

FEDERAL LEGISLATIVE PLATFORM



Yokohl Valley from the Climb to the Oak Tree - Troy Robinson

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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Federal Legislative Platform

COUNTY OF TULARE

The Tulare County Board of Supervisors annually adopts a Federal Legislative Platform. The platform is a statement of priority issues for Tulare County and provides direction for County staff and for those persons 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 within the county.

DISCRETIONARY FUNDING

Challenge:

Discretionary spending is part of the US federal budget, of which non-defense discretionary spending is especially important to Tulare County programs and services. In late December 2020, the federal fiscal year 2021 (FY21) was signed into law. The *Consolidated Appropriations Act, 2021* provides more than \$1.4 trillion for defense and non-defense programs in 2021. These funding levels will support several programs important to Tulare County, including the PILT reimbursement program and many other programs to support County health and social services, law enforcement, homeless assistance, and critical USDA programs that support agriculture. The Biden administration will soon submit its FY22 budget proposal to the Congress, which will be the first step in congressional consideration and enactment of funding bills for the new fiscal year that will start October 1. A key component of this budget debate will be decisions regarding overall discretionary budget caps. The bipartisan budget agreement that dictated current year spending caps has expired. A new agreement will be needed, and such decisions will impact future funding levels for programs important to Tulare County

Solution:

- Support continued discretionary funding for federal programs that sustain services for Tulare County communities, industries, and residents.

ENVIRONMENT AND NATURAL RESOURCES

Challenge:

On October 20, 2015, Governor Brown declared an emergency proclamation due to the tree mortality epidemic and requested federal support and partnership. That emergency continues today. Fuel reduction, reforestation projects, pest and diseased tree removal, and long-term protection of forested lands vulnerable to conversion are all needed to address the ongoing tree mortality epidemic. To date, 162 million dead or dying trees have been found statewide, with an estimated 30 million dead or dying trees in Tulare County alone. During the County's hazard tree removal efforts, the cut trees were left for the US Forest Service to remove. Those trees were not removed and have been left as horizontal fuel and pest habitat on the forest floor.

Tulare County wishes to partner with the Forest Service to address the many challenges in the Sequoia National Forest and Sequoia National Monument. To date, the County has been unsuccessful in securing a Good Neighbor Authority, Master Stewardship Agreement, or other formal partnership tool.

Solution:

- Allow for expedited horizontal fuels removal within the Giant Sequoia Monument to protect the surrounding forest land, Giant Sequoia Groves, and the Tule River Reservation's natural and cultural resources, as well as tribal housing and infrastructure.
- Work with Tulare County Fire to address emergency response delays and strengthen our partnership to respond expeditiously to fire and medical emergencies.
- Support legislation and/or funding appropriations to augment forest health activities, such as prescribed burning, mechanical thinning, timber sales, and biomass reduction in the Sequoia National Forest and Giant Sequoia National Monument.
- Support the use and expansion of Good Neighbor Authorities, Master Stewardship Agreements, and Supplemental Project Agreements to help achieve land management goals while meeting local and rural community needs.
- Support the maximum utilization of the National Environmental Policy Act (NEPA) exemptions for small-scale projects.
- Support infrastructure improvements within Sequoia and Kings Canyon National Parks and the Sequoia National Monument.
- Allow and provide funding for the reestablishment of fire access/logging roads within the Sequoia National Forest and Giant Sequoia National Monument.
- Provide personnel and funding to reestablish the USFS as the lead agency for active forest management.

LIBRARIES

Challenge:

The Federal Institute of Museum and Library Services (IMLS) provides funding for California public libraries from the federal Library Services and Technology Act (LSTA), administered by the California State Library. The funds assist the County Library to improve library and literacy services and resources for our residents. In FY 2020 Congress continued to support this funding and the Library has been granted \$100,000 thus far. LSTA is needed to ensure additional funds are available to assist the County Library in providing services, especially to our most vulnerable populations.

