

# STATE 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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# 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) 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 agricultural 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.

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

#### 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.

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 through 2020, regulations were streamlined, and partnerships flourished between state and federal agencies. However, markets for forest products proved to be a significant challenge. Shuttered biomass facilities, prohibitive trucking costs, and overwhelmed lumber mills have led to stockpiles of forest products, which increases fuels and insect infestation.

#### Solution:

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

## CEQA REFORM

### 5. Elimination of the "Fair Argument" Test

**Challenge:**

Many projects (including publicly sponsored projects) are delayed or stopped because of the very low threshold set by the “fair argument” test. 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. 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. Thirty-six counties, including Tulare County, currently have lands acquired by the Department of Fish and Wildlife for wildlife management areas.

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

#### Solution:

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

## GOVERNMENT FINANCE AND OPERATIONS

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

#### Challenge:

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

#### Solution:

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

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

*(A) The abatement of public nuisances.*

## **16. Criminal Justice System**

### Challenge:

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

### Solution:

- Support efforts and resources to improve and enhance the criminal justice system overall.
- 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 underfunded to meet increasing threats and demands on emergency management 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 and mobilize resources, and to 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.
- Oppose unfunded mandates.

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## 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 to fulfill this unfunded state mandate.

### Solution:

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

## 20. Public Records Act

### Challenge:

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

### Solution:

- 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 help adults gaining basic literacy skills and families acquiring the necessary skills to incorporate literacy education into their daily lives. The state funding received by the Library for FY 2020/21 has grown to almost \$150,000, including the Career Online High School program. These funds are critical to the continued needs for our literacy program. In FY 2021/22, the state is supporting a new English as a Second Language grant we hope to benefit from.

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

In the FY 21/22 Budget, the state has provided funding for grants for which the library will be applying. This includes infrastructure and outreach support. If received, the library will be able to repair and update branches to ensure they are safer and more accessible and provide more services to rural and underserved communities.

Solution:

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

## **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.

## 24. Parks

Challenge:

Infrastructure for existing parks is in need of upgrading and is cost-prohibitive to maintain using strictly local funds.

Solution:

- Support legislation for funding to make improvements to established green spaces.

## HEALTH AND HUMAN SERVICES

### Office of Emergency Services (OES)

## 25. Immediate Drought Issues / Requests

Challenge:

The current drought conditions in Tulare County have exposed a number of interrelated issues that limit the ways in which an effective, streamlined, and fully funded drought response can take place. For example:

1. Issue (State-level): There is no flexible or all-encompassing funding source to counties (*vis-à-vis* California Disaster Assistance Act [CDAA]), yet since "all disasters are local," the state expects counties to respond despite not providing funding. This limits the ability to undertake solutions such as mobile showers, toilets, laundry, assistance centers, receiving and redistributing donated goods, providing non-potable water-fill stations, and other actions not specifically contemplated under other programs.
2. Issue (State-level): Funding and programs provided, such as those through the State Water Resources Control Board (SWRCB), are narrowly written for specific response actions, such as providing bottled or hauled water, with inflexible criteria (e.g., gallons per day not including water for evaporative coolers and hard limits on bottled water, regardless of household size) and ignore other needs (e.g., non-potable water, animals, and other livestock).

3. Issue (State-level): SWRCB programs are not streamlined in a manner conducive to meeting emergency response needs, at least in part due to requirements imposed on the funding streams.
4. Issue (State-level): Some programs are narrowly written so that only nonprofits can apply, thereby eliminating a county's ability to leverage these programs should they desire to do so.

Solution:

- Authorize CDAA and broaden program-eligible activities to include those identified as necessary by the applicant.
- Consider broadening SWRCB and other program parameters, or eliminating time-consuming requirements, to streamline and expedite application and implementation timelines.
- Expand eligibility to include government agencies (cities, special districts, counties) for grants that were previously restricted to nonprofits.

Challenge:

There are inadequate funding sources to address and implement permanent solutions to increasingly frequent water shortages. For example, the USDA Household Water Well System (HWWS) has a cap of \$11,000 per household, whereas the cost of new wells in Tulare County now averages 400% of this amount.

Solution:

- Support additional funding for permanent solutions to water shortage issues.
- Raise per-household funding limits to account for current market rates.
- Increase maximum grantee awards to enable grantees to serve a greater portion of the population in need.

## Animal Services

### **26. Programs Associated with UC Davis' Koret Shelter Medicine Program**

Challenge:

In the recent past, there has been no statewide support network for local animal shelters in California. Under such legislation as AB 132 and SB 547, statewide resources are being made available under the supervision of UC Davis' Koret Shelter Medicine Program to provide support for a statewide policy that no adoptable or treatable animal be euthanized. Funding is also being allotted to local animal shelter assistance in this year's budget trailer bills.

