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COUNTY OF SANTA CLARA

**2004 LEGISLATIVE POLICIES
AND PRIORITIES**

Santa Clara County Board of Supervisors

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INTRODUCTION

The County of Santa Clara developed the 2004 Legislative Policies and Priorities to serve several purposes. The document creates an umbrella set of policies and priorities, endorsed by the Board for use by County representatives in Sacramento and Washington and other County staff that may participate in legislative activities. The policies contained in this document should also guide individual Supervisor's participation in the National Association of Counties (NACo), California State Association of Counties (CSAC), and Urban Counties Caucus (UCC). Through use of the Legislative Policies and Priorities, staff can insure the accurate representation of the Board's positions on a range of policy issues. The document also represents a means of identifying the County's legislative agenda for the upcoming year, and allows positions on bills and issues to be taken in a timely manner.

The Legislative Committee frequently reviews and makes recommendations to the Board on issues and bills that are not covered in the Legislative Policies and Priorities document. However, any bill that the County takes an official position on will be tracked through the legislative process. For each bill, staff will prepare letters of support or opposition for appropriate legislators and committee members, deliver testimony at hearings, meet with Legislators or their staff, and provide regular status reports to the Board. Some issues, because of their importance, will require a higher level of advocacy and Board members will be involved in testifying and meeting with key legislators.

The document is organized in the following manner:

SANTA CLARA COUNTY-SPONSORED INITIATIVES

This section presents the legislative initiatives that Santa Clara County will pursue in the upcoming year. Once approved by the Board, our Washington and Sacramento representatives will identify sponsors for the bills, and shepherd them through the legislative process. The Board of Supervisors receives regular updates on the status of these bills and in some cases, may be asked to testify in committee hearings.

LEGISLATIVE PRIORITIES

This section illustrates the most critical legislative issues identified for 2004. These basic issues are believed to have the most potential to impact Santa Clara County, and thus will receive careful scrutiny in the upcoming year.

LEGISLATIVE POLICIES BY ISSUE AREA

Introduction

This section describes Santa Clara County’s basic positions on the key legislative issues presented regularly at both the federal and state level. The section begins with some general positions that apply to any issue, and is then divided into the five policy areas that guide the Board’s work: Finance; Children, Seniors and Families; Health and Hospital; Public Safety and Justice; and Housing, Land Use, Transportation and Environment. If under time constraints, staff will utilize these Legislative Policies in lieu of an official Board position to advocate on a particular bill or issue. This document is not intended to be a complete and final list of legislative issues and positions.

2004 LEGISLATIVE PRIORITIES

PROTECTING LOCAL GOVERNMENT REVENUES

Santa Clara County’s legislative program has always sought to improve public policy by identifying positive changes in federal and state law. While policy improvements continue to be significant and are included in a number of our legislative initiatives, the County cannot remain an adequate provider of health, human service and public safety services without sufficient funding. Therefore, the County’s top legislative priority is *protecting local government revenues* at both the state and federal levels through the following objectives:

- Maintain – if not increase – local government’s fiscal resources, and reinstate reimbursement to local governments for state-imposed mandates.
- Guard against the imposition of new mandates and regulations, which add additional responsibilities to County government without commensurate reimbursement. Additionally, eliminate mandates which are proven to be unnecessary and do not create a public benefit.
- Pursue policy changes which enable government to function more efficiently and effectively.

Our legislative initiatives, and a majority of our policy statements, correspond with these objectives.

Protect Local Government Revenues

Santa Clara County receives over two-thirds of our budget from state and federal sources, which have shrunk at the same time our local economy has declined. Reductions to public safety, health care, and human service programs have occurred over the last two years. At the state level, existing revenues and program dollars must be protected, particularly the Vehicle License Fee (VLF), an \$85 million discretionary funding source for Santa Clara County alone. Mandate reimbursement, which totals over \$8 million a year for our county, must also occur.

At the federal level, funding must keep up with increased costs and demands, especially in the Medicaid and Temporary Assistance to Needy Families (TANF) programs. California should continue to press the federal government on the level of federal dollars returned to the state in order to reverse our status as a “donor” state, and the federal child support automation penalty should be deferred as long as the State is making progress towards correcting the matter.

Legislative Priorities

Maintain Fiscal Resources

Local governments should also be provided with adequate revenue raising tools, so local voters have the ability to raise revenues. Many of the County's legislative initiatives – the Sheriff's civil fee, a property transfer tax, local add-ons to the vehicle registration fee – would provide local authority to increase fees either to fund specific services or merely allow for services to be cost-recovery.

To fulfill this objective, the County supports state and federal efforts to raise revenues, including the ability to tax Internet sales, fixing the inequities between commercial and residential property tax assessment, an increase in the upper-income income tax bracket, and increased alcohol taxes.

Mandates and Regulations

The County urges increased simplicity with regard to mandates and regulations which are imposed on the organization, particularly as we are losing fiscal and staff resources. Our goal is to streamline and expedite bureaucratic requirements and processes at the state and federal levels in order to decrease costs and increase results for Santa Clara County residents. For example, the County's initiative to reduce the filing of Medi-Cal enrollment materials protects against Medi-Cal fraud while greatly eliminating paperwork. Similarly, policy statements regarding the State's Housing Element aim to increase the affordable housing stock while eliminating procedural barriers to this goal.

Public Policy Improvements

Finally, the County continues our pursuit to improve public policy by supporting broad policy changes, such as measures to combat the fiscalization of land use or educational measure to support the healthcare workforce. The County also supports more incremental changes, often raised by County departments which are front-line service providers. Several of these changes are embodied in our initiatives, like modifying the noticing requirements for the clean needle exchange program to allow for less frequent but more substantial public hearings. The County's proposal to allow Diagnostic Imaging Technicians to participate in the federal H-1B visa program is another example of a minor modification which would enhance current law.

2004 LEGISLATIVE INITIATIVES

CLEAN NEEDLE EXCHANGE: MODIFICATION OF NOTICING REQUIREMENTS

Proposal: Extend allowable length of a “local state of emergency” that is declared for purposes of operating a clean needle exchange program.

Background: Since 1983, over 3,000 cases of AIDS have been diagnosed in Santa Clara County, with more than 17% of these resulting from injection drug use. In January, 2000, Santa Clara County began a highly successful clean needle exchange program to combat the spread of HIV/AIDS. Needle exchange programs use harm-reduction strategies to prevent injection drug users from acquiring or spreading deadly diseases.

Current law allows a local government to operate a clean needle exchange program if a local emergency is declared every 14 to 21 days – a burdensome and unnecessary requirement since this type of public health crisis could never be solved in such a short period of time. In 2002, the Henry J. Kaiser Family Foundation released a thorough report on California’s needle exchange programs. The report recommended modifying or eliminating the renewal requirement.

This proposal would allow a local state of emergency to last for six months. Public hearings could be more widely noticed so that program opponents (if any) would have the opportunity to speak. Reports might also be augmented with additional information that would more easily allow the Board to assess the program and its benefits.

While narcotic enforcement officials have opposed previous legislation to allow the state of emergency to last for one year, that group’s interest is in maintaining some sort of public forum to review and discuss local clean needle exchange programs. Santa Clara County’s proposal maintains that ability.

SHERIFF'S CIVIL FEES: LOCAL AUTHORITY TO INCREASE

Proposal: Grant local authority to increase civil process fees which are imposed by the Legislature and fund local services performed by the Sheriff's Department.

Background: It is estimated that 85% of the civil process services performed by the Office of the Sheriff involve some sort of fee, whose amount is established by the Legislature. However, existing fees are not sufficient to cover the actual costs of the services. The County's Management Audit Division asserts that the County is currently subsidizing \$840,000 per year in civil process services.

Four particular services are most heavily subsidized: bank levies, 8-hour keepers, evictions, and wage garnishments. (An 8-hour keeper establishes him or herself on the premises of a debtor's business to immediately take custody of money or property as it is received by the business.) Therefore, an increase will be sought to fees pertaining to these particular services.

The Board previously approved pursuing changes for these particular services.

PROPERTY TRANSFER TAX

Proposal: Provide counties the ability, already granted to charter cities, to impose a property transfer tax.

Background: The State Constitution allows charter cities to impose a property transfer tax of any amount. Counties and non-charter cities are limited to an amount specified in statute, which was established in 1968. This proposal would provide counties the ability to impose a property transfer tax. A tiered approach, to alleviate the impact on first-time or low-income homebuyers, could be considered.

Under State law, counties have the authority to impose a property transfer tax of 55 cents per \$500 of value or \$1.10 per \$1,000 of purchase price. The statute was approved and chaptered in 1968 and has not changed since that time. The rate for a non-charter city is one-half of the county rate and is credited against the county tax due – meaning that the County splits the \$1.10 per thousand with non-charter cities 50/50.

Charter cities, by the authority of the State Constitution (California Constitution, Article XI, Section 5), may impose transfer taxes at whatever rate approved by the City Council. Three of Santa Clara County's Charter Cities -- San Jose, Morgan Hill and Palo Alto -- impose higher real property transfer taxes than the county. The property transfer tax in these three cities is \$3.30 per thousand. Palo Alto has requested a tiered rate but the County Recorder's office denied this request due to staffing impacts. Mountain View, the fourth Charter City, has chosen not to increase their rate.

In contrast, other areas charge much higher property transfer taxes. For example, Oakland charges \$15.00 per thousand, Berkeley charges \$15.00 per thousand, Piedmont charges \$13.00 per thousand, San Leandro charges \$6.00 per thousand, Albany charges \$11.50 per thousand. The City and County of San Francisco has adopted tiered rates:

- Properties selling for between \$100,000 and \$250,000, \$5.00 per thousand
- Properties selling for between \$250,000 and \$999,999, \$6.80 per thousand
- Properties selling for \$1 million or more, \$7.50 per thousand.

Santa Clara County's proposal would provide counties with the local authority to increase the property transfer tax, similar to the authority given to Charter Cities. There is no reason why the authority should not be similar for these two types of entities. Non-charter cities would also benefit under this authority, as any increase in the property transfer tax would also benefit them financially. County Counsel has indicated that such an increase would be subject to Proposition 218, which requires a majority vote of the electorate for a general tax.

**VEHICLE REGISTRATION FEE:
LOCAL ADDITIONS TO FUND COUNTY EXPRESSWAYS**

Proposal: Allow Santa Clara County to impose an addition to the vehicle registration fee to fund expressway improvements.

Background: Under current law, there are a number of additional vehicle registration fees which may be levied by local government for local purposes. These fees are collected by the DMV and include air quality, auto theft deterrence, and vehicle abatement. Santa Clara County currently levies all of these fees.

Additional fees may be authorized by the Legislature for specific purposes. Santa Clara County is proposing an addition to local vehicle registration fees to generate funding for County expressways. Because the expressway system is unique to Santa Clara County, federal and state funds are rarely adequate for expressway expansion or even maintenance. A recent comprehensive study of the expressway system identified almost \$2 billion in capital improvement needs. It is estimated that in Santa Clara County, a \$5 per car fee increase would raise \$7 million in revenue annually.

EXPRESSWAY SIGNAGE

Proposal: Allow Santa Clara County to post “Pedestrians Prohibited” signs on right-of-way along County expressways.

Background: Current law does not provide explicit authority for the County to post “Pedestrians Prohibited” signs along side of County expressways. At the same time, it is the County’s responsibility to keep this area free of pedestrians to maintain safety on the roadside.

It is believed that this minor modification could be made through as part of the Legislature’s annual omnibus Local Government or Transportation bill.

REGULATION OF MEDI-CAL PHARMACY PROVIDERS

Proposal: Allow Santa Clara County to submit Medi-Cal enrollment materials from a single public official rather than each individual member of the Board of Supervisors.

Background: Recently changes to statute and regulations, enacted to prevent Medi-Cal fraud, require Medi-Cal providers to re-enroll in the program. These changes were intended to ensure that each provider meets current eligibility, disclosure and participation standards in Medi-Cal. Pharmacy providers are the first impacted. The required documentation is extensive and includes personal statements and copies of drivers licenses from each Board member – multiplied a number of times because the County has nine pharmacy provider numbers.

While guaranteeing the ability to protect against Medi-Cal fraud, these requirements are overly onerous on public agencies which are already subject to a great deal of scrutiny. Therefore, the County will propose an alternative, such as allowing a single public official to submit paperwork instead of each individual member of the Board of Supervisors.

