

# **San Joaquin County**



**Adopted**  
**2013 and 2014**  
**State Legislative/Regulatory**  
**Platform**  
**and**  
**Policy Guidelines**

January 29, 2013

# County of San Joaquin Board of Supervisors



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District 4*



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# **San Joaquin County**

## **Adopted 2013 and 2014 State Legislative/Regulatory Platform and Policy Guidelines**

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# San Joaquin County

## Adopted 2013 and 2014 State Legislative/Regulatory Platform and Policy Guidelines

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LOIS M. SAHYOUN  
Clerk of the Board

January 29, 2013

## BOARD OF SUPERVISORS

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The Honorable Governor Jerry Brown  
The Honorable Senator Cathleen Galgiani  
The Honorable Assembly Member Joan Buchanan  
The Honorable Assembly Member Richard Pan  
The Honorable Assembly Member Kristen Olsen  
The Honorable Assembly Member Susan Talamantes Eggman

Dear Governor, Senator, and Assembly Members:

The San Joaquin County Board of Supervisors is pleased to provide you with the County's Legislative Platform for the 2013-2014 legislative sessions. The Board has developed legislative proposals focused on policy and funding requests that the County deems absolutely critical to the health and well-being of our residents and shared constituents. San Joaquin County remains dedicated to efficiently providing needed public services even though demands for services continue to increase at a much more rapid pace than the revenue needed to provide them.

The County's top legislative priority continues to be the Sacramento-San Joaquin Delta, including flood protection, emergency response, and preservation of agriculture. The Comprehensive Water Package, including the Delta Reform Act passed by the State in November 2009 will impact the County in many ways. As San Joaquin County is home to approximately two-thirds of the Delta and constitutes the largest portion of the Delta's total agricultural land base at 55% - contributing over \$1 billion to the regional and State economy - we expect to participate extensively in legislation, regulations, and policies regarding local water rights, water quality and quantity, governance, land use, flood management, agriculture, economy, and environment relating to the Sacramento-San Joaquin Delta. We further expect that the proposed water bond, currently scheduled to appear on the 2014 ballot, will be significantly modified during this legislative session, and the County plans to engage extensively in discussions regarding proposed bond fund allocations.

The County's involvement in the implementation of the 2009 Water legislation and administrative agency activities is critical to the future of San Joaquin County, and the health of the Delta. Hence, the County will continue to require your assistance in ensuring meaningful involvement of the County in any discussions regarding legislation, administrative action or budget proposals in further implementation of the 2009 Water package and future flood protection and Delta related legislation.

Furthermore, the County continues to seek State funding for the Lower San Joaquin River Feasibility Study, which would provide improved flood protection for existing urban areas in the County, as well as funding for emergency communications and stockpiling.

As the operator of a general acute care hospital, as well as the provider of clinical care for many residents, San Joaquin County urgently needs assurances of a stable and adequate funding source to meet the health care needs of its residents. The costs to administer a public hospital far exceed the revenues generated by the 1115



Waiver. Furthermore, existing funding streams continue to be threatened during budget and additional realignment discussions, while mandated services remain. Additionally, continued implementation of the Affordable Care Act (ACA) will impact hospital finances and operations, and the County requires aggressive representation by its delegation as state legislation is developed to further the ACA.

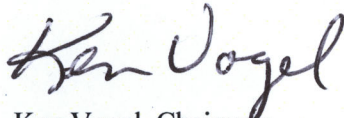
Any additional proposals to realign services from the State to counties must be accompanied by assured funding sources. The County expects to review new realignment proposals in health and human services that will likely propose to redirect realignment dollars from the 1991 realignment; any proposal which undermines funding for mandated services that the County must already provide will be opposed by the Board of Supervisors. New responsibilities should come with new funding sources, not redirected funding sources.

The San Joaquin County Board of Supervisors will continue to advocate for maximum local control and flexibility in the allocation of resources and the administration of County programs, and will continue to oppose any reductions in the current level of State funding for our County programs. Concurrently, as all levels of government continue to reduce expenditures, more local flexibility is necessary to maintain a maximum level of service to our shared constituents.

We respectfully request your reference to this document, which has been thoughtfully and carefully crafted, while deliberating and developing legislation in 2013 and 2014.

We appreciate your continuing support for the vital services provided by San Joaquin County, and look forward to working with you. Please contact me, or County Administrator Manuel Lopez, at (209) 468-3203, should you have any questions or need additional information.

Sincerely,



Ken Vogel, Chairman  
San Joaquin County Board of Supervisors

Enclosure

c: San Joaquin County's Federal Delegation  
Ed Alves, Mayor, and Council Members, City of Escalon  
Sonny Dhaliwal, Mayor, and Council Members, City of Lathrop  
Alan Nakanishi, Mayor, and Council Member, City of Lodi  
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## LEGISLATIVE PRIORITIES ~ Water

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### 1. Title: Sacramento-San Joaquin Delta

**Issue:** To date, the Delta Stewardship Council has produced a final draft Delta Plan. In addition, the Bay Delta Conservation Plan process has produced a draft Bay Delta Conservation Plan which is: a) inconsistent with the best interests of the Sacramento-San Joaquin Delta within San Joaquin County; b) is inconsistent with the co-equal goals of the Delta Reform Act of 2009 and the policy of the State to reduce reliance on the Delta for future California water needs; and c) is destructive to the economy, habitat, water rights, water quality, land-use governance, and way of life in San Joaquin County. Furthermore, the proposed new course of the Bay Delta Conservation Plan as outlined by the State of California (“State and Federal Principals Joint Recommendations Regarding Key Elements of the Bay Delta Conservation Plan”) as presented on July 16, 2012 does not rectify that inconsistency.

#### **Legislative Platform:**

1. **Seek legislative and administrative support for advancement of the following with regards to the Delta Stewardship Council’s Delta Plan and the Bay Delta Conservation Plan:**
  - a. **Actions associated with the Delta ecosystem and water supply reliability for areas outside of the Delta must not redirect unmitigated adverse environmental, economic, or social impacts to San Joaquin County;**
  - b. **Actions and activities associated with the Delta must honor and adhere to water rights, priorities, and area-of-origin protections. San Joaquin County opposes water user fees that would tax water users in the areas of origin and/or general taxpayers for the cost of mitigation efforts in the Delta, or to provide a water supply for those outside of the Delta;**
  - c. **Water conveyance facilities routed through San Joaquin County must have no adverse effect on the existing and future agricultural operations in the County. Other adverse impacts of water conveyance facilities routed through the County must be fully mitigated. The County must be fully involved in routing and operational issues of water conveyance facilities located within the County;**
  - d. **The Delta Stewardship Council’s definition of Covered Actions must continue to be narrowly defined as set forth in the Delta Reform Act as opposed to being broadly interpreted by the Council. Legislative solutions may be necessary to clarify ambiguous statutory provisions regarding Covered Actions;**
  - e. **Implementation of the Delta Stewardship Council Delta Plan and future development and implementation of other planning documents must ensure that those documents do not conflict with San Joaquin County land use planning, economic development, agriculture, and recreational opportunities;**
  - f. **Financial resources must be committed by the State to maintain and enhance vital transportation and flood control infrastructure in areas of the Delta within the San**



## LEGISLATIVE PRIORITIES ~ Water

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### Sacramento-San Joaquin Delta (*continued*)

#### Legislative Platform (*continued*)

Joaquin County. Financial resources also need to be committed to improve emergency response within the Delta; and

- g. The set of strategies to address problems in the Delta must be comprehensive, accounting for the multitude of causes of the Delta's decline and not simply focusing on one or a limited number of causes.
2. Support legislative and administrative efforts, including budget proposals which would provide:
    - a. Funding for near-term projects which do no harm to San Joaquin County and its constituents and help further the long-term sustainability of the Delta and its unique economy and environment; and
    - b. Funding to continue the Delta Counties Coalition, Coalition to Support Delta Projects, and the joint Delta Counties Coalition/California San Joaquin Valley Partnership processes to enable the continuation of these efforts or other similar efforts/coalitions, to identify and/or prioritize viable near-term projects which further the co-equal goals of improving statewide water supply reliability and restoring and enhancing the Delta ecosystem in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.
  3. Seek legislative and administrative support in:
    - a. Protecting San Joaquin County's governmental prerogatives in the areas of its local land use authority, tax and related revenues, public health and safety, economic development, and agricultural stability;
    - b. Protecting San Joaquin County's ability to govern, as an elected body, from proposed usurpation through governance by a non-elected, appointed board or council. Any and all councils, commissions, or boards established to "govern" the Delta must include voting membership for elected representatives from the County; and
    - c. Working with the State's representatives implementing the Bay Delta Conservation Plan, the Delta Stewardship Council Interim Delta Plan and Delta Plan, and the development and implementation of other future planning documents to ensure that those Plans do not conflict with San Joaquin County land use planning and economic development, including agriculture, or any other County interests.



## LEGISLATIVE PRIORITIES ~ Water

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### Sacramento-San Joaquin Delta (continued)

#### Legislative Platform (continued)

- 4. Aggressively oppose legislative, regulatory, and administrative efforts including water plans and infrastructure proposals, which would include project alternatives that would lead to negative impacts to San Joaquin County's urban communities, vital agricultural economy, and the Delta, including the development of a Peripheral Canal or isolated water conveyance facility in the Sacramento-San Joaquin Delta.**

**Background:** Nearly two-thirds of the Sacramento-San Joaquin River Delta (Delta) comprises approximately one-third of the County area. In total, Delta agricultural production is valued at approximately \$795 million annually, which in turn results in over \$1 billion in additional economic benefit. The Delta is also a critical thoroughfare for infrastructure such as highways; natural gas storage and transmission; and water supply conveyance. The Delta's maze of navigable waterways supports maritime commerce and the transportation of goods; boating and recreation; numerous fish and wildlife species; and is a source for local drinking water.

San Joaquin County (SJC) is unquestionably tied to the long-term economic, social, and environmental viability of the Delta. Current proposals, including the Delta Stewardship Council's Delta Plan (DP) and the proposed isolated conveyance facility as recommended by the Bay Delta Conservation Plan (BDCP), could have significant adverse effects on communities in the Delta and within the Delta watershed. Examples that conflict with the long-term economic, social, and environmental viability of the Delta and, therefore, SJC as a whole include:

- ✓ Limiting the sovereignty of local agencies to make land use decisions;
- ✓ The diminution of water rights to the detriment of senior water right holders and the area of origin;
- ✓ The conversion of over 100,000 acres of agriculture in the Delta shallow water habitat in-lieu of direct mitigation for export pumping and endangered species takings; and,
- ✓ Potential for continued deterioration in Delta water quality and quantity, resulting in impacts to agriculture, wildlife, recreation and commerce in the Delta.

Since the passage of the 2009 Comprehensive Water Package, including the Delta Reform Act of 2009 (SBX7\_1), the need for SJC's efforts to react to and influence the processes, policies and projects created or proposed by the 2009 Water Package have increased greatly. Consistent with the Board of Supervisors' policy direction, SJC staff has worked to represent the County's position, defend the County's interests, and constructively participate in many of the ongoing State and federal activities surrounding the Delta. SJC has engaged with local, State and federal agencies, public entities, State and federal legislators, environmental groups, and private businesses on several fronts to ensure that the County's position and interests would be represented in any action or policy affecting the Delta.



## LEGISLATIVE PRIORITIES ~ Water

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

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### Sacramento-San Joaquin Delta (continued)

#### Background: (continued)

SJC also worked to support several coalition building and consensus based efforts including the Delta Counties Coalition, the Coalition to Support Delta Projects, and the joint Delta Counties Coalition/California Partnership for the San Joaquin Valley (SJV Partnership) (12-County Water Work Group). (Appendix B - Joint Delta Counties/SJV Partnership Resolutions) These efforts are currently focused on identifying and securing funding for near-term “no regrets” projects that benefit the region.

#### **Bay Delta Conservation Plan (BDCP):**

Consistent with SJC’s continued commitment to collaborate with the State and federal governments and other appropriate agencies in developing regional water supply solutions, and in light of the proposals contained in the Draft BDCP and the revised BDCP reported by the Department of Natural Resources on June 26, 2012 to construct a major isolated water conveyance system (9,000 cubic feet per second) in the Delta, the SJC Board of Supervisors declared opposition to the draft BDCP and to the revised BDCP and adopted Principles Regarding the BDCP in July 2012. The County seeks legislative and administrative support for the advancement of these principles (See Appendix A - SJC Board Adopted Resolution):

- A. San Joaquin County seeks full, fair, and effective participation in the BDCP development and implementation process. San Joaquin County must be a voting member of a governance body developing, approving and implementing the BDCP.
- B. Consistent with conclusions and recommendations in the Delta Protection Commission’s peer reviewed and adopted Economic Sustainability Plan for the Sacramento-San Joaquin Delta (January 2012), San Joaquin County maintains that through-Delta conveyance is currently the only viable alternative in meeting the co-equal goals of water supply reliability and ecosystem restoration in the Delta.
- C. Through-Delta flow standards (including quantity and quality) shall be established based on peer-reviewed best science and made legally enforceable before the adoption of the BDCP. Mitigation for in-Delta flow reductions and adverse water quality impacts due to export operations shall be included in the BDCP and shall not compromise area of origin protections or senior water rights.
- D. All reasonable Delta management alternatives that reflect the entire spectrum of options available to meet the co-equal goals established by the Delta Reform Act, and which reduce reliance on the Delta as a water resource for areas outside the Delta in accordance with the policy of the State of California, shall be included in the BDCP analysis and shall be subjected to a peer-reviewed “cost- benefit” analysis. The DWR handbook shall be used for such analyses ([http://www.water.ca.gov/pubs/planning/economic\\_analysis\\_guidebook/econguidebook.pdf](http://www.water.ca.gov/pubs/planning/economic_analysis_guidebook/econguidebook.pdf)).



## LEGISLATIVE PRIORITIES ~ Water

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

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### Sacramento-San Joaquin Delta (continued)

#### Bay Delta Conservation Plan (continued)

- E. All BDCP proposals and actions, and BDCP implementation, shall preserve, protect, and enhance the Delta economy and agriculture, and there shall be complete financial mitigation of all direct and indirect negative impacts on the Delta economy and agriculture caused by any and all BDCP actions and implementations.
- F. Water storage projects, including groundwater storage and storage projects associated with water reuse projects, providing for the development of five-million acre-feet of new stored water shall be constructed and fully developed as part of the BDCP.
- G. All pending San Joaquin County water rights and water resource projects shall be perfected and/or built before implementation of the BDCP.
- H. Flood control and levee maintenance programs and projects in San Joaquin County shall be included in the BDCP, in a manner satisfactory to the County, as a prerequisite to the issuance of any permits under the BDCP.
- I. Adequate funding for the projects and studies in San Joaquin County must be addressed and provided through the BDCP process (Attachment A – San Joaquin County – Preliminary List of Projects – Complete list of will be provided upon request).
- J. BDCP must be consistent with locally developed Habitat Conservation Plans/Natural Communities Conservation Plans (HCP/NCCPs). If conflicts exist between locally developed HCP/NCCPs and the BDCP, the BDCP staff must work collaboratively with local HCP/NCCP staffs to resolve the conflicts. BDCP must not interfere with local HCP/NCCPs' ability to attain their habitat target goals or objectives. When conflicts arise the local HCP/NCCPs will take priority for the resolution of the conflict as long as it does not undermine the BDCP overall habitat goal. Additionally, acquisitions of lands within the jurisdiction of the local HCP/NCCP plan area will be coordinated (and potentially directed) with the local plan staff. BDCP shall not invoke eminent domain authority for restoration or mitigation land within San Joaquin County.
- K. BDCP must be subject to the full extent of State and Federal environmental review. San Joaquin County cannot support any streamlining or exemptions from either the California Environmental Quality Act (CEQA) or National Environmental Protection Act (NEPA).
- L. BDCP must recognize the linkage between the Delta and the terrestrial lands (habitat and agricultural), and recognize that any project that emerges from the BDCP could impact the entire Bay-Delta estuary, not just the immediate Delta area in which the project is located. The environmental analysis of the project(s) must examine for potential impacts throughout the entire estuary, including, but not limited to, impacts on flow from the Delta, water quality, aquatic/terrestrial species, habitat and the agricultural economy of San Joaquin County within the estuary.



## LEGISLATIVE PRIORITIES – Flood Protection

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### 2. Title: Improved Flood Protection

**Issue:** California's Central Valley levee systems which protects lives, property, and critical infrastructure have been neglected for decades. As a result, higher standards of flood protection have been established which require improvements to and increased maintenance of levees.

#### **Legislative Platform:**

1. Seek, advocate, and support legislation, regulations and administrative efforts to: 1) Fund and facilitate completion of the Lower San Joaquin River Feasibility Study and the needed levee system infrastructure; and 2) Fund levee maintenance, including repair and restoration after a flood event.
2. Urge Legislative and administrative support for the following:
  - a. A Federal appropriation of \$1 million in the Energy and Water Appropriations bill for the Lower San Joaquin River Feasibility Study; and,
  - b. Inclusion of the following language into a new Federal Water Resources Development Act:
    - i. Permit the U.S. Army Corps of Engineers to credit, toward future non-federal project implementation costs, the cost of any in-kind contribution by the non-federal sponsors to the Feasibility Study that exceeds its required cost-share;
    - ii. Permit the U.S. Army Corps of Engineers to credit, toward future non-federal project implementation costs, the cost of any locally funded flood protection project that is subsequently found to be consistent with a federally approved project;
    - iii. Streamline the Section 408 permitting process to allow permit approval by the respective District of the U.S. Army Corps of Engineers;
    - iv. Allow local agencies to obtain credit earlier in the feasibility study process than currently allowed, generally consistent with the prior U.S. Army Corps of Engineers Section 104 policy;
  - c. Direct the U.S. Army Corps of Engineers to restore PL 84-99 eligibility to provide funding for the rehabilitation of levees following a flood event;
  - d. Prevent the U.S. Army Corps of Engineers from revoking Federal Emergency Management Agency levee certifications previously issued and restore those previously revoked; and
  - e. Require the U.S. Army Corps of Engineers to revisit its levee vegetation removal policy to more fully evaluate the potential impacts and implementation challenges.
  - f. Provide additional opportunities for funding levee maintenance, including repair and reconstruction after a flood event.



## LEGISLATIVE PRIORITIES – Flood Protection

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### Improved Flood Protection (continued)

- 3. Seek, advocate, and support legislative and administrative efforts, including budgetary proposals which would provide State funding to analyze, plan, design, construct, and maintain facilities to improve Delta levees and waterways in San Joaquin County for the protection of urban communities, critical water supplies, and statewide levee system infrastructure, including non-project levees.**

**Background:** Levee systems in San Joaquin County (SJC) protect over 400,000 residents and invaluable infrastructure that is critical to the State's well-being. Major flooding in SJC could result in overwhelming negative economic impacts statewide. Such potentially impacts to homes, businesses, transportation, farms and agriculture, municipal sewer and water systems, energy infrastructure, and the environment can be avoided with the proper planning and construction of flood protection improvements.

The current urban flood protection system generally provides a 100-year level of flood protection. SB 5 (2007-Machado) mandates, among other things, a 200-year level of urban flood protection by 2025. Many levees in SJC are U.S. Army Corp of Engineers (USACE) project levees; therefore, any improvements to those levees must be coordinated through the USACE. In partnership with local and State flood management agencies, the USACE administers the preparation of the Lower San Joaquin River Feasibility Study (project map on page 19) to identify options for improved flood protection for existing urban areas. A completed feasibility study is a USACE prerequisite to constructing improvements needed to comply with SB 5 flood protection mandates. The Feasibility Study includes an analysis of alternatives to provide improved flood protection and associated ecosystem restoration. It has become difficult to raise sufficient local monies to fund levee maintenance in compliance with USACE requirements to remain eligible for levee rehabilitation funding under the Public Law 84-99 program. Increased opportunities are therefore needed for local agencies to obtain funding for levee maintenance, including repair and reconstruction after a flood event. Either new funding programs need to be established, or existing programs need to be modified, to provide increased levee maintenance funding.

#### ***Cost-Share Agreement for Feasibility Study***

In 2006, SJC and the San Joaquin Area Flood Control Agency initiated preliminary Feasibility Study project coordination with the USACE, Department of Water Resources, and the California Reclamation Board (now known as the Central Valley Flood Protection Board). In 2008, the USACE completed a project management plan and developed a Feasibility Cost-Share Agreement for continuation of the Feasibility Study. The Federal Cost-Share Agreement with the USACE was signed by the State Department of Water Resources and the San Joaquin Area Flood Control Agency in July 2010. The Agreement was amended in 2012 to allow flexibility for advancing non-federal funds.





## LEGISLATIVE PRIORITIES – Flood Protection

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### Improved Flood Protection (continued)

#### ***“Non-Project” Levees***

The USACE and the State are not involved in the operation and maintenance of non-project levees. However, many of these levees are still subject to the State’s 200-year protection requirement. Since many levees in SJC are non-project levees, the County could be faced with a significant unfunded State mandate. Also, because a large number of non-project levees in the County protect urban areas, development, re-development, and critical infrastructure improvements could come to a standstill if funding for both project and non-project levees is not appropriated. Therefore, future planning efforts by the State should incorporate the improvement needs of both project and non-project levees that protect urban areas.

#### ***Federal Water Resources Development Act (WRDA)***

SJC is also seeking that a new WRDA include language which would permit the USACE to credit the cost of any local contributions by non-federal sponsors to the Feasibility Study that exceed the County’s required cost-share as well as previously incurred costs of constructing flood protection improvements. In relation to advanced work conducted by a non-Federal sponsor, the Section 408 permitting process should be streamlined to ensure that the USACE can issue permits in a timely manner for local agencies to accomplish work demonstrated to enhance flood protection within the existing federal projects.

#### ***Restoration of PL 84-99 Disaster Assistance***

Another concern regarding flood protection in SJC is that the USACE has rescinded eligibility for levee rehabilitation and repair funding for some of the levees in the County under the PL84-99 program. Consequently, in the event of a flood in the areas protected by the affected levees, no funding would be provided by the USACE to assist with levee repair.

#### ***Revocation of Levee Certification by the USACE***

A new USACE policy (EC 1110-2-6067) was recently put in place that limits levee certifications to a 10-year life. A number of levees within SJC were certified by the USACE more than ten years ago. Loss of these certifications could lead to the issuance of new Federal Emergency Management Agency (FEMA) floodplain maps reflecting large urban areas of the County being included in FEMA flood zones. Potentially, this could impact as many as 400,000 county residents. SJC urges the USACE to reconsider this new policy, and in the short-term, suspend its implementation to allow further discussion with local agencies on the potential impacts.

#### ***USACE Levee Vegetation Removal Policy***

After Hurricane Katrina, the USACE made major levee policy changes, which included new standards banning vegetation on or immediately adjacent to levees (2009). Levee owners and operators are concerned that this new policy does not adequately consider that levee vegetation is viewed by many resource agencies as providing critical habitat to listed, threatened and endangered species. Due to Endangered Species Act requirements, it may be impossible for many levee owners and operators to



## LEGISLATIVE PRIORITIES – Flood Protection

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### **Improved Flood Protection (continued)**

comply with the new policy within the required timeline. In addition, there is unresolved debate as to whether vegetation actually impairs levees or whether some vegetation can actually help stabilize levees. SJC urges that implementation of the levee vegetation removal policy be postponed until the impacts can be fully evaluated, and the policy is scientifically validated and properly vetted.

*(Project Map on Page 19; Literature Available)*

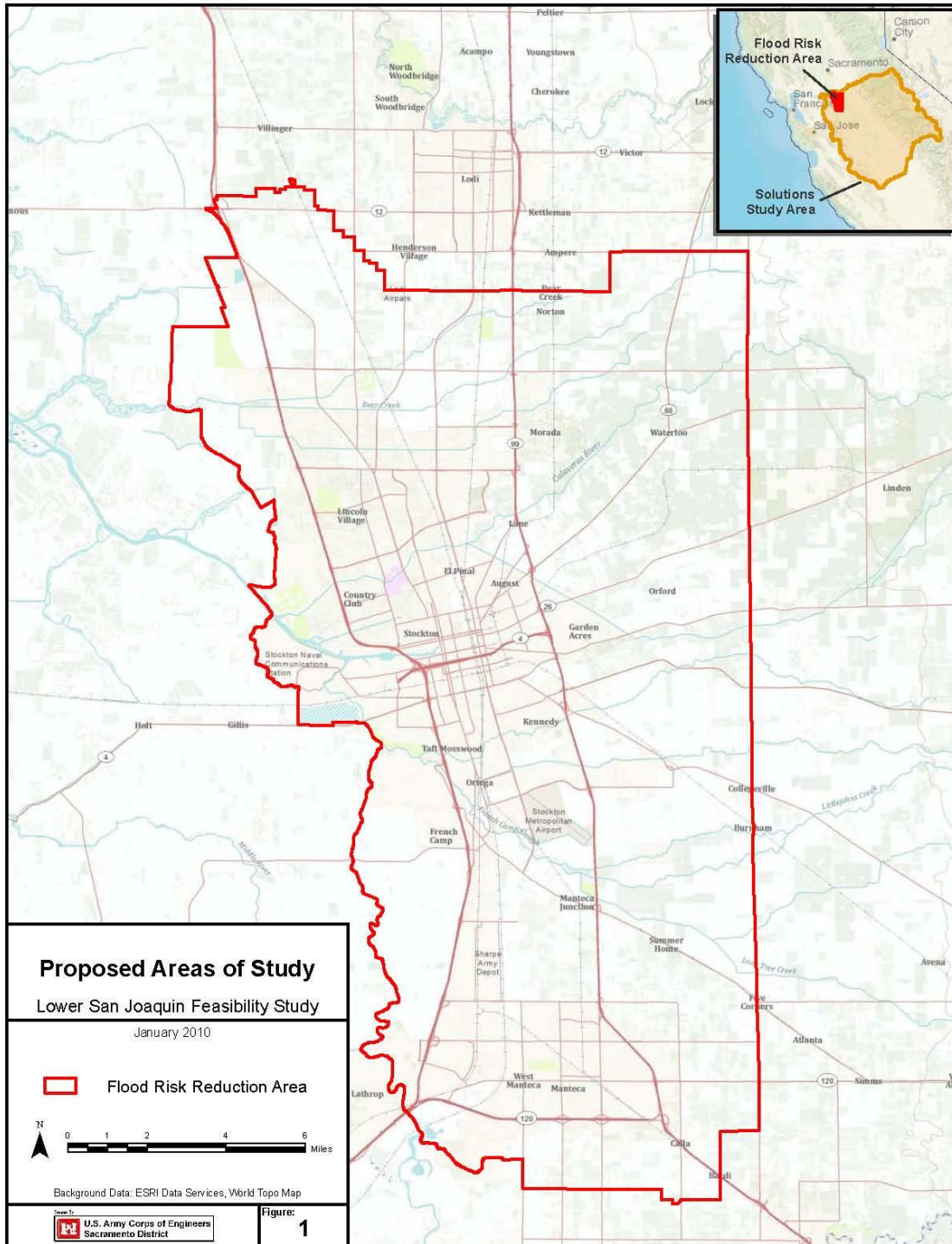


# LEGISLATIVE PRIORITIES – Flood Protection

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

## Improved Flood Protection (continued)



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## Legislative/Regulatory Policy Guidelines ~ Administration

COUNTY OF SAN JOAQUIN ~ COUNTY ADMINISTRATOR'S OFFICE

Contact: Manuel Lopez, County Administrator; E-Mail: [mlopez@sjgov.org](mailto:mlopez@sjgov.org); Ph. (209) 468-3203

The top legislative priority for all San Joaquin County departments is to make every effort to maintain or increase funding for the continued provision of critical local services to the residents of the County. In addition, the San Joaquin County Board of Supervisors shall:

- 1) Continue to monitor legislation, budgetary proposals, administrative and regulatory action which impacts county government, while advocating for maximum local control and flexibility in the allocation of resources, and the administration of County programs.
- 2) Closely monitor legislative and administrative proposals including a continued "shift in the state-local relationship"/state-local realignment which would result in new responsibilities to the County, while advocating for adequate levels of on-going funding to meet existing state mandates, as well as the new responsibilities.
- 3) Seek to ensure that any additional realignment of county and state services protects the County from unknown or unforeseen financial, administrative or risk liabilities.
- 4) Oppose any reductions to the current level of State funding for county programs
- 5) Support maximum State and federal funding participation directly to local agencies for various infrastructure projects critical to the economic vitality of San Joaquin County.
- 6) Support proposals which would provide the tools needed by San Joaquin County to attract economic development and create jobs in the County.
- 7) Aggressively oppose attempts by the Legislature to shift costs from the State to the County for mandated and/or non-mandated programs.
- 8) Oppose attempts by the Legislature and/or Executive Branch to take away, restrict revenue sources, or impose costly program changes without adequate funding.
- 9) Strongly oppose the transfer of county property tax dollars to any other entity.
- 10) Continue to oppose federal and State fiscal sanctions against counties for failure to comply with State and/or federal laws when the errors are beyond the counties' control.
- 11) Support legislative and local efforts to protect our communities from the impacts of greenhouse gases which have the potential to dramatically impact multiple aspects of human life, including our environment, public health, and economy, and support a collaborative State, regional, and local approach to the development of greenhouse gas reduction strategies.
- 12) Strongly oppose legislation that would reduce management rights as defined in the 1977 San Joaquin County Employer-Employee Relations Policy.
- 13) Oppose legislation which would result in rollbacks to Workers' Compensation Reform enacted by SB 899 (2004), and/or would expand current leave entitlements for employees beyond existing benefits.



