December 6, 2022

Honorable Board of Supervisors
Marin County Civic Center
San Rafael, CA 94903

Re: 2023 LEGISLATIVE PLAN AND GUIDELINES

Dear Supervisors:

RECOMMENDATION: Approve, with any Board modifications, the proposed:

- 2023 Federal and State Legislative Plan,
- 2023 Legislative Policy Guidelines contained in Attachment A

BACKGROUND

We bring to your Board the proposed Legislative Plan for 2023. As always, your Board retains the opportunity to amend the plan at any time during the coming year to reflect new or emerging priorities. Based on input from staff, our federal and state lobbyists, partners like the Transportation Authority of Marin (TAM), Marin Transit District, Sonoma-Marin Area Rail Transit (SMART), Marin Clean Emergency (MCE) and of course your Board, this legislative plan will give staff the opportunity to react quickly to legislative issues consistent with your Board’s priorities and policy guidelines throughout the coming year.

Key legislative Board priorities heading into 2023 are in alignment with your board’s countywide priorities, which include affordable housing and homelessness; climate change and sea level rise; disaster preparedness; improving County infrastructure; recruitment and retention of the County workforce – all with a racial equity lens.

During the past year, your Board took a support or oppose position on a number of pending bills at the state and federal level in alignment with the adopted Legislative Plan. Your Board also voted to take a position on four of the seven statewide ballot measures on the November 8, 2022 ballot.

All position letters, as well as information on the ballot propositions, are posted to the County Administrator’s Office Legislative Program webpage.

2022 STATE LEGISLATIVE RECAP & 2023 OUTLOOK

The spring 2022 state and federal legislative budget cycle was historic. The final FY 2022-23 state budget appropriated a record $100 billion surplus, fueled largely by 7.8 percent GDP growth, the strong sale of property and goods throughout the state, and record capital gains revenue. On a national level, the federal FY 2022-23 budget was boosted by similar strong GDP growth, low unemployment, and major spending bills passed by a Democratic Congress and President.

Partnering with our legislative delegation, Marin was able to benefit from these historic opportunities for important one-time funding. For example, the County of Marin and its many partners were successful working closely with State Senator McGuire to ensure several key Marin priorities were funded in the final FY 2022-23 State budget:
• $5 million to address homelessness in Marin County, including:
  o $3 million to the Richardson’s Bay Regional Agency (RBRA) for housing and environmental restoration issues; and
  o $2 million to the County, with $1.5 million to be distributed to San Rafael, Novato, and Sausalito to provide services and housing for those living in encampments in their jurisdictions;
• $20 million to TAM to fund interim flooding solutions for Highway 37;
• $10 million to TAM for flooding issues in Marin City along Highway 101; and
• $3 million to the Marin City Community Services District for a remodeled community center.

Looking to 2023, however, we expect a markedly different budget climate. The Legislative Analyst’s Office (LAO) FY 2023-24 fiscal forecast, released November 16, projects a transition from a $100 billion FY 2022-23 surplus to a FY 2023-24 deficit of $25 billion, largely attributed to substantially lower revenues from a slowing economy. The report projects a likelihood of recession in the coming year, noting the “cooling” effect high interest rates are having on California’s consumer-driven economy, including home buying. With the State budget to be released in early January, we anticipate the State may pause or rescind some recent one-time spending augmentations and reduce programming in some areas, including funding related to homelessness, public health, and wildfire mitigation. County staff will be monitoring these developments closely for local impacts.

As a result, this coming year the Legislature is likely to be more “policy-focused” as opposed to “budget-focused.” The November 8 election also resulted in the turnover of more than one-third of the State Legislature, including the election of a new Assembly Speaker starting later in 2023. Though Democrats retain their super majority status in the State Legislature, impacts at the local level of the new lawmakers and new leadership are yet to be determined. Anticipated policy focus areas for 2023 include the consideration of major mental-health related legislation regarding conservatorships, revised and expanded housing-related bills, and regulations and rulemaking regarding addressing California’s energy grid issues.

2022 FEDERAL RECAP & 2023 OUTLOOK
At the federal level, there were also several Marin projects funded during the 2022 calendar year that have been long-time priorities on the County’s legislative agenda. Chiefly, the San Rafael Channel (canal), a U.S. Army Corps of Engineers-maintained federal waterway, was appropriated $6.75 million for its first full dredging since 2002 with the President’s signing of H.R. 2471. The City of San Rafael is the lead agency partner on the project and dredging of the channel is underway this fall, however the County weighed in with its legislative support to the city’s efforts.

Additionally, the same federal bill included a $700,000 federal “earmark” for planning and design of the East Sir Francis Drake Boulevard bike lane project. This project was included as one of nine district projects requested by Congressman Huffman in consultation with the County. Finally, while the 2023 federal budget process is still ongoing, the County’s collaborative request with the Marin Housing Authority for $650,000 for Lighting Energy Efficiency Upgrades at Golden Gate Village was included as one of Congressman Huffman’s 15 “earmark” requests for 2023. It was included in the House Transportation Appropriations Subcommittee’s list of final earmarks, and Senator Padilla included the project among his funding requests.

