

# **CALIFORNIA STATE ASSOCIATION OF COUNTIES**

**2019 Legislative Platform**

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To: CSAC Board of Directors  
From: Jessica Devencenzi, Legislative Representative  
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Re: **2019-2020 Platform Chapter: Administration of Justice– ACTION ITEM**

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**Recommendation.** Staff recommends that the CSAC Board of Directors approve the recommended changes to the CSAC policy platform as drafted.

**Background.** At the start of each two-year legislative session, CSAC undertakes a policy platform review process. To begin that process of updating the guiding policy document for the Association, the CSAC Administration of Justice Policy Committee reviews and if appropriate, makes suggested changes. We have attached a proposed draft of the Administration of Justice chapter of the CSAC Platform. The proposed changes were approved by the Administration of Justice Policy Committee on November 29, 2018.

Below is a high-level summary of the changes made to the chapter:

**Chapter 2 – Administration of Justice**

Section 2: Legislative and Executive Matters: General Principles for Local Corrections

- Addition of data collection language.
- Modification to bail language to help ensure maximum local flexibility.
- Change alcohol and drug treatment services to alcohol and substance use disorder treatment.

Section 4: Judicial Branch Matters

- Change alcohol and drug treatment services to alcohol and substance use disorder treatment.

Section 5: Family Violence

- Addition of a statement that family violence disproportionately impacts disadvantaged communities.

**Attachment.**

Draft Administration of Justice Platform Chapter

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## Chapter Two

# Administration of Justice

### Section 1: General Principles

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

#### The Role of Counties

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

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

### Section 2: Legislative and Executive Matters

#### Board of Supervisors Responsibilities

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

#### Law Enforcement Services

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

### District Attorney Services

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

### Victim Indemnification

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

### Witness Assistance

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

### Grand Juries

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

### Public Defense Services

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

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

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

### Coroner Services

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

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

### Pre-Sentence Detention

#### Adults

##### 1) Facility Standards

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

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

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

##### 2) Pre-sentence Release

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

##### 3) Bail

We support a bail system that would validate the release of pre-sentence persons using risk assessment tools as a criteria for release. Risk assessment tools and pre-trial release assessments should be designed to mitigate racial and economic disparities while maintaining public safety. ~~We also believe that public protection should be a criterion considered when setting bail.~~

Any continuing county responsibility in the administration or operation of the bail system must include: 1) a mechanism to finance the costs of such a system and 2) provide counties with adequate local flexibility.

#### Juveniles

##### 1) General

We view the juvenile justice system as being caught between changing societal attitudes calling for harsher treatment of serious offenders and its traditional orientation toward assistance and rehabilitation. Therefore, we believe a thorough

review of state juvenile laws is necessary. Any changes to the juvenile justice system should fully involve and draw upon the experience of county officials and personnel responsible for the administration of the present system. CSAC must be involved in state-level discussions and decision-making processes regarding changes to the juvenile justice system that will have a local impact. There must also be recognition that changes do not take place overnight and that an incremental approach to change may be most appropriate.

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

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

## 2) Facility Standards

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

## 3) Treatment and Rehabilitation

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

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

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

Prevention and diversion programs should be developed by each county or regionally to meet the local needs and circumstances, which vary greatly among urban, suburban, and rural areas of the state. Programs should be monitored and

evaluated on an ongoing basis to ensure their ability to protect public safety and to ensure compliance with applicable state and federal regulations. Nevertheless, counties believe that the state must continue to offer a commitment option for those juvenile offenders with the most serious criminogenic profile and most severe treatment needs.

4) Bail

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

5) Separation of Offenders

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

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

6) Removal of Serious Offenders to Adult Court

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

7) Jury Trial for Serious Offenders

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

## General Principles for Local Corrections

### Definition

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

### Purpose

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

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

currently being contemplated to the state system and, more importantly, will yield greater economic and social dividends that benefit communities across the state.

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

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

System and process changes must recognize that the 58 California counties have unique characteristics, differing capacities, and diverse environments. Programs should be designed to promote innovation at the local level and to permit maximum flexibility, so that services can best target individual community needs and capacities. [Data collection and sharing is additionally critical as counties implement new criminal justice efforts.](#)

#### Equal Treatment

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

#### Community-Based Corrections

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

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

#### Relationship to Human Services Systems

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

#### Relationship to Mental Health System: Mentally Ill Diversion Programs

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

safety system. Counties continue to work across disciplines to achieve good outcomes for persons with mental illness and/or co-occurring substance use disorder issues.

#### Inmate Medical Services

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

#### Private Programs

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

#### Investment in Local Programs and Facilities

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

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

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

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

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

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

#### Inmate Reentry Programs

Reentry programs represent a promising means for addressing recidivism by providing a continuum of care that facilitates early risk assessment, prevention, and transition of inmates back into the community through appropriate treatment, life skills training, job placement, and other services and supports. The state should consider further investment in multiagency programs authorized under SB

618<sup>1</sup>, which are built on proven, evidence-based strategies including comprehensive pre-sentence assessments, in-custody treatment, targeted case management, and the development of an individualized life plan. These programs promote a permanent shift in the way nonviolent felony offenders are managed, treated and released into their respective communities. Examples of program elements that have been demonstrated to improve offenders' chances for a successful reintegration into their communities upon release from custody include, but are not limited to, the following:

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

#### Siting of New Facilities

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

#### Impact on Local Treatment Capacity

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

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<sup>1</sup>Chapter 603, Statutes of 2005.

justice system participants, treatment capacity shall be increased to accommodate criminal justice participants. In addition, treatment capacity shall be separately developed and funded.

#### Impact on Local Criminal Justice Systems

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

#### Emerging and Best Practices

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

#### Adult Correctional Institutions

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

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

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

#### Adult Probation

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

#### General Principles for Juvenile Corrections

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

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

recognize that final decisions on commitments to state institutions are made by the courts, a separate branch of government, and are beyond the control of counties.

#### Juvenile Correctional Institutions

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

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

#### Juvenile Probation

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

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

#### Gang Violence Prevention

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

#### Human Services System Referral of Juveniles

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

#### Federal Criminal Justice Assistance

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

### **Section 3: Sex Offender Management**

For the safety and well-being of California's citizens, especially those most vulnerable to sexual assault, it is essential for counties and the state to manage known sex offenders living in our communities in ways that most effectively reduce the likelihood that they will commit another offense, whether such

reoffending occurs while they are under the formal supervision of the criminal justice system or takes place after that period of supervision comes to an end.

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

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

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

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

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

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

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

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

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

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

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

## **Section 4: Judicial Branch Matters**

### Trial Court Management

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

### Trial Court Structure

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

### Trial Court Financing

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

### Trial Court Facilities

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

### Court Services

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

### Jurors and Juries

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

### Collaborative Courts

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

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

#### Court and County Collection Efforts

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

#### **Section 5: Family Violence**

CSAC remains committed to raising awareness of the toll of family violence on families and communities by supporting efforts that target family violence prevention, intervention and treatment. Specific strategies for early intervention and success should be developed through cooperation between state and local governments, as well as community, and private organizations addressing family violence issues taking into account that violence adversely impacts Californians, particularly those in disadvantaged communities, at disproportionate rates.

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

#### **Section 6: Government Liability**

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

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

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

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

As a result, public entities and ultimately, the Legislature, face difficult fiscal decisions when trying to balance between the provision of governmental service and the continued expansion of government liability.

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

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

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

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



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**To:** CSAC Board of Directors

**From:** Cara Martinson, CSAC Senior Legislative Representative, Agriculture, Environment, and Natural Resources & Federal Affairs Manager  
Nick Cronenwett, CSAC Legislative Analyst, Agriculture, Environment, and Natural Resources

**SUBJECT: 2019-2020 Platform Chapters: Agriculture, Environment, and Natural Resources – ACTION ITEM**

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**Staff Recommendation.** Staff recommends that the CSAC Board of Directors approve the recommended changes to the CSAC policy platform as drafted and approved by the CSAC Agriculture, Environment, and Natural Resources Policy Committee.

**Background.** The California County Platform is a statement of policies on issues of concern and interest to California’s counties. CSAC’s policy committees and Board of Directors review the platform regularly, amending and updating when necessary. Generally, CSAC policy committees adopt recommend updates to their relevant platform chapters every two years at the Annual Meeting. Committee recommendations are adopted through an action item and then sent to the Board to be adopted for final approval. The proposed changes in this memo were adopted by the Agriculture, Environment, and Natural Resources Committee which met on November 27<sup>th</sup>, 2018 at the Annual Meeting.

The AENR Committee has jurisdiction over the following pieces of the California County Platform:

- Chapter 3: AENR Policy Platform
  - Chapter 3 Attachment: Flood Protection Principles
  - Chapter 3 Attachment: State Water Policy Guideline
- Chapter 4: Energy
- Chapter 14: Climate Change
- Chapter 17: CEQA Reform Guidelines
- Cannabis Policy

The AENR Committee and staff have proposed the following changes to the California County Platform.

### **Chapter Three – Agriculture, Environment, and Natural Resources Platform**

LA County proposed an additional Environmental Health sub-section in Section 12 on Emergency Management. The proposed language deals with enforcement and prevention of environmental incidents. The AENR Committee adopted this proposed text:

#### ***Environmental Health***

*Recent environmental hazard events across the State have demonstrated the need to bolster enforcement actions and local authority to prevent environmental incidents from occurring. Counties support policies to prevent and protect the public and the environment from hazardous incidents by improving enforcement of hazardous waste laws and regulations, and strengthening oversight and*

*regulations of facilities that treat, store, or dispose toxic substances and pose an endangerment to public health and safety. Additionally, Counties also support legislation that expedites the cleanup of environmental hazards, and increases resources for remediation activities, and increases community engagement.*

In addition, formatting and organizational changes were made throughout to promote consistency across platform chapters; this includes incorporating the previously adopted medical marijuana policy into Chapter 3. Staff provided updates and clean ups to our policies in the following areas:

- State and County Fair Policy
- Support for resources to address tree mortality
- Financing of water management policy
- Emergency management policy

### **Chapter 3 Attachment – Flood Protection Principles and Policy Guidelines**

No changes were made to this attachment.

### **Chapter 3 Attachment – State Water Policy Guideline**

No changes were made to this attachment.

### **Chapter 4 – Energy**

Formatting and organizational changes were made throughout to promote consistency across platform chapters.

### **Chapter 14 – Climate Change Policy Guidelines**

No changes made to this guideline.

### **Chapter 17 – CEQA Reform Guidelines**

Formatting and organizational changes were made throughout to promote consistency across platform chapters.

### **Cannabis Policy**

Monterey County submitted the following comment regarding the policy’s statement in support of hemp: “There is not a consensus among all the counties on this point. It may be premature for CSAC to take this position on hemp. And since it is in the Cannabis policy, if they do, they should have a statement about the coexistence of hemp with Cannabis. These are not necessarily compatible crops.” CSAC AENR Committee adopted the following language:

The ability to grow industrial hemp as an agricultural product, *while respecting local control.*

### **Attachments.**

1. Chapter 3: AENR Policy Platform
2. Chapter 3 Attachment: Flood Protection Principles
3. Chapter 3 Attachment: State Water Policy Guideline
4. Chapter 4: Energy
5. Chapter 14: Climate Change
6. Chapter 17: CEQA Reform Guidelines
7. Cannabis Policy

### **CSAC Staff Contacts.**

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# Agriculture, Environment and Natural Resources

## Introduction

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

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

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

## Section 1: Agriculture

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

1. Provide innovative incentives that will encourage agricultural water conservation and retention of lands in agricultural production;
2. Promote agricultural economic development activities.
3. Support allocation of transportation resources to improvement of important goods movement corridors and farm-to-market routes.
4. Encourage the development of new water resources and delivery systems;
5. Provide research and development for biological control and integrated pest management practices;
6. Ensure water and air quality standards are retained at a level that enables agricultural production to continue without significant lessening in the quantity or quality of production;

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

#### Working with other Entities

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

#### Williamson Act

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

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

#### State and County Fairs

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

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

### **Section 2: Forests**

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

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

### **Biomass**

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

### **Section 3: Mineral Resources**

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

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

### **Section 4: Air Quality**

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

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

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

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

Many portions of the state, including the broader Sacramento area and mountain counties air basin, have been formally identified by the California Air Resources Board (CARB) as receptors of ozone-related air pollution transported from the San Francisco Bay Area and the San Joaquin Valley. Although the

California Air Resources Board is considering actions that will help mitigate air pollution transport, the receptor counties are still potentially subject to sanctions if they do not take sufficient steps to achieve and maintain healthy air quality. Sanctions can take many forms, including lowered New Source Review thresholds in the receptor districts as compared to transporting districts and through transportation conformity. Given the potential impacts on the receptor counties, legislation and/or policy measures must be enacted that provide reasonable sanction protection for counties impacted by air pollution transport from upwind areas. Other legislative or policy measures that would require the upwind areas to implement air pollution mitigation measures should also be considered.

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

## **Section 5: Water Resource Management**

### **Water Resources Development**

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

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

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

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

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

### **Water Rationing**

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

#### Water Conservation

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

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

#### Ground Water Management

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

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

#### Financing of Water Management

Counties throughout California face many funding challenges and needs that involve stormwater, flood control, groundwater management requirements and compliance with water conservation requirements. Proposition 218 creates challenges for local government to manage water responsibly for public safety, and environmental and conservation purposes. Given all of the changes that have occurred and requirements enacted since the 1970's relative to how the State manages its water resources, voters should be provided with the opportunity to consider constitutional reforms that reflect the needs of modern water management.

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

#### 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 blanket "take permit" exempting levee maintenance from compliance and a more efficient process for routine maintenance.

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

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

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

### Delta

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

- Respects the affected counties' land use authority, revenues, public health and safety, economic development, water rights, and agricultural viability.
- Promotes recreation and environmental protection.
- Ensures Delta counties' status as voting members of any proposed Delta governance structure.

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

#### **Section 6: Parks and Recreation**

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

#### **Section 7: Solid Waste Management**

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

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

CSAC shall support legislation that:

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

CSAC shall oppose legislation that:

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

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

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

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

### **Section 8: Endangered Species**

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

1. Recognition and protection of private property rights and local government's land use authority;
2. All those who benefit should pay the costs. It should be recognized that inequity exists concerning the implementation of the existing acts in that the cost of species protection on private property is borne by a few property owners for the benefit of all;
3. If Congress and the state legislature deem the protection of certain species is of national interest, then the responsibility for that protection, including the costs, should be assumed by all who benefit through federal and/or state funding, and a process should be adopted which is consistent with other public projects of national interest;
4. Applications for a listing should be required to include a map of critical habitat, a recovery plan and an economic and environmental analysis of costs and benefits;
5. The development of a delisting process that is as aggressively adhered to as the listing process;
6. The creation of a scientifically based and efficient process for delistings;
7. Include independent scientific peer review, local public hearings, and equal access to judicial review;
8. Delegation of implementation of the Federal Endangered Species Act to the state;

9. Full compensation to property owners when historical or future use of their land is diminished;
10. Use of public lands first for multi-species protection;
11. Prohibit the distribution of public grant funds to private entities that seek to support or oppose listings or delistings of endangered species;
12. Control of protected species that prey upon and reduce either the adult or juvenile population of any listed species;
13. Protection of current land uses;
14. Support recovery efforts of endangered species;
15. The ability to produce food, fiber, and all other agricultural products is not abridged; and
16. Agricultural produces should not be held liable for any “take” that occurs during normal agricultural operations.

### **Section 9: Public Lands**

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

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

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

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

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

Counties support the multiple use of public lands. Uses of these lands include grazing, mining, timber, wildlife and recreation. Lands under governmental control should be actively managed in concert with private activities to encourage the greatest use and improvement. Counties believe that timber harvest,

mining, and grazing activities are a valuable component of ecosystem management in some instances and that recreational activities, impacts on wildlife and natural events like fires and floods must be considered. Properly managed land results in higher sustained yields of water, forage, timber, minerals, and energy. Grazing and logging are important elements of the multiple-use concept. Therefore, counties support efforts to minimize additional acreage designated as wilderness, unless otherwise supported by the affected local governments, and all of their issues and concerns are addressed or mitigated to their satisfaction.

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

#### Federal and State Compensation

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

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

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

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

#### Forest Service and Bureau of Land Management Exchanges

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

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

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

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

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

#### Local Use of Public Lands

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

#### Waste Disposal on Public Lands

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

### **Section 10: Invasive Species Control**

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

### **Section 11: Predator Control**

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

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

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

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

## Section 12: Emergency Management

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

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

### Fire Protection

Fires are best prevented and fought through long-term fuels management and other anticipatory actions. Such fire protection efforts must be integrated and supported by other natural resource programs and policies. Counties support the achievement of a sustainable ecosystem and the maintenance of healthy forests while providing defensible space for protection of life and property.

Governmental agencies alone cannot achieve fire safe communities; private property owners are also obligated to take necessary actions to reduce their fire risk.

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

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

#### Prescribed Fire

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

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

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

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

#### Environmental Health

Recent environmental hazard events across the State have demonstrated the need to bolster enforcement actions and local authority to prevent environmental incidents from occurring. Counties support policies to prevent and protect the public and the environment from hazardous incidents by improving enforcement of hazardous waste laws and regulations, and strengthening oversight and regulations of facilities that treat, store, or dispose toxic substances and pose an endangerment to public health and safety. Additionally, Counties also support legislation that expedites the cleanup of environmental hazards, and increases resources for remediation activities, and increases community engagement.

### **Section 13: Energy**

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

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

- Assess available conservation and renewable energy options and take action to implement conservation, energy efficiency and renewable energy development when feasible;

- Consider the incorporation of energy policies as an optional element in the county general plan; and,
- Consider energy concerns when making land use decisions and encourage development patterns which result in energy efficiency.

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

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

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

#### **Section 14: Medical Cannabis**

This section should be viewed in conjunction with CSAC's Cannabis policy. CSAC believes that the constitutional police powers of counties to protect the health, safety, and general welfare of the public authorizes counties to take actions to address what an elected Board of Supervisors legislatively determines to be the negative secondary effects of medical cannabis dispensaries and cultivation. The proliferation of such dispensaries and cultivation has created a variety of problems in many areas of the State. Counties must be able to enact prohibitions or regulations in the face of threats to the public health, safety and general welfare. Such decisions represent legislative judgments made by locally elected legislative bodies about the wisdom and need for local control over a particularly vexing and unusual land use. Under well settled constitutional separation of powers principles, deference must be afforded to the legislative judgments made by locally elected officials, who are in the best position to evaluate local conditions, community needs, and the public welfare. Accordingly, CSAC believes that any legislation to develop a statewide program for the regulation of medical marijuana dispensaries and cultivation must allow individual local governments the discretion to either adopt that program in full, to modify the program as they see fit, or to opt out of the program completely.

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

## Chapter Three

# Agriculture, Environment and Natural Resources: Flood Protection Attachment

(As Approved by the CSAC Board of Directors 3/30/06)

### **Background**

The California State Association of Counties (CSAC) believes that the State flood control system must be viewed as a complete functioning system and funded accordingly. Intermittent and piecemeal efforts at mapping, maintaining, and repairing the system has proved to be inefficient, costly and generally ineffective. CSAC also recognizes the critical need for new projects and repairs within the existing flood control infrastructure and the necessity of ensuring the ongoing maintenance of all components, from upper watershed to end-users. As such, CSAC has developed the following flood protection principles and policy guidelines that CSAC can use as a base for lobbying efforts on behalf of counties.

### **Section 1: Funding**

CSAC supports a statewide, multi-level funding approach to funding new flood protection projects, mapping, improvements to the system, and the maintenance and operation of all flood mitigation efforts, including upper watershed flood positive mapping and watershed rehabilitation, coastal watershed mitigations and flood protections plans, and other identified projects in each of the state's 10 flood control zones. CSAC also recognizes that appropriations or bond funds earmarked for flood protection must be equally available to all areas of the state.

- CSAC would consider the use of financial incentives to encourage local governments to adopt flood related planning activities if such incentives applied equally to all jurisdictions affected by the statewide flood control system and were based on a uniform standard, such as the community rating system used by FEMA.
- CSAC supports full funding for the State's Flood Control Subventions Program within the Department of Water Resources to ensure appropriate staffing and reimbursements for delinquent and future claims.
- CSAC supports funding mechanisms originating within all levels of government, including local, state and federal, but not relying solely on ratepayer shares.
- CSAC encourages state and federal funding that is stable, predictable and sufficient for planning, capital projects, and ongoing operation and maintenance costs.
- CSAC supports prioritizing funding for improvements to areas deemed to be at the most risk in the statewide flood control system.

- CSAC supports a variety of funding sources which may include but are not limited to: statewide bond measures, statewide and local assessments, developer fees, wheeling charges, beneficiary pays and the creation of a maintenance endowment fund.
- CSAC supports identifying specific dollar amounts for flood protection within any bond measure, and supports the minimization or elimination of local matching requirements.
- CSAC supports funding being made available for both capital costs and operation and maintenance of the system.
- All state flood protection funding shall be protected under Proposition 1A.
- CSAC will continue to support efforts to exempt flood control and storm water fees from the voter approval requirements of Proposition 218.

### **Section 2: Flood Protection and Levee Integrity**

CSAC supports the assessment of the integrity of the statewide flood control system provided it is not to the exclusion of investing in actual and critical project improvements.

- In assessing the integrity of the flood control system, CSAC believes that project levees shall be distinguished from non-project levees; and levees that protect agriculture, urban areas or critical infrastructure shall be distinguished from each other.
- CSAC supports the assessment and inclusion of non-project levees into the statewide project levee system, as they are integral to the overall water management system.
- CSAC supports the use of formal, uniform and reliable federal standards relating to levee integrity and the flood management system upon which all flood control agencies and jurisdictions can rely.
- CSAC supports the targeted and expedited assessment of levees in problem areas, and supports operators at the local level who are willing to provide their expertise to agencies tasked that are tasked with assessing the integrity of California's flood protection system.
- While CSAC recognizes the need for detailed studies of the flood protection system, we support a reasonable ratio of time and funds for this purpose to be balanced by the urgent need for actual flood protection to protect threatened areas.
- CSAC supports the use of forecast-based management of the statewide flood protection system.
- CSAC supports the rehabilitation of the upper watershed areas for partial mitigation of flood events affecting downstream reservoirs and control systems.

