

---

# REPORT

Thomas Walters & Associates, Inc.



---

TO: Santa Barbara County Board of Supervisors

DATE: January 3, 2011

FROM: Thomas P. Walters

## 2010 ANNUAL REPORT

2010 was one of the most extraordinary sessions of Congress in many years. It began with the passage of health care reform early in the year, followed by the enactment of major financial reform legislation, and culminated with the landscape-changing November elections and a surprisingly productive Lame Duck Session. In between, however, concerns over the increasing deficit, the continuing woes afflicting the economy, skittishness from voter backlash that led to the defeat of several incumbents, and the Senate Democrats' loss of a filibuster-proof super majority all contributed to an environment where the passage of almost any legislative initiative was convoluted and often necessitated arcane strategies. As a result, several major initiatives were waylaid, including reauthorization of SAFETEA-LU, climate change and energy-related legislation, and perhaps most significantly, the FY 2011 appropriations process for funding Federal agencies and programs. While work on many of the twelve individual appropriations bills was complete at either the subcommittee or full committee level, none were enacted. A last-ditch attempt to complete the process in the Lame Duck session by rolling all of the bills together into the *FY 2011 Omnibus Appropriations Act* was unsuccessful when Senate Republicans withdrew any support for the proposal. Instead, Congress enacted a Continuing Resolution (CR) that funds Federal agencies and programs at the FY 2010 level until March 3, 2011, and does not include earmarks for specific projects of any kind. It will be up to the new Congress to determine what to do regarding the remainder of FY 2010 funding.

Throughout the year, we worked aggressively to advocate the Board's priorities on a wide range of projects, policies, and issues impacting the County's fiscal stability and delivery of services, as addressed in this report. We lobbied these issues with Congressional members, staff and Administration representatives. We continued to work closely with the National Association of Counties (NACo) and other relevant stakeholders, and during their respective trips to Washington, D.C., arranged meetings for Supervisors Carbajal and County staff to advocate on critical County issues with members of the Santa Barbara County Congressional delegation, appropriate Congressional offices, and officials with the Administration. While funding for specific projects in general and Santa Barbara proposals and projects in

particular were wiped out by enactment of the Continuing Resolution, the County was awarded several Federal grants and reimbursements, including:

- \$2.86 million under the Coastal Impact Assistance Program (CIAP)
- \$2.4 million from the Department of Energy to implement local energy efficiency and renewable energy programs
- \$1.8 million for emergency disaster response activities during the May, 2009 Jesusita Fire
- \$576,500 under the State Criminal Aliens Assistance Program (SCAAP)
- \$142,289 under the FY 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) program

In addition, actions of significance to the County's Federal priorities include:

- Implementation of a new prospective payment system (PPS) for Medicare-covered services provided by the County's Federally Qualified Health Centers.
- Enactment of legislation to relieve the County of the burden of tracking for IRS purposes of the "personal use" of cell phones and personal digital assistants (PDAs) issued to County employees.
- Reauthorization of FEMA's Pre-Disaster Mitigation Grant Program.
- The six month extension of the Federal Medical Assistance Percentage (FMAP) enhancement implemented by the American Recovery and Reinvestment Act.
- Enactment of a one-year extension of existing TANF authority.
- Authorization of a new Nutrition Education and Obesity Prevention Grant Program to implement programs targeting childhood obesity, including community and public health approaches.
- Acceptance by the International Maritime Organization (IMO) of a proposal to designate waters off the North American coasts as an Emission Control Area (ECA).

The challenges of 2010 on the Federal level will continue into the New Year, particularly in terms of the economy and budgetary constraints due to the Federal deficit. Both House and Senate Republican conferences voted to continue a voluntary ban on earmarks for individual projects during the 112<sup>th</sup> Congress. However, there is still disagreement about what constitutes an earmark, and whether the ban will extend to legislation that is traditionally driven by individual projects, including SAFETEA-LU reauthorization, the Water Resources Development Act (WRDA) and the Farm Bill. Democrats have not instituted any earmark bans, and while House Democrats will be affected by the Republican ban when the GOP takes control in January, Senate Democrats continue to assert their Constitutional responsibility to direct spending rather than cede power to the Administration.

## Table of Contents

Federal Funding for Santa Barbara County Projects .....	4
FY 2011 Appropriations Requests .....	4
Santa Maria Levee .....	5
Climate Change Legislation.....	5
Coastal Issues .....	6
Emergency Preparedness and Response .....	6
FY 2011 Federal Funding .....	6
Firefighter Grants .....	7
Pre-Disaster Mitigation .....	7
Energy Efficiency Program (AB 811) Funding .....	8
Health Issues .....	8
Health Care Reform .....	8
Health IT Funding .....	9
FY 2011 Health Care Program Funding .....	10
Medicaid Funding .....	10
Childhood and Women’s Health Issues.....	11
Homelessness .....	11
Local Land Use Authority – Cell Towers .....	12
Marine Vessels Emissions and Clean Air.....	12
Public Safety.....	12
SCAAP .....	12
Public Safety Funding.....	13
Gang Prevention and Juvenile Justice.....	13
Juvenile Offenders in Custody.....	14
Inmate Health Care Costs .....	14
Anti-Methamphetamine Resources.....	15
TANF Reauthorization and Emergency Contingency Fund .....	15
SAFETEA-LU Reauthorization.....	16
Advocacy and Support.....	16
Agriculture – Pest Detection.....	16
Child Support Administration.....	17
Cottonwood Canyon Road.....	17
Employer-Provided Cellular Telephones.....	17
Flood Insurance and Flood Map Revisions .....	18
Housing and Community Development.....	18
Jesusita Fire Funding .....	19
Levee Vegetation Clearance .....	19
Social Services .....	19
Unfunded Mandates – 3% Withholding Requirement.....	20

## Federal Funding for Santa Barbara County Projects

### FY 2011 Appropriations Requests

We worked with our local House delegation and Senators Feinstein and Boxer regarding support for the County's specific funding proposals through the FY 2011 appropriations measures. In preparation for the process, we met with their respective offices on behalf of the County early in the year to discuss support for those proposals, and we also arranged and participated in meetings for Supervisor Carbajal to advocate for the requests with the local Congressional delegation offices and appropriations committee staff during his advocacy trips to Washington, D.C.

