

**EL DORADO COUNTY BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

**Meeting of  
January 30, 2007**

**AGENDA TITLE:** Adoption of the 2007 State Legislative Platform

**DEPARTMENT:** Chief Administrative Office

**DEPT SIGNOFF:**

**CAO USE ONLY:**

**CONTACT:** Jim Wiltshire

*Jim Wiltshire*

*C! 1/16/07  
Jim Wiltshire*

**DATE:** 1/12/2007

**PHONE:** 5569

**DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:**

Adopt 2006 State Legislative Platform to provide legislative direction to Peterson Consulting.

**CAO RECOMMENDATIONS:**

*Recommend approval. Laura A. Gill  
1/18/07*

Financial impact? ( ) Yes (X) No

Funding Source: ( ) Gen Fund ( ) Other

**BUDGET SUMMARY:**

Other:

Total Est. Cost \_\_\_\_\_

**CAO Office Use Only:**

**Funding**

4/5's Vote Required ( ) Yes ( ) No

Budgeted \_\_\_\_\_

Change in Policy ( ) Yes ( ) No

New Funding \_\_\_\_\_

New Personnel ( ) Yes ( ) No

Savings \_\_\_\_\_

**CONCURRENCES:**

Other \_\_\_\_\_

Risk Management \_\_\_\_\_

Total Funding \_\_\_\_\_

County Counsel \_\_\_\_\_

**Change in Net County Cost** \_\_\_\_\_

Other \_\_\_\_\_

**\*Explain**

**BOARD ACTIONS:**

**Vote:** Unanimous \_\_\_\_\_ Or

**Ayes:**

**Noes:**

**Abstentions:**

**Absent:**

Rev. 6/04 ISKW001 Agenda

**I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors**

**Date:** \_\_\_\_\_

**Attest:** Cindy Keck, Board of Supervisors Clerk

**By:** \_\_\_\_\_

# EL DORADO COUNTY

## *2007 STATE LEGISLATIVE PLATFORM*



*Chief Administrative Office  
&  
Peterson Consulting*

*January 30, 2007*

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# *General Principles*

El Dorado County's Legislative Platform is a statement of the goals and priorities of the Board of Supervisors and establishes the basis for its advocacy efforts with the Legislature and Administration of the State of California. The Platform contains broad goals and specific legislative proposals of interest to El Dorado County and its citizens.

1. Advocate for maximum local control in the allocation of resources and administration of local programs and oppose efforts that will hinder or limit the County's ability to self govern.
2. Support legislation that increases the opportunity for discretionary revenues and programmatic and financial flexibility for the County.
3. Oppose legislation that would shift costs from the State to the County for new or transferred mandated programs that do not contain their own revenue sources.
4. Support legislation that protects the County's quality of life, its diverse natural resources, and continued preservation of agricultural lands, wildlife habitat, and open space.
5. Seek cooperation with the State on regulatory and administrative issues affecting the County, to ensure the protection and well being of its citizens.
6. Support legislation that encourages local agencies and governments to cooperate for the betterment of the community, and encourage and expand voluntary regional solutions to regional problems.

# *Agriculture*

## **1. WILLIAMSON ACT FUNDING**

*Background:* Passed in 1965, the Williamson Act is a property tax exemption designed to keep agricultural and open space land free of development and give local governments a tool to use in implementing land use planning goals. The Act provides financial recovery to local jurisdictions that approve Williamson Act contracts. There is great concern that the State may attempt to discontinue the Williamson Act Program and the local government reimbursement that is currently used to supplement the property tax exemption for contracted Williamson Act lands. El Dorado County's Williamson Act subvention from the State, is approximately \$50,000.

*Legislative Platform:*

- Continued support for Williamson Act that provides financial recovery to local jurisdictions that approve Williamson Act contracts.

## **2. NONPOINT SOURCE POLLUTION AGRICULTURAL DISCHARGES**

*Background:* The State's Regional Water Quality Control Board has eliminated the exemption for agricultural discharges and is requiring farmers and ranchers to file for individual discharge permits or be included under the permit of a watershed group. The added regulatory burden for agriculture ignores the relatively minor effect of the vast majority of the agricultural operations.

*Legislative Platform:*

- Support legislation that requires the State to appropriate funding to develop a science-based water quality-monitoring program based upon a watershed approach. The overall water quality within a watershed is directly related to soil conditions, terrain, mineralogy, geology, and the activities of all parties within the watershed, not farmers and ranchers exclusively.

