



AGENDA
BOARD LEGISLATIVE COMMITTEE

REVISED 9/07/11

Friday, September 16, 2011
1:30 p.m., Peralta Oaks Board Room

The following agenda items are listed for Committee consideration. In accordance with the Board Operating Guidelines, no official action of the Board will be taken at this meeting; rather, the Committee's purpose shall be to review the listed items and to consider developing recommendations to the Board of Directors.

AGENDA

<u>STATUS</u>	<u>TIME</u>	<u>ITEM</u>	<u>STAFF</u>
	1:30 p.m.	I. STATE LEGISLATION / ISSUES	
		A. NEW LEGISLATION	Doyle/Pfuehler
(R)		a. AB 42 (Huffman) – Allowing Qualified Nonprofits to Operate a State Park Unit	
		b. AB 703 (Gordon)- Extend Property Tax Exemption for Open Space Lands	
		c. SB 328 (Kehoe) – Conservation Easements and Eminent Domain	
		d. SB 791 (Steinberg) – Traffic Congestion Relief Program	
(I)		B. ISSUES	
		a. State Legislative Session Wrap Up	Doyle/Houston
		b. Reform – California Forward Ballot Proposal(s)	Doyle/Pfuehler
		2. STATUS OF RECOMMENDATIONS	
		3. FEDERAL LEGISLATION / ISSUES	Doyle/Pfuehler
		A. NEW LEGISLATION – N/A	
(I)		B. ISSUES	Doyle/Pfuehler
		a. Federal Debt Super Committee	
(I)		4. INSTRUCTIVE AND USEFUL TRENDS IN PUBLIC OPINION OF THE DISTRICT FROM 1988 TO 2011	Doyle/ Manross
		5. PUBLIC COMMENTS	
		6. CORRESPONDENCE & ARTICLES	

(R) Recommendation for Future Board Consideration

(I) Information

(D) Discussion

Future 2011 Meetings: October 21, 2011
November 18, 2011
December 16, 2011

Legislative Committee Members:

Ted Radke, Chair, Doug Siden, Ayn Wieskamp, Beverly Lane, Alternate
Erich Pfuehler, Staff Coordinator

Board of Directors

Beverly Lane President Ward 6	Carol Severin Vice-President Ward 3	John Sutter Treasurer Ward 2	Ayn Wieskamp Secretary Ward 5	Whitney Dotson Ward 1	Doug Siden Ward 4	Ted Radke Ward 7	Robert E. Doyle General Manager
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Distribution/Agenda Only

Afton Crooks
Michael Kelley
Stana Hearne
Peter Rauch
Johan Klehs
Judi Bank
Ted Radosevich
Mimi Waluch

Distribution/Agenda Only

Dan Levy
Pete Wilson
Robert Follrath, Sr.
Fred W. Lopez
Yolande Barial
Bruce Beyaert
Norman LaForce
Rick Parmer

Distribution/Full Packet

Board of Directors
Bob Doyle
Carol Johnson
Dave Collins
John Escobar
Mike Anderson
Tim Anderson
Kristin Vorderbrueggen

Distribution/Full Packet

Allen Pulido
Shelly Lewis
Tyrone Davis
Nancy Wenninger
Carol Victor
Pat O'Brien
Ann Grodin
Sharon Corkin

Distribution/Full Packet

Hulet Hornbeck
Dr. George Manross
Glenn Kirby
Di Rosario
Jon King
Doug Houston
Peter Umhofer
Dave Weiman



2011/12 Status of Recommendations

The following is a record of bills that the board has taken action on.

1. [ACA 4 \(Blumenfield\)](#) **Local government financing: voter approval. (12/06/2010)**
Status: 7/6/2011 In committee: Set, first hearing. Referred to Appropriations suspense file.
7/6/2011 APPROPRIATIONS ASSEMBLY – SUSPENSE FILE
The Board unanimously voted to support pending legislation ACA 4.
Resolution No.: 2011-2-029
Notified Author: March 24, 2011

2. [S.29 \(Feinstein\)](#) **Sacramento-San Joaquin Delta National Heritage Area Establishment.**
(1/25/2011)
Status: 1/25/2011 – Read twice and referred to Committee on Energy and Natural Resources
Location: 1/25/2011 Referred to SENATE COMMITTEE
The Board unanimously voted to support pending legislation S.29
Resolution No.: 2011-3-069
Notified Author: March 24, 2011

[H.R. 486 \(Garamendi\)](#) **Sacramento-San Joaquin Delta National Heritage Area Establishment Act. (1/26/11)**
Status: 2/7/2011- Referred to HOUSE SUBCOMMITTEE.
Location: 2/7/2011- Referred to the Subcommittee on National Parks, Forests and Public Lands.
The Board unanimously voted to support pending legislation H.R. 486.
Resolution No.: 2011-2-3-069
Notified Author: March 24, 2011

3. [S. 97 \(Feinstein\)](#) **San Francisco Bay Restoration Act. (1/25/2011)**
Status: 1/25/2011 - Referred to Senate Committee.
Location: 1/25/2011- Read twice and referred to the COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.
The Board unanimously voted to support pending legislation S.97.
Resolution No.: 2011-3-068
Notified Author: March 24, 2011

4. [AB 36 \(Perea\)](#) **Income and employment taxes: federal conformity: Health Care and Education Reconciliation Act of 2010. (12/6/2010)**
Status: 4/7/2011 Chaptered by the Secretary of State, Chapter Number 17, Statutes of 2011
Location: 4/7/2011 ASSEMBLY - CHAPTERED
The Board unanimously voted to support legislation AB 36.
Resolution No.: 2011-6-116
Notified Author: N/A – Chaptered



2011/12 Status of Recommendations

5. [AB 612 \(Gordon\)](#) Parks and recreation: districts: repayment of indebtedness. (2/16/2011)
Status: 7/25/2011 Chaptered by the Secretary of State, Chapter Number 104, Statutes of 2011
Location: 7/25/2011 ASSEMBLY - CHAPTERED
The Board unanimously voted to support with amendments pending legislation AB 612.
Resolution No.: Pending
Notified Author: Pending

6. [H.R. 709](#) (Sires) Urban Revitalization and Livable Communities Act of 2011; Grants for improvement and construction of parks in urban areas. (2/15/2011)
Status: 3/23/2011 Referred to House Subcommittee on Insurance, Housing and Community Opportunity
Location: 3/23/2011 Referred to HOUSE SUBCOMMITTEE
The Board unanimously voted to support pending legislation H.R. 709.
Resolution No.: 2011-6-117
Notified Author: June 8, 2011

7. [S. 174](#) (Harkin) Healthy Lifestyles and Prevention America Act (HeLP); Improving physical activity for all ages. (1/25/2011)
Status: 1/25/2011 Read twice and referred to the Committee on Finance
Location: 1/25/2011 Referred to SENATE COMMITTEE
The Board unanimously voted to support S. 174.
Resolution No.: Pending
Notified Author: Pending

8. [AB 147](#) (Dickinson) Transportation impact mitigation fees for bike and ped projects. (1/14/2011)
Status: 7/14/2011 In Assembly. Concurrence in Senate amendments pending. May be considered on or after August 12 pursuant to Assembly Rule 77.
Location: 7/14/2011 ASSEMBLY-CONCURRENCE
The Board unanimously voted to support AB 147.
Resolution No.: Pending
Notified Author: Pending

9. [SB 653](#) (Steinberg) – Enabling counties and school districts to have more local taxation authority. (2/18/11)
Status: 7/13/2011 Failed Deadline pursuant to Rule 61(a)(10). (Last location was THIRD READING on 6/7/2011)
Location: 7/13/2011 SENATE -2 YEAR
The Board unanimously voted to support with amendments SB 653.
Resolution No.: Pending
Notified Author: Pending



2011/12 Status of Recommendations

10. [SB 668](#) (Evans) – Williamson Act agreements between and owner's and open space districts (2/18/11)
Status: 7/7/2011 In Senate. Concurrence in Assembly amendments pending.
Location: 7/7/2011 SENATE-CONCURRENCE
The Board unanimously voted to watch SB 668.
Resolution No.: N/A
Notified Author: N/A

11. [SB 356](#) (Blakeslee) – Local operating agreements for state parks (2/15/11)
Status: 6/30/2011 Read second time and amended. Re-referred to Committee on Appropriations
Location: 6/30/2011 ASSEMBLY - APPROPRIATIONS
The Board unanimously voted to watch SB 356.
Resolution No.: N/A
Notified Author: N/A

12. [SB 386](#) (Harman) – State Park closure notification (2/15/11)
Status: 6/30/2011 Read second time and amended. Re-referred to Committee on Appropriations
Location: 6/30/2011 ASSEMBLY- APPROPRIATIONS
The Board unanimously voted to watch SB 386.
Resolution No.: N/A
Notified Author: N/A

13. [SB 769](#) (Fuller) – Allowing display of and exhibition of legally-possessed mountain lion carcasses for scientific or education purposes (2/18/11)
Status: 6/30/2011 Read second time and amended. Re-referred to Committee on Appropriations
Location: 6/30/2011 ASSEMBLY- APPROPRIATIONS
The Board unanimously voted to support SB 769.
Resolution No.: 2011-8-166
Notified Author: August 11, 2011

14. [SB 436](#) (Kehoe) – Land use: mitigation lands: nonprofit organizations (7/13/11)
Status: 7/13/2011 Read second time and amended. Re-referred to Committee on Appropriations
Location: 7/13/2011 ASSEMBLY- APPROPRIATIONS
The Board unanimously voted to support SB 436.
Resolution No.: 2011-8-165
Notified Author: August 11, 2011

15. [AB 1036](#) (Allen) – Sonoma County Parks Bill
Status: 8/31/2011 Enrolled and presented to the Governor at 1:30 p.m.
Location: 78/31/11 ASSEMBLY- ENROLLED
The Board unanimously voted to watch SB AB 1036.
Resolution No.: N/A
Notified Author: N/A



2011/12 Status of Recommendations

15. [H.R. 481](#) (Connolly) – The Complete America’s Great Trails Act
Status: 2/4/2011 Referred to House subcommittee.
Location: 2/04/2011 Referred to the Subcommittee on National Parks, Forests, and Public Lands.
The Board unanimously voted to support H.R. 481.
Resolution No.: Pending
Notified Author: Pending

16. [H.R. 2547 and S. 1372](#) (Reed) (Sarbanes) – No Child Left Inside Act (7/14/2011)
Status: 7/14/2011 Referred to House committee.
Location: 2/04/2011 Referred to the House Committee on Education and the Workforce.
The Board unanimously voted to support H.R. 2547 and S. 1372.
Resolution No.: Pending
Notified Author: Pending

17. [S. 1265](#) (Bingaman)- Full Funding for Land and Water Conservation (6/23/2011)
Status: 6/23/2011 Referred to Senate committee.
Location: 6/23/2011 Read twice and referred to the Committee on Energy and Natural Resources.
The Board unanimously voted to support S. 1265.
Resolution No.: Pending
Notified Author: Pending

Budget Control Act of 2011

Major Components

Debt limit – the bill provides for a total increase in the debt limit of \$2.1 trillion to \$2.4 trillion in several steps, subject to a congressional disapproval process. These amounts are expected to be sufficient to cover borrowing needs through calendar 2012.

