



California State Association of Counties

CSAC 2011 STATE ADVOCACY PRIORITY

As approved by CSAC Board of Directors – March 2011

Counties: Where Safe and Healthy Communities Start

California continues to be clobbered by massive annual budget deficits, with a \$25.4 billion state budget deficit predicted through 2011-12. Given the dramatic effects of previously approved state budget actions over the last four fiscal years and the likely dire consequences of additional reductions affecting all Californians, the California State Association of Counties (CSAC) will focus its 2011 legislative advocacy on advancing the concept of healthy, safe, and sustainable communities in all 58 counties.

County governments have an important role in communities: we specialize in helping those most in need, in protecting the public, and in creating living and working environments where individuals and industry can thrive. Counties serve every one of California's 38 million residents every day. In this role, counties are uniquely situated to play a critical part in discussions about the most effective and efficient administration and financing of critical public services.

While there are many pressing legislative priorities for counties, none is as critical as the how the Governor and Legislature address the state's persistent fiscal crisis. As a result, CSAC has identified the following principles that will guide our advocacy efforts during the 2011 legislative session. The principles outlined below reflect long-standing policies of the Association as outlined in the California County Platform, and both documents will inform the Association's positions on specific budget and fiscal proposals.

→ **Encourage healthy, safe, and sustainable communities.**

During this time of continued economic crisis, the health, safety, and quality of life for Californians are at risk. Residents across the state are relying on government health and human services and public safety services at rates that far outpace resources. Counties are investing less in the critical infrastructure necessary to support sustainable communities and can no longer adequately support our valued farmland, natural habitat, and open space. CSAC supports streamlined, focused investment in the most critical programs and services that protect the physical and economic wellbeing of all Californians and that provide opportunities for development of sustainable communities and protection of the natural environment for California's future.

→ **Seek budget solutions that address the structural deficit.**

The state's chronic budget troubles require meaningful changes that transcend the short-term deficit. Cost shifts, borrowing, delays, deferrals, and other short-term "solutions" only serve to create additional budget stress in the out-years and exacerbate the state's chronic budget imbalance. All levels of government must focus on the long-term objective of cultivating reliable revenue sources that are adequate to fund core priorities. CSAC

supports reevaluating the state's revenue structure and reviewing program outcomes, as these are necessary steps in developing a sensible state budget solution.

→ **Promote programs and services that stimulate the economy and protect jobs.**

Counties partner with the state to provide services to Californians in interconnected systems – transportation, flood protection, water quality, health and human services, and corrections, to name a few. These systems are important components of a healthy economy and help ensure the quality of life of all residents. CSAC supports evaluation of their needs and functions to ensure they provide cost-effective, adequate, and stable investments that meet current and future needs.

→ **Engage in long-term reform conversations.**

Considering our unique role in providing critical programs and services throughout California, counties seek a partnership with the state that allows us to provide services in an efficient, effective, and sustainable manner, which we believe will result in better outcomes and better lives for all Californians. Counties are committed to providing expertise and assistance in creating practical solutions that achieve meaningful reforms in the relationship between the state and local governments and make effective use of taxpayer dollars.



CSAC 2011 FEDERAL ADVOCACY PRIORITIES

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CSAC's contract for federal affairs services with Waterman and Associates provides for a nine-issue agenda. CSAC staff, in consultation with Waterman and Associates, developed the following list of eight federal issues of significance to California's counties, with one issue left in reserve to accommodate emerging topics.

New Authorization of the Nation's Surface Transportation Law (SAFETEA-LU)

The nation's surface transportation law, SAFETEA-LU, is currently operating under its 7th extension that will expire on September 30, 2011. As of this writing, it is unclear whether Congress will be able to complete a new six-year transportation bill before the current extension expires, or whether Congress will renew the current extension once more. If Congress enacts another extension, some within the transportation community speculate that Congress will likely wait until after the 2012 mid-term election to complete a new authorization.

For its part, CSAC continues to actively promote its transportation reauthorization agenda with key policymakers. Among things, the association is recommending a more streamlined and flexible approach to allocating federal transportation funds to state, regional, and local agencies. CSAC is also promoting several environmental streamlining proposals such as a CEQA for NEPA reciprocity pilot program and is advocating for funding for a number of priority programs, including the Highway Bridge Program and the High Risk Rural Roads Program.

State Criminal Alien Assistance Program (SCAAP)

The SCAAP program is a critically important budget item for many of California's counties. CSAC is one of the leading local government organizations in the fight to protect and enhance funding for SCAAP, which continues to be underfunded by Congress. CSAC will continue to advocate for maximum funding levels to offset the cost of housing undocumented criminals in county detention facilities.

Additionally, CSAC strongly supports legislation introduced by Senator Dianne Feinstein (D-CA) and Representative Linda Sánchez (D-CA) (S 168/HR 1314) that would require the Department of Justice to reimburse local jurisdictions for incarceration costs associated with undocumented individuals that have been convicted or accused of a felony or two or more misdemeanors. The current statute is limited to allowing reimbursement only in cases in which an individual is actually convicted of such crimes. The Feinstein/Sánchez bills are expected to be reintroduced in the 112th Congress.

