



## **2011 LEGISLATIVE PLATFORM**

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# STATE LEGISLATIVE GOALS

## Legislative Goals

Humboldt County's primary, overarching goal for 2011 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.

**OPPOSE REDUCTIONS TO THE CURRENT LEVEL OF STATE FUNDING FOR COUNTY PROGRAMS. FOR EXAMPLE:**

- Protect public safety funding including juvenile justice programs.

# **STATE LEGISLATIVE PROPOSALS**

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

## **GENERAL GOVERNMENT**

### **BIG LAGOON TRIBAL COMPACT**

In 2005, the Big Lagoon Tribe of Humboldt County proposed to join the Los Coyotes Tribe for the purpose of building a casino in Barstow next to Interstate 15, which is the main route from Los Angeles to Las Vegas. The proposal would allow the Big Lagoon tribe to improve its finances through the operation of a casino, but preserve the pristine beauty of the environmentally-sensitive Big Lagoon area. The Los Coyotes Tribe and the City of Barstow approve of the proposal. Both tribes have agreed to give California a bigger share of casino revenues if a casino is built. Governor Arnold Schwarzenegger announced the compacts with the two tribes in September 2005. This compact must still be ratified by the Legislature. Legislative efforts to authorize the Barstow casino failed in 2007-2008.

The County supports legislation to ratify the compact and allow the Big Lagoon Tribe to join the Los Coyotes Tribe to build a casino in Barstow.

### **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.

# STATE LEGISLATIVE PROPOSALS

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 (SB 420).

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 administer 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. This needs to happen regardless of whether the recreational use of marijuana is legalized within the state.

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

# STATE LEGISLATIVE PROPOSALS

public interest, and address branding issues associated with this particular industry. Regulations should be uniform, precise, and clear and explicitly state the roles and responsibilities of all jurisdictions.

The State added another patchwork piece to the ever growing quilt when on September 30, 2010 Governor Schwarzenegger signed into law, Assembly Bill 2650, which prohibits any medical marijuana cooperative or collective to be located within 600 feet of a school. This slow and incremental approach to dealing with the marijuana industry is ineffective and places enormous burdens on local governments.

The County takes the position that the sale of marijuana, whether it is used for medical or recreational use, be accompanied by a thorough regulatory framework that delineates the clear roles and responsibilities of the jurisdictions involved.

## VEHICLES – LIMITATIONS OF ACCESS

Route 101 is the primary north-south route serving the north coast of California and is critical to the commerce of Humboldt County. Route 101 through Richardson Grove is a narrow two-lane road with large old growth redwood trees adjacent to the traveled way.

On October 10, 2007 Senate Bill (SB) 773 was chaptered (Chapter Number 440, Statutes of 2007). SB 773 extended the overall kingpin length from 40 to 43 feet for cattle trailers. The extension of the kingpin length is set to expire January 1, 2012. In order to be competitive, North Coast ranchers need to use out of state haulers for movement of their cattle. Livestock ranchers in Humboldt, Del Norte and Mendocino counties are at a great economic disadvantage when compared with livestock ranchers throughout the rest of California. They are limited by statute to trailers with a kingpin length of 40 feet or less.

Caltrans proposes to make minor adjustments to the roadway alignment of Route 101 through Richardson Grove State Park beginning the Winter/Spring of 2011. This project will improve safety and provide practical access for standard length trucks conforming to the Surface Transportation Assistance Act, which are currently prohibited north of Leggett.

While Humboldt County supports the Caltrans project, the County acknowledges that it may not be completed by December 31, 2011 and therefore an extension of the exemption will likely be necessary. The Board supports legislation granting this extension and believes that all interested parties whether they support the Caltrans project or not should stand in support of the extension legislation.

# **STATE LEGISLATIVE PROPOSALS**

## **HEALTH AND HUMAN SERVICES**

### **EXTENDED PRODUCER RESPONSIBILITY**

For several years, Assembly Member Chesbro has introduced legislation to create the California Product Stewardship Act, a program to encourage producers to be comprehensively responsible for the life cycle of their products. Known as “extended producer responsibility,” environmentally sound product stewardship protocols would encourage producers to research alternatives during product design and packaging phases to foster cradle-to-cradle producer responsibility and reduce the end-of-life environmental impacts of the product. Extended producer responsibility would alleviate county environmental, waste management and public health costs.

The County supports legislation to promote extended producer responsibility.

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

The Independent Living Skills Program (ILSP) assists current and former foster youth 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 efforts to expand a county’s ability to serve foster and transitional age youth.