Discretionary spending caps – the bill creates statutory caps on discretionary spending saving \$741 billion over ten years, with a separate cap for security spending in FY12 & FY13.

Mandatory spending – the bill saves \$20 billion over ten years through various program integrity initiatives and changes to Pell Grant and student loan programs.

Balanced Budget Constitutional Amendment – the bill requires the House and Senate to vote on a BBA by the end of the year.

Joint Select Committee on Deficit Reduction – the bill creates a bipartisan, bicameral committee charged with producing legislation that would reduce deficits by \$1.5 trillion over ten years with expedited procedures for considering such legislation.

Enforcement– the bill provides for automatic, across-the-board spending reductions of as much as \$1.2 trillion if the Joint Select Committee process fails.

Key Dates

August 11 – Joint Select Committee on Deficit Reduction membership appointments were completed.

September 16 – Joint Select Committee must hold its first meeting on or before this date.

September 22 – Deadline for Congress to consider a resolution disapproving the first increase in the debt limit. Such resolution of disapproval is unamendable, not subject to filibuster and can pass both houses by simple majority, but is subject to veto.

September 30 – Fiscal year 2012 begins, likely requiring a continuing resolution and/or omnibus appropriations measure.

October 14 – Deadline for Congressional committees to make their recommendations to the Joint Select Committee. This will likely occur in the form of a “views and estimates” letter, rather than in the form of legislative language.

November 23 – Deadline for Joint Select Committee to vote on its recommendations. The text of the bill must be made available to the public by this date. Expedited procedures (e.g., immediate consideration, prohibition of amendments, prohibition of Senate filibuster, procedures for up and down vote on passage within a time certain) expire if the committee fails to vote on a bill by this date.

December 2 – Deadline for Joint Select Committee to report its bill to Congress.

December 9 – Deadline for Congressional committees of jurisdiction to report (without amendment) the Joint Select Committee bill if it was referred to them. The bill will be discharged from the committee by that date if they have not acted.

December 23 – Deadline for Congressional approval of Joint Select Committee bill. Expedited procedures (e.g., immediate consideration, prohibition of amendments, prohibition of Senate filibuster, procedures for up and down vote on passage within a time certain) expire if the bill does not pass the House and Senate by this date.

December 31 – Expiration of the Medicare SGR formula fix and most business tax “extenders”.

January 15, 2012 – If Joint Select Committee bill is not enacted by this date, a sequestration is triggered, although no cuts actually occur until a year later.

January 31, 2012 – Joint Select Committee terminates.

February/March 2012 – Approximate time when first \$900 billion of debt limit increase runs out, likely to be followed by a presidential request for the second increase in the debt limit and vote on a congressional disapproval resolution.

September 30, 2012 – Fiscal year 2013 begins.

December 31, 2012 – Bush tax cuts and middle-class AMT relief expire.

January 3, 2013 – Sequestration (if necessary) takes effect.

Debt Limit Process

1. When the President submits a certification that the government is within \$100 billion of the debt limit (already occurred):
 - a) The Treasury Secretary can immediately borrow an additional \$400 billion, and
 - b) The Treasury Secretary can borrow an additional \$500 billion, subject to enactment of a joint resolution of disapproval.

1. Once the Treasury is again within \$100 billion of the debt limit, the Treasury Secretary may, subject to another resolution of disapproval, further increase the debt ceiling by:
 - a) \$1.5 trillion, if Congress has submitted a constitutional amendment to balance the budget to the states for ratification;
 - b) An amount between \$1.2 trillion and \$1.5 trillion, if the Joint Select Committee bill containing cuts of that size or greater has been enacted; or
 - c) \$1.2 trillion, if a Joint Select Committee bill has not been signed into law by January 12, 2012.

Joint Select Committee

Membership: 12 members, 3 each appointed by the elected leadership of the Congress, with co-chairs select by the Speaker and Senate Majority Leader. Staff director appointed by the co-chairs.

Goal: Recommend legislation to reduce deficits by \$1.5 trillion over ten years.

Governance: To receive expedited consideration by Congress, the committee's recommendations must be supported by a majority vote within the prescribed timeline.

Scope: The potential scope of the committee's legislative recommendations is unlimited. Any legislation can be included in their recommendations, regardless of its deficit impact (or even if it has no impact at all).

Senator Patty Murray (D-WA) – co-chair
Senate Democrat Conference Chair, Appropriations & Budget committees

Senator Max Baucus (D-MT)
Senate Finance Committee Chairman

Senator John Kerry (D-MA)
Senate Foreign Relations Chairman, Finance committee

Senator Jon Kyl (R-AZ)
Assistant Republican Leader, Finance committee

Senator Rob Portman (R-OH)
Former OMB Director, Budget, Armed Services, Energy committees

Senator Pat Toomey (R-PA)
Financial services expert, Budget, Banking, Commerce committees

Rep. Jeb Hensarling (R-TX) – co-chair
GOP Conference Chair, Financial Services committee

Rep. Dave Camp (R-MI)
Ways & Means Chairman

Rep. Fed Upton (R-MI)
Energy & Commerce Chairman

Rep. Chris Van Hollen (D-MD)
Budget Committee ranking member

Rep. Jim Clyburn (D-SC)
Assistant Democrat Leader

Rep. Xavier Becerra (D-CA)
House Democrat Caucus Vice Chair, Ways & Means committee

Joint Select Committee Considerations:

- The wide-open scope of legislation eligible for inclusion in the committee's recommendations – and the elimination of the usual procedural roadblocks – is unprecedented. Anything could end up in this bill.
- To achieve at least \$1.2 trillion in deficit reduction and prevent a sequester, the committee would need approximately \$864 billion in policy recommendations (the balance coming from debt service savings).
- The degree to which congressional committees participate in the Joint Select Committee's deliberations is unclear. Will chairmen volunteer savings from their jurisdictions, or seek to protect them?

Sequester Enforcement under the BCA

If the Joint Select Committee fails to agree on legislation, such legislation is not enacted, or the enacted legislation fails to achieve \$1.2 trillion in deficit reduction over ten years, then "OMB shall calculate the amount of the deficit reduction required by this section for each of fiscal years 2013 through 2021" as follows:

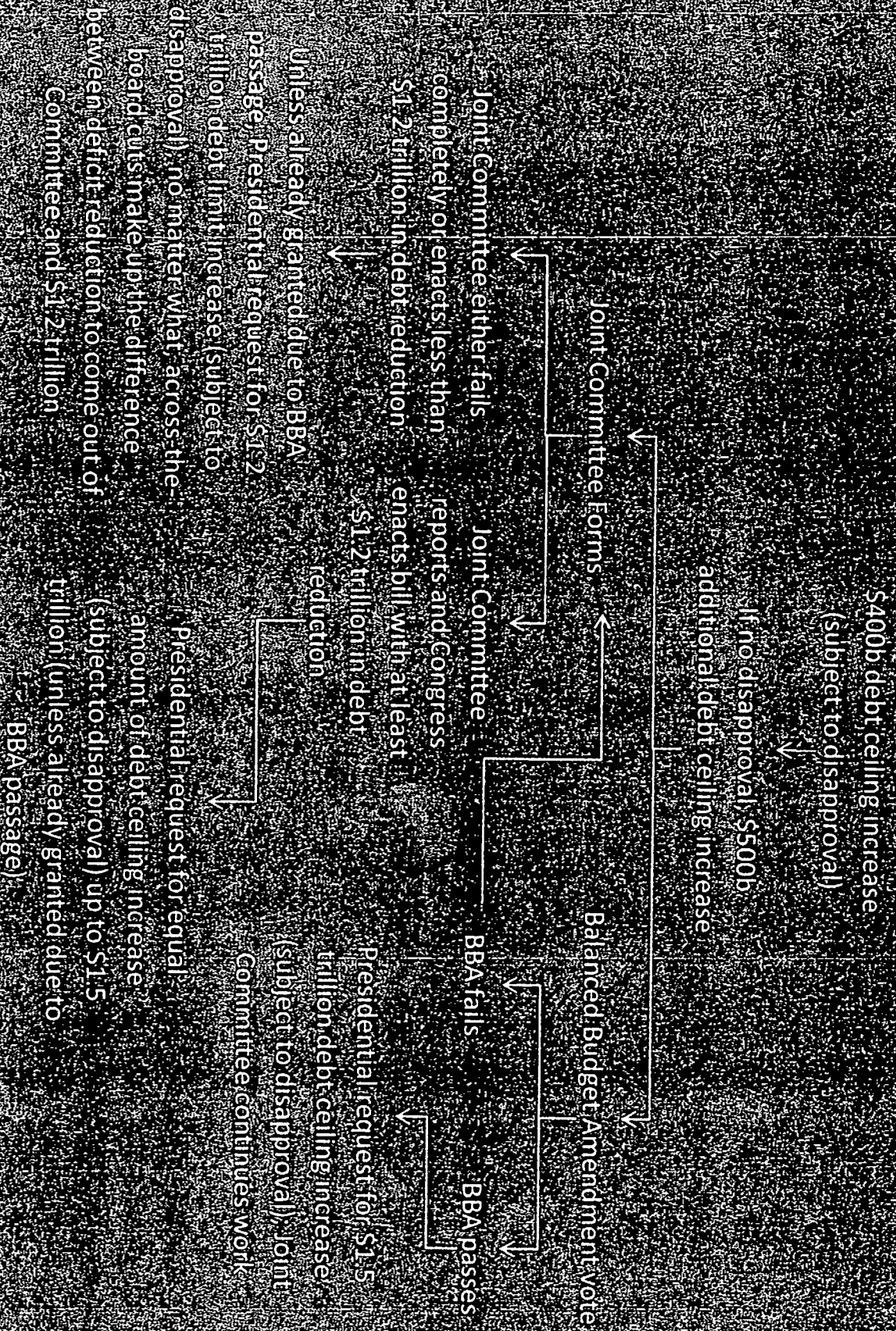
1. Start with \$1.2 trillion;
2. Subtract the amount of deficit reduction enacted into law as a result of the Joint Select Committee's recommendations;
3. Reduce the difference by 18 percent (to account for net interest savings);
and
4. Divide the result by 9 (since the cuts are to be equally distributed over 9 years).

OMB must calculate the reductions and the President must make the reductions for FY 2013 by January 2, 2013.

**Bipartisan Policy Center estimate of the impact of a \$1.2 trillion sequester:
(Billions of dollars)**

Discretionary defense	\$ 452
Discretionary non-defense	\$ 352
Medicare	\$ 119
Obamacare	\$ 7
<u>Other mandatory</u>	<u>\$ 18</u>
Non-defense Subtotal	\$ 496
Net interest savings	\$ 207
TOTAL	\$1,128

Pass Budget Control Act of 2011





Retirement race as Contra Costa workers take last shot at pension boosting benefit

By Lisa Vorderbrueggen

Contra Costa Times

Posted: 09/06/2011 04:37:16 PM PDT

Updated: 09/07/2011 08:50:20 AM PDT

Record numbers of Contra Costa County government workers retired this spring in a race to ensure they could take advantage of a perk that pads pension checks by thousands of dollars.

Nearly twice as many county workers retired in March when compared with the same month last year and every March in the past decade. March is the most popular month to retire because retirees then get an immediate cost-of-living boost April 1.