# *Assessor*

## **3. PROPERTY TAX ADMINISTRATION PROGRAM**

*Background:* This program provided \$60 million to counties to assist in paying for the assessment operations of property taxes. The final 2005-2006 budget negotiations eliminated the Property Tax Administration Grant program, and there remains significant reticence to provide state funding for the property tax system, despite the efforts being made to develop alternative proposals to restore this funding. The elimination of PTAP grants in the FY 2005-06 State Budget represented a funding loss of nearly \$303,000.

*Legislative Platform:*

- Restore funding in the State Budget for the either the costs associated with the schools share of property tax administration or restore the grants program.

# *Child Support*

## **4. FEDERAL AUTOMATION PENALTIES**

*Background:* Federal fiscal penalties were levied against California totaling \$220 million for fiscal year 2004-05. Counties are not responsible for the State's failure to implement a single, statewide-automated child support collection system (by Oct. 1, 1997) as required in the federal guidelines of the 1988 Family Support Act. California has not paid penalties for 2006 and has applied for relief in a timely fashion. At this point the Federal government has not pursued any penalty payments and are in the process to verify the alternative system configuration meets federal automation standards. If California passes the configuration and system review, California will be relieved from future penalties. If the review concludes that California has not meet the federal automation standards and are in compliance the FY 2005, FY 2006 and FY 2007 penalties will become due.

In FY 2003-04 the State of California passed through those federal penalties to counties and El Dorado County's share that year exceeded \$450,000.

*Legislative Platform:*

- Continue to oppose any attempt by the State to pass on federal automation penalties imposed on the state to the counties.
- Support the State backfill of lost Federal matching incentive revenues.

# *Environmental Management*

## **5. NATURALLY OCCURRING ASBESTOS**

*Background:* In the previous biannual legislative cycle Senator Ortiz of Sacramento introduced SB 655. This measure failed passage but a new version could be reintroduced this session. The measure contained broad sweeping requirements that included:

- 1) The State Geologist to compile maps identifying asbestos hazard zones, and, upon completion, to submit those asbestos hazard maps to the State Mining and Geology Board and all affected cities, counties, and state agencies for review and comment,
- 2) Disclosure to any prospective transferee the fact that the property is located within an asbestos hazard zone when real property is transferred, and
- 3) The California Environmental Protection Agency (CalEPA) to convene a task force to evaluate, compile policies and suggest guidance policies and guidelines for best management practices to mitigate the risks associated with naturally occurring asbestos (NOA) for use by cities and counties.

Of the forty-four counties where NOA exists El Dorado County has the most stringent dust mitigation measures and serves as a leader in NOA mitigation and dust control activities.

*Legislative Platform:*

- Monitor all NOA legislation and regularly report to the Board of Supervisors.

## **6. WEST NILE VIRUS**

*Background:* West Nile Virus (WNV) has had a significant impact on the State of California and the local agencies responsible for protecting the public health and safety. In 2005 and 2006, the state provided an additional \$12 million and \$3 million respectively to enhance the resources of existing mosquito control programs, and to expand efforts in areas of the state not covered by mosquito control services. El Dorado County received \$82,714 of this funding.

*Legislative Platform:*

- Support continued funding to local agencies for the control of WNV.
- Support legislation and industry in the registration of public health pesticides.
- Support legislation and activities that promote public education regarding the safe use of public health pesticides and the precautions to prevent WNV.

## **7. STATEWIDE ONSITE WASTEWATER TREATMENT (OWTS) REGULATIONS – AB 885**

*Background:* AB 885 (Jackson), signed into law by Governor Gray Davis in September 2000, directed the State Water Resources Control Board (SWRCB), in consultation with numerous stakeholders including the California Department of Health Services, the California Conference of Directors of Environmental Health, counties, cities and other interested parties, to develop statewide regulations for onsite wastewater treatment systems (i.e., septic systems). AB 885 required the adoption of these regulations by the SWRCB by January 1, 2004, and implementation by local agencies six months later. The regulations proposed to date by SWRCB staff have been met with much opposition from stakeholders for several key reasons: The stake holder's concerns and recommendations were largely ignored by SWRCB staff; the proposed regulations take a one size fits all approach and do not accommodate the state's geologic diversity; the proposed regulations are financially burdensome to implement to both local jurisdictions and property owners; and the proposed regulations are based upon questionable scientific studies and conclusions.

*Legislative Platform:*

- Oppose the development of prescriptive regulations that mandate local jurisdictions to absorb the cost of implementation without State reimbursement.
- Support flexible, reasonable, science based, cost effective regulations that are developed with the input and support of interested stakeholders, such as the California Conference of Directors of Environmental Health.