Federal Climate Change/Renewable Energy Policy

The House of Representatives approved comprehensive climate change and renewable energy legislation (HR 2454) in the 111th Congress, but the Senate was unable to reach consensus on a

package due to a variety of reasons. Lawmakers are expected to renew efforts aimed at addressing global warming in 2011, although it remains unclear whether the size and scope of next year's legislative effort will be as ambitious as previous attempts.

Among other things, CSAC is urging Congress to provide financial incentives to states that adopt and set greenhouse gas emissions reductions targets. CSAC also is urging Congress to provide additional funding for the Energy Efficiency and Conservation Block Grant, which provides resources to local governments for a variety of energy efficiency programs. Additionally, the association is promoting that the widest possible range of renewable energy sources – such as biomass, hydropower, and post-recycled municipal solid waste – qualify as resources to help California meet its renewable energy goals.

CSAC is urging Congress to seek a resolution to the Property Assessed Clean Energy (PACE) program. CSAC supports the continuation of PACE programs and the priority lien status for PACE loans. PACE programs create jobs, stimulate business growth, reduce greenhouse gas emissions and add lasting value to residential and commercial properties without increasing risks of mortgage defaults.

Native American Affairs

In the wake of the U.S. Supreme Court's decision in *Carciere v. Salazar*, which limits the secretary of Interior's trust land acquisition authority to those tribes that were under federal jurisdiction at the time of the passage of the Indian Reorganization Act (IRA) of 1934, several key members of Congress introduced legislation that would overturn the Court's ruling. Under the bills (S 1703/HR 3742/HR 3697), the secretary of Interior would be granted authority to take land into trust for all Indian tribes.

In response, CSAC has been leading a multi-state coalition of county government associations that opposes the aforementioned *Carciere* "quick-fix" bills in the absence of much-needed reforms in the fee-to-trust process. Among other reforms, counties are proposing modifications to the IRA that would require tribes to meet a set of heightened regulatory standards as a condition of the secretary of Interior approving trust land applications.

Tribes mounted an aggressive lobbying effort to include the quick fix as part of any legislation being considered in the 111th Congress (they were successful in including *Carciere* fix language in the House Interior Appropriations Subcommittee-approved fiscal year 2011 spending bill), an effort that has already continued in the 112th. This issue and other key tribal matters affecting counties – such as off-reservation gaming issues – will remain ripe for discussion in 2011.

Temporary Assistance for Needy Families (TANF) Reauthorization

The Temporary Assistance for Needy Families (TANF) program is currently operating on a short-term extension. When lawmakers convene for this fall's lame-duck session, Congress is expected to vote to extend the program through September 30, 2011.

The impending one-year continuation of the TANF program sets the stage for Congress in 2011 to debate in earnest the scope of the next multi-year bill. With the nation's economy continuing to struggle and unemployment rates still soaring, policymakers will be looking at recent trends in welfare rolls and poverty figures as they consider options for reauthorizing TANF.

Congress – as well as previously issued regulations – placed additional administrative burdens on the TANF program. Many of those requirements had the effect of changing the focus on following federally imposed processes to the detriment of moving families into self-sufficiency.

CSAC is urging Congress to restore state and county flexibility to tailor work and family stabilization activities to families' individual needs. CSAC also supports maintaining the focus on work activities under TANF, while recognizing that "work first" does not mean "work only."

Secure Rural Schools Reauthorization

Originally passed and signed into law in 2000, the Secure Rural Schools and Community Self-Determination Act (SRS) represents a contract between the federal government and more than 700 rural counties and school districts that have historically depended on revenues from timber harvests on federal lands in their jurisdictions. These rural communities and schools have relied upon a share of the national forest receipts program to supplement local funding for education services and roads.

In response to the steep decline in timber sales, Congress passed SRS and President Clinton signed the bill into law. The original authorization provided six years of funding, with Congress extending the SRS for one year in 2007. In 2008, the 110th Congress reauthorized the program for an additional four-year period. The current act expires on September 30, 2011, with final payments slated to be distributed in January of 2012.

The SRS program is important to a number of forest counties in California. With the program scheduled to expire at the end of fiscal year 2011, CSAC is advocating for a long-term reauthorization of the SRS.

Clean Water Act

The Clean Water Act (CWA) and subsequent amendments have positively impacted the health of the nation's rivers and streams. At the same time, however, the CWA has created a host of unintended consequences. One such unintentional result of the Act is the continued inability of counties and other local entities to properly maintain flood protection facilities and drainage ditches.

