

# County of Napa



A Tradition of Stewardship  
A Commitment to Service

Legislative/Regulatory Platform  
2016

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**The Board of Supervisors unanimously endorses the following items as having the highest priority for Napa County:**

**PRIORITY 1 - STATE LEGISLATION**



- **Jail Replacement Funding:** Identify and secure opportunities to financially support the construction of a new replacement jail and supporting facilities.
- **Earthquake Response Funding:** Identify funding sources and support legislation that provide relief to the County and its citizens for the extensive damage caused by the August 24, 2014, earthquake.
- **Farm Worker Housing:** Identify funding sources for family and individual housing for agriculture workers.
- **Glassy-winged Sharpshooter/Pest Control Funding:** Ensure continued funding for Napa County’s efforts to protect the viticulture industry from grapevine pests.
- **Regional Planning Agencies:** Ensure that Napa County remains fairly represented in Bay Area land use and transportation planning organizations.
- **Skyline Park:** Support legislation renewing State authorization for the sale of Skyline Park to the County of Napa at fair market price.

## FEDERAL LEGISLATION



- **Tribal Recognition/Fee to Trust:** Oppose efforts to take Napa land into trust.
- **Lake Berryessa Recreation:** Support efforts to enact legislation and regulations to transfer management authority of the Lake Berryessa recreation area from the BOR to the BLM.
- **Rural Broadband Infrastructure Investment:** Support legislation that supports and funds universal broadband access to rural and remote communities.
- **Affordable Care Act/Excise Taxes:** Support legislative or administrative efforts to exclude public agencies from the Affordable Care Act's excise tax on FSA and Retiree Health Reimbursement Accounts.
- **Access to Alcohol and Drug Abuse Prevention Patient Records, Related Services:** Support legislative/regulatory funding for alcohol and drug abuse programs and changes that would facilitate information exchange of alcohol and drug abuse patient records (42 CFR Part 2), while still respecting legitimate privacy concerns of clients.
- **Municipal Bonds:** Support efforts to retain the tax-exempt status of municipal bonds.
- **Labeling of Genetically-Engineered (GE) Foods:** Support legislation that requires food producers to disclose on a food product's label the existence of any GE foods in the product.

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# INTRODUCTION

## General Legislative Principles

The primary goal of the County's elected representatives and employees is to serve and support the County's social and economic well-being and the health and safety of its citizens. Therefore, the Napa County Board of Supervisors has adopted the following principles:

- The County of Napa will encourage, seek and support legislation that protects the County's quality of life, its diverse natural resources and preserves the County's essence and history.
- The County of Napa will encourage, seek and support legislation that facilitates orderly economic expansion and growth and increases the opportunity for discretionary revenues and programmatic and financial flexibility for the County.

County staff and the County's legislative advocates will use these principles to evaluate legislation and other proposals when making recommendations to the Board of Supervisors.

## Legislative Priorities

Napa County's 2016 legislative priorities are separated into the following four tiers:

- **PRIORITY 1** – Napa County-specific issues that the Board has determined are a top priority to resolve and will seek to address in 2016 by sponsoring/endorsing legislation and advocating on the regulatory front.
- **PRIORITY 2** – Statewide issues that directly affect the County.
- **PRIORITY 3** – Other issues that directly affect the County.
- **MONITOR AND SUPPORT** – Issues the County may pursue that generally have a statewide impact.

## **Five Functional Areas of County Government**

Issues that are categorized as Priority 2, 3, and Monitor and Support are grouped within the Platform into the five following functional areas of County government:

1. Community Resources and Infrastructure
2. Public Works
3. Health and Human Services
4. Law and Justice
5. General Government

## LEGISLATIVE GOALS

### **Sustainable Growth**

The Board of Supervisors seeks to preserve Napa County's agricultural heritage, economy, and the ability to appropriately locate housing for its citizens in the urban areas of the County, including workforce proximity housing. Rural counties lack adequate infrastructure and services necessary to support housing in less developed unincorporated areas. The Board supports State housing needs assessment reforms that provide flexibility and acknowledge the differences between rural and urban counties. The Board also supports legislation that would allow for the transfer of mandated County housing units to the incorporated areas within the County at any time during the housing cycle and for the County to receive allocation credits for those transfers, as well as allocation credits for the County's work proximity housing program, in exchange for the expenditure of County housing funds.

### **Preserve Agricultural Economy**

In 1968, the Napa County Board of Supervisors had the forethought to preserve open space and prevent future overdevelopment by creating the nation's first Agricultural Preserve. This designation has ensured that Napa Valley's limited resources are preserved for agriculture first and foremost. Napa County opposes efforts that would exempt real property from local land use regulations, including provisions regulating the Agricultural Preserve, which ultimately could upset Napa County's vital agricultural economy. Napa County will work with its legislative delegation to ensure tribal land is not exempt from local land use regulation.

### **Preserve Local Funding from State/State Budget Reform**

As the State's financial circumstances continue to improve, the Board seeks to preserve and restore historic State funding levels of local government programs to the furthest extent possible. Stable and increasing State funding of local programs is especially important as the State continues to periodically delegate new responsibilities to the County under realignment initiatives. The Board also encourages the Governor and Legislature to enact budget reform legislation that grants maximum flexibility to local

governments to effectively and efficiently administer State-mandated programs for the public.

Further, the Board supports the elimination of unfunded and/or unnecessary State mandates, and supports legislation that provides local governments with additional protection from state mandates that attempt to micromanage local affairs.

The Board also supports legislation that provides local governments with broad authority and flexibility in personnel and pension management issues.

## PRIORITY 1 – STATE LEGISLATION

### REPLACEMENT JAIL FUNDING AND POPULATION MANAGEMENT

In November 2004, the Napa County Board of Supervisors (Board) formed a Criminal Justice Committee to identify and address the County's jail and other adult correctional system needs over the next 20 years. The Board's direction was to embark on a well thought-out effort to assess the operation of the local criminal justice system and its effect on jail use, and to make reasoned decisions on various issues, including, but not limited to, whether additional jail beds were needed. The culmination of activities by the Committee, with the guidance of various consultants, led to the preparation of the Napa County Adult Correctional System Master Plan, which was prepared as three phased reports in 2007, 2008, and 2010.

The Master Plan identified physical and functional deficiencies of the 264-bed County jail facility in the following areas: inmate housing, including sufficient capacity; inmate processing; inmate housing, including insufficient capacity; inmate processing; indoor/outdoor recreation; medical and mental health services; inmate programs; food preparation and dining; and building maintenance and building equipment. The Plan released in 2008 recommended increasing the number of jail beds to 366. However, in 2011, Assembly Bill 109—"Realignment" of the California correctional system—was adopted, which allows lower risk offenders to serve their sentence in County Jail instead of State prison. The measure increased the need to accommodate a growing inmate population, provide up-to-date security, and improve the operating efficiency of the jail facility. In response, the Master Plan was updated and concluded that 526 jail beds would be needed to meet the County's needs.

Since the August 2014 earthquake, the County has been forced to accelerate its process to replace or repair the jail, due to the significant damage that the jail sustained. Specifically, the necessity to secure funding for the jail replacement became immediately critical after the earthquake, due to the lack of statutory and administrative options available to counties that have unanticipated and severe reductions in available jail bed space.

Additionally, when jail was severely damaged by the earthquake, the options available to the County to deal with the long-term ramifications of a sharply reduced jail capacity became readily apparent. Since then, the County has relied on contiguous counties to house offenders who have yet to be sentenced for their crimes. Due to the statewide shortage of county jail beds, and the even more acute shortage of jail medical beds,

## PRIORITY 1 – STATE LEGISLATION

Napa County seeks legislative clarity to ensure the County's ability to house offenders waiting to be sentenced in non-contiguous counties while a new jail is constructed. The law does not currently provide clear authority to house offenders in non-contiguous counties unless an emergency exists. While the County has a plan on how to move forward with the construction of a new jail, the atmosphere of the earthquake emergency has dissipated; but that has not changed the condition of the jail and the need for more beds than may be available in the contiguous county region.

### **ACTION:**

1. Support and advocate for the passage of legislation and implementation of bond measures or other funding mechanisms that would include additional funding for expansion of existing, and construction of, new County jail facilities.
2. Identify funding sources and support legislation, including legislation authorizing a new state bond, that will provide Napa County with opportunities to expeditiously support the construction of a new replacement jail and supporting facilities.
3. Seek specific legislative clarity which would authorize the county to house offenders in non-contiguous counties while the County constructs a new jail.

## EARTHQUAKE RESPONSE FUNDING

The 6.0 earthquake that struck Napa on August 24, 2014, caused significant damage to both public and private property.

The Board continues to seek funding and legislation to assist ongoing efforts to stabilize homes and businesses that were damaged in the disaster. The Board will also support efforts to develop and improve earthquake early-warning systems and related preparedness and training programs.

