



2015-2016

*Adopted STATE*

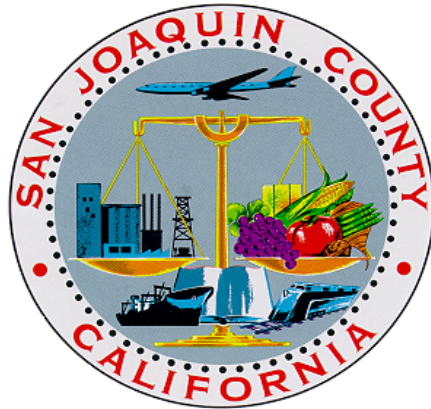
*Legislative/Regulatory  
Platform and Policy Guidelines*



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**SAN JOAQUIN COUNTY**  
**FEBRUARY 24, 2015**

# **SAN JOAQUIN COUNTY**



**ADOPTED 2015 - 2016  
STATE LEGISLATIVE/REGULATORY  
PLATFORM AND POLICY GUIDELINES**

**FEBRUARY 24, 2015**



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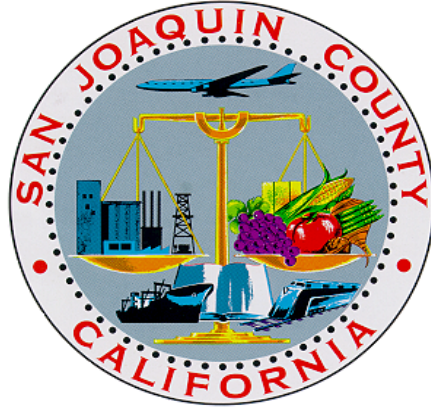


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## **SAN JOAQUIN COUNTY**

### **ADOPTED 2015 AND 2016 STATE LEGISLATIVE/REGULATORY PLATFORM AND POLICY GUIDELINES**

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# San Joaquin County

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*2015-2016 Adopted State Legislative/Regulatory Platform and Policy Guidelines*



# San Joaquin County

## Adopted 2015 and 2016 State Legislative/Regulatory Platform and Policy Guidelines

### MESSAGE FROM THE BOARD OF SUPERVISORS



#### BOARD OF SUPERVISORS

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STOCKTON, CALIFORNIA 95202  
TELEPHONE: 209/468-3113  
FAX: 209/468-3694

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Clerk of the Board

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Vice Chair  
Fourth District

CARLOS VILLAPUDUA  
First District

STEVE J. BESTOLARIDES  
Third District

BOB ELLIOTT  
Fifth District

February 24, 2015

- The Honorable Governor Jerry Brown
- The Honorable Senator Cathleen Galgiani
- The Honorable Assembly Member Jim Cooper
- 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 2015-2016 legislative sessions. The Board has developed legislative proposals focused on policy and funding requests that the County deems critical to the health and well-being of our residents and shared constituents. San Joaquin County remains dedicated to efficiently providing essential 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, which includes flood protection, emergency response, and the preservation of agriculture. Since the passage of the Comprehensive Water Package, which includes the Delta Reform Act (2009), San Joaquin County has participated extensively in legislation, regulation and policy development regarding local water rights, water quality and quantity, governance, land use, flood management, agriculture, economy, and environment. With over half of the Delta's agricultural land-base located in San Joaquin County, the health of the Delta, its environment and its \$1.4 billion economy are inextricably linked to the health of the economies of San Joaquin County, the region and State. The County remains committed to continuing to provide meaningful dialogue and constructive alternatives to the Bay Delta Conservation Plan (BDCP) as it pertains to positive sustainable Delta outcomes, statewide water supply reliability, and a healthy and viable San Joaquin County. On July 8, 2014, the San Joaquin County Board of Supervisors approved Resolution R-14-111 to "Reaffirm San Joaquin County's Opposition to the BDCP, Approve the County's Comments, and Authorize the Submission of those Comments to State and Federal Agencies". We further anticipate participating in discussions to identify how bond fund allocations will be determined for the recently approved water bond (Proposition 1 - 2014), and how San Joaquin County can benefit from this voter approved measure.

The County will continue 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.

The County is looking to the State to provide innovative program funding for the administration of justice that would provide for start-up costs, including staffing costs for the expansion of jail beds, community corrections centers, and programs at County facilities. Additionally, any effort to realign further services, responsibilities and authorities from the State to the local level, must be connected with sufficient resources and include a built-in growth factor to adjust and address growing demand. The recent passage of Prop 47 is a perfect example that has put additional strain on the County General Fund and local justice system.

San Joaquin County continues to face chronic double-digit unemployment rates similar to other counties in the Central Valley. In order to address this issue, the County requires significant legislative and administrative support to provide incentives, flexibility, and legislative proposals that would sustain and accelerate economic development in San Joaquin County. With adjacencies to the Silicon Valley and an airport that is a federally designated Foreign Trade Zone, San Joaquin County has the economic underpinnings to see substantial economic growth accelerated.



# San Joaquin County

## *Adopted 2015 and 2016 State Legislative/Regulatory Platform and Policy Guidelines*

### **MESSAGE FROM THE BOARD OF SUPERVISORS (CONTINUED)**

Mr. Governor, Senator, and Assembly Members  
San Joaquin County's State Policy Priorities for 2015 and 2016

February 24, 2015  
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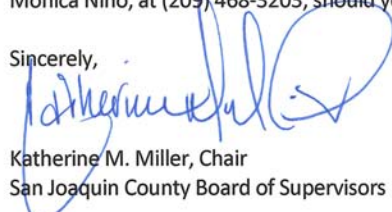
As the operator of a general acute care hospital, as well as the provider of clinical care for many residents, San Joaquin County urgently needs assurances of a stable and adequate funding source to meet the health care needs of its residents. The costs to administer a public hospital far exceed the revenues generated, and therefore supplemental funding provided by the 1115 Waiver is essential to assure access. The County acknowledges that this Waiver is directly negotiated between the State and federal governments, and is hopeful that a new 2015-2020 1115 Waiver will ensure sufficient funding to protect public safety net hospitals to ensure continued fiscal viability and to offset the costs of services to the underinsured and residually uninsured. Implementation of the Affordable Care Act (ACA) will continue to impact health and human services, 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 additional 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 the 2015 and 2016 sessions. We thank you and 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 Monica Nino, at (209) 468-3203, should you have any questions or need additional information.

Sincerely,

  
Katherine M. Miller, Chair  
San Joaquin County Board of Supervisors

c: San Joaquin County Board of Supervisors  
San Joaquin Federal Delegation  
Gary Haskin, Mayor, and Council Members, City of Escalon  
Sonny Dhaliwal, Mayor, and Council Members, City of Lathrop  
Bob Johnson, Mayor, and Council Member, City of Lodi  
Stephen DeBrum, Mayor, and Council Members, City of Manteca  
Leo Zuber, Mayor, and Council Members, City of Ripon  
Anthony Silva, Mayor, and Council Members, City of Stockton  
Michael Maciel, Mayor, and Council Members, City of Tracy  
Monica Nino, County Administrator  
San Joaquin County Department Heads  
Paul Yoder, Shaw/Yoder/Antwih, Inc., State Legislative Advocate  
Karen Lange, Peterson Consulting, State Legislative Advocate  
Ken Carpi, Carpi and Clay Governmental Relations, Federal Legislative Advocate  
David Wetmore, Carpi and Clay Governmental Relations, Federal Legislative Advocate  
Roger Gwinn, The Ferguson Group, Federal Legislative Advocate  
Mark Limbaugh, The Ferguson Group, Federal Legislative Advocate





# 1. Sacramento-San Joaquin Delta

## LEGISLATIVE PRIORITIES

**Issue:** Since the passage of the Delta Reform Act of 2009, the adoption of the final draft Delta Plan by the Delta Stewardship Council and the release of the public review draft Bay Delta Conservation Plan (BDCP) and associated Environmental Impact Report and Environmental Impact Statement (EIR/EIS), San Joaquin County maintains the Delta Plan and BDCP are: a) inconsistent with the best interests of the Sacramento-San Joaquin Delta within San Joaquin County; b) 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) destructive to the economy, habitat, water rights, water quality, land-use governance, and way of life in San Joaquin County.

**Legislative Platform:**

1. **Seek legislative and administrative support for advancement of the following with regard to the Delta Stewardship Council's Delta Plan and BDCP:**
  - 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 of 2009 as opposed to being broadly interpreted by the Council. Legislative solutions may be necessary to clarify ambiguous statutory provisions regarding "Covered Actions";**

### Public Works

CONTACT: Mike Selling, Public Works Deputy Director; [mselling@sjgov.org](mailto:mselling@sjgov.org); 209.468.3100



# 1. Sacramento-San Joaquin Delta

## LEGISLATIVE PRIORITIES (*CONTINUED*)

- e. Implementation of the Delta Stewardship Council's 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 San 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;
  - 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; and
  - c. Funding from Propositions 1, 1E, and 84 to be disbursed for projects and proposals consistent with the adopted County Legislative Platform and does not advance or support the adoption or implementation of BDCP.
3. Seek legislative and administrative support in:
- a. Protecting San Joaquin County's governmental prerogatives in the areas of local land use authority, tax and related revenues, public health and safety, economic development, and agricultural stability;



# 1. Sacramento-San Joaquin Delta

## LEGISLATIVE PRIORITIES (*CONTINUED*)

- b. **Protecting San Joaquin County’s ability to govern, as an elected body, from proposals to shift local governance to non-elected, appointed boards and/or councils. 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 BDCP, the Delta Stewardship Council 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.**
- 4. Aggressively oppose legislative, regulatory and administrative efforts including water plans and infrastructure proposals that would negatively impact San Joaquin County’s urban communities, vital agricultural economy and the delta, such as isolated conveyance as proposed in BDCP.**

**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 \$1.4 billion annually, which in turn results in over \$5.4 billion in additional State 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, as the City of Stockton has recently brought into operation the Delta Water Supply Project.

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 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 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 140,000 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.



# 1. Sacramento-San Joaquin Delta

## LEGISLATIVE PRIORITIES (*CONTINUED*)

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 Comprehensive 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.

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.

Consistent with SJC's continued commitment to collaborate with 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 review 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.



# 1. Sacramento-San Joaquin Delta

## LEGISLATIVE PRIORITIES (*CONTINUED*)

- 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 Department of Water Resources 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)).
- 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 (Appendix A, Attachment 1 – San Joaquin County – Preliminary List of Projects – Complete list of projects 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.



## 1. Sacramento-San Joaquin Delta

### LEGISLATIVE PRIORITIES (*CONTINUED*)

- 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.





## 2. Improved Flood Protection

### LEGISLATIVE PRIORITIES

**Issue:** California's Central Valley levee systems provide valuable protection to lives, property, and critical infrastructure. As a result, higher flood protection standards have been established in recent years, which require improvements to and increased maintenance of these levee systems.

**Legislative Platform:**

1. **Seek, advocate, and support legislation, regulations and administrative efforts to:**
  - a. **Fund and facilitate completion of the Lower San Joaquin River Feasibility Study and the needed levee system infrastructure; and**
  - b. **Fund levee maintenance, including repair and restoration after a flood event.**
2. **Urge legislative and administrative support for the following:**
  - a. **A federal appropriation sufficient to fund completion of the Lower San Joaquin River Feasibility Study currently estimated at \$600,000;**
  - b. **Seek federal support for the Study to remain in active status in the U.S. Army Corps of Engineers (USACE) new 3x3x3 process for feasibility studies; and**
  - c. **Inclusion of the following language into a new federal Water Reform and Resources Development Act:**
    - i. **Provide federal authorization of projects with an approved Chief's Report; and**
    - ii. **Provide additional opportunities for funding levee maintenance, including repair and reconstruction after a flood event.**
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 essential infrastructure that is critical to the State's well-being. Major flooding in SJC could result in

#### Public Works

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209.468.3100



## 2. Improved Flood Protection

### LEGISLATIVE PRIORITIES (*CONTINUED*)

overwhelming negative economic impacts Statewide. Potential impacts to homes, businesses, transportation, farms and agriculture, municipal sewer and water systems, energy infrastructure, and the environment can be avoided with the identification of levee deficiencies and 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) 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 20) currently underway, 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. Additionally, 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 PL 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 (SJAFCOA) initiated a preliminary feasibility study project in coordination with the USACE, Department of Water Resources (DWR), 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 (Agreement) for continuation of the feasibility study. The federal Agreement with the USACE was signed by the DWR and the SJAFCOA in July 2010. The Agreement was amended in 2012 to allow flexibility for advancing non-federal funds.

#### ***“Non-Project” Levees***

While the USACE and the State are not involved in the operation and maintenance of non-project levees, these levees are still subject to the State’s 200-year protection requirement. Because many levees in SJC are non-project levees, the County could be faced with a significant unfunded State mandate. Also, a large number of non-project levees in the County protect urban and adjacent agricultural 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. Given the importance of non-project levees to this area, the recently completed Central Valley Flood Protection



## 2. Improved Flood Protection

### LEGISLATIVE PRIORITIES (*CONTINUED*)

Plan (CVFPP) considers select, non-project levees. Therefore, future planning efforts by the State to implement the CVFPP should incorporate the improvement needs of both project and non-project levees.

#### ***Federal Water Reform and Resources Development Act (WRRDA)***

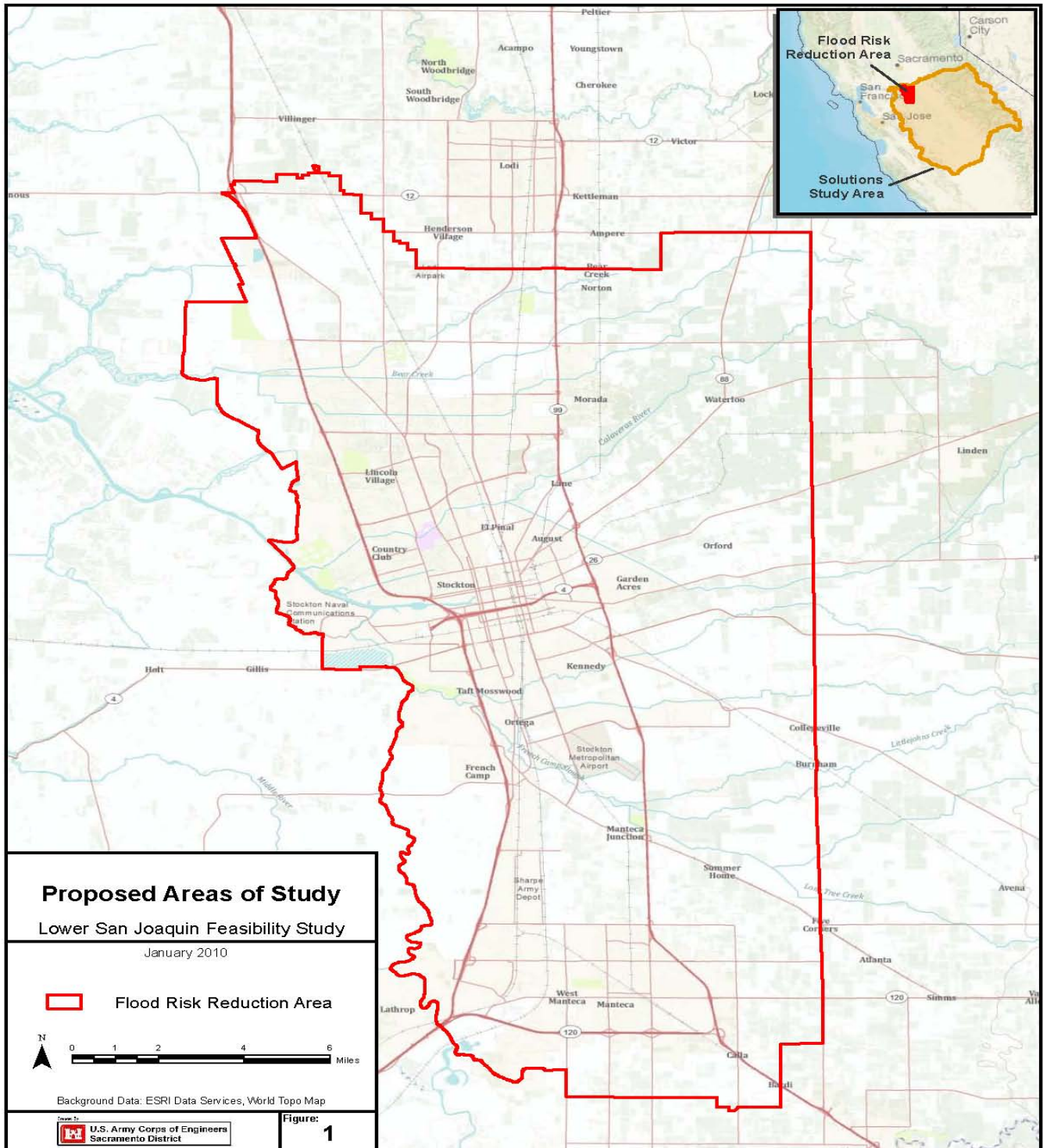
Congress approved a new WRRDA in 2014. This legislation included much needed provisions such as crediting for non-federal agencies that advance funding for federally authorized projects, reform of the USACE's levee vegetation policy and authorization of projects with an approved Chief's Report. A WRRDA reauthorization is needed to provide for federal authorization for projects identified in the Lower San Joaquin River Feasibility Study, which is anticipated to have a completed Chief's Report in late 2016.

