

# County of San Luis Obispo



State Legislative/Regulatory Platform  
2013



**San Luis Obispo County  
BOARD OF SUPERVISORS**

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## INTRODUCTION

**In order to reflect the priorities of the County, the 2013 Legislative Platform is divided in two sections:**

- **SAN LUIS OBISPO COUNTY SPECIFIC ISSUES** – issues the County will actively pursue that directly affect the County.
- **SHARED LEGISLATIVE PRIORITIES** – issues the County will actively pursue that directly affect the County as well as other jurisdictions; divided in the Platform by each of the four functional areas of county government: Community Resources and Infrastructure, General Government, Health and Human Services, and Law and Justice, then sorted by priority.



## LEGISLATIVE GOALS

The San Luis Obispo County Board of Supervisors acknowledges the severity of the State's ongoing budget crisis. However, the Board seeks to maintain State funding levels of local government programs to the furthest extent possible. Additionally, the Board seeks to maintain close relationships with San Luis Obispo County's legislative delegation and key legislative leaders to foster greater understanding of San Luis Obispo County's concerns and needs.

The primary goal of San Luis Obispo County's Board of Supervisors and its employees is to serve and support the well-being of its residents; San Luis Obispo County government is dedicated to enhancing the economic, environmental, and social quality of life in the County. To this end, in 2013, the San Luis Obispo County Board of Supervisors supports the general principles set forth below. County staff, including the County's legislative advocates, will apply these general principles to evaluate legislation, as well as executive and regulatory directives, and take those actions necessary for their implementation.

1. Support legislative or initiative efforts which would modify the vote threshold requirement local voter-approved for library funding, gasoline and sales taxes from two-thirds to 55%.
2. Preserve San Luis Obispo County and other local revenues and funding sources from further reductions, especially those that would directly impact the County's ability to serve its residents; support legislative and policy initiatives that maintain funding levels.
3. Support increased appropriations to the County for mandated programs, including capital acquisition costs. Oppose mandates without revenue and/or unnecessary State mandates. Support legislation that allows flexibility to local governments to effectively and efficiently administer state-mandated programs and provide local government additional protection from state mandates that are not supportive of local control. Oppose the transfer of additional state programs to the County, unless adequate, secure and on-going revenues are provided by the State. Where State funding is not available, support legislation that authorizes locally-developed, functionally equivalent programs in place of subjecting municipalities to state laws/regulations (e.g. Williamson Act).
4. Support legislation that allows maximum flexibility to local governments to effectively and efficiently administer state-mandated programs and provides local government additional protection from state mandates that attempt to micromanage local affairs.



5. Encourage, seek and support legislation efforts to streamline, improve and modernize state land use regulations and/or policies such as the California Environmental Quality Act (CEQA), California Coastal Act, Subdivision Map Act, etc. without compromising or undermining the original intent and tenets of these laws.
6. Support legislation that modernizes the State budget process to reflect the best practices in state financial management from across the country including a two-year budget cycle. Seek changes to make the process more transparent, accountable, and responsive to the citizens of California.
7. Encourage and seek legislation that protects, promotes and preserves the County's quality of life, its diverse natural resources, its economic base, and the character and history of the County, including legislation which would provide funding to local agencies to develop programs, policies and projects.
8. Encourage, seek and support legislation that facilitates orderly economic expansion and diversification and increases the opportunity for discretionary revenues and programmatic and financial flexibility for the County.
9. Support legislative initiatives that provide funding sources or financing tools for local programs or projects that support projects including but not limited to: development of adequate infrastructure, reduced energy use, development of renewable energy and Geographic Information System (GIS) data layers that would assist local governments with infrastructure, energy and economic development.
10. Support the County's authority to assure mutually acceptable tax sharing agreements for annexation and incorporation that protect or enhance the County's ability to provide services to its residents.
11. Support legislation that: 1) encourages cooperation between the County and its cities, special districts, and other local agencies in efforts to develop regional plans, programs and initiatives and 2) facilitates regional cooperation on issues of community-wide and regional concerns including the development and provision of adequate infrastructure which includes water, roads, and technology.
12. Support the principles adopted by the California State Association of Counties (CSAC) where they are consistent with the principles and priorities identified by the San Luis Obispo County Board of Supervisors.
13. Support the preservation, protection, and enhancement of the California coastline through proper planning. San Luis Obispo is committed to preserve and provide access to the coast and support where appropriate beach activities, boating



- activities, and other recreational uses in developing and implementing precise coastal plans and appropriate zoning. Statewide efforts related to the California coastline must respect local land use authority. Support collaborative and cooperative work with State, other counties and cities to ensure decisions do not erode local control and decision-making. Encourage, seek and support efforts to streamline, improve and modernize coastal development permit and local coastal planning processes, without compromising or undermining the original intent and tenets of these laws.
14. Support and encourage a cooperative approach between state and local agencies for the maintenance, improvement and development of transportation infrastructure and public transportation systems.