CSAC supports recognition of the Sacramento-San Joaquin Delta as a critical region of statewide importance encompassing vital water, transportation, energy, agricultural and economic interests. As such, funding to assure the adequacy of its flood protection systems is of statewide importance.

### **Section 3: Mapping of the System**

CSAC supports the creation of updated detailed FEMA and Statewide Awareness Maps and acknowledges the need for such maps to be created as soon as possible.

- The updated maps should be based on general plan build out of the watershed or a reasonable build out scenario.
- If FEMA must maintain a floodplain map based on existing development, then it should include a second floodplain zone based on a reasonable watershed build out.
- CSAC opposes changing federal standards from the current 100-year flood designation to a 200-year standard without a clear demonstration of the benefits and the attendant amount of funding that would enable local governments to achieve the new standard.

### **Section 4: Development in Flood Prone Areas**

CSAC opposes any state preemption of local land use authority and reiterates that land use decisions must remain at the local level. CSAC supports the strengthening of flood protection policies in State General Plan law while recognizing the value of agricultural uses, existing natural resources and housing needs of each region in the state.

- CSAC recognizes the existing role of state agencies to review and comment on development proposals.
- CSAC supports updated building standards to reflect appropriate flood prevention standards.
- CSAC supports efforts to ensure that every local entity creates an emergency flood response management plan that would include such items as emergency response protocols, integrated regional communications and emergency evacuation plans.
- CSAC believes that new development should pay its fair share, up to the full cost of project related impacts including mitigation, to achieve a designated level of flood protection. Furthermore new development should be a part of the funding solution relative to the maintenance and operation costs of project related flood protection.
- CSAC supports the update of the CEQA Guidelines Checklist to ensure that projects are evaluated for flooding impacts.

### **Section 5: Regulatory Streamlining**

CSAC supports improvements to the regulatory process for flood protection projects, especially those deemed to be imminent threats.

- CSAC supports an expedited permit process for flood protection projects, including maintenance and operation work.
- CSAC supports better coordination between state and federal regulatory agencies and clear direction on flood control requirements and responsibilities.
- CSAC supports programmatic Environmental Impact Reports (EIRs) and standardized mitigation measures for the flood management system, levee maintenance and capital projects that fall under certain thresholds.
- CSAC opposes repeated mitigation requirements in connection with any ongoing maintenance of the flood management system, projects and facilities.

### **Section 6: Insurance**

CSAC supports outreach and notification efforts by all levels of government to people at risk in identified flood prone areas.

- CSAC supports the establishment of an outreach or notification program administered by the state to educate the public regarding the level of risk they face in identified flood prone areas. Such efforts by the state shall be developed with input from, and coordinated with, local government.
- CSAC is concerned about the possible effects of any new state-imposed flood insurance program and would oppose any mandates requiring local governments to administer such a program.
- CSAC supports efforts to encourage property owners to secure and maintain flood insurance.

### **Section 7: Liability**

CSAC opposes the transfer of primary liability for the statewide flood control system to local jurisdictions.

- CSAC supports a defined standard of liability for flood control infrastructure
- CSAC supports a proportional and equitable distribution of liability between all levels of government associated with the statewide flood control system
- CSAC supports the enactment of a State Hazard Mitigation Plan law to provide funds for targeted relocation efforts in high-risk areas.

# Agriculture, Environment and Natural Resources: State Water Policy Attachment

## **Background**

As the nation's most populous state, California faces many complicated and compelling water resource issues. The California State Association of Counties (CSAC) recognizes the complexities of water use and distribution throughout the state and has reiterated its position on this issue over the years through various policy statements, including, but not limited to support for statutory protection of counties of origin and watershed areas, support for existing water rights, the need for new and expanded water resources, and the need for local water conservation efforts. This policy attachment is consistent with other existing CSAC policy guidelines concerning water, land use, agriculture, forestry, climate change and flood protection.

## **Introduction**

CSAC acknowledges the reliance of counties on the Delta as a water delivery system, and recognizes the urgency with which all of the Delta partners, including the State must act to resolve and fund infrastructure, environmental and supply issues.

## **Section 1: Water Conveyance**

Decisions regarding the Delta necessitate the inclusion of policy direction in CSAC's platform to ensure consideration of county interests. These proposed policies also build upon CSAC's existing policy that recognizes the Delta as a critical region of statewide importance encompassing vital water, transportation, energy, agriculture and economic interests. The proposed policies will be relied upon by CSAC staff in conjunction with existing CSAC policy in developing recommendations regarding the State Water Plan, the Bay Delta Conservation Plan, and the California Water Fix Project. 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.
- Supports development of adequate water supply for the south, 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.

## Chapter Four

# Energy Policy Guidelines

### Introduction

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

### Section 1: Tax and Revenue Impacts

Legislative, Public Utility Commission (PUC), and State Board of Equalization (SBE) decisions concerning energy issues shall include provisions to avoid negative impacts on local government and schools.

Local governments rely on property tax revenues and franchise fees from utilities to provide essential public services. These revenues, as well as property tax revenues from alternative energy facilities, must be protected to ensure that local governments can continue to provide essential services, and support statewide energy needs by siting new power plants, and alternative energy facilities, bringing old power plants back on line and enacting long-term conservation measures.

### Section 2: Energy Generation

Counties support efforts to ensure that California has an adequate supply of safe, reliable energy at the most competitive prices possible, while adhering to the state's expressed order of priorities of conservation, renewables, new generation and new transmission.

Counties support establishing incentives that will encourage the development and use of alternative energy sources such as wind, solar, biomass, hydropower, and geothermal resources. Counties also support promoting the timely development of new infrastructure, such as new electric transmission, needed to facilitate renewable energy development. Such efforts will lead to the state realizing its goal of having 100% of its electricity supply come from renewable and zero carbon energy sources by 2045.

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 SB 871 (Chapter 41, Statutes 2014)

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.

Counties support providing incentives to local agencies to site energy facilities. The following incentives would stimulate the development and siting of more energy generation facilities:

- *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.
- *Energy facility incentive payments.* Financial incentives for cities and counties that approve new generating facilities, and/or the expansion of existing generation facilities, to replace them with more efficient facilities, or to build renewable projects, including photovoltaics, fuel cells or cogeneration. Increased incentives would be given to those facilities that generate power beyond the demand of the host jurisdiction's facilities alone.
- *Property tax allocation incentives.* Any city or county that approves siting of a privately developed generating facility should receive 100% of the property tax of that facility.
- *Waiving charges.* To stimulate development of projects such as cogeneration facilities, standby charges for generating facilities should be waived.
- *Aligning processes at various levels.* Streamlining of timeframes currently associated with the state and federal regulatory process for siting power generating facilities.

Counties support an amendment to the California Integrated Waste Management Act (CIWMA) to provide full diversion credit for cogeneration facilities to further encourage their development. The CIWM Act currently establishes a 10% limitation on solid waste diversion that occurs through transformation.

Counties support streamlining the approval and environmental review process for new power plants and any building using alternative sources of energy.

Counties support payments to qualified facilities consistent with state and federal standards for renewable energy sources.

Counties oppose state ownership of power plants because of the impact on local government revenue streams, water rights, the operation of hydro facilities, and the efficient management of such systems, including the economic uncertainty associated with state ownership of power plants. In the event of state ownership, all impacts on local government shall be mitigated.

### **Section 3: Public Power**

Counties support measures that enhance public power options available to local governments.

Counties support measures that enhance local government's ability to become community aggregators of electricity.

#### **Section 4: Conservation**

CSAC and its member counties are committed to reducing electricity use and increasing efficiency in their facilities.

Counties support development of a statewide grant program to fund energy conservation and energy management equipment in local government facilities.

Counties support a rate structure that recognizes conservation efforts.

Counties support grants and loans that promote energy efficiency among businesses and homeowners. Counties support the adoption of real-time metering and time-of-use metering, allowing consumers to make choices about their consumption of electrical energy based on the real-time price of electricity.

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

#### **Section 5: Economic Development**

Counties support the development and implementation of a statewide “proactive” California business retention strategy, led by the Governor’s Office of Business and Economic Development (GO-Biz). We encourage partnerships with local economic development organizations.

Counties support the development and execution of a statewide, consistent and balanced message campaign that presents the true business climate in California.

Counties support efforts to encourage alternative energy solutions to be instituted in businesses and residences.

Counties support the right to implement Property Assessed Clean Energy (PACE) programs and establish property assessment liens for energy conservation and renewable energy investments. PACE programs create jobs, stimulate business growth, reduce greenhouse gas emissions and add lasting value to residential and commercial properties without increasing risks of mortgage defaults.

#### **Section 6: Notification of Power Outages**

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

#### **Section 7: Miscellaneous**

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

## Chapter Fourteen

# CSAC Climate Change Policy Guidelines

- CSAC recognizes that sustainable development and climate change share strong complementary tendencies.
- CSAC recognizes that mitigation and adaptation to climate change – such as promoting sustainable energy, improved access and increased walkability, transit oriented development, and improved agricultural methods – have the potential to bolster sustainable development.
- CSAC recognizes that climate change will have a harmful effect on our environment, public health and economy. Although there remains uncertainty on the pace, distribution and magnitude of the effects of climate change, CSAC also recognizes the need for immediate actions to mitigate the sources of greenhouse gases.
- CSAC recognizes the need for sustained leadership and commitment at the federal, state, regional and local levels to develop strategies to combat the effects of climate change.
- CSAC recognizes the complexity involved with reducing greenhouse gases and the need for a variety of approaches and strategies to reduce greenhouse gas (GHG) emissions.
- CSAC supports a flexible approach to addressing climate change, recognizing that a one size fits all approach is not appropriate for California’s large number of diverse communities.
- CSAC supports special consideration for environmental justice issues, disadvantaged communities, and rural areas that do not have the ability to address these initiatives without adequate support and assistance.
- CSAC supports cost-effective strategies to reduce GHG emissions and encourages the use of grants, loans and incentives to assist local governments in the implementation of GHG reduction programs.
- CSAC recognizes that adaptation and mitigation are necessary and complementary strategies for responding to climate change impacts. CSAC encourages the state to develop guidance materials for assessing climate impacts that includes adaptation options.
- CSAC finds it critical that the state develop protocols and GHG emissions inventory mechanisms, providing the necessary tools to track and monitor GHG emissions at the local level. The state, in cooperation with local government, must determine the portfolio of solutions that will best minimize its potential risks and maximize its potential benefits. CSAC also supports the establishment of a state climate change technical assistance program for local governments.
- CSAC believes that in order to achieve projected emission reduction targets, cooperation and coordination between federal, state and local entities must occur to address the role public lands play in the context of climate change.

- CSAC recognizes that many counties are in the process of developing, or have already initiated climate change-related programs. CSAC supports the inclusion of these programs into the larger GHG reduction framework and supports acknowledgement and credit given for these local efforts.
- CSAC acknowledges its role to provide educational forums, informational resources and communication opportunities for counties in relation to climate change.
- CSAC recognizes that collaboration between cities, counties, special districts, and the private sector is necessary to ensure the success of a GHG reduction strategy at the local level.
- CSAC encourages counties to take active measures to reduce GHG and create energy efficiency strategies that are appropriate for their respective communities.

### **Section 1: Fiscal**

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

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

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

### **Section 2: Land Use, Transportation, and Housing**

CSAC recognizes that population growth in the state is inevitable, and therefore climate change strategies that affect land use must focus on how and where to accommodate and mitigate the expected growth in California. Land use planning and development play a direct role in transportation patterns, affecting travel demands and in turn vehicle miles traveled (VMT) and fuel consumption. It is recognized that in addition to reducing VMTs, investing in a seamless and efficient transportation

system to address congestion also contributes to the reduction of GHG emissions. The provision of housing affordable to all income levels also affects the ability to meet climate change goals. Affordable housing in close proximity to multi-modal transportation options, work, school, and other goods and services is a critical element to reducing GHG emissions in the state. Smart land use planning and growth, such as that required by SB 375 (Chapter 728, Statutes of 2008), remains a critical component to achieve the GHG emission reduction targets pursuant to AB 32 (Chapter 488, Statutes of 2006), particularly to address the emissions from the transportation sector (i.e. vehicle, air and train). In order to better understand the link between land use planning, transportation, housing, and climate change further modeling and consideration of alternative growth scenarios is required to determine the relationship and benefits at both the local and regional levels.

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

reduction and climate change goals, such as efforts which build upon existing regional blueprint and transportation planning processes. CSAC continues to support regional approaches over any statewide “one size fits all” approach to addressing growth and climate change issues. Further, CSAC supports countywide approaches to strategic growth, resource and agricultural protection, targeting scarce infrastructure investments and tax sharing for countywide services.

- CSAC finds it critical that state and federal assistance is provided for data and standardized methodologies for quantifying GHG emissions for determining and quantifying GHG emission sources and levels, vehicle miles traveled and other important data to assist both local governments and regional agencies in addressing climate change in environmental documents for long-range plans.

### **Section 3: Energy**

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

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

#### **Energy Efficiency**

- CSAC supports energy conservation and energy efficiency, along with broader use of renewable energy resources. Counties are encouraged to undertake vigorous energy action programs that are tailored to the specific needs of each county. When developing such action programs counties should:
  - (1) assess available conservation and renewable and alternative energy options and take action to implement conservation, energy efficiency and renewable energy development when feasible;
  - (2) consider the incorporation of energy policies as an optional element in the county general plan; and,
  - (3) consider energy concerns when making land use decisions and encourage development patterns which result in energy efficiency.
- CSAC supports incentive based green building programs that encourage the use of green building practices, incorporating energy efficiency and conservation technologies into state and local facilities. A green building is a term used to describe structures that are designed, built, renovated, operated or reused in an ecological and resource-efficient manner. Green buildings are designed to meet certain objectives using energy, water and other resources more efficiently and reducing the overall impact to the environment.
- CSAC supports the state’s development of green building protocols sustainable building standards, including guidelines for jails, hospitals and other such public buildings.
- CSAC supports the use of grants, loans and incentives to encourage and enable counties to incorporate green building practices into their local facilities.

- CSAC supports the use of procurement practices that promote the use of energy efficient products and equipment.

#### Methane Emissions

- CSAC supports state efforts to develop a dairy digester protocol to document GHG emissions reductions from dairy farms. CSAC supports funding mechanisms that support the use of dairy digesters to capture methane gas and convert it to energy.
- CSAC supports state efforts to capture methane gases from landfills, and supports development of a reasonable regulatory measure with a feasible timeline to require landfill gas recovery systems on landfills that can support a self-sustaining collection system.
- CSAC supports the development of a guidance document for landfill operators and regulators that will recommend technologies and best management practices for improving landfill design, construction, operation and closure for the purpose of reducing GHG emissions.
- CSAC also supports funding mechanisms, including grants, loans and incentives to landfill operators to help implement these programs.

#### **Section 4: Water**

According to the Department of Water Resources, projected increases in air temperature may lead to changes in the timing, amount and form of precipitation, changes in runoff timing and volume, sea level rise, and changes in the amount of irrigation water needed. CSAC recognizes the need for state and local programs that promote water conservation and water storage development.

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

- CSAC supports the incorporation of projections of climate change into state water planning and flood control efforts.
- CSAC supports water conservation efforts, including reuse of domestic and industrial wastewater, reuse of agriculture water, groundwater recharge, and economic incentives to invest in equipment that promotes efficiency.
- CSAC continues to support the study and development of alternate methods of meeting water needs such as desalinization, wastewater reclamation, watershed management, the development of additional storage, and water conservation measures.

#### **Section 5: Forestry**

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

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

### **Section 6: Agriculture**

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

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

### **Section 7: Air Quality**

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

- CSAC supports state efforts to create standards and protocols for all new passenger cars and light-duty trucks that are purchased by the state and local governments that conform to the

California Strategy to Reduce Petroleum Dependency. CSAC supports state efforts to revise its purchasing methodology to be consistent with the new vehicle standards.

- CSAC supports efforts that will enable counties to purchase new vehicles for local fleets that conform to state purchasing standards, are fuel efficient, low emission, or use alternative fuels. CSAC supports flexibility at the local level, allowing counties to purchase fuel efficient vehicles on or off the state plan.
- CSAC supports identifying a funding source for the local retrofit and replacement of county on and off road diesel powered vehicles and equipment.
- CSAC opposes federal standards that supersede California's ability to adopt stricter vehicle standards.
- Counties continue to assert that federal and state agencies, in cooperation with local agencies, have the ability to develop rules and regulations that implement clean air laws that are both cost-effective and operationally feasible. In addition, state and federal agencies should be encouraged to accept equivalent air quality programs, thereby allowing for flexibility in implementation without compromising air quality goals.
- CSAC also recognizes the importance of the Air Pollution Control Districts (APCDs) and Air Quality Management Districts (AQMDs) to provide technical assistance and guidance to achieve the reduction of GHG emissions.
- CSAC supports the development of tools and incentives to encourage patterns of product distribution and goods movement that minimize transit impacts and GHG emissions.
- CSAC supports further analysis of the GHG emission contribution from goods movement through shipping channels and ports.

### **Section 8: Solid Waste and Recycling**

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

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

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

- The use of materials that are biodegradable;
- Greater manufacturer responsibility and product stewardship.

### **Section 9: Health**

CSAC recognizes the potential impacts of land uses, transportation, housing, and climate change on human health. As administrators of planning, public works, parks, and a variety of public health services and providers of health care services, California's counties have significant health, administrative and cost concerns related to our existing and future built environment and a changing climate. Lack of properly designed active transportation facilities have made it difficult and in some cases created barriers for pedestrians and bicyclists. Lack of walkability in many communities contributes to numerous chronic health related issues, particularly obesity which is an epidemic in this country. Heat-related illnesses, air pollution, wild fire, water pollution and supply issues, mental health impact and infectious disease all relate to the health and well-being of county residents, and to the range and cost of services provided by county governments.

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

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

**Climate change**

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

*United Nations Framework Convention on Climate Change*

**Carbon Sequestration**

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

*US Department of Energy*

**Environmental Justice**

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

*US Environmental Protection Agency*

**Greenhouse gas**

A gas that absorbs radiation at specific wavelengths within the spectrum of radiation (infrared radiation) emitted by the Earth's surface and by clouds. The gas in turn emits infrared radiation from a level where the temperature is colder than the surface. The net effect is a local trapping of part of the absorbed energy and a tendency to warm the planetary surface. Water vapour (H<sub>2</sub>O), carbon dioxide (CO<sub>2</sub>), nitrous oxide (N<sub>2</sub>O), methane (CH<sub>4</sub>) and ozone (O<sub>3</sub>) are the primary greenhouse gases in the Earth's atmosphere.

*United Nations Intergovernmental Panel on Climate Change*

# **CEQA Reform General Principles and Policy Statements**

The California Environmental Quality Act (CEQA), signed into law by Governor Ronald Reagan in 1970, establishes a process to incorporate scientific information and public input into the approval of development projects, both public and private. Viewed by many as California’s landmark environmental law, CEQA has attracted controversy throughout its 43 years and its reform is a frequent subject of proposed legislation.

In order to respond to CEQA reform proposals, CSAC convened a working group of CEQA experts including, planning directors, county counsels, and public works directors to help draft policy principles to guide CSAC through ongoing reform debates. The following chapter sets forth the CEQA Working Group’s principles and policy statements regarding CEQA reforms.

## **Section 1: Role of CEQA**

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

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

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

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

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

## **Section 2: General Principles**

- Counties support the balance of sound environmental protection with the need to complete projects that promote economic prosperity and social equity. Any proposed CEQA revisions

should seek to modernize, simplify and streamline the law, and not dismantle it or create new and equally complicated processes resulting in litigation.

- Local government performs the dominant role in planning, development, conservation, and environmental procedures. Counties have and should retain the primary responsibility for land use decisions in unincorporated areas. In addition, counties should act as the lead agency where projects are proposed in unincorporated areas requiring discretionary action by the county and other jurisdictions.
- The CEQA process should be integrated with the planning process wherever possible, including the preparation of programmatic or master environmental documents that allow the use of tiered environmental review (including negative declarations) to achieve a more streamlined CEQA process for subsequent development and infrastructure projects.
- Counties support state funding to update and implement general plans, specific plans, sustainable communities strategies, and smart growth plans, including programmatic CEQA review of these plans.
- CSAC encourages state and federal agencies to provide timely and complete review of local projects within the timelines set forth in CEQA so that issues relevant to those agencies' regulatory role can be addressed at the earliest possible time.
- CSAC encourages local agencies to resolve CEQA disputes without costly litigation and in a way that buoys public confidence in local government. Examples of this include the use of non-binding mediation.
- CSAC acknowledges its role in providing educational forums, informational resources and communication opportunities for counties in regards to CEQA practice and reform efforts.

### **Section 3: Policy Statements**

- Counties support statutory changes that provide lead agencies with the ability to find that de minimis contributions to a significant impact are not cumulatively considerable.
- Counties strongly support statutory changes to improve the defensibility of well-prepared mitigated negative declarations (MND), including but not limited to applying the substantial evidence standard of review to MNDs that meet certain criteria, such as those prepared for projects that are consistent with current zoning or an existing general plan.
- CEQA currently allows for potential issues to be raised late in the decision-making process, giving rise to disruptive and counterproductive tactics known as “late hits” and “document dumps” to stall the project review process. Counties support limits on the submittal of late input into the process. In order to raise an issue in court, counties assert that the issue with an EIR or MND must have been raised during the Draft EIR or MND public comment period, unless the new issue was not known and could not have been raised earlier.
- Counties support CEQA exemptions and streamlining for infill projects in both cities and existing urbanized areas in counties. Conditions for such exemptions and streamlining processes should be based on population densities that reflect reasonable infill densities in counties or other objective measures of urban development, rather than arbitrary jurisdictional boundaries.

