

SAN LUIS OBISPO COUNTY

2010 LEGISLATIVE/REGULATORY PLATFORM



**Board of Supervisors
San Luis Obispo County**

Approved 2-23-10

SAN LUIS OBISPO COUNTY
2010 LEGISLATIVE/REGULATORY PLATFORM
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Part One

General Guidelines

The primary goal of San Luis Obispo County's Board of Supervisors and its employees is to serve and support the well being of its residents; San Luis Obispo County government is dedicated to enhancing the economic, environmental, and social quality of life in the County. To this end, in 2010, the San Luis Obispo County Board of Supervisors supports the general principles set forth below. County staff, including the County's legislative advocates, will apply these general principles to evaluate legislation, as well as executive and regulatory directives, and take those actions necessary for their implementation.

- Encourage and seek legislation that protects and promotes the County's quality of life, its diverse natural resources, and preserves the character and history of the County.
- Encourage and seek legislation that facilitates orderly economic expansion and diversification, and increases the opportunity for discretionary revenues and programmatic and financial flexibility for the County.
- Support the continuation of fiscal reform efforts in California State Government to assure San Luis Obispo County the financial independence necessary to provide services to its residents and meet its mandated responsibilities.
- Support the County's authority to assure mutually acceptable tax sharing agreements for annexation, incorporation and redevelopment that protect or enhance the County's ability to provide services to its residents.
- Support legislation that provides tax and funding formulas for the equitable distribution of state and federal monies while opposing attempts to decrease, restrict or eliminate County revenue sources.
- Encourage cooperation between the County and its cities, special districts, and other local agencies in efforts to develop regional plans, programs and initiatives.
- Support legislation that facilitates regional cooperation on issues of community-wide and regional concerns.
- Support increased appropriations to the County for mandated programs, including capital acquisition costs.

- Oppose mandates without revenue and oppose the transfer of state programs to the County, unless adequate on-going revenues are provided.
- Oppose efforts by the Governor and the Legislature to suspend Proposition 1A again or to contrive a budget mechanism to take local revenues, including property tax dollars, in order to balance the State Budget.
- Support legislative or initiative efforts which would modify the vote threshold requirement for the State budget and local voter-approved gasoline and sales taxes from two-thirds to 55%.
- Support State governance reform which will include enhancing protections of local government revenues, full funding state-mandated programs which are implemented at the local level, improving the function and efficiency of the State's administration of programs, and reducing the gridlock of governance in California.

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Part Two

Priority Legislative Objectives

The priority legislative objectives are set forth as an expression of the Board of Supervisors' specific directions to County staff and legislative advocates for 2010 legislation. These objectives will also serve as information and direction for the County's Legislative Delegation about specific San Luis Obispo County concerns.

I. Board of Supervisors

- A. **Problem:** The residents of San Luis Obispo County, as well as tourists and business people, travel highways 41 and 46. These highways fall far short of the necessary capacity, safety, and convenience warranted by the traffic volume.

Resolution: Support language in legislation appropriating Proposition 1B funds for improvements on these two vital traffic arteries to and from San Luis Obispo County.

- B. **Problem:** The preservation of agricultural land is vital to the County's future economic stability and the sustenance of agriculture as a viable industry in San Luis Obispo County.

Resolution: Support legislation and budget action to restore the Williamson Act subventions to their highest historical levels. Support legislation to establish uniform statewide enforcement of the Act; specifically to increase the County's authority to enforce the provisions of the Williamson Act. Continue to oppose any effort to repeal the Williamson Act or eliminate or reduce the property tax subvention for Williamson Act contracts.

- C. **Problem:** State regulations which prevent the operation of "drive-up" businesses such as banks, cleaners, and drug stores, are discriminatory against the handicapped.

Resolution: Sponsor legislation which prohibits restrictions against businesses where the ability to offer "drive up" access would greatly enhance services to the handicapped or disabled.

- D. **Problem:** To serve on a Community Services District board and also on a Cemetery District Board is currently deemed an incompatible office. Further, current statute prohibits an individual from serving on a Board without district boundary lines being coterminous.