## SECTION 1: SAN LUIS OBISPO COUNTY SPECIFIC ISSUES

### **Transportation, Public Works, Planning, and Agriculture**

- A. **Problem:** The residents of San Luis Obispo County, as well as tourists and business people, travel highways 41 and 46. These highways fall far short of the necessary capacity, safety, and convenience warranted by the traffic volume.

**Resolution:** Support increased State funding for improvements on these two vital traffic arteries to and from San Luis Obispo County.

- B. **Problem:** In developing a community wastewater project for Los Osos, the County recognizes that project costs are certain to exceed affordability guidelines established by regulatory agencies. Nevertheless, development of a community wastewater project is necessary to comply with Clean Water Act mandates.

**Resolution:** The County has identified several measures to mitigate affordability impacts, either through the reduction of the overall project costs or by targeting financial assistance to disadvantaged persons. The following legislative actions will enhance the County's ability to address affordability impacts:

- 1) Advocate for the State Water Board to develop a zero percent interest program. Advocate for financing under Health & Safety Code 5464 to have a lien priority similar to tax liens.
  - 2) Advocate for the award of Water Resource Development Act funds and other grants for use in mitigating affordability impacts resulting from the Los Osos sewer project.
- C. **Problem:** San Luis Obispo County has substantial rural-suburban residential development and therefore seeks to more effectively manage and control increasing traffic volumes on what remains of a relatively rural road system. Currently, with the layout of one to two acre residential developments, the "Residential District" criteria of 16 residential units fronting over a quarter mile distance cannot be attained. This means that many county roads fail to meet the criteria in current law for a prima facie 25 mph residential district posting and as a result, speed limits are required to be posted at 45, 50 or even 55 mph on suburban streets with residential lots and suburban uses present.



The County has exercised the discretion allowed under Vehicle Code Section 627 in the development of an Engineering and Traffic Survey for consideration of collision history and pedestrian and bike safety. The results still fall short of what could be a more controlled speed along these developed roadways. The Board's concern is to assure safety on these narrow rural roadways which are traversed by vehicles, bicyclists, pedestrians and equestrians who are all sharing the road.

**Resolution:** Amend Vehicle Code Section 22352 "Prima Facie Speed Limit" to include an additional category for roadways which are suburban in nature. The amendment would establish a 40 mph maximum speed limit on streets with densities of at least eight residential units fronting the street over a one quarter mile distance. Seek administrative relief, where available, to achieve reduced speeds on these roads

- D. Problem:** The procurement process for transportation projects has not been updated in many years, and is not indexed to inflation, which creates artificially low thresholds.

**Resolution:** Sponsor or support legislation to increase construction contract limits of \$10,000, \$30,000, and \$125,000 to reflect inflation costs and index those costs to inflation going forward.

- E. Problem:** In certain instances, the use of design-build contracting can reduce the overall project cost and shorten the construction schedule, both of which are advantageous to the County. There are currently two limitations to the County using design-build: 1) the State Water Board/State Revolving Fund (SWB) design-build guidelines are inconsistent with Public Contract Code, and 2) Public Contracting Code 20133 requires design-build projects to be over \$2.5 million.

**Resolution:** Advocate for the State Water Board/State Revolving Fund to amend their guidelines, as necessary, in order to eliminate the inconsistency with the Public Contract Code. Additionally, sponsor or support a legislative amendment(s) to the Public Contract Code in order to allow design-build on smaller projects.

- F. Problem:** Increasing development around existing landfills threatens the ongoing operation of these landfills and their associated facilities as new property owners complain about operations they believe to be a nuisance.

