

County of San Luis Obispo



2019

State Legislative / Regulatory Platform

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INTRODUCTION

To reflect the priorities of the County, the 2019 Legislative Platform is divided in four sections:

- **DIABLO CANYON NUCLEAR POWER PLANT** – Closure-related issues that remain of a high priority to the board.
- **BOARD OF SUPERVISORS' PRIORITIES** – Items of specific concern to members of the Board.
- **COUNTY OF SAN LUIS OBISPO SPECIFIC ISSUES** – Issues the County will actively pursue that directly affect the County.
- **SHARED LEGISLATIVE PRIORITIES** – Issues the County will actively pursue that directly affect the County as well as other jurisdictions; divided in the Platform by each of the four functional areas of county government: Community Resources and Infrastructure, General Government, Health and Human Services, and Law and Justice, then sorted by priority.



LEGISLATIVE GOALS

The County of San Luis Obispo Board of Supervisors acknowledges the cyclical nature of the State's revenues, and that Governor Brown continues to warn of the next economic recession. The State's last two budgets greatly bolstered the State's Rainy-Day Fund and continued to reduce the State's debt, while making modest investments in critical programs, such as tree mortality reduction and management. The County's legislative platform seeks to maintain State funding levels of local government programs to the furthest extent possible and to ensure adequate funding for any new mandate. Additionally, the Board seeks to maintain close relationships with County of San Luis Obispo's legislative delegation and key legislative leaders to foster greater understanding of local concerns and needs.

The primary goal of County of San Luis Obispo's Board of Supervisors and its employees is to serve and support the well-being of its residents; County of San Luis Obispo government is dedicated to enhancing the economic, environmental, and social quality of life in the County. To this end, in 2018, the County of San Luis Obispo 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.

1. Preserve County of San Luis Obispo and other local revenues and funding sources from further reductions, especially those that would directly impact the County's ability to serve its residents; support legislative and policy initiatives that maintain funding levels.
2. Oppose legislation which constrains county contracting ability, such as AB 1250 (Jones-Sawyer, 2017). Such constraints would require the expenditure of valuable local resources to do analyses that would likely be flawed due to the prohibition on incorporating certain data points that are specified in AB 1250 but are critical to fiscal management decisions every county must make. Support legislation that upholds the principle of the subsidiary relationship between the State and counties.
3. Support increased appropriations to the County for mandated programs, including capital acquisition costs. Oppose mandates without revenue and/or unnecessary State mandates. Support legislation that allows flexibility to local governments to effectively and efficiently administer state-mandated programs and provide local government additional protection



- from state mandates that are not supportive of local control. Oppose the transfer of additional state programs to the County, unless adequate, secure and on-going revenues are provided by the State. Where State funding is not available, support legislation that authorizes locally-developed, functionally equivalent programs in place of subjecting municipalities to state laws/regulations (e.g. Williamson Act).
4. Support legislation that allows maximum flexibility to local governments to effectively and efficiently administer state-mandated programs and provides local government additional protection from state mandates that attempt to micromanage local affairs.
 5. Encourage, seek and support continued legislative efforts to streamline, improve and modernize state land use regulations and/or policies such as the California Environmental Quality Act (CEQA), California Coastal Act, Subdivision Map Act, etc. without compromising or undermining the original intent and tenets of these laws.
 6. Support legislation that modernizes the State budget process to reflect the best practices in state financial management from across the country including a two-year budget cycle. Seek changes to make the process more transparent, accountable, and responsive to the citizens of California.
 7. Encourage and seek legislation that protects, promotes and preserves the County's quality of life, its diverse natural resources, its economic base, and the character and history of the County, including legislation which would provide funding to local agencies to develop programs, policies and projects.
 8. Encourage, seek and support legislation that facilitates orderly economic expansion and diversification and increases the opportunity for discretionary revenues and programmatic and financial flexibility for the County.
 9. Support legislative initiatives that provide funding sources or financing tools for local programs or projects that support projects including but not limited to: development of adequate infrastructure, increased energy efficiency, development of renewable energy, energy storage systems, all electric buildings, access to energy consumption data to support infrastructure and resiliency planning, and Geographic Information System (GIS) data layers that would assist local governments with infrastructure, energy and economic development.



10. Support the County's authority to assure mutually acceptable tax sharing agreements for annexation and incorporation that protect or enhance the County's ability to provide services to its residents.
11. Support legislation that: 1) encourages cooperation between the County and its cities, special districts, and other local agencies in efforts to develop regional plans, programs and initiatives and 2) facilitates regional cooperation on issues of community-wide and regional concerns including the development and provision of adequate infrastructure which includes water, roads, and technology.
12. Support the principles adopted by the California State Association of Counties (CSAC) and the Rural County Representatives of California (RCRC) where they are consistent with the principles and priorities identified by the County of San Luis Obispo Board of Supervisors.
13. Support the preservation, protection, and enhancement of the California coastline through proper planning. The County of San Luis Obispo is committed to preserve and provide access to the coast and support where appropriate beach activities, boating activities, and other recreational uses in developing and implementing precise coastal plans and appropriate zoning. Statewide efforts related to the California coastline must respect local land use authority. Support collaborative and cooperative work with State, other counties and cities to ensure decisions do not erode local control and decision-making. Encourage, seek and support efforts to streamline, improve and modernize coastal development permit and local coastal planning processes, without compromising or undermining the original intent and tenets of these laws.
14. Support and encourage a cooperative approach between state and local agencies for the maintenance, improvement and development of transportation infrastructure and public transportation systems.
15. Oppose any measures or legislation that reduces the super majority vote required to raise taxes from 2/3rd to 55%.
16. Oppose any legislation or initiative that proposes to modify Proposition 13. Specifically oppose any legislation or proposal that would establish a so-called "Split Roll" for property tax, which would thereby reduce protections for commercial property owners. Such a measure has qualified for the November 2020 ballot, and may become the subject of legislative



