

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

966



**FROM:** Executive Office

**SUBMITTAL DATE:**  
December 18, 2012

**SUBJECT:** 2013 State Legislative Platform

**RECOMMENDED MOTION:** That the Board of Supervisors approve the 2013 State Legislative Platform and direct the Executive Office and the county's Sacramento based representatives to advance the legislative proposals contained herein.

**BACKGROUND:** Each year, the Board of Supervisors adopts a State Legislative Platform to guide the legislative advocacy efforts at the state level. The Executive Office, working in conjunction with Board members, department heads, state and regional advocates, developed the State Platform to address a variety of crucial issues facing the county. Previously approved Board positions from earlier state platforms are still in effect. The 2013 platform includes key state legislative priorities, new policy items and selected policy items of continuing importance.

*Alex Gann*

ALEX GANN  
Principal Management Analyst

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:
	Annual Net County Cost:	\$ 0	For Fiscal Year: 2012/13

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

**C.E.O. RECOMMENDATION:** APPROVE  
BY: *Christopher M. Hans*  
County Executive Office Signature Christopher M. Hans

Department Recommendation:  Policy  Policy  
Per Executive Office:  Consent  Consent

### **2013 State Legislative Platform**

Given the state's continuing budget troubles, the county must be vigilant in its advocacy of restoring lost funding and getting constitutional protections over local revenue sources. Maintaining local control will also remain important as the county continues to be the center of renewable energy development within California.

The county is still reeling from the economic downturn and it will need to keep a constant and vigilant eye on the state as it continues to discuss the realignment of other programs that it wishes to shift to local government. Counties should be open to such discussions, but should also expect and demand that these programs be fully funded.

The state should also move toward a more sound fiscal policy which would help with restoring a better balance in keeping programs sufficiently funded. There have been positive discussions, but this concept needs to move further along towards reality.

Previously approved Board positions from earlier state platforms are still in effect. The 2013 platform includes key state legislative priorities, new existing policy items, selected policy items of continuing importance, and finally the Urban County Caucus state positions are presented for Board approval. Due to the dynamic nature of the legislative process, additional state legislative issues of concern to the county will be brought forward to the Board for appropriate action throughout the year as the need arises.

Based on the principles of fiscal stability, preservation of local control, efficient service delivery and operations and the promotion of inter-agency cooperation, the Riverside County Board of Supervisors provide specific direction and overall policy guidance by adopting an annual platform for each legislative session in accordance with Board Policy A-27.

# **RIVERSIDE COUNTY 2013**

## **STATE LEGISLATIVE PLATFORM**



### **BOARD OF SUPERVISORS**

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*County Executive Officer*

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## **Executive Summary**

## **Executive Summary**

The Executive Office prepared this document with assistance from the Board members, department heads, state advocates and regional stakeholders. Previously approved Board positions from earlier state platforms are still in effect. The 2013 platform includes Key State Legislative Priorities, new existing policy items, selected policy items of continuing importance, and the Urban County Caucus state positions are presented for Board approval. Due to the dynamic nature of the legislative process, additional state legislative issues of concern to the county will be brought forward to the Board for appropriate action throughout the year as the need arises.

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## **State Legislative Priorities**

## **State Legislative Priorities**

### **Governance and Finance:**

In order to fulfill the dual roles of agent of the state and local service provider, counties must have adequate authority, flexibility, and resources. Most importantly, counties must have stable sources of revenue that enable them both to implement state laws and respond to essential local priorities.

- Support the AB 109 public safety realignment of programs from the state to counties, provided that such realignment continues with sufficient funding and the flexibility needed to effectively and efficiently administer realigned programs.
- Support measures that provide adequate funding for programs the county operates on behalf of the state and oppose additional program reductions unaccompanied by a commensurate decrease in responsibility and any attempts to shift costs to counties.
- Work with the Governor and the Legislature on proposals to realign health and human services programs, and advocate for stable revenue sources and levels, and less state regulation of program operations and policies.
- Support measures that provide constitutional protection of all local revenues.
- Support measures that provide greater decision making authority over the use of state funds, including direct grants or mandatory pass-through allocations.
- Oppose measures that erode local control and impose additional mandates without a funding mechanism in place.
- Support legislation or budget action that reduce, streamline or eliminate duplicative or contradictory regulatory and administrative oversight requirements of state programs.
- Support legislation or budget actions that preserve, protect or expand redevelopment and enterprise zones.
- Oppose reductions in state programs that require increased local funding to maintain the same level of service.
- Work with the Legislature and the Governor to reform CEQA, and advocate for meaningful revisions that will improve the process.



**Legislative Priorities**



**New State Legislative Policy Items**

## **Restoration of Vehicle License Fees to Newly Incorporated Cities**

**Issue:** Four newly incorporated cities in Riverside County lost their Vehicle License Fees (VLF) revenue with the passage of Senate Bill (SB) 89 of 2011.

**Action:** Work with the Governor and the Legislature to sponsor or support legislation that will restore the loss of VLF revenue to the four newly incorporated cities within Riverside County.

**Background:** SB 89 of 2011 redirected VLF revenues away from newly incorporated cities, annexations and diverted funds to the Local Law Enforcement Account to help fund public safety realignment. SB 89 also allocated \$25 million to DMV in FY 2011/12 for administrative costs and increased the basic vehicle registration from \$31 to \$43. This action eliminated over \$15 million in motor vehicle license fee revenues from four newly incorporated cities (Menifee, Eastvale, Wildomar, and Jurupa Valley).

During the 2012 Legislative Session, both AB 1566 and AB 1098 were proposed to remedy the problem. AB 1566 eventually stalled in committee, but at the end of the session, AB 1098 was passed by both the Senate and the Assembly. The Governor vetoed this bill citing that the bill would undermine the 2011 Realignment Formulas in a manner that would jeopardize dollars for local public safety programs.”

## **Health and Human Services Realignment**

**Issue:** As the state considers further realignment of health and human services programs, ensure proper funding formula.

