

# 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**

### **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.

## **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 LEGISLATIVE PROPOSALS

## 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 that addresses 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 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.

# FEDERAL LEGISLATIVE PROPOSALS

## **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.

## **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**

### **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.

### **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.

AT&T, Suddenlink and Charter Communications are interested in developing backhaul broadband capacity to the north, through Orick up to Crescent City. The estimated cost is between 4 and 5 million dollars. Up to forty percent of these costs may be covered by the California Advanced Services Fund.

The County strongly supports legislation to support funding for a fiber optic link from the north to provide broadband redundancy and funding or business incentives to assist companies in bringing broadband service to unserved and underserved areas of the country. In addition, the County supports funding for a fiber optic link over Highway 299 that goes through Redding.

### **BROWNFIELD REMEDIATION AND LIABILITY FUNDING**

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 (EPA) in the

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past to assess the number of brownfield sites in redevelopment areas. The County's goal is to expand this work to other unincorporated areas of the County.

The County strongly supports legislation and developing bond grant guidelines that includes brownfield remediation funding.

## **HEALTH AND HUMAN SERVICES**

### **HIV AND VIRAL HEPATITIS PREVENTION, TREATMENT, AND HARM REDUCTION**

Community-based prevention programs, particularly those aimed at youth, are a cost-effective public health strategy. Humboldt Health & Human Services assists numerous individuals annually who are living with AIDS or the HIV virus; with the significant loss of State funding in the 2009-10 budget, continued federal funding is essential for the care and treatment of these intensive cases.

The House of Representatives attempted to partially repeal the ban on the use of federal funds for needle exchange programs in the annual Labor, Health and Human Services Appropriation bill, by specifying that federal funds cannot be used to support a needle exchange program within 1000 feet of places where children congregate. There is also legislation introduced annually in the House to fully repeal the existing ban.

The County supports legislation that repeals the ban on the use of federal funds for needle exchange programs.

### **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, 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.

### **HEALTHY LIFESTYLES**

There is often a marked lack of support in the built community and the workplace for healthy lifestyles, including physical activity and healthy food choices. Good nutrition and physical activity can be increased by a Public Health policy approach to the built

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community and by employee wellness programs. Additional funding for Healthy Community Initiatives would go a long way toward increasing community health and reducing the incidence of obesity and chronic disease in our population.

The County supports additional funding for Healthy Community Initiatives that promote workplace wellness, support physical activity, and increase access to healthy food.

## **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.

## **NATURAL RESOURCES**

### **ESTATE TAX REFORM AND LAND CONSERVATION**

Private landowners hold some of the most important wildlife habitats, watersheds, forests, farms and open lands. Estate taxes can lead to the break-up, sale and development of family-owned farm, ranch and forest lands. In California the value of most family farm estates is in the land and when deaths occur within a family, it becomes very difficult to continue farming without re-mortgaging or selling some of the land to satisfy the estate tax settlement. Current land conservation incentives work by providing estate tax exclusion under Section 2031(c) of the Internal Revenue Code. This provision provides an estate tax exclusion of up to 40% of the restricted value of land protected by a conservation easement. Since the current law was passed in 1997, farm land values have increased approximately 133% requiring a significant increase in the easement exclusion to preserve the land whole for passing to heirs.

H.R. 3524 – Family Farm Preservation Estate Tax Act introduced by Rep. Mike Thompson would exempt working farms and ranch lands from the estate tax as long as the land is kept in agricultural production.

The County supports H.R. 3524.

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## **INCREASED FUNDING FOR WILDLIFE SERVICES PROGRAM**

The Humboldt County Agricultural Commissioner's Office and the U.S. Department of Agriculture (USDA) currently share costs to maintain the Humboldt County's Wildlife Services Program. In prior years, this program was funded one-third by the USDA, one-third by the California Department of Food & Agriculture, and one-third by the County. However, State funding was eliminated some years ago. The program responds to public needs in handling conflicts with wildlife, to reduce losses to livestock producers by predatory animals, and to protect urban areas and respond to nuisance complaints. Due to the proximity of urban areas to wildlife areas in Humboldt County, it is inevitable that conflicts arise between humans and wild animals. In these cases, it is crucial to have trained Wildlife Service professionals available to respond to complaints and/or concerns.

The County supports legislation or budget language that would provide federal contribution that matched the cost of the Wildlife Services Program.

## **PROTECTION OF KLAMATH RIVER FISHERIES**

Severe infection by the myxozoan parasite *Ceratomyxa shasta* has been a primary contributor to the declining numbers of juvenile Klamath River salmon and subsequent negative impacts on later adult returns. Research conducted by Oregon State University and the U.S. Fish and Wildlife Service has identified a stretch of the river in which high parasite densities and large numbers of infected invertebrate hosts for the parasite result in severe disease and high mortality, thus providing a target for management actions.

The County supports legislation to fund the management of the disease in Klamath River salmon. The County also supports State and federal legislation, and associated funding to facilitate removal of dams on the Klamath River and restoration of habitat and water quality.

## **PUBLIC SAFETY**

### **COPS HIRING RECOVERY PROGRAM (CHRP)**

The COPS Hiring Recovery Program (CHRP) was established in 1994, and at that time was funded at well over \$1 billion annually until 1999. After that time the program was unwisely and drastically reduced over the years to only \$10 million in 2005 and was then completely zeroed out in 2006 and 2007. Despite the fact that this funding became scarce, the need at the local level has continually increased.