- negotiations. Oppose any legislation that would further the effort to modify Proposition 13 in lieu of the ballot proposition.
17. Support the proposed transfer of the California Youth Authority property located within the city limits to the City of Paso Robles at the least cost to the City of Paso Robles and the community.
 18. Encourage, seek and support legislation that results in State funding, collected from the cannabis industry, being provided to local jurisdictions where impacts from the newly legalized and regulated cannabis industry are being encountered. Specifically pursue any legislation or proposal that provides funding for cannabis education or illegal cannabis cultivation eradication and its resultant impacts.
 19. Support legislation that expands use of alternative project delivery methods for local agencies. These include Design-Build and Construction manager at Risk procedures in the current Public Contracts Code. Seek enhancements which streamline the process, reduce administrative costs, update and remove monetary limits and logically assigns risk of overall project costs.
 20. Support legislation that considers hydroelectricity and nuclear power as greenhouse gas emission free energy sources.



DIABLO CANYON

Issue:

The closure of Diablo Canyon will have significant ramifications on the County of San Luis Obispo, school districts, and residents. Thankfully, Senator Monning and Assemblyman Cunningham's legislation, SB 1090 (2018) was signed by Governor Brown to ease the transition for the employees, community and public services that rely in many ways on the operation of the plant and will be impacted by its closure. That legislation creates a pathway to plan for closure.

Resolution:

1. As PG&E prepares for closure, the County has key priorities that it will pursue over this multi-year process. Safe operation of the Diablo Canyon Power Plant in compliance with all existing federal and state laws, and all local emergency preparedness protocols, must be adhered to always.
2. It is imperative that all the emergency preparedness and response infrastructure and associated funding remain in effect, including those funds from PG&E, and comply with ever-evolving standards and regulations throughout the operating life of the plant and for as long as spent fuel is located within the County.
3. Once plant operations cease, spent fuel will remain on site. It is estimated that spent fuel will remain in cooling pools for 5-10 years after closure. Once the spent fuel has cooled to appropriate levels, it will be transferred to dry cask storage. If spent fuel remains in our county, significant threat to the public health and safety of our community will remain. As noted above, it will be critical that appropriate emergency preparedness infrastructure and funding remain in effect. Additional consideration should be given regarding how to compensate the community for this continued threat.
4. PG&E's current estimate is that decommissioning will cost \$4.8 billion and will last for decades. This will include a plan to be approved by the California Public Utilities Commission (CPUC), which is itself in a transformative stage. In no event shall any iteration of the decommissioning or public process at the CPUC change in such a way as to prevent the County and its constituents from being able to participate in the process.



5. In response to the severe drought, the County has sought for over one year to have access to the unutilized or underutilized capacity of Diablo Canyon's desalination plant to provide critically-needed water to the South County. At a minimum, it was estimated the plant could convey 1,300-acre feet annually, which would provide a much-needed increase in local water supplies to help offset the public health threats associated with the current drought. Since announcing the planned closure, PG&E has ceased discussion with the County on this issue. The County will seek to reengage PG&E on this issue, to secure this critically needed water.
6. The Diablo Canyon Power Plant desalination plant produces enough drinking water to significantly mitigate the impact of future droughts and support our communities. The County will continue to pursue desalination opportunities at the Diablo Canyon site through legislative and non-legislative approaches.
7. PG&E and Eureka Energy own a significant amount of property at and around Diablo Canyon. This property encompasses thousands of acres and several miles of coastline and extends from Avila Beach in the south to Montana de Oro State Park in the north. The County must have a leading role in any discussions about future uses at and around the property.
8. The County will encourage, seek, and support legislation related to its key priorities surrounding closure of Diablo Canyon to ensure the safety and well-being of the county.



BOARD OF SUPERVISORS' PRIORITIES

- A. **Problem:** The 2016-2017 enacted State Budget unwound an agreement from 2011 between the State and the Counties regarding cost sharing for delivery of the In-Home Supportive Services (IHSS) program. Between 2011 and 2016, the state minimum wage was increased legislatively, and Federal overtime rules changed; both put tremendous costs pressures on the State and the Counties relative to IHSS. Without further and substantial changes to the cost-sharing arrangement between Counties and the State on IHSS, the cost to counties to deliver this entitlement program will directly and enormously impact county governments' ability to deliver all services. Counties have no ability to control or cap IHSS services, but bear an enormous financial burden for this program, which only gets more expensive to provide each year.

Resolution: The County, in coordination with CSAC and RCRC, will support a new cost-sharing agreement between the State and Counties that relieves the county of unchecked increases in the cost of the program. Any new legislative agreement must be simple, fair and provide financial relief to counties into the future.

