

STATE LEGISLATIVE PLATFORM



2021

County of Tulare

As approved by the Tulare County Board of Supervisors on March 16,
2021

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 annually 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. Full Board of Supervisors endorsements or opposition to legislation or policy to address new issues must come before the Board of Supervisors for approval. Supervisors may periodically provide letters of support or opposition for issues impacting their 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 uses 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 Senate Bill 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) in order 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, close to 70% of the state's 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 of 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.

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. Of the 25,000 students enrolled in Fresno State, at least 4,600 are from Tulare County.

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 162 million dead or dying trees statewide. Tulare County has the highest number of dead trees, at an estimated 30 million dead or dying trees.

In light of the devastating wildfires and resulting disasters over the last several years, the governor's annual 2021 Proposed Budget included \$1 billion over the remainder of FY 2021 and through FY 2022 for forest management activities. While the influx of funding is helpful, there remain many challenges to active forest management.

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 2015–2020, 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 U.S. 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. Essentially, 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.)

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.) 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.

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 the prolonged drought of 2015–2017, Tulare County had more than 1,585 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.
- 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 of 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.
- Maximize SAFER monies on 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 state funding for a Regional Administrator to run small water systems.
- Support a direct allocation of state funding for drinking water projects to Tulare County.

8. Streamline Funding Processes

Challenge:

In previous water bond measures, less than 2% of the funding went to disadvantaged community water and wastewater needs. Due to the communities' incapacity to prepare complicated application packets and waiting for years for a project to be funded, disadvantaged community water funds are not reaching their target audiences in an efficient and effective manner. Often funds go to other projects that are "shovel ready" and have a marginal tie to disadvantaged community water needs.

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. In order 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 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. 36 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.
- Support ending zero-bail initiatives.

17. Emergency Management Performance

Challenge:

Several counties, including Tulare County, are experiencing multiple crises simultaneously, stretching emergency response resources to a potential breaking point. Within California, several counties have experienced some, or all, of the following within one year: a deadly global pandemic, economic recession, extensive and destructive wildfires, public safety power shutoffs (PSPS), and civil unrest. In short, programs are under-funded to meet increasing threats and demands on EM programs for preparedness, response, recovery, and mitigation.

Ensuring long-term preparedness and protection of citizens from potentially devastating floods or other disasters is essential for the County of Tulare. Strategic planning is completed with various County departments, public safety personnel, and other stakeholders to ensure there are methods for conducting emergency operations, processes in place to render mutual aid, mobilize resources, and ensure public communication.

Solution:

- Support creation of additional sustained funding sources for emergency management programs.
- Support and advocate for the resuscitation or creation of a bill similar to AB 291 (2019).
- 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.

18. 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.

19. 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 fulfilling 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.

20. Public Records Act

Challenge:

The California Public Records Act was enacted in 1968, requiring 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:

- Work with advocates, local agencies, and others to change the system in a way that retains the law's features without exposing governmental entities to unnecessary liability, frivolous litigation, or burdensome workloads.

21. Trial Court Security

Challenge:

For years, 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.

22. Adult and Family Literacy Programs

Challenge:

The state provides support for county Adult and Family Literacy programs. These programs primarily assist 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 2019/20 has grown to over \$100,000, including the Career Online High School program. These funds are critical to the continued needs for our literacy program.

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.

Solution:

- Support continued ongoing and increased funding for the Adult and Family Literacy programs, including Career Online High School, CLSA, and High-Speed Broadband, to ensure continued and updated services.

23. 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 any increases to a maximum of 2% per year. 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.

HEALTH AND HUMAN SERVICES

24. 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. An issue of IHSS collective bargaining arose, with advocacy groups asking for additional provisions related to collective bargaining, including increasing the Realignment withholding amount and requiring disclosure around contract consultants for IHSS collective bargaining.

