

2010 FEDERAL LEGISLATIVE PLATFORM CONTRA COSTA COUNTY



Each year, the Board of Supervisors adopts a Federal legislative platform that establishes priorities and policy positions with regard to potential federal legislation and regulation. The 2010 Federal Legislative Platform includes 13 requests for appropriations; 5 requests for the reauthorization of the federal transportation act; and 4 requests for the reauthorization of the Water Resources Development Act.

FFY 2011 FEDERAL APPROPRIATION REQUESTS

The following list is a preliminary ranking in priority order. Adjustments to the priority order may be appropriate once the President releases his budget. The current priority ranking gives preference to those projects that we know will not be included in the President's budget, with lower priority to Army Corps of Engineers projects which may be in the budget. Also, Army Corps project requests will be adjusted to be consistent with Corps capability.

1. Delta LTMS-Pinole Shoal Management, CA – **\$2,000,000** appropriation for the Army Corps of Engineers to continue a Long Term Management Strategy (LTMS) for levee rehabilitation, dredging and sediment reuse in the Delta, similar to the effort completed in the Bay area. Levee work, reuse of dredged sediments, dredging and other activities have been difficult to accomplish due to permitting problems and a divergence of priorities related to water quality. Significant levee rehabilitation is critical to the long term stability of these levees and to water quality and supply for the 23 million Californians who depend upon this water. Stakeholders from the Department of Water Resources, Ports, Army Corps, levee reclamation districts, local governments and other interested parties are participating in the LTMS. A Sediment or Dredged Material Management Office will be established, and in the longer term, preparation of a Sediment Management Plan will consider beneficial reuse of dredged materials as one potential source of sediment for levees. (Note: \$500,000 appropriated for FFY 2005; \$225,000 for FFY 2006; \$500,000 for FFY 2007; \$462,000 for FFY 2008; \$235,000 for FFY 2009; \$100,000 for FFY 2010.)

2. Safe and Bright Futures for Children Exposed to Domestic Violence – **\$475,000** appropriation to implement the federally funded plan to diminish the damaging effects of domestic violence on children and adolescents and to stop the cycle of intentional injury and abuse. A three year assessment and planning process resulted in a program plan that will align and create a system responsive to the needs of children exposed to domestic violence through identification, intervention, and treatment; raising awareness; training professionals; utilizing and disseminating data; establishing consultation teams to support providers in intervening and using best practices; and developing targeted services. The local domestic violence hotline received over 3,100 calls involving children last year (60% of all calls). Exposure to trauma like domestic violence reshapes the human brain, influences personality, shapes personal skills and behaviors, impacts academic performance, and substantially contributes to the high

cost of law enforcement, civil/criminal justice and social services. (Note: \$428,000 appropriated for FFY 2009; \$550,000 for FFY 2010.)

3. Mt. Diablo Mercury Mine Clean-up – **\$483,000** appropriation for the Army Corps of Engineers to complete phases 2 and 3 of the Technical Planning Process for the Mt. Diablo Mercury Mine Demonstration Project. The project will clean up the mine in a cost-effective, environmentally-sound manner with minimal liability exposure for the County and involving all stakeholders through an open community-based process. The Corps initiated a Technical Planning Process in June 2008 to develop a preliminary remediation plan, identify applicable permit and environmental data requirements and complete a data collection and documentation program for the clean-up of the Mt. Diablo Mercury Mine. Phase 1 of the planning process has been completed, and this appropriation will allow the Corps to continue the planning process and complete phases 2 and 3. The planning process will include looking at watershed issues downstream of the mercury mine. The Corps will be focusing on the mine site, and the local Contra Costa County Flood Control District will be focusing on the broader watershed issues. The mine site is located on private property on the northeast slope of Mt. Diablo at the upper end of the Marsh Creek watershed. Existing funding will be depleted before the end of this year and an appropriation is needed. (Note: \$517,000 appropriated for FFY 2008.)

4. Lower Walnut Creek, California – **\$600,000** appropriation for the Army Corps of Engineers continue their general reevaluation of the lower five miles of the Walnut Creek Channel to restore flood capacity, provide environmental enhancement and ecosystem restoration. The project is designed to help improve flood protection in a densely populated area, while leaving the creek in a natural state, thus providing habitat for migratory birds, fish and other wildlife; increasing neighborhood livability; and allowing for linkages with recreational and park land. (Note: \$188,000 appropriated for FFY 2006; no FFY 2007 appropriation; \$562,000 for FFY 2008; \$287,000 for FFY 2009; \$0 for FFY 2010.)

5. Grayson and Murderer's Creeks (Walnut Creek Basin), California – **\$600,000** appropriation for the Army Corps of Engineers to analyze Grayson and Murderer's Creeks to determine the feasibility of providing improved flood protection for a community that regularly experiences flood damages. The project is designed to help improve flood protection in a densely populated area, while leaving the creeks in a natural state, thus providing habitat for migratory birds, fish and other wildlife; increasing neighborhood livability; and allowing for linkages with recreational and park land. (Note: \$100,000 appropriated for FFY 2006; no FFY 2007 appropriation; \$98,000 for FFY 2008.; \$478,000 for FFY 2009; \$90,000 for FFY 2010.)

