

AGENDA  
REGULAR MEETINGS  
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, April 19, 2011

C. BUSINESS BEFORE THE BOARD

7. BOARD COMMITTEE REPORTS

d. Legislative (2.18.11) \_\_\_\_\_ (Radke)

The Legislative Committee met at District headquarters on Friday, February 18, 2011.

Present: Directors: Doug Siden, Ayn Wieskamp, Beverly Lane  
Staff: Dave Collins, Erich Pfuehler, Carol Victor, Jeff Rasmussen  
Consultants: Doug Houston, The Houston Group  
Public: Pat O'Brien

I. STATE LEGISLATION/ISSUES UPDATE

A. NEW

a. **SB 27 (Simitian) – Final Compensation for Public Retirement and 180 Day Separation Waiting Period**

Legislative Advocate Doug Houston stated this bill attempts to address reports of “pension spiking” where employees are given a dramatic one year boost in pre-retirement compensation or use large vacation balances to substantially increase their final pension compensation package. The bill also allows for an ongoing audit process and limits the base rate of pension calculation to an average of the employees last three years. Of note for the District, the bill also requires a 180-day waiting period before an agency can contract with a retiree. For the District’s interest in mentoring new managers with those who have recently retired, this provision could prove problematic.

Legislative Affairs Manager Erich Pfuehler said for example when he was hired, Ro Aguilar was able to work with him right away as a contract employee of the District. This bill would prohibit that type of training for the first 180 days when one needs it the most. Pfuehler added that the California Special Districts Association (CSDA) lobbied fairly heavily to remove the 180-day provision in last year’s version of the bill and was pretty flatly rejected. Governor Schwarzenegger vetoed last year’s bill by stating it did not go far enough on pension reform. Governor Brown may not share that disposition. Pfuehler concluded by stating staff was simply looking for a watch position on the bill, as it would be hard to oppose on its overall merits. Staff wanted the Board to be fully aware of the waiting period provision.

The Legislative Committee of the Board voted unanimously to WATCH SB 27.

## B. ISSUES

### a. Governor Brown's Budget Proposal

Houston stated Governor Brown recently met with Senate Democrats and is confident that his own party is behind his plan to solve the \$25.4 billion budget deficit. Senator Mark Leno has sent out a request for a list of further cuts. The Senate Republican Leader Robert Dutton, however, stated there is not a single vote in his caucus in favor of the Governor's revenue proposals. There is some speculation a deal could be reached if the Governor would cede ground on the California Environmental Quality Act (CEQA) or provide significant business tax incentives. City leaders are lobbying heavily against his proposals to eliminate enterprise zones and the state's 425 redevelopment agencies (RDAs). Some in the legislature have questioned the idea of returning any of the \$1.7 billion back to the locals. The idea has been floated to use that pot of funding for regional planning efforts required as part of SB 375 implementation. Pfuehler added there has been significant discussion amongst the members of CSDA about the perceived (and real) split between enterprise and non-enterprise Special Districts in the Governor's RDA proposal.

Director Doug Siden commented he attended an Inside Oakland breakfast where he learned the ten largest cities in California are developing an alternative to the Governor's RDA proposal. Houston was aware of the concept, but has not seen a written alternative as of yet.

Houston added the Governor's proposal also calls for a shifting in liability for fire protection in State Responsibility Areas (SRAs). The proposal calls on the Board of Forestry to re-assess some 31 million acres of State Responsibility Areas (SRAs) to determine if some of them are in more urbanized areas than when they were originally designated in the 1950s. Responsibility for fire protection and medical emergency response in populated wild land areas would be assumed by local governments. The idea to shift more responsibility to local governments for SRAs stems from efforts like SB 375 to plan development in a more sustainable way. There is a feeling that local governments have allowed development in areas where they shouldn't and now they need to take some responsibility for imprudent planning. This particular piece could impact the District as many of our properties are SRAs.

The budget process is still very fluid with no clear resolution in sight.

### b. State Parks Funding

Houston pointed out the Governor's budget cuts \$11 million from the current state parks budget. Assuming those cuts go through, State Parks will have lost 44% of their general fund money since 2006. State Parks is now at 1979 staffing levels. Of the 278 parks in the state, 150 have been affected in one way or another by budget cuts. Given the rejection of Prop. 21 last year, State Parks is moving forward with plans to close some parks and place others in caretaker status, as well as closing facilities such as camping sites within some parks. Houston pointed out that General Manager Bob Doyle, Pfuehler and himself met with Senate Resources staff in Sacramento recently. It is clear they are trying to re-examine partnerships for state parks.

Director Beverly Lane asked about Mt. Diablo and whether there was an accessible pot of money for a visitors center. She also inquired about the amount of funding state parks spent on design work for the brickyard area of Eastshore. Rasmussen pointed out the funding for brickyard design was from Prop. 40 and not the general fund.

Pfuehler discussed the idea of another ballot initiative for state parks in November of 2012. He, O'Brien and Doyle have had a number of conversations with interested stakeholders about a new ballot measure. One idea for funding would be an “opt-out” box on driver’s registration forms. If you didn’t check the box and opt-out, you would be contributing a certain amount of money to fund state parks. 80% of people do not check an opt-out box, whereas only 20% will actually check and opt-in donation box. Pfuehler and Collins also discussed the possibility of Dr. George Manross conducting a survey on Prop. 21 in Alameda and Contra Costa Counties.

