



## **COUNTY OF HUMBOLDT** 2007 Federal Legislative Platform

### General Legislative Policy Guidelines

#### **Administration**

- ✚ Advocate for maximum federal financial support and local flexibility in the administration of federally mandated programs.
- ✚ Support legislation to limit unfunded federal mandates on state and local governments, as well as legislation to implement federal regulatory reform to reduce burdensome and unnecessary regulatory and administrative requirements of federal programs.

#### **Agriculture**

- ✚ Advocate for federal budget appropriations for high-risk pest and disease control, exclusion, and eradication programs.

#### **Community Development**

- ✚ Support funding for brownfield remediation and the Buckhorn Grade Improvement Project.

#### **Health & Human Services**

- ✚ Support simplification of federal regulations, flexibility, and maximum financial support of local health care delivery.
- ✚ Aggressively oppose reductions in Medicare funding programs.
- ✚ Support legislative efforts and budgetary proposals to create new and expanded programs to attract and train more public health laboratory directors.

- ✚ Support budget appropriations for local health programs to address chronic health conditions and to support and modernize local disease control and prevention.
- ✚ Support budget appropriations to local health departments for emergency and bio-terrorism preparedness, response, and infrastructure development to address public health threats and emergencies.
- ✚ Support simplification, flexibility, and lessening of federal benefit restrictions pertaining to income maintenance social services program requirements.
- ✚ Advocate for maintenance and enhancement of veterans services in Humboldt County.

### **Public Safety**

- ✚ Support federal funding and equitable distribution of funding for local public safety efforts, including law enforcement, drug courts, juvenile justice, delinquency prevention and intervention, anti-methamphetamine programs, counter-terrorism programs, and emergency response to natural disasters.

### **Public Works**

- ✚ Support maximum federal funding participation directly with local agencies for various infrastructure projects critical to the economic vitality of Humboldt County.
- ✚ Advocate maximum flexibility in legislative and regulatory requirements for project delivery.



## Community Development - Federal Legislative Projects

COUNTY OF HUMBOLDT – COMMUNITY DEVELOPMENT DEPARTMENT  
Contact: Kirk Girard, Community Development Director, e-mail [kgirard@co.humboldt.ca.us](mailto:kgirard@co.humboldt.ca.us);  
Ph (707) 268-3735

### 1. **Title: Funding for Public Infrastructure Projects**

**Legislative Platform:** Support legislation that maintains or increases federal funding for public infrastructure (sewer, water, drainage) projects. This can include revolving loan funds.

**Issue and Background:** Public infrastructure in Humboldt County is in dire need of upgrades to bring existing systems up to public works and regulatory standards, and need 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. Infrastructure is critical to maintaining the local economy. These projects require state and federal financial assistance due to their high costs. A total of \$180 million is needed just to bring sewer and water systems within Humboldt County into compliance with public works and regulatory standards. Examples of projects include the Arcata Water Storage Reservoir (also serving the cities and communities of Eureka, McKinleyville, Fieldbrook, Blue Lake, Manila, and the Humboldt Community Services District, \$3.8 million); the Orick Wastewater System; Ferndale Wastewater Treatment Plant Improvements, \$6.1 million; and the Ramney Collectors Domestic Drinking Water Rehabilitation/Upgrade (serving Arcata, Blue Lake, Eureka, Fieldbrook, Humboldt, Manila, and McKinleyville, \$4.2 million).

There is also a strong need to expand existing systems due to population growth. For example, the Martin Slough Interceptor Project alone is projected to cost \$30 million; and the sewer systems in the communities of Willow Creek, Glendale, and McKinleyville are all in need of expansion.

### 2. **Title: Funding to Encourage Development of Affordable Housing**

#### **Legislative Platform:**

- ✚ Support legislation that provides incentives, such as tax credits or grants to public jurisdictions, to encourage the development of affordable housing.
- ✚ Support legislation that would eliminate local cash match requirements for existing federal housing programs.

**Issue and Background:** Humboldt County is obligated to provide a certain amount of affordable housing each year. Due to high land and building costs in California, the private sector alone cannot meet these goals.

