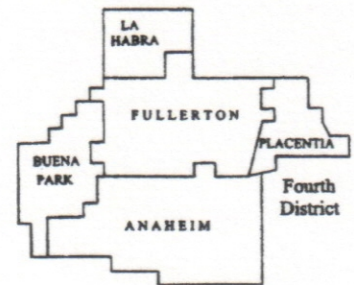




CHRIS NORBY
Orange County Board of Supervisors
Supervisor, Fourth District

Orange County Hall of Administration
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December 11, 2007

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 2008," adopted on December 4, 2007. This document communicates 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 Donna Grubaugh, Deputy Director, CEO/Legislative Affairs at (714) 834-7218.

Sincerely,

CHRIS NORBY
Chairman of the Board
Orange County Board of Supervisors, Fourth District

Attachment

cc: Members, Board of Supervisors
Members, Orange County State and Federal Legislative Delegation
City Managers, Orange County Cities
Thomas G. Mauk, County Executive Officer
Steve Dunivent, Deputy CEO, Government and Public Services
Alisa Drakodaidis, Deputy CEO, Infrastructure and Environmental Services
Bob Franz, Deputy CEO, Office of Finance
Satish Ajmani, Deputy CEO, Office of Information Technology
Agency/Department Heads
James McConnell, Washington, D.C., Legislative Advocate
Platinum Advisors, Sacramento Legislative Advocates
Paul McIntosh, CSAC Executive Director
Casey Kaneko, UCC Executive Director



COUNTY OF ORANGE LEGISLATIVE PLATFORM FOR 2008

Adopted by the Board of Supervisors
12/04/07

Chris Norby
Chairman of the Board
Supervisor, Fourth District

Janet Nguyen
Supervisor, First District

John M.W. Moorlach, Vice Chairman
Supervisor, Second District

Bill Campbell
Supervisor, Third District

Pat Bates
Supervisor, Fifth District

**COUNTY OF ORANGE
LEGISLATIVE PLATFORM
FOR 2008**

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COUNTY OF ORANGE

2008 State and Federal
Outlooks

COUNTY OF ORANGE
2008 STATE AND FEDERAL OUTLOOKS

STATE LEGISLATIVE OUTLOOK, 2ND SESSION

Overview

During the first half of the 2007-08 Legislative Session Governor Schwarzenegger signed 750 bills out of 962 passed by the Legislature. The 2007 year also included two special sessions, one on Water and the second on Health Care Reform. There has been no compromise in the Water Session and the debate on these issues will continue through the second half of the 2008 Legislative Session. The session on Health Care Reform reignited in mid-November with the Democratic Leadership and the Governor working together on a compromise proposal.

In September 2007, Governor Schwarzenegger announced a \$9 billion comprehensive water infrastructure proposal to be introduced in the legislative special session that he called in response to California's water crisis. The plan invests \$600 million from Propositions 50, 84, and 1E to immediately relieve pressure on the Delta from environmental challenges and to respond to a recent federal court ruling that will reduce water deliveries to Southern California. Two measures were introduced in the special session SB X2 2 (Perata) and SBX 2 3 (Cogdill and Ackerman). SBX2 3 (Cogdill and Ackerman) was supported by the County as it provides a comprehensive plan of increasing surface storage capacity to meet the future water needs of the state and for the construction of a new conveyance system. At this time neither of these bills has passed successfully out of the Senate special session on water.

The debate on Health Care Reform heated up in November and the Assembly Health Committee passed a bill (AB1X 1) with no Republican support. Plus the proposal lacks the necessary funding to pay for itself. To fund this proposal, signatures will need to be gathered to put an initiative on the ballot and then hope that voters support it. There continues to be discussion among some elements of the business community about the development of some sort of reform proposal which might be used as a ballot measure. Labor has also attacked the Governor's proposal, and said it might consider sponsoring their version of reform in a ballot measure.

