



COUNTY ENGINEERS ASSOCIATION OF CALIFORNIA

2009 ANNUAL REPORT



The County Engineers Association of California (CEAC), formed in 1914, is comprised of county engineers, public works directors, county road commissioners, and professional personnel throughout California's 58 counties. Its purpose is "To advance county engineering and management by providing a forum for the exchange of ideas and information aimed at improving service to the public."

Furthermore, the objective of CEAC is "To accomplish the advancement of engineering methods and ethical practice through networking efforts of all 58 counties in the state." Through discussion, interchange, and dissemination of engineering and administrative data/ideas, the organization shall strive to affect "maximum efficiency and modernization in engineering and administrative units of local government."

Throughout CEAC's history, it has maintained a close relationship with the California State Association of Counties (CSAC) to lend support in policy development and advocacy efforts, thus benefiting counties and their ability to serve their citizens.

our purpose

OFFICERS

President

Peter Rei

Tuolumne County

President-Elect

Patrick DeChellis

Los Angeles County

Secretary

Julie Bueren

Contra Costa County

Treasurer

Mehdi Madjd-Sadjadi

Marin County (Retired)

Treasurer Emeritus

William (Bill) McIntosh

Lassen County (Retired)

Parliamentarian

Doug Wilson

Tulare County (Retired)

Past President

George Johnson

Riverside County

NACE Representative

George Johnson

Riverside County

Historian

David A. Gravenkamp

Siskiyou County (Retired)

Newsletter Editor

Ken A. Miller

San Bernardino County (Retired)

REGIONAL DIRECTORS

Northern California

Tom Mattson

Humboldt County

North Bay

Birgitta Corsella

Solano County

Central Coast

Jim Porter

San Mateo County

Sacramento Mother-Lode

Mike Penrose

Sacramento County

San Joaquin Valley

Tom Flinn

San Joaquin County

South Central Coast

Paul Greenway

Monterey County

Southern California

Ignacio Ochoa

Orange County



FLOOD CONTROL & WATER RESOURCES

Mitch Avalon	Contra Costa, Chair
Chris Stone	Los Angeles, Vice Chair
Nadeem Majaj	Orange, Vice Chair

LAND USE

Wes Zicker	Placer, Chair
Stuart Edell	Butte, Vice Chair
Richard Marshall	Napa, Vice Chair

OVERSIGHT AND SPECIAL TASKS

Daniel Woldesenbet	Alameda, Chair
Paavo Ogren	San Luis Obispo, Vice Chair
Thomas Flinn	San Joaquin, Vice Chair

SOLID WASTE MANAGEMENT

Susan Klassen	Sonoma, Chair
Birgitta Corsello	Solano, Vice Chair

SURVEYOR


Mike Emmons	Santa Barbara, Chair
Stuart Edell	Butte, Vice Chair
Ray Mathe	Orange, Vice Chair

TRANSPORTATION

Tom Mattson	Humboldt, Chair
Jim Porter	San Mateo, Vice Chair
Scott McGolpin	Santa Barbara, Vice Chair
Patrick Minturn	Shasta, Vice Chair

Since 1914





This is the point in time where I get to say "Thank You" to all of our members, CSAC staff, CSAC administration and my Tuolumne County staff for making my 2009 year as President as successful as it has been. I have often heard that you cannot do this type of job alone and I thought I knew what that meant. Then you try to take on this type of assignment and you truly realize how awesome all of the people you work with really are! You are all fantastic and I am truly blessed to be able to work with such a talented group.

This has certainly been an interesting year. Luckily, I dodged the title of "the President who let Gas Taxes get away". Another amazing example of getting out of trouble at the last possible moment! There is no way I know of to truly thank DeAnn Baker and Kiana Buss for their tireless efforts on our behalf in defeating this proposal in the Legislature. Thanks to their efforts, and the relentless lobbying of many counties throughout the state, we enjoy a much more positive budget picture this year than any of us could have anticipated just a few short months ago. Thanks to all of you!

I have truly enjoyed the year as President of this great organization. You get exposed to so many interesting people, challenging issues, and you truly get a chance to have a direct impact on how public works policy is implemented on a statewide basis. I am humbled by the enormity of the work we all do and the challenges we face. While at the same time, I am amazed by what we can achieve together. The challenges to the Road Commissioner authority, the ever-present funding challenges, the tough economic climate, the climate change challenges and the list just goes on and on. The collective efforts of all of the membership give us the ability to take on these challenges and have a meaningful impact on how the issues ultimately are resolved. The whole is clearly more powerful than any one of us can be.

I want to take this opportunity to personally thank Merrin Gerety and Patti Hughes for all of their help with conference planning and all of their vigilant efforts to keep all of our events running as smoothly as they do. They are both amazing! I would also like to personally thank Karen Keene, Cara Martinson, DeAnn Baker and Kiana Buss for all that they do on our behalf in the legislative arena. We are truly lucky to have such dedicated people working on our behalf.

As we look forward to 2010, I will continue to be inspired to assist Pat DeChellis in any way I can during his upcoming year as President. With the able assistance of Julie Bueren and all of the CEAC committee chairs and chapter representatives I am sure we will again rise to the challenges that we are faced with. Thank you again for the confidence you all showed in me and for all the help you have given me as we have tackled the issues during 2009. The credit is certainly not mine, but the entire group's, for what we have accomplished.

