

CALIFORNIA STATE ASSOCIATION OF COUNTIES
BOARD OF DIRECTORS

Thursday, March 24, 2011
10:00am - 1:30pm
CSAC Conference Center, Sacramento

A G E N D A

Presiding: John Tavaglione, President

10:00am - **PROCEDURAL ITEMS**

1. Roll Call Page 1
2. Approval of Minutes of November 18, 2010 Page 3
(summary of February 25, 2010 informational call also included)

10:15am - **SPECIAL PRESENTATION**

3. Remarks Regarding Realignment Proposal

10:45am - **ACTION ITEMS**

4. Consideration of Governor's Realignment Proposal Page 8
 - *Paul McIntosh, CSAC Executive Director*
5. Consideration of State and Federal Legislative Priorities for 2011 Page 13
 - *Jim Wiltshire & Karen Keene, CSAC staff*
6. Consideration of Amendments to CSAC County Platform Page 22
 - Administration of Justice**
 - *Supervisor Glover, Chair & Elizabeth Howard Espinosa, CSAC staff*
 - Agriculture & Natural Resources** Page 34
 - *Supervisor Forster, Chair & Karen Keene, CSAC staff*
 - Government Finance & Operations** Page 53
 - *Supervisor Gibson, Chair & Jean Kinney Hurst, CSAC staff*
 - Health & Human Services** Page 58
 - *Supervisor Kniss, Chair & Kelly Brooks, CSAC staff*
 - Housing, Land Use & Transportation** Page 84
 - *Supervisor Efren Carrillo, Chair & DeAnn Baker, CSAC staff*
7. Request for Adoption of Compensation Transparency Principles Page 110
 - *Faith Conley, CSAC staff*
8. Request to Authorize Sponsorship of AB 1053: Local Fee Measure Page 117
 - *Elizabeth Howard Espinosa & Kelly Brooks, CSAC staff*
9. Consideration of CSAC County Employee Health Care Benefits Program Page 133
 - *Paul McIntosh*

12:00pm - **LUNCH**

12:30pm - **ACTION ITEMS (cont.)**

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| 10. | Resolution in Support of the Prevention and Public Health Fund
• <i>Supervisor Kniss, Chair, NACo Health Steering Committee</i> | Page 157 |
| 11. | Consideration of Cities, Counties, Schools (CCS) Partnership Transition Plan
• <i>Paul McIntosh</i> | Page 160 |
| 12. | Appointment of Member to California Statewide Community Development Authority (CSCDA)
• <i>Paul McIntosh</i> | Page 162 |

1:00pm - **INFORMATION ITEMS**

- | | | |
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| 13. | <i>The following items are contained in your briefing materials for your information, but no presentation is planned:</i> | |
| | ❖ CSAC Corporate Associates Program | Page 163 |
| | ❖ Institute for Local Government (ILG) Update | Page 164 |
| | ❖ CSAC Finance Corporation Report | Page 168 |
| | ❖ Litigation Coordination Program | Page 169 |
| 14. | Other Items | |

1:30pm - **ADJOURN**

CALIFORNIA STATE ASSOCIATION OF COUNTIES

Board of Directors

2011

<u>Section</u>	<u>County</u>	<u>Director</u>
U	Alameda County	Keith Carson
R	Alpine County	Terry Woodrow
R	Amador County	Louis Boitano
S	Butte County	Maureen Kirk
R	Calaveras County	Merita Callaway
R	Colusa County	Kim Dolbow Vann
U	Contra Costa County	Federal Glover
R	Del Norte County	Michael Sullivan
R	El Dorado County	Norma Santiago
S	Fresno County	Henry Perea
R	Glenn County	John Viegas
R	Humboldt County	Mark Lovelace
S	Imperial County	Gary Wyatt
R	Inyo County	Susan Cash
S	Kern County	Jon McQuiston
R	Kings County	Doug Verboon
R	Lake County	Anthony Farrington
R	Lassen County	Jim Chapman
U	Los Angeles County	Don Knabe
R	Madera County	Frank Bigelow
S	Marin County	Susan Adams
R	Mariposa County	Lyle Turpin
R	Mendocino County	Carre Brown
S	Merced County	Hubert "Hub" Walsh
R	Modoc County	Jeff Bullock
R	Mono County	Duane "Hap" Hazard
S	Monterey County	Fernando Armenta
S	Napa County	Brad Wagenknecht
R	Nevada County	Ted Owens
U	Orange County	John Moorlach
S	Placer County	Jim Holmes
R	Plumas County	Terry Swofford
U	Riverside County	John Tavaglione

U	Sacramento County	Susan Peters
R	San Benito County	Margie Barrios
U	San Bernardino County	Gary Ovitt
U	San Diego County	Greg Cox
U	San Francisco City & County	Eric Mar
S	San Joaquin County	Larry Ruhstaller
S	San Luis Obispo County	Bruce Gibson
U	San Mateo County	Rose Jacobs Gibson
S	Santa Barbara County	Joni Gray
U	Santa Clara County	Liz Kniss
S	Santa Cruz County	vacant
S	Shasta County	Glenn Hawes
R	Sierra County	Lee Adams
R	Siskiyou County	Jim Cook
S	Solano County	Mike Reagan
S	Sonoma County	Valerie Brown
S	Stanislaus County	Vito Chiesa
R	Sutter County	Larry Munger
R	Tehama County	Robert Williams
R	Trinity County	Judy Pflueger
S	Tulare County	Steve Worthley
R	Tuolumne County	Richard Pland
U	Ventura County	Kathy Long
S	Yolo County	Matt Rexroad
R	Yuba County	Roger Abe

President: John Tavaglione, Riverside
 First Vice President: Mike McGowan, Yolo
 Second Vice President: David Finigan, Del Norte

SECTION: U=Urban S=Suburban R=Rural

CALIFORNIA STATE ASSOCIATION OF COUNTIES
BOARD OF DIRECTORS
Thursday, November 18, 2010
Marriott Hotel, Riverside, CA

MINUTES

Presiding: Tony Oliveira, President

1. ROLL CALL

Alameda	absent	Placer	absent
Alpine	Terry Woodrow	Plumas	Lori Simpson
Amador	Louis Boitano	Riverside	John Tavaglione
Butte	Maureen Kirk	Sacramento	Roger Dickinson
Calaveras	Merita Callaway	San Benito	Reb Monaco
Colusa	Kim Dolbow Vann	San Bernardino	absent
Contra Costa	Federal Glover	San Diego	Greg Cox
Del Norte	David Finigan	San Francisco	absent
El Dorado	Norma Santiago	San Joaquin	Larry Ruhstaller
Fresno	Henry Perea	San Luis Obispo	Bruce Gibson
Glenn	absent	San Mateo	Richard Gordon
Humboldt	Mark Lovelace	Santa Barbara	Joni Gray
Imperial	Gary Wyatt	Santa Clara	Liz Kniss
Inyo	Susan Cash	Santa Cruz	absent
Kern	absent	Shasta	absent
Kings	Tony Oliveira	Sierra	Lee Adams
Lake	absent	Siskiyou	Jim Cook
Lassen	absent	Solano	Mike Reagan
Los Angeles	absent	Sonoma	Efren Carillo
Madera	Frank Bigelow	Stanislaus	Vito Chiesa
Marin	Susan Adams	Sutter	absent
Mariposa	absent	Tehama	Robert Williams
Mendocino	Carre Brown	Trinity	absent
Merced	Hub Walsh	Tulare	Steve Worthley
Modoc	Jeff Bullock	Tuolumne	Richard Pland
Mono	Duane "Hap" Hazard	Ventura	Kathy Long
Monterey	Fernando Armenta	Yolo	McGowan/Rexroad
Napa	Brad Wagenknecht	Yuba	Roger Abe
Nevada	Ted Owens	Advisor:	Marshall Rudolph
Orange	John Moorlach		

The presence of a quorum was noted.

2. APPROVAL OF MINUTES

The minutes of September 9, 2010 were approved as previously mailed.

3. ELECTION OF 2011 EXECUTIVE COMMITTEE

In addition to the CSAC officers, the following supervisors were nominated by their respective caucuses to serve on the Executive Committee for 2011:

Urban Section

Greg Cox, San Diego
Don Knabe, Los Angeles
Liz Kniss, Santa Clara
John Moorlach, Orange
Gary Ovitt, San Bernardino
Susan Peters, Sacramento
Kathy Long, Ventura (alternate)

Rural Section

John Viegas, Glenn
Terry Woodrow, Alpine
Lyle Turpin, Mariposa (alternate)

Suburban Section

Valerie Brown, Sonoma
Henry Perea, Fresno
Steve Worthley, Tulare
Joni Gray, Santa Barbara (alternate)

Motion and second to approve the election of 2011 Executive Committee as listed above.

Motion carried unanimously.

The following persons will serve as advisors to the Executive Committee for 2011: Nancy Watt, CAOAC President & Napa County Executive Officer; and Marshall Rudolph, County Counsels Assoc. Past President & Mono County Counsel.

4. PROPOSED AMENDMENT TO CSAC CONSTITUTION REGARDING IMMEDIATE PAST PRESIDENT

As previously directed by the Executive Committee, staff presented draft amendments to the CSAC Constitution to address the vacancy in the office of Immediate Past President which will occur at the end of this year with the retirement of Supervisor Tony Oliveira.

Currently, the CSAC Constitution states that the office of Immediate Past President "shall be filled only by the President in office during the preceding year." Historically, when the president retires or leaves office at the end of their term, this office has remained vacant.

The options presented were to designate the most recent immediate past president to fill the vacant officer position and to provide that the caucus of the immediate past president nominate a member of that caucus to fill the office of immediate past president.

Following a lengthy discussion regarding all options, it was determined that the current language in the CSAC Constitution pertaining to the office of Immediate Past President shall remain.

5. APPOINTMENT OF ALTERNATE COMMISSIONER TO CSCDA

The Board of Directors was asked to approve the appointment of Dan Mierzwa, Yuba County Treasurer-Tax Collector, as an alternate commissioner on the California Statewide Communities Development Authority (CSCDA). Mr. Mierzwa would replace Larry Parrish who previously held the position.

Motion and second to approve the appointment of Dan Mierzwa as alternate commissioner on the California Communities Development Authority. Motion carried unanimously.

6. CSAC POLICY COMMITTEE REPORTS

Administration of Justice. Supervisor Merita Callaway, Chair of the CSAC Administration of Justice policy committee, reported on the meeting held November 16. The committee received informational reports on the Criminal Justice Task Force issues, a legislative package related to collections of court-ordered debt, and provisions in the state budget public safety trailer bill regarding Medicaid waiver.

Agriculture & Natural Resources. Staff presented the policy committee report from the meeting held on November 16. During its meeting, the committee discussed Platform changes, water issues and heard a presentation from the State Fire Marshal regarding residential fire sprinkler/water supply.

The policy committee recommended that the Board of Directors adopt a resolution in support of the Sierra Nevada Forest Community Initiative. The purpose of the initiative is to address the challenges facing forest health by reducing the risk and consequences of large, damaging fires and creating sustainable living wage jobs. A copy of the resolution was contained in the briefing materials.

The following sentence was added to the resolution: *"This resolution does not in any way impact individual counties' ability to deal directly in collaboration, coordination and cooperation with the State of California."*

Motion and second to approve the Sierra Nevada Forest Community Initiative resolution as amended. Motion carried unanimously.

Government Finance & Operations. Supervisor Bruce Gibson, Chair of the CSAC Government Finance & Operations policy committee, reported on the meeting held November 16. The committee discussed challenges of implementing Proposition 14, which provides for a "top-two primary system."

The also discussed pension issues and legislative proposals in response to the "City of Bell" scandal. The policy committee directed staff to draft a legislative proposal as an alternative to the varied requirements and legislative ideas now pending. The proposal will be brought to the Board of Directors for consideration at the March 2011 meeting.

The policy committee recommended that the Board of Directors adopt a resolution supporting the California Emerging Technology Fund's (CETF) "Get Connected!" campaign, which would recognize the importance of increased access to broadband technology with the focus on unserved and underserved communities. In addition the committee recommended that CSAC send a letter to Caltrans urging the agency to open their rights-of-way for broadband deployment. A copy of the resolution was contained in the briefing materials.

Motion and second to adopt the resolution in support of the CETF "Get Connected" campaign and authorize staff to send a letter to Caltrans urging the opening of rights-of-way for broadband deployment. Motion carried unanimously.

Health & Human Services. Supervisor Liz Kniss, Chair of the CSAC Health & Human Services policy committee, reported on the meeting held November 17. The committee heard reports regarding California's implementation of Federal Health Care Reform, Medicaid Section 1115 waiver, behavioral health integration, and the 2-1-1- California and United Way Poverty Initiative. No action items were brought forward for consideration.

Housing, Land Use & Transportation. Supervisor Efred Carillo, Vice-Chair of the CSAC Housing, Land Use & Transportation policy committee, reported on the meeting held November 17. The policy

committee recommended that the Board of Directors authorize CSAC to sponsor legislation in the 2011 legislative session related to two issues: the expansion of eligible uses for transportation mitigation impact fees; and CEQA exemptions for infill housing projects.

Motion and second to authorize CSAC to sponsor legislation related to expansion of eligible uses for transportation mitigation impact fees and CEQA exemptions for infill housing projects. Motion carried unanimously.

7. RESOLUTION AUTHORIZING EXECUTIVE DIRECTOR TO CONDUCT CSAC BUSINESS
Staff requested approval of the annual resolution authorizing the CSAC Executive Director or his designee to conduct day-to-day business related to CSAC.

Motion and second to approve the resolution authorizing executive director to conduct CSAC business. Motion carried unanimously.

8. INFORMATION ITEMS
The briefing materials contained updates on the Institute for Local Government (ILG), the CSAC Finance Corporation and the Corporate Associates program.

Meeting adjourned.

California State Association of Counties
Board of Directors

February 25, 2011
Informational Conference Call

Summary

Staff gave a detailed account of activities surrounding the Governor's proposal to realign nearly \$6 billion in state public safety programs to counties, along with a constitutional amendment to extend current sales taxes and vehicle license fees to pay for the realignment.

CSAC, through its officers and staff, has organized a realignment working group to provide analysis and input to the proposal. That group's work culminated with a packet of issues and mitigations that was delivered to the state in mid-February and has formed the basis for modifications to the state's proposal.

Staff noted that the first major hurdle in the realignment process was the drafting of a constitutional amendment that provided for extension of the taxes, but also provided clarity and safeguards to counties. Staff outlined the components of an amendment necessary for counties to support the amendment.

Without dissent, the Board of Directors affirmed the direction the Association has taken on the realignment proposal and praised the efforts of those involved. Staff advised that the next steps would be the drafting of the constitutional amendment by the state and advocacy by staff to ensure that the concerns expressed by counties were addressed in the amendment.



March 11, 2011

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

To: CSAC Board of Directors

From: Paul McIntosh, CSAC Executive Director

Re: **Consideration of Governor's Realignment Proposal**

The discussions and negotiations related to the Governor's realignment proposal are ongoing at the time of this writing. Given the fluidity of this proposal and the likelihood of significant developments between now and the Board of Directors meeting on March 24, it is difficult to provide you with meaningful direction to guide our discussion at this point. By way of background, I am attaching a copy of CSAC's March 6 letter supporting the realignment proposal in concept. In the intervening days, we have focused nearly exclusively on the shaping of the constitutional amendment language, which is expected to be introduced in the Legislature next week. As the Board of Directors meeting draws closer, we will forward, under separate cover, an update and any corresponding documents that will be more time sensitive and relevant for a substantive discussion.

You should be aware that the CSAC Realignment Working Group and its technical groups will continue to convene to vet issues, air concerns and identify mitigations right up to the Board of Directors meeting later this month.



1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500
Facsimile
916.441.5507

March 6, 2011

The Honorable Jerry Brown
Governor, State of California
State Capitol
Sacramento, CA 95814

Re: **Revised 2011 Realignment Proposal – SUPPORT IN CONCEPT**

Dear Governor Brown:

On behalf of the California State Association of Counties (CSAC), I write to express our conceptual support for your revised realignment proposal, including ongoing constitutional protections for counties. We sincerely appreciate your commitment to partnering with counties during this process, as we consider a fundamental redesign of the delivery of vital public services in our state. Our conceptual support position is conditioned upon the resolution of the critical issues outlined below.

Please know that counties do not come to this position lightly, as we have a great deal of concern about many of the risks involved in this broad and complex proposal. We appreciate the significant time and effort provided by your staff in working through both the constitutional amendment and programmatic aspects of the proposal; it is clear that your revised proposal incorporates a number of concerns shared by counties and our affiliated organizations. In that spirit, we continue to communicate specific areas of concern that are of primary importance to counties.

Constitutional Protections. We have shared with your staff a number of priority issues that we believe must be addressed to provide counties sufficient constitutional protections that will offer appropriate revenue stability and predictability, program certainty and flexibility, and an acceptable level of fiscal risk. These issues include:

Federal law changes: Counties must receive funding for federal law changes. It is too great a risk for counties to assume in full the entire responsibility for future federal law changes under the proposal where counties will assume a 100% share of cost for many federal entitlement programs. While we recognize that this is not existing mandate law, the

potential fiscal risk contemplated requires a rethinking of this concept. (We understand "federal law" to mean federal statutes, regulations, or directives.)

Judicial decisions: Similarly, judicial outcomes that create new programs, higher levels of service, or additional costs also pose a significant financial risk to counties. Counties must receive funding for judicial outcomes that impose costs; of course, if the outcome is the result of a county action, we accept responsibility. Again, we recognize that this is not existing mandate law, but it is simply too great a risk for counties to take under the proposed realignment where counties will assume a 100 percent share of cost for many federal entitlement programs. At the very least, the state should retain its existing responsibilities for complaints or petitions of writs of mandate filed prior to the effective date of the measure.

Controller/priority payment: Counties seek clarifications in the constitutional amendment that clearly prescribe revenue determination and calculation for 2016-17 and beyond. These clarifications ensure that revenues are provided annually beginning July 1, that the Controller is obligated to continue to provide funding throughout the year, and that the level of priority for payment is only behind the priorities for school funding and general obligation bond payments.

Timing and process of implementation: The scope of programs to be realigned should be specified in accompanying legislation to be enacted with the constitutional amendment. Counties are concerned with the broad categories of "public safety services" and the length of time under which the Legislature may pass legislation or the state may pass regulations to implement the 2011 Realignment Legislation. Further, counties are concerned about the time and extent to which the state can be reimbursed for costs until 2011 Realignment is implemented. Counties seek clarity and predictability in the constitutional amendment and accompanying statutory measures to be able to appropriately plan for and carry out these significant new responsibilities.

Non-supplant language: The constitutional amendment cannot have a strict prohibition on supplantation because counties cannot be required to continue to backfill underfunded programs. We believe it is more appropriate to deal with supplantation issues in the statutory construct. Counties are concerned about the inability to adjust county General Fund spending in these programs in the future. As you are undoubtedly aware, the fiscal constraints faced by all levels of government have forced difficult budget choices. Counties must retain the flexibility to make such choices in a manner that reflects the needs of their communities and balances the fiscal pressures they face.

Good faith funding: The constitutional amendment contemplates state funding for new and/or expanded programs; unfortunately, counties' previous experience suggests that practical provision of services can create obligations beyond available resources. In order to appropriately plan for and deliver services anticipated under new plans or proposals, counties must be able to rely on a good faith effort to provide full funding.

Underfunding of Health and Human Services Programs. Counties must continue working with the Administration and Legislature on the funding levels for health and human services programs. We estimate that the Administration's assumptions are approximately \$750 million short of what counties need to assure good outcomes for these programs. The child welfare services program in particular is underfunded by nearly \$400 million, due in large part to the high and nearly unmanageable caseloads and workload. Research has proven that caseloads and workload matter when it comes to achieving success, and an appropriate funding increase with realignment is necessary to ensure program services can be provided as expected.

CalWORKs Interaction with 2011-12 Budget Reductions. While a share of CalWORKs grants seems reasonable given the past history of relative stability with grants, the current budget environment casts significant doubt on counties' ability to manage the share of grants. The budget pending before the Legislature includes a \$427 million cut to the CalWORKs single allocation.* Welfare-to-work services will be significantly curtailed. Counties' ability to manage any increased share of grant costs is linked to their ability to provide welfare-to-work services and move people into jobs.

Public Safety Program Scoping and Feasibility. Unlike the health and human services programs proposed for realignment, the programs on the public safety side contemplated for local responsibility represent wholly new programmatic redesigns. We understand efforts are underway to scope the programs and populations that would shift to counties under the revised realignment proposal. To assure that counties can, in fact, demonstrate improved offender outcomes and reduce the cycle of recidivism, a number of operational and transitional issues must be addressed as part of our discussions, including the following:

* Counties need the single allocation restored in 2012-13 to make a CalWORKs share of grants workable. Our suggestion to restore the single allocation cut in 2012-13 is as follows: decrease the county share of grants to correspond to a fixed \$427 million share of the single allocation. The \$427 million would become a new Maintenance of Effort (MOE) funded from 1991 realignment revenues that counties would have to invest in the single allocation each year.

- Addressing county capacity issues – relating both to physical and human infrastructure – to manage the expanded offender populations locally;
- Recasting existing statutory construct around construction of local jail and juvenile rehabilitative facilities (AB 900 and SB 81); and
- Clarifying and developing more specific costing assumptions, transitional constructs, and operational processes as it relates most particularly to the low-level offender transfer and the proposed shift of adult parole.

In conclusion, with an expectation that these concerns outlined above will be addressed in future discussions, CSAC supports in concept the revised realignment proposal. We will continue to work with the Administration and the Legislature in a cooperative manner to address these and other critical issues as they arise. Counties recognize both the significant opportunities and risks associated with the realignment proposal and appreciate your commitment to an ongoing dialogue as we debate these challenging, yet unresolved issues. Once again, thank you for your demonstrated commitment to the partnership between the State and counties.

Sincerely,



John Tavaglione
President, California State Association of Counties
Riverside County Supervisor

cc: The Honorable Darrell Steinberg, Senate President Pro Tempore
The Honorable John Perez, Speaker of the Assembly
The Honorable Bob Dutton, Senate Republican Leader
The Honorable Connie Conway, Assembly Republican Leader
Ana Matosantos, Director, Department of Finance
Diane Cummins, Special Advisor to the Governor



March 10, 2011

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

TO: CSAC Board of Directors

FROM: Paul McIntosh, Executive Director
Jim Wiltshire, Deputy Director
Karen Keene, Federal Legislative Coordinator

RE: **Draft 2011 State and Federal Legislative Priorities – ACTION
ITEM**

Recommendation: The Executive Committee at its January meeting approved the proposed CSAC 2011 state and federal legislative priorities and is recommending that the Board of Directors adopt this action.

Background. As with previous years, CSAC carefully considered a number of options in this year of unprecedented and sustained fiscal crisis. Once again, we concluded that a single, unifying focus on advancing the concept of healthy, safe, and sustainable communities is so fundamental to this association and our members that it warrants standing alone as our primary focus for the year. Our staff will, of course, attend to other key policy areas of significance to counties pursuant to existing policy direction either through CSAC platform or other policy principles and Board of Directors actions. (Indeed, we have identified several time-sensitive topics in a separate document in this packet that require immediate legislative action.)

On the federal side, you will recall that pursuant to a contract renegotiated with Waterman and Associates in 2007, CSAC has a nine-issue advocacy agenda for federal legislative topics. In consultation with the Waterman firm, we have identified eight issues for immediate advocacy. We recommend leaving one remaining issue in reserve for emerging topics throughout the year.

The seven federal issues of significance recommended for immediate advocacy include:

1. New Authorization of the Nation's Surface Transportation Law (SAFETEA-LU)
2. State Criminal Alien Assistance Program (SCAAP)
3. Federal Climate Change/Renewable Energy Policy
4. Native American Affairs
5. Temporary Assistance for Needy Families (TANF) Reauthorization
6. Secure Rural Schools Reauthorization
7. Clean Water Act
8. Levee Vegetation Management

We will maintain our practice of providing internal monitoring of other key federal issues of interest to California counties, including, for this year, the following:

- National Health Care Reform
- Transient Occupancy Tax
- Federal Geothermal Royalties
- Community Development Block Grant (CDBG)
- Child Welfare Financing Reform
- Byrne Grant Funding
- Cooperative Endangered Species Conservation Fund
- 2-1-1 Statewide
- State's Water Crisis
- Payments-in-lieu-of-Taxes

Further background information on the federal priorities — for both direct advocacy and internal monitoring — is provided in the attached materials. The attached draft of priorities was approved by the CSAC Officers in December. Once approved by the Executive Committee, the priorities will be presented to the CSAC Board of Directors for its review and action.

Recommended Action. In keeping with the recommendation from the Executive Committee, the Board of Directors is asked to adopt the attached state and federal priorities to guide CSAC advocacy in 2011.



California State Association of Counties

CSAC 2011 STATE ADVOCACY PRIORITY

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As approved by CSAC Executive Committee – January 2011

Counties: Where Safe and Healthy Communities Start

California continues to be clobbered by massive annual budget deficits, with a \$25.4 billion state budget deficit predicted through 2011-12. Given the dramatic effects of previously approved state budget actions over the last four fiscal years and the likely dire consequences of additional reductions affecting all Californians, the California State Association of Counties (CSAC) will focus its 2011 legislative advocacy on advancing the concept of healthy, safe, and sustainable communities in all 58 counties.

County governments have an important role in communities: we specialize in helping those most in need, in protecting the public, and in creating living and working environments where individuals and industry can thrive. Counties serve every one of California's 38 million residents every day. In this role, counties are uniquely situated to play a critical part in discussions about the most effective and efficient administration and financing of critical public services.

While there are many pressing legislative priorities for counties, none is as critical as the how the Governor and Legislature address the state's persistent fiscal crisis. As a result, CSAC has identified the following principles that will guide our advocacy efforts during the 2011 legislative session. The principles outlined below reflect long-standing policies of the Association as outlined in the California County Platform, and both documents will inform the Association's positions on specific budget and fiscal proposals.

→ **Encourage healthy, safe, and sustainable communities.**

During this time of continued economic crisis, the health, safety, and quality of life for Californians are at risk. Residents across the state are relying on government health and human services and public safety services at rates that far outpace resources. Counties are investing less in the critical infrastructure necessary to support sustainable communities and can no longer adequately support our valued farmland, natural habitat, and open space. CSAC supports streamlined, focused investment in the most critical programs and services that protect the physical and economic wellbeing of all Californians and that provide opportunities for development of sustainable communities and protection of the natural environment for California's future.

→ **Seek budget solutions that address the structural deficit.**

The state's chronic budget troubles require meaningful changes that transcend the short-term deficit. Cost shifts, borrowing, delays, deferrals, and other short-term "solutions" only serve to create additional budget stress in the out-years and exacerbate the state's chronic budget imbalance. All levels of government must focus on the long-term objective of

cultivating reliable revenue sources that are adequate to fund core priorities. CSAC supports reevaluating the state's revenue structure and reviewing program outcomes, as these are necessary steps in developing a sensible state budget solution.

→ **Promote programs and services that stimulate the economy and protect jobs.**

Counties partner with the state to provide services to Californians in interconnected systems – transportation, flood protection, water quality, health and human services, and corrections, to name a few. These systems are important components of a healthy economy and help ensure the quality of life of all residents. CSAC supports evaluation of their needs and functions to ensure they provide cost-effective, adequate, and stable investments that meet current and future needs.

→ **Engage in long-term reform conversations.**

Considering our unique role in providing critical programs and services throughout California, counties seek a partnership with the state that allows us to provide services in an efficient, effective, and sustainable manner, which we believe will result in better outcomes and better lives for all Californians. Counties are committed to providing expertise and assistance in creating practical solutions that achieve meaningful reforms in the relationship between the state and local governments and make effective use of taxpayer dollars.



CSAC 2011 FEDERAL ADVOCACY PRIORITIES

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As approved by CSAC Executive Committee – January 2011

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)

The nation's surface transportation law, SAFETEA-LU, is currently operating under its 7th extension that will expire on September 30, 2011. As of this writing, it is unclear whether Congress will be able to complete a new six-year transportation bill before the current extension expires, or whether Congress will renew the current extension once more. If Congress enacts another extension, some within the transportation community speculate that Congress will likely wait until after the 2012 mid-term election to complete a new authorization.

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

State Criminal Alien Assistance Program (SCAAP)

The SCAAP program 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 strongly supports legislation introduced by Senator Dianne Feinstein (D-CA) and Representative Linda Sánchez (D-CA) (S 168/HR 1314) that would require the Department of Justice to reimburse local jurisdictions for incarceration costs associated with undocumented individuals that 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. The Feinstein/Sánchez bills are expected to be reintroduced in the 112th Congress.

Federal Climate Change/Renewable Energy Policy

The House of Representatives approved comprehensive climate change and renewable energy legislation (HR 2454) in the 111th Congress, but the Senate was unable to reach consensus on a package due to a variety of reasons. Lawmakers are expected to renew efforts aimed at addressing global warming in 2011, although it remains unclear whether the size and scope of next year's legislative effort will be as ambitious as previous attempts.

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

CSAC is urging Congress to seek a resolution to the Property Assessed Clean Energy (PACE) program. CSAC supports the continuation of PACE programs and the priority lien status for PACE loans. 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.

Native American Affairs

In the wake of the U.S. Supreme Court's decision in *Carcieri v. Salazar*, 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 key members of Congress introduced legislation that would overturn the Court's ruling. Under the bills (S 1703/HR 3742/HR 3697), the secretary of Interior would be granted authority to take land into trust for all Indian tribes.

In response, CSAC has been leading a multi-state coalition of county government associations that opposes the aforementioned *Carcieri* "quick-fix" bills in the absence of much-needed reforms in the fee-to-trust process. Among other reforms, counties are proposing 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.

Tribes mounted an aggressive lobbying effort to include the quick fix as part of any legislation being considered in the 111th Congress (they were successful in including *Carcieri* fix language in the House Interior Appropriations Subcommittee-approved fiscal year 2011 spending bill), an effort that has already continued in the 112th. This issue and other key tribal matters affecting counties – such as off-reservation gaming issues – will remain ripe for discussion in 2011.

Temporary Assistance for Needy Families (TANF) Reauthorization

The Temporary Assistance for Needy Families (TANF) program is currently operating on a short-term extension. When lawmakers convene for this fall's lame-duck session, Congress is expected to vote to extend the program through September 30, 2011.

The impending one-year continuation of the TANF program sets the stage for Congress in 2011 to debate in earnest the scope of the next multi-year bill. With the nation's economy continuing to struggle and unemployment rates still soaring, policymakers will be 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

Originally passed and signed into law in 2000, the Secure Rural Schools and Community Self-Determination Act (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.

In response to the steep decline in timber sales, Congress passed SRS and President Clinton signed the bill into law. The original authorization provided six years of funding, with Congress extending the SRS for one year in 2007. In 2008, the 110th Congress reauthorized the program for an additional four-year period. The current act expires on September 30, 2011, with final payments slated to be distributed in January of 2012.

The SRS program is important to a number of forest counties in California. With the program scheduled to expire at the end of fiscal year 2011, CSAC is advocating for a long-term reauthorization of the SRS.

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.

CSAC will continue to seek an amendment to Section 404 of the CWA to define maintenance of flood control channels or facilities as a non-prohibited activity, thereby providing a permitting exemption for maintenance activities.

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.

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 federal health care reform law requires states to implement many of its major provisions by 2014. California's counties will play a key role in the implementation of the bill over the next three 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. 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 (CDBG)

The fiscal year 2010 federal budget included nearly \$4.5 billion for HUD's Community Development Fund, or a roughly \$600 million increase over fiscal year 2009 spending levels. Of the total amount, almost \$4 billion is available for the Community Development Block Grant (CDBG) program.

The CDBG funding provided in the fiscal year 2010 budget is on top of the \$1 billion in funding that was included as part of ARRA. CSAC has actively promoted full funding for the CDBG.

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 American Recovery and Reinvestment Act (ARRA) made significant investments in the Byrne Memorial Justice Assistance Grant (JAG). CSAC strongly supports prioritizing Byrne funding in the annual appropriations process, and we will continue to work collaboratively with our congressional delegation and others in the coming year to secure and promote increased funding for this 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 from \$85 million in fiscal year 2010 to \$125 million. This increase would restore the fund to approximately its fiscal 2001 level (adjusted for inflation) and provide much needed support to regional Habitat Conservation Plans (HCPs) in California and nationally.

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 2008, over one million Californians called 2-1-1 for help finding 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. This 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 21 of California's 58 counties have 2-1-1 service. Some funding for 2-1-1 infrastructure may become available via federal economic stimulus funds or federal legislation. 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 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 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.



1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

DATE: March 8, 2011
TO: CSAC Board of Directors
FROM: Supervisor Federal Glover, Chair, CSAC Administration of Justice Policy Committee
Elizabeth Howard Espinosa and Rosemary L. McCool, CSAC Staff
RE: **Proposed Changes to the Administration of Justice (AOJ) Platform – ACTION ITEM**

Action Requested. The CSAC Administration of Justice policy committee recommends to the Board of Directors a variety of changes to the AOJ policy platform.

Background. The policy committees of CSAC are required to review and, if appropriate, revise their respective planks of the association's policy platform on a biannual basis. The most recent set of modifications were approved by the CSAC Board of Directors in 2009.

The Administration of Justice policy committee began its work to review and update its policy platform in the latter part of 2010. In January, the committee held a meeting to discuss a series of recommended changes to the platform; the revisions were subsequently approved by the policy committee and are being forwarded to the Board of Directors for review and approval. The substantive changes before the Board for consideration and action have been suggested to address either: 1) revised policies at the state and/or local level or 2) additions to the platform as requested by committee members.

To assist in the review and evaluation of platform changes, staff has prepared the guide below, which includes page and line number cross-references. The table details the totality of the proposed changes recommended and the rationale or need behind each change.

Page/line number	Change	Rationale/Need
Page 7/line 27-33	Added new section on Gang Violence Prevention	<i>Substantive</i> This section was added at the request of a county supervisor to address the issue of gang violence in California counties.
Page 8/line 17	Changed the word "drug" to "collaborative"	<i>Substantive</i> This change was made to address the fact that models for collaborative courts have expanded beyond drug courts to include other treatment- and offender-focused approaches in specialized calendars or dedicated courtrooms to address the issues of, for example, persons with mental health issues or veterans. (See new section "G" specifically addressing collaborative courts.)
Page 8/lines 22-25	Revised section on trial court facilities	<i>Substantive</i> This section was revised to reflect the completion of court facility transfers.

Page/line number	Change	Rationale/Need
Page 8/lines 40-47; Page 9/lines 1-2	Added new section on collaborative courts	<p><i>Substantive</i></p> <p>Collaborative courts require equal partnership between the county and court as these types of courts generally rely on county programs and services to complement the judicial function. The section reiterates the county position that collaborative courts be created based on a joint commitment between the court and county.</p>
Page 9/lines 4-10	Added new section on court and county court-ordered debt collection efforts	<p><i>Substantive</i></p> <p>In 2010, CSAC worked collaboratively with the Administrative Office of the Courts to secure passage of a joint collections package during the legislative session. This section is intended to reflect the long-shared commitment of courts and counties regarding the significance of strong and maximally efficient collection programs.</p>

The platform, containing page and line numbers referenced to each of the changes above, is attached for your review and reference.

Specific Action Requested. The CSAC AOJ policy committee recommends that the Board of Directors review and approve the substantive AOJ platform changes outlined below to reflect policies and positions on a variety of topic in the justice area.

Attachment

CHAPTER TWO

Administration of Justice

Section 1: GENERAL PRINCIPLES

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

A. The Role of Counties

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

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

Section 2: LEGISLATIVE AND EXECUTIVE MATTERS

A. Board of Supervisors Responsibilities

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

B. Law Enforcement Services

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

C. District Attorney Services

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

1 **D. Victim Indemnification**

2 Government should be responsive to the needs of victims. Victim indemnification should be a state
3 responsibility, and the state should adopt a program to facilitate receipt of available funds by victims,
4 wherever possible, from the perpetrators of the crime who have a present or future ability to pay, through
5 means that may include, but are not limited to, long-term liens of property and/or long-term payment
6 schedules.
7

8 **E. Witness Assistance**

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

13 **F. Grand Juries**

14 Every grand jury should continue to have the authority to report on the needs of county offices, but no
15 such office should be investigated more than once in any two-year period, unless unusual circumstances
16 exist. Grand juries should be authorized to investigate all local government agencies, not just counties.
17 Local government agencies should have input into grand jury reports on non-criminal matters prior to
18 public release. County officials should have the ability to call the grand jury foreman and his or her
19 representative before the board of supervisors, for the purpose of gaining clarification on any matter
20 contained in a final grand jury report. Counties and courts should work together to ensure that grand
21 jurors are properly trained and that the jury is provided with an adequate facility within the resources of
22 the county and the court.
23

24 **G. Public Defense Services**

25 Adequate legal representation must be provided for indigent persons as required by constitutional,
26 statutory, and case law. Such representation includes both criminal and mental health conservatorship
27 proceedings. The mechanism for meeting this responsibility should be left to the discretion of individual
28 counties.
29

30 Counsel should be appointed for indigent juveniles involved in serious offenses and child dependency
31 procedures. The court-appointed or -selected attorney in these procedures should be trained specifically
32 to work with juveniles.
33

34 Adult defendants and parents of represented juveniles who have a present and/or future ability to pay part
35 of the costs of defense should continue to be required to do so as determined by the court. The
36 establishment of procedures to place the responsibility for the cost of juvenile defense rightfully upon the
37 parents should be encouraged. The state should increase its participation in sharing the costs of public
38 defense services.
39

40 **H. Coroner Services**

41 The independent and investigative function of the coroner must be assured. State policy should
42 encourage the application of competent pathological techniques in the determination of the cause of
43 death.
44

45 The decision as to whether this responsibility should be fulfilled by an independent coroner, sheriff-
46 coroner combination, or a medical examiner must be left to the individual boards of supervisors. In rural
47 counties, the use of contract medical examiners shall be encouraged on a case-by-case basis where local

1 coroner judgment is likely to be challenged in court. A list of expert and highly qualified medical
2 examiners, where available, should be circulated to local sheriff-coroners.

3
4 **I. Pre-Sentence Detention**

5 **1. Adults**

6 **a. Facility Standards**

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

9
10 Recognizing that adequate standards are dynamic and subject to constant review, local
11 governments must be assured of an opportunity to participate in the development and
12 modification of standards.

13
14 It must be recognized that the cost of upgrading detention facilities presents a nearly
15 insurmountable financial burden to most counties. Consequently, enforcement of
16 minimum standards must depend upon state financial assistance, and local costs can be
17 further mitigated by shared architectural plans and design.

