

# STATE LEGISLATIVE GOALS

## Legislative Goals

Humboldt County's primary, overarching goal for 2012 is the protection and preservation of the County's ability to fund local programs. Other goals include:

**SUPPORT STATE APPROPRIATIONS FOR PUBLIC INFRASTRUCTURE PROJECTS.**

**SUPPORT LEGISLATION THAT ADVOCATES FOR MAXIMUM LOCAL CONTROL AND FLEXIBILITY IN THE ALLOCATION OF RESOURCES AND THE ADMINISTRATION OF COUNTY PROGRAMS.**

**SUPPORT RELIEF FROM STATE MANDATES AND/OR ELIMINATION OF STATUTORY BARRIERS SUCH AS:**

- Broaden and extend the current authority to waive regulations and statutes to provide cooperative services in a more cost-efficient manner.
- Oppose attempts to delegate costs from the State to counties for mandated and/or non-mandated programs.

# **STATE LEGISLATIVE PROPOSALS**

## **AGRICULTURE**

### **FARM BUSINESS STORED FUEL HAZARDOUS MATERIAL BUSINESS PLAN EXEMPTION**

Existing law requires businesses that handle or store threshold quantities of hazardous materials to file a Hazardous Material Business Plan (HMBP) in accordance with Health & Safety Code Section 25503.5. The Board supports the protection of health and the environment that this law provides. However, State law also recognizes the unique needs of farm businesses with respect to storage of hazardous materials. Agricultural producers in Humboldt County have requested the State look for alternatives to the existing requirement because of the agricultural community's belief that stored fuel in rural locations poses less risk to human health and safety and the environment, than does repeated transportation of smaller quantities of fuel, provided that certain requirements of the Health & Safety Code are met.

In Humboldt County the majority of agricultural businesses that must comply with HMBP requirements must do so because of storing quantities of fuel above the threshold allowed under existing law. The County Environmental Health Division regulates all businesses required to comply with the California Health & Safety Code requirements pertaining to handling or storing hazardous materials.

The County supports legislation that would increase the amount of stored fuel qualified for a farm business exemption from HMBP requirements. This would relieve agricultural producers from a costly regulatory burden without significantly weakening the public health and environmental protections intended by the law.

## **COMMUNITY DEVELOPMENT SERVICES**

### **SMART-GROWTH LAND USE POLICIES AND CLIMATE CHANGE**

The carbon storage capacity of Humboldt County's forests will play an important part in meeting the County's Assembly Bill 32 (2006) carbon dioxide emission reduction requirements. The County supports policies that provide economic incentives to forest land owners to maintain their land for forest production and manage the forests to maximize carbon storage. The County supports follow-up legislation to address implementation of AB 32 in land use and transportation planning decisions for rural areas equivalent to Senate Bill 375 (2008) for Metropolitan Planning Areas.

The County supports legislation related to land use planning and growth policies that assist in achieving vehicle emissions reduction targets; protect critical lands (such as natural resources, wildlife habitat, open space, and agricultural lands) when it comes to development; promote regional planning, cooperation between cities and counties, and

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which provide new fiscal incentives for the development of countywide plans addressing growth; and build incentive-based green building programs.

## **REDUCED STATE REGULATIONS FOR COMMUNITY DEVELOPMENT AND DESIGN**

The County of Humboldt has grappled with conflicts between local residential housing needs and State laws which preempt local land use authority. Specifically the process to develop the Regional Housing Needs Allocation (RHNA), as mandated by State Housing Law as part of the procedure in updating local housing elements of the General Plan, has resulted in a development pattern which does not match community need.

The RHNA quantifies the need for housing within a jurisdiction during specified planning periods. Additionally, State law dictates standards for meeting the assigned housing inventory requirements.

Given the current RHNA process, and the historical local distribution of RHNA requirements to the County by the Humboldt County Association of Governments, the County is compelled to site affordable housing in unincorporated areas that are distant from essential services and community centers. This development pattern is against the wishes of the community and is inconsistent with Legislative policies such as Senate Bill 375 (2008).

Many residents in Humboldt County believe more flexibility is required to address housing needs within the local community. Although the County understands the need for consistent housing and community development policies across the State of California, stringent rules and regulations which do not allow for flexibility and ignores local considerations create a hostile environment for local governments to address the needs presented by citizens.

The County of Humboldt supports legislation which would reduce the State level input on community design and would create more flexibility for local officials and staff to develop an RHNA which best suits the community.

