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December 2, 2009

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 2010," adopted on November 24, 2009. 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 Stephen Dunivent, Deputy CEO, Government and Public Services at 714-834-3028, or Donna Grubaugh, CEO/Legislative Affairs Deputy Director at (714) 834-7218.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia C. Bates", is written over the word "Sincerely,".

PATRICIA C. BATES
Chair of the Board
Supervisor, Fifth District

Enclosure

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
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COUNTY OF ORANGE LEGISLATIVE PLATFORM FOR 2010

Adopted by the Board of Supervisors
November 24, 2009

Patricia C. Bates
Chair of the Board
Supervisor, Fifth District

Janet Nguyen, Vice Chair
Supervisor, First District

John M. W. Moorlach
Supervisor, Second District

Bill Campbell
Supervisor, Third District

Chris Norby
Supervisor, Fourth District

**COUNTY OF ORANGE
LEGISLATIVE PLATFORM
FOR 2010**

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COUNTY OF ORANGE

2010 State and Federal
Outlooks

COUNTY OF ORANGE
2010 STATE AND FEDERAL OUTLOOKS

STATE LEGISLATIVE OUTLOOK, SECOND SESSION

Overview

The year 2010 will begin the second half of the two-year 2009-10 legislative session. Unlike when the year begins at the top of a two-year session, most committee hearings will not start hearing bills until mid-March but since we are at the top of the second year of the two-year session, committees may hold hearings on two-year bills as early as the first week of January. Therefore, the County should prepare for an overload of two-year bills that will suddenly become alive and active in early 2010.

The 2010 census will be taken on April 1st to evaluate how much California's population has grown. Many estimates suggest a 10.4 percent population increase for the decade, and that its congressional delegation will remain unchanged. Moreover, the Citizens Redistricting Commission, which voters approved last year through Proposition 11, will be redrawing the boundaries for legislative and Board of Equalization districts based on the 2010 census.

We should expect the political landscape to change as 26 legislators (18 of the State Assembly and 8 of the State Senate) are termed out in 2010; this includes Assembly Member Chuck Devore (R – 70) and Assembly Member Van Tran (R-68) of the Orange County Legislative Delegation. Also, the Governor is termed out of office in 2010 so he has made water reform one of his top priorities, which came to fruition when the Governor signed a package of water bills and a 2010 water bond in November 2009. With so many budget uncertainties looming in 2010, it will be important for the County to be prepared with multiple contingency plans to save money through government efficiency. Below we have outlined several topics that could have a tremendous impact on the outlook for 2010.

Political Landscape

In addition to the almost 30 members terming out of the legislature, we anticipate new majority leadership changes to the State Assembly and new minority leadership changes to both the Assembly and Senate in early 2010. With new legislative leadership and a new Governor, there will also be newly elected constitutional officers.

The gubernatorial landscape currently shapes up to a Democratic June 2010 primary leaning towards California Attorney General, and former Governor, Jerry Brown. San Francisco Mayor Gavin Newsom suspended his candidacy for Governor in November 2009. Attorney General Jerry Brown is currently the frontrunner even though he has not officially declared his candidacy for Governor. However, a wild card in this race is U.S. Senator Dianne Feinstein who has not completely closed the door about running for

Governor again. In the Republican June 2010 primary, there are three declared candidates: California Insurance Commissioner Steve Poizner, Ebay co-founder Meg Whitman, and former Congressman and State Senator Tom Campbell. All three candidates are within the margin of error in polling data at this point.

Budget

Uniquely, the 2009-10 budget plan was enacted into law in February 2009 (the first time in history a budget plan has been passed this early) and several amendments to that plan were enacted in July 2009. The budget plan included tax increases, spending reductions - reduction in corrections and rehabilitation spending, redirect of transportation funds, redirect local redevelopment funds to offset state spending, furlough of state workers, reduction of health and social services spending and more. Our worst fear occurred when borrowing from local governments also became part of the budget by suspending Proposition 1A to borrow local government property taxes. With all of these solutions currently in progress, the outlook of the state budget in 2010 still looks unstable as some estimate a minimum \$7B shortfall by January 2010. Therefore, if this is the case, the Governor will probably call another state of emergency and special session on the budget to address such immediate shortfalls.

As the County of Orange prepares for the upcoming year, it will be important to continue strong advocacy efforts towards protecting local government funding. We are expecting more outlandish budget proposals to help save the state money and the County must prepare their County budget outlook for deeper cuts and the State's dependency on local government funding. Also, many are hoping that 2010 becomes the year of reform as a new joint committee has been formed by Speaker Bass and Senate Pro-Tem Steinberg to review and discuss reforms to State government. The Senate and Assembly Select Committees on Improving State Government began holding informational hearings in late 2009 but any recommendations that are formed in this committee could become new legislative proposals (most likely budget solutions or proposals) in Sacramento. The committee is also reviewing previous efforts on reform, as well as current reform recommendations from California Forward, the Bay Area Council, and others.

21st Century Commission on the Economy

In September 2009, the Commission on the 21st Century Economy released their report detailing their recommendations to modify California's tax system. Soon after, the Governor called a special session to review the recommendations. Several informational hearings facilitated by the Senate and Assembly Revenue and Taxation committees reviewed these recommendations in late 2009. Many of the proposals do not seem to gather enough support to make a significant difference in tax reform or nevertheless to pass the legislature. Yet, it will be important for the County to monitor any actions by this commission in case the discussion progresses and creates significant reforms that may harm the County.

Corrections Reform

When the legislature reconvenes in January, Orange County needs to continue to remain extremely concerned with the state's policies, as they relate to the gravity of the fiscal crisis associated with the Department of Corrections (CDCR). Orange County needs to continue to remain concerned that the full impacts of the "alternative custody option for lower-risk offenders" have not been adequately analyzed. Some of the cost-savings proposals under consideration have public safety implications and the potential to further degrade an already overwhelmed local safety net that the County currently administers on behalf of the state. The alternative custody option for lower-risk offenders includes the release of elderly and infirm inmates, presumably due to this population's high-cost medical care and mental health needs. It is still especially unclear as to how the CDCR intends to statutorily define the status of the inmates released into "alternative custody." The County's Sacramento advocates must continue to inform the Legislature and the Administration that there should be NO assumptions that these individuals can be better served by our local health system, which is already overwhelmed by increased demand for services without additional funding, even before the addition of this population.

AB 900 Implementation – Jail Funding

The Governor signed into law Chapter 7, Statutes of 2007 (AB 900, Solorio), in order to relieve the significant overcrowding problems facing state prisons. Specifically, AB 900 authorized a total of approximately \$7.7 billion for a broad package of prison construction and rehabilitation initiatives. Since the bill's passage, the CDCR has made very little progress in the construction of the AB 900 projects. As of January 2009 only eleven counties (San Bernardino, San Joaquin, Kern, Santa Barbara, San Diego, San Louis Obispo, Yolo, Madera, Calaveras, Amador and San Benito) have been awarded bond money for jail construction. However, there is still more than \$164 million in bond money that has not been awarded because many counties were not able to comply with all of the eligibility requirements, including Orange County. The biggest obstacle for most counties, including Orange, was that they were not able to site a stand-alone re-entry facility within their County, and therefore, did not receive the preference points needed to enhance their chances to receiving bond money.

In 2009, Orange County supported AB 320 (Solorio) which created another incentive for counties that apply or re-apply for AB 900 bond money by granting co-equal preference to counties that provide re-entry beds in their community by using existing beds, within an existing County facility or newly constructed facility. Even though AB 320 passed through both houses of the legislature and made it to the Governor's desk without opposition, the Governor returned the bill to the Legislature without his signature. However, the Governor sent a veto message that agreed with AB 320's legislative intent, that construction of both existing facility improvements and new facilities needs to be expedited, but he outlined issues that need to be addressed to gain his signature in the future. These issues included the following:

- Providing permissive authority for the Secretary of CDCR to accept assignment of any planning/design/construction contracts already entered into by the Receiver, and to continue projects (pursuant to Public Works Board approval) that have already begun with these contracts;
- Amending AB 900 to provide access to Phase II medical/Mental health dental funding and/or shifting of funding from infill to medical/mental health/dental to construct a Consolidated Care Center facility; and
- Extending authority for the transfer to inmates to prisons in other states to July 1, 2014. Orange County may consider sponsoring or co-sponsoring legislation with Assembly Member Jose Solorio to satisfy the Governor's concerns in 2010.

New Regional Animal Shelter

The County of Orange is engaged in an effort to replace the existing OC Animal Care Shelter. The current facility is comprised of approximately 4.5 acres in the City of Orange and built over 60 years ago. Although, it has been remodeled on multiple occasions, the facility has numerous problems due to age and is unable to accommodate further growth due to surrounding uses., which includes an easement the City of Orange has until the year 2020 for Metropolitan Drive, which would cut directly through the existing Shelter facility.

The estimated cost of the new regional animal shelter is \$25-\$30 million. The County of Orange set aside \$9 million for initial costs with the plan being that OC Animal Care's contract cities would pay debt service of the new shelter costs for construction based upon proportionate use. The County of Orange will continue to seek stable funding sources, through grants, appropriations or budget processes, to pay for operation, acquisition, and/or construction of a state of the art regional animal care shelter on the former Tustin Marine Base.