Peter Rei
2009 CEAC President

"I have truly enjoyed the year as President of this great organization. You get exposed to so many interesting people, challenging issues, and you truly get a chance to have a direct impact on how public works policy is implemented on a statewide basis."

California remains entrenched in a budget crisis of extraordinary magnitude. The Legislature has virtually been in constant session since January 2008 on issues surrounding the state budget. In 2009, Governor Schwarzenegger issued no fewer than five state budget proposals to address the significant shortfalls due to the impacts of the state and national recession on California revenues. Even after nearly \$60 billion in budget reductions over the last two fiscal years, the state finds itself facing an estimated \$21 billion budget shortfall through FY 2010-11. In addition to the dramatic budget crisis, the Legislature has been gridlocked and unable to tackle significant reforms in the areas of health care and corrections, to name a few. This has led to a movement of state government reform and the rise of several different approaches to addressing the dysfunction in Sacramento, including the circulation of multiple ballot initiatives that would attempt to reform state government. To say that this past year has been one of turmoil for California would be a significant understatement.

Despite the tumult here in Sacramento, CSAC achieved a number of wins with respect to transportation funding in the FY 2009-10 state budget. We mounted an aggressive defensive game in order to defeat numerous proposals to take or borrow local transportation funds on an either one-time, multi-year, or permanent basis. Prop 42 and gas taxes, while being deferred for a portion of the fiscal year, remained whole at the end of a very long stint of budget negotiations. Furthermore, the State was able to reenter the bond market in early 2009 and counties received Prop 1B Local Streets and Roads (LSR) payments in May and June totaling approximately \$57 million. Finally, we were also successful in halting, at least temporarily, AB 1409, a measure by Assembly Member John Perez which would severely limit a county's ability to perform work on county highways in a timely, efficient, and cost-effective manner.

Implementation of SB 375, legislation passed to address the greenhouse gas (GHG) emission reductions for the transportation sector, has also dominated the agenda in 2009. CSAC actively worked with the Regional Targets Advisory Committee to develop a recommended methodology for the development of regional GHG emission reduction targets. We assisted the Governor's Office of Planning and Research with the development of amendments to the CEQA Guidelines to incorporate GHG considerations. CSAC also continues to participate in the Strategic Growth Councils process for developing guidelines for Planning Grants authorized under Prop 84 (2006) and the California Transportation Commission's update of the Regional Transportation Plan Guidelines to incorporate SB 375.

Progress was also made this year in the area of water. In November, the Governor signed a package of Delta / water reform legislation, which was passed in the Seventh Extraordinary Session on Water by the Legislature in the early morning hours of November 4th. The plan is comprised of four policy bills and an \$11.14 billion bond, which will head to the voters in November 2010 for approval. The package establishes a Delta Stewardship Council, sets ambitious water conservation policy, ensures better groundwater monitoring, and provides funds for the State Water Resources Control Board for increased enforcement of illegal water diversions.



Even after nearly \$60 billion in budget reductions over the last two fiscal years, the state finds itself facing an estimated \$21 billion budget shortfall through FY 2010-11.

With the help of the County Engineers Association of Counties (CEAC), CSAC surveyed California's 58 counties and was able to provide the Governor and Legislature with facts and statistics on the estimated impacts of such proposals, including the fact that the DOF's HUTA "take" proposal would result in a loss of over 4,000 local public works jobs in counties alone.

HIGHWAY USER TAX ACCOUNT (HUTA)

The Department of Finance (DOF) proposed a permanent redirection of virtually the entire county and city share of the 18-cent state excise tax on gasoline, or the Highway User Tax Account (HUTA), to pay for transportation bond debt service. Counties and cities currently receive 6.46-cents of the 18-cent gas tax, equal to approximately \$1 billion annually. Counties receive 3.23 cents, which in FY 2009-10 is estimated to provide roughly \$500 million for counties. The DOF proposal would have permanently redirected \$375 million from counties on an ongoing basis to finance General Fund debt service and would have dramatically impacted county public works departments' ability to meet the mobility and safety needs of the public.

With the help of the County Engineers Association of Counties (CEAC), CSAC surveyed California's 58 counties and was able to provide the Governor and Legislature with facts and statistics on the estimated impacts of such proposals, including the fact that the DOF's HUTA "take" proposal would result in a loss of over 4,000 local public works jobs in counties alone. These efforts, combined with the efforts of public works departments throughout the state, succeeded in educating members of the Legislature regarding the severely deleterious affects of the HUTA take, which led to desertion of this proposal in the final budget.

While gas taxes will be deferred for 7 months over the course of FY 2009-10, CSAC negotiated a portion of the payback to be remitted early, a tiny county exemption and implementation language to make surviving the deferrals a bit easier. Ultimately, deferrals of June, July and August revenues were paid with September revenues in October 2009 and deferrals for revenues collected in the months of October through March will be paid back on or within 2 business days of April 28th.

PROPOSITION 42

The Legislative Analyst's Office (LAO) proposed to borrow \$1.153 billion in FY 2009-10 from the local roads and state highways portions of Prop 42. This is equal to about \$600 million for local governments. On many grounds, especially that borrowing Prop 42 is not a solution to the state's structural deficit, CSAC objected to this proposal and campaigned to keep Prop 42 in tact. Once again, CSAC was partially successful in its efforts as ultimately, the budget only included a deferral of the first two quarterly payments with payback by the end of the fiscal year. More specifically, the FY 2009-10 state budget defers the first two quarterly payments of Proposition 42 (the October 2009 and January 2010 payments) to cities and counties until May 2010. These deferrals are estimated at \$288 million dollars, \$144 million of which is a direct hit to counties. The budget trailer bill provides cities and counties the ability to backfill the Prop 42 deferrals with Proposition 1B Local Streets and Roads monies during the period of the deferral as long as Prop 1B is made whole upon repayment by the State.