- Roadway infrastructure projects that protect the health and safety of the traveling public are subject to project delivery delays due to environmental review, even when a project replaces existing infrastructure. Counties support categorical and/or statutory exemptions and streamlining for road safety projects in the existing right-of-way. The maintenance or rehabilitation of existing public facilities, within existing public right-of-way, with previously approved environmental documents, should also be provided a streamlined process or be exempt from having to do another CEQA document.
- Support measures to reduce or eliminate duplicative environmental review for public works projects that are subject to both NEPA and CEQA. This could include action at the federal level to allow use of the CEQA document in place of a NEPA document.
- Counties support programmatic Environmental Impact Reports (EIRs) and standardized mitigation measures for the flood management system, levee maintenance and capital projects that fall under certain thresholds.
- Counties support providing the courts with more practical discretion to sever offending parts of a large project that is subject to CEQA litigation and allow the beneficial parts of a project to proceed when they are not relevant to the court's CEQA decision.
- Counties support transparency in the preparation and distribution of environmental documents. To accomplish this, CSAC supports state funding and assistance for the electronic filing of documents. Further, counties believe they are in the best position to decide how to make governmental information available to non-English speaking communities within their jurisdictions. Counties do not support state-mandated translation of CEQA documents.
- Counties believe that in some circumstances existing environmental laws and regulations can be used to streamline the CEQA process and help avoid unnecessary duplication. However, Counties also believe that any such standards or thresholds must be found by the lead agency to be specifically applicable to the project where they are applied. If the use of existing environmental laws is intended to exempt a project from further CEQA review, it should be focused on specific impacts and limited to "qualified standards" that the lead agency reasonably expects will avoid significant impacts in the area addressed by the standard.
- Challenges to the contents of the administrative record have become a common way to create litigation delays and increased costs. Counties support a statutory clarification that the contents of an administrative record only include all documents that were submitted to the relevant decision making body before the challenged decision. Counties further support a statutory clarification allowing public agencies to certify both accuracy and completeness of an administrative record prepared by a petitioner. Counties support statutory clarification that resolution of disputes regarding preparation and certification of the administrative record should occur through motions to supplement which run parallel to briefing on the merits, not prior.
- Counties support statutory revisions that increase the transparency by limiting the standing of parties filing CEQA lawsuits and actions to persons or entities with an environmental concern rather than economic interest in the project.

- Counties support statutory revisions to the private attorney general statute governing awards of attorneys' fees, which are available to petitioners but not defendants. This low-risk, high-return imbalance in favor of petitioners is one of the primary drivers for CEQA litigation.
- Counties support the use of the substantial evidence standard for challenges to a categorical exemption.

# CSAC Cannabis Policy

## Introduction

On November 8, 2016, voters passed Proposition 64, the Adult Use of Marijuana Act (AUMA), legalizing the adult use of cannabis in California. AUMA contains broad local regulatory and taxation authority, allowing local governments to decide how best to regulate – and impose local taxes on – the retail sale and cultivation of cannabis in their respective communities while integrating local regulatory programs within a larger state licensing system. AUMA provides guidelines for several state agencies to develop specific regulations that taken together will create a statewide licensing and regulatory framework for the cultivation, manufacture, transportation, testing, and sale of adult use cannabis. In addition to AUMA, the Governor signed into law the Medical Cannabis and Regulatory Safety Act (MCRSA) in 2015. MCRSA established a similar statewide licensing and regulatory framework specific to medical cannabis. While substantially similar, these two laws contain several differences. As a result, the Legislature and regulatory agencies are working to reconcile several inconsistencies between AUMA and MSCRA as they work to implement both laws.

AUMA and MCRSA respect local police powers and contain explicit county taxing authority. However, counties have a stake in shaping the broader statewide landscape of cannabis regulation in California as it will undoubtedly have a significant impact on local government operations. As the Legislature and regulatory agencies work to develop regulations to implement both the medical and adult use cannabis laws, counties put forth the following policy principles to guide CSAC positions and advocacy on cannabis regulation in California.

### **Policy Principles**

#### **Section 1: Licensing, Regulation, and Local Control**

Local government police powers and authority over taxation and fees must be respected in the development of any regulations implementing both medical and adult use cannabis laws. This includes support for existing local land use authority and counties' ability to ban the commercial adult use or medical cannabis retail sale, delivery, and/or cultivation within the unincorporated area.

The MCRSA and AUMA outline categories of different types of licenses for the cultivation, sale, manufacture, distribution, and testing of cannabis. Both laws contain different types of restrictions on how many licenses can be held by a single entity. Counties support existing prohibitions on the cross-ownerships of licenses within the medical cannabis laws, and support restrictions on the cross-ownership of licenses within AUMA.

#### Counties support:

1. The development of a dual licensing system, which requires the verification of a local license as a condition precedent to the issuance of a state license for both medical and adult use commercial cannabis licensees, and the development of a strong license revocation policy and procedure for violations of license requirements.
2. Limitations and/or phase-in of unlimited acreage licenses, or Type Five licenses. (Proposition 64 allows for an unlimited acreage cultivation license - Type 5 - after the law has been in effect for five years).

3. State development of uniform regulations, when feasible, for adult use and medical cannabis.

## **Section 2: Cultivation and Environmental Impacts**

### **Counties urge:**

1. Action to reduce environmental degradation and ensure the responsible use of resources, including water and electricity, in cannabis cultivation.

### **Counties support:**

1. Uniform pesticide and other contaminant standards for adult use and medical cannabis.
2. A statewide track and trace technology system designed with compatibility and full integration with local programs.
3. Local access to both the state track and trace system and laboratory test results for cannabis and cannabis products.
4. Integration with GIS systems at the local level, especially with respect to cultivation sites. This should include integration and consultation with resource conservation districts and enable integration with Integrated Watershed Management Plans.
5. Strong coordination between local and state agencies to ensure uniform application in environmental enforcement efforts. This includes providing clear guidance and adequate resources to responsible agencies to regulate and enforce existing environmental laws when they are applied to the cultivation of cannabis.
6. The ability to grow industrial hemp as an agricultural product, while respecting local control.

## **Section 3: Enforcement and Public Safety**

Counties strongly urge the state to fully enforce all state aspects of cannabis regulations, and to provide resources to local governments for enforcement efforts undertaken by local governments.

### **Counties support:**

1. The development of enforceable standards for impaired driving.
2. Employer rights to maintain competency for duty and a drug-free workplace and the ability to impose restrictions on cannabis use by employees.
3. Action and assistance to aid local government and law enforcement's ability to stop unlicensed commercial activity and diversion of cannabis and cannabis products.
4. Dedicated resources for the active enforcement of illegal cannabis cultivation on state and federal lands.
5. State standards governing worker safety and security in the cannabis industry.
6. Inspections of cannabis retail establishments, sales locations, or cultivation sites to ensure adherence to state and local laws and policies.

## **Section 4: Labeling, Testing, and Advertising**

### **Counties urge the state:**

1. To develop packaging requirements that are designed to display no appeal for children and to require childproof containers, where appropriate.
2. To allow counties to use state-run labs for pesticide, heavy metal, and biological testing for enforcement purposes.

3. To develop uniform potency standards for cannabis products to ensure consumer health and safety.

Counties support:

4. Standards for the recognition of a particular appellation of origin of cannabis cultivated in a certain geographical region.
5. Strict labeling and testing requirements of all adult use and medical cannabis products.

**Section 5: Resources, Revenue Collection, and Banking**

Counties urge:

1. The federal government to continue to respect states' rights with respect to cannabis regulation and enforcement.
2. The federal government to allow banking services for the cannabis industry to help reduce the public safety issues posed by a cash-based industry.
3. The federal government to declassify cannabis as a Schedule I drug and remove all conflicts under federal law.
4. Revenue sharing and grants from state revenues to manage the impacts of cannabis growth.

Counties support:

5. Interim solutions to encourage tax compliance in the absence of adequate banking solutions.
6. Sufficient resources for local code enforcement and environmental health and other departments.
7. Sufficient funding for adequate staffing at the state and local level to conduct regular inspections for dispensaries, cultivation, and manufacturing facilities, to conduct investigations and enforcement activity, and to quickly respond to and resolve complaints in a timely manner.
8. Actions that would provide state funding and resources to local governments for public education efforts concerning responsible use of cannabis.

**Section 6: Public Education, Outreach, and Research**

Counties support:

1. Methods of sharing best practices, lessons learned, and model ordinances on cannabis regulation and taxation.
2. The development of strong, effective substance abuse prevention and education campaigns at the state level with input from counties, and resources for local education.
3. Statewide data collection and additional research and monitoring of trends regarding the impacts of cannabis – including impacts to public health, enforcement issues, and other impacts. Counties urge the state to share such data and research with local governments.
4. Continued collaboration between local and state agencies, including ongoing dialogue about implementation efforts, tax rates, enforcement issues, and other issues of significance.
5. Adequate local representation on the state Cannabis Advisory Committee to help inform state regulatory agencies and other stakeholders about local conditions, concerns and issues of significance.
6. Widespread communication on the impacts of cannabis on public health, especially related to impaired driving and youth.



February 14, 2019

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**To:** CSAC Board of Directors

**From:** Geoff Neill, Legislative Representative, Government Finance and Administration  
Tracy Sullivan, Senior Legislative Analyst, Government Finance and Administration

**RE:** **2019-20 Platform Chapters: Government Finance and Administration – ACTION ITEM**

**Staff Recommendation.** Staff recommends that the CSAC Board of Directors approve the recommended changes to the CSAC policy platform as drafted and approved by the CSAC Government Finance and Administration (GFA) Policy Committee.

**Background.** At the start of each two-year legislative session, CSAC undertakes a policy platform review process. To begin that process of updating the guiding policy document for the Association, the GFA Policy Committee review and if appropriate, make suggested changes. We have attached proposed drafts of the GFA chapters of the CSAC Platform. The proposed changes were approved by the GFA Policy Committee on November 29, 2018. Below is a summary of the proposed changes.

**Chapter 5 – Government Operations**

Section 4: Library Services – Deleting an irrelevant cross-reference

**Chapter 8 – Public Employment and Retirement**

Minor rewording throughout the document to create consistency with other chapters  
Section 2: Public Retirement – Incorporating language regarding CSAC’s opposition of divestment mandates (pursuant to action taken by the Board of Directors in May 2017)

**Chapter 9 – Financing County Services**

Minor formatting changes

**Chapter 12 – State Mandate Legislation**

Minor formatting changes

**Chapter 13 – Economic Development Policy Committee**

Minor formatting changes

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

- Chapter 5 – Government Operations
- Chapter 8 – Public Employment and Retirement
- Chapter 9 – Financing County Services
- Chapter 12 – State Mandate Legislation
- Chapter 13 – Economic Development Policy Committee

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## Chapter Five

# Government Operations

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

### **Section 1: General Principles**

#### Scope of Services

Counties should have full discretion over the scope and extent of government services offered. Each county should further examine its ability to support such services, always subject to the requirement to provide mandated services as state agents.

#### Uniformity in Services

When performing mandated duties, the degree of uniformity required should be carefully determined, with emphasis on the purpose of each requirement with the goal of uniformity to serve a specific beneficial purpose. This will enable progress through the application of a variety of administrative approaches and methods.

#### Freedom to Devise Program Operating Policies

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

#### Whole Responsibility with Board of Supervisors

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

#### Non-Partisan Nature of County Government

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

### **Section 2: Electronic Data Processing (EDP)**

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

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

### **Section 3: Local Government Organization**

Different government organizational structures exist throughout the state; legal constraints and time-consuming restrictions have severely limited the use of the charter as a method of obtaining local control. The State Constitution and statutes should be revised to provide authorization for counties to independently organize by local control.

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

Counties should be allowed maximum flexibility to structure their organization through the process of "local option control."

### **Section 4: Library Services**

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

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

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

#### Intergovernmental Relationships

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

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

#### Privacy and Censorship

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

Special Districts

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

**Comment [TS1]:** Deleting irrelevant cross-reference

## **Section 5: Administration of Elections**

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

### Reimbursement for Special and Vacancy Election Costs

Counties support efforts to reinstate language directing the state to provide reimbursement to counties that hold a special election to fill a legislative or Congressional vacancy, and other special elections. Until such reimbursement is provided, counties support efforts to reduce special election administrative costs borne by counties.

### All Mail Ballot Elections

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

## **Section 6: Broadband**

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

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

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

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

## Chapter Eight

# Public Employment & Retirement

### **Section 1: Public Employee Relations**

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

#### Collective Bargaining

Counties support collective bargaining legislation that:

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

#### Political Activity by Employees

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

### Nepotism Restriction

CSAC supports nepotism restriction policies that are consistent with applicable state statutes.

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

**Comment [TS1]:** Changing to third person tense to maintain consistency

### Employee Benefits Legislation

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

**Comment [TS2]:** Changing to third person tense to maintain consistency

### Workers' Compensation

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

**Comment [TS3]:** Changing to third person tense to maintain consistency

CSAC supports:

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

CSAC  opposes:

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

#### Coordination of Governmental Employers

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

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

#### Closed Sessions for Negotiation Discussions

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

#### National Labor Relations Legislation

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

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

### **Section 2: Public Retirement**

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

maintaining a retirement benefit sufficient to assure recruitment and retention of a competent local government workforce. The guiding principles are intended to apply to new public employees in both PERS and 1937 Act retirement systems.

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. ~~WeCSAC opposes~~ efforts to remove board of supervisor authority to determine retirement benefits since they are responsible for funding benefit changes. For 1937 Act county retirement systems, ~~we areCSAC is~~ opposed to any legislation which would transfer authority now vested with the county board of supervisors to the county board of retirement. Such transfer could include, but is not limited to, adoption of salaries for retirement board members or employees, the extension of benefits, or decisions related to funding of the system.

**Comment [TS4]:** Changing to third person tense to maintain consistency

**Comment [TS5]:** Changing to third person tense to maintain consistency

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

Public pension systems boards have a constitutional duty to:

- (a) Protect administration of the system to ~~assure prompt delivery of benefits and related services ensure benefits are available~~ to members and their beneficiaries; and
- (b) Minimize employer costs; and, ~~The constitutional provisions and state statutes governing such boards should promote responsible financial management and discourage conflicts of interest.~~
- (c) ~~Diversify the investments of the system so as to minimize the risk of loss and to maximize the rate of return.~~

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**Comment [TS6]:** Rewording to more closely align with the language in Article 16, Section 17 of the California Constitution

**Comment [TS7]:** Deleting since it does not fit in this summary section

**Comment [TS8]:** Copied verbatim from the California Constitution

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~~To protect the long-term sustainability of public pension systems and promote responsible fiduciary management, CSAC opposes state-imposed divestment mandates that would harm investment performance, compromise investment strategies, or contradict the constitutional duties outlined above.~~

**Comment [TS9]:** The CSAC Board of Directors approved this position in May 2017 with the intention of incorporating it into the platform. This process involved an initial recommendation by the GFA Policy Committee.

Public pensions should adhere to the following principles:

- 1) Protect Local Control and Flexibility
  - a. Local elected officials should be able to develop pension systems that meet the needs of their workforce, maintain principles of sound fiduciary management, and preserve their ability to recruit and retain quality employees for key positions that frequently pay less than comparable positions in the private sector. A statewide mandated retirement system is neither appropriate nor practical, given the diversity of California's communities. Further, a mandated defined contribution retirement system could force a

reconsideration of the decision of local governments not to participate in Social Security.

- 2) Eliminate Abuse
  - a. Public pension systems provide an important public benefit by assisting public agencies to recruit and retain quality employees. Any fraud or abuse must be eliminated to ensure the public trust and to preserve the overall public value of these systems.
- 3) Reduce and Contain Costs
  - a. Public pension reform should provide for cost relief for government, public employees, and taxpayers.
- 4) Increase Predictability of Costs and Benefits for Employee and Employer
  - a. Responsible financial planning requires predictability. Employers must be able to predict their financial obligations in future years. Employees should have the security of an appropriate and predictable level of income for their retirement after a career in public service.
- 5) Strengthen Local Control to Develop Plans with Equitable Sharing of Costs and Risks Between Employee and Employer
  - a. Equitable sharing of pension costs and risks promotes shared responsibility for the financial health of pension systems and reduces the incentive for either employees or employers to advocate changes that result in disproportionate costs to the other party, while diminishing the exclusive impact on employers for costs resulting from increases in unfunded liability.
- 6) Increase Pension System Accountability
  - a. Public pension systems boards have a constitutional duty to both protect administration of the system to ensure benefits are available to members and minimize employer costs. The constitutional provisions and state statutes governing such boards should promote responsible financial management and discourage conflicts of interest.

### **Section 3: Industrial Disability Retirement (IDR)**

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

### **Section 4: Occupational Safety and Health Standards**

The occupational safety and health standards and practices for counties should comply with [the California Division of Occupational Safety and Health](#) (Cal-OSHA).

#### Safety Member Category

The safety member classification is intended to provide a retirement system for the class or classes of public employees whose duties consist of physically active functions in the protection and safety of the public. The purpose of such classification is to ensure that persons so employed will be agile, ~~and~~ active, and possess a high degree of physical alertness and stamina. ~~and~~ it is designed to provide an opportunity for career employment and, at the same time, provide for and ensure separation from such service without financial hardship at a relatively younger age than other employees. The term "safety," as used in the retirement law, refers to the safety of the public.

**Comment [TS10]:** Nonsubstantive grammar changes to prevent a run-on sentence

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

#### Coordination of Personnel Functions with Central Administration

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

#### Equal Employment Opportunity (EEO)

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

**Comment [TS11]:** Changing to third person tense to maintain consistency

#### Testing, Selection, and Promotion

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

#### Licensing and Certification

~~The e~~Counties urge a review of all requirements for licenses or certificates for county employment to

**Comment [TS12]:** Correcting a typographical error

ensure they are realistically related to job performance. Counties should strive to prevent the requirement of licenses or certificates when those requirements create artificial barriers to employment and/or upward mobility.

#### State Duplication of Federal Law and Reporting Requirements

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

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

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

#### **Section 5: Workforce Development**

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

## Chapter Nine

# Financing County Services

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

### **Section 1: State Policy Objectives**

#### Program Realignment

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

#### Financial Independence

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

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

borrowing and lost investment income. Furthermore, borrowing to cover ongoing state costs is fiscally unwise, and would put negative pressure on state funding of county-provided services in the out-years.

3)

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

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

- 5) **State Payments:** Counties seek a guarantee that the state will pay reimbursements and subventions promptly, with the payment of interest to counties when it fails to do so.

#### Existing Revenue Sources

- 1) **Property Tax Revenue:** Counties oppose erosion of the property tax base through unreimbursed exemptions to property taxes. The state should recognize that property tax revenues are a significant source of county discretionary funds. Any subventions to counties that are based upon property tax losses through state action should be adjusted for inflation annually.

1)

- 2) **Property Tax Administration:** Counties incur significant costs in administering the property tax system and in maintaining financial records for other government entities and jurisdictions, and should receive full reimbursement from all recipients – proportional to their benefit – for actual administrative costs upon distribution of property tax proceeds.

2)

- 3) **1991 Realignment:** In 1991, the state and counties entered into a new fiscal relationship known as realignment. Realignment affects health, mental health, and social services programs and their funding. The state transferred control of certain programs to counties, altered program cost-sharing ratios, and provided counties with dedicated tax revenues from the sales tax and vehicle license fee to pay for these changes. Counties support full continuation of all dedicated realignment revenues. Counties also urge the state to pay counties for the full, current, actual costs of administering programs on its behalf, which is currently frozen at 2001 levels.

3)

- 4) **Incorporation, Annexation, and Dissolution:** Counties support the provisions of revenue neutrality and encourage enhancements and improvements to new city incorporation law. Property tax transfers resulting from municipal incorporations, annexations, or dissolutions should be generally negotiated.

4)

- 5) **Sales Tax Distribution and Exemptions**
  - a. **Distributions:** Any distribution formula for new sales tax revenue growth should

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not be limited to a situs-only distribution. Other options for distribution of new sales tax revenue growth should be fully explored.

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

#### Efficient Government

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

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

#### Equal Treatment

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

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

#### Aligning Revenue Authority with Service Responsibility

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

#### Master Settlement Agreement

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

### **Section 2: Federal Policy Objectives**

Adequate compensation must be made available to local governments to offset the costs of providing services as required by federal law. Additionally, any revenue sharing or payment in-lieu of taxes should be equitable, predictable, and sustainable.

#### Basic Service Levels

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

#### Adequately Finance Specific Program Objectives

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

#### Shared Revenues

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

#### Encourage Public Investment

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

#### Payments In Lieu Of Taxes

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

#### Taxation Of Remote Sales

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

#### Telecommunications

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

## Chapter Twelve

# State Mandate Legislation

The state is constitutionally required through Proposition 4 (1979) and Proposition 1A (2004) to pay for new or higher levels of service it mandates counties and other local agencies provide. However, the issue of mandate reimbursement remains contentious, since mandates reside at the intersection of local control and the reality that counties are providers of state services.

### **Section 1: Mandate Suspension**

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

### **Section 2: Need for Mandates**

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

### **Section 3: Timing of Mandate Payments**

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

### **Section 4: Mandate Alternatives**

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

### **Section 5: Mandate Reforms**

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

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

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

## Chapter Thirteen

# Economic Development

To maintain a vital economy in California, counties support an economic development process that retains, expands, and recruits businesses while reducing regulatory barriers to such businesses. For example, regulatory barriers may include permitting issues, fees and taxes on business in California, and streamlining government.

### Section 1: Economic Development Program Retention

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

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

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

Comment [TS1]: Updating with new name

- 6) Film Industry. The California Film Commission works to retain film production in the state, and CSAC supports partnerships and continued collaboration between the state and the efforts of regional and county film commissions.
- 7) Manufacturing Retention and Expansion Programs. Support tools to create and expand manufacturing jobs and capacity throughout California.

