

The Committee recommended staff continue to WATCH A.B. 804.

ACR 84 (Fuentes) is a constitutional resolution which creates a commission to review the California budget process and governance in general. The commission is tasked to make recommendations to the legislature. Most members of the commission are to be appointed by the Speaker and Senate Pro Tempore.

General Manager O'Brien mentioned to Assembly Member Nancy Skinner the need for Special District representation on the commission. Pfuehler added the resolution has the support of Speaker Bass and establishing this commission is a way for the legislature to have some control over the Constitutional revision process. Outside groups, such as the Bay Area Council and California Forward, have discussed initiating a ballot initiative to call for a Constitutional Convention.

O'Brien discussed the possibility that even if the Commission is established, there still may be enough momentum for a ballot initiative. There is danger in an uncontrolled process because there are many people who don't believe Special Districts have a role in a reformed government.

Director Ayn Wieskamp agreed the belief that 'something must be done' could throw the state into further chaos. It is important for the District to monitor these activities.

Director Radke stated the California Constitution is the third longest in the U.S. and contains all kinds of legislative details defining property rights, interest rates, tax policy, etc. What normally would be defined by statute is actually written into the California state Constitution. Changing the Constitution would be an incredible task.

The Committee recommended staff continue to WATCH ACR 84 and other constitutional revision efforts.

SB 229 (Pavley) Advocate Houston reported this is one of four pending bills to put some teeth in the Bay Delta Commission. The various bills seek to balance improved water delivery with ecosystem restoration. As owners of Delta properties, the District is a stakeholder in this process. There is likely to be some type of governing authority for the Delta. The District will advocate for resource agency representation.

Director Radke suggested the District contact the coauthor State Senator Mark DeSaulnier to discuss the bill. Advocate Houston stated Senator DeSaulnier had been contacted.

Pfuehler commented whatever governing entity is formed may have the authority to delegate restoration tasks to local governments, like the District. This could be a type of unfunded mandate, requiring the District to do restoration work without providing financial support.

Advocate Houston noted the legislature is considering many bills regarding the Bay-Delta, but SB 229 is unique in that it focuses on only short-term, positive steps which can be achieved promptly. This bill adopts the recommendations of the Delta Vision Task Force that two co-equal goals should be adopted: ecosystem restoration and improvements to water supply reliability. It does not address long-term governance, a peripheral canal, possible bond financing or land use reforms. Instead, it focuses only on ecosystem planning, short-term funding and enforcement of existing laws.

The Committee recommended staff continue to WATCH SB 229 and other Delta legislation.

B. ISSUES N/A

C. UPDATE

State Budget Update

Advocate Doug Houston noted the Big Five are still meeting and suspending Prop. 98 (which sets a minimum amount of state funding for education) is a big hang up. There is little appetite from any of the Big Five to reduce education funding. The education community is advocating for a guarantee that funding will be restored in future years. The Governor has balked at that.

Houston added suspending Prop. 1A is front and center. It is bound to happen if not as part of this budget soon thereafter because revenues are not going to improve. If it is suspended, it is unclear how the money will be shifted. If it will be an 8% revenue hit across the board for all agencies as the governor proposed, or if there will be some mitigating circumstances for certain agencies like fire, etc.

If the Legislature chooses not to suspend Proposition 98, the school funding guarantee constitution measure, suspension of Proposition 1A is a foregone conclusion. Even if Proposition 98 is suspended, Proposition 1A suspension is still a very real possibility.

2. FEDERAL LEGISLATION/ISSUES

A. NEW

H.R. 1329 (Blumenauer)

Pfuehler mentioned this bill was rolled into the federal climate change legislation. Rep. Earl Blumenauer from the Portland, Oregon area is a strong bicycle advocate. He has proposed setting aside 10% of the funds generated from the climate change

legislation (H.R. 2454) through the cap and trade system for transit and bike routes. H.R. 2454 is estimated to raise \$70 billion by 2010 in polluter fees.

Pfuehler highlighted this was good public policy. He noted the concept was included in the climate change bill, but the percentage of funding was considerably less. District staff is trying to arrange meetings with Senators Boxer and Feinstein about the transportation bill and could reference this bill as a positive step in encouraging bike friendly transit. The District could potentially be eligible for some of this money for our paved bike trails.

The Committee unanimously voted to SUPPORT H.R. 1329.

