# PLACER COUNTY 2001 LEGISLATIVE PLATFORM



Approved by the Board of Supervisors December 5, 2000

**Prepared by the County Executive Office** 

# PLACER COUNTY 2001 LEGISLATIVE PLATFORM

# Part One General Principles

The first and foremost goal of the County's elected representatives and its employees is to serve and support the social, economic, health, safety and well-being of its citizens. To this end, in 2001, the Placer County Board of Supervisors supports the following general principles. County staff, including the County's legislative advocates, will apply these general principles to evaluate legislation and other proposals, and make recommendations to the Board of Supervisors.

- 1. Encourage and seek legislation that facilitates orderly economic expansion and growth, and increases the opportunity for discretionary revenues.
- **2.** Support legislation to assure Placer County's authority to govern itself and oppose legislation that will hinder or limit the County's self-rule authority.
- **3.** Support efforts, including administrative changes, to implement a state/local fiscal reform plan to insure revenues for the delivery of local programs and services, and to increase programmatic and financial flexibility for the County.
- **4.** 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 constituents.
- **5.** Support legislation that provides tax and funding formulas for the equitable distribution of state and federal monies.
- **6.** Support the equitable distribution of local tax revenue among all local government agencies.
- **7.** Oppose state or federal mandates and the transfer of state or federal programs to the County unless adequate on-going revenues are provided.
- **8.** Continue to encourage local agencies and governments to cooperate for the betterment of the community and encourage voluntary regional solutions to regional problems, including funding and support for capital acquisition projects.
- **9.** Support increased state and federal appropriations, and revenue shifts for health and human services sufficient to meet the demand by eligible populations. Assure that the design of systems guarantee: quality of care; uniform availability of appropriate services throughout the state; accountability by service providers; and local determination of needs and priorities. Legislation and/or administrative action to the contrary will be opposed.
- 10. Continue to support all aspects of the justice system, including increased federal and state funding for County law enforcement programs, while preserving flexibility for local jurisdictions. Recognizing the State has assumed responsibility for Trial Court funding, support complete and total state funding for the courts, including staff and facilities.

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# Part Two State Proposals

# **Administrative Services**

# **Proposal: Interest on Delinquent Fines and Fees**

Introduce legislation to amend the California Penal Code to permit charging interest on delinquent fines and fees.

**Problem:** Several counties have been charging interest on accounts based on the authority as interpreted in the State's Penal Code and California Code of Civil Procedure. In 1998, a court decision stated that the Penal Code did not provide for the accrual of interest. Placer County currently participates in the State Franchise Tax Board's (FTB) Court Ordered Debt Program, which allows counties to refer unpaid court fines and fees to the FTB for additional collection action. The FTB charges the County 15% of the amount collected as an administrative fee, but the County is not allowed to reduce the fines to offset the FTB cost. Therefore this becomes a direct cost to the County, currently estimated at \$130,000 annually. The ability to charge interest would permit offset of most of the FTB cost.

# **Agricultural Commissioner**

# **Proposal: Pesticide Mill Fee Reauthorization**

Support legislation that reauthorizes a Pesticide Mill Fee, on a permanent basis, to maintain current pesticide regulatory activities statewide.

**Problem:** Placer County's Department of Agriculture receives a share of the Pesticide Mill Fee assessment (currently about \$50,000 annually). This revenue is a significant portion of the department's revenues for pesticide regulatory activities and environmental and public health protection.

#### **Proposal: Agricultural Marketing Funds**

Secure additional funding for promotion and marketing of locally grown products.

**Problem:** Additional State funding would enhance the County's ability to support, promote and protect its valuable agricultural resources. Specifically, State funding is needed to help insure a proactive agriculture marketing strategy that includes partnerships with county agencies, agricultural organizations, local growers, and the business community.

#### Assessor

# **Proposal: Property Tax Administration Funds**

Support legislation to reauthorize, on a permanent basis, State funding for the County's property tax administration program.