PROPOSITION 1B: LOCAL STREETS AND ROADS ACCOUNT

In early 2009, the State was able to access the bond market again and some counties received Prop 1B Local Streets and Roads (LSR) payments in May and June totaling approximately \$57 million. These payments represent allocations from the FY 2007-08 supplemental and FY 2008-09 appropriations that were put on hold by the Department of Finance and State Controller due to the state budget deficit and the State's inability to sell bonds.



CSAC was also successful in getting an appropriation for the remaining \$441 million from the \$1 billion in Prop 1B LSR monies made available for counties. Payment of the remaining allocations from FY 2007-08 supplemental and FY 2008-09 appropriations, along with the new FY 2009-10 appropriation, which is equal to approximately \$500 million total, will hopefully be made available as the State continues to sell bonds. The State sold bonds again in October and November 2009, but at the time of this writing, it is unclear what the State intends to fund with these proceeds.

AB 1409 (PEREZ)

AB 1409, by Assembly Member John Perez, would severely limit a county's ability to perform work on county highways in a timely, efficient, and cost-effective manner. As introduced in February, the measure would have eliminated long-standing county road commissioner authority, which provides significant flexibility for counties to utilize county work forces for a variety of critical road related work. CSAC, along with its county partners, fiercely, and successfully, advocated for the retention of this critical authority. This was a temporary victory as AB 1409 was made a two-year bill, thus we will remain engaged in this effort through 2010.

LOCAL STREETS AND ROADS NEEDS ASSESSMENT

The wait finally ended this year with the completion of the first ever comprehensive needs assessment of the local street and road system in California. As most know, CSAC, CEAC, and the League of California Cities took on this project to better enable us to advocate for additional local transportation system investment funds. Here are some of the key findings of the report:

- The data analysis shows that, on the Pavement Condition Index (PCI) which ranks roadway pavement conditions on a scale of zero (failed) to 100 (excellent), the state wide average for local streets and roads is 68, an "at risk" rating. The condition is projected to deteriorate to a PCI of 58 in 10 years, and further to 48 ("poor condition") in 2033.
- The unfunded backlog is \$71 billion over the next 10 years and that will more than double in the next 20 years.
- To bring the pavement condition and essential components, such as storm drains and gutters, of local streets and roads to a level of Best Management Practices (BMP) there needs to be an additional investment of \$7 billion dollars annually.
- To generate this additional funding, a gas tax increase of \$0.39 per gallon is needed just for the local street and roads system alone.

CSAC and the League of California Cities have developed an outreach and media strategy that will roll out in January 2010. This will include local presentations to County Boards and City Councils across the state, as well as a statewide release of the report here in Sacramento. Additionally, the Needs Assessment Oversight Committee, comprised of representatives from CSAC, the League, Los Angeles County, the Regional Transportation Planning Agencies group, and the Rural Counties Task Force, will continue to meet to formulate a strategy for updating the report every two years.



The wait finally ended this year with the completion of the first ever comprehensive needs assessment of the local street and road system in California.

CSAC's involvement has been integral in making sure the RTAC stays focused on its statutorily defined purposes and does not stray into other issue areas that are better suited for debate in the Legislature or the formal rulemaking process.

SB 375 IMPLEMENTATION AND THE REGIONAL TARGETS ADVISORY COMMITTEE

2009 proved to be an even busier year than the previous with respect to climate change. CSAC was and remains actively involved in SB 375 (Chapter 728, Statutes of 2008) implementation, which requires the California Air Resources Board (CARB) to set regional targets for the purpose of reducing greenhouse gas emissions from passenger vehicles, for 2020 and 2035. SB 375 created the Regional Targets Advisory Committee (RTAC), and charged this body to provide recommendations on factors to be considered and methodologies to be used in the CARB target setting process. CSAC's involvement has been integral in making sure the RTAC stays focused on its statutorily defined purposes and does not stray into other issue areas that are better suited for debate in the Legislature or the formal rulemaking process.

The RTAC completed its work in late September and submitted to the ARB its final recommendations. Its main recommendation is that ARB adopt a uniform statewide target expressed as a per capita reduction metric (for example: x percent reduction in GHG emissions per household) from 2005 levels. The per capita metric was believed to be fair, easily understood, and supportable with current data. Setting the base year at 2005 base year allows regions to get some credit for actions already taken to reduce emissions (at least within the last 4 years).

REGIONAL TRANSPORTATION PLAN GUIDELINE UPDATE

Another element of SB 375 implementation is ensuring that the California Transportation Commissions' (CTC) Regional Transportation Plan Guidelines are consistent with the new statute. California law requires each of California's 18 Metropolitan Planning Organizations (MPOs) and remaining Regional Transportation Planning Agencies (RTPAs) to adopt and submit an updated Regional Transportation Plan (RTP) to the Commission and the Department of Transportation (Caltrans) every four years for MPOs located in air quality non-attainment areas and every five years for those agencies located in an attainment area. The SCS is now a part of the RTP process and the guidelines therefore need to reflect the new requirements.