Foothill-South Toll Road 241 is another important issue for the County. Foothill-South is the final 16-mile stretch of the State Route 241 project which extends SR 241 south from its current end at Oso Parkway to the I-5 near San Clemente. Foothill-South would complete Orange County's 67-mile toll road system. It is governed by the Transportation Corridor Agencies (TCA). One legislative proposal, AB 1457 (Huffman) was introduced to delay the projects' construction yet due to mounting opposition this bill became a two-year bill. Again, this bill will become active once the legislature reconvenes so it will be important for the County to monitor this bill and any new

legislative proposals introduced in 2008 that would potentially delay construction of the toll road.

In addition, the 2008 legislative year will have three statewide elections: a February Presidential primary (with an initiative whereby voters will be asked to modify term limits of State Legislators), a June Primary, and a November Presidential election. A new law, SB 113 (Ch.2, 2007), requires that the presidential primary election be held on the first Tuesday in February every four years and February 5, 2008 will be the first primary under this new law. Proposition 93, "Limits on Legislators," will also be on this ballot. It would allow Members of the Legislature to serve up to twelve years in one house, the Assembly or Senate, rather than 14 years collectively in both the Assembly and Senate. If this initiative passes it sets up a scenario whereby Speaker Nunez, could be in office another six years and Senate President Perata could be in office another four years with the possibility of extending their leadership roles. This is because of the initiative's provision to allow legislators to serve up to 12 years in the legislative body in which they are currently serving regardless if they have previously served in either the Assembly or Senate. Overall the actions of legislative leadership will be greatly impacted by results of Proposition 93. Support for Proposition 93 is declining and has dropped below the critical 50 percent mark, according to a new Field Poll published October 31, 2007.

Outlook for the 2008-09 Budget

The State spending plan for Fiscal Year (FY) 2007–08 included total budget expenditures of \$131.5 billion. The enacted budget, with the Governor's vetoes, assumed that the State would spend no more than it received in FY 2007–08 and end the year with a \$4.1 billion reserve. However, based on the FY 2007–08 budget policies, the State will once again face operating shortfalls of more than \$5 - \$10 billion in both FY 2008–09 and FY2009–10. As these budget shortfalls increase, budget stalemates in the legislature are more likely to occur and County funding and programs will remain at risk.

Because of projected budget shortfalls for FY 2008-09, it will be important for Orange County to ensure adequate funding for programs administered by counties; oppose reductions in state programs that will have the effect of increasing the burden on county programs; oppose efforts to reduce funding without a commensurate reduction in county responsibility. Flashpoints are expected to include areas where counties were impacted this fiscal year. For example, the cost of doing business increases in CalWORKS, Adult Protective Services, and Child Welfare Services, funding for the Substance Abuse Offender Treatment Program (OTP), funding for homeless mentally ill – usually from Proposition 63, and transfers from the Department of Boating and Waterways to the Department of Parks; these are all areas that will continue to be the center of budget discussions in 2008.

In addition, the 2008 legislative year will continue to be the "year of the bonds." Fiscal Year 2007-08 budgeted the first round of allocations from the 2006 voter approved infrastructure bonds. There are several new programs developed by the 2006 voter

approved infrastructure bonds that will need legislative direction and criteria for the new programs. The County of Orange will need to position itself to ensure that their projects are deemed a “priority” by the State and that there is an equitable distribution of funds among counties. Some of the major bond appropriations to watch in 2008 include:

- Proposition 1B: There has been no resolution on developing criteria for the \$1 billion State-Local Partnership Program – grants to match locally funded transportation projects.
- Proposition 1C: The budget did not contain an allocation for the \$200 million that was included in Prop. 1C for parks. AB 1252 (Caballero), contained implementation criteria for this program; this bill was held in the Senate Appropriations Committee but it will be important to monitor closely when the legislature reconvenes in January 2008.
- Proposition 84: Several legislative proposals that appropriated monies from Proposition 84 but are currently two-year bills include: AB 31 (De Leon), AB 1252 (Caballero), SB 732 (Steinberg) and SB 1002 (Perata).

