



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
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Santa Barbara, CA 93101
(805) 568-2240

Department Name: 1st District Supervisor
Department No.: 011
For Agenda Of: 02/21/12
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Board Member Salud Carbajal, Supervisor, 1st District 568-2186
Contact Info: Jeremy Tittle, Executive Staff Assistant 568-2182
SUBJECT: Report on Washington DC Legislative Visits

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: No

Recommended Actions:

Receive report on Washington DC legislative visits to advocate for Santa Barbara County's 2012 Federal Legislative Platform Priorities

Summary Text:

Supervisor Salud Carbajal, his Executive Staff Assistant Jeremy Tittle, Public Works Director Scott McGolpin, and Deputy Public Works Director Tom Fayram traveled to Washington, D.C. for meetings scheduled on February 1-3 to advocate in support of the County's 2012 Federal Legislative Platform. Thomas Walters & Associates, Inc., the County's Washington, D.C. representative, arranged and participated in the meetings with Supervisor Carbajal, Mr. Tittle, Mr. McGolpin, and Mr. Fayram. Meetings included:

- **Ben Kramer**, Professional Staff, Senator Dianne Feinstein
- **Kyle Chapman**, Professional Staff, Senator Barbara Boxer
- **Congressman Elton Gallegly**
- **Richard Mereu**, Staff Director and Chief Counsel, Congressman Elton Gallegly
- **Kenneth Steinhardt**, Senior Legislative Assistant, Congressman Elton Gallegly
- **Congresswoman Lois Capps**
- **Jonathan Levenshus**, Legislative Director, Congresswoman Lois Capps
- **Roger Cockrell**, Professional Staff, Senate Energy and Water Development Subcommittee on Appropriations
- **Taylor Rushforth**, Majority Counsel, Senate Committee on Environment and Public Works
- **Ted Illston**, Majority Counsel, Senate Committee on Environment and Public Works

- **Jerry Couri**, Senior Environmental Policy Advisor, House Subcommittee on Environment and the Economy
- **Angie Giancarlo**, Professional Staff to Chairman Rodney Frelinghuysen, House Energy and Water Appropriations Subcommittee
- **Taunja Berquam**, Professional Staff to Ranking Member Pete Visclosky, House Energy and Water Appropriations Subcommittee
- **Michael Borden**, Senior Counsel to Chairman Spencer Bachus, House Committee on Financial Services
- **Sean Babington**, Legislative Assistant, Senator Michael Bennet
- **Ruth Hupart**, Deputy Chief of Staff, Congressman Lloyd Doggett
- **Carla McNeil**, Legislative Assistant, Congressman Mike Thompson
- **David Murillo**, Deputy Commissioner, Operations, U.S. Bureau of Reclamation
- **Robert Wolf**, U.S. Bureau of Reclamation
- **Jeri Brewer**, MP Regional Liaison, U.S. Bureau of Reclamation
- **Steve Stockton**, Chief of Civil Works Program, Army Corps of Engineers
- **Ada Benavides**, Deputy Chief, Army Corps of Engineers, South Pacific Division Regional Integration Team
- **Brad Schwichtenberg**, Army Corps of Engineers, South Pacific Division Regional Integration Team

Meetings with our local Congressional delegation and Senators Boxer and Feinstein focused on sharing key priorities and other highlights of the County's adopted Legislative Platform. This included exploring opportunities for federal funding for County projects. The County's funding requests which were discussed with each of the offices included the requests for the Santa Maria Levee Reach 3 Extension, the Lower Mission Creek Flood Control Project, Lake Cachuma facilities, the Goleta Beach stabilization project, and Public Beach Access Safety Improvements. Additionally our delegation was made aware of the County's transportation priorities for the long anticipated reauthorization of SAFETEA-LU and of the County's interest in legislation or anticipated legislation related to PACE programs (such as EMPOWER SBC), Conversion Technology, and Hydraulic Fracturing. Meetings with committee staff and agency staff focused on the policy areas and projects within their purview. Finally the meeting with Congressman Doggett's office focused on the Conversion Technology bill he is sponsoring and the meetings with Senator Bennet's and Congressman Thompson's office focused on their work on the PACE issue.

The following are some highlights and key insights that were taken away from the meetings –

- The atmosphere and opinions regarding the appropriations process and project specific "earmarks" are similar to last year. There were no earmarks in the appropriations bills that passed the House and Senate and were signed by the President for the current fiscal year, and there is consensus among all parties that earmarks will not be included in the appropriations bills that Congress is beginning work on. Despite this reality, we were told that it is still important to let our delegation and committee staff know about the need for federal funding critical projects in our County. As agencies are required to submit work plans to Congress about how they plan to spend their appropriations, this process leads to a continued interface that includes dialogue about specific projects. Congress also continues to have influence over the level that agencies and programs within them are funded, which has a direct connection to the availability of

funding for our local priority projects. For example, in the last appropriations cycle, Congress funded the Army Corps at a higher level than recommended by the administration which was beneficial in helping secure funding for the Santa Maria Levee project. Finally in regards to earmarking, we received feedback, in particular on the Senate side, that project specific earmarks will likely return at some point and that there does not appear to be significant support for a permanent ban on earmarks.

