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## **AGENDA**

### **BOARD LEGISLATIVE COMMITTEE**

**Thursday, September 30, 2010**  
**12:45 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>
	12:45 p.m.	<b>1. STATE LEGISLATION / ISSUES</b>	
		<b>A. NEW</b>	O'Brien/Pfuehler
(D)		a. Proposed Legislation AB 1987 (Ma) Public Retirement: Final Compensation: Computation: Retirees	
		<b>B. ISSUES</b>	O'Brien/Pfuehler
(D)		a. Public Agency Disclosure Efforts – Post Bell	
(I)		b. State Budget Update	
(I)		c. State Parks Access Pass Hearing Update	
(D)		d. Oakley Power Plant Bill (SB 1398) review	
(D)		e. Review Ballot Measures	
		<b>2. FEDERAL LEGISLATION / ISSUES</b>	Pfuehler/O'Brien
		<b>A. NEW</b>	
		a. Proposed Legislation – N/A	
		<b>B. ISSUES</b>	Pfuehler/O'Brien
(I)		a. TIGER Grant Application Update	
(I)		b. Water Resources Development Act – Miller/Knox request	
(I)		c. Land and Water Conservation Fund Update	
		<b>3. PUBLIC COMMENTS</b>	
		<b>4. STATUS OF RECOMMENDATIONS</b>	
		<b>5. CORRESPONDENCE &amp; ARTICLES</b>	

(R) Recommendation for Future Board Consideration  
 (I) Information  
 (D) Discussion

Future 2010 Meetings:    October 15, 2010  
    November 19, 2010  
    December 17, 2010

Legislative Committee Members:  
 Ted Radke, Chair, Doug Siden, Ayn Wieskamp, John Sutter,  
 Alternate  
 Erich Pfuehler, Staff Coordinator

#### Board of Directors

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

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

Distribution/Agenda Only

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

Distribution/Full Packet

Board of Directors  
Pat O'Brien  
Rosemary Cameron  
Dave Collins  
Bob Doyle  
John Escobar  
Mike Anderson

Distribution/Full Packet

Allen Pulido  
Carol Johnson  
Tyrone Davis  
Dave Kalahela  
Carol Victor  
Tim Anderson

Distribution/Full Packet

Hulet Hornbeck  
Dr. George Manross  
Norman LaForce  
Glenn Kirby  
Di Rosario  
Jon King

**TO: Board Legislative Committee  
(Chair Ted Radke, Doug Siden, Ayn Wieskamp and Alternate John Sutter)**

**FROM: Pat O'Brien, General Manager  
Erich Pfoehler, Legislative Administrative Manager**

**SUBJECT: Board Legislative Committee Meeting**  
**WHEN: Thursday, September 30, 12:45 p.m.**  
**Lunch will be served**

**WHERE: Board Room, Peralta Oaks**

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**Items to be discussed:**

I. STATE LEGISLATION/ISSUES

A. NEW

a. PROPOSED LEGISLATION

**AB 1987 (Ma) – Public Retirement: Final Compensation: Computation: Retirees.**

This bill attempts to address reports of “pension spiking” where employees are given a dramatic one year boost in pre-retirement compensation or cash in large vacation and leave balances which are added into the final compensation calculation. The bill implements an on-going audit process for monitoring salary increases to ensure they are not made principally for the purpose of enhancing retirement benefits. If the audit reveals any compensation believed to be for the purpose of enhancing retirement benefits, that re-numeration is prohibited from being part of the retiree’s retirement package. It also limits the base rate to determine retirement benefits to the average of the retirees last three years and the rate must be consistent with comparable professional peers. Additionally, the bill prohibits a retiree from returning to work as a contract employee for a period of 180 days after retirement for those who retire after January 1, 2011. For example, if Ro were to of retired in January 2011, she would not be able to be paid to provide training for her replacement. CSDA, along with the California State Association of Counties, oppose the bill. It is supported by the California Federation of Teachers, Treasurer Bill Lockyer and Controller John Chiang. It appears likely the bill will be sent to the Governor. Governor Schwarzenegger does not support Ma's bill as written. Controller Chiang, the sponsor of AB 1987, is discussing potential amendments with Ma.

Staff Recommendation: WATCH

B. ISSUES

a. Public Agency Disclosure Efforts

In response to the City of Bell scandal, lawmakers have crafted a six-bill package to target excessive pay. Following are the six bills:

**AB 1955:** Require charter cities, such as Bell, to be penalized by the state if they pay city council salaries higher than allowed in general-law cities. Excess pay would be

slapped with a 50% personal income tax and the city's redevelopment agency would be restricted from approving new plans or issuing new debt.

**AB 827:** Target salaries of unelected local government officials by prohibiting automatic salary increases and banning severance payments of greater than 12 months' salary for these non-unionized employees.

**AB 2064:** Require the Legislature to post on its website the salaries of its elected members and employees. The bill also requires cities, counties, special districts, school districts and joint powers authorities to post the salaries of its elected officials and key employees.

**AB 192:** Require cities to pay for any higher pension payments that stem from their luring a municipal employee away from another city by offering exorbitant pay.

**SB 501:** Require officials of cities, counties, special districts, school districts and joint powers agencies to file an annual statement that discloses their compensation to the public.

**AB 194:** Cap the maximum salary or compensation that can be used to determine pension benefits for high-paid public employees hired after Jan. 1, 2011.

There is actually bi-partisan support for these reform efforts. Some combination of these ideas is likely to be sent to the Governor. Schwarzenegger, however, has stated the Legislature has not set its sights high enough – he wants comprehensive changes that reduce future pension payments and require employees to contribute more.

b. State Budget Update

Controller John Chiang stated recently that absent a budget deal, the state would need to issue IOUs beginning in October. The Governor continues to fight to place some 156,000 state employees on furlough, thus cutting the state payroll by three workdays. The furlough fight may ultimately reach the state's highest court.

Senate and Assembly Democrats have released a budget which includes a tax swap. The swap plan would reduce the state sales tax rate and increase the vehicle license fee (VLF) and personal income tax (PIT) rates. Because both the VLF and PIT are deductible on federal income tax returns for those taxpayers who itemize, the proposal attempts to craft a combination of tax changes that would (1) increase state revenues and (2) still result in each income group in the state paying no net increase in taxes when considering state and federal tax liabilities together. Democrats estimate the tax swap would generate \$1.8 billion in net General Fund revenue increases in 2010–11. The Legislative Analyst's Office, however, released a report which suggests a net increase in tax burden for a significant amount of Californians -- about \$1.6 billion in all -- with the largest increase for those who earn between \$50,000 and \$100,000 a year. Democrats are willing to changes in the plan, but adamant they will not eliminate social programs to close the \$19 billion deficit.

Another twist is Republicans in the State Senate are about to have a new leader, Bob Dutton, to replace Dennis Hollingsworth. With a new member of the “Big 5” in the picture, Hollingsworth stated in the Riverside Press-Enterprise that if there's no budget deal when the new guy leads the GOP caucus: "As with any negotiation, they'll have to start from the beginning."

All sides seem to be locked into dragging this out for a long time, perhaps even after the election. The lack of urgency is somewhat troubling and may be a sign that California legislators are willing to live with a permanent, systemic deficit.

c. State Parks Access Pass Hearing Update

On August 10, 2010 a joint informational hearing was held on Proposition 21 – the State Parks and Wildlife Conservation Fund Act of 2010. A number of questions were raised about oversight and logistics of the Fund should the Proposition pass. The Fund is protected from being diverted to the General Fund, but the legislature does have oversight responsibility. In her testimony, State Parks Director Ruth Coleman clearly stated the money will be spent “how you the legislature decides.” Senator Fran Pavely asked a representative from the Legislative Analyst’s Office who will operate the Fund. Caroline Godkin from the LAO’s office responded the legislature has oversight and the proposition establishes a citizen’s oversight committee. Assembly Member Juan Arambula raised the issue of equity. He represents a heavily Latino district in the Fresno area which contains no state parks. He expressed his interest in developing a plan to ensure underserved communities benefit from the Fund particularly since they will be contributing through their VLFs. Elizabeth Goldstein, President of the California State Parks Association, stated that, “state parks no matter who operates them are better off” by enacting this proposition. AGM Bob Doyle submitted comments and Assembly Member Jared Huffman thanked Bob for the work we do in the East Bay. The bottom line from the hearing is the legislature will influence the distribution of funds and the District could receive more than just reimbursement for gate fees in order to operate Crown Beach, Del Valle and Eastshore.

d. Oakley Power Plant Bill (SB 1398) review

Senator Mark DeSaulnier’s legislation was introduced because the California Energy Commission is considering a proposal to construct a 600 megawatt power plant to be located within a redevelopment project area in the City of Oakley. The property tax which could normally be collected from the area where the power plant will be located will be directed to a redevelopment authority. The local school district which services the area would still receive its share of property tax. Staff originally thought the power plant would not be sited on property where the District collects property taxes. After looking into it further, the site is in the District’s jurisdiction of property tax collection.

When a redevelopment area is established, state law allows redevelopment agencies to use a portion of the property taxes to pay down the debt the redevelopment agency incurred to improve the area. Taxing entities, such as the

District, which serve the project area continue to receive tax revenues they were receiving the year the redevelopment project was formed (the base year). Those revenues are passed through the redevelopment agency to the District. Under our reading of SB 1398, the utility redevelopment agency would take that base year revenue away permanently. It would be a very bad precedent. The proposed location for the power plant is already in a redevelopment area and subject to the Board of Equalization distribution of utility taxes. The District's projected yearly loss would be \$190,000 per year in base property taxes. Additionally, it is unclear how this legislation would impact the property tax increment for bond indebtedness for Measures AA and WW.

District staff and advocate Doug Houston were able to work with the author's office to include language in the bill which would ensure the District would keep its base property tax should SB 1398 become law.

e. Review Ballot Measures

*Proposition 18:* Safe, Clean and Reliable Drinking Water Supply Act of 2010 – while the water bond has qualified for the ballot it has now been pulled.

*Proposition 19:* Changes California Law to Legalize Marijuana and Allow it to be Regulated and Taxed – would allow people 21 years or older to possess, cultivate or transport marijuana for personal use. It would tax it to benefit state and local government revenues.

*Proposition 20:* Redistricting of Congressional Districts – would give the 14-member redistricting commission the authority to draw new lines for Congressional districts (if passed, it could draw a Federal Constitutional challenge). Currently, the Commission is only authorized to redraw state legislative districts.

*Proposition 21:* Establishes \$18 annual vehicle license surcharge to help fund state parks and wildlife programs and grants free admission to all state parks to surcharged vehicles – if passed this measure would raise about \$500 million for state parks and wildlife programs which would allow them to complete deferred maintenance projects and have a functional general operating budget.

*Proposition 22:* Prohibits the state from taking funds used for transportation or local government projects and services – the state would no longer be able to shift, take, borrow or restrict the use of local government tax revenue. Often referred to the “son of Prop. 1A,” this proposition would provide more assurance to local governments that their revenues will be protected.

*Proposition 23:* Suspends air pollution control laws requiring major polluters to report and reduce greenhouse gas emissions that cause global warming until unemployment drops below specified level for a full year – this essentially suspends AB 32, the ground-breaking climate change law passed in 2006.

*Proposition 24:* Repeals recent legislation that would allow businesses to carry back losses, share tax credits and use a sales-based income calculation to lower taxable income – this would repeal the business tax breaks enacted as part of last year’s budget compromise.

*Proposition 25:* Changes legislative vote requirement to pass a budget from two-thirds to simple majority. Retains two-thirds vote requirement for taxes. The “stick” part of this initiative is it would permanently forfeit the pay for all members of the legislature for every day the budget is delayed after the June 15<sup>th</sup> Constitutional deadline.

*Proposition 26:* Increases legislative vote requirement to two-thirds for state levies and charges. Imposes an additional requirement for voters to approve local levies and charges with limited exceptions.

*Proposition 27:* Eliminates State Commission on Redistricting. Consolidates authority for redistricting with elected representatives – this would actually eliminate the 14-member redistricting commission and allow the legislature to continue to draw new district lines.

## 2. FEDERAL LEGISLATION / ISSUES

### A. NEW

#### a. PROPOSED LEGISLATION

N / A

### B. ISSUES

#### a. TIGER Grant – Please see Attachment 2.B.a

The application was submitted slightly ahead of time. We received support letters from our entire state and federal delegation. A number of our delegation have committed to calling Secretary Ray LaHood on our behalf. Decisions could be made any day now. There will be a brief oral update.

#### b. Water Resources and Development Act – Miller/Knox request

U.S. Representative George Miller was able to include a \$5 million request for the “comprehensive shoreline restoration” at Miller/Knox in the Water Resources Development Act (WRDA). It seems that WRDA may get through the House, but faces a challenge to get through the Senate. The fact that it’s in the bill generally indicates the Committee has run it by the Corps and the Corps have indicated it is workable, so this is a good precedent for the District.

#### c. Land and Water Conservation Fund Update

Legislation to provide full funding for the Land and Water Conservation Fund (LWCF) faces an uncertain future in the Senate. The LWCF provision is attached to an energy bill (S. 3663) that responds to the Gulf oil spill, but support for S. 3663 is waning as the Gulf crisis fades from the headlines. Republicans say S. 3663 was already in trouble because it contains provisions unrelated to the spill, such as the LWCF guarantee. “Let’s leave out those unrelated provisions that may be worthy

and good, but they are not what the spill is about,” said Robert Dillon, spokesman for Senate Energy Committee Republicans. As for the LWCF provision itself, Dillon said it emphasizes federal land acquisition too much and revenue sharing for coastal states too little. Coastal states receive at best a small share of offshore oil and gas royalties. Onshore states receive 50 percent of royalties. “What the majority has done is to kill revenue sharing for Louisiana and Alaska and give the money to the federal government for land acquisition,” said Dillon. Still, the LWCF guarantee is alive in two places. First, the Senate could still move S. 3663. Second, the House July 30 approved a more comprehensive energy bill (H.R. 3534) that would guarantee money for LWCF for the next 30 years. So if the Senate approves any kind of energy bill, at some point this fall a House-Senate conference committee could patch together a final bill with LWCF money. The House and Senate LWCF provisions are quite different. The House would simply guarantee \$900 million per year for 30 years. The Senate would begin with full funding and then change the guarantee in out-years.

**THE HOUSE BILL:** The House measure makes the guarantee clear. It says: “Permanent Funding - Of the moneys covered into the fund, \$900,000,000 shall be available each fiscal year for expenditure for the purposes of this Act without further appropriation.” Appropriators could still allocate money to specific projects within the cap. The House would also set aside at least 1.5 percent of the money to provide access to public lands managed by the Interior Department for “hunting, fishing, and other recreational purposes through easements, rights-of-way, or fee title acquisitions, from willing sellers.”

**THE SENATE BILL:** The Senate measure is more complex than the House bill. After five years of guaranteed full funding S. 3663 would guarantee only \$500 million in fiscal 2016. It would then remove the guarantee from fiscal years 2017 through 2020, subjecting LWCF to appropriations. But beginning in fiscal 2021 it would again guarantee \$500 million per year. A Senate Energy Committee staff member said the provision is convoluted to comply with Senate budget guidelines. Asked why the erratic allocations, the staff member said, “the quick answer is the funding levels were the maximum available without running into budget issues. For example, maximum direct spending in any 10-year period is limited to \$5 billion, which works out to \$500 million per year. We decided to front-load the initial 10-year period, which is why the first five years are fully funded.”

**FISCAL 2011 APPROPRIATION:** In a closely related development the House Subcommittee on Interior Appropriations July 22 approved a \$518 million appropriation for LWCF for fiscal year 2011, or \$68 million more than a fiscal 2010 appropriation of \$450 million. The Subcommittee number is \$72 million less than the administration request of \$590 million, largely because it would not fund a \$42 million acquisition by the Bureau of Land Management to store excess wild horses in the Mid-West and East. Out of the \$518 million for LWCF, \$55 million would go to the state side of LWCF.

