

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

967



**FROM:** Executive Office

**SUBMITTAL DATE:**  
December 18, 2012

**SUBJECT:** 2013 Federal Legislative Platform

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

**BACKGROUND:** Each year, the Board of Supervisors adopts a Federal Legislative Platform to guide the legislative advocacy efforts at the federal level. The Executive Office, working in conjunction with Board members, department heads, state and regional advocates, developed the Federal Platform to address a variety of crucial issues facing the county.

Departmental Concurrence

*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

County Executive Office Signature BY: *Christopher M. Hans*  
Christopher M. Hans

- Policy
- Policy
- Consent
- Consent

- Department Recommendation:
- Per Executive Office:

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Ashley, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended to include Supervisor Ashley's recommendations for an immigration reform package.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: December 18, 2012  
xc: EO

Kecia Harper-Ihem  
Clerk of the Board  
By: *[Signature]*  
Deputy

3.60

### **2013 Federal Legislative Platform**

Previously approved Board positions from earlier federal platforms are still in effect. The 2013 platform includes new federal policy items and key selected policy items of continuing importance. Due to the dynamic nature of the legislative process, additional federal 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

## FEDERAL LEGISLATIVE PLATFORM



### BOARD OF SUPERVISORS

**John Tavaglione, Chairman**  
*Second District*

**Bob Buster**  
*First District*

**John J. Benoit**  
*Fourth District*

**Jeff Stone**  
*Third District*

**Marion Ashley**  
*Fifth District*

**Jay E. Orr**  
*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, federal advocates and regional stakeholders. Previously approved Board positions from earlier Federal Platforms are still in effect. The 2013 platform includes: key federal legislative priorities, new existing policy items, selected policy items of continuing importance, and finally the CSAC federal priorities are presented for Board approval. Due to the dynamic nature of the legislative process, additional federal 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.



## **New Federal Legislative Policy Items**

## **Export-Import Bank of the United States**

**Issue:** Expansion of Service of the Export-Import Bank of the United States in the County of Riverside in 2013.

**Action:** Support, advocate, and promote.

**Background:** The Export-Import Bank of the United States provides export financing assistance to manufactures and other exporters in Riverside County via a partnership agreement executed by the Assistant County Executive Officer/EDA, with the approval of the Board of Supervisors. The County Foreign Trade Commissioner/EDA serves as the county representative to the Ex-IM Bank in Washington, D.C. and to the business community. With the recent Brookings Institute study indicating Riverside County ranking 24 in the nation in exports, Ex-Im Bank should consider funding a full-time position in Riverside County to better serve our business community. Almost 50 county businesses rely on Ex-Im Bank services to assist in capitalizing exports. Advocating for the addition of a full-time or part-time staff position for the Ex-Im Bank will be a benefit to the county and its businesses and expands and improves services, which must now be offered from Newport Beach and/or San Diego. Also authorizes county staff within the economic development agency to advocate for this staffing increase in the house and senate along within the administration whenever deemed in the best interest of the county.



## **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.

**Affordable Housing and Homeless Assistance Programs  
HOME Investment Partnerships**

**Issue:** Congress has cut funding for the HOME Investment Partnerships program by nearly 50% over the course of two fiscal years.

**Action:** Urge Congress to fully fund the HOME Investment Partnerships program.

**Background:** EDA/Housing Authority strongly urges Congress to fully fund HOME. Since 1994, Riverside County EDA's Housing team has made possible the construction, acquisition, and/or rehabilitation of more than 4,241 units. HOME has also assisted the Housing Authority to help 1,485 families with security deposit assistance in order to remove the initial barriers that some families face when securing a rental unit. A continued loss of these funds would be detrimental to the Housing Authority's ability to produce much needed affordable housing units.

## **Housing Trust Fund**

**Issue:** Congress enacted the Housing and Economic Recovery Act of 2008 which authorized the national Housing Trust Fund but failed to capitalize it.

**Action:** Urge Congress to identify a mandatory revenue source for the Housing Trust Fund.

**Background:** EDA/Housing Authority strongly urges Congress to capitalize the Housing Trust Fund. Repeated efforts in Congress to capitalize the NHTF have failed. A prior proposal by members of the House to reform the Mortgage Interest Deduction and dedicate a share of the savings to the Trust Fund should be explored.

## Workforce Investment Board

The Riverside County Workforce Investment Board is one of 600 private-sector led Workforce Investment Boards (WIBs) in the Country. WIBs are transforming the nation's workforce system to be responsive to the demands of a global economy. Through strong strategic partnerships with private-sector businesses, local government, community-based organizations, institutions of higher education and K-12 education, WIBs remain in a prime position to serve as the pipeline for a skilled labor force necessary for economic recovery and long-term growth.

### Action Requested

We face a churning economy and even in this economic downturn skill shortages continue in many industries. The increasing diversity of the workforce creates new challenges and opportunities to create a workforce system focused on innovation and skills development. The WIB believes that efforts to reauthorize the Workforce Investment Act should build on the lessons learned over the past 10 years of implementation and push the system toward innovation. Building on what has been established, the Riverside County Workforce Investment Board urges Congress to consider the following improvements to the law:

### Governance

- **Regionalization.** Provide incentives for working collaboratively across workforce areas. For the most part, regional lines should be drawn based on existing MSA's and/or commuter patterns; provide incentives for regionalization through the governors set aside funds (e.g., regional initiatives may have access to funds that other boards do not) rather than consolidating existing boards; allow local areas to have more flexibility in the composition of local workforce boards and if mandatory partners do not actively participate on the boards, allow the local area to remove them from the board; maintain the majority business focus and business led; ensure that boards have responsibility for oversight of workforce issues in the area and not just WIA programs.
- **Oversight.** Strengthen the role of the local boards to convene and connect economic development, education, and workforce development. Ensure local boards continue to provide oversight to the operating side of the system.
- **Local Flexibility.** Retain local flexibility and promote cross-sector collaboration between workforce investment boards, businesses, labor, service providers, school districts, secondary education, county/city and state institutions.