**Problem:** The majority of property taxes collected by the County are actually remitted to the State. Legislation passed in 2000 extended a statute to provide counties with State funds to offset part of the cost of the property tax administration program; however, the legislation sunsets in July 2002. A permanent reauthorization is needed to insure that the State will properly fund a property tax administration program that, in part, benefits the State.

# **Auditor**

# **Proposal: Local Libraries and Property Tax Revenue**

Support legislation that would hold dependent library districts, such as Placer, harmless from any Educational Revenue Augmentation Fund (ERAF) shift.

**Problem:** Legislation previously passed made the status of library property tax funds unclear and seemed to require an increased transfer of these funds to ERAF. The State Legislature has exempted independent library districts from the shift, and nearly all Special Districts have also been held harmless from the ERAF transfer or the amount transferred has been dramatically limited. However, dependent districts (that receive a designated property tax allocation) have not been exempted and need relief.

# **County Counsel**

## Proposal: Lanterman-Petris-Short (L.P.S.) Act Conservatees

Propose legislation to authorize the transfer of mental conservatorship cases from one county to another with the Transferee County accepting full responsibility for the mental health treatment. **Problem:** Placer County is obligated to pay for mental health treatment for residents on L.P.S. conservatorships. Once a conservatorship is established, there is no provision to transfer this responsibility to another county as residency changes.

# **Proposal: Modification of Designation of Conducting Authority**

Modify Government Code Sections 56029(d); 56839 and 57081 which provides that the County serve as the Conducting Authority for voluntary consolidations (e.g. fire districts), and designate LAFCO as the Conducting Authority, since there is no discretion to be exercised.

**Problem:** Pursuant to existing law, the Board of Supervisors has the role, as Conducting Authority, to count ballots to determine if a sufficient number of votes exist to provide an election or terminate a proposed consolidation. If, as it has been argued, the Board of Supervisors has no discretion but primarily serves a clerical role, then these duties should remain with LAFCO or be the responsibility of the County Clerk.

# **County Executive Office**

# **Proposal: Tobacco Master Settlement Agreement**

Support legislation that preserves and protects the Tobacco Master Settlement Agreement and allows the County sole discretion over the use of the funds, and oppose any actions to the contrary.

**Problem:** Legislation proposed last year sought to limit the County's discretion regarding the use of settlement funds.

## **Proposal: Hydroelectric and Energy Divestiture**

Support legislation or administrative action that protects the County's existing water supply and water contract rights; provides for local control; and provides for essential and reasonable environmental mitigation of the proposed divestiture of the PG & E Company's hydroelectric assets.

**Problem:** In September 1999, PG&E filed an application with the California Public Utilities Commission (CPUC) to auction its hydroelectric assets. In August 2000, a Master Settlement

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Agreement, that would allow PG&E to sell its hydroelectric system to an unregulated sister company for \$2.8 billion, was filed with the CPUC. In late November 2000, PG&E filed a notice to withdraw from the Master Settlement Agreement proposal. The effect of the utility's withdrawal is to invalidate the proposed settlement. In the past, PG&E has also sought legislative approval to transfer its hydroelectric assets to an unregulated affiliate. Divestiture, and emerging concerns about energy deregulation, remain an evolving and uncertain situation.

# Proposal: Provide LAFCO Discretion to Approve Certain Consolidations

Support legislation that permits Local Agency Formation Commissions (LAFCO) to consider all relevant data and make a determination based upon findings that take into account the best interests of the community at large.

**Problem:** State statutes limit LAFCO discretion in the approval of consolidations or certain reorganizations if the proposal is initiated by petitions of both affected boards of directors. In some cases, it appears the districts may not have considered larger governance and policy issues. Although consolidations are generally encouraged, there are clearly times when LAFCO would benefit from having the discretion to make decisions based on what is in the best interests of the entire community.

# **Proposal: Amend the "Principal County Concept" for LAFCOs When Determining District Spheres and Boundaries**

Amend state statutes to modify the "Principal County Concept" in determining spheres and boundaries for districts.