Resolution: Seek an amendment to state law to allow a Community Services District to serve as a Cemetery District Board without it being an incompatible office and allow the Community Services District Board to serve a district without coterminous boundaries as the governing board of that district.

- E. **Problem:** The abandonment of multiple operable and inoperable vehicles in a residential area can cause both traffic and nuisance problems. The County's authority is limited in dealing with the problem.

Resolution: Seek to resolve the problem by:

- 1) Clarifying the cooperative agreements with the California Highway Patrol;
- 2) Amending the government code to clearly give the County the authority needed to deal with the problem locally.

- F. **Problem:** Through no fault of a property owner and/or the permittee, final development and building permits have been delayed, and in some cases, permits expire. Legislation approved in 2008 automatically extended all permits that expire before 2011 by one year, in order to address the stalled housing starts in California. However, the legislation did not give final permit extension approval to a Board of Supervisors.

Resolution: Sponsor or support legislation that allows developer and building permits to be extended after five years only at the discretion of the Board of Supervisors if development or building plans are halted through no fault of the land owner and/or the permittee.

- G. **Problem:** State subventions to local air districts have been significantly reduced by the California Air Resources Board (ARB) despite a large increase in state mandated programs requiring local district implementation. At the same time, the ARB has substantially increased its own budget and staff for AB 32 implementation.

Resolution:

- 1) Advocate that subventions to local air districts be significantly increased to support local implementation and enforcement of state mandated air quality programs;

- 2) Advocate that a portion of state AB 32 funding be allocated to local air districts to support their work with local jurisdictions to reduce greenhouse gas emissions;
- 3) Seek the assistance of San Luis Obispo legislators both with the Administration and through the budget in solving this problem.

H. **Problem:** Current statute prohibits a Board of Supervisors from being able to implement a sales tax increment in the unincorporated area of the county only in order to fund vital services, such as police and fire services in the unincorporated area.

Resolution: Sponsor/support legislation which authorizes a Board of Supervisors to submit a sales tax increase to the voters in the unincorporated area only of a county for their approval.

I. **Problem:** The Governor and Legislature are seeking legislative and administrative action regarding the siting and regulation of renewable energy sources. Currently, oversight and land use related to the siting of renewable power is appropriately under the jurisdiction of the local land use agency.

Resolution: Support legislation which retains local land use, siting authority and final approval of renewable energy plants at the local level. Oppose legislation which seeks to subsume this authority and give it to the State, or cedes authority to an investor owned utility. Oppose legislative or administrative action which would result in discouraging local distributed generation.

J. **Problem:** There are insufficient regulatory and financial incentives to promote residential and/or commercial scale renewable energy projects, such as rooftop solar. Regulatory and financial barriers prevent small scale renewable projects from being developed on a mass scale.

Resolution: Support legislation and regulatory proceedings which would encourage and incentivize residential and/or commercial production of renewable energy, the installation of rooftop solar power, and energy efficiency and renewable projects on a residential and /or commercial scale.

K. **Problem:** The Legislature and Governor continue to approve legislation such as AB 32 (Nunez) and SB 375 (Steinberg) which creates expensive, unfunded mandates that must be implemented at the local level. The cost and time associated with implementing this legislation will be significant to the County.

Resolution: Seek and support full funding for the implementation of the mandates included in AB 32 and SB 375, and any future legislation.

II. District Attorney

- A. **Problem:** Current law leads to some confusion as to which county would be the “designated county” with regard to sexually violent predators. Because of the location of Atascadero State Hospital, this confusion increases the workload and cost to San Luis Obispo County. An amendment to Penal Code Section 6601 (a) is needed to eliminate the confusion.

Resolution: Support legislation to amend the penal code, 6601 (a) as follows: The designated county shall be the county in which the person was last convicted of a sexually violent offense, as defined in this article.

- B. **Problem:** The high cost of transportation and public defender costs for inmates housed at Atascadero State Hospital is largely a responsibility of the County. This is a major issue because the number of cases related to State Hospital patients have increased, and most of these are felony cases.

Resolution: Sponsor and/or support legislation to mandate the State to reimburse San Luis Obispo County for public defender and transportation costs for inmates of Atascadero State Hospital resulting from the inmate being a party to either a criminal or civil trial, as is now done for inmates of state prisons who incur costs for counties.

