

AGENDA
REGULAR MEETINGS
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 22, 2011

C. BUSINESS BEFORE THE BOARD

7. BOARD COMMITTEE REPORTS

d. Legislative (9.16.11) (Radke)

The Legislative Committee met at District headquarters on Friday, September 16, 2011.

Present: Directors: Doug Siden, Ayn Wieskamp, Ted Radke
Staff: Robert Doyle, Dave Collins, Erich Pfuehler, Carol Victor, Carol Johnson,
Shelly Lewis
Consultants: Doug Houston, The Houston Group, Dr. George Manross, SRI Consulting
Public: Pat O'Brien, Whitney Dotson

I. STATE LEGISLATION/ISSUES UPDATE

A. NEW

- a. **AB 42 (Huffman) – Allowing Qualified Nonprofits to Operate a State Park Unit**
Legislative Advocate Doug Houston reported the Governor has until October 9th to act on any bills. AB 42 was written in response to the proposed closure of 70 state parks. Currently, local agencies can contract with state parks to operate units of the system without specific legislation. However, a nonprofit must get explicit legislative approval. AB 42 establishes a blanket authority for state parks to enter into operating agreements with up to 30 nonprofits. Houston suggested the District should support efforts by local agencies, state and federal entities, or nonprofits to keep state parks open.

Legislative Affairs Manager Erich Pfuehler said the State Parks Foundation is supporting AB 42. Some nonprofits have been asking the Foundation if operating a unit of the state parks is a one to two year obligation or a long term obligation. Houston interjected the legislation allows for five-year agreements between state parks and nonprofits. Longer term agreements would probably need to be reviewed by the legislature. Pfuehler added the provisions of the bill sunset on January 1, 2019.

Chair Ted Radke questioned if any nonprofit would be capable of running a state park. Houston said the Valley of the Moon Natural History Association probably has the capacity to manage the three state parks (Annadel, Jack London and Sugarloaf Ridge) in the area along Highway 29 between Santa Rosa and Sonoma.

The Committee voted unanimously to SUPPORT AB 42.

- b. **AB 703 (Gordon): Extend Property Tax Exemption for Open Space Lands**
Houston commented AB 703 may not impact the District, but it could negatively impact open space advocate/partners if it is not enacted. AB 703 extends the property tax exemption for lands acquired by nonprofit organizations for open space protection. Should

AB 703 become law, the State would be unable to collect property taxes on properties dedicated as open space.

The Committee voted unanimously to SUPPORT AB 703.

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

Houston reported SB 328 requires conservation easement holders be notified in the event eminent domain proceedings are initiated. Property owners facing eminent domain proceedings are not now required to notify easement holders within the property. This bill would close that loophole and make it mandatory to notify the owner of the conservation easement that condemnation proceedings are going to commence. SB 328 also spells out legal remedies, so the owner can potentially get compensation for their conservation easement.

Pfuehler commented SB 328 seems to imply there could be a greater public benefit in keeping the conservation easement in place than in proceeding with the condemnation. SB 328 tries to strike a balance when weighing the decisions about what's really in the public's best interest.

The Committee voted unanimously to SUPPORT SB 328.

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

Houston reported SB 791 stalled in session, was gutted and amended to become a bill on health care relating to mammograms.

Pfuehler stated the previous version of this bill would have allowed metropolitan planning organizations (MPOs), like the Metropolitan Transportation Commission (MTC), to collect a regional transportation congestion "charge" on gasoline purchases, and a new vehicle registration "charge" on electric vehicles. The charge would have been subject to local majority voter approval. A portion of the revenue from the charge could have been used on bicycle and pedestrian projects.

The Committee did not take a position on SB 791.

B. ISSUES

a. **State Legislative Session Wrap Up**

Houston reported on several of the issues the Board Legislative Committee has been monitoring. Houston informed the Committee the courts have stayed any action on two bills on redevelopment. The first bill eliminates redevelopment and the other bill allows for the reconstitution of a redevelopment agency. The way the language was drafted, if the legislature does have legal grounds to eliminate redevelopment, a considerable amount of money will be recaptured by the state. The District will benefit because it has fire protection services.

Radke commented he understood the original concept was if redevelopment was eliminated, the formulas would all unwind and jurisdictions that were receiving only a portion of property tax could recoup the full amount. Radke said the District has \$6 million a year diverted to redevelopment which would normally come to the District. Houston said for the first year or two the District would receive some increment for their fire protection services. Over time, as debt begins to be retired and those monies are

freed up, the money returns to the state and locals on an AB 8 formula basis. The District would not ultimately be returned all \$6 million, but a large portion of the money.