DNA Testing

DNA testing in Orange County has been performed since 1989 for local law enforcement agencies. The majority of testing has focused upon evidence taken from the scenes of violent crimes such as murder, violent assaults and sexual assaults. In the last few years, wider testing of DNA evidence from property crimes (robberies, breaking and entering, auto theft, etc.) has gained traction as crimes of this nature have risen. As a result, the County of Orange created a high-volume DNA testing lab within existing facilities at the OC Crime Lab that will accommodate the increased demand for testing of DNA evidence collected from property crimes.

In FY 08-09, the five-year cost of expansion was approximately \$7.4 million. To date, the first level of expansion has received roughly \$2 million in grant and match funds. The County of Orange will continue to seek stable funding sources, through grants, budget augmentations or fines/fees, to pay purchase of new high-volume equipment, and the on-going operation and staffing needs for high volume testing, which is expected to rise to 34,000 samples in FY 12-13.

Safety Enhancement Double Fine Zone on Live Oak Canyon Road and Trabuco Canyon Road in the Unincorporated Area of Orange County

The County will investigate this issue and determine if legislative action is needed on establishing a roadway segment as a Safety Enhancement Double Fine Zone on Live Oak Canyon Road and Trabuco Canyon Road in the unincorporated area of Orange County. Two thirds of the roadway has an accident rate that is more than double the state expected accident rate for a similar roadway and one third of the roadway has an accident rate that is eight times the state expected accident rate. More than seven fatalities have occurred in recent years. A Double Fine Zone designation is a mitigation measure to address vehicle code violations, which include speeding, reckless driving, speed contests, and drunk driving.

Education

The Governor recently signed SB 19 which eliminates a statewide ban against correlating student test scores to teacher evaluations, thus allowing the state to compete for part of the \$4.3 billion federal stimulus education funds. Although the legislation eliminates the data “fire wall” and qualifies California for the *Race to the Top* dollars, it doesn’t automatically mean the state will receive the funding. Another legislative bill was proposed by the Governor which would require the bottom 5 percent of low-performing schools to implement turnaround strategies, allow students to attend any school in the state, repeal the state’s charter school cap and reinforce a school district’s authority to use alternative pay schedules to reward teachers. A special session was called by the Governor in late 2009 to review this proposal and this may continue to be an overarching discussion in 2010.

Water

After decades of debate and consternation, a comprehensive State water policy was approved by the State Legislature and signed by the Governor in November 2009. The five-bill water package, which includes an \$11.1-billion bond must go before voters in June 2010, would move California in new directions on water policy while giving something to each of the major groups that have warred over the State’s supplies. The measure establishes a statewide program that for the first time would measure if too much water is being pumped from underground aquifers. It mandates an overall 20 percent drop in the state’s per capita water use by 2020 and creates a new politically appointed council to oversee management of the Sacramento-San Joaquin River Delta, the state’s water hub.

Moreover, the bond measure would provide money around the state for new storage, watershed improvements, Delta restoration, recycling and groundwater cleanup, as well as stiffen penalties for illegal diversion of water. The package does not take a stand on whether to construct a canal through or around the Delta, sometimes characterized as a peripheral canal, but it proposes creation of a seven-member council to oversee

management of the Delta and potentially decide such delivery issues. Senate Leadership made a commitment to strengthen the water rights proposal in 2010 and many expect several clean-up measures to the water package in 2010. The County of Orange must continue to monitor the implementation of these water proposals to ensure there are not unintended harmful affects to the County.

Constitutional Convention

In August of 2009, proponents of a State Constitutional Convention submitted two initiatives to the Attorney General's Office for official legal title and summary. The first initiative amends the Constitution to permit voters to call a convention to write a new State Constitution by passing an initiative and outlines a variety of provisions related to the design of the convention itself. The second measure calls a convention to draft a new State constitution and requires a special election to elect 400 convention delegates. Both of these measures have been approved by the Secretary of State's office to start collecting signatures. Proponents of a State Constitutional Convention are focused on four general topics: making state government more efficient and effective; reforming election and initiative processes and reducing special interest influence; revamping the state budget system; and improving the relationships between state and local governments. Each measure has until mid-April to gather 694,435 registered voters' signatures to qualify them for the November 2010 ballot.

COUNTY OF ORANGE
2010 STATE AND FEDERAL OUTLOOKS

FEDERAL LEGISLATIVE OUTLOOK, 111TH CONGRESS, SECOND SESSION

Overview

The first year of the Obama Administration has been dominated by the debate over health care reform. The outcome of that debate, expected before the end of 2009, will determine the legislative agenda in 2010.

Congressional Democrats are faced with an “either/or” decision in 2010. They can either trim their agenda, concentrating on the economy and ending the recession, and perhaps reducing the annual Federal deficit, while trying to preserve their legislative majorities. Or, they can read the tea leaves, see bleak election prospects ahead in November, and try to push through climate change legislation and a big surface transportation authorization bill, replete with new taxes or funding mechanisms, in hopes of getting some of their agenda enacted before Republicans retake control of one or both Houses.

The Administration and congressional Democrats have one ace up their sleeve in 2010—the expiration of the Bush Administration tax cuts of 2001. Congressional Republicans have their own choice to make here. Either compromise with the Administration on issues such as the estate and capital gains tax rates now, or gamble that Democrats will extend at least some of the current rates and avoid the potential wrath of voters if rates go up more than marginally.

As always, international affairs, including the volatile situations in Afghanistan, Pakistan, and Iran add a wild card to domestic politics that is unpredictable, at best.

National Issues

Assuming that some sort of health care reform legislation is enacted in 2009, that will not be the end of this matter. It is a given that not everyone will be covered by whatever proposal is adopted, that medical costs will continue to rise, and that local governments will be disproportionately effected by continuing to be the provider of last resort for those not covered by the new system. Implementing regulations will begin to be developed in 2010 and continue into the following year. There will be “clean-up” legislation and clarifying amendments. Further down the road will be efforts to broaden reforms to pick up additional persons not covered in whatever legislation has been enacted in 2009.

The economic stimulus legislation of 2009—ARRA—was not a true public works, jobs-creating stimulus package in the classic Keynesian sense. It was much more about backfilling for the Democratic perception of Bush Administration neglect of social welfare program spending increases. Nonetheless, the spiraling effect of ARRA on both

the annual Federal budget deficit and the cumulative National Debt have left little appetite in Congress for a second round of stimulus funding. That said, should the anticipated economic rebound not occur in 2010 or, worse, should a second economic downdraft occur, there could well be additional legislation aimed at reducing unemployment. Such legislation might be driven more by tax incentives aimed at private sector job creation, than by government spending on public works jobs.

The current surface transportation authorization—SAFETEA-LU—expired on September 30, 2009. It has been temporarily extended, but a long-term bill will be drafted in 2010. Whether that legislation is completed in 2010 may depend on the state of the economy. The principal holdup on the legislation is funding. The current 18.4 cents-per-gallon Federal gas tax is insufficient to meet the demands of the highway and transit needs of the country. Whether revenue is to be raised by increasing that tax or finding a new, or additional, system of taxation, such as vehicle miles travelled, remains to be ironed out. Even if a final bill is delayed until 2011, the parameters of increased revenue should begin to clarify in 2010.

Climate change legislation, also known as cap-and-trade, will be up for debate, and possible enactment, in 2010. As with other issues, the state of the economy will play an important role in determining how far Congress thinks it can feasibly go in addressing these issues. The same is true with a Water Resources Development Act (WRDA). The size and scope of the bill may depend on how many jobs it can promise to create and how soon it might put people to work.

Orange County Issues

Funding for the Santa Ana River project will focus both on the amount of money made available to the Corps of Engineers for the project and on funding the relocation of the SARI Line feature of the project. The increased authorization for the Mainstem project in the 2007 WRDA specified that the relocation was a local sponsor obligation. In 2009, concern over the cost of the relocation led SAWPA and OCSD to push for possible Federal funding of the relocation project feature. Any federal funding obtained needs to be completely outside of the funding for the Santa Ana River Project so that it does not jeopardize federal appropriations funding from the Army Corps of Engineers.

The FY 2010 energy and water development appropriations act provided five “new start” appropriations for Corps of Engineers projects, breaking a long logjam in getting new projects under construction. While only five projects were appropriated—along with some 18 section 219 (non-traditional Corps) projects—the appropriation was potentially significant vis-à-vis projects such as Aliso Creek. In addition to congressional support, it will be necessary to lobby the Corps for their request that the Office of Management and Budget support a new start for Aliso Creek and other projects.

There may be a new Water Resources Development Act (WRDA) in 2010. Several Orange County projects may be ready for inclusion in this legislation. Work began in 2009 and will continue in 2010 to include a modest, practical amendment to the 404

permit process to streamline routine maintenance projects. In addition, clarifying amendments to projects such as Aliso Creek may be in order. The same will be true for the authorization of surface transportation programs affecting highways and transit.

Continuing issues unresolved in 2009 which the County will be following in 2010 include reform of the Federal flood insurance program and its potential impact on reestablishing flood insurance requirements for large portions of Orange County. The Federal Aviation Administration's reauthorization once again did not make it through the legislative process in 2009 and will need to be reintroduced.

The Ryan White AIDS authorization passed in 2006 as a three-year bill, was temporarily extended rather than fully reauthorized in 2009. Orange County benefitted from the formula adopted in 2006 and is alert to preserving the funding advantage in the next bill.

