

STATE LEGISLATIVE PLATFORM



2023-24

County of Tulare

As approved by the Tulare County Board of Supervisors on April 2, 2024.

Tulare County Board of Supervisors



(As shown above from top left)

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State Legislative Platform

COUNTY OF TULARE

The Tulare County Board of Supervisors biennially adopts a State Legislative Platform. The platform is a statement of priority issues for Tulare County and provides direction for County staff and those advocating on behalf of the County.

The Board of Supervisors recognizes that unforeseen issues may arise as the legislative year proceeds. All requests for the Board of Supervisors to either endorse or oppose new legislation or policy must be submitted to the Board for approval. Supervisors may periodically provide letters of support or opposition for issues impacting their county Supervisorial Districts.

AGRICULTURE

1. Increased funding for Dairy Digester Program and Alternative Manure Management Program - California Department of Food and Agriculture

Challenge:

Dairy digesters are a renewable technology that use livestock manure to produce methane, a renewable source of electrical energy generation and transportation fuel. California is home to the nation's largest dairy industry, and Tulare County is the largest producer of dairy products in the state. Unfortunately, investment in dairy digesters has lagged in California due to expensive, uncertain, and complex interconnection and permitting obstacles, high environmental compliance costs, lack of long-term economic energy purchase agreements, and high financing risk and costs.

The CDFA's Dairy Digester Research and Development Program provided financial assistance for the installation of dairy digesters in California, which will result in reduced greenhouse gas emissions. Additionally, funding is provided through incentives to support non-digester practices that reduce methane emissions from dairy and livestock operations through a separate program, the Alternative Manure Management Program. The ultimate goal for both programs is long-term methane emission reductions on California dairies or mitigation of adverse environmental impacts.

Solution:

- Continue to support initiatives to provide regulatory support to dairy digester projects such as those eligible under the CDFA's Dairy Digester Research and Development Program and the Alternative Manure Management Program as authorized by SB 856 of Budget Act of 2018 (Chapter 30, Statutes of 2018).
- Support increased funding for the Funding Agricultural Replacement Measures for Emission Reductions Program (FARMER) to achieve the state commitment to reduce emissions from heavy-duty agricultural off-road equipment; provide for air quality and health improvement throughout the San Joaquin Valley.

2. Invasive Species

Challenge:

There are several invasive species introduced and detected in California every year that threaten agriculture and the environment. The two largest threats to the future of the California citrus industry and backyard fruit production are the Asian Citrus Psyllid (ACP) and the bacterial disease that it vectors, Huanglongbing (HBL). ACP was first detected in 2008 in San Diego and quickly became established in southern California before moving north to Tulare County and other parts of the state. HBL can be catastrophic to commercial and backyard citrus. Today, 76% of the state's citrus acreage is located in Fresno, Kern, and Tulare Counties. In accordance with the California Agricultural Commissioners and Sealers Association, it is noted that continued funding of Pest Exclusion, Pest Detection Trapping, Rapid Response, Pest Management and Eradication, and Public Outreach Programs are critical in protecting California's resources.

Solution:

- Support continued funding of Pest Prevention Program activities at the local level, as well as cost recovery for existing, new, and/or modified programs.
- Support legislation that provides for effective pest management and eradication activities.
- Support efforts to secure funding resources directed at researching ACP to aid in finding a potential cure and prevent the continued spread of the disease.

HIGHER EDUCATION

3. Four-Year Public University Campus

Challenge:

The California State University, Fresno has a satellite campus in Visalia, California. The four-classroom building at the College of the Sequoias currently offers non-credit professional development courses and expanding higher-degree programs.

Of the 25,000 students enrolled in Fresno State, at least 4,600 are from Tulare County. As South Valley students consider whether to pursue a higher-education degree, the decision is made more difficult due to access issues such as costs, commuting times, and availability of housing.

At the November 8, 2022 General Election, local voters approved Measure C, a \$95 million bond measure for the College of the Sequoias to expand its University Center program and provide local, affordable university degrees and career training, including nursing, public safety, education, agriculture/water technology, and business. Funds will also be used to acquire, construct, and repair classrooms, facilities, sites, and equipment for the new and expanded programs. Additional resources and support will be needed to help meet these challenges.

Solution:

- Support efforts to secure four-year higher education degree programs in Tulare County.
- Support funding for growth at the Fresno State satellite campus.
- Support legislation to increase enrollment at the Fresno State satellite campus and allow for increased funding to support the growing student population.

ENVIRONMENT AND NATURAL RESOURCES

4. Forest Management, Resiliency, Fire Prevention & Response, Forest Health

Challenge:

Years of prolonged drought, bark beetle infestation, and devastating wildfires exacerbated by years of inadequate fuels treatment have resulted in an ongoing decline in forest health that must be comprehensively addressed. The most recent Aerial Detection Survey Report released by the United States Department of Agriculture Forest Service, Pacific Southwest Region, indicates 210 million dead or dying trees statewide. Tulare County has the highest number of dead trees, at an estimated 31 million dead or dying.

In light of the devastating wildfires and resulting disasters over the last several years, the Governor's FY2022-2023 and FY 2023-2024 budgets include a total of \$1 billion to prevent wildfire and improve forest management. While the influx of funding is helpful, challenges to active forest management remain.

Due to regulatory hurdles, mixed land ownership, and a decline in markets for wood products, the pace and scale of forest management projects are slow and small. During the Hazard Tree response in 2015 through 2020, regulations were streamlined, and partnerships flourished between state and federal agencies. However, markets for forest products proved to be a significant challenge. Shuttered biomass facilities, prohibitive trucking costs, and overwhelmed lumber mills have led to stockpiles of forest products, which increases fuels and insect infestation.

