

MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER

TO: The Honorable Board of Supervisors
FROM: Thomas M. Miller, County Executive Officer
By Mary Herdegen, Senior Management Analyst *MH*
DATE: December 8, 2009
SUBJECT: Request Approval of Placer County's 2010 Legislative Platform

RECOMMENDED ACTION:

Adopt the Placer County 2010 Legislative Platform (Attachment I) and direct staff to pursue action items, and support or oppose legislation in accordance with the platform. Authorize staff to coordinate an advocacy program to support the goals and objectives of the 2010 platform.

BACKGROUND:

Each year, your Board approves a legislative program that advocates matters of importance to the County. In keeping with past practices, a proposed Legislative Platform has been prepared for consideration by your Board. All department heads, as well as our legislative advocates, were invited to participate in the planning process.

The proposed platform is composed of three parts. Part One outlines the County's overall legislative principles for 2010. Parts Two and Three list specific state and federal proposals, all of which are consistent with the County's general principles.

Through the leadership and efforts of the Board of Supervisors, Placer County achieved several federal and state advocacy accomplishments in 2009. At the federal level, your Board successfully advocated for continued funding for the Regional Wastewater Treatment Project in the amount of \$921,000, bringing the federal funding total nearly \$10.2 million and \$1 million in federal funding for the County's ongoing biomass utilization efforts for a total of \$2.9 million in federal support over the past three years.

At the State level, the County sponsored Assembly Bill 516, authored by Assemblyman Roger Niello. This two-year bill will amend state statute to reinstate actual earnings as the basis for determining minimum temporary disability payments. Based on current law, inmates on work release, work furlough, and minimum security, which are not paid by the County and did not have paid employment prior to an injury, are entitled to minimum temporary disability. As of January 1, 2010, the minimum weekly rate for temporary disability will be \$148.00 for a maximum of 104 weeks (Total - \$15,392). The County will continue to advocate its passage in 2010.

In 2009, Placer County also sponsored SB 628, authored by Senator Roy Ashburn, to allow the County to negotiate a lower tier of employer health care contributions for future employees, if agreed to with employee bargaining representatives. Current state law limits public agencies options to pay for employee and retiree health insurance premium contributions. The County will continue to seek approval of this two-year bill during next year's legislative session.

For 2010, staff is recommending that advocacy efforts be maintained to continue to pursue federal funding for several County priorities including the Regional Wastewater Treatment project, regional law enforcement communications upgrades, transportation projects and Placer Legacy/PCCP. 2010 state advocacy efforts will focus on the passage of 2009 County-sponsored legislation and the sponsorship of several 2010 legislative proposals including: securing 49 Fire disaster assistance and property tax reimbursements from the state, amendments to state code regarding Humane Societies and revisions to state statute relative to electronic monitoring custody credits and arming requirements for Probation Officers.

Also next year our state advocates, who specialize in representing Northern California counties, will be strongly focused on playing defense by protecting or enhancing the County's resources during the state's ongoing fiscal crisis. Our state advocates' county expertise, depth of experience and legislative history are particularly valuable during this critical time.

FISCAL IMPACT:

There are annual contract advocacy costs and costs for related staff time associated with this action. As in past years, the potential for cost reductions and or increased revenue to the County may occur if all, or a portion of, the Legislative Platform is enacted. Funding for this effort is included in the County's FY 2009-10 Final Budget and will be included in its FY 2010-011 Budget.

Attachment 1: Placer County 2010 Legislative Platform

cc: California State Association of Counties (CSAC)
Regional Council of Rural Counties (RCRC)
National Association of Counties (NACo)
Donald Peterson, Peterson Consulting, Inc.
Richard Gold, Holland & Knight LLP
County Department Heads

**PLACER
COUNTY**

2010

Placer County's Legislative Platform is a statement of the goals and priorities of the Board of Supervisors and establishes the basis for its advocacy efforts with the Executive and Legislative branches of the U.S. Government and the State of California.