Additionally, through the Universal Service Schools and Libraries E-Rate Program, our County libraries can receive up to a 90% discount and one-time grants, thereby allowing the Library access to high-speed broadband, including WiFi, at 17 branch library locations. Rural access to the internet is critical to our citizens as more services are primarily available online, including government sites, job services, educational assistance and resources, and bill payment sites.

Solution:

- Support reauthorization of the LSTA and E-Rate Programs.

INFRASTRUCTURE

LOCAL MATCH

Challenge:

Current statutory authority for federal surface transportation programs will expire September 30, 2021. Congress and the administration will need to work together to reauthorize existing programs and implement new programs important to the county, including rural programs. Tulare County supports continued, sustainable funding for major infrastructure projects through a combination of new federal funding, non-federal funding, and newly prioritized and expedited projects. This will require agreements on potentially creating funding mechanisms to supplement declining receipts to the Highway Trust Fund. Critical to Tulare County and other self-help counties will be the treatment of local sales tax measures dedicated to transportation improvements.

Solution:

- New federal infrastructure legislation should grandfather already-approved sales tax measures to be eligible as the match for the federal funding for programs and projects.

DEFINITION OF RURAL

Challenge:

A major challenge for counties with large rural areas is securing funding for implementation of necessary infrastructure projects. Previous infrastructure proposals placed emphasis on supporting rural areas. However, despite Tulare County's geography and obvious rural character, the existence of a metropolitan area could make the County ineligible for certain federal programs and funding. The definition of "rural" will be key to determine the County's ability to invest in projects needed across the county that would address safety and improved mobility in key economic sectors.

Solution:

- Designations or definitions of "rural" in infrastructure legislation and funding allocations must include rural portions of counties that have urban areas by carving out the metropolitan areas and classifying the remaining section as rural.

BROADBAND

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 broadband programs to the current definition of what the FCC defines as high-speed internet. The goal is to ensure that all communities receiving federal broadband support have access to internet services that is at current broadband speeds.

Solution:

- Support federal financial participation in local community technology advancements.
- Support enhancing broadband service to rural communities.

FARM TO MARKET

Challenge:

The dairy industry plays a major part in the economy of Tulare County and provides five percent (5%) of all milk consumed in the United States. Hundreds of gallons of milk are produced every day from each of the approximately 292 dairies in Tulare County. All this milk is transported to processing facilities by truck over county roads. According to Caltrans, a fully loaded dairy truck can weigh up to 80,000 pounds. Roadways carrying 500 trucks per day would be impacted the same as if 5 million passenger cars had traveled that same road. The Tulare County Association of Governments has developed a farm-to-market strategy for prioritization that can be duplicated or used as a basis for a new program.

Solution:

- Provide special funding for roads with over 500 truck trips per day for farm-to-market shipping through a set aside funding mechanism as part of an infrastructure bill, including the transportation reauthorization bill.

PAYMENT IN LIEU OF TAXES

Challenge:

Payments in Lieu of Taxes (PILT) are federal payments to local governments that help offset losses in property taxes due to nontaxable federal lands within their boundaries. California received \$54,562,480 in PILT payments based on 43,648,366 acres of federal land in 57 out of 58 counties. The federal government owns and manages approximately 50 percent of lands within Tulare County. Tulare County received \$3,600,576 in 2020 for 1,530,676 total acres. The FY20 government-funding bill provides for full PILT payments. The Department of Interior usually releases those figures before the summer.

Solution:

- Provide for long-term reauthorization and full funding for the PILT program.

SECURE RURAL SCHOOLS

Challenge:

The Secure Rural Schools (SRS) program provides assistance to rural counties and school districts affected by the decline in revenue from timber harvests on federal lands. Historically, rural communities and schools have relied on a share of receipts from timber harvests to supplement local funding for education services, search and rescue missions, and fire prevention programs. Unfortunately, SRS program authorization expired September 30, 2020. Absent renewed authorization in 2021, the last authorized FY20 SRS payments will be made to counties in Spring 2021.