As a result of SB 375, the Commission, in consultation with Caltrans and CARB, is in the process of updating the RTP Guidelines through a workgroup that includes, but is not limited to, staff of the Assembly and Senate, MPOs, RTPAs, state and federal agencies, environmental interest groups, building and industry organizations and county and city associations. CSAC is once again an active participant on the CTC workgroup striving to ensure the amendments do not extend beyond SB 375 requirements/authority and tread on local land use authority.

STRATEGIC GROWTH COUNCIL

SB 732 (Chapter 729, Statutes of 2008) implementation also began in 2009, which created the Strategic Growth Council (SGC) which is charged with, among other things, the allocation of Proposition 84 planning grants and planning incentive funds for encouraging the planning and development of sustainable communities with specific requirements, including consistency with AB 32 (Global Warming Solutions Act of 2006) goals. The SGC is also required to provide, fund and distribute data, and information to local governments and regional agencies that will assist in developing and planning sustainable communities.



CSAC has been attending and monitoring the SGC's meetings, as well as providing comments on draft proposals for implementation of the Prop 84 grant programs. These monies are extremely important to counties, especially in light of the State's climate changes goals and implementing SB 375 at the local level to ensure a reduction of GHG emissions. It will be important to monitor the Council's actions and convey counties' planning needs in the near future as there is fierce competition for these funds. CSAC will continue to work to ensure counties have access to these funds for planning purposes.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Governor's Office of Planning and Research (OPR) was charged with amending the California Environmental Quality Act (CEQA) Guidelines, per SB 97 (Chapter 185, Statutes of 2007). The proposed CEQA Guideline amendments needed to provide guidance to public agencies regarding the analysis and mitigation of the effects of greenhouse gas emissions in draft CEQA documents. For close to two years, OPR conducted significant outreach to various stakeholders including county and city government officials in order to develop a consensus around proposed changes to the guidelines. CSAC facilitated monthly conference calls between OPR and county and city planning, public works, environmental, and legal staff. As such, CSAC was generally supportive of the proposed guideline amendments that OPR transmitted to the Resources Agency in April 2009 for formal rulemaking. On an even more positive note, the conference calls between local governments and OPR have been very successful and useful to all parties involved, thus CSAC will continue to facilitate these calls to discuss relevant planning, transportation, land use, housing, CEQA, and climate change issues into the future.



On an even more positive note, the conference calls between local governments and OPR have been very successful and useful to all parties involved, thus CSAC will continue to facilitate these calls to discuss relevant planning, transportation, land use, housing, CEQA, and climate change issues into the future.

Climate Change

CSAC staff continues to coordinate and participate in meetings and conference calls regarding Department of Fish and Game (DFG) operational and regulatory issues. This year, discussions primarily focused on the DFG's financial assurance requirements for capital and maintenance project impacts to endangered species and habitat.

2009 DELTA/WATER LEGISLATIVE PACKAGE

Last year, CSAC, in consultation with CEAC membership, adopted updated water policy statements to guide CSAC staff in developing positions on future water proposals considered by the State Legislature and administrative agencies. These statements, in addition to other CSAC policy direction on water, assisted CSAC in drafting comments on this year's Delta/water legislative package signed by the Governor.

The package includes four "water policy" bills, and one funding bill that would place before the voters an \$11.14 billion bond on the November 2010 ballot. The policy bills address a variety of water issues, including the management of the Delta, groundwater monitoring, water conservation, water diversion/use reporting, and governance of the Delta. While the legislative package does not specifically authorize a peripheral canal, supporters have stated that the new laws set the stage for major decisions on Delta conveyance. The legislation does create a new Sacramento-San Joaquin Delta Conservancy, a new Delta Stewardship Council, and establishes a statewide water conservation program, among other things.

Specifically to counties, the package includes a new statewide groundwater monitoring program. The program will require groundwater monitoring by local agencies, the county, water replenishment districts, or a groundwater management agency or association. If these entities choose not to perform the monitoring, they would exclude themselves from receiving any water grants or loans administered by the state, and the Department of Water Resources would assume the responsibility of monitoring.

FISH AND GAME

CSAC staff continues to coordinate and participate in meetings and conference calls regarding Department of Fish and Game (DFG) operational and regulatory issues. This year, discussions primarily focused on the DFG's financial assurance requirements for capital and maintenance project impacts to endangered species and habitat.

Orange County public works department brought this issue to the attention of the CEAC Flood Control Committee in 2008. DFG is requiring the county to provide financial assurances for public works projects that have encountered endangered species issues. The required assurances would be in the form of a cash endowment to cover the costs for maintaining a mitigation site in perpetuity. To date, DFG has not been willing to consider other mechanisms such as a "pledge of revenue", which is currently an option for public agencies under state mining and landfill statutes/rules.

It is unclear if DFG has imposed similar financial assurance requirements on other public agencies across the state. However, a couple of counties and one water agency appear to have been confronted with slight deviations from the Orange County experience. Given the potential for DFG to impose similar requirements on other counties, the CEAC Flood Control Committee remains interested in this issue and have requested regular updates from Orange County. In addition, CSAC staff continues to work closely with the county in vetting various options for a resolution.

In respect to the regional meetings, CSAC staff continues to assist counties with organizing meetings at the regional level between county staff and DFG regional managers.



