



# Agenda

# LEGISLATION COMMITTEE

December 5, 2013

11:00 a.m. to 12:30 p.m.

651 Pine Street, Room 101, Martinez

Supervisor Karen Mitchoff, District IV, Chair  
Supervisor Mary N. Piepho, District III, Vice Chair

## Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

1. **Introductions**
2. **Public comment** on any item under the jurisdiction of the Committee and not on this agenda. *(Speakers may be limited to three minutes.)*
3. **Review Record of Action** for October 3, 2013 meeting
4. **2013 State Legislation Recap** – *Presenters: Lara DeLaney, Cathy Christian*
5. **Draft 2014 State Legislative Platform** – *Presenter: Lara DeLaney*
6. **2013 Federal Advocacy Recap** – *Presenter: Lara DeLaney*
7. **Draft 2014 Federal Legislative Platform** – *Presenter: Lara DeLaney*
8. **Adjourn**

☺ *The Legislation Committee will provide reasonable accommodations for persons with disabilities planning to attend Legislation Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.*

📁 *Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Legislation Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.*

✉ *Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.*

### For Additional Information Contact:

**Lara DeLaney**, Committee Staff  
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**Lara.DeLaney@cao.cccounty.us**

## Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

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<b>AB</b>	Assembly Bill	HIPAA	Health Insurance Portability and Accountability Act
ABAG	Association of Bay Area Governments	HIV	Human Immunodeficiency Syndrome
ACA	Assembly Constitutional Amendment	HOV	High Occupancy Vehicle
ADA	Americans with Disabilities Act of 1990	HR	Human Resources
AFSCME	American Federation of State County and Municipal Employees	HUD	United States Department of Housing and Urban Development
AICP	American Institute of Certified Planners	Inc.	Incorporated
AIDS	Acquired Immunodeficiency Syndrome	IOC	Internal Operations Committee
ALUC	Airport Land Use Commission	ISO	Industrial Safety Ordinance
AOD	Alcohol and Other Drugs	JPA	Joint (exercise of) Powers Authority or Agreement
ARRA	American Recovery and Reinvestment Act	Lamorinda	Lafayette-Moraga-Orinda Area
BAAQMD	Bay Area Air Quality Management District	LAFCo	Local Agency Formation Commission
BART	Bay Area Rapid Transit District	LLC	Limited Liability Company
BCDC	Bay Conservation & Development Commission	LLP	Limited Liability Partnership
BGO	Better Government Ordinance	Local 1	Public Employees Union Local 1
BOS	Board of Supervisors	LVN	Licensed Vocational Nurse
CALTRANS	California Department of Transportation	MAC	Municipal Advisory Council
CalWIN	California Works Information Network	MBE	Minority Business Enterprise
CalWORKS	California Work Opportunity and Responsibility to Kids	M.D.	Medical Doctor
CAER	Community Awareness Emergency Response	M.F.T.	Marriage and Family Therapist
CAO	County Administrative Officer or Office	MIS	Management Information System
CCHP	Contra Costa Health Plan	MOE	Maintenance of Effort
CCTA	Contra Costa Transportation Authority	MOU	Memorandum of Understanding
CDBG	Community Development Block Grant	MTC	Metropolitan Transportation Commission
CEQA	California Environmental Quality Act	NACo	National Association of Counties
CIO	Chief Information Officer	OB-GYN	Obstetrics and Gynecology
COLA	Cost of living adjustment	O.D.	Doctor of Optometry
ConFire	Contra Costa Consolidated Fire District	OES-EOC	Office of Emergency Services-Emergency Operations Center
CPA	Certified Public Accountant	OSHA	Occupational Safety and Health Administration
CPI	Consumer Price Index	Psy.D.	Doctor of Psychology
CSA	County Service Area	RDA	Redevelopment Agency
CSAC	California State Association of Counties	RFI	Request For Information
CTC	California Transportation Commission	RFP	Request For Proposal
dba	doing business as	RFQ	Request For Qualifications
EBMUD	East Bay Municipal Utility District	RN	Registered Nurse
EIR	Environmental Impact Report	SB	Senate Bill
EIS	Environmental Impact Statement	SBE	Small Business Enterprise
EMCC	Emergency Medical Care Committee	SWAT	Southwest Area Transportation Committee
EMS	Emergency Medical Services	TRANSPAC	Transportation Partnership & Cooperation (Central)
EPSDT	State Early Periodic Screening, Diagnosis and treatment Program (Mental Health)	TRANSPLAN	Transportation Planning Committee (East County)
et al.	et ali (and others)	TRE or TTE	Trustee
FAA	Federal Aviation Administration	TWIC	Transportation, Water and Infrastructure Committee
FEMA	Federal Emergency Management Agency	UCC	Urban Counties Caucus
F&HS	Family and Human Services Committee	VA	Department of Veterans Affairs
First 5	First Five Children and Families Commission (Proposition 10)	vs.	versus (against)
FTE	Full Time Equivalent	WAN	Wide Area Network
FY	Fiscal Year	WBE	Women Business Enterprise
GHAD	Geologic Hazard Abatement District	WCCTAC	West Contra Costa Transportation Advisory Committee
GIS	Geographic Information System		
HCD	(State Dept of) Housing & Community Development		
HHS	Department of Health and Human Services		

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## Schedule of Upcoming BOS Meetings

Dec. 10, 2013

**Legislation Committee**  
**Supervisor Karen Mitchoff, Chair**  
**Supervisor Mary N. Piepho, Vice Chair**

**Record of Actions**

**October 3, 2013**  
**Room 101, 651 Pine Street, Martinez**

1. **Introductions**

The meeting was called to order by Chair Mitchoff. Vice Chair Piepho was present. Staff and the public introduced themselves. Cathy Christian, state advocate, was conferenced in by phone.

2. **Public Comment:** Mr. Ralph Hoffman addressed the Committee about his concerns regarding the allocation of transit funds from sales tax. He advocated for a distribution of funds for the entire Bay Area. He also noted the pending BART strike and advocated for legislation that would prohibit transit workers from striking.

3. **Review Record of Action** for July 18, 2013 meeting: **APPROVED**

4. **2013 State Legislation of Interest** – Accepted as presented.

5. **2013 State Legislation of Interest** – Committee accepted the report and discussed details of the policy matters and bills identified in the report. The Committee gave direction for staff to send a letter of opposition to the Governor on AB 537 (Bonta): Meyers-Milias-Brown Act: Impasse Procedures.

6. **Federal Update** – *Information Only.* The Committee discussed the potential federal government shutdown and its impact on a proposed October trip to Washington D.C. for the Delta Counties Coalition. The DCC has been discussing the need for a trip to meet with our Congressional Delegation and members of the Administration particularly in light of possible federal funding for the BDCP. Staff also discussed the need to meet with Administration staff regarding the Ship Channel Deepening Project, the Mt. Diablo Mercury Mine, and other federal issues.

7. **Adjourn** to the next regular meeting scheduled for Thursday, November 7, 2013 at 11:00 a.m. *Meeting subsequently cancelled.*



**OFFICE OF THE COUNTY ADMINISTRATOR  
CONTRA COSTA COUNTY**

TO: **Legislation Committee**  
*Supervisor Karen Mitchoff, Chair*  
*Supervisor Mary N. Piepho, Vice Chair*

FROM: Lara DeLaney, Senior Deputy County Administrator

DATE: November 27, 2013

SUBJECT: **Agenda Item #4: 2013 State Legislation Recap**

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**RECOMMENDATION**

ACCEPT the report on state legislation and provide direction, as necessary.

**REPORT**

October 13 marked the Governor's signing deadline for all 2013 legislation. Upon issuing his last legislative update, the Governor signed a total of 1,003 measures and vetoed 96. Since taking the helm as the state's top governing official for the third time in January 2011, Governor Brown has signed approximately 2,714 measures out of the 3,011 sent to his desk, or about 90 percent. As for vetoes, the Governor has only rejected some 297 bills, or almost 10 percent. Such liberal use of his signing pen this and previous years is of note as it may signal what one should expect during the final half of the 2013–14 biennial session.

Throughout the entire legislative year, County staff and our state lobbyist, Cathy Christian of Nielsen Merksamer Parrinello Gross & Leoni, were actively engaged in representing the County's legislative positions and participated extensively in the budget process to ensure an appropriate response to statewide issues affecting county government.

In addition to reviewing measures lawmakers introduced for impacts on County business, we actively monitored more than 140 bills to ensure they were not amended to negatively impact the County. We also followed 10 bills pertaining to the Delta and water. Staff and our state advocate remain extremely active in responding to bills affecting the Delta in conjunction with the Delta Counties Coalition.

As required by contract, each year our state lobbyist submits a "Year End Report" summarizing the major legislative activities and advocacy undertaken during the year on behalf of Contra Costa County. That report is included in Attachment A.

## CSAC Legislative Update

CSAC staff followed a number of bills that were on the Governor's desk right up until the deadline on October 13. Below are some of the more pertinent pieces of legislation the Governor acted on.

### Agriculture and Natural Resources

#### *Solid Waste*

SB 804 (Lara) - Support  
Vetoed on October 11, 2013

SB 804 (Lara), the CSAC/ LA County co-sponsored measure on biomass and conversion technology, was vetoed by the Governor on Friday. This bill would have added conversion technologies to the definition of biomass, enabling the use of thermal, chemical and biological technologies to process biomass material, establishing a clear regulatory pathway for these technologies, while providing them the same incentives afforded to traditional biomass combustion facilities in state law. In his veto message, the Governor stated that while he agrees with the intent of the bill, but that last minute amendments made the bill “overly complicated and unworkable.” However, the Governor did direct Cal Recycle to work with stakeholders to develop a sensible approach to apply to all biomass facilities. While discouraged by the veto, CSAC and LA County will continue to work on this issue and are encouraged by the Governor’s direction to Cal Recycle to work with collaboratively with CSAC. CSAC and LA County have already initiated meetings with the Administration and stakeholders to talk about next steps.

### Government Finance and Operations

SB 594 (Hill) - Support

The Governor signed this bill, which restricts local government associations like CSAC from using revenues associated with conduit bond financing on ballot measure campaigns. CSAC negotiated significant changes with the proponents of the bill and were able to recommend the Governor sign the bill.

### Housing, Land Use and Transportation

#### *Housing*

AB 325 (Alejo) - Opposition removed  
Chapter No. 767, Statutes of 2013

AB 325, by Assembly Member Luis Alejo, expands the statute of limitations for legally challenging the adoption of a housing element or a number of related local ordinances. As counties recall, CSAC removed its opposition to the bill after negotiating a tolerable statute of limitations and an agreement with the sponsors not to seek further amendments to the statute of limitations for at least three years.

The Governor signed AB 325 on October 12.

AB 1229 (Atkins) – Support

**Vetoed**

AB 1229, by Assembly Member Atkins, would have affirmed cities' and counties' authority to require inclusionary housing as a condition of development. In his veto message, the Governor expressed his belief that requiring the construction of "below-market units" as part of development projects can exacerbate the cost of developing in low and moderate income communities without "meaningfully increasing" affordable housing options. He also argued that adjustments to the law should await the California Supreme Court's ruling on cities' ability to require inclusionary housing.

The Governor vetoed AB 1229 on October 13.

### Administration of Justice

AB 68 (Maienschein): Medical Parole – Notification to Counties

Governor Brown signed AB 68 into law. This measure, by Assembly Member Brian Maienschein, requires the transmittal of pertinent information about inmates being released from state prison on medical parole to ensure that affected jurisdictions are timely informed of parolees' post-release care plans.

### Employee Relations

AB 537 (Bonta) - Chaptered  
Chapter No. 785, Statutes of 2013

Assembly Bill 537, by Assembly Member Rob Bonta, made changes to the Meyers-Milias-Brown Act regarding tentative agreements and arbitration. Counties will recall that CSAC, along with other public agency stakeholders, worked diligently with the bill's sponsors and the Administration to pare down the bill from its original introduction.

AB 729 (Hernandez) - **Vetoed**

Assembly Bill 537, by Assembly Member Roger Hernandez, would have established an evidentiary privilege to prohibit the disclosure of confidential communications between represented employees and their union agents. In his veto message, Governor Brown stated, "I don't believe it is appropriate to put communications with a union agent on equal footing with communications with one's spouse, priest, physician or attorney. Moreover, this bill could compromise the ability of employers to conduct investigations into workplace safety, harassment and other allegations."

AB 1373 (Perez, J) - **Vetoed**

Assembly Bill 1373, by Assembly Speaker John A. Perez, would have extended from 240 weeks to 480 weeks the statute of limitations for when a claim can be filed for death benefits for

dependents of a firefighter or peace officer who dies of certain occupational injuries (cancer, blood-borne infections diseases and tuberculosis). Counties will recall that Speaker Perez last year carried the same bill, AB 2451, which was vetoed by the Governor. A previous version of AB 1373 did not contain a specific time period for the statute of limitations. Sponsors of the bill maintained that this was to allow for discussions between stakeholders regarding time periods that will fairly compensate surviving dependents while maintaining the interests of public agencies to appropriately plan for potential budget obligations.

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**Attachment A:** 2013 Year End Report from Cathy Christian of Nielsen Merksamer.

**Attachment B:** UCC Bill List 2013, Final List of Actions.



**TO:** Lara Delaney, Senior Deputy County Administrator  
**FROM:** Cathy Christian  
**DATE:** November 15, 2013  
**RE:** 2013 Legislative Report

### **Budget 2013-2014**

In contrast to years past, this year's budget proposal provided much needed relief from the previous years' budget cut woes. Although funding was not returned to all areas (for example, courts did not have a funding cut, but their funding was not restored either), the worst of the budget cuts of the last few years was at least stopped and was even restored in certain areas. When Governor Brown initially released his proposed 2013-2014 budget, the Legislative Analyst's Office had predicted a \$2 billion shortfall.

Governor Brown signed the 2013-2014 budget on June 27. Although he accepted most of the budget passed by the Legislature, he did make some last minute cuts of about \$41 million, \$30 million of that coming from special education, expressing concern that those programs could cost the state annually upwards of \$300 million. The budget included new funding for many programs. This includes a subsidy for University of California students whose parents make less than \$150,000 a year. Also included was a \$143 million fund for mental health crises and triage centers. The budget also took significant steps towards paying down the "Wall of Debt" by allocating \$2.6 billion toward that effort, with a year-end-goal of bring the debt down from \$34.7 billion to \$29.6 billion. Finally, the budget also established a \$1.1 billion budget reserve.

Much of this was possible because of the passage of Proposition 30 (sales tax and income tax hikes) which was passed by voters in November of last year and thereby avoided the drastic spending cuts which the Governor threatened would happen without Prop. 30's passage.

### **Other Issues**

#### **Medi-Cal Expansion and the Implementation of the ACA (Affordable Care Act)**

The Governor signed Speaker Perez's bill AB 1x-1 which expanded Medi-Cal eligibility by over 1 million low income Californians. The cost of expansion will



be covered fully by the federal government for the first 3 years, which phases down to 90% for subsequent years. Numerous other bills went through the Legislature related to health care reform, many of which helped streamline the implementation of the Affordable Care Act (ACA) and made medical services more accessible to the low income persons in California. Health care legislation was one of the dominant topics of the 2013 session. Funding mechanisms for implementing the ACA at the county level was a major focus for CSAC and all counties. Contra Costa County was included in the formula for public hospital counties, which likely only partially acknowledges the significant expenditure the County and its hospital will face caring for medically indigent residents not covered by the ACA.

### **Local Control Funding Formula for Schools**

Gov. Brown was a vocal critic of the existing funding formula, which often found wealthier school districts getting more money than poorer school districts. Gov. Brown's new funding formula gives a base level of funding per pupil to all school districts, and adds a supplemental grant based on the number of students who are English learners, students from low-income families and foster youth. Additionally, a grant will be provided to districts that have 55% of the targeted population. An adjustment to the Governor's initial proposal provided greater increased base level funding for all school districts.

### **Minimum Wage**

Governor Brown signed AB 10 (Alejo) which raises the minimum wage to \$10 by 2016. The bill works in 2 phases; the first hike occurs on January 1, 2014, raising the minimum wage to \$9/hour. The second phase is implemented on January 1, 2016, when the minimum wage is raised to \$10/hour.

### **Driving Licenses for Undocumented Immigrants**

Governor Brown also signed legislation permitting drivers' licenses to be issued to undocumented immigrants. AB 60 (Alejo) requires the DMV to issue an original driver's license to a person who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law if he or she meets all other qualifications for licensure and provides proof of his or her identity and state residency.

### **LEGISLATIVE ADVOCACY**

Throughout the entire legislative session, we proactively worked to advance the County's interests. We advocated for the measures the Contra Costa County

Board of Supervisors sponsored and took positions on, and participated in the entire budget process to ensure statewide issues affecting county government were reviewed and the County's position communicated.

In addition to reviewing all of the measures the lawmakers introduced and advising county staff if those bills that may have had an effect on the County, we actively monitored 33 bills and 1 resolution to ensure they were not amended to negatively impact the County.

### **BILLS HELD IN COMMITTEE**

#### **AB 5 (Ammiano – D) Homelessness (OPPOSE - BOARD POSITION)**

The bill would have enacted the Homeless Person's Bill of Rights and Fairness Act, and would have provided that no person's rights, privileges, or access to public services may be denied or abridged because he or she is homeless. The bill also would have provided the right to specified actions, confidentiality of certain records, legal assistance, and restitution while prohibiting retaliation against a public employer for assisting the homeless. The bill was held in the Assembly Appropriations Committee.

#### **AB 49 (Buchanan – D) License Plates: Breast Cancer Awareness (SUPPORT – BOARD POSITION)**

The bill would have required the State Department of Health Care Services to apply to sponsor a breast cancer awareness license plate program, and the revenues from the plates would have been deposited in the Breast Cancer Control Fund. The bill was held in the Senate Rules Committee.

#### **AB 531 (Frazier – D) Driver's Licenses: Veterans Designation (SUPPORT – BOARD POSITION)**

The bill would have required the application for a driver's license or identification card to also allow a person to present to the Department of Motor Vehicles a Certificate of Release or Discharge from Active Duty and to request the driver's license identification card be printed with the word VETERAN. The bill was held in the Assembly Appropriations Committee.