However, this was also the last March that many retirees get the full benefit of an unusual but lucrative mechanism that lets them sell part of their unused vacation back to the county -- a transaction that boosts their annual pay, as well as their pension payout.

Nearly one-third of
Database

* Search Contra Costa and Alameda County employee pensions

the county's 7,900 workers have been allowed that perk. In fact, for years the savviest among them have been able to sell back unused vacation twice in their final year of employment. One retiree added \$10,000 a year to his pension.

A third of the 205 people who retired in March legally increased their pensions by cashing in part of their unused vacation, according to a Bay Area News Group analysis of their retirement calculations. Most of those sold back vacation more than once.

Now the practice is being curtailed, at least for the county's 317 nonunion workers. The county will allow those employees to boost their pensions with a vacation sell-back only once in the coming year, and will curtail the perk entirely in mid-2012.

For union employees, the matter remains subject to negotiations, although the county has pledged to end vacation sell-backs.

The artificial inflation of workers' final year of pay to spike their pensions is under intense scrutiny throughout California as plummeting tax revenue has triggered an unprecedented focus on curbing retirement costs.

The county retirement system factors unused vacation three ways.

A retiring worker's final pay calculation -- which determines the actual pension payout -- includes vacation pay that is part of his or her final paycheck upon retirement.

Although some reformers would strip all vacation pay from the pension calculation, as the state retirement system does, county leaders aren't talking about that.

The dispute centers around the other two components related to employees who sell back vacation to the county while they are still working.

Contra Costa allows about 2,300 workers to cash in as much as one-third of their allowed leave every calendar year. Some employees approaching retirement will sell back vacation, for example, in November and then again in January of the next calendar year, effectively doubling the benefit's effect.

In a Bay Area News Group examination of the pension calculations of a half-dozen March retirees, vacation sell-back dollars inflated pensions by as much as 7 percent. Cashing out unused leave across more than one calendar year, called "straddling," was worth as much as 3 percent.

None of these retirees did anything improper.

But here's a closer look at estimates of what the perk was worth to some retirees:

Principal planner Roberta Goulart, a 22-year employee, is collecting a starting pension of \$56,514 per year. Without vacation sell-back and straddling, it would have been \$3,100 less, almost 6 percent. Straddling accounted for 3 percent of her total.

Fiscal officer and 29-year veteran Frank Scudero is collecting a starting pension of \$76,614. Vacation sell-back tacked on \$3,800, or 5 percent, with straddling accounting for about \$2,000, or 2.5 percent of the total.

Deputy district attorney Lauren Wixson, a 28-year employee, is collecting a starting pension of \$123,611. Without vacation sell-back, he would collect about \$7,100 less, almost 6 percent. Straddling bumped his pension \$3,500, almost 3 percent.

Deciding to retire in March was both precautionary and personal for former county redevelopment director Jim Kennedy.

"I had worked for the county 35 years and I had maxed out my benefits," said 60-year-old Kennedy. "At the same time, the county was starting to fiddle with elements associated with retirement and the compensation package."

He will collect an estimated extra \$5,000 a year attributable to the income boost he gained when he sold his unused leave while he was still on the job. His starting retirement was \$126,277 a year.

Ironically, vacation sell-back and straddling will probably survive for years, and those who lost it could get it back.

Professional and Technical Engineers Local 21, the county's large midlevel managers' union, has approved a contract that keeps vacation sell-back and straddling except for new hires and promoted employees.

The Board of Supervisors is expected to approve the contract Tuesday.

At the same time, the board likely will restore the perk to its managers as part of a pledge to align its top managers' pay and benefits with those of Local 21.

With a half-dozen other contracts still in negotiations, the debate over vacation sell-backs will continue.

"In the bigger picture, this is about how we compensate our public employees, and pensions are a part of that equation," said Lou Paulson, president of California Professional Firefighters. "If you want quality people, you have to pay them what they are worth or they will go somewhere else."

However, the state's largest pension system, Cal- PERS, doesn't count vacation in any form to calculate retiring state workers' benefits.

"If you have leftover vacation, why should that increase your retirement?" asked former state finance director Mike Genest, co-author of a July report comparing private and government retirement benefits in California. "I do not blame any individual who looks at the rules and maximizes his or her benefits based on those rules.

"But the question for the people who run the system is whether (vacation sell-back) is reasonable and is it something the taxpayers should continue to endorse?"

No, says Contra Costa Supervisor John Gioia, who also is a member of the Contra Costa County Employees Retirement Association board.

Vacation sell-back "violates the spirit of the intent of a pension, which is to provide retiring workers with a benefit based on their true final salary," he said.

Contact Lisa Vorderbrueggen at 925-945-4773 or IBAbuzz.com/politics. Follow her at [Twitter.com/lvorderbrueggen](https://twitter.com/lvorderbrueggen).

Debt supercommittee faces super-sized challenges

By Rosalind S. Helderman, Updated: Wednesday, September 7, 11:32 AM

The new bipartisan congressional committee created to reduce the federal deficit will hold its first meeting Thursday, and if it is to fulfill its mandate, it must come up with enough savings to buy every team in the National Football League.

And then buy the whole league over and over again — 35 times. The mission is to lower the federal deficit by at least \$1.2 trillion over the next 10 years, enough money to cash out Oprah Winfrey 400 times over.

The dollar figures tossed around in Washington's debate over spending have grown so large that for many people they no longer have much meaning.

But a little context helps put into perspective just how major a task the group — dubbed the "supercommittee" — will face.

Reaching that almost unimaginably huge sum would be, in fact, mathematically easy — the supercommittee will begin its work armed with various commissions' recommendations for ways to save that much and more. But it would be politically difficult, requiring tough choices and even guesses about how the committee's actions might affect the economy. And here's the paradox: Even if the 12-member panel can agree on how to reach the number, it will have made only a small dent in the rapidly growing federal budget, which is expected to include \$44 trillion in spending over the next decade.

The Congressional Budget Office says that during the next 10 years, Washington probably will spend \$4.69 trillion more than it collects in taxes — that's four times the committee's mandate. So even if the supercommittee is super-successful, the deficit will still be growing when the panel is done.

Appointed by House and Senate leaders as part of the August deal that will allow the nation's legal borrowing limit to rise, the six Democrats and six Republicans on the committee have until Nov. 23 to come up with a plan to reduce the deficit.

Their goal is to cut \$1.5 trillion over the next decade. But if they can't come up with at least \$1.2 trillion in savings — or if Congress does not adopt their recommendations by the end of the year — government spending will automatically be cut by \$1.2 trillion over the next 10 years, split evenly between defense and domestic programs.

The threat of that kind of across-the-board cut, particularly to the nation's military, is designed to compel agreement on a more strategic approach.

So just how much is \$1.2 trillion, exactly?

It's enough to paper over the District of Columbia with a stack of dollars 70 bills thick.

For the sake of comparison, if the nation keeps funding Medicare at its current levels, it will spend \$4.7 trillion on the retiree health program over the next 10 years.

Without changing how it funds the military, it will spend \$7.86 trillion on defense.

“On the one hand, it’s a big number — in any sense of the word,” said Ed Lorenzen, senior adviser to the Committee for a Responsible Federal Budget. “You’re talking about significant policy shifts when you look at a number like that. But, on the other hand, you have to look at what the debt would be even if you achieve it.”

The stated goal is to reduce the deficit as a percentage of gross domestic product. An August report from the Congressional Budget Office projected that the deficit will indeed shrink as a percent of the economy, from 8.5 percent this year to 1.2 percent in 2021. And the supercommittee’s actions are expected to help — by 0.7 percent.

A larger proportion of the CBO’s estimate is based on the assumption that Congress will allow certain tax provisions, including tax cuts enacted during the George W. Bush administration, to expire on schedule at the end of 2012.

Congress has extended the Bush tax cuts once and it is not clear whether the supercommittee will choose to address a second extension or have lawmakers fight out that issue out separately.

Extending all the tax cuts would mean about \$4 trillion in lost revenue over the next 10 years. Allowing them to lapse for those making more than \$250,000 a year but extending them for everyone else, as President Obama recommends, would cost about \$3 trillion — saving a quarter of the cost.

Examining how any one proposal would affect the deficit is extremely tricky, by necessity involving best guesses about how quickly the economy will grow far into the future and how lawmakers not even elected yet might choose to address policy choices.

“For people who are supposed to be very exact, we know enough to know we can’t be exact,” said Steve Bell, senior director of the Economic Policy Project at the Bipartisan Policy Center. “What helps is to get a sense of the relative size of these things. Because when you start talking about numbers four years from now or 10 years from now, one thing you know is that they’re wrong.”

Democrats insist that there’s no way to close the gap between what the government takes in and what it spends without addressing how much it collects in tax revenue.

They’ve proposed closing tax loopholes and subsidies — perhaps as part of a more far-reaching tax reform that would broadly lower rates.

But the specific items they mention most often, including ending subsidies for oil and gas firms and a tax benefit for those who buy corporate jets, would result in relatively small savings — on the order of \$50 billion over 10 years.

Ending other tax breaks, such as one that exempts from taxation health benefits offered by employers, would result in far larger savings — more than \$1 trillion over the 10 years for the health-plan tax break. But they would hit individuals harder amid an ailing economy and would be difficult for either party to enact.

Republicans say there’s no way to close the gap without significantly curbing the rising costs of entitlements, especially Medicare, which have been growing quickly as the population has aged and the health-care costs have increased.

But large-scale savings would come only by reducing benefits and shifting costs to retirees — also a difficult prospect for any elected official.

Both parties agree that the best way to close the deficit would be to grow the economy, resulting in higher tax collections and less demand for expensive government services.

There is no reason why the committee could not take up measures designed to create jobs and improve the economy.

They could include elements of a job-creation proposal that President Obama will announce this week, or competing ideas to cut taxes and eliminate regulations that Republicans say are a better way to create jobs.

In truth, the supercommittee's mandate is so broad that it could make far-reaching reforms to all kinds of government programs — some that cost trillions and others that save similar amounts. Its only charge is that its proposals would reduce the deficit by at least \$1.2 trillion.

"If they want to, they can make vast and enormous changes," Bell said. "It's the broadest mandate I've ever seen."

Or, they could nibble around the edges.

If the committee cannot agree on \$1.2 trillion to \$1.5 trillion in savings, it could shoot for a lower goal. The automatic cuts that would be triggered would be reduced by the amount the panel comes up with.

But committee members have not been predicting failure. Instead, they say \$1.2 trillion is only a starting point.

"The goal is to have a predictable path toward job growth and deficit reduction," said Rep. Chris Van Hollen (D-Md.). "On both ends, I think we should be ambitious."

Dan Walters: Fun, games mark California Legislature's final week

dwalters@sacbee.com

Published Wednesday, Sep. 07, 2011

Dozens of special interest lobbyists, cellphones on full alert, mill in the back hallways of the Capitol as both legislative houses conduct marathon floor sessions to act on hundreds of bills.

Floor sessions are interrupted occasionally for caucuses; Democratic and Republican lawmakers dissolve into private meetings, sometimes for hours, to plot strategy.

Measures that had languished in limbo for months are suddenly revived, their contents are stripped out and entirely new pieces of legislation are inserted into their shells.

These are the last few days of the 2011 legislative session and, as usual, it's time for fun (nightly rounds of campaign fundraising events) and games (figuring out ways to pass or kill bills).