In FY 2019, Tulare County was allocated \$379,747.44 in funding. Nationally, \$285 million in SRS funding will benefit 41 states and the Commonwealth of Puerto Rico.

Failure to reauthorize this long-standing federal obligation to forest counties and to the lands managed by the federal government could lead to dramatic budgetary shortfalls for counties across the country. The last time authorization for SRS lapsed in FY 2016, federal forest payments to counties decreased by over 80 percent on average.

Solution:

- Congress needs to enact a long-term legislative solution for continued revenue sharing payments to forest counties through the U.S. Forest Service's Secure Rural Schools (SRS) program.
- Support the creation of an endowment fund to provide stable and reliable funding for County services.

STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

Challenge:

The Bureau of Justice Assistance, U.S. Department of Justice, administers the State Criminal Alien Assistance Program (SCAAP) in conjunction with the Bureau of Immigration and Customs Enforcement (ICE) and Citizenship and Immigration Services, Department of Homeland Security (DHS). SCAAP provides a key source of federal justice funding to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and incarcerated for at least 4 consecutive days during the reporting period. SCAAP funding has decreased 65% since 2010. Tulare County received \$652,370 for FY19 eligible expenses incurred, which is approximately 4% of the actual costs. FY20 funding is contingent on local jurisdictions certifying it is not in violation with 8 U.S.C. section 1373, which include policies that either prevent law enforcement from releasing persons without lawful immigration status into federal custody for deportation, or that prevent state or local law enforcement from sharing certain information with the Department of Homeland Security. This certification is a disqualifying requirement for Tulare County. The enacted FY21 funding level for SCAAP is \$244 million. The previous administration's budget for FY21 eliminates SCAAP funding, which would have triggered an even larger cost shift to the County General Fund.

Solution:

- Protect and enhance SCAAP funding by providing a long-term reauthorization of funding.

TRADE

Challenge:

California leads the country in agricultural exports, with 28% of the commodities produced entering the global market, at a value of over \$20 billion dollars. California produces over 99% of the almonds, artichokes, dates, dried plums, figs, garlic, kiwifruit, olives, olive oil, raisins, table grapes, and walnuts that are exported from the United States.

Agriculture is a major economic driver in California and has a strong presence statewide, taking full advantage of the microclimates that are unique to our state. Good relationships with other countries are particularly important to small agricultural communities throughout the state that rely on agricultural exports to sustain the local economy.

Solution:

- Support fair trade agreements that address labor and high-quality imports as well as overly strict rules for exports.

WATER

WATER STORAGE

Challenge:

The Success Reservoir Enlargement Project (SREP) will increase flood protections for communities in the County of Tulare, as well as maintaining a stable water supply for downstream agricultural lands. The non-federal local partners appreciate the funding to complete all phases of the SREP. The project is underway, and it is imperative that the schedule continue as expeditiously as possible.

Over time, the reservoir gains silt, thereby diminishing storage capacity. In order to maintain the storage investment, dredging is crucial. Environmental challenges create roadblocks to protecting storage capacity.

Solution:

- Support continued funding and hastening the Army Corps of Engineers' schedule for the Success Reservoir Enlargement Project.
- Support and help expedite permits for dredging and/or cleaning of waterways & water storage facilities during dry years to minimize water loss.

SUBSIDENCE

Challenge:

Subsidence along the Friant-Kern Canal is a result of increased groundwater pumping from about 2012 to 2016. The groundwater pumping came in response to reduced and curtailed surface water deliveries by the Bureau of Reclamation during that period. Canal capacity is now about 1,750 cubic feet per second, down from a designed capacity of 4,000 cfs. Long-term repairs to the canal system could cost upwards of \$350 million in the coming years. The fix includes bridge work in concert with Tulare County.