**PUBLIC EMPLOYEE RETIREMENT SYSTEM (PERS) RATES:
ABILITY TO NEGOTIATE**

Proposal: Increase County's ability to negotiate PERS terms, including the ability to draw down surplus funds in order to decrease County contributions or amortize the increase in the County's contribution over a period of years.

Background: This initiative was requested by the Finance and Government Operations Committee to help address the County's \$72 million increase in PERS payments which will occur in FY '05. It appears that a change in statute is necessary to enable the County to negotiate with PERS. The County would pursue options like spreading payments over a number of years, drawing down surplus funds in order to decrease County contributions, amortizing the increase in the County's contribution over a period of years, or other possible financing options.

**FEDERAL LEGISLATIVE PROPOSAL:
H-1B VISA CHANGE FOR DIAGNOSTIC TECHS**

Proposal: Modify requirements to the H-1B visa to allow diagnostic imaging technicians without a Bachelor's Degree to enter and work in the United States.

Background: Diagnostic imaging is one of the healthcare professions with a serious shortage of technicians nationwide. Santa Clara County and many other health care providers therefore seek technicians internationally.

The H-1B nonimmigrant visas are issued to individuals who seek temporary entry to the United States in a specialty occupation as a professional. Currently, H-1B visas require recipients to hold a Bachelor's Degree. However, in the United States diagnostic imaging technicians are not required to hold a B.S. or B.A., nor is the degree a requirement of Santa Clara County. The County would seek a modification to the H-1B requirement to allow diagnostic imaging technicians without a Bachelor's Degree to work in the United States.

FINANCE AND GOVERNMENT OPERATIONS

LEGISLATIVE POLICIES

Legislative policies for the Finance Department, Employee Services Agency, Assessor, General Services Agency, County Libraries, Registrar of Voters and Clerk of the Board are discussed in this section. The County's priorities with regard to energy legislation are also included in this section.

The County of Santa Clara receives two-thirds of its budget from the federal and state governments, and given the condition of the national and State economies, the County ~~remains continues to be~~ concerned about future revenues. *While the local economy continues to falter, reductions in federal domestic spending and serious budget reductions at the state level further exacerbate the County's fiscal situation.* The County maintains that state and federal budgets should not be balanced at the expense of local government, particularly given the large cuts already made in the current fiscal year. ~~Existing revenues, especially the Vehicle License Fee (VLF) backfill — an essential source of discretionary funding — must be protected. The Legislature and Congress must not rescind or reduce payments for existing mandates or impose additional mandates without full reimbursement.~~

Ideally, the County supports stable and equitable funding based on the federal and state mandates imposed on the organization. Pragmatically, in light of federal and state deficits, merely protecting existing funding streams will be considered a victory. Most critical at the State level is preservation of the Vehicle License Fee (VLF) or backfill, which provides Santa Clara County with \$85 million in discretionary revenue annually. The County will continue to advocate for payment of SB 90 reimbursements, another critical revenue source which has been suspended for 2 years and provides the County with \$8 million a year in state mandate reimbursements. At the federal level, the County supports adequate program funding in the face of increased costs and demands. Additionally, we join the State in efforts to increase the level of federal dollars returned to California to reverse our status as a "donor" state.

~~Privacy is a developing policy issue in the Finance and Government Operations area. There has been a move towards greater access to public records, while at the same time efforts to secure certain pieces of information often contained in public records, such as social security numbers, home addresses, date of birth, or mother's maiden name. The County will be prepared to enter this debate in order to maintain access to public records while insuring individual privacy and without imposing excessive new mandates on County agencies.~~

FINANCE

The County of Santa Clara supports:

1. Protection of the Vehicle License Fee (VLF) backfill, a critical source of discretionary revenue for local governments. *(Please see glossary for definition of "VLF.")*
2. Restoration of SB 90 reimbursements for state-imposed mandates. ~~Full and timely reimbursement of existing state imposed mandates through the SB 90 program.~~ *Cities and counties are owed over \$800 million due to the deferral of payments.*
3. Preservation of the historic local property tax base for local purposes.
4. Capping the growth on the shift of local property taxes to the State, known as ERAF. *(Please see glossary for definition of "ERAF.")*
5. Preservation of existing revenues and revenue authority, and expanded opportunities to generate local revenues
6. To protect local funding flexibility, while insuring the continued provision of services statewide, Santa Clara County opposes the imposition of maintenance of effort (MOE) requirements when new revenue sources are provided to counties. The County also opposes efforts to expand MOE requirements on existing funding sources. *(Please see glossary for definition of "Maintenance of Effort Requirement.")*
7. The County opposes tax increment financing which diverts property tax revenue unless there is some compensation to affected local agencies.
8. Equitable funding structures and formulas which reflect county responsibilities, demographics, cost of living and caseloads, including:
 - *Changes to the federal Homeland Security funding allocation formula which more fairly reflect the State of California's population and risk level.*
 - Careful review of restructuring efforts to ensure that adequate revenues flow to counties with any new responsibilities. Revenue should include growth projected to match anticipated caseload growth.
 - Development of formulas to redistribute local sales tax that better reflect the population and service demands of counties.

9. Federal funding mechanisms which allow funding to flow directly to local governments.
10. Increased funding towards counties' infrastructure needs.
11. Increased administrative flexibility to allow counties to develop more cost-effective ways to operate programs, ~~including performance-based budgeting~~. This would include increased coordination with other branches of government in order to share resources and eliminate duplication of work, including:
 - Expanded authority for counties to contract out services when the contract provides a more efficient or economical way of producing the service.
12. Exemption of purchases by local government agencies from sales tax.
13. Efforts to create a more timely reimbursement process from the State and Federal government. Currently, the County may experience cash flow problems due to late reimbursements from the Federal government to the State, or from the State Departments of Health, Mental Health, and Corrections to the County. Whenever possible, the County supports the use of electronic payments.
14. Increased ability to utilize state or local matching funds to draw down additional federal dollars.
15. Enhanced ability to work with the Public Employee Retirement System (PERS), so that the County can access information in a more timely basis *and increased ability to negotiate with PERS over rates*.
16. *Implementation of the Streamlined Sales Tax Agreement, which will allow for equitable e-commerce taxation, including the fair and equitable collection of the sales and use tax whether through remote or "bricks and mortar" sales.*
17. Minimizing restrictions on tax-exempt bond financing. Under current law, municipal bonds cannot be used if 10% of the funds are intended for private use.
18. Continued funding for the administration of the property tax systems of assessor, auditor-controller, tax collector, and Clerk of the Board.
19. At the federal level, the County will monitor arbitrage rules for tax exempt bonds.

20. *Creation of a special technology modernization fund in the Tax Collector's office, funded through an increase in the fee for delinquent property tax payments.*
21. **Preservation of unitary tax revenue if changes occur to the current tax structure.**

EMPLOYEE SERVICES AGENCY

The County supports:

1. *Continued reform of the State's workers' compensation law which would reduce the County's costs, including:*
 - *The prudent use of health care;*
 - *Improved accountability and administration;*
 - *Alignment of the public and private sectors; and*
 - **Efforts to expand the medical information which may be disclosed to employers by third-party administrators, insurers, and employees and agents specified by a self-insured employer to administer the employer's worker's compensation claims. Access to this information is necessary to effectively administer and operate a worker's compensation program.**
2. ~~Restrictions that prevent the State from controlling local salary levels or linking local salaries to levels of state funding.~~
3. ~~Local option jurisdiction~~ **over increasing or establishing new PERS benefit levels for any class/group of employees.**
4. **Efforts to prevent unreasonable increases in Workers' Compensation and unemployment insurance benefit levels.**
5. **Retention of local control over collective bargaining. The County opposes continued efforts to erode the State's Meyers-Millias-Brown collective bargaining act.**
6. **The current federal exemption of public management, supervisory and professional employees from the Fair Labor Standards Act's overtime provisions if they are paid on a salary basis, and increased flexibility of the "salary basis**

- test.” The exemption should allow provisions of approved collective bargaining agreements to prevail over federal regulations when they conflict.
7. Creation and implementation of education, training, internship, recruitment and retention programs for public sector workers. Such efforts could include school loan assistance, housing assistance, and various types of tax forgiveness.
 8. Criminal background checks on current employees that work in a supervisory or disciplinary manner with children and other vulnerable populations. *Hires made after 1999 are subject to criminal background checks.*
 9. Additional grant opportunities to fund Human Resources training and technology projects.
 10. The County opposes federal modification of FEMA insurance requirements that would mandate excessive and unattainable earthquake insurance.
 11. ~~The County opposes federal efforts to mandate that employees not currently covered be included in FICA.~~

ASSESSOR

The County:

1. Opposes Trial de Novo, which would promote unfair property values and cause assessments to be determined through compromise and settlement, which is inconsistent with fair property equalization. The financial impact on local governments would be large. Trial de Novo also undermines the constitutionally-established local assessment appeals boards, significantly increases fiscal uncertainty to schools and local governments and lengthens the time necessary to resolve local property assessment appeals.
2. Supports eliminating the ability to appeal land and improvement value segments if an audit is conducted only on business property. This loophole in current law allows large business owners who appeal their business property assessment to expand their appeal to real property assets.
3. Supports increased records retention requirements for private corporations. These records provide critical information during property tax audits.
4. Supports increased privacy protection with regard to property tax records in order to maintain confidentiality over certain individual's home addresses.

5. *The County opposes moving the highly complex local assessment of aircraft facilities, fixtures and equipment from the county assessors to the State Board of Equalization. Such a move could dramatically reduce counties' property tax revenues.*
6. *The County supports exclusions from reassessment for verifiable registered domestic partnerships and opposes an overly broad interpretation of State Constitution, as recently promulgated by the State Board of Equalization, permitting the use of joint tenancy agreements to circumvent reassessment. Reinterpreting the Constitution in this manner would substantially reduce revenue generated from property taxes.*

GENERAL SERVICES AGENCY

The County supports:

1. **State and federal financial assistance for counties to more easily finance capital projects, including state bond funding or General Fund monies for criminal justice, health care or social services facilities, especially to meet state mandated seismic improvements.**
2. **Efforts to facilitate the construction and operation of juvenile and adult correctional facilities, including:**
 - **Increased funding for the construction, expansion, and maintenance of local justice facilities, including juvenile camps and ranches.**
 - **Flexibility on state regulations regarding the construction and operation of correctional institutions and Correctional Treatment Centers. *The County also supports additional funding for Correctional Treatment Centers.***
3. **Immunity from liability for dispatchers who provide standard pre-arrival medical instructions to 911 callers.**
4. **Routing of cellular 911 calls to local dispatchers to ensure a quicker, more accurate emergency response.**
5. **Changing federal program reimbursements that currently create disincentives for the County to own facilities.**
6. **Rebates and other benefits for conversion to hybrid *and natural gas* vehicles, which are more practical for County purposes than electric vehicles.**

REGISTRAR OF VOTERS

The County supports:

1. *Reimbursement for counties' costs related to the October 2003 recall election.*
2. ~~A proportionate share of the federal and state funding recently approved for~~ Full authorization of federal Help America Vote Act (HAVA) funding, as well as the rapid disbursement and equitable distribution of HAVA dollars, which will fund **voting system upgrades, registration systems, staff and poll worker training, poll worker recruitment and voter education.**
3. *A proportionate share of Proposition 41 (Voting Modernization Bond Act) dollars, to fund voting systems upgrades.*
4. **Efforts to enhance voter registration and education initiatives and voter access while maintaining the integrity of the electoral process.**
5. **Ability to receive state and federal reimbursement for voter file maintenance, the updating and removal of voters who no longer qualify to vote at the address where they are registered, from the system. This costly activity improves the accuracy and integrity of Santa Clara County elections.**
6. **Efforts to assist counties in the recruitment of sufficient poll workers, either through minimizing the need for poll workers or expanding the pool of available poll workers.**

LIBRARIES

The County supports:

1. State restoration of local property tax dollars (ERAF) to “orphan” libraries that lost their funding in the property tax shift.
2. Full State funding of the Public Library Foundation Program. This program enables the State to allocate a maximum match of 10% for library services.
3. Continuation of State matching funds for literacy programs under the California Library Services Act.
4. Funding for new facilities and demonstration projects.
5. Inclusion of public libraries in federal legislation to establish a National Research and Education Network. The proposal would attempt to improve access to information by establishing computer networks between libraries nationwide, but it is currently geared towards academic libraries only.