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 a senior position on the House Armed Services Committee, as well. Congressman Ken Calvert is a member of the House Appropriations Committee, and its Energy and Water Subcommittee, and continues to help in funding efforts for the Santa Ana River and other County water projects. Representative Gary Miller retains his position on the Transportation and Infrastructure Committee, which will be important in both the transportation and WRDA authorization processes likely to move forward in the 111th Congress. He is also a member of the Financial Services Committee which has jurisdiction over the flood insurance program.

Senator Barbara Boxer, as chair of the Environment and Public Works Committee, will have jurisdiction over both WRDA and the highway portion of the transportation authorization, making her one the most influential Members of Congress on these bills. Senator Dianne Feinstein will remain as one of the Senate Appropriations Committee's 12 "cardinals" with her chairmanship of the Interior Appropriations Subcommittee, as well as being a member of the Energy and Water Development Subcommittee.

Legislation Necessary for the Implementation of New Tier Three Pension Plan

On June 23, 2009, the Board of Supervisors adopted a position supporting legislation to implement a new pension plan agreed to by the County of Orange and the Orange County Employees Association (OCEA.) This new pension plan moved toward full implementation with the adoption of SB 752 authored by Senator Lou Correa and signed by the Governor on October 11, 2009.

SB 752 amends State law to permit the County of Orange to offer OCEA member employees a one-time election between the current OCEA member pension plan and a new pension plan that is a hybrid of a defined benefit plan with a voluntary defined contribution plan. Due to the innovative nature of this plan and the complex nature of pension laws, it is possible that legislation may be needed at the *State* or *Federal* level

to insure the complete implementation of SB 752. On October 6, 2009, the Board of Supervisors voted to support efforts to seek legislation if necessary for the complete implementation of the agreement between the County of Orange and OCEA.

Stimulus

Since approval of the American Recovery and Reinvestment Act of 2009 (ARRA) in February 2009, the County of Orange has, thus far, received \$76.6 million in funding and achieved \$39.8 million in cost avoidance or cost savings projects and programs. Orange County continues to monitor ARRA grant opportunities, meet reporting requirements as required by the Act and remains ready to pursue any unspent ARRA funds that may be re-allocated to programs of interest in the future.



COUNTY OF ORANGE

2010 Legislative Priorities and Policy Statements

COUNTY OF ORANGE
2010 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, or any other source of funding from the State.

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. The County of Orange will pursue full cost recovery for all expenditures related to natural disasters.

POLICY STATEMENTS

1. Increasing taxes is an inappropriate means of balancing the State's budget.
2. The establishment of equitable, consistent, dependable, and predictable revenue streams with distribution formulas for local revenues that address equity are necessary for the stability of services provided by 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 among 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, beach erosion control, and watershed projects such as the Santa Ana River Mainstem Project (including Prado Dam), Santa Ana River Interceptor Line (SARI) relocation, Upper Newport Bay Ecosystem Restoration, Aliso Creek Mainstem Project, Orange County Beach Erosion Control 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, including probation monitoring, 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. Water 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 purchasing of coastal habitat and resource conservation, preservation and maintenance. Support federal funding for beach nourishment and erosion control for all Orange County shoreline from the mouth of the San Gabriel River to San Mateo Creek. Support sharing of 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 Clean Water Act and Porter-Cologne Act and collaborate on watershed management strategies.
 - d. Support consistent regulatory efforts and oversight within Orange County boundaries.
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, recycled products and eco-friendly products.



COUNTY OF ORANGE

2010 County-Sponsored State Legislative Proposals

COUNTY OF ORANGE
2010 COUNTY-SPONSORED STATE LEGISLATIVE PROPOSALS
EXECUTIVE SUMMARY

State Proposals – New

PROPER NOTIFICATION ON PROPOSED CHANGES TO THE CALIFORNIA CODE OF REGULATIONS

This proposal is intended to improve and expand State notification procedures for proposed rulemaking that impacts local agencies. It would require the Office of Administrative Law (OAL), as part of its due diligence in reviewing proposed regulations, to maintain a notification list of local agency representatives prepared and submitted to the OAL by affiliated statewide associations.

SPECIAL VACANCY ELECTIONS EXPENSES

This proposal would appropriate \$1,639,000 from the State General Fund to reimburse the County of Orange for its costs of the November 17, 2009, Special Primary Election and, if a general election is required, the January 12, 2010, Special General Election to fill a vacancy in the 72nd Assembly District.

APPLICATION FOR A VOTE BY MAIL BALLOT

This proposal would allow a voter to request a vote by mail ballot over the telephone. This would provide a convenient, fast, and affordable way for voters to submit a vote by mail request.

DESIGNATION OF A CANDIDATE'S POLITICAL PARTY

This proposal would eliminate the requirement that the name of the party appear equidistant from the names of the candidates. Removing this language will help to clarify the code and remove any misunderstanding and confusion caused by the requirement.

AMERICAN INDEPENDENT PARTY COMMITTEE MEETINGS

This proposal would repeal certain provisions that require that each committee of the American Independent Party meet in the courthouse at its county seat. Currently County elections officials are required to call a committee meeting of the American Independent Party following a July primary election. County elections officials are

required to arrange a location for the meeting. The American Independent Party finds these requirements to be outdated and unnecessary, and they put an undue burden on local elections officials. Additionally, these provisions require local elections officials to inappropriately involve themselves in the official business of a political party.

These provisions have long been repealed from the meetings requirements for the Democratic and Republican parties in California and this proposal will help to provide uniformity in the code.

NO PARTISAN BALLOT PRINTED WHEN THERE ARE NO PARTISAN CANDIDATES

This proposal would repeal a provision that requires that in the event that no candidate files for a party's nomination for any partisan office that would appear on the ballot in a county or a political subdivision within that county, the elections official shall refrain from printing a partisan ballot for that party, and shall send notification to those voters registered as affiliated with that party that there were no qualified candidates for the partisan office for which the voter is eligible to vote, together with a nonpartisan ballot.

The primary problem with this section is that it prevents certain partisan voters from voting in races that they should be entitled to write-in a candidate for.

REQUEST LEGISLATION TO CLARIFY PROVISIONS IN AB 811 (2008)

This proposal would amend AB 811 by granting priority to the contractual assessment liens that are created through AB 811 programs, which include installation of distributed generation renewable energy sources and energy efficiency improvements. Without priority that is equal to the property's tax assessment, there continues to be concern over the possibility of the lien being left unpaid in the event of sale or foreclosure of the property.

**PROPOSAL FOR COUNTY SPONSORED LEGISLATION
2009-2010 LEGISLATIVE SESSION**

AGENCY/DEPARTMENT: ORANGE COUNTY CLERK RECORDER

CONTACT PERSON: Jean Pasco Phone: (714) 834-2083

Fax: (714) 834-2675 email address: jean.pasco@rec.ocgov.com

SUBJECT: **PROPER NOTIFICATION WHEN CHANGES ARE PROPOSED TO THE
CALIFORNIA CODE OF REGULATIONS**

AFFECTED DEPARTMENT(S)/AGENCY(IES):

All State agencies

CODE SECTION AFFECTED:

Adding Government Code Section 11346.46 and Government Code Section 11349.7

DESCRIPTION OF CURRENT LAW:

Current law requires notification of proposed rulemakings to interested parties and affected state agencies but doesn't include procedures for notifying affected local government agencies. Current law also puts the responsibility on the adopting agency to say whether a proposal would impose cost on local governments but there is no verification mechanism.

PROPOSAL:

The proposal is intended to improve state notification procedures for proposed rulemakings that impact local agencies. Briefly, the proposal would:

- 1) Expand notification to recommend notifying officials at affected county, city, special district and school districts whose agencies would be impacted by the proposed regulations;
- 2) Require the Office of Administrative Law, as part of its due diligence in reviewing proposed regulations, to maintain a notification list of local agency representatives prepared and submitted to the office by affiliated statewide associations. The associations should include but not be limited to:

(1) California State Association of Counties

- (2) County Auditors Association of California
- (3) California Assessors Association
- (4) County Records Association of California
- (5) California District Attorneys Association
- (6) California State Sheriffs Association
- (7) California Association of Public Administrators, Public Guardians and Public Conservators
- (8) California Association of County Treasurers and Tax Collectors
- (9) League of California Cities
- (10) California Special Districts Association
- (11) California County Superintendents Education Services Association

DISCUSSION:

In July, the Secretary of State issued proposed changes to the California Code of Regulations through a Notice of Proposed Rulemaking. The changes involve requiring a specific file format for the long-term electronic storage of government documents and records, which would have a significant financial and operational impact on the Clerk-Recorder, Assessor, Clerk of the Board and other county agencies. There was no direct notification of the independently elected Clerk-Recorder and Assessor; cities were “notified” by a single e-mail to the League of California Cities; and special districts were “notified” by a single e-mail to the California Special District Association. As a result, most jurisdictions across the state were unaware that the clock was ticking on the minimum 45-day comment period on the regulations, which closed Aug. 31. Clerk-Recorder Tom Daly called for a public hearing on the regulations (held Sept. 15) and notified CEO Tom Mauk and other countywide elected officials in Orange County of the impact on his office.

