



## STAFF PROPOSAL - DRAFT

### 2019-2020 CEAC Legislative & Administrative Policy Guidelines

The on-going Legislative and Administrative Policy Guidelines are best achieved through collaboration and shared responsibility. To achieve the following, CEAC, CSAC staff, and individual county staff must combine resources, including policy and technical knowledge and expertise to maximize our influence, efficacy, and successful outcomes.

#### TRANSPORTATION

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1. Local Streets and Roads Needs Assessment. Continue support and resources for the California Statewide Local Streets and Roads Needs Assessment efforts. Continue to work with counties, cities, regional agencies, and Caltrans to secure funding for the needs assessment contract.
- 1-2. Continue to monitor state transportation funding the new HUTA, formerly Prop 42 revenues, to ensure the funding commitment pursuant to the base gas tax, gas-fuel tax swap, and SB 1 - the Road Repair and Accountability Act of 2017 is met. Work with the Legislature, Administration, Board of Equalization California Department of Tax and Fee Authority, State Controller's Office, the Department of Finance, and transportation stakeholders to explore ways to improve the administration of the transportation tax swap.
- 2-3. Continue to support the current formula for allocation of Proposition 42 replacement revenues (Highway User Tax Account, Section 2103) and in particular the local streets and roads monies.
- 3-4. Work with the California Transportation Commission (CTC) and the California Department of Transportation (Caltrans) to undertake a statewide study to estimate bridge needs both state and local.
- 4-5. Continue to work with the California congressional delegation to achieve a long-term reauthorization of the Secure Rural Schools Act (SRS) to off-set the impacts of removing the National Forest System lands from economic development.
- ~~5. Proactively work on state implementation of MAP 21 to ensure any state legislative changes are consistent with CSAC policy goals to the extent consistent with federal law.~~
6. Continue to support lowering the voting threshold below the current two-thirds requirement for the imposition of sales taxes for infrastructure. Furthermore, support efforts to allow unincorporated areas to pursue local sales tax measures solely for services in the unincorporated area of the county.
- ~~7. Establish a budget task force to develop recommendations to address transportation funding issues related to State Highway Account (SHA) reductions, borrowing and potential firewall protections and SHOPP spending levels.~~

~~8. Support legislation to amend Government Code Section 13340 to include both state and local portions of the Highway User Tax Account (HUTA) to ensure the Controller transfers gas taxes to transportation in year budget adoption is delayed.~~

~~9.7.~~ Monitor Caltrans's efforts to propose regulations or efforts that exceed their statutory authority regarding implementation of Transportation Development Act (TDA) law to prohibit those actions from infringing upon statutory authority of local agencies.

~~10.8.~~ Support restoration of the fuel tax to the State's Aeronautics Fund for General Aviation airports.

~~11. Continue the needs assessment effort to ensure adequate revisions occur to provide policy makers with current information on the condition of the local system. Continue to work with the League, regions, the California Business, Transportation, and Housing Agency, Caltrans and FHWA in order to document the condition of the entire transportation system and across all modes in order to identify the extent of the revenue shortfall for preservation of this system. The objective is to ensure that funds available for transportation purposes are equitably distributed between cities, counties and the state in order to provide a seamless transportation system.~~

~~12.9.~~ Monitor any potential changes by the California Transportation Commission (CTC) to change the STIP Guidelines in relation to flexibility to utilize STIP monies for local rehabilitation. Pursue statutory clarification of this eligibility if necessary.

~~13.10.~~ Support efforts to identify safety and other critical needs for the rural transportation system and support additional funding for such purposes.

~~14.11.~~ Strengthen policy and legislative development for statewide transportation issues with the transportation planning agencies, including the California Councils of Government (CALCOG) and Rural Counties Task Force to ensure local governments are united in their advocacy efforts.

~~15.12.~~ Support the distribution of any future statewide transportation dollars amongst counties based on 75 percent registered vehicles and 25 percent maintained miles.

~~16. Continue participation on the Caltrans committee of county, city, state, RTPA and bicycle representatives to develop criteria to evaluate applications for eligibility from the Bicycle Transportation Account (BTA) funds. Also support an alternative to the Bicycle Transportation Plan (BTP) requirements.~~

~~17.13.~~ ~~Support sponsor~~ legislation to amend the Vehicle Code Section 34501.2 to exempt drivers' hours of service for road maintenance agency personnel during emergencies from the 80 hours in any 8 consecutive days requirement.