**Position:** Support or sponsor legislation that takes population growth into account for health and human realignment funding formulas.

**Background:** Realignment of health funding in 1991 aimed to provide a steady stream of growth by funding it through sales tax and vehicle license fees, two revenue sources that usually have annual growth. However, growth in health and mental health realignment is, in fact, not occurring to any significant degree, and is not keeping up with either inflation or population. Due to the realignment formulas, Riverside County is receiving almost the same amount of funding now as in 2003, despite significant increases in population, and in sales tax and VLF. The system is not working as intended. The past two January Budgets, the Governor has referenced the Administration's intention to develop a "Phase II Realignment" proposal focusing on state and county responsibilities in the context of national health care reform. The Administration has stated, at least conceptually, that they intend to leave public health funding at the local level. This will need to be closely monitored and analyzed to protect local public health funding.

**Possible Fiscal Effects:** Riverside County could be further disadvantaged if proper funding formulas are not adopted. This would significantly erode the county's current fiscal stability and jeopardize essential public services.

## **Elections – Vote Counting**

**Issue:** Expedite vote counting for future elections which is necessary due to state decertification of electronic voting system.

**Position:** Pursue state and federal assistance for allocation of funds to purchase a certified voting system. Support or sponsor legislation to allow mid-day pick up of ballots from outlying polling places. Support or pursue legislation to permit all vote-by-mail elections with vote centers available on Election Day.

**Background:** Riverside County was the pioneer and gained national recognition when it transitioned to a fast, accurate electronic voting system that was federally and state certified. The Secretary of State's August 3, 2007 decision to decertify electronic voting forced Riverside County to transition to a cumbersome paper ballot system that was never intended to be used as a principal voting system at polling places. Currently, only four voting systems are certified for use in California, and those systems have not been upgraded since the 2008 decertification order by the state. Options for expediting election night ballot counting will continue to be a challenge for Riverside County until a new voting system is approved by the Secretary of State.

**Possible Fiscal Effects:** Unknown.

## **Trade, Exports, and International Investment**

**Issue:** Trade, Exports, and International Investment.

**Action:** Work with state delegates to develop trade, export, and international investment program that create jobs for our residents and open markets for the sale of goods and services.

**Background:** California is the 9<sup>th</sup> largest economy in the world (5 percent of the market for products and services from Riverside County is offshore and working with the legislature and administration to encourage trade, exports, and international investment is important to our economic wellbeing. Our Office of Foreign Trade-EDA, has taken a prominent leadership role in advising the state legislature and its members in both houses on trade policy. This session trade and portion legislation impacting our farmers, manufactures, and international investors will be prosed by member in both houses and the administration. The Office of Foreign Trade is the advocates for these programs and will work to develop policies with the Los Angeles Port Authority and others that promote trade, the Port of Los Angeles, International Investment, and EB 5 Visa programs.

**Salton Sea:  
Reduce health threats by seizing economic opportunities**

**Issue:** State cooperation with local government is required to seize enormous economic development opportunities at the Salton Sea, converting the greatest threats to the economic and environmental health of Riverside County into the greatest opportunities for monumental progress.

**Action:** Support locally controlled/regionally integrated economic development of renewable energy opportunities at the Salton Sea as the financial/ political means by which the state's most unhealthy environment and weakest economy will be transformed into healthy, prosperous communities. The catalyst for accomplishing this outcome is completion of the Financial Feasibility Action Plan.

Support SSA efforts to secure the maximum amount of State funding, and that create synergies and opportunities to meet more than one need and to optimize the use of resources.

- Support legislation and grants that would provide funds to support projects that demonstrate cost effective, environmentally friendly, cutting edge technologies and renewable energy for publicly owned facilities
- Support legislation reinforcing SSA authority to negotiate conditions of project development sufficient to retain revenues necessary to implement the SSA locally preferred alternative for restoration.

**Background:** Enormous economic opportunities in renewable energy and mineral extraction at the Salton Sea offer the financial means to revitalize the economy and restore the environment.

Top priority for the Salton Sea Authority at the state level is completion of the Financial Feasibility Action Plan. The Action Plan is to be developed in tandem with a re-evaluation of previously studied alternatives from the perspective of current circumstances and opportunities for private sector partnerships on public infrastructure. Driven by the Riverside County Economic Development Agency, member agencies of the Salton Sea Authority are united in support for a legislative platform that will achieve the following three outcomes in 2013:

**I. PRESERVE LOCAL CONTROL; ASSERT LEADERSHIP ROLE**

Preserve and protect the Salton Sea Authority's charter powers, duties and prerogatives to harness the joint powers of its member agencies in a manner that asserts local leadership of efforts to revitalize the economy and restore the Salton Sea environment. The SSA will oppose legislation that preempts local authority or that shifts responsibilities and liabilities to the locals from state or federal governments. Local agencies should preserve and enhance authority and accountability for revenues raised and restoration projects that are facilitated.

**II. EVALUATE FUNDING OPPORTUNITIES THAT PROMOTE FISCAL STABILITY**

Support measures that promote fiscal stability, predictability, financial independence, and preserve the Salton Sea Authority's revenue base and maximum local control over local government budgeting for Salton Sea restoration projects. Oppose measures that shift proceeds from P-3 revenue streams from Salton Sea restoration to the State or Federal Government. Oppose measures that increase SSA dependence upon State or Federal Governments for financial stability, or that increase burdens of liability or mandated costs with no guarantee of local reimbursement or offsetting benefits.

**III. INTEGRATE FUNDING RESOURCES TO RESTORE THE SALTON SEA**

In an era of limited public funding and enormous competing needs, it is the responsibility of leaders at the state and local levels to cooperate on projects that yield multiple benefits and ultimately achieve a greater common good. Support cooperative ventures between public and private sectors to expedite development of public infrastructure and programs consistent with locally preferred plans for Sea restoration. Oppose financial arrangements that enable state/federal or other entities outside the region to extract – without remuneration to locals and the Salton Sea restoration effort -- revenues from the local area derived from local resources on public lands overseen by publicly agencies.