## **GENERAL GOVERNMENT**

### **CALIFORNIA PUBLIC RECORDS ACT**

Humboldt County, like many local jurisdictions, receives numerous requests for documents under the Public Records Act. The requests often ask for voluminous information that takes a great deal of staff time to compile. Requests may involve documents spanning several decades in time and/or numerous departments. In some instances, County staff have spent between 20-40 hours compiling the requested information.

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The federal Freedom of Information Act can require requesting parties to provide reimbursement of staff time, but California's Public Records Act only allows for the collection of photocopy fees and postage charges for documents selected from search results. Local governments cannot afford to add staff solely to comply with Public Records Act requests.

The County supports legislation that would allow local governments to charge requesting parties for reimbursement of staff time involved in fulfilling Public Records Act requests.

## **REGULATORY SYSTEM REQUIRED FOR SALE OF MARIJUANA**

Proposition 215 (or the Compassionate Use Act of 1996) allows patients with a valid doctor's recommendation, and the patient's designated Primary Caregivers, to possess and cultivate marijuana for personal medical use, and has since been expanded to protect a growing system of collective and cooperative distribution. The Act added Section 11362.5 to the California Health and Safety Code. The initiative was partially implemented through the California Medical Marijuana Program created by Senate Bill 420 (2003).

Since SB 420, the production of medical marijuana has developed into a model that is functionally indistinguishable from a for-profit business. What the State of California has failed to realize is that marijuana, not just medical marijuana, has grown into a full fledged industry in the State, yet there is no infrastructure, similar to Alcohol and Beverage Control, designed to regulate such a complex issue.

As recreational use of marijuana is not yet legal in California, local governments are tasked with regulating the medical marijuana industry within their jurisdictional boundaries. However, this patch work quilt of inconsistent regulatory control is inadequate to standardize an ever increasing presence in our communities. The State does not have specific laws for permitting or licensing medical marijuana dispensing. Guidelines have been established by the State Attorney General for the industry to follow; however these guidelines are insufficient.

The State regulates commerce through statutes related to weights and measures, in addition to public and environmental health. Marijuana has a connection to all of these regulatory aspects. The State of California needs to step up to the plate and provide statewide regulations that effectively deal with the marijuana industry and assist local governments.

Statewide regulations should allow for local governments to have appellation control over marijuana, similar to the wine industry. Restrictions that deal with issues of what variety of marijuana may be grown, maximum yields, chemical level, and other quality and safety related factors, will assist local governments in maintaining control in the public interest, and address branding issues associated with this particular industry.

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Regulations should be uniform, precise, and clear and explicitly state the roles and responsibilities of all jurisdictions.

The County takes the position that the sale of marijuana be accompanied by a thorough regulatory framework that delineates the clear roles and responsibilities of the jurisdictions involved.

## **ENSURING TRIBAL TRUST LAND HOUSING CAN BE COUNTED TOWARD RHNA**

Tribal trust land represents over 13 percent of all public lands within the unincorporated areas of Humboldt County and six percent of total land within the County. Native American tribes represent approximately six percent of the total population for the County of Humboldt. Based on population estimates the Native American population has grown over the past two decades.

Previously a Regional Housing Needs Assessment (RHNA) was prepared under SB 12 (2007) urgency legislation. Now the RHNA is required to fully incorporate reform provisions contained in Assembly Bill 2158 (2004) and Senate Bill 375 (2008). Based on this legislative change the RHNA must now be consistent with the Regional Transportation Plan and the Sustainable Community Strategy.

The original bill required the RHNA to address anticipated housing needs for all income groups and account for population and economic growth areas while reducing the concentration of lower income housing. Additionally the RHNA must now address sufficient land use capacity to support improved mobility between housing and employment.

The Native American population is a significant part of the Humboldt County community. The housing needs and capacity available in Humboldt County are not being accurately represented because Tribal Land Trust Housing is excluded from the RHNA.

The County supports legislation which would allow inclusion of Tribal Land Trust Housing in the RHNA.

## **STATE MANDATE FOR ELECTRICAL COMPANIES TO CAP LOW INCOME ELECTRICITY SUBSIDIES TO REDUCE IMPACTS OF INDOOR MARIJUANA GROWS**

Since the introduction of Proposition 215 the County of Humboldt has seen a spike in residential electricity consumption per capita. Research conducted by the Schatz Energy Center at Humboldt State University demonstrates not only how residential electricity consumption in Humboldt County increased dramatically after the passage of Proposition 215, but also how indoor marijuana grows have a negative impact on the environment.

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Data from Pacific Gas & Electric (PG&E) shows that residential electricity consumption across the state of California is approximately 540 kWh/month. Data provided by Humboldt State University indicates that energy consumption per household for Humboldt County had increased to almost 30% more than the state average by 2007.