#### **AB 616 (Bocanegra – D) Local Public Employee Organizations: Dispute: Panels (OPPOSE – BOARD POSITION)**

The bill provided that if either party disputes that a genuine impasse, as defined, has been reached, the issue of whether an impasse exists may be submitted to the Public Employment Relations Board for resolution before the dispute is

submitted to a fact-finding panel. The bill would also authorize each party to select a person to serve as its member of the fact-finding panel. The bill was held in the Senate Appropriations Committee.

**AB 741 (Brown – D) Local Government Finance: Tax Equity Formula (OPPOSE – BOARD POSITION)**

The bill would have increased the allocation of property tax revenues under a new Tax Equity Allocation formula for qualifying cities. The bill was held in the Assembly Local Government Committee.

**AB 939 (Melendez – R) Pupil and School Personnel Health: Defibrillators (SUPPORT – BOARD POSITION)**

The bill would have authorized a public school to solicit and received non-state funds to acquire and maintain an automatic external defibrillator and provided that the district and its employees would not be liable for civil damages for uses or non-uses of the equipment. The bill was held in the Senate Appropriations Committee.

**SB 42 (Wolk – D) Safe Drinking Water, Water Quality, Flood Protection (SUPPORT)**

The bill would have enacted the Safe Drinking Water, Water Quality, and Flood Protection Act of 2014, which, if adopted by the voters, would have authorized the issuance of bonds in a specified amount pursuant to the State General Obligation Bond Law to finance a safe drinking water, water quality, and flood protection program. The bill was held in the Senate Natural Resources and Water Committee, but is now the Senate vehicle in the negotiations with the Assembly for a new water bond. Action on this bond proposal is likely in the coming year.

**SB 108 (Yee – D) Firearms (SUPPORT – BOARD POSITION)**

The bill would have required the Department of Justice to conduct a study to determine effective firearm safe storage measures to reduce unintentional injury and death caused by firearms. The bill was held in the Assembly Public Safety Committee.

**SB 283 (Hancock – D) CalFresh Eligibility (SUPPORT – BOARD POSITION)**

The bill would have authorized CalFresh benefits to be paid to an individual who is convicted in state or federal court of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance. The

bill provided that if the person is on supervised release, he or she would be ineligible for benefits during any period of revocation of that supervised release where the revocation results in incarceration. The bill was held in the Assembly Appropriations Committee.

**SB 296 (Correa – D) County Veterans Service Officers (SUPPORT – BOARD POSITION)**

The bill would have appropriated a specified amount of funds from the General Fund to the Department of Veterans Affairs to be dispersed to counties to fund the activities of county veterans' service officers and veterans' service organizations. The bill was held in the Senate Appropriations Committee.

**SB 391 (DeSaulnier – D) State Homes and Jobs Act of 2013 (SUPPORT – BOARD POSITION)**

The bill would have enacted the California Homes and Jobs Act of 2013 by imposing a fee to be paid at the time of the recording of every real estate instrument, paper, or notice that is required or permitted by law to be recorded. The bill was held in the Assembly Appropriations Committee.

**SB 635 (Leno – D) Alcoholic Beverages: Hours of Sale (OPPOSE – BOARD POSITION)**

The bill would have allowed an on-sale licensee to apply to the Department of Alcoholic Beverage control to authorize the selling, giving, delivering or purchasing of alcoholic beverages at the licensed premises between the certain hours upon completion of specified requirements by the local jurisdiction, and that the applicant notify specified persons of the application for additional hours. The bill was held in the Senate Governmental Organization Committee.

**SB 727 (Jackson –D) Medical Waste: Pharmaceutical Product Stewardship (SUPPORT – BOARD POSITION)**

The bill would have required the submission of a plan for the safe collection and property disposal of specified waste devices by a pharmaceutical producer. The bill would have required each producer to also submit a related fee, and imposed administrative civil penalties for violations or a fine for non-submission of a plan by a specified date. The bill was held in the Senate Environmental Quality Committee.

**SB 735 (Wolk – D) Sacramento – San Joaquin Delta Reform Act (SUPPORT – BOARD POSITION)**

The bill would have amended existing law that establishes the Delta Stewardship Council to create a Delta management plan, and authorized prescribed local entities to enter into a memorandum of understanding or other written agreement with the Council and the Department of Fish and Wildlife regarding multispecies conservation plans are consistent with the Delta Plan. The bill was held in the Assembly Water, Parks, and Wildlife Committee.

**BILLS NOT APPROVED (YET) OR DEAD**

**ACA 9 (Gorell –R) Voter – Nominated Primary Elections (SUPPORT – BOARD POSITION)**

The bill proposed an amendment to the Constitution to provide that, in order for a write-in candidate in a primary election for a congressional or state elective office who is one of the top two vote-getters to appear as a candidate for that office in the ensuing general election, the write-in candidate must have received votes at the primary election equal in number to at least 1 percent of all votes cast for the office at the last preceding election. The bill was refused reconsideration on the Assembly floor.

**SB 1 (Steinberg –D) Sustainable Communities Investment Authority (SUPPORT)**

This bill allows a local government to establish a sustainable Communities Investment Authority (Authority) and direct tax increment revenues to that Authority in order to address blight by supporting development in transit priority project areas, small walkable communities, and clean energy manufacturing sites. The bill was put on the Senate inactive file.

**SB 33 (Wolk –D) Infrastructure Financing Districts: Voter Approval (SUPPORT – BOARD POSITION)**

The bill revised provisions governing infrastructure financing districts by eliminating the requirement of voter approval for creation of the district and for bond issuance, and by authorizing the legislative body to create the district subject to specified procedures. The bill was put on the Assembly inactive file.

**SB 53 (De Leon – D) Ammunition: Purchase Permits (SUPPORT – BOARD POSITION)**

The bill would have required the Attorney General to maintain copies of ammunition purchase permits, ammunition transactions, and ammunition

vendor licenses. It also would have required the ammunition purchasers be authorized by the Department of Justice, provided that only a licensed ammunition vendor may sell ammunition, required identity verification, and also exempted gun shows and certain events. The bill was referred to the Assembly Public Safety Committee, however a hearing never took place.

### **BILLS VETOED BY THE GOVERNOR**

#### **AB 1229 (Atkins –D) Land Use: Zoning Regulations**

The bill would have authorized the legislative body of any city or county to adopt ordinances to establish, as a condition of development, inclusionary housing requirements. The Governor wrote in his veto message that he was worried the new requirements would become an extra hoop for the already small group of developers to jump through. The Governor also indicated that it was prudent to wait for the Supreme Court to rule on the subject.

#### **SB 374 (Steinberg – D) Firearms: Assault Weapons (SUPPORT – BOARD POSITION)**

The bill would have clarified certain semiautomatic weapons as assault weapons. The bill would have also required a person who lawfully possessed an assault weapon that does not have a fixed magazine, including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, to register the firearm by a specified date. The veto message stated that the Governor was unconvinced that this bill's blanket ban on semi-automatic rifles would result in a reduction of criminal activity, or would improve public safety. The Governor noted that he did sign numerous other "gun control" bills that day.

### **LEGISLATION SIGNED BY THE GOVERNOR**

#### **AB 48 (Skinner – D) Firearms: Large Capacity Magazines (SUPPORT – BOARD POSITION)**

The bill makes it a misdemeanor crime to buy or receive a large capacity ammunition magazine or to manufacture, import, keep for sale, offer or expose for sale, or give, lend, buy or receive any related conversion kit. The bill makes it a misdemeanor or a felony to buy or receive a large-capacity magazine.

**AB 182 (Buchanan – D) Bonds: School Districts and Community College Districts (SUPPORT – BOARD POSITION)**

The bill establishes the ratio of total debt service to principal for each school and community college district bond. It also provides the redemption period for capital appreciation bonds, and authorizes a school district or community college with a note issued prior to a specified date to seek a one-time waiver from certain requirements from the State Board of Education or the Chancellor of the California Community Colleges.

**AB 244 (Bonilla –D) Vehicles: License Plates: Veterans (SUPPORT – BOARD POSITION)**

Requires the Department of Veterans Affairs to apply to the Department of Motor Vehicles to sponsor a veteran specialized license plate, along with requiring the DMV to issue said plates.

**AB 422 (Nazarian –D) School Lunch Programs: Health Care Notice (SUPPORT – BOARD POSITION)**

The bill requires notices of a Healthy Families Program application to include prescribed advisements about the availability of free or reduced-cost comprehensive health care coverage through Medi-Cal or the Health Benefit Exchange. The bill also authorizes utilizing a school lunch program application as an application for a health insurance affordability program.

**AB 537 (Bonta – D) Meyers – Miliias – Brown Act: Impasse Procedures (OPPOSE – BOARD POSITION)**

The bill amends existing law requiring the governing body of a local public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of a recognized employee organization. The bill requires that, if a tentative agreement is reached by parties, the governing body shall vote to accept or reject that agreement within a specified time period. Finally, the bill provides that a charge for failure to meet and confer in good faith shall not be barred in certain cases.

**AB 720 (Skinner – D) Inmates: Health Care Enrollment (SUPPORT – BOARD POSITION)**

The bill authorizes county boards of supervisors to designate an entity to assist county jail inmates to apply for a health insurance affordability program. The bill authorizes the entity to act on behalf on an inmate for the purpose of applying for, or determinations of, Medi-Cal eligibility for acute inpatient hospital services.

**AB 748 (Eggman – D) Judgments Against a Public Entity: Interest**

The bill amends existing law regarding payment of interest on damage awards against public entities to the amount of United States Treasury yields, not to exceed 7%.

**AB 763 (Buchanan – D) Aquatic Invasive plants: Control and Eradication (SUPPORT – BOARD POSITION)**

The bill designates the Division of Boating and Waterways as the lead agency of the state for the purpose of cooperating with other state, local, and federal agencies in identifying, detecting, controlling, and administering programs to manage invasive aquatic plants in the Sacramento-San Joaquin Delta, its tributaries, and the Suisun Marsh. It also requires risk assessment to specify if the aquatic plant is considered to be invasive.

**AB 803 (Gomez – D) Water Recycling Act of 2013 (SUPPORT – BOARD POSITION)**

The bill removes some barriers to greater use of recycled water by making spill reporting standards for recycled water uniform and permits testing of water purity as water leaves a treatment plant under certain conditions.

**SB 191 (Padilla – D) Emergency Medical Devices (SUPPORT – BOARD POSITION)**

The bill extends the operative date of existing law that establishes the Maddy Emergency Medical Services Fund, which authorizes each county to establish an emergency medical services fund for reimbursement of costs related to emergency medical services and funding for pediatric trauma centers. The bill also authorizes county boards of supervisors to elect to levy an additional penalty for this purpose upon fines, penalties and forfeitures collected for criminal offenses.

**SB 254 (Hancock – D) Solid Waste: Used Mattresses: Recycling and Recovery (SUPPORT – BOARD POSITION)**

The bill authorizes an industry association to establish a mattress recycling organization, and be certified by the Department of Resources Recycling and Recovery to develop a recycling program. It requires manufacturers, retailers and renovators to register the mattress the Department, and prohibits manufacturing or importation of non-compliant mattresses and requires a recycling charge.



**SB 279 (Hancock – D) San Francisco Bay Restoration Authority  
(SUPPORT – BOARD POSITION)**

The bill relates to the authority to levy a special tax for bay restoration activities. The bill requires the Authority to file with the board of supervisors of each affected county a resolution requesting consolidation with the next regularly scheduled election, and requires election officials to use the same letter designation for the measure. The bill also relates to translation of ballot materials into languages other than English.

**SB 483 (Jackson – D) Hazardous Materials: Business and Area Plans  
(SUPPORT – BOARD POSITION)**

The bill revises and recasts the hazardous waste and hazardous materials business plan requirements. The bill requires a unified program agency enforce these requirements, and requires the inspection program that is part of the program to include the onsite inspections of businesses.

**SJR 10 (Lieu – D) Workforce Investment Act: Reauthorization  
(SUPPORT)**

The resolution urges the Congress of the United States to reauthorize the federal Workforce Investment Act and to include specified policies and strategies in support of the Act.

**Conclusion**

The next year is the second year of the two-year legislative session. Some of the “two-year bills” (those held in committee) may be heard in January. If they are not heard then, they must be re-introduced. Of course any bills considered in the second year must be acted on by August 31, when the two-year session ends.

The Governor will submit his proposed 2014-15 budget in early January. In addition, several issues affecting counties that came up this year may be revisited in 2014. These include CEQA reform, a statewide water bond, the realignment funding formula, and proposals for further realignment of state programs to counties.

## UCC Bill List – 2013 Final List of Actions

### **AB 5 (Ammiano) – Homeless Bill of Rights**

This bill would have provided additional rights to the homeless and impose significant new mandates on counties including requiring hygiene centers to be established, requiring provision of legal aid in some circumstances, and requiring the Sheriff to prepare annual reports.

Position: Oppose.

Status: Held in the Assembly Appropriations Committee.

### **AB 68 (Maienschein) – Parole**

This bill requires CDCR to notify counties including the Sheriff of a medical parole hearing and any release within 30 days.

Position: Support.

Status: Signed, Chapter 764.

### **AB 162 (Holden) – Telecommunications**

This bill would have provided that local governments provide approval for specific telecommunications projects within 45 days and remove the ability of local governments to ask for proof of gap in coverage as part of the approval process.

Position: Concerns.

Status: 2-year bill.

### **AB 185 (Hernandez) – Open Meetings**

This bill would have required counties that collect a franchise fee from the holder of a state franchise that provides public, educational, and governmental (PEG) channels to televise the open and public meetings of its legislative body and any of its advisory committees. The bill further would have authorized the use of franchise fees for this purpose, and directs, if franchise fees are available, that these fees be used to provide live streaming of these meetings on the Internet.

Position: Oppose.

Status: Held in the Assembly Local Government Committee – 2-year bill.

### **AB 194 (Campos) – Open Meetings**

This bill would have subjected individual members of a legislative body to a misdemeanor for violating a portion of our state's open meeting laws related to public criticism.

Position: Oppose.

Status: Pending in the Assembly Local Government Committee – 2-year bill.

### **AB 195 (Hall) – Design-Build**

This bill extends the program until July 1, 2016.

Position: Support.

Status: Signed, Chapter 121.

**AB 741 (Brown) – Property Taxes**

This bill would have transferred property taxes from counties to cities in those jurisdictions that have been affected by the elimination of redevelopment.

Position: Oppose.

Status: 2-year bill.

**AB 748 (Eggman) – Judgments Against the State**

This bill provides that in any tax or fee claim against a public entity that results in a judgment against the public entity or public employee, interest must accrue on the amount allowed on the claim at no more than the U.S. Treasury yield, but shall not exceed 7 percent per annum. This bill also provides that for post-interest judgment the rate would be the U.S. Treasury yield plus 2 percent.

Position: Support/Sponsor.

Status: Signed, Chapter 424.

**AB 792 (Mullin) – Local Government: Open Meetings**

This bill would have required the local agency, if the agency is unable to post the agenda or notice on its Internet website due to software or hardware impairment to post the agenda immediately upon resolution of the technological problems. This would have also provided that the delay in posting would not preclude the local agency from conducting the meeting.

Position: Support.

Status: Gut and Amend – This version no longer in the bill.

**AB 1065 (Holden) – Parole**

This bill would have provided that any offender who has been designated a mentally disordered offender or mentally disordered sex offender would be subject to parole rather than probation.

Position: Support.

Status: Failed in the Assembly Public Safety Committee.

**AB 1149 (Campos) – Identity Theft**

This bill expands identity theft breach requirements to local governments including sending out notices to affected customers.

Position: Oppose.

Status: Signed, Chapter 395.

**AB 1413 (Bonta) – MMBA: Impasse Procedures**

This bill (identical to AB 616) would have allowed parties to seek a determination from the Public Employees Relations Board (PERB) if either party disputes that impasse has occurred.

Position: Oppose.

Status: Pending in the Senate Rules Committee – 2 year bill.

**ABX1 1 (Perez, J) – Medi-Cal: Eligibility and Enrollment**

This bill makes several changes to Medi-Cal including elimination of the asset test, support to the state expansion of Medi-Cal, and provide for new income standards known as the Modified Adjusted Gross Income (MAGI).

Position: Support.

Status: Signed, Chapter 3.

**SB 56 (Roth) – Vehicle License Fee**

This bill would have created the Vehicle License Fee Adjustment for newly incorporated cities that were impacted by the passage of SB 89 in 2011.

Position: Support.

Status: Pending in the Senate Appropriations Committee.

**SB 105 (Steinberg) – Prison Population Plan**

This bill implements the Governor's plan to comply with the 3-Judge panel by authorizing CDCR to transfer inmates to other facilities if an extension is not provided by the court.

Position: Support.

Status: Signed, Chapter 310.

**SB 191 (Padilla) - -- Emergency Medical Services**

This bill extends the sunset date on the Maddy Emergency Services Fund until January 1, 2017 and allows counties to continue to use these funds for emergency services.

Position: Support.

Status: Signed, Chapter 600.

**SB 199 (DeLeon) – Community Corrections Partnership**

This bill would have expanded the makeup of the CCP to include line officers.

Position: Oppose.

Status: Pending in the Senate Public Safety Committee – 2-year bill.

**SB 283 (Hancock) – CalFRESH**

This bill would have allowed CalFRESH benefits to be paid to an individual who is convicted in state or federal court of any offense classified as a felony that has an element of the possession of a controlled substance.

Position: Support.

Status: Held in the Assembly Appropriations Committee.

**SB 328 (Knight) – Public Works Contracts**

This bill allows counties to use the at-risk construction project manager alternative for public works projects over \$1 million until 2021.

Position: Support.

Status: Signed, Chapter 517.

**SB 791 (Wyland) – Transportation**

This bill would have required the Legislature to approve any adjustments to the fuel excise tax rate pursuant to the Transportation Tax Swap. The bill would have also required the Department of Finance to annually calculate the fuel excise tax rate rather than the Board of Equalization.

Position: Oppose.

Status: 2-year bill.

**SBX1 1 (Hernandez) – Medi-Cal: Eligibility and Enrollment**

This bill provides the benefit package for the implementation of the Affordable Care Act including requiring the state to be responsible for the mental health and substance abuse disorder optional benefit.

Position: Support.

Status: Signed, Chapter 4.

**SBx1 3 (Hernandez) – Bridge Plan**

This bill requires the California Health Benefit Exchange Board to enter into contracts with health plans to offer a bridge plan for low-income Californians.