Solution:

- Support legislation that provides statewide funding and other types of support for local shelters and that promotes live outcomes for animals.

## Fiscal Operations

### **27. Full Funding for State Mandates**

Challenge:

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

Solution:

- Request that any mandate passed by the California Legislature be fully funded to cover all costs imposed by that mandate.

## **28. Addressing Regional Structural Inequities**

Challenge:

Central Valley counties have some of the highest poverty rates in the state, and concentrated poverty is known by public health, behavioral health, and social services experts to result in worse outcomes for those experiencing poverty. Indeed, the negative impact of COVID-19, both economically and in terms of contracting and/or dying from the disease, has disproportionately fallen on those below the median income level throughout the nation and the state.

Frequently, however, statewide resources are distributed in ways that inadequately address known and long-standing issues of structural poverty and regional inequality, and in some cases intensify the very structural inequities that have made the economic and health impact of the ongoing pandemic so difficult for communities struggling with concentrated levels of poverty. Counties from regions with large and very wealthy tax bases have significantly more resources to use in providing health and social services to their residents, but at the same time they seem to be consistently awarded larger proportions of state and federal funding, particularly with competitive grants, or grants that are awarded solely based on population distribution.

Add to that the difficulty Central Valley counties encounter in recruiting, adequately compensating, and retaining talented providers of health, behavioral health, and social services, and it seems clear that without at least some willingness to help address regional structural inequality on the part of the state, the outcomes will continue to be poor and may even get steadily worse. The State of California can and should work to mitigate the negative impact of structural inequities that they know exist and that their own experts continually acknowledge result in significant economic, health, and social distress for California families.

Solution:

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

## **29. 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.

**30. 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 Services 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 and/or sponsor efforts to educate the Governor's Office, the Legislature, and the public on the importance and value of the 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).

**31. Senior Nutrition**

Challenge:

Nutrition Services have greatly expanded since the onset of COVID-19. County governments are serving seniors far more home-delivered meals than ever before. Without additional funding, Tulare County will not be able to sustain the current level of services and will be forced to make tough decisions on taking seniors off the program or reducing the number of meals they receive.

Solution:

- Support additional funding for Senior Nutrition Services.

**32. Affordable Housing**

Challenge:

The shortage of affordable housing affects individuals across the entire age span, but the impacts on older adults are devastating. Without affordable housing options, the number of street homeless seniors is on the rise. Street homelessness often leads to adverse health outcomes and lengthy hospital stays. Many older adults are on a fixed income, so the need for affordable housing options that are safe and stable is imperative.

Solution:

- Support additional funding and projects to create affordable housing options for Tulare County residents, including older adults.

**33. AB 808 (Stone) - Foster Youth**

## Challenge:

AB 808 (Stone) will require the State Department of Social Services to license specialized foster homes as residential facilities providing board, care, and supervision by a resource parent pursuant to standards developed in consultation with specified entities and persons. This bill would require specialized foster homes to meet prescribed standards, including training, that apply to resource families, and to complete training as a condition of obtaining and maintaining licensure. The bill would establish rates standards, including regional rate requirements, and by January 1, 2023, would require the department to adopt regulations and determine appropriate provider rates.

## Solution:

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

**34. AB 413 (Ting) - Foster Youth Housing**

## Challenge:

The Department of Housing and Community Development provides funding to counties for allocation to CWS agencies to help young adults 18–24 years of age secure and maintain housing, with priority given to young adults formerly in the state’s foster care or probation systems. Current law suspended certain provisions of this program on December 31, 2021, since the Department of Finance did not make the specified finding. AB 413 would delete the provisions that conditionally suspend elements of the program and subjecting it to the requirements of the program to an annual appropriation in the Budget Act.

## Solution:

- Support a finding by the Department of Finance to continue the Foster Youth Housing program.
- Support the passing of AB 413 so the beneficial and supportive changes to the program can occur.

**Mental Health****35. Homelessness**

## Challenge:

Communities in Tulare County and throughout California have experienced increases in the number of homeless persons in recent years. As of the January 2020 Point in Time (PIT) survey, Tulare County is estimated to have 992 homeless persons, with over 70% unsheltered and 40% self-reporting a behavioral health condition. However, numbers are observed to have grown since that time. Kings and Tulare County were given an exemption by the Department of Housing and Urban Development (HUD) from conducting a 2021 unsheltered PIT survey due to the COVID-19 pandemic.

While nearly every jurisdiction in California has ongoing efforts to address homelessness, jurisdictions vary in their system capacity and readiness to implement certain activities that would improve the condition of

the homeless. Consequently, flexibility in eligible activities for any new homeless programs would help jurisdictions implement activities that fit the local context.