***(Project Map on Page 20; Literature Available)***



## 2. Improved Flood Protection

### LEGISLATIVE PRIORITIES (CONTINUED)



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## Administration

### LEGISLATIVE/REGULATORY POLICY GUIDELINES

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, through appropriate County departments 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, the administration of county programs, and delivery of community services.
- 2) Closely monitor legislative and administrative proposals, including a continued “shift in the State-local relationship” for State-local realignment, which would result in new responsibilities to the County, while advocating for adequate levels of ongoing 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.

#### County Administration

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## Administration

### LEGISLATIVE/REGULATORY POLICY GUIDELINES (*CONTINUED*)

- 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 which 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.
- 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 can charge 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 of Supervisors' 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.



## Administration

### LEGISLATIVE/REGULATORY POLICY GUIDELINES (*CONTINUED*)

- 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.



## Administration of Justice

### LEGISLATIVE/REGULATORY POLICY GUIDELINES

- 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) Advocate in support of State funding for the development of information technology infrastructure.
- 3) 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.
- 4) 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.
- 5) Advocate that the enforcement of minimum facility standards be dependent upon State financial assistance.
- 6) Support legislative and administrative efforts which would reduce overcrowding of juvenile detention facilities and improve the chances for treatment and rehabilitation of lesser offenders.
- 7) 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. 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.
- 8) 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.

#### Probation

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#### Sheriff

CONTACT: Steve Moore, Sheriff; [smoore@sjgov.org](mailto:smoore@sjgov.org); 209.468.4311



## 3. Public Safety Interoperability Communication System

### LEGISLATIVE PROJECTS

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

**Background:** San Joaquin County (SJC) is seeking State and federal 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 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 (Master Plan), which was developed by a committee comprised of representatives from all public safety agencies within the County. Agencies represented on the committee included Emergency Medical Services, City and Rural Fire Districts, Sheriff and City Police Chiefs, Office of Emergency Services, and other County public safety agencies. All of these agencies have adopted the Master 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. Due to the magnitude of this effort and the potential impact to ongoing public safety operations, this project was designed with the intent that it would be implemented in five phases.

**Appropriation Request:** \$9.2 million

**Total Project Cost:** \$20.5 million

*(Project Literature Available)*

Information Systems Division

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Sheriff

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## 4. California Multi-Jurisdictional Methamphetamine Program

### LEGISLATIVE ISSUES

**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;
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.

Sherriff

CONTACT: Steve Moore, Sheriff; [smoore@sjgov.org](mailto:smoore@sjgov.org); 209.468.4311





## 5. Early Release of State Prisoners

### LEGISLATIVE ISSUES

**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.

New non-violent/non-serious/non-sex offenders sentenced after October 1, 2011 must now serve their State Prison sentence in local county jails. In addition, Parole Violators are no longer eligible to serve their revocation in local county jails. Despite these changes, the State of California continues to be under a population reduction order and must obtain 137.5% of design capacity by February 28, 2016. In order to meet benchmarks set by the Courts, the State has implemented a variety of measures, one of which has been to change custody credits. While this measure taken in spring 2014 did result in the early release of some offenders, the State financially compensated counties for this increase in supervision terms. However, through February 28, 2016, there is a concern additional inmates will be released early and/or shifted to local jurisdiction.

#### ***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 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 its 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.

#### Probation

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209.468.4077



## 5. Early Release of State Prisoners

### LEGISLATIVE ISSUES (*CONTINUED*)

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 final ruling and submitted its plan. In October, the three-judge panel rejected the State's prison population reduction plan citing several reasons; primary among them, was the State's failure to reduce the prison population to 137.5% within two years. (The State's September 2009 plan only reduced the prison population to 166%.) 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 the federal three-judge panel requiring the State of California to reduce overcrowding in its prisons to 137.5% 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% of its design capacity within two years."



## 6. Stabilization of Funding for the California Community Corrections Performance Incentives Act (SB 678)

### LEGISLATIVE ISSUES

**Issue:** The funding stream needs to be stabilized in order for county probation departments to put the necessary programs and services into place to have long-term success at addressing the needs of the offenders and reducing recidivism.

**Legislative Platform:** Support legislation and budget proposals which would provide a stable funding source to incentivize counties to reduce State Prison population through improved local population and supervision practices and capacities, and to reduce the percent of adult probationers sent to prison for a probation failure or for a commission of a new crime.

**Background:** The California Community Corrections Performance Incentives Act (SB 678) was enacted in 2009. This was the State's first attempt at reducing the State Prison population by incentivizing counties to improve local probation supervision practices and capacities in an effort to reduce the percentage of adult probationers sent to prison for a probation failure or for a commission of a new crime. The State determines the county's probation failure rate (compared to the county's average adult felony probation population during the same period) and compares it to the baseline probation failure rate that was established in 2006-2008. A portion of the "State savings" is then shared with the county.

In 2011-2012, the San Joaquin County Probation Department was allocated \$1.2 million; in 2012-2013, \$3 million; in 2013-2014, \$2.1 million; and in 2014-2015, \$3.1 million. However, at any time, if the County does not meet its baseline projections, funding is reduced to \$200,000. A variance in funding hinders probation departments from spending all of their allocations in hiring additional probation officers and expanding programs and services. The reduced revenue could force programs and staffing to be eliminated. It is important to note that statewide for 2014-2015, 17 counties did not meet baseline numbers and subsequently only received \$200,000. San Joaquin County was identified as one of six counties that received a "High Performance Grant".

In 2013-2014, the SB 678 formula was changed to include any person convicted of a felony offense under probation supervision, mandatory supervision, or post release community supervision and included those sentenced to State prison or a local prison sentence or had supervision revoked and were sentenced to the county jail for that revocation. In 2014-2015, the "State savings" that is shared with counties equates to the cost to the State to incarcerate an inmate in a contracted facility (\$27,309).

The programs and services funded through SB 678 include working with San Joaquin County Office of Education, Behavioral Health Services, Employment and Economic Development, and community-

#### Probation

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209.468.4077



## 6. Stabilization of Funding for the California Community Corrections Performance Incentives Act (SB 678)

### LEGISLATIVE ISSUES (*CONTINUED*)

based organizations who offer some of the Probation Department's evidence-based programs. Currently, San Joaquin County funds the Day Reporting Center and the Intensive Programming Unit of the Adult Division with SB 678 funds. Additionally, it funds two allocated positions that focus on data collection and evaluation, as well as a variety of evidence-based programs to address offender's criminogenic needs. If funding is reduced to \$200,000 these specialized programs would be at risk for elimination.



## 7. Unreimbursed Trial Court Expenditures

### LEGISLATIVE ISSUES

**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:** Seek, advocate and support legislation and/or budget appropriation which would provide sufficient funding to Counties to:

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. Cover local courts actual cost provisions for security services or authorize the Sheriff to reduce services as necessary to meet 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 health care costs for Sheriff staff. In effect, the Legislature has shifted these costs to the Sheriff, and ultimately to the counties. To the extent a court cannot pay the costs, the Sheriff shall not be required to provide the service.

#### Sherriff

CONTACT: Steve Moore, Sheriff; [smoore@sjgov.org](mailto:smoore@sjgov.org); 209.468.4311





## 8. Pest Prevention and Surveillance

### LEGISLATIVE ISSUES

**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 sixth largest agricultural county in the State of California and 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; High Risk Pest Exclusion program experienced a 89.2% decrease in funding from 2007-2008 to 2013-2014 significantly hampering the Agricultural Commissioner's ability to detect incoming pests. This exposes the agricultural industry to significant risks of being placed under State and federal quarantine, hampering industry's ability to market their products.

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, an European Grapevine Moth infestation in 2010, an Oriental Fruit Fly infestation in 2011, and most recently Asian Citrus Psyllid in October 2014. All these detections resulted in State and federal plant pest quarantines that seriously impacted 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 point 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.

#### Agricultural Commissioner

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209.953.6007



## 8. Pest Prevention and Surveillance

### LEGISLATIVE ISSUES (*CONTINUED*)

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.



## 9. Light Brown Apple Moth Eradication

### LEGISLATIVE ISSUES

**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 LBAM are handled cooperatively under a LBAM Quarantine Project consisting of local agricultural commissioners, the California Department of Food and Agriculture (CDFA) and the U. S. Department of Agriculture (USDA).

Currently, there are three distinct LBAM quarantines and partially regulated areas in San Joaquin County (SJC), thereby SJC is considered a partially-infested county. To protect the agriculture in SJC from the spread of LBAM, the 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 2011-2012 the County received \$79,000 for the LBAM program and funding decreased again in 2014 to \$29,000. Loss of federal funding or discontinuance of the LBAM quarantine could have significant negative impacts on the agricultural industry in SJC.

Without LBAM quarantines, agricultural exports could suffer from quarantines imposed by foreign countries on California agricultural products. In addition, growers' 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.

#### Agricultural Commissioner

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209.953.6007



## 10. Williamson Act

### LEGISLATIVE ISSUES

**Issue:** The Williamson Act is economically and environmentally important to San Joaquin County. The elimination of funding and further weakening of the Act creates a significant fiscal hardship for counties with substantial acreage enrolled in the Act.

**Legislative Platform:**

1. Support full restoration of subventions to fund the loss of property tax as a result of State-eliminated funding for the Williamson Act program.
2. Support legislation and administrative action that would enhance the program and improve the ability of both the State and the County to enforce Williamson Act contracts through uniform control measures.
3. Oppose any further weakening of the Act.

**Background:** There are nearly 6,800 properties with more than 513,870 acres under contract in San Joaquin County. For the 2014-2015 tax year, the Williamson Act reduced revenue from property taxes by over \$15.7 million. The County's share of that would have been \$5.5 million. Had the County received a fully-funded subvention from the State it would have been eligible for \$1.9 million.

Assessor-Recorder-County Clerk

CONTACT: Ken Blakemore, Assessor; [kblakemore@sigov.org](mailto:kblakemore@sigov.org); 209.468.2649



# 11. Housing Foreclosure Prevention and Mitigation

## LEGISLATIVE ISSUES

**Issue:** San Joaquin County continues to rank among the top jurisdictions in the State, and in the nation, as impacted by the housing foreclosure crisis as a result of the Great Recession of 2007.

**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. 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

**CONTACT:** Kerry Sullivan, Community Development Director;  
[ksullivan@sjgov.org](mailto:ksullivan@sjgov.org); 209.468.3140



## 12. Homelessness Prevention

### LEGISLATIVE ISSUES

**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 Great Recession of 2007 resulted in 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.

#### Community Development

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## Economic Development

### LEGISLATIVE/REGULATORY POLICY GUIDELINES

- 1) Seek and advocate in support of State funding and other economic development related incentives for the development and enhancement of the iHub San Joaquin program.
- 2) Seek and advocate in support of State incentives, including regulatory, administrative and legislative proposals that would sustain and accelerate economic development in San Joaquin County.
- 3) Pursue legislation that would provide local flexibility needed to more efficiently and effectively achieve economic development in San Joaquin County.

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# Emergency Response

## LEGISLATIVE/REGULATORY POLICY GUIDELINES

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, the following are San Joaquin County's (SJC) Emergency Flood Response Policies:

### 1. 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.

### 2. 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.

### 3. 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.

## Emergency Services

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## Emergency Response

### LEGISLATIVE/REGULATORY POLICY GUIDELINES (*CONTINUED*)

#### **4. 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.



## 13. Sacramento-San Joaquin Delta Flood Fight Emergency Fund

### LEGISLATIVE ISSUES

**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 administrative 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 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 because 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 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

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## 13. Sacramento-San Joaquin Delta Flood Fight Emergency Fund

### LEGISLATIVE ISSUES (*CONTINUED*)

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 of federal agencies can be further delayed or limited by overly stringent rules, policies, and regulations for action under Public Law 84-99 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 U.S. Army Corps of Engineers 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.



## 14. California Disaster Assistance Act

### LEGISLATIVE ISSUES

**Issue:** Clarification is needed under the California Disaster Assistance Act (CDAA) (2013) to allow local jurisdictions and not-for-profit entities the ability to apply for and receive funding related to recovery of emergency disaster related damages. Additional clarification of eligibility for costs claimed by and reimbursed to, local jurisdictions is needed under both the CDAA and the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act, which is administered by the California Office of Emergency Services (Cal OES).

**Legislative Platform:** Seek and support legislation and/or administration action that would:

1. Restore and increase access to funding to California Disaster Assistance Act (CDAA) and Federal Emergency Management Agency (FEMA) Public Assistance (PA) and Individual Assistance (IA) programs;
2. Establish an appeals process for denied applications for local emergency disaster declarations;
3. Allow local jurisdictions and private not-for-profit entities to have full access to funding for recovery of emergency disaster-related damages;
4. Change CDAA requirement for a FEMA “approved” Hazard Mitigation Plan, and provide for language that allows Cal OES through CDAA to accept “submitted” Hazard Mitigation Plans that have been submitted for review to FEMA; and
5. Clarify and increase flexibility for disaster reimbursement of general work eligibility for local governments.

**Background:**

Reduced Access to Public Assistance and Individual Assistance Programs

The purpose of the State and federal Public Assistance (PA) and Individual Assistance (IA) programs are to fulfill their long recognized responsibility to assist local governments, and their communities to mitigate, respond, and recover from the crisis and consequences whether they be from natural, man-made or technological disasters. This assistance covers loss of life, property and damages to the environment.

#### Emergency Services

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## 14. California Disaster Assistance Act

### LEGISLATIVE ISSUES (*CONTINUED*)

San Joaquin County and other local governments are experiencing a trend of reduced access to State and federal emergency financial assistance programs, specifically under the CDAA, and the federally-managed Robert T. Stafford Act FEMA. Most notably, since 2011, there continues to be a disconnect between Cal OES and FEMA in the criteria and availability of these programs.

Between years 2011-2014, only 3 of 36 statewide emergencies had access to CDAA funding, with only 2 also accessing FEMA funding. Cal OES has reduced access to CDAA funding primarily through two methods; the Director of Cal OES not concurring existence of a local emergency, or recommending the Governor proclaim the existence of a state of emergency for local impacted jurisdictions. Often cited reasons by Cal OES were the overuse by past Governors and current State budget shortage. In addition, there is no appeals process if an application is denied.

During the current drought, the Governor opened up CDAA assistance to selected counties for a specific vulnerable water supply assistance, but only at the discretion of Cal OES. Cal OES to date has not supplied clear criteria to access CDAA assistance, and appears unwilling to seek additional FEMA assistance critical for local jurisdictions. Additionally, private, not-for-profit agencies continue to not have the same, full access to funding that local governments currently have.

#### Hazard Mitigation Plan Requirements

San Joaquin County was awarded a Hazard Mitigation Grant in May 2005 to develop a multi-jurisdictional Local Hazard Mitigation Plan (LHMP), as a result of the Jones Tract flood of 2004. FEMA reviewed the first draft in March 2009 and returned the plan with three corrections that were completed and re-submitted in January 2011. FEMA approved the County's plan in November 2012. Countywide, participating jurisdictions continue to work towards correcting deficiencies in order for FEMA to complete a final review and approval. Major implications to future funding is due in part to language in the CDAA that requires an approved federal plan *prior* to applying for funding assistance, and may also have implications for federal funding requests. Meanwhile, two spring flood threats (2011 and 2012) have occurred. Had damage occurred, the jurisdictions would not have been eligible to apply for Hazard Mitigation funds. The current three-year drought may enhance funding potential to the County, but will leave participating jurisdictions at risk that do not have an approved plan enclosure.

The federal Robert T. Stafford Disaster Relief and Emergency Assistance Act and possible CDAA funds administered through Cal OES, provides two funding options for hazard mitigation effort.

1. **Section 404:** The Hazard Mitigation Grant Program (HMGP) provides grants to local governments to implement long-term hazard mitigation measures after a major disaster declaration. The grant purpose is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster.



## 14. California Disaster Assistance Act

### LEGISLATIVE ISSUES (*CONTINUED*)

- a. For any State eligible mitigation project, that **jurisdiction must have a FEMA approved Local Hazard Mitigation Plan (LHMP)**. The Legislature may provide for a State share of local costs that exceeds 75% of total eligible costs.
  - b. Criteria for federal assistance awards, in determining whether to provide technical and financial assistance to a State or local government under this section, the President shall take into account **if the State or local government has submitted a mitigation plan**.
2. **Section 406:** Funds mitigation measures in conjunction with the repair of the disaster-damaged facilities. San Joaquin County, and jurisdictions within, have utilized this option numerous times in the past for federally-declared disasters. The mitigation measures must be related to eligible disaster-related damages and must directly reduce the potential of future, similar disaster damages to the eligible facility. Normally, this work is performed on the parts of the facility that were actually damaged by the disaster.

