



BILL CAMPBELL

SUPERVISOR, THIRD DISTRICT

ORANGE COUNTY BOARD OF SUPERVISORS
ORANGE COUNTY HALL OF ADMINISTRATION
10 CIVIC CENTER PLAZA, SANTA ANA, CALIFORNIA 92701
PHONE (714) 834-3330 FAX (714) 834-2786
bill.campbell@ocgov.com

November 17, 2006

Dear Friends:

On behalf of the Orange County Board of Supervisors, I am sending you a copy of the "County of Orange Legislative Platform for 2007," adopted on November 14, 2006. This document articulates the key legislative priorities and policies for the County in both Sacramento and Washington D.C. and provides policy direction and guidance to County departments and staff.

We hope that you will find the document helpful in understanding the County's perspective on the major issues facing us this year. My colleagues and I look forward to working with many of you in the coming months.

If you or your staff have any questions regarding the attached Platform, please contact Bill Hodge, Director, CEO/Legislative Affairs at (714) 834-7010.

Sincerely,

BILL CAMPBELL
Chairman of the Board

Attachment

cc: Members, Board of Supervisors
Members, Orange County State and Federal Legislative Delegation



COUNTY OF ORANGE LEGISLATIVE PLATFORM FOR 2007

Adopted by the Board of Supervisors
November 14, 2006

Bill Campbell
Chairman of the Board
Supervisor, Third District

Lou Correa
Supervisor, First District

Jim Silva
Supervisor, Second District

Chris Norby, Vice Chairman
Supervisor, Fourth District

Thomas W. Wilson
Supervisor, Fifth District

**COUNTY OF ORANGE
LEGISLATIVE PLATFORM
FOR 2007**

TABLE OF CONTENTS

2007 STATE AND FEDERAL OUTLOOKS.....	1
State Legislative Outlook, 1st Session	1
Federal Legislative Outlook, 110th Congress, 1st Session	3
2007 LEGISLATIVE PRIORITIES AND POLICY STATEMENTS.....	5
Legislative Priorities.....	5
Policy Statements.....	5
2007 COUNTY-SPONSORED STATE LEGISLATIVE PROPOSALS	
EXECUTIVE SUMMARY.....	9
State Proposals	9
Property Tax Funding For Criminal Justice Facilities.....	12
Redevelopment Agency Sunset/Property Tax Increment	14
The Levine Act.....	16
Electronic Filing Of Form 700 Economic Disclosure	21
Electronic Filing Of Assessment Appeals Applications	23
Standardize 30-Day Voter Petition Processing Requirement.....	25
2007 COUNTY-SPONSORED FEDERAL LEGISLATIVE PROPOSALS	
EXECUTIVE SUMMARY.....	27
Federal Proposals	27
Allow Purchase of Los Pinos Conservation Camp Site From U.S. Forest Service	28
Continued Federal Legislative Priorities	32
2008 COUNTY-SPONSORED FEDERAL APPROPRIATIONS REQUESTS	
EXECUTIVE SUMMARY.....	33



COUNTY OF ORANGE

2007 State and Federal
Outlooks

COUNTY OF ORANGE
2007 STATE AND FEDERAL OUTLOOKS

STATE LEGISLATIVE OUTLOOK, 1ST SESSION

Overview

Governor Schwarzenegger was reelected in a landslide victory, which few predicted after the losses he suffered in the 2005 special election. Credit is given to the Governor's move to a more bipartisanship style of governing the State of California. One of the most important issues stemming from this new style of cooperative government was the series of infrastructure bond measures, known as the Rebuild California Plan placed on the ballot for the November 7, 2006 election.

California voters approved the Rebuild California Plan, a \$37.3 billion bond package with the largest commitment to building new roads, new schools, safe housing and flood control ever made by any state. This comprehensive infrastructure bond package was on the ballot as Propositions 1A-Transportation Funding Protection, 1B-The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act, 1C-Housing and Emergency Shelter Trust Fund Act, 1D-Kindergarten-University Public Education Facilities Bond Act, and 1E-Disaster Preparedness and Flood Prevention Bond Act. It includes a "fix" to Proposition 42, by permanently dedicating the sales tax on gasoline to transportation purposes (1A). Proposition 1E includes \$500 million in flood subvention funds that will be available to reimburse Orange County for the Santa Ana River Project. By far, the largest item on the ballot was Proposition 1B, authorizing \$19.9 billion for transportation over 10 years, of that total \$11 billion is designated for providing congestion relief and \$2 billion for local streets and roads, including \$62 million specifically earmarked for the County of Orange..

In addition, Proposition 84-Water Quality, Safety and Supply. Flood Control. Natural Resource Protection. Park Improvements passed, including another \$180 million in flood subvention funds. This measure authorizes \$5.4 billion to address a myriad of natural resource issues including flood control projects, protecting the coast, and water planning. It includes \$50 million for Santa Ana River area parks projects, including \$20 for the Orange Coast River Park near the mouth of the river.

Orange County will need to be diligent and position itself to ensure that our projects are deemed a "priority" by the State to ensure that there is an equitable distribution of funds among the counties. We are entering a phase whereupon local governments, school districts, water agencies, transportation authorities and housing groups will be competing and leveraging themselves with the Governor, leadership and individual members of the legislature, to ensure that their public works projects are incorporated into the various packages.

In addition, Governor Schwarzenegger certainly will face a myriad of new challenges in 2007. One of which will be an effort to seek bipartisan compromise on health care, a stated second-term goal. And the state budget continues to be a potential problem that overshadows good news on the revenue front.

Outlook for the 2007-08 Budget

A balanced budget was passed for Fiscal Year 2006-2007. Total expenditures are \$128.4 billion, with increases in funding for education, and targeted increases in several other program areas, plus prepaying nearly \$3 billion in budgetary debt. According to the Legislative Analyst's Office, even though revenues are much stronger-than-expected in FY 2006-07 expenditures will exceed revenues, with the difference being covered by the drawdown of carryover reserves available from 2005-06. Based on their out-year estimates of revenues and expenditures, there will continue in 2007-08 and 2008-09 an imbalance absent corrective action by the Legislature and the Governor. Annual operating shortfalls are estimated to be in the range of \$4.5 billion and \$5 billion for this period.

FEDERAL LEGISLATIVE OUTLOOK, 110TH CONGRESS, 1ST SESSION

Overview

The Democratic takeover of Congress will not occur until January 2007. Meanwhile, the lame duck session of the 109th Congress will determine some of the first actions of the new Congress. If the lame duck session finalizes Fiscal Year 2007 appropriations bills before adjourning, that will eliminate the need for the Democratic leadership to address those issues in early 2007. The easiest course of action would be for the 109th Congress to pass the remaining nine bills—either in mini-omnibus bills of three or four appropriations measures per bill or in a catchall omnibus bill containing all nine. The other, less desirable option is a Continuing Resolution funding the operations of the Government at FY 2006 levels until final bills can be enacted in 2007.