**Problem:** For purposes of determining spheres and boundaries for districts that are multi-county or proposed to be multi-county, the authority rests with the LAFCO of the principal county. This "principal county concept" appears to be flawed. For example, when a boundary in County A is determined by the LAFCO in County B, the determination could be made without benefit of representational government in County A. Accordingly, a proposal that crosses county boundaries may not always take into account the interests of both counties.

#### **Proposal: Facility Impact Fees**

Support legislation to authorize the Board of Supervisors to implement countywide facility impact fees.

**Problem:** Although Counties are required to provide comprehensive countywide services, such as criminal justice and health care, the Board of Supervisors does not have the authority to implement and collect countywide facility impact fees to help pay for services required by new growth, including growth in the incorporated cities.

# Proposal: Local Disaster Preparedness Trust Fund

Support legislation that establishes a Local Disaster Preparedness Trust Fund to improve the capability of local governments to reduce disaster losses and increase local emergency preparedness.

**Problem:** Currently, State law does not provide for a stable, permanent funding source for local emergency management programs, rather relying upon variable FEMA (Federal Emergency Management Assistance) dollars and sporadic state funds. Counties do not have sufficient resources to adequately plan and prepare for local emergencies.

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# **Proposal: Insure the State Assumes All Trial Court Costs**

Support legislation requiring the State to assume all costs for Trial Courts, including facilities and personnel. Recent Trial Court Funding legislation significantly benefited the County by requiring the State to assume most costs of the Trial Courts. However, there are still costs that are borne by the County (e.g. transporting and housing detainees, courthouse maintenance). **Problem:** There continues to be legislative discussions regarding costs and revenues associated with the Trial Courts. The County needs to support efforts to insure the State abides by its commitment to pay for all court-related costs with State revenues rather than local revenues.

# **Proposal: Authority to Levy Penalty Assessments**

Extend the penalty assessments (e.g. surcharge on fines) for Placer County to provide for criminal justice facilities; courthouse construction and special purposes such as technology. **Problem:** Current law needs to be broadened and extended for the application and collection of penalty assessments.

# **Facilities**

# Proposal: Regional Wastewater Treatment and Water Reclamation Facility

In conjunction with federal advocacy efforts, seek legislation to authorize necessary funding and support to address the regional wastewater treatment needs in Placer County.

**Problem:** A Regional Wastewater Treatment and Water Reclamation Facility is needed to replace outdated facilities, and to meet the County's growing population and federal environmental requirements. Funds necessary to meet the wastewater treatment needs of the County need to be sought from both the federal and state governments.

#### **Proposal: Purchase of Property for State Subvented Programs**

Amend the appropriate statutes to allow state funds to be encumbered and used for the purchase of real property for state subvented programs (i.e. health care programs).

**Problem:** Current law does not allow the use of subvention funds for the purchase or lease-purchase of real property, even when such alternatives result in a reduced cost to taxpayers.

# Proposal: Design/Build Concept for County Buildings

Support legislation to add Placer County as a county eligible to use the design/build concept for county buildings.

**Problem:** Seven counties now have the authority to use the design/build concept. This authority should be extended to Placer County to provide for potential cost savings and reduced time for county construction projects.

## **Proposal: Collection of Fees**

Amend current statutes to allow the collection of delinquent garbage and utility bills on the property tax statements.

**Problem:** Recently, the Second District Court of Appeals issued an opinion finding an ordinance authorizing liens for delinquent utility bills to be unconstitutional. While liens may not be possible, a statute could authorize the collection of current and delinquent charges as part of the property tax bill.

# **Health & Human Services**

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# Proposal: Children's Emergency Shelter

In conjunction with federal advocacy efforts, seek funding for a Children's Emergency Shelter.

**Problem:** A Children's Emergency Shelter is needed for children who are removed from their homes for abuse or neglect. Funding is needed for facility purchase or development for a Children's Emergency Shelter that includes a supervised visitation/parent education center.

