

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:
Prepared on: 3/9/06
Department Name: CEO
Department No.: 012
Agenda Date: 03/21/06
Placement: Administrative
Estimate Time: 30 mins on 03/28/06
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Michael F. Brown, County Executive Officer

STAFF: Jim Laponis, Deputy County Executive Officer

CONTACT: Lori Norton, Principal Analyst, X 3421

SUBJECT: Legislative Program Committee Recommendations

Recommendation:

That the Board of Supervisors set March 28, 2006, to consider the following recommendations from the Legislative Program Committee meeting of February 27, 2006:

- A. Receive a copy of two letters, in the matter of William Connell and the Veterans' tax exemption, one sent to our local State Legislators (Attachment A-1) and the other to the State Board of Equalization (Attachment A-2) seeking clarification of the language, legislative intent, interpretation and application of California Public Code Section 16102.
- B. Consider taking a position, without a recommendation from the Legislative Program Committee, for the following bills which ease State regulation of levee maintenance and flood control work.
 1. AB 1877 (Nakanishi) as introduced on January 19, 2006. AB 1877 would amend Section 1602 of the Fish and Game Code to provide that if an entity proposes an activity that involves the routine maintenance of a levee or flood control system, and that proposed activity is substantially equivalent to a prior activity relating to that levee or flood control system that was conducted in accordance with Section 1602, the entity shall only be required to submit written notification regarding the proposed maintenance before undertaking the maintenance. (Attachment B-1)
 2. AB 2026 (Aghazarian) as introduced on February 14, 2006. AB 2026 would exempt actions undertaken by the Reclamation Board in the Department of Water Resources ("Board") or local agencies for the routine maintenance of levees from the California Environmental Quality Act. Further, AB 2026 would amend Section 8608 of the Water Code to specify that the Board shall establish and enforce standards for the maintenance and operation of levees, channels, and other flood control works and in so doing shall give the highest consideration to

its mission to protect the health and safety of the public and shall give due consideration to fish and wildlife, recreation, and environmental factors. (Attachment B-2)

3. AB 2029 (Villines) as introduced on February 14, 2006. AB 2029 adds to the definition of "State of Emergency" to include an imminent breach or failure flood threat emergency, as declared by the Governor. (Attachment B-3)
- C. Oppose SB 1210 (Torlakson) as introduced on January 26, 2006. SB 1210 would place statutory restrictions on the use of eminent domain, as well as change provisions relating to court findings of just compensation. The bill would require that an entity pay twice the difference between an entity's final offer and the amount of compensation determined by the court if the court determines that the market value of the property is greater than the final offer submitted by the public entity. Finally, it provides that a redevelopment agency may only extend the time it may conduct eminent domain proceedings if it prepares a new resolution of necessity. (Attachment C)
- D. Oppose AB 1209 (Yee) as amended on February. AB 1209 repeals one of the provisions of recent Workers Compensation reform legislation by eliminating the limit on the maximum number of chiropractic, occupational therapy, and physical therapy visits an employee is entitled to receive per industrial injury (Attachment D)

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goals No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community and No. 5. A High Quality of Life for All Residents.

Executive Summary and Discussion:

On February 27, 2006, the Legislative Program Committee ("Committee") recommended that the Board of Supervisors consider the actions listed above. The 2006 Committee membership is as follows: Second District Supervisor Susan Rose, Third District Supervisor Brooks Firestone, County Executive Officer Michael F. Brown, Auditor-Controller Robert Geis, and County Counsel Shane Stark. All members were present and voted unanimously to approve the recommended actions with the exception of Recommendation D in which Supervisor Rose Abstained.

Additional Discussion of Recommended Actions

Recommendation A - AB 1869 (Walters)

In the matter of William Connell (Recommendation A), Mr. Connell presented public comment at the meeting. He provided background information on the history of the Veteran's exemption and discussed past legislation related to the issue.

Staff noted that AB 1869, introduced on January 18, 2006, would have extended the provisions of the current law to any member of the United States Armed Services who is on active duty. As introduced, it did

not remedy the issue raised by Mr. Connell, but could have been a vehicle to remedy the issue. However, on March 1, 2006, Assembly member Nava notified the County and Mr. Connell that AB 1869 would not move forward as a Veteran's bill. It has been amended into a bill related to higher education. As such, to clarify the issue legislatively will require an author to amend an existing bill.

Recommendation B

In previous actions, the Board has directed staff to seek legislation to exempt flood control work from any State requirement. AB 1877, AB 2026 and AB 2029 are more limited in scope, but they move in the direction of relieving flood control work from CEQA and reprioritize health and safety above fish, wildlife, and environmental factors. The Legislative Program Committee discussed the bills and directed staff to forward them to the full Board for consideration, without a recommendation from the Committee.

Other Issues Discussed at the Legislative Committee – No Board Action Required

Report from Governmental Advocates

The Committee received a brief report from Governmental Advocates who indicated that they were successful in finding an author to introduce legislation to further the Board's adopted priorities.

SB 1617 (McClintock) as introduced on February 24th, would amend Section 1610 of the Fish and Game Code to expand emergency work exemptions already contained in the Code to include emergency work declared by the governing body of a local governmental agency, by resolution adopted by a majority vote, to be necessary to prevent or mitigate immediate future loss, or damage, to life, health, property, or essential public services that, in the determination of the local governmental agency, is likely to occur as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide. If passed, SB 1617 will allow the Board of Supervisors to declare an emergency, by local resolution, which would exempt streambed clearing, necessary to prevent or mitigate future loss or damage, from Fish and Game permitting. (Attachment E)

AB 2265 (Nava) as introduced on February 22, would authorize Santa Barbara County to continue to collect additional revenue penalties (Maddy Funds) to pay for emergency medical services until January 1, 2010. Under existing law, Santa Barbara County is authorized to collect additional revenue penalties (Maddy Funds) until January 1, 2007, when the current statute sunsets. The Board will recall that Maddy Funds are passed through to hospitals to pay for uncompensated care of emergency/trauma patients. (Attachment F)

SB 1206

The Committee considered, but took no action on SB 1206 (Kehoe). As introduced on January 26, 2006, SB 1206 would substantially revise the statutory definition of "blight" as it applies to redevelopment, to make it much more restrictive and to require local governments to measure and document blight before approving bonds and/or merging projects. Further, SB 1206 makes it easier for property owners and residents to challenge redevelopment decisions by extending the referendum petition period and deadline for filing lawsuits. SB 1206 also increases State ability to challenge redevelopment decisions. The Committee requested further study of SB 1206 which is supported by the League of California Cities and opposed by the California Redevelopment Association. (Attachment G)

Mandates and Service Levels:

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

Fiscal and Facilities Impacts:

Fiscal and facility impacts are discussed in relationship to individual recommendations as applicable. Funding for the Legislative Program is included in the County Executive Office Budget (page D-16). For FY 2005-06, the Legislative Program budget, as adjusted during the Budget Hearings is \$126,729 which includes the contract with Governmental Advocates (State Legislative advocacy), and County Executive Office program support totaling approximately 0.3 FTE's.

C: Cliff Berg, Governmental Advocates
Department Directors

Attachments