



RESOLUTION No. 11-336

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION AUTHORIZING EXECUTION OF A PERSONAL SERVICE CONTRACT WITH PETERSON CONSULTING, INC. AND SHAW/YODER/ANTWIH, INC. FOR STATE OF CALIFORNIA LEGISLATIVE ADVOCACY SERVICES IN THE MAXIMUM AMOUNT OF \$36,000 FOR FISCAL YEAR 2011-2012.

BE IT HEREBY RESOLVED by the Board of Supervisors, of the County of Nevada, State of California, that the Chair of the Board of supervisors be and is hereby authorized to execute, on behalf of the County of Nevada, that certain personal services contract pertaining to State of California Legislative Advocacy Services in the amount of \$3,000 monthly (for a maximum of \$36,000 on an annual basis) for the period July 1, 2011 through June 30, 2012.

Funding: 0101-10103-271-1000-521520 \$36,000

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 28th day of June, 2011, by the following vote of said Board:

Ayes: Supervisors Nathan Beason, Edward Scofield, Terry Lamphier, Hank Weston & Ted S. Owens.

Noes: None.

ATTEST:

Absent: None.

CATHY R. THOMPSON
Clerk of the Board of Supervisors

Abstain: None.

By: *Cathy R. Thompson*

Edward C. Scofield
Edward C. Scofield, Chair

DATE	COPIES SENT TO
6/30/11	A-C* (hold)
7/22/11	CEO
	PCI
	A-C*

PERSONAL SERVICES CONTRACT

County of Nevada, California

This Personal Services Contract is made between the COUNTY OF NEVADA (herein "County"), and

Peterson Consulting, Inc. and Shaw/Yoder/Anthwih, Inc.

(herein "Contractor"), wherein County desires to retain a person or entity to provide the following services, materials and products generally described as follows:

(§1) **State of California Legislative Advocacy Services**

SUMMARY OF MATERIAL TERMS

(§2) **Maximum Contract Price:** \$36,000
(§3) **Contract Beginning Date:** 07/01/2011 **Contract Termination Date:** 06/30/2012
(§4) **Liquidated Damages:** 0

INSURANCE POLICIES

Designate all required policies: Req'd Not Req'd

(§6) Commercial General Liability	(\$1,000,000)	<u> x </u>	<u> </u>
(§7) Automobile Liability	(\$ 300,000) Personal Auto	<u> x </u>	<u> </u>
	(\$1,000,000) Business Rated	<u> </u>	<u> x </u>
	(\$1,000,000) Commercial Policy	<u> </u>	<u> x </u>
(§8) Worker's Compensation		<u> x </u>	<u> </u>
(§9) Errors and Omissions	(\$1,000,000)	<u> </u>	<u> x </u>

LICENSES

Designate all required licenses:

(§14) _____

NOTICE & IDENTIFICATION

(§26) **Contractor:** Peterson Consulting, Inc and **County of Nevada:**
Shaw/Yoder, Inc 950 Maidu Avenue
1415 L. Street Suite 200 Nevada City, California 95959
Sacramento, CA 95814
Contact Person: Paul Yoder Contact Person: Laura Matteson
(916)446-4656 (530) 265-7040
e-mail: paul @hawyoder ant wi h. com e-mail: laura.matteson@co.nevada.ca.us

Org Code: 0101-10103-271-1000-521520

Contractor is a: (check all that apply)

Corporation: x Calif., Other, LLC, Non-profit
Partnership: Calif., Other, LLP, Limited
Person: Indiv., Dba, Ass'n Other

EDD: Independent Contractor Worksheet Required: Yes x No
HIPAA: Schedule of Required Provisions (Exhibit D): Yes x No

ATTACHMENTS

Designate all required attachments: Req'd Not Req'd

Exhibit A: Schedule of Services (Provided by Contractor)	<u> x </u>	<u> </u>
Exhibit B: Schedule of Charges and Payments (Paid by County)	<u> x </u>	<u> </u>
Exhibit C: Schedule of Changes (Additions, Deletions & Amendments)	<u> </u>	<u> x </u>
Exhibit D: Schedule of HIPAA Provisions (Protected Health Information)	<u> </u>	<u> x </u>

Terms

Each term of this Contract below specifically incorporates the information set forth in the Summary at page one (1) above as to each respective section (§) therein, as the case may be.

Services

1. Scope of Services:

Contractor shall provide all of the services, materials and products (herein "Services") generally described in **Exhibit "A"**, according to a performance schedule, if applicable, as set forth in said exhibit (herein "Performance Schedule"). If requested, Contractor agrees to serve as an expert witness for County in any third party action or proceeding arising out of this Contract.

Payment

2. Charges and Payments:

The charges (herein "Charges") for furnishing the aforesaid Services under this Contract are set forth in **Exhibit "B"**, including, if applicable, hourly rates, unit pricing, and expense, mileage and cost limits. Said Charges shall be presented monthly by invoice, and shall be due within thirty (30) days of receipt unless payment is otherwise set forth in said **Exhibit "B"**, and shall remain in effect for the entire term of this Contract, and any extension hereof. In no event will the cost to County for Services to be provided under this Contract, including direct non-salary expenses, exceed the **Maximum Contract Price** set forth at §2, page one (1), above.

Time for Performance

3. Contract Term:

This Contract shall commence on the **Contract Beginning Date** set forth at §3, page one (1), above. All Services required to be provided by this Contract shall be completed and ready for acceptance no later than the **Contract Termination Date** set forth at §3, page one (1), above.

4. Liquidated Damages:

County and Contractor agree that damages to County due to delays in timely providing Services in accordance with the aforesaid Performance Schedule and Contract Termination Date are impractical and difficult to ascertain. Therefore, if §4 at page one (1) hereof shall indicate a daily amount as **Liquidated Damages**, County shall have the right to assess said daily sum, not as a penalty, but as and for damages to County due to delays in providing Services not in accordance with the said Performance Schedule, or later than the Contract Termination Date (herein "Delay"). Liquidated Damages shall be offset against amounts owing to Contractor, including retention sums.

To the extent that any Delay is a result of matters or circumstances wholly beyond the control of Contractor, County may excuse said Liquidated Damages; provided however, that County may condition such excuse upon Contractor having given prompt notice to County of such delay immediately by telephone and thereafter by written explanation within a reasonable time. The time for Contractor's performance shall be extended by the period of delay, or such other period as County may elect.

5. Time of the Essence:

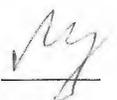
Time is of the essence with respect to Contractor's performance under this Contract. Delay in meeting the time commitments contemplated herein will result in the assessment of liquidated damages, if indicated at §4 at page one (1), hereof. If Liquidated Damages are not so indicated, damages shall be as otherwise provided by law.

Insurance

6. Commercial General Liability Insurance: (County Resolution No. 90674)

If §6 at page one (1) hereof shall indicate a **Commercial General Liability** insurance policy is required, Contractor shall promptly provide proof of such insurance evidenced by a certificate of insurance with properly executed endorsements attached, which insurance shall include the following:

- (i) Broad form coverage for liability for death or bodily injury to a person or persons, and for property damage, combined single limit coverage, in the minimum amount indicated at said §6;
- (ii) An endorsement naming County as an additional insured under said policy, with respect to claims or suits arising from the Services provided or the relationships created under this Contract;



(iii) A provision that said insurance shall be primary and other insurance maintained by the County of Nevada shall be excess only and not contributing with Contractor's insurance;

(iv) A provision that said insurance shall provide for thirty (30) days written notice to County of any termination or change in coverage protection, or reduction in coverage limits (except ten (10) days notice for non-payment of premium).

7. Automobile Liability Insurance: (County Resolution No. 90676)

If §7 at page one (1) hereof shall require either a Business Rated or a Commercial Automobile Liability insurance policy, for each vehicle used including non-owned and hired automobiles, Contractor shall promptly provide proof of such insurance evidenced by a certificate of insurance with properly executed endorsements attached, which insurance shall include the following provisions:

(i) Liability protection for death or bodily injury to a person or persons, property damage, and uninsured and underinsured coverage, combined single limit coverage, in the minimum amount indicated at said §7;

(ii) An endorsement naming County as an additional insured under said policy, with respect to claims or suits arising from the Services provided or the relationships created under this Contract;

(iii) A provision that said insurance shall be primary and other insurance maintained by the County of Nevada shall be excess only and not contributing with Contractor's insurance;

(iv) A provision that said insurance shall provide for thirty (30) days written notice to County of any termination or change in coverage protection, or reduction in coverage limits (except ten (10) days notice for non-payment of premium).

If §7 at page one (1) hereof shall require a Personal Auto policy, for each vehicle used including non-owned and hired automobiles, Contractor shall promptly provide proof of such insurance for a minimum of three hundred thousand dollars, (\$300,000), in combined single limits, and naming the County as additionally insured.

8. Worker's Compensation: (County Resolution No. 90674)

If §8 at page one (1) hereof shall indicate a **Worker's Compensation** insurance policy is required, Contractor shall maintain said policy as required by law, and shall promptly provide proof of such insurance evidenced by a certificate of insurance, or other documentation acceptable to County.

Before commencing to utilize employees in providing Services under this Contract, Contractor warrants that it will comply with the provisions of the California Labor Code, requiring Contractor to be insured for worker's compensation liability or to undertake a program of self-insurance therefor.

9. Errors and Omissions:

If §9 at page one (1) hereof shall indicate **Errors and Omissions** insurance is required, Contractor shall maintain either a professional liability or errors & omissions policy in the minimum amount indicated, and shall promptly provide proof of such insurance evidenced by a certificate of insurance, or other documentation acceptable to County.

10. Miscellaneous Insurance Provisions: (County Resolution No. 90675)

All policies of insurance required by this Contract shall remain in full force and effect throughout the life of this Contract and shall be payable on a "per occurrence" basis unless County specifically consents to "claims made" coverage. If the County does consent to "claims made" coverage and if Contractor changes insurance carriers during the term of this Contract or any extensions hereof, then Contractor shall carry prior acts coverage.

Insurance afforded by the additional insured endorsement shall apply as primary insurance, and other insurance maintained by County, its officers, agents and/or employees, shall be excess only and not contributing with insurance required or provided under this agreement.

At all times, Contractor shall keep and maintain in full force and effect throughout the duration of this Contract, policies of insurance required by this Contract which policies shall be issued by companies with a Best's Rating of B+ or higher (B+, B++, A-, A, A+ or A++), or a Best's Financial Performance Rating (FPR) of 6 or higher (6, 7, 8 or 9) according to the current Best's Key Rating Guide, or shall be issued by companies approved by the County Risk Manager. In the event the Best's Rating or Best's FPR shall fall below the rating required by this paragraph, Contractor shall be required to forthwith secure alternate policies which comply with the rating required by this paragraph, or be in material breach of this Contract.



Failure to provide and maintain the insurance policies (including Best's ratings), endorsements, or certificates of insurance required by this Contract shall constitute a material breach of this agreement (herein "Material Breach"); and, in addition to any other remedy available at law or otherwise, shall serve as a basis upon which County may elect to suspend payments hereunder, or terminate this Contract, or both. (See §13, ¶2, below, as these provisions additionally apply to subcontractors.)

11. Indemnity:

Nothing herein shall be construed as a limitation of Contractor's liability, and Contractor shall indemnify, defend and hold harmless the County and its officers, officials, employees, agents and volunteers from any and all liabilities, claims, demands, damages, losses and expenses (including, without limitation, defense costs and attorney fees of litigation) which result from the negligent act, willful misconduct, or error or omission of Contractor, except such loss or damage which was caused by the sole negligence or willful misconduct of County or its officers, officials, employees, agents and volunteers.

Personal Services

12. Contractor as Independent:

In providing services herein, Contractor, and the agents and employees thereof, shall act in an independent capacity and as an independent contractor and not as agents or employees of County.

13. Assignment and Subcontracting:

Except as specifically provided herein, the rights, responsibilities, duties and Services to be performed under this Contract are personal to the Contractor and may not be transferred, subcontracted, or assigned without the prior written consent of County. Contractor shall not substitute nor replace any personnel for those specifically named herein or in its proposal without the prior written consent of County.

Contractor shall cause and require each transferee, subcontractor and assignee to comply with the insurance provisions set forth herein at §§6, 7, 8, 9 and 10, to the extent such insurance provisions are required of Contractor under this Contract. Failure of Contractor to so cause and require such compliance by each transferee, subcontractor and assignee shall constitute a Material Breach of this agreement, and, in addition to any other remedy available at law or otherwise, shall serve as a basis upon which County may elect to suspend payments hereunder, or terminate this Contract, or both.

14. Licensing and Permits:

Contractor warrants (i) Contractor is qualified and competent to provide all Services under this contract; (ii) Contractor and all employees of Contractor hold all necessary and appropriate licenses therefor, including those licenses set forth at §14, page one (1) hereof; and, (iii) Contractor shall obtain, and remain in compliance with, all permits necessary and appropriate to provide said Services. Contractor shall cause said licenses and permits to be maintained throughout the life of this Contract. Failure to do so shall constitute a Material Breach of this agreement, and, in addition to any other remedy available at law or otherwise, shall serve as a basis upon which County may elect to suspend payments hereunder, or terminate this Contract, or both.

Public Contracts

15. Prevailing Wage and Apprentices:

To the extent made applicable by law, performance of this contract shall be in conformity with the provisions of California Labor Code, Division 2, Part 7, Chapter 1, commencing with Section 1720 relating to prevailing wages which must be paid to workers employed on a public work as defined in Labor Code §§ 1720, et seq.; and shall be in conformity with Title 8 of the California Code of Regulations §§ 200 et seq., relating to apprenticeship. Contractor shall comply with the provisions thereof at the commencement of Services to be provided herein, and thereafter during the term of this Contract. A breach of the requirements of this section shall be deemed a material breach of this contract. A copy of the relevant prevailing wage as defined in Labor Code §1770 et seq. is on file with the Department of Transportation, County of Nevada, 950 Maidu Avenue, Nevada City, California 95959. Copies will be provided upon request.

16. Accessibility (County Resolution No. 00190):

It is the policy of the County of Nevada that all County services, programs, meetings, activities and facilities shall be accessible to all persons, and shall be in compliance with the provisions of the Americans With Disabilities Act and Title 24, California Code of Regulations. To the extent this Contract



shall call for Contractor to provide County contracted services directly to the public, Contractor shall certify that said direct Services are and shall be accessible to all persons.

17. Nondiscriminatory Employment:

In providing Services hereunder, Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, national origin, political affiliation, ancestry, marital status or disability. This policy does not require the employment of unqualified persons.