18
19 **b. Pre-sentence Release**

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

23
24 **c. Bail**

25
26 We support a bail system that would validate the release of pre-sentence persons. We
27 also believe that public protection should be a criterion considered when setting bail.

28
29 Any continuing county responsibility in the administration or operation of the bail
30 system must include a mechanism to finance the costs of such a system.

31
32 **2. Juveniles**

33 **a. General**

34 We view the juvenile justice system as being caught between changing societal attitudes
35 calling for harsher treatment of serious offenders and its traditional orientation toward
36 assistance and rehabilitation. Therefore, we believe a thorough review of state juvenile
37 laws is necessary. Any changes to the juvenile justice system should fully involve and
38 draw upon the experience of county officials and personnel responsible for the
39 administration of the present system. CSAC must be involved in state-level discussions
40 and decision-making processes regarding changes to the juvenile justice system that will
41 have a local impact. There must also be recognition that changes do not take place
42 overnight and that an incremental approach to change may be most appropriate.

43 Counties must be given the opportunity to analyze the impact, assess the feasibility, and
44 determine the acceptability of any juvenile justice proposal that would realign services
45 from the state to the local level. As with any realignment, responsibility and authority
46 must be connected, and sufficient resources — with a built-in growth factor adjustment
47 — must be provided. Any shift in juvenile detention or incarceration from large state-

1 run facilities to local facilities — if determined to be appropriate — must be pre-planned
2 and funded by the state. However, counties believe that a class of juvenile offenders
3 exists that is best treated by the state. These juvenile offenders are primarily those
4 offenders whose behavioral problems, treatment needs, or criminogenic profile are so
5 severe as to outstrip the local ability to properly treat.

6 We support a juvenile justice system that is adapted to local circumstances and increased
7 state and federal funding support for local programs that are effective.
8

9 **b. Facility Standards**

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

16 **c. Treatment and Rehabilitation**

17 As with adult defendants, counties should have broad discretion in developing programs
18 for juveniles.
19

20 To reduce overcrowding of juvenile institutions and to improve the chances for treatment
21 and rehabilitation of more serious offenders, it is necessary that lesser offenders be
22 diverted from the formal juvenile justice system to their families and appropriate
23 community-based programs. Each juvenile should receive individual consideration and,
24 where feasible, a risk assessment.
25

26 Counties should pursue efficiency measures that enable better use of resources and
27 should pursue additional funding from federal, state, and private sources to establish
28 appropriate programs at the county level.
29

30 Prevention and diversion programs should be developed by each county or regionally to
31 meet the local needs and circumstances, which vary greatly among urban, suburban, and
32 rural areas of the state. Programs should be monitored and evaluated on an ongoing basis
33 to ensure their ability to protect public safety and to ensure compliance with applicable
34 state and federal regulations. Nevertheless, counties believe that the state must continue
35 to offer a commitment option for those juvenile offenders with the most serious
36 criminogenic profile and most severe treatment needs.
37

38 **d. Bail**

39 Unless transferred to adult court, juveniles should not be entitled to bail. Release on their
40 own recognizance should be held pending the outcome of the proceedings.
41

42 **e. Separation of Offenders**

43 We support the separation of juveniles into classes of sophistication. Separation should
44 be based upon case-by-case determinations, taking into account age, maturity, need for
45 secure custody among other factors, since separation by age or offense alone can place
46 very unsophisticated offenders among the more mature, sophisticated offenders.
47

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

3
4 **f. Removal of Serious Offenders to Adult Court**

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

7
8 **g. Jury Trial for Serious Offenders**

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

11
12 **J. General Principles For Local Corrections**

13 **1. Purpose**

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

17
18 **2. Definition**

19 Local corrections include maximum, medium and minimum security incarceration, work
20 furlough programs, home detention, county parole, probation, and community-based programs
21 for convicted persons.

22
23 **3. Equal Treatment**

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

27
28 **4. Community-Based Corrections**

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

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

34
35
36 **5. Relationship to Human Services Systems**

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

42
43 **6. Relationship to Mental Health System: Mentally Ill Diversion Programs**

44 Adequate mental health services can reduce criminal justice costs and utilization. Appropriate
45 diagnosis and treatment services, as well as increased use of diversion programs, will result in
46 positive outcomes for offenders with a mental illness. Ultimately, appropriate mental health
47

1 services will benefit the public safety system. Counties continue to work across disciplines to
2 achieve good outcomes for persons with mental illness and/or co-occurring substance abuse
3 issues.

4
5 **7. Inmate Medical Services**
6

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

12
13 **8. Private Programs**

14 Private correctional programs should be encouraged for those categories of offenders that can
15 most effectively be rehabilitated in this manner.
16

17 **K. Adult Correctional Institutions**

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

20
21 The state and counties should establish a collaborative planning process to review the relationship of
22 local and state corrections programs.

23
24 Counties should continue to have flexibility to build and operate facilities that meet local needs. Specific
25 methods of administering facilities and programs should not be mandated by statute.
26

27 **L. Adult Probation**

28 Counties should continue to provide adult probation services as a cost-effective alternative to post-
29 sentence incarceration and to provide services—as determined appropriate—to persons released from
30 local correctional facilities. Counties should be given flexibility to allocate resources at the local level
31 according to the specific needs of their probation population and consideration should be granted to
32 programs that allow such discretion. State programs that provide fiscal incentives to counties for keeping
33 convicted offenders out of state institutions should be discouraged unless such programs – on balance –
34 result in system improvements. State funding should be based upon a state-county partnership effort that
35 seeks to protect the public and to address the needs of individuals who come into contact with the justice
36 system. Such a partnership would acknowledge that final decisions on commitments to state institutions
37 are made by the courts, a separate branch of government, and are beyond the control of counties. Some
38 integration of county probation and state parole services should be considered. Utilization of electronic
39 monitoring for probationers and parolees should be considered where cost-effective and appropriate for
40 local needs.
41

42 **M. General Principles For Juvenile Corrections**

43 We believe that efforts to curtail the criminal behavior of young people are of the highest priority need
44 within the correctional area. The long-term costs resulting from young offenders who continue their
45 criminal activities justifies extraordinary efforts to rehabilitate them.
46

47 Efforts should be made to force parents to assume greater responsibility for the actions of their children,
48 including fines and sanctions, if necessary. Counties should be given flexibility to allocate resources at
49 the local level according to the specific needs of their probation population and consideration should be
50 granted to programs that allow such discretion. State programs that provide fiscal incentives to counties

1 for keeping convicted offenders out of state institutions should be discouraged unless such programs – on
2 balance – result in system improvements. Any program should recognize that final decisions on
3 commitments to state institutions are made by the courts, a separate branch of government, and are
4 beyond the control of counties.

5
6 **N. Juvenile Correctional Institutions**

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

10
11 While counties believe that a state-operated rehabilitation and detention system is a necessary component
12 of the continuum of services for juvenile offenders, CSAC opposes efforts that would require any
13 additional county subsidy of that system. The state should provide subvention for these activities at a
14 reasonable level, with provisions for escalation so that actual expenses will be met.

15
16 **O. Juvenile Probation**

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

20
21 Truants, run-a-ways, and youths who are beyond the control of their parents should continue to be
22 removed from the justice system except in unusual circumstances. These youths should be the
23 responsibility of their parents and the community, not the government. Imposing fines and/or sanctions
24 on parents to prompt their participation in their children's lives and involvement in the process should
25 remain an option.

26
27 **P. Gang Violence Prevention**

28
29 Counties recognize the devastating societal impacts of gang violence -- not only on the victims of gang-
30 related crimes, but also on the lives of gang members and their families. Counties are committed to
31 working with allied agencies, municipalities, and community-based organizations to address gang
32 violence and to promote healthy and safe communities. These efforts require the support of federal and
33 state governments and should employ regional strategies and partnerships, where appropriate.

34 **QP. Human Services System Referral of Juveniles**

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

40
41 **QR. Federal Criminal Justice Assistance**

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

Section 3: JUDICIAL BRANCH MATTERS

A. Trial Court Management

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

B. Trial Court Structure

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

C. Trial Court Financing

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

D. Trial Court Facilities

The court facility transfers process that concluded in 2009 places responsibility for trial court facility maintenance, construction, planning, design, rehabilitation, replacement, leasing, and acquisition squarely with the state judicial branch. Counties remain committed to working in partnership with the courts to fulfill the terms of the transfer agreements and to address transitional issues as they arise. While counties continue to support efforts to ensure appropriate transfer of trial court facilities to the state, the process for transfer must be both equitable and fair. Further, adequate time must be provided to permit local negotiations for the transfer of these facilities, pursuant to an acceptable agreement between counties and the state.

EEF. Court Services

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

GF

F. Jurors and Juries

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

G. Collaborative Courts

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

H. Court and County Collection Efforts

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

Section 4: FAMILY VIOLENCE

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

Section 5: GOVERNMENT LIABILITY

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

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

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

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

1
2 There is a need for data on the actual cost impacts of government tort liability. As a result of previous
3 CSAC efforts, insurance costs for counties are fairly well documented. However, more information is
4 needed about the cost of settlements and awards and about the very heavy "transactional costs" of
5 administering and defending claims. We also need more information about the programmatic decisions
6 being forced upon public entities: e.g., what activities are being dropped because of high liability? CSAC
7 and its member counties must attempt to fill this information gap.

8
9 CSAC should advocate for the establishment of reasonable limits upon government liability and the
10 balancing of compensatory function of the present system with the public interests in efficient, fiscally
11 sound government. This does not imply a return to "sovereign immunity" concepts or a general turning
12 away of injured parties. It simply recognizes, as did the original Tort Claims Act, that: (1) government
13 should not be more liable than private parties, and (2) that in some cases there is reason for government
14 to be less liable than private parties. It must be remembered that government exists to provide essential
15 services to people and most of these services could not be provided otherwise. A private party faced with
16 risks that are inherent in many government services would drop the activity and take up another line of
17 work. Government does not have that option.

18
19 In attempting to limit government liability, CSAC's efforts should bring governmental liability into
20 balance with the degree of fault and need for governmental service.

21
22 In advocating an "era of limits" in government liability, CSAC should take the view of the taxpayer
23 rather than that of counties per se. At all governmental levels, it is the taxpayer who carries the real
24 burden of government liability and has most at stake in bringing the present system into better balance. In
25 this regard, it should be remembered that the insurance industry is not a shield, real or imagined, between
26 the claimant and the taxpayer.

27
28 **Add to Platform Appendix**

29
30 CSAC Corrections Reform Policies and Principles (adopted by the CSAC Board of Directors November
31 30, 2006; amended on May 22, 2008)

32
33 Sex Offender Management: County Principles and Policies (adopted by CSAC Board of Directors on
34 May 22, 2008)



March 8, 2011

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

To: CSAC Board of Directors
From: Supervisor Richard Forster, Agriculture & Natural Resources
Policy Committee Chair

Re: CSAC ANR Platform Update- Chapters 3 & 4

Recommendation: The CSAC Agriculture & Natural Resources Policy Committee recommends that the CSAC Board of Directors approve the attached changes to Chapters Three and Four of the CSAC Platform.

Background. The CSAC Agriculture and Natural Resources (ANR) Committee is responsible for chapters three and four, which include the agriculture and natural resources policy statements and the energy guidelines.

At the CSAC December 2010 Annual Meeting, the ANR Policy Committee approved Chapter Four with suggested changes from Humboldt County regarding the AB 811 program, and suggested changes from Yolo County regarding the Williamson Act in Chapter Three of the CSAC Platform.

The Committee also directed staff to develop language for Chapter Three of the Platform to make the water section consistent with language used in the State Water Plan Update. The ANR Policy Committee approved the following underlined changes at their February 2, 2011 meeting.

Action Requested. Approve the attached changes to Chapters Three and Four of the CSAC Platform.

Staff Contact. Please contact Karen Keene (kkeene@counties.org or (916)327-7500 x511) or Cara Martinson (cmartinson@counties.org or (916) 327-7500 x504) for additional information.

CHAPTER THREE

Agriculture and Natural Resources

Section 1: GENERAL PRINCIPLES

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

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

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

Section 2: AGRICULTURE

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

1.1. Provide innovative incentives that will encourage agricultural water conservation and retention of lands in agricultural production;

2. Promote agricultural economic development activities.

3. Support allocation of transportation resources to improvement of important goods movement corridors and farm-to-market routes.

2.1. Encourage the development of new water resources;

3.2. Provide research and development for biological control and integrated pest management practices;

4.3. Ensure water and air quality standards are retained at a level that enables agricultural production to continue without significant lessening in the quantity or quality of production;

5.4. Support the continuation of statewide public education curricula that address the essential role that agriculture plays in California and world economics;

- 6.5. Promote California agriculture, protect it from pests and diseases and ensure the safety and wholesomeness of food and other agricultural products for the consumer;
7. Foster a decision-making environment based upon input from all interested parties and analysis of the best available information, science and technology;
8. Continue to build consumer and business confidence in the marketplace through inspection and testing of all commercial weighing and measuring devices;
9. Encourage low impact/sustainable agricultural practices;
10. Support the elimination of inheritance taxes on agricultural lands; and,
11. Support full funding for UC Cooperative Extension given its vital role in delivering research-based information and educational programs that enhance economic vitality and the quality of life in California counties.

A. Working with other Entities

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

B. Williamson Act

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

Fully restore Williamson Act subventions. The state subventions to counties **also** must be revised to recognize all local tax losses.

Section 3: FORESTS

Counties recognize the importance of forests to the state's economy. California is the second leading timber producing state in the nation. As with agriculture, to remain so, the state must protect and maintain its viable timberland base. Counties also recognize the importance of forestry in the context of climate change. Effectively managed forests have less of a probability of releasing harmful greenhouse gases into the atmosphere and increase the potential for carbon sequestration. To ensure

protection of the viable timberland base, it must become a statewide priority to implement existing policies or adopt new policies that accomplish the following:

1. Continue reimbursement to counties for lost timber related revenues as currently provided under the Secure Rural Schools and Community Self-Determination Act of 2000;
2. Encourage sustainable forestry practices through the existing regulatory process;
3. Encourage continued reforestation on private timberlands;
4. Provide new and innovative incentives that will encourage good management practices and timberland retention;
5. Support the State Fire Safe Council's mission to preserve California's natural and man made resources by mobilizing all Californians to make their homes, neighborhoods and communities fire safe; and,
6. Oppose any net increase in state or federal land acquisition, unless otherwise supported by the affected local governments and until all of their issues and concerns are addressed or mitigated to their satisfaction.

A. Biomass

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

Section 4: MINERAL RESOURCES

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

1. Encourage conservation and production of known or potential mineral deposits for the economic health and well being of society;
2. Ensure the rehabilitation of mined lands to prevent or minimize adverse effects on the environment and to protect public health and safety;
3. Recognize that the reclamation of mined lands will allow continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land;
4. Recognize that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological and social conditions are significantly different and that reclamation operations and the specifications thereof may vary accordingly;

5. Oversee surface, pit, in-stream and off-site mining operations so as to prevent or minimize adverse environmental effects;
6. Specify that determination of entitlements to surface mining operations is a local land use issue provided that reclamation plans are obtained and enforced.

Section 5: AIR QUALITY

Counties fully recognize that clean air laws have been enacted to protect the public from the adverse and deleterious health effects of air pollution. However, any rules and regulations aimed at improving California's air quality must not be developed without the input of local government. Rule makers working on air quality issues must ensure a balance between economic advancement, health effects and environmental impacts.

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

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

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

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

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

Section 6: WATER RESOURCE MANAGEMENT

A. Water Resources Development

Counties recognize the complexities of water use and distribution throughout the state, and therefore should be officially represented geographically on all federal, state, and/or regional water policy bodies and decision-making authorities. ~~(e.g. CALFED).~~

~~Counties further recognize that the transfer of surplus water from counties of origin to counties of need may be necessary.~~ A comprehensive statewide water resource management plan – one that includes the upper watershed areas – is essential to the future of California. Such a plan should include a full assessment of needs for all users.

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

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

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

~~Counties support the continued study and development of alternate methods of meeting water needs such as desalinization, wastewater reclamation, watershed management, the development of additional storage, and other water conservation measures.~~

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

B. Water Rationing

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

C. Water Conservation

The Legislature has recognized the need for water conservation. Counties recognize the need for local programs that promote water conservation and water storage. Water conservation may include reuse of domestic and industrial wastewater, reuse of agriculture water, groundwater recharge, or economic incentives to invest in equipment that promotes efficiency. No conservation of water shall be recognized if the conservation arises from the fallowing of agricultural land for compensation, unless the board of supervisors of the county in which the water has been devoted to agricultural use consents to the fallowing.

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

D. Ground Water Management

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

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

E. Financing of Water Conservation and Ground Water Management

Area-wide water conservation and ground water management programs are costly. Those benefiting should pay a fair share of these costs. Local agencies should have the discretion to recover those costs.

F. Flood Control

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

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

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

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

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

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

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

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

G. Delta

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

- Respects the affected counties' land use authority, revenues, public health and safety, economic development, water rights, and agricultural viability.
- Promotes recreation and environmental protection.
- Ensures Delta counties' status as voting members of any proposed Delta governance structure.
- Improves flood protection for delta residents, property, and infrastructure.
- Improves and protects the Delta ecosystem, water quality, flows and supply.
- Ensures consistency with affected counties adopted policies and plans.

- Secures financial support for flood management, improved emergency response, preservation of agriculture, protection of water resources, and enhancement and restoration of habitat.
- Accords special recognition, and advances the economic vitality of “heritage” or “legacy” communities in the Delta.
- Demonstrates a clearly evidenced public benefit to any proposed changes to the boundaries of the Delta.
- Support development of adequate water supply, utilizing the concept of "Regional Self Sufficiency" whereby each region maximizes conservation and recycled water use, implements storage (surface and groundwater) and considers desalination, as necessary.

Section 7: PARKS AND RECREATION

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

Section 8: SOLID WASTE MANAGEMENT

1. CSAC supports policies and legislation that aim to promote improved markets for recyclable materials, and encourages:
 - The use of recycled content in products sold in California;
 - The creation of economic incentives for the use of recycled materials; and,
 - The expansion of the Beverage Container Recycling Program.
2. CSAC shall oppose legislation that:
 - Preempts local planning decisions regarding solid waste facility siting;
 - Preempts local solid waste and AB 939 fee-setting authority; and,
 - Requires burdensome changes to locally adopted plans.
3. CSAC shall support legislation that:
 - Protects local solid waste franchising and fee-setting authority;
 - Provides for the use of performance standards and alternative daily cover for landfills; and,
 - Requires state facility cooperation with local jurisdictions on waste reduction to meet AB 939 goals.

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

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

Section 9: ENDANGERED SPECIES

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

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

Section 10: PUBLIC LANDS

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

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

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

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

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

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

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

A. Federal and State Compensation

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

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

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

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

B. Forest Service and Bureau of Land Management Exchanges

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

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

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

1. Better and more productive management of public land will result;
2. Counties affected are consulted and given opportunity to help determine acquisition of local lands in exchange process and negative effects are fully mitigated;
3. County revenues, including PL 106-393 and payment in lieu of taxes (PILT) are protected or enhanced;
4. Areas slated for disposal in exchanges are included in the county general plan and classified as to probable use (e.g. residential, TPZ, commercial); and

5. Land-for-land exchanges enhance the counties and result in no net loss of value.

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

C. Local Use of Public Lands

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

D. Waste Disposal on Public Lands

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

E. Predator Control

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

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

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

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

F. Fire Protection

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

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

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

G. Prescribed Fire

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

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

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

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

H. Invasive Species Control

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

Section 11: ENERGY

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

It is CSAC's policy that the state and the 58 counties should seek to promote energy conservation and energy efficiency. Counties are encouraged to undertake vigorous energy action programs that are tailored to the specific needs of each county. When developing such action programs counties should: (1) assess available conservation and renewable energy options and take action to implement conservation, energy efficiency and renewable energy development when feasible; (2) consider the incorporation of energy policies as an optional element in the county general plan; and, (3) consider energy concerns when making land use decisions and encourage development patterns which result in energy efficiency.

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

With respect to alternative and renewable energy sources, the state and counties should encourage use of agricultural, forestry and non-recyclable urban wastes for generating usable energy. They should also take into consideration the other benefits of waste-to-energy production. Additionally, the state should encourage, and counties should explore, the development of cogeneration projects at

the local level. In respect to public power options, counties support efforts that enhance local governments' ability to become community aggregators of electricity.

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

CHAPTER FOUR

CSAC Energy Policy Guidelines

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

Section 1: TAX AND REVENUE IMPACTS

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

Section 2: GENERATION

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

- Counties support efforts to allow local agencies to retain regulatory oversight over generators by statutorily changing the threshold from 50 megawatts to 100 megawatts.
- Counties support additional state grant funding for back-up generation for essential facilities.
- Counties support additional state grant funding for air quality compliance for emergency generation facilities.
- Provide incentives to local agencies to site energy facilities. Some of the financial incentives that would stimulate the development and siting of more energy generation facilities in California include:
 1. Funding to streamline the siting process at the local level. Funds would be available to reimburse cities and counties for the costs of permits, environmental review and other local expenses in order to expedite the process at the local level.
 2. Energy facility incentive payments to cities and counties that approve new generating facilities, and/or the expansion of existing generation facilities, to replace them with more efficient facilities, or to build renewable projects, including photovoltaics, fuel cells or cogeneration. Increased incentives would be given to those facilities that generate power beyond the demand of the host jurisdiction's facilities alone.
 3. Any city or county that approves siting of a privately developed generating facility should receive 100% of the property tax of that facility.
 4. To stimulate development of projects such as cogeneration facilities, standby charges for generating facilities should be waived.
 5. Streamlining of timeframes currently associated with the state and federal regulatory process for siting power generating facilities.
- Counties support an amendment to the California Integrated Waste Management Act to provide full diversion credit for cogeneration facilities to further encourage their development. The CIWM Act currently establishes a 10% limitation on solid waste diversion that occurs through transformation.
- Counties support streamlining the approval and environmental review process for new power plants and any building using alternative sources of energy.
- Counties support payments to qualified facilities consistent with state and federal standards for renewable energy sources.
- Counties oppose state ownership of power plants because of the impact on local government revenue streams, water rights, the re-operation of hydro facilities, and the efficient management of such systems, including the economic uncertainty associated with state ownership of power plants. In the event of state ownership, all impacts on local government shall be mitigated.

Section 3: PUBLIC POWER

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

Section 4: CONSERVATION

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

Section 5: ECONOMIC DEVELOPMENT

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

Section 6: NOTIFICATION OF POWER OUTAGES

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

Section 7: MISCELLANEOUS

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

March 10, 2011

To: CSAC Board of Directors

From: Supervisor Bruce Gibson, Chair, CSAC Government Finance and Operations Policy Committee

Re: **Update of CSAC Government Finance and Operations Platform Chapters – ACTION ITEM**

Recommendation. Staff recommends the CSAC Board of Directors (BOD) accept the recommendation of the Government Finance and Operations (GFO) Committee and approve the attached changes to the two chapters of the CSAC platform under the purview of this policy committee.

Background. At its November 2010 Policy Committee meeting, the Government Finance and Operations (GFO) Committee accepted staff's recommendation of no changes to the GFO section of the CSAC platform; changes to this section were last adopted in 2009. Attending supervisors believed it would be helpful to include as attachments to the GFO platform the Realignment Principles and Pension Reform Guiding Principles adopted by the Board of Directors in 2010, along with references to those principles in the appropriate chapters of the platform. The GFO Committee recommended the BOD readopt the GFO sections of the CSAC platform with no other changes.

Policy Considerations. Each policy committee of CSAC thoroughly reviews and, if necessary, revises their respective platforms on a biennial basis. The attached and above-described proposals are consistent with ongoing policy considerations of the association.

Action Requested. Staff requests the BOD readopt the GFO section of the CSAC platform with the inclusion of the Realignment Principles and Pension Reform Guiding Principles as attachments.

2010 CSAC Realignment Principles

Approved by the CSAC Board of Directors



1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500
Facsimile
916.441.5507

Facing the most challenging fiscal environment in the California since the 1930s, counties are examining ways in which the state-local relationship can be restructured and improved to ensure safe and healthy communities. This effort, which will emphasize both fiscal adequacy and stability, does not seek to reopen the 1991 state-local Realignment framework. However, that framework will help illustrate and guide counties as we embark on a conversation about the risks and opportunities of any state-local realignment.

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

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

1. **Revenue Adequacy.** The revenues provided in the base year for each program must recognize existing levels of funding in relation to program need in light of recent reductions and the Human Services Funding Deficit. Revenues must also be at least as great as the expenditures for each program transferred and as great as expenditures would have been absent realignment. Revenues in the base year and future years must cover both direct and indirect costs. A county's share of costs for a realigned program or for services to a population that is a new county responsibility must not exceed the amount of realigned and federal revenue that it receives for the program or service. The state shall bear the financial responsibility for any costs in excess of realigned and federal revenues into the future. There must be a mechanism to protect against entitlement program costs consuming non-entitlement program funding.

The Human Services Funding Deficit is a result of the state funding its share of social services programs based on 2001 costs instead of the actual costs to counties to provide mandated services on behalf of the state. Realignment must recognize existing and potential future shortfalls in state responsibility that have resulted in an effective increase in the county share of program costs. In doing so, realignment must protect counties from de facto cost shifts from the state's failure to appropriately fund its share of programs.

2. **Revenue Source.** The designated revenue sources provided for program transfers must be levied statewide and allocated on the basis of programs and/or populations transferred; the designated revenue source(s) should not require a local vote. The state must not divert any federal revenue that it currently allocates to realigned programs.
3. **Transfer of Existing Realigned Programs to the State.** Any proposed swap of programs must be revenue neutral. If the state takes responsibility for a realigned program, the revenues transferred cannot be more than the counties received for that program or service in the last year for which the program was a county responsibility.
4. **Mandate Reimbursement.** Counties, the Administration, and the Legislature must work together to improve the process by which mandates are reviewed by the Legislature and its fiscal committees, claims made by local governments, and costs reimbursed by the State. Counties believe a more accurate and timely process is necessary for efficient provision of programs and services at the local level.
5. **Local Control and Flexibility.** For discretionary programs, counties must have the maximum flexibility to manage the realigned programs and to design services for new populations transferred to county responsibility within the revenue base made available, including flexibility to transfer funds between programs. For entitlement programs, counties must have maximum flexibility over the design of service delivery and administration, to the extent allowable under federal law. Again, there

must be a mechanism to protect against entitlement program costs consuming non-entitlement program funding.

- 6. Federal Maintenance of Effort and Penalties.** Federal maintenance of effort requirements (the amount of funds the state puts up to receive federal funds, such as IV-E and TANF), as well as federal penalties and sanctions, must remain the responsibility of the state.

CSAC Guiding Principles for Pension Reform

Preamble

Public pension reform has garnered widespread interest and has generated significant debate among policy leaders about the appropriate remedy for actual and perceived abuse, rising costs, and accountability to taxpayers. CSAC welcomes this discussion and approaches the concept of reform with the overarching goal of ensuring public trust in public pension systems, and empowering local elected officials to exercise sound fiduciary management of pensions systems, as well as maintaining a retirement benefit sufficient to assure recruitment and retention of a competent local government workforce. Proposed reforms should meet these broad goals, as well as CSAC's guiding principles.

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

Guiding Principles

PROTECT LOCAL CONTROL AND FLEXIBILITY

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

ELIMINATE ABUSE

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

REDUCE AND CONTAIN COSTS

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

INCREASE PREDICTABILITY OF COSTS AND BENEFITS FOR EMPLOYEE AND EMPLOYER

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

STRENGTHEN LOCAL CONTROL TO DEVELOP PLANS WITH EQUITABLE SHARING OF COSTS AND RISKS BETWEEN EMPLOYEE AND EMPLOYER

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

INCREASE PENSION SYSTEM ACCOUNTABILITY

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



March 10, 2011

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

TO: CSAC Board of Directors

FROM: Liz Kniss, Chair, CSAC Health and Human Services Policy Committee
Kelly Brooks-Lindsey, CSAC Legislative Representative

RE: Proposed Changes to the Health and Human Services (HHS)
Platforms
ACTION ITEM

Recommendation: The CSAC Health & Human Services Policy recommends that the CSAC Board of Directors approve the proposed 2011-12 Health and Human Services platforms (attached).

Background. The policy committees of the California State Association of Counties (CSAC) review and, if appropriate, revise their respective planks of the association's policy platform on a biannual basis.

Attached you will find the proposed final drafts of the Health and Human Services platforms. These documents were approved by the members of the CSAC Health and Human Services Policy Committee on February 10.

Policy Considerations. The attached draft version of proposed changes to the CSAC Health and Human Services platforms includes new language related to the implementation of the Patient Protection and Affordable Care Act (PL 111-148, or commonly referred to as federal health care reform), as well as language related to any proposed realignment or restructuring of programs and responsibilities between the state and counties.

Other suggestions that have been incorporated include a short paragraph on Healthy Communities in the Public Health section, and a reference to county support for the federal Prevention and Public Health Fund, also in the Public Health Section.

Action Requested. Your action is required to approve the Health Platform and the Human Services Platform, as approved by the Health and Human Services Policy Committee.

Staff Contact. Please contact Kelly Brooks-Lindsay, CSAC Legislative Representative [kbrooks@counties.org or (916) 327-7500 Ext. 531] or Farrah McDaid Ting, CSAC Senior Legislative Analyst [fmcdaid@counties.org or (916) 650-8110] for additional information.

4
5

Health Services

6
7
8 **Section 1: GENERAL PRINCIPLES**
9

10 Counties serve as the front line defense against threats of widespread disease and illness and promote
11 health and wellness among all Californians. This chapter deals specifically with health services and
12 covers the major segments of counties' functions in health services. Health services in each county
13 shall relate to the needs of residents within that county in a systematic manner without limitation to
14 availability of hospital(s) or other specific methods of service delivery. The board of supervisors in
15 each county sets the standards of care for its residents.
16

17 Local health needs vary greatly from county to county. Counties support and encourage the use of
18 multi-jurisdictional approaches to health care. Counties support efforts to create cost-saving
19 partnerships between the state and the counties in order to achieve better fiscal outcomes for both
20 entities. Therefore, counties should have the maximum amount of flexibility in managing programs.
21 Counties should have the ability to expand or consolidate facilities and services to provide a
22 comprehensive level of services and achieve maximum cost effectiveness. Additionally, as new
23 federal and state programs are designed in the health care field, the state needs to work with counties
24 to encourage maximum program flexibility and to minimize disruptions in county funding from the
25 transition to new reimbursement mechanisms.
26

27 The enactment and implementation of the federal Patient Protection and Affordable Care Act of
28 2010, commonly known as federal health care reform, provides new challenges, as well as
29 opportunities, for counties. Counties, as providers, administrators, and employers, are deeply
30 involved with health care at all levels and must be full partners with the state and federal
31 governments in the effort to expand Medicaid and provide health insurance and care to ~~all~~ millions of
32 Californians.
33

34 Counties also support a continuum of preventative health efforts – including mental health services,
35 drug and alcohol services, nutrition awareness and disease prevention – and healthy living models
36 for all of our communities, families, and individuals. Preventative health efforts have proven to be
37 cost effective and provide a benefit to all residents.
38
39
40

41 The State's chronic underfunding of health programs strains the ability of counties to meet
42 accountability standards to provide access to quality health and mental health services. Freezing
43 health program funding also shifts costs to counties and increases the county share of program costs,
44 while at the same time running contrary to the constitutional provisions of Proposition 1A.
45

46 At the federal level, counties support economic stimulus efforts that help maintain services levels
47 and access for the state's neediest residents. Counties are straining to provide services to the
48 burgeoning numbers of families in distress. People who have never sought public assistance before

1 are arriving at county health and human services departments. For these reasons, counties strongly
2 urge that any federal stimulus funding must be shared directly with counties for programs that have a
3 county share of cost.

4 **A. Public Health**

5
6 The county public health departments and agencies are the only health agencies with direct day-to-
7 day responsibility for protecting the health of every person within each county. The average person
8 does not have the means to protect him or herself against contagious and infectious diseases.
9 Government must assume the role of health protection against contagious and infectious diseases. It
10 must also provide services to prevent disease and disability and encourage the community to do
11 likewise. These services and the authority to carry them out become especially important in times of
12 disaster and public emergencies. —To effectively respond to these local needs, counties must be
13 provided with full funding for local public health communicable disease control and surveillance
14 activities.

15
16 Counties also support a continuum of preventative health efforts – including mental health services,
17 drug and alcohol services, nutrition awareness and disease prevention – and healthy living models
18 for all of our communities, families, and individuals. Preventative health efforts, such as access to
19 healthy food and opportunities for safe physical activity, have proven to be cost effective and provide
20 a benefit to all residents.

21
22 County health departments are also charged with responding to terrorist and biomedical attacks,
23 including maintaining the necessary infrastructure – such as laboratories, hospitals, medical supply
24 and prescription drug caches, as well as trained personnel – needed to protect our residents. Counties
25 welcome collaboration with the federal and state governments on the development of infrastructure
26 for bioterrorism and other disasters. Currently, counties are concerned about the lack of funding,
27 planning, and ongoing support for critical infrastructure.

28
29 [Counties also support the mission of the federal Prevention and Public Health Fund, and support](#)
30 [efforts to secure direct funding for counties to meet the goals of the Fund.](#)

31 32 **B. Health Services Planning**

33
34 Counties believe strongly in comprehensive health services planning. Planning must be done
35 through locally elected officials both directly and by the appointment of quality individuals to serve
36 in policy and decision-making positions for health services planning efforts.

37 38 **C. Mental Health**

39
40 Counties support community-based treatment of mental illness. Counties also accept responsibility
41 for providing treatment and administration of such programs. It is believed that the greatest progress
42 in treating mental illness can be achieved by continuing the counties' role in supporting and assisting
43 the state in administering its programs. Programs that treat mental illness should be designed to
44 meet local requirements within statewide criteria and standards to ensure appropriate treatment of
45 persons with mental illness. However, counties are concerned about the erosion of state funding and
46 support for mental health services. Although the adoption of Proposition 63, the Mental Health
47 Services Act of 2004, will assist counties in service delivery, it is intended to provide new funding
48 that expands and improves the capacity of existing systems of care and provides an opportunity to
49 integrate funding at the local level. We strongly oppose additional reductions in state funding for

1 mental health services that will result in the state shifting its costs to counties. These cost shifts
2 result in reduced services available at the local level. Any shift in responsibility or funding must hold
3 counties fiscally harmless and provide the authority to tailor mental health programs to individual
4 community needs. We also strongly oppose any effort to redirect the Proposition 63 funding to
5 existing state services instead of the local services for which it was originally intended.
6

7 The realignment of health and social services programs in 1991 restructured California's public
8 mental health system. Realignment required local responsibility for program design and delivery
9 within statewide standards of eligibility and scope of services, and designated revenues to support
10 those programs to the extent that resources are available. Counties are committed to service delivery
11 that manages and coordinates services to persons with mental illness and that operates within a
12 system of performance outcomes that assure funds are spent in a manner that provides the highest
13 quality of care.
14

15 California law consolidated the two Medi-Cal mental health systems, one operated by county mental
16 health departments and the other operated by the state Department of Health Services on a fee-for-
17 service basis, effective in fiscal year 1997-98. Counties supported these actions to consolidate these
18 two systems and to operate Medi-Cal mental health services as a managed care program. Counties
19 were offered the first opportunity to provide managed mental health systems, and every county chose
20 to operate as a Medi-Cal Mental Health Plan. This consolidated program provides for a negotiated
21 sharing of risk for services between the state and counties. However, counties oppose a managed
22 care model in which the state abdicates its funding responsibility to counties. Counties are paying for
23 an increasing share of the Medi-Cal Mental Health program. As state funding declines, counties will
24 reconsider providing managed mental health systems.
25

26 County mental health agencies provide necessary, child and family-centered high quality services to
27 special education pupils. This program is known as AB 3632 (Statutes of 1984). The State provided
28 inadequate funding for this mandate from fiscal year 2002-03 through 2004-05. Since that time, the
29 state has provided a combination of federal Individuals with Disabilities Act (IDEA) funds, state
30 General Fund and mandate reimbursements. Counties cannot assume the legal and financial risk for
31 this federal special education entitlement program. Counties expect the state to continue to fund
32 counties for the costs of providing the state mandated services under AB 3632 and to develop a
33 reasonable plan for repaying past due SB 90 claims. Alternatively, counties would also support
34 repealing the AB 3632 mandate on counties, recognizing that accountability for ensuring the
35 provision of mental health-related services under the IDEA rests with education – not local
36 government. If school districts become fiscally responsible for this mandate, the program must be
37 restructured so that schools are legally responsible for ensuring that mental health-related services
38 are provided to special education students pursuant to the federal IDEA. Under such a restructured
39 system, county mental health departments would remain committed to maintaining and enhancing
40 their effective collaborative partnerships with education, and to working with all interested
41 stakeholders in developing a system that continues to meet the mental health needs of special
42 education pupils.
43

44 In response to county concerns, state law also provides funds to county programs to provide specialty
45 mental health services to CalWORKs recipients who need treatment in order to get and keep
46 employment. Similar law requires county mental health programs to provide specialty mental health
47 services to seriously emotionally disturbed children insured under the Healthy Families Program.
48 Counties have developed a range of locally designed programs to serve California's diverse
49 population, and must retain the local authority and flexibility to continue such services. -

1
2 Adequate mental health services can reduce criminal justice costs and utilization. Appropriate
3 diagnosis and treatment services will result in positive outcomes for offenders with mental illness.
4 Ultimately, appropriate mental health services will benefit the public safety system. Counties
5 continue to work across disciplines to achieve good outcomes for persons with mental illness and/or
6 co-occurring substance abuse issues.

7 8 **D. Children's Health**

9 10 California Children's Services

11
12 Counties provide diagnosis and case management services to the approximately 175,000 children
13 enrolled in the California Children's Services (CCS) program, whether they are in Medi-Cal, Healthy
14 Families or the CCS-Only program. Counties also are responsible for determination of medical and
15 financial eligibility for the program. Counties also provide Medical Therapy Program (MTP) services for
16 both CCS children and special education students, and have a share of cost for services to non-Medi-Cal
17 children.

18
19 Maximum federal matching funds for CCS program services must continue in order to avoid the
20 shifting of costs to counties.

