

County of San Bernardino



2007 State Legislative Platform

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**Indicates sponsored legislation

Government Finance and Operations

1. 2006-2007 Budget, Revenue Protection and Program Cost Shifts

Property Tax Administration Grants

Grants to counties for property tax administration are funded at \$54.3 million, reflecting a reduction of \$5.7 million from the 2004-05 level.

COPS/Juvenile Justice

The Governor's 2005-06 budget contains \$100 million to maintain the current-year level of support for the COPS program, which supports local law enforcement front-line services. However, the budget proposes to reduce support for intervention and prevention programs funded through the Juvenile Justice Crime Prevention Act by \$75 million.

The budget indicates that the Board of Corrections will be responsible for distributing the remaining \$25 million (less \$250,000 in administrative costs) for juvenile justice programs to counties.

Child Support Automation Penalty Pass-through

As a result of California's delay in implementing a single, statewide-automated child support system, the federal government has levied annual federal penalties against the state. The Governor's Budget includes \$218 million General Fund for payment of the federal fiscal year (FFY) 2005 penalty. The Governor's Budget also assumes that the federal government will allow the state to defer payment of the FFY 2006 penalty, if any, to September 30, 2006.

Realignment

For 2005-06, Realignment revenues are estimated to total \$4.3 billion, which represents an increase of \$227.3 million above 2004-05. The \$4.3 billion total includes \$2.7 billion in sales tax revenues and \$1.6 billion in Vehicle License Fee revenues. The projected \$173.9 million in sales tax growth will be distributed to the Caseload Sub-account to pay the balance of unfunded 2002-03 caseload growth (\$45.7 million) and the remainder (\$128.2 million) will be applied toward a portion of the unfunded 2003-04 caseload growth. The \$53.4 million in projected VLF growth will be distributed pursuant to current statute.

LEGISLATIVE POSITION:

- Oppose attempts (beyond FY 2005-06 obligation share of \$1.3 billion) to balance state budget by diminishing county discretionary revenue or modifying program cost sharing ratios at the expense of counties.

2. Reimbursement for Special Election Costs

The October 7, 2003 recall election was successfully conducted by counties, however, counties were not reimbursed for the costs of the recall. The Governor

called another special election for fall 2005 to address a number of reform proposals, with counties incurring expenses to conduct the election.

LEGISLATIVE POSITION:

- Support legislation that allows for the reimbursement of election costs, both for the October 7, 2003 recall election and future unfunded special elections.

3. Pension Reform

The Governor is proposing a constitutional amendment that prohibits the state or any local government from offering defined benefit retirement plans to employees hired after July 1, 2007. The Governor's proposed constitutional amendment would, instead, limit newly hired state and local government employees to Defined Contribution (DC) plans in which both the employer and employee could make contributions. One related constitutional amendment proposal has been introduced in ACA 5 by Assembly Member Keith Richman that would, in addition to proposals by the Governor, place limits on annual contributions made by public employers to the DC plan.

LEGISLATIVE POSITION:

- Support efforts to reduce public pension liabilities.

4. County Collections

The courts order criminal defendants and traffic offenders to pay various fines and fees that are collected by Central Collections, which produce county revenue.

Prior to AB 3000, existing law allowed the Board of Supervisors of a county to determine the order of priority in which disbursements are made from funds provided by installment payments on criminal fines and fees, or collected by the Franchise Tax Board for criminal fines and fees that are delinquent. In addition, prior law also allowed the Board of Supervisors to determine the priority of payment between court orders or parts of orders when defendants have been ordered to pay more than one court order. AB 3000 was introduced by the Budget Committee and became law on September 30, 2002. It amended Penal Code Sec. 1203.1d, among others.

AB 3000 requires the Board of Supervisors to mandate the following order of priority for disbursement of these funds: (a) restitution to the victim; (b) 10% State surcharge; (c) fines, penalty assessments and restitution fines, in an amount for each that is proportional to the amount levied for all those items; and (d) other reimbursable costs.

AB 3000 adds a state surcharge of 20% to the collection of victim restitution and fines. It also changes the priority of payments, to the advantage of the state and disadvantage of the county. The surcharge will be in effect until July 1, 2007.

All payments received by Central Collections are posted as prescribed under AB 3000, in accordance with its posting priorities regardless of the wishes of the

defendant. These payments often include probation supervision, investigation, drug testing, set-up, and attorney fees, all of which are county revenue.

By imposing a surcharge in favor of the state and giving it, as well as the state fines, higher priority over the fees owing to the county, AB 3000 will cause a decrease in county revenues. This may be made worse by an increase in the number of persons incarcerated as a result of their failure to pay certain fines. A decrease in collections for fees due the county may also result in increased demand on the general fund for payment if the county's contributions to the state for trial court funding are diminished. It is estimated that revenues may be reduced by \$1 million dollars per year.

LEGISLATIVE POSITION:

- Amend Penal Code section 1203.1d (b) to read:

With respect to installment payments and amounts collected by the Franchise Tax Board pursuant to Section 19282 of the Revenue and Taxation Code and subsequently transferred by the Controller pursuant to Section 19282 of the Revenue and Taxation Code, the Board of Supervisors shall provide that disbursements be made in the following priority:

- 1) Restitution ordered to, or on behalf of the victim pursuant to subdivision (f) of Section 1202.4.
- 2) The State Surcharge ordered pursuant to Section 1465.7 any fines, penalty assessments, restitution fines ordered pursuant to subdivision (b) of Section 1202.4 and any other fees or reimbursable costs. Payment of each of these items shall be made on a proportional basis to the total amount levied for all of these items.
 - a) The Board of Supervisors shall apply these priorities of disbursement to orders or parts of orders in cases where defendants have been ordered to pay more than one court order.
 - b) Documentary evidence, such as bills, receipts, repair estimates, insurance payment statements, payroll stubs, business records, and similar documents relevant to the value of the stolen or damaged property, medical expenses, and wages and profits lost shall not be excluded as hearsay evidence.

5. Tax and Revenue Anticipation Notes

Current law requires that county boards of supervisors issue Tax and Revenue Anticipation Notes (TRANS) and Grant Anticipation Notes on behalf of school and community college districts, with two primary ramifications. First, counties can be sued as necessary parties in the event something goes wrong with the sale or

repayment of the notes. Second, county staff spends time and resources on the issuance and sale of the notes for other public agencies.

Section 53853 (b) currently allows the County Board of Supervisors to transfer the responsibility of issuing TRANs to the county Board of Education or governing board of a school district only in the case of a note of a county board of education, school district, or community college district to be issued in conjunction with a note of one or more other county board of education, school district, or community college district (a "pooled" TRAN).

The California Association of County Treasurers and Tax Collectors is seeking legislation to allow districts to issue and sell TRANs on their own either as part of a pool or as a stand-alone issuance.

LEGISLATIVE POSITION:

- Support legislation introduced by the California Association of County Treasurers and Tax Collectors, which would reflect the independence of Districts in requirements regarding issuance of Tax and Revenue Anticipation Notes.

6. Risk Management

The County of San Bernardino has legislative concerns related to three main areas of Risk Management: tort liability, safety/loss control and workers compensation. All three have significant legislative histories and have enormous potential costs for public agencies. The Legislative Position positions outlined below reflect the County's priorities for Risk Management reform.

LEGISLATIVE POSITION:

- Support legislation to establish a cap for non-economic damages recoverable by plaintiffs for general liability claims and retention or lowering of the existing cap for medical malpractice.
- Support legislation to establish a cap for auto liability and other professional liability non-economic damages.
- Support legislation to enhance the effectiveness of government tort liability immunities.
- Oppose legislation that would authorize enforcement of Cal-OSHA regulations as criminal matters or would authorize enforcement by any other than Cal-OSHA.
- Oppose legislation to expand the third-party liability of public agencies for violations, injuries to workers, or mishaps for which another employer is responsible.
- Oppose arbitrary and unscientific ergonomic standards.
- Oppose standards under development by the Cal-OSHA Standards Board that would apply only to public employees.
- Support legislation that would repeal Cal-OSHA's ability to impose monetary fines upon public agencies for safety violations.
- Support legislation that will curtail abuses of the workers' compensation system.

- Oppose legislation to place workers' compensation coverage of government employees in a separate code, as this will make it easier for presumptions to move from police and fire personnel to all entity personnel.
- Support legislation to maintain or increase entry thresholds to obtain disability for stress-related disabilities.
- Protected Classes: Oppose legislative re-classification of existing occupations and expansion of the classes of persons considered employees and beneficiaries, for the purpose of entitlement to worker's compensation.

7. Retirement Systems

The State Association of County Retirement Systems has proposed legislation that would enable specific, named 1937 Act county retirement systems to become special districts for purposes of governance. It is proposed that this change in status would enable these county retirement systems to institute reforms better enabling them to compete for top-quality investment management staff.

This concept should be studied further to determine the County's ability to institute such changes within its existing employment system to remain competitive in the investment job market before advocating for creation of a special retirement system district in San Bernardino County.

LEGISLATIVE POSITION:

- Support the SACRS Proposal only if statutes provide each county with permissive authority to create separate special district status for its 1937 Act County Retirement System.

8. Reduce Surveillance Video Retention Time

Existing statutes require public entities to store video surveillance footage for one year. Because equipment storage capacity limits law enforcement agencies' ability to store video images, compliance would require purchase of expensive external storage arrays.

When introduced as evidence in court proceedings, videotape has been challenged many times, based on assertions that protection from tampering cannot be guaranteed. Conversely, current digital technology being deployed allows for the "burning" of a video CD that is watermarked with a Federal Bureau of Investigation (FBI) certified method that ensures no tampering with the image has occurred.

The storage on video CD, while cost effective on an individual incident basis, is not feasible for the storage of all routine video surveillance data. A jail installation, where the best image rate to capture incidents accurately is 12 images per second, per camera, would require significant additional expense on each installation, solely to provide long-term storage of images showing all routine movement in the facility. The additional cost for storing all images for one year could make installation of a new system unaffordable.

Reducing the storage requirement to 90 days for all video surveillance footage would provide sufficient time to transfer incident-specific images to video CD to meet requirements associated with pending litigation or claims.

LEGISLATIVE POSITION:

- Support legislation that requires public entities to store video surveillance images for as long as the recording equipment's internal storage capacity will permit on video equipment installed before January 1, 2006. For equipment installed after that date, require public entities to provide the longest storage capacity both economically and technologically feasible at the time of installation, with 90 days of storage as the ultimate goal.

9. Juvenile Justice Crime Prevention Act Funding

AB 1913, Chapter 353 of the Statutes of 2000, established the Juvenile Justice Crime Prevention Act (JJCPA). The Act provides approximately \$5.1 million in annual state funding to the county for juvenile crime prevention programs. The Juvenile Justice Coordinating Council (JJCC), a committee mandated by legislation and filled by stakeholder agencies and community representatives, develops and oversees juvenile prevention and intervention programs throughout the county.

The Governor's January Budget Proposal included a 75% reduction of this funding, which will equate to a County loss of over \$3.8 million annually. This funding is used to address juvenile crime prevention and to focus on public safety. Current programs funded by the Act include: Day Reporting Centers, House Arrest Program, SUCCESS Program, Let's End Truancy, and School Probation Officer. Each program is designed to utilize probation officers, community based organizations, school personnel, and other resources to meet the diverse needs of youth throughout the County.

Loss of 75% of the funding for these programs will place the youth in this County in jeopardy, as the county will no longer be able to operate the preventative programs currently in place. This will make juveniles more susceptible to negative influences, such as gangs and drugs. Truancy rates will likely rise, and there will be far fewer opportunities for early intervention and treatment of juveniles before they enter into the juvenile justice system.

According to a March 2004 annual report by the Board of Corrections, youthful offenders who have attended JJCPA programs are less likely to be arrested or incarcerated, more likely to complete community service programs, more likely to attend school, less likely to be suspended or expelled, and are testing at much higher grade point averages than at-risk youths who don't participate in JJCPA programs.

LEGISLATIVE POSITION:

- Support legislation and budget efforts to protect or increase Juvenile Justice Crime Prevention Act funding.

10. County Collections Access to State Database

San Bernardino County, through its Central Collections Division, collects approximately \$25 Million annually. That sum includes delinquent and disputed payments from insurance companies, delinquent payments from private pay patients at Arrowhead Regional Medical Center, traffic citations, court ordered fines, state restitution fines, court ordered victim restitution, and other debts to the county, the courts, and State of California, and other public agencies.

A successful collection effort requires detailed information about the debtor, including the debtor's address, place of employment and assets. Such information is best obtained with a social security number. With a social security number, Central Collections can accurately and efficiently obtain earnings, records and place of employment information from the State of California Employment Development Department (EDD), and from credit reporting agencies. Such information is often crucial for collecting debts owed to the county, and to others for whom the county collects money, including the courts, the state and crime victims. Social security numbers also serve as an important check on the identification of debtors, so that confusion is avoided between people with the same name.

The Franchise Tax Board operates a Tax Intercept Program. Using the program, the county may garnish a debtor's tax refund through the Franchise Tax Board. However, if the county cannot provide the debtor's social security number to the Franchise Tax Board, the Franchise Tax Board will not garnish the debtor's refund. Moreover, the Franchise Tax Board will not use its authority to obtain social security numbers from the DMV so that the county can participate in the program. This puts the county in a Catch 22 situation because the county can't participate in the Franchise Tax Board's Tax Intercept Program for a debtor unless it knows the debtor's social security number, and the Franchise Tax Board won't provide social security numbers to the county even though the Franchise Tax Board has access to them.

The Department of Motor Vehicles (DMV) maintains a database of social security numbers. Under current California law, the database maintained by DMV is only available to the Franchise Tax Board for collections purposes. Under the proposal, the DMV would be required to disclose social security numbers to the county or the Franchise Tax Board for collections purposes.

LEGISLATIVE POSITION:

- Sponsor legislation to allow the DMV to disclose social security numbers to the county or the Franchise Tax Board and limit the use to collections activities and would be subject to the same limitations, protections, and confidentiality requirements that currently apply to county collections activities and to governmental entities that have access to social security numbers.

11. Sales and Use Tax

At a time when San Bernardino's growing population demands an increase in public safety enhancements, local governments are hard pressed to marshal the resources needed for police and fire protection. In some cases, hundreds of thousands of dollars are spent on sales and use taxes by public safety agencies.

Specifically identifying public safety related capital expenditures, including fire trucks, ambulances, helicopters, and similar "big ticket" items, as providing a "general public benefit," those expenditures should qualify for an exemption from sales and use tax just as nonprofit and educational organizations are entitled to exemptions. Public safety capital equipment expenditures can reasonably prove to be at least as great a "public benefit."

The State Board of Equalization has the ability, through an administrative ruling, to identify and classify public safety capital expenditures as providing a "general public benefit," qualifying those purchases for an exemption from sales and use taxes. Board of Equalization Board Members should be contacted and the issue, and potential impact on local public safety providers, articulated. Absent a favorable administrative ruling, legislative representatives could be asked to sponsor legislation specifically addressing the exemption issue.

LEGISLATIVE POSITION:

- Sponsor legislation to create a general public benefit exemption for Public Safety purchases.

12. Proposition 50 Funding

Assembly Bill (AB) 1747 (Oropeza, Chapter 240 Statutes of 2003) provides specific mandates and guidance for implementing Proposition 50, includes an exemption from the Office of Administrative Law review and approval process, directs \$20 million from the IRWM Grant Program for competitive grants for groundwater management and recharge projects, and includes a preference for water quality projects that will eliminate or significantly reduce pollution into impaired waters and sensitive habitat areas, including areas of special biological significance.

The bill would require the Department of Water Resources to allocate, of the funds appropriated to the department for those purposes, the sum of not less than \$20 million to competitive grants for groundwater management and recharge projects. The bill would require that not more than 50% of the grants be for projects in northern California. The bill would require the department, for projects in southern California, to give preference to projects outside the service area of the Metropolitan Water District of Southern California that are infill projects within one mile of established residential and commercial development.

LEGISLATIVE POSITION:

- Track and support Proposition 50 funding in order to maximize the County's advantage in competing for Proposition 50 funding awards and allocations.

Human Services

1. IHSS Simplification and Funding Protection

The In-Home Supportive Services (IHSS) program provides services to clients who are aged and/or disabled, and require assistance with activities of daily living to safely remain in their home. The program is governed by both State and Federal regulations. As with many of the programs counties operate on behalf of the State and Federal governments, a lack of standardization of some eligibility requirements exists and funding streams supporting the IHSS program are fragmented and inconsistent with other programs from the same Federal funding source.

LEGISLATIVE POSITION:

- Support legislation and regulatory efforts to streamline, protect, and ensure adequate future funding and maximize simplification of the IHSS program.

2. Continued Services for Elderly during State Budget Delays

Currently there is no provision for continued appropriations for elder programs in the event of state budget delays. Existing law provides for the administration of local Area Agencies on Aging (AAA's) through the California Department on Aging. Funding for the 33 AAA's is 90% federal, 10% state General Fund. The federal funds are appropriated through the Older Americans Act. Local AAA's contract with local agencies to provide services to seniors, including home-delivered and congregate meals, supportive services, and community-based services. Should a state budget be delayed, the Department of Aging cannot allocate the federal funds to the AAA's so that services are continued. San Bernardino County has been faced with continuing these contracts with local funds when there is a state budget delay.

LEGISLATIVE POSITION:

- Support legislation to ensure continued state pass-through of Federal funding of Older American's Act programs in the absence of a state budget by July 1.

3. Protection of Elders and Dependent Adults

County Adult Protective Services (APS) agencies face an ever-increasing population of the elderly due to the addition of the baby-boomer generation to the 65+-age bracket. Social work staff is faced with responding to an increasing number of reports while doing quality social work. The local APS agency is tasked with maximizing the protection of elders and dependent adults within existing funding sources. Federal studies have shown that only 2% of all monies for the protection of victims of abuse is spent on the elderly.

With increasing awareness of elder and dependent adult abuse, the public continues to make referrals of possible abuse and neglect to the county APS agency. National studies have estimated that many instances of elder abuse are never reported. Elder abuse occurs in poor, middle and upper class households and in cities, suburbs, rural areas, and institutions.

Funding for the APS Program has remained stagnant despite increased reports of elder and dependent adult caseloads and despite steadily increasing caseloads in APS. This problem will be further exacerbated as the population of elders in California is expected to increase dramatically over the next few years. Rampant growth in the APS caseload within a capped allocation has resulted in fewer services to abused and neglected elders and dependent adults.

LEGISLATIVE POSITION:

- Support legislation aimed at providing a consistent approach to the protection of elders and dependent adults and protecting or enhancing current funding sources.

4. Long-Term Care Ombudsman Program

The Long-Term Care Ombudsman Program provides advocacy services on behalf of residents residing in licensed long-term care facilities such as skilled nursing homes and residential care facilities. The program is mandated in federal and state law and supported by federal and state General Fund dollars. Ombudsmen provide a regular presence in all long-term care facilities for the elderly by monitoring and investigating quality of life and quality of care issues. They investigate and resolve complaints and often collaborate with related agencies such as licensing and local law enforcement.

The local Long Term Care Ombudsman Programs have received the same base funding since 1986. This amount was intended to be the base operating budget for the cost of maintenance of operation and supportive resources for investigative fieldwork. While the State provides General Fund monies for the program, the State is under no federal obligation to do so. Recurrent State budget deficits could result in the State reducing program funding, especially for recruitment, training, and support of the program. The recruitment, training, and support of the Ombudsman volunteers are critical to the programs' ability to meet the mandates of the Older Americans Act.

LEGISLATIVE POSITION:

- Support adequate funding for the timely provision of Ombudsman services to all adult and elderly residents of long-term facilities.

5. Senior Nutrition Services Reimbursement Rate

Nutritional well-being is an integral part of the overall health, independence, and quality of life for older persons. Senior nutrition programs are a key component of the service networks that provide elders with a continuum of home and community-based care, thus avoiding unnecessary and costly institutionalization. State senior nutrition programs, such as the Brown Bag Program, provide surplus vegetables and other unsold food products to low-income seniors. These programs assist seniors in maintaining independence and have healthy diets, supplements their food budgets, and reduces food waste.