RECORDER

The County supports:

1. Establishment of fees for all Clerk-Recorder services that promote full cost recovery and reflect the actual costs to the County.
2. Efforts to protect all vital and official records against fraud, while ensuring their availability to authorized users.
3. *Greater flexibility in the use of electronic recording for real property records that include appropriate protections for consumers and homeowners against fraud.*
4. *Protecting access to real estate records, currently provided under the Public Records Act. The County opposes attempts to limit or alter public access to real estate records.*

CLERK OF THE BOARD

The County:

1. Opposes additional requirements for noticing and publication that impose an unfunded mandate.
2. Supports efforts to obtain grant funding for the preservation and storage of County archives.

PUBLIC RECORDS ACT

1. With regard to the Public Records Act, the County:
 - Supports efforts that preserve the integrity of public records.
 - Opposes changes in the required format of public records that impose an unfunded mandate.
 - Opposes changes to the definition of “reasonable response,” currently defined at 10 days.
 - Opposes a state-mandated retention schedule for general documents.
2. Supports authorization for the County to obtain full cost reimbursement for information which is developed at public expense and used for commercial purposes.

PRIVACY

The County supports:

1. Efforts to increase financial privacy through adoption ~~at the State level~~ of opt-in standards which require customer consent before financial institutions can share information with others. *The County endorses this ability at both the State and federal levels.*

ENERGY

1. With regard to tax and revenue impacts:

- Legislative, Public Utility Commissions (PUC) and State Board of Equalization (SBE) decisions concerning energy issues shall include provisions to avoid negative impacts on local governments and schools, such as loss of property tax revenues or franchise fees.
 - State should take necessary steps to avoid utility bankruptcy and at the same time minimize absorption of costs by ratepayers.
 - The financial consequences to local governments of a potential utility bankruptcy must be minimized.
2. With regard to generation:
- The State should establish incentives that will encourage the development and use of all alternative energy sources, *including co-generation*.
 - The State should allow local agencies to retain regulatory oversight over generators by statutorily changing the threshold from 50 megawatts to 100 megawatts.
 - The County supports additional state grant funding for back-up generation for essential facilities.
 - The County supports additional state grant funding for air quality compliance for emergency generation facilities.
 - The State should provide incentives to local agencies to site energy facilities, while at the same time taking into account environmental justice issues and sensitivity to existing standards.
 - The State should balance expedited energy production with consideration of the environmental impacts of such actions.
3. With regard to public power:
- The County supports legislation to enhance public power options available to local governments.
 - The County supports legislation to enhance local government's ability to become community aggregators of electricity.
4. With regard to conservation:

- The County supports development of a statewide grant program to fund energy conservation and energy management equipment in local government facilities.
 - The County supports a rate structure that recognizes conservation efforts, including incentives for reducing air conditioning.
 - The County supports grants and loans for energy efficiency for businesses and homeowners.
5. With regard to protection from and notification of power outages:
- Counties as providers of essential services in the areas of public health and safety should be exempt whenever possible from rotating block outages.
 - If rotating outages must occur, the County must be provided with adequate notice regarding any planned rotating block outages.
6. With regard to protection of low income rate payers and small businesses:
- The County supports expansion of programs to assist low-income ratepayers and small businesses with rate increases.
 - The County supports programs to assist low-income ratepayers with the purchase of energy efficient appliances.

CHILDREN, SENIORS AND FAMILIES

LEGISLATIVE POLICIES

State and federal legislative policies for the Social Services Agency, Department of Child Support Services, and Citizenship and Immigration programs are discussed in this section.

The largest pending issue in this area is the federal reauthorization of the Temporary Assistance to Needy Families (TANF) program. As one of the largest programs administered by the County, careful attention must be given to proposed changes, particularly those that impose additional mandates on clients and the organization. Given the condition of the nation's economy, the County will encourage Congress to maintain the current TANF work requirements and expand access to support services such as education, counseling and substance abuse treatment. The County also supports an increase in child care funding to support TANF recipients' transition into the workplace.

The County continues to fight against federal child support penalties, imposed because the State is out of compliance with automation standards. *The incoming Governor may reinvigorate California's fight against these penalties, which have a large fiscal impact on the State, and on counties when the cost of the penalties are shared, as they currently are.* ~~These penalties have a large fiscal impact on the State, and potentially on counties if the costs are shared.~~ The County will continue to advocate for elimination of the penalties, or at the very least, reinvestment of the penalties into the new automation system.

At the State level, the County's biggest challenge will be to protect the funding we receive to operate safety net programs such as foster care and adult protective services. Additional funding reductions in these areas will result in budget cuts, staff layoffs, and most importantly, dramatic service reductions to our clients. The County will resist further cuts in the area of CalWORKs, Foster Care, Food Stamps, Child Welfare Services, Aging and Adult Services and other county-administered programs.

Once TANF is reauthorized, the County will advocate for additional programmatic changes to CalWORKs at the State level which will allow us to better serve our clients, such as increased collaboration with the Medi-Cal and Healthy Families insurance programs, or allowing individuals with a drug possession felony who are now clean and sober to access CalWORKs services.

REAUTHORIZATION OF TEMPORARY ASSISTANCE TO NEEDY FAMILIES

The County of Santa Clara strongly advocates that the federal government:

1. Maintain the existing level of federal funding for the Temporary Assistance to Needy Families (TANF) Block Grant.
2. Increase funding for child care services.
3. Maintain current work requirements for clients and work participation rates for States.
4. Continue to grant States flexibility in addressing state and local needs, such as the need for housing assistance particularly in high cost regions.
5. Allow needy families to receive vital support services without impacting their five-year lifetime limit on cash assistance.
6. Define “Employable CalWORKs Population” as those individuals able to work full-time and exclude individuals participating in education training, drug and alcohol treatment, or mental health therapy from the total calculation. Additionally, the County supports using this definition when determining the participation rates per State or County.
7. Suspend the five-year clock when a family is making efforts to work, yet is unable to earn enough to become independent from CalWORKs cash assistance.
8. Extend the two-year limit on education and employment training to five years.
9. Continue to grant States the ability to allocate TANF funds to probation departments for certain costs associated with the provision of services to youths residing in Juvenile Hall, ranches, or home/community care.
10. Investigate and pursue efforts to reduce poverty, such as through enhanced education opportunities and employment training for current and former welfare clients.

CALWORKS

The County supports:

1. With regard to CalWORKs funding methodology, the County will continue to advocate for an equitable financing mechanism for the CalWORKs program that adequately reflects regional differences and assures stable funding. *(Please see glossary for definition of "CalWORKs.")*
2. Additional services for CalWORKs customers:
 - The State should reduce eligibility and enrollment barriers to supportive services, such as Medi-Cal, Healthy Families and Food Stamps. Additionally, the State should acknowledge the link between these programs when performing outreach and enrollment.
 - Increased access to supportive housing, and ancillary services to increase self-sufficiency for CalWORKs clients and at-risk families.
 - Increased transportation services to CalWORKs customers. Implement an exemption of one vehicle for each CalWORKs household member who is required to participate in a welfare-to-work activity.
 - Ease restrictions on providing CalWORKs and Food Stamps benefits to individuals convicted of drug felonies for use or possession, provided that the individual meets criteria on being clean and sober.
 - Additional job assessment instruments that accurately assess the needs of non-English speaking as well as pre-literate, non-literate, and learning disabled CalWORKs recipients in order to make appropriate referrals for services.
 - Eliminate government stipends and grants as countable income for the purposes of determining eligibility to TANF-funded benefits for students in educational programs.
 - Simplifying the determination of eligibility and income reporting requirements for the CalWORKs program.
3. Efforts to create a cost-effective alternative to the Statewide Fingerprint Imaging System, particularly if it is demonstrated that this method of fraud prevention is a barrier to application for benefits.

4. Grant opportunities through the Department of Labor and other agencies to fund job-training programs.
5. Expanding educational opportunities for CalWORKs customers through adult education and regional occupational programs.
6. Maximizing opportunities to share funding and program design to meet the needs of families who are being served, or are at risk of being served, in the CalWORKs and Child Welfare programs.
7. Creation of a State Earned Income Tax Credit (EITC) for *CalWORKs* and working poor families. In addition, at the state and federal level the County supports increased economic incentives (such as tax credits) to businesses that provide dependent care and job training assistance or opportunities to employees. (*Please see glossary for definition of "Earned Income Tax Credit."*)
8. Complete and on-going funding for the conversion of the County's existing welfare case data systems to the CalWORKs Information Network (CalWIN) Computer System Project.
9. Increase, or, at a minimum, maintain funding for the Workforce Investment Act, **particularly** for youth employment *and adult training*.

CHILD SUPPORT

The County supports:

1. The elimination of federal penalties, assessed on the State of California, for failure to comply with automation mandates, as long as implementation is underway, or allow the State to reinvest the penalties into the new system.
2. Allowing subpoenas to be served to civilian witnesses by facsimile or electronic mail. Currently, electronic mail, modem, facsimile, or other electronic means are acceptable when subpoenaing peace officers.
3. *Consideration of child and spousal support arrearages in workers' compensation settlements and decisions.*

4. *Garnishment of permanent disability advances, vocational rehabilitation temporary disability payments or vocational rehabilitation maintenance allowances through a Notice to Withhold.*

FAMILY AND CHILDREN'S SERVICES

The County supports:

1. State and Federal funding to preserve and support families, including:
 - Adequate funding for preventive and family preservation-type services for families of children at risk of abuse or neglect. Encourage service integration with Mental Health, Alcohol and Drug programs, and other services to meet the needs of the child and his or her family.
2. Specifically with regard to out-of-home placements, the County supports:
 - A change in the basic rate structure *and claim for federal funds* for foster parents and group home providers to sufficiently cover the costs of caring for foster children. Additionally, the County advocates for other supports and services, including paid childcare and added confidentiality protections for foster parents.
 - Additional tools and financing to improve recruitment and retention of foster and adoptive homes. The County also supports efforts to address “statewideness” issues in the financing of foster care initiatives.
 - Modification of financing and regulations for foster family homes, particularly stringent recruitment and licensing barriers which deter foster parent recruitment and discourage the joint placement of siblings.
 - Reimbursement of costs incurred from implementing any new federal licensing requirements.
 - Streamlining the process of *relative approvals and handling exemption requests* for relative placements.
 - ~~Extending state reimbursement to counties for placements in the Children's Shelter from 30 to 60 days.~~

- Exploring options to enhance educational services for children in the juvenile and dependent care system, and improve collaboration between county placement agencies, the County Office of Education, and regional centers.
 - Efforts to support foster youth in their transition from foster care to independent living through much needed access to health care and housing, regardless of their participation in the Independent Living Program (ILP) program.
3. The County supports increased opportunities to access available state and federal funding. Specifically, the County supports:
- Policies and full funding to support all CWS social work activities. Additionally, the County advocates for a statement of intent of funding, reflecting the State's commitment to and responsibility for child welfare funding.
 - Modification to the Title IV-E program to eliminate certain income eligibility criteria to determine whether children can receive federally reimbursed foster care and adoptive services.
 - ~~Allowing the Children's Shelter to receive federal Title IV-E reimbursement similar to that provided to group homes.~~
4. *Efforts to secure statutory changes to allow counties to claim AFDC-FC payments to for-profit care facilities, as well as efforts to obtain state participation to cover this cost.*
5. Additional incentives for *guardianship*, adoption and kinship care.
6. Culturally appropriate placement of foster and adoptive children into permanent homes by providing flexibility to the federal Multi-Ethnic Placement Act of 1994 (MEPA), as amended by P.L. 104-188 in 1996. (*Please see glossary for definition of "MEPA"*).
7. Efforts to address issues related to the Child Welfare Services/Case Management System (CWS/CMS):
- Funding for the implementation of the Child Welfare Services/Case Management System.
 - A reduction of potential barriers that arise as a result of new reporting requirements between CWS/CMS and the Department of Justice (DOJ),

- which may discourage families from seeking preventive voluntary family maintenance services.
8. Efforts to require in juvenile or dependency court that a receiving court confirm in writing when it receives an order of transfer and court file. This change would prevent dependent children from falling through the cracks when their cases are transferred from one county to another.