## **Section 2: Community Development Block Grant Program (CDBG)**

Counties recognize the importance of the Community Development Block Grant Program, which provides funding to small communities for economic development. This program is administered by the State Department of Housing and Community Development (HCD). Counties maintain that this program is very important to rural counties and provides significant investment in the rural economy.

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

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

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

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

### **Section 3: Military Base Retention and Reuse**

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

In the area of military base reuse, counties support programs and efforts to attract high quality technological businesses that can maximize existing facilities to further the economic development goals of local governments. Counties further affirm that flexibility at the local level to help communities develop reuse areas in a timely manner is critical to the successful reuse of former military installations.



February 14, 2019

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**To:** CSAC Board of Directors

**From:** Farrah McDaid Ting, CSAC Legislative Representative, Health and Behavioral Health  
Justin Garrett, CSAC Legislative Representative, Human Services  
Roshena Duree, CSAC Legislative Analyst, Health and Human Services

**SUBJECT:** **2019-20 Platform Chapters: Health, Human Services, and Realignment – ACTION ITEM**

**Staff Recommendation.** Staff recommends that the CSAC Board of Directors approve the recommended changes to the CSAC policy platform as drafted and approved by the CSAC Health and Human Services Policy Committee.

**Background.** At the start of each two-year legislative session, CSAC undertakes a policy platform review process. To begin that process of updating the guiding policy document for the Association, the CSAC Health and Human Services Policy Committee reviews and if appropriate, makes suggested changes to the chapters. We have attached proposed drafts of the Health Services, Human Services, and Realignment chapters of the CSAC Platform. There are no proposed changes to the Realignment chapter, but that has been attached for reference. The proposed changes herein were approved by the Health and Human Services Policy Committee on November 27, 2018.

Below is a high-level summary of the changes made to each of the chapters and the comments received on the initial draft.

**Chapter Six – Health Services**

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

- The Public Health section was updated to reflect the expansive health department responsibilities in prevention efforts and health equity efforts.
- The Behavioral Health section was updated to encompass substance use disorder (SUD) in conjunction with mental health, and reorganized to include substance use disorder near the mental health section.
- The section on Proposition 63 was updated to include the words Mental Health Services Act (MHSA), which is how Proposition 63 is commonly known. There were two added points to demonstrate the need for clear state guidance for MHSA reversion and county support for MHSA funding transparency.
- A section was added for Public Guardians/Administration/Conservators to reflect the growing pressures and fiscal concerns regarding conservatorships throughout California.
- Language was changed in the Substance Use Disorder Prevention and Treatment section to reflect our members’ desire to use evidence-based services while acknowledging the potential fiscal challenges. Language was also added to reflect the need for SUD services for youth.
- Edits were made to the section on Emergency Medical Services to clarify county support for ensuring the continuity and integrity of the local emergency medical services system, including county authority on all aspects related to medical control.

## **Chapter 11 – Human Services**

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

- Out-of-date language on federal stimulus efforts was removed from the document.
- The Medi-Cal Eligibility paragraphs were shifted to their own section.
- Edits to the Child Welfare Services/Foster Care section enhance the Continuum of Care Reform (CCR) language and reflect recent reforms.
- The Employment and Self-Sufficiency Programs section was updated to include background information on employment and self-sufficiency programs, edits to reflect recent reforms, and language on county administrative costs for self-sufficiency programs.
- The enforcement and penalties language in the Child Support Enforcement Program section was updated to reflect the program’s shift from an enforcement focus.
- The In-Home Supportive Services (IHSS) language in the Aging and Dependent Adults section was updated to replace the outdated language on the prior Maintenance of Effort (MOE) and to reflect the 2017 IHSS MOE and need for additional resources to address the gap between IHSS costs and available revenues.
- The Adult Protective Services (APS) language in the Aging and Dependent Adults section was updated to include the need for program resources.

### **Attachments.**

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

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## Chapter Six

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# Health Services

### Section 1: General Principles

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

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

Counties also support a continuum of preventative health efforts ~~– including behavioral health services, substance use disorder services, nutrition awareness and communicable disease control and chronic disease prevention – and the inclusion of public health in the design and planning of healthy communities, healthy living models for all of our communities, families, and individuals. Counties also support efforts to prevent and treat substance use and mental health disorders.~~ Preventative health efforts have proven to be cost effective and provide a benefit to all residents.

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

Comment [RD1]: Deleting outdated reference to ACA.

At the federal level, counties also support economic stimulus efforts that help maintain services levels and access for the state's neediest residents. Counties strongly urge that any federal stimulus funding, enhanced matching funds, or innovation grants that have a county share of cost ~~must~~ be shared directly with counties.

## Section 2: Public Health

~~The County public health departments and agencies are responsible for protecting, assessing and assuring individual, community and environmental health. Public health agencies are tasked with controlling the spread of infectious diseases through immunizations, surveillance, disease investigations, laboratory testing and planning, preparedness, and response activities. Furthermore, county health agencies are tasked with evaluating the health needs of their communities and play a vital role in chronic disease and injury prevention through education, policy, system, and environmental changes promoting healthier communities. the only health agencies with direct day-to-day responsibility for protecting the health of every person within each county. The average person does not have the means to protect him or herself against contagious and infectious diseases. Government must assume the role of health protection against contagious and infectious diseases. It must also provide services to prevent disease and disability and encourage the community to do likewise. These services and the authority to carry them out become especially important in times of disaster and public emergencies. To effectively respond to these local needs, counties must be provided with full funding for local public health communicable disease control and surveillance activities.~~

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

County health departments are also working to reduce health inequities with efforts to eliminate barriers to good health and support the equitable distribution of resources necessary for the health of California's diverse population. Strategies include working with other sectors to maintain and expand affordable, safe, and stable housing; ensuring a health equity lens is applied to economic and social policies to identify and address unintended consequences and potential effects on vulnerable populations; and collecting, analyzing, and sharing information to understand and address the health impacts of discrimination and bias.

- 1) To effectively respond to these local needs, counties must have adequate, sustained funding for local public health communicable disease control, epidemiological surveillance, chronic disease and injury prevention, emergency preparedness, planning and response activities, and other core public health functions.

~~2) Counties also support the preservation mission of the federal Prevention and Public Health Fund for public health activities, and oppose any efforts to decrease it's funding.~~

**Comment [RD2]:** Move to a stand alone section.

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**Comment [RD3]:** Update paragraph for a concise description of health department responsibilities.

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**Comment [RD4]:** Moved to separate bullet point from opening Public Health paragraph.

Counties support efforts to secure direct funding for counties to meet the goals of the Fund.

2)3) Counties believe strongly in comprehensive health services planning. Planning must be done through locally elected officials, both directly and by the appointment of quality individuals to serve in policy and decision-making positions for health services planning efforts. Counties must also have the flexibility to make health policy and fiscal decisions at the local level to meet the needs of their communities.

Section 3: Behavioral Health

Counties provide community-based treatment for individuals living with severe mental illness and with substance use disorders (SUD). Counties have responsibility for providing treatment and administration of mental health and substance use disorder programs. Counties should have the flexibility to design and implement mental-behavioral health services that best meet the needs of their local communities. The appropriate treatment of people living with substance use and severe mental health issues should be in the framework of local, state, and federal criteria.

Proposition 63: Mental Health Services Act

The adoption of Proposition 63, the Mental Health Services Act of 2004 (MHSA), assists counties in service delivery. However, it is intended to provide new funding that expands and improves the capacity of existing systems of care and provides an opportunity to integrate funding and innovate at the local level. MHSA funding is also dedicated to meeting the needs of each community, via stakeholder input, to determine spending priorities.

- 1) Counties oppose additional reductions in state funding for behavioral health services that will result in the shifting of state or federal costs to counties, or require counties to use MHSA funds for that purpose. These cost shifts result in reduced services available at the local level and disrupt treatment options for behavioral health clients. Any shift in responsibility or funding must hold counties fiscally harmless and provide the authority to tailor behavioral health programs to individual community needs.
- 2) Counties also strongly oppose any effort to redirect the Proposition 63 MHSA funding to existing state services instead of the local services for which it was originally intended. The realignment of health and social services programs in 1991 restructured California's public behavioral health system. Realignment required local responsibility for program design and delivery within statewide standards of eligibility and scope of services, and designated revenues to support those programs to the extent that resources are available.
- 3) Proposition 63 MHSA funds have been diverted in the past due to economic challenges and the establishment of the No Place Like Home Program. Any further diversions of Proposition 63 MHSA funding will be disruptive to programming at the local level.

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Comment [RD5]: Adding to encompass both mental health and substance use disorder throughout document.

Comment [RD6]: Adding commonly used MHSA when referencing Proposition 63.

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4) Counties support timely and clear reporting standards, including reversion timelines, for MHSAs expenditures and seek guidance from the Department of Health Care Services on all reporting standards, deadlines, and formats.

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3)5) Counties support the fiscal integrity of the MHSAs and transparency in stakeholder input, distributions, spending, reporting, and reversions.

Comment [RD7]: Recommendation to add in order to clearly demonstrate counties transparency

Specialty Mental Health Plans

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Counties are committed to service delivery that manages and coordinates services to persons with ~~mental illness~~ behavioral health needs and that operates within a system of performance outcomes that assures funds are spent in a manner that provides the highest quality of care. Integration of care and parity requirements require county specialty mental health plans to adapt to new models and lead collaborative efforts in the next era of behavioral health care.

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Counties supported actions to consolidate the two Medi-Cal behavioral health systems, one operated by county behavioral health departments and the other operated by the state Department of Health Services, and to operate Medi-Cal behavioral health services as managed care program. Counties chose to operate as a Medi-Cal Mental Health Plans, and many counties have chosen to operate as managed care plans for substance use disorder services under the Drug Medi-Cal Organized Delivery System waiver program. There is a negotiated sharing of risk for services between the state and counties, particularly because counties became solely responsible for managing the nonfederal share of cost for these behavioral health services under 2011 Realignment.

- 1) Counties have developed a range of locally designed programs to serve California's diverse population, and must retain the local authority, flexibility, and funding to continue such services.
- 2) Counties anticipate increased demand for ~~these~~ behavioral health services including substance use disorder services, under Medi-Cal parity, and must seek collaboration at the local level to meet care standards for these populations. ~~have adequate revenues to meet the federal standards and needs of these children.~~
- 3) Behavioral health services can reduce criminal justice costs and utilization through prevention, diversion, and during, or post incarceration.
- 4) Counties continue to work across disciplines and within the 2011 Realignment structure to achieve good outcomes for persons with mental illness and/or ~~co-occurring~~ substance abuse issues to help prevent incarceration and to treat those who are about to be incarcerated or are newly released from incarceration and their families.

Section 4: Public Guardians/Administrators/Conservators

Comment [RD8]: New section added

Public Administrators, Public Guardians and Public Conservators act under the authority granted by the California Superior Court, but are solely a county function and funded with county General Funds. The

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recent rise in interest in conservatorships as vehicles to help manage justice involved and homeless populations also places significant fiscal pressure on county guardians and conservators.

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1) CSAC supports the acquisition of additional and sustainable non-county resources for public guardians, conservators, and administrators to ensure quality safety-net services for all who qualify.

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2) CSAC opposes additional duties, mandates, and requirements for public guardians, conservators, and administrators without the provision of adequate funding to carry out these services.

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3) CSAC will work to support placement capacity for public guardians, conservators, and administrators as California severely lacks safe and secure housing for the majority of residents under conservatorship.

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Section 5: Children’s Health

*California Children’s Services*

Counties administer the California Children’s Services programs on behalf of the State. Recent implementation of the Whole Child Model provide diagnosis and some case management services, in conjunction with County Organized Health Systems (COHS) counties, moved service authorization and case management services to local managed care plans. where they exist under the Whole Child Model (WCM), to more than 200,000 children enrolled in the California Children’s Services (CCS) program, whether they are in Medi-Cal or the CCS Only program. Under the Whole Child Model|WCM, counties also are still responsible for determination of residential, medical, and financial eligibility for the program. Counties may also provide Medical Therapy Program (MTP) services for both California Children’s Services children and special education students, and retain a share of cost for services to non-Medi-Cal children.

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1) Maximum federal and state matching funds for The California Children’s Services program services must continue in order to avoid the shifting of costs to counties. Counties cannot continue to bear the rapidly increasing costs associated with both program growth and eroding state support.

2) Counties also support efforts to test alternative models of care under CCS pilot programs, s in the 2010 Medicaid Waiver and subsequent waivers.

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

*State Children’s Health Insurance Program*

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1) CSAC supports sustained a four-year extension of funding for the federal

Children's Health Insurance Program (CHIP/Healthy Families). ~~In 2018, As a block grant, the CHIP appropriation for the program was being considered for reauthorization in 2017~~ reauthorized through 2023. However, the federal match rate decreases over time during this period and limits the requirement to provide coverage for children in families with income at or below 300% of the federal poverty level. Without federal funding, some families risk losing coverage for their children if their income is too high to qualify for Medicaid/Medi-Cal and too low to purchase family coverage.

*Proposition 10: The First 5 Commissions*

Proposition 10, the California Children and Families Initiative of 1998, provides significant resources to enhance and strengthen early childhood development at the local level and created First 5 commissions in all 58 counties.

- 1) Local children and families commissions (local First 5 Commissions), established as a result of the passage of Proposition 10, must maintain the full discretion to determine the use of their share of funds generated by Proposition 10.
- 2) Local First 5 commissions must maintain the necessary flexibility to direct these resources ~~to the most appropriate address the greatest needs of their communities surrounding family resiliency, comprehensive health and development, quality early learning, and systems sustainability and scale, including childhood health, childhood development, nutrition, school readiness, child care, and other critical community-based programs.~~ Counties oppose any effort to diminish Proposition 10 funds or to impose restrictions on local First 5 Commissions' expenditure authority.
- 3) Counties oppose any effort to lower or eliminate state support for county programs with the expectation that the state or local First 5 commissions will backfill the loss with Proposition 10 revenues. Further, counties will support the backfill that Proposition 10 now receives from the state's most recent tobacco tax, Proposition 56 (2016), just as Proposition 10 pays to the previous tobacco initiatives.
- ~~3)4)~~ Counties support local and state collaborations and leveraging First 5 commissions funding to sustain and expand critical services for children and families in our communities.

Substance Use Disorder Prevention and Treatment

Counties ~~are~~ provide community-based treatment for individuals who meet income eligibility requirements and qualify for medically necessary substance use disorder treatment services and provide individual and community-based prevention services. Counties support federal parity requirements and are working to ensure concerned about evidence-based treatment capacity, but are also challenged by new managed care requirements that may strain local systems. for all persons requiring substance abuse treatment services.

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**Comment [RD9]:** Reflective of First 5's policy agenda.

**Comment [RD10]:** Sub-section will be moved under Section 3: Behavioral Health.

1) Counties support and seek additional ~~more~~ housing options for people with substance use disorders, including recovery and treatment housing options within the community, as well as residential treatment services.

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

3) Counties support cross-sector, multi-jurisdictional collaboration to promote education on substance use disorders, and prevent overdoses and substance use related deaths.

2)

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

5) The courts may still refer individuals to counties for treatment under Proposition 36 or by court order, but counties are increasingly unable to provide these voter and judge-mandated services without adequate dedicated state funding.

6) Counties recognize that access to high quality substance use disorder prevention and treatment services for adolescents and young adults can be improved, and support fiscally viable strategies for building a more comprehensive continuum of substance use disorder prevention and treatment services for this age group.

7) Counties support technical assistance for counties and providers to ensure timely and accurate billing, as well as compliance with quality and service requirements.

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Comment [RD11]: Adding to illustrate existing county challenges

Section 6: Medi-Cal: California's Medicaid Program

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California counties have a unique perspective on the state's Medicaid program, Medi-Cal. Counties are charged with preserving the public health and safety of communities; they also operate health plans, provide direct services, specialize in care for patients with complex social needs, conduct eligibility for benefits, and bear a significant amount of risk for financing the program. As the local public health authority, counties are vitally concerned about health outcomes. Undoubtedly, changes to the Medi-Cal program, including efforts to integrate and coordinate care for Medi-Cal enrollees, will affect all counties.

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1) Counties remain concerned about state and federal proposals that would decrease access to health care or shift costs and risk to counties.

2) Any Medi-Cal reform that results in decreased access to or funding of county hospitals and health systems will be devastating to the safety net. The loss of Medi-Cal funds translates into fewer dollars to help pay for safety net services for all persons served by

county facilities. Counties are not in a position to absorb or backfill the loss of ~~additional~~ state and federal funds. Rural counties already have particular difficulty developing and maintaining health care infrastructure and ensuring access to services.

- 3) County welfare departments determine eligibility for the Medi-Cal program and must receive adequate funding for these duties.
- 4) County behavioral health departments ~~are the health plan for provide~~ Medi-Cal Managed Care ~~Specialty Mental health services, for public behavioral health services~~ and must receive adequate funding for these ~~critical services duties~~. Changes to the Medi-Cal program, including the move toward integrated care, will undoubtedly affect the day-to-day business of California counties.
- 5) It is vital that changes to Medi-Cal preserve the viability and innovations of the local safety net and not shift additional costs to ~~the~~ counties.
- 6) Counties oppose any efforts to decrease funding for or reverse expansions to the Medi-Cal program, which will shift the responsibility of providing these individuals with healthcare from the Medi-Cal program to counties, which are required to provide services to the medically indigent.
- 7) The state should continue to provide options for counties to implement managed care systems that meet local needs. The state should work openly with counties as primary partners in this endeavor.
- 8) The state needs to recognize county experience with geographic managed care and make strong efforts to ensure the sustainability of county organized health systems. The Medi-Cal program must offer a reasonable reimbursement and rate mechanism for managed care.
- 9) Changes to Medi-Cal must preserve access to medically necessary behavioral health care and drug treatment services.
- 10) The carve-out of specialty behavioral health services within the Medi-Cal program must be examined in the era of integrated care, but must ~~preserve~~ to maximize federal ~~fund~~ ing,s and minimize county risks ~~to and~~ continue the effective delivery of rehabilitative community-based mental health services to local Medi-Cal enrollees.
- 11) Counties recognize the need to continue to innovate under the reform the Drug Medi-Cal Organized Delivery System Waiver program in ways that maximize federal funds, ensure access to medically necessary evidence-based practices, allow counties to retain authority and choice in contracting with accredited providers, and minimize county risks.
- 12) Any reform effort ~~should must~~ recognize the importance of substance use disorder treatment and services in the local health care continuum, as well as the evidence of good outcomes under integrated care models.

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

14) The state should fully fund county costs associated with the local administration of the Medi-Cal program.

15) 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.

~~15)16)~~ The State should consider counties as full partners in the administration of Medi-Cal, ~~including its expansion under ACA~~, and consult with counties in formulating and implementing all policy, operational and technological changes.

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*Medicare Part D*

Medicare Part D led to an increase in workload for case management across many levels of county medical, social welfare, criminal justice, and behavioral health systems.

1) Counties strongly oppose any change to realignment funding that may result and would oppose any reduction or shifting of costs associated with this benefit that would require a greater mandate on counties.

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*Medicaid and Aging Issues*

1) Counties are committed to addressing the unique needs of older and dependent adults in their communities, and support collaborative efforts to build a continuum of services as part of a long-term system of care for this vulnerable but vibrant population.

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

3) Counties support the continuation of federal and state funding for the In-Home Supportive Services (IHSS) program, and oppose any efforts to shift additional IHSS costs to counties.

4) Counties support the IHSS Maintenance of Effort (MOE) as negotiated in the 2012-13 state budget.

5) Counties support moving collective bargaining for the IHSS program to the Statewide IHSS Authority or another single statewide entity.

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- 6) Counties also support federal and state funding to support Alzheimer’s disease and dementia research, early detection and diagnosis, community education and outreach, and resources for caregivers, family members and those afflicted with Alzheimer’s disease and dementia.

### Section 72: ~~Federal Healthcare Reform Efforts~~

~~The fiscal impact of federal action on the ACA on counties is uncertain and there will be significant county-by-county variation. However,~~ Counties support affordable, comprehensive health care coverage for all persons living in the state. The sequence of changes and implementation of federal or state healthcare reform efforts must be carefully planned, and the state must work in partnership with counties to successfully realize any gains in health care and costs.

- 4) Under AB 85, Counties must also retain sufficient health realignment revenues for residual responsibilities, including existing Medi-cal non-federal share responsibilities to care for the remaining uninsured, and public health. Any changes to AB 85 must also allow counties to retain sufficient health realignment revenues for these residual responsibilities and future needs.

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#### A. ~~Access and Quality~~

- 1) Counties support offering a truly comprehensive package of health care services that includes mental health and substance use disorder treatment services at parity levels and a strong prevention component and incentives.
- 2) Counties support the integration of health care services for prisoners-inmates and offenders of county and state correctional institutions, detainees, and undocumented immigrants into the larger health care service model.
- 3) Health care reform efforts must address access to health care in rural communities and other underserved areas and include incentives and remedies to meet these needs as quickly as possible.
- 4) Counties strongly support maintaining a stable and viable health care safety net with adequate funding.
- 5) The current safety net is grossly underfunded. Any diversion of funds away from existing safety net services will lead to the dismantling of the health care safety net and will hurt access to care for all Californians.
- 6) Counties believe that delivery systems that meet the needs of vulnerable populations and provide specialty care – such as emergency and trauma care and training of medical residents and other health care professionals – must be supported in any health care reform effort.
- 7) Counties strongly support adequate funding for the local public health system as part of a plan to reform health care and achieve universal health coverage. A strong local public health system will reduce medical care costs, contain or mitigate disease, reduce health inequities, and

address disaster preparedness and response.