**ANNUAL
LEGISLATIVE
PLATFORM**

**Placer County
2010 Legislative/Regulatory Platform**

Board of Supervisors

Supervisor F.C. "Rocky" Rockholm, District 1

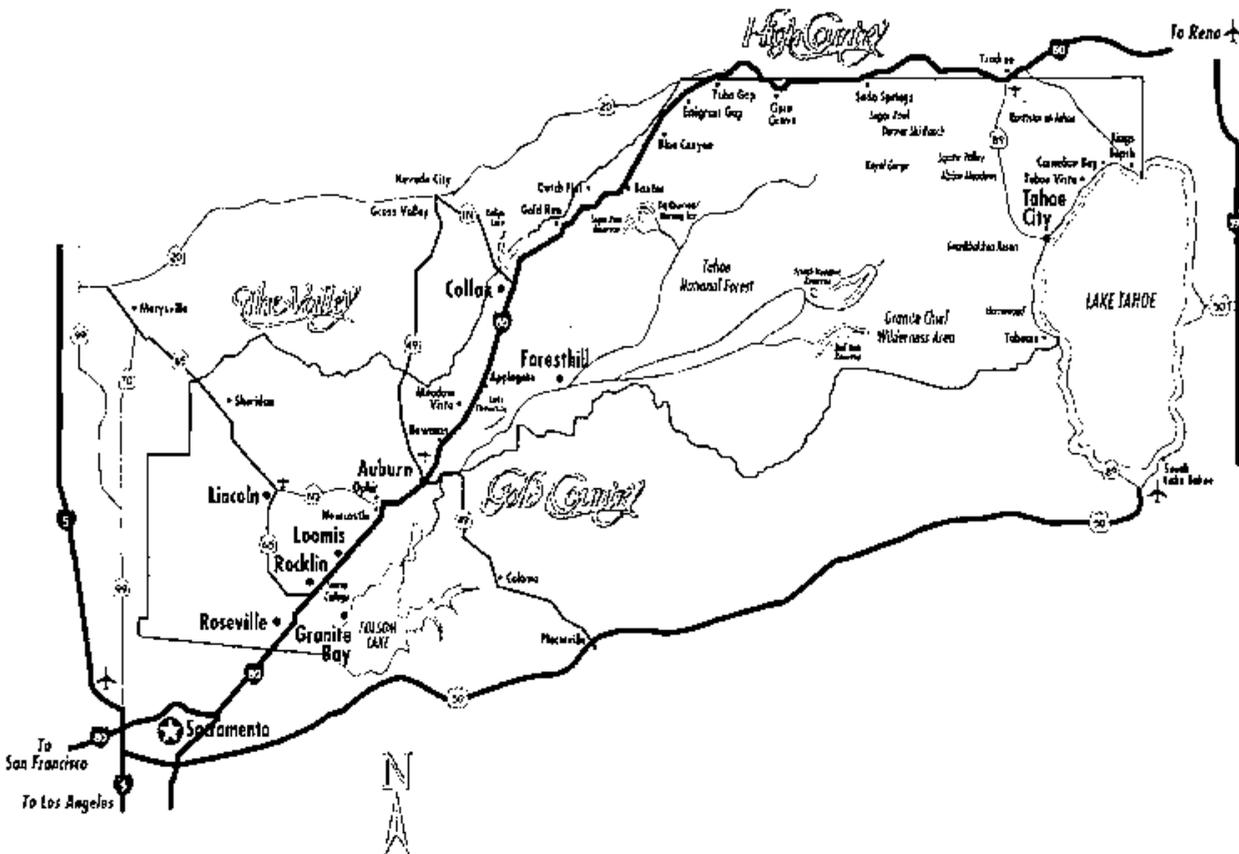
Supervisor Robert Weygandt, District 2

Supervisor Jim Holmes, District 3

Supervisor Kirk Uhler, District 4

Supervisor Jennifer Montgomery, District 5

Thomas M. Miller, County Executive Officer



**PLACER COUNTY
2010 Legislative/Regulatory Platform**

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PLACER COUNTY
2010 LEGISLATIVE/REGULATORY PLATFORM
EXECUTIVE SUMMARY

Placer County's Legislative/Regulatory Platform is a statement of the goals and priorities of the Board of Supervisors and establishes the basis for its advocacy efforts with the Executive and Legislative branches of the U.S. Government and the State of California. The annual Platform contains broad goals and specific legislative proposals of interest and benefit to the County of Placer and its citizens.

The Legislative/Regulatory Platform is composed of three parts. Part One outlines the County's overall legislative principles for 2010. Parts Two and Three list specific state and federal proposals, all of which are consistent with the County's general principles.

PLACER COUNTY
2010 Legislative/Regulatory Platform
Part One
GENERAL PRINCIPLES

1. Support legislation to restore local control and oppose efforts that will hinder or limit the County's ability to self-govern.
2. Encourage and seek legislation that facilitates orderly economic expansion and growth, and increases the opportunity for discretionary revenues and programmatic and financial flexibility for the County.
3. Support State/Local government fiscal restructuring efforts that align program responsibility and revenue sources to assure Placer County the financial independence necessary to provide services to its residents and meet its mandated responsibilities.
4. Oppose federal or state legislation for new or transferred mandated programs that do not contain their own revenue source.
5. Support current or increased levels of state and federal funding for County mandated programs.
6. Support legislation that provides tax and funding formulas for the equitable distribution of state and federal monies while opposing attempts to decrease, restrict or eliminate County revenue sources.
7. 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.
8. Encourage and seek legislation that protects the County's quality of life, its diverse natural resources, and continued preservation of agricultural lands, wildlife habitat and open space.
9. Seek cooperation with the federal and state government, on regulatory and administrative issues affecting the County, to ensure the protection and well being of its citizens.
10. Continue to encourage local agencies and governments to cooperate for the betterment of the community, and encourage and expand voluntary regional solutions to regional problems.