Pursuant to Section 404 of the CWA, the Secretary of the Army Corps of Engineers may issue permits for the discharge of dredged or fill material into navigable waters of the United States and exempts certain activities from the permitting process. Although the Act appears to explicitly exempt maintenance activities of currently serviceable flood control facilities from permitting requirements, the Corps has not interpreted the law in this manner. As a result, virtually all routine maintenance of flood protection facilities and drainage ditches are subject to 404 permits, which has caused significant backlogs in the Corps' permit processing times and ultimately thwarted local agencies from performing routine maintenance in a timely manner.

CSAC will continue to seek an amendment to Section 404 of the CWA to define maintenance of flood control channels or facilities as a non-prohibited activity, thereby providing a permitting exemption for maintenance activities.

Levee Vegetation Management

CSAC supports modification to the Army Corps of Engineers policy on vegetation management of Corps built flood control facilities that considers regional variation across the nation; includes an exemption provision where appropriate; conforms to other federal and state laws; and includes local government in a transparent and collaborative process.

CSAC INTERNAL MONITORING

In addition, CSAC will continue to provide internal monitoring on a number of issues that are of significance to California's counties.

National Health Care Reform

The landmark Patient Protection and Affordable Care Act federal health care reform law requires states to implement many of its major provisions by 2014. California's counties will play a key role in the implementation of the bill over the next three years and must monitor and participate in the rulemaking and regulatory process at the federal level to help achieve a workable framework to provide health care to all Californians.

Transient Occupancy Tax

CSAC will work to ensure counties' continued authority to assess and collect transient occupancy taxes on the full rate paid by the consumer for all appropriate transient lodging, regardless of whether the consumer pays through a hotel or any other vendor.

Federal Geothermal Royalties

The Geothermal Steam Act of 1970 specifies a formula for the distribution of geothermal revenues to federal, state, and county governments. Under the formula, the federal government retains 25 percent of the revenue, the states receive 50 percent, and county governments receive 25 percent. Attempts have been made to permanently repeal the sharing of geothermal revenues with counties. Given the importance of these revenues to the affected counties, CSAC opposes any legislation that would discontinue geothermal royalty payments to county governments.

Community Development Block Grant (CDBG)

The fiscal year 2010 federal budget included nearly \$4.5 billion for HUD's Community Development Fund, or a roughly \$600 million increase over fiscal year 2009 spending levels. Of the total amount, almost \$4 billion is available for the Community Development Block Grant (CDBG) program.

The CDBG funding provided in the fiscal year 2010 budget is on top of the \$1 billion in funding that was included as part of ARRA. CSAC has actively promoted full funding for the CDBG.

Child Welfare Financing Reform

As part of TANF reauthorization, Congress may consider legislation to reform the child welfare financing system, as well as provide additional resources to stabilize families and train and retain child welfare staff. CSAC supports additional programmatic flexibility along with an updated foster care payment methodology.

Byrne Grant Funding

The American Recovery and Reinvestment Act (ARRA) made significant investments in the Byrne Memorial Justice Assistance Grant (JAG). CSAC strongly supports prioritizing Byrne funding in the annual appropriations process, and we will continue to work collaboratively with our congressional delegation and others in the coming year to secure and promote increased funding for this program and the positive local outcomes it helps achieve.

Cooperative Endangered Species Conservation Fund

CSAC supports increased funding for the U.S. Fish and Wildlife Service's Cooperative Endangered Species Conservation Fund from \$85 million in fiscal year 2010 to \$125 million. This increase would restore the fund to approximately its fiscal 2001 level (adjusted for inflation) and provide much needed support to regional Habitat Conservation Plans (HCPs) in California and nationally.

2-1-1 Statewide

CSAC has actively supported both state and federal legislation to help build and fund a statewide 2-1-1 referral system. 2-1-1 is a free, easy-to-remember telephone number that connects people to essential community information and services. In 2008, over one million Californians called 2-1-1 for help finding needed community services such as rent and mortgage assistance, food and shelter, health care, job training, transportation, child care, and senior care. 2-1-1 also plays an informational role during emergencies and disasters and relieves pressure on the 9-1-1 system at these critical times. This value of this service was evident during the 2007 San Diego wildfires when 2-1-1 call centers provided information and support to more than 130,000 callers in five days.

Currently, just 21 of California's 58 counties have 2-1-1 service. Some funding for 2-1-1 infrastructure may become available via federal economic stimulus funds or federal legislation. CSAC will continue to work at both the state and federal levels to promote the need for a comprehensive statewide 2-1-1 system.

State's Water Crisis

California's political leaders and various state and local water interests continue to pressure California's Congressional Delegation and the Obama Administration to address the State's chronic water shortage. A wide range of proposals are being discussed that would address water transfers, endangered species laws, water quality and Delta protections to name a few. CSAC will monitor these proposals to ensure consistency with the organization's comprehensive policy direction on water.

Payments-in-lieu-of-Taxes

Pursuant to PL 110-343, all counties are receiving 100 percent of authorized PILT payments in fiscal years 2008 through 2012. Prior to fiscal year 2008, PILT payments were subject to the annual appropriations process. CSAC will support efforts to convert the temporary mandatory spending into a permanent feature of the PILT program.