



2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381  
 T. 1 888 EBPARKS F. 510 569 4319 TDD. 510 633 0460 WWW.EBPARKS.ORG



## **AGENDA** **BOARD LEGISLATIVE COMMITTEE**

**Friday, May 15, 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 135 (Jeffries)	
		AB 817 (Nestande)	
		AB 1464 (Smyth)	
		SB 372 (Kehoe)	
		SB 555 (Kehoe)	
		B. ISSUES	
(I)		a. ERAF and Budget Reform Election	O'Brien
		C. UPDATE	
		2. FEDERAL LEGISLATION / ISSUES	O'Brien/Pfuehler
		A. NEW	
(R)		a. Proposed Legislation	
		HR 1044 (Miller)	
		HR 1443 (Matsui)	
		B. ISSUES N/A	
(I)		a. Federal Transportation Bill	Pfuehler
		C. UPDATE	
		3. PUBLIC COMMENTS	
		4. CORRESPONDENCE & ARTICLES	

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

Future 2009 Meetings: 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

#### 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
----------------------------------	--	-------------------------------------	--------------------------------------	-----------------------	--------------------------	------------------------	--------------------------------

Distribution/Agenda Only

Afton Crooks  
Michael Kelley  
Stana Hearne  
Peter Rauch  
Johan Klehs  
Judi Bank  
Dan Levy

Distribution/Agenda Only

Neva Dinwiddie  
Pete Wilson  
Robert Follrath, Sr.  
Fred W. Lopez  
Yolande Barial  
Bruce Beyaert

Distribution/Full Packet

Board of Directors  
Pat O'Brien  
Rosemary Cameron  
Dave Collins  
Bob Doyle  
John Escobar

Distribution/Full Packet

Allen Pulido  
Carol Johnson  
Tyrone Davis  
Dave Kalahela  
Carol Victor  
Ted Radosevich

Distribution/Full Packet

Hulet Hornbeck  
Dr. George Manross  
Norman LaForce  
Rich Guarienti  
Dee Rosario  
Jon King

## **Assemblyman Jeffries Bill to Implement Federal Stimulus Funding for Fire Protection Passes Committee**

Jeff Greene (951) 894-1232 Craig Deluz (916) 319-2066 Assemblymember Kevin Jeffries' bill to help California capture and implement federal stimulus funds for fire protection unanimously passed the Assembly Natural Resources Committee on Monday, April 13th.

The bill, AB 135, allows the Director of CAL FIRE to waive the cost-share requirements for local agencies who apply for grants funded through this program. Normally, when local agencies or entities receive state or federal funding, they must match at least 10% of the funds. Since the American Recovery and Reinvestment Act (ARRA) passed by Congress prohibits these matching funds, state law needed to be changed.

"I saw that there needed to be a change in state law in order for California to compete for federal funding" said Assemblyman Jeffries. "With fire season fast approaching, it is important to get this funding into the hands of fire service agencies here in California."

Some of the eligible projects in California include maintaining accessible forest roads in order to allow firefighters to effectively battle large scale fires, hazardous fuels reduction throughout California, and general forest maintenance.

"After 29 years as a volunteer firefighter, I understand the necessity of preparing for fires in advance. Regardless of whether you or I think the federal stimulus package was a good idea economically, Californians will be paying for it, and Californians should benefit from it.

AB 135 must now pass the Assembly Appropriations Committee before it can be heard on the Assembly Floor.

## Transportation Bill Requests

Appropriation requests have been sent to our congressional delegates per the schedule below:

Transportation Bill High Priority Projects Appropriation Requests								
Park	Project	Total Project Amount	Grant Request	Due 4/27 Stark	Due 4/20 Miller	Due 4/17 Tauscher	Due 4/24 McNerney	Due 4/25 Lee
District Wide	Pavement Maintenance	\$1,400,000	\$1,000,000		X	X		
San Pablo Bay	Hercules Bay Trail	\$2,600,000	\$1,600,000		X	X		
Carquinez Shoreline	Scenic Drive Bay Trail	\$5,000,000	\$4,000,000		X			
Hayward Shoreline	Union City Bay Trail	\$2,500,000	\$1,500,000	X				
Iron Horse Trail	Dublin BART	\$10,000,000	\$7,800,000				X	
East Bay Greenway	18th Ave. Oakland to Hayward BART	\$8,125,000	\$6,500,000					Letter