- C. **Problem:** Financial Elder abuse, such as identity theft, is a growing problem in California. The state has not allocated resource for controlling this problem area.

Resolution: Support efforts to increase state budget allocations to both criminal justice and human services for controlling the problem of financial elder abuse particularly identity theft in California.

- D. **Problem:** A federal three judge panel has ordered the release of approximately 40,000 state prisoners. In order to comply with this order, the Governor and Legislature may administratively and legislatively modify sentencing and release guidelines of adjudicated persons and make other changes which could result in significant impacts on daily jail population rates and a commensurate increase in work and calls for service for the Sheriff, District Attorney and Probation Officer in the County.

Resolution: Oppose legislative and administrative actions that comply with the Federal three-judge panel but result in increased County jail populations,

increased but unfunded probation and supervisory responsibilities, and other increased county costs.

III. Health Care Reform

- A. **Problem:** Many county residents are not covered by health insurance, which increases public health risks and increases local costs to provide acute or urgent care. Many conditions could be treated at a fraction of the cost if patients had access to routine preventive and primary care. Providing health insurance to all county residents would dramatically reduce county costs arising from the mandated responsibility to fund indigent care, reduce costs to local physicians, clinics and hospitals resulting from un-reimbursed or under-reimbursed care rendered to the uninsured, and strengthen the overall provider network available to all persons in the community. Better integration of healthcare delivery systems would increase access to care, reduce its cost, and increase its effectiveness.

Resolution: Support legislation making health coverage and/or health services available to County residents including all children. Support legislation which will provide State funding for costs associated with such coverage. Support legislation promoting the integration of physical health, mental health, and alcohol and drug, and other types of healthcare in unified service delivery models.

Oppose reductions in Federal or State support or funding for a) programs which enable county residents to gain access to healthcare coverage/services; and b) county operated health programs related to providing care for the medically indigent; and c) other programs promoting public health. Oppose legislation requiring counties to increase the amount of County discretionary funding to support healthcare coverage.

IV. Children's Services Network

- A. **Problem:** The increasing demand for services for children, youth and families exceeds the resources of local government and private non-profit agencies.

Resolution: Support legislation that:

1. Creates opportunities and incentives for collaboration between businesses, schools, government and private, non-profit agencies for improved services for children, youth and families;
2. Increases the quality of child care through annual visits by DSS/Community Care Licensing to subsidized, licensed exempt child care

providers, including support of national accreditation activities and retention incentives, such as stipends to child care providers;

3. Creates opportunities for job mentoring for youth in businesses using tax incentives;
4. Advocate for universal health coverage for children or at least to provide more funding to get children insured under existing programs (increase support for Children's Health Initiative).

V. **Public Health and Behavioral Health**

A. **Problem:** Access for low-income families and Medicare beneficiaries to primary medical care and specialty care services in the County is impaired as a result of inadequate reimbursement rates from Medicare, Medi-Cal, and the Healthy Families program.

Resolution: Support/sponsor legislation which:

- 1) Increases rates of reimbursement, consistent with rates available in other jurisdictions and costs experienced by efficient providers;
- 2) Extends "disproportionate share" subsidies (presently available to inpatient care providers) to providers who serve a disproportionate share of lower-income patients on an outpatient basis;
- 3) Provides reasonable reimbursement for acquisition of medications, such as chemotherapy agents, which are administered in physician offices;
- 4) Provides reasonable reimbursement rates for mental health and dental services for all age groups (children, adolescents and adults).

B. **Problem:** Proposition 10, also known as the California Children and Families Act of 1998, established a Children and Families Trust Fund (through surtaxes on the sale/distribution of cigarettes and other tobacco products) and established the guidelines for state and county agencies that administer these funds. Funding is intended to create and implement a comprehensive integrated system of information and services that improve the development of children from the prenatal stage to five years of age. It is the express intent of the Act to emphasize local decision making, to provide for greater local flexibility in designing delivery systems, and to eliminate duplicate administrative systems.