21
22 ~~Despite recent actions by the Legislature to lessen proposed cuts to the program, the Department of~~
23 ~~Health Care Services has unilaterally implemented reductions to CCS County Administration and also~~
24 ~~implemented a radically different methodology for funding both CCS County Administration and MTP.~~
25 ~~This action, notified to counties in November 2008, was taken because the Department had been~~
26 ~~overspending their state budget appropriations for both CCS County Administration and MTP for a~~
27 ~~number of years. Counties have consistently kept expenditures within their approved budgets and were~~
28 ~~unaware that the total amount of the state approved county budgets actually exceeded state budget~~
29 ~~appropriation levels. Counties have always operated within individual county budgets approved by the~~
30 ~~Department, which allowed for reimbursement of the actual cost of providing services (at matching levels~~
31 ~~applicable to each program). The new allocations represent a radically different method of funding~~
32 ~~counties for both CCS County Administration and MTP, and threaten the viability of the program as a~~
33 ~~whole. Counties cannot continue to bear the rapidly increasing costs associated with both program~~
34 ~~growth and eroding state support, and for these reasons endorse a stakeholder process.~~ Counties support
35 efforts to redesign the program with the goal of continuing to provide the timely care and services for
36 these most critically ill children.

37 38 39 State Children's Health Insurance Program

40
41 The State Children's Health Insurance Program (SCHIP) is a federally funded program that allows
42 states to provide low- or no-cost health insurance to children up to 250 percent of the Federal
43 Poverty Level (FPL). California's SCHIP program is called the Healthy Families Program. CSAC
44 supports a reauthorization of the SCHIP program, including an eligibility increase of up to 300
45 percent of the FPL for the state's children.

46 47 Proposition 10

48
49 Proposition 10, the California Children and Families Initiative of 1998, provides significant
50 resources to enhance and strengthen early childhood development. Local children and families

1 commissions (First 5 Commissions), established as a result of the passage of Proposition 10, must
2 maintain the full discretion to determine the use of their share of funds generated by Proposition 10.
3 Further, local First 5 commissions must maintain the necessary flexibility to direct these resources to
4 the most appropriate needs of their communities, including childhood health, childhood
5 development, nutrition, school readiness, child care and other critical community-based programs.
6 Counties oppose any effort to diminish Proposition 10 funds or to impose restrictions on their local
7 expenditure.

8
9 In recognition that Proposition 10 funds are disseminated differently based on a county's First 5
10 Commission structure and appropriated under the premise that local commissions are in a better
11 position to identify and address unique local needs, , counties oppose any effort to lower or eliminate
12 the state's support for county programs with the expectation that the state or local First 5
13 commissions will backfill the loss with Proposition 10 revenues.

14 AB 3632

15
16
17 County mental health agencies provide necessary, child and family-centered high quality services to
18 special education pupils. This program is known as AB 3632 (Statutes of 1984). The State provided
19 inadequate funding for this mandate from fiscal year 2002-03 through 2004-05. Since that time, the
20 state has provided a combination of federal Individuals with Disabilities Act (IDEA) funds, state
21 General Fund and mandate reimbursements. Counties cannot assume the legal and financial risk for
22 this federal special education entitlement program. Counties expect the state to continue to fund
23 counties for the costs of providing the state mandated services under AB 3632 and to develop a
24 reasonable plan for repaying past due SB 90 claims. Alternatively, counties would also support
25 repealing the AB 3632 mandate on counties, recognizing that accountability for ensuring the
26 provision of mental health-related services under the IDEA rests with education – not local
27 government. If school districts become fiscally responsible for this mandate, the program must be
28 restructured so that schools are legally responsible for ensuring that mental health-related services
29 are provided to special education students pursuant to the federal IDEA. Under such a restructured
30 system, county mental health departments would remain committed to maintaining and enhancing
31 their effective collaborative partnerships with education, and to working with all interested
32 stakeholders in developing a system that continues to meet the mental health needs of special
33 education pupils.

34 35 **E. Substance ~~Abuse-Use Disorder~~ Prevention And Treatment**

36
37 Counties have been, and will continue to be, actively involved in substance ~~abuse-use disorder~~
38 prevention and treatment. Counties believe the best opportunity for solutions are at the local level.
39 Counties continue to provide a wide range of substance ~~abuse-use disorder~~~~disorder~~ treatment
40 services. However, counties are concerned that treatment capacity cannot accommodate all persons
41 needing substance abuse treatment services.

42
43 Counties continue to support state and federal efforts to provide substance ~~abuse-use disorder~~
44 benefits under the same terms and conditions as other health services, ~~and welcome collaboration~~
45 ~~with county public and private partners to achieve substance use disorder services and treatment~~
46 ~~parity. - Under current practice, insurance policies routinely treat alcohol and other drug abuse or~~
47 ~~dependency differently than other illnesses.~~

48
49 With the enactment of Proposition 36, the Substance Abuse and Crime Prevention Act of 2000, the

1 demand for substance ~~abuse-use disorder~~ treatment and services on counties continues to increase.
2 Dedicated funding for Proposition 36 expired in 2006, and ~~the 2010-11 state budget eliminated all~~
3 ~~funding for Proposition 36 and the Offender Treatment Program.~~ ~~since that time, counties have~~
4 ~~depended on a year-to-year state budgeting process for funds.~~ However, the ~~mandate to provide~~
5 ~~services under Proposition 36 does not expire;~~ courts can still refer individuals to counties for
6 ~~treatment under state law,~~ and counties are increasingly unable to provide these voter-mandated
7 services without adequate dedicated funding. ~~Due to the state budget deficit, funding for Proposition~~
8 ~~36 and the Offender Treatment Program has declined.~~

9
10 Furthermore, ~~even when funding for with Proposition 36 services was available, funding,~~ state
11 investment in non-offender substance ~~abuse-use disorder and treatment services~~ has been static for
12 the last decade. This situation limits the array and amount of services a county can administer to the
13 non-offender population. Also, adequate early intervention substance ~~abuse-use disorder~~ prevention
14 and treatment services have been proven to reduce criminal justice costs and utilization.
15 Appropriate funding for diagnosis and treatment services will result in positive outcomes for non-
16 offenders and offenders alike with substance ~~abuse-use disorders, problems.~~ Therefore, appropriate
17 substance ~~abuse-use disorder~~ treatment services will benefit the public safety system. Counties will
18 continue to work across disciplines to achieve good outcomes for persons with substance ~~abuse-use~~
19 ~~disorder~~ issues and/or mental illness.

20 21 **F. Medi-Cal, California's Medicaid Program**

22
23 California counties have a unique perspective on the state's Medicaid program. Counties are charged
24 with preserving the public health and safety of communities. As the local public health authority,
25 counties are vitally concerned about health outcomes. Undoubtedly, changes to the Medi-Cal
26 program will affect counties. Counties are concerned about state and federal proposals that would
27 decrease access to health care and that would shift costs or risk to counties.

28
29 Counties are the foundation of California's safety net system. Under California law, counties are
30 required to provide services to the medically indigent. To meet this mandate, some counties own and
31 operate county hospitals and clinics. These hospitals and clinics also provide care for Medi-Cal
32 patients and rely heavily on Medicaid reimbursements. Medi-Cal reform that results in decreased
33 funding to county hospitals and health systems will be devastating to the safety net. The loss of
34 Medi-Cal funds translates into fewer dollars to help pay for remaining uninsured persons served by
35 county facilities. In recent years, county hospitals are serving more uninsured persons as a
36 percentage of total patients. Counties are not in a position to absorb or backfill the loss of additional
37 state and federal funds. Rural counties already have particular difficulty developing and maintaining
38 health care infrastructure and ensuring access to services.

39
40 Additionally, county welfare departments determine eligibility for the Medi-Cal program. County
41 mental health departments are the health plan for Medi-Cal Managed Care for public mental health
42 services.

43
44 Changes to the Medi-Cal program will undoubtedly affect the day-to-day business of California
45 counties. ~~Counties recognize that the state and federal governments have budget deficits not unlike~~
46 ~~our own. Because of our unique role with the Medi-Cal program, counties believe we can offer cost-~~
47 ~~effective solutions. As such, counties must be involved in the development and implementation of~~
48 ~~any Medi-Cal reform proposals.~~

1 ~~Therefore, counties have agreed that any reform of the Medi-Cal program should be subject to the~~
2 ~~following principles:~~

3
4 ~~1. Safety Net. Safety Net:~~ It is vital that ~~reform efforts~~changes to Medi-Cal preserve the viability of
5 the safety net and not shift costs to the county safety net.

6
7 ~~2. Managed Care:~~ Expansion of managed care must not adversely affect the safety net and must
8 be tailored to each county's needs.

9
10 ~~• Movement of the aged, blind, and disabled into managed care is a major policy shift and the state~~
11 ~~must recognize the full impact of such a change, including the loss of funds to public hospitals.~~
12 ~~In counties with public hospitals currently receiving these payments, the loss of these funds~~
13 ~~would destabilize the public health care safety net.~~

14 ~~• Adequate funding levels must be developed for public hospitals and qualified safety net hospitals~~
15 ~~operating within a county organized health system (COHS) managed care framework.~~

16 ☐ Due to the unique characteristics of the health care delivery system in each county and variations
17 in health care accessibility and the demographics of the client population, counties believe that
18 managed care systems must be tailored to each county's needs.

19 ☐ The state should continue to provide options for counties to implement managed care systems that
20 meet local needs. The state should work openly with counties as primary partners in this endeavor.

21 ☐ The state needs to recognize county experience with geographic managed care and make strong
22 efforts to ensure the sustainability of county organized health systems.

23 ☐ The Medi-Cal program should offer a reasonable reimbursement mechanism for managed care.
24

25 ~~3. Special Populations Served by Counties – Mental Health, Drug Treatment~~
26 ~~Substance Use Disorder Treatment Services, and California Children's Services (CCS):~~ ~~Reform efforts~~Changes
27 to Medi-Cal must preserve access to medically necessary mental health care, drug treatment services,
28 and California Children's Services.

29
30 ☐ The carve-out of specialty mental health services within the Medi-Cal program must be preserved,
31 if adequately funded, in ways that maximize federal funds and minimize county risks.

32 ~~• Early and Periodic Screening Diagnosis and Treatment (EPSDT) services for children must be~~
33 ~~preserved.~~

34 ☐ Maximum federal matching funds for CCS program services must continue in order to avoid the
35 shifting of costs to counties.

36 ~~☐ Counties cannot continue to bear the rapidly increasing costs associated with both CCS program~~
37 ~~growth and eroding state support, and for these reasons endorse a stakeholder process to redesign the~~
38 ~~CCS program in its entirety with the goal of continuing to provide the timely care and services for these~~
39 ~~most critically ill children.~~

40 ☐ Counties are open to reforming the Drug Medi-Cal program in ways that maximize federal funds
41 and minimize county risks. Any reform effort should recognize the importance of substance ~~abuse~~
42 ~~treatment~~use disorder treatment and services in the health care continuum.

43
44 ~~Maximizing Funds~~
45 ~~4. Financing. :~~ ~~Other states have received waivers for unique program~~
46 ~~elements not used in California. The State should pursue all possible options for securing~~
47 ~~additional federal funds.~~

48 Counties will not accept a share of cost for the Medi-Cal program. Counties also believe that Medi-
49 Cal long-term care must remain a state-funded program and oppose any cost shifts or attempts to
50 increase county responsibility through block grants or other means.

~~• Reform efforts must allow county health systems to maintain essential funding through Medi-Cal Administrative Activities (MAA), Targeted Case Management (TCM) or other programs that allow counties to maximize federal Medi-Cal funding.~~

~~**5. Simplification:** Reform efforts must simplify Medi-Cal eligibility requirements without jeopardizing eligibility. Reform should not add to the complexity of the Medi-Cal Program.~~

~~☐ Complexities of rules and requirements should be minimized or reduced so that enrollment, retention and documentation and reporting requirements are not unnecessarily burdensome to recipients, providers, and administrators and are no more restrictive or duplicative than required by federal law.~~

~~☐ Simplification should include removing barriers that unnecessarily discourage beneficiary or provider participation.~~

~~☐ Counties support simplifying the eligibility process for administrators of the Medi-Cal program.~~

~~**Continuity:** Reform efforts must preserve continuity of care and coverage.~~

~~• The Medi-Cal program must retain categorical linkages to full benefits.~~

~~• Counties also believe that Medi-Cal long-term care must remain a state-funded program and oppose any cost shifts or attempts to increase county responsibility through block grants or other means.~~

~~**Maintaining Access and Eligibility**~~

~~• Any reform proposal must uphold Congress' clearly stated objectives of the Medicaid Act to: 1) furnish medical assistance to limited income families with dependent children and the aged, blind, and disabled, and 2) furnish rehabilitation and other services to help them attain/retain independence or self care. Individuals currently eligible for Medi-Cal should remain eligible.~~

~~• Benefits for eligible individuals must remain available in order to preserve meaningful access to medically necessary care and should not create differences in access based on levels of poverty.~~

~~• True reform must streamline eligibility requirements, expand access to care, preserve the safety net, and improve quality, cost effectiveness and program efficiency, as well as encourage preventative care and healthy outcomes for all served.~~

~~• Policies that (in effect) result in a lapse or loss of coverage for those eligible for Medi-Cal or other public health programs should be eliminated.~~

~~• Policies that restrict access to care or make access more cumbersome or difficult should be rejected.~~

~~• A functional Medi-Cal program should provide access to qualified providers and ensure that services are culturally and linguistically appropriate.~~

~~• Any reform efforts should preserve safety net services and must not shift the burden of providing uncompensated care to safety net providers, especially county health systems.~~

~~• Reform efforts should ensure that costs imposed upon eligible individuals do not render appropriate care inaccessible or unaffordable.~~

~~• Increased cost sharing requirements for those individuals who can least afford it should be rejected, as current studies and data consistently indicate that cost sharing impedes access to medically necessary services or causes individuals to access care at more expensive entry points, such as emergency departments.~~

~~• Reform should offer a range of reimbursement to providers that reflect local economies, both for managed care and fee-for-service plans.~~

1 •
2 ~~•Reform efforts must not come at the expense of vulnerable and special needs populations:~~
3 ~~Coverage of immigrants, elderly, pregnant women and persons with disabilities must be~~
4 ~~maintained, including full implementation of the *Olmstead* decision.~~

5
6 ~~**Due Process: Reform efforts must not undermine existing due process rights and protections**~~
7 ~~**of beneficiaries.**~~

8 9 **G. Medicare Part D**

10
11 In 2003, Congress approved a new prescription drug benefit for Medicare effective January 1, 2006.
12 The new benefit will be available for those persons entitled to Medicare Part A and/or Part B and for
13 those dually eligible for Medicare and Medi-Cal.

14
15 Beginning in the fall of 2005, all Medicare beneficiaries were given a choice of a Medicare
16 Prescription Drug Plan. While most beneficiaries must choose and enroll in a drug plan to get
17 coverage, different rules apply for different groups. Some beneficiaries will be automatically
18 enrolled in a plan.

19
20 The Medicare Part D drug coverage plan eliminated state matching funds under the Medicaid
21 program and shifted those funds to the new Medicare program. The plan requires beneficiaries to pay
22 a copayment and for some, Medi-Cal will assist in the cost.

23
24 For counties, this change led to an increase in workload for case management across many levels of
25 county medical, social welfare, criminal justice, and mental health systems. ~~The potential for the use~~
26 ~~of county realignment funds to assist in the share of cost for co-payments exists to this day.~~ Counties
27 strongly oppose any change to realignment funding that may result and would oppose any reduction
28 or shifting of costs associated with this benefit that would require a greater mandate on counties.

29 30 **H. Medicaid and Aging Issues**

31
32 Furthermore, counties are committed to addressing the unique needs of older and dependent
33 adults in their communities, and support collaborative efforts to build a continuum of services as
34 part of a long-term system of care for this vulnerable but vibrant population. Counties also
35 believe that Medi-Cal long-term care must remain a state-funded program and oppose any cost
36 shifts or attempts to increase county responsibility through block grants or other means.

37
38 Counties support the continuation of federal and state funding for IHSS, and oppose any efforts
39 to shift additional IHSS costs to counties. ~~Counties also strongly support the continuation of~~
40 ~~services to clients served through the IHSS Plus Waiver, which was granted by the federal~~
41 ~~Department of Health and Human Services in August of 2004. Furthermore, once the IHSS Plus~~
42 ~~Waiver expires, counties support working with the appropriate state departments and~~
43 ~~stakeholders to draft, submit, and implement a new plan to move the IHSS Plus Waiver~~
44 ~~population into regular Medi-Cal, thereby preserving the cost savings associated with the original~~
45 ~~waiver.~~

46 47 48 **Section 2: HEALTH CARE COVERAGE PRINCIPLES**

1 Counties support universal health care coverage in California, with the goal of a health care system
2 that is fully integrated and offers access to all Californians. Universal health care coverage will
3 ultimately allow the state to realize cost savings in publicly funded health care programs. However,
4 the foundation of the publicly funded health care system needs immediate attention. The State of
5 California must preserve and adequately fund existing publicly funded health care programs before
6 expanding services. Counties' resources are limited and —are not in a position to increase
7 expenditures to pay for expanded health care coverage and access.
8
9

10 **A. Access And Quality**

- 11
- 12 ▪ Counties support access to quality and comprehensive health care through universal
13 coverage.
- 14 ▪ Any universal health care program should provide a truly comprehensive package of
15 health care services.
- 16 ▪ Counties support a health care system that includes a component of health care services
17 to prisoners and offenders, detainees, and undocumented immigrants.
- 18 ▪ Reforms should address access to health care in rural communities and other underserved
19 areas.
- 20

21 **B. Role Of Counties As Health Care Providers**

- 22
- 23 ▪ Counties strongly support maintaining a stable and viable health care safety net. An
24 adequate safety net is needed to care for persons who remain uninsured as California
25 transitions to universal coverage and for those who may have difficulty accessing care
26 through a traditional insurance-based system.
- 27
- 28 ▪ The current safety net is grossly underfunded. Any diversion of funds away from
29 existing safety net services will lead to the dismantling of the health care safety net and
30 will hurt access to care for all Californians.
- 31
- 32 ▪ Counties believe that delivery systems that meet the needs of vulnerable populations and
33 provide specialty care, such as emergency and trauma care and training of medical
34 residents and other health care professionals, must be supported in any universal health
35 coverage plan.
- 36
- 37 ▪ Counties strongly support adequate funding for the public health system as part of a plan
38 to achieve universal health coverage. Counties recognize the linkage between public
39 health and health care. A strong public health system will reduce medical care costs,
40 contain or mitigate disease, and address disaster preparedness and response.
- 41

42 **C. Financing And Administration**

- 43
- 44 ▪ Counties support increased access to health coverage through a combination of
45 mechanisms that may include improvements in and expansion of the publicly funded
46 health programs, increased employer-based and individual coverage through purchasing
47 pools, tax incentives, and system restructuring. The costs of universal health care shall
48 be shared among all sectors: government, labor, and business.
- 49

- 1 ▪ Efforts to achieve universal health care should simplify the health care system – for
- 2 recipients, providers, and administration.
- 3
- 4 ▪ The federal government has an obligation and responsibility to assist in the provision of
- 5 health care coverage.
- 6
- 7 ▪ Counties encourage the state to pursue ways to maximize federal financial participation
- 8 in health care expansion efforts, and to take full advantage of opportunities to simplify
- 9 Medi-Cal, the Healthy Families Program, and other publicly funded programs with the
- 10 goal of achieving maximum enrollment and provider participation.
- 11
- 12 ▪ County financial resources are currently overburdened; counties are not in a position to
- 13 contribute additional resources to expand health care coverage.
- 14
- 15 ▪ A universal health care system should include prudent utilization control mechanisms
- 16 that are appropriate and do not create a barrier to necessary care.
- 17
- 18 ▪ Access to health education, preventive care, and early diagnosis and treatment will assist
- 19 in controlling costs through improved health outcomes.
- 20

21 **D. Role Of Employers**

- 22
- 23 ▪ Counties, as both employers and administrators of health care programs, believe that
- 24 every employer has an obligation to contribute to health care coverage. Counties are
- 25 sensitive to the economic concerns of employers, especially small employers, and
- 26 employer-based solutions should reflect the nature of competitive industries and job
- 27 creation and retention. Therefore, counties advocate that such an employer policy should
- 28 also be pursued at the federal level and be consistent with the goals and principles of
- 29 local control at the county government level.
- 30
- 31 ▪ Reforms should offer opportunities for self-employed individuals, temporary workers,
- 32 and contract workers to obtain health coverage.
- 33

34 **E. Implementation**

35

36 Counties recognize that California will not achieve a full universal health care system immediately,

37 and implementation may necessitate an incremental approach. As such, counties believe that

38 incremental efforts must be consistent with the goal and the framework for universal health care

39 coverage, and also must include counties in all aspects of planning and implementation.

40

41 **Section 3: CALIFORNIA HEALTH SERVICES FINANCING**

42

43 Those eligible for Temporary Assistance for Needy Families (TANF)/California Work Opportunity

44 and Responsibility to Kids (CalWORKs), should retain their categorical linkage to Medi-Cal as

45 provided prior to the enactment of the federal Personal Responsibility Work Opportunity

46 Reconciliation Act of 1996.

47

48 Counties are concerned about the erosion of state program funding and the inability of counties to

49 sustain current program levels. As a result, we strongly oppose additional cuts in county

1 administrative programs as well as any attempts by the state to shift the costs for these programs to
2 counties. Counties support legislation to permit commensurate reductions at the local level to avoid
3 any cost shifts to local government.

4
5 With respect to the County Medical Services Program (CMSP), counties support efforts to improve
6 program cost effectiveness and oppose state efforts to shift costs to participating counties, including
7 administrative costs and elimination of other state contributions to the program.

8
9 Counties believe that enrollment of Medi-Cal patients in managed care systems may create
10 opportunities to reduce program costs and enhance access. Due to the unique characteristics of each
11 county's delivery system, health care accessibility, and demographics of client population, counties
12 believe that managed care systems must be tailored to each county's needs. The state should
13 continue to provide options for counties to implement managed care systems that meet local needs.
14 Because of the significant volume of Medi-Cal clients that are served by the counties, the state
15 should work openly with counties as primary partners.

16
17 Where cost-effective, the state should provide non-emergency health services to undocumented
18 immigrants. The State should seek federal reimbursement for medical services provided to
19 undocumented immigrants.

20
21 Counties oppose any shift of funding responsibility from accounts within the Proposition 99
22 framework that will negatively impact counties. Any funding responsibilities shifted to the
23 Unallocated Account would disproportionately impact the California Healthcare for Indigents
24 Program/Rural Health Services (CHIP/RHS), and thereby potentially produce severe negative fiscal
25 impacts to counties.

26
27 Counties support increased funding for trauma and emergency room services. Trauma centers and
28 emergency rooms play a vital role in California's health care delivery system. Trauma services
29 address the most serious, life-threatening emergencies. Financial pressures in the late 1980s and
30 even more recently have led to the closure of several trauma centers and emergency rooms. The
31 financial crisis in the trauma and emergency systems is due to a significant reduction in Proposition
32 99 tobacco tax revenues, an increasing number of uninsured patients, and the rising cost of medical
33 care, including specialized equipment that is used daily by trauma centers. Although reducing the
34 number of uninsured through expanded health care coverage will help reduce the financial losses to
35 trauma centers and emergency rooms, critical safety-net services must be supported while
36 incremental progress is made on the uninsured.

37 38 **A. Realignment**

39
40 In 1991, the state and counties entered into a new fiscal relationship known as realignment.
41 Realignment affects health, mental health, and social services programs and funding. The state
42 transferred control of programs to counties, altered program cost-sharing ratios, and provided
43 counties with dedicated tax revenues from the sales tax and vehicle license fee to pay for these
44 changes.

45
46 Counties support the concept of state and local program realignment and the principles adopted by
47 CSAC and the Legislature in forming realignment. Thus, counties believe the integrity of
48 realignment should be protected. However, counties strongly oppose any change to realignment
49 funding that would negatively impact counties. Counties remain concerned and will resist any

1 reduction of dedicated realignment revenues or the shifting of new costs from the state and further
2 mandates of new and greater fiscal responsibilities to counties in this partnership program.

3
4
5 With the passage of Proposition 1A the state and counties entered into a new relationship whereby
6 local property taxes, sales and use taxes, and Vehicle License Fees are constitutionally dedicated to
7 local governments. Proposition 1A also provides that the Legislature must fund state-mandated
8 programs; if not, the Legislature must suspend those state-mandated programs. Any effort to realign
9 additional programs must occur in the context of these constitutional provisions.

13 **B. Hospital Financing**

14
15 In ~~2008~~2010, 132 counties own and operate 176 hospitals statewide, including Alameda, Contra
16 Costa, Kern, Los Angeles, ~~Modoc,~~ Monterey, Riverside, San Bernardino, San Francisco, San
17 Joaquin, San Mateo, Santa Clara, and Ventura Counties. These hospitals are vital to maintaining
18 health access to low-income populations.

19
20 County hospitals could not survive without federal Medicaid funds. CSAC has been firm that any
21 proposal to change hospital financing must guarantee that county hospitals do not receive less
22 funding than they currently do, and are eligible for able to receive more federal funding in the future,
23 as needs grow. California's new federal Section 1115 Medicaid hospital financing waiver
24 (implemented in SB 208 and AB 342, Chapter 714 and 723, respectively, Statutes of 2010+100,
25 Chapter 560, Statutes of 2005) provides a baseline hold harmless mechanism for some incentive
26 funding for county hospitals with funding for five years. Counties believe implementation of the
27 waiver is necessary to ensure that county hospitals are paid for the care they provide to Medi-Cal
28 recipients and uninsured patients and to prepare counties for federal health care reform
29 implementation in 20104.

30
31 ~~Counties remain concerned about the huge ramifications associated with ongoing the changes to the~~
32 ~~new financing and reporting structure under the certified public expenditure (CPE) model. We are~~
33 ~~concerned that individual hospitals and county health systems may be negatively impacted. It is not~~
34 ~~clear that hospitals will be able to access all of the federal funds available. Additionally, the audit~~
35 ~~structure provides an opportunity for the federal government to further reduce the level of federal~~
36 ~~funding for county hospitals without clear advance guidelines and rules as to allowable expenditures.~~
37 ~~CSAC continues to work with the California Association of Public Hospitals and Health Systems on~~
38 ~~county hospital issues.~~

39
40 Counties are supportive of opportunities to reduce costs for county hospitals, particularly for
41 mandates such as seismic safety requirements and nurse-staffing ratios. Therefore, counties support
42 infrastructure bonds that will provide funds to county hospitals for seismic safety upgrades, including
43 construction, replacement, renovation, and retrofit.

45 **Section 4: FAMILY VIOLENCE**

46
47 CSAC remains committed to raising awareness of the toll of family violence on families and
48 communities by supporting efforts that target family violence prevention, intervention, and
49 treatment. Specific strategies for early intervention and success should be developed through

1 cooperation between state and local governments, as well as community, and private organizations
2 addressing family violence issues.

3
4 **Section 5: Healthy Communities**

5
6 Counties support policies and programs that aid in the development of health communities which are
7 designed to provide opportunities for people of all ages and abilities to engage in routine physical
8 activity or other health-related activities. To this end, Counties support the concept of joint use of
9 facilities and partnerships, **mixed-use development and walkable developments**, where feasible, to
10 promote healthy community events and activities.

11
12
13 **Section 56: VETERANS**

14
15 Counties provide services such as mental health treatment, substance use disorder treatment, and
16 social services that veterans may access. Specific strategies for intervention and service delivery to
17 veterans should be developed through cooperation between federal, state and local governments, as
18 well as community and private organizations serving veterans.

3 CHAPTER TWELVE
4
5

6 Human Services
7
8

9 **Section 1: GENERAL PRINCIPLES**
10

11 Counties are committed to the delivery of public social services at the local level. However, counties
12 require adequate federal and state funding, maximum local authority, and flexibility for public social
13 services.
14

15 Not funding program costs strains the ability of counties to meet accountability standards and
16 avoid penalties, putting the state and counties at risk for hundreds of millions of dollars in federal
17 penalties. Freezing program funding also shifts costs to counties and increases the county share
18 of program costs above statutory sharing ratios, while at the same time running contrary to the
19 constitutional provisions of Proposition 1A.
20

21 At the federal level, counties support economic stimulus efforts that help maintain services levels
22 and access for the state's neediest residents. Counties are straining to provide services to the
23 burgeoning numbers of families in distress. People who have never sought public assistance before
24 are arriving at county health and human services departments. Counties report long lines in their
25 welfare departments as increasing numbers of people apply for programs such as Medicaid,
26 Supportive Nutrition Assistance Program (Food Stamps), Temporary Assistance to Needy Families
27 (TANF), and General Assistance. For these reasons, counties strongly urge that any federal stimulus
28 funding must be shared directly with counties for programs that have a county share of cost.
29

30 Counties support federal economic stimulus efforts in the following areas: An increase in the Federal
31 Medical Assistance Percentage (FMAP) for Medicaid and Title IV-E, and benefit increases for the
32 Supplemental Nutrition Assistance Program (SNAP); Temporary Assistance for Needy Families
33 (TANF); the Child Abuse Prevention and Treatment Act (CAPTA); Community Services Block
34 Grants (CSBG); child support incentive funds; and summer youth employment funding.
35

36 Prior to Proposition 13 in 1978, property taxes represented a stable and growing source of funding
37 for county-administered human services programs. Until SB 154 (1978) and AB 8 (1979), there was
38 a gradual erosion of local control in the administration of human services due to legislation and
39 regulations promulgated by the state, which included dictating standards, service levels and
40 administrative constraints.
41

42 Despite state assumption of major welfare program costs after Proposition 13, counties continue to
43 be hampered by state administrative constraints and cost-sharing requirements, which ultimately
44 affect the ability of counties to provide and maintain programs. The state should set minimum
45 standards, allowing counties to enhance and supplement programs according to each county's local
46 needs. To the extent the state implements performance standards, it should also fully pay the costs

1 for meeting such requirements.

2
3 Counties also support providing services for indigents at the local level. However, the state should
4 assume the principal fiscal responsibility for administering programs such as General Assistance.
5 The structure of federal and state programs must not shift costs or clients to county level programs
6 without full reimbursement.

7
8 **Section 2: HUMAN SERVICES FUNDING DEFICIT**

9
10 While counties are legislatively mandated to administer numerous human services programs
11 including Foster Care, Child Welfare Services, CalWORKs, Adoptions, and Adult Protective
12 Services, funding for these services is frozen at 2001 cost levels. The state's failure to fund actual
13 county cost increases has led to a growing funding gap of nearly \$1 billion *annually*. This puts
14 counties in the untenable position of backfilling the gap with their own limited resources or cutting
15 services that the state and county residents expect us to deliver.

16
17 Not funding program costs strains the ability of counties to meet accountability standards and avoid
18 penalties, putting the state and counties at risk for hundreds of millions of dollars in federal penalties.
19 Freezing program funding also shifts costs to counties and increases the county share of program
20 costs above statutory sharing ratios, while at the same time running contrary to the constitutional
21 provisions of Proposition 1A.

22
23 Counties oppose instituting performance standards and giving counties a share in penalties without
24 first ensuring reasonable and predictable funding reflective of county statutory and programmatic
25 responsibilities. Counties call for a solution to this issue that provides fair, predictable and ongoing
26 funding for counties to deliver human services programs on behalf of the state.

27
28
29 **Section 3: CHILD WELFARE SERVICES/FOSTER CARE**

30
31 A child deserves to grow up in an environment that is healthy, safe, and nurturing. To meet this
32 goal, families and caregivers should have access to public and private services that are
33 comprehensive and collaborative.

34
35 The existing approach to budgeting and funding child welfare services was established in the mid-
36 1980's. Since that time, dramatic changes in child welfare policy have occurred, as well as
37 significant demographic and societal changes, impacting the workload demands of the current
38 system. Based on the results of the SB 2030 study which provided an updated social worker
39 workload/yardstick in 2000, California's method of budgeting and financing child welfare services
40 needs to be changed. The study confirms that the current financing does not meet the actual
41 workload demands. Additionally, these policy changes necessitate a reevaluation of the required
42 county contribution to child welfare services. Counties support state assumption of an additional
43 portion of non-federal child welfare services costs.

44
45 The ideal focus of children's services is to expand the capacity of families and caregivers to meet the
46 needs of their children. Counties believe that this focus continues to be in jeopardy. While there has
47 been some movement in recent years, the preponderance of spending for child welfare services
48 remains dedicated to court and placement activities, rather than supportive, family-based

1 interventions. Counties have and will continue to provide immediate leadership to focus and obtain
2 additional resources for family preservation and support services.

3
4 When, despite the provision of voluntary services, the family or caregiver is unable to minimally
5 ensure or provide a healthy, safe, and nurturing environment, a range of intervention approaches will
6 be undertaken. When determining the appropriate intervention approach, the best interest of the
7 child should always be the first consideration. These efforts to protect the best interest of children
8 and preserve families may include:

- 9
10 1. A structured family plan involving family members and all providers, with specific goals and
11 planned actions;
12 2. A family case planning conference;
13 3. Intensive home supervision; and/or
14 4. Juvenile and criminal court diversion contracts.

15
16 When a child is in danger of physical harm or neglect, either the child or alleged offender may be
17 removed from the home, and formal dependency and criminal court actions may be taken. Where
18 appropriate, family preservation and support services should be provided.

19
20 When parental rights must be terminated, counties support a permanency planning process that
21 quickly places children in the most stable environments, with adoption being the permanent
22 placement of choice. Counties support efforts to accelerate the judicial process for terminating
23 parental rights in cases where there has been serious abuse and where it is clear that the family
24 cannot be reunified. Counties also support adequate state funding for adoption services.

25
26 Furthermore, counties seek to obtain additional funding and flexibility at both the state and federal
27 levels to provide robust transitional services to foster youth such as housing, employment services,
28 and increased access to aid up to age 25. Counties also support such ongoing services for former and
29 emancipated foster youth to help ensure the future success of this vulnerable population.

30
31 With regards to case- and workload standards in child welfare, counties remain concerned about
32 increasing workloads and decreasing funding, both of which threaten the ability of county child
33 welfare agencies to meet their federal and state mandates in serving children and families impacted
34 by abuse and neglect.

35
36 Existing child welfare budgeting standards, based on 1984 workload considerations, are at best
37 outdated and at worst woefully inadequate. The SB 2030 Child Welfare Workload Study conducted
38 by the University of California at Davis established minimum and optimal caseload standards in
39 2000, and subsequent legislation required the development of a plan to implement the findings of the
40 SB 2030 Workload Study. This plan was released June 2002; however, budget constraints have
41 since prevented the state from allocating sufficient funding to implement the study's
42 recommendations even to the minimum level recommended. Counties support the implementation of
43 the study's recommendations as well as a reexamination of reasonable caseload levels at a time when
44 cases are becoming more complex, often more than one person is involved in working on a given
45 case, and when extensive records have to be maintained about each case. In the absence of
46 implementation, counties support ongoing augmentations for Child Welfare Services to partially
47 mitigate workload concerns and the resulting impacts to children and families in crisis.

1 As our focus remains on the preservation and empowerment of families, we believe the potential for
2 the public to fear some increased risk to children is outweighed by the positive effects of a research-
3 supported family preservation emphasis. Within the family preservation and support services
4 approach, the best interest of the child should always be the first consideration. The Temporary
5 Assistance for Needy Families (TANF) and California Work Opportunity and Responsibility to Kids
6 (CalWORKs) programs allow counties to take care of children regardless of the status of parents.

7
8 **Section 4: EMPLOYMENT AND SELF- SUFFICIENCY PROGRAMS**
9

10 There is strong support for the simplification of the administration of public assistance programs.
11 The state should continue to take a leadership role in seeking state and federal legislative and
12 regulatory changes to achieve simplification, consolidation, and consistency across all major public
13 assistance programs, including Temporary Assistance for Needy Families (TANF), California Work
14 Opportunity and Responsibility to Kids (CalWORKs), Medicaid, Medi-Cal, and Food Stamps. In
15 addition, electronic technology improvements in welfare administration are an important tool in
16 obtaining a more efficient and accessible system.

17
18 California counties are far more diverse from county to county than many regions of the United
19 States. The state's welfare structure should recognize this and allow counties flexibility in
20 administering welfare programs. Each county must have the ability to identify differences in the
21 population being served and provide services accordingly, without restraints from federal or state
22 government. There should, however, be as much uniformity as possible in areas such as eligibility
23 requirements, grant levels and benefit structures. To the extent possible, program standards should
24 seek to minimize incentives for public assistance recipients to migrate from county to county within
25 the state.

26
27 A welfare system that includes time limits on assistance should also provide sufficient federal and
28 state funding for education, job training, child care, and support services that are necessary to move
29 recipients to self-sufficiency. There should also be sufficient federal and state funding for retention
30 services, such as childcare and additional training, to assist former recipients in maintaining
31 employment. Any state savings from the welfare system should be directed to counties to provide
32 assistance to the affected population for programs at the counties' discretion, such as General
33 Assistance, indigent health care, job training, child care, mental health, alcohol and drug services,
34 and other services required to accomplish welfare-to-work goals. In addition, federal and state
35 programs should include services that accommodate the special needs of people who relocate to the
36 state after an emergency or natural disaster. It is only with adequate resources and flexibility that
37 counties can truly address the fundamental barriers that many families have to self-sufficiency.

38
39 The state should assume the principal fiscal responsibility for the General Assistance program.
40

41 Welfare-to-work efforts should focus on prevention of the factors that lead to poverty and welfare
42 dependency including unemployment, underemployment, a lack of educational opportunities, food
43 security issues, and housing problems. Prevention efforts should also acknowledge the responsibility
44 of absent parents by improving efforts for absent parent location, paternity establishment, child
45 support award establishment, and the timely collection of child support.