PLACER COUNTY
2010 Legislative/Regulatory Platform
Part Two
STATE PROPOSALS

Agricultural Commissioner

Proposal: Reinstate Funding for the Williamson Act Program

Passed in 1971, the Williamson Act is a property tax exemption designed to keep agricultural and open space land free of development and give local governments a tool to use in implementing land use planning goals. The Act provides financial recovery to local jurisdictions that approve Williamson Act contracts. Also, support increased county enforcement of the Williamson Act by providing for civil penalties for those who violate the Act's requirements.

Problem: Governor Schwarzenegger eliminated Williamson Act funding in the State's FY 2009-10 State Budget. The elimination of this state subvention poses a threat to the continued viability of family farms and ranches in Placer County and throughout the state should these owners' property taxes be increased to development land value levels. Elimination of the Williamson Act subvention represents an annual revenue loss to Placer County of approximately \$50,000.

Community Development Resource Agency

Proposal: Biomass Facility Project Funding

Continue to seek legislation or budgetary proposals to assist in funding a woody biomass facility within the Lake Tahoe Basin.

Problem: The State's Bio-Energy Action Plan finds that a renewable energy facility should be located in the Sierra Nevada by 2010. This plan element supports the Board of Supervisors' (BOS) biomass utilization, wildfire protection and air pollution reduction goals. The County needs to secure funding from a variety of sources, including state and federal agencies, in order to fund a biomass facility in the basin. Federal support for the County's biomass efforts includes nearly \$3 million in appropriations over the last three years.

Proposal: Support to Preserve and Enhance Agricultural Lands and Open Space, Restore and Protect Natural Communities and Implement Watershed Protection Efforts through Placer Legacy and the Placer County Conservation Plan (PCCP)

Support legislation that advances the objectives of the Placer Legacy program and the PCCP to protect open space and agricultural land in the county and to comply with the myriad of state and federal laws that apply to wetlands and sensitive species while streamlining regulatory procedures.

Problem: Even with the slowing of the housing market, landowners are continuing their efforts for large-scale entitlements that have the potential to convert over 50,000 acres of county land over the next 50 years. With an increase in urbanization, more open space and agricultural land will be lost resulting in a decrease in biological diversity, agricultural production, scenic landscapes, outdoor recreational opportunities, and the general open character of the County's landscape.

Community Development Resource Agency (con't)

Proposal: Support Development of a State Wetlands and Riparian Areas Protection Policy

Support legislation or policy initiatives that direct the State Water Quality Control Board to prepare a Wetlands and Riparian Areas Protection Policy that takes advantage of the science-based planning and programmatic regulatory opportunities provided by programs such as the Placer County Conservation Plan (PCCP).

Problem: Presently, the State Water Quality Control Board is drafting a statewide regulation regarding wetlands. The State Board should coordinate any new state-wide wetlands regulation with the numerous landscape-level conservation efforts being developed to insure that a new project-by-project regulatory scheme is not developed when all other resource management issues have been addressed at the landscape-scale through an adopted conservation strategy. This lack of coordination, without any regional context, will result in fragmented mitigation activities, bureaucratic redundancy, and a lack of certainty for regulatory outcomes for the public and private sector.

Proposal: Modify CA Public Resources Code Related to Oak Woodlands

Support legislation to clarify a number of provisions of the Public Resources Code (PRC) related to oak woodlands. Emphasis should be on providing clarification of levels of significance thresholds, definitions, and mitigation and conservation standards. Resolving potential statutory conflicts between fuel load reduction needs and activities and impacts to oak woodlands is also necessary. Legislation is needed to insure that local government efforts to comply with CEQA requirements for oak woodlands meet the requirements of state law and can pass judicial review.

Problem: Placer County has thousands of acres of oak woodlands ranging from the Valley Oaks to the Black Oaks in the Sierra Nevada. Given the diversity of the oak woodland landscape and that most of these areas are designated for suburban and rural residential development, the current statute has a profound impact on land development activities in Placer County. Section 21083.4 of the PRC mandates that counties must review impacts to oak woodlands under CEQA; however existing law fails to provide satisfactory definitions and/or needs clarification in a number of areas. Current efforts by the State to provide guidelines to counties have been inadequate.

County Executive Office

Proposal: Sponsor Legislation to Secure 49 Fire Disaster Assistance Reimbursements

Sponsor legislation to seek full state reimbursement for Placer County's local disaster assistance unreimbursed expenses related to the August 2009 49 Fire.

Problem: In August 2009, the 49 Fire destroyed more than 60 homes and businesses in Auburn. The Governor declared a state-of-emergency in Placer County due to the fire. The "California Disaster Act" generally provides 75% reimbursement as a result of a disaster. However the State has provided increased reimbursement (in some instances) for those agencies that have an adopted Hazard Mitigation Plan. The Placer BOS adopted its plan in 2005. The County's estimate of unreimbursed costs is approximately \$200,000 for some clean-up costs, personnel costs related to incident management and response, and various administrative costs.