### **FOSTER YOUTH EARLY PERIODIC SCREENING DIAGNOSIS AND TREATMENT**

The Early Periodic Screening Diagnosis and Treatment (EPSDT) program provides medically necessary diagnosis and treatment for Medi-Cal patients with severe emotional disturbance up to age 21. It is federally funded, with a state and county match requirement. The Patient Protection and Affordable Care Act offered the opportunity for youth to remain on their parents’ insurance policy up to age 26. Similarly, expanding EPSDT eligibility to foster youth up to age 26 would increase access to county health services for this vulnerable population. The California State Association of Counties (CSAC) and California Welfare Directors Association (CWDA) put forth a measure in the 2010 Legislative Session to extend eligibility for such services to foster youth.

The County supports CSAC and CWDA efforts to extend EPSDT eligibility with federal matching funds to foster youth up to age 26.

# **STATE LEGISLATIVE PROPOSALS**

## **IMPLEMENTING FEDERAL HEALTH CARE REFORM – ELIGIBILITY**

The Patient Protection and Affordable Care Act expands Medicaid eligibility to all individuals with incomes up to 133% of the federal poverty level in 2014. As the state prepares to implement this transition and to enroll newly eligible persons into the Medi-Cal and Healthy Families programs, a “no wrong door” approach to eligibility and enrollment is critical to ensuring client access. An internet-based enrollment system should be accompanied by in-person, by phone and by mail enrollment options. County human services have the expertise to support seamless connections to the subsidized programs that will be significantly expanded.

The County supports legislation for a multi-path approach to Medi-Cal eligibility and enrollment for newly eligible populations under federal health care reform.

## **MEDI-CAL REIMBURSEMENT FOR SAME-DAY MENTAL HEALTH SERVICES**

Currently, Medi-Cal does not provide reimbursement when a patient sees a primary care provider and a mental health provider on the same day. However, federal law permits this and provides federal matching funds in states that choose to allow same-day visits. Recent legislation by Assembly Member Chesbro aimed to allow Medi-Cal reimbursement to federally qualified health centers and rural health clinics for two visits on the same day when patients have both a medical visit and an additional visit with a mental health or dental professional. This is critical in rural areas with transportation challenges and provider shortages.

The County supports Medi-Cal reimbursement for same-day primary care and mental health services.

## **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 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.

# **STATE LEGISLATIVE PROPOSALS**

## **PUBLIC WORKS**

### **REDUCTION IN VOTE THRESHHOLD 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. Because 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.

### **TRANSPORTATION FUNDING**

Transportation funding has been used as a “get of jail free card” by the State during times of fiscal distress to help alleviate the pressure of an ever growing multi-billion dollar deficit in the State General Fund. This leaves local transportation infrastructure at risk due to a lack of stable monies flowing into our communities. With the passage of Propositions 22 and 26 transportation funds continue to be at great risk, leaving our transportation systems vulnerable and in disrepair.

The County supports a speedy resolution with concise and clear direction on the effects of the passage of Propositions 22 and 26. This resolution should involve the protection of local transportation dollars, which should continue to be directed to local governments and their communities.

# **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 HOUSING OPPORTUNITY ZONES**

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 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 cutback 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 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.

# **STATE FUNDING PROPOSALS**

## **FUNDING FOR 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.

## **EDUCATION**

### **LIBRARY FUNDS**

The State Public Library Fund (PLF) has provided a dependable source of funding to public libraries statewide. However, today this fund has become an easy expenditure for legislators to cut from the budget without angering voters. The PLF has been cut by 79% since 2000. For Humboldt County, this meant a reduction from \$212,000 in 2000-01 to an anticipated \$44,610 in FY 2010-11. This severe reduction in PLF has reduced the County's ability to purchase new library materials for our public users. In addition to the Public Library Fund, the library receives \$18,000 in Transaction Based Reimbursements and \$6,000 in California Library Literacy Services funding. 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.

## **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 \$238,500. Most of this funding would flow to special districts, but the County's General Fund is owed \$37,100, the Roads Fund \$5,215, and Library \$4,615.

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

# STATE FUNDING PROPOSALS

## 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.

The County supports full funding of the PTAP.

## 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.

### 1) COURT SECURITY

The Humboldt County Superior Court for fiscal year 2010-11 anticipates receiving an allocation of \$98,641 for security screening services for the County's courthouse. This is an insufficient amount of funding to provide appropriate security screening for the courts. Due to the inadequate funds received, the County General Fund is forced to provide the remainder of the funding necessary to secure two entrances on behalf of the courts and court security services. In fiscal year 2009-10, the County General Fund expended approximately \$582,756 for court related services.