A Democratic House and Senate last year passed the Inflation Reduction Act of 2022, which included historic levels of federal investments in clean energy and
greenhouse gas reduction initiatives. This legislation will have a sizeable impact on California and on Marin in coming years, bringing substantial new supports and investments to programs to transition to zero-emission vehicles and carbon neutral buildings, infrastructure, and energy systems. The County is also closely monitoring the ongoing rollout of state funding under the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL), and County staff have been working with TAM and the Metropolitical Transportation Commission (MTC) on new funding opportunities for local projects.

Looking ahead to 2023, the recent mid-term elections failed to produce an anticipated “red wave” at the congressional level. Though the Georgia Senate runoff remains to be called, Democrats will maintain control of the Senate. The House, however, transitions to a narrow Republican majority heading into 2023.

A divided federal government is likely to mean little landmark legislation. In addition, a Republican-controlled House may mean the elimination of (or significantly scaled down) “earmark” opportunities. We will continue to monitor whether Congress develops an alternative process to funding these important community projects.

**2023 LEGISLATIVE PROGRAM HIGHLIGHTS**

The section below highlights some of the high priority initiatives within the proposed 2023 Legislative Program. Please see Attachment A for the County’s full program.

**Housing and Homelessness**

- **Housing Production and Preservation.** The County’s efforts to preserve existing affordable housing by purchasing more naturally occurring affordable housing units (NOAHs) should be counted toward the Regional Housing Needs Allocation (RHNA) and the Annual Progress Report (APR). The County also continues to support streamlined permitting for new housing, including the conversion of single-family homes to multi-family units; the expansion of reclaimed water infrastructure to ensure water supply is not a barrier to new housing production; and the development of surplus state, federal and school district land into workforce housing or affordable housing.

- **Comprehensive Homelessness Strategy.** Our plan calls for continued efforts to build housing/shelter capacity in our communities; establish clear responsibilities and accountability; and for long-term state funding to support critical ongoing wraparound services to keep people housed. There is also a need to address service gaps for precariously-housed individuals, older adults with dementia, and those in rural areas. As the state focuses on a whole-person care approach in healthcare delivery, more allowance for client data sharing is needed to coordinate services among social services, public health and behavioral health divisions and partner agencies.

- **Section 8 Housing Choice Vouchers and Public Housing.** Marin is making full use of its 2,000 federal Housing Choice Vouchers, including 210 new emergency vouchers issued under the Biden Administration. However, many more vouchers are needed to meet the need for secure, stable housing for low-income residents in Marin. In addition, the County will work with our federal delegation for needed capital improvements and tenant protections to those living in public housing, including the approximately 300 units at Golden Gate Village in Marin City.
Health and Human Services

- **Social Services Funding.** In an uncertain economic climate, it is critical to protect funding and simplify eligibility and enrollment for social safety net programs. The County supports efforts to make permanent the higher levels of CalFresh benefits established during the pandemic; an additional 3,000 Marin households have enrolled in CalFresh since March 2020 and have not fallen off since. Marin also supports a revision to the funding formula to allow for a more equitable distribution of benefits across counties.

- **Workforce Development.** Marin's high cost of living continues to be a challenge in recruiting and retaining those in workforce jobs. The County is advocating for more opportunities to help residents secure local employment with sustainable wages and career ladders for advancement.

- **CARE Court (Community Assistance, Recovery, and Empowerment).** The County is closely monitoring the implementation and funding of CARE Court in the six Cohort 1 counties, a new framework to deliver mental health services to the most severely impaired. Marin is set to implement among Cohort 2 counties in 2024.

- **CalAIM (California Advancing and Innovating Medi-Cal).** The new statewide CalAIM initiative is anticipated to have significant impacts to County Behavioral Health and Whole Person Care. The new managed care payment structure will need to fairly reimburse County-provided services and ensure continued critical wraparound services in the successful whole-person centered approach, including housing case management.

- **School-Based Behavioral Health Services.** The County has leveraged state and local funding to improve availability of, and access to, school-based mental health screenings, treatment and support services and mobile crisis response. Marin also remains focused on the needs of hard-to-reach youth populations.

- **Cost Recovery for Psychiatric Crisis Stabilization Services.** The County continues to advocate for full reimbursement by private health insurers for services provided to their patients at the County’s Crisis Stabilization Unit.

- **Foster Children and Families.** More services and supports are needed for current and former foster children and their current and prospective families/caregivers. A high priority need is transition supports for children “aged out” of the system to ensure they can stay in Marin if they choose.

Transportation and County Infrastructure

- **State Route 37.** State planning and construction efforts to adapt Highway 37 for sea level rise should advance the “ultimate” pile-supported causeway project and incorporate multi-modal transportation and regional wetland restoration. Near-term measures to address congestion and flooding needs should minimize adverse environmental impacts and align with the ultimate project.

- **Highway 101 Corridor.** High priority projects include the “Marin-Sonoma Narrows” Project from Highway 37 to Petaluma, improvements to Highway 101 exits at Marin City to reduce flooding, SMART’s extension north to Cloverdale and completion of the multi-use pathway, the northbound 101 to eastbound I-580 Multimodal Access Improvement Project, and construction of a new Bettini Transit Center in San Rafael.