18. Prior Nevada County Employment (County Resolution No. 03-353):

Effective July 22, 2003, it is the policy of the County of Nevada that former members of the Board of Supervisors, a former CEO, or a former Purchasing Agent, for a period of twelve (12) months following the last day of employment, shall not enter into any relationship wherein that former employee or former Board member receives direct remuneration from a legal entity that, during the last twelve (12) months of said employment or Board member's service, entered into a contract with, or received a grant from the County of Nevada. Provided however, that this prohibition shall not apply to any employee that did not personally approve a contract with or grant to said legal entity during the last twelve (12) months of said employment, and shall not apply when the Board of Supervisors did not approve a contract with or grant to said legal entity during the last twelve (12) months of said Board member's service.

A violation of this policy shall subject Contractor to all of the remedies enumerated in said resolution and as otherwise provided in law, which remedies shall include but not be limited to injunctive relief, cancellation and voiding of this contract by County, a return of grant money, a cause of action for breach of contract, and entitlement to costs and reasonable attorney fees in any action based upon a breach of contract under this provision.

19. Cost Disclosure:

In accordance with Government Code Section 7550, should a written report be prepared under or required by the provisions of this Contract, Contractor agrees to state in a separate section of said report the numbers and dollar amounts of all contracts and subcontracts relating to the preparation of said report

Default and Termination

20. Termination:

A Material Breach of this Contract pursuant to the terms hereof or otherwise, in addition to any other remedy available at law or otherwise, shall serve as a basis upon which County may elect to immediately suspend payments hereunder, or terminate this contract, or both, **without notice**.

If Contractor fails to timely provide in any manner the services materials and products required under this Contract, or otherwise fails to promptly comply with the terms of this Contract, or violates any ordinance, regulation or other law which applies to its performance herein, County may terminate this Contract by giving **five (5) days written notice** to Contractor.

Either party may terminate this Contract for any reason, or without cause, by giving **thirty (30) calendar days written notice** to the other, which notice shall be sent by registered mail in conformity with the notice provisions, below. In the event of termination not the fault of the Contractor, the Contractor shall be paid for services performed to the date of termination in accordance with the terms of this Contract. Contractor shall be excused for failure to perform services herein if such performance is prevented by acts of God, strikes, labor disputes or other forces over which the Contractor has no control.

County, upon giving **sixty (60) calendar days written notice** to Contractor, shall have the right to terminate its obligations under this Contract at the end of any fiscal year if the County or the State of California, as the case may be, does not appropriate funds sufficient to discharge County's obligations coming due under this contract.

Miscellaneous

21. Books of Record and Audit Provision:

Contractor shall maintain complete records relating to this Contract for a period of five (5) years from the completion of Services hereunder. Said records shall include but not be limited to bids and all supporting documents, original entry books, canceled checks, receipts, invoices, payroll records including subsistence, travel and field expenses, together with a general ledger itemizing all debits and credits

Contractor shall permit County to audit said records as well as such related records of any business entity controlled by Contractor. Said audit may be conducted on Contractor's premises or at a location designated by County, upon fifteen (15) days notice. Contractor shall promptly refund any



moneys erroneously charged and shall be liable for the costs of audit if the audit establishes an over-charged of five percent (5%) or more of the Maximum Contract Price.

22. Intellectual Property:

All original photographs, diagrams, plans, documents, information, reports, computer code and all recordable media together with all copyright interests thereto (herein "Intellectual Property"), which concern or relate to this Contract and which have been prepared by, for or submitted to Contractor, shall be the property of County, and upon fifteen (15) days demand therefor, shall be promptly delivered to County without exception. Provided however, for personal purposes only and not for commercial, economic or any other purpose, Contractor may retain a copy of Contractor's work product hereunder.

23. Entire Agreement:

This Contract represents the entire agreement of the parties, and no representations have been made or relied upon except as set forth herein. This Contract may be amended or modified only by written, fully executed agreement of the parties.

24. Jurisdiction and Venue:

This Contract shall be construed in accordance with the laws of the State of California and the parties hereto agree that venue shall be in Nevada County, California.

25. Compliance with Applicable Laws:

The Contractor shall comply with any and all federal, state and local laws, codes, ordinances, rules and regulations which relate to, concern or affect the Services to be provided by this Contract.

26. Notices:

This Contract shall be managed and administered on County's behalf by the department and the person set forth at §26, page one (1) of this Contract, and all invoices shall be submitted to and approved by this Department. In addition to personal service, all notices may be given to County and to Contractor by first class mail addressed as set forth at said §26 Said notices shall be deemed received the fifth (5th) day following the date of mailing or the earlier date of personal service, as the case may be.

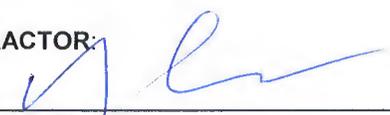
27. Authority:

All individuals executing this Contract on behalf of Contractor represent and warrant that they are authorized to execute and deliver this Contract on behalf of Contractor.

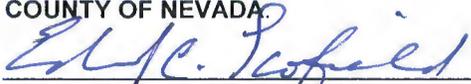
IN WITNESS WHEREOF, the parties have executed this Contract effective on the Beginning Date, above.



CONTRACTOR:


Name: Paul Yoder
Title:
Dated: 7-5-11

COUNTY OF NEVADA:


Honorable Edward C. Scofield
Chair, Board of Supervisors
Dated: 7-11-11

Attest: 
Cathy R. Thompson
Clerk of the Board of Supervisors

Exhibit "A"

SCHEDULE OF SERVICES

(Provided By Contractor)

Contractor will:

- Work directly with County-designated principals and staff in completing a needs assessment to identify those issues that have the greatest impact on the area, and also possess the greatest opportunity for successful advocacy efforts.
- Meet on a regularly scheduled basis to brief County of Nevada officials and strategize on priority items; and will maintain ad hoc communications as necessary.
- Prepare an annual State Legislative Platform for adoption.
- Periodically meet with Board members and staff to present final platform, and to report on activities and confer on matters related to legislative or regulatory actions in Sacramento.
- Vigorously represent the County of Nevada on identified priority issues and initiate appropriate actions to advocate on the County's behalf.
- Identify available State programs that provide funding or grants for projects and services, and represent the County of Nevada in the application process when requested.
- Prepare briefing materials, conduct briefings, and arrange appointments for officials and staff when their travel to Sacramento is relevant to the County of Nevada's priority issues.
- Provide space, staff support and office equipment such as telephones, fax machines and personal computers for use at an office in Sacramento.
- Maintain regular communication with the County of Nevada's designated legislative liaison; and provide quarterly written reports on activities and accomplishments.
- Review legislative proposals and amendments and advise the County of Nevada on matters of interest; make recommendations regarding positions the County may take in response to pieces of legislation.
- Represent the County of Nevada in meetings and correspondence with legislators and representative of the executive branch.



- Draft bill language and amendments for sponsored legislation.
- Perform legislative research as requested.
- Keep legislators, staff, the Administration and other key State of California Officials informed about the issues of concern to the County of Nevada.

On an on-going basis and in addition to the above, Contractor will continue to implement a comprehensive long-term representation and lobbying program including the following activities:

- Work to translate all 2011 legislative objectives into specific actions to achieve specified objectives and to seek adoption of official positions on introduced legislation (attached).
- Review daily every individual piece of introduced or amended legislation. Legislation potentially impacting the County of Nevada would be referred to the appropriate staff person or member for further analysis and response per direction from the County of Nevada. Advice and analyses will be provided as necessary on these bills.
- Communicate the County of Nevada's positions on legislation to the appropriate legislators, committees and staff, including preparation and distribution of written communication, preparation and delivery of testimony before committees, and through personal contact with and lobbying of appropriate legislators and staff. This would include preparing officials and staff for carrying out activities such as testifying before committees and meeting with legislators. As bills move to the Governor's desk, contractor would communicate with the appropriate Administration staff regarding the County of Nevada's position.
- Attend legislative committee and administrative agency hearings to assess the impact on the County of Nevada of actions taken by these groups.
- Develop political analyses, strategies and recommendations to support the County of Nevada's legislative objectives and actions.
- Work with other organizations and statewide coalitions to develop support for the County of Nevada's policies.
- Maintain necessary formal and informal ongoing communications with key legislators, their staff, and state officials on the County of Nevada's behalf. This will ensure that legislators and staff understand that the County of Nevada is an active participant in state policy making.
- Provide necessary written and oral reports on issues of importance to the County of Nevada. The Contractor principals would provide these reports.



- Adhere to all regulations governing the activities of registered lobbyists in California, including preparation of necessary Fair Political Practices Commission lobbying reports for execution by the County of Nevada.
- Utilize technology such as e-mail to constantly provide officials and staff with up-to-the-minute information.
- Identify available state programs that provide funding or grants for projects and services and provide assistance in structuring and presenting applications, and monitor and expedite applications.
- Provide officials visiting Sacramento with access to work area, phone/fax, e-mail and temporary storage and ground transportation.

In addition Contractor will:

- Maintain regular and constant communication with the Assistant County Executive Officer designated as the Legislative Coordinator.
- Meet regularly with key officials designated by the Board as appropriate to discuss legislative issues. This will be supplemented by teleconferences and e-mail as needed.
- Submit on a regular basis (a minimum of quarterly) summary written reports on activities of major importance to the County of Nevada, including bill status reports.
- Brief officials and staff on fast-breaking developments on major issues as often as necessary.
- As directed, report in person to the County of Nevada Board of Supervisors.
- Work, as needed, with the legislative representatives of other agencies or organizations on issues of common interest with the County of Nevada, particularly with the California State Association of Counties (CSAC), its affiliate organizations and representatives of other individual counties.
- Attend the Board of Supervisors workshop in January 2012.

Services shall be set forth with reasonable particularity, and shall correspond with the milestones for payments set forth in **Exhibit "B"**, below.

Exhibit B

SCHEDULE OF CHARGES AND PAYMENTS

(Paid by County)

For the services to be provided, as set forth in Exhibit "A", above, and annual retainer of \$36,000 will be established and payment will be made in monthly installments on the 15th of each month in the amount of \$3,000 that will be paid to:

Peterson Consulting, Inc.
1415 L Street, Suite 200
Sacramento, CA 95814

Peterson Consulting, Inc. will be responsible for making payment for any portion of the retainer that is due to Shaw/Yoder/Antwih, Inc.

A handwritten signature in black ink, appearing to be 'M3', is written over a horizontal line that serves as a signature line.

PETERSON CONSULTING, INC.
LEGISLATIVE ADVOCATES
1415 L STREET, SUITE 200
SACRAMENTO, CALIFORNIA 95814
(916) 441-4424
FAX (916) 441-2279
PETERSONCONSULTING@EARTHLINK.NET

To: The Nevada County Board of Supervisors
Cc: Rick Haffey, Nevada County Executive Officer
Laura Matteson
From: Paul J. Yoder and Karen Lange
Date: May 26, 2011
RE: Nevada County Legislative Report

2011-2012 State Spending Plan

January Budget

Governor Brown set his priorities regarding the 2011-12 Budget early in the year, seeking to close the budget gap of \$26 billion with a combination of cuts, tax extensions and fund shifts. Part of his budget plan hinged upon calling a special election for the voters to either approve tax extensions, or, if the voters rejected them, to enact an all-cuts budget. The Governor has been emphatic that he wants the voters to have a say in the taxes.

In order to conduct a special election in June 2011 (before the July 1 fiscal year start), the Legislature would have needed to call for a special election by mid-March. The Legislature was able to approve approximately \$11 billion in cuts to date, but the tax extensions, Constitutional Amendment that would have dictated the stream of revenue for those extensions, and the call for a special election to vote on those items were **not** and have **not** been approved by the Legislature.

Even though voters approved Prop. 25 last year, which changed the State Budget to a majority vote (from a 2/3 vote), budgets approved with a majority vote cannot include tax increases - tax increases still take a 2/3 vote, and the Governor's budget called for tax increases and extensions

To date, the Legislature has passed and the Governor has signed over one dozen budget trailer bills for the 2011-12 Budget. The Gas Tax Swap, part of that 15-bill package, was reauthorized. However, the 2011-12 Budget is still severely unbalanced as there are \$15.4 billion in solutions missing and/or unfinished. The Public Safety realignment legislation has been signed but the Governor indicated he does not expect counties to implement it without funding.

The main budget bill, SB 69, is still sitting in enrollment as of this writing.

The Governor's January budget called for:

- \$100,749 billion in spending
- Closing a \$26.6 billion deficit.

The budget bills signed so far:

- Reductions – \$8.2 billion
- Revenues – \$0.3 billion
- Other – \$2.6 billion (*i.e.* Prop. 10 and Prop. 63 fund shifts)
- Total – \$11.2 billion

May Revise

The State income tax receipts for May 2011 came in at higher-than-expected levels, giving the State \$2.5 billion more in income than previously forecast. Given this trend, the Governor's May Revise adjusted the budget deficit to approximately \$10.8 billion, assuming a revenue gain in 2011-2012 of \$6.6 billion.

Below are details of the revised budget:

Realignment:

- The Governor wants to continue to push on Realignment in health care and move more responsibility to locals. (I.E. eliminating the Departments of Mental Health and Alcohol and Drug Programs and reducing state personnel by at least 25 percent for affected programs.)
- The May Revision continues to provide \$98.6 million to county mental health agencies on a one-time basis for mental health services to special education students under the AB 3632 program, however, ongoing responsibility for these services is proposed for realignment to school districts instead of counties.
- The Governor has backed away from include fire services in realignment.

Vehicle License Fee / Public Safety

- The May Revision proposes that the Legislature implement and the voters the VLF extension. Current sales tax and vehicle license fee rates and the dependent credit exemption level would be extended for five years.

Special Election:

- The Governor still wants to have a special election – he hopes for early in the fall. He wants to find Republicans to vote for tax extensions directly, and the special election would serve as a referendum on the extensions. He also still wishes to get approval of the proposed Constitutional Amendment.

Redevelopment:

- The Governor continues to push for the elimination of Redevelopment Agencies in his May Revise. However, the Governor has backed away from eliminating Enterprise Zones, and instead is proposing to reform them, focusing on new job creation in EZs.

Pension Reform:

- The Governor indicated he will continue working on pension reform, but he is also expecting proposals to appear on the ballot. There are no new details in the document regarding the Governor's pension reform plan. He intimated that he continues to negotiate on reforms.

Government Reduction/Restructuring

- Forty-three boards and commissions (including the California Medical Assistance Commission, the California Postsecondary Education Commission, the Managed Risk Medical Insurance Board and the Unemployment Insurance Appeals Board) are proposed for elimination, along with the elimination of 5,500 state positions.
- General Fund spending would drop to the 1972-73 level.

IHSS

- The May Revises call for the elimination of services for recipients without medical certification, will implement a pilot project for medication dispensing machines, and eliminate state funding for IHSS advisory committees.

Redevelopment

The Governor's plan to eliminate redevelopment agencies has stalled – it failed passage by one vote in the Assembly and was not taken up in the Senate. Alternatives to elimination are being offered by cities and the Redevelopment Association. The Governor has not indicated he is willing to accept such alternatives; the Legislature seems more open to the idea.