## **Emergency Medical Services (EMS)**

**Issue:** County/EMS Agency Authority for Ambulance Transportation Services.

**Position:** Preserve County/EMS Agency authority to control EMS system. Support legislation and regulatory reform that would enhance County authority, increase funding for such oversight and oppose legislation which would decrease County authority.

**Background:** The 1980 Emergency Medical Services Act provided for counties to establish the local emergency medical services agency to plan, implement, and evaluate local emergency services systems. Cities that operated emergency services prior to June 1980 were grandfathered into law. For well over a decade cities have gone before the Legislature to overturn SB 125 and obtain authority to establish city managed ambulance service. In a lawsuit that went to the California Supreme Court, it was determined that cities and districts could continue services already provided, but could not expand the scope of services without county approval.

Although the 1997 Court decision in county of San Bernardino v. City of San Bernardino clarified the role of the counties in providing emergency medical services, the League of California Cities and others are still planning to sponsor new legislation), which would cede the counties authority, especially in respect to revising "governance" structures.

Counties maintain that ambulance service must be provided on a countywide basis to ensure that providing services even in remote areas of the county remains financially viable. Changing the system to jurisdiction by jurisdiction would mean that certain affluent areas would be cherry picked by cities leaving the less affluent areas to the county to provide coverage.

If cities were allowed to control ambulance services, those cities that have the fiscal capability to do so will. That would leave all the other areas in the county as a county responsibility. The county would lose the economy of scale and potentially need to subsidize the ambulance provider.

**Possible Fiscal Effects:** No fiscal impact if position accepted. A fragmented EMS system could increase local costs by an estimated \$500,000 to \$1,000,000.



## **Public Health and Medical Emergency Preparedness and Response Funding**

**Issue:** Funding local health jurisdiction planning, preparedness and response to acts of terrorism, disasters, or other public health emergencies.

**Action:** Maintain and increase federal and state funding to offset the local costs associated with planning for and responding to the public health and medical consequences of terrorism, natural disasters and/or other public health emergencies.

Support the removal of restrictions on the utilization of grant funds to support personnel, including permanent and temporary staff positions and contract personnel.

Support the continued use of grant funds for the infrastructure needed for personnel, including such charges as rent, communications equipment and computer support. Continue to allow these costs to be billed as direct line items.

Support the determination of an indirect rate for grant funds that more accurately reflects the overhead costs of local public health departments.

**Background:** The terrorist activity on and after September 11, 2001, Hurricane Katrina, the October 2007 fires in Southern California and the 2009 H1N1 Pandemic Influenza response are a few examples of events that have identified the impact of terrorism, natural disasters and public health emergencies on local, state and federal medical/health response capabilities.

Recent changes in federal and state funding have placed limitations on the amount of personnel that can be supported by emergency preparedness and response grants. Although the grants allow for the utilization of contract staff, these staff are often unfamiliar with local policies and procedures, do not necessarily have a vested interest in the community in which they are working, and are often only contracted for a short period of time. In addition, some federal and state grants include contract staff in personnel caps. Grant funds provided by the state should not restrict the funding of personnel at the local level; such restrictions severely impair the ability of the local health jurisdiction to develop and support comprehensive activities to combat the evolving threats of terrorism, natural disasters and other public health emergencies.

Increases in state and federal funding are needed to augment local programs to prepare for and respond to all forms of terrorism, natural disasters or other public health

emergencies. Legislation is needed which increases prevention and response capabilities and strengthens the partnerships between state, federal and local agencies to effectively identify, prevent and respond to the medical/health consequences of terrorism, disasters or other public health emergencies. Funding formulas should consider proximity to high profile, high impact targets in nearby jurisdictions as nearby jurisdictions will likely be severely impacted through the provision of mutual aid or by the influx of large numbers of people seeking shelter and/or treatment.

## **WIC Funding**

**Issue:** WIC Funding Recommendations - End childhood hunger by 2015 to combat childhood overweight and obesity and the President's budget proposals to Eat Healthier, Live Better.

**Position:** Full funding must be adequate to: maintain current and anticipated WIC participation levels should the economic recovery take longer than anticipated, more families will turn to WIC for nutrition assistance and WIC may require additional funding. Assure adequate nutrition services and administration (NSA) funding to maintain clinic staffing and pay competitive salaries.

**Background:** Since fiscal year 2006 unforeseen economic circumstances have forced WIC to utilize contingency funds to assure that mothers and young children were not turned away. WIC urges Congress and the Administration to carefully monitor WIC participation and food cost inflation to assure that the budget request responds to economic conditions. Should the economic recovery take longer than anticipated, more families will turn to WIC for nutrition assistance and WIC may require additional funding.

**Possible Fiscal Effects:** WIC is 100% federally funded; increased funding for the county.

## **California Fostering Connections to Success Act (Foster Care)**

**Issue:** California Fostering Connections to Success Act (Foster Care)

**Action:** Support legislation to address California's implementation of the Fostering Connections to Success Act (AB12/212/1712 Cleanup)

**Background:** AB 12, chaptered in 2010, gave California the authority to opt into provisions of the federal Fostering Connections Act of 2008 to participate in federally funded kin guardianship, known as Kin-GAP in California, and to provide funding for extended foster care for youth up to the age of 21. As the State and counties have prepared to implement these provisions, some issues have emerged that require clean up legislation.

Among the issues that have been identified are:

- California's definitions of Non Related Legal Guardian (NLRG) children need to be brought into compliance with federal definitions. This will allow the State to access federal funding and provide state parity with simplified and streamlined federal activities.
- Eliminate provisions that created separate court files for Non-Minor Dependents. This provision undermines the current confidentiality protections that exist for Foster children.

## **Electronic Notices for Juvenile Court Hearings**

**Issue:** Current processing of juvenile court notices of hearings does not take advantage of recent technology, resulting in numerous delays and continuances of hearings.