County Executive Office (con't)

Proposal: Sponsor Legislation to Seek 49 Fire Property Tax Reimbursements

Sponsor legislation to seek full state reimbursement for lost property tax revenue as a result of the 49 Fire.

Problem: As a result of the 49 Fire in August 2009 that destroyed more than 60 homes and businesses, Placer County's estimate of the loss in assessed property value is over \$14 million, resulting in a loss of approximately \$129,000 in property tax revenue in FY 2009-10 and an additional \$140,000 in FY 1010-11. There is no existing statutory authority to assist the County in the recovery of property tax (revenue) loss as a result of these decreased assessments.

Proposal: Eliminate the Taking of Redevelopment Revenue to Fund the "Supplemental" Education Revenue Augmentation Fund (SERAF)

Support legislation to eliminate the taking of redevelopment revenue to fund the SERAF.

Problem: In July 2009, the State took over \$2 billion dollars (\$1.7B-FY09-10; \$350M-FY10-11) from redevelopment agencies and deposited in county SERAFs to meet the State's Proposition 98 obligations to schools within redevelopment areas. Placer County's share of this taking is approximately \$3.2 million. This hit seriously diminishes the ability of the County's Redevelopment Agency to carry out numerous planned projects and programs to improve businesses, clean-up contaminated sites, upgrade deficient infrastructure, provide new affordable housing, strengthen struggling commercial districts, create jobs and revitalize communities.

Proposal: Support Efforts to Compel the State to Disburse Suspended Funds

Support advocacy efforts to compel the State to immediately disburse to local governments their fair share of frozen, suspended or deferred state funding.

Problem: Due to the State's ongoing fiscal constraints, it has frozen, suspended or deferred funding to local governments for several critical programs including but not limited to: Proposition 42 (gas tax) revenue that funds local transportation projects and improvements, various voter-approved state bond funds, and the Indian Gaming Special Distribution Fund that provides grant funding to local government agencies to offset the impacts associated with tribal gaming.

Proposal: Preserve the Original Intent of Workers' Compensation Act

Preserve the original intent of the Workers' Compensation Act in delivering prompt and fair benefits to employees injured on the job.

Problem: Each year, legislation is proposed that attempts to erode the original intent of the Workers' Compensation Act. Existing provisions related to medical treatment, indemnity benefits, and apportionment (among others) need to be protected or the State's Workers' Compensation system will be faced with spiraling costs and result in the loss of employment opportunities in California.

County Executive Office (con't)

Proposal: Modify Employer-Required Retraining Noticing

Amend the Labor Code to delay employer noticing (to an employee who has sustained a work-related injury) of employee retraining benefits until the employee's actual work restrictions are known.

Problem: The intent of the employer noticing is to advise employees of retraining benefits when they are unable to return to their usual work with their employer. Presently, employers are required to advise an employee of retraining benefits before actual work restrictions are known. This advance noticing creates confusion for the employee and unnecessary cost to the employer.

Proposal: Reinstate Actual Earnings as the Minimum Temporary Disability Rate

Support Workers' Compensation Reform legislation that will reinstate actual earnings at the time of the injury as being the basis for determining the temporary disability rate. Therefore, persons who are earning wages would receive two-thirds of actual earnings during the time they are recovering from an injury. Last year, Assemblyman Niello introduced AB 516 on behalf of Placer County. This bill will ensure that those who had no earnings prior to an injury would not be eligible to receive minimum temporary disability benefits. AB 516 is a two-year bill and the County will continue to advocate its passage in 2010.

Problem: Based on current law, inmates on work release, work furlough, and minimum security, as well as some others who are not paid by the County and did not have paid employment prior to an injury, are entitled to the minimum temporary disability. As of January 1, 2010, the minimum weekly rate for temporary disability will be \$148.00, for a maximum of 104 weeks (Total - \$15,392) within five years.

Proposal: Modify Employer Disability Credit for Employees Returned to Work

Amend the Labor Code to allow employers to begin receiving the 15% permanent disability credit when an employee first returns to work from a work-related injury.

Problem: Most of the obligation for payment of permanent disability is fully advanced prior to permanent disability being finalized; therefore the employer is not afforded the opportunity to realize the 15% savings for payment of permanent disability when returning an employee to work.

Proposal: Tort Liability, Design Professional Limited Liability & Indemnification

Support efforts that would allow the County to broaden its indemnification agreements or waive current statutory limitations for specified licensed professional groups.

Problem: Agreements between public agencies and design professionals only require design professionals to indemnify and defend public agencies for liability arising out of negligence, recklessness, or willful misconduct of the design professional. The negligent party should be held accountable for full exposure of indemnification without the ability to put responsibility on entities with lesser exposure.