## Structure

- **One-Stops.** Maintain the infrastructure of single access point to partner services and **universal access to core services**. Do not require that all services (including core services) be targeted to only those who are eligible for services based on income. Mandate co-location in full service one stops of the mandatory partners.
- **Serving Businesses.** Recognize the importance of business to the nation's workforce development system by establishing strategies and initiatives that ensure the involvement of business leaders; and provide relevant services to employers. Increased linkages between workforce, education, and economic development programs should be developed; and innovative strategies such as the utilization of business intermediaries, industry sector initiatives, and **incumbent worker training programs** (through on the job training and customized training) must be encouraged to meet employers' needs.
- **Sequence of Services.** Relax requirements around the sequence of core, intensive, and training services, providing greater flexibility to move customers through the various components of the system. Focus on promoting a system that allows the local area to assess a customer's needs and to match a customer with the appropriate sequence of services from where they are to help them meet their employment goals.
- **Youth Councils.** Maintain Youth Councils. Youth Councils have the potential to develop a comprehensive youth development system in local communities. This series of partnerships or connections among organizations to plan and deliver services based on youth development principles to all young people in the community has many advantages, including: reducing duplication of effort, leveraging community resources more effectively, providing a continuum of support to all youth, and building community-wide commitment to youth as valuable cultural and economic resources. Without a separate and distinct focus on youth, it is unlikely that many WIBs, with their focus on adults and one-stops, will spend the time required to build such a system.

## Accountability Measures

- Establish performance standards that: measure customer satisfaction; measure the attainment of skills as defined by business; measure services provided to businesses; encourage and provide credit for the brokering of training services (paid for with resources other than WIA title I); capture the provision of core services; maintain a cost efficiency measure that accounts for multiple years of service for providing intensive and training services; create a measure of the return on investment of dollars spent to dollars contributed to the economy.

- Establish a Performance Measurement System that takes into account the challenges associated with serving the hardest to serve populations and other local environmental factors.

### Eligibility

- Streamline the eligibility determination process and align eligibility with other programs that would allow automatic eligibility for WIA enrollment if an individual had already been determined eligible for other means tested programs such as the school lunch program. While we support serving individuals up to the age of 24 (see below), increasing the age limit increases the potential pool of those needing service. Without additional sustained resources to meet increased demand for services, keep the current eligibility for youth ages 14 through 21.
- With additional resources, create a new category of eligibility for Transitional Youth. This category of youth, ages 22 to 24, should receive service offerings at appropriate levels of intensity and support to assist them as they transition from being youth to becoming young adults. The service mix required for this age group is a combination of supports found in the current youth system while focusing on more mature methods of job search assistance and occupational skills development.
- Combine the Adult and Dislocated Worker, considering all as adults with eligibility focused on long-term unemployed and/or those who have been dislocated.

### Funding & Formula

- Establish funding formulae that maintain or increase local area funding to ensure that local programs can deliver the full complement of services to businesses and jobseekers.
- Establish more specific requirements for partners to fund the one-stop infrastructure and/or create a separate funding stream in the law for funding the one-stop infrastructure.
- **Out-of-School/In-School Funding Requirements.** Establish the requirement that, *at minimum*, 50 percent of youth formula funds should be spent on out-of-school youth who are 16-21 without a secondary credential, and other high risk categories. Provide the opportunity for waivers to local workforce boards that can demonstrate the need to serve more than 50 percent in-school youth.
- **Summer Employment, Work Experience and Service.** Allow up to 30% of formula funds to be used to for paid work experience opportunities, summer employment opportunities, and/or service activities.

**Innovation**

- **Offer Multiple Pathways to Secondary and Access to Postsecondary Credentials and Certifications.** Promote innovation and expand upon what works to offer and expand pathways to secondary and postsecondary credentials, industry recognized certifications, and employment.
  
- **Funds for Technology Solutions.** Provide and promote funding to build cross system technology solutions for ease of access to labor market data and to enhance efficient and effective integrated operations across programs and agencies.

**Community and Economic Development  
New Markets Tax Credit Program**

**Issue:** Preserve HUD's Economic Development Tools. Provide alternative affordable housing funding tools to replace RDA loss.

**Action:** Urge Congress to reauthorize and increase the funding line item for the New Markets Tax Credit program as called for in the President's FY2013 budget. In addition, legislation should be initiated that would eliminate current restrictions on utilization of New Market Tax Credits on affordable housing projects unless they are integrated with a commercial, market rate project. Further, the definition of qualifying Community Development Financial Institution (CDFI) should be liberalized to include Local Governments as eligible applicants directly to HUD rather than being restricted to applying through regional CDFI's.

**Background:** New Market Tax Credits have existed since 2000 as a tool to incentive economic developed in underserved low income communities which meet certain demographic criteria. Grants and low interest loans have been largely only available for existing and new business development and has excluded affordable housing. A clear link can be made between quality affordable housing and the economic stabilization of families and neighborhoods.



## **Foreign Trade Zones in 2013**

**Issue:** Expansion of the Palm Springs Foreign Trade Zone (FTZ) and the creation of the Four Winds Tribal Coalition Free Trade Zone.

**Action:** Continue support the expansion of Palm Springs Foreign Trade Zone and the creation of the Four Winds Tribal Coalition.

**Background:** In 2011 the Board of Supervisors supported the expansion of the Palm Springs Foreign Trade Zone and the creation of the new Four Winds Tribal Coalition Trade Zone. Each effort is of vital importance to the county and cities. FTZ's reduce the cost of doing business and ensuring these two FTZ's are approved in Washington, D.C. at the Department of Homeland Security and Department of Commerce are of great importance. These programs have been of great benefit to our regional economy and have helped create jobs and reduce the cost of doing business. FTZ's are part of a business attraction and retention program that has helped keep business here and bring in new business and jobs. Assistant County Executive Officer/EDA, Managing Director/EDA, and/or the County Foreign Trade Commissioner/EDA will continue to work on this program with federal and local officials for the purpose of job creation and retention during the 2013 legislative session. These expansion applications will be submitted during the 2013 session as will the initial application of the Four Winds Tribal Coalition.

## **Support for Free Trade Agreements**

**Issue:** Trans Pacific Partnership.

**Action:** Support for Trans Pacific Partnership.

**Background:** Riverside County became the nation's first county to formally advocate for the passage of the Korean, Columbian, and Panamanian Free Trade Agreements (FTA) in 2010. After two years of advocacy, we have seen the passage of FTA's. These agreements knock down trade barriers between the U.S. and other nations and help create additional jobs here at home as export orders to new nations increase products and good shipments. Historically, Riverside County exporters have seen large increases in product sales of shore as duties, tariffs, and taxes are eliminated or reduced. FTA's are essential to continue to growing our exports and producing jobs here at home. The successful completion of The Trans Pacific Partnership will be of great benefit to the business and workforce within Riverside County.

