

AGENDA
REGULAR MEETINGS
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, August 9, 2011

C. BUSINESS BEFORE THE BOARD

6. BOARD COMMITTEE REPORTS

f. Legislative (6.24.11) (Radke)

The Legislative Committee met at District headquarters on Friday, June 24, 2011.

Present: Directors: Doug Siden, Ayn Wieskamp, Ted Radke
Staff: Robert Doyle, Dave Collins, Erich Pfuehler, Carol Victor, Carol Johnson,
Shelly Lewis
Consultants: Doug Houston, The Houston Group (on phone), Dr. George Manross, SRI
Consulting
Public: Pat O'Brien, Rosemary Cameron, Linda Sailors

I. STATE LEGISLATION/ISSUES UPDATE

A. NEW

a. **AB 484 (Alejo): Allowing Non-profits to hold and manage endowments (Monterey Transportation Authority).**

Advocate Doug Houston reported on Assembly Bill 484. He mentioned the District has worked internally with the Department of Fish and Game (DFG) to collect endowments from properties the District acquires and manages for mitigation purposes. DFG is working with a nonprofit to manage these endowments as a way to raise revenue. The California Council of Land Trust (CCLT) has made a concerted effort to ensure local agencies and nonprofits actually receive the endowment dollars to which they are entitled. CCLT has taken the lead on the second bill to be discussed today (SB 436). Houston added the author of AB 484 is deferring to SB 436 as the main vehicle by which to address the endowment issue so we will merely recommend a watch position on AB 484.

The Committee voted unanimously to WATCH AB 484.

b. **SB 436 (Kehoe): Allowing Non-profits to hold and manage endowments (California Council of Land Trusts).**

Houston continued by noting CCLT has taken the lead on SB 436 to try to ensure nonprofits are entitled to their endowments. Through the District's efforts, an amendment was added to SB 436 to allow local agencies to be potential recipients of endowment funds. The bill identifies a pilot program where 10 nonprofits and local agencies are identified to hold endowments. There is a strong possibility the District will be recognized as one of the 10 entities. Legislative Affairs Manager Erich Pfuehler added the amendment to SB 436 specifically includes Public Resource Code 5500 districts and also Code 35100 which means the District will be eligible to hold endowments. The bill's provisions sunset on January 1, 2022. This bill is sponsored by CCLT and supported by the Bay Area Open Space Council, Save Mt. Diablo, The Nature Conservancy, Tri-Valley Conservancy and the Trust for Public

Land. Pfuehler continued by noting SB 436 gives the State Controller oversight over the endowments rather than the Department of Fish and Game (DFG). GM Robert Doyle said DFG is short staffed which could be why responsibility is being shifted to the Controller. Doyle added Environmental Programs Manager Brad Olson worked with DFG for a year to enable the District to hold endowments and then DFG pulled the program. The District met with DFG to discuss this issue, but it has not been resolved. Doyle recommended the District support and work with the Resources Secretary to pass the bill.

The Legislative Committee voted unanimously to SUPPORT SB 436.

c. **AB 576 (Dickinson): Finance Plan for Delta Stewardship.**

Pfuehler reported both AB 576 and SB 200 (Wolk) are place holder bills to address Delta resources. It is important to track these bills with an eye toward a potential future bond measure. AB 576 strives to make sure Southern California pays for restoration efforts in exchange for getting a more reliable source of water. A portion of the funding collected under this “beneficiary pays principle” would go toward restoration and expanding recreation. The District could be eligible for these funds, but for now the recommendation is to just watch this bill as the water debate continues.