Position: Support.

Status: Signed, Chapter 5.

**SCA 3 (Leno) – California Public Records Act**

This measure provides that the California Public Records Act and the Brown Act would not be eligible for a reimbursable state mandate.

Position: Concerns.

Status: Resolution Chapter 123.



**OFFICE OF THE COUNTY ADMINISTRATOR  
CONTRA COSTA COUNTY**

TO: **Legislation Committee**  
*Supervisor Karen Mitchoff, Chair*  
*Supervisor Mary N. Piepho, Vice Chair*

FROM: Lara DeLaney, Senior Deputy County Administrator

DATE: November 27, 2013

SUBJECT: **Agenda Item #5: Draft 2014 State Legislative Platform**

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**RECOMMENDATION**

REVIEW the Draft 2014 State Legislative Platform, provide direction to staff on any recommended changes, and RECOMMEND action to the Board of Supervisors.

**BACKGROUND**

Each fall, the County Administrator's Office initiates the development of the coming year's State and Federal Legislative platforms by inviting members of the Board of Supervisors, Department Heads and key staff to provide recommended changes or additions to the current Platforms.

On October 1, 2013, departments were invited to meet with our State lobbyist in person and/or provide suggested changes to the State Platform by submitting input in writing. Staff also participated in the annual Urban Counties Caucus "Key Staff" meeting on the development of UCC Priorities and Policies for 2014, which has informed the County's Draft 2014 State Platform.

The Legislation Committee typically reviews the draft document in December of each year, with the Final Draft document recommended to the Board of Supervisors for adoption in January.

**COUNTY-SPONSORED LEGISLATION**

**Changes from the 2013 State Platform:** The 2013 State Platform did not include any County-sponsored legislation. For 2014, two sponsored bills are recommended:

- ✓ Seek legislation to make the Contra Costa County Employee Retirement Association (CCCERA) the statutory employer for all purposes of staff serving at CCCERA. The proposed legislation would implement a court-approved settlement agreement between the County and CCCERA concerning the entities' respective rights and responsibilities for staff working at CCCERA.

1. Seek legislation amending Government Code Section 24011 to allow the Board of Supervisors of Contra Costa County to appoint the Public Administrator by ordinance of the Board, separate the Public Administrator from the District Attorney, and place the position with another County department.

*The District Attorney's office is currently in discussions with both Health Services and the Sheriff's Office about assuming responsibility for the Public Administrator functions. The discussions have not yet produced an outcome, but legislation would nonetheless be required to provide the Board of Supervisors the authority to separate the consolidated offices of District Attorney and Public Administrator and appoint the Public Administrator to another department of the County.*

## **LEGISLATIVE/REGULATORY ADVOCACY PRIORITIES**

**Changes from the 2013 State Platform:** *The recommended priorities for 2014 do not differ from those of 2013, however, they have been updated to reflect the current status of the issues.*

## **STATE PLATFORM POLICY POSITIONS**

### **Changes from the 2013 State Platform:**

#### **Agricultural Issues**

- ✓ Text changes to policy # 4 related to invasive aquatic species in the Delta: “...to rid the Delta of this and other invasive aquatic species through integrated pest management methods. .... to secure multi-year permits for eradication of multiple invasive aquatic plant species in the Sacramento-San Joaquin Delta, its tributaries, and its marshes.”

#### **Climate Change Issues**

- ✓ Text changes to policy # 19 related to the allocation of funding from the California Greenhouse Gas Cap and Trade Program: “...to jurisdictions that...have disadvantaged communities that are disproportionately affected by environmental pollution, and have demonstrated a local commitment to climate protection (e.g. established emissions reduction targets, prepared Climate Action Plans, etc.). Allocations to local jurisdictions should be made with consideration for local control and balance the need for sustainable communities with healthy communities.”

#### **Emergency Preparedness, Emergency Response**

- ✓ Text changes to policy #23 related to training volunteers: “...provide funding for Community Emergency Response Training (CERT)...” (Recommended by Supervisor Andersen.)
- ✓ Delete 2013 policy #28: SUPPORT legislation or other measures that will enable the Department of Water Resources to easily and quickly enter into contracts with local

entities that need assistance in planning for emergency response. (*Issue has been resolved.*)

### **Flood Control and Clean Water Issues**

- ✓ Text changes to policy #31 related to options to fund stormwater programs: “Stormwater services, encompassing both water quality and drainage/flood control, could be structured like a utility....”
- ✓ Add policy #34: SUPPORT legislation to enable Zone 7 Water Agency to become a new public agency, separate and apart from the Alameda County Flood Control and Water Conservation District, with territory in both Alameda and Contra Costa counties and the power to provide specific services, insofar as the legislation is guided by adopted Principles of Understanding.

### **General Revenues/Finance Issues**

- ✓ Minor text change to policy #43 regarding reduction in the 2/3rd vote requirement to 55% voter approval for locally-approved special taxes to add “services” to the word “Stormwater.”

### **Health Care Issues**

- ✓ Move policy #58 to “**Human Services Issues**” as it deals with Medi-Cal administration and eligibility.

### **Human Services Issues**

- ✓ Amend 2013 policy #82 (2014 policy #81) related to County flexibility in use of CalWORKs funds and in program requirements to separate out support for efforts to align CalWORKs property and asset limitations with those of CalFresh as 2014 policy #82.
- ✓ Delete 2013 policy #85: SUPPORT efforts to establish an “umbrella code” for the reporting of incidents of elder abuse to the Department of Justice, thus more accurately recording the incidence of abuse. Current reporting policies within California’s law enforcement community and social services departments are uncoordinated in regards to the reporting of adult abuse. Under an “umbrella code,” law enforcement agencies and social services departments would uniformly report incidents of elder abuse and California would have much better data for policy and budget development purposes.
- ✓ Minor text changes to policy #86 related to management of the IHSS program to strike redundant wording.
- ✓ Delete 2013 policy #88: SUPPORT efforts to eliminate the finger-imaging requirement for adult food stamp applicants, recognizing the fraud deterrent aspects of the Electronic Benefits Transfer System. (*This has been accomplished.*)



- ✓ Delete 2013 policy #94: SUPPORT efforts to restore funding in the amount of \$80 Million for the Child Welfare Services Program that was line-item vetoed by Governor Schwarzenegger in the State's FY 2009-10 and FY 2010-11 budgets, as these reductions have a direct impact on local child protective services and the lives of children. *(This has been accomplished through Realignment.)*
- ✓ Add policy #94: SUPPORT continued and improved funding for substance abuse treatment and mental health services including those that provide alternatives to incarceration and Laura's Law.
- ✓ Add policy #95: SUPPORT legislation to expand child early care and education and increase funding for preschool and early learning.
- ✓ Add policy #96: SUPPORT legislation to allow individuals convicted of drug-related felonies to receive federal CalFresh (food stamps) benefits. *Banning convicted drug felons who have completed their sentences from critical public assistance, including food stamps, runs contrary to state and federal initiatives intended to reduce recidivism by easing prisoner reentry and fostering prisoner reintegration into society. The drug felon rule has been the subject of much criticism by drug treatment providers, advocates for the poor and law enforcement organizations because it permanently disqualifies needy persons from receiving assistance and interferes with their recovery. (Recommended by Alcohol and Other Drugs Advisory Board.)*

### **Land Use/Community Development Issues**

- ✓ Text changes to policy #105 regarding obtaining a CEQA exemption or utilizing CEQA streamlining provisions for infill development or Priority Development Areas to clarify the relevancy to unincorporated areas and describe recently passed related legislation.
- ✓ Text change to policy #110 related to tools for local agencies for economic development purposes to add the consideration: while balancing the impacts on revenues for health and safety programs and healthy communities.
- ✓ Add policy #113: SUPPORT legislation that would clarify the ability of successor agencies to former redevelopment agencies to enter into contracts with its sponsoring jurisdiction and third parties to fulfill enforceable obligations. *The existing redevelopment dissolution statute limits the contracting powers of successor agencies which is causing delays their ability to expeditiously retire certain enforceable obligations of the former redevelopment agencies.*

### **Law and Justice System Issues**

- ✓ Add policy #124: SUPPORT legislation that will combat the negative impact that human trafficking has on victims in our communities, including the impact that this activity has on a range of County services and supports, and support efforts to provide additional tools, resources and funding to help counties address this growing problem.

## **Levee Issues, Sacramento-San Joaquin Delta Issues**

*Updates to this section will be made in 2014 when a more comprehensive update to the County's Water Platform is completed and presented to the Board of Supervisors.*

- ✓ Minor text changes to policy #126 related to Prop. 1E funding for levee repairs to support legislative hearings on the matter of expediting expenditures of bond proceeds: Legislative hearings may produce explanations from the state as to why these funds are not being distributed or identify methods to streamline administration of these funds.

## **Transportation Issues**

*Updates to this section may include additional changes recommended by the Transportation, Water and Infrastructure Committee at their December 5 meeting.*

- ✓ Text change to policy #136 related to increased flexibility in the use of transportation funds to delete what has been accomplished: The County supports an amendment to the Subdivision Map Act to allow the use of off-site transportation impact fees to fund pedestrian, bicycle transit and traffic calming facilities necessitated by new development. The Act currently limits the use of these funds to improvements to bridges and "major thoroughfares." Senator DeSaulnier introduced such a bill in 2008. The County's proposal was adopted by CSAC for its legislative platform in the 2011 session. The proposal would provide more flexibility in how we can use an existing transportation funding source.
- ✓ Text changes to policy #138 related to improving safety throughout the transportation system.
- ✓ Text changes to policy #142 related to coordinated planning between school districts, the state, and local jurisdictions. Policy supports reform that includes school zone references in the vehicle code and efforts to finance off-site transportation improvements for improved access to existing schools.

## **Veterans Issues**

*This is a newly created section.*

Add policy #145: SUPPORT legislation and budget actions that will continue the state's annual local assistance for County Veterans Service Offices at the \$5.6 million level. The eventual goal is to fully fund CVSOs by appropriating the full \$11 million in local assistance funding as reflected in Military and Veterans Code Section 972.1(d). County Veterans Service Offices (CVSOs) play a vital role in the local veteran community, not only within the Veterans Affairs claims process, but in other aspects as well. This includes providing information about all veterans' benefits (Federal, State and local), as well as providing claims assistance for all veteran-related benefits, referring veterans to ancillary community resources, providing hands-on development and case management services for claims and appeals and transporting local veterans to VA facilities.

**Waste Management Issues**

- ✓ Minor text changes to policy #152 related to importation of waste to privately-operated landfills and the requirements of the host County “that receives a significant amount of waste from outside the county...”
- ✓ Minor text change to policy #153 related reducing the amount of harmful pharmaceuticals that ultimately enter “bodies of water...”
- ✓ Minor text change to policy #155 related to the County’s regulatory authority to control the collection and disposal of solid waste generated within the unincorporated areas to add clarifying language: “In litigation where the County sought to protect its solid waste franchise authority for unincorporated areas the court awarded franchise authority to the Rodeo Sanitary District and Mountain View Sanitary District while the County remains exposed to state penalties for failing to meet state mandates for reducing disposal of solid waste generated in these areas.”

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Attachment A: Draft 2014 State Platform



# DRAFT 2014 STATE LEGISLATIVE PLATFORM

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Contra Costa County



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## 2014 STATE LEGISLATIVE PLATFORM CONTRA COSTA COUNTY

*Each year, the Board of Supervisors adopts a State Legislative Platform that establishes priorities and policy positions with regard to potential State legislation and regulation. The State Legislative Platform includes County-sponsored bill proposals, legislative or regulatory advocacy priorities for the year, and policies that provide direction and guidance for identification of and advocacy on bills which would affect the services, programs or finances of Contra Costa County.*

### COUNTY-SPONSORED LEGISLATION

1. Seek legislation to make the Contra Costa County Employee Retirement Association (CCCERA) the statutory employer for all purposes of staff serving at CCCERA. The proposed legislation would implement a court-approved settlement agreement between the County and CCCERA concerning the entities' respective rights and responsibilities for staff working at CCCERA.
2. Seek legislation amending Government Code Section 24011 to allow the Board of Supervisors of Contra Costa County to appoint the Public Administrator by ordinance of the Board, separate the Public Administrator from the District Attorney, and place the position with another County department.

### LEGISLATIVE/REGULATORY ADVOCACY PRIORITIES

*Each year, issues emerge through the legislative process that are of importance to the County and require advocacy efforts. For 2014, it is anticipated that critical issues requiring legislative advocacy will include the following:*

**Priority 1: State Budget** – The state's continuing economic recovery, prior budget cuts, and the additional, temporary taxes provided by Proposition 30 have combined to bring the State Budget to a much improved financial condition. The Legislative Analyst's Office is now indicating that with continued growth in the economy and restraint in new program commitments, the state budget could see multibillion-dollar operating surpluses within a few years. The state's 2013-14 budget plan assumed a year-end reserve of \$1.1 billion. The LAO's revenue forecast now anticipates \$6.4 billion in higher revenues for 2012-13 and 2013-14 combined. These higher revenues are offset by \$5 billion in increased expenditures, almost entirely due to greater required spending for schools and community colleges. Combined with a projected \$3.2 billion operating surplus for the state in 2014-15, these factors lead the LAO to project that, absent any changes to current laws and policies, the state would end 2014-15 with a \$5.6 billion reserve.

However, the LAO also notes that continued caution is needed since the state's fiscal recovery is dependent on a number of assumptions that may not come to pass. The forecast assumes continuing economic growth and slow but steady growth in stock prices. Other liabilities,

including some items on the Governor's wall of debt and the state's huge retirement liabilities (particularly those related to the California State Teachers' Retirement System), remain unpaid under the LAO forecast. It is also important to note that the LAO forecast assumes that the debt ceiling deadlines and possible shutdown by the federal government will not affect the economy in 2014.

A long-standing practice of state government has been to look to counties as a means of balancing its budget. While opportunities to do so are more limited with the passage of Proposition 1A, the state has been creative in its efforts to include counties as part of its budget balancing solution and may do so at some point in the future through additional program realignment and/or revenue reductions.

Of particular concern to counties is the inadequate reimbursement for our ever-increasing cost of operating several human services programs: the "Human Services Funding Deficit," formerly referred to as the "Cost of Doing Business." The annual shortfall between actual county expenses and state reimbursement has grown to over \$1 billion since 2001, creating a de facto cost shift to counties. The funding gap forces counties to reduce services to vulnerable populations and/or divert scarce county resources from other critical local services. It also increases the risk of state and federal penalties.

***Priority 2: Health Care*** – Counties play a critical role in California's health reform efforts. Counties serve as employers, payers, and providers of care to vulnerable populations. Consequently, counties stand ready to actively participate in discussions of how to best reform the health care system in California and implement the national health care reform legislation passed in 2010, The Patient Protection and Affordable Care Act (ACA).

The optional Medi-Cal Expansion, in effect on Jan. 1, 2014, was a significant part of the State Budget process in 2013, with a Special Session on Health Care Reform –called by the Governor to address Health Care Exchange issues and the required Medi-Cal expansion. (The mandatory expansion includes changes to eligibility and enrollment for populations *currently eligible* for Medicaid and is estimated to cost the state General Fund \$350 million.) The ACA had required states to expand Medicaid programs to allow childless adults at or below 138 percent of poverty to be eligible for Medicaid (known as Medi-Cal in California). The Supreme Court struck down that mandate but allowed it to be an option for states, which California has exercised.

The Governor's proposed Budget provided two options for that optional expansion: a "state option" and a "county option." Governor Brown announced in his proposed budget that he intended to either realign the county responsibility to provide medical care to indigent adults to include providing care to Medicaid eligible adults or recoup as much of the 1991 health realignment funding from counties as possible. CSAC successfully redirected the realignment effort and instead negotiated a fiscal transaction that reflects the shift of indigent adults to the state's Medi-Cal program. In June, the Governor signed AB 85, followed by a technical cleanup measure, SB 98, in September, which together provide the framework for the fiscal transaction.

However, significant unknowns remain including questions about the actual impact of the ACA coverage expansions on counties and the number of uninsured individuals to whom counties will

still need to provide services. Counties will retain the Section 17000 responsibility, and there will be significant variations in the impacts of both the ACA and AB 85 for the different types of counties: county hospital (12 counties including Contra Costa County), payor/clinic and County Medical Services Program (CMSP) counties.

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

***Priority 3: Water and Levees /The Sacramento-San Joaquin Delta*** – The enactment of the Delta Reform Act (2009), a bill that established the co-equal goals for reliable water supply and ecosystem restoration for the Delta, created the Delta Stewardship Council as the state entity overseeing the Delta through the proposed Delta Plan, and supported the proposed Bay Delta Conservation Plan (BDCP)--an effort to construct a pair of massive tunnels under the Delta--will bring significant, large-scale change to the Delta as we know it. The scope and content of these changes, as well as enduring political battles between northern and southern California over water, will continue to guide legislative and administrative agendas in the coming year. Enabling legislation was also passed in 2009 for a state water bond, which was delayed from the 2010 ballot and again from the 2012 ballot.

Significant future impacts upon the County in the areas of water quality and supply, levee stability, ecosystem health, local land use authority and flood control are anticipated. Consideration should be given to the potential for the County to sponsor Delta-related legislation through our legislative delegation. The County may also work with the Delta Counties Coalition (DCC) to sponsor Delta-related legislation.

Particular areas of concern for 2014 include, but are not limited to: (1) the ongoing development of the BDCP project and whether the state water bond appropriates funds specific to the BDCP; (2) the impacts of the Delta Plan on local land use authority, efforts to expedite state bond funding for levee improvement projects, and the development of flow standards that will impact water quality and ecosystem health in the Delta. The County's adopted Delta Water Platform, as well as the Strategic and Action Plans, are incorporated in this Platform by reference.

***Priority 4: Realignment Implementation*** – The battle for constitutional protections for 2011 Realignment concluded successfully on November 6, 2012 when Proposition 30 was passed by the voters. Proposition 30 provides constitutional guarantees to the funding that supports Realignment and safeguards against future program expansion without accompanying funding. With these provisions in place, Contra Costa County can continue to implement the array of programs transferred under 2011 Realignment, confident that funding is secure and programmatic responsibilities are defined. However, the County remains concerned that the funding is not sufficient and is also concerned about liability issues arising from the new responsibilities.