Many housing programs that are available through the federal government, such as the farmworker housing program, require a 20-40% local cash match to access federal funds. For a \$2 million project and a 20% match requirement, the County would need to provide \$400,000 for its local cash match. Humboldt County is too cash-strapped to provide this level of matching funds. Therefore, elimination of local match requirements on existing housing programs would be highly desirable.

Although a federal tax credits program offers credits to corporations that invest in affordable housing and the State offers tax credits and issues bonds for housing, there is simply more demand for affordable housing than funding available to meet the needs. Additional tax credits or grant programs for government agencies to provide subsidized housing are needed.

### 3. **Title: Brownfield Remediation and Liability**

#### **Legislative Platform:**

- ✚ Support legislation that maintains or increases funding for remediation of toxic brownfield sites, particularly those in rural areas.
- ✚ Support legislation that encourages the reuse of formerly developed properties and limits liability for developers of these sites, particularly in rural areas that have large unused vacant industrial sites.

**Issue and Background:** 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. The County has received funding from the U.S. Environmental Protection Agency (EPA) in the 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. Liability has been an obstacle to redevelopment of these areas. In October 2004, the State of California enacted the California Land Reuse and Revitalization Act that limits the liability of developers. This act made it easier for developers to redevelop brownfield sites. Humboldt County would oppose any legislation that reverses the gains made in this act.

An ideal source of funding would be grants from the federal government to develop revolving loan funds for brownfield clean-up, with provisions for forgivable loans to public entities.

### 4. **Title: Buckhorn Grade Improvement Project**

**Legislative Platform:** Support legislation that provides funding for further development of the Buckhorn Grade Improvement Project on State Route 299.

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



## General Government - Federal Legislative Projects

COUNTY OF HUMBOLDT – COUNTY ADMINISTRATIVE OFFICE

Contact: Stephanie J. Larsen, Assistant County Administrative Officer, e-mail [slarsen@co.humboldt.ca.us](mailto:slarsen@co.humboldt.ca.us);  
Ph (707) 476-2388

1. **Title: Fulfill the Provisions of the Payment in Lieu of Taxes Act Related to the Redwoods National Park Land Acquisition**

**Legislative Platform:** Support special legislation or administrative remedies that would allow for a one-time PILT appropriation of \$5.15 million owed to Humboldt County due to the Redwoods National Park land acquisition in 1978.

**Background and Discussion:** In 1978, the federal government expanded Redwood National Park in Humboldt County. Per Section 6905 of the Payment in Lieu of Taxes Act, the County and the associated agencies affected by the park acquisition are entitled to PILT payments until 5% of the fair market value has been reached. The fair market value of the Redwood National Park Expansion has been estimated to be \$738,909,235; therefore 5% of that amount is \$36,945,462, or almost \$37 million. However, Congress has paid in-lieu taxes to Humboldt County of less than \$32 million. According to the Auditor-Controller, the remaining amount due is \$5,150,146. These remaining payments could not be made as a result of federal funding limitations. The Bureau of Land Management does not have authority to carry forward any PILT payment, or portion of a PILT payment that could not be made as a result of funding limitations. Thus, this request is for enabling legislation or an administrative remedy that would allow for a one-time PILT appropriation of \$5.15 million to complete the original acquisition agreement.

If the remaining \$5.15 million were paid in full, the County General Fund would receive approximately \$1.8 million, the Roads Fund would receive \$239,000, and the Library Fund would receive \$82,000. Other agencies that would receive significant amounts are: the the Klamath-Trinity Unified School District, \$1.4 million; North Humboldt Union High School District, \$549,000; the Redwoods Junior College District, \$436,000; Big Lagoon Union School District, \$274,000; and the Orick School District, \$240,000. The Orick Community Services District; the Humboldt Bay Harbor, Recreation, and Conservation District; the County School Service Fund; and Trinidad School District would also receive their proportionate shares of the total. These figures represent significant amounts to these small public agencies.