Resolution: Oppose legislation or budget action that hinders, alters, or restricts local control of the First Five Program in San Luis Obispo County. Oppose legislative or initiative proposals to use Prop. 10 funds for purposes other than those included in the initiative, including proposals to divert state or local Prop. 10 for purposes of balancing the State budget.

- C. **Problem:** The County has dozens of contracts with and receives grants from the state for health care service delivery within the county. Processing and administering such a voluminous amount of contracts and paperwork is cumbersome, administratively burdensome and needs improvement and streamlining.

Resolution: Advocate at the state level for more inclusive health services delivery contracts and grants, thereby reducing the number of contracts that counties must process and administer.

- D. **Problem:** Obesity among the County's residents is a significant and increasing health problem with complex causes. Two key causes are (1) lack of physical activity and (2) unhealthy eating, but there are many underlying causes. Prevention efforts should address individual practices and environmental factors which limit our ability to make healthful choices. Modifying behaviors and environmental factors is challenging, but crucial. Establishing healthy lifestyles will translate into fewer cases of diabetes, stroke, heart attack, and obesity among children and adults, as well as reduced health care costs for chronic illnesses associated with being medically overweight or obese.

Resolution: Support funding and policy changes that reduce the prevalence of obesity, and increase opportunities for physical activity and healthful eating.

- E. **Problem:** As political subdivisions of the State of California, counties carry out health care programs as contractors to and partners with the State. Counties incur legitimate increases from year to year in the cost of providing those services, and in most cases the State does not recognize those legitimate cost increases and fails to increase the flow of State revenue to counties to carry out those health care delivery services.

Resolution: Support legislation and budget actions that will increase funding to the County in recognition of the increased costs of providing for the services the County is already providing through its contractual and other formal relationships with the State.

- F. **Problem:** Health insurance providers often do not cover services provided to patients receiving treatment services for illnesses caused from or complicated by substance abuse or addictions.

Resolution: Support legislation that would require insurance providers to increase the extent to which services to patients whose conditions are caused or complicated by substance abuse or addiction are included in the scope of coverage.

VI. **Public Works**

- A. **Problem:** Current state law is not clear about what happens if a community services district declares bankruptcy.

Resolution: Sponsor and/or support legislation which clearly establishes the process for the continued operation and governance of a community services district that declares bankruptcy.

- B. **Problem:** In developing a community wastewater project for Los Osos, the County recognizes that project costs are certain to exceed affordability guidelines established by regulatory agencies. Nevertheless, development of a community wastewater project is necessary to comply with Clean Water Act mandates.

Resolution: The County has identified several measures to mitigate affordability impacts, either through the reduction of the overall project costs or by targeting financial assistance to disadvantaged persons. The following legislative actions will enhance the County's ability to address affordability impacts.

- 1) Advocate for the State Water Board to develop a 30 year repayment program and a zero percent interest program, for State Revolving Fund loans to projects serving disadvantaged communities and projects where the cost of regulatory compliance exceeds affordability standards established by regulatory agencies.
- 2) Advocate for the award of Integrated Regional Water Management Program funds and other grants for use in mitigating affordability impacts resulting from the Los Osos sewer problem.
- 3) Sponsor or support special legislation to implement design-build public contracting in accordance with State Water Board/State Revolving Fund guidelines and the Design Build Institute of America (DBIA) manual.

- 4) Sponsor or support special legislation to provide the County Board of Supervisors with discretion to establish a rate discount program for disadvantaged persons.

C. **Problem:** San Luis Obispo County continues to have substantial residential development and therefore seeks to more effectively manage and control increasing traffic volumes on what remains of a relatively rural road system. Currently, with the layout of one to two acre residential developments, the “Residential District” criteria of 16 residential units fronting over a quarter mile distance cannot be attained. This means that many county roads fail to meet the criteria in current law for a prima facie 25 mph residential district posting and as a result, speed limits are required to be posted at 45, 50 or even 55 mph on suburban streets with residential lots and suburban uses present.

The County has exercised the discretion allowed under Vehicle Code Section 627 in the development of an Engineering and Traffic Survey for consideration of collision history and pedestrian and bike safety. The results still fall short of what could be a more controlled speed along these developed roadways. The Board’s concern is to assure safety on these narrow rural roadways which are traversed by vehicles, bicyclists, pedestrians and equestrians; all sharing the road.