# STATE FUNDING PROPOSALS

The County supports legislation to provide full reimbursement for two security entrance screening stations, as well as full reimbursement for all court security services provided by the County Sheriff.

## 2) 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.

## 3) 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 \$211,286 annually in rent for displaced County services that should be performed in the County's courthouse. In addition, on an annual basis the County continues to expend \$914,738 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

### 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 traction during fiscal crisis. As funding erodes for all but the sickest, MHSA services must be maintained as intended and not diverted to backfill core programs.

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

# **STATE FUNDING PROPOSALS**

## **PEDIATRIC OBESITY FUND - TAXATION OF SWEETENED BEVERAGES**

Sugar-sweetened beverages have been linked to health problems ranging from obesity to diabetes. Legislation to impose a tax on sweetened beverages will aid significantly in reducing the consumption of sugar-sweetened drinks and generating revenue for health programs. Local health departments are in a prime position to administer programs that reduce childhood obesity and should be the recipients of a significant portion of funds generated by a sweetened beverage tax.

The County supports legislation to create a Pediatric Obesity Fund, funded by the taxation of sweetened beverages.

## **PROTECTION OF DEDICATED MENTAL HEALTH SERVICES FUNDING**

Counties experienced a \$64 million cut to specialty mental health services for Medi-Cal patients in the 2009-10 state budget. Humboldt County lost nearly \$500,000 as a result of this cut.

The County supports the restoration of mental health managed care reductions.

## **UNFUNDED MANDATE OF AB 3632**

The State has failed to fully reimburse counties for costs to provide mandated services to special education students with mental health needs pursuant to AB 3632 (1984). AB 3632 transferred the federal Individuals with Disabilities Education Act mental health treatment and assessment responsibility from local education agencies to county mental health departments. According to the State Legislative Analyst's Office, the State owes counties \$133 million for AB 3632 mandated activities between 2004 and 2008 alone, in violation of the State Constitution. This unfunded mandate produces social justice consequences by diverting resources necessary to the County's ability to fulfill its obligation to serving target mental health populations.

The County supports repeal of the AB 3632 mandate on county mental health and full repayment of the past unfunded mandate.

## **RESTRUCTURE COST OF DOING BUSINESS**

While counties are legislatively mandated to administer numerous human services programs, funding for these services is frozen at 2001 cost levels. As inflationary increases occur, realignment revenues fall and devastating State budget cuts are approved, this chronic underfunding puts counties in the untenable position of backfilling the gap with our own limited resources or cutting the services that the State expects counties to deliver. Legislation is needed to restore the process of budgeting mandated human services programs based on reasonable current costs.

The County supports legislative efforts to align funding with the cost of doing business for mandated human services programs.

# **STATE FUNDING PROPOSALS**

## **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.

### **VEHICLE LICENSE FEE EXTENSION**

The vehicle license fee increase, adopted in 2009 to fund critical public safety programs, is set to expire on June 30, 2011. Budget negotiations for the 2010-2011 budget year excluded this extension, and the prospect of extending the sunset was postponed. Given the historically late budgets in recent years, it is critical to public safety to ensure that the extension is approved and enacted separately from any budgeting process, to ensure a continuity of funding.

The County supports legislation to extend the sunset on the vehicle license fee increase in order to provide for a stable and secure source of funding for public safety programs.

## **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.

# **STATE FUNDING PROPOSALS**

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 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 has 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.

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

# STATE FUNDING PROPOSALS

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

The Humboldt County Public Works Department 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 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, and fish habitat and water quality are 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 to allow 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.

## STORM WATER WASTE DISCHARGE IN AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE

The California State Water Resources Control Board revised the Ocean Plan, which included various prohibitions against stormwater waste discharge in Areas of Special Biological Significance (ASBS). The State has not provided any funding to implement this mandate.

Current regulations essentially require local areas to cease all drainage. State-designated ASBS's in Humboldt County include the Shelter Cove area in southern Humboldt County, Redwood National Park, Trinidad, Westhaven, and the King Range.

## **STATE FUNDING PROPOSALS**

The topography of these areas makes it economically infeasible and environmentally destructive to relocate drainage from these areas of the County. Legislation and regulations need to be more realistic, streamlining requirements to focus on what is absolutely necessary to protect habitat. Future regulations should be based on best management practices as established by scientific panels.

