June 15, 2017

TO: CSAC Board of Directors  
County Administrative Officers  
CSAC Corporate Partners

FROM: Matt Cate, CSAC Executive Director  
DeAnn Baker, CSAC Deputy Executive Director, Legislative Affairs  
Graham Knaus, CSAC Deputy Executive Director, Operations & Member Services

RE: Legislature Sends Final Budget Deal to Governor

Thursday evening, hours before the Constitutional deadline, the Legislature sent the 2017-18 budget package totaling $125 billion in General Fund revenue to the Governor. This included the standard main budget bill as well as over a dozen trailer bills that addressed significant policy ranging from cannabis regulation, employee orientation mandates, state agency reorganization, and a priority issue for CSAC: In-Home Supportive Services. The final terms of the deal prevented a shift of $600 million to counties as was originally presented in the Governor’s January budget. More information on the IHSS plan begins on page 13 of this document.

The final budget agreement between the Governor and legislative leadership focuses on a combination of creating more robust reserves, paying down liabilities, and investing in schools and programs serving working families. Uncertainties about the state’s continued economic recovery are somewhat shadowed by the pending policy changes under the Trump Administration related to healthcare, tax reform, and other programs that could upend the years of prudence under the Brown Administration. Specifically, the 2017-18 budget package:

- Augments the Rainy Day Fund by $1.8 billion bringing the fund to a total of $8.5 billion in 2017-18.
• Provides an additional $1.4 billion next year for the Local Control Funding Formula for K-12 schools and a total of $14.5 billion General Fund for higher education, with additional funds provided in the next year to expand capacity for California students at the state’s public institutions.

• Reduces pension liability with a $6 billion supplemental payment to the California Public Employees' Retirement System (CalPERS) through a loan from the Surplus Money Investment Fund, which is estimated to save the State $11 million by 2020.

• Accelerates $2.8 billion toward improving commutes, fixing roads, strengthening overpasses and bridges and building mass transit.

• Expands California’s Earned Income Tax Credit for people who are self-employed and for outreach services.

• Continues investments in Medi-Cal, including $546 million for Proposition 56 programs.

Please see the following policy sections for details on budget items of importance to counties or contact your CSAC legislative staff.
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*A complete list of trailer bills transmitted to the Governor will be provided as part of the final budget summary report.
Administration of Justice

The Legislature and Administration reached several compromises in the criminal justice arena that reflect CSAC priority items.

Jail Funding
During budget negotiations, the Senate proposed redirecting $85 million from the SB 844 jail construction funds to instead fund mental health and substance use treatment facilities. This proposal did not advance and the Legislature passed a compromise that restores the $250 million for competitive jail construction grants via a lease-revenue bond financing arrangement. Additionally, the Budget includes $67.5 million General Fund for community infrastructure grants to cities and/or counties to promote public safety diversion programs and services by increasing the number of treatment facilities for mental health, substance use disorder, and trauma-related services.

Court Security Funding
The Budget includes $7.3 million for off-setting court security costs of new court facilities.

Immigration Detention
The public safety trailer bill, SB 87/AB 103, provides that the Attorney General will have oversight of state, local, and private facilities holding immigrants on civil holds. This includes county jails. Furthermore, the Budget enacts a moratorium that will prohibit counties from entering into new contracts with the federal government to detain individuals on civil immigration holds.

Jail In-person Visitation
The public safety trailer bill, SB 87/AB 103, makes several changes to in-person jail visitation requirements, as provided below:

- Local detention facilities that provide in-person visiting as of January 1, 2017, must continue to provide in-person visiting.
- Counties that only provided video visitation prior to January 1, 2017, are grandfathered in and are not required to provide in-person visiting.
- Local detention facilities that only provide video visitation are required to provide one hour of free video visitation if they offer remote video visiting.
Board of State and Community Corrections
Under the public safety trailer bill, SB 87/AB 103, the Board of State and Community Corrections (BSCC) would be required to inspect local detention facilities, at a minimum, biennially for components relating to the availability of visitation and relating to the receipt of state funds for jail construction. The bill would require that reports made pursuant to the above-described provisions are to be posted on the BSCC Internet Web site.

Agriculture, Environment and Natural Resources
Highlights from the final budget agreement include action on a cannabis trailer bill to streamline medical and adult use cannabis and funding for flood control and dam safety. While the Governor included several CSAC priority items in his January and May Revision budget proposals, including cap and trade, tree mortality, and drought response, some of these are not included in the final agreement and will require continuing work.

Cannabis Trailer Bill
In addition to the $94.6 million appropriated in the budget to implement California's cannabis laws, the budget package includes an updated and comprehensive trailer bill, SB 94, that consolidates the medical and adult-use cannabis regulatory frameworks, established under the Medical Cannabis and Regulatory Safety Act (MCRSA) and Proposition 64, the Adult Use of Marijuana Act (AUMA), into one single regulatory system for commercial cannabis activity, known as the Medicinal and Adult-Use of Cannabis Regulatory and Safety Act (MAUCRSA).

After several months of negotiations, the Administration, in partnership with the Legislature and multiple stakeholders, including CSAC, released a 200-page trailer bill that establishes a new, single administrative system for the purpose of regulating both medical and adult-use of cannabis, avoiding duplicative costs and confusion with two separate sets of laws regulating cannabis activity in California. The consolidation of the two laws presented several challenges as the MCRSA was passed legislatively and the AUMA was a ballot measure, which includes a more complicated and limited amendment process. Despite these challenges, the new package includes a number of priority items for local governments, including maintaining comprehensive local control and taxation authority while also creating a more streamlined approach for the state-local licensure process.
State-Local Licensure Process. The trailer bill outlines a process that requires local verification of applicants for state cannabis licenses. The process respects the duel licensure approach included in the MCRSA while working within the confines of the system established by the AUMA, which placed the burden on the state rather than the applicant to ensure that any state licensee is in full compliance with local rules and regulations related to commercial cannabis activity.