The length of the lame duck session will also determine the fate of two of the authorization bills of greatest interest to Orange County: Ryan White CARE Act reauthorization and WRDA (Water Resources Development Act) 2006. There is a bipartisan desire to complete action on both of these bills, but that is not always determinative of the outcome of legislative activity.

National Issues

The House Democratic leadership has announced a program for the first 100 hours of the 110th Congress after it convenes on January 3, 2007, as follows:

Day One: Put new rules in place to "break the link between lobbyists and legislation."

Day Two: Enact all the recommendations made by the commission that investigated the terrorist attacks of September 11, 2001.

Time remaining until 100 hours: Raise the minimum wage to \$7.25 an hour, maybe in one step. Cut the interest rate on student loans in half. Allow the Government to negotiate directly with the pharmaceutical companies for lower drug prices for Medicare patients.

All the days after that: "Pay as you go," meaning no increasing the deficit, whether the issue is middle class tax relief, health care or some other priority.

The broadest policy ramifications would come from the reinstatement of Pay-Go, which requires all new programs and tax cuts to be paid for with reductions in programs elsewhere or tax increases to pay for them. The Pay-Go discipline is generally credited for the budget surpluses of the 1990s. Under this budgetary rule it takes a 60 vote majority in the Senate to waive the requirement. Currently, the war in Iraq and Afghanistan is paid for entirely by emergency (i.e., deficit) financing. If Pay-Go is

applied to the war—costing \$7.5 billion per month—it would require an immediate tax increase.

Orange County Issues

Appropriations issues in 2007 will continue to be a top Orange County priority in 2007. Adequate funding for the Santa Ana River Project was achieved in 2005 and 2006. If WRDA is passed with an authorization increase for relocation of the SARI line, then continued construction funding in FY 2008 will be a priority. The President's Budget for 2008 will go to Congress on the first Monday of February. Funding will continue to be pursued for Upper Newport Bay, as well. Negotiations with the Army Corps of Engineers will continue on the issue of partial reimbursement of County land acquisition expenditures at Prado Dam during the time of construction. The outcome of WRDA will also determine the fate of the extension of the authorization of the LA-3 Disposal Site authorization for dredged materials from Upper Newport Bay.

The County congressional delegation will continue to press the Administration for reform of section 203 of the Voting Rights Act regarding foreign language ballot regulations. Regardless of whether full funding is included in the 2007 Labor-HHS appropriations bill for the National Children's Study, this will continue to be a priority request in the new Congress.

Representative Loretta Sanchez, number two in seniority on the Homeland Security Committee, will be in line for a major subcommittee chairmanship. While the Republicans will lose seats on the Appropriations Committee, there should be at least one vacancy to be filled and Congressman Ken Calvert is still considering that option. If the Democrats end up in control of the Senate, then Senator Barbara Boxer will become chair of the Environment and Public Works Committee.



COUNTY OF ORANGE

2007 Legislative Priorities and Policy Statements

COUNTY OF ORANGE
2007 LEGISLATIVE PRIORITIES AND POLICY STATEMENTS

The County of Orange recognizes the need to protect its interests in Sacramento and Washington, DC. To be effective in this mission, the County of Orange reviews and establishes priorities and policy statements at the beginning of each legislative year. The Legislative Priorities set forth the County's goals for the current Legislative Session and the Policy Statements provide general direction to the Legislative advocates as they advance County interests during the year.

LEGISLATIVE PRIORITIES

1. **LOCAL GOVERNMENT FUNDING**
In the event local revenue is jeopardized (e.g. VLF) or reallocated, the State must provide alternative funding sources to local governments.

2. **FISCAL EQUITY**
Establish an equitable, dependable and predictable revenue stream with distribution formulas for local revenues that address equity with other counties, and that any formula be based on one or more of the following factors:
 - Per capita
 - Caseload
 - Situs (dedicated taxes)
 - Realignment Equity
 - Cost of Living in High Cost Counties
 - Other Objective Measures of Need

3. **COST RECOVERY**
Local governments shall receive full cost reimbursement for all federal and/or state mandated programs. Unfunded or under-funded mandates are a burden which local government cannot afford.

4. **DETERMINE STATE FUNDING FOR COURT OPERATIONS AND FACILITIES**

POLICY STATEMENTS

1. Increasing taxes is an inappropriate means of balancing the State's budget.

2. The establishment of equitable, dependable, and predictable revenue streams with distribution formulas for local revenues that address equity are necessary for the stability of services provided to local government. Proposed funding allocations to counties must be based upon common factors (population, poverty statistics, caseload, or other objective measures of need) applied evenly to counties.
3. The shifting of tax revenues from the County to the State or other local entities harms Orange County's ability to serve its residents.
4. Counties must be given the authority, flexibility, and adequate funding to administer programs and service client needs within their local jurisdictions (no unfunded mandates).
5. Realignment proposals must only include programs where counties have control over costs and program operations.
6. Federal maintenance of effort requirements as well as federal penalties and sanctions must remain the responsibility of the State and not passed on to local governments.
7. Homeland security and emergency response efforts shall be coordinated among the federal, state, and local governments with clearly defined roles and responsibilities for each.
8. The State and/or federal government shall provide full cost recovery for counties and cities for all mandates. State/or federally funded programs (such as Santa Ana River Project, State Child Health Insurance program (S-CHIP), medical research, housing, law enforcement, older adults and workforce investment, etc.) require adequate and continuous funding.
9. Support collaborative solutions in addressing regional issues and completion of vital flood control and watershed projects such as the Santa Ana River Mainstem Project (including Prado Dam), Santa Ana River Interceptor Line (SARI) relocation, Aliso Creek Mainstem Project and other projects as may be appropriate.
10. Orange County will support measures that protect the public against disease and disability and promote health.
11. Funding for alternatives to incarceration that are cost effective and do not endanger the general public shall be pursued.
12. Housing:
 - a. Adequate housing is necessary for economic stability. Parity should be sought between the number of jobs and the availability of housing.

The Regional Housing Needs Assessment (RHNA) should identify realistically the housing elements needed to achieve fair distribution of housing requirements and should provide for the transfer of housing allocations when annexation or incorporation occur. RHNA should never be used to punitively impact the funding of local government.