2. **Title: Full or Increased Funding of Payment in Lieu of Taxes Act (PILT)**

**Legislative Platform:** Support legislation that provides full funding of the PILT funding formula, or at least increases the percentage of the funding formula that is paid to counties.

**Background and Discussion:** The Payment In Lieu of Taxes Act of 1976 gives counties that have tax-exempt federal land a portion of the tax revenue they would have collected had the land been privately owned. Congress uses a formula based on population, acreage, and other federal funding sources to determine how much counties would have received in property taxes. Currently, Congress pays counties only 68% of what its formula determines that counties are owed.

The Humboldt County General Fund received approximately \$96,000 in PILT funding for 469,751 acres of federal land in FY 2005-06. If this represents 68% of the full funding formula, then full-funding would have been approximately \$141,000 – over \$45,000 more.

3. **Title: Streamlined Sales Tax Agreement**

**Legislative Platform:** Support legislation that overturns the *Quill* decision and requires out-of-state retailers to collect sales taxes.

**Background and Discussion:** Internet sales have largely been tax-free to encourage the development of the internet commerce medium, and because of differing tax laws in each of several thousand different taxing jurisdictions. Sales taxes generate 33% of all state revenue and 12% of all revenue to local governments. However, this revenue is rapidly eroding as an increasing number of consumers make purchases on-line. Sales taxes are never collected on almost two-thirds of business-to-consumer transactions over the internet. States can only require retailers located within their borders to collect sales tax on their behalf. The U.S. Supreme Court has ruled that it is a violation of the Commerce Clause of the United State Constitution for a state to require a retailer that is not physically located within a state to comply with a state's tax laws. Proposed federal legislation would overturn the *Quill* decision and require out-of-state retailers to collect sales taxes – but only for states that become members in the Streamlined Sales Tax Agreement. California is not yet a member of the Agreement.



## Health & Human Services - Federal Legislative Projects

COUNTY OF HUMBOLDT – DEPARTMENT OF HEALTH & HUMAN SERVICES  
Contact: Alexandra Wineland, DHHS – Public Health Branch Directors, e-mail [awineland@co.humboldt.ca.us](mailto:awineland@co.humboldt.ca.us);  
Ph (707) 268-2121

### 1. **Title: Public Health – Pandemic Preparedness**

**Legislative Platform:** Support legislation for non-categorical funding to address individual County issues and mandates related to pandemics (e.g., pandemic flu, emerging diseases, smallpox pre-event vaccination plans, etc.)

**Background and Discussion:**

Infrastructure is required for emergency preparedness. Humboldt County needs financial resources to enhance its infrastructure, for active surveillance, for pre-event mandates from the state and federal governments, and for any major disaster or disease pandemic.

### 2. **Title: Healthy Lifestyles**

**Legislative Platform:** Support Healthy Community Initiatives including work place wellness, built communities that support physical activity, and access to healthy food.

**Background and Discussion:**

There is a marked lack of support in the built community and the workplace for healthy life styles, including physical activity and healthy food choices. Good nutrition and physical activity can be increased by a Public Health approach to the built community and by employee wellness programs. Additional funding opportunities through State Legislation 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.

### 3. **Title: Funding for HIV Care and Treatment**

**Legislative Platform:** Support legislation that continues or increases the current level of funding for the care, treatment, and case management services related to AIDS and HIV.

**Background and Discussion:** The federal government may drastically reduce Ryan White Title II allocations to California for FFY 2006-07. Major reductions may cause the California Office of AIDS to reduce allocations to local health jurisdictions. The Humboldt County Department of Health & Human Services assists numerous individuals annually who have AIDS or the HIV virus. Continued funding is essential for the care of and treatment of these intensive cases.

4. **Title: Cancer Research Funding**

**Legislative Platform:** Support legislation that continues cancer research funding at its current level or higher, and oppose legislation that reduces cancer research funding.

**Background and Discussion:** Congress is proposing a \$100 million cut in cancer research funding. This would cause delays in the development of new cancer drugs, screenings, and lifesaving cancer treatments.