So what's happening, or not happening, in these last hectic hours? A sampling:

- With Democrat Jerry Brown back as governor, unions, personal injury lawyers, environmentalists and consumer activists are pushing hard for their long-stalled agendas and doing battle with business groups, but so far aren't doing very well. The state Chamber of Commerce's "job killer" list has been pared from several dozen bills to about a half-dozen.

- However, the dozens of bills that underwent "gut-and-amend" last week include several new measures for unions. One would make tens of thousands of state-paid child care providers eligible for union membership while another would financially punish local governments that refuse to enact so-called "project labor agreements" with unions on public works projects.

The child care bill, long rumored to be lurking in the Capitol's shadows and personally carried by Assembly Speaker John A. Pérez and Senate President Pro Tem Darrell Steinberg, appears to benefit the Service Employees International Union, perhaps to offset cuts in unionized home care for the disabled and aged.

- Brown said Tuesday he hopes he can do a deal with Republicans on an overhaul of business taxes he says would encourage job-creating investment, but it's chancy. Democratic leaders, meanwhile, are pushing one contentious bill allowing local transportation agencies to impose new levies on auto fuel, and another to block Amazon's ballot drive to overturn an online sales tax measure passed earlier in the year.

- There's an 11th-hour flurry of efforts to alter election rules, including a still-unwritten bill sought by Democrats and unions to make all initiative measures go on the November ballot, and a newly written bill that would effectively end write-in votes for state offices, thus settling a legal issue over the impact of Proposition 14, the new "top-two" primary election system.

- There also may be a bill to enhance construction of a new football arena in Los Angeles – the sort of thing that always surfaces in the session's final week.



September 2, 2011, 5:23 pm

Pediatrician to Head ‘Let’s Move’

By [EMMARIE HUETTEMAN](#)

Signaling its commitment to tackling the social issues that affect childhood obesity, the White House announced on Friday that Dr. Judith S. Palfrey will head [Michelle Obama](#)’s “Let’s Move” campaign to fight childhood obesity.

A pediatrician for more than 30 years, Dr. Palfrey recently served as president of the [American Academy of Pediatrics](#) and director of the Children’s Hospital of Boston’s global health efforts. But Dr. Palfrey, who will start as executive director of “[Let’s Move](#)” on Tuesday, has also made a name for herself as a child advocate.

During more than 20 years as head of general pediatrics at the Children’s Hospital of Boston, Dr. Palfrey developed and implemented social programs to improve health care for children, particularly those with disabilities and in underserved communities. Based on her research, she has written five books and more than 100 articles exploring how social factors affect the health of American children.

Since the initiative started in February 2010, Mrs. Obama has aggressively sought to address the many contributing factors to childhood obesity, encouraging children to exercise more and choose healthier foods, as well as forging alliances with [lawmakers](#) and [the business community](#) to make food healthier and more accessible.

Recently, Mrs. Obama has worked on [improving restaurant nutrition](#) and eliminating so-called food deserts — low-income communities where healthy food is too expensive and scarce. Dr. Palfrey’s comprehensive approach to children’s health care seems to mesh well with the initiative’s comprehensive approach to ending childhood obesity.

“As a doctor, I know how important fighting the epidemic of childhood obesity is, and I’ve seen firsthand the struggles families can face in keeping their kids healthy,” Dr. Palfrey said in a statement. “I look forward to working with communities all over America as they support families and children.”

California politicians to Obama: Talk about my plan

Much-touted jobs speech creating a buzz among lawmakers with stimulus ideas.

By MICHAEL DOYLE

Sun-Star Washington Bureau

WASHINGTON — President Barack Obama's highly touted jobs speech Thursday gives California lawmakers one more chance to promote their favorite fix-it lists.

Rep. Dennis Cardoza, D-Merced, is pushing a mortgage refinance idea. Democratic Sen. Barbara Boxer is talking transportation. Rep. George Miller, D-Martinez, is lecturing about the need for more school spending.

So now the phone calls and e-mails are flying, as Californians recommend one ingredient after another for the administration's latest jobs menu. The lawmakers figure a presidential shout-out can propel an idea, or at least momentarily resuscitate one.

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"It makes it a national priority, and therefore it has a better chance of becoming law," Rep. John Garamendi, D-Walnut Grove, said of the potential presidential mentions Tuesday.

Garamendi, for one, has been communicating to the Obama administration proposals for more flood control, fish screens and other California water projects that he says can boost employment.

"You can really do some long-lasting infrastructure that needs to be done," Garamendi said, "so we'll see what happens."

In a similar vein, Rep. Doris Matsui, D-Sacramento, urged the administration in writing to include Natomas-area flood control levees in its jobs pitch.

Realistically, Obama's speech before the assembled House and Senate could have limited impact. Republicans control the House by a 240-192 margin and the Senate's 47 Republicans command considerable parliamentary clout.

The onrushing 2012 campaign gives GOP lawmakers motive to promote their preferences while impeding Democrats'.

Obama and congressional Democrats have made clear their intention to use Republican resistance as campaign fodder. By some lights, this political contrasting seems to be the speech's paramount purpose.

However it works out, as with the annual State of the Union address, Obama's jobs speech presents an inviting blank slate for advocates from Capitol Hill and executive branch agencies. The trick is getting a word in edgewise.

Last Thursday, for instance, Cardoza made public note of a letter he wrote Obama urging inclusion of a mortgage refinancing program in the jobs speech. A bill sponsored by Cardoza and backed by 29 other House Democrats would provide refinancing and lower interest rates for an estimated 30 million homes nationwide.

"Quite simply, the foreclosure and economic crisis affecting the (Central) Valley ... has reached a catastrophic level, and nothing short of a major refinancing initiative from the federal government will stem this crisis," Cardoza wrote.

Behind the scenes, Cardoza and his staff have been conveying a similar message. His chief of staff has twice spoken to the White House legislative liaison about the proposal. Other staff members have brought it up with congressional leadership staff and Cardoza has discussed it with his leadership ally, House Minority Whip Steny Hoyer of Maryland.

Cardoza introduced the first version of his mortgage modification bill in January 2009, and it has not gained traction until now. In recent weeks, though, administration officials have been sounding more interested.

Still other ideas popular among California lawmakers appear likely to land a spot in Obama's speech. In a Labor Day preview, notably, Obama declared that "we've got roads and bridges across this country that need rebuilding."

His Thursday jobs speech is certain to promote a big transportation bill now partially in the hands of Boxer, chairwoman of the Senate Environment and Public Works Committee.

Boxer's colleague, Democratic Sen. Dianne Feinstein, has urged Obama to include in his jobs package a plan allowing the Export-Import Bank to use \$20 billion for U.S. manufacturers that face subsidized foreign competition.

Miller, the senior Democrat on the House Education and Labor Committee, has proposed that the jobs package include tens of billions of dollars in funding to help states hire and retain public education employees and repair school buildings, among other projects.

Senate passes bill letting nonprofits run parks

By SHEILA V KUMAR, Associated Press

Associated Press August 31, 2011 06:13 PM Copyright Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

(08-31) 18:13 PDT Sacramento, Calif. (AP) --

A bill making it easier for 70 California state parks threatened with closures to enter into operating agreements with nonprofits easily cleared the Senate on Wednesday.

Democratic Assemblyman Jared Huffman of San Rafael said AB42 is not intended to be a "silver bullet" that will save all 70 parks, but gives at least some of the sites a possible way to stay open.

California Department of Parks and Recreation spokesman Roy Stearns said \$33 million in budget cuts the Legislature passed in March would force 70 of California's 278 state parks to close by July 1 of next year.

Stearns said officials would try to arrange partnerships with nonprofits to keep some of the parks open, but the process is complicated and often requires special legislation. He said there are two parks that already have operating agreements with nonprofits, and both required separate legislation.

"These are times that call for some creative solutions and this is one of them," Huffman said.

Democratic Sen. Lois Wolk, who carried the bill in the Senate, said the bill minimizes the number of parks that are closed without imposing additional costs on the department.

Adam Keigwin, a spokesman for Sen. Leland Yee of San Francisco, one of the two Democrats who voted against the bill, said the bill gives control of a valuable state asset to nonprofits, potentially for decades.

"His concern was that there's no guarantee that jobs ... would be retained," Keigwin said. "The last thing we should be doing is not protecting jobs."

Huffman said park employees work in highly specialized jobs that require years of practice and experience.

"It's virtually inconceivable that a nonprofit would be able to utilize this bill in those types of parks because they're not going to have the capacity and they're not going to have the type of expertise," he said.

The bill passed in the Senate 32-2 with no debate and was sent back to the Assembly for a vote on amendments. It was passed unanimously in the Assembly in May.

Read more: <http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2011/08/31/state/n160617D97.DTL#ixzz1WjUMiTvq>



CAPITOL WEEKLY

THE NEWSPAPER OF CALIFORNIA GOVERNMENT AND POLITICS

Opinion: Brown stands tall for historic water solution

By Jim Beck | 09/01/11 12:00 AM PST

Fifty years from now, August 17, 2011 may be a day that historians note was the “tipping point” that helped ensure California would achieve a comprehensive water solution. The date is not significant because of an election or any exceptional regulatory action. Rather, it is the day that Gov. Jerry Brown signaled support for a balanced water solution that, when achieved, can enable California to meet its agricultural and urban water needs for generations to come. In a meeting with the Fresno Bee editorial board, the governor indicated that some kind of conveyance system must be constructed to move water around the Sacramento-San Joaquin Delta (Delta). It was a powerful and unequivocal signal that should enable the ongoing Bay Delta Conservation Plan (BDCP) process from becoming irreparably divisive and dysfunctional.

As the leader of one of California’s leading water organizations, the Kern County Water Agency, as well as a trained biologist, I know that a win-win solution is possible. We can protect the Delta ecosystem while also providing water to meet the needs of millions in California. The solution exists within a shared vision by stakeholders, including sound science to guide the way and a willingness by diverse interests to methodically work through a complex environmental regulatory process.

To date, the biggest obstacle has been finding the political will among all parties to run the marathon that is the BDCP. There are many different organizations that are directly and indirectly involved in the process. Each has its own constituency and belief regarding what the final plan should entail. Without strong leadership at the highest levels of government, the BDCP’s prospects for success are greatly diminished.

That is why the governor’s position is so important. As California’s chief executive, his leadership fundamentally changes the debate from if the BDCP will be successful to when the BDCP will be finalized so that construction can begin. Water agencies have already invested more than \$140 million to fund scientific planning work, and now are being asked to provide \$100 million more. Ultimately, water providers are facing planning and construction costs totaling billions of dollars. California cannot afford a process where special interest groups that have not invested a dime are allowed to drive costs to untenable levels with frivolous legal, regulatory and political games.

Sadly, but not surprisingly, word of the governor’s support for conveyance drew a quick and shrill response from groups who oppose a practical solution. This rhetoric has no benefit to what is a serious process. Attacks on the governor on this topic are seemingly motivated by a desire to prevent progress toward a meaningful solution. Instead of digging into the facts and working productively, these groups have chosen to marginalize themselves. This may play well to their members, but it does nothing for Californians who depend on a reliable water supply.