**Proposal:** Reauthorization of Legislation Related to Regulation of Integrated Programs Seek permanent authorization, and extend and expand the authority authorized to the County under Senate Bill 1846.

**Problem:** Senate Bill 1846 provided Placer County with various waivers of regulations for piloting comprehensive and integrated health and human services programs, streamlining administrative processes, and blending different revenues. The authorizing legislation sunsets in January 2002, and a permanent reauthorization is needed which also expands statutory and regulatory waivers.

#### **Proposal: Medi-Cal Reform**

Support Medi-Cal Reform as part of a statewide effort. Reform should include the following strategies:

- a. Increasing reimbursement rates for primary care and dental care providers;
- b. Expansion and simplification of Healthy Families coverage;
- c. Increased coverage for mental health and substance abuse Medi-Cal benefits;
- d. Support for California's request for Targeted Case Management coverage for home visitation by Family Resource Centers and Public Health Nurses.

**Problem:** There are over 50 sub-programs administered within Medi-Cal; regulations are complicated and prohibitive. Reimbursement rates to providers are inadequate, which serve as disincentives to participation in the program. The Medi-Cal benefits for mental health and substance abuse are also extremely inadequate.

# Proposal: Increased Mental Health and Substance Abuse Funding

Support increased funding for both mental health and substance abuse populations. Strategies should be explored for increasing available on-going funding:

- a. Funding criminal justice to purchase mental health and substance abuse services for the forensic mental health population, including drug court programs;
- b. Full State funding for state hospital costs (i.e. L.P.S. and Murphy conservatees, and forensic populations);
- c. Increased HMO and private insurance coverage for psychiatric outpatient and inpatient services;
- d. Sustainability of Child Welfare Services (CWS) augmentation funding. CWS funding allows for the purchase of mental health and substance abuse treatment services for this population. Revise the allocation formula to allow flexible funding for various county priorities.

**Problem:** Realignment funds have not kept pace with the needs of counties. Placer County is significantly impacted by its lack of realignment funds. In lieu of a redistribution of realignment funds, strategies for increasing available on-going funding must be explored.

Proposal: Expand Authority to Conduct HHS Background Checks

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Support legislation that allows counties to expand the ability to conduct background checks in various HHS capacities (e.g. Adult Protective Services; Health Educators who have a presence on school campuses). Legislation should also include funding for "Livescan" machines and associated support costs, including personnel.

**Problem:** Authority to conduct background checks is limited and should be expanded to include certain HHS service positions. Funding is also needed for "Livescan" machines to conduct the background checks, and the associated support costs.

# Proposal: Clarify the County's Responsibility for "Murphy Conservatees"

Propose legislation to clarify the distinction between developmentally disabled and the mentally ill.

**Problem:** Presently, the County is responsible for the care of the mentally ill and the State is responsible for the developmentally disabled. However, when one of these persons commit a crime, the court makes no distinction between the two. Therefore, the County often becomes responsible for people who are actually developmentally disabled, not mentally ill. The County is currently responsible for approximately four Murphy Conservatorships. The cost to the County for the 1998/99 fiscal year was approximately \$320,000.

#### Proposal: Rural Health Designation of the County's Community Health Clinics

In conjunction with federal advocacy efforts, continue to support the Rural Health Designation of the County's Community Health Clinics.

**Problem:** The Balanced Budget Act of 1997 is threatening Placer County's Community Health Clinic's certification as a Rural Health Clinic, which allows the County to receive enhanced cost based reimbursement for services provided to Medi-Cal patients.

# **Public Safety** (District Attorney/Probation/Sheriff)

## **Proposal: Housing of Violent Sexual Predators**

Amend the California Penal Code to allow the housing of violent sexual predators with the general jail population, according to an objective classification system.

**Problem:** The County Jail is required to completely separate the violent sexual predator prisoner, including sight and sound. The net result is an entire housing pod must be cleared out to house one inmate. Due to overcrowding, California's County Jails are severely lacking space to house inmates with special circumstances.

