

MENDOCINO COUNTY



LEGISLATIVE PLATFORM 2011

December 14, 2010

STATE

Funding Solutions for Public Safety and Emergency Services

Reauthorize VLF for Local Law Enforcement Services: VLF funds local law enforcement services and is scheduled to sunset on June 30, 2010. Should these funds not be renewed by the State of California, the negative impact to public safety departments including the Sheriff's Office, Probation, and the District Attorney will be over \$1 million dollars. This is a potential blow that the County could not compensate for and would have dramatic and dire consequences for the community. Mendocino County seeks to urgently address this issue, and to make this funding stream permanent.

Advocacy for Rural Volunteer Fire Departments: Exemption from Prevailing Wage Requirements: The Population of Mendocino County is highly rural and dependent upon voluntary associations that provide basic emergency services. These volunteer fire districts provide services to residents, tourists, and are often the first responders to accidents that occur on the vast rural stretches of highway that Connect Mendocino County to the North, East, and South.

✓ **Exemption from Prevailing Wage Requirements:** Facilities for volunteer fire-fighters are often constructed or maintained through the use of donated time and materials. Current prevailing wage requirements escalate costs and public contract regulations and restrictions are overly burdensome. the County of Mendocino proposes increasing the prevailing wage requirements under State Law to greater than \$250,000 for public projects conducted by volunteer fire departments in rural areas.

✓ **Sales Tax Exemption:** An exemption from State Sales Tax would assist small, rural volunteer fire districts in stretching their limited resources, in recognition of the services provided to State Highways emergencies.

Support of the Abandoned Vehicle Registration Fee: In rural counties such as Mendocino, vehicle abandonment is an enormous problem, and any additional funding to supplement abandoned vehicle abatement programs would help to alleviate the backlog of abandoned vehicles for abatement. SB 1225 (2006) and AB 878 (2007) would have allowed local governments to charge a \$2 dollar per-vehicle registration fee to address this issue, however, the Governor vetoed these pieces of legislation. Mendocino County urges reconsideration.

Fiscal Stability, Protection, and Control for California's Counties

Blanket opposition to cuts and payment deferrals to California Counties: The County will seek to protect and preserve the ability to fund the programs and services our organization provides. This includes appropriations for infrastructure projects, supporting local control and flexibility, relief from unfunded state mandates, opposition to state borrowing from county designated funds, and opposition to the further degradation of state funding for County programs.

Restore Full Funding for Williamson Act: In Fiscal Year 2009-2010 the State of California deleted all funding for the Williamson Act (or the California Land Conservation Act). Mendocino County, like most

other rural counties, is dependent on State-funding for this program to continue. Development of the 2010-2011 State Budget has seen the restoration of some subvention funding as well as contract alterations, however the County will still pursue an arrangement that appropriately compensates the County at levels seen in prior years. The County will also seek full restitution of the 2009-10 funding that the State did not provide. The land-use benefits of this program are extremely positive for the agricultural community.

Full Funding for the Transaction Based Reimbursement provision of the California Library Services Act:

The County of Mendocino supports full funding of the Transaction Based Reimbursement provision of the California Library Services Act and opposes any further reduction in this fund.

Full Funding for Public Library Fund: The County of Mendocino supports full funding of the Public Library Fund and opposes any further reduction in this fund.

Continuation of Unfunded Mandates Reimbursement: The cost of carrying out state mandates is roughly \$500 million statewide. The County of Mendocino received \$17,950 for SB90 in FY2007-08.

Restore Property Tax Administration Program: When the Legislature and Governor terminated the State-County Property Tax Administration Program, local governments took a 60 million dollar hit statewide. The Program provided vital resources to assessors, tax collectors and auditors throughout California. Restoration of the funding at appropriate levels will insure fair, equitable and efficient administration of the property tax system for Mendocino County.

Internet Sales Tax: There are significant revenues that are lost to cities and counties from the lack of a uniform sales tax policy for internet sales.