COUNTY OF ORANGE 2008 STATE AND FEDERAL OUTLOOKS

FEDERAL LEGISLATIVE OUTLOOK, 110TH CONGRESS, 2ND SESSION

Overview

The Democratic takeover of Congress has not resulted in any progress in retuning the annual Federal appropriations process. It was the end of October before the first bill was sent to the White House, and then it was without expectation that it would be signed into law. Rather, it was for political purposes, knowing that a popular, domestic spending bill would be vetoed at the same time that additional, increased funding was being requested by the Administration for the wars in Iraq and Afghanistan. It seems possible that several individual bills may be sent to the White House, be vetoed, and then packaged into several mini-bus bills, or one large omnibus, to be delivered with funding for the war included. If this approach is coupled with a "take-it-or-leave-it" attitude on the part of the Democrats, it is possible that another continuing resolution (CR) may have to be passed to fund Fiscal Year (FY) 2008. This again raises the specter of no earmarks within the legislation, for a second year in a row.

Nonetheless, the new Democratic majority has fulfilled its promise to enact lobbying and earmark reform. In addition, if the FY 2008 appropriations bills are enacted with earmarks in them, they will almost certainly be fewer than in FY 2006, the most recent year of regular appropriations legislation. Among other achievements in 2007 was the passage—and very likely enactment—of the Water Resources Development Act of 2007 (WRDA). While the bill seems destined to be vetoed by the President, it also is highly likely that the veto will be overridden. The reauthorization of the State Children's Health Insurance Program (SCHIP) is still playing out in Congress at the end of October, with a second bill, not markedly different from the vetoed first, being prepared for the President.

National Issues

The campaign of 2008 will dominate the congressional calendar. One interesting implication of the telescoped Presidential primaries and caucuses may be that the nominees will have been decided by early February. With nominating conventions not occurring until late summer, this could mean that the campaign between the likely nominees will begin in late winter, but everyone else can then return to Washington and actually work on some of the legislative business at hand. That may be wishful thinking, however. Certainly, both parties in Congress will be trying to score political points throughout the year, and that will not make for a smooth appropriations process.

The Democratic majority was successful in 2007 in resurrecting the fiscal discipline known as "pay as you go" budgeting (or, "pay-go"), in which any increase in domestic spending has to be accompanied by cuts elsewhere in the budget, or additional revenue being raised to cover increased spending. Pay-go has not been applied to the war in

Iraq and Afghanistan which is entirely funded by deficit spending. It is conceded that neither Congress nor the Administration has the political will to address the issue of illegal immigration in 2008.

Orange County Issues

Appropriations issues in 2008 will continue to be a top Orange County priority. The President's Budget for 2009 will go to Congress on the first Monday of February. With Democrats remaining in control of Congress, the Administration will submit a tight-fisted budget proposal. Domestic programs will be squeezed at the expense of domestic activities at all levels of Federal spending: water resources, criminal justice, social services, and health care. The failure of the Administration, and then of Congress, to adequately fund the Santa Ana River Project in 2007 has serious implications for a timely completion of the project. However, the enactment of WRDA with an authorization increase for relocation of the Santa Ana River Inceptor (SARI) line means that the budgetary ceiling for the project should no longer be a concern. 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 authorization of the Aliso Creek project means that it will be eligible to seek appropriations, along with smaller infrastructure projects in Anaheim, Brea, La Habra, Mission Viejo, Rancho Santa Margarita, and Yorba Linda that were authorized in WRDA 2007.

Aggressive lobbying in 2007 has resulted in the prospect of full funding being included in the 2008 Labor-HHS appropriations bill for the National Children's Study, which is important because of Orange County's position as one of seven vanguard sites for the study. FY 2009 funding will continue to be a priority request in the new Congress.

The fate of the Foothill-South Transportation Corridor may, or may not, have been decided before the end of 2007. However, regardless of the outcome of this year's legislative battle, it is likely that additional Federal activity will be forthcoming on efforts to complete construction of the corridor.

