

Urban Counties of California (UCC)

Legislative Policies

(Last amended April 24, 2019)

UCC Legislative Policies

(As amended April 24, 2019)

GOVERNANCE AND FINANCE

1. In order to fulfill the dual roles of agent of the state and local service provider, counties must have adequate authority, flexibility, and resources. Most importantly, counties must have stable sources of revenue that enable them to both implement state law and respond to essential local priorities.
2. UCC will oppose proposals that preempt county authority. This includes attempts to eliminate local control for land use and other siting decisions.
3. UCC will support proposals that provide constitutional protections and guaranteed funding to counties under realignment. UCC will oppose proposals to realign additional program responsibility to counties without adequate funding and protections.
4. UCC opposes any efforts to reduce funding to realignment without replacing it with an adequate and ongoing alternate funding source, as required under the Constitution.
5. UCC will support legislation that enhances or maintains a county's revenue base and oppose measures that limit a county's revenue raising authority or reduce a county's revenue from any source without a commensurate reduction in responsibility.
6. UCC will oppose formulas that discriminate against urban areas, such as by providing a high minimum funding floor to low population states and localities and not taking into account the higher cost of living, land costs, and risk factors in urban areas.
7. UCC will oppose the shift of any additional local property taxes, support the return to counties of property taxes that were transferred to schools, support measures that would enhance counties' efforts to administer the property tax system, and oppose those that increase counties' unfunded responsibility for the system.
8. UCC will oppose proposals that continue or increase county responsibilities or expenses without a viable and adequate source of state or federal revenue.
9. UCC will oppose legislation that requires a new program, higher level of service, expanded employee benefits, or other costs imposed upon counties by the State without adequate ongoing funding. Further, UCC believes that counties should be reimbursed promptly and by a date certain for mandates imposed by the state. Finally, because suspended mandates create liability and fiscal issues for counties, mandates should be repealed, not suspended. UCC will oppose any future efforts to eliminate the reimbursement for mandates required to be provided by counties.

10. UCC will oppose future efforts to eliminate or modify the mandate reimbursement provisions from existing law and will support efforts to clarify that any future changes to the California Public Records Act or the Ralph M. Brown Act should be analyzed for the cost impact to local governments and allow for reimbursement of any potential new costs.
11. UCC will support proposals that increase a board's ability to raise local revenues.
12. UCC will support measures that maximize federal revenues.
13. UCC will support measures that reduce maintenance of effort or participation fee requirements and will oppose measures that impose additional maintenance of effort requirements on counties unless they are at least revenue neutral.
14. UCC will support measures that increase a county's flexibility to administer federal, state, or local programs, including modernization efforts to improve efficiencies. For example, UCC will support legislation that provides counties with the necessary authority to establish and manage local programs such as code enforcement of illegal dumping and littering laws.
15. UCC will oppose measures that limit a county's ability to operate in a reasonable and cost effective manner.
16. UCC will support proposals that eliminate unnecessary, redundant, or overlapping requirements for program eligibility, funding, maintenance of effort, monitoring, permitting or reporting.
17. UCC will support the equitable application of existing tax policies to ensure taxpayer compliance and dependable revenues.
18. UCC will support periodic evaluation of the economic benefit and equitable application of all tax expenditures.
19. UCC will support measures that enable counties to better exercise their responsibility to plan for, respond to, and receive reimbursement and property tax relief for emergencies and disasters.
20. UCC will support pension reform proposals that achieve the objectives of financial sustainability for county budgets and the county's ability to maintain service levels.
21. UCC will support efforts to educate the public and the legislature on public compensation and the services provided by counties.

22. UCC will oppose measures that restrict county flexibility in the operation of employee relations.
23. UCC will oppose measures that would have a negative fiscal impact on the worker's compensation system and support measures that reform and streamline the system.
24. **UCC will oppose changes to the inverse condemnation strict liability standard.**

HEALTH AND HUMAN SERVICES

1. UCC will support legislation that enhances the local safety net and its multiple components including mental health, public health, and the numerous human services that counties provide on behalf of the State and will support proposals that promote dependable, long-term funding for these services.
2. UCC will support proposals that maximize eligibility for Federal and State-funded programs. UCC will oppose proposals that diminish funding to counties.
3. UCC will support proposals that reduce the number of uninsured persons, or expand Medi-Cal coverage to low-income persons. UCC will oppose any efforts to repeal the Affordable Care Act (ACA) and will oppose reductions to Medicaid funding.
4. UCC will support proposals to simplify and align Medi-Cal eligibility rules and application processes to increase and expedite the enrollment of uninsured families.
5. UCC will support proposals that increase net Medicaid/Medi-Cal payments to government providers while opposing proposals that reduce such payments.
6. UCC will support proposals that use intergovernmental transfers (IGTs), health provider fees, certified public expenditures (CPEs), and other allowable methods to increase net Federal Medicaid and SCHIP matching payments to California and its health providers at no cost to the State General Fund.
7. UCC will support the use of State capital improvement funds, currently limited to hospitals, for the construction of clinics and other public health facilities and support assistance to hospitals that enables them to meet seismic safety requirements.
8. UCC will support measures and funding that strengthen the ability of the public health system to respond to chemical, biological, and other forms of terrorism.
9. UCC will support the provision of federal matching funds for child support performance incentive payments used for child support enforcement. **UCC will**

support changes to the funding formula to ensure that all counties are adequately funded, without reducing current allocations to other counties.