## **California: Miller, Cardoza to Fete DeSaulnier in D.C.**

April 28, 2009

By Josh Kurtz

Roll Call Staff

State Sen. Mark DeSaulnier (D), one of three early frontrunners in the not-yet-scheduled special election to replace Rep. Ellen Tauscher (D), will be coming to Capitol Hill a week from today for a fundraiser at the National Democratic Club Townhouse.

Democratic Reps. George Miller and Dennis Cardoza, who represent districts near Tauscher's, have endorsed DeSaulnier and will be special guests at the luncheon fundraiser. Tauscher has also endorsed DeSaulnier, but as President Barack Obama's nominee to be an undersecretary of State, she is not expected to take a particularly active role in the campaign.

In another development in the expected special election, the 20,000 University of California workers represented by the American Federation of State, County and Municipal Employees Local 3299 voted late last week to endorse Lt. Gov. John Garamendi (D), who got into the race on Wednesday. The labor groups that previously lined up in the race have backed DeSaulnier.

"With everything going on in the nation, it is crucial that we have someone with the knowledge of the lieutenant governor to replace the experienced leadership of Congresswoman Tauscher in Washington, D.C.," AFSCME Local 3299 President Lakesha Harrison said in a statement.

State Assemblywoman Joan Buchanan (D), who also joined the race last week, is the third frontrunner in the contest, though several other candidates from all political parties are expected to compete for the East Bay seat when the special election is eventually called.

2009 © Roll Call Inc. All rights reserved.





## [Danville mayor will run for state Senate](#)

By Lisa Vorderbrueggen

Monday, April 27th, 2009 at 7:02 pm in [California Legislature](#), [California Senate](#), [Congressional District 10](#), [Contra Costa County](#), [Contra Costa politics](#).



Danville Mayor Newell Arnerich

[Danville Mayor Newell Arnerich](#) says he will run for the state Senate if [Sen. Mark DeSaulnier, D-Concord](#), is elected to the 10th Congressional District.

The 14-year-veteran of the Danville Town Council and an owner of an architectural firm spent the weekend at the California Democratic Party convention in Sacramento talking with party leaders — Senate President Pro Tem [Darrell Steinberg](#), DeSaulnier and [Assemblyman Tom Torlakson, D-Antioch](#) — about his prospects and came away enthused.

It was his wife who told him he ought to run for the Legislature, he said. Janis teaches school in Orinda and she urged him to try and help fix a dysfunctional state budgeting process mired in partisan muck.

The Legislature's failure to solve the state's fiscal problems incrementally in prior years has led to massive and nearly unmanageable deficits that are pushing businesses out of California and hurting education, he said.

"I believe the opportunity for change is over the next 24 months and the voters are looking for it," Arnerich said. "

Arnerich is the first declared candidate for the [District 7](#) Senate seat, should it become open.

Former Assemblyman Joe Canciamilla of Pittsburg is also looking at the race and [Assemblywoman Joan Buchanan, D-Alamo](#), may well have an interest in the Senate post if she is unsuccessful in her 10th Congressional District campaign.



**Sacramento Bee**

## **Dan Walters: Proposition 13 limits return to the agenda**

**[dwalters@sacbee.com](mailto:dwalters@sacbee.com)**

**Published Tuesday, Apr. 28, 2009**

The state's perpetual budget crisis and the appointment of a commission to recommend changes in the state-local tax system have re-ignited a debate over property taxes that seemingly ended 31 years ago with passage of Proposition 13.

The landmark 1978 measure imposed a tight limit on property taxes, which previously had been the chief support for schools and local governments, and had the indirect effect of shifting much of that burden, especially for education, to the state.

