



SUPERVISOR BILL CAMPBELL
THIRD DISTRICT
ORANGE COUNTY BOARD OF SUPERVISORS

State and County Clashes



Presented by Bill Campbell
Orange County Board of Supervisors



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THE BROWN ACT



In 1953, the California State Legislature passed “The Brown Act” in response to public concerns over local elected officials holding secret workshops or study sessions to avoid public scrutiny.

The Brown Act was California’s first “sunshine law” which mandated that the business of the people be conducted in public.

The Brown Act applies to city and county boards, commissions, councils and committees; it also applies to all elected or appointed members serving on these panels.

The Brown Act **does not** have jurisdiction over state governing bodies.



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Property Tax Allocation (Prop 13)

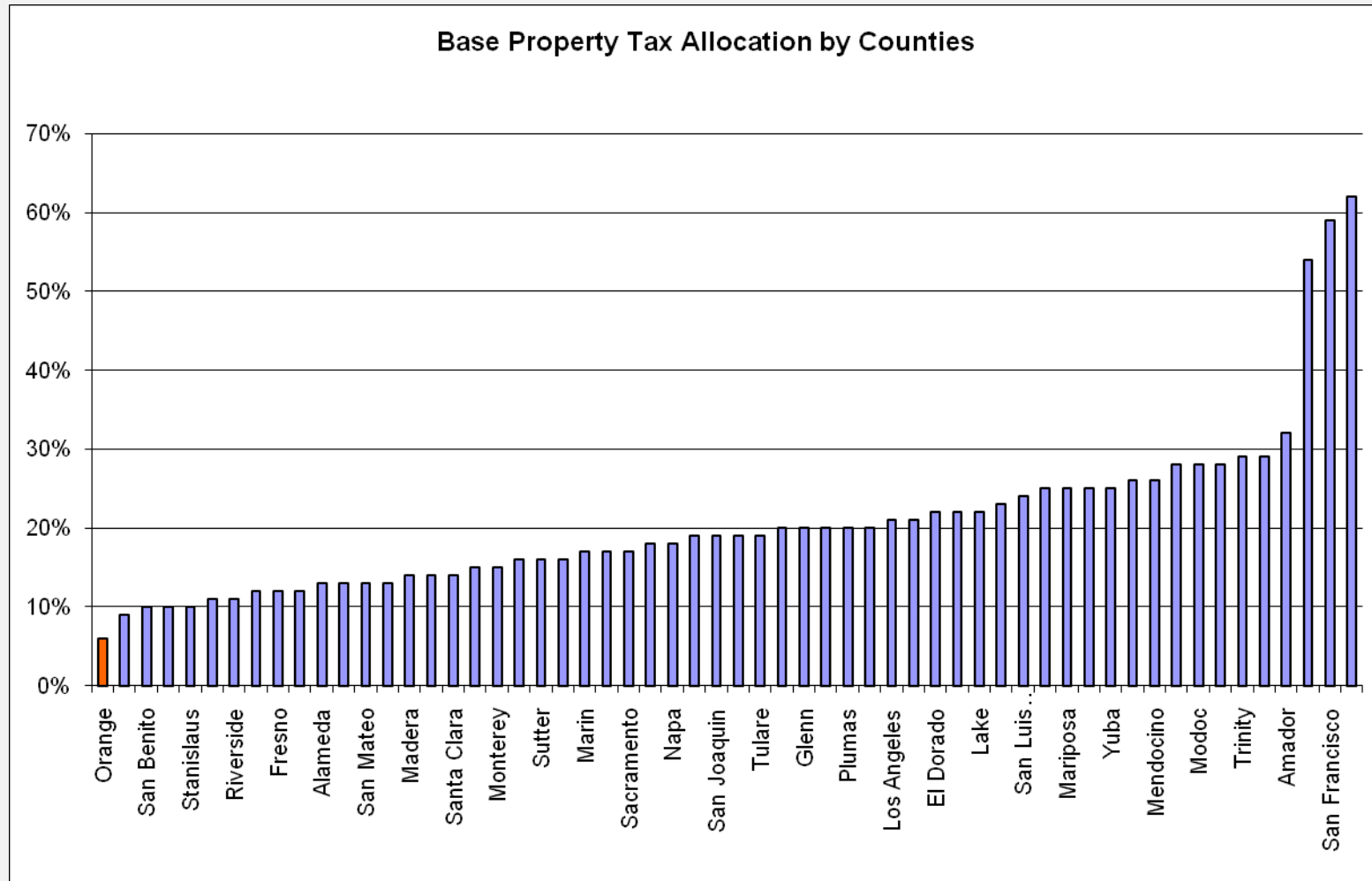


CALIFORNIA CONSTITUTION ARTICLE 13A SEC. 1 (a) The maximum amount of any ad valorem tax on real property shall not exceed One percent (1%) of the full cash value of such property. The one percent (1%) tax to be collected by the counties and apportioned according to law to the districts within the counties.