### **ACTION:**

1. Identify funding sources and support legislation that help pay for the repair of damaged public and private property.
2. Sponsor and support legislation that will provide tax assistance and other support to private property owners that suffered damage due to the earthquake.

3. Support efforts to develop and improve earthquake early-warning systems and related preparedness and training programs.

**FARM WORKER HOUSING FUND  
(General Government)**

The Napa County agricultural industry forms the backbone of the local economy, and farm workers play an important role in creating and sustaining agricultural production. However, there is a shortage of affordable housing for a large segment of the County's permanent and seasonal farm workers, with needs ranging from permanent housing for families to shared housing for single migrant workers.

Unaccompanied men have the option of residing in one of the three Napa County farm worker housing centers, where each is provided with a dormitory bed and three meals for \$13 per day. These farm worker centers are subsidized by the \$10 per planted acre assessment that Napa County vineyard owners approved in 2002 and renewed in 2012; grants issued by charitable institutions in the County; County general fund assistance for administrative costs; and funding from the County's incorporated cities. These centers have 180 total beds combined, and have accommodated an increasing number of lodgers since 2007 through extended operating periods and rising occupancy rates.

The charitable grants, which have greatly helped fund the three centers, will be discontinued in 2016, creating an operational funding gap, and the assessments have been maximized to the limit at \$10 per planted acre. The County is seeking to identify stable funding sources to replace the loss of revenue so it can continue operating the centers in future years.

**ACTION:**

- Identify funding sources and support legislation that provide opportunities to financially support the County's farm worker housing centers; specifically sources of funding that can be used for ongoing operations at the centers.

**GLASSY-WINGED SHARPSHOOTER/  
PEST CONTROL FUNDING**

Pests present a huge threat to the State of California’s and Napa County’s agricultural economy. Sudden Oak death and invasive weeds also pose a significant threat to the County’s agriculture and natural resources. Continued funding of the Glassy-winged Sharpshooter and other pests, disease and invasive species control programs are critical. Funding for early pest detection and surveillance programs should be pursued as needed.

**ACTION:**

1. Support the continued federal and State funding of pest control and eradication activities and support funding as needed for specific threats such as the Glassy Winged Sharpshooter, Vine Mealy Bug, Light Brown Apple Moth, European Grapevine Moth, and other pests that may pose a threat to the Napa County agricultural industry.
2. Support federal and State legislative and administrative proposals that provide resources for the State and counties to perform early pest detection, surveillance activities, and manage invasive species.

**REGIONAL PLANNING AGENCIES**

The Metropolitan Transportation Commission (MTC), which is responsible for transportation planning in the Bay Area, has recently considered pursuing a consolidation of the Association of Bay Area Governments (ABAG) into the MTC. Currently, ABAG is responsible for housing allocations under the Regional Housing Needs Assessment.

Napa County has an acute concern that the land use expertise and sensitivity of the ABAG Council will be lost if MTC acts without ABAG agreement. Napa has worked exceptionally hard with its regional partners to educate other regional representatives on Napa’s housing and transportation needs.

**ACTION:**

- Monitor and review any shift in regional housing and transportation governance in order to ensure Napa is not adversely affected by any change in the regional planning agency roles and responsibilities.

**SKYLINE PARK ACQUISITION FROM STATE  
(Community Resources and Infrastructure)**

Skyline Park in Napa County encompasses approximately 850 acres and is located adjacent to Napa State Hospital. The park includes more than 12 miles of hiking, riding and bicycling trails, a native plant garden, horse arena, archery range and a disc golf course.

Skyline Park, which the County of Napa leases from the State of California at \$100 per year, has in the past been placed on a list of State surplus property. The lease has a term of fifty years, which expires in 2030. Several years ago, State law authorized the sale of Skyline Park to Napa County so the County could ensure the land would be used as a public park in perpetuity. The State and the County could not agree on a fair market value for the property before the three-year authorization expired on January 1, 2015. Napa County seeks a new State authorization to continue negotiations for the sale of the park.

**ACTION:**

- Support legislation renewing the State authorization for the sale of Skyline Park to the County of Napa at fair market price.

## PRIORITY 1 – FEDERAL LEGISLATION

### TRIBAL RECOGNITION/ FEE TO TRUST

In 1968, the Napa County Board of Supervisors had the forethought to preserve open space and prevent further development of agricultural lands by enacting the nation's first agricultural preserve. Federally-recognized Native American tribes possess tribal sovereignty and are not subject to state or county laws. Trust land is exempt from local land use regulations and is eligible for casino operations. Hence, if Napa land is taken into trust, Napa County's agricultural preserve and its economic fabric would be impacted.

#### **ACTION:**

1. Support efforts to ensure that land within Napa County's exterior boundaries is not taken into trust and thus becomes exempt from local land use regulations.
2. Support efforts to enact legislation and regulations to require any group seeking federal tribal recognition to follow established federal administrative procedures in proving tribal standing.

### LAKE BERRYESSA RECREATION

Napa County's Lake Berryessa residents and businesses depend on the sound management of Lake Berryessa's recreational facilities (located on federal land) to attract visitors and support the local economy. Under Bureau of Reclamation (BOR) management, residents and businesses have suffered a declining number of visitors over a period of years that has resulted in loss of income and jobs.

The Board believes that new management of the federally-held Lake Berryessa recreational areas is needed to develop and implement a redevelopment plan that will encourage investment in and attract new businesses to the Lake Berryessa area. The Board further believes that the mission of the Bureau of Land Management (BLM) is more aligned with the duties and responsibilities of managing a recreational area such as Lake Berryessa. Therefore, the Board seeks transfer of the recreational area's management authority from its current overseer, the BOR, to the BLM. The BOR's primarily manages water projects - dams, power plants, and canals, while the BLM has

## FEDERAL LEGISLATION

vast experience successfully managing recreational areas in the nation's West. The BLM oversees areas that feature camping, hunting, fishing, hiking, horseback riding, boating, hang gliding, off-highway vehicle driving, mountain biking, birding and wildlife viewing, photography and climbing. These are the types of activities that could occur at the Lake Berryessa recreational area.

### **ACTION:**

- Support efforts to enact legislation and regulations to transfer management authority of the Lake Berryessa recreation area from the BOR to the BLM.

## **RURAL BROADBAND INFRASTRUCTURE INVESTMENT ACT**

High-speed broadband is essential to education, economic development, public safety, and a vibrant quality of life. California libraries with broadband capability can connect the 21 million library card holders in the state to access collective online library resources, including children's programs such as homework help and foreign language programs. Broadband access can attract high-tech businesses to the area that can create synergy with existing local businesses and help grow the economy. Broadband can connect local safety and law enforcement officials to better communicate and respond to natural disasters that may affect multiple jurisdictions, as well as state and federal agencies. Bringing greater access to remote communities and supporting adoption of new technology should be a cornerstone of our national infrastructure policy and a chief element of rural economic development.

### **ACTION:**

- Support legislation that supports and funds universal broadband access to rural and remote communities.

## **AFFORDABLE CARE ACT/EXCISE TAX**

One of the most significant, and controversial, provisions of the Affordable Care Act is the excise tax on high-cost, so-called "Cadillac" health plans, proposed to both slow the rate of growth of health costs and finance the expansion of health coverage (Medicaid expansion and certain individual health plans). These high-end health plans' premiums are paid for mostly by employers. They also have low, if any, deductibles and little cost sharing for employees.

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According to U.S. Code Section 4980I, a 40 percent excise tax will be assessed, beginning in 2018, on the cost of coverage for health plans that exceed a certain annual limit (\$10,200 for individual coverage and \$27,500 for self and spouse or family coverage). Health insurance issuers and sponsors of self-funded group health plans must pay the tax of 40 percent of any dollar amount beyond the caps that is considered "excess" health spending.

Proponents of the excise tax argue that benefit-rich Cadillac plans insulate workers from the high cost of care and encourage the overuse of care--such as unnecessary tests and hospital visits--that raise U.S. health costs overall. However, the plans may be more costly and therefore subject to the new excise tax for reasons other than their generous benefits, including plan participants' health status or advanced age. The IRS is in the process of making specific regulations on the excise tax.

### **ACTION:**

- Seek legislative or administrative relief that would exclude FSA and Retiree Health Reimbursement Accounts in the calculation of the excise tax on public agencies and lessen potential related costs, such as” utilizing proper inflation methods; considering geography and demographics when looking at the tax threshold; determining whether the excise tax reimbursement will be taxable or non-taxable or tax-deductible; excluding the excise tax reimbursement from the cost of applicable coverage when factoring future rate increases.

## **ACCESS TO ALCOHOL AND DRUG ABUSE PREVENTION PATIENT RECORDS, RELATED SERVICES**

For approximately 50 years, substance dependency and abuse have been recognized as diseases best addressed through a continuum of evidence-based prevention and treatment services. The scientific basis for this approach has been strengthened recently by research indicating the existence of a genetic predisposition to addiction.