46
47 California's unique position as the nation's leading agricultural state should be leveraged to increase
48 food security for its residents. Also, with the recent economic crisis, families and individuals are

1 seeking food stamps and food assistance at higher rates. Counties support increased nutritional
2 supplementation efforts at the state and federal levels, including increased aid, longer terms of aid,
3 and increased access for those in need.
4

5 Counties also recognize safe, dependable and affordable child care as an integral part of attaining
6 and retaining employment and overall family self-sufficiency, and therefore support efforts to seek
7 additional funding to expand child care eligibility, access and quality programs.
8

9 Finally, counties support efforts to address housing supports and housing assistance efforts at the
10 state and local levels. Long-term planning, creative funding, and accurate data on homelessness are
11 essential to addressing housing security and homelessness issues.
12

13 **Section 5: CHILD SUPPORT ENFORCEMENT PROGRAM**

14
15 Counties are committed to strengthening the child support enforcement program through
16 implementation of the child support restructuring effort of 1999. Ensuring a seamless transition and
17 efficient ongoing operations requires sufficient federal and state funding and must not result in any
18 increased county costs. Further, the state must assume full responsibility for any federal penalties for
19 the state's failure to establish a statewide automated child support system. Any penalties passed on
20 to counties would have an adverse impact on the effectiveness of child support enforcement or other
21 county programs.
22

23 More recently, the way in which child support enforcement funding is structured prevents many
24 counties from meeting state and federal collection guidelines and forces smaller counties to adopt a
25 regional approach or, more alarmingly, fail outright to meet existing standards. Counties need an
26 adequate and sustainable funding stream to ensure timely and accurate child support enforcement
27 efforts, and must not be held liable for failures to meet guidelines in the face of inadequate and
28 inflexible funding.
29

30 Moreover, a successful child support enforcement program requires a partnership between the state
31 and counties. Counties must have meaningful and regular input into the development of state
32 policies and guidelines regarding child support enforcement.
33

34 **Section 6: PROPOSITION 10: THE FIRST FIVE COMMISSIONS**

35
36 Proposition 10, the California Children and Families Initiative of 1998, provides significant
37 resources to enhance and strengthen early childhood development. Local children and families
38 commissions (First 5 Commissions), established as a result of the passage of Proposition 10, must
39 maintain the full discretion to determine the use of their share of funds generated by Proposition 10.
40 Further, local First 5 commissions must maintain the necessary flexibility to direct these resources to
41 the most appropriate needs of their communities, including childhood health, childhood
42 development, nutrition, school readiness, child care and other critical community-based programs.
43 Counties oppose any effort to diminish Proposition 10 funds or to impose restrictions on their local
44 expenditure authority.
45

46 In recognition that Proposition 10 funds are disseminated differently based on a county's First 5
47 Commission structure and appropriated under the premise that local commissions are in a better
48 position to identify and address unique local needs, , counties oppose any effort to lower or eliminate

1 the state's support for county programs with the expectation that the state or local First
2 5commissions will backfill the loss with Proposition 10 revenues.

3
4 **Section 7: REALIGNMENT**

5
6 In 1991, the state and counties entered into a new fiscal relationship known as realignment.
7 Realignment affects health, mental health, and social services programs and funding. The state
8 transferred control of programs to counties, altered program cost-sharing ratios, and provided
9 counties with dedicated tax revenues from the sales tax and vehicle license fee to pay for these
10 changes.

11
12 Counties support the concept of state and local program realignment and the principles adopted by
13 CSAC and the Legislature in forming realignment. Thus, counties believe the integrity of
14 realignment should be protected. However, counties strongly oppose any change to realignment
15 funding that would negatively impact counties. Counties remain concerned and will resist any
16 reduction of dedicated realignment revenues or the shifting of new costs from the state and further
17 mandates of new and greater fiscal responsibilities in this partnership program.

18
19 With the passage of Proposition 1A the state and counties entered into a new relationship whereby
20 local property taxes, sales and use taxes, and Vehicle License Fees are constitutionally dedicated to
21 local governments. Proposition 1A also provides that the Legislature must fund state-mandated
22 programs; if not, the Legislature must suspend those state-mandated programs. Any effort to realign
23 additional programs must occur in the context of these constitutional provisions.

24
25
26 **Section 8: FAMILY VIOLENCE**

27
28 CSAC remains committed to raising awareness of the toll of family violence on families and
29 communities by supporting efforts that target family violence prevention, intervention, and
30 treatment. Specific strategies for early intervention and success should be developed through
31 cooperation between state and local governments as well as community and private organizations
32 addressing family violence issues.

33
34 **Section 9: AGING AND DEPENDENT ADULTS**

35
36 California is already home to more older adults than any other state in the nation, and the state's 65
37 and older population is expected to double over the next 25 years, from 3.5 million in 2000 to 8.2
38 million in 2030. The huge growth in the number of older Californians will affect how local
39 governments plan for and provide services, running the gamut from housing and health care to
40 transportation and in-home care services. While many counties are addressing the needs of their
41 older and dependent adult populations in unique and innovative ways, all are struggling to maintain
42 basic safety net services in addition to ensuring an array of services needed by this aging population.

43
44 Counties support reliable funding for programs that affect older and dependent adults, such as Adult
45 Protective Services and In-Home Supportive Services, and oppose any funding cuts, or shifts of costs
46 to counties, from either the state or federal governments. Furthermore, counties are committed to
47 addressing the unique needs of older and dependent adults in their communities, and support

1 collaborative efforts to build a continuum of services as part of a long-term system of care for this
2 vulnerable but vibrant population.

3 4 **Adult Protective Services**

5
6 The Adult Protective Services (APS) Program is the state's safety net program for abused and
7 neglected adults and is administered at the local level by counties. As such, counties provide around-
8 the-clock critical services to protect the state's most vulnerable seniors and dependent adults from
9 abuse and neglect. Timely response by local APS is critical, as studies show that elder abuse victims
10 are 3.1 times more likely to die prematurely than the average senior.

11
12 Unfortunately, the APS program has been underfunded since its inception in 1999, ~~and suffered~~
13 ~~drastic cuts in each budget since cut by 10 percent in 2007, 8-09 including a 10 percent cut in 2008-~~
14 ~~09. T (also proposed for 2009-10). The 10 percent cuts have resulted in a loss of 75 fewer social~~
15 ~~workers and 18,775 thousands of reports of abuse and neglect going unanswered statewide. These~~
16 ~~cuts come at a time of rising demand in reported cases of abuse and neglect for this population –~~
17 ~~reports have increased by 34 percent since 2000. In 2006, statewide county APS programs~~
18 ~~conducted 83,850 investigations, which represent a 31 percent increase in investigations since 2000.~~
19 Additionally, there are a growing number of seniors being targeted by financial predators. ~~Since~~
20 ~~2001, there has been a 21 percent increase in the number of financial abuse cases reported.~~
21 Additionally, the lack ~~of~~ funding adjustments for inflation exacerbates the funding shortfall,
22 resulting in an annual loss of \$49.0 million (\$31.5 million GF) to APS for direct services to abused
23 and neglected seniors and dependent adults.

24
25 Counties support efforts to increase funding for APS based on caseload and administrative costs and
26 strongly oppose any reductions to an already underfunded program. The consequences of additional
27 cuts will threaten the health and financial stability of older adults across the state, and could
28 ultimately result in untimely and undignified deaths. Additionally, cuts to APS will impact other
29 local agencies including local law enforcement and emergency services, such as paramedic response,
30 and may lead to premature placement into nursing home care at an increased cost to taxpayers.

31 32 **In-Home Supportive Services**

33
34 The In-Home Supportive Services (IHSS) program is a federal Medicaid program administered by
35 the state and run by counties that enables program recipients to hire a caregiver to provide services
36 that enable that person to stay in his or her home safely. Individuals eligible for IHSS services are
37 disabled, age 65 or older, or those who are blind and unable to live safely at home without help. All
38 Supplementary Income/ State Supplemental Payment recipients are also eligible for IHSS benefits if
39 they demonstrate an assessed need for such services.

40
41 County social workers evaluate prospective and ongoing IHSS recipients, who may receive
42 assistance with such tasks as housecleaning, meal preparation, laundry, grocery shopping, personal
43 care services such as bathing, paramedical services, and accompaniment to medical appointments.
44 Once a recipient is authorized for service hours, the recipient is responsible for hiring his or her
45 provider. Although the recipient is considered the employer for purpose of hiring, supervising, and
46 firing their provider, state law requires counties to establish an "employer of record" for purposes of
47 collective bargaining to set provider wages and benefits. State law also governs cost-sharing ratios
48 between the state and counties for provider wages and benefits.

1 |
2 IHSS cases are funded by one of three programs in California: the Personal Care Services
3 Program (supported by federal Medicaid funds, state funds and county funds), the IHSS Residual
4 Program (supported by state and county funds), or the IHSS Plus Waiver (supported by federal
5 Medicaid funds, state funds and county funds). IHSS Program Administration is supported by a
6 combination of federal, state and local dollars.
7

8 Costs and caseloads for the program continue to grow. State General Fund costs for the IHSS
9 program have quadrupled ~~from over the last 10 years (1998- to 2008)~~. Federal funds have
10 almost quadrupled. County costs have grown at slightly slower pace – tripling over ten years.
11 According to the Department of Social Services, caseloads are projected to increase between five
12 and seven percent annually going forward.
13

14 Funding to counties to administer the IHSS program has seriously eroded and threatens service
15 quality. Since 2001, counties have not received any funding to cover increases in the cost of
16 administering the IHSS program. The Governor’s veto of \$15 million in the 2008-09 budget
17 exacerbated this problem and will result in 100 fewer social workers to assess and serve needy
18 clients. Program cuts, combined with this failure to fund actual county costs to administer the
19 program, will result in annual under-funding of IHSS administration by \$72.3 million (\$30.1
20 million GF) in 2009-10. In addition, the State’s budgeting yardstick for the program, which was
21 inadequate when it was established in 1993, has remained relatively unchanged despite program
22 changes over the years. This yardstick assumes that county workers need only 11.58 hours per
23 client per year to provide a number of services to administer the program, including recipient
24 enrollment into the program, individualized in-home assessments, coordinating with other
25 service providers for care, and enrolling providers and processing provider timesheets. Factoring
26 in the lack of cost increases for the program reduces the funding level of service hours to just
27 over 8 hours per client per year.
28

29 Counties support the continuation of federal and state funding for IHSS, and oppose any efforts
30 to shift IHSS costs to counties. ~~Counties also strongly support the continuation of services to~~
31 ~~clients served through the IHSS Plus Waiver, which was granted by the federal Department of~~
32 ~~Health and Human Services in August of 2004.~~ Furthermore, counties are committed to working
33 with the appropriate state departments and stakeholders to draft, submit, and implement a new
34 ideas plan to continue federal support of the program.
35
36

37 Section 5: VETERANS

38

39 Counties provide services such as mental health treatment, substance use disorder treatment, and
40 social services that veterans may access. Specific strategies for intervention and service delivery to
41 veterans should be developed through cooperation between federal, state and local governments, as
42 well as community and private organizations serving veterans.
43
44
45
46
47

HEALTH SERVICES PLATFORM

Page, line	Change	Rationale/Need
Pg. 35, lines 27-31	Insert paragraph on Patient Protection and Affordable Care Act.	Reflect landmark changes to federal health law.
Pg. 35, lines 37-38	Formatting changes	Non-substantive.
Pg. 36, lines 37-42	Formatting change.	Non-substantive.
Pg. 36, lines 26-27	Insert sentence supporting the Prevention and Public Health Fund created by the Affordable Care Act.	Reflect landmark changes to federal health law and county support for preventative health efforts.
Pg. 36, lines 48-49 Pg. 37, line 1	Insert sentence reflecting CSAC realignment policy.	Updates language around cost shifts.
Pg. 37, line 28	Formatting change.	Non-substantive.
Pg. 37, line 46	Insert phrase regarding local authority and flexibility.	Asserts local control and flexibility needs.
Pg. 38, line 1	Formatting change.	Non-substantive.
Pg. 38, line 16-19	Revised the paragraph on CCS issues. Deleted specific references to past workgroups.	Modifications prevent document from becoming too dated.
Pg. 39, line 18	Change "substance abuse" to "substance use disorder."	Reflects updated terminology.
Pg. 39, line 20	Change "substance abuse" to "substance use disorder."	Reflects updated terminology.
Pg. 39, line 22	Change "substance abuse" to "substance use disorder."	Reflects updated terminology.
Pg. 39, line 26	Change "substance abuse" to "substance use disorder."	Reflects updated terminology.
Pg. 39, lines 27-28	Add statement about private and public sector collaboration on substance use disorder parity.	Properly reflects county relationships with partner agencies.
Pg. 39, lines 30-35	Updated the Proposition 36 paragraph to reflect the current state of funding and service referral.	Factual updates.
Pg. 39, line 37	Deleted "even when funding for"	Clarifies state investment in substance use disorder treatment has been flat.
Pg. 39, line 37	Change "substance abuse" to "substance use disorder."	Reflects updated terminology.
Pg. 39, line 39	Change "substance abuse" to	Reflects updated terminology.

Page, line	Change	Rationale/Need
	"substance use disorder."	
Pg. 39, line 42	Change "substance abuse" to "substance use disorder."	Reflects updated terminology.
Pg. 39, line 44	Change "substance abuse" to "substance use disorder."	Reflects updated terminology.
p. 39, lines 47 p. 40, lines 1-48 p. 41, lines 1-38	Streamlined the Medicaid section to delete issues with previous presidents and governors. Continued use of term "substance use disorder." Also consolidated some subsections and deleted others.	Modifications prevent document from becoming too dated. This section was part of Medicaid principles adopted nearly 10 years ago. The principles document will continue to serve as policy background if new Medicaid issues arise.
p. 41, line 25	Deleted sentence concerning use of realignment funds.	No longer pertinent issue.
p. 41, line 38	Deleted sentences regarding extension of IHSS waiver.	IHSS waiver since platform was last updated.
p. 41, line 47	Formatting change.	Non-substantive.
p. 43, line 13-15	Formatting change.	Non-substantive.
p. 44, lines 45-49	Insert additional paragraph about Proposition 1A (2004).	Updates realignment section.
p. 45, lines 1-2	Formatting change.	Non-substantive.
p. 45, line 4	Updated year and number of counties owning and operating hospitals.	Reflects latest information.
p. 45, line 11-16	Updated to reflect Medicaid waiver of 2010.	Reflects latest information.
p. 45, line 18	Deleted concerns relating to 2005 Medicaid waiver.	No longer pertinent issue.
p. 45, line 31-37	Insert policy on healthy communities. The HLT policy committee includes a section on healthy communities. Included similar language in health section.	New policy to reflect tie with land use and public health outcomes.
p. 45, lines 40-45	Insert policy on veterans.	New policy to reflect county role in providing services and need to partner with other levels of government and other providers.

HUMAN SERVICES PLATFORM

Page, line	Change	Rationale/Need
Pg. 69, line 10	Formatting change.	Non-substantive.
Pg. 72, line 44	Insert word "authority."	Clarifies sentence.
Pg. 73, lines 18-23	Insert additional paragraph about Proposition 1A (2004).	Updates realignment section.
Pg. 73, line 36	Formatting change.	Non-substantive.
Pg. 74, lines 4-5	Formatting change.	Non-substantive.
Pg. 74, lines 12-19	Deleted references to 10 year old APS data. Minor formatting changes.	Modifications prevent document from becoming too dated.
Pg. 74, lines 28-29	Formatting change.	Non-substantive.
Pg. 75, line 5	Changed "over the last 10 years" to "from 1998 to 2008."	Technical change to update document.
Pg. 75, lines 26-27	Deleted reference to the 2004 IHSS Plus Waiver.	No longer an issue.
p. 75, lines 30-35	Insert policy on veterans.	New policy to reflect county role in providing services and need to partner with other levels of government and other providers.
Pg. 75, lines 37	Formatting change.	Non-substantive.

~end~



1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

March 11, 2011

To: CSAC Board of Directors

From: DeAnn Baker, CSAC Senior Legislative Representative
Kiana Buss, CSAC Senior Legislative Analyst

RE: **Proposed Changes to the CSAC Housing, Land Use, and Transportation Platform Chapters - ACTION ITEM**

Recommendation. The CSAC Housing, Land Use, and Transportation Policy Committee (HLT Committee) recommends that the CSAC Board of Directors approve the proposed 2011-12 Housing, Land Use, and Transportation Platform Chapters (attached).

Background. On a biannual basis, the CSAC policy committees review the CSAC Platform and, if needed, revise their respective chapters of the association's policy platform.

Attached you will find the proposed final drafts of the three platform chapters under the purview of the Housing, Land Use, and Transportation Policy Committee – the Planning and Land Use Chapter, the Transportation and Public Works Chapter, and the Native American Issues Chapter. These documents were approved by the members of the CSAC HLT Committee on February 3 with further direction for additional changes to the Planning and Land Use Chapter which have been made and are reflected in the attached final draft and described below.

Policy Considerations. The attached draft version of proposed changes to the CSAC Housing, Land Use, and Transportation Platform Chapters include the following changes:

Planning and Land Use

1. Non-substantive, technical changes for greater consistency and accuracy as proposed by county planning directors (as approved by the HLT Committee);
2. Additional language about retaining local land use authority as the State implements climate change efforts (as approved by the HLT Committee); and
3. Additional language clarifying the relationship between counties and cities and the State with respect to the California Coastal Act and other statewide initiatives that could infringe on local control over land use decisions (as requested by the HLT Committee).

Transportation and Public Works

1. Updated information on transportation funding for counties reflecting the enactment of the transportation tax swap in March 2010 (as approved by the HLT Committee); and
2. Updated language reflecting the 2010 California Statewide Local Streets and Roads Needs Assessment Report Update findings (as approved by the HLT Committee).

There are no proposed changes to the Native American Issues Platform Chapter.

Action Requested. Your action is required to approve the platform chapters under the purview of the HLT Committee, as approved in February and with the additional changes reflected in the attached drafts.

Staff Contact. Please contact DeAnn Baker, CSAC Senior Legislative Representative (dbaker@counties.org or (916) 327-7500 Ext. 509) or Kiana Buss, CSAC Senior Legislative Analyst (kbuss@counties.org or (916) 327-7500 Ext. 566) for additional information.

CHAPTER SEVEN

Planning, Land Use and Housing

Section 1: GENERAL PRINCIPLES

General purpose local government performs the dominant role in the planning, development, conservation, and environmental processes. Within this context it is essential that the appropriate levels of responsibility ~~of~~at the various levels of government be understood and more clearly defined. These roles at the state, regional, county, and city level contain elements of mutual concern; however, the level of jurisdiction, the scale of the problem/issue, available funding and the beneficiaries of the effort ~~do permit~~require distinct and separate treatment.

The following policies attempt to capture these distinctions and are intended to assist government at all levels to identify its role, pick up its share of the responsibility, and refrain from interfering with the details of how other agencies carry out their responsibility.

The housing needs throughout the state, lack of revenue, and controversial planning law in the area of housing have resulted in the need for new focus on housing planning law. Housing principles are identified and included under a separate heading in this section.

Counties are charged with comprehensive planning for future growth, the management of natural resources and the provision of a variety of public services both within the unincorporated and incorporated areas.

Although Agriculture and Natural Resources are in this Platform as a separate chapter, there is a correlation between Planning and Land Use, and Agriculture and Natural Resources (Chapter III). These two chapters are to be viewed together on matters where the subject material warrants.

Additionally, climate change and the release of greenhouse gases (GHGs) into the atmosphere have the potential to dramatically impact our environment, land use, public health, and our economy. Due to the overarching nature of climate change issues this chapter should also be viewed in conjunction with Chapter XV, which outlines CSAC's climate change policy.

Counties have and should retain a primary responsibility for basic land use decisions.

Counties are concerned with the need for resource conservation and development, maintaining our economic and social well being, protecting the environment and guiding orderly population growth and property development.

Counties are responsible for preparing plans and implementing programs to address land use, transportation, housing, open space, conservation, air quality, water distribution and quality, solid waste, and liquid waste, among other issues.

Counties play a major role in facilitating inter-jurisdictional cooperation between all levels of government in order to achieve the balanced attainment of these objectives.

Counties must have sufficient funding from state sources to meet state mandated planning programs.

Counties define local planning needs based on local conditions and constraints.

Section 2: THE COUNTY ROLE IN LAND USE

A. General Plans and Development

Counties should protect vital resources and sensitive environments from overuse and exploitation. General and specific plans are ~~intended to be~~ policy documents ~~to be that are adopted~~, administered, and implemented at the local level. State guidelines can serve as standards to insure uniformity of method and procedure, but should not mandate substantive or policy content.

State requirements for general plan adoption should be limited to major planning issues and general plan mandates should include the preparation of planning elements only as they pertain to particular each individual counties. Zoning and other implementation techniques should be a logical consequence to well thought out and locally certified plans. Counties support a general plan judicial review process which first requires exhaustion of remedies before the Board of Supervisors, ~~within a set time period~~, with ~~further~~ judicial review confined to a reasonable statute of limitations and to be limited to matters directly related to the initial hearing record ~~and based upon a substantial evidence test~~. Counties also

support retaining the current judicial standard whereby the courts defer to the judgment of the local agency when that judgment is supported by substantial evidence in the record.

Land use and development problems and their solutions differ from one area to another and require careful analysis, evaluation, and appraisal at the local government level. Local government is the best level of government to equitably, economically and effectively solve such problems. Further, it is important that other public agencies, (e.g. federal, state, regional, cities, schools, special districts, etc.) participate in the local general planning process to avoid conflicts with future local decisions that are consistent with the general plan.

Policy development and implementation should include meaningful public participation, full disclosure and wide dissemination in advance of adoption.

B. Public Facilities and Service

Within the framework of the general plan, counties should protect the integrity and efficiency of newly developing unincorporated areas and urban cores by prohibiting fringe area development, which would require services and compete with existing infrastructure. Counties should accept responsibility for community services in newly developing unincorporated areas where no other appropriate entity exists.

In the absence of feasible incorporation, County Service Areas or Community Service Districts are appropriate entities to provide needed services for urbanizing areas. They work against proliferation of single purpose districts, allow counties to charge the actual user for the service, permit direct control by the Board of Supervisors, and set the basis of reformation of multi-purpose districts.

County authority to require land and/or in-lieu fees to provide public facilities in the amount needed to serve new development must be protected.

C. Environmental Analysis

Environmental Impact Reports (EIR) are intended to beThe environmental review process under the California Environmental Quality Act (CEQA) provides important essential informational documents to be constructively used in local decision-making processes. , but not as predicates for legal action.Unfortunately, the CEQA process is too often used as a legal tool to delay or stop reasonable development projects.

The ~~EIR-CEQA~~ process and requirements should be simplified wherever possible including the preparation of ~~a~~-master environmental documents and use of tiered EIRs and negative declarations. The length of environmental reports should be minimized without impairing the quality. Further, other public agencies (federal, state, regional, affected local jurisdictions, special districts, etc.) should participate in the environmental ~~assessment-review~~ process for plans and projects in order to provide a thorough review and analysis up front and avoid conflicts in future discretionary actions.

Counties should continue to assume lead agency roles where projects are proposed in unincorporated territory requiring discretionary action by the county and other jurisdictions.

~~Most EIRs~~CEQA documents should include economic and social data when applicable; however, this data should not be made mandatory.

D. Coastal Development

Preservation, protection, and enhancement of the California coastline is the planning responsibility of each county and city with shoreline within its boundaries. Planning regulation and control of land use are the implementation tools of county government whenever a resource is used or threatened.

Counties within the coastal zone are also subject to the California Coastal Act which is implemented via cooperative agreements between the California Coastal Commission and counties and cities. Most development in the coastal zone requires a coastal development permit issued by local agencies with a certified Local Coastal Plan or by the Commission in the absence of a cooperative agreement. LCPs link statewide coastal policies to local planning efforts in an attempt to protect the quality and environment of California's coastline.

Counties are committed to preserve and provide access to the ~~beaches-coast~~ and support where appropriate beach activities, boating activities, and other recreational uses in developing and implementing precise ~~shoreline-coastal~~ plans and appropriate zoning. Comprehensive plans should also include preservation of open space, development of commercial and recreational small craft harbor facilities, camping facilities, and commercial and industrial uses.

Local jurisdictions must have the statutory and legal authority to implement coastline programs. Statewide efforts related to the California coastline must

respect local land use authority. The State should work with counties and cities to ensure decisions do not erode local control and decision-making.

E. Open Space Lands

Counties support open space policy ~~which states~~ anthat sets forth the local government's intent to preserve open space lands and ensures that local government will be responsible for developing and implementing open space plans and programs.

In order for counties to fully implement open space plans, it will be necessary to have:

- ~~1. Condemnation powers for open space purposes.~~
2. Additional revenues for local open space acquisition programs.
3. Reimbursement to local agencies for property tax losses.
4. Greater use of land exchange powers for transfer of development rights.
5. Protection of current agricultural production lands through the purchasing of development rights.

In some cases, open space easements should be created and used by local jurisdictions to implement open space programs. Timber preserve zones and timber harvesting rules should enhance protection of this long-term renewable resource.

F. Healthy Communities

Counties support policies and programs that aid in the development of healthy communities which are designed to provide opportunities for people of all ages and abilities to engage in routine daily physical activity. This encompasses promoting active living via bicycle- and pedestrian-oriented design, mixed-use development, providing recreation facilities, and siting schools in walkable communities.

Section 3: STATE ROLE IN LAND USE

Local government recognizes that state government has a legitimate interest in proper land use planning and utilization of those lands which are of critical statewide concern. The state interest shall be statutorily and precisely defined and

strictly limited to those lands designated to be critical statewide concern in concert with attainable and specified state goals and policies.

~~The state shall concisely determine the precise statewide interest in each designated area of critical statewide concern and its 's~~ participation in land use decisions in those designated areas shall be strictly limited to insuring the defined state interest is protected at the local level. Any regulatory activity necessary to ~~preserve the determined statewide~~ protect the state's interest, ~~as defined~~ defined in statute, shall be carried out by local government.

~~Climate change is one such issue of statewide concern which requires a clear understanding of the roles and responsibilities of each level of government as well as the State's interest in land use decisions to ensure statewide climate change goals are met. Population growth in the state is inevitable, thus climate change strategies will affect land use decisions in order to accommodate and mitigate the expected growth in the state. Local government, as the chief land use decision-maker and integral part of the housing planning process, must have a clearly defined role and be supported with the resources to achieve the State's climate change goals.~~

In determining those lands of crucial statewide concern, a mechanism should be created which ensures significant local involvement through a meaningful state/local relationship. The state should prepare a statewide plan that reconciles the conflicts between the various state plans and objectives in order to provide local governments with greater certainty ~~of in~~ in areas of statewide concern. This is not intended to expand the State's authority over land use decisions; rather it should clarify ~~their the state's~~ the state's intent in relation to capital projects of statewide significance.

Climate change is a programmatic issue of statewide concern that requires a clear understanding of the roles and responsibilities of each level of government as well as the state's interest in land use decisions to ensure statewide climate change goals are met. Population growth in the state is inevitable, thus climate change strategies will affect land use decisions in order to accommodate and mitigate the expected growth in the state. Local government, as the chief land use decision-maker and integral part of the housing planning process, must have a clearly defined role and be supported with the resources to achieve the State's climate change goals.

Adequate financial resources shall be provided to insure local government has the ability to carry out state-mandated ~~local~~ local planning requirements.

Section 4: REGIONAL GOVERNMENTS

Counties support voluntary participation within regional agencies as appropriate to resolve regional problems throughout the State. Regional approaches to planning and resolution to issues that cross-jurisdictional boundaries are increasingly important, particularly in light of ~~the continuation of~~ California's expected population growth of 600,000 new residents annually.

Regional agencies in California play an important role in the allocation of regional housing need numbers, programming of Federal and State transportation dollars, in addressing air quality non-attainment problems, and climate change to name a few. Regional collaboration remains ~~an important goal~~ to address issues associated with growth in California, such as revenue equity issues, service responsibilities, a seamless and efficient transportation network, reducing GHGs and tackling climate change, job creation, housing, agricultural and resource protection, and open space designation.

However, land use decisions shall remain the exclusive province of cities and counties based on zoning and police powers granted to them under the State Constitution. Further, cities and counties are responsible for a vast infrastructure system, which requires that cities and counties continue to receive direct allocations of revenues to maintain, operate and expand a variety of public facilities and buildings under their jurisdiction. As an example, cities and counties own and operate 82 percent of the ~~s~~State's publically maintained road miles, thus must retain direct allocations of transportation dollars to address the needs of this critical network and protect the public's existing investment.

Regional approaches to tax sharing and other financial agreements are appropriate and often necessary to address service needs of future populations; however, cities and counties must maintain financial independence and continue to receive discretionary and program dollars directly. Counties ~~support~~ voluntary revenue-sharing agreements for existing revenues at the regional level, and any mandated revenue sharing must be limited to new revenues.

Regional agencies must consider financial incentives for cities and counties that have resource areas or farmland instead of (or in addition to) high growth areas. ~~for the purposes of,~~ For example, such incentives should address transportation investments for the preservation and safety of ~~the city street or~~ and county road systems, farm to market transportation, and interconnectivity transportation needs.

Regional agencies should also consider financial assistance ~~for counties~~ to address countywide service responsibilities in counties that contribute towards the GHG emissions reductions targets by implementing policies for growth to occur within their cities and existing urbanized areas.

Section 5: SPECIAL DISTRICTS

In recent years, Local Agency Formation Commissions (LAFCOs) have been generally successful at regulating incorporations, annexations, and the formation of new special districts. However, the state has a legacy of aThe large number of independent special districts ~~does constitute a~~that leads to fragmentation of local government. There are many fully justified districts, ~~which that~~ properly serve the purpose for which they were created. However, there are districts whose existence is ~~not~~ no longer "defensible." Nothing is served by rhetorically attacking "fragmentation." LAFCOs should retain the authority to evaluate special districts to test their value to the community for whom they were initially formed to serve and identify those districts, ~~which that~~ no longer serve the purposes for which they were created.

Section 6: HOUSING

Housing is an important element of economic development and essential for the health and well being of our communities. The responsibility to meet the sState's housing needs must be borne by all levels of government and the private sector. CSAC supports a role by the state Department of Housing and Community Development that focuses on assisting local governments in financing efforts and advising them on planning policies--both of which strive to meet the sState's housing needs. HCD's role should focus on facilitating the production of housing, rather than an onerous planning and compliance process that detracts from local governments' ability to seek funding and actually facilitate produce housing production. Counties support the following principles in relation to housing:

1. Reform housing element law. Existing housing element law must be improved. A greater emphasis should be placed on obtaining financing and enabling production, rather than undertaking and meeting extensive planning requirements now found in state law. A sweeping reform of the current requirements should be undertaken. The fair share housing needs currently identified by the state and regional agencies often far exceed ~~local governments'~~ a city or county's ability to meet those needs. CSAC supports the allocation of housing needs consistent with infrastructure investment at the regional level, as well as consideration of planning factors and constraints.

State law should contain uniform, measurable performance standards based on reasonable goals for housing construction, preservation, and rehabilitation, meeting the needs of homeless and those with special needs, and land supply. In addition to the development of meaningful performance standards, state and federal laws, regulations and practices should be streamlined to promote local government flexibility and creativity in the adoption of local housing elements, comprehensive housing assistance strategies and other local plans and programs.

2. Identify and generate a variety of financing resources and subsidy mechanisms for affordable housing. ~~Greater funding and financing~~ These sources need to be developed to address California's housing needs, particularly with the reduction of federal and state contributions in recent years. The need for new housing units at all income levels exceeds the number of new units for which financing and subsidies will be available each year. Therefore, additional funding is necessary to insure (a) production of new subsidized units, and (b) adequate funds for housing subsidies to households. —Policies should be established to encourage continued flow of capital to market rate ownership housing in order to assure an adequate supply of low-cost, low-down payment mortgage financing for qualified buyers. In addition, a need exists to educate the private building and ~~private~~ financial communities on the opportunities, ~~which that~~ exist with the affordable housing submarket so as to encourage new investments.
3. —Restructure local government funding to support housing affordability. The current property and sales tax systems in California are not supportive of housing development and work against housing affordability ~~because. In other words,~~ housing is not viewed as a "fiscal winner" by local governments as they make land use and policy decisions. ~~To the extent possible (given constitutional restrictions)~~ Local government finance should be restructured at the state level to improve the attractiveness and feasibility of affordable housing development at the local level. At a minimum, there should be better mechanisms to allow and encourage local governments to share tax revenues.
4. —Promote a full range of housing in all communities. —Local governments, builders, the real estate industry, financial institutions and other concerned stakeholders should recognize their joint opportunities to encourage a full range of housing and should work together to achieve this goal. This will require a cooperative effort from the beginning of the planning and approval process as well as creatively applying incentives and development standards,

minimizing regulations and generating adequate financing. Using this approach, housing will become more affordable and available to all income groups.

5. Establish federal and state tax incentives for the provision of affordable housing. The tax codes and financial industry regulations need to be revised to provide stimulus to produce affordable housing, particularly for median, low and very low-income households. The concept of household-based assistance, such as the current mortgage credit certificate, should be extended to all types of affordable housing.

These principles must be taken as a whole, recognizing the importance of their interdependence. These principles provide a comprehensive approach to address the production of housing, recognizing the role of counties, which is to encourage and facilitate the production of housing. They should not be misinterpreted to hold counties responsible for the actual production of housing, instead they should recognize the need for various interests to cooperatively strive to provide affordable housing to meet the needs of California.

CHAPTER ELEVEN

Transportation and Public Works

Section 1: GENERAL PRINCIPLES

Transportation services and facilities are essential for the future well-being of the State of California. A balanced transportation system utilizes all available means of travel cooperatively and in a mutually complimentary manner to provide a total service for the needs of the community.

Transportation services should also responsibly meet the competing future needs of all segments of industry and society with maximum coordination and reasonable amounts of free choice for the consumer of the transportation service.

Balanced transportation does not simply mean the provision of highways or public transit devices. A balanced transportation system is a method of providing services for the mobility requirements of people and goods according to rational needs.

Transportation systems must be fully integrated with planned land use; support the lifestyles desired by the people of individual areas; and be compatible with the environment by considering air and noise pollution, aesthetics, ecological factors, cost benefit analyses, and energy consumption measures.

Counties also recognize that climate change and the release of greenhouse gases (GHGs) into the atmosphere have the potential to dramatically impact our environment, land use decisions, transportation networks, and the economy. Due to the overarching nature of climate change issues, all sections in this chapter should be viewed in conjunction with Chapter XV, which outlines CSAC's climate change policy.

Transportation systems should be designed to serve the travel demands and desires of all the people of the state, recognizing the principles of local control and the unique restraints of each area. Local control recognizes that organizational and physical differences exist and that governments should have flexibility to cooperatively develop systems by which services are provided and problems resolved.

Section 2: BALANCED TRANSPORTATION POLICY

A. System Policy and Transportation Principles

Government belongs as close to the people and their related problems as possible. The system of transportation services, similarly, must recognize various levels of need and function.

It is of statewide interest to provide for a balanced, seamless, multi-modal transportation system on a planned and coordinated basis consistent with social, economic, political, and environmental goals within the state.

Rural and urban transportation needs must be balanced so as to build and operate a single transportation system.

Transportation systems should be an asset to present and future environmental and economic development of the state within a framework of its ability to invest. All people of the state bear a share of the responsibility to ensure proper environmental elements of the transportation system.

Maintenance needs of transportation systems must be met in order to protect existing public investment (current revenues are not keeping pace with needs of the local road or state highway or transit systems).

The local road system, a large component of the State's transportation network, is critical in order to address congestion, meet farm to market needs, address freight and goods movement, and provide access to other public transportation systems.

Public safety, particularly access for public safety services, is dependent on a well-maintained local road network.

Analysis of the cost effectiveness of all modes of transportation, existing and proposed, is needed in order to provide the most coordinated and efficient transportation system.

Additionally, repairs to local access roads that are damaged in the course of emergency operations (for example, in fighting a fire or flood) should be eligible for reimbursement under the same programs as roads which are directly damaged by the event.

System process modifications are needed to expedite project delivery and minimize project cost.

B. Financing Policy and Revenue Principles

Transportation financing needs exceed existing and foreseeable revenues despite growing recognition of these needs at all levels of government. Additional funding is required and should be supported and any new sources of funding should produce enough revenue to respond significantly to transportation needs.

As the owner and operator of a significant portion of the local system counties support continued direct funding to local governments for preservation and safety needs of that system. Further, counties support regional approaches for transportation investment purposes for capital expansion projects of regional significance and local expansion and rehabilitation projects through regional transportation planning agencies, both metropolitan planning organizations and countywide transportation agencies.

Single transportation funds--comprised of state and federal subventions--should be available at each of the local, regional and statewide levels for financing the development, operation, and/or maintenance of highways, public transit, airports or any other modal system as determined by each area in accordance with local, regional, and statewide needs and goals. The cooperative mechanisms established by counties and cities to meet multi-jurisdictional needs should be responsible for the financing, construction, operation and maintenance of regional transportation systems utilizing--as appropriate--existing transportation agencies and districts.

Federal and state funds for safety and preservation purposes should be sent directly to applicable operational levels without involvement of any intermediate level of government. Pass-through and block grant funding concepts are highly desirable.

The cost of transportation facilities and services should be fairly shared by the users and also by indirect beneficiaries.

Transportation funding should be established so that annual revenues are predictable with reasonable certainty over several years to permit rational planning for wise expenditure of funds for each mode of transportation.

Financing should be based upon periodic deficiency reports by mode to permit adjustment of necessary funding levels. Additional elements such as constituent

acceptance, federal legislative and/or administrative actions, programmatic flexibility, and cost benefit studies should be considered.

Efforts to obtain additional revenue should include an examination of administrative costs associated with project delivery and transportation programs.

Funding procedures should be specifically designed to reduce the cost of processing money and to expedite cash flow. Maximum use should be made of existing collection mechanisms when considering additional financing methods.

In the development of long-range financing plans and programs at all levels of government, there should be a realistic appreciation of limitations imposed by time, financing, availability, and the possibility of unforeseen changes in community interest.

Rural and urban transportation funding needs must be balanced so as to build and operate a single transportation system.

Existing funding levels must be maintained with historical shares of current funding sources ensured for counties (e.g. state and federal gas tax increases, etc.).

Although significant transportation revenues are raised at the local level through the imposition of sales taxes, additional state and federal revenue sources are needed such as additional gas and sales taxes, congestion pricing, public-private partnerships, and user or transaction fees to provide a diverse financing strategy. Further, additional revenue raising authority at the local and regional level is needed as well as other strategies as determined by individual jurisdictions and regions.

Transportation revenues must be utilized for transportation purposes only and purposes for which they are dedicated. They should not be diverted to external demands and needs not directly related to transportation activities.

Revenue needed for operational deficits of transit systems should be found in increased user fees, implementation of operating efficiencies and/or new sources, rather than existing sources depended upon by other modes of transportation.

Future revenues must be directed to meet mobility needs efficiently and cost effectively with emphasis on current modal use and transportation choices for the public.

C. Government Relations Policy

The full partnership concept of intergovernmental relations is essential to achieve a balanced transportation system. Transportation decisions should be made comprehensively within the framework of clearly identified roles for each level of government without duplication of effort.

Counties and cities working through their regional or countywide transportation agencies, and in consultation with the State, should retain the ability to program and fund transportation projects that meet the needs of the region.

No county or city should be split by regional boundaries without the consent of that county or city.

Counties and cities in partnership with their regional and state government, should attempt to actively influence federal policies on transportation as part of the full partnership concept.

D. Management Policy

Effective transportation requires the definite assignment of responsibility for providing essential services including fixed areas of responsibility based upon service output.

Greater attention should be devoted to delivery of overall transportation products and services in a cost-effective manner with attendant management flexibility at the implementation level of the management system.