## Legislative/Regulatory Policy Guidelines ~ Administration

COUNTY OF SAN JOAQUIN ~ COUNTY ADMINISTRATOR'S OFFICE

Contact: Manuel Lopez, County Administrator; E-Mail: [mlopez@sjgov.org](mailto:mlopez@sjgov.org); Ph. (209) 468-3203

### Administrative Legislative/Regulatory Policy Guidelines (*continued*)

- 14) Support legislation which would allow counties to recover fees, set by the State, that reflect the actual cost of providing service, similar to SB 676 (2009), which authorized the adjustment of statutory limits that counties, cities, or court services' charges for specified services.
- 15) Support departmental pursuit of additional funding opportunities associated with the State Budget process, and respond as timely and effectively as possible to legislative issues both by Board action and, if time constraints exist, by the affected Department Heads with the concurrence of the County Administrator. If consideration by the Board of Supervisors is not feasible, the County Administrator will notify the Board.
- 16) Maintain close relationships with San Joaquin County's legislative delegation to foster greater advocacy and understanding of the County's issues.
- 17) Advocate for State organizational structures to maximize leadership and support for County services and programs.
- 18) Oppose any efforts to diminish Proposition 10 and Proposition 63 funds, or to impose restrictions on local expenditure of the funds. Oppose efforts to lower, or eliminate the State's fiscal support for county programs, with the expectation that the State will backfill the loss of Proposition 10 and Proposition 63 revenues.
- 19) Monitor legislation or initiatives which would have a fiscal impact on county government, including pension reform.
- 20) Continue to monitor collaborative proposals for multi-agency participation to protect the fiscal and programmatic interests of San Joaquin County.
- 21) Support cost-effective, State-funded efforts to provide for the health and safety of public employees in the administration of their duties.
- 22) Monitor legislation which would impact land use, building standards, and housing requirements.
- 23) Seek and advocate in support of budget proposals to reimburse counties for any and all State mandated elections, including costs for mail ballots and special elections called by the Governor.
- 24) Support legislation, regulatory changes, and/or administrative efforts which would authorize San Joaquin County to conduct an all-mailed ballot election for any election, including special elections called by the Governor.
- 25) Support legislation or budgetary actions that would require the pass-through of federal Older Americans Act funding to local Area Agencies on Aging even though the State budget is delayed past the start of the State Fiscal Year.
- 26) Support legislative and administrative efforts which would annotate veteran status on California identification cards, including driver's license.



## Legislative/Regulatory Policy Guidelines ~ Administration of Justice

COUNTY OF SAN JOAQUIN ~ ADMINISTRATION OF JUSTICE

Contact: Steve Moore, Sheriff; E-Mail: [smoore@sjgov.org](mailto:smoore@sjgov.org); Ph. (209) 468-4311

Contact: Stephanie L. James, Chief Probation Officer; E-Mail: [sjames@sjgov.org](mailto:sjames@sjgov.org); Ph. (209) 468-4077

- 1) Support a State program that would provide funding for start-up costs including staffing costs for the expansion of jail beds at the San Joaquin County Jail facilities.
- 2) Support State funding for a new San Joaquin County courthouse.
- 3) Advocate in support of State funding for the development of information technology infrastructure.
- 4) Seek that counties be given the opportunity to analyze the impact, assess the feasibility, and determine the acceptability of any juvenile justice proposal that would realign services from the State to the local level. As with any realignment, responsibility and authority must be connected, and sufficient resources, with a built-in growth factor adjustment must be provided.
- 5) Advocate in support of funding for local governments to provide facilities for additional programming options for juveniles who are no longer under the jurisdiction of the Department of Juvenile Justice, including funding to construct or expand juvenile camps, ranches, and related facilities for treatment services and programs.
- 6) Advocate that the enforcement of minimum facility standards must be dependent upon State financial assistance.
- 7) Support legislative and administrative efforts which would reduce overcrowding of juvenile detention facilities and improve the chances for treatment and rehabilitation of lesser offenders.
- 8) Support legislative, regulatory, and/or administrative efforts which would provide that truants, runaways, and youths who are beyond the control of their parents be removed from the justice system except in unusual circumstances. These youths should be the responsibility of their parents, not the government. Imposing fines and/or sanctions on parents to prompt their participation in their children's lives and involvement in the process should remain an option.
- 9) Seek meaningful participation in the "First Responder Network Authority" or similar State and local efforts to implement the Middle Class Tax Relief and Job Creation Act of 2012, specifically the development and implementation of a statewide and local interoperable public safety broadband network.



## ADMINISTRATION OF JUSTICE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ ADMINISTRATION OF JUSTICE

Contact: Steve Moore, Sheriff; E-Mail: [smoore@sjgov.org](mailto:smoore@sjgov.org); Ph. (209) 468-4311; and

Contact: Jerry Becker, Information Systems Director; E-Mail: [jbecker@sjgov.org](mailto:jbecker@sjgov.org); Ph. (209) 468-3960

### 3. Title: Public Safety Interoperability Communication System Project

**Legislative Project Appropriations Request: Seek, advocate, and support legislation and/or budget appropriations which would provide funding assistance for a Public Safety Interoperability Communication System Project.**

**Background:** San Joaquin County (SJC) is seeking federal and state assistance to develop and implement Phase 5, the final phase of the Public Safety Interoperability Communication System to provide emergency communications interoperability for all public safety agencies within SJC. The communications systems within SJC operate in a narrowband digital mode in compliance with the Federal Commission mandate that all public safety agencies operate in narrowband mode by January 2013. This recent migration of all public safety entities to a common digital platform now allows the agencies to effectively communicate with each other during emergencies.

Phase 5 of the Project will consolidate the region's frequency resources to a trunked technology to provide interoperability and is consistent with the SJC Radio Communications Master Plan which was developed by a committee comprised of representatives from all public safety agencies within the County. Agencies represented on the committee include Emergency Medical Services, City and Rural Fire Districts, Sheriff and City Police Chief's, Office of Emergency Services, and other County public safety agencies. All of these agencies have adopted the Radio Master Communication Plan and have agreed to operate on a public safety trunked radio system. The agencies have also agreed to share resources to accomplish this goal. Because of the magnitude of this effort and the potential impact to on-going public safety operations, this project was designed with the intent that it would be implemented in five phases.

*(Project Literature Available)*

Appropriation Request:

\$9.16 million

Total Project Cost:

\$20.5 million



## ADMINISTRATION OF JUSTICE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ ADMINISTRATION OF JUSTICE ~ PROBATION

Contact: Stephanie L. James, Chief Probation Officer; E-Mail: [sjames@sjgov.org](mailto:sjames@sjgov.org); Ph. (209) 468-4077

#### 4. Title: New Juvenile Camp Replacement Project

##### Legislative Project Appropriations Requests:

**Seek, advocate, and support legislation and/or budget appropriations which would provide funding for the construction of facilities for rehabilitative juvenile beds.**

**Background:** San Joaquin County (SJC) continues to experience a high juvenile crime rate. To address this continuing problem, SJC has introduced a number of collaborative juvenile crime prevention and intervention strategies using evidence-based programs. The camp program allows SJC to keep juvenile offenders in the local community who might otherwise be placed in expensive out-of-county or out-of-state offender programs.

The existing SJC Juvenile Camp is available only for males. The Juvenile Camp Project would increase the County's Camp capacity from the current 45 to 60 beds, and allow the inclusion of females in the program. SJC cannot offer the same continuum of sanctions for its female population as it does for its male population due to the design of the existing camp facility. A local camp program for female minors would provide the Court with another option prior to costly out-of-home placement and provide opportunity for family involvement at the local level.

The State's Juvenile Corrections Reform Program places a high emphasis on local rehabilitative programs such as the Juvenile Camp. There are national and state movements to provide rehabilitative beds where juveniles can participate in evidence-based programs that research has shown to reduce recidivism.

*(Project Literature Available)*

Appropriation Request:

\$5.0 million

Total Project Cost:

Approximately \$12.8 million





## ADMINISTRATION OF JUSTICE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ ADMINISTRATION OF JUSTICE

Contact: Steve Moore, Sheriff; E-Mail: [smoore@sjgov.org](mailto:smoore@sjgov.org); Ph. (209) 468-4311

### 5. **Title: California Multi-Jurisdictional Methamphetamine Program**

**Issue:** The proliferation and trafficking of methamphetamine drug laboratories and other illegal drugs continues to be a serious problem in San Joaquin County.

**Legislative Platform:** Seek, advocate, and support efforts which would:

1. **Increase funding to local law enforcement agencies to combat the production, trafficking, and sale of methamphetamine and other illegal drugs; and,**
2. **Increase funding for the California Multi-Jurisdictional Methamphetamine Program and other programs targeted at combating illegal drug production and trafficking; and,**
3. **Support legislative efforts and/or budgetary proposals which would sustain the current level of funding to combat illegal drugs, and oppose budget reductions to the Methamphetamine Program.**

**Background:** Production and trafficking of methamphetamine continues to be a significant issue in San Joaquin County (SJC) in spite of the increased seizures of large-scale clandestine laboratories. Although federal and State laws have been enacted to curtail and restrict the sales of precursor chemicals, drug trafficking organizations have adapted and continue to transport large quantities of methamphetamine into California. In addition, marijuana and cocaine trafficking is increasing in SJC. Increased federal and State funding is necessary to maintain high-level enforcement to combat this issue, and to address the growing operating costs, including technological costs of keeping abreast of the sophisticated and elusive drug trafficking organizations.



## ADMINISTRATION OF JUSTICE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ ADMINISTRATION OF JUSTICE ~ PROBATION

Contact: Stephanie L. James, Chief Probation Officer; E-Mail: [sjames@sjgov.org](mailto:sjames@sjgov.org); Ph. (209) 468-4077

### 6. **Title: Early Release of State Prisoners**

**Issue:** The State of California continues to be under significant pressure to reduce the State's prison population.

**Legislative Platform:** **Seek, advocate and support legislation and/or budget appropriation which would provide sufficient funding to counties to address issues related to:**

1. **Post Release Community Supervision Public Safety Realignment program; and**
2. **The early release of State Prison inmates through any other programs enacted by the State.**

**Background:** Under AB 109 (2011), the State is "realigning" release of State Prison inmates to local "Post Release Community Supervision". This local community supervision has placed significant demand on local services, including Probation, Sheriff Custody, Behavioral Health, District Attorney, Public Defender, Court and a variety of other local services and agencies. Current demand for programming under AB 109 exceeds realignment funds allocated to San Joaquin County. It is imperative that the State provide resources to counties for services needed to meet the demands of this significant population shift.

Moreover, the State continues to propose early release of inmates (in addition to AB 109 realignment), and further proposes limited or no State supervision. If the State is to pursue this early release, or any other plan to reduce the State prison population, it is imperative that resources be provided to counties to provide services to both protect the public and to provide needed services by this population, including local law enforcement, health and human services, workforce training and employment services, and a variety of other services to assist the individual to return to society.

#### ***Background - Prison Overcrowding in California State Prisons***

In July 2007, a federal three-judge panel was created to review prison overcrowding, and directed orders to reduce overcrowding that must then be implemented by the State. In February 2009, the federal three-judge panel on prison overcrowding issued a tentative ruling finding that prison overcrowding was the primary cause for the State's failure to deliver a constitutional level of medical and mental health care in the prison system. The ruling included directing the State to develop a plan to reduce the prison population to 120% or 145% of the prison's design capacity over a two- to three-year period. According to the California Department of Corrections and Rehabilitation (CDCR), this population cap would result in a release order of approximately 37,000 to 58,000 state prison inmates. In August 2009, the federal three-judge panel issued its final ruling ordering the State to issue its prison population reduction plan within 45 days that would reduce the State's prison population to 137.5% of its prison design capacity. In September, the State complied with the three-judge panel's file ruling and submitted its plan. In October, the three-judge panel rejected the State's prison population reduction plan citing several reasons for rejecting the plan; primary among them, was the State's failure to reduce the prison population to 137.5% of the State prison system's design capacity



## ADMINISTRATION OF JUSTICE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ ADMINISTRATION OF JUSTICE ~ PROBATION

Contact: Stephanie L. James, Chief Probation Officer; E-Mail: [sjames@sjgov.org](mailto:sjames@sjgov.org); Ph. (209) 468-4077

### **Early Release of State Prisoners (*continued*)**

within two years. (The State's September plan only reduces the prison population to 166% of design capacity.) The federal court ordered the State to submit a new plan, and indicates that should the State not submit a plan that complies with the court's August 2009 order, that the court will be left with no other alternative than to develop its own plan and order the State to implement it. On May 23, 2011, the U.S. Supreme Court upheld the ruling of a federal three judge panel requiring the State of California to reduce overcrowding in its prisons to 137.5 percent of its "design capacity" within two years. Although the State has undertaken measures to reduce overcrowding, in an August 5, 2011 Status Report, the California Legislative Analyst's Office (LAO) noted "Current Plan will significantly reduce overcrowding, but not enough in two years." The LAO goes on to say "Based on the information available to us at this time, even though the prison population dramatically reduced through the realignment plan, it appears likely that the department will fall short of the court's deadlines for reducing the population of the institutions to 137.5 percent of their design capacity within two years."



## ADMINISTRATION OF JUSTICE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ ADMINISTRATION OF JUSTICE ~ PROBATION

Contact: Stephanie L. James, Chief Probation Officer; E-Mail: [sjames@sjgov.org](mailto:sjames@sjgov.org); Ph. (209) 468-4077

### 7. **Title: Funding for Juvenile Justice Programs**

**Issue:** There continues to be a lack of stable funding for critical local juvenile justice programs, including gang intervention and prevention.

**Legislative Platform: Support legislation and budget proposals which would provide a stable funding source for local juvenile justice programs, including the Juvenile Justice Crime Prevention Act, Juvenile Probation and Camps, and the Youthful Offender Block Grant programs; and**

**Background:** Over the past few years, State funding for local law and justice programs has been shifted from a stable general fund (State) funding source to the less stable Vehicle License Fee (VLF) funding, then back to the State General Fund. Specifically, the Juvenile Justice Crime Prevention Act, and the Juvenile Probation and Camps Funding were moved to the less stable VLF funding source. In the 2011 State budget, this funding source has been moved back to the State General Fund. It is critical that these important programs continue to receive State support, and that stable funding be provided. Additionally, the State established the Youthful Offender Block Grant program to provide needed resources to local Probation agencies aimed at reducing the population of youth in state custody. While this funding has remained stable, and in fact has increased in the past five years, it is critical that this funding continue to be supported by the State, and that it also remain in a stable funding mode to allow for proper planning of services to youth.

Gangs and gang related involvement are major law enforcement issues in San Joaquin County. Prevention of gang involvement is a major focus in dealing with youth in the County. State support is needed to provide additional local resources for anti-gang and gang prevention programs.



## ADMINISTRATION OF JUSTICE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ ADMINISTRATION OF JUSTICE  
Contact: Steve Moore, Sheriff; E-Mail: [smoore@sjgov.org](mailto:smoore@sjgov.org); Ph. (209) 468-4311

### 8. **Title: Unreimbursed Trial Court Expenditures**

**Issue:** Rule 810 of the California Rules of Court specifically excludes some costs which are clearly court-related, thus shifting those costs to the counties. Furthermore, the Sheriff is mandated to provide courtroom security. Therefore, the State should fund all costs associated with court security.

**Legislative Platform: Support legislation that would:**

1. **Expand the definition of “allowable” trial court expenditures under Rule 810 of the California Rules of Court to include all court-related costs that are currently paid by counties;**
2. **Provide a budget appropriation to fund “allowable” costs under the Superior Court Law Enforcement Act of 2002 (SB 396); and,**
3. **Support legislation that would require local courts to pay actual cost for provision of security services or authorize the Sheriff to reduce services as necessary to meet the budget reductions made necessary by a local court.**

### **Background:**

#### ***Rule 810***

Local trial courts receive funding only for expenditures falling under categories listed in Rule 810 of the California Rules of Court prepared by Judicial Council. Rule 810 specifically excludes some costs which are clearly court-related, thus shifting those costs to the counties. Examples include the courts' fair share of building and grounds maintenance in the courthouses, juror parking, bus passes, office overhead, in-custody defendant transportation, and holding cell personnel necessary for the court security function. The Superior Court Law Enforcement Act of 2002 (SB 396), Section 69927 (4), defines, among other things, the cost of support staff for the court security function as “allowable” costs; however, provisions for funding were not provided by the Legislature.

#### ***Court Security***

Local trial courts receive funding through the Administrative Office of the Courts (AOC) to operate. One of the areas funded in this method is the provision of Court Security Services by the Sheriff to the local courts. Pursuant to Government Code Section 69927, certain costs are reimbursable only to the extent funds are made available by the Legislature. In July 2009, the Legislature reduced the amount reimbursed to the Sheriff by 4.62%; however, the Legislature requires the Sheriff to continue to provide the same level of services to the Courts. This same legislation gave the local court the ability to refuse to pay for any post-employment healthcare costs for Sheriff staff. In effect, the Legislature has shifted these costs to the Sheriffs, and ultimately to the counties. To the extent a court cannot pay the costs, the Sheriff shall not be required to provide the service.



## AGRICULTURE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ AGRICULTURAL COMMISSIONER

Contact: Scott Hudson, Agricultural Commissioner; E-Mail: [shudson@sjgov.org](mailto:shudson@sjgov.org); Ph. (209) 953-6007

### 9. Title: Pest Prevention and Surveillance

**Issue:** Insufficient funding for pest prevention and surveillance detection.

**Legislative Platform:** Seek, advocate, and support legislation and budget proposals which would restore and provide full State and federal funding of county pest prevention programs, and identify alternative sources of funding for county pest prevention programs.

**Background:** San Joaquin County (SJC) is the seventh largest agricultural county in the State of California and the seventh largest in the nation. As a result, agriculture is a major factor in the County's economy and way of life. Therefore, funding for early plant pest detection and surveillance is of priority importance to SJC.

Due to severe budget cuts at both the State and federal levels, funding has decreased significantly for local pest exclusion and pest detection programs. Most notable are the reductions in funding for the High Risk Pest Exclusion program and the Glassy-winged Sharpshooter Prevention program. Funding for High Risk Pest Exclusion program experienced a 89.2% decrease in funding from 2007-08 to 2012-13 resulting in significantly less protective programs exposing the agricultural industry to significant risks of invasion of high risk pests.

The SJC agricultural industry continues to battle invasive plant pest infestation. In 2009, the County experienced its first plant pest quarantine in 28 years with the detection of a Light Brown Apple Moth (LBAM) infestation. The only other plant pest quarantine established in the County prior to the LBAM infestation was a medfly quarantine in 1981. Since then, the SJC Agricultural Commissioner's Office has detected additional LBAM infestations, a European grapevine moth infestation in 2010 and an Oriental Fruit Fly infestation in 2011. All these detections resulted in federal and State plant pest quarantines that seriously impacted many of SJC's agricultural industry and economy.

The County Agricultural Commissioner's Office has two main programs aimed at preventing invasive pests, the Pest Exclusion Program and the Pest Detection Program. The Pest Exclusion Program is the first line of defense aimed at preventing pest entry into the state through plant and commodity inspections at their points of entry into the County. The Pest Detection Program is the second line of defense which maintains a countywide network of insect traps and other detection tools to serve as an early warning system against serious agricultural pests designed to detect the pest before it spreads. The earlier a foreign pest invasion can be detected the easier and less costly it is to eradicate.

New agriculture pest introductions significantly impact farmers as additional resources must be spent to control the pest and market the crops. Additionally, once an invasive pest becomes established in California, millions are spent on eradication costs and millions more are lost due to establishment of quarantines against infested areas by other states and countries. These quarantines at the most prohibit exportation of agricultural products from infested areas and at the least require costly treatments and inspections as a condition of export.



## AGRICULTURE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ AGRICULTURAL COMMISSIONER

Contact: Scott Hudson, Agricultural Commissioner; E-Mail: [shudson@sjgov.org](mailto:shudson@sjgov.org); Ph. (209) 953-6007

### 10. **Title: Light Brown Apple Moth Eradication**

**Issue:** Detections of Light Brown Apple Moths in San Joaquin County has prompted quarantines to contain the spread of the invasive pest.

**Legislative Platform: Urge the Legislature to seek full restoration of Federal funding for the Light Brown Apple Moth quarantine, eradication, and related activities.**

**Background:** The Light Brown Apple Moth (LBAM) was detected in California in 2007; the first in the United States mainland. The LBAM is of particular concern because it can damage over 250 crop and plant species, including stone fruits (almonds, cherries, peaches, plums, and apricots), pome fruits (apples and pears), grapes, vegetables (tomatoes, corn, and cucumbers), alfalfa, and nursery stock. In addition to crop damage, international and domestic markets may impose costly export restrictions on host crops grown both inside and outside LBAM regulated areas.

Presently, California's LBAM infested areas are under Federal quarantine. The quarantine regulates the movement of agricultural products and includes detection, containment, and eradication activities. Quarantine activities for the LBAM are handled cooperatively under a LBAM Quarantine Project consisting of local agricultural commissioners, the California Department of Agriculture (CDFA) and the U. S. Department of Agriculture (USDA).

Currently, there are five distinct LBAM quarantined areas San Joaquin County (SJC), thereby SJC is considered a partially infested county. To protect the agriculture in SJC from the spread of LBAM, the County Agricultural Commissioner maintains an active detection and regulatory program. The LBAM program is funded by the USDA through CDFA. Without this funding the LBAM program in SJC could not be sustained. In fiscal year 2011-12 the County received \$79,000 for the LBAM program. Loss of Federal funding or discontinuance of the LBAM quarantine could have significant negative impacts on the agricultural industry in SJC.

If the LBAM quarantine is eliminated, agricultural exports could suffer from quarantines imposed by foreign countries on California agricultural products. In addition, grower's costs would increase due to the need to protect their crops from LBAM damage. Restoring funding for the LBAM Eradication Program is vital to sustaining SJC's agricultural industry and economy.



## ASSESSOR ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ ASSESSOR-RECORDER-COUNTY CLERK  
Contact: Ken Blakemore, Assessor; E-Mail: [kblakemore@sjgov.org](mailto:kblakemore@sjgov.org); Ph. (209) 468-2649

### 11. **Title: Property Tax Administration Program**

**Issue:** Elimination of the Property Tax Administration grant program.

**Legislative Platform:**

- 1. Support budgetary, legislative, or executive action to restore funding to the Property Tax Administration program, subject to the Board of Supervisors' approval of the distribution of the funds.**
- 2. Provide funding for the statewide Property Tax Collection System.**

**Background:** The Property Tax Administration program provided \$60 million to counties to assist in funding the administration and collection of property taxes. The 2005-06 State Budget eliminated the Property Tax Administration grant program; and there remains significant reticence to provide State funding for the property tax system, despite the efforts being made to develop alternative proposals to restore this funding.





## COMMUNITY DEVELOPMENT ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ COMMUNITY DEVELOPMENT

Contact: Kerry Sullivan, Director; E-Mail: [ksullivan@sjgov.org](mailto:ksullivan@sjgov.org); Ph. (209) 468-3140

### 12. **Title: Housing Foreclosure Prevention and Mitigation**

**Issue:** San Joaquin County continues to rank within the top jurisdictions in the State, and in the nation, as most severely impacted by the housing foreclosure crisis.

**Legislative Platform:** Seek, advocate, and support legislation or a budget proposal which would continue to provide local jurisdictions with funding to operate foreclosure prevention counseling programs, and to purchase, redevelop, and sell foreclosed properties to low income buyers.

**Background:** San Joaquin County (SJC) has experienced a significant number of residential foreclosures. This rate equates to almost one in every five homes being foreclosed upon, ranking SJC within the top jurisdictions in the State and in the nation as most severely impacted by the housing foreclosure crisis.

Foreclosures impact families, neighborhoods, and communities through displacements, blight, increased crime, and reduced property values. Foreclosures impact local government through reduced property tax revenues and increased demand for social services and law enforcement. Delays in addressing the national home foreclosure issues will continue to have a significant impact on SJC's budget in the form of reduced property tax revenues and increased demand for services.



## COMMUNITY DEVELOPMENT ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ COMMUNITY DEVELOPMENT

Contact: Kerry Sullivan, Director; E-Mail: [ksullivan@sjgov.org](mailto:ksullivan@sjgov.org); Ph. (209) 468-3140

### 13. **Title:** Homelessness Prevention

**Issue:** San Joaquin County continues to experience high foreclosure and unemployment rates, resulting in a significant increase in its homeless population.

**Legislative Platform:** Seek, advocate, and support legislation or budgetary proposals which would provide local jurisdictions with ongoing entitlement funding to operate homelessness prevention programs.

**Background:** The recent economic downturn has resulted in continued significant property foreclosures and job losses in San Joaquin County (SJC). Because of the economic downturn, homelessness has significantly increased in SJC.

Homelessness is a very undesirable condition, both for the people it affects and for society in general. Most often, homeless persons have poor health, and homeless children experience developmental delays, behavioral problems, and perform poorly at school. These issues and how they manifest themselves can be very costly to both non-profit and government social service providers.

A Homeless Prevention Program would provide assistance to avert housing loss through supportive services, mediation, and cash assistance for rent and mortgages. Furthermore, a Homeless Prevention Program would divert demand for social services, which continue to be heavily impacted by budget reductions.



## Legislative/Regulatory Policy Guidelines ~ Emergency Flood Response

COUNTY OF SAN JOAQUIN ~ OFFICE OF EMERGENCY SERVICES

Contact: Mike Cockrell, Director; E-Mail: [mcockrell@sjgov.org](mailto:mcockrell@sjgov.org); Ph. (209) 953-6206

Improvement of levees and the physical aspects of the flood control system must continue to be a high priority for the State. However, given that any levee can fail, the quality of the emergency response system, as it relates to patrolling levees during a crisis, responding to potential problems on levees, and minimizing flooding impacts after a levee failure, must also be addressed. In light of the issues regarding the current condition of the Delta levees, following are San Joaquin County's (SJC) Emergency Flood Response Policies:

### ***Regional Response***

Seek, advocate, and support regional coordination of federal, State, and local agencies' efforts to patrol levees and to identify and respond to threats to levee integrity. Encourage the State to facilitate and support SJC's efforts to create a regional coordination system for flood response. In an emergency, the coordination system would provide all appropriate local agencies access to the following: 1) levee patrol results for the Sacramento-San Joaquin Delta, 2) all identified levee problems within that area, and 3) federal, State, and local resources available to respond to levee issues.

### ***Basin-Wide Management of Flood Fight Resources***

Encourage the State and federal agencies to facilitate the development of systems for the centralization of dispatch of materials/supplies needed to prevent levee failure or minimize flooding in the event of a levee failure. Use of the Internet to deploy such systems should be considered.

### ***Removal of Obstacles in Response to Levee Problems***

Encourage the State to work with the Federal Emergency Management Agency (FEMA) to remove regulatory and other administrative rules which currently impede local, State, and federal agencies in responding to a levee issue. (At the local and State level, FEMA regulatory rules do not allow for agencies that do not have direct jurisdiction on a levee to be reimbursed for resources used in the prevention of levee failure.) In the past, failure of the State to budget funds for response to levee problems has delayed the Department of Water Resources' response to identified levee problems. In addition, the U.S. Army Corps of Engineers' regulations relating to response to levee problems and levee rehabilitation need to be more flexible and should include non-project levees.

### ***Regional Flood Contingency Planning***

Advocate in support of coordination of State and local efforts to complete specific planning for responding to Delta levee issues and/or failure. Previous mandates for emergency response have not led to identifying specific responsibilities and assignments for predictable actions in the event of a levee issue or failure. An example of essential planning efforts is the development of flood contingency maps that identify critical, historical, and survey information, as well as foreseeable engineering options to potential levee problems. Such planning efforts are critically needed to move planning from general concepts to specific needs and assignments.



## Emergency Services - Legislative Issues

COUNTY OF SAN JOAQUIN ~ OFFICE OF EMERGENCY SERVICES  
Contact: Mike Cockrell, Director; E-Mail: [mcockrell@sjgov.org](mailto:mcockrell@sjgov.org); Ph. (209) 953-6206

### 14. **Title:** Sacramento-San Joaquin Delta Flood Fight Emergency Fund

**Issue:** The Delta is the hub of California's major water supply systems. The lack of cash flow at the beginning of a flood fight prevents prompt action once substantial costs are involved by the jurisdictions best placed to act.

**Legislative Platform:** Seek and support legislation, budgetary proposals, regulatory and/or administration action which would provide \$200 million for an emergency trust fund to be established, maintained, and operated by the Delta Protection Commission to ensure that prompt emergency action is taken to prevent levee failure in the legal Sacramento-San Joaquin Delta.

**Background:** Emergency actions during a flood in the Sacramento-San Joaquin legal Delta to prevent levee failure, close levee breaks, dewater flooded areas, and otherwise limit the extent and duration of flood waters, are primarily engineering and construction activities. Existing mutual aid agreements between public agencies are not generally relevant in this situation since such engineering activity most often involves the direct purchase of materials and services from private vendors and not a sharing of publically-owned resources covered in those agreements. These purchases of materials, construction services, pumps, and other privately provided products require substantial funds that must be committed by contract at the moment of need.