Solution:

- Continue the partnership between the state of California and the US Forest Service for shared stewardship.
- Support legislation and funding for local assistance, financial resources, regulatory relief, and outreach efforts to effectively reduce safety risks to the public, while increasing the pace and scale of forest health projects.
- Support legislation and funding for fire prevention through fuel reduction projects, prescribed burn fire crews, and grants for forest health projects.
- Support additional funding to enhance aviation resources, expand firefighting surge capacity, expand firefighting capacity, and fire response.
- Support legislation that keeps local control over land use at the local government level, specifically for communities in fire-hazard areas.
- Support the California Conservation Corps' utilization of the Porterville Development Center as a training center for forest management activities.
- Support the creation of a sustainable wood-products market in California.

CEQA REFORM

5. Elimination of the "Fair Argument" Test

Challenge:

Many projects (including publicly sponsored projects) are delayed or stopped because of the very low threshold set by the “fair argument” test. The “fair argument” test provides that if there is a fair argument that the proposed project will significantly affect the environment, then an Environmental Impact Report (EIR) shall be prepared, even if there is substantial evidence to the contrary. (See the leading case of *Friends of “B” Street v. City of Hayward* [1980] 106 Cal.App.3d 988.)

Non-exempt projects under CEQA should be replaced with the “substantial evidence” test. According to the “substantial evidence” test, an environmental document will be upheld by the court if there is substantial evidence to conclude that the project will not cause a significant environmental effect, even if there is substantial evidence to the contrary.

Solution:

- Support legislation to amend both CEQA and the applicable state CEQA Guidelines to eliminate the “fair argument” test applicable to negative declarations and mitigated negative declarations. (See Public Resources Code Section 21080, subs. (c), (d); 14 Cal. Code Regs. Section 15064.)

The above-cited CEQA provision and state CEQA Guidelines should be amended to read as follows: *“The ‘substantial evidence’ test shall apply to a challenge to a negative declaration or mitigated negative declaration in that this environmental document may be upheld if there is any substantial evidence to conclude that the project will not cause a significant environmental effect, even if there is substantial evidence to the contrary.”*

DRINKING WATER

6. Private Well Assistance

Challenge:

Due to almost a decade of prolonged drought, Tulare County had more than 2,000 private domestic wells go dry. In many cases, the property was not near an alternative domestic water supply, such as a community or municipal public water system. Existing funding programs are geared toward community systems and do not address problems with private wells. The County has had limited success in accessing drought funds on behalf of private well owners to connect them to existing systems. Obstacles include identifying an entity that can apply on behalf of the well owners, incentivizing existing systems to make service available, and convincing a sufficient number of homes to connect. Tulare County supports sustainable solutions that eradicate dependence on replacement of individual domestic wells wherever possible and funding criteria that support regional solutions.

Solution:

- Provide local assistance through Technical Assistance Requests to identify long-term solutions for those with continued outages.
- Support legislation that provides authority for mandatory consolidation, similar to SB 88 (Senate Committee on Budget and Fiscal Review, 2015).
- Address funding criteria that do not reflect the state’s priority to decrease reliance on individual private wells.

7. Create Sustainable Operation and Maintenance Revenue Streams

Challenge:

AB 401 (Dodd, 2016) requires the State Water Resources Control Board to deliver and implement the Low-Income Water Rate Assistance Program. The Program is past due, and the SWRCB released the draft Safe and Affordable Fund for Equity and Resiliency (SAFER) Expenditure Plan, which does not include a plan for funding operation and maintenance costs for disadvantaged communities.

Solution:

- Work with state and local partners to expedite the Drinking Water Needs Analysis as part of the SAFER program to inform the Low-Income Water Rate Assistance Program.
- Allocate SAFER monies to solutions that are not eligible under existing programs (i.e., operations and maintenance and private well improvements).
- Support funding for drinking-water solutions, including fire flow, and assistance to private domestic well users. Provide operation and maintenance funding directly to disadvantaged community water systems.
- Support a direct allocation of state funding for drinking water projects to Tulare County.

8. Streamline Funding Processes

Challenge:

In July 2022, the State Auditor issued report 2021-118 regarding the State Water Resource Control Board's (SWRCB) lack of urgency in providing critical assistance for failing water system needs. The report stated that more than 370 water systems in California are failing, which has impacted more than 920,000 residents. Additionally, less than 2% of water bond revenue managed by entities like the SWRCB reach disadvantaged communities due to prolonged project approval timelines and the communities' incapacity to prepare complicated application packets.

Tulare County currently has 32 failing water systems, serving 50,000 community members. Several state supervised water systems have submitted applications that are under review, while others have received a notice of award but have not received a funding agreement. While the SWRCB delays review, award, and issuing agreements, costs continue to rise and our most vulnerable population continues to be left without safe drinking water.

Solution:

- Work with local agencies, including counties, to identify willing applicants (such as a county) to receive the funding on behalf of the community to move projects forward; provide competent project management; and increase the effectiveness of disadvantaged community water and wastewater funding.

9. Conflict Between Requirement to Provide Farm Labor Housing and the Requirement to Provide Safe Drinking Water

Challenge:

The Department of Housing and Community Development analyzes special housing needs for farmworkers. If the County's Housing Element demonstrates a need for farm labor housing, the County is required, under statute, to permit the development of said housing. However, the identified water supply often does not meet state and federal drinking water standards. In this scenario, the County is forced to violate state policy either by denying the housing development based on inadequate water supply or approving the housing without adequate, safe drinking water.

Solution:

- Resolve the conflict by requiring proof of safe drinking water availability prior to approving farm labor housing development.