**Action:** Support legislation to permit juvenile courts to accept in addition to or in place of certified mail, “electronically traceable” mail, and to permit parents to designate their preferred form of electronic messaging for notices of hearing.

**Background:** Electronic noticing would greatly reduce paper handling and mail costs for counties, reduce time spent in tracking receipt of notices and provide a documentation trail that adequate and timely notice was completed.

An example of currently available technologies: The US Postal Service has an electronic tracking service, Delivery Confirmation, whereby a recipient of certified mail can sign a handheld electronic device that records the date, time and location of the delivery and the person’s acknowledged receipt. This electronic delivery record can be accessed online and printed out to be attached to the proof of service so that the court can verify receipt.

## **Extension of Sunset Date for Emergency Response Multidisciplinary Personnel Teams**

**Issue:** Legislation chaptered in 2010 (AB 2229) allowed counties to develop protocols between agencies to establish Emergency Response investigation Multidisciplinary Personnel Teams (MDPT's). The MDPT's allow impacted agencies to form, disclose and exchange information related to incidents of child abuse that would otherwise be confidential for a 30-day period following a report of suspected child abuse or neglect if good cause exists. This provision will sunset January 1, 2014.

**Action:** Support legislation to extend the sunset date of AB 2229 provisions until January 1, 2017.

**Background:** The ability for an Emergency Response (ER) investigator to access the short term, rapid exchange of confidential information is critical for a thorough risk and safety assessment of the child to determine the disposition of the ER referral. It is essential in an ER investigation to determine if a family is already known to one or more provider agencies and if that family is receiving appropriate supportive services or regarded as a high risk, noncompliant family where the child is in need of protection. Obtaining this information in the most expedited manner will improve coordination of service delivery and decision making about the risk and safety of vulnerable children.

Implementation of AB 2229 requires interested counties to develop necessary interagency protocols to ensure the disclosure of confidential information according to State and Federal law, and to train the designated staff on the disclosure process. Counties that have implemented the MDPT report the process took most of 2011 to establish. Given the need to respond to multiple Federal and State statutory changes to child welfare, many counties are just now beginning to move towards implementing AB 2229. These counties are reluctant to proceed with developing protocols with the upcoming sunset date which gives them only about a year to actually operate the MDPTs.

## **Employment Development Department (EDD) Data Sharing**

**Issue:** Lack of accessibility to data from the Employment Development Department makes it difficult to assess the effectiveness of subsidized employment and other employment preparedness programs

**Action:** Support legislation to add a requirement in the Unemployment Insurance Code (UIC) that would provide for data sharing to “enable federal, state, or local governments departments or agencies to assess the impact of subsidized employment programs and other employment preparedness activities on the employment and earnings of program participants.”

**Background:** Subsidized employment and other job training programs are believed to be effective means of providing for the long term self sufficiency of participants in these programs. Once the participant terminates from an assistance program, the efficacy of the program is difficult to determine without access to long term employment information.

Currently, the UIC states the Director of EDD shall permit the use of information in the agencies possession by various entities for various purposes. This includes the release of information to determine eligibility for public assistance and general assistance programs, and to public educational institutions for assessing the impact of education on the employment and earnings of students

By modifying the UIC as suggested, it would further enhance the already existing reporting activities between the EDD and Assistance programs, by allowing Social Services programs to assess the impact of subsidized employment programs and other employment preparedness activities on the employment and earnings of program participants.

## **Temporary Absence-Children with Extended Hospitalization**

**Issue:** Currently, when a family receives CalWORKs assistance, their eligibility is linked to the fact that they have a minor child or children in their care. If a parent becomes ill and has extended hospitalization, it does not impact their eligibility for CalWORKs assistance. However, if an aided child is hospitalized for more than two full months, the child is considered absent from the parent's care. In these circumstances, current regulations require termination of CalWORKs assistance to the child. If there is only one child in the family, then the parents' CalWORKs assistance benefits are terminated as well.

**Action:** Support legislation to change MPP 82-612.6.2 to read: A child in a hospital shall be considered temporarily absent for the duration of the stay.

**Background:** It is not currently understood why there is a distinction between an adult and a child who requires extended hospitalization. Nonetheless, if the child is hospitalized for over two months, the financial and emotional stress on the family is already extreme. Terminating the assistance for the child and potentially the entire household would further jeopardize the family's financial stability and the circumstances the child may return to upon release from the hospital.



## **FAA Airport Improvement Program Grant Funding Program**

**Issue:** To maintain state match funding for the FAA Airport Improvement Program (AIP) Grant Funding program for small airports.

**Action:** To pass legislation for State to maintain an appropriate level of AIP grant funding match based on the percentage scale of 5%.

**Background:** Congress has passed H.R. 658: FAA Modernization and Reform Act of 2012 for Airport Improvement Program (AIP) Grant Funding. The Airport Improvement Program (AIP) grant funding amount was reduced from 95% to 90% for smaller general aviation airports. Overall AIP funding budget was also cut to \$3.35 billion, compared with \$3.5 billion in the previous two fiscal years.

California Department of Transportation, Division of Aeronautics saw fit to increase the State grant match funding amount to 5% from 2.5%.

Riverside County's principle source of funding for its airport capital improvements are Airport Improvement Program (AIP) grants from the FAA and State Caltrans matching fund grants. Projects eligible for grant funding include improvements related to airport safety, operational facilities, capacity, security and environmental protection.

## **Low Income Housing Tax Credit (LIHTC) Program**

**Issue:** The California Tax Credit Allocation Committee (CTCAC) is considering updating the geographic regional apportionments of federal and state Low Income Housing Tax Credits (LIHTC).

**Action:** Urge CTCAC to increase the percentage of apportionment for the Inland Empire Region, which includes the counties of Riverside, San Bernardino and Imperial.

Preserve the sustainability of the Low Income Housing Tax Credit (LIHTC) Program. Increase the per capita allocation to \$2.00 per capita. Extend the two year spend down period to four years.