# *Human Services*

## **8. ADULT PROTECTIVE SERVICES FUNDING**

*Background:* In 2000, the State established law regulating a statewide response to elderly and disabled persons suspected of being victims of abuse or neglect. Current funding for these programs is inadequate. Referrals have increased 72% between 2000 and 2005 in El Dorado County.

Additionally, in 2005 the Governor approved legislation that requires financial institutions to also become mandatory reporters of suspected abuse, further expected to increase county caseloads.

The APS Program is funded through a combination of State General Fund, County Services Block Grant (CSBG) funds, and County Maintenance of Effort (MOE). Funding for this program has remained stagnant since State Fiscal Year 2002/03, and has even eroded when considering the rising cost of inflation. This is despite the fact that between January 2004 and June 2006, there was an 18% increase in the number of active cases carried by social workers each month. In addition, “confirmed” and “inconclusive” case reports jumped by 40% during this same time period. This indicates that mandated reporters and the public are doing exceptionally well in making reports to local APS agencies. Unfortunately, Local APS programs are straining to meet the increased demand without jeopardizing the health and safety of elderly and dependent adult abuse victims. A survey by the Adult Services Committee of several counties found that, under limited funding and resources, cases are being closed earlier—at the point where the elder and dependent adult is safe from harm, yet without all of supports and services needed by the victim. Between 2001 and 2005, there was a 21% decrease in the time cases remained open for the 7 counties surveyed, moving from an average of 61 days to an average of just 46 days. Securing additional supports and services can be a time-consuming process. This is made more problematic because of diminishing local resources and increasing caseloads.

Legislative Platform:

- Support legislation that will provide for increased funding for Adult Protective Services and that allows for additional flexibility for counties to implement innovative programs.

## **9. “COST OF DOING BUSINESS” FUNDING**

Over the past several years, counties have not received funding to account for the true cost of operating their programs. The provision of annual Cost of Doing Business (CODB) increases was discontinued for most programs in the 2001-02 budget. Medi-Cal is the one exception, in which CODB increases were reinstated in 2003-04 in exchange for the creation of a system of performance standards related to eligibility determination and redetermination. In the 2006-07 budget negotiations, the legislature adopted statutory language requiring the State Department of Social Services to develop, with California Welfare Directors Association (CWDA), a cost-based budgeting methodology for county administration of human services programs. Beginning with the May Revision of the 2007-08 budget the budget documents shall compare the methodology estimate with the amount budgeted. However, the language stopped short of requiring that the estimate be fully funded.

In addition, The County Counsels’ Association has opined that not funding increases to counties for costs to administer programs on behalf of the state amounts to a cost shift triggering the mandate reimbursement provisions of Proposition 1A. As amended by the proposition, Article 13B, section 6 of the State Constitution states, in part: “A *mandated new program or higher level of services includes a transfer by the Legislature from the State to cities, counties, cities and counties, or special districts of complete or partial financial responsibility for a required program for which the State previously had complete or partial financial responsibility.*” Requiring counties to absorb cost increases for county administration of programs has increased the county share of program costs



beyond the statutory sharing ratios and, over time, will nearly eliminate the statutorily required state share of program costs.

Legislative Platform:

- Advocate for funding across county human services programs that recognize the actual cost of operating county-operated human services programs, including eligibility, services and automation.

## **10. UPDATE CASELOAD STANDARDS FOR CHILD WELFARE SERVICES**

*Background:* The 2006-07 Budget Act directed the California Department of Social Services to work with CWDA to develop a proposed budgeting methodology for child welfare services by February 1, 2007 using available research. These discussions have begun and are continuing to move forward. Previous studies have confirmed what the field had long believed: that caseloads are significantly higher than existing mandates let alone institute best practices in the child welfare field. Since that time, even more requirements have been instituted, exacerbating the problem.

Legislative Platform:

- Support the California Welfare Directors Association efforts to maintain as a budget priority the need to update the budgeting methodology to reflect appropriate workload standards.

## **11. IN-HOME SUPPORTIVE SERVICES FUNDING**

*Background:* As required by state law, El Dorado County established an IHSS program and a Public Authority that provides a registry service for the program that provides critical in-home care for elderly and disabled persons. El Dorado County's Public Authority negotiated, in good faith, a reasonable wage for county IHSS providers, based on an existing state-county reimbursement formula. State funding reductions will reduce the care available for eligible disabled and elderly persons who need assistance to remain in their homes independently, or will increase unbudgeted county costs.