#### Disaster Reimbursement of General Work Eligibility for Local Governments

Neither Cal OES nor FEMA Public Assistance programs, including Memorandums of Understanding, counteract a primary clause in the Code of Federal Regulations which requires that all “work must be the Legal Responsibility of the Applicant at the time of the disaster to be eligible.”

After a Proclamation of a Local Emergency, the County can obtain resources for a local jurisdiction, only if a signature has been obtained as an addition to San Joaquin’s Operational Area Agreement. If any costs are incurred for the purchase, rent, lease, and delivery, the County must request reimbursement from the requesting jurisdiction. The County cannot claim those costs within its reimbursement application for State and/or federal assistance programs.

Requests are often for same or similar resources and can be difficult to track and document deliveries to jurisdictions. If the resources are re-directed, salvaged, or divided between jurisdictions, disposed, or when excess resources remain, there is a risk in duplicating claims for the same resource. Cal OES and FEMA programs require that each item be fully tracked. In the 2004 Jones Tract flood, and the two 2006 storm disasters, San Joaquin County successfully claimed as eligible, as a first time nationwide attempt, County costs supporting another jurisdiction’s legal responsible costs.

Currently, all claimed costs under this policy remained eligible during the Final Inspection and claim closure. The County is waiting through a three-year time period for a possible audit of several completed programs. If the State and federal policy is left unchanged, every jurisdiction will be faced with the decision of assisting other jurisdictions without reimbursement, or tasked with finding creative approaches to justify claiming an expense that could have been directed to another



## 14. California Disaster Assistance Act

### LEGISLATIVE ISSUES (*CONTINUED*)

jurisdiction for reimbursement. If the costs cannot be divided, then the originating jurisdiction could be held liable for the expense without State or federal assistance.



## 15. Hazardous Materials Transportation by Rail

### LEGISLATIVE ISSUES

**Issue:** Transportation of hazardous materials, specifically bulk oil by rail, has dramatically increased in recent years and will likely continue to increase in the future, both nationally and in California. Training and equipment upgrades have not kept pace with local government response team needs.

**Legislative Platform:** Seek and support legislation and/or administration action that would reduce the serious risk of rail transportation by increasing financial assistance to plan, prepare, and respond to hazardous materials incidents involving rail transportation of hazardous materials, specifically bulk oil, focusing on reducing risk at crossings over waters of the State.

**Background:** California Office of Emergency Services (Cal OES) reviewed nine destructive crude oil rail accidents that have occurred in both the United States and Canada in recent years, including a July 2013 72-tanker car derailment loaded with two million gallons of flammable crude oil in Lac-Mégantic, Canada, killing 47 people and caused more than \$1 billion in damages.

Oil shipments by train increased in California by more than 500% to 6.3 million barrels in 2013, and are expected to increase up to 150 million barrels by 2016, according to a report released by the California Public Utilities Commission, California Environmental Protection Agency, and other State agencies. The report recommended more State rail inspectors, emergency response program improvements, and real-time information from railroads.

Existing law requires Cal OES to implement regulations establishing minimum standards for business plans and area plans relating to the handling and release or threatened release of hazardous materials. Existing law also requires the establishment of a statewide environmental reporting system for these plans. Current regulations and industry practices are not adequate, given the dramatic expansion of the oil production from the Bakken Shale and other oil fields. In fiscal year 2013-2014, State legislative efforts began to address this issue through Senate Bills 506 and 1319. Both bills failed due to industry opposition. However, Assembly Bill 380 (AB 380) (Dickinson - Spill Response for Railroads) was signed into law by the Governor on September 25, 2014.

AB 380 does not allow fees to be used for response and limits the Office of Spill Prevention and Response to pay only for clean up directly caused by the impact of the oil and not the remaining crisis and consequence costs. This leaves reimbursement of uncovered costs to be offset by local government. Local governments must either pursue reimbursement through negotiation or litigation with the responsible party.

#### Emergency Services

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## 15. Hazardous Materials Transportation by Rail

### LEGISLATIVE ISSUES (*CONTINUED*)

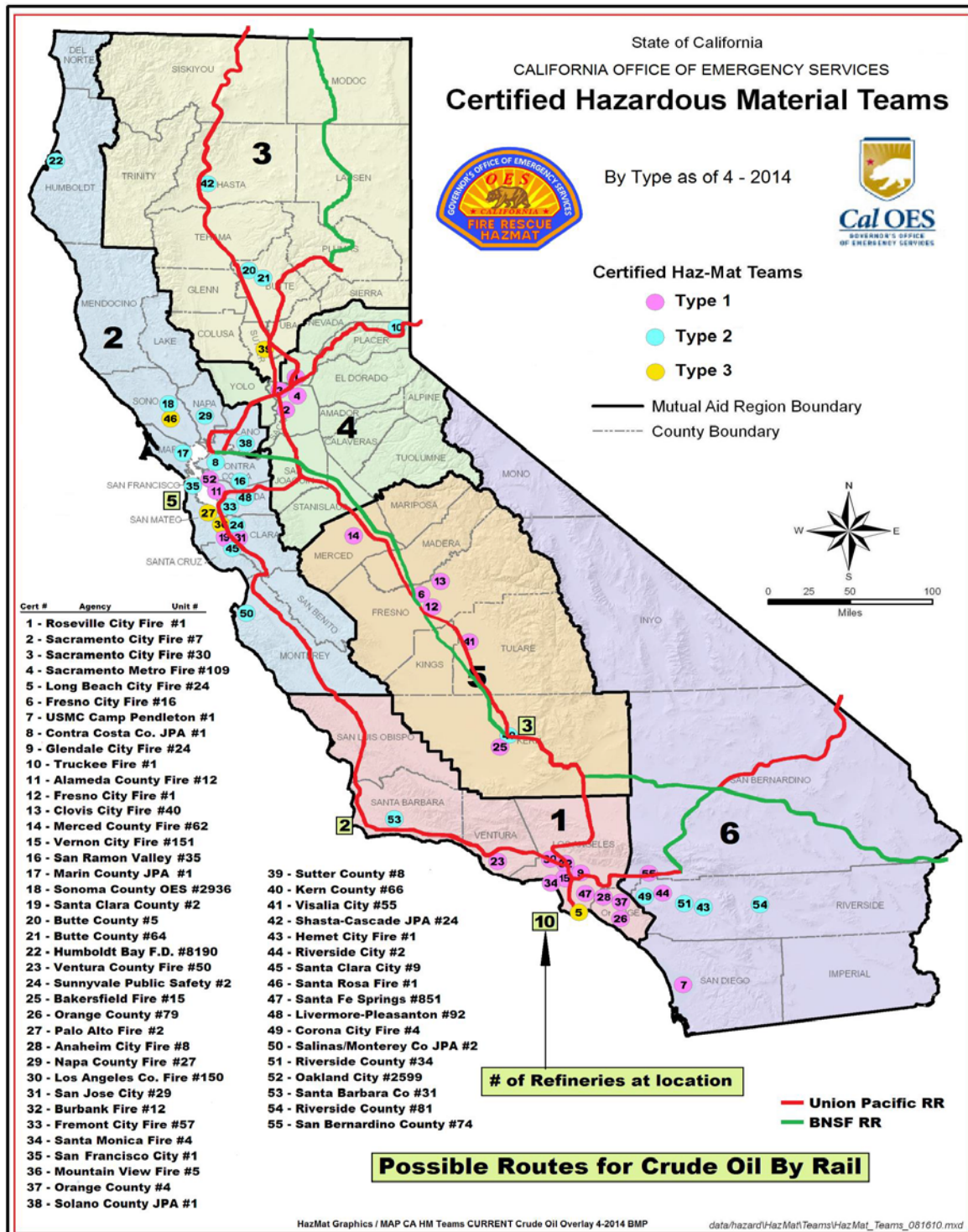
Local government reimbursement is needed for the planning, response, and recovery from over-the water hazardous material spills. San Joaquin County contains only “Non-Certified Hazmat” teams, which are local teams that have not applied to be certified by the State as meeting certain levels of training and equipment. If no rail funding is provided, this situation will continue at current level, or deteriorate further due to increasing costs of salaries and resources.



# 15. Hazardous Materials Transportation by Rail

## LEGISLATIVE ISSUES (CONTINUED)

(Certified Hazardous Material Teams and California Rail Map)







## Environmental Health

### LEGISLATIVE/REGULATORY POLICY GUIDELINES

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

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

### LEGISLATIVE ISSUES

**Issue:** There are no State enforceable minimum standards or requirements for monitoring freshwater recreational bathing areas and beaches at inland rivers, lakes, the Delta, and other freshwater bodies that promote and allow swimming and other body-contact sports.

**Legislative Platform:**

1. **Support legislation which would set enforceable minimum bacteriological standards for freshwater bodies, such as public access lakes, rivers, and the Delta.**
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 (<http://www.cdph.ca.gov/HealthInfo/environhealth/water/Pages/Beaches.aspx>) 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.

#### Environmental Health

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## 17. Food Product Recall Technology

### LEGISLATIVE ISSUES

**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 Senate Bill 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, products recalled from retail food stores are inadvertently overlooked in the stores' removal process and 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, and distributed across the nation. According to the Centers for Disease Control, this outbreak began in September 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 foods are not sold to customers.

SB 550, Public Health Food Product Recall Technology was introduced during the 2009 legislative session; 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

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

### LEGISLATIVE ISSUES

**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

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## 19. Recruitment and Retention of Public Health and Environmental Health Workers

### LEGISLATIVE ISSUES

**Issue:** There is a lack of public health and environmental 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, to respond, and to 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/Health Care Services Agency

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CONTACT: Greg Diederich, HCSA Director; [gdiederich@sigh.org](mailto:gdiederich@sigh.org); 209.468.7031



## 20. Bulk Water Haulers

### LEGISLATIVE ISSUES

**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 unfunded mandate local program, obligating counties to additional workloads without the funding to administer the program.

#### Environmental Health

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## Health Care

### LEGISLATIVE/REGULATORY POLICY GUIDELINES

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 and the County's General Hospital are significant health care safety net providers 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) Ensures that the State expansion of Medicaid, and any other State program developed under the Affordable Care 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 support of 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.

#### Health Care Services Agency/San Joaquin General Hospital

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## Health Care

### LEGISLATIVE/REGULATORY POLICY GUIDELINES (*CONTINUED*)

- 9) Supports legislative and budgetary proposals for local health department programs which would: a) address prevention of chronic health conditions, b) fund injury and violence prevention, c) support and enhance local disease control and prevention, d) provide a sustainable disease control and outbreak response infrastructure that would include epidemiology, surveillance, investigation, and response, d) support public health infrastructure development to enable national accreditation and e) support emergency, bioterrorism, and pandemic influenza preparedness, response, and infrastructure development to address public health threats and emergencies.
- 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.
- 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, the reporting of diseases to public health, and the delivery of health care services.
- 13) Advocates for the ability of San Joaquin County to maximize federal funds for health care programs and services, which result in direct payments to the County.
- 14) Supports the extension and continuation 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.
- 17) Advocates for policies that reduce health inequities within our communities by ensuring equal opportunities in everyday choices, especially those environmental and social-economic factors that impact personal and public health. These include housing, education, training, jobs, transportation, safe neighborhoods, and places for daily physical activity.



## Health Care

### LEGISLATIVE/REGULATORY POLICY GUIDELINES (*CONTINUED*)

- 18) Ensures full implementation of Mental Health Parity, as intended under the Affordable Care Act, which requires that States select an essential health benefits package that includes mental health and substance use disorders treatment. Implementation of parity must fulfill the intention to provide behavioral health services on par with physical health services.



## 21. Health Care Information Technology Infrastructure

### LEGISLATIVE PROJECTS

#### 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 HCSA 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 SJC as a cost-effective safety net provider.

#### 21. Health Care Information Technology Infrastructure Project

##### Legislative Project Appropriations Request:

1. **Seek, advocate, and support legislation and/or budgetary appropriations to fund the Information Technology Infrastructure Project and to ensure continued implementation.**
2. **Seek, advocate and support legislation to amend 42 CFR Part 2 to permit information sharing between health care providers.**

*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, and 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.

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## 21. Health Care Information Technology Infrastructure

### LEGISLATIVE PROJECTS (CONTINUED)

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. The ability to include substance use disorder treatment information would significantly enhance the potential for fully integrated health care services and more positive outcomes. The SNP was able to secure a start-up grant from the Blue Shield Foundation of California. This funding allowed the HIE project to go from a concept phase to a limited implementation phase. Additional funding would provide sufficient resources for a Countywide rollout within twelve months. The true benefit of a HIE only occurs when a critical mass of provider participation occurs.

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. Because SJGH is a designated 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: The Neonatal Intensive Care Unit (NICU) is a key service line for SJGH and an important resource 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(ies). It simplifies



## 21. Health Care Information Technology Infrastructure

### LEGISLATIVE PROJECTS (*CONTINUED*)

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.

*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. It will also 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: \$2.25 million (approximate)*





## 22. Public Health Laboratory

## 23. Public Health Facility Expansion

### LEGISLATIVE PROJECTS

#### 22. Public Health Laboratory

**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.

**Appropriation Request:** \$2 million

**Total Project Cost:** \$10.5 million (approximate)

*(Project Literature Available)*

#### 23. Public Health Facility Expansion

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

**Background:** The San Joaquin County Public Health Services facility was constructed in the 1960s, over 50 years ago, with Hill-Burton funds. The facility is now outdated and insufficient to support current state-of-the-art public health efforts, and is in need of major repairs. The San Joaquin County Board of Supervisors approved, in principle, the building of future 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 million

**Total Project Cost:** \$17.6 million (approximate)

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

### LEGISLATIVE PROJECTS

#### 24. 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), 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 and facility improvements would provide, amongst other things, state-of-the-art facilities for the 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 operating 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 its 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

San Joaquin General Hospital

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## 25. Adolescent Substance Abuse Facility

### LEGISLATIVE PROJECTS

#### 25. Adolescent Substance Abuse Facility

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

**Background:** San Joaquin County (SJC) has identified significant needs 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, while alcohol is also a major drug of choice among adolescents. Additionally, there is an alarming trend in the misuse of prescription drugs, most often opiates. It is estimated approximately 2,500 SJC youth are in need of treatment for alcohol abuse, and approximately 3,300 are in need of treatment for illicit drugs.

The only available option for adolescents needing treatment for alcohol abuse and illicit drug use is outpatient counseling services. If an adolescent needs more than outpatient counseling no other treatments are available.

**Appropriation Request:** \$2.5 million

**Total Project Cost:** \$5.5 million

*(Project Literature Available)*

Health Care Services Agency/Behavioral Health Services

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## 26. State Implementation of Federal Health Care Reform

### LEGISLATIVE PRIORITIES

**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 payment of cost-based rates to the San Joaquin County Clinics Federally Qualified Health Center Look A-Likes in contracting with the State Health Benefit Exchange.
5. Support an emphasis on participation by county safety net facilities and programs in the State Health Benefit Exchange, including appropriate reimbursement.
6. Ensure adequate funding from Health Realignment or other sources to provide care for the uninsured in the safety net system.
7. Oppose measures which divert the pool of funds derived from county or public sources to non-public health care facilities, including the expansion of the definition for a designated public hospital.
8. Protect access to care at the San Joaquin County Clinics Federally Qualified Health Center Look A-Likes by ensuring cost-based service reimbursements.
9. Support efforts that promote integration of primary care and behavioral health and allow for appropriate payment for such services or visits.

**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.

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## 27. Medi-Cal Section 1115 Waiver (2015-2020)

### LEGISLATIVE ISSUES

**Issue:** Ensure continued support for the Medi-Cal Financing Waiver to be negotiated during the 2015 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 to reposition the county safety net health system to fully benefit from Health Care Reform.**
5. **Advocate for an Organized Delivery System of Substance Use Disorder (Delivery System) amendment to the 2010-2015 1115 Waiver that would assure counties the ability to effectively manage the Delivery System to provide accessible, effective treatment services and the authority to provide the oversight required to ensure high quality, cost effective services through such tools as selective contracting. This model would also give counties better ability to detect and address fraudulent practices. In addition, support the inclusion of the Delivery System change in the 2015-2020 Waiver.**
6. **Ensure that Waiver programs do not create additional liabilities or unfunded mandates on county-operated services, or on Local Initiative Health Plans.**
7. **Oppose measures which divert the pool of funds derived from county or public sources to non-public health care facilities, including the expansion of the definition for a designated public hospital**
8. **Protect access to care to the San Joaquin County Clinics Federally Qualified Health Center Look-A-Likes by ensuring cost-based services.**

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## 27. Medi-Cal Section 1115 Waiver (2015-2020)

### LEGISLATIVE ISSUES (*CONTINUED*)

9. **Support efforts that promote integration of primary care and behavioral health and allow for appropriate payment for such services or visits.**
10. **Oppose efforts by the State to shift new and unmanageable risk to the county or to the Local Initiative Health Plans, or require new services without adequate resources.**

**Background:** The Department of Health Care Services (DHCS) is again seeking an 1115 Demonstration Waiver, which allows it to waive certain federal rules and provides the opportunity to draw down additional federal funds and re-organize payment methods. Although county services are critically impacted by the waivers, DHCS is the sole negotiator. DHCS confers with county organizations and stakeholder groups to craft its proposals, but the end product is one agreed to between the State and federal government.