### 3. PUBLIC COMMENTS

#### 4. STATUS OF RECOMMENDATIONS

#### 5. CORRESPONDENCE AND ARTICLES

- a. "Development: House panel to consider livability bill", EE News, September 21, 2010
- b. "Crucial 'missing link' of Bay trail to open today behind Moffett Field", Mercury News, September 20, 2010
- c. "Campaign 2010: Races to Watch", Time, September 20, 2010
- d. "Boxer unapologetic for reputation as a fighter", SF Gate.com, September 20, 2010
- e. "Jerry Brown's pay reviews can start in Bay Area", SF Gate.com, September 20, 2010
- f. "Larry Aceves for state schools chief", SF Gate.com, September 20, 2010
- g. "Boxer, Fiorina fundraising reflects contrasting ideologies", Contra Costa Times, September 20, 2010
- h. "Schwarzenegger considers bills to prevent Bell-type pay, pension excesses", LA Times, September 19, 2010
- i. "Endorsements 2010: No on Prop. 22-cities overreach with money grab", Sacramento Bee, September, 18, 2010
- j. "Editorial: Voters should say no to Proposition 21", Contra Costa Times, September 15, 2010
- k. "The Chronicle recommends: Vote 'No' on Prop. 21", SFGate.com, September 15, 2010
- l. "Mercury News editorial: Prop. 21 is a solution to state parks problems", Mercury News, September 2, 2010
- m. "Vorderbrueggen: Join me for a tour of Contra Costa candidates", Contra Costa Times, September 01, 2010
- n. "Senate bill with LWCF guarantee faces tough sledding", Federal Parks and Recreation, August 23, 2010
- o. "President Obama's winning streak", Washington Post, August 20, 2010
- p. "California lawmakers announce bills on municipal pay", The Orange County Register, August 20, 2010
- q. "Editorial: State lawmakers disengaged from budget fix", Fresno Bee, August 18, 2010
- r. "End Cities' dubious pay policies", Sign on San Diego, August 18, 2010
- s. "Viewpoints: require the budget to be for two years", Sacramento Bee, August 18, 2010
- t. "Mathews-Paul reform opus", Calbuzz, August 18, 2010
- u. "Democrat concedes California Senate special election", Sacramento Bee, August 17, 2010
- v. "The Let's Move Initiative is Traveling Backwards", The Atlantic Post, August 17, 2010
- w. "Global warming measure could suspend other landmark environmental rules", Contra Costa Times, August 16, 2010
- x. "Candidates jump on Bell outrage bandwagon", SFGate.com. August 14, 2010
- y. "Bumper ballot crop greets voters", Contra Costa Times, August 14, 2010
- z. "Legislature delays water bond to 2012 ballot", SF Gate.com, August 10, 2010

# East Bay Green Transportation Initiative

## LETTERS OF SUPPORT

The East Bay Green Transportation Initiative is broadly supported by legislators – federal, state and local – as well as environmental groups, businesses, educational institutions, and community and health organizations. EBGTI has received letters of support from:

### FEDERAL SUPPORTERS

Barbara Boxer, US Senate  
 Diane Feinstein, US Senate  
 John Garamendi, US House  
 Barbara Lee, US House  
 Jerry McNerney, US House  
 George Miller, US House  
 Pete Stark, US House

### STATE SUPPORTERS

Joan Buchanan, California Assembly  
 California Department of Transportation  
 Ellen Corbett, California Senate  
 Mark DeSaulier, California Senate  
 Loni Hancock, California Senate  
 Mary Hayashi, California Assembly  
 Nancy Skinner, California Assembly  
 André Swanson, California Assembly  
 Tom Torlakson, California Assembly  
 Alberto Torrico, California Assembly

### REGIONAL & LOCAL GOVERNMENT

Association of Bay Area Governments  
 Alameda County Congestion Management  
 Alameda County Supervisor Keith Carson  
 Alameda County Supervisor Scott Haggerty  
 Alameda County Supervisor Nathan Miley  
 Alameda County Supervisor Gail Steele  
 Alameda County Transportation Improvement Authority  
 Bay Area Air Quality Management  
 City of Albany  
 City of Berkeley  
 City of Brentwood  
 City of Concord, Council Member Guy Bjerke  
 Contra Costa County Redevelopment District  
 Contra Costa County Supervisor Susan Bonilla  
 Contra Costa County Supervisor John Gioia  
 Contra Costa County Supervisor Mary Piepho  
 Contra Costa County Supervisor Gail Uilkema  
 Contra Costa Health Services  
 Contra Costa Transportation Authority  
 City of Dublin  
 City of Hayward

# East Bay Green Transportation Initiative

City of Hercules

Metropolitan Transportation Commission Scott Haggerty

Metropolitan Transportation Commission Amy Worth

City of Oakland, Council Member At Large Rebecca Kaplan

City of Pleasanton

City of Pinole

San Francisco Bay Conservation and Development Commission (BCDC)

Union City

Wheels – Livermore Amador Valley Transit Authority

## BUSINESS & EDUCATION

American Automobile Association

Bay Area Council

University of California - Berkeley

Contra Costa Council

Diablo Valley College

East Bay Economic Development Alliance

Hacienda Business Park

Lawrence Livermore National Laboratories

Livermore Cyclery

Merritt College

Oakland Metropolitan Chamber of Commerce

Sandia National Laboratories

Shaklee Corporation

## ENVIRONMENTAL & OTHER ORGANIZATIONS

Bay Area Ridge Trail Council

Bicycle Trails Council of the East Bay

California Native Plant Society

Chez Panisse Foundation

Citizens for East Shore Park

Earth Team

East Bay Community Foundation

East Bay Bicycle Coalition

East Bay Trails Council

Environmental Justice Coalition for Water

Fit and Fabulous Outdoors

Glenn Kirby, Park Advisory Committee

Greenbelt Alliance

Healthy Living for Life

League of Women Voters

Rails to Trails

San Francisco Bay Trail

Save Mount Diablo

Save the Bay

Sustainable Contra Costa

TransForm

Urban Habitat

Walk Oakland Bike Oakland

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

1. AB 83 (Feuer) Torts: personal liability. (2/2009)  
**STATUS:** 08/06/2009-Chaptered by Secretary of State - Chapter 77, Statutes of 2009  
**CURRENT LOCATION: 8/6/2009 Assembly-CHAPTERED**  
  
AB 90 (Adams) Torts: personal liability. (1/22/10)  
**STATUS:** 1/22/10 Failed Deadline pursuant to Rule 61(b) (2). (Last location was 2 YEAR on 6/8/2009).  
**CURRENT LOCATION: 1/22/2010 Assembly-DEAD**  
The Board unanimously voted **support** pending state legislative AB 83 and AB 90.  
(Resolution #2009-4-105)  
**CURRENT LOCATION: 6/8/2009 Assembly-2 YEAR**  
**NOTIFIED AUTHOR: April 24, 2009**
2. AB 1496 (Skinner) Contractors: energy efficiency measures.  
**STATUS:** 1/31/2010 Failed Deadline pursuant to Rule 61(b)(3).  
(Last location was 2 YEAR ON 6/2/2009)  
**CURRENT LOCATION: 1/31/2010 Assembly-DEAD**  
The Board unanimously voted to **support** pending legislation AB 1496.  
(Resolution #2009-4-106)  
**NOTIFIED AUTHOR: April 24, 2009**
3. AB 521 (De La Torre) Utility property: leases for park purposes. (10/11/2009)  
**STATUS:** 10/11/2009 Chaptered by the Secretary of State, Chapter Number 448, Statutes of 2009.  
**CURRENT LOCATION: 10/11/2009 Assembly-CHAPTERED**  
The Board unanimously voted to **support** pending legislation AB 521.  
(Resolution #2009-4-107)  
**NOTIFIED AUTHOR: April 24, 2009**
4. AB 979 (Berryhill) Hunting or fishing: local regulation (9/4/2009)  
**STATUS:** 9/7/2010 Enrolled and to the Governor at 12 p.m.  
**CURRENT LOCATION: 9/7/10 Assembly- ENROLLED**  
The Board unanimously voted to **oppose unless amended** pending legislation AB 979.  
(Resolution #2009-4-107)  
**NOTIFIED AUTHOR: N/A**
5. AB 1084 (Adams) Local planning: development projects: fees (10/11/09)  
**STATUS:** 10/11/2009 Chaptered by the Secretary of State, Chapter Number 507, Statutes of 2009  
**CURRENT LOCATION: 10/11/2009 Assembly-CHAPTERED**  
The Board unanimously voted to **oppose unless amended** pending legislation  
AB 1084.  
(Resolution #2009-4-107)  
**NOTIFIED AUTHOR: N/A**
6. AB 135 (Jeffries) State parks: California Citrus State Historic Park: operating agreement. (8/24/09)  
**STATUS:** 9/4/2009 In committee: Set, first hearing. Hearing canceled at the request of author.  
**CURRENT LOCATION: 8/25/2009 Senate-Natural Resources & Water**  
The Board unanimously voted to **support** pending legislation AB 135.  
(Resolution #2009-6-167)  
**NOTIFIED AUTHOR: June 1, 2009**

7. AB 817 (Nestande) Government liability: special districts: indemnification.  
**STATUS:** 5/01/2009)  
**CURRENT LOCATION:** 1/15/2010 Assembly -DEAD  
The Board unanimously voted to **support** pending legislation AB 817.  
(Resolution #2009-6-168)  
**NOTIFIED AUTHOR:** *June 1, 2009*
8. AB 1464 (Symth) Transportation: California Bicycle Routes of State or Regional Significance Act (8/25/09)  
**STATUS:** 10/11/2009 Chaptered by the Secretary of State, Chapter Number 396, Statutes of 2009  
**CURRENT LOCATION:** **10/11/2009 Assembly-CHAPTERED**  
The Board unanimously voted to **support** pending legislation AB 1464.  
(Resolution #2009-6-169)  
**NOTIFIED AUTHOR:** *June 1, 2009*
9. SB 372 (Kehoe) State parks system: unit modification, adjustment, or removal. (9/15/09)  
**STATUS:** 10/11/2009 Vetoed by the Governor  
**CURRENT LOCATION:** **10/11/2009 Senate-VETOED**  
The Board unanimously voted to **support** pending legislation SB 372.  
(Resolution #2009-6-172)  
**NOTIFIED AUTHOR:** *June 1, 2009*
10. SB 555 (Kehoe) Eminent Domain Law: conservation easement. (9/15/09)  
**STATUS:** 10/11/2009 Vetoed by the Governor.  
**CURRENT LOCATION:** **10/11/2009 Senate-VETOED**  
The Board unanimously voted to **support** pending legislation SB 555.  
(Resolution #2009-6-173)  
**NOTIFIED AUTHOR:** *June 1, 2009*
11. HR 1044 (Miller) Port Chicago Naval Magazine National Memorial Enhancement Act of 2009 (2/12/09)  
**STATUS:** Received in the Senate and Read twice and referred to the Committee on Armed Services.  
**CURRENT LOCATION:** 7/16/2009 Referred to Senate committee.  
The Board unanimously voted to **support** pending legislation HR 1044.  
(Resolution #2009-6-170)  
**NOTIFIED AUTHOR:** *July 6, 2009*
12. HR 1443 (Matsui) The Complete Streets Act (5/15/09)  
**STATUS:** Referred to the Subcommittee on Highways and Transit.  
**CURRENT LOCATION:** 3/12/2009 Referred to House subcommittee.  
The Board unanimously voted to **support** pending legislation HR 1443.  
(Resolution #2009-6-171)  
**NOTIFIED AUTHOR:** *July 6, 2009*
13. ACA 9 (Huffman) Local government bonds: special taxes: voter approval.  
**STATUS:** 8/31/2010 Failed Deadline pursuant to Rule 61(b)(17). (Last location was INACTIVE FILE on 1/14/2010)  
**CURRENT LOCATION:** 8/31/2010 Assembly -DEAD  
The Board unanimously voted to **support** pending legislation ACA 9.  
(Resolution #2009-7-188)  
**NOTIFIED AUTHOR:** *September 22, 2009*

14. S. 866 (Reed) No Child Left Inside Act of 2009  
**STATUS:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.  
**CURRENT LOCATION:** 4/22/2009 Referred to Senate committee.
- HR 2054 (Sarbanes)No Child Left Inside Act of 2009  
**STATUS:** Referred to the Subcommittee on Early Childhood, Elementary, and Secondary Education.  
**CURRENT LOCATION:** 6/4/2009 Referred to House subcommittee.  
The Board unanimously voted to **support** pending legislation S. 866 and H.R. 2054.  
(Resolution #2009-7-189)  
**NOTIFIED AUTHORS:** *September 22, 2009*
15. SB 448 (Pavley) California State Safe Harbor Agreement Program Act. (9/10/09)  
**STATUS:** 10/11/2009 Chaptered by the Secretary of State, Chapter Number 184, Statutes of 2009  
**CURRENT LOCATION:** 10/11/2009 Senate-CHAPTERED  
The Board unanimously voted to **support** pending legislation SB 448.  
(Resolution #2009-10-275)  
**NOTIFIED AUTHOR:** *October 21, 2009*
16. S. 1469 (Boxer) A bill to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes.  
**STATUS:** Read twice and referred to the Committee on Armed Services.  
**CURRENT LOCATION:** 7/16/2009 Referred to Senate committee.  
The Board unanimously voted to **support** pending legislation S 1469.  
(Resolution #2009- 10-274)  
**NOTIFIED AUTHOR:** *October 21, 2009*
17. SB 402 (Wolk) Recycling: California redemption value.  
**STATUS:** 10/11/2009 Vetoed by the Governor.  
**CURRENT LOCATION:** 10/11/2009 Senate-VETOED  
The Board unanimously voted to **support** pending legislation SB 402. Pulled by the Board Dec. 1, 2009 due to Governor's veto.  
**NOTIFIED AUTHOR:** *N/A*
18. SB 406 (DeSaulnier) Land use: environmental quality.  
**STATUS:** 10/11/2009 Vetoed by the Governor.  
**CURRENT LOCATION:** 10/11/2009 Senate-VETOED  
The Board unanimously voted to **support** pending legislation SB 402. Pulled by the Board Dec. 1, 2009 due to Governor's veto.  
**NOTIFIED AUTHOR:** *N/A*
19. AB 1594 (Huber) Sacramento-San Joaquin Delta: peripheral canal.  
**STATUS:** 5/7/2010 Failed Deadline pursuant to Rule 61(b)(6). (Last location was Assembly-Water, Parks & Wildlife).  
**CURRENT LOCATION:** 05/12/2010-Assembly DEAD  
The Board unanimously voted to **support** pending legislation AB 1594.  
(Resolution #2010-3-078)  
**NOTIFIED AUTHOR:** *April 8, 2010*

20. S 2747 (Bingaman) The Land and Water Conservation Authorization and Funding Act.  
**STATUS:** 11/6/2009 Referred to Senate committee.  
**CURRENT LOCATION:** Read twice and referred to the Committee on Energy and Natural Resources  
The Board unanimously voted to **support** pending legislation S. 2747.  
(Resolution #2010-1-004)  
**NOTIFIED AUTHOR:** *January 19, 2010*
21. AB 419 (Caballero) Local government: change of organization or reorganization: elections.  
**STATUS:** 7/7/2010 Signed by the Governor  
**CURRENT LOCATION:** 7/7/2010 Assembly-CHAPTERED  
The Board unanimously voted to **support** pending legislation SB 402. Pulled by the Board Dec. 1, 2009 due to Governor's veto.  
(Resolution #2010-3-077)  
**NOTIFIED AUTHOR:** *April 8, 2010*
22. AB 1805 (Calderon) Environment: California Environmental Quality Act (CEQA)  
**STATUS:** 4/19/10 In committee: Hearing for testimony only.  
**CURRENT LOCATION:** 4/20/10 Assembly-Natural Resources  
The Board unanimously voted to **oppose** pending legislation AB 1805.  
(Resolution #2010-5-111)  
**NOTIFIED AUTHOR:** *N/A*
23. HR 4722 (Blumenbauer) Active Community Transportation Act of 2010  
**STATUS:** Referred to the Subcommittee on Highways and Transit.  
**CURRENT LOCATION:** 3/3/2010 Referred to House subcommittee.  
The Board unanimously voted to **support** pending legislation HR 4722.  
**NOTIFIED AUTHOR:** *May 6, 2010*
24. AB 1929 (Hall) Invasive aquatic species: mussels.  
**STATUS:** 8/18/2010 Chaptered by Secretary of State - Chapter No. 152, Statutes of 2010  
**CURRENT LOCATION:** 6/29/2010 Senate-CONSENT CALENDAR  
The Board unanimously voted to **watch** pending legislation AB 1929.  
**NOTIFIED AUTHOR:** *N/A*
25. SB 1124 (Negrete) Land conservation: California Wildlife, Coastal, and dPark Land Conservation Act.  
**STATUS:** 9/3/2010 Enrolled. To Governor at aa:45 a.m.  
**CURRENT LOCATION:** 9/3/2010 Senate- ENROLLED  
The Board unanimously voted to **watch** pending legislation SB 1124.  
**NOTIFIED AUTHOR:** *N/A*
26. S. 554 (Brown) Motorcoach Enhanced Safety Act of 2009.  
**STATUS:** 6/8/2010 Placed on Senate Legislative Calendar under General Orders. Calendar NO. 419.  
**CURRENT LOCATION:**  
The Board unanimously voted to **support if modified** pending legislation S. 554.  
**NOTIFIED AUTHOR:** *N/A*
27. H.Res. 996 (Fudge) Expressing support for the designation of September as National Childhood Obesity Awareness Month.  
**STATUS:** On motion to suspend the rules and agree to the resolution, as amended Agreed to by voice vote  
**CURRENT LOCATION:** House Energy and Commerce  
  
The Board unanimously voted to **support** pending legislation H.Res. 996  
(Resolution #2010-7-177)  
**NOTIFIED AUTHOR:** *July 26, 2010*

28. SB 1205 (Corbett) San Francisco Bay Area Disaster Recovery Authority Act

**STATUS:** 9/3/2010 Enrolled. To Governor at 3 p.m.

**CURRENT LOCATION** 9/3/2010 S-ENROLLED

The Board unanimously voted to **support** pending legislation SB 1205

(Resolution #2010-7-178)

**NOTIFIED AUTHOR:** *July 26, 2010*

*Updated 9/17/2010*

EE News

## **6. DEVELOPMENT: House panel to consider livability bill**

(09/21/2010)

Jason Plautz, E&E reporter

A House committee will consider a bill to make communities more sustainable Thursday, a month after a companion bill passed a Senate committee.