6. CALFED Bay Delta Reauthorization Act Levee Stability Improvement Program (LSIP) – TBD appropriation for the Army Corps of Engineers for levee rehabilitation activities. The CALFED Reauthorization Act, passed in January 2004, authorized \$90 million, which may be appropriated for levee rehabilitation work. The Corps has prepared a "180-Day Report" which identifies projects and determines how these funds

would be spent. Since that time, the breakdown of CALFED, coupled with the Army Corps' attempts to define an appropriate and streamlined process, has delayed funding and resultant levee work. (Note: \$500,000 appropriated for FFY 2006; \$400,000 for FFY 2007; \$4.92 million for FFY 2008; \$4.844 million for FFY 2010.)

7. Suisun Bay Channel/New York Slough Maintenance Dredging – \$6,114,000 appropriation for the Army Corps of Engineers for maintenance dredging of this channel to the authorized depth of minus 35 feet. Continued maintenance is essential for safe transport of crude oil and other bulk materials through the San Francisco Bay, along the Carquinez Straits and into the Sacramento/San Joaquin Delta. Dredging for this channel section is particularly costly due to requirements on placement of dredged materials in upland environments. An oil tanker ran aground in early 2001 due to severe shoaling in a section of this channel, which creates a greater potential for oil spills (Note: \$4.559 million appropriated for FFY 2005; \$4.619 million for FFY 2006; \$2.82 million for FFY 2007; \$2.856 million for FFY 2008; \$2.768 million for FFY 2009; \$3.819 million for FFY 2010.)

8. San Pablo/Mare Island Strait/Pinole Shoal Channel Maintenance Dredging – \$5,300,000 appropriation for the Army Corps of Engineers (\$2.65 million for Mare Island) for maintenance dredging of the channel to the authorized depth of minus 35 feet. The Pinole Shoal channel is a major arterial for vessel transport through the San Francisco Bay region, serving oil refineries and bulk cargo which is transported as far east as Sacramento and Stockton. (Note: \$1 million appropriated for FFY 2005; \$2.988 million for FFY 2006; \$896,000 for FFY 2007; \$1.696 million for FFY 2008; \$1.058 million for FFY 2009; \$2.518 million for FFY 2010.)

9. San Francisco to Stockton (J. F. Baldwin and Stockton Channels) Ship Channel Deepening – \$2,500,000 appropriation for the Army Corps of Engineers to continue the Deepening Project. Deepening of this channel will allow for operational efficiencies for many different industries, an increase in waterborne goods movement, reduced congestion on roadways, and air quality benefits. Phase one work focused on establishing economic benefit to the nation and initial salinity modeling in the channel sections. The second and final phase includes detailed channel design, environmental documentation, cost analysis, additional modeling, and dredged material disposal options. (Note: \$500,000 appropriated for FFY 2005; \$200,000 for FFY 2006; \$200,000 for FFY 2007; \$403,000 for FFY 2008; \$1.34 million for FFY 2009; \$0 for FFY 2010.)

10. Methamphetamine Eradication and Suppression Program– \$700,000 appropriation to maintain the Sheriff's Office's Specialized Investigative Unit's enforcement efforts targeting mid to high-level methamphetamine manufacturers and distributors. This elite unit is responsible for having seized over 100 pounds of methamphetamine, over 10 pounds of cocaine, and assets valued at over \$650,000 in the last two years. This unit is working in a primary capacity with both State and Federal agencies on high-level wire-tap investigations.

The Office of the Sheriff is seeking funds to continue its Specialized Investigations Unit's efforts and honor its commitments to the multi-jurisdictional effort through the Cal-MMET program. Funds from this program would be utilized to maintain staffing in this critical investigative component of the Investigation Division. Without this funding, significant accomplishments and inroads made in the methamphetamine drug-trafficking trade and organized crime industry will be lost. The impact of this will compromise interagency coordination and multi-jurisdictional investigations, heavily impacting public safety throughout Contra Costa County. (*Note: \$200,000 appropriated for FFY 2010.*)

11. Wildcat Creek, Section 1135 Project – **\$300,000** appropriation for the Army Corps of Engineers to complete a feasibility study for environmental enhancement, ecosystem restoration and modification of fish passage in Wildcat Creek. The primary purposes of the project are to enhance the fish and wildlife values for the original Wildcat Creek Flood Control Project while also maintaining the flood carrying capacity of the channel. The project includes construction of a meandering low flow channel, enlarging the associated riparian corridor, stabilizing the adjacent flood plain bench, expanding the existing sediment basin, and modifying or replacing the existing fish ladder to provide for effective fish passage through the sediment basin and concrete channel. The project also includes construction of floodwalls or levee embankments to ensure the level of flood risk reduction provided by the original Corps project.