About nine percent of the senior population in this county live below the Federal poverty level. By 2020, the county's senior population will double, leading to an increased demand for senior nutrition services. However, funding for these services has not kept up with the increasing costs for both the state and federal senior nutrition programs. Cost for delivery of meals through the federal senior nutrition program has grown 27 percent since 2001, underscoring the need for increased state and federal funding in this area.

LEGISLATIVE POSITION:

- Support legislation and related budget actions to protect or increase funding for state senior nutrition programs, such as the Senior Farmers' Market Nutrition Program, the Emergency Food Assistance Program, and the Brown Bag Program.
- Support legislation and related budget actions to protect and increase state financial participation in the federal senior nutrition programs.

6. Hospital Staffing Ratios

California's nurse staff ratio law (Statutes 1999, Chapter 945, AB 394) was passed by the California Legislature and signed into law by Governor Gray Davis in 1999. The bill's passage, which was sponsored by health care labor unions, followed several failed attempts by those same organizations throughout the 1990s to regulate nurse staffing through legislation and ballot initiatives.

The dire nature of California's nursing shortage has resulted in a lack of nurses to make this requirement work. As a result, overcrowded Emergency Rooms in many hospitals have created delays in transfers and admitting of new patients. In an effort to comply with the mandated nurse staff ratios, nursing units, and local hospitals, have been closed to new admissions, which directly effects the existing overcrowding in the Arrowhead Regional Medical Center's Emergency Room. Hospitals like Arrowhead Regional Medical Center that have been able to hire enough nurses to meet the ratios find themselves having to utilize nurse registries to meet the staffing ratio in specialized nursing units. It is very difficult to recruit and retain a sufficient number of nurses to meet the mandated ratios due to the ongoing economic competitiveness between local hospitals. In addition, according to the State Department of Health Services, the ratios are expected to cost hospitals hundreds of millions of dollars yearly.

Further efforts to expand staffing ratios to other professions by various unions representing hospital healthcare workers are expected in the next session. Two bills that would have opened the door to staffing ratios for non-nursing hospital staff were introduced in the last legislative session. Although neither bill passed, the sponsors, the Service Employees International Union, have vowed to reintroduce similar legislation in the next session. This points out the dangers that could lie ahead as staffing ratio proponents attempt to expand ratio programs to other hospital staff. Any such expansion of staffing ratios would increase the cost to operate Arrowhead Regional Medical Center and other hospitals. The hospitals (or patients that they

serve, because the cost of medical care is already more than most people can afford, especially those without jobs and health insurance) cannot tolerate this cost increase. Due to their inability to pay, more patients will be forced to utilize safety-net hospitals like Arrowhead Regional Medical Center, thereby adding to the existing strain on the safety-net hospitals' resources.

LEGISLATIVE POSITION:

- Oppose any legislation that would seek to expand nursing ratios

7. Transfer AB 3632 Program to the Department of Education

Federal law, the Individuals with Disabilities Education Act (IDEA) requires schools to provide special education services, including mental health services for Seriously Emotionally Disturbed (SED) children, to help special education students benefit from educational services.

In 1984, the California Legislature passed AB 3632, landmark legislation that assigned and parceled out responsibility to state agencies and departments in meeting the goals and objectives of IDEA. In broad terms, this legislation assigned schools the responsibility to educate, special education students, county mental health agencies the responsibility to provide them with mental health services if needed, and the state Department of Social Services the responsibility of providing out-of-home care if needed. In 1996, the state also shifted responsibility for mental health services of students placed in out-of-state residential facilities to county mental health agencies.

Because of delays in reimbursing counties for treatment costs for SED children, and chronically insufficient state General Fund appropriations for the program, counties, left largely on their own, have paid much of the treatment costs in recent years. The total amount of statewide, un-reimbursed county costs is now estimated to have grown to well over \$100 million.

LEGISLATIVE POSITION:

- Support full retroactive and prospective reimbursement of costs incurred by county mental health departments for providing eligible mental health treatment services to Special Education Program (SEP) pupils (AB 3632). If full funding is not realized, promote restructuring of AB 3632 mandate on counties to return financial responsibility of this special education program to education.

8. Jail Inmates Mental Health Medications

In the 1970s, the State of California placed a significant burden upon local governments by mandating the closure of the state mental hospitals. Today the de-facto mental hospitals have become the county jails. In fact, up to 20% of all jail inmates are mentally ill and in need of intensive treatment and/or medication.

As jails house more mentally ill inmates, and the cost of providing the more effective psychiatric medications to these inmates has increased, an increasing percentage of

the Department of Behavioral Health's medication budgets must now be devoted to psychiatric medications DBH is faced with the choice of providing only older, less effective medications (that have more side effects and, thus, lower compliance rates), or purchasing the newer, more expensive and more effective medications.

The new medications are often more costly than older medications, yet produce less adverse side effects. The use of newer, more effective psychotropic medications, with fewer side effects, is likely to increase compliance among mental health consumers in county correctional facilities, furthering their treatment and contributing to a safer and more effective correctional climate. The ultimate goal is to ensure that mentally ill offenders are provided proper medication and treatment to minimize future instances of crime. (This item is also supported by the Sheriff's Department.)

LEGISLATIVE POSITION:

- Support legislation that would provide financial assistance to the Behavioral Health Department to allow the purchase the newer and more effective mental health medications for jail inmates with mental illness.

9. Federal Mandate Conformity

Child Welfare Services is a program authorized, regulated, and funded chiefly by the Federal IV-B and IV-E programs. States may add further conditions or program enhancements that are not federally funded. When state budgets shrink, the ability to sustain inadequately funded state mandates declines. State mandates have been added back to statute and regulation, adding workload complexities that are not required by federal law.

LEGISLATIVE POSITION:

- Support legislation to eliminate any state child welfare mandates not required by federal IV-B or IV-E programs.

10. Minimum Workload Standards

SB 2030, Statutes of 1998, mandated an independent evaluation of the child welfare services workload in order to make updated recommendations on caseload standards necessary to support the mandated duties. Current funding is based on caseload standards developed in the early 1980s. Since then, an explosion of substance abuse has resulted in more complex and challenging child abuse cases. This, coupled with other demographic changes and new state and federal requirements, has dramatically increased the workload. The evaluator's report demonstrated the severe under funding of Child Welfare Services that makes it impossible for counties to meet the minimum regulatory requirements.

LEGISLATIVE POSITION:

- Support legislation and budgetary efforts to recognize the current under funding of Child Welfare Services and support efforts to fund the program at the SB 2030 recommended minimum caseload standards.

11. Simplify Public Health Funding Agreements

DHS funds most of its public health services through county and city local health departments. The 61 city and county health departments receive public health funding through more than 1,000 categorical agreements that total less than half a billion dollars in local assistance funds. DHS' Contracts Management Unit (CMU), which processes all contracts, estimates that the department now administers 3,000 contracts with local health departments. San Bernardino County currently has approximately 50 contracts with DHS.

County health departments face competing application and reporting deadlines from DHS programs. The administrative burden of managing contracts with the state significantly reduces the time staff can devote to program activities. DHS' contract procedure has little flexibility to address existing and emerging local health issues. Most existing contracts are overly complicated and focused on spending allocations rather than measurable public health goals. In addition, delays in executing contracts, which are common, places a financial burden on local health departments, which must provide the services on faith that the state will eventually complete the contract procedure.

By contrast, some public health programs have statutory authority to fund local health departments through allocation or subvention agreements instead of contracts. The allocation agreements with city and county health departments do not pose a financial risk to the state or eliminate local health departments' accountability for performance. Allocations have also been exempt from recent contract freezes that have delayed contracts beyond the normal timeframes, assuring the funding and delivery of public health services.

LEGISLATIVE POSITION:

- Support legislation that requires the use of allocation agreements instead of contracts, and to consolidate multiple program and reporting requirements for programs administered by county and city health departments on behalf of the state.

12. CalWORKs and Food Stamps

Temporary Assistance to Needy Families (TANF), which is known as CalWORKs in California, has been very successful in moving families from welfare to work. The combination of an extremely healthy economy for the past several years and the implementation of welfare reform has resulted in substantial reductions in both the number of families receiving cash assistance and the incidence of child poverty. The TANF program was reauthorized and major developments in the federal welfare legislation have significant implications for local governments in California. TANF Reauthorization regulations call for tougher work requirements and increase the proportion of each state's welfare recipients who must be working or actively seeking work.

Current law exempts one motor vehicle for the purposes of determining Non- Public Assistance Food Stamp program eligibility. CalWORKs recipients who are also eligible for Food Stamps are still bound by current motor vehicle asset determination requirements. Such disparity between the two program requirements can lead to increased error rates, which could result in increased penalties for both the state and counties.

California allows for a vehicle value of up to \$4,650 to qualify for CalWORKs. Owning a vehicle of this value often means that a recipient will have a vehicle that frequently needs repairs or breaks down, perhaps leading to loss of employment. A study by UC Berkeley found that with a reliable vehicle, public assistance recipients are 75% more likely to find employment, and if employed, 75% more likely to remain employed.

As California enacts legislation to implement the federal proposals, the county will need to take proactive efforts in shaping the new CalWORKs laws and regulations, with the goal of ensuring local flexibility in the CalWORKs program.

LEGISLATIVE POSITION:

- Support legislation and related budget actions to protect or increase CalWORKs administration funding and maintain local flexibility in CalWORKs program requirements.
- Support legislation promoting increased alignment between the Food Stamp program and CalWORKs requirements including exempting one motor vehicle from assets used to determine CalWORKs eligibility in order to improve work participation rates.

13. Increase Local Funding For County Veterans Service Offices

County Veterans Service Offices (CVSOs) play a vital role in the local veteran community, not only within the VA claims process, but in other aspects as well, including providing information about all veterans' benefits (federal, state and local) as well as claims assistance for all veteran-related benefits, referring veterans to ancillary community resources, providing hands-on development and case management services for claims and appeals, and transporting local veterans to VA facilities.

CVSOs receive \$5 million statewide from the California Department of Veterans Affairs. San Bernardino County's annual subvention from the State is \$299,000. The California Association of County Veterans Service Officers intends to introduce legislation to increase the State \$5 million subvention to counties. Increasing funding for county veteran service offices will ensure that local agencies have the financial resources to continue to provide services to veterans efficiently and effectively.

LEGISLATIVE POSITION:

- Support state legislation to increase state subvention of county veterans service offices.

14. Probate Court Investigators as Mandated Reporters

With enactment of the Omnibus Conservatorship and Guardianship Reform Act of 2006, more frequent visits to conservatees by probate court investigators, as mandated by the Act, provide additional opportunities to identify elder and dependent adult conservatees who may be victims of abuse or neglect. However, neither current law nor the Act requires court investigators to report to the local Adult Protective Services agency when they encounter conservatees who may be victims of abuse or neglect. In addition, there is no statutory provision allowing local APS agencies to cross-report to probate court investigators when, during the course of investigation of an incident of elder or dependent adult abuse, it is discovered that the elder or dependent adult is under conservatorship. The cross-reporting relationship between probate court investigators and APS will assist the courts in addressing problems in the conservatorship and enable local APS agencies to provide referrals to needed programs and services for conservatees who would not otherwise be identified as needing those services.

LEGISLATIVE POSITION:

- Support legislation to make probate court investigators mandated reporters, require court investigators to cross-report encountered incidents of abuse or neglect to the local APS agency, and require APS to cross-report to the court investigators when it is discovered that an APS referral from a third-party involves a person under conservatorship.

15. IHSS Quarterly Wellness Checks

Increased demands for In-Home Supportive Services lead county welfare departments to focus more on eligibility determinations rather than ensuring actual delivery of services, adequacy of those services to meet consumer needs, and overall well being of the client. For many clients, the IHSS program has become more of a technical program and less of a social services program.

State regulations require that county social workers conduct annual re-evaluations of IHSS clients to determine if a client's need for IHSS services still exists and whether the types of services delivered are adequate for the client's needs. However, an annual re-evaluation may be too long a period to verify level of need as health status can rapidly deteriorate in the frail elderly. There are certain populations among IHSS clients that would benefit from quarterly wellness checks to ensure that an IHSS client is receiving the level of services a client needs, and has access to other community-based services as their needs change.

LEGISLATIVE POSITION:

- Support legislation and budget actions to allow county welfare departments to conduct quarterly wellness checks on the most frail of the IHSS population.

16. Foster Care in For-Profit Facilities

California law prohibits the payment of AFDC-FC to for-profit foster care facilities. When the county must place a child in such a facility, it must pay 100% county funds.

However, Federal IV-E law and regulations do not limit the payment of federal IV-E maintenance payments to non-profit facilities. A foster care facility must be licensed according to the state standards and either a “private child care institution” or a “public child care institution for no more than 25 children”.

State law limits the payment of AFDC-FC (both federal and state-only) to those privately operated group homes that are “organized and operated on a non-profit basis only ...”

For a small percentage of children, usually developmentally delayed children also receiving services from the Regional Center, there are no alternative placement resources. Counties must place these children in a for-profit facility and the payments are 100% county funds. Although this foster child population is small, the placement costs for counties are extraordinary and should be largely borne by federal and state-only AFDC-FC funds.

LEGISLATIVE POSITION:

- Support legislation creating a narrow exception for AFDC-FC payments to Regional Center approved for-profit facilities if the county placing agency can demonstrate that there are no alternative placement resources.

17. Extension of Fry v. Saenz to Foster Children

In the recent Fry v. Saenz appellate decision, the court ruled that California must stop terminating CalWORKs benefits to disabled CalWORKs students who are unable to complete high school by age 19 because of their disabilities. The court held that the completion by age 19 discriminates against children with disabilities in violation of the Americans with Disabilities Act and undermines the purpose of the program for recipients to attain economic self-sufficiency. However, the court decision is silent as to whether this decision equally applies to AFDC-FC disabled students who are currently denied benefits if they are unable to complete high school by age 19.

The Juvenile Courts do not permit counties to dismiss a foster youth from the foster care system if the youth has a learning disability and has not yet earned their high school diploma. Juvenile Court dependency can be continued up to age 21. However, current child welfare law terminates state and federal foster care funding for these youth at 18 years of age and the continuing costs of foster care services are borne 100% out of county funds until the foster youth earn their high school diploma or turns age 21, whichever comes first.

Legislative efforts are needed to statutorily apply the Fry v. Saenz decision to foster youth. Such efforts will ensure that counties avoid 100% county costs in funding services for these foster youth.

LEGISLATIVE POSITION:

Support legislation to amend state statute to conform AFDC-FC eligibility on completion of high school to conform to the Fry court decision.

18. Increase the Public Health Workforce

An adequate supply of well-prepared public health professionals is essential to an effective public health system in America. Concerns about bio-terrorism and terrorist attacks as well as the outbreak of Sudden Acute Respiratory Syndrome (SARS) and a potential avian flu pandemic have made the country more acutely aware of the important responsibilities of the Nation's public health system. At the same time, there is concern about the adequacy of the public health workforce, both in terms of the number of workers and their skills and competencies.

A study by the National Center for Health Workforce Analysis found that recruitment difficulty for public health professionals is widespread. These recruitment problems affected the existing PH workforce. The inability to fill vacant PH positions typically led to chronic understaffing and difficult working conditions. Many local public health departments report that they have learned to 'do more with less', but in many instances they were unable to maintain the level of services provided. As a result, direct patient services were reduced (i.e., hours or cases); the start-up of new programs was delayed and population-based services were cut back.

Based on the findings, the study produced several recommendations for consideration, as follows:

- Provide public health workers with support and assistance to further their education, both graduate and undergraduate, related to critical public health skills and competencies. This could include tuition reimbursement, release time, and increasing the availability of distance education or web-based course offerings.
- Create a service obligated scholarship or loan repayment program modeled after the National Health Service Corps that provides scholarship or loan repayment support in return for a commitment to work in local public health offices/agencies with shortages of public health workers.
- Support the development of a model public health curriculum that could help prepare public health professionals for contemporary public health practice and make the curriculum available to schools of public health, medicine, nursing, and other health professions.

The Department of Public Health reports that DPH has encountered continuing difficulties in hiring qualified public health professionals, and supports these recommendations. The department believes that maintaining an adequate supply of

public health professionals is necessary for the department's mission of protecting the health and safety of the citizens of San Bernardino County.

LEGISLATIVE POSITION:

- Support state legislation that provides for tuition reimbursement for public health professionals. Support legislation that would create a service obligated scholarship or loan repayment program. Support legislation creating the development of a model public health curriculum.

19. Support Anti-Obesity Legislation

The statistics on childhood obesity in California are depressing:

- 28.1 percent of 5th, 7th and 9th grade students in California are overweight.
- Only 25 percent of the state's 5th grade students achieve the fitness standards for all six areas of the California Department of Education fitness test.
- 80 percent of children diagnosed with type 2 diabetes are overweight.
- 33 percent of boys born in 2000 will develop diabetes if current trends continue
- 39 percent of girls born in 2000 will develop diabetes if current trends continue
- 75 percent of overweight adolescents are likely to be obese as adults.
- The yearly cost of physical inactivity, obesity and overweight to Californians in 2005 in direct medical expenses and lost productivity was \$22 billion.
- There are 10 chronic diseases directly associated with childhood obesity.

In addition, children who are overweight are at increased risk for type 2 diabetes mellitus, asthma and orthopedic problems; they are more likely to have risk factors for cardiovascular disease (such as increased blood pressure and cholesterol); and they are more likely to have behavioral problems and depression.

The Department of Public Health recognizes that obesity, especially among children, is a growing public health problem in California, and supports legislation that encourages a healthy lifestyle, including improving the nutritional quality of food and beverages available in schools, restaurants and at home, and encouraging physical activity among the state's children.

LEGISLATIVE POSITION:

- Support legislation that promotes healthy diets and physical activity for California's children.

20. Transitional Assistance

Raise the Maintenance Need Level for Aged, Blind, and Disabled Medi-Cal Recipients

Currently, to qualify for Medi-Cal's full coverage Aged and Disabled Federal Poverty Level (A&D FPL) program, an elderly or disabled single person's income cannot exceed \$1048 per month. If the qualified person's income exceeds 100 percent of the Federal Poverty Level (currently \$797 a month), the individual has a share of

cost which they must first expend on health care before Medi-Cal kicks in for the rest of the monthly cost.

The share of cost an individual must pay is determined by subtracting the maintenance need level, which is \$600 for individuals and \$934 for a couple, from an individual's or couple's income. Any income an individual or couple has over the maintenance need level is considered the share of cost that must be paid to a provider before Medi-Cal picks up the rest of the tab. The maintenance need level is a figure that supposedly reflects the amount of money that an individual or couple must spend to pay rent, utilities, and buy food. The maintenance need level was established in 1989 and has not changed in 16 years. In that time the cost of living has increased substantially. It is a common situation for elders to decline Medi-Cal benefits under current share of cost formulations, as essentially, they do not have enough money left over to meet their monthly living expenses. Unable to obtain preventative medical care or afford medicines, an otherwise independent adult's health may deteriorate to the point that emergency medical care is sought without the resources to pay, such as through county funded indigent care at ARMC. Subsequently, it may be necessary for them to be placed into a nursing home, which is far more costly than keeping an individual or couple in their own home.

LEGISLATIVE POSITION:

- Support legislation that would increase the maintenance need level for aged and disabled individuals and couples.