There is growing concern that indoor marijuana cultivators take advantage of utility companies subsidized electricity programs, such as the California Alternate Rates for Energy (CARE) program through PG&E, as many growers have no reportable income.

Analysis done by the Schatz Energy Center indicates that it takes approximately 13,000 kWh/year to operate a 4'x 4'x 8' chamber for indoor marijuana cultivation. Thus, on average an indoor grow requires over 1,000 kWh/month. This is simply the energy required for a small indoor marijuana grow and does not include household energy consumption.

The County of Humboldt supports legislation which would cap subsidized utility use for programs such as CARE at a rate of 1,000 kWh/month to discourage use of subsidized utilities for indoor marijuana grows. If residents exceed this amount, the utility company would be required to either provide an energy audit or the resident could apply for an exemption for electricity use over 1,000 kWh/month.

## **SEPARATING TRIAL COURT RETIREMENT SYSTEMS FROM COUNTY PERS**

Existing Public Employees' Retirement System (PERS) law requires that, in the case of a trial court within a county contracting with PERS for retirement benefits, the trial court and the county must participate under a joint contract with PERS. This results in pooled assets and liabilities, a single employer contribution rate, and a single benefit package.

Trial Courts and counties now function independently across the state of California. For over a decade the County of Humboldt has separated county functions from courts. Chapter 850, Statutes of 1997, enacted the Lockyer-Isenberg Trial Court Funding Act of 1997 to provide for the creation of a Task Force on Trial Court Employees and altered funding mechanisms for local trial courts. This led to transferring funding responsibility from the counties to the State. Also, Senate Bill 2140 (2000) granted courts the status of independent employers. Previously, court staff were considered county employees.

The County supports legislation which would separate the Courts PERS contracts for trial courts located within California counties. In the current system courts provide for their own capital needs, develop and fund their own budgets, and maintain their own checking accounts. With capital and budget needs separated from the county, it is illogical for trial courts to be part of county PERS systems.

# **STATE LEGISLATIVE PROPOSALS**

## **MITIGATION OF IMPACTS FROM TRIBAL GAMING COMPACTS**

The State Gambling Control Commission and the State Control Officer dedicate funding for local communities from revenue generated by casinos on tribal land.

Pursuant to Senate Bill 621 (2003), a county receiving grant funding to limit impacts from Tribal Casinos must utilize funding for the following grant priorities: law enforcement; fire services; environmental impacts; waste disposal; behavioral health; public health; medical services; water supply; planning and adjacent land uses; recreation and youth programs; child care programs.

Total grant funding made available to municipalities, government organizations, businesses and non-profits within Humboldt County for Fiscal Year 2011-12 was \$145,974.78. Since local communities do not receive any tax revenue from the Tribal Casinos, this grant funding is necessary to offset the social and environmental impacts of the casino. However, \$145,974.78 is simply not enough to support the additional need for public services provided by the County and local municipalities due to the impacts of casinos.

The County of Humboldt supports legislation which would increase funding to mitigate impacts from Tribal Gaming Compacts. Additionally if the State renegotiates contracts with Native American tribes, the County supports legislation which would allow more County and local government involvement to address environmental, social, and planning concerns of the local community.

## **NON-INDUSTRIAL TIMBER MANAGEMENT PLAN**

The California regulatory system imposes higher costs than most states for Non-Industrial Private Forest (NIPF) and industrial forest landowners. The Forest Practice Act (1973) requires the preparation of a timber harvest plan (THP) by a Registered Professional Forester before a landowner can harvest timber. The review process takes anywhere from a few months to a year and the typical cost for a THP is around \$35,000.

The standard THP only lasts three years, and may be eligible for two, one-year extensions. This limited effective period and high initial cost creates a burden on landowners. Additionally, these costs and the regulatory restrictions do not provide incentives for NIPF landowners to practice long-term management of their timberlands, and may even motivate some NIPF landowners to convert timberlands to other uses, such as competing crops and rural subdivisions.

Conversely, a Non-industrial Timber Management Plan (NTMP) does not have an expiration date. Furthermore, the upfront cost for an NTMP is approximately 25 to 50 percent more than a typical THP, but a landowner can expect long-term savings, as they will not have to apply for a new THP every three years. Landowners who wish to harvest timber under an NTMP must apply for a notice of timber operations, which is prepared by a Registered Professional Forester and does not require additional costs.

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The ease of initiating timber harvesting under an NTMP gives landowners the ability to take advantage of increased demand in the timber market.