10. Allow Drinking Water Funding Agencies to Fund Fire Flow Requirements if Requirements Jeopardize Execution of the Project

Challenge:

Some sources of funding for drinking-water projects do not allow for the necessary upgrades to provide fire flow capacity (larger pipe size, hydrants, and additional storage capacity). In severely disadvantaged communities, residents are unable to pay for the upgrades. When this situation occurs, the projects are unable to move forward without fire protection, and the funding agency will not pay for that protection.

Solution:

- Recognize that individuals who live in severely disadvantaged and disadvantaged communities are the poorest residents in the state, and their living conditions are below average. A holistic approach that meets both drinking-water and fire protection needs is necessary to improve the quality of life for residents and get projects completed. Removing silos at the state level to access funds that can meet both needs is paramount to solving this challenge.

WATER RESILIENCE

11. Sustainable Groundwater Management Act

Challenge:

The Sustainable Groundwater Management Act (SGMA) was signed into law in 2014. SGMA required Groundwater Sustainability Agencies (GSAs) to adopt Groundwater Sustainability Plans (GSPs) by January 31, 2020. The GSPs identify the sustainable yields of the three high-priority groundwater sub-basins in Tulare County. Over the next 20 years, GSAs will bring groundwater extraction into balance with the sustainable yield. Estimates on land fallowing are upwards of 60% in some areas. This threatens the health of Tulare County's residents and economy.

Solution:

- Support funding that minimizes land fallowing, such as Regional Conservation Investment Strategies and groundwater recharge projects, and streamline regulatory and permitting requirements for such projects.

- Support initiatives that provide technical support for water markets with rules that safeguard small farmers and disadvantaged communities.

WATER SUPPLY

12. Water Supply South of the Delta

Challenge:

Existing interpretation of regulations and guidelines imposes limitations on water supply through the Central Valley Project water system. With the implementation of the Sustainable Groundwater Management Act, surface water supplies are even more important to Tulare County's residents and growers as Groundwater Sustainability Agencies work to implement Groundwater Sustainability Plans.

Solution:

- Request that the State Water Resources Control Board interpret its duties with maximum flexibility to allow for water deliveries south of the Delta.
- Oppose efforts to restrict water flows to the Delta.

Challenge:

Water deliveries are threatened by many factors, including damaged or missing infrastructure and environmental controls. To reach sustainability and foster resilience, surface water supplies and conveyance must be improved.

Solution:

- Support surface water storage and storage-enhancement projects.
- Support ongoing and direct funding to repair the Friant Kern Canal, along with roads and bridges affected.
- Support larger water releases south of the Sacramento/San Joaquin Delta.

WASTEWATER

13. Wastewater

Challenge:

Disadvantaged communities face challenges to treat wastewater effectively, which degrades the health and safety of residents in these communities. Wastewater projects are expensive and time-consuming to implement. SB 1215 (Hertzberg, 2018) tasked the State Water Resources Control Board to develop a voluntary sewer consolidation program and provide funding for such projects. Failing septic and wastewater collection infrastructure plagues many communities while the SWRCB develops its program.

Solution:

- Support legislation for emergency funding for sewer emergencies.
- Support adequate funding for disadvantaged communities to consolidate wastewater infrastructure.

STATE PAYMENT IN LIEU OF TAXES (PILT)

14. State Obligation to Local Governments

Challenge:

State PILT was established in 1949 to offset adverse impacts to county property tax revenues that result when the state acquires private property for wildlife management areas. Thirty-six counties, including Tulare County, currently have lands acquired by the Department of Fish and Wildlife for wildlife management areas.

In 2015, the final state budget package included language in the Fish and Game Code that changed “shall” to “may,” putting all future state PILT payments to counties at risk. To date, the Department’s estimate of the PILT arrears owed to counties is just under \$10 million.

Solution:

- Support legislation for continuous appropriation funding of Payment-In-Lieu of Taxes (PILT) payments for California’s counties.

GOVERNMENT FINANCE AND OPERATIONS

15. Civil Fines and Penalties: Amend Government Code Section 54988

Challenge:

Code enforcement fines and penalties cannot be placed on the tax rolls as a lien for collection, making the collection of such fines and penalties difficult for local jurisdictions.

Solution:

- Pursuant to Government Code Section 54988, code enforcement fees and costs may be placed on the tax rolls as a lien for collection. Since fines and penalties are a customary part of the code enforcement assessment, they should be allowed to be placed on the tax rolls as a lien to ensure collection as a deterrent against activities that are harmful to public health, safety, and general welfare. In doing so, Section 54988 should be amended as follows (see underlined amended language):

54988. (a) (1) In addition to any other remedy provided by law, including the current powers of charter cities, the legislative body of a city, county, or city and county may collect any fee, cost, fine or penalty, or charge incurred in any of the following:

(A) *The abatement of public nuisances.*

16. Criminal Justice System

Challenge:

The state of California has seen an increase in rehabilitation services. These increased rehabilitation services have been implemented without fully considering the impact on county incarceration operations. Many decisions at the state level, such as the early release of inmates and zero-bail initiatives, have negatively affected local jurisdictions. The County of Tulare takes particular interest in the well-being of our residents and places emphasis on evidence-based programs and services that support and prepare incarcerated individuals to transition back to the community successfully.

Solution:

- Support efforts and resources to improve and enhance the criminal justice system overall.
- Oppose zero-bail legislation and initiatives.

17. Fines and Fees

Challenge:

The California legislature has introduced bills and proposals in the past year to eliminate fines and fees within the criminal justice system. Counties use that funding to support a wide variety of programs. The state has continued to push unfunded mandates on counties while trying to eliminate the current funding structures they rely on as a funding source.