Senator Feinstein once again established an early deadline of February 5 for receipt of proposals by her office, and we worked closely with County staff to submit requests for the County's priorities, including Mission Creek, Lake Cachuma, the Santa Barbara Courthouse, Goleta Beach, Santa Claus Lane Beach Access, Hollister Avenue Widening, Purisima Road Widening, renovation of the Lompoc Veterans Memorial Building, and the regional Highway 101 Carpenteria Creek Bridge project. We subsequently submitted the County's requests to Senator Boxer, Congresswoman Capps, and Congressman Gallegly, as appropriate.

In February, the Republican House Caucus voted to impose a one year moratorium on earmark requests, which prevented Congressman Gallegly from advocating for County projects. However, Congresswoman Capps and Senators Feinstein and Boxer continued to support several of the County's requests. However, the FY 2011 appropriations process came to a standstill due to the lack of a Budget Resolution to set overall spending parameters, and debate stemming from increased concern over Federal spending and the debt. When the logjam was temporarily broken in July, various House and Senate Appropriations Subcommittees began drafting bills under their respective jurisdictions, and in the Senate most bills were approved at the full committee level. As a result, the following levels of funding were proposed for County projects we advocated:

- \$250,000 for Lower Mission Creek, as requested by Senator Feinstein;
- \$450,000 for the Lompoc Veteran's Building, as requested by Senator Boxer; and
- \$650,000 for the Highway 101 Carpenteria Creek Bridge project, as requested by Congresswoman Capps

After the August recess, work on the appropriations bills once again bogged down, and Congress was forced to pass a series of Continuing Resolutions (CRs) to keep the Federal government funded after the October 1 beginning of the Federal Fiscal Year. during the post-election Lame Duck session in the waning days of the 111<sup>th</sup> Congress, Senate Appropriations Committee Chairman Inouye continued to work to put together an omnibus appropriations package that would contain all twelve individual appropriations measure. Initially, it appeared that there would be enough Republican Senators willing to support the package that a filibuster could be avoided. When the *FY 2011 Omnibus Appropriations Act* was released by Senate Majority Leader Reid (D-NV), it included funding for Lower Mission Creek, the Lompoc Veteran's Building, and the Highway 101 Carpenteria Creek Bridge project.

Unfortunately, prospects for the omnibus package dimmed when Senate Minority Leader McConnell (R-KY) and other prominent Senate Republicans announced they would oppose the bill because of the earmarks it contained, even though many of those earmarks were theirs. Congress was forced to approve a final CR that funds the Federal government at FY 2010 levels through March 4, 2011 and includes no project earmarks. The 112<sup>th</sup> Congress, with a new Republican Majority in the House, must complete the FY 2011 appropriations process before the CR expires, and will be responsible for determining the funding levels and priorities for the remaining of the fiscal year.

#### Santa Maria Levee

Throughout the year, we worked with the U.S. Army Corps of Engineers regarding support for the improvements to the Santa Maria Levee. Although the County has been successful in obtaining \$40 million of funds from the American Recovery and Reinvestment Act of 2009 and nearly \$7 million in additional Congressional earmarks to fully fund the Levee repairs, the plan developed by the Corps did not include a portion of the Levee where improvements are necessary for flood protection. We worked with County staff and the City of Santa Maria to respond to this situation and to develop a strategy for extending Reach 3 of the levee repairs to include Bradley Canyon.

We discussed the needed levee repairs with members of the local Delegation to obtain their assistance, and regularly briefed Congresswoman Capps' staff to support their advocacy with the Army Corps on behalf of the County. Congresswoman Capps contacted the Corps' Washington, D.C., headquarters to urge their assistance in expediting a plan to resolve these issues, and also helped schedule a meeting with Colonel Toy, the head of the Los Angeles District Corps office, which will have the lead role in completion of the repairs.

#### **Climate Change Legislation**

We contacted Senate Leadership and the committees of jurisdiction over climate change to advocate the County's support for cost-effective strategies to reduce greenhouse gas (GHG) emissions and the use of grants, loans, and incentives to assist local governments in the implementation of GHG reduction programs. We also provided this information to Senators Boxer and Feinstein in anticipation of Senate action on climate change. Senators Kerry (D-MA) and Lieberman (I-CT) introduced their long-awaited version of climate change legislation, the *American Power Act* and we provided a section-by-section summary and analysis of the proposal to County staff for review. While it initially appeared that it would be difficult for the Senate to address climate change this year, there were efforts to attach a variety of provisions from the *American Power Act* to pending energy legislation following the Gulf oil leak. However, these efforts ultimately failed when it became apparent to Senate Majority Leader Reid (D-NV) that he could not secure enough votes to override Republican filibusters on climate change or energy legislation.

We also contacted the House and Senate Interior Appropriations Subcommittees of jurisdiction to advocate in support of funding for EPA's Section 103 and Section 105 grants to State and local agencies, citing its importance to the Air Pollution Control District's mandated efforts, including the fine particulate monitoring network.

Neither subcommittee complete work on its version of the *FY 2011 Interior, Environment and Related Agencies Appropriations* bill, and under the Continuing Resolution these programs are funded at the FY 2010 level of \$226.5 million.

### **Coastal Issues**

The Energy Policy Act of 2005 provided \$250 million annually for FY 2007-2010 for eligible States and qualified coastal political subdivisions (CPSs) to mitigate the impacts of activities on the Outer Continental Shelf (OCS) under the Coastal Impact Assistance Program (CIAP). The funding was to be allotted based on the proportion of qualified OCS revenues offshore the individual State to total qualified OCS revenues from all States. When the Department of the Interior's Mineral Management Service (MMS) released its Program Announcement for California, it provided that the County is eligible to receive a total of \$2,861,065.52 for the four years. Grant applications must be submitted by the end of 2011, with all projects completed by the end of 2014.