10. UCC supports a system of services for adolescents with drug or alcohol problems and provide adequate funding to operate such a system.
11. UCC supports continued and improved funding for substance abuse treatment and mental health services including those that provide alternatives to incarceration.
12. UCC will support a State backfill of any reduction in Federal financial participation in Federal programs, such as child support enforcement, Medicaid, and Temporary Assistance for Needy Families (TANF).
13. UCC will support proposals to hold counties harmless from fiscal penalties when the Federal or State governments do not provide additional funding commensurate with the cost of meeting new requirements or performance measures.
14. UCC supports federal funding for the 211 phone system and also supports the implementation of statewide coverage of the 211 system.
15. UCC supports Laura's Law as long as there is adequate funding and flexibility provided to counties that implement the program.
16. UCC will support proposals to preserve supplemental payments to public and private hospitals as the Federal Medicaid Managed Care rules are implemented in California.
17. UCC will oppose any effort to shift additional IHSS costs to counties. UCC supports the re-evaluation of the IHSS MOE in the context of 1991 realignment due to its unsustainable program growth and the likelihood of fiscal impact to other realigned programs, **while maintaining our capacity to provide vital health, mental health, and other social services programs.**

HOUSING, LAND USE AND TRANSPORTATION

1. UCC will support measures that provide funding for local infrastructure.
2. UCC will support measures that provide additional funding, resources, and flexibility to address the affordable housing needs in our counties. This includes providing additional incentives for counties to approve housing and reducing regulatory barriers to approving housing. UCC also supports efforts to address workforce housing and the high cost of living in urban counties.

3. UCC will advocate for proposals that fund initiatives that reduce and prevent homelessness, expand the availability of permanent supportive housing and allow counties to maximize and leverage available Federal, State and local funds to provide services for at-risk and homeless families and single persons.
4. UCC will support proposals that eliminate or revise unnecessary, redundant, or overlapping requirements for land use, planning, and permitting. This includes efforts to improve the CEQA process and requirements where appropriate including the preparation of master environmental documents and the use of tiered EIRs and negative declarations while maintaining county land use decision- making authority.
5. UCC supports maintaining a county's flexibility to use eminent domain for public projects.
6. UCC will monitor activities related to tribal gaming and other tribal enterprises in urban areas with the goal that any tribal compacts include provisions that address county concerns including off-reservation impacts and the ability of counties to meet their governmental responsibilities. Any proposal to place land in trust for a tribe should require the approval of the county within which the land is located.
7. UCC will support proposals that maintain the same level of funding for bridges as in previous years and opposes any formula that would disadvantage urban counties.
8. UCC will support efforts to provide new tools for economic development **and affordable housing** contingent on new funding sources that have been approved by the affected tax entities.
9. UCC will support measures that use Cap and Trade auction revenues to fund local infrastructure projects consistent with AB 32 objectives and builds on the framework of SB 375 which are focused on reducing greenhouse gases and other pollutants.
10. UCC will oppose efforts to eliminate or restrict the ability of counties to regulate land use including the siting of projects or facilities.
11. UCC will oppose proposals that would increase or add to our responsibilities under the Regional Housing Needs Assessment (RHNA) without adequate funding. UCC is opposed to using the RHNA allocation as a measurement tool in the production of housing.
12. UCC will oppose any regulatory framework for cannabis that would place new mandates on any county department or function. Instead, UCC supports a regulatory framework operated by the state which may include some county role as long as there is funding for any new responsibility. UCC supports local land use control for the

siting and licensing of cannabis facilities and operations including the ability to ban activity and will oppose any legislation that will remove that authority.