## Natural Resources - Federal Legislative Projects

COUNTY OF HUMBOLDT – AGRICULTURAL COMMISSIONER  
Contact: John Falkenstrom, Agricultural Commissioner/Sealer of Weights & Measures,  
e-mail [jfalkenstrom@co.humboldt.ca.us](mailto:jfalkenstrom@co.humboldt.ca.us); Ph (707) 441-5260

### 1. **Title: High-Risk Pest Exclusion Programs**

**Legislative Platform:** Support legislation that would fund High-Risk Pest Exclusion Programs through the USDA Animal Plant Health Inspection Service.

**Background and Discussion:** Humboldt County conducts high-risk pest exclusion inspections at distribution points for packages containing plant material. These inspections are extremely important for ensuring that the agricultural industries of Humboldt County, the State of California, and neighboring states are kept free from the introduction of foreign pests on commercial plant shipments, which could seriously impact both our environment and our agricultural industries. Because these inspections are so important to California's agricultural industry, the California Department of Agriculture (CDFA) used to provide contract program funding. These reimbursements were eliminated completely in FY 2005-06. Because the program is so important to the County, the Agricultural Commissioner's Office has absorbed the unreimbursed costs, but has had to limit and prioritize the inspections that it conducts. The estimated cost of providing these inspections in FY 2006-07 is approximately \$59,000.

### 2. **Title: Sudden Oak Death Management and Mitigation Resources**

**Legislative Platform:** Seek legislation that would support funding for efforts to 1) continue to slow the spread of Sudden Oak Death and 2) provide resources to remove the large number of hazardous dead trees.

**Background and Discussion:** The presence of Sudden Oak Death in the north coast of California represents an emergency situation with very limited time for coordinated action. The infestation in the southern part of Humboldt County is isolated and small from the other 13 California counties currently impacted by the disease. It also represents a rare opportunity to try and manage the wildland disease, that no other County is in a position to address. Several factors make the spread of Sudden Oak Death (SOD) a particular concern in the north coast region. It is now clear that left un-managed, the pathogen will continue to spread in north coast wildlands; one small infestation detected in 2002 in Southern Humboldt has grown to encompass patches scattered over several dozens of square miles and threatens much of the north coast. Many speculate that if the infestation in Humboldt County is left unmanaged it will vector the pathogen to Del Norte County and to Oregon. Ecologists expect Sudden Oak Death's impacts to area forest ecosystems (tribal, wildlife, fire hazard, and aesthetic, to name a few) to be significant.

There is a limited time window for early response and pathogen control following the point of detection of a new wildland infested area. The County is grateful for the past funding from the Forest Service, matched (50/50) by the California Department of Forestry and Fire Protection, University of California and a few others; however, early response is limited by lengthy contracting processes that do not support emergency action. The County is in need of more institutional and financial resources to manage this growing problem. The Humboldt County office of UC Cooperative Extension is expecting to receive \$185,000 from the USDA Forest Service for FY 2006-07 to continue an early detection and very limited strategic management response problem, but a realistic cost for control is \$1.0 million. Resources are also needed to address the impacts of the disease. As Sudden Oak Death spreads, it leaves behind significant numbers of dead trees that present both fire and safety hazards. The County has no funds available to remove dead trees along County roads, or to assist local communities in managing the increasing dead tree problem. The estimated costs for dead tree management ranges from \$50,000-\$100,000 annually.

### 3. **Title: Funding for Wildlife Services Program**

**Legislative Platform:** Support legislation that would provide an increase in or full cost reimbursement for Wildlife Services Program.

**Background and Discussion:** The Humboldt County Agricultural Commissioner's Office and the U.S. Department of Agriculture (USDA) currently share costs to maintain Humboldt County's Wildlife Services Program. 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.

Humboldt County's portion of the cost is \$58,181, or 59% of the total cost of approximately \$98,600 annually. The County's cost for FY 2006-07 has increased approximately 34% over FY 2005-06.

### 4. **Title: Funding and Monitoring Activities for the Klamath River**

**Legislative Platform:** Support legislation that would provide funding and develop a coordinated monitoring system for water quality and biological criteria along the Klamath River.