Loosening Proposition 13 in some fashion would provide more money for local services and schools, ease the burden on the state and thus reduce its chronic budget deficits. Three decades after its passage, however, it remains very popular with voters, the vast majority of whom are homeowners.

There's almost no chance that Proposition 13's limits on residential property taxes would be touched, but liberals who want to see the state's budget crisis resolved with more revenues, rather than less spending, are intrigued by the notion of reducing its benefits to business property, thus boosting revenues by many billions of dollars.

It's called a "split roll" among tax mavens, and it occupied much of the tax reform commission's most recent meeting in Davis, especially after a state Board of Equalization attorney described various ways in which it could be instituted.

At one point, Santa Clara County Assessor Lawrence Stone argued against a split roll, citing the technical difficulties and financial costs of implementing it – a sentiment adopted by the California Assessors' Association. And at another, William Hamm, a former legislative budget analyst, warned the commission that any new tax burdens on business would be passed on to consumers as higher prices.

But split-roll advocates on the commission, such as former Assemblyman Fred Keeley, continued to press for its consideration. What intrigues advocates – and worries business groups – is that while Proposition 13 is a constitutional provision that's difficult to modify, it would be theoretically possible for one form of a split property tax roll to be adopted by a simple-majority vote of the Legislature and a signature by a governor.

One section of Proposition 13 requires taxable values to be upgraded when a parcel changes ownership. Homes almost always change hands in one sale, but business property is most often transferred incrementally, as ownership of corporations changes through stock sales. And unless more than 50 percent changes hands in one transaction, Proposition 13's reassessment provisions are not triggered.

One option that the reform commission is weighing is legislation to alter the legal definition of "change of ownership," triggering an upgrading of taxable values when the cumulative transfer of business ownership rises above 50 percent.

It's still not likely to happen, but as the state's budget crisis deepens, even the politically unthinkable surfaces.

---

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

## Groups strategize for single-payer plan

By: [Carrie Budoff Brown](#)

April 28, 2009 04:37 AM EST

President Barack Obama and Senate Finance Committee Chairman Max Baucus (D-Mont.) rarely pass up a chance to snub single-payer health care — a term that means a government-run system. So opponents on the left who want their voices heard in the debate over health care reform are planning to yell a little bit louder as Congress considers creating a public insurance plan to compete with private insurers.

Their strategy is simple: By pushing hard for single-payer health care, a robust public insurance option ends up looking like a compromise Democrats could accept.

“The best way to get half the pie is ask for the whole pie,” said Katie Robbins, assistant national coordinator of Healthcare-Now, which will not endorse the public plan but acknowledges the strategy. “It is like horse trading.”

Healthcare-Now doesn't have a seat at the White House negotiating table with other interest groups, including its chief nemesis, the insurance industry. So single-payer advocates have resolved to make their cause hard to ignore. Advocates say that by making the government the sole administrator of health care, the U.S. could save billions of dollars annually on reduced administrative costs.

Single-payer groups earned headlines in March by accusing the White House of excluding them from the first health care forum, and they eventually won seats. Last week, two of those groups — the California Nurses Association and the National Nurses Organizing Committee — launched a Web ad campaign costing in the “low six figures,” targeting the five Democratic committee chairmen writing the health care legislation. On May 13, single-payer advocates will rally at the Capitol.

Other supporters also are raising their voices. This month, Sen. Bernie Sanders (I-Vt.), a self-described socialist, introduced the first Senate bill in years calling for a single-payer health care system. And the 77-member Congressional Progressive Caucus made its demands clear in a letter sent this month to House Speaker Nancy Pelosi and Senate Majority Leader Harry Reid.

“It will come as no surprise, as you work to craft comprehensive health care reform legislation, that we urge the inclusion of a public plan option, at a minimum, in the final legislation,” the letter stated. Otherwise, a “strong majority” of the caucus will oppose the bill, the letter added.

“It's a complicated situation. We have never been stronger than we are now,” said Dr. Quentin Young, national coordinator of Physicians for a National Health Program. But still, the \$2 trillion health care industry is stronger, he said.

