in Riverside County. Additionally, RCRMC has seen a 20 percent increase in the number of people utilizing the County Medical Assistance program over the past year. Any further reduction to RCRMC’s DSH funding – approximately \$70 million annually -- would have a significant impact on the hospital’s ability to adequately handle the increasing number of uninsured that need to be treated. Currently both the House and Senate bills reduce Medicaid DSH payments; however, the House bill’s cuts are less severe.

Medicaid/FMAP:

County supports increased funding for Medicaid programs and would oppose any effort to reduce the Federal share (FMAP) given to states in providing Medicaid services. The Senate bill is more favorable to the county on this issue because it increases funding to go along with the increased eligibility and expansion of the Medicaid rolls. The federal share reductions proposed in the House bill would have disastrous impacts on health care in California, which already faces low reimbursement rates for high volumes of medically indigent patients.

Federally Qualified Health Centers (FQHC):

The county supports increased funding for FQHCs as well as an increased reimbursement rate for FQHCs. FQHCs in the county are reimbursed by Medicare at a current rate of \$93 per visit. However, the index with which the rate is increased annually is not keeping up with the rising costs of medical care. Both bills provide for increased funding for FQHCs, but only the Senate bill provides for an updated reimbursement rate.

340B Drug Pricing Program:

The 340B program enables RCRMC to provide drugs to its patients at a reasonable price. Currently, RCRMC only receives discounts on outpatient drugs. Expanding the program to provide discounted drugs to patients in the inpatient setting will enhance the ability of safety net providers, like RCRMC, to ensure access to care for vulnerable patients. The Senate bill is more favorable to the county on this issue because of the inclusion of the "inpatient setting" language. Senate debate efforts may result in the elimination or reduction of the 340B program. There was an effort to make reductions during the Senate HELP markup over the summer, but it was defeated.

Medicaid Exclusion for Psychiatric Patients

Issue: Medicaid reimbursements exclude psychiatric patients age 18 to 65 if they are receiving care at a freestanding Acute Psychiatric Inpatient Hospital with 16 beds or more. The restriction reduces the bed space available for patients throughout the region.

Action: Support or sponsor legislation to increase the Acute Psychiatric beds available for adults. Such legislation will eliminate discrimination against a protected group of disabled mentally ill adults.

Background: The Federal Government decided Medicaid was never intended for the chronically mentally ill adult patients in state hospitals. When states deinstitutionalized their State Hospitals, federal legislation was passed to extend the Medicaid exclusion rule to long-term institutions for Mental Disorders. If County Mental Health Departments want to provide inpatient services for adult patients at freestanding psychiatric hospitals, they must incur the costs of services. The Medicaid exclusion rule was never meant to include freestanding Acute Psychiatric Inpatient Hospitals with more than 16 beds.

Cost Neutral: There should be no increase in costs to State/Federal/County Governments. These Medicaid patients continue to receive treatment in psychiatric hospitals that often are far from their homes. There might be a reduction in saving if ambulance transports are reduced.

Jobs Stimulus Funding

Issue: Jobs Stimulus Funding.

Encourage federal jobs funding that creates jobs in regions hard hit by foreclosures and property value decline.

Action: County should support job stimulus programs that work for California counties hard hit by falling home prices and significant foreclosures.

Prior stimulus programs have focused on weatherization and construction jobs that are not helpful to Riverside County. Most of our two million residents live in homes that are new and generally have good insulation. Further, we have an excess supply of recently built homes and any new home construction would further lower home values. The proposed jobs programs would have little beneficial impact on county unemployment, which currently stands at 15 percent.

Regional Habitat Planning

Issue: Regional Habitat Planning, Conservation, Management and Monitoring Fiscal Support via the *U.S. Fish and Wildlife Service's Section 6 Cooperative Endangered Species Conservation Fund* in the *FY 2011 Senate Interior and Related Agencies Appropriations bill*.

