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# AGENDA

## BOARD LEGISLATIVE COMMITTEE

**Friday, March 27, 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	O'Brien/Pfuehler
(R)		a. Proposed Legislation AB 444 (Caballero) AB 521 (De La Torre) AB 1496 (Skinner)	
		B. ISSUES N/A	O'Brien/Pfuehler
		C. UPDATE	O'Brien/Pfuehler
(I)		a. State Budget b. Special Election	
		2. FEDERAL LEGISLATION / ISSUES	
		A. NEW	O'Brien/Pfuehler
		a. Proposed Legislation N/A	
		B. ISSUES	O'Brien/Pfuehler
		C. UPDATE	O'Brien/Pfuehler
(I)		a. NRPA Conference Follow Up	
		3. MEASURE WW	Collins/ Rasmussen
(I)		Measure WW - Local Grant Program Update	
		4. PUBLIC COMMENTS	
		5. CORRESPONDENCE & ARTICLES	

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

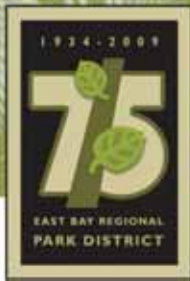
Future 2009 Meetings: April 17 May 15 June 19 July 17  
 August 21 September 18 October 16 November 20  
 December 18 January 15, 2010

Executive Committee Members:

Ted Radke, Chair, Doug Siden, John Sutter, Alternate  
 Erich Pfuehler, Staff Coordinator

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Washington Post

## No Second Stimulus Bill Is Coming Soon, Pelosi Says

By Ben Pershing  
Washington Post Staff Writer  
Friday, March 13, 2009; A02

[House Speaker Nancy Pelosi](#) said yesterday that a second economic stimulus package is not "in the cards" in the short term, disappointing those seeking another quick infusion of federal money into the struggling economy.

Pelosi's statement came less than a month after President Obama signed the \$787 billion stimulus measure into law and on the same day the administration warned state officials gathered in Washington that it will keep a close eye on how they spend the money allotted to them from that legislation.

Pelosi (D-Calif.) helped nudge the idea of another stimulus Tuesday when she said that Congress should "keep the door open" to the possibility. And House Appropriations Chairman [David Obey](#) (D-Wis.) said this week that he will begin "preparing options" for a second stimulus package.

But Democratic aides have cautioned strongly that another such plan is not a serious possibility in the short term, and Pelosi said yesterday that she "really would like to see this stimulus package play out" before contemplating another one.

"I don't think you ever close the door to being prepared for whatever eventuality may come," she said at her weekly news conference but emphasized that a second package is "just not right now something that's in the cards."

Some prominent economists have suggested that a second stimulus measure, costing several hundred billion dollars, may well be needed. Mark Zandi, the chief economist at Moody's Economy.com who has become a key adviser to House Democrats, said this week that "policymakers need to do more. I don't think we're done. . . . I think another stimulus package is a reasonable probability, given the way things are going."

The Wall Street Journal's most recent forecasting survey, a poll of 49 economists, found that more than 40 percent of respondents thought a second large stimulus package is necessary to jump-start the economy.

But several key Democrats have said they do not like the idea of another package so soon, and congressional Republicans -- who almost unanimously opposed the first stimulus bill -- have even less appetite for a second. "I think the fact that they are already talking about stimulus two indicates they already think stimulus one has failed," suggested House Republican Conference Chairman [Mike Pence](#) (Ind.).

Pelosi said that Congress has passed or would pass measures beyond the first package that would help create jobs, including the \$410 billion omnibus spending bill that Obama signed Wednesday and the massive highway reauthorization bill the House will take up this year.

Pelosi said that a supplemental spending measure may be necessary to cover the costs of the wars in Iraq and Afghanistan, but otherwise, "my preference is that any appropriations that we do henceforth be in the regular order, under the regular hearing process, markup and the rest."

She said she expects that economists and others might continue to promote the idea of another stimulus package "but not from my initiation."

The debate over a second plan comes as the money from the first is only beginning to trickle into the economy.

At the Eisenhower Executive Office Building yesterday, the Obama administration gathered state government officials for a conference on implementing the stimulus. The meeting was designed to serve as a workshop and a warning on how they should use their billions of dollars from the package.

"And so I've said before . . . if we see money being misspent, we're going to put a stop to it, and we will call it out, and we will publicize it," Obama said.

Vice President Biden delivered a similar warning to the group earlier yesterday. "A little hint: no swimming pools in this money," he said, later adding: "If we don't get this right, folks, this is the end of the opportunity to convince the Congress that anything should go to the states."

