

IMPROVING LOCAL GOVERNANCE: UNINCORPORATED POWERS

Principle	
Efficient Service Delivery / Operations/Local Control	
Strategy	Target
Legislative & Advocacy	State

SUMMARY OF THE ISSUE

States grant cities and counties the ability to administer government at the local level. Santa Barbara County as a general law County operates under California Government Code Title 3, and other applicable California laws. General Law cities operate under California Government Code Title 4 and other applicable California laws.

In many counties in California, more than half of a county's population is in an unincorporated area, as opposed to an incorporated city. Therefore, the county government is responsible for the provision of services and addressing infrastructure needs. Counties, however, do not enjoy the same taxing, revenue generation, and governing authorities as cities. AB2119 signed by Governor Brown on July 18, 2014 is intended to provide more flexibility to counties to raise certain revenues to fund local services in unincorporated areas consistent with incorporated areas. Specifically, AB 2119 allows voters in the unincorporated areas of a county to vote on a tax measure that would apply within an unincorporated area only. AB 2119 requires the revenue derived from the imposition of the tax to only be used within the area from which the tax was approved by the voters. While this new legislation provides for the imposition of sales and use tax, within a specific unincorporated area, increasing of the opportunities available for revenue generation, a general law county's ability to enjoy the full spectrum of governance powers provided to general law cities remains limited.

REQUESTED STRATEGY AND ACTION

Strategy: Funding Request Legislative Proposal Targeted Advocacy

Action:

Work in conjunction with the California State Association of Counties (CSAC) to fully assess spectrum of differences in powers of general law cities vs general law counties and develop and support legislation which provides general law counties all governance powers afforded general law cities in order to adequately address full spectrum of services and infrastructure needs in unincorporated areas.

PUBLIC BENEFIT/IMPACT

Unincorporated areas of counties must have mechanisms in place to address service and facility needs. Residents of unincorporated areas of a county should not be limited in the ability to achieve goals and address needs as a result of a lack of governance powers provided via the State. Preserving, enhancing and managing the revenue base in addition to employing all tools currently available to cities is essential to govern effectively and address collective and community specific needs.

COST TO GOVERNMENT

Counties will be better able to manage operating budgets if afforded the instruments to recover costs for services and infrastructure in unincorporated cities. Current services require funding sources that are acquired through indirect means. Using tools such as but not limited to fines, forfeitures and penalties will better equip counties with the potential for full cost recovery.

CONTACT

Terri Maus-Nisich, Assistant County Executive Officer, County Executive Office, (805)568-3400

LAND USE: ENFORCEMENT FINES FOR LAND USE VIOLATIONS

Principle	
Local Control	
Strategy	Target
Legislative & Advocacy	State

SUMMARY OF THE ISSUE

State law governing ordinance violations sets maximum fine amounts for violators of land use codes at a maximum of \$500 for each violation within a one year timeframe, including one-time violations. One-time violations are violations that cannot be corrected or cured. Similarly, fine amounts for violators of local building codes are set at a maximum of \$1,000 for each violation within a one year timeframe.

Santa Barbara County recognizes the need for the State legislature to set maximum fine amounts to ensure fairness and consistency across the State of California. However, the \$500 maximum severely hinders the County's ability to adequately enforce land use violations, particularly one-time violations. One-time violations often occur when owners rent out their properties for special events (e.g. weddings). The County's Land Use Codes specifically prohibit this type of use without proper permits. As written, the maximum amount the County may fine the owner for this type of violation is up to a maximum of \$500 in any given year. This substantially undermines the County's Land Use Codes because the maximum allowable fine amount is insufficient to deter owners who rent out their properties for commercial purposes when the profit margin for violating the local ordinance is much greater. Redrafting the applicable state codes to enable the local agency more discretion to impose appropriate fines, and the collection and enforcement of those fines, would greatly enhance the land use and building code enforcement program in Santa Barbara County.

REQUESTED STRATEGY AND ACTION

Strategy:

- Funding Request Legislative Proposal Targeted Advocacy

Action:

The County requests its delegation to support legislation that would provide the County with more local control and discretion over fines imposed for violations of the County's Land Use and Development Codes. The County requests that fines imposed for violations be set at the discretion of the local agency, and up to ten times the maximum amount of permit fees allowable under the agency's adopted fee schedules. Where a permit is not available for the offending activity, the fines shall be set at a minimum of \$1,000 per violation, with a maximum amount to be set at the discretion of the local agency. In addition, the one year timeframe should be stricken from the Government Code, or in the alternative, be increased to a five year timeframe, so that fines may further deter repeat offenders.

PUBLIC BENEFIT/IMPACT

Revised legislation of applicable state law would provide the County with more effective tools to gain compliance from those who violate our County's land use codes. Increased penalties for one-time violations would be a greater disincentive and promote greater compliance with County ordinances. This would ensure that the County's land use codes are enforced thereby ensuring that the County's policies regarding land use and development continue to be met.