Action: In partnership with approximately a dozen counties in northern and southern California, we request that funding for the U.S. Fish and Wildlife Service's Section 6 Cooperative Endangered Species Conservation Fund (the "Fund") be restored to previous levels, from the \$85.0 million current-year level to \$125 million in FY 2011. This will restore the Fund to approximately its fiscal 2001 level, adjusted for inflation and provide much needed support to regional Habitat Conservation Plans (HCPs) in Riverside County, throughout the state and nationally.

The Fund includes grants for land acquisition of approved HCPs, planning grants for HCPs in preparation, land acquisition grants for species that have Recovery Plans and sub grants for management and monitoring activities. Section 6 grants are the main source of federal funding to aid the preparation and implementation of HCPs.

In the years ahead, the land acquisition grants will be an essential component for meeting the biological conservation and permit streamlining benefits of HCPs. Management and monitoring activities, which are critical to the continued success of these plans, also need to be funded. However, the program is currently funded at a substantially lower level than in Fiscal 2001 in actual dollars. Fiscal 2001 appropriations were \$104.7 million. The current funding level is only \$85.0 million. The decrease is far more severe when inflation is taken into account.

Due to the increasing number of HCPs emerging throughout the country, the Fund will have to increase significantly over the next several years in order to ensure that HCPs continue to be initiated and implemented successfully. In California alone, the number of regional HCPs has doubled while the Fund has failed to keep pace with inflation. Despite the recent economic downturn, costs to fully implement and manage regional HCP reserve systems remain high. Demand is particularly high for planning and land acquisition funding, given the large number of completed HCPs and Recovery Plans.

With adequate funding, HCP's can significantly capitalize on our present economic situation by securing lands, previously out of market range, needed to establish the reserve systems. Given this unique opportunity a large increase of the Fund over the next several years is justifiable and necessary.



Previous Federal Legislative Policy Positions

Issue: Training, Recruitment and Retention of Public Health Workforce.

Action: The ability of the public health system is to prevent, respond to and recover from bioterrorism, infectious disease outbreaks and other health threats depends on the existence of adequate numbers of well-trained public health and environmental health professionals. The current public health system has an aging staff nearing retirement with no clear influx of highly skilled and capable employees to fill the void.

Support legislation that allows for the establishment of a Public Health Workforce Scholarship Program and a Public Health Workforce Loan Repayment Program. This federal legislation would affect all 50 states.

Issue: Emancipated Foster Youth.

Action: To protect and support children in foster care by supporting legislation that provide states access to federal resources to support emancipated foster youth up to age 21.

Every year, more than 4,000 California youth lose foster care support when they reach the age of 18. These children who 'age out' often face economic, educational and social hurdles as they try to transition independently into adulthood. The critical years between the age of 18 and 21 are when these youth are most at risk of becoming homeless, involved in the criminal justice system or unemployed. Not only are there personal costs to the youth involved, but the failure to support these children reverberates throughout the state and local governments in the form of incarceration and social service costs.

The intent of this proposal is to support legislation to provide California with the ability to leverage federal resources to support foster children up to age 21.

Issue: Foster Care Background Checks.

Action: Federal law went into effect on October 2008 that requires California to use federal requirements to conduct its criminal background checks. California currently has a thorough background check process which allows for exemptions for potential foster-care parents, under specific circumstances. The exemption option is not available under the federal law. This will result in a decrease in the number of persons, especially relatives, who can be authorized to care for children in foster care.

The intent of this proposal is to support children in foster care by allowing California to determine standards of foster care placements.

Continued use of the current California background check process in foster care placements would not create a fiscal change.

Issue: Supplemental Security Income (SSI) Benefits for Emancipated Foster Youths.
To protect and support children in foster care by supporting legislation that would allow foster care youth nearing emancipation to apply for SSI benefits in a timely manner.

Action: The intent of this proposal would be to support legislation to provide California with the ability to allow for timely application for SSI benefits to emancipating youth.

Issue: Screening, Follow-up and Reimbursement for Immigrants, Refugees and Asylees with Communicable Diseases of Public Health Significance.