The Orange County Congressional delegation will continue to hold their present committee assignments. Representative Loretta Sanchez, number two in seniority on the Homeland Security Committee, will continue as chair of the subcommittee with jurisdiction over ports. She will maintain her high-ranking position on the House Armed Services Committee, as well. Having joined the House Appropriations Committee in 2007, Congressman Ken Calvert will maintain that position. Representative Gary Miller retains his position on the Transportation and Infrastructure Committee, which is likely to begin preliminary hearings on reauthorization of surface transportation programs, up for renewal at the end of 2009. Senator Barbara Boxer will continue as chair of the Environment and Public Works Committee, while Senator Dianne Feinstein maintains her position as one of the Appropriations "cardinals" in the Senate with her chairmanship of the Interior Appropriations Subcommittee.



COUNTY OF ORANGE

2008 Legislative Priorities and Policy Statements

COUNTY OF ORANGE
2008 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 or reallocated, the State must provide alternative funding sources to local governments. For example, Orange County would be opposed to the State borrowing from local governments using Proposition 1A.

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). As examples, In-Home Supportive Services should be fully funded by the State and Federal governments to lessen the financial burden on local governments; and funding for property tax administration should be reinstated.
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.
21. Support Completion of the 241 Tollroad, as it affects all transportation decisions as well as Air Quality Management Districts (AQMD) measurements for the County.
22. Support advocacy to persuade the State Controller's office in finalizing Proposition 1B implementation guidelines to allow flexibility for the County to share its funding allocation with cities.
23. Support changes to allow for the continued maintenance of flood control facilities within the boundaries of streambeds with existing maintenance permits that have established a maintenance baseline condition without the imposition of new environmental mitigation measures.
24. Support legislation that educates, promotes incentives, and provides information to the residents, builders, and businesses of Orange County regarding the adoption, use, and economic benefits of green technology and eco-friendly products.



COUNTY OF ORANGE

2008 County-Sponsored State Legislative Proposals

COUNTY OF ORANGE
2008 COUNTY-SPONSORED STATE LEGISLATIVE PROPOSALS
EXECUTIVE SUMMARY

State Proposals – New

INFORMATION RELATING TO VICTIMS OF SEX OFFENSES

This proposal is to add County probation officers to the list of individuals authorized under Penal Code 293 to receive sexual assault victim address information for the purpose of completing “pre-plea” reports required by the courts.

Recommended Action: Direct the County’s Sacramento Lobbyist to seek an author.

COMPUTER MAPPING SYSTEMS –CALIFORNIA PUBLIC RECORDS ACT

Current law states that computer mapping systems are not public records within the meaning of the California Public Records Act. However, confusion regarding the meaning of “computer mapping system” threatens the investments public agencies have made in the development of such systems for the benefit of the public, and will discourage local and state agencies from developing such systems because local agencies cannot recover their costs for ongoing maintenance. This will have a chilling effect on the development and maintenance of mapping systems. It also results in a gift of public funds to mainly private contractors who obtain the mapping systems for free, then resell it or derivatives thereof.

This proposal will clarify the definition of “computer mapping systems” do not constitute “public records” under the California Public Records Act.

Recommended Action: Direct the County’s Sacramento Lobbyist to seek an author.

**PROPOSAL FOR COUNTY SPONSORED LEGISLATION
2007-2008 LEGISLATIVE SESSION**

AGENCY/DEPARTMENT: PROBATION DEPARTMENT

CONTACT PERSON: Vicki Mathews Phone: 714 937-4725

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

SUBJECT: INFORMATION RELATING TO VICTIMS OF SEX OFFENSES

AFFECTED DEPARTMENT(S)/AGENCY(IES):

All police departments, sheriff's departments, district attorney's offices, victims' advocates, law enforcement agencies conducting investigations involving victims, and probation departments.

CODE SECTION AFFECTED:

Penal Code 293(f)

DESCRIPTION OF CURRENT LAW:

Penal Code 293 is a victim's rights statute adopted to protect the privacy of sex crime victims.

PROPOSAL:

Amend Penal Code 293, subdivision (f), to clarify, with specificity, that probation officers are entitled to receive information pursuant to Penal Code 293 (c) and (d).