While NTMPs allow for long term cost savings and provide relaxed regulations, landowners only qualify for an NTMP if they own 2,500 acres of timberland or less. Under a THP there is currently no specified limit on maximum acreage.

Due to the unlimited time period, relief from recurring costs, and the ability for timberland owners to maximize short term harvest, the County supports legislation promoting the use of NTMPs. Additionally, the County supports legislation which would increase the allowable acreage for NTMP approval.

## **HEALTH AND HUMAN SERVICES**

### **2011 REALIGNMENT CONSTITUTIONAL PROTECTION**

The 2011-12 State budget did not include constitutional protection for the 2011 realignment of programs from the State to counties. The California State Association of Counties seeks a constitutional amendment to ensure ongoing dedicated funding as well as a State share in future cost increases imposed by the Legislature, federal government or court decisions related to 2011 realigned programs.

The County supports a constitutional amendment to ensure ongoing, secure, sufficient funding for programs related to the 2011 realignment.

### **FOSTER CARE AND TRANSITIONAL AGE YOUTH INDEPENDENT LIVING**

The Independent Living Skills Program (ILSP) assists current and former foster youth to achieve self-sufficiency prior to and after leaving the foster care system. Youth who have been in foster care after their 16<sup>th</sup> birthdays are eligible for ILSP services until the day before their 21<sup>st</sup> birthdays. Increasing access to ILSP through measures such as lowering the ILSP eligibility age to 14 and expanding the eligible population to any child involved in the Child Welfare System would greatly improve outcomes for this vulnerable population.

The County supports legislation which will lower the ILSP eligibility age to 14 and expand county ability to serve foster and transitional age youth.

## **NATURAL RESOURCES**

### **SINGLE-USE CARRYOUT BAGS**

Despite recycling and voluntary efforts to control pollution from plastic bags in California, only 5 percent of plastic carryout bags are recycled and the rest either take up valuable landfill space or are discarded in the environment. Paper bags made from raw

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materials are not environmentally sound alternatives to plastic bags because the production of these bags contributes to deforestation, natural resource depletion, greenhouse gas emissions, and waterborne wastes.

The County supports legislation that would prohibit supermarkets and large convenience stores from distributing a single-use bag made of plastic, paper or other material and require the retailer to offer reusable bags for sale.

## **PUBLIC WORKS**

### **REDUCTION IN VOTE THRESHOLD REQUIRED TO PASS LOCAL TRANSPORTATION SALES AND GASOLINE TAX INITIATIVES**

Over the last several years, a number of jurisdictions have seen special tax initiatives receive a “yes” vote from the majority of the electorate, but fall short of the two-thirds vote requirement. Roads are used by virtually every citizen on a daily basis, and a majority has shown that they are willing to tax themselves to support transportation projects. The current two-thirds vote requirement is unfair in a political system based on the concept of majority rule.

The County supports a constitutional amendment that would reduce the vote threshold required to pass local transportation initiatives from a two-thirds majority to majority rule.

### **PERMITTING AND REGULATORY REQUIREMENTS FOR STORMWATER DISCHARGES FROM MUNICIPAL STORM SEWER SYSTEMS**

The State Water Resources Control Board issued a draft revised State-wide permit for Phase II small municipal separate storm sewer systems (MS4s) in June 2011. Humboldt County continues to be supportive of efforts to improve and maintain storm water quality, however the proposed draft MS4 General Permit is a step backward for effective regulation and will likely be counterproductive by requiring Humboldt County and other municipalities to divert funds from existing resource-related projects and programs to perform the extensive administrative, reporting, and monitoring functions mandated in the draft permit. The draft General Permit is prescriptive rather than flexible and does not allow customization and cost-effective program design to match the specific needs of our watersheds and communities. Moreover, the draft permit shifts enforcement responsibilities to local communities while the state continues to collect and retain fees for this work. Humboldt County agrees with the California Stormwater Quality Association (CASQA) and various other municipalities that significant revisions are needed to develop a stormwater permit that is feasible and will achieve real water quality benefits.

The County supports legislation and/or state regulations that provide reform and improvement to the proposed June 2011 draft National Pollutant Discharge Elimination

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System (NPDES) General Permit and Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems. Additionally, the County is seeking legislative support before regulatory bodies in ensuring that draft regulations provide needed flexibility for local agencies to comply with any new standards.

## **SURVEYOR MONUMENT PRESERVATION**

Government Code sections 27584 & 27585 authorize the Board of Supervisors to establish a survey monument preservation fund for retracement or re-monumentation surveys. The County of Humboldt established the fund locally under Ordinance No. 1835, which was passed on June 21, 1988.