Resolution: Amend Vehicle Code Section 22352 “Prima Facie Speed Limit” to include an additional category for roadways which are suburban in nature. The amendment would establish a 40 mph maximum speed limit on streets with densities of at least eight residential units fronting the street over a one quarter mile distance. Seek administrative relief, where available, to achieve reduced speeds on these roads.

D. **Problem:** The California State budget deficit is resulting in the consideration of proposals that would “take” gas tax and other revenues that have been previously allocated to counties and restricted for road purposes to help reduce the State budget deficit. If approved, the revenue shift will substantially reduce Road revenues and significantly impair the Public Works Department’s ability to adequately maintain County roads.

Resolution: Oppose legislation and State budget proposals that “take” gas tax and other road revenues. Support legislation that ensures the preservation of road revenues, including proposals that may increase State transportation revenues in lieu of taking local revenues, and those that improve equitable funding of local maintenance needs.

E. **Problem:** Dreissenid mussels, which include Zebra and Quagga Mussels, and other invasive aquatic species, are infiltrating water bodies and being transported throughout the nation by various vectors, including recreational vessels. Invasive aquatic species existence in water bodies poses economic

strain on operating agencies by increasing the frequency of maintenance required by water delivery and storage facilities, among other impacts. If invasive aquatic species are introduced into local water bodies, the budgetary and operational consequences will be significant.

Resolution: Support legislative proposals for the prevention, control, education, enforcement, and eradication of dreissenid mussel species and other invasive aquatic species, including those that will specifically enhance prevention and control measures for water bodies within San Luis Obispo County.

VII. Assessor

- A. **Problem:** The State has provided a subvention to counties, most particularly the assessor, to assist in paying for the collection of property taxes. This is an important source of revenue necessary to sustain the property tax program. However, in the final 2005-2006 budget negotiations, the Property Tax Administration Grant program was eliminated.

Resolution: Support any budget, legislative or executive action to restore funding the property tax administration program, while maintaining Board discretion for final allocation of the funds.

VIII. Library

- A. **Problem:** The Public Library Fund is often the first to be cut by the State in balancing the budget.

Resolution: Support the maintenance of State funding for the PLF. Oppose further budget reductions to the PLF.

- B. **Problem:** There have been attempts by the legislature to regulate the contents of material kept in public libraries from the communities in which they are located.

Resolution: Support the concept of “community standards” as the guiding principle for the content allowed in California’s public libraries.

IX. Adult Policy Council

- A. **Problem:** The increasing demand for services for suspected victims of elder abuse and neglect exceeds the current resources of local government and private non-profit agencies. Funding for the Adult Protective Services (APS) program has not increased since 1999. Yearly increases in the cost of

operating the Adult Services Program have led to reductions in our county's ability to investigate allegations of abuse to seniors and dependent adults. In 2006, local APS staff investigated 724 abuse allegations, an increase of 33% over the prior year. APS staff develop service plans to mitigate the abuse and to ensure the health and safety of those individuals. In the first 9 months of 2007, 783 abuse allegations were reported to APS, reflecting a further increase in the upward trend of cases. This level of service cannot be maintained if funding levels remain the same.

Resolution: Increase state general fund allocations to enable this county to increase the number of abuse investigators and to expand the duration of case management activities. The cost of two additional staff would be \$320,000 per year. Remove the time limit to case management activities to enable APS staff to remain involved with clients for a longer period of time. In 30% of cases, abuse reoccurred during the year.

- B. **Problem:** When adults are discharged from acute care hospitals, there is often no in-home care available to ensure that patients are able to follow doctor's orders, purchase and take medication and otherwise care for themselves.

Resolution: Support legislative efforts to create funding for positions to ensure that discharged hospital patients receive follow-up in home care to ensure that patients are able to comply with medical orders and recommendations and get and take prescribed medications.

X. Human Resources

- A. **Problem:** The Legislature has approved several bills in recent years to increase the type and number of advance presumptions for illness related to work. This results in increased county costs.

Resolution: Oppose legislation which would result in increased work-related illness presumptions.