- B. **Problem:** The First Five program can provide tremendous assistance to families with children five years and younger. However, the revenue stream continues to diminish, as California's public health goal to reduce smoking has the commensurate effect of reducing the tax dollars collected on cigarettes. The financial viability of programs funded with First Five dollars is commensurately impacted.

Resolution: Support legislative and budget proposals to ensure that program delivery for families with children under five continue to thrive and provide



C. **Problem:** County libraries provide critical resources for many in the community that need access to technology, informational materials, and literacy programs. However, there has been no investment at the State level in many years; county library funding was severely cut in the downturn and has not been brought up to reasonable funding levels since the recovery of the economy. Yes, need only grows in the community for such critical public resources.

Resolution: Seek and support new and robust investments at the State level to develop new libraries across the State of California, particularly in areas of the State that are more remote or difficult to reach.



SECTION 1: COUNTY OF SAN LUIS OBISPO SPECIFIC ISSUES

Transportation, Public Works, Planning, and Agriculture

- A. **Problem:** The Salinas Dam is a federally-owned project that does not have sufficient funding for improvements that would benefit downstream users and enhance storage capabilities.

If the dam gates were raised, it would create additional new water storage and have significant benefits to downstream users. Seek and support grant funding opportunities to make capacity improvements and other retrofit improvements to Salinas Dam.

- B. **Problem:** Effective January 1, 2016 new State law - known as the Sustainable Groundwater Management Act (SGMA) – requires the management of the County’s high and medium groundwater basins identified as such by the Department of Water Resources. SGMA requires each basin to have a Groundwater Sustainability Agency (GSA) develop a Groundwater Sustainability Plan (GSP) for each basin by 2020 or 2022. Significant work efforts over the next few years will strain County resources in developing the sustainability plans.

Resolution: Seek funding or other resources from the State and Federal Government to assist in the development of GSA’s and GSP’s. Work with State legislators and agencies on seeking clarity, as well as new or clean-up language and policy related to SGMA, including but not limited to funding, and basin boundaries. Sponsor legislation to modify Government Code Section 53313 to authorize community facilities districts to collect funds through a Mello Roos fee to administer basins.

- C. **Problem:** The Governor’s drought related Executive Order (B-37-16 and B-40-17) direct the Department of Water Resources to “work with counties to facilitate improved drought planning or small water suppliers and rural communities.” The County fully intends to engage with the Department of Water Resources to identify ways to accomplish the intent of the Governor’s order. However, efforts to date have not included most counties, including the County of San Luis Obispo, and have sidestepped



issues related to funding and the limited authority of counties with respect to small water suppliers and individual well owners.

Resolution: Support legislation that requires the Department of Water Resources to identify appropriate funding for any new mandates placed on counties relative to planning for and responding to drought related water shortages experienced by small water suppliers. Support legislation that respects the rights of small water suppliers and the individual well owners to voluntarily participate in water supply monitoring programs otherwise established by the Legislature.

- D. **Problem:** There are significant opportunities to improve local water supply and supply resiliency, however, financial barriers, as well as stringent and complex regulations and permitting processes, inhibit the ability of communities to address their water resources needs.

Resolution: Seek funding and grant programs, and permit streamlining requirements, which would facilitate project construction and program implementation to maximize the accessibility to existing and supplemental water supplies in the region, provide adequate and sustainable water supplies and infrastructure, develop and implement conservation programs, developing recharge opportunities, and diversify water supply sources including the use of recycled and desalinated water.

- E. **Problem:** State Route 101 travels through the County of San Luis Obispo as a primary north-south route for state commerce and travel. While the majority of Route 101 in the County operates as a full freeway facility, there are three segments which are conventional highway with at-grade intersections. With the increase in traffic volume on Route 101, safety concerns at these at-grade intersections has increased such that improved access-controlled facilities are now required.

Resolution: Support increased funding for planning, design and construction of freeway conversion of these three segments of Route 101. Initiate Caltrans corridor plans to define access improvements and phased construction. Support funding from inter-regional funds under the State Transportation Improvement program.

- F. **Problem:** Increasing development around existing landfills threatens the ongoing operation of these landfills and their associated facilities as new property owners complain about operations they believe to be a nuisance.



Resolution: Sponsor and/or support legislation which clearly establishes disclosure of existing landfill operations and their potential expansions during escrow of a real estate transaction. Like "The Right to Farm Act" (California Civil Code sections 3482.5 and 3482.6), potential legislation would identify landfill activities as not a nuisance and require new properties owners to sign a disclosure acknowledging they are purchasing property within the vicinity of an existing landfill.

- G. **Problem:** Land in agricultural production along the Arroyo Grande Creek levees is an important local resource. In 2001, a levee breach flooded agricultural land, and it is reasonable to assume a major flood event could cause a levee breach and flood agriculture again. The levee system was deemed to be past its useful life in 2009 and does not provide the original flood protection it was designed for. A levee breach would have significant economic impacts to the local community. Crop insurance does not fully recover losses, and in many instances it is unavailable or not provided for certain crops. The County of San Luis Obispo desires to have the farmers and property owners within the agricultural region protected, via insurance, to the highest extent possible should a breach occur. Farmers and property owners in the area have expressed it is costly, difficult and sometimes impossible to obtain adequate insurance coverage.