Any future proposals to realign programs to counties must have constitutionally guaranteed ongoing funding and protections. The County will oppose any proposals that will transfer additional program responsibility to counties without funding and protections. The County will also oppose efforts that limit county flexibility in implementing programs and services realigned in 2011 or infringe upon our ability to innovate locally.

The County resolves 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.

With regard to Public Safety realignment, the County will support efforts that facilitate the smooth transition of prisoners and parolees at the county level. Counties have received parolees whose latest crime fits the specified "non-violent, non-serious, non-sex offender" (N3) definition but who have a criminal background that includes violent, serious and/or sexual crimes. Under the current legislation, the person's latest offense/crime determines if they meet the N3 criteria. However, counties have received people who have a very violent background. Specifically, a change would be requested to prevent those whose total criminal background does not meet the N3 criteria. These individuals should stay under the responsibility of the state.

The County will also support efforts to provide additional funding/grants to those counties that have a commitment to lowering the crime rate and reducing recidivism through the provision of innovative, comprehensive, evidence-based programs for offender populations and their families. The County will also continue to support efforts to ensure that the receipt of Local Community Corrections Funds matches the amounts anticipated from the state, without undue delay.

## STATE PLATFORM POLICY POSITIONS

A brief background statement accompanies policy positions that are not self-evident. Explanatory notes are included either as the preface to an issue area or following a specific policy position. Please note that new and revised policy positions are highlighted. The rationale for the policy position is italicized.

### Agricultural Issues

1. SUPPORT efforts to ensure sufficient State funding for pest and disease control and eradication efforts to protect both agriculture and the native environment, including glassy-winged sharpshooter, light brown apple moth, and Japanese dodder activities; high risk pest exclusion activities; pesticide regulatory and law enforcement activities; and noxious weed pest management. *Agriculture is an important industry in Contra Costa County. Protection of this industry from pests and diseases is important for its continued viability.*
2. SUPPORT continued appropriations for regulation and research on sudden oak death, a fungal disease affecting many species of trees and shrubs in native oak woodlands. *The County's natural environment is being threatened by this disease.*
3. SUPPORT funding for agricultural land conservation programs and agricultural enterprise programs to protect and enhance the viability of local agriculture. *The growth in East County and elsewhere has put significant pressure on agricultural lands, yet agriculture is important not only for its production of fresh fruits, vegetables and livestock, but also as a source of open space.*
4. SUPPORT legislation to establish legal authority where needed to facilitate the efforts by the California Department of Food and Agriculture and the Department of Boating and Waterways to survey and treat all infestations of the South American spongeplant and to rid the Delta of this and other invasive aquatic species through integrated pest management methods. *Invasive aquatic species are a threat to agriculture, the environment and recreation in the Delta. This position includes support for efforts by the Department of Boating and Waterways to secure multi-year permits for eradication of multiple invasive aquatic plant species in the Sacramento-San Joaquin Delta, its tributaries, and its marshes.*
5. SUPPORT the CSAC policy statement regarding revisions to the California Conservation Act of 1965 (the Williamson Act) to support legislative changes that preserve the integrity of the Williamson Act, eliminate abuses resulting in unjustified and premature conversions of contracted land for development, and to fully restore Williamson Act subventions. The state subventions to counties also must be revised to recognize all local tax losses.

## Animal Services Issues

6. SUPPORT efforts to protect local revenue sources designated for use by the Animal Services Department; i.e., animal licensing, fines and fees. *Fines, fees, and licensing are major sources of revenue for the Animal Services Department. The demand for animal services is increasing each year as does the demand on the General Fund. It is important to protect these revenue sources to continue to provide quality animal service and to meet local needs.*
7. SUPPORT efforts to protect or increase local control and flexibility over the scope and level of animal services. *Local control over the scope of animal services is necessary to efficiently address public safety and other community concerns. Local control affords jurisdictions the ability to tailor animal service programs to fit their communities. Animal related issues in dense urban areas vary from those in small, affluent communities.*
8. SUPPORT efforts to protect against unfunded mandates in animal services or mandates that are not accompanied by specific revenue sources which completely offset the costs of the new mandates, both when adopted and in future years. *Unfunded mandates drain our limited fiscal resources and, at the same time, chip away at local control over the scope and level of services.*
9. SUPPORT efforts to ensure full funding of State animal services mandates, including defense of the Department of Finance's lawsuit against the State Commission on Mandates regarding the State obligations for reimbursement of local costs for animal services incurred in compliance with SB 1785. *The County invested large sums of money to comply with SB 1785, with the assurance that our cost would be offset by reimbursements from the State. Failure by the State to honor the reimbursements negatively impacts the County General Fund and Animal Services' budget.*
10. SUPPORT efforts to protect and/or increase County flexibility to provide animal services consistent with local needs and priorities. *The demand for quality animal service programming continues to increase each year. The County is experiencing population growth and changing demographics. It is incumbent upon the Animal Services Department to be flexible enough to adjust to the changing needs and priorities.*
11. SUPPORT efforts to preserve the integrity of existing County policy relating to Animal Services (e.g., the Animal Control Ordinance and land use requirements). *Contra Costa is looked upon as one of the model Animal Services Departments in the state. Its policies, procedures, and ordinances are the yardstick against which other Animal Control organizations are measured. The local control exercised by the Board of Supervisors is key to that hallmark.*

## **Child Support Services Issues**

12. SUPPORT the establishment of a statewide electronic registry for the creation and release/satisfaction of liens placed on property of a non-custodial parent as necessary to collect delinquent child support payments. *California law currently provides that recording an abstract or notice of support judgment with a County Recorder creates a lien on real property. This requires recording the judgment in each of the 58 counties in order not to miss a property transaction. An electronic registry would simplify not only the creation of liens but also the release/satisfaction of liens because there would be a single statewide point of contact, and the entire process would be handled electronically through automated means.*
13. SUPPORT amendment of current law that states that documents completed and recorded by a local child support agency may be recorded without acknowledgement (notarization) to clarify that the exception is for documents completed or recorded by a local child support agency. *This amendment clarifies that documents that are prepared by the local child support agency and then sent for recording either by the local child support agency or by the obligor (non-custodial parent) or by a title insurance company are covered by the exemption, a technical point not acknowledged by all county recorder offices.*
14. SUPPORT efforts to simplify the court process for modifying child support orders by the court by requiring court appearances only when one of the parties objects to the modification. *Currently, establishment of parentage and support by the court is permitted without court appearance if both parties are in agreement. A similar process for modification would reduce court time, the workload of all involved agencies and parties, and streamline the process.*
15. SUPPORT efforts to ensure that the reduction caused by the federal Deficit Reduction Act of 2005 to the California Department of Child Support Services is not passed down as a reduction to the local program. *The Act places a restriction on the ability of states to use incentive funds as the state match to draw additional federal funds. In previous years, California used its \$30 million in federal funds in child support programs.*
16. SUPPORT efforts that would require the Department of Child Support Services to provide any notice form, information, or document that is required or authorized to be given, distributed, or provided to an individual, a customer, or a member of the public to be given, distributed, or provided in a digitized form, and by any means the Department determines is feasible, including, but not limited to, e-mail or by means of a website.

## Climate Change Issues

17. SUPPORT the *CSAC Climate Change Policy Statements and Principles* which address a broad range of issues affected by climate change, including water, air quality, agriculture, forestry, land use, solid waste, energy and health. *The document is largely based on existing CSAC policy and adapted to climate change. Additionally, the document contains a set of general principles which establish local government as a vital partner in the climate change issue and maintain that counties should be an active participant in the discussions in the development of greenhouse gas reduction strategies underway at the state and regional level.*
18. SUPPORT efforts to ensure that the implementation of AB 32 results in harmony among the greenhouse gas reduction target created by the Air Resources Board for each regional/local agency, the housing needs numbers provided by the state Department of Housing and Community Development pursuant to housing element law, the Sustainable Communities Strategy, and the Regional Transportation Plan processes.
19. SUPPORT legislative or administrative efforts that favor allocation of funding from the California Greenhouse Gas Cap and Trade Program to jurisdictions that are the largest emitters of greenhouse gas, have disadvantaged communities that are disproportionately affected by environmental pollution, and have demonstrated a local commitment to climate protection (e.g. established emissions reduction targets, prepared Climate Action Plans, etc.). Allocations to local jurisdictions should be made with consideration for local control and balance the need for sustainable communities with healthy communities.

## Elections Issues

20. SUPPORT legislation to adjust precinct sizing from 1,000 voters per precinct to 1,250 voters per precinct. *With the option of being able to have up to 1,250 voters per precinct, the best polling locations in a neighborhood can be selected, and that same site is more likely to be used for several elections, thus avoiding the need to change poll sites for voters.*
21. SUPPORT full state reimbursement for state mandates imposed upon local registrars by the Secretary of State, including special state elections. *The state has committed to reimburse Counties for the cost of certain state mandates. That reimbursement process, SB 90, can be lengthy and contentious. The SB 90 process is also subject to uncertainties including partial payments, delayed payments, and now, suspended or no payments. In lieu of the SB 90 process for Elections, there is merit in the examination of having the state pay its pro-rata share of costs when state candidates/measures are on the ballot.*
22. SUPPORT legislation that would add provisions to the state Elections Code that would allow special elections to fill a vacancy in a congressional or legislative district to be conducted by all mailed ballots at the county's discretion.

### **Emergency Preparedness, Emergency Response**

23. SUPPORT legislation that would give local agencies more authority to train volunteers, **provide funding for Community Emergency Response Training (CERT)**, and help clean-up oil spills without taking on additional legal liability.
24. SUPPORT legislation that would require the state's Oil Spill Prevention and Response Agency to improve communication and clean-up technology, increase safety standards for ships and establish special protections for ecologically sensitive areas.
25. SUPPORT legislation that would require responses to future oil spills in a shorter timeframe, with a more regional approach.
26. SUPPORT measures that enable counties and other local agencies to better exercise their responsibilities to plan for and respond to emergencies and disasters without taking on additional legal liability and oppose those that do not recognize or support the county and local agency role in the State's Standardized Emergency Management System.
27. SUPPORT legislation or other measures requiring the creation or utilization of emergency rock stockpiles suitable for levee repair throughout the Delta, enabling increasingly efficient and less costly prevention of levee breaks and enhancement of initial response capabilities.

### **Eminent Domain Issues**

28. SUPPORT legislation that maintains the distinction in the California Constitution between Section 19, Article I, which establishes the law for eminent domain, and Section 7, Article XI, which establishes the law for legislative and administrative action to protect the public health, safety, and welfare.
29. SUPPORT legislation that would provide a comprehensive and exclusive basis in the California Constitution to compensate property owners when property is taken or damaged by state or local governments, without affecting legislative and administrative actions taken to protect the public health, safety, and welfare.

### **Flood Control and Clean Water Issues**

30. SUPPORT authorization for regional approaches to comply with aquatic pesticide permit issues under the purview of the State Water Resources Control Board. *Contra Costa County entered into an agreement with a neighboring county and several cities to share the costs of monitoring. While it makes sense for local government to pool resources to save money, State Board regulations make regional monitoring infeasible.*
31. SUPPORT efforts to provide local agencies with more flexibility and options to fund stormwater programs. *Stormwater permit requirements issued by the Regional Water Quality Control Boards are becoming more and more expensive, yet there is no funding.*

*Stormwater services, encompassing both water quality and drainage/flood control, could be structured like a utility with the ability to set rates similar to the other two key water services: drinking water and wastewater.*

32. SUPPORT efforts to provide immunity to local public agencies for any liability for their clean-up of contaminations on private lands. *This will be more critical as the Regional Water Quality Control Boards institute Total Maximum Daily Loads, which establish a maximum allowable amount of a pollutant (like mercury) in the stormwater from a watershed.*
33. SUPPORT efforts to require the Department of Water Resources (DWR) to provide 200 year flood plain mapping for all areas in the legal Delta. SB 5 requires the County and cities in the Delta to insure certain development projects must have 200 year level of protection and to make certain related findings. *DWR has revisited developing zoning flood plain mapping, and if they do, only working in areas protected by project levees which does not include any areas within Contra Costa County.*
34. SUPPORT legislation to enable Zone 7 Water Agency to become a new public agency, separate and apart from the Alameda County Flood Control and Water Conservation District, with territory in both Alameda and Contra Costa counties and the power to provide specific services, insofar as the legislation is guided by adopted Principles of Understanding.

### **General Revenues/Finance Issues**

*As a political subdivision of the State, many of Contra Costa County's services and programs are the result of state statute and regulation. The State also provides a substantial portion of the County's revenues. However, the State has often used its authority to shift costs to counties and to generally put counties in the difficult position of trying to meet local service needs with inadequate resources. While Proposition 1A provided some protections for counties, vigilance is necessary to protect the fiscal integrity of the County.*

35. SUPPORT the State's effort to balance its budget through actions that do not adversely affect County revenues, services or ability to carry out its governmental responsibilities.
36. OPPOSE any state-imposed redistribution, reduction or use restriction on general purpose revenue, sales taxes or property taxes unless financially beneficial to the County. *(Note that a redistribution of sales and property tax may be beneficial to Contra Costa County in the event that sales tax growth lags behind property tax growth.)*
37. OPPOSE efforts to limit local authority over transient occupancy taxes (TOT).
38. OPPOSE any efforts to increase the County's share-of-cost, maintenance-of-effort requirements or other financing responsibility for State mandated programs absent new revenues sufficient to meet current and future program needs.

39. SUPPORT efforts to ensure that Contra Costa County receives its fair share of State allocations, including mental health funding under Proposition 63 and pass-through of federal funds for anti-terrorism and homeland security measures. *The State utilizes a variety of methods to allocate funds among counties, at times detrimental to Contra Costa County.*
40. SUPPORT efforts to receive reimbursement for local tax revenues lost pursuant to sales and property tax exemptions approved by the Legislature and the State Board of Equalization.
41. SUPPORT continued efforts to reform the state/local relationship in a way that makes both fiscal and programmatic sense for local government and conforms to the adopted 2010 CSAC Realignment Principles, with an emphasis on maximum flexibility for counties to manage the existing and realigned discretionary programs.
42. SUPPORT efforts to relieve California of the federal Child Support penalties without shifting the cost of the penalties to the counties.
43. SUPPORT a reduction in the 2/3rd vote requirement to 55% voter approval for locally-approved special taxes that fund health, education, economic, stormwater **services**, library, transportation and/or public safety programs and services.
44. SUPPORT efforts to authorize counties to impose forfeitures for violations of ordinances, as currently authorized for cities. *This would provide the County with the opportunity to require deposits to assure compliance with specific ordinance requirements as well as retain the deposit if the ordinance requirements are not met. Currently, the County is limited to imposing fines which are limited to only \$100 - \$200 for the first violation, which has proven to be an ineffective deterrent in some cases.*
45. SUPPORT efforts to redefine the circumstances under which commercial and industrial property is reassessed to reduce the growing imbalance between the share of overall property tax paid by residential property owners versus commercial/industrial owners.
46. SUPPORT efforts to reduce County costs for Workers' Compensation, including the ability to control excessive medical utilization and litigation. *Workers' Compensation costs are significant, diverting funds that could be utilized for County services. Workers' Compensation should provide a safety net for injured employees, for a reasonable period of time, and not provide an incentive for employees to claim more time than medically necessary.*
47. SUPPORT state actions that maximize Federal and State revenues for county-run services and programs.
48. SUPPORT legislative compliance with both the intent and language of Proposition 1A.



49. SUPPORT the provisions of Proposition 22 that would protect County revenues, particularly as related to transportation revenues and excluding those provisions related to redevelopment funds.
50. SUPPORT full State funding of all statewide special elections, including recall elections.
51. OPPOSE efforts of the State to avoid state mandate claims through the practice of repealing the statutes, then re-enacting them. *In 2005, the State Legislature repealed sections of the Brown Act that were subject to mandate claims, then re-enacted the same language pursuant to a voter-approval initiative, and therefore, not subject to mandate claims.*
52. SUPPORT strong Public Utilities Commission (PUC) oversight of state-franchised providers of cable and telecommunications services, including rigorous review of financial reports and protection of consumer interests. *AB 2987 (Núñez), Chapter 700, statutes of 2006 transferred regulatory oversight authority from local government to the PUC.*
53. SUPPORT timely, full payments to counties by the State for programs operated on their behalf or by mandate. *The State currently owes counties over \$1 billion in State General Funds for social services program costs dating back to FY 2002-03.*
54. SUPPORT full State participation in funding the County's retiree and retiree health care unfunded liability. *Counties perform most of their services on behalf of the State and Federal governments. Funding of retiree costs should be the responsibility of the State, to the same extent that the State is responsible for operational costs.*
55. SUPPORT legislation that provides constitutional protections and guaranteed funding to counties under Realignment.