We contacted the various committees of jurisdiction to advocate the County's support for an increase in liability for oil spill disasters, as well as increasing the associated civil and criminal penalties under the Outer Continental Shelves Land Act (OSCLA). In particular, we specifically lobbied for provisions included in Congresswoman Capps' H.R. 5459, the *Outer Continental Shelf Lands Act Amendments Act* and its Senate companion, S. 3346, and Congressman Holt's (D-NJ) H.R. 5214, the *Big Oil Bailout Prevention Act* and its Senate companion, S. 3305. We also advocated your Board's support for Congresswoman Capps' H.R. 1906, the *California Ocean and Coastal Protection Act*, to permanently prohibit oil and gas leasing off the coast of the State of California. Numerous hearings were held, and in June, House Transportation and Infrastructure Committee Chairman Oberstar (D-MN) introduced H.R. 5629, the *Oil Spill Accountability and Environmental Protection Act*, to completely lift any caps on liability related to oil spills. His committee approved the legislation on July 1. Subsequently, when Senate Majority Leader Reid (D-NV) released his pared down version of omnibus Energy legislation late in July as S. 3663, the *Clean Energy Jobs and Oil Company Accountability Act*, he also included provisions to require polluters to pay the full costs of oil spills. However, Senator Reid was unable to move the bill and it died when Congress adjourned at the end of the Lame Duck session.

### **Emergency Preparedness and Response**

#### FY 2011 Federal Funding

The Homeland Security Appropriations bill is traditionally one of the first spending measures drafted, and we contacted the House and Senate Appropriations Committees early in the year to advocate the County's homeland security and emergency response priorities in anticipation of action on the *FY 2011 Homeland Security Appropriations* bill. We urged them to adequately fund local homeland security and disaster preparedness and response activities, including funding to address the needs of public safety, public health, emergency management personnel, and communications infrastructure. We also asked them to fund the Assistance to Firefighters Grant program at the highest possible level, and emphasized the critical importance of Emergency Management Performance Grants to the County's emer-

agency preparedness responsibilities. While the House Appropriations Subcommittee marked up its bill late in June, the measure was never considered by the full committee. In the Senate, the Appropriations Committee completed its work on the Homeland Security funding bill, but when the full Senate failed to pass the *FY 2011 Omnibus Appropriations* bill in December, the Department of Homeland Security became subject to the Continuing Resolution, funded at FY 2010 levels through March 3, 2011. Those levels included \$950 million for State Homeland Security and Law Enforcement Terrorism Prevention Grants, \$810 million for Firefighter Assistance Grants, including \$420 million for SAFER, \$340 million for EMPG, and \$100 million for the National Pre-disaster Mitigation Fund.

We also advocated for adequate funding for local bioterrorism programs with the House and Senate Labor, Health and Human Services and Education Appropriations Subcommittees, reiterating the critical role that the County's public health infrastructure plays in responding to biological, chemical, and conventional threats. We specifically asked them to fully fund CDC's State and Local Capacity program and HRSA's National Bioterrorism Hospital Preparedness Program. Under the Continuing Resolution, these programs are funded at FY 2010 levels, including \$761.0 million for upgrading State and local bioterrorism preparedness capacity, and \$426 million for bioterrorism hospital grants.

#### Firefighter Grants

Last year the House of Representatives approved H.R. 3791, the *Fire Grants Reauthorization Act*, to reauthorize the Assistance to Firefighters (AFG) and Staffing for Adequate Fire and Emergency Response program (SAFER) programs for five years, and authorize \$950 million annually for the programs with adjustments for inflation. After Senator Dodd (D-CT) introduced companion legislation this year in the Senate as S. 3267, we contacted the Senate Homeland Security and Governmental Affairs Committee to advocate in support of the measure, which included provisions to provide flexibility for FEMA to waive certain requirements for applicants that demonstrate economic hardship. The committee approved the bill in April, and we urged Committee Chairman Lieberman (I-CT) and Senators Boxer and Feinstein to work with Senate Leadership to expedite floor passage of the legislation. However, the 111<sup>th</sup> Congress ended without further action on the legislation, and AFG and SAFER will continue as is on an ongoing basis contingent upon the annual appropriations process.

In August we provided the County with FEMA's guidance document for applying for the FY 2010 SAFER Grant program. The application period for the FY 2010 Program closed on September 17. FEMA is awarding approximately \$420 million, and 100% of the actual salary and benefits for the SAFER-funded firefighters will be fully funded for two years.

#### Pre-Disaster Mitigation

We continued to monitor efforts to reauthorize FEMA's Pre-Disaster Mitigation Grant Program, which provides funding to State and local agencies for hazard mitigation planning and the implementation of mitigation projects prior to a disaster event. In 2009, the House approved Transportation Committee Chairman Ober-

star's (D-MN) H.R. 1746, the *Pre-Disaster Mitigation Act of 2009*. Late in this year's *Lame Duck* session, the Senate approved an amended version of H.R. 1746, and the House concurred with the Senate's changes. The final bill directs FEMA to award the grants to communities on a competitive basis and authorizes up to \$200 million for the program for FY 2012 and FY 2013. President Obama is expected to sign the measure into law.

### **Energy Efficiency Program (AB 811) Funding**

Early in the year we provided the County with information regarding Department of Energy grants to implement local energy efficiency and renewable energy programs. On June 11, DOE announced that 20 communities were selected for grants, and we were informed by Congresswoman Capps' office that the County was awarded a grant of \$2,401,309 under this competitive program.

We contacted the House Ways and Means Committee to reiterate the County's support for Congressman Thompson's (D-CA) H.R. 3525, to enable the issuance of tax exempt bonds to finance renewable energy resource activities, citing their usefulness as long-term funding sources for local efforts to develop energy efficiency programs such as those authorized by the California's AB 811. We also asked Congresswoman Capps and Congressman Gallegly to support and cosponsor the legislation. While Congressman Thompson serves on the Ways and Means Committee, hearings were never scheduled on H.R. 3225.

Early in July we were alerted that the Federal Housing Finance Agency (FHFA) was about to issue new requirements that would not allow residential property owners with Fannie Mae and Freddie Mac mortgages to participate in Property Assessed Clean Energy (PACE) programs because PACE liens would be senior to their mortgage debt. We immediately contacted the Administration, Senators Boxer and Feinstein and the local House delegation to make them aware of the disastrous impact this would have on AB 811-related efforts in the County. When appeals to FHFA by the Administration – including a personal appeal by Vice President Biden – were unsuccessful in swaying the independent agency, Congressman Thompson (D-CA) introduced H.R. 5766, the *PACE Assessment Protection Act*, to resolve the issue. We worked with NACo and other stakeholders on the problem and lobbied House Financial Services Committee Chairman Frank (D-MA) to expedite action on H.R. 5766. We also asked local delegation members to support the proposal. Subsequently, Congresswoman Capps became a co-sponsor of H.R. 5766 and Senator Boxer introduced a companion bill as S. 3642. We joined other State and local government stakeholders in reiterating support for the legislation as Congress returned for its *Lame Duck* session after the November elections, but the session ended without further action to resolve the issue.