Special transportation districts should be evaluated and justified in accordance with local conditions and public needs.

The State Department of Transportation should be responsible for planning, designing, constructing, operating, and maintaining a system of transportation corridors of statewide significance and interest. Detailed procedures should be determined in concert with regional and local government.

Restrictive, categorical grant programs at federal and state levels should be abandoned or minimized in favor of goal-oriented transportation programs which can be adjusted by effective management to best respond to social and economic needs of individual communities.

Policies and procedures on the use of federal and state funds should be structured to minimize "red tape," recognize the professional capabilities of local agencies, provide post-audit procedures and permit the use of reasonable local standards.

Section 3: SPECIFIC MODAL TRANSPORTATION POLICIES

A. Aviation

Air transportation planning should be an integral part of overall planning effort and airports should be protected by adequate zoning and land use. Planning should also include consideration for helicopter and other short and vertical take-off aircraft.

State and federal airport planning participation should be limited to coordination of viable statewide and nationwide air transportation systems.

Local government should retain complete control of all airport facilities, including planning, construction, and operation.

B. Streets and Highways

Highway transit--in a coordinated statewide transportation system--will continue to carry a great percentage of the goods and people transported within the state. A program of maintenance and improvement of this modal system must be continued in coordination with the development of other modal components.

Efforts to maximize utilization of transportation corridors for multi-purpose facilities should be supported.

Non-motorized transportation facilities, such as pedestrian and bicycle facilities are proper elements of a balanced transportation system. Support efforts to design and build complete streets, ensuring that all roadway users – motorists, bicyclists, public transit vehicles and users, and pedestrians of all ages and abilities – have safe access to meet the range of mobility needs. Given that funding for basic maintenance of the existing system is severely limited however, complete streets improvements should be financed through a combination of sources best suited to the needs of the community and should not be mandated through the use of existing funding sources.

C. Public Transit

Counties and cities should be responsible for local public transit systems utilizing existing transportation agencies and districts as appropriate.

Multi-jurisdictional public transit systems should be the responsibility of counties and cities acting through mechanisms, which they establish for regional decision-making, utilizing existing transportation agencies, and districts as appropriate.

The State should be responsible for transportation corridors of statewide significance, utilizing system concepts and procedures similar to those used for the state highway system. Contracts may be engaged with existing transit districts and public transportation agencies to carry out and discharge these state responsibilities.

Consideration of public transit and intercity rail should be an integral part of a local agency's overall planning effort and should maximize utilization of land for multi-purpose transportation corridors.

Public transit planning should include a continuing effort of identifying social, economic, and environmental requirements.

D. Rail

Railroads play a key role in a coordinated statewide transportation system. In many communities, they form a center for intermodal transportation.

Rail carries a significant portion of goods and people within and out of the state. The continued support of rail systems will help balance the state's commuter, recreational, and long distance transportation needs. Support for a high-speed rail system in California is necessary for ease of future travel and for environmental purposes.

Rail should be considered, as appropriate, in any local agency's overall planning effort when rail is present or could be developed as part of a community.

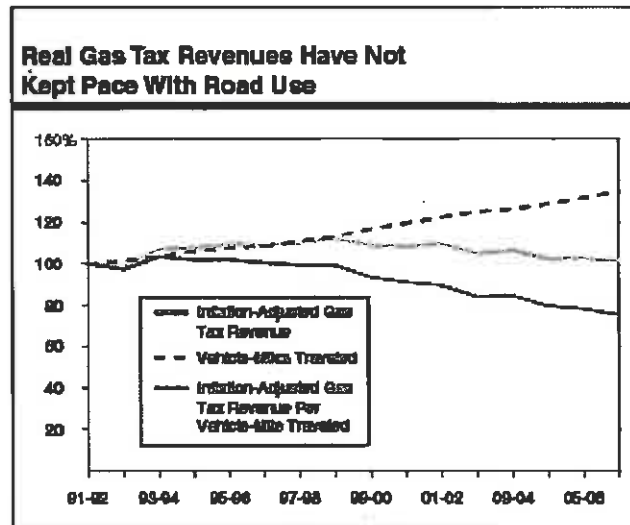
Research and development of innovative and safe uses of rail lines should be encouraged.

Section 4: CONCLUSION

Since 1970, transportation demands and needs have out-paced investment in the system. An examination of transportation revenues and expenditures compared to

population, travel and other spending in the state budget, adjusted for inflation, shows a long period of under-investment in transportation continuing through the 1990s and into the next decade.

Between 1990 (when the gas excise tax was increased) and 2004, California's population increased 20.6%, while travel in the state increased 36.3% and the number of registered vehicles in California increased 43.2%. According to the Legislative Analyst's Office, travel is outpacing gas tax revenue (see chart, below).



Source: Legislative Analyst's Office, Budget Analysis 2006

Further, inflation has seriously eroded the buying power of gas tax dollars. While revenues from the gas tax increase in the 1990s roughly kept pace with miles traveled, with no increases since 1994, travel has now outpaced revenues, creating not only chronic congestion but also extreme wear and tear on the state highway and local road system. Further, the sufficiency of gas tax revenues to fund transportation has declined over time as cars have become more fuel efficient and as project costs have increased. Inflation-adjusted gas tax revenues declined 8% just in the last seven years.

The gas tax once funded most transportation programs in the state, including operations and construction. Now the per-gallon fuel tax collected at both the state and federal levels and the state weight fees does not even provide enough revenue to meet annual maintenance, operations, and rehabilitation needs for the state highway system (the State Highway Operation and Protection Program or SHOPP). Counties and cities dependent upon a portion of the State's gas tax revenues are in the same situation in that revenues are short of meeting their preservation needs of the local system. Basic Maintenance Rehabilitation and

preservation programs for California's aging system now consume 100% of gas tax revenues in most local jurisdictions.

~~The principle source of funding for improvements to the system and new capacity (the State Transportation Improvement Program or STIP) is now Proposition 42, the sales tax on gasoline. Just five years ago, the STIP was funded almost entirely from user fees. Proposition 42, however, provides no more than half the amount the State was making available for transportation improvements just a decade ago.~~

In 2010, the State enacted a historic transportation tax swap in which the excise tax on gasoline was increased by 17.3-cents and the sales tax on gasoline (Proposition 42) was eliminated. Counties, cities, and the State Transportation Improvement Program (STIP) will receive similar amounts from the increase in excise tax as would have been provided by the sales tax. However, the local and state systems are still woefully underfunded. The 2010 California Statewide Local Streets and Roads Needs Assessment Report Update found that the statewide average local street and road Pavement Condition Index (PCI), which ranks roadway pavement conditions on a scale of zero (failed) to 100 (excellent), is 66, an "at risk" rating. Approximately 67% of the local streets and roads system are "at risk" or in "poor" condition. The condition is projected to deteriorate to a PCI of 54 by 2020. In addition, the percentage of "failed" streets will grow from 6.1% to almost 25% of the network by 2020. Furthermore, the funding shortfall considering all existing revenues is \$78.9 billion over the next 10 years.

The bottom line is that the current revenue system is not providing the funding necessary to maintain existing transportation systems, much less to finance operation, safety, and expansion needs.

The citizens of California have invested significant resources in their transportation system. This \$3 trillion investment is the cornerstone of the state's commerce and economic competitiveness. Virtually all vehicle, pedestrian, and bicycle trips originate and terminate on local streets and roads. Emergency response vehicles extensively use local roads to deliver public service. Public safety and mobility rely on a well-maintained transportation infrastructure. Transportation funding is important to the economy and the economic recovery of the state. Increased investment in the transportation network is essential to stimulate the economy, to improve economic competitiveness and to safeguard against loss of the public's existing \$3 trillion investment in our transportation system.

(The source of information for the statistics provided is from the Transportation California website and includes reports from the: California Transportation Commission (CTC), Legislative Analyst Office (LAO), United States Department of Transportation (USDOT), and Federal Highway Administration (FHWA)).

Chapter Sixteen

Native American Issues

Section 1: GENERAL PRINCIPLES

CSAC supports government-to-government relations that recognize the role and unique interests of tribes, states, counties, and other local governments to protect all members of their communities and to provide governmental services and infrastructure beneficial to all—Indian and non-Indian alike.

CSAC recognizes and respects the tribal right of self-governance to provide for tribal members and to preserve traditional tribal culture and heritage. In similar fashion, CSAC recognizes and promotes self governance by counties to provide for the health, safety and general welfare of all members of their communities. To that end, CSAC supports active participation by counties on issues and activities that have an impact on counties.

Nothing in federal law should interfere with the provision of public health, safety, welfare or environmental services by local government. CSAC to supports legislation and regulation that preserves—and does not impair—the ability of counties to provide these services to the community.

Section 2: TRIBAL-STATE GAMING COMPACTS

CSAC recognizes that Indian Gaming in California is governed by a unique structure that combines federal, state, and tribal law.

While the impacts of Indian gaming fall primarily on local communities and governments, Indian policy is largely directed and controlled at the federal level by Congress.

The Indian Gaming Regulatory Act of 1988 (IGRA) is the federal statute that governs Indian gaming. IGRA requires compacts between states and tribes to govern the conduct and scope of casino-style gambling by tribes. Those compacts may allocate jurisdiction between tribes and the state.

The Governor of the State of California entered into the first Compacts with California tribes desiring or already conducting casino-style gambling in September 1999. Since that time tribal gaming has rapidly expanded and created a myriad of significant economic, social, environmental, health, safety, and other impacts.

Some Compacts have been successfully renegotiated to contain most of the provisions recommended by CSAC including the requirement that each tribe negotiate with the appropriate county government on the impacts of casino projects, and impose binding “baseball style” arbitration on the tribe and county if they cannot agree on the terms of a mutually beneficial binding agreement

However, CSAC believes that the 1999 Compacts fail to adequately address these impacts and/or to provide meaningful and enforceable mechanisms to prevent or mitigate impacts.

The overriding purpose of the principles presented below is to harmonize existing policies that promote tribal self-reliance with policies that promote fairness and equity and that protect the health, safety, environment, and general welfare of all residents of the State of California and the United States.

In the spirit of developing and continuing government-to-government relationships between federal, tribal, state, and local governments, CSAC specifically requests that the State request negotiations with tribal governments pursuant to section 10.8.3, subsection (b) of the Tribal-State Compact, and that it pursue all other available options for improving existing and future Compact language.

Towards that end, CSAC urges the State to consider the following principles when it negotiates or renegotiates Tribal-State Compacts:

1. A Tribal Government constructing or expanding a casino or other related businesses that impact off-reservation land will seek review and approval of the local jurisdiction to construct off-reservation improvements consistent with state law and local ordinances including the California Environmental Quality Act (CEQA) with the tribal government acting as the lead agency and with judicial review in the California courts.
2. A Tribal Government operating a casino or other related businesses will mitigate all off-reservation impacts caused by that business. In order to ensure consistent regulation, public participation, and maximum environmental protection, Tribes will promulgate and publish environmental protection laws that are at least as stringent as those of the surrounding local community and comply with CEQA with the tribal government acting as the lead agency and with judicial review in the California courts.
3. A Tribal Government operating a casino or other related businesses will be subject to the authority of a local jurisdiction over health and safety issues including, but not limited to, water service, sewer service, fire inspection and protection, rescue/ambulance service, food inspection, and law enforcement, and reach written agreement on such points.
4. A Tribal Government operating a casino or other related businesses will pay to the local jurisdiction the Tribe's fair share of appropriate costs for local government services. These services include, but are not limited to, water, sewer, fire inspection and protection, rescue/ambulance, food inspection, health and social services, law enforcement, roads, transit, flood control, and other public infrastructure. Means of reimbursement for these services include, but are not limited to, payments equivalent to property tax, sales tax, transient occupancy tax, benefit assessments, appropriate fees for services, development fees, and other similar types of costs typically paid by non-Indian businesses.

5. The Indian Gaming Special Distribution Fund, created by section 5 of the Tribal-State Compact will not be the exclusive source of mitigation, but will ensure that counties are guaranteed funds to mitigate off-reservation impacts caused by tribal gaming.
6. To fully implement the principles announced in this document and other existing principles in the Tribal-State compact, Tribes will meet and reach a judicially enforceable agreement with local jurisdictions on these issues before a new compact or an extended compact becomes effective.
7. The Governor should establish and follow appropriate criteria to guide the discretion of the Governor and the Legislature when considering whether to consent to tribal gaming on lands acquired in trust after October 17, 1988 and governed by IGRA (25 U.S.C § 2719). The Governor should also establish and follow appropriate criteria/guidelines to guide his/her participation in future compact negotiations.

Section 3: FEDERAL TRIBAL LANDS POLICY/DEVELOPMENT ON TRIBAL LAND

The 1999 Compacts allow tribes to develop two casinos, expand existing casinos within certain limits, and do not restrict casino development to areas within a tribe's current trust land or legally recognized aboriginal territory.

Additionally, in some counties, land developers are seeking partnerships with tribes in order to avoid local land use controls and to build projects, which would not otherwise be allowed under the local land use regulations.

Some tribes are seeking to acquire land outside their current trust land or their legally recognized aboriginal territory and to have that land placed into federal trust and beyond the reach of a county's land use jurisdiction.

Furthermore, Congress continues to show an interest in the land-into-trust process and revisiting portions of IGRA.

The overriding principle supported by CSAC is that when tribes are permitted to engage in gaming activities under federal legislation, then judicially enforceable agreements between counties and tribal governments must be required in the legislation. These agreements would fully mitigate local impacts from a tribal government's business activities and fully identify the governmental services to be provided by the county to that tribe.

CSAC believes that existing law fails to address the off-reservation impacts of tribal land development, particularly in those instances when local land use and health and safety regulations are not being fully observed by tribes in their commercial endeavors.

The following provisions emphasize that counties and tribal governments need to each carry out their governmental responsibilities in a manner that respects the governmental responsibilities of the other.

1. Nothing in federal law should interfere with provision of public health, safety, welfare or environmental services by local governments, particularly counties.

Consistent with this policy, CSAC is supportive of all federal legislation that gives counties an effective voice in the decision-making process for taking lands into trust for a tribe and furthers the overriding principle discussed above.

2. CSAC supports federal legislation to provide that lands are not to be placed into trust and removed from the land use jurisdiction of local governments without the consent of the State and the affected county.

Federal legislation is deserving of CSAC's support if that legislation requires counties' consent to the taking of land into trust for a tribe.

3. CSAC reiterates its support of the need for enforceable agreements between tribes and local governments concerning the mitigation of off-reservation impacts of development on tribal land. CSAC opposes any federal or state limitation on the ability of tribes, counties and other local governments to reach mutually acceptable and enforceable agreements.
4. CSAC opposes the practice commonly referred to as "reservation shopping" where a tribe seeks to place land into trust outside its aboriginal territory over the objection of the affected county.

CSAC will support federal legislation that addresses "reservation shopping" or consolidations in a manner that is consistent with existing CSAC policies, particularly the requirements of consent from Governors and local governments and the creation of judicially enforceable local agreements.

5. CSAC does not oppose the use by a tribe of non-tribal land for development provided the tribe fully complies with state and local government laws and regulations applicable to all other development, including full compliance with environmental laws, health and safety laws, and mitigation of all impacts of that development on the affected county.

CSAC can support federal legislation that furthers the ability of counties to require and enforce compliance with all environmental, health and safety laws. Counties and tribes need to negotiate in good faith over what mitigation is necessary to reduce all off-Reservation impacts from an Indian gaming establishment to a less than significant level and to protect the health and safety of all of a county's residents and visitors.

6. CSAC supports the position that all class II and class III gaming devices should be subject to IGRA.

CSAC is concerned about the current definition of Class II, or bingo-style, video gaming machines as non-casino gaming machines. These machines are nearly indistinguishable from

Class III, slot-style gaming machines, and thereby generate the same type of impacts on communities and local governments associated with Class III gaming.

CSAC believes that the operation of Class II gaming machines is in essence a form of gaming, and tribes that install and profit from such machines should be required to work with local governments to mitigate all impacts caused by such businesses.

Section 4: SACRED SITES

California's every increasing population and urbanization threatens places of religious and social significance to California's Native American tribes.

In the spirit of government-to-government relationships, local governments and tribal governments should work cooperatively to ensure sacred sites are protected.

Specifically, local governments should consult with tribal governments when amending general plans to preserve and/or mitigate impacts to Native American historical, cultural, or sacred sites.



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1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

To: CSAC Board of Directors

From: Faith Conley, Senior Legislative Analyst, Employee Relations

RE: Compensation Transparency Principles– ACTION ITEM

Recommendation: Staff recommends the Board of Directors adopt principles that will guide staff in developing positions and discussing proposed legislation and regulation related to the disclosure of compensation provided to public officials and employees. Further, staff recommends CSAC support the State Controller's Local Government Compensation Reporting Program.

Background. In July, when news broke that city officials in Bell, California were receiving unusually high salaries and benefits, focus turned to local governments as state officials and legislators sought to increase transparency for publicly-provided salaries and benefits. While counties have long been required by statute and the constitution to publicly set salaries and to operate in a transparent manner, the state-level response to the Bell salary scandal has placed additional burden on counties. New reporting requirements from the State Controller's Office (SCO) have been implemented and additional legislation and regulation will be considered in 2011. In November, the Government Finance and Operations Policy Committee (Policy Committee) and Board of Directors directed staff to develop a proposal to address compensation transparency and disclosure issues rather than wait and respond to proposals coming from the Legislature and other entities. Staff developed suggested principles for compensation and transparency which were adopted by the Policy Committee and then the Executive Committee in January 2011.

For additional background, please see the attached report to the Government Finance and Operations Policy Committee dated November 2, 2010.

Policy Considerations. In October, State Controller John Chiang launched the Local Government Compensation Reporting Program to collect salary, compensation and benefit information for all elected, appointed and employed personnel and require cities and counties to annually report the information for any staff to which they issue a W-2 form. All counties have complied with this reporting requirement and the information is available in a searchable database on the SCO website. Several bills were thereafter introduced to require public agencies to submit nearly identical information to different state agencies.

In November, the Policy Committee and Board of Directors directed staff to develop a proactive proposal to address compensation transparency and disclosure issues.

Upon consideration of the options and discussions with stakeholders, staff recommended that in lieu of developing yet another reporting requirement, CSAC instead support the SCO's Local Government Compensation Reporting Program and seek recognition by the Legislature and stakeholders that the SCO database is the single source of required reporting and disclosure of compensation. Further, staff recommends the adoption of principles for compensation disclosure and transparency as discussed below.

Suggested Principles for Compensation Disclosure and Transparency

Avoid duplication. The SCO database should be the single source of required disclosure of public employee and elected official compensation data. Every county has complied with the requirement and it is likely that the reporting will soon become routine. Any county may choose to additionally make this information available on their website or to link to the SCO database, but additional mandates are unnecessary. The creation of additional forms by the Fair Political Practices Commission or the Secretary of State will only lead to redundancy and confusion. The Legislature could seek additional information or provide the SCO with explicit authority for the reporting program if there are perceived deficiencies with the existing program.

Keep requirements consistent with the Brown Act and Public Records Act. Timelines for providing information to the public via website, photocopy, or other means should be consistent with existing requirements in the Brown Act or Public Records Act. New standards should not be created.

Maintain simplicity. Any and all compensation disclosed should be streamlined and specific enough to allow apples to apples comparisons. It is important that any reporting requirement be clear enough to allow agencies of various sizes with various levels of staffing and software capabilities to be able to make consistent reports.

Apply to all levels of government. All compensation of public officials and employees, at every level of government, is public information. The SCO database should be expanded to include all public employees, including state and judicial branch employees.

Action Requested. Staff recommends the Board of Directors approve the suggested principles for compensation disclosure and transparency and support of the State Controller's Office Local Government Compensation Reporting Program.

Staff Contact. Please contact Faith Conley (fconley@counties.org or 916/327-7500 x527) for additional information.

Materials. "Compensation Transparency – INFORMATIONAL ITEM", November 2, 2010 report to the Government Finance and Operations Policy Committee.



November 2, 2010

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

To: Supervisor Bruce Gibson, San Luis Obispo County, Chair
Supervisor John Moorlach, Orange County, Vice Chair
Members, Government Finance and Operations Policy Committee

From: Eraina Ortega, Legislative Representative, Employee Relations
Faith Conley, Legislative Analyst, Employee Relations

RE: **Compensation Transparency – INFORMATIONAL ITEM**

Recommendation: This item is for information only.

Background. In July, when news broke that city officials in Bell, California were receiving unusually high salaries and benefits, focus turned to local governments as state officials and legislators sought to increase transparency for publicly-provided salaries and benefits. While counties have long been required by statute and the constitution to publicly set salaries and to operate in a transparent manner, the state-level response to the Bell salary scandal will undoubtedly place additional mandates on counties. One new reporting requirement has been implemented and others are likely to be included in Legislation in 2011. Below is a summary of the actions taken and those under consideration by policy makers in an effort to prevent the abuses seen in Bell.

State Representatives Seek to Improve Compensation Transparency

State Controller John Chiang issues reporting requirements. In early August, State Controller John Chiang announced new reporting requirements and instructed all California cities and counties to provide the salaries for each classification of elected official and public employee. The Local Government Compensation Reporting Program is intended to collect salary, compensation and benefit information for all elected, appointed and employed personnel and requires cities and counties to include the information for any staff to which they issue a W-2 form. The new information is intended as a supplement to the fiscal reports already required by the Controller. The salary data was due on October 1, 2010 and annually thereafter and was posted on the Controller's website on October 25.

State Treasurer Bill Lockyer asks CalPERS to take action. State Treasurer Bill Lockyer in late August asked the California Public Employees' Retirement System (CalPERS) to review existing policies and determine if new procedures could prevent the abuses that have been disclosed. The Treasurer recommended that, among other things, CalPERS review the guidelines used to determine membership in a group or class of employment for the purpose of justifying salary increases, implement effective triggers for an automatic review by the CalPERS Compensation

Review Unit for certain compensation increases and produce an annual public report on compensation trends that includes a list of the 100 highest salaries and compensation paid by CalPERS state and local agencies. CalPERS staff are expected to make recommendations in late 2010 in response to Treasurer Lockyer's request.

Attorney General Jerry Brown opens investigation into legality of Bell salaries and seeks information from cities and counties with employees earning more than \$200,000. Attorney General Brown in July launched a joint investigation with CalPERS into the compensation paid by the city of Bell and other local government entities, examining records to determine whether improper activity or other illegalities occurred. On September 15, Brown filed a lawsuit against former Bell city officials, charging the defendants with fraud, negligence and abuse of public trust. Brown has vowed to investigate any government official in California making over \$300,000 per year in total compensation. In a letter to city and county government officials dated October 14 and titled, "California Attorney General's Office Public Salaries and Benefits Investigation," Brown requested local governments provide the following data:

- The names, total compensation amounts and base salaries of any employees who received a total monthly compensation equal to \$16,600 or a total annual compensation of \$200,000 over the last three years.
- The name, plan administrator's name and the address of any retirement plan to which the government entity makes contributions for retirement benefits for such employees.
- The total number of employees employed by the government entity.

Brown requested the information be submitted to his office no later than October 25.

CalPERS establishes compensation task force. In August, CalPERS established the Public Employee Compensation and Benefits Task Force (task force). The task force is comprised of labor and employee organizations, local government associations (including CSAC and the League of California Cities), and CalPERS and legislative staff. Its purpose is to discuss transparency and regulation of public employee compensation and benefits.

Accordingly, the task force was divided into three sub-groups:

- **Compensation.** The Compensation sub-group will discuss existing federal Internal Revenue Code caps placed on compensation and benefits paid by public retirement systems and the CalPERS definition of a group or class of public employees.
- **Transparency.** The Transparency sub-group will focus on what information should be made public to prevent abusive compensation practices and how to avoid having duplicative reporting requirements.

- **Risk Pooling.** The Risk Pooling sub-group will discuss the impacts experienced by local agencies within the same risk pool when one local agency member of the pool grants excessive compensation and benefit packages to its employees.

Both the Compensation and the Risk Pooling subgroups met in August and September and are tentatively scheduled to meet again on November 5. CalPERS plans to convene a meeting of the entire task force later this year to review discussions and make recommendations.

Legislation Introduced

In the wake of the Bell salary scandal, the Legislature introduced several bills to require additional regulation and disclosure of total compensation of elected officials and public employees and to limit pensions. Many of the bills did not pass the Legislature due to disagreement about the inclusion of state and Legislative employees and the two bills that passed the Legislature were vetoed by the Governor because they were not part of a comprehensive solution. CSAC staff expects this discussion to continue in the next legislative session. The following bills were considered in 2010:

AB 192 (Gatto) would require any CalPERS contracting agency that provides more than a 15 percent raise to an individual to bear the entire cost of the retirement increase even for service with a previous employer covered by CalPERS. The measure attempts to address the issue that some cities will pay higher retirement costs because they previously employed employees of the City of Bell who were granted excessive salaries.

AB 192 was put on hold for 2010. Legislation to address this issue is expected in 2011.

AB 194 (Torrice) would create a new cap on the salary or payrate that is used to determine a pension benefit. In addition to the IRS cap of \$245,000 on total compensation that applies to anyone who became a member of a public retirement system after June 30, 1996, AB 194 proposed a new state cap on salary or payrate of \$217,483 that would apply to anyone who becomes a member of a public retirement system on or after January 1, 2011.

AB 194 was vetoed by the Governor.

AB 827 (De La Torre) would prohibit any employment contract for a local, unrepresented employee from including the following:

- An "evergreen" clause (a clause that provides for an automatic contract renewal and/or compensation increase).

- A severance payment greater than 12 months salary.
- An automatic raise that exceeds a cost-of-living adjustment (COLA).

Additionally, AB 827 would require that prior to providing a raise in excess of a COLA to an unrepresented employee that reports to the legislative body of a local agency, that employee must be given a performance review. The vote to implement the raise would be required to be made in open session.

AB 827 was vetoed by the Governor.

AB 1955 (De La Torre) would require the State Controller to determine whether a charter city is an excess compensation city, as defined, and would mandate penalties if such a determination is made. AB 1955 would also amend the Brown Act to require five days notice prior to considering a contract for employment.

AB 1955 was defeated in the Senate.

AB 2064 (Huber) would require all levels of government to post employee salary information on their websites. AB 2064 was not taken up for a vote in the Senate and therefore failed.

SB 501 (Correa) would require an elected or appointed officer of a county, city, city and county, school district, special district, or joint powers agency who is also required to file a Statement of Economic Interest (Form 700) as published by Fair Political Practices Commission to also complete a new form developed by the Secretary of State. The new form would include disclosure of the following:

- Annual salary or stipend.
- Employer payments to the filer's deferred compensation or defined benefit plans.
- Automobile and equipment allowances.
- Supplemental incentive and bonus payments.
- Employer payments to the filer that are in excess of the standard benefits that the employer offers for all other employees.

The elected officials and employees required to report are:

- State officers, judges, court commissioners, members of various state commissions, members of boards of supervisors, district attorneys, county counsels, county treasurers, chief administrative officers of counties, city officials, members of city councils, other public officials who manage public investments and candidates for any of these offices at any election.

As an alternative to individuals filing the new form, a county that maintains a website may compile the information required for each filer and post that information on the internet. SB 501 died in the Assembly Rules Committee.

Legislature Convenes Hearings

In addition to legislation, on September 22, the Assembly Local Government and Accountability and Administrative Review Committees held a hearing with the Joint Legislative Audit Committee regarding the transparency of local government pay. CSAC was represented by Nancy Nittler, Personnel Director for Placer County, who testified about the steps county governments are already obligated to take with respect to public employee compensation transparency.

On October 20 in Santa Ana, the Senate Local Government Committee convened a hearing titled, "Transparency and Accountability: Pursuing the Public's Right to Know". The hearing asked Legislators to consider the following policy questions:

- Should state law require more compensation disclosure?
- What compensation should public officials disclose?
- Which public officials should disclose their compensation?
- How should public officials disclose their compensation?

Supervisor Kimberly Dolbow Vann of Colusa County represented CSAC at the hearing. A copy of her written statement is attached.

Finally, Assembly Member Mike Gatto held a town hall style meeting in Glendale on October 21 to discuss the issues surrounding his AB 192 (discussed above). CSAC staff spoke about the importance of reciprocity in recruiting and retaining qualified county staff.

Policy Considerations. Counties should expect to witness a continued effort to increase the transparency of public agency compensation through state oversight and additional reporting requirements. Some form of the legislative proposals outlined in both AB 192 and SB 501 are expected to be introduced when the Legislature reconvenes next year.

Action Requested. No action required at this time.

Staff Contact. Please contact Eraina Ortega (eortega@counties.org or 916/327-7500 x521) or Faith Conley (fconley@counties.org or 916/327-7500 x527) for additional information.

Materials. Supervisor Kimberly Dolbow Vann Written Statement to Senate Local Government Committee



March 8, 2011

TO: CSAC Board of Directors

FROM: Elizabeth Howard Espinosa, Administration of Justice Policy Committee
 Kelly Brooks-Lindsey, Health and Human Services Policy Committee

RE: **Request to Authorize Sponsorship of AB 1053 (Gordon), Local Fee Measure – ACTION ITEM**

1100 K Street
 Suite 101
 Sacramento
 California
 95814

Telephone
 916.327-7500

Facsimile
 916.441.5507

Recommendation: The CSAC Administration of Justice (AOJ) and Health and Human Services (HHS) policy committees recommend that the CSAC Board of Directors authorize CSAC to sponsor AB 1053 (attached) by Assembly Member Rich Gordon regarding local fees.

Background. In 2009, CSAC supported SB 676 (Chapter 606) by Senator Lois Wolk. That measure, sponsored by Yolo County, increased or eliminated statutory limits on 11 different fees; many of these fees were set by the Legislature and had not been updated for decades. State statute lacked any sort of cost of living adjustment for the fees addressed in SB 676, and the Legislature does not regularly review fees to address changes in cost.

Since the passage of SB 676, counties have identified four additional areas where statutorily defined fees do not cover county costs. As outlined in the table below, CSAC proposes pursuing statutory increases with a view toward establishing fee authority that would allow counties to cover its costs. Note that three of these fees fall within the AOJ policy area and were subsequently approved by that committee at its January 27 meeting; the fourth – relating to a proposed increase on the base fee for birth and death certificates – was approved by the CSAC HHS Policy Committee for consideration on January 13.

The chart below outlines the specific components of the proposed fee bill and the proposed increases. Given the timing of bill introduction deadlines, CSAC arranged for the bill to be introduced, pending final action by the Board of Directors. The provisions for the changes outlined below are contained in AB 1053, by Assembly Member Rich Gordon.¹

Topic	Description	Relevant Code Section(s)	Reviewed/approved by CSAC Policy Committee
Laboratory analysis fee	Increase fee charged to violators of specified Vehicle Code (VC) violations (reckless driving and DUI) from \$50 to \$200. > Fee has not increased since 1991.	Penal Code Section 1463.14(a) and (b) (various cross-references to specified VC violations)	Administration of Justice

¹ Senator Lois Wolk initially agreed to author the measure, but due to her expanded responsibilities chairing the Senate Government and Finance Committee she subsequently determined that she was unable to carry the county fee bill. CSAC staff then secured Assembly Member Rich Gordon to author the measure.

Topic	Description	Relevant Code Section(s)	Reviewed/approved by CSAC Policy Committee
Criminalistics laboratories fund	Increase from \$50 fee/conviction to \$200 fee/conviction for various drug offenses. > Fee has not been increased since its inception in 1980.	Health and Safety Code Section 11372.5 (various cross-references to specified drug violations)	Administration of Justice
Juvenile registration fee for public defender services	Increase from \$25 to \$50 Public Defender registration fee paid by parents/guardians in juvenile delinquency cases. > Fee has not increased since 1996; adult PD registration fee was increased from \$25 to \$50 pursuant to SB 676 (Wolk, 2009).	Welfare and Institutions Code Section 903.15	Administration of Justice
Vital records fees	Increase base fees for birth and death certificates from \$6 (current fee) to \$12 > Base fee has been incrementally increased by state application of CPI.	Health and Safety Code Sections 103625(a) and (b)(1) and 100430	Health and Human Services

Policy Considerations. County boards of supervisors can levy authorized fees or charges in amounts reasonably necessary to recover the costs of providing products or services or the cost of enforcing regulations. (AB 151, Hannigan, 1983). The fees or charges may reflect the average cost of providing products or services or enforcing regulations, plus limited indirect costs.

Despite generally deregulating county fees 25 years ago, state law still sets a large number of fees, including vital records fees, recording fees, and civil fees charged by the sheriff's department. These fees set by state statute appear to be the most inflexible and costly for counties.

When a fee-based service does not permit recovery of funds to offset the cost of providing the service, the county general fund typically subsidizes the difference. The cost of these services is supposed to be borne by only those using the services, but ends up being subsidized by all taxpayers - including those who never use a particular service. These cost pressures, in turn, affect other services that are funded by the county general fund.

Potential supporters of the bill would include counties. Potential opponents include civil liberty rights groups who could be concerned about the overall effects of increasing fees paid by defendants as well as individuals who believe that increases to birth/death certificates could affect appropriate and affordable access to vital records.

Because these fees are established by the Legislature, it is our understanding through counsel that the limitations enacted by Proposition 26 do not apply.

Specific Action Requested. Based on the recommendation of the AOJ and HHS policy committees, the Board of Directors is being asked to authorize CSAC to sponsor AB 1053, which would permit counties to charge fees-for-service that more accurately reflect the actual costs.

The Administration of Justice, Revenue and Taxation, and Health and Human Services staff will work jointly on AB 1053 as it moves through the legislative process. The bill will likely have to go through multiple policy committees in each house of the Legislature.

Staff Contact. Please contact Elizabeth Howard Espinosa (ehoward@counties.org or 916/327-7500 x537) or Kelly Brooks-Lindsey (kbrooks@counties.org or 916/327-7500 x513) for additional information.

ASSEMBLY BILL

No. 1053

Introduced by Assembly Member Gordon

February 18, 2011

An act to amend Sections 11372.5, 100425, 100430, and 103625 of the Health and Safety Code, to amend Section 1463.14 of the Penal Code, and to amend Section 903.15 of the Welfare and Institutions Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1053, as introduced, Gordon. Local government: penalties and fees.

(1) Existing law requires every person who is convicted of a violation of certain controlled substances provisions to pay a criminal laboratory analysis fee in the amount of \$50 for each separate offense.

This bill would raise the criminal laboratory analysis fee to \$200 for each separate offense.

(2) Existing law requires a base fee of \$3 be paid by an applicant for a certified copy of a fetal death or death record and requires a base fee of \$3 be paid by a public agency or private adoption agency applicant, and a base fee of \$9 be paid by any other applicant, for a certified copy of a birth certificate. The fee is authorized to be adjusted pursuant to a specified method, not to exceed the total increased cost of the program or service provided.

This bill would raise each of those base fees by \$9, and require the fee be adjusted pursuant to that specified method. The bill would declare that the increased fee would more accurately reflect the true cost of providing those documents.

(3) Existing law authorizes the board of supervisors of a county to impose an additional penalty, based on the defendant’s ability to pay but not in excess of \$50, upon each defendant convicted of driving under influence of alcohol, drugs, or both.

This bill would add specified reckless driving convictions to those convictions eligible for the additional penalty and raise the maximum penalty amount to \$200.

(4) Existing law requires the parent of any minor, or other person who is liable for the support of that minor, on whose behalf a petition is filed to make the minor a ward of the court as provided, when the minor is represented by appointed counsel, to be assessed a registration fee not to exceed \$25 at the time legal services are provided, as long as the person is financially able to pay.

This bill would raise that fee to \$50.

(5) This bill would make conforming changes and delete obsolete provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
 2 following:

3 (a) The fees charged for providing certified copies of birth and
 4 death records have not kept pace with the true cost of providing
 5 certified copies of those records. Sections 5 and 6 of this act
 6 address those deficiencies by raising the fees charged for those
 7 records to a level that more accurately reflects the true costs
 8 incurred by the agencies providing those certified copies.

9 (b) The fees charged for the issuance of certified birth and death
 10 records shall continue to reflect the true costs of the services
 11 provided as those fees are to be adjusted annually by the formula
 12 set forth in Section 100425 of the Health and Safety Code, and the
 13 amounts collected are prohibited from exceeding the total increased
 14 reasonable cost for the services provided.

15 SEC. 2. Section 11372.5 of the Health and Safety Code is
 16 amended to read:

17 11372.5. (a) (1) Every person who is convicted of a violation
 18 of Section 11350, 11351, 11351.5, 11352, 11355, 11358, 11359,
 19 11361, 11363, 11364, 11368, 11375, 11377, 11378, 11378.5,

1 11379, 11379.5, 11379.6, 11380, ~~11380.5~~, 11382, 11383, 11390,
2 11391, or 11550 or subdivision (a) or (c) of Section 11357, or
3 subdivision (a) of Section 11360 of this code, ~~or Section 4230 of~~
4 ~~the Business and Professions Code~~ shall pay a criminal laboratory
5 analysis fee in the amount of ~~fifty dollars (\$50)~~ *two hundred dollars*
6 *(\$200)* for each separate offense. The court shall increase the total
7 fine necessary to include this increment.

8 ~~With~~

9 (2) *With* respect to those offenses specified in this subdivision
10 for which a fine is not authorized by other provisions of law, the
11 court shall, upon conviction, impose a fine in an amount not to
12 exceed ~~fifty dollars (\$50)~~ *two hundred dollars (\$200)*, which shall
13 constitute the increment prescribed by this section and which shall
14 be in addition to any other penalty prescribed by law.