~~18.14.~~ Support legislation that categorically exempts road safety projects from CEQA and state and federal permitting requirements (i.e. 404 permits, 1601 agreements).

~~19.15.~~ Support legislation at both the state and federal level on telecommunications and electrical restructuring policy to ensure that local governments; are adequately compensated for use of public rights-of-way, 2) control access of such rights-of-way, and 3) retain zoning authority over placement of satellite dishes, cellular towers and antennas.

~~20. Support additional funding for bicycle and pedestrian facilities, but need to ensure that~~

~~the revenues utilized do not compete with the current transportation funding sources.~~

~~21.16.~~ Continue to monitor Metropolitan Planning Organizations (MPOs) to ensure that their authority in the transportation area is restricted to planning and programming.

~~22.17.~~ Continue CEAC participation at various forums (i.e. RTPA & Caltrans monthly meetings, California Transportation Commission, etc.)

~~23.~~ Support implementation of MAP 21 provisions related to reciprocity between CEQA and NEPA in order to expedite transportation project delivery.

~~24.18.~~ Support legislation to require a County Franchise and encroachment permit control of all water and electric distribution facilities in order to restore lost revenues to counties and to regain control of right-of-ways.

~~25.19.~~ Monitor legislation that mandates a certain percentage of county fleets to be of a specific nature, including but not limited to: zero emissions vehicles, alternative fuel vehicles, and dual fuel vehicles.

~~26.20.~~ Support legislative efforts to allow pre-qualification of contractors on public works projects and seek amendments to that legislation to increase enforcement and oversight of the Contractor's State License Board, including more exhaustive background and criminal investigation during the initial licensing of contractors.

~~27.21.~~ Support legislative efforts to regain local authority in determining the financial viability of sureties involved in public works contracts.

~~28.22.~~ Conduct as needed meetings between AGC/CEAC/League/ACEC and other groups on issues of mutual interest.

~~29.23.~~ Continue to represent county interests on legislation relating to force account limits and mandatory participation within the California Uniform Construction Cost Accounting Act.

~~30.24.~~ Work with coalition partners to support legislation that will promote safety for students travelling via active modes by allowing local governments to expand school zones based upon engineering studies and providing disincentives, including points on driver's licenses, for violation of traffic laws within school safety zones.

~~34.25.~~ Support efforts to increase the minimum Surface Transportation Program (STP) funding guarantees for smaller, rural counties. The current minimum STP guarantees are a legacy of the Federal Aid Urban/Federal Aid Secondary route designations formerly used to apportion federal transportation funding. While the designations are no longer used, counties with systems that were previously designated Federal Aid Secondary have not seen their STP minimum allocation increased since 1993. CEAC will support policies to ensure that STP minimum funding amounts for counties are indexed to increases in the overall STP funding available to the state.

## **TRANSPORTATION & FLOOD CONTROL**

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1. Support legislation amending the Clean Water Act to include the definition of a transportation structure that was presented in the Guidance for the Uniform Application of the Regulations throughout the South Pacific Division (PGL 0-98-02 issued on May 29, 1998). Specifically section 5.a which exempts serviceable transportation structures, including roads, whether constructed on embankments or not, road embankments, culverted road crossings, and bridge piers, bridge columns, bridge piles, and pile caps.
2. Support legislation that requires all changes to Endangered Species Act to address the impact of the proposed legislation on service delivery and as necessary augment staffing levels to the level of no impact.
3. Facilitate better communication between State and Federal regulatory agencies in order to expedite the delivery of public works projects (i.e. direct City/County/State/Federal Cooperative Committee to pursue this objective).
4. Support legislation that exempts the maintenance of existing public works facilities/infrastructure from permit requirements under the Endangered Species Act.
5. Support reform of the Federal and State Endangered Species Acts based on adopted CSAC policy which supports the Act, being more responsive to local concerns (i.e. better science on which to base decision, a plan for recovery of the species, a definition of other impacts related to the protection of the species, and broader public review forums prior to the designation of an endangered species), and taking into account socioeconomic impacts of Endangered Species Act programs.
6. Monitor actions that require any state fee or charge to be directly related to cost of review (i.e. California State Water Resources Control Board, Regional Water Quality Control Board permits for roadway and bridge construction projects).