The "Livable Communities Act of 2010," introduced by Rep. Ed Perlmutter (D-Colo.), would set up a competitive grant program and offer government help to areas investing in smart-growth and sustainable planning. The bill would formalize the Obama administration's livability campaign, which has played a key role in transportation and public housing construction.

"This bill revitalizes Main Street and promotes economic development and job growth in our neighborhoods by helping communities cut traffic congestion, promote energy efficiency, create more affordable housing and protect open spaces," Perlmutter said in a statement introducing the bill. "This kind of planning will create better and more affordable places to live, work and raise families."

The bill attracted 19 co-sponsors. A companion bill from Sen. Chris Dodd (D-Conn.) passed the Senate Banking Committee last month, and Dodd has said it is his goal to get the bill through Congress before he retires at the end of this year.

The bill would formally establish the Interagency Council on Sustainable Communities, a joint effort of U.S. EPA, the Department of Transportation and the Department of Housing and Urban Development. It would also authorize more than \$4 billion for grants over the next three years, including \$100 million per year for planning grants and \$3.75 billion for implementation.

Livability programs can range from building bike paths and sidewalks on busy streets to setting up a public housing project accessible to public transportation. The grants are meant to help cities become more holistically planned and concentrated, likely reducing the need for cars.

A spokesman for Perlmutter said the bill has received strong support on Capitol Hill and that the office is "feeling good" about its chances. The bill has been referred to two other committees: Energy & Commerce and Transportation & Infrastructure.

The Senate version has not been scheduled for a full vote.

A full witness list has not been released, but a spokesman for Lakewood, Colo., Mayor Bob Murphy said he will be testifying. Murphy has been lauded for his livability work in Lakewood, which has included a redesign of the city's Belmar neighborhood to make it more walkable and a push to make city buildings more environmentally friendly. Lakewood is part of Perlmutter's suburban Denver district.

Witnesses: TBA.

Schedule: The hearing is Thursday, Sept. 23 at 2:30 p.m. in 2128 Rayburn.

## Crucial 'missing link' of Bay Trail to open today behind Moffett Field

By Diana Samuels

Daily News Staff Writer

Updated: 09/20/2010 10:03:36 AM PDT

A 2.4-mile stretch of new Baylands trail behind Moffett Field will open today, adding a tiny but crucial link to a planned 500-mile continuous trail around San Francisco and San Pablo bays.

Joggers, hikers, bicyclists and others who use the Bay Trail in Mountain View and Sunnyvale currently have to get off once they reach Moffett Field, where gates block a stretch of it. At an 11 a.m. ceremony today, public officials plan to take bolt cutters to one of the gates, symbolically opening the stretch of trail and completing a 26-mile segment between East Palo Alto and San Jose.

The new section closes a "missing link," said Laura Thompson, manager of the Bay Trail project.

"It is a tremendous boost for the  
(PrintExpress PDF Export. - IPA S)  
project," Thompson said. "It will welcome many more hikers and bicyclists to the edge of the Bay."

Today, about 300 miles of the 500-mile Bay Trail have been completed, including across the Golden Gate Bridge through natural places such as the San Francisco Bay National Wildlife Refuge. Segments of the trail have been added one by one since 1987, when the state Legislature directed the Association of Bay Area Governments to begin planning for a continuous trail that would connect all nine Bay Area counties.

Cargill, which owned big chunks of salt flats around the Bay, so far has donated or sold enough land to government agencies to provide about 73 miles of the trail.

In 2003, Cargill parted with 16,500 acres, said Pat  
Advertisement  
Mapelli, the company's manager of real property and land management.

But dealing with the small 16-acre property behind Moffett Field, where the Sunnyvale gate blocks off the 2.4-mile stretch of trail, was a bit trickier, said Mapelli, adding he has worked to get that section opened since 2004 and finally closed a deal to donate it to NASA on Aug. 31.

The company first had to wait for the Navy, Moffett Field's former operator, to clear up contaminants in a channel that runs along the property, Mapelli said. Then came lengthy negotiations.

When NASA said it couldn't afford to buy the land, Mapelli said, "I went back to our staff at Cargill and recommended we make it a donation, because there was just so much interest in making it happen."

Because the trail is behind Moffett Field, which has many security-sensitive uses, Thompson said trail organizers had to work through some complicated issues. For example, they had to work with the 129th Rescue Wing of the California Air National Guard to make sure there aren't any safety risks being so close to its operations. And while the gates to the trail will be unlocked, NASA is going to keep them up in case they need to be shut for national security reasons, such as a visit from Air Force One, Mapelli said.

"The public has never been to this part of the Bay shoreline, so there were many things that needed to happen," Thompson said.

E-mail Diana Samuels at [d\\_samuels@dailynewsgroup.com](mailto:d_samuels@dailynewsgroup.com).

## IF YOU GO

**WHAT:** Grand opening of the Moffett Field section of the Bay Trail. Public officials including U.S. Rep. Anna Eshoo, D-Palo Alto, Mountain View Mayor Ronit Bryant, Sunnyvale Mayor Melinda Hamilton and NASA Ames Director S. Pete Worden are scheduled to attend.

**WHEN:** Today, from 11 a.m. to noon

**WHERE:** The ceremony will take place at the east gate, on the Sunnyvale side of Moffett Field. People arriving by car can catch a shuttle from the parking area at the Sunnyvale Water Pollution Control Plant, 1444 Borregas Ave., Sunnyvale. Arrive by 10:30 a.m. to allow time for the shuttle ride. Bicycling to the event is encouraged. Bicyclists traveling on the Bay Trail from the east of Moffett Field can ride directly to the ceremony at the Sunnyvale Gate, but bicyclists riding from the west of Moffett Field will not be able to enter the gate on the Mountain View side until noon, after the ceremony has concluded and both gates have been opened.

**MORE INFO:** [www.baytrail.org](http://www.baytrail.org)

TIME

## Campaign 2010: Races to Watch

With Republicans confident they can retake control of the House and Democrats trying to contain the damage, TIME.com looks at the key congressional and statewide contests across the country

Can the Republicans Make a Twin Killing in California?

By Adam Sorensen

Monday, Sep. 20, 2010

Republican Senate candidate Carly Fiorina, left, and Republican gubernatorial candidate Meg Whitman  
From left: Justin Sullivan / Getty; Lucy Nicholson / Reuters

With California beset by 12% unemployment and a \$20 billion budget shortfall, the biggest question this election season might be not who will hold the not-so-Golden State's highest elected offices next year but who would want to.

The races for governor and U.S. Senator have pitted two Republican neophytes — former eBay CEO Meg Whitman and former Hewlett-Packard chief Carly Fiorina — against a duo of Democratic stalwarts. In the past 40 years, state attorney general Jerry Brown, who is battling Whitman to replace term-limited Arnold Schwarzenegger in the governor's mansion, has held or run for almost every political office imaginable. He served as California's secretary of state, chaired the state's Democratic Party, ran the city of Oakland as mayor and launched unsuccessful bids for the U.S. Senate and presidency. And that's to say nothing of the two terms he served as governor, from 1975 to 1983. Barbara Boxer, the three-term Senator whom Fiorina is hoping to unseat, spent six years on the Marin County Board of Supervisors and a decade in the House of Representatives before ascending to the upper chamber of Congress in 1993. (See "Idaho's First Congressional District: Walt Minnick vs. Raul Labrador.")

In a typical year, these matchups might not hold much suspense. California is traditionally Democratic — Boxer trounced her Republican opponent by 20 points in 2004, and Schwarzenegger, a Republican who has taken some fairly non-conservative positions on issues like gay marriage and climate change, is leaving office with his approval ratings in the sub-basement. But both these races are razor-close. A recent poll conducted for TIME and CNN found Whitman and Brown in a statistical tie, while Boxer held a narrow 48%-to-44% lead over Fiorina, just outside the margin of error. That both the governor's mansion and a Democratically controlled Senate seat are up for grabs in Blue California is a sign of trouble for Democrats nationwide. Whitman's competitive performance, among others, has the GOP hoping to occupy as many as 30 governorships next year. And the precariousness of usually safe seats such as Boxer's, Russ Feingold's in Wisconsin and Patty Murray's in Washington has put control of the Senate within Republicans' reach.

Boxer's vulnerabilities aren't so different from those of other entrenched incumbents nationwide — economic angst and growing mistrust in government have racked the electorate, and the junior Senator from California has seen her job approval fall into the low 40s over the last year. "People are looking for a reason to abandon Boxer," says Larry Gerston, a political science professor at San Jose State. Some of them are finding that reason in Fiorina, who has been relentless in her critique of Democrats' record on the economy, rattling off grim statistic after grim statistic in a recent debate. But after emerging from a competitive primary that pushed candidates to the right, the Republican hasn't reached far beyond her base. "Fiorina has not crawled to the center," Gerston says, and the

TIME survey showed her trailing Boxer among younger voters, women and independents. (See 10 races that have Republicans worried for 2010.)

Brown faces different challenges. Despite, or perhaps because of, his wealth of political experience, the Democrat's campaign has at times seemed stuck in the last century. When President Obama sent out a much anticipated fundraising pitch to Brown supporters via e-mail, the influx of Internet traffic brought down the candidate's website. After making an offhand comment to a reporter comparing Whitman to infamous Nazi Propaganda Minister Joseph Goebbels, Brown expressed surprise that the informal aside, spoken far from any cameras, had spread across the Internet and through mainstream-media outlets like wildfire. Then, baited by a Whitman ad using footage from Brown's bitter 1992 presidential primary against Bill Clinton, the Democrat was videotaped on the trail bad-mouthing the former President, prompting a flurry of less-than-flattering coverage before the obligatory public mea culpa. (Clinton has since endorsed Brown and is scheduled to campaign for him in mid-October.)

But more than a lack of web savvy or his colorful tongue, Brown's biggest obstacle is his checkbook. Campaigns in California, the nation's most populous state, full of large media markets, are notoriously expensive, and Whitman has had no reservations about spending the great wealth she carried out of Silicon Valley. She has already given \$119 million to her own campaign, making her the single largest self-donor among statewide candidates in U.S. history, and is on pace to spend tens of millions more by Election Day. In the past year, Whitman has contracted top-tier political talent to staff her campaign and has become ubiquitous on California radio stations, TV outlets and billboards, with dozens of advertisements in English and Spanish. She even distributed copies of a 48-page glossy magazine detailing her proposals. (See pictures of Republican memorabilia.)

Democrats have to hope her profligate spending turns off some voters. While Whitman has been busy unleashing her fortune, Brown has hardly spent a dime (which, in California speak, is somewhere in the range of \$600,000). He largely sat on his \$20 million war chest this summer, relying on a combination of free media afforded to him through his active role as attorney general and independent expenditure advertising from a coalition of labor unions and Democratic groups. The gambit was intended to save enough money for Whitman's inevitable deluge in the final months of the campaign. But the window of opportunity is a small one. Brown didn't release his first television ad until early September, just four weeks before mail voting was to begin.

Despite their different challenges, Whitman, Brown, Fiorina and Boxer all have one thing in common: they talk ceaselessly of résumés and records. As the Republicans tell it, this election is about business brainpower vs. business as usual in politics. In one ad, Whitman depicts herself as "one of America's best CEOs," ready to bring corporate efficiency to Sacramento, while the next dubs Brown's career "a lifetime in politics, a legacy of failure." Fiorina, for her part, is always eager to mention how she "met a payroll" in the business world while her opponent spent "28 long years in Washington." Democrats paint their candidates as dedicated public servants fending off cutthroat corporatists. Brown's campaign boasts about "knowledge and know-how" born of years in public service; his allies mock "Wall Street Whitman" for her brief tenure on the board of Goldman Sachs. Boxer is quick to bring up her record on the environment and abortion rights, and even quicker to mention Fiorina's rocky tenure at HP.

So why is it that in a state where fiscal ruin and joblessness darken the horizon, the candidates have been so hung up on the past? "Everybody is afraid of the future," Gerston says. "They all know there's nothing left to be done but huge sacrifices." In the end, the hard-fought victory for whoever will win in November may be the easiest part.

## Boxer unapologetic for reputation as a fighter

Carolyn Lochhead, Chronicle Washington Bureau

Monday, September 20, 2010

Barbara Boxer faces a strong challenge from Republican ca... Barbara Boxer and Dianne Feinstein celebrate winning thei... Boxer in her first run for county supervisor. This is a 1972 campaign poster for Barbara Boxer. More...

(09-20) 04:00 PDT Washington - --

This was to be the crowning year of California Sen. Barbara Boxer's career: More than three decades as a liberal environmental crusader had landed her at the helm of the Senate Environment and Public Works Committee, with lead jurisdiction over climate-change legislation.

It was a chance to make history. But Boxer's legislation to limit carbon emissions died almost the moment it passed her committee on a party-line vote, amid a wall of GOP opposition. The breakdown crystallizes Boxer's vulnerability to the criticism from Carly Fiorina, her Republican challenger in November's general election, that she is a "bitter partisan" who has "little to show for her three terms in Washington."

While that criticism is overblown, it grazes a truth: Boxer tried to move a climate bill that was perceived as being too polarizing for such a heavy legislative lift. She handed the baton to Sen. John Kerry, D-Mass., to broaden support, while she staked out the liberal flank. No climate bill ever passed.

Boxer, 69, has built a political persona as a crusader, a self-described fighter for liberal causes, beginning with her first election to the Marin County Board of Supervisors in 1976. She has taken lonely and unpopular stands, from voting against the invasion of Iraq to forcing former Sen. Bob Packwood, R-Ore., to resign amid charges of sexual harassment. 'Vote your conscience'

She was one of only 14 senators who voted against the Defense of Marriage Act, which was signed into law by President Bill Clinton in 1996.

"You have to, at the end of the day, consider all the facts in front of you and vote your conscience on some of these questions, even if you're one of just a handful of people," Boxer said in an interview. "You remember those moments."