- 8) Counties support ~~increased~~ access to affordable, comprehensive health coverage through a combination of mechanisms that may include improvements in and expansion of the publicly funded health programs, increased employer-based and individual coverage through purchasing pools, tax incentives, and system restructuring. The costs of universal health care and health care reform shall be shared among all sectors: government, labor, and business.
- 9) Health ~~care~~ reform efforts, including efforts to achieve universal health care, should simplify the health care system – for ~~recipients~~consumers, providers, and overall administration. Any efforts to reform the health care system should include prudent utilization control mechanisms that are appropriate and do not create barriers to necessary care.
- 10) The federal government has an obligation and responsibility to assist in the provision of health care coverage.
- 11) Counties encourage the state to pursue ways to maximize federal financial participation in health care expansion efforts, and to take full advantage of opportunities to simplify Medi-Cal, and other publicly funded programs with the goal of achieving maximum enrollment and provider participation.
- 12) County financial resources are currently overburdened; counties are not in a position to contribute permanent additional resources to expand health care coverage.
- 13) Counties strongly encourage public health to be a key component of any health care coverage expansion. Public health prevention activities in addition to Aaccess to health education, preventive care, and early diagnosis and treatment will assist in controlling costs through improved health outcomes.
- 14) Counties, as both employers and administrators of health care programs, believe that every employer has an obligation to contribute to health care coverage, and counties advocate that such an employer policy should also be pursued at the federal level and be consistent with the goals and principles of local control at the county government level.
- 15) Reforms of health care coverage should offer opportunities for self-employed individuals, temporary workers, and contract workers to obtain affordable quality health coverage.

### **Section 83: California Health Services Financing**

- 1) Those eligible for Temporary Assistance for Needy Families (TANF)/California Work Opportunity and Responsibility to Kids (CalWORKS), should retain their categorical linkage to Medi-Cal.
- 2) Counties are concerned about the erosion of state program funding and the inability of counties to sustain current program levels. As a result, we strongly oppose additional cuts in county administrative programs as well as any attempts by the state to shift the costs for these programs to counties. With respect to the County Medical Services Program (CMSP), counties support efforts to improve program cost effectiveness and oppose state efforts to shift costs to

participating counties, including administrative costs and elimination of other state contributions to the program. Due to the unique characteristics of each county's delivery system, health care accessibility, and demographics of client population, counties believe that managed care systems must be tailored to each county's needs, and that counties should have the opportunity to choose providers that best meet the needs of their populations. Where cost-effective, the state and counties should provide non-emergency health services to undocumented immigrants and together seek federal and other reimbursement for medical services provided to undocumented immigrants.

- 3) Counties support the continued use of federal Medicaid funds for emergency services for undocumented immigrants. Counties support increased funding for trauma and emergency room services.
- 4) Although reducing the number of uninsured through expanded health care coverage will help reduce the financial losses to trauma centers and emergency rooms, critical safety-net services must be supported to ensure their long-term viability.

#### Realignment

- 1) Counties believe the integrity of realignment should be protected. However, counties strongly oppose any change to realignment funding that would negatively impact counties.
- 2) Counties remain concerned and will resist any reduction of dedicated realignment revenues or the shifting of new costs from the state and further mandates of new and greater fiscal responsibilities to counties in this partnership program.
- 3) Any effort to realign additional programs must occur in the context of Proposition 1A constitutional provisions and must guarantee that counties have sufficient revenues for residual responsibilities, including public health programs.
- 4) In 2011, counties assumed fiscal responsibility for Medi-Cal Specialty Mental Health Services, including Early and Periodic Screening, Diagnosis, and Treatment (EPSDT); Drug Medi-Cal; drug courts; perinatal treatment programs; and women's and children's residential treatment services as part of the 2011 Public Safety Realignment. Please see the Realignment Chapter of the CSAC Platform and accompanying principles.

4)5) Counties bear significant responsibility for financing the non-federal share of Medi-cal services in county public health systems. They also continue to have responsibility for uninsured services.

#### Hospital Financing

Public hospitals are a vital piece of the local safety net, ~~and but also~~ serve as indispensable components of a robust health system, providing ~~both~~ primary, ~~specialty, and acute and specialized~~ health services ~~to health consumers in our communities~~, as well as physician

training, trauma centers, and burn care. California's public hospitals are increasingly providing funding for the non-federal share of the state's Medicaid program, and these local expenditures are made at the sole discretion of the county Supervisors.

- 1) CSAC-Counties have been firm that any proposal to change hospital Medicaid financing must guarantee that county hospitals do not receive less funding than they currently do, and are eligible for more federal funding in the future as needs grow.
- 2) Counties strongly support the continuation of a robust Medicaid Section 15000 waiver to help~~believe implementation of the federal Section 15000 waiver is necessary to~~ ensure that county hospitals are paid for the safety net care they provide to Medi-Cal recipients and uninsured patients.
- 3) Counties support a five-year state Medicaid Waiver that provides funding to counties at current levels. The successor waiver should: 1) support a public integrated safety net delivery system; 2) build on previous delivery system improvement efforts for public health care systems so that they can continue to transform care delivery; 3) allow for the creation of a new county pilot effort to advance improvements through coordinated care, integrated physical and behavioral health services and provide robust coordination with social, housing and other services critical to improve care of targeted high-risk patients.; 4) improve ability~~access~~ to share and integrate health data and systems; 5) and provide flexibility for counties/public health care systems to deliver~~provide~~ more coordinated care and effectively serve individuals who will remain uninsured.
- 4) Counties are supportive of opportunities to reduce costs for county hospitals and health systems, particularly for mandates such as seismic safety requirements and nurse-staffing ratios. Therefore, counties support infrastructure bonds that will provide funds to county hospitals for seismic safety upgrades, including construction, replacement, renovation, and retrofit.
- 5) Counties also support opportunities for county hospitals and health systems to make delivery system improvements and upgrades, which will help these institutions~~institutions~~ compete in the modern health care marketplace.
- 6) Counties support proposals to preserve supplemental payments to public and private hospitals as the Federal Medicaid Managed Care rules are implemented in California. Any loss of federal funds through changes to waiver agreements or modifications to federal managed care rule implementation must address through other support to ensure the continued viability of the safety net.

#### **Section 94: 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 that target family violence prevention, intervention, and treatment should be developed through cooperation between state and local governments, as well as community and private organizations addressing family

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violence issues, taking into account that violence adversely impacts Californians, particularly those in disadvantaged communities, at disproportionate rates.

**Section 105: Healthy Communities**

Built and social environments significantly impact the health of communities. Counties support public policies and programs that aid in development of healthy communities including food and beverage policies that increase access to healthier food in county-operated no/low cost food programs (e.g., USDA Summer Lunch, inmate programs, and senior meals) or concession and vending operations. ~~and~~ Counties support the concept of joint use of facilities and partnerships, mixed-use developments and walkable and safe developments, ~~where feasible,~~ to promote healthy community events and activities.

**Section 116: Veterans**

Specific strategies for intervention and service delivery to veterans should be developed through cooperation between federal, state and local governments, as well as community and private organizations serving veterans.

~~1)~~ Counties ~~also~~ support coordination of services for veterans among all entities that serve this population, especially in housing, treatment, and employment training.

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**Section 7: Emergency Medical Services**

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1) Counties do not intend to infringe upon the service areas of other levels of government who provide similar services, but will continue to discharge our statutory duties to ensure that all county residents have access to the appropriate level and quality of emergency services, including medically indigent adults.

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~~1)~~ Counties support ensuring the continuity and integrity of the current emergency medical services system, including county authority related to medical control, trauma planning, and alternative destination efforts.

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~~2)~~ Counties recognize that effective administration and oversight of local emergency medical services systems includes input from key stakeholders, such as other local governments, private providers, state officials, local boards and commissions, and the people in our communities who depend on these critical services.

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4) Counties support maintaining the authority and governing role of counties and their local emergency medical services agencies to plan, implement, and evaluate all aspects and components of the local Emergency Medical Services system.

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~~3)5)~~ Counties oppose efforts that would weaken the local authority of local medical services agencies or lead to system fragmentation and safety issues.

**Section 138: Court-Involved Population**

Counties recognize the importance of enrolling the court-involved population into Medi-Cal and other public programs. Medi-Cal enrollment provides access to important behavioral health, [substance use](#), and primary care services that will improve health outcomes and may reduce recidivism. CSAC continues to look for partnership opportunities with the Department of Health Care Services, foundations, and other stakeholders on enrollment, eligibility, quality, and improving outcomes for this population. Counties are supportive of obtaining federal Medicaid funds for inpatient hospitalizations, including psychiatric hospitalizations, for adults and juveniles while they are incarcerated.

**Section 149: Incompetent to Stand Trial**

Counties affirm the authority of County Public Guardians under current law to conduct conservatorship investigations and are mindful of the potential costs and ramifications of additional mandates or duties in this area.

Counties support collaboration among the California Department of State Hospitals, county Public Guardians, Behavioral Health Departments, and County Sheriffs to find secure placements for individuals originating from DSH facilities, county jails, or who are under conservatorship. Counties support a shared funding and service delivery model for complex placements, such as the Enhanced Treatment Program.

Counties recognize the need for additional secure placement options for adults and juveniles who are conserved or involved in the local or state criminal justice systems, including juveniles.

## Chapter ~~Twelve~~Eleven

# Human Services

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### Section 1: General Principles

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Counties are committed to the delivery of public social services at the local level. However, counties require adequate and ongoing federal and state funding, maximum local authority, and flexibility for the administration and provision of public social services.

Inadequate funding for program costs strains the ability of counties to meet accountability standards and, in some programs, avoid penalties, putting the state and counties at risk for hundreds of millions of dollars in federal disallowances and fiscal penalties. Freezing program funding also shifts costs to counties and increases the county share of program costs above statutory sharing ratios, while at the same time running contrary to the constitutional provisions of Proposition 1A.

At the federal level, counties support ~~economic stimulus efforts and~~ additional federal funding to help maintain service levels and access for the state's neediest residents. Counties are straining to provide services to the burgeoning numbers of families in distress. With each downturn in the economy, counties ~~report experiencing an increased long lines in their welfare departments as increasing numbers of people~~ need of individuals and families seeking assistance through vital safety net ~~apply for~~ programs such as Medicaid, Supportive Supplemental Nutrition Assistance Program (SNAP, or Food Stamps), Temporary Assistance to Needy Families (TANF), and General Assistance. Even in strong economic times, millions of Californians struggle to make ends meet. For these reasons, counties strongly urge that any additional federal stimulus or state funding must be shared directly with counties for programs that have a county share of cost. —

~~Counties support health care reform efforts to expand access to affordable, quality healthcare for all California residents, including the full implementation of the federal Patient Protection and Affordable Care Act of 2010 (ACA) and the expansion of coverage to the fullest extent allowed under federal law. Health care eligibility and enrollment functions must build on existing local infrastructure and processes and remain as accessible as possible. Counties are required by law to administer eligibility and enrollment functions for Medi-Cal, and recognize that many of the new enrollees under the ACA may also participate in other human services programs. For this reason, counties support the continued role of counties in Medi-Cal eligibility, enrollment, and retention functions. The state should fully fund county costs for the administration of the Medi-Cal program, and consult with counties on all policy, operational, and technological changes in the administration of the program. Further, enhanced data matching and case management of these enrollees must include adequate funding and be administered at the local level.~~

Comment [JG1]: Moved this language to a new section on Medicaid Eligibility.

Despite state assumption of major welfare program costs after Proposition 13, counties continue to be hampered by state administrative constraints and cost-sharing requirements, which ultimately affect

the ability of counties to provide and maintain programs. The state should set minimum standards, allowing counties to enhance and supplement programs according to ~~each county's~~ local needs of each county. If the state implements performance standards, the costs for meeting such requirements must be fully reimbursed.

~~1) Counties support federal economic stimulus efforts in the following areas: An increase in the Federal Medical Assistance Percentage (FMAP) for Medicaid and Title IV-E, and benefit increases for the Supplemental Nutrition Assistance Program (SNAP); Temporary Assistance for Needy Families (TANF); the Child Abuse Prevention and Treatment Act (CAPTA); Community Services Block Grants (CSBG); child support incentive funds; and summer youth employment funding.~~

**Comment [JG2]:** This point is specific to stimulus efforts at a specific point in time. The overall federal funding need is outlined already.

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

**Comment [JG3]:** General Assistance platform language was included in two separate sections and is being combined and included in the Employment and Self-Sufficiency section.

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## **Section 2: Human Services Funding Deficit**

While counties are legislatively mandated to administer numerous human services programs including Foster Care, Child Welfare Services, CalWORKs, Adoptions, ~~and~~ Adult Protective Services, CalFresh, and In-Home Supportive Services, funding for these services ~~was has generally been~~ frozen at 2001 cost levels. The state's failure to fund actual county cost increases contributes to a growing funding gap of nearly \$1 billion annually. This ~~puts places~~ counties in the untenable position of backfilling the gap with their own limited resources or cutting services that the state and county residents expect us to deliver.

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2011 Realignment shifted fiscal responsibility for the Foster Care, Child Welfare Services, Adoptions and Adult Protective Services programs to the counties. Counties remain committed to the overall principle of fair, predictable, and ongoing funding for human services programs that keeps pace with actual costs. Please see the Realignment Chapter of the CSAC Platform and accompanying principles.

## **Section 3: Child Welfare Services/Foster Care**

A child deserves to grow up in an environment that is healthy, safe, and nurturing. To meet this goal, families and caregivers should have access to public and private services that are comprehensive and collaborative. Further, recent policy-system reforms and court-ordered changes, such as ~~those proscribed in the Katie A. settlement~~ the Continuum of Care Reform (CCR) effort require collaboration between county child welfare services/foster care and mental health systems as well as other systems.

The existing approach to budgeting and funding child welfare services was established in the mid-1980's. Since that time, dramatic changes in child welfare policy have occurred, as well as significant demographic and societal changes, impacting the workload demands of the current system. 2011 Realignment provides a mechanism that will help meet ~~the~~ some of the current needs of the child welfare services system, but existing workload demands and regulations-continued pressure to expand services remain a concern without additional investments by the state and federal government.

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Further, ~~recent~~ court settlements (Katie A.) and policy changes (AB 12 Fostering Connections to Success Act of 2010 and AB 403, CC~~ontinuum of Care Reform~~) require close state/county collaboration with an

emphasis on ensuring adequate ongoing funding that adapts to the needs of children who qualify.

The Continuum of Care Reform (CCR) enacted significant changes in the child welfare program that are intended to reduce the use of group homes and improve outcomes for foster youth. In addition, CCR is designed to increase the availability of trauma-informed services and utilize child and family teams to meet the unique needs of foster youth. Counties remain firmly committed to the ongoing implementation of these comprehensive and systematic changes.

~~Counties support efforts to build capacity within local child welfare agencies to serve child victims of commercial sexual exploitation. Commercial sexual exploitation of children (CSEC) is an emerging national and statewide issue. In fact, three of the top ten highest trafficking areas in the nation are located in California: San Francisco, Los Angeles, and the San Diego metropolitan areas. Counties believe this growing and complex problem warrants immediate attention in the Golden State, including funding for prevention, intervention, and direct services through county child welfare services (CWS) agencies.~~

**Comment [JG4]:** This sentence fits better in the principles and was combined with the CSEC principle below.

~~1) Counties support efforts to reform the congregate care or youth group home system under AB 403, the Continuum of Care Reform. Providing stable family homes for all of our foster and probation youth is anticipated to lead to better outcomes for those youth and our communities. However, funding for this massive post 2011 Realignment system change is of paramount importance. Any reform efforts must also consider issues related to collaboration, capacity, and funding. County efforts to recruit, support, and retain foster family homes and provide pathways to mental health support are but some of the challenges under AB 403. Additionally, reform efforts must take into account the needs of juveniles who are wards of the court.~~

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**Comment [JG5]:** Combined with the existing below platform principles instead of its own section.

~~Counties support efforts to build capacity within local child welfare agencies to serve child victims of commercial sexual exploitation. Commercial sexual exploitation of children (CSEC) is an emerging national and statewide issue. In fact, three of the top ten highest trafficking areas in the nation are located in California: San Francisco, Los Angeles, and the San Diego metropolitan areas. Counties believe this growing and complex problem warrants immediate attention in the Golden State, including funding for prevention, intervention, and direct services through county child welfare services (CWS) agencies.~~

~~1) Counties also support close cooperation on CSEC issues with law enforcement, the judiciary, and community based organizations to ensure the best outcomes for child victims.~~

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1) Counties support comprehensive array of prevention, intervention and post-permanency services for children, youth and families. Both counties and the State have a stake in achieving desired outcomes and as such, these services should be resourced appropriately.

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2) When, despite the provision of voluntary services, the family or caregiver is unable to minimally ensure or provide a healthy, safe, and nurturing environment, a range of intervention approaches ~~will be undertaken~~should be available for families. When determining the appropriate intervention approach, the best interest of the child should always be the first consideration.

3) When a child is in danger of physical harm or neglect, either the child or alleged offender may be removed from the home, and formal dependency and criminal court actions may be taken.

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Where appropriate, family preservation, and support services should be ~~provided available~~ in a comprehensive, culturally appropriate, and timely manner.

4) Counties support efforts to reform the congregate care – or youth group home – system under AB 403, the CCR Continuum of Care Reform. Providing stable family homes for all of our foster and probation youth is anticipated to lead to better outcomes for those youth and our communities. However, funding for this massive post-2011 Realignment system change is of paramount importance. Any reform efforts must also consider issues related to collaboration, capacity, and funding. County efforts to recruit, support, and retain foster family homes and provide pathways to mental health support are but some of the challenges under CCR AB 403. Additionally, reform efforts must take into account the needs of juveniles who are wards of the court.

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~~4)5)~~ When ~~parental rights must be terminated~~ foster children/youth cannot return home, counties support a permanency planning process – that matches foster children/youth through adoption and/or guardianship that quickly places children in the most stable environments, with a foster caregiver adoption being the permanent placement of choice. Counties support efforts to accelerate the judicial process for terminating parental rights in cases where there has been serious abuse and where it is clear that the family cannot be reunified.

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~~5)6)~~ Counties ~~also~~ support adequate state funding for adoption services and post-permanency supportive services.

~~6)7)~~ Counties seek to obtain additional funding and flexibility at both the state and federal levels to provide robust transitional services to foster youth such as housing, employment services, and increased access to aid up to age 26. Counties ~~also~~ support such ongoing services for former and emancipated foster youth up to age 26, ~~and pledge to help implement the~~ Counties have implemented the Fostering Connections to Success Act of 2010 for non-minor dependents in foster care (aged 18-21) and have assumed hundreds of millions of dollars in costs that have not been reimbursed by the State, an issue that remains unresolved, to help ensure the future success of this vulnerable population.

~~7)8)~~ With regards to caseload and workload standards in child welfare, especially with major policy reforms such as AB 403 CCR, counties remain concerned about increasing workloads and ~~fluctuations in funding~~ the possibility of reduced Realignment funding in an economic downturn, both of which threaten the ability of county child welfare agencies to meet their federal and state mandates in serving children and families impacted by abuse and neglect.

9) Counties support a reexamination of reasonable caseload levels given significant recent changes in policy and practice, including at a time when CCR and AB 12, and the cases are becoming more complex needs of children, youth and families, often requiring cross-system collaboration (i.e. youth with developmental disabilities, behavioral health needs, and special education needs); often more than one person is involved in working on a given case with youth and families, and when extensive records have to be maintained about each case. Counties support ongoing augmentations for Child Welfare Services, including investments in workforce development and workload reduction, to partially mitigate workload concerns and the resulting impacts to support children and families in crisis. Counties also support efforts to

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document workload needs and gather data in these areas so that we may ensure adequate funding for this complex system.

8)10) Counties support efforts to build capacity within local child welfare agencies to serve child victims of commercial sexual exploitation. Counties also support close cooperation on CSEC issues with law enforcement, the judiciary, and community-based organizations to ensure the best outcomes for child victims.

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9)11) As our focus remains on the preservation and empowerment of families, we believe the potential for the public to fear some increased risk to children is outweighed by the positive effects of a research-supported family preservation emphasis. Within the family preservation and support services approach, the best interest of the child should always be the first consideration. Counties support transparency related to child fatality and near-fatality incidents so long as it preserves the privacy of the child and additional individuals who may reside in a setting but were not involved or liable for any incidents. The Temporary Assistance for Needy Families (TANF) and California Work Opportunity and Responsibility to Kids (CalWORKs) programs allow counties to take care of children regardless of the status of parents.

Comment [JG6]: Sentence does not fit with this principle and appears to have been inadvertently included on existing platform.

#### **Section 4: Employment and Self-Sufficiency Programs**

Self-sufficiency and employment programs play a critical role in the well-being of county residents and provide needed cash assistance, food assistance, and employment services for eligible individuals. The California Work Opportunity and Responsibility to Kids (CalWORKs) program is California's version of the federal Temporary Assistance for Needy Families (TANF) program, which provides temporary cash assistance to low-income families with children to meet basic needs as well as welfare-to-work services that help families become self-sufficient. CalFresh is California's version of the federal Supplemental Nutrition Assistance Program (SNAP), which provides food assistance benefits to help improve the health of low-income families and individuals.

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There is a need for strong support for the simplification of the administration of public assistance programs. The state should continue to take a leadership role in seeking state and federal legislative and regulatory changes to achieve simplification, consolidation, and consistency across all major public assistance programs, including Temporary Assistance for Needy Families (TANF), California Work Opportunity and Responsibility to Kids (CalWORKs), Medi-Cal, and Food Stamps/CalFresh. In addition, electronic technology improvements in human services/welfare administration are an important tools in to obtaining a more efficient and accessible system. It is only with adequate and reliable resources and flexibility that counties can truly address the fundamental barriers that many families have to self-sufficiency.

- 1) California counties are far more diverse from county to county than many regions of the United States. The state's welfare structure should recognize this and allow counties flexibility in administering welfare programs, while providing overall state-level leadership that draws on the latest understanding of how families in poverty interact with public systems and how to best support them toward self-sufficiency. Each county must have the ability to identify differences in the population being served and provide services accordingly, without restraints from federal or state government. There should , however, be remain as much uniformity as possible in areas

such as eligibility requirements, grant levels and benefit structures. To the extent possible, program standards should seek to minimize incentives for public assistance recipients to migrate from county to county within the state.