- b. Support removal or minimization of barriers to housing production, including fiscal reform for local government to address disincentives for residential development.
 - c. Support the efforts of County water agencies to insure that an adequate water supply exists for potential development in unincorporated areas and the incorporated cities of Orange County.
13. Coastal Resources:
- a. State – promote coordinated effort between state, County and regional agencies to allow for increased local control for project implementation.
 - b. Federal – increase programs and funding opportunities for coastal habitat and resource purchase, preservation and maintenance via sharing Federal Outer Continental Shelf (OCS) revenues with coastal states to support conservation and wildlife protection programs.
 - c. Local, State and Federal – support state and federal grants for NPDES implementation and lead collaborative local government activities for watershed management strategies.
14. Promote business retention (through insurance, healthcare, and workers' compensation reform) and consider incentives to attract new business.
15. Protect local decision-making and accountability for County Proposition 10 Commissions when statewide financial reporting and fiscal practices are established.
16. El Toro – The local land use decision made regarding MCAS, El Toro and its reuse should be upheld. The County of Orange is opposed to any attempt to change the land use and to the creation of a regional airport authority to place an airport at MCAS, El Toro.
17. Support policies that maximize local control over solid waste management and solid waste facilities, and minimize burdensome and duplicative regulation by the state.
18. Implementation of the reauthorized Voting Rights Act should reexamine multilingual ballot requirements to ease unfunded mandates on counties. The regulations should have specific and reasonable fluency thresholds.
19. Support a public safety system that includes local law enforcement services, crime prevention, prosecution of crime, confinement of high-risk

and juvenile offenders, and supervision of adults and juveniles placed on court ordered formal probation.

20. Support measures that enhance the quality, affordability, capacity, accessibility, and safety of child care and development programs.



COUNTY OF ORANGE

2007 County-Sponsored State Legislative Proposals

COUNTY OF ORANGE
2007 COUNTY-SPONSORED STATE LEGISLATIVE PROPOSALS
EXECUTIVE SUMMARY

State Proposals

PROPERTY TAX FUNDING FOR CRIMINAL JUSTICE FACILITIES

Property tax equity continues to be a top priority of the County of Orange, the lowest property tax urban county in the State of California. Due to its extremely low proportion of revenue gleaned from the property tax dollar, the County of Orange is impacted adversely in its ability to provide criminal justice facilities to meet the demands of a growing population and for the operation and maintenance of new facilities that come on line. CEO/Budget staff proposed harnessing the concept the Board of Supervisors supported in 2005's AB 1033 (Daucher) and earmarking increased property tax revenues specifically for criminal justice facilities. The 2005 bill proposed harnessing a portion of growth in state revenues and diverting it to low property tax counties to equalize property tax funding over time. This bill proposal would incorporate that concept into a criminal justice facilities funding concept that would resonate with legislators.

REDEVELOPMENT AGENCY SUNSET/PROPERTY TAX INCREMENT

Last year, Assembly Member Lynn Daucher proposed AB 2682 that affected Community Redevelopment Agencies (CRA) that sunset after their projects are completed and bonds retired. The bill called for school district property tax increment that had been captured by the CRA to be transferred to low property tax counties to enable them to achieve equity over time. The State continues to backfill school revenues as it has done since Proposition 13 was implemented. While this is a long-range effort to achieve an improvement in property tax equity since redevelopment projects sunset over a protracted period of time, it is a move toward achieving property tax equity ultimately, a key goal of the County of Orange.

THE LEVINE ACT

Supervisor Chris Norby is proposing this legislation to ensure that the campaign contribution limit of \$250 established by the Levine Act in 1982 would be indexed for inflation. If the bill is approved, the adjusted annual contribution limit for appointed officials would be \$567, based upon the growth of inflation from 1983, the first year the Act was in effect. The bill assures the value of the Levine Act's \$250 annual limit remains constant over time. The limit impacts Board Members who serve as appointed members of public agencies such as the Orange County Transportation Authority

(OCTA). The OCTA's recently-adopted platform includes language that supports consistency of campaign contribution limits.

ELECTRONIC FILING OF FORM 700 ECONOMIC DISCLOSURE

This proposal would allow required Conflict of Interest filers to electronically file their Conflict of Interest Form 700, which is not permitted under current law. Individuals who are designated filers by their authority's Conflict of Interest Code are required to file assuming, annual and leaving statements by completing an FPPC mandated Form 700. Current statutes and FPPC Regulations require all filers to complete a paper form, affix a wet signature and send by US mail or personal delivery to the filing officer/authority.

This proposal would allow filing officers/officials to accept electronically submitted forms providing the electronic submission conforms to Section 1633.11 of the Civil Code. It would significantly reduce the data entry requirements and paper storage of forms for filing officers/officials and would assist filers in completing their annual statements. This would enable filers who are required to file with multiple authorities to do so at one time using one form. This proposal conforms with today's use of modern technology, provides error free data entry, electronic storage of paper, quick retrieval for public review, and allows greater tracking and faster response and remedy of violations by the filing officer/official.

ELECTRONIC FILING OF ASSESSMENT APPEALS APPLICATIONS

The requirements and form content for assessment appeals is found in Revenue & Tax (R&T) Code Section 1603. Current law permits electronic filing of assessment appeals applications under Civil Code of Procedure Section 1633.11. This clean-up proposal would add the electronic filing provision into the R&T statutes for simplicity and clarity purposes benefiting both the consumer and local government.

Orange County has been successfully accepting electronic appeals for 5 years. Our online e-file process provides individuals with step by step help and allows individuals to submit their appeals if they are registered with the Clerk of the Board or they can complete their application at their leisure, print, sign and send it to the Clerk of the Board. In either case the data is stored and captured by the Clerk of the Board to gain error free data entry for the County. Electronic submission also reduces paper, provides for quick retrieval of documents for public review, and allows greater tracking and faster scheduling of appeals for hearing.

STANDARDIZE 30-DAY VOTER PETITION PROCESSING REQUIREMENT

This proposal will create greater consistency in California election law by reconciling discrepancies in petition processing as it is spelled out in two separate State Election

Code Sections (11224 (a) & 9115 (a)). Election Code Section 9115 (a) states that petition signatures must be verified within 30 days of filing the petition, excluding Saturdays, Sundays and holidays. The County of Orange read 11224 (a) to be consistent with 9115 (a) in excluding Saturdays, Sundays and holidays and this interpretation became a point of contention with some County residents. Amending 11224 (a) to exclude Saturdays, Sundays and holidays will bring uniformity to the petition process.

**PROPOSAL FOR COUNTY SPONSORED LEGISLATION
2007 LEGISLATIVE YEAR**

AGENCY/DEPARTMENT: COUNTY EXECUTIVE OFFICE

CONTACT PERSON: Steve Dunivent Phone: 714-834-3530
Brian Wayt 714-834-4104

Fax: 714-834-6658 email address: steve.dunivent@ocgov.com
brian.wayt@ocgov.com

SUBJECT: **PROPERTY TAX FUNDING FOR CRIMINAL JUSTICE FACILITIES**

AFFECTED DEPARTMENT(S)/AGENCY(IES):
CEO/Budget, OC Sheriff-Coroner, Probation Department, Auditor-Controller

CODE SECTION AFFECTED:

DESCRIPTION OF CURRENT LAW:

Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally requires that each jurisdiction be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. Existing property tax law also reduces the amounts of ad valorem property tax revenue that would otherwise be annually allocated to the county, cities, and special districts pursuant to these general allocation requirements by requiring, for purposes of determining property tax revenue allocations in each county for the 1992-93 and 1993-94 fiscal years, that the amounts of property tax revenue deemed allocated in the prior fiscal year to the county, cities, and special districts be reduced in accordance with certain formulas. It requires that the revenues not allocated to the county, cities, and special districts as a result of these reductions be transferred to the Educational Revenue Augmentation Fund in that county for allocation to school districts, community college districts, and the county office of education.

