

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-2

Urgent

Routine

CEO Concur with Recommendation YES NO
(Information Attached)

AGENDA DATE July 27, 2010

4/5 Vote Required YES NO

SUBJECT:

Approval of the Stanislaus County Legislative Platform for 2010

STAFF RECOMMENDATIONS:

Approve the Stanislaus County Legislative Platform for 2010

FISCAL IMPACT:

There is no fiscal impact associated with this report.

BOARD ACTION AS FOLLOWS:

No. 2010-477

On motion of Supervisor Chiesa, Seconded by Supervisor DeMartini
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval of the Stanislaus County Legislative Platform for 2010

DISCUSSION:

The Legislative Platform for 2010 consists of State and Federal components. The platform focuses on issues of concern and priority for the Board of Supervisors, the County Chief Executive Officer and County departments. The platform is used as guidance and direction for legislative involvement throughout the year.

The State Legislative Platform addresses a myriad of issues impacting Stanislaus County. This year's State Platform includes policy-related concepts linked to State budget impacts and protection of local government interests. The Platform also contains guiding principles and priorities for the County's legislative efforts.

Identified priority areas of the State Platform include infrastructure items such as roads, bridges, transportation and levees, law enforcement elements, State regulatory relief, funding of mandates and the negative bailout challenges that have faced the County.

Additional State Legislative Platform items include topics like the Williamson Act, homicide trial reimbursement, jail and coroner facilities, healthcare, environmental regulations and the design-build process.

The Federal Legislative Platform addresses significant priorities such as enhanced radio operability for public safety, Orestimba Creek flood control, the Tuolumne River Regional Park, energy from waste and the Valley Family Medicine Residency Program.

The Legislative Platform of 2010 does not exclude consideration of any other issues or legislation that may arise throughout the year.

POLICY ISSUES:

The Board of Supervisors should determine if the 2010 Legislative Platform is consistent with their legislative priorities.

STAFFING ISSUES:

There is no staffing impact associated with this item.

CONTACT PERSON: David Jones, Chief Executive Office, 209-525-6333

STANISLAUS COUNTY
2010/2011 LEGISLATIVE PROJECTS
AND ISSUES



**STANISLAUS COUNTY
2010/2011 LEGISLATIVE PROJECTS & ISSUES**

**STANISLAUS COUNTY
BOARD OF SUPERVISORS**

William O'BrienDistrict 1
Vito Chiesa.....District 2
Jeff GroverDistrict 3
Dick Monteith.....District 4
James DeMartiniDistrict 5

Richard W. Robinson..... Chief Executive Officer



Stanislaus County Administrative Offices
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Stanislaus County 2010/2011 Legislative Platform

TABLE OF CONTENTS

Stanislaus County 2010 State Legislative Principles4

Stanislaus County 2010 State Legislative Priorities5

Stanislaus County Department Issues

Area Agency on Aging.....8

Assessor.....9

Auditor-Controller10

Behavioral Health12

Chief Executive Office.....13

Clerk of the Board19

Community Services Agency20

District Attorney22

Environmental Resources23

Health Services Agency27

Planning & Community Development.....30

Probation31

Public Works32

Stanislaus County 2010 State Legislative Projects34

Stanislaus County 2010 State Legislative Policy Items35

Attachments.....38



Stanislaus County 2010/2011 Legislative Projects and Issues

Stanislaus County Legislative Principles

The Stanislaus County Board of Supervisors supports the principles set forth below as general, guiding principles for legislative issues impacting Stanislaus County. County staff, including the County's legislative advocates, will apply these general, guiding principles to evaluate and respond to proposed and adopted legislation, as well as executive and regulatory directives.

- Support full funding and maximum program flexibility for the County to implement state and federally mandated programs, including capital acquisition costs.
- Oppose any further state revenue reductions to counties.
- Oppose state or federal mandates without a dedicated revenue source; oppose the transfer of state or federal programs to the County, unless adequate on-going revenues are provided and dedicated exclusively for that purpose.
- Encourage and seek legislation that facilitates orderly economic expansion and growth, and increases the opportunity for discretionary revenues and programmatic and financial flexibility for the County.
- Support legislation that provides tax and funding formulas for the equitable distribution of state and federal monies; oppose attempts to decrease, restrict, shift, or eliminate County revenue sources.
- Seek appropriate cooperation with the state and federal government on regulatory and administrative issues affecting the County so as to ensure the protection and well-being of its citizens.
- Support legislative and administrative action to assure that the state will meet its financial obligations to counties through the timely and full remittance of payments due.
- Oppose state efforts to take any additional property tax revenue from Stanislaus County. Support the additional allocation of property tax revenues to Stanislaus County.



Stanislaus County 2010/2011 Legislative Projects and Issues

Stanislaus County Legislative Priorities

The following is a list of legislative priorities approved by the Stanislaus County Board of Supervisors. Additional projects and priorities are contained in this document. Further legislation and administrative actions also may be added during the 2010 legislative session.

- **Levee Repairs, Flood Control and Water Supply Issues** – Support any budget, legislative or administrative action to provide funding for repairing and upgrading levees and/or to support flood control efforts in Stanislaus County. This includes Reclamation Districts and the Orestimba Creek flood project. Support legislation and seek funding to enhance water supply and reliability for the residents of Stanislaus County.
- **Mandate Legislation** - Support any action, including legislation, which will mandate full funding of any state mandated programs. Support legislation which would relieve local governments from implementing state mandates in the absence of state funding.
- **Regulatory Relief** – Oppose new regulations that increase costs to local governments without and appropriate funding source Support legislation that freezes or decreases the imposing of new regulations that negatively impact local governments.
- **Williamson Act** –Support restoration of the Williamson Act subvention line item in the 2010-11 Budget. Seek restoration of the subventions to the County at their historically highest level. Support legislation and administrative action that would improve the ability of both the State and the County to enforce the Williamson Act contracts through uniform control measures. Oppose any weakening of the Act and/or future budget proposals that call for the elimination or reduction of the subventions.
- **County Jail and Coroner Facilities/Prison Population** - Support any budget, legislative or administrative action to provide funding for the County jail expansion needs and new coroner facility, with the condition that additional funding does not create a negative impact on Stanislaus County. Oppose any legislation or administrative action that seeks to reduce state prison populations which would result in a direct increase in the daily jail population rate.
- **Roads, Transportation and Bridges** - Support any budget, legislative or administrative action to provide funding for building, repairing, upgrading and maintaining the roads, bridges and the transportation network in Stanislaus County.