## **FAA Airport Improvement Program**

**Issue:** Increase FAA Airport Improvement Program (AIP) Grant Funding amount for small airports back to 95%.

**Action:** To pass legislation for FAA to restore and maintain an appropriate level of AIP grant funding based on percentage scale of 95%.

**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.

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

These reductions may result in a loss of discretionary AIP grant funds in an amount up to \$2,000,000/yr and entitlement funds in an amount up to \$600,000/yr.

The FAA also conveyed to airport sponsors the reduction in grant administrative expenses, from 10% to 3%. This reduction passes the grant administration costs to the County and may result in a loss of \$60,000/yr.

Riverside County's principle source of funding for its airport capital improvements are AIP grant funds from the FAA.

## **Section 8 Program**

**Issue:** Reduction of Ongoing Administrative Revenue Fees for the Section 8 Program.

**Action:** Oppose reduction of Administration Revenues.

**Background:** The Section 8 Housing Choice Voucher Program requires skilled staff to implement all of the functions within HUD's tight policies, regulations and deadlines. The Housing Authority earns ongoing administrative fees for each voucher-assisted family under a Section 8 lease. For the past several years the Housing Authority has received annual pro-rations averaging 90%, in 2011 83% and for FY 2012 Congress cut administrative funding by an additional 7%, with a pro-ration of 75%. Ultimately, in order to assist the 8,888 families in Riverside County currently under lease, it takes people to function as case workers. Deep cuts in this area affect the number of case workers available to provide this service.

The EDA/Housing Authority supports any HUD appropriations that would renew ongoing administrative fees at a sufficient level to maintain the availability of housing services to low-income families.

## **Public Housing Program**

**Issue:** Fully fund the operating costs of the Public Housing program and establish protected capital reserves that allow the Housing Authority to plan for its current and future maintenance and modernization needs.

**Action:** Urge Congress to fully fund the Operating Fund program through direct appropriations as well as fully restore the Capital Fund to address the ongoing capital needs of the Housing Authority's Public Housing 469 unit stock.

**Background:** EDA/Housing Authority strongly opposes any further reductions of the Public Housing Agencies' (PHA) operating reserves or its Operating Fund. This action would continue to place our 469 Public Housing units at risk of deterioration as there would not be enough funding to cover for materials, services, and stand-by pay for maintenance staff to do immediate repairs. The preservation of public housing inventory requires cash reserves at a sufficient level to provide a financial buffer for late or inadequate funding or for unanticipated situations.

## **MTW Designation**

**Issue:** Support Moving to Work (MTW) Program Reform.

**Action:** Support MTW language in the “Affordable Housing and Self-Sufficiency Improvement Act of 2012” that is currently a “discussion draft of the Section 8 reauthorization bill to reform affordable housing programs” under the United States Housing Act of 1937 which supports the following language, “There shall be no limitation on the number of public housing agencies that may participate in the program under this [MTW] section.” The discussion draft is being worked on by the Financial Services Committee, spearheaded by Rep. Gary Miller (CA) and Rep. Judy Biggert (IL).

**Background:** MTW designation would allow public housing agencies to develop measures to promote economic independence for families with children, whose head of household is working, seeking work, or preparing for work to obtain employment and become economically independent, by participating in job training, educational programs, or other supportive services and programs that assist in meeting such goal.

MTW designation would give public housing agencies and the Secretary of Housing and Urban Development the flexibility to design and implement various approaches for providing and administering housing assistance that: reduce cost and achieve greater cost effectiveness in Federal expenditures.

## Community Development Block Grant

### Issues:

1. County's FY 2012 Community Development Block Grant (CDBG) allocation has been reduced by 19.46% from FY 2011 levels;
2. Proposed 8.2% reduction under Sequestration; and
3. CDBG program needs regulatory reform to ensure long-term sustainability and effectiveness.

**Action:** Support, advocate, and promote adequate and stable funding for the CDBG program by:

1. Support the proposed FY 2012 CDBG funding (Senate \$3.1 Billion, House \$3.3 Billion);
2. Oppose Sequestration cuts (proposed cuts of 8.2%)
3. Fundamental regulatory reform of the CDBG Entitlement programs to ensure long-term viability

**Background:** The FY 2012 CDBG allocation to the County is the lowest since the FY 92 program year. This reduction is due primarily to 13% reduction in CDBG funding from Congress as well as the loss of several participating cities from the County's Urban County Program. CDBG was cut by nearly 17% in FY 2011. When adjusted for inflation, the funding level for the County and the Country is at its lowest level since the program started in 1975.

The CDBG regulations must be reformed and amended to change the requirements and eligibility for "entitlement" status. In 1984, there were 795 jurisdictions (counties, cities, states) dividing up the \$3.468 billion CDBG allocation. For FY 2012, there will be 1209 grantees dividing up only \$2.98 billion. The end result is that there are more jurisdictions fighting for and ever-shrinking CDBG funding.

Consequently, when adjusted for inflation, the average FY 2012 CDBG grantee received only have  $\frac{1}{4}$  or 25% of the funding that the average FY 1984 CDBG grantee had. The effectiveness and viability of the CDBG program cannot be sustained under this formula.

## **Salton Sea: seek appropriations from existing WRDA authorization**

**Issue:** Federal cooperation with locals is needed to reduce liability for environmental destruction and human health impacts from soon-to-be exposed seabed, of which nearly half is federally owned.

**Action:** \$30 million in federal funding for Salton Sea restoration was authorized in 2007 under the federal Water Resource Development Act (WRDA), but never spent. Additionally, large sums of funding (\$100 M) have been designated for alternative energy research in the Defense budget – funds that should be spent where multiple benefits can be achieved in addition to renewable fuel development as a national security priority.

Support federal legislation to appropriate maximum funding to Salton Sea Authority and member agency projects while also supporting federal safe harbor provisions and incentives for private investors to partner with public entities on renewable energy projects at the Sea, conditional to contribution to and cooperation with local restoration efforts under auspices of the Salton Sea Authority.

**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. Because the federal government owns half of the land under the Sea that will be exposed as dry lakebed due to water transfers starting in 2017, the feds hold a major stake in supporting federal/state/local partnerships with private enterprise (renewable energy development) that can generate positive outcomes in lieu of liabilities for deteriorating environment and deadly human health impacts.