DISCUSSION:

In the 2006 legislative year, AB 2615 was approved by the Legislature and became law on January 1, 2007 (Chapter 92, Statutes of 2006). That bill provided amendments to Penal Code 293 (c), (d), and (f). The purpose of the bill, which was sponsored by the County of Orange, was to clarify that probation officers were authorized to obtain the name and address of a person who alleges to be the victim of a sex offense.

The Probation Department is mandated to conduct investigations and write presentence reports on behalf of the court [PC 1203 (b) (1)(2A-E), PC 1203 (c), PC 1203d)]. California Rule of Court 4.411.5 (a)(5) requires the probation officer's presentence investigation report to include: "Information concerning the victim of the crime, including: (A) the victim's statement or a summary thereof, if available; (B) the amount of the victim's loss, and whether or not it is covered by insurance; and (C) any information required by law."

The law also mandates that either at the time of the arrest for a crime of any person over 16 years of age, or at the time of the plea or verdict of guilty, the probation officer of the county of the jurisdiction of the crime shall, when so directed by the court, inquire into the antecedents, character, history, family environment and offense of that person. The probation officer shall report that information to the court and file a written report in the records of the court. The report shall contain his or her recommendation for or against the release of the person on probation [(PC 1203.7(a)].

Currently, Penal Code 293(f) reads:

"(f) Parole officers of the Department of Corrections and hearing officers of the parole authority, and probation officers of county probation departments, shall be entitled to receive information pursuant to subdivisions (c) and (d) only if the person to whom the information pertains alleges that he or she is the victim of a sex offense, the alleged perpetrator of which is a parolee who is alleged to have committed the sex offense while on parole, or in the case of a county probation officer, the person who is alleged to have committed the sex offense is a probationer or is under investigation by a county probation department pursuant to Section 1203."

Penal Code 1203 specifically addresses a Probation Department's authority and duty to conduct an investigation and issue a report to the court post-conviction and pre-sentencing. Penal Code 1203 specifically allows law enforcement agencies to release victim information to a probation officer to complete "pre-sentencing" reports. However, when a probation officer is required by the court, pursuant to Penal Code 1203.7 to complete a "pre-plea" report, the limiting language in Penal code 293(f) by noting only Penal Code 1203 and not Penal Code 1203.7 does not specifically allow a law enforcement agency to release the necessary victim information to a probation officer to complete a pre-plea report.

FISCAL IMPACT: N/A

PROPOSED SPECIFIC LANGUAGE: (As approved by County Counsel)

Amend Penal Code 293(f) to read:

" Parole officers of the Department of Corrections and hearing officers of the parole authority, and probation officers of county probation departments, shall be entitled to receive information pursuant to subdivisions (c) and (d) only if the person to whom the information pertains alleges that he or she is the victim of a sex offense, the alleged perpetrator of which is a parolee who is alleged to have committed the sex offense while on parole, or in the case of a county probation officer, the person who is alleged to have committed the sex offense is a probationer or is under investigation by a county probation department. pursuant to Section 1203."

Approved as to form:
Orange County Counsel

By: Saul Reyes
Deputy

POTENTIAL OPPOSITION/SUPPORT:

County Counsel representatives in both the Orange County Sheriff and Probation Department have determined that this amendment is needed to clarify with specificity that probation officers are entitled to receive victim information in order to provide the courts with pre-plea reports.

RECENT LEGISLATIVE ACTION ON THIS ISSUE:

This is clarifying language only to the previous amendments to Penal Code 293 in AB 2615 (Chapter 92, Statutes of 2006).