Stanislaus County 2010/2011 Legislative Projects and Issues

- **Healthcare Reform** - Support healthcare reform that does not financially impact Stanislaus County in a negative way. Examples of impacts may include unfunded or under-funded mandates, or reallocation of existing Stanislaus County funding that results in an increased county general fund obligation.
- **Property Tax Administration Program** - Support any budget, legislative or executive action to restore funding for the Property Tax Administration Program.
- **Health Clinics** - More than 50% of the patients seen in the Stanislaus County health clinics are Medi-Cal patients for whom the County receives significantly less reimbursement than the cost of service. Seek the full federal implementation of AB 959 (Frommer), enacted in 2006, which will include non-hospital based outpatient clinic services among entities eligible for Medi-Cal reimbursement.
- **Park System** - Support any budget, legislative or administrative action to provide funding for the improvement and development of Stanislaus County parks, including the Tuolumne River Regional Park.
- **State Route 219** - Support any budget, legislative or administrative action to provide funding or other support for the successful completion of the State Route 219 project. A significant widening of this road is necessary to create a vitally needed transportation corridor in the north portion of Stanislaus County.
- **State Route 132** – Support any budget, legislative or administrative action to provide funding for the successful completion of the State Route 132 project. A significant widening of this road and interchange development is needed to improve transportation safety in Stanislaus County.
- **North County Corridor** - Support any budget, legislative or administrative action to provide funding or other resources for the successful completion of the North County Corridor project.
- **Negative Bailout/Proposition 13** - Continue to seek a fiscally and statutorily comprehensive legislative solution to the negative bailout which was a result of Proposition 13 implementing legislation in 1982.
- **Governmental Reform** – The continuing inability of the Legislature and Governor to produce balanced, sensible budgets in a timely manner that are respectful of and supportive to the local governments that depend on those budgets to provide vital local services has cast into sharp focus the need for comprehensive state governmental reform. Support legislative,



Stanislaus County 2010/2011 Legislative Projects and Issues

initiative and budgetary efforts to produce comprehensive reform that will reduce gridlock, result in timely and responsible budgets and improve the efficacy of state governance.



Stanislaus County 2010/2011 Legislative Projects and Issues

DEPARTMENT ISSUES

Stanislaus County has identified the following legislative interests, concerns, and proposed actions:

Area Agency on Aging

Contact: Margie Palomino, Director of Area Agency on Aging
(209) 558-8150

1. Powers of Attorney

Issue: Residents of Skilled Nursing Facilities are vulnerable to incidents of financial elder abuse. Notaries are only required to authenticate the identity of the person signing the document, not the person requesting the notarization. Notaries are not privy to medical records of residents regarding their capacity to sign legal documents.

Action: Support legislation which would require that a Patient Advocate or Ombudsman be present in a Skilled Nursing Facility when any Power of Attorney is signed.



Stanislaus County 2010/2011 Legislative Projects and Issues

Assessor

Contact: Doug Harms, Assessor
(209) 525-6461

1. Support of the Williamson Act

Issue: The Williamson Act is economically and environmentally important to Stanislaus County. There are nearly 700,000 acres under contract in Stanislaus County. In 2009, the Williamson Act reduced overall revenue from property taxes by nearly \$14 million. The county's share of that is \$1.5 million. In the 2009-2010 Budget, the Governor eliminated the subventions, creating significant fiscal hardship for counties like Stanislaus with significant acreage enrolled in the Act.

Action: Support restoration of the subventions, if possible to their highest historical levels in the 2010-2011 Budget. Support budgetary action to restore the subvention payments to counties in the 2010-2011 Budget. Support legislation and administrative action that would improve the ability of both the State and the County to enforce the Williamson Act contracts through uniform control measures. Oppose any weakening of the Act.



Stanislaus County 2010/2011 Legislative Projects and Issues

Auditor-Controller

Contact: Larry Haugh, Auditor-Controller
(209) 525-6398

1. Negative Bailout Prop 13

Issue: When the State of California enacted enabling legislation following the passage of Proposition 13, counties were supposed to benefit by an infusion of property tax dollars. Stanislaus County, and five other counties, actually incurred a loss of property tax receipts. This so-called "negative bailout" grows each year and is an unfair and unanticipated impact of this legislation. The most current number indicates the county is subsidizing the state more than \$3.1 million each year through the "negative bailout." More than \$58 million in negative bailout funds have been paid to the State at the end of 2009 (see Attachment 1).

Action: Sponsor/support legislation to hold Stanislaus County harmless in the implementation of property tax legislation associated with Proposition 13, or to decrease the bailout paid to the State on an annual basis. Support legislation which will fully compensate Stanislaus County for the negative bailout that has occurred since 1982; support legislation which will eliminate any negative bailout obligation in future years.

2. 100% Reimbursement for Prosecution Costs in Law Enforcement Homicide Trials

Issue: Stanislaus County is currently prosecuting the murder of a California Highway Patrolman, Earl Scott on Feb. 17, 2006. Columbus Allen, Jr. was arrested and is awaiting trial. The case was granted a change of venue, which will greatly increase prosecution costs. Additionally, the case involves the murder of a law enforcement officer, which will likely create further costs. There is no source of funding or special legislation which provides full funding to counties for the prosecution of the murder of a state or local law enforcement officer.

Action: Sponsor or support legislation or budget action which provides for full reimbursement to counties for the costs of prosecution of a homicide in which the victim is a state or local law enforcement officer, regardless of county population size.



Stanislaus County 2010/2011 Legislative Projects and Issues

3. **Penalty Interest Rate for the Local Agency Investment Fund (LAIF)**

Issue: In 2007 the County Auditor's Association of California was successful in sponsoring legislation to change Government Code 68085 (Trial Court Trust Fund) penalty interest rate charged for late remittance of court fines from 1 ½ % per month to the Local Agency Investment Fund (LAIF) rate. This rate is typically a fraction of the higher 1 ½ % per month rate charged for a late remittance. This change in legislation did not apply to late remittances to the State Court Construction Fund (Government Code 70372) or the Criminal Conviction Assessment (Government Code 70373). The penalty interest rate remains unchanged for these two funds. Given that these funds are not audited by the State for three to five years, discrepancies in interpretation of applicable laws may not be identified for years. This has resulted in the application of penalty interest equaling more than the original assessments.

