

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:
Prepared on: 7/23/04
Department Name: CAO
Department No.: 012
Agenda Date: 8/3/04
Placement: Departmental
Estimate Time: 30 minutes
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Michael F. Brown
County Administrator

STAFF CONTACT: Jim Laponis, Deputy County Administrator
Lori Norton, Analyst

SUBJECT: Legislative Program Committee Recommendations

Recommendations:

That the Board of Supervisors' consider the following recommendations from the Legislative Program Committee of July 19, 2004:

- A. Support the passage of Proposition 63, The Mental Health Services Expansion and Funding Act, which has qualified and will appear on the November 2, 2004 General Election Ballot (3 Ayes, 1 Abstain (Member Stark), 1 Absent (Marshall)) (Attachment A).
- B. Remove Opposition and Move to a "Neutral" position on SB 18 (Burton, Chesbro, and Ducheny) Traditional Tribal Cultural Places, as Amended July 1, 2004 (4 Ayes, 1 Absent (Marshall)) (Attachment B).
- C. Consider a proposal to sponsor legislation, in the legislative session which will begin in January 2005, to amend Section 1191 of the Revenue and Taxation Code, to give the Board of Supervisors the authority to, upon a 2/3 vote of the electorate, increase the documentary transfer tax by fifty-five cents (\$0.55) for each \$500 of sales price, to fund the creation of workforce housing. Further, direct the Director of Housing and Community Development to consider amending the proposal to include Zones of Benefit which would allow regions or sub-regions of the County to vote to authorize the increase in the documentary transfer tax. (4 Ayes, 1 Absent (Marshall)) (Attachment C).
- D. Watch AB 2902 (Hancock) CEQA: Project Approvals. AB 2902 establishes a procedure for sharing the cost of mitigating projects subject to CEQA among public agencies affected by the projects (4 Ayes, 1 Absent (Marshall)) (Attachment D).

Alignment with Board Strategic Plan:

The recommended actions are primarily aligned with actions required by law or by routine business necessity. They are also aligned with the Board's adopted Goal #1: An efficient Government able to anticipate and respond effectively to the needs of the community.

Executive Summary and Discussion:

On July 19th, 2004, the Legislative Program Committee met and recommended the Board of Supervisors consider the above recommended actions. The Committee membership is as follows: Second District Supervisor Susan Rose, Third District Supervisor Gail Marshall, County Administrator Michael F. Brown, County Counsel Stephen Shane Stark, and County Auditor Controller Bob Geis. Member Marshall was absent from the meeting.

Following is additional information about each of the recommended actions and a brief summary of other issues discussed by the Committee:

The Mental Health Services Expansion and Funding Act

The Mental Health Services Expansion and Funding Act is an Initiative which has qualified and will appear on the November 2, 2004 General Election Ballot. The Summary of the Act, as written by the Attorney General follows. The entire text of the Act is included in Attachment A.

Mental Health Services Expansion and Funding. Tax on Incomes over \$ 1 Million. Initiative. Statute. (Proponents: Assemblyman Darrell Steinberg and Sherman Russell Selix, Jr., (916) 557-1166)

Provides funds to counties to expand services and develop innovative programs and integrated service plans for mentally ill children, adults and seniors. Require the state to develop mental health service programs including: prevention, early intervention, education and training programs. Creates a new commission to approve certain county programs and expenditures. Imposes an additional 1% tax on taxable income over \$1 million to provide dedicated funding for expansion of mental health services and programs. Current funding for mental health programs may not be reduced because of funding from new tax.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Additional revenues of approximately \$250 million in 2004-05, \$680 million in 2005-06, \$700 million in 2006-07, and increasing amounts annually thereafter, with comparable increases in expenditures by the state and counties for the expansion of mental health programs. Unknown savings to the state and local agencies potentially amounting to hundreds of millions of dollars annually on a statewide basis from reduced costs for state prison and county jail operations, medical care, homeless shelters, and social services programs that would partly offset the additional cost of this measure.

Attachment A also includes a letter from the Mental Health Commission and the Mental Health Association in Santa Barbara County, which seeks the Board's Support for Proposition 63 and a fact sheet prepared by the Campaign for Mental Health. (Attachment A-1, Department of Alcohol, Drug and Mental Health).

SB 18 (Burton, Chesbro, and Ducheny) Traditional Tribal Cultural Places, as Amended July 1, 2004

The County of Santa Barbara is on record as Opposed to SB 18, which was introduced in December 2002, and has been debated in the legislature ever since. SB 18 has been substantially amended, primarily as a result of strong opposition to the bill, from local governments, private developers, utility companies, realtors, etc. As amended, SB 18 (Attachment E) would require a planning agency to conduct consultations with California Native American tribes during the preparation or amendment of a general plan, for the purpose of preserving places, features, and objects protected by specified provision of the Public Resources Code that are within the city's or county's jurisdiction. Further it would grants any Tribe contacted by a local jurisdiction 90 days from the date upon which is contracted to request a consultation, and defines "consultation" as the meaningful and timely process of seeking, discussing, and considering carefully the view of others in a manner that is cognizant of all parties' cultural values and , where feasible, seeking agreement. CSAC, and the League of California Cities have removed their opposition and are now "neutral" regarding the bill.

