

County of San Mateo



2003-2004 Legislative Session Program

San Mateo County Board of Supervisors

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CONTENTS

- I. INTRODUCTION
- II. COUNTY-SPONSORED AND COSPONSORED INITIATIVES
- III. 2003-2004 LEGISLATIVE PRIORITIES
- IV. LEGISLATIVE POLICIES
 - A. Administration and Finance
 - B. Human Services
 - C. Health Services and Hospitals
 - D. Public Safety and Justice
 - E. Land Use, Housing, Transportation and Environment
 - F. Miscellaneous

INTRODUCTION

The mission of the San Mateo County Legislative Program is to sponsor legislative proposals and to influence legislation that relates to the people, places, prosperity and partnerships of our community. The 2003-2004 Legislative Session Program reflects San Mateo County's commitment to our Shared Vision 2010.

The overarching goal of the San Mateo County Legislative Program is to identify legislation that could impact San Mateo County and to attempt to influence the outcome of such legislation. In this effort, the Legislative Committee with the support of County staff will assess the impact of legislation and refine and represent the Board's positions on the range of proposals, priorities and policies found in this document. The goal of the Legislative Program also includes legislative ideas that originate from County staff and Board members. This document, the 2003-2004 Legislative Session Program, is intended to provide a basic policy framework in which San Mateo County can work toward this goal. Divided into three general categories (legislative proposals, priorities, and policies), the Program asserts some of the key issues and general positions for issues of concern to San Mateo County.

While this document attempts to cover the breadth and depth of legislative issues that may have an impact on San Mateo County, it is not comprehensive, complete or final. The Legislative Committee will review legislation as presented and make recommendations to the full Board, especially regarding legislation not addressed in this document. All legislation, about which the County takes a position, will be tracked through the legislative process. For each bill, County staff or consultants will prepare position letters for relevant legislators and committees, deliver testimony at hearings, conduct other advocacy roles, and provide regular status reports to the Legislative Committee and the Board. Some issues may require heightened advocacy. As a result, Board members may testify or meet with relevant legislators. If under time constraints, staff will utilize the approval of the 2003-2004 Legislative Session Program in lieu of an official Board position to advocate on particular legislation or issue.

COUNTY SPONSORED AND COSPONSORED LEGISLATIVE PROPOSALS

This section details legislative proposals that San Mateo County will pursue, either through sponsorship or co-sponsorship, in the upcoming session. Once approved by the Board of Supervisors, County staff and legislative consultants will work to develop the proposals, identify bill authors/sponsors and shepherd them through the legislative process. The Board of Supervisors will receive regular updates on the status of the legislative proposals and may be asked to testify before the legislature.

Due to the expected budget shortfall for the 2002-2003 and 2003-2004 Budget years, legislative proposals that have a state general fund cost will likely not meet a minimal level of viability. Legislative proposals must be revenue neutral. Those that require funds will likely not be considered by the State Legislature.

1. Subsidized Child Care Pilot Project.

Proposal: Allow, through a 7-year pilot project, San Mateo County to develop and implement a child care subsidy plan that addresses local needs, conditions and priorities while fixing the state's costs to the County for child care subsidies.

Background: Current law, using statewide standards, does not provide local agencies the needed flexibility to utilize child care funds in the manner best designed to meet the needs of local families. State subsidized child care policies fail to address subsidized child care needs in "high-cost" counties like San Mateo where the cost of living and doing business is well beyond the state median. Current state subsidized child care policies regarding eligibility criteria, reimbursement rates and fees do not permit San Mateo County local government, in collaboration with nonprofit and other child care service providers, to maximize the efficient use of child care subsidy funds to meet the highest needs. The State Median Income (SMI) standard used to determine income eligibility for subsidized child care does not reflect differences between counties or regions in the State. Child care subsidy funds cannot adequately support a family in San Mateo County when the income cap of 75% of State Median Income, is only 42.8% of County Median Income. To be self-sufficient in San Mateo County, the "poor" must earn more than permitted by the SMI standard and must confront higher costs of living than in most other counties in the state. Reimbursement Rates, for center-based contractors operating programs under contracts with California Department of Education, are insufficient to cover a reasonable amount of the actual cost of care in high-cost counties. (Sponsorship with San Mateo County child care advocates).