Specifically, the bill requires:

- Local jurisdictions to provide the Bureau of Cannabis Control (Bureau) a copy of any ordinance or regulation related to commercial cannabis activity and a point of contact to serve as a liaison between the state licensing entities and the local jurisdiction;
- Local jurisdictions to contact the Bureau whenever there is a change in local regulations or the point of contact; and
- The state to deny a state license for an activity that the local jurisdiction has informed the Bureau is prohibited within its jurisdiction.

Prior to issuing a state license for commercial cannabis activity:

- The state shall contact the local jurisdiction to verify that the applicant is in compliance with local rules and regulations;
- A local jurisdiction shall have 60 days to respond to the state once notified to inform the Bureau of an applicant’s compliance or non-compliance with local cannabis regulations; and
- The state and local jurisdiction shall determine the method of notification, which may include written notice, or by a licensing authority’s access to any local registry or database or other platform as specified by the local jurisdiction.

The trailer bill includes a number of changes and clarifications to the licensing process, including:

- The clarification that all commercial cannabis activity be conducted between licensees;
- Requiring distribution drivers to be directly employed by a licensee;
- Allowing the co-location of medicinal and adult-use cannabis businesses as long as the licensee obtains separate licenses for each type of business;
- Allowing for the Bureau to issue a state temporary event license at a county fair or district agricultural association; and
Specifying for the purposes of non-store front delivery, that a retailer shall have a licensed premise, which is a physical location but that it may be closed to the public and that they can conduct sales exclusively for delivery.

Other Issues:
- The trailer bill maintains the State Medical I.D. card program, which enables patients with a valid I.D. card to receive a sales tax exemption.
- Requires the California Department of Food and Agriculture by 2021 to develop an organic designation for cannabis, including standards and practices and varietals as part of an appellations program.
- Creates a state quality assurance compliance monitor, employed by the Bureau to conduct random quality control inspections and verify compliance with packaging and labeling standards. The compliance monitor will also be responsible for independent tax verification.
- Appropriates $3 million to the California Highway Patrol to be used for training drug recognition experts.
- Creates a Driving Under the Influence (DUI) Task Force to make recommendations regarding prevention of impaired driving.
- Specifies that cities may enforce certain requirements within their own jurisdiction if the state delegates the authority to do so. This language does not preclude cities from contracting with counties to perform certain functions. Clarification may be desired to further detail these provisions. However, legislative counsel does indicate that it does not impact counties’ ability to contract with cities.

Enhancing Dam Safety and Flood Control
The final budget agreement requires dams (except for low-risk dams) to have an emergency action plan updated every ten years, makes dam owners responsible for emergency response, and provides the Department of Water Resources (DWR) with additional enforcement tools.

Additionally, the budget agreement shifts funding from the Water Quality, Supply, and Infrastructure Improvement Fund of 2014, resulting in additional funding for delta levee subventions and for the Central Valley Tributary Program to be spent in accordance with the Central Valley Flood Protection Plan Conservation Strategy.
Tree Mortality
The drought and subsequent bark beetle infestation of California’s forests has resulted in an estimated 100 million dead and dying trees throughout the Sierra. As counties are well aware, the Governor issued an Executive Order in October 2015 directing state and local entities as well as utilities to remove dead and dying trees that threaten critical infrastructure and pose a health and safety risk. The Governor’s Tree Mortality Task Force has been working diligently to implement the Executive Order with many counties actively participating. The Budget includes funding for tree mortality consistent with the Governor’s May Revise for $2 million for local agencies to aid in the removal of dead or dying trees through California Disaster Assistance Act funding.

Agricultural Protection Planning Grant Program
Under the budget agreement, the Agricultural Protection Planning Grant Program would incorporate climate change goals and increase the grant limits from $500,000 to $750,000.

Watershed Protection Assistance Grants
An appropriation of $285,000 to the Sierra Nevada Conservancy is included for watershed protection local assistance grants. This funding comes from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006.

Cap and Trade
The Governor’s budget proposal emphasized the cap and trade program as an important element in the state’s climate change strategy, and included language that would have authorized the program beyond 2020 with allocations and programmatic details available upon a two-thirds vote of the legislature to extend the program. While the cap and trade language is not included in the Legislature’s budget, legislative members have indicated their intent to continue work on the issue. Litigation challenging the program’s authorization has concluded, decreasing the urgency to re-authorize the program with a two-thirds vote.

Beverage Container Recycling Program
The Governor’s previous budget proposal included placeholder language for reforms to the Beverage Container Recycling Program, also known as the “Bottle Bill.” This program administers the California Redemption Value for recycling bottles and cans. Relevant to local governments are the city and county payments, which provide $10 million to eligible cities and counties for beverage container recycling and litter cleanup activities, and $15 million in
curbside supplemental payments. This was left unaddressed in the final agreement and discussions about program reforms are ongoing.

Government Finance and Administration

The 2017-18 Budget Act is less notable for Government Finance and Administration issues than the host of trailer bills making major policy changes also sought in stand-alone legislation introduced earlier this year.

EMPLOYEE RELATIONS

In-Home Supportive Services (IHSS) – Minimum Wage and PERB Oversight

The IHSS agreement includes significant provisions related to minimum wage and negotiations subject to the Public Employee Relations Board. Please see page 15 of this document for the full summary.