12. Carquinez Scenic Drive Bay Trail – **\$2.0 million** (*increased from \$0.5 million in 2009 platform*) to repair slide damage and reconstruct the multi-use trail as part of the San Francisco Bay Trail. The Trail is a continuous 400-mile recreation corridor that will encircle the entire Bay Area, connecting communities to each other and the Bay. To date, 210 miles of the Bay Trail have been developed. This segment would access East Bay Regional Parks land and connect the communities of Martinez, Port Costa and Crockett for bicycle, pedestrian and equestrian users as well as provide alternate emergency vehicle and evacuation routes for these communities. The planning study, which evaluated roadway stability and identified stabilization and path alignment alternatives, was completed in 2007. (*Note: \$1 million appropriated for FFY 2006; no appropriations since then.*)

13. State Route 4 / Old River Bridge Study – **\$1,000,000** appropriation to work with San Joaquin County and the State of California on a study of improving or replacing the Old River Bridge along State Route 4 on the Contra Costa / San Joaquin County line. The study would determine a preferred alternative for expanding or replacing the existing bridge, which is part of State Route 4. The existing bridge is narrow, barely allowing two vehicles to pass each other, and is aligned on a difficult angle relative to the highway on either side, requiring motorists to make sharp turns onto and off of the bridge. The project would improve safety and traffic flow over the bridge. (*Note: no appropriations for this project as yet.*)

2010 REAUTHORIZATION OF FEDERAL TRANSPORTATION ACT

The current federal transportation policy and spending act, a five-year act known as the Safe, Accountable, Flexible and Efficient Transportation Equity Act – A Legacy for Users, or SAFETEA-LU, expired in 2009. Its reauthorization will likely be crafted during the year. The following are priority projects for inclusion in the next multi-year transportation bill.

1. Vasco Road Safety Improvement Project -- \$30 million (reduced from \$40 million in 2009 platform, due to receipt of \$10 million in ARRA funds) for improvements to a 2.5-mile accident-prone section of Vasco Road. Project components include widening the roadway to accommodate a concrete median barrier and shoulders on either side of the barrier, construction of the barrier, and extension of an existing passing lane. The project will eliminate cross-median accidents which have caused numerous fatalities in recent years, and will provide increased opportunities for vehicles to safely pass (unsafe passing is a major cause of accidents and fatalities on this segment of the increasingly busy two-lane undivided road). The project will include provisions for wildlife undercrossings to preserve migration patterns. The funds will complement \$10 million programmed for the project in the American Recovery and Reinvestment Act. (10th/11th Districts, Garamendi/ McNerney)

2. North Richmond Truck Route -- \$25 million (increased from \$15.5 million in the 2009 platform due to engineering issues pertaining to levees and railroad right of way) to construct a new road that will provide truck access between businesses and the Richmond Parkway, moving the truck traffic away from a residential neighborhood and elementary school. This project will increase safety, improve public health around the school and residential area by reducing diesel particulate emissions from those areas, increase livability of the neighborhood, improve local access to the Wildcat Creek Regional Trail, stimulate economic development in the industrial area of the community and provide a better route for trucks traveling to and from the Richmond Parkway. The alignment was developed through a community planning process funded through an Environmental Justice planning grant from Caltrans. (7th District, Miller)

3. Eastern Contra Costa Trail Network -- \$5 million for a joint planning, environmental review, right-of-way acquisition and constructions of a coordinated network of trails for walking, bicycling and equestrian uses in eastern Contra Costa County. Eligible trails include, but are not limited to, (1) the Mokelumne Trail overcrossing of the State Route 4 Bypass; (2) Contra Costa segments of the Great California Delta Trail; (3) a supportive network of East Contra Costa trails in unincorporated County areas and the cities of Antioch, Brentwood, Oakley and Pittsburg (All districts) (No changes proposed from 2009 platform.)

Following are priority programs for inclusion in the next multi-year transportation bill:

- **Rural Road Funding Program** – The County supports the creation of a new funding program that will provide funds for converting or upgrading rural roads into more modern roads that can handle increasing commuter traffic in growing areas, such as East County. These roads do not often compete well in current grant programs because

they do not carry as many vehicles as roads in more congested urban or suburban areas. As a result, improvements such as widening, realignment, drainage improvements and intersection modifications often go unfunded, leaving such roads with operational and safety problems as well as insufficient capacity. (*All districts*)

- **Transportation Funding for Disabled, Low-income, and Elderly Persons** – The County supports continuation and increased funding levels for the three federal funding programs dedicated to transit services for these population groups -- the New Freedom Program for senior transit services, the Job Access and Reverse Commute Program which funds transit services to job locations for low-income persons, and the Section 5310 transit funding program for the elderly and individuals with disabilities. SAFETEA-LU provided a total of \$1.7 billion nationwide for these programs. By comparison, \$200 billion was provided for highway projects; even transportation research got more funding (\$2.3 billion) than transit for elderly, disabled and low-income persons. All of the demographic trends point to a growing need for such services in the future. For example, the 65-and-older population in the Bay Area is projected to more than double by the year 2030.

Transit services for elderly, disabled, and low-income persons are provided by the County, by some cities, by all of the bus transit operators, and by many community organizations and non-profits that provide social services. Increased funding is needed to provide and maintain more service vehicles, operate them longer throughout the day, upgrade the vehicle fleet and dispatching systems, improve coordination between public providers and community groups that also provide such services to their clients, and expand outreach programs to inform potential riders of the available services, among other needs. (*All districts*)

REAUTHORIZATION OF WATER RESOURCES DEVELOPMENT ACT (WRDA)

The Water Resources Development Act of 2007 became law in November, more than seven years after the last authorization bill. It appears that the House and Senate Committees intend to propose a WRDA bill in 2010. The following are projects the County has submitted for inclusion.