Assemblywoman Beth Gaines, who was elected in a special election on May 3, has indicated she is willing to vote for elimination of redevelopment. She has just been sworn into office.

The Governor still is proposing to eliminate redevelopment agencies, but has dropped his proposal to eliminate enterprise zones.

Williamson Act

The Governor eliminated current year funding for the Williamson Act (there had been \$10 million in the budget). There is zero funding proposed for 2011-12. He also eliminated County authorization to shorten contracts by one year. That authorization was included in last year's budget, and eight counties took advantage of that authorization;

many more counties were considering it for 2011-12 if no funding for the Act is made available. Now there is no current or future funding proposed by the Governor, and some counties are facing uncertainty with respect to the shortened contracts, now that the authorization from last year has been deleted.

There are several legislative proposals regarding the Williamson Act:

AB 1265 (Neilsen) reenacts the local self-help provisions of last year's SB 863, but without the \$10M State General Fund subvention appropriation.

AB 781 (Perez), currently a spot bill on possible donations to a subvention fund, is a vehicle for the Speaker's interest in agricultural land issues.

SB 618 (Wolk), proposes to create an additional WA compliance tool for proposed solar projects, prioritizing land with poor agricultural or habitat qualities.

SB 668 (Evans), is similar to AB 781 in authorizing voluntary contributions from land trusts, public agencies, and others to local subvention funds.

AB 218 (Wieckowski) would reinstate the estate tax and fully fund the Williamson Act – pending voter approval.

Jail Facility Update

The Governor has signed into law a measure to reduce the local share for new correctional facilities built using AB 900 money. AB 94 does the following:

- Allow participating counties that received Phase I conditional awards to relinquish the awards and reapply, provided that no state moneys have been encumbered.
- Add a funding preference to counties that relinquish their conditional awards, provided that those counties continue to assist the state in siting reentry facilities.
- Reduce county contribution of project costs from 25% to 10%.
- Specify that participating counties shall not receive awards greater than \$100 million.

Public Safety Realignment in AB 109

(Signed into law April 4, 2011 without a funding stream)

The Governor signed AB 109 into law over the objections of Counties throughout California and the California State Sheriffs Association. The provisions of AB 109 were negotiated as part of a three-part package of the realignment, along with tax extensions to fund the realignment and Constitutional protections to ensure that funding could not be raided or redirected. When the Legislature failed to pass the other key provisions, yet sent AB 109 to the Governor, it represented an incomplete package which was difficult for counties to support. In his signing message, the Governor committed to counties that he does not expect AB 109 to be implemented unless and until a funding source is made available for counties to do so. Below are the main features of AB 109:

1) Expand the authority of local correctional administrators to use alternative custody methods and establishes day for day credit for offenders serving time in a jail facility.

- Specify the population to be released onto post-release supervision (non-violent/serious, no third strike conviction, no high risk sex offenders);
- Require the Local Corrections Community partnership to create an implementation plan for post release supervision of offenders and establishes an executive committee;
- the partnership to make recommendations to county board of supervisors;
- Require the county board of supervisors to designate a county agency to be responsible for post-release supervision;
- Require notification by the California Department of Corrections and Rehabilitation (CDCR) to counties regarding who is being released into post release supervision;
- Require offenders to enter into a post-release community supervision agreement, which includes terms and conditions;
- Require the court to establish a process to determine violations of conditions of post-release supervision and revocations; and,
- Set parameters for one time offenders to be on post-release supervision and provides authority for release.

2) Make various changes to State Parole statutes as follows:

- Specify who remains on state parole (violent/serious conviction, third strike conviction, high risk sex offenders);
- Specify that only lifers can be returned to state prison for a parole violation;
- Specify CDCR's jurisdiction over all offenders currently on parole; and,
- Add the courts as the authority for determining revocations.

3) Make various changes to Low Level Offender statutes as follows:

- Redefine a felony to include imprisonment in a county jail for more than a year;
- Change all enumerated penalty code sections to include the phrase "pursuant to subdivision (h) of Penal Code Section (PC) 1170;"
- Amend PC Section 1170 to include (h), which provides 16 months, two, or three years if the punishment is specified to be served in county jail unless the person has a prior violent, serious, or sex offense (in which case they serve time in state prison);
- Provide that counties can contract with the state to house felony offenders;
- Stop state intake and allows local agencies to contract with CDCR for housing juvenile offenders.

Looking Ahead

Governor Brown's May Revise calls for him to sign legislation which directly extends taxes and then schedule a vote of the people on that extension for early fall. As counties are painfully aware, the VLF increase is set to expire June 30, 2011. Without some legislation, that critical funding source for public safety programs will be eliminated.

The Governor is still seeking a special election to allow voters to speak. The scenario he outlined would be 1) the Legislature directly approves temporary tax extensions on a 2/3 vote, 2) the Governor calls a special election and 3) the voters decide to either continue the tax extensions or reject them. If the voters reject the extension, all-cuts budget would be implemented going forward.

In addition to the Governor wanting voters to determine whether or not the tax extensions go forward, the Constitutional Amendment has to be approved or rejected by the voters.

Nevada County Sponsored Legislation

SB 726(Berryhill) Fire suppression: fire sprinkler systems.

Last Amend:

Location: 05/13/2011-S 2 YEAR

Summary: Would authorize, until January 1, 2014, a county, by ordinance or resolution, to opt not to be subject to a regulation published in the California Building Standards Code requiring the installation of a fire sprinkler system in a single-family residential dwelling.

SB 858(Gaines) Probation: Chief Probation Officer of Nevada County.

Last Amend: 04/25/2011

Location: 05/03/2011-S PUB. S.

Summary: Would provide that the Chief Probation Officer of Nevada County over adult and juvenile probation be appointed and removed by the Nevada County Board of Supervisors. This bill contains other related provisions.

Nevada County - Concerns

SB 105(Yee) Public safety: snow sport helmets.

Last Amend: 04/12/2011

Location: 05/02/2011-A HEALTH

Summary: Would require a person under 18 years of age to wear a properly fitted and fastened snow sport helmet while operating snow skis or a snowboard, or while riding upon a seat or other device that is attached to the snow skis or a snowboard, while participating in the sport of downhill skiing or snowboarding. The bill would impose a \$25 fine for a violation of this requirement. Because this bill would create a new crime, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Concerns

Nevada County - Oppose

SB 594(Wolk) Local public health laboratories.

Last Amend: 05/11/2011

Location: 05/11/2011-S APPR.

Calendar: 05/23/11 11 a.m. - John L. Burton Hearing Room (4203) SEN
APPROPRIATIONS

Summary: Would recast those provisions to specify the duties of the local public health laboratories, to require the department to develop the examination for the certificate of public health microbiologist for public health laboratories in consultation with the California Association of Public Health Laboratory Directors , to require the department to adopt regulations related to training laboratories and continuing education requirements, and to define related terms. By requiring that local agencies comply with these requirements, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Oppose

Nevada County - Watch

AB 36(Perea) Income and employment taxes: federal conformity: Health Care and Education Reconciliation Act of 2010.

Last Amend: 02/18/2011

Location: 04/07/2011-A CHAPTERED

Summary: Would under both laws, provide additional conformity with federal income tax laws by adopting specified provisions of the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 relating to gross income exclusions for reimbursements for medical care expenses under specified plans for dependents, as specified. This bill contains other related provisions and other existing laws.

AB 338(Wagner) Regulations: legislative validation: effective date.

Last Amend: 04/15/2011

Location: 05/18/2011-A APPR.

Summary: Would require the office to also submit to the Legislature for review a copy of each disapproved regulation where the basis for that disapproval was a determination that the agency exceeded its statutory authority in adopting the regulation . This bill would also require that a regulation become effective on the 90th day after it is filed with the Secretary of State, unless prescribed conditions occur.

AB 425(Nestande) State regulations: review.

Last Amend:

Location: 05/18/2011-A APPR. SUSPENSE FILE

Summary: Would require, no later than December 31, 2012, each state entity that promulgates regulations to review those regulations, and repeal or report to the Legislature those identified as duplicative, archaic, or inconsistent with statute or other regulations. It would also require these entities to report to the Legislature by that date on regulations deemed to inhibit economic growth in the state.

AB 429(Knight) Regulations: effective date.

Last Amend:

Location: 05/10/2011-A 2 YEAR

Summary: Would require an agency, for any regulation that it has identified as having a gross cost of \$15,000,000 or more, an increased cost of 5% or more over the cost of an existing regulation, or both, to submit a copy of the rulemaking record for that regulation to the appropriate policy committee in each house of the Legislature when the agency submits the regulation to the office for approval. This bill contains other related provisions.

AB 640(Logue) Water discharges: mandatory minimum civil penalties.

Last Amend: 04/12/2011

Location: 05/10/2011-A 2 YEAR

Summary: Would expand that definition to include a POTW serving a community of 20,000 persons or fewer. The bill also would authorize the state board or a regional board to waive specified nonpayment penalties for a POTW that is subject to the compliance project provisions. This bill contains other existing laws.

AB 926(Hayashi) Physicians and surgeons: direct employment.

Last Amend: 04/27/2011

Location: 04/28/2011-A B.,P. & C.P.

Summary: Would until January 1, 2022, reenact the pilot project to allow all qualified district hospitals to employ not more than 50 physicians and surgeons, under circumstances described above. The bill would require the Medical Board of California to report to the Legislature by October 1, 2020, on the effectiveness of the pilot project. This bill contains other related provisions.

AB 955(Huber) Onsite sewage treatment systems.

Last Amend: 04/12/2011

Location: 05/19/2011-A CONSENT CALENDAR

Calendar: 05/19/11 18 ASM ASSEMBLY SECOND READING FILE

Summary: Would require the regulations or standards to consist of a risk-based, tiered approach . The bill would specify that the exemption criteria to be contained in the regulations or standards may also be established by the state board in addition to the regional boards. The bill would delete from the local agency implementation provision the condition that the local agency request authorization.

AB 964(Huffman) State Water Pollution Control Revolving Fund: onsite sewer improvement projects.

Last Amend: 04/13/2011

Location: 05/16/2011-A CONSENT CALENDAR

Calendar: 05/19/11 257 ASM CONSENT CALENDAR-SECOND LEGISLATIVE DAY ASSEMBLY MEASURES

Summary: Would require financial assistance provided from the fund for onsite sewer improvements, as defined, to be provided only for projects for which a public agency has adopted a sewer system management plan, as defined, that includes a prescribed 10-year plan for sewer upgrades. The bill, commencing January 1, 2013, would require a public agency receiving financial assistance from the fund for that purpose to report annually to the board on its progress with respect to developing and implementing a 10-year plan for sewer upgrades. This bill contains other related provisions.

AB 992(Nielsen) Civil liability: wildfires.

Last Amend: 04/12/2011

Location: 05/10/2011-A 2 YEAR

Summary: Would provide that damage caused by an escaping fire, other than an arson fire, shall not be deemed a trespass for purposes of these provisions. The bill would provide that the amount of monetary damages recoverable by any person, including a governmental entity, for fire escaping to the land of another, other than arson, shall be limited to the fair market value of the land and timber affected by the fire in its prefire condition, less the fair market value of the land and timber in its postfire condition. The bill would provide that non-fee-based public benefit use, land conservation management activity, and timber operations conducted in compliance with all laws and regulations pertaining or related to fire safety shall not be deemed a foreseeable risk in the context of any damage related to fire or its escape onto the property of another. This bill contains other related provisions and other existing laws.

AB 1005(Dickinson) Forest practices: timber harvesting plan.

Last Amend:

Location: 05/10/2011-A 2 YEAR

Summary: would additionally require the Department of Fish and Game, the appropriate regional water quality control board, the California Geological Survey, and, where applicable, the California Coastal Commission to conduct a review of a timber harvesting plan to determine environmental issues and mitigation measures. If that review raises environmental issues and mitigation measures suggested by the reviewing entities are not deemed necessary by the director, the bill would require the Secretary for Natural Resources to review the plan for final determination. This bill contains other related provisions.

AB 1200(Ma) Water quality: discharges: sewer systems.

Last Amend: 05/04/2011

Location: 05/18/2011-A APPR. SUSPENSE FILE

Summary: Would require a local public agency that operates a combined sewer and stormwater system to implement a notification plan to inform the public in the event of a discharge that occurs on or near a recreational beach. The bill would require the agency, upon the occurrence of a sewer discharge on or near a recreational beach, to post notice at the beach and conduct shoreline monitoring, in accordance with a schedule determined by the appropriate California regional water quality control board. The bill would require the agency to make reasonable efforts to enter into an agreement with a nongovernmental organization for regular sampling of receiving waters affected by discharges from the combined sewer and stormwater system. By imposing new requirements on local public agencies that operate combined sewer and stormwater systems, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 1221(Alejo) State Water Quality Control Fund: State Water Pollution Cleanup and Abatement Account.

Last Amend: 04/13/2011

Location: 05/11/2011-A APPR. SUSPENSE FILE

Summary: Would additionally authorize the state board to pay these moneys to tribes, as defined, and not-for-profit organizations serving disadvantaged communities, as defined, that have authority to clean up or abate the effects of waste. By authorizing new expenditures from a continuously appropriated account, this bill would make an appropriation. This bill contains other existing laws.

SB 278(Gaines) Public safety: ski resorts.

Last Amend: 04/25/2011

Location: 05/05/2011-A DESK

Summary: Would require a ski resort to prepare an annual safety plan and, upon request, make the safety plan available to the public the same day the request is received. The bill would also require a ski resort to make available to the public, within 30 days of receipt of a request, a monthly report with specified details about any fatal incidents at the resort which resulted from a recreational activity. The bill would also require a ski resort to establish its own signage policy and its own safety padding policy for the resort. The bill would specify that nothing in the above-described provisions shall be construed to change the existing assumption of risk doctrine as it applies to ski resorts.

SB 385(Gaines) Tidelands and submerged lands: public trust doctrine: Lake Tahoe.

Last Amend:

Location: 05/13/2011-S 2 YEAR

Summary: Would state the intent of the Legislature to enact legislation that would require the State Lands Commission to establish the highest level of public trust tidelands and submerged lands at Lake Tahoe to be 6,223 feet Lake Tahoe datum, the source elevation of the Truckee River, Lake Tahoe's only outlet.

SB 464(Anderson) Property taxation: new construction exclusion: fire protection devices.

Last Amend: 03/30/2011

Location: 03/30/2011-S G. & F.

Summary: Would expand this exclusion to include the construction or installation of any fire sprinkler system, other fire extinguishing system, and fire detection system in a new building, as defined, the construction or installation of which is completed on or after

January 1, 2012. This bill would require the county assessor to administer this expansion, as provided, and to reduce the base year value of the new building by the value of the fire sprinkler system, other fire extinguishing system, and fire detection system, as specified. This bill contains other related provisions and other existing laws.