PERSONS RESPONSIBLE FOR TESTIMONY:

Colleene Preciado	Chief Probation Officer
Steve Sentman	Chief Deputy Probation Officer

**PROPOSAL FOR COUNTY SPONSORED LEGISLATION
2007-2008 LEGISLATIVE SESSION**

AGENCY/DEPARTMENT: RESOURCES AND DEVELOPMENT
MANAGEMENT DEPARTMENT/PUBLIC WORKS

CONTACT PERSON: Raymond Mathe Phone: 714-834-3747

Fax: 714-834-5813 email address: Raymond.mathe@rdmd.ocgov.com

SUBJECT: **COMPUTER MAPPING SYSTEMS – CALIFORNIA PUBLIC RECORDS
ACT**

AFFECTED DEPARTMENT(S)/AGENCY(IES):
RDMD/Public Works.

CODE SECTION AFFECTED:
Government Code Section 6254.9(b)

DESCRIPTION OF CURRENT LAW:
Computer mapping systems do not constitute public records under current law.

PROPOSAL:
This will clarify the definition of “computer mapping systems” that do not constitute “public records” under the California Public Records Act.

DISCUSSION:
Current law states that computer mapping systems are not public records within the meaning of the California Public Records Act. However, confusion regarding the meaning of “computer mapping system” threatens the investments public agencies have made in the development of such systems for the benefit of the public, and will discourage local and state agencies from developing such systems because local agencies cannot recover their costs for ongoing maintenance. This will have a chilling effect on the development and maintenance of mapping systems.

It also results in a gift of public funds to mainly private contractors who obtain the mapping systems for free, then resell it or derivatives thereof.

FISCAL IMPACT:
The fiscal impact would be born by those benefiting from access to and use of computer of mapping systems.

PROPOSED SPECIFIC LANGUAGE: (As approved by County Counsel)

Amend Section 6254.9(b) of the California Government Code to read:

(b) As used in this section, "computer software" includes computer mapping systems, computer programs, and computer graphics systems. **Computer mapping systems include, assembled model data, metadata, and listings of metadata, regardless of medium, and tools by which computer mapping system records are created, stored, and retrieved.**

Approved as to form:
Orange County Counsel

By: Mark Servino
Deputy

POTENTIAL OPPOSITION/SUPPORT:

Potential support would come from all government agencies developing computer mapping systems. Potential opposition might come from groups advocating the free distribution of electronic data. This proposal has not been reviewed by professional organizations.

RECENT LEGISLATIVE ACTION ON THIS ISSUE:
Unknown

PERSONS RESPONSIBLE FOR TESTIMONY:
Raymond Mathe County Surveyor

State Bills/Proposals – Continuing

AB 405 (2007-2008) DUVALL -- REDEVELOPMENT: TAX INCREMENT REVENUES (Redevelopment Agency Sunset/Property Tax Increment)

The Community Redevelopment Law authorizes redevelopment agencies to pay the principal of, and interest on, indebtedness incurred to finance or refinance redevelopment, from a portion of property tax revenues diverted from other taxing agencies. The portion of taxes diverted is the amount attributable to increases in assessed valuation of property in the redevelopment project area subsequent to establishment thereof. This method of financing is commonly known as "tax increment" financing and is specifically authorized by Section 16 of Article XVI of the California Constitution. This bill would require the share of property tax increment revenues diverted from local educational agencies to be directed to the county instead of the local educational agencies when a redevelopment agency is deactivated, if the county is a low wealth county, until the county has reached the average statewide percentage of countywide ad valorem property tax revenue, as provided. The bill would define a low wealth county as one in which the percentage of countywide ad valorem property tax revenue that was collected in the county and that was allocated to the county for the 2003-04 fiscal year was less than the average statewide percentage of those revenues that were so collected and allocated in each county for that fiscal year. This bill contains other related provisions and other existing laws.

Update and Approach: Since the County of Orange continues to rank as the lowest urban property tax county in the State of California, it is important to continue advocating for legislative solutions that will raise the County of Orange property tax revenues to the statewide average for counties. Although this measure has been introduced each year, the County should move forward with this issue. Due to the current and upcoming fiscal crisis of the state, it is extremely challenging to gain support for this measure for 2008 and unlikely that it will move forward this year. Yet, when fiscal times improve it will be important that the debate is fresh and current in everyone's mind to move the legislation forward.