- 2) ~~A~~The welfare system ~~that includes shrinking time limits for assistance~~ should also recognize the importance of and provide sufficient federal and state funding for education, job training, child care, and support services that are necessary to move recipients to self-sufficiency. There should also be sufficient federal and state funding for retention services, such as childcare and additional training, to assist former recipients in maintaining employment.
- 3) Any state savings from the welfare system should be directed to counties to provide assistance to the affected population for programs at the counties' discretion, such as General Assistance, indigent health care, job training, child care, mental health, alcohol and drug services, and other services required to accomplish welfare-to-work goals.
- 4) Federal and state programs should include services that accommodate the special needs of people who relocate to the state after an emergency or natural disaster.
- 5) Counties also support providing services for indigents at the local level. However, the state should assume the principal fiscal responsibility for administering programs such as General Assistance. The structure of federal and state programs must not shift costs or clients to county-level programs without full reimbursement.
- ~~5) The state should assume principal fiscal responsibility for the General Assistance program.~~
- 6) Welfare-to-work efforts should focus on prevention of the factors that lead to poverty and welfare dependency including unemployment, underemployment, a lack of educational opportunities, food security issues, and housing problems. Counties support the development of a continuous quality improvement system with agreed upon measures and the consideration of incentives for improvement. Prevention efforts should also acknowledge the responsibility of absent parents by improving efforts for absent parent location, paternity establishment, child support award establishment, and the timely collection of child support.
- 7) California's unique position as the nation's leading agricultural state should be leveraged to increase food security for its residents. Counties support increased nutritional supplementation efforts at the state and federal levels, including increased aid, longer terms of aid, and increased access for those in need.
- 8) Counties ~~also~~ recognize safe, dependable, and affordable child care as an integral part of attaining and retaining employment and overall family self-sufficiency, and therefore support efforts to seek additional funding to expand child care eligibility, access, and quality programs.
- 9) Counties support efforts to address housing supports and housing assistance efforts at the state and local levels. Long-term planning, creative funding, and accurate data on homelessness are essential to addressing housing security and homelessness issues.
- 9)10) The state should fully fund county costs for the administration of the CalWORKs and

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**Comment [JG7]:** General Assistance platform language was included in two separate sections and this edit combines it into one section.

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CalFresh programs, and consult with counties on all policy, operational, and technological changes in the administration of the programs.

### Section 5: Medicaid Eligibility

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Counties support health care reform efforts to expand access to affordable, quality healthcare for all California residents, including the full implementation of the federal Patient Protection and Affordable Care Act of 2010 (ACA) and the expansion of coverage to the fullest extent allowed under federal law. Health care eligibility and enrollment functions must build on existing local infrastructure and processes and remain as accessible as possible. Counties are required by law to administer eligibility and enrollment functions for Medi-Cal, and recognize that many of the new enrollees under the ACA may also participate in other human services programs. For this reason, counties support the continued role of counties in Medi-Cal eligibility, enrollment, and retention functions.

The state should fully fund county costs for the administration of the Medi-Cal program, and consult with counties on all policy, operational, and technological changes in the administration of the program. Further, enhanced data matching and case management of these enrollees must include adequate funding and be administered at the local level.

### Section 75: Child Support Enforcement Program

Comment [JG8]: The new section order will be reflected in the clean version of the platform, but not reordered in this version for ease of review.

Counties are committed to strengthening the child support ~~enforcement~~ program through implementation of ~~—federal mandates and state statutes the child support restructuring effort of 1999.~~ Ensuring ~~a seamless transition effective~~ and efficient ongoing operations requires sufficient federal and state funding and must not result in any increased county costs. Counties support maximizing federal funding for child support operations at the county level.

1) The way in which child support ~~enforcement~~ funding is structured prevents many counties from efficiently meeting state and federal collection guidelines and forces smaller counties to adopt a regional approach or, more alarmingly, fail ~~to outright to meet~~ provide needed services as mandated by existing standards. Counties need an adequate and sustainable funding stream and flexibility at the local level to ensure timely and accurate child support ~~enforcement~~ efforts, and must not be held liable for failures to meet guidelines in the face of inadequate and inflexible funding.

~~2) The state must assume full responsibility for any federal penalties for the state's failure to establish a statewide automated child support system. Any penalties passed on to counties would have an adverse impact on the effectiveness of child support enforcement or other county programs.—~~

2) Counties must have the freedom to make local decisions at the local level. While program standards and mandates are codified in state statute and federal mandate, the unique decisions on how to operationalize those mandates must remain a decision that is made at the local level.

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3) A successful child support ~~enforcement~~ program requires a partnership between the state and counties. Counties must have meaningful and regular input into the development of state policies and guidelines regarding ~~the child support program enforcement~~ and the local flexibility to organize and

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structure effective programs.

### **Section 96: Proposition 10: The First Five Commissions**

Proposition 10, the California Children and Families Initiative of 1998, provides significant resources to enhance and strengthen early childhood development at the local level and created First 5 Commissions in all 58 counties.

- 1) Local children and families commissions (First 5 Commissions), established as a result of the passage of Proposition 10, must maintain the full discretion to determine the use of their share of funds generated by Proposition 10.
- 2) Local First 5 commissions must maintain the necessary flexibility to direct these resources to ~~the most appropriate~~ address the greatest needs of ~~their~~ communities surrounding family resiliency, comprehensive health and development, quality early learning, and systems sustainability and scale, including childhood health, childhood development, nutrition, school readiness, child care and other critical community-based programs. Counties oppose any effort to diminish local Proposition 10 funds or to impose restrictions on their local expenditure authority.
- 3) Counties oppose any effort to lower or eliminate state support for county programs with the expectation that the state or local First 5 commissions will backfill the loss with Proposition 10 revenues. Further, counties will support the backfill that Proposition 10 now receives from the state's most recent tobacco tax, Proposition 56 (2016), just as Proposition 10 pays to the previous tobacco initiatives.
- 3)4) Counties support local and state collaborations and leveraging First 5 commissions to sustain and expand critical services for children and families in our communities.

### **Section 87: Realignment**

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

In 2011, counties assumed fiscal responsibility for Child Welfare Services, adoptions, adoptions assistance, Child Abuse Prevention Intervention and Treatment services, foster care and Adult Protective Services as part of the 2011 Public Safety Realignment. Please see the Realignment chapter of the CSAC Platform and accompanying principles.

- 1) Counties support the concept of state and local program realignment and the principles adopted by CSAC and the Legislature in forming realignment. Thus, counties believe the integrity of realignment should be protected.
- 2) Counties strongly oppose any change to realignment funding that would negatively impact

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counties. Counties remain concerned and will resist any reduction of dedicated realignment revenues or the shifting of new costs from the state and further mandates of new and greater fiscal responsibilities in this partnership program.

- 3) Any effort to realign additional programs must occur within the context of the constitutional provisions of Proposition 1A or Proposition 30.

### Section ~~108~~: 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, taking into account that violence adversely impacts those in disadvantage communities, at disproportionate rates.

### Section ~~69~~: Aging and Dependent Adults

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

The Adult Protective Services (APS) Program is the state's safety net program for abused and neglected adults. APS and is now solely financed and administered at the local level by counties. As such, counties provide around-the-clock critical services to protect the state's most vulnerable seniors and dependent adults from abuse and neglect. Counties must retain local flexibility in meeting the needs of our aging population, and timely response by local APS is critical, as studies show that elder abuse victims are 3.1 times more likely to die prematurely than the average senior.

- 1) Counties support reliable funding for programs that affect older and dependent adults, such as Adult Protective Services and In-Home Supportive Services, and oppose any funding cuts, or shifts of costs to counties without revenue, from either the state or federal governments.
- 2) Counties support efforts to prevent, identify, and prosecute instances of elder abuse.
- 3) Counties support investments of new state and federal resources to support the APS workforce and enhance the direct services available to victims of abuse and neglect.
- 2)4) Counties are committed to addressing the unique needs of older and dependent adults in their communities, and support collaborative efforts to build a continuum of services as part of a long-term system of care for this vulnerable but vibrant population.

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3) Counties ~~also~~ support federal and state funding to support Alzheimer’s disease [and dementia](#) research, community education and outreach, and resources for caregivers, family members and those afflicted with Alzheimer’s disease [and dementia](#).

#### Adult Protective Services

~~The Adult Protective Services (APS) Program is the state’s safety net program for abused and neglected adults and is now solely financed and administered at the local level by counties. As such, counties provide around the clock critical services to protect the state’s most vulnerable seniors and dependent adults from abuse and neglect. Counties must retain local flexibility in meeting the needs of our aging population, and timely response by local APS is critical, as studies show that elder abuse victims are 3.1 times more likely to die prematurely than the average senior.~~

- ~~1) Counties support efforts to prevent, identify, and prosecute instances of elder abuse.~~

#### In-Home Supportive Services

The In-Home Supportive Services (IHSS) program is a federal Medicaid program administered by the state and run by counties that enables program recipients to hire a caregiver to provide services that enable that person to stay in his or her home safely [and prevents institutional care, which supports California in meeting federal Olmstead Act requirements](#). Individuals eligible for IHSS services are disabled, age 65 or older, or those who are blind and unable to live safely at home without help.

County social workers evaluate prospective and ongoing IHSS recipients, who may receive assistance with such tasks as housecleaning, meal preparation, laundry, grocery shopping, personal care services such as bathing, paramedical services, and accompaniment to medical appointments. Once a recipient is authorized for service hours, the recipient is responsible for hiring his or her provider.

Although the recipient is considered the employer for purpose of hiring, supervising, and firing their provider, state law requires counties to establish an “employer of record” for purposes of collective bargaining to set provider wages and benefits.

~~However, c~~[As California’s aging population continues to increase, c](#)Costs and caseloads for the program continue to grow. According to the Department of Social Services, caseloads are projected to increase between five and seven percent annually going forward.

[In response to the end of the Coordinated Care Initiative and the County IHSS Maintenance of Effort \(MOE\), a new MOE was negotiated during the 2017-18 state budget process. The new MOE included specific offsetting revenue, including a State General Fund contribution.](#)

- 1) Counties support the continuation of federal and state funding for IHSS, and oppose any efforts to shift additional IHSS costs to counties.
- [2\) Counties support the MOE as negotiated in the 2012-13 state budget and will oppose any proposals to change the MOE as outlined in statute. The IHSS MOE negotiated in the 2017-18 state budget is not sustainable for counties as the county share of IHSS costs will](#)

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significantly outpace the available revenues in the coming years. Counties support changes that provide additional state funding for IHSS costs or lower the county share of IHSS costs. Counties support a long-term solution that aligns the county share of IHSS costs with the available revenues, which could occur through a lowered sharing ratio, restructured MOE, or increased State General Fund contribution.

2)3) The state should fully fund county costs for the administration of the IHSS program, and consult with counties on all policy, operational, and technological changes in the administration of the program.

3)4) Counties support moving collective bargaining for the IHSS program to a single statewide entity.

#### Section 1110: Veterans

Specific strategies for intervention and service delivery to veterans should be developed through cooperation between federal, state, and local governments, as well as community and private organizations serving veterans.

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2) Counties also support coordination of services for veterans among all entities that serve this population, especially in housing, treatment, and employment training.

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## Chapter 16

# Realignment

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

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

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

### **2010 CSAC Realignment Principles: Approved by the CSAC Board of Directors**

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

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

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

- 1) **Revenue Adequacy.** The revenues provided in the base year for each program must recognize

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

- a. The Human Services Funding Deficit is a result of the state funding its share of social services programs based on 2001 costs instead of the actual costs to counties to provide mandated services on behalf of the state. Realignment must recognize existing and potential future shortfalls in state responsibility that have resulted in an effective increase in the county share of program costs. In doing so, realignment must protect counties from de facto cost shifts from the state's failure to appropriately fund its share of programs.
- 2) **Revenue Source.** The designated revenue sources provided for program transfers must be levied statewide and allocated on the basis of programs and/or populations transferred; the designated revenue source(s) should not require a local vote. The state must not divert any federal revenue that it currently allocates to realigned programs.
- 3) **Transfer of Existing Realigned Programs to the State.** Any proposed swap of programs must be revenue neutral. If the state takes responsibility for a realigned program, the revenues transferred cannot be more than the counties received for that program or service in the last year for which the program was a county responsibility.
- 4) **Mandate Reimbursement.** Counties, the Administration, and the Legislature must work together to improve the process by which mandates are reviewed by the Legislature and its fiscal committees, claims made by local governments, and costs reimbursed by the State. Counties believe a more accurate and timely process is necessary for efficient provision of programs and services at the local level.
- 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.



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Marina Espinoza, CSAC Legislative Analyst, Housing, Land Use and Transportation

**SUBJECT: 2019-2020 Platform Chapters: Housing, Land Use and Transportation – ACTION ITEM**

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**Staff Recommendation.** Staff recommends that the CSAC Board of Directors approve the proposed changes to the CSAC policy platform as drafted.

**Background.** At the end of each two-year legislative session, CSAC undertakes a policy platform review process to capture recent changes in law and prepare for anticipated debates in the coming session. To begin the process of updating the CSAC Policy Platform, staff sent the proposed drafts of the chapters under the purview of the Housing, Land Use and Transportation Policy Committee to policy committee members, as well as legislative coordinators, planning directors, and public works directors on October 16, 2018 and requested feedback from counties by November 7, 2018. No suggested additions or edits were submitted by CSAC members. The Housing, Land Use and Transportation Policy Committee voted to recommend approval of the CSAC Policy Platform Chapters at their meeting on Wednesday, November 28.

The three chapters solely under the purview of the Housing, Land Use and Transportation Policy Committee are listed below, along with a brief description of any proposed changes:

**Chapter Seven – Planning, Land Use and Housing**

- Proposed addition to section 6 related to facilitating the development or funding of affordable homes by counties and cities through repeal of the outdated Article XXXIV of the California Constitution. This constitutional provision was added by an initiative sponsored by California Realtors, which they now disavow. The Article requires a vote by the people if a local government seeks to build or fund affordable housing (note that repeal of this section would not change voter approval requirements for taxes or borrowing). Repeal of this section would remove an administrative hurdle for counties that seek to fund the development of additional affordable homes in their jurisdictions, as several counties have done in recent years through local bond measures.
- Proposed addition to section 6 related to supporting the expansion of state and federal tax credits to better meet the statewide need for subsidized affordable housing units.

**Chapter Ten – Transportation and Public Works**

- No changes were proposed by staff when the draft platform document was shared on October 16. Following the failure of Proposition 6 on the November 6 General Election ballot, staff have recommended minor changes in section 4 related to the condition of local roads, the need to protect ongoing funding, and continued efforts by CSAC to promote the efficient use of transportation funding through administrative and environmental streamlining.

### **Chapter Fifteen – Tribal Intergovernmental Relations**

- No changes were proposed by staff. Note that the chapter was substantially updated and revised via a working group process in advance of the 2015-16 legislative session.

Additional platform policies related to the interaction of land use and transportation policy with climate policy are considered under Chapter Fourteen, which is also under the purview of the Agriculture, Environment and Natural Resources Policy Committee. Staff sent the draft Chapter to the Housing, Land Use and Transportation Policy Committee on October 26 and requested feedback by November 9. No suggested additions or edits were submitted by CSAC members.

### **Chapter Fourteen – Climate Change**

- No substantive policy changes were proposed by staff. Edits consist of minor formatting changes.

### **Attachments.**

Chapter Seven – Planning, Land Use and Housing  
Chapter Ten – Transportation and Public Works  
Chapter Fourteen – Climate Change  
Chapter Fifteen – Tribal Intergovernmental Relations

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# Planning, Land Use and Housing

### Section 1: General Principals

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

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

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

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

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

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

- 1) Counties have and must retain a primary responsibility for basic land use decisions.
- 2) Counties are cognizant of the need for resource conservation and development, maintaining our economic and social well being, protecting the environment and guiding orderly population growth and property development.
- 3) Counties are responsible for preparing plans and implementing programs to address land use, transportation, housing, open space, conservation, air quality, water distribution and quality, solid waste, and liquid waste, among other issues.

- 4) Counties play a major role in facilitating inter-jurisdictional cooperation between all levels of government in order to achieve the balanced attainment of these objectives.
- 5) Counties must have sufficient funding from state sources to meet state mandated planning programs.
- 6) Counties define local planning needs based on local conditions and constraints.

## **Section 2: The County Role in Land Use**

### General Plans and Development

Counties should protect vital resources and sensitive environments from overuse and exploitation. General and specific plans are policy documents that are adopted, administered, and implemented at the local level. State guidelines can serve as standards to insure uniformity of method and procedure, but should not mandate substantive or policy content. Land use and development problems and their solutions differ from one area to another and require careful analysis, evaluation, and appraisal at the local government level. Local government is the best level of government to equitably, economically and effectively solve such problems. Further, it is important that other public agencies, (e.g. federal, state, regional, cities, schools, special districts, etc.) participate in the local general planning process to avoid conflicts with future local decisions that are consistent with the general plan.

- 1) State requirements for general plan adoption should be limited to major planning issues and general plan mandates should include the preparation of planning elements only as they pertain to each individual county.
- 2) Zoning and other implementation techniques should be a logical consequence to well thought out and locally certified plans.
- 3) Counties support a general plan judicial review process which first requires exhaustion of remedies before the Board of Supervisors, with judicial review confined to a reasonable statute of limitations and limited to matters directly related to the initial hearing record. Counties also support retaining the current judicial standard whereby the courts defer to the judgment of the local agency when that judgment is supported by substantial evidence in the record.
- 4) Policy development and implementation should include meaningful public participation, full disclosure and wide dissemination in advance of adoption.

### Public Facilities and Service

Counties have a vital role in ensuring that municipal services and public facilities are provided to residents in the unincorporated area in an efficient manner.

- 1) Within the framework of the general plan, counties should protect the integrity and efficiency of newly developing unincorporated areas and urban cores by prohibiting fringe area development, which would require services and compete with existing infrastructure.
- 2) Counties should accept responsibility for community services in newly developing unincorporated areas where no other appropriate entity exists.
- 3) In the absence of feasible incorporation, County Service Areas or Community Service Districts are appropriate entities to provide needed services for urbanizing areas. They work against proliferation of single purpose districts, allow counties to charge the actual user for the service, permit direct control by the Board of Supervisors, and set the basis of reformation of multi-purpose districts.
- 4) County authority to require land and/or in-lieu fees to provide public facilities in the amount needed to serve new development must be protected.

### Environmental Analysis

The environmental review process under the California Environmental Quality Act (CEQA) provides essential information to be constructively used in local decision-making processes. Unfortunately, the CEQA process is too often used as a legal tool to delay or stop reasonable development projects.

- 1) The CEQA process and requirements should be simplified wherever possible including the preparation of master environmental documents and use of tiered EIRs and negative declarations, including Climate Action Plans and associated environmental impact reports for tiering under CEQA.
- 2) The length of environmental reports should be minimized without impairing the quality.
- 3) Other public agencies (federal, state, regional, affected local jurisdictions, special districts, etc.) should participate in the environmental review process for plans and projects in order to provide a thorough review and analysis up front and avoid conflicts in future discretionary actions.
- 4) Counties should continue to assume lead agency roles where projects are proposed in unincorporated territory requiring discretionary action by the county and other jurisdictions.
- 5) CEQA documents should include economic and social data when applicable; however, this data should not be made mandatory.

### Coastal Development

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

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

- 1) Counties are committed to preserve and provide access to the coast and support where appropriate beach activities, boating activities, and other recreational uses in developing and implementing precise coastal plans and appropriate zoning.
- 2) Comprehensive coastal plans should also include preservation of open space, development of commercial and recreational small craft harbor facilities, camping facilities, and commercial and industrial uses.
- 3) Local jurisdictions must have the statutory and legal authority to implement coastline programs. Statewide efforts related to the California coastline must respect local land use authority. The State should collaboratively and cooperatively work with counties and cities to ensure decisions do not erode local control and decision-making.
- 4) The State, counties, and cities should mutually encourage, seek, and support efforts to streamline, improve, and modernize coastal development permit and local coastal planning processes, without compromising or undermining the original intent and tenets of these laws.
- 5) Counties support measures to streamline the process for approving and amending Local Coastal Plans.
  - a. Measures should re-prioritize Commission staff and resources to the early scoping phase of any proposed amendment, to help identify key issues early on.
  - b. Measures should identify standard timelines for each stage of the amendment process and develop specific procedures/mechanisms for adhering to those timelines, and should also require clearly identified reasons for any extensions requested by Commission staff.
- 6) Counties support legislative funding options that will enhance efficiency and accountability in the local coastal planning process.

#### Open Space Lands

Counties support open space policy that sets forth the local government's intent to preserve open space lands and ensures that local government will be responsible for conserving natural resources and developing and implementing open space plans and programs. Counties need state policies and fiscal resources to fully implement open space plans.

- 1) Counties support additional revenues for local open space acquisition programs, such as the subvention funds formerly provided by the Williamson Act.

- 2) Counties support reimbursement to local agencies for property tax losses.
- 3) Counties support greater use of land exchange powers for transfer of development rights.
- 4) Counties support protection of current agricultural production lands through the purchasing of development rights.
- 5) In some cases, open space easements should be created and used by local jurisdictions to implement open space programs, like the Williamson Act program.
- 6) Timber preserve zones and timber harvesting rules should enhance protection of this long-term renewable resource.

#### Healthy Communities

Counties support policies and programs that aid in the development of healthy communities which are designed to provide opportunities for people of all ages and abilities to engage in routine daily physical activity.

- 1) Counties support promoting active living via bicycle- and pedestrian-oriented design.
- 2) Counties support mixed-use development, providing recreation facilities, and siting schools in walkable communities.