SB 494(Fuller) California regional water quality control boards: perchloroethylene.

Last Amend:

Location: 05/13/2011-S 2 YEAR

Summary: Would declare the intent of the Legislature to enact legislation that would transfer responsibility for the investigation and remediation of perchloroethylene contamination to the regional boards.

SB 593(Gaines) Political Reform Act of 1974: Tahoe Regional Planning Agency: members: statement of economic interests.

Last Amend: 04/26/2011

Location: 05/18/2011-S CONSENT CALENDAR

Calendar: 05/19/11 144 SEN CONSENT CALENDAR-FIRST LEGISLATIVE DAY

Summary: Would additionally require each California member of the agency, who represents the state in matters officially coming before the agency, to comply with certain requirements of the Political Reform Act of 1974, and to file with the Fair Political Practices Commission a specified form containing a statement of economic interests. Because the bill would expand the definition of a crime under the act, it would impose a state-mandated Flocal program. (2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason. This bill contains other related provisions and other existing laws.

SB 649(Berryhill) Local government: contracts: special services.

Last Amend:

Location: 05/13/2011-S 2 YEAR

Summary: Existing law authorizes the board of supervisors to contract for special services, on behalf of specified county entities, in financial, economic, accounting, engineering, legal, medical, therapeutic, administrative, architectural, airport or building security matters, laundry services or linen services, as specified. This bill would make technical, nonsubstantive changes to this provision.

SB 886(Corbett) Sprinkler fitters: licensing.

Last Amend:

Location: 05/10/2011-S 2 YEAR

Summary: Would specify that a license may be affected for failure to resolve all outstanding financial liabilities, and would include nonpayment of assessments of the State Fire Marshal among the financial liabilities for which a license may be affected. This bill contains other related provisions and other existing laws.

SB 900(Steinberg) California regional water quality control boards: members.

Last Amend: 05/09/2011

Location: 05/19/2011-A ASSEMBLY

Calendar: 05/19/11 56 SEN SENATE BILLS-THIRD READING FILE

Summary: Would provide that this revised eligibility provision relating to members of a regional board shall be implemented only if certain requirements are met. This bill contains other existing laws.

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

Summary

2011 Legislative Priorities

1. Wastewater Treatment Facilities*Page 4*
 - Support funding for the Central Valley Regional Water Quality Board to update sections of the Basin Plan
 - Pursue revision of penalty assessment methodology for varying volumes and small communities
 - Pursue increasing Small Community Water Grant funding limits
 - Pursue establishment of a Federal funding mechanism to assist small communities with capital costs related to compliance with the Clean Water Act
 - Pursue affordability factor to apply to SRF (State Revolving Fund) to offer lower interest rates to disadvantaged communities

2. Hazardous Fuels Conditions*Page 7*
 - Support fuels treatment identified in Community Wildfire Protection Plans (CWPP)
 - Pursue State adoption of the Federal Healthy Forest Restoration Act and partner with the Federal government with the (CWPP) process to identify State lands that directly impact private property
Long-term fuels treatment at the public land management agency level
 - Support Federal and State funding for development of biomass product markets to assist with fuels treatment by-products
 - Support fuels treatment reduction in private-public, private-private public-public land boundaries in general
 - Monitor impacts of the Governor’s 2011 proposal to shift SRA’s to counties

2011 State Budget Priorities

C.S.A.C. and R.C.R.C. will pursue County of Nevada budgetary interests impacted by changes in the State budget. Below are the County’s top State Budget priorities:

1. Maintain and protect funding for Public Safety.....*Page 10*
2. Maintain funding for local streets and roads.....*Page 10*
3. Provide funding for mandated and realigned responsibilities.....*Page 10*

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

Appendix A – List of County Infrastructure Projects

Not in order of priority

- 1) Rural Broadband Infrastructure and Services*Page 11*
- 2) Road Projects*Page 11*
 - Combie Road Widening
 - Brunswick at Loma Rica Drive Intersection Realignment
- 3) Wastewater Projects*Page 11*
 - Planning, environmental design, preliminary design and final design, and construction of Penn Valley wastewater system improvements/expansion.
 - Planning, design and construction for next phase of Lake Wildwood wastewater treatment system improvements
 - Evaluation and planning for future repair and replacement in District wastewater collection systems
 - Wastewater treatment facility regionalization technical assistance
- 4) Solid Waste Projects*Page 12*
 - Develop Master Plan for the McCourtney Road Transfer Station
 - New Wood Waste Processing Area
 - New Recycling Facility at the McCourtney Road Transfer Station
 - Expand the Construction and Demolition Drop-Off Area at the McCourtney Road Transfer Station
 - Construction of a Leachate Storage Tank and Associated Infrastructure
 - Improve Impacts of the McCourtney Road Transfer Station on Neighborhood

Appendix B – Nevada County 2011 Board Objectives.....Page 14

Appendix C – Legislation pursued by State Associations

The appendix is attached for references purposes. County Agency and Department Associations are pursuing the legislative items listed here. Items have been listed in priority order by each department.

- Health and Human Services Agency Administration*Page 15*

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

- Support Implementation of Health Care Reform
- Support for Restoration of Base Realignment Funding to FY 07-08 levels for Health and Human Services Programs
- Support Realignment of Health and Human Services Programs

Social Services *Page 22*

- Support an increase in Adult Protective Services funding
- Increase funding for Child Welfare Services
- Support for increased Public Guardian funding to mitigate cost of compliance with the Omnibus Conservatorship and Guardianship Reform Act of 2006

Behavioral Health *Page 28*

- Align Specialty Medi-Cal Mental Health Managed Care with Federal Requirements
- Support for adequate Prop 36 funding for non-violent drug users
- Support timely Federal Reimbursement for Specialty Medi-Cal Mental Health managed Care Services.
- Support for equitable health care coverage for Mental Health and Substance Abuse Services

Public Health..... *Page 36*

- Support increase in Chronic Disease prevention services and funding
- Support expansion and increased rates for Dental Health services to low-income residents
- Continued support for funding of Public Health Emergency Preparedness activities
- Support increase in state funding for Communicable Disease Control

Library.....*Page 45*

- Continue State funding for Public Libraries

Planning.....*Page 48*

- Support amendment to the State Housing Element law for county populations of less than 100,000

Appendix D – Additional Information

1. Hazardous Fuels Conditions.....*Page 51*

- Public lands adjacent to private property

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

2011 Legislative Priorities

1. Background: The Wastewater Treatment Dilemma Faced by Rural Communities.

There continues to be a growing concern among small rural municipalities operating wastewater treatment plants in California. Although most small communities are committed to clean water, these communities are currently faced with wastewater regulations requiring high-tech; expensive compliance projects coupled with rapidly rising construction costs. This results in compliance projects that are unaffordable to many rural communities.

An example of this circumstance is the community of Cascade Shores in rural Nevada County. Cascade Shores was required by current State and Federal regulations to construct a new wastewater treatment plant. Normally, this would not seem unusual except for the fact that Cascade Shores constructed a new treatment plant in 1996 to meet the standards in effect at that time. Just a decade later, regulatory standards were changed and the county was faced with once again updating the plant.

The residents of Cascade Shores were willing participants in meeting these modern wastewater standards and moved forward with the design and construction bidding for the new treatment plant. Unfortunately, the combination of the new, more high-tech plant left the residents of Cascade Shores with sewer fees that they could barely afford. The current annual sewer rate at Cascade Shores is \$2,445, for each of the 86 hook-ups, one of the highest in the state.

We believe there are several reasons for this disconnect between the goal of cleaner water and the regulations for achieving this goal. These fall under three categories: Regulations and Implementation Policies, Minimum Mandatory Penalties Availability of Grant Funding and Affordability of Wastewater financing.

While the goal in these efforts is clean water, many small communities ironically find that the regulations actually prevent them from reaching this goal. The wastewater treatment plants that must be constructed to meet the increasingly stringent regulations are simply unaffordable for some small communities. If those communities fail to construct the required facilities because of a lack of funds, mandatory penalties are imposed that make compliance even more unattainable. The result is no improvement in water quality as well as serious financial hardship for the community.

NEVADA COUNTY

2011 LEGISLATIVE PRIORITIES

Nevada County Sanitation District No. 1 is requesting State and Federal support to help small rural communities achieve water quality goals in an affordable manner on a sustained basis.

a) Issue: Regulation and Implementation Policies

The Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan) was adopted in 1975 and, in most respects, has not been reviewed and analyzed to determine if the standards contained in the Basin Plan are still appropriate today.

At the time these standards were adopted, the Regional Water Quality Control Board intended to review and update the standards as more information became available. Unfortunately, a lack of regular funding has kept the Regional Board staff from performing the studies necessary for regular updates to occur. As a result, discharge conditions and other regulatory controls are being made pursuant to standards that were adopted thirty years ago. The Regional Water Quality Control Board has been recommending for years that these reviews and updates be funded and implemented. The Regional Board's position in this matter is outlined in their 2005 triennial review of the Basin Plan. Consideration should be given to the cost involved for new wastewater plants when regulations are changed.

The California Coalition for Clean Water (CCCW) prepared a white paper, "Reassessing California's Water Quality Program" (2004) that summarizes the most significant problems with California's approach to water quality regulations and provides specific recommendations to address these problems. CCCW is an alliance of local governments and public agencies, labor, agriculture, business, housing and development interests. Member groups include California State Association of Counties and Regional Council of Rural Counties. The white paper included a number of case studies supporting their evaluation, including Case Study 9 on the Cascade Shores Wastewater Treatment Facility discharge to Gas Canyon. In general, CCCW concurs with the Regional Board's proposed Basin Plan updates.

Action:

Provide funding to the Central Valley Regional Water Quality Control Board to update the "Beneficial Use Designations" and "Regulatory Guidance to Address Water Bodies Dominated by NPDES Discharges" sections of the Basin Plan.

b) Issue: Mandatory Minimum Penalties

Discharge violation penalties are "one-size-fits-all" without regard to the severity of the discharge or the ability to pay.

NEVADA COUNTY 2011 LEGISLATIVE PRIORITIES

In California certain discharge violations result in mandatory penalties of \$3,000 per violation. This fine amount is the same if the resulting discharge volume is high or very low. In the case of Cascade Shores, the discharge leaving the treatment plant is about the same volume as a garden hose. Yet,

Cascade Shores will receive the same fine as Sacramento Regional Treatment Plant for a violation of effluent standards even though Sacramento Regional releases hundreds of times more effluent during the same violation. These fines can cripple a small community while having virtually no effect on a large community.

Action:

- Assess penalties on a sliding scale to account for the volume of discharge.
- Limit penalties for small communities with a limited ability to pay.
- Only impose penalties on those communities who do not develop and implement a compliance project. These imposed penalties will be used to offset costs for those communities who design and build new wastewater plants.
- Place a maximum time limit on retroactive violations and imposition of penalties (perhaps one year).

c) Issue: Availability of Grant Funding

State and Federal grant funding opportunities have declined, leaving small communities with inadequate funding for required upgrades.

The community of Cascade Shores is grateful for receiving a \$2 million state funded grant from the Small Communities Wastewater Grant program for their current project. The \$2 million grant amount is the maximum grant allowed under this program. Cascade Shores received a smaller grant from the same program when the original treatment plant was built in 1996. In 1996 the maximum grant allowed under that program was \$2 million. Since 1996 the cost to construct a wastewater treatment plant in California has more than doubled.

At the Federal level, the clean water grant program of the 1970's and 80's has been discontinued. The Federal government has instead been helping to provide low interest loans through the State Revolving Fund program. Although low interest loans are appreciated, they have a limited benefit in helping to keep small community wastewater projects affordable.

In order for financial aid programs to remain an effective tool to be used by small communities in achieving the clean water goals, these programs should be updated to reflect the current financial requirements of today's projects.

NEVADA COUNTY

2011 LEGISLATIVE PRIORITIES

Action:

- Increase SCWG funding to \$4 million or more per grant.
- Create Federal funding to assist small communities with the capital cost of Clean Water Act compliance.
- Create grant application packages that are more streamlined.
- Expedite the grant application, review, and issuance process.

We believe that with the regulatory and funding updates discussed, that affordable rural wastewater treatment plants are achievable with no reduction of water quality throughout the State.

d) Issue: Affordability of Wastewater Financing

The affordability of wastewater financing is becoming more difficult for small communities due to high interest rates and complex application processes.

The best rate loans are typically State Revolving Fund (SRF) loans, but they and other loan packages have very onerous application packages and very long time lines to process resulting in small agencies having to come up with interim financing until the SRF or other loans are implemented.

Action:

- Create an affordability factor to apply to SRF and other loans perhaps based on median household income (lower MHI results in lower interest rate).
- Create loan application packages that are more streamlined.
- Expedite the loan application, review, and issuance process.

3. Hazardous Fuels Conditions:

Public lands occupy nearly 35% of the land in Nevada County, with a checkerboard pattern of discontinuous and isolated parcels of federal and state lands intermixed with private property through many areas. Nearly 30,000 acres (500 parcels) of public lands are directly adjacent to private property. While homeowners are required by state law to treat the hazardous vegetation around their property to meet defensible space standards, the State and Federal governments are not mandated to reduce the hazardous fuels conditions on public property. The lack of direct fuels treatment on public lands adjacent to developed areas increases the risk for wildfires to destroy private property. Conversely, wildfire spreading from a developed private property with or without defensible space into public lands without effective fuels treatment has potential to cause significant environmental losses to timber crops, habitats, watershed, developed properties and infrastructure.

NEVADA COUNTY 2011 LEGISLATIVE PRIORITIES

The public expects both federal and state governments to reasonably maintain public lands. The general public perception is that both federal and state lands are not meeting public expectation in being leaders in managing these lands. Furthermore, the public is burdened with many regulations, yet the lack of fuels treatment to reduce hazardous fuels on federal and state lands poses a significant wildfire threat to private lands.

While both federal and state governments provide funds for fuels treatment activities, most fuels treatment activities focus at the community level as opposed to a single or isolated small parcel level. While funding is steadily increasing to support federal fuels treatment projects on federal lands, generally fewer dollars are allocated by state agencies for fuel treatment projects on state lands. Funding by the state typically occurs through voter-approved bonds, such as Proposition 40. While both federal and state governments fund fuels treatment projects, there are, however, gaps in these funding programs. Hundreds of parcels and thousands of acres of private property are vulnerable due to inadequate fuels treatment efforts on public lands. There is a need to develop a better mechanism for addressing hazardous fuels issues for the public-private property boundary line.

In addition to these challenges the Governor proposes to shift \$250 million in fire protection services and medical response in the most highly populated SRAs to local governments. It is unlikely Nevada County would qualify as “highly populated” and this proposal is probably targeted at urban counties such as Riverside, San Bernardino, San Diego, etc. Since Nevada County does not have its own fire department, and the local fire districts have mutual aid agreements with Calfire in the SRAs, the potential impacts to Nevada County are difficult to assess at this time. However, the County has repeatedly requested increased funding for fuels reduction on state and federal lands, as a preventive measure that would save millions of dollars in firefighting and emergency response.