**Resolution:** Sponsor and/or support legislation which clearly establishes disclosure of existing landfill operations and their potential expansions during escrow of a real estate transaction. Similar to "The Right to Farm Act" (California Civil Code sections 3482.5 and 3482.6), potential legislation would identify landfill activities as not a nuisance and require new properties owners to



sign a disclosure acknowledging they are purchasing property within the vicinity of an existing landfill.

- G. Problem:** Land in agricultural production along the Arroyo Grande Creek levees are an important local resource. In 2001, a levee breach flooded agricultural land, and it is reasonable to assume a major flood event could cause a levee breach and flood agriculture again. The levee system was deemed to be past its useful life in 2009 and does not provide the original flood protection it was designed for. A levee breach would have significant economic impacts to the local community. Crop insurance does not fully recover losses, and in many instances it is unavailable or not provided for certain crops. The County of San Luis Obispo desires to have the farmers and property owners within the agricultural region protected, via insurance, to the highest extent possible should a breach occur. Farmers and property owners in the area have expressed it is costly, difficult and sometimes impossible to obtain adequate insurance coverage.

**Resolution:** Sponsor and support legislative changes to ag-related insurance programs to cover more crops and cover more losses. Encourage Congress to make changes to the National Flood Insurance Program that would establish flood zones for agriculturally-based communities and allow for certain ag-related development. Additionally, encourage Congress to allow for adjusted rates based on actuarial risk, thereby lowering base rates in areas of lower risk.

## **General Government**

- A. Problem:** In February 2009, the State Senior and Disabled Citizens Property Tax Postponement Program, which had been operating for 30 years, was suspended indefinitely by state budget cuts, leaving thousands of low and moderate-income elderly, blind, and disabled homeowners across the State vulnerable to foreclosure, eviction and potential victimization by scam artists.

Under the program, the State paid the property taxes owed to the county on behalf of an eligible homeowner as a low-interest State loan. The State loan was repaid, with interest, when the homeowner's property is transferred or sold, usually when the owner has passed away. Homeowners must apply annually for the postponement program. To qualify in 2008-09, individuals had to be 62 or older, blind or disabled, with annual household incomes of \$35,500 or less, and have at least 20 percent home equity. Over 65% of the 2008 program participants had household incomes of less than \$20,000. Nearly 25% had household incomes of less than \$20,000 and property tax bills of \$2,000 or more.



**Resolution:** Support legislative and budgetary efforts to reinstate the program at the State level. Support efforts to reform the program, improve its administration by the State and establish a stable funding source for the program.

- B. Problem:** The County of San Luis Obispo operates an entirely independent retirement system, but is largely impacted by most of the provisions of the 2012 Public Employee Pension Reform Act (PEPRA), which was in AB 340 (Furutani). The legislation was only unveiled at the end of August 2012, but becomes operative on January 1, 2013. Some provisions remain unclear as to intent and impact on San Luis Obispo County's current and future employees.

**Resolution:** Closely monitor legislation which further clarifies or modifies the 2012 Public Employee Pension Reform Act (PEPRA). Monitor any legal challenges to the legislation that may affect the County. Advocate as necessary for changes to the benefit of the County in interpreting and implementing PEPRA at the local level, paying particular attention to Section 21 of AB 340.

- C. Problem:** As of 2009 legislation Community Service Area (CSA) law does not allow the collection of delinquent "property related fees and charges" (water and sewer rates) on the tax roll when the property owner is not the water/sewer customer, causing significant loss of revenue for services provided.

**Resolution:** Sponsor and/or support legislation re-establishing CSA law to allow the collection of delinquent "property related fees and charges" (water and sewer rates) on the tax roll regardless of whether the account is in the name of the property owner or tenant.

- D. Problem:** There is a very limited pool of Agricultural Commissioners in California due to the dual certifications required of persons who hold the position. There is no flexibility in current statute to appoint an individual with some or most of the necessary qualifications, and allow some grace period to obtain all necessary certifications of an Agricultural Commissioner.

**Resolution:** Seek and support legislation which gives a Board of Supervisors more flexibility in appointing Agricultural Commissioners, by authorizing the appointment of a Commissioner who has obtained some or most of the qualifications and certifications necessary, and will obtain or complete those qualifications within a specified period of time.

- E. Problem:** The preservation of agricultural land is vital to the County's future economic stability and the sustenance of agriculture as a viable industry in San Luis Obispo County.