Local health departments are often called upon to determine if an immigrant, refugee or asylee needs care and treatment for a communicable disease of public health significance. Pre-entry screening of immigrants, refugees and asylees is designed to prevent persons with active, transmissible communicable diseases of public health significance from entering the United States, but the screening is not uniform. The requirement that immigrants, refugees and asylees with certain communicable diseases and potentially communicable diseases of public health significance report for evaluation by local health departments is currently voluntary. This lack of consistent quality of pre-entry screening and the lack of funded, mandatory requirements for evaluation of immigrants, refugees and asylees with communicable diseases of public health significance upon arrival in the United States places an undue burden on local health departments and threatens the health of the communities they serve.

Immigrants, refugees and asylees need care and treatment for communicable diseases of public health significance in the communities in which they reside. Local health departments are often called upon to absorb the cost of such services free of costs or at no charge to the immigrant, refugee and asylee patient. Local health departments experience a financial burden in providing this care, essential to the health of the immigrant, refugee or asylee patients as well as to protect the health of the local community from the spread of communicable diseases of public health significance.

Action: Support the Federal Government's efforts to standardize, improve and strengthen pre-entry screening of immigrants, refugees and asylees for communicable diseases of public health significance.

Support communication and mandatory follow-up with local health departments regarding immigrants, refugees and asylees who have been identified during screening as having either a communicable disease or a potentially communicable disease (e.g., those persons classified as Class B-1 tuberculosis status) of public health significance.

Support reimbursement from the Federal Government to local health departments for all un-reimbursed services provided on behalf of immigrants, refugees and asylees with communicable diseases of public health significance.



Continuing Federal Policy Positions

Continuing Federal Policy Positions

Re-Entry and Anti-Recidivism Programs:

Support measures that will increase funding for re-entry and anti-recidivism programs to provide a second chance at the local level.

Alternative Energy:

Support incentives and programs that encourage alternative energy, including wind power and solar.

Santa Ana River Parkway:

Support federal funding for this tri-county parkway, including support of the Army Corps of Engineer's request for funds for use at Prado Dam.

Unfunded Mandates:

Support measures that ease the burden of federal regulations and mandates on local governments by:

Requiring adequate federal funds for new mandates arising from federal law, regulation, or policy; and,

Reimburse local governments for the costs of complying with existing federal mandates.

Public Safety Funding:

Support measures that provide funding opportunities for local public safety efforts, including law enforcement, juvenile justice and delinquency prevention, violence against women, domestic terrorism, communications interoperability, and drug court activities.

Public Health Funding:

Support measures that continue or increase critical federal funding for local public health services, including Medicaid/Medicare, DSH, Ryan White, SAMHSA, and Preventative Health funding.

Social Services Funding:

Support measures that continue or increase critical federal funding for local social services, including Child Welfare Services programs, the Social Services Block Grant and funding under the Older Americans Act.

Maternal and Child Health Care:

Support funding for Maternal and Child Health Block Grants and legislation to revise the distribution formula for MCH funds to provide a more equitable distribution of funding for jurisdictions that have experienced population growth.

Election Reform:

Support measures that provide support and funding for upgrading and maintaining local voting systems.

Endangered Species Act (ESA):

Support measures consistent with the Board's policy to amend and reauthorize the ESA, including a more systemic approach to implementation of the Act.

Payment in Lieu of Taxes:

Support measures that increase PILT to the amount authorized by the Act in 1994.

Housing, Homeless, and Community Development Funding:

Support measures that address the housing and homeless needs in the county, and increase and fully fund the CDBG program.

Agricultural Pests:

Support measures to provide funding to address agricultural pest issues in the county.

Mental Health:

Support measures that provide funding for mentally ill offenders and other mental health programs.

Habitat Conservation:

Support measures that support and fund:

- 1) Habitat conservation and related activities,
- 2) Transportation and communication corridors to relieve congestion; and,
- 3) Planning efforts to establish future land use and housing needs.

Temporary Assistant to Needy Families (TANF):

Support measures that will continue the TANF program.