The fact is that the Brown Administration, led by Natural Resources Agency Secretary John Laird and Deputy Secretary Jerry Meral, has been thoughtful, fair and committed to researching all alternatives to ensure that the chosen Delta approach meets California's strict environmental protection standards. A comprehensive process that results in a solution that provides a reliable water supply while protecting the environment does not favor water providers or environmental interests; rather, it ensures that the final plan is the best plan for all of California. Neither side will get everything it wants, but California will have a plan that meets its needs.

Gov. Brown is in a position to demonstrate that history tends to repeat itself. Fifty years ago, in 1961, then-Governor Pat Brown took a bold political stand launching the State Water Project (SWP), which led to the creation of water agencies like the Kern County Water Agency. Gov. Pat Brown demonstrated a willingness to stand up and fight to ensure that our state had the infrastructure necessary to become a model for America. Imagine where California would be today without the SWP. Fortunately, we don't have to.

This October, the Kern County Water Agency will celebrate its 50th anniversary, and California is again at a critical juncture in its history. We are fortunate that Pat Brown's vision for infrastructure improvements is poised to continue through his son, Jerry Brown. Water providers are optimistic that his vision and the work of his administration can ensure that the water infrastructure will serve California for the next 50 years and beyond. If we can get there, it will be a remarkable achievement that benefits this entire great state.

Steinberg bill would give locals power to raise fuel surcharge

Senate President Pro Tem Darrell Steinberg is pushing last-minute legislation to give local governments power to seek new fuel surcharges to fund certain transit projects.

Senate Bill 791 would allow local transportation agencies to seek voter approval for a "regional transportation congestion reduction charge" on gasoline or diesel. The bill language, introduced in the form of amendments to existing legislation last week, would also allow a new vehicle registration charge on electric vehicles. Revenues raised by the fees, which would require approval of a majority of voters in the impacted region, would fund transit proposals developed by the local transportation planning agencies to reduce vehicle congestion.

The Sacramento Democrat called the bill an effort to create a "local option" for funding transit projects, saying it is "very consistent with the work that we've done this year on bringing services closer to the people" through realignment of state and local functions.

"The state does not have the financial capacity to adequately fund transit and road improvements, and if we can't afford it we ought to at least give the regions of this state the ability to go to the voters and raise money for important priorities like transit and road improvements," he said.

Steinberg said he is hopeful that the majority-vote bill will clear both houses before the legislative session ends next week, though he left the door open to working on the bill next year.

The California Taxpayers Association has issued a letter to members of the Assembly outlining opposition to the bill and raising concerns that it believes the measure should be subject to a two-thirds vote of the Legislature, not a majority vote.

"While we recognize the need to repair and maintain the state's roads and highways, we note that Californians already pay the highest gas taxes in the nation. Yet, our transportation system ranks near the bottom in national surveys," the letter reads. "We are also concerned that these new tax revenues will fund projects that are unrelated to and do not benefit the payor, including but not limited to projects related to bicycle and walking trails, etc."

SB 791 is in the Assembly and would have to win approval there before returning to the Senate for a vote before being sent to Gov. Jerry Brown .

Referendum drive aims at killing California's new congressional district maps

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By Jim Sanders

jsanders@sacbee.com

Published: Wednesday, Aug. 31, 2011 - 12:00 am | Page 3A

Opponents have launched a referendum drive aimed at killing California's newly drawn congressional districts.

The campaign will be led by Carlos Rodriguez, a Republican political strategist who has run numerous congressional and legislative campaigns.

"The maps just absolutely make no sense in a number of cases," Rodriguez said of congressional districts drawn for the first time this year by a citizens commission, not the Legislature.

A similar signature-gathering drive was begun weeks ago by a separate group challenging California's new state Senate districts.

Both efforts must gather 504,760 valid voter signatures by Nov. 13 to qualify for the June ballot.

Orange County businesswoman Julie Vandermost is listed in state documents as the proponent in both campaigns, which employ the same legal counsel, Charles H. Bell Jr. of Sacramento.

Rodriguez said it is a "distinct possibility" that the two drives will join forces under one fundraising umbrella, but they have not done so yet.

Rodriguez declined to identify the primary backers of his campaign. He said the group has been in discussion with some GOP congressional incumbents but that other groups or communities are concerned about the new maps, too.

The California Republican Party – which has donated \$100,000 to overturn the state Senate maps – has not yet been asked to endorse the drive against congressional maps, Rodriguez said.

"We're working cooperatively with the congressional referendum committee, and we'll continue to support them as the process unfolds," Tom Del Beccaro, state GOP chairman, said in a written statement Tuesday.

California's 53 new congressional maps received unanimous approval by Democrats and independent or minor-party members of the 14-member redistricting commission. But only three of five Republican panelists, the bare minimum required, gave the congressional maps thumbs up.

Rodriguez said the congressional maps unnecessarily fragment many communities of interest, and he indicated that the district lines are being analyzed for compliance with federal laws designed to protect the voting clout of minority groups. He declined to elaborate.

Tony Quinn, a political analyst and former GOP legislative staffer, said the new lines are regarded by many as potentially detrimental to several Republican congressmen, including David Dreier of San Dimas, Edward Royce of Fullerton and Jerry Lewis of Redlands.

Quinn speculates that the new lines could cost the GOP a seat or two in the congressional delegation, but he noted that others have estimated potential losses of up to six GOP seats.

Los Angeles Times

By Cynthia Dai

August 31, 2011

California's redistricting, by 14 citizens

I'm proud that we were able to eliminate partisan gerrymandering and draw 177 districts for the state Assembly and Senate, Board of Equalization and Congress on time and under budget.



From left to right: California Citizens Redistricting Commission member Maria Blanco, of Los Angeles, Jodie Filkins Webber, of Norco, and Libert Ontai, of San Diego, sign the resolutions certifying the final vote of new legislative and congressional maps Aug. 15. (Rich Pedroncelli / AP Photo)

I leaped at the opportunity to serve on California's first independent citizen redistricting commission, and I wasn't alone. Some 36,000 other reform-minded citizens also applied.

The commission's mandate was to take the drawing of electoral districts out of the hands of politicians, who had a vested interest in the process, and put it into the hands of ordinary Californians, with input from concerned citizens throughout the state. The idea was that instead of a process designed to ensure "safe seats" for incumbents and discipline legislators who don't toe the party line, redistricting would become a tool for creating truly representative voting districts.

The commission, by law, was set up to reflect the state's diversity. Of the 14 commissioners, five were to be Democrats, five Republicans, and four not of either major party. Every important decision would require a "supermajority" of at least three Democrats, three Republicans and three others.

After my selection, I was both excited but apprehensive: In this time of increasing partisan rancor, would 14 ordinary citizens really be able to reach across the aisle and take a fair approach to an inherently political process?

Some pundits predicted we would not get out of the starting gate. We were a startup, and the strangest oxymoron — a startup government agency as underfunded as any Silicon Valley startup, but subject to all the rules and regulations of state government bureaucracy. And rather than being led by a cohesive team of founders, we were 14 strangers united only by a desire for good government.

But the framers of the initiative were smart. Not only did they set up a meticulous commissioner selection process, they also ranked in order the criteria we were to consider in drawing boundaries, including, at the top of the list, the U.S. Constitution's requirement of equal population among like legislative districts and compliance with the Federal Voting Rights Act. Lower-ranking criteria included factors such as geographic contiguity; integrity of counties, cities, neighborhoods and local communities of interest; compactness; and nesting — the placement, where possible, of two smaller Assembly districts within the exact boundaries of one larger state Senate district.

The Voters First Act was as much about civic engagement as it was about fair redistricting; otherwise, it might well have been done by a computer program. To better understand how Californians defined their communities, we conducted 34 public hearings across the state. We accepted input in person, by phone and via mail, fax and email. Transparency was critical. Every meeting was public, live-streamed on our website and transcribed.

And Californians responded. More than 3,000 people testified at hearings or spoke during public meetings. We received more than 20,000 written comments, including detailed map proposals.

When we began the work of drawing boundaries, we did not start with existing districts and simply tweak them based on demographic shifts. After all, why start with gerrymandered districts? Instead, we directed our line-drawing consultants, Q2 Data & Research, to create visualizations of the most compelling proposals from the public that were consistent with the legal criteria, using software loaded with the latest census data. We did this in every region of the state and then reconciled the differences, making important and difficult choices consistent with the law, as we merged them into statewide plans.

With the help of staff attorneys, we labored to understand the constitutional rules and the complexities of the Voting Rights Act. California, for example, has four counties subject to Section 5 of the act, which requires meeting minimum benchmarks for protected minorities in counties with a history of discrimination. Compliance in those counties created some virtually immovable puzzle pieces, which had ripple effects on other districts. We also worked hard to ensure compliance with Section 2 of the act, which protects minorities against vote dilution.

It's a complex process. Sometimes a preferred option in one region resulted in unacceptable consequences for another. Sometimes we heard equally strong but conflicting testimony from adjacent or overlapping communities. It was occasionally unavoidable to split communities, but we tried when possible to repair splits that occurred in smaller Assembly districts when we created larger Senate districts. We did our best to nest two Assembly districts in each Senate district, but there were times when we deferred to the more important mandates of minimizing splits of counties, cities, neighborhoods and local communities of interest.

When we didn't get it quite right in our first draft maps, we heard about it from the public. We abandoned bringing out a second round of maps in favor of a more interactive process that allowed us to refine lines down to the street level.

In the end, Californians spoke up for their communities, and we commissioners listened, balanced disparate needs and followed the law. While outsiders were astonished at our collegiality, I was not surprised that in the end we achieved consensus around the vast majority of our decisions. Our commitment to a fair process trumped partisan allegiances.

Predictably, some people aren't happy with our final decisions. Politicians and political parties that no longer have the same safe districts wish we'd drawn different lines. But there are procedures for dissenters to voice their concerns at the ballot box or in the courts.

Meanwhile, I'm proud that we were able to eliminate partisan gerrymandering and draw 177 districts for the state Assembly and Senate, Board of Equalization and Congress on time and under budget.

Cynthia Dai is a Democratic commissioner on the California Citizens Redistricting Commission and CEO of a strategic consulting firm based in San Francisco.



Solano County's Congressman John Garamendi: Support 'Make it in America'

By Melissa Murphy / The Reporter
Posted: 08/31/2011 01:06:25 AM PDT

United States Congressman, John Garamendi, D-Solano, of California's 10th congressional district, addresses The Reporter's Editorial Board during a visit on Tuesday. (Joel Rosenbaum / The Reporter) During a break of the House of Representatives, Congressman John Garamendi, D-Solano, left Washington, D.C., to stop by and visit his district.

Garamendi currently represents District 10, but that will change since new district maps are out.

Running for re-election next year, if Garamendi holds onto his post he will represent the new District 3 which includes all of Vacaville, Fairfield, Suisun City, Dixon and Rio Vista.

"I'm all for the unification of Solano County," he said of the new district boundaries.

At the urging of non-profit and faith-based groups, Garamendi stopped by St. Stephen's CME Church in Fairfield where he met Linda Mahoney, director of the Interfaith Council, Rev. David Isom, Solano County Supervisor Mike Reagan and Solano County Veterans' Service Officer Ted Puntilo.

He was there to join a discussion on best practices to treat and counsel veterans and their families suffering from post-traumatic stress disorder.