PROPOSAL:

Allows low property tax Counties to keep additional property tax revenues in years when the local growth exceeds the statewide average growth. Low property tax threshold to be determined – suggest setting at those counties in the bottom quartile when measuring portion of local property tax received by the County General Fund.

DISCUSSION:

Due to the continual increase in the inmate population Counties are requiring new or expanded detention facilities. This additional revenue would assist Counties in the funding of these costs.

This legislation would allow low property tax counties to retain a greater share of their property tax revenues in years when the local property tax revenue growth exceeds the average statewide property tax revenue growth. This additional revenue would be dedicated to construction, operations and maintenance of new or existing criminal justice facilities. Due to the continual increase in the inmate population in both adult and juvenile facilities, counties are requiring additional or expanded detention facilities. This additional revenue source would assist counties in self-funding the costs of construction, operations and maintenance of these facilities and reduce the potential for incurring additional debt.

This proposal would give counties additional revenues in years when the growth in local property tax revenues is greater than the growth in the statewide average property tax revenues. This difference between the local growth and the statewide average growth would be retained by the local county to offset costs of criminal justice facilities.

FISCAL IMPACT:

Additional revenue to Counties in years of large property tax growth

PROPOSED SPECIFIC LANGUAGE: (As approved by County Counsel)

Use a modified version of the 2005 AB 1033 (Daucher)

POTENTIAL OPPOSITION/SUPPORT:

RECENT LEGISLATIVE ACTION ON THIS ISSUE:

AB 1568 (Correa) Property Tax Revenue Shift; SB 1909 (Machado) Property Tax Shift;
AB 1033 (Daucher) Property Tax Revenue Allocations

PERSONS RESPONSIBLE FOR TESTIMONY:

Steve Dunivent CEO Budget Director

**PROPOSAL FOR COUNTY SPONSORED LEGISLATION
2007 LEGISLATIVE YEAR**

AGENCY/DEPARTMENT: COUNTY EXECUTIVE OFFICE

CONTACT PERSON: Bill Hodge Phone: 714-834-7010

Fax: 714-834-7650 email address: william.hodge@ocgov.com

SUBJECT: REDEVELOPMENT AGENCY SUNSET/PROPERTY TAX INCREMENT

AFFECTED DEPARTMENT(S)/AGENCY(IES):
County General Fund

CODE SECTION AFFECTED:
Health and Safety Code, Section 33679.5

DESCRIPTION OF CURRENT LAW:
Once community redevelopment agencies deactivate, the tax increment they have been collecting to retire bonded-indebtedness is returned to local agencies.

PROPOSAL:
This proposal is to divert tax increment revenues due to be returned to local educational agencies upon deactivation of a community redevelopment agency to low property tax counties until the county has reached the average statewide percentage of countywide ad valorem property tax revenue.

DISCUSSION:
If enacted, the proposal would move the County of Orange toward the statewide average of property tax collected by counties statewide. Currently, the County of Orange is the lowest urban property tax county in California.

FISCAL IMPACT:
Would depend on the timing and financial substance of community redevelopment agencies that are deactivated. The County of Orange is considering a timetable for the deactivation of its community redevelopment agency.

PROPOSED SPECIFIC LANGUAGE: (As approved by County Counsel)
To be submitted.

POTENTIAL OPPOSITION/SUPPORT:

RECENT LEGISLATIVE ACTION ON THIS ISSUE:

Assemblymember Lynn Daucher proposed this bill as AB 2682 last year. It cleared its policy committee hearing and expired on the Assembly Appropriations Committee suspense file.

PERSONS RESPONSIBLE FOR TESTIMONY:

Bill Hodge Director, CEO/Legislative Affairs

**PROPOSAL FOR COUNTY SPONSORED LEGISLATION
2007 LEGISLATIVE YEAR**

AGENCY/DEPARTMENT: COUNTY EXECUTIVE OFFICE

CONTACT PERSON: Bill Hodge Phone: 714-834-7010

Fax: 714-834-7650 email address: william.hodge@ocgov.com

SUBJECT: **THE LEVINE ACT**

AFFECTED DEPARTMENT(S)/AGENCY(IES):

State Agencies/Department Affected:

- Fair Political Practices Commission
- Franchise Tax Board

CODE SECTION AFFECTED:

Government Code Section 84308

DESCRIPTION OF CURRENT LAW:

Government Code Section 84308 [created by AB 1040 (Mel Levine) as Chapter 1049, statutes of 1982] disqualifies any "officer" of a public agency, who is running or serves as an elected official, from participating in decisions affecting his or her campaign contributors. The law *disqualifies* the officer from participating in certain proceedings if the official has received campaign contributions of more than \$250.00 from a party, participant or their agents within the 12 months preceding the decision.

It also requires *disclosure* on the record of the proceeding of all campaign contributions received from these persons during that period. In addition, section 84308 *prohibits* solicitation or receipt of campaign contributions in excess of \$250.00 during such proceedings, or for 90 days after the decision, from parties, participants or their agents. This law is directed towards applications for a license, permit or other entitlement for use made before a body with "quasi-judicial" powers. The term "other entitlement" is not defined.

Section 84308 (a) (3) expressly exempts from its coverage the following agencies: the judicial branch; the Legislature; the Board of Equalization; constitutional officers; and, local agencies whose members are elected by the voters (e.g., city councils and county boards of supervisors).

PROPOSAL:

This legislative proposal is designed to index the contribution limit established by the Levine Act so that over time it remains consistent and proportional to the cost of living that existed when the limit was initially established.

DISCUSSION:

The Levine Act was an attempt to address conflicts reported in the *Los Angeles Times* in 1980 involving the California Coastal Commission in which several coastal commissioners (also serving as local elected officials) received campaign contributions from persons who had applications pending before the Commission.

Law at that time did not prohibit the giving of money or gifts to elected or appointed officers who serve on quasi-judicial boards or commissions, by persons who have an application for a license, permit or other entitlement for use pending before that body. The author of this law, Assembly Member Mel Levine, believed his measure would remedy that and “significantly reduce many conflicts of interest.”

However, a 1982 Common Cause study of escalating development-related contributions noted that “there is no proof of corruption or payoffs.”