Lower-level officials drove the same point home. Thomas Barrett, the deputy transportation secretary, told attendees that "there is no room for projects that are going to look stupid or be stupid" and warned against mistakes such as "buying the spa treatments and charging it to a federal contract."

More than 100 state officials attended the conference, peppering administration aides with questions about how the stimulus money will be distributed and how it can be spent. They represented every state but Idaho.

Jon Hanian, a spokesman for Idaho Gov. C.L. "Butch" Otter (R), said the governor has announced his recommendations for how the state's stimulus money should be spent. And because of the economic downturn, Hanian said, Idaho is restricting travel for state employees.

*Staff writer Scott Wilson contributed to this report.*

Sacramento Bee

# Schwarzenegger backs California constitutional convention

[kyamamura@sacbee.com](mailto:kyamamura@sacbee.com)

Published Friday, Mar. 13, 2009

Gov. Arnold Schwarzenegger endorsed a California constitutional convention – last used in 1878 – as a way to fix what he described Thursday as the state's "dysfunctional" system.

Speaking at the Commonwealth Club of California, the Republican governor took dead aim at potential foes of budget-related measures he wants voters to pass May 19 while embracing several political changes not on the ballot.

Schwarzenegger said legislative term limits should be extended so state lawmakers have time to build sufficient experience. He said the initiative process should be changed to prevent well-heeled groups from pitching bond measures the state can't afford.

And he supported a state constitutional convention to overhaul California's government as a whole.

"I think that eventually the state of California has to look at a constitutional convention, to really look at the whole thing, the way government works in California," Schwarzenegger said. "Because there are many aspects of government in California that are dysfunctional."

The idea has gained momentum in recent months, led by the Bay Area Council, a group of business leaders.

Convening a new constitutional convention requires two-thirds legislative approval, a major barrier, advocates said. To skip that step, the Bay Area Council wants to place two initiatives on the November 2010 ballot – one allowing voters to call a convention, as well as a proposal authorizing an immediate convention.

Bay Area Council President and CEO Jim Wunderman said the convention could examine how the state collects and distributes money, as well as its structural organization.

"I hope (Schwarzenegger) would see this as an opportunity to do what he was elected to do, to leave California in a position to achieve," he said. "It doesn't seem like we're in a position to do that now."

Schwarzenegger focused his speech Thursday on explaining why voters should back Proposition 1A, which would limit spending in good years but also extend a series of temporary tax increases. So far, little coordinated opposition has formed, but labor unions are discussing whether to mount an attack.

"And the very interests, the far left and the far right, that prefer dysfunction over change have already launched a campaign to confuse the people and to defeat the reform," Schwarzenegger told the Commonwealth Club in San Francisco. "But this time they are not going to be successful."

After signing an unpopular budget, Schwarzenegger rebuked his critics. He accused fiscal conservatives who advocated for spending cuts alone of being "guilty of political cynicism at its worst." Of those who advocated for only tax increases, Schwarzenegger said, "Their grasp of economics must come from living on a hippie commune."

Proposition 1A would require the state to limit spending based on a 10-year revenue trend and shift excess money to a "rainy-day" fund in good years. But it also would extend a new 1-cent sales tax increase and other tax hikes on income and vehicles.

Schwarzenegger said his May ballot effort would succeed because it had diverse support, comparable to the coalition behind last year's redistricting change. But one former ally undercut that argument. The League of Women Voters of California, a nonpartisan group that helped Schwarzenegger win the redistricting fight, said it believes Proposition 1A would tie the hands of future lawmakers.

"Most of its provisions will not take effect for two years – two years that we should spend hammering out real solutions to our budget and fiscal challenges." said Janis Hirohama, president of the League of Women Voters.

So far, only one Proposition 1A campaign committee has emerged – a coalition of proponents that Schwarzenegger has funded with \$80,000 out of his political war chest.

After his speech, the governor flew to Aspen, Colo., to raise money to pass the ballot measures, said spokeswoman Julie Soderlund.

Opponents have been slow to coordinate a political committee, largely because labor unions are still determining how to proceed. Political strategists believe unions are the only groups with enough money and motivation to fight Proposition 1A at the ballot.

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*Call Kevin Yamamura, Bee Capitol Bureau, (916) 326-5548.*

**Sacramento Bee**

## **Dan Walters: Budget trigger a convoluted political mess**

**dwalters@sacbee.com**

**Published Friday, Mar. 13, 2009**

One of the more convoluted pieces of the state budget package enacted last month was a provision that nearly \$3 billion in health and welfare spending cuts and new income taxes would be eliminated if the state was in line for at least \$10 billion in new federal aid.