But when it comes time to build coalitions, she is not the senator people turn to. That role is played by Sen. Dianne Feinstein, Boxer's fellow California Democrat who was elected with Boxer in 1992 and has often overshadowed her.

Feinstein has positioned herself as a pre-eminent dealmaker, often enraging liberals in the process. Boxer, who has built a reputation as a liberal stalwart, is not considered a swing vote.

"Boxer came in as the personification of Marin County," said UC San Diego political scientist Samuel Popkin. "Feinstein came in with the heroic profile. You can't have two Feinsteins at a time in one

state. It just doesn't work, and Feinstein had this aura from San Francisco and beyond of being sort of the wise woman."

Boxer, he said, "is more the pugilist fighter."

As a county supervisor from 1976 to 1982, she sought to ban all nuclear power plants in California. As Marin's representative in Congress in 1991, she led female colleagues up the Senate steps to protest the treatment of Anita Hill's allegations that Supreme Court nominee and now Justice Clarence Thomas had sexually harassed her.

The protest was classic Boxer. It helped propel her to the Senate in the next year, the "Year of the Woman."

Boxer has nurtured her crusader image. She wrote a book about the Anita Hill protest called "Strangers in the Senate." Her later autobiographical novel, "A Time to Run," is a narrative of liberal good battling conservative evil.

"I'm a fighter for the people I represent," Boxer said. "I have a very strong sense of when they're being hurt, and I'm not afraid to go up against the people that are trying to hurt my people. That's why I've got a lot of special interests that want me gone. Polluters want me gone. The far right, they want me gone."

Where Feinstein gave former Stanford University provost Condoleezza Rice a glowing introduction at her confirmation hearing to be Secretary of State in January 2005, Boxer in the same hearing all but accused Rice of lying about weapons of mass destruction.

Liberal defender

By the same token, Boxer is a reliable and effective defender of liberal positions that come under attack. She negotiated a key compromise to protect abortion rights in this year's health care law. Although the climate bill failed, Boxer defeated an effort by Sen. Lisa Murkowski, R-Alaska, to nullify the Environmental Protection Agency's finding that greenhouse gas emissions endanger human health.

While Boxer has said she votes with Feinstein nearly all the time, the two have diverged at critical moments. Boxer said her proudest Senate vote was a "no" to the resolution on invading Iraq. Feinstein voted to allow the invasion. Feinstein voted for the 2001 Bush tax cuts; Boxer did not vote.

Feinstein co-chairs Boxer's campaign committee and has said that while their styles differ, "there is no daylight between us on the issues that matter most to Californians."

Boxer has teamed with Republicans far more than her reputation implies, on issues from designating a million acres of wilderness in California to a tax holiday for corporations with operations overseas to repatriate their earnings to the United States.

Her environment committee has seen more of its bills enacted than under the three previous chairmen. One of her biggest bipartisan achievements was a giant water projects bill, the first legislation in which Congress overrode a veto by President George W. Bush. Bush said the bill spent too much and failed to set priorities. But in Congress, the water bill was intensely popular because it showered new projects on nearly every state.

Boxer touts her work with Sen. Kit Bond, R-Mo., to buy more C-17 military cargo planes, rebuffing Defense Secretary Robert Gates' effort to terminate the program. The C-17 plant employs 1,700 workers in Long Beach. Boxer's support contrasts with her days as a House member who railed

against President Ronald Reagan's defense buildup and criticized the Pentagon's purchase of a \$600 toilet seat cover and a \$7,622 coffee pot.

Combat care center

Today, she says her most important accomplishment is the new combat care center in San Diego - the West Coast equivalent of the Walter Reed Army Medical Center.

After 18 years in the Senate, Boxer is no longer the obscure Marin crusader. She has amassed power, chairing the committee that has jurisdiction over not only climate change but also public works. She also chairs the Senate Ethics Committee and is just one rung below the top Senate leadership as Democrats' chief deputy whip.

But facing the stiff headwind of a bad economy and an electorate, even in liberal California, that disapproves of deficit spending, Boxer's liberalism is less of an asset this year, said Mark DiCamillo, director of the Field Poll.

"Throughout all her tenure as senator, Boxer has more favorable to unfavorable ratings among California voters - except for this year," DiCamillo said. "Voters are viewing her a lot more negatively now than they ever have. ... There's a generalized sense of overspending and a feeling that the budget should be managed more prudently and less expansively."

In Boxer's favor are the 2.3 million more Democrats registered in California than Republicans. And she has not lost an election since her first attempt to become a Marin supervisor in 1972.

Boxer defended her effort on the climate-change bill.

'Part of a team'

"I'm the only senator who ever got any climate-change bill through a committee, not only once but twice," Boxer said. "Nobody else has been able to do it, and the reason that I asked John Kerry, Lindsey Graham and Joe Lieberman to work for the 60 votes (needed to avoid a filibuster) is, I knew a broader coalition would be the only way we could get it done, because when you're a senator, you're not a CEO. You're part of a team."

Her job, Boxer said, was to hold together environmentalists who might rebel at the compromises necessary to get more votes.

"She's been a true stalwart and a true champion and highly effective," said Sierra Club Chairman Carl Pope. "I concede she couldn't pass a climate bill with 60 votes in this year's Senate, but it turned out nobody could."

SF Gate.com

## Jerry Brown's pay reviews can start in Bay Area

Phillip Matier, Andrew Ross

Monday, September 20, 2010

In the wake of revelations that the little Los Angeles County town of Bell was paying its city manager nearly \$800,000, state Attorney General Jerry Brown has announced plans to review all local government salaries of more than \$300,000.

"The Bell salary abuses went under the radar," Brown said Friday. "We want to take a wider look to make sure that municipal salaries have a reasonable relationship with the work being done, and that the jurisdictions can pay them."

Brown, who is running for governor, said he was also motivated by a "sense of fairness" in these lean times to find out why cities of the same size pay widely different salaries to their top execs.

He can start right here in the Bay Area.

The city manager of San Ramon, for example, is knocking back \$359,669 a year - making him one of the highest-paid municipal administrators in the state.

Not bad for a city of 64,860, especially considering Gov. Arnold Schwarzenegger would make \$212,179 - that is, if he took a paycheck.

Meanwhile, the city manager of nearby Pleasanton - which has a larger population (67,543) than San Ramon - makes \$211,176. That's nearly \$150,000 less than his colleague up Interstate 680.

San Ramon Mayor H. Abram Wilson, who is running for the state Assembly, did not return repeated calls for comment.

City Councilman Jim Livingstone, however, told us, "We have a pay-for-performance pay scale. In other words, you exceed expectations, you get potentially as much as a 7 percent raise every year. Our city manager, Herb Moniz, has been there some 20 years and he is worth every dollar he is paid."

While Brown's investigators are in the neighborhood, they might want to check out the city manager of Livermore, who clocks in at \$302,472, - or nearby Danville, which pays its city manager \$310,029.

It's not Bell-size bucks - but it's not bad, either.

Michela's pick: The race in San Francisco for District Two supervisor just got a lot more interesting - in a very personal way.

Popular incumbent Michela Alioto-Pier tells us she is endorsing political newcomer Mark Farrell as her replacement.

"Mark was raised in the Marina and has the fiscal sense that City Hall needs at this time," Alioto-Pier said.

As for her long-time friend Janet Reilly?

"I like Janet Reilly very much, but her progressive politics are just out of step with District Two," Alioto-Pier said.

Reilly has the endorsement of just about every Democratic office-holder in town, from Sen. Dianne Feinstein on down.

She also has the backing of former Supervisor Aaron Peskin, who in addition to running the party central committee is one of the biggest behind-the-scenes power players down at City Hall. Peskin also clashed repeatedly with Alioto-Pier during his days on the board.

And as Alioto-Pier sees it, "We have enough Peskin protégées on the Board of Supervisors as it is."

Reilly responded through her campaign spokesman, Josh Morrow, who said, "The voters will decide who represents District Two, not Michela Alioto-Pier."

Supervisor Sean Elsbernd, from District Seven out West of Twin Peaks, has also come out for Farrell - but for more personal reasons.

"I've known him for 25 years. We went to high school together," Elsbernd said. "We were very good friends."

Not sure you can say that about Alioto-Pier and Reilly anymore.

Surprise, surprise: One of the reasons everyone from officials to consumer advocates were caught off guard by the San Bruno natural gas pipeline explosion is that for all the politics surrounding utility regulation in California, no one can recall the last time pipe safety was mentioned at a hearing.

Just ask Jeff Brown, who served on the Public Utilities Commission from 2001 to 2007.

"In the six years that I served on the commission, we had fights over just about everything," Brown said. "But I can't recall a single time the issue came up."

"I can't recall it coming up, either - except as it related to rate hikes," said Mindy Spatt, spokeswoman for the consumer group The Utilities Reform Network.

No doubt it will be a hot topic in the future - and if there are new rules that mean replacing old pipes?

"It will come under the heading of 'maintenance,' which means that ratepayers will absolutely be picking up the tab," Brown said.

Birds of a feather: San Francisco is spending \$9,500 to reconfigure a street to avoid trimming the overhanging branch of a tree popular with the world-famous "Wild Parrots of Telegraph Hill."

The target of the project is an Italian Stone Pine growing out of the median on Alta Street, near the end of Montgomery Street up by Coit Tower.

The trunk and branches of the tree are hanging over the narrow street, causing trucks to clip it as they pass.

Rather than cut back the tree - and in the process disturb the birds - the Department of Public Works' Sustainable Streets program has opted to put in a diverter to steer traffic around the tree.

Saving the tree was the subject of community meetings, two public hearings and one Department of Parking and Traffic review - with nary a squawk.

## Larry Aceves for state schools chief

Monday, September 20, 2010

One of the big surprises in the June primary was the first-place finish of Larry Aceves, a former teacher, principal and superintendent, over two veteran legislators in the race for state superintendent of public instruction.

Aceves now faces a November run-off against Assemblyman Tom Torlakson, a Democrat who has been a fixture in Contra Costa County politics since his election to the Antioch City Council in 1978.

Torlakson, a former science teacher, has made education a point of focus during his tenure in the Legislature. He supports innovation to a degree. But when it comes to reforms that might rankle the teacher unions - such as loosening seniority as the sole criteria for layoffs, or using class test scores as one of the elements in evaluating teacher performance - Torlakson routinely sides with the status quo. He is the California Teachers Association's choice.

Californians deserve an independent schools chief who is willing to not only fight for more funding, but challenge the education establishment to work more effectively and efficiently. Aceves, former president of the California Association of School Administrators, has the acumen and temperament to manage the state's education bureaucracy. One of his immediate goals would be to modernize the system for tracking student data - a deficiency that cost California points in the competition for federal Race to the Top funding.

Aceves said he would be "very respectful" of the unions, but also very clear that "the time is coming" for greater teacher accountability.

"The unions are either going to have to step up ... or they're going to find themselves with something they should have been a part of in the first place," he said.

Aceves comes across as a seasoned educator who is comfortable with listening - and leading. He is our choice for superintendent.

## Boxer, Fiorina fundraising reflects contrasting ideologies

By Mike Zapler

Updated: 09/20/2010 07:45:18 AM PDT

WASHINGTON -- On issue after issue, the battle for the Senate seat in California between incumbent Democrat Barbara Boxer and Republican Carly Fiorina is a study in contrasts. That is no less true when it comes to who is bankrolling their campaigns.

Trial lawyers, abortion-rights advocates and entertainment executives are among Boxer's top campaign contributors, while Wall Street investors and oil and mining interests are major financial backers of Fiorina's bid. And despite Fiorina's close Silicon Valley ties as a former Hewlett-Packard CEO, high-tech firms are giving substantially more money to Boxer, a three-term senator.

That's according to the Center for Responsive Politics, a Washington-based watchdog that compiles and sorts campaign finance data for federal candidates on its website, [www.opensecrets.org](http://www.opensecrets.org).

The figures provide a window into Boxer's and Fiorina's competing ideologies and governing priorities, revealing which interests feel strongly enough about the candidates to pony up money for their campaigns. A longtime advocate for abortion rights and greater environmental protections, Boxer draws heavily from traditional Democratic-leaning interest groups.

The senator has voted repeatedly for legislation favored by personal injury attorneys, critics in the business community say, and law firms make up five of her top 10 contributors so far in this election cycle. (The firms themselves

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do not make contributions, which are limited to \$2,400 per individual; rather, the money is lumped together according to a donor's listed employer.)

On one key vote in 2005, Boxer voted against legislation designed to crack down on "forum shopping," the practice of seeking the most favorable jurisdiction in which to file class-action lawsuits against corporations. The bill required that multistate class-action suits seeking more than \$5 million be heard in federal court rather than state court.

The measure passed the Senate on a bipartisan vote 72-26 and was signed into law by President George W. Bush. Sen. Dianne Feinstein, D-Calif., was among 18 Democrats who voted with the majority; with her opposition, Boxer took the side of trial attorneys and consumer advocates who argued that the bill would make it harder to punish corporate wrongdoers.

"Feinstein has been a reasonable voice on many issues" involving tort reform and medical malpractice, said William Miller, a senior vice president for the U.S. Chamber of Commerce, which lobbied aggressively for the 2005 measure. "Boxer does whatever the trial lawyers want her to." The chamber is backing Fiorina and airing TV ads attacking Boxer.

In a statement, Boxer campaign manager Rose Kopolczynski noted the opposition of consumer groups to the law. "There are more than 100,000 contributors to the Boxer campaign, and there's absolutely no connection between her actions in the Senate and her campaign contributions," Kopolczynski said.

Boxer also has racked up big donations from environmental and women's organizations. EMILY's List, the abortion-rights group, is her single largest contributor, with \$159,778 in donations from its supporters.

All the figures compiled by the center are through mid-2010; the next fundraising reports, covering money collected through September, are due in mid-October.

The center's figures also indicate significantly more support from Silicon Valley for Boxer than Fiorina. Contributions categorized as "computer/Internet" totaled \$307,448 this election cycle for Boxer and \$85,800 for Fiorina. Despite her liberal voting record, Boxer has backed policies popular in Silicon Valley, such as a tax holiday for multinational companies that reinvest overseas profits in the U.S.

Fiorina's overall fundraising, meanwhile, largely reflects her profile as a former business executive who favors lower taxes and fewer government regulations. Although Fiorina has loaned herself \$5.5 million, slightly more than half of her total war chest, she has collected \$5.1 million from donors.

Wall Street investors are among her biggest financial backers. Employees of Morgan Stanley have ponied up \$49,850, thanks to a fundraiser hosted earlier this year by Chairman and CEO John Mack, whom Fiorina met during her time at HP.

Fiorina opposed the financial regulatory reform bill passed by Congress and signed into law this summer, predicting it would amount to another layer of ineffectual government bureaucracy. However, she has also criticized the federal bailout of Wall Street banks, which many economists argue prevented a collapse of the financial system. Some of Fiorina's contributors, such as Morgan Stanley and Goldman Sachs, received billions from the rescue effort.

Fiorina has also collected large sums from employees of oil and gas companies (\$92,350) and mining firms (\$53,189). Fiorina is a critic of legislation to cap greenhouse gases, saying it would saddle businesses and families with higher energy bills, and she recently endorsed Proposition 23 on the November ballot to suspend California's sweeping climate-change law. Boxer has championed cap-and-trade legislation in the Senate and opposes Proposition 23.

Murray Energy, an Ohio coal mining company, is Fiorina's third-largest contributor at \$21,739, according to the campaign finance data. The company's owner, Robert Murray, clashed with Boxer at a 2007 Senate hearing when the senator challenged his company's safety record. "You are wrong!" responded Murray, who has also derided global warming as "global goofiness."

"We're one of Barbara Boxer's major contributors and dirty energy is one of Carly Fiorina's major contributors," said Tony Massaro, political director of the League of Conservation Voters, which has raised \$33,468 for Boxer this election cycle. "I would leave it to California voters to decide who represents their views more."

Andrea Saul, a spokeswoman for Fiorina, made no apologies for Fiorina's donors, saying that Boxer is backed by "extreme environmentalists."

"I think donors from across the spectrum understand that someone with firsthand business experience "... is a remarkable improvement over a bitter partisan and career politician," Saul said.