FISCAL IMPACT:

Unknown

PROPOSED SPECIFIC LANGUAGE: (As approved by County Counsel)

Use a modified version of the 2004 AB 2818 (Pacheco). The intent of this bill was to require the Fair Political Practices Commission to adjust specified contribution limitations to reflect changes in the Consumer Price Index to January 1, 1983, and to adjust these contribution limitations in every odd-numbered year to reflect changes in the Consumer Price Index since the previous adjustment.

DRAFT LANGUAGE

**Government Code Section 84308
(as approved by County Counsel)**

84308. (a) The definitions set forth in this subdivision shall govern the interpretation of this section.

(1) “Party” means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.

(2) “Participant” means any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision, as described in Article 1 (commencing with Section 87100) of Chapter 7. A person actively supports or opposes a particular decision in a proceeding if he or she lobbies in person the officers

or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.

(3) "Agency" means an agency as defined in Section 82003 except that it does not include the courts or any agency in the judicial branch of government, local governmental agencies whose members are directly elected by the voters, the Legislature, the Board of Equalization, or constitutional officers. However, this section applies to any person who is a member of an exempted agency but is acting as a voting member of another agency.

(4) "Officer" means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency.

(5) "License, permit, or other entitlement for use" means all business, professional, trade and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.

(6) "Contribution" includes contributions to candidates and committees in federal, state, or local elections.

(b) No officer of an agency shall accept, solicit, or direct a contribution of more than two hundred fifty dollars (\$250) from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for three months following the date a final decision is rendered in the proceeding if the officer knows or has reason to know that the participant has a financial interest, as that term is used in Article 1 (commencing with Section 87100) of Chapter 7. This prohibition shall apply regardless of whether the officer accepts, solicits, or directs the contribution for himself or herself, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

(c) Prior to rendering any decision in a proceeding involving a license, permit or other entitlement for use pending before an agency, each officer of the agency who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant shall disclose that fact on the record of the proceeding. No officer of an agency shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the agency if the officer has willfully or knowingly received a contribution in an amount of more than two hundred fifty dollars (\$250) within the preceding 12 months from a party or his or her agent, or from any participant, or his or her agent if the officer knows or has reason to know that the participant has a financial interest in the decision, as that term is described with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7.

If an officer receives a contribution which would otherwise require disqualification under this section, returns the contribution within 30 days from the time he or she knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, he or she shall be permitted to participate in the proceeding.

(d) A party to a proceeding before an agency involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars (\$250) made within the preceding 12 months by the party, or his or her agent, to any officer of the agency. No party, or his or her agent, to a proceeding involving a license, permit, or other entitlement for use pending before any agency and no participant, or his or her agent, in the proceeding shall make a contribution of more than two hundred fifty dollars (\$250) to any officer of that agency during the proceeding and for three months following the date a final decision is rendered by the agency in the proceeding. When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before an agency, the majority shareholder is subject to the disclosure and prohibition requirements specified in subdivisions (b), (c), and this subdivision.

(e) Nothing in this section shall be construed to imply that any contribution subject to being reported under this title shall not be so reported.

(f) **(1) By January 1, 2007, the commission shall adjust the contribution limitations in subdivisions (b), (c), and (d) of this section to reflect changes in the Consumer Price Index since January 1, 1983, and, in every odd-numbered year thereafter, adjust these contribution limitations to reflect changes in the Consumer Price Index since the previous adjustment.**

(2) **The adjustments to the contribution limitations required pursuant to paragraph (1) shall be rounded to the nearest hundred dollars.**

SEC. 2. The Legislature finds and declares that the provisions of this act further the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.

POTENTIAL OPPOSITION/SUPPORT:

Individual statewide interest groups that may be interested in this proposed bill may include the following:

- State Bar of California
- Fair Political Practices Commission
- Franchise Tax Board
- The Little Hoover Commission
- Common Cause
- Foundation for Taxpayer and Consumer Rights

- California Clean Money Campaign
- California Public Interest Research Groups (CalPIRG)
- Californians Against Corruption
- Californians for Political Reform
- League of Women Voters of California

RECENT LEGISLATIVE ACTION ON THIS ISSUE:

2004 AB 2818 (Levine) Campaign Contributions

2002 SB 2095 (Johnson) Independent Expenditures

2000 SB 1223 (Burton) Campaign Contributions and Expenditures

PERSONS RESPONSIBLE FOR TESTIMONY:

Chris Norby Supervisor, Fourth District

Bill Hodge Director, CEO/Legislative Affairs

**PROPOSAL FOR COUNTY SPONSORED LEGISLATION
2007 LEGISLATIVE YEAR**

AGENCY/DEPARTMENT: CLERK OF THE BOARD
CONTACT PERSON: DARLENE J. BLOOM Phone: 714-834-2206
Fax: 714-834-4439 email address: darlene.bloom@ocgov.com

SUBJECT: ELECTRONIC FILING OF FORM 700 ECONOMIC DISCLOSURE

AFFECTED DEPARTMENT(S)/AGENCY(IES):
Countywide availability of electronic filing

CODE SECTION AFFECTED:
Government Code Section 87204.5

DESCRIPTION OF CURRENT LAW:
Current law does not permit electronic filing of Form 700

PROPOSAL:
This proposal would allow required Conflict of Interest filers to electronically file their Conflict of Interest Form 700.

DISCUSSION:
Individuals who are designated filers by their authority's Conflict of Interest Code are required to file assuming, annual and leaving statements by completing an FPPC mandated Form 700. Current statutes and FPPC Regulations require all filers to complete a paper form, affix a wet signature and send by US mail or personal delivery to the filing officer/authority. This proposal would allow filing officers/officials to accept electronically submitted forms providing the electronic submission conforms to Section 1633.11 of the Civil Code. It would significantly reduce the data entry requirements and paper storage of forms for filing officers/officials and would assist filers in completing their annual statements. This would enable filers who are required to file with multiple authorities to do so at one time using one form. This proposal conforms with today's use of modern technology, provides error free data entry, electronic storage of paper, quick retrieval for public review, and allows greater tracking and faster response and remedy of violations by the filing officer/official.

FISCAL IMPACT:
NA

PROPOSED SPECIFIC LANGUAGE:

Add Section 87204.5 to the Government Code, to read as follows:

87204.5. The statements required by Sections 87202, 87203, and 87204 may be filed electronically, in accordance with regulations adopted by the commission. Forms for such electronic filing shall be approved by the commission. Statements filed electronically shall include a digital signature that conforms with the requirements of Section 1633.11 of the Civil Code.

Add Section 87302.7 to the Government Code, to read as follows:

87302.5. The statements required by Sections 87302(b) and 87302.6 may be filed electronically, in accordance with regulations adopted by the commission. Forms for such electronic filing shall be approved by the commission. Statements filed electronically shall include a digital signature that conforms with the requirements of Section 1633.11 of the Civil Code.