Increase funding opportunities that can be leveraged to build additional affordable housing units and could replace funding depleted with RDA and reductions in HUD allocations. The current allocation for Federal Tax Credits which is the primary financing tool for affordable housing in the Country is \$1.75 per person. In addition, States must allocate and spend these tax credits within two years of allocation which is problematic as Affordable Housing Providers work to entitle and secure dwindling sources of gap financing for projects.

**Background:** The LIHTC Program is an indirect federal subsidy used to finance the development of affordable rental housing for low-income households. The LIHTC Program, which is based on Section 42 of the Internal Revenue Code, was enacted by Congress in 1986 to provide the private market with an incentive to invest in affordable rental housing. In California, responsibility for administering the program was assigned to the California Tax Credit Allocation Committee (CTCAC). CTCAC administers the federal and state LIHTC Programs. In 2004, geographic regions were revised by CTCAC which included a total of 10 regions in the State of California. The County of Riverside is included within the Inland Empire Region along with San Bernardino County and Imperial County. The Inland Empire Region was apportioned with 8% of the total tax credits in 2004 and the proposed revision would now apportion the Inland Empire Region with 9.8% of the total tax credits. In 2008, the Riverside-San Bernardino Metropolitan Statistical Area was ranked as the 4th most impacted region due to foreclosures in the nation. Given the need for affordable rental housing in the Inland Empire Region, EDA/Housing Authority strongly urges CTCAC to support the continuation of the tax credits, encourage the re-apportionment and increase the apportionment of tax credits for the Inland Empire Region above 9.8%.

The Federal Low Income Housing Tax Credit program was established to allow State Allocating agencies the ability to allocate low income housing tax credits to qualified applicants. Increasing the per capita allocation could result in a statewide increase of annual units produced in the program from approximately 14,900 to more than 16,500 affordable units.

**Provide a Verifiable Safe Childcare Environment  
for all Children in CalWORKs Childcare**

**Issue:** Provide a verifiable safe childcare environment for all children in CalWORKs childcare.

**Action:** Support legislation to include criminal background screening for all license exempt childcare providers.

**Background:** Current regulations require criminal background checks through CDSS (called Trustline) on all license exempt childcare providers other than those providers who claim to be relatives of the children. In general, relatives do provide a familiar, comforting, and safe childcare environment. Nonetheless, relatives should not be exempt from completing and passing a criminal background check to further ensure child safety.

## **The Development of Compost Facilities**

**Issue:** Compost is the product resulting from the controlled biological decomposition of organic material (i.e., grasses, paper, food, etc.), which can enhance soils and decrease the amount of solid waste disposed in landfills.

**Action:** Support legislation that encourages the development of, and/or removes barriers to, compost facilities so jurisdictions have additional outlets (other than disposal) for organic materials and have an additional tool to increase their diversion rate.

**Background:** A 2010 California Department of Resources Recycling and Recovery (CalRecycle) assessment of the State's Compost and Mulch-Producing infrastructure estimated that 9.3 million tons of compostable materials were processed into an estimated 13 million cubic yards of products in 2008. Even so, it is believed that approximately 30% of all materials disposed of annually in California landfills can be processed into compost or mulch.

Composting as an industry, and a waste management process, is not using more of the compostable material available because of the difficulty establishing markets and the sometimes constraining impact of government regulations. In terms of marketing, the industry's rates have to be competitive with landfill rates in order to capture more feedstock. Products also have to meet the requirements of potential users and convince them that the application of compost will be of benefit to their soils (and crops) and they are an adequate replacement for chemical fertilizers. Additional end markets benefit the soils and at the same time allow facilities to move product so more organic materials can be accepted for processing.

Regulations can impair the use of additional compostable material at processing facilities. For instance, current regulations call for green material to have no more than 1.0% contaminants by weight. Material collected in curbside collection programs often times have a higher level of contaminants when delivered to facilities. Regulations can be changed to increase the level of contamination permissible in green waste received at processing sites and add a maximum contamination level for material leaving compost sites. The contaminant level for material leaving a facility would have to be consistent with standards for determining when it can be used, where it can be used or when it is to be disposed. Another regulation related issue is that rules of multiple agencies can be redundant and/or inconsistent and cause uncertainty on the part of

prospective operators. Efforts to clear up conflicting requirements among regulatory agencies can assist in the development of compost facilities and the industry.

Composting is very important to local communities. It is beneficial to the environment because it replenishes soils with needed nutrients. The amount of compostable material still available for processing underscores the importance of the industry in helping jurisdictions meet, and maintain, the required diversion level of 50%. Legislation that helps develop compost markets, eliminates barriers/obstacles to the industry, and enhances jurisdictions' ability to achieve/maintain a 50% diversion level must be supported by Riverside County.

## **The Development of Conversion Technologies**

**Issue:** Conversion Technologies are those technologies that process through thermal (without combustion), chemical or biological means the organic portion of municipal solid waste, that remains after recycling, into useable products such as electricity and fuel and as a result decrease the amount of solid waste disposed in landfills.

**Action:** Support legislation that encourages the development of conversion technologies by removing legislative/regulatory barriers to them and by granting diversion credit on behalf of those jurisdictions that make use of them.

**Background:** The current statewide level of recycling and composting in the State of California is estimated to be 65% (for 2009, per California Department of Resources Recycling and Recovery). Still, seventy (70%) to eighty (80%) percent of all refuse landfilled each year is characterized as biomass or organic. This material could be feedstock for a number of different technologies commonly known as conversion technologies: gasification, pyrolysis, anaerobic digestion, hydrolysis, distillation, plasma arc, and fermentation. Such facilities provide additional opportunities to keep recoverable materials out of the landfill.