Since treatment for substance abuse disorders is still associated with discrimination, there may be potential serious civil and criminal consequences for the disclosure of personal information beyond the health care context. This restriction makes it difficult for health care organizations including health information exchange

## FEDERAL LEGISLATION

organizations (HIEs), Accountable Care Organizations (ACOs), and others to share substance abuse treatment information due to the restrictions of Code of Federal

Regulations (CFR) Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR Part 2). A number of organizations across the country are excluding substance abuse treatment data due to the difficulty and expense of implementing the functionality and workflow changes necessary to comply with current regulations. The U.S. health care system is changing and more substance abuse treatment is occurring in general health care and integrated care settings which are typically not covered under the current regulations. Redefining the regulatory requirements associated with information exchange in these new models to reduce burdens associated with specific consent requirements would help support the coordination of care.

### **ACTION:**

- Pursue improved reimbursement mechanisms for substance abuse treatment services, and support legislative/regulatory changes that would accomplish redefining the applicability of Code of Federal Regulations (CFR) Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR Part 2) to facilitate information exchange while still respecting legitimate privacy concerns of clients.

## **MUNICIPAL BONDS – TAX-EXEMPT STATUS**

Traditionally, municipal bonds have attracted investors because the interest income is tax exempt for federal income tax purposes. Depending on the investment, the interest income may also be exempt for state and local income tax purposes. There is a reason for the exemption: municipal bonds are generally private investments in state and local government projects like schools, hospitals, water projects and roads and the federal government has an interest in encouraging those kinds of investments.

Napa County and other local jurisdictions around the nation use municipal bonds to help fund local infrastructure projects. In April 2014, the Obama Administration submitted legislation to Congress that proposed to eliminate this tax-exempt status. It is believed that the newly-elected (November 2014) Congress also will be very interested in eliminating this benefit, which would harm local governments by increasing the cost of infrastructure.

### **ACTION:**

- Support efforts to retain the tax-exempt status of municipal bonds.

### LABELING OF GENETICALLY- ENGINEERED FOOD PRODUCTS

The United States has no national law requiring the labeling of genetically-engineered foods in grocery products, although some states and many local jurisdictions have instituted such measures. Other developed countries have passed GE labeling laws, including the 28 nations in the European Union, Japan, Australia, Brazil, Russia and China. Opponents of GE food products say that by mixing genes from totally unrelated species to spur food growth output, genetic engineering unleashes a host of unpredictable side effects, including harmful health effects in humans and harmful environmental effects that can poison food sources and harm wildlife. But there seems to be no conclusive scientific evidence that shows all GE foods are harmful. However, whether science ultimately proves GE food harmful or not, the public has a right to know if the food they are consuming contains GE food products.

#### **ACTION:**

- Support legislation that requires the labeling of GE food products contained in grocery items.

## PRIORITY 2 LEGISLATION

### HOUSING ELEMENT LAW

The County has been concerned for many years with the State-mandated Regional Housing Needs Allocation (RHNA) process due to the conflict it creates between local land use policies (e.g., preservation of agricultural lands and city-centered growth policies) and State and regional mandates to create more housing.

A major obstacle in complying with those mandates is that agricultural areas like Napa County are largely unpopulated and have few public services in vast stretches within their unincorporated territory. Affordable housing should be built in locations near workplaces and urban centers that have the full complement of infrastructure, transit, and other services needed by persons that qualify for affordable housing. In 2009, the County adopted a housing element that incorporated these principles and that the courts found to be adequate, (although the California Department of Housing and Community Development (HCD) has refused to certify it.) Napa County nevertheless continues to seek ways to implement its housing principles. To that end, the County has initiated a worker proximity housing program. This program provides financial support for newly purchased housing to individuals that are working in close proximity to that housing. Napa County will seek to obtain supporting legislation and funding to further this program. Napa County supports enacting legislation and seeking administrative mechanisms that would achieve maximum flexibility for agricultural counties in their efforts to site and build affordable housing within a county. Further, Napa County seeks authority during state housing element cycles to recognize that expenditures made to support affordable housing are credited towards the County's RHNA obligation when those units are built.

Finally, in 2013, the County spent over \$1 million successfully defending its housing element. This cost to taxpayers occurred as a result of State law incentives for private lawyers to file suits against counties regarding their housing elements and bill time under the premise that someone's civil rights have been violated. The County believes this is a poor process and needs to be changed.

#### **ACTION:**

1. Support legislative efforts intended to limit the exposure of county governments in civil liability lawsuits. Advocate and work with other counties in writing specific legislation and seeking administrative mechanisms that limit housing allocation

## PRIORITY 2 LEGISLATION

mandates in the unincorporated areas of prime agricultural counties such as Napa.

2. Continue efforts at the administrative level with the Association of Bay Area Governments (ABAG) and HCD to help implement Plan Bay Area as passed by ABAG in 2013, which locates housing near jobs and transit, and preserves prime agricultural land. Also, the County will continue to work collaboratively with its municipalities to ensure future city-centered growth within Napa County.
3. Build on the County's worker proximity housing program, implemented in 2011, by obtaining amendments to existing funding programs, including the State's sustainable community programs to recognize the positive greenhouse gas impacts the program provides.
4. Seek changes in State legislation that will broaden the actions that count towards compliance with housing goals to include programs, such as the county's worker proximity housing program that provides financial assistance to home buyers with incomes below 100% of the county's average median income.
5. Seek legislative or administrative mechanisms to provide local jurisdictions with more input in identifying and certifying the adequacy of sites for housing throughout the County. In particular, require HCD to acknowledge housing sites with densities less than 20 dwelling units per acre as suitable for affordable housing.

### **PUBLIC SAFETY REALIGNMENT/STATE PRISON REFORM (Law and Justice)**

The Legislature and Governor approved a massive \$6 billion public safety and health and human services realignment in 2011, which shifted major programmatic responsibilities from the State to counties. This legislation imposed certain requirements on local governments in implementing the realignment, including the following:

- Requires a county's Auditor-Controller to create a separate accounting procedure for disbursement of realignment funds. The realignment imposes very specific responsibilities on the Auditor Controller regarding the recordkeeping and reporting of these funds.

- Requires that a Community Corrections Partnership group is convened annually to adopt a realignment plan for the next year.

In addition, the 2011 Public Safety Realignment and other measures reformed the State prison system, including the requirement of implementing evidence-based criminal justice practices. This reform is intended to control State costs of operating the system, and improve health services provided to prisoners and their outcomes after release. Many of the proposals still under development or already adopted will have significant impacts on counties, including shifts in prisoner populations to local jails, mandated levels of county health services to be provided to prisoners while incarcerated or in post-release, and shifts in the allocation of limited county services and resources from the general public to persons in the criminal justice system. However, many of these proposals do not include sufficient funding to cover these costs to counties.

Overcrowding in county jails throughout California was a substantial challenge before the 2011 Realignment, and remains so. Although certain alternatives to incarceration, such as home detention programs, have reduced crowding in county jails in some jurisdictions, additional inmate capacity for county jails is necessary. However, funds for expanding existing county jail facilities and constructing new jail facilities are severely limited.

In short, the 2011 Realignment exacerbated existing overcrowding challenges and has failed to provide secure, adequate and ongoing funding and protections for counties faced with new, substantial public safety responsibilities.

1. Seek maximum flexibility in the use of funding to ensure that counties can best utilize resources to meet local needs.
2. Monitor the impacts of transitional-aged foster youth in County probation to ensure that these youth have access to services provided under AB 12 (Beall).
3. Closely monitor the data generated through the implementation of public safety realignment. Advocate for maximum flexibility of County resources to produce positive outcomes for realigned offenders. Oppose any State efforts to restrict or recoup unused AB 109 funding that may accrue on an annual basis.
4. Ensure that adequate funding is provided to implement the evidence-based practices mandated by realignment.
5. Oppose legislation that would directly or indirectly shift costs related to State prisoners that are transferred under realignment to counties.

6. Oppose legislation that would require counties to prioritize health and other services to persons exiting the State prison system over services offered to the general public.
7. Support legislation that provides for the State to retain responsibility, including fiscal responsibility, for services provided to prisoners on State parole.
8. Support legislation that would authorize additional bond funding for counties to construct community-based correctional and rehabilitation facilities, in accordance with realignment goals.

**NAPA STATE HOSPITAL  
Law and Justice**

Napa State Hospital (NSH) has gradually transformed from a large, single-purpose, mental health hospital for civil commitments to a multi-use campus of mental health, prison, and local programs and facilities. As this transformation continues, it should be planned in a manner that ensures protection for the health and well-being of Napa County residents, and the staff and patients of the hospital.