County Executive Office (con't)

Proposal: Oppose Changes to Permanent Disability Rating Schedule

Continue to oppose legislative efforts that propose to increase permanent disability benefits without the ability to apply apportionment for pre-existing conditions or presumptive injuries.

Problem: Proposed legislation would more than double the payment of permanent disability benefits by increasing the number of weeks permanent disability payments are due without addressing the rate at which awards will be paid. Without the ability to apportion for pre-existing conditions or presumptive injuries, the employer becomes disproportionately burdened for disability support unrelated to actual work related injury/illness.

Facility Services

Proposal: Funding for Wastewater Treatment Plants (WWTPs)

Seek and support increased state funding for WWTPs and infrastructure, particularly for those facilities required to meet new discharge standards.

Problem: The necessary upgrades needed for the County's wastewater facilities are expected to cost several hundred million dollars. The amount of available state and federal funding for wastewater programs and infrastructure is insufficient to meet the need and grant requirements too restrictive to qualify for funding necessary for facility upgrades. Likewise, user fees do not cover the costs needed to fund the improvements necessary to meet the new, more stringent water quality standards. Agencies that cannot fund improvements to maintain compliance will be faced with regulatory fines, potential third-party lawsuits, strict enforcement actions, and may be unable to accommodate future growth in its communities.

Proposal: Permit Relief for Regional Wastewater Programs

Support legislation and regulations that would allow the Regional Water Quality Control Board (RWQCB) to provide incentives and/or relief from permit timelines and penalties to enable agencies the time needed to form regional programs. Regionalization of wastewater programs is the most effective solution to the aging wastewater infrastructure in Placer County.

Problem: Regionalization projects cannot be completed in the fixed timelines set forth in the Waste Discharge Requirements (WDR) for each facility. These WDR's mandate that facilities must meet specific water quality standards. If these standards are not met, the RWQCB has the authority to levy fines on those facilities that are not in compliance. Without the ability to meet regulations through regional approaches, the County's non-compliant wastewater facilities will be forced to continue to implement costly, short-term remedies, or face significant regulatory penalties and lawsuits.

Facility Services (con't)

Proposal: Oppose Increase in State-Mandated Solid Waste Diversion Rate

Oppose efforts to increase the state-mandated solid waste diversion rate that is not substantiated by cost/benefit studies, and relies on tipping fees or garbage rates to fund diversion.

Problem: Recent legislative proposals have sought to increase the State diversion mandate beyond 50% and to mandate landfill disposal reductions with insufficient consideration of the costs to local jurisdictions and the potential environmental impact. There is a lack of state mandates placing responsibility on "front-end" entities (e.g. manufacturers, distributors) to generate less waste and to reduce landfill dependency.

Health & Human Services

Proposal: Sponsor Legislation to Extend a State Health Services Waiver Request Program

Sponsor legislation to remove the sunset date that allows the State to permit authorized counties to request waivers (from state regulations) from categorical health services program requirements, and instead allows Placer County to provide services to children and families based on their needs while allowing HHS to accomplish improved integration and coordination of many of its services.

Problem: The statute that allows for the State to provide these waivers sunsets on July 1, 2011 unless legislation is enacted before then to remove or extend the sunset date.

Proposal: Reduce the Number of Unwanted Dogs and Cats Destroyed in Shelters

Support legislation that seeks to reduce the number of unwanted dogs and cats destroyed in shelters each year without increasing the cost to the County. Advocate for legislation that requires owners to spay or neuter their dogs and/or cats if the owners are repeatedly cited for their dogs and cats being unlicensed or repeatedly impounded or cited for being at large.

Problem: Overpopulation of dogs and cats poses a significant risk to public health and safety, particularly the occurrences of dog bites and the transmission of rabies and other communicable animal diseases. Unaltered dogs are three-times more likely to attack humans and other animals.

Proposal: Strengthen Laws and Penalties against Illegal Dog Fighting and Cock Fighting

Support legislation that strengthens laws against illegal dog fighting and cock fighting in California, including increased fines and jail time for any person who is convicted of owning, keeping or training dogs or cocks with the intent to use them in fighting.

Problem: Although dog fighting and cock fighting are illegal in California, illicit animal fighting is on the rise in both rural and urban areas. Dog fighting and cock fighting inflict cruelty on animals. In the past two years, Placer County Animal Services has identified and abated several premises raising cocks for fighting, and these are likely only a part of the problem.

Health & Human Services (con't)

Proposal: Support Increased Funding for Health & Human Services Programs

Support legislation that develops a stable funding structure in order for counties to provide state-mandated health and human service programs. This funding structure must also assure adequate funding to counties to keep pace with increased program costs.