### **Health Issues**

#### Health Care Reform

As the year began, we continued to closely monitor action on efforts to overhaul and reform the health care system, and coordinated with NACo and other local government advocacy groups to determine potential impacts on the County. While the two



largest issues surrounding health care reform remained cost and whether it would include a “public option” for health insurance, we contacted our local Congressional delegation and House Majority and Minority leadership to reiterate the County’s chief concerns in the debate, including updated reimbursements for Federally Qualified Health Centers (FQHCs) and increased Medicare reimbursements for physicians in the County.

When the election of Republican Senator Scott Brown to replace the late Senator Edward Kennedy in Massachusetts caused the Democrats to lose their filibuster-proof “super majority” of 60 votes, negotiations on the package were frantic, and a variety of procedural options were considered by the House Majority leadership. The final version of the legislation, known as the Patient Protection and Affordable Care Act, was signed into law by President Obama on March 23. Significant provisions of the Act included:

- Expanding Medicaid to all individuals under 65 with incomes up to 133% of the Federal Poverty Level, based on modified adjusted gross income;
- Providing States will 100% federal funding for increased Medicaid coverage for 2014 – 2016, then dropping sequentially to 90% by 2020 and subsequent years;
- Requiring states to maintain current income eligibility levels for children in Medicaid and the Children’s Health Insurance Program until 2019;
- Creating state-based American Health Benefit Exchanges and Small Business Health Options Program Exchanges through which individuals and small businesses with up to 100 employees can purchase coverage;
- Requiring employers with more than 200 employees to automatically enroll employees into health insurance plans offered by the employer;
- Creating a temporary reinsurance program for employers providing health insurance coverage to retirees over age 55 who are not eligible for Medicare, including local governments.

Despite attempts by Senator Feinstein, provisions to update the method used to determine the localities used for Medicare’s physician geographic adjustment factor in California were not included in the final bill. However, it does include provisions that establish a Medicare prospective payment system (PPS) for Medicare-covered services provided by the County’s FQHCs.

#### Health IT Funding

We contacted Chairman Waxman (D-CA) and members of the House Energy and Commerce Committee on behalf of the County to urge them to take action during the Lame Duck session on Congressman Kratochvil’s (D-MD) H.R. 6348, which would enable Community Health Centers to receive directly Health IT incentive payments authorized by the American Recovery and Reinvestment Act (ARRA). Under regulations issued by the Department of Health and Human Services, the payments would go directly to participating physicians, requiring the County’s Community Health Centers to renegotiate their contracts with providers in order to access the funding for adoption and use of electronic medical records. Unfortunately, Congressman Kratochvil lost his bid for re-election and the future status of the legislation in the 112<sup>th</sup> Congress is in limbo.

### FY 2011 Health Care Program Funding

Early in the year we began working with Congresswoman Capps, Congressman Gallegly, and Senators Boxer and Feinstein on the County's health care-related funding priorities. As hearings began on the FY 2011 appropriations process, we contacted members of the House and Senate Labor, HHS, Education and Related Agencies Appropriations Subcommittees to advocate in support of public health funding that impacts the County, including tuberculosis control and prevention, Ryan White Part C funding, substance abuse and mental health block grants, community health centers, immunizations, preventative health services, health care safety net grants; and community-based health and nutrition services for older Americans. We also urged them to provide adequate funding for State and local bioterrorism preparedness and bioterrorism hospital grants. The *Labor, Health and Human Services, Education and Related Agencies Appropriations* bill is typically one of the last funding measures drafted, and while the Senate Appropriations Committee did complete work on its version of the bill, no action was taken in the House. FY 2011 funding for Federal health programs is currently covered by the Continuing Resolution.

### Medicaid Funding

We contacted members of the House Ways and Means Committee and the Senate Finance Committee to urge them to extend the Federal Medical Assistance Percentage (FMAP) enhancement implemented by last year's stimulus package, the American Recovery and Reinvestment Act (ARRA). The ARRA provision, which is set to expire in December, increased the Federal share of Medi-Cal in California from 50% to 61.59%, and we cited the ongoing need for the enhanced FMAP rate to local governments such as the County because of the State's ongoing fiscal crisis.

A six month extension of the FMAP enhancement was initially included in H.R. 4213, the *Tax Extenders Act*, but in order to get the votes to pass the measure in May, House Leadership was forced to drop the FMAP provision. After learning of the removal of the FMAP extension, we immediately contacted Senate Leadership and Senators Boxer and Feinstein to advocate for reinstatement of the provisions when the Senate took up the tax extenders bill, citing the critical significance of the funding to the State of California in general and Santa Barbara County in particular. In June, we participated in an organizational meeting of Washington, D.C. representatives hosted by the National Association of Public Hospitals (NAPH) to further discuss and coordinate a strategy for advocating for the FMAP extension, and contacted Senators Boxer and Feinstein and our local House delegation to reiterate the importance of the funding.

Just prior to the August recess, the Senate approved an amended version of H.R. 1586, stripping out previous language related to aviation safety and inserting provisions to provide \$16.8 billion for an additional six months of the FMAP enhancement. Under the legislation, California will receive approximately \$1.28 billion in additional funding. The funding is 100% offset by cuts in other programs. A few days later the House approved H.R. 1586 with the FMAP funding included and it was signed by President Obama on August 10.

### Childhood and Women's Health Issues

We contacted the House and Senate committees of jurisdiction to advocate for revising the formula for allocating Title V Maternal and Child Health Block Grant funds, citing the existing funding inequity for California. Current allocations are based on data that is roughly 20 years old, and we requested that the formula be updated to reflect the most recent Census data. We also urged the House and Senate Appropriations Committees to increase funding for Title V when they draft the *Labor, HHS, Education Appropriations* bill. Under the Continuing Resolution, Title V is funded at the FY 2010 level of \$660 million.