**Resolution:** Support legislation and budget action to restore the Williamson Act subventions to their highest historical levels. Support legislation to establish uniform statewide enforcement of the Act; specifically to increase the County's authority to enforce the provisions of the Williamson Act. Oppose any effort to repeal the Williamson Act.

- F. Problem:** Recent state efforts to promote and regulate the siting of renewable energy power facilities conflict with local land use authority. Currently, oversight and land use related to the siting of renewable power, except thermal power plants greater than 50MW, is appropriately under the jurisdiction of the local land use agency.

**Resolution:** Support legislation which retains current local land use, siting authority and final approval of renewable energy plants at the local level. Oppose any legislative or administrative action which seeks to subsume this authority and give it to the State, or cedes authority to an investor owned utility. Oppose legislative or administrative action which would result in discouraging local distributed generation or local ability to set terms and conditions over siting.

- G. Problem:** There are insufficient regulatory and financial incentives to promote residential, commercial, and community scale energy efficiency and renewable energy projects and programs. Regulatory and financial barriers prevent small-scale clean energy projects from being developed beyond an excessively limited scale.

**Resolution:** Seek and support legislation and regulatory proceedings which encourage and incentivize renewable energy, such as rooftop solar power, and energy efficiency on a residential, commercial and community scale. Specifically support the following actions:

- 1) Offer Financial Incentives & Financing Options—The Public Goods Charge needs a guarantee of long-term funding for renewable energy and efficiency programs that lower utility bills in our communities and help meet local and state environmental goals. Energy efficiency and small-scale renewable projects should be financially supported with rebates, on-bill financing, loan guarantees, and low-interest loans. Efficiency programs need to greatly expand whole building retrofits, net-zero energy buildings, and community clean energy projects and programs.
- 2) Establish Feed-in Tariffs for Small-Scale Renewables—The state should establish through legislation a feed-in tariff for small-scale renewable energy projects with sufficient payments to recover the cost of generation plus a modest profit to incentivize development. Payment rates should be differentiated by technology and project size, with a separate schedule of



higher payments for government agencies, schools, and non-profit organizations that cannot take advantage of federal tax credits—similar to the higher rebates currently offered through the California Solar Initiative for non-taxpaying customers. This would allow local public agencies, as well as individuals and businesses in our communities, to be paid for generating clean, renewable energy and to benefit financially from the state’s renewable energy policies.

- 3) **Expand Net Metering**—Net metering allows utility customers in California to get a credit on their bill for energy that they produce with their own small-scale renewable energy projects. The state currently has a program cap limiting net-metering to 5% of the utilities’ peak loads, which is expected to be reached starting next year. The state urgently needs to increase this cap to 10% of the utilities’ peak loads to save thousands of jobs in the state and for insuring that small-scale renewable energy continues to thrive in our communities. Net metering should also be expanded to allow customers to participate in “solar shares” projects that are not physically connected to a customer’s meter. Above all, the state must not allow utilities to impose excessive charges that would destroy the net metering program.
- 4) **Protect Solar Access**—Legislation should be created to ensure that sunlight exposure for residential solar installations is protected from future development that may otherwise impede access to sunlight. And regulatory agencies should insure low-cost, fast and efficient grid interconnection for all small-scale renewable energy projects.

**H. Problem:** AB 32 (Nunez) and SB 375 (Steinberg), both which deal with the control of emissions of greenhouse gases, are examples of significant and impactful legislation which the County intends to implement; however, these directives create expense, unfunded mandates for local jurisdictions. The cost and time associated with implementing this legislation will be significant to the County.

**Resolution:** Seek and support full funding for the implementation of the mandates included in AB 32 and SB 375, and any future legislation.

**I. Problem:** Current statute prohibits a Board of Supervisors from being able to implement a sales tax increment in the unincorporated area of the county only in order to fund vital services, such as law enforcement and fire services in the unincorporated area.



**Resolution:** Sponsor and support legislation which authorizes a Board of Supervisors to submit a sales tax increase to the voters in the unincorporated area only of a county for their approval.

**J. Problem:** As a result of the Senate District 15 Special Elections held in June and August 2010, San Luis Obispo County incurred over \$700,000 in expenses which have not been reimbursed by the State.

**Resolution:** Sponsor and support legislation or budget language that will provide full reimbursement to the County for the Senate District 15 special elections. Support legislation which will provide for the automatic reimbursement of costs associated with state and federal special elections.