Legislative Platform:

- Support legislation or budget proposals that will maintain or increase funding for In-Home Supportive Services (IHSS).
- Support legislation that would require the state to annually reimburse any county with a population of 250,000 or less for 100% of the costs of providing IHSS services and personal care services for all caseloads in excess of 1.4% of the county's population.

## **12. CHILD WELFARE SERVICES FUNDING**

*Background:* In 2004, counties were required to implement program/system redesign and improvements to meet federal and state requirements. These requirements have been implemented with an inadequate increase in funding. The Child Welfare Services system continues to be significantly under funded. It is estimated that each county is currently under funded by 30-40%.

Legislative Platform:

- Support adequate state funding for the Child Welfare Services system in order to meet the federal and state requirements of this program. The increased funding should provide for more local flexibility to determine appropriate priorities, expenditures and innovative programs.

## *Library*

### **13. PUBLIC LIBRARY FOUNDATION FUNDING**

Background: In the last 5 years, the State has reduced Public Library Foundation (PLF) funding by more than \$40 million. The funding is provided to public libraries on a per capita matching basis that is adjusted annually. Loss of PLF funding would result in a direct loss in the library's operating revenue, adversely impacting the Library's materials budget, equipment, and facilities maintenance

Legislative Platform:

- Support legislation or budget proposals that maintain or increase the FY 2005-06 level of Public Library Foundation (PLF) funding in the State Budget.

## *Probation*

### **14. PROPOSITION 36 (Substance Abuse and Crime Prevention Act of 2000)**

Background: Proposition 36, approved by California voters, enacted the SACPA program. The program provides, in lieu of incarceration, treatment and supervision for persons with addiction problems that have committed drug-related crimes. El Dorado County services approximately 535 persons per year in programs that are an alternative to incarceration with an allocation of approximately \$585,567. Agencies providing services with this funding include community based treatment providers, Probation and the Health Department. In the annual Budget Bill for 2006/2007, \$120 million was appropriated for Prop. 36 and allocated to counties based on the SACPA allocation methodology.

It should be noted that with Probation's reduction in SACPA funding, the Probation Department had to request an additional \$84,554 from general fund in FY 2006/2007 to continue providing mandated services. Currently, the program consists of three (3) FTE Probation Officers, two (2) in Placerville and one (1) in SLT to support caseload demands.

Legislative Platform:

Support continued state funding at actual costs (\$140 million) for the "Substance Abuse and Crime Prevention Act (SACPA)" of 2000.

## **15. JUVENILE JUSTICE CRIME PREVENTION ACT**

*Background:* El Dorado County Probation Department receives Juvenile Justice Crime Prevention Act (JJCPA) funding administered by the Corrections Standards Authority (CSA). The intent of the Legislations (AB1913) was to create programs that reduce delinquency and address juvenile crime including prevention, intervention, suppression, and incapacitation. El Dorado County Probation developed a program (CART) with this funding in FY 2000/2001 and was forced to reduce services when funding was cut by approximately 15% in 2004/2005 by one (1) FTE Deputy Probation Officer.

The 2006 the State Budget Act increased the JJCPA allocation from \$110M to \$119M. Based on the State allocation methodology, El Dorado County received an additional \$79K in funding. This funding is being used to restore one (1) FTE Deputy Probation Officer to the program when lost in FY 2004/2005 (subject to BOS approval on 12/12/06).

### ***CART Program:***

The Juvenile Justice Crime Prevention Act (Formerly Crime Prevention Act of 2000, CPA 2000) provides funding for the Community Alliance to Reduce Truancy (CART) program. With the increased funding in FY 2006/2007, this program will fund six (6) Probation Officers and one (1) Supervising Probation Officer to place Probation Officers at eight West Slope High School campuses and one SLT High School Campus. This intervention program allows intensive supervision of juveniles under the jurisdiction of the Department and Juvenile Court. The focus of the program is community protection and improving the attendance and academic achievement of juvenile program participants.

### ***Legislative Platform:***

Support Governor's budget that continues to maintain the JJCPA funding for local crime prevention at the level allocated in FY 2006/2007.