We urged the House Energy and Commerce Committee to expedite consideration of Congresswoman Capps' H.R. 1032, the *Heart Disease Education, Analysis, Research, and Treatment (HEART) for Women Act*, to expand funding for the WISEWOMAN screening program for low-income and uninsured women. Similar legislation sponsored by Congresswoman Capps was approved by the 110<sup>th</sup> Congress, but never taken up in the Senate. We also contacted members of the Senate Health, Education, Labor and Pensions Committee to advocate in support of action on this year's Senate version of the proposal, Senator Stabenow's (D-MI) S. 422. In anticipation of a mid-September hearing, we contacted the House committee to reiterate support for Congresswoman Capps' legislation, and it was marked up and approved on September 30. H.R. 1032 was subsequently approved by the full House, and while we lobbied the Senate to follow suit, Congress adjourned without Senate action on the proposal.

We continued to closely monitor efforts to reauthorize child nutrition programs and, in anticipation of House floor action on the legislation, reiterated to Congresswoman Capps and Congressman Gallegly the importance of provisions to increase resources for local agencies to address childhood obesity. On December 2, the House voted 264-157 to approve S. 3307, the *Healthy, Hunger-Free Kids*. The measure creates a new \$375 million Nutrition Education and Obesity Prevention Grant Program to implement programs targeting childhood obesity, including community and public health approaches. The Senate approved S. 3307 last summer, and completion of the bill in the Lame Duck session was a top priority of the Democratic Leadership. President Obama signed the measure into law on December 13.

### **Homelessness**

In June, the lead Cabinet secretaries from the United States Interagency Council on Homelessness (USICH) unveiled and submitted to the President and Congress a comprehensive strategy to prevent and end homelessness, entitled *Opening Doors: Federal Strategic Plan to Prevent and End Homelessness*. We immediately provided the document to County staff for review and analysis. It is intended to serve as a road map for action by Federal agencies in concert with State and local partners in the public and private sector to end veterans' and chronic homelessness by 2015, and to end homelessness among children family and youth by 2020.

We contacted members of the House and Senate Appropriations Committees, our local Congressional delegation, and Senators Boxer and Feinstein to urge them to adequately fund homeless programs in the *FY 2011 Transportation, HUD and*

*Related Agencies Appropriations* bill. The House Committee proposed \$2.2 billion for homeless assistance grants when the bill was drafted, a ten percent increase over FY 2010. The Senate Committee proposed an even larger increase, to \$2.5 billion. Unfortunately, under the Continuing Resolution, these programs will be frozen at the FY 2010 levels of \$1.86 billion, through March, 2011.

#### **Local Land Use Authority – Cell Towers**

During his January advocacy trip to Washington, D.C., Supervisor Carbajal discussed the Federal Communications Commission's (FCC) November ruling regarding the placement of cell towers with White House Deputy Associate Director for Intergovernmental Affairs Michael Blake. The decision significantly shortened the time period that local governments have to review requests for placements of the towers, further impinging upon local land use authority. As a follow-up to the meeting, we discussed with NACo its efforts with other local government advocacy groups on this issue. We also provided Mr. Blake with your Board's resolution opposing the FCC ruling, the County's letter to FCC in opposition to it, and a petition for reconsideration of the ruling filed by NACo, the League of Cities, and several other national advocacy stakeholders. Mr. Blake provided the information to Shomik Dutta, former Special Assistant to the President's Counsel who is now special adviser to FCC Chairman Julius Genachowski, and asked the FCC to consider the County's position. The FCC has not yet acted on the request for reconsideration.

#### **Marine Vessels Emissions and Clean Air**

During his winter advocacy trip to Washington, D.C., we arranged and participated in meetings for Supervisor Carbajal regarding emissions from ocean-going marine vessels, including with officials at the Environmental Protection Agency. As part of our ongoing follow-up to Supervisor Carbajal's meetings we closely monitored Federal action to reduce these emissions. On March 26, the International Maritime Organization (IMO) officially accepted a proposal to designate waters off the North American coasts as an Emission Control Area (ECA). Large ships that operate in ECAs must use dramatically cleaner fuel and technology to reduce sulfur content by 98%, particulate matter emissions by 85%, and nitrogen oxide (NOx) emissions by 80%. To achieve these reductions, tougher sulfur standards will phase in starting in 2012, and new ships must use advanced emission control technologies beginning in 2016 to help reduce NOx emissions.

#### **Public Safety**

##### SCAAP

Last spring we contacted the Bureau of Justice Assistance (BJA) on behalf of the County regarding their application process for FY 2010 reimbursements under the State Criminal Aliens Assistance Program (SCAAP). Applications were due in May, and in November BJA announced that the County of Santa Barbara will receive \$576,500 as its share of the reimbursements to offset the costs of incarcerating criminal illegal aliens.

We attended the Department of Justice's briefing on its FY 2011 budget request, and were pleased that for the first time in a decade the Administration did not pro-

pose the elimination of funding for the State Criminal Alien Assistance Program (SCAAP). As hearings began on this year's appropriations process, we contacted members of the House and Senate Appropriations Committees to reiterate support for SCAAP and encouraged them to increase funding for the program in the *FY 2011 Commerce, Justice and Science (CJS) Appropriations* bill. Under the Continuing Resolution, SCAAP will be funded at the FY 2010 level.

We contacted the Senate Judiciary Committee to advocate in support of Senator Feinstein's S. 3376, the *State Criminal Alien Assistance Program (SCAAP) Reauthorization Act*, citing the ongoing impact of illegal immigration on the County because of the Federal government's failure to control the borders. S. 3376 would have reauthorized SCAAP through 2015 at the authorized level of funding of \$950 million. Senator Feinstein is a member of the committee, and in addition to thanking her for her ongoing efforts in support of SCAAP, we urged her to work with her colleagues to expedite action on the bill. We also urged the Judiciary Committee to expedite action on Senator Feinstein's S. 168, the *SCAAP Reimbursement Protection Act*. S. 168 would have broadened SCAAP to allow for reimbursements for incarcerating illegal aliens *charged* with a crime rather than convicted of a crime, reversing a previous Department of Justice policy interpretation that caused the County's SCAAP payments to plunge from \$1.04 million in FY 2001 to \$358,424 in FY 2003.

#### Public Safety Funding

After the Bureau of Justice Assistance (BJA) announced its solicitation for funding under the FY 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) program, we provided the application package to County staff. Under the formula allocation for JAG, the County is eligible for a total of \$142,289 in conjunction with the cities of Santa Barbara and Santa Maria. JAG funding can be used for a variety of public safety activities.