- **Multimodal Transportation Infrastructure.** Efforts to expand public transit and bicycle and pedestrian-oriented infrastructure include the completion of
the North-South Greenway: the vision of a continuous off-road multiuse pathway network with connections to transit. Some recent high-profile accidents with pedestrians have also highlighted the need for more safety regulations for electric bicycles and scooters. The County and our partner Marin transportation agencies are also engaged in advocating for more funding of local bus transit services and infrastructure.

- **Local Road and Transportation Funding.** As California transitions from gasoline-powered to electric and hybrid vehicles, it is imperative that funding for local streets and roads (currently provided by the state gas tax) is maintained. This could be through vehicle miles traveled charges, lowering the voter approval threshold for new local transportation taxes from 67 percent to 55 percent, and/or new fees to delivery companies for higher usage of local roads.

**Disaster Preparedness**

- **Disaster Preparedness.** The County and Marin’s 11 cities and towns remain engaged in preparation for various emergency events, including extreme heat; wildfire response and evacuations; flooding resulting from tidal events, storms and sea level rise; and the possibility of another public health emergency. The County is focused on advocating for programs that identify and assist vulnerable populations with readiness for evacuation and adequate shelter access; including older adults, persons with disabilities, and individuals experiencing homelessness.

- **Fire Prevention/Suppression.** Much of the County’s open space is state and federally managed lands, and Marin continues to advocate for enhanced fire prevention and forest management by relevant state and federal authorities.

- **Flood Control and Watershed Management Efforts.** More funding and a possible administrative restructuring is needed for the various flood zones within the Marin County Flood Control and Water Conservation District.

- **Telecommunications Redundancy/Backup.** Providers should be required to ensure cellular service is maintained for at least 72 hours during an electrical outage, particularly during PSPS or EPSS events initiated by PG&E.

- **Utility Undergrounding.** The County is in alignment with CSAC in the need for modifications to the CPUC Rule 20A program to support increased flexibility for undergrounding projects, and incentives for fast-tracking. Marin is also advocating to receive a fair allocation of PG&E’s planned statewide undergrounding projects.

**Climate Change and Energy**

- **Local Renewable Energy and Governance:** Continued development of renewable energy resources is critical to reducing the County’s carbon footprint. There is also an emerging need to expand energy capacity and resiliency, including more energy storage and microgrids. The County strongly supports the transition to zero-emission vehicles and will advocate for adequate funding for charging infrastructure and equity-focused programs in conjunction with the California Air Resources Board’s recent mandate that all new vehicles sold in the state after 2035 be zero-emission.

- **Climate Change Planning.** Surrounded by coastline on three sides, Marin County is especially vulnerable to rising sea levels. The County continues to partner with other municipalities in planning to protect private property and
public infrastructure along coastlines and is monitoring efforts for a statewide resiliency bond to support local adaptation measures.

- **Water Conservation and Drought Relief.** In addition to expanding water supply facilities and reclaimed water usage through more “purple pipe” infrastructure; targeted support is needed for farmers and ranchers, especially organic dairies which have faced steep drought-induced increases in their costs of production.

**Natural Resources**

- **Offsets to Impacts from State and Federal Lands.** Marin’s state and federal parks bring millions of visitors to the County each year. Enhanced emergency medical response, public transit, parking, refuse, restroom and septic infrastructure is needed to mitigate the impacts of these visitors to neighboring West Marin communities.

- **Wetlands Restoration.** The County continues to partner with the U.S. Army Corps of Engineers on efforts to restore the Corte Madera Creek and Coyote Creek watersheds. Other locally managed restoration projects include along the San Pablo Bay, the Bolinas Lagoon, McInnis Marsh and Bothin Marsh.

**Technology/Administrative**

- **Broadband.** The County has been the beneficiary of significant broadband investments in recent years due to our comprehensive Digital Marin Strategic Plan. Affordable, reliable, high-speed internet for older adults, low-income, rural and other underserved communities continues to be a top priority.

- **Vote Centers.** SB 450, passed by the Legislature in 2016, created an optional program for counties to convert from elections held in polling places on Election Day fewer Vote Centers for 10 days leading up to Election Day. Several cycles of election data now illustrate that, while vote centers bring many benefits, they have low utilization during initial days of the 10 days leading up to Election Day, particularly since passage of AB 37 in 2021 which required all registered voters to receive a mailed ballot. Vote centers may be more effective at less cost if counties had the option to staff vote centers for fewer days leading up to Election Day.

With your Board’s approval, including any amendments, we will work with our state and federal delegations to ensure they are aware of your Board’s priorities and concerns going into 2023 – including Marin’s newest Assemblymember, Damon Connolly.

While our plan includes initiatives that may not be achievable in the short-term, as opportunities arise the plan provides policy direction to guide our legislative program in a manner consistent with your Board’s long-term vision for the County.

Please feel free to contact us should you have any questions or concerns.

**Submitted by:**

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