POTENTIAL OPPOSITION/SUPPORT:

RECENT LEGISLATIVE ACTION ON THIS ISSUE:

PERSONS RESPONSIBLE FOR TESTIMONY:

Darlene J. Bloom Clerk of the Board

**PROPOSAL FOR COUNTY SPONSORED LEGISLATION
2007 LEGISLATIVE YEAR**

AGENCY/DEPARTMENT: CLERK OF THE BOARD
CONTACT PERSON: DARLENE J. BLOOM Phone: 714-834-2206
Fax: 714-834-4439 email address: darlene.bloom@ocgov.com

SUBJECT: ELECTRONIC FILING OF ASSESSMENT APPEALS APPLICATIONS

AFFECTED DEPARTMENT(S)/AGENCY(IES):
Clerk of the Board

CODE SECTION AFFECTED:
Add: Revenue and Taxation Code section 1603 (g)

DESCRIPTION OF CURRENT LAW:

There is no provision in the Revenue Taxation Code that prohibits the use of electronic signatures on assessment appeals applications. Revenue and Taxation Code section 1603, subdivision (a), provides in relevant part that an applicant must file with the county assessment appeals board "a verified, written application showing the facts claimed to require the reduction and the applicant's opinion of the full value of the property. Government Code section 16.5 authorizes and provides guidelines for the use of electronic signatures in written communications with a public entity in which a signature is required or used.

PROPOSAL:

This proposal would clarify that counties statewide may offer electronic submission of applications for changed assessment provided that such submission complies with the requirements of Revenue and Taxation Code section 1603 and Government Code section 16.5.

DISCUSSION:

This proposal would allow individuals to file applications for changed assessment online. Although current law does not prohibit counties from accepting electronic filings, adding the proposed language to the Revenue and Taxation Code would add clarity and provide guidance.

Orange County has been successfully accepting electronic appeals for 5 years. Our online e-file process provides individuals with step-by-step help and allows individuals to submit their appeals if they are registered with the Clerk of the Board or they can complete their application at their leisure, print, sign and send it to the Clerk of the Board. In either case, the data is stored and captured by the Clerk of the Board to facilitate error free data entry for the County.

Electronic submission also reduces paper, provides for quick retrieval of documents, and allows greater tracking and faster scheduling of appeals for hearing.

FISCAL IMPACT:

NA

PROPOSED SPECIFIC LANGUAGE:

Add Section 1603(g) to the Revenue and Taxation Code, to read as follows:

1603(g). The clerk of the county board of equalization may accept the filing of an application for changed assessment that is filed electronically. The clerk of the county board of equalization is authorized to accept electronic signatures in satisfaction of the certification signature requirements of subdivision (f) for electronically filed applications for changed assessment if the electronic signatures satisfy the requirements of Section 16.5 of the Government Code. Applications for changed assessment that are filed electronically shall comply with all other statutory requirements for filing an application for changed assessment.

POTENTIAL OPPOSITION/SUPPORT:

This legislation adds permissive language to the Revenue and Taxation Code designed to clarify and provide guidance regarding the electronic filing of applications for changed assessment, which is a service that several counties currently offer. I do not anticipate any opposition to this proposal.

RECENT LEGISLATIVE ACTION ON THIS ISSUE:

PERSONS RESPONSIBLE FOR TESTIMONY:

Darlene J. Bloom Clerk of the Board

**PROPOSAL FOR COUNTY SPONSORED LEGISLATION
2007 LEGISLATIVE YEAR**

AGENCY/DEPARTMENT: REGISTRAR OF VOTERS

CONTACT PERSON: BRETT ROWLEY Phone: 714-567-7623

Fax: 714-567-7556 email address: brett.rowley@ocgov.com

**SUBJECT: STANDARDIZE 30-DAY VOTER PETITION PROCESSING
REQUIREMENT**

AFFECTED DEPARTMENT(S)/AGENCY(IES):
Registrar of Voters

CODE SECTION AFFECTED:
Elections Code Sections 11224(a) and 11225

DESCRIPTION OF CURRENT LAW:
Current law provides that signatures for a recall petition must be processed within 30 days of the date the petition is filed.

PROPOSAL:
Elections Code Section 11224 (a) should be made consistent with Elections Code Section 9115 (a) that states petition signatures must be verified within 30 days of filing the petition, excluding Saturdays, Sundays and holidays.

DISCUSSION:
There are differing opinions within California elections circles as to whether Elections Code Section 11224 (a) includes or excludes Saturdays, Sundays and holidays as Elections Code 9115 (a) does.

The County of Orange has read Elections Code Section 11224 (a) as excluding those days. This opinion was a point of contention in recall petitions within the County this past year. Although the timeframe by which had no bearing on whether the recall petitions passed or failed proponents desired to have results based on a the shorter timetable that would have included Saturdays, Sundays and holidays in the 30 day deadline.

FISCAL IMPACT:
None

PROPOSED SPECIFIC LANGUAGE: (As approved by County Counsel)
Amend Elections Code Sections 11224 (a) and 11225 to read:

11224. (a) Except as provided in Section 11225, within 30 days from the date of filing of the petition, **excluding Saturdays, Sundays, and holidays**, the elections official shall examine the petition, and from the records of registration, ascertain whether or not the petition is signed by the requisite number of voters. If the elections official's examination shows that the number of valid signatures is greater than the required number, the elections official shall certify the petition to be sufficient. If the number of valid signatures is less than the required number, the elections official shall certify the petition to be insufficient.

Section 11225. Verification of signatures by random sampling technique

11225. (a) Within 30 days from the date of filing of the petition, **excluding Saturdays, Sundays, and holidays**, if, from the examination of petitions pursuant to Section 11222, more than 500 signatures have been signed on the petition, the elections official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn in a manner so that every signature filed with the elections official shall have an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

POTENTIAL OPPOSITION/SUPPORT:

The proposal has not been discussed with the group as a whole. However, we would plan on bringing the bill to the California Association of Clerks and Elections officials at their December New Law meetings. We believe that they would support having these codes give the same deadline for completion of petition processing.

RECENT LEGISLATIVE ACTION ON THIS ISSUE:

None

PERSONS RESPONSIBLE FOR TESTIMONY:

Neal Kelley

Registrar of Voters



COUNTY OF ORANGE

2007 County-Sponsored Federal Legislative Proposals

COUNTY OF ORANGE
2007 COUNTY-SPONSORED FEDERAL LEGISLATIVE PROPOSALS
EXECUTIVE SUMMARY

Federal Proposals

ALLOW PURCHASE OF LOS PINOS CONSERVATION CAMPT SITE FROM U.S. FOREST SERVICE

This proposal would allow for the purchase of Los Pinos Conservation Camp site (located in the Cleveland National Forest) from the U.S. Forest Service by amending Public Law 109-54, Section 502 (2) to include local juvenile detention facility. This would then make the site eligible to be conveyed by the Secretary of Agriculture.