It is expected that the 2015-2020 Waiver will continue the shift of all public hospitals to a form of cost-based reimbursement known as Certified Public Expenditures (CPEs), used to claim federal Medi-Cal, supplemental Safety Net Care Pool or other federal funds. 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 2015-2020 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.

DHCS is also seeking an 1115 Demonstration Waiver for the Substance Use Disorder Drug Medi-Cal (DMC) Program. The overall purpose is to provide an Organized Delivery System of Substance Use Disorder services. DMC was realigned to the counties as part of the 2011 Realignment, which has presented significant challenges in managing a fee-for-service benefit within a managed care structure. Development of the amendment provides an opportunity to make changes that will enable counties to more effectively manage the benefit. The amendment also includes expanded DMC benefits, including residential treatment that will allow counties to develop a more robust service continuum with increased federal financial participation.

DHCS will also seek a Waiver for the California Children's Services (CCS) program (see item number 30) although the details of the change are unknown at this time.





## 28. Emergency Medical Services

### LEGISLATIVE ISSUES

**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 Emergency Medical Services, 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.

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## 29. Shortages of Physicians, Nurses and Ancillary Clinicians

### LEGISLATIVE ISSUES

**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 which target Central Valley needs and shortages, 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 clinical staff.

**Background:** The health care industry continues to face a critical shortage of physicians, registered nurses, including public health nurses, nurse practitioners, and ancillary clinical staff (e.g. radiology, nuclear medicine, microbiology, ultrasound technology, respiratory therapy, physical and occupational therapy, and pharmacy). Shortages also exist for other clinical providers such as Licensed Clinical Social Workers and Marriage and Family Therapists. 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

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## 29. Shortages of Physicians, Nurses and Ancillary Clinicians

### LEGISLATIVE ISSUES (*CONTINUED*)

implications for San Joaquin General Hospital at a cost exceeding \$1 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.



## 30. California Children's Services

### LEGISLATIVE ISSUES

**Issue:** The State Department of Health Care Services' funding formula 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 1990-1991 expenditure levels. As a caseload-driven program, these funding issues may force counties to curtail services to handicap 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. The 1991 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 dollar for 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 Care Services (DHCS) has not provided any guidance on reduction of service levels commensurate to the 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.

DHCS is also proposing to revise CCS through the 1115 Waiver (see item number 27)

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

### LEGISLATIVE ISSUES

**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 Health Care Services that Mental Health Services 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 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 serving individuals with unmet mental health needs off the streets into housing, employment, and out of the criminal justice system.

County mental health programs continue to experience funding fluctuations due to changes 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). This has been especially challenging for the Central Valley, which has not experienced the same level of economic recovery as in other parts of the State. While there have been some modest increases recently in realignment revenue, funding

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

### LEGISLATIVE ISSUES (*CONTINUED*)

from the MHSA has provided needed resources, and has kept county mental health systems from total collapse. Ensuring MHSA funds are not diverted will allow counties to begin rebuilding needed services that were reduced due to the severe budget reductions from previous years.

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."





## 32. Public Health Emergency Services

### LEGISLATIVE ISSUES

**Issue:** To ensure adequate safety and protection of the public, 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, but are not based solely on the presence of such targets or County population; 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, and/or other public health emergencies.**

**Background:** Sustained funding is needed to augment local programs to prepare for, respond to, and recover from all forms of terrorism, including bio-terrorism and natural disasters. Hurricanes Katrina (2005), Irene (2011), and Sandy (2012), 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.

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 and/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.

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## 33. Financial Assistance for Seismic Safety Hospitals

### LEGISLATIVE ISSUES

**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.

#### San Joaquin General Hospital

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## 34. Alcohol and Drug Program Realignment - Drug Medi-Cal Program, Methadone Treatment Component

### LEGISLATIVE ISSUES

**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:** Support legislation and/or budget proposals that would:

1. Shift the Drug Medi-Cal Program back to the State or require the State to fully fund the cost of the Program.
2. Provide an increase in State funding for adult and adolescent behavioral health treatment programs (including an integrated mental health/substance abuse treatment component).
3. Pursue an Organized Delivery System of Substance Use Disorder amendment to the 2010-2015 1115 Waiver that would assure counties the ability to effectively manage the delivery system to provide accessible, effective treatment services and the authority to provide the oversight required to ensure high quality, cost effective services through such tools as selective contracting. This model would also give counties the ability to detect and address fraudulent practices. In addition, support the inclusion of the Delivery System change in the 2015-2020 Waiver.

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

For years, the Legislative Analyst Office (LAO) has reported on the remodeling of the DMC 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; and 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. The LAO report concluded 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

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## 34. Alcohol and Drug Program Realignment - Drug Medi-Cal Program, Methadone Treatment Component

### LEGISLATIVE ISSUES (*CONTINUED*)

challenges, including a federal Waiver requirement that may invite reconsideration of the realignment. One element of the 1115 Waiver amendment under discussion is returning to the practice of the State contracting directly with DMC providers in counties that elect not to provide DMC services. Counties that elect to participate in the DMC Program will be required to provide a specific set of benefits that includes narcotic treatment. As yet there has been no discussion on how the State-contracted services will be funded.

It is vital that the State provide counties with sufficient funding for all modalities of the DMC Program. If sufficient State funding is not provided for the methadone component, it is critical that the State authorize counties to control costs through selective contracting and/or other cost containment methods such as proposals under discussion for the 1115 Waiver. Furthermore, should the State take back the methadone treatment component and the counties retain the remaining DMC Program, it is imperative that the State provide adequate funding.

For the past several years, San Joaquin County staff, the Mental Health and Substance Abuse Board, and the Juvenile Court have identified a high demand 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.



## 35. Public Guardian/Conservator

### LEGISLATIVE ISSUES

**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.
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 including any unfunded mandates to provide mental health services to individuals conserved as a result of the Kennebrew decision who would not otherwise meet regulatory requirements for conservatorship.

**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. The legislative intent is to improve court oversight of Conservators (private and public) primarily through increasing the number of court reviews and the frequency and scope of court investigations.

The Act 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."*

#### Health Care Services Agency

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## 35. Public Guardian/Conservator

### LEGISLATIVE ISSUES (*CONTINUED*)

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) do 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.





## 36. Emergency Medical Services and Trauma Care Funding

### LEGISLATIVE ISSUES

**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. In addition, an initiative for new, dedicated funding for uncompensated care in emergency rooms, should be supported.

#### Health Care Services Agency/Emergency Medical Services

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## 37. Maternal, Child and Adolescent Health

### LEGISLATIVE ISSUES

**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 poor air quality; and
3. Ensure that women and adolescents have access to the unique prevention and health care services needed.

**Background:** In the State, San Joaquin County ranks in the bottom quartile for 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 hospitalization, disabilities and 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 the County.

#### Health Care Services Agency/Public Health

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## 38. County Jail and Juvenile Medical and Behavioral Health Services

### LEGISLATIVE ISSUES

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

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

1. **Require the inclusion of medical and behavioral health services and health care facility costs in projections for overall facility/operational costs as part of public funding for new and/or expanded county detention facilities;**
2. **Ensure or provide appropriate State funding of health care facilities and medical and behavioral health care services for inmates in county correctional and juvenile facilities including any further programmatic or “realignment” shift of these responsibilities to the local level;**
3. **Authorize county health care services to charge private health insurance plans for health care services provided to the enrollee while in custody;**
4. **Clarify the status of those inmates who are placed in Community Corrections Facilities/ Residential Re-Entry Centers as not “in custody” for the purposes of Title 15 and allow them to be deemed eligible for Medi-Cal should they meet income and residency requirements;**
5. **Support legislation or regulations that simplify the Medi-Cal claiming process for those inmates treated outside of a correctional facility; and**
6. **Advocate for legislation that requires Medi-Cal contracted facilities to accept Medi-Cal rates for services provided to county inmates outside of a correctional facility.**

**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 changed with the adoption of AB 109 (2011) which realigned funding for the incarceration of State prisoners. State prisoners, who would have been returned to State prison for parole violations and 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

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## 38. County Jail and Juvenile Medical and Behavioral Health Services

### LEGISLATIVE ISSUES (*CONTINUED*)

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.

Recent changes in State law now 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. This allows him/her to quickly obtain needed mental health and substance abuse treatment, and to help break the expensive cycle of re-incarceration or hospitalization. However, innovative corrections practices are creating a range of options for community corrections facilities. Yet the status of those residing in these facilities is unclear in terms of obligations under Title 15, Medi-Cal eligibility, and reimbursement to providers. Medi-Cal benefits generally cannot be provided to incarcerated individuals.

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. Medi-Cal eligibility is a necessary tool in the development of Community Corrections Facilities.

Recent changes to State law have authorized the claiming of Medi-Cal costs for inmates who receive medical services, lasting more than 24 hours outside of county jail. However, the State claiming process is cumbersome and challenging to implement. In addition, although these inmates are Medi-Cal beneficiaries when treated in these outside facilities, counties may still be charged higher than Medi-Cal rates due to their inmate status. Being able to claim Medi-Cal when actual costs are much higher, coupled with a complicated claiming process, is inefficient and undercuts fiscal relief this change in State law had intended.



## 39. San Joaquin County Adult Activity Center

### LEGISLATIVE ISSUES

**Issue:** Reimbursement rates for community-based support services for adults with intellectual disabilities are inadequate.

**Legislative Platform:** Advocate and support legislation proposed as a result of recommendations by the Task Force on the Future of Developmental Centers and endorsed by the Lanterman Coalition and California Disability Services Association to overhaul the developmental services delivery system.

**Background:** The Activity Center has provided day program services to adults with intellectual disabilities for over 50 years. Some of the consumers currently in the program have attended for over 30 years. The Activity Center faces continuous and ongoing budget challenges as the current rates paid for services do not cover the operational costs of the program. The Activity Center is not alone. Similar programs throughout the State are on the brink of closure as the system that promised to support these individuals has taken devastating blows in the recent State budget crises.

More than 245,000 people with developmental disabilities receive community-based support services in the State of California. More than a decade ago, the Department of Developmental Services warned that the system was unsustainable on its current course, and inadequate funding would eventually destabilize community service delivery. In 2003, the State froze reimbursement rates paid to service providers and most rates have remained stagnant, or even decreased in the last 11 years. Even the rate setting guidelines are arbitrary, and not based on the actual costs incurred to provide services.

The urgency to fix the system has never been greater. If community-based support services do not receive cost-based rates soon, many service providers may not be able to continue, and some consumers may find themselves relegated back to institutional care. According to the current Department of Developmental Services budget, it is 19 times more expensive to care for an individual with significant intellectual disabilities in a developmental center than through community-based support services (developmental center cost of \$346,169 per person per year versus an average cost of \$17,049 per person per year receiving community based services).

The Behavioral Health Services Adult Activity Center is one of many local agencies that provide important, life changing services to adults with intellectual disabilities. As one of the largest day programs in San Joaquin County, the Activity Center serves an average of 123 consumers each day, providing opportunities for individuals to interact with their community and lead productive lives.

Health Care Services Agency/Behavioral Health Services

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## 40. Veterans Services

### LEGISLATIVE ISSUES

**Issue:** The County Veterans Services Office needs resources to advocate and assure services and facilities for Veterans in San Joaquin County.

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

1. Continue the State's annual local assistance for County Veterans Services Office (CVSO) at the \$5.6 million level and encourage continued support from the California Department of Veterans Affairs to the CVSOs. The goal is to fully fund CVSOs by appropriating the full \$11 million in local assistance funding as reflected in Military and Veterans Code Section 972.1 (d).
2. Address, prevent, and decrease Veteran homelessness, and provide comprehensive services to assist homeless or at-risk Veterans move from transitional housing to independent living or suitable low-income housing. Increase Veterans' reintegration programs for job training, counseling, and placement services through solicitation of grants and other governmental and/or non-governmental funding and support.
3. Allow California Veterans to apply for a "VETERAN" designation on their driver's license or State identification card, issued through the State Department of Motor Vehicles.
4. Support enhancement of VA services for women's health care and mental health services to include Military Sexual Assault, Post Traumatic Stress Disorder, Traumatic Brain Injury, and substance abuse as well as peer outreach services, peer support and readjustment counseling. Increase awareness and provide support to family and others who care for disabled, ill, or injured women veterans.
5. Enhance the efforts of the CVSO in comprehensive Veterans Treatment Court Training, planning initiative, and implementation of San Joaquin County's Veterans Treatment Court as defined by Justice for Vets and Bureau of Justice Assistance.

**Background:** The CVSO assists and facilitates access to services and benefits for veterans and their families, including VA benefit claims, outreach and education. Revenue received from the State is based on workload measurements. The CVSO needs support to continue to reach out to county veterans and help to craft programs and services to assist them and their families.

Health Care Services Agency/Veterans Services Office

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## 40. Veterans Services

### LEGISLATIVE ISSUES (*CONTINUED*)

The CVSO is a critical link to services for homeless veterans and the planning and participation in the annual Homeless Veterans Stand Down is a major event for the Office. The CVSO works closely with county Behavioral Health Services and community-based organizations to provide needed services.

Women veterans are an underserved population within our society. In fact, many women do not think they qualify for veterans benefits. There are no support programs within this county for them; no transitional housing for women veterans, no peer support programs for women veterans, especially for women veterans with children. Community programs that serve veterans are geared toward men. Statistically, women veterans are a fast growing population within the veterans and civilian groups and their needs and challenges are far more specific and perplexing.





## 41. Local Initiative Health Plan—California’s Health Benefit Exchange and Basic Health Plans

### LEGISLATIVE ISSUES

**Issue:** Under the Affordable Care Act, States may develop Basic Health Plans as a coverage option for individuals who would otherwise transition from Medicaid into the State’s Health Benefit Exchange to promote continuity of care of providers and health plans.

**Legislative Platform:** Support legislation or regulations which would further the exploration and/or development of a Basic Health Plan, as defined by federal regulations, as an alternative coverage program for low income residents with incomes beyond Medi-Cal eligibility.

**Background:** Under the Affordable Care Act (ACA), States will establish and certify the requirements for health insurance plans that will participate as Qualified Health Plans through the State’s Health Benefit Exchange (Exchange). A key consideration for Local Initiative Health Plan’s participation in the Exchange has been the potential to allow continuity of care for the Local Initiative’s Medi-Cal membership when an increase in income may potentially require the transition of its members from Medi-Cal coverage to the Exchange and its comprehensive plan options. Despite interest by many Local Initiative Health Plans in participating in the Exchange, competitive factors and infrastructure requirements create barriers to entry. In addition, recent federal guidance requires that all plans participating in the Exchange offer their health plan products both on and off the Exchange through the individual market. For many Local Initiative Health Plans, this requirement alone makes Exchange participation impossible.

The ACA allows for States to develop a Basic Health Plan which is a coverage program that is less robust than the full suite of Exchange products available to consumers, but ensures access to essential health benefits at affordable rates. Basic Health Plans may be aligned with, or operated apart from, the State’s Exchange, and may be designed with a health plan that differs from Exchange offerings. Basic Health Plans offer an opportunity for Local Initiative Health Plans to continue to serve a significant number of Medi-Cal members who will lose eligibility for Medi-Cal each year. It can also potentially allow these consumers to maintain their relationship with their long-time health plan and providers to minimize disruption and promote continuity of care.

With California’s focus on launching and stabilizing the Health Benefit Exchange, as well as delayed federal guidance regarding the requirements of operating a Basic Health Plan, the State has not advanced its consideration and exploration of the viability of a Basic Health Plan option in California. Meanwhile, with only one Local Initiative Health Plan currently participating in the Exchange (LA Care), tens of thousands of Medi-Cal members who annually lose eligibility for Medi-Cal due to income increases are required to select a new health plan and potentially new providers as they transition into an Exchange plan.

Health Plan of San Joaquin

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## 42. Medi-Cal Program Changes and the Necessity of Favorable Health Plan and Provider Rates

### LEGISLATIVE ISSUES

**Issue:** It is essential to the safety net to ensure sustaining or improving provider 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 actuarially supported rate payments to Local Initiatives when new populations are integrated into Medi-Cal Managed Care.**

**Background:** Historically, Medi-Cal coverage was limited to individuals with very low incomes who fall within the category of families and children, elderly, and disabled. In 2014 under the Affordable Care Act, coverage was extended to include more adults under the age of 65 who do not currently fall within the current families and children, elderly, and disabled categories. With changes in eligibility and increased promotion of coverage options, more than 40,000 San Joaquin County residents could potentially apply for Medi-Cal benefits in the next several years.