Senate Bill 154 (1978) and Assembly Bill 8 (1979) established a local entities share of property tax was based on the share of property taxes going to the local entity prior to the passage of Prop 13.



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~~**Funding Grabs**~~

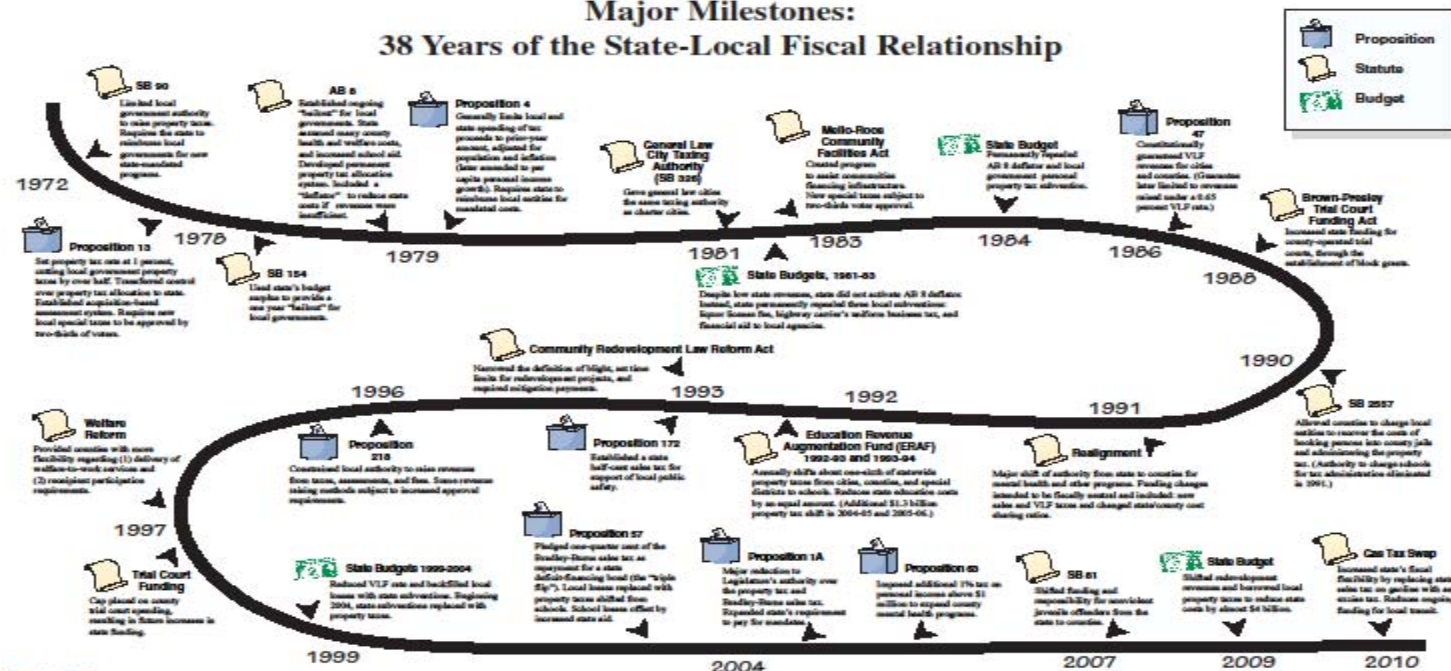
Funding Give and Takes



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Major Milestones: 38 Years of the State-Local Fiscal Relationship





Realignment – Revenues and Responsibilities

- 1991 Healthcare – Social Services
- 2011 Public Safety – Juvenile and Adult

ERAF – Education Revenue Augmentation Fund

- Billions Transferred to Schools

Redevelopment Agencies Dissolution

- Billions will be transferred to other local agencies



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SB90

State Mandates



CALIFORNIA CONSTITUTION ARTICLE 13B SEC. 6 (a)

Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government; the State shall provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service.