The Los Pinos Conservation Camp (Los Pinos) is operated by the Orange County Probation Department. It is a 156-bed juvenile institution situated at 3,100 feet in elevation among pine and oak trees within the Trabuco Ranger District in the Cleveland National Forest. Boys and girls ages 16 and older are considered for the vocational program and academic education offered at Los Pinos, which is designed for Juvenile Court commitments of three months to one year.

The Los Pinos site has been leased from the U.S. Forest Service through a Special Use Permit and numerous extensions of that permit since 1970 when it was first established by the Orange County Board of Supervisors. The site is on a former Job Corps site, which was also leased from the federal government. The County of Orange Probation Department is currently pursuing the twelfth Special Use Permit extension from the United States Forest Service as the current Special Use Permit extension expires December 31, 2006.

**PROPOSAL FOR COUNTY SPONSORED LEGISLATION
110TH CONGRESS**

AGENCY/DEPARTMENT: PROBATION DEPARTMENT

CONTACT PERSON: VICKI MATHEWS Phone: 714 937-4725

Fax: 714-558-5961 email address: vicki.mathews@ocprob.com

**SUBJECT: ALLOW PURCHASE OF LOS PINOS CONSERVATION CAMP SITE
FROM U.S. FOREST SERVICE**

AFFECTED DEPARTMENT(S)/AGENCY(IES):

Probation Department and CEO Real Estate if amendment is approved.

CODE SECTION AFFECTED:

Title 16 United States Code Section 580d, Public Law 109-54, Section 502 (2).

DESCRIPTION OF CURRENT LAW:

Public Law (PL) 109-54, Title V, Sections 501-505, entitled "Forest Service Facility Realignment and Enhancement Act of 2005" was enacted by Congress in August 2005" and amends Section 580 d of Title 16 of the United States Code. Section 502(1) defines the term "Administrative Sites" to include any facility or improvement that was acquired or is used specifically for purposes of administration of the National Forest System. Section 503 of PL 109-54 describes the criteria for conveyance of Forest Service Administrative Sites. Section 502 (2) provides 12 definitions of "Administrative Sites" that constitute a facility or improvement, including:

- (A) A forest headquarters;
- (B) A ranger station;
- (C) A research station or laboratory;
- (D) A dwelling;
- (E) A warehouse;
- (F) A scaling station;
- (G) A fire-retardant mixing station;
- (H) A fire-lookout station;
- (I) A guard station;
- (J) A storage facility;
- (K) A telecommunication facility; and
- (L) Other administrative installations for conducting Forest Service Activities.

PROPOSAL:

The Orange County Probation Department proposes to add an additional definition to the list of "Administrative Sites" in PL 109-54, Section 502 (2).

DISCUSSION:

The Los Pinos Conservation Camp (Los Pinos), is operated by the Orange County Probation Department. It is a 156-bed juvenile institution situated at 3,100 feet in elevation among pine and oak trees within the Trabuco Ranger District in the Cleveland National Forest. Boys and girls ages 16 and older are considered for the vocational program and academic education offered at Los Pinos, which is designed for Juvenile Court commitments of three months to one year.

Los Pinos Conservation Camp's rugged backcountry location is a perfect location for juveniles to participate in extensive vocational training, work programs, and other classes offered in landscaping, forestry, computer technology, fire technology, auto repair, painting, construction, culinary arts, and custodial maintenance. In cooperation with the U.S. Forest Service, Los Pinos work crews clear brush in the surrounding forest, clean and maintain local campsites, and construct and maintain trails. The youths also participate in California Interscholastic Federation athletic competition in basketball, baseball, and in American Youth Soccer Organization soccer.

In the Los Pinos school program, youths can earn their high school diplomas or General Education Development diplomas. Classes are offered in life skills, career training, job preparation, parenting skills, drug and alcohol abuse, as well as in all general subject areas.

Many of the young men and women committed to Los Pinos suffer from drug or alcohol dependency or are involved in criminal street gangs. In response to these needs, Los Pinos provides a gang intervention program, anger management classes, victim awareness, racial tolerance, and has a full-time psychologist specializing in drug and alcohol abuse. In addition, individual and family counseling is provided in a variety of areas. Rehabilitating a life has local and national significance.

The Los Pinos site has been leased from the U.S. Forest Service through a Special Use Permit and numerous extensions of that permit since 1970 when it was first established by the Orange County Board of Supervisors. The site is on a former Job Corps site, which was also leased from the federal government.

The County of Orange Probation Department is currently pursuing the twelfth Special Use Permit extension from the United States Forest Service as the current Special Use Permit extension expires December 31, 2006.

The Probation Department has been a superlative tenant over the past 36 years at the Los Pinos location. Los Pinos is on the fringe of the Cleveland National Forest adjacent to Riverside County. As such, the Los Pinos location is a good area to be conveyed to the County of Orange pursuant to PL 109-54, Section 502 (2) set forth in the proposed amendment.

FISCAL IMPACT:

N/A

PROPOSED SPECIFIC LANGUAGE: (As approved by County Counsel)

This proposal adds a new definition to the list of definitions for "Administrative Sites." It amends Section 502 (2) to include a local juvenile detention facility, thereby making Los Pinos Conservation Camp an eligible site to be conveyed by the Secretary of Agriculture. The entire text of Section 502 (2) is provided below and the proposed amendment is underlined and in bold text and noted as letter (M). The actual proposal reads Section 502 is hereby amended to read as follows:

"Section 502. Definitions

In this title:

- (1) Administrative site. The term 'administrative site' means—
 - A. any facility or improvement, including curtilage, that was acquired or is used specifically for purposes of administration of the National Forest System;
 - B. any Federal land associated with a facility or improvement described in subparagraph (A) that was acquired or is used specifically for purposes of administration of Forest Service activities and underlies or abuts the facility or improvement; or
 - C. not more than 10 isolated, undeveloped parcels per fiscal year of not more than 40 acres each that were acquired or used for purposes of administration of Forest Service activities, but are not being so utilized, such as vacant lots outside of the proclaimed boundary of a unit of the National Forest System.
- (2) Facility or improvement. The term 'facility or improvement' includes—
 - (A) a forest headquarters;
 - (B) a ranger station;
 - (C) a research station or laboratory;
 - (D) a dwelling;
 - (E) a warehouse;
 - (F) a scaling station;
 - (G) a fire-retardant mixing station;
 - (H) a fire-lookout station;
 - (I) a guard station;
 - (J) a storage facility;
 - (K) a telecommunication facility; and
 - (L) other administrative installations for conducting Forest Service activities.

(M) a juvenile detention facility used and operated by a state, county, or local public agency.
- (3) Market analysis. The term 'market analysis' means the identification and study of the real estate market for a particular economic good or service.
- (4) Secretary. The term 'Secretary' means the Secretary of Agriculture."

POTENTIAL OPPOSITION/SUPPORT:

None known at the present time.