In light of the recent 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. Poor rates may also result in current Medi-Cal providers choosing to discontinue their participation or limit the number of Medi-Cal patients they see, ultimately undermining efforts to improve access to appropriate care.

Medi-Cal health plans, including Health Plan of San Joaquin, are also subject to State imposed changes to benefits, medical management controls and program structure. Health plans have been challenged by new clinically-effective, high cost drugs, injectibles and factors that are being introduced to the market and demanded of health plans, while the associated costs have not been appropriately factored in by the State into current reimbursement rates.

Health plans are at significant risk by absorbing such costs for months while reimbursement methodologies and/or new rates are developed based upon anticipated (and often unknown) utilization assumptions. Improved rate development processes that incorporate actuarially sound processes and data points, as well as adequate prospective rate review periods, are critical to the health plans' overall financial sustainability and their ability to effectively deliver the quality care and

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## 42. Medi-Cal Program Changes and the Necessity of Favorable Health Plan and Provider Rates

### LEGISLATIVE ISSUES (*CONTINUED*)

health care objectives expected from the programmatic, membership and benefit changes within Medi-Cal managed care.



## Human Services

### LEGISLATIVE/REGULATORY POLICY GUIDELINES

- 1) Oppose legislation which would further reduce funding for the State-mandated Ombudsman Program, and advocate in support of restoring the Ombudsman Program funding to FY 2008-2009 levels.
- 2) 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.
- 3) Support legislation and/or administrative rule which would fully fund the mandated Older Americans 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.
- 4) Support legislation and/or budgetary proposals which would maintain or increase funding for the Low Income Energy Assistance Program.

#### Human Services Agency

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## 43. First 5 San Joaquin Children and Families

### LEGISLATIVE ISSUES

**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 increased 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 Proposition 10).
3. Support legislative and administrative efforts which would allow First 5 Commissions to maintain local authority.
4. Ensure continued support and effective delivery of State services for vulnerable children from prenatal to age five in the areas of health, early childhood education, and child safety.

**Background:** First 5 San Joaquin was created following voter approval of the Children and Families Act of 1998 (Proposition 10) for the purpose of promoting, supporting, and improving the early development of children from prenatal to five years of age. Funding is provided through excise taxes collected by the State on tobacco products and expended through direction by the Children and Families Commission of San Joaquin County. In recent years, the State has attempted to redirect some First 5 revenue raised through Proposition 10 to the State General Fund to offset the cost of existing State-funded health and social services programs.

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. Any reduction in funding to the First 5 program would result in a corresponding reduction and/or elimination of federal funds leveraged.

Human Services Agency

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## 44. Older Californians Act

### LEGISLATIVE ISSUES

**Issue:** Elimination of Older Californians Act funding.

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

1. Support legislative action and/or budgetary proposals that would restore funding to the Older Californians Act.
2. Modify the Older Californians Act to a block grant funding approach that would provide greater local flexibility to better serve older Californians.

**Background:** The Older Californians Act (OCA) program had previously been funded by the State for \$25 million. In the State's FY 2008-2009, the program was cut by \$11 million, followed by additional funding cuts of \$10.5 million in FY 2009-2010, and \$3.5 million in FY 2010-2011. The elimination of over \$25 million in State funding for community-based service programs related to the OCA has severely damaged the infrastructure of the aging network and the local service delivery system that serves older, frail persons. Before the elimination of this funding, the aging network was able to leverage these State funds to generate millions of dollars of local resources to assist frail older persons to remain in the community. Restoring the funding for OCA is even more critical as California works towards implementing the Community Care Initiative (Cal MediConnect) and the rural expansion of Medi-Cal managed care.

In addition, modifying the OCA funding methodology to a block grant approach would provide greater flexibility at the local level based on local assessments, which would ultimately better serve older community members. When OCA was funded, the funding was categorical to specific services regardless of the local service priorities, however, a block grant approach would provide the local flexibility to allocate funds where the greatest needs are for senior services based on specific local priorities.

Human Services Agency

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## 45. Office of the State Long-Term Care Ombudsman

### LEGISLATIVE ISSUES

**Issue:** Legislation is needed to restore Office of the State Long-Term Care Ombudsman funding to the office with funds from the State Health Facilities Citation Penalties Account that is derived from civil penalties for violations of State law.

**Legislative Platform:** Seek and support legislative action and/or budgetary proposals that would maintain or increase funding for the Ombudsman Program.

**Background:** Existing law, the Older Californians Act, establishes the Office of the State Long-Term Care Ombudsman in the California Department of Aging and requires the department to allocate all federal and State funds for local ombudsman programs according to a specified schedule. In previous years, legislation was proposed, but failed, to restore funding to the Office of the State Long-Term Care Ombudsman with funds from the State Health Facilities Citation Penalties Account. In addition, State funding reductions to the local Ombudsman Program have resulted in a cut in administrative and staffing of the Program, ultimately jeopardizing the safety of the most vulnerable individuals residing in Residential Care Facilities for the Elderly.

The Ombudsman Program is an advocacy program that recruits volunteers to respond to reports of abuse, concerns, and/or complaints concerning senior residents in long-term care facilities. Each volunteer must complete a comprehensive training and be certified as an Ombudsman. The volunteers act on behalf of the residents in efforts to protect, advocate, and support those who are most vulnerable or unable to speak for themselves. The Program saves millions of dollars a year by utilizing certified volunteers in hours of investigation, mediation, and advocacy for the State's dependent adults in a facility.

Human Services Agency

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## 46. Residential Care Facilities for the Elderly

### LEGISLATIVE ISSUES

**Issue:** Residents of Residential Care Facilities for the Elderly (RCFE) in California's system remain vulnerable from neglect, abuse and mistreatment and is in need of reform.

**Legislative Platform:** Support administrative, legislative action and/or budgetary proposals that would support RCFE reform to improve the safety and care for RCFE residents.

**Background:** In FY 2013-2014, the State and the public became aware of multiple situations where RCFE residents were not properly cared for and RCFEs were put at risk. As an example, in one Bay Area community, the residents were left in the care of an unlicensed staff person with no food for multiple days. The State has recently approved legislation to work toward improving the RCFE system. However, the need still remains for additional legislative reform to ensure that RCFE residents are properly cared for.

The California Advocates for Nursing Home Reform (CANHR) introduced a broad package of RCFE reform bills to improve oversight for RCFEs, and to enhance residents' rights and modernize care standards. CANHR estimates that tens of thousands of California elders living in RCFEs are facing a crisis in care that has been extensively documented by the media over the last year. Currently, the California Department of Social Services is responsible for the oversight and enforcement of the RCFEs which may be an additional area for administrative reform.

Human Services Agency

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## 47. In-Home Supportive Services

### LEGISLATIVE ISSUES

**Issue:** New federal regulations require overtime pay for In-Home Supportive Services (IHSS) providers. There are several legislative initiatives related to IHSS that would drastically impact California, such as overtime, travel time, training time, and appointment wait times for IHSS providers that are anticipated to be implemented on January 1, 2015.

**Legislative Platform:** Support legislation and/or budgetary proposals that would increase funding for IHSS to administer the new federal requirements.

**Background:** The IHSS program provides in-home personal care assistance to low-income Californians of all ages who are blind or have a disability. Services include assistance with bathing, feeding, dressing, and domestic services such as shopping, cooking, and cleaning so that individuals can remain safe in their own homes.

New federal regulations, in conjunction with the Fair Labor Standards Act (FLSA), requires overtime pay for IHSS providers to begin on January 1, 2015. Originally, the Governor's January 2014 Budget proposed prohibiting IHSS providers from working overtime and establishing a provider Backup System to assist IHSS clients in obtaining additional IHSS providers so that no one IHSS provider would accrue overtime. Instead, the approved State Budget for FY 2014-2015 provided funding to pay for overtime, travel time, training time, and waiting time for IHSS providers in response to the FLSA changes. In order to track these additional hours and costs, the approved State Budget also included funding to update the Case Management Information and Payrolling System II.

Human Services Agency

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## 48. Commercially Sexually Exploited Children

### LEGISLATIVE ISSUES

**Issue:** Traffickers are known to target youth because of their unique vulnerabilities and accessibility. The children who fall prey to traffickers frequently have prior involvement with child sexual abuse (70%-90%). Treating Commercially Sexually Exploited Children (CSEC) as victims of child abuse instead of putting them in the juvenile justice courts, affords the State child welfare agency an opportunity to provide support services to this uniquely vulnerable population.

**Legislative Platform:** Support legislation and/or budgetary proposals that would foster multi-system responses for specialized placements, resources, and protective services to support the needs of the CSEC.

**Background:** CSEC is defined as the sexual abuse of a minor primarily, or entirely, for economic reasons, and is of significant concern to the child welfare system. Currently, CSEC victims are being identified by various agencies within the community; however, there is a lack of specialized placements, resources, and protective services in place to support their needs. CSEC is a complex problem that requires a multi-system response working collaboratively to address the issue at all levels.

This is a global industry and one of the world's most profitable criminal activities. Within the United States, California has emerged as a magnet for sex trafficking of children. The FBI has identified San Francisco, Los Angeles and San Diego as three of the nation's high intensity child prostitution areas. San Joaquin County's proximity to San Francisco, I-5 and Hwy 99 make it a hub for traffickers to recruit, use, and transport CSEC youth along the track as it is referred by traffickers. San Joaquin County recognizes that there is a limited amount of data to identify the prevalence of CSEC within the community.

The issue of CSEC remains and is one that local services and systems frequently encounter. The creation of evidence-based interventions and practices that promote positive outcomes specifically targeted to this population's needs is required. Traffickers prey on children and youth with low self-esteem and minimal social support which is prevalent among foster youth, homeless youth, and runaways. Traffickers recruit in public places, youth shelters, schools, group homes, and the internet. Based on these factors, there is a need for increased public awareness and service provider/first responder education. There is more awareness about females being exploited, however, under-identification of males and lesbian, gay, bisexual, transgender, and questioning youth are also being victimized. The development of screening and/or assessment tools, intake by first responders, and outreach will also be necessary.

Human Services Agency

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## 49. Help America Vote Act

### LEGISLATIVE ISSUES

**Issue:** States and counties throughout the United States are now looking to replace their aging voting systems. Current systems are beyond their end-of-life and maintenance, with replacements parts often unavailable, thereby requiring the costly replacement of voting systems.

**Legislative Platform:** Support legislation, budgetary, and/or funding proposals that would facilitate the replacement of aging voting systems for improved public access.

**Background:** On October 29, 2002 Congress passed the Help America Vote Act (HAVA) to make sweeping reforms to the nation's voting process. Through HAVA, California was allocated approximately \$200 million to improve its voting systems and enhance voter access. San Joaquin County purchased what was then, a state-of-the-art voting system, which allowed visually impaired voters as well as others to vote electronically.

The County, the State of California, as well as other states and counties across the United States, are all suffering from the same issue. Voting equipment currently in use, is well beyond its end-of-life and maintenance, with parts no longer available for maintenance of these systems. The County is requesting the allocation of federal funding to states and counties to purchase commercial, off-the-shelf voting systems.

Information Systems Division

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## 50. Resource Sharing Programs for California Library Services Act

### LEGISLATIVE ISSUES

**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 State-mandated program approved by the State to reimburse local libraries for providing these loan services. Program costs for 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, since TBR budgets have 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 City of 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 Services

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## 51. Bond Funding for Public Libraries

### LEGISLATIVE ISSUES

**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 libraries 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 Services

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## 52. State Funding for Public Library Services

### LEGISLATIVE ISSUES

**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 target 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 Services

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## 53. California Library Literacy Services

### LEGISLATIVE ISSUES

**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. Library Literacy Services 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.

#### Library Services

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## 54. Alcohol Ban on portions of the Mokelumne River

### LEGISLATIVE ISSUES

**Issue:** Consumption of alcoholic beverages while recreating on the Mokelumne River upstream of Stillman L. Magee Park is unsafe, has caused fatalities, and has required additional river rescues.

**Legislative Platform:** Seek and support legislative and/or regulatory amendments to existing legislation to impose restrictions on the consumption of alcoholic beverages from the Mokelumne River Day Use Area (MRDUA) below Lake Camanche Dam to Stillman L. Magee Park, during high recreational use periods.

**Background:** The Mokelumne River, in the segment below Lake Camanche Dam to Stillman L. Magee Park, has significant recreational floating traffic. The consumption of alcoholic beverages poses significant safety hazards in this stretch of river. In years past, there have been fatalities requiring County Sheriff and Clements Fire District to perform on-water rescue missions and recovery missions. The river can be a dangerous place, with swift currents and frequent snags. Consumption of alcohol can impair judgment and motor skills which are critical for safe passage down the river.

In addition, consumption of alcoholic beverages on the river increases littering. During the annual river clean up, a significant number of alcoholic beverage containers are retrieved. Reducing litter will improve the environment of the river for all users. Persons who consume alcoholic beverages on the river have been reported to be disruptive, thereby discouraging a family atmosphere. An alcohol ban would encourage a family atmosphere along the river.

Currently, the consumption of alcoholic beverages is banned on portions of the Lower American, Truckee, and Sacramento Rivers, all in areas of significant recreational floating use during the summer months. These rivers only ban alcohol during summer holiday periods when alcohol is banned on the land portion. However, San Joaquin County is seeking a ban for the entire summer period when rafting occurs on the river. It is a safety hazard to possess alcohol any day during the rafting season on this portion of the Mokelumne River.

Currently, alcohol is banned in Stillman L. Magee Park during the period from May 15<sup>th</sup> to September 15<sup>th</sup> each year, however, is not banned in the Mokelumne River Day Use Area (MRDUA). The East Bay Municipal Utility District operates the MRDUA and is supportive of an alcohol ban on the river at the launching areas in the MRDUA. In addition, the San Joaquin County Sheriff and the Clements Fire District anticipate a reduction in rescue and recovery missions with an alcohol ban on the river.

#### Parks and Recreation

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## Water Resources

### LEGISLATIVE/REGULATORY POLICY GUIDELINES

- 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.

#### Public Works

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

### LEGISLATIVE ISSUES

#### Legislative Project Appropriations Request:

Seek, advocate, and support legislation and/or budgetary proposals which would:

1. Seek local, State, and federal support for the project concepts provided in the County's amended Water Right Applications 29835 and 29657; and
2. Seek State and federal grant funding for local and regional conjunctive use projects on the Mokelumne River, and also from other water supply sources including the Stanislaus, Calaveras, Sacramento, and American Rivers, and local creeks and sloughs; and
3. Advocate for the utilization and protection of surface water rights and entitlements from the Mokelumne River and other water sources, to enhance recovery of groundwater levels and to increase groundwater storage in the underlying basin; and
4. Oppose the State and federal Wild and Scenic Rivers designations (Appendix I) and/or similar legislation that would restrict stream segment utilization and prevent the development of future water supply, flood protection and ecosystem needs of San Joaquin County and other communities throughout the Mokelumne River Watershed.

**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 and improves water supply reliability for project participants both locally and regionally.

The underlying groundwater basin in eastern San Joaquin County is the primary source of water for farms and residents. In 1980, the Eastern San Joaquin County Groundwater Basin was at one time characterized by the State Department of Water Resources as being in "critical groundwater overdraft" and unsustainable. Since then, market forces, technology and cultural practices have resulted in more efficient use of groundwater and surface water. Groundwater pumping today is approximately 70% of the historical average. Today, through investments totaling over \$700 million in projects and water use efficiency practices, County stakeholders are able to refer to the underlying basin as "in recovery" and are continuing to work towards sustainability.

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

### LEGISLATIVE ISSUES (*CONTINUED*)

**Groundwater Resources Management Report:** In 2013, the County initiated an evaluation entitled *Groundwater Resources Management Report: Documentation of Duck Creek Reservoir Feasibility and Recommended Surface Water Entitlement Program* (Management Report). The purpose of the Management Report was to evaluate the feasibility of Duck Creek Reservoir and recommend a strategy going forward for both Water Right Applications 29835 and 29657.

Diversions from the Mokelumne and American Rivers have significant technical, environmental, institutional and legal issues, which have been over a number of years. The most recent evaluations are contained in the following reports as funded by the County:

- *Freeport Element of the American River Use Strategy: Phase I Draft Feasibility Study Volume I: Report, GEI Consultants, August 2011*
- *Environmental Constraints Analysis, HDR, October 2011*
- *Initial Geotechnical Study, Duck Creek Reservoir, HDR, May 2012*

The Management Report concluded that proceeding with Duck Creek Reservoir appears to be infeasible at this time due to a number of identified issue areas: protected and endangered species in the reservoir area; the junior priority of the County to divert only after the senior water rights of East Bay Municipal Utility District (EBMUD) are fulfilled; high dam construction costs due to leaky native soils; and the high cost of planning and engineering prior to construction. It is estimated that planning and engineering costs prior to construction could total \$14 million with additional construction and mitigation costing near \$750 million.