1. Mt. Diablo Mercury Mine Clean-up - Authorize the Army Corps of Engineers, through their Remediation of Abandoned Mine Site program (RAMS), to perform and complete the Technical Planning Process and site characterization of the Mt. Diablo Mercury Mine in Contra Costa County as a demonstration project with no local match, and authorize the Army Corps of Engineers to construct the clean-up project at the Mt. Diablo Mercury Mine. This mine remediation project is the first to combine the Corps' RAMS program and partnering agreements with local government to resolve liability issues associated with a clean-up project on private property and address mercury pollution on a watershed basis. Since this is a demonstration project, the Corps would fund the full Technical Planning Process and project construction.

A 1995 study of Marsh Creek indicated the Mt. Diablo Mercury Mine tailings are responsible for 88% of the mercury in Marsh Creek. In addition, mercury levels in fish in Marsh Creek Reservoir downstream of the mine exceed the health standard concentration of 0.5 ppm.

2. Sacramento San Joaquin Delta Levee Upgrade – Contra Costa County, together with the four other Delta counties of Sacramento, San Joaquin, Solano and Yolo, is requesting authorization for the Army Corps of Engineers to upgrade the levees in the Delta as part of an overall system, rather than on a county-by-county or island-by-island basis. As the Administration has recognized, this ecosystem is among the most important in the nation, providing a source of drinking water for more than 25 million people, supporting a \$28 billion agricultural industry, and fostering a thriving commercial and recreational fishing industry that contributes millions to the California and national economies. The 1150 square mile network of levees, dating back to the 1930s, are susceptible to failure, and the resulting island flooding would cause saltwater intrusion into the Delta, creating a significant threat to the quality of drinking water throughout the state. The project is a request for an authorization of \$2.5 billion for the Army Corps of Engineers to upgrade the levee system, including stockpiling rock to rebuild collapsed levees for emergency response purposes at selected areas of the Delta. Because of the importance of the Delta to the nation's agriculture and economy, the request includes a modification of the Federal/local cost share to 90% federal and 10% local.

3. Rodeo Creek, Section 1135 Project – The Contra Costa Flood Control and Water Conservation District is seeking an 1135 project authorization for the Army Corps of Engineers to prepare a study of the feasibility of restoring and enhancing wildlife resources in Rodeo Creek between San Pablo Bay and Highway 80. The channel was designed and constructed to provide adequate flood protection for the community of Rodeo and to control erosion of the creek. The channel currently does this, but requires extensive, environmentally insensitive maintenance to keep the channel functioning properly. In addition, the current channel design includes barriers to migration of anadromous fish. The Contra Costa Flood Control and Water Conservation District would like to partner again with the Corps of Engineers under the Corps' 1135 program to transform this outdated design into a sustainable, environmentally sensitive facility that better serves the community and the environment.

4. Rheem Creek, Section 1135 Project – The Contra Costa Flood Control and Water Conservation District is seeking an 1135 project authorization for Rheem Creek between the mouth at San Pablo Bay and Giant Road. The Army Corps of Engineers' existing flood protection project on Rheem Creek protects a number of commercial, industrial, residential and open space areas in the Richmond / San Pablo area of Contra Costa County. Surrounding the mouth of the creek is a large undeveloped parcel (Brunner Marsh) which has been acquired by the East Bay Regional Park District for a future public park. Development of the adjacent lands as a regional park provides a unique opportunity for an enhanced creek environment in an area that will be very visible to the public.

APPROPRIATIONS AND GRANTS – SUPPORT POSITIONS

The following support positions are listed in alphabetic order and do not reflect priority order.

Buchanan Field Airport – The County approved a Master Plan for the Buchanan Field Airport in October 2008, which includes a Federal Aviation Regulation Part 150 Noise Study and a Business Plan for project implementation. The comprehensive planning effort has ideally positioned Buchanan Field Airport for future aviation (general aviation, corporate aviation and commercial airline service) and aviation-related opportunities. To facilitate the economic development potential, the Business Plan prioritizes necessary infrastructure improvements for Buchanan Field Airport. Further, as the Airport is surrounded by urban residential uses, enhancing the noise program infrastructure is deemed essential for balancing the aviation needs with those of the surrounding communities. The Federal government, primarily through the Federal Aviation Administration (FAA), provides funding for planning, analysis, and infrastructure improvements. The County will support funding in all these areas for protection and enhancement of our aviation facility and network.

Byron Airport – The Byron Airport is poised for future general and corporate aviation and aviation-related development, but that future growth is dependent upon infrastructure improvements both on and around the Airport. The Byron Airport Business Plan prioritizes infrastructure and possible additional land acquisition to assist the Byron Airport in fulfilling its aviation and economic development potential. The Federal government, primarily through the Federal Aviation Administration (FAA), provides funding for planning, analysis, infrastructure improvements and aviation land acquisition. The County will support funding in all these areas for protection and enhancement of our aviation facility and network.

Delta Islands and Levees Feasibility Study – TBD appropriation for the Army Corps of Engineers for the Delta Islands and levees feasibility study. Originally designed to be a cooperative effort with the State (the State risk assessment process moved ahead of the Federal process), the study will now look at the water resources challenges in the Delta, will consider a larger Federal role, and will develop a collaborative planning process. (Note: \$200,000 appropriated in FFY 2006; \$800,000 in FFY 2007; \$2 million expected in FFY 2008; appropriation for FFY 2009 unknown at this time.)

