

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 5/21/02
Department Name: County Administrator
Department No.: 012
Agenda Date: 5/28/02
Placement: Departmental
Estimate Time: 15 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

Recommendation(s):

That the Board of Supervisors:

1. Receive and file a copy of the Santa Barbara County Washington Report, from Waterman and Associates, for the First Quarter 2002 (Attachment A).
2. Support SB 1732 (Esqutia, D-Whittier) the Court Facilities Act of 2002, if amended, to clarify three areas as discussed in the following Executive Summary. (Attachment B) (Unanimous vote of members present, Supervisor Rose was absent for the vote on this item)
3. Support SB 1520 (Ortiz, D-Sacramento) Public Nutrition. SB 1520 would prohibit the sale of carbonated beverages to pupils in the elementary schools commencing in 2004, to pupils in middle or junior high schools commencing in 2005, and to pupils in high school commencing in 2007. (Attachment C) (Recommendation supported by Supervisor Rose, Supervisor Schwartz, and County Administrator Michael F. Brown. County Counsel Stephen Shane Stark voted not to support the recommendation stating that he believes the issue is a local issue and that Sacramento should not be legislating local issues. Auditor / Controller Robert Geis abstained). **Please note on 5/21/02, SB 1520 failed passage in the Senate Education Committee.**

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community.

Executive Summary and Discussion:

The Legislative Program Committee ("Committee") is comprised of the following members: First District Supervisor Naomi Schwartz, Second District Supervisor Susan Rose, County Administrator Michael F. Brown, Auditor-Controller

Robert Geis, and County Counsel Stephen Shane Stark. On May 20, the Committee met, considered, and voted to forward the above recommendations to the Board of Supervisors.

SB 1732, the Court Facilities Act of 2002

SB 1732 provides for the transfer of responsibility for trial court facilities from counties to the State. In its current form, SB 1732 **does** include a provision that states that title to a historical building containing court facilities may not be transferred to the State without the express consent of the County's Board of Supervisors. However, staff identified three other areas of concern within the bill. As directed by the Legislative Committee, specific recommendations for amendments to the bill follow. Staff would recommend the Board support the bill if amended to include the following:

1. Rejection of facilities as unacceptable--Section 70327, referred to in Section 70328, is missing. Also, no rejection criteria is specified in Section 70326
 - As written, SB 1732 provides that the State may reject the transfer of a facility. However, the criteria and mechanism for rejection are not clear. Staff would propose the Author consider amending the bill to include specific criteria that would result in the rejection of a facility.
2. Financial Provisions.
 - As written the financial provisions are unclear. Staff would propose that the author clarify funding sources and where funds are deposited. Specifically, Section 76000(d) says the parking penalties will be reduced to \$1 when we transfer facilities. It needs to positively state that the \$1 still goes to the County General Fund.
3. Requirement for the County to pay for maintenance of a transferred facility.
 - As written, SB 1732 would require each County to pay the State an amount comparable to an amount it historically paid for operation and maintenance of court facilities. Staff would propose the bill include a sunset date on the Maintenance of Effort requirement so that the County MOE payments would terminate after a period of 10 years.

In other actions, the Legislative Program Committee received a verbal report from Waterman and Associates, the County's Federal Advocates. Waterman and Associates provided an update on the status of each of the County's federal advocacy issues. Of significance, Waterman and Associates continues to pursue the County's goal of obtaining CDBG entitlement status, and stated their belief that several opportunities exist for this to occur in the current federal legislative session. A copy of the 2002 First Quarter Report is attached for you information (Attachment A).

The Legislative Program Committee also received a report from Cliff Berg, Governmental Advocates, regarding the Governor's May Revise. Mr. Berg relayed that the Governor's May Revise attempts to address a projected \$23.6 billion gap between expenditures and revenues through the 2002-03 fiscal year. To close this gap, the Governor has proposed a balanced approach, which includes some tax increases and many funding cuts. Approximately \$1.6 billion in local government funding cuts are included in the May Revise; of which approximately \$1.2 billion would impact County Governments. Staff indicated that our rough estimate is that if the May Revise is adopted as presented, the County may suffer a loss of approximately \$10 million dollars in State funding for fiscal year 2002-03.

Mr. Berg advised the Board that the Budget debate is just beginning and relayed that the Senate Budget Committee met on May 18th, considered and rejected the Governor's proposal to eliminate the 20% funding for county administration of a number of health and human services programs, including Medi-Cal, Food Stamps, Foster Care, and In-Home Supportive Services. Although this is great news, in that the proposed reduction in funding for county administration of health and human service programs would have a devastating impact on the County's ability to provide these essential services, by rejecting the proposal a substantial budget gap again exists. This gap will need to be addressed by additional tax increases or funding cuts that may impact some other essential service.

In response to requests from the Committee on how the County can best influence the State Budget process, Mr. Berg stated that he believes we would be most effective if we provide him with a list of our 2-3 highest priorities. Mr. Berg indicated this would be particularly critical once the budget is in Conference Committee. The Legislative Committee advised Mr. Berg that in addition to attempting to prioritize potential reductions, they want to ensure that the Governor and legislature consider our request that any funding reductions are accompanied by a like reduction in service mandates. Local governments cannot provide unfunded services and if there are funding reductions they must be accompanied by like reductions in the level of services mandated.

Staff also reported on the status of several bills previously discussed by the Committee and the Board as follows:

AB 1122 (Corbett, D-San Leandro) and SB 657 (Scott, D-Altadena) Tax Laws

Staff relayed that AB 1122 and AB 657, to conform the state to federal tax laws and allow people to contribute more to tax-deferred retirement accounts, were chaptered into law on May 8. Staff reported that at a future date, the Board may be asked to consider changes to the County's retirement plan to enact some of the provisions allowable under the new law (ability to roll over and buy additional service time).

AB 2777 (Nation, D-San Fafael) Domestic Partner Retirement Survivorship Benefits

Staff relayed that this County sponsored bill to extend retirement survivor benefits to domestic partners was passed on the Assembly floor (44 ayes / 26 noes) and will now head to the Senate. Mr. Berg indicated that several additional counties have requested the author amend them into the bill. Los Angeles County has indicated they will meet with the Governor's staff to discuss whether he is supportive of extending the bill to additional counties.

AB 2685 (Cox, R-Fair Oaks) Land: Restrictions: Just Compensation.

Staff reported that AB 2685, which would have required the County to provide compensation, equal to the reduction in fair market value, for any regulation enacted or enforced, that has the effect of reducing the value of the property upon which the regulation is imposed, was never assigned to a Committee for hearing thus is no longer under consideration in the current legislative session. At a previous meeting of the Board, staff was directed to return to the Board on May 28th to provide a detailed analysis of the bill and recommendation for Board action. Since the bill is no longer under consideration by the legislature, the analysis and recommendation are not required.

A number of additional bills were on the Agenda for consideration by the Legislative Program Committee. Due to the dire fiscal condition of the State, many of the bills on the agenda have been placed in the legislative suspense file and may or may not be considered further in the current legislative session. If appropriate, staff will place these items on a future agenda. In addition, the Committee requested additional information prior to recommending action on some agenda items. Finally, a request for the Committee to consider several streamlining proposals was deferred to the next meeting of the Committee.

Mandates and Service Levels:

The Legislative Program is not mandated and its service levels are discretionary. The recommendations do not regard any mandates.

C: Department Directors and Deputy Directors (via e-mail)
Ken Masuda, Principal Analyst
Cliff Berg, Governmental Advocates
Ron Waterman, Waterman and Associates