Napa County, and all counties that are geographic hosts for State hospitals, experience a unique demand on local resources when a State hospital patient is charged with committing a crime while in residence at the State hospital. First, our local criminal justice system is required to serve a non-local population because these individuals have been brought to the State Hospital from other counties throughout the State. Second, this population has qualitatively higher mental health needs than the general criminal justice population, thus costing more to serve in each of the areas of government required to provide services, such as: public defender, prosecution, jail services, mental health and medical services, and supervised transportation to and from court and other facilities.

Napa County is concerned not only with the disproportionate costs it incurs as a host county to a State Hospital, but also with ensuring that the medical and mental health of patients accused of committing crimes is maintained at an adequate level. The County supports the progress made in 2014 when the Governor signed into law AB 1340 (Achadjian). This law requires each State Hospital to begin pilot Enhanced Treatment Programs (ETP) for those patients determined to be at high risk of physically violent behavior against other patients or hospital staff. The goal of the pilot ETPs is to evaluate

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the effectiveness of concentrated, evidence-based clinical therapy and treatment in an environment designed to improve these patients' conditions and return them to the general patient population. Napa County believes these treatment efforts may help to limit the occurrence of criminal conduct that results in a patient being transferred to the Napa County jail.

A small county jail cannot be expected to provide the same level of medical and mental health care that is available at a State Hospital and necessary for its patients. Napa County has committed both General Fund and 2011 Public Safety Realignment funding towards caring for the mental health of its inmates, but should not be expected to bear the additional burden of providing criminal justice and mental health services to individuals from the State Hospital, just because such hospital is located in our County.

Compounding this local challenge is the fact that overall State mental hospital patient capacity is inadequate to accommodate the combined referrals of the civil commitment process under the Lanterman-Petris-Short Act plus referrals of inmates from throughout the State's local jails that are in need of mental health hospitalization. This results in long waiting lists at certain State hospitals, costly transportation of civil commitments to distant and more costly facilities, and extended stays in county jails and other inappropriate settings for those requiring mental health services, often after a court order has directed the individual to a State Hospital. This causes risk to the persons awaiting transfer, staff and inmates in local mental health receiving centers and jails, and significant local costs incurred while providing housing, supervision and interim care for these persons.

### **ACTION:**

1. Support the implementation of AB 1340 (Achadjian) by partnering with the Department of State Hospitals (DSH) and NSH in seeking creative solutions to develop the ETPs.
2. Support legislation to provide for safety improvements at NSH, thereby reducing the need and reliance on Napa County's jail and health systems for hospital patients.
3. Support measures to increase the ability of State Hospitals or other non-County agencies to internally handle patients who commit offenses while in residence, rather than transfer them to the local jurisdiction.
4. Support measures to assure continuity of mental health care for patients who are transferred between State Hospitals and local jails.

## PRIORITY 2 – STATE LEGISLATION

5. Support legislation promoting (and oppose legislation that might impair) regular and open access to, and communication among, county departments and agencies, the DSH and the State Hospitals.
6. Support legislation increasing the patient capacity of the DSH at facilities outside of Napa County for both civil and criminal justice referrals.
7. Support legislation expediting the transfer process of inmates in local jails to the DSH.
8. Support legislation empowering the California Mental Health Services Authority (CalMHSA) joint powers authority to act on behalf of counties in negotiating with the DSH or the California Department of Health Care Services.
9. Monitor any legislation what would shorten the sentence for 18 months for any person who is found incompetent to stand trial, and cannot be restored to competency.
10. Sponsor legislation, seek administrative resolution, and seek collaboration with other geographical-host counties for full reimbursement of costs incurred by hosting State Hospitals, including: jail services (when State Hospital patients become inmates in the local correctional facility); patient transportation; public defender; medical services; mental health services; crisis care; and evaluation, or other potential issues arising from the State Hospital.

### **MENTAL HEALTH MEDI-CAL ADMINISTRATIVE ACTIVITIES (Health and Human Services)**

In 2012, mental health auditors from the California Department of Health Care Services (DHCS) reviewed and disallowed a long-standing method used by Napa and other counties to determine the Medi-Cal reimbursement percentage, i.e., a discount method used for calculating federal reimbursement under Mental Health Medi-Cal Administrative Activities (MHMAA). Counties have used this method for years. Napa County stands to lose approximately \$1 million in Fiscal Year 2015-16 and about \$200,000 annually thereafter in disallowances if the interpretation was implemented. Further, there are potentially broader implications to counties if this disallowance is upheld through the appeals process, as other programs rely on this calculation to determine costs. In light of these severe potential impacts, the County sought Senator Wolk's intervention in 2014; through her efforts, the DHCS appears to have reversed

course, and it is believed that once the Centers for Medicare and Medicaid Service (CMS) approve the claiming manual, the County will no longer be facing these potential disallowances.

**ACTION:**

- Continue to closely coordinate with Napa County’s legislative delegation to ensure that the calculation methodology used by Napa County is permitted in the final CMS manual.

**HOUSING AND HOMELESSNESS  
(Community Resources and Infrastructure)**

The availability of housing is the essential first step to preventing homelessness and transition persons experiencing homelessness. Napa County lacks sufficient housing for low-income residents, including low-income workers, and older and disabled adults. The County also needs additional supportive services to enable these residents to succeed when they are placed in housing.

**ACTION:**

1. Maximize funding for housing and supportive services programs for low- and no-income persons, homeless persons, persons at risk of homelessness, transition age youth, adults with disabilities, vulnerable older adults, and people with behavioral health needs, including mental health and substance use disorders. Pursue State, federal, and non-governmental grants to prevent and end homelessness.
2. Support legislation that would assist in carrying out the strategies to end and prevent homelessness identified in the plans that are approved by the Board of Supervisors.
3. Support measures that assist local governments and communities to acquire and operate shelters, transitional housing facilities, permanent housing services, and related programming for the homeless.
4. Support day programs and supportive services that address the contributing factors of homelessness, such as physical, cognitive impairment and mental illness, education needs, and lack of employment skills and resources.

## PRIORITY 2 – STATE LEGISLATION

5. Support increased access to mainstream benefits and resources to address problems related to homelessness.
6. Support collaborative intervention and programming for homeless children interacting with schools and other agencies or programs serving children and families.
7. Support collaborative intervention and programming for homeless older adults interacting with long-term supportive services and other agencies or programs serving older adults.
8. Support measures providing funding to prevent homelessness and rapidly re-house families and individuals who are in emergency shelters or living in a place not meant for human habitation.
9. Support measures to make land available for the development of housing for chronically homeless individuals and individuals with barriers to accessing and maintaining housing.
10. Support measures to ensure that persons being discharged from public institutions have secured housing upon discharge. Populations of focus include persons exiting foster care, hospital, mental health, and jail and prison systems.

### **LIBRARY FUNDING (General Government)**

Library services and resources are a critical component to the vibrancy of a community. State support for public libraries is minimal and county libraries especially are impacted by the Educational Revenue Augmentation Fund (ERAF) property tax shift.

The Public Library Fund has been reduced substantially over recent years. Libraries lost what little State funding they would have received in 2013 when the “trigger cuts” were made in the 2011-12 State budget. There was no funding in the FY 2015-16 State budget for general operations (Public Library Fund and Transaction-Based Reimbursement) and low grant funding for literacy programs and Cooperation for Education Network Initiatives in California (CENIC). Funding increases are needed to bring these funding sources back to pre-budget-crisis levels.

## PRIORITY 2 – STATE LEGISLATION

To help bolster library services, a State constitutional amendment must be passed to allow for a 55% vote – rather than the current two-thirds vote threshold – for local special taxes and bonds to fund critical local library operations and facilities.

### **ACTION:**

1. Oppose further reductions to the Public Library Fund. Support increases in funding for library services from other resources. Support the Transaction-Based Reimbursement program. Support funding that specifically supports literacy programs.
2. Support a constitutional amendment to allow for a 55% vote – rather than the current two-thirds vote threshold – for local special taxes and bonds to fund critical local library operations and facilities.

### **PROPOSITION 218 - WATER AND SEWER/ STORM WATER PROGRAMS (Community Resources and Infrastructure)**

Case law in the last decade has determined that water and sewer user fees are subject to Proposition 218 protest hearings. This makes it more difficult for public agencies to increase fees or charges to cover utility operation and maintenance costs. Local governments have proposed the creation of a judicial review process to determine whether a particular rate increase is necessary to cover the costs of providing the benefit, as a modification to Proposition 218.

Presently, Proposition 218 makes it difficult to impose assessments on homeowners for storm water programs mandated by the Regional Water Quality Control Boards. The homeowners affected by a project must vote to approve any assessment on their properties to fund storm water projects. Votes are weighted according to property value. Thus, a majority of homeowners in a neighborhood may be at the mercy of a single neighbor who owns an expensive parcel and thus may have de facto veto power over any project that could benefit the majority.

**ACTION:**

1. Support a State Constitutional Amendment that creates a judicial review process to determine whether voter-rejected water and sewer rate increases are necessary to cover the costs of providing the benefit.
2. Support legislation to increase funding for storm water programs or exempt storm water assessments from Proposition 218 requirements.