Resolution: Sponsor and support legislative changes to ag-related insurance programs to cover more crops and cover more losses. Encourage Congress to make changes to the National Flood Insurance Program that would establish flood zones for agriculturally-based communities and allow for certain ag-related development. Additionally, encourage Congress to allow for adjusted rates based on actuarial risk, thereby lowering base rates in areas of lower risk.

- H. **Problem:** Residential neighborhoods and public facilities adjacent to State owned property (Oceano Dunes SVRA) are subject to periodic inundation due to the application of CA State Park policies that emphasize allowing "natural" processes to develop and evolve on park lands, particularly related to sandbars. These policies have also resulted in alterations to a significant flood control channel located within a local easement on State Park land.

Resolution: Sponsor and support legislation that requires State Park management plans to proactively manage sandbars to not result in harm (i.e. flooding) of adjacent developed properties and existing locally maintained infrastructure.



- I. **Problem:** Existing statutes in the Public Contracts Code limit the application of alternative project delivery mechanisms by restricting certain work type applications, establishing monetary limits, and excluding certain local agencies from utilizing these mechanisms. Some methods, such as Job Order Contracting or Design-Build, the County has or is beginning to utilize within current restrictions but would look to expand their application. Others like Construction Manager at Risk are mechanisms the County would likely avail themselves to use in the future on an expanded basis then currently defined in the statutes.

Resolution: Support legislation which expands existing and proposed alternative project delivery methods for use into all categories of facilities and infrastructure work including flood control, transportation, parks and fiber optics. Ensure that these be available to all cities and counties regardless of location or size. Support bills which revise and expand the monetary limits of existing alternative project delivery mechanisms and broaden their application in the applicable are of work, including new construction, for Job Order Contracting and Design-Build.

Health and Human Services

- A. **Problem:** The CDC estimates that each year in the United States, about 9.4 million people get ill from 31 known foodborne germs. These illnesses lead to about 56,000 hospitalizations and 1,350 deaths.

Resolution: Support legislation that further sustains or strengthens the food safety system and does not present a food safety risk to the County of San Luis Obispo residents and overnight guests.

- B. **Problem:** In 30 counties throughout California, oversight of water quality safety is delegated to the local health officer and is administered through local Environmental Health programs in what are known as LPA Delegation Agreements. Historically, the program has been funded by a direct fee charged to the public water system. Differences in state and local costs and administration resulted in fee variability. Increasing state requirements to administer the program continue to grow, resulting in a need to raise permit fees to fund the program.

Resolution: Support legislation that provides supplemental state funding for administering the program.



- C. **Problem:** With increasing requirements to divert organic waste from landfills, there comes an increasing potential risk that more land application of waste in various forms will become a problem for local counties to tackle. This could potentially be true for rural jurisdictions that have more open spaces where organic waste of some kind can be land applied.

Resolution: Support legislation that limits improper land application that can cause a potential contamination risk to surface and ground water and/or become a vector/pest control issue.

- D. **Problem:** In 2018, the fee for a Public Health Nurse certification more than doubled. This large out-of-pocket cost for these nurses can be expected to further impact the struggle that local health departments already face in hiring and retaining public health nurses.

Resolution: Support legislative action to roll back the greater than 100% fee increase on Public Health Nursing certification to prevent exacerbation of an already difficult recruitment and retention environment for local public health.

- E. **Problem:** The incidence of communicable diseases of all types is significantly on the rise, including STDs, HIV, viral hepatitis, vector-borne disease. Additionally, incidence of the non-communicable disease coccidioidomycosis, commonly known as Valley Fever, is rapidly increasing. These phenomena are occurring throughout the United States, including locally. For example, Valley Fever is up in SLO County by more than 600% and syphilis by nearly 400%.

Resolution: Seek funding for communicable and non-communicable disease control; e.g., by supporting State budget proposals to increase disease capacity in local health departments.

- F. **Problem:** Chronic disease related to a host of place-based, environmental and behavioral factors are also on the rise across all California jurisdictions. In recent years, State and philanthropy-based funding streams have used funding distribution mechanisms that are based on prioritization of need and geographic distribution rather than allowing for base funding in each jurisdiction. For example, the California Endowment is investing in only 14 counties for its Building Healthy Communities Initiative. The Let's Get Healthy California State Innovation Plan similarly selected a small number of counties to address overarching health improvement aimed at chronic disease prevention.



Resolution: Seek a sustainable, dedicated State funding stream for chronic disease prevention, with equitable distribution across all local health departments.

- G. **Problem:** A variety of policy and legislative efforts have emerged in recent years which would potentially dilute existing statute (H&S Code, Division 2.5: 1797.200, 1797.202 & 1797.204) and regulation (CCR Title 22, Division 9: Prehospital Emergency Medical Services) which afford the local Emergency Medical Services (EMS) agency local medical control. Maintaining the current construct is important to ensure universal, equitable, quality and efficient EMS services throughout the county jurisdiction.

Resolution: Support legislation, regulatory, and other efforts, including funding, to maintain and/or increase the authority and governing role of counties and their local emergency medical services agencies to plan, implement, and evaluate all aspects and components of the EMS system. Conversely, oppose legislative, regulatory, or other efforts that would threaten or weaken the authority and governing role of counties over EMS, limit or diminish the authority of the local EMS agency medical director to maintain medical control of the EMS system or decrease funding for associated Public Health Emergency Preparedness programs.