## Health Care Issues

*The County remains concerned about the implementation of any health care reform measures that could transfer responsibility to counties, without commensurate financing structures or in a manner not compatible with the County's system. The County supports a concept of universal health coverage for all Californians. Toward that end, the County urges the state to enact a system of health coverage and care delivery that builds upon the strengths of the current systems in our state, including county-operated systems serving vulnerable populations.*

*Currently, California has a complex array of existing coverage and delivery systems that serve many, but not all, Californians. Moving this array of systems into a universal coverage framework is a complex undertaking that requires sound analysis, thoughtful and deliberative planning, and a multi-year implementation process. As California moves forward with health care reform, the County urges the state to prevent reform efforts from exacerbating problems with existing service and funding. The state must also consider the differences across California counties and the impacts of reform efforts on the network of safety-net providers, including county providers. The end result of health reform must provide a strengthened health care delivery system for all Californians, including those served by the safety net.*

56. SUPPORT state action to increase health care access and affordability. *Access to care and affordability of care are critical components of any health reform plan. Expanding eligibility for existing programs will not provide access to care in significant areas of the state. Important improvements to our current programs, including Medi-Cal, must be made either prior to, or in concert with, a coverage expansion in order to ensure access. Coverage must be affordable for all Californians to access care.*
57. SUPPORT Medi-Cal reimbursement rate increases to incentivize providers to participate in the program.
58. SUPPORT actions that address provider shortages (including physicians, particularly specialists, and nurses). Innovative programs, such as loan forgiveness programs, should be expanded. In an effort to recruit physicians from other states, the licensing and reciprocity requirements should be re-examined. Steps should be taken to reduce the amount of time it takes to obtain a Medi-Cal provider number (currently six to nine months).
59. SUPPORT efforts that implement comprehensive systems of care, including case management, for frequent users of emergency care and those with chronic diseases and/or dual (or multiple) diagnoses. *Approaches could be modeled after current programs in place in safety net systems.*
60. SUPPORT efforts that provide sufficient time for detailed data gathering of current safety funding in the system and the impact of any redirection of funds on remaining county responsibilities. *The interconnectedness of county indigent health funding to public health, correctional health, mental health, alcohol and drug services and social services must be fully understood and accounted for in order to protect, and enhance as appropriate, funding for these related services.*
61. OPPOSE safety net funding transfers until an analysis of who would remain uninsured (e.g. medically indigent adults, including citizens, who cannot document citizenship

- under current Medicaid eligibility rules) is completed in order to adequately fund services for these populations.
62. SUPPORT efforts to clearly define and adequately fund remaining county responsibilities.
  63. SUPPORT state action to provide an analysis of current health care infrastructure (facilities and providers), including current safety net facilities across the state, to ensure that there are adequate providers and health care facilities (including recovery facilities), and that they can remain viable after health reform.
  64. SUPPORT efforts to provide adequate financing for health care reforms to succeed.
  65. SUPPORT measures that maximize federal reimbursement from Medicaid and S-CHIP.
  66. SUPPORT state action to complete actuarial studies on the costs of transferring indigent populations, who currently receive mostly episodic care, to a coverage model to ensure that there is adequate funding in the model.
  67. SUPPORT efforts that ensure that safety net health care facilities remain viable during the transition period and be supported afterwards based on analyses of the changing health market and of the remaining safety net population.
  68. SUPPORT state action to implement the 2010 Medi-Cal waiver in a manner that maximizes the drawdown of federal funds for services and facilities, provides flexibility, and ensures that counties receive their fair share of funding.
  69. SUPPORT efforts to increase revenues and to contain mandated costs in the County's hospital and clinics system.
  70. SUPPORT efforts to obtain a fair-share of any state funds in a distribution of funding for the integration of IHSS and managed care.
  71. SUPPORT efforts to increase the availability of health care (including alcohol and other drugs recovery) to the uninsured in California, whether employed or not.
  72. SUPPORT legislation that improves the quality of health care, whether through the use of technology, innovative delivery models or combining and better accessing various streams of revenue, including but not limited to acute and long term care integration.
  73. SUPPORT legislation to protect safety net providers, both public and private. Legislation should focus on stabilizing Medi-Cal rates and delivery modes and should advocate that these actions are essential to the success of any effort to improve access and make health care more affordable.

74. SUPPORT efforts that allow counties to draw down federal Medicaid funds for providing confidential alcohol and drug screening and brief intervention services to pregnant women and women of childbearing age who also qualify for Medi-Cal benefits.
75. SUPPORT state efforts to increase the scope of benefits and reimbursement rates contained in Minor Consent Medi-Cal to give youth suffering from substance abuse disorders access to a continuum of care, including residential and one-on-one outpatient treatment.
76. SUPPORT efforts to give incentives to providers to establish more youth-driven treatment facilities within the community.
77. SUPPORT efforts to extend Minor Consent Medi-Cal Coverage to incarcerated youths, many of whom are in custody due to drug related crimes. *This could greatly decrease recidivism in the juvenile justice system.*
78. SUPPORT county efforts in the promotion of partnerships that provide integrated responses to the needs of alcohol and other drugs populations, including criminal justice, perinatal and youth as well as those populations with co-occurring disorders.
79. SUPPORT and encourage the development of strategies that include alcohol and other drugs services in the provision of all culturally appropriate health care services.
80. SUPPORT efforts to require coverage of medically necessary alcohol and substance abuse related disorder treatment on the same levels as other medical conditions in health care service plans and disability insurance policies. *Alcohol and other drugs treatment services are the most under-funded of all health services. Neither the state nor the federal allocations to the County covers medical treatment for AOD services, and so are a cost borne by the County.*

### **Human Services Issues**

81. SUPPORT efforts to increase County flexibility in the use of CalWORKs funds and in program requirements in order to better support the transition of welfare dependent families from welfare-to-work to self-sufficiency, including, but not limited to: extending supportive services beyond the current limit; enhancing supportive services; increasing diversion and early intervention to obviate the need for aid; developing a state earned income tax credit; expanding job retention services; developing an eligibility definition to 250% of the poverty level; and exempting the hard-to-serve from welfare-to-work activities and the 20% exemption or providing flexibility in the time limit (dependent upon terms and conditions of TANF reauthorization). *All of these measures would make it easier for CalWORKs families to enter employment services, become employed, and continue with the support they need in order to maintain their jobs.*
82. SUPPORT efforts to align CalWORKs property and asset limitations with those of CalFresh.

83. SUPPORT efforts to revise the definition of “homelessness” in the Welfare & Institutions Codes to include families who have received eviction notices due to a verified financial hardship, thus allowing early intervention assistance for CalWORKs families. *Current law prevents CalWORKs from providing homeless assistance until the CalWORKs family is actually “on the street.” This rule change would enable the County to work with CalWORKs families who are being threatened with homelessness to prevent the eviction and, presumably, better maintain the family members’ employment status.*
84. SUPPORT efforts to ensure funding of child care for CalWORKs and former CalWORKs families at levels sufficient to meet demand. The State of California has not fully funded the cost of child care for the “working poor.” *Additional funding would allow more CalWORKs and post-CalWORKs families to become and/or stay employed.*
85. SUPPORT efforts that seek to identify and eliminate elder financial abuse and elder exposure to crime that may be committed through conservatorships, powers of attorney, notaries and others who have the right to control elder assets.
86. SUPPORT efforts to effectively manage the In Home Supportive Services (IHSS) to establish and maintain cost control mechanisms while delivering quality, targeted services and maintaining program integrity. Efforts may include, but are not limited to, establishing an IHSS Volunteer Coordination component. Retired volunteer social workers and registered nurses could act as local Care Coordinators, enabling IHSS Social Workers to increase their capacity to perform more timely reassessments.
87. SUPPORT efforts to allow phone-in Food Stamp Eligibility Redeterminations as a more cost effective benefit reassessment process. *As counties such as Contra Costa change their business models to utilize centralized service centers, some of the antiquated process rules and requirements also need to be changed, to allow cost efficient practices. Changing the rules to allow phone-ins for Eligibility Redeterminations is one example.*
88. SUPPORT efforts to expand the number of counties in the Federal IV-E waiver funding for pre-placement, prevention activities; development of caretaker recruitment and retention campaigns;; and, funding to implement Children’s Child Welfare Workload Study Results, SB 2030. *Changes in these areas would enable counties to better meet their performance accountability goals, as required under federal and state statutes.*
89. SUPPORT efforts to allow Medi-Cal clients transportation access to medical care via the most efficient transportation mode possible instead of the very costly ambulance transportation that is currently prevalent. *California is currently limited to the types of non-emergency medical transportation for reimbursement by Medi-Cal. However, the federal Medicaid program allows other much less costly forms of transportation to be used. Other states use this more permissive definition of approved non-emergency medical transportation to encourage Medicaid clients to receive preventative care and reduce the incidence of last-resort ambulance transportation to hospital emergency rooms for primary care.*

90. OPPOSE any legislation that increases tobacco taxes but does not contain language to replace any funds consequently lost to The California Children and Families Act/Trust Fund for local services as currently funded by tobacco taxes, Proposition 10 in 1998 and Proposition 99 in 1988.
91. OPPOSE legislation, rules, regulations or policies that restrict or affect the amount of funds available to, or the local autonomy of, First 5 Commissions to allocate their funds in accordance with local needs.
92. SUPPORT efforts by the Contra Costa County's executive directors and program administrators of all Child Care and Development Programs to restore state budget allocations to the FY 2009-10 levels for the California State Preschool Program (CSPP), California Center-Based General Child Care Program (CCTR), CalWORKs Stage 2 (C2AP), CalWORKs Stage 3 (C3AP), Alternate Payment Program (CAPP), Child Care and Development Grant and the Child Care Retention Program (AB 212).
93. SUPPORT continued and improved funding for substance abuse treatment and mental health services including those that provide alternatives to incarceration and Laura's Law.
94. SUPPORT administrative streamlining of Medi-Cal, including elimination of the asset test and semi-annual reporting and changes to income verification. California should look to other states for ideas to reduce administrative costs, such as allowing all children born into Medi-Cal to remain on the program until age 21.
95. SUPPORT legislation to expand child early care and education and increase funding for preschool and early learning.
96. SUPPORT legislation to allow individuals convicted of drug-related felonies to receive federal CalFresh (food stamps) benefits. *Banning convicted drug felons who have completed their sentences from critical public assistance, including food stamps, runs contrary to state and federal initiatives intended to reduce recidivism by easing prisoner reentry and fostering prisoner reintegration into society. The drug felon rule has been the subject of much criticism by drug treatment providers, advocates for the poor and law enforcement organizations because it permanently disqualifies needy persons from receiving assistance and interferes with their recovery.*

## **Indian Gaming Issues**

*Contra Costa County is currently home to the Lytton Band of the Pomo Indians' Casino in San Pablo, a Class II gaming facility. There is also a proposal for an additional casino in North Richmond. Local governments have limited authority in determining whether or not such facilities should be sited in their jurisdiction; the terms and conditions under which the facilities will operate; and what, if any, mitigation will be paid to offset the cost of increased services and lost revenues. Contra Costa County has been active in working with CSAC and others to address these issues, as well as the need for funding for participation in the federal and state review processes and for mitigation for the existing Class II casino.*

97. SUPPORT efforts to ensure that counties who have existing or proposed Class II Indian gaming facilities receive the Special Distribution Funds.
98. CONSIDER, on a case by case basis, whether or not to SUPPORT or OPPOSE Indian gaming facilities in Contra Costa County, and only SUPPORT facilities that are unique in nature and can demonstrate significant community benefits above and beyond the costs associated with mitigating community impacts.
99. OPPOSE the expansion or approval of Class III gaming machines at the existing gaming facility in Contra Costa County unless it can be demonstrated that there would be significant community benefits above and beyond the costs associated with mitigating community impacts.
100. SUPPORT State authority to tighten up the definition of a Class II machine.
101. SUPPORT State legislative and administration actions consistent with the CSAC policy documents on development on Indian Lands and Compact negotiations for Indian gaming.

## **Land Use/Community Development Issues**

102. SUPPORT efforts to promote economic incentives for "smart growth," in Priority Development Areas including in-fill and transit-oriented development. *Balancing the need for housing and economic growth with the urban limit line requirements of Measure J (2004) will rely on maximum utilization of "smart growth" and Sustainable Community Strategy principles.*
103. SUPPORT efforts to increase the supply of affordable housing, including, but not limited to, state issuance of private activity bonds, affordable and low income housing bond measures, low-income housing tax credits and state infrastructure financing. *This position supports Goals 2, 3 and 4 of the County General Plan Housing Element.*
104. SUPPORT establishment of a CEQA exemption for affordable housing financing. Current law provides a statutory exemption from CEQA to state agencies for financing of affordable housing (Section 21080.10(b) of the California Public Resources Code and Section 15267 of the CEQA Guidelines)—but not to local agencies. *The current exemption for state agencies is only operational if a CEQA review process has been completed by another agency (e.g., by the land use permitting agency). Since the act of*

*financing does not change the environmental setting, the net effect of the exemption is streamlining the process for providing financial assistance for already approved projects. AB 2518 (Houston) in 2006 was a Contra Costa County-sponsored bill to accomplish this, but it was not successful in the Legislature.*

105. SUPPORT efforts to obtain a CEQA exemption or to utilize CEQA streamlining provisions for infill development or Priority Development Areas, including in unincorporated areas. Section 15332 of the CEQA Guidelines is a Categorical Exemption for infill development projects but only within cities or unincorporated areas of a certain size surrounded by cities. *Without the exemption, housing projects in the unincorporated areas that are not surrounded by cities (e.g. North Richmond, Montalvin Manor and Rodeo) are subject to a more time-consuming and costly process in order to comply with the CEQA guidelines than that which is required of cities, despite having similar housing obligations. The CEQA exemption bill signed by the Governor in 2013 (SB 741) only applies to mixed-use or non-residential projects in the unincorporated areas that are both within ½ mile of a BART station and within the boundaries of an adopted Specific Plan.*
106. SUPPORT efforts to reform State housing element law to promote the actual production and preservation of affordable housing and to focus less on process and paper compliance.
107. OPPOSE efforts to limit the County's ability to exercise local land use authority.
108. SUPPORT efforts to reduce the fiscalization of land use decision-making by local government, which favors retail uses over other job-creating uses and housing. *Reducing incentives for inappropriate land use decisions, particularly those that negatively affect neighboring jurisdictions, could result in more rational and harmonious land use.*
109. SUPPORT allocations, appropriations, and policies that support and leverage the benefits of approved Natural Community Conservation Plans (NCCPs), such as the East Contra Costa County NCCP. Support the granting of approximately \$20 million to the East Contra Costa County NCCP from the \$90 million allocation for NCCPs in Proposition 84. Support the position that NCCPs are an effective strategy for addressing the impacts of climate change and encourage appropriate recognition of the NCCP tool in implementation of climate change legislation such as SB 375 and AB 32. Promote effective implementation of NCCPs as a top priority for the Department of Fish and Wildlife. Support efforts to streamline implementation of NCCPs including exemptions from unnecessary regulatory oversight such as the Delta Plan Covered Actions process administered by the Delta Stewardship Council.
110. SUPPORT legislation that would give local agencies specific tools for economic development purposes in order to enhance job opportunities, with emphasis on attracting and retaining businesses, blight removal and promoting smart growth and affordable housing development, while balancing the impacts on revenues for health and safety programs and healthy communities.



111. OPPOSE legislation that would create substantial uncertainty over the tax allocation bonds issued by redevelopment agencies and possible negative credit impact.
112. SUPPORT legislation that would resolve the administrative funding gap for agencies serving as the Successor Housing Agency. Such legislation should not have a negative impact on the localities' general fund. The Redevelopment Dissolution Act allows Successor Agencies a modest allowance of tax increment funds to support Successor Agency administrative costs. There is no such carve out for Housing Successors. However, unlike Successor Agencies, Housing Successors have an ongoing obligation to monitor existing affordable housing developments. These obligations will continue for up to 55 years.
113. SUPPORT legislation that would clarify the ability of successor agencies to former redevelopment agencies to enter into contracts with its sponsoring jurisdiction and third parties to fulfill enforceable obligations. *The existing redevelopment dissolution statute limits the contracting powers of successor agencies which is causing delays their ability to expeditiously retire certain enforceable obligations of the former redevelopment agencies.*
114. SUPPORT legislative and regulatory efforts that streamline compliance with the California Environmental Quality Act (CEQA) by integrating it with other environmental protection laws and regulations, modifying the tiering of environmental reviews, expanding the application of prior environmental reviews, focusing areas of potential CEQA litigation, and enhancing public disclosure and accountability.
115. OPPOSE CEQA reform efforts that reduce environmental protections for projects that cross county or city boundaries.
116. SUPPORT efforts to improve or streamline CEQA for efficiency without losing sight of its ultimate goal to thoroughly identify environmental impacts and mitigations.
117. OPPOSE efforts to change CEQA solely to accommodate one particular infrastructure project or set of projects.
118. SUPPORT legislation that amends Section 20133 of the Public Contract Code to 1) delete the existing sunset date of July 1, 2014 for design-build authority granted to counties, and 2) eliminate the current project cost threshold of \$2.5 million required for the use of the design-build method.

## Law and Justice System Issues

119. SUPPORT legislation that seeks to curb metal theft by making it easier for law enforcement agencies to track stolen metals sold to scrap dealers through such means as requiring identification from customers selling commonly stolen metals, banning cash transactions over a certain amount, and requiring scrap dealers to hold materials they buy for a certain period of time before melting them down or reselling them.
120. SUPPORT legislation that provides a practical and efficient solution to addressing the problem of abandoned and trespassing vessels and ground tackle in an administrative process that allows the California State Lands Commission to both remove and dispose of such vessels and unpermitted ground tackle. *Boat owners in increasing numbers are abandoning both recreational and commercial vessels in areas within the Commission's jurisdiction. Our state waterways are becoming clogged with hulks that break up, leak, sink and add pollutants to our waterways and marine habitat.*
121. OPPOSE legislative proposals to realign additional program responsibility to counties without adequate funding and protections.
122. OPPOSE legislation that would shift the responsibility of parolees from the state to the counties without adequate notification, documentation and funding.
123. SUPPORT legislation that will help counties implement the 2011 Public Safety Realignment as long as the proposal would: provide for county flexibility, eliminate redundant or unnecessary reporting, and would not transfer more responsibility without funding.
124. SUPPORT legislation that will combat the negative impact that human trafficking has on victims in our communities, including the impact that this activity has on a range of County services and supports, and support efforts to provide additional tools, resources and funding to help counties address this growing problem.

**Levee Issues, Sacramento-San Joaquin Delta Issues (updates to this section will be presented to the Board of Supervisors for approval in 2014)**

*The County's Delta Water Platform was developed in mid-2008 to consolidate and organize the many County policies and positions into one document that could be utilized to guide actions and advocacy to promote a healthy Sacramento-San Joaquin Delta.*

*The Delta Water Platform is comprised of fourteen subject areas. Each of these subject categories contains relevant policies and background explanatory language. Each subject category is summarized below; the first five are considered priorities. The policies and background information can be found in the Delta Water Platform, which is included in this document by reference*

*Short Term Actions to be implemented immediately: Includes a broad range of specific, relatively non-controversial actions to quickly improve the state of the Delta, such as improvements to levees, the fishery, habitat and emergency response.*

*Conveyance: Through-Delta and Isolated Conveyance: Consideration of isolated conveyance must protect and improve the Delta and the entire Bay-Delta ecosystem, include the broadest range of non-biased scientific analysis of impacts, include levee repair and all costs of a facility must be paid by beneficiaries.*

*The Delta Ecosystem: Protection and restoration of an ailing Delta ecosystem has long been a priority of the Board of Supervisors, including need for additional scientific research to address fundamental questions, fishery and habitat restoration projects.*

*Governance: A new or improved system of oversight related to ecosystem and water management is necessary. The existing Delta Protection Commission land use governance structure has been successful, requiring no further action. Local Government representation in any governance structure is paramount.*

*Levee Restoration: Advocacy for immediate and significant (multi-year) funding and levee repair is a priority, including upgrades to minimum (PL 84 99) standards for all levees, and a higher, 200-year level of protection for communities protected by levees. Stockpiling rock in the Delta specifically for levee repair and continuance of the Long Term Management Strategy (LTMS) are highly recommended.*

*Water Quality, Water Quality and Delta Outflow: Protection and improvement of water quality, quantity and outflow, determination and assurance of adequate water for the delta ecosystem and examination of the State and Federal project operations (including potential for reduced exports) are recommended here.*

*Flood Protection/Floodplain Management: Comprehensive flood management planning throughout the Delta and its watersheds, as well as funding to bring flood facilities to 200-year levels and revenue generation for flood control districts continue to be of import.*

*Water Rights and Legislative Protections: Existing area-of-origin and other water rights protections established for the Delta should be preserved.*

Regional Self-Sufficiency: All export regions should be implementing all water supply options available to them to reduce stress on the Delta as a limited resource.