Employee Orientation Mandate

SB 104/AB 119 establishes unions’ rights to have access to new employee orientations (NEO) and public employee information with terms to be largely negotiated between the local agency and the labor representatives. CSAC and other stakeholders met with the Administration several times to secure a balanced approach between the interests of local agencies and exclusive representatives but CSAC ultimately opposed the final version of this measure. This was due to the mandated 10-day notification of a scheduled NEO and more importantly, the reliance on compulsory, binding interest arbitration to resolve impasse on the terms of union access to the NEO, which runs counter to CSAC’s policy platform. CSAC will continue to analyze the language for impacts on current NEO practices but key provisions are as follows:

1) Negotiated Terms of Union Access to New Employee Orientations (NEOs)

- Structure, time, and manner of access that unions may have to NEOs are to be negotiated locally. The bill expressly states NEOs may be those conducted in-person, online or through other mediums.
- A new employee is defined as any permanent, temporary, full-time, part time or seasonal position.
- If an agreement cannot be reached in 45 days of the first meeting or 60 days after the initial request to meet (whichever is first), either party may demand compulsory interest arbitration.
- Following an expedited time frame to select an arbitrator and have a decision made, the decision is final and binding.
- The parties would be required to open existing contracts or enter into a side-letter to incorporate the arbitrator’s decision. No other terms of an existing contract are to be altered.
- Interest arbitration only applies to the NEO access and no other terms may be reopened as part of the negotiations over the NEO.
- Counties and the unions are to share the cost of arbitration equally.

2) Mandated, Non-Negotiable Terms

- Employers must provide 10-day notice of any scheduled NEO to the labor representatives unless, due to an unforeseen emergency or circumstance, a shorter time period is necessary. This provision is non-negotiable. Counties should note that this could prove to be a substantial, reimbursable mandate.

3) Employee Information Sharing

- An employer must provide information about new hires within 30 days of the hire date or by the first pay period following hire to the union representatives.
- An employer must also provide information about current employees to the union representatives every 120 days, unless negotiated terms provide for a longer or shorter time frame.
- Employee information includes, unless negotiated otherwise: the name, job title, department, work location, phone number for work, home and cell phone, as well as the employees home address and personal email address as on file with the county.

4) Other Provisions

- These requirements apply to all public employee acts subject to the Public Employee Relations Board, except for IHSS employees who are expressly exempt from the employee orientation provisions.
- An employer providing union access to employee orientations does not indicate their support of, or preference for, employee organizations.
Public Employment Board (PERB) Funding Augmentation
The 2017-18 Budget Act appropriates an additional $880,000 to PERB to address budgetary pressures and provide the appropriate level of funding to support existing permanent positions. Currently, PERB suffers a backlog of cases, limiting opportunities for timely decisions that take on average 190 days. While the appropriation is dedicated to support existing positions and not create new ones, the augmentation is intended to increase PERB’s efficiency.

GOVERNANCE

BOE Sales Tax Allocation Error Forgiveness
Department of Finance has not yet finalized its review of the misallocation of sales and use tax revenues identified by the State Controller and the Board of Equalization (BOE) proposed adjustment plan. In the event that the error does not favor counties, the IHSS final agreement provides that counties will be held harmless for any amounts they may owe to the state as a result of the BOE sales tax miscalculation. Initial estimates for the error range from $100 million to $300 million in favor of the state.

Board of Equalization Reform Package
Per Governor Brown’s letter urging expedited action on Board of Equalization (BOE) reform, the Legislature passed a budget trailer bill, SB 86/AB 102, which makes sweeping changes to the authority of the BOE, taking effect July 1, 2017, with structural changes to be in place by January 1, 2018. This follows multiple audits revealing serious problems at the BOE related to sales tax misallocations (as mentioned above), personnel management, misuse of public resources, and conflicts between BOE members’ role in quasi-legislative and quasi-judicial functions. Reforms established in the BOE trailer bill include the following:

1) Creates the Department of Tax and Fee Administration. This department will serve as the administrative arm of the BOE, overseeing the day-to-day operations of the organization. The Department will be led by a director who will be appointed by the Governor, subject to Senate confirmation.

2) BOE Members Limited to Constitutional Duties. Board Members will be limited to their core constitutional responsibilities, which include the review, equalization, or adjustment of property tax assessments, the measurement of county assessment levels and adjustment of secured local assessment rolls, as well as the assessment of taxes on insurers and alcoholic
beverages. Additionally, Board Members are subject to a host of limitations, including the inability to make personnel decisions, stricter rules on ex parte communications, and procurement oversight, among others.

3) Establishes the Office of Tax Appeals (OTA). This office is assigned with managing the BOE’s current non-constitutional tax and fee administration responsibilities. Beginning January 1, 2018, tax appeals will be turned over to administrative law judges who will be held to adherence to the Administrative Procedure Act and the required issuance of written findings. Furthermore, the trailer bill language authorizes OTA to adopt regulations as necessary.

These reforms are currently under review by an advisory group CSAC has convened consisting of county assessors, auditor-controllers, treasurer-tax collectors, county counsels, and county administrative officers. CSAC will continue working with the Administration on state implementation to ensure the recommendations of the advisory group are given full consideration.

The State Government trailer bill, SB 104/AB 119, also included language to codify the California Supreme Court decision in City of San Jose v. County of Santa Clara that ruled emails and text messages sent by a personal device are not entirely exempt from the California Public Records Act if they pertain to public business.

State Mandates
The budget mirrors the 2015-16 Budget Act and last year’s adopted budget with 23 mandates funded for a total of $34.5 million. There are 56 mandates that continue to be suspended, and therefore are not eligible for reimbursement if they are carried out optionally by local agencies. A full list of funded and suspended mandates is available in the appendix of this Budget Action Bulletin.

Other Issues
• Census Grants for Counties. Counties may recall that the 2007-08 Budget Act provided $3 million in incentive grants for cities and counties to participate in the Local Update of Census Addresses Program (LUCA), through which local governments are given the opportunity to review the Census Bureau’s depository of addresses and ensure the information is accurate. Participation in the program is not mandatory, but strongly encouraged by the federal government. The State has a vested interest in the program;
therefore, the incentive grants are once again offered for the 2020 Census. The 2017-18 Budget Act provides $7 million in available grants, a substantial increase from the last Census count. Grants are available to all 58 counties and range from $7,500 to $125,000 per jurisdiction.