21. Increase Funding for Youth Alcohol and Drug Treatment

The state Department of Alcohol and Drug Programs (DADP) states that an estimated 14.6 million Californians aged 12 years old and over use alcohol and 6.2 million are binge drinkers (drinking five or more drinks on one occasion during the past month), and an estimated 2.6 million Californians, 12 years of age and over are currently using illicit drugs. According to the 2004 National Survey on Drug Abuse and Health (NSDUH), approximately 507,000 California residents between the ages of 12-25 years (176,000 between 12-17 years of age; 331,000 between 18-25 years of age) met the criteria for dependence on or abuse of illicit drugs. Also, the NSDUH reports for alcohol that approximately 859,000 California residents between the ages of 12-25 years (204,000 between 12-17 years of age; 655,000 between 18-25 years of age) met the criteria for dependence on or abuse of alcohol. DADP estimates that alcohol and drug abuse in California costs an estimated \$35 billion annually. This estimate takes into account loss of productivity, health care costs, prevention and treatment costs, criminal justice costs, and losses due to crimes.

Despite these depressing statistics, very limited treatment services currently exist for youth with substance abuse disorders. For example, of the five services currently available under the Drug Medi-Cal program, two services (narcotic treatment program services and naltrexone services) are not available to youth under 18 years of age. Treatment services available through Proposition 36 are also limited to

adults only. According to the Youth Treatment Annual Report, there are currently 220,000-320,000 youth in need of drug and alcohol treatment.

SB 1288 from the last legislative session would have required that residential drug and alcohol treatment services and other specified services for persons 12 to 20 years of age be a covered benefit under the Medi-Cal Drug Treatment Program. The Governor vetoed the bill, but left the door open to increased funding for youth AOD services by noting that that these treatment services would be “more appropriately addressed during the budget process”.

LEGISLATIVE POSITION:

- Support budget action to increase funding for youth alcohol and drug treatment programs.

22. Suspend Medi-Cal for County Correctional Facility Inmates

State law provides that Medi-Cal benefits generally cannot be paid for incarcerated individuals except when the inmate is a patient in a medical institution. The state Department of Health Services has interpreted this law to mean that Medi-Cal benefits should be discontinued when an individual is incarcerated. However, federal law does not require states to terminate inmates' eligibility. Under federal law, inmates may remain enrolled in Medicaid even though services received while in jail are not covered.

The lack of access to medical care is an especially acute problem for those individuals with mental health and/or substance abuse problems exiting county detention facilities that are in need of psychotropic medicine or other medical care necessary to treat severe mental health and/or substance abuse conditions. Any delays in securing treatment can have devastating effects, and may contribute to the individual being quickly reincarcerated

If state law mirrored federal law, an incarcerated individual's Medi-Cal benefits could be suspended, not discontinued, and quickly reactivated upon the individual's release from a detention facility. This would permit the individual to quickly obtain needed psychiatric and substance abuse treatment, and would help break the expensive cycle of incarceration and reincarceration.

LEGISLATIVE POSITION:

- Support legislation that would suspend, rather than discontinue, an individual's Medi-Cal coverage when they are incarcerated.

23. Parolee Alcohol and Drug Treatment Programs

Alcohol and other drug (AOD) abuse is an insidious problem in the California correctional system; at least one-third of state and local prisoners are alcohol and other drug offenders. On average, more than 60% of inmates involved in drug and alcohol abuse return to prison within 3 years of being released. Recognizing this problem, the California Department of Corrections and Rehabilitation (CDCR) has

created a variety of programs to help prisoners and those individuals released from CDCR facilities seek and complete AOD treatment to reduce recidivism.

CDCR has been taking steps recently to centralize all its AOD services for newly released prisoners under the department's SASCA (Substance Abuse Service Coordination Agencies) program, rather than, as previously, contracting with individual counties for AOD aftercare and case management. CDCR argues that, by consolidating case management services, CDCR can save money and achieve their goal of making it easier for parole agents to get offenders into appropriate levels of treatment.

However, the Department of Behavioral Health strongly believes that AOD treatment for parolees should be under clinical supervision and oversight, and that supervision and oversight should be provided by the state Department of Alcohol and Drug Programs, (DADP) which has the experience and expertise necessary to successfully manage such programs. DBH feels that the CDCR is not qualified to make appropriate treatment decisions, and that CDCR looks at and runs AOD treatment from a public safety, rather than a clinical standpoint.

In addition, because CDCR pays higher treatment rates than counties, they are able to "out bid" counties for scarce treatment slots, resulting in waiting lists for county-funded AOD clients. DBH feels that reimbursement rates for AOD treatment should be standardized, eliminating the current financial advantage that CDCR maintains over county programs.

The state Department of Alcohol and Drug Programs oversight of parolee AOD treatment should not be eroded. DBH believes that CDCR could still have a role by having case management oversight provided by SASCA, with treatment oversight provided by ADP.

LEGISLATIVE POSITION:

- Support legislation that preserves DADP's oversight role in parolee AOD treatment programs. Support legislation that standardizes treatment reimbursement rates.

24. Eliminate the FQHC Lockout

Federally Qualified Health Centers (FQHCs) are non-profit community clinics or government entities. They are open-door providers treating patients on a sliding fee scale basis, and making their services available regardless of patients' ability to pay. There are currently 345 FQHCs in California.

Current state law prohibits FQHCs from seeking Medi-Cal reimbursement for a single patient who receives more than one service on the same day at a single location. This is known as the FQHC "lockout." For example, a patient may see a physician at an FQHC for a physical problem, but because of the "lockout" would not be able to see a mental health professional on the same day. This requires the

patient to return on another day, which can be a difficult proposition for someone with limited or no transportation.

Eliminating the “lockout” will save the state money in the long run because more patients would receive early, preventive care, rather than returning much later with more advanced conditions requiring more expensive care, and at times incarceration. Eliminating the lockout would also make this system consistent with current Medicare law, which contains no lockout provision.

Eliminating the lockout is permissible under federal law, but would require the state to file a state Medicaid plan amendment.

LEGISLATIVE POSITION:

- Support legislation that would require the state to submit a Medicaid plan amendment to eliminate the FQHC lockout.

25. EPSDT Services For Children Placed Out Of County

The Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program is Medicaid's (Medi-Cal in California) comprehensive and preventive child health program for individuals under the age of 21. Among other things, EPSDT provides Medi-Cal mental health services to foster and adopted children.

Currently, when a foster child or adopted child is placed outside of their county of origin in another county, providers of mental health services in the receiving county have to apply for EPSDT reimbursement to the county that the beneficiary is coming from. County mental health contracting requirements are very detailed and can be cumbersome for providers that contract with several counties. As a result, service providers have to spend limited resources on managing multiple contracts with multiple counties. In addition, the existing process can lead to delays in a child receiving critical mental health services in the new county.

This process should be streamlined and simplified, permitting timely reimbursement and eliminating treatment delays.

This item is also supported by the Department of Children's Services

LEGISLATIVE POSITION:

- Support legislation that would streamline and simplify the reimbursement process when a foster or adopted child receiving EPSDT mental health services is placed in another county.

26. Blending Mental Health and Drug and Alcohol Treatment Funding

Funding for mental health (MH) and alcohol and other drug (AOD) treatment can best be described as the “silo” approach. Most of the funds are allocated for specific populations. These funds are commonly referred to as “set asides, or “categorical

funding.” Federal and state MH and AOD funding sources are replete with these set-asides.

While this “silo funding” has the advantage of ensuring that money is available to address the needs of certain groups, too often the money is insufficient to meet all of the needs of that group. In addition, sometimes too much money has been allocated, but those funds cannot be used for other groups. Funds not designated for specific populations are usually available to treat the general population. However, this general population funding for both MH and AOD is usually a small percentage of the funds available, as the majority of funding sources are categorical in nature.

Categorical funding streams limit the ability of county mental health departments to direct the funds to areas of most concern. While money from one pot may sit unused, a critical need with a different funding source may go unfilled. For example, while money may be available to treat the mental health problems of an individual, there may be no funding available to treat this person’s co-occurring substance abuse problems. Since those with mental illnesses frequently have substance abuse problems, this is a major problem for the county mental health agencies.

Managing treatment programs at the county level requires navigating a labyrinth of restrictions on how and for whom federal and state funding may be used. These restrictions limit access to treatment by large numbers of Californians.

LEGISLATIVE POSITION:

- Support legislation that would give counties the flexibility to blend mental health and AOD treatment funding from various sources and to direct it the areas of most need.

Housing, Land Use, and Transportation

1. Modification of Prevailing Wage Requirements for Affordable Housing Projects

The State Legislature adopted SB 972 in 2003 which amended Labor Code Section 1720 to require all projects receiving any amount of redevelopment funding assistance to pay prevailing wages on all aspects of the construction activity. As a result, the cost of constructing affordable housing in the State has substantially increased with a resultant reduction in the number of affordable housing units that can be constructed with the limited amount of housing funds available to redevelopment agencies.

If prevailing wage was not required for housing construction projects in which a substantial number of total units, as defined in Section 33413 of the Health and Safety Code, are affordable to households of low- and moderate income the total number of affordable housing units in the State can be significantly increased, thereby accomplishing the goals set forth in redevelopment law.

LEGISLATIVE POSITION:

- Support legislation modifying prevailing wage requirements for redevelopment agency funded affordable housing projects.

2. Harper Lake Development

The current impact of the Chino area dairies and industry in the Los Angeles basin on air quality in the South Coast Air Quality Management District and the impact on the water quality of the Santa Ana River Basin are severe. Opportunities need to be created to eliminate the pollution that impact air quality and the waste streams and contaminants that leach into the Santa Ana River and the ground water of the basin.

The Chino area dairies are being forced out of the South Coast Air Quality Management District because of ever increasing pressure to further clean the air in the Los Angeles Basin. It has been reported that the Basin could jeopardize at least some portion of its federal transportation funds due to the increasing impact of development and population on air quality. The dairies and the industry in the basin need to be relocated to allow for additional residential growth. The county risks the loss of all of these industries unless a viable plan is developed to relocate them to the Harper Lake area and into the Mojave Desert Air Quality District.

The Harper Lake area of the Mojave Desert could be developed, with the dairies leading the way, by providing a location and an opportunity for both the dairies and other industries to modernize and use the "best available practices" to minimize environmental impacts to the entire region.

LEGISLATIVE POSITION:

- Support energy tax credits for the development of power generation, primarily in the areas of renewable energy including solar, wind, waste, biomass and ethanol.
- Support the creation and implementation of a method to transfer and/or create additional environmental impact credits to provide the ability to attract industry and the dairies to Harper Lake.
- Support Harper Lake as a renewable energy center for the Western United States, increasing its capacity, and promoting the area since it currently produces more solar thermal energy than anywhere else in the world.

3. Access to and through Federal Public Lands

Historic access on Federal public lands, primarily administered by the Bureau of Land Management, has been allowed under R.S. 2477. That law, dating from 1866, was repealed in 1976, but rights-of-way created under the act remain in force. Under the Federal law, the rights-of-way were "self issuing," with no documentation issued by the Federal agency or recordation on Federal public land records. Within San Bernardino County virtually all of the county's primary road system outside the urban area was created and is so authorized, and thousands of miles of secondary routes exist on the 8,000,000 acres of public land in the county. These, in total,

provide a variety of public access for commercial and recreational uses that exist, or are permitted under a variety of federal laws.

Controversy and ambiguity has existed since 1976 over how the federal agencies would provide for documentation. Several Secretaries of the Interior have attempted to adopt standards for roads established under the law, such as paving, before written "authorization" or documentation would be provided applicants. Meanwhile over the past 28 years there have been many changes in administration of public lands, including closures and restrictions under wilderness legislation, route designations by the local BLM offices, and transfers in jurisdiction from BLM to the National Park Service. This controversy and ambiguity creates problems related to continuation of access and with regard to enforcement in areas where agencies have taken closure actions when routes exist providing access to private property, mining claims or various improvements such as wildlife water developments that require periodic maintenance. (Similar ambiguity does not generally exist within National Forest areas, since most National Forest lands were "reserved" between 1897 and 1905, thus no longer being subject to construction of routes under R.S. 2477 authorization, even though the lands remained open for exploration and location of mining claims.)

In 2003, the Department of the Interior adopted regulations that allowed States and counties to apply for recordable disclaimer in the land underlying such roads, in essence passing title to the local agency claiming jurisdiction. ("Recordable disclaimer" is in effect a quitclaim deed issued by the department.)

Because of the importance of the issue within San Bernardino County, the county made one of the first filings for a road within the nation: Camp Rock Road between Lucerne Valley and Daggett. To date, the Department of the Interior, acting through the BLM, has not acted upon the application.

During 2004, the California Legislature passed a bill requiring local governments to seek clearance from the State's Resources Agency before filing an application with the USDI for such recordable disclaimers. Such clearance would require internal review and certification of compliance with State laws that historically apply to only to new construction (CEQA and CESA), but should not be required for simply an administrative action for existing construction. The Governor vetoed the legislation. The State lacks organization, staffing and funding to even review such applications, and the review is unnecessary. Even the USDI does not require clearances under Federal environmental laws (NEPA and ESA). The recordable disclaimer regulations provide for an administrative and ministerial action only, and it grants title only to the extent of its dimensions as they existed on October 21, 1976, and to the extent that it currently exists. The Federal regulations specifically allow local governments to apply directly to the Federal agency (BLM) for the recordable disclaimer.

The state does, under the regulations, have an opportunity to participate in consideration, adjudication and decision-making regarding applications. After determining basic qualifications of the unclaimed right of way (existence prior to October 21, 1976), the application is published and BLM receives comments and inputs for 90 days prior to issuing any decision and passage of title.

LEGISLATIVE POSITION:

- Oppose legislation that would require state review when local governments seek rights-of-way for existing roads and routes on Federal lands under R.S. 2477, recordable disclaimer regulations or any other legal means. Such opposition extends to opposing any requirement for active pre-application involvement of the State's Resources Agency, or any other department of the state.

4. Habitat Conservation Plan Funding

In support of the second stage activities required to implement the West Mojave Habitat Conservation Plan (HCP), the California Department of Fish and Game (CDFG) has selected the local government sponsors (San Bernardino and Kern Counties) of the HCP for a FY 2003 Section 6 grant under the state Habitat Conservation Planning Assistance Program. The grant is for \$300,000 (\$150,000 for each county) based on a local match of \$300,000. The local match will be made through in-kind staff services. The counties have agreed to pool the funds for a more effective work program to obtain incidental take permits under the state and federal Endangered Species Acts. The specific objectives for the grant are to prepare the necessary documents and supporting information to enable the issuance of 2081 Permits by the CDFG and a Section 10a(1)(B) permit from the U.S. Fish & Wildlife Service. The grant will be awarded upon execution of a Memorandum of Agreement between the counties and CDFG. While this funding provides a substantial head start, additional funding will be needed to complete the process. Additional activities beyond that funded by the existing grant will be required to complete the process of securing the permits. These activities include, but are not limited to: coordination with and administrative support to the various participating local jurisdictions in amending local general plans and/or development ordinances and attending various city council and county board of supervisors meetings associated with adoption of the final plan and developing a data base and geographic information system for program management. The follow-on activities may require an additional \$500,000-\$600,000 to complete.

LEGISLATIVE POSITION:

- Sponsor and/or support legislation to provide funds for development and implementation of habitat conservation plans and/or NCCP plans developed under the auspices of the California Endangered Species Act, (i.e., West Mojave Plan).

5. Reform CEQA and Endangered Species Act

Currently, the California Endangered Species Act (CESA) requires "sufficient scientific information" to support requests for listing or delisting of an animal or plant

pursuant to the Act or to modify an existing listing status. However, scientific data are not required in implementing the Act or other related Fish and Game Code provisions on a day-to-day basis. Likewise, when considering potential impacts to biological resources posed by development projects during review under the California Environmental Quality Act (CEQA), impact assessments and prescribed mitigation measures often lack scientific credibility. The County is seeking legislative reform to related statutes and regulations to incorporate science-based implementation and enforcement of CESA and CEQA.

LEGISLATIVE POSITION:

- Support reforms to the California Endangered Species Act and CEQA to require scientific justification for regulatory or judicial actions affecting land use decisions by local jurisdictions.

6. Ozone Transfer

Air Quality improvement efforts in Southern California must reflect the region's geographic complexities and recognize the migration of negative impacts from one Air Quality Management District to another. In San Bernardino County, greater cooperation is needed between the South Coast Air Quality Management District and the Mojave Desert District to address air quality concerns of all residents.

LEGISLATIVE POSITION:

- Support legislative efforts by the South Coast Air Quality Management District and the Mojave Desert AQMD to understand the dynamics of ozone transfer from the former to the latter and to develop plans for its mitigation.

7. Mitigation of Indian Casino Impacts

When considering tribal-state gaming compacts, the Legislature must carefully consider the extent to which casino operations negatively impact local jurisdictions, and the extent to which proposed mitigation efforts effectively address all impacts. Specifically, this review should consider issues such as the extent to which safeguards exist to protect public safety, health and welfare. To these ends, all casino building projects should be required to complete CEQA review and be subject to building and safety standards at least equivalent to local county standards required of other building construction projects as well as inspection approvals.

LEGISLATIVE POSITION:

- Support legislative and administrative efforts to mitigate public health, safety, welfare, and environmental impacts related to Indian casinos and tribal gaming.

8. Ensure the current water flow through Mojave Narrows Regional Park

The state's Mojave Fish Hatchery is responsible for a substantial portion of the water that flows through Mojave Regional Park. Water that is pumped from the Mojave River Basin and used in the fish hatchery's operations is then diverted through Spring Valley Lake and the Mojave River into the regional park. If the state were to shut down operations at the hatchery and cease pumping the water, the park would

suffer significant consequences. The consequences include: reduced water flow through the regional park which would distract from the scenic beauty of the river walk, lack of running fresh water for fish that are stocked for the fishing programs, and reduction of ground water in the wells that are used for irrigating the park grounds.

LEGISLATIVE POSITION:

- Support legislation and related budget actions providing for continued operations at Mojave Fish Hatchery.

9. Disability Access

The County of San Bernardino is constantly working to upgrade its regional parks and facilities to meet, if not exceed, Americans With Disabilities Act (1990) standards. It is also sponsoring cities in their efforts to do the same with their public facilities. Greater cooperation is needed between the State of California and the County of San Bernardino in order for such projects to be completed.

LEGISLATIVE POSITION:

- Sponsor and/or support legislation that delivers ADA-related upgrade assistance to the County of San Bernardino.

10. Perchlorate Contamination

Soil and groundwater investigations have determined that perchlorate is not emanating from the existing Mid Valley Sanitary Landfill (MVSL). In 1994, after an extensive environmental investigation report found no significant issues, the County purchased a portion of the Rialto Ammunition Backup Storage Point to use for future expansion of the MVSL. In 1999, perchlorate was discovered to be potentially emanating from on or near the property the County purchased in 1994. Therefore, in an effort to protect the citizens of the area, the SWMD has spent approximately \$3.5 million to investigate and characterize perchlorate-related impacts to groundwater that are believed to have originated on or near this property. Soil on private property occupied by a fireworks manufacturer is directly downstream of future expansion areas. Areas surrounding expansion sites have tested positive for perchlorate in large amounts. The SWMD is expected to spend another \$4 to \$5 million to intercept and contain the identified perchlorate plume, and to construct a treatment plant that assures continued delivery of drinking water to the City of Rialto at its Well No. 3. The County will also be spending approximately \$1 million per year through the life of the cleanup (approximately 10 to 20 years) to keep the treatment plant operating. Additionally, extensive testing of soil on the property will be required and removal and disposal of any contaminated soil will be required. This is currently budgeted at \$5 million.

The County is involved in a legal process to recoup funding from private companies and the Department of Defense who previously owned or conducted operations on the property which is believed to have resulted in the presence of perchlorate. Most

of these private companies are either defunct, bankrupt, or cannot be located and funding gained from these sources, if any, is years away.

LEGISLATIVE POSITION:

- Request and/or support budget allocation approximating \$20 million to assist the County in effort to clean up impacts created by the existence of perchlorate contamination to soil and groundwater in and around future landfill sites.

11. Southern California Logistics Airport

Southern California Logistics Airport, SCLA (formerly George Air Force Base) was closed in 1992 severely impacting the economy of the High Desert Region with the loss of 7500 military and civilian jobs and an economic impact of \$380 million. The High Desert region remained in a “recession” condition throughout most of the 1990s. The former Base is now operated by the City of Victorville and a Joint Powers Authority consisting of the High Desert Cities and the County of San Bernardino. It is widely understood that the industrial and commercial development of SCLA will be the economic engine that will drive the economy and create jobs for the region.