According to the Governor’s summary, the proposal would require a change in statute to revise the criteria and definitions of SRAs to ensure that local governments assume these responsibilities. The Board of Forestry would conduct an extensive field review of existing SRAs based on the revised criteria. CAL FIRE will continue to provide fire protection services in SRAs until the Board of Forestry’s reclassification process is completed. The actual amount of redefined SRA acreage, and the associated level of realignment funding transferred to local governments will depend on the Board of Forestry’s final determination of the SRA classification based on the revised criteria.

The Governor says that his proposal “will ensure that local jurisdictions making land use decisions which result in housing development encroaching in wild land areas are also responsible for providing the necessary emergency response services associated with more highly populated land use patterns.” Any impacts to the County may take the form of increased pressure to discourage development in the most rural areas or could threaten funding for fuels reduction on state lands.

NEVADA COUNTY 2011 LEGISLATIVE PRIORITIES

Action:

- 1) For federal lands, utilize the Community Wildfire Protection Plan (CWPP), which is a component of the Healthy Forest Restoration Act. The CWPP should identify both the federal and non-federal (private) properties with hazardous fuels conditions, develop priority areas needing fuels treatments and relay this information to the local federal land managers for appropriate funding (perhaps designate this funding as CWPP funding for federal lands).
- 2) For the state lands, consider adopting similar legislation to the Healthy Forest Restoration Act for state lands, and/ or partnering with the CWPP process for identifying state lands that directly impact private property.
- 3) Provide federal and state funding to develop a biomass/value-added products market to assist both public and private landowners with fuels treatment. (This is also addressed in the Healthy Forest Restoration Act)
- 4) Ensure adequate long-term fuels treatment funding to support both the state and federal land management agencies for the next twenty years and for at least one full rotational fuel treatment cycle.
- 5) Monitor impacts of the Governor's 2011 proposal to shift SRA's to counties.

*** NOTE: See Appendix D for more in-depth information on Hazardous Fuels Conditions*

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

2011 Budget Priorities

1. Maintain and protect funding for Public Safety

Various state funding streams including Rural and Small County Sheriff's Program, Cal-MMET, Citizens' Option for Public Safety (COPS) Juvenile Justice Crime Prevention Act (JJCPA) and Juvenile Probation funding are now funded by a dedicated portion (.15%) of Vehicle License Fee (VLF) revenues which is set to expire 6/30/11. These revenues contribute to front line public safety officers and programs. The Governor has proposed a significant realignment of the State's relationship with Counties which, as proposed, would protect the funding of these programs by extending certain taxes for five years with voter approval. These resources are vital to the County's public safety. If this fails, no alternative funding has been proposed, meaning a loss of approximately \$1 million to public safety programs in Nevada County.

The Governor's realignment proposal also includes changes to Court Security funding, shifting prisoners from state to county correctional facilities, and transfer of adult parole and juvenile justice programs to counties. It is imperative that given the County's scarce discretionary resources that funding for these programs be commensurate with costs on a long term basis.

2. Maintain funding for local streets and roads

The Governor's budget proposes to re-enact the 2010 Fuel Tax Swap nullified by Propositions 22 & 26. Failure to re-enact the fuel tax swap by the legislature, or provide equivalent alternative funding would have a devastating effect on the County's road maintenance and improvement program. In 2011/2012 this represents about 25% of road maintenance funding.

3. Provide funding for mandated and realigned responsibilities

The State mandates many county responsibilities and provides full or partial funding for these county responsibilities through allocations, shared funding ratios, claims reimbursements and the like. Funding levels, allocations, and sharing ratios have not kept pace with the cost of fulfilling these responsibilities and in fact have eroded significantly over time. The County is bearing an increasing burden of fulfilling these mandated county responsibilities from local revenues used for many primary purposes of county government such as public safety and roads.

With the proposed additional major realignment proposed by the Governor the County would, unless fully protected against escalating costs, be forced to bear an increasing burden of fulfilling these mandated responsibilities from local revenues, diminishing its ability to deliver primary purposes of county government.

NEVADA COUNTY 2011 LEGISLATIVE PRIORITIES

APPENDIX A Infrastructure Projects

1. Rural Broadband Infrastructure and Services

- Base broadband infrastructure elements that promote both private and public sector broadband service investment into rural areas. Broadband infrastructure and supporting elements could contain:
 - Antenna Towers and structures
 - Transportation project improvement for the installation of broadband support such as conduit and fiber optic cabling.
 - Broadband aggregation studies and projects.
 - Projects that help closing the digital divide.
 - Projects that help address the lower rural broadband adoption rate compared to urban and suburban areas.
 - Projects that support tele-education and tele-medicine capabilities.
 - Small business loans for broadband deployment activities

2. Road Projects

- Combie Road Widening
 - Widen Combie Road to ultimate build out as shown in the Combie Corridor Plan-five lanes, two in each direction with center turn lane. The County's development fee program and Higgins Area Plan show the need to widen Combie Road from Highway 49 to Lake of the Pines. Expect to construct in 2012. Total cost \$2.3 million.
- Brunswick at Loma Rica Drive Intersection Realignment
 - The project proposes to realign a portion of Loma Rica Drive in order to eliminate the intersection at the Brunswick Road grade. Preliminary engineering and environmental review will address realignment options. The Brunswick Road and Loma Rica Drive intersection has experienced a higher than average occurrences of accidents. Sight distances as well as the grade have contributed to this problem. Expect to construct 2012. Total cost \$2.2 million.

3. Wastewater Projects

- Planning, environmental design, preliminary design and final design, and construction of Penn Valley wastewater system improvements/expansion. Expect to construct 2013.

NEVADA COUNTY 2011 LEGISLATIVE PRIORITIES

- Planning, design and construction for next phase of Lake Wildwood wastewater treatment system improvements. Expect to construct 2011.
- Evaluation and planning for future repair and replacement in District wastewater collection systems.
- Pursue grant funding for wastewater treatment facility regionalization technical assistance.

4. Solid Waste Projects

- Develop Master Plan of the McCourtney Road Transfer Station.
- Construct a new wood waste processing area: This project would entail moving the current wood waste processing area to a new location at the McCourtney Road Transfer Station – It would include applying a concrete surface to approximately one-half acre where the wood waste material would be accepted, loaded into tractor-trailer trucks and transported to a grinding and composting facility. The estimated cost is \$400,000.
- Construct a new recycling facility at the McCourtney Road Transfer Station: This project consists of constructing a new building to house the recycling operations at the station. The estimated cost is \$3 to \$5 million.
- Expand the Construction and Demolition drop-off area at the McCourtney Road Transfer Station: This project will expand the existing site to include space to sort and process various construction and demolition materials. The estimated cost is \$300,000.
- Construct a Leachate Storage Tank and Associated Infrastructure
 - The project includes designing and constructing a tank for the collection and storage of leachate that accumulates from the closed McCourtney Road Landfill site. Infrastructure will also include the necessary pumping elements and piping associated with the project. The estimated cost is \$600,000.
- Improving Impacts of the McCourtney Road Transfer Station on the Neighborhood
 - Phase in more solid waste franchise collection to reduce individual trips to MRTS

NEVADA COUNTY 2011 LEGISLATIVE PRIORITIES

- Pursue recreational opportunities of the McCourtney Road Transfer Station site
- Continue waste diversion through recycling programs and drop-off locations around the County

NEVADA COUNTY 2011 LEGISLATIVE PRIORITIES

APPENDIX B 2011 BOARD OBJECTIVES

Priority A

- Maintain County's financial stability and core services in light of economic conditions
- Investigate the possibility, with service providers like NoRTEC and Sutter Housing Authority contracts for service for community development block grants and similar programs
- Investigate feasibility of a reorganization of the Sanitation District including design/build alternatives as well as including alternate service delivery models
- Eliminate the inclusionary housing policy

Priority B

- Advocate for support to the increasingly aging population and disabled
- Continue to develop and improve the Airport to ensure it operates as an enterprise fund
- Develop Policy on final permits
- Investigate potential for consolidation of offices and qualifications (additions) to statutory offices
- Work with our legislative advocates to introduce flexibility with rural counties in the affordable housing element policy
- Look for opportunities to promote local sustainable job-enhancing economic and resource management practices for the county in our economic development efforts

Priority C

- Increase public awareness and civic engagement through educational information programs
- Analyze OHV impacts to the county in cooperation with the Forest Service and other concerned parties
 - Investigate partnership with Placer County on AB811

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

APPENDIX C

Summary: Implementation of Health Care Reform - Support legislation to implement health care reform in California to expand health insurance coverage of State residents, while protecting the local safety net and funding that supports other critical health and human service programs.

1)	Department	Nevada County Health and Human Services Agency
2)	Person completing the questionnaire	Jeff Brown
3)	Title	Director
	Phone	470-2562
	E-mail	jeffrey.brown@co.nevada.ca.us
4)	Indicate whether it is State or federal	State
5)	Title of Legislative Proposal	Implementation of Health Care Reform
6)	Why is legislative remedy appropriate to this issue	The Patient Protection and Affordable Care Act, PPACA, (HR 3590) was passed by Congress and signed into law in 2010. Many of its provisions will be phased in through 2014 to increase the insurance coverage of low income residents and implement a number of prevention initiatives. State laws will need to be enacted to define local implementation efforts. County data indicates that there are up to 20,000 uninsured adults and 2,000 uninsured children in Nevada County who likely will be eligible to be insured through one of the programs implemented under this act. Currently, all counties ultimately have responsibility to provide care to indigent residents as stated in Welfare & Institutions Code Section 17000. Implementation efforts under the act must be structured in a way to not add any unreasonable financial burdens on counties, avoid disruption of current county health care safety net services during the transition to and after coverage expansion is in place and address coverage, access, affordability and prevention issues.

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

7)	Is this a new proposal or an update of a previously submitted one?	Update
8)	Code Section(s) affected	Potentially Section 17000 of Welfare and Institutions Code
9)	Briefly describe existing law:	The PPACA along with the Health Care and Education Reconciliation Act of 2010 made up the health care reform of 2010. The laws focus on reform of the private health insurance market, provision of better coverage for those with pre-existing conditions, improved prescription drug coverage in Medicare and a host of prevention initiatives to improve the health and insurance coverage of low income Americans.
10)	How would this proposal change existing law	This proposal would support efforts to implement the existing Federal Affordable Care Act at the state level.
11)	Fiscal Impact	Support only proposals, which do not create any additional and/or unreasonable financial burdens on counties (e.g. expansion efforts to be funded with current contributions to CMSP for the CMSP participating counties, and without any further draw against county's VLF or Sales Tax Realignment funds).
12)	Significant Individual/Groups That Might Support	Governor and the State Assembly; some private hospitals and providers, organized labor, private businesses
13)	Significant Individuals/Groups that Might Oppose	Some private businesses, Chambers of Commerce
14)	Negative Impacts to County or other Entities	Any funding formula will be key in determining any potential negative impacts to the County and local providers. If inappropriate funding obligations are placed on counties and local providers, a net result could be a reduction the provision of critical public health, social services and hospital services due to reduced Realignment revenues being received at the local level in addition to hospital fees exceeding any increased government reimbursements.

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

15)	How does this Support the County's Strategic Plan, Vision, Mission and/or Goals	Supports Board Priority of "Advocate for support to the increasingly aging population and disabled"
16)	Is this Included in Associations Legislative Priorities	This is included in CHEACs Legislative Priorities and is also a critical issue for the larger CSAC.

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

APPENDIX C

Summary: Restoration of Base Realignment Funding to FY 2007-08 Levels for Health and Human Services Programs – County social services, mental health, public health and probation programs depend on sales tax and vehicle license fee (VLF) Realignment funding. Realignment revenues have decreased over the past two fiscal years, decreasing the amounts of funding to local governments and resetting the base funding level for subsequent funding allocations. Once the economy begins to recover any increases in Realignment funding will be distributed based on a complex growth formulas that gives priority to the County Medical Services Program and county programs that have higher caseload growth. These existing growth distribution formulas fail to recognize historic funding levels of critical service programs and place undue hardships on many underfunded county programs. This proposal would ensure that any growth in Realignment revenues would be first utilized to restore base funding levels to those of FY 2007-08, prior to distribution under the current growth formulas.

1)	Department	Nevada County Health and Human Services Agency
2)	Person completing the questionnaire	Jeff Brown
3)	Title	Director
	Phone	470-2562
	E-mail	jeffrey.brown@co.nevada.ca.us
4)	Indicate whether it is State or federal	State
5)	Title of Legislative Proposal	Restoration of Base Realignment Funding
6)	Why is legislative remedy appropriate to this issue	Realignment growth formulas are codified in statute. When they were created in 1991 no one ever envisioned a time when funding would ever fall below base levels. Currently, county health and human services programs are reducing critical community services that protect and promote the health and welfare of county residents. Restoration of base funding and associated service programs should be given priority for any growth in this funding stream prior to allocation for any program expansions.
7)	Is this a new proposal or an update of a previously submitted one?	Update of previously submitted proposal
8)	Code Section(s) affected	

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

9)	Briefly describe existing law:	Sales tax and vehicle license fee (VLF) Realignment funding is distributed to counties to support a variety of programs, most notably health and human service programs and probation services. Growth in these funding streams is allocated to counties and programs using formulas which prioritize CMSP and program caseload growth.
10)	How would this proposal change existing law	Change existing Realignment growth formulas to prioritize the restoration of 2007-08 base funding levels prior to allocation of any additional growth funding
11)	Fiscal Impact	This would allow currently impacted health and human service programs to restore critical services that are being currently reduced/cut. The restoration of these services would be given priority over the allocation of increased funding to CMSP and other county programs that are currently experiencing growth.
12)	Significant Individual/Groups That Might Support	County health and humans service agencies and departments, especially small and large counties.
13)	Significant Individuals/Groups that Might Oppose	County Medical Services Program (CMSP), some counties' mental health and social services programs with large amounts of caseload growth
14)	Negative Impacts to County or other Entities	Would potentially reduce additional growth funding for the CMSP program.
15)	How does this Support the County's Strategic Plan, Vision, Mission and/or Goals	Supports Board Priority of "Advocate for support to the increasingly aging population and disabled"
16)	Is this Included in Associations Legislative Priorities	Not at this time

NEVADA COUNTY 2011 LEGISLATIVE PRIORITIES

APPENDIX C

Summary: Realignment of Health and Human Service Programs – The current governor has proposed the realignment of a number of state responsibilities for currently shared state/county programs to counties, along with a proposal to develop new funding streams and/or shift state funding to counties to provide for the costs of assuming these new responsibilities. Programs proposed in Phase I include Adult Protective Services, Child Welfare Services/Foster Care, Mental Health Managed Care, Mental Health Early Periodic Screening, Diagnosis and Treatment, Mental Health Services for Special Education Student (AB 3632), and a host of alcohol and drug programs including Drug Medi-Cal, Drug Courts and drug perinatal programs. Phase II programs are to include Medi-Cal Administration, In-Home Support Services, Indigent Health Care and California Children’s Services. It will be essential that the portions of any new and/or realigned funding streams be categorically designated for each realigned program and that these funds are sufficient to cover both current and future program costs.