#### **Proposal: Housing and Treating Mentally Ill Offenders**

Support legislation that provides increased funding to house and treat mentally ill offenders, both adults and juveniles.

**Problem:** Current resources are not adequate to house and treat mentally ill offenders.

#### Proposal: Civil Process for Inmate Damage Recovery of Less Than \$400

Modify the California Penal Code to allow for a court civil hearing (in lieu of filing criminal charges) to determine if inmate damages inflicted on County Jail property or prison property should be reimbursed by the inmate.

**Problem:** The Criminal Justice System can become clogged with misdemeanor charges that could be more easily addressed in a civil process to recover funds from an inmate's personal

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account for damages caused by that inmate. The current alternative of using the Small Claims Court process is time consuming and requires transporting inmates to a less secure courtroom and environment.

# **Proposal: Continued Funding of COPS Program and Juvenile Justice Funds**

Support the continued funding of the current COPS program, and juvenile justice funds. Amend the reporting requirements to revert to the original statute's reporting deadline, and remove sanctions if deadline is missed.

**Problem:** The 2000 Legislature approved continued funding for the COPS Program at \$121 million and added \$121 million for juvenile justice programs. In addition, the new legislation unreasonably accelerated the deadline for submitting required Annual Financial Reports by two months, and imposed severe fiscal sanctions if the reporting deadline is missed. A permanent funding source is needed, as well as modifications to the reporting requirements.

# **Proposal: Increased Public Safety Funding**

Support legislation that would:

- 1. Increase state funding for ranches and camps for local juvenile institutional beds in California, in lieu of out-of-state placements;
- 2. Establish a juvenile facilities bond measure on the state ballot;
- 3. Provide for pilot project operations funding for regional facilities for seriously emotionally disturbed minors;
- 4. Fund adult probation services to promote public safety and accountability;
- 5. Fund additional Challenge Grant programs for probation youth services grants, as administered by the Board of Corrections;
- 6. Increase legal protections for juvenile institutional staff;
- 7. Provide funding for domestic violence caseloads, programs, and services.

**Problem:** Juvenile probation and incarceration services are seriously underfunded and local funds are not available to meet current needs.

## Proposal: North Lake Tahoe Multi-Jurisdictional Criminal Justice Facility

Seek funding for a multi-jurisdictional criminal justice facility in North Lake Tahoe to house the courts, an adult jail for sentenced inmates, and a juvenile incarceration center.

**Problem:** There is a need for a new criminal justice facility in the North Lake Tahoe area for the Sheriff, District Attorney, Probation and the Courts, and which is sufficiently large to house adult and juvenile offenders, an Emergency Operations Center and a central dispatch center.

#### Proposal: Statewide Standard for Medicinal Use of Marijuana

Support the establishment of a statewide standard for the growing and use of marijuana for medical purposes.

**Problem:** Because there is no statewide standard for the medicinal use of marijuana, the enforcement of current laws involving medical marijuana is subject to varying interpretations and enforcement actions.

# **Public Works**

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# **Proposal: Road Maintenance Funds**

Support legislation to provide additional funding from the State to local governments for local road maintenance.

**Problem:** Although the Legislature approved limited state money for local streets and roads in 2000, this level of funding is not adequate to properly maintain, rebuild and improve the County's road infrastructure.

#### **Proposal: Local Transportation Funding**

Support legislation and initiatives that allow local jurisdictions to provide for a transportation sales tax (if approved by the local electorate) for local transportation use.

**Problem:** Senate Constitutional Amendment (SCA 3) provided up to a ½ cent sales tax for transportation funding. However, it failed to get through the Legislature in 2000, but may be introduced again (in some form) next year.

## **Proposal: Caltrans Standard Plans and Specifications**

Support legislation that requires Caltrans to maintain and update its Standard Plans and Specifications in English units as well as metric units.

**Problem:** All 58 counties use Caltrans Standards in constructing county roadways. Caltrans uses only metric units in its plans and specifications, which creates difficulties for local agencies and results in increased project costs since many consultants and most contractors lack familiarity with the metric system.