As the FY 2011 appropriations process began, we worked with members of our local Delegation and Senators Feinstein and Boxer on funding requests for the County's public safety needs in the *FY 2011 Commerce, Justice and Science (CJS) Appropriations* bill. We also contacted members of the House and Senate Appropriations Subcommittees regarding the County's public safety funding priorities, and urged members of the subcommittees to provide the highest level of funding possible for local law enforcement activities, as well as youth delinquency prevention and anti-gang efforts, law enforcement technology needs, methamphetamine enforcement, adult probation and re-entry; domestic abuse programs, and public defender activities. The House Appropriations subcommittee of jurisdiction began work on its FY 2011 spending measure in June, but never released details of funding levels for specific programs. While the Senate Appropriations Committee did report out its version of the CJS spending bill as S. 3636, action was never taken by the full Senate.

#### Gang Prevention and Juvenile Justice

We continued to closely monitor activity on legislation to address gang violence. Last year, Senator Feinstein reintroduced her gang-related proposal from previous Congresses as S. 132, the *Gang Abatement and Prevention Act*. The measure was intended to enhance law enforcement resources committed to investigation and

prosecution of violent gangs, revise and enhance criminal penalties for violent crimes, and expand gang prevention programs. In the House, rival legislation was introduced by Judiciary Subcommittee on Crime Chairman Scott (D-VA) as H.R. 1064, the *Youth PROMISE Act*. The bill would have provided for evidence-based practices for programs related to juvenile delinquency and criminal street gang activity prevention and intervention. We discussed the County's support for additional Federal resources to address gang violence with both Senator Feinstein's office and Congressman Scott's staff, and urged action on the issue. While the House Judiciary Committee marked up and ordered H.R. 1064 to be reported, further action was not taken. During the Lame Duck session, Senator Feinstein's staff provided us with a proposed amendment to her bill that would have merged its provisions with those of Congressman Scott's measure, a compromise intended to fast track the gang-related legislation through Congress before adjournment. However, the session ended without action on the compromise.

In anticipation of pending floor action, we contacted Congresswoman Capps and Congressman Gallegly to urge their support for H.R. 1514, the *Juvenile Accountability Block Grants Program Reauthorization Act (JABG)*, citing the need for resources to address violent youth, delinquency prevention and diversion activities, and early intervention and community-based options. The measure would have reauthorized the Juvenile Accountability Block Grants Program through 2014 at its existing authorization level of \$350 million per year. Congresswoman Capps and Congressman Gallegly both supported the proposal, and it was approved by a vote of 364-45. However, the Senate did not take action on the legislation before Congress adjourned, and JABG authority will continue temporarily based on annual appropriations.

#### Juvenile Offenders in Custody

We contacted the Senate HELP Committee to reiterate the County's concerns about provisions included in the House-passed H.R. 911, the *Stop Child Abuse in Residential Programs for Teens Act*, that could have impacted juvenile camps and ranches operated by the County and 26 other probation departments in California because of rehabilitative services they are mandated to provide. In particular, the bill could have placed restrictions on the use of restraining devices and the monitoring of phone calls, creating safety issues. We urged the Senate committee to include language clarifying that the provisions did not apply to facilities where the minors are placed by court order after having committed a crime. The session ended without further action on H.R. 911.

#### Inmate Health Care Costs

We contacted the House Ways and Means and Energy and Commerce Committees to reiterate support for Congressman Hastings' (D-FL) H.R. 2209, the *Restoring the Partnership for County Health Care Costs Act*, which would have removed the so-called "inmate exception" that prevents individuals from being eligible for Medicare, Medicaid, SSI and SCHIP benefits while they are in the County jail awaiting trial. We argued that this exception unfairly shifts the burden for otherwise eligible inmates' health care to the County, and is contrary to the presumption of innocence in the American judicial system. We urged the committees to expedite consideration of H.R. 2209, and asked our local delegation to cosponsor the proposal. During

debate on health care reform, we joined NACo in advocating for its inclusion in that legislation. While no action was taken this year, the legislation remains a high priority for NACo and we will continue to work in support of their efforts on the proposal in the 112<sup>th</sup> Congress.

#### Anti-Methamphetamine Resources

We continued to support efforts to provide additional Federal resources for interdiction, prevention, and treatment strategies targeting the methamphetamine epidemic. Just before Congress recessed at the end of September, both the House and Senate approved Congressman Gordon's (D-TN) H.R. 2923, the *Combat Methamphetamine Enhancement Act*, and we provided County staff with the House Energy and Commerce's analysis of the bill to determine possible impacts on local anti-meth efforts. The measure is aimed primarily at making it more difficult for producers to get precursor chemicals by tightening certification requirements of purchase of the chemicals. President Obama signed H.R. 2923 into law in October.

#### **TANF Reauthorization and Emergency Contingency Fund**

We contacted the Senate Finance and House Ways and Means Committees early in the year to advocate your Board's policy on TANF reauthorization, stressing the need for flexibility to target local needs and support participants' work activities, and to revise the definition of "work" and the work participation rate formula. In part due to the time and energy devoted to health care reform, neither committee took action on TANF reauthorization this year. With the December 3 expiration date for the existing authorization looming, provisions to extend TANF through FY 2011 were included in H.R. 4783, the *Claims Resolution Act of 2010*, which was signed into law on December 8. The extension does not make any substantive changes to current TANF requirements.

Throughout the year we joined NACo and other stakeholders to aggressively lobby for the extension of the TANF Emergency Contingency Fund (ECF) created under last year's stimulus package, citing the County's use of the funds to place 200 participants in jobs, and its effectiveness throughout the State as a jobs and economic stimulus program. We urged the House Ways and Means Subcommittee on Income Support to take action on Chairman McDermott's (D-WA) H.R. 4564, the *Emergency Jobs Program and Assistance for Families Extension Act*, and thanked Congresswoman Capps for cosponsoring the measure while asking Congressman Gallegly to do the same. In the Senate, we urged Senators Boxer and Feinstein to support a proposed floor amendment to H.R. 4213, the *Tax Extenders Act*, by Senator Murray (D-WA) that would have extended the authorization for ECF. While the amendment was withdrawn on a procedural point of order, efforts to extend ECF through Federal Fiscal Year 2011 continued throughout the year. However, Senator Kerry's (D-MA) year-end attempt to attach a one-year, \$2.5 billion extension of the program to the Continuing Resolution was blocked because the provision could not reach the 60-vote threshold to end debate, as were attempts to bring a smaller, three-month extension to the Senate floor. An attempt to include ECF provisions in the TANF extension was also unsuccessful.