The money didn't have to be in hand for the cuts and tax increases to be avoided. Rather, Gov. Arnold Schwarzenegger's budget director, Mike Genest, and state Treasurer Bill Lockyer would have to agree by April 1 that the feds would "make available" that amount by June 30, 2010.

The proviso was inserted to make the package more palatable to liberals opposed to spending cuts and anti-tax conservatives, but its drafting was hasty and imprecise. And the \$10 billion figure was plucked out of the air at the last moment to garner one much-needed vote in the Senate.

What does "make available" mean? No one really knows – and having two officials interpret it, one a Republican and the other a Democrat, is a recipe for gridlock.

Apparently, Schwarzenegger originally wanted just Genest to make the call, but as a sop to Democrats Lockyer was included. Ordinarily, Controller John Chiang would have been part of any fiscal panel, but that would have given Democrats a 2-1 majority, and Chiang had irritated the governor by stubbornly resisting some of his budget moves.

Genest rather quickly declared that his bean counters could find no more than \$8 billion in federal aid, falling well short of the trigger amount.

The Legislature's budget analyst, Mac Taylor, confirmed that number but added that depending on how certain provisions of the federal legislation are interpreted and implemented, it might be possible to hit \$10 billion. And the liberal California Budget Project chimed in with its analysis saying the state could easily meet the \$10 billion threshold.

All of that put the heat on Lockyer. If he agreed with Genest and Taylor that the federal aid would fall short, the game was over. If he disagreed, it's a tie. Nobody knows what would happen then.

The administration appears to contend that a tie means the spending cuts and the taxes would be imposed. But if it holds to that posture, some kind of court battle is almost inevitable.

Meanwhile, there is another factor in the gamesmanship. It's becoming evident that the billions of dollars in new taxes and spending cuts enacted last month probably will fall well short of closing the \$40 billion budget deficit projected for the remainder of this fiscal year and all of the next. The economy is continuing to deteriorate, and tax revenues are falling behind projections.

Were the trigger to be pulled, it would widen the likely deficit even more, which may be one reason why the administration is reluctant to embrace the \$10 billion figure. And that doesn't take into account what happens if a half-dozen budget-related ballot measures are rejected by voters on May 19.

The never-ending political dance over the state budget deficit thus continues.

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*Call The Bee's Dan Walters, (916) 321-1195. Back columns, [www.sacbee.com/walters](http://www.sacbee.com/walters).*

LA Times

## Schwarzenegger begins campaign for ballot measures

The proposals, which the governor says would bring an end to the state's financial crisis, go before voters on May 19. They offer him a chance to do over his disastrous 2005 special election.

By Evan Halper and Jordan Rau

**March 13, 2009**

Reporting from Sacramento — Gov. Arnold Schwarzenegger on Thursday kicked into gear his campaign for a slate of ballot measures to come before voters May 19 -- proposals that he says would bring an end to the state's chronic financial crisis.

The package is intended to keep the state from falling again into a deep fiscal hole. Californians will be asked to prolong new but temporary tax increases while simultaneously limiting government spending; to borrow against the state lottery; and to move money they approved for preschoolers and the mentally ill to other purposes for a while. They will decide whether to restore some funds to schools and community colleges and will gain the power, if they want it, to punish elected officials in the event the state does incur future deficits.

The campaign, which Capitol staffers say will be the governor's focus over the next several weeks, offers Schwarzenegger an opportunity to do over his disastrous 2005 special election, in which voters rejected his entire package of changes to state government.

Today, as in 2005, the core issue is spending restraints that would put a tight rein on government growth. But the proposal has been crafted differently this time, and many of the well-funded interest groups that worked to defeat Schwarzenegger in 2005 are so far sitting this campaign out.

Some of those former opponents have something to gain if Schwarzenegger's new package passes. The temporary tax hikes that fund programs supported by teacher unions and other interests would remain in place for two additional years, and schools eventually could be guaranteed more money if the governor is successful.

In a speech Thursday before the Commonwealth Club of California in San Francisco, Schwarzenegger called the package of six ballot measures "the agreement that ends the current budget deficit and changes our approach to budgets in the future."

The governor said that after five years of seeking to change how business is done at the Capitol, and at times finding himself as frustrated as the people who elected him, "I am not frustrated today. I feel good about the change this budget reform will bring to our state."