Humboldt County is seeking an exemption from the stormwater discharge requirement. However, the application costs for the exemption alone are estimated to cost the County approximately \$100,000. Carrying out the provisions of the mandate would cost far more. The County is requesting postponement of the regulations until such time as funding to carry out this mandate is provided by the State.

The County supports legislation or regulations that postpone implementation of the State Water Resources Control Board's Ocean Plan prohibitions that relate to stormwater discharge in Areas of Special Biological Significance (ASBS). In addition, the County supports legislation that provides funding for implementation of these requirements. Furthermore, the County supports legislation that requires future regulations to be based on best management practices as established by scientific panels.

### **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.

The County strongly supports legislation or grant criterion that explicitly states that local road rehabilitation projects are eligible for STIP funds.

# STATE FUNDING PROPOSALS

## WATER BOND

On November 5, 2009, the Governor signed into law SB 2 that authorizes the Safe, Clean, and Reliable Water Supply Act of 2010. The Act is an \$11.14 billion general obligation bond proposal that would provide funding for California's aging water infrastructure and for projects to address ecosystem and water supply issues in California. The bond was removed from the November 2010 statewide election but may be reconsidered in November 2011.

Funding is distributed regionally with Humboldt County being located in the North Coast Hydrologic Region. With voter approval, this region will receive \$315 million for Water Supply Reliability and other water management programs and projects. The region would also be eligible for a share of \$3.38 billion in other regional and statewide funding.

The County of Humboldt supports the Safe, Clean, and Reliable Water Supply Act of 2010.



# **FEDERAL LEGISLATIVE GOALS**

Humboldt County's primary, overarching federal legislative goals for 2010 include:

## **SUPPORT INCREASING THE FEDERAL FINANCIAL PARTNERSHIP IN COUNTY PROGRAMS.**

- Support funding for public infrastructure programs such as transportation and water infrastructure.
- Support Aviation Reauthorization which includes a well-funded Airport Improvement Program with funding for rural and underserved communities through the Small Communities Air Service Programs.

## **SUPPORT RELIEF FROM FEDERAL MANDATES AND STATUTORY BARRIERS.**

- Support broadening of allowable uses of Secure Rural Schools Act (Title III) funding to include fire protection services.
- Oppose Medicaid reform that excludes Probation from Participation in Title XIX-Targeted Case Management.

## **SUPPORT FEDERAL FINANCIAL PARTICIPATION IN LOCAL COMMUNITY TECHNOLOGY ADVANCEMENTS.**

- Support funding for redundant (fiber) broadband link for the rural north coast of California.

## **OPPOSE REDUCTIONS TO THE CURRENT LEVEL OF FEDERAL FUNDING FOR COUNTY PROGRAMS.**

# FEDERAL LEGISLATIVE PROPOSALS

## **GENERAL GOVERNMENT**

### **CRIME VICTIM RESTITUTION AND COURT FEE INTERCEPT ACT**

The Crime Victim Restitution and Court Fee Intercept Act (HR 1956) will increase revenue for cities, counties, states and the payment of restitution owed to victims of crimes by offsetting federal Income Tax returns of defendants owing past-due State Judicial Debt. HR 1956 requests an amendment to Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for state judicial debts that are past due. There is the opportunity of increased revenue due to the tax offsets increasing collections. Humboldt County estimates 30% in increased collections once the IRS Tax offset is implemented, which equates to increased revenue for counties, cities, and states as well as an increase in restitution payments for victims of crimes.

The County supports legislation similar to HR 1956 in the next Congress.

### **FEDERAL REPORTING REQUIREMENTS FOR STATE AND LOCAL GOVERNMENTS**

The County is opposed to HR 6484 legislation introduced by Representatives Devin Nunes (R-CA), Paul Ryan (R-WI), and Darrell Issa (R-CA) that challenges the validity of current state and local government accounting rules and practices and would mandate inappropriate federal reporting requirements on state and local governments regarding their pension costs. In addition, the legislation sets a precedent for federal intervention into areas that are the financial responsibility of, and have thus been historically regulated by, states and/or localities.

This legislation represents a lack of understanding regarding the strong accounting rules and strict legal constraints already in place that require open and transparent governmental financial reporting and processes. The County opposes this legislation because it conflicts with existing governmental accounting standards, and increases state and local government costs.

### **INDIAN FEE TO TRUST REFORM**

On February 24, 2009, the United States Supreme Court issued its landmark decision on Native American trust lands in *Carcieri v. Salazar*. The decision held that the Secretary of the Interior lacks authority to take land into trust on behalf of Native American tribes that were not under the jurisdiction of the federal government upon enactment of the Indian Reorganization Act (IRA) in 1934.