CHILD CARE

The County supports:

1. Efforts to expand childcare. The State should:
- Maintain full funding of all three stages of CalWORKs childcare. The County strongly supports protecting CalWORKs Stage 3 funding so that recipients may complete their transition from welfare to employment.
 - Eliminate the current two-year time limits on Stages 1 and 2 for CalWORKs clients, and oppose efforts to time limit Stage 3. *(Please see glossary for definition of Stages 1, 2, & 3.)*
 - ~~Remove childcare funds from the single TANF allocation to counties, so this vital service will not have to compete with other TANF programs for funding.~~
 - Allocate funding and establish eligibility for subsidized childcare taking into account regional differences in family income, regional childcare costs as compared to regional income, and population of welfare caseload that is engaged in part-time and full-time employment.
 - Continue to grant counties oversight over Stage 1 childcare to ensure that parents are directly linked to this vital support service as they transition from welfare.
 - Support statewide efforts to provide financial support and technical assistance to local child care planning councils in their mandate to establish centralized waiting lists for child care, and require all providers and agencies to participate in the waiting list.
 - Build upon the existing childcare infrastructure at the local level to improve childcare options by increasing the number of childcare providers, by

increasing the total available child care spaces, and by supporting the development of childcare facilities.

- Develop additional supportive services for exempt childcare providers, such as training to enhance the quality of care they provide.
 - Support efforts to institute universal preschool programs.
2. On the federal level, the County supports increased funding for states as well as extended income eligibility for childcare programs.

AGING AND ADULT SERVICES

The County supports:

1. Adequate funding and flexibility to In-Home Supportive Services providers and recipients of services.
 - Protection of local authority to design custom delivery modes or systems for the In-Home Supportive Services Program.
 - Additional state share-of-cost for Public Authority wage increases.
2. To better support Aging and Adult Services programs, the County supports:
 - State reimbursement to meet the mandates of SB 2199 (Statutes of 1998), which established comprehensive program standards in the Adult Protective Services Program.
 - ~~Changes to provide for technical “clean-up” of the APS law to improve service delivery, including instituting protections for social workers regarding DMV record privacy and broadening the list of mandated reporters to mirror and expand upon the mandated reporters for child welfare.~~
 - Resources for Financial Abuse Specialist Teams (FAST) and Rapid Response Teams.
 - Increased requirements on banks and other financial institutions to assist in combating financial abuse.

- A statewide data system in the APS program to enable counties and the State to share information and improve policy and budgeting decisions in the APS program.
 - Budgetary funding flexibility by administering adult and aging programs through a block grant to counties.
3. New requirements for the statewide registration of durable powers of attorney as a means of controlling abuse of vulnerable elders.
 4. Programs to reduce the need for institutional care in a nursing home and expand Medi-Cal coverage for seniors and dependent adults who are currently ineligible for services.
 5. *An increase in resources and services in proportion to the exponentially increasing aging population, especially in the area of Adult Protective Services.*
 6. *The County opposes any efforts to remove or limit the County's authority over IHSS wages and benefits.*

IMMIGRANTS AND REFUGEES

The County supports:

1. Revision of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to do the following: (See glossary for definition of "Personal Responsibility and Work Opportunity Reconciliation Act of 1996.")
 - Align the Food Stamps program with TANF-funded programs and other federally funded programs. Increase the minimum allotments under Food Stamps, increase income eligibility limits, and eliminate barriers for employed two-parent families to continue receiving Food Stamps.
 - Within both the Food Stamps and TANF-funded programs, the County supports benefits that accurately reflect regional cost of living.
 - Eliminate the three-month limit on Food Stamps for Able-Bodied Adults without Dependents (ABAWD).
 - Allow non-citizen legal immigrants to receive foster care and adoptive parent benefits during their first five years in the country.

- Repeal the requirement that welfare departments report to the ~~INS~~ *Bureau of Citizenship and Immigration Services (BCIS)* any “known” undocumented clients.
2. Funding for refugee services which, in addition to caseload demands, reflects continued needs.
 - Continuation of federal policy to allow 70,000 refugees to enter the United States each year.
 - The County supports federal policy change to allow states to utilize their allocation of federal refugee funds to provide services to refugees who are in the country after five years.
 - The County supports full federal funding to provide services to all refugees in need of cash, Medi-Cal, and employment and training services. The County opposes efforts to reduce the “time-eligibility period” for refugees receiving public assistance. In addition, the County opposes efforts to circumvent state and local authority in allocating refugee funding, and opposes efforts to redirect funding for cash and medical assistance to private voluntary agencies.
 3. Increased staffing and resources for local ~~Immigration and Naturalization Services (INS)~~ *Bureau of Citizenship and Immigration Services (BCIS)* offices in order to reduce the time frame for the immigration process. Additionally, the County supports reclassifying the San Jose ~~INS~~ *BCIS* office as a regional office, receiving an independent funding allocation from San Francisco.
 4. Efforts to provide avenues for immigrant professionals to practice their professions in this County through flexibility in professional licensing.
 5. Efforts to enact an amnesty program to allow currently undocumented persons who have lived continuously in this country for a specified period of time to become legal residents of the United States of America and eligible for naturalization.
 6. Modifications to State law to allow individuals in the process of adjusting their immigration status to apply for a temporary driver’s license.
 7. *Restoration of the State Naturalization Services Program (NSP), which provides funding to the County and non-profits which serve immigrants.*

8. *Continued funding for the Cash Assistance Program for Immigrants (CAPI) and California Food Assistance Program (CFAP) which provide food assistance to low-income immigrant families.*

HEALTH AND HOSPITAL

LEGISLATIVE POLICIES

State and Federal legislative policies for the Health and Hospital Agency are discussed in this section. This Agency includes Santa Clara Valley Medical Center (VMC), the Department of Alcohol and Drug Services (DADS), the Department of Mental Health, Department of Public Health, the Ambulatory Care and Community Health Services Administration, and Children's Shelter and Custody Health Services, Valley Health Plan (VHP) and Community Outreach Programs (COPS).

Santa Clara County faces another difficult year in the Health and Hospital legislative arena. At the federal level, the County joins many state governments in seeking improvements to a chronically-underfunded Medicaid program which is falling further and further behind in its ability to provide adequate health care services to the poor. We will also continue to work with our fellow public hospital providers in fighting scheduled reductions to the Disproportionate Share Hospital (DSH) program. The County also strongly supports inclusion of a prescription drug coverage as part of the Medicare program, thereby creating enormous fiscal relief for seniors.

The State budget crisis continues to leave public health and hospital services vulnerable. The County will focus legislative efforts on protecting funding for health care services, whether it is in the form of Medi-Cal benefits, Healthy Families eligibility, provider reimbursement rates or educational services for healthcare professionals.

~~As 2003 begins, several issues with enormous financial implications remain outstanding at the federal level. These include reductions in the Disproportionate Share Hospital (DSH) payment schedule. Resolution of these issues is critical to the financial well-being of Valley Medical Center as well as hospitals throughout the State.~~

~~The Health and Hospital system faces funding crises at the State level, as well. The County will continue to resist proposals to reduce spending in this area, particularly those which would decimate our Mental Health system and ultimately create much greater societal costs.~~

Finally, many areas of the Health and Hospital system are plagued by increasingly bureaucratic reporting requirements which do not enhance patient care. The County will *continue to work to identify ways to insure accountability while simplifying processes, which in turn will allow staff time to be dedicated towards providing health care services.*

HEALTH CARE COVERAGE/BENEFITS

The County of Santa Clara supports:

1. The development, administration and funding of a health care system that will provide access to health insurance to all individuals, regardless of their ability to pay, including:
 - Efforts to eliminate or reduce insurance premiums and co-payments that serve as a barrier to care.
 - Preservation of the safety net, including funding levels and governmental obligations for indigent health services.
2. Access to health care for residents who are not eligible for Medi-Cal or Medicare and other health programs, such as ~~some~~ *all* legal immigrants, including:
 - Access to prevention services for patients no longer eligible for Medi-Cal managed care.
 - Access to health care for pregnant women that are not covered by other insurance.
3. Federal and state funding for the County's Children's Health Initiative, which provides access to health care for all children *whose families otherwise cannot afford insurance.* ~~, regardless of eligibility for other programs.~~
4. Efforts to prevent the development of managed care systems for any health care program (including mental health and substance abuse) which allow providers to choose only the healthiest, lowest cost patients ("cherrypicking") or restricts benefits to low cost or extremely limited services.
5. With regard to the Medi-Cal (Medicaid) program, the County supports:
 - An increase in Federal Medical Assistance Percentage (FMAP), which would raise federal Medicaid reimbursements *to California.*
 - *An increase in Medi-Cal provider rates to preserve and augment the number of Medi-Cal providers.*

- An adjustment in the Medi-Cal “share of cost.” Because the share of cost has not been adjusted in some time and has become very high, health care services remain out of reach for many individuals.
 - ~~Expanded dental benefits and reimbursement increases for dentists that accept Medi-Cal.~~
 - Funding for expanded outreach.
 - Sufficient funding levels for Medi-Cal field offices to improve the timeliness and adequacy of Medi-Cal payments, and the enactment of administrative simplifications to Medi-Cal operations and requirements.
 - Sufficient health care resources for children in the foster care system, in particular children in out-of-county placements that require mental health services.
 - *Simplification of reporting requirements for Medi-Cal pharmacy providers.*
6. ~~Federal and state funding and flexibility~~ to provide preventive and primary health care and mental health services to the County’s jail population.
7. Efforts to increase Medi-Cal enrollment, including:
- ~~Streamlined eligibility requirements that are consistent with the new simplified application process to diminish the backlog of cases that have been submitted but not enrolled.~~
 - Allow presumptive eligibility and a one-year “lock-in” into the plan, whereby services can begin before paperwork is completely processed.
8. Efforts to increase enrollment in the State Children’s Health Insurance Program (SCHIP), known as “Healthy Families” in California, including:
- Expanded eligibility to cover uninsured children in families at or below 300% of poverty level.
 - Expanded coverage for families of eligible children.
 - Reimbursing providers through the Healthy Families program for prenatal care provided for children born in California who become eligible for Medi-Cal or Healthy Families upon birth.

- A federal waiver which would allow local dollars, in addition to the State's contribution, to be counted as matching funds, thereby increasing the federal draw-down.
9. Addition of a prescription drug benefit for seniors. At the federal level, the County supports this benefit under the Medicare Program. *The County also supports "reimportation," the ability of distributors to import prescription drugs -- manufactured in the U.S. and possibly elsewhere -- from Canada into the U.S. or to allow individuals to purchase medications directly from Canadian pharmacies.*
 10. *Expanded Medi-Cal eligibility to cover incarcerated individuals.*

GENERAL HEALTH ISSUES

The County supports:

1. Careful implementation and clear interpretation of the Health Insurance Portability and Accountability Act (HIPAA) (see glossary) to:
 - Maximize the timeframe for implementation.
 - Minimize the impact on the Medi-Cal payment system.
 - Provide funding for implementation.
2. The ability of the County to self-certify Medi-Cal inpatient billings, providing VMC with a timelier cash flow.
3. Efforts to continue to preserve counties' ability to provide Emergency Medical Services (EMS) by upholding the California Supreme Court decision in *County of San Bernardino v. City of San Bernardino*.
4. Efforts to give counties more flexibility to redirect current funding to develop coordinated "wrap around" and case management care. For example, allow counties to use funds for public health and alcohol and drug services to develop comprehensive services for substance abusing pregnant women and their families.

5. Funding for child advocacy centers that offer medical, mental health and prosecutorial services in one setting for children who have been neglected, abused or assaulted.
6. ~~Clarification in state and federal law related to the use and distribution of medicinal marijuana.~~

HEALTHCARE WORKFORCE ISSUES

The County supports:

1. Funding for programs that encourage the professional development of a healthcare workforce. These might include:
 - Housing funding to help recruit health professionals, including financing of construction or loans.
 - Scholarships and loan forgiveness to increase enrollment in the health fields of study.
 - Funding for the State Loan Payment Program to expand the program to provide more assistance to primary care professionals and expand the Program to include specialists such as Mental Health professionals.
 - Funding for academic institutions to expand capacity in health fields.
 - Funding for public hospitals/health facilities to increase training opportunities.
2. *Visas and regulatory changes to allow properly trained immigrants to work in the health field, including:*
 - *Extension of the H1-C visa category, which allows individuals with a registered nursing degree from another country to work in the United States for three years.*
 - *Modification of the H1-B visa requirement that individuals hold a bachelors degree if they will be employed as a Diagnostic Imaging Technician – a profession which does not require a B.A. in the United States.*
3. Licensure of clinical lab scientists based on national standards.