## **FLOOD CONTROL**

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- ~~1. Support funding of the State Flood Control Subvention Program.~~
- [1. Support funding of the State Flood Control Subvention Program. Support the development of bond program guidelines that help provide more resources to counties and public works programs.](#)
2. Support legislation that would provide local jurisdictions with more flexibility and options to fund storm water programs.
3. Continue to support legislation that would amend the California Constitution to exempt fees and charges for flood control, storm water, street lighting and urban runoff management from Proposition 218.
4. Support additional statutory changes to address outstanding SB 5 (Chapter 364, Statutes of 2007) implementation issues.
5. Support streamlining of FEMA's administrative processes under the public assistance program.
6. Support changes to the State Water Resources Control Board's proposed Wetland and Riparian Protection Policy that results in a reasonable requirement that will have the least impact on the development, operation, and maintenance of essential public works projects and facilities.

7. Oppose federal cost-cutting endeavors made at the expense of state and local governments.
8. Support an exemption for routine maintenance of flood control facilities from the Clean Water Act's Section 404 permit requirements.
9. Support an amendment to Section 1601 of the State Fish and Game Code that exempts from the Streambed Alteration Agreement process: routine maintenance and preventative repair of existing flood control facilities; reconstruction of damaged flood control facilities; and, any activity which would impact up to three acres of jurisdictional area.
10. Oppose any attempts to impose requirements of the Surface Mining and Reclamation Act (SMARA) on county flood control and water conservation district activities.
11. Monitor implementation of Federal NPDES Storm water Regulation Phase II.
12. Support legislation, which exempts the act of Section 401 Clean Water Act certification by the State Water Resources Control Board (SWRCB) from review under the California Environmental Quality Act (CEQA).
13. Encourage the development of a statewide baseline Phase I NPDES permit which would include a definition of maximum extent practicable (MEP), safe harbor provisions, and state funding of inspections of state permitted facilities.
14. Participate in discussions with the State Water Resources Control Board regarding water quality violations by small sewer treatment plants.
15. Support efforts to reduce liability for public agencies to perform "Good Samaritan" cleanup of abandoned mines and concentrated environmental hazardous waste on private property.
16. Support efforts to develop new, or expand existing, storage capacity for flood control, water supply and environmental use.
17. Support legislation that authorizes/requires the Department of Water Resources to enter into funding partnerships with local agencies to study the adequacy of complete local flood control systems.
18. Support legislation that promotes a comprehensive plan for increased flood protection statewide.
19. Support legislation that promotes coordination of DWR, FEMA, and ACOE flood protection and flood plain management regulations.
20. Oppose legislation that shifts state or federal flood control liability or obligations to local agencies.
21. Support increased funding for integrated regional water management implementation.
22. Continue to work with the Department of Water Resources during the implementation phases of the Statewide Flood Control Needs Assessment as encapsulated in DWR's

## Flood Futures Report.

23. Support Delta solutions that are implemented in a manner that protects existing water rights, water quality, agriculture viability, Delta governance and flood management.
24. Support efforts to better coordinate agencies responsible for addressing illegal homeless encampment issues on public property.
25. Encourage regulatory agencies responsible for protection of habitat and wildlife to enforce protection regulations on private properties.
26. Support bill proposals to improve water quality by regulating and controlling source contaminants.
27. Support legislation that would amend Government Code Section 8690.6(b) to increase the amount on the unencumbered balance in the Disaster Response Emergency Operations Account.
28. Support legislation that would allow and encourage state and federal regulatory agencies to offer service agreements with large-volume public entity or utility applicants and permittees to fund additional personnel or contractors needed for expeditious permit processing.