1)	Department	Nevada County Health and Human Services Agency
2)	Person completing the questionnaire	Jeff Brown
3)	Title	Director
	Phone	470-2562
	E-mail	jeffrey.brown@co.nevada.ca.us
4)	Indicate whether it is State or federal	State
5)	Title of Legislative Proposal	Realignment of Health and Human Services Programs
6)	Why is legislative remedy appropriate to this issue	The State currently has some level of fiscal and program responsibility for each of the programs proposed for this newly proposed realignment. In 1991, a similar proposal was enacted into law which shifted both program responsibilities and funding to the counties. Over time the caseload growth of these realigned programs has exceeded the growth of their dedicated revenues, forcing counties to either drastically reduce service levels or subsidize program operations using local revenues. Any future realignment proposals need to be crafted to avoid such outcomes which essential are just cost shifts from the state to local counties.

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

7)	Is this a new proposal or an update of a previously submitted one?	New
8)	Code Section(s) affected	
9)	Briefly describe existing law:	Shared responsibility and costs for the proposed programs to be realigned are defined in a variety of state statutes. The current governor's proposal would shift state responsibilities to counties, reduce or eliminate required state funding contributions while at the same time provide some new funding to the counties to offset the assumption of new responsibilities for program operation and service provision.
10)	How would this proposal change existing law	While not changing existing law, it would ensure that any future law would provide counties with sufficient and dedicated revenues to carry out any newly realigned responsibilities for the provision of health and human services programs.
11)	Fiscal Impact	See comment above in #10
12)	Significant Individual/Groups That Might Support	All county health and humans service agencies and departments
13)	Significant Individuals/Groups that Might Oppose	None known
14)	Negative Impacts to County or other Entities	Would potentially reduce additional growth funding for the CMSP program.
15)	How does this Support the County's Strategic Plan, Vision, Mission and/or Goals	Supports Board Priority of "Advocate for support to the increasingly aging and disabled population"
16)	Is this Included in Associations Legislative Priorities	CHEAC, CMHDA, CADPAAC, CWDA

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

APPENDIX C

Summary: Increased Funding for Adult Protective Services – Support legislation/budget proposals that will increase funding for the Adult Protective Services programs administered at the local level.

1)	Department	Department of Social Services
2)	Person completing the questionnaire	Alison Lehman
3)	Title	Director
	Phone	530.265.1410
	E-mail	alison.lehman@co.nevada.ca.us
4)	Indicate whether it is State or federal	State
5)	Title of Legislative Proposal	Increase funding for Adult Protective Services Program (APS)
6)	Why is legislative remedy appropriate to this issue	Funding for the APS program has remained stagnant despite increased reports of elder and dependent adult caseloads and despite steadily increasing caseloads in APS. This problem will be further exacerbated as the population of elders in California is expected to increase dramatically over the next few years. Increase growth in the APS caseload has occurred within a capped allocation and some counties have had to provide fewer services to abused and neglected elders and dependent adults as a result of the lack of dedicated funding. An additional workload was added in 2007 when financial institutions became reporters of financial abuse.
7)	Is this a new proposal or an update of a previously submitted one?	Continued
8)	Code Section(s) affected	NA
9)	Briefly describe existing law:	The APS Program is funded through a combination of State General Fund, County Services Block Grant (CSGB) funds, and County Maintenance of Effort (MOE). Funding for this program has remained stagnant since State Fiscal Year 2002/03, and has even eroded when considering the rising cost of inflation.

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

10)	How would this proposal change existing law	Increase State General Funding for the APS Program. Provide sufficient funding to enable APS to investigate reports of abuse and neglect and to provide appropriate and comprehensive services for abused and neglected elders and dependent adults.
11)	Fiscal Impact	Increase State General Fund
12)	Significant individuals or groups that might support the proposal	AARP, Senior Councils, law enforcement
13)	Significant individuals or groups that might oppose this proposal	Aging and disabled community
14)	What if any, are the negative impacts of this proposal to the County or other entities?	None
15)	How does this proposal support the County's strategic plan, vision, mission and/or goals	BOS Priority: Advocate for support to the increasingly aging population and disabled
16)	Is this included in your associations' legislative priorities?	CWDA

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

APPENDIX C

Summary: Increased Funding for Child Welfare Services – Support legislation/budget proposals that will restore critical funding for Child Welfare Services

1)	Department	Department of Social Services
2)	Person completing the questionnaire	Alison Lehman
3)	Title	Director
	Phone	530.265.1410
	E-mail	alison.lehman@co.nevada.ca.us
4)	Indicate whether it is State or federal	State
5)	Title of Legislative Proposal	Increase funding for Child Welfare Services (CPS)
6)	Why is legislative remedy appropriate to this issue	Funding for the CPS program was reduced by \$120 million statewide in 2009-10 and has never been restored. This program is one of the most critical that the department provides as it is crucial to protecting our county's abused and/or neglected children. The last two years we have experienced caseload growth in this program. Currently, we average over 100 children each month in out of home placements. This growth within a capped allocation forces counties to ultimately reduce services to this vulnerable population.
7)	Is this a new proposal or an update of a previously submitted one?	New
8)	Code Section(s) affected	NA
9)	Briefly describe existing law:	Child Welfare services are mandated under both federal and state law. The CPS Program is funded through a combination of Federal, State and county funds. Responsibility for this program is shared between the state and counties, with county government providing program services at the local level.
10)	How would this proposal change existing law	Increase State General Funding for the CPS Program.
11)	Fiscal Impact	Increase State General Fund

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

12)	Significant individuals or groups that might support the proposal	Law enforcement, courts, children's advocates, county government
13)	Significant individuals or groups that might oppose this proposal	None known
14)	What if any, are the negative impacts of this proposal to the County or other entities?	None
15)	How does this proposal support the County's strategic plan, vision, mission and/or goals	BOS Priority: Advocate for support to the increasingly aging population and disabled
16)	Is this included in your associations' legislative priorities?	CWDA

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

APPENDIX C

Summary: State Funding for Local Public Guardians – Support legislation/budget proposal that will support the new requirements imposed on counties as a result of the recently passed Omnibus Conservatorship and Guardianship Reform Act of 2006.

1)	Department	Department of Social Services
2)	Person completing the questionnaire	Alison Lehman
3)	Title	Director
	Phone	530.265.1410
	E-mail	alison.lehman@co.nevada.ca.us
4)	Indicate whether it is State or federal	State
5)	Title of Legislative Proposal	State Funding for Local Public Guardians
6)	Why is legislative remedy appropriate to this issue	The Omnibus Conservatorship and Guardianship Reform Act were passed by the State Legislature in 2006. New requirements were added for the Public Guardian offices, however, there is no new funding nor is there any current state or federal funding for this purpose.
7)	Is this a new proposal or an update of a previously submitted one?	Continued proposal
8)	Code Section(s) affected	NA
9)	Briefly describe existing law:	<p>Public Guardian offices lack the resources necessary to protect elder and dependant adult abuse victims. PG offices are currently funded through county general fund and client fees.</p> <p>The Public Guardian system is a vital social service program but receives no direct state or federal financial support. The PG Office manages the care and oversight of frail elders and dependent adults. The lack of funding limits the ability of the PG office to provide critical services to those clients they are entrusted by the courts to serve.</p> <p>In 2006, the legislature passed AB 1363 to</p>

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

		more closely regulate private conservators and guardians. Reforms, including additional requirements, were a part of the legislation for courts, court investigators, and Public Guardians. Funding was designated for the courts but no funding was designated for Public Guardians. The implementation of these mandates was delayed in the final budget and the funding was cut. However the requirements for the local PG requirements increased including accountability, complexity and additional court reporting. All this requires additional staff time for programs that are already understaffed.
10)	How would this proposal change existing law	Develop a state funding source for counties to use to support Public Guardian programs.
11)	Fiscal Impact	Obtaining state funding for Public Guardian would reduce the local demand on County General Fund.
12)	Significant individuals or groups that might support the proposal	AARP, Senior Councils, law enforcement, Aging and disabled community
13)	Significant individuals or groups that might oppose this proposal	NA
14)	What if any, are the negative impacts of this proposal to the County or other entities?	NA
15)	How does this proposal support the County's strategic plan, vision, mission and/or goals	BOS Priority: Advocate for support to the increasingly aging population and disabled
16)	Is this included in your associations' legislative priorities?	CWDA

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

APPENDIX C

Summary: Align Specialty Medi-Cal Mental Health Managed Care with Federal Requirements - Bring the state's requirements for Specialty Medi-Cal Mental Health Managed Care into alignment with federal requirements in order to maximize federal reimbursement

1)	Department	Behavioral Health
2)	Person completing the questionnaire	Michael Heggarty
3)	Title	Director
	Phone	530.470.2784
	E-mail	michael.heggarty@co.nevada.ca.us
4)	Indicate whether it is State or federal	State
5)	Title of Legislative Proposal	Align Specialty Medi-Cal Mental Health Managed Care with Federal Requirements
6)	Why is legislative remedy appropriate to this issue	Need to amend state Welfare and Institutions Code to make law consistent with federal Medicaid language.
7)	Is this a new proposal or an update of a previously submitted one?	New
8)	Code Section(s) affected	
9)	Briefly describe existing law:	See #10
10)	How would this proposal change existing law	<ol style="list-style-type: none"> 1. Clarify in various provisions of the Bronzan-McCorquodale Act that the state's standards and guidelines must be consistent with federal Medicaid requirements and approved state plan and waivers. 2. For purposes of federal reimbursement, require reimbursement amounts to be consistent with federal Medicaid requirements and approved state plan and waivers. The goal of this provision is to eliminate California's use of administratively-established Statewide Maximum Allowances (SMAs), and instead, utilize existing federal Medicaid Upper Payment Limits. The current use of SMAs places a ceiling on MHPs' abilities to obtain federal reimbursement.

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

		<p>3. Clarify that administrative costs should be consistent with federal Medicaid requirements and approved state plan and waivers. Delete the provision in current law limiting administrative costs to 15% of the total cost of direct client services.</p> <p>4. Require claims to be submitted by MHPs within the timeframes specified in federal Medicaid requirements and approved state plan and waivers. The goal of this provision is to eliminate California's use of an administratively-established submission deadline of six months for Specialty Medi-Cal Mental Health Managed Care claims. At present, the federal timeframe for Medicaid claims submission is twelve months.</p>
11)	Fiscal Impact	Increased Medi-Cal reimbursement at no expense to the state.
12)	Significant Individual/Groups That Might Support	CMHDA
13)	Significant Individuals/Groups that Might Oppose	None known
14)	Negative Impacts to County or other Entities	None
15)	How does this Support the County's Strategic Plan, Vision, Mission and/or Goals	Fulfills objectives of improving the health and welfare of all County residents.
16)	Is this Included in Associations Legislative Priorities	CMHDA

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

APPENDIX C

Summary: Proposition 36 Funding – Support legislative/budget proposals to adequately fund Proposition 36 drug treatment services at the local level. State funding for this program was eliminated leaving counties to support this program using increased levels of local resources

1)	Department	Behavioral Health
2)	Person completing the questionnaire	Michael Heggarty
3)	Title	Director
	Phone	530.470.2784
	E-mail	michael.heggarty@co.nevada.ca.us
4)	Indicate whether it is State or federal	State
5)	Title of Legislative Proposal	Proposition 36 Funding
6)	Why is legislative remedy appropriate to this issue	Prop 36 funding for the treatment of non-violent drug users involved with the criminal justice system was eliminated this year. While some funds exist for limited coordination of services through Office of Treatment Prevention funding, no funds are dedicated for any treatment services. Restoration of drug treatment funding would reduce state prison admissions, benefit communities, reduce public health problems, restore family, and return drug addicts to productive roles in the community.
7)	Is this a new proposal or an update of a previously submitted one?	Update
8)	Code Section(s) affected	Substance Abuse and Crime Prevention Act [SACPA] of 2000 enabling legislation et al.
9)	Briefly describe existing law:	SACPA is fundamentally a new way for state and local officials to address low-level drug offenders—including probationers and parolees—as persons deserving of treatment and ancillary services rather than jail or prison.
10)	How would this proposal change existing law	The change in existing law would allow Counties to fulfill the intent of Prop 36.

**NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES**

11)	Fiscal Impact	UCLA Study on the outcome of Prop 36 sponsored drug and alcohol treatment found that for every \$1.00 invested in SACPA treatment a minimum of \$2.50 was saved in State Prison costs. Some studies place the ratio as high as \$1.00 to \$7.50.
12)	Significant Individual/Groups That Might Support	County Alcohol and Drug Program Administrators Association of California (CADPAAC), The California Drug Policy Alliance, and California Alcohol and Drug Program.
13)	Significant Individuals/Groups that Might Oppose	None Known
14)	Negative Impacts to County or other Entities	None Known
15)	How does this Support the County's Strategic Plan, Vision, Mission and/or Goals	Fulfills objectives of improving the health and welfare of all County residents.
16)	Is this Included in Associations Legislative Priorities	CADPAAC

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

APPENDIX C

Summary: Timely Federal Reimbursement for Specialty Medi-Cal Mental Health Managed Care Services - Ensure timely federal reimbursement for Specialty Medi-Cal Mental Health Managed Care services, even absent a state budget. Create a federal subaccount for Specialty Medi-Cal Mental Health services, within the existing State Treasury's Federal Trust Fund, that is continuously appropriated.

1)	Department	Behavioral Health
2)	Person completing the questionnaire	Michael Heggarty
3)	Title	Director
	Phone	530.470.2784
	E-mail	michael.heggarty@co.nevada.ca.us
4)	Indicate whether it is State or federal	State
5)	Title of Legislative Proposal	Timely Federal Reimbursement for Specialty Medi-Cal Mental Health Managed Care Services
6)	Why is legislative remedy appropriate to this issue	This item was recommended in the Joint CMHDA/CWDA Action Plan presented to the Child Welfare Council in December 2010. This can be achieved with legislation containing a singular change to Welfare & Institutions Code.
7)	Is this a new proposal or an update of a previously submitted one?	New
8)	Code Section(s) affected	
9)	Briefly describe existing law:	Federal Financial Participation Funds are held for indeterminate periods of time in state account before being released to counties.
10)	How would this proposal change existing law	Funds would be distributed continuously by Department of Health Care Services (DHCS) to the Department of Mental Health (DMH), and then distributed to Mental Health Plans (MHPs).
11)	Fiscal Impact	Improved cash flow for the Department.
12)	Significant Individual/Groups That Might Support	CMHDA, CWDA

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

13)	Significant Individuals/Groups that Might Oppose	None known
14)	Negative Impacts to County or other Entities	None
15)	How does this Support the County's Strategic Plan, Vision, Mission and/or Goals	Fulfills objectives of improving the health and welfare of all County residents.
16)	Is this Included in Associations Legislative Priorities	CMHDA

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

APPENDIX C

Summary: Mental Health and Substance Abuse Treatment Parity – Support legislative proposals which requires any new and/or existing health insurance programs, both public and private, to provide coverage for mental health and substance abuse treatment, in addition to coverage for any other noted physical health condition on a full parity basis.