13. UCC supports additional funding to the local transportation system and supports the preservation of existing funding. UCC supports continued direct subventions to local governments through existing formulas for the maintenance, operation, preservation, and safety needs of the local system. UCC supports efforts to minimize damage to existing transportation and infrastructure systems including limits on the size or length of tractor trailer trucks.
14. UCC opposes efforts to eliminate or restrict local control over the permitting of solar photovoltaic projects.
15. **UCC will closely monitor efforts to make changes to local authority over land use related to the wildfires and supports efforts for the state to recognize the impediments to building housing in fire hazard severity zones.**
16. **UCC will support emerging technologies in our jurisdictions as long as counties maintain oversight of the design, siting and safety of these new technologies.**

JUSTICE

1. Counties administer the justice system including law enforcement, correctional treatment facilities, **detention**, district attorney, public defender, and probation. In addition, the larger counties still make maintenance of effort payments to the state towards support of trial court operations. UCC will support increases in funding for justice facilities and the operational costs of the justice system.
2. UCC opposes any shift of responsibility from the state to counties for court operations and court facilities.
3. UCC supports the elimination or reduction of the Maintenance of Effort requirements for urban counties related to the courts.
4. UCC will support proposals that ensure county justice agencies that interact with the courts have appropriate access to new or upgraded court computer systems at no additional cost to the county.
5. UCC will support proposals that maximize the pass-through of Federal homeland security assistance from the State to counties based on their potential terrorist threat and risk levels and responsibilities for emergency preparedness and response, law enforcement, first response, public health, and emergency medical services.

6. UCC will oppose any new proposals that would shift the responsibility of additional parolees from the state to the counties without adequate notification, documentation and funding.
7. UCC will support stable funding for front-line law enforcement including juvenile justice crime prevention, juvenile camps and parole, adult probation, and adequate facilities to house prisoners.
8. UCC will support proposals that will help counties implement the 2011 Public Safety Realignment as long as the proposal would: provide for county flexibility, eliminate redundant or unnecessary reporting, and does not transfer more responsibility without funding.
9. UCC will support efforts to combat the negative impact that human trafficking and sex trafficking has on victims in our communities, including the impact that this activity has on a range of county services and supports. UCC also supports proposals that provide additional tools, resources and funding to help counties address this growing problem.
10. UCC will oppose legislative or regulatory changes that would require counties to retrofit or reconfigure jail facilities, including existing facilities and any detention facility construction project that was conditionally awarded a state grant prior to the effective date of AB 103 (2017), to accommodate new in-person visitation requirements.
11. UCC will support efforts to adequately fund dependency counsels.
12. In the context of bail reform, UCC will support the use of risk-based release decisions, but will oppose imposition of significant pre-trial or other responsibilities without adequate funding and local decision-making authority. UCC supports flexibility for counties to implement bail reform including adequate time to address local needs and priorities. UCC supports risk assessment tools and processes that mitigate racial and economic disparities while maintaining public safety.

Language in bold denotes changes adopted by the UCC Board of Directors on November 28, 2018.

CSAC Agriculture, Environment and Resources Platform

UCC Adopted Section 6 of the California State Association of Counties' (CSAC) Platform as a starting place for water policy on November 29, 2017. The UCC Board of Directors approved an amendment to the platform language on April 24, 2019, as noted in the "Water Conservation" section.

Section 6. Water Conservation

Water Resources Development

Counties recognize the complexities of water use and distribution throughout the state, and therefore should be officially represented geographically on all federal, state, and/or regional water policy bodies and decision-making authorities. A comprehensive statewide water resource management plan – one that includes the upper watershed areas – is essential to the future of California. Such a plan should include a full assessment of needs for all users.

In relation to any specific water project, counties support statutory protection of counties of origin and watershed areas. These protections provide that only water that is surplus to the reasonable ultimate human and natural system needs of the area of origin should be made available for beneficial uses in other areas. A natural system includes the ecosystem, meaning a recognizable, relatively homogeneous unit that includes organisms, their environment, and all interactions among them. Additionally, the cost of water development to users within the areas of origin should not be increased by affecting a water export plan. Furthermore, in all federal and state legislation, county of origin protections should be reaffirmed and related feasibility studies should clearly identify and quantify all reasonable future needs of the counties of origin to permit the inclusion of specific guarantees. Existing water rights should be recognized and protected.

Counties must be compensated for any third party impacts, including, but not limited to, curtailed tax revenues and increases in costs of local services occasioned by an export project.

There currently exists a need for the development of new solutions to expand water resources to meet the growing needs of the state. The increased demand for water is due to the rapid population growth, agricultural needs and industrial development. Projects should be considered that will create new water supplies through a variety of means such as recycling, water neutral developments, storm water capture, desalinization, waste water reclamation, watershed management, development of additional storage and conservation. In building any new water projects, the state must take into account and mitigate any negative socio-economic impacts on the affected counties.

Counties support the incorporation of appropriate recreational facilities into all water conservation and development projects to the extent feasible.

Water Rationing

Counties oppose statewide mandatory water rationing programs that would establish unrealistic and unnecessary restrictions on some areas of the state and which establish inadequate goals for other areas. Instead, counties support a voluntary approach to water conservation that promotes a permanent "conservation ethic" in California. If water rationing does become necessary in certain areas of the state, counties will need statutory authorization to impose water rationing decisions at the county government level.