In California, reclamation type districts are the typical public agencies with primary jurisdiction and responsibility for maintaining levees before and during a flood emergency. These districts are best placed, best motivated, and best capable of acting to prevent levee failure or contain flood waters in a crisis. This decentralized response system works well operationally and should be continued to ensure the best possible response to flooding threats when the integrity of multiple levees is threatened. Action by local agencies is to be preferred to potentially delayed action by more distant agencies.

However, local reclamation districts have limited ability to raise funds to maintain levees that also protect vital regional and community infrastructure. Owners and/or operators of much of the regional infrastructure protected by Delta levees do not contribute to the costs of levee maintenance or of emergency actions to threats to levee stability. The subsequent lack of cash flow at the beginning of a crisis prevents prompt action once substantial costs are involved by the jurisdictions best placed to act.

Other local, state, and federal agencies that could provide the needed response are often delayed in responding to a request for assistance by the same lack of readily available funds as well as by bureaucratic processes and requirements. The lack of clear eligibility for reimbursement under the federal Stafford Act for potentially large expenditures made outside of the agency legal jurisdiction is an additional disincentive to action by most local and state agencies. The response



## Emergency Services - Legislative Issues

COUNTY OF SAN JOAQUIN ~ OFFICE OF EMERGENCY SERVICES

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### **Sacramento-San Joaquin Delta Flood Fight Emergency Fund (*continued*)**

#### **Background: (*continued*)**

of federal agencies can be further delayed or limited by overly stringent rules, policies, and regulations for action under PL84-99 and other authorities.

*Recommendation* - the correction of this situation and the assurance that the most prompt and effective action possible will occur to prevent levee failure or limit flood water extent is of vital importance. Preventing levee failure and effectively limiting flood extent and duration directly reduces impacts on American citizens, damage to private and public property, and subsequent expenditures under federal and state disaster assistance programs. The existence of a suitably controlled emergency fund would be the best way to provide this necessary assurance. An emergency trust fund, once established, would be used during a flood for direct emergency expenditures to ensure that prompt emergency action is taken to prevent levee failure, close levee breaks, dewater flooded areas, and otherwise physically limit the extent, depth, and duration of flood waters in the event of a levee failure. The funds will be provided on the condition that the local agency will seek State and federal disaster assistance and any reimbursements received for expenditures paid with emergency trust funds will be paid back to the trust fund. To the extent such actions are required for Project levees, and the USACE exercises its authority to immediately take needed emergency action, the response by the local agency may not be necessary and the emergency trust fund will not be accessed. The Delta Protection Commission will, in cooperation with local and State agencies, establish criteria and procedures for use of the trust fund in a flood emergency that will be incorporated within a multi-party formal agreement. Once these criteria and procedures are established the fund can be accessed for levee protected area located within the legal Delta for which the local maintaining agencies are parties to the trust fund agreement. The trust fund agreement will also establish mechanisms for long-term replenishment of the fund and its ability to support eligible emergency actions.



## Employment and Economic Development Department ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ EMPLOYMENT & ECONOMIC DEVELOPMENT DEPARTMENT  
Contact: John Solis, Director; E-Mail: [jsolis@sjcworknet.org](mailto:jsolis@sjcworknet.org); Ph. (209) 468-3511

### 15. **Title:** Enterprise Zone Program

**Issue:** There are legislative proposals to eliminate or grossly scale back the State Enterprise Zone program.

**Legislative Platform:** Seek, advocate, and support continuation of the California Enterprise Zone program, as well as funding for the program.

**Background:** The California Enterprise Zone (EZ) program was established to revitalize economically challenged parts of California. The EZ program targets economically distressed areas using special State and local incentives to promote business investment and job creation. The program encourages entrepreneurship and business growth creating and sustaining economic expansion in California communities. By helping businesses create well-paying jobs, local communities are empowered to help build the State's overall economy. Without the EZ Program, incentives to attract new or retain existing businesses, and emerging industries will be significantly curtailed impairing San Joaquin County's (SJC) ability to promote business investment and job creation in the County.

On January 31, 2008, the State of California granted SJC a 15-year EZ Designation with an effective date of June 22, 2008. With the recent modification submitted, the San Joaquin EZ will cover a total of 662 square miles including the City of Escalon and Ripon. All the incorporated cities and key unincorporated areas of SJC will be a party to the County's EZ. The EZ program has become a vital program for business retention and expansion for SJC. Without the EZ program, the County and the State would lose a significant number of its existing industries to neighboring states. The EZ program is California's largest incentive for retaining existing growth and emerging industries who are considering relocation or expansion outside of California.

Furthermore, the EZ program has been effectively used by local entities, including SJC Workforce Investment Board, to re-employ individuals that have been displaced as a result of recent plant closures and downsizing in local communities.



## Legislative/Regulatory Policy Guidelines ~ Environmental Health

COUNTY OF SAN JOAQUIN ~ ENVIRONMENTAL HEALTH

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The San Joaquin County Environmental Health Department provides services which protect and enhance the well-being, health, and safety of the residents of San Joaquin County. These efforts are provided through the prevention, education, inspection, and enforcement of State and local environmental laws and regulations.

- 1) Support legislation or regulatory action which would provide alternatives in emergency situations to the current methods of dead animal transportation and disposition, , and expand the capacity of rendering facilities, including landfills.
- 2) Oppose legislation or regulatory action which would strike down existing or future San Joaquin County ordinances that prohibit or restrict the use of bio-solids as a soil amendment or fertilizer.
- 3) Support legislation which would provide clean-up language (amendments) to the California Retail Food Code - support amendments which would make *non-substantive* changes to the Code, and amendments that address San Joaquin County's interest.
- 4) Oppose legislative efforts, similar to Proposition 23 proposed in 2010, to suspend provisions of AB 32 (2006), the Global Warming Act of 2006; and support efforts to reduce greenhouse gas emissions and funding proposals to meet these regulatory requirements.



## ENVIRONMENTAL HEALTH ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ ENVIRONMENTAL HEALTH

Contact: Donna Heran, Director; E-Mail: [dheran@sjcehd.com](mailto:dheran@sjcehd.com); Ph. (209) 468-3429

### 16. Title: Water Quality Standards for Recreational Use of Fresh Waters

**Issue:** There are no State enforceable minimum standards or requirements for monitoring freshwater recreational bathing areas and beaches at inland rivers, lakes, and the Delta.

#### **Legislative Platform:**

1. **Support legislation which would set enforceable minimum bacteriological standards for freshwater bodies, such as public access lakes, rivers, the Delta, and other freshwater bodies that promote and allow swimming and other body-contact sports.**
2. **Support legislation or budgetary proposals which would provide sufficient funding to establish and administer a local water quality monitoring program.**

**Background:** Since 1998, the State has had enforceable minimum standards for bacteriological monitoring of ocean beaches. Legislation signed by the Governor in 2004 requires water quality monitoring at San Francisco Bay beaches. However, there are no State enforceable minimum standards or requirements for monitoring of freshwater recreational bathing areas and beaches at inland rivers, lakes, or the Delta.

Health risks associated with recreational use of freshwater bodies warrant establishing an enforceable standard framework for monitoring. Such legislation would provide regulatory certainty and clarity for the State and local regulators of freshwater bathing areas, and would serve to control the spread of costly and dangerous outbreaks that could negatively affect the well-being of California's most vulnerable population.

The California Department of Public Health's website includes draft guidelines for freshwater beaches; however, no State enforceable minimum standards (regulations) exist for bacteriological monitoring and testing. Additionally, neither a State funding source nor a public notification criteria (i.e., requirements for posting, closing, and the reopening of public freshwater bathing areas after bacteriological problems are identified) have been established.

SB 1438 (Florez – 2001), if passed, would have established freshwater minimum standards for freshwater bathing and beaches. The legislation was re-introduced and passed by the Legislature in 2005 (SB 429-Florez), however it was vetoed by the Governor.

The U.S. Environmental Protection Agency is in the process of developing new bacteriological criteria for all recreational waters. Reportedly, the bacteriological criteria will include enforceable minimum standards for bacteriological monitoring of freshwater recreational bathing areas, including beaches at inland rivers, lakes, and the Delta, and are anticipated by October 2012.





## ENVIRONMENTAL HEALTH ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ ENVIRONMENTAL HEALTH

Contact: Donna Heran, Director; E-Mail: [dheran@sjcehd.com](mailto:dheran@sjcehd.com); Ph. (209) 468-3429

### 17. **Title:** Food Product Recall Technology

**Issue:** The Salmonella outbreak in peanut products is an example of how contaminated foods can end up on store shelves threatening consumer safety.

**Legislative Platform:** Support legislation, similar to SB 550 (2009-Florez), which would ensure the prevention of food products, subject to recall, from being sold to customers.

**Background:** San Joaquin County has been involved in the recall of several types of food products through retail food stores (i.e., grocery stores). California law requires retail food stores to remove products that are the subject of a recall, from their shelves. Unfortunately, some products are inadvertently overlooked in the stores' removal process, consequently, products recalled from retail food stores are sold to customers.

The Salmonella outbreak in peanut products is one example of how contaminated foods are found on store shelves thereby threatening consumer safety. The products were originally produced in southwest Georgia, but were distributed across the nation. According to the Centers for Disease Control, this outbreak began in September of 2008. A recall was not issued until January 2009, listing several hundred recalled products. Over 2,100 products have been voluntarily recalled, and the list continues to grow. In light of these facts, measures must be put in place to ensure that recalled food is not sold to customers.

SB 550, Public Health Food Product Recall Technology was introduced by Senator Florez in 2009; however, it failed in committee. If enacted, SB 550 would have required retail food stores to program their point-of-sale (POS) equipment to prevent products subject to recall from being sold to customers. The POS system would notify the employee that the product is subject to a recall, and prevent sale of that product to the customer.



## ENVIRONMENTAL HEALTH ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ ENVIRONMENTAL HEALTH

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### 18. **Title: Treated Auto Shredder Waste Used as Alternative Daily Cover at Landfills**

**Issue:** Under the authority of a waiver from the State Department of Toxic Substance Control, scrap metal processors have been allowed to dispose of treated auto shredder waste, containing high levels of metal and polychlorinated biphenyls, at Class 3 (non-hazardous waste) landfills.

**Legislative Platform:** Support legislative and/or administrative efforts to rescind the State's waiver which currently allows the disposal of treated auto shredder waste that exceeds the State's regulatory thresholds, at Class 3 landfills.

**Background:** The shredding of automobiles and major household appliances produces a waste consisting primarily of non-metallic materials such as glass, fiber, rubber, automobile fluids, and plastics that remain after the recyclable metals have been removed. This waste material is referred to as treated auto shredder waste (TASW).

TASW has been found to contain lead, cadmium, copper, zinc, and polychlorinated biphenyls (PCBs) at levels above the State's regulatory thresholds. However, the State has allowed TASW to be used as Alternative Daily Cover (ADC) at Class 3 (non-hazardous waste landfills) under a waiver from the Department of Toxic Substances Control (DTSC). Due to the high levels of heavy metals and PCBs in TASW, the DTSC is now considering rescinding the waiver. (ADC refers to cover material other than earthen material placed on the surface of the active face of refuse at a municipal solid waste landfill at the end of each operating day to control vectors, fires, odors, blowing litter, and scavenging. CalRecycle has 11 approved ADC material types.)

If the waiver is rescinded, scrap metal processors will have to modify their shredding processes to reduce the heavy metals and PCBs, or take TASW to a Class 1 (hazardous waste) landfill.



## ENVIRONMENTAL HEALTH ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ ENVIRONMENTAL HEALTH

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### 19. **Title: Recruitment and Retention of Public Health Workers**

**Issue:** There is a lack of public health workers.

**Legislative Platform:** Seek and support the establishment of a Public Health Workforce Scholarship program and a Public Health Workforce Loan Repayment program as an incentive to increase the supply of public health and environmental health professionals in an effort to mitigate an anticipated public health preparedness workforce shortage.

**Background:** The ability of the public health system to prevent, respond to, and recover from bioterrorism, infectious disease outbreaks, and other health threats depends on the existence of adequate numbers of well-trained public health and environmental health professionals. The current public health system has an aging staff nearing retirement with no clear influx of highly- skilled and capable employees to fill the void.



## ENVIRONMENTAL HEALTH ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ ENVIRONMENTAL HEALTH

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### 20. **Title: Bulk Water Haulers**

**Issue:** Legislation has been pursued which would threaten existing regulatory authority over licensed bulk water haulers that protects public health and prevents the use of unapproved water sources, and creates a new unfunded regulatory classification of small public water systems.

**Legislative Platform:** Support legislative and administrative efforts which would maintain existing State regulations relative to bulk water haulers, and oppose efforts to impose new “Small Public Water System” classifications as proposed in AB 2507 (2010-Strickland) or similar proposals that would mandate counties to administer without providing the funding needed to implement a new State requirements.

**Background:** Existing law requires the California Department of Public Health to administer provisions relating to the regulation of drinking water to protect public health. AB 2507 was introduced during the 2010 legislative session; however, it failed in committee. In summary, if enacted, AB 2507 would have authorized the creation of a “small public water system” classification for new communities, lacking a permanent or sufficient public drinking water source, to be served by bulk water haulers. AB 2507 would have required local public health officers to establish standards for, and be the primary enforcement agency over, the small public water systems. Furthermore, AB 2507 provided that “. . . no reimbursement shall be made pursuant to these statutory provisions for costs mandated by the state.” Consequently, AB 2507 would have imposed another state-mandated local program, obligating counties to additional workloads without the funding to administer the program.



## Legislative/Regulatory Policy Guidelines ~ Health Care

COUNTY OF SAN JOAQUIN ~ HEALTH CARE SERVICES AGENCY

Contact: Kenneth Cohen, Director; E-Mail: [kcohen@sjgh.org](mailto:kcohen@sjgh.org); Ph. (209) 468-7031

As a political subdivision of the State of California, San Joaquin County is a partner in the delivery of health care services. The County's Health Care Services Agency is the health care safety-net provider for the community. In addition, the State has transferred direct responsibility for the health care of some residents to the County. In light of this partnership, the San Joaquin County Board of Supervisors:

- 1) Advocates for maximum local control and flexibility in the administrative responsibilities for health care services for which San Joaquin County has been transferred authority.
- 2) Supports simplification of regulations, contract requirements, and reimbursement claims mechanisms to ensure flexibility and maximum financial support of local health care delivery systems.
- 3) Aggressively opposes reductions in Medi-Cal, Safety-Net Care Pool, and other health care funding or reform to Medi-Cal which would result in decreased access to health care and/or would shift costs or risk to the County.
- 4) Opposes legislative, administrative, realignment and/or regulatory efforts that would impose unfunded mandates or regulations impeding the efficient and effective delivery of health care services at the local level, including health facility standards.
- 5) Seek to ensure that the State expansion of Medicaid, and any other state program developed under the Affordable Car Act protects the County from unknown or unforeseen financial, administrative or risk liabilities.
- 6) Advocates that the Legislature and State Administration consider potential impacts of health care legislation, regulations, and/or guidelines to the local health care delivery systems, economy, resources, and job market prior to adoption.
- 7) Advocates for health care and public health funding formulas that equitably reflect San Joaquin County's demographics, health burdens and supports the county safety net, (county clinics, behavioral and public health services, health plan and county hospital).
- 8) Advocates in support of policies which promote healthy eating and increase access to opportunities for physical activity.
- 9) Supports legislative efforts and budgetary appropriations for local health care agencies to be able to: a) prevent and address chronic health conditions (such as obesity, diabetes, asthma, cardiovascular disease, and cancer), b) enhance local disease control and prevention (including epidemiology, surveillance, investigation, and response), c) provide emergency and bio-terrorism preparedness and response, including pandemic influenza, and d) support infrastructure development.
- 10) Supports budgetary appropriations to local public health department programs for the control of communicable diseases, including tuberculosis, and advocates that Medi-Cal funding for tuberculosis is exempt from State funding reductions to Medi-Cal for immigrants.



## Legislative/Regulatory Policy Guidelines ~ Health Care

COUNTY OF SAN JOAQUIN ~ HEALTH CARE SERVICES AGENCY

Contact: Kenneth Cohen, Director; E-Mail: [kcohen@sjgh.org](mailto:kcohen@sjgh.org); Ph. (209) 468-7031

### Health Care Legislative/Regulatory Policy Guidelines (*continued*)

- 11) Advocates and supports infrastructure bonds, financing, and/or an economic stimulus package that would provide funds to San Joaquin General Hospital for seismic safety upgrades, including construction, replacement, renovation, and retrofit.
- 12) Advocates in support of funding for health care information technology infrastructure to enhance the quality of patient safety and the delivery of health care services.
- 13) Maximize the ability of San Joaquin County to match Federal funds for health care programs and services, which results in direct payments back to the County.
- 14) Support extension of the Hospital Fee to enhance Medi-Cal rates and augment payments to public hospitals.
- 15) Advocates for health system integration efforts to ensure safe, secure and appropriate data sharing, seamless care delivery and enhanced outcomes.
- 16) Advocates for the protection of county safety net functions and facilities in the changing market under state and federal health care reform and health benefit exchange.



## HEALTH CARE ~ Legislative Projects

COUNTY OF SAN JOAQUIN ~ HEALTH CARE SERVICES AGENCY  
Contact: Kenneth Cohen, Director; E-Mail: [kcohen@sjgh.org](mailto:kcohen@sjgh.org); Ph. (209) 468-7031

### Overview

San Joaquin County's Health Care Services Agency (HCSA) and San Joaquin General Hospital (SJGH) are the safety-net providers for San Joaquin County (SJC). Due to fiscal constraints, the Agency and SJGH underinvested in information technology. The data infrastructure has become less efficient in tracking the treatment of patients, maintaining accounts, and assuring appropriate revenue tracking. A strategic plan for information technology services has been developed to guide SJC's priorities given limited funding. These efforts have resulted in the adoption of an electronic health record for SJGH that meets federal meaningful-use requirements, adoption of wireless technology, telemedicine linkages, and the distribution of digital radiology images to community partners and correctional facilities. Unfortunately, annual operating budgets continue to have very limited capacities to fund improvements to SJC's health information technology systems. Consequently, State and federal government assistance toward technology improvements is essential in maintaining the viability of the SJC as a cost-effective safety-net provider.

### 21. Title: Health Care Information Technology (IT) Infrastructure Project

**Legislative Project Appropriations Request: Seek, advocate, and support legislation and/or budgetary appropriations to fund the Information Technology Infrastructure Project.**

*Health Information Exchange (HIE) - \$500,000:* SJC Safety Net Partnership (SNP) will develop and implement a HIE among safety-net providers in SJC. The SNP consists of the SJC HCSA, Behavioral Health Services, SJGH, the Health Plan of San Joaquin and Community Medical Centers, Inc. Individually, and collectively, the SNP provides critical access to a wide array of medical and behavioral health services for the majority of safety-net patients in SJC. The SNP also serves the majority of Medi-Cal, uninsured and under-insured individuals in the County. In SJC, which has fewer resources than the more urban counterparts, health information technology has historically been underfunded. This has resulted in the development of organizationally unique but often incompatible systems that currently lack the necessary infrastructure to share patient information. An enhanced and coordinated shared information technology and collaboration to develop a HIE will improve quality and yield greater cost efficiencies than that which can be obtained as individual organizations. The HIE provides a platform for sharing relevant clinical information between the entities. In turn, this will lead to better access, better outcomes, and a healthier community.



## HEALTH CARE ~ Legislative Projects

COUNTY OF SAN JOAQUIN ~ HEALTH CARE SERVICES AGENCY  
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### Information Technology (IT) Infrastructure Project (*continued*)

*IT Infrastructure Enhancements - \$500,000:* New internal data needs are stressing the network backbone in terms of available bandwidth and reasonable redundancy to accommodate system maintenance with minimal interruption to clinical system access. Funding is needed to upgrade capability in high traffic segments - improving response time for all network users, support the delivery of diagnostic imagery in addition to the current radiology reports to remote physicians, and introduce routing redundancy in the network to provide business continuity in the event of scheduled network maintenance or individual component failures.

*Emergency Department Information System (EDIS) - \$600,000:* An EDIS is a specialized application that complements an underlying electronic medical record. Emergency Departments by their very nature are chaotic, non-linear systems where nurses and physicians generally have less time for detailed keyboard entry than other medical departments. An EDIS helps to overcome much of the time challenge by providing decision support templates for common conditions dealt with in the Emergency Department, reducing keyboard entry normally associated with traditional Computerized Physician Order Entry components of an electronic medical record and providing status board indicators tracking patient care, clinical order and diagnostic test result stages. Since SJGH is moving to be accredited as a formal trauma center, an EDIS would be an important support tool for achieving the operational and reporting efficiencies associated with such a designation.

*Obstetric Department Information System (ODIS) - \$400,000:* Emergency Department Information System and the Neonatal Intensive Care Unit (NICU) are key service lines for SJGH and important resources for SJC residents. An ODIS is a specialized application that complements an underlying electronic medical record. There are very specific charting provisions and compliance mandates that are critical to the delivery of superior care in an Obstetrics and Gynaecology (OB/Gyn) or NICU setting that are not part of the “meaningful-use” criteria required of a certified Electronic Health Record (EHR). An ODIS provides a consistent structured approach to address these specialized requirements as well as providing convenient linkage between the medical records of a mother and her baby(s). It simplifies information availability for the care team and helps abstract relevant EHR data gathered over multiple visits during a pregnancy – prenatal consultation, OB/Gyn clinic visits, family maternity in-patient delivery, post-delivery follow-up and well-baby clinic visits.





## HEALTH CARE ~ Legislative Projects

COUNTY OF SAN JOAQUIN ~ HEALTH CARE SERVICES AGENCY  
Contact: Kenneth Cohen, Director; E-Mail: [kcohen@sjgh.org](mailto:kcohen@sjgh.org); Ph. (209) 468-7031

### Information Technology (IT) Infrastructure Project (*continued*)

Data Loss Prevention and Information Security Monitoring - \$250,000: The introduction of an electronic medical record is certainly simplifying clinician access to critical patient information when and where they need it. This movement away from paper records also elevates the potential risk of a data breach as a compromised system could provide access to literally thousands of patient records. Two technologies have been identified to help mitigate this risk, one for front-end access management and one for back-end detection of unusual network behavior. The first technology will allow us to evaluate the effective permissions a specific user or security group has been granted through Active Directory Using. This first technology will allow us to only provide the access permissions needed by staff to do their job and will help reduce staff being granted access to information that is outside their scope of operation. The second technology will allow us to be alerted to workstations or servers that are behaving in a manner that is not consistent with their role. This would serve to identify systems that have been compromised or an internal user that is engaging in activity outside their scope of operation. Implementing these two new technologies will provide for a tightening of existing access management credentials and help detect inappropriate system activity that could lead to a serious data breach.

Appropriation Request:

\$1 million

Total Project Cost:

Approximately \$2.25 million



## HEALTH CARE ~ Legislative Projects

COUNTY OF SAN JOAQUIN ~ PUBLIC HEALTH SERVICES

Contact: William Mitchell, Director; E-Mail: [wmitchell@sjcphs.org](mailto:wmitchell@sjcphs.org); Ph. (209) 468-3413

### 22. Title: Public Health Laboratory Project

**Legislative Project Appropriations Request:** Seek, advocate, and support legislation and/or budgetary appropriations to provide funding assistance for a new local public health laboratory.

**Background:** A new state-of-the-art public health laboratory structure is needed on the Public Health Services complex. The San Joaquin County Public Health Laboratory has been designated as a Level B laboratory for the identification of agents that can be used as weapons of mass destruction. However, the existing facility is not sufficient for the necessary level of bio-containment capacity. The San Joaquin County Health Care Services Agency has developed, and is implementing, a bio-terrorism preparedness and public health infrastructure plan.

*(Project Literature Available)*

Appropriation Request:

\$2.0 million

Total Project Cost:

Approximately \$10.5 million

### 23. Title: Public Health Facility Expansion Project

**Legislative Project Appropriations Request:** Seek, advocate, and support legislation which would create a funding program to construct new public health facilities.

**Background:** Many public health departments were constructed in the 1960s with Hill-Burton funds. These facilities are now outdated and insufficient to support current state-of-the-art public health efforts. The San Joaquin County Public Health facility was built nearly 50 years ago, is too small, and is in need of major repairs. The San Joaquin County Board of Supervisors approved, in principle, the future building of Public Health facilities, giving priority to a new Public Health Laboratory (see item above). The primary objectives are to: 1) consolidate Public Health operations onto a single site, and 2) plan sufficient space for future growth.

Appropriation Request:

\$5.0 million

Total Project Cost:

Approximately \$17.6 million



## HEALTH CARE ~ Legislative Projects

COUNTY OF SAN JOAQUIN ~ SAN JOAQUIN GENERAL HOSPITAL

Contact: David Culberson, Chief Executive Officer; E-Mail: [dculberson@sjgh.org](mailto:dculberson@sjgh.org); Ph. (209) 468-6042

### 24. **Title:** San Joaquin General Hospital Facility Replacement Capital Improvement Project

**Legislative Project Appropriations Request:** Seek, advocate, and support legislation and/or budgetary appropriations to fund facility replacement and capital improvements for San Joaquin General Hospital.

**Background:** The “Old Towers” Building at San Joaquin General Hospital (SJGH) was built in the early 1930s is functionally obsolete and is well past the usual life span for a critical health facility. Although San Joaquin County requested, and received, an extension on the replacement of the building for seismic integrity until 2020, the continuous maintenance and deteriorating infrastructure of this facility is costly and inefficient to use. The extension of the facility replacement to 2020 is also contingent upon meeting state statutory milestones for planning, design and construction activities. The replacement/facility/improvements would provide, amongst other things, state-of-the-art facilities for Neonatal Intensive Care and Obstetrics Post-Partum units, and medical/surgical capacity for community patients.

In addition, SJGH has been significantly under-capitalized for the past several years, as losses necessitated the use of capital funds for ongoing operations. As a result, much of the new equipment purchased when the new Towers were built in 1997, have reached the end of their useful life and will need to be replaced shortly. In addition, Information Technology infrastructure for disaster recovery, decision support and patient care and management need to be purchased, upgraded or replaced to meet federal requirements for patient records and quality milestones. These changes will require significant capital investment.

Appropriation Request:

\$25 million

Total Project Cost:

\$45 million



## HEALTH CARE ~ Legislative Projects

COUNTY OF SAN JOAQUIN ~ BEHAVIORAL SERVICES

Contact: Victor Singh, Director; E-Mail: [vsingh@sjcbhs.org](mailto:vsingh@sjcbhs.org); Ph. (209) 468-2080

### 25. Title: Adolescent Substance Abuse Facility Project

**Legislative Project Appropriations Request: Seek, advocate, and support legislation and/or budgetary appropriations to provide funding assistance for an Adolescent Substance Abuse Facility project.**

**Background:** For several years, San Joaquin County (SJC) has identified a significant need for a residential substance abuse treatment facility for adolescents ages 14 to 18. Studies conducted conclude that methamphetamine appears to be the drug most used; however, alcohol is the major drug of choice among adolescents. It is estimated that approximately 2,000 SJC youth have a serious substance abuse problem and are in need of treatment. Currently, the only available option for adolescents is outpatient services. If an adolescent needs more than outpatient counseling, there are no available treatment options.

SJC Behavioral Health Services staff and members of the Mental Health and Substance Abuse Board have identified a high need for a residential substance abuse treatment facility for adolescents ages 14 to 18. Research shows that alcohol, marijuana and prescription medication are the most commonly abused drugs among teens. An estimated 4.6% of teenagers require substance abuse treatment (SAMHSA 2011), yet very few treatment programs are available to them.

It is estimated that approximately 3,360 SJC teens have serious substance abuse treatment problems and are in need of treatment. Currently the only available option for treatment for this vulnerable population is outpatient services, a service type that requires the individual in treatment to be highly motivated and to have a stable home life. There are only two small licensed outpatient programs for adolescents in the County. No treatment is available for adolescents that require higher levels of care.

*(Project Literature Available)*

Appropriation Request:

\$2.5 million

Total Project Cost:

Approximately \$5.5 million



## LEGISLATIVE PRIORITIES ~ Health Care

COUNTY OF SAN JOAQUIN ~ HEALTH CARE SERVICES AGENCY  
Contact: Kenneth Cohen, Director; E-Mail: [kcohen@sjgh.org](mailto:kcohen@sjgh.org); Ph. (209) 468-7031

### 26. **Title: State Implementation of Federal Health Care Reform**

**Issue:** Thousands of San Joaquin County residents lack health care coverage.

**Legislative Platform:**

1. Advocate and support legislation and regulations which would provide expanded health care, including preventive and treatment services; and ensure that San Joaquin County is protected from unforeseen liability and/or unfunded service obligations resulting from health care reform.
2. Oppose new unfunded mandates for expansion of health and mental health services.\
3. Support Local Initiative participation in the new State Health Benefit Exchange.
4. Support an emphasis on participation by county safety-net facilities and programs in new State Health Benefit Exchange, including appropriate reimbursement.

**Background:** Health care reform efforts/measures need to address specific issues to ensure San Joaquin County (SJC) is protected from unforeseen liability and/or unfunded service obligations. Otherwise, SJC may be left with new and unfunded mandates and insufficient funding for new and undefined populations, and increased requirements to fund these new obligations.