Problem: State funding streams, designed to increase over time, have not kept pace with the County's cost to provide state-mandated programs. Increased health care funding is needed for several programs, including: mental health services, substance abuse treatment and prevention programs, child welfare services, adult protective services, in-home supportive services, health care to low-income adults, the Healthy Families Program, and Denti-Cal coverage.

Personnel

Proposal: Support Legislation to Modify CalPERS Health Insurance Vesting

Support legislation that will allow Placer County to maintain local control to contract with their bargaining groups for County employees regarding health insurance premium contribution formulas. Allow Placer County to construct a tiered system that could apply to both current employees as well as future employees/retirees, or allow Placer County to use the Schools' vesting formula (non-teaching tier system) as provided for under the government code. Last year, Senator Roy Ashburn introduced SB 628 on behalf of the counties of Placer and Shasta. The bill will allow select governmental agencies to negotiate a lower tier of employer health care contributions for employees hired after a specified date, if agreed to in a MOU with exclusive employee representatives. SB 628 is a two-year bill and the County will continue to advocate its passage in 2010.

Problem: Current law limits public agencies that contract with CalPERS for health insurance under the Public Employees Medical Care and Hospital Act (PEMCHA), to a limited number of options to pay for the retiree premium contribution. Depending upon the option chosen to pay for the health insurance, this can cause an economic hardship to the agency providing benefits and impact the agency's Other Post Employment Benefits (OPEB) obligation. The changing dynamics of the workforce, as well as the spiraling health insurance costs, necessitates the consideration of more viable options for health care for active employees and retirees.

Public Protection

Proposal: Amend Welfare & Institutions Code to Allow Custody Credit to Minors under Electronic Monitoring (EM) Confinement

Support legislation to revise the Welfare & Institutions Code to allow custody credits to be provided to minors subject to EM confinement in lieu of detention time. Enactment of this proposal would allow minors to receive institutional confinement credit for time served while on home supervision under continuous EM. Allowing juveniles to receive custody credits would reduce the population in detention facilities, allow families to stay together, and permit minors to attend their own schools and utilize appropriate community resources.

Problem: State law allows for home confinement of minors, including the use of EM equipment. However, the law defines "physical confinement" as excluding time not spent in a secure facility. A 2008 Court decision did not find facts supporting that EM met the definition of "physical confinement" and thus custody credits were not awarded.

Proposal: Revise Penal Code to Allow Pre-Trial Electronic Monitoring (EM) Confinement

Support legislation to amend the Penal Code to recognize pre-trial release electronic monitoring (EM) confinement programs in lieu of pre-trial confinement. Enactment of this proposal would assist appropriately classified defendants in retaining employment pending trial and allow probation and sheriff departments to better manage their inmate populations.

Problem: Current law is not definitive regarding the Court's authority to authorize pre-trial EM confinement programs.

Proposal: Modify Penal Code Related to Arming Requirements for Probation Officers

Amend the Penal Code (Sec. 830.5) to require that Probation Officers' arming requirements be equivalent to the penal code section (Sec. 830.1) which specifies training standards for sheriff's deputies and police officers.

Problem: Probation and Parole Officers are held to a higher standard than other statewide law enforcement officers with regards to arms training. State law requires that Probation and Parole Officers complete quarterly arms training, while all other peace officers are required to complete arms training at a minimum of every six months, annually, or at the discretion of the agency. The quarterly arms requirement results in Placer County's Probation Officers spending significant hours in arms training and expending large rounds of ammunition in said training. If enacted, this proposal could provide a net savings of at least \$15,000 annually for Placer County.

Proposal: Sponsor Legislation to Amend Corporations Code Relative to Humane Societies

The County is seeking legislation to amend the Corporations Code to provide statutory clarification related to Humane Societies and Humane Officers.

Problem: Current law provides that a non-profit corporation formed as a Society for the Prevention of Cruelty to Animals (Humane Society) may appoint Humane Officers to enforce state laws relating to the abuse of animals. There are several ambiguities in the existing Corporations Code related to the formation of Human Societies and the appointment of Humane Officers.

Public Protection (con't)

Proposal: Advocate that Vehicle License Fee (VLF) Revenue Continue as a Funding Source for Critical Law Enforcement Programs

Last year, state funding responsibility for several critical law enforcement programs (e.g. booking fee backfill, supplemental rural counties funding) was transferred from the State General Fund to the VLF Fund in an effort to protect and stabilize these programs from State General Fund reductions or elimination. VLF as a funding source should be extended to fund these important law enforcement programs.

Problem: This state funding source, for law enforcement programs, sunsets in January 2011.