Action: Support legislation that would align the penalty interest rate to the LAIF rate consistent with Government Code 68085.



Stanislaus County 2010/2011 Legislative Projects and Issues

Behavioral Health and Recovery Services

Contact: Denise Hunt, Behavioral Health Director
(209) 525-7423

1. Protect Mental Health and Alcohol and Other County Drug Funding:

Issue: Eroding Realignment and State General Fund revenues to counties in combination with increased costs of doing business make Mental Health and Alcohol and Drug services vulnerable to deficit spending. From Mental Health Managed Care to Prop 63 (MHSA) funding, the state is reducing funding, borrowing funding or attempting to borrow funding to local agencies.

Action: Support intact State contributions to Counties for Mental Health and Alcohol and Drug funding. Support an increase in the cost of doing business. Support budget language and or a state initiative that would create stable, reliable and consistent funding and promote increasing the allocation to meet the treatment needs and cover county costs. Oppose any reduction of funding, taking or borrowing of funds appropriated to mental health programs.

2. Severely Emotionally Disturbed Students Program Funding

Issue: Counties (education and mental health departments) are mandated to provide services to seriously emotionally disturbed (SED) students. This is a federal mandate that flows through the state budget. In the budget, funding is limited for this mandated service. Counties need an allocation of funding commensurate with required services in order to provide mandated services. County Mental Health Departments are vulnerable to imposed mandates for this service without adequate or timely funding. As of 12/08/08, an estimated \$3.8 million of SB 90 revenue has been earned but not received. However, according to auditors from the State Controllers office \$2.2 million has been over-claimed for FY03/04, FY04/05 and FY05/06.

Action: Support legislation to assure that mandated mental health services for emotionally disturbed students are adequately funded and timely. If a proposal is put forward to shift the mandate to schools, ensure an adequate transition time to allow continuity of care and no disruption of services. Support eliminating the 5% local match for EPSDT services.



Stanislaus County 2010/2011 Legislative Projects and Issues

Chief Executive Office

Contact: Richard W. Robinson, Chief Executive Officer
(209) 525-6333

1. Levee Repairs and Flood Control Issues

Issue: Levees are in significant need of repair and improvement in Stanislaus County. There are approximately 75-80 miles of levees in the County. Other flood control measures are needed to protect the residents and property of the County. Two solid waste treatment sites in Stanislaus County would pose an immediate health and safety risk to the public if flooding from the San Joaquin River should occur.

Action: Support any budget, legislative or administrative action to provide funding for repairing and upgrading levees and/or to support flood control efforts in Stanislaus County.

2. County Jail and Coroner Facilities

Issue: The Stanislaus County Jail and Coroner's Facility need significant expansion and upgrading.

Action: Support any budget, legislative or executive action to provide funding to meet County jail expansion needs and new coroner facility, with the condition that additional funding does not create a negative impact on Stanislaus County. Oppose Administration efforts to establish criteria for jail funding that requires Counties to site state correctional facilities within the County to establish eligibility for jail funding.

3. Roads, bridges and transportation

Issue: There is not sufficient funding to maintain and improve the road, bridges and transportation network in Stanislaus County.

Action: Support any budget, legislative or administrative action to provide funding for building, repairing, upgrading and maintaining the roads, bridges and transportation network in Stanislaus County.



Stanislaus County 2010/2011 Legislative Projects and Issues

4. Orestimba Creek Flood Control Project

Issue: Orestimba Creek, on the west side of Stanislaus County, floods and creates millions of dollars of damage to the community with significant negative impact on the local economy. Stanislaus County has been working with the Army Corps of Engineers on the feasibility study of a flood control project as the non-federal partner with the Army Corps.

Action: Support any budget, legislative or administrative action that would fund the Orestimba Flood Control Project through the feasibility, preconstruction engineering and design and construction phases. Seek to include funding for this project in any legislative appropriation or bond funds for flood control.

5. Worker's Comp for Adult Work Program

Issue: Currently inmates working and participating in the Adult Work Program in the County are covered by worker's compensation in the event of injury during such participation.

Action: Support legislation that would exclude inmate labor from worker's compensation protection for any injury occurring as a participant in the Adult Work Program.

6. Jobs and Housing Imbalance

Issue: Stanislaus County has a jobs/housing ratio that is less than the currently accepted standard of 1.5 jobs per housing unit. Stanislaus County has always had a surplus of houses in relation to jobs.

Action: Support legislation that provides State-funded fiscal incentives and local flexibility to support job creation projects to mitigate the imbalance of jobs and housing.

7. State Route 219

Issue: Stanislaus County is working to improve SR 219 to provide a safer, higher quality transportation access for people using this Route in Stanislaus County. A significant widening of this road is needed to improve transportation safety in Stanislaus County.

Action: Support budget, legislative or administrative action that would assist in the completion of the improvement project for SR 219.



Stanislaus County 2010/2011 Legislative Projects and Issues

8. State Route 132

Issue: Stanislaus County is working to improve SR 132 to provide a safer, higher quality transportation route through this high-traffic volume, east-west corridor. The project involves a significant widening between Interstate 5 and Highway 99, and infill projects east of Highway 99. A significant widening of this road is needed to improve transportation safety in Stanislaus County.

Action: Support budget, legislative or administrative action that would assist in the completion of the improvement project for SR 132.

10. IHSS

Issue: The In-Home Supportive Services program continues to grow in participation, resulting in higher costs for additional staffing to meet the demand for services, which increases pressure on the county general funds. The county costs of implementation of the IHSS system are sure to increase steadily as a result of caseload and provider wage increases. IHSS does provide valuable services to those in need, but the program requires proper oversight and fraud prevention measures.

Action: Continue to support full and continued state funding of the IHSS program. Oppose legislation to restrict local control of realignment dollars or to mandate a certain level of IHSS worker pay. Support the full enactment of oversight and fraud prevention measures to ensure service delivery to those who need it, while minimizing waste and fraud in the system. Support any state funding for fraud prevention including re-authorization of funding in the State budget that could be used by the Stanislaus County fraud prevention unit. Oppose any unfunded mandates associated with the IHSS program.