4. Reciprocity with other states for ~~pharmacists and~~ lab technicians.
5. Continuing to safeguard hospitals' authority to determine health care staffing and appropriate use of unlicensed personnel.
6. *A reasonable and responsible interpretation of nurse-staffing ratios and policies.*
~~Maintaining flexibility with regard to nurse-to-patient ratios for general acute care facilities, and funding to assist hospitals in accommodating pending ratios.~~

VALLEY MEDICAL CENTER

The County supports:

1. Maintaining funding for the Disproportionate Share Hospital (DSH) program, which reimburses hospitals and health programs that treat large numbers of Medicaid and/or uninsured patients, including:
 - Efforts to maintain the DSH Upper Payment Limit (UPL) at the highest possible level for public hospitals. (Please see glossary for a definition of "Upper Payment Limit.")
 - Efforts to freeze DSH reductions at the FY 2000 level. (Please see glossary for a definition of "Disproportionate Share Hospitals.")
2. Changes to the Disproportionate Share Hospital (DSH) program which would:
 - Provide increased funding in order for the program to remain a viable means of financing the health care safety net.
 - Restructure the program to establish long-term stabilization.
3. Mitigation of the federal Balanced Budget Act of 1997 (BBA), including:
 - Funding streams for important programs like Indirect Medical Education (IME) are reduced under the BBA.
 - Reductions to health care providers. For example, physician reimbursements were reduced by 5.4% in January 2002 and are scheduled to decline by 17% by 2005.

4. Continuation of the OBRA cap exemption as it relates to the Disproportionate Share Hospital program and Upper Payment Limit. This exemption allows the County to receive the maximum amount of federal funding. (*See glossary*)
5. ~~Final settlement of the lawsuits filed against the State of California regarding Medi-Cal outpatient services, requiring financial participation from both the state and federal governments.~~
6. Reducing the DSH Administrative Fee paid by public hospitals to the state to participate in the DSH program so that the Administrative Fee reflects the actual costs of administering the program. *The DSH Administrative Fee is currently \$85 million a year statewide.*
7. Protection of Medicare, Medicaid and other federal health programs, including efforts to maintain sufficient funding levels to serve eligible populations. For example, the County opposes any further reduction in Medicare payments to providers, or further Medicaid cuts.
8. Creation of new sources of funding for safety-net hospitals.
9. Increased support for the State's system of trauma care.
10. Funding and flexibility to meet the state's increasing seismic safety requirements for hospitals.
11. *Allowing the State Office of Statewide Health Planning and Development (OSHPD) to receive a hiring freeze exemption for certain staff positions critical to hospital seismic safety projects.*
12. Expanding local governments' role in the transfer of non-profit health facilities (regardless of the entities' out-of-state or tax exempt status) as well as attempts to close emergency rooms or reduce a hospital's capacity.
13. Continued efforts to ensure insurance companies make payments in a timely manner.
14. Funding to upgrade and construct community clinics and other health care facilities that will accommodate previously uninsured individuals that are now seeking health care.
15. Changes to Penal Code Section 290 that would *require* ~~allow~~ hospitals and other health care providers to obtain criminal information on *current employees* ~~job applicants~~ that have access to children and other vulnerable populations.

MENTAL HEALTH

The County supports:

1. *Full reimbursement for counties' costs associated with the AB 3632 program, which provides mental health treatment services to Special Education pupils.*
2. Additional funding or regulatory relief to address chronic under-funding and inability to provide needed services to mental health consumers.
3. Medicaid expansion to reimburse services to the mentally ill provided treatment in IMD's and free standing psychiatric hospitals. The County also supports state control over rate setting.
4. Continued State funding for the Children's System of Care.
5. Reinstatement of State funding for the AB 34/2034 program, which instituted grants to local governments to address the population of homeless mentally ill.
6. Funding to cover costs of medication and treatment programs targeted to uninsured, incarcerated individuals with mental illness or substance abuse problems.
7. Medicaid reimbursement for mental health services to juveniles in Juvenile Hall or the ranches (pre- and post-adjudication).
8. State funding assistance for mental health clients who have been found to be incompetent to stand trial (Murphy Conservatorships).
9. Initiatives to provide increased mental health services to adoptive and foster care youth; and funding to serve seriously emotionally disturbed youth who are not eligible for services under other public programs or private insurance.
10. New initiatives to provide intensive and comprehensive services to the mentally ill at risk of homelessness, incarceration and involuntary hospitalization, including efforts to continue funding for Mentally Ill Offender Crime Reduction (MIOCR) grants and to expand the program to juveniles.
11. Funding to upgrade and construct community clinics and other mental health facilities.

12. At the ~~state and~~ federal levels, the County supports the expansion of health care insurance coverage to provide the same rates, terms and conditions for mental illness as applied to other medical conditions.
13. Increased federal funding for mental health services, particularly programs administered by the Substance Abuse and Mental Health Services Administration (SAMHSA).
14. Support of integrated service models to meet the needs of individuals with dual diagnosis of mental illness and substance abuse.
15. Support of programs serving individuals with severe psychiatric disorders and complicating medical conditions including brain injury, dementia, and complicated chronic medical problems.

ALCOHOL AND DRUG SERVICES

The County supports:

1. Efforts to restore, retain and secure new funding for comprehensive alcohol and drug abuse treatment services for adults and children, including:
 - Efforts to expand treatment services included in adult and juvenile drug court.
 - Access to funding from the Federal Crime Bill to serve the criminal justice system.
 - Substance abuse treatment for families in the child welfare system. Approximately 75% of child welfare cases are substance abuse related.
 - Relaxation of restrictions on use of TANF allocation for substance abuse treatment.
 - Additional resources to provide transitional housing.
2. Restructuring of the Medi-Cal reimbursement system for substance abuse services similar to the “rehabilitation option” offered for mental health services.
3. With regard to the Healthy Families Program,

- Making the range of benefits for substance abuse available similar to those available for mental health services.
 - Increasing the reimbursement rate for substance abuse services.
4. Efforts to consolidate data and funding streams between the fields of behavioral health and drug and alcohol services.
 5. Efforts to maintain group homes that provide quality services and are not subject to arbitrary and unreasonable zoning restrictions.
 6. Continued efforts at the state level to develop a substance abuse treatment program for adolescents, who require a different treatment model than adults.
 7. Expansion of health care insurance coverage for substance abuse treatment under public and private plans to achieve parity with physical illnesses, with an expanded scope of benefits and increased rates.
 8. Increased local control over expenditures of federal alcohol and drug services grants. In particular, many federal grants have strict and detailed categorical requirements, which prevents local agencies from allocating funds to alcohol and drug programs according to greatest need.
 9. Development of a coalition of city, county and state governments and health care organizations to include treatment and prevention in the focus and funding of the “War on Drugs.”
 10. Measures to limit or counter the advertising of alcohol and drug-related products to minors.

PUBLIC HEALTH

The County supports:

1. Increased support for the public health infrastructure, including the following programs and efforts:
 - Disease control, including prevention, surveillance, laboratories, epidemiology, community health assessments, and treatment.

- Specific infrastructure such as information systems, immunization registries, and public health system training.
2. Funding for public health programs, such as:
- Oral health programs, including prevention programs.
 - Greater resources dedicated to surveillance and prevention programs targeting chronic diseases such as cardiovascular, stroke, cancer, diabetes and asthma.
 - *Combating infectious diseases, such as Hepatitis C and Chlamydia, to provide screening, diagnosis and treatment.*
3. Funding for children's programs, including:
- Local Child Health Disability and Prevention (CHDP) programs for promoting nutritional and oral health.
 - Programs aimed at increasing immunization rates in infants and toddlers.
 - Perinatal Substance Abuse through MCH for "wrap-around" services including home visiting.
 - Maintenance or increased Title V funding for infrastructure at local levels to promote optimal health and well being for the Maternal, Child and Adolescent Health (MCAH) population. "Fair Share" legislation is also necessary in this area to bring California in line with other funding for other states.
 - Nutritional programs such as Women, Infants and Children (WIC) to counter food stamp eligibility restrictions.
 - *Expanded coverage in the California Children's Services (CCS) program for clients who are not Medi-Cal eligible.*
4. With regard to clean-needle exchange programs, the County supports:
- Efforts to strengthen needle exchange programs as part of an overall program to combat the spread of HIV and other diseases.

- Allowing items associated with needle exchange programs such as cookers, sterile water and cotton to be distributed along with clean needles.
 - Modification of current noticing requirements to allow for the declaration of a public health emergency less frequently than every two weeks.
 - Allowing pharmacies to sell up to 30 hypodermic needles or syringes without a prescription.
5. *Adequate funding for the AIDS Drug Assistance Program (ADAP), which provides access to treatment for low-income people living with HIV.*
 6. Continued funding of grant programs, including:
 - *Injury prevention, including traffic safety and violence prevention efforts and grant opportunities like those offered through the Juvenile Justice Challenge Grants.*
 - The Traffic Safe Community grant program.
 7. Funding and policy changes which would allow counties to play a greater role in environmental health assessment, including funding for lead abatement programs.
 8. Insuring availability of a continuum of health services for women, including but not limited to prenatal care, well-baby care, substance abuse prevention and treatment, and nutritional education and assistance. Support continued funding for perinatal outreach to inform communities of available services, and home visiting programs.
 9. Reproductive choice for all women, regardless of ability to pay.
 10. Maintaining a mandatory motorcycle helmet law.
 11. In the area of family violence and intervention, the County supports programs that integrate the practices of public health, child welfare, law enforcement, the courts and community based domestic violence providers, such as demonstrated in the County's "Green Book" project.
 - ~~12. Efforts to give counties more flexibility to redirect current federal funding streams in order to develop coordinated "wrap-around" services and case management care. The County supports the development of federal public~~

~~health block grants (performance partnership grants), which allow for local program flexibility.~~

13. Ability to streamline and simplify contracts with the Department of Health Services (DHS).

BIOTERRORISM

The County supports:

1. *Adequate funding for bioterrorism preparedness and response, including:*
 - *Development of hospitals' infrastructure against bioterrorism, including funding for training, supplies and equipment.*
 - *Increased support for the public health infrastructure, including epidemiological surveillance systems, expanded laboratory capacities, and staff training.*
2. *Expedited pass-through of federal and state Homeland Security funding to local governments.*
3. *Greater flexibility in use of federal funds to accommodate training and personnel costs as well as multi-use programs which meet a variety of public health needs.*
4. *Allowing for multi-year contracting for ongoing programs, to save staff time at the local level.*
5. *With regard to the federal Metropolitan Medical Response (MMR) program, require that counties serve as lead agency, since in California only counties (and not cities) provide health services.*

FIREARMS

The County of Santa Clara supports:

~~Specific criteria and General Principles related to firearms legislation.~~

~~Point #1: To have Uniform practices/standards for firearm legislation across county and city jurisdictions.~~

~~Point #2: To~~ *Efforts to maximize responsible, accountable and safe manufacture, sale and use of firearms.*

~~Point #3: To close~~ *Closing gaps in existing firearms legislation.*

~~Point #4: To protect~~ *Protecting the community and firearm owners from products that present a serious risk of injury because of hazardous design or manufacturing defects, and from firearms that pose undue hazards. Firearms posing undue hazards.*

~~Point #5: To enforce~~ *Enforcement of existing firearm laws.*

~~Point #6: To accommodate~~ *The safe and lawful use of firearms for organized shooting sports, hunting or target practice, law enforcement and self-defense.*

~~Point #7: To protect collectors of guns.~~ *Protections for gun collectors.*

Assault Weapons

Support a ban on the importation or transfer of large capacity ammunition magazines.

Support a ban on the sale of “assault-type” pistols such as the Intratec TEC-9.

Children’s Access to Firearms

Support prohibition of unsupervised access to all types of firearms for those under age 18.

Support increased penalties (through fines or imprisonment) for allowing juveniles illegal access to firearms.

Sale

Support the requirement that the sale of assault weapons and their components be conducted in person.