## **Schwarzenegger considers bills to prevent Bell-type pay, pension excesses**

**But city representatives and legal experts say some of the rules aimed at avoiding deals such as those given to Robert Rizzo could spark legal battles that would have to be decided in the courts.**

By Patrick McGreevy, Los Angeles Times

September 19, 2010

Reporting from Sacramento

Gov. Arnold Schwarzenegger is mulling a raft of bills touted as the remedy to the kinds of pay and pension excesses discovered in the city of Bell, but there is disagreement among experts over how effective they might be in preventing future abuses.

If the governor signs the measures into law, the discord could turn into a legal battle, with some of the rules being decided by the courts, according to city representatives and legal experts.

The League of California Cities has urged Schwarzenegger to veto one of the bills, which would limit cushy employment contracts for local government managers, arguing that it would not achieve its goal of holding officials accountable for excessive pay and benefits. It is too broad to be effective, the group maintains; it would apply to some 6,000 cities, school districts and special districts and many more government workers than top managers.

Others say that measure and four additional bills approved last month by the Legislature that address issues raised by the Bell controversy represent a justified effort to stop misuse of taxpayer money by city councils and administrators.

The other proposals would rein in excessive retirement benefits, such as the \$600,000 annual pension that former Bell City Manager Robert Rizzo could get, by capping the salary that could be used for calculating pensions and by preventing "pension spiking" — padding salaries to boost retirement pay. Rizzo's pay, before he resigned, was nearly \$800,000.

"To the extent there might be future bad behavior, this would clamp down on that, and so it is a positive step," said Jessica Levinson, director of political reform for the Center for Governmental Studies in Los Angeles.

Sen. Bob Huff (R-Diamond Bar) was among those who voted against a pension cap, which he said was rushed through as "hothouse legislation" in reaction to the scandal and before various investigations are complete.

"When you do that, you only get part of the solution, and then you have to go back and do it right later," he said, calling the cap a "piecemeal" solution.

The bill's sponsor, Assemblyman Alberto Torrico (D-Newark), defended it as "a direct response to the scandal in Bell."

The League of California Cities is neutral on the proposal. But Daniel Carrigg, the group's legislative director, noted that it applies only to future managers and that there is already an Internal Revenue Service rule limiting compensation payouts to \$245,000 a year. Supporters of the measure said the IRS

limit doesn't apply to Rizzo and another former Bell manager, because they were already in the retirement plan when the federal law was adopted in 1996.

Fred Smoller, director of the master's of public administration program at Brandman University in Irvine, said salary "is only half of what happened in Bell.... You have to get to the pension issue, which is what really ramped up the compensation."

The League of California Cities, which advocates for the 480 cities in California, has denounced what happened in the small working-class city in southeast Los Angeles County, where members of the part-time City Council were being paid nearly \$100,000 a year.

That organization and others have argued that the solution is to require that the salary of city officials be publicly disclosed, something the Legislature chose not to do. One disclosure proposal, which included legislative salaries, was rejected. An unrelated dispute at the end of the session prevented final approval of a different proposal covering only local officials' salaries.

Lawmakers did, however, vote to outlaw "evergreen contracts." They proposed that cities, counties and local districts be barred from giving managers employment contracts that include automatic pay increases above the cost-of-living rate and automatically renew their contract without council action. Rizzo and his top deputy had contracts that called for 12% raises each July.

Under the Legislature's proposal, performance reviews would be required before high-level officials could be granted raises above the increase in the cost of living. The reviews would have to be made public.

Such regulations would be helpful in setting a new "good practices standard" for cities throughout California, said Siegrun Fox Freyss, director of the public administration program at Cal State L.A.

"Unethical people will still find ways to enrich themselves," Freyss said, "but at least this lets new administrators know what is appropriate."

Carrigg said the measure could have unintended consequences, however. Instead of offering a top manager a contract with stepped pay raises of 8% a year over a number of years, city councils might feel an incentive to negotiate much higher initial pay.

And the League of California Cities argues that the bill would violate the state Constitution, which allows charter cities to control what they pay their managers. That issue could end up in court, according to Levinson, an adjunct professor at Loyola Law School.

The governor is also facing pressure to veto two bills aimed at blocking the practice of pension spiking. Rizzo's salary was boosted 47% in one year, making him eligible for a much higher pension.

Pension reform has been debated for years in Sacramento, and the two measures were introduced months before the Bell scandal broke. But their sponsors say they would help prevent the kinds of excesses seen in Bell.

The bills would bar the use of pay raises for a single individual to be counted toward pensions unless others get similar raises, and would allow pension boards to deny pension payments they believe are intentionally spiked.

The California State Assn. of Counties is urging a veto, questioning the effectiveness of the provisions meant to stop the spiking of pensions.

Paul McIntosh, the group's executive director, said one targets individual workers, such as city

managers, who are not part of a large employee class, and does not address spiking that may occur because of pay provided in union contracts.

As a result, McIntosh said, "Unfortunately, counties believe that the bill falls short of a complete end to spiking."

Sen. Louis Correa (D- Santa Ana), a sponsor of the other bill, said arguments that any one proposal doesn't solve the whole problem do not justify a veto.

"What happened in Bell was outrageous" Correa said. "This is one of many remedies."

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## **Endorsements 2010: No on Prop. 22 - cities overreach with money grab**

Published Saturday, Sep. 18, 2010

At all levels, government officials are becoming ever more desperate as they seek to protect money and turf they view as their own.

The League of California Cities is the latest organization seeking to build a moat around "its" money by pushing Proposition 22 on the Nov. 2 ballot.

City leaders have legitimate complaints. But Proposition 22 is ill-timed and is an overreach, and should be rejected.

Proposition 22 would add a state constitutional prohibition against state legislators and governors seizing or borrowing money that cities claim as their own, including fuel taxes, property taxes and redevelopment funds – as if bloated redevelopment agencies ought to be sacrosanct in tough times.

The nonpartisan Legislative Analyst's Office predicts that if voters approve Proposition 22, the state would lose at least \$1 billion in general revenue each year, and perhaps "several billions of dollars annually." This is money that would go to health, welfare, the environment, schools, universities and other programs of statewide importance.

Cities have fiscal problems that ought to be addressed. Cities provide vital public services, from parks and public transit systems to police and fire protection. But cities also are suffering from self-inflicted wounds.

Salaries paid in the city of Bell in Southern California are scandalously high. The nearby city of Vernon also has handed out stratospheric paychecks to its executives. The League of California Cities could not have picked a worse time to seek to protect city coffers.

Bell and Vernon may be extremes, but scores of cities pay executives in excess of \$200,000 annually. At least 16 city managers pull down more than \$300,000 a year, and two are being paid more than \$400,000 annually.

In Los Angeles, the salary for a deputy city attorney can range up to \$167,000 a year. A California deputy attorney general, who is expected to be able to handle complex death penalty appeals, might earn \$132,000.

Backers of Proposition 22 raise the legitimate point that governors and legislators, who oversee the dysfunctional state budget system, are too quick to take money from local government.

They note, too, that voters have approved ballot measures that essentially tell state officials to keep their hands off local money. One recent measure requires that the state repay money it takes with interest. Those measures have loopholes, however, and the state continues to reach its sticky fingers into local coffers. That needs to stop.

California needs to overhaul how it raises and spends tax money, and the state's relationship with local governments needs to be adjusted. The next governor and Legislature should focus on this task ahead of all others. But Proposition 22 is a complex, one-sided initiative that would make a Sisyphean task virtually impossible by locking into the state constitution yet another funding restriction.

# Contra Costa Times

## Editorial: Voters should say no to Proposition 21

MediaNews editorial  
09/15/2010 01:43:40 PM PDT

LIKE SO many shell games, Proposition 21 looks like a good bet at first glance. It would add an \$18 surcharge to the motor vehicle registration tax, except for commercial vehicles, and the revenue would be used to fund state parks.

Vehicles subject to the surcharge would have free vehicle admission, parking and day use at all state parks. An \$18 annual charge for entrance to state parks may look like a good deal considering that single fees on park use range from \$5 to \$15. But that is not the whole story.

The surcharge would raise \$500 million a year for the parks and wildlife conservation. However, an estimated \$200 million could be used to take the place of existing state funds, including money from the general fund that is now used to support parks and wildlife conservation projects.

Parks also would lose about \$50 million a year in single-use fees. So the net gain from the \$500 million surcharge would be about \$250 million. Also, parks still would be able to charge fees for activities inside the parks.

While we agree that California parks are major assets to the quality of life in the state, they are not the top priority at a time when schools, public works and other critical local and state services are being cut

If motor vehicle registration taxes are to be increased or even fully restored, which we have supported, the money would best be used by local governments on essential services to make up for reductions in state funding.

Vehicle registration taxes were sharply reduced early in the Schwarzenegger administration, after his predecessor raised them. The result was a reduction of several billion dollars a year for local governments, which have never recovered from the loss.

Besides, parks already have sources of revenue with entrance fees and charges for special activities within the parks, such as camping, tours and concessions.

These fees and charges can be raised, if needed. In fact, many state parks have increased fees, which are paid only by those who use the facilities.

We are also wary of enacting more special-use taxes by ballot measure, especially when the state's general fund is \$19 billion short. It should be up to the Legislature to set priorities on how tax money is raised and spent.

California's 278 parks will be able to continue to operate without a special vehicle registration tax. There are other far more essential services that are in greater need of revenue and should have a higher priority for receiving funds if new taxes or fees are approved.

Proposition 21's appeal is understandable as is the motivation of those who placed it on the ballot. But in a time of fiscal crisis, this is not the time to increase taxes to pay for a service that already has the ability to pay for itself. Proposition 21 is the wrong measure at the wrong time, voters should reject it.

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## The Chronicle recommends: Vote 'No' on Prop. 21

Wednesday, September 15, 2010

With Proposition 21, California is taking the wrong path for a good cause. The measure carves out a hands-off budget for state parks, which badly need financial support. But this piecemeal approach to budgeting via the ballot box is not the way to set priorities in a state with myriad pressing needs, especially in these lean years.

The origins of this measure are understandable. For years, the parks budget faced cuts and there's an estimated \$1 billion in deferred work on campgrounds, bridges and trails. Last year Gov. Arnold Schwarzenegger threatened to close more than 200 parks out of a total of 278 before relenting. Parks boosters, weary from these battles, collected signatures for a plan they believe will end the drama.

Prop. 21 would impose an \$18 charge on vehicle registration, excluding commercial vehicles, trailers and mobile homes. An estimated \$500 million would go into a lock-box kitty and could only be spent on parks and wildlife conservation. Day fees would be dropped, a feature that could lure more residents to beaches, mountains and lakes. In a state with a treasured outdoors, the idea carries appeal.

But the approach is short-sighted. State finances are already dotted with similar walled-off financial pots, making budget-writing difficult. If this measure wins, other long-suffering groups might step forward with heart-tugging arguments for social services, law enforcement or health care.

Voters may be fed up with Sacramento's financial paralysis - a notion that this measure caters to - but it robs Sacramento of the flexibility needed to set priorities and write a budget.

There are other problems. There is no clear connection between the tax source - vehicle fees - and the expense of running state parks. Backers say most park users arrive by car but the same could be said about nearly any activity in car-crazy California. Also, the day will surely come when the \$18 fee isn't sufficient, requiring another ballot measure to increase it. The fee, small as it may sound, hits low-income drivers harder than others.

California's parks require a steady flow of tax revenue to remain healthy. But parks aren't entitled to the special treatment that this measure provides. Vote "No" on Prop. 21.

## Mercury News editorial: Prop. 21 is a solution to state parks problems

Mercury News Editorial

Posted: 08/15/2010 12:01:00 AM PDT

Updated: 09/02/2010 11:09:03 AM PDT

In its annual list of America's 11 most endangered places, the National Trust for Historic Preservation's No. 1 pick this year was state parks nationwide. On its Web page, the Trust highlights Pigeon Point lighthouse on the San Mateo coast: It's been closed for years and is, the photo caption says, in "critical condition."

While state parks everywhere are hit hard by shrinking revenue, California was one of the states the National Trust picked as a prime example of crisis. And so it is. Last year, Gov. Arnold Schwarzenegger's budget came close to closing 100 of the state's 279 parks. Instead, some 150 were closed part of the time or deeply reduced their services. Cuts will go deeper this year.

But for this one crisis at least, California has a solution. A brilliant solution, in fact: Proposition 21 on the November ballot.

With an \$18 annual surcharge on the vehicle license fee -- about \$1.50 per month -- Proposition 21 would create a trust fund to be used exclusively to repair, maintain and operate state parks and to conserve wildlife and ocean habitats. It would fix what's dilapidated, hire adequate staff, improve public facilities and protect wild lands at Henry Coe, Big Basin and other beloved destinations.

In return for the \$18, Californians will get unlimited day-use admission to state parks and beaches, which now costs about \$125 for an annual pass or \$10 or more per day. (Out-of-state tourists would still pay at the gate.) They will help preserve the jobs created by the \$4 billion a year in spending by park visitors. And they get the satisfaction of preserving the parks for all time.

It's telling that there is no organized opposition.

Unlike most patchwork funding measures, Proposition 21 really appears to solve the parks challenge. Expected revenue, some \$500 million a year, is high enough that money can be kept in trust for future years when inflation takes its toll. By bringing parks up to a well-maintained standard now, they'll be cheaper to keep up in the long run. Meanwhile, the \$130 million parks now get from the general fund can go to other needs.

This isn't just about keeping parks open or making them prettier. Crime has nearly doubled in state parks during the past decade, while elsewhere it has dropped; there are too few rangers to protect hikers and discourage thugs. Among the \$1.3 billion in backlogged repairs are public health threats, such as sewer failures.

Not many of California's problems could be solved with a single ballot measure. Education? Way too complicated. Health care? No way. Plus, for challenges like these, technology or societal change could shift needs in unexpected ways.

But the very nature of state parks is that they should be kept as they are. More than 90 percent of the acreage system-wide is in its natural state, from old-growth redwoods to ocean cliffs. This is why the costs are predictable.

California's state parks should be our legacy. The refuge they provide will only grow more precious with time. On Nov. 2, vote yes on Proposition 21.

## Vorderbrueggen: Join me for a tour of Contra Costa candidates

By Lisa Vorderbrueggen

Updated: 09/01/2010 02:10:57 PM PDT

Every two years, I take a whirlwind tour of Contra Costa County without leaving my chair.

By way of background, the Times has for nearly two decades helped produce Election Previews, televised round-table interviews with local candidates.

I moderated from the Contra Costa TV studio in Martinez a three-day marathon recording session last week with roughly 100 candidates in 24 races ranging from Congress to the Assembly to city councils to school boards.

The end product is 13½ hours of election coverage coming to your public access television station.

But if you don't have a couple of extra days to watch candidate forums, here's a quick take on some of the most interesting and entertaining moments, and as you might guess, not everything happened on camera.

**TECHNICAL DIFFICULTY:** There's always one in the group. Concord City Council candidate Art Quarry was not only late but his cell phone rang during the taping. As he tried to turn it off, he serenaded us with a selection of his ring tones.

**CONFIDENCE IS GOOD:** Congressional District 7 GOP nominee Rick Tubbs, after the segment finished, turned to me and said, "Do you still think I can't win?"

Uh, yeah. Tubbs is challenging the wildly popular, 32-year veteran Democratic Rep. George Miller in a deep blue district.

But hey, as I told Tubbs, go for it. If he beats Miller on

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Nov. 2, I'll have in my backyard one of the biggest political upsets in the nation.

**Unexcused ABSENCES:** Democratic Assembly District 15 Assemblywoman Joan Buchanan and District 11 Democratic nominee Susan Bonilla each enjoyed a 30-minute segment without the pesky presence of an opponent.

Bonilla's challenger, Julie Craven, told our co-sponsors at the League of Women Voters that she worked out of town and could not show up for any of the slots.

And Abram Wilson, San Ramon mayor and Buchanan's GOP opponent, sent word through his campaign that he was "too busy," although they did not say what so thoroughly tied him up for three whole days.

The candidates ought to be ashamed of themselves.