Emergency Response: Collaborative efforts among the Delta counties to improve emergency response in the region have been productive and are continuing.

Water Conservation: Landscape and household conservation, maximizing use of reclaimed wastewater, use of meters, and agricultural water conservation are recommended.

Water Storage: Multi-purpose storage facilities are recommended and groundwater storage preferred to surface storage options. Detailed groundwater studies are recommended.

San Luis Drain/Grasslands Bypass: Long-standing opposition to selenium discharges from this project entering the Delta and support of in-valley treatment solutions are ongoing. Continued reduction in drainage from the Grasslands Bypass project is also monitored.

Climate Change: Impacts of climate change must be considered in planning, engineering and construction activities.

125. ADVOCATE for administrative and legislative action to provide significant funding for rehabilitation of levees in the western and central Delta. *Proposition 1E, passed in November 2006, provides for over \$3 billion for levees, primarily those in the Central Valley Flood Control Program. Language is included in the bond for other Delta levees but funding is not specifically directed. The County will work on a coalition basis to actively advocate for \$1 billion in funding through this bond.*
126. SUPPORT legislation that requires the levee repair funds generated by Proposition 1E be spent within one year or legislative hearings conducted on expediting the expenditure of bond proceeds through the Department of Water Resources Delta Levees Section. Many public agencies, including reclamation districts charged with maintaining levees, have complained about the state's inaction in allocating and distributing the levee funds that were raised by the bond sales authorized by Proposition 1E in 2008. Legislation could require the immediate distribution of these funds to local levee projects. The Delta Reform Act of 2009 authorized over \$202 million for levee repairs. Legislative hearings may produce explanations from the state as to why these funds are not being distributed or identify methods to streamline administration of these funds.
127. SUPPORT legislation to amend California Water Code Section 12986, to maintain the state/local funding ratio of 75/25 for the state's Delta Levees Subventions Program, which provides funds for local levee repair and maintenance projects. The code provisions that have the state paying 75% of project costs will expire on July 1, 2013. At that time the matching ratio will change to 50/50. This means local reclamation districts will have to pay a larger portion of project costs (50%, compared to their current 25% requirement). Many districts do not have the funding to do so. The Delta Levees Subventions Program should continue to use funds from bonds or other dedicated sources, rather than the state's General Fund. For the past several years the program has

been funded from bonds. When these bond funds run out, the program will have to be funded from the General Fund, unless some other new dedicated funding source is established. This is something that should be included in the next Water Bond, if and when there is one.

128. ADVOCATE for legislation dealing with the Delta, including levees and levee programs, level and type of flood protection, beneficiary-pays programs, flood insurance, liability and other levee/land use issues.
129. SUPPORT legislation/regulation requiring Reclamation Districts to develop, publish, and maintain hazard emergency plans for their districts. *Emergency response plans are critical to emergency management, particularly in an area or situation like the Delta where a levee break could trigger other emergencies. This legislation/regulation should also include the requirement for plan review and annual distribution of the plan to the residents of the district, County Office of Emergency Services and other government agencies that have emergency response interests within the district.*
130. SUPPORT legislation to amend California Water Code Section 85057.5 to bring the Delta Stewardship Council's "covered actions" land-use review process into consistency with CEQA. This section of state code defines a "covered action," which refers to local permit decisions that are subject to potential revocation by the Council, as adopted in the Council's Delta Plan. The proposed process works as follows: (1) if a local permit application meets the definition of a "covered action," the jurisdiction must evaluate it for consistency with all of the policies in the Council's Delta Plan. (2) If the jurisdiction finds the project is consistent with the Delta Plan, they notify the Council of this finding. (3) Anyone who objects to the project may appeal the consistency finding, and it will be up to the Council to make the final decision. Should the Council decide against the local jurisdiction, there is no appeal process available to the jurisdiction or project applicant other than legal action.

*"Covered actions" are defined in Section 85057.5 of the California Water Code. It defines them as plans, projects or programs as defined by CEQA, and then goes on to grant several exemptions to certain types of projects. It does not, however, provide exemptions for all the project types that CEQA itself exempts. CEQA provides a lengthy list of categorical exemptions for plans, projects and programs that generally do not have significant environmental impacts, and projects that have compelling reasons to move forward quickly (such as public safety projects). The entire list of categorical exemptions from CEQA also should be exempt from the Delta Stewardship Council's "covered actions" process.*

### **Library Issues**

131. SUPPORT State financial assistance in the operation of public libraries, including full funding of the Public Library Fund (PLF) and the Direct/Interlibrary Loan (Transaction Based Reimbursement) program.
132. SUPPORT State bonds for public library construction. The 2000 library construction bond provided funding for two libraries in Contra Costa County. There is currently a need of approximately \$289,000,000 for public library construction, expansion and renovation in Contra Costa County.
133. SUPPORT continued funding for the California Library Literacy and English Acquisition Services Program, which provides matching funds for public library adult literacy programs that offer free, confidential, one-on-one basic literacy instruction to English-speaking adults who want to improve their reading, writing, and spelling skills.

### **Telecommunications Issues**

134. SUPPORT clean-up legislation on AB 2987 that provides for local emergency notifications similar to provisions in cable franchises for the last 20 years. *Currently our franchises require the cable systems to carry emergency messages in the event of local emergencies. With the occurrence of several local refinery incidents, this service is critical for Contra Costa. Under federal law, Emergency Alert System requirements leave broad discretion to broadcasters to decide when and what information to broadcast, emergency management offices to communicate with the public in times of emergencies.*
135. SUPPORT preservation of local government ownership and control of the local public rights-of-way. *Currently, local government has authority over the time, place, and manner in which infrastructure is placed in their rights-of-way. The California Public Utilities Commission is considering rulemaking that would give them jurisdiction to decide issues between local government and telecommunication providers.*

### **Transportation Issues (updates to this section will be reviewed by TWIC)**

136. SUPPORT increased flexibility in the use of transportation funds.
137. SUPPORT regional coordination that provides for local input in addressing transportation needs. *Coordinated planning and delivery of public transit, paratransit, and rail services will help ensure the best possible service delivery to the public. Regional coordination also will be needed to effectively deal with the traffic impacts of Indian gaming casinos such as those in West County. Regional coordination also will be essential to complete planning and development of important regional transportation projects that benefit the state and local road system such as State Route 239, improvements to Vasco Road, completion of remaining segments of the Bay Trail, improvements to the Delta DeAnza Regional Trail, and the proposed California Delta Trail. There may be interest in seeking enhanced local input requirements for developing the Sustainable Communities*

*Strategy for the Bay Area mandated by SB 375 for greenhouse gas reduction. It is important that the regional coordination efforts are based on input gathered from the local level, to ensure the regional approach does not negatively impact local communities. "Top-down" regional planning efforts would be inconsistent with this goal.*

138. SUPPORT efforts to improve safety throughout the transportation system. *The County supports new and expanded projects and programs to improve safety for bicyclists, pedestrians and wheelchair users, as well as projects to improve safety on high-accident transportation facilities such as Vasco Road. Data on transportation safety would be improved by including global positioning system (GPS) location data for every reported accident to assist in safety analysis and planning. The County also supports the expansion of school safety improvement programs such as crossing guards, revised school zone references in the vehicle code, Safe Routes to Schools (SR2S) grants, efforts to improve the safety, expansion and security of freight transportation system including public and private maritime ports, airports, rail yards, railroad lines and sidings. The County also supports limits or elimination of public liability for installing traffic-calming devices on residential neighborhood streets.*
139. SUPPORT funding or incentives for the use of renewable resources in transportation construction projects. *The County seeks and supports grant programs, tax credits for manufacturers, state purchasing programs, and other incentives for local jurisdictions to use environmentally friendly materials such as the rubberized asphalt (made from recycled tires) that the County has used as paving material on San Pablo Dam Road and Pacheco Boulevard.*
140. SUPPORT streamlining the delivery of transportation safety projects. *The length of time and amount of paperwork should be reduced to bring a transportation safety project more quickly through the planning, engineering and design, environmental review, funding application, and construction phases, such as for Vasco Road. This could include streamlining the environmental review process and also streamlining all state permitting requirements that pertain to transportation projects. Realistic deadlines for use of federal transportation funds would help local jurisdictions deliver complex projects without running afoul of federal time limits which are unrealistically tight for complex projects.*
141. SUPPORT efforts to coordinate development of state-funded or regulated facilities such as courts, schools, jails, roads and state offices with local planning. *The County supports preserving the authority of Public Works over County roads by way of ensuring the Board of Supervisors' control over County roads as established in the Streets & Highways Code (Ch2 §940) is not undermined. This includes strongly opposing any action by a non-local entity that would ultimately dilute current Board of Supervisors discretion relative to road design and land use.*
142. SUPPORT efforts to coordinate planning between school districts, the state, and local jurisdictions for the purposes of: (1) locating and planning new schools, (2) funding programs that foster collaboration and joint use of facilities, and (3) financing off-site

transportation improvements for **improved** access to **existing** schools. The County supports the California Department of Education's current effort to better leverage school facilities in developing sustainable communities. Related to this effort, the County supports reform of school siting practices by way of legislative changes related to any new statewide school construction bond authorization. The County takes the position that reform components should include bringing school siting practices **and school zone references in the vehicle code** into alignment with local growth management policies, safe routes to school best practices, State SB 375 principles, and the State Strategic Growth Council's "Health in All Policies Initiative."

143. SUPPORT regional aviation transportation planning efforts for coordinated aviation network planning to improve service delivery. Regional aviation coordination could also improve the surrounding surface transportation system by providing expanded local options for people and goods movement.
144. SUPPORT efforts to increase waterborne transport of goods and obtaining funds to support this effort. *The San Francisco to Stockton Ship Channel is a major transportation route for the region, providing water access to a large number of industries and the Ports of Sacramento and Stockton. A project is underway to deepen the channel, providing additional capacity to accommodate increasing commerce needs of the Ports and providing better operational flexibility for the other industries. Increased goods movement via waterways has clear benefits to congestion management on highways and railroads (with resultant air quality benefits).*

### **Veterans Issues**

145. **SUPPORT** legislation and budget actions that will continue the state's annual local assistance for County Veterans Service Offices at the \$5.6 million level. The eventual goal is to fully fund CVSOs by appropriating the full \$11 million in local assistance funding as reflected in Military and Veterans Code Section 972.1(d). *County Veterans Service Offices (CVSOs) play a vital role in the local veteran community, not only within the Veterans Affairs claims process, but in other aspects as well. This includes providing information about all veterans' benefits (Federal, State and local), as well as providing claims assistance for all veteran-related benefits, referring veterans to ancillary community resources, providing hands-on development and case management services for claims and appeals and transporting local veterans to VA facilities.*

### **Waste Management Issues**

146. SUPPORT legislation that establishes producer responsibility for management of their products, including pharmaceuticals, at the end of their useful life.
147. SUPPORT efforts to increase the development of markets for recycled materials.



148. SUPPORT legislative and regulatory efforts to allow third parties, under specific circumstances and conditions, to collect and transport household hazardous waste to collection facilities.
149. SUPPORT legislation that seeks to remedy the environmental degradation and solid waste management problems on a State-wide basis of polystyrene containers and single-use plastic bags typically given away for free at grocery, retail and other establishments.
150. SUPPORT legislation that does not require increased diversion from landfills without out an adequate funding mechanism.
151. SUPPORT legislation that would make changes to the used tire redemption program. *Instead of collecting a disposal fee from the consumer when new tires are purchased, a disposal fee would be collected at the wholesale level and redeemed by the disposal site when the used tires are brought to the site. The party bringing the tires to the disposal site would also receive a portion of the fee.*
152. SUPPORT legislation that relieves counties with privately-operated landfills from the state requirement for maintaining a 15-year supply of disposal capacity for waste generated within each county. *In 1989, Contra Costa County amended its general plan to accommodate construction of Keller Canyon Landfill. Due to the difficulty in siting landfills and the requirements of Public Resources Code 47100 – Countywide Siting Element, the County maintained authority to control the amount of waste disposed at this facility from outside the county. Despite Contra Costa County’s opposition, AB 845 became law on January 1, 2013 and prohibits any jurisdiction from regulating the amount of waste disposed at a privately-operated landfill based on its place of origin.*
- Because local jurisdictions can no longer control importation of waste to privately-operated landfills, a host County that receives a significant amount of waste from outside the county will have a greater need to undertake the difficult task of identifying new disposal capacity pursuant to the Countywide Siting Element requirement. Since the state believes there is no need for local jurisdictions to regulate disposal of solid waste by place of origin, the state should remove existing statutes that require each County with privately-operated landfills to identify sufficient disposal capacity for the waste generated by the jurisdictions within that County.*
153. SUPPORT legislation that can reduce the amount of harmful pharmaceuticals that ultimately enter waste water treatment facilities, bodies of water, and landfills.
154. SUPPORT legislative and regulatory efforts to restrict payments from the Beverage Container Recycling Program Fund for redemption of beverage containers sold out of state. *Fraudulent redemption of these beverage containers is costing the Fund from \$40 million to \$200 million annually. This fraud combined with loans to the General Fund to reduce the State budget deficit has significantly reduced the availability of funds for increasing recycling as intended under the law.*

155. SUPPORT legislative and regulatory efforts that correct the imbalance between the County's regulatory authority to control the collection and disposal of solid waste generated within the unincorporated areas and our exposure to state penalties for failing to meet state mandates for diverting solid waste generated within these areas as a result of Appellate Court decisions. *In litigation where the County sought to protect its solid waste franchise authority for unincorporated areas the court awarded franchise authority to the Rodeo Sanitary District and Mountain View Sanitary District while the County remains exposed to state penalties for failing to meet state mandates for reducing disposal of solid waste generated in these areas.*



**OFFICE OF THE COUNTY ADMINISTRATOR  
CONTRA COSTA COUNTY**

TO: **Legislation Committee**  
*Supervisor Karen Mitchoff, Chair*  
*Supervisor Mary N. Piepho, Vice Chair*

FROM: Lara DeLaney, Senior Deputy County Administrator

DATE: November 27, 2013

SUBJECT: **Agenda Item #6: 2013 Federal Advocacy Recap**

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**RECOMMENDATION**

ACCEPT the report on federal legislation and provide direction, as necessary.

**REPORT**

On October 30, House and Senate conferees began separate negotiations on a **fiscal year 2014 spending plan** and a **farm bill reauthorization**. The budget conference committee, led by Senate Budget Committee Chairwoman Patty Murray (D-WA) and House Budget Committee Chairman Paul Ryan (R-WI), was formed following the agreement to reopen the government and lift the debt ceiling. (Read more about the agreement and what it means for in California Counties in a memo prepared by Waterman and Associates, *Attachment B*.) The panel has until December 13 to produce a fiscal year 2014 budget resolution.

During the committee's opening session, Democrats and Republicans alike tempered expectations for any type of "grand bargain," particularly given the failure of past working groups. Instead, members insisted that the committee strive for a smaller scale agreement that would include a discretionary funding limit for fiscal year 2014, as well as some relief from sequestration. Notably, if Congress fails to act before the end of the year, about \$20 billion in automatic, across-the-board cuts would take effect in January.

As with the budget conference committee, the inaugural Farm Bill proceedings began with a series of opening statements. For the most part, House and Senate negotiators are cautiously optimistic that they will be able to forge a compromise in the coming months that would reauthorize expiring agriculture and nutrition-related programs. Looking ahead, the level of cuts to the **Supplemental Nutrition Assistance Program (SNAP)**, otherwise known as CalFresh, will continue to be a major sticking point in the committee's deliberations. The House-passed bill (HR 2642) would reduce the program by approximately \$39 billion, as opposed to a \$4 billion cut included in the Senate-passed bill (S 954).

As bicameral negotiations got underway on the federal budget and the Farm Bill, Senate leaders appointed members to serve on a separate conference committee responsible for finalizing a **water resources bill**. Environment and Public Works (EPW) Committee Chairwoman Barbara

Boxer (D-CA), who will lead the panel, selected Senators Max Baucus (D-MT), Tom Carper (D-DE), Ben Cardin (D-MD), and Sheldon Whitehouse (D-RI) to join her in the discussions. Representing Senate Republicans will be EPW Ranking Member David Vitter (R-LA), along with Senators Jim Inhofe (R-OK) and John Barrasso (R-WY). Supporters are optimistic that Congress will be able to approve a final bill by the end of the year.

In other developments, Congress continued to question the Obama administration's implementation of the Affordable Care Act, particularly the issues surrounding the federal insurance exchange website HealthCare.gov. Consumers have experienced repeated problems with the site, including website crashes and long page delays. Testifying before the Senate Finance Committee, Health and Human Services Secretary Kathleen Sebelius acknowledged the problems, but also assured lawmakers that the website would be fixed in the coming weeks. According to her testimony, there is no need to shut down the website or delay the law.

Finally, the Senate approved legislation – the Employment Non-Discrimination Act (S 815) –that would ban workplace discrimination based on an employee's sexual orientation or identity. The upper chamber approved the measure on November 7 by a vote of 64-32. Notably, this is the first time that either house of Congress has passed a bill including protections for transgender workers. However, despite the bipartisan vote, the House is unlikely to consider such legislation this Congress.

Throughout the entire year, County staff and our federal lobbyist, Paul Schlesinger of Alcalde & Fay, were actively engaged in representing the County's legislative positions to ensure an appropriate response to federal issues affecting county government.