- During our visits with our delegation, committee staff, and Army Corps of Engineers personnel, we received positive feedback about the Santa Maria Levee Reach 3 project and our interest in completing the overall Levee Improvement project. They were all very familiar with the project, and had been supportive in the past of the ARRA and appropriations funding that led to the construction of the majority of the project. We were told that the Army Corps work plan would be delivered to Congress the following week and we would hopefully find out more then. Following our return, we were indeed informed that \$6 million was allocated in the work plan for the project. This is very positive development that will allow the Levee repair to be completed and in doing so provide flood protection to Santa Maria Valley residents and exempt them from the federal requirement to purchase flood insurance.
- Our delegation, committee and Army Corps staff were also very familiar with the Lower Mission Creek Flood Control project. However in the current climate, it remains challenging to secure a new construction start for the project. There also is the added challenge that the benefit/cost ratio for the project is significantly lower than the level at which the administration is currently allocating federal funding for Corps projects. We discussed the critical importance of this project to the Santa Barbara community and shared the fact that we have local benefit assessment money to provide the local share of funding. We also shared an update regarding the portions of the project that have already been constructed with other sources of funding. In our conversations there seemed to be consensus that it was important for County staff to work with the Corps staff to restructure and redefine the federal portion of the project in order to achieve a better benefit/cost ratio which could be done through the Corps completing a Limited Re-Evaluation Report. It also appears likely that the Water Resources Development Act (WRDA) will be reauthorized this year and that there could be some opportunities to work with Senate Environment and Public Works Committee staff to get updated language regarding the Mission Creek project in that bill.
- It appears likely that a reauthorization of the SAFETEA-LU transportation authorization bill will finally occur this year after reauthorization efforts were tabled in the past years in favor of temporary extensions. However there are still significant disputes that have continued to play out following our visit about how the bill will be structured and funded. There is consensus that there will not be project specific earmarks in the bill and instead the majority of funding that could go to specific projects, like those including in our platform, will be allocated to state departments of transportation and competitive grant programs. During the meetings relevant to this issue, the range of County priorities related to the bill were articulated. These include support for pavement preservation programs, the benefits of allowing money to flow directly to local governments instead of passing through state governments, County local priority projects (including Hollister Avenue Widening and Railroad Siding, Union Valley Parkway, Purisima Road widening, Old Town Orcutt streetscape, and Refugio Road safety improvements), as well as the County's support of the Highway 101 HOV Widening as a Project of Regional

Significance. Of particular focus was the importance of maintaining the current program for Off Federal System Bridge Funding. The draft transportation bills propose making changes to that program that would undermine our County's ability to utilize this federal funding source to replace bridges in our County. This program has been of great assistance to the County and other local governments over the years and the proposed changes would likely lead to more resources being directed to larger metropolitan areas. Our delegation was familiar and supportive of our projects and priorities related to a reauthorization bill. In particular Congressman Gallegly asked us to keep his office posted regarding any federal competitive grant applications that are submitted for County transportation projects such as the 101 HOV Widening project.

- In the meetings with our delegation, committee staff and the Bureau of Reclamation Deputy Commissioner and staff, the various components of the Lake Cachuma facilities improvements were discussed including prioritization of the various improvements and follow up on the past ARRA money and appropriations that the County received for Cachuma. The Bureau is past a deadline for submitting a work plan to Congress regarding which projects they plan on funding with their current fiscal year appropriation. Once that document is released, we should have a better idea whether any of our proposed Cachuma projects will receive funding this year. The Bureau staff encouraged us to stay in touch with their area office in Fresno regarding the projects and to make sure that we keep our cost estimates for the projects updated.
- We updated our local delegation as well as Congressman Doggett's office on the latest developments regarding the County's Conversion Technology (CT) project. Congressman Doggett has continued to sponsor legislation (H.R. 66) which would provide investment tax credits for qualified waste-to-energy facilities and his staff was interested in the continued progress of the project as well as learning more about the fact that other jurisdictions in California are also pursuing similar projects. Congresswoman Capps recently became a cosponsor of the bill.
- In our meetings with our delegation and committee staff on the issue of hydraulic fracturing it was clear that the issue is definitely a subject of conversation in Washington, and that not surprisingly there are a range of views on the topic. Some of the focus seems to be on the act of hydraulic fracturing itself and there also seems to be significant focus on who is the appropriate regulator of the activity. However there seemed to be consensus that it is unlikely that legislation on the subject would successfully make it through both houses of Congress during the upcoming year. We shared copies of the local ordinance that our County adopted regarding hydraulic fracturing and discussed the importance of any proposed federal legislation not undermining the ability of local governments to enact ordinances such as ours. We were pleased to receive positive feedback on that point from the range of individuals that we met with on the topic.
- The issue of Federal Housing Finance Administration (FHSA) decision regarding PACE assessments and the impact on our local EMPOWER program was discussed in a range of meetings including the meetings with our local delegation, Senator Bennet's office, Congressman Thompson's office, and Majority staff of the House Financial Services Committee. There does seem to be some momentum in building a coalition to address this issue however it continues to be complicated by the fact that the future of PACE is somewhat intertwined in how Congress and

the Administration reform, modify, or eliminate Fannie Mae and Freddie Mac. There is bipartisan legislation that has been introduced in the House by Congresswoman Hayworth and Congressman Thompson, Congresswoman Capps is a cosponsor. Senator Bennet is considering sponsoring similar legislation in the Senate and is currently looking for a Republican cosponsor. However for legislation supporting PACE to have a chance of moving forward in the House in this session, it would need to go through the Financial Services Committee and the Majority Committee staff was understanding of the County's position but did not appear to feel such legislation would likely be a priority. They did mention that there will be a continued focus on reforms of Fannie and Freddie. There was also discussion surrounding the recent notice issued by FHFA requesting comments on its July 2010 rule. As a result of a lawsuit brought by PACE supporters, the Agency was ordered by the Federal District Court in Oakland to undertake formal rulemaking proceedings. In our meetings with Senator Bennet, Congressman Thompson, and Congresswoman Capps, it was mentioned that there would be formal comment letters sent by House and Senate members to FHFA. Congresswoman Capps urged the County to submit its own comment letter as well. The deadline is March 26, 2012.

Authored by: Jeremy Tittle 568-2182