Under Government Code section 27585 the county recorder is permitted to collect a user fee at the time of the recording of any grant deed. Money collected from the user fee is directed towards the survey monument preservation fund. Government Code Section 27585 states, "Grant deeds conveying lots created by recorded tract maps shall be exempt from the user fee." This exemption infers that at the time of the initial legislation in the 1970s, lots in subdivisions were typically subject to recent monumentation and were not in need of retracement and preservation. As the language in this legislation approaches the half-century mark, many subdivisions are in fact in need of retracement and re-monumentation surveys. A majority of County projects over the past 15 years have involved retracing or re-monumentation of a subdivision. Thus, current government code requires counties to exempt subdivision lots when collecting the user fee for grant deeds, but many subdivisions now need re-monumentation.

The County supports legislation that would remove the exemption from the survey monument fee in Government Code Section 27585. This would make the user fee consistent for all types of grant deeds, simplify the collection process and generate revenue to support the monument preservation fund.

## **REINSTATE DOUBLE FINE ZONE FOR EXPRESSWAY BETWEEN ARCATA AND EUREKA**

In 1995 Senate Bill 414 was introduced by Senator Mike Thompson. This bill introduced 14 double fine zones across the state. The bill was set to expire on January 1, 2004, but under Assembly Bill 1238 (2003), State Highway 101 in Humboldt County was the only double fine zone to be extended to January 1, 2006.

In 2005, the County received a grant with support from the Office of Traffic Safety through the California Highway Patrol to promote public awareness about how to drive safely while traveling along the State Highway 101 corridor between Eureka and Arcata.

Senator Wesley Chesbro introduced Assembly Bill 1384 in 2005. This bill extended designation of the State Highway Route 101 between Eureka and Arcata as a double fine zone from January 1, 2006 through January 1, 2010.

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Due to safety concerns the County of Humboldt seeks to reinstate the segment of State Highway Route 101 between the Eureka Slough Bridge and the Gannon Slough Bridge as a Safety Enhancement-Double Fine Zone, pursuant to Section 97 of the California Streets and Highways Code.

## **STATE FUNDING PROPOSALS**

### **COMMUNITY DEVELOPMENT SERVICES**

#### **FUNDING FOR PUBLIC INFRASTRUCTURE PROJECTS**

Public water and wastewater infrastructure in Humboldt County is in need of significant upgrades to meet current regulatory standards and capacity requirements. There are numerous sewer, water, and drainage systems in the County that currently pose serious health risks to the public, hamper development, and degrade the community due to their inadequacy. The County Comprehensive Economic Development Strategy contains an inventory of the highest priority water supply and wastewater projects in the County. The majority of these projects require that the State and federal governments provide financial assistance due to their high costs and limits of the rate payers' ability to pay, particularly in disadvantaged communities.

The County strongly supports legislation that maintains or increases State funding for public infrastructure (sewer, water, roads, drainage) projects, and facilitates inter-jurisdictional cooperation between all levels of government in order to accomplish projects that are of community significance.

#### **GRANT FUNDING FOR INFILL DEVELOPMENT**

The County's General Plan Housing Element includes designation of "Housing Opportunity Zones" to promote infill housing development. This innovative plan requires adoption of implementing ordinances and funding mechanisms to provide incentives for residential development in these areas.

The County strongly supports legislation that would provide grant funding from the California Department of Housing and Community Development for infill development incentives in Housing Opportunity Zones.

#### **GRANT FUNDING FOR LOW-INCOME HOUSING PROJECTS**

The County depends on grant funding to create housing affordable to low income and senior citizens. Competition for affordable housing grant funding is increasing as city and county budgets are cut back and the demand for low income housing grows. An alarming trend is the increase in importance of providing match funding to secure competitive grants. While this policy extends state and federal grant dollars it confers

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advantage to wealthy jurisdictions and redevelopment agencies and discriminates against economically disadvantaged communities.

The County supports grant guidelines and legislation that waive match requirements for economically disadvantaged jurisdictions. The County also supports financing mechanisms that can assist local jurisdictions in establishing permanent sources of funding for low income housing development, such as the Local Housing Trust Fund Program operated by Housing and Community Development.

## **FUNDING FOR ENERGY CONSERVATION AND RENEWABLE ENERGY ELECTRICITY GENERATION PROJECTS**

Assessments of renewable energy generation capacity in Humboldt County indicate the County could be a significant exporter of electricity generated from renewable sources. The development of these resources, including solar, wind, biomass and wave energy, will assist the County in reaching AB 32 carbon emission reduction targets and stimulate the County's economy.