The Secretary of State’s Initial Statement of Reasons for the proposed rule changes indicated that the proposal would cost local governments \$324—the cost of purchasing electronic-record storage standards from an international trade association. In reality, the cost to the Clerk-Recorder for the software modifications necessary to support the required file format would be \$400,000. The authority for the Secretary of State to set standards for the long-term storage of electronic records was established by SB 2067 in 2000. The Initial Statement of Reason further contended that “any costs identified (by the new regulations) would be related to the statute, not the regulations.” SB 2067 was not a fiscal bill and had no costs identified with it because no one knew what the standards would be. To say nine years later that the regulations as drafted have no direct cost is nonsensical.

This bill would encourage direct communication with affected agencies when proposed state regulations impact their departments.

FISCAL IMPACT:

None.

PROPOSED SPECIFIC LANGUAGE: (As approved by County Counsel)

Add Government Code Section 11346.46

11346.46. (a) Notice of the proposed action shall be:

(1) Mailed to local government agencies and representatives whom the state agency believes may be interested or impacted by the proposed action. Representatives for the purposes of this paragraph may include elected or appointed local government officials of counties, cities, schools and special districts. Representatives may include but not be limited to:

- (a) Countywide elected officials whose departments would be impacted by the proposed regulations.**
- (b) County administrators or executive officers of any county whose operations may be impacted by the regulations.**
- (c) City managers of any city whose operations may be impacted by the regulations.**
- (d) General managers of any California special district whose operations may be impacted by the regulations.**

Office of Administrative Law

Add Government Code Section 11349.7

11349.7. (a) The office shall review all regulations adopted, amended or repealed to determine if proper notification was given to affected parties, as specified in Article 5 (commencing with Section 11346).

(b) The office shall maintain a notification list of local agency representatives prepared and submitted to the office by the appropriate statewide associations representing those agencies. The associations should include but not be limited to:

- (1) California State Association of Counties**
- (2) County Auditors Association of California**
- (3) California Assessors Association**
- (4) County Records Association of California**
- (5) California District Attorneys Association**
- (6) California State Sheriffs Association**
- (7) California Association of Public Administrators, Public Guardians and Public Conservators**
- (8) California Association of County Treasurers and Tax Collectors**

(9) League of California Cities
(10) California Special Districts Association
(11) California County Superintendents Education Services Association

Approved as to form:
Orange County Counsel

by Karen Prather
deputy

POTENTIAL SUPPORT:

This is a good-government proposal that should be an easy sell. It's a common-sense approach to expect state government to communicate with local government when they propose rule changes impacting those local entities. We would expect support from local elected officials around the state as well as good-government groups.

POTENTIAL OPPOSITION:

The only potential opposition could be the time it would take state agencies to correctly identify and then communicate with affected local entities. However, we have solved that problem by encouraging the Office of Administrative Law to maintain pre-authorized contact lists that would be compiled and submitted to the office by the associations representing counties, cities, special districts and school districts.

RECENT LEGISLATIVE ACTION ON THIS ISSUE:

We don't have any information about possible previous changes to these code sections.

PERSONS RESPONSIBLE FOR TESTIMONY: (Who will be available to provide testimony on this bill in Sacramento or Washington as necessary)

Tom Daly Orange County Clerk-Recorder

**PROPOSAL FOR COUNTY SPONSORED LEGISLATION
2009-2010 LEGISLATIVE SESSION**

AGENCY/DEPARTMENT: REGISTRAR OF VOTERS

CONTACT PERSON: Neal Kelley Phone: 714-567-5139

Fax: 714-567-7556 email address: Neal.Kelley@rov.ocgov.com

SUBJECT: **SPECIAL VACANCY ELECTION EXPENSES**

AFFECTED DEPARTMENT(S)/AGENCY(IES):

Orange County Registrar of Voters
State of California

CODE SECTION AFFECTED:

N/A

DESCRIPTION OF CURRENT LAW:

The Budget Act of 2009 appropriated specified amounts from the General Fund for support of election-related costs.

PROPOSAL:

This proposal would appropriate \$1,639,000 from the General Fund to reimburse the County of Orange for its costs of the November 17, 2009 Special Primary Election and, if a general election is required, the January 12, 2010 Special General Election to fill a vacancy in the 72nd Assembly District.

DISCUSSION:

County budgets statewide contain funding authority to support one statewide election per fiscal year. In 2009, however, a special vacancy election was called by the Governor for January 12, 2010, with a primary election to be held on November 17, 2009. These elections are in addition to the regularly scheduled June 2010 Statewide Primary Election. Thus, Orange County is seeking reimbursement for the additional costs associated with the special vacancy election. The appropriation in this bill is intended to reimburse the County of Orange for the costs of printing and mailing sample

ballots, operating polling places, and counting ballots. Under current law, the state is not obligated to reimburse counties for these costs.

FISCAL IMPACT:

One-time General Fund cost of \$1,639,000 to the County of Orange.

PROPOSED SPECIFIC LANGUAGE: (As approved by County Counsel)

The people of the State of California do enact as follows:

SECTION 1. The sum of one million six hundred thirty-nine thousand dollars (\$1,639,000) is hereby appropriated from the General Fund to the Controller to reimburse Orange County for its special election costs to fill a vacancy in the 72nd Assembly District, according to the following schedule:

<u>(1) November 17, 2009 Special Primary Election.....</u>	<u>\$804,000</u>
<u>(2) January 12, 2010 Special General Election.....</u>	<u>\$835,000</u>

SEC. 2 This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV, Section 8 of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

The Orange County budget contains funding authority to support one statewide election per fiscal year. However, due to a vacancy in the 72nd Assembly District, the Governor declared a special general election be held on January 12, 2010, with the special primary election to be held on November 17, 2009. In order for the Orange County Registrar of Voters to carry out the regularly scheduled statewide primary election in June 2010, an appropriation must be provided as soon as possible to cover the costs expended for the November 17, 2009 Special Primary Election and the January 12, 2010 Special General Election. It is therefore necessary that this act take effect immediately.

Approved as to form:
Orange County Counsel

by Ann Fletcher
deputy

POTENTIAL SUPPORT:

POTENTIAL OPPOSITION:

RECENT LEGISLATIVE ACTION ON THIS ISSUE:

PERSONS RESPONSIBLE FOR TESTIMONY:

Neal Kelley

Registrar of Voters

**PROPOSAL FOR COUNTY SPONSORED LEGISLATION
2009-2010 LEGISLATIVE SESSION**

AGENCY/DEPARTMENT: REGISTRAR OF VOTERS

CONTACT PERSON: Neal Kelley Phone: 714-567-5139

Fax: 714-567-4556 email address: Neal.Kelley@rov.ocgov.com

SUBJECT: **APPLICATION FOR A VOTE BY MAIL BALLOT**

AFFECTED DEPARTMENT(S)/AGENCY(IES):

County Elections Officials

CODE SECTION AFFECTED:

Elections Code sections 3001 & 3007.5

DESCRIPTION OF CURRENT LAW:

Existing law requires that an application for a vote by mail voter's ballot shall be made in writing to the elections official having jurisdiction over the election between the 29th and the 7th day prior to the election. The application shall be signed by the applicant and shall show his or her place of residence.

Existing law also requires that the Secretary of State shall prepare and distribute to appropriate elections officials a uniform electronic application format for a vote by mail voter's ballot.

PROPOSAL:

Allows a voter to request a vote by mail ballot over the telephone.

DISCUSSION:

This will provide a convenient, fast, and affordable way for voters to submit a vote by mail request.

Every election large numbers of voters call elections departments to request a vote by mail ballot over the phone, only to be told they must fill out an application online or pick up a form from the election official's office and then return it. Authorizing election

officials to accept applications over the phone will provide a much needed convenience to voters.

FISCAL IMPACT:

This proposal will save money associated with printing and mailing vote by mail ballot applications for the Secretary of State.

PROPOSED SPECIFIC LANGUAGE: (As approved by County Counsel)

An act to amend Section 3001 of the Elections Code, relating to vote by mail ballot applications, and to amend Section 3007.5, relating to uniform electronic applications for vote by mail ballots.

Existing law requires that an application for a vote by mail voter's ballot shall be made in writing to the elections official having jurisdiction over the election between the 29th and the 7th day prior to the election. The application shall be signed by the applicant and shall show his or her place of residence.

Existing law also requires that the Secretary of State shall prepare and distribute to appropriate elections officials a uniform electronic application format for a vote by mail voter's ballot.

This bill would allow a voter to request a vote by mail ballot over the telephone from their county elections official.

The people of the State of California do enact as follows:

SECTION 1. Section 3001 of the Elections Code is amended to read:

Except as provided in Chapter 3 (commencing with Section 3200) and Sections 3007.5 and 3007.7, application for a vote by mail voter's ballot shall be made in writing, **or over the telephone,** to the elections official having jurisdiction over the election between the 29th and the 7th day prior to the election. The application shall be signed by the applicant and shall show his or her place of residence, **unless the application was submitted over the telephone in which case no signature is required. To request a vote by mail ballot over the telephone, the voter must provide personal identifying information to the elections official that matches the information contained on the voter's affidavit of registration, including first and last name, home address, and date of birth.** Any applications received by the elections official prior to the 29th day shall be kept and processed during the application period.

SEC. 2. Section 3007.5 of the Elections Code is amended to read:

3007.5. (a) The Secretary of State shall prepare and distribute to appropriate elections officials a uniform electronic application format for a vote by mail voter's ballot that conforms to this section.