FLOOD CONTROL NEEDS ASSESSMENT PROJECT

As previously reported, the purpose of the flood control needs assessment is to gather information regarding the level of protection provided by existing flood control facilities; the cost to improve flood control facilities; the cost to repair aging facilities; and the cost to provide flood protection where none currently exists. The assessment will be relied upon to facilitate the use of current statewide bonds, and will help identify needs for future bond measures.

Although the State's budget issues temporarily slowed progress on the flood control needs assessment, the Department of Water Resources (DWR) remains committed to partner with CEAC and CSAC in the development of the comprehensive report. Working towards that goal, DWR staff sought further comments from CEAC on a draft scope of work for the project. Those comments will be included in the final scope which DWR expects to release early next year.

According to DWR, \$18 million remains budgeted to prepare the report with an estimated completion date of July 2012. CSAC staff continues to coordinate on-going communication between CEAC and DWR regarding this project.

STATE WETLANDS POLICY

In April 2008, the State Water Resources Control Board (Water Board) adopted a resolution directing Water Board staff to develop a new wetland riparian area protection policy. The apparent intent behind the resolution was to fill a "gap" in federal wetland protection resulting from specified court decisions. CSAC relying on technical input from CEAC, joined with other trade associations this year in expressing concern with the proposed policy developed by the Water Board staff. This coalition of public and private entity representatives communicated to the Water Board that the proposed policy goes beyond merely filling the "gap" resulting from the court decisions. The coalition has asserted that if adopted and implemented the proposed wetland and riparian policy would duplicate existing regulatory processes and significantly increase costs for the public and private sector. As a draft, deliberations on the details of the policy are expected to continue through next year.

According to DWR, \$18 million remains budgeted to prepare the report with an estimated completion date of July 2012. CSAC staff continues to coordinate on-going communication between CEAC and DWR regarding this project.

STATE LEGISLATION

As directed by CEAC's Legislative Platform, CSAC actively supported legislation that adopted extended producer responsibility models and provided grants funds for waste management and recycling. Additionally, staff helped defeat several bills this session that would have increased the state's solid waste tipping fee, increased the diversion requirement, and mandated commercial recycling ordinances.

California's budget issues have spilled over into almost every facet of business in the state, including California's Beverage Container Recycling Program (Bottle Bill).

BEVERAGE CONTAINER RECYCLING PROGRAM

California's budget issues have spilled over into almost every facet of business in the state, including California's Beverage Container Recycling Program (Bottle Bill). CSAC, along with other local government and industry representatives worked hard to preserve some funding in the program through the legislative process. CSAC actively supported SB 402, by Senator Lois Wolk, which would have provided a comprehensive solution to the fund imbalance that exists in the Bottle Bill. Unfortunately, the bill was vetoed by the Governor. In the meantime, the Department of Conservation (DOC) has determined that there will be inadequate monies in the Fund to make all of the payments. The DOC is in the process of determining how funds will be reduced proportionally, including payments to cities and counties and curbside supplemental programs. Their proposal is expected to be included as a component of the Governor's proposed 2010 State Budget.

EXTENDED PRODUCER RESPONSIBILITY

CSAC staff has been working closely with the Council on Product Stewardship to support an extended producer responsibility (EPR) framework approach to product stewardship. EPR is the extension of the responsibility of producers, and all entities involved in the product chain, to reduce the cradle-to-cradle impacts of a product and its packaging. CSAC supported several EPR bills this session, including AB 1343 (Huffman) the architectural paint recovery program and SB 346 (Kehoe) the brake pad pollution bill.

ILLEGAL DUMPING

CSAC staff, in cooperation with the CEAC Solid Waste Committee, is working with the California Integrated Waste Management Board staff to address the issue of illegal dumping. CSAC staff is coordinating with Waste Board staff to develop strategies for the Illegal Dumping Task Force, including the development of best management practices for illegal dumping abatement and enforcement. In addition to a survey completed last year related to the costs of illegal dumping, CSAC staff is working with the Waste Board to develop strategies to deal with the financial issues presented by illegal dumping.

CIWMB TRANSITION

The California Integrated Waste Management Board will become a new department located within the Resources Agency instead of the Environmental Protection Agency. CSAC staff is communicating regularly with Waste Board staff to follow the transition of the CIWMB to the Department of Resources, Recycling and Recovery. In particular, CSAC staff is monitoring how the new Department will address the issues of public access, the appeals process and transparency in the decision-making process. Because the restructuring has the potential to impact county solid waste management programs and operations, CSAC staff arranged for presentations by Waste Board staff to the CEAC Solid Waste Committee regarding the transition.

LANDFILL CLOSURE/ POST-CLOSURE ISSUES

CSAC staff continues to monitor the financial assurance regulatory process for closed landfill sites. Members of the CEAC Solid Waste Committee have provided technical input throughout the process, in addition to attending meetings and hearings on behalf of the organization. CSAC and CEAC are advocating that closed landfills be exempted from the proposed financial assurance (FA) regulations. Specifically, we are requesting that CIWMB grandfather or exempt closed landfills from the proposed financial assurance (FA) regulations

CSAC and CEAC are advocating that closed landfills be exempted from the proposed financial assurance (FA) regulations.



and instead utilize the Executive Director's authority to extend the FA period as warranted on a case-by-case basis. Waste Board action on the regulations may occur by the end of the year. The Waste Board staff has provided updates to the CEAC Solid Waste Committee regarding the status of the landfill closure/post-closure issues whenever requested.