Top priority for the Salton Sea Authority at the federal level is securing appropriations from existing authorized sources (WRDA) plus new funding for public/private partnerships in renewable energy development at the Sea.

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 public agencies.

The lack of proper expenditure of federal funds, together with the poor accountability for state expenditures on Salton Sea underscores the need to empower local governments that are highly motivated to drive changes at the Sea. With support from Riverside County Economic Development Agency, the Salton Sea Authority is positioned to leverage both state and federal accounts that appear to be idle and poorly coordinated.

WRDA 2007, signed into law on 11/9/07, included a \$30 million authorization for the Army Corps to fund Salton Sea Restoration Pilot Projects. Funding is limited to \$5 million for any individual pilot project and *a non-Federal cost-share of 35 percent is required.*

Source – click on this link and scroll down to SECTION 3032. SALTON SEA RESTORATION, CALIFORNIA:

<http://www.gpo.gov/fdsys/pkg/PLAW-110publ114/html/PLAW-110publ114.htm>

- Salton Sea provisions:
  - The Secretary of the Army will enter into agreement with the State of California, with the consultation of the Salton Sea Authority and the Salton Sea Science Office (under the USGS) to carry out pilot projects for improvement of the environment in the area of the Salton Sea.
  - In addition to consulting with the SSA and SSSO, the Secretary must also take into consideration the priorities of the State and the SSA.

A review of appropriations bills from FY 2007 through present shows NO funding appropriated for the Army Corps to carry out these Salton Sea Restoration Pilot Projects. The \$30 million authorization thus remains available, subject to appropriations. Pilot projects could be funded through the Army Corps, if the Corps was to request it and Congress included it in the annual Energy and Water Appropriations Act.

Congress has been appropriating funds for the Salton Sea Research Project through the Bureau of Reclamation since at least the 1990s. The research project was authorized in 1992. Congressman Duncan Hunter also sponsored legislation enacted on 11/12/98 that authorized a Bureau of Reclamation feasibility study (Salton Sea Restoration Act, P.L. 105-372) and included a section for emergency work on the New and Alamo Rivers. Funding for the Bureau over the last several years has been at the following levels:

FY 2008	\$1.132 m
FY 2009	\$1.074 m
FY 2010	\$379,000
FY 2011	\$399,000
FY 2012	\$290,000

For the last three years, the level appropriated was based strictly on the Administration's budget request because of the moratorium on congressionally directed project funding (earmarks). For the previous years, the Administration requests were supplemented by "plus ups" via Congressional earmarks.

## **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:** Support the continuation and/or increase of 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 rent, communications equipment and computer support. Continue to allow these costs to be billed as direct charges.

Support the development of funding formulas that consider proximity of jurisdictions to high profile targets and are not based solely on the presence of such targets within jurisdictional boundaries.

Support the reinstatement of categorical Homeland Security grant funding for the Metropolitan Medical Response System (MMRS).

**Background:** The terrorist activity on and after September 11<sup>th</sup> 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 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 grants include contract staff in personnel caps. Federal grants 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 as nearby jurisdictions to such targets will likely be severely impacted through the provision of mutual aid to the impacted jurisdiction or by the influx of large numbers of people seeking shelter and/or treatment.

The Metropolitan Medical Response System (MMRS) as a separate funding stream has been eliminated from the Homeland Security suite of grants. Although an allowable project under the State Homeland Security Grant Program (SHSGP), the lack of dedicated funding to MMRS has resulted in a decrease in support for the capabilities built by the MMRS program over the past 14 years. MMRS funding was unique in that it supported the integration of the public health and medical response community with the first responder community. Further, MMRS provided support for activities not specifically benchmarked in the CDC Public Health Emergency Preparedness Cooperative Agreement or the ASPR Hospital Preparedness Program, such as building an integrated, multi-disciplinary hazmat response and EMS response activities including dispatch triage and decontamination of EMS equipment.

## **Communicable Disease Screening for Immigrants, Refugees and Asylees**

**Issue:** Screening, Follow-up and Reimbursement for Immigrants, Refugees and Asylees with 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.

**Background:** 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 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 report for evaluation by local health departments is currently voluntary. This lack of consistent quality of pre-entry screening and lack of funded, mandatory requirements for evaluation 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 in the communities in which they reside. Local health departments are often called upon to absorb the cost of such services. Local health departments experience a financial burden in providing this care, essential to the health of the immigrant, refugee or asylee as well as to protect the health of the local community from the spread of communicable diseases of public health significance.

## **Training, Recruitment and Retention of Public Health Workforce**

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

**Action:** Support legislation that allows for the establishment of a Public Health Workforce Scholarship Program and a Public Health Workforce Loan Repayment Program.

**Background:** 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.

## **Child Nutrition Reauthorization Funding**

**Issue:** Child Nutrition Reauthorization

**Action:** Support Child Nutrition Reauthorization to provide adequate funding for WIC participation and Nutrition Services and Administration (NSA) and make the WIC participant application process simpler and more streamlined.

**Background:** The economic recovery may take longer than anticipated and more families will turn to WIC for nutrition assistance requiring additional funding. Since fiscal years 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. WIC strives to combat childhood overweight and obesity and has been part of the President's budget proposals to Eat Healthier, Live Better.

## **Transportation Funding for Complete Streets**

**Issue:** Complete Streets are designed to be used by everyone: cars, buses, bicyclists and walkers. Complete Streets help create better/healthier communities for people to live, play, work and shop. Pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities are able to safely move along and across a complete street.

**Action:** Support state and federal funding for Complete Streets which encourages transportation planners and engineers to routinely design and operate the entire right of way to enable safe access for all users, regardless of age, ability, or mode of transportation.

**Background:** Often, we do not consider pedestrians or bicyclists when we build our streets making walking or bicycling challenging. Complete streets allow walkers and bicyclists to be active users of roads.



## **Office on Aging**

**Issue:** Older Americans Act Reauthorization and Appropriations

**Action:** Support Reauthorization and Funding of the Older Americans Act and Administration on Aging (AoA) included in the President's 2012 Budget.

**Background:** The President has included slight funding increases for the Older Americans Act in his 2013 Budget. The National Association of Area Agencies on Aging (N4A) has been working with Senator Bernie Sanders of Vermont on a senate bill (S.2037) that would Reauthorize the Older Americans Act and provide recommend funding for the act. N4A had identified several issues in the bill that would negatively impact local Area Agencies on Aging including changes to Title III C Nutrition Services, Title III B Health Promotion and Disease Prevention and Title IIIB Legal Services.