1)	Department	Behavioral Health
2)	Person completing the questionnaire	Michael Heggarty
3)	Title	Director
	Phone	530.470.2784
	E-mail	Michael.heggarty@co.nevada.ca.us
4)	Indicate whether it is State or federal	Both State and Federal.
5)	Title of Legislative Proposal	Parity with physical health for insurance coverage for mental health and substance abuse illnesses
6)	Why is legislative remedy appropriate to this issue	Presently, Medicaid, Medicare, and most private health insurance companies do not provide equal coverage for mental health and substance abuse illnesses, as compared to physical health illnesses. Some legislation has been passed, phasing in some parity provisions (e.g. PPACA provision to take place by 2014) over time, although it remains to be seen how these provisions are implemented.
7)	Is this a new proposal or an update of a previously submitted one?	Update
8)	Code Section(s) affected	Unknown
9)	Briefly describe existing law:	Unknown
10)	How would this proposal change existing law	Mental Health and Substance Abuse Illnesses would be afforded the same scope of benefits as physical health diseases.
11)	Fiscal Impact	Increases in behavioral health revenue, reduced staff absenteeism, reductions in emergency department visits, improves access to mental health services, encourages earlier access to mental health and substance abuse treatment.

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

12)	Significant Individual/Groups That Might Support	California Mental Health Director's Association, California Association of Marriage and Family Therapists
13)	Significant Individuals/Groups that Might Oppose	Unknown
14)	Negative Impacts to County or other Entities	No negative impacts
15)	How does this Support the County's Strategic Plan, Vision, Mission and/or Goals	Supports services to county's aging and vulnerable populations
16)	Is this Included in Associations Legislative Priorities	CMHDA, CAMFT, CADPAAC

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

APPENDIX C

Summary: Chronic Disease Prevention and Control Funding - Support increases in preventive health services or activities that improve community health outcomes. Encourage the enhancement of federal and state funding to support these efforts at the local level.

1)	Department	Public Health Department
2)	Person completing the questionnaire	Karen Milman, MD, MPH
3)	Title	Public Health Officer/Director
	Phone	530-265-1459
	E-mail	karen.milman@co.nevada.ca.us
4)	Indicate whether it is State or federal	State and Federal
5)	Title of Legislative Proposal	Chronic Disease Prevention & Control
6)	Why is legislative remedy appropriate to this issue	<p><i>Platform:</i> Support increases in preventive health services or activities that improve community health outcomes. Encourage the establishment and enhancement of federal and state funding to support these efforts at the local level.</p> <p><i>Brief Background (adapted from CCLHO Statement):</i> The leading causes of death in California are heart disease, cancer, lung disease and stroke. Other chronic diseases such as diabetes, arthritis and asthma contribute greatly to disability and mortality and health care costs. Significant federal, state and local resources are expended to treat these conditions. Each of these chronic diseases is, in a large part, preventable through a focus on shared risk factors, such as smoking, obesity and lack of access to health care including community and clinical preventive services. However, inadequate resources and programs exist which dedicated to the prevention and control of these chronic conditions, contributing to more money being spent on health care and to a diminished quality of life for residents.</p>
7)	Is this a new proposal or an update of a previously submitted one?	Continued

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

8)	Code Section(s) affected	
9)	Briefly describe existing law:	The only chronic disease control program that is funded Statewide is the Tobacco Control Program.
10)	How would this proposal change existing law	Develop and increase funding and programs for chronic disease prevention activities.
11)	Fiscal Impact	Provide local revenues to address, develop new, and support existing chronic disease prevention activities
12)	Significant Individual/Groups That Might Support	CHEAC, CCLHO, and other professional organizations.
13)	Significant Individuals/Groups that Might Oppose	Unknown
14)	Negative Impacts to County or other Entities	None
15)	How does this Support the County's Strategic Plan, Vision, Mission and/or Goals	Fulfills objectives of improving the health and welfare of all County residents.
16)	Is this Included in Associations Legislative Priorities	CHEAC, CCLHO

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

APPENDIX C

Summary: Dental Health – Support proposals to expand access to dental health services for low-income Californians. Support efforts to increase Denti-Cal reimbursement levels to encourage qualified dentists to participate in providing care to low-income children. Support water fluoridation efforts. Encourage dental health education program expansions including adequate funding.

1)	Department	Public Health Department
2)	Person completing the questionnaire	Karen Milman, MD, MPH
3)	Title	Public Health Officer/Director
	Phone	530-265-1459
	E-mail	karen.milman@co.nevada.ca.us
4)	Indicate whether it is State or federal	State
5)	Title of Legislative Proposal	Dental Health
6)	Why is legislative remedy appropriate to this issue	<p><i>Platform:</i> Favor proposals to expand access to dental health services for low-income Californians. Support efforts to increase Denti-Cal reimbursement levels to encourage qualified dentists to participate in providing care to low-income children. Support water fluoridation efforts. Encourage dental health education program expansions including adequate funding.</p> <p><i>Brief Background:</i> Many Californians, including hundreds of thousands of children, have unmet oral health needs; in fact, oral health diseases represent the most prevalent health problem of children. Untreated dental problems result in days missed at school or work and increased susceptibility to other more damaging health problems such as ear and sinus infections or heart disease. Implementation of preventive measures could save Californians hundreds of millions of dollars in treatment annually. While community water fluoridation is the most cost-effective, most equitable public health measure available for the prevention of dental caries, it is estimated that only 30% of California’s water supply is fluoridated. Public health strategies such as water</p>

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

		fluoridation and dental health education programs are not widely supported or funded.
7)	Is this a new proposal or an update of a previously submitted one?	Continued
8)	Code Section(s) affected	
9)	Briefly describe existing law:	The State funds the Denti-Cal program, although reimbursement levels are so low that the great majority of California dentists refuse to participate in the program. In Nevada County, there are only two public clinics and no private provider who are willing to accept new Medi-Cal patients. The State currently funds through SB 111 a number of school-based dental disease prevention programs, primarily in large counties, with schools with free and reduction lunch percentages of greater than 30%, thus excluding a large number of low-income children. State law requires fluoridation of water supplies supplying a certain size of population, but is contingent on funding being available to implement.
10)	How would this proposal change existing law	This proposal seeks to support any proposal that increase access to dental care, increase Denti-Cal reimbursement rates and promote other needed prevention efforts.
11)	Fiscal Impact	Increased local revenues to support dental prevention and treatment programs
12)	Significant Individual/Groups That Might Support	CHEAC, CCLHO, and other professional organizations.
13)	Significant Individuals/Groups that Might Oppose	Unknown
14)	Negative Impacts to County or other Entities	None

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

15)	How does this Support the County's Strategic Plan, Vision, Mission and/or Goals	Fulfills objectives of improving the health and welfare of all County residents.
16)	Is this Included in Associations Legislative Priorities	CHEAC, CCLHO

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

APPENDIX C

Summary: Public Health Emergency Preparedness - Continue to pursue and support fair and equitable funding to local health departments for public health emergency preparedness.

1)	Department	Public Health Department
2)	Person completing the questionnaire	Karen Milman, MD, MPH
3)	Title	Public Health Officer/Director
	Phone	530-265-1459
	E-mail	karen.milman@co.nevada.ca.us
4)	Indicate whether it is State or federal	State
5)	Title of Legislative Proposal	Public Health Emergency Preparedness
6)	Why is legislative remedy appropriate to this issue	<p><i>Platform:</i> Continue to pursue and support fair and equitable funding to local health departments for public health emergency preparedness. Continue to support legislation that clarifies and expands the role of the local Health Officer in recognizing, evaluating and leading the response to bioterrorism and other health emergencies.</p> <p><i>Brief Background:</i> The local Health Officer has the ultimate authority and responsibility for preparing for, responding to, mitigating and recovering from all medical and/or health emergencies and disasters that impact a local jurisdiction. The anthrax attacks post-September 11 identified the need to increase preparedness efforts and local public health jurisdictions response capabilities for dealing with terrorism (including bioterrorism) at the local level. Hurricane Katrina identified the impact of natural disasters on local, state and federal medical/health response capabilities also. The 2009 H1N1 Pandemic Influenza threatened to overrun an already fragile medical and public health system. Increases in funding are needed to ensure adequate infrastructure to prepare for, and respond to, all forms of terrorism, natural disasters and other related public health emergencies.</p>

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

7)	Is this a new proposal or an update of a previously submitted one?	Continued proposal
8)	Code Section(s) affected	
9)	Briefly describe existing law:	Existing law provides funding for some public health emergency response activities, although funding has declined each of the past few years.
10)	How would this proposal change existing law	It would increase/maintain funding for supporting critical emergency response infrastructure in local counties. It would ensure federal funding to the state is shared appropriately with locals.
11)	Fiscal Impact	Increased revenues to address local emergencies
12)	Significant Individual/Groups That Might Support	CHEAC, CCLHO, and other professional organizations.
13)	Significant Individuals/Groups that Might Oppose	Unknown
14)	Negative Impacts to County or other Entities	None
15)	How does this Support the County's Strategic Plan, Vision, Mission and/or Goals	Promotes general objective of protecting the health and welfare of all County residents.
16)	Is this Included in Associations Legislative Priorities	CHEAC, CCLHO

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

APPENDIX C

Summary: Communicable Disease Control Funding - Support increased state funding for public health programs to combat and control communicable diseases.

1)	Department	Public Health Department
2)	Person completing the questionnaire	Karen Milman, MD. MPH
3)	Title	Public Health Officer/Director
	Phone	530-265-1459
	E-mail	karen.milman@co.nevada.ca.us
4)	Indicate whether it is State or federal	State
5)	Title of Legislative Proposal	Communicable Disease Control
6)	Why is legislative remedy appropriate to this issue	<p><i>Platform:</i> Support increased state funding for public health programs to combat and control communicable diseases.</p> <p><i>Brief Background:</i> The control of infectious disease is one of the fundamental activities public safety activities of government, provided through local health departments. Infrastructure in California to address infectious diseases is fragmented and compromised by the lack of funding at both the state and local level. Dedicated funding sources and augmentations are needed in light of new and re-emerging infectious diseases, including H1N1 influenza, multi-drug resistant tuberculosis, and Severe Acute Respiratory Syndrome (SARS). Communicable diseases are only kept in control by rapid response, continuing vigilance and on-going effort even when the threat may not be apparent.</p>
7)	Is this a new proposal or an update of a previously submitted one?	Continued.
8)	Code Section(s) affected	
9)	Briefly describe existing law:	The control of communicable diseases in a local function under California's Health and Safety Codes. Health Realignment Funding is currently the principal source of support for these programs.

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

10)	How would this proposal change existing law	This proposal would provide State support for increased communicable disease efforts at the local level.
11)	Fiscal Impact	Increase local funding for communicable disease activities
12)	Significant Individual/Groups That Might Support	CHEAC, CCLHO, and other professional organizations.
13)	Significant Individuals/Groups that Might Oppose	Unknown
14)	Negative Impacts to County or other Entities	None
15)	How does this Support the County's Strategic Plan, Vision, Mission and/or Goals	Fulfills objectives of improving the health and welfare of all County residents.
16)	Is this Included in Associations Legislative Priorities	CHEAC, CCLHO

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

APPENDIX C

Summary: The California Library Association works to insure support of library funding which enables California residents to have equal access to lifetime education in the 181 public libraries across the state. Governor Brown's January 2011 budget proposal eliminates all state funding for public libraries in California.

1)	Department	Nevada County Library
2)	Person completing the questionnaire	Mary Ann Trygg
3)	Title	County Librarian
	Phone	265-7078
	E-mail	maryann.trygg@co.nevada.ca.us
4)	Indicate whether it is State or federal	State
5)	Title of Legislative Proposal	Continue State funding for Public Libraries
6)	Why is legislative remedy appropriate to this issue	N/A
7)	Is this a new proposal or an update of a previously submitted one?	Not a proposal, but notice given that there is at this time, no line item in the Governor's budget for public library funding.
8)	Code Section(s) affected	Education Code Title 1, Division 1, Part 11, Chapter 1.5 Articles 1-4, Sections 18010-18032 and Chapter 4, Articles 1-6, Section 18700-18767
9)	Briefly describe existing law:	Establishment of the Public Library Fund in 1982-1983 F/Y, which provides state funding support to public libraries on an annual basis and laws governing the California Library Services Act. This act insures that all people have free and equal access to library resources and services including providing funding for the following: 1. Universal borrowing among libraries, 2. The California Library Literacy Service, 3. The Families for Literacy Program and 4. Cooperative library systems that shall receive an annual allowance for the improvement and maintenance of coordinated support service to member libraries.
10)	How would this proposal change existing law	N/A
11)	Fiscal Impact	\$30.4 million cut to library services state wide

**NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES**

12)	Significant Individual/Groups That Might Support	California Library Association President Paymaneh Maghsoudi, CLA Lobbyists Mike and Christina Dillon, State Librarian Stacey Aldrich, California County Librarian's Association, Friends of the Nevada County Libraries, Truckee Friends of the Library, Citizens Library Oversight Committee, Nevada County Library Foundation, Counties and Cities.
13)	Significant Individuals/Groups that Might Oppose	Those who think that in the competition for state funding the public library's self-educational programs are not as important as other programs.
14)	Negative Impacts to County or other Entities	Loss of Public Library Fund, Transaction Based Reimbursement, and California Library Literacy funding in F/Y 11/12. Projected to be \$67,071 F/Y 10/11.
15)	How does this Support the County's Strategic Plan, Vision, Mission and/or Goals	As stated in our County vision "We are dedicated to outstanding public service" and our mission conveys that we strive to "deliver excellent services". The public library is an important part of the public services we provide and is recognized as a place where one can continue to gain knowledge throughout life. We encourage all who enter our doors to freely use library materials, computers and attend educational and recreational programs which enhance the quality of life that is so important to Nevada County Residents.
16)	Is this Included in Associations Legislative Priorities	Yes
17)	Other Comments	<p>Gov. Jerry Brown's 2011-2012 budget proposes eliminating \$30.4 million in state funds for the Public Library Foundation, Transaction Based Reimbursement and the California Library Literacy and English Acquisition Service. These cuts eliminate all state funding for California public libraries.</p> <p>Elimination of libraries from the proposed budget will not only result in loss of funding for public libraries, but will also seriously impact the State's ability to receive millions of dollars in Library Services and Technology Act (LSTA) money from the Federal Government which requires a maintenance of effort on the part of the state. Nevada County Library currently is applying for LSTA funding to replace the library's online catalog software.</p> <p>Libraries are busier than ever and remain the backbone of our democracy. People are coming to libraries for traditional services, seeking reading material and information. In addition, libraries are the destination for people in search of</p>

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

		fast internet access, programs for their children, job-seeking help, literacy tutoring, homework help, meeting rooms, etc.
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NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

Summary: Housing Element Implementation - Support legislation to provide flexibility in the implementation of State Housing Element policy for rural local government.