The Management Report is also careful to point out that the use and connotation of the term “in recovery” may be misinterpreted to suggest that additional groundwater management actions including the use of additional surface supplies are unnecessary. Such a suggestion does not take into account a range of future conditions that are foreseen, remotely possible, and/or completely unpredictable. Several identified risks include:

- *Prolonged Droughts* – Extended drought periods could reverse recent gains in groundwater levels and induce groundwater level declines that would require additional groundwater management actions and/or projects in the future; and
- *Regulatory Induced Droughts* – Curtailment of existing surface water right entitlements or contracts including non-renewal or reallocation to another purpose could reduce surface water deliveries. This scenario would trigger a direct increase in groundwater pumping to meet agricultural and urban demands. The State Water Board proposes to increase the amount of flow required in the Stanislaus River to better mimic natural runoff patterns for the benefit of fish. This proposal, if implemented, jeopardizes water supply contracts for New



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

### LEGISLATIVE ISSUES (*CONTINUED*)

Melones Reservoir water held by Stockton East Water District (SEWD) and Central San Joaquin Water Conservation District; and

- *Conversion of Grazing Land to Irrigated Agriculture* – It is estimated that dormant groundwater demand exists for approximately 70,000 acres of unirrigated pasture land in Eastern San Joaquin County; conversion may result in the planting of vines or olives in the future. An estimated water demand of 1.5 acre-feet of water per acre could increase groundwater demands by approximately 105,000 acre-feet per year. The potential increase due to future exercise of dormant groundwater pumping would still represent groundwater demands at 75% of the historical 1976-1996 average.

The Management Report concludes that Applications 29835 and 29657 should be amended to remove the proposed Duck Creek Reservoir as a storage site and instead focus on utilizing existing and expanded infrastructure to divert Mokelumne and American River Water to eastern San Joaquin County. Existing infrastructure includes the North San Joaquin Water Conservation District (NSJWCD) South System and the Mokelumne Aqueduct and Freeport Regional Water Project when excess capacity exists. New infrastructure includes replacing the NSJWCD South and North Systems with larger capacities to convey water under NSJWCD's existing water right as well as under Applications 29835 and 29657.

**Water Right Applications:** The County originally filed Water Right Application 29835 with the State Water Resources Control Board (State Water Board) in 1990, to divert the Mokelumne River system for the purpose of recharging the underlying groundwater basin and to provide agricultural and municipal users surface water in lieu of groundwater. In addition, a second water right filing also filed in 1990, Water Right Application 29657, was made on the American River which was intended to divert unappropriated flows in wet years from the South Fork of the American River upstream of Folsom Reservoir, or from Nimbus Lake on the Lower American River.

Water Right Applications 29835 and 29657 provide the basis for the MORE Water Project. At the time of filing, the MORE Water Project description consisted of direct diversions from the Lower Mokelumne River between Camanche Reservoir and Interstate 5 as well as a diversion from Pardee Reservoir to the proposed 150,000 acre-feet Duck Creek Reservoir just north of Bellota on Highway 26. Application 29657 was amended previously to utilize excess capacity in the Freeport Regional Water Project to divert American River water to Eastern San Joaquin County and also the proposed Duck Creek Reservoir.

On June 24, 2014 both Applications 29835 and 29657 were amended by the Board of Supervisors and subsequently submitted to the State Water Board. The proposed Duck Creek Reservoir Alternative was removed from both water right applications as part of the amendment





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

### LEGISLATIVE ISSUES (*CONTINUED*)

process citing viability and feasibility issues. The following section describes the analysis which supported the water right application amendments.

**Inter-Regional Conjunctive Use and Watershed Efforts:** On September 24, 2013, EBMUD and the County entered into a Memorandum of Agreement (MOA) for the development of a Groundwater Banking Demonstration Project (Demonstration Project) and have also executed a cost-share agreement for the Project development phase. EBMUD and the County may be uniquely positioned to seek State and federal funding for the Demonstration Project citing the inter-regional and groundwater storage aspects of the Project and may choose to advocate for funding and permit approvals.

On November 25, 2014, EBMUD, NSJWCD, SEWD, Central Delta Water Agency, South Delta Water Agency and the County executed an agreement to mutually dismiss all objections on various pending water right matters before the State Water Board. Under the agreement, EBMUD will provide up to \$4 million for the Demonstration Project. Of the \$4 million, \$1.75 million will go towards improvements to NSJWCD's conveyance system which would greatly assist in the delivery of NSJWCD's Mokelumne River Water entitlements and also water for the Demonstration Project. EBMUD has also agreed to provide additional water to NSJWCD and SEWD and assist the County by storing water under Water Application 29835 seasonally in Camanche Reservoir. The Demonstration Project development phase is underway with permitting and design commencing in 2015 with possible construction and operation in 2016.

The County actively participates in local and regional efforts to support the MORE Water Project. In 2005, a number of agencies representing Upper and Lower Mokelumne River interests created the Mokelumne River Forum to cooperatively identify conjunctive use projects and storage projects that would yield additional water supply benefits for the entire region.

In 2012, the Upper Mokelumne River Watershed Authority and the Eastern San Joaquin County Groundwater Basin Authority were awarded an \$878,605 Proposition 84 Integrated Regional Water Management Grant for the Mokelumne Watershed Investigation and Sustainability Evaluation Program (Mokelumne WISE). Many of the same participants from the Mokelumne River Forum are participants in the Mokelumne Collaborative Group as well as a number of non-governmental organizations with interests including the protection of fisheries, recreation, forestry, and other ecosystem services within the watershed. The Mokelumne Program, when concluded, is expected to yield a scientifically-based and broadly-supported water resources program that includes comprehensive and sustainable approaches to water resources management in the Mokelumne River watershed. (See [www.mokewise.org](http://www.mokewise.org))





## 56. Groundwater Management and Conjunctive Use

### LEGISLATIVE ISSUES

**Issue:** The Eastern San Joaquin Groundwater Basin has been designated by the State as “high priority” requiring a groundwater sustainability plan per the passage Groundwater Sustainability Act of 2014.

**Legislative Platform:**

Seek, advocate, and support legislation and/or budgetary proposals which would:

1. Advocate for groundwater management clean-up legislation consistent with the Policy Statement and Recommendations Regarding Proposed Groundwater Management Reform as adopted by the Board of Supervisors on June 10, 2014 (Appendix J); and
2. Provide State funding for compliance with the Sustainable Groundwater Act of 2014 and to implement local conjunctive use projects; and
3. Provide State Bond funding through Propositions (1E), (84), and (1) for groundwater management and conjunctive use activities and projects; and
4. Seek and support legislative or regulatory efforts to streamline State and federal regulatory permitting processes for aquifer storage and recovery and other groundwater recharge or conjunctive use projects.

**Background:** San Joaquin County maintains a groundwater management program that closely monitors State and federal legislative reform as part of a comprehensive local groundwater management program. The County believes this is a critical component in addressing comprehensive water management both locally and throughout the State. Over the last several decades, local stakeholders have individually and collaboratively implemented successful groundwater management projects with substantial and measureable benefit to the underlying basin. Local management of the underlying basin has resulted in measurable increases in groundwater levels and has increased drought reliability of groundwater supplies. Local governance by local stakeholders who are collectively dependent on the health of the underlying basin is essential to successful groundwater management.

In State Bulletin 118 released by the Department of Water Resources (DWR) in 1980, the Eastern San Joaquin County Groundwater Sub-basin was characterized by the State as being in “critical groundwater overdraft” which is defined as unsustainable. Since 1980, local stakeholders have

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## 56. Groundwater Management and Conjunctive Use

### LEGISLATIVE ISSUES (*CONTINUED*)

implemented over \$700 million in water resources projects which have increased surface water distribution and use and decreased stress on the underlying basin. Today, the underlying basin has seen measureable increases in groundwater levels due to these investments in surface water projects and evolving water use efficiency practices. Local stakeholders now describe the underling basin as being “in recovery”.

The Groundwater Sustainability Act of 2014 was passed during the 2013-2014 State Legislative Session and signed by the Governor (SB 1168, AB 1739, and SB 1319). The Groundwater Sustainability Act of 2014, described as comprehensive and supportive of local control, requires that DWR adopt regulations for local management of groundwater basins, in accordance with existing adopted Groundwater Sustainability Plans. The legislation also indicates that if local agencies do not elect to manage groundwater basins, the State Water Resources Control Board and DWR would have the authority to manage basins in the interim. DWR is also to maintain a list of priority groundwater basin designations defining basin as low, medium, or high priority. The Eastern San Joaquin Groundwater Sub-basin is considered by DWR to be a high priority basin and also in critical groundwater overdraft per DWR Bulletin 118, released in 1980.



## 57. Integrated Regional Water Management Plan Funding and Implementation, Eliminate the Competitive Grant Funding Process

### LEGISLATIVE ISSUES

**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:** 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. The passage of Proposition 1 in November 2014 is an opportunity to advocate for the implementation of the proposed non-competitive direct funding strategy.

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## 58. Invasive Weeds

### LEGISLATIVE ISSUES

**Issue:** Invasive weeds choke Delta waterways and impede flow causing degradation of water quality and quantity in channels and canals which impacts irrigation and at times completely stifles the ability to divert water at all. Large mats of water hyacinth are also extremely good breeding grounds and hiding places for mosquitoes, which has challenged local mosquito and vector control agencies to control the spread of the West Nile Virus, which is potentially deadly when contracted through mosquito bites. At times water hyacinth mats impede night time navigation of water-ways and create dangerous situations for large barges and ships trying to access the Port of Stockton. The spread of the giant reed in local waterways has also challenged levee maintenance agencies to keep channels from being clogged and choked during times of floods.

**Legislative Platform:** Advocate and support increased funding for research and the development and implementation of a long-term invasive weeds management strategy.

**Background:** San Joaquin County continues to advocate for a comprehensive long-term strategy for eradication of invasive weeds. Invasive aquatic weeds such as submerged Brazilian waterweed (*Egeria densa*), floating water hyacinth (*Eichhorja crassipes*) and emergent giant reed (*Arundo donax*), are a few of the most prolific and damaging invasive plant species in the Delta. The California Department of Boating and Waterways has limited resources and permissions to control and eliminate the threat of these invasive aquatic weeds. In recent years, water hyacinth mats occupied several miles of channels and canals and in some cases from bank to bank, literally choking off access to irrigation. Currently, herbicides are applied at key times of the year under strict conditions from State and federal regulators.

Cooperation between the United States Department of Agriculture (USDA), the Department of Boating and Waterways, and other regulatory agencies have been focused mainly on permitted spraying programs throughout the Delta. Recent inclusion of USDA and National Aeronautics Space Administration researchers has been crucial to developing a science-based, comprehensive management approach to integrated pest and invasive weed management. Efforts to implement these strategies must be increased and include additional coordination across multiple jurisdictions and disciplines, local governments, State and federal regulatory agencies and local stakeholders, culminating in a sustainable, long-term and fundable integrated pest and invasive weed management strategy.

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## Flood Protection

### LEGISLATIVE/REGULATORY POLICY GUIDELINES

- 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.

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## 59. 2007 Flood Protection Legislative Package

### LEGISLATIVE ISSUES

**Issue:** Unrealistic compliance 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 compliance 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. These bills include:

- **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 (CVFPP) by 2012, and establishes flood protection requirements for local land-use decisions consistent with the CVFPP.
- **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 adoption of the CVFPP.

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

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## 59. 2007 Flood Protection Legislative Package

### LEGISLATIVE ISSUES (*CONTINUED*)

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.





## 60. Coordination of State and Federal Levee Infrastructure Inspection Efforts

### LEGISLATIVE ISSUES

**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, 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: 1) Joint federal and State local inspections; 2) Consistent inspection criteria to be applied; and 3) Recognition of reasonable 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, which can result in the temporary loss of funding eligibility. Coordinated levee inspection efforts would reduce costs associated with responding to inspection reports and would likely reduce overall levee maintenance costs.

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## 61. Proposition 218 Revisions: Stormwater and Flood Control Charges and Fees

### LEGISLATIVE ISSUES

**Issue:** Stormwater and flood control are not exempt from the ballot requirements of Proposition 218.

**Legislative Platform:** Seek and support legislative or regulatory action which would allow for stormwater 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.

**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 stormwater, 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, stormwater, and flood control. Moreover, State mandates relating to clean stormwater 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.

Local levee maintaining agencies for communities participating in the Federal Emergency Management Agency National Flood Insurance Program (FEMA NFIP) are challenged to maintain 100-year flood protection. If 100-year flood protection standards are not met due to newly developed levee standards and increasing maintenance requirements, significant portions of communities would be required to purchase flood insurance. This has created a situation where local dollars are leaving the community to pay into the NFIP, instead of being used to fund local flood protection improvements. An exemption to Proposition 218 would allow local agencies to raise the funds necessary to meet FEMA NFIP requirements for 100-year protection and keep local funds in the community to actually go towards improved local flood management infrastructure. In addition, communities are also mandated to provide 200-year protection as required by State law.

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 addition, these fees are also used to fund National Pollution Discharge Elimination System (NPDES) Permit requirements dictated to Counties and Cities via the State. In some counties, requests for increases in assessments through the balloting process have failed, resulting in a reduction in the level of stormwater services for specified areas. In addition, storm water pollution, which can contaminate

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## 61. Proposition 218 Revisions: Stormwater and Flood Control Charges and Fees

### LEGISLATIVE ISSUES (*CONTINUED*)

drinking water, beaches, and endanger public health, faces steadily increasing treatment costs without the ability to increase fees to pay for the needed services. Continuing to underfund storm drainage and stormwater quality utilities creates liability for cities and counties. Failure to meet State and federal stormwater mandates can result in a lawsuit under the Clean Water Act citizen suit provision.



## 62. Proposition 218 Revisions: Small Water and Sanitary Sewer District Charges and Fees

### LEGISLATIVE ISSUES

**Issue:** Proposition 218 requirements can prevent adequate funding of essential services in some water and sewer districts where the small number of property owners make it easy to prevent fee increases by majority protest.

**Legislative Platform:** Seek and support legislative and/or regulatory action which would: 1) define small water and sewer districts; 2) allow some means of raising fees adequate to cover actual costs of providing essential health and safety services after a fee increase is defeated by a majority protest, or alternatively; 3) establishing a streamlined process for privatizing services, reducing services levels, or dissolving a special district when property owners refuse to approve a rate structure adequate to fund provision of water and sewer service; and 4) fund water and sanitary sewer services 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, fees and charges be approved by voters/property owners.

Proposition 218 recognizes the essential nature of water and sanitary sewer service by establishing a special protest process for proposed fee or charge increases. The protest procedure works well for large utilities because it is relatively difficult to mount a majority protest to prevent the governing body from approving a proposed fee or charge increase. This does not hold true for small districts, where it only takes small number of district participants register a majority protest. This has led to some districts being unable to increase fees as expenses increase, which results in insufficient revenue to provide essential services. Many of these districts have aging infrastructure, and require either capital replacement or intensive maintenance and repair. If the constituents of a small water or sewer district repeatedly mount a majority protest to prevent the governing body from raising sufficient revenue to provide water or sanitary sewer service, the governing body must either be able to relieve itself of the responsibility to provide these services or have an alternative process to raise fees despite the majority protest.

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# Transportation

## LEGISLATIVE/REGULATORY POLICY GUIDELINES

- 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 in support of a sustainable, long-term solution to ensure the solvency of the Highway Trust Fund.
- 4) 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.
- 5) Continue to support legislation and/or budgetary proposals which would provide dedicated funding to address local transportation needs.
- 6) Seek and support federal reauthorization of MAP-21 or a new federal transportation bill, which would include adequate funding.

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## 63. Top Ten Transportation Projects

### LEGISLATIVE PROJECTS

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

#	PROJECT	FUNDING REQUEST	DESCRIPTION
1	<b>State Route 4 Corridor Improvements</b>	\$5 million	Planning and Engineering studies, right of way acquisition and project design to widen State Route 4 from 2 to 4 lanes. Project limits include 1 major bridge at Middle River. Project length is approximately 16
2	<b>Grant Line Road and Kasson Road Improvements</b>	\$20 million	Widen existing or new alignment for 2 to 4-6 lane roadway, add curb, gutter and sidewalk in select locations, and add paved shoulders for a Class III Bike Route as shown in the San Joaquin County Bike Plan.
3	<b>Thornton Road Improvements</b>	\$4.47 million	Widen from 4 to 6 lanes, add curb, gutter and sidewalk, and stripe for Class II Bike Lanes where required by the San Joaquin County Bike Plan.
4	<b>Eleventh Street Corridor Improvements</b>	\$9.5 million	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.
5	<b>Lower Sacramento Road Railroad Crossing Improvements</b>	\$15 million	Improve safety and traffic operations at the Lower Sacramento Road railroad crossing near Woodson.
6	<b>State Route 12/88 Improvements (Lockeford Bypass)</b>	\$5 million	Project to provide 4 lanes (2 lanes EB and 2 lanes WB) from State Route 12/88 west to State Route 12/88 east. Ultimate alternative selected may include multiple minor structures. Project length is
7	<b>Escalon Bellota Road</b>	\$1 million	Preliminary engineering to widen from 2 to 3 lanes/5 lanes and add 8' shoulders.
8	<b>Byron Highway (State Route 239)</b>	\$1 million	Preliminary engineering for widening the corridor to 4 lanes and 2 potential overpass projects at Mountain House Parkway and Central Parkway. TIER II - 2004 SJCOG RTP PROJECT LIST (Overpasses are Tier II - 2007 SJCOG RTP Project List, but considered Mountain House jurisdiction)
9	<b>Mariposa Road (Austin Road to Jack Tone Road)</b>	\$1 million	Preliminary engineering to widen from 2 to 3 lanes/5 lanes and add 8' shoulders.
10	<b>Mariposa Road (Jack Tone Road to Escalon-Bellota Road)</b>	\$1 million	Preliminary engineering to widen from 2 to 3 lanes/5 lanes and add 8' shoulders.