Solution:

- Oppose legislation that eliminates critical funding sources to counties with no solution or funding source supplement to help offset costs to operate state-mandated programs.
- Support legislation that appropriates state funding to supplement criminal justice programs and assessments as required by the state.

18. Public Noticing Process

Challenge:

California law requires notices to be published in newspapers of general circulation. It automatically recognizes newspapers currently adjudicated to accept such notices. This can prove to be costly for local government agencies to fulfill this unfunded state mandate.

Solution:

- Support legislation to allow for online posting of public notices and/or an alternate solution to newspaper publishing and the associated costs.

19. Public Records Act

Challenge:

The California Public Records Act of 1968 (Act), requires that governmental records be made accessible to the public upon request, unless otherwise exempted by law. Use of the Act has skyrocketed over the past decade. Unfortunately, the Act created a cluster of rules that have caused financial and administrative difficulties for counties and other local jurisdictions.

Solution:

- Support legislation to alter the system in a way that retains the law's features without exposing government entities to unnecessary liability, frivolous litigation, or burdensome workloads.

20. Trial Court Security**Challenge:**

2011 Criminal Justice Realignment revenues have not kept up with the overall cost of providing security to courthouses. The state has set aside supplemental funding for new court construction but no permanent solution to date. Recently, the state opened the new courthouse in Porterville and the County opened the new South County Detention Facility, thereby increasing personnel and security costs.

Solution:

- Work with the administration, legislature, and stakeholders to approve ongoing and increased funding levels for new court security costs.
- Support efforts to change the funding formula to account for new courthouse and courtroom openings by the state.

21. Adult and Family Literacy Programs**Challenge:**

The state provides support for county Adult and Family Literacy programs. These programs primarily help adults gaining basic literacy skills and families acquiring the necessary skills to incorporate literacy education into their daily lives. The state funding received by the Library for FY 2020/21 has grown to almost \$150,000, including the Career Online High School program. These funds are critical to the continued needs for our literacy program. In FY 2021/22, the state supported a new English as a Second Language grant that we hope continues to be funded.

Additionally, the state provides support of the California Library Services Act (CLSA) and High-Speed Broadband. Services like these ensure that the County Library can continue to provide shared access to materials statewide and internet service connections through the California Research and Education Network (CalREN). Both of these services open the world of information and learning to our users beyond the county's borders. Funds received for these services, including systemwide delivery, interlibrary loan including Zipbooks, and broadband maintenance, are managed by the San Joaquin Valley Library System.

In the FY 21/22 Budget, the state provided funding for grants such as infrastructure, programming, and outreach support, for which the library applied. With continued support of grants like these, the library will

be able to repair and update branches to ensure they are safer and more accessible and provide more services to rural and underserved communities.

Solution:

- Support continued, ongoing, and increased funding for the Adult and Family Literacy programs, including Career Online High School, ESL, CLSA, and High-Speed Broadband, to ensure continued and updated services.
- Support continued funding for infrastructure, programming, and outreach support to ensure safe and accessible buildings and services to rural and underserved communities.

22. Proposition 13 & Property Tax

Challenge:

Before 1978, there was no limit to how high an assessor could increase a property's value in any given year. Many taxpayers could not afford the variable property tax rates. Proposition 13 resolved those issues by limiting total taxes to 1% of the property's value and limited the annual automatic increase in unassessed property values to a maximum of 2%. Proposition 13 required that all categories of real property on the local assessment roll be assessed at the same basic tax rate and under the same valuation standard.

The California Schools and Local Community Funding Act of 2018, an initiative proposal for a split roll property tax, is a constitutional amendment that was on the November 2020 ballot. "Split roll" means applying a different tax formula, either tax rate, reassessment frequency, or vote requirement, to commercial and industrial properties from that applied to residential properties. This would remove some of the protections of Proposition 13 from nonresidential properties, in order to raise taxes.

Solution:

- Oppose split roll initiatives.
- Oppose efforts to amend and/or repeal Proposition 13.

23. Parks

Challenge:

Infrastructure for existing parks is in need of upgrading and is cost-prohibitive to maintain using strictly local funds. Tulare county is continually seeking funding to acquire and create access to open spaces for all Californians. Creating public access to areas that encourage physical activity, proper nutrition, and healthy lifestyles is a high priority for the quality of life in the community.

Solution:

- Support legislation to provide funding for capital improvements, rehabilitation, and development of parks in order to enhance the public outdoor recreational spaces in the State.

HEALTH AND HUMAN SERVICES

24. Office of Emergency Services (OES)

Challenge:

County Emergency Management Programs are often severely under-funded and under-staffed, receiving only Federal pass-through funding from the Governor's Office of Emergency Services. Meanwhile, the Legislature continues to impose new planning requirements on local governments, including those around Emergency Operations Plans, Hazard Mitigation Plans, Access & Functional Needs populations, Cultural Competency, Alert & Warning, Evacuation, Sheltering, and other topics. The Legislature continues to increase funding for corresponding programs and oversight within the Governor's Office of Emergency Services; however, no consideration has been given to building the additional capabilities at the local level necessary to meet these new mandates. Given that all disasters are local, and local capabilities will ultimately drive the success or failure of disaster responses, this situation is untenable and counterproductive to both the public interest and meeting the Legislature's intent.

Solution:

- Support creation of additional, sustained funding sources for emergency management programs.
- Support and advocate for bills similar to the failed AB 291 (Chu, 2019) or provisions ultimately removed from AB 1721 (Rodriguez, 2022).
- Support funding for emergency disaster planning.
- Support funding for public health emergency management, such as contact tracing.
- Support funding for preparedness, response, and recovery from natural and man-made disasters such as pandemics, extreme temperatures, flood and drought activity and hazards, and bioterrorism.
- Support funding for fire prevention, mitigation, and planning efforts, including forest management efforts.