LEGISLATIVE POSITION:

- Support SCLA’s plan both in the state transportation plan and the regional transportation plan for funding of an East-West corridor from State Route 395 to Falsion interchange (proposed interchange north of Stoddard Wells Road) on I-15.
- Support the continuation of SCLA’s LAMBRA Enterprise Zone designation and extend, if possible, for the full amount of time allowable under the law.

12. Design-Build Contracting Option

The 2000-01 County Grand Jury issued an interim report on the County Architecture and Engineering Department on February 2, 2001 and recommended that the department request Board approval to pursue new legislation to allow San Bernardino County to use the Design-Build method as a contracting option.

In 2000, Governor Gray Davis signed Assembly Bill 2296 that authorized the counties of Alameda, Contra Costa, Sacramento, Santa Clara, Solano, Sonoma and Tulare to enter into County design-build contracts according to certain specified procedures, through the end of 2005. This legislation allows these certain counties the ability to use design-build as a contracting option for their public works projects, which exceed \$10 Million in value. Projects valued at between \$10 Million and \$20 Million must be awarded to the lowest responsible bidder. Projects valued at more than \$20 Million may be awarded instead to the design-build entity submitting the proposal with the “best value”. The “best value” will be evaluated upon the basis of price, features, functions, life-cycle costs, and other relevant factors.

The Architecture & Engineering Department currently uses the conventional system of design-bid-build on new construction projects. This process involves sequential

tasks, which may result in project schedules that are longer than required in order to meet certain funding or user department priorities. Conversely, the advantages of a design-build contract project delivery system include accelerated completion of the projects, improved cost controls, reduction of construction complexity, and reduced exposure to risk for the County.

A new report from the Legislative Analyst's Office outlines a series of recommendations consistent with providing local governments with a design-build option that would offer local governments greater flexibility and more efficient use of their resources.

LEGISLATIVE POSITION:

- Sponsor legislation that gives San Bernardino County the option to use a design-build construction delivery method that eliminates the cost limitations and the requirement that local governments enter into labor force compliance programs.

13. Wildlife Habitat Accountability

A non-profit environmental group acquired mitigation land from developers in San Bernardino County under the pretense that the land would be protected as open space. The group also received money from developers to maintain the land. Other than placing a chain-link fence around the land, the group has done nothing to maintain it. The group has not conducted environmental or biological studies to assess the area's plant and animal life, and the fenced property creates a habitat barrier in an environmentally sensitive area that is home to several endangered species. The public, meanwhile, cannot review the group's land maintenance plan or finances and has no input into how the land will be preserved. The goal of mitigation regulation is to protect and preserve our State's natural resources. Allowing groups with no public accountability to accept mitigation land and do nothing with it contradicts the purpose of mitigation requirements imposed on developers.

LEGISLATIVE POSITION:

Sponsor and/or support legislation to establish policy that mandates that any land preserved for open space/habitat mitigation by any entity (non-profit or government agency) must meet the following requirements:

- All endowment monies must be used for habitat management and preservation.
- Must have a management plan and the public, Department of Fish and Game and US Fish & Wildlife must have input on the plan.
- Annual biological studies must be conducted.
- Annual budget audits.
- Annual reports.
- For those entities in receipt of the land - Public Meetings and open and free disclosure of agency activities.
- Assurance that land acquired as a result of mitigating measures is maintained according to an appropriate Preservation Maintenance Plan based in part on public input.

Regional Parks

1. Yucaipa Valley Regional Soccer Complex

Funding Request (annual FY 2007): \$450,000

Funding Request (total project cost): \$1,250,000

The Yucaipa Valley Regional Soccer Complex is a cooperative effort between San Bernardino County and the Yucaipa Valley Youth Soccer Organization. The Organization has completed the Phase I design and construction, and is maintaining and programming this 30-acre complex adjacent to Yucaipa Regional Park. Phase II adds the necessary amenities that will allow the facility to be used for larger regional and statewide tournaments, scouting jamborees and community activities. The complex will compliment the existing Regional Park and the City of Yucaipa by providing enhanced family activities, along with meeting the need for fields for youth and adult leagues.

Completion of Phase II includes an internal roadway and parking lots (\$450,000) and the upgrading of the primary access road from Oak Glen Road to the Soccer Complex (\$800,000). Both these components are needed to provide safe, unimpeded, all-weather public access to and from the complex.

2. Colton Regional Park

Funding Request (annual FY 2007): \$500,000

Funding Request (total project cost): \$5.5 Million

The Colton Regional Park is proposed for vacant land along the Santa Ana River and adjacent to a dense urban neighborhood. If funded, it will become an integral part of the Santa Ana River Greenway in San Bernardino County. The Colton Regional Park will provide a safe, clean and accessible park and walking trails for passive outdoor recreation, places for peaceful reflection and study of the native habitat in a neighborhood that is economically disadvantaged

San Bernardino County has not constructed a regional park in 24 years. Facing increasing growth from both the private and industrial sectors, the importance of protecting open space and providing recreational opportunities for all the residents and visitors to San Bernardino County is essential. Parks can help to provide a sense of place and are thought to improve the overall character of a region.

Funding will be used to develop 85-acres comprised of a fishing lake, open space for picnicking and family gatherings, multi-use fields and RV/tent camping. Included in the area will be picnic shelters, restrooms, playground, and a 5,000 square foot building complex that will be designed to display interpretive material, office space and community use areas.

3. Moabi Regional Park Channel Rehabilitation

Funding Request (annual FY 2007): \$2 Million

Funding Request (total project cost): \$6 Million

Moabi Regional Park Channel Rehabilitation (\$4 Million): In order to facilitate water flows year round, eliminate health risks and provide the Sheriff with more access to the River for safety and emergency events, Regional Parks proposed improvements to Moabi's inlet and outlet channels. The project entails the dredging of channel inlet 300' to 400' from the River up to the abandoned flow structure thus removing approximately 4'-0" of silt. Also, dredging will need to occur at the current Marina access inlet/outlet to eliminate a large sand bar that restricts water traffic even at high river flows.

Flow Structure Removal and Bridge Installation (\$2 Million): Reconfiguration of the existing and abandoned flow structure will entail the complete removal of three (+/-) 48" VCP inlet pipes and removal of the water flow control structure. After the dredging and widening of the inlet, the design and installation of a two-lane (24'-0" minimum) span constructed vehicular bridge. The bridge will allow Park campers continued vehicular access to Peninsula site 1 through 16. Analysis of the upper inlet area indicates that a (+/-) 120 lineal foot bridge, constructed 26 to 30 feet wide, with a standard pile and pile cap arrangement, in three 40 foot sections would adequately allow clearance for 85% to 90% of all boat traffic on the river. It will also eliminate approximately 20 minutes of emergency response time for the Sheriff and create more access to the Moabi Marina.

Transportation

1. High Desert Corridor

FY 2007 Amount Requested: \$2 Million

Estimated Total Project Cost \$2 Billion

Background: The Antelope and Victor Valleys continue to experience explosive population growth, deficient highway infrastructure, and impacts from truck related goods movement that bypass the Los Angeles area's more congested freeways. To address these concerns and to serve as a linkage between the two valleys' regional airports, the high desert communities of San Bernardino County and Los Angeles County are undertaking a cooperative effort to identify a new high desert transportation corridor extending from the I-15 Freeway in the Victor Valley of San Bernardino County to State Route 14 in the Antelope Valley of Los Angeles County. The project currently has full support of cities and regional transportation planning organizations. The environmental review will address sensitive habitat; however, to date there have been no insurmountable issues identified.

In addition, the easterly Phase I of the High Desert Corridor Project received a \$6.5 million Demonstration Project Allocation from TEA-21.

Project Description: This request is for funding for costs associated with project development including, project approvals and environmental document preparation.

2. Cherry Avenue/I-10 Interchange

FY 2007 Amount Requested: \$10 Million

Estimated Total Project Cost \$58 Million

Background: Interstate 10 is the principal east/west circulation route for automobiles and trucks into and out of the Los Angeles basin. Interstate 10 currently handles 185,000 vehicles a day with a projected traffic count of over 250,000 trips per day in 2020. Interchanges along Interstate 10 throughout the Inland Empire were typically built at every mile with overpasses or underpasses (grade separations) at every half-mile. However, in this area, apart from the spacing between Sierra and Citrus Avenues, interchanges are spaced at two-mile intervals and no midpoint grade separations exist. The lack of mid-point grade separations places extraordinary pressures on the existing interchanges.

Cherry Avenue is a multi-function arterial route. It is a truck route, providing access to industrial sites in north Fontana. Cherry Avenue provides access to the Fontana Speedway and provides a gateway for a large and growing residential core south of the rail tracks. Cherry Avenue is a regionally significant north/south highway with average daily traffic of 50,000 with projected traffic count of over 74,000 trips per day. Cherry Avenue/I-10 Interchange is experiencing heavy congestion with over 20 minute delays in local cross over traffic during the afternoon peak hours. Alterations to the interchange configuration are complicated by the parallel railroad tracks immediately to the south of I-10.

Project Description: This is joint project between Caltrans, the County of San Bernardino and the City of Fontana to widen Cherry Avenue to seven lanes and improve the I-10 interchange. The requested amount for FY 2007 is to complete Right of Way acquisition.

3. Cedar Avenue/I-10 Interchange

FY 2007 Amount Requested: \$10 Million

Estimated Total Project Cost \$40 Million

Background: Interstate 10 is the principal east/west circulation route for automobiles and trucks into and out of the Los Angeles basin. Interstate 10 currently handles 185,000 vehicles a day with a projected traffic count of over 250,000 trips per day in 2020. Interchanges along Interstate 10 throughout the Inland Empire were typically built at every mile with overpasses or underpasses (grade separations) at every half-mile. However, in this area, apart from the spacing between Sierra and Citrus Avenues, interchanges are spaced at two-mile intervals and no midpoint grade separations exist. The lack of mid-point grade separations places extraordinary pressures on the existing interchanges. The railroads tracks parallel to the I-10 complicate alignment alternatives. Maintaining freight traffic during construction may be complicated. Negotiation to obtain Right of Way may be protracted.

Cedar Avenue is a regionally significant north/south highway with average daily traffic of 50,000 with projected traffic count of over 74,000 trips per day. Cedar Avenue/I-10 Interchange is experiencing heavy congestion with over 20 minute delays in local cross over traffic during the afternoon peak hours. Alterations to the interchange configuration are complicated by the parallel railroad tracks immediately to the south of I-10. Cedar Avenue is a multi-function arterial route. It is a truck route, providing access to industrial sites in south Fontana. Cedar Avenue is also a heavily traveled school transportation corridor with a large middle school on the northeast corner of Slover Avenue at Cedar Avenue. The over-crossing provides a gateway for a large and growing residential core south of the rail tracks.

- **Project Description:** This is a joint project between Caltrans and the County of San Bernardino to widen Cedar Avenue to seven lanes and improve the I-10 interchange. The amount requested is to complete project work through Plans, Specifications, and Estimates (PS&E).

4. Pepper Avenue/I-10 Interchange

FY 2007 Amount Requested: \$6 Million
Estimated Total Project Cost \$35 Million

Background: Interstate 10 is the principal east/west circulation route for automobiles and trucks into and out of the Los Angeles basin. Interstate 10 currently handles 185,000 vehicles a day with a projected traffic count of over 250,000 trips per day in 2020. Interchanges along Interstate 10 throughout the Inland Empire were typically built at every mile with overpasses or underpasses (grade separations) at every half-mile.

Pepper Avenue provides access to the Arrowhead Regional Medical Center and provides a gateway for growing local residential development. Pepper Avenue is regionally significant. Pepper Avenue/I-10 Interchange is experiencing heavy congestion with traffic backing up into the freeway lanes during the peak hours significantly slowing interstate traffic including goods movement and contributing to air quality issues and lengthened commute times. (No plans to alter Rail overhead or construct to south)

Project Description: This is a joint project between Caltrans and the County of San Bernardino to widen Pepper Avenue to seven lanes and improve the I-10 interchange.

5. Cumberland Drive: SH18-Bald Eagle Ridge

FY 2007 Amount Requested: \$2.5 Million
Estimated Total Project Cost \$2.5 Million

Background: Current subdivisions off SH18 have limited access to SH18 and needed improvements to this road will mitigate traffic safety issues. Cumberland

Drive may also serve as a vital evacuation route for several vulnerable residential areas. The road would improve fire emergency response times for these residential areas that are still highly vulnerable.

Project Description: The road will require at a minimum a paved traffic lane in each direction, between SH18 to an existing paved cul-de-sac road, Bald Eagle Ridge.

6. Needles Highway

FY 2007 Amount Requested: \$10 Million

Estimated Total Project Cost \$60 Million

Background: Needles Highway is located within the tri-state regional area of Arizona, California and Nevada. Clark County, Nevada, the City of Needles, and the County of San Bernardino passed resolutions of support for the project. Needles Highway is the primary access road for the Fort Mojave Indian Reservation north of the City of Needles it links I-40 and Aha McCav Parkway. Environmental documentation is nearly complete and a Record of Decision is anticipated by FY 2007.

Project Description: Complete construction of Needles Highway between N Street within the City of Needles, north to the Nevada State Line. The amount requested for FY 2007 is to initiate construction on specific safety improvements that will integrate with future construction of the complete project.

7. State Street: SH30 to Cajon Blvd.

FY 2007 Amount Requested: \$2 Million

Estimated Total Project Cost \$8 Million

Background: The proposed project will widen the existing two-lane section of State Street between SH30 and Cajon Blvd to four lanes. State Street is designated as a Major Highway in the San Bernardino County Master Plan of Highways. A major highway designation specifies 104 feet of right-of-way and 80 feet of pavement curb to curb width.

Caltrans is constructing an interchange at State Street as part of the new freeway extension connection of SH210 to SH30. North of this new interchange is the California State University San Bernardino campus; currently serving over 20,000 students. State Street, from this interchange, also provides a north-south link between SH210 and Interstate 215. In addition, an overpass grade separation has been designed, SANBAG is actively acquiring right-of-way and state funding is fully identified for the project to relieve congestion at the current at grade crossing over the Burlington Northern tracks. The crossing is extremely busy with up to 100 trains in a 24-hour period.

State Street as a north/south circulation link carrying traffic from SH30 to I-215 Freeway and to Cal State San Bernardino through University Parkway will have

significantly increased volumes of traffic, yet for the most part, the State Street section of road is only two lanes wide. Even before this interchange is constructed, the Average Daily Traffic (ADT) in this section of road was recorded as 15,303 in September 2006

The increased capacity of State Street is regionally important and will complement infrastructure improvements, either in construction, or in the forward planning stages for the area.

- Project Description: Construction of a four-lane road on existing alignment between SR 30 and grade separation at Cajon. The FY 2007 Funds requested are to implement the environmental documentation through PS&E Plans Specifications and Estimates.

8. Daley Canyon Road Intersection and Signal

FY 2007 Amount Requested: \$1.5 Million
Estimated Total Project Cost \$1.5 Million

Background: Daley Canyon road is a busy access road for the mountain communities off SH18. The proximity of the local High School with attendant traffic congestion makes the intersection a bottleneck. Regionally, improvements to this intersection will mitigate traffic congestion. Daley Canyon Road is considered important as an evacuation route.

Project Description: Add a turn lane, lighting and installing a traffic signal at the intersection of Daley Canyon Road at SH18.

9. SH247 Improvements

FY 2007 Amount Requested: \$2 Million
Estimated Total Project Cost \$10 Million

Background: The current SH247 is the core transportation corridor, not just for regional transportation, but it serves also as the “main street” as the only paved north-south road within the Flamingo Heights, Landers, and the Johnson Valley Communities. A significant amount of traffic utilizes the highway for local connections, turning on and off the paved route to access the network of dirt roads serving the communities on either side. This local traffic, due to the lack of turn lanes and passing lanes, inhibits regional through traffic and contributes to adverse safety conditions.

The area may be considered ecologically sensitive—although working within existing right-of-way possibly makes the proposal categorically exempt.

Project Description: Rehabilitate and widen the existing paved road within the existing right-of-way to incorporate passing lanes and turn pockets between Yucca Valley Town Limits north and west to Johnson Valley.

10. Monte Vista Avenue Realignment

FY 2007 Amount Requested: \$2.5 Million

Estimated Total Project Cost \$2.5 Million

Background: Monte Vista Avenue is a north south route is scheduled for the construction of a grade separation over the railroad tracks north of State Street by 2009. With the grade separation traffic is going to increase. The realignment of Monte Vista Avenue will complement the local traffic circulation patterns, significantly reducing local congestion. The offset alignment is identified with increased congestion. The current four-way stop creates uncertainty over traffic precedent; slowing traffic efficiency, and increasing safety concerns.

Project Description: Monte Vista Avenue requires horizontal realignment at Philips Boulevard. The north south alignment is offset due to Monte Vista Avenue following survey markings between old land grants. Philips Boulevard was the boundary between land grants. The project will realign the road intersection to eliminate the offset.

11. Midway Avenue Paving

FY 2007 Amount Requested: \$1.5 Million

Estimated Total Project Cost \$1.5 Million

Background: Regionally, the paving of this linking road between SH18 and SH247 will adjust the traffic circulation patterns of large trucks that will utilize the road to and from the quarries. The County is proposing to pave this dirt road as many drivers use this link to connect the two state highways. This use generates high quantities of PM₁₀. Paving the road will also reduce Vehicle Miles Traveled (VMT) for drivers who only use the paved roads Camp Rock Road or Crystal Creek Road. The project is on the Measure I future projects list, however, the current Measure I revenues are encumbered for other projects.

Project Description: The project is to provide a paved structural section one lane in each direction between SH18 north 2.25 miles to SH247 on an existing County maintained graded dirt road. Paving this section of Midway Avenue provides a circulation link between SH18 and SH247.

12. Oro Grande Overpass

FY 2007 Amount Requested: \$5 Million

Estimated Total Project Cost \$25 Million

Background: Currently, National Trails Highway at the rail tracks is channeled through a very narrow, functionally obsolete, underpass that inhibits traffic flow and prevents larger vehicles from utilizing a direct route from the Southern Logistics Airport on the outskirts of Victorville, north and east to Barstow and Highway 58. The ports of Long Beach and Los Angeles receive and export goods through San

Bernardino County to other states and regions. The current height restriction and narrow (essentially one lane) bottleneck for traffic impacts this interstate commerce.

Many trucks cannot utilize National Trails Highway as a route due to the height restriction. The construction of a multi-lane overpass fits well with an existing project that is on schedule to widen National Trails Highway north for several miles north of the current underpass.

Oro Grande overpass is an urgent project on National Trails Highway (Route 66) that needs to be constructed to improve traffic flow and remove the height restriction now present.

Project Description: The proposal is to create a four-lane overpass for National Trails Highway (Route 66) over the BN&SF and UP rail tracks at Oro Grande.

13. Big Tree Drive SH38 N/Airport Entrance

FY 2007 Amount Requested: \$750,000

Estimated Total Project Cost \$750,000

Background: Big Tree Drive is the Big Bear Airport entrance road, Big Tree Drive has severe drainage and access issues that will be resolved with refurbishing pavement and installing storm drains. Pedestrian access as well as vehicle traffic is currently compromised by a road that creates ponds of water in the lightest storms. Regionally, improvements to this road will mitigate traffic safety issues as vehicles turn on or off SH38. Big Tree Drive may be considered as a "Portal Road" as a significant number of residents regularly use the airport for commuting. Improved airport access could also be considered important for emergency situations as it was in the fire crisis in 2003 and economically, the ambience surrounding the airport entrance provides a "first impression" for visitors predicated subsequent visits.

Project Description: Refurbish pavement and install storm drains at the Big Bear Airport entrance road.