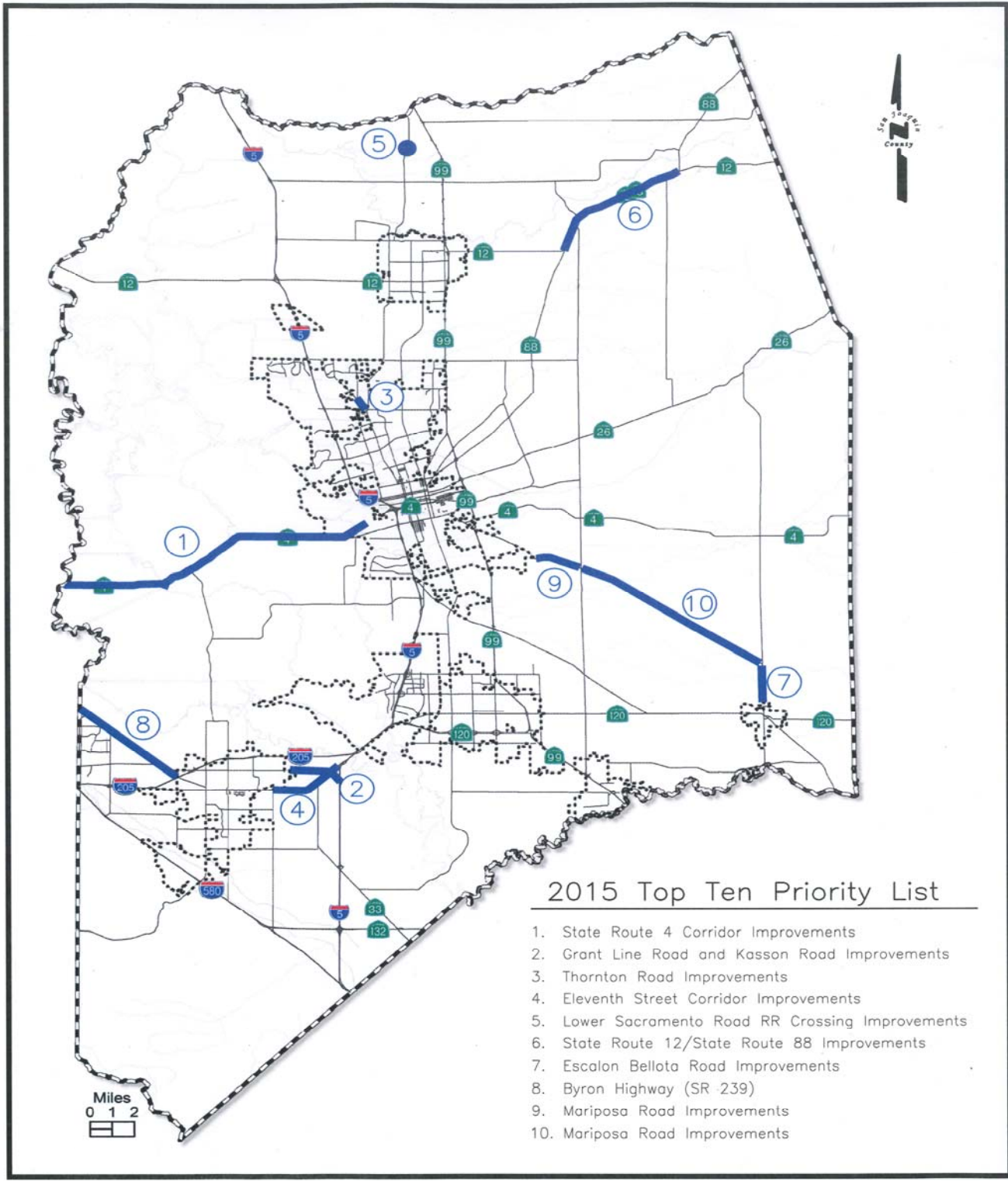
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# 63. Top Ten Transportation Projects

## LEGISLATIVE PROJECTS (CONTINUED)







## 64. Local Road and Bridge Maintenance Backlog

### LEGISLATIVE ISSUES

**Issue:** County transportation financing needs exceed existing and foreseeable revenues, requiring additional funding to respond to significant growth in 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:

- \$209 million in pavement maintenance;
- \$230 million in bridge maintenance; and
- \$229 million in essential components (signs, signals, sidewalks, storm drains etc.)

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)***

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## Solid Waste

### LEGISLATIVE/REGULATORY POLICY GUIDELINES

- 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”).

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## Solid Waste

### LEGISLATIVE/REGULATORY POLICY GUIDELINES (*CONTINUED*)

- 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.



## 65. Illegal Dumping

### LEGISLATIVE ISSUES

**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

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## 66. Extended Producer Responsibility for Product Disposal

### LEGISLATIVE ISSUES

**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.

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## 67. California Labor Code 1771

### LEGISLATIVE ISSUES

**Issue:** 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.

#### Purchasing & Support Services

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*2015-2016 Adopted State Legislative/Regulatory Platform and Policy Guidelines*





**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 Adopted: July 24, 2012

## APPENDICES

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 Adopting a Statement of Principles Regarding the Bay Delta Conservation Plan **Adopted: July 24, 2012**

### APPENDICES

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 Adopting a Statement of Principles Regarding the Bay Delta Conservation Plan **Adopted: July 24, 2012**

### APPENDICES

- 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 Adopting a Statement of Principles Regarding the Bay Delta Conservation Plan Adopted: July 24, 2012

### APPENDICES


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 A (Attachment 1)

**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 **Adopted: July 24, 2012**

### APPENDICES

## San Joaquin County



### Principles Regarding the Bay Delta Conservation Plan

(July 24, 2012)

#### Attachment 1

##### Preliminary San Joaquin County Project List

- A. Flood Gates along the "Western Front" of the Stockton Metropolitan Area – Installation of flood gates to prevent flows backing up into sloughs/canals to the east during water events in the Delta. Would provide increased flood protection to urban areas along the westerly portion of the Stockton Metropolitan area by relieving flood pressure on upstream levees. Gates would be installed at the mouths of sloughs and canals, including the Smith Canal, Five Mile Slough and Fourteen Mile Slough.
- B. Improvements to Existing Levees along the "Western Front" –Completion of the Lower San Joaquin River Feasibility Study and Improvement of existing levees along the western boundary of the Stockton Metropolitan area to prevent flooding of urban areas from high Delta waters. Would provide a minimum 200-year level protection for the area. Also, would include ecosystem enhancements and recreational improvements.
- C. San Joaquin County Integrated Regional Water Management Plan – Implementation of projects identified in San Joaquin County's adopted IRWMP.
- D. BDCP Impact Studies – Studies related to various impacts of the BDCP on San Joaquin County, including but not limited to economic, social, and environmental impacts.





**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  
 Adopted: November 20, 2012

**APPENDICES**

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

Adopted: November 20, 2012

### APPENDICES

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  
Adopted: November 20, 2012

### APPENDICES

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 (Attachment 1)

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

Adopted: November 20, 2012

### APPENDICES

#### 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 (Attachment 1)

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

Adopted: November 20, 2012

### APPENDICES

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.

Ashley Swearingin  
Chair

Corwin Harper  
Deputy Chair





## APPENDIX B (Attachment 1)

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

Adopted: November 20, 2012

### APPENDICES

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 (Attachment 3)

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

Adopted: November 20, 2012

### APPENDICES

#### 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 (Attachment 3)

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

Adopted: November 20, 2012

### APPENDICES

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 (Attachment 3)

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  
Adopted: November 20, 2012

### APPENDICES

#### **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 (Attachment 3)

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

Adopted: November 20, 2012

### APPENDICES

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 (Attachment 4)

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

Adopted: November 20, 2012

### APPENDICES

#### 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 (Attachment 4)

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

Adopted: November 20, 2012

### APPENDICES

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





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

### APPENDICES



## SAN JOAQUIN COUNTY Supports "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

## APPENDICES

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 out of 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?





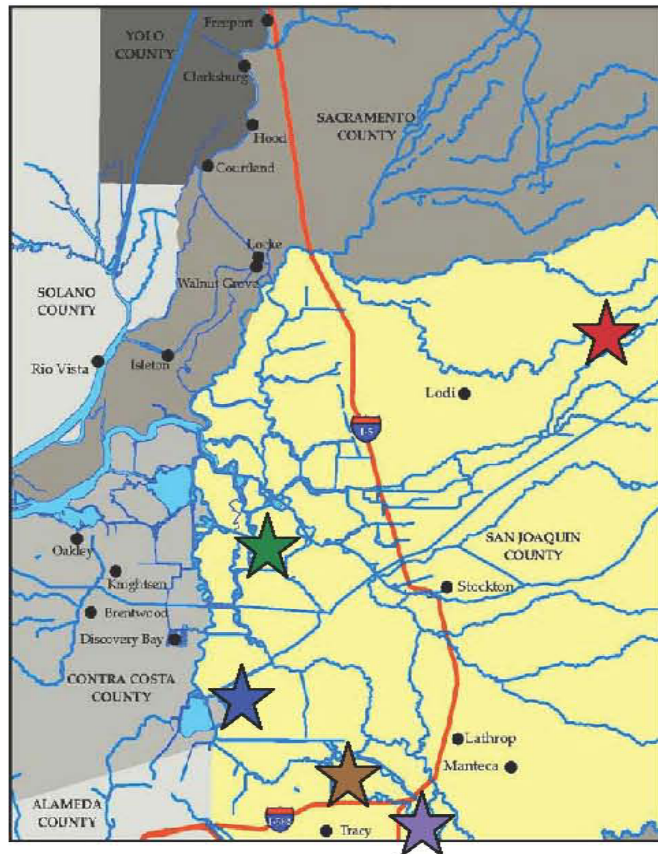
## APPENDIX C (continued)

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

#### APPENDICES

**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

## APPENDICES

**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.





R-10-409: Amended and Restated Multi-County Resolution on Water and Delta Related Issues Adopted: July 13, 2010

**APPENDICES**

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

R E S O L U T I O N

R-10- 409

AMENDED AND RESTATED MULTI-COUNTY RESOLUTION ON WATER AND  
DELTA RELATED ISSUES

This Amended and Restated Resolution is effective upon passage by the COUNTIES OF CONTRA COSTA, SACRAMENTO, SOLANO, YOLO AND SAN JOAQUIN, political subdivisions of the State of California, hereinafter collectively referred to as "the COUNTIES."

RECITALS

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



## APPENDIX D (continued)

R-10-409: Amended and Restated Multi-County Resolution on Water and Delta Related Issues Adopted: July 13, 2010

### APPENDICES

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;
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 D (continued)

R-10-409: Amended and Restated Multi-County Resolution on Water and Delta Related Issues Adopted: July 13, 2010

### APPENDICES

PASSED AND ADOPTED this 7/13/10 by the following vote of the Board of Supervisors, to wit:

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

NOES: **None**

ABSENT: **Bestolarides**

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

CARLOS VILLAPUDUA, Chairman  
Board of Supervisors  
County of San Joaquin,  
State of California

By Caroline Jones  
Deputy Clerk



WR-10F008-R3



The California Partnership for San Joaquin Valley – Resolution in Support of the Partnership-Sponsored Integrated Regional Water Management Plan Framework  
 Adopted: October 22, 2009

## APPENDICES



California Partnership for the  
 San Joaquin Valley

### A RESOLUTION OF THE CALIFORNIA PARTNERSHIP FOR THE SAN JOAQUIN VALLEY 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

5010 N Woodrow Ave.  
 2nd Floor, M/S WC 142  
 Fresno, California 93740

559.294.6021 T  
 559.294.6024 F

[www.sjvpartnership.org](http://www.sjvpartnership.org)



## APPENDIX E (continued)

The California Partnership for San Joaquin Valley – Resolution in Support of the Partnership-Sponsored Integrated Regional Water Management Plan Framework  
Adopted: October 22, 2009

### APPENDICES

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

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.

PASSED, APPROVED, and ADOPTED this October 22, 2009, by the Board of Directors of the California Partnership for the San Joaquin Valley.

Fritz Grupe, Deputy Chair

Ashley Swearingin, Deputy Chair





**R-08-649: Resolution With Respect to Delta Actions and Activities Concerning the Delta Vision and the Bay Delta Conservation Plan Adopted: November 4, 2008**

**APPENDICES**

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

RESOLUTION

649  
R-08-\_\_\_\_\_

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



## APPENDIX F (continued)

R-08-649: Resolution With Respect to Delta Actions and Activities Concerning the Delta Vision and the Bay Delta Conservation Plan Adopted: November 4, 2008

### APPENDICES

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

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



## APPENDIX F (continued)

R-08-649: Resolution With Respect to Delta Actions and Activities Concerning the Delta Vision and the Bay Delta Conservation Plan Adopted: November 4, 2008

### APPENDICES

#### R-08-649

Strategic Plan and the Bay Delta Conservation Plan to ensure that those Plans do not 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.

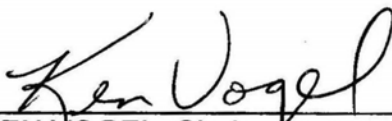
PASSED AND ADOPTED 11/4/08, by the following vote of the Board of Supervisors, to wit:

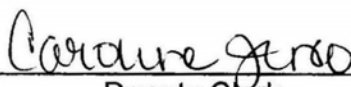
AYES: **Ruhstaller, Ornellas, Gutierrez, Mow, Vogel**

NOES: **None**

ABSENT: **None**

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

  
KEN VOGEL, Chairman  
of the Board of Supervisors  
County of San Joaquin,  
State of California

By  (SEAL)  
Deputy Clerk



AD-8J060-R3





R-08-269: Resolution Opposing the Delta Vision Blue Ribbon Task Force Recommendations for the Sacramento-San Joaquin River Delta  
 Adopted: May 13, 2008

**APPENDICES**

BEFORE THE BOARD OF SUPERVISORS OF THE SAN JOAQUIN COUNTY  
 FLOOD CONTROL AND WATER CONSERVATION DISTRICT  
 STATE OF CALIFORNIA

RESOLUTION

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,



## APPENDIX G (continued)

R-08-269: Resolution Opposing the Delta Vision Blue Ribbon Task Force Recommendations for the Sacramento-San Joaquin River Delta  
Adopted: May 13, 2008

### APPENDICES

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,

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:

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,





## APPENDIX G (continued)

R-08-269: Resolution Opposing the Delta Vision Blue Ribbon Task Force Recommendations for the Sacramento-San Joaquin River Delta  
Adopted: May 13, 2008

### APPENDICES

#### R-08-269

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 the 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.

PASSED AND ADOPTED 5/13/08, by the following vote of the Board of Supervisors, to wit:

AYES: **Ruhstaller, Ornellas, Gutierrez, Mow, Vogel**


NOES: **None**

ABSENT: **None**

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

By  Deputy Clerk



  
KEN VOGEL, Chairman  
Board of Supervisors  
of the San Joaquin County Flood Control  
and Water Conservation District,  
State of California

WR-8D071-T3





## APPENDIX G (continued)

R-08-269: Resolution Opposing the Delta Vision Blue Ribbon Task Force Recommendations for the Sacramento-San Joaquin River Delta  
Adopted: May 13, 2008

### APPENDICES

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.