Though opposition to the measures is unlikely to be well-funded without major union support, it is shaping up to be aggressive.

The Howard Jarvis Taxpayers Assn., conservative talk radio hosts and anti-tax lawmakers are fighting to stop the tax hike extension, which they say would harm the economy. Advocates for the poor are banding together to battle the spending cap, which they say could trigger devastating cuts in services.

The League of Women Voters of California, which has long advocated an overhaul of the budget process, is urging voters to reject almost the entire package of propositions. League President Janis Hirohama called the measures "hurriedly drafted positions" that "will only make our fiscal situation worse."

Supporters of the ballot package are expected to mount an aggressive campaign that includes television and radio advertisements and considerable time on the stump for Schwarzenegger.

The governor's campaign is being spearheaded by some of his close political advisors, along with the California Chamber of Commerce, the Business Roundtable and other interest groups, operating as a campaign committee called Budget Reform Now.

Opponents have not yet opened a formal campaign account. But Jon Coupal, president of the Howard Jarvis Taxpayers Assn., predicted they would ultimately raise enough money to run advertisements on radio, if not on more-expensive television.

"I think we will be better financed than people realize," Coupal said. "We're not going to be able to raise the millions of dollars the other side will, but I do think we will be effective in getting our message out."

He said that effort would be bolstered by two Republican candidates for governor in 2010: former EBay President Meg Whitman and Insurance Commissioner Steve Poizner. And he said he's had private conversations with a dozen Republican Assembly members who voted for the spending cap but were now prepared to renounce it because they were not aware it was linked to an extension of tax increases.

The six proposals were placed on the ballot as part of a bipartisan budget deal the governor struck with lawmakers last month. Some of the measures are crucial to keeping the new budget -- which wiped out a roughly \$42-billion deficit -- from falling apart.

In addition to limiting government growth, the electorate will be asked to borrow \$5 billion against future lottery profits, raid mental health and early childhood education programs for hundreds of millions of dollars annually over five years and eventually restore billions of dollars that were recently cut from education.

Voters will also be asked to bar lawmakers and the governor from receiving pay raises when the state runs a deficit.

The extent to which Democrats will be involved in the campaign is unclear. Many have expressed ambivalence about the ballot measures, which would keep revenue flowing to the state temporarily but could ultimately force substantial cuts in government healthcare and social service programs.

Some point to Colorado, where in 2005 a GOP governor and business officials found themselves asking the public to relax a spending cap they had championed years earlier. Because of the cap, they said, the state had run short of funds for basic road projects and other government programs.

In California, Schwarzenegger and GOP legislative leaders were able to push the spending curbs into the ballot package despite the spirited objection of many Democratic lawmakers.

As part of that deal, they agreed to temporary tax increases on vehicles, personal income and sales long sought by Democrats but resisted by Republicans.

The tax hikes will remain in place for four years if voters approve the spending restraints; otherwise they expire in 2011.

Assembly Speaker Karen Bass (D-Los Angeles), who helped negotiate the package, said it would be important for Democrats to explain to their supporters why the state's fiscal crisis made it necessary to siphon money away from popular mental health and children's programs.

"I completely anticipate that many or most of my members will be out campaigning" for most of the propositions, she said, adding that the Democrats may choose to speak to local groups or raise money for the "yes" effort.

The fiscal restraints would prohibit the state from spending the revenue windfalls that are typical in California when the economy is good and direct surplus money to a rainy-day fund for leaner times.

"States that have a rainy-day fund are doing better than those that don't," Schwarzenegger said. "We need this discipline."



Sacramento Bee

# Dan Walters: 'Poison pill' could backfire on state spending limit supporters

By Dan Walters

Sacramento Bee

Posted: 03/03/2009 09:46:45 PM PST

When someone proposes a California initiative ballot measure, the attorney general gives it an official title and summary. There's always been much political angst, as well as legal wrangling, over the wording of controversial issues.

Just last year, Attorney General Jerry Brown gave a measure to overturn same-sex marriage a ballot title that its advocates howled was prejudicial and inaccurate. Brown prevailed in a brief court battle, but the measure, Proposition 8, passed anyway. This week, the state Supreme Court will begin considering the measure's constitutionality, with Brown urging its invalidation.

When the Legislature places a measure on the ballot, however, it often bypasses the attorney general by specifying the ballot title and even indirectly designating those who write ballot pamphlet arguments. In other words, the Legislature, in league with the governor, tries to fix the election by fixing how measures are portrayed.

Cases in point are the six measures that the Legislature and Gov. Arnold Schwarzenegger are asking voters to approve in a hurry-up May 19 special election to implement much of their state budget deal.