If some state parks closed, there would likely be implications for public safety and health, particularly for medical rescues.

c. Reform Efforts

Pfuehler reported he has been actively participating in CSDA’s Realignment and Reform Subcommittee and has been closely monitoring the dialogue between enterprise and non-enterprise Special Districts. Pfuehler, Doyle and Houston have also met with Senator Mark DeSaulnier and alerted him to District concerns about redistribution of property taxes. District staff continues to follow the efforts of California Forward and the Think Long Committee and have a meeting scheduled with Bob Hertzberg in the next week or so.

2. FEDERAL LEGISLATION/ISSUES / ISSUES

A. NEW

a. **S. 29 and H.R. 486 – Sacramento San Joaquin Delta National Heritage Area Establishment Act (Feinstein and Garamendi)**

Pfuehler stated these bills, S. 29 and H.R. 486, would establish the Sacramento-San Joaquin Delta National Heritage Area to protect and promote the cultural, historical and natural assets of the region. The legislation would authorize \$10 million total, with no more than \$1 million in any given year, to the California Delta Protection Commission to implement the National Heritage Area. Given all the work the District is doing at Big Break to establish a model of the Delta and the Delta Science Center, it would be good to tie into the heritage area designation. Since the National Park Service has some oversight of National Heritage Areas, we may be able to partner with them at Big Break or at least have an interpretive panel there. Pfuehler added he would like Board to advocate in support of this bill when the District participates in the National Recreation and Park Association Legislative Conference in March. The District is an appropriate partner to tell the story of recreation and public access to the Delta – particularly in the Carquinez Strait region.

Lane inquired about the number of heritage corridors nationwide. Pfuehler responded there are nearly 50, but very few, if any, in the Western U.S.

Lane motioned to support and Siden seconded the motion. The Legislative Committee of the Board voted unanimously to SUPPORT S. 29 and H.R. 486.

**b. S. 97 – San Francisco Bay Restoration Act (Feinstein)**

Pfuehler stated this bill was similar to legislation the Board supported last year authored by Senator Feinstein and Representative Jackie Speier. The Senator is re-introducing legislation to establish a grant program for restoration efforts, but has refrained from attaching a specific dollar amount to the bill. Pfuehler added that due to the District's advocacy work near the end of the last Congress on this bill, the Senator has agreed to specifically add Special Districts as eligible grant recipients. Pfuehler stated he'd like the Board to support the bill again and suggested we continue to advocate to get some criteria included that would prioritize projects in communities near where much of the environmental impact occurs, such as Bruener Marsh. District staff have been working with our delegation on supporting efforts for Bruener with a good degree of success. Should this bill pass, the District could tap these funds for restoration efforts at Bruener Marsh.

Siden motioned to support and Lane seconded the motion. The Legislative Committee of the Board voted unanimously to SUPPORT S. 97.

**B. ISSUES**

**a. Federal Budget Cuts / Rescissions**

Pfuehler reported that as we meet the House of Representatives is considering H.R. 1 which would make somewhere between \$50 and \$100 million in cuts to the current Fiscal Year Federal budget. Included in the cuts will likely be rescissions of existing programs, like TIGER II. The Speaker has allowed anyone who wants to offer an amendment to do so, which is very atypical for the House. He even allowed a vote on the floor to cut funding for an F-35 engine which would have been built in his District. Liberal defense cutting Democrats joined tea party budget hawks in voting to eliminate the program. The National Park Service, U.S. Fish and Wildlife, U.S. Forest Service and EPA are all getting cut. District staff and advocates will be watching this process closely and communicating with our Senators to protect the TIGER II funds.

**b. TIGER Grant Process Update**

Pfuehler reported District staff have been working hard to negotiate a term sheet and grant agreement with the Department of Transportation. Given the possibility of rescissions, the District has been expressing a sense of urgency to the DoT. The current continuing resolution which is funding the government expires on March 4<sup>th</sup>, and ideally we want the money obligated before then if possible. Protecting the TIGER II funds will be a big part of the District's D.C. trip assuming they haven't been cut by then. Pfuehler reported that he and other staff have communicated with our delegation and MTC Commissioners about project priorities for the \$10.2 million TIGER II award given DoT guidelines. Everyone except Union City Mayor and MTC Commissioner Mark Green seemed okay with the District's approach.

c. America's Great Outdoors Report

Pfuehler stated the America's Great Outdoors report was just released on Wednesday, February 16<sup>th</sup>. We know it calls for full funding for the Land and Water Conservation Fund and establishes a new urban park program, but Pfuehler confessed he had not had time to read it yet. District staff participated in a number of the listening sessions that led to the report. Making the connection to getting people outside and into parks and open spaces is the key to establishing a constituency for some of the conservation measures highlighted in the report.

3. PUBLIC COMMENTS

None, but Board Members Ayn Wieskamp and Lane discussed the possibility of high speed rail coming over the Altamont and tunneling under Pleasanton Ridge. They wanted to be sure the District submits comments. There was also discussion about the new BART maps which do not show swaths of green indicating parkland or protected open space. Finally, Lane asked Pfuehler to be sure and invite legislators to whatever type of dedication occurs at Big Break for the interactive map.

Respectfully submitted:

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Erich Pfuehler  
Government Relations and Legislative Affairs Manager