Solution:

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

25. County Veterans Services Officers

Challenge:

California is home to approximately two million veterans. Currently, the state budget allocates \$5.6 million in one-time funding to the County Veterans Service officers (CVSO) in 58 California counties. CVSOs are the first contact for most veterans and are historically able to bring in \$100 of federal veterans' benefits for every \$1 spent by the state. Without full funding, California's veterans will not receive the government benefits they earned through their military service.

Solution:

- Support/sponsor efforts to educate the Governor's Office, the Legislature, and the public on the importance and value of the County Veteran's Offices (CVSOs), with the eventual goal of fully funding CVSOs by permanently appropriating the full \$11 million in local assistance funding as reflected in Military and Veterans Code Section 972.1(d).

26. 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 to counties. 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 \$1.34M negative impact to Child Welfare Services provided to youth and families.

Solution:

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

27. Foster Care

Challenge:

Foster Care provides temporary living arrangements and therapeutic services for children who cannot remain safely at home due to the risk of maltreatment or lack of adequate care. Children in foster care are at an increased risk of emotional, physical, behavioral, and academic problems. More than half of older youth exiting the foster care system age out of assistance programs without being reunited with their families or connected with another family. A high percentage of these youth experience inadequate housing, early parenthood, substance abuse, mental health problems, and other challenges, making the transition to adulthood more difficult and circumventing the process to becoming a successful member of the community.

Solution:

- Support efforts that facilitate placements, access to services, and assistance for foster youth as they seek to successfully become self-sufficient.
- Support additional resources offering support and guidance to foster parents.

28. Mental Health Services: Gravely Disabled Persons

Challenge:

The state is attempting to revise the definition of “gravely disabled” persons under the Lanterman-Petris-Short Act to include individuals who, as a result of a mental health disorder, cannot make decisions on their own and the person is at risk of bodily harm or physical illness, or the mismanagement of the individual’s own needs, which could lead to reasonable harm. The broadening of the definition should be discussed with counties, as counties must have time to improve and implement the new definition.

Prior legislation proposed an opt-in clause for the revised definition that would result in varying systems of care between counties. The opt-in clause creates additional concern with regard to placement services, as a significant number of counties place clients in facilities located outside of their county, which could jeopardize eligibility when some counties opt in and others do not.

Solution:

- Support ongoing communication with State Administration regarding the changes to the definition of gravely disabled persons.

29. Mental Health Services Fund: County Jails

Challenge:

Proposed legislation seeks to authorize a county to use MHSA funds, if that use is included in the county plan, to provide services to persons who are incarcerated in a county jail or subject to mandatory supervision, except persons who are incarcerated in a county jail for a conviction of a felony unless for purposes of facilitating discharge.

The use of MHSA funding for individuals who are incarcerated has the potential to greatly reduce funding availability for critical programs to treat individuals in the community. Additional funding is required to support incarcerated individuals serving time for misdemeanors.

Solution:

- Support flexibility with MHSA funds but only to the degree it does not undermine existing MHSA-funded services.
- Support efforts to increase innovation funds to bolster behavioral health assistance and programs supporting incarcerated individuals.

30. Senate Bill 389 (Hertzberg) Mental Health Services Act**Challenge:**

Enacted into Law: 8/30/19 - Effective on January 1, 2020, this bill amends the MHSA to authorize counties to use MHSA funds to provide services to persons who are:

- Participating in a presentencing or post-sentencing diversion program
- On parole or probation
- On post-release community or mandatory supervision

This population must be part of the County 3-year program and expenditure plan (our current plan expires at the end of FY 19/20, and the County does not currently provide this support through MHSA funding). Beginning January 1, 2020, SB 389 authorizes parolees to access MHSA services if all other eligibility requirements are met. MHSA continues to prohibit funds being used for incarcerated individuals in state or county jails, except to facilitate discharge.

Since County MHSA funds are now written into law, it is in the best interest to use this funding rather than sweeping funding through the revamp of MHSA per the governor's budget proposal.