The County supports legislation that would accelerate the development of renewable energy resources including price supports, grant funding and utility policy that facilitates export of renewable energy generated electricity from the County. The County also supports incentives and policies to promote residential and commercial energy conservation, including Property Assessed Clean Energy (PACE) financing.

## **EDUCATION**

### **LIBRARY FUNDS**

The State Public Library Fund (PLF) has provided a dependable source of funding to public libraries statewide. However, this fund has become an easy expenditure for legislators to cut from the budget without angering voters. Between FY 2000-01 and FY 2010-11 the PLF was cut by 79%. For Humboldt County, this meant a reduction from \$212,000 in 2000-01 to \$45,630 in FY 2010-11. The Humboldt County Library anticipated less than \$11,000 in FY 2011-12. This severe reduction in PLF has reduced the County's ability to purchase new library materials for public users. In addition to the Public Library Fund, the library has received \$3,000 in Transaction Based Reimbursements and \$19,000 for adult literacy funding. To date all State level library funding is in serious doubt for FY 2011-12 with pending trigger cuts. The library depends on the funding of these programs in order to provide an adequate level of service to Humboldt County residents.

The County supports legislation which would increase funding for the Public Library Fund, Transaction Based Reimbursements, and California Library Literacy Services.

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## **GENERAL GOVERNMENT**

### **FULFILL THE PROVISIONS OF THE PAYMENT IN LIEU OF TAXES ACT RELATED TO FISH & GAMES PROPERTY**

According to State Fish & Game Code Section 1504, the State is committed to making payments in lieu of property taxes to local agencies in areas where state wildlife management areas affect local property tax collections. In Humboldt County, local agencies have not been paid since 2001 and are currently owed \$347,498. Although, most of this funding would flow to special districts, a portion of these funds are directed to the County's General Fund, Roads Fund, and Library.

The County supports legislative action that would fund the required payments.

### **PROPERTY TAX ADMINISTRATION PROGRAM**

In 1992, the State enacted the Educational Revenue Augmentation Fund (ERAF), which shifted property tax revenues from local governments to the State. Although counties assess property values, act as a hearing board for property tax appeals, and collect property tax payments, the State receives more than 65% of every property tax dollar collected in Humboldt County. The State recognized that it was in its own best interests to ensure that properties were being assessed to the greatest extent possible. Therefore, in 1994, the State established the Property Tax Administration Program (PTAP). PTAP provided funds to each county to support the work of the Assessor's Office and the rest of the property tax administration system. Humboldt County received \$210,806 in PTAP funding in FY 2004-05, the last year the program was funded.

The County collects property tax revenue on behalf of the State. Cities pay a fee for property tax collection on their behalf. It is clearly in the best interest of the State to have a properly funded and fully functioning property tax collection system. The County supports funding that re-establishes and restores funding for the State's share of property tax administration costs.

### **SUPERIOR COURT**

Two pieces of legislation, the Lockyer-Isenberg Trial Court Funding Act of 1997 and the Trial Court Facilities Act of 2002 transferred from counties to the State fiscal responsibility for court operations and trial court facilities. The Superior Court Law Enforcement Act of 2002 further delineated responsibility for court security services by county sheriffs to the courts. Despite these extensive Acts and their transfer of responsibilities, and their proposed reimbursement to counties, Humboldt County continues to bear a significant burden for the costs of services provided to the local Superior Court.

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## **1) GRAND JURY**

Despite of the transfer of fiscal responsibility in 1997 for court operations from the County to the State, the fiscal responsibility for the Grand Jury still resides with the County per Penal Code 931, while the authority to impanel the Grand Jury remained with the Superior Court per Penal Code 914. The County has no control over the Grand Jury's empanelment and no subsequent control over their expenditures.

The County supports legislation to move fiscal responsibility for the Grand Jury from the County to the State.

## **2) COURTHOUSE**

The Superior Court of Humboldt County occupies 33% of the County owned courthouse. The unintended consequence of the court facilities transfer act is the Humboldt County General Fund now expends approximately \$211,300 annually in rent for displaced County services that should be performed in the County's building. In addition, on an annual basis the County continues to expend \$933,701 for the Trial Court Maintenance of Effort payment and \$177,273 for the Court Facilities Payment.

Humboldt County supports legislation for the Superior Court of Humboldt County to receive funding for a new court facility.