**EDUCATION REVENUE AUGMENTATION FUND (ERAF)  
(General Government)**

Napa County is one of the four counties that currently collect enough local property taxes to fully fund K-12 education in the County. Some of the additional remaining funds are dedicated to children's institutions and mental health services for children. What remains after those programs are funded is considered "excess ERAF." These funds are clearly local resources that remain after all local school obligations are met.

Excess ERAF funds are then returned to the 15 taxing agencies within Napa County to provide services to residents. Language approved in the 2012-13 State budget redistributes those funds to benefit the State. This redistribution of local property tax dollars is a clear violation of Proposition 1A. Legislation to correct this redistribution was vetoed by the Governor in the fall of 2012, and follow-up legislation in 2013 was held in the Senate Appropriations Committee.

**ACTION:**

1. Seek legislative or legal remedy to ensure that Napa County's excess ERAF property taxes are not distributed to benefit the State. Engage the legislative delegation to advocate for positive resolution on this outstanding issue.
2. Monitor the implementation of the local control school funding formula approved as part of the FY 2013-14 State budget to ensure that additional impacts to ERAF and excess ERAF do not negatively impact the County.

**LAKE BERRYESSA WASTEWATER FACILITIES  
(Community Resources and Infrastructure)**

Two communities at Lake Berryessa are under order from the State Water Resources Control Board (SWRCB) to upgrade their septic systems in order to improve water quality at the Lake. The County is assisting in this work. However, the two community systems are far apart from each other and are also distant from any potential public sewer tie-in. Additionally, while one community is eligible to meet the Board’s definition of a “disadvantaged community,” the other is not. This disparity precludes the ineligible community from benefitting from several existing resources to meet the Water Board’s new standard.

**ACTION:**

1. Initiate conversations at the State Water Resources Control Board to determine the ability of the Board to adapt loan and grant criteria so that both communities in Lake Berryessa can draw down state assistance to fund the upgrades.
2. Coordinate with the Napa County legislative delegation on 2016 legislation related to the dispersal of Proposition 1 funds and/or any legislation that may benefit septic system upgrades at Lake Berryessa.

**NAPA RIVER FLOOD CONTROL PROJECT  
(Community Resources and Infrastructure)**

Napa County has worked with the Army Corps of Engineers over the last several years to substantially improve flood control on the Napa River. Most recently, the County has completed work on the bypass. However, the Corps has changed course and does not appear likely to fund the next phase of the project, despite the immense flood control benefit that the County’s residents and businesses would enjoy from the completion of the project.

**ACTION:**

1. Work with the Napa County legislative delegation and the Department of Water Resources to determine the availability of state flood control funding to assist in completing the Napa River Flood control project; work to achieve a fair state/local

match if the State is willing to fund part of the project in the absence of a federal partner.

2. Continue to appeal to the Army Corps to reconsider funding part of the project.

### **RECYCLED WATER/GROUNDWATER MONITORING & SUPPLIES (Community Resources and Infrastructure)**

In January 2014, Governor Brown proclaimed a State of Emergency in California after water shortfalls had led to the driest calendar year in recorded State history. The governor directed administration officials to take all necessary actions to respond to these drought conditions. The Legislature took action as well, drafting several major proposals designed to manage the State's groundwater supply and permanently secure groundwater sustainability for citizens, communities, the agriculture industry, and other stakeholders.

On September 16, 2014, the governor signed three bills into law that create a groundwater management, monitoring and sustainability framework for the State. The bills establish a definition of sustainable groundwater management and require local agencies to adopt management plans for the state's most important groundwater basins. The legislation prioritizes groundwater basins that are currently overdrafted and sets a timeline for implementation:

- 2017 - local groundwater management agencies must be identified;
- 2020 - overdrafted groundwater basins must have sustainability plans;
- 2022 - other high and medium priority basins not currently in overdraft must have sustainability plans; and
- 2040 - all high and medium priority groundwater basins must achieve sustainability.

Additionally, the legislation provides measurable objectives and milestones to reach sustainability and a state role of limited intervention when local agencies are unable or unwilling to adopt sustainable management plans.

## PRIORITY 2 – STATE LEGISLATION

The County seeks local flexibility and cost minimization in the implementation of the three laws and any subsequent legislation that seeks to amend the new groundwater framework.

Recycled water has become a major part of agricultural counties' solution to meet the future water demands of its citizens, particularly those who live in water-deficient areas. Recycled water, which is treated wastewater that can be used for irrigation, manufacturing and other non-drinking purposes, can significantly reduce counties' dependence on groundwater and potable water. Timely federal and State funding for recycled water projects is crucial, as areas such as Napa County's Milliken-Sarco-Tulocay (MST) groundwater basin area continue to suffer steep declines in groundwater levels, which will take longer and longer to replenish and may lead to the failure of one or more aquifers if no alternative water source becomes available in the near future. Napa Sanitation District is increasing its efforts in the area of reuse through the County's relationship with the North Bay Water Reuse Authority (NBWRA). As the State continues to face challenges regarding water supply, water reuse will become increasingly important.

### **ACTION:**

1. Support State administrative rules and guidelines for implementation of the three 2014 groundwater bills that allow local governments maximum flexibility at the least possible cost to implement the law.
2. Support legislation seeking to amend the State's 2014 groundwater framework so that local governments can implement the law with maximum flexibility at the least possible cost.
3. Support federal and State legislative proposals that encourage and fund recycled water projects in agricultural areas.
4. Support legislative or administrative action which would establish a central database, accessible to and used by all local and state agencies that are responsible for water quality reporting. This would reduce redundancies and increase transparency efficiency in water management.
5. Support legislative and administrative actions which will benefit the NBWRA in its mission to create a new water supply that can reliably supplement ever more scarce existing water supplies; reuse water; create a reliable irrigation supply for parks, public landscaping and vineyards; restore wetlands, and improve stream flows for riparian habitat and fisheries recovery.

**CHILD WELFARE SERVICES  
FOR EMANCIPATED FOSTER YOUTH  
(Health and Human Services)**

Unacceptable social and financial costs result when foster youth do not receive adequate support services while in care or move into the community from foster care settings without adequate preparation or ongoing support. This population includes those who reach the emancipation age of 18; those who have reached emancipation, but choose to remain in foster care until age 21; and those ages 16-17 that are approaching emancipation age.

State and federal authorities continue to make gradual progress toward the implementation of new interventions for emancipating foster youth and enhancing services related to the well-being of children in foster care.

**ACTION:**

1. Support federal and State funding for new and existing programs designed to serve emancipated foster youth from ages 18-21 and youth approaching the age of emancipation, including housing, preparation and support services, education and employment services.
2. Support increases or expansions in services for all foster youth and their families when accompanied by adequate new funding to cover the costs.
3. Oppose further reductions in base funding for child welfare services in general, and continue to support restoration of past reductions in such funding.

**HEALTH CARE COVERAGE, ACCESS AND INTEGRATION  
(Health and Human Services)**

The Board of Supervisors believes that increasing the proportion of County residents covered by health insurance will reduce the public health risks and local costs necessary to provide acute or urgent care.

Many conditions could be treated more cost-effectively if patients had access to routine preventative care. Making health insurance accessible to all County residents would reduce County costs arising from the mandated responsibility to fund indigent care;

## PRIORITY 2 – STATE LEGISLATION

reduce costs to local physicians, clinics and hospitals resulting from un-reimbursed or under-reimbursed care rendered to the uninsured; and strengthen the overall provider network available to all persons in the community.

Federal and State health care legislation is endeavoring to effectuate many of these goals. As these laws are developed and implemented at the administrative level, it is essential that the overarching principles identified above continue to guide the process.

### **ACTION:**

1. Support legislation that would promote better integration of health care delivery systems to reduce costs, increase efficiency and provide a higher level of services to the greatest practicable extent.
2. Support legislation to provide funding for the Partnership HealthPlan of California at levels that are actuarially sound and sufficient to ensure the safe, ongoing operation of the plan. Support measures that will strengthen the “county operated health systems” generally and the Partnership HealthPlan of California specifically, including measures allowing the organization to geographically expand its service area.
3. Support legislation that will relieve county governments of uncompensated costs associated with health coverage or with the provision of health services to low-income or indigent County residents.
4. Oppose reductions in federal or State funding for a) programs that enable county residents to gain access to health care coverage/services; b) health programs related to indigent health support; and c) other programs promoting public health.
5. Oppose legislation requiring counties to increase the amount of county discretionary funding supporting health care coverage.
6. Support legislation and funding promoting the integration of cognitive and physical health, mental health, alcohol and drug and other types of health care in unified service delivery models.
7. Support legislation promoting improved patient outcomes through increased use and interoperability of electronic health records.
8. Support measures to assure that, to the greatest extent practicable, County residents who become eligible for Medi-Cal or other governmental health coverage through health care reform or other Federal or State initiatives are served through the Partnership HealthPlan.