The Tulare County Health & Human Services Agency currently uses Realignment Funds to pay for inmates at our adult pre-trial facility and any reduction of MHSA funds currently directed to criminal justice programs would negatively impact these clients.

The target population for this bill would be inclusive of the Agency vision for Whole Person Care (WPC). While this is not currently part of the MHSA 3-year plan, service expansion for this population would be beneficial. Community Services & Support (CSS) and Prevention & Early Intervention (PEI) are limited funding at this time. HHS anticipates fully expending this funding stream. However, MHSA funding is unknown at this time due to the implementation of CalAIM reforms and changes to cost reimbursement, along with the changes to MHSA at the state level.

Solution:

- Support flexibility with MHSA funds but only to the degree it does not undermine existing MHSA-funded services.
- Support efforts to acquire innovation funds.

31. California Advancing and Innovating Medi-Cal (CalAIM)**Challenge:**

Medi-Cal transformation through CalAIM shall focus on allowing people to live at the lowest level of care to promote wellness and engage individuals who are at a higher risk of returning to society without permanent housing options. The targeted population should include those leaving the criminal justice institutions, hospital discharges, and young adults leaving foster care. Funding will be essential for government and stakeholders that will assist this population through the transition period. All engagement with this population should require dedicated funding/reimbursable activities and should NOT be limited to site-certified locations nor the current billable services that do not encompass all services provided to consumers.

CalAIM must include dedicated funding for all behavioral health/SUD/health and social services activities via the Whole Person Care delivery system. Through WPC, direct engagement is key to successfully connecting individuals to services. Existing services can reduce those at risk of homelessness as well as potentially house individuals who are engaged in services. The funding is recommended to flow through the flex funding as well as dedicated funding via Medi-Cal reimbursement, along with continued WPC funding. Better outcomes are eminent with this structure.

Solution:

- Support full funding for all behavioral health/SUD/health and social services activities via the WPC delivery system.

32. Tobacco Products

Challenge:

The use of electronic smoking devices, and other smokeless tobacco products, has been on the rise, especially among middle and high school students. In addition, there was an increase in deaths associated with electronic smoking devices. New legislation has been introduced to decrease tobacco use in the county, especially among youth.

Solution:

- Support legislation to create various advertising, promotion, packaging, and selling prohibitions on electronic cigarettes in California.

HOMELESSNESS AND AFFORDABLE HOUSING

33. Homelessness and Barriers to Housing

Challenge:

Communities in Tulare County and throughout California have experienced increases in the number of homeless persons in recent years. Tulare County is estimated to have 992 homeless persons, with over 70% unsheltered and 40% self-reporting a mental health condition. Although there are many organizations committed to serving homeless persons, resources are lacking. The absence of available and affordable permanent housing, emergency shelters, transitional housing, and other infrastructure to reduce homelessness also remain as significant barriers.

While some progress has been made for sheltering the homeless during the COVID-19 pandemic, the challenge remains an increasingly substantial one.

Solution:

- Support funding for siting emergency shelters, navigation centers, and supportive housing.
- Support expedited allocation of No Place Like Home grant allocations to counties to build permanent supportive housing for those who are homeless or at risk of homelessness.
- Support a one-time funding allocation for Tulare County for partnership with local organizations to build housing at an affordable cost.
- Support funding for affordable housing, including new state funding, for construction of homes affordable to households at all income levels.

34. Equitable Distribution of Homeless Grant Funding

Challenge:

In recent years, homeless grant funding is often distributed to local jurisdictions based on two primary factors: total jurisdiction population and total homeless population. As a result, the largest jurisdictions (i.e., cities with population >500,000) can get a direct allocation, in addition to any regional benefit from an allocation to associated county or continuum of care. Additionally, some programs (e.g., California Emergency Solutions Grant) give entitlements to some larger jurisdictions but make smaller jurisdictions compete for remaining funding.

Solution:

- Support homeless grant allocations/programs for all local jurisdictions.