Other Senate Democrats were working on similar bills and a new merged bill (S. 3562) was introduced by Senator Sanders and 15 Senate Democrats including California's Senator Barbara Boxer on September 21, 2012. N4A had worked with Senator Boxer's Office regarding issues with the initial Sanders bill. N4A reports that several provisions have been dropped from this updated bill, including the Sander's original approach to nutrition consolidation, which affected transfer authority of the Area Agency, and changes to Title III D Health Promotion that would have directed funding to the State rather than directly to the Area Agencies, and Title III B Legal Services that would have reduced the role of local Area Agencies in the provision of local legal services. In addition, N4A announced that positions it supported in other stand-alone bills have been included in the consolidated bill.

This bill (S. 3562) will now become the platform for moving forward and negotiations when Congress reconvenes in January.

The Office on Aging relies heavily on federal funding in general, and in funding provided through the Older Americans Act specifically. The Older Americans Act now accounts for over sixty-five percent of the department's revenue. Given the recent history of State General Fund and County General Fund cuts, a cut in Older Americans Act funding would certainly curtail the ability of the Office on Aging to provide basic services to seniors throughout the county including home delivered meals, congregate meals at senior centers and other vital Older Americans Act supportive services for seniors and caregivers and would most certainly further reduce department infrastructure and staffing levels.

## **Community Parks Revitalization Act**

**Issue:** Support measures that will assist parks and recreation agencies in the vital role of making America a better place to live.

**Action:** Support bill

**Background:** This bill is a companion measure to H.R. 709. This legislation would serve as an updated version of UPARR and authorizes HUD to provide matching federal assistance grants to local parks and recreation agencies.

## **Department of Energy Weatherization Assistance Program**

**Issue:** Funding

**Action:** Support continued funding of Weatherization Assistance Program

**Background:** The U.S. Department of Energy's (DOE) Weatherization Assistance Program (WAP) was created in 1976 to assist low-income families who lacked resources to invest in energy efficiency. Funds are used to improve the energy efficiency of low-income homes using the most advanced technologies and testing protocols available in the housing industry. The energy conservation resulting from the efforts of state and local agencies helps our country reduce its dependence on foreign oil and decrease the cost of energy for families in need while improving the health and safety of their homes.

## **Community Services Block Grant (CSBG)**

**Issue:** Funding

**Action:** Support funding of CSBG at current level

**Background:** CSBG provides core federal funding for Community Action Agencies in the United States to help eliminate the causes and alleviate the conditions of poverty. Currently, CSBG provides \$680 million to more than one thousand CAAs across the country, allowing individuals and families to meet their basic needs, educate themselves, achieve self-sufficiency and improve their communities. Because CSBG funds their central management and core activities, CAA's are able to leverage additional resources to combat causes of poverty.

President Obama's last two budgets have reduced CSBG funding by 50%. Funding has been restored by Congress. Community Action Partnership understands the need to reduce spending, but spending cuts should be equitable across the board.

## **Low Income Home Energy Assistance Program (LIHEAP)**

**Issue:** Funding

**Action:** Support authorized funding level of \$5.1 billion.

**Background:** LIHEAP provides critical heating and cooling assistance to low-income households, especially for the elderly, disabled and families that are forced to choose between paying their energy bills or paying for food, medicine and other essentials. The program's energy crisis intervention components are designed to provide immediate response to alleviate potentially life-threatening situations, and the client education component of the program provides funds for activities that encourage regular utility payments, promote energy awareness and encourage reduction of energy use through energy efficiency, education and weatherization.



## **Previous Federal Policies Positions**

## **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 future funding notices or additional cuts to funding would jeopardize the rental assistance provided for many Riverside County families.

## **Jobs Stimulus Funding**

**Issue:** Jobs Stimulus Funding.

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

Prior stimulus programs have focused on job sectors such as weatherization and construction 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.

## Direct-to-Consumer Shipping of Wine

**Issue:** Legislation was introduced in the 111<sup>th</sup> Congress that would have allowed individual States to eliminate direct-to-consumer shipping of wine, and is likely to be reintroduced in the 112<sup>th</sup> Congress.

**Action:** Oppose legislation that would relinquish Federal authority of alcohol regulation to the States, eliminating the protections granted by the Commerce Clause in the regulation of wine and alcohol.

**Background:** The Commerce Clause of the Constitution grants the U.S. Congress the sole power to regulate interstate trade, and bars States from passing laws and regulations that impede such trade. In the Supreme Court case of *Granholm v. Heald* (2005), the Court ruled that a state cannot pass laws that discriminate between in-state and out-of-state wineries unless the state can prove that it lacks other means of addressing such issues as public safety and public health.

Legislation introduced in the 111<sup>th</sup> Congress as H.R. 5034 would have allowed certain State alcohol laws to avoid judicial scrutiny through a presumption of validity, and insulate and sanction discriminatory state laws by reversing evidentiary rules for Commerce Clause challenges and increasing the burden of proof for plaintiffs. In essence, the measure would have allowed the elimination of direct-to-consumer shipping of wine in the 37 states and District of Columbia that currently permit it, including California, reducing consumer choice and hurting wineries.

California – *including Riverside County* – is the 4<sup>th</sup> largest wine producing region in the world. The industry creates more than 330,000 jobs, produces billions of dollars in economic impact, and preserves agricultural land and family farms. However, only 17 percent of wineries are distributed by wholesalers nationally, and 54 percent are unable to secure a wholesaler even where they actively seek representation. As a result, many wineries must rely on direct sales to survive. By allowing states to close down this method of distribution, the proposals would hurt businesses, jobs, and state and local economies in states with a thriving wine industry.

## **Emancipated Foster Youth**

**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.

## **Foster Care Background Checks**

**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.

**Supplemental Security Income (SSI) Benefits  
for Emancipated Foster Youths**

**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.



## **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, the Community 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 (PILT):**

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 reauthorize and improve the TANF program.

**Riverside County Regional Medical Center:**

Support legislation that would provide funding for capital improvement projects to improve Riverside County Regional Medical Center'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 Medicaid program, and to provide reimbursement for uninsured patients seen by hospitals.



**Empowerment Zones:**

Support measures that establish a formal funding mechanism and ensure long-term funding for Empowerment Zones.