**Background and Discussion:** The Klamath River runs across the northern portion of Humboldt County, providing critical water resources, natural habitat, fisheries, and recreation for the County's citizens. The Klamath River needs funding to protect its water quality, and needs coordinated monitoring activities by its stakeholders, such as local government entities; the Yurok, Karuk, and Hoopa Tribes, fisheries; the

California Regional Water Quality Control Board; the U.S. Geological Survey; the California Department of Fish & Game; and the U.S. Department of Fish & Wildlife.

**5. Title: Timely Funding and Local Flexibility**

**Legislative Platform:** Support timely receipt of State funding and local flexibility to enhance the Agricultural Commissioner's ability to immediately respond to pest emergencies.

**6. Title: Regulation of Pesticide Use**

**Legislative Platform:** Support the legal, responsible, and judicious use of pesticides by farmers and others in the production of a wholesome and safe food supply, and suppression of serious pests and diseases of agricultural and horticultural interests.

**7. Title: Sustainable Agricultural Practices and Integrated Pest Management**

**Legislative Platform:** Support legislation that supports sustainable agricultural practices and integrated pest management, but not to the exclusion of all other legal and responsible systems for the production of crops and protection of public health.

**8. Title: Control of Noxious Weeds**

**Legislative Platform:** Support legislation that provides for the expansion of federal funding participation in weed management efforts for the control of noxious weeds.

**9. Title: Agricultural Biotechnology**

**Legislative Platform:** Support legislation that preserves the rights of farmers and others to utilize scientifically developed and approved biotechnology for the production of food, fiber, and health aides.



## Public Safety - Federal Legislative Projects

COUNTY OF HUMBOLDT – SHERIFF, PROBATION, COUNTY ADMINISTRATIVE OFFICE

Contact:

Gary Philp, Sheriff, e-mail [gphilp@co.humboldt.ca.us](mailto:gphilp@co.humboldt.ca.us); Ph (707) 268-3663

Doug Rasines, Chief Probation Officer, e-mail [drasines@co.humboldt.ca.us](mailto:drasines@co.humboldt.ca.us); Ph (707) 268-3308

Stephanie J. Larsen, Assistant CAO, e-mail [slarsen@co.humboldt.ca.us](mailto:slarsen@co.humboldt.ca.us); Ph (707) 476-2388

### 1. **Title:** Reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393)

#### **Legislative Platform:**

- ✚ Support legislation that re-authorizes the Secure Rural Schools Act and continues funding.
- ✚ Support legislation that eliminates the sunset clause on the Secure Rural Schools Act.

**Issue and Background:** Since 2000, the federal Secure Rural Schools and Community Self-Determination Act of 2000 has provided Humboldt County with approximately \$2 million annually. Of this amount, approximately \$850,000 goes to Humboldt County schools, an additional \$850,000 to roads, and the County retains approximately \$300,000 for fire-related services. The County-retained portion has been used to develop a Master Fire Safe Plan, funds Sheriff search-and-rescue operations, a juvenile work-service program, and an educational environmental preservation program, among other projects. The legislation officially expired on September 30, 2006. Any additional activities after that date will rely on carry-over funding. Legislation was introduced into the 109<sup>th</sup> Congress to reauthorize the Secure Rural Schools Act, but Congress without passing a reauthorization bill, despite widespread bipartisan support.

For Public Works and Roads impacts, please see the **Public Works** section on page 47.

### 2. **Title:** Broaden the Allowable Uses of Secure Rural Schools Act Funding

**Legislative Platform:** Support legislation that broadens the allowable uses of Secure Rural Schools Act funding so that small rural fire districts and volunteer fire districts can access funding for operations on non-federal lands.

**Issue and Background:** 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. However, 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.

### 3. **Title: Combat Methamphetamine Project**

**Legislative Platform:** Advocate for funding that would allow small rural counties to fight the growing methamphetamine problem.