The Governor's Proposed Budget released in January 2013 offers a State or County administered option for the Medicaid expansion. A state run program may provide more options and better health coverage for our residents. SJC presently does not have the infrastructure for a county administered expansion. The possibility of extending the existing Low Income Health Program beyond December 31, 2013 is problematic as it is only reimbursed at a 50% level. Augmentation to a full Medicaid plan would require significant outlay of County General Funds, and full (100%) federal financial participation reimbursement for medical costs cannot yet be assured. Administrative reimbursement would likely remain at a 50% level, and could require a significant investment or a lengthy contract process with an entity, such as a health plan, to administer this program and absorb the risk. To date, there is extremely limited information regarding how the State expansion under the Affordable Care Act would move forward, therefore, SJC's policy must first and foremost be protection of the County from unforeseen liability and/or unfunded service obligations.

*\*Eight concepts defined in detail in San Joaquin County Health Care Services General Policy Guidelines for Health Care Reform at: <http://www.sjgeneralhospital.com/docs/HCSGuidelines.pdf>  
(This underlying document has been revised to reflect the adoption of the Patient Protection and Affordable Care Act (H.R. 3590-2010)*



## HEALTH CARE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ HEALTH CARE SERVICES AGENCY  
Contact: Kenneth Cohen, Director; E-Mail: [kcohen@sigh.org](mailto:kcohen@sigh.org); Ph. (209) 468-7031

### 27. **Title:** Medi-Cal Section 1115 Waiver (2010-2015)

**Issue:** Ensure continued support for the Medi-Cal Financing waiver negotiated during the 2010 legislative session.

**Legislative Platform:**

1. **Aggressively advocate and seek support to ensure sufficient funding to public safety-net hospitals for the provision of indigent health care.**
2. **Oppose legislative and administrative efforts to divert safety-net care pool, or other Medi-Cal or waiver related funds, away from public hospitals for other non-public hospital services.**
3. **Maximize use of Certified Public Expenditures for Federal match and ensure those funds are returned to the County for health care services.**
4. **Provide flexibility to counties under programs to expand coverage and reposition San Joaquin General Hospital and county safety-net health system to fully benefit from Health Care Reform.**

**Background:** The Medi-Cal Hospital/Uninsured Care Demonstration Project Act (SB 1100, 2005, Chapter 560) implemented an agreement reached between the State and the Centers for Medicare and Medicaid Services (CMS) on California's Medi-Cal Hospital Financing Section 1115 Waiver. Among other things, this legislation revised the methods the State uses to pay hospitals that contract with the State under the Medi-Cal selective provider contracting program, and distributes funds through a Safety-Net Care Pool. This Waiver was approved in November 2010 and is in effect through October 2015.

The 2010- 2015 Waiver continues the shift of all public hospitals to a form of cost-based reimbursement known as Certified Public Expenditures (CPEs). Public hospitals must now use CPEs in order to claim federal Medi-Cal, supplemental safety net care-pool or other federal funds previously received. The CPEs is calculated entirely on county hospital expenditures; and federal funds are matched directly to the hospital's expenditures. No State General Fund dollars support these programs for public hospitals.

Any changes to hospital financing for the current (2010-2015) five-year Waiver should guarantee that public hospitals do not receive less funding than they currently do, until and unless there is a demonstrated change in mandate, workload, and/or reimbursement. Hospitals and health care systems should receive more federal funding in the future as demand for services increase. County funds should not be at risk for expanded mandates which might increase cost or liability for the County.



## HEALTH CARE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ EMERGENCY MEDICAL SERVICES (EMS)  
Contact: Dan Burch, EMS Administrator; E-Mail: [dburch@sjgov.org](mailto:dburch@sjgov.org); Ph. (209) 468-6818

### 28. **Title:** County/Emergency Medical Services Agency Authority

**Issue:** Efforts exist to reduce or eliminate county authority regarding the governance of emergency medical services.

#### **Legislative Platform:**

- 1. Aggressively support legislation, regulatory, and other efforts to maintain and increase: a) the authority and governing role of counties and their local emergency medical services agencies to plan, implement, and evaluate all aspects and components of the Emergency Medical Services system; and b) funding for emergency medical services oversight.**
- 2. Support legislative efforts to maintain: a) the administration and medical control of EMS, pre-hospital emergency medical care, and ambulance services at the county level; and b) an independent State Emergency Medical Services Authority aligned with the California Department of Public Health.**
- 3. Aggressively oppose legislative, regulatory, or other efforts which would: a) threaten or weaken the authority and governing role of counties over Emergency Medical Services; b) result in fragmentation of the Emergency Medical Services systems and the delivery of pre-hospital emergency medical care; c) allow cities and special districts to provide Emergency Medical Services independent of the county's administration and medical control; d) limit or diminish the authority of the local Emergency Medical Services agency medical director to maintain medical control of the Emergency Medical Services system; and, e) shift responsibility for regional trauma planning away from counties and local Emergency Medical Services agencies.**

**Background:** Under current law, counties have an obligation to ensure public health and medical care for its citizens including ambulance service. Emergency Medical Services (EMS) and ambulance services planned for and provided on a countywide basis ensure system integrity and the delivery of optimal patient care. While neither cities nor fire districts have any health care obligations under state or federal law, some have sought to overturn the EMS Act (Division 2.5 of the Health and Safety Code) and obtain authority to establish city managed and/or fire service control of EMS and ambulance services. Fragmenting the EMS system by allowing cities and special districts to self-govern EMS participation creates incentives which work against the delivery of optimal patient care and efficient system designs for the county over all.



## HEALTH CARE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ HEALTH CARE SERVICES AGENCY

Contact: Kenneth Cohen, Director; E-Mail: [kcohen@sigh.org](mailto:kcohen@sigh.org); Ph. (209) 468-7031

### 29. **Title: Shortages of Physicians, Nurses, and Ancillary Clinicians**

**Issue:** San Joaquin County Health Care Services Agency and San Joaquin General Hospital continue to experience a significant shortage of physicians, nurses and ancillary clinical staff.

#### **Legislative Platform:**

1. **Advocate and support legislation or budgetary efforts which would expand health-related training programs, especially for physicians, nurses and ancillary clinicians.**
2. **Support funding for health-training loans and scholarship programs, as well as funding for workforce outreach and development in schools and the community.**
3. **Support legislation which would provide incentives to encourage and attract health care professionals to practice in the Central Valley.**
4. **Continue to oppose legislation which would impose fees and/or fines relative to inspections and compliance with minimum nurse-to-patient staffing ratios.**
5. **Oppose legislation which would impose new staffing ratios or increase demand for physicians (including specialists and psychiatrists), registered and licensed vocational nurses, psychiatric technicians, clinical laboratory, radiology, and pharmacy technicians and technologists, and allied health care professionals without adequately addressing the supply of available licensed and/or ancillary staff.**

**Background:** The health care industry continues to face a critical shortage of physicians, registered nurses, including public health nurses, and ancillary clinical staff (e.g. radiology, nuclear medicine, microbiology, ultrasound technology, respiratory therapy, physical therapy, and pharmacy). In past years, the State has provided funding for the expansion of nurse training programs. However, additional support to expand training programs, fund loan and scholarship programs, pursue career outreach and development programs, and incentivize location to underserved areas, is critical to address these career deficiencies in the health care industry.

In January 2002, the Administration proposed nurse-to-patient staffing ratios as required by State law (AB 204, 1999). Compliance with the required staffing coverage has created significant financial implications for San Joaquin General Hospital at a cost exceeding \$1.0 million per year. Legislative efforts continue to attempt to add ratios for other health care ancillary staff. To date, these efforts have been unsuccessful or have been vetoed.





## HEALTH CARE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ PUBLIC HEALTH SERVICES

Contact: William Mitchell, Director; E-Mail: [wmitchell@sjcphs.org](mailto:wmitchell@sjcphs.org); Ph. (209) 468-3413

### 30. **Title: California Children's Services**

**Issue:** The Department of Health Care Services has imposed a new funding formula that places a cap on administrative allocations for the California Children's Services Program (CCS). The funding structure for CCS diagnostic, treatment, and therapy services is based on 1990-91 expenditure levels. As a caseload-driven program, these funding issues may force counties to curtail services to handicapped children, reduce payments to providers, or incur additional county general fund costs to maintain services.

**Legislative Platform:** **Seek alternative funding or change in administrative structure for CCS to mitigate the growth in this unfunded mandate to counties, or require the State to fully fund its statutory obligation for CCS.**

**Background:** The CCS program provides diagnosis and treatment services, medical case management, and physical and occupational therapy services to children under age 21 with CCS-eligible medical conditions, such as cystic fibrosis, hemophilia, cerebral palsy, heart disease, cancer, and traumatic injuries. CCS also provides medically necessary physical and occupational therapy to special education students. The CCS program has been in existence since the 1920s, and pre-dates Medi-Cal and Healthy Families.

Counties have historically been responsible for eligibility determination and case management services. Counties have had a long-standing share of cost for the non-Medi-Cal portion of the CCS program. Realignment requires counties to provide contributions to fund diagnosis, treatment, and therapy up to the level of their actual expenditures unless the State CCS program certifies that a lower level of funding is sufficient. The State is required to match one dollar for each dollar a county appropriates for CCS expenditures above its Maintenance of Effort level "to the extent that funds are available".

The State Department of Health and Human Services has not provided any guidance on reduction of service levels commensurate to the revised State budget allocation for CCS. Although statute governing CCS is laden with "to the extent funds are available" language, the State generally administers the program as an entitlement with no guidance regarding adjustments to program eligibility or services if there are insufficient State or county funds. State CCS personnel have advised counties that the State CCS must continue to conduct eligibility determination and authorize treatment even if there are insufficient funds in the county CCS account.



## HEALTH CARE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ BEHAVIORAL HEALTH SERVICES  
Contact: Victor Singh, Director; E-Mail: [vsingh@sjcbhs.org](mailto:vsingh@sjcbhs.org); Ph. (209) 468-2080

### 31. **Title:** Provision of Community Mental Health Services – Diversion of Proposition 63 Funds

**Issue:** Proposals to divert Proposition 63 Mental Health Services Act funds, away from community mental health systems in order to fill the State’s budget gap is of significant concern to San Joaquin County. In addition, San Joaquin County continues to be concerned about the erosion of State funding and support for core mental health services.

#### **Legislative Platform:**

1. **Seek a written determination from the Department of Mental Health that Mental Health Service Act funds (Proposition 63) can be used flexibly, including for core local mental health services.**
2. **Oppose legislation, administrative efforts, and/or budgetary proposals which would serve to divert Proposition 63 funds to address the State’s budget shortfall.**
3. **Oppose additional reductions in state funding for mental health services that will result in the State shifting its costs to the County.**
4. **Support legislative and budgetary efforts which would serve to enhance comprehensive community-based treatment of mental health illness.**

**Background:** In 2004, California voters passed Proposition 63, or the Mental Health Services Act (MHSA). Proposition 63 does not add funding to existing programs, but rather provides for new programs that expand the capacity of existing mental health services. The loss of MHSA funds would result in the elimination of vital mental health services for children and adults with serious mental illness currently served by the County’s mental health programs. Additionally, the impact of the investments that have been made through MHSA in county mental health systems would be erased. County mental health services have consistently demonstrated effective results in getting people with unmet mental health needs off the streets, into housing, employed, and out of the criminal justice system.

County mental health programs are already experiencing funding reductions due to decreases in revenues from state sales tax, vehicle license fees, reduction in Medi-Cal funding, and the elimination of state general fund-supported categorical programs (including the Integrated Services for Homeless Adults program, on which the MHSA was modeled). While budget reductions are inevitable in today’s challenging fiscal environment, funding from the MHSA has provided needed resources, and has kept county mental health systems from total collapse.

The dismantling of programs while building a transformed system is extremely damaging and counterproductive to local service providers and their recipients. The MHSA prohibits the State from making any change to the financing structure of mental health services that increases a county’s share of costs or financial risk for mental health services “unless the State includes adequate funding to fully compensate for such increased costs or financial risk.”



## HEALTH CARE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ HEALTH CARE SERVICES

Contact: Kenneth Cohen, Director; E-Mail: [kcohen@sjgh.org](mailto:kcohen@sjgh.org); Ph. (209) 468-7031

### 32. **Title: Medi-Cal for County Correctional Facility Inmates**

**Issue:** State law should mirror federal law and provide for Medi-Cal benefits to be suspended, not discontinued, while the recipient is incarcerated, and immediately reactivate the Medi-Cal benefits upon the recipient's release from incarceration to permit him/her to quickly obtain needed mental health and substance abuse treatment, and to help break the expensive cycle of re-incarceration or hospitalization.

**Legislative Platform: Support legislation which would suspend rather than discontinue an individual's Medi-Cal coverage during incarceration.**

**Background:** State law provides that Medi-Cal benefits generally cannot be provided to incarcerated individuals. The State Department of Health Services has interpreted this law to mean that Medi-Cal benefits should be discontinued when an individual is incarcerated. However, federal law does not require states to terminate inmates' eligibility. Under federal law, the inmate may remain enrolled in Medicaid, although services received while incarcerated are not covered.

If State law mirrored federal law, an incarcerated individual's Medi-Cal benefits would be suspended, not discontinued, and quickly reactivated upon the individual's release from a detention facility. The lack of access to medical care is an acute issue for many individuals with mental health and/or substance abuse issues when they are released from state and/or county detention facilities. These individuals are often in need of medical care for severe mental health and/or substance abuse conditions. Delays in securing mental health treatment often has a devastating effect on the individual's ability to successfully adjust to society, and may contribute to the individual being quickly re-incarcerated or hospitalized.

Timely reactivation of Medi-Cal may also be a necessary tool in the development of a re-entry program for State prison inmates returning to their home county.



## HEALTH CARE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ PUBLIC HEALTH SERVICES

Contact: William Mitchell, Director; E-Mail: [wmitchell@sjcphs.org](mailto:wmitchell@sjcphs.org); Ph. (209) 468-3413

### 33. **Title:** Public Health Emergency Services

**Issue:** There needs to be a continuation of fair and equitable funding for public health emergency services.

**Legislative Platform:** Aggressively pursue and support:

1. **Sustained State funding for planning and responding to the medical/health consequences of terrorism, disasters, and other public health emergencies;**
2. **Development of equitable funding formulas which would consider the proximity of jurisdictions to high-profile targets, not based solely on the presence of such targets within jurisdictional boundaries; and**
3. **Policies that ensure there will be no fiscal penalties to counties if staff is pulled from categorically funded programs in order to respond to terrorism, disasters, or other public health emergencies.**

**Background:** The terrorist activity occurring on and after September 11, 2001 identified the need to increase preparedness efforts and local public health jurisdiction response capabilities for dealing with terrorism, including bio-terrorism, at the local level. Hurricane Katrina (2005) identified the impact of natural disasters on local, state, and federal medical/health response capabilities. Pandemic influenza threatens to overwhelm an already fragile medical and public health system. County government is at a severe disadvantage in its ability to obtain new funding sources to address these additional public health and safety issues.

Although federal funds have been appropriated for response to influenza (H1N1), sustained funding is needed to augment local programs to prepare for, and respond to, all forms of terrorism, natural disasters, and other related public health emergencies. Legislation is needed which would increase prevention and response capabilities and strengthen the partnerships between state, federal, local agencies and community groups to effectively identify, prevent, and respond to the medical/health consequences of terrorism, disasters, or other public health emergencies. Funding formulas should consider the proximity to high-profile, high-impact targets. Nearby jurisdictions to such targets would likely be severely impacted through the provision of mutual aid to the impacted jurisdiction or by the influx of large numbers of people seeking shelter and/or treatment.

Currently, staff within local health jurisdictions is often funded by categorical grants. These staff must be trained and, when appropriate, engaged in emergency preparedness and response activities. State policies must be flexible to ensure a competent, trained workforce regardless of salary funding stream or program assignment.



## HEALTH CARE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ SAN JOAQUIN GENERAL HOSPITAL

Contact: David Culbertson, Chief Executive Officer; E-Mail: [dculbertson@sjgh.org](mailto:dculbertson@sjgh.org); Ph. (209) 468-6042

### **34. Title: Financial Assistance for Seismic Safety Hospitals**

**Issue:** There is a need to fund State-mandated hospital seismic improvements.

**Legislative Platform:**

- 1. Support legislation which would provide financial assistance to hospitals, especially safety-net hospitals, to retrofit or replace facilities to meet State requirements, including the requirements of SB 1953 – Building Standards (1994-Alquist), SB 306 – Health Facilities, Seismic Safety (2007-Ducheny), and SB 90 (2011-Steinberg).**
- 2. Support modifications to the seismic regulations which would provide public hospitals increased flexibility to address the seismic compliance requirements in a cost-effective manner.**

**Background:** SB 1953 (1994-Alquist) mandates that all hospitals meet the tiered requirements of the seismic safety code by January 1, 2008. SB 306 (2007-Ducheny), and SB 90 (2011-Steinberg) allowed health care facilities to apply for an extension of the 2013 seismic deadline to 2020 if the facilities could certify their status as a safety-net provider, and meet other criteria. In 2008, San Joaquin General Hospital applied for and received the extension authorized in SB 306 and again in 2012 authorized in SB 90. San Joaquin County provided the State with a Facility Master Plan in 2010 and continues to meet the time tables required under these two legislative measures. .

Legislation, sponsored during the past several years, to provide financial assistance for hospitals to meet the State-mandated seismic requirements has not progressed due primarily to the State's overwhelming budgetary issues. Hospitals face higher expenditures for compliance, staffing ratios, new technology requirements, and rising pharmaceutical prices. If cost pressures continue unabated, public hospitals will have to reduce or eliminate services and close facilities. Earthquake compliance requires a well-coordinated approach to balancing financing, deadlines, and safety requirements. Further legislation or regulatory action is needed to mitigate and manage compliance costs, avoid access issues, ensure adequate access to funding, and provide for services to remain affordable and available.



## HEALTH CARE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ BEHAVIORAL HEALTH SERVICES  
Contact: Victor Singh, Director; E-Mail: [vsingh@sjcbhs.org](mailto:vsingh@sjcbhs.org); Ph. (209) 468-2080

### **35. Title: Alcohol and Drug Program Realignment - Drug Medi-Cal Program, Methadone Treatment Component**

**Issue:** There continues to be concern about sufficiency of funding to counties for adult and adolescents substance abuse programs. Realignment of the Drug Medi-Cal Program, an entitlement program, has intensified this issue as counties do not have the option of controlling costs through contract selection and management processes while State realignment funding is capped below program cost in San Joaquin County.

#### **Legislative Platform:**

- 1. Support legislation which would: Shift the Drug Medi-Cal Program back to the State OR Require the State to fully fund counties for the cost of the Program.**
- 2. Support legislation and/or budget proposal which would provide an increase in State funding for adult and adolescent behavioral health treatment programs (including an integrated mental health/substance abuse treatment component).**

**Background:** In 2011-12 the entire Drug Medi-Cal Program, including the methadone treatment component, was realigned from the State to counties. Counties have reluctantly accepted the realigned Drug Medi-Cal Program methadone treatment component as there are few, if any, cost containment strategies available to be implemented for this federal entitlement.

For years, the Legislative Analyst Office (LAO) has reported on the “Remodeling” of the Drug Medi-Cal Program, and has recommended against transferring the methadone treatment program to counties citing two primary reasons: 1) federal and state regulations and statutes intended to prevent the illegal trafficking of methadone make it more difficult to delegate methadone treatment authority to counties; 2) Such a program shift could also run afoul of the federal court injunction requiring a number of steps to ensure that methadone treatment services are available in any county in which a provider is available; concluding that placing methadone services under stronger state control would more effectively contain the growing cost of treatment while making services available on a more consistent basis across the State. Furthermore, there have been implementation challenges, including a federal waiver requirement that may invite reconsideration of the realignment. As such, it is conceivable the State may consider shifting the Drug Medi-Cal Program methadone treatment component back to the State. San Joaquin County would support shifting the methadone treatment component back to the State.

It is vital that the State provide counties with sufficient funding for all modalities of the Drug Medi-Cal Program. If sufficient State funding is not provided for the methadone component, it critical that the State authorize counties to control costs through selective contracting and/or other cost containment methods. Furthermore, should the State take back the methadone treatment component, and the counties retain the remaining Drug Medi-Cal Program, it is imperative that the State provide adequate funding.



## HEALTH CARE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ BEHAVIORAL HEALTH SERVICES  
Contact: Victor Singh, Director; E-Mail: [vsingh@sjcbhs.org](mailto:vsingh@sjcbhs.org); Ph. (209) 468-2080

### **Alcohol and Drug Program Realignment - Drug Medi-Cal Program, Methadone Treatment Component (*continued*)**

#### **Background: (*continued*)**

For the past several years, San Joaquin County staff, the Mental Health Board, and the Juvenile Court have identified a high need for residential treatment. Many substance abusers have concomitant mental health issues which are masked by their addictions.

Protection of the mental health of vulnerable populations, including children and teens, is a continuing need that local behavioral health departments address through monitoring, assessment, intervention, and treatment. This protection includes the provision of residential and substance abuse services to people at high risk.



## HEALTH CARE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ BEHAVIORAL HEALTH SERVICES  
Contact: Victor Singh, Director; E-Mail: [vsingh@sjcbhs.org](mailto:vsingh@sjcbhs.org); Ph. (209) 468-2080

### 36. Title: Public Guardian/Conservator

**Issue:** Secure a sustained source of funding to support the Public Guardian/Conservator, as well as State reimbursement for mandates imposed on local Public Guardian/Conservator by the Omnibus Conservatorship and Guardianship Reform Act of 2006.

#### Legislative Platform:

1. Support legislative efforts and/or initiatives which would create and designate funding for current and future mandates placed on the Public Guardian/Conservator, while opposing any unfunded mandates.
2. Support changes to the California Code of Regulations Title 22, Section 50549.3 regarding fees (see Background below).
3. Support legislation which would increase the Public Guardian/Conservator's existing fee structure outlined in the Probate Code.
4. Oppose legislation that imposes any unfunded mandates on Public Guardian/Conservator.

**Background:** Public Guardians/Conservators are responsible for the estates of people who cannot care for themselves as a result of a serious physical illness, mental illness, or other disability. When a court determines that an individual is not capable of providing for his or her personal financial needs, the court assigns the Public Guardian/Conservator to manage those needs.

The Omnibus Conservatorship and Guardianship Reform Act was signed into law in September 2006 (AB 1363). The legislative intent is to improve court oversight of Conservators (private & public) primarily through increasing the number of court reviews and the frequency and scope of court investigations. AB 1363 requires Public Guardians to undertake additional activities as part of their duties without reimbursement from the State for the cost of these additional responsibilities and tasks. Currently Public Guardians receive no funding from the State. In the preamble to the Act, the Legislature found and declared: "*Public Guardians do not have adequate resources to represent the best interests of qualifying Californians and, therefore, many in need of the assistance of a Conservator go without.*"

California Code of Regulations Title 22, Section 50549.3 (a) (2) allows the payment of court approved guardian/conservatorship fees from the client's Medi-Cal share-of-cost, *provided a court-appointed guardian or conservator is required by the entity paying the unearned income as a condition of rendering payment.* However, the Social Security Administration and Veteran's Administration (the largest sources of public benefits) does not require a court approved guardian/conservator as a condition of paying the unearned income to the client. Deletion of Section 50549.3 (a) (2) of the California Code of Regulations Title 22 would allow Public Guardians/ Conservator to recover some of the cost of providing this critical service.





## HEALTH CARE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ EMERGENCY MEDICAL SERVICES (EMS)

Contact: Dan Burch, EMS Administrator; E-Mail: [dburch@sjgov.org](mailto:dburch@sjgov.org); Ph. (209) 468-6818

### 37. **Title:** Emergency Medical Services and Trauma Care Funding

**Issue:** Secure a sustained source of funding to support emergency medical services and trauma care.

**Legislative Platform:**

1. **Oppose the redirection of any existing indigent care funding from public hospitals to compensate community physicians for uncompensated emergency care.**
2. **Oppose legislation which would increase the administrative burden of managing the distribution of Emergency Medical Services Maddy funds, or would change the distribution methodology to redirect funds from public hospitals.**
3. **Support legislation or an initiative which would create or designate new funding for uncompensated emergency, trauma services, and on-call coverage.**
4. **Support legislative efforts and/or an initiative to increase funding for hospital emergency rooms and trauma centers, county emergency medical services systems and agencies.**

**Background:** Hospitals throughout the State provide a significant volume of emergency care to patients who do not have third-party insurance coverage. The financial impact is often greater on designated trauma centers located in urban areas. Over 50% of hospital emergency rooms operate at a net operating loss due to the significant volume of uncompensated care. During the past several years, there have been multiple legislative efforts to restructure existing indigent care funding programs (such as Proposition 99 and the Emergency Medical Services Maddy funds) to redirect existing funds to reimburse private community physicians for providing uncompensated emergency care, thereby reducing available funding to public hospitals such as San Joaquin General Hospital. Legislative efforts, including an initiative to provide new dedicated funding for uncompensated care in emergency rooms, should be supported.



## HEALTH CARE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ PUBLIC HEALTH SERVICES

Contact: William Mitchell, Director; E-Mail: [wmitchell@sjcphs.org](mailto:wmitchell@sjcphs.org); Ph. (209) 468-3413

### **38. Title: Maternal, Child, and Adolescent Health**

**Issue:** Protection of the health of vulnerable populations, including children, teens, and pregnant women, is a continuing need that local health departments address through monitoring, assessment, and assurance activities. These activities include the provision of support services to persons at high risk of poor health outcomes or premature death.

**Legislative Platform:** Support legislation and/or budgetary proposals which would:

- 1. Provide increased State funding to local public health departments for maternal, child, and adolescent health programs;**
- 2. Protect children from environmental risks to their health, such as unintentional injuries, lead poisoning, and air quality; and**
- 3. Ensure that women and adolescents have access to the unique prevention and health care services needed.**

**Background:** San Joaquin County (SJC) ranks in the bottom quartile in the State regarding infant mortality, late entry to and adequacy of prenatal care, health disparities, and various other measures of community health. Community-based and individual services are intended to reduce morbidity and mortality that are preventable, such as deaths from intentional and unintentional injuries. The State distributes funds to local health departments to support these activities. These funds are derived from various federal and State sources. The current funding does not adequately support education or home visitation services to families at risk. Maternal, child, and adolescent health are some of the core functions of public health. There is inadequate funding to meet many needs in these areas. Additional allocation of State funds would draw more federal match and an increased allotment for SJC.



## HEALTH CARE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ HEALTH CARE SERVICES AGENCY  
Contact: Kenneth Cohen, Director; E-Mail: [kcohen@sigh.org](mailto:kcohen@sigh.org); Ph. (209) 468-7031

### **39. Title: County Jail and Juvenile Medical Services**

**Issue:** The resources required to provide necessary jail medical services is inadequate.

**Legislative Platform:** Support legislation which would:

- 1. Require the inclusion of medical service and medical facility costs in projections for overall facility/operational costs as part of public funding for new and/or expanded county jail facilities;**
- 2. Ensure or provide appropriate State funding of medical facilities and medical care for inmates in county correctional and juvenile facilities including any further programmatic or “realignment” shift of these responsibilities to the local level; and,**
- 3. Authorize county health care services to charge private health insurance plans for reimbursement of health care services provided to the enrollee while in custody.**

**Background:** County costs for providing jail medical services continues to rise not only because jail population is expanding, but also due to court-mandated standards for care and the increasing prevalence of medical and mental health problems among inmates. Counties have a substantial financial commitment for jail medical services, emergency hospitalization of individuals in the custody of police or Sheriff, medical screening of all inmates after booking, and outpatient and inpatient medical care of individuals in the custody of the Sheriff after booking. These responsibilities have been changed markedly with the advent of AB 109 (2011) which realigned state prisoners. State prisoners, who would have been returned to state prison for parole violations, now serve in county jails. Inmates who would have served their sentence in state prison are now serving terms in the county jail. These populations have considerable medical, dental, mental health and pharmaceutical requirements. They will be in county jail for longer periods of time and therefore will require a vastly different scope of medical services that previously were not required of county jail medical facilities. County jail medical facilities may now be required to provide a wider range of services for chronic illness as well preventive and health management services.



## HEALTH CARE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ ~ HEALTH PLAN OF SAN JOAQUIN

Contact: John Hackworth, Director; E-Mail: [jhackworth@hpsj.com](mailto:jhackworth@hpsj.com); Ph. (209) 461-2211

### 40. **Title:** Local Initiative Health Plan - California's Health Benefit Exchange

**Issue:** Under the 2010 Patient Protection and Affordable Care Act, states are to establish the requirements for, and certify, health insurance plans that will participate as Qualified Health Plans through the State's Health Benefit Exchange. Equitable and meaningful participation by local initiative health plans that protect the safety-net must be a priority.

**Legislative Platform:** Support legislation or regulations which would favorably allow Local Initiative Health Plans to participate as a Qualified Health Plan as defined by California's Health Benefit Exchange.

**Background:** Under the Patient Protection and Affordable Care Act (H.R. 3590-2010), states are to establish the requirements for, and certify, health insurance plans that will participate as Qualified Health Plans through the State's Health Benefit Exchange (Exchange). The State's Health Benefit Exchange is developing these requirements and has expressed intent to limit the number of participating health plans in order to minimize consumer confusion and avoid repetitive benefits. Despite interest by many plans within California and out-of-State entrants in participating in the Exchange, it would appear that the ultimate choice of plans within any region or county may be quite exclusive. Local initiative health plans, including Health Plan of San Joaquin, have traditionally been able to establish comprehensive provider networks that represent the primary care and specialist needs within their service areas, with a focus on protecting safety-net interests.