15 (b) The county treasurer shall maintain a criminalistics
16 laboratories fund. The sum of ~~fifty dollars (\$50)~~ *two hundred*
17 *dollars (\$200)* shall be deposited into the fund for every conviction
18 under Section 11350, 11351, 11351.5, 11352, 11355, 11358, 11359,
19 11361, 11363, 11364, 11368, 11375, 11377, 11378, 11378.5,
20 11379, 11379.5, 11379.6, 11380, ~~11380.5~~, 11382, 11383, 11390,
21 11391, or 11550, subdivision (a) or (c) of Section 11357, or
22 subdivision (a) of Section 11360 of this code, ~~or Section 4230 of~~
23 ~~the Business and Professions Code~~, in addition to fines, forfeitures,
24 and other moneys which are transmitted by the courts to the county
25 treasurer pursuant to Section 11502. The deposits shall be made
26 prior to any transfer pursuant to Section 11502. The county may
27 retain an amount of this money equal to its administrative cost
28 incurred pursuant to this section. Moneys in the criminalistics
29 laboratories fund shall, except as otherwise provided in this section,
30 be used exclusively to fund (1) costs incurred by criminalistics
31 laboratories providing microscopic and chemical analyses for
32 controlled substances, in connection with criminal investigations
33 conducted within both the incorporated or unincorporated portions
34 of the county, (2) the purchase and maintenance of equipment for
35 use by these laboratories in performing the analyses, and (3) for
36 continuing education, training, and scientific development of
37 forensic scientists regularly employed by these laboratories.
38 Moneys in the criminalistics laboratory fund shall be in addition
39 to any allocations pursuant to existing law. As used in this section,
40 “criminalistics laboratory” means a laboratory operated by, or

1 under contract with, a city, county, or other public agency,
 2 including a criminalistics laboratory of the Department of Justice,
 3 (1) which has not less than one regularly employed forensic
 4 scientist engaged in the analysis of solid-dose controlled
 5 substances, and (2) which is registered as an analytical laboratory
 6 with the Drug Enforcement Administration of the United States
 7 Department of Justice for the possession of all scheduled controlled
 8 substances. In counties served by criminalistics laboratories of the
 9 Department of Justice, amounts deposited in the criminalistics
 10 laboratories fund, after deduction of appropriate and reasonable
 11 county overhead charges not to exceed 5 percent attributable to
 12 the collection thereof, shall be paid by the county treasurer once
 13 a month to the Controller for deposit into the state General Fund,
 14 and shall be excepted from the expenditure requirements otherwise
 15 prescribed by this subdivision.

16 (c) The county treasurer shall, at the conclusion of each fiscal
 17 year, determine the amount of any funds remaining in the special
 18 fund established pursuant to this section after expenditures for that
 19 fiscal year have been made for the purposes herein specified. The
 20 board of supervisors may, by resolution, assign the treasurer's duty
 21 to determine the amount of remaining funds to the auditor or
 22 another county officer. The county treasurer shall annually
 23 distribute those surplus funds in accordance with the allocation
 24 scheme for distribution of fines and forfeitures set forth in Section
 25 11502.

26 SEC. 3. Section 100425 of the Health and Safety Code is
 27 amended to read:

28 100425. (a) The fees or charges for the issuance or renewal
 29 of any permit, license, registration, or document pursuant to
 30 Sections 1639.5, 1676, 1677, ~~2202~~, 2805, ~~11887, 100860, 103625,~~
 31 106700, 106890, 106925, 107080, 107090, 107095, 107160,
 32 110210, 110470, 111130, 111140, 111630, 112405, 112510,
 33 112750, 112755, 113060, 113065, ~~113845, 114056,~~ 114065,
 34 ~~paragraph (2) of subdivision (c) of Section 114090, Section~~
 35 ~~114140, subdivision (b) of Section 114290, Sections 114367,~~
 36 115035, 115065, 115080, 116205, 117923, 117995, 118045,
 37 118210, and 118245 shall be adjusted annually by the percentage
 38 change printed in the Budget Act for those items appropriating
 39 funds to the state department. After the first annual adjustment of
 40 fees or charges pursuant to this section, the fees or charges subject

1 to subsequent adjustment shall be the fees or charges for the prior
2 calendar year. The percentage change shall be determined by the
3 Department of Finance, and shall include at least the total
4 percentage change in salaries and operating expenses of the state
5 department. However, the total increase in amounts collected under
6 this section shall not exceed the total increased cost of the program
7 or service provided.

8 (b) The state department shall publish annually a list of the
9 actual numerical fee charges for each permit, license, certification,
10 or registration governed by this section.

11 (c) This adjustment of fees and publication of the fee list shall
12 not be subject to the requirements of Chapter 3.5 (commencing
13 with Section 11340) of Part 1 of Division 3 of Title 2 of the
14 Government Code.

15 SEC. 4. Section 100430 of the Health and Safety Code is
16 amended to read:

17 100430. (a) (1) The fees or charges for a record search or for
18 the issuance of any license, permit, registration, or any other
19 document pursuant to Section ~~26832~~ or 26840 of the Government
20 Code, or Section 102525, 102625, 102670, 102725, 102750,
21 103040.1, 103050, 103065, 103225, 103325, 103400, 103425,
22 103450, 103525, 103590, ~~103625~~, 103650, 103675, 103690,
23 103695, 103700, 103705, 103710, 103715, 103720, 103725, or
24 103735 of this code, may be adjusted annually by the percentage
25 change determined pursuant to Section 100425.

26 (2) The base amount to be adjusted shall be the statutory base
27 amount of the fee or charge plus the sum of the prior adjustments
28 to the statutory base amount. Whenever the statutory base amount
29 is amended, the base amount shall be the new statutory base amount
30 plus the sum of adjustments to the new statutory base amount
31 calculated subsequent to the statutory base amendment. The actual
32 dollar fee or charge shall be rounded to the next highest whole
33 dollar.

34 (b) Beginning January 1, 1983, the department shall annually
35 publish a list of the actual numerical fee charges as adjusted
36 pursuant to this section. This adjustment of fees and the publication
37 of the fee list shall not be subject to the requirements of Chapter
38 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
39 Title 2 of the Government Code.

1 SEC. 5. Section 103625 of the Health and Safety Code, as
2 amended by Section 9 of Chapter 529 of the Statutes of 2010, is
3 amended to read:

4 103625. (a) A fee of ~~three dollars (\$3)~~ *twelve dollars (\$12)*
5 shall be paid by the applicant for a certified copy of a fetal death
6 or death record.

7 (b) (1) A fee of ~~three dollars (\$3)~~ *twelve dollars (\$12)* shall be
8 paid by a public agency or licensed private adoption agency
9 applicant for a certified copy of a birth certificate that the agency
10 is required to obtain in the ordinary course of business. A fee of
11 ~~nine dollars (\$9)~~ *eighteen-dollar (\$18)* shall be paid by any other
12 applicant for a certified copy of a birth certificate. Four dollars
13 (\$4) of any ~~nine-dollar (\$9)~~ *eighteen-dollar (\$18)* fee is exempt
14 from subdivision (e) and shall be paid either to a county children's
15 trust fund or to the State Children's Trust Fund, in conformity with
16 Article 5 (commencing with Section 18965) of Chapter 11 of Part
17 6 of Division 9 of the Welfare and Institutions Code. Two dollars
18 (\$2) of any ~~nine-dollar (\$9)~~ *eighteen-dollar (\$18)* fee is exempt
19 from subdivision (e) and shall be paid to the Umbilical Cord Blood
20 Collection Program Fund in conformity with Section 1628.

21 (2) The board of supervisors of any county that has established
22 a county children's trust fund may increase the fee for a certified
23 copy of a birth certificate by up to three dollars (\$3) for deposit in
24 the county children's trust fund in conformity with Article 5
25 (commencing with Section 18965) of Chapter 11 of Part 6 of
26 Division 9 of the Welfare and Institutions Code.

27 (c) A fee of three dollars (\$3) shall be paid by a public agency
28 applicant for a certified copy of a marriage record, that has been
29 filed with the county recorder or county clerk, that the agency is
30 required to obtain in the ordinary course of business. A fee of six
31 dollars (\$6) shall be paid by any other applicant for a certified
32 copy of a marriage record that has been filed with the county
33 recorder or county clerk. Three dollars (\$3) of any six-dollar (\$6)
34 fee is exempt from subdivision (e) and shall be transmitted monthly
35 by each local registrar, county recorder, and county clerk to the
36 state for deposit into the General Fund as provided by Section
37 1852 of the Family Code.

38 (d) A fee of three dollars (\$3) shall be paid by a public agency
39 applicant for a certified copy of a marriage dissolution record
40 obtained from the State Registrar that the agency is required to

1 obtain in the ordinary course of business. A fee of six dollars (\$6)
2 shall be paid by any other applicant for a certified copy of a
3 marriage dissolution record obtained from the State Registrar.

4 (e) Each local registrar, county recorder, or county clerk
5 collecting a fee pursuant to subdivisions (a) to (d), inclusive, shall
6 transmit 15 percent of the fee for each certified copy to the State
7 Registrar by the 10th day of the month following the month in
8 which the fee was received.

9 (f) In addition to the fees prescribed pursuant to subdivisions
10 (a) to (d), inclusive, all applicants for certified copies of the records
11 described in those subdivisions shall pay an additional fee of three
12 dollars (\$3), that shall be collected by the State Registrar, the local
13 registrar, county recorder, or county clerk, as the case may be.

14 (g) The local public official charged with the collection of the
15 additional fee established pursuant to subdivision (f) may create
16 a local vital and health statistics trust fund. The fees collected by
17 local public officials pursuant to subdivision (f) shall be distributed
18 as follows:

19 (1) Forty-five percent of the fee collected pursuant to subdivision
20 (f) shall be transmitted to the State Registrar.

21 (2) The remainder of the fee collected pursuant to subdivision
22 (f) shall be deposited into the collecting agency's vital and health
23 statistics trust fund, except that in any jurisdiction in which a local
24 vital and health statistics trust fund has not been established, the
25 entire amount of the fee collected pursuant to subdivision (f) shall
26 be transmitted to the State Registrar.

27 (3) Moneys transmitted to the State Registrar pursuant to this
28 subdivision shall be deposited in accordance with Section 102247.

29 (h) Moneys in each local vital and health statistics trust fund
30 shall be available to the local official charged with the collection
31 of fees pursuant to subdivision (f) for the applicable jurisdiction
32 for the purpose of defraying the administrative costs of collecting
33 and reporting with respect to those fees and for other costs as
34 follows:

35 (1) Modernization of vital record operations, including
36 improvement, automation, and technical support of vital record
37 systems.

38 (2) Improvement in the collection and analysis of health-related
39 birth and death certificate information, and other community health
40 data collection and analysis, as appropriate.

1 (i) Funds collected pursuant to subdivision (f) shall not be used
 2 to supplant funding in existence on January 1, 2002, that is
 3 necessary for the daily operation of vital record systems. It is the
 4 intent of the Legislature that funds collected pursuant to subdivision
 5 (f) be used to enhance service to the public, to improve analytical
 6 capabilities of state and local health authorities in addressing the
 7 health needs of newborn children and maternal health problems,
 8 and to analyze the health status of the general population.

9 (j) Each county shall annually submit a report to the State
 10 Registrar by March 1 containing information on the amount of
 11 revenues collected pursuant to subdivision (f) in the previous
 12 calendar year and on how the revenues were expended and for
 13 what purpose.

14 (k) Each local registrar, county recorder, or county clerk
 15 collecting the fee pursuant to subdivision (f) shall transmit 45
 16 percent of the fee for each certified copy to which subdivision (f)
 17 applies to the State Registrar by the 10th day of the month
 18 following the month in which the fee was received.

19 (l) The additional three dollars (\$3) authorized to be charged to
 20 applicants other than public agency applicants for certified copies
 21 of marriage records by subdivision (c) may be increased pursuant
 22 to Section 114.

23 (m) In providing for the expiration of the surcharge on birth
 24 certificate fees on June 30, 1999, the Legislature intends that
 25 juvenile dependency mediation programs pursue ancillary funding
 26 sources after that date.

27 (n) This section shall remain in effect only until January 1, 2018,
 28 and as of that date is repealed, unless a later enacted statute, that
 29 is enacted before January 1, 2018, deletes or extends that date.

30 SEC. 6. Section 103625 of the Health and Safety Code, as
 31 added by Section 10 of Chapter 529 of the Statutes of 2010, is
 32 amended to read:

33 103625. (a) A fee of ~~three dollars (\$3)~~ *twelve dollars (\$12)*
 34 shall be paid by the applicant for a certified copy of a fetal death
 35 or death record.

36 (b) (1) A fee of ~~three dollars (\$3)~~ *twelve dollars (\$12)* shall be
 37 paid by a public agency or licensed private adoption agency
 38 applicant for a certified copy of a birth certificate that the agency
 39 is required to obtain in the ordinary course of business. A fee of
 40 ~~seven dollars (\$7)~~ *sixteen dollars (\$16)* shall be paid by any other

1 applicant for a certified copy of a birth certificate. Four dollars
2 (\$4) of any ~~seven-dollar (\$7)~~ *sixteen-dollar (\$16)* fee is exempt
3 from subdivision (e) and shall be paid either to a county children's
4 trust fund or to the State Children's Trust Fund, in conformity with
5 Article 5 (commencing with Section 18965) of Chapter 11 of Part
6 6 of Division 9 of the Welfare and Institutions Code.

7 (2) The board of supervisors of any county that has established
8 a county children's trust fund may increase the fee for a certified
9 copy of a birth certificate by up to three dollars (\$3) for deposit in
10 the county children's trust fund in conformity with Article 5
11 (commencing with Section 18965) of Chapter 11 of Part 6 of
12 Division 9 of the Welfare and Institutions Code.

13 (c) A fee of three dollars (\$3) shall be paid by a public agency
14 applicant for a certified copy of a marriage record, that has been
15 filed with the county recorder or county clerk, that the agency is
16 required to obtain in the ordinary course of business. A fee of six
17 dollars (\$6) shall be paid by any other applicant for a certified
18 copy of a marriage record that has been filed with the county
19 recorder or county clerk. Three dollars (\$3) of any six-dollar (\$6)
20 fee is exempt from subdivision (e) and shall be transmitted monthly
21 by each local registrar, county recorder, and county clerk to the
22 state for deposit into the General Fund as provided by Section
23 1852 of the Family Code.

24 (d) A fee of three dollars (\$3) shall be paid by a public agency
25 applicant for a certified copy of a marriage dissolution record
26 obtained from the State Registrar that the agency is required to
27 obtain in the ordinary course of business. A fee of six dollars (\$6)
28 shall be paid by any other applicant for a certified copy of a
29 marriage dissolution record obtained from the State Registrar.

30 (e) Each local registrar, county recorder, or county clerk
31 collecting a fee pursuant to subdivisions (a) to (d), inclusive, shall
32 transmit 15 percent of the fee for each certified copy to the State
33 Registrar by the 10th day of the month following the month in
34 which the fee was received.

35 (f) In addition to the fees prescribed pursuant to subdivisions
36 (a) to (d), inclusive, all applicants for certified copies of the records
37 described in those subdivisions shall pay an additional fee of three
38 dollars (\$3), that shall be collected by the State Registrar, the local
39 registrar, county recorder, or county clerk, as the case may be.

1 (g) The local public official charged with the collection of the
2 additional fee established pursuant to subdivision (f) may create
3 a local vital and health statistics trust fund. The fees collected by
4 local public officials pursuant to subdivision (f) shall be distributed
5 as follows:

6 (1) Forty-five percent of the fee collected pursuant to subdivision
7 (f) shall be transmitted to the State Registrar.

8 (2) The remainder of the fee collected pursuant to subdivision
9 (f) shall be deposited into the collecting agency's vital and health
10 statistics trust fund, except that in any jurisdiction in which a local
11 vital and health statistics trust fund has not been established, the
12 entire amount of the fee collected pursuant to subdivision (f) shall
13 be transmitted to the State Registrar.

14 (3) Moneys transmitted to the State Registrar pursuant to this
15 subdivision shall be deposited in accordance with Section 102247.

16 (h) Moneys in each local vital and health statistics trust fund
17 shall be available to the local official charged with the collection
18 of fees pursuant to subdivision (f) for the applicable jurisdiction
19 for the purpose of defraying the administrative costs of collecting
20 and reporting with respect to those fees and for other costs as
21 follows:

22 (1) Modernization of vital record operations, including
23 improvement, automation, and technical support of vital record
24 systems.

25 (2) Improvement in the collection and analysis of health-related
26 birth and death certificate information, and other community health
27 data collection and analysis, as appropriate.

28 (i) Funds collected pursuant to subdivision (f) shall not be used
29 to supplant funding in existence on January 1, 2002, that is
30 necessary for the daily operation of vital record systems. It is the
31 intent of the Legislature that funds collected pursuant to subdivision
32 (f) be used to enhance service to the public, to improve analytical
33 capabilities of state and local health authorities in addressing the
34 health needs of newborn children and maternal health problems,
35 and to analyze the health status of the general population.

36 (j) Each county shall annually submit a report to the State
37 Registrar by March 1 containing information on the amount of
38 revenues collected pursuant to subdivision (f) in the previous
39 calendar year and on how the revenues were expended and for
40 what purpose.

1 (k) Each local registrar, county recorder, or county clerk
2 collecting the fee pursuant to subdivision (f) shall transmit 45
3 percent of the fee for each certified copy to which subdivision (f)
4 applies to the State Registrar by the 10th day of the month
5 following the month in which the fee was received.

6 (l) The additional three dollars (\$3) authorized to be charged to
7 applicants other than public agency applicants for certified copies
8 of marriage records by subdivision (c) may be increased pursuant
9 to Section 114.

10 (m) In providing for the expiration of the surcharge on birth
11 certificate fees on June 30, 1999, the Legislature intends that
12 juvenile dependency mediation programs pursue ancillary funding
13 sources after that date.

14 (n) This section shall become operative on January 1, 2018.

15 SEC. 7. Section 1463.14 of the Penal Code is amended to read:

16 1463.14. (a) (1) Notwithstanding the provisions of Section
17 1463, of the moneys deposited with the county treasurer pursuant
18 to Section 1463, fifty dollars (\$50) of each fine collected for each
19 conviction of a violation of Section 23103, 23104, 23105, 23152,
20 or 23153 of the Vehicle Code shall be deposited in a special
21 account that shall be used exclusively to pay for the cost of
22 performing for the county, or a city or special district within the
23 county, analysis of blood, breath or urine for alcohol content or
24 for the presence of drugs, or for services related to that testing.
25 The sum shall not exceed the reasonable cost of providing the
26 services for which the sum is intended.

27 ~~On~~

28 (2) *On* November 1 of each year, the treasurer of each county
29 shall determine those moneys in the special account that were not
30 expended during the preceding fiscal year, and shall transfer those
31 moneys into the general fund of the county. The board of
32 supervisors may, by resolution, assign the treasurer's duty to
33 determine the amount of money that was not expended to the
34 auditor or another county officer. The county may retain an amount
35 of that money equal to its administrative cost incurred pursuant to
36 this section, and shall distribute the remainder pursuant to Section
37 1463. If the account becomes exhausted, the public entity ordering
38 a test performed pursuant to this subdivision shall bear the costs
39 of the test.

1 (b) The board of supervisors of a county may, by resolution,
2 authorize an additional penalty upon each defendant convicted of
3 a violation of Section 23103, 23104, 23105, 23152, or 23153 of
4 the Vehicle Code, of an amount equal to the cost of testing for
5 alcohol content *or for the presence of drugs, or for services related*
6 *to that testing*, less the fifty dollars (\$50) deposited as provided in
7 subdivision (a). The additional penalty authorized by this
8 subdivision shall be imposed only in those instances where the
9 defendant has the ability to pay, but in no case shall the defendant
10 be ordered to pay a penalty in excess of ~~fifty dollars (\$50)~~ *two*
11 *hundred dollars (\$200)*. The penalty authorized shall be deposited
12 directly with the county, or city or special district within the county,
13 that performed the test, in the special account described in
14 subdivision (a), and shall not be the basis for an additional
15 assessment pursuant to Section 1464, or Chapter 12 (commencing
16 with Section ~~76010~~ 76000) of Title 8 of the Government Code.

17 For purposes of this subdivision, “ability to pay” means the
18 overall capability of the defendant to pay the additional penalty
19 authorized by this subdivision, taking into consideration all of the
20 following:

21 (1) Present financial obligations, including family support
22 obligations, and fines, penalties, and other obligations to the court.

23 (2) Reasonably discernible future financial position over the
24 next 12 months.

25 (3) Any other factor or factors that may bear upon the
26 defendant’s financial ability to pay the additional penalty.

27 (c) The Department of Justice shall promulgate rules and
28 regulations to implement the provisions of this section.

29 SEC. 8. Section 903.15 of the Welfare and Institutions Code
30 is amended to read:

31 903.15. (a) The parent of any minor, or other person who is
32 liable for the support of the minor, on whose behalf a petition is
33 filed pursuant to Section 601 or 602, when the minor is represented
34 by appointed counsel, shall be assessed a *reasonable* registration
35 fee not to exceed ~~twenty-five dollars (\$25)~~ *fifty dollars (\$50)* at
36 the time the legal services are provided. Notwithstanding this
37 subdivision, no fee shall be required of any parent or other person
38 who is financially unable to pay the fee.

39 (b) At the time of appointment of counsel by the court, or upon
40 commencement of representation by the public defender, if prior

1 to court appointment, the parent or other person who is liable for
2 the support of the minor shall be asked if he or she is financially
3 able to pay the registration fee or any portion thereof. If the parent
4 or other person indicates that he or she is able to pay the fee or a
5 portion thereof, the court or public defender shall make an
6 assessment in accordance with ability to pay. No fee shall be
7 assessed against any parent or other person who asserts that he or
8 she is unable to pay the fee or any portion thereof. No other inquiry
9 concerning the parent's or other person's ability to pay shall be
10 made until proceedings are held pursuant to Section 903.45.

11 (c) No minor shall be denied the assistance of appointed counsel
12 due solely to the failure of the parent or other person to pay the
13 registration fee. The registration fee shall be a joint and several
14 liability of the parent or other person who is liable for the support
15 of the minor. An order to pay the registration fee may be enforced
16 in the manner provided for enforcement of civil judgments
17 generally, but may not be enforced by contempt.

18 (d) The fact that a parent or other person who is liable for the
19 support of the minor has or has not been assessed a fee pursuant
20 to this section shall have no effect in any later proceedings held
21 pursuant to Section 903.1 or 903.45, except that the parent or other
22 person shall be given credit for any amounts paid as a registration
23 fee toward any assessment imposed pursuant to Section 903.1 or
24 903.45 for legal services.

25 (e) This section shall be operative in a county only upon the
26 adoption of a resolution or ordinance by the board of supervisors
27 electing to establish the registration fee and setting forth the manner
28 in which the funds shall be collected and distributed. Collection
29 procedures, accounting measures, and the distribution of the funds
30 received pursuant to this section shall be within the discretion of
31 the board of supervisors.

O



MEMORANDUM

March 14, 2011

1100 K Street
Suite 101
Sacramento
California
95814
Telephone
916.327-7500
Facsimile
916.441.5507

To: John Tavaglione, President
California State Association of Counties

Board of Directors
California State Association of Counties

From: Paul McIntosh
Executive Director

Re: CSAC County Employee Health Care Benefits Program Proposal

Background

Providing health care benefits to employees, their families and annuitants is a major cost factor for California's counties. Many larger counties provide that benefit through self-insurance, which enables them to contain program costs and flexibility while sustaining a significant benefit. Many suburban and rural counties, though, provide this benefit by contracting with the California Public Employees Retirement System (CalPERS). In fact, 28 of California's 58 counties currently contract with CalPERS.

Over the past decade, these counties have experienced extreme frustration in their relationship with CalPERS. Counties have no input into the setting of rates or the structure of the health care program. Furthermore, because of a five-year opt out period required by CalPERS, counties have no flexibility to shop for competitive products in the health care market.

Against this backdrop, I commissioned a feasibility study to determine the relative risk of CSAC establishing an Employee Health Insurance Benefit Pool. That analysis is attached and finds that indeed such a pool is not only possible, it has the potential of saving California counties significant resources, while at the same time providing CSAC with an additional, sustained revenue stream to support other programs and services.

Many state associations provide employee health benefit pools and I have held conversations with my colleagues regarding their experiences and approach. The model I am proposing is employed by the Texas Association of Counties. This model would provide that CSAC, through a separate not-for-profit corporation, licensed in health care brokerage, would administer the pool, processing claims and managing the benefits plan.

The goal of the program would be to enable participating agencies to have as much flexibility in structuring their employee health care program as possible to manage costs and meet employee needs. Participating agencies would have a significant voice in the program through the advisory committee and/or board of directors. Savings could be achieved through plan management, claims processing management, pharmaceutical options and the incentive and opportunity to introduce preventative programs such as

smoking cessation and wellness programs. Finally, the program may provide assistance to member agencies in cushioning the impact of health care reform.

CSAC would also benefit from establishing such a program. The corporation would lease office space in the Ransohoff Building and pay CSAC for marketing and licensing, as well as administrative support. The program would assist in keeping member dues to a minimum and support the many beneficial programs provided to association members and would increase member loyalty to the association.

Proposal

It is proposed that CSAC establish the California State Association of Counties County Employee Health Insurance Benefits Pool Corporation. This entity would be incorporated under section 501(c)(3) of the Internal Revenue Service Code and would be a licensed health care broker under California law. To meet initial timelines and establish the program, CSAC would contract with a Third Party Administrator (TPA) with a goal of transitioning to CSAC management over a two-year time frame. Eventually, CSAC would hire a Director and appropriate claims management staff, which would be housed in the Ransohoff Building.

A board of directors, consisting of county and CSAC officials would oversee operations of the corporation, similar to the Finance Corporation Board of Directors, and an advisory committee would be established, comprised of labor and management representatives from counties participating in the pool. The corporation would offer employee benefits packages that would include health, dental and vision care, and in consultation with the advisory committee, would determine benefits levels, co-pays and other plan elements.

Through limited discussion with county administrative officers Madera, Nevada, Shasta and Butte Counties have expressed strong interest in participating. These counties all participate in the CalPERS plan and represent nearly 15,000 insured lives – well over the minimum threshold identified in the study. Merced and Fresno Counties have also expressed an interest.

While the pool would initially target CalPERS counties for participation, there is no known limit to the participants. The pool could ultimately be opened up to any public agency, including special districts, schools and cities.

Timeline

The corporation would be established upon approval by the Board of Directors and a TPA selected soon thereafter. During this period, CSAC staff would be working with potential pool participants to structure the benefits plan. Pool participants would need to be identified by July 2011 to provide sufficient time for bargaining with their labor representatives, if necessary, on a potential change in benefits with plan changes taking effect on January 1, 2012.

Costs

The corporation would be entirely self-sufficient with the costs of administration spread throughout the pool. The corporation would pay CSAC a management and licensing fee, along with costs of administrative support and rental of office space. CSAC would have initial exposure for the hiring of the Third Party Administrator during plan preparation. The estimate for this cost is \$125,000. It is recommended that these costs

be considered a loan to the Health Pool Corporation, repaid with interest over a three year period.

Other Considerations

During discussion of this item by the Executive Committee concerns were raised regarding any liability of CSAC and the risks of undertaking this program. There would not be any liability for CSAC related to this program, similar that there is no liability to CSAC in its' relationship with the CSAC Finance Corporation, California Communities or the California Statewide Community Development Authority (CSCDA). The Health Insurance Pool would stand alone as a corporation and relationships with CSAC would be contractual in nature.

Similarly, there are no risks to CSAC associated with this program, other than the potential loss of the funds loaned to provide the Third Party Administrator during the start-up phase. Careful monitoring of that phase would limit that exposure. Individual counties would have to weigh the risk of joining the pool against their current health insurance model. It would be incumbent upon CSAC, and indeed is the primary goal of the program, to be competitive and provide California counties with a viable alternative.

Attachment

MEMORANDUM

Date: March 3, 2011

To: Paul McIntosh, Director
Jim Wiltshire, Deputy Director

From: Michael Corbett, Consultant

Re: Health Plan Consultation

On February 15, I met with Barbara Olivier and Shawn Atin, Riverside County's Human Resources Director and Assistant Human Resources Director, respectively, to discuss the county's health benefits program. A lengthy discussion with those two well informed individuals revealed the following regarding their experiences with implementing and operating a health care benefits plan:

- It is essential to get labor and management together in order to secure labor support for any new health benefits program that will be offered to county employees. In the case of Riverside County, it formed a Labor-Management Committee that was chaired by the Director of Human Resources and included representatives from the various county employee bargaining units.
- The Riverside County program was initially offered as a side plan with the existing CalPERS offerings. That approach facilitates a phased-in approach, although CalPERS may no longer allow such an arrangement.
- The county's incentive to create its own plan was predicated on its desire to avoid having to pay increases in health care costs levied by CalPERS.
- The county's program is providing health care to employees at rates significantly lower than that available under CalPERS.
- The county started its plan with a mere 200 members; it now has one-third of county's employees in the plan.
- At its inception, the plan went after healthy people and manipulated rates to attract young families.
- The county's plan made certain that its initial rates were lower than those available under CalPERS.
- Consideration should be given to whether it wants to plan to cover retirees.

Ms. Olivier and Mr. Atin gave the following admonitions and considerations regarding any entity contemplating moving into the health care arena:

- A network with favorable rates is crucial in a competitive environment.
- It may be necessary to contract outside the network, especially if the plan is to provide coverage to retirees who live outside the network's coverage area.
- There must be flexibility to accommodate individuals who go outside the network.
- There will be ongoing challenges to contain costs.
- The specter of federal health care reform needs to be considered before moving ahead because the offerings and price points of other providers is an unknown.
- Under federal health care reform, will the plan be an exchange at its inception or at some point in the future?
- The plan will need to give members access to specialists.
- The plan may find it difficult to find doctors who will accept low rates.
- The two biggest challenges may be constraints brought about under federal health care reform and the fact that CalPERS providers are prohibited by contract from bidding on prospective contracts with entities currently under contract with CalPERS.



NOVEMBER 2010

FEASIBILITY STUDY FOR CSAC TO ESTABLISH
PROSPECTIVE HEALTH CARE BENEFITS PROGRAM
FOR COUNTIES CURRENTLY UNDER CONTRACTS WITH CalPERS

By Quang Thi Ho



**FEASIBILITY STUDY FOR CSAC TO ESTABLISH PROSPECTIVE
HEALTH CARE BENEFITS PROGRAM FOR COUNTIES
CURRENTLY UNDER CONTRACTS WITH CalPERS**

1. Overview

- 1.1. Audience
- 1.2. Objectives
- 1.3. Executive Summary
- 1.4. Background
- 1.5. Assumptions

2. Objectives Analysis

- 2.1. Objective 1: Feasibility
- 2.2. Objective 2: Actions required
- 2.3. Objective 3: Key challenges
- 2.4. Objective 4: Key benefits

3. Summary Recommendations

4. Exhibits

- 4.1. California Counties in PEMCHA
- 4.2. Cal. Admin. Code tit. 2, § 599.515
- 4.3. County of Lake Memorandum, Ceasing to be Subject to PEMCHA
- 4.4. Resolution Template
- 4.5. CalPERS Circular Letter, June 29, 2010

FEASIBILITY STUDY FOR CSAC TO ESTABLISH PROSPECTIVE HEALTH CARE BENEFITS PROGRAM FOR COUNTIES CURRENTLY UNDER CONTRACTS WITH CalPERS

1. OVERVIEW

1.1 Audience

This feasibility study is addressed to Paul McIntosh, Executive Director of CSAC.

1.2 Objectives

1. Determine whether or not it is possible for California counties currently under contract with CalPERS or other California health care benefit program providers to transition to a health care benefit program offered by CSAC.
2. Identify the actions required for counties to exit their current contracts.
3. Identify the key challenges for counties looking to transition out of CalPERS.
4. Identify the key benefits for counties looking to transition to a CSAC program.

1.3 Executive Summary

On an annual basis California counties currently under contract with other health care providers can transition to a CSAC health care benefit program by canceling their current contract and then contracting with CSAC.

The motivation to transition to CSAC is driven by two major factors:

- 1) Cost savings, and
- 2) Flexibility and ability to control benefit plan development.

The key barriers to transitioning to CSAC are:

- 1) Lead-time;
- 2) Competitive cost and benefit package;
- 3) Potentially difficult negotiations with county employee bargaining units, and
- 4) CSAC's program stability or lack thereof.

1.4 Background

Currently the California Association of Counties (CSAC) is analyzing California's public sector health care marketplace in order to determine whether or not to establish a health care benefit program for its members: California counties' employees, their dependents, and annuitants. The motivation to examine this opportunity is to a) offer its members a financial savings given the power of a collective financial pool, and b) offer its members a competitive or better level of health care products and services than currently available with CalPERS (California Public Employees' Retirement System).

At this time CalPERS administers health care benefits under PEMCHA (Public Employees' Medical and Hospital Care Act)¹ to nearly 1.3 million public sector employees, their dependents, and annuitants². Approximately fifty percent (28 of 58) of California's counties purchase their health care benefits through PEMCHA.

CalPERS is California's largest purchaser of public employee health benefits (the second largest in the nation after the federal government) and is perceived to set the standard for competitive benefits offered. *Because of its status as the market leader this feasibility study looks primarily at CalPERS as a control model for comparison.*

1.5 Assumptions

The development of this feasibility study takes into account the following assumptions:

1. Counties currently contracted with CalPERS are regularly (annually or bi-annually) reviewing and evaluating the cost/benefits and consumer satisfaction of the PEMCHA benefit package. In other words, they are either actively shopping for better health care benefits or are open to considering opportunities for shopping better health care benefits. The term "better" can be defined in terms of financial savings and/or greater products and services.
2. Counties will seriously consider a CSAC health care benefit program.
3. CSAC's primary prospect pool is currently contracted with CalPERS.
4. CSAC's most desirable prospect pool is rural and located in Northern California. This prospect pool represents approximately half of California's counties (28 of 58). *See Exhibit A for a complete list.*
5. CSAC can provide a better health care benefits program and maintain a cost benefit competitive with CalPERS.

¹ Established by the California Legislature in 1961.

² Source: www.calpers.ca.gov

2. OBJECTIVES ANALYSIS

2.1 Objective No.1

Determine whether or not it is possible for California counties currently under contract with CalPERS or other California health care benefit program providers to transition to a health care benefit program offered by CSAC.

All California health care benefit programs have an exit clause in their contracts, which allows the purchasing agency to exit the contract, effectively canceling all services and financial responsibility as per a designated date.

Although each individual benefit provider can designate unique criteria for cancellation, they all allow cancellation on an annual basis providing the cancellation criteria are met. There is no financial penalty for cancellation.

The key cancellation criterion for CalPERS includes³:

1. Cancellation can only be made after the contract has been in effect for five years.
2. Once cancelled, agencies will not be eligible to participate in the CalPERS program for five years after the termination date.
3. Cancellation must be made via resolution from the contracting agency's governing party.

2.2 Objective No. 2

Identify the actions required for counties to exit their current contracts with CalPERS.

1. Notification. Prior to cancellation with CalPERS, counties must notify and re-negotiate with all bargaining units affected by the cancellation. It is to be noted that each county can differ in its contractual setup with CalPERS. For example, in some cases all or some bargaining units are included under one umbrella resolution of the county's contract with CalPERS. In other cases the County may maintain separate contracts with CalPERS for different bargaining units, each under its own resolution. Therefore, bargaining units under separate resolutions are not required to cancel their contract with CalPERS if they choose not to.
2. Resolution. Cancellation must be made via resolution of the contracting agency's governing party. *See Exhibit C for a resolution template.*⁴

³ Source: www.calpers.ca.gov

⁴ Source: www.calpers.ca.gov

3. Cancellation Period. According to California Code § 599.515 (Contracting Agency Participation), section (e), a contracting agency may terminate its participation under PEMCHA by filing with CalPERS a resolution of the agency's governing body no later than 60 days after CalPERS Board of directors approves and announces its health care premiums for the following year. The termination will become effective at the end of the contract year.

CalPERS typically announce new premiums on/around June 1. Contract periods are according to the calendar year, January 1 to December 31.

See Exhibit B for the complete California Code § 599.515, Exhibit C for a Memorandum from Lake County regarding their exit from CalPERS, and Exhibit D for a 2010 CalPERS Circular regarding contract cancellation.

2.3 Objective No. 3

Identify the key challenges for counties looking to transition out of CalPERS

The following are six key issues that could pose a barrier for counties looking to transition from an existing contract with CalPERS.

1. Lead-time. A minimum of six months lead-time—generally January to June—is required in order to educate prospective county of the cost/benefits analysis of joining CSAC and affect the change. Once the transition has been agreed upon CSAC must allow counties time for the following:
 - a. Negotiations with the county's affected organizations (bargaining units);
 - b. Resolution of the governing body approving the change of health care benefits;
 - c. Notification period for withdrawal from the client's current contract. For example withdrawal from PEMCHA requires notice within 60 days of the announcement of the new premiums (typically mid-year) for effect January 1 of the following year.
2. Equal or better benefits. CSAC must be able to provide equal or better benefits than CalPERS.
3. Financial savings. In addition to general cost savings CSAC must be able to provide financial savings significant enough to override the cost of renegotiations with affected bargaining units, retraining and resetting related administrative processes/protocols.

4. Bargaining units. For some counties negotiations with affected bargaining units may delay or prevent a transition to CSAC.
5. Perception of CalPERS. Due to CalPERS' longevity and status as the largest buying pool for public employee benefits in California, there is a strong perception that CalPERS provides the most overall financial savings as well as the best package of products and services. Although the reality of this perception is false, the perception of CalPERS as the number one player in the marketplace must be addressed and overcome.
6. Stability and experience. Since CSAC will be putting together a brand new program it is unable to draw upon a history of experience and stability for providing health care benefits. Further, although some decision makers may concede that CalPERS' program is limited and may cost more, they may choose to contract with CalPERS due to its long-held experience and perceived stability with providing health care benefits believing that in the long-run the additional cost will be saved in ease-of-administration and execution.

2.4 Objective No. 4

Identify the key benefits for counties looking to transition to a CSAC program.

The following are key issues that could benefit counties looking to transition from an existing contract to CSAC.

1. Financial savings. Considered areas of financial savings include:
 - a. Overall cost of benefit premiums (calculation formula);
 - b. Increased options for employer contributions: For example, under the CalPERS program the contracting agency is required to contribute per active employee and annuitant based upon a contractual formula. For some counties these mandatory fees can be significant. Any flexibility or change in the amount of employer contribution could result in substantial overall savings;
 - c. Collective buying power through CSAC may garner further financial savings.
 - d. Reduced administrative cost and stop loss fees.
 - e. No premium tax.
 - f. Long-term rate stability.

2. Control over risk management. CSAC county members can more closely monitor and control risk management by assembling their own pooling arrangement. Further it spreads the risk over larger number of participants.
3. Flexibility and control over plan development. Because CSAC is assembling its own program it can achieve greater control over program benefits, which results in a stronger program in addition to potential cost savings. Since there are 58 counties in California that have a wide spectrum of actuarial influences (urban versus rural, large populations versus small, varying demographics, etc.) CalPERS' program does not offer the flexibility or benefits control that some counties—particularly more rural counties with limited nearby medical resources—both want and need to receive equal benefits and services. Some examples of these control points include:
 - a. Direct personal services: CSAC can choose a system that can provide a more personal, high-touch service to members, which results in higher consumer satisfaction. In addition, high-touch service can equal more consumer satisfaction, which can equal good marketing. Every positive encounter that a member has the more positive the impression of CSAC and their employer.
 - b. Emphasis on wellness. CSAC can create more emphasis on a wellness benefit program that in conjunction with a high-touch service can increase return on investment, improve morale, reduce absenteeism and generate fewer union grievances⁵.
 - c. Access to more providers. CSAC can assemble a program that provides access to more health care facilities, which is especially critical to rural counties that have a more limited number of facilities to choose from. Currently under the CalPERS program, rural counties are limited in the medical facilities covered within their regions.
4. Improved negotiations with bargaining units by being closer to the source of program development. County members create their own benefit programs directly whereas with CalPERS such control or customization is not available or difficult to achieve.