Regarding homelessness, it would be beneficial for state departments to coordinate, collaborate, and create mutual agreements to streamline the administrative burden on counties, which frequently have complementary programs that report to separate departments within the state's bureaucracy. It would be ideal to streamline so that counties could have a single agreement by aligning current funding streams. Additionally, it would be helpful to have long-term funding rather than repeated short-term grants or one-term funding opportunities, as these short-term grants do not create sufficient support to make headway against the long-term and structural conditions that are keeping homeless rates so high.

**Solution:**

1. Advocate for secure and perpetual funding streams that include flexibility and funding for both case management and shelter operations.
2. Support legislation that reduces artificial system barriers related to privacy and information sharing (such as AB 210 Santiago) Homeless multidisciplinary personnel team (2017–2018).
3. Support funding for additional street outreach and services (such as AB 369 Kamlager) Medi-Cal services: persons experiencing homelessness (2021–2022).
4. Support street outreach services including dental, vision, and animal care (all field-based and not brick-and-mortar-based).
5. Recommend that state agencies promoting services to the homeless convene and negotiate initiatives, then package them for counties to keep streamlined communication and reporting.
6. Advocate for the dedication of moderate (5–10 year) to long-term (10+ years) funding in support of housing projects. We have programs that are required to focus on permanent supportive housing but not permanent supportive funding.

**36. AB 728 (Santiago) Homeless Multidisciplinary Personnel Teams**

**Challenge:**

AB 728 was enacted into law to expand on the goals of homeless adults and family multidisciplinary personnel teams (MDT) to allow for coordinated housing and support services for individuals at risk of homelessness, under a pilot in seven counties. Currently, state confidentiality laws restrict the ability of service providers to share information necessary to coordinate services. Under this bill, members of the homeless adult and family MDTs 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, is 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.

**37. 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 \$1.34 million negative impact to Child Welfare Services provided to youth and families.

## Solution:

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

**38. California Advancing and Innovating Medi-Cal (CalAIM)**

## Challenge:

Medi-Cal through CalAIM is shifting how people access and receive specialty mental health and Substance-Use Disorder (SUD) services. The targeted populations include those leaving criminal justice institutions, hospital discharges, high- and complex-needs Medi-Cal patients, young adults leaving foster care, and individuals in need of mental and physical health care while experiencing homelessness. This shift will enable the promotion of wellness and engagement of those individuals who are at a higher risk of returning to society without permanent housing options.

The California Department of Health Care Services (DHCS) is moving to standardize the current system to a more consistent and seamless delivery system by aligning delivery systems, standardizing payment reform, and managing care enrollments and benefits statewide. Payment reform in behavioral health will improve access to mental health and SUD services for Medi-Cal beneficiaries. Funding will be essential for governments and stakeholders who assist this population through the transition period. All engagement with this population should require dedicated funding and reimbursable activities and should not be limited to site-certified locations or the current billable services model that do not encompass all services provided to consumers.

Standardizing managed care enrollment and benefits statewide would reduce the complexities of the implementation of administrative and financial issues across the state. CalAIM must include dedicated funding for all behavioral health, SUD, physical health, and social services activities via the Whole Person Care (WPC) delivery system model. 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 flex-funding, as well as dedicated funding, via Medi-Cal reimbursement, along with continued WPC funding.

Solution:

- Support full funding for all behavioral health, SUD, physical health, and social services activities throughout the CalAIM reform process.

### **39. Children/Youth & Schools**

Challenge:

Declining mental health and wellness in children has been a growing concern at local and national levels. Prior to the pandemic, increased incidents of mental health and substance use disorders among children and adolescents had been reported. Nationally, suicide continues to be the second-leading cause of death for adolescents and young adults. The collective trauma experienced by our children during the COVID-19 pandemic and quarantine has led to further decline of mental wellness. Yet there continues to be a shortage of providers and services available for children and youth struggling with mental health issues.

Continuum of Care Reform (CCR) established a systematic overhaul of the child welfare system, intended to integrate social services and behavioral health supports for child welfare-involved children and youth through the end of the traditional group home model by establishing Short-Term Residential Therapeutic Programs (STRTPs). Recent efforts intend to build upon the current Continuum of Care Reform (CCR) by developing a coordinated system of care approach for children and youth in foster care or at imminent risk of entering the foster care system, with the Family First Prevention Services Act (FFPSA). FFPSA ensures all youth in foster care are provided with evidenced-based mental health programs and substance abuse prevention and treatment, according to need. FFPSA redirects federal savings (Title IV-E dollars), currently used to support children in congregate care, to states to claim for prevention services. These efforts aim to reduce the effects of toxic stress experienced by the child, help families stay together, and improve access to quality services. One recommended change to CCR and FFPSA is to offer the same services to all children and youth in our county, regardless of being in foster care, as this is a need by all children and youth.