## **Public Safety**

**A. Problem:** The County is host to the Atascadero State Hospital (ASH), where mentally disordered offenders are housed. While the County does not object to its presence, there are impacts to the County which should be addressed by the State, either through legislation, budget or administrative action at the Department of State Hospitals. Matters requiring resolution are as follows:

1. The State is required to go before a superior court judge to involuntarily medicate patients. The State (DMH) expects the County District Attorney and Public Defender to carry out these hearings on behalf of the State at County expense. These patients are the responsibility of the State, located at ASH by the State, and should be the fiscal responsibility of the State. While the County does not object to a mutually agreed- upon partnership with the State, San Luis Obispo County cannot assume the financial responsibility for state-mandated legal proceedings for ASH patients from other counties.
2. Currently there is a split of appellate authority regarding the proof required in Mentally Disordered Offender (MDO) cases. The central issue is the whether or not a qualified mental health professional may refer to and consider the underlying probation report in expressing an opinion that the prisoner is an MDO, including whether the underlying offense involved force or violence. In *People v Miller* (1994) the Second District Court of Appeal found “yes.” In *People v Baker* (2012) the Fourth District Court of Appeal found “no.” Without this fix, the court’s “no” finding would require production of crime victims and witness from all 58 counties, years after the crime was committed, something the legislature clearly never intended when enacting the MDO law.



**Resolution:**

1. Seek legislative or budget clarity from the State to ensure that force medication hearings are the financial responsibility of the State. Support legislation to amend the penal code to clarify that the County is not responsible for the costs association with inmates committed from other counties.
2. Support legislation amending PC 2966(b) that would make "yes" the statutory answer to the question of whether or not a qualified mental health professional may refer to and consider the underlying probation report in expressing an opinion that the prisoner is an MDO, including whether the underlying offense involved force or violence.

**B. Problem:** There are limited group home beds located in San Luis Obispo County where a juvenile offender can be placed, which means that the county must send offenders out of county. Doing so places strains on family relationships and is costly to the County. Interested parties from Operation Coy (Concentrate on You) have indicated a willingness to establish a sports-camp styled juvenile group home program, but have been informed that the Operation Coy program is not compatible with current group home statutes and regulations which govern the operations of such programs.

**Resolution:** Sponsor legislation which provides regulatory and statutory relief, on a pilot basis, for Operation Coy to establish and run a juvenile offender camp located in San Luis Obispo County.

**C. Problem:** Setting up juvenile delinquency financial accounts and accepting installment payments cost probation departments across the State thousands of dollars each year. There is no mechanism to specifically authorize a County to institute a fee to recover the actual costs of administering juvenile restitution fines and fees.

**Resolution:** Seek legislation which clearly authorizes the Board of Supervisors to institute and collect juvenile restitution fees.

**D. Problem:** Current law only allows for truancy to be heard by a Juvenile Court judge upon the filing of a petition under Welfare and Institutions Code 601(b) petition. This is both expensive and time consuming and it does not allow for the swift and certain consequences needed to change behavior.

**Resolution:** Authorize truancy to be handled in the Informal Juvenile and Traffic Court. This will allow Probation Officers to have more tools at their discretion in dealing with truant minors.



## SECTION 2: SHARED LEGISLATIVE PRIORITIES

### **Transportation, Public Works, Planning and Agriculture**

- A. **Problem** The United States Environmental Protection Agency has mandated minimum measures for the control of urban storm water, pursuant to the National Pollutant Discharge Elimination System developed as part of the Federal Clean Water Act. In order to comply with the Federal mandate, the State Water Resources Control Board has developed Statewide General Permits for both municipalities and new construction. The requirements contained in these permits exceed the federal mandate in numerous areas. In addition, Regional Water Quality Control Boards are given leeway to modify (increase) the statewide requirements with no oversight. In all cases, and despite the Federal mandate to consider the costs of implementation, neither the State Board nor Regional Boards provide additional funding or include realistic limits on the costs of compliance to local agencies.

**Resolution** Support legislation that prevents the State and Regional Boards from adopting statewide or region-wide permits that exceed federal clean water mandates without program-specific legislation and without full funding.

- B. **Problem:** The cost to produce a CalTrans Project Summary Report (PSR) for a transportation project can become a significant financial drain on the overall cost of the project and waste scarce funding on administrative hurdles instead of construction materials and jobs.