This newspaper, the league, Contra Costa TV and the other sponsors spend their time and money each election to bring to the voters an opportunity to hear and see the candidates in a nonpartisan format.

The voters deserved an hour of their time.

**WHAT ELECTION?:** Moraga Town Council candidate Seth Freeman never appeared for his Thursday recording time at the studio, either.

He sent an e-mail to a Times reporter on Friday, "What Candidates Forum was yesterday?"

**BUYER'S REMORSE:** Mt. Diablo School Board candidate Jan Trezise surprised everybody during her on-air closing statement when she said she was so impressed with the quality of other candidates that she had decided at that moment to drop out of the race.

What viewers don't see on camera is her request right after the show to have her statement removed.

Sorry. We do not edit candidates' closing statements.

**NO PLACE LIKE HOME:** Martinez Mayor Rob Schroder's two challengers, Mike Alford and John Fitzgerald, accused the incumbent -- on the air -- of failing to live in the city.

It's untrue. Schroder lives at 100 Green St. He even invited his opponents -- on air -- to stop by for a visit.

Or if Schroder doesn't answer the door on Green Street, you can probably find him over on Harbor Way, also in Martinez, at the home of his new wife, Suzanne. The newlyweds are still sorting out their permanent living arrangements, he says.

This rumor has been around for years, though Schroder says he cannot trace its origins.

He does work in Walnut Creek for the family insurance business started by his father and former county Supervisor Bob Schroder.

"I even heard it said that I installed timers on all my lights to make it look like someone lives there," Schroder said.

Here is what Schroder's opponents may not know: His late wife died in their Green Street home after losing her battle with cancer.

Schroder undeniably lives in Martinez.

His opponents should apologize and focus their platforms elsewhere.

## FEDERAL PARKS & RECREATION BULLETIN #8:

August 23, 2010

### **SENATE BILL WITH LWCF GUARANTEE FACES TOUGH SLEDDING**

Legislation to provide full funding for the Land and Water Conservation Fund (LWCF) faces an uncertain future in the Senate next month.

The LWCF provision is attached to an energy bill (S 3663) that responds to the Gulf oil spill, but support for S 3663 is waning as the Gulf crisis fades from the headlines.

Republicans say S 3663 was already in trouble because it contains provisions unrelated to the spill, such as the LWCF guarantee. "Let's leave out those unrelated provisions that may be worthy and good, but they are not what the spill is about," said Robert Dillon, spokesman for Senate Energy Committee Republicans.

As for the LWCF provision itself, Dillon said it emphasizes federal land acquisition too much and revenue sharing for coastal states too little. Coastal states receive at best a small share of offshore oil and gas royalties. Onshore states receive 50 percent of royalties.

"What the majority has done is to kill revenue sharing for Louisiana and Alaska and give the money to the federal government for land acquisition," said Dillon.

Still, the LWCF guarantee is alive in two places. First, the Senate could still move S 3663. Second, the House July 30 approved a more comprehensive energy bill (HR 3534) that would guarantee money for LWCF for the next 30 years. So if the Senate approves any kind of energy bill, at some point this fall a House-Senate conference committee could patch together a final bill with LWCF money.

The House and Senate LWCF provisions are quite different. The House would simply guarantee \$900 million per year for 30 years. The Senate would begin with full funding and then change the guarantee in out-years.

**THE HOUSE BILL:** The House measure makes the guarantee clear. It says: "Permanent Funding - Of the moneys covered into the fund, \$900,000,000 shall be available each fiscal year for expenditure for the purposes of this Act without further appropriation." Appropriators could still allocate money to specific projects within the cap.

The House would also set aside at least 1.5 percent of the money to provide access to public lands managed by the Interior Department for "hunting, fishing, and other recreational purposes through easements, rights-of-way, or fee title acquisitions, from willing sellers."

**THE SENATE BILL:** The Senate measure is more complex than the House bill. After five years of guaranteed full funding S 3663 would guarantee only \$500 million in fiscal 2016. It would then remove the guarantee from fiscal years 2017 through 2020, subjecting LWCF to appropriations. But beginning in fiscal 2021 it would again guarantee \$500 million per year.

A Senate Energy Committee staff member said the provision is convoluted to comply with Senate budget guidelines. Asked why the erratic allocations, the staff member said, "The quick answer is the funding levels were the maximum available without running into budget issues. For example, maximum direct spending in any 10-year period is limited to \$5 billion, which works out to \$500 million per year. We decided to front-load the initial 10-year period, which is why the first five years are fully funded."

**FISCAL 2011 APPROPRIATION:** In a closely related development the House subcommittee on Interior appropriations July 22 approved a \$518 million appropriation for LWCF for fiscal year 2011, or \$68 million more than a fiscal 2010 appropriation of \$450 million. (The subcommittee number is \$72 million less than the administration request of \$590 million, largely because it would not fund a \$42 million acquisition by the Bureau of Land Management to store excess wild horses in the Mid-West and East.) Out of the \$518 million for LWCF, \$55 million would go to the state side of LWCF.

## President Obama's winning streak

By Eugene Robinson

Friday, August 20, 2010; A23

This is a radical break from journalistic convention, I realize, but today I'd like to give credit where it's due -- specifically, to President Obama. Quiet as it's kept, he's on a genuine winning streak.

It's hard to remember that the inauguration was just 19 months ago. Expectations of the new president were absurdly high. If Obama had done back flips across the Potomac River, when he reached the other side he'd have faced probing questions about why it was taking him so long to cure cancer, solve the Arab-Israeli conflict and usher in an age of universal peace and prosperity.

But look at what he's accomplished in just the past few weeks. Let me highlight four recent headlines.

"Last U.S. combat troops leave Iraq": Obama campaigned as an early and vocal opponent of the Iraq war, calling it a distraction from the more important conflict in Afghanistan. When he took office, there were about 160,000 U.S. troops in Iraq on the heels of George W. Bush's combat surge. Obama said he would bring our combat forces home and he did -- ahead of schedule.

Before dawn on Thursday, the last U.S. combat brigade crossed the border into Kuwait, effectively ending the military misadventure that Bush named Operation Iraqi Freedom. About 50,000 American military personnel remain in the country to train Iraqi government forces, protect U.S. installations and conduct special forces operations. We leave behind a messy, uncertain political situation, which the Iraqis will have to sort out. We also will have to deal with the most disturbing geopolitical consequence of Bush's elective war: The theocratic dictatorship in Tehran, its ambitions no longer checked by Saddam Hussein, is much closer to its goal of making Iran a nuclear-armed regional superpower.

But Obama did as well as anyone could have with the situation he inherited. Even his scorched-earth Republican critics, by their silence, are acknowledging that the president has fulfilled his campaign promise to be "just as careful getting out of Iraq as we were reckless getting in."

"General Motors to launch stock offering": One of the many crises Obama faced when he took office was the imminent collapse of an iconic industrial giant. The demise of General Motors would have wiped out hundreds of thousands of jobs in the company and its supply chain, and, it's safe to say, would have been a mighty blow to the nation's psyche.

Obama ended up pouring \$50 billion into the company, acquiring a 61 percent ownership stake. Critics complained about the advent of "Government Motors" and raised the specter of bureaucrats in Washington holding public hearings to redesign the Corvette. But now, after making more than \$2 billion in profits so far this year, the restructured company is confident enough to sell stock on Wall Street -- and begin repaying the government's investment.

The company was saved, workers kept their jobs, and taxpayers are going to get their money back. That's nice work.

"Gulf oil spill contained": When BP's Deepwater Horizon well went rogue, the Obama administration was criticized for being slow off the mark. Some of the criticism was justified -- the initial response did seem unfocused. But the administration managed to turn things around and quiet any talk of "Obama's Katrina."

Obama persuaded BP to put up \$20 billion as a guarantee that the Gulf Coast residents whose livelihoods were damaged or destroyed by the spill would be compensated.

Republican critics who called this a "shakedown" were quickly shushed -- by other Republicans. Meanwhile, the administration ramped up its response operation and found effective ways of keeping oil from reaching the shore.

The administration's claim that three-quarters of the oil was disposed of -- by nature or by human intervention -- before it could despoil the environment looks overly optimistic to some researchers. Moreover, serious questions remain about the long-term effects of the chemical dispersants that were used in unprecedented quantity. But a few months ago, who imagined that the president and his family would so soon be able to enjoy a day on a gulf beach and a meal of gulf seafood?

And finally, "President wades into mosque controversy": Yes, I'm serious. Supporting the mosque in Lower Manhattan didn't score any political points. But Obama saw his duty to uphold the values of our Constitution and make clear that our fight is against the terrorists, not against Islam itself. Instead of doing what was popular, he did what was right.

He still hasn't walked on water, though. What's wrong with the man?

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## California lawmakers announce bills on municipal pay

By ROBIN HINDERY  
Associated Press Writer  
Advertisement  
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SACRAMENTO, Calif. (AP) -- State lawmakers are pushing for a legislative package aimed at preventing the kinds of public salary and pension abuses that have rocked one Los Angeles County city.

The Democratic leaders of the Legislature and seven additional lawmakers - including one Republican - announced six bills Thursday they said will promote accountability and transparency. The package is aimed at local elected officials and employees, with most of the bills applying to county as well as city governments.

"Government shouldn't be done in the dark, plain and simple," Assemblywoman Alyson Huber, D-Lodi, said at a capital news conference to introduce the legislation.

The bills would prohibit automatic salary increases, cap the compensation figure used to determine pension benefits and impose a 50 percent personal income tax for city council salaries that exceed certain limits.

Lawmakers said they hope to prevent a repeat of the situation unfolding in Bell, where exorbitant salaries among city officials have sparked widespread calls for reform. The former city administrator for the Los Angeles County community of 37,000 residents earned nearly \$800,000 a year, while some City Council members drew nearly \$100,000 a year for part-time work.

"The situation in Bell illustrates the need for legislative action to eliminate opportunities for fraud, conflicts of interest and other potential wrongdoing," said Republican Assemblyman Cameron Smyth of Santa Clarita.

Eraina Ortega, a legislative representative for the California State Association of Counties, said many counties already have systems in place to guard against fiscal misconduct.

"Generally, we don't have any objection to ideas to address transparency of salaries and contracts," she said. "Now we're just reviewing the bills and looking at streamlining the reporting requirements so we're not creating a lot of workload."

Here is a summary of the legislative package:

- AB1955 by Assemblyman Hector De La Torre, D-South Gate, would prohibit employees of charter cities such as Bell from earning more than employees in general law cities, which are bound by state law. A city council member who earned more than the fixed amount would be subject to a 50 percent personal income tax.

- AB827, also by De La Torre, would prohibit automatic pay increases and severance payments of more than 12 months' salary among unelected, non-unionized city and county officials.

- AB2064, by Huber, would require the Legislature to post salary information for all legislative employees and lawmakers on its official website. Cities, counties, school districts and joint powers authorities would have to do the same for their elected officials and certain high-level employees.
- AB192 by Mike Gatto, D-Los Angeles, stipulates that cities that lure employees from another city by offering a raise of 15 percent or more must then foot the bill for the increased pension payments that come with the pay hike.
- SB501 by Sen. Lou Correa, D-Anaheim, requires municipal employees to file annual compensation disclosure forms.
- AB194 by Assemblyman Alberto Torrico, D-Fremont, would cap the maximum salary figure used to determine pension benefits for city and county officials.

## **EDITORIAL: State lawmakers disengaged from budget fix**

Posted at 12:00 AM on Wednesday, Aug. 18, 2010

California is in its 49th day of the new fiscal year without a budget, which means the state continues to spend more money than it takes in. The overspending is significant. Every day without a balanced budget, another \$52.5 million is added to the deficit.

By ignoring the budget deadline, the Legislature has added more than \$2.5 billion to the problem since July 1. That would have been enough money to save several state programs.

Legislative leaders would have the public believe that the budget delay doesn't have a cost. But it does, both in increasing the budget gap and the likelihood that the state will have to pay its bills with IOUs. The inaction stymies state agencies from issuing contracts for projects that might actually put Californians to work.

Lawmakers -- both Democrats and Republicans -- are holding the state hostage by not seriously working toward a budget solution. Gov. Arnold Schwarzenegger put a budget proposal on the table in May and it's up to the lawmakers to offer a compromise budget -- one that can get a two-thirds vote in both houses.

While some legislative leaders are in Sacramento this week working on the budget, most members of the Assembly and Senate are embarrassingly disengaged from the process.

On Monday, for example, the Assembly's priority was supporting a resolution to name a freeway interchange after a San Jose council member. Several legislators also are holding fundraisers, including Senate Republican leader Dennis Hollingsworth and Assembly Republican leader Martin Garrick. Nothing will stop them from raising campaign cash.

Even when Democratic leaders make a budget proposal, they can't get it passed. They offered a "tax swap" plan to cut sales taxes and raise income and car taxes, but the plan got bogged down after it was revealed it would be a major tax hike on the middle class.

So on this 49th day of the budget impasse, California's lawmakers would rather hold fundraisers than meet the constitutional requirement of having a balanced budget.

Ask your lawmaker this simple question: What did you do today to solve the budget crisis?

## End cities' dubious pay policies

By Union-Tribune Editorial Board,

Wednesday, August 18, 2010 at midnight

The Union-Tribune's Watchdog report Tuesday on the compensation given to top officials at local government agencies in San Diego County was both highly informative and troubling. Among the concerns the report raised:

- In an era of endemic revenue shortfalls, how can city councils continue to approve contracts for city managers with automatic escalator clauses based on the actions of other government bodies? It's certainly appropriate to look to comparable cities when considering what to pay a city manager. But times have changed. It shouldn't be acceptable to Poway residents that city leaders have contractually guaranteed City Manager Penny Riley that she will always be in the top third of the county's 18 city managers in compensation. Nor should Carlsbad residents be happy with the guarantee given City Manager Lisa Hildabrand that her pay will never be less than \$100 less than that earned by the county's second-highest-paid city manager.

The escalator clauses only go one way. There are no contract provisions we're aware of that push a municipal manager's pay down based on other cities' moves to lower pay for new or existing city managers.

This practice only involves a relatively small amount of money when it comes to city managers, but it has a huge tab when applied to public safety contracts, as is common in California. It's problematic for city councils to accept escalator clauses for top officials but deny them to police officers and firefighters. The solution is don't give automatic pay hikes based on decisions made by other governments, period.

- The civic looting that's been revealed in the small town of Bell in Los Angeles County appears to have triggered a new era of government openness in California, with statewide officials from Attorney General Jerry Brown to Controller John Chiang to Treasurer Bill Lockyer to Gov. Arnold Schwarzenegger endorsing much more transparency on compensation practices. Given these recent developments, it is particularly indefensible and offensive for Escondido City Manager Clay Phillips to continue to refuse to provide the U-T with a copy of his contract, the last city manager in the county to withhold it. It is perhaps unfair, but this suggests he has something to hide.

- Why does San Marcos City Manager Paul Malone have such a lucrative compensation package? At \$408,799 in total compensation, Malone makes far more than several local city managers in much bigger cities with far bigger budgets and far more workers to manage. We claim no particular insight into why the San Marcos City Council was so generous with Malone. But sometimes there's a self-congratulatory overtone to council members' decision to increase a city manager's pay; it is used to promote a narrative that their city is way better off than it used to be under previous councils, so the pay hike is merited.

Here's a contrary idea: With or without the prospect of "merit" raises, anybody making \$150,000-plus in the public sector had darn well better be doing a good job.

## Viewpoints: Require the budget to be for two years

By Robert Hertzberg and Michael Genest

Published: Wednesday, Aug. 18, 2010 - 12:00 am | Page 15A

As one lifelong Democrat and former Assembly speaker and one former budget director to a Republican governor, it's not likely that the two of us would ever agree with each other on how to best resolve the state's budget dilemma.

But we agree on this much – our state budget system is broken. It does not create confidence among taxpayers that services are provided efficiently and effectively. It does not force policymakers to set priorities and plan ahead. And it creates one crisis after another. Recognizing these shortcomings, the Legislature and the governor have worked hard to find ways to address them. Now, those efforts are on the verge of paying off. Real budget reform is within reach, but time is running out.