The most important of the measures, Proposition 1A, would create a state spending limit and direct excess revenue into a "rainy day" account to be used when the economy and state revenue dip. But a very important provision of the package is that billions of dollars in new taxes would be short-circuited if Proposition 1A is rejected.

That "poison pill" is designed to discourage unions and other left-of-center groups — which despise state spending limits — from campaigning actively against the measure. But it indirectly gives conservative anti-tax groups, which despise the new levies, a potential weapon.

Voters won't be told any of that in the official title written by the Legislature, which reads this way: "RAINY DAY BUDGET STABILIZATION FUND. Reforms the budget process. Limits future deficits and overspending by increasing the size of the state 'rainy day' fund and requiring above-average revenues to be deposited into it, for use during economic downturns."

When the Field Institute's pollsters surveyed likely voters about Proposition 1A, they read the official summary and found 57 percent inclined to vote for it. When those same respondents were told about the \$16 billion in hidden tax effects, however, support plummeted to 34 percent of likely voters.

Schwarzenegger is already campaigning with allied groups to push the spending limit concept and is likely to spend millions of dollars selling it to voters.

Anti-tax groups are looking for an angel — such as billionaire businesswoman and gubernatorial candidate Meg Whitman — to finance an opposition campaign that would exploit the measure's secret tax effect.

The Field Poll indicates that if they find enough money, killing the measure and undermining the budget agreement is quite possible, even probable.

## Contra Costa Times

# Alamo voters reject incorporation measure

[By Eric Louie](#)

[San Ramon Valley Times](#)

Posted: 03/03/2009 10:44:25 PM PST

Updated: 03/04/2009 06:41:41 AM PST

ALAMO — Voters rejected a measure Tuesday that would have incorporated Alamo into a town.

With all precincts reporting, 66 percent of the 6,173 votes counted opposed Measure A, according to the Contra Costa County Elections Division. The final vote was 2,099 in favor to 4,074 against.

Alamo would have become the first Contra Costa County town to incorporate since Oakley voted to do so more than a decade ago.

Turnout was high at the portable building at Creekside Community Church, said precinct inspector Marty Hess. The polling place is the voting spot for 1,850 voters, with 70 percent listed as absentee, he said. By 5 p.m. more than 300 people had come in to cast their ballot.

"That's more than half," Hess said. "This is very similar to the presidential election."

If the number of signs along Danville Boulevard are any indication, the issue certainly has roused voter interest. Voters leaving the polls offered mixed opinions, with a slightly higher number saying they were against incorporation. Donald and Dawn Davis drove up with their two sons in a sport utility vehicle with "We Voted No!" written on a side window.

"We want to keep it rural," said Dawn Davis, 38, a housewife who grew up in Walnut Creek. "We moved here because it was unincorporated."

They've lived in Alamo four years.

"I just don't like the idea of increasing taxes and increasing bureaucracy," said Donald Davis, 34, a general contractor.

Kevin Anderson, 47, a self-employed Alamo resident of eight years, voted for incorporation.

"It gives more local control," he said.

Arguments for incorporation included local control and getting more services than currently provided by the county, which serves the area and is facing its own financial problems. Proponents said tax revenue, mostly from property taxes, would be more stable in this area than in most of county and that as a town, Alamo could get labor cheaper than the county can.

Opponents contended that financial projections supporting incorporation are not realistic, and that the new town might have to cut services or ask residents to pay new taxes.

## E & E Publishing News

### ***PUBLIC LANDS: Groups seek full funding for conservation program***

(03/03/2009)

Patrick Reis, E&E reporter

Chronic underfunding has left a key federal land-acquisition program without enough cash to protect threatened ecosystems, according to a report released today by a coalition of 52 advocacy groups.

Allocations for the Land and Water Conservation Fund fell from \$445 million to \$130 million between 2001 and 2008, forcing the government to turn away willing sellers of private land, the report says.

The groups are urging Congress to fully fund the program at \$900 million a year. Of particular concern, the groups say, are nearly 2 million privately owned acres within the boundaries of national parks that the government has identified as critical for conservation.

President Obama's proposed budget would increase allocations to \$420 million in fiscal 2010, with a goal of reaching the \$900 million by 2014. Land and Water Conservation Fund allocations are divided between the departments of Agriculture and Interior and administered by the Fish and Wildlife Service, the National Park Service and the Bureau of Land Management.