General Government

- A. **Problem:** Several veterans' halls and civic halls are in a state of seismic risk. The buildings need to be upgraded to ensure their ongoing use, and to provide a safe and structurally sound gathering place for veterans and the public.

Resolution: Seek funding through the two voter-approved 2018 resources-related bond measures to specifically provide grants to local governments and civic organizations to apply for funding to retrofit these important gathering places.

- B. **Problem:** As of 2009 legislation, Community Service Area (CSA) law does not allow the collection of delinquent "property related fees and charges" (water and sewer rates) on the tax roll when the property owner is not the water/sewer customer, causing significant loss of revenue for services provided.



Resolution: Sponsor and/or support legislation re-establishing CSA law to allow the collection of delinquent "property related fees and charges" (water and sewer rates) on the tax roll regardless of whether the account is in the name of the property owner or tenant.

- C. **Problem:** There is a very limited pool of Agricultural Commissioners in California due to the dual certifications required of persons who hold the position. There is no flexibility in current statute to appoint an individual with some or most of the necessary qualifications and allow some grace period to obtain all necessary certifications of an Agricultural Commissioner.

Resolution: Seek and support legislation which gives a Board of Supervisors more flexibility in appointing Agricultural Commissioners, by authorizing the appointment of a Commissioner who has obtained some or most of the qualifications and certifications necessary and will obtain or complete those qualifications within a specified period.

- D. **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. Oppose any effort to repeal the Williamson Act.

- E. **Problem:** Recent State efforts to promote and regulate the siting of renewable energy power facilities conflict with local land use authority. Currently, oversight and land use related to the siting of renewable power, except thermal power plants greater than 50MW, is appropriately under the jurisdiction of the local land use agency.

Resolution: Support legislation which retains current local land use, siting authority and final approval of renewable energy plants at the local level. Oppose any legislative or administrative action 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 or local ability to set terms and conditions over siting.



- F. **Problem:** There are insufficient regulatory and financial incentives to promote residential, commercial, and community scale energy efficiency, renewable energy, and energy storage projects and programs, and the development of or conversion to zero net energy buildings. Regulatory and financial barriers prevent small-scale and community scale clean energy projects from being developed beyond an excessively limited scale.

Resolution: Seek and support legislation and regulatory proceedings which encourage and incentivize residential, commercial and community scale energy efficiency, renewable energy and energy storage projects and programs, as well as the development of or conversion to zero net energy buildings, and access to energy consumption data to support infrastructure and resiliency planning. Specifically support the following actions:

1. Offer Financial Incentives & Financing Options—The Public Goods Charge needs a guarantee of long-term funding for renewable energy and efficiency programs that lower utility bills in our communities and help meet local and state environmental goals. Energy efficiency and small-scale renewable projects should be financially supported increased and more easily accessible incentives and with rebates, on-bill financing, loan guarantees, and low-interest loans. Efficiency programs need to greatly expand whole building retrofits, net-zero energy buildings, and community clean energy projects and programs.
2. Establish Feed-in Tariffs for Small-Scale Renewables—the state should establish through legislation a feed-in tariff for small-scale renewable energy projects with sufficient payments to recover the cost of generation plus a modest profit to incentivize development. Payment rates should be differentiated by technology and project size, with a separate schedule of higher payments for government agencies, schools, and non-profit organizations that cannot take advantage of federal tax credits—like the higher rebates once offered through the California Solar Initiative for non-taxpaying customers. This would allow local public agencies, as well as individuals and businesses in our communities, to be paid for generating clean, renewable energy and to benefit financially from the state’s renewable energy policies.
3. Expand Net Metering and Complement with incentives for Distributed Energy Storage Systems—net metering allows utility customers in California to get a credit on their bill for energy that



they produce with their own small-scale renewable energy projects. The state currently has a program cap limiting net-metering to 5% of the utilities' peak loads, which is expected to be reached starting next year. The state urgently needs to increase this cap to 10% of the utilities' peak loads to save thousands of jobs in the state and for insuring that small-scale renewable energy continues to thrive in our communities. Net metering should also be expanded to allow customers to participate in "solar shares" projects that are not physically connected to a customer's meter. Energy consumption data should be made available to municipalities for the purposes of executing cost effective efficiency improvements, community level solar development analysis, and resiliency and infrastructure planning. Storage system incentives should be increased, extended, and facilitated to increase community level resiliency and offset demand during peak consumption periods, Above all, the state must not allow utilities to impose excessive charges that would destroy the net metering program.

4. Protect Solar Access – Legislation should be created to ensure that sunlight exposure for residential solar installations are protected from future development that may otherwise impede access to sunlight and homeowner's or other types of neighborhood or owner/tenant associations cannot prohibit the installation of rooftop solar. And Regulatory agencies should insure low-cost, fast and efficient grid interconnection for all small-scale renewable energy projects.

G. **Problem:** AB 32 (Nunez), SB 375 (Steinberg), and SB 32 (Pavley), dealing with the control of emissions of greenhouse gases, are examples of significant and impactful legislation which the County intends to implement; however, these directives create expensive, unfunded mandates for local jurisdictions. 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, SB 375, and SB 32 and any future legislation. Advocate for Greenhouse Gas Reduction Fund and Cap and Trade Revenue distribution policies that benefit programs and projects in the County of San Luis Obispo.