**Resolution:** Sponsor or support legislation which would increase the ability of a CalTrans District Director to approve projects without a PSR to \$5 million.

- C. **Problem:** CalTrans interchange capacities are not currently defined as a State route concern (i.e. not a local development issue).

**Resolution:** Support legislative and administrative actions which would increase responsibility and accountability for CalTrans to prepare their own CalTrans Project Summary Report (PSRs) for interchanges.



- D. **Problem:** CalTrans is not required to complete corridor planning for State highways.

**Resolution:** Seek legislative or administrative actions which would direct CalTrans to complete master plans which dictate the future configurations needed (i.e. 4-lanes vs 6 lanes on US 101 or SR 46 freeway vs expressway.)

- E. **Problem:** Previous legislative efforts to close the State's ongoing budget deficit have repeatedly produced proposals that would "take" gas tax and other revenues allocated to counties and restricted for road purposes. If successful, revenue shifts of this type would substantially reduce road revenues and significantly impair the Public Works Department's ability to adequately maintain County roads. While a recent successful ballot measure has constrained the legislature's ability to make such shifts, concern remains that local funds be protected.

**Resolution:** Oppose legislation and State budget proposals that "take" gas tax and other road revenues. Support legislation that ensures the preservation of road revenues, including proposals that may increase State transportation revenues in lieu of taking local revenues, and those that improve equitable funding of local maintenance needs. Seek to reverse the budget action taken in 2012 to make the HUTA shift from local agencies to the State permanent.

- F. **Problem:** Failure to fully disclose the actual identity and quantity of packaged commodities prohibits accurate value comparison for consumers and promotes unfair business practices among competing manufacturers.

**Resolution:** Support legislation which assures clear labeling and accuracy of the net quantity of packaged products to promote value comparison and to ensure the consumer receives the product and the quantity of product for which they pay.

- G. **Problem:** There have been recent legislative proposals that restrict the authority of state and county sealers to test, verify and seal certain commercial weighing and measuring devices. Such proposed exemptions eliminate the protection provided by weights and measures officials to consumers and businesses that rely on accurate measurements to ensure proper payment for commodities actually purchased.

**Resolution:** Continue to oppose legislation that would diminish or remove protections now afforded to consumers for transactions based on weighing and measuring devices.



**H. Problem:** Weights and Measures Programs are important to businesses and consumers in California. Weights and Measures Programs ensure there is a “level playing field” in the marketplace for businesses and industries. Likewise, these programs are critical in providing protection for consumers and reliable means for value comparisons when products are purchased by weight, measure, count or time. County Sealers must maintain the ability to recover the costs for inspection programs in order to provide protections to both consumers and merchants.

**Resolution:** Support legislation that would eliminate the repeal date in the Business and Professions Code Section 12246 pertaining to Weights and Measures Device Registration Fees and oppose legislation that would prevent the collection of fees up to cost recovery for device testing and registration.

**I. Problem:** The number of invasive pest species being introduced and detected in California is on the rise and these pests continue to threaten local agriculture, the environment and the community. Continued funding of pest exclusion, pest detection trapping and survey activities, rapid response, pest management and eradication, and public education outreach programs are critical in protecting our resources.

**Resolution:** Support legislation that provides funding for pest prevention activities including pest exclusion, pest detection, pest management/eradication and public outreach for pests that threaten local agriculture, the environment and the community.

**J. Problem:** Pest management and eradication programs are increasingly under review by federal and state agencies, and members of the public. Many projects are under scrutiny related to the biological basis under which they are implemented. Continued funding to evaluate the methods of pest management and eradication is important in ensuring that programs are implemented with sound, effective practices that provide safety to the environment and the public.

**Resolution:** Support legislation and/or state and federal programs that would promote biologically-based and safe pest management/eradication activities implemented by the California Department of Food and Agriculture and County Agricultural Commissioners.

**K. Problem:** A major source of funding for County Agricultural Commissioner’s Pesticide Use Enforcement programs is the pesticide mill fee imposed on the registrant at the first point of sale of a pesticide in California. In order to maintain the integrity and quality of the pesticide regulatory system, it is



critical we support methods to maintain or increase funding through the mill fee assessment.

**Resolution:** Support legislation that maintains or increases funding through the pesticide mill fee that is sufficient for pesticide regulatory activities to protect the safety of workers, the public and the environment and provides funding for education, outreach and compliance assessment activities related to the safe use of pesticides.