14. Sunburst Avenue Vertical Realignment

FY 2007 Amount Requested: \$2 Million

Estimated Total Project Cost \$20 Million

Background: Sunburst Avenue provides access from SH62 to many homes to the north. It is a narrow road that follows the native terrain, with substantial vertical alignment issues that limit driver vision at swales of intermittent streams that cross the road. The road provides access to a park, a senior center and an elementary school. The first section of the road from SH62 north to Joshua Elementary School has a Class I Bikeway on the east side of the road.

Sunburst Avenue is the major access for communities to the north of SH62 to link to the east-west highway. It provides access to significant local amenities. Severe

flooding in the summer of 2003 significantly impacted local communities. This project removes a cross-road water flow, which continually creates a hazardous condition. The County is proposing to realign the vertical component of the road, as traffic sight distance remains an issue of concern for the local school and for the senior center. Traffic tends to travel faster than the posted speed limit of 45 mph, as the road although narrow, it is also straight and the swales steep. The “blind-spots” in the proximity of the school created by the steep slopes will be eliminated by vertical realignment.

Project Description: Realign the vertical section between SH62 and Hill Top Drive. This will be accomplished by providing a sized culvert (based on appropriate hydrological study) and “cut and fill” with new pavement to smooth the vertical alignment and improve sight distance.

15. Lenwood Road Grade Separation

FY 2007 Amount Requested: \$2.5 Million

Estimated Total Project Cost \$30 Million

Background: The project is to provide grade separation between Lenwood Road and the BN&SF rail tracks. Lenwood Road is one of the few road crossings over the Mojave River between Lenwood, just west of the City of Barstow and Highway 58. It is utilized by a disproportionate volume of truck traffic due to this crossing being a “chokepoint” for travel.

This grade separation is part of the Alameda Rail Corridor (East) project that has examined the consequences of additional frequency and train length impacts on local communities. The status of the project (stage of Development) has reverted to concept: Prior to the State Budget crisis three years ago, SANBAG had awarded approximately \$1.9 million to achieve Environmental Documentation through Plans Specifications and Estimates (PS&E) with the County of San Bernardino utilizing \$50,000 in gas tax monies and the City of Barstow utilizing \$50,000 in Redevelopment funds as a local match to design this project.

Lenwood Road is a major truck traffic connection between Highway 58 to the north of the Mojave River and the community of Lenwood to the south. Highway 58 carries significant levels of truck traffic from other states via I-15 and Las Vegas and from I-40 and points east. Main Street, otherwise known as National Trails Highway (NTH or Route 66) provides access to Barstow and Victorville. Although there are very good highway linkages between the freeways and Highway 58, Barstow is a logical stopping point for many truck drivers, either for changing drivers or for mandatory rest stops. Lenwood Road is a route of choice for these trucks. Significant safety issues that will be mitigated upon completion can further support Lenwood Road grade separation project. The distance between the at-grade crossing and the traffic signal at Main Street is relatively short. Any signal delay, created by maintenance or by an accident may easily cause a “backup” of southbound traffic to the crossing. Although the crossing is “gated”, the potential for error in blocked traffic, leaving a

trailer on the tracks with no room to maneuver is high. The reduction in traffic congestion and improvements to air quality may be quantified to demonstrate a high benefit cost ratio for this project.

- **Project Description:** Provide grade separation between Lenwood Road and the BN&SF rail tracks. The FY 2007 Funds requested are to re-implement the environmental documentation through PS&E Plans Specifications and Estimates

16. Rock Springs Road Bridge

FY 2007 Amount Requested: \$2 Million

Estimated Total Project Cost \$20 Million

Background: Rock Springs Road is a major circulation link in the high desert between the Town of Apple Valley and the City of Hesperia. Rock Springs Road is a continuation of the alignment of Main Street and Phelan Road; major streets that intersect with I-15. Because of that link, many residents of the Town of Apple Valley and the County unincorporated areas to the east of the Mojave River utilize Rock Springs Road for commuting to work in the Inland Empire, Orange County and Los Angeles County. The proposed project is to construct a four lane road bridge across the Mojave River on the Rock Springs Road alignment. The road is a major artery between the Town of Apple Valley and the City of Hesperia with approximately 12,000 vehicles per day using the roadway. The Mojave River is a major watercourse and, especially in the rainy winter months, subject to high water flows. At this location the river is estimated to carry over 26,000 cubic feet per second during a 100-year storm. With the urban development in this area, construction of Rock Springs Bridge is essential, both for ease of movement and for safety. The winter storms of 2004-05 destroyed the low flow crossing. The closure to restore the low flow crossing lasted until October 2005, nearly ten months.

The closure of Rock Springs Road at the Mojave River necessitates each vehicle to detour to Bear Valley Road increasing the commuting distance per trip. Longer trips significantly impact Emergency Responders. Response times are critical both from a safety perspective and also from a fiscal perspective. Ambulance Services, for example, may incur costs by being penalized for delayed response.

Project Description: Construction of a four-lane road bridge across the Mojave River on the Rock Springs Road alignment. The FY 2007 funds requested are to implement the environmental documentation through PS&E Plans Specifications and Estimates.

17. Glen Helen Pkwy/UPRR-BNSF Grade Separation

FY 2007 Amount Requested: \$5 Million

Estimated Total Project Cost \$46 Million

Background: The existing Parkway is four lanes west of Glen Helen Park, and two lanes within the limits of the proposed grade separation project. The roadway

crosses the Cajon Creek via a low-water reinforced concrete box structure, located along the north bank of the creek. This creek carries the main flow from the Cajon Pass watershed, which occasionally floods the existing Glen Helen Parkway in major storms.

A proposal for Highway Bridge Program Funds has been submitted to Caltrans to replace the existing inadequate structure on a new alignment suggested by the preliminary planning study analysis currently underway paid by the County. However, the project must consider the entirety, not just the crossing of the creek.

Both the BNSF and the UPRR cross the roadway east of Cajon Creek. The UPRR has a single track at this location, but also uses the BNSF tracks for hauling freight. BNSF has three operational tracks located east of the UPRR. These are main line tracks and experience heavy train traffic coming in and out of the Ports, and downtown Los Angeles, with the eastbound trains moving relatively slowly. The Glen Helen Parkway intersection with Cajon Boulevard is stop controlled.

The roadway serves as access to I-215 and I-15 for local traffic, and also access to the Glen Helen Park. This park offers recreational opportunities including fishing, picnicking, camping and horseback riding, as well as special events at the Hyundai Pavilion, which is the outdoor amphitheater in the country and has over 10,000 seats, with an ultimate capacity of 65,000. The Pavilion has a busy schedule of events, including usually 8-12 'events' at Pavilion during summer (April - October).

Project Description: The project improvements include: widening Glen Helen Parkway to four lanes; constructing an all weather crossing of the Cajon Creek; and constructing a grade separation over both the BNSF and UPRR railroads, with associated approach walls to be used to span the creek and railroads. It is anticipated the creek cross sectional area may need substantial protection from flood damage, which may include dikes and hard surfacing of the embankments.

Other improvements may include accommodation of a horse trail and pedestrian facilities. And, a new connection to Cajon Boulevard, must be made based upon the configuration of the viable design alternatives considered

A traffic analysis has been performed which included quantitative analysis of weekday peak hour effects of the project and special event ingress / egress traffic operations.

18. Cherry Avenue Grade Separation at RR/Whittram

FY 2007 Amount Requested: \$5 Million

Estimated Total Project Cost \$18 Million

Background: Cherry Avenue is the principal route from I-10 to the California Speedway and major industrial developments north of I-10. Major projects are in the works for upgrades to Cherry Avenue from the replacement of the Interchange to

widening to the County and City Master Plans of Highways for this route. The current overpass at the rail tracks between Merrill Avenue and Whittram Avenue is inadequate for current traffic and will become even more functionally obsolete with the other improvements increasing traffic capacity on Cherry Avenue.

Project Description: Widen or replace existing structure with new entrance exit configurations for Whittram and Merrill Avenues

19. Summit Valley Road

FY 2007 Amount Requested: \$5 Million
Estimated Total Project Cost \$20 Million

Background: Summit Valley Road, branching from SR-138 is proposed as a vital project; an alternative paved access route between the San Bernardino/Los Angeles Basin and the High Desert Communities. The San Gabriel and San Bernardino Mountains create a formidable barrier to road and rail transportation between the Pacific Rim Port Cities, the densely populated Los Angeles Basin and Inland Valleys to the High Desert communities and on to other states. The Cajon Pass, created by the San Andreas fault system, is the most direct and feasible transportation corridor link between Inland Southern California, the High Desert and ultimately Nevada and Northern Arizona. Burlington Northern/Santa Fe and Union Pacific Railroads use this corridor. I-15 and SH138 routes are currently the only paved highways through Cajon pass. SR-138 near the Summit Valley Road intersection also provides critical access to the San Bernardino National Forest. Summit Valley Road provides alternative access to the Victor Valley area in the event of closures on west on SR-138 and north of SR-138 on I-15.

A cooperative agreement will be necessary both with Caltrans (junction of SH138) and the City of Hesperia. An interim paving of the road on the existing alignment has been completed with local monies. An agreement with the City of Hesperia has been formulated for a proportionate share of costs. This interim road is a paving of one lane in each direction and does not address the ultimate design envisioned in the County Master Plan of a multi-lane major highway on a different alignment connecting SH138 with Rancho Road which is currently under design to provide a grade separation at the rail road tracks. Ultimately a newly aligned four-lane major arterial road is the preferred outcome for this item.

Project Description: Continue planning efforts and pre-construction activities and upgrade Summit Valley Road from SH138 to Rancho Road to a four-lane arterial.

20. Milpas Drive Paving

FY 2007 Amount Requested: \$2.5 Million
Estimated Total Project Cost \$2.5 Million

Background: Milpas Drive is currently a dirt road that has several blind curves and crosses a rail track with no safety features. Minor vertical and horizontal alignment

within existing right-of-way will improve traffic safety. Paving will allow traffic controls to be implemented. Regionally, improvements to this road significantly improve safety and accessibility to school buses for students in the Apple Valley Unified School District.

The County is proposing to pave a dirt road one lane in each direction from the end of pavement south to Rancho Road on existing right-of-way. The Average Daily Traffic is high for a dirt road (856). Paving the road will complement school bus accessibility, reduce PM 10, mitigate “wear and tear” on local traffic and improve traffic safety on blind “S” curves.

Project Description: Pave Milpas Drive a dirt road one lane in each direction from the end of pavement south to Rancho Road on existing right-of-way.

21. Piute Wash Bridge

FY 2007 Amount Requested: \$2 Million
Estimated Total Project Cost \$20 Million

Background: Piute Wash is a major drainage feature that intersects Needles Highway. This feature potentially could generate high peak water flows owing to the large area of mountain and desert in its catchment (watershed) area. Early 90’s drainage studies estimated a 100-year peak flow in excess of 26,500 cfs and concluded that Piute Wash needed to be bridged. The recommendation is for a 500-foot long multi lane bridge that is not accommodated within the proposed rehabilitation and realignment of Needles Highway. Needles Highway is located within the tri-state regional area of Arizona, California and Nevada and is bounded on the east by the Colorado River, on the west by the Deadman Mountains and extends from California to Nevada. The Needles Highway is currently part of a county road network in both states and is under the local jurisdictions of Clark County Nevada, and San Bernardino County, California, and the City of Needles.

The proposal addresses the construction of a bridge across Piute Wash, a major drainage feature that intersects Needles Highway. This feature potentially could generate high peak water flows (flash floods) owing to the large area of mountain and desert in its catchment area and the regular expectation of summer thunderstorms. Early 90’s drainage studies estimated a 100-year peak flow in excess of 26,500 cfs and concluded that Piute Wash needed to be bridged.

Project Description: Construct a 500-foot long, multi lane, Bridge on Needles Highway over the Piute wash.

22. Arrowbear Drive Realignment And Widening

FY 2007 Amount Requested: \$1 Million
Estimated Total Project Cost \$2 Million

Background: The Arrowbear Community off SH18 has limited access to SH18. The existing bridge/spillway and road needs to be realigned and widened. The project is not capacity increasing.

Regionally, improvements to this road will mitigate traffic safety issues. Arrowbear Drive may be important as an evacuation route.

Project Description: Remove and replace bridge/spillway and realign and widen road. This will improve traffic safety and provide easier access egress in an emergency situation.

23. Winters Road Paving

FY 2007 Amount Requested: \$5 Million

Estimated Total Project Cost: \$30 Million

Background: The current Defense Access Roads network includes Pole Line Road, Lear Avenue and SH62. Convoys of military vehicles are traversing the local communities of Yucca Valley, Joshua Tree and Twenty-nine Palms generating congestion, impacting Level of Service (LOS) on community roads and exacerbating adverse safety conditions. Moving the military convoys and large military transporters to a more northerly route providing a more direct east-west connection with SH247 will minimize military transportation impacts and improve transportation efficiencies for the Military base. Inbound military traffic for training exercises have only one paved access point to enter the base. When deployments from the base occur, only one paved route currently exists; paving Winters Road would double the traffic capacity for military deployments and provide a secondary route from the base if the primary route was unavailable. This Project would provide a second East/West paved route through the Morongo Basin providing access during unforeseen closures of SH62.

Project Description: Construction of a paved road suitable as a Defense Access Road to County (and Military) standards from the existing paved Border Avenue east to Lear Avenue near the Marine Corps Training Center along the alignment of Winters Road.

24. Helendale Road Paving Project

FY 2007 Amount Requested: \$2 Million

Estimated Total Project Cost \$15 Million

Background: The proposal is to pave Helendale Road as an alternative route for National Trails Highway (Route 66) between the Silver Lakes/Helendale communities and Victorville. This alternative route avoids an at-grade rail crossing at Vista Road and a very narrow, functionally obsolete, road underpass at Oro Grande that inhibits traffic flow and reduces level of service.

For commuters, this additional road improves system connectivity, as commuting times can be more predictable, allowing commuters to efficiently access intermodal transportation systems; trains and rideshare/vanpools. With the development of Southern California Logistics Airport (SCLA) an estimated additional 10,000 jobs will be generated. It is anticipated that multiple housing tracts will be developed north of the airport with Helendale Road as the primary road link. Constructing this road prior to known development patters will significantly reduce project costs.

Project Description: Pave Helendale Road a dirt road one lane in each direction from Colusa Road within the City of Victorville north to Silver Lakes Road on existing right-of-way.

25. Vista Road Grade Separation Project

FY 2007 Amount Requested: \$2 Million

Estimated Total Project Cost \$20 Million

Background: The proposal is to create a grade separation on Vista Road for National Trails Highway (Route 66) and the Silver Lakes-Helendale community traffic. This grade separation will avoid significant delay created by train traffic estimated at 99 trains per day, many of which extend delay by waiting, blocking Vista Road for clear tracks.

As Vista Road is the only bridged crossing over the Mojave River between the City Victorville to the south and Lenwood, just east of the City of Barstow, to the north, Vista Road is utilized by a disproportionate volume of traffic due to this crossing being a “chokepoint” for east west travel.

Traffic is delayed every time a train passes and with the limited east west bridge options, not only is the traffic delay greater, but the delays impact larger volumes of vehicular traffic. Safety vehicles such as ambulances have been documented as being forced to wait for periods of up to fifteen minutes with one incident being reported in the local newspaper inferring the enforced wait had fatal consequences for a seriously ill patient. Alternative travel routes are severely limited and create significantly longer travel times and additional mileage. Alternative route trips negatively impact regional air quality as Helendale Road is currently unpaved.

Project Description: Provide grade separation on Vista Road and the BN&SF rail tracks. The FY 2007 Funds requested are to implement the environmental documentation through PS&E Plans Specifications and Estimates

26. San Bernardino Avenue Union Pacific RR Crossing

FY 2007 Amount Requested: \$260,000

Estimated Total Project Cost \$260,000

Background: The Federal Government has identified the fourth most dangerous crossing in the United States as the Union Pacific railroad spur that crosses San

Bernardino Avenue in an unincorporated County area. As part of a development project in a Redevelopment Project Area, San Bernardino Avenue will be widened to four lanes with a left turn lane. This necessitates the construction of new crossing signs and new rails and crossing base to accommodate the widen road and to meet current railroad safety requirements.

The project is being funded by Catellus Development Corporation, the County of San Bernardino Redevelopment Agency, and a Section 130 grant. However, federal funds to cover the cost of the rail grade improvements have ceased to be available. Only signal costs are covered through a program administered by the California Public Utilities Commission. The cost of have the work performed under Union Pacific guidelines is significantly higher than the cost of doing the same work by private contractor. Under federal law, the railroad controls the construction but is not required to pay for the improvement. For this project, which is a one hundred foot (100') right-of-way, the cost differential is approximately \$260,000. The lack of the Section 130 grant funds believed to have been secured has caused this to be an unanticipated cost to the Redevelopment Agency and to the private company. The Redevelopment Agency is requesting \$260,000 from the Federal government to cover this cost differential.

27. Arrow Route at Lime Avenue

FY 2007 Amount Requested: \$1 Million

Estimated Total Project Cost \$1 Million

Background: The proposed project is to widen Arrow Route from an existing two lane configuration across the rail tracks to a four lane road with pavement widening, rail road crossing improvements and pedestrian improvements.

Arrow Route is an important east-west link in the Fontana area, north of I-10, connecting several communities. Arrow Route is designated as a Secondary Highway in the County Master Plan of Highways, which specifies 88 feet of right-of-way and 64 feet of curb-to-curb width. The Average Daily Traffic (ADT) on this road east of Beech Avenue was 14,322 in July 2003. The existing at-grade railroad crossing on Arrow Route is narrow and rough. To widen the road right-of-way acquisition is needed from several parcels on the south side of Arrow Route east of the railroad tracks. The County has been unsuccessful in obtaining Section 130 funds for the railroad crossing improvements.

With rising right-of-way acquisition costs, widening the RR crossing to four lanes, improving drainage, replacing the current mast arms with larger ones and possibly installing new signals is beyond the scope of county funding. The proposed improvements will improve traffic flow and goods movement by reducing congestion created by this bottleneck. This area of west Fontana has many businesses dependent upon efficient trucking of goods to and from the area and Arrow Route is a key access road.

Project Description: Widen Arrow Route from an existing two lane configuration across the rail tracks to a four lane road with pavement widening, rail road crossing improvements and pedestrian improvements.

- The FY 2007 Funds requested are to construct improvements.

28. Institution Road: Glen Helen Rehabilitation Facility to Cajon Blvd.

FY 2007 Amount Requested: \$5 Million

Estimated Total Project Cost \$6 Million

Background: The proposal is to create an all weather access road for the Glen Helen Rehabilitation Facility. Institution Road is the only paved access road for the Glen Helen Rehabilitation Facility which lies on the west side of the Cajon Wash. Institution Road crosses the Cajon Wash approximately perpendicular to the line of flow. The road has several vertical sags or dips that correspond with seasonal streambeds and (in any significant rain event) flow crossings. Institution Road is closed in inclement weather due to water and debris flows and debris is regularly deposited on the road. In significant storm events the wash above the road creates braided channels and water (and debris) may flow across Institution Road at any point. In 2005 the road was closed for so long that helicopters had to ferry personnel to and from the facility.

Due to significant environmental issues involving flow regimes and endangered species migration patterns, a more complex bridge structure must be built rather than utilizing arch culverts to create all weather access.

The project was submitted for pre-disaster mitigation grant funding for 2005-06 and was forwarded by State OES to FEMA. However, the project was not funded from this source. The County Board of Supervisors allocated \$1 million in general fund money for this project.

Project Description: Elevate existing two lane configuration across the Cajon Wash with pavement widening, and safety improvements by structures approved by US Fish and Game and Corps of Engineers

29. Base Line/I-15 Interchange

FY 2007 Amount Requested: \$1.5 Million

Estimated Total Project Cost \$60 Million

Background: The project is located along the hottest industrial real estate market in the U.S. - the Inland Empire's I-15 corridor. The Base Line interchange, along the city limit line between Rancho Cucamonga and Fontana, is in the center of an area that is leading the way in San Bernardino County for industrial, residential and commercial growth and job creation.