11. University of California, Merced - School of Medicine

Issue: There is an extreme shortage of physicians in the central valley of California. There is a project underway to create a school of medicine to be based out of UC Merced. This medical school would provide increased access to health services for needy patients in the valley, and would graduate more physicians who would stay in the valley.

Action: Support any efforts that would provide support to and develop of a school of medicine at the University.



Stanislaus County 2010/2011 Legislative Projects and Issues

12. Mandate Legislation

Issue: Funding cuts by the State to mandated programs, without commensurate mandate relief is an unjust burden on county government.

Action: Support any action, including legislation, which will mandate full funding of any state mandated programs. Support legislation which would relieve local governments from implementing state mandates in the absence of state funding.

13. Regulatory Relief

Issue: Local budgets are critically short of needed revenue. Additional regulatory burdens are not prudent or needed during financial crises.

Action: Oppose any additional unfunded regulatory requirements on the county from any organization, agency or entity.

14. Septic Tank Regulation by Water Resources Board

Issue: AB 885 (Jackson) was passed in 2000 and directed the California EPA's State Water Resources Control Board to adopt statewide regulations in regard to onsite wastewater treatment systems. Local governments have requirements that govern the design and construction permitting of septic systems. Each Regional Water Board has adopted requirements for septic systems. Now the state is attempting to implement statewide regulation in regard to septic systems. Draft regulations have been perceived as onerous, expensive and unreasonable to implement for customers and the government.

Action: Support reasonable statewide regulations for septic systems that are consistent with local regulations and do not add cost to local residents or government.

15. Kirk Lindsey Highway

Issue: Stanislaus County and the State of California lost a highly respected leader, R. Kirk Lindsey, during June 2009. Mr. Lindsey was an active member of community boards, a respected State transportation leader, a peerless community volunteer and a friend to many.

Action: Support SCR 54, an effort that would designate a specific portion of State Highway 108 as the Kirk Lindsey Highway.



Stanislaus County 2010/2011 Legislative Projects and Issues

16. Valley Family Medicine Residency Program

Issue: The central valley is in desperate need of physicians. The Valley Family Medicine Residency Program will be training resident physicians in Stanislaus County starting July 1, 2010

Action: Support the Valley Family Medicine Residency Program. Support budget, grants, legislative or administrative action that would assist in supporting and enhancing the program.

17. SB 375 & AB 32

Issue: It is important to protect the environment. AB 32 and SB 375, while well-intentioned to reduce the amount of greenhouse gas emissions, are onerous, ill-timed and inappropriate for the devastating economic climate facing California and local governments.

Action: Support the suspension or appropriate amendment of AB 32 and SB 375 to provide economic relief to businesses and government.

18. Design-Build Process

Issue: State legislation allowing the Design-Build process to be used by local government has been effectively implemented by Stanislaus County. The Design-Build process can be important as a tool for the efficient delivery of government services.

Action: Support legislation that would continue the ability of local government to implement the Design-Build process, including SB 879 (Cox).

19. Bankruptcy Process -

Issue: AB 155 (Mendoza) requires any local entity, including special districts, to first gain the approval from the California Debt and Investment Advisory Commission (CDIAC) before filing for Chapter 9 bankruptcy. Although Stanislaus County is not in a position to consider bankruptcy as an option, it is poor policy to remove this decision from the local level.

Action: Oppose passage of AB 155 (Mendoza) or similar legislation.

20. Enterprise Zone



Stanislaus County 2010/2011 Legislative Projects and Issues

Issue: In November 2005, Stanislaus was awarded its Enterprise Zone designation. Since that time there has been a substantial amount of legislative activity focused on changing the Enterprise Zone program. Many of these changes may negatively impact the opportunity for the Stanislaus Enterprise Zone to be fully developed. Tax vouchersing credits are an extremely important element of the Enterprise Zone program.

Action: Protect the existing structure of the State Enterprise Zone program. Oppose legislation that eliminates key components such as tax credit provisions. Oppose legislation like SB 974 (Steinberg) that would negatively impact the Enterprise Zone program.



Stanislaus County
2010/2011 Legislative Projects and Issues

Clerk of the Board

Contact: Christine Ferraro-Tallman, Clerk of the Board
(209) 525-6333

1. Brown Act Changes

Issue: Changes in the law regarding Closed Meeting regulations (Brown Act) or public records greatly impact the Clerk of the Board and that office's operations.

Action: Closely monitor legislation introduced in these areas.



Stanislaus County 2010/2011 Legislative Projects and Issues

Community Services Agency

Contact: Chris Applegate, Director
(209) 558-2500

1. County cost of doing business for social service programs

Issue: County social service programs have been without a reliable method for recapturing normal increases in the cost of doing business. Since 2000, over \$1 billion of the costs associated with these programs have been shifted to the counties as a result. In Stanislaus County, this is a cumulative loss of \$17.7 million in necessary funding to provide mandated services. In the Adult Protective Services program alone in Stanislaus County, there is an annual shortfall of \$275,000 because of lack of increases in state funding. Also, the county's Community Services Agency staff projects an additional \$174,000 in cuts from the state for operations and services.

Action: Support administrative or budget action to issue a methodology for county social service programs to capture their increases in operating costs and be properly funded to provide the services mandated.

2. 100 Hour Rule for Cal-Works

Issue: The 100-hour rule for two-parent families in the CalWORKs program treats two parent families unfairly by denying them CalWORKs benefits even if they are financially eligible. It also creates a disincentive for these families to work full-time and to remain intact.

Action: Support legislation to eliminate the 100-hour rule in the CalWORKs program to allow all families equal opportunity for assistance based on their income and not their family composition

3. Medi-Cal Maintenance Need Level Increase

Issue: The Medi-Cal Maintenance Need Level (MNL) is too low, which results in the beneficiary having a high share of cost unless they qualify under a specialty program. The MNL has not been raised since July 1, 1989 and does not take into account current living expenses. Additionally, the over 200 special programs are difficult to administer and are extremely cumbersome at the county level. An overall increase in the MNL would be extremely beneficial to county consumers.



Stanislaus County 2010/2011 Legislative Projects and Issues

Action: Support budget action to raise the Medi-Cal Maintenance Need Level to be the same as the Federal Poverty Level. This will ensure the MNL is raised yearly, consistent with inflation.