In the wake of this significant court decision, legislation has been introduced in both the House and Senate that would reverse the Supreme Court's decision. As the County

# FEDERAL LEGISLATIVE PROPOSALS

supports the inherent rights and dignity of Native American tribes there is a potential for local impacts when the fee to trust process is undertaken in a local community.

Therefore, the County supports legislative repeal of *Carcieri v. Salazar*, as well as providing additional direction to the Secretary of the Interior on local impacts involving the fee to trust process. The County would welcome a fee to trust process that would give local governments notice when an application is filed, provide opportunity for public comment and consultation, and ensure that local impacts are addressed through Intergovernmental Agreements between tribes and local governments to provide for the mitigation of environmental and economic impacts.

## **POLITICAL SPEECH**

The United States Supreme Court ruled that corporations and unions have the same political speech rights as individuals under the First Amendment. The Supreme Court found no compelling government interest for prohibiting corporations and unions from using their funds to make election-related expenditures. Thus, the Supreme Court struck down a federal law banning this practice and also overruled two of its prior decisions.

The County supports a Constitutional Amendment to reverse the ruling in the *Citizens United v. Federal Election Commission*.

## **REGULATORY SYSTEM REQUIRED FOR ANY CHANGES TO LEGAL STATUS OF MARIJUANA**

As a result of recent changes in the federal government's treatment of marijuana, there needs to be a discussion on the application of a consistently applied regulatory system. The current landscape of medical marijuana dispensaries is problematic given the significant variations in the regulation of those businesses from one jurisdiction to another. If Congress or the Administration decides to change the legal status of marijuana, such changes must be accompanied by a uniform, precise, and clear regulatory framework that explicitly states the roles and responsibilities of all jurisdictions.

The County takes the position that any change to the legal status of marijuana at the federal level must be accompanied by a thorough regulatory framework that delineates the clear roles and responsibilities of the jurisdictions involved.

## **HEALTH AND HUMAN SERVICES**

### **INSTITUTIONS OF MENTAL DISEASE EXCLUSION**

Federal law prohibits Medicaid reimbursement for services obtained in Institutions of Mental Disease by Medicaid-eligible adults, 22 to 64 years of age. Recently, the

# FEDERAL LEGISLATIVE PROPOSALS

California Department of Mental Health indicated that medical ancillary costs, such as medications, surgeries, and laboratory services, will also not be covered by Medi-Cal due to this exclusion, leaving the County to bear the unreimbursed financial responsibility of all physical and mental health needs of Medi-Cal patients' age 22-64 residing in IMDs. Legislation is introduced in the House each year to repeal the IMD exclusion.

The County supports the repeal of the Institutions of Mental Disease (IMD) exclusion.

## **PUBLIC WORKS**

### **FEDERAL TRANSPORTATION BILL**

As Congress explores a new federal transportation bill to replace the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) program, the County strongly supports the creation of a new and visionary act that builds upon the successful programs that are already implemented under SAFETEA-LU.

While SAFETEA-LU provided a solid start to rebuilding the infrastructure throughout the nation, it is clear that the funding was insufficient to the documented needs of this nation's infrastructure.

The County supports a more streamlined and flexible approach to allocating federal funds, in which federal programs provide state, regional, and local agencies the ability to allocate federal funds for a range of improvement projects based on need such as: Highway, Transit, Local Road, and Bicycle and Pedestrian.

The primary source of funding for walking and bicycling, the Federal Transportation Enhancements program (TE), has and continues to excel at providing a skeleton upon which integrated systems can be constructed. The dispersed nature of TE program funding allocations, however, has minimized its role in facilitating substantial mode shift. The County of Humboldt supports legislation similar to H.R.4722 (Blumenauer) in the next Congress to carry out an active transportation investment program to encourage a mode shift to active transportation within communities by providing safe and convenient options to bicycle and walk for routine travel, and for other purposes. This legislation addresses non-motorized transportation options and funds this complementary missing piece of concentrated funding to allow communities to complete *systems*, instead of just focusing on *segments*.

A way to streamline federal funds is to reduce the current 108 programs under SAFETEA-LU into a smaller number of more flexible programs, such as the 10 new federal programs recommended by the National Surface Transportation Policy and

# FEDERAL LEGISLATIVE PROPOSALS

Revenue Study Commission. Regardless of what a more streamlined act looks like, the following are priorities that should be included in the next reauthorization:

## **Protect and Enhance Transportation Revenues and Expenditures**

- Enhance revenues, keep the Highway Trust Fund solvent, and find a long-term solution for a stable funding source. This includes support for an increase and/or index of the federal gas tax.