This tremendous growth is forecasted to continue in the upcoming years, with the continued development of Rancho Cucamonga and Fontana as well as the region. Significantly higher traffic volume is also forecasted. I-15 traffic volumes are projected to increase 47% over the next 20 years. On Base Line Road at the interchange, traffic volumes are projected to increase 42% over the same period of time. Note - This projection did not take into account the opening of Victoria Gardens Regional Mall and the City's Cultural Center in 2004/05, which has further impacted the interchange.

The Base Line interchange can no longer keep pace with the region's growth nor continue to ensure the traffic safety of the drivers and travelers on I-15. I-15 ramps at Base Line Road are currently operating at an "unacceptable" level of service. As an example, from 1996 - 2001, average daily traffic volumes at this interchange increased from 86,000 to 126,000, an increase of 46%.

Project Description: This project has the support of the California Department of Transportation (CalTrans), San Bernardino Associated Governments (SANBAG), and the City of Fontana. The overall improvement of the Base Line interchange will include: four new bridge structures for the on and off ramps, the widening of the existing Etiwanda overhead structure located north of the interchange, and the widening of the Etiwanda Avenue under-crossing south of the interchange.

30. I-15/Arrow Route Interchange

FY 2007 Amount Requested: \$2 Million
Estimated Total Project Cost \$60 Million

Background: This new interchange will be located three miles north of the Interstate 10/I-15 interchange. Tremendous commercial and industrial growth in Western San Bernardino County has severely impacted the capacities of the interchanges adjacent to this location, including the I-15/Foothill Boulevard and I-15/Fourth Street interchanges. Freeway access and truck circulation from this busy industrial area is deficient and traffic projections indicate that regional traffic will double in the next 20 years.

The proposed project will provide improved interstate and regional movement of goods and services, new access to one of the region's fastest developing economic development areas, reduce traffic congestion, and improve safety on one of the most congested sections of I-15 between Interstate 10 and Las Vegas. The construction of a new interchange at Arrow Route is critical for San Bernardino County industrial and commercial mobility as its connection to I-15 will relieve adjacent interchanges and provide a critical access point for trucks.

Project Description: The amount requested is for initial planning and design of this new interchange to be located three miles north of the Interstate 10/I-15 interchange.

31. I-15/Interstate 215 Interchange

FY 2007 Amount Requested: \$3 Million
Estimated Total Project Cost \$60 Million

Background: Since being built to replace the historic Route 66 and US 91, I-15 (I-15) has become a vital lifeline carrying people and freight to and from the Los Angeles metropolitan area – serving as a commuter corridor from the High Desert to jobs in other areas of San Bernardino County and to jobs in Los Angeles and Riverside counties; a freight corridor from Southern California's ports to the rest of the nation; and the prime route for recreation trips to the High Desert and the “Tri-state” area (i.e. California state line, Arizona, Nevada) and beyond.

The I-15 corridor is experiencing considerable performance problems due to a number of factors. These factors include higher than average truck volumes (10 to 15% of the total traffic), steep grades approaching 6% sustained for approximately 5 miles through the Cajon Pass, roadway design limitations particularly at the I-15/I-215 interchange, heavy traffic demand on both weekends and week days, as well as a lack of alternative travel options. Travel demand for the I-15 corridor has been growing 2 to 2.5% per year on average over the last ten and is expected to almost double by the year 2030, substantially exacerbating already apparent performance problems.

These performance problems have repercussions such as higher than average traveler delay and accident rates, as well as a disincentive to economic activity in the region. Chronic congestion occurs at the I-15/I-215 interchange and between the I-10 and the SR-60. Average peak hour travel speeds are as low as 10 mph through these segments. Congestion typically deteriorates even further on Friday and Sunday evenings with demand being 10 to 15% higher than it is during the standard weekday peak periods.

Project Description: This request is for funding for the costs associated with project development, projects approvals, and environmental document preparations to reconfigure the I-15/I-215 interchange to better facilitate primary traffic movement.

32. Citrus Ave/Interstate 10 Interchange

FY 2007 Amount Requested: \$5 Million
Estimated Total Project Cost \$40 Million

Background: Interstate 10 is the principal east/west circulation route for automobiles and trucks into and out of the Los Angeles basin. The freeway serves as a major goods movement corridor for the busy Ports of Los Angeles. In San Bernardino County, Interstate 10 currently handles 185,000 vehicles a day with a projected traffic count of over 250,000 trips per day in 2020. Interchanges along Interstate 10 were typically built at every mile with overpasses or underpasses (grade separations) at every half-mile. However, this does not hold true along the segment that runs through the cities of Fontana and Rialto as well as unincorporated San

Bernardino County areas. Apart from the spacing between Sierra and Citrus avenues in Fontana, interchanges are spaced at two-mile intervals. No midpoint grade separations exist. This lack of mid-point grade separations places extraordinary pressure on existing interchanges and causes traffic backups that exacerbate freeway congestion.

Citrus Avenue is a regionally significant north/south highway with heavy truck traffic because it serves major industrial sites in Fontana and unincorporated areas of San Bernardino County. The Citrus Avenue/I-10 Interchange is experiencing significant vehicle congestion with over 20 minutes delays in local cross over traffic during afternoon peak hours. Parallel railroad tracks immediately to the south of I-10 complicate alterations to the interchange configuration and will significantly increase the cost of the project.

Project Description: A joint project between CalTrans, the County of San Bernardino and the City of Fontana to reconstruct the Citrus Avenue/Interstate 10 interchange.

33. Yucca Loma Road Bridge

FY 2007 Amount Requested: \$5 Million
Estimated Total Project Cost \$40 Million

Background: The Mojave River is a major east-west obstacle for transportation in the high desert area. The Mojave River is also a major water course and, in the rainy winter months, is subject to high water flows. With the urban development in this area, additional bridges are becoming necessary, both for ease of movement and for safety. Construction of an additional bridge across the Mojave River (and the AT&SF Railroad tracks), connecting Yucca Loma Road via Yates Road to Green Tree Boulevard (a distance of approximately 3.4 miles) will provide a necessary structure to facilitate ease of movement across this natural barrier and provide a grade separation across the busy railroad tracks.

There are only two crossing points across the Mojave River between Victorville and the Town of Apple Valley, two rapidly growing communities. One crossing links via SH18 through the Mojave River's upper narrows about four miles to the north and the second is located at Bear Valley Road about a mile to the south of the proposed Yucca Loma alignment.

Project Description: Construct a Yucca Loma Bridge of 3.4 miles and four lanes. This would provide a third connection between these two fast growing communities and the County area in between.

Flood Control

1. FEMA Levee Certification – Local Costs

Funding Request (annual FY 2007): \$1 Million
Funding Request (total project cost): \$3 Million

As part of the Federal Emergency Management Agency's (FEMA's) nationwide Map Modernization Program, FEMA has initiated a countywide Flood Insurance Study (FIS) and Digital FIRM (DFIRM) for San Bernardino County and all incorporated communities within the County. FEMA has implemented a policy to verify the certification status of all levees currently depicted on the effective FIRM as providing protection from the base (1% annual chance) flood. The regulatory requirements for accrediting levees as providing base flood protection on FIRMs is found in Title 44 of the Code of Federal Regulations (CFR), Section 65.10 (44 CFR 65.10). These criteria include design criteria (e.g. freeboard, closures, embankment protection, embankment and foundation stability, settlement, and interior drainage), operation, and maintenance.

FEMA intends to show those levees that can not be certified on time as not providing any flood protection. This could place hundreds of home owners in FIRM floodplains designations, potentially costing them thousands of dollars in flood insurance.

The San Bernardino County Flood Control District is in the process of hiring a consultant to assist with the certification effort. Currently, the District is focusing on certifying those facilities deemed as levees by FEMA that can be certified without repair work, expansion or major construction. Eventually, the District will begin upgrading those levees not able to be certified so they meet the requirements set by FEMA and assist in getting the floodplain designations removed from the FIRM thus taking people back out of the floodplain designations. This is a major effort for the District especially due to the District's size and number of facilities. It is estimate the effort to certify the levees will cost \$3 million.

2. Donnell Basin

Funding Request (annual FY 2007): \$3,500,000

Funding Request (total project cost): \$3,500,000

Loss of life and considerable damage to streets, structures and homes in the City of Twenty-nine Palms were caused by major flash floods in 1958, 1960, 1974, 1978 and 2003. Flash floods are especially perilous to motorists caught in number of low water crossings, due to combination of desert precipitation and steep topography of the area. Within the last three years, three fatalities have occurred in low crossings. Based on the Twenty-nine Palms Master Plans of Drainage Study, the existing Donnell Basin would need to be expanded to act as a detention basin to reduce flows downstream. A decrease in downstream flows will provide safer crossings and conveyance system for motorists at Adobe Road, Utah Trail and the Amboy Road Bridge.

The San Bernardino County Flood Control District requests funding for costs associated with the construction Donnell Basin.

3. Desert Knolls Wash Phase II Project

Funding Request (annual FY 2007): \$12 Million

Funding Request (total project cost): \$12 Million

The Town of Apple Valley has experienced rapid development in recent years creating a need for increased flood protection. The existing Desert Knolls Wash is an earthen channel which has eroded and scoured over time due to discharges from upstream developments. Hence, the Town of Apple Valley and the San Bernardino County Flood Control District (District) initiated the channel improvement project in this area.

One of the areas requiring this protection is the upstream reach from Apple Valley Road to Tuscola Road. The proposal is to construct a rectangular concrete channel at an estimated construction cost of \$3 million, including right of way acquisition, construction administration and contingencies. Final plans and specifications are complete but the project has been placed on hold due to mitigation measures required by the Regional Water Quality Control Board (RWQCB).

Currently, the District and RWQCB are discussing appropriate mitigation measures for the project. One of the most promising mitigation options on the table is to construct bottom controls structures within the downstream reach of the existing channel to reduce high velocities and sediment transportation into the Mojave River. The total estimate for the mitigation has been estimated to be \$ 9 million.

The San Bernardino County Flood Control District requests funding for costs associated with the construction of Desert Knolls Wash, Phase II and the mitigation measures for the project.

4. Deer Creek Debris Basin

Funding Request (annual FY 2007): \$2 Million

Funding Request (total project cost): \$5,700,000

In the fiscal year 2001-02 the California State Department of Water Resources coordinated a study between various interested agencies including the U.S. Army Corp of Engineers (USACE). Although there was substantial disagreement during the study among the participants, the USACE projected that the basin was at 8% less capacity than the design needs for a substantial flooding event. With substantial rain occurring only two years after the fires, the basin performed well. However, the San Bernardino County Flood Control District (District) determined that it would be prudent to add capacity to the basin; enough capacity to satisfy all of the study participant's concerns.

The District applied for a FEMA grant consisting of \$440,000. The grant was applied for and approved, but not appropriated by Congress. Given the recent storm events, District staff believes that the basin is safe, but it would be prudent to increase capacity. The District should pursue all available funding sources at the Federal level to complete this vital project.

Preliminary estimates show a cost of \$5.7 million to design, get environmental clearance and construction the basin expansion. A construction project is underway to direct flows into both sides of the basin in order to fully utilize the existing basin capacity. In the USACE Cucamonga Creek System GDM #2, they show debris yield of 310 acre-feet at Deer Creek, based on a "major storm". The \$5.7 million includes enlarging the basin and relocating the grouted rock inlet structure.

5. Cactus Basins project

Funding Request (annual FY 2007): \$3 Million

Funding Request (total project cost): \$31,517,400

The Cactus Basins project is located in the City of Rialto. Much of the area downstream of the basins is residential. Effort is underway to improve the Rialto Channel System in several phases to its ultimate condition to accommodate the increased flows conveyed by the newly constructed Cactus Channel, north of the new I-210 Freeway. Cactus Channel was completed in December 2004 by Caltrans and San Bernardino Associated Governments (SANBAG).

Some of the most important elements of the Rialto Channel system are the Cactus Basins. These basins are crucial due to the sudden increased run off concentrated into the system from the I-210 Freeway and Cactus Channel project. In October 2004, the system experienced severe flooding which damaged private property walls and fences along the channel downstream of the basins.

The District is currently designing the expansion of Basin #3 and the plans are in the final stages of review. Ultimately the expansion of Cactus Basins #4 and #5 will also be a part of the system improvement. Preliminary designs have been established for those two basins. The current construction cost for all three basins is estimated at \$31.5 million. Construction is currently dependent upon availability of funds. Basin #3 is critical to flood prevention and will be built first. The current cost estimates for Basin #3 is just under \$10 million.

The District suffered large damages during the 1498 (December 2003) and 1577/1585 (January and February 2005) declared disasters. Zone 2 was devastated by the disasters and still owes funding to another zone to cover the costs of repairs from those disasters.

6. Water Canyon Basin

Funding Request (annual FY 2007): \$5 Million

Funding Request (total project cost): \$10 Million

As a result of the 2006 Sawtooth & Millard fires in the Morongo and Yucca Valley areas, Natural Resources Conservation Service identified a project to construct a basin to intercept and collect post fire debris and flows in the Water Canyon watershed area.

Per the Town of Yucca Valley Master Plan of Drainage, a detention/debris basin at the mouth of the Water Canyon watershed is proposed, which will substantially reduce debris and peak flows eliminating the threat to communities downstream. The San Bernardino County Flood Control District requests funding for costs associated with the construction of Water Canyon Basin.

7. Rancho Basin

Funding Request (annual FY 2007): \$3 Million
Funding Request (total project cost): \$10 Million

The Antelope and Victor Valleys continue to experience rapid development in recent years, creating a need for increased flood protection. The construction of Rancho Basin has been identified as a priority facility in the Hesperia Master Plan of Drainage Study.

As a part of the City of Hesperia's grade separation and realignment project of Rancho Road, the San Bernardino County Flood Control District proposes to design and construct its project concurrently. The City's project would partially provide the basin embankment for the District's basin, which will reduce the peak flows to a level which can be conveyed by the existing earthen channel with minimal improvement.

The San Bernardino County Flood Control District requests funding for costs associated with the construction of Rancho Basin.

8. Oro Grande Wash Basin No. 9

Funding Request (annual FY 2007): \$3 Million
Funding Request (total project cost): \$10 Million

The City of Victorville experiences rapid development in recent years creating a need for increased flood protection. Infrequent thunderstorms of high intensities recently caused significant flooding damages near Mojave River and the Oro Grande Wash area.

Since the existing Army Corps of Engineers constructed drainage facility, at the confluence of the Mojave River does not have adequate capacity to convey the design flows, Oro Grande basin No. 9 was identified as one of primary facilities needing improvement to provide flood protection for the community. This basin would be a part of a series of basins which will be required upstream to reduce the peak flows.

The San Bernardino County Flood Control District requests funding for costs associated with the construction of Oro Grande Wash Basin No. 9.

9. Hesperia Basin

Funding Request (annual FY 2007): \$5 Million
Funding Request (total project cost): \$20,700,000

Hesperia Basin was identified in the Hesperia Master Plan of Drainage as a priority facility for construction due to the projected development, which continues to take place at a very rapid pace at present. At the request of the California Department of Water Resources (DWR), the study considered the closure of several existing drop inlets along the California Aqueduct. The closures were planned by DWR to increase the capacity of the aqueduct and to improve the quality of the imported water.

The proposed basin will mitigate the additional flows generated by the upstream development and safely convey these flows to the existing aqueduct over-crossings. The basin is proposed to be located just south of the California Aqueduct at DWR Station 1890+00 (PM 397.3), between Bandicoot Trail and the Edison Easement, in the unincorporated area of San Bernardino County.

The San Bernardino County Flood Control District requests funding for costs associated with the construction of Hesperia Basin.

10. West Fontana Channel and Basin Project

Funding Request (annual FY 2007): \$5 Million

Funding Request (total project cost): \$38,209,600

In 1987 the San Bernardino County Flood Control District, in cooperation with the cities located within the District's Zone 1, developed and implemented a Project Participation Point Formula. The Project Participation Point Formula established criteria evaluating and ranking as to priority of future flood control projects in each city in Zone 1. Of the seven priority projects four have been completed. The current top priority project, West Fontana Channel, is unique since it spans both Zone 1 and Zone 2. The West Fontana Channel project is located in the City of Fontana and unincorporated areas. The channel protects parallel train tracks and residential neighborhoods. Much of the area has been developed for a substantial amount of time.

The project consists of construction of an open-channel storm drain within District right-of-way and easements from the Banana Basin easterly to Juniper Avenue. The project included a concrete-lined open channel, associated catch basins with connector laterals, future drain stub outs, culvert crossings at street intersections, necessary appurtenant work inlet structure at the easterly side of Juniper Avenue and outlet facilities in the Banana Basin. The project also includes a basin for water recharge.

The project is set to be built in phases due to funding limitations. The current estimated total cost for the project is \$38,209,600.

- Mitigation for entire project \$1,848,000
- Phase I - Banana to Cherry \$7,245,000
- Phase II – Cherry to Beech \$6,977,600
- Phase III – Beech to Citrus \$2,665,000
- Basin including right-of-way \$19,474,000

Flooding issues have increased the need and desired timeline for completion of this project. The channel parallels railroad lines which carry passenger trains including the Metrolink Rail into Los Angeles. Numerous times the rail lines have been flooded causing commuter delays and rerouting of trains.

District Attorney

1. Courts and Procedures

The California District Attorney's Association and the San Bernardino County District Attorney's Office support legislative changes that will improve procedural operations of the Courts in the areas of the impaneling grand juries, search warrants and conforming the statute of limitations for property crimes.

LEGISLATIVE POSITION:

Support or sponsor legislation that:

- Allows for a presiding judge to designate the powers to another judge to supervise the empanelment of a grand jury.
- Amends Penal Code § 1529 to add district attorney investigators to the search warrant form.
- Conforms the statute of limitations for property crimes related to real estate fraud.

2. Child Abuse

With the continued increase in child abuse and sexual crimes children, the California District Attorney's Association and the San Bernardino County District Attorney's Office support legislative changes to conform existing law and increase various penalties for crimes against children.

LEGISLATIVE POSITION:

Support or sponsor legislation that:

- Child Pornography - Amends Penal Code § 311.11 so that possession of child pornography can be charged either as a misdemeanor or a felony crime.
- Child Exploitation - Conforms and revises provisions of the law as it relates to the possession, creation, and distribution of child pornography.
- Sexual Predator Punishment Provisions - Increases penalties for sex assault crimes committed against children, including kidnap for child molest, habitual child molest, and other violent sex crimes.
- Sexually Violent Predators (Co-sponsor: California Attorney General) - Adds the crime of continuous sexual abuse of a child to the list of qualifying offenses under the Sexual Violent Predator Law.
- Closed Circuit Television - Expands the use of closed circuit television in the courtroom to cases involving specified child abuse and endangerment charges.
- Child Sex Assault Victims (Co-Sponsor: California Attorney General - Extends the statute of limitations for specified sexual offenses against children under the

age of 18, such as rape, sodomy, lewd or lascivious conduct, and sexual penetration, from 10 years from the date of the crime to any time before the victim's 30th birthday.

3. Controlled Substance Violations

The use of the drug Ecstasy has continued to increase. The increase use of this drug has cause an increase in social and public health issues. The California District Attorney's Association and the San Bernardino County District Attorney's Office support legislative changes to enhance sentencing for sales and possession for sales.

LEGISLATIVE POSITION:

- Support of sponsor legislation that provide for a quantity sentence enhancement for sales and possession for sales of controlled substance violations involving ecstasy (MDMA).

4. Elder Abuse

Elder Abuse continues to increase. Frequently an elder victim is unable to attend trial because of physical problems or that they have move out of state health and caretaker reasons. The California District Attorney's Association and the San Bernardino County District Attorney's Office support legislative changes in the area of conditional exams.

LEGISLATIVE POSITION:

- Support or sponsor legislation that strengthens the conditional exam process in order to assist in the prosecution of elder abuse cases where an elder victim is either out of the state or otherwise unable to attend trial because of illness or death.