East Bay Regional Communication System (EBRCS)– \$3 million appropriation to build the East Bay Regional Communication System (EBRCS), a P25 Radio System infrastructure for Contra Costa and Alameda County. This two-county system will provide interoperable voice communication in both the 800 MHz and 700 MHz frequencies to all public safety and public services agencies within Contra Costa County and Alameda County. The project will improve radio system reliability, enhance radio coverage, relieve channel congestion, reduce maintenance costs, provide seamless regional coverage, facilitate future expansion and provide a migration path to new technologies. Due to a regional approach, economies of scale will also be realized.

EBRCS will allow for interoperable voice communication within the region that can be integrated with other P25 radio systems outside the geographical area of the EBRCS, for example, with San Francisco. This project will provide Level 5 communications which is the highest level of interoperable communications. This project will allow for everyday interoperable communications, not just various levels of interoperability during big events or disasters in which radio caches are deployed or gateway devices used.

Kirker Pass Road Truck Climbing Lane – \$10 million appropriation (*reduced from \$31 million due to availability of other funding and focusing initially on the northbound direction*) for constructing northbound and southbound truck climbing lanes on Kirker Pass Road, a heavily used arterial linking residential areas in eastern Contra Costa with job centers and the freeway system in central Contra Costa. The truck climbing lanes are needed to improve traffic flow and will also have safety benefits. The \$31 million would augment \$3 million in State Infrastructure Proposition 1B funds which the County has allocated for the project.

Regional Habitat Planning and Conservation – \$125 million appropriation to the U.S. Fish and Wildlife Service's "Cooperative Endangered Species Conservation Fund" to keep pace with land costs and the increasing number of Habitat Conservation Plans (HCPs) throughout the country. In partnership with approximately a dozen counties in northern and southern California, the County will support a request that funding for the Fund increase from the \$73.8 million current-year level to \$125 million in FY2010. This will restore the Fund to approximately its fiscal 2001 level, adjusted for inflation, and provide much needed support to regional HCPs in California and nationally. Given the prolific growth in the number of regional HCPs, the Fund needs to be increased even more substantially in subsequent years. The County would also request that the California State Association of Counties (CSAC) include this Fund increase as a priority on CSAC's federal platform.

San Francisco Bay, Long Term Management Strategy (LTMS), Environmental Windows, Science Projects – \$3.45 million appropriation for the Army Corps of Engineers' "Environmental Windows Science Projects" as part of the Bay Area Long Term Management Strategy (LTMS). Environmental Windows are limited timeframes when dredging and, to some extent, disposal can occur within San Francisco Bay and environs. However, the existing windows are based on old and, in some cases, little or no scientific basis. This project would identify where additional science is necessary, prioritize science projects, obtain funding and oversee these scientific studies. The broad-based coalition includes the Bay LTMS Agencies (EPA, BCDC, Corps, Regional Water Board), resource agencies (USFWS, NOAA Fisheries, State Fish and Game) and a number of other agencies, organizations and individuals.

Vasco Road-Byron Highway Connector – \$30 million appropriation (*increased from \$10 million in 2009 platform due to costs of state and federal environmental review, and anticipated cost increases*) for design, engineering and construction of an east-west connector road between two major arterials that link Contra Costa County with Alameda and San Joaquin Counties. The Vasco Road-Byron Highway Connector will improve

traffic circulation and linkages in the southeastern portion of the County and will provide a new route for truck traffic that will remove a significant portion of truck trips which currently pass through the rural community of Byron. Vasco Road is designated as State Route 84, and Byron Highway is under study as the potential alignment for future State Route 239.

2010 FEDERAL LEGISLATIVE PLATFORM POLICY POSITIONS

The following support positions are listed in alphabetic order and do not reflect priority order.

Affordable Housing and Homeless Programs –For Housing and Urban Development (HUD)’s Homeless Assistance Grants, the County will support funding that does not include set-asides or other requirements that limit local communities’ ability to respond to the particular needs in their areas. For the Housing Assistance for People with AIDS (HOPWA) program, the County will support legislation to update the formula used to allocate HOPWA grants to reflect local housing costs as well as the number of AIDS cases.

The County supports full funding for HUD homeless assistance programs. As Congress considers McKinney-Vento reauthorization legislation, the County will advocate for greater local flexibility, including an expanded definition of homelessness that will allow agencies to better respond to locally-determined needs.

Congress should include a formula-driven affordable housing production program in the final version of Government Sponsored Enterprise reform legislation. The County also supports the National Affordable Housing Trust Fund Act.

Resources made available through any new affordable housing production program should be accessible to local housing and community development agencies, including public housing authorities. As the present home mortgage crisis demonstrates, homeownership is not for everyone. While we value and support the role that homeownership plays in meeting affordable housing needs, any new production program should prioritize efforts to address our nation’s acute shortage of affordable rental housing.

Agricultural Pest and Disease Control – Agriculture and native environments in Contra Costa County continue to be threatened by a variety of invasive/exotic pests, diseases and non-native weeds. The Federal government provides funding for research, regulation, pest exclusion activities, survey and detection, pest management, weed control, public education and outreach. The County will support funding in all these areas for protection of our agricultural industry and open space. Consistent with the policy position, the County will also support legislation which would authorize and direct the USDA to provide state and local funding for High Risk Prevention programs (also called Pest Detection Funding).