In 2009, \$1 billion was included in the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) for CHRP to hire or retain law enforcement officers for the next 3

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years. The need for additional funding is clearly indicated by the over 6,000 local law enforcement agencies that requested funding but were denied. Clearly, more funding is needed for this vital program. Especially important to local law enforcement agencies is the fact that the CHRP is the only federal program (within both Departments of Justice and Homeland Security) available to local agencies to assist in hiring officers and putting “boots on the streets” to meet the ever increasing need for law enforcement services.

At present, due to local and state economic conditions, the County has 10 allocated but unfunded deputy sheriff positions, which adversely impacts the ability to maintain basic, core, law enforcement services and also adversely impacts the County’s budget due to an increased need to utilize overtime for maintaining core services.

The County strongly feel that funding for this program needs to be continuously appropriated and even increased so that agencies that have not yet been funded can receive financial support to help them transition through the present economic downturn.

The County strongly supports increased and continued funding for the COPS Hiring Recovery Program.

### **COMBAT METHAMPHETAMINE DRUG TRAFFICKING PROGRAM**

Humboldt County has a significant problem with the manufacture, sale, and personal use of methamphetamine. This major issue significantly impacts local business community, private and public health care, social services, schools, law enforcement, and judicial resources in a very adverse manner – both financially and socially. The methamphetamine problem directly impacts the crime rate, especially property crimes such as burglary and larceny, domestic violence, child abuse crimes, and officer safety. Due to Humboldt County’s limited financial resources, only two Deputy Sheriffs can be dedicated to directly deal with and combat this type of narcotic-related crime.

Lack of funding prevents the Humboldt County Sheriff’s Office from directing an appropriate amount of resources to bring about a significant reduction in the manufacture, sale, and personal use of methamphetamine that has been brought into the rural community by organized drug trafficking organizations.

The County supports funding that would allow small rural counties to better fight the growing methamphetamine problem and combat the growing activity of organized drug trafficking organizations.

# **FEDERAL APPROPRIATION REQUESTS**

## **OPPOSITION TO MEDICAID REFORM THAT EXCLUDES PROBATION FROM PARTICIPATION IN TITLE XIX-TARGETED CASE MANAGEMENT (TCM) PROGRAM**

In July 2004, the Federal Centers for Medicare and Medicaid Services (CMS) notified the State Department of Health Services (SDHS) that it would not approve the Adult Probation and Public Guardian Targeted Case Management (TCM) programs' inclusion in the FY 2003-04 State Plan Amendment (SPA). SDHS successfully argued against the CMS ruling. However, CMS indicated that it intended to pursue legislation to remove Probation entirely from the State Medicaid Plan in 2005.

Amendments were made to the Medicaid Regulations which resulted in a number of changes in the Medicaid program. These amendments seek to find cost savings by amending the federal statutory definitions and establishing new standards for Medicaid case management and rehabilitation services, including the exclusion of coverage for rehabilitative services that are intrinsic elements of programs other than Medicaid. The Medicaid reform amendments, as currently written, would have resulted in the exclusion of Probation from further participation in specified provisions of Title XIX of the Social Security Act. However, a one-year federal moratorium was imposed delaying the effective date of specified TCM provisions affecting Probation's ability to participate in the TCM program.

If the moratorium is lifted on these federal CMS rule changes, the County's ability to care for its most at-risk and vulnerable citizens will be compromised, and limited state and local financing structures will be strained.

The County supports federal legislation removing the proposed changes to the Medicaid Regulations that would exclude Probation from participating in the Targeted Case Management (TCM) program covered under the Medicaid program.

## **NATURAL DISASTER PLANNING AND PREPAREDNESS FUNDING**

Over the last five years, the Federal Government has provided Homeland Security monies to local governments to assist in terrorism planning and preparedness. However, these monies could not be spent on planning and preparedness for natural disasters such as floods and earthquakes. Local governments need funding for staff to prepare disaster response plans, conduct tabletop exercises, and to purchase equipment necessary in responding to natural disasters.

Therefore, the County supports funding to local governments for natural disaster planning and preparedness activities.

# **FEDERAL APPROPRIATION REQUESTS**

## **DRUG TREATMENT SERVICES**

In California and within Humboldt County, very few resources exist for youth drug treatment, specifically residential or inpatient care. Even the state's Drug Medi-Cal program neglects many of the drug treatment needs of youths. The increasing trend of both youth substance abuse disorders and juvenile drug arrests is compounded by the lack of drug treatment in the juvenile institutional setting. There is clearly a huge youth treatment gap that needs to be addressed.

The County strongly supports legislation that would support Drug Treatment Services for Youth.

## **PUBLIC WORKS**

### **JOBS FOR MAIN STREET ACT OF 2010**

On December 16, 2009, the House of Representatives passed H.R. 2687, the Jobs for Main Street Act of 2010. The Senate is expected to vote on H.R. 2687 in January 2010. The Act authorizes a \$154 billion spending plan, which includes \$74 billion to create or preserve publicly funded jobs in areas such as education, law enforcement, school and housing repairs and highway, airport and mass-transit construction.

H.R. 2687 also includes an extension of the Surface Transportation Extension Act of 2009, which is the legislation that temporarily extends the funding for the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The program will be funded with \$53.5 billion until September 2010, which would allow the Congress to craft new long-term legislation.

The County strongly supports the H.R. 2687.

### **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

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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.

## **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 is 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 FFA 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.

## **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,

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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 dollars 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.

## **REVENUE RECOVERY**

### **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 HR 1956.