Challenge:

The current drought conditions in Tulare County have exposed interrelated issues that limit an effective, streamlined, and fully funded drought response. For example:

1. "All disasters are local," and the State expects counties to respond despite not providing a flexible or all-encompassing funding source via the California Disaster Assistance Act {CDAA}. This limits the ability to undertake solutions such as mobile showers, toilets, laundry, assistance centers, receiving and distributing donated goods, providing non-potable water-fill stations, and other actions not specifically anticipated under other programs.
2. Funding and programs provided, such as those through the State Water Resources Control Board (SWRCB), are narrowly written for specific response actions, such as providing bottled or hauled water, with inflexible criteria (e.g., gallons per day not including water for evaporative coolers and hard limits on bottled water, regardless of household size) and ignore other needs (e.g., non-potable water, animals, and other livestock).
3. SWRCB programs are not streamlined in a manner conducive to meeting emergency response needs, at least in part due to requirements imposed on the funding streams.
4. Some programs are narrowly written so that only nonprofits can apply, thereby eliminating a county's ability to leverage these programs.

Solution:

- Support legislation to streamline disaster relief funding under CDAA and broaden program-eligible activities to include those identified as necessary by the applicant.
- Support legislation to broaden SWRCB and other program parameters, and eliminate time-consuming requirements, to streamline and expedite application and implementation timelines.
- Support legislation to expand eligibility for grants that are currently restricted to nonprofits to include government agencies.

Fiscal Operations

25. Full Funding for State Mandates

Challenge:

The State of California frequently passes laws that mandate counties to provide certain services or perform certain tasks. State law dictates that all mandates passed by the State Legislature must be funded by them. However, in certain cases, the funding intended to support a state mandate does not fully cover all costs that the mandate would impose on counties and their agencies.

Solution:

- Oppose unfunded mandates and realignment initiatives that fail to fully fund services that have been cost-shifted to the County. The requested funding should include the appropriate cost of living increases and adjustments due to population and caseload growth.

26. Addressing Regional Structural Inequities

Challenge:

Statewide resources are distributed in ways that inadequately address known and long-standing issues of structural poverty and regional inequality. In some cases, the way the state handles resource distribution intensifies structural inequities for communities struggling with concentrated levels of poverty. Counties with wealthy tax bases have more resources to use in providing health and social services to their residents and are consistently awarded larger proportions of state and federal funding, particularly with competitive grants and grants that are awarded solely based on population distribution.

The State of California should mitigate the negative impact of unequal resource distribution that results in significant economic, health, and social distress for California families. Local jurisdictions should not be financially punished or burdened for having high poverty rates and lower than average property values. The State should consider these factors when distributing resources and, thereby, mitigate regional and structural inequities.

Solution:

- Support efforts to address statewide structural inequities and mitigate the impact of concentrated poverty in areas like the Central Valley.

Human Services

27. CalWORKs Eliminate the Asset Test

To qualify for public assistance under CalWORKs, impoverished families must demonstrate that they are both income and asset poor. Asset limits were intended to ensure that public assistance programs provide benefits only to those with too few resources to support themselves. But years of research and practitioner experience have proven that personal savings and assets are precisely the kinds of resources that allow people to move off public benefits programs. Without being able to maintain or build up a small savings cushion, these families are highly vulnerable to falling into debt in the event of an emergency or other unexpected expense. The asset test has been removed from both CalFresh and Medi-Cal.

Solution:

- Support the elimination of considering assets as a condition of eligibility for CalWORKs.

28. CalWORKs repeal the 100-hour standard

Challenge:

To qualify for public assistance under CalWORKs, a family with a related child under 18 years of age who has been deprived of parental support or care due the unemployment of their parent, must have worked less than 100 hours in the preceding four (4) weeks and meet specified requirements. Once qualified, existing law authorizes a family receiving CalWORKs benefits to continue to receive assistance regardless of the number of hours their parent works, if the family does not exceed the application gross or net income limits and is otherwise eligible for assistance.

Solution:

- Support the elimination of the 100-hour standard for purposes of determining a child's deprivation of parental support or care due to the unemployment of their parent.

29. Public Guardian Support

Challenge:

In recent years, the Public Guardian's Office has taken on significant additional workload while staffing levels have remained static, resulting in a need for additional resources to handle current and future workloads and adequately address the needs of vulnerable elderly and disabled members of our community.

Solution:

- Support additional funding to augment Public Guardian's Office staffing.

30. In-Home Support Services (IHSS)

Challenge:

In 2019, the governor presented an IHSS proposal that led to the enactment of a lowered County IHSS Maintenance of Effort. IHSS advocacy groups continue to ask for additional provisions related to collective bargaining, such as increasing the Realignment withholding amount and requiring disclosure around contract consultants. The escalating share of county costs with IHSS is a growing concern. The costs for the IHSS program and provider wages increase each year due to growing caseloads and the cost of doing business. The governor has provided roughly 400 million in 2022-23 to help support these services. This continued growth in funding provides much needed relief to counties.

Solution:

- Support policy to prioritize the fiscal sustainability of the IHSS program.

31. Licensure for Specialized Foster Youth Residential Facilities

Challenge:

AB 808 (Stone, 2021) would have required the State Department of Social Services to license specialized foster homes as residential facilities providing board, care, and supervision by a resource parent pursuant to standards developed in consultation with specified entities and persons. It would have also required specialized foster homes to meet prescribed standards that apply to resource families, and to complete training as a condition of obtaining and maintaining licensure. Finally, it would have established rates standards and would have required the department to adopt regulations and determine appropriate provider rates. Although the bill failed to pass, the above measures are positive and should be enacted by the Legislature in future legislation.