2. Retirement Benefit Changes

Proposal: Change the current retirement formula for employee contributions for the 2% @ 55.5 retirement plan. Enable the County to implement negotiated retirement benefits by individual bargaining unit, rather than by system. Provide the County with the authority to define domestic partner eligibility for retirement survivorship benefits.

Background: According to County Counsel, the County Employees Retirement Act of 1937 and subsequent amendments do not permit the County to implement the agreements negotiated with bargaining units. Public Employees Retirement System (PERS) and "37 Act" retirement systems were recently amended by AB 616 (Calderon, 2001).

3. eRecording Project—Electronic Recording of Land, Title and Other Documents

Proposal: Permit either through a pilot project or through an express exemption for San Mateo County, San Mateo County to receive documents, to be recorded with the County Recorders Office, in an electronic format.

Background: In July 2001, the Board of Supervisors approved the development of an electronic recording (eRecording) project with the County Recorders Office. The project was completed in early November 2002 and determined a success. Unfortunately, a September 2002 Attorney General's Opinion about electronic recording asserts that county recorders may not implement electronic recordation of documents. While County Counsel has issued an opinion contrary to that of the Attorney General, the Assessor-County Clerk-Recorder has contacted the Recorder's Association of California to pursue legislation that would expressly permit the electronic recording of documents. (Potential co-Sponsorship with Recorder's Association of California)

4. County Operated Group Home

Proposal: Allow San Mateo County, as a public non-profit, to operate and receive a reimbursement rate for a level 13 & 14 foster care group home with no more than 12 children.

Background: Canyon Oaks group home was recently completed for occupation by level 13 & 14 foster care children. Current state law prohibits counties from operating foster care group homes. While County staff continue to seek an administrative waiver that may allow the County to operate a Level 13 & 14 foster care group home and receive the established reimbursement rate for such services, the likelihood of securing such a waiver is unclear. As a result, legislation may be needed to expressly grant San Mateo County the authority.

5. General Assistance Income and Resource Eligibility for Sponsored Aliens

Proposal: Provide counties the flexibility to determine the General Assistance deeming period for sponsored aliens, as long as the period does not exceed the CalWORKs deeming period. This would enable counties to conform the deeming period of General Assistance to that of CalWORKs.

Background: When an alien is sponsored into the United States, the sponsor files an affidavit of support with the Immigration and Naturalization Service (INS) which indicates the alien has "adequate means of financial support and is not likely to become a public charge". This agreement is indefinite unless the alien meets one of the requirements for exceptions, such as: becoming a citizen, establishing 40 qualifying quarters of employment, or becoming a victim of abuse. In contrast, current state law regarding general assistance allows for deeming of a sponsor and the sponsor's resident spouse's income and resources for only three years from the alien's point of entry into the United States. In addition, the Cash Assistance Program for Immigrants (CAPI) allows for a 10 year deeming period for all applicants/and recipients who entered the US on or after August 21, 1996 when the legal sponsors have signed an affidavit of support. In most cases this would make the alien either financially and/or resource ineligible for the program for that 10 year period but eligible for GA after 3 years from the date of entry.

6. Crime Lab Construction Funding—Budget Request

Proposal: Secure funding for the construction of the San Mateo County Crime Lab through the reallocation unused funds dedicated toward the construction of crime labs throughout California

Background: At the request of San Mateo County, State Senator Byron Sher asked that an audit be conducted of unused funds dedicated toward the construction of crime labs throughout California. While a final report has not yet been issued, County staff suspects several jurisdictions that received such funding are not prepared to begin construction on their respective crime labs. As a result, funds have been appropriated toward these projects, but have not been spent.

7. Mirada Surf Acquisition Funding—Budget Request

Proposal: Secure funding for the acquisition of Mirada Surf.

Background: The Board of Supervisors dedicated \$3 million toward the acquisition of Mirada Surf. While the San Mateo County Parks and Recreation Foundation, in cooperation with County staff, has been successful in securing substantial grants and other fund sources. Additional funds will likely be needed to reach the \$6 million negotiated sales price.