As required by contract, each year our federal lobbyist submits a "Year End Report" summarizing the major legislative activities and advocacy undertaken during the year on behalf of Contra Costa County. That report is included in Attachment A.

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**Attachment A:** 2013 Year End Report from Alcalde & Fay

**Attachment B:** Analysis of the Bipartisan Agreement to Fund the Government and Lift the Debt Ceiling

## ALCALDE &amp; FAY

GOVERNMENT &amp; PUBLIC AFFAIRS CONSULTANTS

November 25, 2013

**To:** Lara DeLaney

**From:** Paul Schlesinger  
Anne Cullather

**Re:** 2013 Federal Year End Report

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Despite an increasingly partisan and immobilized Congress, and the continuing restrictions on earmarks, we are pleased to report significant progress on several fronts important to Contra Costa County.

Funding was obtained for water resources projects that are high on the County's priority list. We are pleased to report that, as a result of our efforts with the County, the following projects were funded in the FY2013 work plan for the Army Corps of Engineers, totaling \$4,540,900 for County projects:

**Construction**

San Francisco Bay to Stockton Channel Deepening - \$1,546,900

**Operations & Maintenance**

San Pablo Bay & Mare Island Strait Dredging - \$499,000

Suisan Bay Channel Dredging- \$2,495,000

In addition to funding, we assisted the County in advancing solutions to a number of policy and process issues with the Army Corps, including levee vegetation policy issues and credit for work-in-kind.

With respect to levee vegetation, HR 399 was introduced by Congresswoman Matsui and co-sponsored by our delegation, requiring the Corps to undertake a comprehensive policy review of their guidelines on vegetation management for levees. Provisions addressing the levee vegetation issue were included in both the Senate Water Resources

Development Act (WRDA) and House Water Resources Reform and Development Act (WRRDA) bills, as well as in the House Energy & Water Appropriations bill. The final resolution will be reflected in the WRDA/WRRDA conference report, which is currently under discussion in Congress.

Also included in the House version of WRDA is a provision we requested that will deauthorize the lowest reach of Lower Walnut Creek. The Contra Costa County Flood Control & Water Conservation District is asking the Corps to relinquish federal oversight of a small portion of the Corps-constructed Walnut Creek project. Deauthorization is a process where Congress directs the Corps to remove a portion of a Corps-constructed facility from the federal system, allowing additional local control and oversight of a facility. The deauthorization will facilitate making improvements to the existing facilities in a manner that will enhance ecosystem values without undue federal interference.

With respect to the Delta Counties Coalition, we continued to coordinate efforts with the County and other participants of the coalition to ensure decision-makers in Washington were aware of our concerns regarding the proposed Bay Delta Conservation Plan (BDCP). They have continued their very strong efforts on our behalf.

#### **Advocacy related to the Sacramento-San Joaquin Delta**

We have been pleased to work with County officials and staff in advocating with the federal government to achieve (and help develop) the County's objectives with regard to the Delta. Our efforts on the County's behalf have been in conjunction with other federal advocates working on behalf of their clients; other members of the Delta Counties Coalition (DCC). Moreover, we have assisted the County in playing a lead role within the DCC on developing and implementing Delta strategies as they relate to the Army Corps of Engineers.

During DCC trips to Washington, we have secured meetings with senior Corps officials, in addition to coordinating scheduling for the DCC and arranging for many of the meetings that have been scheduled with Congress and the Executive Branch. We have been the lead among DCC advocates with regard to work not just with the Corps but with the House Committee on Transportation and Infrastructure, the Senate Committee on Environment and Public Works, the Senate and House Appropriations Committees, Senators Boxer and Feinstein, Congressmen Miller, McNerney, and Swalwell, Thompson, and Huffman, and the Office of Management and Budget.

#### **Federal grant funding for County projects**

During 2013 we continued to work with the County to gain access to funding that is made available through various federal grant programs, and we were pleased that the County's grant initiatives met with positive results.

The County was awarded significant funding from the Office of Justice Programs at the Department of Justice, including \$750,000 in a second round of Second Chance Act funds; \$411,000 from the Smart Probation program; \$400,000 for its domestic violence initiative, and \$200,000 assessment/planning grant from DOJ as part of the agency's Domestic Violence Homicide Prevention Demonstration Initiative. In addition, the County was awarded \$399,946 from the SAMHSA's Gains Center for Behavioral Health and Justice Transformation for the County's Behavioral Health Treatment Court Collaborative.

### **Funding for Mount Diablo Mercury Mine Clean-up**

We continued to work this year toward securing federal funding in the amount of \$483,000 for clean-up of the Mount Diablo Mercury Mine. Given the current moratorium on earmarks, we recognized that it would not be possible to secure a line-item appropriation for this important project. But, with the language that we previously worked to include in the Statement of Managers accompanying the 2007 Water Resources Development Act (WRDA), which directed the Army Corps to give priority consideration to the Mount Diablo Cleanup when allocating funds made available for the Remediation of Abandoned Mine Sites program (RAMS), we also recognized that any funding made available by the Appropriations bill for the general RAMS program is almost certain to be provided for our cleanup.

We are pleased that the Senate Energy and Water Appropriations bill, at the County's request, includes \$1 million for the RAMS program. If Congress can produce an Appropriations bill for the Army Corps of Engineers (Energy and Water Appropriations), as opposed to folding the funding for such programs under a Continuing Resolution, and even if this amount is reduced in conference committee, it would appear that there will be sufficient funds to allow the Corps to provide the \$483,000 we require for Mount Diablo.

To set the County up for this apparent success, we helped develop the legislative strategy, secured meetings with pertinent congressional staff when County officials were in D.C. this spring, accompanied County personnel to the meetings, and then followed up with staff from the County's congressional delegation and the Appropriations Committees throughout the year.

### **Other Advocacy Projects**

In addition to managing the issues on the County's legislative platform, we have also assisted the County when new issues surfaced that required attention or communication with our delegation. Below are a few examples that illustrate the breadth of our support for the County:

- Communicated to our delegation the County's plans for a call center in Concord to support a health benefits exchange center;
- Researched and provided the County with information on congressional gun violence prevention initiatives;
- Monitored status of CDBG funding and provided executive summaries to the County;
- Provided correspondence to our delegation in support of \$1 million appropriation for the RAMS program, which will be a revenue source of the Mt. Diablo Mercury Mine project;
- Distributed the County's Reentry Resource Guide to our congressional delegation;
- Provided the County with an update on the Drug Enforcement Administration's drug disposal rules;
- Provided the County with an update on H.R. 82, which related to hospital security;
- Provided support letters to our delegation regarding H.R. 205 related to pension reform;
- Assisted the County on tribal gaming issues regarding the Scotts Valley Band of Pomo Indians

We were also pleased to help coordinate the trip to Washington in March by County Supervisors and senior staff. This trip was helpful to the County, and to those in our delegation, elsewhere on the Hill, and in federal agencies to whom our County officials articulated County needs and learned of ways in which the federal government might assist in helping to assure that these needs are met. In addition to meeting with our Congressional delegations, we met with a range of committee staff as well as representatives from the Army Corps and the Department of Justice.

Activities such as these certainly contribute to the perception around Capitol Hill and elsewhere in Washington that Alcalde & Fay serves as the County's office here in town; a place that these offices can call, trusting that they will be communicating, if through an agent, with appropriate County officials.

As always, it has been a privilege to represent the County with their efforts as they relate to the federal government. We would be pleased to elaborate on any aspect of this work, and look forward to continuing our efforts in the year ahead.





## MEMORANDUM

**TO:** Karen Keene, Director of Federal Affairs, CSAC

**FROM:** Joe Krahn, Tom Joseph, and Hasan Sarsour  
CSAC Washington Representatives

**CC:** Matt Cate, Executive Director, CSAC  
DeAnn Baker, Director of Legislative Affairs, CSAC

**DATE:** October 17, 2013

**SUBJECT:** Analysis of the Bipartisan Agreement to Fund the Government and Lift the Debt Ceiling

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Over two weeks into the government shutdown and with only hours remaining before the U.S. Treasury was slated to default on the \$16.7 trillion national debt, Congress cleared, and President Obama signed, legislation (HR 2775) to immediately reopen the government and lift the debt ceiling. The Senate voted 81-18 on Wednesday evening to pass the bill, with the support of Senators Dianne Feinstein (D-CA) and Barbara Boxer (D-CA). A few hours later, the House cleared the measure by a vote of 285-144, with all 198 Democrats voting yes, along with 87 Republicans.

The bipartisan agreement, struck by Senate Majority Leader Harry Reid (D-NV) and Minority Leader Mitch McConnell (R-KY), will fund the federal government through January 15, 2014, at the current post-sequestration spending level of \$986 billion. The short-term package is designed to keep pressure on lawmakers to negotiate a broader fiscal plan, including ways to restructure or possibly avoid future spending cuts under sequestration.

Moreover, the deal would suspend the debt limit until February 7, ensuring that the federal government, for the time being, avoids a calamitous financial default. Under the plan, an increase in the nation's borrowing authority would be subject to a congressional disapproval process. However, the president would still have the authority to veto such a measure. In addition, the U.S. Treasury would retain its ability to use "extraordinary measures" to potentially delay the need for another debt ceiling increase.

Furthermore, under the terms of the agreement, congressional leaders would be required to convene a budget conference committee, which would be responsible for resolving differences between the two chamber's budget resolutions (H Con Res 25, S Con Res 8), as well as setting final

fiscal year 2014 spending levels. Incidentally, this would be the first bicameral budget conference since 2009.

### **Other Key Provisions**

Passage of the three-month continuing resolution paves the way for hundreds of thousands of furloughed federal employees to return to work. Notably, all federal employees will receive back pay retroactive to October 1. Meanwhile, states that used their own funds to implement operations normally paid by the federal government will be reimbursed for those expenses.

Additionally, the deal includes minor revisions to the *Affordable Care Act (ACA)*, instead of the wholesale changes sought by conservative Republicans. Specifically, the agreement would require the Department of Health and Human Services (HHS) to verify the income qualifications of people who apply for tax subsidies under the law. After six months, the HHS Inspector General will be required to issue a report to Congress regarding the law's safeguards to prevent fraud.

It should be noted that the legislation would also extend until January 15 funding for the Supplemental Nutrition Assistance Program (SNAP), otherwise known as CalFresh, and the Temporary Assistance for Needy Families (TANF) program. It also clarifies that HHS will use the same formula to distribute funding to states under the Low-Income Heating Assistance Program (LIHEAP).

Finally, the deal provides an additional \$636 million to help fight wildfires in the West, once existing federal funds are exhausted. It also would lift an existing \$100 million cap (per state) on emergency relief funding, allowing up to \$450 million to go to states dealing with a natural disaster.

### **Outlook**

For the time being, the agreement reopens the federal government and delays the need for another debt ceiling increase. However, Congress will once again be confronted with the very same issues in the coming months, as lawmakers appointed to the conference committee will have to determine final spending levels for fiscal year 2014.

It is likely that Democrats will continue to push for a top-line spending figure of \$1.058 trillion, as called for in the Senate's budget resolution. Party leaders would also like to replace the sequester's across-the-board spending cuts with new revenue. Republicans, on the other hand, will look to preserve the \$967 billion discretionary spending level set for fiscal year 2014 under the 2011 Budget Control Act (PL 112-25), and will push back against anything that resembles a tax increase.

It should be noted that there is a nearly \$90 billion difference between the two budgets, and the conferees will only have until December 13 to report back to Congress. If the committee fails, the government could shut down again in mid-January. However, if the two sides can settle on the spending level for the remainder of fiscal year 2014, negotiators are also likely to consider an overhaul of the tax code and potential changes to entitlement programs.



**OFFICE OF THE COUNTY ADMINISTRATOR  
CONTRA COSTA COUNTY**

TO: **Legislation Committee**  
*Supervisor Karen Mitchoff, Chair*  
*Supervisor Mary N. Piepho, Vice Chair*

FROM: Lara DeLaney, Senior Deputy County Administrator

DATE: November 27, 2013

SUBJECT: **Agenda Item #7: Draft 2014 Federal Legislative Platform**

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**RECOMMENDATION**

REVIEW the Draft 2014 Federal Legislative Platform, provide direction to staff on any recommended changes, and RECOMMEND action to the Board of Supervisors.

**BACKGROUND**

Each fall, the County Administrator's Office initiates the development of the coming year's State and Federal Legislative platforms by inviting members of the Board of Supervisors, Department Heads and key staff to provide recommended changes or additions to the current Platforms.

On October 1, 2013, departments were invited provide suggested changes to the Federal Platform by submitting input in writing. Staff also consulted with our federal lobbyist, Paul Schlesinger of Alcalde & Fay, who has informed the development of the County's Draft 2014 Federal Platform.

The Legislation Committee typically reviews the draft document in December of each year, with the Final document recommended to the Board of Supervisors for adoption in January.

**FEDERAL FUNDING RELATED NEEDS**

**Changes from the 2013 Federal Platform:** Owing to the fact that appropriations requests, also known as federal earmarks, are no longer being considered by Congress in the federal budget development process, the County no longer identifies projects for appropriation but instead recognizes funding needs for federally-sponsored projects.

The Draft Platform includes 11 identified needs for FFY 2015, a reduction of one project from 2013. The project removed was an Army Corps of Engineers project related to Lower Walnut Creek. If the Water Resources Development Act (WRDA) is successfully passed, the bill includes a provision to deauthorize the project from Army Corps control, so an appropriation would not be appropriate. Note the inclusion of the Lower Walnut Creek deauthorization project in the WRDA section of the Platform.

## REAUTHORIZATION OF THE FEDERAL TRANSPORTATION ACT

**Changes from the 2013 Federal Platform:** *The Transportation, Water and Infrastructure Committee will be reviewing the priority projects at their December 5, 2013 meeting. Any recommended changes will be included in the 2014 Federal Platform sent to the Board of Supervisors for adoption in January 2014.*

## REAUTHORIZATION OF WATER RESOURCES DEVELOPMENT ACT (WRDA)

**Changes from the 2013 Federal Platform:** *The Transportation, Water and Infrastructure Committee will be reviewing the priority projects at their December 5, 2013 meeting. Any recommended changes will be included in the 2014 Federal Platform sent to the Board of Supervisors for adoption in January 2014.*

## APPROPRIATIONS AND GRANTS SUPPORT POSITIONS

**Changes from the 2013 Federal Platform:**

### **Regional Habitat Planning and Conservation**

- ✓ Text changes to the policy related to the U.S. Fish and Wildlife Service’s “Cooperative Endangered Species Conservation Fund” to include: “The County will pursue increasing appropriations to the Fund in partnership with numerous counties in northern and southern California and will support requests of the California Habitat Conservation Planning Coalition to increase the Fund up to \$85 million.”

## FEDERAL POLICY POSITIONS

**Changes from the 2013 Federal Platform:**

### **Child Care Issues**

- ✓ Text changes provided by EHSD: “Research continues to show that quality, affordable childcare is a necessity to ensuring a family’s stability and economic success. Currently in Contra Costa County, there are over 10,000 low-income children eligible for affordable childcare services, yet only 29% of that need is met. Research also shows that in addition to a child’s long-term success with school and employment, investing in high-quality early care and education results in a higher than average return on investments in the areas of crime reduction and positive health, education and economic outcomes.

With regards to childcare, the County will support the President’s “Preschool for All” Initiative meant to close America’s school readiness gap and ensure all children have access to quality care by expanding high quality learning opportunities for children 0-5. This proposal includes:

- An increase of over 100,000 new childcare slots and \$12 billion over the next 10 years;
- A focus on children and their families who are at or below 200% of poverty;
- Financing through a new cost-sharing partnership with states, already a proven successful model with Head Start in Contra Costa County.”

**San Luis Drain**

- ✓ Policy in 2013 Platform was recommended to be deleted by staff of the Department of Conservation and Development: “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. A federal court ruling found that Reclamation does not have to build the Drain but simply has to provide some way of dealing with the contaminated agricultural runoff water. However, that ruling is under challenge in the 9<sup>th</sup> Circuit Court of Appeals by water interests who want the Drain built. The injunction requiring provision of some type 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.”

**Water Quality, Quantity and Delta Outflow**

- ✓ Add policy: “Congress may consider legislation that could adversely affect water quality, quantity and flows in the Sacramento-San Joaquin Delta to the detriment of the County residents, economy and resources. The Board of Supervisors will rely on it adopted Delta Water Platform to determine the appropriate response to federal legislative issues brought to the Board’s attention.”

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Attachment A: Draft 2014 Federal Platform



# Draft 2014 FEDERAL LEGISLATIVE PLATFORM

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Contra Costa County

December 5, 2013



## 2014 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 2014 Federal Legislative Platform identifies 11 funding needs for FFY 2015; 4 requests for the reauthorization of the federal transportation act; and 6 requests for the reauthorization of the Water Resources Development Act.

### FEDERAL RELATED FUNDING NEEDS

*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 – \$3,000,000** 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; \$0 since.)*

**2. Safe and Bright Futures for Children Exposed to Domestic Violence – \$400,000** 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 is working to align and create a system responsive to the needs of children exposed to domestic violence through identification, early intervention; raising awareness; training professionals; utilizing and disseminating data; establishing consultation teams to support providers in intervening and using best practices; and developing targeted services. Exposure to domestic violence reshapes the human brain and is the primary cause of trauma in children's lives. It 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. Exposure to domestic violence is associated with greater rates of substance abuse, mental illness, and adverse health outcomes in adulthood, 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.)*

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**3. Mt. Diablo Mercury Mine Clean-up – \$483,000** for the Army Corps of Engineers to complete the Technical Planning Process for the Mt. Diablo Mercury Mine Clean-up 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. Several phases of the planning process have been completed, and this appropriation will allow the Corps to continue the planning process, which will include looking at watershed issues downstream of the mercury mine. The mine site is located on private property on the northeast slope of Mt. Diablo at the upper end of the Marsh Creek watershed. (Note: \$517,000 appropriated in FFY 2008.)

**4. Bay-Delta Area Studies, Surveys and Technical Analysis – \$2,500,000** for the Delta Counties Coalition to carry out technical analysis and planning associated with participation in the Bay-Delta Conservation Plan (BDCP) or implementation of any projects resulting from the Plan. The technical analysis and planning will focus on issues related to the planning of water delivery projects and conservation plans that are included in the BDCP.

