

AGENDA
REGULAR MEETINGS
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, September 7, 2010

C. BUSINESS BEFORE THE BOARD

7. BOARD COMMITTEE REPORTS

c. Legislative (6.18.10) (Radke)

The Legislative Committee met at District headquarters on Friday, June 18, 2010.

Present: Directors: Ted Radke (Chair), Doug Siden, Ayn Wieskamp
Staff: Erich Pfuehler, Dave Collins, Ted Radosevich, Jim Townsend
Consultants: Doug Houston, The Houston Group
Public: N/A

I. STATE LEGISLATION/ISSUES UPDATE

A. NEW

a. Proposed Legislation

AB 2253 (Coto) Workers' compensation: cancer presumption. (5/28/10)

According to author Joe Coto, in the course of performing their job-related duties, firefighters and other public safety personnel routinely come into contact with materials known to cause various types of cancer. Since the original cancer presumption statute was enacted over two decades ago, research and anecdotal information reveal that some industrially-caused cancers actually manifest themselves well-beyond the existing five year statute of limitations. AB 2253 extends the statute of limitations to ten years.

Legislative Manager Erich Pfuehler reported District legal and risk management staff have expressed concerns about this bill. It basically extends the presumption of being at risk for cancer for public safety officers from five years to ten years. Currently, five years after employment former staff who are diagnosed with cancer can claim it was job related and hold the District liable. This bill extends the statute of limitations to ten years which increases the Districts risk and liability.

District Counsel Ted Radosevich said it is not so much the claim of cancer, but the District's burden to prove it was not caused by their work. If this bill moves forward, future actuarial analysis will likely prompt the District to add thousands of dollars to their Workers Compensation fund to ensure the District remains solvent.

Board Recommendation: WATCH

SB 1398 (DeSaulnier) Property tax revenue allocations: public utilities: qualified property. (6/01/10)

Pfuehler reported Senator Mark DeSaulnier's legislation was introduced because the California Energy Commission is considering a proposal to construct a 600 megawatt power plant to be located within a redevelopment project area in the City of Oakley. The property tax which could normally be collected from the area where the power plant will be located will be directed to a redevelopment authority. The local school district which services the area would still receive its share of property tax. Staff originally thought the power plant would not be sited on property where the District collects property taxes. After looking into it further, the site is in the District's jurisdiction of property tax collection.

AGM Dave Collins stated when a redevelopment area is established, state law allows redevelopment agencies to use a portion of the property taxes to pay down the debt the redevelopment agency incurred to improve the area. Taxing entities, such as the District, which serve the project area continue to receive tax revenues they were receiving the year the redevelopment project was formed (the base year). Those revenues are passed through the redevelopment agency to the District. Under our reading of SB 1398, the utility redevelopment agency would take that base year revenue away permanently. It would be a very bad precedent. The proposed location for the power plant is already in a redevelopment area and subject to the Board of Equalization distribution of utility taxes. The District's projected yearly loss would be \$190,000 per year in base property taxes. Additionally, it is unclear how this legislation would impact the property tax increment for bond indebtedness for Measures AA and WW.

Advocate Doug Houston stated the bill passed the Senate and out of the Appropriations committee. This is not, however, a priority bill for the author. An exception was included for Contra Costa Fire District. The District should craft an amendment to address its concerns and Houston will approach the author.

Radosevich asked if the author would be willing to accept amendments and create an exception for the District like they did the Fire District. Houston believes the author may be willing to listen and accommodate our request.

Board Recommendation: OPPOSE unless amended

B. ISSUES

a. State Budget Update

Advocate Houston reported not much has happened. Legislators have been meeting periodically at the Joint Conference Committee, but little is being accomplished. Meetings between the "Big 5" (Senate Pro Temp, Speaker, Minority Leaders and the Governor) have not begun in earnest. When they do, they will be looking at some very painful possibilities and probabilities. There will probably be some discussion about making this a two-year budget. Houston doesn't think they can bridge the \$19 billion dollar gap in one year.