Local Groundwater Sustainability Agencies are addressing overdraft with the implementation of Groundwater Sustainability Plans. Tulare County and various water agencies continue to pursue much larger releases south of the Sacramento/San Joaquin Delta; however, rehabilitation and reconstruction have been somewhat overlooked as an integral part of the project from a planning and funding perspective.

Solution:

- Support legislation and continued appropriations to address the issue of subsidence along the Friant-Kern Canal, including the planning and funding for five Tulare County bridges.

FOREST HEALTH MANAGEMENT, RESILIENCY, FIRE PREVENTION & RESPONSE

Challenge:

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.

Due to the devastating wildfires that occurred in 2020, the governor's budget proposal includes \$213 million pursuant to SB 901 (Chapters 626,818), the wildfire prevention and recovery legislation. It is the first investment out of a total of \$1 billion over the next five years for fire prevention and forest management activities, and funds are to be used for fuels reduction and prescribed burning.

The health of our forests is of utmost concern, as wildfires have become more frequent, as have prolonged drought conditions, bark beetle infestation, the need to be able to export logs overseas, and, very importantly, the protection of our National Monument. Ongoing tree mortality needs to be comprehensively addressed.

Solution:

- Advocate for and support efforts by the governor's office at the federal level for treatment of the areas designated under Section 8204 of the Farm Bill, and request that the State of California partner with the U.S. Forest Service and other federal entities to treat the affected areas.
- Support legislation and funding for local assistance, financial resources, regulatory relief, and outreach efforts to effectively increase avenues to mitigate and manage dead and dying trees, thereby increasing both forest and public health and safety.
- Advocate for and support legislation lifting the log export ban.
- Support additional funding for enhancing aviation resources, thereby expanding firefighting capability and surge capacity, along with overall availability of response personnel.
- Support legislation keeping local control over land use at the local government level, specifically for communities in fire hazard areas.
- Support additional funding and pathways for protection of the Sequoia National Monument from the wildfires that often threaten it.
- Support funding for the San Joaquin Valley Air Pollution Control District's for-grant programs that benefit the Central Valley counties and communities, such as those providing funding for replacement emergency vehicles in wildfire hazard areas, etc.
- Support the California Conservation Corps' utilization of the Porterville Development Center.
- Support state funding for forest health efforts and invest in programs aimed at forest health and resiliency.
- Support expansion of creative markets for biomass material.
- Support ongoing communications with the Forest Service, especially the office of the Regional Forest Manager.

COVID-19

Challenge:

The COVID-19 pandemic has had a deep impact at the local government level. As the pandemic has led to closures of and restrictions on schools and businesses, local government workload and expenses have increased while revenue has dropped or been frozen. Additionally, as emergency workers, most county government staff not only take on their increased workload but also assist with multiple public health and social services efforts designed to fight the pandemic or mitigate its impact on residents. Each phase of the pandemic adds additional requirements, from informing the public through call centers, websites, and outreach to setting up an extensive network of testing sites, alternate or temporary medical facilities, and vaccination sites. Hiring new workers to alleviate the pressures on existing staff will ensure that existing human resources do not become overwhelmed during surges of COVID cases and that essential services remain available to protect citizens from infection and provide services that alleviate economic distress. Essential workers who, due to the economic downturn and budgetary restraints, have little to no rest become fatigued and more susceptible to illness, including COVID-19.

Additionally, local government has expenses for equipment to expand sites for testing and vaccination, supplies (from PPE to lab supplies), warehousing and storage, telework (laptops, cell phones, large monitors, keyboards, etc.), subcontract labor to augment public workers and assist local institutions also bearing the burdens of the pandemic, and temporary medical and morgue facilities. These unforeseen and unbudgeted costs have created a great need for additional funding at the local government level to offset the expenses and meet the needs of local constituents. The CARES Act provided limited indirect federal assistance for some of these expenses, but this funding expired on December 30, 2020. The total estimated expense countywide for COVID response has been \$31,511,332, even though costs to the County have continued to grow over the course of the pandemic surge.