## LAND USE

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1. Expand current SB 375 CEQA streamlining for specified infill projects to all infrastructure necessary to support that development.
2. Support funding sources for infrastructure related to infill projects that fall under the CEQA streamlining in SB 375.
3. [CEQA Streamlining – Infrastructure for Infill Housing. Support CEQA streamlining for infrastructure necessary to support infill development.](#)
- 2.4. Support guidelines for the Affordable Housing and Sustainable Communities grant program, and other programs funded with cap and trade auction proceeds, that ensure that counties are well-positioned to take advantage of these funding opportunities

## SURVEYOR

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1. Include funding for horizontal and vertical control surveying networks to support transportation infrastructure construction in future infrastructure funding legislation.
2. Support legislation that would allow use of no more than 25% of the Survey Monument Preservation Fund for examining of records of survey and corner records so that the cost of service is covered.
3. Participate in the California Geographic Information Association and the California Geographic Information Coordinating Council.
4. Support funding for Counties' Geographic Information Systems (e.g. authorize local

agencies to recover full costs of creating and maintaining automated records).

5. Support legislation which will allow use of a non-conditional lot line adjustment map to replace the lot line adjustment process.
6. Support legislation that would clarify section 66428 of the Government Code relative to a parcel map requirement for a public agency.

## **RESOURCE RECOVERY & WASTE MANAGEMENT**

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1. Support legislation that requires state, federal, and other public agencies to comply with diversion mandates set forth by AB 939. If for some reason these agencies are unable to comply, their waste shall be excluded from local jurisdiction's base and reporting years - "total waste generated". Therefore, local jurisdictions shall not be required to divert waste that is generated by state, federal facilities or other public agencies, such as school districts.
2. Oppose legislation that would allow low-level radiation disposal at Class III municipal landfills.
3. Support legislation to incorporate more recycled materials (especially waste tires) into Caltrans road construction/rehabilitation projects.
4. Support legislation and collaborate with other organizations that would increase manufacturer responsibility and product stewardship.
5. Support legislation that enables local agencies to enter into waste hauling contracts that provides for cost-effective implementation of AB 939.
6. Support policies and legislation that aims to promote improved markets for recyclable materials, and encourages: the use of recycled content in products sold in California; the creation of economic incentives for the use of recycled materials; and the expansion of the Beverage Container Recycling Grant Program.
7. Oppose legislation that increases or creates surcharges on local landfills to fund State programs having limited benefit to local jurisdiction's solid waste programs.
8. Support legislation that would promote development of conversion technologies, with full diversion credit, as an alternative to land filling, and provide state funding to local jurisdictions for such projects.
9. Support administrative and/or legislative changes that would, for the purpose of measuring compliance with requirements of the California Integrated Waste Management Act of 1989, focus on diversion programs rather than diversion or per capita disposal rates.
10. Support administrative and legislative changes to impose penalties on haulers and solid waste facilities for misrepresenting the origin of waste disposal data.
11. Support legislation that ensures local government's authority to direct the flow of waste.
12. Monitor all legislative, regulatory and administrative (i.e., rules, policies, guidelines, and procedures) proposals, including those from regulatory agencies relating to solid waste

management (i.e., double liner requirements).

13. Support administrative and legislative efforts to eliminate overlap and enhance coordination between the Department of Resources, Recycling and Recovery, air districts and other Cal EPA agencies and oppose contradictory goals and missions among state agencies.
14. Support administrative and legislative changes that would enhance coordination of programs and regulations between the Department of Resources, Recycling and Recovery and the State Water Resources and Regional Water Quality Control Boards regarding collection of trash/debris before it enters the waters of the state and its affects on waste diversion activities.
15. Support legislation that protects local solid waste franchising and fee-setting authority and oppose legislation that imposes unfunded mandates on local governments, places local governments in a position of monitoring and/or enforcing compliance with state regulations that should be the responsibility of the state agency that promulgates the regulations, or subjects local agencies to civil penalties for actions or decisions made by private companies.
- ~~15-16.~~ Support legislation requiring manufacturer responsibility and/or point-of-sale surcharges for universal, special and hazardous wastes.
- ~~16-17.~~ Support legislation that encourages and provides economic incentives for the conversion of landfill gas as a renewable energy resource and its role in meeting California's Renewable Portfolio Standard.
- ~~17-18.~~ Support reliable funding, meaningful market development, solid waste siting reform and additional tools, including conversion technology, as necessary components to any new solid waste diversion requirement.