## **HEALTH AND HUMAN SERVICES**

### **2011 REALIGNMENT ALLOCATION FORMULA**

Prison realignment legislation, Assembly Bill 118 (2011), included allocation formulas for the 2011-12 fiscal year only. AB 118 stated the intent of the Legislature that new allocation formulas be developed for the 2012-13 fiscal year and thereafter. A departure from historic realignment funding formulas may place small counties at a distinct disadvantage relative to large counties. Small counties must be assured a base funding formula that reflects utilization with annual growth adjustments sufficient to operate realigned programs. Growth and equity formulas must not have a disproportionate negative impact on small counties.

The County supports allocation formulas for the 2011 realigned programs that ensure base allocation, growth and equity funding formulas that do not harm small counties.

### **DIVERSION OF MENTAL HEALTH SERVICES ACT FUNDING**

California voters approved the Mental Health Services Act (MHSA) to provide a dedicated funding stream for counties to expand and develop innovative and integrated mental health services. The State enacted strict guidelines regarding implementation of the MHSA; however, efforts to divert funding from the initial voter intent have gained

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traction during the State's fiscal crisis. The State diverted \$861 million from MHSA to supplant State general fund dollars to fund core county mental health programs in the 2011-12 State budget as a means of partially funding realignment. As funding erodes for all but the sickest, MHSA services must be maintained as intended and not further diverted to backfill core programs.

The County opposes proposals to further divert Mental Health Services Act funds from voter intent.

### **INDIGENT HEALTH CARE**

Counties are the health care provider of last resort for the state's indigent population under Welfare and Institutions code section 17000. Counties may have responsibility for populations that remain uninsured after the 2014 implementation of the Patient Protection and Affordable Care Act Medicaid expansion. Residual responsibilities and obligations of counties must be clarified before shifting any county public health realignment funds from counties to the State. A corresponding shift in mandated responsibilities for indigent care to the State must accompany any shift of public health realignment funding away from counties.

The County opposes any shift of public health realignment funds from counties to the State without a corresponding shift in mandated responsibility.

### **PUBLIC SAFETY**

#### **JUVENILE JUSTICE**

Juvenile Justice funding is imperative to address high risk youth in local communities. Juvenile Justice funding deals with the supervision and treatment needs of a local community's high risk youth. Funding provides treatment and confinement solutions for a community's youth who are at highest risk to re-offend and hardest to place due to their co-occurring mental health disorders, thereby putting community safety in jeopardy.

The County supports legislation for continued and increased provision of resources for juvenile justice programs in order to provide for stable and secure sources of funding.

#### **CONSTITUTIONAL AMENMENT PROVIDING FUNDING FOR PRISON REALIGNMENT**

This past year cities, counties, and the State saw dramatic changes in public safety with the implementation of Assembly Bill (AB) 109 and Assembly Bill (AB) 117.

Humboldt County was provided with \$1,526,679 for AB 109 programs and \$54,724 for AB 109 District Attorney related activities in FY 2011-12. These funds are an asset to

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the ongoing adult population shift and the cost of revocation hearings. Although it is unknown if these funds will be sufficient, the County is in strong support of a constitutional amendment ensuring that this funding will be available in future years.

## **BOARD REPRESENTATION ON THE EXECUTIVE COMMITTEE OF THE COUNTY COMMUNITY CORRECTIONS PARTNERSHIP**

The County would like to seek Board representation on the Executive Committee of the County Community Corrections Partnership (CCCP). Section 33 of AB 117 removed Board representation and required a 4/5 vote of the Board of Supervisors to reject local plans developed by the CCCP.

Removal of the Board of Supervisors from this decision-making role violates the central principle of county government that it is Boards of Supervisors that are responsible for the decisions about allocating funds that come to the county to implement local programs. The County supports legislation which would restore Board representation to the CCCP.

## **NATURAL RESOURCES**

### **NATURAL RESOURCE AFFAIRS**

Humboldt County resides along the Pacific North Coast and is home to significant water resources that include the Eel, Klamath, Mad and Trinity Rivers; home to fish populations of salmon, groundfish and crab; and home to dense forests which include coastal Redwoods. These considerable natural resources were once in abundance and contributed notably to the local economy.

Decisions and regulatory management of these natural resources often occur at the State and federal levels. These decisions have had cumulative impacts on water resources, fisheries and timber, and therefore on the community as well. State and federal decisions need to adequately account for local priorities, knowledge and needs in order to minimize adverse economic and social impacts, while appropriately managing and restoring these significant natural resources.

The County strongly supports legislation that provides stable funding for long-term engagement, administration and capacity development for natural resource affairs in the County of Humboldt.

