

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Jeff Stone

SUBMITTAL DATE: April 16, 2009

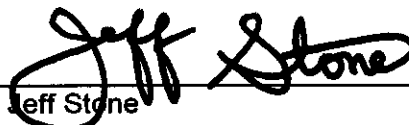
SUBJECT: Resolution #2009-161 – Stop California's Unfunded Mandates (SCUM)

RECOMMENDED MOTION:

That the Board join with me in adopting the attached Resolution #2009-161.

BACKGROUND:

The State of California has often relied on local governments to balance its over inflated budgets, to the demise of the local governments. The State does not have a revenue problem, it has a spending problem. Local governments must remain united in our resolve to reject unfunded mandates that local initiatives have been passed to address. This resolution is a copy of the San Diego County resolution, articulating in their policy M13, in which we join with their resolve, and place into Riverside County policies governing the future support or opposition to bills that deal with unfunded mandates.


Jeff Stone
Supervisor
Third District

JS:vc

3.36

RESOLUTION #2009-161
Stop California's Unfunded Mandates (SCUM)

Purpose:

To establish the Board of Supervisors' legislative policy regarding mandated local program costs and to provide guidance to the County's legislative representatives when providing input to legislators, other elected officials and policy makers.

Background:

Counties have long struggled with the burden of under-funded State and Federal mandates. Although in recent years both State and Federal legislative bodies have given attention to this issue, this issue has not been satisfactorily resolved.

State Mandates:

In 1972, the Legislature enacted SB 90, a bill that was supposed to require the State to reimburse local governments for the cost of unfunded State mandates. In 1975, the State created by statute a process for reviewing unfunded mandate claims utilizing the State Board of Control. In 1979, voters adopted Proposition 4, which added Article XIII B to the State Constitution. Proposition 4, among other things, sought to provide constitutional support for the prohibition of unfunded mandates, and an improved claims process. The State Board of Control process was replaced in 1984 by establishment of the Commission on State Mandates, which continues to review claims by local governments to determine if an action by the Legislature is a reimbursable State mandate.

In 2004, voters adopted Proposition 1A, which, among other things amended the State Constitution to require the state to suspend certain state laws creating mandates in any year that the state does not fully reimburse local governments for their costs to comply with the mandates. Beginning July 1, 2005, the state is required to either fully fund each mandate, or suspend the mandate's requirements for that fiscal year. Mandates for schools, community colleges, or relating to employee rights are exempted. In addition, Proposition 1A added to the definition of a mandate the transfer of financial responsibility for a specific program in whole or in part from the state to a local government.

Notwithstanding this legislative activity, counties continue to be burdened with under-funded or unfunded mandates for a number of reasons. The two main reasons are (1) Proposition 4 does not cover

1 pre-existing mandates, i.e., those enacted prior to 1975; (2)
2 Proposition 4 exempted various categories of laws, notably those
3 increasing penalties for crimes, from its prohibitions. Thus,
4 counties are unable to seek reimbursement for the most expensive
5 State-required programs which represent approximately 90% of the
6 discretionary portion of county budgets. These mandate programs
7 include jails, felony prosecution, indigent defense, probation,
8 indigent and public health, general assistance, tax administration,
9 and voter registration, to name a few.

6 **Federal Mandates:**

7 In 1995, Congress passed, and the President signed, mandate relief
8 legislation. Like State legislation, federal mandate relief does
9 not address existing mandates, which must be addressed on a
10 program-by-program basis. In addition, federal mandates are not
11 reviewed in later years to determine if payments to local governments
12 for implementing programs are adequate to cover the costs of the
13 program.

12 **Policy:**

13 The legislative policy of the Board of Supervisors regarding State
14 and federal mandated local program costs and revenue limitations is
15 as follows:

- 16 1. Oppose legislation that would alter the mandate provisions
17 approved by the voters in Proposition 1A.
- 18 2. Oppose State or federal administrative regulations which would
19 result in increased local program costs without providing
20 reimbursement to local agencies for the total of all such costs.
- 21 3. Oppose legislation which would result in revenue losses to local
22 agencies without simultaneously appropriating sufficient funds
23 to fully reimburse local agencies for the total of all such
24 revenue losses or commensurately reducing program costs.
- 25 4. Support legislation which would provide an appeal procedure
26 regarding State SB 90 disclaimers more favorable to local
27 agencies.
- 28 5. Oppose state legislative proposals that ignore the
constitutional provisions regarding state mandates passed by
the voters in Proposition 1A.

- 1 6. Support legislation that would eliminate statutory automatic
2 cost-of-living adjustments in locally administered mandated
3 programs.
- 4 7. Oppose legislation reducing subventions to local agencies
5 providing mandated services, without a concomitant reduction in
6 service requirements.
- 7 8. Support legislation which would repeal mandated services which
8 are unfunded.
- 9 9. Oppose legislation which would reduce the ability of local
10 governments to effectively pursue reimbursement through the
11 claims process.
- 12 10. Support legislation which would expand local government
13 representation on the existing Commission on State Mandates.
- 14 11. Support legislation which would prohibit the State from
15 mandating that a county participate in a specific demonstration
16 or pilot project without the express consent of the board of
17 supervisors of that county.
- 18 12. Oppose a super mandate which would set as the first priority
19 of local government one type of service or services, such as law
20 enforcement or fire services, without regard for other mandated
21 services.
- 22 13. Oppose legislation which would impose on counties a mandated
23 service for which the county is required to raise a local fee or
24 tax to generate monies to fund the services.
- 25 14. Support a constitutional amendment or legislation which would
26 permit a local agency to decline to provide a service if funds have
27 not been provided, or to discontinue a service after all State and
28 federal funds provided have been exhausted.
15. Support legislation which would protect residents of the
unincorporated area from the costs which may result from
region-wide mandates.
16. Support a constitutional amendment which would repeal the
current exemption for legislation defining a new crime or change
the existing definition of a crime.

1 17.Oppose legislation which discounts the cost, and thus decreases
2 offsetting revenue, of realigned programs transferred by the State
to counties.

3 18.Support legislation which would require that no statute,
4 executive order, or regulation could mandate a new program or
5 higher level of service on local government sooner than 90 days
after the Commission on State Mandates determines that sufficient
6 funds have been appropriated for the changes.

7 19.Support federal legislative provisions that would require
8 periodic retrospective analysis of mandate results, costs and
effects for all new federal mandates.

9 20.Support periodic review of federal legislative mandates to
10 determine that revenue provided to local jurisdictions continues
to fully cover costs of the mandated programs.