Beneficial Use of Dredged Materials – As the beneficial reuse of dredged materials has a clear public benefit, particularly in the Delta, the County will continue to support beneficial reuse in general and also continue to advocate for funding for a federal study to determine the feasibility of beneficial reuse, considering the benefits and impacts to water quality and water supply in the Delta, navigation, flood control damage, ecosystem restoration, and recreation. The study would include the feasibility of using Sherman Island as a rehandling site for the dredged material, for levee maintenance and/or ecosystem restoration. Language to authorize the study was included in the Water Resources and Development Act (WRDA) which was passed into law on November 8, 2007.

Child Care –The vulnerable children and families we serve face some of the most difficult circumstances of their lifetimes, as unemployment and loss of health insurance increase rapidly, more families are face foreclosure, and food assistance use hits record highs. Our agencies confront sharply rising caseloads and service demands as state and local budget deficits grow. With respect to issues of child care, the County will advocate for the following federal actions:

Increase funding to support employment of low-income families through greater access to child care subsidies, and increase the access of children from eligible families to high-quality care that supports positive child development outcomes. [*Legislative*]

Provide flexibility at the state and local levels so that quality care can be balanced with access and parental choice.

Require coordination at the federal level among the various early child care and education funding streams.

Child Support –The County will advocate for the following federal actions:

- Eliminate the \$25 fee for non-IV-A families.
- Restore the incentive match payments that were prohibited in the Deficit Reduction Act.
- Allow the automatic use of cash medical support to reimburse Medicaid expenditures.
- Allow IV-D agencies to access Health Insurance records for the purposes of Medical Support.

Child Welfare and Well-being –The County will advocate for the following federal actions:

- Provide states with financial incentives, as opposed to monetary penalties, under the Child and Family Services Reviews and minimize the significant administrative burden associated with the review process.
- End Title IV-E disallowances from federal audits that take away funds from an already resource-strapped child welfare system. Allow states to reinvest these funds in preventing child abuse and neglect.
- Increase prevention dollars to help maintain children safely in their own homes. Federal funding currently gives disproportional support to out-of-home care rather than to preventing children from coming into care.
- Any increase in Federal Medical Assistance Percentage should include an associated increase in the Title IV-E matching rate to help support children in foster care.

Community Development Block Grant and HOME Programs – The County’s ability to continue to provide funding to a variety of nonprofit agencies that provide critical services to lower income residents, including financing the development of affordable housing, was threatened by the Administration’s plan to cut the CDBG and HOME programs as part of the FY 2006 federal budget. While the proposal was defeated, it could resurface. The County will oppose proposed cuts in these vital community development programs.

In addition, as part the Administration’s “Community Development Block Grant Reform Act” introduced in 2007, the formula used in the CDBG program to determine a grantee’s entitlement amount would be amended in several ways. The County will oppose the proposed changes in the CDBG allocation formula. CDBG formula funding has declined by 17 percent since FY 2004 while the HOME program’s funding has declined by 12 percent during the same period. Both programs need to have funding restored.

At present, the HOME program is the only federal source of affordable housing production funding. The County supports increased funding for HOME, particularly formula grants.

Cost Shifts to Local and State Government – Contra Costa County performs many of its services and programs pursuant to federal direction and funding. Other services and programs are performed at the behest of the state, which receives funding through the federal government. In the past, the Administration’s budget has contained significant cuts to entitlement programs and/or caps on entitlements. Such actions could shift cost of services from the federal government to the state and/or local governments (and to the extent that costs would shift to the state, it is highly likely that these would be

passed on to the County). The County will oppose any actions that would result in cost shifts on federal entitlement programs or which would result on greater dependency on county funded programs. In addition, the County will support federal and state financial assistance to aid county and local government efforts to meet unfunded federal mandates, such as those contained in the National Response Plan (NRP), the National Infrastructure Protection Plan (NIPP), and the National Incident Management System (NIMS).

Criminal Debt Collection – Nonpayment of court-ordered victim restitution, fines and fees is a problem of epidemic proportions for all jurisdictions. Literally billions of dollars go uncollected each year across the country, resulting not only in financial suffering of victims, but also the loss of public revenue. Many states already allow for the offset of State Tax Refunds, and these programs are successful in achieving revenue recovery. Federal Tax Refunds are already being successfully offset to pay for delinquent child support. The County will support amendments to the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for court-ordered debts that are past-due.

Designation of Indian Tribal Lands and Indian Gaming – The Board of Supervisors has endorsed the California State Association of Counties' (CSAC) policy documents regarding development on tribal land and prerequisites to Indian gaming. These policy statements address local government concerns for such issues as the federal government's ability to take lands into trust and thus remove them from local land use jurisdiction, absent the consent of the state and the affected county; the need for tribes to be responsible for all off-reservation impacts of their actions; and assurance that local government will be able to continue to meet its governmental responsibilities for the health, safety, environment, infrastructure and general welfare of all members of its communities. The County will continue to advocate for federal legislation and regulation that supports the CSAC policy documents.

The County will also advocate for limitations on reservation shopping; tightening the definition of Class II gaming machines; assuring protection of the environment and public health and safety; and full mitigation of the off-reservation impacts of the trust land and its operations, including the increased cost of services and lost revenues to the County.

The County will also advocate for greater transparency, accountability and appeal opportunities for local government in the decision-making processes that permit the establishment of Indian gaming facilities. This includes sequencing the processes so that the Indian Lands Determination comes first, prior to initiation of a trust land request and associated environmental review.