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



R-07-534: Resolution Opposing the Development of a Peripheral Canal or Isolated Water Conveyance Facility by California Water Interest Adopted: September 8, 2007

## APPENDICES

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

### R E S O L U T I O N

R-07- 534

### RESOLUTION OPPOSING THE DEVELOPMENT OF A PERIPHERAL CANAL, OR ISOLATED WATER CONVEYANCE FACILITY BY CALIFORNIA WATER INTERESTS

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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

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## APPENDIX H (continued)

R-07-534: Resolution Opposing the Development of a Peripheral Canal or Isolated Water Conveyance Facility by California Water Interest Adopted: September 8, 2007

### APPENDICES

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,

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 the 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 H (continued)

R-07-534: Resolution Opposing the Development of a Peripheral Canal or Isolated Water Conveyance Facility by California Water Interest Adopted September 8, 2007

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R-07-534

PASSED AND ADOPTED this 9/18/07, by the following vote of the Board of Supervisors, to wit:

AYES: VOGEL, RUHSTALLER, ORNELLAS, GUTIERREZ, MOW

NOES: NONE

ABSENT: NONE

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

By  Deputy Clerk



Victor Mow, Chairman  
Board of Supervisors  
San Joaquin County Flood Control  
and Water Conservation District  
State of California

PERIPHERAL-RESO DOC



R-14-81: A resolution adopting a Board position to Oppose California State Senate Bill 1199 and the designation of wild and scenic for the purposes of restricting critical water resource planning needs on the Mokelumne River.  
 Adopted: June 10, 2014

**APPENDICES**

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

RESOLUTION

R-14 - 81

RESOLUTION OPPOSING SENATE BILL 1199  
WILD AND SCENIC RIVERS: MOKELUMNE RIVER

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WHEREAS, Senate Bill 1199 (SB 1199), authored by California State Senator Hancock and amended on May 6, 2014, and proposes "wild and scenic" designation for parts of the North and Middle Forks of the Mokelumne River and extending downstream to the upper extent of the inundated portion of Pardee Reservoir as it exists on January 1, 2015; and,

WHEREAS, "wild and scenic" designation would prohibit the planned construction or reconstruction of reservoirs such as Pardee, Lower Bear, and Middle Bar which under various climate change scenarios could be critical to meeting the future water supply, flood protection, and ecosystem needs of San Joaquin County and other communities throughout the Mokelumne Watershed.

NOW, THEREFORE BE IT RESOLVED, that this Board of Supervisors hereby opposes Senate Bill 1199 Wild and Scenic Rivers: Mokelumne River as drafted.

BE IT FURTHER RESOLVED, that the Chairman of the San Joaquin County Board of Supervisors is hereby authorized and directed to sign a letter to Senator Hancock communicating San Joaquin County's position of opposition.

PASSED AND ADOPTED this 06/10/2014 by the following vote of the Board of Supervisors, to wit:

AYES: **Bestolarides/Ruhstaller/Vogel/Elliott**

NOES: **None**

ABSENT: **Villapudua**

ATTEST: MIMI DUZENSKI  
 Clerk of the Board of Supervisors  
 of the County of San Joaquin,  
 State of California

By *Mimi Duzenski*  
 Deputy Clerk

*Robert V. Elliott 6/12/2014*  
 ROBERT V. ELLIOTT, Chairman  
 Board of Supervisors  
 County of San Joaquin,  
 State of California



WR-14E039-M3





B-14-330: Board Order to Oppose Expedited Groundwater Management Legislation and Adopt a Policy Statement and Recommendations Regarding Proposed Groundwater Management Reform

Adopted: June 10, 2014

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### Before the Board of Supervisors

County of San Joaquin, State of California

B-14- 330

MOTION: Vogel/Ruhstaller/4-0; Villapudua - Absent

**BOARD ORDER TO OPPOSE EXPEDITED GROUNDWATER MANAGEMENT LEGISLATION AND ADOPT A POLICY STATEMENT AND RECOMMENDATIONS REGARDING PROPOSED GROUNDWATER MANAGEMENT REFORM**

THIS BOARD OF SUPERVISORS hereby opposes expedited groundwater management legislation and recommends a stakeholder and expert driven process; and,

FURTHER, adopts a Policy Statement and Recommendations Regarding Proposed Groundwater Management Reform attached as Exhibit "A".

I HEREBY CERTIFY that the above order was passed and adopted 06/10/2014 by the following vote of the Board of Supervisors, to wit:

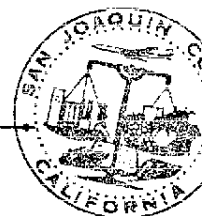
AYES: Bestolarides/Ruhstaller/Vogel/Elliott

NOES: None

ABSENT: Villapudua

MIMI DUZENSKI  
Clerk of the Board of Supervisors  
County of San Joaquin,  
State of California

*Mimi Duzenski*



WR-14E042-M3



**B-14-330:** Board Order to Oppose Expedited Groundwater Management Legislation and Adopt a Policy Statement and Recommendations Regarding Proposed Groundwater Management Reform

Adopted: June 10, 2014

## APPENDICES

### EXHIBIT "A"

#### PROPOSED

San Joaquin County

#### Policy Statement and Recommendations Regarding Proposed Groundwater Management Reform

The County of San Joaquin (County) has closely monitored the recent discussions regarding proposed groundwater management reform and agrees that groundwater management is a critical component of comprehensive water management in California. Over the last half-century, local stakeholders have individually and collaboratively implemented successful groundwater management projects with substantial and measurable benefit to the underlying basin. Local management of the underlying basin has resulted in increased drought reliability of groundwater supplies and measurable increases in groundwater levels. Local governance by local stakeholders who are collectively dependent on the health of the underlying basin is essential to successful groundwater management. The County has significant concerns with the direction of several substantive elements of proposals for legislation as well as the speed and process by which any groundwater management framework is to be established and implemented. It is critically important that any action with regard to groundwater management reform be prudent and undertaken with as much local input from actively managed groundwater basins, such as Eastern San Joaquin County, as possible.

The County includes both heavily-populated urban areas as well as vast stretches of some of the most productive agricultural areas in the State. Most urban and agricultural water users within the County rely, some to a great extent, on groundwater. Historically, stakeholders in Eastern San Joaquin County have had difficulty mitigating the past conditions of overdraft in the region. Moreover, increasingly efficient surface water irrigation practices have resulted in less agricultural water applied which has reduced the amount of surface water introduced to the basin through historically significant agricultural recharge. Groundwater pumpers and local agencies began addressing these issues by pumping less groundwater through efficient water management practices and also implementing projects within their jurisdictions to benefit the underlying basin on a localized level. There has also been a significant effort by local Water Districts to keep much of the conserved surface water for use within the basin to directly offset the need to pump more groundwater.

Since 1980, local stakeholders have implemented over \$700 million in water resources projects which have increased surface water distribution and use, and decreased stress on the underlying basin. Of particular note is the City of Stockton's (City) transition from groundwater to surface water as the primary water supply source for its customers. In 1978, Stockton East Water District (SEWD) began serving the City treated surface water from the Calaveras River. The SEWD water treatment plant was expanded to also serve Stanislaus River water to the City. Most recently the City began operating the Delta Water Supply Project which treats and distributes Delta and Mokelumne River water to customers. These projects have enabled stakeholders to



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reduce their reliance on the groundwater basin as a primary drinking water source which has resulted in the recovery of groundwater levels under the Stockton Metropolitan Area effectively combating salinity intrusion that has historically threatened the basin. These efforts have also been supported by local and regional partnerships, the basis for which is the recognition of a lasting and collective benefit to the underlying basin.

With the establishment of the Eastern San Joaquin County Groundwater Basin Authority (GBA) in 2001, stakeholders in the County have employed a consensus-based approach to groundwater management with significant success. Through the GBA, the greater San Joaquin County community has collaboratively and actively pursued a sustainable groundwater management program including a robust Integrated Regional Water Management Plan and Groundwater Management Plan. Significant and measureable groundwater level increases over the past several decades throughout the County are evidence of this management.

The County is increasingly concerned that the proposed reform as currently being discussed will interfere with vested property rights of water users and impede the effective management efforts of the local stakeholders and the GBA. The following recommendations are intended to address those concerns.

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**Recommendation No. 1: Opposed to Expedited Legislation; Recommend a stakeholder and expert driven process.**

The County is opposed to any legislation related to groundwater management reform that is not thoroughly vetted through an open and transparent, stakeholder and expert driven, legislative process. Groundwater management in California is an immensely complex undertaking. Any reform towards heightened governance must necessarily consider a broad range of legal, political, financial, and operational constraints implicated by such an undertaking. The County is increasingly concerned that the Governor, the legislature, or both will expedite reform without conducting the necessary analysis or receiving sufficient stakeholder input. An effective comprehensive reform requires carefully reasoned and vetted proposals with substantial input from counties and local agencies. The formation of a non-partisan group of stakeholders and appropriate experts to study the implications of groundwater management reform and to make recommendations would benefit the process.

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**Recommendation No. 2: Surface water storage should be expanded**

Any discussion regarding water resources management in California should begin with a discussion of expanded surface storage. With respect to groundwater management, insufficient surface water capture and storage increases the burden on groundwater basins throughout the State. Expanded surface water storage could benefit areas that have had surface water supplies curtailed due to competing interests or have been unable to develop a reliable water supply due to inadequate storage opportunities.



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Inadequate surface storage requires reallocation of limited surface water supplies such as subordinating the surface water rights of predominately agricultural users to those with high urban uses under the municipal preference of Water Code Section 1460. In 1956, the State Water Resources Control Board Engineer's<sup>1</sup> Decision-858 denied North San Joaquin Water Conservation District (NSJWCD) an independent water right on the Mokelumne River despite the NSJWCD application being senior in priority to East Bay Municipal Utility District, the ultimate beneficiary of the decision. At the time of Decision-858, the State Water Board Engineer cited the assured construction of the Folsom South Canal/Auburn Dam Project as the more practical source for NSJWCD. The denial of a reliable water source to NSJWCD and the un-realized Folsom South Canal/Auburn Dam Project have contributed to increased groundwater pumping and stress on the underlying basin in that region. Other unrealized potential sources of surface water such as the Folsom South Canal/Auburn Dam project have impeded efforts to fully recover the basin.

Similarly, existing surface water supplies have been systematically reallocated away from areas of origin and other protected regions. Increased surface water demands to address adverse fishery impacts due primarily to the export projects are not met by the projects. Rather, fishery impacts are mitigated by reallocating surface water to meet fishery needs and away from users who must then rely on groundwater. The Central Valley Project Improvement Act (CVPIA) dedicated 800,000 acre-feet annually from the CVP to fish and wildlife preservation and habitat restoration, primarily taken from New Melones to meet United States Bureau of Reclamation (USBR) Delta water quality objectives at Vernalis. The 2008 and 2009 Operations Criteria and Planning (OCAP) Biological Opinions issued by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for the long-term operations of the State Water Project (SP) and CVP also require additional flows for fishery needs. These dedications impact water supplies available to water purveyors in the County including South San Joaquin Irrigation District, Stockton East Water District ("SEWD"), and Central San Joaquin Water Conservation District (CSJWCD), each a member-agency of the GBA.

Lastly, a requirement for greater unimpaired flow on the Stanislaus, Tuolumne, and Merced Rivers through the Bay-Delta Plan process will decrease an already short supply of surface water. SEWD and CSJWCD will have their respective Stanislaus River allocations curtailed dramatically if not completely eliminated. These regulatory-induced shortages ultimately result in increased stress on the underlying basin.

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**Recommendation No. 3: Groundwater recharge should be designated a beneficial use.**

Conjunctive use projects and other projects which benefit groundwater basins should be promoted. Currently, groundwater recharge is not recognized as a beneficial use. Local agencies seeking to implement surface water projects with recharge benefits must identify an ultimate beneficial use of water other than groundwater recharge.

<sup>1</sup> The State Engineer was predecessor to the State Water Resource's Control Board.



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Requiring that recharged groundwater be extracted to constitute a beneficial use defeats the purpose of groundwater recharge for basin recovery. This impediment to projects which could serve to rehabilitate groundwater basins should be removed.

The County currently has an application to appropriate available wet year water from the Mokelumne River with the intent to provide surface water for use in-lieu of groundwater pumping and to recharge the underlying basin. The County has entered into an agreement with EBMUD for a Groundwater Recharge Demonstration Project as a precursor to a larger regional groundwater recharge and banking program. A successful program would have significant restoration benefits for the basin. Similarly, SEWD and NSJWCD have pending water right applications for groundwater recharge. Designating groundwater recharge as a beneficial use would facilitate implementation of these and other similar projects beneficial to groundwater management.

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**Recommendation No. 4: Groundwater use by overlying users should not be regulated without considering the implications of a regulatory taking.**

Current legal understanding is that groundwater rights are private property rights of the overlying user and are not subject to regulation by the State Water Resources Control Board or otherwise. This includes the exercise of dormant groundwater rights by overlying users in the future. Regulation restricting overlying uses constitutes an interference with a private property right and must be compensated as a regulatory taking.

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**Recommendation No. 5: Groundwater management must be controlled at the local level with State intervention only in the most extreme situations.**

The local agencies and stakeholders overlying the groundwater basin rely on the health of the basin and are in the best situation to know and take the best course of action towards sustainable management. Local regulation is necessary as each area is unique and an understanding of the local dynamics is essential to effectively regulate and manage the groundwater problems and opportunities. Except in basins where no local agency is currently managing the basin, all aspects of groundwater management should be controlled by local stakeholders. This includes determining the sufficiency of "sustainable groundwater management plans" as "sustainable groundwater management" should be a locally-derived concept.

Specifically, because of the implication of potentially determining the rights of land owners, any factual or legal determination should not be made by the Department of Water Resources (DWR) or the State Water Resources Control Board. One possibility for preserving local control is to establish a hearing system with a pool of Administrative Law Judges (ALJ) with expertise in groundwater management with jurisdiction to hear issues related to the implementation of sustainable groundwater management. For example, if sustainable groundwater management is to occur through the framework of groundwater management plans, plans could be submitted to





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DWR for review and approval but disputes and plan rejections would be subject to review and final determination by an ALJ.

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**Recommendation No. 6: A statutory definition of "sustainable groundwater management" should be conceptual allowing for customization by local management agencies as appropriate for individual basins and regions.**

"Sustainable groundwater management" is not a one-basin-fits-all concept and should be determined based on the characteristics of and demands on the individual basins. Local management agencies should determine any thresholds and proper administration of "sustainable groundwater management" in the best interest of their respective basin.

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**Recommendation No. 7: Management area boundaries should consider localized geologic and hydrogeologic conditions, surface water source, irrigation methods and cultural practices, urbanization level, crop types, soil conditions, as well as respect existing governance structures.**

There are practical concerns with delineating groundwater management areas as the sub-basins defined in DWR's Bulletin 118. First, it may be necessary to provide for more narrowly delineated management areas within the sub-basin where the sub-basin is large and single water "balance-sheet" does not accurately reflect the localized status of the basin. This may be because differing levels of salinity intrusion, access to surface water sources, urbanization levels, and/or predominant crop types and irrigation practices. Second, sub-basins may span into several Counties implicating jurisdictional issues for planning and management. Developing and implementing regional projects designed to enhance groundwater levels will require that local management agencies have the ability to manage the basin on a localized level that references political boundaries. Groundwater management reform should respect existing governance structures and not require the formulation of new inter-County entities. This will necessarily require local management agencies to coordinate with neighboring management agencies that overlie the same groundwater basin.

A majority of the Eastern San Joaquin Sub-basin, as described in Bulletin 118, underlies San Joaquin County, but small portions of the sub-basin also underlie three other counties. Even within San Joaquin County, the underlying portion of the sub-basin is extensive enough that management activities in one area are localized and not realized throughout the sub-basin. One reason for the success of the GBA is the fact that member-agencies are actively engaged in management activities where localized regions within the sub-basins are autonomously managed, albeit with consideration of the whole. The designation of management areas should consider these realities rather than establish unrealistic boundaries.

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**Recommendation No. 8: Local agencies must have access to a reliable and continuous source of funding for management activities.**

The County opposes State-imposed fees or charges which would allow for State control of the funds and therefore the management activities. Local management agencies, however, must have access to a reliable funding source to execute management activities whether from appropriation of State bond funds, State grants, or locally-imposed groundwater assessments, fees, or special taxes.

Even with State funds made available, they must be more readily and reliably accessible to local management agencies. For example, State grant programs do not recognize restoration of groundwater elevations to be an economic benefit, except through indirect means such as calculated reduced pumping lifts or reductions in municipal treatment costs. The economic analysis guidelines do not permit including the avoided costs of alternative supply projects to restore groundwater levels. Rather, the guidelines specify comparison to a no action condition, which for the County is continued reliance on groundwater supplies. Loss of agricultural production cannot be considered in the analysis because the State assumes this production will move to other parts of the State, resulting in no net loss of production from a Statewide perspective. For restoration of groundwater levels to be a Statewide objective, local economic benefit must be recognized. Simply mandating reductions in water use, with consequent reductions in economic production, would have negative impacts to this County and others.

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Again, the County agrees that groundwater management is a critical component of comprehensive water resources management in California. But groundwater management must necessarily be controlled by local stakeholders with minimal, if any, State interference. The County hopes that the Governor, State Water Resources Control Board, and legislators will consider the efforts and accomplishments of this County, its local stakeholders, and the GBA as an example of successful local groundwater management. The County respectfully submits the above statements and recommendations in hopes that we may be constructive in the discussion of groundwater management reform.



*“Advancing San Joaquin County’s  
Legislative Interests”*

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