**Issue and Background:** Humboldt County has a significant problem with the manufacture, sale, and personal use of methamphetamine. This major issue significantly impacts our 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. Our methamphetamine problem directly impacts our crime rate, especially property crimes such as burglary and larceny, domestic violence and child abuse crimes, officer safety, and methamphetamine abuse severely taxes our local medical and social services agencies. Due to Humboldt County’s limited financial resources, only one Deputy Sheriff can be dedicated to directly deal with and combat narcotic-related crimes.

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, sales, and personal use of methamphetamine that is taking place within Humboldt County.

The proposed project would include a state appropriation of \$500,000 to Humboldt County that would allow the Humboldt County Sheriff’s Office to dedicate the appropriate number of Deputy Sheriffs to significantly impact the methamphetamine program through both law enforcement and education services. This project would target not only the local manufacture and sales of methamphetamine, but also personal possession and use, with the goal of reducing local demand.

The direct law enforcement effort would be coupled with an educational program designed to make community members of all age levels more aware of the dangers and negative results associated with the use of methamphetamine. The public education effort would also include a component on how the public can help the Sheriff’s Office deal with methamphetamine-related problems such as drug houses. By reducing methamphetamine trafficking and demand locally, there would be a beneficial impact on the local business community, private and public health care resources, social services agencies, and all local judicial and law enforcement resources.

#### 4. **Title: Funding for Beach Patrol**

**Legislative Platform:** Advocate for increased and ongoing funding from the U.S. Fish and Wildlife Service to completely fund two Deputy Sheriffs for beach patrol.

**Issue and Background:** Since FY 2000-01, the Sheriff's Office has received funding through the State's Off-Highway Vehicle Commission grants to fund a Deputy Sheriff to perform beach patrol duties. This Deputy Sheriff's primary responsibility is to patrol local coastal beaches to ensure that members of the public who utilize the beaches for recreational purposes are doing so in a safe and proper manner. In addition, the Beach Patrol Deputy assists the Humboldt County Parks and Recreation Department and the federal Fish and Wildlife Service with the protection of endangered Snowy Plover habitat during their nesting season, and assists the federal Bureau of Land Management and the federal Fish and Wildlife Service with the management of the South Spit peninsula. Over the last two years, State funding has been reduced to the point where it covers only 50% of the actual program cost. The U.S. Fish and Wildlife Service provided \$20,000 in one-time funding for FY 2005-06.

This position is a critical part of any beach management plan for local coastal beaches within Humboldt County. Without sufficient funding to cover the program's actual costs, the Sheriff's Office will not be able to maintain this position on a year-round basis. This proposal for \$200,000 would provide the Sheriff's Office with sufficient funding for two full-time Deputy Sheriffs to provide more consistent beach patrol coverage on all of Humboldt County's local beaches and provides back-up coverage on the original Deputy's days off, vacation time, etc.

#### 5. **Title: Opposition to Medicaid Reform that excludes Probation, the Public Guardian, and other Public Agencies from Participation in Title XIX Case Management Activities**

**Legislative Platform:**

- ✚ Oppose the Federal Budget Bill or similar legislation that would exclude Probation, the Public Guardian, and Other Public Agencies from Participating in the TCM provisions of Title XIX of the Social Security Act.
- ✚ Oppose the Federal Budget Bill or similar legislation that impairs the ability of local mental health agencies and/or organizational providers from providing Specialty Mental Health and Rehabilitation Services as a Medicaid service option.

**Issue and Background:** Humboldt County Adult Probation TCM was included in the federally approved FY 2002-03 State Plan Amendment (SPA) and the Probation Department began providing TCM services and claiming for TCM reimbursement in July 2002. The Probation Department currently receives approximately \$150,000 in TCM reimbursements annually.

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 TCM programs' inclusion in the FY 2003-04 SPA. SDHS successfully argued against the CMS ruling. However, CMS indicated that it intended to pursue legislation to remove Probation and the Public Guardian entirely from the State Medicaid Plan in 2005.

Legislative proposals were recently sent to Congress as part of the Federal Budget Bill which would make a number of changes in the federal Medicaid program. These proposals seek to find cost savings by amending the federal statutory definitions and establishing new standards for Medicaid case management and rehabilitation services. The Medicaid reform proposals, as currently written, will result in the exclusion of probation, the Public Guardian, and other selected public agencies from further participation in the TCM provisions of Title XIX of the Social Security Act, and will significantly impact the County's ability to provide local mental health Rehabilitation Services as a Medicaid service option.