⁵ Source: County Association Health Programs, Jones Management Consulting

3. SUMMARY RECOMMENDATIONS

Based upon the information outlined in this study *it is possible* for California counties to move out of CalPERS and join a CSAC health care benefit program. This can be done within a 6-12 month timeframe.

But the critical subsequent question is *why* should counties transfer from CalPERS to CSAC?

In order to meet the needs of county government and its employees, CSAC will need to consider the following:

- a) Offer affordable health care benefits to county employees, the counties' most valuable resources;
- b) Encouraging counties in California to join together in a type of health benefit pooling arrangement to appropriately share reasonable risk, take advantage of economy of scale to reduce administrative costs and;
- c) Maintaining pricing stability for its county members. In order to achieve long term cost stability, health and wellness initiatives will be part of the benefit program development.

CSAC's health care benefits program should also provide a competitive cost savings *and* allow counties, particularly more rural counties, greater flexibility and control over program development. It cannot be emphasized enough that the hot points for counties are cost and control—counties want more control. Under CalPERS counties are plugging into a large machine that is unable to customize or address the needs of all of its customers

There are 28 counties with approximately over 75,000 covered lives currently receiving health benefits through CalPERS. Industry wisdom indicates that a minimum of 6,000 to 7,000 covered lives is needed to create a pool benefit program. Further, it has been known through NACo (National Association of Counties) that there are many well run health insurance benefit programs provided by State Associations of Counties. Thus there appears to be a potential market for CSAC.

However, in order for CSAC to succeed in this endeavor, it is going to require a lot of coordination and marketing efforts with lead time to inform and educate prospective counties. There are several key factors to consider in its due diligence approach.

1. Survey the market. It is essential to gather market intelligence about the needs of counties by performing a poll, a survey or workshop. This provides CSAC with definitive data to establish further details about counties' needs and hot spots. How many counties are interested in transitioning to CSAC? What products and

services are most important in consideration of a program package? What control points are most significant? What would their timeframe for transition be?

2. Hire industry expertise. Based upon the anecdotal recommendations of other states—such as Ohio and Texas—who have successfully assembled and executed their own benefits programs, hiring a consultant within the health care insurance industry is indispensable. The consultant can counsel on issues related to organizational development, financing, risk management and detailed benefit packages.
3. Broker partner. All insurance benefits must be provided through a licensed health care brokerage. It can take up to twelve months to interview and select an appropriate brokerage to service CSAC. It is to be noted that once CSAC has started with a brokerage it is likely to continue the relationship long-term and therefore, the selection process becomes key.
4. Create a new entity. An independent organization, whether non-profit or for-profit, should be created in order to finance and administer a healthcare benefits program. This organization will require the oversight of a Board of Directors, management team and staff to service county health care administrators as well as county employees exercising their benefits program.
5. Financing. Depending on the size of the start-up pool, start up funding requirements should be examined carefully. Seed monies may need to come from CSAC Finance Corporation as a loan; assembled and established benefit programs should be in advance of marketing to counties.
6. Start-up minimums. Industry wisdom indicates that a minimum of 6,000 covered lives is desired to setup a program. There are several counties listed in Exhibit A that would fit the minimum required. CSAC only needs to work with one or two of these counties in order to meet the covered lives minimum and begin a pilot program.
7. Marketing. CSAC must roll out a marketing plan to counties in order to educate and inform them of the benefits of their participation in the CSAC program. The roll out can take 6 to 12 months.
8. Timeline. The overall timeline—from initiation to program start—that is required for CSAC to establish a health care benefits program and enroll their pilot customers is approximately 12 to 24 months.

In conclusion, CSAC has an opportunity to create an affordable health care benefits program that counties can control themselves and thus provide better benefits to their employees while maintaining long-term cost stability.

EXHIBIT A

California Counties in PEMCHA⁶

County	No. Lives Covered
Amador	239
Butte	4119
Colusa	737
Contra Costa	2694
Glenn	1088
Humboldt	3812
Inyo	1095
Lassen	794
Madera	3063
Mariposa	1129
Modoc	637
Mono	878
Monterey	9781
Napa	3191
Nevada	2614
Placer	7101
Plumas	239
Riverside	2458
San Benito	1095
San Luis Obispo	5084
Santa Cruz	6352
Shasta	4901
Siskiyou	1698
Solano	5306
Trinity	1044
Tuolumne	1301
Yolo	3536
Yuba	1875

⁶ Source: CSAC

EXHIBIT B

Cal. Admin. Code tit. 2, § 599.515

Barclays Official California Code of Regulations

Title 2. Administration

Division 1. Administrative Personnel

Chapter 2. Board of Administration of Public Employees' Retirement System

Subchapter 3. Public Employees' Medical and Hospital Care Act Regulations

Full text of all sections at this level Article 1. Definitions, Coverage, Enrollment, Conversion, Minimum Standards, Alternative Benefit Plans, Contributions, Contingency Reserve Fund, Contracting Agency Participation and Medicare Part B

Current selection

Current selection § 599.515. Contracting Agency Participation.

(a) Resolution. The resolution of the governing board of a contracting agency electing to be subject to the Public Employees' Medical and Hospital Care Act shall be filed with the Health Benefits Division of the Public Employees' Retirement System. If such resolution is filed with the Health Benefits Division on or before the tenth day of any month, the contracting agency and its employees and annuitants will become subject to the Act on the first day of the following month. The effective date of participation where the resolution is received in the Health Benefits Division after the tenth day of any month shall be at midnight of the last day of the following month. The resolution shall designate an officer or employee of the agency who shall be responsible for distribution, receipt and forwarding to the Health Benefits Division enrollment forms for its employees and annuitants, the filing of reports and the transmission of contributions.

A resolution filed with the Health Benefits Division may be revoked by the filing of a resolution of the governing board in the Health Benefits Division no less than ninety days prior to the effective date specified in the resolution electing to be subject to the Public Employees' Medical and Hospital Care Act.

(b) Reports. The agency shall file in the Health Benefits Division on or before the tenth day of each month such reports covering the employees and annuitants enrolled as of the first day of the month as the Board may require, and the total contributions due for each. The report shall be accompanied by payment of the total of such contributions for employees and the employer contributions due for annuitants of the agency enrolled under the program and the employer contribution for administrative costs and the Public Employees' Contingency Reserve Fund.

(c) Enrollment. The contracting agency shall make available to its employees and annuitants information concerning health benefit plans and procedures for enrollment and the enrollment forms prescribed by the Board. It shall cause all properly executed enrollment forms to be transmitted promptly to the Health Benefits Division.

(d) Delinquency. The Executive Officer of the Board, upon failure of a contracting agency to perform any act required by the Meyers-Geddes State Employees' Medical and Hospital Care Act or these rules, shall on behalf of the Board, make demand for performance of such act on the agency pursuant to Section 22939 of the Meyers-Geddes State Employees' Medical and Hospital Care Act. If such demand is not satisfied, the Executive Officer shall refer the matter to the Board at its next meeting.

(1) The contributions required of a contracting agency, along with contributions withheld from salaries of its employees, shall be forwarded monthly, no later than the 10th day of the month for which the contribution is due.

(2) Interest on late payments:

(A) If a public agency fails to pay contributions due within the prescribed time, interest shall be charged upon the amount due from the due date until received by the System in Sacramento.

(B) The rate of interest to be charged shall be equal to the short-term interest rate for the coverage month due.

(3) Cost assessment for late reporting:

(A) If a public agency fails to file a remittance report as required by these regulations within the time period set forth, an assessment to recover the cost of follow-up and special accounting of \$25.00 for each report shall be made.

(B) If, in the opinion of the Executive Officer, such assessment is insufficient to meet the added costs because of special circumstances, he/she shall determine such costs and make an appropriate supplemental assessment.

(4) Time extension:

(A) A reasonable extension of time for filing remittance reports may be granted by the Executive Officer or designee whenever good cause exists.

(e) Termination. A contracting agency may terminate its participation under the Public Employees' Medical and Hospital Care Act by filing with the Board a resolution passed by a majority vote of its governing body. The resolution electing to terminate must be filed with the Health Benefits Division of the Public Employees' Retirement System no later than 60 days after the Board of Administration approves and announces the health plan premium rates for the following year. The termination becomes effective at the end of the current contract year. The election to terminate is irrevocable after the filing of the resolution, and a resolution electing to be subject to the Public Employees' Medical and Hospital Care Act may not be filed thereafter within five years of the termination date.

Note: Authority cited: Sections 20121, 22794, 22796, 22800, 22830, 22831 and 22846(a), Government Code. Reference: Sections 22901 and 22922-22939, Government Code.

HISTORY

1. Amendment of subsection (e) filed 8-5-76; effective thirtieth day thereafter (Register 76, No. 32). For prior history, see Register 75, No 12.
 2. Amendment of subsections (a), (b) and (c) filed 6-27-80; designated effective 8-1-80 (Register 80, No. 26).
 3. Amendment filed 6-9-86; effective thirtieth day thereafter (Register 86, No. 24).
 4. Amendment of subsection (e) filed 4-3-2003 as an emergency; operative 4-3-2003 (Register 2003, No. 14). A Certificate of Compliance must be transmitted to OAL by 8-1-2003 or emergency language will be repealed by operation of law on the following day.
 5. Certificate of Compliance as to 4-3-2003 order transmitted to OAL 7-9-2003 and filed 8-18-2003 (Register 2003, No. 34).
 6. Amendment of subsection (e) filed 8-4-2004; operative 8-4-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 32).
 7. Change without regulatory effect amending subsection (d) and Note filed 10-31-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 44).
- 2 CCR § 599.515, 2 Previous TermCA ADC § 599Next Term.Previous Term515 Next Term

This database is current through 9/24/10 Register 2010, No. 39

EXHIBIT C



County of Lake

Human Resources

Memorandum

Date: July 6, 2010

To: The Honorable Board of Supervisors

From: Kathy Ferguson
Human Resources Director

Re: Ceasing to be Subject to the Public Employee's Medical and Hospital Care Act (PEMHCA)

As your Board is aware, rising health care costs and health insurance premiums are a concern for employers and employees alike. The County's Group Insurance Committee annually reviews alternatives to the County's current health plan coverage with CalPERS, considering premium rates, plan offerings and design, risk pools, and plan stability.

By a majority vote, the Group Insurance Committee has recommended that the County of Lake withdraw from CalPERS for health benefit coverage in 2011 and move to the EIA Health. The EIA Health plan is sponsored by CSAC EIA and brokered by Alliant Insurance Services, Inc. EIA Health not only provides employees and the County with more competitive premium rates for like coverage, but it also allows the County to control plan design, which we are unable to do with CalPERS health plans. EIA Health requires a three-year initial commitment, during which time the County is guaranteed the pool rate increases.

In order to leave CalPERS for health benefits, CalPERS requires that a resolution be submitted by the public agency's governing board to terminate participation in the Public Employee's Medical and Hospital Care Act (PEMHCA). This resolution must be received by CalPERS no later than 5:00pm on August 16, 2010. This action is irrevocable after filing with CalPERS and the re-entry period to PEMHCA is five years from the termination date.

The attached resolution, electing to cease being subject to PEMHCA after December 31, 2010, is submitted for your review and consideration. Staff and the majority of the Group Insurance Committee recommend your approval and authorization of the Chair to sign this resolution.

EXHIBIT D

BOARD OF SUPERVISORS, *(County Name)*, STATE OF CALIFORNIA

RESOLUTION NO. _____

A RESOLUTION ELECTING TO CEASE TO BE SUBJECT TO THE PUBLIC EMPLOYEE'S
MEDICAL AND HOSPITAL CARE ACT ONLY WITH RESPECT TO *(Group Name)*

WHEREAS, Government Code Section 22938 provides that a local agency which has elected to be subject to the Public Employees' Medical and Hospital Care Act may cease to be so subject by proper application by the local agency; and

WHEREAS, the *(County Name)*, State of California herein referred to as Public Agency is a local agency which has elected to be subject to the provisions of the Act;

NOW, THEREFORE BE IT RESOLVED, that the Public Agency elects, and does hereby elect, to cease to be subject to the provisions of the Act with respect to *(Group Name)*, and

BE IT FURTHER RESOLVED, that such coverage of the Act cease on
December 31, **20XX**.

This resolution was passed and adopted by the Board of Supervisors of the *(County Name)*, at a regular meeting thereof on _____, **20XX** by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

Attachment E



P.O. Box 942714
Sacramento, CA 94229-2714
(888) CalPERS (888-225-7377)
TDD – (916) 795-3240
www.calpers.ca.gov

Date: June 29, 2010
Reference No.:

Circular Letter No.: 600-037-10
Distribution: IIB & VII

Special:

Circular Letter

TO: ALL PEMHCA CONTRACTING AGENCY HEALTH BENEFIT OFFICERS & ASSISTANT HEALTH BENEFIT OFFICERS

SUBJECT: CALPERS CONTRACTING AGENCY ADMINISTRATIVE FEE FOR FISCAL YEAR 2010/2011, RESOLUTION CHANGE PROCESS, AND BILLING CUT-OFF DATES

ADMINISTRATIVE FEE FOR FISCAL YEAR 2010/2011

Effective July 1, 2010, the CalPERS Board of Administration set the Public Employees' Medical and Hospital Care Act (PEMHCA) administrative fee to 0.37 percent. The administrative fee is calculated on total active and total retired health premiums each month.

Upon passage of the State of California's fiscal year 2010-11 budget, this new administrative fee will become law, and reflected in a future health premium invoice. The new administrative fee and a retroactive adjustment will be reflected in a line item under the description "Administrative Costs."

CONTRACTING AGENCY RESOLUTION CHANGE PROCESS

Agencies wanting to change current resolutions based on new premiums, modified Memorandum of Understanding (MOUs), or legislation must submit approved resolution changes by **November 8, 2010 at 5:00 pm**. This will ensure an effective date of January 1, 2011. Resolutions submitted after November 30, 2010 may not be processed in time for a January 1, 2011 effective date.

CONTRACTING AGENCY TERMINATION PROCESS

Contracting agencies may elect to terminate their participation in PEMHCA by filing a resolution passed by a majority vote of their governing body. The resolution must be filed no later than 60 days after the CalPERS Board approves the health premiums for the 2011 contract year. The resolution electing to terminate must be filed with:

Office of Employer and Member Health Services
P.O. Box 942714
Sacramento, CA 94229-2714

The deadline for receipt of the resolution at CalPERS is **August 16, 2010 at 5:00 PM**, and is irrevocable after the filing of the resolution. Terminations are effective on January 1, 2011, and the re-entry period to PEMHCA is five years from the termination date.

2010 HEALTH BILLING CUT-OFF DATES

Attached is a copy of the Health Billing Cut-Off Dates for billing months September 2010 through February 2011 for contracting school districts and public agencies.

All Automated Communication Exchange System (ACES) batch transactions must be keyed and submitted by 3:00 pm on the cut-off date for each billing month.

Cut-off dates differ for school districts and public agencies; for example, in order for a batch transaction to appear on the **September 2010** invoice, employers must key and submit transactions by the following timeframes:

- School districts: **July 30, 2010 by 3:00 pm.**
- Public agencies: **August 10, 2010 by 3:00 pm.**

If a school district or public agency keys and submits a transaction after the cut-off date, the transactions will appear on the following month's invoice. In addition, employers must verify all transactions within ACES batches to ensure that they have been accurately uploaded.

HOW PAYMENTS ARE APPLIED

CalPERS wants to ensure your payments are applied accurately and timely. Please send a copy of the invoice with the monthly payment, as billed using Electronic Fund Transfer (EFT) or mail.

Underpayments: If an employer does not pay the full amount provided under *Total Payment Due*, the payment received will be applied to the current period only and not to any past due amounts. The *Total Payment Due* includes the current *Invoice ID*, any past due *Invoice ID* and assessed interest and penalties from any prior delinquent month(s).

Please advise CalPERS prior to payment date, if payments need to be applied to prior months, as we will continue to assess interest on a past due month's *Invoice IDs*. CalPERS will reverse assessed interest, if employers can provide documentation that payment was received timely and in full.

Overpayments: If an employer overpays the *Total Payment Due* amount and there is not a past due *Invoice ID*, the current *Invoice ID* will be paid and closed, and the remaining credit will be applied to a future *Invoice ID*.

California Public Employees' Retirement System
www.calpers.ca.gov

KEY POINTS IN RECONCILING

Contracting school districts and public agencies are strongly encouraged to reconcile their invoices monthly to ensure all enrollments are accurately reflected for active and retired employees. Reconciliation ensures employers are accurately invoiced, that only eligible members are receiving benefits, and provides CalPERS the ability to negotiate lower health care costs. Below are helpful reminders for a successful reconciliation.

- Submit approved resolutions for contract changes timely
- Report health enrollment transactions accurately and timely to ensure transactions will be reflected on the invoice (retain Health Benefits Plan Enrollment [HBD-12] and Declaration of Health Coverage [HB-12A] forms on file for all employees)
- Confirm health enrollment changes by utilizing ACES' Participant Status Change Report and Participant Report
- Reconcile invoices monthly to ensure coverage of eligible members only
- Report the timely separation of members or deletion of dependents to receive the allowed maximum refund (6 months) of health premiums (refer to Circular Letter #600-215-05 at www.calpers.ca.gov)
- Pay timely the full amount of each invoice including assessed interest and penalties; any adjustments will be credited on a subsequent invoice
- Payments must be received by the 10th day of each month; allow two banking days from the debit date for EFT payments to be received
- The ACES Information Web Site (www.calpers.ca.gov) contains information regarding the Public Agency Billing function

We look forward to continuing our relationship with you in 2011. If you have any questions regarding the information provided in this Circular Letter, please contact our Employer Contact Center at **888 CalPERS** (or **888-225-7377**).

Sincerely,

Holly A. Fong, Chief
Office of Employer and Member Health Services

Attachment - 2010 Health Billing Cut-Off Dates for Contracting School Districts and Public Agencies

California Public Employees' Retirement System
www.calpers.ca.gov

KEY POINTS IN RECONCILING

Contracting school districts and public agencies are strongly encouraged to reconcile their invoices monthly to ensure all enrollments are accurately reflected for active and retired employees. Reconciliation ensures employers are accurately invoiced, that only eligible members are receiving benefits, and provides CalPERS the ability to negotiate lower health care costs. Below are helpful reminders for a successful reconciliation.

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Sincerely,

Holly A. Fong, Chief
Office of Employer and Member Health Services

Attachment - 2010 Health Billing Cut-Off Dates for Contracting School Districts and Public Agencies

California Public Employees' Retirement System
www.calpers.ca.gov



March 10, 2011

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

TO: CSAC Board of Directors

FROM: Liz Kniss, Chair, CSAC Health and Human Services Policy Committee
Kelly Brooks-Lindsey, CSAC Legislative Representative

RE: **Resolution in Support of the Prevention and Public Health Fund
ACTION ITEM**

Recommendation. The CSAC Health and Human Services Policy Committee recommends that the CSAC Board of Directors approve a resolution to support federal efforts to fund and distribute Prevention and Public Health Fund monies for local jurisdictions to improve the health of all Americans.

Background. The Patient Protection and Affordable Care Act (ACA), signed into law by President Barack Obama, included a provision to create the Prevention and Public Health Fund. This fund was designed to expand and sustain the necessary infrastructure to prevent disease, detect it early, and manage a range of health conditions before they become severe.

The goals of the fund are to elevate prevention to a higher priority, improve the health of all Americans, enhance health care quality, and reduce the economic and human cost associated with preventable and manageable diseases.

President Obama has invested a total of \$500 million in the fund since March of 2010. The first \$250 million is dedicated to the training and development of primary care professionals who frequently deliver preventive services to patients. In June 2010, Health and Human Services Secretary Kathleen Sebelius announced the allocation of another \$250 million in federal fiscal year 2010 for community and clinical prevention (\$126 million), public health infrastructure (\$70 million), research and tracking (\$31 million), and public health training (\$26 million).

Opportunities for Counties. Counties are currently eligible for funding for several areas in which Prevention and Public Health Fund monies are available.

On the public health side, this includes Putting Prevention to Work (\$74 million) funds to use evidence-based interventions to address tobacco control, obesity prevention, HIV-related health disparities, and increased nutrition and physical activity at the local level. There is also \$20 million available through the Primary and Behavioral Health Integration project, which encourages coordination and integration of primary care services into publicly-funded community behavioral health programs. There is also \$20 million for Epidemiology and Laboratory Capacity Grants to build local and state capacity for public health emergencies.

On the technology side, there is \$50 million for Public Health Infrastructure that may be used to improve health information technology and workforce training.

Policy Considerations. By approving a resolution supporting the mission and funding of the Prevention and Public Health Fund, California counties can bolster nationwide support for this component of the ACA. California Counties may also leverage this support to their advantage when applying for grants from the Fund. For these reasons, it seems prudent that CSAC pass a resolution in support of the Prevention and Public Health Fund.

Process. The CSAC Health and Human Services Policy Committee approved the attached resolution in support of the Prevention and Public Health Fund on February 10. If passed by the CSAC Board of Directors, staff will distribute the final resolution to local, state, and federal entities, as well as other associations and policy makers, to reaffirm the support of California Counties for the Prevention and Public Health Fund.

Action Requested. Action by the CSAC Board of Directors is required on any resolution put forth by the Association as a whole. The CSAC Health and Human Services Policy Committee ask that the Board of Directors approve the attached resolution in support of the federal Prevention and Public Health Fund.

Staff Contact. Please contact Kelly Brooks-Lindsey [kbrooks@counties.org or (916)327-7500 x531] or Farrah McDaid Ting [fmcdaid@counties.org or (916) 327-7500 x559] for additional information.

A RESOLUTION ON THE PREVENTION AND PUBLIC HEALTH FUND



1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

WHEREAS, the Patient Protection and Affordable Care Act (ACA) of 2010 created the Prevention and Public Health Fund and appropriated \$5 billion over five years to further its intent.

WHEREAS, this fund is designed to expand and sustain the necessary infrastructure to prevent disease, detect it early, and manage a range of health conditions before they become severe.

WHEREAS, the goals of the Prevention and Public Health Fund are to elevate prevention to a higher priority, improve the health of all Americans, enhance health care quality, and reduce the economic and human cost associated with preventable and manageable diseases.

WHEREAS, the Obama Administration has invested \$250 million in federal fiscal year 2010 for community and clinical prevention, public health infrastructure, research and tracking, and public health training, and is in the process of developing criteria for distributing further funding for 2011 and future years.

WHEREAS, California has a strong local governmental public health structure that provides the following strengths:

- **Sustainability:** County health departments are the only public institutions in every community with the mission to protect and promote the health of our residents while also being institutions with the coverage and continuity to enable major initiatives to be brought to scale and to be sustained over time.
- **Expertise:** County health department staff are public health professionals with the necessary expertise to develop and lead public health initiatives.
- **Credibility:** County health departments work closely with community based organizations and have credibility in our communities.
- **Accountability:** County health departments are accountable to both the state and local boards of supervisors for the appropriate and effective use of public dollars.

WHEREAS, alignment of federal, state and county public health strategies will lead to more consistent and effective programs.

NOW THEREFORE LET IT BE RESOLVED, the California State Association of Counties supports the mission and funding of the Prevention and Public Health fund.

AND FURTHER LET IT BE RESOLVED, the California State Association of Counties supports the distribution of Prevention and Public Health Fund monies for local jurisdictions to serve as core partners in the development of new community prevention and chronic disease programs in order to improve the health of all Americans.

Transition Plan Cities Counties Schools Partnership

Background

CCS Partnership is at a crossroads. The original purpose of the organization was to collaborate across jurisdictions on issues related to children and families. In the ensuing 14 years the organization has undertaken several efforts directly and indirectly related to that original vision. In the past two years the focus has shifted somewhat to looking at the relationship of local government to state government and the policy and legislative changes that may be needed to accomplish greater local control, responsibility and authority.

At the end of fiscal year 2010/2011 the current executive director will retire after 7 years of service. This along with the fiscal constraints facing local governments provides an excellent opportunity for the organization to transition to a new format and a new management arrangement.

The Proposed Change

Beginning in July 2011, the Institute for Local Government (ILG) would provide management and staffing services to the CCS Partnership.

These services would include:

- Maintaining CCS's 501(c)(3) status
- Organizing up to four board meetings per year
- Keeping the CCS website (as proposed to be streamlined) information current
- Administering the awards program
- Accounting
- Providing services under CCS's Safe Routes to School contract, if the current contract is renewed on a mutually agreeable basis. The current plan would be to use contractors (including those currently working on the project) as appropriate and available given the nature of the work contemplated.
- Periodically convening the three executive directors of the partner organizations to exchange information and discuss issues of mutual interest.
- Maintaining a separate email and phone number contact for CCS.

Partnering organizations would provide:

- annual contribution of \$35,000 each
- liaison staff
- direction for meeting content
- meeting space and expenses
- board member travel expenses

The initial agreement would be for one year, with the option for each organization to renew. The idea is that the CCS board will use this time to assess the direction it would like the CCS Partnership to take. The contract would take effect on July 1, 2011.

Transition Activity Timeline

February 2011

- Draft a transition plan
- Explore transferring SRTS contract to ILG
- Review bylaws to ensure the suggested change is allowable
- Hold an executive committee conference call to review details

March 2011

- Complete a transition plan
- Hold a board conference call to determine full board approval of change

April – June 2011

- Complete the current year SRTS project work and determine the scope of work, and for 2011/2012
- Update and streamline the website, with an emphasis on retaining “evergreen” content relevant to the anticipated scope of CCS’s activities for the coming year and materials that reflect CCS’s history and work products.
- Transition resource materials and other important CCS documentation to ILG, including but not limited to board policies, minute book, governance documents (articles of incorporation, 990s filings, bylaws, and Secretary of State filings), procedures manual for awards program, past audits and financial statements, and copies of current and past insurance policies).
- Communicate change to stakeholders and others
- Prepare and execute ILG/CCS contract for services.
- Prepare a notebook of CCS contacts
- Change banking signature cards and review/update board financial policies (check signing, contract authority)
- Terminate contracts related to current office (dsl, blackberry, credit cards etc.)
- Prepare documents for audit of 2010/2011, including making sure that all grant and contract files have all information that would be needed in the event the funder were to audit.
- Transfer accounting records from League to ILG
- Negotiate contractor agreements for work for any subcontractors for 2011-12 SRTS
- Hold June Board of Directors Meeting to approve 2011/2012 budget
- Close office at 1029 K Street

July 2011

- CCS/ILG Service Agreement becomes effective
- Final financial statements for 2010/2011 prepared
- Execute 2011/2012 Safe Routes to Schools agreement
- Execute Routes to Schools subcontracts for 2011/12.

August 2011

- Audit



MEMORANDUM

March 24, 2011

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

To: Board of Directors
California State Association of Counties

From: Paul McIntosh
Executive Director

Re: **California Statewide Community Development Authority (CSCDA)
Appointment**

The California Statewide Communities Development Authority (CSCDA or California Communities) is a joint powers authority sponsored by the California State Association of Counties and the League of California Cities.

California Communities' mission is to provide local governments and private entities access to low-cost, tax-exempt financing for projects that provide a tangible public benefit, contribute to social and economic growth and improve the overall quality of life in local communities throughout California.

There are currently four former and current county officials representing CSAC on the CSCDA board. Paul Hahn, one of those representatives, has not been able to participate. It is recommended that **Tim Snellings**, Community Development Director of Butte County be appointed to replace Paul on the board.

cc: Tim Snellings
James Hamill



MEMORANDUM

March 10, 2011

TO: CSAC Board of Directors

FROM: Paul McIntosh, Executive Director
Lindsay Pangburn, Corporate Relations Manager

RE: Corporate Associates Program Update

Following please find updates on the CSAC Corporate Associates program so far this year.

- The Corporate Associates Steering Committee held their annual planning meeting January 26-27 in San Francisco City & County.
 - The meeting agenda included discussion and updates on CSAC's advocacy efforts, the CSAC Institute, corporate member recruitment, and Corporate Associates involvement in CSAC's 2011 conferences.
 - One of the goals for member recruitment efforts this year is to include outreach to the larger/key vendors in each California county.
 - Bryan Barr, Senior Government Relations Representative for Pacific Gas & Electric Company, was elected as the program's president for 2011.
- Membership and sponsorship solicitation efforts for 2011 are underway.
 - We have received 2011 membership renewals from 35 companies thus far, including one new member.
 - One of our longtime members, Republic Services (formerly Allied Waste), has committed to increasing their membership to the Platinum level for 2011.
 - To date, the program has raised more than \$85,000 in membership dues for 2011.
- Corporate Associates members continue to receive regular updates and publications from CSAC, including the weekly CSAC Bulletin and the Executive Director's Watch.
- Upcoming program events:
 - Corporate Associates Business Meeting – June 1st, Sacramento
 - Corporate Associates Summer Golf Tournament – June 3rd, Sacramento

If you have any questions about the Corporate Associates program, please feel free to contact Lindsay Pangburn, at (916) 327-7500 ext. 528 or lpangburn@counties.org.



INSTITUTE FOR LOCAL GOVERNMENT

Update on Activities March 2011

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Santa Rosa

COUNTY ADMINISTRATIVE OFFICERS ASSOCIATION OF CALIFORNIA LIAISON

Rick Haffey
County Administrative Officer
Nevada County

BOARD MEMBERS EMERITI

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Chair, Blue Ribbon Task Force
California Resources Agency

Gordon Paul Smith
Former Director of State Finance
State of California

The Institute's Board of Directors and staff are very grateful for CSAC's continuing support for the Institute's efforts in service to local officials. The Institute is also mindful of the need to show tangible results for that support.

Thus, for the Institute's quarterly updates to the CSAC Board, our goal is to tie our reports to the following performance indicators of: 1) resources published and disseminated, 2) workshops and conference sessions produced, 3) website usage, 4) specific contributions to CSAC activities, and 5) fundraising. We also have a goal of promoting local control by communicating to the state the various good things local agencies are accomplishing in the Institute's program areas.

Resources Released Since Last Board Meeting

- Pamphlet: The ABCs of Open Government Laws (www.ca-ilg.org/abc)
- Booklet: *Financial Management for Local Officials: Questions to Ask* (www.ca-ilg.org/financialmanagement)
- Video: Helping Families Find Affordable Children's Health Insurance (www.ca-ilg.org/InsureKids/Video)
- Briefing Paper: *Youth Engagement and Local Planning: Ideas for Youth Commissions* (www.ca-ilg.org/YouthPlanningBP)
- A One-Pager: *Why Involve The Public* (www.ca-ilg.org/WhyInvolve)

Conference Sessions, Webinars and Other Presentations

Conference Sessions

- **New Supervisors Institute:** The Institute was pleased to offer its materials and recruit speakers for the land use session.
- **Municipal Management Association of Northern California Winter Forum:** The Institute participated in the Creative Financing/Funding for Green Initiatives panel.
- **CSAC Institute:** The Institute provided information about the role counties play in delivering health services (www.ca-ilg.org/CountyHealthServices) for the recent CSAC Institute session on Federal Health Care Reform and California Counties.

Promoting Good Government at the Local Level

Webinars

- Creating Enforcement and Compliance Elements for Commercial Recycling Programs (www.ca-ilg.org/CommercialRecyclingWebinar)

Other Presentations

- **CEAC Solid Waste Committee:** Institute staff participated in the March meeting of the Solid Waste Committee of the County Engineers Association to provide information about encouraging recycling by the business community.
- Presentation to Solano County Civic Engagement Team

Whitepapers Added to ILG Website

- Transparency in Local Government: Protecting Your Community Against Corruption (www.ca-ilg.org/protectingyourcommunity)
- When Someone Does Something Nice for You: Practical Questions to Ask (part of a year-long series to demystify and explain the gift rules) (www.ca-ilg.org/gifts)
- Increasing Commercial Recycling: Tips for Local Officials (www.ca-ilg.org/commercialrecyclingtips)
- 10 New Rules for Elected Officials In Times of Economic Meltdown(www.ca-ilg.org/GovernanceStrategies)
- Nurturing Civic Leadership Skills in 21st Century California(www.ca-ilg.org/FacilitativeLeadership)

Website Highlights and Usage (www.ca-ilg.org)

- ✓ Website usage continues to climb, with an average of 5,000 visits per month this past year with 59 percent of those visitors being new. January 2011 was our highest month for visitors to date with 5,875. The CSAC website ranks third as a referring site and Goggle is the top search engine. Resources related to ethics, public engagement, climate change, local government 101, and general ILG information are the most popular.

Update - Beacon Award: Local Leadership Toward Solving Climate Change

Debuted in August 2010 as the first of its kind in California, the Beacon Award recognizes and celebrates cities and counties that reduce greenhouse gas emissions, save energy, adopt policies and programs to address climate change, and promote sustainability. (www.ca-ilg.org/BeaconAward)

Current participating counties: Yolo, with Sonoma and San Diego counties soon to be added. We are in conversations with several counties in the SF Bay Area and Southern California about participating. Yolo County Supervisor Matt Rexroad will be featured in a short video on the Institute's website. www.ca-ilg.org/BeaconAward/Participants.

There is no application deadline to participate in the Beacon Award program.



Local Leadership Toward
Solving Climate Change

Institute for Local Government Report

March 2011

Page 3

- ✓ To make it easier for local officials to find resources related to sustainability on the Institute's website, over the last quarter we have re-organized the website. Visitors can now simply go to the Sustainable Communities section (www.ca-ilg.org/sustainability) to connect with the Institute's resources related to land use, healthy communities and climate change.
- ✓ The Institute's website now includes video materials, including videos of Institute programs and short interviews with local officials. (www.ca-ilg.org/node/3116)

Fundraising

- **Institute Partners Program.** The Institute is pleased to report that the following firms have agreed to support the Institute's mission to promote good government at the local level so far in 2011:
 - Aleshire and Wynder
 - Best Best & Krieger
 - Burke Williams & Sorensen, LLP
 - Kronick, Moskovitz, Tiedemann & Girard
 - Liebert Cassidy Whitmore
 - Meyers Nave
 - Richards, Watson, & Gershon
 - Renne Sloan Holtzman Sakai LLP
- **Endowment.** The ILG endowment committee and board have started 2011 with a focused effort to identify prospective endowment donors for face-to-face meetings.
- **Grants.**
 - Received a one-year grant of \$95,000 from the Wildspaces Foundation to provide resources on SB 375 and to plan a learning network of local officials on topics related to sustainable communities.
 - Received a two-year grant of \$250,000 from The California Endowment to support the Healthy Neighborhoods project providing tools and resources to local officials on topics related to health and the built environment.
 - Received a one-year grant of \$5,000 from the Y&H Soda Foundation to support existing immigrant integration work.

INSTITUTE PROJECT STAFF CONTACT INFORMATION

JoAnne Speers, Executive Director • 916.658.8233 • jspeers@ca-ilg.org

Kelly Plag, Director, Communications and Development • 916.658.8231 • kplag@ca-ilg.org

Terry Amsler, Director, Public Engagement/Collaborative Governance • 916.658.8263 • tamsler@ca-ilg.org

Yvonne Hunter, Director, Climate Change Program • 916.658.8242 • yhunter@ca-ilg.org

Steve Sanders, Director, Land Use and Healthy Neighborhoods • 916.658.8245 • ssanders@ca-ilg.org

Additional General Contact Information:

Telephone: 916.658.8208 Fax: 916.444.7535

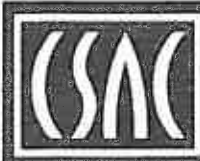
Institute for Local Government Goals for 2011

As part of its ongoing strategic planning efforts and pursuit of organizational excellence, the Institute's board of directors has adopted a mission, vision values and (in the words of Good to Great: "big, hairy, and audacious") goal (or BHAG). It also pursues its efforts according to a board-adopted strategy.

Every year, the board adopts more concrete and specific goals to hold the Institute accountable to. For 2011, these goals are:

1. Satisfy Grant and Contract Work Program Obligations.
2. Support CSAC's and the League's Work.
3. Continue to Explore Collaboration with other Local Agency Associations and Affiliated Organizations.
4. Redouble the Institute's Efforts to Promote Local Agency Transparency, Public Engagement and Information.
5. Lay Financial Foundation for the Institute's Future.
 - Continue to Fundraise for Immediate Program Financial Support, Thereby Leveraging CSAC and League Support at a Comparable Ratio to 2010 (1:7).
 - Begin in Earnest the Endowment Fundraising Process.
6. Improve and Implement Methodologies for Evaluating Institute Efforts and Measuring the Results of Those Efforts.
7. Emphasize Collecting and Telling Stories.
8. Promote Staff Development and Take Steps to Demonstrate Employee Recognition for Everyone on ILG Team.

As always, the Institute welcomes the CSAC Board's input, feedback and suggestions on the Institute's efforts to promote good government at the local level with practical, impartial and easy-to-use materials.



CALIFORNIA STATE ASSOCIATION OF COUNTIES
FINANCE CORPORATION

March 10, 2011

To: CSAC Board of Directors

From: Tom Sweet, Executive Director, CSAC Finance Corporation

RE: **Finance Corporation Program Update
INFORMATION ITEM**

The following are highlights of the numerous programs that the CSAC Finance Corporation offers to your counties:

CalTRUST

- CalTRUST currently has assets in excess of \$800 million and over 100 participant accounts.
- New program features were recently unveiled including online trading, a new statement format for ease of reporting, and streamlined transaction processing.
- Bill Pollacek has retired as Treasurer/Tax Collector of Contra Costa County and is no longer on the CalTRUST Board of Trustees.
- The CalTRUST Board of Trustees will hold their Annual Meeting in Carmel, CA on April 27, 2011.
- An annual due diligence visit with Nottingham Investment Administration, CalTRUST's record keeper and transaction processor, is scheduled for April 2011.

California Communities

- The 2011 Tax & Revenue Anticipation Notes (TRANS) program has been launched to aid counties, cities, and special districts with short-term cash flow financing. This year's program has enhanced options including flexibility for issue dates.

U.S. Communities

- All 58 counties continued to utilize U.S. Communities in 2010 and there was growth among counties who previously had little or no usage of the program.
- A new office supply vendor, Independent Stationers, has replaced Office Depot as the U.S. Communities office supply provider. As of the beginning of the year Office Depot is no longer a U.S. Communities provider.
- A new food service contract through Premier Food Service is now available for use. This contract will be especially beneficial for Sheriff's jail and juvenile facilities.