Recommended Action: Continue to educate and lobby the Chair and Members of the Assembly Appropriations Committee to urge that this bill moves forward to keep the debate moving.

SB 497 (2007-2008) ACKERMAN -- POLITICAL REFORM ACT OF 1974: CONFLICT OF INTEREST: ELECTRONIC FILING OF STATEMENTS OF ECONOMIC INTEREST (Electronic Filing Of Form 700, Economic Disclosure).

This bill would allow a local filing officer to permit or to require those statements to be filed electronically in accordance with regulations to be adopted by the Fair Political Practices Commission, which administers the act and requirements established by the local filing officer. The Political Reform Act of 1974, an initiative measure, provides that

the Legislature may amend the act to further the act's purposes upon a 2/3 vote of each house and compliance with specified procedural requirements. This bill contains other related provisions.

Update and Approach: During the 2007 legislative year, we gathered feedback from stakeholders and researched the measure thoroughly and the bill is currently in the Senate Elections Committee. In fact, Los Angeles County has come on as a supporter and co-sponsor of the bill to propose a pilot program and Senator Ackerman agreed to be a co-author to allow a majority caucus – Los Angeles County member to carry the measure to improve the chances of successful passage. The suggested authors include: Chairs of the Assembly and Senate Elections Committee; Assembly Member Price and Assembly Member Calderon.

Recommended Action: Work with the new author, assuming it will be a Chair of the Election Committee, and Los Angeles County in developing a new strategy to move this bill forward as a pilot program.

SB 547 (2007-2008) CORREA -- PROPERTY TAX REVENUE ALLOCATIONS (Property Tax Funding For Criminal Justice Facilities)

This bill would, for the 2008-09 fiscal year and for each fiscal year thereafter, require the auditor of a qualified county, as defined, to increase the total amount of ad valorem property tax revenue otherwise required to be allocated to that county by the county equity amount, as defined, and to commensurately reduce the total amount of ad valorem property tax revenue otherwise required to be allocated to school entities in the county, as specified. This bill would establish a \$20,000,000 limit on the total sum of county equity amounts statewide. This bill would require that the qualified counties that were allocated the lowest percentage of the total amount of ad valorem property tax revenue collected in those counties for the 2002-03 fiscal year first receive as much of their county equity amount as can be satisfied without exceeding the total statewide limit on these amounts, as specified. This bill also would state the intent of the Legislature that a qualified county dedicate the revenues the county receives under the bill to the construction, operations, and maintenance of new or existing adult criminal justice facilities, juvenile criminal justice facilities, or adult and juvenile criminal justice facilities.

Update and Approach: Throughout 2007, we continued to research the idea to help keep the debate moving and the bill is in the Senate Appropriations Committee. Like AB 407, the current fiscal crisis makes the approval of this measure very unlikely. Yet, it is important to continue advocating for legislative solutions that will raise the County of Orange property tax revenues to the statewide average for counties.

Recommended Action: Continue to educate and lobby the Chair and Members of the Senate Appropriations Committee to urge that this bill move forward to keep the debate moving.

THE LEVINE ACT: INDEXING

This proposal would 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.

Update and Approach: In 2007, we continued to research the idea by meeting with committee staff consultants and members of the Legislature. Many legislators are apprehensive to take a position on this legislation especially due to the uncertainty of the term limits initiative which is on the February 2008 ballot. Also, there are several campaign-related bills that are two-year bills that should be monitored closely throughout 2008 that could be used as a potential vehicle for this measure.

Recommended Action: Monitor the results of the February term limits initiative which will provide more certainty on the political environment of legislators supporting a measure that would increase the campaign contribution limit.



COUNTY OF ORANGE

2008 County-Sponsored Federal Legislative Proposals

COUNTY OF ORANGE
2008 COUNTY-SPONSORED FEDERAL LEGISLATIVE PROPOSALS
EXECUTIVE SUMMARY

Federal Proposals – Continuing

PURCHASE OF LOS PINOS CONSERVATION CAMP 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. Amendment No. 13 to the Special Use Permit extends the term of the Permit to January 31, 2008.