## **Protect Previous and Future Investments via System Maintenance and Preservation**

- Provide increased funding for adequate maintenance and preservation of the existing local and state transportation systems, including bridges.

## **Increase Safety on Existing Transportation System**

- Increase funding for safety infrastructure projects, with an emphasis on programs aimed at reducing fatalities, especially on the rural road system where fatality rates are the highest. Specifically, support and increase funding for the High Risk Rural Roads Program (HRRR).

## **Improve Environmental Stewardship and Address Climate Change Concerns**

- Provide incentives in current programs and/or provide new funding sources for climate neutral or friendly transportation projects and programs, including local street and road maintenance and preservation programs.
- Provide financial incentives for rural sustainability.
- Provide financial support for regional and local planning processes, such as California's Regional Blueprint Planning Program.
- Provide assistance for data collection and determining and quantifying greenhouse gas emission sources/levels and vehicle miles traveled in order to assist local and regional agencies in efforts aimed at addressing climate change.
- Provide funding for retrofitting equipment and for alternate fuel infrastructure.

## **Streamline the Regulatory and Project Delivery Processes**

- Designate California as a permanent participant in the Surface Transportation Project Delivery Pilot Program and expand the program beyond Federal Highway Administration projects to include transit and air quality conformity projects.
- Support streamlining of federal regulations/requirements to facilitate more expeditious project delivery. Mandate federal permitting agencies to meet the prescribed schedules and deadlines that are specified in the environmental review process, reduce overhead, eliminate waste, and reduce documentation that is redundant with processes required under state law.
- Ensure that federal project oversight is commensurate to the amount of federal funding.

# FEDERAL LEGISLATIVE PROPOSALS

## **Increase State, Regional, and Local Agency Flexibility to Respond to Needs**

- Maximize the use and flexibility of federal funds by not requiring minimum federal matches.
- Eliminate the need to program multiple phases for small projects.
- Eliminate need for Transportation Improvement Programs for air quality neutral projects.

The County of Humboldt supports the above principles for reauthorization of the new federal highway funding bill as supported by the California State Association of Counties.

# **FEDERAL APPROPRIATION REQUESTS**

## **COMMUNITY DEVELOPMENT**

### **BROWNFIELD REMEDIATION AND LIABILITY**

Rural areas of Humboldt County include large unused vacant industrial sites, particularly former mill sites. Clean-up of these apparent toxic Brownfield sites is the single largest hindrance to redevelopment of these areas. These sites can cost tens of thousands into the millions depending upon the amount of toxins found. The County has received funding from the U.S. Environmental Protection Agency in the past to assess the characterization and cleanup of Brownfield sites. The County's goal is to receive additional funding to expand the program and provide greater incentives to property owners to cleanup and redevelop Brownfield properties.

The County strongly supports legislation and developing bond grant guidelines that includes Brownfield Remediation funding.

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

Public infrastructure in Humboldt County is in need of \$200 million in upgrades to bring existing systems up to public works and regulatory standards, and needs to be expanded to meet current and anticipated population needs. 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 such as the Arcata Water Storage Reservoir, and Orick Waste Water System. Infrastructure is critical to maintaining the local economy. These projects require federal financial assistance due to their high costs.

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

### **FUNDING FOR REDUNDANT BROADBAND LINK**

Humboldt County has one fiber optic cable line that runs along U.S. Highway 101 from Ukiah to Eureka. Humboldt County has had four fiber optic outages over the last several years. As a result of these outages, internet service was cut off, many businesses were unable to process debit cards and retail gift cards, ATM machines were down, and some cellular phone service was interrupted. These outages affected Mendocino, Humboldt, and Del Norte Counties.

A number of North Coast broadband infrastructure proposals were developed and submitted in 2010 for American Recovery and Reinvestment Act funding. While the main infrastructure proposals were not selected for funding, the proposals defined the

# **FEDERAL APPROPRIATION REQUESTS**

projects and opportunities and increased the readiness and competitiveness of North Coast broadband projects for future funding.

The County strongly supports legislation to support funding to provide broadband redundancy to the North Coast and funding or business incentives to assist companies in bringing broadband service to unserved and underserved areas of the County.

## **SUPPORT FOR PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAMS AND REPEAL OF FEDERAL HOUSING FINANCING AGENCY (FHFA) PROHIBITION**

In 2008, the State of California passed legislation (AB 811) to give localities the authority to create Property Assessed Clean Energy (PACE) programs, providing businesses and homeowners the ability to finance energy-efficiency and clean-energy upgrades to their property. These upgrades provide consumers the opportunity to obtain lower energy costs while reducing dangerous greenhouse gas emissions.