H. **Problem:** Governor Jerry Brown proclaimed a drought state of emergency in January 2014. In October 2014, he issued another proclamation of a



state of emergency for the tree morality crisis. The County proclaimed a local drought emergency in March 2014, citing among other concerns, the long-term ramifications of the drought on the health and welfare of our residents and properties within the County. The multi-year drought in California has weakened trees to the point of being susceptible to infestation by the bark beetles. The United States Forest Service estimates that more than 22 million trees in California have already died due to current drought conditions. The County Grand Jury in a March 2015 report found that 40% of the Monterey pines in the community of Cambria have died. The dying of trees at such a large scale significantly worsens wildfire risk as well as life safety risks from falling trees especially in rural, forested communities such as Cambria.

Resolution: Advocate securing available funding and other resources to help combat the tree mortality crisis in the County. Seek to expand the use of state funds to support new technologies such as pyrolysis, which is a clean technology that will create energy from the dead and dying trees that California urgently needs to dispose of to prevent further devastation to forests.

- I. **Problem:** Recent efforts to amend the Meyers-Milias-Brown Act (MMBA) to include more requirements for public employers have failed. These imposed additional requirements not only erode fundamental management rights, but also frequently require the County to increase administrative processes with employee organizations, which increase costs, and impact efficiencies of our operations.

Resolution: Oppose proposed legislation on the basis that further restrictive management rights MMBA legislation would provide an undue burden on the County by adding additional requirements to negotiate with employee organizations. MMBA provides for more than adequate protections to employees and Unions, already requires extensive requirements, and limits local governmental control. It is our position that MMBA does not require further definition.



SECTION 2: SHARED LEGISLATIVE PRIORITIES

Transportation, Public Works, Planning and Agriculture

- A. **Problem:** The United States Environmental Protection Agency has mandated minimum measures for the control of urban storm water, pursuant to the National Pollutant Discharge Elimination System developed as part of the Federal Clean Water Act. To comply with the Federal mandate, the State Water Resources Control Board has developed Statewide General Permits for both municipalities and new construction. The requirements contained in these permits exceed the federal mandate in numerous areas. In addition, Regional Water Quality Control Boards are given leeway to modify (increase) the statewide requirements with no oversight. In all cases, and despite the Federal mandate to consider the costs of implementation, neither the State Board nor Regional Boards provide additional funding or include realistic limits on the costs of compliance to local agencies.

Resolution: Support legislation that prevents the State and Regional Boards from adopting statewide or region-wide permits that exceed federal clean water mandates without program-specific legislation and without full funding. Support legislation that provides Prop 218 relief on funding stormwater efforts.

- B. **Problem:** The cost to produce a CalTrans Project Study Report (PSR) for a transportation project can become a significant financial drain on the overall cost of the project and waste scarce funding on administrative hurdles instead of construction materials and jobs.

Resolution: Sponsor or support legislation which would increase the ability of a CalTrans District Director to approve projects without a PSR to \$5 million.

- C. **Problem:** CalTrans interchange capacities are not currently defined as a State route concern (i.e. not a local development issue).



Resolution: Support legislative and administrative actions which would increase responsibility and accountability for CalTrans to prepare their own CalTrans Project Study Report (PSRs) for interchanges.

- D. **Problem:** Failure to fully disclose the actual identity and quantity of packaged commodities prohibits accurate value comparison for consumers and promotes unfair business practices among competing manufacturers.

Resolution: Support legislation which assures clear labeling and accuracy of the net quantity of packaged products to promote value comparison and to ensure the consumer receives the product and the quantity of product for which they pay.

- E. **Problem:** There have been recent legislative proposals that restrict the authority of state and county sealers to test, verify and seal certain commercial weighing and measuring devices. Such proposed exemptions eliminate the protection provided by weights and measures officials to consumers and businesses that rely on accurate measurements to ensure proper payment for commodities purchased.

Resolution: Continue to oppose legislation that would diminish or remove protections now afforded to consumers for transactions based on weighing and measuring devices.

- F. **Problem:** Weights and Measures Programs are important to businesses and consumers in California. Weights and Measures Programs ensure there is a “level playing field” in the marketplace for businesses and industries. Likewise, these programs are critical in providing protection for consumers and reliable means for value comparisons when products are purchased by weight, measure, count or time. County Sealers must maintain the ability to recover the costs for inspection programs to provide protections to both consumers and merchants.

Resolution: Support legislation that would eliminate the repeal date in the Business and Professions Code Section 12246 pertaining to Weights and Measures Device Registration Fees and oppose legislation that would prevent the collection of fees up to cost recovery for device testing and registration.

- G. **Problem:** A major source of funding for County Agricultural Commissioner’s Pesticide Use Enforcement programs is the pesticide mill fee imposed on the registrant at the first point of sale of a pesticide in



California. To maintain the integrity and quality of the pesticide regulatory system, it is critical we support methods to maintain or increase funding through the mill fee assessment.

Resolution: Support legislation that maintains or increases funding that is sufficient for pesticide regulatory activities to protect the safety of workers, the public and the environment and provides funding for education, outreach and compliance assessment activities related to the safe use of pesticides.