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SB 90 Funds Owed By State to Orange County

94/95	\$497,744
95/96	\$434,219
96/97	\$775,948
97/98	\$451,726
98/99	\$447,574
99/00	\$368,565
00/01	\$1,359,099
01/02	\$14,374,092
02/03	\$26,810,253
03/04	\$10,832,195
04/05	\$156,281
05/06	\$(771,981)
06/07	\$1,503,500
07/08	\$10,374,500
08/09	\$7,042,871
09/10	\$17,254,312
Total	\$91,910,899



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SB 89



SB 89:

June 2011 Budget "Trailer" Bill took \$48 million of Vehicle License Fees Allocated to Orange County and shifted them to state general fund

County worked with local delegation and Speak of the Assembly to craft AB-43x1 to restore \$48million to county from property tax

AB-43x1 passes the assembly on the afternoon of the last day of the session and dies because it was not taken up in the senate

County retains outside legal experts who opine that the county Auditor-Controller can allocate \$74 in property tax to cover the \$48 million VLF take away!

The state threatens a lawsuit to overturn the county action



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Public Safety

Cost Transfers



Public Safety: Probation Cost Transfers

The Governor's budget closed down the Department of Juvenile Justice and transferred juvenile offenders back to local jurisdiction or to have the counties pay the state for the cost. (There are approximately 1,300 youth offenders statewide)

11/12 budget eliminated adult and juvenile parolees from state administration and shifted the work to the counties. Parolees will be supervised by local probation.

Cost will be funded by the state for a four year period with no guarantee for future funding.



Public Safety – Sheriff Cost Transfers

Governor Brown's 2011 budget calls for the shifting of 37,000 offenders "without any current or prior serious violent or sex convictions" to local jurisdictions.

Prior Proposals: Change local jailing responsibility to criminals with less than 3 years from criminals with less than 1 year sentence.

Bond proposal: As a condition of receiving jail construction funds require local jails to do prisoner state rehabilitation for reentry - - -
Not part of Bond Ballot Statement



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California Department of Fish and Game Financial Assurance



Historically, private developers have been required to create perpetual maintenance endowments for mitigation projects.



Recently, local government agencies have been required to create perpetual maintenance endowments for mitigation projects. Takes money away from road and flood control projects.

Authorizing Language:

Cal. Fish and Game Code Section 2081(b)(4):

“The department may authorize, by permit, the take of endangered species, threatened species, and candidate species if all of the following conditions are met:.. (4) The applicant shall ensure adequate funding to implement the measures required by paragraph (2), and for monitoring compliance with, and effectiveness of, those measures.”



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Water Quality Permits



Orange County is split between two different Regional Water Quality Boards:

1. Santa Ana Regional Water Quality Control Board (North County)
2. San Diego Regional Water Quality Control Board (South County)

Each Water Quality Board adopts its own set of water quality standards



The Federal Clean Water Act requires local governments to effectively prohibit non-storm water from entering municipal storm drainage systems

Under the Federal Clean Water Act, certain categories of non-storm water are exempt, including irrigation runoff

The Santa Ana Board adopted standards consistent with the Federal Clean Water Act by exempting irrigation runoff

The San Diego Board adopted standards in conflict with the Federal Clean Water Act by eliminating the exemption for irrigation runoff



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LEGISLATORS' ADVICE



In the early 1990's, the Medicaid system, or what is referred to as Medi-Cal in California, was struggling to meet the needs of Orange County's residents. In 1993, the Board of Supervisors created "CalOptima" as a County Organized Health System.

CalOptima operates as a public agency and is the largest of six organized health systems in the United States. The agency manages programs that are funded by the state and federal government, but it operates independently from the County of Orange, under the leadership of a Board of Directors.

In response to the Federal Affordable Care Act, the State Legislature passed AB 1602, which would allow for managed systems of care such as CalOptima to enter into the private commercial market and compete providing insurance to non-medi-cal eligible clients.

Some have described this legislation as California's attempt at a "public option"



The Affordable Care Act expands Medicaid eligibility by bringing 2 million more Californians into the Medi-Cal program. As a consequence, when combined with Medicare, nearly 40 percent of California's population would be enrolled in a government program.

Senator Mimi Walters and several members of the Republican delegation in Sacramento wrote to me and clearly stated their opposition to government competing with the private sector in health care in California.

February 3, 2011, CalOptima Board of Directors votes not to pursue or even explore the concept of entering into the State's exchange program.