The County of Humboldt, in partnership with the counties of Del Norte, Lake, Mendocino, Modoc, Sonoma and Trinity was the recipient of a \$4.38 million American Recovery and Reinvestment Act PACE grant funded through the California Energy Commission. The program was expected to leverage an additional \$22 million in financing and create more than 150 full-time jobs.

On July 6, 2010 the Federal Housing Finance Agency (FHFA) issued a statement amounting to a prohibition of PACE financing for homes that might be financed with FHFA approved mortgages. The FHFA statement resulted in the loss of the \$4.38 million grant and a cessation of PACE programs nationwide.

The County supports the right to implement PACE programs and establish property assessment liens for energy conservation and renewable energy investments. PACE programs create jobs, stimulate business growth, reduce greenhouse gas emissions and add lasting value to residential and commercial properties without increasing risks of mortgage defaults. Therefore, the County supports PACE legislation similar to S. 3642/H.R. 5766 in the next Congress to rescind the FHFA statement and reestablish PACE programs consistent with FHFA mortgage guidelines.

## **RE-AUTHORIZATION OF THE WORKFORCE INVESTMENT ACT**

A well-trained workforce and a system that supports people to transition from a declining industry into a growing one is essential to a healthy economy. The County needs federal funding to provide training for workers who are laid off from their jobs, adults who have been unemployed long-term and youth seeking to prepare for success in the workplace. The Humboldt County Workforce Investment Board is an effective working collaboration of business, government and non-profit leaders. Our county has successfully utilized these funds to identify growing industries—Targets of

# **FEDERAL APPROPRIATION REQUESTS**

Opportunity—to listen to employers and translate their highest needs into meaningful programs, and to link transitioning and young workers with growing industries.

The County supports re-authorization and full funding of the Workforce Investment Act.

## **HEALTH AND HUMAN SERVICES**

### **ELDER JUSTICE ACT**

The Patient Protection and Affordable Care Act incorporated provisions of the Elder Justice Act, including authorizing \$100 million in federal fiscal years 2011-2014 in first-time dedicated federal funding for adult protective services (APS). The funds are to supplement, not supplant, existing APS resources.

The County supports full appropriation of Elder Justice Act dedicated Adult Protective Services funding.

### **COMPREHENSIVE NUTRITION AND PHYSICAL EDUCATION PROGRAMS IN PUBLIC SCHOOLS**

Nutrition and physical education curricula and programming have suffered severe reductions as schools have been required to meet more exacting academic standards in an atmosphere of increased standardized testing and scrutiny. For many children, particularly those from low-income families, school is their primary opportunity to develop healthy eating and exercise habits. Obesity is the nation's #1 health problem, and developing healthy nutrition and activity habits in children is the best and most cost-effective method to prevent obesity in the future.

The County supports funding for comprehensive nutrition and physical education programs at all levels of public schools.

### **PREVENTION AND PUBLIC HEALTH FUND**

The Patient Protection and Affordable Care Act (Act) appropriates \$500 million in federal fiscal year (FFY) 2010, escalating to \$2 billion in FFY 2015 and each fiscal year thereafter to expand prevention, wellness and public health activities. Recently, proposals have surfaced to divert these funds as offset for other federal spending. This unprecedented investment in prevention and public health must be protected to be used as intended under the Act.

The County supports protection of the Patient Protection and Affordable Care Act Prevention and Public Funds and requests that a portion of the Fund be allocated to local public health departments.

# **FEDERAL APPROPRIATION REQUESTS**

## **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 to the community 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.

## **PUBLIC SAFETY**

### **PROTECT, EXTEND, AND BROADEN ALLOWABLE USES OF SECURE RURAL SCHOOLS ACT FUNDING**

The Secure Rural Schools Act of 2000 (also known as HR 2389 Forest Service Funding) allows counties to receive U.S. Forest Service funding for specified purposes for roads, schools, and fire protection on federal lands. However, the allowable uses under Title III for fire protection limit eligible expenditures to fire planning and safety on federal lands. Many rural fire districts and volunteer fire departments respond to fires adjacent to federal land, and/or drive through federal lands to reach structural fires on non-federal lands. It would increase the safety of Humboldt County lives and property if the funding could be used to augment structural fire protection in rural areas adjacent to federal lands.

In 2007, the Secure Rural Schools Act was authorized for a four-year period and is scheduled to end in 2011. The County depends upon the funding and strongly advocates for the protection and extension of this valuable program.