COST TO GOVERNMENT

No direct costs to the government are anticipated.

CONTACT

Glenn S. Russell, PhD., Director, Planning and Development Department, (805) 568-2085
Terri Maus-Nisich, Assistant County Executive Officer, County Executive Office, (805)568-3400

SAFETY NET PRESERVATION

Principle	
Health & Human Services	
Strategy	Target
Advocacy	Fed/State

SUMMARY OF THE ISSUE

According to 2013 Census figures, in Santa Barbara County 68,116 people (16% of residents) are still living below the federal poverty level (compared to 11.9% in 2007). There are approximately 19,866 (21%) of the County's children living in poverty (compared to 13.5% in 2007). Our poverty rates reflect the impacts of a weakened economy and the slow and prolonged recovery from the Great Recession, and drastic cuts in health and human services programs at the State level. All of these factors have disproportionately affected low income seniors as well as children and families, leaving their "basic" needs of food, shelter, personal and financial security, health and welfare at risk of being unmet and leading to food insecurity, diminished health, and homelessness.

For those workers and their families who are getting by living paycheck to paycheck with little to no assets to fall back on, the loss of a job or serious illness can plunge their families into poverty. Many will turn to government-run safety net programs for help. Unfortunately, cumulative cuts to county-administered health and human services programs add up to a loss of more than \$2.4 billion in state and federal funds since June 2001. Additionally, nationwide, food stamp benefits saw a \$5 billion reduction in November 2013 when Congress allowed a recession-era boost to expire. The shrinking public safety net has put extreme pressure on underfunded faith-based and community-based organizations to "catch" these needy families. If the safety net, "public" or "non-public," cannot respond to the growing need to temporarily assist those in need until their economic conditions improve, more residents will fall into poverty.

REQUEST STRATEGY AND ACTION

Strategy:

- Funding Request Legislative Proposal Targeted Advocacy

Action: In order to preserve the safety net for the County's most vulnerable citizens we request that its delegation advocate to preserve existing safety net program funding levels at both the State and Federal levels and restore cuts to safety net programs in future budgets.

PUBLIC BENEFIT/IMPACT

Hunger and malnutrition exacerbate chronic and acute diseases and speed the onset of degenerative diseases among the elderly, which affects their quality of life and increases the cost of caring for them. Children who are hungry or sick cannot learn, and may fail to reach their full potential, leading to an uneducated future workforce who compromise future personal self-sufficiency and economic competitiveness. Residents without health insurance turn to emergency rooms, which shifts the burden and cost of health care to local communities. They may forego preventive or basic care, which increases the risk they will need more expensive care in the future. Without child care subsidies, low income working parents may be forced to quit their jobs as the costs of child care becomes too expensive and staying home to provide child care affects their ability to maintain their employment and self-sufficiency.

COST TO GOVERNMENT

Poverty imposes enormous costs on society and can have devastating implications on the short-term and long-term economic vitality of Santa Barbara County. The long-term economic impacts of poverty include the lost potential of children raised in poor households. The short-term impacts include lower productivity, earning, and purchasing power of poor adults, poor health, increased crime, and broken-down neighborhoods.

CONTACT

Daniel Nielson, Director/Department of Social Services (805) 681-4451
Terri Maus-Nisich, Assistant CEO, County Executive Office, (805) 568-3412

SENIOR SERVICES-OLDER AMERICANS ACT REAUTHORIZATION

Principle	
Health & Human Services	
Strategy	Target
Advocacy	Federal

SUMMARY OF THE ISSUE

The Older Americans Act provides federal funding to Area Agencies on Aging (AAA's) to help low-income seniors live independently in their communities through supportive, nutrition and health promotion programs and services. According to 2013 Census data there are over 59,000 seniors age 65 and older within the County of Santa Barbara (14% of the County's population). This number is expected to double by the year 2050 placing additional demands on a variety of health and human services programs. Key issues facing seniors within the County are in-home care housing as well as public assistance needs for those that live below the poverty level. Therefore, it is imperative to ensure that the services and programs currently in place, are reauthorized to meet the growing population and needs of low-income seniors.

REQUEST STRATEGY AND ACTION

Strategy:

- Funding Request Legislative Proposal Targeted Advocacy

Action: That the County work with its legislative delegation and key representatives to support reauthorization of the Older Americans Act and increase funding for senior related services. Support critical components of the Older American's Act which promotes the health and well-being of low-income seniors by providing funding for Area Agencies on Aging for nutrition services and prevention and health promotions services enhancing the quality of life of low-income seniors.