B. ISSUES N/A

C. UPDATE

Federal Transportation Bill

Pfuehler stated U.S. House Transportation Committee Chairman Jim Oberstar recently released a “Chairman’s Mark” blueprint for reauthorizing the national transportation bill. It includes a new Office of Livability within the Dept. of Transportation which would oversee programs to ease traffic congestion, and encourage the use of biking and walking more. In fact, the mark states “it is the policy of the Federal Government to encourage maximum accessibility and safety of the surface transportation system for cyclists and pedestrians as intended users when designing and constructing surface transportation facilities.” Chairman Oberstar is committed to trying to do a bill this year or at the very latest next year. The past federal transportation bill expires this September. Unfortunately, Senator Boxer has asked for an extension of the old transportation bill rather than doing a new one until 2011. The District will advocate with our House and Senate members the role trails play in moving people to BART and other transit hubs. District staff will advocate for funding to close the gaps in our paved trail network.

Wildfire and Conservation Crew Request by Senator Feinstein

Senator Feinstein’s office has been in contact with both Erich Pfuehler and Jeff Rasmussen about a request she has made on the District’s behalf for \$1 million for conservation and fire crews. This would be mainly for 18- 24 year old youths to work on District trail maintenance and fire fuels reduction efforts.

Pat O’Brien commended Pfuehler for his hard work with both our Sacramento legislative staff and Washington, D.C. staff to familiarize them with the District’s programs.

Other bills discussed

Pfuehler mentioned both the House and Senate have cleared Interior Appropriations bills. They both include funding for the stateside portion of the Land and Water Conservation Fund (LWCF). The House allocated \$40 million and the Senate allocated \$35 million. Both of which are above and beyond the \$20 million approved

last year. Secretary of Interior Ken Salazar and National Park Service Director nominee Jon Jarvis both are committed to fully funding LWCF.

Pfuehler added Senator Boxer introduced the Senate version of the Port Chicago bill to designate it as a unit of the National Park Service. Rather than a memorial, it would actually become a unit that would be maintained by the National Park Service. In the language of the bill, there is a line that says the National Park Service needs to work with the City of Concord and East Bay Regional Park District to establish the Visitors and Interpretive Center.

3. MEASURE WW

Measure WW - Local Grant Program Update

AGM Dave Collins reported District staff have tentatively selected a couple of co-underwriters for the measure. It will be considered by the Finance Committee and then the full Board on September 1 for authorization and approval.

There is not much controversy with the approved applications. At present, there are fourteen unapproved applications. There are only two reasons for EBRPD to outright deny a project: 1. If CEQA clearance is not complete prior to submitting the application or 2. Not having land tenure with a twenty-five year lease.

One project was submitted which still has a six-month public comment period prior to final CEQA clearance. Once the public comment period expires and CEQA approval is granted, the District is likely to approve the project. Jeff Rasmussen stated the project was not filed with the County, which is why there is a 180-day comment period for CEQA.

Jeff Rasmussen discussed why other projects were denied. The District needs a parcel map from Pleasant Hill Park and Recreation District, but has not received it yet.

The City of Oakland submitted a project without proof of adequate land tenure. The City demonstrated it has a five-year lease with the associated school district. A longer lease agreement or proof of a long, ongoing relationship is required for the District to approve the project.

District guidelines state that for a lease of school property, the property has to be available for parks and recreation purposes after 3:30 p.m. Monday through Friday and all day on Saturday. This policy was clarified during discussions about exclusive use of the Gilman Sports Fields and the City of Berkeley. This issue has also come up with the City of San Leandro. Director Radke stated if the District helps to finance a project, they should have the ability to negotiate and apportion some of the use for the general public after hours and on weekends. He wondered if the school district's ownership of the land would count as a contribution. The District is willing to consider alternative schedules if needed.

The Ambrose Park and Recreation and Contra Costa County issue is still percolating.

The County questions money allocated under Measure WW to Ambrose. The legal per capita distribution under WW goes to Ambrose. The Board has taken action and appropriated the money to Ambrose. Based on that, Rasmussen has approved Ambrose's application. At this point, it is a matter for Ambrose and the County to work out. Ambrose originally offered the County \$100,000 of their WW funds, but when County didn't accept it they retracted the offer. The District's Counsel will take this matter under legal advisement.

Rasmussen reported some cities have not submitted applications yet due to internal layoffs and in some cases the cities couldn't agree on which projects to submit.

Director Doug Siden expressed appreciation to Jeff Rasmussen for his work on the Bay Trail coming from Oyster Bay to the Port of Oakland. Siden stated Rasmussen is the unsung hero with his good work on behalf of the District and the City of San Leandro.

4. PUBLIC COMMENTS
No comments.