Houston reported on Senator DeSaulnier's bill, SB 536. This was the Oakley power plant – redevelopment bill. The District monitored and inserted language into the bill last year to protect the property tax base. SB 536 was amended at the last minute to redirect the redevelopment increment directly to the city of Oakley and bypass agencies that would otherwise be entitled to some of that increment. SB 536 was enrolled on September 16th and is on the Governor's desk.

GM Bob Doyle suggested Houston contact the bill's author to determine why the District was not notified about the impacts of the last amendment.

Houston discussed the possible state park closures and Proposition 21. Had Prop. 21 passed, the District would theoretically have been entitled to some funds, but it would not have been enough to operate the three state parks the District currently manages. Houston and Doyle have worked on forming a new association comprised of local agencies that operate state parks. Currently the District, Los Angeles County Parks, Tahoe City and the City of Santa Monica belong to this association. A letter will be sent out to another 15 agencies asking them to join. The purpose of this association is to build support for agencies that operate state parks in anticipation of either another ballot initiative, increased general fund augmentation funds or better economic times. Houston said it is important the District is poised and ready engage in efforts to address the issues surrounding state parks. This may also be an opportunity to improve the operating agreements the District currently has, and perhaps provide a little more authority and autonomy to operate state parks.

Doyle reported District staff has met with the majority of key players involved in Proposition 21 and have discussed ways to make potential future legislation successful. Doyle noted there are additional local parks looking to operate State Parks; Napa Regional Park District, Sonoma, Santa Clara, Benicia and Marin where they don't currently operate state parks. Doyle would like to see them become members of the association as potential future operators of state parks. Doyle commented he conducted a roundtable discussion with the general managers of these park agencies. Establishing open communication is helpful in building a stronger advocacy base of local agency managers. Doyle also added important questions are being raised by agencies and nonprofits looking at operating state parks on the closure list. For example, will they be operating them for two years, five years or forever? As of now, state parks does not have the answer, but operators need a better understanding about what type of commitment they will truly be making.

AB 612 (Gordon) Parks and recreation: districts: repayment of indebtedness, AB 612 was passed, signed in to law. AB 612 allowed Mid-Peninsula Open Space District the ability to incur debt for a 30-year period versus the current 20-year period. This allowed them to refinance their debt, provide them with new revenues and enhance their capacity to the point where they could potentially manage a state park. About 50 percent of their budget is debt service because they didn't pass any bond measures, yet borrowed against their tax base to buy land.

SB 436 (Kehoe) Land use: mitigation lands: nonprofit organizations.

SB 436 authorizes approved nonprofit organizations or special districts to hold property and long-term stewardship funds (i.e., accompanying funds or endowments) to mitigate adverse impacts to natural resources caused by a permitted development project. Doyle and Houston were very involved with the Open Space Council to ensure local agencies would be able to receive endowments collected by Fish and Game. The Governor has been talking about realigning resources to the local level, which allowing local entities to hold endowments would do. The State Fish and Game Department is currently neutral on SB 436.

AB 147 (Dickinson) Subdivisions.

Houston reported AB 147 provides cities and counties the authority to impose mitigation fees for public benefit. This particular bill would enable local government to use mitigation fees for transit, bikeways and pedestrian improvements. These changes are consistent with statewide SB 375 directives for infill development, transit-oriented development and complete streets. AB 147 was chaptered on September 6th.

SB 769 (Fuller) Mountain lions: display, exhibition, or storage.

Houston stated SB 769 clarifies what it means to legally possess a mountain lion carcass. Should a mountain lion be struck by an automobile, a government or nonprofit entity could use the carcass for autopsy purposes, or have the carcass treated by a taxidermist and displayed and used for educational purposes at a nonprofit or government-owned museum generally open to the public or at an educational institution. It is on the Governor's desk and should be signed.

AB 1036 (Allen) Parks: regional park, park and open-space, and open-space districts: employee relations.

Houston reported this bill would have changed the role of the General Manager of a Regional Park, Park and Open-Space or Open-Space District and specifies that the Meyers-Milias-Brown Act applies to all park districts. Fundamentally, AB 1036 would have diminished the authority of the General Manager to hire and fire employees. This legislation was specific to Sonoma County Regional Park and Open Space District. Carol Victor worked in coordination with Mid-Peninsula Open Space District counsel on the bill language. AB 1036 was amended to preserve the General Manager's ability to appoint and remove staff subject to the personnel rules, civil service, or merit system, and policies adopted by the Board. It adds a Section 5550 to the Public Resources Code to allow a Board of Directors to adopt an ordinance establishing an employee relations system that may include, but is not limited to, a civil service system or a merit system. It further specifies a county Board of Supervisors can act in lieu of a Board of Directors to address Sonoma County's situation. It is on the Governor's desk.