5. Identity Theft Prosecutions

As the business community continues to do more transactions via the internet and in an electronic format identify theft crimes increase. The California District Attorney's Association and the San Bernardino County District Attorney's Office support legislative changes for repeat offenders of identity theft.

LEGISLATIVE POSITION:

- Support or sponsor legislation that increases penalties for repeat offenders of identity theft crimes and for perpetrators involved in manufacturing and selling stolen identities.

6. Prison Crimes

The district attorney's office occurs significant cost associated with the training of California Department of Correction's employees. These costs are not reimbursed by the State. The California District Attorney's Association and the San Bernardino County District Attorney's Office support legislative changes to provide appropriate reimbursement.

LEGISLATIVE POSITION:

- Support or sponsor legislation that provides reimbursement to district attorneys' offices for costs associated with the training of CDC employees on prison crimes cases.

7. Sentencing

Various codes contain non-life indeterminate sentences. W&I § 707 to a standard determinate term for uniformity in sentencing.

LEGISLATIVE POSITION:

- Support or sponsor legislation that removes the non-life indeterminate sentences in various codes and converts them to standard determinate terms.

8. Welfare & Institutions Code §707

W&I § 707 contains drafting errors and in areas does not conform to existing statutes. Additional needed technical changes have been identified in provisions pertaining to crime and the implementation of criminal laws. The California District Attorney's Association and the San Bernardino County District Attorney's Office support legislative changes to correct these drafting and technical errors.

LEGISLATIVE POSITION:

Support or sponsor legislation that:

- Provides technical cleanup of W & I § 707 to correct drafting errors and ensure conformance with existing statutes.
- Makes numerous, technical changes to provisions pertaining to crime and the implementation of criminal laws.

9. Reckless Driving

There are serious penalties for driving under the influence causing injury or death. However, without certain priors, reckless driving with injury can only be a misdemeanor. With our extensive road system in San Bernardino County, including mountain roads and isolated desert highways, we see numerous examples of high speed and other reckless driving that result in serious and permanent injuries with multiple victims. Under current law this is only a misdemeanor. This amendment would give the prosecutor the discretion to file reckless driving with great bodily injury as a felony.

LEGISLATIVE POSITION:

- Amend Vehicle Code §23104 to make reckless driving resulting in great bodily injury a felony and punishable under current felony sentencing guidelines.

10. Jessica's Law Legislation

In an effort to better protect the children and citizens from the devastating acts of sexual predators, the "Sexual Predator Punishment and Control Act: Jessica's Law" has been offered as two bills in the California State Legislature. This law is co-

sponsored by State Senator Runner and Assemblywoman Runner. In the event that the bills fail in the legislature, a statewide ballot initiative is proposed. County of San Bernardino Supervisors Postmus and Ovitt are co-sponsors of the Jessica's Law initiative.

California's Jessica's Law as proposed is the combination of SB 588, George Runner (R- Antelope Valley) and AB 231, Sharon Runner (R- Antelope Valley). Both bills have been introduced in each house of the state legislature concurrently. Initial attempts to move this legislation forward have been stalled in committee. Jessica's Law will offer several new and strengthened provisions to State law including GPS tracking of paroled sex offenders for life, new predator-free zones for schools and parks, and a stiffened "sexually violent predator" provision for violent first-time offenders. Also, Jessica's Law will increase penalties for these offenses, increase parole terms, and add new punishable offenses for sex offenders to law.

LEGISLATIVE POSITION:

- Advocate that Jessica's Law be immediately acted upon by the California legislature as an urgency item.

Courts

1. Increased Judgeships

The case-per-judge ratio in San Bernardino County greatly exceeds the ratio of any Southern California county outside of the Inland Empire. The quality of justice in our rapidly growing County necessitates support for this legislation. A bill is being submitted which currently has legislative leadership and Governor's Office support to increase the number of judgeships in San Bernardino County by 23. These judgeships would be phased in over a three to four year period.

LEGISLATIVE POSITION:

- Actively support the legislation that is being introduced to increase the number of judgeships in San Bernardino County by 23.

Probation

1. Funding for Adult Probation Services

Funding Request (annual FY 2007):

Funding Request (total project cost): 140 Million staff/equipment costs

Adult probation services are a key component in the justice system to ensure that convicted adult offenders are supervised at a consistent level. County probation officers perform investigations, provide supervision services, implement Specialty Court requirements, and monitor specialized caseloads, such as domestic violence, sex offender and gang units.

However, these services have no consistent funding source beyond county general funds. As a result, caseload size for specialized units such as Sex offender, Domestic Violence, and high-risk offender supervision typically exceeds 100 cases per officer. Research and evidence-based practices suggests that such caseloads should not exceed 40 cases per officer.

State funding is needed for counties to reduce this caseload gap to a consistent level in order to maximize efforts to protect the community.

LEGISLATIVE POSITION:

- Support legislation and budget actions to create a funding source for adult probation services.

2. Maintain Current Funding Sources

Funding Request (annual FY 2007): \$183.5 Million

Funding Request (total project cost): \$183.5 Million

The 2006-07 State budget provided for increased funding to county probation departments. Specifically, Juvenile Justice Crime Prevention Act (JJCPA) funding was restored to its original level, the State Training for Corrections (STC) program was funded since being defunded in the 2002-03 budget, and the Mentally Ill Offender Crime Reduction (MIOCR) grant was funded for both juvenile and adult populations.

These funding sources are critical to the sustained efforts of probation departments in managing community safety. JJCPA provides for programs and intensive supervision to assist juveniles from becoming further involved in the criminal justice system. STC funds provide funding to ensure that peace officers receive critical training in the field of corrections per the standards set forth by the Corrections Standards Authority. And the MIOCR grant focuses on working with mentally ill offenders, providing an opportunity to direct the offenders away from criminal activity, and into an appropriate program.

LEGISLATIVE POSITION:

- Support budget efforts to sustain or enhance funding for JJCPA, STC and MIOCR programs.

3. GPS-Electronic Monitoring Funding for Local Law Enforcement Agencies

Funding Request (annual FY 2007): \$1.5 Million

Funding Request (total project cost): \$1.5 Million

As part of the Sex Offender Reform implementation established under SB 1128 and SB 1178, which were signed into law in the 2005-06 legislative session, GPS-electronic monitoring is anticipated to play a key role in the efforts to control and track sex offenders.

Adequate State funding is necessary to ensure that county probation departments are able to maximize efforts to manage and supervise sex offender populations.

LEGISLATIVE POSITION:

- Support legislation and budget efforts for county probation departments to provide GPS electronic monitoring supervision of sex offenders.

4. Funding for the Construction of Juveniles Halls

Funding Request (annual FY 2007): \$70 Million

Funding Request (total project cost): \$70 Million

County probation departments throughout the state operate juvenile detention facilities within their local jurisdiction. Due to lack of funding, many of these facilities have exceeded their useful life, fallen into disrepair, or are in need of modernization. In San Bernardino County, the Central Juvenile Detention and Assessment Center was originally constructed in 1954 and linear facilities have been added since the 1970's and are still currently in use.

While the use of these facilities has continued, the infrastructure has decayed causing a need for constant repairs, or even closing some of the units because the ability to repair the living unit requires massive reconstruction. In addition, due to the antiquated design of the facility, it is more conducive to build new units with the currently accepted pod design rather than spending millions of dollars to remodel the old linear structures.

Funding is needed to rebuild the Central Juvenile Detention and Assessment Center to provide a safe environment while wards are in the custody of the Probation Department.

LEGISLATIVE POSITION:

- Secure funding from construction grants for the construction/replacement of antiquated Probation Department operated juvenile facilities.

5. Sex Offender Reform Implementation

Funding Request (annual FY 2007): \$1.5 Million

Funding Request (total project cost): \$1.5 Million

SB 1128 and SB 1178, both chaptered into law in the 2005-06 legislative session, establish reforms for the supervision of sex offenders released into the community. Provisions established under these acts call for increased monitoring of sex offenders by county probation departments using GPS, mandated risk assessment tools, and addressing appropriate placement. In addition, should Proposition 83 in the November 2006 General Election become law, there will be increased penalties for violent and habitual sex offenders, registered sex offenders would be banned from living within 2,000 feet of a school or a park, and lifetime electronic monitoring

of felony registered sex offenders would be required. Polls show that this initiative has wide support among voters and will likely become law.

Provisions enacted under SB 1128, SB 1178, and Proposition 83 have or will create implementation issues that will require significant planning efforts, and related costs as plans to address sex offender supervision are developed. Not only is commensurate state funding necessary for successful implementation, but steps must be taken to ensure that county probation departments, through the Chief Probation Officers of California (CPOC), are key parties in the planning process.

LEGISLATIVE POSITION:

- Support budget efforts to secure funding for county probation departments to implement increased supervision requirements under SB 1128, SB 1178, and Proposition 83 and support efforts for CPOC to be strongly represented in the planning for sex offender reform implementation.

Sheriff

Addition: The San Bernardino County Sheriff's Department support and/or sponsor the following:

- A. **Support and sponsor legislation to erect a Search and Rescue memorial on the Capitol grounds in Sacramento. (Sheriff). To include all law enforcement volunteers (new language to be added with last year's).
- B. **Support and sponsor legislation to add commercial computer technicians to the list of mandated reporters of child abuse. (Capt. Toby Tyler)
- C. **Support and sponsor legislation to expand the statute of limitations on violent felonies. (Deputy Chief Glen Pratt)
- D. **Support and sponsor legislation that will require a petitioner to give law enforcement notice of a request to have arrest records destroyed and to allow law enforcement to present evidence on a hearing regarding destruction of records. (Lori Bachelor, Civil Liabilities Division)
- E. **Support and sponsor legislation that will increase Off-Highway Vehicle green sticker fees to be allotted to the county sheriff for enforcement purposes; and to streamline the OHV grant application process. (Sheriff). The Senate Committee on Natural Resources and Water (chaired by Senator Sheila Kuehl) will most likely write this bill. The Sheriff's Department is currently attending meetings with the committee for law enforcement input.
- F. Support and sponsor legislation to add salvia divinorum (hallucinogen) to schedule 1 narcotics. (Lt. Jerry Davis)

- G. Support and sponsor legislation to name a portion of Highway 247 (from SR 62 to the town limits of Yucca Valley) after Deputy Greg Gariepy who died in the line of duty in a car crash while responding to assist another deputy June 2005. (Lt. Dale Mondary)
- H. Support and sponsor legislation that will mandate hotels / motels post notice to customers that they knowingly rent to PC 290 sex offenders (Sgt. Frank Bell).
- I. Extend sunset of CGC 76102 (c) (SB 1148 (1988) for Automated Fingerprint Identification Fund. (Lt. Jeff Rose). These are penalty and forfeiture funds, worth about \$3 Million to the County. These are long term funds that may be used for all costs directly related to the capturing of criminal fingerprints and their processing. It can be used for personnel costs, communications costs, maintenance costs, training/travel, supplies, and hardware cost. It can also be used to lease equipment. This funding is different from the DMV funding we did last year, in that is not related to vehicles or vehicle related crimes. It is also not limited to just field operations and again is a long term funding program. The DMV funding is a six program that requires renewal and is not appropriate for personnel costs or other long term commitments.
- J. Sponsor and support legislation to raise fees for inmate initiated medical visits from \$3 to \$6 (Amend PC 4011.2 (a)) (Deputy Chief Glen Pratt).
- K. Sponsor legislation to name a portion of I-10 the Deputy Frank Pribble Memorial Highway (killed in line of duty over 30 years ago).
- L. Sponsor and support legislation regarding imitation weapons (Mike Risley, District Attorney request). Add PC section 417.5 – Drawing or exhibiting imitation firearm in threatening manner at peace officer. And add PC section 417.7 – Exhibiting imitation firearm at peace officer.
- M. Sponsor and support legislation to amend Vehicle Code section 26708.5 that prohibits window tinting on motor vehicles to exempt law enforcement unmarked police units (Deputy Chief Sheree Stewart).
- N. Sponsor and support legislation to exempt public safety agencies from paying fuel tax.

**These bills were introduced in the 2006 Legislative Session, but died. They will be reintroduced in the 2007 Legislative Session.

County Fire

1. Increased Funding for Unfunded Tax Areas**

Funding Request (annual FY 2007):	\$1.6 Million on-going
Funding Request (total project cost):	\$1.6 Million on-going

The northern and eastern portions of San Bernardino County are known as the “unfunded fire protection area” since there is no established fire protection district that serves the area and very little privately owned land to support such a fire district. The majority of the area is public land owned by the federal government and bisected by I-15 and Interstate 40. In addition, several state highways, including routes 58, 62, 95, 127, and 395 transect these public lands. Within the last couple of years, an additional 600,000 acres of private lands have been transferred to federal government ownership within San Bernardino County. Historically, and by direction of the Board of Supervisors, the San Bernardino County Fire Department (County Fire) provides fire and rescue services in this portion of the county.

County Fire recently completed construction of a new fire station in the community of Baker. The station was funded by one-time money from County Board of Supervisors of \$2.1 million and one-time money from County Fire of \$1.42 million. This station will serve the northerly portions of the unfunded fire protection area, and specifically I-15 from Barstow to the Nevada Stateline. This station’s first-in service area is approximately 4,000 square miles of primarily public lands. The part-time paid-call firefighters assigned to Baker are housed in an apartment at a privately operated prison and depend on a prison crew for additional staffing. The fire apparatus is parked in a refuse service company’s metal shed. The Baker personnel responded to approximately 950 incidents per year, primarily traffic accidents that occur on over a hundred miles of I-15 and SH127.

However, with the completion of the station, there are no funding sources for the required career staffing of the Baker Fire Station. A four-person engine company is the desired staffing level for the Baker Fire Station. A four-person engine company allows a rescue crew to operate safely as a single resource. This staffing level would maintain a Captain, Engineer, and 2 firefighters on duty each day. This staffing level is critical since the next closest fire station to support the Baker Fire Station personnel is the County Fire Station in Harvard, which is 46 miles away.

Annual cost for operational funding is currently estimated at \$1.6 million.

LEGISLATIVE POSITION:

- Sponsor and/or support legislation to fund staffing, operations and maintenance of county fire department operations in unfunded tax areas such as the I-15 and 40 corridors through Bureau of Land Management and National Park lands.

Homeland Security

1. Increased Funding for First Responders

The County of San Bernardino acts as a first responder to all terrorist or terror-related attacks in most of the county. Many cities contract with the Sheriff's Department for police services in lieu of creating a citywide police service. Other cities contract with the San Bernardino County Fire Department (County Fire) for fire and paramedic related services.

LEGISLATIVE POSITION:

- Sponsor and/or support legislation that will supplement the County General Fund and special district funding in protecting our citizens against international and domestic terrorism.

Emergency Operations Centers

1. Increased Funding for County and City EOCs

The County of San Bernardino acts as a first responder to natural, as well as man-made, disasters. As evident from recent storms, there is no boundary between incorporated and unincorporated areas. By working with cities, as well as with its own resources, the County of San Bernardino can more ably protect its citizens and respond to calamities.

LEGISLATIVE POSITION:

- Sponsor and/or support legislation that would fund city and county emergency operation centers, and adequately fund the centers in order for them to have state-of-the-art technology.

Court Facilities

1. Parking Revenues or Third Party Tenants

This proposal would allow the County to deduct revenue currently earned from third party leased spaces such as cafeterias, microwave towers, public telephones, vending machines, and similar other revenue earning agreements in the County Courthouses in the event those spaces transfer to the State as Court space. We are recommending amendment to the Trial Court Facilities Legislation SB 1732 (Escutia) language related to the County Facilities Payment calculation to allow for such deduction if these spaces transfer.

Existing Legislation requires the transfer of responsibility for trial court facilities funding and operation from the County to the State. Counties shall provide funding for utility, maintenance and insurance costs based on historic funding pattern through a County Facilities Payment (CFP) form. An amount shall be calculated for each facility and agreed to prior to the facility transfer of responsibility. This funding

shall be provided in perpetuity. The County of San Bernardino is obligated by the legislation to use this approved CFP form and cannot introduce any modification to the CFP form.

The CFP form does allow County's to enter a negative amount under "other categories" for revenue currently earned from cafeterias or similar concession agreements, and other third party businesses that are currently located and operating in the courthouses, however, the legislation does not clearly provide for this credit.

This Legislation is needed because some of the County's courthouses include business related leases that generate revenues to the County, and in the event the County agrees to transfer that space to the State, the State should not receive "double payment": The revenue and the payment for maintaining and operating the facility. After reviewing the language of the legislation related to the CFP calculation, we have concluded that the legislation does not clearly provide for the credit to the County for revenue earned from tenants' leases, but it does not disallow it either.

LEGISLATIVE POSITION:

- Clarify and specifically allow the County to deduct revenue generated from leases in the courthouses when that space is included in the Court space from the Court transfer facility payment

2. Insurance Payment Costs

This proposal would clarify that the insurance payment that is required as part of the Trial Court Transfer to the State, SB 1732 (Escutia), should be based on the County's actual cost related to actual repair and liability for the base year named in the legislation. Since the County is self-insured, the insurance payment, which will be transferred to the State, should not include any theoretical payment based on a commercial insurance rate, nor should it include liability that is the Courts' responsibility pursuant to law or Rule 810.

Existing Legislation requires the transfer of responsibility for trial court facilities funding and operation from the County to the State. Counties shall provide funding for utilities, maintenance, and insurance costs based on historic funding pattern through a County Facilities Payment (CFP) form. An amount shall be calculated for each facility and agreed to prior to the facility transfer of responsibility. This funding shall be provided in perpetuity.

According to SB 1732, section 70358, the legislation provides that the County should pay the State for actual insurance costs based on the 1999-2000 fiscal year multiplied by the increase in the inflation index from January 2000 to the month of the date of the transfer of responsibility for the court facility from the County to the State.

The legislation also states that in determining the cost of the insurance, commercial insurance coverage for a fair and reasonable level of insurance and the costs of self-insurance may be considered. The legislation also includes that the amount of the insurance cost shall be subject to negotiation between the parties. Both the State and the Counties have interpreted the language of the existing legislation differently. The County is reading the existing legislation to state that the insurance payment may be determined based on the costs of self-insurance or actual cost. On the other hand, the State may require an insurance payment equal to the commercial rate for all transferred courthouses.

LEGISLATIVE POSITION:

- Clarify that insurance payments should be based on actual insurance costs or actual incident repairs and liability claims incurred by a county based on the 1999-2000 fiscal year.

3. Expand the Definition of “Court Facilities”

This proposal would clarify that the Sheriff’s holding cells located in the County courthouses for the exclusive use of the court proceeding should be classified as State responsibility when courts are transferred to the State as part of the Trial Court Transfer to the State, SB 1732 (Escutia).

Existing Legislation requires the transfer of responsibility for trial court facilities funding and operation from the County to the State. In a shared-use facility, the County and the Court are responsible for the operation and day-to-day maintenance costs of that space in the building exclusively used by each entity. Therefore, determining the Court share of “Court facilities” and County share of each courthouse space is an essential part of drafting the transfer agreement between the State and the County, and determining the County facilities payment.

SB 1732, Section 70301 (d) defines the “Court facilities” by listing among other items, the superior court rooms, the chambers of the judges, the rooms for court attendants, the rooms for holding of a prisoner attending court sessions and their secure transfer to the courtrooms, and “Any other area within a building required or used for court functions.”

The language of the existing legislation has been interpreted by the Counties to classify the Sheriff’s holding cells that are located in the courthouses as court facilities and should be transferred to the State and become State responsibility once the County and the State sign the transfer agreement. The State, on the other hand, is not accepting this argument and postponing accepting the holding cells pending discussion within the State family. The State could also be preparing for legislation amendment to keep the holding cells under the County responsibility.

LEGISLATIVE POSITION:

- Clarify that when the Sheriff's holding cells located in the courthouses are serving a court function, they should be transferred to the State as State responsibility once the Court Transfer Agreement is signed.