“We shouldn’t have any illusion — we had two people in a room of 150 euphemistically described as ‘stakeholders,’” Young said of the White House health care forum. “The fix is in.”

A \$1 million ad buy Tuesday by Conservatives for Patient Rights underscores the political peril of single-payer health care. The group uses stories about bureaucracy and wait lists in Canada and Britain to tap into fears about America moving in a similar direction under the Democratic health care plan — a notion that supporters dispute.

### **Health reform is what you make it**

Public opinion on health care reform may be as pliable as Play-Doh, the latest Kaiser Health Tracking Poll found. And that means a tough fight ahead for advocates on both sides of the issue to define the bill before the other does.

Consider a series of questions on creating a government-run insurance program: Sixty-seven percent said they favored “a public health insurance option similar to Medicare to compete with private insurance plans,” while 29 percent opposed it.

When told the public option would lead to a government-run health care system, 41 percent said they still favored it. But when proponents were then told the public option would give government an unfair advantage over the private market, support for the idea dropped to 32 percent.

And here is a hint about why proponents and opponents of the public plan talk so frequently about “choice”: It polls really, really well.

Support for the public plan jumped to 78 percent when people were told it would give consumers more options.

“Opinion is movable and malleable, and a lot will depend on leadership, on how issues are framed and the intensity of the debate and how long it will last,” said Drew Altman, president of the Kaiser Family Foundation.

For instance, last week, former Health and Human Services Secretary Michael O. Leavitt emerged from private life to take issue with those who are using the words “choice” and “competition” to push for the public insurance option. He argued in a column posted on AmericaSpeakOn.org that the public plan would do the opposite, crowding out private insurers and robbing consumers of choice.

“I’m not exercising my voice extensively, but I do intend to write more and I do intend to do more speaking,” said Leavitt, who was HHS secretary from 2005 to 2009 and has been holding weekly calls with Republicans on the Hill about health care policy and strategy.

Bottom line: The real battle over public opinion has yet to begin.

## **Week ahead**

Three things to watch for this week in the health care debate:

- The vote margin and tone of the debate on Health and Human Services nominee Kathleen Sebelius. After Republican delays — described in a Democratic Senate office e-mail as “just short of the amount of slow-walking that would be blatantly obvious” — the Senate will take up the nomination Tuesday.
- Baucus, the Finance Committee chairman, convenes the committee’s first “walk-through” with members Wednesday to begin settling on details of a health care reform bill. He is expected to speak with reporters after the private meeting.
- The administration’s handling of the swine flu outbreak. The Service Employees International Union became the first group to point fingers at the absence of key appointees at HHS, launching an online petition this weekend arguing that Republicans are depriving the department of leadership as it confronts the potential pandemic.





## Election far off, but field of would-be Oakland mayors growing

By Cecily Burt

Oakland Tribune

Posted: 04/25/2009 12:07:15 PM PDT

Updated: 04/25/2009 08:19:26 PM PDT

The Oakland mayor's race is 18 months away, but you can add Alameda County deputy district attorney Scott Jackson's name to a growing list of those interested in the top post.

Jackson, 39, said he was honored to be approached last year by a few people urging him to run for mayor. He is definitely interested and is "weighing his options" before making a final decision this summer.

"I'm not saying yes, but I've been out there talking to people," he said. "I've got a lot support from families."

Jackson, married and a father of three children ages 8, 5 and 19 months, said he respects Mayor Ron Dellums and his history of service but doesn't think the mayor has provided the leadership Oakland needs.

"We need change. Oakland needs change," he said. "I'm a completely different generation of anyone who's running. My generation is being overlooked. It's time for the old guard to let go and let the new generation lead."

Dellums has not indicated whether he will seek a second term. Former state Senate President Pro Tem Don Perata already has announced his intention to run, as has Oakland Councilmember Jean Quan (Montclair-Laurel).