- \textit{Insufficient ERAF Backfill.} The 2017-18 Budget Act provides $138,000 in state backfill to Alpine County for insufficient ERAF.

\section*{Health and Human Services}

\textbf{HUMAN SERVICES}

\textbf{New In-Home Supportive Services Maintenance of Effort}

The IHSS trailer bill, contained in \texttt{SB 90/AB 106}, will implement the Governor’s May Revision proposal to mitigate the fiscal impact of the elimination of the In-Home Supportive Services (IHSS) Maintenance of Effort (MOE) related to the Coordinated Care Initiative (CCI). The proposal for a new county IHSS MOE was supported by CSAC as it will result in significantly reduced overall county contribution for IHSS costs compared to the January budget proposal.

\textit{State General Fund Contribution:} The Governor’s January budget dismantled the CCI, resulting in the statutorily required shift of approximately $600 million in new IHSS costs to counties, a figure that was updated to $592.2 million in the May Revision. This agreement will direct state General Fund dollars – $400 million in the first year and $1.1 billion over four years – toward IHSS program costs as follows:

- Year One (2017-18) – $400 million state general fund
- Year Two (2018-19) – $330 million state general fund
- Year Three (2019-20) – $200 million state general fund
- Year Four (2020-21) & Every Year Thereafter – $150 million state general fund

\textit{MOE Structure:} The trailer bill reinstitutes a county MOE structure with no inflator in 2017-18, rising to five percent in 2018-19, and seven percent in 2019-20 and beyond. It includes some protection for economic downturns by allowing the inflator to be reduced to half or to as low as zero depending on sales tax performance. The new MOE will have a new base, which will be
developed by CSAC and the Department of Finance in the coming weeks, with technical help from the County Welfare Directors Association.

**IHSS Administration Costs:** The new MOE includes both IHSS service costs and IHSS Administration similar to the expired MOE. However, funding for Administration will be capped within the MOE subject to annual state budget estimates. Counties have long-held concerns about the state budgeting methodology and are pleased with the requirement for development of a new methodology for 2018-19 in consultation with counties.

**VLF Growth Revenues:** To offset IHSS costs, 1991 Realignment Vehicle License Fee (VLF) growth revenues – not base revenues – from the Health, Mental Health, and County Medical Services Program (CMSP) subaccounts would be redirected for three years. This VLF growth redirection would be halved in years four and five. The redirected CMSP revenues would be available to mitigate impacts to the 35 CMSP counties, including many of the smallest counties in the state. The state would continue to redirect VLF growth from the Health Subaccount under AB 85 (Chapter 24, Statutes of 2013) to continue to fund state CalWORKs costs.

**Impact on Counties:** Overall, county general funds are largely protected in years one and two by the significant state general fund contribution, combined with redirecting 1991 Realignment growth revenues and other changes in how counties are reimbursed for costs in the IHSS program. For 2017-18, it represents only a small increase in costs beyond what was anticipated under the expired MOE. However, as structured, the seven percent inflator beginning in year three is problematic for counties and will lead to growing county general fund impacts, despite the continued state general fund contribution proposed for those years.

**Reopener Provision:** Due to the significant concerns for county general fund beginning with year three, the trailer bill includes a reopener clause for counties. Specifically, it includes a requirement to reexamine the funding structure during the development of the 2019-20 state budget in consultation with counties and other impacted stakeholders.

**Additional Mitigations:** The legislation contains additional elements to lessen the impact on counties, including:

- Changing how counties are reimbursed for IHSS administrative costs from a lengthy accrual process to a month-by-month payment schedule, which would ensure that counties are reimbursed for IHSS activities in a timely manner.
• Holding counties harmless from any impacts related to the Board of Equalization (BOE) error in allocating Proposition 172, 1991 Realignment, and 2011 Realignment revenues to counties through fiscal year 2015-16. The estimated value of this forgiveness ranges from $100 to $300 million.
• Suspending county responsibility for a statutory 3.5 percent annual increase in Institutions for Mental Disease (IMD) rates in any year in which the Mental Health Subaccount does not receive its full growth allocation.
• For counties that experience a financial hardship under this proposal, the Department of Finance set aside over $75 million in the first three years for potential low-interest loans on a case-by-case basis.

Minimum Wage: The new MOE maintains the 35 percent county/65 percent state share of local wage and benefit increases up to a state participation cap, with some exceptions. The state participation cap would be set at $1.10 above the hourly minimum wage established by SB 3 (Chapter 4, Statutes of 2016), currently $12.10 per hour, with adjustments for inflation once the minimum wage reaches $15 per hour. For counties at or above the current state cap of $12.10, the state would maintain its 65 percent share up to a 10-percent increase over three years for new bargaining agreements. In addition, it provides for additional state participation for local agreements specifically tied to the state minimum wage.

Collective Bargaining: The IHSS local bargaining group or employer of record (Public Authority or Non-Profit Consortium) can currently appeal to the Public Employment Relations Board (PERB) for mediation when an agreement has not been successfully reached. The trailer bill creates an expedited process for either the bargaining group or the IHSS employer of record to appeal to the Public Employment Relations Board (PERB) in any county without an agreement in place by January 1, 2018. The expedited process will continue to include the options of mediation, fact-finding, and final mediation, and requires PERB to develop a pool of neutral subject matter experts to participate in this process.

CSAC will continue to work on implementation over the coming weeks and provide a section-by-section reader’s guide to the legislation as well as other educational efforts.
CalWORKs Single Allocation
The Legislature passed two key provisions related to additional funding and revising the methodology for the development of the California Work Opportunity and Responsibility to Kids (CalWORKs) program Single Allocation, which is what the state provides to counties to administer the CalWORKs program. CSAC supported both of these provisions to help counties achieve stability in funding and effectively deliver CalWORKs services.