"As our men and women return from Iraq, Afghanistan, and elsewhere, (Post-Traumatic Stress Disorder) is a growing problem," Garamendi said in a press release. "You see it in your communities and among your parishioners. We cannot turn our backs on our wounded warriors. We're here today to make sure that men and women who risked everything have everything they need to rebuild their lives. With your help, veterans in our community will not be left behind."

Stopping in Vacaville, Garamendi said there is a lot to

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consider about climate change, energy or the economy, when looking at the state of the American economy and the future of the country.

"The American public doesn't know the direction it needs to go," he said. "The nature of the world in which we live has dramatically changed. Politics are similarly unsettled. The public is unclear and there isn't direction. Congress is a reflection of the uncertainty of the public."

"It will settle down, but it will take awhile," he said and added that during the next election cycle, hopefully, there will be more clarity.

Garamendi said several issues need to be resolved in the near future.

He explained that energy sources need to be considered a national security issue.

"It's profoundly and essentially important to reduce our dependence on oil," he said. "It's not a new issue, but we need to move away from carbon-based fuels."

He added that millions of dollars are dumped into the defense budget for the United State military to protect oil flow outside of the country.

Additionally, the country's deficit has to be dealt with, he said.

"Immediate cuts will do more damage," he said and pointed to thousands of jobs expected to be nixed in the next month because of national budget cuts. "We should maintain federal spending that supports the economy."

Creating an "infrastructure bank" would be a very good way to fund key investments, he said.

The infrastructure bank would grow based on funds invested and would be a funding source for projects that have the ability to pay back a loan.

"A credible plan for a stimulus program will provide the confidence that the business community needs," Garamendi said.

Garamendi also is hoping the creation of "Make It In America" will catch on and cross political boundaries.

The idea is very simple, spend money on American-made products.

"It's my tax money, it's your tax money, use it to buy American-made products," he said.

More specifically, Garamendi is working on the Airports, Highway, High-Speed Rail, Trains and Transit part of the Make it in America Act.

"It would create American jobs by setting stronger standards for goods and equipment purchased with federal dollars for airports, highways, high-speed rail, trains and transit," he said.

Garamendi also is working on the Manufacture Renewable Energy System part of the Make it in America Act.

"It would create American jobs ensuring that taxpayer dollars are spent on American-made renewable energy systems, including solar, wind, geothermal and bio fuels," he said. "The bill requires the federal government and any state government buying renewable technologies with federal funds to purchase renewable sources of energy grown, produced or manufactured with 100 percent American content."

Garamendi explained that while at one time it might have been cheaper to do business overseas, the employment markets are catching up. Plus, he said, America is more efficient.

"Buying local, that money is spent in the community and continues to circulate in this country," he said.



Redistricting: the coming Democratic Supermajority?

by Damon Eris

Wed, Aug 31st 2011

In conjunction with California's top two open primary system and term limits in the state legislature, the new legislative maps drawn up by the independent Citizens Redistricting Commission are certain to shake up the balance of power in Sacramento.

An analysis of the new district maps that have been drawn up by the Citizens Redistricting Commission and certified by the secretary of state reveals that the Democratic party could very well end up with a two-thirds majority in both the State Senate and Assembly. If the new maps survive likely challenges in the courts and at the ballot box, Democrats will have a clear registration advantage in 27 of the 40 state senate districts and in 51 of the state's 80 assembly districts. Though there are no state legislative districts in which an outright majority of registered voters are Republicans, there is a plurality of registered Republicans in 11 of the 40 state senate districts and in 21 of the 80 state assembly districts redrawn by the Commission. In addition, there are two senate districts and eight assembly districts in which the difference between Democratic and Republican registration is a mere four percentage points or less.

Currently, there are 25 Democrats and 15 Republicans in the State Senate. In the State Assembly, there are 52 Democrats and 28 Republicans. If the Democrats were to pick up two seats in each chamber, they would be assured the supermajority necessary to increase taxes and fees or suspend the school funding guarantee.

Two petitioning campaigns have already been launched by a Republican-backed group that seeks to overturn the newly drawn maps for the State Senate and US Congress by ballot initiative.

"The state Senate lines drawn by the California Redistricting Commission virtually guarantee a Democrat super-majority in the California State Senate in 2012. A successful drive to put a referendum on the June 2012 ballot is the best way to prevent this from happening," stated a recent fundraising letter sent out by GOP leaders including former Governor Pete Wilson, according to The Sacramento Bee's Capitol Alert.

However, the new group, Fairness and Accountability in Redistricting, is not opposing the newly drawn maps on purely partisan grounds.

"The commission has shown a lack of understanding about how lines should be drawn in accordance with the Voters Rights Act of 1965, often drawing maps that are open to lawsuits and have drawn sharp criticism from ethnic groups," states the organization on its website.

It further claims that:

"a well-intentioned process of drawing legislative districts has put Californians in danger of being misrepresented regardless of race, culture or political party."

One of the Republican members of the Commission has spoken out strongly against the newly-drawn maps. "This commission broke the law," said Commissioner Mike Ward in reference to its application of the Voting Rights Act in an interview with CalWatchDog.com. Ward was the only member of the Commission who voted against all of the proposed maps at its July 29th meeting.

There were fourteen members on the Commission: five Democrats, five Republicans and four decline-to-state voters. In order for any major decision of the group to pass, at least three Democrats, three Republicans and three of the Independents had to vote in its favor.

"Some people aren't happy with our final decisions," writes Cynthia Dai, one of the Democrats on the Commission, in an op-ed for the LA Times.

She continues:

"Politicians and political parties that no longer have the same safe districts wish we'd drawn different lines. But there are procedures for dissenters to voice their concerns at the ballot box or in the courts."

To get its initiatives on the ballot, Fairness and Accountability in Redistricting will have to collect more than half a million valid signatures over the next three months.



Initiatives All Belong on November Ballot

John Wildermuth's picture

By John Wildermuth

Journalist and Political Commentator

Tue, August 30th, 2011

The Democrats' plan to jam through a late-session bill blocking future initiatives from appearing on primary election ballots is a sneaky, baldly partisan, pro-union measure.

Having said that, it's not a bad idea.

Darrell Steinberg, the Democratic leader in the state Senate, admitted Monday that the party is "considering" a bill that would limit all initiative measures to future November general election ballots, beginning, not coincidentally, next year.

It isn't meant as a good-government plan.

You see, pro-GOP types already are collecting signatures for an initiative that would ban unions from using members' dues for political purposes and barring direct contributions from unions. Let's call it "Son of Paycheck Protection," a similar measure that as Prop. 75 failed in then-Gov. Arnold Schwarzenegger's disastrous November 2005 special election.

Union officials are worried that if the new measure makes the June 2012 ballot, Republicans, looking at what's likely to be a hard-fought and entertaining GOP primary election, are more likely to show up than Democrats who already know it's going to be Obama, Take Two, come November.

But if that ballot measure with the union bull's-eye was moved to November, when Democrats will be out in force ...

That concern, when expressed by public employee unions who now give millions to Democratic causes every election year, is way more than a quiet suggestion to legislative leaders like Steinberg.

So while no bill has yet been introduced, expect to see some sort of legislative effort to help out the unions, especially one that can be passed by an all-Democrat, simple majority vote.

Not surprisingly, Republicans already are starting to howl. Fiddling with the initiative rules is "a pretty outrageous play," that would toss more than 100 years of election tradition out the window, said former GOP state official Jon Fleischman on his FlashReport website.

But, strictly by accident, Democratic leaders have stumbled on a way to help reform the state's tattered initiative process. Since initiatives are designed to make major changes that affect all Californians, what's wrong with limiting them to the elections that attract the most voters?

Gaming the initiative system has a long and sordid history in California. There's a reason PG&E scrambled to make sure its initiative to require a two-thirds vote in local elections for public power was on the June 2010 primary ballot (turnout: 33.3 percent) rather than on the November 2010 general election ballot (turnout: 59.5 percent).

Of course, as PG&E discovered about \$46 million too late, low turnout is no guarantee of success for a special interest ballot measure, but more voters are always better when it comes to making decisions on initiatives.

It's not as though limiting initiatives to the general election is unusual. Of the 24 states that allow ballot initiatives, only four – California, Alaska, North Dakota and Oklahoma – let them appear on primary in special election ballots.

Nevada, our next-door neighbor, requires two separate statewide votes on any initiative that would amend the state constitution before it takes effect.

That doesn't mean the Democrats should get away with their game playing. If they do push across a bill to jigger the initiative rules for their allies in labor, Gov. Jerry Brown should veto it.

But he then should propose a straightforward measure that could go to the voters next June, asking simply whether all initiatives should be limited to the general election ballot.

The five-month delay between June and November isn't going to bother any measure that's not designed strictly for quick-hitting political mischief.

And it will be interesting to see who shows up to argue that less democracy is a good thing when it comes to voting on initiatives.

Vorderbrueggen: Contra Costa supervisor race has first challenge

By Lisa Vorderbrueggen

Contra Costa Times

Posted: 08/27/2011 06:00:00 PM PDT

Updated: 08/29/2011 06:44:58 AM PDT



Orindan Tomi Van de Brooke is the first Contra Costa County supervisor challenger out of the starting gate.

The 49-year-old community college district trustee unveiled her campaign website (www.tomivdb.com) on Facebook, opened an account and officially became an opponent of four-term District II Supervisor Gayle Uilkema, of Lafayette.

It could be the fiercest 2012 campaign on the local ticket.

Uilkema is a highly visible supervisor who places a premium on multiple public appearances, although she rarely takes the lead among her colleagues on major issues.

She has nearly \$140,000 in two campaign accounts, largely because she ran unopposed in 2008 and hasn't had a serious opponent since her first race in 1996.

But Uilkema's incumbent advantage could be diluted under the revised district lines adopted in July over her vigorous objections.

Half of the voters in the reconfigured District II are new -- she lost Hercules, Martinez and portions of Walnut Creek and gained Alamo, Danville and San Ramon. Uilkema is already spending time in the new portions of her district.

Van de Brooke could prove a formidable opponent.

A four-year community college trustee, she founded a communications consulting firm and worked for a statewide transportation funding advocacy group.

She also worked three years as the chief of staff for Supervisor Mary Nejedly Piepho, who represented the San Ramon Valley until the new maps were adopted.

Van de Brooke has already posted high-profile endorsements, including from former Supervisor and Assemblywoman Susan Bonilla, Contra Costa Superintendent of Schools Joe Ovick, three Orinda council members and most of the Alamo Municipal Advisory Committee.

No definite challengers have yet emerged against the other two supervisors whose terms end next year, Piepho and Federal Glover of Pittsburg.

In Piepho's district, Democrat and novice Oakley Councilman Jim Frazier is torn between a bid for supervisor and a rare, open Assembly district seat.

The state's once-a-decade redrawing of political districts this month produced a new and heavily Democratic 11th Assembly District that lumps together Antioch, Oakley and Brentwood with Vacaville and Fairfield.

Frazier says he will meet soon with Assembly Speaker John A. Pérez, D-Los Angeles, to discuss a possible candidacy.

The Oakley councilman for months has also contemplated running for county supervisor.

It is undeniably cheaper than an Assembly battle, but he would have to beat Piepho, a fierce campaigner who ousted an incumbent to win her first term and survived a 2008 challenge from termed-out Assemblyman Guy Houston.