PLACER COUNTY
2010 Legislative/Regulatory Platform
Part Three
FEDERAL PROPOSALS

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

Problem: Existing aged wastewater treatment plants in the County require significant upgrades to meet stringent regulatory requirements. Each existing facility faces: 1) Major expansion needs; 2) Increasing stringent federal pollutant permit conditions; and 3) Cost constraints (both capital and operation & maintenance). Costs to meet regulatory requirements exceed individual districts' ability to fund mandated improvements. Agencies that cannot fund improvements to maintain compliance are faced with fines, third-party lawsuits and strict enforcement actions. In addition, if facility upgrades cannot be completed, agencies will ultimately be unable to accommodate growth in their communities. The County's Regional Wastewater Treatment and Water Reclamation Facility will accommodate projected growth well into the future and provide significant environmental benefits to receiving waters throughout the region, including the Bay-Delta ecosystem as well as long-term cost efficiencies. The regional project was authorized in the 2003 Reauthorization of the Water Resources Development Act.

Proposal: Support Additional Funding for Regional Public Safety Communications Network

Problem: Maintaining public safety is one of the most important roles of government. Communications equipment currently used by law enforcement and other public safety officials in the County is outdated, unreliable, has limited functionality and interoperability, and is becoming increasingly difficult and costly to maintain. In addition, the current system does not comply with Project 25 (Federal Communications Commission equipment standards providing greater public safety interoperability). Continued federal funding is critical to continue implementation of a countywide Project 25 compliant communications system to provide increased public safety and disaster response by increasing communication across and between multi-jurisdictional boundaries with other mutual aid agencies.

Proposal: Support Federal Funding for the Kings Beach Commercial Core Improvement Project

Problem: Lake Tahoe is designated an "Outstanding National Resource Water" by the U.S. Environmental Protection Agency. The Kings Beach commercial area is located at the northerly entrance to the Lake Tahoe Basin. Federal financial assistance, in conjunction with state and local funding, is needed to provide water quality treatment facilities, pedestrian/bicycle paths and other streetscape amenities to improve the water quality of Lake Tahoe and revitalize the historical commercial core of Kings Beach. The Kings Beach improvement project is identified in the Tahoe Regional Planning Agency's Environmental Improvement Program (EIP) as one of the projects around the Lake Tahoe Basin to facilitate attainment of nine environmental thresholds, including water quality, to protect the natural environment of the Basin.

FEDERAL PROPOSALS (CON'T)

Proposal: Support Reauthorization of the Federal Surface Transportation Bill

Problem: The federal surface transportation bill, referred to as SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act) expired September 2009; an extension expires on December 18, 2009. Placer County receives over 85% of eligible transportation project costs from programs funded through SAFETEA-LU. Rapid growth within the region has fueled the need for additional investment in the County's traffic circulation system. County federal transportation funding needs include: continued Interstate 80 (a major cross-country interstate highway) improvements, the Kings Beach Commercial Core Improvement Project; county bridge replacement projects, and the future proposed Placer Parkway.

Proposal: Support Increased Federal Funding for Lake Tahoe Transit Operations

Problem: The Lake Tahoe Basin is not eligible for annual urbanized (5307) Federal Transit Administration (FTA) operating assistance. Instead, public transit operators in the basin receive the annual non-urbanized funds which amount to approximately 10% of the urbanized funds. However, due to the high level of visitors to public lands in Tahoe, along with the permanent resident population and seasonal population, the demands of the Lake Tahoe Basin warrant service similar to an urban area than a rural area. These high demands place a larger burden on the Basin's transit systems than most non-urbanized areas. Placer County is seeking federal recognition of the Lake Tahoe Basin as an urbanized area for the purposes of receiving FTA funding for transit operations.

Proposal: Support Federal Funding for the Foresthill Bridge Repainting

Problem: The Foresthill Bridge was originally built in 1973 by the U.S. Bureau of Reclamation (USBR) in anticipation of spanning the reservoir created by the proposed (but never constructed) Auburn Dam. The bridge links Auburn with the community of Foresthill and other developed areas on the south side of the north fork of the American River. At nearly one-half mile long and 730 feet above the river, the bridge is the third highest in the United States. At 36-years old, the bridge has not been repainted since construction and recent testing shows deterioration of the paint. If not repainted within the next five years, structural impacts to the bridge could occur. Because of the lead paint originally applied by the USBR and the environmentally sensitive American River Canyon that the bridge spans, the cost of removing, containing and disposing of the lead paint and repainting is estimated at \$26 million and federal funding assistance is needed.

FEDERAL PROPOSALS (CON'T)

Proposal: Modify the Federal Highway Bridge Program to Recognize Flooding as Justifiable Authorization for the Walerga Road at Dry Creek Bridge Replacement

Problem: The bridge is located on Walerga Road in western Placer County. Walerga Road is a critical arterial roadway that connects Sacramento County to the City of Roseville. Traffic levels are expected to double in the next ten years. The existing bridge (126 ft. /span) was constructed in 1973 and is frequently covered by floodwaters resulting in road closures. These closures have adverse effects on emergency response and traffic patterns. The proposed project, constructed above the flood plain, would provide for four vehicle lanes and shoulders/bike lanes. Federal transportation dollars are often used to replace bridges that are functionally obsolete. The bridge does not functionally serve its intended purpose and needs to address the increase in traffic level. However, existing federal transportation funding programs do not recognize flooding as justifiable authorization for bridge replacement through the federal Highway Bridge Program (HBP). These regulations need to be modified to allow federal financial assistance through HBP to support the bridge replacement.