Former Oakland City Manager Robert Bobb's name surfaced as a possible contender, although he told the Tribune that he first must fulfill his obligation to the Detroit schools, where he has a one-year contract to help the financially struggling district, before he makes a decision whether to enter the mayoral race. He also would have to establish residency in Oakland.

Both Bobb and Jackson are African-American.

Jackson has never held elective office. He said he thought about running for City Council before deciding he could make a bigger difference as mayor. He said he realizes he might be up against some formidable candidates, but he is not intimidated.

He has lived in Oakland for 12 years, and he's raising his children here. He coaches youth lacrosse, baseball and soccer, all good reasons to want to make his adopted city a better place, he said.

"I have no reason but to help the people of Oakland," he said. "I'm not doing this because it's the next thing to do, or that I'm bored."

Oakland Councilmember Larry Reid (Elmhurst-East Oakland) said Jackson's entry would raise the bar.

"He's extremely smart and well-respected," Reid said. "Having him and Robert Bobb in the race I think would make this the best campaign that I can remember in Oakland."

Jackson was raised in Chicago and earned his bachelor's degree in history and political science at Williams College in Massachusetts. He taught American and civil rights history at a boarding school for a year before deciding law was his future. He received his law degree from George Washington University in Washington, D.C.

Jackson handles appellate work for the Alameda County District Attorney's Office in Oakland.

# Contra Costa Times

## Census to trigger political shifts

[By Lisa Vorderbrueggen](#)

[Contra Costa Times](#)

Posted: 04/25/2009 12:07:28 PM PDT

Updated: 04/25/2009 05:37:12 PM PDT

With all the hype over who will succeed Rep. Ellen Tauscher in the 10th Congressional District, it's easy to overlook a couple of arcane processes called reapportionment and redistricting.

But the potential impact of these two events triggered by the 2010 Census is significant: The man or woman who becomes California's newest representative in Washington will serve just one term before the results of the next Census activate the mandatory redrawing of congressional district lines.

By the time the 2012 election rolls around, the freshman legislator could find his or her residence outside the district and face a re-election campaign with a very different set of voters.

Or the district could disappear all together.

Virginia-based redistricting firm Election Data Services says California, under several predictive computer models, could lose population relative to the rest of the country and see its congressional allocation drop from 53 to 52 districts. (A caveat: The models are based on projections of historical data and may not account for the impact of the recession on migration patterns.)

As for those two processes, reapportionment is the system under which each state receives its proportional share of the 435-member House of Representatives, based on population.

Redistricting is the mapping of political boundaries within each state.

Before California voters passed an initiative creating an independent redistricting commission in November, the Legislature had the job of mapping the state's boundaries for congressional, Board of Equalization, Assembly and Senate districts.

House Speaker Nancy Pelosi managed to exempt Congress from the new panel's jurisdiction.

Thus, the House will again produce its own set of maps and submit them to the Legislature for ratification.

What does that mean for a newly elected member of Congress from the 10th district? Redistricting expert and UC Berkeley Professor Bruce Cain lays out some scenarios:

- Population shifts within California push the boundaries of heavily Democratic Bay Area districts eastward into more conservative regions. If applied to District 10, it could narrow Democrats' 18-point registration advantage in the district.

- California loses a seat in Congress but due to population growth in Southern California, the loss comes from Northern California. That could also pull District 10 east into more conservative areas.

"This is where seniority could kick in," Cain said. "If everybody has to get pulled in some direction, a freshman might suffer. But the Democrats are more likely to target a Republican district for collapse."

It's impossible to predict what will happen. There are too many unknowns.

But here is one thing we do know: If you want to ensure that your neighborhood is accurately represented when mappers in 2011 begin drawing new lines for every seat from county supervisor to Congress, fill out your Census form when it arrives in April 2010.

GOT POLITICS? Read Political Blotter at [www.ibabuzz.com/politics](http://www.ibabuzz.com/politics):

- Check out the back story of Lt. Governor John Garamendi's news conference Tuesday to announce his candidacy in the 10th congressional district and watch a video clip. Assemblywoman Joan Buchanan was right on his heels with her announcement Thursday.