"My whole focus has been on running for supervisor, and then this new opportunity presented itself," Frazier said. "I hope to be able to make a decision in the next two or three weeks."

Antioch Councilman Gary Agopian is also looking at a run against Piepho, or perhaps the mayor's contest if incumbent Mayor Jim Davis jumps into the supervisor race.

Agopian unsuccessfully challenged Glover four years ago, but the new district lines shifted Antioch into Piepho's district.

"I am consulting with trusted friends and supporters about what they see as the best move for me and for the region," Agopian said. "One way I am wiser (from the last race) is that I will not wait until the last minute. I will be deciding soon. Without exception, I am being urged to run."

In Glover's district, Martinez Councilman Michael Menesini says he is giving it a look-see. He expected to challenge Uilkema until the supervisors placed Martinez in Glover's reconfigured district.

But it's one thing to talk about running. It's another thing to actually run.

Filing opens Feb. 13. That'll tell us who is serious and who just likes the sound of his own voice.

GOT POLITICS? Read the Political Blotter at IBABuzz.com/politics.

AND FINALLY: Venerated Contra Costa Mayors Conference Executive Director Don Blubaugh will leave his post at the end of the year. The group is an association of the county's 19 cities.

The 69-year-old retired Walnut Creek city manager has worked in some capacity since he left his full-time job nine years ago -- including time as an interim city manager of Orinda and Martinez -- and he says it's time.

Blubaugh deserves one heck of a party.

He has been the epitome of reason and an excellent model of common sense for dozens of elected officials -- and not just a few newspaper reporters -- for years.

Contact Lisa Vorderbrueggen at 925-945-4773, lvorderbrueggen@bayareanewsgroup.com, IBABuzz.com/politics or [Twitter.com/lvorderbrueggen](https://twitter.com/lvorderbrueggen).

ROLL CALL

Republicans Ponder Putting New California Map to the Voters

By Richard Cohen

CQ Staff

Aug. 14, 2011, 1:56 p.m.

With the nonpartisan California redistricting commission scheduled to complete its work Monday, state Republicans are seriously weighing whether to seek a referendum that could throw out the results and force the state Supreme Court to draw lines for next year's election. The new plan could jeopardize as many as a half-dozen of Republicans' 19 House seats in the California delegation.

"It's hard to believe that the Supreme Court can draw worse lines for Republicans," said Jim Brulte, the former Senate GOP leader who remains active in state politics as a partner with California Strategies, a public-affairs firm.

But he added that Republicans are divided on how to proceed and that some may place a higher priority in overturning proposed lines for the state Senate, which could result in the GOP's loss of veto-power leverage with one-third of Senate seats. "They would have to move quickly," said Brulte, who is not involved in any possible redistricting challenge.

The results of the commission, created by voter approval of separate referendums in 2008 and 2010, have generated considerable discussion in recent months. But little public attention has been paid to the prospect of an additional referendum that could throw out the commission-drawn lines and the possible consequences.

To challenge the redistricting plan, petitioners would need to file more than 500,000 signatures by Nov. 15, according to a timetable prepared by Dave Gilliard, a prominent Sacramento-based Republican consultant. Each of the four redistricting plans — for districts in Congress, the state Senate, the Assembly and the tax-levying Board of Equalization — would require a separate petition.

Once signatures are verified, the commission plans would be on hold until after the 2012 election, Gilliard wrote in his analysis. "The Supreme Court hires special masters to draw lines for the 2012 election," he wrote. If the referendum passes, "the Court lines stay in effect for the decade. If the referendum fails, the commission lines go into effect in 2014." The referendum could be next June or November, California sources said.

Other GOP insiders said that they have heard that Republican political powerhouse Karl Rove might support such a referendum. But Jonathan Collegio, spokesman for the Rove-backed

American Crossroads group, said he has heard nothing about a Crossroads-backed lawsuit or referendum.

And a House Republican campaign source said he has heard “very little discussion” of a legal challenge to the redistricting plan. In contrast to the court suit that Illinois Republicans have filed against the plan drawn by that state’s Democratic-controlled Legislature, the GOP strategist said, “it would be harder for California Republicans to challenge a nonpartisan commission.”

Despite their prospective loss of several House seats in California, some Republicans are relieved that the results won’t be worse in the Democratic-tilting mega-state. They note that the bipartisan redistricting plan approved in 2001, which protected the political status quo, helped Republicans prevent the alternative of losing as many as five seats if Democrats had drawn that plan.

Since the 2002 elections, only one House seat has changed party control — the northern California seat that Rep. [Jerry McNerney](#) (D) won in 2006 by unseating then-Rep. Richard Pombo (R). And since then, GOP political clout has continued to weaken statewide. The state was notably absent from last November’s nationwide Republican sweep. Despite initial predictions of a close contest, GOP gubernatorial nominee Meg Whitman took only 41 percent of the vote against Democrat Jerry Brown even though she spent more than \$160 million. Carly Fiorina (R) did not fare much better against Sen. [Barbara Boxer](#) (D).

Based on the state’s spicy redistricting history, a plan drawn by the Supreme Court likely would jeopardize incumbents in both parties and create several swing districts in the 53-seat delegation. A court review could also weigh arguments of whether the commission has been sufficiently responsive to minority-group interests under the 1965 Voting Rights Act or relevant state laws.

The proposed map creates nine Hispanic-majority districts, short of the 11 that have been sought by the Mexican American Legal Defense and Education Fund and other advocacy groups. They have not revealed whether they plan to file their own legal challenges.

House Members in both parties already have been making plans for how they will respond to the expected redistricting lines. The commission released its tentative proposal in late July and invited public comment. For now, incumbent matchups are expected with at least two pairs of veteran Members: Democratic Reps. [Howard Berman](#) and [Brad Sherman](#) in the San Fernando Valley, and Republican Reps. [Gary Miller](#) and [Ed Royce](#) in parts of Los Angeles and Orange County.

Other Members of both parties have not announced decisions on how they will handle potentially difficult options. They include Republican Reps. [David Dreier](#) and [Dan Lungren](#), and Democratic Reps. [Joe Baca](#), [Janice Hahn](#), [Laura Richardson](#) and [Linda Sánchez](#). Some of them could face other lawmakers, perhaps in primaries, depending on possible retirements and whether other Members decide to run.

Based on recent reports and other speculation, potential retirees include Democratic Rep. [Dennis Cardoza](#) and Republican Reps. [Elton Gallegly](#) and [Jerry Lewis](#), plus other Members who have lost their political bases under the proposed map. The possible referendum and new Supreme Court map, of course, could overturn many of those tentative plans.

“The lines won’t stay the same,” a top aide to a veteran GOP Member said.

The redistricting dynamics, which have created a busy time for California political consultants, will cause turmoil for many House Members in any case. Republicans have only 14 safe seats under the new lines, leaving five swing districts, according to a lengthy analysis by Paul Mitchell of Sacramento-based Redistricting Partners and released by Brulte.

But Democrats have their own problems.

“Depending on how many incumbents decide to challenge each other and how many open seats are left, there is a possibility of 12 competitive primary elections, some as a result of four potential open seats,” Mitchell wrote. In addition to the heralded Berman-Sherman face-off, other potential Democratic matchups could include Hahn and Richardson, Cardoza and Rep. [Jim Costa](#), and Sánchez and Rep. [Grace Napolitano](#).

With Monday’s scheduled release of the final plan, the recent backroom maneuvering will become more public. But those actions could soon be overtaken by the possible referendum and court review.



MOVING GOVERNMENT CLOSER TO THE PEOPLE

PROPOSAL DETAILS AND OPTIONS

CURRENT PROPOSAL ELEMENTS	OPTIONS
<p>1. Performance-based budgets: The proposal requires all local governments to establish performance-based budgets, with specific requirements.</p>	<p>Another option – Instead of specific requirements for local governments, the measure could provide a general constitutional expectation for performance-based budgets.</p>
<p>2. Community Strategic Action Plan: In addition to constitutionally guaranteeing the new realignment funds, counties, in partnership with cities, school districts, and special districts, would have the authority to develop a plan for advancing the Big Five Outcomes and other community priorities:</p> <ul style="list-style-type: none"> • Through a strategic plan, local governments would identify how they would provide services more effectively and efficiently. (No local jurisdiction would be required to participate. Those that opt out would not be impacted; the plan would note their objections.) • The Action Plan would identify any state laws, regulations, or requirements that local officials believe prevent them from efficiently and effectively providing public services. The plan would be submitted to a member of the Legislature representing the county, who would introduce a bill waiving the necessary statutes or regulations. If the Legislature doesn't respond within 60 days of the plan's submission, the waivers would be granted. • The plan would require the regular publication of program results and progress toward the Big Five Outcomes. The strategies would be evaluated at least once every four years. 	<p>Another option – Instead of allowing counties to choose whether to develop a Community Strategic Action Plan, the measure could <u>require</u> all counties to formulate and adopt a plan.</p> <p>Another option – Instead of requiring a lawmaker representing the county to introduce a bill containing the waivers requested in an Action Plan, the county could simply submit their plans to the clerks of both houses of the Legislature.</p>
<p>3. Potential countywide integration: The measure would authorize a county Board of Supervisors to initiate the plan. It would require them to invite all other local governments in the countywide planning effort.</p> <ul style="list-style-type: none"> • Participating agencies would adopt a local Action Plan only after a majority vote of each participating jurisdiction's governing body. 	<p>Another option – A tighter threshold would require a minimum percentage of governments or population to participate.</p> <p>Another option – A more flexible threshold would allow any local governments, independent of the county, to develop an Action Plan and seek state relief.</p>
<p>4. Bottom-up accountability: The measure would require annual reports to the public, and evaluations and waiver renewal every four years.</p>	
<p>5. Additional new local government authorities: The measure would provide counties, cities, school districts, and special districts with the following constitutional authorities:</p> <ul style="list-style-type: none"> • Revenue reallocation: The proposal would allow local governments to reallocate local sales and property taxes—except for the portion of the property tax already allocated to schools. • Contracting authority: Any local governments would be able to contract with any other government—state or local—to provide a service more efficiently or effectively. 	<p>Another option – Either or both of these authorities could be only granted to local governments that first complete a Community Strategic Action plan, as described in 3.</p>

TO: Board Legislative Committee
(Chair Ted Radke, Doug Siden, Ayn Wieskamp and
Alternate Beverly Lane)

FROM: Robert E. Doyle, General Manager
Erich Pfuehler, Government Relations and Legislative Affairs Manager

SUBJECT: Board Legislative Committee Meeting

WHEN: Friday, September 16, 2011 1:30 p.m.
Lunch will be served

WHERE: Board Room, Peralta Oaks

Items to be discussed:

I. STATE LEGISLATION / ISSUES

A. NEW

- a. **AB 42 (Huffman): Allowing Qualified Nonprofits to Operate a State Park Unit**
This bill would allow the Department of Parks and Recreation (DPR) to explore beneficial partnerships with nonprofit organizations to help operate park units. DPR currently has the ability to enter into operating agreements with public agencies (including federal agencies and local governments) for the operation and maintenance of state parks, i.e. the District in the cases of Eastshore, Crown Beach and Del Valle. AB 42 would expand this authorization for DPR to pursue multiple operating agreements with nonprofit organizations for state parks. Specifically, AB 42 is closely modeled on existing Public Resources Code (PRC) 5080.36, which allows DPR to enter into an operating agreement with a qualified nonprofit for the operation of one specific state park. This bill would provide broader authority to DPR to enter into operating agreements for multiple state parks, without the requirement that each individual operating agreement be subject to specific legislative approval. AB 42 contains language identical to PRC 5080.36, which includes transparency and public accountability provisions, including an annual report with a full accounting and summary of the prior year's operations, an annual public meeting requirement, and the requirement that all revenues received from the park remain dedicated to park purposes. The bill requires revenues generated at a park, under an operating agreement, be used for the operation, maintenance and improvement of the specific park unit. In addition, the bill imposes public meeting and legislative notification requirements on those operating agreements. The provisions of the bill sunset on January 1, 2019.