(b) The uniform electronic application shall contain spaces for at least the following information:

(1) The name and residence address of the registered voter as it appears on the affidavit of registration.

(2) The address to which the ballot is to be mailed.

(3) The name and date of the election for which the request is made.

(4) The date the application must be received by the elections official.

(5) The date of birth of the registered voter.

(c) The uniform electronic application shall inform the voter that if he or she is not affiliated with a political party, the voter may request a vote by mail ballot for a particular political party for the primary election, if that political party has adopted a party rule, duly noticed to the Secretary of State, authorizing that vote. The application shall contain a toll-free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall list the parties that have notified the Secretary of State of the adoption of such a rule. The application shall contain a checkoff box with a conspicuously printed statement that reads, as follows: "I am not presently affiliated with any political party. However, for this primary election only, I request a vote by mail ballot for the ____ Party." The name of the political party shall be personally affixed by the voter.

(d) The uniform electronic application shall contain a conspicuously printed statement, as follows: "Only the registered voter himself or herself may apply for a vote by mail ballot. An application for a vote by mail ballot made by a person other than the registered voter is a criminal offense."

(e) The uniform electronic application shall include the following statement: "A ballot will not be sent to you if this application is incomplete or inaccurate."

(f) The uniform electronic application format shall not permit the form to be electronically submitted unless all of the information required to complete the application is contained in the appropriate fields.

(g) All other sections of this code pertaining to vote by mail ballot applications, submissions, and deadlines shall apply to electronic vote by mail ballot applications.

Approved as to form:
Orange County Counsel

by Ann Fletcher
deputy

POTENTIAL SUPPORT:

POTENTIAL OPPOSITION:

RECENT LEGISLATIVE ACTION ON THIS ISSUE:
N/A

PERSONS RESPONSIBLE FOR TESTIMONY:

Neal Kelley Registrar of Voters

**PROPOSAL FOR COUNTY SPONSORED LEGISLATION
2009-2010 LEGISLATIVE SESSION**

AGENCY/DEPARTMENT: REGISTRAR OF VOTERS

CONTACT PERSON: Neal Kelley Phone: 714-567-5139

Fax: 714-567-7556 email address: Neal.Kelley@rov.ocgov.com

SUBJECT: **DESIGNATION OF A CANDIDATE'S POLITICAL PARTY**

AFFECTED DEPARTMENT(S)/AGENCY(IES):

County Election Officials

CODE SECTION AFFECTED:

Elections Code 13105

DESCRIPTION OF CURRENT LAW:

Existing law requires that, in the case of candidates for President and Vice President, the names of the party shall appear equidistant from the pair of names of these candidates.

PROPOSAL:

This bill would eliminate the requirement that the name of the party appear equidistant from the names of the candidates.

DISCUSSION: (Describe problem or issue the legislative proposal addresses; provide any background information on the issue.)

This section is unnecessary, impractical, and impossible to implement. There is quite simply no way for the name of the political party to appear equidistant from the two candidate names. Removing this language will help to clarify the code and remove any misunderstanding and confusion caused by the requirement.

FISCAL IMPACT:

N/A

PROPOSED SPECIFIC LANGUAGE: (As approved by County Counsel)

An act to amend Section 13105 of the Election Code, relating to designation of candidate's political party.

Existing law requires that, in the case of candidates for President and Vice President, the names of the party shall appear equidistant from the pair of names of these candidates.

This bill would eliminate the requirement that the name of the party appear equidistant from the names of the candidates.

The people of the State of California do enact as follows:

SECTION 1. Section 13105 of the Elections Code is amended to read:

13105. (a) In the case of candidates for partisan office in a general election or in a special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of the Assembly, immediately to the right of and on the same line as the name of the candidate, or immediately below the name, if there is not sufficient space to the right of the name, there shall be printed in eight-point roman lowercase type the name of the qualified political party with which the candidate is affiliated.

(b) In the case of candidates for President and Vice President, the name of the party shall appear to the right of ~~and equidistant from~~ the pair of names of these candidates.

(c) If for a general election any candidate has received the nomination of any additional party or parties, the name(s) shall be printed to the right of the name of the candidate's own party. Party names of a candidate shall be separated by commas. If a candidate has qualified for the ballot by virtue of an independent nomination, the word "Independent" shall be printed instead of the name of a political party in accordance with the above rules.

Approved as to form:
Orange County Counsel

by Ann Fletcher
deputy

POTENTIAL SUPPORT:

POTENTIAL OPPOSITION:

RECENT LEGISLATIVE ACTION ON THIS ISSUE:

PERSONS RESPONSIBLE FOR TESTIMONY:

Neal Kelley Registrar of Voters

**PROPOSAL FOR COUNTY SPONSORED LEGISLATION
2009-2010 LEGISLATIVE SESSION**

AGENCY/DEPARTMENT: REGISTRAR OF VOTERS

CONTACT PERSON: Neal Kelley Phone: 714-567-5139

Fax: 714-567-7556 email address: Neal.Kelley@rov.ocgov.com

SUBJECT: **AMERICAN INDEPENDENT PARTY COMMITTEE MEETINGS**

AFFECTED DEPARTMENT(S)/AGENCY(IES):

American Independent Party
County Elections Officials

CODE SECTION AFFECTED:

Elections Code sections 7680 & 7681

DESCRIPTION OF CURRENT LAW:

Existing law requires that each committee of the American Independent Party shall meet in the courthouse at its county seat, upon call, which shall be given by the elections official of the county and in quarters to be arranged or provided for by the elections official of the county, on the second Tuesday in July following the direct primary election, except that in any year in which a national convention of the party includes that date, the existing executive committee shall set the date of the meeting, not to exceed 30 days after the date herein specified.

Existing law also requires, notwithstanding the provisions of Section 7680, a committee in a county having a population in excess of 4,000,000 shall meet at its county seat in a centrally located public auditorium sufficient to accommodate its membership.

PROPOSAL:

This bill would repeal the above provisions.

DISCUSSION:

Currently county elections officials are required to call a committee meeting of the American Independent Party following a July primary election. Additionally, county elections officials are required to arrange a location for the meeting. The American

Independent Party finds these requirements to be outdated and unnecessary, and they put an undue burden on local elections officials. Additionally, these provisions require local elections officials to inappropriately involve themselves in the official business of a political party.

These provisions have long been repealed from the meetings requirements for the Democratic and Republican parties in California, and this proposal will help to provide uniformity in the code.

FISCAL IMPACT:

N/A

PROPOSED SPECIFIC LANGUAGE: (As approved by County Counsel)

An act to repeal Sections 7680 and 7681 of the Elections Code relating to committee meetings of the American Independent Party.

Existing law requires that each committee of the American Independent Party shall meet in the courthouse at its county seat, upon call, which shall be given by the elections official of the county and in quarters to be arranged or provided for by the elections official of the county, on the second Tuesday in July following the direct primary election, except that in any year in which a national convention of the party includes that date, the existing executive committee shall set the date of the meeting, not to exceed 30 days after the date herein specified.

Existing law also requires, notwithstanding the provisions of Section 7680, a committee in a county having a population in excess of 4,000,000 shall meet at its county seat in a centrally located public auditorium sufficient to accommodate its membership.

This bill would repeal these provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 7680 of the Elections Code is repealed.

~~**7680. Each committee shall meet in the courthouse at its county seat, upon call, which shall be given by the elections official of the county and in quarters to be arranged or provided for by the elections official of the county, on the second Tuesday in July following the direct primary election, except that in any year in which a national convention of the party includes that date, the existing executive committee of a committee shall set the date of the meeting, not to exceed 30 days after the date herein specified.**~~

SEC. 2. Section 7681 of the Elections Code is repealed.

~~**7681. Notwithstanding the provisions of Section 7680, a committee in a county having a population in excess of 4,000,000 shall meet at its county seat in a centrally located public auditorium sufficient to accommodate its membership.**~~

Approved as to form:
Orange County Counsel

by Ann Fletcher
deputy

POTENTIAL SUPPORT:

POTENTIAL OPPOSITION:

RECENT LEGISLATIVE ACTION ON THIS ISSUE:

PERSONS RESPONSIBLE FOR TESTIMONY:

Neal Kelley Registrar of Voters

**PROPOSAL FOR COUNTY SPONSORED LEGISLATION
2009-2010 LEGISLATIVE SESSION**

AGENCY/DEPARTMENT: REGISTRAR OF VOTERS

CONTACT PERSON: Neal Kelley Phone: 714-567-5139

Fax: 714-567-7556 email address: Neal.Kelley@rov.ocgov.com

SUBJECT: NO PARTISAN BALLOT PRINTED WHEN THERE ARE NO PARTISAN CANDIDATES

AFFECTED DEPARTMENT(S)/AGENCY(IES):

County Elections Officials

CODE SECTION AFFECTED:

Elections Code section 8004

DESCRIPTION OF CURRENT LAW:

Existing law requires that in the event that no candidate files for a party's nomination for any partisan office that would appear on the ballot in a county or a political subdivision within that county, the elections official shall refrain from printing a partisan ballot for that party, and shall send notification to those voters registered as affiliated with that party that there were no qualified candidates for the partisan office for which the voter is eligible to vote, together with a nonpartisan ballot.

PROPOSAL:

This bill would repeal the above provisions.