9. Support legislation providing support for programs providing or facilitating health care coverage for children and their families, including such programs as the Children’s Health Initiative.
10. Support legislation providing support for programs and facilitating health care coverage for older adults and caregivers.
11. Oppose legislation which would increase regulatory burdens and costs on the County’s organized health system partner.

**LOCAL MENTAL HEALTH SYSTEMS  
(Health and Human Services)**

When the State realigned mental health services to the counties in 1991, the goal was to create a single integrated system of behavioral health services for persons with persistent mental illness.

It was recognized that these individuals were not receiving adequate attention in physical health managed care programs, so “specialty mental health services” were “carved out” from the rest of Medi-Cal managed care. Counties were given the first right

of refusal to provide these services, which resulted in counties becoming the “managed mental health plan” in all but one or two counties. This configuration made counties responsible for both the most expensive mental health services such as acute hospitalization, State hospitalization, and institutions for mental disease care (IMDs), and also for the “upstream” lower cost outpatient and supportive services, which can prevent the need for more expensive residential services. Even after 23 years, it is unclear whether this county carve-out will survive legislation.

There are rational reasons for consolidating mental health services under the Medi-Cal and Medicare systems, and also for integrating them more closely with physical health care. However, there are also significant risks, including: (1) In its implementation of health care reform, DHCS has consistently endeavored to promote the privatization of health care coverage, even though the overhead of administering private health care programs for low-income California residents has proven to be approximately ten times higher than for county operated health systems; (2) as noted above, the chronically and severely mentally ill have historically not been well served in the conventional health care programs; (3) the successful treatment of such individuals often depends on the

provision of community based social services, many of which are unlikely to be appropriately provided in a medical system.

**ACTION:**

1. Support measures to reduce administrative costs of integrated mental health programs and channel those savings back to patient care.
2. Support measures to continue the “carve-out” of specialty mental health services.
3. Support measures to enable counties to contract for the provision of the managed care mental health benefit under the federal Affordable Care Act.

**HEALTH CARE SERVICES FOR VULNERABLE  
AND RURAL POPULATIONS  
(Health and Human Services)**

In 2014, a majority of voters in each of California’s 58 counties rejected Proposition 46, a measure that would have adjusted the State’s \$250,000 medical malpractice cap – set in 1975 - to inflation and further adjusted it every year thereafter. Out-of-control medical liability costs jeopardize the viability of vital health care services, particularly those services needed by vulnerable populations in Napa County and other rural areas. The attendant increase in malpractice insurance costs will force many physicians to cut back on services or close their doors – further isolating rural patients. These high-risk and specialty services include: women’s health care, community clinics, health centers and rural providers. Napa County’s most vulnerable populations require doctors, nurses, clinics and hospitals to treat them, and if health care providers cannot afford liability insurance, many of these patients may be unable to find the appropriate care. The economic viability of doctors practicing in these areas is already marginal due to sparse population and low insurance and Medi-Cal reimbursement for services.

**ACTION:**

1. Support efforts and legislation that would protect access for vulnerable and rural populations to high-risk and specialty health care services that are jeopardized by high malpractice insurance costs.

2. Oppose legislation that would revise the Medical Injury Compensation Reform Act (MICRA) or other efforts to impede access, increase health care costs, and divert health care dollars from patient care.

**OLDER ADULT SERVICES  
(Health and Human Services)**

Napa County has a higher percentage of older adults in its population than most California counties. This percentage and the service needs of older adults are expected to grow in coming years. The Board of Supervisors has made services to our adult and frail elderly population a priority.

**ACTION:**

Continue to support legislation that assists the County and other agencies that provide services to the aging and disabled, including:

1. Measures to establish a continuous appropriation (partial or full) from the Federal Trust Fund to the California Department of Aging for the Area Agency on Aging in any year in which the State budget is not enacted by July 1.
2. Measures to expand background checks to include people that provide care for an older or vulnerable adult.
3. Reauthorization of the federal Older Americans Act and support for funding and appropriate measures to fully implement the Elder Justice Act.
4. Measures to ensure adequate funding for the Adult Protective Services program.
5. Measures to provide county governments flexibility in utilizing benefits, particularly those available under the federal Affordable Care Act, and measures that provide adequate State or federal funding for such benefits.
6. Oppose measures that would reduce support for such benefits or shift responsibility for such costs to local government.
7. Measures to support full and continued State and federal funding of the IHSS program and continuance of the Maintenance of Effort funding structure.

## PRIORITY 2 – STATE LEGISLATION

8. Oppose legislation restricting local control of Realignment dollars or mandating a certain level of IHSS worker pay.
9. Measures to strengthen the continuum of adult services to prevent or postpone institutionalization of older adults and support basic quality of life, including affordable and accessible senior housing and transitional housing.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REFORM (Community Resources and Infrastructure)**

The California Environmental Quality Act (CEQA), signed into law by Governor Ronald Reagan in 1970, establishes a process to incorporate scientific information and public input into the approval of development projects, both public and private. Viewed by many as landmark environmental law, CEQA has attracted controversy throughout its 44 years. The CEQA process is wrought with uncertainty, costly litigation and project delays. The CEQA process needs to be simplified and streamlined to make it more fair and responsive to applicants while maintaining the environmental protections for which the law was created.

#### **ACTION:**

- Support legislative and administrative efforts to modernize, simplify and streamline the CEQA law while maintaining the integrity of the law's environmental protections. These efforts should concentrate on making the CEQA process more effective, efficient, responsive, transparent, fair to applicants and the public, and reduce the risk and cost of litigation for local agencies.

### **PARKS BOND PROPOSAL (Community Resources and Infrastructure)**

The Legislature may develop a parks bond proposal for voter consideration in 2016. In the event that a parks bond moves through the legislative process, it is vital that Napa County parks projects are eligible for various funding pots.

## PRIORITY 2 – STATE LEGISLATION

### **ACTION:**

1. Develop a comprehensive list of existing and future park project needs within the County of Napa with as many details as possible.
2. Advocate that any proposed parks bond include criteria which would be favorable to the County of Napa's projects.

## PRIORITY 3 – STATE LEGISLATION

### **EXTENDED PRODUCER RESPONSIBILITY (EPR)/ WASTE MANAGEMENT/ BOTTLE BILL REFORM (Community Resources and Infrastructure)**

Local jurisdictions are shouldering an ever-increasing cost for the disposal of “universal wastes,” which are toxic and hazardous substances such as batteries, sharps, and fluorescent tubes that are banned from the landfill and have no other convenient disposal method. Other problematic product “wastes,” such as carpet, mattresses, and pharmaceuticals are also costly and difficult to manage.

Presently, local governments are paying an ever-increasing cost for disposal of universal wastes, while the manufacturers and distributors of these items reap the profits but share no burden or responsibility for costly disposal when the items are discarded. Extended Producer Responsibility (EPR) legislation would place the responsibility for free and convenient disposal of these and other problematic products on the manufacturers and remove this costly and logistical burden from local governments. The California Department of Resources, Recycling and Recovery (CalRecycle) adopted Strategic Directive No. 5 in 2007, seeking to establish legislation supporting “cradle to cradle” producer responsibility and analyzing various approaches to EPR. Legislation was approved in 2010 to address paint (AB 1343), carpet (AB 2389) and brake pads (SB 346), while bills on other products were not successful. Legislators are expected to re-introduce EPR bills in 2016 dealing with plastic bags, batteries, pharmaceuticals, needles and other problematic products.

In recent years, the State’s bottle bill has become a victim of its own success. More and more people are returning bottles and reclaiming the deposits. The costs of sorting and recycling have caused the program to run a deficit. As a result, funding from the program for local programs is at risk. The State needs to reform the bottle bill program for long-term sustainability.

#### **ACTION:**

1. Support legislation that complements and supplements legislative and administration efforts to implement EPR principles and removes the cost burden for disposal of products containing universal wastes and hazardous wastes from local governments.

2. Support legislation reforming the State’s bottle bill law to put the program on track for long-term financial sustainability and retain the program’s funding component for local recycling projects.

**LOCAL CONTROL IN EMERGENCY MEDICAL SERVICES  
(Health and Human Services)**

From time to time, legislation is proposed that would usurp local planning and control over emergency medical services from county purview and instead provide that the State Emergency Medical Services Authority take over that responsibility. It is possible that such legislation will be introduced again.

**ACTION:**

- Oppose legislation that would usurp local control over emergency medical services planning and delivery.

**DISEASE REPORTING  
(Health and Human Services)**

Existing law requires the State Department of Public Health to examine the causes of communicable diseases occurring or likely to occur in the State and to establish a list of reportable diseases. Existing law also requires local health officers to immediately report to the Department every discovered, known, or suspected case of any reportable disease and, in the case of a local epidemic, to report all facts concerning the disease and the measures taken to abate and prevent its spread.