Riverside County Regional Medical Center:

Support legislation that would provide funding for capital improvement projects to improve RCRMC's ability to serve as the region's first responder for health-related incidents, and oppose any attempts to reduce Medicaid payments to public hospitals.

Reimbursement Rates for Uninsured Persons Utilizing Hospitals:

Support state efforts to gain additional federal funding to both reduce losses to hospitals under the MediCal program, and to provide reimbursement for uninsured patients seen by hospitals.



CSAC Federal Priorities

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Support the California State Association of Counties position on the following federal issues:

Medicaid:

Oppose Medicaid budget reductions that would harm health service delivery in California and supports an increase in the Federal Medical Assistance Percentage (FMAP) as part of any economic stimulus package.

State Criminal Alien Assistance Program (SCAAP):

The SCAAP program is a critically important budget item for a large number of California's counties. CSAC is one of the leading local government organizations in the fight to protect and enhance funding for SCAAP, which continues to be underfunded by Congress. CSAC will continue to advocate for maximum funding levels to offset the cost of housing undocumented criminals in county detention facilities.

Climate Change:

Urge Congress to provide financial incentives to states that adopt and set greenhouse gas emissions reductions targets. CSAC also is urging Congress to provide additional funding for the Energy Efficiency and Conservation Block Grant, which provides resources to local governments for a variety of energy efficiency programs.

Fuels Management:

CSAC actively supports legislation that would provide at-risk communities with incentives to improve fire prevention efforts.

Tribal Gaming:

CSAC promotes legislation that would require tribes, counties and other local governments to reach judicially enforceable agreements that address mitigation of off-reservation impacts, service impacts, and public safety costs associated with tribal gaming and other related development.

Community Development Block Grant (CDBG):

CSAC supports continued funding for the CDBG Program.

Telecommunications Reform:

CSAC continues to resist efforts in Congress to grant the Federal Communications Commission with additional decision-making authority over state and local telecommunications matters. However, CSAC supports funding for increased broadband penetration to rural and hard-to-serve areas.

Foster Care Reform:

CSAC supports legislation to reform the foster care financing system, as well as provide additional resources to stabilize families and train and retain child welfare staff. CSAC

also supports additional programmatic flexibility along with an updated foster care payment methodology.

Homeland Security:

CSAC has successfully advocated for increased funding for first-responder programs, including the State Homeland Security Grant Program and Emergency Management Performance Grants. The association also has successfully lobbied to ensure that high-threat states, such as California, receive a greater share of homeland security grant funds.

Byrne Grant Funding:

The Byrne Memorial Justice Assistance Grant (JAG) received a nearly two-thirds cut during final negotiations on the fiscal year 2008 budget. CSAC strongly supports congressional efforts aimed at increasing funding for the JAG program.

Immigration Reform:

CSAC supports comprehensive immigration reform that recognizes the role that county governments play in the immigration arena. Any federal reform efforts should include the following elements: (1) a state and local impact grant program for health and education services; such a grant program should recognize that county governments – particularly along the southwest border – incur significant unreimbursed health care costs related to the provision of services to undocumented immigrants; (2) full funding for the State Criminal Alien Assistance Program (SCAAP); (3) border security strategic planning; (4) federal training dollars for county law enforcement officers targeted to jurisdictions along the borders; and (5) the promotion of access to health care.

Clean Water Act:

Support amendments to Section 404 of the Clean Water Act to define maintenance of flood control channels or facilities as a non-prohibited activity thereby exempting maintenance from requiring Section 404 permits.

Cooperative Endangered Species Conservation Fund:

Support increased funding for the U.S. Fish and Wildlife Service's Cooperative Endangered Species Conservation Fund from the \$73.8 million current-year level to \$125 million in FY 2010. This will restore the fund to approximately its fiscal 2001 level, adjusted for inflation and provide much needed support to regional Habitat Conservation Plans (HCPs) in California and nationally.