Local initiative participation in the Exchange as a Qualified Health Plan will promote consumer choice within the context of limited options, and benefit consumers who move through various State healthcare program options with the fluidity of income requirements (i.e. from Medi-Cal to the Exchange or a proposed Basic Health Plan). Further, local initiative participation in the Exchange will ensure that traditional safety net providers (primary care providers and clinics, as well as hospitals) are not disadvantaged or disregarded as other commercial health plans structure their Exchange products for the competitive market.



## HEALTH CARE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ ~ HEALTH PLAN OF SAN JOAQUIN

Contact: John Hackworth, Director; E-Mail: [jhackworth@hpsj.com](mailto:jhackworth@hpsj.com); Ph. (209) 461-2211

### 41. **Title: Medicaid Expansion and the Necessity of Favorable Health Plan and Provider Rates**

**Issue:** It is essential to the safety-net to ensure sustaining or improving reimbursement for Local Initiative Health Plans participating in State health care programs.

**Legislative Platform:**

- 1. Support legislation or regulations which would serve to sustain or improve reimbursement for Local Initiative Health Plans participating in the State's health care programs.**
- 2. Advocate full actuarial supported rate payments to Local Initiatives for Dual Eligibles, Seniors and Persons with Disabilities and Health Families as these programs transition to Medi-Cal Managed Care.**

**Background:** Currently Medicaid coverage is limited to individuals with very low incomes who fall within the category of families and children, elderly, and disabled. However, in 2014 under the federal Patient Protection and Affordable Care Act (2010), coverage will extend to include more adults under the age of 65 who do not currently fall within the current families and children, elderly, and disabled categories.

In light of the anticipated expansion of health care coverage, there is potential for existing provider networks to become overburdened and unable to meet consumer needs. Exacerbating this issue, provider reimbursement within California's Medi-Cal program is among the lowest in the nation, resulting in fewer providers opting to participate in the Program. Any future reductions in reimbursement rates resulting from the State's budget challenges could ultimately result in current Medi-Cal providers opting to discontinue their participation.

The Health Plan of San Joaquin and other Local Initiative health plans have developed effective provider networks by offering competitive reimbursement and quality improvement incentives. Recently, this effort has become more challenging as the State has transitioned over 12,000 of the more chronically ill Medi-Cal seniors and persons with disabilities in San Joaquin County (SJC) into the managed care environment, with less than adequate reimbursement. Additionally, the State is poised to transition over 20,000 children in SJC from the Healthy Families Program to Medi-Cal with a concurrent reimbursement decrease for each child. Any decrease in Healthy Families or Medi-Cal reimbursement for Local Initiatives undermines the ability to operate successfully, maintain comprehensive provider networks, and meet the access and quality standards necessary as healthcare programs expand through healthcare reform.



## HEALTH CARE ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ BEHAVIORAL HEALTH SERVICES

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### 42. **Title:** Parity for Mental Health in Insurance Coverage

**Issue:** There is inequity in insurance coverage between mental and physical health disorders in that the new parity law does not require insurers to offer mental health insurance.

**Legislative Platform:** Seek and support legislation or regulatory changes which would require insurance companies to provide coverage for mental illness consistent with coverage for physical illness, and/or seek and support legislation or regulatory changes for selection of an essential health benefits package that includes coverage for mental illness and substance use disorders consistent with coverage for physical illness

**Background:** The Emergency Economic Stabilization Act, signed into law in October 2008, includes the Mental Health Parity and Addiction Equity Act of 2008 (HR 1424). HR 1424 requires that insurance companies which offer mental health benefits do so in parity with other specialty services in terms of co-payments, deductibles, covered hospital days, etc. Although HR 1424 was a major achievement, the parity measure does not actually require insurers to offer mental health benefits; it only requires parity for those that do offer mental health insurance. For those without mental health benefits, there are no provisions to serve the mental health needs of the covered individuals in their insurance plans. These individuals either do not have their mental health needs met, or they default to the safety-net, which is the County's Behavioral Health Services department. Use of County resources to meet the mental health needs of insured persons reduces the funding available to meet the needs of the truly indigent.

The Patient Protection and Affordable Care Act signed into law by President Obama in 2010 requires that states select an essential health benefits package, which includes mental health and substance use disorders treatment; however, the level of coverage is not specified therefore dependent on the health benefit package selected by the State. As of the date of this document, the State has not yet identified which package will be selected.



## HUMAN SERVICES ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ HUMAN SERVICES AGENCY

Contact: Joseph Chelli, Director; E-Mail: [jchelli@sjgov.org](mailto:jchelli@sjgov.org); Ph. (209) 468-1651

- 1) Support legislation and/or regulations which would establish an Emergency Alert System, (“Silver Alert”) similar to the Statewide Amber Alert System for persons 65 years of age or older that are reported to law enforcement agency as “missing”.
- 2) Oppose legislation which would further reduce funding for the State mandated Ombudsman Program, and advocate in support of restoring the Ombudsman program funding to 2008-09 levels.
- 3) Support legislation which would require in-depth analysis and monitoring of the Coordinated Care Initiative (AB 1468, 2012) as it relates to In Home Supportive Services as a Medi-Cal managed care benefit, as well as potential impact to other County provided programs and services.
- 4) Strongly advocate for the restoration of State funding for In-Home Supportive Services Anti-Fraud Program, and seek continuation of federal participation for allowable county fraud expenditures.
- 5) Support legislation or regulatory action which would require long-term health care facilities to comply with State and federal law requiring that hospitalized residents’ beds be held for at least seven days if the resident elects, and hold facilities financially responsible if they refuse to readmit residents.
- 6) Support legislation and/or administrative rule which would fully fund the mandated Older American Act (OAA) county provided programs, as well as action which would require the State to pass-through, without delay, federal OAA funding to Local Area Agencies on Aging in the absence of a State budget.
- 7) Support legislation and/or budgetary proposals which would maintain or increase funding for the Low Income Energy Assistance Program.
- 8) Support San Joaquin County’s participation in the development of statewide standards for realigned Adult Protective Services, and for effective and uniform implementation of the standards by the 58 counties.



## HUMAN SERVICES ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ HUMAN SERVICES AGENCY

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### 43. **Title:** First 5 San Joaquin Children and Families

**Issue:** Local First 5 funds continue to be threatened, jeopardizing the sustainability of existing local First 5 programs and services.

**Legislative Platform:** Support legislation which would:

1. **Oppose further funding reductions or the redirection of County operated First 5 funds;**
2. **Oppose legislation, regulations, and/or initiatives which would adversely impact local First 5 Commissions as they relate to funding, services and programs (including the opposition of any legislation that increases the tobacco tax but does not contain language to replace any funds lost to the Children and Families Act/Trust fund for local services as currently funded by tobacco taxes, Prop 10 in 1998 and Prop 99).;**
3. **Support legislative and administrative efforts which would allow First 5 Commissions to maintain local authority; and**
4. **Ensure continued support and effective delivery of state services for vulnerable children prenatal to age five (5) in the areas of health, early education, and child safety.**

**Background:** First 5 California and 58 County Commissions enacted in 1998 work to improve the lives of children from the prenatal stage until they enter kindergarten. First 5 San Joaquin provides all children prenatal to five years of age with a comprehensive, integrated system of early childhood development services in accordance with the provisions of the California Children and Families Act of 1998.

Since 2008, the State budget and/or Legislature called for the redirection of some First 5 revenues raised through Proposition 10 (1998) to the State General Fund for existing state funded health and social services programs. The earlier efforts failed, however, AB 99 was passed in 2011 and threatened to take \$950 million from First 5 programs throughout the State and redirect it to the State general fund. Lawsuits were filed, with the judge ruling in the counties' favor. Given the State's ongoing fiscal situation, Prop 10 revenues may once again be at risk. The risk may include the potential diversion of resources and/or the loss of local control, either of which would jeopardize the sustainability of existing local First 5 programs and services.

Local First 5 funds have been used to leverage resources with federal Title 5, funding from the California Department of Education, and other State and local funding. Funding reductions to the First 5 program are further compounded by a corresponding reduction and/or elimination of federal funds leveraged.





## LIBRARY ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ LIBRARY SERVICES

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### 44. **Title:** Resource Sharing Programs for California Library Services Act

**Issue:** For years, the California Library Services Act/Transaction Based Reimbursement Program has not been funded at the rate approved by the State Department of Finance; since 2011 this State-mandated program has been funded at a 38% reimbursement rate - 62% lower than the State-approved reimbursement rate.

**Legislative Platform:** Support legislative efforts and/or budgetary proposals which would, at minimum, maintain current funding levels for the California Library Services Act/ Transaction Based Reimbursement Program, oppose further efforts to reduce funding, and seek an increase in funding for library resource sharing programs.

**Background:** For nearly 32 years, Californians have had the opportunity to use any library in the State to check out books and materials through the California Library Services Act (CLSA)/ Transaction Based Reimbursement (TBR) program. TBR allows library customers who reside in one city or county to use the services of another city's or county's library system. Similarly, a public library in one jurisdiction can borrow from another jurisdiction. There is no fee to the customer for these loan services.

The TBR program is a mandated statewide program approved by the State to reimburse local libraries for providing these loan services. Both over-the-counter (direct loan) and inter-library loans are reimbursable. For years, the TBR program has not been funded at the reimbursement rate approved by the State Department of Finance. In 2007-08, libraries were reimbursed 43.8% of their costs. In 2008-09, the TBR budget was reduced by an additional \$1.4 million (from \$11.6 million to \$10.2 million), to an estimated 38% reimbursement rate to participating libraries. The 2010-11 State Budget maintained the TBR program at the 2008-09 funding level. A state investment of an additional \$29 million would provide libraries 100% of the cost of providing this valuable statewide service.

There is serious concern that further reductions in State funding for the CLSA/TBR program would diminish support for the 49-99 Cooperative Library System at the regional level. The 49-99 Cooperative Library System includes the Stockton-San Joaquin, Stanislaus, Calaveras, Amador, and Tuolumne County Libraries, and the Lodi Library. Finally, funding reductions to the CLSA program results in decreases in other local library programs statewide, including advanced library reference services, a demise of the delivery system between libraries, as well as other cooperative library system services throughout the state.



## LIBRARY ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ LIBRARY SERVICES

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### 45. Title: Bond Funding for Public Libraries

**Issue:** There is a considerable need to build new and renovate existing public libraries in San Joaquin County.

**Legislative Platform:** Seek and support bond funding for the construction of new and the renovation of existing public libraries in San Joaquin County.

**Background:** According to the “California Public Library Facility Needs Assessment,” produced by the California State Library (2007), there is an \$8 billion need for library construction (662 projects) over the next 10 years. Of that amount, \$5.8 billion is needed within the next five years for library construction and renovation projects. The last library construction bond, California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 (SB 3 - 1999) provided \$350 million for library construction projects statewide. Those funds were quickly expended, and three-fourths of the project applications were denied due to the limited amount of bond funding available under the Act.

In 2007, the need for additional construction and remodeling for Stockton-San Joaquin County Public Library facilities was estimated at \$124.4 million. Preliminary construction and remodeling projections through 2025 established through an updated Facilities Master Plan are estimated at more than \$500 million, based on population growth within the County.

Clearly, the State has not been able to keep pace with the rising needs at the local level for library construction. Currently, counties do not have the financial resources to operate state programs and also meet local needs. In order to meet each community's unique needs, counties must be given the authority to offer the voters the option of approving revenues at a level sufficient to provide the degree of local services the community desires. Furthermore, the current demands upon libraries is ever increasing, particularly in regard to the areas of adult literacy services, helping to bridge the digital divide, and serving the County's growing unemployed population. Thus, it is important to meet this need with adequate library facilities for San Joaquin County residents.



## LIBRARY ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ LIBRARY SERVICES

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### **46. Title: State Funding for Public Library Services**

**Issue:** The Public Library Fund Act authorizes the Legislature to appropriate an amount up to 10% of a target “foundation” level of services. However, the Public Library Fund for State appropriations has never reached the targeted level; therefore, libraries’ ability to provide a collection of materials that reflects the ongoing and current needs of the community has been negatively impacted.

**Legislative Platform:** Support legislative efforts and/or budgetary proposals which would sustain or increase the current level of funding, and oppose further budget reductions to the Public Library Fund.

**Background:** The Public Library Fund Act, established in 1983, provides direct State aid to California public libraries for basic public library services, including new materials. The funds are appropriated annually in the State Budget. This Act authorizes the Legislature to appropriate an amount up to 10% of a target “foundation” level of library services based on a per capita cost each year. This foundation level is adjusted annually. The State appropriation has never reached the target level. Rather, State funding for public library services has experienced significant decreases over the past several years. The continued lack of funding has resulted in an overall reduction in the Library’s ability to provide needed library services to the residents of San Joaquin County.



## LIBRARY ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ LIBRARY SERVICES

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### 47. Title: California Library Literacy Services

**Issue:** The California Library Literacy Services, including Adult Literacy Services Program, has experienced significant reductions in State funding. The impact of these funding reductions are compounded by the ever increasing demand for adult literacy services in San Joaquin County, a region of historical above average unemployment rates in California.

**Legislative Platform:** Support legislative efforts and/or budgetary proposals which would sustain the current level of California Library Literacy Services program funding, and oppose further budget reductions to the program.

**Background:** For the past 25 years, California's public libraries have provided literacy services to low-literate adults and their families, services helping Californians of all ages reach their literacy goals. In addition to services for adults, California Library Literacy Services (CLLS) also extends support for literacy through other programs, including Families for Literacy, English Language and Literacy Intensive, and Mobile Library Literacy Services. The State Library provides oversight and technical assistance in support of CLLS. The Library Literacy Program reaches tens of thousands of adult learners and children through the 105 public library jurisdictions. These adults were able to achieve life changing goals such as getting a driver's license, writing a resume, or reading a book to their child for the first time.



## Legislative/Regulatory Policy Guidelines ~ Sacramento-San Joaquin Delta and Bay Delta

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

Significant portions of San Joaquin County (SJC) are within the Delta. Therefore, the SJC will continue to constructively participate in all local, regional, state, and federal activities and processes regarding the Delta. In summary, SJC seeks to:

- 1) Protect its governmental prerogatives in the areas of its local land use authority, tax and related revenues, public health and safety, economic development, and agricultural stability;

On November 4, 2008, the San Joaquin County Board of Supervisors adopted policies and principles with respect to Bay Delta activities (R-08-649, Appendix F – Pages 123-125). These policies and principles supplement the principles adopted by the Board through a Resolution Opposing the Delta Vision Blue Ribbon Task Force Recommendations for the Sacramento-San Joaquin River Delta R-08-269 (Appendix G – Pages 126-129) and in the recently amended Multi-County Resolution on Water and Delta-related issues R-10-409 (Appendix D – Pages 119-120).



## Legislative/Regulatory Policy Guidelines ~ Water Resources

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

- 1) Support legislation, regulatory reform, funding, and/or budgetary proposals which would address groundwater overdraft, water quality and supply issues in San Joaquin County.
- 2) Support legislation and/or regulatory reform which would serve to restore the San Joaquin River in-stream flows to the Delta in accordance with adopted resolutions and water resources planning documents in the County.
- 3) Advocate and support legislation or regulatory efforts which would provide for the use of surface water to recharge critically over-drafted groundwater basins, and to define and streamline State regulatory permitting processes for aquifer storage and recovery.
- 4) Seek and support State policy and planning which would provide for comprehensive flood protection projects, including the development of additional surface water storage facilities as defined under adopted Integrated Regional Water Management Plans.
- 5) Support legislation which would provide new water supplies in the State to be developed through greater conservation, recycling, conjunctive use of ground and surface water, desalination of brackish and ocean waters, additional local water storage facilities, water reclamation, and improved management of flood waters.
- 6) Support legislation which would provide for local and regional water resource management activities to develop and utilize local regulatory storage and other projects for improved conjunctive use, recharge capability, and groundwater storage and use.
- 7) Seek and support legislation which would facilitate recovery from flood, seismic, and other potential emergencies in the San Joaquin Delta levee system.



## LEGISLATIVE PRIORITIES ~ Water

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### **48. Title: New Water Supplies for San Joaquin County – Mokelumne River Regional Water Storage and Conjunctive Use (MORE Water Project)**

#### **Legislative Project Appropriations Request:**

- 1. Urge the Legislature to adopt a Joint Resolution supporting:**
  - a. A federal appropriation of \$1 million in the Energy and Water Appropriations bill for the MORE Water Project; and**
  - b. Inclusion of report language in the federal Energy and Water Appropriations bill which would broaden the MORE Water study to include the entire Mokelumne River watershed, and to consider recommendations included in the Eastern San Joaquin Integrated Regional Water Management Plan in examining the feasibility of providing additional water supplies and improving water management reliability through the development of new water storage and conjunctive use programs.**
- 2. Seek State funding, including bond funding, for the MORE Water Project.**

**Background:** The Mokelumne River Regional Water Storage and Conjunctive Use Project (MORE WATER Project) seeks to divert un-appropriated flows from the Mokelumne River to provide a source of surface water for groundwater recharge which can then be used in future drought years. The MORE WATER Project provides additional storage capability, improves water supply reliability for project participants both locally and regionally.

The reliability of the region's water supply is being threatened by the lack of sufficient surface water for diversion from local tributaries and an over reliance on groundwater pumping that exceeds natural recharge amounts in Eastern San Joaquin Groundwater Basin. The greatest depression in groundwater levels appears centered below the North San Joaquin Water Conservation District and Stockton East Water District's service areas and could be up to 90 feet below sea level. Damage to the aquifer system due to saline water intrusion, withdrawal of groundwater from storage, and potentially subsidence and aquifer consolidation could be irreversible. The loss of the Basin as a viable water source could further damage the region's economy, including a multi-billion-dollar agricultural industry and rapidly impacted commercial and residential development.

Water agencies in San Joaquin County (SJC) are working to develop projects and financing to address the groundwater overdraft and saline intrusion issues, of which the MORE Water Project is a significant effort sponsored by the Mokelumne River Water and Power Authority and the U.S. Department of Interior, Bureau of Reclamation under a Memorandum of Agreement signed in 2008.



## LEGISLATIVE PRIORITIES ~ Water

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

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### **New Water Supplies for San Joaquin County – MORE Water Project (*continued*)**

The purpose of the MORE Water Project is the development of a new surface facility to capture un-appropriated flows from the Mokelumne River, and regulate supply for an integrated system of conjunctive use projects. Such projects will provide additional storage capacity, water supply reliability, sustainable hydropower and anticipated flood control benefits for the County and potentially throughout a greater inter-regional area.

#### **Federal Action Taken:**

In 2010, the U.S. Department of Interior, Bureau of Reclamation, and the Mokelumne River Water and Power Authority signed with contract consultants to complete an update to the Mokelumne-Calaveras Rivers Simulation Model hydrological model for the Mokelumne River to include upper watershed operations in order to further evaluate the potential of inter-regional conjunctive use program alternatives as outlined under the 2009 Energy and Water (E&W) Appropriations Bill Report Language.

- ✓ In 2009, the U.S. Department of Interior, Bureau of Reclamation, and the Mokelumne River Water and Power Authority signed with contract consultants to complete a Federal Feasibility Gaps Analysis and Updated Plan to Study for the MORE Water Project to align local water resources planning efforts with Federal Procedures and Guidelines.
- ✓ The 2009 E&W Appropriations Bill included report language to broaden the MORE Water Project study to include the entire Mokelumne River watershed. The report language reads: *MORE Water Feasibility Study.—The Committee has provided an additional \$1,500,000 for the MORE Water feasibility study authorized in Title V of Public Law 109-338. In carrying out this study, the Secretary of the Interior shall include the entire Mokelumne River drainage area and shall consider the recommendations included in the Eastern San Joaquin Integrated Regional Water Management Plan. As authorized, this study is intended to be regional in scope and shall examine the feasibility of providing additional water supply and improved water management reliability through development of new storage and conjunctive use programs, including, but not limited to, the Eastern San Joaquin Ground Water Basin, Pardee Reservoir, Lower Bear Reservoir, and Duck Creek.*
- ✓ In 2008, the U.S. Department of Interior, Bureau of Reclamation, and the Mokelumne River Water and Power Authority signed a Memorandum of Agreement on cost-sharing for the MORE Water Project according to the approved Plan of Study.
- ✓ On October 12, 2006, the President signed Public Law 109-338 (S 203-109<sup>th</sup> Congress) authorizing the Secretary through the Bureau of Reclamation to complete “...a study to determine the feasibility of constructing a project to provide additional water supply and improve water management reliability through the development of new water storage and conjunctive use programs.”





## LEGISLATIVE PRIORITIES ~ Water

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

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### **New Water Supplies for San Joaquin County – MORE Water Project (*continued*)**

- ✓ S. 203 includes a \$3.3 million federal cost-share to conduct studies to determine the feasibility of constructing the MORE Water Project.
- ✓ In August 2007, the U.S. Department of Interior, Bureau of Reclamation, released the MORE Water Project Appraisal Report. In summary, the findings of the Appraisal study determined that:
  - “The MORE Water Project meets the requirements for advancing to a Feasibility Study.”
  - “The MORE Water Project is one of few surface water resource projects that can be developed within San Joaquin County to provide new supply.”
  - A range of economic benefits is possible with the MORE Water Project: 1) reduced groundwater over-drafting, 2) improved water quality, and 3) additional benefits including reduced flood damages and improved ecosystems conditions.
  - The benefit-to-cost ratios suggest that benefits exceed costs and that the alternatives with the highest benefit-to-cost ratios are also among the more cost-effective.
  - There is a “Federal Interest” in the MORE Water Project.

### **Inter-Regional Efforts:**

The Mokelumne River Water and Power Authority (Authority) continues to actively participate in local and regional efforts in seeking support for the MORE Water Project. In 2005, the Mokelumne River Forum was formed as a Joint Powers Authority with member agencies including: Alpine and Amador counties, Amador Water Agency, Calaveras County Water District, Calaveras Public Utilities District, California Department of Water Resources, cities of Lodi and Stockton, East Bay Municipal Utility District, Foothill Conservancy, Jackson Valley Irrigation District, Mokelumne River Water and Power Authority, North San Joaquin Water Conservation District, San Joaquin Farm Bureau Federation, Stockton East Water District and/or Central San Joaquin Water Conservation District, and Woodbridge Irrigation District. These agencies are interested in working together to identify additional water supply benefits from the Mokelumne River, and have developed a project concept proposal that includes inter-regional conjunctive use.

The Mokelumne River Forum continues to advance regional efforts. In August 2010, the Authority entered into a Memorandum of Understanding (MOU) with the Upper Mokelumne River Watershed Authority (UMRWA) for stakeholder participation in U.S. Bureau of Reclamation MORE Water Project feasibility study. UMRWA is a Joint Powers Agency established in 2000 for the purpose of preserving and enhancing Mokelumne River water supply, water quality, and the environment. The member agencies comprising UMRWA are Alpine County Water Agency, Amador Water Agency, Calaveras County Water District, Calaveras Public Utility District, East Bay Municipal Utility



## LEGISLATIVE PRIORITIES ~ Water

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### **New Water Supplies for San Joaquin County – MORE Water Project (*continued*)**

District, Jackson Valley Irrigation District, and the counties of Alpine, Amador, and Calaveras. Many of these agencies are also members of the Mokelumne River Forum.

The MOU allows the UMRWA to participate with the U. S. Bureau of Reclamation and the Authority in the preparation of various studies and plans, which includes ongoing regional studies of a Federal Feasibility Gap Analysis, and updates to the Bureau's Plan of Study for the MORE Water Project to guide future feasibility-related work efforts by regional stakeholders.

*(See Page 83 for Project Map; Project Literature Available)*

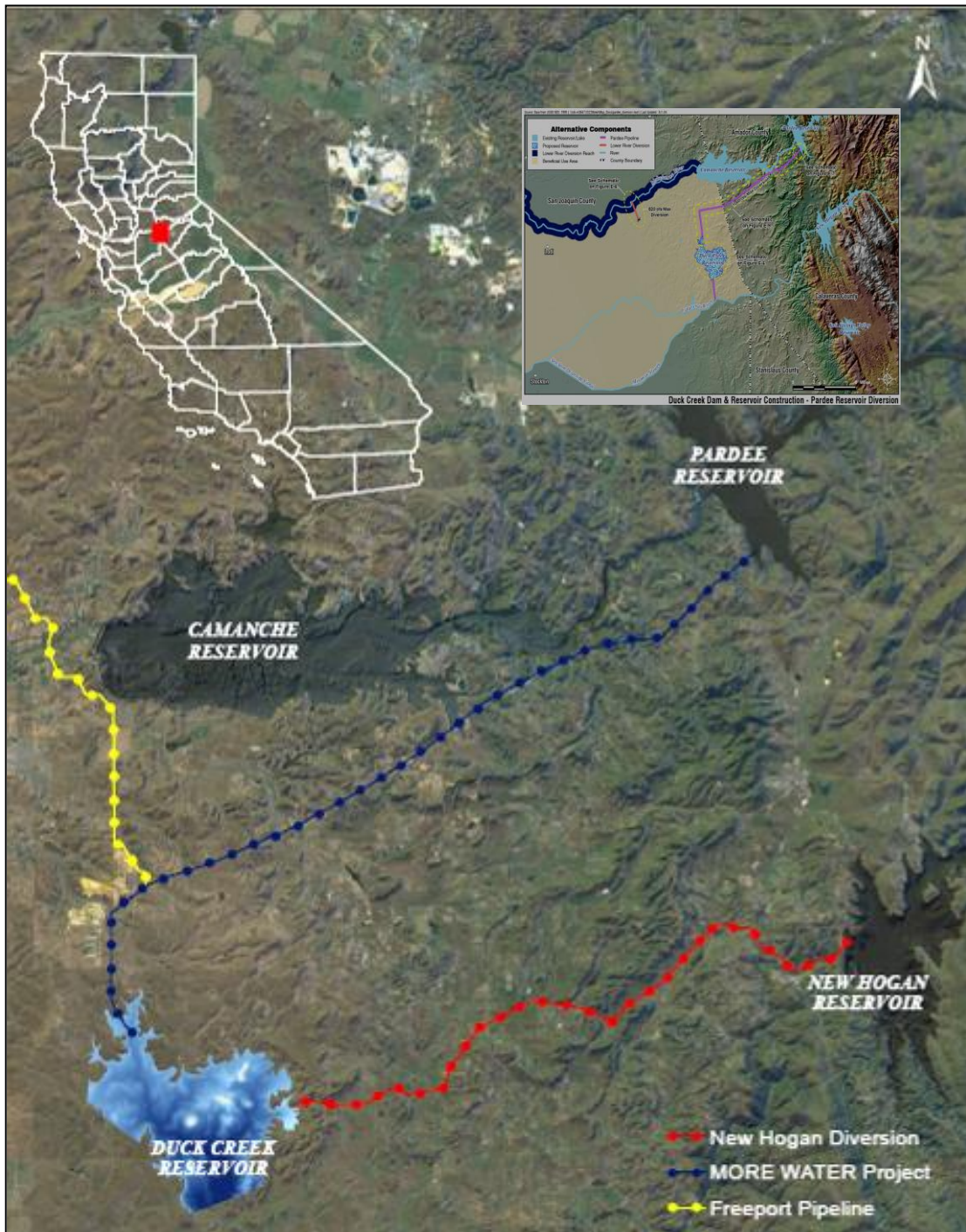


## PUBLIC WORKS ~ Legislative Project

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

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### New Water Supplies for San Joaquin County – MORE Water Project (*continued*)





## PUBLIC WORKS ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### 49. **Title: Groundwater Management and Conjunctive Use**

**Issue:** The Eastern San Joaquin Groundwater Basin has been designated by the State as being in “critical overdraft”. Groundwater levels continue to decline and saline groundwater intrusion threatens portions of the Basin.

#### **Legislative Platform:**

1. **Seek, advocate, and support legislation and/or budgetary proposals which would:**
  - a. **Provide increased funding for local conjunctive use projects and groundwater monitoring within San Joaquin County, including projects providing a regional benefit; and,**
  - b. **State bond funding, including Proposition 1E and Proposition 84 (2006) for groundwater management and conjunctive use activities and projects.**
2. **Seek and support legislative or regulatory efforts to streamline State regulatory permitting processes for aquifer storage, recovery, and other groundwater recharge projects.**

**Background:** The California Water Plan Update of 2009 estimates the rate of statewide groundwater overdraft at approximately two million acre-feet per year. Increased scarcity of surface water resources and continued reliance on groundwater to sustain population growth and agricultural production will push groundwater basins to the limit. Areas in groundwater overdraft have generally experienced declines in groundwater levels, degradation of groundwater quality, saline intrusion, deterioration of hydraulically-connected surface water features, and inelastic land subsidence. Groundwater overdraft continues to affect urban, rural, and especially disadvantaged communities both financially and environmentally.

The California Water Plan Update estimates that through increased conjunctive water management, up to two million acre-feet of water per year could be added to State supplies. Conjunctive water management (or conjunctive use) is defined as the coordinated optimization of surface and groundwater supplies. By using more surface water when available, and actively recharging groundwater basins with wet-year water increases, groundwater storage helps to eliminate groundwater overdraft. Conjunctive use helps to diversify communities’ water portfolios and to increase water supply reliability and flexibility. The legislature recognizes the need for increased groundwater management by local governments and requires agencies to adopt groundwater management plans to be eligible for State groundwater funding. The San Joaquin County Flood Control and Water Conservation District and Department of Water Resources (DWR) have signed a Memorandum of Understanding to assist financially and technically with groundwater management, groundwater monitoring, and conjunctive use opportunities in eastern San Joaquin County.