Solution:

- Support the initiation and regulation of rate standards for providers.

32. Foster Youth Housing

Challenge:

The Department of Housing and Community Development provides funding to counties for allocation to CWS agencies to help young adults 18–24 years of age secure and maintain housing, with priority given to young adults formerly in the state’s foster care or probation systems. Current law suspended certain provisions of this program on December 31, 2021. AB 413 (Arambula, 2021) would have deleted the provisions that conditionally suspend elements of the program and subject the requirements of the program to an annual appropriation in the Budget Act so that the elements could continue.

Solution:

- Support a finding by the Department of Finance to continue the Foster Youth Housing program.
- Support legislation similar to AB 413 (Arambula, 2021).

33. Continuum of Care Reform (CCR)

Challenge:

CCR implementation consists of comprehensive initial child assessments; increase the use of home-based family care and the provision of services and supports to home-based family care to improve California's child welfare system. Funding for Continuum of Care True Up costs is critical and without it, there will be a significant reduction in services for Resource Family Approval, Child and Adolescent Needs and Strengths tool, and the Foster Parent Recruitment, Retention, and Support (FPRRS) allocations, causing an anticipated \$1.34 million negative impact to Child Welfare Services provided to youth and families.

Solution:

- Support additional funding for Continuum of Care True Up costs.

Behavioral Health & Integrated Services

34. Homelessness

Challenge:

Communities in Tulare County have experienced increases in the number of homeless persons in recent years. As of the January 2022 Point in Time (PIT) survey, Tulare County is estimated to have 922 homeless persons, with over 70% unsheltered and 40% self-reporting a behavioral health condition. Of the 40% of individuals who self-report a behavioral health issue, 24% cite mental illness, 22% cite substance use, and 42% cite a disabling condition.

Jurisdictions vary in their system capacity and readiness to implement activities that improve the condition of the homeless. Consequently, flexibility in eligible activities for new homeless programs would help jurisdictions implement activities that fit the local need. Moreover, it would be ideal to streamline redundant, administrative reporting requirements for complementary county programs, so that counties can have a single agreement that aligns cross-departmental funding streams.

It would be helpful to have long-term funding to create sufficient support to make headway against the long-term and structural conditions that are keeping homeless rates so high. For example, we have programs that are required to focus on permanent supportive housing but not permanent supportive funding. The shortage of affordable housing affects the entire span of homelessness and is the driving factor that must be addressed.

Solution:

- Advocate for secure and perpetual funding streams that include flexibility and funding for both case management and shelter operations.
- Support legislation that reduces artificial system barriers related to privacy and information sharing.
- Support funding for additional street outreach and services including dental, vision, and animal care (all field-based and not brick-and-mortar-based).
- Recommend that state agencies promoting services to the homeless convene and negotiate initiatives, then package them for counties to keep streamlined communication and reporting.
- Advocate for dedicated funding in support of ongoing housing projects and ensure sustainability of said funding.

- Advocate for dedicated funding for increased support (whole person care) of homeless individuals that are placed in permanent supportive housing or no place like home sites, so that they can maintain their placement.

35. AB 728 (Santiago, 2019) Homeless Multidisciplinary Personnel Teams

Challenge:

AB 728 was enacted into law to expand on the goals of homeless adults and family multidisciplinary personnel teams (MDT) to allow for coordinated housing and support services for individuals at risk of homelessness, under a pilot in seven counties. Currently, state confidentiality laws restrict the ability of service providers to share information necessary to coordinate services. Under this bill, members of the homeless adult and family MDTs are allowed to share confidential information for helping prevent homelessness, and the definition of what information can be shared should include language inclusive of those who are homeless.

Until January 1, 2025, homeless adults and family MDT in the pilot counties can facilitate the expedited identification, assessment, and linkage of individuals at risk of homelessness as someone who is indigent, is receiving or eligible to receive cash-aid, and who meets these conditions:

- Is exiting, or exited within the last 12 months, a state-funded or locally funded detention or treatment setting, including jail, prison, health facilities, mental health facility, or SUD treatment program.

Solution:

- Support amendments to AB 728 to expand the use of MDTs statewide and change language to include homelessness without stipulations in prior services. We recommend that we serve all individuals who exhibit conditions that prevent permanent housing.

36. Community Assistance, Recovery, and Empowerment (CARE) Court

Challenge:

A new court process called CARE Court proposes to deliver community-based behavioral health services and supports, including substance use disorder services, to individuals suffering from untreated schizophrenia spectrum and psychotic disorders. This new diversion tool intends to combat homelessness, incarceration and conservatorship. A petition may be filed with the court by various types of people (ie. Family, behavioral health professionals, first responders, etc.) to create a CARE agreement/court-ordered plan to provide behavioral health care (stabilization medication, housing, and services).

Dedicated, sustained, and full funding is needed to support the programming and services mandated by the CARE Court statute (SB 1338 (Umberg, 2022)). Funding must be flexible to support the housing spectrum and a holistic system with clear responsibilities, flexible tools, and sustainable funding to alleviate the multiple system issues of homelessness and behavioral health.

Solutions:

- Support dedicated, sustained, flexible and full funding for programs and services mandated by the CARE Court statute.
- Encourage the administration to ensure that CARE Court individuals are prioritized through the housing Continuum of Care to expedite placement.

37. California Advancing and Innovating Medi-Cal (CalAIM)

Challenge:

CalAIM is a long-term commitment to transform and strengthen Medi-Cal, offering Californians a more equitable, coordinated, and person-centered approach to maximizing their health and life trajectory.