Solution:

- Sufficient and timely resources authorized and distributed with ample time to prepare for their use. Last-minute planning induces chaos, reduces effectiveness, and distracts focus from fighting the pandemic.
- Flexible funding, with minimal restrictions so that counties can be responsive to emerging needs as determined by circumstances on the ground, and to minimize time and energy spent on tracking and compliance for staff who are often tasked with multiple duties, many of which directly impact the ability of local government to fight the pandemic or mitigate its impact on the populace.
- No artificial deadlines. The CARES Act arbitrarily set a deadline of December 30, 2020 to spend all of the funds. This added a great deal of unnecessary time and attention to spending funds as rapidly as possible, rather than allowing for better planning or the flexibility to use funds for better purposes as the situation on the ground changed due to increases or decreases in infections, deaths, or the strength of the economic impact. It also did not allow for their preservation for better purposes once it became clear that the pandemic would not be contained by the end of 2020.

Workforce Investment

Challenge

With an uncertain budget projection coming from Washington D.C., the workforce development system is under a constant state of crisis in terms of being able to plan effectively for the future and provide the highest level of services to jobseekers and businesses.

Workforce investment training helps workers identify careers in in-demand industries and occupations, seek the education and training needed for these careers, and access supports like childcare and transportation that can help them succeed in training and in new jobs. It ensures businesses are able to inform training

provided in in-demand occupations and empower states and local areas to support access and analysis of labor market information necessary for rapid response to regional needs.

Our nation's workforce development system needs an investment of at least \$15 billion from Congress, consistent with investments proposed in the Relaunching America's Workforce Act, to ensure that it can respond quickly to current and projected demands for new workers in key industries while helping those who have lost their jobs as a result of this crisis to transition to new, family-supporting jobs.

Funding of this magnitude is necessary to allow for services aimed at helping the millions of Americans who need assistance navigating the new unemployment and reemployment process in this time of crisis, along with businesses working to reskill and upskill workers.

Solution:

- Support policies and budget actions that lead to stable, long-term funding for workforce development, specifically the programs overseen by the Workforce Innovation and Opportunity Act of 2014.
- Oppose policies and budget actions that reduce funding for workforce development.
- Direct funding to counties.

CRIMINAL JUSTICE MEDICAL CARE

Challenge:

Counties are required by federal law to provide medical care for inmates in the criminal justice system. A provision of federal law known as the "inmate exclusion" bans Medicaid from financing the care of inmates unless they are treated in a medical institution outside the jail facility for 24 hours or more. This means that these individuals are unable to access their federal Medicaid benefits from the moment they are booked into jail, even though the majority of these persons are in pre-trial status and presumed innocent.

Since the passage of AB 109 in 2011, requiring that some felons be incarcerated in county jails instead of state prison, the number of inmates with chronic diseases and mental health issues, along with those requiring medical care, has steeply increased by over \$8 million since FY 16/17. Moreover, acuity levels have increased, inmates often come into the system with serious existing physical and behavioral health conditions necessitating behavioral health and/or substance abuse management and prescription medication. New and evolving state mandates, including AB 109, continue to challenge the management of medical and mental health care treatment.

This Medicaid policy is shifting the burden of cost to the counties.

Increasing flexibility in Medicaid would help counties fulfill safety-net obligations to justice-involved individuals, improve coordination of care, and decrease short-term costs to local taxpayers and long-term costs to the federal government.

Solution:

- Support legislation that expands Medi-Cal eligibility to allow counties to receive any available federal financial participation for medical services performed for adult and juvenile inmates that occur on the grounds of the correctional institute.

- Support legislation to ease and/or undo the federal Medicaid inmate exclusion, thereby providing Medicaid coverage for justice-involved individuals, allowing the use of Medicaid funds to pay for health care for county jail inmates.
- Support federal health care and public health funding formulas that equitably reflect the demographics, population characteristics, and health burdens of California's Central San Joaquin Valley.
- Oppose funding reductions in Medicare, Medicaid, and other federal funding for the provision of health care.