DISCUSSION:

The language in this statute is confusing and open to various interpretations. The primary problem with this section is that it prevents certain partisan voters from voting in races that they should be entitled to write-in a candidate for. A voter who is a member of a party that does not produce a candidate for a particular contest is barred from voting in that race. If the contest was included on their ballot, though no candidate's name would be listed, they would have the option to write in a candidate of their choosing. This section as currently in effect prevents the contest from even appearing on their

ballot, and in some cases the voter would simply not receive a ballot, thus they are unable to cast their vote in the particular contest. In general, this section unfairly impacts those political parties and their voters who may not consistently produce a candidate for every contest.

FISCAL IMPACT:

Repealing this section would have minimal fiscal impact. Under the current law, though voters are unable to vote on contests where their political party did not produce a candidate, there are typically other races or measures that they are eligible to vote on, which will require printing a ballot for that voter.

PROPOSED SPECIFIC LANGUAGE: (As approved by County Counsel)

An act to repeal Section 8004 of the Elections Code relating to partisan ballots and partisan candidates.

Existing law requires that in the event that no candidate files for a party's nomination for any partisan office that would appear on the ballot in a county or a political subdivision within that county, the elections official shall refrain from printing a partisan ballot for that party, and shall send notification to those voters registered as affiliated with that party that there were no qualified candidates for the partisan office for which the voter is eligible to vote, together with a nonpartisan ballot.

This bill would repeal those provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 8004 of the Elections Code is repealed.

8004. No partisan ballot printed when there are no partisan candidates.

(a) In the event that no candidate files for a party's nomination for any partisan office that would appear on the ballot in a county or a political subdivision within that county, the elections official shall do both of the following:

— (1) Refrain from printing a partisan ballot for that party in that county or a political subdivision within that county in which there are no candidates for that political party's nomination.

— (2) Send notification to those voters registered as affiliated with that party that there were no qualified candidates for the partisan office for which the voter is eligible to vote, together with a nonpartisan ballot, unless, within 10 days after the final date for filing nomination papers for the office, a petition indicating that a write-in campaign will be conducted is filed with the elections official and signed by 10 percent of the registered voters or 100 registered voters, whichever is less, affiliated with that party within the county or a political subdivision within that county, whichever is applicable.

(b) A separate petition shall be filed for each specific office for which a write-in campaign is to be conducted.

Approved as to form:
Orange County Counsel

by Ann Fletcher
deputy

POTENTIAL SUPPORT:

POTENTIAL OPPOSITION:

RECENT LEGISLATIVE ACTION ON THIS ISSUE:

PERSONS RESPONSIBLE FOR TESTIMONY:

Neal Kelley Registrar of Voters

**PROPOSAL FOR COUNTY SPONSORED LEGISLATION
2009-2010 LEGISLATIVE SESSION**

AGENCY/DEPARTMENT: OC PUBLIC WORKS/OC PLANNING

CONTACT PERSON: Ruby Maldonado Phone: (714) 834-4414

Fax: (714) 667-8344 email address: ruby.maldonado@ocpw.ocgov.com

SUBJECT: **REQUEST LEGISLATION TO CLARIFY PROVISIONS IN AB 811
(CHAPTERED 7/21/2008)**

AFFECTED DEPARTMENT(S)/AGENCY(IES):

OC Public Works/OC Planning

CODE SECTION AFFECTED:

N/A

DESCRIPTION OF CURRENT LAW:

AB 811 (Ch. 159, 2008, authorizes cities to provide up-front financing to property owners to install solar or other renewable energy-generating devices or make other energy efficiency improvements to their properties through a system of contractual assessments. The property owner or owners within a designated area choose to assess themselves for the cost of a public works project (i.e., undergrounding of power lines or installation of streetlights). The local government then provides the up-front funds for the project, and the property owners pay an annual assessment until those funds, plus interest, are repaid.

AB 811 allows the assessments to be paid by the property owners as part of their property tax bill. However, the law is unclear regarding the guarantee of repayment of this lien on the property owner's title and whether it receives the same priority as the owner's property tax or mortgage. In other words, the lien will stay with the property.

PROPOSAL:

The County is currently working with several cities to implement the "FIRST (Financing Initiative for Renewable and Solar Technology) Program" which would be a voluntary AB 811 program for interested property owners. The FIRST Program would provide the upfront installation costs (as a loan to be paid back as a contractual assessment) of energy efficiency or renewable energy improvements and allow the loan to be paid back through an increase in their property tax bill over an estimated 20-year period.

DISCUSSION:

Although AB 811 provided the authority for local jurisdictions to establish these programs, it did not adequately address the “priority” of the contractual assessment lien that would be added to the participant’s property tax bill. Without priority that is equal to the property’s tax assessment, there would continue to be concern over the possibility of the lien being left unpaid in the event of sale or foreclosure of the property and may create funding issues for the program. Many other jurisdictions have attempted to establish AB 811 programs using bond financing, but the priority issue could not successfully be resolved and repayment of the bonds could not be guaranteed. Therefore, OCPW is requesting legislation be introduced that would grant priority to the contractual assessment liens that are created through AB 811 programs and allow these liens to be added to the property’s tax assessment and have the same priority as the property taxes on title.

FISCAL IMPACT:

Unknown.

PROPOSED SPECIFIC LANGUAGE:

N/A (Proposal was reviewed by Mat Miller, County Counsel)

Approved as to form:
Orange County Counsel

by Mat Miller
deputy

POTENTIAL SUPPORT:

N/A at this time.

POTENTIAL OPPOSITION:

There may be some opposition from the mortgage or banking industry as the request would result in the assessments having priority over existing mortgages.

RECENT LEGISLATIVE ACTION ON THIS ISSUE:

SB 279, which would allow community facilities districts to fund such programs has been passed by both the California Assembly and the Senate as of September 9, 2009 but was veto by the Governor. In his veto message, Governor Schwarzenegger while

he supports the use and inclusion of energy efficiency products for homes, allowing Mello-Roos taxes to be imposed on homeowners to finance energy efficiency improvements is something he is unable to support because the bill represents a fundamental shift in the purpose of Mello-Roos taxes, which are intended to finance core infrastructure needs.

PERSONS RESPONSIBLE FOR TESTIMONY:

Jess Carbajal, Interim Director Phone: (714) 667-3217	OC Public Works email address: jess.carbajal@ocpw.ocgov.com
Ruby Maldonado, Chief, Phone: (714) 834-4414	Advance Planning and Sustainable Development, OC Public Works/OC Planning email address: ruby.maldonado@ocpw.ocgov.com

State Proposals – Continuing

AB 900 FUNDING

In 2008 the Board authorized the Sheriff's application for up to \$100 million of State funding for jail construction authorized by AB 900. The application process was a competitive process open to all California counties. Orange County received a "conditional award" of \$100 million but had to provide land that the State could purchase and then construct and operate a reentry facility for State prisoners that would eventually be released in Orange County. The County's application proposed utilizing existing County jail beds operated by the Sheriff's Department to ensure local control of the facility's use. The State rejected the County's proposal and insisted on owning and operating the facility. The County is not able to identify land that is appropriate for a State correctional facility so the County was not awarded the \$100 million for jail construction. Recent events have created a likelihood of revisiting this funding opportunity and it is recommended that County staff and Sacramento advocates pursue legislative and regulatory options to obtain funding for jail construction in Orange County provided that all concerns regarding local control over the use, operation and future of a State reentry program are adequately addressed.

Update and Approach:

Assemblyman Jose Solorio carried AB 320 in an attempt to address County of Orange concerns regarding local use, operation and control over reentry facilities. It passed the Legislature but was vetoed by the Governor. In his veto message the Governor indicated concerns over the nature of the anticipated 'long-term agreements' and the impacts of the Federal Receiver on future reentry facilities. The Governor recommended three legislative actions: 1) permit State authorities to go ahead with contracts already underway; 2) amend AB 900 to provide access to health funding to meet current needs; and 3) extend the authority for the State to transfer inmates to prisons in other states.

Recommended Action:

Legislative Affairs continue to work with Board offices, the Sheriff and Probation to develop a viable legislative proposal that enables the County to take full advantage of funding opportunities under AB 900 while maintaining safeguards that guarantee local control of the ownership, use and operation of these reentry facilities.

HABITAT MITIGATION/FINANCIAL ASSURANCE

This proposal would amend the California Fish and Game Code by adding language to Section 2081(b)(4) to lessen the financial assurance burden on a city, county or public agency with the authority to levy and collect taxes and fees, from the requirement to demonstrate adequate funding to implement compensatory habitat mitigation projects, therefore, relieving public agencies from this requirement that results in unnecessary fiscal impacts. Without action, the cost of future public works construction projects will continue to rise and may double the actual cost of the mitigation because the required financial assurance amount for each project can be as high as the actual cost of the mitigation project itself. As a result, funding may not be available for other essential public works projects.

Update and Approach:

Chair Bates and Supervisor Campbell met with Secretary Chrisman in January 2009 regarding the habitat mitigation issue as it relates to financial assurance being required by the Department of Fish & Game and the overall negative financial impact to the County. The Board and County Agencies/Departments have continued to work extensively with the California Department of Fish and Game throughout the year seeking a mutually acceptable alternative solution(s).

Recommended Action:

Progress has been slow and the County should work with its advocates in Sacramento to find an author to bring this issue before the Legislature.