## **16. STANDARDS FOR TRAINING FOR CORRECTIONS**

*Background:* Since 1980, the Corrections Standards Authority has administered the STC program and has reimbursed Sheriff's Departments and Probation Departments for testing and training costs incurred for Probation Officers, Correctional Officers, and Juvenile Detention Officers. The State Standards and Training Program sets the standards for the kind of training these officers should receive. STC reimbursement to local jurisdictions was eliminated in the 2003/2004 State Budget. Prior to that, the State provided subvention funds to aid counties and cities in meeting training standards. Funding was reinstated in fiscal year 2006/2007. The revenue provided by Standards and Training for Corrections (STC) funds (\$57,460 for Probation only in FY 2006/2007) will be used for expenditures for training as approved in the Annual Training Plan filed and approved pursuant to Title 15, Division 1, Chapter 1, Subchapter 1, Article 7, Section 297, California Code of Regulations.

It should be noted the newly restored revenue from CSA does not fully cover all costs related to Probation sworn staff training requirements. The BOS continues to approve County general fund dollars to supplement full program costs.

Legislative Platform:

Support legislation or budget proposals that would continue (at same or higher level) Standards and Training for Corrections (STC) funding to local jurisdictions.

## *Public Health*

### **17. REALIGNMENT**

Background: In 1991, the Legislature enacted the Realignment legislation transferring financial responsibility, \$2 billion, for certain health, mental health, and social services programs from the State to counties. The Realignment legislation dedicated one-half cent of the State sales tax and 24.33% of the vehicle license fee (VLF) for the increased financial burden incurred by counties. These revenue sources are now generally referred to as Realignment revenue.

During economic downturns, Realignment revenue is decreases while service demands for the realigned programs increases. This imbalance results in significant shortfalls in both the base and growth accounts. Furthermore, legislative policy changes resulted in major cost escalation in Realignment program expenditures. One example is the In-Home Supportive Services (IHSS) program, an entitlement without expenditure caps. Realignment legislation increased the County's share of non-federal IHSS program costs from 3% to 35%. In 1999, the State mandated that counties establish an employer of record for the purpose of collective bargaining for wages and benefits with IHSS providers. This law significantly raised the cost of the IHSS program.

Legislative Platform:

- Oppose legislation that impacts the cost to counties for providing realigned services.

## *Sheriff*

### **18. PRISON REFORM**

Background: Governor Schwarzenegger has proposed a prison reform package that would alleviate the burgeoning state prison population. The package includes two main components; 1) shift population to county jails, and 2) \$10.9 billion bond to fund 83,000 prison, jail and juvenile hall beds to the state and local system. Currently anyone sentenced for more than a year is sent to a state prison. It is proposed to change this timeframe to three years thus shifting prison inmates to county jails. El Dorado County jail is frequently full and lesser crime inmates are often released early. The county has begun the process of expanding the west slope jail's capacity. The bond funding could be accessed to offset costs however the anticipated number of inmates may triple over original estimates.

Legislative Platform:

- Oppose the shifting of the State prison population to the local level.
- Support state financing jail expansion if the sentence threshold is expanded.

# *Transportation*

## **19. PROPOSITION 1B**

*Background:* In November 2006, the voters passed Proposition 1B, the \$19.9 billion transportation component of the \$115.8 billion statewide infrastructure bonds. Within Proposition 1B is the \$1 billion State-Local Partnership Account. These funds will be appropriated by the Legislature, providing a dollar-for-dollar [or lesser State percentage] match for projects in counties with local transportation funds. Caltrans Director Kempton and California Transportation Commission (CTC) Director Barna have repeatedly assured El Dorado County Transportation Commission that this account is for counties with transportation sales tax programs or uniform developer fees that can match state funds. Both El Dorado County and the City of Placerville are candidates for these funds utilizing TIM fees as the local match contribution.

There are committees immediately created to develop the guidelines for each of the transportation bond accounts and the CTC has reviewed the Draft State-Local Partnership Guidelines at their December meeting in San Francisco. The draft guidelines state:

“The Commission [CTC] will consider applications from a city, a county, or any local entity that is authorized to impose a sales tax or a uniform developer fee and that has responsibility for constructing highways or transit facilities.”

*Legislative Platform:*

- Support legislation that will include uniform developer fees as an eligible local match for State transportation bonds funding.

# *Veterans Services*

## **20. VETERAN SERVICES FUNDING**

*Background:* The Veterans Services department’s mission is to assist veterans with any facet of their military experience and the administration of laws resulting from such service as well as to assist their dependents and survivors through entitlement assistance and successful litigation of claims to the U.S. Government. The funding for veteran services is primarily all county dollars, nearly \$400,000 last year. The Statewide appropriates \$5 million statewide and the California Association of County Veterans Service Officers are proposing to double that subvention in the FY 2007-08 State Budget.

*Legislative Platform:*

- Introduce legislation to increase subvention to the \$5 million provided for in M&V Code Section 972.1(d).