Other Issues:

Doyle reported Grants Manager Jeff Rasmussen is working on bond funding applications. Doyle said there is still a lot of bond money left for natural resource projects. Because of the current low bond rating of the state, however, funds are more limited than they should be. Most money is being devoted for infrastructure projects. The bonding authority has money they need to spend, but very few local agencies have required matching funds. The District is in the position and able to apply for this funding where other agencies can't meet the matching criteria.

b. Reform – California Forward Ballot Proposal(s)

Pfuehler reported he and AGM Dave Collins are meeting with staff from California Forward. California Forward is drafting ballot language which appears to embrace the concept of countywide strategic action plans. The County Supervisors would decide what services need to be met within a county. If through the planning process they determine needs are not being met, it would provide the county some authority to move property tax around. California Forward is seeking to make sure the services the plan suggests are being met by the funds available. California Forward has informed the District it could “opt- out” of this process.

The most interesting meeting the District had was with California Forward’s political director who is probably going to run the campaign. Her big question for the District was, ‘do we think the environmental community will support this?’ Pfuehler and Collins then wondered if discussions with environmentalists and labor unions should take place. There must be hundreds of thousands of public employees in labor unions which could be impacted – particularly SEIU and AFSCME members.

The California Forward political director said she would share the language with the District at the earliest possible time. It must be filed by mid-October to the Attorney General to begin getting the petition circulated.

Collins and Pfuehler are also going to meet with the League of Cities locally, but may want to meet with them in Sacramento to learn their position.

2. STATUS OF RECOMMENDATIONS – No further discussion

3. FEDERAL LEGISLATION / ISSUES

A. NEW LEGISLATION – N/A

B. ISSUES

a. **Federal Debt Super Committee**

Pfuehler reported Congress is going to pass a continuing resolution capped at the funding levels agreed to in August. Hopefully, this removes the threat of a government shut down on Dec. 23 when the Super Committee is due to make recommendations. Because it will be capped at the August levels, it will likely mean additional cuts will need to be made. If the Super Committee does not agree, there will be across the board cuts (sequestration) in all departments with half the cuts coming from defense. Every department will likely have to make a 5 to 10% across the board cut in their budget. While departments can’t cut benefits, they can cut staff and/or facilities. It will impact the District in ways such as permits and getting TIGER II projects completed. Pfuehler pointed out that it was doubtful funding from TIGER II would be at risk.

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

Dr. George Manross of Strategy Research Institute presented his 1988 thru 2011 Longitudinal Analysis to the Board Legislative Committee. Manross stressed most of the data comes from community surveys, the electorate, and some data from in-park user and trail surveys.

Manross reported in 2006 awareness about the District was at 94%, and in 2010 it was up to 98%. In 1995, 81% of the public felt the District's parks and trails were a valuable public resource. In 2011, the percentage rose to 97%.

Manross stated the District tested high in customer satisfaction in the following areas: safety and security, physical condition of parks and overall maintenance, courtesy of staff, programs offered and amenities.

Manross explained the study revealed people visit parks to feel fit and healthy, escape the pressures of life, enjoy the great outdoors, and do something with family and friends. His polling shows that over the years the satisfaction with the District has consistently gone up. The desire to feel fit and healthy is consistent with the District's Healthy Parks, Healthy People initiative. Walking, hiking, jogging and running scored high in the 96% range.

Manross reported the park user study reflected spending priorities have also risen. Environmental maintenance, maintenance and preservation of scenic areas, the addition of restrooms, and fire maintenance rose steadily from the low 70% range in 2005 to the high 90% range in 2008.

Manross showed a slide which reflected public safety concerns. Doyle stated public safety in parks is a fundamental core value. It would benefit the District to pursue polling in the area of public safety issues.

Manross concluded by reporting that the longitudinal study shows trends and patterns over time, the good things the District has been doing, and the desirable effects. Manross emphasized it also gives the District an idea on what to measure through polling and focus on desired outcomes. In terms of policy, working toward increasing loyalty scores would help reposition the District for when the next money mechanism is considered.

5. PUBLIC COMMENTS
None.

Respectfully submitted:

Erich Pfuehler
Government Relations and Legislative Affairs Manager