4. CalWORKS Child Care Program

Issue: The CalWORKs Child Care Program has different program requirements depending on whether the recipients are in Stage 1, 2, or 3. Having different program requirements for different stages leads to operational inefficiency.

Action: Support administrative or legislative action to require the California Department of Education, California Department of Social Services, and the Chancellor's Office of the California Community Colleges to adopt the same regulations for the administration of the CalWORKs Child Care Program Stages 1, 2, and 3.



Stanislaus County 2010/2011 Legislative Projects and Issues

District Attorney

Contact: Birgit Fladager, District Attorney
(209) 525-5550

1. Death Penalty

Issue: Existing law establishes the sentence of death as the penalty for certain crimes under particular circumstances, as specified. There is the possibility of legislation that would place a moratorium on the carrying out of any executions.

Action: Oppose any legislation that would place a moratorium on executions.

2. Car Theft Penalties

Issue: Car theft is a major problem in Stanislaus County. A change in penalties is necessary. There has been discussion of a proposal to modify sentences for auto theft, as well as many other felonies such as grand theft, that would reduce the maximum penalty to preclude even the possibility of state prison time--leaving a maximum sentence of no more than 366 days in county jail.

Action: Support legislation that will increase penalties for car theft convictions. Oppose any weakening of penalties for car theft convictions and oppose any weakening of penalties for auto theft or other felonies currently punishable by the possibility of a state prison sentence.



Stanislaus County 2010/2011 Legislative Projects and Issues

Environmental Resources

Contact: Sonya Harrigfeld, Director
(209) 525-6700

1. Tuolumne River

Issue: The Tuolumne River extends 52 miles from the LaGrange Dam down to the confluence of the San Joaquin River. The river is an important natural resource for the central valley.

Action: Support any budget, legislative or administrative action, including accessing Proposition 84 funding, to assist in habitat restoration, park development or the improvement or expansion of existing parks along the river.

2. Recover Costs of School Inspections

Issue: A number of schools that contain food facilities in Stanislaus County require inspection, routine monitoring, and food safety education. This service has been provided without the benefit of cost recovery because of the exemption clause in Government Code Section 6103. Health & Safety Code Section 113920 provides for cost recovery. If Environmental Resources were to charge for this service, over \$100,000 in revenue could be collected. However, schools are considered exempt because of Government Code Section 6103. Adding a subset to Health and Safety Code Section 113920 would provide clarity to this issue and allow for cost recovery to take effect.

Action: Support legislation to change Health & Safety Code 113920 to clarify and allow for the recovery of the costs of inspecting, monitoring and providing education regarding food safety, so as to allow cost recovery to take place within the education system of State of California.

3. California Integrated Waste Management Board Diversion Credits

Issue: The Stanislaus County food processing industry generates more than 350,000 tons of solid food process by-products on an annual basis. These food processing by-products are land-applied as a soil amendment, or fed to livestock, thereby keeping these by-products out of landfills and creating a positive impact on the waste stream. A current state regulation may end this process and jeopardize the County's diversion credits. If Stanislaus County loses the food processing credit, it would lose an approximately 16% diversion credit that would drop the County to about 48% diversion rate. In addition, if the County also loses the Waste-to-Energy transformation credit, the Stanislaus Regional



Stanislaus County 2010/2011 Legislative Projects and Issues

Planning Agency would be down to 38% landfill diversion. This would, in effect, put the County in violation of the PRC by having an inadequate Integrated Waste Management Plan, creating a liability for each jurisdiction in our Regional Agency of up to \$10,000 per day in fines. Ratepayers would incur additional costs for these new programs and the Regional Agency jurisdictions would incur (county) staff time costs to revise the plan(s).

Action: Support legislation to expand the County's ability to maximize its diversion credits and to support a demonstration project in Stanislaus County. Oppose legislation which would eliminate or negatively impact the diversion credits earned by the County.

4. Definition of Solid Waste Facility

Issue: The County is very concerned with legislative attempts to revise the definition of a solid waste facility.

Action: Monitor proposed legislative changes to ensure any new definition should include waste disposal eligible for diversion credit, inclusive of Waste-to-Energy transformation facilities.

5. Park System

Issue: Stanislaus County has a master plan for development of park facilities in the County. The County also is in a Joint Powers Authority with the City of Modesto and the City of Ceres for the Tuolumne River Regional Park.

Action: Support any bonds, budget, legislative or administrative action to provide funding for the improvement and development of parks including the Tuolumne River Regional Park.

6. Clean-up grants

Issue: Clean-up of local nuisance (disposal) sites are beyond the scope of traditional code enforcement clean-up efforts, even when on occupied properties where property owners are unwilling or unable to comply. Expansion of grant funds for the California Integrated Waste Management Board is needed to support these efforts

Action: Support increased funding and grant flexibility for CIWMB to make available the maximum amount that is allowed for Illegal Disposal Site Clean-ups (a maximum of \$500,000) that may be associated with abandoned properties.



Stanislaus County 2010/2011 Legislative Projects and Issues

7. **Odor complaints associated with Composting Facilities**

Issue: The State is the Enforcement Agency (EA) and thus responsible for, but not able to respond quickly to odor complaints due to travel distances. Furthermore, unlike local air districts, the State does not issue Notices of Violation (NOVs), which have financial penalties attached. NOVs are a necessary fiscal incentive to obtaining compliance in problem situations. The State's inability to address these issues adequately results in endless problems with no real solution.

Action: Return oversight responsibility for odor complaints back to the local air districts, at least in areas where the CIWMB is the EA.

8. **Mandating commercial recycling**

Issue: AB 32 (Nunez, 2006) has given the Air Resources Board vast administrative authority regarding air quality enforcement. The ARB may seek, in 2010, a requirement for commercial waste generators to participate in recycling. If this occurs, policymakers should leave the decision-making at the local level for what the source separated materials include, as markets vary widely throughout the state. Additionally, Local Enforcement Agencies (LEA) responsibilities may soon include enforcement to prevent the illegal dumping of solid waste and the abatement of illegal dumping of solid waste. The LEA for Stanislaus County is the Waste Board. Stanislaus County would not want to give up local control of this program without an assurance that the program would be maintained at the current level or greater.