The groups applaud Obama's target. "This is a program that has been so starved for so long, it makes sense to build it back up over time," said David Moulton, director of conservation funding for the Wilderness Society.

The groups are also expressing confidence that the president's full funding request will make it through Congress intact.

"These are programs that have very strong local and state support; what has been missing in the past has been a push from the top," Moulton said. "With the president weighing in so unequivocally, I think the members are going to be in a position to respond more favorably than they have in the past."

## Contra Costa Times

# Local green energy projects could get boost from stimulus package

[By Lisa Vorderbrueggen](#)  
[Contra Costa Times](#)

Posted: 03/01/2009 04:12:09 PM PST

Updated: 03/02/2009 07:56:56 AM PST

President Barack Obama's \$787 billion economic stimulus package could help California counties and cities comply with pending mandates to cut greenhouse gas emissions.

A handful of programs in the federal spending plan set aside money for green energy development and retrofit, expanded public transit and energy efficiency initiatives.

The \$3.2 billion energy efficiency and conservation block grant program is the most applicable new pool of cash. Its purpose is to help local governments, tribes and states cut fossil-fuel emissions and energy use.

"We could always use more, of course," said League of California Cities legislative representative Kyra Ross. "But it is definitely worth it for cities to go after those dollars. Cities could do some good projects with it and they can leverage it."

Gov. Arnold Schwarzenegger signed Assembly Bill 32 that requires the state to cut greenhouse gas emissions to 1990 levels by 2020.

A subsequent piece of legislation, SB375, requires regions including the Bay Area to develop sustainable community strategies in order to qualify for state transportation dollars. The strategies will identify, among other things, how regions intend to cut their emissions through more efficient development and transportation patterns.

Today, cities and counties may voluntarily inventory their greenhouse gas emissions and craft reduction plans called local government protocols.

While some areas such as Sonoma and Marin counties are aggressively pursuing climate change plans, relatively few local governments have started the process.

For cash-strapped local governments, money to plan and carry out emission reduction initiatives remains a serious issue.

But local governments will likely face greenhouse gas reduction mandates eventually as the state regulators drill down on reduction targets set in AB32.

Even though the federal stimulus dollar amounts sound small when you divide it up across the nation, Ross urged cities to go after the money as a means to get a head start on compliance with whatever the state eventually requires.

"Small things count," she said. "Switching out to more energy efficient light bulbs helps. To the extent a city can flip its fleet to cleaner fuels, allow employees to telecommute or conduct Webinars instead of driving, it will all count."

The league has posted at [www.cacities.org](http://www.cacities.org) a 44-page online booklet that outlines the economic stimulus package programs and how to apply for the money.

Reach Lisa Vorderbrueggen at 925-945-4773.

Sacramento Bee

## Unions hold the wild card on proposed state spending cap

[kyamamura@sacbee.com](mailto:kyamamura@sacbee.com)

Published Monday, Mar. 02, 2009

Labor unions that blasted a state budget deal for its constitutional spending limit have gone quiet as the state gears up for a May 19 election asking voters to ratify the agreement.

Campaign veterans believe Gov. Arnold Schwarzenegger and legislative leaders can only succeed in persuading voters to pass six budget-related ballot measures if unions remain on the sidelines.

Labor groups will hold internal meetings over the next month to decide how to proceed.

"That's the multimillion-dollar question," said Dan Schnur, a former Republican strategist who now directs the Jesse M. Unruh Institute of Politics at the University of Southern California.

"Initiatives like this only pass when there isn't much money spent against them," he said. "And the only people who have that kind of money and that kind of motivation are unions. If they decide to sit this one out, it probably passes."

Schwarzenegger hopes the special election will be nothing like the one four years ago, when he suffered multiple defeats at the hands of labor groups.

One immediate difference is that the powerful California Teachers Association has backed Proposition 1B to ensure that schools receive \$9 billion in future years, one of the six proposals that Schwarzenegger and legislative leaders are selling as part of an overall "budget reform" package.

In 2005, the CTA worked against the governor by galvanizing opposition to his various ballot proposals.

The most controversial ballot measure this year is Proposition 1A, which establishes a cap on future state spending based on a trend line over the previous decade.

Public employee labor unions fear the measure would mean less money for government jobs, yet the cap was essential to winning Republican support for the budget package.

Unions last month were attacking the budget deal for including a limit on future state spending growth and \$15 billion in cuts to state programs. The spending limit must be approved by voters in Proposition 1A to take effect.

Fearing that unions could mount a successful opposition campaign, lawmakers and Schwarzenegger crafted the budget deal so that increased taxes on income, sales and vehicles would last up to an additional two years if Proposition 1A passes.