Proposal: Support Reauthorization of the Lake Tahoe Restoration Act

Problem: Approved in 2000, the Lake Tahoe Restoration Act authorized \$300 million in federal funding, over 10 years, to preserve and protect Lake Tahoe from continued environmental deterioration. The federal funding supports the Environmental Improvement Program (EIP) –a \$900 million federal, state, and local partnership to improve the water clarity of the lake and restore Lake Tahoe’s environmental health, and maintain the lake’s status as an “Outstanding National Resource Water” as designated by the U.S. Environmental Protection Agency. To date, nearly 300 environmental projects and restoration activities have occurred as a result of this funding. Placer County has received a significant part of this federal funding to plan, design, permit, and construct a number of water quality improvement projects throughout the north and west shore areas of Lake Tahoe in Placer County. The current Act expires in 2010. In November 2009, the “Lake Tahoe Restoration Act of 2009” was introduced in Congress. This bill will allow restoration work to continue at Lake Tahoe. If approved, the successor legislation will authorize \$415 million, over eight years, in federal funding and will fulfill the federal share of the EIP.

FEDERAL PROPOSALS (CON'T)

Proposal: Support to Preserve and Enhance Agricultural Lands and Open Space, Restore and Protect Natural Communities and Implement Watershed Protection Efforts through Placer Legacy and the Placer County Conservation Plan (PCCP)

Problem: Even with the slowing of the housing market, landowners are continuing their efforts for large-scale entitlements that have the potential to convert over 50,000 acres of county land over the next 50 years. With an increase in urbanization, more open space and agricultural land will be lost resulting in a decrease in biological diversity, agricultural production, scenic landscapes, outdoor recreational opportunities, and the general open character of the County's landscape.

Proposal: Support the Use of Local Mitigation Match for Federal Endangered Species Act (FESA) Match

Problem: The Placer County Conservation Plan (PCCP) will provide 50 years of regulatory relief for the unincorporated area of Western Placer County for state and federal endangered species and wetland habitats. It will be critical for the County to have federal funding support for land acquisition activities. The majority of federal funds are distributed through federal assistance grants via Section 6 of the FESA. Current federal wildlife agency policy prohibits the use of locally-derived mitigation funds as a match for these federal assistance grants, however federal grant funds can be used to assist with species recovery. As the PCCP is implemented, federal support is needed to allow the County to utilize locally-derived mitigation funds as the match for Section 6 grants.

Proposal: Support Federal Legislation that Provides for Tax Exempt Renewable Energy Bonds for AB 811-Type Programs

Problem: In 2008, a new California law (AB 811) was approved that allows counties and cities to establish programs for property owners to enter into contractual assessments to finance the installation of distributed generation renewable energy sources or select energy efficiency improvements. Local governments utilize an assessment district financing model to develop programs to provide financing to property owners to make these improvements. An assessment lien is placed on the owner's property, and an annual assessment is placed on the property tax role for collection of the assessment over an amortization period. Currently, bonds issued by counties and cities to fund AB 811 programs are taxable municipal debt under the IRS Code (i.e. municipal debt issued for the benefit of private activities). Tax exempt debt used to finance AB 811-type programs would allow increased participation in and greater access to financing for property owners, resulting in higher levels of economic stimulation, green house gas reduction and energy independence. In July 2009, House Resolution (HR) 3525 was introduced by California Congressman Mike Thompson (1st District). It provides for the issuance of tax exempt renewable energy bonds for AB 811-type programs.

FEDERAL PROPOSALS (CON'T)

Proposal: Continued Support for the County's Biomass Utilization Efforts

Problem: In 2007, Placer County approved a Wildfire Protection and Biomass Utilization Strategic Plan that enhances the County's ability to prevent catastrophic wildfire and to utilize the County's vast renewable woody biomass load. The strategic plan envisions the future operation of a biomass energy facility in the Lake Tahoe basin. Continued federal support is needed to enhance, expand and promote the County's biomass efforts.

Proposal: Support the Qualification of Woody Biomass for Green House Gas (GHG) Emissions Reduction Credits

Problem: Current versions of proposed federal climate change legislation do not allow woody biomass to qualify for GHG emissions reduction credits. While the biomass conversion is carbon neutral, the biomass power replaces one-for-one fossil fuel energy production. Without the GHG emissions reduction credits for woody biomass, biomass utilization as a feedstock for biomass power generation will not receive credit for its contribution to the reduction of GHG and woody biomass will be "lumped in" with fossil fuels (e.g. coal, petroleum) which will be a setback for biomass utilization efforts.