## **PUBLIC WORKS ~ Legislative Issues**

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### **Groundwater Management and Conjunctive Use (*continued*):**

The San Joaquin County Flood Control and Water Conservation District, Northeastern San Joaquin County Groundwater Banking Authority (GBA) in partnership with the DWR and the U. S. Geological Services studied the extent and migration of saline groundwater and the mechanics of groundwater recharge in eastern San Joaquin County. The GBA consists of the cities of Stockton and Lodi, California Water Service Company, Stockton East Water District, North San Joaquin Water Conservation District, Central San Joaquin Water Conservation District, Woodbridge Irrigation District, South Delta Water Agency, Central Delta Water Agency, San Joaquin Farm Bureau Federation, and the San Joaquin County Flood Control and Water Conservation District.

The information gained from the study has greatly enhanced the local understanding of the recharge mechanisms, transport dynamics, and geo-chemical processes of the underlying basin, which has improved the technical validity of project actions proposed in the Eastern San Joaquin Integrated Conjunctive Use program. San Joaquin County views this five-year, multi-million dollar collaborative study as a highly successful State, local, and federal partnership that applies cutting-edge groundwater science to contemporary integrated regional water resources planning.



## PUBLIC WORKS ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### 50. **Title: Integrated Regional Water Management Plan Funding and Implementation – Eliminate the Competitive Grant Funding Process**

**Issue:** California’s current surface water storage capabilities require improvement, which could be greatly supported from Integrated Regional Water Management Plan grant funding if the competitive application process was removed and funds were assigned based on qualified Integrated Regional Water Management and regional boundaries.

**Legislative Platform:** Support legislation and/or administrative efforts which would modify the existing competitive Integrated Regional Water Management Plan grant funding application process into a non-competitive direct funding assignment to approved Integrated Regional Water Management Plan regions so that local and regional agencies can better fund programs and projects.

**Background:** Finding enough water to sustain California’s growing population, industrial and agricultural production, and unique natural environment continues to be a top priority for the State. Surface water resources are stretched to the limit. Problems are further exacerbated by reductions in groundwater availability.

The concept of Integrated Regional Water Management (IRWM) planning is to develop regional collaborative solutions to water supply, water quality, flood control, and environmental challenges. Local agencies are encouraged to work closely with other stakeholders to pursue projects and funding that not only meet the needs of a single agency, but serve the region as well. Propositions 50 and 84, the multi-billion dollar water bonds, have set aside millions for local agencies under a competitive IRWM grant application process. For example, in order to qualify for this funding, the 11-member Northeastern San Joaquin County Groundwater Banking Authority (GBA) and other regional agencies in the State have prepared and adopted IRWM planning documents that detail local and regional project implementation plans and have also participated in a Regional Acceptance Process conducted by Department of Water Resources (DWR). The State has since qualified the GBA, but it must now compete in this statewide competitive grant process in order to provide additional qualifications for projects already outlined under DWR-approved IRWM plans.

In August 2010, Proposition 84 planning and implementation grant application guidelines were released allocating \$20 and \$100 million, respectively, through DWR. To be eligible for this funding, many regional water agencies will spend hundreds of thousands of dollars to develop applications in order to compete against other qualified agencies for the available funds. Instead of this competitive process, grant funds should be assigned when available to qualified IRWM regions, divided by the hydrologic regions in the State. The IRWM regional agencies could then allocate funding based on the adopted project and program schedules developed as part of the IRWM planning process. This process would streamline the grant funding process, allowing for more of the funding to go directly to local and regional water resource infrastructure projects to help sustain the State’s water supply demands.



## Legislative/Regulatory Policy Guidelines ~ Flood Protection

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

- 1) Seek, advocate, and support legislation and/or budgetary proposals which would require coordinated planning and funding levels for comprehensive levee evaluations and flood protection, and improvements to existing flood protection/levee systems (project and non-project levees) to achieve enhanced urban flood protection statewide.
- 2) Aggressively oppose legislative efforts to shift State and/or federal flood control liability or obligations to local agencies.

*While it is necessary for local agencies to act responsibly when approving development in and near existing floodplains, it is inappropriate to subject local agencies, which approve development in a manner consistent with existing law, to liability for flood damages due to conditions over which the agencies have no control.*

- 3) Support legislation or regulatory changes which would mandate coordination between State and federal agencies relative to flood protection and floodplain management regulations.
- 4) Oppose legislation or regulatory efforts which would impose arbitrary increases in flood protection standards without sufficient feasibility studies, including financial impacts and identification of funding sources for local implementation.
- 5) Oppose legislation or regulatory efforts which would result in a duplication of efforts between local floodplain administrators and the Central Valley Flood Protection Board with regard to the evaluation of local development projects.
- 6) Oppose arbitrary imposition of enhanced flood protection standards which are stricter only for the Delta, and inconsistent with other statewide standards.
- 7) Support legislation or regulatory efforts which would streamline the permit process for the removal of silt from flood control and Delta waterways, and provide the required funding.



## PUBLIC WORKS ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### 51. **Title: Coordination of State and Federal Levee Infrastructure Inspection Efforts**

**Issue:** Levee inspections by the U.S. Army Corps of Engineers are not coordinated with State and local maintaining agencies resulting in redundancy and inefficiencies in the inspection process.

**Legislative Platform:** Support legislative, regulatory efforts, and/or administrative processes which would improve coordination between Federal and State levee inspection programs to eliminate redundancies and accelerate correction of problems by requiring: a) joint federal, State, and local inspections; b) single inspection criteria to be applied; c) coordination of all efforts to secure the permits necessary to do the desired correction work; and d) recognition of time requirements needed to complete the desired correction work.

**Background:** Levees are repeatedly inspected by federal, State, and local maintenance agencies at various times utilizing diverse standards. The absence of coordination between inspection agencies often results in inefficiencies in the inspection process. Furthermore, the U.S. Army Corps of Engineers (USACE) and the State have different standards for vegetation, encroachments, system-wide treatments, and reporting. When corrections are completed by local maintenance agencies, the corrections are recognized by the State and USACE months after the work is completed. Coordinated levee inspection efforts would reduce costs associated with responding to inspection reports and would likely reduce overall levee maintenance costs.





## PUBLIC WORKS ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### 52. **Title: 2007 Flood Protection Legislative Package**

**Issue:** Unrealistic deadlines, unintended consequences and significant implementation challenges relative the 2007 Flood Legislative bill.

**Legislative Platform:** **Seek and support legislation and/or regulatory changes which would revise mandated deadlines in the 2007 Flood Protection Legislative package to reflect realistic completion dates, correct unintended consequences, and provide needed assistance to local agencies in implementing the law.**

**Background:** In 2007, the State Legislature passed a total of six bills which are collectively referred to as the 2007 California Flood Protection Legislative Package. The bills are:

- **AB 156** – Changes various provisions of the Water Code related to operation of the State-federal flood control projects in the Central Valley.
- **SB 5** – Requires the Department of Water Resources and the Central Valley Flood Protection Board to prepare and adopt a Central Valley Flood Protection Plan by 2012, and establishes flood protection requirements for local land-use decisions consistent with the Central Valley Protection Plan.
- **AB 162** – Requires cities and counties to address flood-related matters in the land use, conservation, safety, and housing elements of their general plans.
- **SB 17** – Reforms and renames the Reclamation Board to improve proficiency, and requires development of a State Plan of Flood Control for the Central Valley.
- **AB 70** – Provides, generally, that a city or county may be required to contribute a fair and reasonable share of the increased flood liability caused by its unreasonable approval of developments following the failure of a State flood control project.
- **AB 5** – Makes clarifying and technical changes to the preceding bills.

These bills impose numerous requirements and restrictions on local governments in regard to land use planning, zoning, development, and flood safety public outreach. Most of the mandates are defined dependent upon the State's Central Valley Flood Protection Plan (CVFPP), with the assumption that the Plan will be completed by January 2012.

Based on the status of local flood protection infrastructure as described in the CVFPP, there may be a period where development is completely halted until there is sufficient progress on upgrading flood protection facilities. And, although the CVFPP was completed on time, it did not include sufficient detail for local agencies to immediately begin the planning and design of the necessary flood protection improvements to comply with the law. Therefore, additional time is needed to develop this needed information. Also, as the State and local agencies began to develop standards and procedures for implementing the law, numerous challenges have been identified. These implementation challenges will likely need to be addressed through both legislative and administrative means.



## PUBLIC WORKS ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### 53. **Title: Proposition 218 (1996) Revisions for Stormwater, Flood Control and Street Lighting Charges and Fees**

**Issue:** Storm water, flood control, and street lighting are not exempt from the requirements of Proposition 218.

**Legislative Platform:** Seek and support legislative or regulatory action which would allow for: 1) Street lighting, storm water and flood control fee adjustments to be subject to the protest hearing provision of Proposition 218 as opposed to a benefit assessment related ballot process, and 2) Water and sanitary sewer services to be funded through Community Facilities Districts formed under the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et seq.).

**Background:** Proposition 218, the “Right to Vote on Taxes Act” approved in November 1996, requires that new and increased local taxes and fees be approved by voters/property owners.

While Proposition 218 has specific exemptions for water, sanitary sewer, and refuse collection rates, it does not exempt rates for storm water, flood control, and street lighting from ballot requirements. The State Attorney General issued an opinion March 5, 1998 (Opinion 97-1104), which states that storm drainage fees are not exempt and these rates are subject to voter approval. Consequently, for over a decade, counties have not had the ability to increase fees to offset the annual increase of street lighting, storm water, and flood control. Moreover, State mandates relating to clean storm water and pollution-prevention measures are largely unfunded and the ability of local agencies to raise fees to cover these costs is extremely limited under current Proposition 218 requirements.

Street lighting and storm drainage fees are primarily for the maintenance and operation of the facilities, and are similar to the fees for the maintenance and operation of water and sanitary sewer systems. In some counties, requests for increases in assessments through the balloting process have failed, resulting in a reduction in the level of street lighting and storm water services for specified areas. In addition, storm water pollution, which can contaminate drinking water, beaches, and endanger public health, faces steadily increasing treatment costs without the ability to increase fees to pay for the needed services.



## Legislative/Regulatory Policy Guidelines ~ Transportation

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

- 1) Seek, advocate, and support legislative action which would serve to ensure a stable source of transportation funding to counties, protect and secure local transportation funds from being eliminated, delayed or diverted away from counties, provide flexibility in administering local transportation programs and services, and increase funding for local transportation projects.
- 2) Continue to advocate that California receive its fair share of contributions from the Federal Highway Trust Fund.
- 3) Advocate for cities and counties to share equitably in the growth of federal revenues available to California for the network of local roads which are experiencing increased traffic and functioning as secondary highways.
- 4) Continue to support legislation and/or budgetary proposals which would provide dedicated funding to address local transportation needs.
- 5) Seek and support federal reauthorization of MAP-21 or a new federal transportation bill, which would include adequate funding.



## TRANSPORTATION ~ Legislative Projects

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### 54. Title: Top Ten Transportation Projects

San Joaquin County's Top Ten Projects are of regional significance focusing on roadway safety and improvements that serve to advance economic vitality in the California Central Valley Region.

#	PROJECT	FUNDING REQUEST	DESCRIPTION
1	<b>State Route 4 Corridor Improvements</b>	<b>\$5M</b>	Navy Drive to San Joaquin County Line: Planning and engineering studies, right-of-way acquisition, and project design to widen SR 4 from 2 to 4 lanes. Project limits include 1 major bridge at Middle River. Project length is approx. 16 miles.
2	<b>Eleventh Street Corridor Improvements</b>	<b>\$9.5M</b>	Interstate 5 to Tracy City Limit: Construct median and intersection improvements through this 4-mile corridor. The cost estimate allows for the construction of a roundabout at each of the intersections in the corridor.
3	<b>Lower Sacramento Road Railroad Crossing Improv.</b>	<b>\$15M</b>	Lower Sacramento Road railroad crossing south of Woodson Road: Improve safety and traffic operations at the Lower Sacramento Road railroad crossing near Woodson.
4	<b>State Route 12/88 Improvements (Lockeford Bypass)</b>	<b>\$5M</b> (Construction.)	SR 122/88 intersection southwest of Lockeford to State Route 12/88 intersection northeast of Clements: Provide 4 lanes (2 lanes east-bound and 2 lanes west-bound) from SR 12/88 west to SR 12/88 east. Ultimate alternatives selected may include multiple minor structures. Project length is approximately 9 miles.
5	<b>Escalon Bellota Road</b>	<b>\$1M</b>	Escalon City limits to Mariposa Road: Widen from 2 to 3 lanes/5 lanes and add 8' shoulders.
6	<b>Byron Highway (State Route 239)</b>	<b>\$1M</b> (Construction.)	Grant Line Road to Contra Costa County: Widen the corridor to 4 lanes and 2 potential overpass projects at Mountain House Parkway and Central Parkway. TIER II - 2004 San Joaquin Council of Governments RTP Project List
7	<b>Mariposa Road</b> (Jack Tone road to Austin Road)	<b>\$1M</b>	Widen from 2 to 3 lanes/5 lanes and add 8' shoulders.
8	<b>Mariposa Road</b> (Escalon Bellota Road to Jack Tone Road)	<b>\$1M</b>	Widen from 2 to 3 lanes/5 lanes and add 8' shoulders.
9	<b>Howard Road/Tracy Boulevard Widening Improvements</b>	<b>\$1M</b>	Widening from Tracy Boulevard to Matthews Road: Widen Howard Road and Tracy Boulevard from 2 to 4 lanes, and construct miscellaneous geometric and intersection improvements. Project limits include 4 bridges. Project length is approximately 17 miles.
10	<b>Turner Road Improvements</b>	<b>\$1M</b>	Widening Safety Improvements from Interstate 5 to Lodi City Limits: Widen the shoulder along Turner Road and add turn lanes at intersections. Project limits include 1 minor structure and 1 at-grade railroad crossing. Project length is approximately 4.5 miles.



## TRANSPORTATION ~ Legislative Issue/Projects

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### 55. **Title: Local Road and Bridge Maintenance Backlog**

**Issue:** County transportation financing needs exceed existing and foreseeable revenues, and additional funding is required to respond to the significantly growing transportation needs.

#### **Legislative Platform/Project Appropriations Requests:**

**Seek, advocate, and support legislation and/or budget appropriations that would serve to address/provide funding for the backlog of local road and bridge maintenance projects.**

**Background:** Currently in San Joaquin County, the backlog of deferred road maintenance includes an estimated:

- \$231 million in pavement maintenance;
- \$222 million in bridge maintenance; and
- \$225 million in safety improvements

This shortfall reflects funds needed in order to maintain the current local roads and bridges in good condition. The shortfall does not include system expansions such as those required to address existing congestion or population growth. Continued delay of this work will result in further declining road conditions and increasing the County's roadway maintenance backlog.

*(Project Literature Available)*



## Legislative/Regulatory Policy Guidelines ~ Solid Waste

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

- 1) Support legislative and administrative efforts which would require an economic evaluation and finding of a positive benefit-to-cost ratio before new regulations are implemented.
- 2) Oppose legislation or changes to current regulations which would allow the processing of radioactive and semi-hazardous wastes at Class III landfills.
- 3) Advocate and support legislation, administrative and regulatory proposals which would provide for the development and implementation of waste diversion, alternative disposal technology, and recycling programs, including recycling market development, which provide local benefits.
- 4) Support legislation which would provide incentives for development of “landfill gas to energy” and “waste to energy”, and streamline related permitting processes.
- 5) Oppose legislation which would impose new solid waste disposal requirements on local government unless the funding mechanisms needed for implementation are provided.
- 6) Oppose legislation or regulatory reform requiring municipal landfills (Class III) to accept semi-hazardous wastes, including medical or radioactive waste products.
- 7) Support legislation which would provide: a) local control of where locally produced wastes are disposed, for the purposes of assuring waste diversion mandates are met, and b) adequate funding for the development and operation of local waste diversion and disposal facilities.
- 8) Support legislation which would require that State and federal facilities comply with State-imposed waste diversion mandates, or provide local jurisdictions relief from diversion mandates for waste over which they have no control.
- 9) Oppose legislation which would increase State disposal fee surcharges on local landfills.
- 10) Oppose legislation which would ban landfill disposal of new categories of products, unless an alternative disposal plan and related programs and infrastructure are in place (“ban without a plan”).
- 11) Support legislation which would require development of balanced sustainable plans for community growth that incorporate waste diversion principles and enhanced use of “green” technologies.
- 12) Support legislation and/or new regulations which would promote the development of cost-effective programs to increase the use of rubberized asphalt.
- 13) Oppose legislation and/or regulatory changes which would increase post-closure requirements for landfills.



## PUBLIC WORKS ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### 56. **Title: Illegal Dumping**

**Issue:** Illegal dumping is a significant problem in San Joaquin County. Illegal dumping has resulted in increased costs to the County for cleaning up illegally disposed waste.

**Legislative Platform:** Advocate, and support legislation which would address illegal disposal of waste including the establishment of a statewide Illegal Dumping Prevention Program in coordination with existing cleanup programs administered by the California Integrated Waste Management Board. The proposed illegal dumping prevention program should include:

1. Funding for illegal dumping enforcement and related judicial processes;
2. Public outreach, education, and training; and,
3. Support statewide standardization of acceptable evidence and prosecution.

**Background:** According to the California Integrated Waste Management Board website, illegal dumping of waste is one of the most pervasive problems for cities and counties now and for at least the past 16 years. Illegal dumping on county roadways in San Joaquin County (SJC) is a significant problem. In addition to being unsightly, it increases health and safety hazards and requires significant resources in response to illegal dumping. The economic impacts of illegal dumping to local governments are significant. SJC alone expended in excess of \$1 million on illegal dumping in the past year. Unlike most county and city programs, illegal dumping usually does not fall into a specific program area. As a result, it does not receive adequate funding.

In November 2004, SJC adopted an ordinance to increase the fines and punishments for illegal dumping of waste in the County up to the maximum allowable by State law. The local ordinance included high-profile signage and initial efforts to establish a random camera enforcement program at high-frequency dumping locations. In November 2007, the SJC Board of Supervisors established an Illegal Dumping Prevention/Enforcement Task Force to research and to recommend a plan for focusing on illegal dumping prevention, apprehension, and prosecution of illegal dumpers. At this time, there is no funding mechanism for illegal dumping enforcement.



## PUBLIC WORKS ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ PUBLIC WORKS

Contact: Thomas M. Gau, Director; E-Mail: [tgau@sjgov.org](mailto:tgau@sjgov.org); Ph. (209) 468-3100

### 57. **Title: Extended Producer Responsibility for Product Disposal**

**Issue:** Currently, local governments are required to manage various universal and other waste products at time of disposal, resulting in significant annual costs to counties.

**Legislative Platform: Advocate and support legislative and regulatory efforts to address end-of-life costs and management of problematic discarded products and materials.**

**Background:** California local governments are required to collect and manage banned and often expensive discarded products and materials. To date, legislative and voluntary initiatives in California that involve producers in the design and end-of-life management of products have focused on one product or product category at a time. The result has been a patchwork of product-specific (e.g. lighting, computers, tires) or substance-specific (e.g. mercury, lead, brominated flame retardants) legislation for the disposal of problematic products, typically with no financial support for end-of-life management.

California's list of hazardous products banned from land disposal continues to grow, and other problematic products, such as tires, mixed-material, and bulky packaging are especially difficult to recycle and ever more prevalent. The costs to manage discarded products will increase substantially in the short-term unless policy changes are made.

San Joaquin County (SJC) estimates that it would cost \$4 million to handle 50% of one year's generation of common problematic products.

The California Integrated Waste Management Board has adopted a framework approach to implement Extended Producer Responsibility in California in order to guide proposals to seek statutory changes. The framework establishes a government role in setting targets, developing appropriate regulations, establishing reporting and tracking requirements, and selecting products for new product stewardship programs.

SJC strongly supports Extended Producer Responsibility framework legislation that would establish transparent and fair principles and procedures to manage universal and other waste products for which improved design and management infrastructure are in the public interest, and that would shift waste management costs from local government to the producer of the product, which would give producers an incentive to redesign products to reduce their health and environmental impacts.





## PURCHASING ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ PURCHASING AND SUPPORT SERVICES  
Contact: David Louis, Director; E-Mail: [dlouis@sjgov.org](mailto:dlouis@sjgov.org); Ph. (209) 468-2852

### 58. Title: Construction Contracts

**Issue:** Minor repair and maintenance projects are currently required to go through a time consuming process due to antiquated maximum limits of \$6,500 for labor and \$3,500 for material.

**Legislative Platform:** Pursue legislation to increase the Public Contract Code limits for minor repair and maintenance projects from \$6,500 to \$20,000 for labor and from \$3,500 to \$11,000 for materials.

**Background:** In 1982, Public Contract Code Section 20122 established a maximum limit of \$6,500, exclusive of materials, before a contract is required for the repair or maintenance of public buildings. Section 20133 was added at the same time allowing for the purchase of materials up to \$3,500 without bid for similar work. Section 20133 was repealed in 1990. Identical language is now found in Section 20131(b).

Also in 1982, Public Contract Code Section 20131 was added allowing purchasing agents to purchase materials, furnishings, and supplies used in the construction or repair of public works estimated as costing not more than \$6,500 without the formality of obtaining bids, letting contracts, and preparing specifications.

As a result of these antiquated limits, many minor maintenance projects are required to go through a time consuming bid process.

Increasing the limit in Section 20122 to \$20,000 and increasing the limits in Section 20131(a) to \$20,000, and 20131(b) to \$11,000, and including an inflationary index is recommended as a much more efficient means of completing minor maintenance through the procurement process. The increased limits would give counties over 500,000 in population, the needed flexibility to efficiently manage minor repairs and maintenance of public buildings. Counties would be able to reduce the time from bidding to repair, from 30 days to as few as 5 days.



## PURCHASING ~ Legislative Issues

COUNTY OF SAN JOAQUIN ~ PURCHASING AND SUPPORT SERVICES  
Contact: David Louis, Director; E-Mail: [dlouis@sjgov.org](mailto:dlouis@sjgov.org); Ph. (209) 468-2852

### 59. **Title: California Labor Code 1771**

**Issue:** Currently, public agencies are unable to proceed with acquiring needed minor public work projects without the requirement to pay prevailing wage for any project costing over \$1,000.

**Legislative Platform:** Pursue and support legislation which would amend California Labor Code Section 1771 changing the dollar limitation from \$1,000 to \$10,000 before payment of prevailing wage is required.

**Background:** Current California Labor Code 1771 states that “*except for public works projects of one thousand dollars (\$1,000) or less, not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing wage of per diem wages for holiday and overtime work fixed as provided in this chapter, shall be paid to all workers employed on public works.*” The limit of \$1,000 has not been increased in spite of significantly reduced buying power from the initial wage establishment to current date. The intent of establishment of project cost greater than \$1,000 to have prevailing wage applied has been severely eroded due to inflation and increased costs of public works construction and repair, reducing the intended relative amount of services and materials that can be authorized without prevailing wage. The contractual burden and cost associated with payment of prevailing wage for small projects results in less scope of work able to be performed and/or fewer projects that can be accomplished due to unreasonably high labor rates required for these small projects.



## APPENDIX ~ A

Adopted: July 24, 2012

R-12-278: Resolution Adopting A Position of Opposition to the State's Draft Bay Delta Conservation Plan Proposal to Construct a Major Isolated Water Conveyance System in the Delta, and Adoption a Statement of Principles Regarding the Bay Delta Conservation Plan

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN  
STATE OF CALIFORNIA

### RESOLUTION

R-12- 278

RESOLUTION ADOPTING A POSITION OF OPPOSITION TO THE STATE'S DRAFT  
BAY DELTA CONSERVATION PLAN PROPOSAL TO CONSTRUCT A MAJOR  
ISOLATED WATER CONVEYANCE SYSTEM IN THE DELTA, AND  
ADOPTING A STATEMENT OF PRINCIPLES REGARDING THE  
BAY DELTA CONSERVATION PLAN

WHEREAS, the Bay Delta Conservation Plan (BDCP) process has produced a draft BDCP which is inconsistent with the best interests of the Sacramento-San Joaquin Delta (Delta) within the County of San Joaquin; and,

WHEREAS, the present draft of the BDCP is inconsistent with the co-equal goals of the Delta Reform Act and the policy of the State to reduce reliance on the Delta for future California water needs; and,

WHEREAS, the present draft of the BDCP is destructive to the economy, habitat, water rights, water quality, land use governance, and way of life in the County of San Joaquin and the Delta; and,

WHEREAS, the proposed new course of the BDCP as outlined by the State of California ("State and Federal Principals Joint Recommendations Regarding Key Elements of the Bay Delta Conservation Plan", as presented by Dr. Jerry Meral, Deputy Secretary of the State Natural Resources Agency on July 16, 2012), does not rectify that inconsistency; and,

WHEREAS the process whereby the BDCP is being developed is governmentally, economically, and scientifically flawed and deficient;

NOW, THEREFORE, BE IT RESOLVED that this Board of Supervisors:

Consistent with the San Joaquin County's Board-adopted Principles and Policies regarding the Delta and its continued commitment to collaborate with the State and Federal governments and other appropriate agencies in developing regional water supply solutions, and in light of the proposals contained in the Draft Bay Delta Conservation Plan (BDCP) and the revised BDCP reported by the Department of Natural Resources on June 26, 2012, to construct a major isolated water conveyance system (9,000 cubic feet per second) in the Delta, the San Joaquin County Board of Supervisors hereby declares opposition to the current draft BDCP and to the revised BDCP as reported by the Department of Natural Resources. Furthermore, the County hereby submits the following Principles relative to a BDCP. These Principles are to be



## APPENDIX ~ A (continued)

R-12-278: Resolution Adopting A Position of Opposition to the State's Draft Bay Delta Conservation Plan Proposal to Construct a Major Isolated Water Conveyance System in the Delta, and Adoption a Statement of Principles Regarding the Bay Delta Conservation Plan

considered a package (A-L are not individual stand-alone items); this umbrella set of Principles is essential to the 'sustainability and enhancement' of the Delta and required to gain the support from the County of San Joaquin.

1. Opposes the draft BDCP and the proposed revision of the BDCP as outlined by the State of California; and
2. Adopts the following Statement of Principles regarding the BDCP:
  - A. San Joaquin County seeks full, fair, and effective participation in the BDCP development and implementation process. San Joaquin County must be a voting member of a governance body developing, approving and implementing the BDCP.
  - B. Consistent with conclusions and recommendations in the Delta Protection Commission's peer reviewed and adopted Economic Sustainability Plan for the Sacramento-San Joaquin Delta (January 2012), San Joaquin County maintains that through-Delta conveyance is currently the only viable alternative in meeting the co-equal goals of water supply reliability and ecosystem restoration in the Delta.
  - C. Through-Delta flow standards (including quantity and quality) shall be established based on peer-reviewed best science and made legally enforceable before the adoption of the BDCP. Mitigation for in-Delta flow reductions and adverse water quality impacts due to export operations shall be included in the BDCP and shall not compromise area of origin protections or senior water rights.
  - D. All reasonable Delta management alternatives that reflect the entire spectrum of options available to meet the co-equal goals established by the Delta Reform Act, and which reduce reliance on the Delta as a water resource for areas outside the Delta in accordance with the policy of the State of California, shall be included in the BDCP analysis and shall be subjected to a peer-reviewed "cost-benefit" analysis. The DWR handbook shall be used for such analyses (see [http://www.water.ca.gov/pubs/planning/economic\\_analysis\\_guidebook/econguidebook.pdf](http://www.water.ca.gov/pubs/planning/economic_analysis_guidebook/econguidebook.pdf)).
  - E. All BDCP proposals and actions, and BDCP implementation, shall preserve, protect, and enhance the Delta economy and agriculture, and there shall be complete financial mitigation of all direct and indirect negative impacts on the Delta economy and agriculture caused by any and all BDCP actions and implementations.



## APPENDIX ~ A (*continued*)

R-12-278: Resolution Adopting A Position of Opposition to the State's Draft Bay Delta Conservation Plan Proposal to Construct a Major Isolated Water Conveyance System in the Delta, and Adoption a Statement of Principles Regarding the Bay Delta Conservation Plan

- F. Water storage projects, including groundwater storage and storage projects associated with water reuse projects, providing for the development of five-million acre-feet of new stored water shall be constructed and fully developed as part of the BDCP.
- G. All pending San Joaquin County water rights and water resource projects shall be perfected and/or built before implementation of the BDCP.
- H. Flood control and levee maintenance programs and projects in San Joaquin County shall be included in the BDCP, in a manner satisfactory to the County, as a prerequisite to the issuance of any permits under the BDCP.
- I. Adequate funding for the projects and studies in San Joaquin County must be addressed and provided through the BDCP process (Attachment 1 – Preliminary San Joaquin County Project List).
- J. BDCP must be consistent with locally developed Habitat Conservation Plans/Natural Communities Conservation Plans (HCP/NCCPs). If conflicts exist between locally developed HCP/NCCPs and the BDCP, the BDCP staff must work collaboratively with local HCP/NCCP staffs to resolve the conflicts. BDCP must not interfere with local HCP/NCCPs' ability to attain their habitat target goals or objectives. When conflicts arise the local HCP/NCCPs will take priority for the resolution of the conflict as long as it does not undermine the BDCP overall habitat goal. Additionally, acquisitions of lands within the jurisdiction of the local HCP/NCCP plan area will be coordinated (and potentially directed) with the local plan staff. BDCP shall not invoke eminent domain authority for restoration or mitigation land within San Joaquin County.
- K. BDCP must be subject to the full extent of state and federal environmental review. San Joaquin County cannot support any streamlining or exemptions from either the California Environmental Quality Act (CEQA) or National Environmental Protection Act (NEPA).
- L. BDCP must recognize the linkage between the Delta and the terrestrial lands (habitat and agricultural), and recognize that any project that emerges from the BDCP could impact the entire Bay-Delta estuary, not just the immediate Delta area in which the project is located. The environmental analysis of the project(s) must examine for potential impacts throughout the entire estuary, including, but not limited to, impacts on flow from the Delta, water quality, aquatic/terrestrial species, habitat and the agricultural economy of San Joaquin County within the estuary.