Public Health Partners

Support for continued Public Health Services Section 330 funding of Community Health Clinics. Community Health Clinic's are an integral part of the lives of the residents of Mendocino County. The sparse population and rural nature of this area make the administration of health and emergency services very difficult. Health Clinics exist to ensure the safety and continued good health of thousands of underrepresented families and individuals, including your support for uncompensated care, sliding fee discounts, and non-billable enabling services. Without these ongoing services, many people would simply have no other option than to go without health or other medical treatments.

Economic Development of Mendocino County

Provide a Stable Funding Source for State Parks: The County is seeking a means of permanent support for funding of State Park facilities. There are numerous State Parks that serve local residents, tourists, and recreational travelers. Keeping these parks open, clean and aesthetically pleasing attracts a diverse coterie of individuals who love our scenic landscape and patronize our businesses.

Promotion of Wildfire Control and Biomass: Support budgetary proposals, in addition to legislative and regulatory efforts to enhance wildfire protection/restoration efforts and promote the use of biomass. Urban wild fires are an on-going concern for Mendocino County. Catastrophic fire threatens human life and property and the ability of the forest to regenerate and sustain itself. Federal funding and

regulatory relief to reduce hazardous fuels expedite the salvaging of fire-killed trees and replanting of burned areas in National Forests will increase protection to communities from devastating wildfires, and will increase and expedite the healthy restoration of our forests.

Efficiency in Government

Support for Transportation Funds Exchange: Expand the existing program permitting local governments to exchange Federal Gas Tax dollars for Caltrans funds. The advantage to the local agency is that environmental documentation for a State-funded project is limited to CEQA compliance. Environmental compliance costs have increased to as much as 35% of total project costs. This concept will mean more buying power for local agencies.

Reduce Lobbyist Reporting Under Government Code Section 86116: Per State law, the County must report payments to lobbyist and State associations every quarter. The proposal is to reduce required reporting to annual increments

Statewide Reform

Reform Principles: The county will continue to advocate for fundamental reforms to the system of governance in California that have had large impacts upon local governments ability to serve the people of Mendocino County.

Pension Reform: Pension reform statewide is important to every California county. While Mendocino County maintains its own multi-tiered retirement system, we believe this is a sustainability issue that affects all of us, particularly in terms of recruitment

CSAC Principles for Reform 2010: Continued support of CSAC policy positions will benefit local government.

Protection of Agricultural and Natural Resources

General Pest Control: Early Pest Detection and Surveillance Programs prevent the establishment or spread of plant pests that endanger agriculture, the environment, and the economy of the County of Mendocino. Support legislative proposals that provide resources for the state and counties to perform early pest detection and surveillance activities.

Specific Pest Control: The Glassy-Winged Sharpshooter continues to be a huge threat to the State's agricultural economy as a potential vector of Pierce's Disease. Therefore, continued funding of the Glassy-Winged Sharpshooter Program is critical.

Sudden Oak Death Control: (*Phytophthora ramorum*) is a fungal disease affecting many species of trees and shrubs in the native oak woodlands. Quarantines have been established to prevent the spread of Sudden Oak Death, yet much is not known about this new threat to California oak woodlands. Support legislative proposals that continue appropriations for regulation and research of Sudden Oak Death.

FEDERAL

Top Federal Policy Priorities

✓ **Potter Valley Project:** Due to a faulty target storage rule curve that is physically impossible to attain, Potter Valley Project water diversions are frequently restricted to minimum diversion levels at times when the target storage rule curve is impossible to meet, including at peak high water flows.

The Potter Valley Project is a water supply and power generation project consisting of Van Arsdale reservoir, impounded behind Cape Horn Dam (completed in 1906) and Lake Pillsbury, impounded behind Scott Dam (completed in 1922). A diversion tunnel conveys water to Potter Valley where it generates electricity and provides irrigation to Potter Valley with additional downstream storage impounded in Lake Mendocino for beneficial uses of downstream fisheries, municipal and agricultural users.

A Final Order was issued by the Federal Energy Regulatory Commission (January 28, 2004) for the Potter Valley Project License Amendment Proceeding. The Final Order was based on the Reasonable and Prudent Alternative (RPA) prepared by the National Marine Fisheries Service and incorporates a target storage rule curve system that changes from year to year and within the year based on a complex set of variables.