The County will also *consider* support for federal legislation that allows Class III gaming at the existing gaming facility only if it can be shown that any change would result in a facility that would be unique in nature and the facility can demonstrate significant

community benefits above and beyond the costs associated with mitigating community impacts.

Economic Development Programs – Congress should fund all the complementary programs within HUD's community and economic development toolkit, ensuring that HUD does not lose sight of the development component of its mission. To that end, the County will support continued funding for the Section 108 loan guarantee program, the Brownfields Economic Development Initiative and the Rural Housing and Economic Development program. Each of these programs plays a unique role in building stronger, more economically viable communities, while enabling communities to leverage external financing in a way the CDBG program alone cannot do.

Federal "Statewideness" Requirements – For many federally funded programs, there is a "statewideness" requirement; i.e., all counties must operate the specific program under the same rules and regulations. This can hamper the County's ability to meet local needs, to be cost effective and to leverage the funding of one program to reduce costs in another program. Contra Costa County cannot negotiate for federal waivers or do things differently because it is not a state, yet its population is greater than seven states. Recognizing this is a very long-term effort, the County will advocate for relaxation of the "statewideness" rule to allow individual counties or a consortium of counties to receive direct waivers from the federal government and/or adopt the rules and regulations currently in use in another state for specific programs.

Health –With respect to health related issues, the County will advocate for the following actions by the federal government: provide enhanced Medicaid FMAP ("FMAP" is the "Federal Medical Assistance Percentage" for Medicaid. It is the federal matching rate for state Medicaid expenditures. Increasing the federal matching rate for states would free up state general fund money for other purposes and would help counties as well.); suspend the Medicare "clawback" rule; suspend the "60-day rule" that requires states to repay the federal government overpayments identified by the state prior to collection, and even in instances where the state can never collect; ease the ability to cover those eligible for Medicaid by making documentation requirements less stringent; and prevent the implementation of the following seven federal regulations:

- Outpatient hospital
- Case Management
- School Based Administration & Transportation
- Public Provider Cost Limit
- Graduate Medical Education
- Rehabilitation Services Option
- Provider Tax

Public Housing Programs –Years of disinvestment threaten the viability of public housing and the well-being of millions of our neediest citizens. Preservation of the existing inventory of public housing units is critical not just to families currently residing in public housing, but also to the millions of families waiting for assistance. The Public

Housing program is now in critical condition. The County will support full funding for public housing operations; sufficient funding to help preserve the existing inventory of public housing; funding for unforeseen emergencies or disasters at the former annual levels; and reauthorizing legislation for the HOPE VI program and funding HOPE VI at least at its original level of \$600 million.

The County will support funding of at least \$72 million for Family Self Sufficiency (FSS) coordinators, the same as the President's budget request in FY 2004. FSS is a mandatory program for any housing agency that received new vouchers many years ago, but only about 22 percent of agencies receive funding to operate the program, due to recent changes in the program's competitive funding process. Every agency that needs assistance to operate this mandatory program should receive it.

The County will support the enactment of federal legislation to preserve existing public housing stock by addressing the huge unfunded capital needs of public housing through the use of federal income tax credits, tax credit supported bonds and other means.

The County will support putting to use public housing assets valued in excess of \$100 billion by fully enabling public housing authorities to finance the rehabilitation and preservation of public housing by encumbering public housing properties as contemplated by the Quality Housing and Work Responsibility Act of 1998 (QHWRA).

The County will support the enactment of a Public Housing Conversion Pilot in which up to 100 asset management projects are converted to project-based Section 8 assistance with oversight transferred to HUD's Office of Housing.

The County will support the development of legislation to reauthorize the HOPE VI program that is workable and accessible to public housing authorities of varying sizes.

The County will support enactment of permanent authorization for the Moving to Work Demonstration Program.

The County will support reform of the contractual relationship between public housing authorities and the federal government so that federal administrative and regulatory demands fairly reflect resources provided, and federal subsidies for public housing are predictable, adequate and stable.

The County will support a reasonable transition to asset management of public housing with an optional exemption for agencies operating fewer than 500 public housing units.

The County will support the Administrative Reform Initiative (ARI) process begun at HUD in 2007 for regulatory and administrative reform and seek meaningful, practicable reform of federal oversight activities pertaining to LHAs and the federal programs they administer.

The County will support the development of alternatives to existing methods of evaluating the performance of LHAs and their programs and properties.

The Section 8 HCV program has a demonstrated track record of success. Nonetheless, the HCV program can be further improved to provide public housing authorities with additional tools to help maximize the number of families served in their communities. Legislative and regulatory reform should include enhancements to current voucher subsidy and administrative fee funding distribution formulas; benchmarking important program goals and appropriations; rent simplification; increased self-sufficiency; improved housing affordability burdens and deconcentration of poverty for voucher assisted households; and improving the use of tenant-based vouchers for project-based assistance.

The County will support funding of \$14.9 billion, at a minimum, for the renewal of housing assistance vouchers. Congress should build upon the funding formula revision found in the FY 2007 appropriations bill in order to restore effective funding policies in authorizing language.

The County will also support funding of at least \$1.5 billion for administrative fees and reestablishing the administrative fee structure in place from 1998–2004. The County will support vouchers being renewed at full levels and public housing authorities being provided 100% of administrative funding.