**APPENDIX ~ A (continued)**

R-12-278: Resolution Adopting A Position of Opposition to the State's Draft Bay Delta Conservation Plan Proposal to Construct a Major Isolated Water Conveyance System in the Delta, and Adoption a Statement of Principles Regarding the Bay Delta Conservation Plan


PASSED AND ADOPTED this 7-24-12 by the following vote of the Board of Supervisors, to wit:

**AYES: Villapudua, Vogel, Ruhstaller, Ornellas, Bestolarides**

**NOES: None**

**ABSENT: None**

**ATTEST: LOIS M. SAHYOUN**  
Clerk of the Board of Supervisors  
of the County of San Joaquin,  
State of California

  
\_\_\_\_\_  
**STEVE J. BESTOLARIDES, Chairman**  
Board of Supervisors  
County of San Joaquin,  
State of California

By   
Deputy Clerk



OPPOSE BDCP PROPOSAL-RESO.DOCX



## APPENDIX ~ B

Adopted: November 20, 2012

R-12-332: Resolution Supporting the Joint Project List of the Twelve County Water Work Group Consisting of the Counties Represented by the Delta Counties Coalition and the California Partnership for the San Joaquin Valley

BEFORE THE BOARD OF SUPERVISORS  
OF SAN JOAQUIN COUNTY, STATE OF CALIFORNIA

R-12- **332**

RESOLUTION SUPPORTING THE JOINT PROJECT LIST OF THE TWELVE COUNTY  
WATER WORK GROUP CONSISTING OF THE COUNTIES REPRESENTED  
BY THE DELTA COUNTIES COALITION AND THE  
CALIFORNIA PARTNERSHIP FOR THE SAN JOAQUIN VALLEY

-----

WHEREAS, the Delta Counties Coalition (DCC) and the California Partnership for the San Joaquin Valley (Partnership) together represent 12 Counties encompassing the majority of the San Joaquin Valley and Sacramento-San Joaquin Delta (Delta) regions and include the Counties of Fresno, Kern, Kings, Madera, Merced, Stanislaus, Tulare, Contra Costa, Sacramento, Solano, Yolo, and San Joaquin; and,

WHEREAS, the 12 Counties of the DCC and the Partnership represent the issues and interests of the people who live, work, recreate and perhaps best understand the tremendous resources the San Joaquin Valley and Delta regions possess; and,

WHEREAS, the DCC and Partnership Counties had previously come to an agreement on the "Resolution of Counties Within the San Joaquin Valley and Delta Supporting Proactive Actions to Safeguard a Sustainable Sacramento-San Joaquin Delta" (Attachment 1), which was adopted by the Partnership Board on October 25, 2011, and subsequently adopted by this Board of Supervisors on January 10, 2012 (Attachment 2); and,

WHEREAS, DCC and Partnership representatives met on May 23, 2012, and agreed to "Joint Resolution A" (Attachment 3) which defines the implementation framework to guide the effort to forward the proactive actions listed in Attachment 1 and to establish the Twelve County Water Work Group comprised of one Supervisor representative from each of the DCC and Partnership Counties; and,

WHEREAS, on May 23, 2012, DCC and Partnership representatives also agreed to "Joint Resolution B" (Attachment 4), which adopts a candidate list of projects to address the Integrated Regional Water Management Needs of the San Joaquin Valley and Delta Regions which include: a) incorporating major levee enhancements in the San Joaquin Valley and Delta to safeguard and enhance regional water quality and water supply, as well as provide for flood control; b) augmenting surface water and groundwater banking programs, and recycled water projects; c) improving water quality and expanding inland saline water management; d) expanding environmental restoration and conservation strategies; and e) expanding agricultural and urban water conservation and energy efficiency programs; and,

WHEREAS, the Twelve County Water Work Group has conducted a review of the candidate projects listed in the "Combined Delta Counties Coalition and California Partnership for the San Joaquin Valley Water Management Project List" (Attachment 5); and,



## APPENDIX ~ B (continued)

R-12-332: Resolution Supporting the Joint Project List of the Twelve County Water Work Group Consisting of the Counties Represented by the Delta Counties Coalition and the California Partnership for the San Joaquin Valley

WHEREAS, the projects shaded in green on the "DCC-SJV Partnership Candidate List of Water Management Projects Summary" (Attachment 6) appear to do no harm to the DCC and Partnership Counties and also appear to be consistent with the proactive actions set forth in Attachment 1; and,

WHEREAS, the projects shaded in yellow on Attachment 6 will require further evaluation and assurances before the Twelve County Water Work Group can reach consensus that the projects do no harm to the DCC and Partnership Counties and are consistent with the proactive actions of Attachment 1; and,

WHEREAS, on September 21, 2012, the Partnership Board of Directors resolved unanimously to support the ongoing process of the Twelve County Water Work Group and to advance the list of representative and integrated projects in Attachment 6 with an emphasis on near-term improvements and other projects that meet the co-equal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem for California within the unique cultural, recreational, natural resource, and agricultural framework of the Delta as an evolving place; and,

WHEREAS, Attachment 5 and Attachment 6 are not intended to be comprehensive or exhaustive for the San Joaquin Valley or the Delta, and by no means is intended to resolve all of the issues common or exclusive to areas represented by the DCC and Partnership Counties; and,

WHEREAS, Attachment 5 and Attachment 6 may be modified as projects are further developed or if projects on the list conflict with the directive that the projects do no harm to any of the DCC and Partnership Counties and are consistent with the proactive actions in Attachment 1, and,

WHEREAS, it is the intent of the DCC and the Partnership that such a list of projects be submitted for consideration by the appropriate authorities; and,

WHEREAS, San Joaquin County's Flood Advisory Water Commission, on October 17, 2012, voted unanimously to recommend that this Board of Supervisors conditionally support the DCC and Partnership projects shaded in green on Attachment 6.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of San Joaquin County hereby supports the efforts of the DCC and Partnership Counties and approves continued participation under the agreed upon process embodied in "Joint Resolution A" (Attachment 3); and,

FURTHER BE IT RESOLVED, that this Board of Supervisors finds that the projects shaded in green (as listed in Attachment 6 and as described in Attachment 5) appear to do no harm to the DCC and Partnership Counties and appear to be consistent with the proactive actions of the "Resolution of Counties Within the San Joaquin Valley and Delta Supporting Proactive Actions to Safeguard a Sustainable Sacramento-San Joaquin Delta" (Attachment 1); and,





**APPENDIX ~ B (continued)**

R-12-332: Resolution Supporting the Joint Project List of the Twelve County Water Work Group Consisting of the Counties Represented by the Delta Counties Coalition and the California Partnership for the San Joaquin Valley

FURTHER BE IT RESOLVED, that this Board of Supervisors hereby supports in concept the projects shaded in green as listed in the "DCC-SJV Partnership Candidate List of Water Management Projects Summary" (Attachment 6) and as described in the "Combined Delta Counties Coalition and California Partnership for the San Joaquin Valley Water Management Project List" (Attachment 5). Furthermore, the adoption of this Resolution does not diminish or supersede previous actions or positions of this Board of Supervisors.

PASSED and ADOPTED 11/20/2012, by the following vote of the Board of Supervisors to wit:


AYES: **Villapudua, Vogel, Ruhstaller, Ornellas, Bestolarides**

NOES: **None**

ABSENT: **None**

ATTEST: LOIS M. SAHYOUN  
Clerk of the Board of Supervisors,  
of the County of San Joaquin,  
State of California



  
STEVE J. BESTOLARIDES  
Chairman, Board of Supervisors  
County of San Joaquin,  
State of California

By  (SEAL)  
Deputy Clerk

WR-12J049-M3



## APPENDIX ~ B (*continued*)

R-12-332: Resolution Supporting the Joint Project List of the Twelve County Water Work Group Consisting of the Counties Represented by the Delta Counties Coalition and the California Partnership for the San Joaquin Valley

Attachment 1



California Partnership for the  
San Joaquin Valley

### A RESOLUTION OF COUNTIES WITHIN THE SAN JOAQUIN VALLEY AND DELTA SUPPORTING PROACTIVE ACTIONS TO SAFEGUARD A SUSTAINABLE SACRAMENTO- SAN JOAQUIN DELTA

**WHEREAS** the Sacramento-San Joaquin Delta is the largest estuary on the Pacific Coast of the United States and includes major eastside tributaries that account for nearly half the snowmelt and runoff of the entire state. Located east of the San Francisco Bay and Suisun Marsh at the confluence of the Sacramento-San Joaquin Rivers, the Delta stretches inland to encompass an area of over 730,000 acres with islands and tracts of rich fertile soil surrounded by miles of sloughs and winding channels protected by levees creating one of the country's most productive agricultural regions; and

**WHEREAS** the Delta is also habitat for hundreds of plant and animal species providing crucial habitat for fish and wildlife. In addition, the Delta with its Legacy Communities is a popular boating and recreation area which supports a fishery for both recreational and commercial purposes. Eighty percent of the State's commercial fishery species either live in or migrate through the Delta; and

**WHEREAS** the Delta is also the hub of California's State and Federal water storage and delivery system with water exports made to agricultural and urban users in the Bay Area, Silicon Valley, San Joaquin Valley, the Central Coast, and Southern California wherein two-thirds of Californians rely on the Delta for all or some of their drinking water. Additionally, over 7 million acres of farmland in the San Joaquin Valley are irrigated in part by water conveyed through the Delta, contributing to California's multi-billion dollar agriculture industry which produces half the nation's fruits, nuts and vegetables, and twenty percent of the nation's dairy products; and

**WHEREAS** many people living in California depend on the Delta for drinking water; water for irrigation and livestock; habitat, recreation, the shipment of goods from inland ports over highways and railways crisscrossing the Delta, natural gas fields, electrical transmission and conveyance facilities among many other benefits; and

**WHEREAS** the California Partnership for the San Joaquin Valley ("Partnership") and the Delta Counties Coalition ("Coalition") together encompass an area within 12 counties in the State of California's San Joaquin Valley and Delta, representing the issues and interests from the unique perspective of the people who live, work and recreate and perhaps best understand the tremendous resource this area of California represents; and

**WHEREAS** the Partnership and Coalition have been engaged in a collaborative dialogue to bring together these vital regions with their perspectives and interests to develop a shared vision on actions to help safeguard a sustainable Sacramento-San Joaquin Delta for future generations while ensuring the economic and environmental well-being of the Delta and Valley and an improved quality of life for all its citizens; and

**WHEREAS** the Coalition and Partnership together desire to advance the goals of the Delta Protection Act of 1992 and the Delta Reform Act of 2009 through action with the recognition of achieving the two coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem for California within the unique



## APPENDIX ~ B (*continued*)

R-12-332: Resolution Supporting the Joint Project List of the Twelve County Water Work Group Consisting of the Counties Represented by the Delta Counties Coalition and the California Partnership for the San Joaquin Valley

cultural, recreational, natural resource, and agricultural framework of the Delta as an evolving place; and

**WHEREAS** the Coalition and the Partnership support efforts by the State of California to establish a more open, fair and effective public process in the development of the Bay Delta Conservation Plan including greater involvement by local government and stakeholder interests and encourage this approach as plans and programs are developed by the Delta Stewardship Council, Delta Conservancy, Delta Protection Commission and other organizations with responsibilities in the Delta.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of the California Partnership for the San Joaquin Valley and the Supervisors of the Delta Counties Coalition unanimously support the following proactive actions to safeguard a sustainable Delta for the benefit of all Californians, including the:

1. Recognition of the authority and responsibility given to local government related to land use, water resources, flood management, tax revenues, public health and safety, economic development, agricultural stability, recreation, and environmental protection.
2. Incorporation of the overarching principles of regional self-sufficiency and integrated regional water management planning, funding and implementation to support sustainable approaches for improved water supply, quality and reliability to reduce future reliance on the Delta consistent with the Delta Reform Act of 2009.
3. Protection and restoration of the Delta ecosystem including adequate water supply, quality and outflow to support fisheries, wildlife and habitat in perpetuity while supporting immediate improvements for through-Delta conveyance as part of a complete strategy consistent with the Delta Reform Act of 2009.
4. Funding and implementation of urban and non-urban flood protection and water resource programs in the Delta and its watersheds for water storage; conjunctive use; conservation; and rehabilitation, improvement and maintenance of flood control levees and structures.

**PASSED APPROVED, and ADOPTED** this 25 day of October, 2011, by the Board of the California Partnership for the San Joaquin.

Handwritten signature of Ashley Swearengin in black ink.

Ashley Swearengin  
Chair

Handwritten signature of Corwin Harper in black ink.

Corwin Harper  
Deputy Chair



## APPENDIX ~ B *(continued)*

R-12-332: Resolution Supporting the Joint Project List of the Twelve County Water Work Group Consisting of the Counties Represented by the Delta Counties Coalition and the California Partnership for the San Joaquin Valley

Endorsed by:

### **California Partnership - Water Policy Working Group**

Raymond Watson, Co-Chair  
Supervisor, Kern County

Leroy Ornellas, Co-Chair  
Supervisor, San Joaquin County

### **Delta Counties Coalition**

Mary Nejedly Piepho  
Supervisor, Contra Costa County

Don Nottoli  
Supervisor, Sacramento County

Larry Ruhstaller  
Supervisor, San Joaquin County

Michael J. Reagan  
Supervisor, Solano County

Mike McGowan  
Supervisor, Yolo County



## APPENDIX ~ B (continued)

R-12-332: Resolution Supporting the Joint Project List of the Twelve County Water Work Group Consisting of the Counties Represented by the Delta Counties Coalition and the California Partnership for the San Joaquin Valley

### Attachment 3

**JOINT RESOLUTION "A"  
OF THE  
CALIFORNIA PARTNERSHIP FOR THE SAN JOAQUIN VALLEY  
AND  
THE DELTA COUNTIES'  
ADOPTING A FRAMEWORK TO IMPLEMENT ACTIONS THAT MEET JOINT PRINCIPLES  
AND GOALS ON DELTA SUSTAINABILITY**

**WHEREAS** the California Partnership for the San Joaquin Valley ("Partnership") and the Delta Counties (Contra Costa, Sacramento, San Joaquin, Solano) together encompass an area within 11 Counties in the State of California's San Joaquin Valley ("Valley") and Sacramento-San Joaquin Delta ("Delta"), representing the issues and interests from the unique perspective of the people who live, work and recreate there and perhaps best understand the tremendous resource this area of California represents; and,

**WHEREAS** the Delta Counties and Partnership have been engaged in a collaborative dialogue to bring together these vital regions with their perspectives and interests to develop a shared vision on actions to help safeguard a sustainable Delta for future generations while ensuring the economic and environmental well-being of the Delta and Valley and an improved quality of life for all its citizens; and,

**WHEREAS** the Partnership and Delta Counties have previously adopted a joint Resolution in October, 2011, that framed the principles and goals necessary to move forward on water resource management actions that will address the collective needs of the parties; and,

**WHEREAS** the Delta Counties and the Partnership joint 11 County Water Work Group" has developed an implementation strategy to guide the actions necessary to meet the adopted principles and goals using a consensus-driven process; and,

**WHEREAS** the implementation strategy and support processes are described herein in an attachment to this Resolution so as to be memorialized and adopted by the Partnership and Delta Counties; and,

**WHEREAS** upon approval by the Delta Counties and Partnership, the actions and activities adopted by the partners under this implementation process have the full support of the Partnership and Delta Counties: then

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of the California Partnership for the San Joaquin Valley including its eight County Boards of Supervisors and the Boards of Supervisors of the Delta Counties, propose to authorize and use the implementation strategy attached to this Resolution noted as the "Implementation Framework" to attain their mutual goals.

**PASSED APPROVED, and ADOPTED** this 23<sup>rd</sup> day of May 2012, by the Board of Directors of the California Partnership for the San Joaquin Valley and the Delta Counties.

Ashley Swearingin  
Chair

Corwin Harper  
Deputy Chair



## APPENDIX ~ B *(continued)*

R-12-332: Resolution Supporting the Joint Project List of the Twelve County Water Work Group Consisting of the Counties Represented by the Delta Counties Coalition and the California Partnership for the San Joaquin Valley

Endorsed by:

### **California Partnership - Water Policy Working Group**

Raymond Watson, Co-Chair  
Supervisor, Kern County

Leroy Ornellas, Co-Chair  
Supervisor, San Joaquin County

### **Delta Counties**

Mary Nejedly Piepho  
Supervisor, Contra Costa County

Don Nottoli  
Supervisor, Sacramento County

Ken Vogel  
Supervisor, San Joaquin County

Michael J. Reagan  
Supervisor, Solano County



## APPENDIX ~ B (continued)

R-12-332: Resolution Supporting the Joint Project List of the Twelve County Water Work Group Consisting of the Counties Represented by the Delta Counties Coalition and the California Partnership for the San Joaquin Valley

### Attachment to Joint Resolution "A" of the Delta Counties Coalition and the California Partnership for the San Joaquin Valley

#### The 11 County Water Work Group Implementation Framework

The 11 County Water Work Group Implementation Framework provides for the following:

1. Memorializes the establishment of a 11 County Water Work Group ("Work Group") made up of the following participating Counties: Yolo, Sacramento, Solano, Contra Costa, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern. County Membership on the Work Group shall be limited to one member of the Board of Supervisor of each of the 11 Counties. Other representation shall be at the discretion of the Coalition and Partnership under their authorities and charters.
2. Re-affirms the adopted "principles and goals" in the joint October 2011 Resolution which is a consensus-driven process.
3. Establishes the purpose of the Work Group:

The purpose of the Work Group is to advocate for projects on the Partnership Coalition approved project list that have been determined to be consistent with the previously adopted proactive actions in the joint October 2011 Resolution to safeguard a sustainable Delta.

- a. Definition of Advocacy: The Work Group will keep current a list of projects that have been developed by the implementation process through the Work Group. Upon request of a member and approved by the Work Group, a letter of support finding the proposed project consistent with the four adopted proactive actions will be signed by the Co-Conveners (one representative each from DCC and the Partnership) of the Work Group and advanced to the Coalition and Partnership for the full force of advocacy to the extent feasible by these partners and their constituents.
  - b. Project Advocacy: Only those projects which do not harm any County or other member of the Partnership or Coalition shall be advocated. A preliminary project list may be established by the Work Group if it appears that the projects are consistent with the principles and goals in the joint October 2011 Resolution and have been analyzed by the Work Group to verify that the details of such projects are consistent with the principles and goals and do not harm any County or other member of the Partnership or Coalition.
4. The process for developing the list of projects that meet the goals of the joint October 2011 Resolution using the following:

The Work Group will utilize the services of a "technical advisory committee" (TAC) appointed by the Work Group. The TAC will be made up of individuals or organizations that can represent the collective interests of the Work Group. These representatives will be affirmed by the Coalition and the Partnership at the recommendation of the Work Group. The primary role of the TAC is to evaluate the technical merits of a proposed project and provide to the Work Group recommendations as to the proposed project's consistency with the four proactive actions of the joint October 2011 Resolution.



## APPENDIX ~ B (*continued*)

R-12-332: Resolution Supporting the Joint Project List of the Twelve County Water Work Group Consisting of the Counties Represented by the Delta Counties Coalition and the California Partnership for the San Joaquin Valley

5. The TAC will develop and use a process for supporting a project utilizing the joint October 2011 Resolution. The project criteria and listing process will be reviewed and approved by the Water Work Group. Project descriptions must be submitted to the TAC in the format provided. A contact person and lead agency must also be listed.

8. Maintenance of project lists:

The Work Group will seek TAC members from both the Partnership and Coalition Counties to jointly maintain and coordinate the project lists.

9. Reports:

The Work Group, in consultation with their TAC, will prepare any necessary oral or written summary reports to meet the needs of the parent organizations.

10. Term of the implementation strategy:

The Work Group will meet on an as-needed basis and be convened by the Co-chairs or the parent organizations until the partners determine the process, the projects and their advocacy no longer serve the collective interests or until the parent organizations find the efforts are no longer needed.





## APPENDIX ~ B (*continued*)

R-12-332: Resolution Supporting the Joint Project List of the Twelve County Water Work Group Consisting of the Counties Represented by the Delta Counties Coalition and the California Partnership for the San Joaquin Valley

### Attachment 4

**JOINT RESOLUTION "B"  
OF THE  
11 COUNTY WATER WORK GROUP  
ON BEHALF OF THE  
CALIFORNIA PARTNERSHIP FOR THE SAN JOAQUIN VALLEY  
AND  
THE DELTA COUNTIES  
ADOPTING A CANDIDATE LIST OF WATER RESOURCE MANAGEMENT PROJECTS  
FOR IMPLEMENTATION**

**WHEREAS** the California Partnership for the San Joaquin Valley ("Partnership") and the Delta Counties' (Contra Costa, Sacramento, San Joaquin, and Solano) together encompass an area within 11 Counties in the State of California's San Joaquin Valley and Delta, representing the issues and interests from the unique perspective of the people who live, work and recreate and perhaps best understand the tremendous resource this area of California represents; and,

**WHEREAS** the Partnership and Delta Counties have previously adopted a joint "Resolution" in October 2011, that framed the principles and goals necessary to move forward on water resource management actions that will address the collective needs of the parties; and,

**WHEREAS** the Delta Counties and the Partnership joint 11 County Water Work Group" has adopted an implementation strategy to guide the actions necessary to meet the adopted principles and goals using a consensus-driven process; and,

**WHEREAS** the implementation strategy determines projects to meet the joint goals; and,

**WHEREAS** the partners in this process have developed such a list of projects which appear to be consistent with the principles and goals of the joint Resolution adopted in October, 2011, and which appear to do no harm to any County or other member of the Partnership or Delta Counties; and

**WHEREAS** such projects on the list shall be analyzed by the Work Group to verify that the details of such projects are consistent with the principles and goals and do not harm any County or other member of the Partnership or Delta Counties;

**WHEREAS** the intent of the Delta Counties and Partnership is for the Work Group to identify a subset of mutually agreed upon projects that are "no regrets" projects that benefit the region;

**WHEREAS** such a list of projects is not intended to be comprehensive or exhaustive for the San Joaquin Valley or the Delta, and by no means is intended to resolve all of the issues, both common or exclusive to the members of the Delta Counties and the Partnership, in the Sacramento San Joaquin Delta;

**WHEREAS** it is the intent of the partners in this process that such a list of projects be submitted for consideration by the appropriate authorities; and

**NOW, THEREFORE, BE IT RESOLVED**, that the 11 County Water Work Group representing the Board of Directors of the California Partnership for the San Joaquin Valley and the Boards of Supervisors representatives of the Delta Counties support in concept the 11 County Candidate List of projects (Attachment A) currently being considered, subject to the verification of consistency and no harm by the Work Group and where necessary, their Counties, and propose



## APPENDIX ~ B (*continued*)

R-12-332: Resolution Supporting the Joint Project List of the Twelve County Water Work Group Consisting of the Counties Represented by the Delta Counties Coalition and the California Partnership for the San Joaquin Valley

to forward the list of projects attached to this Resolution to the most appropriate authorities that can assist the partners in meeting their mutual goals.

**PASSED, APPROVED, and ADOPTED** this 23<sup>rd</sup> day of May, 2012, by the Water Work Group for the Board of Directors of the California Partnership for the San Joaquin Valley and the Delta Counties.

Ashley Swearingin  
Chair

Corwin Harper  
Deputy Chair

Endorsed by:

### **California Partnership - Water Policy Working Group**

Raymond Watson, Co-Chair  
Supervisor, Kern County

Leroy Ornellas, Co-Chair  
Supervisor, San Joaquin County

### **Delta Counties**

Mary Nejedly Piepho  
Supervisor, Contra Costa County

Don Nottoli  
Supervisor, Sacramento County

Ken Vogel  
Supervisor, San Joaquin County

Michael J. Reagan  
Supervisor, Solano County



## APPENDIX ~ C

### SAN JOAQUIN COUNTY'S "BETTER WAY" - Solutions for the Sacramento-San Joaquin Delta

San Joaquin County proposes that there is a "Better Way" to support a vision for a vibrant and sustainable Sacramento-San Joaquin Delta in the near and distant future. San Joaquin County's vision for a Better Way begins with the recognition that the Delta is a vibrant ecosystem which supports diverse fish and wildlife species and passionate recreational enthusiasts. We must also recognize the proud tradition of the Delta in agriculture and maritime commerce. Miles of utility lines, roads and other infrastructure traverse through the Delta and support urban communities far and near. The unique splendor of the estuary, its history, and the lifelines that traverse through it makes the Delta a special place for all Californians especially to those who live, work and play here.

### Spreading the Message...

#### **California Partnership for the San Joaquin Valley** **San Joaquin ~ Stanislaus ~ Merced ~ Madera ~ Fresno ~ Kings ~ Tulare ~ Kern**

Since 2005, California Partnership for the San Joaquin Valley has focused on improving the region's economic vitality and quality of life for the region's 4 million residents. The Partnership's efforts are broad and encompass several work groups which specialize in areas such as transportation, education, energy, and water. The Partnership's Water Work Group had recently presented a resolution to the Partnership Board of Directors. Despite the polar nature of the Peripheral Canal issue, the eight San Joaquin Valley Counties found that they have much more in common with regards to a sustainable water supply of adequate quality and a commitment to sustained flood protection efforts. On October 22, 2009, the historic resolution was passed unanimously by the Partnership Board of Directors.

"Let's build on the 90% we can agree upon and stop fighting over the 10% we can't."

~ Fritz Grupe,  
Deputy Chairman  
California Partnership for the San Joaquin Valley





## APPENDIX ~ C (continued)

### SAN JOAQUIN COUNTY'S "BETTER WAY" - Solutions for the Sacramento-San Joaquin Delta

In June 2008, the Counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo recognized the need for a coalition to advocate for the common interests of the 5-Delta Counties with the adoption of a multi-county resolution. The Delta Counties developed a joint resolution which outlines 11 basic principles of mutual interest concerning water quantity, water quality, Delta ecosystem, water rights, local economies, governance, levee maintenance, through-Delta conveyance, improved Statewide water demand management, and maximum recycling and reuse. The Delta Counties Coalition will continue to meet and advocate in accordance with the adopted principles.

**The Sacramento-San Joaquin Delta** is the largest estuary in the western United States. The Delta is also home to two major shipping ports, four major highways, various railroads, water pipelines, power transmission and natural gas storage facilities; and more than 750 plant and animal species, many of which are endangered. Water diverted from the Delta is used to support 28 million Californians and 7 million acres of farmland. **Two thirds of the Delta lies in San Joaquin County** while the remainder of the Delta overlies the Counties of Contra Costa, Sacramento, Solano and Yolo.



## Thinking Outside the Box . . .

***A Water Plan For The 21st Century: Regional Self-Sufficiency*** – It is no coincidence that increased exports out of the Delta has caused the drastic decline in the health of the Estuary. As communities and farms throughout California struggle to find new and reliable water supplies, sustainability is a concept that must be made a priority to ensure that future generations may continue to enjoy the riches of California. Self-sustaining water regions throughout California – the concept is not new. What if we reactivate historical floodplains to lessen flood peaks, enhance wildlife habitat, and replenishes depleted groundwater basins? What if we built new reservoirs to increase flood control and water storage potentials? What if we recycled or desalted as much water as we could?

"You can't operate the Delta like a sponge, soaking in the spills from our reservoirs and then wringing it dry to quench our thirsts."

~ Tom Zuckerman,  
Delta Advocate



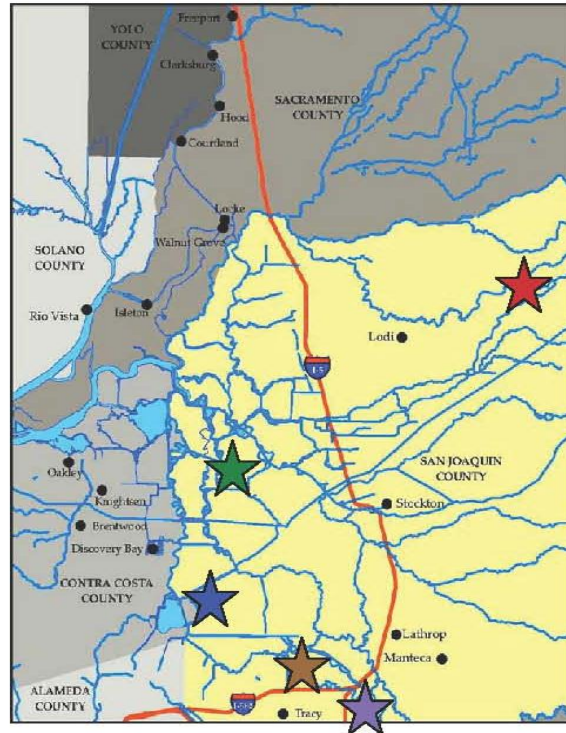


## APPENDIX ~ C (continued)

### SAN JOAQUIN COUNTY'S "BETTER WAY" - Solutions for the Sacramento-San Joaquin Delta

**MORE WATER Project** - Flood water is a liability and is only available in certain months during wet years. How do we turn this liability into a resource? The MORE WATER Project proposes to divert flood water off the Mokelumne River in Wet years during the months of December to June. The water will be diverted into the proposed Duck Creek Reservoir, an off-stream reservoir, for use during the irrigation season. The use of surface water in-lieu of groundwater will help to combat conditions of overdraft in Eastern San Joaquin County. Conjunctive use is the key to turning straw into gold.