There has been no conversion facilities developed in the United States. Part of the problem has been government regulations. In California, pyrolysis and distillation are considered forms of "Transformation" (which is considered a kind of disposal) and are limited in terms of how much of the processed material can count toward a jurisdiction's diversion total. Feedstock sent to a transformation facility can count for no more than 10% of a jurisdiction's 50% requirement. Conversion Technologies are expensive to develop and local governments will need a number of positive factors in their favor to justify their development. Generous credit toward a jurisdiction's State mandated diversion requirement is one important factor. Conversion technologies do not incinerate the feedstock so they should not be considered transformation facilities.

It is widely accepted by stakeholders that jurisdictions should send feedstock to a conversion facility only after the waste stream has been subjected to recycling and other diversion programs (i.e., curbside recycling, Material Recovery Facility (MRF) processing, and commercial recycling, etc.). Though conversion facilities produce worthwhile products, including some technologies producing energy, the existing infrastructure is seen as getting recyclable materials to higher and more beneficial uses. Conversion technologies can make good use of solid waste materials that are not appropriate for these other diversion programs.

Numerous conversion technology facilities are in operation in Europe and Japan. There should be more than enough cases to review in making sure the technologies can meet California's stringent environmental regulations.



## **Support Extended Producer Responsibility (EPR)**

**Issue:** Extended Producer Responsibility (EPR) is where producers of goods that contain materials requiring special handling (i.e., mercury, etc.) and that are harmful to the environment if mismanaged are accountable (along with others in the product chain) for the products across the entirety of their lifespan (from “the cradle to the grave”).

**Action:** Support legislation that places responsibility for product design, distribution for sale, and collection for recycling or disposal on the producer of said product and, thereby, relieves local jurisdictions from having to bear the cost of product collection for recycling and disposal programs.

**Background:** The California law that banned the landfill disposal of items commonly referred to as Universal Wastes that are considered harmful to the environment went into effect on February 8, 2006 (CCR, Title 22, Division 4.5, Chapter 23). Universal Wastes include household batteries, fluorescent light bulbs and tubes, thermostats and other items that contain mercury, and electronic devices such as video cassette recorders, microwave ovens, cellular and cordless phones, printers, computers and radios. Since that time, Sharps have also been banned from landfill disposal.

As a result of these unfunded mandates, local governments have had to develop new programs to handle the disposition of such wastes. The County of Riverside Waste Management Department collects and processes these waste items through its hazardous waste collection and landfill load check programs. The two programs cover the entire County and are funded with a combination of landfill fees and grant monies. The use of public monies for the final disposition of these hard to handle products equates to subsidies in favor of the producers.

Extended Producer Responsibility makes the final handling of such products a cost of doing business for the producer, which more accurately reflects the true cost of the product. The costs will be worked into the purchase price and will only be borne by the users of these particular products rather than by all rate payers. Local governments (and the rate payer) will no longer have to fund costly programs for this purpose. It is hoped that placing the life cycle burden on producers will result in better designs, which will reduce the toxicity of products, lessen the amount of packaging that will result in a more efficient use of materials, and in better plans for a final disposition of the product (whether it be easier recycling or proper disposal of it).

The concept of extended producer responsibility has also been applied to products that do not necessarily fall into the categories above. For instance, the Governor signed bills from the 2010 legislative session into law that involved Extended Producer Responsibility for paint and carpet.

The carpet program will eventually save landfill space.

## **Local Solid Waste Diversion Mandate**

**Issue:** California has adopted a Statewide 75% waste recycling goal for the year 2020 (AB 341). AB 341 included language saying the State “shall not establish or enforce a diversion rate on a city or county that is greater than the 50 percent diversion rate established pursuant to Section 41780” (from Section 41780.01 (b) of the Public Resources Code). Local jurisdictions are concerned that the 75% Statewide recycling goal might one day be a mandate for them before they are capable of complying with it.

**Action:** Support legislation that keeps the local diversion mandate of 50% in place until the recycling and composting infrastructure is more developed, additional tools are available to local governments to increase diversion, including recycling options (i.e. conversion technologies) and the additional markets necessary to utilize the reclaimed resources are in place.

**Background:** Local jurisdictions in California are currently mandated to divert 50% of all solid waste from disposal in landfills. The language in Section 41780.01 (a) of the PRC regarding the 75% recycling goal reads as follows: “The Legislature hereby declares that it is the policy goal of the state that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020, and annually thereafter.” It is believed that limiting the diversion to solid waste that is “source reduced, recycled or composted” forecloses the utilization of any diversion opportunities that might develop elsewhere, such as with conversion technologies. Diverse strategies are needed to create additional tools for increased diversion and market development.

AB 341 required CalRecycle to submit a report to the legislature on or before January 1, 2014, that provides strategies to achieve the 75% policy goal. The CalRecycle report will cover two topics (among others): 1) Recommendations for legislative changes, if any, that are necessary to achieve the goals of Section 41780.01 of the PRC (which includes the Statewide 75% waste recycling goal), and 2) Report on regulatory changes, if any, that are necessary, to achieve the goals of Section 41780.01 of the PRC. It is believed the inclusion of such information in the report can eventually lead, through discussion of it, to changes that require local jurisdictions to achieve 75% recycling of all solid waste generated on an annual basis or face penalties from the State. It could be assumed that some entities/agencies have to be held accountable in order for such an ambitious goal to be achieved.

The local diversion mandate of 50% should remain in place until the recycling and composting infrastructure is more developed, additional tools are available to local

governments to increase diversion, including recycling options (i.e., conversion technologies), and the additional markets necessary to utilize the reclaimed resources are in place.



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## UCC Legislative Priorities – 2013

### **Constitutional Protections and Realignment**

Since the 2011 Public Safety Realignment package passed in June 2011 without the constitutional protections requested by counties, one of the fundamental goals of UCC is to support efforts to achieve the constitutional protections that guarantee a dedicated ongoing revenue stream and include provisions protecting counties against future actions by the Legislature, the courts, federal mandates and penalties, regulations or executive orders that increase county costs for realignment (i.e. Proposition 30).