**Foreign Trade Zones:**

Support Federal legislation that will allow existing Foreign Trade Zones to expand and support legislation that will allow for the creation of new Foreign Trade Zones.



## **2012 Federal Advocacy Outcomes**

## **2012 Federal Advocacy Outcomes**

The second session of the 112<sup>th</sup> Congress was dominated by partisan jockeying in anticipation of the November Presidential and Congressional elections. The Federal debt remained front and center, and framed much of the debate on the best courses to take to address a broad spectrum of issues, ranging from the reauthorization of transportation programs, to the annual appropriations process for the funding of Federal programs, to negotiations on a new Farm bill. Congress was once again unable to reach an agreement on the twelve appropriations bills that fund Federal Agencies and programs, approving instead a six month Continuing Resolution that fund those agency and programs at FY 2012 levels through March 31, 2013. Action must be taken before that date to approve funding for the full Federal FY 2013, causing many agencies to hold back funding for discretionary programs such as competitive grants until full year funding is settled. Always lurking in the background was the specter of the impending "fiscal cliff" resulting from expiration of the Bush-era tax cuts and the January 2013 across-the-board cuts mandated by the sequestration process included in the Budget Control Act of 2011. Despite the potential far-reaching consequences of the cliff – including a plunge back into recession – serious efforts to address it were not undertaken until Congress returned for a Lame Duck session after the elections that dragged deep into December. Only under intense lobbying pressure and with great angst was Congress able to complete work on any legislative initiatives throughout the year. Legislation of significance to your Board and the County's mandated responsibilities approved and signed into law in 2012 included:

- Enactment of the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) to reauthorize and fund Federal surface transportation programs for two years;
- A one-year extension of funding for the Payments in Lieu of Taxes and Secure Rural Schools Programs;
- Passage of the FAA Modernization and Reform Act, which included provisions reauthorizing the Airport Improvement Program (AIP) through 2015;
- Approval of reauthorization of the Export-Import Bank via the Securing American Jobs Through Exports Act;
- Enactment of the SPECTRUM Act, which allocated a portion of the D Block spectrum to public safety, included grant funding for the implementation of public safety networks;
- Reform, modernization and extension of the National Flood Insurance Program through 2017; and

- Inclusion of provisions of the HEART for Women Act to expand funding for the WISEMAN screening program for low-income and uninsured women in the Food and Drug Administration Safety and Innovation Act.

Funding for specific projects in general and Riverside County proposals and projects in particular was limited by the continuation of the moratorium on earmarks, as well as the uncertainty of Federal funding streams due to the implementation of the six month FY 2013 Continuing Resolution. Nevertheless, the County was awarded several Federal grants and reimbursements, including:

- \$4.087 million under the Section 6 Cooperative Endangered Species Conservation Fund; including:
  - \$4 million for the Western Riverside Multiple Species Habitat Conservation Plan; and,
  - \$88,177 for habitat for the recovery of the peninsular bighorn sheep.
- \$3.7 million to the Riverside County and City urban region under the Urban Areas Security Initiative;
- \$802,360 under the State Criminal Aliens Assistance Program (SCAAP);
- \$790,554 for new Continuum of Care (CoC) activities under the McKinney-Vento Homeless Assistance program;
- \$696,668 under the FY 2012 Emergency Shelter Grant program;
- \$555,000 from HUD to fund 10 service coordinators to help public and assisted housing residents connect with local training and job services;
- \$517,244 under the FY 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) program; and,
- \$499,999 from the National Institute of Health for the Sheriff Department's Cold Case Unit;
- 125 vouchers and a one-year budget authority of \$990,051 under HUD-VA Veterans Affairs Supportive Housing Program; and,
- \$238,413 from HUD for fair housing initiatives.

While the still-tepid economic situation and budgetary constraints arising from the Federal deficit will remain significant factors affecting the Federal landscape in 2013, Congress will attempt to address authorization or reauthorization of a variety of statutes of significance to the County, including: TANF; the Workforce Investment Act; the Farm Bill; the Violence Against Women Act, and the Older Americans Act.



## **CSAC 2012 FEDERAL ADVOCACY PRIORITIES**

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*CSAC's contract for federal affairs services with Waterman and Associates provides for a nine-issue agenda. CSAC staff, in consultation with Waterman and Associates, developed the following list of eight federal issues of significance to California's counties, with one issue left in reserve to accommodate emerging topics.*

### **New Authorization of the Nation's Surface Transportation Law (SAFETEA-LU)**

After months of stakeholder discussions, the Senate Environment and Public Works Committee in late 2011 approved legislation (S 1813) that would reauthorize the nation's surface transportation law (SAFETEA-LU). The bill, entitled *Moving Ahead for Progress in the 21st Century* (MAP-21), would reauthorize SAFETEA-LU for two years at current funding levels, plus inflation. The existing authority for federal transportation programs has been operating under a series of short-term extensions, the latest of which expires in March.

House transportation leaders are expected to unveil a five-year transportation bill early in 2012. The legislation will reportedly link new American energy production to investment in infrastructure projects. As of this writing, additional details of the House measure are unavailable.

For its part, CSAC continues to actively promote its transportation reauthorization agenda with key policymakers. Among other things, the association is recommending a more streamlined and flexible approach to allocating federal transportation funds to state, regional, and local agencies. CSAC also is promoting several environmental streamlining proposals such as a CEQA for NEPA reciprocity pilot program, as well as funding for a number of priority programs, including the Highway Bridge Program and the High Risk Rural Roads Program.

### **State Criminal Alien Assistance Program**

The State Criminal Alien Assistance Program (SCAAP) is a critically important budget item for many 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.

Additionally, CSAC supports legislation (S 638) introduced by Senator Dianne Feinstein (D-CA) that would require the Department of Justice to reimburse local jurisdictions for incarceration costs associated with undocumented individuals who have been convicted or accused of a felony or two or more misdemeanors. The current statute is limited to allowing reimbursement only in cases in which an individual is actually convicted of such crimes.

### **Property Assessed Clean Energy Program/Renewable Energy Policy**

CSAC is urging Congress to approve legislation (HR 2599) that would restart stalled Property Assessed Clean Energy (PACE) programs in California and across the country. The bill – entitled the *PACE Protection Act of 2011* – would prevent federal housing regulators from adopting policies that contravene established state and local PACE laws, thus allowing counties and other local governments to once again offer the popular program. PACE programs create jobs, stimulate business growth, reduce greenhouse gas emissions, and add lasting value to residential and commercial properties without increasing risks of mortgage defaults.