California Forward, a nonpartisan reform organization, and a coalition of business, labor and public interest groups have worked with the Legislature to develop two proposals, Senate Bill 1020 and Senate Bill 1426. These measures put in statute mechanisms that require long-term planning, performance-based budgeting and strong accountability. They have passed the Senate with strong bipartisan majorities. The Assembly should pass them when it passes a budget and the governor should sign them.

The more difficult elements of budget reform are those that would discipline spending and must be placed into the state's constitution. Gov. Arnold Schwarzenegger deserves credit for his persistent efforts to put a strong rainy-day fund into the constitution to keep from making extraordinary new budget commitments in good times that are inevitably followed by cutbacks and tax increases during recessions. But Democrats are right to resist overly tight controls on funds needed for critical services.

Sometimes, when disparate interests are unable to reach a compromise, it can help to have an outsider put a proposal on the table. Speaking as two Californians with our own scars from budget fights, we believe the following plan may spur a compromise on constitutional budget reform:

- Stabilize long-term funding with a rainy-day fund. Start by agreeing to put a rainy-day fund into the constitution, setting aside revenue in high-growth years so it can't be used to increase the budget unsustainably. The savings can be used to fund programs in low-growth years or recessions.
- Phase in new reserve rules. State revenue is at an all-time low level, so it's reasonable to wait long enough for the economy to recover before starting to set funds aside.
- Pay-as-you-go. We propose a requirement that all initiatives must identify funding sources for any new mandated spending. Similarly, future tax cuts would be required to identify how they will be funded before they can take effect.
- Two-year budget. This allows a longer planning horizon and more flexibility to implement cost-saving or revenue-raising measures. It also discourages the Legislature from adding programs whenever revenue surges. We suggest that the governor be required to submit a two-year spending plan along with a five-year fiscal forecast as part of the budget process.

- Local flexibility. Top-down government doesn't work, especially when cities and counties are facing shortfalls. Our proposal would give local officials the ability to work together to tackle problems and modify programs to achieve better results.

Budget reform will not solve the current budget crisis. Having collectively spent decades achieving the difficult balance between accounting and politics, we know how profound that challenge is, especially during the worst recession in the state's history.

Every budget requires compromise. As the parties come together to make those difficult decisions, it's not too late to include the simple but profound reforms that will help avert the next budget crisis before it begins.

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Buzz up!

Robert Hertzberg, former Democratic speaker of the Assembly, is co-chair of California Forward. Michael Genest is the former director of finance for Gov. Arnold Schwarzenegger.

# Calbuzz

## Mathews-Paul Reform Opus

Aug18

We finally set aside a few hours to sit down with “California Crackup,” the Joe Mathews-Mark Paul collaboration that closely analyzes the state’s political dysfunction, and it was time well spent: they’ve written a terrific book.

Cataloging the multiple, inter-locking political elements that caused the collapse of governance in California, the two veteran political writers draw these pieces together into a lucid framework that offers not only a clear diagnosis, but also a serious prescription for what ails the not-so-Golden State.

The clarity of their writing and the cogency of their argument put to shame the content of the current campaign for governor.

The contrast between their comprehensive, in-depth and detailed take on the state’s fractured political system with the worn-out platitudes mouthed by Republican nominee Meg Whitman and the vapid avoidances of Democrat Jerry Brown underscores the superficiality and lack of substance in the politics of California in 2010.

The civic moment is defined by more than bad news. What makes this moment seem different – makes it feel like what Californians call “earthquake weather” – is that California seems unable to talk about the crisis in a way that gets to the bottom of things and points to a better day...At the heart of the civic moment is the fear that California lacks even a language, and an understanding, equal to its calamity.

What Mathews and Paul attempt in “California Crackup” is to provide such a language, an effort in which they largely succeed.

Starting with an insightful sketch of early state history that shapes and drives their narrative, they make all that follows – the corporate abuse of the ballot initiative system, the unintended consequences and anti-democratic impacts of Proposition 13, the dominance of Sacramento by lobbyists and special interests, the over-reaching of public employee unions, for starters – seem like inevitable developments that year after year have steadily sucked all accountability and integrity out of the system.

The whole system must be rethought with an eye to the sheer scale of California, a place grown too large and too various to be successfully governed from the top. Democracy and accountability would be the buzzwords. Windows must be opened so Californians can see in, peer out, and keep an eye on each other. This will require a Great Unwinding of old rules.

By setting forth an inarguable set of facts and a vocabulary for analyzing them, Mathews and Paul produce a potential shared agenda for change in California that seeks to include those provincial stakeholders — voters, consumers and taxpayers – who were long ago abandoned by the Capitol insider culture of corrupt deal making and fix-is-in demagoguery.

Skimming the cream. The three things we found most interesting:

I-Past is prologue: If you don’t have time to read the whole book (c’mon, it’s only about 200 pages) at least pick it up the next time you’re browsing and take a few minutes to read Chapter 2, which presents an intriguing look at the political stumbles, historical accidents and random influences (California’s first constitution was overwhelmingly approved without being read, as the delegates were determined to go home before lunch) on which our current political structure rests.

First came the hastily scribbled original constitution, drafted at a rogue gathering convened by the military on behalf of a state the U.S. government had failed to recognize. Second were the three decades of failed attempts to put meat on the bones of that first constitution, culminating in the 1878-79 convention, perhaps the greatest civic disaster in the history of a state with a talent for disaster. Third were the sixty years of amendments, more than three hundred of them, nearly all aimed at remedying the consequences, intended and not, of the 1879 disaster. After a break for the Second World War, fourth came the attempt to edit out the worst of those amendments and turn California's amateur government into a professional one. California is now in its fifth wave, a breaker that took off in the 1970s and still has not crested: a tsunami of ballot initiatives that, in the name of putting the fear of public anger in California's professional politicians, threatens the whole enterprise.

2-Jerry's role: Mathews and Paul draw a portrait of the young Governor Jerry Brown during the crucial years just before, during and after the passage of Prop. 13, when a statewide crisis of homeowners being strangled by ever-escalating property tax bills was met with inaction, if not indifference by pols in Sacramento, which is anything but flattering:

Two things stood in the way of action. One was a governor more interested in big ideas and the grand sweep of technology and history than in the boring details of tax policy or the grunt work of passing legislation. Brown didn't want to squander the whole surplus on helping homeowners. "The single biggest difficulty we had was the Department of Finance said 'you can't commit more than \$300 or \$400 million to property tax relief,'" remembers State Treasurer Bill Lockyer, then a member of the Assembly. "It was such a small amount that you really couldn't provide significant enough relief for people to really think it mattered." Brown had his own priorities – cutting the tax on business inventories and shooting California's very own communications satellite into space. A large surplus, at a time when New York City was broke, could be held up in his impending reelection campaign as evidence of his tightfistedness (Brown now maintains that he was holding on to the surplus because he anticipated an economic downturn).

3-Solutions. The boyz get into some neck-deep, weed whacking wonkery in the second half of the book, when they offer up a menu of major reform proposals for starting to fix the broken political system.

Putting aside the question of whether actually offering actual solutions for problems is a gross violation of the Political Writers' Code of Chronic Carping, the Mathews-Paul disquisition on such poli sci matters as proportional representation, unicameral legislatures and instant runoff voting is both refreshing and consequential in its presentation to the reader of two key insights: a) things don't have to be this way forever – our current system of elections and governance is not only not written in stone, it's in many ways an exception to best practices elsewhere in the country and the world; b) changing the system in a substantive way requires much bigger ideas than the kind of nibbling-around-the-margins notions offered by California Forward and other small bore reformers.

The state's current stalemate, while a formidable obstacle, is no more formidable than that faced by those who framed the state's constitution in the 19th century, or than that confronted by the Progressives a century ago, when they elected a governor in the face of opposition from both parties and the railroad. And the changes we propose are far less radical than the Progressives' push for direct democracy, which represented a sharp break with American history and its Madisonian system of divided government, checks and balances, and suspicion of government.

The fall of 2011 will mark the centennial of the 1911 special election in which the Progressives remade the state government's operating system. It is long past time for an update.

Nice work, guys. Calbuzz sez: check it out.

## Democrat concedes Calif. Senate special election

Associated Press Writer

Published Tuesday, Aug. 17, 2010

SACRAMENTO, Calif. -- Former Democratic Assemblyman John Laird said Wednesday he had conceded the special election to fill a highly coveted California state Senate vacancy.

Laird, of Santa Cruz, said he called Republican Assemblyman Sam Blakeslee about midnight Tuesday to congratulate him. Blakeslee, of San Luis Obispo, will represent the Central Coast's 15th Senate District, the seat formerly held by Republican Lt. Gov. Abel Maldonado.

Democrats hoped to use the seat to inch closer to the two-thirds majority they need in the Senate to approve budgets and tax increases. With Blakeslee's victory, they remain two votes shy of that supermajority.

The buzz surrounding the race was considerable, with President Barack Obama coming out in support of Laird and Republican gubernatorial candidate Meg Whitman campaigning for Blakeslee. Each candidate raised about \$1 million and was aided by independent groups that also spent big.

The district covers all or part of five counties. Laird, who served in the Assembly until he was termed out in 2008, carried Santa Cruz and Monterey counties by wide margins, but essentially fought to a draw with Blakeslee in Santa Clara County, which has the second highest number of voters.

Blakeslee won overwhelming in San Luis Obispo County, which has the most voters, and carried the portion of the district that stretches into northern Santa Barbara County.

Laird blamed his loss on the low turnout that typically characterizes summer special elections.

"The August election date was clearly too high a hurdle" he said in a telephone interview. "But I'm proud of the campaign we ran, and we held him under 50 percent."

In unofficial returns, Blakeslee won with 48.8 percent of the vote to Laird's 44.1 percent. Registered Democrats outnumber Republicans 41 percent to 34 percent in the district, but voters have elected Republicans to represent them since 1996.

Laird disputed some Republicans' claims that the Obama endorsement may have worked against him. He said he used Obama's name in mailers distributed to certain parts of District 15 - the same areas he ended up winning.

Blakeslee will be sworn in by the Senate as soon as he formally resigns from the Assembly, said Alicia Trost, a spokeswoman for Senate President Pro Tem Darrell Steinberg, D-Sacramento.

Blakeslee's staff was in the process of finding out what the assemblyman must do administratively to make the transition happen, said Christine Robertson, Blakeslee's chief of staff. She expected the shift to take place sometime in the next couple of weeks.

It's unclear what effect Blakeslee's timing might have on the stalled negotiations to close California's \$19 billion budget deficit. The state remains without a spending plan nearly two months past the start of its fiscal year.

Without Blakeslee, Democrats in the 40-member Senate need agreement from two Republicans to reach the two-thirds threshold to pass a budget.

Democrats hold 50 seats in the 80-member Assembly, leaving them four votes shy of the two-thirds mark, although one of those is independent lawmaker Juan Arambula of Fresno, who typically sides with Democrats.

## The 'Let's Move' Initiative is Traveling Backwards

August 17, 2010 11:13 AM

Less than one week after President Obama signed an emergency \$26 billion jobs bill that adversely will cut over \$12 billion from the food stamp program, the Senate is proposing to make deeper cuts to the benevolent program to offset the anti-obesity initiative being spearheaded by First Lady Michelle Obama.

The \$8 billion child nutrition bill, which has been termed the 'Let's Move' Initiative, is purposed to expand eligibility for school meal programs, establish nutrition standards for all food sold in schools and provide a 6-cent increase for each school lunch to help cafeterias serve healthier meals. I don't think that many people in America would disagree with these noble proposals. But, again, do you continue to rob Peter to pay Paul? Resoundingly, no!

In the midst of a historic victory where Congress passed The Fair Sentencing Act of 2010 to reverse the sentencing disparity relative to crack-cocaine, Congressional leadership continues to do an about-face with covert actions that reflect the hearts of the aloof and the indifferent. For those whose hearts on centered on the poor, downtrodden and the oppressed, this child nutrition bill will be a relatively big blow and the diametric opposite of progression toward social justice, if it is to be offset by deeper cuts to the Supplemental Nutritional Assistance Program (SNAP), formerly known as the food stamp program.

In concert, the recent cuts of \$12 billion with the proposed additional cuts to the SNAP will result in unnecessary suffering and setbacks for a plethora of Americans, especially many African-Americans and single mothers who struggle day-by-day and who rely on such assistance. There are nearly 40 million Americans who receive federal assistance from the SNAP and even more individuals will be the benefactors of this program as the economy and unemployment remains relatively stagnant. According to a 2009 New York Times research article, "One in eight Americans and one in four children are using food stamps, and the program rate is growing at 20,000 people a day." And, according to the Center on Budget and Policy Priorities, "One in three food stamp households is headed by an African American. More than a third of food stamp benefits — over \$10 billion per year — are issued to African-Americans."

Most astute public policy experts know that federal assistance programs, such as the SNAP, embody wasteful elements. Without equivocation, improving the rate of childhood obesity around the country is extremely important. The prevalence of diabetes, insulin resistance, high cholesterol, and other weight-related diseases is rising at an alarming rate and due attention is imperative. According to the American Academy of Child & Adolescent Psychiatry, "Between 16 and 33 percent of children in the United States are obese, which leads to significant annual costs." But, making cuts to the SNAP to offset costs associated with the proposed child nutrition bill is not the logical action to implement.

Some critics and proponents who support the idea of making the cuts to the food stamp program are quick to point out that the rescissions will only bring the SNAP back to pre-stimulus levels. However, I would like to humbly submit that we are not living in a current time and space that mirrors a pre-stimulus economy. Our country presently has over 14.6 million unemployed individuals, a 9.5 percent unemployment rate and historic amounts of foreclosures that will likely exceed 1 million by the end of the year.

In a state of emergency, you don't back away from love, service and social justice. It's really disappointing to fathom that cuts will be made to such an important program for the poor and the invisible. I wholeheartedly support First Lady Michelle Obama's initiative to reduce the rate of childhood obesity. I think that it is long overdue based on the fact that most overweight children are much more likely to become overweight adults. But, it just doesn't seem logical to have children eating a relatively nutritious meal at school and subsequently coming home to no meals because of food stamp cuts. Congress should really reconsider the source of offsets for this wonderful program to prevent the 'Let's Move' initiative from traveling backwards.

Anthony Jerrod is a bestselling author, speaker, and public policy expert.

## Global warming measure could suspend other landmark environmental rules

By Paul Rogers

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Posted: 08/16/2010 12:00:00 AM PDT

A November ballot measure that would suspend California's landmark global-warming law could also end up rolling back some of the state's other sweeping environmental standards -- including rules that require utilities to generate a third of their electricity from renewable sources and programs requiring oil refineries to make cleaner-burning fuels.

How broadly courts might interpret Proposition 23 is setting off alarm bells among Silicon Valley executives and environmental groups.

"If we don't go forward with 33 percent renewable standard for California's energy supply, we undercut all those companies and entrepreneurs creating jobs in solar, wind, biofuels and other renewable forms of energy," said Carl Guardino, CEO of the Silicon Valley Leadership Group, a San Jose organization that represents more than 300 companies and that opposes Proposition 23.

"We're saying let's take a U-turn to yesterday and be totally dependent on fossil fuels, rather than California leading the way to a renewable economy," Guardino said.

Last month, the nonpartisan state Legislative Analyst's Office issued an analysis of Proposition 23 in which it said that the 33 percent renewable electricity standard and the state's "low carbon fuel" regulations would be suspended if the measure passes. The Yes on 23 campaign says it agrees with that interpretation.

But environmental groups say considerably more could be suspended -- 60 state regulations, Advertisement including rules to reduce smog from ships, certain chemicals in air conditioners and even a 2002 state law that requires automakers to reduce greenhouse gas emissions 30 percent on new cars by 2016.

"Every measure to reduce greenhouse gases in California is at risk," said attorney Tom Adams, chairman of the California League of Conservation Voters. "All the regulations California has adopted for a clean energy future could be invalidated."

Supporters of Proposition 23, which so far has been largely funded by oil companies Tesoro and Valero, acknowledge the measure would suspend several state regulations. Most notably is the proposed "cap and trade" plan by the California Air Resources Board, which requires oil refineries, cement kilns, power plants and other large sources of greenhouse gases to limit their emissions of carbon dioxide and other gases that the majority of the world's climate scientists say are warming the planet.