## **Health and Human Services**

- A. **Problem:** Governor Brown is proposing a Phase 2 realignment, which is predicated on savings from the implementation of federal healthcare reform. There are no new revenues at the State level associated with Phase 2 realignment. San Luis Obispo County has historically exceeded state requirements in funding certain health and human services programs. However, in the implementation of Phase 2, it is critical that the County is not adversely impacted for its historically strong financial support for certain state-mandated health and human services programs.

**Resolution:** Seek equitable and fair treatment of San Luis Obispo County in the calculation of any Phase 2 funding formulas and responsibilities. Ensure that the County is not adversely financially impacted for being historically supportive of health and human services programs included in Phase 2 realignment.

- B. **Problem:** Parity between health and mental health does not yet exist in a meaningful way for consumers, despite recently approved legislation mandating parity.

**Resolution:** Work with stakeholders in the mental health community at the State level to ensure that true parity is achieved between mental health and health services.

- C. **Problem:** The increasing demand for services for children, youth and families exceeds the resources of local government and private non-profit agencies.

**Resolution:** Support legislation that:

1. Creates opportunities and incentives for collaboration between businesses, schools, government and private, non-profit agencies for improved services for children, youth and families;



2. Increases the quality of child care through annual visits by DSS/Community Care Licensing to subsidized, licensed exempt child care providers, including support of national accreditation activities and retention incentives, such as stipends to child care providers;
3. Creates opportunities for job mentoring for youth in businesses using tax incentives;
4. Advocate for universal health coverage for children or at least to provide more funding to get children insured under existing programs

**D. Problem:** The costs associated with the delivery of medical care ancillary services to individuals residing in Institutions for Mental Disease (IMD) facilities were not part of the original Realignment of services to the counties in 1991. Welfare and Institutions Code Section 14053.1 clearly establishes a state obligation to cover ancillary outpatient services, regardless of federal financial participation. The State has attempted to transfer all IMD ancillary responsibilities and federal audit risk to counties, without consideration of the potential for this constituting a new and unfunded state mandate.

**Resolution:** Seek full funding by the State for the delivery of IMD ancillary services. Also, in the interim, seek administrative and/or legislative relief to counties regarding IMDs by ensuring that the audit functions and responsibilities appropriately are a function of state government.

**E. Problem:** Access for low-income families and Medicare beneficiaries to primary medical care and specialty care services in the County is impaired as a result of inadequate reimbursement rates from Medicare, Medi-Cal, and the Healthy Families program.

**Resolution:** Support/sponsor legislation which:

- 1) Increases rates of reimbursement, consistent with rates available in other jurisdictions and costs experienced by efficient providers;
- 2) Extends "disproportionate share" subsidies (presently available to inpatient care providers) to providers who serve a disproportionate share of lower-income patients on an outpatient basis;
- 3) Provides reasonable reimbursement for acquisition of medications, such as chemotherapy agents, which are administered in physician offices;



- 4) Provides reasonable reimbursement rates for mental health and dental services for all age groups (children, adolescents and adults).

**F. Problem:** The Education Code specifically references the word “tested” instead of “screened” for tuberculosis (TB). There has been a shift from universal testing prior to school entry to risk assessment questions to determine if testing should occur. Therefore, the reference to testing is now antiquated due to improvements in health care and screening processes for TB.

**Resolution:** Support legislation which updates the Education Code with the word “screened.”

**G. Problem:** Obesity among the County’s residents is a significant and increasing health problem with complex causes. Two key causes are (1) lack of physical activity and (2) unhealthy eating. Prevention efforts should address individual practices and environmental factors which limit our ability to make healthful choices. Modifying behaviors and environmental factors is challenging, but crucial. Establishing healthy lifestyles will translate into fewer cases of diabetes, stroke, heart attack, and obesity among children and adults, as well as reduced health care costs for chronic illnesses associated with being medically overweight or obese.

**Resolution:** Support funding and policy changes that reduce the prevalence of obesity, and increase opportunities for physical activity and healthful eating.

**H. Problem:** As political subdivisions of the State of California, counties carry out health care programs as contractors to, and partners with, the State. Counties incur legitimate increases from year to year in the cost of providing those services, and in most cases the State does not recognize those legitimate cost increases, failing to provide a commensurate increase in the flow of State revenue to counties to carry out those health care delivery services.

