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AGENDA

BOARD LEGISLATIVE COMMITTEE

Friday, September 18, 2009
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.	1. STATE LEGISLATION / ISSUES	
		A. NEW	Pfuehler/O'Brien
(R)		a. Proposed Legislation SB 448 (Pavley)	
		B. ISSUES	
(I)		a. Prop. IA-ERAF Shift Update	O'Brien/Pfuehler
(I)		b. California Constitutional Commission / Convention	O'Brien/Pfuehler
(I)		c. State Parks Access Pass Bond Initiative	O'Brien/Pfuehler
(I)		d. 2009 Delta Bills	O'Brien/Pfuehler
		C. UPDATE N/A	
		2. FEDERAL LEGISLATION / ISSUES	
		A. NEW	
		a. S. 1469 – Port Chicago Designation	Pfuehler/O'Brien
		B. ISSUES	
(I)		a. Health Care Reform	Pfuehler/O'Brien
(I)		b. Transportation Bill	Pfuehler/O'Brien
		C. UPDATE N/A	
		3. PUBLIC COMMENTS	
(I)		4. STATUS OF RECOMMENDATIONS	Pfuehler/O'Brien
		5. CORRESPONDENCE & ARTICLES	

(R) Recommendation for Future Board Consideration Future 2009 Meetings: October 30 November 20 December 18 January 15, 2010
 (I) Information
 (D) Discussion

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

Board of Directors

Ted Radke President Ward 7	Doug Siden Vice-President Ward 4	Beverly Lane Treasurer Ward 6	Carol Severin Secretary Ward 3	John Sutter Ward 2	Whitney Dotson Ward 1	Ayn Wieskamp Ward 5	Pat O'Brien General Manager
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AGENDA
REGULAR MEETINGS
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, October 20, 2009

C. BUSINESS BEFORE THE BOARD

8. BOARD COMMITTEE REPORTS

b. Legislative (9-18-09) _____ (Radke)

The Legislative Committee met at District headquarters on Friday, September 18, 2009.

Present: Directors: Ted Radke (Chair), Doug Siden, Ayn Wieskamp
Staff: Pat O'Brien, Erich Pfuehler, Dave Collins, Carol Victor,
Bob Doyle
Consultants: Doug Houston and Laura Cottrell, The Houston Group
Public: N/A

I. STATE LEGISLATION/ISSUES UPDATE

A. NEW

a. Proposed Legislation

SB 448 (Pavley) SB 448 would create a state program to encourage landowners to manage their lands voluntarily, to benefit endangered, threatened or candidate species without being subject to additional regulatory restrictions as a result of their conservation efforts. Advocate Doug Houston stated this bill was written with the intent to harmonize Federal law with State law with respect to 'safe harbor.' Federal law is clear on incidental takings of endangered species by property owners or entities managing public lands. State law is less clear. Houston also noted this bill passed the legislature unanimously.

The Committee voted unanimously to SUPPORT.

B. ISSUES

a. Proposition 1A-ERAF Shift Update

The budget agreement reached on July 28, 2009 suspended Prop. 1A and allows the state to take up to 8% of property tax revenue owed to local agencies in each county. Under the provision, the state is required to repay those obligations by June 30, 2013. The legislation also authorized the California Statewide Communities Development Authority (CA Communities, Joint Powers Authority) to securitize the property tax "take" collected by the state. Under this plan, local governments can sell their ERAF shift payments to CA Communities. CA Communities will then issue bonds and remit the cash proceeds to the participating local agencies. Local

governments maintain some cash flow and bondholders receive repayment from the state at a later date.

Houston stated after invoking Prop. 1A and the subsequent adoption of an ERAF shift as part of the budget package, the state discovered there were a number of glitches associated with the enabling legislation. They tried to resolve the issues in the context of a cleanup bill (SB 67) which surfaced the last week of session. It was held 'hostage' by the Republicans and did not pass the Senate.

Board Member Ted Radke stated the cleanup bill is very critical. If it doesn't get resolved somehow it will cost the state more money and could culminate in higher interest rates. Advocate Doug Houston said there is a lack of clarity about the interest rates and setting a cap and/or floor is important for local governments.

Houston said the District needs to make a decision fairly soon on whether it wants to participate in the California Communities JPA now or wait to be paid back from the state three years from now.

AGM for Management Services Dave Collins said the Board Finance Committee would be considering this very issue next week, and it will be brought to the full Board in late October. The deadline for submission is November 6.