But the measure's supporters disagree with environmentalists on its breadth.

"Is Prop. 23 going to result in all these horrible things the other side is saying? The answer is no," said Anita Mangels, a spokeswoman for the Yes on 23 campaign.

The two main rules that would be suspended, Mangels agreed, are Gov. Arnold Schwarzenegger's 2009 executive order requiring Pacific Gas & Electric and other utilities to produce 33 percent of their electricity from renewable sources by 2020, and the state's "low carbon fuels standard," an executive order Schwarzenegger signed in 2007 requiring oil companies to reduce the carbon content of their fuel 10 percent by 2020.

"Solar is one of the most heavily subsidized renewables at many levels," she added. "It is going to go on with or without Prop. 23."

How many of California's environmental rules could be blocked by Proposition 23 depends on how broadly its ballot language is read.

Simply put, the measure would suspend AB 32, a law Schwarzenegger signed in 2006, that requires California to cut greenhouse gas emissions to 1990 levels by 2020, a reduction of about 15 percent from current amounts.

The law would be suspended until unemployment falls below 5.5 percent for a year. It is now 12.3 percent.

To comply with AB 32, the state Air Resources Board has drafted a document known as the "scoping plan." It contains 69 measures -- some which are separate laws, some passed as administrative regulations, and some yet to be approved.

Billions of dollars could hinge on one part of Proposition 23. It says "no state agency shall propose, promulgate, or adopt any regulation implementing (AB 32) and any regulation adopted before the effective date of this measure shall be void and unenforceable until such time as suspension is lifted."

Environmentalists say that means potentially any one of the more than 60 rules and laws that the air board is counting on to meet the global warming target could be tossed out.

One, for example, is a rule the air board passed in 2007 requiring large ships to shut down their engines and plug into the electric grid at port. The goal was to reduce diesel soot in towns such as Long Beach and Oakland where it has been linked to high asthma rates. But the rule also would reduce greenhouse gas emissions and is counted by the air board toward the plan implementing AB 32.

So would it be suspended?

Mangels said no, because it was written under authority of smog laws, not AB 32.

Last month, the Legislative Analyst's Office weighed in. It said state regulations passed under the authority of AB 32 would be suspended, but separate laws would not. Rules that would be suspended include the 33 percent renewable electricity standard, but not a 20 percent renewable standard because it had been signed into law. Also not suspended would be the "Pavley Bill," a 2002 law reducing greenhouse emissions from autos, the Legislative Analyst's Office said.

The office didn't mention the ship rule or dozens of others in the AB 32 plan.

"We're going to see a lot of litigation," said attorney Alex Jackson, with the Natural Resources Defense Council. "It's going to get very messy."

## Candidates jump on Bell outrage bandwagon

Carla Marinucci, Joe Garofoli, Chronicle Political Writers

Saturday, August 14, 2010

The City Council of Bell (Los Angeles County) came under ... Jerry Brown is being hit for problems when he was mayor o... Meg Whitman has accused Brown of allowing city employees ...

Robert Rizzo has been dubbed the "Willie Horton" of overpaid public employees for his \$1.5 million-a-year salary and benefit package to run the small Los Angeles County town of Bell. Now political campaigns are trying to cash in on the ensuing public outrage.

State Attorney General Jerry Brown, the Democratic candidate for governor, has announced a joint investigation with Los Angeles District Attorney Steve Cooley, a Republican candidate for attorney general. They're looking into possible civil and criminal violations among Rizzo's team of well-paid cohorts in Bell, where the police chief earned \$457,000 a year - more than the president of the United States.

State Treasurer Bill Lockyer and Controller John Chiang, both Democrats running for re-election, also have announced probes, while state lawmakers are rushing to write bills designed to curb abuse and open the records of public employee salaries.

Uproar over government excess in Bell, where roughly a quarter of the population lives in poverty, has become a hot-button issue in California's nationally watched governor's race. But in some cases, political attacks linked to the scandal are more hype than truth - just as they might have been with Horton, a furloughed felon cited by critics of Democratic presidential nominee Michael Dukakis in 1988.

Republican Meg Whitman's campaign has seized on the issue to launch salvos at Brown - not only suggesting that the state's top cop failed in recent years to detect abuse in Bell but also questioning his leadership as the two-term mayor of Oakland, one of California's biggest cities.

"Before there was Bell, there was Oakland," says the announcer in a recent Whitman ad, which claims Oakland employees were overpaid - and even paid for not working - when Brown was mayor from 1999 to 2007.

"Bell has become a battle cry for hardworking Californians who feel like they're overtaxed in order to line the paychecks and pensions of some individuals in civil service who are obviously overpaid," a pattern that was echoed in Oakland, Whitman spokesman Tucker Bounds said.

Shot from the other side

Brown's campaign denied that claim.

Whitman "couldn't find her way to a ballot box for 28 years," said Brown campaign spokesman Sterling Clifford, referring to her spotty voting record. "We'll add that to the list of California governance that she doesn't understand."

The attorney general is investigating Bell because of questions regarding "elements of election fraud, abuse of law enforcement powers and corruption on a scale that defies comparison," he said.

Several analysts familiar with the Oakland pay and pensions issue were divided over whether Whitman's claims about Brown are factual and how much responsibility he should bear for benefits and salary contracts for city employees in Oakland.

While "politically, it's a canny move" to try to tie employee pay during Brown's time to the financial problems in Bell, the comparison ends there, said Jessica Levinson, director of political reform at the nonpartisan Center for Governmental Studies.

Oakland doesn't have "the kind of extravagant salaries and compensation that Bell does," Levinson said.

Preceding Brown's term

Rules for the compensation Oakland employees receive "were in place long before Jerry Brown came into office," said Alton Jelks, who served as a deputy city auditor, a nonpartisan position, in Oakland from 1998 to 2002, during Brown's first years in office.

As mayor, Brown declined to accept the annual cost-of-living increases to his annual salary of \$115,000. One month after entering office, Brown's successor, current Oakland Mayor Ron Dellums, accepted a 60 percent raise, to \$184,000 a year. At the time, Oakland City Council members earned approximately one-third of that.

Michael Semler, a professor of political science at Sacramento State University, said Brown was hamstrung by agreements already in place for police, firefighter and other city employees' salary and benefits when he came to office.

"The dilemma is that a contract, under the U.S. Constitution, is really difficult to break," he said. In many cities - including in Bell - civil compensation is "determined by the voters, and unions in California have negotiated packages."

'A historical problem'

"So this is a historical problem for municipal governments across California and across the country," Semler said. "The reason these things become egregious is because a benefits package is not due and payable until many years after the deal is negotiated."

But analysts say Brown, as the city's chief executive, must take some responsibility for a controversial and costly appointment that underscored the city's financial troubles.

Brown appointed Deborah Edgerly in 2004 to be city administrator after the departure of her well-respected predecessor, Robert Bobb. She left the job under a cloud four years later after The Chronicle reported widespread concerns about the practices of a woman who was called Oakland's "ultimate hiring authority."

An independent 2007 audit to examine Edgerly's practices found the city failed to stop mismanagement that included granting hundreds of thousands of dollars more in management leaves than city rules allowed. The audit does not directly criticize Brown.

Semler said "there is a legitimate question that (Brown) is responsible for the performance of the city manager, indirectly, and for the city operations." But he added that "long-term systemic problems that exist cannot be laid at the foot of one individual."

Some pension experts said Brown had a key role in Oakland's shaky long-term financial health - including its pension liabilities.

Pension danger zone

Marcia Fritz, vice president of the California Foundation for Fiscal Responsibility, which advocates pension reform, said Oakland is in the danger zone among major California cities with regard to its ability to pay its pension liabilities.

She cited statistics from CalPERS, the state's largest pension fund, that show the city's pensions are 79.9 percent funded, a level that is among the lowest for major cities in California.

Steven Frates, director of research at the Davenport Institute at the graduate school of public policy at Pepperdine University, said pension funding of less than 80 percent generally "means the decision-makers have either awarded very lavish benefits - or they have not been prudent setting aside money to pay for those benefits."

But Semler said that while Brown was mayor of a financially challenged town, "he certainly was not a dictator."

"The (Oakland) City Council is a body of independently elected officials who each claim they represent the public interest," he said. "So this board has to be held accountable, just as Jerry Brown is held accountable, for the day-to-day operations of the city."

## Bumper ballot crop greets voters

By Lisa Vorderbrueggen

Contra Costa Times

Posted: 08/14/2010 06:01:00 PM PDT

Filing deadlines for local candidates and ballot measures came and went last week, and the resulting list reveals several prevailing themes.

To start, a large number of cash-strapped cities and schools throughout the East Bay hope voters will open their wallets and help stave off deeper service cuts or, in Antioch's case, possible bankruptcy.

Of the 35 local ballot measures in Alameda and Contra Costa counties, 32 ask residents to pay parcel, sales or utility taxes, finance bonds, or impose new fees on vehicle registration and marijuana.

Voters typically prefer hyper-local taxes. They can see where their money goes.

But economic anxiety over a persistently high unemployment rate and strong public dissatisfaction with government could trump conventional wisdom.

Second, quite a few incumbents have had enough of public life and have bailed, er, retired.

Among the departing elected officials are Walnut Creek Mayor Sue Rainey, Mt. Diablo Unified School District trustees Paul Strange and Dick Allen, Concord Councilmembers Helen Allen and Guy Bjerke, Brentwood Councilman Brandon Richey, Discovery Bay Services District Director David Piepho and Pittsburg Councilman Michael Kee.

Granted, these folks offer widely differing public reasons.

For example, Strange and Bjerke cite day-job demands. Rainey and Dick Allen, both veterans of public life, are ready to move on. Helen Allen just

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lost her husband of four decades and needs a change.

Piepho, one of the original elected members of the Discovery Bay Community Services District and a 28-year firefighter, will retire next year and said he is re-evaluating how he spends his time.

Others found themselves unwilling to wade into the mud.

Kee, who was first elected in 2002 as part of a reform bloc, said county Supervisor Federal Glover told him that the Seeno construction family had pledged to boot him out of office.

"Glover told me that the Seeno family was willing to spend every last dime they had to get me out," Kee told Times staff writer Rick Radin. "With some of the hot pieces and other things going on, I didn't want to put my family through (a race)."

The departure of Helen Allen and David Piepho, husband to Contra Costa County Supervisor Mary Nejedly Piepho, could produce another political drama later in the year -- the selection of their replacements on the powerful but relatively obscure Local Agency Formation Commission. It rules on public agency boundaries.

None of this talk about leaving office should imply a lack of interest in local public service, though.

The absence of an incumbent typically attracts candidates.

Ten people are running for three Concord City Council seats, a field that includes only one incumbent, Laura Hoffmeister.

Six newcomers are running in the Mt. Diablo Unified School District field.

In the Oakland mayor's race, in which incumbent Ron Dellums is bowing out, 10 candidates have lined up, of which former state Senate President Pro Tem Don Perata is the best known.

Richmond's political scene is always spicy. Ten people are running for three City Council seats, including the incumbents. Richmond Mayor Gayle McLaughlin has two challengers: Richmond Councilman Nat Bates and businessman John Ziesenhene.

On the other end of the spectrum are the folks who will sail with the current into office.

No challengers filed against any of the incumbents in the East Bay Regional Park District. BART Director Joel Keller has no opponents. Former Richmond Councilman John Marquez was the only person to file for Ward I of the Contra Costa Community College District.

And with only three people running for three seats on the Pittsburg City Council, including two incumbents, political newcomer Pete Longmire will avoid a campaign.

A free ride has a down side, though.

Candidates hone their messages during campaigns, drive up their name recognition and gain invaluable experience for that time when re-election rolls around.

GOT POLITICS: Read the Political Blotter at [www.ibabuzz.com/politics](http://www.ibabuzz.com/politics).

Black hole: Crews have started digging the big hole that will become the fourth bore of the Caldecott Tunnel. Thank God.

Always thinking ahead, state Sen. Mark DeSaulnier, D-Concord, has put out the word that he may carry legislation to name the new bore.

California usually requires its highways and bridges and other big stuff to be named after dead people who are unlikely to run for public office.

But DeSaulnier shepherded bills that named the new Benicia Bridge after the very much alive Rep. George Miller, D-Martinez, and a segment of Interstate 680 through Contra Costa County after the healthy former state Sen. Daniel Boatwright.

Hmm. Where to find a living, boring, I mean bore-worthy, public servant in Contra Costa County?

And make no mistake, it must be a Contra Costa resident.

The folks in Alameda County didn't even want a fourth bore. They said they had other priorities for the money. They said it would increase congestion. They said it would be noisy. They whined. A lot.

But I digress.

Seriously, given the state's dire financial condition, DeSaulnier ought to write a bill that sells the bore naming rights to the highest bidder.

Surely, someone out there is dying to pour money into a big hole.

## **Legislature delays water bond to 2012 ballot Backers feared rejection in November vote**

### **SACRAMENTO**

August 10, 2010|By Wyatt Buchanan, Chronicle Sacramento Bureau

Sacramento — The California Legislature voted Monday night to pull the \$11 billion water bond from November's ballot and delay it for two years, a move that came as backers of the proposal became increasingly concerned about its prospects at the polls.

The full Senate approved the delay of Prop. 18 by a 27-7 vote, barely reaching the necessary two-thirds majority of the 40-member Senate. Late Monday night, the Assembly also passed it by the slimmest of margins in that 80-person house, with a 54-22 vote.

Some lawmakers from both parties have called for the bond to be scrapped and rewritten.

Sen. Dave Cogdill, R-Modesto, the author of the original bond measure passed by the Legislature in November as part of a comprehensive package of water legislation, was not happy about the delay but said that it is necessary to ensure passage by voters. He noted the difficulty of getting it passed in the first place and said he does not believe that a better alternative exists.

"Much like Santa Claus or the Easter Bunny, I'm afraid this utopian plan does not exist," Cogdill said. "Let's not let the perfect be the enemy of the good."

The proposition, known as the Safe, Clean and Reliable Drinking Water Supply Act, funds a wide array of projects across the state, including \$3 billion for storage projects like reservoirs, for groundwater cleanup, drought relief and for restoration of the Sacramento-San Joaquin River Delta.

It has come under increasing criticism because of its cost, the inclusion of nearly \$2 billion in earmarks that opponents call pork, and a provision that would allow private corporations to own and operate taxpayer-built reservoirs and other water-storage projects.

The bill to suspend the timing of the bond also removes that provision.

Assemblywoman Anna Caballero, D-Salinas, said lawmakers could use the next two years to convince voters the bond is necessary.

"I do believe that the best chance of success is in 2012," she said.

Opponents were not moved, however, and argued that the bond should be stripped of all but essential needs for California's water. Voters in the state have approved more than \$20 billion in state water bonds since 1996, more than \$3 billion of which has never been spent. About \$1 billion of that unspent money was intended for projects in line to get even more money from the upcoming bond measure.

Sen. Lois Wolk, D-Davis, has been one of the most outspoken opponents of the bond and was the sole lawmaker to vote against the delay at the Senate Natural Resources and Water Committee hearing earlier in the day.

She said the focus of the bond should be lessening the state's reliance on the delta as the hub of its water system and that there are projects funded by the bond that are popular but not critical.

"We can't afford it. It's fiscally irresponsible to move" the bond to 2012, Wolk said, noting that money would go toward building water education centers even as public schools were closing.

Assemblyman Bill Berryhill, R-Ceres (Stanislaus County), said the lawmakers needed to "put it on a diet" before the bond goes before voters.

Prop. 18 would be repaid with money from the state's general fund, which has a \$19 billion deficit and is projected to continue to have a significant deficit for the foreseeable future absent any major action by the Legislature and governor.

If fully spent sometime after 2015, the bond would cost the general fund \$765 million a year until it is paid off around 2050, according to the Legislative Analyst's Office.

With interest payments, the bond ultimately will cost taxpayers about \$22 billion.

Lawmakers were under pressure to pass the changes before a Monday night deadline for the secretary of state to submit the voter information guide to the printers. If the bond were to be changed and remain on the ballot, the secretary of state would have to issue a supplemental guide, which could cost taxpayers as much as \$4 million.

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