## **TRANSPORTATION, RESOURCE RECOVERY AND WASTE MANAGEMENT & FLOOD CONTROL**

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1. Monitor and respond to legislative and regulatory activities of the State Water Resources Control Board (SWRCB).
2. Support legislation that places on regulatory agencies provisions similar in nature to those in Fish and Game Code Section 1600 regarding application processing deadlines for publicly-owned infrastructure projects.
3. Support legislation that would reduce State staffing redundancies and streamline State permit processes by directing State regulatory agencies to defer fish and wildlife and habitat mitigation requirements to the State Department of Fish and Wildlife.

## **DESIGN IMMUNITY**

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1. Consistent with CSAC policy related to tort reform – that government should not be more liable than private parties and in some cases there is reason for government to be less liable than private parties:
  - a. Support proposals to mitigate the effects of joint and several liability upon public entities by limiting liability to any party to be responsible for their own proportion



- of damages.
- b. Support proposals to strengthen the statutory immunities associated with the operation of public infrastructure such as immunities under Government Code Section 830 et seq.
  - c. Support proposals that limit post judgment interest and/or that provide public entities with the flexibility in paying judgments over time.
  - d. Support proposals to mitigate the effects of liability upon public entities by applying the Doctrine of Comparative Fault to inverse condemnation actions.

## **MISCELLANEOUS**

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1. Sponsor resolution that encourages the California State University System to provide additional educational opportunities for potential engineering and technical students.

## **OVERSIGHT & SPECIAL TASKS COMMITTEE**

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1. Continue development of CEAC/CSAC relationship and CEAC committee structure and legislative involvement.

## **ADMINISTRATIVE RESPONSIBILITIES**

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~~1. Develop an educational and informative presentation regarding the role of public works in county government for presentation at the CSAC New Supervisors Institute and seek representative from CEAC to present information.~~

1. Coordinate, design, format and assist in the preparation of the CEAC Annual Report.
2. Coordinate, develop and format CEAC Policy and Legislative Priorities on an annual basis.
3. Coordinate, develop and format CEAC Legislative and Administrative Policy Guidelines on an annual basis.
4. Attend, prepare agendas, secure speakers and provide presentations at CEAC policy committee meetings (at a minimum of three meetings a year per committee)
  - a. Transportation
  - b. Land Use
  - c. Flood Control and Water Resources
  - d. Resource Recovery and Waste Management
  - e. Surveyor
  - f.e. Oversight and Special Tasks
5. Attend and provide presentations, as available, at CEAC regional meetings (they meet at a minimum of two to three times a year each)
  - a. Northern California Region
  - b. Bay Area Region
  - c. Central Coast Region
  - d. Sacramento Mother-Lode Region
  - e. San Joaquin Valley Region
  - f. Southern California Region
6. Attend and provide presentations at CEAC Board of Director meetings (at a minimum of three times a year).

7. Assist in preparation and organization of the CEAC spring and fall conferences, as well as the CEAC policy conference. Coordination includes development and organization of the CEAC guest program, annual NACE president's dinner, recruiting and coordinating conference speakers and sponsors, reserving adequate meeting rooms, catering, audio-visual, transportation, registration, etc.
8. Coordinate & monitor the CEAC Hospitality Suite: appropriate room, site visits, cleanup, etc.
9. Reconcile the financial accounting for the spring & annual conferences between CEAC, the League and CSAC working as the liaison between the CSAC director of finance and CEAC treasurer.
10. Update and maintain accurate CEAC databases.
11. Coordinate and publish CEAC documentation:
  - a. designing announcements
  - b. programs
  - c. agendas
  - d. postcards
  - e. invitations
  - f. notices
  - g. flyers
12. Prepare and publish CEAC Roster annually.
13. Prepare and publish CEAC Stationary.
14. Publish CEAC Newsletter four times a year.
15. Prepare and ~~notice publish monthly~~ legislative reports for the five CEAC policy committees as needed.
16. Update and maintain CEAC website.
17. Track and prepare financial analysis for CEAC budget.
18. Coordinate, review and share administration of the CEAC/League of California Cities contract for the spring meeting, and various RFP's for CEAC consultants.
- ~~18-19.~~ Participate in and support CSAC in legislative, budget, and administrative efforts and other special projects as needed, i.e. local streets and roads needs assessment, local streets and roads awards program, CCIPC, etc.