Water Conservation

The Legislature has recognized the need for water conservation. Counties recognize the need for local programs that promote water conservation and water storage. Water conservation may include reuse of domestic and industrial wastewater, reuse of agriculture water, groundwater recharge, or economic incentives to invest in equipment that promotes efficiency.¹

The Regional Water Quality Control Boards need to direct staff to issue permits for direct discharge of properly treated wastewater to promote reuse.

Ground Water Management

It is CSAC's position that ground water management is necessary in California and that the authority for ground water management resides at the county level. Adequate management of water supply cannot be accomplished without effective administration of both surface and ground water resources within counties. Ground water management boundaries should recognize natural basins and responsibilities for administration should be vested in organizations of locally elected officials. Private property rights shall be addressed in any ground water management decisions.

Ground water management programs should maintain the flexibility to expeditiously address critical localized and basin-wide problems. Studies necessary to design ground water programs should be directed by local agencies with technical or economic support from state and federal programs.

Financing of Water Conservation and Ground Water Management

Area-wide water conservation and ground water management programs are costly. Those benefiting should pay a fair share of these costs. Local agencies should have the discretion to recover those costs.

¹ The final sentence of this paragraph was eliminated from the water policy at the request of San Joaquin County: "No conservation of water shall be recognized if the conservation arises from the fallowing of agricultural land for compensation, unless the board of supervisors of the county in which the water has been devoted to agricultural use consents to the fallowing." The UCC Board approved this action on April 24, 2019.

Flood Control

The following policy guidance on flood control shall be followed in conjunction with CSAC's Flood Management Principles and Policy Guidelines.

Long-term flood control improvements are necessary in order to provide improved flood protection and minimize future damages. Local, state and federal agencies should work to improve communications, coordination and consistency prior to and following a flood disaster. Counties are encouraged to look for funding opportunities to move structures out of flood plains.

CSAC supports and encourages the U.S. Army Corps of Engineers, through the Waterways Experiment Stations, to adopt innovative geo-technical (high-tech) inspections systems to identify unexpected voids and saturated sand lenses in government-authorized levees. CSAC further supports follow up by the Army Corps with a recommendation for non-federal sponsors to add these techniques to their annual levee inspection programs.

Counties continue to experience frustration when applying for the state and federal permits that are required to repair, restore and maintain flood control facilities. Counties support streamlining of such permits or any other efforts that would allow expeditious implementation of such activities.

Counties recognize the need for environmental mitigation measures to protect endangered species. The unique need for ongoing and routine levee maintenance must be reconciled with reasonable mitigation requirements. Solutions could include a blanket "take permit" exempting levee maintenance from compliance and a more efficient process for routine maintenance.

Counties further recognize that providing habitat and flood control may not be mutually achievable goals within river, stream or ditch channels. However, ecosystem restoration projects may provide flood control benefits and will require detailed hydraulic and other engineering studies to assess the individual and cumulative hydraulic impacts in floodways. Counties also recognize that habitat areas shall be maintained in such a manner as to not obstruct the flow of water through the channel. Further, the river, stream and ditch channels should also have blanket "take permits" issued to allow for proper cleaning of obstructions to the water flow and/or carrying capacity.

Federal and state agencies that have the expertise and have been funded to identify, protect and are responsible for species that would be harmed in the course of flood control projects – such as levee reconstruction, maintenance or repairs – must be charged with the rescue of these species and not the local government performing such activities. These local governments have little, if any, expertise in the identification and rescue procedures of threatened and endangered species. This identification and rescue should be accomplished in

the most expedient time frame practicable. The federal agencies should be required to consult with the local action agencies within thirty days of any species rescue determination.

In respect to locally sponsored flood control projects, CSAC shall continue to urge the administration and the legislature to fully fund the State Flood Control Subvention Program.

Delta

CSAC believes that any proposed Delta solutions be implemented in a manner that:

- Respects the affected counties' land use authority, revenues, public health and safety, economic development, water rights, and agricultural viability.
- Promotes recreation and environmental protection.
- Ensures Delta counties' status as voting members of any proposed Delta governance structure.
- Improves flood protection for delta residents, property, and infrastructure.
- Improves and protects the Delta ecosystem, water quality, flows and supply.
- Ensures consistency with affected counties adopted policies and plans.
- Secures financial support for flood management, improved emergency response, preservation of agriculture, protection of water resources, and enhancement and restoration of habitat.

- Accords special recognition, and advances the economic vitality of "heritage" or "legacy" communities in the Delta.
- Demonstrates a clearly evidenced public benefit to any proposed changes to the boundaries of the Delta.
- Support development of adequate water supply, utilizing the concept of "Regional Self Sufficiency" whereby each region maximizes conservation and recycled water use, implements storage (surface and groundwater) and considers desalination, as necessary.