CSAC staff is following the numerous efforts occurring at the legislative and regulatory levels to address climate change. The following is a summary of CSAC activities related to the implementation of AB 32 (Chapter 488, Statutes of 2006) and other climate change efforts.

AB 32 IMPLEMENTATION

CSAC has been following and participating in the implementation of AB 32 since its passage three years ago. CSAC staff has actively participated in numerous AB 32 implementation workshops, hearings, and private meetings. Staff is also partnering with the Institute for Local Government (ILG) and supporting their efforts to develop several tools for local governments, including best management practices and model ordinances for the purposes of reducing greenhouse gas emissions at the local level.

SCOPING PLAN PROCESS

CSAC continues to monitor AB 32 implementation through the Scoping Plan process. Several Early Action Items have been approved by ARB and are in the implementation phase, including the landfill methane control measure. CSAC is also closely monitoring several other measures included in the Scoping Plan, including the renewable energy and energy efficiency measures, the refrigerant management program, the cap-and-trade program, among other things. See the Transportation Section for an update on SB 375 and other climate-transportation activities.

LOCAL GOVERNMENT TOOLS

CSAC was an active participant in the development of Local Government Protocols for Climate Change last year. ARB staff partnered with the California Climate Action Registry (CCAR), The Climate Registry (TCR), and Local Governments for Sustainability (ICLEI) to develop local government protocols for GHG assessment. In addition, CSAC is working closely with the Institute for Local Government to support their efforts to provide counties with the best available information regarding greenhouse gas emissions and the tools and technologies available to reduce such emissions. Finally, CSAC advocated through the budget process for stimulus funding to be dedicated to local governments for the purposes of climate change planning activities. The California Energy Commission has dedicated a portion the stimulus funding in the State Energy Program for such activities.

CLIMATE ADAPTATION

CSAC staff is actively following the numerous climate-related activities, including the state's efforts to plan for the impacts of climate change. The California Resources Agency, in partnership with numerous other state agencies, adopted California's first Climate Adaptation Strategy. The document summarizes the best known science on climate change impacts in seven specific sectors and provides recommendations on how to manage against those threats. In response, CSAC submitted comments to the report, advocating for strong coordination amongst state, regional and local partners. Additionally, CSAC advocated that counties be an active participant in the discussions and dialogue in the development of any land use adaptation strategies.

CSAC was an active participant in the development of Local Government Protocols for Climate Change last year.



AMERICAN RECOVERY & REINVESTMENT ACT (ARRA)

On February 17, 2009, President Barack Obama signed into law the American Recovery and Reinvestment Act of 2009 (ARRA), a \$787 billion stimulus package aimed at reinvigorating the nation's economy. CSAC staff was quick to respond with a coordinated outreach effort, including a website dedicated to information on the stimulus program, as well as direct links to federal and state resources. Additionally, CSAC staff extensively surveyed counties to provide an accurate picture of "shovel-ready" projects eligible for stimulus funding.

Since the enactment of ARRA, CSAC staff has been engaged in the implementation and public input process. CSAC staff helped to craft guideline language included in the Energy Efficiency and Conservation Block Grant Program and the State Energy Program. Additionally, CSAC staff coordinated with State Water Resources Control Board to provide outreach and education for ARRA-funded financial assistance programs, including the Clean Water State Revolving Fund Program.

Working with Caltrans, regional agencies, and other stakeholders, CSAC was also successful in securing a guaranteed share of the highway funds allocated to California for counties and cities. State implementing legislation was passed that provided 62.5% or \$1.6 billion to regional agencies and 37.5% or \$964 million to the State. CSAC was successful in including intent language that at least 40% of the regional funds be made available for sub-allocation to cities and counties. This sub allocation is equivalent to at least \$640 million for counties and cities.

California is expected to receive an estimated \$85 billion in benefits from ARRA in the form of grants, loans and tax benefits.

A NEW AUTHORIZATION FOR FEDERAL SURFACE TRANSPORTATION FUNDING

While significant activity on reauthorization of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) took place over the late spring and summer months of 2009, economic stimulus and health care reform have been dominating the agenda in Washington D.C. as of late. For the time being, SAFETEA-LU has been extended until December 18th, 2009. There is talk on Capitol Hill that Congress will move to enact another extension until April 2010 but a longer extension remains a possibility as well as a second stimulus package, or "jobs" bill, serving as a two-year extension.

CSAC and a delegation of public works officials will head to Washington D.C. in early 2010 to visit with key congressional members and staff to discuss the specifics of the draft House legislation released by Chairman Oberstar (House Transportation and Infrastructure Committee), as well what Senator Boxer has planned for the Senate version of reauthorization. CSAC has significant concerns with the elimination of the Federal Bridge program under the Oberstar proposal as well as many questions as to the effects on current programs, such as High Risk Rural Roads with the proposed consolidation of SAFETEA-LU into five core formula programs. Furthermore, a new authorization will likely include a climate change component so counties need to raise their voices in support of the local road network as a key component in reducing greenhouse gas emissions.

CSAC and a delegation of public works officials will head to Washington D.C. in early 2010 to visit with key congressional members and staff to discuss the specifics of the draft House legislation released by Chairman Oberstar (House Transportation and Infrastructure Committee), as well what Senator Boxer has planned for the Senate version of reauthorization.