Any future proposals, including the possibility of a Phase 2 realignment, must have constitutionally guaranteed ongoing funding and protections. UCC will oppose any proposals that transfer additional program responsibility to counties without funding and protections. Specifically, on the public safety realignment, UCC will support efforts that facilitate the smooth transition of prisoners and parolees at the county level as long as adequate funding is provided to counties.

### **State Budget Issues**

UCC will focus on the State Budget with emphasis on securing adequate funding for programs administered by counties. UCC will oppose reductions in state programs that increase the burden on county programs. UCC will oppose efforts to reduce funding without a commensurate reduction in county responsibility. UCC will further oppose any efforts to shift costs or federal penalties to counties.

The State Budget is in a serious deficit situation again, and it is worth noting that in previous budget cycles there were serious implications to counties including:

- Suspension of Proposition 1A.
- Deferrals of payments to counties.
- 2011 Public Safety Realignment.
- Cuts to transportation and Proposition 42.
- Borrowing, shifted funds, and elimination of redevelopment.
- Significant cuts to health and human services including IHSS, child welfare, CalWORKs, Medi-Cal, and foster care.

On top of the recent budget cuts, UCC also notes that historically the state has raided county revenue, beginning with the shift of property taxes from counties to the state (ERAF, 1992) which contributes to the overall difficulty of financing services at the local level. In addition, since 2001 the shortfall between actual county expenses and state reimbursement for state programs has grown to over \$1 billion annually, creating a de facto cost shift (i.e. the Human Services Funding Deficit). This funding gap forces counties to reduce services to vulnerable populations and/or divert scarce county resources from other critical local services. It also increases the risk of state and federal penalties.

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**Board of Directors:** **Chair:** Supervisor Greg Cox, San Diego County; **Vice Chair:** Supervisor Liz Kniss, Santa Clara County; **Treasurer:** Vinod Sharma, Finance Director, Santa Clara County **Members:** Supervisor Keith Carson, Alameda County; Supervisor Federal Glover, Contra Costa County; Supervisor Don Knabe, Los Angeles County; Supervisor John Moorlach, Orange County; Supervisor John Benoit, Riverside County; Supervisor Susan Peters, Sacramento County; Supervisor Gary Ovitt, San Bernardino County; Supervisor Eric Mar, San Francisco County; Supervisor Carole Groom, San Mateo County; Supervisor Kathy Long, Ventura County.

With that in mind, UCC believes that the Budget must not be balanced with cuts alone. Further, closing the budget shortfall with additional borrowing simply delays resolution of the problem.

The continuing structural deficits requires reform of California's system of state-local finance so that both Boards of Supervisors and the Legislature have the tools necessary to provide the services and facilities necessary to meet the expectations and needs of our citizens.

### **Health Care Reform**

UCC will work on the implementation of required Health Care Reform measures to maximize Federal revenue. UCC will support efforts to provide counties with the necessary tools to implement Health Care Reform which may include counties performing eligibility and enrollment, preserving existing county resources from 1991 Realignment, providing for a smooth transition in 2014 for the various operational systems, and supporting legislation to ensure that low-income families are covered under the Affordable Care Act while opposing legislation which would reduce Medi-Cal eligibility. In addition, UCC will work to reduce counties uncompensated health care costs.

### **Public Retirement Systems**

UCC supports pension reform proposals that achieve the objective of financial sustainability for county budgets and the county's ability to maintain service levels.

### **CEQA Reform**

UCC will work with other public agency associations to ensure that local governments are included in the CEQA reform discussions to be held by the Legislature. UCC will support efforts to improve the CEQA process and requirements where appropriate including the preparation of master environmental documents and the use of tiered EIRs and negative declarations, while maintaining county land use decision-making authority.



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**Urban Counties Caucus Legislative Policies\***  
2013

**Governance and Finance**

1. In order to fulfill the dual roles of agent of the state and local service provider, counties must have adequate authority, flexibility, and resources. Most importantly, counties must have stable sources of revenue that enable them to both implement state law and respond to essential local priorities.
2. UCC will oppose proposals that preempt county authority.
3. UCC will support proposals that provide constitutional protections and guaranteed funding to counties under realignment. UCC will oppose proposals to realign additional program responsibility to counties without adequate funding and protections.
4. UCC opposes any efforts to reduce funding to realignment without replacing it with an adequate and ongoing alternate funding source.
5. UCC opposes the suspension of Proposition 1A.
6. UCC will support legislation that enhances or maintains a county's revenue base and oppose measures that limit a county's revenue raising authority or reduce a county's revenue from any source without a commensurate reduction in responsibility.
7. UCC will oppose formulas that discriminate against urban areas, such as by providing a high minimum funding floor to low population states and localities and not taking into account the higher cost of living, land costs, and risk factors in urban areas.
8. UCC will support the return to counties of property taxes that were transferred to schools and will also support measures that would enhance counties' efforts to administer the property tax system and oppose those that increase counties' unfunded responsibility for the system.
9. UCC will oppose proposals that continue or increase county responsibilities or expenses without a viable and adequate source of revenue.
10. UCC will oppose legislation that requires a new program, higher level of service, expanded employee benefits, or other cost imposed upon counties by the State without adequate ongoing funding. Further, UCC believes that counties should be reimbursed promptly and by a date certain for mandates imposed by the state. Finally, because suspended mandates create liability and fiscal issues for counties, mandates should be repealed, not suspended.