The Children and Youth Behavioral Health Initiative and the Mental Health Student Services Act (MHSSA), both in the governors 2021–22 budget, have provided funds to address the needs of increasing the access of mental health services to youth and students, by ensuring proper coordination of services between the K-12 education and Tulare County behavioral health systems. Providing school-based mental health services is key to ensuring access and low-barrier mental health services. Mental health services for all youth under the age of 25 would be offered on campuses throughout the county through a Managed Care Plan and County Mental Health Plan collaboration. Additional grants and funding opportunities may be released from the state to further support youth mental health on our campuses and in the community.

Solution:

- Support expansion of services to children and youth experiencing mental health issues.
- Promote school-based and low-barrier access to mental health services for children and youth.

### **40. Crisis Services**

Challenge:

Due to this unprecedented time of pandemic, there has been an elevated need for children and adult crisis services. Both locally and nationally, the number of youth and adults experiencing a mental health crisis

has grown drastically. Both law enforcement and our local hospital emergency rooms have stepped in to ensure safety and care for individuals in need. We have a local psychiatric emergency team that responds in the field to youth and adults experiencing a crisis, in collaboration with law enforcement officers and hospital staff. There is a need to further build out a crisis continuum of care with supportive infrastructure.

Solution:

- Promote funding streams that include flexibility to support ongoing crisis needs in the community.
- Advocate for legislation like AB 988, which seeks to streamline crisis call centers.

#### **41. Criminal Justice**

Challenge:

Providing appropriate and adequate physical and behavioral health services for incarcerated individuals while in jail and upon discharge continues to be difficult. Many individuals experiencing serious mental illness are jailed for charges related to their mental health, and then their mental health deteriorates while incarcerated. Amongst those who are found incompetent to stand trial due to their mental illness, individuals wait for many months or more for a bed at a state hospital for restoration to competency. For those who complete their sentence and are released, lack of housing and barriers to treatment lead to a vicious cycle of further incarcerations or inpatient hospitalizations.

Solution:

- The California Department of State Hospitals (DSH) has provided funding to sheriff organizations to contract at a local level with providers to develop a restoration program, thereby ensuring appropriate care for incarcerated individuals and either their return to competency or referral to a higher level of treatment, Murphy Conservatorship. Appropriate levels of physical and behavioral health care for incarcerated and recently released individuals should be supported by the state and its funding sources.
- Additionally, similar bills allow for diversion of individuals to intensive outpatient behavioral health services if their charge was directly related to their mental health disorder. Proposed legislation seeks to authorize a county to use MHSA funds 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 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. It is necessary to request that the state does not assign any additional requirements, laws, or mandates to MHSA funding without augmenting existing funds, so that current programs relying on existing MHSA funding have sufficient resources to be effective.

#### **42. Workforce Development**

Challenge:

Tulare County continues to evaluate ways to retain high-demand employment classifications such as mental and physical health care professionals and clinicians. Recruitment for these high-demand positions is

challenging due to employment opportunities in nearby competitive areas, like Los Angeles and the Bay Area, that tend to pay more for the same positions.

Solution:

- Continue advocacy for funding for additional mental and physical health care professionals and clinicians.
- Continue to seek opportunities that allow for professional development of our current workforce to help retain current employees.
- Look for partnership opportunities with universities that support continuing education and internship programs.

#### **43. 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, because 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 regarding 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 the state regarding the changes to the definition of gravely disabled persons.

#### **44. 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.

## IMMIGRATION

### 45. Communication with US 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 US 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

### 46. 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.

### 47. SR 99 Widening

#### Challenge:

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



inhibiting the proliferation of greenhouse gases produced by idling traffic on our highways is in line with the state's priorities.

Solution:

- Support full funding for the completion of the SR-99 widening project.

## SOLID WASTE

### 48. SB 1383 (Lara) 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 standardization of collection practices and rates.
- Support legislation for the development and implementation of product recycling programs.
- Oppose legislation imposing new solid waste disposal requirements without the funding mechanisms needed to meet the requirements provided at the local level.

## GOVERNMENT COMMUNICATIONS

### 49. Brown Act & Teleconferencing

Challenge:

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

**Solution:**

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

**ELECTIONS****50. 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, and may cause voter and candidate confusion as to when a specific contest will appear on the ballot, and increase the cost of elections.

**Solution:**

- Oppose SB 286 and other bills that treat County offices similar to typical partisan offices.