The target storage rule curve system establishes storage levels at Lake Pillsbury that must be met before downstream diversions through the diversion tunnel can exceed minimum flow levels. The rule curve is faulty because it sets storage levels that exceed the maximum physical capacity of the reservoir, even with the reservoir gates closed. In practice, the gates are frequently open, making the target storage curve doubly impossible to attain.

The result is that downstream diversions are artificially limited to 40 cfs at times when more than 4,000 cfs is flowing past the point of diversion. Artificially restricting the diversion to 40 cfs based on the faulty target storage rule curve when all other minimum flow requirements are met results in reduced power generation and reduced storage for optimum fisheries management and municipal and agricultural use.

The harmful and unintended consequences of the faulty target storage rule curve can be corrected by modifying the RPA to clarify that water mandated to be released from Lake Pillsbury is available for downstream diversion up to the allowed level of 320 cfs provided all minimum flow requirements are met.

✓ **Water Resources Development Act (WRDA) Request – Noyo Harbor Dredged Materials:** Noyo Harbor is currently on a two-year dredging cycle, with the last cycle performed in 2009 and the next cycle proposed for 2011. Issues have arisen over how to finance the regular clearance of dredged materials, commonly referred to as spoils, in a manner that complies with all regulations and also provides for an established financial framework that enables the U.S. Army Corp of Engineers (USACE) to dispose of this material regularly. The County of Mendocino fully supports

Congressman Mike Thompon's efforts to remedy this situation through WRDA. The Congressman's office released this statement on the Harbor's inclusions into WRDA:

Noyo Harbor is a federal navigation channel used by the U.S. Coast Guard and the maritime community.

In the Water Resources Development Act of 1996, Section 217 allowed for cost sharing for construction of all Dredged Material Disposal Facilities associated with maintenance of Federal Navigation Projects. Since 1998 the Noyo Harbor District has been the lead agency working with the U.S. Army Corps of Engineers on a Dredged Material Management Plan effort. Under this plan, the Corps would work cooperatively with the Noyo Harbor District for construction of a new Upland Disposal Site facility. The Noyo Harbor District, as local sponsor, would be responsible for 20% construction site cost. Unfortunately, because of issues with the existing disposal site, the Noyo Harbor District has had to expend unbudgeted funds to ship the dredged material to other sites, compromising their ability to come up with the non-federal share.

Due to these unexpected costs, and the fact that the harbor's income has decreased because of the salmon fishing season closures, they have been unable to come up with the non-federal funds to find another disposal site.

I request language authorizing the Corps to take responsibility for the future disposal of dredged material from the Noyo Harbor District.

Transportation Issues

Simpson Lane and Highway 1 Roundabout: The County applied for federal appropriation last year and congressional ear mark under Transportation, Community, and System Preservation (TCSP) Program. We assume we may need to apply in February 2011 thus we want to include the item because this project is now programmed for construction in 2011. This project is requesting the creation of a roundabout at the intersection of Highway 1 and Simpson Lane. This is a popular intersection that many accidents have occurred on. Our goal is to ease traffic problems with a roundabout. This will calm traffic and alleviate congestion. The total project amount is \$4,500,000. This is a valuable use of taxpayer funds by making one of the busiest freeways in Northern California more manageable. Quite a few cars sit and idle on Simpson while waiting to turn onto Highway 1. This roundabout will reduce car emissions and cause less accidents. State Route 1 is a significant Highway, being recognized as the "economic lifeline of the North Coast." This critical stretch of the federal highway network has seen only sparse safety and livability upgrades over the past few decades, yet the population the roadway serves has grown tremendously. Our department needs assistance from the federal government, because the county simply cannot shoulder the cost of this needed improvement alone. This is the most "shovel ready" project we have. The only issue we face is that of financing.

Support for the National Association of County Engineers (NACE) proposed legislative language for the next Transportation Equity Act: the National Association of County Engineers (NACE) produced the following legislative language changes/additions to the next Transportation authorization bill to improve the efficiency of implementation of the federal-aid program and access by local government.