First, the budget provides $108.9 million in one-time state General Fund to augment the CalWORKs Single Allocation in 2017-18. This funding will help counties mitigate the impact of the Governor’s proposed $248 million cut from the Single Allocation and reduce the potential service and staff reductions at the county level.

Second, SB 89/AB 105, the Human Services budget trailer bill, contains a provision to revise the methodology for determining the Single Allocation amount in the annual budget. The creation of a new methodology to revise the current caseload-driven budget methodology for the Single Allocation is necessary to insulate counties and beneficiaries from experiencing huge swings in year-to-year funding levels for the Single Allocation. This is especially important as CalWORKs caseload is closely tied to the performance of the overall economy. The trailer bill does not outline the specific new methodology; rather, it requires the Department of Social Services to work with county human services agencies and the County Welfare Directors Association, as well as legislative staff, advocates and organizations that represent county workers, to develop the new process. Recommendations regarding the new methodology for the 2018-19 fiscal year must be made to the Legislature by January 10, 2018 and recommendations for subsequent fiscal years must be made by October 1, 2018.

Child Care Bridge for Foster Children
The Legislature established the Emergency Child Care Bridge Program for Foster Children (bridge program). The bridge program would commence on January 1, 2018 with $15.5 million in funding for the first six months and $31 million annually starting with the 2018-19 fiscal year. The program would be administered by the county welfare departments in counties that elect to participate and is outlined in SB 89/AB 105.

The bridge program will assist foster families with child care for foster children by authorizing counties to administer and distribute vouchers or payments for up to six months for child care services following the child’s initial placement. It would also require that each child be provided
a child care navigator to work with the family, social worker and child and family team to help with child care access and to identify long-term, subsidized child care solutions. The bridge program has been a long-standing priority for Los Angeles County, and was also supported by the County Welfare Directors Association (CWDA). All counties can participate in the program and implementation efforts will take place this fall.

**Earned Income Tax Credit Expansion**

The budget package also includes an expansion of the state’s two-year-old Earned Income Tax Credit (EITC). Intended as a way to reduce poverty and supported by CSAC in 2015, the state EITC income threshold will be raised to $22,300 per year, and those who are self-employed will be eligible for the credit. For the 2015 tax year, nearly 400,000 households claimed the credit, and these expansions are expected to allow an additional one million California households to participate.

**MENTAL HEALTH**

**Mental Health Services Act Reversion**

The Mental Health Services Act (MHSA, Proposition 63 of 2004) requires all unspent funding at the county level to revert back to the state after three years. However, the Department of Health Care Services (DHCS) has not enforced the reversion provision since 2008. Senator Jim Beall had introduced [SB 192](https://www.leginfo.ca.gov/billtext1516/20152016/code/hrb0100/hrb192_billtext.html) to outline a reversion proposal. This issue was also included in the budget subcommittee process, and the resulting compromise, supported by the California Behavioral Health Directors Association and CSAC, includes provisions to allow counties to keep and spend funding received prior to July 1, 2017 as long as they prepare a plan to spend those funds by July 1, 2020. The trailer bill, [SB 98/AB 114](https://www.leginfo.ca.gov/billtext1516/20152016/code/hrb0100/hrb98_billtext.html), also allows the reversion clock to begin ticking once a county’s plan for spending the funding is approved by the MHSOAC, rather than when the funds are first received. For small counties, defined in the bill as having less than 200,000 residents, the measure extends the reversion deadline from three years to five years. Lastly, should funding revert back to the State, it will go back out to all counties based on the existing MHSA allocation formula for that category of funds. For example, if a portion of a county’s Innovation funding reverts, that funding will be reallocated to all counties as Innovation funding and must be used for that purpose. Lastly, DHCS will have to track MHSA funding more closely and publish on its website any funds that are subject to reversion.
However, Senator Beall disagrees with the proposal’s provision to redistribute reverted funding back to counties and instead would like to see a new state entity created to receive the reverted funding and to have reverted funding go instead to unspecified mental health services for kids. Because of Senator Beall’s request to change the bill, and also because it was not in print until yesterday, the Senate put over AB 114 until Monday. CSAC will continue to support the current text of the bill.

**College Mental Health Funding**

CSAC had opposed an earlier proposal to divert $20 million annually from Mental Health Services Act (MHSA, Proposition 63 of 2004) state administrative funding to unspecified mental health services on University of California, California State University, and Community College campuses. In the end, the Legislature instead appropriated $5 million in Proposition 98 education funding for mental health services on Community College campuses. Since it did not impact county access to MHSA funding, CSAC refrained from taking a position on the final proposal in SB 83/AB 99.

**HEALTH**

**AB 85 Redirections**

The Governor published his estimates of the amount of 1991 Health Subaccount funding that would be diverted under AB 85 (Chapter 24, Statutes of 2013) in both January and May. However, those estimates contained a significant error by the Department of Health Care Services (DHCS).

The error affected County Medical Services Program (CMSP) counties and occurred when DHCS staff failed to include the CMSP historical cap on revenues eligible to be redirected under AB 85. Outside of the CMSP counties, additional formula counties continue to have some questions about the redirection estimates, and the data exchange between counties and DHCS continues.

CSAC will continue to work with counties, the Department, and county affiliates to ensure workable and data-based 2017-18 AB 85 redirections for each county. Again, the CMSP figures in the AB 85 redirection chart for 2017-18 that was included in both the Governor’s January Budget and May Revision have been revised by the Department of Finance. See the new chart here.
Graduate Medical Education
The California Association of Public Hospitals and Health Systems (CAPH) has worked with the state to resurrect a sorely-needed GME program within existing Medicaid revenues to help train the next generation of medical professionals.

California has the second-largest number of teaching hospitals and residents in the country, and is one of only eight states without a Medicaid-funded GME program. The public health trailer bill, SB 97/AB 113, remedies this by allowing public health systems to match existing Medicaid funding to train new doctors. It is optional and does not require any state General Fund. CSAC supported the proposal.