Action: Oppose these revisions without the clarifications described above.

9. **Solid Waste Diversion Mandate Increase**

Issue: Legislators have shown continuing interest in increasing mandated statewide solid waste diversion rates from 60 to 75%.

Action: Oppose any legislation or regulation that would create an increased diversion rate beyond 60%.

10. **Extended Producer Responsibility**

Issue: Local jurisdictions are shouldering an ever-increasing cost for the disposal of "Universal Wastes," which are toxic and hazardous substances such as batteries, pharmaceuticals, and fluorescent tubes that are banned from the landfill but have no other convenient disposal method. Presently, local governments are paying an ever-increasing



Stanislaus County 2010/2011 Legislative Projects and Issues

cost for disposal of Universal Wastes, while the manufacturers and distributors of these items reap the profits, but share no burden or responsibility for costly disposal when the items are discarded. Extended Producer Responsibility (EPR) legislation would place the responsibility for free and convenient disposal of these and other problematic products back on the manufacturers and remove this cost and logistical burden from local governments. The California Integrated Waste Management Board recently adopted Strategic Directive No. 5 seeking to establish legislation supporting “cradle to cradle” producer responsibility and analyzing various approaches to EPR. Legislation was introduced in 2009 on this subject, but the measures were not approved by the Legislature. Legislators are expected to re-introduce EPR bills in 2010.

Action: Support legislation that implements EPR principles and removes the cost burden for disposal of products containing Universal Wastes from local governments.

11. Cap and Trade

Issue: The California Air Resources Board has released a draft cap and trade regulations. Inclusion of the County's solid waste program in the cap and trade regulations will be costly to the County.

Action: Oppose inclusion in the cap and trade program for the County's solid waste program.



Stanislaus County 2010/2011 Legislative Projects and Issues

Health Services Agency

Contact: Mary Ann Lee, Managing Director
(209) 558-7163

1. Certified Public Expenditures

Issue: Despite the fact there has been passage of AB 959 (2006), it still has not been approved by the federal government and implemented. If and when implemented, AB 959 would expand the provisions of current law to allow Stanislaus County access to funds available for non-hospital based clinic services and provide supplemental Medi-Cal reimbursements for Stanislaus County's non-FQHC outpatient clinic services.

Action: Advocate for the implementation of AB 959.

2. Non-categorical Funding for Mandates

Issue: Infrastructure is required for emergency preparedness and response to weapons of mass destruction. Stanislaus County needs financial resources to enhance the Public Health Lab, for active surveillance, for pre-event mandates from the State and Federal Governments, and for any major disaster or disease pandemic.

Action: Support State and Federal legislation for non-categorical funding to address individual County issues and mandates (e.g., pandemic flu, emerging diseases, smallpox pre-event vaccination plan). Support adequate funding for counties like Stanislaus that will serve displaced residents in the event of an emergency that displaces large numbers of Californians.

3. Funding for Public Health Services, Infrastructure and Workforce

Issue: In the absence of adequate funding through Realignment, there are few funds to provide for Public Health infrastructure, chronic disease prevention, communicable disease, data collection and community health efforts.

Action: Support legislation to assure the funding and infrastructure needs of the county's Public Health Services. Monitor any legislation or administrative policy change that alters realignment funds. Also, monitor health reform to ensure public health needs are adequately and appropriately addressed with appropriate funding to carry out mandates and responsibilities.



Stanislaus County 2010/2011 Legislative Projects and Issues

4. **Improved Efficiency and Effectiveness in Public Health**

Issue: There are administrative and program policies which result in costly administration and services delivery for both the State and the counties. Two specific examples include individual contracts for each scope of work rather than a consolidated contract, and California Children's Services (CCS) program model.

Action: Support legislation and administrative policy change which improves efficiency and preserves quality and effectiveness. Support changes to the CCS system which more closely aligns spending authority with funding and risk exposure, and which provides services delivery in the most cost effective manner.

5. **Expanded Access to Healthcare with Adequate Funding, Efficiency and Quality Improvement**

Issue: There is need for policy and administrative change to expand access to health care services in California and which adequately provides funding for the providers of healthcare. Strategic policy change would invest in prevention and outpatient care, support efficient and effective utilization management, and which in aggregate would reduce the exposure to the more costly inpatient and emergency room care.

Action: Support state and federal healthcare policy change which would expand access to medical care in a manner which does not financially impact Stanislaus County in a negative way. Negative impacts could include unfunded or under-funded mandates, or reallocation of existing Stanislaus County funding that increases county general fund obligation. Also support infrastructure, funding, and reimbursement policy for telemedicine and other forms of appropriate healthcare. This could include reimbursement for email or telephonic consultation, and group visits.

In health reform solutions, the safety net care system needs adequate funding, public health needs to be adequately and appropriately addressed with appropriate funding, and workforce capacity must be addressed. Reimbursement related policy change could include same day outpatient visits in the Medi-Cal system, Patient Centered Medical Home support, Prospective Payment System for Federally Qualified Health Centers serving the Healthy Families population, telemedicine infrastructure and operational support, group visit reimbursement. Other administrative changes could include appropriate utilization management which supports quality and avoids ineffective administratively burdensome controls.



Stanislaus County 2010/2011 Legislative Projects and Issues

6. Health Professional Shortages

Issue: There is regional shortage of physicians, nurses and allied health personnel in the San Joaquin Valley.

Action: Support budget, legislative or administrative action to provide funding for health professional training and/or recruitment to increase access to healthcare for residents of the San Joaquin Valley, including support of the proposed UC Merced Medical School and adequate funding for physician graduate medical education.

7. Information Technology

Issue: There is a need for improved information technology in the outpatient clinic setting, and in public health. Such technology will add efficiency and create opportunities for improved quality and health outcomes.

Action: Support legislation and/or administrative action which provides funding or other incentives to finance or make financially feasible information technology infrastructure improvements for outpatient clinics, pharmacies and public health.

8. Pre-Hospital Emergency Medical Care System Improvement

Issue: There is a need for improved infrastructure and funding for the pre-hospital emergency medical services administration, training and operations/services at the county level.

Action: Support legislation and/or administrative action which provides funding for infrastructure improvement, training, emergency preparedness and operations, which supports the unique and growing needs at the local level.