# Proposal: Design/Build Concept for Highway Projects

Support an expansion of existing laws governing public works contracts to permit and encourage the use of the design/build concept for local highway projects.

**Problem:** Design/Build has great potential for cost savings and reduced time for construction projects, and counties should be permitted use this project management alternative.

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# Proposal: Additional Funding and Support for a Regional Wastewater Treatment and Water Reclamation Facility

**Problem:** Currently, seven wastewater agencies serve Placer County. These agencies currently provide services to approximately 60,000 households, yet projections indicate that by the year 2015 that population will increase to 150,000. Each existing facility faces: 1) Major expansion needs; 2) Increasing stringent federal pollutant permit conditions; and 3) Cost constraints (both capital and operation & maintenance). The regional design will accommodate projected growth well into the future and provide significant environmental benefits to receiving waters throughout the region, including the Bay-Delta ecosystem.

# Proposal: Funding and Support to preserve and expand Agricultural Lands and Open Space, Restore Wetlands and further Watershed Protection Efforts

**Problem:** The pressures of urban development have an effect on the amount of land dedicated to agricultural production. With an increase in urbanization, more agricultural land may be lost resulting in a decrease in agricultural products, open space, and greater congestion. To mitigate these impacts, the *Placer Legacy* program was established as a long range, comprehensive strategy for protecting open space in the County in order to enhance the quality of life and sustain agriculture as a key industry. Federal assistance would be used to continue development of a computer-based geographic information system (GIS) to be used by federal, state, and local entities; expand public outreach and education; complete land acquisitions and easements from willing sellers; and develop a clearinghouse of local land use and natural resources data.

# Proposal: Funding for Compressed Natural Gas Buses and Fueling Facility Needs

**Problem:** Additional transit resources are needed generally in the County, including compressed natural gas (CNG) buses and fueling facility needs. Converting from current diesel engine buses to clean burning CNG buses will significantly improve air quality in the area and is consistent with national goals regarding emissions. The fueling facility in the Tahoe Basin will serve a large bi-state area on the North Shore of Lake Tahoe.

# Proposal: Funding for the Walerga Road Bridge Replacement

Problem: The Walerga Road Bridge replacement, over Dry Creek, would replace an inadequate bridge that has been subject to repeated flooding over the past several years, and multiple times since the mid-1950's. Walerga Road is a critical arterial roadway that connects Sacramento County to the City of Roseville. The new bridge would provide 100-year flood protection, improve traffic safety, emergency response, and protect and enhance the creek environment.

## Proposal: Funding for Law Enforcement Technology Needs

**Problem:** Communications equipment used by law enforcement and other public safety officials in the County are outdated and ineffective. Assistance is needed to upgrade and improve countywide and regional computer and radio networks, including interface and compatibility with mobile data units, to expand areas of coverage, and to relocate the Radio Room from a World War II era unreinforced masonry structure to a secure, reinforced building.

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# Proposal: Funding for a Children's Emergency Shelter in the County

**Problem:** A Children's Emergency Shelter is needed in the County for children who are removed from their homes for abuse or neglect. Funding is needed for facility purchase or development for a Children's Emergency Shelter that includes a supervised visitation/parent education center.

# Proposal: Continue to Advocate for Rural Health Designation of the County's Community Health Clinics

**Problem:** The Balanced Budget Act of 1997 is threatening Placer County's Community Health Clinic's certification as a Rural Health Clinic, which allows the County to receive enhanced cost based reimbursement for services provided to Medi-Cal patients.

# Proposal: Continue to Advocate for Maximum Flood Protection for County Residents and the Region Without Affecting Existing Water Supply Levels

**Problem:** Flooding from the American River is a constant threat to the 400,000 residents living in the flood plain region. Experts believe that the only solution is a coordinated flood abatement initiative that will provide an acceptable standard of flood protection (e.g. 100, 150, 200-year flood protection). A permanent and reliable source of funding for flood protection is also needed.