Support the requirement that the sale of firearms over the Internet must be conducted by a licensed firearm dealer, except for curios and relics. (As indicated previously, the sale of assault weapons and their components would be required to be conducted in person.)

Support a ban on the sale of handguns, semiautomatic assault weapons, and large capacity ammunition feeding devices to individuals under 21 years of age.

Support the limited sale of concealable firearms to one gun per month.

Litigation

Support the right of State, local government or an individual to bring civil action seeking damages from injuries/costs resulting from unlawful or unfair business practices, unlawful use of a firearm, or manufacture, sale or distribution of unsafe firearms.

Gun Buy Back Program

Support legislation that funds community gun buy back programs.

Gun Shows

Support the requirement that criminal background checks be run on all firearm sales at gun shows.

Support the requirement that allows only licensed individuals to organize, plan, promote or operate a gun show.

Support requirements that further regulate gun shows with respect to noticing of events and record keeping.

Safety

Support a ban on junk guns (Saturday Night Specials).

Support provisions that further differentiate a junk gun from a sporting handgun.

Support the requirement that all firearms sold shall include a locking device, with the exception of sales to law enforcement officers.

Support requirements that hold domestically manufactured handguns to the same standards as imported handguns.

PUBLIC SAFETY AND JUSTICE

LEGISLATIVE POLICIES

Federal and State legislative policies for the Department of Correction, Probation Department, ~~Superior Court~~, District Attorney, Public Defender, Sheriff, Criminal Justice Information Control (CJIC), Pre-Trial Services and *the Network for a Hate Free Community* are discussed in this section.

In recent years, federal funding sources, particularly the State Criminal Alien Assistance Program (SCAAP), have not grown in proportion to need and in some cases have been reduced. The County encourages Congressional attention to the continued need for adequate levels of federal funding for public safety and criminal justice programs.

The County also opposes the provisions of the U.S.A. Patriot Act that infringe on important civil liberties and any future legislation, rules, regulations or executive orders that strengthen, reinforce, broaden or otherwise expand the provisions of the act that infringe upon civil liberties.

At the state level, counties will be fighting to protect juvenile justice funding which supports prevention, early intervention and remediation services for at-risk youth. And, while the state will undoubtedly be forced to make dramatic cuts in a number of programs, the County will continue to support investment in prevention and treatment-oriented programs, such as in Drug Court and Mental Health Court, which provide long-term cost savings to the County, State and society.

PUBLIC SAFETY FUNDING

1. The federal Crime Bill (Federal Crime Control and Law Enforcement Act of 1994, P.L. 103-332) authorized a wide variety of programs including law enforcement, prevention, education and treatment programs that now function independently. Within each of these programs, the County supports:
 - Funding allocations and formulas which do not eliminate from eligibility jurisdictions with low crime rates, and which do not favor cities at the expense of counties.
 - Continued funding for prevention, education, treatment, law enforcement and expanded funding for public defender services.

- Consolidation of grant programs and simplification of application and reporting procedures, to prevent the need for preparing, monitoring and reporting on a multitude of grant applications. As enacted, the Crime bill created more than a dozen new grant programs, administered by a number of federal agencies.
 - Efforts to expand local government access to grant programs and funding, which are currently directed to states only.
2. *At the State level, full restoration of Standards and Training for Corrections (STC) funding deleted in the FY 2003-04 State Budget. STC dollars reimburse the County for necessary training.*
 3. Federal and state funding to assist mentally ill offenders, including:
 - *Restored ~~Continued~~ state funding for Mentally Ill Offender Crime Reduction (MIOCR) grants.*
 - Expansion of the MIOCR program to juveniles.
 - Treatment options for individuals with varying degrees of mental illness, from the moderately mentally ill to seriously mentally ill.
 4. *Continuation of the federal Southwest Border Prosecution Initiative, which funds prosecution and custody costs.*

GENERAL PUBLIC SAFETY ISSUES

The County of Santa Clara supports:

1. With regard to DNA testing:
 - Adequate funding to cover the costs of testing and new trial activities.
 - Efforts to facilitate and fund regional lab facilities, which are administered by local jurisdictions.
 - For federal and state crimes, the County supports post-conviction testing of DNA evidence for defendants where the technology available at the time of trial and where identity was a significant issue that resulted in a conviction.

2. Funds for substance abuse treatment, case management, in-custody programs, supervision services and housing within and outside of treatment courts, accompanied by:
 - Expanded treatment options for drug offenses to make sentencing more flexible, including the expanded use of the California Rehabilitation Center for severely addicted drug users.
 - Funding for substance abuse treatment for adult diversion programs (deferred entry of judgment), particularly for those not eligible for services under Proposition 36.
3. Efforts to assist the County in the recruitment and retention of criminal justice officials, including:
 - Housing assistance for public employees.
 - Improved pay for *State and federal* employees that impact the county criminal justice system, such as the I.N.S., U.S. Attorney's Office, and Insurance Fraud Bureau *to attract and retain a quality workforce.*
4. *Efforts to strengthen hate crime laws and programs which address the prevention of such crimes.*

PUBLIC SAFETY AND JUSTICE CAPITAL NEEDS

The County supports:

1. Facilitation of the construction and operation of juvenile and adult correctional facilities, including:
 - Adequate funding for the construction, expansion, and maintenance of local justice facilities. At the federal level, the County also requests the flexibility to use funding for replacement facilities.
 - Continued flexibility on state regulations regarding the construction and operation of correctional institutions and Correctional Treatment Centers.
 - Continued flexibility on federal regulations regarding the construction and operation of correctional institutions, including jails and juvenile ~~hall~~ facilities.

The County opposes federal funding opportunities that link the receipt of funds to additional program restrictions.

2. Efforts to maximize, and expand if necessary, the use of existing State facilities and programs to ensure the adequate placement of youth and mentally ill offenders.
3. Adequate funding for technology projects, such as electronic transmission of evidence, satellite communication systems, transfer of fingerprint data, and internal communications projects.

TRIAL COURT FACILITIES

The County supports:

1. *Continued negotiation regarding the county facilities payment, including:*
 - *Modifying the calculation of utility costs to include recent years of very high energy bills*
 - *Exploring the exclusion of expenditures from one-time grants or the Courthouse Construction Fund*
2. *The County opposes any attempt to change seismic standards for the conversion of facilities.*
3. *Revision of the Maintenance of Effort (MOE) to accommodate changes in our local economy which resulted in decreased expenditures.*

PROBATION DEPARTMENT

The County supports:

1. *Full restoration of Standards and Training for Corrections (STC) funding deleted in the FY 2003-04 State Budget. STC dollars reimburse the County for necessary training.*
2. *Maintenance and restoration of State Juvenile Justice Crime Prevention Act (JJCPA) dollars, a critical funding source for a number of innovative, local prevention programs.*

3. *Protection of the federal Juvenile Accountability Incentive Block Grant (JAIBG) program, which was reduced by 30% in FFY 02-03. This funding stream promotes a number of alternatives to the traditional juvenile justice system, such as the Restorative Justice Program.*
4. *Continuation of the State's "carve out" of Temporary Assistance to Needy Families (TANF) dollars for Probation services.*
5. *Modify the distribution of Truancy Fines from local school districts to the Probation Department to reimburse the County for related services. Schools are already rewarded financially through the increased ADA generated by the truancy program.*
6. **Continued funding for juvenile justice programs focused on a continuum of services, to allow counties to develop and expand innovative prevention, intervention and treatment programs.**
7. **Funding for alternatives to juvenile incarceration, such as electronic monitoring and diversion programs.**
8. **Exploring options to enhance educational services for children in the juvenile and dependent care system, and improve collaboration between county placement agencies, the County Office of Education, and regional centers.**

DEPARTMENT OF CORRECTION

The County supports:

1. **With regard to the State Criminal Alien Assistance Program (SCAAP), the County supports:** *(Please see glossary for definition of "State Criminal Alien Assistance Program.")*
 - **Federal funding at a level which adequately compensates all applicants. In recent history, program funding has remained level while applications have greatly increased. Santa Clara County's share has subsequently declined.**
 - **The ability to claim for adjudicated delinquents.**
2. *Full restoration of Standards and Training for Corrections (STC) funding deleted in the FY 2003-04 State Budget.*

3. Efforts to provide maximum local control over county jail populations, including:
 - Amendments to Penal Code Section 4019 to equalize local and state good-time credits so that the incentive to serve time at local expense is eliminated.
 - Clarification that good conduct and work credit should not be given to persons participating in the home detention electronic monitoring program.
 - Development and financing of alternatives to incarceration, including the development of community monitoring, and expanded treatment resources.
 - ~~Additional flexibility in housing civilly committed inmates.~~
4. Increasing the rate paid by the State for housing State inmates in County jails, *and increasing the rate for prisoners with special medical/religious dietary needs.* The rate has been capped at the same amount for at least *seven* ~~six~~ years. The County also supports clarification of what constitutes routine and non-routine inmate medical costs, and allowing counties to estimate overall medical costs.
5. Ability to recover custodial and medical costs prior to arraignment.
6. Funding for psychotropic drug costs incurred by incarcerated mentally ill offenders, *and a 30-day supply of drugs given to mentally ill patients upon release.*
- ~~7. Modification of the funding formula for the victim witness program, which disadvantages areas with low crime rates.~~
- ~~8. List custodial officers as among those persons who are mandated reporters of child abuse.~~
9. Clarification that law enforcement and jails have authority to hold persons who are arrested and released due to public intoxication, until he or she is sober and can exercise care for his or her own safety.

~~SUPERIOR COURT~~

- ~~1. Efforts to support and facilitate Superior Court operations. The County supports:
 - Funding for both Trial Courts and County Government to develop and expand specialty courts, including Drug Treatment and Mental Health Courts.~~

- ~~Efforts to require that motions for the assignment of another judge, court commissioner, or referee be filed within 10 days of assignment rather than at any time prior to trial or hearing.~~
- ~~Elimination of the requirement that Municipal Court clerks maintain court dockets. Since the reunification of the Superior and Municipal Courts in 1998, this statute is no longer applicable.~~
- ~~Efforts to eliminate a County General Fund match as a requirement for increasing fees in a civil action or proceeding to defray the cost of automating the trial court record keeping system.~~

PUBLIC DEFENDER

The County supports:

1. State funding of Penal Code Section 987.6, which states that counties should receive reimbursement of up to 10% of the costs of indigent defense.
2. Elimination of “case-dropping” by private attorneys. The County supports amending Penal Code Section 987.1 to allow judges to require private attorneys to represent these defendants until their cases are adjudicated in Superior Court. This change would eliminate case dropping by private attorneys and reduce the need for Public Defenders or court-appointed counsel to assume representation on these cases.
3. State reimbursement for the costs to counties of defending capital cases, including the costs of expert witnesses (Penal Code Section 987.9), with a provision that would make the reimbursement retroactive, so that costs currently being incurred would be claimable.

DISTRICT ATTORNEY

The County supports:

1. *Modifications to the Business and Professions Code to enhance the regulation of immigration consultants, including a requirement to obtain a professional license.*

2. *Providing crime victims who are developmentally disabled or who suffer from a cognitive mental impairment the same protections in court that are now available for children who are victims of crime.*
3. **Allowing district attorneys and county counsels to recover costs from parents for the representation of dependent children.**

SHERIFF

The County supports:

1. **Allowing law enforcement full cost recovery for *civil* process serving.**
2. **Good Samaritan law for medical personnel training with and accompanying SWAT teams in order to limit malpractice claims and liability.**
3. **Efforts to facilitate the enforcement of moving violation citations issued as a result of infractions captured on photo radar.**
4. *Local authority to regulate Indian Gaming facilities and adequate reimbursement to cover increased enforcement costs.*

PROPOSITION 36

The County supports:

1. Follow-up legislation and full funding to assist counties in implementing Proposition 36. Specifically:
 - Funding for drug testing for Proposition 36 defendants.
 - Funding for Probation departments to monitor Proposition 36 drug offenders.
 - Funding for inmates incarcerated in jail pending assessment and a pledge of future funding for incarcerating the offenders who have failed substance abuse treatment.

HOUSING, LAND USE, ENVIRONMENT AND TRANSPORTATION

LEGISLATIVE POLICIES

State and Federal legislative policies for the Environmental Resources Agency, Roads and Airports Department, and *the Office of Affordable Housing* ~~a variety of County programs that address housing needs~~ are discussed in this section.