Pfuehler stated the Governor went on record claiming he won't sign a budget until there is pension reform even if it is after the November election or after he's gone. A pension reform deal was reached by four unions yesterday, although SEIU is missing. It is unclear if yesterday's agreement constitutes pension reform or if it will really influence the governor's decision to sign the budget.

Pfuehler cautioned there is still an undertone of devolution of responsibility of services from the state to the counties. Senator Denise Duchenev stated at a budget hearing recently that, "the relationship between the state and locals is broken and we need to dust off old reform proposals." Senator Loni Hancock also echoed this opinion at a CSDA meeting and wondered if the state should hand everything down to the locals.

2. FEDERAL LEGISLATION/ISSUES / ISSUES

A. NEW

a. PROPOSED LEGISLATION – N/A

B. ISSUES

a. TIGER Grant

Jim Townsend went through the proposed TIGER II (Transportation Investments Generating Economic Recovery) grant the District is preparing. Last fall, the Federal Department of Transportation distributed about \$1.5 billion in TIGER grants throughout the country. Most of the funds in Northern California went to two projects: Doyle Drive which received \$50 million and a Port of Oakland project.

Earlier this year, the Department of Transportation announced a second round of TIGER grants, TIGER II, which has significantly less funding available - \$600,000 nationwide. These grants are directly awarded by the Department of Transportation to local or regional agencies. They do not pass through the state transportation department or the Metropolitan Transportation Commission (MTC).

Staff has met a number of times with MTC senior managers to garner support for our TIGER II grant application. MTC limited the scope of the projects they will recommend to the DoT to those which make communities more livable. This seems to give the District a good opportunity to receive the MTC's support.

Other potential funding sources for the District's green transportation initiative are the federal transportation bill, earmarks and the Active Community Transportation Act (ACT Act). The ACT Act is sponsored by U.S. Rep. Earl Blumenauer and evolved from the Rails-to-Trails Conservancy active transportation campaign. Their vision is \$50 million for 50 communities nationwide for walking and bicycling projects. It appears this will be scaled down, and it is not certain the bill will move. The District successfully worked to include 'special purpose districts' as eligible recipients in the bill's text.

With the enactment of AB 32, the state has been working on ways to reduce greenhouse gas emissions. One measure, SB 375, seeks to link land use, housing and transportation planning all together. This has led to the concept of sustainable communities strategies. Throughout the State regional authorities, like MTC and ABAG, are supposed to develop strategies to reduce vehicle miles traveled. As a result, the MTC has developed a 25-year plan for how they will allocate transportation funding. As part of the plan, \$1 billion has been included for regional bikeway networks. The MTC has also allocated funding for transportation in “livable communities.” It appears the District could be eligible for funding in both pots. U.S. Secretary of Transportation Ray LaHood recently announced that walking and biking will be treated as equal to other modes of transportation by his department – a new precedent. Early in Obama’s presidency, he created the first ever interagency partnership between the Department of Housing and Urban Development, Department of Transportation and the Environmental Protection Agency to come up with ways to funnel their resources toward livable communities.

Townsend discussed the projects included in the District’s TIGER II application. All projects have a transportation nexus and parallel highly congested freeways. Projects include: Completing the Bay Trail from Pinole to Rodeo; the East Bay Greenway from 66th Avenue to 105th Avenue; the Iron Horse Trail connection through Hacienda Business Park to the Dublin BART station; the Mokelumne Overcrossing at the Antioch and Brentwood border across the Highway 4 bypass; the Bay Trail Crockett to Martinez Intermodal Center; Alamo Canal / I-580 undercrossing; Bay Trail from Gilman to Buchanan across Golden Gate Fields which parallels the congested I-80 corridor. All totaled, there are about \$42 million in projects for which the District currently has about \$18 million in matching funds. The grant application requires 20% in matching funds, but the District has closer to 40%. The TIGER grant pre-application is due in mid-July and the final application is due in August.

3. ADVOCATE CONTRACTS / RENEWAL

A. Kanner and Associates, LLC

The Board Legislative Committee moved to accept the extension of the Kanner and Associates, LLC contract.

4. PUBLIC COMMENTS – N/A