February 8, 2011, the Board of Supervisors takes unanimous action by 5-0 vote to modify the language in the County's Health Authority Ordinance which would prohibit CalOptima from entering into an insurance exchange to compete with the private sector.



P. 272

COMMITTEE:
 BT SURVIV - THIS
 CASE
 ELECTION REAPPPOINTMENT
 AND FIGHT - FOR AN
 AMENDMENT
 COURT

2. APPROPRIATION
 3. APPROPRIATION
 4. APPROPRIATION

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BILL CAMPBELL

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PHONE (714) 473-5823 FAX (714) 524-2756
bill.campbell@ocregister.com

January 24, 2011

Hon. Mimi Walters
33 Senate District
State Capitol, Room 3082
Sacramento, CA 95814

Dear Senator Walters:

I am in receipt of your letter urging the Board of Supervisors to take action to preclude CalOptima's participation in a private, commercial health insurance market, including the State's future Healthcare Exchange. I agree with your request.

This is a matter of great importance to me. As such, I have requested that an item be added to the February 8, 2011 Board of Supervisors Agenda to allow for discussion among my colleagues. The CalOptima Board of Directors will also discuss this item during its February 3, 2011 Board meeting.

If I may be of immediate or further assistance, please do not hesitate to contact me at (714) 834-3330.

Sincerely,

BILL CAMPBELL
Chairman, Orange County Board of Supervisors, Third District

Cc: The Hon. Senator Tom Haman
The Hon. Senator Bob Huff
The Hon. Senator Mark Wyland
The Hon. Assemblyman Allan Mansoor
The Hon. Assemblyman Don Wagner
The Hon. Assemblyman Chris Norby
The Hon. Assemblyman Martin Gerrick
The Hon. Assemblyman Jim Silva
The Hon. Assemblyman Curt Hagman



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billc@plac.wongnet.com

February 9, 2011

Hon. Mimi Walters
33 Senate District
State Capitol, Room 3082
Sacramento, CA 95814

Dear Senator Walters:

In response to your letter urging the Board of Supervisors to take action to preclude CalOptima's participation in the State's future Healthcare Exchange, I added a discussion item to the February 8, 2011 Board Agenda.

I am pleased to report that the Board of Supervisors voted 5-0 to support an Ordinance modification which would prevent CalOptima from serving non-Medi-Cal populations in a private, commercial market.

If I may be of immediate or further assistance, please do not hesitate to contact me at (714) 834-3330.

Sincerely,

BILL CAMPBELL
Chairman, Orange County Board of Supervisors, Third District

Cc: The Hon. Senator Tom Harnan
The Hon. Senator Bob Huff
The Hon. Senator Mark Wyland
The Hon. Assemblyman Allan Mansoor
The Hon. Assemblyman Don Wagner
The Hon. Assemblyman Chris Norby
The Hon. Assemblyman Martin Gerrick
The Hon. Assemblyman Jim Silva
The Hon. Assemblyman Curt Hagman
The Hon. Assemblywoman Diane Harkey



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Legislative Intent



SENATE BILL No. 31
Introduced by Senator Correa
December 6, 2010

An act relating to local government. legislative counsel's digest
SB 31, as introduced, Correa. Local government: lobbyist registration.
The Political Reform Act of 1974 provides for the comprehensive regulation of
lobbyists, as defined.

This bill would state the intent of the Legislature to enact legislation that will
require each local government to create a lobbyist registration program as a
condition of the local government being eligible to apply for any discretionary
grant from any state agency or department.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.



Orange County Lobbyist Registration Ordinance adopted February 8, 2011

“Lobbyist” defined as individuals who receive \$500 or more in any calendar month to lobby any member of the Orange County Board of Supervisors for the purpose of persuading or influencing official actions or decisions of the Orange County Board of Supervisors

Lobbyists are required to register with the County on an annual basis providing among other information, names of all parties which contracted for the services of the retained County lobbyist to conduct lobbying activities on its behalf.

Lobbyist reports made available to the public



Summary

<u>Clash</u>	<u>Impact</u>
Brown Act	Policy
Property Tax Allocation	\$
History of Funding Grabs	\$
SB90 – State Mandates	\$
SB89 – Vehicle License Fee (VLF) Take Away	\$
Public Safety	\$
CDFG	\$
Water Quality	Policy
Legislator's Advice	Policy
Legislative Intent	Policy



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Questions