Proposition 56 Tobacco Tax Funding
In November 2016, voters passed Proposition 56, the California Healthcare, Research and Prevention Tobacco Tax Act of 2016, which increased the excise tax rate on cigarettes and tobacco products – including electronic cigarettes and vaping liquids – on April 1. The overall tobacco excise tax, which is paid by distributors selling cigarettes in California, increased by $2 – from 87 cents to $2.87 per pack of 20 cigarettes or equivalent liquid. As approved by the voters, the proposition provides some funding to backfill future Proposition 99, Proposition 10 (First 5), and state Breast Cancer Fund revenue declines resulting from reductions in tobacco usage under the tax. However, while the proposition indicated that revenues be directed to state Medi-Cal costs – which incidentally served as the basis for support from the CSAC Board of Directors – it did not specify exactly which Medi-Cal costs would be offset by the new funds.

The Governor proposed in both January and May to direct Proposition 56 revenues to overall state Medi-Cal costs. Doctors and other providers pushed back, lobbying for more funding for provider rate increases. Following significant discussion during the budget subcommittee and conference committee process, the Legislature and the Governor arrived at a compromise in SB 105/AB 120 to provide $546 million for provider reimbursements, including to doctors, dentists, family planning providers and providers serving the developmentally disabled.

Further, the Legislature has appropriated state General Fund dollars to restore adult dental and optical benefits under Medi-Cal. The restoration of adult Medi-Cal dental benefits begins on January 1, 2018, with $34.8 million appropriated for 2017-18 and $73 million each year.
thereafter. Additionally, the compromise includes $12.5 million for the restoration of Medi-Cal optical benefits beginning on January 1, 2020, and then $26.3 million annually thereafter.

**Housing, Land Use and Transportation**

**Transportation**
The 2017-18 Budget Act includes the first partial year of revenues from the April 2017 passage of Senate Bill 1 (Beall). While SB 1 will raise an average of $5.2 billion per year in new transportation funding at full implementation, $2.8 billion is expected in 2017-18. The first new fuel tax rates imposed by the bill will begin in November 2017 and the value-based “transportation improvement fee” will be implemented in January 2018.

Cities and counties will split Road Maintenance and Rehabilitation Account (RMRA) funding from SB 1 evenly with the State. In 2017-18, $445 million (which includes $75 million in loan repayments) will be allocated to cities and counties by formula and equal amounts will be allocated to state highways. RMRA funds are continuously appropriated and will begin to flow to counties in monthly apportionments from the State Controller’s Office by February 2018.

These new local RMRA funds are accompanied by additional reporting and eligibility requirements. Specifically, counties and cities may use RMRA funds for transportation projects that, “include, but are not limited to” the following:
- Road maintenance and rehabilitation;
- Safety projects;
- Railroad grade separations;
- Complete street components, including active transportation, bicycle and pedestrian facilities, transit facilities, drainage, and stormwater capture projects;
- Traffic control devices; and
- Local match for state/federal funds for eligible projects.

In order to receive an apportionment of RMRA funding, counties must first submit to the California Transportation Commission (CTC) an annual list of projects proposed to be constructed with RMRA funding pursuant to a budget adopted at a public meeting. This initial list will not limit the flexible use of funds as long as the funds are only used on eligible projects. Similar reporting is required after RMRA funds are expended.

The initial project list adopted along with the county budget, or pursuant to a budget amendment must include the following information:
- Project descriptions;
- The location of each proposed project;
• The schedule for each project’s completion; and
• The estimated useful life of each improvement.

The CTC is in the beginning stages of developing guidance for both reporting requirements and have sought input on an initial draft from CSAC. CSAC encourages counties to incorporate their proposed RMRA-funded project lists into their adopted 2017-18 budgets, or, if necessary, plan for a budget amendment this fall. Based on the current draft guidelines, CTC anticipates that the due date for these initial project lists will be September 15, 2017.

Transportation Revenue Estimates
Based on the shared revenue estimates in the adopted budget, CSAC will not change the 2017-18 estimates of county Highway User Tax Account revenues and Road Maintenance and Rehabilitation Account.

If you would like to receive the Budget Action Bulletin electronically, please e-mail Karen Schmelzer, CSAC Legislative Assistant at kschmelzer@counties.org.
2016-17 State Budget – List of Mandates

