

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
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**Agenda Number:**  
**Prepared on:** 4/22/03  
**Department Name:** CAO  
**Department No.:** 012  
**Agenda Date:** 5/6/03  
**Placement:** Departmental  
**Estimate Time:** 45 minutes  
**Continued Item:** NO  
**If Yes, date from:**

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**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

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## Recommendations:

That the Board of Supervisors:

- A. Oppose AB 185 (Horton), which would prohibit the Secretary of the California Department of Food and Agriculture from entering into cooperative agreements with Boards of Supervisors unless the employees performing the work under the cooperative agreement are afforded permanent employee status.** If passed, this bill would not allow the Santa Barbara County Agricultural Commission to hire seasonal workers for the purpose of seasonal pest infestations, etc. **(Attachment A, unanimous vote of members present)**
- B. Support HR 119, which would require the Federal Secretary of the Interior to establish a program to provide assistance, through States, to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private lands, and authorize the Chair of the Board of Supervisors to sign a letter (copy attached) in support. (Attachment B, unanimous vote of members present)**
- C. Support AB 1158 (Lowenthal), which reforms the Regional Housing Needs Assessment procedure in various ways. The bill, sponsored by the League of California Cities, and supported by CSAC, represents areas of consensus reached by a working group formed during the last legislative session.** Key improvements include:
  - Modifies housing element update cycle from a five-year to six-year cycle to provide for increased coordination with the required triennial update of the regional transportation plan.
  - Requires HCD to establish housing needs based on DOF population projections and regional population forecasts, and in consultation with COGS. Further requires HCD to use the COG forecast if it is within 3% of the DOF projection.
  - Modifies processes for HCD and COGs to seek agreement on population projections, with DOF projections to be used if agreement cannot be reached. Further, permits COGs to file a formal objection to HCD draft housing needs determination, and requires HCD to act on objection within 45 days.
  - Allows cities and counties to form a sub-regional entity for the purpose of allocating of the sub-region's existing and projected need for housing among it members.

- Requires COGs to include additional factors, such as: jobs / housing balance; State and Federal lands unavailable for development; County policies to protect prime agricultural land or direct growth towards incorporated areas; etc. in allocating housing needs.
- Modifies process for a local government to appeal to the COG the housing allocation, requires COGs to reallocate units of appeal to all jurisdictions proportionally if the reallocated amount is less than 7%, or to develop a methodology if greater than 7% of the regional total. Further allows two or more local governments to agree to an alternate distribution of appealed housing allocations. **(Attachment C, unanimous vote of members present)**

**D. Support AB 1475 (Steinberg), which would require the Federal Housing and Urban Development Department (HUD) selection criteria for the Housing and Emergency Shelter Trust Fund to give priority to projects that include a supportive services component, which may include participating in an evaluation under the criteria set forth in the Adult and Older Adult Mental Health System of Care Act.** Proposition 46, the Housing and Emergency Shelter Trust Fund Act of 2002 requires \$195 million to be expended for the Multifamily Housing Program, administered by HUD, and to be used for supportive housing projects for individuals and households moving from emergency shelters or transitional housing or those at risk of homelessness. The intent is to use Proposition 46 funds to develop permanent supportive housing for homeless, mentally ill individuals. On March 21, 2003, the Mental Health Commission passed a motion to support AB 1475, and forwarded a request to the Board of Supervisors to support the bill. **(Attachment D, unanimous vote of members present)**

**E. Oppose SB 744 (Dunn), which would establish the Housing Accountability Committee (HAC) within HCD. The HAC would hear developer appeals of city or county decisions on applications for the construction of affordable housing.** The HAC would consist of 5 members - the Director of HCD and the Director of OPR (or their appointed staff), and three members appointed by the Governor (with the consent of the Senate). Any applicant who proposes to construct housing that meets specified affordability criteria, and who's application is either denied or approved with conditions that in the applicant's judgment renders the project "infeasible", may appeal the decision to the HAC. The HAC may direct the local agency to issue an approval or permit to the applicant. **(Attachment E, The vote was 3 to 1 to oppose. County Administrator Michael F. Brown, voted to support)**

**F. Oppose AB 1160 (Steinberg), which limits development standards local governments can apply to second units, unless the bill is amended to provide local flexibility in the areas of unit size and design, rent and income levels, owner occupancy, and parking.** AB 1160 is a follow-up to last year's AB 1866, which made the second unit approval process ministerial, but did not address development standards for second units. AB 1160 limits and clarifies the development standards local governments can apply. Specifically, it prohibits a local agency from requiring a variance or special use permit for the creation if a second unit meets specified conditions. Further, it requires local governments to allow second units in all residential zones but permits the imposition of greater restrictions in one zone than another. Prohibits local ordinances from requirements such as those, which require an applicant to be an owner-occupant, restrict the rent an owner may charge for a second unit, restricts the income or age of the resident of a second unit, or limits the size of a second unit. **(Attachment F, unanimous vote of members present)**

**G. Oppose AB 136 (Kehoe), which would provide that police officers, sheriffs, and firefighters are entitled to a leave of absence without loss of salary while disabled by injury or illness arising out of and in the course of employment, for the period of disability, but not exceeding 2 years.** Currently they are entitled to one year. **(Attachment G, unanimous vote of members present)**