2003-2004 LEGISLATIVE PRIORITIES

This section highlights the most important 2003-2004 Legislative Session issues that could significantly affect San Mateo County. While San Mateo County will not actively pursue legislation, in the following areas, the following priorities will receive heightened scrutiny and may warrant significant involvement on the part of County staff or Board members. The County may request amendments to legislation in these priority areas—amendments that conform to the general goals and objectives of the below priorities.

1. Protecting County Revenues and Operations

San Mateo County has had a long-standing policy relating to full funding for state-mandated and partnership programs, increased flexibility and the simple elimination of programs not properly funded by state and/or federal funds (2001-2002). The County generally supports the principle and related legislation that guarantees local governments including schools, cities, special districts and counties reliable, predictable and equitable funding. As the nation and California face a second year of economic uncertainty with a widening gap between revenues and expenses, San Mateo County supports the maintenance of current funding levels to health, human services and public safety needs in San Mateo County. To that end, the County supports:

- Freeze of the property tax shift to the State through the Education Revenue Augmentation Fund (ERAF) and the eventual return of those funds to local governments. (2001-2002)
- Maintenance of the Vehicle License Fee (VLF) “backfill,” which provides funding for a variety of critical county services.

Should funding for programs not be maintained with the current budget revenue and expenditure levels, the County supports increases in revenues in two, limited arenas. The County supports restoration of the VLF to the maximum allowed by current law and increases in alcohol and cigarette taxes.

Not mutually exclusive to increases in revenues, the County supports, in concept, the reduction in funding for various programs and activities only when the concomitant requirement to provide

such programs and activities is relieved. The Board has not considered what specific programs would be acceptable for reductions in funding and expressly reserves its ability to take a position on this issue should (as) it arises during the next legislative session and any pertinent special sessions.

The County supports restoration of historic reduction in local government funding. While restoration of such funds seems unlikely in the current economic climate, future fiscal years may provide better opportunities.

2. TANF Reauthorization

During the 2001-2002 legislative session, the County sought amendments to the federal Temporary Assistance to Needy Families (TANF) program reauthorization. The program expired in September 30, 2002. It has been maintained through Continuing Resolutions, the last of which expires March 31, 2003. As a result, the issue of TANF reauthorization will continue through the 108th Congress. The County supports:

- Increased funding for child care. Existing Child Care Development Block Grant (CCDBG) funds do not adequately meet current needs. In San Mateo County, 25,000 children are eligible for subsidized child care, but only 5,000 children receive assistance funded by existing child care funds. Since child care funding consists of both federal with state funding, California has used a larger portion of state funds to supplement inadequate child care funding from the federal government. (2002, HSA)
- Considering the current shortfall of funds needed for child care, any increase minimum work requirements must include a corresponding increase in child care funding to accommodate for the time parents will not be able to care for their children. (2002, HSA)
- Regional flexibility for eligible work participation activities San Mateo County supports flexibility in work participation activities. The County supports the inclusion of rehabilitative services including substance abuse treatment, mental health treatment, vocational rehabilitation services, adult basic education, and English proficiency classes as fulfilling work requirement as full-time activities for limited durations. (2002, HSA)
- Removal of the federal 85% income eligibility income standard and allow state flexibility in using eligibility formulas such as the U.S. Housing and Urban Development (HUD) income eligibility formula, which better reflects the true need of families on a regional (rather than state) level.
- Removal of the state matching fund requirement for CDBG funds, considering the current economic downturn.
- Revision of the child care funding formula to be calculated through the TANF formula which is based on the proportion in state allotment for the state's share of child care funds rather than the current CCDBG formula.
- General support for "super waiver" flexibility in the use of TANF funds.

3. Financial Information Privacy

During the 2001-2002 legislative session, the Board of Supervisors supported SB 773 (Speier) relating to financial information privacy protections. SB 773 failed on the Assembly floor.

However, Supervisor Nevin authored and the Board passed a county ordinance similar in effect to that of SB 773. While limited in scope to unincorporated residents and financial institutions, the ordinance serves as a policy statement in support of financial information privacy protections generally. Senator Jackie Speier has introduced similar legislation for the 2003-2004 legislative session. The County will support Senator Speier's efforts and similar bills providing financial information privacy protections. (2002, BoS)

4. Disproportionate Share Hospital Funding

The Disproportionate Share Hospital (DSH) program reimburses hospitals and health programs that treat large numbers of Medi-Cal and uninsured patients. The San Mateo Medical Center is a DSH fund recipient. While DSH funds originate through a federal program, the funds pass through the state, which takes an "administrative fee." As part of the 2002-2003 Budget, the state legislature increases its annual administrative fee to \$85 million. That reduction in funding will result in approximately \$1 million in lost revenue to the Medical Center. The County opposes efforts to reduce DSH funding through various mechanisms including administrative fees. In addition, the County supports efforts to eliminate the administrative fee and restore those funds to local governments.