FUNDED MANDATES – $34,510,000
(a) Accounting for Local Revenue Realignments (Ch. 162, Stats. 2003; Ch. 211, Stats. 2004; Ch. 610, Stats. 2004) (05-TC-01)... $97,000
(b) Allocation of Property Tax Revenues (Ch. 697, Stats. 1992) (CSM 4448)... $611,000
(c) California Public Records Act (Ch. 463, Stats. 1992; Ch. 982, Stats. 2000; Ch. 355, Stats. 2001) (02-TC-10 and 02-TC-51)... $7,578,000
(d) Crime Victims' Domestic Violence Incident Reports (Ch. 1022, Stats. 1999) (99-TC-08)... $166,000
(e) Custody of Minors-Child Abduction and Recovery (Ch. 1399, Stats. 1976; Ch. 162, Stats. 1992; and Ch. 988, Stats. 1996) (CSM 4237)... $13,328,000
(f) Domestic Violence Arrest Policies (Ch. 246, Stats. 1995) (CSM 96-362-02)... $8,494,000
(g) Domestic Violence Arrests and Victims Assistance (Chs. 698 and 702, Stats. 1998) (98-TC-14)... $2,725,000
(h) Domestic Violence Treatment Services (Ch. 183, Stats. 1992) (CSM 96-281-01)... $2,019,000
(i) Health Benefits for Survivors of Peace Officers and Firefighters (Ch. 1120, Stats. 1996) (97-TC-25)... $2,943,000
(j) Local Agency Ethics (Ch. 700, Stats. 2005) (07-TC-04)... $0
(k) Medi-Cal Beneficiary Death Notices (Chs. 102 and 1163, Stats. 1981) (CSM 4032)... $26,000
(l) Medi-Cal Eligibility of Juvenile Offenders (Ch. 657, Stats. 2006) (08-TC-04)... $11,000
(m) Peace Officer Personnel Records: Unfounded Complaints and Discovery (Ch. 630, Stats. 1978; Ch. 741, Stats. 1994) (00-TC-24)... $548,000
(n) Rape Victim Counseling (Ch. 999, Stats. 1991) (CSM 4426)... $353,000
(o) Sexually Violent Predators (Chs. 762 and 763, Stats. 1995) (CSM 4509)... $5,129,000
(p) State Authorized Risk Assessment Tool for Sex Offenders (Chs. 336, 337, and 886, Stats. 2006; Ch. 579, Stats. 2007) (08-TC-03)... $725,000
(q) Threats Against Peace Officers (Ch. 1249, Stats. 1992; Ch. 666, Stats. 1995) (CSM 96-365-02)... $263,000
(r) Tuberculosis Control (Ch. 676, Stats. 1993; Ch. 685, Stats. 1994; Ch. 116, Stats. 1997; and Ch. 763, Stats. 2002) (03-TC-14)... $83,000
(s) Unitary Countywide Tax Rates (Ch. 921, Stats. 1987) (CSM 4317 and CSM 4355)... $456,000
(t) Post Election Manual Tally (2 Cal. Code Regs., 20120 to 20127, incl.) (10-TC-08)... $626,000
   Administrative License Suspension Mandates: Per Se (Ch. 1460, Stats. 1989) (98-TC-16)... $2,374,000
Pesticide Use Reports: (Ch. 1200, Stats. 1989) (CSM 4420)... $37,000

EMPLOYEE RELATIONS MANDATES NOT FUNDED AND NOT SUSPENDED (ALLOWED BY ART. XIII, SEC. 6)
Peace Officers' Procedural Bill of Rights Act (Ch. 675, Stats. 1990) (CSM 4499)
SUSPENDED MANDATES