- H. **Problem:** The Direct Marketing program is intended to provide a viable channel for California farmers to market their agricultural products directly to consumers, individuals, organizations or entities at the point of production or at Certified Farmers Markets (CFMs), providing exemptions from minimum size, labeling, standard pack, and container requirements under the Standardization Program. The Direct Marketing program provides opportunities for over 3,000 certified producers to sell their certifiable agricultural products directly to the public at approximately 800 CFMs throughout California. Increased focus on local food systems, such as Retail Farm Stands, Community Supported Agriculture (CSA) entities, Community Gardens and School Gardens, has precipitated legislation relating to direct marketing. The Direct Marketing program under the direction of County Agricultural Commissioners (CACs) is well established in many counties; however, enforcement of complex regulations is cumbersome and not effective, largely due to significant underfunding and resources inadequacies. Without appropriate funding, the California Department of Food and Agriculture and CAC's are unable to provide levels of enforcement expected by consumers and the direct marketing industry or sufficient to maintain compliance.

Resolution: Support legislation and proposals that enhance funding and resources to support an effective regulatory program for direct marketing at, both, the state and local level.

- I. **Problem:** Many significant invasive species are routinely introduced and detected in California that threatens agriculture and the environment. Continued funding of Pest Exclusion, Pest Detection Trapping and Survey Activities, Rapid Response, Pest Management and Eradication (if feasible), and Public Education Outreach Programs is critical in protecting California's resources.



Resolution: Support legislation that:

- Protects existing revenue sources and enhances state and federal funding of Pest Prevention Program activities. Provides full cost recovery from state and federal sources for new programs.
 - Maintains or enhances funding for current programs.
 - Supports all reasonable efforts by the California Department of Food and Agriculture, County Agricultural Commissioners, and the agricultural industry to acquire funding and to prevent the introduction and potential spread of invasive pests in California.
 - Provides for effective pest management and eradication activities
 - Provides local flexibility to enhance the abilities of Agricultural Commissioners to respond to pest emergencies and high priority local pest exclusion pathways.
 - Support budgetary efforts to restore funding for agricultural border stations.
 - Supports research on invasive species pathways as well as funding mechanisms to close potential pathways.
- J. **Problem:** Invasive noxious or non-native weeds continue to proliferate on public and private lands throughout California, threatening the state's critical infrastructure, its biodiversity, and ecological integrity. Weed Management Areas (WMA's) have been formed around the state to bring together all stakeholders concerned about invasive weed control within their respective areas. County stakeholders had established viable WMA's and funding needed to support these efforts. Unfortunately, weed management funding has been eliminated and the State's role in weed management has been significantly reduced or eliminated.

Resolution: Support legislation and resources that would provide stable funding for Weed Management Areas or programs for the control of harmful non-native or invasive weed pests.

Health and Human Services

- 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 California State Department of Social Services (CDSS)/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; and
4. Advocate for health coverage for children.
5. Enhances the coverage of mental health and substance use disorders treatment by insurances, including Medicare.
6. Addresses administrative and privacy requirements for substance use disorder information sharing regulations.
7. Address disparity of Medicaid (Medi-Cal) coverage for individuals requiring inpatient mental health treatment by eliminating the 16-bed rule for Intuitions for Mental Disorders (IMD's).
8. Support the State DHCS to engage in additional CMS waivers which would allow for a broadening of Medi-Cal reimbursable services, including housing supports.

- B. **Problem:** Homelessness is a growing problem in San Luis Obispo County and across the State. San Luis Obispo County's 2017 Homeless Point-in-Time Census counted 1,125 homeless individuals within the county, of which 69% were unsheltered. Furthermore, the Census and Survey identified that 90% of homeless veterans were unsheltered. The U.S. Department of Housing and Urban Development's 2016 Annual Homeless Assessment Report to Congress indicated that California has the highest rate of unsheltered homeless people (66.4%) in the nation, yet San Luis Obispo County's rate of unsheltered is still well above that rate. Funding, flexibility and great authority for counties to directly address the concurrent challenges many face of being mentally ill and homeless are all tools the



County needs from the State to make substantial and sustainable improvement in addressing and sizably reducing the population of the mentally ill homeless in San Luis Obispo County.

Resolution: Aggressively pursue funding pursuant to SB 2 (Atkins, 2017) that is intended to be focused solely on homelessness. Pursue grants to help homeless individuals obtain services. Seek and support legislation which would allow the County more flexibility in creating shelters and temporary and permanent housing.

- C. **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 and Medi-Cal.

Resolution: Support/sponsor legislation which:

1. Increases in the rates of reimbursement for Medi-Cal, 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; and
4. Provides reasonable reimbursement rates for mental health and dental services for all age groups (children, adolescents and adults).
5. Adjust the 2011 Realignment allocation to address responsibilities of counties to provide mandated mental health and substance use programs.

- 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. 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 public health and 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, failing to provide a commensurate increase in 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 existing services 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 and serious mental illness are included in the scope of coverage.

- G. **Problem:** San Luis Obispo County is home to approximately 23,000 veterans. The unique health and human services needs of veterans, particularly as they return home from conflicts, require and deserve important health and human service programs.

Resolution: Support legislation which provides for full funding of the allowable State budget allocation of \$11 million per year for County Veterans' Services offices which support other services for veterans, including transportation to facilities, providing claims assistance, medical services and other veterans' benefits.



- H. **Problem:** When adults are discharged from acute care hospitals, there is often no in-home care available to ensure that patients can 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 management to ensure that patients can comply with medical orders and recommendations and get and take prescribed medications.