Stanislaus County 2010/2011 Legislative Projects and Issues

Planning and Community Development

Contact: Kirk Ford, Director
(209) 525-6330

1. Williamson Act Reform

Issue: Several years ago landowners were able to sign up for the Williamson Act without regard to a minimum parcel requirement. There is a minimum parcel size for lands to be enrolled; ten acres for “prime land” and 40 acres for “non-prime land”. The county has several parcels that do not meet the 10 acre minimum size and derive no benefit from the contract, which results in problems and possible breaches of the Act.

Action: Seek an amendment to the Williamson Act which would provide that any property less than 10 acres which is under Williamson Act contract and has not had any monetary benefit from the contract for ten years be allowed out of the contract without penalty. Allow cancellation for non-compliant parcels, and direct the cancellation fees to the County.

2. Protection of Redevelopment Funds

Issue: The 2009-2010 Budget took \$2.05 billion in redevelopment agency funds throughout the State. This represents a loss of over \$13 million to the County’s redevelopment agencies (\$2.8 million from the County directly.) An additional \$3 million from the County’s redevelopment agencies will be taken in 2010-2011 (\$580k from the County directly)

Action: Support legislation and a balanced budget that does not require additional state acquisition of local Redevelopment funds. Support legislation or initiative action that permanently protects local redevelopment funds from future state raids. Oppose budget proposals which require transfers from local Redevelopment funds to the State.



Stanislaus County 2010/2011 Legislative Projects and Issues

Probation

Contact: Jerry Powers, Chief Probation Officer
(209) 525-5400

1. Additional Funding for Construction of Facilities

Issue: County resources are not sufficient to fund construction and remodeling of juvenile facilities, which are in need of updating and reconstruction. The County's Probation Department currently estimates a \$20 million local need for construction.

Action: Seek support for additional State funding for the construction and remodeling of juvenile justice facilities, including juvenile halls and commitment facilities.

2. Funding for Additional Probation Officers

Issue: Currently the average adult probation caseload is in excess of 200 offenders per officer. Existing resources have been concentrated on juvenile crime prevention and intervention. Very few State resources have been spent on adult probation supervision. This has resulted in extremely high caseload numbers that essentially preclude actual supervision of the offenders in the community. There are not sufficient resources to fund additional adult probation officers to supervise felony probationers placed in our community. The County's Probation Department staff indicate an additional \$4 million is needed for the County.

Action: Support legislation to secure funding for additional adult probation officers to supervise felony probationers in our community.



Stanislaus County 2010/2011 Legislative Projects and Issues

Public Works

Contact: Matt Machado, Director
(209) 602-8167

1. Seventh Street Bridge

Issue: The Seventh Street Bridge was constructed in 1916 and is a 92 year old bridge. It has the lowest bridge rating in Stanislaus County and according to Caltrans District 10, is the lowest rated bridge in the 8 County District. The bridge has major structural deficiencies such as alkali silica reaction deteriorating the concrete, large deflections between cantilevered members in the bridge deck, exposed and rusting reinforcing steel. The bridge has been weight restricted since the mid 1930's. The bridge carries over 14,000 cars per day and is a major link between the south side of Modesto and downtown.

Action: Seek and support design and engineering funding to repair this bridge, as it is a vital and historic link between south Modesto and downtown. Also, support any budget, legislative or administrative action that would assist in the completion of this project.

2. McHenry Corridor – Ladd Road to San Joaquin County Line

Issue: McHenry Avenue serves as a primary north/south transportation roadway and corridor for County residents. It is projected that the roadway will reach capacity in 2018. The County is planning a widening project to increase capacity, but requires funding from both local Public Facility Fees and the State Transportation Improvement Program (STIP).

Action: Seek funding through the California Transportation Commission and advocate for Stanislaus County projects to be strategically positioned to draw down state and federal transportation dollars for this project as they become available through various funding sources.

3. Kiernan Ave / Route 219 Interchange Reconstruction at SR-99

Issue: The interchange of SR 99 and SR 219 (Kiernan Avenue) is a highly traveled, narrow diamond interchange providing regional access to Salida, Riverbank, Oakdale and Modesto. During peak traffic hours, the interchange operates at a high level of service. Traffic volumes will increase and congestion will continue to occur. In addition, the southbound ramps and SR 99 mainline experience higher than the state average for accidents on similar facilities. The project has concept approval from CalTrans and is



Stanislaus County 2010/2011 Legislative Projects and Issues

currently in the environmental phase. The design phase is anticipated to begin in the fall of 2010 with construction to begin in 2013 if funding is received.

Action: Seek funding through the California Transportation Commission and advocate for Stanislaus County projects to be strategically positioned to draw down state and federal transportation dollars for this project as they become available through stimulus or bond fund grants.

4. North County Corridor

Issue: Stanislaus County is working to improve and develop a North County Corridor road system to provide a safer, higher quality transportation route through this high-traffic volume, east-west corridor. The North County Corridor is a high-priority corridor for Stanislaus County and its incorporated cities. The Corridor will provide approximately 25 miles of roadway on a new alignment. The primary intent of the project is to provide a high-capacity and high-speed west-east roadway to alleviate congestion, accommodate anticipated traffic growth in northern Stanislaus, to alleviate traffic on parallel roadways, to accommodate multi-modal travel, to provide interregional connectivity, and to provide for economic growth. It is anticipated that the ultimate facility will be a four-to-eight lane expressway with interchanges, at-grade intersections, grade-separated railroad crossings, irrigation district crossings, frontage roads and street alignments.

Action: Support budget, legislative or administrative action that would assist in the completion of the improvement project for North County Corridor.

5. Infrastructure Funding

Issue: The State has continually borrowed against, deferred and taken local roads, transit and other infrastructure funds to help manage State budget problems.

Action: Oppose any legislative or agency action that would not fully provide local road funds include HUTA, Prop 42, Prop 1B and other related monies.