11. UCC will support proposals that increase a board's ability to raise local revenues.
12. UCC will support measures that maximize federal revenues.
13. UCC will support measures that reduce maintenance of effort or participation fee requirements and will oppose measures that impose additional maintenance of effort requirements on counties unless they are at least revenue neutral.
14. UCC will support measures that increase a county's flexibility to administer federal, state, or local programs. For example, UCC will support legislation that provides counties with the necessary authority to establish and manage local programs such as code enforcement of illegal dumping and littering laws.
15. UCC will oppose measures that limit a county's ability to operate in a reasonable and cost effective manner.
16. UCC will support proposals that eliminate unnecessary, redundant, or overlapping requirements for program eligibility, funding, maintenance of effort, monitoring, permitting or reporting.
17. UCC will support the equitable application of existing tax policies to ensure taxpayer compliance and dependable revenues.
18. UCC will support periodic evaluation of the economic benefit and equitable application of all tax expenditures.
19. UCC will support measures that enable counties to better exercise their responsibility to plan for, respond to, and receive reimbursement and property tax relief for emergencies and disasters.
20. UCC will support measures that meet the following goals for public retirement systems: Counties must be able to maintain retirement systems: 1) at a level of investment that is responsible and predictable, 2) that help to recruit and retain competent workers, 3) that restore the public trust in public retirement systems and the officials that run them, 4) that share financial responsibility between the counties and their employees, and 5) provide counties with the flexibility to meet local needs.
21. UCC will support measures that provide for more disclosure and transparency in public compensation at both the local and state levels. UCC will also work to educate the public and the legislature on public compensation and the services provided by counties.
22. UCC will oppose measures that restrict county flexibility in the operation of employee relations.
23. UCC will oppose measures that would have a negative fiscal impact on the worker's compensation system and support measures that reform and streamline the system.



## **Health and Human Services**

1. UCC will support legislation that enhances the local safety net and its multiple components including mental health, public health, and the numerous human services that counties provide on behalf of the State and will support proposals that promote dependable, long-term funding for these services.
2. UCC will support proposals that maximize eligibility for Federal and State-funded programs. UCC will oppose proposals that diminish funding to counties.
3. UCC will support proposals that reduce the number of uninsured persons, or expand Medi-Cal and Healthy Families coverage to low-income persons.
4. UCC will support proposals to simplify and align Medi-Cal and Healthy Families eligibility rules and application processes to increase and expedite the enrollment of uninsured families.
5. UCC will support proposals that increase net Medicaid/Medi-Cal payments to government providers while opposing proposals that reduce such payments.
6. UCC will support proposals that use intergovernmental transfers (IGTs), health provider fees, certified public expenditures (CPEs), and other allowable methods to increase net Federal Medicaid and SCHIP matching payments to California and its health providers at no cost to the State General Fund.
7. UCC will support the use of State capital improvement funds, currently limited to hospitals, for the construction of clinics and other public health facilities and support assistance to hospitals that enables them to meet seismic safety requirements.
8. UCC will support measures and funding that strengthen the ability of the public health system to respond to chemical, biological, and other forms of terrorism.
9. UCC will support improvements in the child support collection process. UCC will support the provision of federal matching funds for child support performance incentive payments used for child support enforcement.
10. UCC supports a system of services for adolescents with drug or alcohol problems and provide adequate funding to operate such a system.
11. UCC supports continued and improved funding for substance abuse treatment and mental health services including those that provide alternatives to incarceration.
12. UCC will support a State backfill of any reduction in Federal financial participation in Federal programs, such as child support enforcement, Medicaid, and Temporary Assistance for Needy Families (TANF).
13. UCC will support proposals to hold counties harmless from fiscal penalties when the Federal or State governments do not provide additional funding commensurate with the cost of meeting new requirements or performance measures.

14. UCC supports federal funding for the 211 phone system and also supports the implementation of statewide coverage of the 211 system.
15. UCC supports Laura's Law as long as there is adequate funding and flexibility provided to counties to implement the program.

### **Housing, Land Use and Transportation**

1. UCC will support measures that provide funding for local infrastructure.
2. UCC will support proposals that eliminate or revise unnecessary, redundant, or overlapping requirements for land use, planning, and permitting. This includes efforts to improve the CEQA process and requirements where appropriate including the preparation of master environmental documents and the use of tiered EIRs and negative declarations while maintaining county land use decision-making authority.
3. UCC supports maintaining a county's flexibility to use eminent domain for public projects. UCC will support limiting the circumstances where redevelopment can be used and will oppose any expansion of the definition of blight.
4. UCC will monitor activities related to tribal gaming and other tribal enterprises in urban areas with the goal that any tribal compacts include provisions that address county concerns including off-reservation impacts and the ability of counties to meet their governmental responsibilities. Any proposal to place land in trust for a tribe should require the approval of the county within which the land is located.
5. UCC will support proposals that maintain the same level of funding for bridges as in previous years and opposes any formula that would discriminate against urban counties.
6. UCC will support efforts to provide new tools for economic development contingent on new funding sources that have been approved by the affected tax entities.
7. UCC will support measures that use Cap and Trade auction revenues derived from vehicle fuels to fund transportation systems in a way that achieves AB 32 objectives and builds on the framework of SB 375 and other greenhouse reduction strategies. This includes targeting revenues and incentives toward local governments in support of regional planning goals and allocation of funding to counties based on these strategies.

### **Justice**

1. Counties administer the justice system including law enforcement, jails, district attorney, public defender, and probation, and the larger counties still make maintenance of effort payments towards support of court operations. UCC will support increases in funding for justice facilities and the operational costs of the justice system.
2. UCC opposes any shift of responsibility from the state to counties' operations and court facilities.
3. UCC supports the elimination or reduction of the Maintenance of Effort requirements for urban counties related to the courts.

4. UCC will support proposals that ensure county justice agencies that interact with the courts have appropriate access to new or upgraded court computer systems at no additional cost to the county.
5. UCC will support proposals that maximize the pass-through of Federal homeland security assistance from the State to counties based on their potential terrorist threat and risk levels and responsibilities for emergency preparedness and response, law enforcement, first response, public health, and emergency medical services.
6. UCC will oppose any new proposals that would shift the responsibility of additional parolees from the state to the counties without adequate notification, documentation and funding.
7. UCC will support stable funding for front-line law enforcement including juvenile justice crime prevention, juvenile camps and parole, adult probation, and adequate facilities to house prisoners.
8. UCC will support proposals that will help counties implement the 2011 Public Safety Realignment as long as the proposal would: provide for county flexibility, eliminate redundant or unnecessary reporting, and would not transfer more responsibility without funding.