On a related energy matter, CSAC is urging Congress to provide adequate funding for the Energy Efficiency and Conservation Block Grant, which provides resources to local governments for a variety of energy efficiency programs. Additionally, the association is promoting that the widest possible range of renewable energy sources – such as biomass, hydropower, and post-recycled municipal solid waste – qualify as resources to help California meet its renewable energy goals.

### **Native American Affairs**

In the wake of the U.S. Supreme Court's *Carcieri v. Salazar* decision, which limits the secretary of Interior's trust land acquisition authority to those tribes that were under federal jurisdiction at the time of the passage of the Indian Reorganization Act (IRA) of 1934, several members of Congress have aggressively promoted legislation that would overturn the Court's ruling. Under pending legislation (S 676/HR 1291/HR 1234), the secretary of Interior would be granted authority to take land into trust for all Indian tribes.

In response, CSAC has led a multi-state coalition of county government associations that opposes the aforementioned *Carcieri* bills. Known as "quick-fix" legislation, the bills would reverse *Carcieri* without providing for much-needed, long-overdue reforms in the fee-to-trust process. CSAC is actively advocating for its own trust reform bill, which includes modifications to the IRA that would require tribes to meet a set of heightened regulatory standards as a condition of the secretary of Interior approving trust land applications.

### **Temporary Assistance for Needy Families Reauthorization**

The Temporary Assistance for Needy Families (TANF) program is currently operating on a short-term extension, the latest of which runs through February 29, 2012.

The temporary continuation of the TANF program sets the stage for Congress to debate the scope of the next multi-year bill in 2012. With the nation's economy continuing to struggle and unemployment rates still high, policymakers are looking at recent trends in welfare rolls and poverty figures as they consider options for reauthorizing TANF.

Congress – as well as previously issued regulations – placed additional administrative burdens on the TANF program. Many of those requirements had the effect of changing the focus on following federally imposed processes to the detriment of moving families into self-sufficiency.

CSAC is urging Congress to restore state and county flexibility to tailor work and family stabilization activities to families' individual needs. CSAC also supports maintaining the focus on work activities under TANF, while recognizing that "work first" does not mean "work only."

### **Secure Rural Schools Reauthorization**

In 2011, House Republicans unveiled a draft Secure Rural Schools and Community Self-Determination Act (SRS) reauthorization bill that would substantially alter the way that SRS payments are made. Under the measure, the Secretary of Agriculture would be required to act as trustee to carry out various projects – which could include timber sales, issuance of special permits, etc. – to meet an annual revenue requirement (ARR) on each unit of the National Forest System. From the ARR, 75 percent of revenues would be shared with counties, 20 percent would go to the Forest Service, and five percent would be directed to the federal Treasury.

The House measure also would provide a transition period to temporarily continue SRS payments to counties and schools. Details of the transition period and how much would be authorized for payments have yet to be determined. GOP leaders from the Natural Resources Committee are expected to formally introduce their proposal early in 2012.

Originally passed and signed into law in 2000, SRS represents a contract between the federal government and more than 700 rural counties and school districts that have historically depended on revenues from timber harvests on federal lands in their jurisdictions. These rural communities and schools have relied upon a share of the national forest receipts program to supplement local funding for education services and roads. The most recent act expired on September 30, 2011, with final payments distributed in January of 2012.

CSAC is advocating for a long-term reauthorization of SRS supported by adequate funding.

### **Clean Water Act**

The Clean Water Act (CWA) and subsequent amendments have positively impacted the health of the nation's rivers and streams. At the same time, however, the CWA has created a host of unintended consequences. One such unintentional result of the Act is the continued inability of counties and other local entities to properly maintain flood protection facilities and drainage ditches.

Pursuant to Section 404 of the CWA, the Secretary of the Army Corps of Engineers may issue permits for the discharge of dredged or fill material into navigable waters of the United States and exempts certain activities from the permitting process. Although the Act appears to explicitly exempt maintenance activities of currently serviceable flood control facilities from permitting requirements, the Corps has not interpreted the law in this manner. As a result, virtually all routine maintenance of flood protection facilities and drainage ditches are subject to 404 permits, which has caused significant backlogs in the Corps' permit processing times and ultimately thwarted local agencies from performing routine maintenance in a timely manner.

Working closely with CSAC, Congressman Gary Miller (R-CA) introduced in 2011 legislation that would provide a narrow permitting exemption for maintenance removal of sediment, debris, and vegetation from flood control channels and basins. Several members of the California congressional delegation have signed on as original cosponsors of the bill.

### **Levee Vegetation Management**

CSAC supports modification to the Army Corps of Engineers' policy on vegetation management of Corps built flood control facilities that: considers regional variation across the nation; includes an exemption provision where appropriate; conforms to other federal and state laws; and, includes local government in a transparent and collaborative process.

The Corps released in late 2011 its System-Wide Improvement Framework (SWIF) policy for levee systems. The policy provides levee sponsors with a process to transition their levees over time to Corps' standards while remaining eligible for federal rehabilitation funding under Public Law 84-99. It should be noted that the policy allows deficiencies – which may include vegetation – to be addressed on a "worst first" basis as part of a larger system-wide plan.

According to the Corps, the SWIF process may complement the vegetation variance request process as a means for a levee sponsor to address levee deficiencies. If required, a vegetation variance request can be part of the SWIF process.

CSAC and other key stakeholders are reviewing the SWIF and will continue to actively pursue modifications to the Corps' levee vegetation process, where appropriate.



## **CSAC INTERNAL MONITORING**

*In addition, CSAC will continue to provide internal monitoring on a number of issues that are of significance to California's counties.*

### **National Health Care Reform**

The landmark *Patient Protection and Affordable Care Act* requires states to implement many of its major provisions by 2014. California's counties will play a key role in the implementation of the law over the next two years and must monitor and participate in the rulemaking and regulatory process at the federal level to help achieve a workable framework to provide health care to all Californians.

### **Transient Occupancy Tax**

CSAC will work to ensure counties' continued authority to assess and collect transient occupancy taxes on the full rate paid by the consumer for all appropriate transient lodging, regardless of whether the consumer pays through a hotel or any other vendor.