RECENT LEGISLATIVE ACTION ON THIS ISSUE:

None. However, the Orange County Probation Department has had informal conversations with the State Historical Preservation Officer (SHPO) and staff of the Trabuco District Office of the U.S. Forest Service about this proposal.

PERSONS RESPONSIBLE FOR TESTIMONY:

Colleene Preciado	Chief Probation Officer
Tom Wright	Chief Deputy Probation Officer

Continued Federal Legislative Priorities

Priority Flood Control and Watershed Projects

Over the past decade the County of Orange has worked closely with the U.S. Army Corp of Engineers (Corps) on a number of significant flood control and watershed projects. During that time, the County has developed a list of priority projects for which the Board of Supervisors, County staff and lobbyists advocate in Washington, DC. County staff works with our Washington, DC lobbyist to engage the Orange County Congressional Delegation to secure funding. Final determination for Federal funding requests is typically made in the early spring of each year (in time to submit federal appropriation request forms to Congress). Projects include:

1. Santa Ana River Mainstem, including Prado Dam
2. Upper Newport Bay Ecosystem Restoration
3. Westminster – East Garden Grove Watershed Study
4. San Juan Creek Watershed Spinoff Study
5. Serrano – Borrego Corridor Feasibility Study
6. Aliso Creek Mainstem Project
7. Surfside-Sunset & Newport Beaches
8. Coyote Creek – Lower San Gabriel Watershed Feasibility Study.
9. Dana Point Harbor – Comprehensive Condition Survey of Breakwater and Maintenance Dredge of Federal Channel.

Just as with other federal issues of continuing interest, the level of County lobbying activity concerning these projects varies each session depending on the politics, funding available and other mitigating factors. Advocacy for projects is coordinated to ensure that our delegation, the Corps, and others in Washington, DC receive a unified message as to the County's priorities.



COUNTY OF ORANGE

2008 County-Sponsored
Federal Appropriations Requests

COUNTY OF ORANGE
2008 COUNTY-SPONSORED FEDERAL APPROPRIATIONS REQUESTS
EXECUTIVE SUMMARY

SANTA ANA RIVER MAINSTEM PROJECT (INCLUDING PRADO DAM)

The Santa Ana River Mainstem Project including Prado Dam (Project) was authorized under the Water Resources Development Act (WRDA) of 1986, and Section 309 of WRDA, 1996. The Project involves construction, acquisition of property rights, relocations (streets, highways, bridges and utilities), and environmental mitigation and enhancement in three southern California counties (Orange, Riverside, San Bernardino). The flood control districts of these counties are the Local Sponsors who are responsible, along with the Department of the Army, for implementing the Project. Continued Federal funding is required in Fiscal Year (FY) 2008 for various aspects of the project.

UPPER NEWPORT BAY ECOSYSTEM RESTORATION

A construction contract was awarded on September 26, 2005. Federal funds are needed to complete construction. The authorized project entails dredging access channels and two sediment basins; removal of a least tern island in Basin I and reconstruction of the island adjacent to Basin II; restore side channels around New, Middle and Shellmaker Islands; and, restore wetland habitat near Northstar Beach. Approximately 2.3 million cubic yards of material will be dredged, of which 2 million cubic yards will be placed at the LA-3 ocean disposal site.

WESTMINSTER – EAST GARDEN GROVE WATERSHED STUDY

The study is focusing on watershed management, flood control, ecosystem restoration, water quality, and water supply solutions for the Westminster-East Garden Grove Watershed. Fifty percent of the study costs are provided by the County of Orange, the local sponsor. The study, initiated in 2003, was intended to be completed in three years. However insufficient funding for the first three years has significantly impacted progress. With \$1.6 million in federal appropriations for FY2007, the study could be completed in its fifth year. Following the study's completion, engineering plans and designs for implementation can begin.

SAN JUAN CREEK WATERSHED SPINOFF STUDY

A feasibility study for the project is required by the Corps of Engineers for implementing capital projects. The Corps began the San Juan Creek Watershed Feasibility Study in 1998. The study was ended in 2003 and has moved into what the Corps calls a "spin-off" study. This spin-off study is a more focused and narrowly defined study of flood control and ecosystem restoration in the very bottom of the watershed in the cities of Dana Point and San Juan Capistrano. Fifty percent of the study costs are provided by

the County of Orange, the local sponsor. The entire spin-off study cost is estimated at \$3.2 million. Following the study's completion, engineering plans and design for implementation can begin.

ALISO CREEK MAINSTEM PROJECT

A feasibility study for the project is required by Corps procedures for implementing capital projects. This project will provide ecosystem restoration and improve the water quality of urban runoff in the watershed from the South Orange County Wastewater Plant located in the Aliso-Woods Canyon Wilderness Park upstream to Pacific Park Drive in Aliso Viejo. The primary product of the study will be a Congressionally approved implementation project.

SURFSIDE-SUNSET AND NEWPORT BEACHES

The project extends along the Orange County coast 17 miles from San Gabriel River mouth down coast to Newport Bay Harbor entrance. Eleven stages of construction have been completed including groins and beach fill. Periodic beach nourishment with no time limit on Federal aid was authorized by Public Law 87-874, as recommended by House document 602. The feeder beach at Surfside-Sunset receives approximately 1.8 million cubic yards of sand every 5 years. Funding needed in FY07 for project design to prepare for upcoming construction project.

SERRANO-BORREGO CORRIDOR PROJECT FEASIBILITY STUDY

The recently drafted Newport Bay-San Diego Creek Watershed Feasibility Study identified priority projects to address hydrologic changes from rapid development creating problems such as environmental degradation, habitat loss, water pollution, and erosion. To date the study has identified the Serrano-Borrego Corridor as one of the highest priority within the Newport Bay Watershed. A reconnaissance study has been completed, with the next phase being the proposed to assess and design specific restoration project for implementation.

COYOTE CREEK-LOWER SAN GABRIEL RIVER WATERSHED FEASIBILITY STUDY

This bi-county watershed planning study will focus on watershed management, flood control, ecosystem restoration, water quality and water supply solutions for this heavily urbanized Coyote Creek-San Gabriel River Watershed. Fifty percent of the study costs are provided by the County of Orange, the local sponsor. The Federal Cost Share Agreement for this feasibility study was signed by the Local Sponsors in December 2003. Orange County received a grant from the State Water Resources Control Board Proposition 13, the State of California San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, the California Coastal Conservancy/ Wetlands Recovery Project, and the Los Angeles County Flood Control District/Department of Public Works for this study.

COMPREHENSIVE CONDITION SURVEY OF BREAKWATER AND MAINTENANCE DREDGE OF FEDERAL CHANNEL

The Federal channel requires dredging for navigability and safety. Further, the breakwater requires a periodic comprehensive condition survey. To complete these projects it is necessary to secure Federal funding of \$1.3 million in FY 2008 (100 % federal cost). The expense is programmatic and consistent with the United States Army Corp of Engineers requirements.