

# FEDERAL LEGISLATIVE PLATFORM



2022

County of Tulare

As approved by the Tulare County Board of Supervisors on February 8, 2022.

# 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 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. On May 28, 2021, the Biden administration submitted its FY22 budget proposal to the Congress. This was the first step in congressional consideration and enactment of funding bills for the new fiscal year that started October 1. Congress was unable to meet this fiscal year deadline and enacted a Continuing Resolution (CR) appropriations bill to fund the government through February 18, 2022. A key component of this budget debate has been decisions regarding overall discretionary spending caps. Without a bipartisan budget agreement that sets overall discretionary spending limits, the funding bills cannot be enacted. 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. Recent catastrophic wildfires destroyed thousands of Giant Sequoias, critical habitat, and homes, underscoring the immediate need for active forest management.

Tulare County wishes to partner with the Forest Service to address the many challenges in the Sequoia National Forest and Sequoia National Monument. The County is in the process of negotiating a Master Stewardship Agreement with the US Forest Service.

#### 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.

## INFRASTRUCTURE

### LOCAL MATCH

#### Challenge:

Tulare County supports continued, sustainable funding for major infrastructure projects, including rural 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:

- Legislation has passed, and as implementation and rulemaking are developed, local match should be taken into consideration.

## 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 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 \$55,900,858 in PILT payments based on 43,701,194 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 \$3,666,255 in 2021 for 1,530,629 total acres. The FY21 government-funding bill provided 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. In FY 2019, Tulare County was allocated \$379,747.44 in funding. Nationally, \$285 million in SRS funding benefits 41 states and the Commonwealth of Puerto Rico.

Congress reauthorized Secure Rural School payments for fiscal years 2021-23; however, 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 US 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, US 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 them for at least 4 consecutive days during the reporting period. SCAAP funding has decreased 65% since 2010. The enacted FY21 funding level for SCAAP is \$244 million, which represents a continued cost shift to the County.

Solution:

- Support continued protection and enhancement of SCAAP 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 \$21.71 billion dollars in 2019. California produces over 99% of the almonds, artichokes, dates, dried plums, figs, garlic, kiwifruit, olives, olive oil, pistachios, prunes, raisins, table grapes, tomatoes for processing, 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, and will maintain 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. 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 and 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 &amp; 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 included \$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 US 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, especially 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.

## CANNABIS/MARIJUANA ENFORCEMENT

### Challenge:

With the implementation of California's Proposition 215 (Compassionate Use Act) and Proposition 64 (Control, Regulate, and Tax Adult Use of Marijuana Act), illegal cannabis cultivations and marijuana black market sales have flourished within Tulare County. In 2021, detectives with the Marijuana Investigation Team served over 200 search warrants, resulting in the eradication of 196,951 cannabis plants, seizure of approximately 13,953 pounds of processed marijuana, recovery of over 100 weapons, seizure of approximately \$324,494 in US currency, and the arrest of approximately 151 suspects related to the illegal grow sites.

The current trend of illegal cannabis cultivations in Tulare County has moved from primarily public land grow sites to privately owned properties in the foothills and valley floor, as Mexican cartels and other drug-trafficking organizations (DTO) have found it more profitable to buy, rent, or trespass on valley floor properties for the sole use of illegal cannabis cultivation.

Using greenhouses, DTOs are able cultivate cannabis on a yearly basis with five to six harvests annually. Newer cannabis strains produce marijuana flowers (slang term: "bud") in as little as 60 days. Instead of large grow sites easily observed during overflights, DTOs are switching to smaller, backyard style greenhouses and spreading them out in smaller, rural communities with limited law enforcement presence. By no means does this lessen the environmental impact on the land, as the organizations continue to contaminate groundwater with illegal chemicals and fertilizers along with depleting groundwater supplies for local rural communities. Multiple irrigation districts are impacted by lower water tables due to cannabis grow sites.

Further, workers, mainly Mexican Nationals (due to the limited information the workers can give when contacted) are exploited and human trafficking is common. Most often, workers live at grow sites in tents with makeshift kitchens and no toileting areas, their pay often less than offered. Trash, human waste, unlawfully stored chemicals, and dead animals from illegal poisons used to protect the cannabis plants are common at grow sites.

### Solution:

- Advocate for increased and continual funding for local eradication measures and outreach efforts to mitigate and manage the proliferation of illegal cannabis cultivation in Tulare County.

## COVID-19

### Challenge:

The COVID-19 pandemic continues to have a deep impact at the local government level. There is a deep appreciation for the various funding allocations due to COVID-19.

In March, President Biden signed into law the \$1.9 trillion *American Rescue Plan Act* (ARPA). Among its many provisions, ARPA provides \$350 billion in direct financial payments (State and Local Fiscal Recovery Fund) to all states and local governments through a new Coronavirus State and Local Fiscal Recovery Fund; there were various deliverables/requirements that came along with the funding. Tulare County's allocation is \$90,552,914. Because ARPA designated that these payments would come in two tranches, the County received its first Treasury allocation in June 2021, and the second tranche is due around the same time in 2022.

The total estimated expense countywide for COVID-19 response has been \$64,484,049, and of that, \$59,130,282 was expended in FY 2020/21. Costs to the County have continued to grow over the course of the continuing pandemic. Therefore, flexibility using the ARPA funding is essential.

### Solution:

- The County supports legislation (S. 3011/H.R. 5735) that would provide greater flexibility in the use of the State and Local Fiscal Recovery Fund. It is estimated that if enacted, this legislation would enable the County to flex approximately \$27 million for transportation/infrastructure purposes and an additional \$10 million for general fund purposes.

## 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, and 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 Medicaid 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.

## LIBRARIES

### Challenge:

Access to library services and resources, including the internet, is critical to our community members, including vulnerable populations, for services (many that are primarily available online) including literacy and English as a Second Language (ESL) courses, access to government sites, employment services, educational assistance and resources, and bill payment sites.

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. LSTA is needed to ensure funds are available to assist the County Library in providing library services and resources. In FY 2020/21 Congress supported our Workforce Partnership Initiative and Virtual Youth Programming, in addition to statewide access to databases that benefitted our Library.

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.

### Solution:

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