4. Limit the Trial Court Transfer Inflation Index

This proposal would limit the inflation index used in the Trial Court Transfer to determine the County Facilities Payment to a maximum of June 30, 2007, in case the State decides to extend the transfer deadline beyond the existing June 30, 2007 date.

Existing Legislation (Court Facilities Legislation SB 1732, Escutia) requires the transfer of responsibility for trial court facilities funding and operation from the County to the State. Counties shall provide funding for utility, maintenance and insurance costs based on historic funding pattern, which will be adjusted by the change in the inflation index specified in section 70355 of the legislation.

Section 70355 specifies that all values computed for the County Facilities Payment should be adjusted from the fiscal year of the expenditure to the month of the effective date of transfer for inflation. The inflation index has increased from 113.0 in July 2003 to 122.1 in April 2005 based on index data provided by the State Department of Finance. The index is forecasted to reach 125.3 In April 2006. Therefore, the longer it takes to transfer the courts to the State the higher the County Facilities payment will be because of a higher inflation index that is computed based on the month of the effective date of transfer. Therefore, we believe the date of June 30, 2007 will have to be extended in order to complete the transfer of all of the State courthouses.

The State's constant new interpretation of the legislative requirements is among the reasons contributing to delaying the completion of the Court Transfers within the legislation deadline. We believe that the counties should not be held responsible by paying more inflation cost, since we do not have the power to influence the date of the transfers.

LEGISLATIVE POSITION:

- Seek legislation to allow the County to limit the inflation index at the June 2007 value in case the Trial Court Transfer deadline is extended past the current June 30, 2007 deadline established in the SB 1732 legislation.

5. Reform Seismic Retrofit Requirements

This proposal would facilitate the transfer of the County's courthouses that are classified as seismically unacceptable (level V seismic rating) under the Trial Court Transfer SB 1732 (Escutia). It would delete the seismic retrofit requirements for those courts that are scheduled for replacement within the first five years of the State's capital plan. Section 70326 © of SB 1732, provides that seismically deficient

courts will not transfer to the State unless provision is made for correcting the deficiencies.

According to section 70327, the State has provided for a licensed structural engineer inspection and concluded that six of San Bernardino County's court buildings are classified as "unacceptable seismic safety rating" (level V rating or higher), which means that these courts could not be transferred to the State unless they were seismically retrofitted according to the State standards. The State's estimate to structurally retrofit the San Bernardino County deficient courthouses is in the range of \$13 million (excluding the Central Courthouse and T-Wing in San Bernardino which has an approved capital project to seismically retrofit).

Pursuant to Assembly Bill 1473, the State Administrative Office of the Court (AOC), submitted a Five-Year Infrastructure plan, entitled AB 1473 Five-Year Capitalized Asset Plan FY 2005-2006, to the Department of Finance. This plan includes a list of prioritized trial court capital projects in the 58 Counties master plans. A multimillion-dollar infrastructure plan is proposed based on passage of a major court bond bill (Sen. Bill 395) in the fall 2006.

The County's Victorville courthouse is classified as seismically deficient and the State intends to replace this courthouse with a new courthouse in Apple Valley on land owned by the County and adjacent to the new High Desert Juvenile Detention and Assessment Facility. The County is financially constrained to retrofit the Victorville Courthouse at an estimated cost of \$5.8 million and the County believes that it does not make an economical sense to retrofit a courthouse, which is slated for replacement in a few years.

LEGISLATIVE POSITION:

- Propose legislation that would allow the County to transfer the structurally deficient courthouse slated for replacement under the Five-Year Capitalized Asset Plan without structural upgrade to the facility.

6. Liability Retention for Seismic-Related Damage and Injury

This proposal would facilitate the transfer of the County's courthouses that are classified as seismically unacceptable (level V seismic rating) under the Trial Court Transfer SB 1732 (Escutia). It would also require the County to retain all liabilities for seismic-related damage and injury. Section 70326 (c) of SB 1732, provides that seismically deficient courts will not transfer to the State unless provision is made for correcting the deficiencies.

According to section 70327, the State has provided for a licensed structural engineer inspection and concluded that six of San Bernardino County's court buildings are classified as "unacceptable seismic safety rating" (level V rating or higher), which means that these courts could not be transferred to the State unless they were seismically retrofitted according to the State standards. The State's estimate to structurally retrofit the deficient courthouses is in the range of \$13 million. (Note:

This retrofit cost excludes the Central Courthouse and T-Wing in San Bernardino, which has an approved capital project to seismically retrofit.)

Since the County is financially constrained to retrofit the unacceptable seismically rated buildings, the County will be limited to transfer the newer courthouses or smaller courthouses that did not receive an evaluation and one leased facility only.

LEGISLATIVE POSITION:

- Allow the County to transfer the structurally deficient courthouses by retaining liability for seismic-related damage and injury including only Court's personal property damage related to the seismic event. This type of risk is currently the responsibility of the County and will not add any new unfunded mandate.

7. Bonded Indebtedness Defeasement

This proposal would allow courts with bonded indebtedness that would transfer immediately, to be transferred to the State without further imposing requirements when the bond is defeased. Existing Legislation (Court Facilities Legislation SB 1732, Escutia) requires the transfer of responsibility for trial court facilities funding and operation from the County to the State.

Section 70323 (a) of SB 1732, provides that "Title shall transfer to the State when the bonded indebtedness is paid." However, the County is required to transfer responsibility for the bonded indebtedness courts no later than June 30, 2007, as stated in section 70321 of the legislation. Therefore, the County could be transferring responsibilities for some of the bonded courts years earlier than transferring title, since four of the County's courthouses have bonds that will not be retired for many years. The legislation is silent on the issue of additional requirements being imposed by the State before the title transfer actually occurs.

Even though the legislation intends to transfer the courts from the County to the State in as-is-condition, the State has proposed language in draft transfer agreements that may impose additional requirements on the County, such as code upgrades for the various building systems or equipments, before the actual transfer is complete when the bond is paid. This could expose the County to financial obligation that was not intended in the Trial Court Transfer legislation.

LEGISLATIVE POSITION:

- Clarify that the State may not impose additional requirements on court transfer at the time title transfers. If the State accepted responsibility for a bonded indebtedness court facility, then the title transfer after the bond is paid should be a simple title transfer transaction and the transfer agreement should indicate this.

8. Adequate Space Requirement

This proposal would provide the County with an equivalent space that the County currently occupies in any courthouse in the event the State builds a replacement courthouse. If the State builds a new expansion courthouse, the State and County

should agree to the County's space allocation, which should be based on past practice. These newly constructed County share spaces should be provided to the County free of charge, but the County will continue to share maintenance and utility costs according to their share within a court facility according to SB 1732. The new space actual square footage should comply with current code requirements for the number of people assigned to the Court and not simply equal to the square footage in the replaced facility, since the new building code may require additional areas for circulation, ADA, fire, other applicable code requirements, and any increase in courtrooms or court functions that necessitates additional County staffing.

Since most of the County courthouses are shared facilities between County and Court users, the legislation provides extensive information to regulate the user rights and responsibilities in a shared facility. The County share in the courthouses varies from 11 percent up to 96 percent depending on the court's functions, locations, and the type of cases heard in each courthouse. The County functions include District Attorney, Sheriff, Public Defender, Probation, and other Law and Justice related functions.

Section 70341 defines the user rights in shared use buildings by stating that both Court and County have the exclusive use of the facilities including the common areas. Section 70342 regulates the adjustment of space in shared use buildings between Court and County. Section 70343 presents that an agreement should be completed between the users in a shared use building regarding responsibilities for maintenance, administration, and liabilities. Section 70344 deals with title transfer of shared use buildings, majority occupant, and the rights of displaced parties. In addition, section 70354 states that the County Facilities Payment (CFP) should be prorated for the court's usable space in the building.

The legislation does not include any instruction on providing space for County departments that are a necessary and essential part of the Court daily functions such as Sheriff, District Attorney, Public Defender, and Probation. We believe this issue would cause conflict between the State Administrative Office of the Court (AOC) and the County once the AOC starts implementing their master plan of providing replacement or new courthouses.

LEGISLATIVE POSITION:

- This proposed legislation would specifically clarify that the County should be provided an equivalent space free of charge in all replacement courthouses, and reasonable County law and justice space, based on past practice, in any new expansion courthouse built by the State.

9. "Significant Deficiencies" Definition and Language Change

This proposal would clarify that the State may reject facilities that are "seriously deficient" as stated in SB 1732 section 1 instead of the definition stated in section 70326 of the legislation that defined building deficiency as "significant threat to life and safety" or "significant to the functionality". Existing Legislation requires the

transfer of responsibility for trial court facilities funding and operation from the County to the State.

Section 1 – Legislative Finding and Declaration (7) states that “Generally, the state shall be expected to accept responsibility for facilities in as-is condition. However, the state may reject facilities that are seriously deficient, and require counties to continue financial responsibility for those facilities.” It is clearly stated that the legislative finding intended to reject only buildings that are seriously deficient.

Section 70326 (b) of the legislation states that “A building and the court in it shall be deemed deficient if any of the following exist:

- (1) A deficiency or deficiencies that constitute a significant threat to life, safety, or health.
- (2) Deficiencies that in their totality are significant to the functionality of the facility.”

As stated in the legislation preamble, the State may reject facilities that are seriously deficient and not a deficient building with significant threat or significant to the functionality. Therefore, a building may be deficient by definition, but it is not seriously deficient to qualify for being rejected by the State. In addition, the definitions of serious and significant have two different meanings. For example using the Merriam-Webster dictionary the word serious has a meaning of “having important or dangerous possible consequences” where the word significant is defined as “having or likely to have influence or effect.”

LEGISLATIVE POSITION:

- This proposed legislation would clarify that only buildings that are classified as seriously deficient and not simply deficient buildings with significant threat to life or significant impairment of functionality can be rejected by the State for the purpose of the Trial court transfer.

10. Historical Court Cost Formula Adjustment

This proposal would allow counties to exclude from the Court Facilities Payment (CFP) obligation those maintenance, operations, and other costs associated with increased space provided to the courts after the 5-year time period that is used as the basis to determine the historical costs for the CFP.

Existing Legislation (Court Facilities Legislation SB 1732, Escutia) requires the transfer of responsibility for trial court facilities funding and operation from the County to the State. Counties shall provide funding for utilities, maintenance, and insurance costs based on the historic funding pattern through a County Facilities Payment. An amount shall be calculated for each facility and agreed to prior to the facility transfer of responsibility. This funding shall be provided in perpetuity.

Most of these costs are calculated based on the annual average of actual costs incurred from 1995 to 2000. Section 70355 then requires that these costs be

adjusted by the change in the inflation index up to the date of transfer. This is the only adjustment required in the statutes.

The State has taken the position (and the CFP form is designed) that the CFP is to also be adjusted IN ALL CASES to reflect the costs of the current, expanded area occupied by the courts. Since there are many reasons why the counties have provided courts with additional space over the years, there are situations in which the CFP should not be increased. One situation is where the County allowed the Court to occupy "temporary" space that was not being used at that time by the County. Additionally, the State's position is in direct conflict with a statutory provision that any additional courtrooms necessitated by new judgeships after a specified date have been the complete responsibility of the state. Clearly, the cost associated with this additional space has never been the County's responsibility and should not now be added to the CFP obligation.

LEGISLATIVE POSITION:

- This proposed legislation would clarify that the State must consider the reason for the increase in Court-occupied space and may not increase the historical costs in determining the CFP obligation in certain situations.

Libraries

1. Public Library Foundation (PLF) Program

The Public Library Foundation was established by the State Legislature in 1983 to provide State Aid to local libraries. As an item in the State budget the PLF allocation is subject to the extensive budget negotiation process. It is a straight per capita formula. The maximum amount allocated to the Fund was \$56,870,000 in 2000/01 and 2001/02. Since that time it has declined to \$14,360,000; a 78% reduction. The County Library's allocation has been reduced from \$1,784,000 to \$466,000; a 1.3 million dollar decrease.

The County Library has utilized these funds to purchase books for its libraries. The significant decline in this funding has precluded the library from purchasing enough materials to meet the demand. Restoration of these funds would allow the County Library to be able to purchase more materials.

LEGISLATIVE POSITION:

- Restore Funding for the Public Library Foundation (PLF) Program.

Museums

1. Santa Ana River Watershed Interpretive Project

Funding Request (annual FY 2007): \$ 1,200,000

Funding Request (total project cost):

Background: The San Bernardino County Museum is the foremost cultural and natural history museum in the region, offering a rich visitor experience and interpretation of the region's priceless resources. Through the Museum's high standards of collections care, site preservation and conservation, unique exhibits and exciting education programs, the Museum is a critical resource to formally interpret the Santa Ana Watershed to Southern California residents. With the Museum's proximity to the river and its long standing commitment in educating the residents of the region regarding the Santa Ana River Watershed history and current value, the Museum is an excellent venue to exhibit the watershed's significances and develop interpretive materials and kiosks throughout the watershed landscape which would depict the cultural and natural heritage that serve the region.

The Santa Ana River Watershed Interpretive project is a proposed plan to interpret the cultural, historic, biologic, and geologic past and present of the Santa Ana River Watershed. The story platform will center on the unique natural resource qualities of the watershed and the importance of the watershed culturally, and historically. In addition, the human value economically, culturally, and esthetically will be interpreted.

The Museum professional staff will develop two programmatic venues. The first venue will be a Santa Ana River Watershed exhibition at the San Bernardino County Museum. This museum exhibit will serve as a staging area so museum visitors will receive both a 2D and 3D detailed perceptives of the spatial area of the watershed environment, and what unique features define the watershed area and the river.

A series of maps, displays and objects will be presented to the museum visitor on the diversity of the watershed, both in its natural landscapes, and its rich resources. In addition to the dioramas at the County Museum, the museum visitor will be able to gain further knowledge by taking maps, printed material and site guides from the museum exhibit and continue the learning experience during field trips to many locations in the watershed.

The second element of this project will be to develop a chain of locations among the watershed and river environments to provide visitors a personal perspective of actual natural and cultural settings or contacts with historical events or geologic processes. The Museum intends to identify key features of the watershed and river environment, and with collaboration with the U.S. Forest Service, San Bernardino Public Works, and those municipalities within the watershed, present stories and explanations through kiosks, and interpretive signage at vistas or information points along existing trails, highways and roads.

2. Earthquake Park

Funding Request (annual FY 2007): \$2.5 Million

Funding Request (total project cost):

Background: What is Earthquake Park? The proposed project is a public partnership effort developed to educate the general public in San Bernardino County and the visitors to our region about the unique characteristics of the Cajon Pass—a 10,000-acre tract of land within San Bernardino County. The Earthquake Park project is a cooperative effort between the San Bernardino County Museum, County Regional Parks, USDA Forest Service, and ESRI, Inc. and would establish a physical venue to illustrate the cause and effects of seismic activity. Seismic routes would be mapped, including a driving trail, and interpretative features would include a slip fault prototype and fossils. Information provided at the Earthquake Park venue would link directly to the Museum's new Hall of Geological Wonders, which will showcase the San Andreas Fault, its effect on the region and its fossil riches. Additionally, the Earthquake Park venue would offer residents exposure to county and regional aspects of disaster preparedness, personal and home safety information, and is likely to reduce the overall risk of loss after an earthquake.

The design and construction of the park can be facilitated through one-time funding; however, cooperative partners in this project would provide both equipment and land. This project aligns with potential Seismic Safety Committee goals on a federal and state level.

3. Museum Hall of Geological Wonders Hall

Funding Request (annual FY 2007): \$3 Million

Background: The County Museum campus buildings were constructed in 1974. Since that time, museum conservation practices and public needs have changed. It is extremely important to the residents of San Bernardino County and the region that the museum provide contemporary exhibitions, modern museum collection care, diverse learning programs, and greater opportunities to a growing region for public education and appreciation of regional natural and cultural heritage.

In order to serve the growing cultural and informal education needs of inland Southern California, the San Bernardino County Museum wants to construct 12,000 sq. ft. of additional exhibition space to showcase and interpret the rich geologic and paleontologic history of the region. The unique geology of the region will be the template on which a myriad of paleontologic stories will be told. The completed Hall will utilize the fossil collections at the Museum, some of which include the only dinosaur track ways known from California, the Paleozoic Era's fossil riches from our California deserts, in addition to fossils, which reflect our region's wetter, and wilder past in the Ice Age. Other exhibitions will include the evolution of the vertebrate system, and other geologic and research subject matter. The region boasts an incredibly unique geologic feature, which has shaped the face of Southern California. This is of course, the San Andreas Fault System. Its effect on the physiographic region will be showcased at the Museum in an exhibit which explains its evolution and its future and will serve as an educational portal to invite the visitor to the proposed Earthquake Park, located a short distance away, where they may actually view and experience this feature outdoors. Through the expansion, museum

collections will be centralized for better preservation and maintenance, a vital safeguard for artifacts that ultimately belong to the public.

The San Bernardino County Board of Supervisors funded in FY 2006-07, \$6,400,000 to complete funding for construction of the new Hall of Geological Wonders. Construction will begin in December 2006 and is expected to take approximately 500 days. Federal funding is being requested to fund the Hall of Geological Wonders exhibit fabrication that will include the following new exhibits, San Andreas Fault projection system, Deep Time and Early Life, Life to Death to Discovery, The Paleozoic, the Mesozoic, and the Miocene, Current Seismology, The Earth Experience, Local Geology, The Cave, A Journey to the Core, Mineral Library, Magma Chamber, Earth's Test Kitchen, and Meteorites and Extraterrestrial Geology. Currently, there is a Capital Campaign funding program coordinated by the San Bernardino County Museum Association, a 501C 3 support organization to raise corporate and community funds for the Museum's complete interior and interpretative make-over. A part of the funding from the Museum Association's efforts will be used for the exhibit development in the Hall of Geological Wonders.

Special Districts

1. Relocate Moonridge (Zoo) Animal Park

Funding Request: \$2 Million

Background: The Moonridge Zoo is the only zoo in San Bernardino County. In February 2009 the Moonridge Zoo will lose its lease at the current location. The land has already been sold and there is no potential for renegotiation. San Bernardino County has recently negotiated a lease for 25 acres of Forest Service land next to the USDA Forest Service Discovery Center located in Big Bear Valley. This land will be the new home for the animals and will allow for a modern expanded facility to be built. This partnership with the USDA Forest Service is unprecedented. It will be the first time a zoo of any kind has been allowed on Forest Service land and will give the public an unparalleled experience in learning about the forest and the alpine ecosystem. The cost of the new facility is estimated at \$12 Million. Grants and local contribution to date have raised approximately \$5 Million. There is tremendous public approval for this project. Membership to the Animal Park is worldwide.

The Moonridge Animal Park started in 1959 when an injured raccoon and deer were dropped off at the doorstep of the Big Bear Recreation and Park District. With no other source to take care of the animals the district took on the responsibility. Since that humble beginning the Animal Park is currently located on 2.5 acres and is home to over 100 animals. The Animal Park is a recognized rehabilitation facility by the State Fish and Game Department. Most of the animals in the Park were injured, orphaned, or considered a public nuisance and cannot be returned to the wild. All of the animals are special but the stars of the Park are the Snow Leopards from Nepal, American Wood Bison (only ones in California), 3 young mountain Lions (protected species in California) and 3 Grizzly Bears. The Grizzly Bears were victims of the 3

strikes law. The animals were going to be destroyed because they were considered a threat to the public. The community of Big Bear started a campaign and raised the funds to bring the bears to the Park. It is ironic that in the State of California where the Grizzly Bear is a symbol of our State, the only place that the public can see a live Grizzly Bear is at our Park.

The requested \$2 Million will be used to construct the new animal park facility. These funds, with the already raised \$5 Million will insure that the first phase of the project can be completed. This phase is to build the critical infrastructure and animal facilities needed to move the animals from their current location to the new facility. Other needed but less critical facilities such as gift shops, education centers, and etc. will be built as other funds are received through various fund raising efforts.