New technology makes electronic reporting systems feasible. Such systems can increase the speed with which disease and other public health concerns are detected and thus speed the response time.

## PRIORITY 3 – STATE LEGISLATION

### **ACTION:**

1. Support legislation that will facilitate the development of electronic disease and syndromic surveillance systems and minimize the financial burden to counties when implementing such systems.
2. Support legislation to facilitate county health officer access to electronic medical records and disease and syndrome surveillance systems.

### **FUNDING FOR HEALTH AND HUMAN SERVICES PROGRAMS (Health and Human Services)**

Numerous county services, especially many programs operated by the Napa County Health and Human Services Agency, are supported in whole or in part with State and/or federal funds.

Some of these programs were originally operated by the State and then transferred to the counties. In many cases, the formula for funding the transferred programs did not result in adequate revenue to cover program costs or subsequent increases in the cost of doing business.

The ability of the County to plan, develop and operate these programs is often impaired by federal and State fiscal practices. Program mandates may be imposed without sufficient funding, leaving the County to absorb program cost increases, including labor cost increases. Additionally, program funding may be reduced or eliminated as the result of unrelated state or federal budget negotiations; grants and allocations that may be canceled after they have been awarded; changing performance and auditing standards; retroactive funding reductions; and the State or federal governments may unilaterally condition their funding on increases in the amount of county financial participation.

These practices result in sudden and unpredictable variations in funding, retroactive funding decreases, and the need for urgent measures at the local level to mitigate the impact of the practices – measures such as the sudden reduction or discontinuation of beneficial services, layoffs, the cancellation of service contracts with local non-profit

## PRIORITY 3 – STATE LEGISLATION

organizations on little notice and increased competition for limited discretionary county funding.

### **ACTION:**

1. Support the continued funding of existing programs and activities that the County is required to operate or that the County has undertaken to conduct in reliance on prior years' funding.
2. Support funding increases to cover the expansion of programs for which there is unmet local need.
3. Support measures to cover cost increases of existing programs.
4. Oppose measures providing for eligibility services for Medi-Cal, CalFRESH and other safety net programs for Napa County residents to be shared or assumed by the State or delegated to private contractors.

### **IMPLEMENTATION OF KATIE A. LAWSUIT (Health and Human Services)**

The Katie A. lawsuit was settled in 2011 in a manner that will require county mental health programs to provide an expanded array of services to youth who qualify for Early Periodic Screening, Diagnosis, and Treatment (EPSDT)—a federal entitlement program. Basically, this program was realigned by the State to the counties. It is essential that counties, acting through the California Behavioral Health Directors Association, be given a strong voice in fashioning the manner in which the settlement is implemented.

### **ACTION:**

- Support measures that grant counties flexibility in designing and administering expanded mental health programs for youth as a result of the settlement of the Katie A. lawsuit.

## PRIORITY 3 – STATE LEGISLATION

### HEALTHY SCHOOLS (Health and Human Services)

Schools should provide nutrition education, physical exercise and other school-based activities that are designed to promote student wellness. The curriculum for these activities should be based on research that is consistent with the expectations established in the State's curriculum frameworks and designed to build the skills and knowledge for lifelong wellness. Napa County schools should be encouraged to provide nutritious food to students that is locally grown and produced.

#### **ACTION:**

1. Support legislation that ensures that schools provide a healthy environment for children and teaches them the skills and knowledge, including nutrition education and physical exercise, for lifelong wellness.
2. Seek and support legislation that eases the regulatory process for local agricultural products to be procured by schools, ensuring local, fresh, and nutritious meals for students, while ensuring food safety.

### DELTA WATER SUPPLY ALLOCATION (Public Works)

The Governor's Administration is pursuing a conveyance system to protect and deliver water supplies for Californians that live south of the Delta. Any new conveyance system diverting water to, from or around the Delta could impact the County's own State Water Project allocations in quality, quantity and timing of delivery. On November 4, 2014, State voters approved Proposition 1, a \$7.5 billion water bond measure. The County seeks fair and appropriate funding from this bond issue to help the County meet its current and future water infrastructure needs.

#### **ACTION:**

1. Advocate that protections for Napa County's water quality and allocation at the North Bay Aqueduct (NBA) intake be included in any legislation involving operational changes or physical improvements for water conveyance through or around the Delta, or ensure that there is sufficient money set aside specifically for an alternate intake project at a more desirable location.

### PRIORITY 3 – STATE LEGISLATION

2. Seek fair and appropriate funding from the Proposition 1 water bond issue to help the County meet its current and future water infrastructure needs.

## MONITOR AND SUPPORT LEGISLATION

### **TIMING OF STATE CONTRACTS AND REIMBURSEMENTS (Health and Human Services)**

Counties receive some allocations via contracts with the state. Until counties receive the contracts from the state and then execute and return them, counties cannot claim for expenses related to these contracts.

In numerous cases, there are substantial delays between the time the County must initiate expenditures and when the contract is received and then finalized. Further, reimbursements are extremely slow, causing cash flow problems for counties, especially with regard to public health allocations.

#### **ACTION:**

1. Support legislation that streamlines administrative processes for funding local programs, reduces processing times for execution of agreements or consolidates multiple funding sources where appropriate.
2. Support legislation that allows counties to opt into a system that consolidates revenue agreements with State funding agencies or otherwise simplifies systems for the delivery of revenues from the state to counties or supports the goal of health care integration.

### **IN-HOME SUPPORTIVE SERVICES (IHSS) (Health and Human Services)**

The In-Home Supportive Services (IHSS) program is an extremely important intervention that enables many older and disabled adults to maintain themselves in their homes.

The program is growing. There are ongoing significant increases in (1) program utilization by older and disabled county residents, (2) the number of caregivers and service hours and (3) necessary county administrative staffing. Fortunately, local costs associated with those increases have remained steady due to the funding change in 2013-2014 to implement a Maintenance of Effort (MOE). The State holds the County's

financial participation constant (with a regulated cost of living adjustment included). This MOE allows counties to predict and contain their costs within an expensive program and the County supports the continuance of the MOE funding structure.

Legislation facilitating collective bargaining by the caregiver workforce and increased salaries and related benefits for caregivers, as well as other factors such as increases in overall client numbers and service hours needed, have resulted in program increases. The State has considered a range of cost-cutting measures, some of which would result in the State reducing its own investment in the program, thus potentially increasing the burden on counties. The State has also considered measures that are likely to result in local residents becoming unable to sustain themselves in their homes, which will increase the number of Napa County residents entering skilled nursing facilities and other institutional settings.

The County supports IHSS program changes that integrate evidence-based practice models. The County opposes program changes that would seek to remove social work assessment of IHSS clients (or otherwise seek to redefine the program as a medical model), or serve as a departure from the Olmstead principles of personal choice for the disabled.

The IHSS program will continue to undergo changes in the coming months to comply with Federal Department of Labor rules. Effective February 1, 2016, IHSS providers that work more than 40 hours per week are eligible to claim overtime. There are new processes by which the number of allowable overtime hours is capped as well as new requirements for increased tracking and documentation at the County level. However, the overtime costs are included in the MOE, resulting in no immediate increase in county costs.

**ACTION:**

Support legislation favoring full and continued state funding of the IHSS program including services related to daily living activities necessary to maintain recipients in their homes and out of institutional care.

1. Support legislation that continues the MOE funding structure.
2. Oppose legislation imposing program reductions likely to result in an increase in the number of local residents entering skilled nursing facilities and other institutional settings.

## MONITOR AND SUPPORT – STATE LEGISLATION

3. As long as the current public authority/employer of record model is retained, oppose legislation that would restrict the ability of the County to engage in the collective bargaining process, including legislation mandating specific levels of compensation or benefits.
4. Oppose legislation that would limit supportive services on the basis of medical necessity or other criteria that does not recognize the full range of supportive services necessary to prevent an older or disabled adult from progressing to otherwise unnecessary institutional care.
5. Support legislation that would limit any additional cost to the County related to payment of mandatory overtime or other new benefits to IHSS providers.
6. Closely monitor any legislation that will impact IHSS funding.

### **ENHANCEMENT OF CHILD WELFARE SERVICES (Health and Human Services)**

A number of state and national initiatives have promoted more intensive, evidence-based county child welfare service models to improve child and family safety and long term outcomes.

For instance, multiple initiatives have been implemented to improve the quality of services including SB 1013 Resource Family Assessment and Continuum of Care Reform, California Child and Family Service Reviews (C-CFSR) , Quality Parenting Initiative and the development and implementation of the Core Practice Model Statewide.

Many children would certainly benefit from these initiatives, but it would also significantly increase operating costs. Since 2007, State funding for child welfare services has alternately decreased and increased. Commencing in Fiscal Year 2011-12, the State moved to “realign” funding for child welfare services to counties. However, it is not yet possible to determine whether funding levels will be realistic given the level of service envisioned in the larger Child Welfare Redesign concept.