General Information

- CSAC Finance Corporation is contracting with Employee Relations Inc and Cost Control Associates to provide employee background screening and utility cost control services, respectively, at a discount to California counties. They were both awarded competitively bid contracts through Solano County and both had previously held contracts with the NACo Financial Services Center.
- I have announced my retirement to be effective in June 2011.
- Greg Cox was elected President of the CSAC Finance Corporation in January, 2011.
- There is currently a public member vacancy on the CSAC Finance Corporation Board of Directors.
- The CSAC Finance Corporation Board of Directors will be holding their Annual Meeting in Carmel, CA on April 28-29, 2011.
- We continue to meet with individual counties and their department heads to present our programs and benefits. Please let us know if you would like a meeting set with your county's department heads.

If you have any questions regarding these or any other CSAC Finance Corporation programs please do not hesitate to contact us via phone, 916.327.7500 x556, or via email, tsweet@counties.org; Laura Labanieh at 916.327.7500 x536 or llabanieh@counties.org.



County Counsels' Association of California

BOARD OF DIRECTORS

MEMORANDUM

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James N. Fincher
Merced County
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Warren R. Jensen
San Luis Obispo
2009-2011

EXECUTIVE DIRECTOR
Jennifer B. Henning

To: Supervisor John Tavaglione, President, and
Members of the CSAC Board of Directors

From: Jennifer Henning, Litigation Coordinator

Date: March 24, 2011

Re: Litigation Coordination Program Update

This memorandum will provide you with information on the Litigation Coordination Program's activities since you received your last regular update in September, 2010. (Note that an Annual Report was provided to you at your November meeting in lieu of this regular update.) If you have questions about any of these cases, please do not hesitate to contact me.

I. New Amicus Case Activity Since September, 2010

Airis SFO v. City and County of San Francisco

Unpublished Decision of the First Appellate District, 2010 Cal.App.Unpub.LEXIS 7546 (1st Dist. Sept. 22, 2010)(A121855), *petition for review denied* (Dec. 21, 2011)(S187802)

San Francisco entered into an Exclusive Negotiation Agreement (ENA) with plaintiffs to build a cargo facility at the airport, which required the parties to negotiate in good faith to reach agreement on a Development Agreement and Lease. The parties further agreed that any agreed upon Development Agreement and Lease would be subject to the approval of the San Francisco Board of Supervisors "in their sole and absolute discretion." The parties reached agreement on a Development Agreement and Lease, but the Board rejected it. Plaintiff sued the city for breach of the implied covenant of good faith and fair dealing. A jury returned a verdict in plaintiff's favor, but the trial court granted the city's motion to set aside the verdict and issued a judgment in the city's favor. Plaintiff appealed, and the Court of Appeal reversed in an unpublished opinion. The court found that in order to recover reliance damages, plaintiff did not have to prove causation—i.e., that the Board of Supervisors would have approved the Development Agreement and Lease but for the alleged breaches of good faith and fair dealing. CSAC filed a letter in support of San Francisco's petition for review, but review was denied.

City of Arcadia v. State Water Resources Control Board

191 Cal.App.4th 156 (4th Dist. Div. 3 Dec. 14, 2010)(G041545), *petition for review pending* (filed Jan. 31, 2011)(S190219)

Twenty cities in the Los Angeles area challenged the Water Board's 2004 Triennial Review of the Water Quality Control Plan for the Los Angeles Region. The

plan included standards for stormwater and urban runoff that the cities alleged did not take into account the factors required to be considered under Water Code sections 13241 and 13000. Specifically, the cities argued that the Board considered potential future uses of the stormwater and urban runoff rather than probable future beneficial uses of the water, as is required by statute. As a result, the cities argued they faced unreasonable and unachievable Total Maximum Daily Loads (TMDLs). The trial court agreed and issued a writ of mandate requiring revision of the Water Quality Standards in the Basin Plan. The appellate court reversed, concluding that sections 13000 and 13241 do not impose obligations that can be enforced through a writ of mandate. The cities are seeking Supreme Court review, and CSAC has filed a letter in support.

City of Clovis v. County of Fresno

Pending in the Fifth Appellate District (filed May 21, 2010)(F060148)

A number of cities filed this action against Fresno County challenging the method used by the county to calculate the property tax administration fee (PTAF) charged to the cities. The county was following the "SB 1096 Guidelines" prepared by the California State Association of County Auditors in response to the Legislature's enactment of certain provisions of the 2004-2005 Budget Act. Under the Guidelines, the county did not charge any PTAF for services relating to the funds paid under the VLF swap in the 2004/2005 or 2005/2006 fiscal years. Beginning in 2006/2007, the county included the funds paid under the VLF swap as additional property tax share to each city and apportioned the total property tax administration costs to each city based on this share. The cities argued that the county should not have included the VLF swap property tax revenues in calculating their PTAF share. The Fresno County Superior Court ruled in favor of the cities, and Fresno County has appealed. The case has been stayed pending the outcome of a similar matter in the California Supreme Court, but CSAC is prepared to file an amicus brief in this case if the stay is lifted and briefing continues.

City of San Diego v. Bd. of Trustees of the Calif. State University

Pending in the Fourth Appellate District, Division One (filed May 25, 2010)(D057446)

The city brought this action against CSU's certification of an EIR and approval of a revised master campus plan for CSU San Diego, challenging the CSU's refusal to guarantee funding for off-campus environmental mitigation. During the CEQA process, the city identified approximately \$20 million in necessary traffic and infrastructure costs required for the total campus build-out. And while the CSU acknowledged at least \$6 million of these costs, it alleged it met its obligation to secure funding by making a budget request to the Legislature, even if the Legislature does not ultimately appropriate the funds. The trial court ruled in favor of CSU, finding it met its obligations by simply asking for an appropriation. The city has appealed. CSAC will file a brief in support of the city.

County of Sacramento v. State of California

Pending in Sacramento County Superior Court (filed Nov. 5, 2010)(34-2010-00090983)

Sacramento County, along with 36 other counties, are seeking to be relieved from providing mental health services to qualified school children under AB 3632. The requested relief comes after the Governor used his line item veto authority to remove funding for AB 3632 reimbursements to counties and declared the mandate suspended. Likewise, the Legislature failed to appropriate funds for a related services provided under Welfare and

Institutions Code section 18355, and did not elect to override the Governor's line item veto of the program funds. The counties are seeking declaratory and injunctive relief, asking the court to be relieved from providing AB 3632 services and preventing the State from taking any adverse action against them for failure to provide the services. The California School Boards Association intervened, and opposed the counties' motion for judgment on the pleadings. On February 9, the court granted the motion in part. After recognizing that there "is no optimal outcome to these proceedings," the court concluded that the Legislature failed to provide funding to Counties for services pursuant to Welfare and Institutions Code section 18355, and that this is a failure to fund a state-mandated program. However, the court found it could not grant a motion for judgment on the pleadings on other AB 3632 services since \$76 million was distributed for these services, and there was not enough evidence to conclude this money is nominal in the scheme of the program. Intervenor filed a motion for reconsideration, and the parties were ordered on March 7 to brief the impact of the Second District's decision in *California School Boards Association v. Schwarzenegger* (B228680)(upholding the Governor's ability to suspend the mandate). The hearing is set for March 25. This action is being coordinated through CSAC's Litigation Coordination Program.

Delia v. City of Rialto

621 F.3d 1069 (9th Cir. Sept. 9, 2010)(09-55514), *petition for cert. pending* (filed Feb. 3, 2011)(10-1018)

Plaintiff, a firefighter, was placed off-duty for 12 shifts after he became ill following response to a toxic spill. Given a history of disciplinary problems, his supervisors believed he may not have been truthful about the extent of his injuries/illness, so the city hired a private investigation firm to conduct surveillance and outside counsel to conduct an internal affairs investigation. The federal Ninth Circuit Court of Appeals eventually concluded that the techniques used during the investigation violated plaintiff's right under the Fourth Amendment to be protected from a warrantless unreasonable compelled search of his home. However, the court found the city and its employees were entitled to qualified immunity because the right was not clearly established at the time of the constitutional violation. Importantly, the court denied qualified immunity for the outside counsel used to conduct the investigation, creating a split of opinion between federal courts on the issue of immunity for outside counsel. The city's outside counsel is seeking United States Supreme Court review, and CSAC has filed a brief in support.

Greene v. Camreta

588 F.3d 1011 (9th Cir. Dec. 10, 2009)(06-35333), *petition for rehearing en banc denied* (Mar. 1, 2010), *petition for certiorari granted* (Oct. 12, 2010)(09-1454)

The Ninth Circuit Court of Appeals has found that a child protective services caseworker violated the constitutional rights of two minor girls who were interviewed at their school in connection with a sexual abuse investigation. After an arrest was made in connection with sexual abuse of another minor, there was a concern that the two minors involved in this case may have also been abused. The social worker went with a deputy sheriff to interview the girls at their school, and sometime later the mother brought this lawsuit arguing the interview violated the girls' Fourth Amendment rights. The Ninth Circuit agreed, holding that plaintiff stated a claim for a Fourth Amendment violations. The State of Oregon petitioned for U.S.

Supreme Court review, which CSAC supported, and the Court agreed to hear the case. CSAC has now also filed a brief on the merits. The case has been argued and is now pending.

Hines v. California Coastal Commission

186 Cal.App.4th 830 (1st Dist. June 17, 2010)(A125254), *request for depublication and petition for review denied* (Oct. 13, 2010)(S185805)

Back in July, CSAC submitted briefing in an Alameda County case in which the First District allowed a CEQA challenge to move forward despite the fact that CEQA concerns had not been raised by plaintiffs at any stage of the proceedings before the county. (*Tomlinson v. County of Alameda* (2010) 185 Cal.App.4th 1029.) Our brief was submitted in response to the court's request for supplemental briefing on the impact of this case -- *Hines v. California Coastal Commission*. In *Hines*, the court upheld Sonoma County's determination that a single family home project was exempt from CEQA. The court concluded that plaintiff failed to exhaust administrative remedies by failing to raise CEQA concerns at any stage of the process in front of the county or the Coastal Commission. CSAC opposed attempts to depublish this case, and depublication was denied.

In re Ethan C.

Previously published at: 188 Cal.App.4th 992 (2d Dist. Sept. 24, 2010)(B219894), *petition for review granted* (Dec. 21, 2010)(S187587)

One of father's three children was killed in a car accident after father failed to secure her in a car seat. Los Angeles County had already been investigating ongoing neglect, and this accident prompted the county to detain father's two other children. The dependency court asserted jurisdiction. The father appealed, arguing that although he negligently failed to secure his daughter in a car seat, his undisputed negligence did not rise to the level of criminal negligence required by Welfare and Institutions Code section 300(f). The appellate court affirmed, but the California Supreme Court has granted review. The Court will consider whether criminal negligence is required to support dependence jurisdiction under section 300(f), and whether an intervening cause of harm (here a car accident where father was not the faulty driver) prevents the juvenile court from granting a 300(f) petition. CSAC will file a brief in support of Los Angeles County.

In re K.C.

Previously published at: 184 Cal.App.4th 120 (5th Dist. Apr. 26, 2010)(F058395), *petition for review granted* (July 14, 2010)(S183320)

The Fifth District Court of Appeal has found that a father does not have appellate standing to challenge a juvenile court's denial of a request by a dependent minor's grandparents for placement. Although the court acknowledged that the father has a fundamental liberty interest in the child's companionship, custody, management, and care, the court held that the father was unable to show that he was injuriously affected by the court's denial of the grandparents' petition. In so ruling, the court expressly disagreed with a 2008 appellate decision, creating a division among the courts. The Supreme Court has granted review to resolve the dispute. CSAC filed a brief in support of Kings County.

Madison County, NY v. Oneida Indian Nation of New York

562 U.S. ___, 131 S.Ct. 704 (Jan. 10, 2011)(10-72)

Under a relatively recent Supreme Court decision, local taxing authorities can impose real property taxes on land owned in fee simple by Indian tribes. (*City of Sherrill v. Oneida Indian Nation of New York* (2005) 544 U.S. 197.) In the present case, the Second Circuit Appellate Court in New York concluded that counties could impose a tax on a tribe, but could not foreclose on tribe-owned property for non-payment of county taxes. The court concluded that the tribe was immune from suit under the long-standing doctrine of tribal sovereign immunity. A concurring opinion put the issue this way: “The holding in this case comes down to this: an Indian tribe can purchase land (including land that was never part of a reservation); refuse to pay lawfully-owed taxes; and suffer no consequences because the taxing authority cannot sue to collect the taxes owed. This rule of decision defies common sense. But absent action by our highest Court, or by Congress, it is the law.” Madison and Oneida Counties sought Supreme Court review, which the Court granted, and CSAC filed a brief in support of the counties. However, the Supreme Court remanded back to the appellate court after the tribe agreed to voluntarily waive its sovereign immunity.

Mammoth Lakes Land Acquisition v. Town of Mammoth Lakes

191 Cal.App.4th 435 (3d Dist. Dec. 30, 2010)(C059239), *petition for review pending* (filed Feb. 8, 2011)(S190463)

In this case, plaintiff developer alleged the town repudiated a development agreement. The town had FAA funding agreements for airport improvements, which pre-dated the development agreement. The FAA agreements contained “grant assurances” requiring the town to comply with all rules and regulations of the FAA. The development agreement expressly required both parties to comply with rules and regulations of the FAA. The FAA objected to an informal development plan for a condo/hotel project at the airport, claiming that it violated the grant assurances. A town assistant manager wrote an email to the developer saying that the town could not proceed with the proposed development until the FAA objections were resolved. The town supported the developer against the FAA, and eventually got the FAA to withdraw its objections. The developer never presented the planning commission or the town council with an application for decision, but nonetheless sued the town for money damages for anticipatory breach of contract. The trial court ruled in the developer’s favor, and in a 66-page opinion, the Third District affirmed. The court held in part: (1) terms in the development agreement related to FAA grant assurances were not defenses against the town’s breach; (2) evidence of the actions of town officials, acting within their authority, was sufficient to establish a breach attributable to the town; and (3) the evidence supported a \$30 million damages award. The town is seeking California Supreme Court review, and CSAC has filed a letter in support.

Martinez v. County of San Bernardino Civil Service Commission

Unpublished Decision of the Fourth Appellate District, Division Two, 2010

Cal.App.Unpub.LEXIS 8043 (4th Dist., Div. 2 Oct. 12, 2010)(E049406), *request to publish denied* (Nov. 3, 2010)

Plaintiff, a county employee had several negative evaluations and warnings related to tardiness and falling asleep at work. A county-ordered medical wellness evaluation found him able to work with no restrictions, though he also had a neurological consultation, which

resulted in a recommendation for further testing for narcolepsy. Ultimately, plaintiff was dismissed. The Civil Service Commission upheld the dismissal. The trial court affirmed, noting that although it had concerns about the way the county handled the disability issue, plaintiff's tardiness alone was enough to justify the dismissal. In an unpublished opinion, the Court of Appeal affirmed, concluding that plaintiff never proved he had a disability, and that the "regarded as disabled" theory did not apply. The court requested that the court publish its opinion, which CSAC supported, but the request was denied.

Peruta v. County of San Diego

Pending in the Ninth Circuit Court of Appeals (filed Dec. 16, 2010)(10-56971)

This case is a challenge to the county's implementation of Penal Code sections 12050-12054, which establish the requirements for obtaining a license to carry a concealed weapon (CCW). The case challenges, in particular, Penal Code section 12050, which requires that an applicant show "good cause" for obtaining the CCW permit, and defines good cause as a set of circumstances that distinguishes the applicant from other members of the general public and causes him or her to be placed in harm's way. Following these standards, the San Diego County Sheriff denied plaintiffs' CCW license applications, and they then filed this action under Section 1983, alleging violations of the Second and Fourteenth Amendments. The federal district court granted summary judgment in favor of the county, rejecting plaintiffs' argument that the individual right to bear arms found by the Supreme Court in *Heller v. District of Columbia* (2008) 554 U.S. 570, includes a right to carry a loaded handgun in public, either openly or in a concealed manner. The court found the government has an important interest in reducing the risks to members of the public who use the streets and go to public accommodations, and concluded that the county's implementation of state relates reasonably to those interests. "Requiring documentation enables Defendant to effectively differentiate between individuals who have a bona fide need to carry a concealed handgun for self-defense and individuals who do not." Plaintiffs have appealed, and the case is pending in the Ninth Circuit Court of Appeals. CSAC will file a brief in support of the county.

Qualified Patients Association v. City of Anaheim

187 Cal.App.4th 734 (4th Dist. Div. 3 Aug. 18, 2010)(G040077), *petition for review / depublication denied* (Dec. 1, 2010)(S186752)

In 2007, the City of Anaheim adopted an ordinance prohibiting marijuana dispensaries within the city since "federal and state laws prohibiting the possession, sale and distribution of marijuana would preclude the opening of medical marijuana dispensaries sanctioned by the City of Anaheim." Patients filed this challenge, and the trial court upheld the ordinance. After the case was argued and submitted, the court requested additional briefing on issues related to state preemption of the ordinance. CSAC submitted a brief in response to the court's request. The court eventually issued its decision concluding that federal regulation of marijuana in the Controlled Substances Act does not preempt California's decision in the Compassionate Use Act (CUA) and the Medical Marijuana Program Act (MMPA) to decriminalize specific medical marijuana activities under state law. The court also found that the MMPA did not unconstitutionally amend the CUA. However, on the question posed by the court for additional briefing -- whether the CUA or the MMPA preempt the city's ordinance -- the court concluded the issue was not ripe for review because plaintiffs did not appeal the trial court's order denying their request for a preliminary injunction restraining enforcement of the ordinance on

preemption grounds. The city sought California Supreme Court review, which CSAC opposed. Review was denied.

Retired Employees Assoc. of Orange County v. County of Orange

Pending in the Ninth Circuit Court of Appeal (filed July 1, 2009)(09-56026)
Question Certified to the California Supreme Court (Aug. 18, 2010)(S184059)

Since approximately 1966, the county has provided health care benefits to its retired employees. In 1985, the county began pooling the retirees with active employees in the rate-setting process, which allowed retirees to pay lower premiums and receive greater coverage than they otherwise would. Over time, the county found its employee health plans were underfunded. So effective January 1, 2008, the Board approved a resolution to “split the pool,” which created different premium pools for active and retired employees, resulting in significantly higher health insurance premiums for the retirees. The retirees sued in federal court, alleging breach of contract and due process claims, as well as a violation of the California Pension Protection Act of 1992. The district court ruled in favor of the county, but the retirees appealed to the Ninth Circuit. After briefing was completed on appeal (including an amicus brief from CSAC), the court certified, and the California Supreme Court agreed to consider, the following question: Whether, as a matter of California law, a California county and its employees can form an implied contract that confers vested rights to health benefits on retired county employees. CSAC has filed a brief in support of the county in the California Supreme Court.

Sierra Club v. County of Orange

Pending in the Fourth Appellate District, Division Three (filed Aug. 27, 2010)(G044138)

The Sierra Club made a Public Records Act request for the county’s “Landbase” in an electronic GIS file format, but would not pay the county's standard GIS Basemap licensing fees. The trial court agreed with the county that Government Code section 6254.9 excepted from the Public Records Act the information in the format sought by the Sierra Club because the county has the statutory right to license the GIS system. The trial court also noted that the county was willing to make the information available in a different format. The Sierra Club is seeking an extraordinary writ from the Fourth Appellate District. CSAC has filed a brief in support of Orange County.

Sunnyvale West Neighborhood Association v. City of Sunnyvale

190 Cal.App.4th 1351 (6th Dist. Dec. 16, 2010)(H035135), *petition for depublication pending* (filed Feb. 16, 2011)(S190550)

The city, as part of its long-term land use and transportation planning, has been studying an extension of freeway overpass to mitigate traffic congestion. The city prepared an extensive EIR for the project. Because the project is for the purpose of addressing future traffic impacts and would not be completed until close to 2020, the city followed the Valley Transportation Authority guidelines for traffic studies and used a year 2020 baseline for analysis of traffic impacts. In a CEQA challenge, the trial court invalidated the EIR on the grounds that the city should have used a current conditions baseline instead of the 2020 baseline, even though doing so would have underestimated the actual traffic impacts of the project. The Sixth District affirmed. It found that the discussions of foreseeable changes in conditions might be “necessary to an intelligent understanding of a project's impacts over time

and full compliance with CEQA,” but are not appropriate for determining the project’s baseline. CSAC has requested depublication.

Tomlinson v. County of Alameda

Previously published at: 188 Cal.App.4th 1406 (1st Dist. Oct. 6, 2010)(A125471), *petition for review granted* (Jan. 19, 2011)(S188161)

Plaintiffs challenged the county’s decision to approve a subdivision development, deeming it exempt from CEQA under the categorical exemption for in-fill development. The First District first determined that section 21177’s requirement to exhaust administrative remedies does not apply to an action challenging an exemption determination. The court went on to conclude that the in-fill development exemption did not apply to this project because it was not “within city limits,” as is required. Earlier this summer, the court granted rehearing, but then issued an amended opinion confirming its earlier holding on both the exhaustion and the in-fill exemption issues. The California Supreme Court granted review, which CSAC supported. CSAC will now file a brief on the merits.

Trinity Park v. City of Sunnyvale

Pending in the Sixth Appellate District (filed May 11, 2010)(H035573)

The City approved a housing project that included as a condition of approval 5 below market rate (“BMR”) units. The developer did not object to the BMR units, but when most of the homes were completed and many were sold, the developer filed this action alleging the BMR requirements were unjustified housing exactions. The trial court ruled in the city’s favor, concluding that by waiting until after construction of the project, plaintiff had allowed the statute of limitation to run. On appeal, plaintiff argues that the lawsuit is timely based on the protest procedures in Government Code section 66020, which raises the issue of whether inclusionary housing requirements that do not involve the payment of fees are “exactions” entitling the developer to use the protest procedures in the Mitigation Fee Act. CSAC will file a brief in support of the city.

Yorba Linda Water District v. Superior Court (Lindholm)

Writ Petition in the California Supreme Court Denied (filed Oct. 19, 2010)(S187404)

This litigation arose following the Freeway Complex Fire in November 2008. Plaintiffs’ homes were burned in that fire, and they brought this action against the water district alleging that the water provided by the district was not sufficient to allow fire crews to put out the blaze. They raised tort and inverse condemnation claims. The trial court concluded that the district was immune from the tort claims, but permitted the inverse condemnation claims to go forward. The district sought a writ from the Fourth Appellate District, which was summarily denied. The district’s writ petition in the California Supreme Court, which CSAC supported, was also denied.

II. Amicus Cases Decided Since September, 2010

In addition to the new amicus cases already decided, which are discussed above, the following amicus cases have been decided the Board's September:

Altman v. City of Agoura Hills

Unpublished Decision of the Second Appellate District, 2010 Cal.App.Unpub.LEXIS 5402 (2d Dist. July 9, 2010)(B220008), *request for publication and petition for review denied* (Oct. 13, 2010)(S185491)

Outcome: Negative

This case involves a challenge to the city's EIR on a specific plan project. The trial court found three areas of the EIR inadequate and set aside approval of the EIR and specific plan until the EIR was corrected, but found that the remaining portions of the EIR were adequate. The city revised the defective parts of the EIR, circulated the revisions for public comment, and ultimately certified the revised EIR and re-adopted the specific plan. Petitioner then challenged several of the unrevised parts of the EIR. The trial court found that this second challenge was time-barred because it was not brought within the statute of limitations for challenging the original EIR. The Second District affirmed, concluding that the notice of determination as to the revised environmental impact report did not trigger a new limitations period except as to the revised sections of the document. CSAC requested publication, but both publication and petitioner's petition for review were denied.

Bravo v. County of Tulare

Unpublished Decision of the Fifth Appellate District, 2010 Cal.App.Unpub.LEXIS 7403 (5th Dist. Sept. 17, 2010)(F058719)

Outcome: Positive

Plaintiff sued the county for serious injuries he sustained at age seven months while in foster care. The complaint alleged that county social workers were made aware of bruises on the child on three occasions, but that they negligently failed to remove him from the foster home. He ended up in the emergency room where he was diagnosed with Shaken Baby Syndrome. (The foster father is facing criminal charges.) The trial court granted Tulare's motion for summary judgment, finding the placement of the minor, the extent of the supervision of the placement, and the failure to remove the minor from the home were all actions protected by discretionary immunity. The trial court also found that the social workers' knowledge of the bruises, under the facts provided, was not sufficient to trigger the mandatory reporting/investigation requirements. The Fifth District affirmed in an unpublished decision, concluding, "there being no factual dispute, that as a matter of law, the County and its employees are immune from liability for conduct in deciding whether to intervene in and remove a child from a placement." CSAC filed a brief in support of the county.

Building Industry Association v. County of Stanislaus

190 Cal.App.4th 582 (5th Dist Nov. 29, 2010)(F058826), *petition for review denied* (Feb. 16, 2011)(S189411)

Outcome: Positive

This case is a challenge to the county's agricultural land mitigation program. The program includes a General Plan policy requiring a 1:1 ratio mitigation as a condition of

approval for any change in the General Plan land use designation from agricultural to residential. The program's guidelines allow the mitigation requirement to be satisfied by either obtaining a mitigation easement over an equivalent area of comparable farmland, paying an in-lieu fee (for small conversions), or implementing another measure approved by the Board. The BIA successfully challenged the program in superior court, but the Fifth District reversed. The court found that the trial court should have given deference to the county's land use determination, rather than placing the burden upon the county to demonstrate the validity of the mitigation requirement. Noting that the case raised a facial challenge, the court also concluded that the one-to-one ratio concept is reasonably related to the county's farmland conservation goal. Finally, the court concluded that the fact that Government Code section 815.3(b) prohibits the county from conditioning the issuance of land use approvals on the applicant's granting of conservation did not invalidate the mitigation program. CSAC filed a brief in support of the county.

Conservatorship of Whitley

50 Cal.4th 1206 (Nov. 8, 2010)(S175855)

Outcome: Negative

Petitioner served as conservator for her brother and objected to a Regional Center proposal to move her brother to a different facility. The First District agreed with petitioner that the proposed move was improper. Back at the trial court, petitioner sought attorney fees under CCP 1021.5 (private attorney general). The Regional Center objected, arguing she did not meet the 1021.5 criteria because even if an important public right was at issue, a significant benefit was not conferred upon the public or a large class of persons, and the financial burden imposed on petitioner was not out of proportion to her personal interest in blocking the transfer. The trial court agreed and denied fees. The First District affirmed, but the California Supreme Court reversed: "We conclude that a litigant's personal nonpecuniary motives may not be used to disqualify that litigant from obtaining fees under Code of Civil Procedure section 1021.5. The contrary interpretation, which was adopted by the Court of Appeal in this case, has no basis in the language, legislative history, or evident purpose of section 1021.5. As discussed below, the purpose of section 1021.5 is not to compensate with attorney fees only those litigants who have altruistic or lofty motives, but rather all litigants and attorneys who step forward to engage in public interest litigation when there are insufficient financial incentives to justify the litigation in economic terms." CSAC filed a brief in support of the Regional Center.

County of Sonoma v. Superior Court (Marvin's Gardens Cooperative, Inc.)

190 Cal.App.4th 1312 (1st Dist. Dec. 15, 2010)(A128734)

Outcome: Positive

The Sonoma County Superior Court issued an order invalidating the county's "Medical Cannabis Dispensary Ordinance" on equal protection grounds, and issued a permanent injunction against its enforcement. The ordinance permitted medical marijuana dispensaries to operate within the unincorporated areas of the county if located within certain zoning areas (not near schools, parks, etc.) and with a use permit, which requires such elements as operation specifications and security. Marvin's Gardens had been operating a dispensary for about 10 years when it applied for a permit. During the pendency of that application, it relocated its operation, and failed to apply for a new permit. The county issued a stop order, prompting Marvin's Gardens to cease its retail operation and file a writ petition and request for injunction.

The trial court concluded: (1) Marvin's Gardens was not precluded by the 90-day statute of limitations (Gov. Code, § 65009) from raising a facial challenge against the ordinance because it would be unfair to owners who first experience the impact of the ordinance after the 90-day period; (2) Marvin's Gardens could not raise an as-applied challenge since it did not apply for a use permit for its new facility; and (3) the county failed to show it had a rational or legitimate interest in enacting the ordinance. The First District granted the county's writ petition on statute of limitations grounds, finding that plaintiff's facial attack of the ordinance should have been filed within 90 days of the ordinance's adoption, and not 90 days from the initiation of enforcement proceedings.

EHP Glendale v. County of Los Angeles

--- Cal.App.4th ---, 2011 Cal.App.LEXIS 237 (2d Dist. Feb. 2, 2011)(B217036), *ordered published* (Mar. 3, 2011)

Outcome: Positive

This case raises the question of the proper appraisal method for a change in ownership of a franchise hotel. LA County reassessed the Glendale Hilton after it was purchased by plaintiff. Plaintiff appealed to the Assessment Appeals Board, which affirmed. The appraisal methodology was an income approach, deducting expenses associated with certain intangible assets from the income. Using the substantial evidence standard, the trial court granted summary judgment in favor of plaintiffs, finding that the valuation method failed to provide for a return on the non-taxable operating assets in the total amount deducted from the hotel's income stream. The county appealed, arguing that it was an error to grant summary judgment because the entire record was not before the court. The Second District agreed, concluding that "the issue presented to the trial court amounted to one of fact, and the trial court erred in granting summary judgment based on a fragmentary record." The court also found that summary judgment was erroneously granted because the trial court weighed conflicting evidence in making its decision. CSAC filed a brief in support of the county, which was cited by the court in the opinion.

Guggenheim v. City of Goleta

--- F.3d ---, 2010 U.S.App.LEXIS 25981 (9th Cir. Dec. 22, 2010)(06-56306)(en banc)

Outcome: Positive

This is a facial takings challenge to a mobilehome rent control ordinance. In relevant part, the ordinance limits any increases in mobile home rents on an annual basis to 75 percent of the increase in the local Consumer Price Index. The district court granted summary judgment to the city. A panel of the Ninth Circuit reversed, but en banc review was granted and the full court affirmed the district court's decision. The court first "assume[d] without deciding that the claim is ripe, and exercise[d] our discretion not to impose the prudential requirement of exhaustion in state court." The court also assumed without deciding that a facial takings challenge can be made under *Penn Central*. But the court went on to find that the ordinance did not constitute a facial taking. The court noted that since plaintiffs bought the park when the ordinance was in place, they had no reasonable expectation of being able to charge higher rents than the ordinance allowed. In other words, "the price they paid for the mobile home park doubtless reflected the burden of rent control they would have to suffer." The court also denied plaintiffs' due process and equal protection claims. Justices Bea, Kozinski, and Ikuta dissented, finding the majority relied too heavily on the investment backed

expectation prong of *Penn Central*, and ignored plaintiffs' due process arguments that were based not on rent control, but on wealth transfer concerns. CSAC filed an amicus brief in support of the city.

Humphries v. County of Los Angeles

--- U.S. ---, 131 S. Ct. 447 (Nov. 30, 2010)(09-350)

Outcome: Positive

Plaintiffs were accused by their rebellious child of child abuse. The charges were found to be false. Criminal charges against them were dropped and a juvenile dependency case was also dismissed. However, without a procedure to have their names removed from California's Child Abuse Central Index (CACI), they remained on the index. They brought this action alleging a due process violation in the way CACI is maintained because identified individuals are not given a fair opportunity to challenge the allegations against them. The Ninth Circuit agreed, and concluded that the process in place for correcting false reports to the CACI were not adequate. But the court found that as to the county, the individual defendants were entitled to qualified immunity and the court remanded for determination of the County's liability under *Monell v. Dep't of Social Services*, 436 U.S. 658 (1978). Over the county and Attorney General's opposition, the court issued an unpublished order granting interim attorney fees to the plaintiffs under 42 U.S.C. section 1988. The U.S. Supreme Court granted review and reversed, concluding that *Monell's* "policy and custom" requirement applies not only to monetary damages, but also to the prospective relief sought by plaintiffs here. As such, the county could not be required to pay attorney fees without a finding that it was its own policy, rather than the State's, that caused the constitutional violation. CSAC filed a brief in support of the county.

International Association of Fire Fighters Local 188 AFL-CIO v. Public Employment Relations Board (City of Richmond)

51 Cal.4th 259 (Jan. 24, 2011)(S172377)

Outcome: Positive

This case challenges a city's decision to layoff 18 firefighters without going through the meet and confer process. The union filed a complaint with PERB, but PERB decided not to issue a complaint, agreeing with the city that meet and confer was not required. The union appealed. The First Appellate District first found that PERB's refusal to issue a complaint is generally not subject to judicial review. But the court permitted this action to go forward on a narrow exception to the rule—to consider whether the decision erroneously construes an applicable statute. The court then agreed with PERB that a local agency's decision to layoff firefighters is not subject to collective bargaining. The California Supreme Court affirmed. The Court concluded: (1) Generally, PERB's decision not to issue a complaint is not subject to judicial review, but in this instance the exception for a PERB decision based on a clearly erroneous statutory construction applied; and (2) When a city, faced with a budget deficit, decides that some firefighters must be laid off as a cost-saving measure, the city is not required to meet and confer with the firefighters' authorized employee representative before making that initial decision. CSAC filed a brief in support of the city.

Sheppard v. North Orange County Regional Occupational Program

191 Cal.App.4th 289 (4th Dist. Div. 3 Dec. 23, 2010)(G041956), *petition for review pending* (filed Feb. 2, 2011)(S190297)

Outcome: Positive

This is an action for unpaid wages brought against the North Orange County ROP, which is a vocational training JPA comprised of several school districts. Plaintiff, an instructor for the ROP, alleged he was not paid for his preparation time in violation of IWC Wage Order 4-2001. That wage order purports to apply to public entities, but the authorizing statute (Labor Code section 1173) does not make express reference to public employers. The trial court sustained NCROP's demurrer, finding the wage order does not apply to public entities. The Fourth District reversed, concluding that the minimum wage provision in Wage Order No. 4 2001 applies to plaintiff's employment with NCROP. "We hold the Legislature has plenary authority over public school districts and was constitutionally authorized to vest in the IWC, through section 1173, the power to impose the minimum wage law provision contained in Wage Order No. 4 2001 as to employees of such public school districts." However, as urged by CSAC's amicus brief, the court expressly limited its holding to employees of public school districts, and not to other public employees.

Sonoma County Water Coalition v. Sonoma County Water Agency

189 Cal.App.4th 33 (1st Dist. Oct. 8, 2010)(A124556), *petition for rehearing denied* (Nov. 2, 2010)

Outcome: Positive

The Sonoma County Superior Court struck down the Sonoma County Water Agency's 2005 Urban Water Management Plan adopted pursuant to the Urban Water Management Planning Act (Water Code §§ 10610 et seq.). Specifically, the court found that "[u]nder the plan, while the volume of available water may be adequate to meet future demands, the availability of that water has not been adequately addressed. Even if there is a sufficient volume of water to draw from, access may be limited for other reasons, such as environmental considerations and the existence of suitable facilities for the transmission of that water." The court was also concerned about relying on rights to water flows that the Agency does not yet possess, the failure to coordinate with relevant agencies, the failure to consider the impact of recycled groundwater on the availability of water supply in the future, and a lack of specificity of demand management measures intended to address water shortfalls. On appeal, the First District reversed agreeing with the Agency that "the trial court failed to accord deference to the expertise and discretion of the Agency, improperly made de novo determinations, and imposed requirements not found in the Act." The court recognized the importance of a thorough and adequate plan. "But here the Plan was clear as to its assumptions, which were based on existing conditions and anticipated completion of projects already in progress, which were equally clear as to their limitations, and for which the Agency had factual support. . . .The Agency was not required to plan based on alternative hypothetical scenarios its experts considered unlikely to occur, rather than focusing its resources on those circumstances it reasonably anticipated. It was not required to consider all possible eventualities." CSAC filed a brief in support of the Agency.

Calendar of Events

2011

January

- 12-24 NACo Presidents/Executive Director Meeting, Washington, D.C.
- 19-20 RCRC Board Meeting, Sacramento County
- 20 CSAC Executive Committee Meeting, Sacramento County
- 26-27 CSAC Corporate Associates Retreat, San Francisco City/County

February

- 2-4 CAOAC Business Meeting, Location, Monterey, CA
- 24 CSAC New Supervisors Institute, Session II, Sacramento, County
- 25 Special CSAC Board of Directors Meeting (via Conference Call)

March

- 5-9 NACo Legislative Conference, Washington, D.C.
- 23 RCRC Board Meeting, Sacramento County
- 24 CSAC Board of Directors Meeting, Sacramento County

April

- 14 CSAC New Supervisors Institute, Session III, Sacramento County
- 28-29 CSAC Finance Corporation, Monterey, County

May

- 5 CSAC Executive Committee Meeting, Sacramento County
- 18-20 NACo WIR Conference, Chelan County, Wenatchee, WA
- 25 RCRC Board Meeting, Sacramento County

June

- 1-2 CSAC Legislative Conference, Sacramento County
- 2 CSAC Board of Directors Meeting, Sacramento County
- 2 CAOAC Business Meeting, Sacramento County

July

- 15-19 NACo Annual Meeting, Multnomah County (Portland), Oregon

August

- 11 CSAC Executive Committee Meeting, Location TBD

September

- 22 CSAC Board of Directors Meeting, Sacramento County
(Please note this meeting was previously set for Sept. 15.)

October

- 5 CAOAC Annual Meeting, Monterey County

5-7 CSAC Executive Committee Retreat, San Diego County

19-22 NACo National Council of County Association Executives Annual Fall Meeting

November

29-2 CSAC 117th Annual Meeting, San Francisco City & County

December

1 CSAC Board of Directors Meeting, San Francisco City & County

2 CAOAC Business Meeting, Location TBD

14-16 CSAC Officers Retreat, Location TBD

2012

March

3-7 NACo Legislative Conference, Washington, D.C.

May

16-17 CSAC Legislative Conference, Sacramento County

July

13-17 NACo Annual Meeting, Allegheny County (Pittsburgh), Pennsylvania

July

13-17 NACo Annual Meeting, Allegheny County (Pittsburgh), Pennsylvania

October

17-20 NACo National Council of County Association Executives Annual Fall Meeting

November

27-30 CSAC 118th Annual Meeting, Long Beach, Los Angeles County

2013

March

2-6 NACo Legislative Conference, Washington, D.C.

November

19-22 CSAC 119th Annual Meeting, San Jose, Santa Clara County

2014

March

1-5 NACo Legislative Conference, Washington, D.C.

November

18-21 CSAC 120th Annual Meeting, Anaheim, Orange County