The Legislative Committee voted unanimously to WATCH AB 576.

d. **SB 200 (Wolk): Bay Delta Conservation Plan (BDCP) Requirements.**

Pfuehler reported SB 200 pertains to the Bay Delta Conservation Plan (BDCP), the entity looking at the coequal goals of a sustainable Delta plus reliable water supply. The BDCP has a Habitat Restoration Program Technical Team looking at prioritizing habitat restoration opportunities. If a water bond eventually moves forward, it will likely include funds for restoration efforts. The District should have this process on its radar and try to get in the mix if they put a package of projects together. Pfuehler said he would explore ways to plug into the BDCP governance team, but for now would recommend just watching this bill.

The Legislative Committee voted unanimously to WATCH SB 200.

e. **SB 536 (DeSaulnier): Oakley Power Plant Legislation.**

Houston reported SB 536 is in its second iteration. If and when a major power plant is constructed within the City of Oakley, the city and its redevelopment agency are working to retain the property tax increments for public purposes in perpetuity. There is concern this bill would impact the District, but the Senator agreed to protect the District’s base property tax revenue for this site. There is, however, a concerted effort to do away with all redevelopment agencies throughout the state, so potentially this money could be reallocated back to the city’s general fund. While the impact to the District would be minimal, the precedent this bill sets for future pass through revenue makes supporting it somewhat problematic. Staff would recommend a watch position on the bill.

Houston added there are two bills in the Assembly that have to do with redevelopment. One, ABXI 26 (Blumenfield), does away with redevelopment agencies altogether. The second bill ABXI 27 (Blumenfield) creates an alternative voluntary redevelopment program and requires RDAs to make payments to the state to help meet Prop. 98 school funding requirements. The District could be entitled to some amount of property tax increment in the event these bills in tandem are passed and signed by the Governor.

The Legislative Committee voted unanimously to WATCH SB 536.

f. **AB 1106 (Archadjian): Public Agency Relief for Occupational Safety and Health Fines.**

Houston reported this bill is dead for this year. It was held in the Assembly Appropriations Committee. There will likely be future iterations of this bill as it did pass out of the Policy Committee and was authored by a Republican. There seems to be some willingness on behalf of the legislature to advance it. This legislation would ultimately result in a financial hit to the Department of Industrial Relations.

Director Ted Radke asked if organized labor took a position on AB 1106. Pfuehler stated he saw no record of whether labor was for or in opposition of AB 1106. Pfuehler reported the intent of AB 1106 is for a local agency to be eligible for a refund from the state Department of Industrial Relations when they correct a CAL-OSHA violation. These refunds could benefit the District. Since the bill is being held in the Appropriations Committee, staff will just continue to watch this issue.

The Legislative Committee voted unanimously to WATCH AB 1106.

g. **SB 769 (Fuller): Allowing Display and Exhibition of Legally-possessed Mountain Lion Carcasses for Scientific or Education Purposes.**

Houston stated SB 769 clarifies what it means to legally possess a mountain lion carcass. Should a mountain lion be struck by an automobile, a government or nonprofit entity could use the carcass for autopsy purposes, or have the carcass treated by a taxidermist and displayed and used for educational purposes. District staff supports this bill. SB 769 requires a 4/5ths vote, so it would be helpful for the District to lend some support for SB 769. Doyle stated it could create an excellent educational opportunity for the District to show students what a Mountain Lion looks like. He would recommend the Board support SB 769.

The Legislative Committee voted unanimously to SUPPORT SB 769.

B. ISSUES

a. **State Budget**

Houston reported on the state budget. He noted the will was there, and the votes in both houses, to allow for a public vote on tax extensions, but there were not the votes for a bridge on extending the taxes from June 30th to the time an election could be called. On June 30th, the tax structure California has been operating under for the last several years will be gone and the increases that were approved several years ago will no longer exist. Allowing the tax increases to expire makes it problematic to go to the voters five months later to re-instate them. The Legislature is frustrated because they are back to the drawing board. Democrats may have to accept more cuts to the budget if they can't get the extension moving forward.