Appropriations for new connecting road projects and capacity expansion in the next Transportation Equity Act (TEA): The current authorization legislation, SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act- Legacy for Users), was to expire on September 30, 2009. Congress has been operating with “continuing resolutions” since last fall using legislation extending present funding levels of SAFETEA-LU until the end of this year. The new Transportation bill will be called MAP-21, Moving Ahead for Progress in the 21st Century, and is to be authored by one of California’s United States Senators, Barbara Boxer, chairman of the Senate Committee on Environment and Public Works (EPW). Potential projects include, but are limited to:

- ✓ Brooktrail’s Second Access
- ✓ Mitchell Creek Second Access
- ✓ Redemeyer Road Extension
- ✓ North State Street Interchange Improvements
- ✓ Perkins Street Interchange Improvements
- ✓ Gobbi Street Interchange Improvements
- ✓ Talmage Road (HWY 222) Interchange Improvements

Federal Appropriations Priorities

- **Public Safety Microwave System, Phase IV:** Interoperable and uninterruptible communication is critical for public safety and is considered to be the new national standard. Phases I-III of the modernization have completed approximately 90% of the system and made Mendocino County a regional leader in modern communications systems. Phase IV is the final phase of the project, needed only because federal funding for Phase III fell short of the goal to complete the project. Phase IV would extend modern communications to the rural region of Covelo.
- **Mendocino County for the Strategic Woody-Biomass Initiative:** This item encompasses a cooperative regional approach to utilize locally abundant woody-biomass in a sustainable manner to generate power, heat, and jobs in Mendocino County. This project would fund the groundwork for two energy facilities, one inland, and one coastal, that have brought together people of diverse backgrounds and geographies to make a reality of the “restoration economy” – where energy is produced locally, responsibly, sustainably, and turns material that would otherwise be considered a fire hazard into a solution for 21st century problems like energy independence, global climate change, and living-wage jobs.
- **Increasing federal resources available for the Coyote Valley Dam:** The U.S. Army Corp of Engineers (USACE) built Coyote Dam in 1959 for the purposes of flood control, water supply, irrigation, and recreation. In the 51 years since project completion many issues have developed including; concerns with seismic stability, flood forecasting uncertainty, spillway design, reservoir sedimentation, revised engineering and environmental standards, inundation of recreational facilities, and new mandates affecting inflow and outflow for the protection of endangered fisheries. The cumulative effect of these issues have greatly diminished Coyote Dam’s ability to achieve its intended goals – causing impacts to the economy, public safety, and the environment.

- **Noyo Harbor Dredging:** The Noyo Harbor in Fort Bragg is a Federal channel. Life and safety of the fishing and recreational boating industry depend on a passable harbor channel. Noyo Harbor is the only safe refuge harbor between Bodega Bay and Eureka. Noyo is also home to an important Coast Guard search and rescue base. The last dredging occurred in 2009, and the U.S. Army Corp of Engineers (USACOE) is seeking funding to continue this effort for federal FY2011. Dredging is only part of this issue however, as the spoils produced from this activity must be deposited in a manner that complies with all relevant regulations. Currently, the USACOE is researching a number of options to deal with the spoils issue and how to regularly finance such efforts. In addition, the regular financing topic is covered in the Water Resources Development Act section of this platform on page 17.
- **Countywide Airport Emergency Generators:** All of the County's local airports (5), whether operated by the County, cities, or other agencies, do not have electrical transfer switches or emergency lighting in the event of a major power failure. As the County is the coordinator of County-wide Emergency Services, we are requesting funding for County and non-County airports in the amount of \$250,000 for these vital links related to our emergency services system.
- **Veterans Facilities Renovation:** The County of Mendocino owns or co-locates six veteran's buildings throughout the county. Most of these facilities were built in the 1930's and 1940's and are in need of American Disabilities Act (ADA) improvements and standard kitchen upgrades. These buildings serve as an important resource for our County's veterans, as emergency shelters during disasters, potential broadband access points for underserved communities, and as community meeting and activity locations for numerous private and public agencies.