Santa Clara County continues to seek solutions to the housing and transportation problems that plague our region. Despite the current economic downturn, the County continues to face an acute lack of affordable housing as well as severe traffic problems. While there are significant local contributions towards the resolution of these problems, such as the establishment of the Housing Trust and the approval of a locally imposed transportation sales tax, state and federal assistance is also required to maintain the economic viability of the Silicon Valley.

The County *has already assisted local housing projects in accessing* ~~is looking forward to~~ the new housing revenue stream created by the Housing Bond (Proposition 46) approved in November 2002. The County also supports changes in state and federal law that would encourage housing development and road construction, as well as a modification in state law to reduce the 2/3 vote requirement for local sales tax measures which would benefit transportation projects *and other infrastructure needs*. In addition, the County supports simplified and expedited permitting at the state and federal levels. Current permitting requirements significantly slow down County projects such as road repair, creating more costly projects and ultimately delaying the project's benefits to Santa Clara County residents.

HOUSING

The County of Santa Clara supports:

1. Solutions to the region's housing crisis that address the needs of the homeless, low-income and extremely low-income residents such as CalWORKs clients, at-risk families, *clients receiving alcohol and drug treatment*, special needs populations such as the mentally ill and developmentally disabled, and the elderly.

2. The County encourages the preservation of existing affordable housing and development of new affordable housing. Mechanisms might include:
 - The development of a Statewide Housing Trust Fund.
 - Continuation of the low-income housing tax credit.
 - Efforts to use surplus public land.
 - Programs that provide supportive housing, housing cost reimbursement opportunities and ancillary services to increase self-sufficiency for CalWORKs clients.
 - Expanded financing options, such as bonds and tax credits, for affordable housing.
 - Assistance to first-time homebuyers.
 - Special consideration given to high-cost areas such as Santa Clara County.
 - Incentives, through tax credits or other methods, to sell or transfer existing single family homes for use as group homes.
 - Increased incentives, such as tax credits, for for-profit affordable housing development.

3. With regard to the federal Section 8 program, the County supports:
 - Preservation of existing Section 8 units.
 - An increase in the number of Section 8 vouchers.
 - ~~An expanded definition of Fair Market Rent (FMR) so that Section 8 certificate holders can utilize their vouchers.~~
 - Making Shelter Plus Care funding permanently eligible for renewal from the Section 8 housing certificate fund rather than the yearly McKinney appropriation.

4. Increased federal funding for the Community Development Block Grant (CDBG), Home Investment Partnership Program (HOME), Housing for People with AIDS (HOPWA) and Emergency Shelter Grant (ESG) housing programs.

5. Full federal funding of the Stewart B. McKinney Homeless Assistance Act, which provides a number of programs related to shelter and related housing services. (Please see glossary for definition of “McKinney Act.”)
6. Modification of the State’s CDLAC distribution formulas, which finance Mortgage Credit Certificates (MCCs), to allow for homebuying in high-cost areas of the State. Such changes might include allowing local MCC issuers a larger share of the single family funding allocation, and allowing single family issuers (specifically local single family issuers) be considered for extra allocation when other issuers fail to spend their entire allocation.
7. Efforts to address California’s current jobs/housing imbalance, including incentives to locate employment centers near existing housing, and to insure an adequate housing supply is created near new employment centers.
8. Continued state funding and authority to use National Guard armories as shelters for the homeless in the winter months. The County also supports a decrease in the rent charged by the State for use of the armories.
9. Mechanisms to finance housing options for local government employees, so that the County may recruit and maintain a local workforce.
10. With regard to the State’s Housing Element, the County supports:
 - *Allowing jurisdictions to self-certify their Housing Element.*
 - Modifications to the current housing element requirements which do not dilute the goal of increasing the affordable housing supply, but rather eliminate administrative and other barriers which can impede successful submission of a housing element.
 - Recognition that the County of Santa Clara has a policy of not developing in unincorporated areas.
 - An adjustment in the way units are attributed to jurisdictions, so that local governments have an incentive to collaborate on affordable housing projects. *Similarly, localities should receive credit for units they assist in developing .*
 - The County opposes efforts to require compliance with the State’s housing element that include the loss of local government revenue or increased local government liability.

11. *Efforts to encourage development of “green” affordable housing which is environmentally-friendly and generates cost-savings for its residents.*

PLANNING, LAND USE AND DEVELOPMENT

The County supports:

1. Efforts to encourage “smart growth,” land use decisions which lead to more livable communities, including:
 - The establishment of higher-intensity corridors in specified urban areas, in compliance with existing General Plans.
 - Reevaluation of density rules that currently benefit lower density development.
 - Reconsideration of standards that favor vehicles over pedestrian traffic.
 - Examination of transportation demand management (TDM) activities in these areas.
 - Acknowledgement that cities and counties may develop differently, and recognition that the County of Santa Clara has a policy of not developing in unincorporated areas.
 - *Increased incentives for mixed use development, which could include both residential and retail units.*
 - The County opposes development incentives in the form of tax increment financing, which diverts property tax revenue from local government.
2. Close review of any new legislative efforts to manage regional growth issues.
3. Maintaining “revenue neutrality,” which, in an incorporation, helps counties preserve local revenues by requiring the transfer of revenue and responsibility to be revenue neutral.
4. Maintenance of adequate open space/park lands when infill development is utilized.

5. The County opposes legislation that restricts the ability of local governments to require new development to pay for the costs of infrastructure and services needed for such development, and to mitigate the impacts of development.
6. Continued local control over land use decisions. For example,
 - ~~The County opposes efforts to restrict local land use laws by providing religious institutions with preferential treatment for their structures and activities.~~ *The County opposes efforts to restrict local land use laws and to require preferential treatment by local jurisdiction in favor of any particular type of land use.*
 - Further, the County opposes providing property owners expedited access to federal courts for a regulatory “taking” of their property, skipping the state court level.
 - *Local authority to regulate Indian Gaming facilities and adequate reimbursement to cover increased enforcement costs.*
7. Expedited permitting by state and federal agencies that would allow county projects to be completed quickly and more efficiently.
8. *Programs supporting planning and land acquisition directed towards protection and enhancement of biotic communities, in support of Habitat Conservation Planning efforts.*
9. *Imposition of new General Plan requirements without adequate compensation or reimbursement.*
10. *To comply with mandates that require disclosure upon sale if a property is in an airport noise zone, the County supports requiring airports to provide noise contour data to the Airport Land Use Commission (ALUC).*
11. *Increased ability of the Airport Land Use Commission (ALUC) to impose fees which support its activities.*

AGRICULTURE/WEIGHTS AND MEASURES/ANIMAL CONTROL

The County supports:

1. Protection of existing revenue sources and maximizing available state funding which affects Agriculture/Weights and Measures, including the High Risk Pest Exclusion Program. The County supports timely state funding and local

flexibility to enhance the Agricultural Commissioner's ability to respond to pest emergencies. In most cases, reimbursement is ultimately provided by the state.

2. Enhanced local authority to modify fees for agricultural/weights and measures services to promote full cost recovery.
3. Creation or expansion of revenue sources for animal control activities.
4. Programs to ensure the legal, responsible and judicious use of pesticides by farmers and others in the production of a wholesome and safe food supply.
5. Expansion of federal funding participation in weed management efforts for noxious weeds, such as the yellow star thistle.
6. State and federal funding for agricultural activities such as the detection and elimination of trees with Sudden Oak Death (SOD) Syndrome.
7. Preservation of agricultural land through conservation easements.
8. Efforts to relocate, in Santa Clara County, the University of California satellite research station for agricultural research.

PARKS AND RECREATION

The County supports:

1. Funding for preservation of open space, regional parks, and urban facilities, with authority for the fund allocation and project designation given to local agencies.
2. Full federal funding of the local program component of the Land and Water Conservation Fund, which supports land acquisition and regional park development.
3. The policy of resource protection, for the safekeeping of lands in local, state and federal parks.

ENVIRONMENTAL HEALTH

The County supports:

1. With regard to Methyl Tertiary-Butyl Ether (MTBE):
 - At the state level, the County supports the removal of MTBE from fuel, and continued research into the public health impacts of MTBE in drinking water.
 - At the federal level, the County supports efforts to repeal the federal requirement that gasoline contain oxygenates while maintaining air quality standards, and continued research into the public health impacts of MTBE in drinking water.
2. Legislation aimed at improving the safety of the food supply so as to minimize the risks posed by bacteriological, viral, chemical and environmental contaminants and reduce the incidence of food borne illness.
3. ~~Efforts State assistance~~ to make information related to food facility reporting more accessible to the public.
4. Regulations to reduce the emissions of greenhouse gases by motor vehicles.
5. *Continued efforts at the Federal and State levels to create a Maximum Contaminate Level (MCL) for perchlorate in ground water.*
6. *Regulations regarding body art and the safe storage and disposal of associated biohazards (such as medical waste).*
7. *Efforts to address the impending arrival of the West Nile Virus in California.*
8. *Preventing the introduction of non-native species of insects with human medical significance.*

HAZARDOUS AND SOLID WASTE MANAGEMENT

The County supports:

1. Policies and legislation that promote improved markets for recyclable materials, which include efforts to:
 - Minimize the negative impact of the restructuring of the electricity industry on markets that divert wood waste from landfill disposal. The County supports the restoration of incentives that encourage the use of alternative energy sources

such as wood waste in the generation of electricity. These incentives were eliminated in the deregulation of electricity.

- Require minimum recycled content in products and packaging materials sold in California.
- *Create economic incentives for the use of recycled materials, including rubberized asphalt, through procurement preferences, tax policies and permit assistance.*
- Support administrative and legislative decisions to strengthen the Beverage Container Recycling Program to include the widest variety of beverage containers, including wine and liquor bottles.

2. With regard to solid waste management, the County **opposes**:

- Preemption of local planning decisions regarding solid waste facility siting, or of local solid waste and AB 939 fee-setting authority.
- Imposition of taxes or fees on local refuse programs to fund statewide program not directly related to solid waste management.
- *Imposition of mandates which place local government in a position of monitoring and/or enforcing compliance with state regulations.*

3. Monitoring legislation to further modify AB 939 and related solid waste management requirements.

- Continue support for existing AB 939 diversion requirements.
- Oppose legislation that would require burdensome changes to locally adopted plans.
- Support measures to simplify and improve state-mandated reporting.

4. Establishing alternative funding sources for integrated waste management programs, and increased consistency of grant opportunities over time, and to provide longer notice/lead time for submission of applications.

5. Legislation to increase manufacturer responsibility for plastics, including strengthening the Plastic Packaging Recycling Law by eliminating the exemption for food and cosmetic containers; establishing fees or banning the use of non-

recyclable plastics; requiring manufacturers to label the amount of post-consumer material in plastic containers.

6. Programs to ensure the maintenance of fresh water flows from the Sacramento River through the San Francisco Bay, including reductions in the discharge of hazardous substances into the San Francisco Bay and Santa Clara County waterways.
7. Protection of local solid waste franchising and fee-setting authority.
8. Adoption of national standards for minimum recycled content in manufactured goods, assuring that the concept of post-consumer waste is retained in the definitions.
9. Adoption of new manufacturing and packaging standards aimed at reducing the amount of solid waste generated on a national level.
10. Establishment of standard definitions of such terms as “recyclable” and “recycled.”
11. Clarification that solid waste and recyclable materials are not “property” as used in the Federal Aviation Administration Act. The Act preempts local governments’ ability to regulate the motor transport of property such as UPS and Federal Express shipments. A recent court ruling, if it prevails, may expand the definition to include solid waste, thereby invalidating many state and local government laws pertaining to solid waste.
12. *Implementation of E-waste legislation mandating producer responsibility which adequately reimburses local governments for clean-up costs.* ~~to require manufacturers to assume financial and/or physical responsibility for the costs of collection, processing, recycling, or disposal of products at end-of-life, especially products that:~~
 - ~~Contain toxic or hazardous materials.~~
 - ~~Are banned from disposal in municipal solid waste landfills.~~
 - ~~Pose a threat to the safe or efficient operation of a solid waste facility.~~
 - ~~Create significant economic burdens on local government.~~

13. Legislation to require the development and implementation of procedures to increase environmentally preferable purchasing and green building.
14. Requirement that all unsolicited mail is easily recyclable.
15. Legislation requiring manufacturers of household “sharps” (such as needles) to take responsibility for safe disposal of these wastes.