**South Delta Bypass** - A south delta flood bypass and habitat restoration area in the vicinity of Paradise Cut could reduce the flood risk in the lower San Joaquin River for the residential areas of Lathrop, Manteca, and Stockton.



## Delta Management is about Water Quality not Quantity...

Thinking about alternative ways to manage the Delta, we must recognize that fish, including salmon and Delta Smelt, prefer a certain water quality which can fluctuate tremendously throughout the Delta and is also dependant on seasonal runoff and export pump operations. Fish have not done well in the Delta because it has historically been primarily managed as a water supply switch yard. What if we could manipulate the flow in Delta channels to mimic preferable water quality conditions in certain parts of the Delta away from the export pumps? This scenario could potentially provide an opportunity for salmonid and Delta Smelt populations to recover with less severe Delta export restrictions.



## APPENDIX ~ C (continued)

### SAN JOAQUIN COUNTY'S "BETTER WAY" - Solutions for the Sacramento-San Joaquin Delta

**Delta Corridors Project** – The concept of the Delta Corridors Project is to avoid mixing salinity with fresh water near the export pumps. The proposal is to reconnect Old River with the San Joaquin River to provide more nutrients often needed by fish and to redirect the Delta's fresh water pool through Middle River to the export pumps. A total of 12 flood gates, barriers and/or pumping facilities would need to be constructed throughout the Delta.

**Two-Gate Project** – Delta Smelt like turbid water typical of high runoff conditions in the winter and spring months. Physical flow barriers at Old River and Connection Slough could keep the more turbid Sacramento River flows of the spring winter months and therefore the Delta Smelt in the western and central portions of the Delta thus enabling less severe export restrictions. Project proponents are proposing a 5-year study where temporary operable gates would be installed at a total cost of \$80 million. Boater interests and safety remain a major concern for local entities.

## Act Now...

**Levee Subventions** – "An ounce of prevention is worth a pound in cure." Levee maintenance entities have for years accomplished the herculean task of maintaining the levee systems in the Delta with very limited funding sources. A renewed investment in levee improvements, emergency management, and a more coordinated approach to flood protection would allow flood managers to actually reduce the risks of levee breaks instead of fretting over the consequences.

**Delta Recirculation** – The Lower San Joaquin River continues to be a major source of imported salinity to the South Delta. The concept of Delta recirculation is to freshen Lower San Joaquin River flows with water from the Delta-Mendota Canal. Recirculation improves water quality entering South Delta and the export pumps. Improved salinity concentrations in the Lower San Joaquin River also could potentially reduce the Bureau of Reclamation's reliance on New Melones Reservoir, a major source of surface water for Eastern San Joaquin County, to meet Delta water quality objectives.





## APPENDIX ~ D

Adopted: July 13,2010

### R-10-409 Amended and Restated Multi-County Resolution on Water and Delta Related Issues

**WHEREAS**, the Sacramento-San Joaquin River Delta is at risk from many factors, and in addressing these threats the State may make large-scale changes to the Delta's legal boundaries and ecosystem, land use authority within the Delta, water conveyance through and around the Delta, water rights, management Statewide and many other aspects related to the Delta; and,

**WHEREAS**, the COUNTIES believe there is value in developing a coalition on issues concerning the Sacramento-San Joaquin River Delta and greater Bay/Delta Estuary; and,

**WHEREAS**, the COUNTIES wish to collectively articulate the issues and interests from the perspective of the Delta region itself, from the people who call the Delta home, and perhaps best understand the tremendous resource the Delta represents; and,

**WHEREAS**, the COUNTIES have identified a need for joint action and advocacy in the areas of mutual interest on Delta-related issues; and,

**WHEREAS**, the COUNTIES wish to educate and maintain positive working relationships with regional, State and Federal governmental agencies and the public on Delta-related issues, and,

**WHEREAS**, through this Resolution, the COUNTIES have adopted a statement of basic principles describing their joint interests which may be refined over time.

**NOW THEREFORE**, the COUNTIES agree that:

The COUNTIES adopt this Resolution for the purpose of articulating mutual interests on Delta issues. Furthermore, the COUNTIES resolve to work together to better understand Delta-related issues from a regional perspective and to use their unified voice to advocate on behalf of local government in available forums at the Federal and State levels. Our mutual interests are as follows.

Management of the Sacramento-San Joaquin River Delta and greater Bay/Delta Estuary must:

1. Protect and improve water quality and water quantity in the Delta region and maintain appropriate Delta outflow for a healthy estuary;
2. Protect the existing water right priority system and legislative protections established for the Delta;
3. Respect and safeguard Delta Counties' responsibilities related to land use, water resources, flood management, tax revenues, public health and safety, economic development, agricultural stability, recreation, and environmental protection in any new Delta governance structures;



## APPENDIX ~ D (*continued*)

### R-10-409 Amended and Restated Multi-County Resolution on Water and Delta Related Issues

4. Represent and include local government in any new governance structures for the Delta;
5. Protect the economic viability of agriculture and the ongoing vitality of communities in the Delta;
6. Support rehabilitation, improvement, and maintenance of levees throughout the Delta;
7. Support the Delta pool concept, in which the common resource provides quality freshwater supply to all Delta users, requiring mutual responsibility to maintain, restore, and protect the common resource;
8. Support immediate improvements to through-Delta conveyance;
9. Require that any water conveyance plan for the Delta be aligned with the principles established by this Resolution and supported by clearly demonstrated improvement of the entire State's water management;
10. Protect and restore the Delta ecosystem, including adequate water supply and quality to support it in perpetuity; and
11. Include the study of storage options and implementation of conservation, recycling, reuse, and regional self-sufficiency as part of a Statewide improved flood management and water supply system.
12. Support those conservation actions that are aligned with the principles established by this Resolution and that are in accordance with habitat plans and programs of the Delta Counties.





## APPENDIX ~ E

Adopted: October 22, 2009

### The California Partnership for San Joaquin Valley – Resolution in Support of the Partnership-Sponsored Integrated Regional Water Management Plan Framework

1. **WHEREAS**, the California Partnership for the San Joaquin Valley ("Partnership") was established by Executive Order S-22-06 to focus attention on one of the most vital, yet challenged regions of the State and implement changes that would improve the economic well-being of the Valley and the quality of life of its residents. The Partnership has crafted a Strategic Action Proposal that will achieve those goals and has been charged by Governor Schwarzenegger to implement that Strategic Action Proposal; and
2. **WHEREAS**, the growing population and expanding economy of the San Joaquin Valley require an adequate water supply of sufficient quality that is reliable for all sectors, including the environment. Current water supplies may be vulnerable to sudden disruption and reoccurring droughts. Groundwater supplies have been drawn down faster than they have been replenished; and current infrastructure is insufficient to address water storage and conveyance needs anticipated under current and future demand patterns and protecting the fragile Sacramento-San Joaquin Delta ecosystem. Each of these challenges must be addressed; and
3. **WHEREAS**, the Strategic Action Proposal's recommendations for Water Quality, Supply and Reliability focus on; a) developing an Integrated Regional Water Management Plan for the San Joaquin Valley that incorporates inter-regional cooperation between the San Joaquin and Tulare hydrologic regions; b) incorporating major levee enhancements in the Sacramento-San Joaquin Delta and San Joaquin Valley to safeguard and enhance regional water quality and water supply as well as provide for flood control; c) augmenting surface water and groundwater banking programs and recycled water projects; d) improving water quality and expanding inland saline water management; e) expanding environmental restoration and conservation strategies; and f) expanding agricultural and urban water use and energy efficiency programs; and
4. **WHEREAS**, implementation of the Water Supply, Quality and Reliability recommendations require development of a convergence of interest among the eight counties of the San Joaquin Valley; and
5. **WHEREAS**, this resolution takes no position on an isolated conveyance (peripheral canal) around and/or through the Sacramento-San Joaquin Delta; and
6. **WHEREAS**, a major goal of the Partnership is to build bridges of understanding and shared vision between interests and regions of the San Joaquin Valley and California that meld together to provide for the economic well being and quality of life for all its citizens; and
7. **WHEREAS**, the Partnership Water Policy Working Group has been engaged in a structured, collaborative dialogue since September 2007 to bring the interests and regions together to develop a shared vision for reliable water supply for all the San Joaquin Valley that protects water quality and reliability; and



## APPENDIX ~ E (*continued*)

### The California Partnership for San Joaquin Valley – Resolution in Support of the Partnership-Sponsored Integrated Regional Water Management Plan Framework

**8. WHEREAS**, the California Water Institute and Water Plan Advisory Committee have been engaged in a 2-year collaborative process to prepare a San Joaquin Valley Integrated Regional Water Management Plan Framework that effectively addresses the key elements contained in the Partnership Strategic Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of the California Partnership for the San Joaquin Valley unanimously supports the Integrated Regional Water Management Plan Framework and encourages local, State and Federal resource agencies, as well as Central Valley Cities, Counties, and the public to embrace and implement concepts that address current and future sources, uses and management of water, including;

- a) Necessary infrastructure to capture, control, store and move water consistent with the law and water rights.
- b) Employment of best management practices to ensure that conservation, recycling, reuse, groundwater reclamation and desalination represent the maximum yet realistic portion of water supplies.
- c) Ensuring the safety and quality of current and future water supplies.
- d) Protection and restoration of aquatic ecosystems.
- e) Preventing and minimizing damaging floods.
- f) Encouraging regional self sufficiency for water supplies.
- g) Equitable responsibility among beneficiaries for funding the elements of a successful water management strategy, and
- h) Developing priorities with a commitment to complete the long-range strategy within reasonable timeframes.



## APPENDIX ~ F

Adopted: November 4, 2008

### R-08-649: Resolution With Respect to Delta Actions and Activities Concerning the Delta Vision and the Bay Delta Conservation Plan

**WHEREAS**, the San Francisco Bay/Sacramento-San Joaquin Delta (Delta) is a massive estuary at the confluence of the Sacramento and San Joaquin rivers in which numerous islands exist that have been rich agricultural lands since the conversion to irrigated agriculture at the conclusion of the California gold rush. These islands and waterways provide habitat for many species of plants and animals, including several listed as either threatened or endangered under the State and Federal endangered species acts; and

**WHEREAS**, the Delta is the source of irrigation water for approximately seven million acres of agricultural land and a source of municipal and industrial water supply for two-thirds of California's residents. The Delta is the key conveyance point for California's two largest water projects, the Central Valley Project (CVP) and the State Water Project (SWP). The CVP and SWP operate massive pumps that transport water from the Delta to Central and Southern California; and

**WHEREAS**, Delta water suffers from salt water degradation; agricultural activities and wildlife, including fish species, are threatened; and Delta levees are in need of improvement; and

**WHEREAS**, these conditions have prompted contentious battles in numerous administrative, legislative, and judicial proceedings between water users within the Delta and those who use water exported from the Delta. Some of the most protracted conflicts have occurred in the context of the administrative proceedings (and subsequent litigation) for the Delta water quality control plan, which is essentially the water quality framework established pursuant to the federal Clean Water Act and California's Port-Cologne Act. The Delta water quality control plan has been the source of active and unabated administrative or judicial proceedings since the mid 1970s; and

**WHEREAS**, the Governor's Delta Blue Ribbon Task Force (Delta Task Force) was created by executive order in September 2006 and charged with developing "a durable vision for sustainable management for the Delta;" and

**WHEREAS**, in December 2007 the Delta Task Force released its final Delta Vision setting forth 12 integrated and linked recommendations for long-term management and suggesting several near-term actions to address immediate needs; and

**WHEREAS**, in October, 2008, the Delta Task Force released a final draft of the Delta Vision Strategic Plan; and

**WHEREAS**, a parallel State process is underway to develop a Bay Delta Conservation Plan to support the construction of a peripheral canal in the Delta; and



## APPENDIX ~ F (*continued*)

### **R-08-649: Resolution With Respect to Delta Actions and Activities Concerning the Delta Vision and the Bay Delta Conservation Plan**

**WHEREAS**, significant portions of San Joaquin County (County) are within the Delta and, therefore, the County's interests are directly involved with all of these processes and the potential exists to directly and adversely impact areas of the County that lie both within and outside of the Delta; and

**WHEREAS**, while the County is and has been willing to constructively participate in all of the processes noted above, it must be guided by policies and principles which protect County interests;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of San Joaquin County adopts the following policies and principles with respect to Bay Delta activities including the adoption and implementation of Delta Vision Strategic Plan and the Bay Delta Conservation Plan:

1. Actions associated with the Delta ecosystem and water supply reliability for areas outside of the Delta must not redirect unmitigated adverse environmental, economic, or social impacts to the County.
2. Actions and activities associated with the Delta must honor and adhere to water rights priorities and area-of-origin protections. The County opposes water user fees that would tax water users in the areas of origin for the cost of mitigation efforts in the Delta or to provide a water supply for those outside of the Delta.
3. Water conveyance facilities routed through the County must have no adverse effect on the existing and future agricultural operations in the County. Other adverse impacts of water conveyance facilities routed through the County must be fully mitigated. The County must be fully involved in routing and operational issues of water conveyance facilities located within the County.
4. The County will protect its governmental prerogatives in the areas of its local land use authority, tax and related revenues, public health and safety, economic development, and agricultural stability.
5. The County will protect its ability to govern, as an elected body, from proposed usurpation through governance by a non-elected, appointed board or council. Any councils, commissions, or boards established to "govern" the Delta must include voting membership for elected representatives from San Joaquin County, and elected representatives from the Delta counties must be a majority on any of these bodies.
6. The County will work with the State's representatives implementing the Delta Vision Strategic Plan and the Bay Delta Conservation Plan to ensure that those Plans do not



## APPENDIX ~ F (*continued*)

### **R-08-649: Resolution With Respect to Delta Actions and Activities Concerning the Delta Vision and the Bay Delta Conservation Plan**

conflict with County land use planning and economic development, including agriculture.

7. Financial resources must be committed by the State to maintain and enhance vital transportation and flood control infrastructure within those areas of the Delta that are within the County. Financial resources also need to be committed to improved emergency response within the Delta.
8. Any solution to the problems being addressed in the Delta must account for the multiple causes of the Delta's decline, and not simply focus on one or even a limited number of them.
9. These policies and principles supplement the principles adopted by this Board in R-08-269: Resolution Opposing The Delta Vision Blue Ribbon Task Force Recommendations for the Sacramento-San Joaquin River Delta; and in R-08-363: Multi-County Resolution on water and Delta related issues.



## APPENDIX ~ G

Adopted: May 13, 2008

### R-08-269: Resolution Opposing the Delta Vision Blue Ribbon Task Force Recommendations for the Sacramento-San Joaquin River Delta

**WHEREAS**, on September 28, 2006 under Executive Order S-17-06, Governor Arnold Schwarzenegger established the Delta Vision Committee, a Blue Ribbon Task Force and Stakeholder Coordination Group to help develop a durable vision for sustainable management of the Delta with the goal of managing the Delta over the long term to restore and maintain identified functions and values that are determined to be important to the environmental quality of the Delta and the economic and social well being of the people of the State; and,

**WHEREAS**, the planning process has progressed to the point where, on November 30, 2007, the Task Force released their Delta Vision Report (Report) entitled, "Our Vision for the California Delta." In the report it describes both short- and long-term recommendations that propose changes to a wide array of issues affecting the Delta including water supply, water quality, flood control, land use, habitat, and local governance; and,

**WHEREAS**, while this planning effort together with the several Report recommendations has outlined ideas that may allow the Delta to meet future beneficial needs in a sustainable way, it also supports and calls for the studies, modeling, investigations, and potential development of an isolated water conveyance facility, Peripheral Canal singularly or as a part of a dual conveyance system; and,

**WHEREAS**, the construction and operation of a Peripheral Canal or a similar facility would require the taking of prime agricultural land and possibly urban areas for the construction of the canal itself and the loss of additional acreage from seepage from that canal, will cause severance damage to additional prime agricultural land, will sever and impair utilities and local road systems, will create significant new flood dangers to agricultural lands and urban areas within the City of Stockton and San Joaquin County, will adversely affect the water rights of water users within San Joaquin County, will circumvent the Delta common pool, and will seriously impair Delta water quality and an adequate supply for all beneficial uses, and the protection of endangered fish populations, wildlife, and other recreational resources within the County; and,

**WHEREAS**, given the fact that the Report acknowledges on page 13 that there is not currently sufficient information to determine whether an isolated facility, dual conveyance system or through-Delta conveyance is the best solution for the Delta, the recommendation on page 14 of the Report that an "assessment of a dual conveyance system proceed as the preferred direction" cannot be supported; and,

**WHEREAS**, San Joaquin County is concerned that the Seventh Principle of the Report, which provides that a "revitalized Delta ecosystem may require reduced diversions, or changes in patterns of diversion upstream, within and exported from the Delta," does not specifically consider and respect California's water right priority system and statutory protections for watershed protection areas and areas of origin; and,



## APPENDIX ~ G (continued)

### R-08-269: Resolution Opposing the Delta Vision Blue Ribbon Task Force Recommendations for the Sacramento-San Joaquin River Delta

**WHEREAS**, San Joaquin County is concerned that the Report considers upstream diversions and diversions within the Delta for local use as a problem to be addressed when these uses must be included within the Delta ecosystem that the State must strive to protect the County from the adverse impacts of Delta exports; and,

**WHEREAS**, San Joaquin County is concerned that the Report focuses on the Public Trust Doctrine as principles of State law to be recognized, while ignoring other equally important principles of State law, including, but not limited to, the water right priority system, and the protection of areas of origin and watershed protection areas; and,

**WHEREAS**, other more practical alternatives exist as outlined under a locally-supported proposal for greater regional self-sufficiency than a Peripheral Canal that can be constructed more rapidly at substantially less cost and will not create the destruction and problems that would be created by an isolated water conveyance facility; and,

**WHEREAS**, the State of California Water Plan has also promoted the need for more integrated and regionally-focused water resource solutions including greater efficiency in the use of available surface supplies, expansion of conjunctive use programs, better management of groundwater resources, desalination, conservation and recycling to establish greater self-sufficiency in areas of the State that rely on imported water supplies; and,

**WHEREAS**, the Blue Ribbon Task Force has apparently pre-supposed the need for a Peripheral Canal, isolated or dual conveyance facility in the Delta despite the lack of consideration for other more viable alternatives and without sound science and technical analysis needed for an informed decision. County representatives have worked cooperatively with Delta interests and other local water agencies to inform the Delta Vision process of other more viable alternatives with only limited success; and,

**WHEREAS**, on April 16, 2008, the 19-member agency San Joaquin County Flood Control and Water Conservation District Advisory Water Commission voted unanimously to recommend approval of this resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the San Joaquin County Board of Supervisors does not support the Blue Ribbon Task Force's Delta Vision Report recommendations and the continued strategic planning process so long as this effort supports and promotes the development of a Peripheral Canal or any other isolated water conveyance facility in the Delta; and hereby urges the following:



## APPENDIX ~ G (*continued*)

### **R-08-269: Resolution Opposing the Delta Vision Blue Ribbon Task Force Recommendations for the Sacramento-San Joaquin River Delta**

1. That the Sacramento-San Joaquin River Delta, not California Delta as listed in the Report, be sustained as a unique and valued area, warranting continued investment, preservation, maintenance and special legal protections wherein the State must adopt explicitly in policy that the over-arching goal is the continuous and simultaneous improvement in health of the Delta, the Bay/Delta Estuary and other Northern California tributaries through improved water supply, reliability, water quality, and flood protection by sustaining priorities for the Delta, areas of origin and other watershed protection areas in California.
2. That the priority for meeting the needs in the Delta and Northern California tributaries from which water is exported should be acknowledged and forthrightly honored by both the Central Valley Project and State Water Project to comply with the San Joaquin River, Watershed and Delta Protection Statutes and the continuation of the Delta as a common pool to the maximum extent possible for all local beneficial uses and export as described in Water Code Section 12200 et seq.
3. That in order for the recommendations in the Report to be consistent with the technical findings acknowledged in the Report, the Task Force should also recommend assessment of Through-Delta conveyance.
4. That regardless of what Delta improvements are ultimately supported by the State, any Delta improvements must acknowledge that water users and interests within San Joaquin County are entitled to priority water use and protection from exports under existing California law, and insure that State actions are consistent with those rights and protections.
5. That the foundation for recommendations by the Report for any new water resource policy must: 1) recognize the priority for the water needs in the Delta and other areas of origin and watershed protection areas; 2) provide for the protection of California's water rights priority system; 3) provide for Delta salinity control; and 4) recognize the established fundamentals of California water law wherein the California State Constitution Article X, Section 2 prohibits waste, unreasonable use, and unreasonable method of use of water resources and it further provides that the "conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare."
6. That future water supplies for the State of California be developed through greater regional self-sufficiency as prescribed by "A Water Plan for the 21<sup>st</sup> Century: Regional Self-Sufficiency" to include increased conservation, recycling, efficiency, conjunctive use, desalination, surface and groundwater storage and reclamation.





## APPENDIX ~ G (*continued*)

### R-08-269: Resolution Opposing the Delta Vision Blue Ribbon Task Force Recommendations for the Sacramento-San Joaquin River Delta

7. That the State set a priority to support self-sufficiency through improved Integrated Regional Water Management planning and implementation activities throughout the State to develop and utilize local water storage for the capture and management of available flood waters or other projects for improved conjunctive use, recharge, banking and groundwater storage in California.

8. That Delta levees be strengthened and operable gates or other facilities installed at strategic locations to improve future Delta sustainability, urban flood protection, ecosystem integrity, agricultural health and facilitate recovery from seismic or other emergency to optimize through-Delta conveyance and work in cooperation with other agencies to develop additional supplies to address the needs for the entire State.

9. That the primary and secondary boundaries of the Delta remain as established under California law and that any new governance proposal in the Report must first recognize and support: 1) the vested private property rights of land owners and the constitutionally recognized land use controls of local governments that encompass the Delta; 2) provide for the protection of California's water rights priority system; and 3) provide for the protection of watershed protection and area of origin rights.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that in conjunction with these declarations, the San Joaquin County Board of Supervisors further urges recognition of the following:

1. That the failure of the State Water Project to develop the promised 5 million acre-feet of supplemental water supply for California from North Coast rivers, as listed in Department of Water Resources Bulletin 76, limits the export of only surplus water from the Delta to periods and times when senior water rights, areas of origin and other beneficial uses are not adversely impacted.

2. That the San Joaquin River should also be recognized as a unique and valued watershed to be restored and protected as a vital element of a healthy Delta to provide for the reestablishment of sufficient in-stream flows for all beneficial uses and fishery habitat from the Friant Dam to the Delta.

3. That a long-term sustainable drainage solution in San Joaquin Valley that incorporates ocean outfall must be implemented so agricultural tail water and groundwater accretions high in salinity from lands in the Westside Service Area, Grasslands and wildlife refuges does not drain into the San Joaquin River. This solution should result in the preservation of our valued agriculture economy in the Valley and in greater regional water supply, improved water quality and sustainability through the conservation of hundreds of thousands of acre-feet of water released annually from the Stanislaus River or other Eastside tributaries to comply with the Vernalis and South Delta Salinity Standards.



## APPENDIX ~ H

Adopted: September 18, 2007

### R-07-534: Resolution Opposing the Development of a Peripheral Canal or Isolated Water Conveyance Facility by California Water Interest

**WHEREAS**, in 1982, the San Joaquin County Board of Supervisors approved a Resolution opposing the authorization, funding and construction of the proposed Peripheral Canal, or similar isolated water transfer facility to carry Sacramento River water around the Delta to the State and Federal pumps, as authorized by then Senate Bill 200; and,

**WHEREAS**, that position was re-asserted by additional actions taken by the Board in 1992, and again in 1998, under the CALFED Program; and,

**WHEREAS**, the State Water Project has not developed the five million acre-feet of water from North Coast watersheds, which was planned to supplement water supplies in the Delta for in-basin and export use; and,

**WHEREAS**, excessive exports of water from the Delta occur at times and amounts which cause injury to in-Delta water users and the environment, including endangered species; and,

**WHEREAS**, on September 28, 2006, Governor Arnold Schwarzenegger established the Delta Vision Committee, a Blue Ribbon Task Force and a Stakeholder Coordination Group to help develop a Delta vision and strategic plan. This visioning process has progressed to the point where the Coordination Group recently submitted a Preliminary Recommendations Report that includes two primary options, the Flexible Delta and the Resilient Adaptive Delta. While this effort has outlined possible approaches that may allow the Delta to meet future beneficial needs, it also revives and calls for the studies, modeling, investigations, and potential development of an isolated water conveyance facility such as the Peripheral Canal, singularly or as a part of a dual conveyance system; and,

**WHEREAS**, the construction and operation of a Peripheral Canal, or a similar facility would require the taking of prime agricultural land and possibly urban areas for the construction of the canal itself, and the loss of additional acreage from seepage from that canal will cause severance damage to additional prime agricultural land; will sever and impair utilities and local road systems; will create significant new flood dangers to agricultural lands and urban areas within the City of Stockton and San Joaquin County; will adversely affect the water rights of water users within San Joaquin County; will circumvent the Delta common pool; and will seriously impair Delta water quality and an adequate supply for all beneficial uses; and the protection of fish, wildlife, and other recreational resources within this County; and,

**WHEREAS**, there are other more viable alternatives to a Peripheral Canal, which would continue the transfer of water from the Sacramento River through the existing channels of the Sacramento-San Joaquin Delta to Clifton Court Forebay that can be constructed much more rapidly and at substantially less cost, and will not create all the damage and problems that would be created by the construction of an isolated water conveyance facility; and,



## APPENDIX ~ H (*continued*)

### R-07-534: Resolution Opposing the Development of a Peripheral Canal or Isolated Water Conveyance Facility by California Water Interest

**WHEREAS**, the State of California itself, through the California Water Plan Update 2005, has stressed the need for more integrated regionally focused water resource solutions, including greater conjunctive use, desalinization, conservation, recycling, and improved flood plain management to establish greater regional self sufficiency in areas of the State that rely on imported water supplies; and,

**NOW, THEREFORE, BE IT RESOLVED** that the San Joaquin County Board of Supervisors opposes the development of a Peripheral Canal, or any other isolated water conveyance facility in the Delta, and hereby urges the following:

1. That State water interests pursue regional solutions and limit exports from the Delta to water which is truly surplus to all present and future beneficial needs including environmental needs of the Delta and other areas of origin.
2. That the Delta be maintained as a common pool of good quality water for local and export water use.
3. That new water supplies in the State of California be developed through greater conservation, recycling, conjunctive use of ground and surface water, desalinization of brackish and ocean waters, local water storage, water reclamation and improved management of flood waters for recharge of overdrafted groundwater basins.
4. That local and regional water resource management activities be supported to develop and utilize local regulatory storage and other projects for improved conjunctive use, recharge capability and groundwater storage.
5. That Delta levees strengthened and gates and other facilities installed at strategic locations to improve Delta sustainability and facilitate recovery from flood, seismic and other emergencies.
6. That emergency response plan be developed, financed and implemented to provide improved State and local capability to respond to flood, seismic and other emergencies in the Delta.



## APPENDIX ~ I

Adopted: August 7, 2007

### R-07-451: Resolution Regarding the Northern California Women's Facility

**WHEREAS**, Assembly Bill 900 authorized the California Department of Corrections and Rehabilitation (CDCR) to construct, establish and operate reentry facilities throughout the State that will house up to a total of 16,000 inmates within one year of release; and,

**WHEREAS**, such facilities shall be secure facilities of up to 500 beds each; and,

**WHEREAS**, legislation requires that reentry facilities provide programming to inmates and parole violators tailored to the specific problems faced by this population when reintegrating into society; and,

**WHEREAS**, in locations where reentry facilities are established, the CDCR shall develop a collaborative partnership with local government, local law enforcement, and community service providers; and,

**WHEREAS**, the Northern California Women's Facility (NCWF) is currently unoccupied and could be used by the State as a reentry facility as described in AB 900; and,

**WHEREAS**, utilization of the NCWF as a reentry facility will promote collaborative partnership between the County and CDCR; and,

**WHEREAS**, the NCWF, when operating had a maximum capacity of 755, and AB 900 limits reentry facilities to 500 beds, there may be an opportunity to utilize excess capacity for local jail relief.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of San Joaquin County supports and requests the use of the Northern California Women's Facility as a reentry facility as identified in AB 900, with the following conditions:

1. The State will invoke priority funding for San Joaquin County under AB 900;
2. The State will recognize and work with County staff to mitigate traffic, water and sewer impacts due to use of the NCWF;
3. Such facility will only be used for inmates within one year of release from State custody;
4. Such facility will be used for inmates who are to be released within San Joaquin County;
5. Such release may also consider inmates to be released into the San Joaquin region, specifically Calaveras and Amador counties;
6. California Department of Corrections and Rehabilitation will provide expanded programming, including job preparation, health care, and mental health services to such inmates in the reentry facility; and
7. To the extent possible, the California Department of Corrections and Rehabilitation will collaborate with the County to consider use of any additional capacity in the NCWF for local jail relief.