PUBLIC BENEFIT/IMPACT

While seniors are the fastest growing sector of the population, little funding is provided to address overall spectrum of needs faced by individuals as they age. Without assistance, seniors often lack the ability to remain in their own homes and thus must resort to assisted living facilities at extraordinary costs or rely on family members and professional or informal caregivers for continued care. In addition, as a result of increasing medical needs, seniors utilize emergency rooms and public clinics at an increasing rate as a result of lack of appropriate health coverage. A comprehensive program of safety net services provided via community providers and governmental agencies, provides for the opportunity for seniors to remain independent for a longer period and provides for the spectrum of health and human services needs required to age with dignity.

COST TO GOVERNMENT

For many older adults, a few hours a week of in-home services provided by the Older Americans Act can delay or prevent costly nursing home care for low-income seniors who are not eligible for In-Home Supportive Services administered by the Department of Social Services. Evidence confirms that good nutrition is important in maintaining the health and functional independence of older adults. It can reduce costly hospital admissions and delay nursing home placement. A majority of older adults in the US have diabetes, hypertension, high cholesterol or a combination of these chronic conditions. These conditions can be successfully managed with appropriate nutrition interventions that will improve health and quality of life. Left unchecked, these conditions result in increased costs.

CONTACT

Daniel Nielson, Director/Department of Social Services, (805) 681-4451
Terri Maus-Nisich, Assistant CEO, County Executive Office, (805) 568-3412

TELECOMMUNICATIONS LEGISLATION

Principle	
Local Control	
Strategy	Target
Advocacy	Federal

SUMMARY OF THE ISSUE

Section 332(c)(7) of the Federal Telecommunications Act of 1996 prevents local governments, including the County of Santa Barbara, from opposing the placement and regulation of personal wireless service facilities on the basis of the environmental effects of radio-frequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions. The California Public Utilities Code also limits the authority of local governments to regulate wireless facilities in public rights of way.

There is ongoing debate within the scientific community regarding how thoroughly the long-term health effects of low-frequency electromagnetic and radio-frequency emissions are understood. Questions remain regarding how well the existing regulations established by the FCC protect more vulnerable populations such as school-aged children, and how well they protect against the cumulative effect of radio-frequency emissions on people who live or work in close proximity to multiple cellular facilities. Currently, the ability of local governments to include a consideration of the health and environmental effects of these facilities when deciding whether or not to approve the construction or modification of a cellular communications facility is limited. Existing regulations regarding telecommunication facilities also hamper local agencies' ability to protect the visual quality of their communities. Protecting a high quality visual environment is vitally important to community residents; it is equally important to protect the desirability of an area as a tourist destination.

On November 18, 2009, the Cellular Telecommunications Industry of America (CTIA) petitioned the FCC to make certain declaratory rulings related to the local zoning authority of state and local governments, including requesting the FCC establish a review time of 45 and 75 days for wireless tower siting applications; deem applications granted if a government entity does not adhere to these stipulated timeframes; prohibit state and local governments from considering the presence of service by other carriers in evaluating an additional carrier's application and preempt any state or local zoning ordinances that require variances for wireless tower siting applications. As a result, the FCC ruled in favor of the CTIA, thus upholding limitations of local government control.

REQUESTED STRATEGY AND ACTION

Strategy: Funding Request Legislative Proposal Targeted Advocacy

Action:

The County requests that its delegation seek and support federal legislation to repeal limitations on state and local authority imposed by the Telecommunications Act of 1996 that infringe upon the authority of local governments to regulate the placement, construction, and modification of telecommunications towers and other personal wireless service facilities on the basis of the health and environmental effects of these facilities. The County opposes sections of the Act that preempt local control and prevent local governments from considering health effects. The County urges the FCC to work in cooperation with the FDA and other relevant federal agencies to revisit and update studies on potential health concerns arising from wireless emissions in light of the national proliferation of wireless use. Finally, the County requests that the FCC revise the processing deadlines for new telecommunication facilities to insure that local agencies have adequate time to fully evaluate siting and design options to minimize visual impacts and protect a high quality visual environment.

PUBLIC BENEFIT/IMPACT

Health advocates have worried for decades that exposure to frequencies emanating from telecommunications sources might be harmful. There are increasing health and environmental effects resulting from the location of certain cell phone towers and antennas, especially in regards to the cumulative effect of

radio-frequency emissions on people who live or work in close proximity to multiple cellular facilities. Citizens would be better served by allowing local government greater flexibility to regulate the placement of cellular facilities near areas such as residences, schools, daycares, or parks. Longer processing times would give local agencies the opportunity to evaluate alternative locations and designs in order to maximize the protection of a high quality visual environment.

COST TO GOVERNMENT

This is largely a regulatory function to allow local governments' greater discretion to decide how, when, and where cellular facilities should be sited.

CONTACT

Glenn S. Russell, PhD., Director, Planning and Development Department, (805) 568-2085

Terri Maus-Nisich, Assistant County Executive Officer, County Executive Office, (805)568-3400