COUNTY OF ORANGE

2011 Federal Appropriations

COUNTY OF ORANGE
2011 FEDERAL APPROPRIATIONS REQUESTS EXECUTIVE SUMMARY

The following is a summary on each of the County's requests for 2011. With the completion of one project and infusion of stimulus funding for another, the County is requesting to continue seeking for five projects, which were also in from last year's Platform. While the County is hopeful that all projects can be funded in the upcoming year, the realities of the current economic climate, limited fiscal resources, and the task of prioritizing projects by the federal government make it likely that few will receive federal funding.

The County's individual water projects may be funded through an infrastructure stimulus package currently being considered by the Congress. The County will work with its Congressional Delegation to include its appropriations requests or any funding shortfalls, if applicable, to be incorporated as a part of any federal stimulus package. In addition, if this package includes funding possibilities beyond water projects, we will pursue these funds for County projects.

SANTA ANA RIVER PROJECT

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. To date, the Federal Government and the flood control districts of the impacted counties have spent over \$1 billion on the Project. Major project accomplishments include the completion of Seven Oak Dam, raising of the Prado Dam embankment and construction of many miles of bank protection.

ALISO CREEK, ORANGE COUNTY, CA (SECTION 5158)

The planned project, also called Aliso Creek S.U.P.E.R. Project, incorporates and expands upon the Aliso Creek Mainstem Project (submitted as a separate appropriations project, see below) by proposing a multi-objective approach to provide water quality benefits, stream bank stabilization, utility infrastructure protection, and ecosystem restoration in the Aliso Creek watershed. The stabilization and ecosystem restoration component will include constructing a series of low riprap grade control structures and re-establishment of aquatic habitat connectivity, invasive species removal, and riparian re-vegetation. The water quality treatment and beneficial use component includes diversion of the low flows, treatment of the water to beneficial use standards, and the sale of that water to users in the watershed for irrigation. A localized

treatment system further downstream will protect recreational users from unhealthful bacteria along the beach.

WESTMINSTER, EAST GARDEN GROVE, CA

This cost-share study between U.S. Army Corps of Engineers and Orange County (shared 50/50) is to address flood damages along the East Garden Grove-Wintersburg Channel and associated aging levee system affect residences and businesses in 11 Orange County cities within a 74 square mile watershed. Because of local flood risks, over 20,000 property owners must participate in the National Flood Insurance Program while thousands of additional property owners, valuable coastal habitat, and water quality are also in jeopardy from flooding impacts. Since inception of the project, significant progress has been made on the study. With continued Federal support, it is anticipated that the study could be completed in the next fiscal year

SAN JUAN CREEK, SOUTH ORANGE COUNTY, CA

A feasibility study for this project is required by the U.S. Army Corps of Engineers for implementing capital projects. Currently, the project has now moved into what the Corps calls a “spin-off” study. This spin-off study, which is shared 50/50 between the Corps and Orange County, is a focused study of flood control and ecosystem restoration alternatives for the watershed in the cities of Dana Point and San Juan Capistrano. Significant progress has been made on the study and could be completed next fiscal year with continuing Federal support.

SERRANO-BORREGO CORRIDOR FEASIBILITY STUDY

A feasibility study for Serrano-Borrego Corridor is needed to analyze specific projects for ecosystem restoration, as well as protect the Upper Newport Bay from harmful upstream impacts. The recently drafted Newport Bay-San Diego Creek Watershed Feasibility Study has identified a number of potential projects in the Serrano-Borrego Corridor, making the Corridor the top priority project from the Study. Serrano and Borrego Creeks contribute a large quantity of sediment to the Upper Newport Bay Ecological Reserve, affecting water quality and habitat in this rare coastal wetland providing critical habitat for a variety of migratory waterfowl traveling along the Pacific Flyway, shorebirds, and endangered species of birds and plants.

ALISO CREEK MAINSTEM, ORANGE COUNTY, CA

The goal of the feasibility study is to refine the detailed existing hydrologic/hydraulic model and create detailed design for modifications to be implemented along the Aliso Creek Mainstem, and potentially tributaries, which will restore stability to the riverine system and allow restoration of the ecosystem. It is also intended to produce an implementation document for authorization by Congress, as well as serve as an aid to local, state, and federal agencies involved in management and regulatory decisions that can impact the watershed.

FISCAL YEAR 2011 FEDERAL APPROPRIATIONS REQUEST FORM

1. PROJECT:

Project Name:	Santa Ana River Project
Exact Location/Address:	Santa Ana River within Orange, Riverside and San Bernardino Counties

2. CONTACT INFORMATION

Local Contact Information:	
Name and Title:	Ignacio Ochoa, Director/Chief Engineer
Organization:	Orange County Public Works Department
Address:	300 N. Flower Street, Santa Ana, CA 92703
Telephone:	(714) 667-3213
Email:	Ignacio.Ochoa@ocpw.ocgov.com

3. EXECUTIVE SUMMARY, INCLUDING PROJECT BACKGROUND

The Santa Ana River Mainstem Project (Project) is being constructed to address what the United States Army Corps of Engineers identified in the 1980's as 'the worst flood threat west of the Mississippi River' – which then impacted three million people and 110,000 acres located in the three Southern California counties of Orange, Riverside, and San Bernardino. It was estimated that a significant flood event on the Santa Ana River would cause a loss of 3,000 lives and \$15 billion in economic losses (1987-8 price levels).

The 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, 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, with the Department of the Army, for implementing the Project. To date, the Federal Government and the flood control districts of the impacted counties have spent over \$1 billion on the Project. Major project accomplishments include the completion of Seven Oak Dam, raising of the Prado Dam embankment and construction of many miles of bank protection. Continued funding is necessary to complete the Project and ensure the level of protection as planned. Project completion is even more important now than when started in 1990, given the significant growth in population, land and structures value, and dependency on affected transportation routes.

FISCAL YEAR 2011 FEDERAL APPROPRIATIONS REQUEST FORM

1. PROJECT:

Project Name:	Aliso Creek, Orange County, CA (Section 5158)
Exact Location/Address:	Laguna Niguel, CA

2. CONTACT INFORMATION

Local Contact Information:	
Name and Title:	Mary Anne Skorpanich, Director
Organization:	County of Orange/OC Watersheds
Address:	2301 North Glassell Street, Orange CA 92865
Telephone:	714-955-0601
Email:	Maryanne.skorpanich@rdmd.ocgov.com

3. EXECUTIVE SUMMARY, INCLUDING PROJECT BACKGROUND

Rapid urbanization of the Aliso Creek watershed has led to a variety of erosion and water quality problems. In response to this, federal, state and local government agencies and local utility districts have invested significant time and resources toward the development and implementation of a collection of projects to protect transportation, water and wastewater infrastructure and mitigate on-going environmental degradation to the downstream Aliso Wood Canyon Wilderness Park area. Concurrently, the creek and coastal zone environment and its other beneficial uses are impaired by poor water quality with the repeat occurrence of bacterial contamination during storms as well as dry weather.

Over the last decade, the U.S. Army Corps of Engineers (Corps) has completed several independent and cost-shared studies evaluating the problems in Aliso Creek. Several opportunities and project alternatives have been identified that are viable from an engineering, environmental, and economic perspective.

In 1999, the Corps began the Aliso Creek Watershed Management Plan. This study was sponsored by the Corps, County, municipalities and water districts within the Aliso Creek watershed. A public stakeholder group was formed and met on a regular basis to provide input to the Corps for three years. A wide range of technical studies on overall watershed conditions were completed as part of the Plan, which identified a number of watershed problems as well as opportunities. The identified problems including water quality, instability of the creek, loss of ecosystems, and damage from flooding.

In 2002, the Corps completed the Aliso Creek Watershed Management Study to examine management measures that could address the various watershed problems identified a “spin-off” feasibility study. The management study selected the measures that best meet the federal and local need. The Aliso Creek Mainstem Ecosystem Restoration Study was one of the recommended “spin-off” feasibility studies resulting from the management study. The Corp’s contractor (Tetra Tech) who prepared the Aliso Creek Watershed Management Study revised the project by adding a water quality and utility protection feature to address stakeholder input.

This project proposes a multi-objective approach to provide water quality benefits, stream bank stabilization, utility infrastructure protection, and ecosystem restoration in the Aliso Creek watershed. The stabilization and ecosystem restoration component of the project will include: constructing a series of low riprap grade control structures and re-establishment of aquatic habitat connectivity; shaving of slide slopes to reduce vertical banks; invasive species removal and riparian re-vegetation and restoration of floodplain moisture. The infrastructure protection component of the project will include locking the low flow channel in place through placement of rock at the toe of the channel and soil wraps above the rock. The water quality treatment and beneficial use component of the project includes diversion of the low flows, treatment of the water to beneficial use standards, and the sale of that water to users in the watershed for irrigation.

Improvements anticipated from the study include relief from degradation of the creek and restoration of native habitat. Protection for important coastal wetlands downstream will benefit from improved water quality and ecosystem functioning. A localized treatment system further downstream will protect recreational users from unhealthful bacteria along the beach.