- I. **Problem:** The rates of mental disorders, chemical dependency and other chronic medical conditions are comparatively high in people who are involved in the criminal justice system. The State provides insufficient funding for medical and behavioral services resulting in inadequate treatment options for the criminal justice population and an increased likelihood of recidivism and high cost utilization of the medical care system. Parolees at times have special needs beyond the current capacity and expertise of the local community mental health plans.

Resolution: Support legislation and budget actions that:

1. Will increase funding to the County to provide expanded mental health and substance use disorder treatment in general, and for the additional costs of medical care, including preventive care and pharmacy for the jail population.
2. Provide additional support and funding mechanisms to provide specialized services for individuals who were previously served within the Parole system and have been shifted to the responsibility of County Mental Health and Organized Delivery systems.

- J. **Problem:** The State is experiencing caseload backlogs at State Hospitals, which has resulted in a waiting list for beds. Inmates in our County jail that have been found incompetent to stand trial (IST) are facing lengthy wait times before being transferred from the County jail to a state hospital. There are no programs available in the County jail to restore these inmates to competency and these inmates decompensate further while awaiting transfer.

Resolution: Seek a budget augmentation to AB 1810 (Budget, 2018) that would provide additional resources to counties to provide funds available to counties to provide treatment services to IST inmates to restore them to



competency while being held in the County Jail or to require expeditious transfer of IST inmates from the County jail to a State hospital.

- K. **Problem:** Homeless encampments in creeks and other waterways result in tons of trash that clogs vital infrastructure. The trash, which often includes hazardous waste or products, washes into the ocean or causes flooding.

Resolution: Support legislative that provides funding for creek clean up and disposal of the trash.

Law and Justice

- A. **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.

- B. **Problem:** District Attorneys face a difficult challenge in handling those persons found incompetent to stand trial and spend up to three years in custody (or the maximum, if less than three years, that the conviction dictates.) These persons are considered Murphy Conservatees.

Resolution: Support legislation which would provide clear direction to district attorneys on the management of Murphy Conservatees who are not restored to competency during their time in custody and remain a danger to themselves or others.

General Government

- 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:** 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.

- C. **Problem:** On-line travel agencies and platforms are actively seeking legislation and judicial remedies to alleviate their obligation to collect and remit all or portions of transient occupancy taxes to the appropriate jurisdictions. As this model grows in its usage, facilitating more and more usage of private homes as short-term rentals, it is imperative that local control is preserved to ensure that the quality of life for permanent county residents, and that compliance with local and state laws is vigorously enforced.

Resolution: Oppose any legislation which would reduce or eliminate on-line travel agencies and platforms from collecting and remitting transient occupancy taxes to the appropriate local jurisdiction. Support legislation that properly balances the quality of life of permanent residents with the economic benefits of short-term rentals booked through internet websites.

- D. **Problem:** State agencies authorized to provide sales and property tax exemptions to private businesses are not required and do not, as a matter of practice; notify local agencies, such as the County, of such tax treatment. Because local agencies are also affected by such exemptions, it is extremely important for planning and operations purposes that local affected agencies be notified by the State of any application for beneficial tax treatments for a private business located within the County.

Resolution: Seek legislative or administrative action which would effectuate notice by the State to local agencies when a business located within the County has applied for a sales tax exemption.

- E. **Problem:** Per the provisions of the County Budget Act (Section 29000), counties are required to prepare an annual budget based on a July 1 through June 30 fiscal year. In this economic climate, it is extremely important for counties to be able to plan by developing multi-year strategies, goals and objectives. By planning beyond one year, programs and projects, such as capital or maintenance projects, can be developed and resources allocated in a more efficient, realistic manner. A two-year



budget cycle would also save counties money, time and effort in having to prepare a budget annually.

Resolution: Support legislation that would amend Section 29000 of the County Budget Act to allow counties the option of adopting two-year budgets. Support legislation that would allow the State the option of adopting two-year budgets.

- F. **Problem:** The State-County Assessors' Partnership Agreement Program (SCAPAP) has been revised, renewed and expanded; however, it is still a three-year pilot. The 8-County pilot program has been an overwhelming success. The California Assessors Association continues to work with the Department of Finance to establish a permanent replacement to SCAPAP.

Resolution: Support legislative or budget proposals that expand and make permanent the SCAPAP.

- G. **Problem:** Pacific Gas and Electric (PG&E) filed for Chapter 11 bankruptcy protection on January 29, 2019 after coming under significant financial pressure due to claims tied to significant and deadly wildfires. For example, initial settlement agreements for the 2017 Northern California wildfires and the 2018 Camp Fire are over \$11 billion. As part of its response to existing liabilities and in an attempt to prevent future liabilities, PG&E has pursued an aggressive Public Safety Power Shutoff (PSPS) program. The PSPS program turns off electricity when high winds, dry conditions, and a high fire risk are predicted. While San Luis Obispo County has, so far, been spared from a PSPS event, dozens of counties throughout the State have experienced days without power. Given PG&E's difficulties in managing PSPS events, many are beginning to call for governmental take-overs of PG&E assets.

Resolution: Support legislative or administrative action, and budget actions which would aid in the preparation, response, and recovery of local government and citizens due to the PSPS program and PSPS events. Support legislative or administrative action that ensures the county is protected from negative impacts due to PG&E bankruptcy proceedings or governmental take-overs of PG&E assets.