The strategy assumed that the additional state tax revenue, worth as much as \$16 billion between 2011 and 2013, would provide enough incentive for unions to let Proposition 1A go unchallenged.

Different branches of the Service Employees International Union, which represents tens of thousands of public-sector workers, are having internal discussions about what approach they want to take toward the ballot measures.

"We have always been against the spending cap," said Jeanine Meyer Rodriguez, spokeswoman for the state council of SEIU, representing 750,000 workers statewide. "We have to go through our internal process."

If unions decide to pony up money in the special election, they will find vocal partners in the Howard Jarvis Taxpayers Association, an anti-tax group usually on the opposite side of labor in public policy debates. The group opposes the tax hikes linked to Proposition 1A and believes the spending limit allows for too much growth in the state budget.

"I think the opposition is not only there, but I think it will grow the closer we get to May 19," said Jon Coupal, president of the Jarvis group. "It's well known that some bargaining units are not happy and may have motivation to oppose Proposition 1A. Politics makes for strange bedfellows."

Lawmakers and Schwarzenegger crafted the budget deal to win support from education groups. They placed Proposition 1B on the ballot to specify that the state would pay schools \$9.3 billion beginning in 2011-12. They tied the measure to Proposition 1A, partly to discourage teachers unions from opposing the spending limit.

CTA President David Sanchez said that his group has taken an interim support position on Proposition 1B, but that it will take positions on all the measures at a state council meeting next month.

"We're going to be having a campaign to encourage electorate support for repayment back to schools," Sanchez said.

Schwarzenegger held a kickoff news conference Thursday for the six ballot proposals with Senate President Pro Tem Darrell Steinberg, D-Sacramento, former Senate Republican leader Dave Cogdill and leaders from business, public safety and construction groups.

The governor plans to build a substantial war chest in case any financial heavyweights emerge to oppose the six budget-related ballot proposals.

Schwarzenegger, who has set gubernatorial fundraising records, already has the support of major business-backed groups, including the California Chamber of Commerce and the California Taxpayers Association.

"We will get enough money together so we can have an effective TV campaign because even though there's no opposition at this point, you never know," Schwarzenegger said last week. "We want to make sure that if there is opposition coming up and spending money against it, that we have enough money available to push back and get the message out."

The unions may not be Schwarzenegger's only concern.

Republican gubernatorial candidate Meg Whitman, a former eBay CEO whose net worth has been estimated at more than \$1 billion, hasn't ruled out using the special election as a means to court the party's anti-tax base by spending heavily to oppose Proposition 1A. She already is on record opposing the measure.

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*Call Kevin Yamamura, Bee Capitol Bureau, (916) 326-5548.*

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

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

**SUBJECT:** Board Legislative Committee Meeting

**WHEN:** March 27, 2009, 12:45 p.m.  
Lunch will be served

**WHERE:** Board Room, Peralta Oaks

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**Items to be discussed:**

1. STATE LEGISLATION/ISSUES

A. NEW

a. PROPOSED LEGISLATION

**AB 444 (Caballero)** Land use: natural resources: transfer of long-term management funds. (2/24/09)

This bill would allow non-profit organizations to hold and manage funds set aside for the management of mitigation lands or easements convey to the non-profit by state or local agencies. It is supported by the California Council of Land Trusts.

Staff Recommendation: Watch

**AB 521 (De La Torre)** Utility property: leases for park purposes. (2/25/09)

This legislation would allow a public utility to lease property for park purposes and, when determining the fair market value of the lease, may include as consideration the public benefits of parks and open space.

Staff Recommendation: Support

**AB 1496 (Skinner)** Environment: supplemental environmental projects. (2/25/09)

When an environmental disaster occurs (such as the Cosco Bousan oil spill), the California Environmental Protection Agency attempts to mitigate the damage by authorizing a "supplemental environmental project (SEP)." This bill makes it clear that the Legislature should require the California EPA to, to the maximum extent possible, locate the SEP as close to the community that suffered the environmental or public health consequence.

Staff Recommendation: Support

B. ISSUES N/A

- C. UPDATE
  - a. State Budget
  - b. Special Election

2. FEDERAL LEGISLATION/ISSUES UPDATE

- A. NEW
  - a. N/A
- B. NRPA Conference Follow Up
- C. UPDATE

3. MEASURE WW

a. **Measure WW – Local Grant Program Update**

On November 18, 2009, immediately following the passage of Measure WW, the Board of Directors authorized and released the draft Measure WW Local Grant Program Guidelines (Resolution 2008-11-284). With the release of the draft guidelines, the District solicited input on the guidelines and requested local agencies with overlapping jurisdictions to work jointly to determine the population served by each agency. On January 13, 2009, the East Bay Regional Park District Board of Directors authorized the initiation of the Measure WW Local Grant Program (Resolution No. 2009-01-011).