The Humboldt County Probation Department provides two types of Medicaid services: adult TCM for eligible adult probationers and specialty mental health services for eligible juvenile probationers. Services include assessment, caseplan development, and case management brokerage, linkage, and consultation services.

TCM services augment and enhance traditional probation services by assisting high-risk adults on probation to access needed medical, social, educational, and other services. These services optimize the chances that probationers will take responsibility for his/her needs, making it less likely a probationer will violate his/her conditions of probation, while improving the safety to their families and community. Caseload types include child threat offenders, the mentally ill, illegal drug users, and those with the most severe health and human services needs.

Probation specialty mental health services are designed to enable delinquent youth meeting medical necessity criteria for specific specialty mental health services to remain at home, succeed in school, and avoid further intrusion into the juvenile justice system. Probation currently receives approximately \$350,000 in reimbursement for the provision of designated mental health services.

These federal proposals, if enacted, would severely compromise the County's care of its most at-risk and vulnerable citizens, and would strain limited state and local financing structures.

## **6. Title: Natural Disaster Planning and Preparedness Funding**

**Legislative Platform**: Support legislation that provides funding to local governments for natural disaster planning and preparedness activities.

**Background and Discussion:** 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 any equipment that may be useful in responding to a natural disaster.

## 7. **Title: Medi-Cal Coverage for Incarcerated Youth**

**Legislative Platform:** Support legislation that will enhance Medi-Cal coverage/eligibility for youth in custody.

**Issue and Background:** Existing law requiring youth to apply for Medi-Cal upon leaving an institution leaves many youth without necessary prescriptions, mental health services, and medical treatment. Requiring eligible youth to reapply also creates additional work for probation, public health, and other youth serving professionals.

A practical solution would include: (1) suspending coverage rather than terminating Medi-Cal eligibility for juveniles who are inmates of a public institution, (2) providing for timely processing of Medi-Cal applications for youth not already on Medi-Cal, and (3) referring youth who are not eligible for Medi-Cal to the Healthy Families program. Preserving and facilitating Medi-Cal eligibility would help fulfill the goal of increasing health care coverage for all eligible children.

## 8. **Title: Medi-Cal Drug Treatment Services**

**Legislative Platform:** Support legislation to expand the scope of Medi-Cal drug treatment services to youthful offenders 12 to 20 years of age.

**Issues and Background:** 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. In 2004, the California Legislative Analyst's Office found that although youths compose 23% of the caseload for Drug Medi-Cal, they only receive 6-8% of the total budget. In addition, youths suffering from substance abuse disorders are restricted from access to Substance Abuse Crime Prevention Act Proposition 36 funds. 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 Drug Medi-Cal program for which the state receives federal matching funds does not cover residential drug treatment services unless the a youth is pregnant or parenting. Neither does it cover outpatient one-on-one care among other necessary drug and alcohol treatment services. The limited benefits under the Drug Medi-Cal program for youth under 21 does not allow providers to offer the level of care required by the state's own youth treatment standards.

Youth suffering from substance abuse disorders would benefit from an increase in the scope of benefits contained in Drug Medi-Cal for youth 21 and under. Youth need access to a continuum of care, including outreach, screening, individual counseling, family counseling, day rehabilitative care, ancillary services, residential, and aftercare. This would provide an incentive for providers to establish more youth-driven treatment facilities within the community.



## Public Works - Federal Legislative Projects

COUNTY OF HUMBOLDT – PUBLIC WORKS DEPARTMENT

Contact: Tom Mattson, Public Works Director, e-mail [tmattson@co.humboldt.ca.us](mailto:tmattson@co.humboldt.ca.us); Ph (707) 445-7491

Contact: Elena Reyes, Management Analyst; e-Mail [ereyes@co.san-joaquin.ca.us](mailto:ereyes@co.san-joaquin.ca.us); Telephone (209) 468-3399

1. **Title: Reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393).**

**Legislative Platform:** Support passage legislation that re-authorizes the Secure Rural Schools Act and continues funding.