5. Classification of Family Support Bench Warrants

With the recent separation of the Family Support Division from the District Attorney's Office, the question of the criminal or civil nature of bench warrants has arisen. It is unclear whether bench warrants in family support cases should be processed as civil or criminal warrants. While there may be various methods to clarify the classification of such warrants, the County supports the increased authority a criminal warrant provides.

6. Implementation of Water Bond Act Funds

With the recent passage of Proposition 50 (November 2002), the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, an examination of the implementation legislation is warranted. San Mateo County supports the inclusion of funding-eligible activities including beach and open-bluff, open-space protection.

7. Implementation of Housing Bond Act Funds

With the recent passage of Proposition 46, the Housing and Emergency Shelter Trust Fund Act of 2002, an examination of the implementation regulations and any potential amendments to the enabling legislation recently passed by the Legislature is warranted. The County supports efforts to fund, through the Act, local housing trust funds and emergency housing for youth.

LEGISLATIVE POLICIES

This section describes San Mateo County's general positions on legislative issues that are expected to appear in the next legislative session, appear regularly at the federal and state levels or are standing policies of the County. While the policies are broken down into five general categories (Administration and Finance; Human Services; Health Services and Hospitals; Public Safety and Justice; and Land Use, Housing Transportation and Environment) and a miscellaneous category, many of the policies bridge more than one category. Every effort has been made to place properly each of the policies.

Administration and Finance

The County supports:

1. Preservation of existing revenues and revenue authority, including the elimination of ERAF and maintenance of effort (MOE) requirements. The County opposes efforts to expand MOE requirements and ERAF. Maintenance of effort requirements tend to penalize more progressive counties that implement programs before the statewide program.
2. Maintenance of property tax revenues directed to local government. The County opposes efforts to direct property tax revenues away from local government.
3. Efforts to allocate funding through block grants, which allow for maximum flexibility in the use of funding within the designated program.
4. Increased funding for county infrastructure needs, should such funds be available.
5. Examination of equitable funding structures and formulas that reflect a county's responsibilities, demographics, cost of living and caseloads. The County opposes funding restructuring efforts that do not ensure adequate revenues for new responsibilities and obligations.
6. Federal funding mechanisms that allow funding to flow directly to local governments rather than through state government.
7. Efforts to create faster reimbursement processes from state and federal sources to local government.
8. Increased ability to utilize state or local matching funds to draw down additional federal funds.
9. "Revenue neutrality," that requires the transfer of adequate revenues to accompany the corresponding responsibility. Generally, the County opposes the use of local revenues to satisfy state or federally mandated activities.

Human Services

The County supports:

1. Preservation of the 1991 county health and human services realignment program. The County also supports a careful and cautious analysis of any efforts to alter the current system in light of California's fiscal constraints. (2001-2002, revised)
2. Increased flexibility for the administration of CalWORKS. Flexibility in the CalWORKS program should include income eligibility standards for child care.

3. Performance incentives and other rewards for cooperation and collaboration among local governments, including regional and sub-regional efforts to provide affordable and transit oriented housing. (2001-2002)
4. Preservation of children's protective services, participation and funding for foster/adoptive programs and funding for child care. (2001-2002, revised)
5. Increases in Housing Assistance Payments and Administrative Fee amounts and greater flexibility for use of Section 8 Housing Choice Voucher Program funds. The County opposes efforts to reduce funding amounts in this arena and or limitations on the flexibility of use of funds. (2002, HSA)
6. Renewal of subsidies for the Supportive Housing Program as well as the Shelter Plus Care Program. These programs fund San Mateo County's transitional and permanent supportive housing for homeless families and homeless persons with disabilities. It also is the primary funder of our homeless providers for support staff and program operations. These funds also support rental assistance for disabled homeless people. (2002, HSA)
7. Maximum flexibility to institute innovative practices in child welfare and foster care such as "wraparound" services and multi-discipline service approaches.
8. Increased funding and greater funding flexibility for foster care services, which are critical to adequately protect children in need.
9. Protection of counties from any penalties associated with child support enforcement-reporting violations associated with the state's failure to adequately implement an electronic reporting system.
10. Legislation and budget actions that reduce the fiscal impact of the In-Home Supportive Services program on county revenues, including Realignment funds.