Radke stated Republicans claim revenues are running \$7 billion a year ahead of the May 2011 revise projections. They are making the case that no taxes, bridge or otherwise, are needed. Houston agreed, but indicated this revenue is largely a one time influx predicated on capital gains taxes which have corresponded with an uptick in the stock market.

b. **Redistricting (State and Federal)**

The California Citizens Redistricting Commission unanimously approved their first draft district maps on June 10, 2011. Pfuehler presented the proposed district lines for the Alameda and Contra Costa state and federal electeds. He outlined each member's districts, the proposed changes to the boundaries, and how these changes would impact the District.

Pfuehler reported public hearings are still taking place and another decision will be made on August 15 regarding the maps. He also pointed out there is a strong possibility there will be litigation over the suggested changes.

Assembly: The west Alameda County district currently held by **Sandr  Swanson** remains much the same, but shifts south to include San Leandro. The new central Alameda County district includes most of **Mary Hayashi's** district of Hayward, Union City and Castro Valley. The new southwestern Alameda County district, currently mostly served by **Bob Wieckowski**, includes Newark, Fremont, Milpitas and some of San Jose. The new east Contra Costa County district, currently held by **Susan Bonilla**, will stretch from Martinez to Brentwood and include Concord. The new central Contra Costa district, which is basically **Joan Buchanan's** seat, will include Walnut Creek, Orinda, Moraga and the Tri-Valley. The new west Contra Costa district, currently held by **Nancy Skinner**, will stretch from Piedmont to Martinez along the Bay. The most significant change, other than the more centralized Buchanan seat, is the East Bay delegation may actually pick up an Assembly seat in Oakley. The new Solano County district, currently represented by **Mariko Yamada**, would essentially stretch over the Delta into east Contra Costa County.

State Senate: There will be a shoreline district from Hercules down to San Leandro, which is principally **Loni Hancock's** district. There will also be an "east counties" district, most of which is currently served by **Mark DeSaulneir**, that will include Martinez, Orinda, Moraga, Walnut Creek, Concord, Brentwood, Antioch, and the entire Tri-Valley. The district largely served by **Ellen Corbett** would no longer include her hometown of San Leandro, but would stretch from Hayward to north San Jose and include Union City, Newark, Fremont and Milpitas. Again, Oakley is lumped into a more North Bay Solano County district which is mostly represented by **Noreen Evans**.

Congress: This is where the more dramatic changes occur. A shoreline district from San Pablo and Richmond down to Alameda is established, mostly **Barbara Lee's** district. A San Leandro, Hayward, Union City, Dublin, Pleasanton, Livermore district is created which is partially served by **Pete Stark** and partially served by **Jerry McNerney** (with Castro Valley, currently in Barbara Lee's district, and Livermore, in John Garamendi's). A far south Alameda County / Santa Clara County seat is created partially served by **Pete Stark** and **Zoe Lofgren**. A Contra Costa district ranging from San Pablo to San Ramon to Pittsburg, including Martinez, Concord and Walnut Creek is created and probably the seat for which **George Miller** would run. Antioch, Oakley and Brentwood are all put into a district with northern San Joaquin County which is partially served by **John Garamendi** and **Jerry McNerney**. Unless Stark retires, he, McNerney, and Garamendi all have some decisions to make if these maps stay much the same. McNerney may have to run against Stark or Garamendi if he wants to stay in office. The San Leandro, Hayward, Union City, Dublin, Pleasanton, Livermore district could also be favorable enough for **Bill Lockyer** and/or **Ellen Corbett** to make a run.

2. STATUS OF RECOMMENDATIONS

Director Doug Siden inquired about Senator Feinstein's bills to restore the San Francisco Bay and create the Delta Heritage Corridor. Pfuehler responded they both are still pending and could receive some consideration later in the year or next year.