(a) Absentee Ballots (Ch. 77, Stats. 1978 and Ch. 1032, Stats. 2002) (CSM 3713)
(b) Absentee Ballots – Tabulation by Precinct (Ch. 697, Stats. 1999) (00-TC-08)
(c) AIDS/Search Warrant (Ch. 1088, Stats. 1988) (CSM 4392)
(d) Airport Land Use Commission/Plans (Ch. 644, Stats. 1994) (CSM 4507)
(e) Animal Adoption (Ch. 752, Stats. 1998 and Ch. 313, Stats. 2004) (04-PGA-01 and 98-TC-11)
(f) Brendon Maguire Act (Ch. 391, Stats. 1988) (CSM 4357)
(g) Conservatorship: Developmentally Disabled Adults (Ch. 1304, Stats. 1980) (04-LM-13)
(h) Coroners’ Costs (Ch. 498, Stats. 1977) (04-LM-07)
(i) Crime Statistics Reports for the Department of Justice (Ch. 1172, Stats. 1989; Ch. 1338, Stats. 1992; Ch. 1230, Stats. 1993; Ch. 933, Stats. 1998; Ch. 571, Stats. 1999; and Ch. 626, Stats. 2000) (02-TC-04 and 02-TC-11) and Crime Statistics Reports for the Department of Justice Amended (Ch. 700, Stats. 2004) (07-TC-10)
(j) Crime Victims’ Domestic Violence Incident Reports II (Ch. 483, Stats. 2001; Ch. 833, Stats. 2002) (02-TC-18)
(k) Developmentally Disabled Attorneys’ Services (Ch. 694, Stats. 1975) (04-LM-03)
(l) DNA Database & Amendments to Postmortem Examinations: Unidentified Bodies (Ch. 822, Stats. 2000; Ch. 467, Stats. 2001) (00-TC-27 and 02-TC-39)
(m) Domestic Violence Background Checks (Ch. 713, Stats. 2001) (01-TC-29)
(n) Domestic Violence Information (Ch. 1609, Stats. 1984 and Ch. 668, Stats. 1985) (CSM 4222)
(o) Elder Abuse, Law Enforcement Training (Ch. 444, Stats. 1997) (98-TC-12)
(p) Extended Commitment, Youth Authority (Ch. 267, Stats. 1998 and Ch. 546, Stats. 1984) (98-TC-13)
(q) False Reports of Police Misconduct (Ch. 590, Stats. 1995 and Ch. 289, Stats. 2000) (00-TC-26)
(r) Firearm Hearings for Discharged Inpatients (Ch. 578, Stats. 1999) (99-TC-11)
(s) Grand Jury Proceedings (Ch. 1170, Stats. 1996; Ch. 443, Stats. 1997; and Ch. 230, Stats. 1998) (98-TC-27)
(t) Interagency Child Abuse and Neglect (ICAN) Investigation Reports (Ch. 958, Stats. 1977; Ch. 1071, Stats. 1980; Ch. 435, Stats. 1981; Chs. 162 and 905, Stats. 1982; Chs. 1423 and 1613, Stats. 1984; Ch. 1598, Stats. 1985; Chs. 1289 and 1496, Stats. 1986; Chs. 82, 531, and 1459, Stats. 1987; Chs. 269,1497, and 1580, Stats. 1988; Ch. 153, Stats. 1989; Chs. 650, 1330, 1363, and 1603, Stats. 1990; Chs. 163, 459, and 1338, Stats. 1992; Chs. 219 and 510, Stats. 1993; Chs. 1080 and 1081, Stats. 1996; Chs. 842, 843, and 844, Stats. 1997; Chs. 475 and 1012, Stats. 1999; and Ch. 916, Stats. 2000) (00-TC-22)
(u) Identity Theft (Ch. 956, Stats. 2000) (03-TC-08)
(v) In-Home Supportive Services II (Ch. 445, Stats. 2000 and Ch. 90, Stats. 1999) (00-TC-23)
(w) Inmate AIDS Testing (Ch. 1579, Stats. 1988 and Ch. 768, Stats. 1991) (CSM 4369 and CSM 4429)
(x) Judiciary Proceedings (Ch. 644, Stats. 1980) (CSM 4366)
(y) Law Enforcement Sexual Harassment Training (Ch. 126, Stats. 1993) (97-TC-07)
(zz) Local Coastal Plans (Ch. 1330, Stats. 1976) (CSM 4431)
(aa) Mandate Reimbursement Process (Ch. 486, Stats. 1975 and Ch. 1459, Stats. 1984) (CSM 4204 and CSM 4485)
(bb) Mandate Reimbursement Process II (Ch. 890, Stats. 2004) (05-TC-05) (Suspension of Mandate Reimbursement Process and Mandate Reimbursement Process II includes suspension of the Consolidation of Mandate Reimbursement Processes I and II)
(cc) Mentally Disordered Offenders: Treatment as a Condition of Parole (Ch. 228, Stats. 1989 and Ch. 706, Stats. 1994) (00-TC-28 and 05-TC-06)
(dd) Mentally Disordered Offenders' Extended Commitments Proceedings (Ch. 435, Stats. 1991; Ch. 1418, Stats. 1985; Ch. 858, Stats. 1986; Ch. 687, Stats. 1987; Chs. 657 and 658, Stats. 1988; Ch. 228, Stats. 1989; and Ch. 324, Stats. 2000) (98-TC-09)
(ee) Mentally Disordered Sex Offenders' Recommitments (Ch. 1036, Stats. 1978) (04-LM-09)
(ff) Mentally Retarded Defendants Representation (Ch. 1253, Stats. 1980) (04-LM-12)
(gg) Missing Persons Report (Ch. 1456, Stats. 1988 and Ch. 59, Stats. 1993) (CSM 4255, CSM 4368, and CSM 4484)
(hh) Modified Primary Election (Ch. 898, Stats. 2000) (01-TC-13)
(ii) Not Guilty by Reason of Insanity (Ch. 1114, Stats. 1979 and Ch. 650, Stats. 1982) (CSM 2753) (05-PGA-35)
(jj) Open Meetings Act/Brown Act Reform (Ch. 641, Stats. 1986 and Chs. 1136, 1137, and 1138, Stats. 1993) (CSM 4257 and CSM 4469)
(kk) Pacific Beach Safety: Water Quality and Closures (Ch. 961, Stats. 1992) (CSM 4432)
(ll) Perinatal Services (Ch. 1603, Stats. 1990) (CSM 4397) (05-PGA-38)
(mm) Permanent Absent Voters II (Ch. 922, Stats. 2001, Ch. 664, Stats. 2002, and Ch. 347, Stats. 2003) (03-TC-11)
(nn) Personal Safety Alarm Devices (8 Cal. Code Regs. 3401 (c)) (CSM 4087)
(oo) Photographic Record of Evidence (Ch. 875, Stats. 1985; Ch. 734, Stats. 1986; and Ch. 382, Stats. 1990) (98-TC-07)
(pp) Pocket Masks (Ch. 1334, Stats. 1987) (CSM 4291)
(qq) Post Conviction: DNA Court Proceedings (Ch. 943, Stats. 2001 and Ch. 821, Stats. 2000) (00-TC-21 and 01-TC-08)
(rr) Postmortem Examinations: Unidentified Bodies, Human Remains (Ch. 284, Stats. 2000) (00-TC-18)
(ss) Prisoner Parental Rights (Ch. 820, Stats. 1991) (CSM 4427)
(tt) Senior Citizens Property Tax Postponement (Ch. 1242, Stats. 1977 and Ch. 43, Stats. 1978) (CSM 4359)
(ww) SIDS Autopsies (Ch. 955, Stats. 1989) (CSM 4393)
(xx) SIDS Contacts by Local Health Officers (Ch. 268, Stats. 1991) (CSM 4424)
(yy) SIDS Training for Firefighters (Ch. 1111, Stats. 1989) (CSM 4412)
(zz) Stolen Vehicle Notification (Ch. 337, Stats. 1990) (CSM 4403)
(aaa) Structural and Wildland Firefighter Safety Clothing and Equipment (8 Cal. Code Regs., 3401 to 3410, incl.) (CSM 4261 and CSM 4281)

(bbb) Very High Fire Hazard Severity Zones (Ch. 1188, Stats. 1992; Ch. 843, Stats. 1994; and Ch. 333, Stats. 1995) (97- TC-13)

(ccc) Voter Identification Procedures (Ch. 260, Stats. 2000) (03-TC-23)

(ddd) Voter Registration Procedures (Ch. 704, Stats. 1975) (04-LM-04)
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<td>$1,929,232</td>
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## Estimated County Highway User Tax Account Revenues - FY 2017-18

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>HUTA 2103</th>
<th>HUTA 2104</th>
<th>HUTA 2105</th>
<th>HUTA 2106</th>
<th>Loan Repayment</th>
<th>RMRA</th>
<th>TOTAL</th>
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<td>SACRAMENTO</td>
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<td>$546,861</td>
<td>$2,756,177</td>
<td>$12,956,585</td>
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<td>$1,461,410</td>
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<td>$351,796</td>
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<td><strong>$952,513,227</strong></td>
</tr>
</tbody>
</table>

*Add'l City Revenue HUTA 2107 HUTA 2107.5
San Francisco City $6,506,811 $20,000

CSAC Budget Year Estimates - Based on January budget revenue estimates and SB 1 passage - 4/13/17