Carol Victor pointed out the JPA financing scheme is indirectly a bond measure by the state. They could not get a two-thirds vote to raise tax revenue, so this bond mechanism was put in place. The state has agreed to pay the interest and cost of the bonds.

Collins stated if the state takes our money they have to pay it back in three years with interest, but they get to determine the interest rate. Currently, the cap is set at 6% and the floor at 1.5%. The state hasn't announced the rate yet.

General Manager Pat O'Brien said it is to the District's advantage to secure the money from the JPA up front. Waiting for three years to see if the state will make good on repayment is more risky.

Victor questioned whether the securitization program would move forward without the cleanup legislation.

Collins pointed out this scenario is similar to the triple flip from a few years ago. Local agencies did not get 100% of their money back because 'market fees' were deducted. This time, the state is supposed to pay the market fees and interest.

Director Ayn Wieskamp commented the state is essentially raising their debt.

Erich Pfuehler suggested watching to see if any hardship cases are filed in either Contra Costa or Alameda County. Under the budget agreement, local governments

have until October 15 to apply for a hardship exemption. The trailer bill would extend it to December sometime.

b. California Constitutional Commission / Convention

Two key groups are pushing for major reform: California Forward and the Bay Area Council. California Forward has specifically called for the removal of barriers to local government coordination. Their proposal would encourage community-level governments to coordinate, consolidate and, if there is agreement, “receive property taxes and reallocate them” for local priorities. The Bay Area Council has more explicitly called for a Constitutional Convention. They have sponsored a number of “Constitutional Convention Town Halls,” including one in Alameda County on September 17th. They intend to place a measure on the November 2010 ballot. After their “town halls” are complete, they will be finalizing initiative language and working on gathering 1.6 million signatures by April 16, 2010.

Advocate Houston commented the public generally mistrusts how government is conducting its business in Sacramento. It has been suggested by some that each county should collect their own property taxes and be given the authority to reallocate them as they see fit.

Advocate Houston discussed meetings he, O’Brien and Pfuehler have had with California Forward Senior Fiscal Policy Advisor Fred Silva and California Forward Executive Director Jim Mayer about their proposals. California Forward is encouraging compacts between local governments, cities counties and special districts. These compacts would be given the power to jointly levee taxes to improve services. For example, if several government entities determine there is a recreational deficiency in their community, they could jointly develop a financing mechanism to address the need. They would not be creating a new district, but rather using existing partners.

O’Brien stated California Forward is proposing to allow agencies to come together in a compact and essentially have greater taxing authority. They are also looking at reducing the voter threshold from two-thirds to 55% for parcel taxes and general obligation bonds.

Advocate Houston commented the bigger concern is a constitutional convention. It is a wildcard and we don’t know what will come out of something like that. In Sacramento, there is discussion about a legislative review of the constitution. Senator Mark DeSaulnier is very interested in these issues and might chair the commission if it materializes.

O’Brien discussed another group, the Bay Area Council, which is spearheading a constitutional convention movement with the intention of putting an initiative on the ballot.

Pfuehler commented the Bay Area Council has set a timeline and plans to place the initiative on the ballot in 2010 and call the convention in 2011. District staff continue to meet with key people and monitor the progress of this movement.

c. State Parks Access Pass Bond Initiative

During the budget debates last year and this year, there were discussions about helping wean State Parks from the General Fund through a \$15 dollar rider on DMV vehicle registration fees in exchange for day-use access through all state parks. The concern for the District is about the state parks it manages. This proposal means a potential loss in revenue to the District.

While these efforts failed in the legislature, the State Parks Foundation is attempting to put a similar proposal on the ballot in November. District staff will be meeting with proponents of this initiative to incorporate language in the ballot proposal to address the District's concerns.

O'Brien expressed concern that if this initiative is passed, people will think they can enter and park at Del Valle for free. The District does not receive any funding from State Parks and this could cause the District to lose a significant amount of money.

d. 2009 Delta Bills

Lawmakers have been seeking a compromise on how to overhaul the state's water system. There have been serious and challenging discussions about how to pay for it. Senate Republicans are pushing for a \$12.4 billion bond for water projects, including \$4 billion for dams. Democratic leaders want a much smaller bond balanced with user fees. Other sticking points include how much power a proposed council to oversee the Delta would have. The District has submitted comments about the composition of a proposed Delta Conservancy, and has been tracking possible Delta education funding and improved recreation access.

Houston added when the legislature adjourned, there were several bills laying in wait which incorporated some of the provisions from the five Delta bills debated in a number of joint committee hearings. There was significant resources set aside for water storage and some positive environmental issues, but the legislature could not reconcile the issue of conveyance, i.e. the peripheral canal.