Federal Appropriations 2009

Federal Appropriations 2009

The 110th Congress did not complete action on nine out of the 12 FY 2009 appropriations bills, including all domestic spending with the exception of homeland security. With the "continuing resolution" authorizing funding for those Federal programs set to expire in the first week of March 2009, work resumed on completion of the FY 2009 spending bills as soon as President Obama signed the economic stimulus package into law in February. The final conference agreement on H.R. 1105, the *FY 2009 Omnibus Appropriations Act*, included funding for the follow specific projects requested by the County of Riverside:

- Report language directing USDA to give the County's Mountain View Estates project special consideration under the Rural Housing Assistance Grants program;
- \$1,925,000 million for the Sheriff's regional fingerprint identification system with San Bernardino County under the Byrne Discretionary Grants program;
- \$1,300,00 for land acquisition related to the Santa Rosa and San Jacinto Mountains National Monument under the Bureau of Land Management;
- \$523,000 for the trauma unit at the Riverside County Regional Medical Center under the Health Resources and Services Administration;
- \$500,000 for the Probation Department's automated kiosk reporting system under the Byrne Discretionary Grants program;
- \$475,000 for the Coachella Valley Western Regional Homeless Multi-Service Center under HUD's Economic Development Initiatives account;
- \$339,000 for the Riverside County Special Area Management Planning (SAMP) Program under the Army Corps of Engineers; and,
- \$50,000 for the Rancho California Water Reclamation Project under the Bureau of Reclamation.

With completion of the FY 2009 Omnibus Appropriations Act, the respective House and Senate Appropriations Committees turned their attention to the FY 2010 process. The issue of earmarks continued to be a controversial flashpoint, and both Congress and the Administration instituted additional requirements to assure transparency in the process. This included requirements that members post specific information about their requests on the Internet. In addition, because of the amount of economic stimulus funding allocated to projects through the American Recovery and Reinvestment Act (ARRA), Congress was more conservative in funding specific projects through the annual

appropriations process. Nevertheless, the County will receive the following funding as a result of the FY 2010 appropriations process:

- \$700,000 for night vision binoculars for the Sheriff's Department in the House version of the *FY 2010 Commerce, Justice and Science Appropriations* bill.
- \$500,000 under the Bureau of Land Management for land acquisition related to the Santa Rosa and San Jacinto Mountains National Monument in the FY 2010 Interior, Environment, and Related Agencies Appropriations Act.
- \$450,000 for the Sheriff's Department's digital management system in the House version of the *FY 2010 Commerce, Justice and Science Appropriations* bill.
- \$400,000 for facilities and equipment for the Riverside County Regional Medical Center in the House version of the *FY 2010 Labor, HHS, Education and Related Agencies Appropriations* bill.
- \$198,000 under Army Corps of Engineers for the Riverside County Special Area Management Planning (SAMP) Program in the FY 2010 Energy and Water Development Appropriations Act.
- \$100,000 for a rural mobile health clinic for the Riverside County Regional Medical Center in the House version of the *FY 2010 Labor, HHS, Education and Related Agencies Appropriations* bill.



New Federal Appropriations

New Federal Appropriations

The County will pursue a variety of funding mechanisms for specific projects in 2010, including seeking specific federal funds through the annual appropriation process and grants from appropriate federal agencies. These requests for the Federal Fiscal Year 2011 will be presented to Senators Boxer and Feinstein, as well as appropriate members of the County's House Congressional Delegation.

The FY 2011 appropriations process will begin in earnest following the release of President Obama's Budget proposal the first week of February. Since several FY 2010 requests remain outstanding at this point in time, we will return to your Board with specific FY 2011 requests after the first of the year. Proposals will be developed as appropriate based on factors such as committee assignments, delegation member priorities, agency priorities and what other jurisdictions may be requesting. Procedures, guidelines, and deadlines to follow for the appropriation process vary from year to year, and will be announced by the various Delegation and Committee Offices once Congress reconvenes in January. Because of ongoing concerns regarding the federal deficit, it is anticipated that the number and dollar amount of individual jurisdiction requests for Federal Fiscal Year 2011 appropriations cycle will again be reduced.