### **SAFETEA-LU Reauthorization**

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) expired on September 30, 2009, and over the course of the year we engaged in ongoing discussions with the key committees of jurisdiction and the local Congressional Delegation regarding the County's reauthorization priorities. In January, we arranged and participated in meetings for Supervisor Carbajal to advocate for the county's SAFETEA-LU requests in anticipation of Congressional reauthorization action.

We also contacted members of the House Transportation and Infrastructure Committee and the Senate Committee on Environment and Public Works to reiterate the County's support for continuation of the Off-System Bridge Program in any SAFETEA-LU reauthorization legislation, emphasizing that the program is an essential funding source for the replacement of 50 percent of the County's maintained bridges. The House bill drafted last year by Committee Chairman Oberstar (D-MN) proposed to eliminate or consolidate 75 of 108 existing highway and transit programs, including the Federal Highway Bridge Program. However, action on SAFETEA-LU reauthorization remained in limbo throughout the year since a funding mechanism for the \$450 billion, six-year program was not identified, and efforts to move forward were further complicated by the House Republican moratorium on any earmarks this year. The FY 2011 Continuing Resolution signed into law by President Obama on December 22 included provisions that extended SAFETEA-LU through March 4. Surface Transportation legislation reauthorization will be one of the issues that the new 112<sup>th</sup> Congress will have to address fairly early in the coming year.

### **Advocacy and Support**

#### Agriculture – Pest Detection

Early in the year, we attended a briefing with the California Agricultural Commissioners regarding current efforts on pest detection and control in the State, including ongoing needs for the California County Pest Detection and Augmentation Program. In January, USDA allotted \$6.1 million to the California program, including \$3.1 million for dog teams and \$2.77 million for fruit fly mitigation.

We also urged the House and Senate Appropriations Committees to include funding for the California County Pest Detection Augmentation Program in the *FY 2011 Agriculture Appropriations* bill, citing the County's agricultural industry, and the importance of additional resources for California counties to be able to adequately inspect for agricultural pests. When the House Agriculture Appropriations Subcommittee drafted its version of the FY 2011 spending measure in June, it proposed \$619,000 for the Pest Detection Augmentation Program, the same as was appropriated last year. When the Senate drafted its version of the bill, it provided the same amount. Unfortunately, there was no further progress on Agriculture appropriations bills and under the Continuing Resolution USDA programs are frozen at FY 2010 levels, but without earmarks such as the California County Pest Detection Augmentation Program.



### Child Support Administration

We contacted the Senate Finance Committee to advocate in support of Senator Rockefeller's (D-WV) S. 1859, the *Child Support Protection Act of 2009*, which would have restored the ability of State and local governments to use child support incentive payments as matching funds to enhance collection-related activities. The Deficit Reduction Act (DRA) of 2005 eliminated the Federal match that was paid when these incentive payments were reinvested into child support enforcement programs. The American Recovery and Reinvestment Act of 2009 included a temporary restoration of this authority, through September 2010. Although companion legislation was not introduced in the House, we urged Ways and Means Committee Chairman Levin (D-MI) and Ranking Minority Member Camp (R-MI) to take action on the issue, and asked Congresswoman Capps and Congressman Gallegly to support rescission of the DRA child support provisions. S. 1859 was never brought up for a vote by Chairman Rockefeller, and attempts to include a six month extension of the existing authority in the TANF reauthorization provisions of the *Claims Resolution Act of 2010* were not successful.

### Cottonwood Canyon Road

We worked with Congressman Gallegly's office regarding the County's claim for damages from the U.S. Forest Service (USFS) for the repair of Cottonwood Canyon Road. The USFS office in Albuquerque had indicated that they would be providing the County with a status update before the end of April. When no information was forthcoming, we alerted Congressman Gallegly's staff. Congressman Gallegly sent a formal letter to the Department of Agriculture's Assistant Secretary for Congressional Relations requesting an update on the claim, and his staff made numerous inquiries on the County's behalf with both Regional and Headquarters USFS officials. According to their responses, the final determination will be made by USDA's Office of General Counsel, which may wait for up to two years for all potential claims to be submitted. The only recourse for a quicker resolution appears to be for the County to sue under the Federal Tort Claims Act (FTCA).

### Employer-Provided Cellular Telephones

We continued to advocate in support of legislation to reclassify cell phones and personal digital assistants (PDAs) from listed property to business property under the Internal Revenue Code. The change was necessary because several local governments were penalized following IRS audits because they did not adequately track and report any "private" use of cell phones and PDAs issued to their employees. When the House Ways and Means Committee drafted H.R. 4994, the *Taxpayer Assistance Act of 2010*, it included provisions to declassify cell phones and PDAs as listed property. We asked the local Congressional delegation to support the proposal, and H.R. 4994 was approved by the full House on Tax Day, April 15. Following the House action, we contacted members of the Senate Finance Committee to urge them to expedite action on H.R. 4994 or similar legislation that would reclassify the devices. We also asked Senators Boxer and Feinstein to support the measure. In September, when Majority Leader Reid (D-NV) released the manager's amendment to H.R. 5297, the *Small Business Jobs and Credit Act*, he included the cell phone provisions. The Senate approved the bill later that month and the bill was signed into law by President Obama on September 27.

### Flood Insurance and Flood Map Revisions

We closely monitored the development of legislation to reauthorize the National Flood Insurance Program (NFIP) because of the impact on homeowners who could be required to buy costly flood insurance due to FEMA flood map revisions. We provided several pieces of legislation to County staff for review and feedback, including H.R. 5114, the *Flood Insurance Reform Priorities Act of 2010* and H.R. 5255, the *Stable Flood Insurance Authorization Act of 2010*. As the House Rules Committee prepared for the floor debate on H.R. 5114 last summer, we were contacted by Congresswoman Capps' staff regarding any possible amendments the County might want to pursue. We forwarded the information to County staff for review to provide the opportunity to give feedback to Congresswoman Capps' office. The legislation would have extended the authority for the National Flood Insurance Program through September 30, 2015. It also included reforms to the program, including provisions to delay for five years the effective date of mandatory purchase requirement for new flood hazard areas for 5 years, and phasing in rates for newly mapped areas over 5 years. H.R. 5114 was approved by a vote of 329-90 and referred to the Senate Committee on Banking, Housing, and Urban Affairs. While that committee held a hearing on NFIP in September, companion legislation to H.R. 5114 was not introduced, and several Republican senators, including Committee Ranking Member Shelby (R-AL), expressed concerns with the program. Before recessing, Congress approved S. 3814 to extend the current NFIP program until September 30, 2011, to allow more time for action on reauthorization.