AB 2902 (Hancock) CEQA: Project Approvals

AB 2902 establishes procedures for sharing the costs of mitigating projects subject to CEQA among public agencies affected by the projects. It prohibits a public agency from making a finding that measures have been incorporated into a project to mitigate significant impacts on public utilities, public safety services, transportation infrastructure, and housing, if the measures are within the responsibility and jurisdiction of another public agency, unless the public agency holds a hearing in the impacted jurisdiction and conducts good faith negotiations with the other public agency for not less than 90 days prior to making the finding.

As originally introduced, AB 2902 would have required an institution of public higher education that approves or undertakes a long-range development plan or capital project, for which an environmental impact report has been certified by a lead agency that identifies mitigation measures that must be implemented by the institution to lessen or avoid the potentially significant environmental effects of the plan or project including, but not limited to, adverse impacts on public facilities or services provided by a local agency or special district, or housing supply or demand, in the area in which the plan or project is located, consult with the local agency or special district that has jurisdiction over the area covered by the environmental impact report.

As amended, the bill would require any public agency— except primary and secondary educational institutions— to conduct public hearings and good faith negotiations to mitigate impacts which are the responsibility of another public agency. Staff reported that the bill faces stiff opposition in its

current form, and is very unlikely to pass. The Committee directed staff to watch the bill and place it on a future agenda if appropriate.

The Committee also received information but took no action on the following items:

SB 635 (Dunn, Co-Author Jackson) Emergency Medical Services

The Committee received an update on SB 635 (Attachment F), a Santa Barbara County sponsored bill, which would, until January 1, 2007, allow the County to collect additional penalties, fine, or forfeitures (\$5 for every \$10, or fraction thereof), collected for criminal offenses to include all offenses involving a violation of the vehicle code or any local ordinance adopted pursuant to the vehicle code (except parking offenses), for emergency medical service funding. Prior to the imposition of the additional penalty, fine or forfeiture, the County Board of Supervisors must adopt a resolution stating that implementation of the provision is necessary for purpose of providing payment for emergency medical services in the County. Public Health estimates that if adopted, SB 635 could generate an estimated \$1.2 million annually to provide payment for emergency medical services provided to the uninsured in Santa Barbara County.

SB 921 (Kuehl) Single Payer Health Care Coverage

Previously, the Board voted to "Support in concept" SB 921(Attachment G), which would provide health care coverage for all California residents. The Board withheld full support of the bill because the method of funding was not specifically identified. In June, SB 921 was amended as follows: SB 921 would create the California Health Care System (CHCS) which would provide health care insurance to all California residents through a consolidated claims, financing, and administrative system. SB 921 would replace all private health insurance policies and eliminate all health insurance premiums paid by California residents and employers, except for insurance for services not provided by CHCS.

Revenues for the CHCS would be derived from: 1) a personal income tax for health care on earned and unearned income; 2) an employer payroll tax; and 3) a self-employed business tax. In addition, if passed, the State would petition the Federal Government to seek necessary waivers or legislation to allow federal payments to the state for health care to be paid to the CHCS, which will then assume responsibility for all benefits and services previously paid for by the federal government with those funds.

Although revenues sources have now been identified, the level of personal income tax, employer payroll tax, and self-employed business tax necessary to support the cost of universal health care has not been determined. Governmental Advocates reported that it appears highly unlikely that SB 921 will pass the legislature this year. As such, the Committee directed staff to continue to monitor the bill and if appropriate return it to the Committee or Board at a future time.

SB 1157(Romero) Disability Insurance: Intoxication

SB 1157 (Attachment H) would have prohibited a health insurance policy from including a provision indicating that an insurer is not liable for any loss sustained by the insured while intoxicated or under the influence of a controlled substance, unless subscribed by a physician. The Alcohol, Drug and Mental Health Department requested support for SB 1157. However, prior to the Legislative Program Committee meeting of July 19th, the Governor vetoed the bill.

The Committee also received an update on State Budget deliberations. Staff will provide an update on the status of the State Budget as part of another item on the Board's August 3, 2004 Agenda.

Mandates and Service Levels:

The Legislative Program Committee is not mandated and its service levels are discretionary.

Fiscal and Facilities Impacts:

If applicable and known, fiscal and facility impacts are discussed in the executive summary in relationship to individual recommendations.

C: Cliff Berg, Governmental Advocates
Ron Waterman, Waterman and Associates
Department Directors