CLIMATE CHANGE-RENEWABLE ENERGY

In addition to health care reform, climate protection and renewable energy legislation awaits final action. In the House, CSAC successfully lobbied to include a broadened definition of “renewable biomass” as part of the lower chamber’s renewable energy title. The House-passed bill also expands the definition of “qualified hydropower” by changing the eligibility date for incremental hydropower from January 1, 1992 to January 1, 1988.

Across Capitol Hill, the full Senate is expected to take up a cap-and-trade bill, along with a renewable energy title by the end of the year. Among other issues, CSAC is promoting that a portion of revenues from a national emissions allowance program be allocated to the Energy Efficiency and Conservation Block Grant (EECBG).

CLEAN WATER ACT

CSAC, in collaboration with the CEAC Flood Control committee continues to seek support for changes to the Federal Clean Water Act (CWA) that would streamline the Section 404 Permit process for the construction and maintenance activities of flood control and drainage facilities. Throughout the year, CSAC has coordinated meetings regarding this issue with CEAC, and arranged for meetings and conference calls with other potential supporters. This “stepped-up” effort has resulted in more counties becoming aware of the proposal and consequently garnered their support. Also noteworthy is the support expressed by the California Central Valley Flood Control Association. The actions taken in 2009 will enable CSAC and CEAC to demonstrate to the California Congressional delegation that the proposal has a broad base of support.

On a related note, CSAC also submitted a letter of concern on S. 787, the Clean Water Restoration Act. This bill would amend the CWA to delete the term “navigable” from the CWA’s definition of “waters of the U.S.” and replace it with a new definition that would include all “intrastate waters” and all “activities affecting these waters.” While S. 787 was not acted upon in 2009, Congress is expected to take action on amendments to the Clean Water Act next year.

FLOODPLAIN MANAGEMENT

This summer, the White House Council on Environmental Quality (CEQ) issued a draft executive order (EO) aimed at toughening federal policies restricting the construction of dams, levees, roads and other structures in flood-prone areas. CSAC and CEAC submitted a joint comment letter to the CEQ, which raises various questions and concerns with the EO. Of particular concern is the one-size-fits-all approach to addressing floodplain issues. In addition, the EO could also be interpreted to add another process to maintenance projects in floodplains. As a draft, deliberations on the details of the Executive Order are expected to continue through next year.



CSAC, in collaboration with the CEAC Flood Control committee continues to seek support for changes to the Federal Clean Water Act (CWA) that would streamline the Section 404 Permit process for the construction and maintenance activities of flood control and drainage facilities.

Utilizing conferences and regional meetings as a forum for creating CEAC's Vision 2012 action plan, we solicited input from the entire membership and hope to finalize the action plan and begin implementation early 2010.

Despite the recession and bleak economic outlook, CEAC members and affiliates still found the time and resources to attend our three conferences in 2009. The spring conference, held at the Monterey Conference Center in mid March, the 4th annual fall policy conference held in Sacramento early October, and the 115th annual meeting held in Monterey mid November, were attended by over 340 CEAC registrants and sponsors.

CEAC awarded the inaugural Surveyor of the Year Award to Michael Emmons at the annual meeting, and bestowed Pattie McNamee with the Engineer of the Year Award. Three of CEAC's public works directors - Patrick DeChellis, Julie Bueren and Scott McGolpin - were also recognized for their achievements, and awarded CSAC Circle of Service awards at the annual meeting. Phil Demery was the lucky recipient of the Buffalo Bull Award, while long time guest program participant, Delores Sadjadi received the Buddy Award. Once again, this year's conferences were very successful, serving as an educational opportunity for public works directors and their staffs, and networking among peers.

As a follow-on to Vision 2008, CEAC's Oversight and Special Tasks committee embarked on Vision 2012. Utilizing conferences and regional meetings as a forum for creating CEAC's Vision 2012 action plan, we solicited input from the entire membership and hope to finalize the action plan and begin implementation early 2010.

The new and improved CEAC website went live earlier this year. In an effort to "go paperless," we utilized the website extensively for dissemination of conference-related materials. Feedback has been positive, and we look forward to continued updates on the website in the years to come.

CEAC implemented a new "Call for Nominations" this year, allowing all county members to submit applications to CEAC for appointments to outside committees. Matt Randall, a Senior Civil Engineer with Placer County was appointed as the Northern California County alternate on the Highway Bridge Program (HBP) Caltrans Advisory Committee, and Phillip Nelson, Director, Engineering Services with Ventura County was selected to represent CEAC on the California Uniform Construction Cost Accounting Act Committee (CUCCAC). We are currently seeking nominations for the Traffic Records Coordinating Committee (TRCC).

This may have been a record year for the hiring of new Public Works Directors in the State of California. Ten new directors were appointed to various counties around the state in 2009, while two retiring public works officials, Carl Bonomini and Brian Lee were awarded CEAC Life Memberships. It may also have been a record year for the addition of new CEAC affiliates. At least 8 new affiliates joined CEAC in 2009, a testament to CEAC's value in the engineering community.