Earlier this year, the Governor proposed, and the Legislature approved, an \$11 million reduction in General Fund (GF) support to DPR in the 2011-12 budget. The Governor has also proposed an additional \$11 million reduction in 2012-13, for an ongoing proposed annual GF budget reduction to DPR of \$22 million. As a result of the budget reductions, the Administration announced its intent to close 70 of California's 278 state parks.

Staff recommendation: SUPPORT

b. **AB 703 (Gordon): Extend Property Tax Exemption for Open Space Lands**

This bill will keep in place the property tax exemption for specified land acquired by nonprofit organizations for natural resource preservation and open-space purposes until 2022. Without this extension, open-space lands would be subject to property tax on January 1, 2012. This exemption enables nonprofit organizations to focus their limited resources on stewardship and improving public access to some of California's truly special places. The District frequently partners with Land Trusts and very much value their contributions to open space protection. In many cases, partnerships with nonprofit agencies are actually the most cost effective way to protect important natural resources. Without a property tax exemption for the thousands of acres of open space held by nonprofit organizations, these lands could very well be transferred to the state or other agency at time when public land management resources are severely constrained. Any land transferred would result in increased land management and administrative costs to the state. Furthermore, state-owned property would not be subject to property tax, which would have the same effect as keeping the exemption in place. At a time of severe budget cuts and state park closures, it is important to encourage nonprofits to continue to manage open spaces which benefit the public. The bill is supported by the California Park and Recreation Society, California Council of Land Trust, The Nature Conservancy and Trust for Public Land.

Staff recommendation: SUPPORT

c. **SB 328 (Kehoe): Conservation Easements and Eminent Domain**

This bill would place certain requirements on the initiation of eminent domain proceedings against property under a conservation easement. Eminent domain has been used as a tool to acquire land that is subject to a conservation easement, typically for transportation, development and infrastructure projects. According to the author and supporters, the use of eminent domain in these instances not only threatens to destroy the environmental value created by the conservation easement, it also represents a considerable waste of public and private investment on the part of government entities, as well as non-profit agencies, which purchased those easements. According to the author, this bill is intended to ensure that whenever an entity seeks to acquire property subject to a conservation easement that the easement holder, and any other entities that contributed to acquisition of that easement, are given ample notice and opportunity to be heard in any condemnation proceedings. This bill also clarifies the Constitutional right to just compensation is afforded to the holder of the conservation easement as well as the owner of the property.

The bill seeks to make it more clear that the public investment of and support for the easement may conceivably outweigh other public needs. The bill adds more steps to the eminent domain process for property with a conservation easement and raises the burden of proof with regard to public benefit. This bill is identical to the enrolled version of SB 555 (Kehoe, 2009) which the Legislative Committee of the Board unanimously supported last year. Governor Schwarzenegger vetoed SB 555 due to concerns that it could delay infrastructure projects by stating: "While protecting the value of conservation easements is a noble endeavor, this measure unintentionally provides opponents of controversial infrastructure projects another tool to impede or discourage vital public infrastructure planning and development in energy, water and transportation which are crucial for our state's job growth and economic well-being."

The bill is sponsored by the California Council of Land Trusts and supported by the Bay Area Open Space Council, the Bay Area Ridge Trail Council, East Bay Municipal Utilities District, Save Mount Diablo and the Trust for Public Land.

Staff Recommendation: SUPPORT

d. **SB 791 (Steinberg): Traffic Congestion Relief Program**

This bill will allow metropolitan planning organizations (MPOs) to collect a regional transportation congestion “charge” on gasoline purchases, and a new vehicle registration “charge” on electric vehicles. The charge is subject to local majority voter approval, and all projects funded by the fee must result in reduced vehicle congestion. While the amount of the charge is not limited, SB 791 does limit the lifetime of charge to 30 years.

Revenues from the charge could be used for the following purposes:

- Bicycle and pedestrian programs and projects;
- Transit capital, operations and maintenance costs;
- Programs and projects that would demonstrably reduce the region's rate of growth from 2005 levels in vehicle miles traveled by single-occupant vehicles;
- Conversion of high-occupancy vehicle lanes to high occupancy toll lanes or other variably tolled express lanes;
- Capital improvements relative to maintenance, safety and rehabilitation of state highways and bridges in the state highway operation and protection program, and equivalent projects on local streets and roads; and
- Related administrative costs.

Senate Majority Leader Steinberg is pushing for this bill as a way to provide a “local option” for funding transit projects given the state currently lacks the capacity to adequately fund transit and road improvements. He claims this approach is, "very consistent with the work that we've done this year on bringing services closer to the people" through realignment of state and local functions.

The California Taxpayers Association has issued a letter to members of the Assembly outlining opposition to the bill and raising concerns they believe the measure should be subject to a two-thirds vote of the Legislature, not a majority vote. If the bill passes by majority vote and is signed into law by Governor Brown, it may be legally challenged based on the provisions of Proposition 26 (2010), which raised the vote requirement for local levies to 2/3rds.

Staff Recommendation: SUPPORT

B. ISSUES

a. **State Legislative Session Wrap Up**

There will be a verbal assessment of this year’s legislative session by Sacramento Advocate Doug Houston.

b. **Reform – California Forward Ballot Proposal(s)**

California Forward appears to be moving toward crafting some proposals for the November 2012 ballot. Some of the elements they are moving forward with are:

1. Performance-based budgets;
2. Community Strategic Action Plans;
3. Potential countywide integration;

4. Bottom-up accountability; and
5. Additional new local government authorities.

Items 2 and 5 are potentially troubling to the District. Number 2 deals with creating Community Strategic Action Plans. The vision is to allow these plans to be developed within county boundaries. There are obvious questions for agencies like the District which serve two or more counties. In a recent meeting between District staff and California Forward Policy Director Richard Raya, he essentially admitted he hadn't really thought about those circumstances and would raise the question with Fred Silva (who clearly is familiar with those circumstances). While there is an "opt-out" clause for local governments to NOT participate in the Community Strategic Action Plans, local agitation / "peer pressure" may produce enough political pressure to render "opting-out" meaningless.

An even greater concern to the District is number 5, which Raya admitted was added recently and he wasn't total conversant about it, but it is clearly an effort to move property tax revenue around. The language they shared with District staff states "the measure would provide counties, cities, school districts and special districts the constitutional authority to reallocate local sales and property taxes – except for the portion of the property tax already allocated to schools."

California Forward is pretty sophisticated and may be able to draft a ballot proposal for which the title reads "performance-based budgeting," "bottom-up accountability" and "local government control of revenue" which would undoubtedly pass, but could have some other triggers embedded in it which could really mess with agencies like the District. Staff is continuing to meet with California Forward staff and hope to get a copy of their draft ballot language before it is finalized.

2. STATUS OF RECOMMENDATIONS

3. FEDERAL LEGISLATION / ISSUES

A. NEW LEGISLATION – N/A

B. ISSUES

a. **Federal Debt Super Committee**

The debt limit bill agreed to in early August makes cuts to reduce the deficit in two stages, making more than \$900 billion in spending cuts in the first stage. In the second stage, a bipartisan joint congressional committee of 12 would identify \$1.5 trillion in deficit reduction measures — possibly including revenue raisers and entitlement reform — and make its recommendations by November 23, 2011 with Congress acting by December 23, 2011. If the committee fails to make its recommendations or Congress fails to enact them, across-the-board spending cuts (sequestration) would be triggered, half of which would come from Defense Department spending. Social Security and Medicaid benefits, and veterans' benefits and pensions would be exempt from these cuts. Medicare savings would be capped at two percent. The debt ceiling is raised by at least \$2.1 trillion in two steps, the initial down payment of \$900 billion followed by an additional \$1.2 trillion, which could be triggered by a request from President Obama and does not require Congressional approval. The package also requires both chambers vote on a balanced budget amendment to the Constitution, which, if passed, would trigger the \$1.2 trillion debt ceiling increase without a direct request from the President.

The Super Committee appointments are as follows:

Senate Majority Leader Harry Reid named Democratic Sens. Patty Murray (Wash.), Max Baucus (Mont.) and John F. Kerry (Mass.). Senate Minority Leader Mitch McConnell chose Sens. Patrick J. Toomey (R-Pa.), Jon Kyl (Ariz.) and Rob Portman (Ohio). House Speaker John Boehner selected Republican Reps. Jeb Hensarling (Tex.), Dave Camp (Mich.) and Fred Upton (Mich.). Democratic Leader Nancy Pelosi (D-Calif.) chose Reps. James E. Clyburn (D-S.C.), Xavier Becerra (D-Calif.) and Chris Van Hollen (D-Md.). Murray and Hensarling are co-chairs.

The Super Committee are having initial discussions and reviewing the work of the Bowles-Simpson Commission and Gang of 6 recommendations. They are also already being heavily lobbied. The work of this Super Committee is a real wild card and the outcome is murky at best.

4. INSTRUCTIVE AND USEFUL TRENDS IN PUBLIC OPINION OF THE DISTRICT FROM 1988 TO 2011

There will be a verbal presentation by Dr. George Manross of Strategy Research Institute.

5. PUBLIC COMMENTS

6. CORRESPONDENCE AND ARTICLES

- a. "Retirement race as Contra Costa workers take last shot at pension boosting benefit", Contra Costa Times, September 7, 2011
- b. "Debt supercommittee faces super-sized challenges", The Washington Post, September 7, 2011
- c. "Dan Walters: Fun, games mark California Legislature's final week", The Sacramento Bee, September 7, 2011
- d. "Pediatrician to Head 'Let's Move'", The Caucus, September 2, 2011
- e. "California politicians to Obama: Talk about my plan", Merced Sun-Star, August 31, 2011
- f. "Senate passes bill letting nonprofits run parks", SF Gate, August 31, 2011
- g. "Opinion: Brown stands tall for historic water solution", Capitol Weekly, September 1, 2011
- h. "Referendum drive aims at killing California's new congressional district maps", The Sacramento Bee, August 31, 2011
- i. "California's redistricting, by 14 citizens", Los Angeles Times, August 31, 2011
- j. "Solano County's Congressman John Garamendi: Support 'Make it in America'", The Reporter, August 31, 2011
- k. "Redistricting: the coming Democratic Supermajority?" Independent Voter Network, August 31, 2011
- l. "Initiatives all belong on November ballot", Fox & Hounds Daily, August 30, 2011
- m. "Vorderbrueggen: Contra Costa supervisor race has first challenge", Contra Costa Times, August 29, 2011
- n. "Republicans ponder putting New California Map to the voters", Roll Call, August 14, 2011