Retiree and Retiree Health Care Costs – The County operates many programs on behalf of the federal government. While federal funding is available for on-going program operations, including employee salaries, the allocation is usually capped, regardless of actual costs. For retiree and retiree health care, the County's ability to contain costs is extremely limited. The County will advocate for full federal financial participation in funding the County's retiree and retiree health obligations.

San Luis Drain – The U. S. Bureau of Reclamation is under a court injunction to evaluate and implement options for providing drainage services for the west side of the San Joaquin Valley. Drainage water from this area contains toxic concentrations of selenium and other hazardous substances. The San Luis Drain is one of the options that was studied. The Drain would pass through Contra Costa County to discharge in the Delta. The U.S. Bureau of Reclamation has determined to address the problem without building the Drain but Congress would need to appropriate the funds before this alternative could be implemented and the injunction requiring provision of drainage service still looms. The County will continue to oppose the San Luis Drain option and support instead drainage solutions in the valley, such as reducing the volume of problem water drainage; managing/reusing drainage waters within the affected irrigation districts; retiring lands with severe drainage impairment (purchased from willing sellers); and reclaiming/removing solid salts through treatment, bird safe/bird free solar ponds and farm-based methods.

Supplemental Nutrition Assistance Program (SNAP)– The County will advocate for the following federal actions:

- Increase SNAP benefits as a major and immediately available element of economic stimulus.
- Increase administrative matching funds to a true 75/25 rate (with no cost allocation reductions) so that states can deliver benefits in a timely and effective manner.
- Suspend the restrictions applying to ABAWDs. ("ABAWDs" stands for "Able-Bodied Adults without Dependents" and pertains to adults receiving food stamps who are considered employable.) They are subject to strict time limits on how long they can receive food stamps. It is difficult administratively to track this, and when unemployment is high, it can result in more adults going hungry.
- Remove the current federal barriers that prevent some nutrition programs from employing EBT technology.

Streamlining Permitting for Critical Infrastructure, Economic Stimulus, and Alternative Energy Projects –“Green” Job Creation – Request that Congress and the Administration recognize the value of Habitat Conservation Plans (HCPs) as a reliable way of streamlining critical infrastructure, economic stimulus, and alternative energy project permitting in a manner that is consistent with federal environmental regulations. HCPs not only facilitate such projects through permit streamlining, but the planning, implementation, management, and monitoring needs associated with regional HCPs plans also create many quality “green” jobs.

Telecommunications Act of 1996 Revisions – The Telecommunications Act of 1996 governs local government’s role in telecommunications, primarily broadband cable that uses the County’s right-of-way as well as consumer protections. As Congress works to update the Act, the County will continue to advocate for strengthening consumer protections and local government oversight of critical communications technologies; local access to affordable and reliable high speed broadband infrastructures to support the local economy; the right of local municipalities and communities to offer high-speed broadband access; coordination and integration of private communication resources for governmental emergency communication systems; preservation of local government’s franchise fees; preservation of the local community benefits, including but not limited to public, education and governmental (PEG) access channels; authority for provision of municipal telecommunication services; preservation of local police powers essential for health, safety and welfare of the citizenry; preservation of local government ownership and control of the local public rights-of-way; and support for ensuring that communication policy promotes affordable services for all Americans.

Currently, the Community Broadband Act of 2007, S.1853, encourages the deployment of high speed networks by preserving the authority of local governments to offer

community broadband infrastructure and services. The County will oppose all bills that do not address the County's concerns unless appropriately amended. In addition, the Federal Communications Commission (FCC) has proposed rule-making (FCC Second Report and Order Docket 05-311 "Franchising Rules for Incumbents") that, in the opinion of local government, goes beyond the scope of their authority in this area. The County will oppose all such rule making efforts.

Temporary Assistance for Needy Families – The County will advocate for the following federal actions:

- Relieve states of work participation rate and work verification plan penalties for fiscal years 2007, 2008, 2009 and 2010 in recognition of the serious downturn in the national economy and the succession of more "process-based" regulations issued in the last few years.
- Permanently withdraw the August 8, 2008, proposal that would have repealed the regulation that enables states to claim caseload reduction credit for excess MOE expenditures.
- Rescind the May 22, 2008, HHS guidance that effectively eliminated the ability of states to offer pre-assistance programs to new TANF applicants for up to four months.
- Rescind the final Deficit Reduction Act regulation restricting allowable state maintenance-of-effort expenditures under TANF purposes 3 and 4.
- End federal efforts to impose a national TANF error rate.

Volume Pricing – The National Association of Counties supports greater access for local governments to General Services Administration (GSA) contract schedules. These schedules provide volume pricing for state and local governments and make public sector procurement more cost effective. However, current law does not provide full access to state and local governments for GSA schedules. The County will support legislation that gives local governments access to these schedules and provides the option of purchasing law enforcement, security, and other related items at favorable GSA reduced pricing.

Workforce Investment Act (WIA) Reauthorization – Congress may again consider reauthorization of the Workforce Investment Act in 2010. The County will support reauthorization of the Workforce Investment Act at current funding levels or higher; keeping the program at the federal level rather than block granting it; maximizing local control, so that we can meet local needs; and establishing reasonable performance measures. In addition, any reauthorization or new workforce legislation should: retain private sector led state and local Workforce Investment Boards (local boards) as governing bodies; expand, enhance and simplify the WIA Youth Program; redesign the Dislocated Worker program to reflect the new economy; and redesign how the funding of One-Stop facilities is structured.