3. STATE PARK DISCUSSION

Doyle explained there are 30 to 31 local agencies which manage state parks, including Los Angeles County and they do not receive any funding from the State. The District spends local money to manage three state parks at no cost to the State. The District doesn't even receive bond money for the state parks it operates. Since the Proposition 21 vote to fund state parks failed, the District has met with several influential stakeholders regarding state park issues to assess what happened. Strategic Research Institute (SRI) Consultant Dr. George Manross has produced a follow-up survey of Alameda and Contra Costa County voters about Proposition 21 and their support for state parks.

Manross presented Proposition 21 follow-up survey to the Legislative Committee of the Board. The survey sample size was 400 high and moderate propensity voters within Alameda County and Contra Costa County.

Manross's findings indicated 97% of the public believe the California State Park System is a valuable public resource, 94% agree the availability of State Parks improves the quality of life, and 57% felt state parks should serve the needs of all not just the residents who reside nearby.

Manross discussed the negative outcome of Proposition 21 and suggested the ballot language had significant impact on voters. He stressed in this economy, putting "tax increase" in the title of a measure elicits a no vote from most voters. Manross's poll indicated if the same measure was placed on the ballot today, 61% of the voters would support the tax increase. Manross noted voter support increases as the amount of tax decreases.

General Manager Emeritus Pat O'Brien commented that 100% of the voters read the measure's title and maybe only 75% read the actual language of the measure. If the title isn't written properly, the results may be negative.

Manross reported voters were more likely to support a sin tax on alcohol (59%) or cigarettes (63%) to fund state parks, and would oppose an increased State Income Tax (56%) or a State Sales Tax (65%).

Manross discussed several other potential mechanisms for funding. Radke questioned which ones would generate more funding. Manross explained a threshold survey would need to be done to determine actual dollar amounts.

Doyle explained this survey is a baseline to obtain the facts from Proposition 21. Should other stakeholders have an interest in some of the specific state parks issues, the District would ask them if they would be willing to fund additional surveys and build a coalition to support a new effort. Doyle also suggested incorporating some of our questions into other statewide surveys. He suggested The Nature Conservancy, Los Angeles Parks and the Park Partners Coalition might be interested in partnering to do this work.

4. FEDERAL LEGISLATION / ISSUES

A. NEW N/A

B. ISSUES

a. **Community Transformation Grants**

Pfuehler reported a letter of intent was sent to the Centers for Disease Control (CDC) to apply for a Community Transformation Grant (CTG). This grant is funded through the Health Care Reform law and is about \$100 million nationwide, so it's not that much money relative to the need. Pfuehler commented the CDC is encouraging local and regional collaboration. Those applicants who have the broadest range of partners and are working with diverse groups of people will receive strong consideration. The CTG grant dovetails nicely with the District's Healthy Parks, Healthy People initiative and the Kids Challenge. It was a logical step to submit a letter of intent. The CDC posted the letters of intent on their website with the intention of applicants finding partners. The District has received several calls to partner.

The District would like to partner with other agencies as the outdoor activity / exercise component of the grant. One idea would be to offer the Kids Challenge program to every school in the two counties and work through State Superintendent of Public Instruction Tom Torlakson's office to have the Kids Challenge reflect academic standards. It could be used by teachers at the second or third grade level. AGM Carol Johnson and Pfuehler have been meeting with other stakeholders to encourage more partners to join and have a well-rounded application.

Johnson said the District is looking to the county health departments to help evaluate who the Kids Challenge program would serve and evaluate how our efforts have been in a couple of areas: personal health habits, as well as their connection to nature and the outdoors. This will help determine how the District is affecting children's lifestyle and health.

Doyle commended Johnson and Pfuehler for their hard work.

b. **Debt Limit – Budget Cuts**

Pfuehler gave a brief report and stated the good news regarding the budget, from a District standpoint, is that they are talking about making trillions of dollars of cuts over a ten-year period, but not reaching back into the TIGER II Grant funds.

5. PUBLIC COMMENTS - none

Respectfully submitted:

Erich Pfuehler
Government Relations and Legislative Affairs Manager