**H. Support SB 55 (Ackerman), which would provide that, for the period of January 1, 2004, through December 31, 2005, new state-mandated local programs would require a 2/3 vote of the legislature, and state-mandate local programs enacted prior to January 1, 2004, shall be suspended unless reenacted by a 2/3 vote of the legislature.** The intent is to provide temporary relief from state-mandated local programs until such time as the State-local fiscal situation improves. **(Attachment H, unanimous vote of members present)**

- I. **Support SB 228 (Alarcon) and direct staff to place the larger issue of workers' compensation reform, and a discussion of all of the pending workers' compensation bills on a future agenda of the Legislative Program Committee. SB 228 would establish a fee schedule, effective January 1, 2004, for provider fees, inpatient facility fees, and outpatient facility fees, at 120% of Medicare and for pharmaceuticals and pharmacy services at 100% of Medi-cal.** Further the bill requires the fee schedule to remain in effect until the Administrative Director of the Division of Workers' Compensation adopts an official Medical Fee Schedule, which may not exceed the above percentages. SB 228 seeks to address one of the many problems with the current workers' compensation (WC) system. Medical costs under the WC system are estimated to be 50-100% higher than group health systems. WC benefits paid grew by over 70% from 1995 to 2001, while indemnity benefits grew by less than 30% during the same period. These cost increases are due in part to the complex, outdated, and difficult to administer (WC) billing system. Adopting a uniform fee schedule may help to control costs without impeding access to care. **(Attachment I, unanimous vote of members present)**
  
- J. **Consider without a recommendation from the Legislative Program Committee AB 1690 (Leno) Fire Protection Finance Agencies. The Committee did not have a quorum present to discuss this bill. Staff's recommendation is to Oppose AB 1690.** AB 1690 would authorize cities and counties to form a Public Safety Finance Agency for the purpose of supplementing fire, police, or sheriff services, and to levy a local general income tax, subject to approval of the majority of voters to fund the services. Requires that the tax, if approved, be allocated as follows: 40% for fire protection, 40% for police and/or sheriff, and 20% as agreed between the Fire Chief and the Sheriff. Note: A quorum of the Legislative Program Committee was not in attendance during discussion of AB 1690. Members of the Committee present directed staff to take the issue directly to the Board with the above noted recommendation. **(Attachment J)**

#### **Alignment with Board Strategic Plan:**

The recommendations are primarily aligned with actions required by law or by routing business necessity.

#### **Executive Summary and Discussion:**

The Legislative Program Committee met on April 21, 2003, considered, and directed staff to forward the above recommendations to the Board of Supervisors. The Legislative Program Committee members are: Susan Rose, Second District Supervisor; Gail Marshall, Third District Supervisor; Michael F. Brown, County Administrator; Robert Geis, Auditor-Controller; and Stephen Shane Stark, County Counsel. Member Rose, was absent from the April 21 Committee meeting. Members Marshall and Geis were not present for the discussion of Item J.

In addition to the above recommended actions, the Committee received information on, but engaged in no discussion of, and took no reportable action on a number of proposed State Bond measures, including AAB 531 (Kehoe) Community Infrastructure and Economic Development Bond Act of 2004; AB 740 (Pavley) Clean Air, Clean Water, and Coastal Protection Act of 2004; and AB 93 (Canciamilla) Safe, Clean, and Reliable Water Supply Bond Act of 2004. The Committee instructed staff to monitor these and other Bond Acts as the legislative session continues, and if appropriate, to return to the Committee at a future date, with recommended actions.

The Committee also received information on, but did not discuss, and took no reportable action on five Health Care reform measures, including: SB 921 (Kuehl) Single payer Health Care Coverage; SB 2 (Burton) Health; AB 1528 (Cohn) Healthy California Act of 2003; AB 1527 (Frommer) Health Care Coverage; and AB 30 (Richman) Healthy Families Program. The Committee instructed staff to continue discussion of these and other Health Care reform bills to the May Committee meeting. May 2<sup>nd</sup> is the last day for State Policy Committees to hear and pass fiscal bills. It is likely that these and other health care reform bills, which have not yet been heard by a Policy Committee, will become two-year bills, and thus would not be considered further in the current legislative session.

The Committee was unable to consider AB 1690 (Leno) Fire Protection Finance Agencies, due to the lack of a quorum. However, due concerns regarding timely action on the bill, the Committee members in attendance directed staff to forward the bill directly to the Board of Supervisors with staff's recommendation that the Board Oppose AB

1690. AB 1690 would authorize a city or county to form a public safety finance agency and, to levy a local general income tax, if the tax is approved by a majority of the voters voting on the tax. Further, it would allow the shift of a portion of annual property tax allocation income to the public safety finance agency. The bill would require the governing board of the public safety finance agency to allocate property tax revenues in a manner specified within the bill. Currently, local governments have the authority to create a fire protection benefit assessment. However, special assessments require a two-thirds vote. Staff's recommendation to oppose the bill is based on general opposition to the imposition of a new level (local) income tax, the revenues from which would not be discretionary to the Board, but rather would be dedicated to specific purposes. Although the author indicates revenue received would be discretionary, clearly the intent is to provide another dedicated source of funding for public safety.

The Committee was also unable to consider SB 9 (McClintock) and directed staff to place the item on the May Committee agenda.

**Mandates and Service Levels:**

The Legislative Program Committee was formed pursuant to Board of Supervisors action dated September 3, 1991.

**Fiscal and Facilities Impacts:**

Potential fiscal and facility impacts are described within each individual recommendation.

C: Legislative Program Committee Members  
Cliff Berg, Governmental Advocates  
Ron Waterman, Waterman and Associates