Stanislaus County 2010/2011 Legislative Projects and Issues

Stanislaus County Federal Legislative Agenda for FY 2010/2011

Project Funding:

Orestimba Creek Flood Control, West Stanislaus County: \$1,500,000

In FY 2011, the USACE will finalize any outstanding issues of the feasibility study and move forward on the Preconstruction Engineering and Design (PED) phase. PED work will include geotechnical analysis, engineering (including hydraulics and hydrology), planning and environmental work. Ongoing flooding of Orestimba Creek has damaged the lives and property of those on the west side of Stanislaus County. There have been 13 serious floods in the past 50 years two persons have died as a result of flooding within the past four years. A feasibility study is underway to fix this problem, with a large number of partners and stakeholders. In FY 2010 the Corps will complete the environmental review, release the environmental documents for public review and complete the feasibility report (Chiefs report). In FY 2011, work will begin on the PED phase of the project.

Stanislaus County/City of Modesto Public Safety Radio Operability Needs and Homeland Defense Communications Enhancements: \$6,000,000

Stanislaus County representatives are seeking \$6,000,000 in funding to help obtain public safety communications equipment for regional law enforcement and homeland security needs. The requested funding would assist in building an interoperable radio solution for the Highway 99 corridor from Modesto to Turlock. Funding will be used to purchase and install equipment for three (3) trunking repeater sites in Modesto and to replace twenty-three (23) 911 call center consoles with P25 capable systems. The consoles would be in the Regional 911 center, Ceres, Turlock and California State University, Stanislaus.

Tuolumne River Regional Park: \$1,800,000

\$1,800,000 will provide for development of the Carpenter Road Area Specific Plan, a Finding of Conformance to the existing Master Environmental Impact Report (MEIR) and creation of Construction Documents over an 18-month period. Development of the Carpenter Road Area Specific Plan will position this project to be eligible for future funding as it becomes available. The TRRP Master Plan is a comprehensive vision guiding the development of 500 acres along a seven-mile stretch of the lower 52 miles of the Tuolumne River Corridor, including the Carpenter Road Area



Stanislaus County 2010/2011 Legislative Projects and Issues

Stanislaus Family Justice Center: \$300,000

Stanislaus County is seeking \$300,000 to assist start-up of a one-stop center to help victims of family violence/abuse. Stanislaus County is working in partnership with the Stanislaus County Family Justice Center (SFJC) a non-profit 501 (c) (3) organization, to bring real hope to victims of violence, sexual assault, child and elder abuse. Funds will be used to assist the center in providing treatment programs and services such as exams and interviews for victims and their extended families.

Federal Policy Items FY 2010/2011

(not in rank order)

Public Safety Radio Operability/Interoperability

- Stanislaus County continues to work collaboratively in a regional approach to public safety radio operability and interoperability. Support any efforts that expand Stanislaus County's ability to apply for grant funding to develop interoperable communications.

Energy from Waste – alternative energy

Energy from Waste is a renewable energy source that needs appropriate inclusion and recognition in legislation. Stanislaus County operates an extremely environmentally clean Energy from Waste plant that diverts more than 50% of waste from the landfill into the plant. The County is very concerned with legislative attempts to revise the definition of a solid waste facility. The House passed legislation in 2009 that included a Renewable Energy Standard (RES) as well as a Green House Gas cap and trade program. The House bill limits Stanislaus County's ability to participate fully in the RES. There are five criteria that Energy-from Waste plants must meet to be a "qualified" waste-to-energy generator in the RES. One of these criteria allows only the non-fossil biogenic portion of the waste stream to qualify as renewable. This would mean that only 2/3rds of Stanislaus' would qualify as renewable and receive a higher value for the electricity. Ensure that any new definition of renewable energy includes the energy-from-waste facility and that energy-from-waste appears in any renewable energy standard. Promote legislation to give WTE a full renewable energy credit in the Renewable Energy Standard.

Water recycling

- Water is a scarce but vital resource to the central valley. Support any appropriate legislative, agency, executive or other action that would promote the advancement and completion of the North Valley Regional Recycled Water Project.



Stanislaus County 2010/2011 Legislative Projects and Issues

Bridges

- There is not sufficient funding to maintain and improve bridges in Stanislaus County. Support any legislative or executive action to provide funding for building, repairing, upgrading and maintaining the roads and transportation network in Stanislaus County.

Child Support Services

- Support increasing federal funding to Stanislaus County for Child Support Services.
- Restore the authority for performance based incentives to be used as match for federal financial participation. This was eliminated in the Deficit Reduction Act of 2005.

Roads and transportation

- There is not sufficient funding to maintain and improve the roads and transportation system in Stanislaus County. Support any legislative or executive action to provide funding for building, repairing, upgrading and maintaining the roads and transportation network in Stanislaus County.

Levees and flood control

- There is not sufficient funding to maintain and improve the levee and flood control system in Stanislaus County. Support any legislative or executive action to provide funding for building, repairing, upgrading and maintaining levee and flood control system in Stanislaus County.

City/County Islands

- Stanislaus County has identified more than 25 city/county islands that have infrastructure needs. The County is working with the City of Modesto to create a strategy for continuing to improve infrastructure in these islands. Support any efforts that would support the County's attempt to improve infrastructure in these areas.

Health Services Agency

- The Stanislaus County Health Services Agency is critical to the healthcare infrastructure of Stanislaus County. Agency staff provide over 240,000 outpatient clinic visits each year. The county has received the Federally Qualified Health Center designation from the Centers for Medicare and Medicaid Services (CMS) which will help to preserve health access in the community. Protect access to federal funding that will support the provision of healthcare to the underserved community.

Valley Family Medicine Residency Program

- Physician training is vital to helping with the disproportionately low-share of physicians per capita in the valley. Support additional funding of the residency program through various funding sources.



Stanislaus County 2010/2011 Legislative Projects and Issues

Behavioral Health Recovery Services

- Services continue to be under-funded at the federal and state levels. Support efforts to provide adequate funding for behavioral health needs in Stanislaus County.

Cell phones as listed property by Internal Revenue Service

- Support changes to federal IRS regulations and/or legislation to bring remedy to the IRS designation of employer-provided cell phones as listed property.

Women, Infants and Children's (WIC) program

- Issue: Congress reauthorizes the WIC program every three years. Based on a recent short-term extension, consideration of a new five-year reauthorization is anticipated during 2010. Funding decisions can impact eligibility guidelines, administrative support, nutritional value of food packages, and nutrition education. Support legislation that reauthorizes the WIC program and maintains the quality and effectiveness of the program. Support legislation and/or administrative action which preserves the eligibility guidelines, administrative funding and nutritional integrity to assure appropriate standards and the preventative value of the WIC program.