Medi-Cal through CalAIM is shifting how people access and receive specialty mental health and substance use disorder (SUD) services. Targeted populations include individuals leaving criminal justice institutions, hospital discharges, high-and complex-needs Medi-Cal patients, young adults leaving foster care, and individuals experiencing homelessness and in need of behavioral and physical health care. This will allow the promotion of wellness and engagement of those individuals that are at a higher risk of returning to society without permanent housing options. Outreach efforts for the homeless population require more than one contact, and any outreach and/or intervention for this population should be fully funded including housing needs to meet the housing first model.

Low-income housing options are minimal compared to the needs of Tulare County. With our high Medi-Cal population, large numbers of individuals that live under the poverty limit and numerous working families barely making ends meet, low-income housing inventory is key to getting people off the streets and/or preventing or reducing homelessness.

Dedicated funding is essential to assist this population through the transition period. Funding administered by the Managed Care Plans to provide enhanced care management and community supports must be fully funded and passed onto the provider. Ensure the burden of coordinating and avoiding duplication of services resides with Managed Care Plans and utilization data is accurate and correct.

Solution:

- Support full funding for all behavioral health, SUD, physical health, and social services activities throughout the CalAIM reform process and request that the State require Managed Care Plans (MCPs) to fully reimburse the cost of Enhanced Care Management (ECM) to the providers, including counties.
- Modernize technology systems to support whole person care efforts, including uniformity across the whole provider network.

38. Mental Health Services Act (MHSA) Funding

Challenge:

The Mental Health Services Act (MHSA) provides funding for the enhancement and/or expansion of mental health services via a voter-approved initiative which ensures that funds are available to, and under the control of, locally constituted boards. These boards prioritize funds to address the mental health needs of local residents based on stakeholder input. Frequently, the State Legislature uses MHSA

funds as a way of either funding mandates that they are unable to pay for through other funding sources, or by allowing a portion of MHSAs funds to be diverted to specific initiatives or projects.

Funding additional mandates at the local level or reducing MHSAs funds at the State level reduces available funds in Tulare County, and results in reduced levels of service as well as diminishing control over funding choices by the local MHSAs board.

Solution:

- Support efforts to protect MHSAs funding and allow counties the flexibility to identify and decide how these funds would best serve the local community.

39. Crisis Services: Children/Youth & Schools

Challenge:

Declining mental health and wellness, including collective trauma due to quarantine during COVID-19, in children has been a growing concern at local and national levels. Prior to the pandemic, increased incidents of mental health and substance use disorders among children and adolescents had been reported. Nationally, suicide continues to be the second leading cause of death for adolescents and young adults.

There is now an elevated need for children and adult crisis services. Both locally and nationally, the number of youth and adults experiencing a mental health crisis continues to increase drastically. Both law enforcement and our local hospital emergency rooms have stepped in to ensure safety and care for individuals in need. We have a local psychiatric emergency team that responds in the field to youth and adults experiencing a crisis, in collaboration with law enforcement officers and hospital staff. There is a need to further build out a crisis continuum of care with supportive infrastructure.

Challenge:

AB 988 (Bauer-Kahan, 2022) seeks to streamline crisis call centers. The administration proposed amendments to AB 988 in July of 2022 and added new requirements for private insurance to reimburse for mobile crisis services. Their initial approach amended the definition of emergency medical condition to include mobile crisis services. In the final version (the August 18 amendment), private plans are only required to reimburse for medically necessary mobile crisis services, which does not apply to EMS services. The change establishes a high standard for field-based mobile crisis teams addressing emergency behavioral health crisis need. While the original language was clear, the amendments will have detrimental consequences on the viability of county efforts to stand up 24/7 mobile crisis services under Medi-Cal and 988, and will require a level of clinician participation in mobile crisis that is untenable in the current workforce crisis environment.

Solution:

- Support amendments to current legislation to ensure that all services under AB 988 are fully compensated and that mobile crisis service reimbursement is based on a practical standard for teams in the field.

40. Criminal Justice

Challenge:

Providing suitable physical and behavioral health services for incarcerated individuals, while in jail and upon release, continues to be difficult. Many individuals experiencing serious mental illness are jailed for charges related to their mental health, and then their mental health deteriorates while incarcerated. For those who are found incompetent to stand trial (IST) due to their mental illness, individuals often wait many months for a bed at a state hospital for restoration to competency. Upon release, they often face lack of housing and barriers to treatment leading to a vicious cycle of further incarcerations or psychiatric hospitalizations.

Challenge:**IST Growth Cap**

Statutory requirements established an IST Growth Cap for all counties for individuals committed as incompetent to stand trial (IST) due to a mental illness on felony charges. The Department of State Hospitals (DSH) created a baseline for each county regarding the number of IST determinations they could make. When the IST determinations exceed the baseline, the county will be charged a penalty rate. The penalty payments will be issued back to the county to be used to support local initiatives designed to prevent the arrest of individuals with serious mental illness such as pre-booking mental health diversion, post-booking mental health diversion, and/or re-entry services and support.

Solution:

- Support legislation that would reduce the waitlist for IST individuals by focusing on Early Stabilization, Community Care Coordination and Expanding Diversion and for this population.

41. Workforce Development**Challenge:**

Tulare County continues to evaluate ways to retain high-demand employment classifications such as mental and physical health care professionals, clinicians, and social service positions. Recruitment for these high-demand positions is challenging in the Central Valley due to employment opportunities in nearby competitive areas, like Los Angeles and the Bay Area, with a higher rate of compensation for the same positions. This affects regional structural inequalities and public and mental health outcomes.

Solution:

- Support legislative efforts to fund professional development for high-demand behavioral and physical health positions in the Central Valley.