**Resolution:** Support legislation and budget actions that will increase funding to the County in recognition of the increased costs of providing existing services through its contractual and other formal relationships with the State.

**I. Problem:** Health insurance providers often do not cover services provided to patients receiving treatment services for illnesses caused from or complicated by substance abuse or addictions.

**Resolution:** Support legislation that would require insurance providers to increase the extent to which services to patients whose conditions are caused or



complicated by substance abuse or addiction are included in the scope of coverage.

- J. Problem:** San Luis Obispo County is home to approximately 23,000 veterans. The unique health and human services needs of veterans, particularly as they return home from conflicts, require and deserve important health and human service programs.

**Resolution:** Support legislation which provides for full funding for veterans' services, including transportation to facilities providing medical services to veterans.

- K. Problem:** When adults are discharged from acute care hospitals, there is often no in-home care available to ensure that patients are able to follow doctor's orders, purchase and take medication and otherwise care for themselves.

**Resolution:** Support legislative efforts to create funding for positions to ensure that discharged hospital patients receive follow-up in home care to ensure that patients are able to comply with medical orders and recommendations and get and take prescribed medications.

## **Law and Justice**

- A. Problem:** Financial Elder abuse, such as identity theft, is a growing problem in California. The state has not allocated resource for controlling this problem area.

**Resolution:** Support efforts to increase state budget allocations to both criminal justice and human services for controlling the problem of financial elder abuse, particularly identity theft, in California.

## **General Government**

- A. Problem:** Current state law is not clear about what happens if a community services district declares bankruptcy.

**Resolution:** Sponsor and/or support legislation which clearly establishes the process for the continued operation and governance of a community services district that declares bankruptcy.

- B. Problem:** The Legislature has approved several bills in recent years to increase the type and number of advance presumptions for illness related to work. This results in increased county costs.



**Resolution:** Oppose legislation which would result in increased work-related illness presumptions.

- C. **Problem:** On-line travel agencies are actively seeking legislation and judicial remedies to alleviate their obligation to collect and remit all or portions of transient occupancy taxes to the appropriate jurisdictions, most recently in SB 848 (Hollingsworth, 2010), which failed passage.

**Resolution:** Oppose any legislation which would reduce or eliminate on-line travel agencies from collecting and remitting transient occupancy taxes to the appropriate local jurisdiction.

- D. **Problem:** State agencies authorized to provide sales and property tax exemptions to private businesses are not required and do not, as a matter of practice; notify local agencies, such as the County, of such tax treatment. Because local agencies are also affected by such exemptions, it is extremely important for planning and operations purposes that local affected agencies be notified by the State of any application for beneficial tax treatments for a private business located within the County.

**Resolution:** Seek legislative or administrative action which would effectuate notice by the State to local agencies when a business located within the County has applied for a sales tax exemption.

- E. **Problem:** Counties are required to prepare an annual budget based on a July 1 through June 30 fiscal year per the provisions of the County Budget Act (Section 29000). In this economic climate, it is extremely important for counties to be able to plan for the future by developing multi-year strategies, goals and objectives. By planning beyond one year, programs and projects, such as capital or maintenance projects, can be developed and resources allocated in a more efficient, realistic manner. A two year budget cycle would also save counties money, time and effort in having to prepare a budget annually.

**Resolution:** Support legislation that would amend Section 29000 of the County Budget Act to allow counties the option of adopting two year budgets. Support legislation that would allow the State the option of adopting two year budgets.

- F. **Problem:** The Public Library Fund (PLF) is often the first to be cut by the State in balancing the budget.

**Resolution:** Support the maintenance of State funding for the PLF. Oppose further budget reductions to the PLF.



- G.** **Problem:** The enacted FY 2011-12 State budget eliminates all transaction based reimbursements (TBR) funds authorized in the California Library Services Act (CLSA). The County Library uses these funds to offset pro rata charges from the Black Gold Cooperative as well as for Literacy Council Subvention. The elimination of these funds would devastate the County's Black Gold Cooperative participation and essentially destroy the Literacy Council.

**Resolution:** Oppose CLSA funding reduction to county libraries, cooperative public library systems and literacy programs.

- H.** **Problem:** There have been attempts by the legislature to regulate the contents of material kept in public libraries.

**Resolution:** Support the concept of "community standards" as the guiding principle for the content allowed in California's public libraries.