Update and Approach: In October of 2007, Forest Service staff represented to County personnel that they plan to issue a new, 20-year special use permit to the County by February 1, 2008. The County will commence with an appraisal of Los Pinos for purpose of establishing a fair market value purchase price after the new, 20-year permit has been secured, as the appraisal is likely to be complex and expensive.

Recommended Action: Continue to pursue an amendment to Public Law 109-54, Section 502 (2) to include a juvenile detention facility.

CONFIDENTIALITY OF SOCIAL SECURITY NUMBERS

The Clerk-Recorder Department is seeking to address veterans' concerns about protecting the confidentiality of their Social Security numbers from potential identity theft. When veterans are discharged, they are given a DD-214 form identifying the manner of discharge, which includes the veteran's name, Social Security number, home address and mailing address. Currently, copies of DD-214 forms recorded with county

recorders can only be obtained by the veteran, a family member or legal representative, a county veteran's office and an official representative of the U.S. government. However, readable electronic copies of the recorded document are available for viewing on public computer screens at county recorders' offices and online through government Web sites, as recorded documents are considered public.

This bill proposes to change the requirements for DD Form 214 to protect the confidentiality of veterans' Social Security numbers. This change would require that Social Security numbers, shown in the upper right-hand shaded area of the DD-214 form, reflect only the last four digits of the veteran's Social Security number. By using only the last four digits of a Social Security number on the DD-214 forms, the partial number could still be used to confirm the identity of the individual without exposing them to potential identity theft.

County recorders do not have the authority to reject recording DD-214 forms for any reason. Since 2002, veterans submitting their DD-214 forms in California have been asked to sign a document acknowledging (under Govt. Code Sect. 27337) that the document and its contents will be open to inspection by any person. Many veterans have declined to have their forms recorded because of a fear that personal information would be available to the public.

Update and Approach: We are proposing to address this problem either through a bill, an amendment to an existing bill, or administratively through our congressional representatives.

Recommended Action: Continue to support.



COUNTY OF ORANGE

2009 County-Sponsored
Federal Appropriations Requests

COUNTY OF ORANGE
2009 COUNTY-SPONSORED FEDERAL APPROPRIATIONS REQUESTS
EXECUTIVE SUMMARY

Continuing

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, and environmental mitigation and enhancement in Orange, Riverside, and San Bernardino counties. 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.

UPPER NEWPORT BAY ECOSYSTEM RESTORATION

The project was authorized in WRDA 2000 with 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. Although \$840,000 was appropriated in FY 2007, insufficient funding for the first three years has significantly impacted progress.

ALISO CREEK CONCEPT PLAN CONSTRUCTION (SUPER PROJECT)

The proposed project, which incorporates the Aliso Creek Mainstem Project (this will be submitted as a separate appropriations project), will include a series of twenty-four 2-foot high grade control structures to stabilize the channel gradient (pools and riffles). As part of the stabilization effort, exotic vegetation will be removed, and native riparian vegetation will be planted. The low profile pool and riffle structures will allow for fish passage. At various portions of the creek, banks will be modified to create stable flood plain areas. In these areas, native riparian and upland vegetation will be planted to

improve the riparian habitat and shade the banks, which will result in cooler water and better fish habitat. Existing utility infrastructure will be protected within the creek banks, and a water quality treatment plant will be built near the mouth of the creek.

SERRANO-BORREGO CORRIDOR PROJECT FEASIBILITY STUDY

This study will analyze the feasibility of specific implementation projects on the Serrano and Borrego Creeks that address water quality, excessive erosion, flood damage reduction, wildlife corridor linkages, and stream restoration. These creeks are upstream of Newport Bay and the Upper Newport Bay Ecological Reserve, the subject of an extensive ecosystem restoration project by the Corps.

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.

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 is needed in FY08 to begin construction.

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 – DANA POINT

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 2009 (100 % federal cost). The expense is programmatic and consistent with the United States Army Corp of Engineers requirements.