Vision 2012



ON THE HORIZON

2009

The budget and economy is expected to continue to dominate the debate in the Legislature over the next year. In response to the Legislature's continued failure to address the State's overall structural budget deficit, which has been compounded by the deteriorating economy, a number of groups have coalesced around different ideas to try to address the dysfunction and problems in Sacramento. Reform is clearly going to be a centerpiece of the November 2010 ballot and, likely, the 2010 gubernatorial campaigns. Numerous groups are working this fall to qualify a number of measures for the November 2010 ballot. The primary movements of significance to counties include:

- Repair California, led by the Bay Area Council, has submitted two ballot measures that authorize the calling of a constitutional convention and that convene a constitutional convention for the November ballot.
- California Forward is drafting ballot measures that seek to reform the state budget process and reforms to local government finance.
- Californians to Protect Local Taxpayers and Vital Services, a coalition led by the League of California Cities, the California Transit Association, and the Alliance for Jobs has submitted a ballot measure to the Attorney General to further protect local property tax, transit, transportation, and redevelopment funds.

Further, the Senate and Assembly have created Select Committees on Improving State Government. These committees, which have met jointly, are dedicated to developing legislative proposals to overhaul California's system of governance. The committees have a significant work plan outlined for the interim. The committees intend to address broader reforms, as well as smaller changes that can be made to the legislative process to increase efficiency and accountability.

Internal discussions continue within CSAC regarding the implications of these various reform proposals on county government. We will continue to monitor these various efforts and work with our leadership to respond to those that eventually qualify for the ballot in 2010.

CSAC will remain vigilant in protecting local transportation revenue streams, which are very much in jeopardy due to the continued state budget problems. CEAC will continue to be an integral player in forwarding the findings of the Comprehensive Needs Assessment and proactively protecting transportation revenues.

In addition to budget, economy, and reform issues, SB 375 implementation – the bill that establishes the process for addressing greenhouse gas emission reductions for the transportation sector – is moving at a fast pace. This measure will dictate the future of California's transportation investments. CSAC is participating in three simultaneous efforts underway with the goal of forwarding counties' interests consistent with the amendments and language we were successful in negotiating at the time of passage of SB 375. These three efforts include; 1) drafting revisions to the California Transportation Commission (CTC) Guidelines for the development of Regional Transportation Plans (RTPs), 2) Awarding of planning grants by the Strategic Growth Council, and 3) Setting the methodology and factors for setting the GHG reduction targets for the 18 Metropolitan Planning Organizations (MPOs) by the Regional Targets Advisory Committee.

In response to the Legislature's continued failure to address the State's overall structural budget deficit, which has been compounded by the deteriorating economy, a number of groups have coalesced around different ideas to try to address the dysfunction and problems in Sacramento. Reform is clearly going to be a centerpiece of the November 2010 ballot and, likely, the 2010 gubernatorial campaigns.



We remain steadfast in retaining regional flexibility to ensure that elected officials from member counties and cities set the path for how to grow more strategically in an effort to achieve the GHG emissions reductions targets that will be set in September 2010.

CSAC has been involved in all of the ongoing efforts on behalf of the 58 counties. We remain steadfast in retaining regional flexibility to ensure that elected officials from member counties and cities set the path for how to grow more strategically in an effort to achieve the GHG emissions reductions targets that will be set in September 2010. Further, CSAC has worked to ensure that regions comply with the statutory requirement that all regions consider financial incentives for jurisdictions that preserve agricultural and resource lands, as well as incentives for counties that implement policies for growth to occur within their cities. Lastly, we intend to seek additions to the CTC Guidelines to include specific recognition of the local system, which we find needs to be elevated throughout the Guidelines. Throughout these three efforts it has been CSAC's goal to retain regional discretion over state discretion, and to avoid prescriptive language that allows regional discretion over cities and counties and their role over local land use authority.

FLOOD MANAGEMENT/WATER RESOURCES

Several of the flood management/water resource issues that CSAC worked on in 2009 will remain priorities for 2010. The dialog with the Department of Fish and Game will continue, with particular attention paid to promoting regional meetings around the State; ensuring regular meetings with headquarters staff; and supporting efforts by Orange County to resolve the financial endowment issue. In addition, CSAC will work closely with the counties and other stakeholders in pursuing the proposed changes to Section 404 of the Clean Water Act.

SOLID WASTE

As indicated above, the California Integrated Waste Management Board will be dissolved as of January 1, 2010, with its duties and responsibilities transferred to a new Department of Resources, Recovery and Recycling within the California Resources Agency. CSAC staff will work to develop relationships with the new management staff of the department, identifying key issues and needs for counties within the realm of waste management and recycling.

CSAC will continue to work closely with the California Product Stewardship Council on a number of extended producer responsibility (EPR) bills, including AB 283 (Chesbro), currently a two-year bill, which would create an entire EPR framework with the goal of creating effective producer-lead reduction, reuse and recycling programs to deal with a product's lifecycle impacts from design through end of life management.

CSAC will continue to rely upon CEAC for technical input regarding these legislative efforts.

CLIMATE CHANGE

CSAC staff will continue to engage and participate in the AB 32 implementation process as additional regulations are developed in 2010. CSAC staff will also closely monitor the development of climate policy at the federal level to ensure that California's policies and regulations coordinate with any new federal policy on climate change. Finally, CSAC will closely monitor the development of California's Climate Adaptation Strategy and any potential regulatory issues that develop from this process. ●

*The County Engineers Association of California (CEAC) would like to
acknowledge the efforts of the following California State Association of
Counties (CSAC) staff members in putting together this publication:*

DeAnn Baker, Karen Keene, Kiana Buss, Cara Martinson,

Merrin Gerety and Francisco Beltran.



1100 K Street, Suite 101
Sacramento, California 95814-3941
(916) 327-7500
(916) 441-5507 Fax
www.ceaccounties.org