### Housing and Community Development

We contacted members of the House and Senate Appropriations Committees, our local Congressional delegation, and Senators Boxer and Feinstein to advocate for funding for housing and community development programs of significance to the County in the *FY 2011 Transportation, Housing and Urban Development (HUD), and Related Agencies Appropriations* bill. We urged them to adequately fund the Community Development Block Grant (CDBG), HOME Investment Partnerships, Housing for People with AIDS, and elderly housing programs. When the House Committee drafted its bill just before the 4<sup>th</sup> of July recess, it proposed a slight decrease in CDBG funding to \$4.35 billion, level funding for HOME Investment Partnerships at \$1.82 billion, a \$15 million increase in HOPWA to \$350 million, and \$825 million for elderly housing, the same as in FY 2010. It also included \$19.4 billion for Section 8 tenant-based rental assistance, a \$1.2 billion increase over FY 2010. The Senate Committee proposed \$3.99 billion for CDBG, level funding for HOME Investment Partnerships at \$1.82 billion, \$340 million for HOPWA and \$825 million for elderly housing, the same as in FY 2010. It also included \$19.5 billion for Section 8 tenant-based rental assistance. Under the Continuing Resolution, all HUD programs will be funded through March 2 at the FY 2010 levels.

We urged the local Congressional delegation to support provisions of relevance to the County in H.R. 4213, the *American Jobs and Closing Tax Loopholes Act*. In addition to extending expiring tax provisions, the legislation was a vehicle for a variety of other proposals to provide economic assistance and stimulus, including bonding and tax-related provisions to help State and local governments invest in infrastructure and create jobs, and a one time capitalization of the National Housing Trust Fund (NHTF) to provide communities with funds to build, preserve, and

rehabilitate low income rental housing. H.R. 4213 was approved by the House in March, but became deadlocked in the Senate because of concerns regarding its impact on the budget deficit. Ultimately, due to the outcome of the November elections and concerns over further deficit spending, none of these provisions were enacted before Congress adjourned for the year.

#### Jesusita Fire Funding

We contacted Senators Boxer and Feinstein, Congresswoman Capps, and Congressman Gallegly to urge them to advocate in support of funding for FEMA's Fire Management Assistance Grant (FMAG) in the *FY 2010 Supplemental Appropriations Act*. Additional funding was needed for the program to enable FEMA to reimburse the County's already-approved claim for \$1.8 million for the Fire Departments' emergency disaster response activities during the May, 2009 Jesusita Fire. Both the House and Senate versions of the supplemental funding bill included \$5.1 billion for FEMA disaster relief funding, including FMAG. Negotiations stalled over the inclusion of \$23 billion for local school districts to prevent layoffs, but after several weeks of haggling, the House and Senate approved the final version of H.R. 4899, and President Obama signed it into law.

#### Levee Vegetation Clearance

We maintained close contact with Congresswoman Capps' staff regarding concerns over the Army Corps of Engineers' proposed guidelines regarding the clearance of trees and shrubs along levees. Unfortunately, those guidelines place local flood control agencies such as the County in difficult positions, potentially caught between Corps requirements and State and Federal environmental laws. We joined with other stakeholders to urge the Corps to modify their "blanket" nationwide policy to take into account regional and local circumstances. This autumn, the Corps announced that the final vegetation variance policy, originally scheduled to be released in October, would be delayed until a review of a vegetation research study was completed at the end of the calendar year.

#### Social Services

We contacted the House and Senate Appropriations Committee, our local Congressional delegation, and Senators Boxer and Feinstein to advocate in support of Title XX Social Services Block Grant (SSBG) funding, emphasizing its importance to a variety of programs in the County, including In Home Supportive Services and Child Welfare Services. We also encouraged them to adequately fund the Community Services Block Grant (CSBG). Additionally, we urged the Senate Health, Education, Labor, and Pensions Committee and House Education and Labor Committee to take action on legislation to reauthorize CSBG, as the program has not been reauthorized since 2003 except through the annual appropriations process. Under the Continuing Resolution, both SSBG and CSBG are funded at the FY 2010 level through March 3, 2011.

We contacted the House Energy and Commerce and the Senate Commerce, Science and Transportation Committees to reiterate support for the *Calling for 2-1-1 Act*, which would have authorized matching grants to implement and maintain 2-1-1 systems. We also discussed the proposal with the staff of Congresswoman Eshoo (D-CA), the legislation's House sponsor. The House measure has 251 cosponsors

and bipartisan support, including Congresswoman Capps. The Senate bill had 61 cosponsors, including Senators Boxer and Feinstein. On September 15, the House committee held a hearing on several pending public health bills, including H.R. 211. The hearing was significant because it the first time that the committee has taken up the proposal, and appeared to improve the prognosis for further action on the bill. However, when the committee subsequently held a markup session on the public health bills, H.R. 211 was not included. We discussed the bill with committee staff, and were told that some Republican members expressed concerns that 2-1-1 systems could be used for abortion counseling. Further action on the legislation did not occur, and its prognosis for the 112<sup>th</sup> Congress is unclear.

#### Unfunded Mandates – 3% Withholding Requirement

The Deficit Reduction Act (DRA) of 2005 mandated that State and local governments withhold 3% of payments to vendors and contractors for Federal income tax purposes. While provisions included in the American Recovery and Reinvestment Act (ARRA) delayed the implementation of the 3% withholding requirement by one year, we continued to join with NACo and other national advocacy groups to lobby for complete repeal of the requirement. We contacted the Senate Finance and House Ways and Means Committees to urge them to take action on legislation to repeal the requirement and asked our local Congressional delegation to support the efforts. Congressman Meek (D-FL) introduced H.R. 275 to address the issue, and Senator Specter (D-PA) introduced a companion measure in the Senate as S. 292. However, action did not occur on either measure.