The County supports the protection and renewal of the Secure Rural Schools Act as well as any legislation that would broaden the allowable use of the program.

# **FEDERAL APPROPRIATION REQUESTS**

## **PUBLIC WORKS**

### **FEDERAL AVIATION ADMINISTRATION FUNDING**

The current Federal Aviation Administration (FAA) funding bill expired in September 2007 and has been kept active through a series of short term extensions. The short term extensions do not allow for long term planning and have affected many aviation projects. Just as with highway projects, many aviation projects cross over several fiscal years. Without certainty of funding, these projects cannot move forward or move forward at the economic risk of the airport owners. This issue has already affected Humboldt County with our Arcata-Eureka airport terminal remodel and expansion project. Only because the Headwaters Fund was available for infrastructure improvements was this project able to move forward, however the passing of a new FAA funding bill is needed to ensure that the loaned funds from the Headwaters Fund can be repaid through future passenger facility charges (PFC's). The uncertainty of funding duration makes it difficult to administer and program projects that take longer than the short term extensions of FAA funding. This issue would be alleviated by the long term guarantee of the ability to collect PFC's.

The County supports legislation that provides for long term Federal Aviation Administration (FAA) funding.

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

The Humboldt County Public Works Department 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 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, and fish habitat and water quality is 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

## **FEDERAL APPROPRIATION REQUESTS**

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 a Congressional appropriation for the U.S. Army Corps of Engineers to initiate a new-start Reconnaissance Study to analyze opportunities to provide adequate flood protection to the community of Orick and restore the Redwood Creek estuary. The established cost for a Reconnaissance Study by the Corps of Engineers is \$100,000. Authorization for a Reconnaissance Study by the Corps of Engineers exists under Section 209 of the Flood Control Act of 1962 (Northern California Streams Study Authority) and Section 216 of the River and Flood Control Act of 1970 (Review of Completed Projects). The Reconnaissance Study may come in the form of a Section 905(b) Analysis as authorized under Section 216 of the River and Harbors Flood Control Act of 1970.

### **INDIAN RESERVATION ROADS FUNDING (IRR)**

California's tribes have long been underserved in the federally funded IRR program. As a result, the roads, bridges and transit systems that make up the California State Transportation System and that provide access to the 109 federally-recognized Tribes and rancherias in California are in such poor condition that the health, safety, security and economic well being of Tribal members and California's traveling public are in jeopardy. While SAFETEA-LU provided modest improvements for California tribes, there are efforts underway to erase those improvements and decrease the amount of money flowing to California.

The changes proposed to the IRR funding would remove State and County roads from the IRR inventory. These changes would reduce current funding available to California tribes by nearly one-third. To date, Humboldt County has received over \$1.3 million from local tribes for improvements on County Roads, with \$2.5 million in additional projects moving forward. This funding could be compromised by proposed changes in IRR funding allocations.

The County opposes changes to the Indian Reservation Roads (IRR) Program that would remove State and County Roads from the IRR inventory.

# FEDERAL APPROPRIATION REQUESTS

## **STORMWATER MANAGEMENT PROGRAM: MCKINLEYVILLE AND HUMBOLDT AIRPORTS**

The Federal Clean Water Act requires that most municipal entities obtain National Pollutant Discharge Elimination System (NPDES) permits and reduce the pollutant load from municipal storm sewers to the maximum extent practicable. NPDES has been an unfunded mandate. Under the authority of the Federal Clean Water Act, the California State Water Resources Control Board has issued Water Quality Order 2003-0005-DWQ. In response, the County has prepared a Storm Water Management Program (SWMP) for the unincorporated community of McKinleyville, and the Arcata/Eureka and Murray Field airports for Phase II of the NPDES program.

The SWMP outlines activities to be implemented during the first five-year NPDES permit period, such as regulation and inspection of construction, industry, municipal operations, commercial uses, and maintenance activities. It also requires a program of public outreach and education, as well as research studies and water quality monitoring programs. For certain types of development, on-site storm water filters or treatment and implementation of Best Management Practices are required to minimize pollutants discharged to surface water.

Although these requirements are unfunded mandates, failure to implement the program will subject the County to fines of up to \$27,500 per day, and both civil and criminal liability for willful noncompliance. Either the NPDES requirements need to be deferred, or funding mechanisms for implementation need to be identified.

The County supports legislation and/or federal regulations that postpone implementation of the NPDES permit requirements for the Storm Water Management Program. The County also supports legislation that provides funding for implementation of these requirements.