**5. CALFED Bay Delta Reauthorization Act Levee Stability Improvement Program (LSIP) – \$8,000,000** for the Army Corps of Engineers for levee rehabilitation planning and project implementation. 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.)

**6. Suisun Bay Channel/New York Slough Maintenance Dredging – \$11,000,000** 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.)

**7. San Pablo/Mare Island Strait/Pinole Shoal Channel Maintenance Dredging – \$2,500,000** for the Army Corps of Engineers 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.)



**8. San Francisco to Stockton (J. F. Baldwin and Stockton Channels) Ship Channel Deepening** – \$2,900,000 for the Army Corps of Engineers to continue the Deepening Project. Deepening and minor realignment 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; \$0 for FFY 2011; \$800,000 for FFY 2012.)

**9. Contra Costa County's VHF Public Safety Radio System** – \$1,063,200 for Contra Costa County operation of a VHF Public Safety Radio System serving several governmental agencies (including emergency medical services) within the county. This system will soon become a backup (VHF overlay) to the East Bay Regional Communication System (EBRCS) once that system is completed and actuated. To comply with upcoming Federal Communications Commission (FCC) narrow band requirements, the VHF system must be upgraded to ensure seamless compatibility with certain aspects of the EBRCS, should that system fail. To prevent the VHF system from being compromised, several significant security enhancements are necessary at various site locations. This includes camera monitoring and alert systems.

**10. State Route 4 / Old River Bridge Study** – \$1,000,000 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.)

**11. Knightsen/Byron Area Transportation Study** - \$300,000 to re-evaluate the Circulation Element of the County General Plan (GP) to improve its consistency with the Urban Limit Line (ULL) and related policies that ensure preservation of non-urban, agricultural, open space and other areas identified outside the ULL. Policies will be evaluated to provide a more efficient and affordable circulation system for the study area, serve all transportation user-groups, support the local agricultural economy and accommodate the commuter traffic destined for employment centers outside the study area. Zoning and development regulations would be updated to implement the study recommendations.

## **REAUTHORIZATION OF FEDERAL TRANSPORTATION ACT**

*The prior federal transportation policy and spending act, the Safe, Accountable, Flexible and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), expired in 2009. Through continuing resolutions SAFETEA-LU was renewed on ten occasions until the new program, Moving Ahead for Progress in the 21st Century Action (MAP-21) - a two year bill – was signed into law on July 6, 2012. MAP-21 is a 27-month bill that will go through September 30, 2014. Staff will monitor progress on development of a new bill or reauthorization of MAP-21 which will be needed by FFY 2015. The following are priority projects for which funding will need to be secured in the next multi-year transportation bill.*

**1. Vasco Road Safety Improvement Project** -- \$18 million 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 proposed improvements will complement a \$10 million completed project that was funded with American Recovery and Reinvestment Act funds.

**1.b Vasco Road Safety Improvement Project Continuation** -- \$30 million for improvements to the remaining 9 miles of accident-prone sections of Vasco Road. Alameda County has been working on constructing improvements in their jurisdiction and it would be desirable for the two counties to work together to complete the gap left in the concrete median barrier near the County line. In addition to completing this gap, Contra Costa desires to extend the concrete median barrier further north of the recently completed median barrier project to the Camino Diablo Road intersection.

**2. North Richmond Truck Route** -- \$25 million to construct a new road or other alternate access improvements 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.

**3. Eastern Contra Costa Trail Network** -- \$10 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 including facilities and projects improving access to existing or planned transit stations. Eligible trails include, but are not limited to, (1) the Mokelumne Trail overcrossing of the State Route 4 Bypass (\$6 million); (2) Contra Costa segments of the Great California Delta Trail (\$3 million); and (3) a transit supportive network of East Contra Costa trails in unincorporated County areas and the cities of Antioch, Brentwood, Oakley and Pittsburg (\$1 million).

**4. eBART Extension Next Phase Study/Environmental and Engineering** -- \$10 million for environmental review and engineering work on the project identified in the Bay Area Rapid Transit District's (BART) eBART Next Segment Study in eastern Contra Costa County. With regard to additional stations and eBART rail corridor alignment tasks may include, but not necessarily be limited to, completion of environmental review, and partial completion of engineering. Additional work may include, but not necessarily be limited to, evaluation and refinement of alignment and stations, development of capital and operating costs, land use

analysis, completion of environmental review including appropriate mitigations, development of preliminary engineering, and public outreach. (Potential Program: FTA – New Starts, FHWA/FTA Congestion Mitigation and Air Quality)

- **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 and safer 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.
- **Transportation Funding for Disabled, Low-income, and Elderly Persons** – 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. The County supports continuation and increased funding levels for federal funding programs dedicated to transit services for these population groups. 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.
- **Highway Bridge Program** – The County supports the continuation of the Highway Bridge funding program that will provide funds for rehabilitating and replacing our aging bridges. The County has several aging bridges with deficient sufficiency ratings. Without federal transportation funding, these expensive projects would be deferred because they often exceed the County’s funding capacity. Many of the bridges are on critical commute corridors, goods movement corridors, inter-regional routes, and farm to market routes. Failure of these important transportation assets can cause major disruptions to the transportation network.

## **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. Senator Boxer proposed a new draft WRDA bill in November 2012. The following are prioritized projects the County would submit for inclusion as the bill moves forward.*

**1. Army Corps Vegetation Policy** – Proposed amendments to 1996 Water Resources Development Act, Section 202: Flood Control Policy, (g) Vegetation Management Guidelines include the following: Engineering Technical Letter 1110-2-571 is suspended until that time a new policy is adopted. The policy guidelines shall be revised in accordance with the following: (A) Levee vegetation management guidelines shall represent regional variations based on a process that includes consultation with federal and state resource agencies, and preparation with local and state flood control agencies and corps districts. (B) Guidelines must undergo independent peer review which evaluates the structural and natural resource functions of

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vegetation on levees and the risks and benefits to the levee structure. (C) Guidelines and exemptions to them shall provide for protection of riparian and aquatic resources, reduction of costs and other community impacts in balance with public safety. (D) Existing projects in which the Corps has integrated vegetation into levees and floodwalls to meet project objectives and regulatory requirements shall be exempt from the guidelines.

**2. 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 authorization will allow the Corps to fund elements of the mine remediation project that any responsible parties cannot. This would also allow the Corps' RAMS program 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, Remedial Investigation, design 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.

**3. Sacramento San Joaquin Delta Infrastructure Improvements** – Contra Costa County, together with the four other Delta counties of Sacramento, San Joaquin, Solano and Yolo, has requested authorization for the Army Corps of Engineers to repair infrastructure in the Delta. This includes levees rehabilitation projects 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 project is 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.

**4. 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.

**5. 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.

**6. Walnut Creek, Select Deauthorization** – The Contra Costa County Flood Control and Water Conservation District is seeking to deauthorize the downstream portion of the Corps' Walnut Creek project. The Flood Control District has been working with the Corps since 2002 on a Feasibility Study to re-evaluate and modify the lower portion of the Walnut Creek channel. Deauthorization of a select portion of the Corps' Walnut Creek project would allow the Flood Control District to move forward with a more cost effective modification project than through the Corps process to modify this same portion of the channel.

#### **APPROPRIATIONS AND GRANTS – SUPPORT POSITIONS**

*The following support positions are listed in alphabetic order and do not reflect priority order. Please note that new and revised positions are **highlighted**.*

***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.

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***East Bay Regional Communication System (EBRCS)*** – A project to build the East Bay Regional Communication System (EBRCS), a P25 Radio System infrastructure for Contra Costa and Alameda County. This 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.

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.

***Energy Efficiency & Conservation Block Grant (EECBG) Program*** – Advocate/support funding up to or above the authorized amount of \$2 billion for the EECBG Program established and authorized under the Energy Independence and Security Act (EISA) of 2007. The County's ability to continue offering programs/services improving energy efficiency and conservation while also creating jobs is contingent upon additional federal funding being appropriated to the EECBG Program in 2012 and beyond. Contra Costa and other local governments have identified and designed many successful programs and financial incentives targeting both the private and public sector which are now being implemented using EECBG funding authorized through the ARRA of 2009. Funding for the EECBG program is necessary to ensure the nation's local governments can continue their leadership in creating clean energy jobs, reducing energy consumption and curbing greenhouse gas emissions.

***Kirker Pass Road Truck Climbing Lane*** – \$10 million 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*** – \$85 million 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. The County will support funding for the Fund to be restored to \$85 million, the 2010 funding level. This will provide much needed support to regional HCPs in California and nationally, including the East Contra Costa County HCP. Given the prolific growth in the number of regional HCPs, the Fund needs to be increased even more substantially in subsequent years. The East Contra Costa County HCP has received \$33.5 million from the Cooperative Endangered Species Conservation Fund in the past seven years and continuing this grant support is of vital importance to the successful implementation of that Plan. **The County will pursue increasing appropriations to the Fund in partnership with numerous counties in northern and southern California and will support requests of the California Habitat Conservation Planning Coalition to increase the Fund up to \$85 million.** The County will 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 Improvement Act*** – \$1 billion restoration bill authored by Congresswoman Jackie Speier in 2010 but not passed. The bill, if passed, will help finance restoration of more than 100,000 acres of the Bay's tidal wetlands. Funds from the bill would implement a restoration plan that was adopted in 1993. In addition to benefits for fish and wildlife, wetlands restoration will create new jobs and provide regional economic infusions, as well as protect against the effects of sea level rise on the Bay's shores.

***Sacramento-San Joaquin Delta National Heritage Area*** – a bill authored by Senator Dianne Feinstein in 2010 but not passed. The bill, if passed, will authorize and fund a National Heritage Area (NHA) for the Sacramento-San Joaquin Delta. The NHA designation would be a first step in providing federal resources to agencies in the Delta for economic development and environmental protection. *Contra Costa County supports the legislation and participated in a feasibility study for the NHA through our seat on the Delta Protection Commission, which completed the study in 2012.*

***Vasco Road-Byron Highway Connector*** – \$30 million 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.

### **2013 FEDERAL LEGISLATIVE PLATFORM POLICY POSITIONS**

*The following support positions are listed in alphabetic order and do not reflect priority order. Please note that new and revised policy positions are **highlighted**.*

***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 and funding for full implementation of the Homeless Emergency and Rapid Transition to Housing (HEARTH) Act of 2009.

The County supports funding the National Affordable Housing Trust Fund. Resources made available through the Trust Fund 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

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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*** – Research continues to show that quality, affordable childcare is a necessity to ensuring a family's stability and economic success. Currently in Contra Costa County, there are over 10,000 low-income children eligible for affordable childcare services, yet only 29% of that need is met. Research also shows that in addition to a child's long-term success with school and employment, investing in high-quality early care and education results in a higher than average return on investments in the areas of crime reduction and positive health, education and economic outcomes.

With regards to childcare, the County will support the President's "Preschool for All" Initiative meant to close America's school readiness gap and ensure all children have access to quality care by expanding high quality learning opportunities for children 0-5. This proposal includes:

- An increase of over 100,000 new childcare slots and \$12 billion over the next 10 years;
- A focus on children and their families who are at or below 200% of poverty;
- Financing through a new cost-sharing partnership with states, already a proven successful model with Head Start in Contra Costa County.

***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 funding to a variety of nonprofit agencies that provide critical safety net services to lower income residents, including financing the development of affordable housing is threatened by further cuts as part of the Budget Control Act (Act) passed by Congress in July 2011. The Act established mandatory spending caps on most federal programs through 2021, and arranged additional across-the-board annual spending cuts to federal defense and non-defense discretionary (NDD) programs over this same period.

Included in non-defense discretionary programs are critical local government oriented programs including the CDBG and HOME programs. These programs are successful and productive, leveraging significant funding from non-federal sources to help spur economic development. The County agrees that reducing the federal deficit is an important component of achieving long-term national economic stability, but targeting solely NDD programs like the CDBG and HOME programs will not achieve significant reductions and will hinder the County’s ability to provide critical services to its most vulnerable populations. The County will continue to oppose any further reductions in the CDBG and HOME programs as part of the Budget Control Act or any other means.

***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

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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.

***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 action and/or 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.

***Habitat Conservation Planning*** – The County will advocate for elevating the profile of Habitat Conservation Plans (HCPs) such as the East Contra Costa County HCP within Congress and Administration so that these critical federal/state/local partnerships can receive necessary attention and support. HCPs are flagship programs for the federal government and supporting effective implementation of approved HCPs should be a top priority for the U.S. Department of the Interior and U.S. Fish and Wildlife Service and HCPs should be a key tool in any federal climate change or economic stimulus legislation.

***Health*** – 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

***Levee Restoration and Repair*** – The County will support legislation such as H.R. 6484, the SAFE Levee Act (Garamendi) in 2012, which will authorize the U.S. Department of the Interior to invest in Delta levee repairs, for all levees that are publicly owned or publicly maintained.

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The bill also requires a cost-benefit analysis for the tunnel project being planned as part of the Bay-Delta Conservation Plan.

***Pension*** – The County will support legislation that would modify the Internal Revenue Code and corresponding regulations to permit public employees to make an irrevocable election between their current pension formula and a less rich pension formula.

In 2006, Contra Costa County and the Deputy Sheriff’s Association jointly obtained state legislation that would allow members of the Association to make a one-time irrevocable election between their current pension formula and a less rich pension formula, called Tier C. Orange County and its labor organizations obtained similar legislation in 2009. However, neither County has been able to implement this state legislation because such elections currently have negative tax consequences for employees and for retirement plans under federal tax law as interpreted by the Internal Revenue Service.

Like many local government entities nationwide, the County’s fiscal position would benefit greatly from reduced pension costs. Allowing local government entities to implement collective bargaining agreements and state legislation that permits employees to elect less rich pension formulas would be a significant step in reducing pension costs.

***Public Housing Programs*** – The County will support legislation that results in the transformation of existing programs to improve their effectiveness and efficiency, in tandem with the design of new and innovative responses, both to build upon recent progress and address outstanding issues.

The County will support legislation to protect the nation’s investment in Public Housing.

- Enact affordable housing industry proposal to allow public housing agencies (PHAs) to voluntarily convert public housing units to Section 8 project-based rental assistance in order to preserve this vital component of the national infrastructure.
- Oppose the Administration’s proposal to impose a \$1 billion offset against the operating reserves of responsible, entrepreneurial PHAs.
- Support the revitalization of severely distressed public housing units.
- Address safety and security concerns connected to drug-related crime.

The County will support legislation to preserve vital community and economic development programs

- Fully fund the Community Development Block Grant Program in order to create and save jobs, revitalize local economies, and support critical services for vulnerable populations.
- Maintain funding for HUD’s cost-effective economic development tools.

The County will support legislation to strengthen and simplify the Section 8 Rental Assistance programs

- Provide adequate funding for Housing Assistance Payment contract renewals and ongoing administrative fees.
- Enact the Section Eight Voucher Reform Act (SEVRA).
- Implement overdue regulatory and administrative revisions that ensure the efficient use of program funds.

The County will support legislation to expand Affordable Housing Opportunities and combat homelessness

- Fully fund the Home Investment Partnerships Program and HUD's homeless assistance programs.
- Capitalize the Housing Trust Fund through a revenue-neutral approach.
- Preserve and strengthen the Low Income Housing Tax Credit Program.

The County will support legislation to foster innovation, increase efficiency, and streamline the regulatory environment

- Promote reasonable and flexible federal oversight.
- Incentivize green building and increased Energy Efficiency.
- Support HUD's ongoing transformation efforts.
- Ensure that HUD releases and distributes federal funding in a timely manner.
- Eliminate statutory and regulatory barriers that prevent PHAs and redevelopment authorities from accessing federal programs they are qualified to administer.

***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.

***State Criminal Alien Assistance Program (SCAAP)*** – On May 23, 2012, the Department of Justice (DOJ) announced a change in the State Criminal Alien Assistance Program (SCAAP) that will prohibit SCAAP funds from being used to reimburse localities for foreign-born criminal aliens housed in jails that have been classified as “unknown inmates” by the Department of Homeland Security's Immigration and Customs Enforcement (ICE) agency. This is a significant change to the SCAAP reimbursement formula and will heavily impact counties across the nation.

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The County will support the rescinding of this decision and a reinstatement of the previous reimbursement practice, which would more equitably reimburse jurisdictions for the costs of housing undocumented individuals, including those inmates whose status may be unknown to the Department of Homeland Security.

***Second Chance Act*** – The County will support funding for the Second Chance Act, which helps counties address the growing population of individuals returning from prisons and jails. Despite massive increases in corrections spending in states and jails nationwide, recidivism rates remain high: half of all individuals released from state prison are re-incarcerated within three years. Here in California, unfortunately, the recidivism rate is even higher. Yet there is reason for hope: research shows that when individuals returning from prison or jail have access to key treatments, education, and housing services, recidivism rates go down and the families and communities they return to are stronger and safer.

The Second Chance Act ensures that the tax dollars on corrections are better spent, and provides a much-needed response to the "revolving door" of people entering and leaving prison and jail.

***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.
- 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.

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.

***Telecommunications Issues*** – Support the Community Access Preservation (CAP) Act introduced in 2009 by Wisconsin Congresswoman Tammy Baldwin. The CAP Act addresses the challenges faced by public, educational and government (PEG) TV channels and community access television stations. The CAP Act addresses four immediate issues facing PEG channels. The CAP Act would: Allow PEG fees to be used for any PEG-related purpose; require PEG channels to be carried in the same manner as local broadcast channels; require the FCC to study the effect state video franchise laws have had on PEG; require operators in states that adopted statewide franchising to provide support equal to the greater of the support required under the state law or the support historically provided for PEG; and make cable television-related laws and regulations applicable to all landline video providers.

In addition, the County should support the widespread deployment and adoption of broadband, especially as it serves to connect the educational community and libraries.

***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.

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- 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.

**Water Quality, Quantity and Delta Outflow** – Congress may consider legislation that could adversely affect water quality, quantity and flows in the Sacramento-San Joaquin Delta to the detriment of the County residents, economy and resources. The Board of Supervisors will rely on its adopted Delta Water Platform to determine the appropriate response to federal legislative issues brought to the Board's attention.

**Workforce Investment Act (WIA) Reauthorization** – Congress may again consider reauthorization of the Workforce Investment Act in 2014. 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.