TRANSPORTATION

The County supports:

1. Adequate funding for local transportation needs, including:
 - *Ending the suspension of Proposition 42, which dedicates a percentage of the sales tax on gasoline to transportation projects.*
 - **Inclusion of county expressways in statewide transportation funding formulas.**
 - **Funding for maintenance, including pavement and technology maintenance, and right-of-way purchase.**
2. Expedited permitting by state and federal agencies that would allow County projects to be completed quickly and more efficiently.
3. Regarding reauthorization of the Transportation Equity Act for the 21st Century (TEA-21), the County supports continuation of the existing law, including:
 - **Maintenance of guaranteed federal funding levels for highways and transit.**
 - **Protection of Revenue Aligned Budget Authority (RABA) funds that come to counties.**
 - **Reauthorization of “Lifeline Transit,” locally administered through the Metropolitan Transportation Commission, as a way to improve a welfare client’s access to employment.**
 - ~~The County opposes efforts to eliminate transit funding currently~~
Continuation of the set-aside to assist welfare clients in accessing employment.

4. Ability to pass a local transportation sales tax with a less than two-thirds vote.
5. *Efforts at the state and/or federal level to increase or index the fuel tax to generate additional transportation funding.*
6. **Continued allocations of Petroleum Violation Escrow Account (PVEA) funds towards transportation-related energy conservation projects, such as signal improvements and Transportation Control Measures.**
7. State funding for battery back-up of light emitting diode (LED) traffic signals.
8. *With regard to the Metropolitan Transportation Commission (MTC) or an organization which merges MTC and the Association of Bay Area Governments (ABAG), the County supports equitable representation with regional balance based on population that includes a seat for Santa Clara County and the City of San Jose. ~~Changes to the governance structure and allocation formulas used by the Metropolitan Transportation Commission (MTC) to more accurately reflect South Bay needs.~~*
9. Efforts to fund regional transportation projects. The County will advocate for adequate revenues from the potential implementation of AB 595 (Regional Gas Tax), and participate as appropriate and necessary in the regional gas tax expenditure planning process.
10. Efforts to obtain state funding for community safety efforts, such as accident prevention and traffic safety efforts.
11. Legislation to address litter control and abatement problems in California, including measures to:
 - Increase funding for state and local litter removal projects.
 - Expand the enforcement authority of the California Highway Patrol (CHP) to include enforcement measures for any vehicle generating litter on public roadways.
 - Implement a strong statewide anti-litter outreach campaign.
12. Increased state funding to reduce the local match requirement for General Aviation Airport capital and planning projects.
13. Redesign of the FEMA reimbursement process, including:

- Adjustment of cost codes to better reflect the actual costs to be incurred by the respective jurisdiction.
 - Response to appeals and supplements within a reasonable time frame. FEMA should be held to the same deadlines as applicants. Currently, there is no deadline for FEMA's response.
 - Prospective application of new policy, guidelines or interpretations. Like other federal policies, FEMA policies should be subject to a public notice process to allow for public comment and provide advance warning of potential policy changes.
 - Assurance that work will be approved so the repair process can begin. The process is delayed when work approved by FEMA at the local level is rejected several months later at higher levels in the organization.
14. With regard to the 1996 Telecommunications Act, the County supports protecting local jurisdiction management of right-of-way, and establishing the ability for local governments to obtain reimbursement from entities such as cable operators that create a public cost.
15. *Statutory authority for the County to install "pedestrians prohibited" signs on County expressway right-of-way.*

GLOSSARY OF KEY TERMS, MAJOR LEGISLATION AND ACRONYMS:

AGRICULTURAL RESEARCH, EXTENSION AND EDUCATION REFORM ACT OF 1998: This federal law restored food stamp eligibility to many vulnerable legal immigrants:

- Elderly immigrants who were at least 65 on August 22, 1996 and lawfully residing in the U.S. on that date,
- Immigrants who are currently disabled or become disabled in the future who were lawfully present in the U.S. on August 22, 1996, and
- Children under 18 years old who were lawfully present in the U.S. on August 22, 1996.

Also under this law, refugees, asylees, persons granted cancellation of removal, Cuban/Haitian entrants and Amerasians will now be eligible for food stamps for 7 years (instead of 5) after entering the U.S.

CalWORKs: After federal welfare reform legislation was approved in 1996, California enacted its own version of the program, known as CalWORKs (AB 1542). CalWORKs imposed a lifetime limit on aid and created dramatic changes in the welfare program, including eligibility, work requirements, and other mandates.

CHILD CARE: STAGE 1, STAGE 2 AND STAGE 3: The CalWORKs program provides families who qualify for aid, and those transitioning off of aid, with child care as a supportive service. The three "stages" of childcare refer to three different funding streams for CalWORKs childcare:

Stage 1 is administered through county welfare departments for families who are currently receiving cash aid; Stages 2 and 3 are administered through contracts with local agencies to provide subsidized child care for families who are transitioning off aid and who have recently left the CalWORKs program.

DISPROPORTIONATE SHARE HOSPITAL (DSH) PROGRAM: DSH is a federal funding stream for qualifying hospitals that treat large volumes of Medi-Cal and low-income patients. DSH is influenced by both federal and state legislation. The amount of funding available to the program is determined at the federal level, while distribution of the funds occurs at the state level.

The “DSH Cliff” refers to reductions in the Medicaid DSH payment, contained in the Balanced Budget Act of 1997 (BBA). This reduction, known as the “DSH cliff,” was initially staved off through the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA).

EARNED INCOME TAX CREDIT (EITC): Currently, the Federal government offers a refundable tax credit of 40 cents for each dollar of earned income, up to a maximum credit of \$3,556 for families with 2 or more dependents where the amount of income earned is between \$8,900 and \$11,600 per year. California’s working poor would greatly benefit should the State choose to supplement the federal program.

EDUCATIONAL REVENUE AUGMENTATION FUND (ERAF): In 1992-93 and 1993-94, in response to serious budgetary shortfalls, the State Legislature and administration permanently redirected over \$3 billion of property taxes from cities, counties and special districts to schools and community college districts. These redirected funds reduced the state’s funding obligation for K-14 school districts by a commensurate amount. Schools and community colleges did not experience any change in their total revenues from this shift.

The term “ERAF” is often used as a shorthand reference for this shift of property taxes. ERAF actually is an acronym for the Educational Revenue Augmentation Fund—the fund into which redirected property taxes are deposited in each county. In 1996-97, cities, counties and special districts deposited about \$3.4 billion of property taxes into ERAF. Counties accounted for 75% of this shift. The amount of required ERAF contributions grows annually along with the property tax growth rate. Santa Clara County has lost over \$1 billion dollars to ERAF since FY 92-93.

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA): The federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), Pub. L. 104–191, was enacted on August 21, 1996. HIPAA was adopted to improve continuity (also called “portability”) and availability with respect to group health plan coverage and group health insurance provided in connection with employment, and insurance coverage in the individual insurance market (not connected with employment). The law has major technical implications for health care providers.

MAINTENANCE OF EFFORT (MOE) REQUIREMENT: Stipulations attached to new funding sources which require the local agency receiving the funds to maintain the same level of local funding as it did before the new funds were available.

MULTI-ETHNIC PLACEMENT ACT (MEPA): As amended by P.L. 104-188 in 1996, MEPA strictly prohibits the consideration of race, ethnicity, or national origin when making decisions regarding foster care or adoptive placements. Consideration of such factors is allowed only under narrow circumstances, and requires excessive and unwieldy bureaucratic procedures.

The philosophy behind culturally appropriate placement of foster and adoptive children is deeply steeped in the social work profession, and has long been a policy of the Santa Clara County Social Services Agency. The Agency attempts to establish the best possible placement based on a child's particular circumstances. Ethnic matching may or may not be a consideration in this placement; however, the Agency desires flexibility to make that determination.

MUNICIPAL HEALTH SERVICES PROGRAM (MHSP): The Municipal Health Services Program (MHSP) began in 1978 when the Robert Wood Johnson Foundation awarded grants to five cities, including San Jose, to develop community-based clinics which would improve health care access for medically indigent and medically underserved urban residents. The San Jose MHSP consists of four clinics: East Valley and Chaboya Clinic, operated by the Santa Clara Valley Health and Hospital System; and Gardner and St. James Health Centers, operated by Gardner Family Health Network.

The Medicare Waiver Demonstration Project started in 1979 through an agreement between the MHSP cities and the Centers for Medicare and Medicaid Services (CMS). The purpose of the Waiver was to determine whether increased access to community-based services would reduce overall health care expenses for Medicare recipients.

The Demonstration Project has been extended by Congress five times, most recently in 1999.

OBRA CAP: The "OBRA cap," instituted in the 1993 Omnibus Budget Reconciliation Act, placed a cap on Medicaid DSH payments, which qualified hospitals receive as compensation for the unreimbursed care they provide. The cap was conceived by the Clinton Administration to control costs in the DSH program, where states were using "creative financing" to draw down additional (and, in some instances, undeserved) DSH dollars. A transition provision was included in the legislation so that all public hospitals could draw down 200% of their unreimbursed costs.

The OBRA cap works in the following manner: A hospital calculates its total amount of uncompensated care by taking the total spending on Medicaid and uninsured patients,

and subtracting Medicaid revenues (for example, negotiated rates with CMAC and the Local Initiative, any fee-for-service payments, SB 1255 revenues). Under the OBRA cap, the hospital is only eligible to receive DSH (known in California as SB 855) payments up to a certain percentage of this amount of uncompensated care (200 percent in FY 97, 175 percent in 1998).

Due to the unique method that the State of California uses to draw down DSH funding, the OBRA cap was particularly harmful. In 1997, legislation known as the “OBRA cap exemption” was enacted to provide a transition period for California. This enabled California DSH hospitals to draw down 175% of our unreimbursed costs. This legislation was extended in 1999.

PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1996: This federal law enacted “welfare reform” by replacing the Aid to Families with Dependent Children (AFDC) with a program called Temporary Assistance to Needy Families (TANF). The law focuses on reducing dependency by promoting job preparation and work, and gives states flexibility to determine eligibility and benefit levels under a time-limited cash assistance program for needy families (see “CalWORKs”).

STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP): Authorized under the 1994 Federal Crime Act, SCAAP is administered by the Bureau of Justice Assistance (BJA). This program provides financial assistance to states and localities for the costs of incarcerating criminal aliens.

STEWART B. MCKINNEY HOMELESS ACT OF 1987 (“McKinney Act”): This federal law authorized 20 programs offering a multitude of services, including emergency food and shelter, transitional and permanent housing, education, job training, mental health care, primary health care services, substance abuse treatment, and veterans’ assistance services.

THREE STRIKES: In 1994, the “Three Strikes and You’re Out” criminal sentencing measure was signed into State law. In November of the same year, the voters reaffirmed the measure by approving Proposition 184, an essentially identical initiative.

The Three Strikes law significantly increases the prison sentences of persons convicted of felonies who have been previously convicted of a violent or serious felony, and limits the ability of these offenders to receive a punishment other than a prison sentence. Violent and serious felonies are specifically listed in state law. Violent offenses include

murder, robbery of a residence in which a deadly or dangerous weapon is used, rape and other sex offenses; serious offenses include the same offenses defined as violent offenses, but also include other crimes such as burglary of a residence and assault with intent to commit a robbery or rape.

UPPER PAYMENT LIMIT: The Upper Payment Limit (UPL), implemented in California through the Intergovernmental Transfer (IGT) Program, impacts Medicaid funding for public hospitals. The Medicaid program represents a critical funding source for public hospitals throughout the country and, because of the way California's Medi-Cal program is structured, all DSH hospitals in California.

The current UPL regulation, effective March 13, 2001, is a carefully crafted compromise that was the subject of intense negotiations last year and balances the interests of public hospitals and their patients with the need to maintain the financial integrity of Medicaid.

VEHICLE LICENSE FEE: The Vehicle License Fee (VLF) is an annual fee on the ownership of a registered vehicle in California – with the revenues distributed to cities and counties. Since 1998, the Legislature has reduced the VLF by 67.5 percent. As part of the tax reductions, the Legislature has provided cities and counties with the same amount of revenues as under prior law, known as the “VLF backfill.”