1)	Department	Community Development Agency; Planning
2)	Person completing the questionnaire	Jory Stewart
3)	Title	Director
	Phone	530-265-1770
	E-mail	jory.stewart@co.nevada.ca.us
4)	Indicate whether it is State or federal	State
5)	Title of Legislative Proposal	Housing Element Implementation
6)	Why is legislative remedy appropriate to this issue	<p>There are great differences between rural and urban areas. But when it comes to mandates of State housing policy with regards to Housing Element mandates, existing legislation does not account for these differences. Rural areas such as Nevada County, especially the unincorporated areas of such a county, lack sufficient infrastructure to support high density development. Yet, State law currently mandates that low and very low affordable housing needs be accommodated by the local jurisdiction with readily available vacant land zoned R-3 Residential High-Density with a 16 dwelling unit <u>minimum</u> density or through the designation of an affordable housing overlay that provides the opportunity for the same.</p> <p>Density this high requires sufficient infrastructure to support the density. In Nevada County, this would include infrastructure such as public water and sewer, sufficient road capacity as well as social infrastructure such as family support services, schools, libraries, recreational facilities as well as jobs and other services. One of the most limiting factors in Nevada County is sewer infrastructure. Currently, all public sewer facilities in the county are operating at functional capacity, with the exception of one which has limited available</p>

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

		<p>capacity. Timing for availability has resulted in property owner disinterest in participating in a County effort to rezone vacant lands to R-3. Some interest in an overlay district may be possible but if developed at less than the State mandated density it would not count towards our Regional Housing Need Allocation (RHNA) as mandated by the State. Not meeting this mandate puts the County at risk in being non-compliant with State mandates and thus ineligible for CDBG funds.</p> <p>The other issue involved with meeting the State mandate that R-3 zoned vacant land is readily available is that environmental review must be performed by the jurisdiction at their expense. It is estimated that in order for Nevada County to meet the current mandate, the cost of environmental review of all properties identified would result in a cost to the County of approximately \$300,000 in staff and consultant time on special studies.</p> <p>Finally, the mandates of State housing laws conflict with other State mandates when applied to rural counties. Specifically, AB32 which mandates GHG reduction strategies that include developing land near existing services and using service capacity in an efficient manner. By thrusting rural poorly served areas into a mandated accommodation of high-density housing is counter to the idea of developing in existing urban areas. By developing R-3 in a rural area where there are few jobs and poor support services, local rural government creates enclaves of rural poverty where commutes are longer and less affordable to these households not to mention the negative impact on GHG reduction objectives.</p>
7)	Is this a new proposal or an update of a previously submitted one?	New

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

8)	Code Section(s) affected	Potentially Section 65583(a)(3), 65583.2(c)(1), (h) and (i) of California Government Code
9)	Briefly describe existing law:	The local jurisdiction must identify in their Housing Element programs that shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households. Sites must be allowed without a CUP, planned-unit development or other discretionary review and approval and allow a minimum of 16 units per site.
10)	How would this proposal change existing law	Insert a provision that allows rural unincorporated areas with populations of less than 100,000 people to defer rezoning of sites until such time as infrastructure to serve the sites is available. Infrastructure in this sense would be limited to linear infrastructure such as sewer, water and road systems.
11)	Fiscal Impact	None
12)	Significant Individual/Groups That Might Support	RCRC, CSAC, other rural counties throughout the State of California
13)	Significant Individuals/Groups that Might Oppose	HCD, affordable housing advocates
14)	Negative Impacts to County or other Entities	No anticipated negative impacts
15)	How does this Support the County's Strategic Plan, Vision, Mission and/or Goals	1) Supports the Mission of working with the community to develop sound and innovative public policy
16)	Is this Included in Associations Legislative Priorities	No

NEVADA COUNTY 2011 LEGISLATIVE PRIORITIES

APPENDIX D

Hazardous Fuels Conditions: Public Lands adjacent to Private Property

Public lands within Nevada County present a significant wildfire hazard to the private property owners. Several hundred parcels of federal and state lands are directly adjacent to private developed property. Most of these public lands have not been managed and have resulted in a buildup of hazardous fuel conditions. These conditions pose a wildfire hazard and increase the risk to developed properties adjacent to these public lands.

The Tahoe National Forest is the largest Federal landholder within Nevada County. It covers over 800,000 acres and spans across multiple counties: Yuba, Sierra, Plumas, Placer, El Dorado, and Nevada Counties. In Nevada County, the Tahoe National Forest represents 29% of the county, or nearly 180,000 acres. The Humboldt-Toiyabe National Forest is the other national forest within Nevada County and manages only 2,400 acres on the eastside of the county near the Nevada state line. The Folsom Office for the Bureau of Land Management (BLM) manages nearly about 17,000 acres in Nevada County, which is about 3% of the area in Nevada County. The State of California, through the California Department of Parks and Recreation, Department of Fish and Game and other state departments, manages over 23,500 acres, which accounts for 4% of the area in Nevada County.

Problem

Public lands occupy nearly 35% of the land in Nevada County, with a checkerboard pattern of discontinuous and isolated parcels of federal and state lands intermixed with private property through many areas. Nearly 30,000 acres (500 parcels) of public lands are directly adjacent to private property. While homeowners are required by state law to treat the hazardous vegetation around their property to meet defensible space standards, public lands are not mandated to reduce the hazardous fuels conditions on their property. The lack of direct fuels treatment on public lands adjacent to developed areas increases the risk for wildfires to destroy private property. Conversely, wildfire spreading from a developed private property with or without defensible space into public lands without effective fuels treatment has potential to cause significant environmental losses to timber crops, habitats, watershed, developed properties and infrastructure.

The public expects both federal and state governments to reasonably maintain public lands. The general public perception is that both federal and state lands are not meeting public expectation in being leaders in managing these lands. Furthermore, the public is burdened with many regulations, yet the lack of fuels treatment to reduce hazardous fuels on federal and state lands poses a significant wildfire threat to private lands. The public is seeking cooperative efforts by federal and state governments.

Background

Preliminary information was obtained from the Tahoe National Forest. No information was garnered from the Humboldt-Toiyabe National Forest or from the Folsom Office for the Bureau of Land Management or from the state agencies. The general information regarding state lands was provided by the California Department of Forestry.

NEVADA COUNTY 2011 LEGISLATIVE PRIORITIES

Nevada County covers approximately 611,000 acres. As mentioned above, nearly 35%, or about 212,000 acres falls under federal or state jurisdiction. The city and town areas of the county occupy only 4% of the area, or 23,000 acres. The residual areas, which is the unincorporated areas of Nevada County is approximately 376,000 acres. The vast majority of developed parcels (91%) are on private property parcels that are ten acres in size or less. Commonly, small-developed parcels are adjacent to larger non-developed parcels, both private and public. Interestingly, 14% of public lands in the county are adjacent to private property. Moreover, there are approximately 27,000 developed parcels in the county. Based on the assumption that developed properties must meet defensible space requirements, collectively, private property owners treat, as a minimum, 21,000 acres annually. Furthermore, if private property owners spend a minimum of \$300 dollars per acre to meet defensible space requirements, then collectively, private property contribute over \$6 million dollars annually for fuels treatment.

In terms of fuels treatment on federal lands, the Tahoe National Forest typically treats approximately 7,000-10,000 acres annually and has an average budget of \$1.8 million dollars to support this effort. For the 2008 fiscal year, the Tahoe National Forest received an additional \$400,000 for a total budget of \$2.2 million dollars to treat 11,000 – 13,000 acres. For the next fiscal year, the fuels treatment budget is estimated to increase to a total of \$3.0 million dollars.

Fuels treatment activities, in terms of location and size, type, etc, are defined by several factors. One of the primary factors determining where fuels treatment activities occur is directly associated with the environmental review process – in this case, National Environmental Protection Act (NEPA). Another factor that influences the location of fuels treatment project is proximity to community areas, commonly identified as Wildland Urban Interface (WUI) areas. Additionally, another factor guiding the location of fuels treatment projects are areas near scenic highways or scenic areas – such as the Highway 20 corridor to Interstate 80. Governmental earmarks also define the general location for fuels treatment projects. For example, the Sierraville District has for several years has been mandated to treat the fuels within this district, and this resulted in three quarters of the fuels treatment budget being spent within this one district. The other three districts divided the remaining \$450,000 for their fuels treatment projects.

In Nevada County, the Tahoe National Forest is currently engaged in three projects. These projects are based on available funding and factors described above. The end result is that only 50 to 3,000 acres are treated annually in Nevada County. This represents, at best, only 2% of the Tahoe National Forest within Nevada County.

Funding imbalance issues remain a concern. Normally, budget for fuels treatment are shifted to the other districts - American River, Truckee and Yuba Districts, with the residual balance to support the Sierraville District projects.

The Tahoe National Forest desirable target is to treat approximately 20,000 acres annually on a ten to twenty year rotation but current treatment falls below this target. The chief issue for

NEVADA COUNTY 2011 LEGISLATIVE PRIORITIES

federal agencies is to appropriately balance fuels treatment in community areas with other agency specific fuels treatment projects.

In terms of community protection, the Healthy Forest Restoration Act of 2003 identifies the need for fuels treatment and restoration of healthy forest conditions throughout many federally managed federal lands, including federal areas near community areas. The Act identifies the Community Wildfire Protection Plan as one of the key methods for identifying hazardous fuels on federal lands adjacent to private properties. From the Act:

(2) AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECT

The term “authorized hazardous fuel reduction project” means the measures and methods described in the definition of “appropriate tools” contained in the glossary of the Implementation Plan, on Federal land described in section 102(a) and conducted under sections 103 and 104.

(3) COMMUNITY WILDFIRE PROTECTION PLAN

The term “community wildfire protection plan” means a plan for an at risk community that:

- (A) Is developed within the context of the collaborative agreements and the guidance established by the Wildland Fire Leadership Council and agreed to by the applicable local government, local fire department, and State agency responsible for forest management, in consultation with interested parties and the Federal land management agencies managing land in the vicinity of the at-risk community;
- (B) Identifies and prioritizes areas for hazardous fuel reduction treatments and recommends the types and methods of treatment on *Federal and non-Federal* land that will protect 1 or more at-risk communities and essential infrastructure; and
- (C) Recommends measures to reduce structural ignitability throughout the at-risk community.

The State does not have a regulation similar to the Healthy Forest Restoration Act. However, Public Resources Code 4291 does apply to both private and state properties within the wildland areas and are required to meet Defensible Space regulations. Yet there are no are no specific regulations requiring the State to treat hazardous vegetation on state lands to reduce the risk to adjacent private property from wildfires. The California Department of Forestry and Fire Protection (CAL FIRE) provides the Vegetation Management Program to assist both private and state property owners with fuels treatment projects – these are voluntary cost-share projects. As an example, Malakoff State Park has utilized this program. Furthermore, agencies like CAL Trans, and State Fish and Game indirectly engage in fuels treatment project associated with site-specific issues, such as roadside clearance, or habitat restoration.

The State Fire Marshal’s Office approach to the wildfire issues primarily focuses on reducing structure losses from wildfires by implement the new regulations regarding ignition resistant building materials and designs. Recent changes to Public Resources Code 4291, effective January 1, 2009, indicates a shift in the defensible space requirements in several areas including:

NEVADA COUNTY 2011 LEGISLATIVE PRIORITIES

4291. (a) A person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material....
... The Department of Forestry and Fire Protection shall develop.... a guidance document on fuels management pursuant to this chapter. Guidance shall include, but not be limited to, regionally appropriate vegetation management suggestions that preserve and restore native species, minimize erosion, minimize water consumption, and permit trees near homes for shade, aesthetics, and habitat; and suggestions to minimize or eliminate the risk of flammability of Non-vegetative sources of combustion such as woodpiles, propane tanks, wood decks, and outdoor lawn furniture....

In general, the State typically provides funding to non-profit organizations, such as Fire Safe Councils, for fuels treatment projects on private property. Most funds allocated by the State are funds that have been allocated from the federal land management agencies to the State, typically through the CAL FIRE. Proposition 40, the Watershed Restoration Program for the Sierra Nevada, has recently funded fuels treatment projects on private properties through various programs administered by CAL FIRE. Locally, in the last four years, CAL FIRE has provided over \$2 million dollars to support various fuels treatment and forest stewardship projects on private property. Like the federal fuels treatment projects, state fuels treatment focus at the community level as opposed to a single or isolated parcel level management. This practice is primary, and based on cost, time and effectiveness. Additionally, governmental funds for fuels treatment emphasize public benefit verse single, individual property benefit.

Final Comment and Suggestions:

Both federal and state governments provide funds for fuels treatment activities. Most fuels treatment activities focus at the community level as opposed to a single or isolated small parcel level. While funding is steadily increasing to support federal fuels treatment projects on federal lands, generally fewer dollars are allocated by state agencies for fuel treatment projects on state lands. Funding by the state typically occurs through voter-approved bonds, such as Proposition 40. While both federal and state governments fund fuels treatment projects, there are, however, gaps in these funding programs. Hundreds of parcels and thousands of acres of private property are vulnerable to inadequate fuels treatment efforts on public lands. There is a need to develop a better mechanism for addressing hazardous fuels issues for the public-private property boundary line. Here are four suggestions to consider:

- 1) For federal lands, utilizes the Community Wildfire Protection Plan (CWPP), which is a component of the Healthy Forest Restoration Act. The CWPP should identify both the federal and non-federal (private) properties with hazardous fuels conditions, develop priority areas needing fuels treatments and relay this information to the local federal land managers for appropriate funding (perhaps designate this funding as CWPP funding for federal lands).
- 2) For the state lands, consider adopting similar a Healthy Forest Restoration Act for state lands, and/ or partnering with the CWPP process for identifying state lands that directly impact private property.

NEVADA COUNTY
2011 LEGISLATIVE PRIORITIES

- 3) Provide federal and state funding to develop biomass/value-added products market to assist both public and private landowners with fuels treatment projects. (This is also addressed in the Healthy Forest Restoration Act)
- 4) Ensure adequate long-term fuels treatment funding to support both the state and federal land management agencies for the next twenty years – for at least one full rotational fuel treatment cycle.