Health Services and Hospitals

The County supports:

1. The creation and funding for a health care system that provides access to health insurance to all San Mateo County residents regardless of their ability to pay. To that end, the County supports efforts to reduce or eliminate premiums and co-payments that serve to deny access to care.
2. Improved access to health care and increased stability of the health care system through Medi-Cal. The County supports increased reimbursement rates, full funding for emergency room services and costs, expanded dental coverage, increased funding for outreach and enrollment, funding and flexibility to provide increased health care and mental health services in the County's jail system.
3. Expanding the Healthy Families program (State Children's Health Insurance Program (SCHIP)) to include families of eligible children and preserving \$750 million in federal funds to California.
4. Full funding for Emergency Medical Service program costs.
5. Continued and increased funding sources for the Health Plan of San Mateo through various sources including one-time allocations.

Public Safety and Justice

The County supports:

1. Preservation of funding for local public safety efforts, including inmate health, juvenile probation and prevention programs, mental health and drug and alcohol programs. (2001-2002)
2. Preservation of funding and, in the future, seek additional funding for Proposition 36 implementation. Support statutory changes that improve the operational efficiency and local flexibility of the program. (2001-2002, revised)
3. Full funding and/or equity in the trial court realignment block grant. The County also supports efforts to continue examination into trial court funding and maintenance including the transfer of trial court facilities.
4. Increased regulation of firearms.
5. Efforts to facilitate the construction and operation of juvenile correctional facilities, such as increased or reallocated funding for correctional facilities that are ready for immediate construction.
6. Increased funding for substance abuse treatment, mental health services and other diversionary services for inmates.
7. Continued review of the alignment of Chief Probation Officer selection, appointment and retention authority with funding. The County also supports cautious review of any potential separation of adult and juvenile probation activities.
8. Efforts to align law library costs, including facilities maintenance, with trial courts rather than the County.

Land Use, Housing, Transportation and Environment

The County supports:

1. Solutions to the region's housing crisis that address the needs of homeless, lower-income residents, CalWORKS participants and at-risk populations as well as the housing needs of disabled residents and the elderly.
2. Efforts to preserve affordable housing and the development of new affordable housing through activities including additional funding for local housing trust funds, development of a statewide and national housing trust funds, and efforts to increase the amount of multi-family housing in San Mateo County.
3. Smart Growth efforts and other land use decisions that facilitate appropriate mixed use developments along efficient, public transportation corridors. The County also supports an examination of current rules and standards that benefit lower density development (over higher density development), vehicular movement at the expense of pedestrian traffic and safety. While the County supports development incentives for Smart Growth related activities, the County opposes efforts to divert or restrict funding usage to specific programs.
4. Careful and cautious review of the implementation of Proposition 50 water bond funds.
5. Careful and cautious examination of state efforts to manage regional growth issues.
6. Maintenance of adequate open space/park lands through increased funding for development easements and needed restoration and rehabilitation activities.
7. Increased funding to address the growing Sudden Oak Death syndrome affecting several California coastal counties. (2002, ESA)

8. The Legislative Analysts Office recommendation to require a statewide transportation needs assessment every five years, if the assessment has no fiscal impact on County funds or revenues.
9. The Legislative Analysts Office recommendation to create high occupancy toll (HOT) lanes as a pilot program. The County also supports consideration of San Mateo County as a potential pilot project location.

Miscellaneous

The County supports:

1. The development of regulations and the implementation of Proposition 49, the After School Education and Safety Program Act of 2002, that will benefit the County's existing system of before and after school programs.
2. Legislation that will benefit horseracing and other subsequent horse racing related activities in and around Bay Meadows.
3. Legislation that conveys to domestic partners any and all benefits and advantages enjoyed by married couples.