### **Federal Geothermal Royalties**

The Geothermal Steam Act of 1970 specifies a formula for the distribution of geothermal revenues to federal, state, and county governments. Under the formula, the federal government retains 25 percent of the revenue, the States receive 50 percent, and county governments receive 25 percent. Several recent attempts have been made to permanently repeal the sharing of geothermal revenues with counties. Given the importance of these revenues to the affected counties, CSAC opposes any legislation that would discontinue geothermal royalty payments to county governments.

### **Community Development Block Grant**

The fiscal year 2012 budget includes \$2.95 billion for the Community Development Block Grant (CDBG) program. The current level of funding is close to a \$400 million reduction from fiscal year 2011.

CDBG, as well as many other discretionary spending programs, sustained cuts in the fiscal year 2012 budget as a result of the continued focus on deficit reduction. CSAC, along with other county and city government partners, are calling on Congress to restore funding for the CDBG program to allow localities to continue to provide a wide variety of economic and community development activities, such as home rehabilitation loans, public works and infrastructure projects, and various youth-related services.

### **Child Welfare Financing Reform**

As part of TANF reauthorization, Congress may consider legislation to reform the child welfare financing system, as well as provide additional resources to stabilize families and train and retain child welfare staff. CSAC supports additional programmatic flexibility, along with an updated foster care payment methodology.

### **Byrne Grant Funding**

The fiscal year 2012 budget provides \$470 million for the Byrne Memorial Justice Assistance Grant (JAG) program. CSAC strongly supports prioritizing Byrne funding in the annual appropriations process and will continue to work collaboratively with our congressional delegation and others to secure and promote increased funding for the program and the positive local outcomes it helps achieve.

## **Cooperative Endangered Species Conservation Fund**

CSAC supports increased funding for the U.S. Fish and Wildlife Service's Cooperative Endangered Species Conservation Fund (CESCF). The CESCF is currently funded at \$47 million in fiscal year 2012, a cut of roughly \$12 million from the previous fiscal year, and down nearly 50 percent from fiscal year 2010 levels. Funding should be restored to help provide much needed support to regional Habitat Conservation Plans (HCPs) in California and nationally.

### **2-1-1 Statewide**

CSAC has actively supported both state and federal legislation to help build and fund a statewide 2-1-1 referral system. 2-1-1 is a free, easy-to-remember telephone number that connects people to essential community information and services. In 2009, over 1.6 million Californians called 2-1-1 to find needed community services such as rent and mortgage assistance, food and shelter, health care, job training, transportation, child care, and senior care. 2-1-1 also plays an informational role during emergencies and disasters and relieves pressure on the 9-1-1 system at these critical times. The value of this service was evident during the 2007 San Diego wildfires when 2-1-1 call centers provided information and support to more than 130,000 callers in five days.

Currently, just 27 of California's 58 counties have 2-1-1 service covering 92 percent of the population. CSAC will continue to work at both the state and federal levels to promote the need for a comprehensive statewide 2-1-1 system.

### **State's Water Crisis**

California's political leaders and various state and local water interests continue to pressure California's congressional delegation and the Obama administration to address the state's chronic water shortage. A wide range of proposals are being discussed that would address water transfers, endangered species laws, water quality and California Bay-Delta protections, to name a few. CSAC will monitor these proposals to ensure consistency with the organization's comprehensive policy direction on water.

### **Payments-in-lieu-of-Taxes**

Pursuant to PL 110-343, all counties are receiving 100 percent of authorized Payments-in-lieu-of-Taxes (PILT) payments in fiscal years 2008 through 2012. Prior to fiscal year 2008, PILT payments were subject to the annual appropriations process. CSAC will support efforts to convert the temporary mandatory spending into a permanent feature of the PILT program.

### **Farm Bill Reauthorization**

CSAC will continue to monitor congressional efforts to reauthorize the federal Farm Bill, including provisions affecting the Supplemental Nutrition Assistance Program (SNAP), rural development programs, and renewable energy development. Congressional authorizing committees are expected to hold hearings and consider a new Farm Bill sometime in 2012.

### **Waters of the U.S.**

In 2011, the Obama administration announced that it was updating draft guidance on the scope of waters that would be regulated under the Clean Water Act (CWA). According to EPA, the number of waters identified as protected by the CWA under the revised "Waters of the U.S." guidance will increase compared to current practice. The expansion of federal jurisdictional authority over state and local waters has elicited concern from state and local resource agencies, as well as federal lawmakers.

CSAC, joined by other key state and local stakeholders, have provided substantive comments to EPA and the Army Corps of Engineers regarding the draft guidance. EPA has indicated that it will undertake a formal rulemaking process in 2012. At the same time, congressional efforts to block EPA's administrative actions are expected to continue.

### **FEMA Mapping**

FEMA has launched a five year national Map Modernization Plan to update the nation's flood hazard maps. Once the new maps become effective, all new structures in the FEMA floodplain will be required to adhere to heightened land use and control measures. Properties mapped into the Special Flood Hazard Area (SFHA) and backed by a federally-insured mortgage will be required to carry flood insurance.

Additionally, Congress is considering a long-term reauthorization of the National Flood Insurance Program (NFIP). Legislative proposals in both houses of Congress would require some form of mapping of areas of residual risk. The Senate bill, however, would require residual risk areas to be included within a "special flood hazard area" and require the price of flood insurance policies in areas of residual risk to accurately reflect the level of flood protection provided, regardless of the certification status of the flood control structure.

CSAC opposes efforts that would mandate federal flood insurance coverage for homeowners and business that are protected by properly constructed and maintained flood protection structures. Additionally, CSAC supports a transparent and fiscally reasonable process by which counties and residents can revise and amend FEMA's Flood Insurance Rate Maps. CSAC also supports federal efforts to enhance flood hazard mapping outreach and technical assistance to local communities.

### **Pension Tier Changes – Conflict with IRS Requirements**

The rising cost of public employee pension plans is a growing concern for California's counties. A number of counties have proposed their own local solutions, such as allowing current employees to elect lower pension benefits with lower retirement contributions, but Internal Revenue Service (IRS) rules are an obstacle to these reforms. Under a 2006 IRS ruling, allowing current county employees to elect lower pension benefits may force all county employees to have to pay taxes on their retirement deductions – whether they switch plans or not.

CSAC supports bipartisan legislation (HR 2934) introduced by Representative Loretta Sanchez (D-CA) that would revise the IRS ruling so that local governments can propose and implement their own local plans, without severe consequences.