**Issue and Background:** Since 2000, the federal Secure Rural Schools and Community Self-Determination Act of 2000 has provided Humboldt County with approximately \$2 million annually. Of this amount, approximately \$850,000 goes to Humboldt County schools, an additional \$850,000 to roads, and the County retains approximately \$300,000 for fire-related services. The County uses the Roads portion to maintain its 1,207 miles of County roads. Secure Rural Schools funding provides the majority of the road maintenance budget for materials. Thus, re-authorization of the Secure Rural Schools Act is critical to the continuation of the County roads program. The legislation officially expired on September 30, 2006. Any additional activities after that date will rely on carry-over funding. Legislation was introduced into the 109<sup>th</sup> Congress to reauthorize the Secure Rural Schools Act, but Congress without passing a reauthorization bill, despite widespread bipartisan support. For Public Safety impacts, please see page 41 of the **Public Safety** section.

2. **Title: Stormwater Management Program: McKinleyville and Humboldt Airports**

**Legislative Platform:**

- ✚ Support legislation and/or federal regulations that postpone implementation of the National Pollutant Discharge Elimination System (NPDES) permit requirements for the StormWater Management Program.
- ✚ Support legislation that provides funding for implementation of these requirements.

**Background and Discussion:** The Federal Clean Water Act requires that most municipal entities obtain 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 StormWater 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.

**3. Title: “Second Chance” to use Small Communities Air Service Development Program (SCASDP) funding**

**Legislative Platform:** Support legislation that allows successful SCASDP recipients to apply for a second round of funding.

**Background & Discussion:** Congress authorized the Small Communities Air Service Development Program under the federal Vision 100 Plan signed by President Bush on December 16, 2003 to assist isolated and rural communities in obtaining commercial passenger air service. The program was established as one-time-only funding for each applicant. Humboldt County partnered with the City of Redding in 2004 to develop direct air service from Arcata/Eureka and Redding to Los Angeles International (LAX) airport utilizing \$500,000 in SCASDP support funding for Horizon Air (Alaska Air) and \$81,000 in locally-raised funding for marketing. These flights have been enormously successful since their inception, continuously generating load factors of 77%.

Humboldt County is extremely isolated. San Francisco International (SFO), the closest major airport, is a five-hour drive away. Because of this, Humboldt has a high retention factor: 77% of passengers in the service area fly out of Arcata/Eureka rather than driving out of the area to another airport. Air service becomes even more important in the winter months: the two major highways leading into the Humboldt County area frequently suffer from mudslides, cutting off the region from Interstate-5 to the east and the San Francisco Bay area to the south. Local air service is therefore extremely critical for Humboldt-area communities.

The Humboldt County Regional Airport would benefit immensely if its commercial carrier airport had a direct flight to an alternate major airline hub, allowing area residents to make connecting flights to destinations throughout the United States. There will be discussions with United Airlines regarding a connection to its hub in Salt Lake City, or with Delta Airlines regarding flights to its hub in Denver.

However, given the current economics of the air travel industry, major airlines such as these are not likely to take the financial risk of adding additional routes without some financial assistance from the local community. The County of Humboldt does not have the financial resources to provide these financial incentives without assistance from the federal government. Because the authorizing legislation for the SCASDP program allows each community to receive funds only once, Humboldt cannot apply again for funding.

The Arcata/Eureka airport serves a population base of 132,000 within Humboldt County, plus its catchment area of 43 zip codes. Improved passenger air service at the Arcata/Eureka airport would also benefit the residents of Del Norte, Mendocino, and Trinity Counties, for whom Arcata/Eureka has the most extensive commercial passenger air service.

The proposal seeks legislation that allows communities that have successfully established and maintained air service with their first round of SCASDP funding to apply for a second round of additional service. The legislation could be written so that second-round applicants are limited to those entities who established new air routes that have maintained an average load factor of at least 60% over a minimum 24-month period.