In WRDA 2007, Section 5158-Additional Assistance for Critical Projects provided a \$5,000,000 project limit for a Section 219 Environmental Infrastructure Project titled *Aliso Creek, Orange County, CA*. This program provides a more direct path to implementing a project that addresses long standing issues of concern. Advancing the project in a timely manner to construction would result in an overall savings in costs by reducing the amount of monies spent on studies, staffing resources, and emergency stop gap repairs. Under the Environmental Infrastructure account, the project can include more effective components to improve beach water quality.

Federal assistance would:

- Allow the local sponsor and ACOE to execute a cost sharing agreement;
- Allows local sponsor to utilize \$8,000,000 of cost share funds before some grant monies expire; and
- Expedites project implementation; construction completed as early as 2013.

FISCAL YEAR 2011 FEDERAL APPROPRIATIONS REQUEST FORM

1. PROJECT:

Project Name:	Westminster-East Garden Grove Watershed Study
Exact Location/Address:	Includes 74 square miles in the cities of Anaheim, Stanton, Cypress, Garden Grove, Westminster, Fountain Valley, Los Alamitos, Seal Beach and Huntington Beach

2. CONTACT INFORMATION

Local Contact Information:	
Name and Title:	Ignacio Ochoa, Director/Chief Engineer
Organization:	Orange County Public Works Department
Address:	300 N. Flower Street, Santa Ana, CA 92703
Telephone:	(714) 667-3213
Email:	Ignacio.Ochoa@ocpw.ocgov.com

3. EXECUTIVE SUMMARY, INCLUDING PROJECT BACKGROUND

Flood damages along the East Garden Grove-Wintersburg Channel and associated aging levee system affect residences and businesses in 11 Orange County cities within a 74 square mile watershed. Because of local flood risks, over 20,000 property owners must participate in the National Flood Insurance Program while thousands of additional property owners, valuable coastal habitat and water quality are also in jeopardy from flooding impacts. Accordingly, the United States Army Corps of Engineers and Orange County entered into a cost share agreement to develop solutions for more comprehensive flood protection with the additional objectives of ecosystem restoration and water quality improvement. The cost of the watershed study is shared 50/50 between the Corps and Orange County. Since inception of the project, significant progress has been made on the study. With continued Federal support, it is anticipated that the study could be completed in the next fiscal year.

FISCAL YEAR 2011 FEDERAL APPROPRIATIONS REQUEST FORM

1. PROJECT:

Project Name:	San Juan Creek Watershed Study
Exact Location/Address:	San Juan Capistrano, California

2. CONTACT INFORMATION

Local Contact Information:	
Name and Title:	Ignacio Ochoa, Director/Chief Engineer
Organization:	Orange County Public Works Department
Address:	300 N. Flower Street, Santa Ana, CA 92703
Telephone:	(714) 667-3213
Email:	Ignacio.Ochoa@ocpw.ocgov.com

3. EXECUTIVE SUMMARY, INCLUDING PROJECT BACKGROUND

Lower San Juan Creek through the City of San Juan Capistrano has a history of flooding problems. To date, the flooding problems have been a result of breakage of the levee walls at multiple locations from flood events significantly less than a 100-year flood event. In addition to the structural inadequacies of the 1960s unreinforced concrete slope lining, the flood control channel is lacking in flood control capacity and will be significantly overtopped in a 100-year flood event.

A feasibility study for this project is required by the U.S. Army Corps of Engineers for implementing capital projects. Currently, the project has now moved into what the Corps calls a "spin-off" study. This spin-off study is a focused study of flood control and ecosystem restoration alternatives for the watershed in the cities of Dana Point and San Juan Capistrano. The cost of the spin-off study is shared 50/50 between the Corps and Orange County. Since inception of the project, significant progress has been made on the study. With continued Federal support, it is anticipated that the study could be completed in the next fiscal year.

FISCAL YEAR 2011 FEDERAL APPROPRIATIONS REQUEST FORM

1. PROJECT:

Project Name:	Serrano-Borrego Corridor Feasibility Study
Exact Location/Address:	Serrano Creek between Trabuco Road and Dimension Ave. in the City of Lake Forest, CA

2. CONTACT INFORMATION

Local Contact Information:	
Name and Title:	Mary Anne Skorpanich, Director
Organization:	County of Orange/OC Watersheds
Address:	2301 North Glassell Street, Orange CA 92865
Telephone:	714-955-0601
Email:	Maryanne.skorpanich@rdmd.ocgov.com

3. EXECUTIVE SUMMARY, INCLUDING PROJECT BACKGROUND

Background: Dredging sediment in the Upper Newport Bay is a top priority project for the County. Serrano and Borrego Creeks contribute a large quantity of sediment to the Bay, affecting water quality (Sediment TMDL) and habitat in this rare coastal wetland. Severely eroding slopes are potentially endangering homes and infrastructure. Federal assistance is requested to support multiple local jurisdictions in solving this watershed-wide problem to minimize dredging costs in 20 years from now.

Summary: The recently drafted Newport Bay-San Diego Creek Watershed Feasibility Study (Serrano Creek and Borrego Wash are located within this watershed), 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 a number of potential projects in the Serrano-Borrego Corridor, making this the top priority project recommended for spin-off from this Study. With federal funding, a Feasibility Study can be completed to analyze specific projects for ecosystem restoration.

National Significance: Upper Newport Bay Ecological Reserve is one of the last remaining coastal wetlands in Southern California. It plays a significant role in providing critical habitat for a variety of migratory waterfowl traveling along the Pacific Flyway, shorebirds, and endangered species of birds and plants. Implementation projects analyzed in this study will protect the Bay from harmful upstream impacts as well as provide ecosystem restoration in the upper watershed.

FISCAL YEAR 2011 FEDERAL APPROPRIATIONS REQUEST FORM

1. PROJECT:

Project Name:	Aliso Creek Mainstem, Orange County, CA
Exact Location/Address:	Laguna Niguel, CA

2. CONTACT INFORMATION

Local Contact Information:	
Name and Title:	Mary Anne Skorpanich, Director
Organization:	County of Orange/OC Watersheds
Address:	2301 North Glassell Street, Orange CA 92865
Telephone:	714-955-0601
Email:	Maryanne.skorpanich@rdmd.ocgov.com

3. EXECUTIVE SUMMARY, INCLUDING PROJECT BACKGROUND

Rapid urbanization of the Aliso Creek watershed has led to a variety of erosion and water quality problems. In response to this, federal, state and local government agencies and local utility districts have invested significant time and resources toward the development and implementation of a collection of projects to protect transportation, water and wastewater infrastructure and mitigate ongoing environmental degradation to the downstream Aliso Wood Canyon Wilderness Park area. Concurrently, the creek and coastal zone environment and its other beneficial uses are impaired by poor water quality with the repeat occurrence of bacterial contamination during storms as well as dry weather.

Over the last decade, the U.S. Army Corps of Engineers (Corps) has completed several independent and cost-shared studies evaluating the problems in Aliso Creek. Several opportunities and project alternatives have been identified that are viable from an engineering, environmental, and economic perspective.

In 1999, the Corps began the Aliso Creek Watershed Management Plan. This study was sponsored by the Corps, County, municipalities and water districts within the Aliso Creek watershed. A public stakeholder group was formed and met on a regular basis to provide input to the Corps for three years. A wide range of technical studies on overall watershed conditions were completed as part of the Plan, which identified a number of watershed problems as well as opportunities. The identified problems including water quality, instability of the creek, loss of ecosystems, and damage from flooding.

In 2002, the Corps completed the Aliso Creek Watershed Management Study to examine management measures that could address the various watershed problems identified a “spin-off” feasibility study. The management study selected the measures that best meet the federal and local need. The Aliso Creek Mainstem Ecosystem Restoration Study was one of the recommended “spin-off” feasibility studies resulting from the management study. In September 2004, a Federal Cost Sharing Agreement was executed that outlined a partnership between the US Army Corps of Engineers and the County of Orange to conduct a 3-year study, the Aliso Creek Mainstem Ecosystem Restoration Feasibility Study. The “spin-off” feasibility study outside of that conducted in the watershed management study is required to support a recommendation for Congress to authorize a Federal Project for implementation.

The specific goal of the feasibility study is to refine the detailed existing hydrologic/hydraulic model and create detailed design for modifications (stream bank stabilization structures and appurtenant features for ecosystem restoration) to be implemented along the Aliso Creek Mainstem, and potentially tributaries, which will restore stability to the riverine system and allow restoration of the ecosystem along the creek and tributaries to conditions found prior to initiation of the recent instability problem.

Various alternative ecosystem restoration alternatives will be analyzed in order to generate sufficient information to make a determination of which alternative is that which generates the most cost-effective means to the greatest benefit to the ecosystem. An incremental analysis of alternatives will be conducted, and all plan selection criteria discussed. Detailed costs estimates will be generated. Constructability and implementation issues will be resolved. Any potential economic benefits of each alternative will be quantified and included as benefits of the various alternatives.

The feasibility study is intended to produce an implementation document for authorization by Congress. This study can also serve as an aid to local, state, and federal agencies involved in management and regulatory decisions that can impact the watershed. The feasibility phase will build on the efforts of the prior reconnaissance and watershed management (feasibility phase) studies, which utilized both existing data, and also generated a model of existing and future “without-project” conditions.

Currently the Corps is completing the Baseline Without Project Conditions Report (F3 Report). The F3 Report will include a review of existing and future without project conditions, definition of study objectives, and development of a preliminary array of ecosystem restoration alternatives. It is anticipated the F3 Report will be complete in December 2009.