Through the review process, the District was made aware of three areas where there were competing and/or concurrent local agency interests:

- Pleasant Hill Recreation and Park District and the City of Lafayette
- Green Valley and Danville
- Ambrose Recreation and Park District and Contra Costa County

As of the January 13<sup>th</sup> action, Pleasant Hill and Lafayette had agreed to transfer \$12,681.75; representing 111 homes, from Lafayette to Pleasant Hill Recreation and Park District. The other agencies have not reached a consensus on the allocation of funds in their jurisdictions.

As discussed at the February Legislative Committee Meeting, staff continues to seek consensus between the affected agencies on a mutually acceptable resolution to the matter. Staff has continued discussions with the four remaining agencies, and most recently met with staff from Ambrose and Contra Costa County on March 9, to attempt to facilitate an agreement.

While the discussions between parties are cordial, it does not appear likely that consensus will be reached by the end of March. Staff has agreed to accept applications for the master agreements and project proposals from all agencies to ensure that the March submittal deadline is not missed; however, a final solution to the distribution will need to be made in a reasonable time to permit allocation of the funds and planning of the 2009 Measure WW bond issue.

While the District would strongly prefer that the agencies involved come to mutual agreement about the local park and recreation priorities for the Measure WW Local Grant Program funds, in the event that this is not attainable, the District will need to make this final determination.

In review of the matter, it is clear that all agencies have appealing, un-funded needs for park and recreation funding that would serve the communities, and that agency representatives are sincere in their requests for consideration. However, by the terms of the measure, the District's Local Grant Program is a per-capita commitment to agencies providing local recreation and park services for represented residents; therefore, the program has been constructed on the factual basis of which agencies are legally and primarily responsible, through the governance structures in place as of November 2008, for the local park and recreation services to a given population. In the situations at hand, both Green Valley and Ambrose are legal, separate Districts that meet these objective criteria. Additionally, in both the Green Valley/Danville and Ambrose/Contra Costa County situations, no changes have taken place in formal governance or the boundary of population served since the original Measure AA distribution of funds in 1988. This evidence establishes these agencies as the primary providers of local recreation and park services to their respective populations.

The City of Danville and Contra Costa County Danville have both made requests to be designated as recipients of all, or a portion of, Local Grant funds apportioned to the populations of Green Valley and Ambrose, respectively, on the basis that the City and County jurisdictional boundaries and park responsibilities include and overlap those of the smaller agencies. While their needs are appealing, and while there has been some continuing discussion regarding the draft allocations listed in the program materials during 2007 and 2008, the arguments presented have not, to date, presented evidence of a factual change in governance in the areas that would warrant a staff recommendation to depart from the per-capita distribution program as has been approved by the Board.

The Committee has previously been provided with the full background on each of the two areas remaining unresolved; therefore, that information has not been reproduced in this packet.

This update is for the Committee's information, and no immediate action is being recommended. Staff will continue to be available for discussion with the involved agencies, and will be accepting grant applications for consideration through the March 31 deadline. Staff will be returning to the Committee and Board in April and May to report on the grant applications received, recommend funding allocations, and seek authority to issue the 2009 Measure WW bonds.

#### 4. PUBLIC COMMENTS

5. CORRESPONDENCE AND ARTICLES

- a. "No second Stimulus Bill is coming soon, Pelosi says", Washington Post, March 13, 2009
- b. "Schwarzenegger backs California constitutional convention", Sacramento Bee, March 13, 2009
- c. "Dan Walters: Budget trigger a convoluted political mess", Sacramento Bee, March 13, 2009
- d. "Schwarzenegger begins campaign for ballot measures", LA Times, March 13, 2009
- e. "Dan Walters: 'Poison pill' could backfire on state spending limit supporters", Sacramento Bee, March 3, 2009
- f. "Alamo voters reject incorporation measure", Contra Costa Times, March 4, 2009
- g. "Public Lands: Groups seek full funding for conservation program", E & E Publishing News, March 3, 2009
- h. "Local green energy projects could get boost from stimulus package, Contra Costa Times, March 3, 2009
- i. "Unions hold the wild card on proposed state spending cap", Sacramento Bee, March 2, 2009