#### Environmental Justice

Environmental justice is the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

- 1) Counties support policies and programs that ensure environmental justice by providing information and raising awareness on a number of environmental issues, such as air quality, greenhouse gas emissions, water quality, noise and heavy industrial uses.
- 2) Counties support environmental justice by providing sufficient services and infrastructure; protecting and conserving open space, natural and resource areas, and making them accessible; preventing and minimizing pollution impacts.
- 3) Counties support environmental justice by facilitating stakeholder participation in planning efforts.

### **Section 3: State Role in Land Use**

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

- 1) The state interest shall be statutorily and precisely defined and strictly limited to those lands designated to be critical statewide concern in concert with attainable and specified state goals and policies.
- 2) In determining those lands of crucial statewide concern, a mechanism should be created which ensures significant local involvement through a meaningful state/local relationship.
- 3) The state should prepare a statewide plan that reconciles the conflicts between the various state plans and objectives in order to provide local governments with greater certainty in areas of statewide concern. This is not intended to expand the State's authority over land use decisions; rather it should clarify the state's intent in relation to capital projects of statewide significance.
- 4) The state's participation in land use decisions in those designated areas shall be strictly limited to insuring the defined state interest is protected at the local level.
- 5) Any regulatory activity necessary to protect the state's interest, as defined in statute, shall be carried out by local government.
- 6) Counties enforcement procedures for violations of zoning and building ordinances should not be hampered by State established maximum fines that in some cases do not serve as a deterrent and are merely incorporated into the cost of doing business.
- 7) Climate change is a programmatic issue of statewide concern that requires a clear understanding of the roles and responsibilities of each level of government as well as the state's interest in land use decisions to ensure statewide climate change goals are met. Population growth in the state is inevitable, thus climate change strategies will affect land use decisions in order to accommodate and mitigate the expected growth in the state.
- 8) Local government, as the chief land use decision-maker and integral part of the housing planning process, must have a clearly defined role and be supported with the resources to achieve the State's climate change goals.
- 9) Adequate financial resources shall be provided, before a state-mandate is activated, to ensure local government has the ability to carry out state-mandated planning requirements.

#### **Section 4: Regional Governments**

Counties support voluntary participation within regional agencies as appropriate to resolve regional problems throughout the State. Regional approaches to planning and resolution to issues that cross jurisdictional boundaries are increasingly important. While California's growth rate has slowed since the boom in the 1980's, the State will still see significant population gains over the next 50-years with the total population projected to reach 52.7 million by 2060. Within that same time frame, 13 counties will have one million or more residents and six of those counties will have a population of two million or more residents.

Regional agencies in California play an important role in the allocation of regional housing need numbers, programming of Federal and State transportation dollars, in addressing air quality non-attainment problems, and climate change to name a few. Regional collaboration remains important to

address issues associated with growth in California, such as revenue equity issues, service responsibilities, a seamless and efficient transportation network, reducing GHGs and tackling climate change, job creation, housing, agricultural and resource protection, and open space designation.

- 1) The passage of SB 375 in 2008 and the preparation of regional Sustainable Communities Strategies in most of the State's regions elevate the importance of regional collaboration. Regional agencies must make genuine and substantive efforts to include local governments in their regional planning efforts.
- 2) While planning at the regional scale is increasingly important, land use decisions shall remain the exclusive province of cities and counties based on state planning and zoning law and the police powers granted to them under the State Constitution.
- 3) 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 81 percent of the state's publically maintained road miles, thus must retain direct allocations of transportation dollars to address the needs of this critical network and protect the public's existing investment.
- 4) Regional approaches to tax sharing and other financial agreements are appropriate and often necessary to address service needs of future populations; however, cities and counties must maintain financial independence and continue to receive discretionary and program dollars directly.
- 5) Counties support voluntary revenue-sharing agreements for existing revenues at the regional level, and any mandated revenue sharing must be limited to new revenues.
- 6) Regional agencies must consider financial incentives for cities and counties that have resource areas or farmland instead of (or in addition to) high growth areas. For example, such incentives should address transportation investments for the preservation and safety of city and county road systems, farm to market transportation, and interconnectivity transportation needs.
- 7) Regional agencies should also consider financial assistance to address countywide service responsibilities in counties that contribute towards the GHG emissions reductions targets by implementing policies for growth to occur within their cities and existing urbanized areas.

## **Section 5: Special Districts**

In recent years, Local Agency Formation Commissions (LAFCOs) have been generally successful at regulating incorporations, annexations, and the formation of new special districts. However, the state has a legacy of a large number of independent special districts that leads to fragmentation of local government.

- 1) Counties find that there are many fully justified districts that properly serve the purpose for which they were created. However, there are districts whose existence is no longer "defensible."
- 2) Counties find that nothing is served by rhetorically attacking "fragmentation."

- 3) LAFCOs should retain the authority to evaluate special districts to test their value to the community for whom they were initially formed to serve and identify those districts that no longer serve the purposes for which they were created.

## **Section 6: Housing**

Housing is an important element of economic development and essential for the health and well being of our communities. The responsibility to meet the state's housing needs must be borne by all levels of government and the private sector. Reductions in state and federal funding and the loss of redevelopment housing set aside funding create a need for new funding sources to support the development of affordable housing. Moreover, reforms are needed to address the current property and sales tax systems in California, which can work against housing affordability by providing fiscal disincentives for additional housing development.

Counties support the following principles in relation to housing. These principles must be taken as a whole, recognizing the importance of their interdependence. These principles provide a comprehensive approach to address the production of housing, recognizing the role of counties, which is to encourage and facilitate the production of housing. They should not be misinterpreted to hold counties responsible for the actual production of housing; instead they should recognize the need for various interests to cooperatively strive to provide affordable housing that is accessible and available to meet the needs of California residents at all income levels and in all geographic areas.

### **State Role in Housing Planning**

- 1) CSAC supports a role by the state Department of Housing and Community Development (HCD) that focuses on assisting local governments in financing efforts and advising them on planning policies--both of which strive to meet the state's housing needs.
- 2) HCD's role should focus on facilitating the production of housing, rather than an onerous and unpredictable housing element compliance process that detracts from local governments' efforts to seek funding and actually facilitate housing production.

### **Housing Element Reform**

- 1) A sweeping reform of the current housing element requirements should be undertaken to streamline and simplify existing housing element law.
- 2) The housing element should place a greater emphasis on obtaining financing and enabling production, rather than the overly-detailed data analysis now required under state law.
- 3) Housing element reform should provide local governments with the flexibility and creativity to adopt local housing elements, comprehensive housing assistance strategies, and other local plans and programs that will be effective in their communities.
- 4) Housing element reform should conserve state and local resources by promoting predictable HCD review consistent with statutory requirements, including transparent standards that are uniformly applied and includes timelines for comment periods and decision-making.

### Affordable Housing Funding

- 1) Counties support identifying and generating a variety of permanent financing resources and subsidy mechanisms for affordable housing, including a statewide permanent source for affordable housing.
- 2) These sources need to be developed to address California's housing needs, particularly with the reduction of federal and state contributions in recent years. The elimination of redevelopment in 2012 redirected most public funds previously dedicated to affordable housing development and preservation, as it ended all future receipts of affordable housing set-aside funds, as well as recapturing many millions of dollars in housing funds that had been received in prior years.
- 3) The need for new affordable housing units exceeds the number of new units for which financing and subsidies will be available each year. Therefore, additional funding is necessary to ensure production of new subsidized units, and adequate funds for housing subsidies to households.
- 4) Policies should be established to encourage continued flow of capital to market rate ownership housing in order to assure an adequate supply of low-cost, low-down payment mortgage financing for qualified buyers.
- 5) A need exists to educate the private building and financial communities on the opportunities that exist with the affordable housing submarket so as to encourage new investments.
- 6) Establish and adequately fund 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. Counties support expansion of existing tax credit programs to better allow local governments to meet statewide goals for the development of affordable homes.

### Restructure Local Government Funding to Support Housing Affordability

The current property and sales tax systems in California are not supportive of housing development and work against housing affordability because housing is not viewed as a "fiscal winner" by local governments as they make land use and policy decisions.

- 1) Local government finance should be restructured at the state level to improve the attractiveness and feasibility of affordable housing development at the local level.
- 2) At a minimum, there should be better mechanisms to allow and encourage local governments to share tax revenues.

### Promote a Full Range of Housing in All Communities

- 1) Local governments, builders, the real estate industry, financial institutions and other concerned stakeholders should recognize their joint opportunities to encourage a full range of housing and should work together to achieve this goal.

2) Promoting a full range of housing will require cooperative effort from the beginning of the planning and approval process.

3) CSAC supports creatively applying incentives and development standards, minimizing regulations and generating adequate financing in order to make housing more affordable and available to all income groups.

3)4) CSAC supports reforms that facilitate the ability of counties to provide for the construction and financing of affordable housing, including the repeal of constitutional limitations on the ability of local government to financially support affordable housing without voter approval.

## Chapter Ten

# Transportation and Public Works

### **Section 1: General Principles:**

Transportation infrastructure and multi-modal transportation choices are essential for the current and future well-being of the State of California. A balanced transportation system utilizes all modes of travel in a complimentary manner to provide all users access and mobility options to safely move about their community. Counties also recognize that climate change and the release of GHGs into the atmosphere have the potential to dramatically impact our environment, land use decisions, transportation networks, and the economy. Due to the overarching nature of climate change issues, all sections in this chapter should be viewed in conjunction with Chapter Fourteen, which outlines CSAC's climate change policy.

- 1) Transportation infrastructure investments should balance the competing needs of all segments of society and the economy with maximum coordination between all levels of government and reasonable amounts of free choice for the consumer.
- 2) Transportation systems must be fully integrated with planned land use; support the lifestyles desired by the people of individual areas; and be compatible with the environment by considering greenhouse gas (GHG) emissions, air and noise pollution, aesthetics, ecological factors, cost benefit analyses, and energy consumption measures.
- 3) Transportation systems should be designed to serve the travel demands and desires of all the people of the state and support a robust economy, recognizing the principles of local control and the unique restraints of each area.
- 4) Local control recognizes that organizational and physical differences exist and that governments should have flexibility to cooperatively develop systems by which services are provided and problems resolved.

### **Section 2: Balanced Transportation Policy**

#### System Policy and Transportation Principles

It is of statewide interest to provide for a balanced, seamless, multi-modal transportation system on a planned and coordinated basis consistent with social, economic, political, and environmental goals within the state. The statewide network includes the local streets and roads, state highways, transit, bicycle and pedestrian facilities, rail, and ports. Rural and urban transportation needs must be balanced so as to build and operate a single transportation system. While urban transportation systems support significant daily vehicle miles traveled and the transportation of millions of people, the rural transportation network connects communities together and plays a critical role in the movement of goods for the entire state. The statewide transportation system should be an asset to present and future generations. It must consider and protect the natural and built environment and support economic development of the state.

- 1) Transportation systems must be regularly and consistently maintained in order to preserve the existing public infrastructure (current revenues are not keeping pace with needs of the local road or state highway or transit systems), reduce the future costs to tax-payers, and to protect the environment. All users of the system have a responsibility to adequately invest in the transportation infrastructure that is so critical to every-day life.
- 2) Repairs to local access roads that are damaged in the course of emergency operations (for example, in fighting a fire or flood) should be eligible for reimbursement under the same programs as roads which are directly damaged by the event.
- 3) System process modifications are needed to expedite project delivery and minimize project cost.
- 4) Heavy vehicles impose exponentially greater wear and tear on roadways than lighter vehicles. Many locally-maintained roads may not have been designed to accommodate heavy vehicles. Proposed increases in weight limits to improve efficiency by reducing number of heavy vehicle trips required, or to meet other policy goals should be balanced against the costs of additional wear and tear on roads, bridges and highways.

#### Financing Policy and Revenue Principles

Transportation financing needs exceed existing and foreseeable revenues despite growing recognition of these needs at all levels of government. Further, traditional sources of revenue for transportation are declining as communities develop more sustainably and compactly in order to reduce vehicle miles traveled and GHG emissions to meet statewide climate change goals. Additional funding is required and should be supported and any new sources of funding should produce enough revenue to respond significantly to transportation needs.

- 1) As the owner and operator of a significant portion of the local system, counties support continued direct funding to local governments for preservation and safety needs of that system.
- 2) Counties support regional approaches for transportation investment purposes for capital expansion projects of regional significance and local expansion and rehabilitation projects through regional transportation planning agencies.
- 3) Single transportation funds—comprised of state and federal subventions—should be available at each of the local, regional and statewide levels for financing the development, operation, and/or maintenance of highways, public transit, airports or any other modal system as determined by each area in accordance with local, regional, and statewide needs and goals.
- 4) The cooperative mechanisms established by counties and cities to meet multi-jurisdictional needs should be responsible for the financing, construction, operation and maintenance of regional transportation systems utilizing—as appropriate—existing transportation agencies and districts.
- 5) Federal and state funds for safety and preservation purposes should be sent directly to applicable operational levels without involvement of any intermediate level of government. Pass-through and block grant funding concepts are highly desirable.
- 6) The cost of transportation facilities and services should be fairly shared by the users and also by indirect beneficiaries.

- 7) Transportation funding should be established so that annual revenues are predictable with reasonable certainty over several years to permit rational planning for wise expenditure of funds for each mode of transportation.
- 8) Financing should be based upon periodic deficiency reports by mode to permit adjustment of necessary funding levels. Additional elements such as constituent acceptance, federal legislative and/or administrative actions, programmatic flexibility, and cost benefit studies should be considered.
- 9) Efforts to obtain additional revenue should include an examination of administrative costs associated with project delivery and transportation programs.
- 10) Funding procedures should be specifically designed to reduce the cost of processing money and to expedite cash flow. Maximum use should be made of existing collection mechanisms when considering additional financing methods.
- 11) In the development of long-range financing plans and programs at all levels of government, there should be a realistic appreciation of limitations imposed by time, financing, availability, and the possibility of unforeseen changes in community interest.
- 12) Existing funding levels must be maintained with historical shares of current funding sources ensured for counties (e.g. state and federal gas tax increases, etc.).
- 13) Although significant transportation revenues are raised at the local level through the imposition of sales taxes, additional state and federal revenue sources are needed such as additional gas and sales taxes, congestion pricing, public-private partnerships, and user or transaction fees to provide a diverse financing strategy.
- 14) Additional revenue raising authority at the local and regional level is needed as well as other strategies as determined by individual jurisdictions and regions.
- 15) Transportation revenues must be utilized for transportation purposes only and purposes for which they are dedicated. They should not be diverted to external demands and needs not directly related to transportation activities.
- 16) Revenue needed for operational deficits of transit systems should be found in increased user fees, implementation of operating efficiencies and/or new sources, rather than existing sources depended upon by other modes of transportation.
- 17) Future revenues must be directed to meet mobility needs efficiently and cost effectively with emphasis on current modal use and transportation choices for the public.

#### Government Relations Policy

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

- 1) Counties and cities working through their regional or countywide transportation agencies, and in consultation with the State, should retain the ability to program and fund transportation projects that meet the needs of the region.
- 2) No county or city should be split by regional boundaries without the consent of that county or city.
- 3) Counties and cities in partnership with their regional and state government, should attempt to actively influence federal policies on transportation as part of the full partnership concept.

#### Management Policy

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

- 1) Greater attention should be devoted to delivery and maintenance of transportation infrastructure in a cost-effective manner with flexibility in delivery methods and project management.
- 2) Special transportation districts should be evaluated and justified in accordance with local conditions and public needs.
- 3) The State Department of Transportation should be responsible for planning, designing, constructing, operating, and maintaining a system of transportation corridors of statewide significance and interest. Detailed procedures should be determined in concert with regional and local government.
- 4) Restrictive, categorical grant programs at federal and state levels should be abandoned or minimized in favor of goal-oriented transportation programs which can be adjusted by effective management to best respond to the social and economic needs of individual communities.
- 5) Policies and procedures on the use of federal and state funds should be structured to minimize "red tape," recognize the professional capabilities of local agencies, provide post-audit procedures and permit the use of reasonable local standards.

#### **Section 3: Specific Modal Transportation Policies**

##### Aviation

- 1) Air transportation planning should be an integral part of overall planning effort and airports should be protected by adequate zoning and land use. Planning should also include consideration for helicopter and other short and vertical take-off aircraft.
- 2) State and federal airport planning participation should be limited to coordination of viable statewide and nationwide air transportation systems.
- 3) Local government should retain complete control of all airport facilities, including planning, construction, and operation.

##### Streets and Highways

The local street and road system, over 81-percent of the total maintained miles in the state, continues to play an important role in the mobility of Californians and critical for a vibrant economy. Further, local roads serve as the right-of-way for active transportation and transit. In a coordinated statewide transportation system, highways will continue to carry a great percentage of the goods and people transported within the state. Non-motorized transportation facilities, such as pedestrian and bicycle facilities are also proper elements of a balanced transportation system.

- 1) Counties and cities must work cooperatively with regional agencies, the state, and the federal government to ensure the local system is maintained in a cost-effective and efficient condition and that is fully integrated into the statewide transportation network.
- 2) A program of highway maintenance and improvement of this modal system must be continued in coordination with the development of other modal components. Efforts to maximize utilization of transportation corridors for multi-purpose facilities should be supported.
- 3) Counties support efforts to design and build complete streets, ensuring that all roadway users – motorists, bicyclists, public transit vehicles and users, and pedestrians of all ages and abilities – have safe access to meet the range of mobility needs.
- 4) Given that funding for basic maintenance of the existing system is severely limited, however, complete streets improvements should be financed through a combination of sources best suited to the needs of the community and should not be mandated through the use of existing funding sources.

#### Public Transit

- 1) Counties and cities should be responsible for local public transit systems utilizing existing transportation agencies and districts as appropriate.
- 2) Multi-jurisdictional public transit systems should be the responsibility of counties and cities acting through mechanisms, which they establish for regional decision-making, utilizing existing transportation agencies, and districts as appropriate.
- 3) The State should be responsible for transportation corridors of statewide significance, utilizing system concepts and procedures similar to those used for the state highway system. Contracts may be engaged with existing transit districts and public transportation agencies to carry out and discharge these state responsibilities.
- 4) Consideration of public transit and intercity rail should be an integral part of a local agency's overall planning effort and should maximize utilization of land for multi-purpose transportation corridors.
- 5) Public transit planning should include a continuing effort of identifying social, economic, and environmental requirements.

#### Rail

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

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

- 1) Rail should be considered, as appropriate, in any local agency's overall planning effort when rail is present or could be developed as part of a community.
- 2) Research and development of innovative and safe uses of rail lines should be encouraged.

#### **Section 4: Conclusion**

**Comment [CL1]:** Updated by staff following November 2018 election.

~~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 1994 (when the state gas excise tax was last increased) and ~~today~~2017, when the Legislature passed SB 1 (Beall), California's population and travel increased ~~and travel in the state have increased,~~ while revenues for maintenance and improvement of state highways and local roads ~~have failed to not kept~~ up pace. In fact, by 2017 the value of the existing state gasoline tax had eroded to roughly half of its 1994 value due to inflation and improvements in vehicle fuel efficiency. SB 1 provides an ongoing source of approximately \$5 billion in revenue to invest in state highways, local roads, regional improvements, public transportation and active transportation and will allow California to reverse the trend of deteriorating transportation infrastructure.~~

~~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. The base gas tax was set at eighteen cents per gallon in 1994. Adjusting for inflation shows that the base rate is only worth 10.5 cents today, while an additional adjustment to compensate for changes in fuel economy shows that it has lost half of its value since 1994.~~

~~The gas tax once funded most transportation programs in the state, including operations and construction. Now the per-gallon fuel tax collected at both the state and federal levels and the state weight fees does not even provide enough revenue to meet annual maintenance, operations, and rehabilitation needs for the state highway system (the State Highway Operation and Protection Program or SHOPP). Counties and cities dependent upon a portion of the State's gas tax revenues are in the same situation in that revenues are short of meeting their preservation needs of the local system. Basic Maintenance programs for California's aging system now consume 100% of gas tax revenues in most local jurisdictions.~~

~~In 2010, the State enacted a historic transportation tax swap in which the excise tax on gasoline was increased by 17.3 cents and the sales tax on gasoline (Proposition 42) was eliminated. Counties, cities, and the State Transportation Improvement Program (STIP) will receive similar amounts from the increase in excise tax as would have been provided by the sales tax. However, the local and state~~

~~systems are still woefully underfunded, especially in light of sustained reductions in fuel prices, which have reduced revenues from the price-based tax.~~

The 2016<sup>8</sup> 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 65, an “at risk” rating. ~~The condition is projected to deteriorate to a PCI of 56 by 2026. In addition, the percentage of “failed” streets will grow from 6.9% to 22% of the network by 2026. Furthermore, the funding shortfall considering all existing revenues is \$73.6 billion over the next 10 years. Through a combination of SB 1 funding and increased use of sustainable pavement preservation techniques, local agencies will be able to stabilize the average condition of pavements at a PCI of 64, reduce the deferred maintenance backlog by \$18.4 billion in the coming decade, and improve a significant percentage of the network from at-risk to good condition.~~

Accordingly, it is vitally important to protect the \$1.5 billion share of local street and road formula funding from SB 1, which will be adjusted based on inflation and increasing vehicle values. Furthermore, CSAC must continue to advocate for streamlining administrative processes and environmental review and promoting efficiencies and sustainable practices that allow counties to make the most of every dollar of transportation funding.

~~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. Protecting 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), Federal Highway Administration (FHWA), and the Local Streets and Roads Needs Assessment).

## CSAC Climate Change Policy Guidelines

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

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

### **Section 1: Fiscal**

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

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

- CSAC supports the use of grants, loans, incentives and revenue raising authority to assist local governments with the implementation of climate change response activities and GHG reduction strategies.

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

## **Section 2: Land Use, Transportation, and Housing**

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

- CSAC supports measures to achieve reductions in GHG emissions by promoting housing/jobs proximity and transit-oriented development, and encouraging high density residential development along transit corridors. CSAC supports these strategies through its support for SB 375 (Chapter No. 728, Statutes of 2008) and other existing smart growth policies for strategic growth. These policies support new growth that results in

compact development within cities, existing unincorporated urban communities and rural towns that have the largest potential for increasing densities, and providing a variety of housing types and affordability.