IMMIGRATION**42. Communication with US Immigration and Customs Enforcement****Challenge:**

In 2017, Governor Jerry Brown signed SB 54 (De Leon, 2017) into law, prohibiting state and local law enforcement agencies from using any funds, facilities, property, equipment, or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes. In 2018, SB 10 (Hertzberg, 2018) enacted comprehensive reforms to the bail system. These reforms limit the ability of law enforcement to communicate with US Immigration and Custom Enforcement (ICE) officials to determine if a detained person qualifies, under the Truth Act, for transfer to federal custody.

Solution:

- Support legislation that provides sheriffs and police chiefs the flexibility to evaluate the risk level of an incarcerated individual and allows for information to be shared with ICE if the person is deemed a clear or present risk to public safety.

INFRASTRUCTURE

43. Broadband for all

Challenge:

According to the Federal Communications Commission (FCC), broadband is unavailable to approximately 19 million Americans or 6 percent of the population. In rural communities, 14.5 million individuals, or nearly one-fourth of the population, lack access. Over time, various forms of legislation have been proposed to bring all federal and state broadband programs to the current definition of what the FCC defines as high-speed internet. The goal is to ensure that all communities receiving broadband support have access to internet services that are at current broadband speeds.

Solution:

- Support legislation and/or state budget appropriation to finance local community technology advancements.
- Support enhancing broadband services in rural communities.

44. SR 99 Widening

Challenge:

The need for congestion mitigation allowing for the expeditious movement of goods and supplies through the SR 99 corridor is integral to our state and nation's economy. The increase in capacity will increase safety, reduce congestion, increase connectivity, improve travel-time reliability of time-sensitive goods, and preserve acceptable facility operation on SR-99. The 2018 annual daily truck traffic was 27.6% and the number of truck trips is expected to nearly double within 20 years. Traffic projections indicate current capacity will be exceeded within 10 years, resulting in greater delay and congestion. Additionally, inhibiting the proliferation of greenhouse gases produced by idling traffic on our highways is in line with the state's air quality priorities.

Solution:

- Support full funding for the completion of the SR-99 widening project to a minimum of six lanes through all of Tulare County.

45. Rural Road Funding Formulas

Challenge:

Rural counties have a higher ratio of road miles to population than urban areas and are fundamentally disadvantaged by road funding formulas disbursed on the basis of relative population and/or vehicle registration. Tulare County is responsible for maintaining roughly 3,000 miles of road each year; enough to pave the way from California to Connecticut. Additionally, our roads are the main arteries for the transportation of agricultural goods enjoyed across the nation and throughout the world. A fully loaded dairy truck can weigh up to 80,000 pounds and exerts the equivalent wear and tear on a road surface as 10,000 passenger cars with each delivery. Any new and existing funding sources for road maintenance should implement an allocation method that takes into account the number of road miles in a given area and/or the type of traffic utilizing those roads.

Solution:

- Support legislation that implements road funding formulas weighted towards the number of maintained road miles in a given area and/or takes into account the impact daily traffic has on those roads.

SOLID WASTE

46. SB 1383 (Lara, 2016) Short-Lived Climate Pollutants Regulations

Challenge:

SB 1383 requires a 50% reduction in statewide disposal of organic waste by 2020 and a 75% reduction by 2025. There are several barriers to achieving such high diversion levels in rural counties. Lack of infrastructure to compost this material, regulatory barriers to permit new facilities, and difficulty enforcing mandatory recycling are just a few hurdles rural counties face. Furthermore, organics recycling is costly and, with much of Tulare County designated as an economically distressed area, it makes the implementation of an effective diversion program cost-prohibitive.

Solution:

- Support the creation of a state clearinghouse for organics recycling resources and services.
- Support standardization of collection practices and rates.
- Support legislation for the development and implementation of product recycling programs.
- Oppose legislation imposing new solid waste disposal requirements without the funding mechanisms needed to meet the requirements provided at the local level.

GOVERNMENT COMMUNICATIONS

47. Brown Act & Teleconferencing

Challenge:

The Brown Act open meeting law has allowed local governing board members and the public to participate in governing board public meetings remotely (via teleconferencing) under specified requirements since 1988. Among those requirements are that agendas for open meetings allowing for such participation must identify the specific locations from which governing board members will participate remotely, and that each of those locations must allow public access to the meetings. These requirements historically have resulted in limited use of such remote participation. These requirements were suspended by executive order of Governor Newsom in 2020 and 2021 to promote social distancing for board members and the public during the COVID-19 pandemic, and the suspension was codified in 2021 with the enactment of AB 361 and revised with 2022's enactment of AB 2449. Under AB 2499, the suspension applies only during declared states of emergency and if the boards renew required suspension findings every 30 days. Other options for remote participation under AB 2449 are limited in number and circumstance. These requirements have resulted in confusion and added procedures with no discernable public benefit.

Solution:

- Support efforts to amend the teleconferencing requirements of the Brown Act to make optional remote participation more easily and widely available for governing board members and the general public on a permanent basis, given the wide availability and public acceptance of internet-based applications allowing for remote meeting participation.

ELECTIONS

48. Elections Code

Challenge:

Existing law stipulates that a candidate for a nonpartisan office who, at a primary election, receives votes on a majority of all the ballots cast for candidates for that office is to be elected to that office. Additionally, existing law prescribes that a plurality of the votes given at any election constitutes a choice. AB 1696 (Lee, 2022) would treat County offices similar to typical partisan offices, and may cause voter and candidate confusion as to when a specific contest will appear on the ballot, and increase the cost of elections.

Solution:

- Oppose AB 1696 and other bills that treat County offices similarly to typical partisan offices.