### **WILLIAMSON ACT FUNDING RESTORATION AND RESTITUTION**

The Williamson Act (California Land Conservation Act) is a state/county partnership to preserve and prevent the loss of farmland. When land is enrolled in a Williamson Act agreement, the landowner is taxed at a rate based on the actual use of the land for agricultural purposes, as opposed to its Proposition 13 or unrestricted market value. The

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program is estimated to save agricultural landowners from 20 to 99% in property tax liability each year. In return, the landowner commits to restricting the use of his/her land to agricultural and open space for at least ten years. The written agreements are automatically renewed each year. In Humboldt County there are approximately 199,000 acres eligible for subvention funding under Williamson Act Contracts. The Humboldt County Community Development Department continues to process new applications for entry into the Williamson Act Program.

The County strongly requests that full state participation be restored to the Williamson Act program, including funding for subvention at their highest historical level. In addition, the County strongly requests restitution for the subvention payments that were not received in Fiscal Years 2008-09 in the amount of \$22,396, 2009-10 in the amount of \$219,155 and 2010-11 in the amount of \$161,804.

## **PUBLIC WORKS**

### **BUCKHORN GRADE IMPROVEMENT PROJECT**

The Buckhorn Grade Improvement Project is of critical importance to the economic stability and development of Humboldt County and adjoining counties. Humboldt is one of only two counties in California that is entirely inaccessible to the size of truck that carries most goods in the state. The Buckhorn Grade on State Route 299 between Eureka (U.S. Highway 101) and Redding (Interstate 5) is a 7.2-mile stretch of highway consisting of narrow roads, hairpin curves and steep inclines, making it inaccessible to the majority of long-haul trucks. Although \$8 million in federal funds have been appropriated for the revised project description (for a less-costly on-alignment alternative) and environmental impact report, up to \$150 million is estimated to be needed for construction of the complete project.

This project is supported by California Department of Transportation, Humboldt, Trinity and Shasta Counties.

The County supports legislation that provides funding for further development of the Buckhorn Grade Improvement Project on State Route 299.

### **FUNDING FOR REDWOOD CREEK LEVEE REHABILITATION AND ESTUARY RESTORATION**

Humboldt County maintains the Redwood Creek federal flood control project, which was constructed by the U.S. Army Corps of Engineers from 1966 to 1968 to protect the community of Orick from floodwaters. The levee system is impaired by the deposition of large volumes of sediment each winter, which reduces the capacity of the levee relative to design conditions. Sediment impairment occurred the first winter after construction, and recent technical studies demonstrate fundamental design flaws as the root cause of the problem. The County has been forced to perform annual gravel

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extraction to re-gain some flood capacity, however the scale of the problem overwhelms the County's ability to remediate the system. The cost to reclaim the full design capacity of this flood control system through sediment removal is \$4.4 million; however, permits and approvals for such an action are not obtainable due to the environmental impacts, and similar work would be needed periodically due to the annual influx of sediment.

Construction of the flood control project caused major physical changes to the lower reach of Redwood Creek and its estuary. The estuary volume has been reduced by approximately one-half of its pre-levee size due to sediment deposition, causing both fish habitat and water quality to become impaired. The net result has been a reduction in the ecological function of the estuary in terms of productivity for fish and other aquatic species. Restoration of the Redwood Creek estuary would provide substantial benefit for the recovery of three salmonid species listed as threatened under the federal Endangered Species Act, and would complement other large-scale restoration efforts conducted by the National Park Service within Redwood National Park, which occupies the lower one-third of the watershed.

A large-scale, multi-objective water resources project is needed to achieve a sustainable solution for flood protection, ecosystem restoration, and endangered species recovery in lower Redwood Creek. The County is seeking legislation or administrative action to release Proposition 84 (Flood Control, Natural Resources, and Parks Bond Act) or other State funding to be used for rehabilitation, repairs, and/or maintenance to the Redwood Creek levee system near Orick.

### **TRANSPORTATION CAPITAL IMPROVEMENT PROJECTS**

Existing law generally provides for allocation of transportation funds pursuant to the State Transportation Improvement Program (STIP) process. Existing law provides for 75% of funds available for transportation capital improvement projects to be made available for regional projects, and 25% for interregional projects. Existing law describes the types of projects that may be funded with the regional share of funds, and includes local road projects as a category of eligible projects. Legislation that specifically states that local road rehabilitation projects are eligible for STIP funds is necessary to protect the ability of local agencies to prioritize the regional project share to the needs of the local agency.

The County supports legislation that would state that local road rehabilitation projects are eligible for State Transportation Improvement Program (STIP) funds.