- CSAC supports policies that efficiently utilize existing and new infrastructure investment and scarce resources, while considering social equity as part of community development, and strives for an improved jobs-housing balance.
- CSAC supports the protection of critical lands when it comes to development, recognizing the need to protect agricultural lands, encourage the continued operations and expansion of agricultural businesses, and protect natural resources, wildlife habitat and open space.
- CSAC acknowledges that growth outside existing urban areas and growth that is non-contiguous to urban areas may be necessary to avoid the impacts on critical resource and agricultural lands that are adjacent to existing urban areas.
- CSAC supports providing incentives for regional blueprints and countywide plans, outside of SB 375, to ensure that all communities have the ability to plan for more strategic growth and have equitable access to revenues available for infrastructure investment purposes. It is CSAC's intent to secure regional and countywide blueprint funding for all areas.
- CSAC supports new fiscal incentives for the development of countywide plans to deal with growth, adaptation and mitigation through collaboration between a county and its cities to address housing needs, protection of resources and agricultural lands, and compatible general plans and revenue and tax sharing agreements for countywide services.
- CSAC recognizes that counties and cities must strive to promote efficient development in designated urban areas in a manner that evaluates all costs associated with development on both the city and the county. Support for growth patterns that encourage urbanization to occur within cities must also result in revenue agreements that consider all revenues generated from such growth in order to reflect the service demands placed on county government. As an alternative, agreements could be entered into requiring cities to assume portions of county service delivery obligations resulting from urban growth.
- While local governments individually have a role in the reduction of GHG emissions through land use decisions, CSAC continues to support regional approaches to meet the State's GHG emission reduction and climate change goals, such as efforts which build upon existing regional blueprint and transportation planning processes. CSAC continues

to support regional approaches over any statewide “one size fits all” approach to addressing growth and climate change issues. Further, CSAC supports countywide approaches to strategic growth, resource and agricultural protection, targeting scarce infrastructure investments and tax sharing for countywide services.

- CSAC finds it critical that state and federal assistance is provided for data and standardized methodologies for quantifying GHG emissions for determining and quantifying GHG emission sources and levels, vehicle miles traveled and other important data to assist both local governments and regional agencies in addressing climate change in environmental documents for long-range plans.

### **Section 3: Energy**

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

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

#### Energy Efficiency

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

state and local facilities. A green building is a term used to describe structures that are designed, built, renovated, operated or reused in an ecological and resource-efficient manner. Green buildings are designed to meet certain objectives using energy, water and other resources more efficiently and reducing the overall impact to the environment.

- CSAC supports the state’s development of green building protocols sustainable building standards, including guidelines for jails, hospitals and other such public buildings.
- CSAC supports the use of grants, loans and incentives to encourage and enable counties to incorporate green building practices into their local facilities.
- CSAC supports the use of procurement practices that promote the use of energy efficient products and equipment.

#### Methane Emissions

- CSAC supports state efforts to develop a dairy digester protocol to document GHG emissions reductions from dairy farms. CSAC supports funding mechanisms that support the use of dairy digesters to capture methane gas and convert it to energy.
- CSAC supports state efforts to capture methane gases from landfills, and supports development of a reasonable regulatory measure with a feasible timeline to require landfill gas recovery systems on landfills that can support a self-sustaining collection system.
- CSAC supports the development of a guidance document for landfill operators and regulators that will recommend technologies and best management practices for improving landfill design, construction, operation and closure for the purpose of reducing GHG emissions.
- CSAC also supports funding mechanisms, including grants, loans and incentives to landfill operators to help implement these programs.

#### **Section 4: Water**

According to the Department of Water Resources, projected increases in air temperature may lead to changes in the timing, amount and form of precipitation, changes in runoff timing and volume, sea level rise, and changes in the amount of irrigation water needed. CSAC recognizes the need for state and local programs that promote water conservation and water storage development.

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

- CSAC supports the incorporation of projections of climate change into state water planning and flood control efforts.
- CSAC supports water conservation efforts, including reuse of domestic and industrial wastewater, reuse of agriculture water, groundwater recharge, and economic incentives to invest in equipment that promotes efficiency.
- CSAC continues to support the study and development of alternate methods of meeting water needs such as desalinization, wastewater reclamation, watershed management, the development of additional storage, and water conservation measures.

### **Section 5: Forestry**

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

- CSAC supports encouraging sustainable forestry practices through the existing regulatory process, and encouraging continued reforestation and active forest management on both public and private timberlands.
- CSAC supports responsible optimum forest management practices that ensure continued carbon sequestration in the forest, provide wood fiber for biomass-based products and carbon-neutral biomass fuels, and protect the ecological values of the forest in a balanced way.
- CSAC supports the state's development of general forestry protocols that encourage private landowners to participate in voluntary emission reduction programs and encourage National Forest lands to contribute to the state's climate change efforts.

- It is imperative that adequate funding be provided to support the management of forest land owned and managed by the federal government in California in order to ensure the reduction of catastrophic wildfires.
- CSAC supports additional research and analysis of carbon sequestration opportunities within forestry.

## **Section 6: Agriculture**

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

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

## **Section 7: Air Quality**

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

- CSAC supports state efforts to create standards and protocols for all new passenger cars and light-duty trucks that are purchased by the state and local governments that conform to the California Strategy to Reduce Petroleum Dependency. CSAC supports

state efforts to revise its purchasing methodology to be consistent with the new vehicle standards.

- CSAC supports efforts that will enable counties to purchase new vehicles for local fleets that conform to state purchasing standards, are fuel efficient, low emission, or use alternative fuels. CSAC supports flexibility at the local level, allowing counties to purchase fuel efficient vehicles on or off the state plan.
- CSAC supports identifying a funding source for the local retrofit and replacement of county on and off road diesel powered vehicles and equipment.
- CSAC opposes federal standards that supersede California's ability to adopt stricter vehicle standards.
- Counties continue to assert that federal and state agencies, in cooperation with local agencies, have the ability to develop rules and regulations that implement clean air laws that are both cost-effective and operationally feasible. In addition, state and federal agencies should be encouraged to accept equivalent air quality programs, thereby allowing for flexibility in implementation without compromising air quality goals.
- CSAC also recognizes the importance of the Air Pollution Control Districts (APCDs) and Air Quality Management Districts (AQMDs) to provide technical assistance and guidance to achieve the reduction of GHG emissions.
- CSAC supports the development of tools and incentives to encourage patterns of product distribution and goods movement that minimize transit impacts and GHG emissions.
- CSAC supports further analysis of the GHG emission contribution from goods movement through shipping channels and ports.

## **Section 8: Solid Waste and Recycling**

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

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

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

## **Section 9: Health**

CSAC recognizes the potential impacts of land uses, transportation, housing, and climate change on human health. As administrators of planning, public works, parks, and a variety of public health services and providers of health care services, California's counties have significant health, administrative and cost concerns related to our existing and future built environment and a changing climate. Lack of properly designed active transportation facilities have made it difficult and in some cases created barriers for pedestrians and bicyclists. Lack of walkability in many communities contributes to numerous chronic health related issues, particularly obesity which is an epidemic in this country. Heat-related illnesses, air pollution, wild fire, water pollution and supply issues, mental health impact and infectious disease all relate to the health and well-being of county residents, and to the range and cost of services provided by county governments.

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

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

## Glossary of Terms

### **Climate change**

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

*United Nations Framework Convention on Climate Change*

### **Carbon Sequestration**

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

*US Department of Energy*

### **Environmental Justice**

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

*US Environmental Protection Agency*

### **Greenhouse gas**

A gas that absorbs radiation at specific wavelengths within the spectrum of radiation (infrared radiation) emitted by the Earth's surface and by clouds. The gas in turn emits infrared radiation from a level where the temperature is colder than the surface. The net effect is a local trapping of part of the absorbed energy and a tendency to warm the planetary surface. Water vapour (H<sub>2</sub>O), carbon dioxide (CO<sub>2</sub>), nitrous oxide (N<sub>2</sub>O), methane (CH<sub>4</sub>) and ozone (O<sub>3</sub>) are the primary greenhouse gases in the Earth's atmosphere.

*United Nations Intergovernmental Panel on Climate Change*

# Tribal and Intergovernmental Relations

### Section 1: General Principals

CSAC supports government-to-government relations that recognize the unique roles and interests of tribes, states, and counties in protecting their mutual constituents and providing governmental services and infrastructure beneficial to all.

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

Federal or state law should not interfere with the provision of public health, safety, welfare or environmental services by local government. CSAC will support legislation and regulations that preserve—and do not impair—the ability of counties to provide these services. CSAC will work to mitigate any impacts on the ability of counties to provide these critical functions and services should federal or state law or regulations propose to hamper the ability of counties to protect all residents of their communities and the environment.

Accordingly, CSAC's fundamental goals for county-tribal intergovernmental relations are to facilitate intergovernmental agreements, develop mechanisms to mitigate for the off-reservation impacts of tribal developments on local government services and the environment, and to promote best practices and models of successful tribal-county relationships. CSAC is committed to promoting and supporting the development of positive working relationships between counties and tribes to the mutual benefit of both parties and the communities they respectively serve.

### Section 2: Federal Acknowledgment

Due to the potential interaction between Federal Acknowledgement, Restoration, and Reaffirmation decisions and the Indian Gaming Regulatory Act (IGRA), as well as the potential for such decisions to impact the services provided by counties, CSAC recommends that federal law or policy include the following steps in the acknowledgement process:

- 1) CSAC supports requirements for the Bureau of Indian Affairs to solicit input from and convene consultation meetings with local governments, including counties, concerning acknowledgment petitions, at the earliest opportunity. Counties have government-to-government relationships with tribes affecting a variety of important interests, including child welfare, gaming, environmental protection and mitigation of off-reservation impacts created by on-reservation development, including gaming in particular.
- 2) CSAC supports requirements for Bureau of Indian Affairs consultation with counties prior to authorizing re-petition by a previously denied petitioner.
- 3) CSAC recognizes that newly acknowledged tribes are a clear exception under section 20 of IGRA. Although it is separate from the acknowledgement process, CSAC supports a stringent and

transparent fee to trust process with significant input from all stakeholders considered regarding “initial” reservation lands.

### **Section 3: Federal Tribal Lands Policy/Development on Tribal Land**

The overriding principle supported by CSAC is that when tribes are permitted to engage in gaming activities under federal law, then the state should negotiate in good faith with tribes to secure gaming compacts that require judicially enforceable mitigation agreements between counties and tribal governments. These agreements should fully mitigate local impacts from a tribal government’s gaming activities and fully identify the governmental services to be provided by the county to that tribe.

Additionally, when tribes seek to acquire additional trust land, subsequent tribal development projects, which may not have otherwise been consistent with local land use regulations, could have impacts to off-reservation local government services and the environment. As such, federal law and regulations should incentivize intergovernmental agreements between counties and tribes to address the impacts of non-gaming development projects on proposed trust lands. Such agreements could also establish a process to identify and mitigate off-reservation impacts of future projects not envisioned or described in a fee-to-trust application.

CSAC believes that existing law fails to address the off-reservation impacts of tribal land development. The following provisions would address this issue while emphasizing that counties and tribal governments need to each carry out their governmental responsibilities in a manner that respects the governmental responsibilities of the other.

- 1) CSAC supports federal legislation that gives counties an effective voice in the decision-making process for taking lands into trust for a tribe and furthers the overriding principle discussed above.
- 2) CSAC supports federal legislation and regulations to provide that lands are not to be placed into trust and removed from the land use jurisdiction of local governments without adequate and timely notice and opportunity for consultation and the consent of the State and the affected county.
- 3) CSAC supports federal legislation and regulations which ensure that material changes in the use of trust land, particularly from non-gaming to gaming purposes, shall require separate approval and environmental review by the Department of the Interior.
- 4) CSAC reiterates its support of the need for enforceable agreements between tribes and local governments concerning the mitigation of off-reservation impacts of development on tribal land. CSAC opposes any federal or state limitation on the ability of tribes, counties and other local governments to reach mutually acceptable and enforceable agreements, including any federal prohibitions on deed restrictions mutually agreed to by tribal and local governments.
- 5) CSAC supports legislation or policy to incentivize intergovernmental agreements between counties and Tribes concerning an application to acquire additional trust lands. Agreements should include provisions related to environmental review and mitigation measures for off-reservation impacts of projects planned at the time of the acquisition, as well as future, projects that would represent a material change in land use from the projects envisioned and described by a fee-to-trust application.

- 6) CSAC supports Bureau of Indian Affairs standards and regulations requiring justification of the need and purpose for acquisition of additional trust lands. CSAC also supports a lower threshold for acquisition of trust land that will be restricted to only non-gaming or non-intensive economic purposes, including development of housing for tribal members, and religious, cultural, and governmental uses for tribes that lack sufficient trust lands for these purposes.
- 7) CSAC opposes the practice commonly referred to as “reservation shopping” where a tribe seeks to place land into trust outside its aboriginal territory over the objection of the affected county.
- 8) CSAC will support federal legislation that addresses “reservation shopping” or consolidations in a manner that is consistent with existing CSAC policies, particularly the requirements of consent from Governors and local governments and the creation of judicially enforceable local agreements.
- 9) CSAC supports the use by a tribe of non-tribal land for economic development purposes. CSAC recognizes that existing law requires tribes to fully comply with state and local laws and regulations applicable to development projects, including environmental laws, health and safety laws, and mitigation of environmental impacts on the affected community.
- 10) In recognition of the unique relationship between tribal governments and the federal government, CSAC will support changes in federal law that further the ability of counties to enforce compliance with all environmental, health and safety laws. CSAC opposes legislation to authorize the Secretary of the Interior to take land into trust for tribes that were not under federal jurisdiction in 1934 unless it includes additional reforms that ensure a meaningful role for counties in the fee-to-trust process and includes standards requiring justification of the need and purpose for acquisition of additional trust lands.
- 11) Class II bingo-style video gaming devices have similar off-reservation impacts to the environment and local government services as those of class III devices. CSAC supports requiring tribes that operate such machines to work with local governments to mitigate all impacts caused by such businesses. This would require an amendment to the Indian Gaming Regulatory Act.

#### **Section 4: Intergovernmental Relations**

The relationships between tribes and counties are not limited to gaming and issues related to development on tribal lands. Counties and tribes have shared interests in promoting economic development and self-sufficiency for their overlapping constituencies, promoting the general health, safety and well-being of the entire community, and protecting natural resources.

- 1) CSAC supports policy to encourage and incentivize collaboration between counties and tribes on state and federal grant applications and other funding sources.
- 2) CSAC supports policies, including the recently-created tribal nations grant fund, which will devote a portion of tribal gaming revenues to provide equitable opportunities for economic development for tribes and tribal members that do not participate in gaming.

#### **Section 5: Tribal-State Gaming Compacts**

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

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

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

While subsequent compacts provide a better framework to promote effective intergovernmental relationships between counties and tribes that seek to develop a casino and supporting facilities, CSAC believes that the 1999 Compacts fail to adequately address these impacts and/or to provide meaningful and enforceable mechanisms to prevent or mitigate impacts. Recent negotiations between Governor Brown and tribes have already resulted in new and extended compacts that address many issues with the original 1999 agreements.

The overriding purpose of the principles presented below is to harmonize existing policies that promote tribal self-reliance with policies that promote fairness and equity and that protect the health, safety, environment, and general welfare of all residents of the State of California and the United States. Towards that end, CSAC urges the State to consider the following principles when it negotiates or renegotiates Tribal-State Compacts:

- 1) Compacts should require a tribal government operating a casino or other related businesses to analyze and mitigate all off-reservation impacts caused by that business through the development of tribal environmental impact reports. In order to ensure consistent regulation, public participation, and maximum environmental protection, Tribes will promulgate and publish environmental protection laws that have standards for environmental analysis and mitigation that are at least as stringent as state and federal environmental laws, including the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) with judicial review in the California courts.
- 2) Compacts should require tribes to meet and negotiate judicially-enforceable mitigation agreements with local jurisdictions prior to the construction of new or expanded gaming facilities.
- 3) Compacts should include robust mechanisms for mitigation of the impacts on local government services of casino developments that pre-exist the date of the compact. The compacts should consider the differences between tribes with very small pre-existing casinos and those that are permitted to operate larger facilities.
- 4) Compacts should impose binding “baseball style” arbitration on the tribe and county if the parties cannot agree on the terms of a mutually-beneficial enforceable agreement related to mitigation of the impacts of a new or expanded casino or related project.
- 5) Compacts should provide a process to determine whether tribal environmental impact reports are provide analysis and mitigation measures consistent with what NEPA and CEQA standards would require and provide adequate information to fully assess the impacts of a project. In order to properly address the impacts of a project, this process should occur prior to negotiation of an intergovernmental agreement between a tribe and local government, and therefore prior to construction of a new facility or an expansion of an existing facility.
- 6) The compact should require a tribal government constructing or expanding a casino or other related business that impacts off-reservation land to seek review and approval of the local

jurisdiction to construct off-reservation improvements consistent with state law and local ordinances, including the CEQA with the tribal government acting as the lead agency and with judicial review in the California courts.

- 7) The compact should require counties and tribes to negotiate local agreements as to the applicability of local and state regulations concerning health and safety issues, including, but not limited to, water service, sewer service, fire inspection and protection, rescue/ambulance service, and food inspection.
- 8) A Tribal Government operating a casino or other casino-related businesses will pay to the local jurisdiction the Tribe's fair share of appropriate costs for local government services. These services include, but are not limited to, water, sewer, fire inspection and protection, rescue/ambulance, food inspection, health and social services, the full range of public safety functions, roads, transit, flood control, and other public infrastructure. Means of reimbursement for these services include, but are not limited to, in lieu payments equivalent to property tax, sales tax, transient occupancy tax, benefit assessments, appropriate fees for services, development fees, impacts fees, and other similar payments.
- 9) To address socioeconomic impacts and other impacts of casinos that are not easily quantifiable, in addition to direct mitigation offsets, the Compact shall provide for an appropriate percentage of Net Win to go to the affected county to address in-direct impacts.
- 10) The Indian Gaming Special Distribution Fund (SDF) has not been sufficiently funded, nor has it been adequate to serve as the exclusive source of casino mitigation funding for many counties. If the SDF is retained in new and amended compacts, it should serve as an additional mechanism to ensure that counties are guaranteed funds to mitigate off-reservation impacts caused by tribal gaming. Special Distribution Funds should be provided directly to the Indian Gaming Community Benefit Committee in each county that receives this funding. The SDF program should be amended to provide greater reliability of local government funding, as well as increased flexibility in the use of mitigation funding to reasonably address casino impacts.
- 11) The Governor should establish and follow appropriate criteria to guide the discretion of the Governor and the Legislature when considering whether to consent to tribal gaming on lands acquired in trust after October 17, 1988 and governed by IGRA (25 U.S.C § 2719). The Governor should also establish and follow appropriate criteria/guidelines to guide his/her participation in future compact negotiations.
- 12) Compacts should be specific to a particular tribal casino location rather than pertaining to a potential casino an indeterminate location.

## **Section 6: Sacred Sites**

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

In the spirit of government-to-government relationships, local governments and tribal governments should work cooperatively to ensure sacred sites are protected at the earliest possible time, without undue delay to the development process, and ideally well before environmental review for a specific development project begins.

- 1) Local governments should consult with tribal governments when adopting or amending general plans to ensure that long-range development plans do not interfere with efforts to preserve and/or mitigate impacts to Native American historical, cultural, or sacred sites.
- 2) Local governments should also consult with tribes during the review of individual development projects to avoid and mitigate impacts to tribal cultural resources.
- 3) The state should provide counties with technical and financial assistance in identifying tribes whose cultural resources may be affected by a plan or project, and in determining how to mitigate or avoid impacts to these resources.
- 4) In the spirit of government to government collaboration, tribes should also consult with counties on the off-reservation impacts of projects proposed on tribal lands early in the development process.

# Glossary of Terms

## **Fee Simple (Fee Land)**

Land ownership status in which the owner, for instance a tribal government, holds title to and control of the property. The owner may make decisions about land use or sell the land without federal government oversight.

## **Fee-to-Trust Conversion**

When fee simple lands are converted to trust status and title is transferred to the federal government. Tribes or individual Indians can initiate the process on fee lands they already own or lands they acquire.

## **Indian Gaming Regulatory Act (IGRA) of 1988**

The United States Congress passed IGRA and President Reagan signed it into law on October 17, 1988. The Act established a statutory framework for tribal government gaming operations and regulation. Among others, the Act defines three classes of gaming and requires negotiation of a Tribal-State gaming compact before an Indian tribe can conduct Class III (casino style) gaming on their lands.

## **Tribal Gaming**

A business enterprise of a tribe. Tribal governments initiated gaming on reservations to create jobs and generate revenue for tribal government operations, programs and services and to create/sustain an economy on reservations.

## **Tribal-State Gaming Compact**

IGRA requires states to negotiate in good faith with Indian tribes that seek to enter into Tribal-State compacts to conduct Class III gaming on Indian lands. Class III gaming includes slot machines and banked card games. Although the content of these compacts vary from state-to-state and from tribe-to-tribe, the Act specifies that these agreements cover two primary issues: 1) the scope of gaming that is to be conducted at the tribal gaming facility, and 2) a system of regulation for the gaming activity on Indian lands. In California, the Tribal-State gaming compact provides for revenue sharing with tribes that have little or no gaming, funding and mitigation agreements for local governments to assist in addressing the impacts of tribal gaming, and the Tribal Labor Relations Ordinance, which prescribes a process for collective bargaining.

## **Trust Land**

Land owned either by an individual Indian or a tribe, the title to which is held in trust by the federal government. Most trust land is within reservation boundaries, but trust land can also be off-reservation, or outside the boundaries of an Indian reservation.