35. Emphasis on Flexibility in New Homeless Funding Programs

Challenge:

While virtually every jurisdiction in California has ongoing efforts to address homelessness, jurisdictions vary in their system capacity and readiness to implement certain activities. Consequently, flexibility in eligible activities for any new homeless programs would help jurisdictions implement activities that fit the local context. In the governor's Proposed Budget in January, the California Access to Housing and Services Fund enumerated eligible activities, including rental subsidies, that might be more difficult to implement in some jurisdictions than others (e.g., those with a shortage of housing stock might be better served by capital funds rather than rental assistance).

Solution:

- Support maximized flexibility in eligible activities in any new homeless grant-funding program.

36. Invest in Existing Grant Administrative Structures Rather Than Creating New Platforms

Challenge:

In recent years, new state homeless programs have emerged to help local jurisdictions deal with immediate homelessness needs. These programs have been housed out of a number of departments, including Housing and Community Development (California Emergency Solutions and Housing program) and Homeless Coordinating and Financing Council (Homeless Emergency Aid program and Homeless Housing, Assistance, and Prevention program). In the governor’s Proposed Budget, the California Access to Housing and Services Fund is slated to be placed within the Department of Social Services – yet another state administrator for local homeless funds. Further, these funds are to be distributed to “regional administrators,” a new category that may not have experience or the infrastructure in place to administer and oversee local homeless funding.

Solution:

- Support utilization of existing grant distribution infrastructure – such as the method used for distribution the Homeless Emergency Aid program – to help ensure a more cohesive homeless response at the state level.

37. Mandate for Homelessness Must Be Paid for by State

Challenge:

Recent state discussions, including a recommendation from the Governor’s Council of Regional Homeless Advisors, advocates for a local mandate for responding to homelessness. Currently, the majority of funding for local homeless programs in Tulare County comes from the state and federal government. Tulare County, like other counties with diminished resources, is concerned about the ability to respond to mandates when the local homeless system already exceeds capacity.

Solution:

- Support a clear delineation of duties and a corresponding state investment to implement new mandates that address homelessness at the local level.

38. Ongoing, Renewable Funding for Homeless Programs

Challenge:

While state homeless grant programs have emerged recently (e.g., Homeless Emergency Aid Program and Homeless Housing, Assistance, and Prevention program), many are simply one-time block grants. This either leaves grant recipients with an uncertain financial future or could discourage potential applicants to apply for funding when available. This is unlike some federal programs, including the HUD CoC program, which provides renewable funding for local homeless projects. In the latest Governor’s Budget proposal, the primary investment in homelessness—the California Access to Housing and Services Fund—is again a one-time investment.

Solution:

- Balance any one-time investment in homeless funding with a corresponding investment in an ongoing, renewable source for homeless programs.

39. AB 728 (Santiago) Homeless Multidisciplinary Personnel Teams

Challenge:

This Bill 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 will be allowed to share confidential information for helping prevent homelessness. Expanding on the definition of what information can be shared should include language that serves individuals 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, receiving or eligible to receive cash-aid, and who meets two 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.
- Presents with or received services within the last 12 months for significant health, mental health, or SUD issues.

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.

IMMIGRATION**40. Communication with U.S. Immigration and Customs Enforcement****Challenge:**

In 2017, Governor Jerry Brown signed SB 54 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 enacted comprehensive reforms to the bail system. These reforms limit the ability of law enforcement to communicate with U.S. Immigration and Custom Enforcement (ICE) officials to determine if a detained person qualifies, under the Trust 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

41. 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, state budget appropriations, and/or a possible statewide bond to finance local community technology advancements.
- Support enhancing broadband services in rural communities.

SOLID WASTE

42. SB 1383 Short-Lived Climate Pollutants Regulations

Challenge:

SB 1383 was signed into law in 2016 requiring 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 creation of sample ordinances providing sufficient enforcement measures to compel the desired action.
- 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.

ELECTIONS

43. 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. SB 286 would treat County offices similar to typical partisan offices, 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 SB 286