AGM for Land Acquisition Bob Doyle asked if any of the bills had provisions for recreation or water access to the Delta.

Advocate Houston stated he hadn't heard much about recreation or access. He suspects the legislature will be back in a special session in about three weeks to discuss the water bills and some other things.

Doyle mentioned that Congressman Miller said he spoke with Interior Secretary Ken Salazar about a designation for the Delta similar to the Everglades. Congressman Miller thinks the Feds will recognize the Delta through the Bureau of Reclamation.

2. FEDERAL LEGISLATION/ISSUES

A. NEW

S. 1469 (Boxer) Port Chicago Naval Magazine National Memorial

This bill is the Senate version of the Port Chicago bill (Miller) to make the Port Chicago Naval Magazine National Memorial a unit of the National Park Service. This bill authorizes the Secretary of Interior to enter into an agreement with the City of Concord and the East Bay Regional Park District to establish and operate a facility for visitor orientation and parking, administrative offices and curatorial storage for the Memorial. It also expresses the sense of Congress that the Secretary of Defense should promptly remediate remaining environmental contamination related to the land. Erich Pfuehler thought EBRPD should express their appreciation to Boxer for carrying it. Pfuehler stated he expects it to be signed into law this year.

The Committee voted unanimously to SUPPORT.

H.R. 3534 (Rahall) The Consolidated Land, Energy and Aquatic Resources Act:

House Energy and Natural Resources Chairman Nick Rahall (D-W.Va.) introduced a bill on September 8, 2009 to forge a new Department of Interior agency to govern oil and gas leasing on federal lands and to overhaul the federal royalty system. The far-reaching bill also includes measures to improve planning for offshore energy development, address wind and solar programs, and boost funding for ocean conservation and land acquisition. Additionally, the measure adds a provision to provide full funding (including stateside funding) for the Land and Water Conservation Fund (LWCF). It would require \$900 million in revenues generated primarily from oil and gas revenues be allocated to the LWCF annually without further appropriation.

Pfuehler mentioned this bill is a little bit controversial on one hand and a little good on the other. The good part is it would supply full funding for the Land and Water Conservation Fund (LWCF), both State and Federal sides. The reason it is a little controversial is it is tied in with oil and gas leasing royalties. The environmental community is a little bit split on it although generally supporting it. Pfuehler said the bill's author, Resources Chairman Nick Rahall, is trying to create a new office of Oil and Gas Leasing which will make the leasing process a little more transparent. Environmental groups like H.R. 3534 because they will be able to track the leasing process, but it may have the unintended consequences of actually increasing applications for oil and gas drilling offshore. The District supports the LWCF portion H.R. 3534 and is tracking this bill.

The Committee voted unanimously to WATCH and support the LWCF efforts.

B. ISSUES N/A

a. Health Care Reform

Director Radke asked that the Board let the East Bay Congressional delegation know they support a public option in the federal health care reform efforts in D.C.

O'Brien stated while the District has not formerly taken a position on any health care bill it certainly could take a position on the public option.

Director Doug Siden made a motion for the District to support the principles of a good health care reform measure with a strong public option.

The Committee unanimously voted to SUPPORT.

b. Transportation Bill

Pfuehler gave an update on the Federal Transportation Bill. The District has been tracking this legislation to try to get funding for paved trails as an extension of our green transportation network. The dynamic is House Committee Chairman Jim Oberstar really wants a bill to move. He supports increased pedestrian, bicycle and non-motorized alternatives for transportation and has introduced the concept of an Office of Livability within the Department of Transportation which would facilitate more of these kinds of routes to schools and transit centers. Chairman Oberstar will try to ensure the Administration focuses on policy priorities and ways to pay for the bill.

On the Senate side, Senator Barbara Boxer, Chair of the Environment and Public Works Committee, is asking to extend the provisions of the existing transportation law for eighteen-months. Her Committee staff is very focused on climate change legislation. Where the two will meet is still an open debate, sometime next year this legislation should begin moving forward. In the meantime, the District is actively working with the House Transportation staff through an advocate in D.C. to try and get some language in the bill that will help the District close the gaps in their paved trail network.

Pfuehler also reported Senator Feinstein incorporated in the Department of Labor annual funding bill language which allocates '\$600,000' to the 'East Bay Regional Park District' for 'Fire and Conservation Crew' work. If this language stays in the bill, the District will be able to hire some young people, such as Civicorps Schools, to do trail maintenance.

O'Brien commended Pfuehler for his excellent work on behalf of the District.

3. PUBLIC COMMENTS
No comments.