**ACTION:**

1. Support measures leading to increased safety, permanency and well-being for children served in the child welfare system, with commensurate increases in state funding to cover current costs and new practice requirements.
2. Support a coordinated and evidence-based response to emerging mandates that provide for collaborative planning and action among State and local governments and support efforts for adequate funding.

**HEALTH EQUITY  
(Health and Human Services)**

Current research indicates that health outcomes for communities are influenced not only by access to medical care and individual choices pertaining to health, but are increasingly determined by socio-economic factors including but not limited to income, education, and place of residence. Differences in socio-economic factors can lead to disparate health outcomes within a population, increasing the prevalence of disease for certain communities compared to others, as well as shortening the life expectancy for underserved and vulnerable populations.

**ACTION:**

1. Support federal and state legislation that provides funding for the collection of community health data for disparate health populations in underserved and rural settings.
2. Support opportunities to educate the public about the impact of socio-economic factors on health, and health equity.
3. Support opportunities to engage the public in the elimination of health inequities.
4. Support federal and state legislation that funds place based community health strategies to improve the overall health and wellbeing of County residents.

**SENATE BILL 90 CLAIMS  
(Health and Human Services)**

In prior years the State reimbursed counties after the fact (through the SB 90 claiming process) for the counties' provision of unfunded state-mandated services. The State paid Napa County \$4 million in FY 2015-16, which leaves a balance of \$4.1 million owed to Napa County for past SB 90 claims.

The SB 90 claiming system was discontinued in FY 2011-12. In the 2012-13 budget, all mandates were suspended for the next three years.

**ACTION:**

1. Support legislative actions that ensure the timely repayment of amounts owed by the State to Napa County for prior SB 90 mandate claims, including inclusion in the 2015-2016 Budget of additional and significant payments to counties for what is already owed.
2. Oppose budget action to postpone the repayment of SB 90 mandate claims to later budget years.
3. Oppose State efforts to suspend or de-fund the mandate related to sexually violent predators. This mandate represents about \$150,000 in costs annually to Napa County to secure expert witnesses and fund related requirements necessary to properly adjudicate these cases.

**PUBLIC CONSERVATOR, PUBLIC GUARDIAN AND  
PUBLIC ADMINISTRATOR (INCLUSION IN STATE BUDGET)  
(Health and Human Services)**

The Public Guardian or Public Conservator (PG/PC) conducts conservatorship investigations. The PG/PC also acts as the legally appointed guardian or conservator for persons found by the Court to be unable to care for themselves, their finances, or in need of protection against undue influence or fraud. Such adults often suffer from severe mental illness or are older, frail and vulnerable.

## MONITOR AND SUPPORT – STATE LEGISLATION

The Omnibus Conservatorship and Guardianship Reform Act of 2006 imposed certain unfunded mandates on counties, including the requirement that the Public Guardian begin an investigation within two business days of receiving a referral for conservatorship and that the Public Guardian apply for appointment as conservator if there is an imminent threat to a person's health, safety or estate. Funding has been supported through county discretionary funds and fees collected through the conservatee's estate. These funding sources have not kept pace with the increasing demand for services under these new mandates. Funding for this vital and critical service should be fully supported by the State of California.

### **ACTION:**

1. Support legislation or budget action that would provide adequate State funding for the Public Guardian and Public Conservator's office.
2. Support statewide legislation that replicates Napa County's Caregiver Permit Program that requires home care workers to pass a background check and attain a permit before working as a caregiver in a private home.

### **STATE FUNDING FOR COUNTY VETERANS SERVICES OFFICE (Health and Human Services)**

The County Veterans Service Office (CVSO) provides direct advocacy, claims assistance and information and referral assistance to Napa County veterans and their families. Napa County has a veteran and active military population of approximately 11,000 (2010 Census data). Assuming an equal number of dependents, this brings the total number of people eligible for service to 22,000. The County annually receives approximately \$30,000 in State and federal fiscal support for the CVSO from subvention funding, Medi-Cal cost avoidance and license plate fees. Subvention funds are distributed to each county on a workload basis.

State and federal revenue for the CVSO has not kept pace with the need for services and is less than the funding level required by State law. To meet demand without compromising service, it has become necessary to augment the small amount of federal and State revenue with increasing amounts of County general funds.

**ACTION:**

- Support legislation that augments State and federal revenue in support of CVSO operations and keeps pace with the cost of providing these services.

**WORKFORCE DEVELOPMENT AND RETENTION  
(Health and Human Services)**

The federal Workforce Investment Act (WIA) of 1998 provides the means for linking workforce, education and business services initiatives under the One-Stop Career Center System. The Act, pending reauthorization in Congress, will secure a funding mechanism methodology for the WIA. WIA services as well as State programs are needed to develop local talent and maintain a skilled workforce – elements that are critical to a growing, healthy economy. The Napa-Lake County Workforce Investment Board, which utilizes WIA funds, has helped place many Napa County residents in jobs every year since WIA was enacted.

Job training must be paired with job retention programs to effectively grow and maintain the local workforce. Local governments are experiencing increasing difficulty in attracting and keeping qualified candidates to fill new and existing positions, particularly in the area of health and human services. Significant labor shortages exist in critical areas where State-mandated services are provided. Aggressive measures are needed to recruit, employ and retain qualified employees in the health and human services disciplines.

Napa County supports investing in the local economy by fostering a skilled local workforce through talent development and job retention programs.

**ACTION:**

1. Support the reauthorization of the federal Workforce Investment Act; support funding changes that will increase services available to customers and maximize flexibility in the funding stream.
2. Support the efforts of the Napa-Lake County Workforce Investment Board and Self-Sufficiency Division in seeking federal funding for training and placement of workers.

## MONITOR AND SUPPORT – STATE LEGISLATION

3. Support legislation that allows workforce development and employment and training funds (such as TANF, Workforce Investment Act and Welfare-to-Work) to be used in job creation activities to address the lack of job opportunities for the unemployed, especially in areas of high unemployment and poverty.
4. Support workforce development reform that provides for block grants, local governance and maximum local flexibility in funding to achieve a maximized return on workforce investment.
5. Support funding for the development and expansion of training facilities of dislocated workers and workers with limited skills to reduce unemployment and to increase the earning capacity of workers in Napa County.
6. Support legislation that establishes incentives in the education and public employment sector that will attract and/or support qualified candidates who show an interest and willingness to study and train for positions in the health and human services field, and incentivize current employees to pursue higher levels of education, training and licensure; leading to the retention of existing staff.

### **WELFARE REFORM (Health and Human Services)**

The original 1996 federal “Welfare to Work” law promoted proactive, evidence-based interventions to move individuals in the direction of employment, increased earnings and ultimately self-sufficiency. State budget cuts have eroded the evidence base of these programs, making them less likely to move low-income county residents off the welfare rolls and into self-sufficiency. Without sufficient State funding – and the possibility of further cuts - local governments will require more flexibility to administer the program in the cost efficient and effective manner.

#### **ACTION:**

1. Support legislation promoting flexibility at the local level to adapt the design and manner of implementation of welfare programs that: 1) takes into consideration local economic conditions and uses best-evidence practices; 2) supports innovative job training and support activities; 3) recognizes education as a key activity in welfare-to-work programming.

2. Oppose legislation providing for eligibility services to be contracted to private, for-profit companies, unless the legislation clearly addresses the factors that have made that model unsuccessful in other states. Those factors include granting private companies wide latitude in determining eligibility and in determining the amount of benefits without proper oversight by public agencies and review by the recipient.

**WEIGHTS AND MEASURES PRICE VERIFICATION PROGRAMS  
(Community Resources and Infrastructure)**

County boards of supervisors currently have the authority to adopt ordinances for the purposes of determining the pricing accuracy of a retail establishment using a point-of-sale (POS) system. The authorizing statute remains in effect only until January 1, 2019, when it sunsets unless a later enacted statute, enacted before January 1, 2019, deletes or extends that date.

**ACTION:**

- Support adequate funding for weights and measures programs in California generally, and specifically support the extension or elimination of the sunset deadline found in Business and Professions Code section 13357.

**STATE RESPONSIBILITY AREA FEES  
(General Government)**

As part of the 2011-2012 State Budget, the Governor approved a fee of up to \$150 per habitable structure in State Responsibility Areas (SRA). Later, the Legislature attempted to further increase the scope and amount of the fee in a manner that would have been extraordinarily burdensome to landowners in the SRA. The fee additionally makes it more difficult for local fire districts to secure passage of local funding measures to provide services if a state fee is also being assessed but not actually resulting in new services.

## MONITOR AND SUPPORT – STATE LEGISLATION

### **ACTION:**

1. Closely monitor legislation and administration efforts to revisit the current SRA fee structure.
2. Oppose any fee structure which would increase fees on residents without commensurately providing new fire protection and prevention services.
3. Oppose any legislation resulting from an outcome of the pending court case that would require legislative action to reinstitute the fee.