AND FINALLY. They may have lost their last elections but former Antioch Mayor Don Freitas and Councilman Arne Simonsen have no plans to retire from the public square.

They are putting together a public policy discussion group patterned after Freitas' traditional Friday morning gathering at Sylvia's Country Kitchen restaurant.

"We're looking at 15 to 20 people who get together once a month and talk about issues that affect the city," Freitas said. "I used to meet at Sylvia's every Friday when I was mayor — the mayor doesn't have an office at City Hall — and I enjoyed the discussions."

Not to worry. Freitas says the group is not part of a plot to return him to City Hall, office or no office.

You'll get no such promises from Simonsen, who says he will almost certainly run for the City Council in 2010.

Two incumbents' terms are up next year — Reggie Moore and Martha Parsons.

"My idea is to have a small, bipartisan group that will advise the City Council and offer alternatives and analysis," Simonsen said. "Yes, there is a doggone good chance that I will run in 2010. That's not the purpose of the group but I want to ensure that the council in 2010 has something left to work with."

Best of all, Simonsen's advice is free.

Given Antioch's budget woes, it can ill afford to turn down free advice, right?

# San Gabriel Valley Tribune

## San Francisco group proposes constitutional convention to solve state's ills

By Mike Sprague, Staff Writer

Posted: 04/25/2009 08:01:53 AM PDT

A plan to call a state constitutional convention as a way to reform the state's budget and political systems is getting some political traction, but local officials still have questions and doubts.

The Bay Area Council, a San Francisco business organization, says a convention is the only way to reform a state government that has had problems passing budgets, dealing with overcrowded prisons and improving schools.

But state Sen. Bob Huff, R-Diamond Bar, is concerned the convention might take on more issues than it can handle.

"Once you open that can up, you don't know what genie will fly out of that bottle and you can't put it back in," Huff said.

"We've gotten to where we are incrementally and we need to fix our problems incrementally," he said.

Getting a convention isn't going to be easy. Only the state Legislature can call a convention and it needs a two-thirds vote.

The council plans to circumvent those rules, by placing two initiatives on the November, 2010 ballot. One would remove the Legislature from the equation by allowing the people to call a convention. The second measure would be a referendum on an actual convention.

Despite the fact Gov. Arnold Schwarzenegger recently endorsed the plan, constitutional conventions haven't been embraced in other states in recent years. In 2008, voters in Hawaii, Connecticut and Illinois soundly rejected similar proposals.

Those results demonstrate the skepticism many voters bring to such efforts, according to John Matsuzaka, director of the Initiative and Referendum Institute at USC.

"It's reasonable to expect that voters would be very scared of the idea of a constitutional convention. Once you open it up, you don't know where it's going to go," Matsuzaka said. •**Link:** [California Constitutional Convention facts](#)

In California, a tradition of ballot initiatives and other expressions of direct democracy have made the state's constitution among the longest and most complicated in the world. The best known of these initiatives is Proposition 13, a constitutional amendment passed in 1978 that slashed property taxes and helped spark a taxpayer revolt across the country.

"The system is broken because the constitution is outdated and has been amended more than 500 times, and each new amendment pays no attention to last year's amendment," Bay Area Council spokesman John Grubb told the Associated Press.

Backers of the constitutional convention say their ballot initiative that would narrowly focus the convention on budget reform and a few other specific matters. Divisive social issues like gay marriage would be excluded.

At issue is the requirement that a two-thirds vote of the California Legislature is needed to pass the state's budget and tax increases. California is one of just a handful of states requiring such a supermajority, and most years it leads to a weeks-long budget impasse.

Convention backers want to drop the two-thirds majority rule to 55 percent.

Organizers are proposing that 200 people serve as delegates, including 80 elected officials from across the state.

Besides budget reform, the plan seeks an open primary, some kind of initiative reform, a way to ensure that the state can't take money from local government, and process to evaluate which, if any, of the 389 statewide boards, agencies and commissions are necessary.

"Look anywhere in California and you'll find a crisis," Grubb continued. "Our education system used to be the best in the country, now we're 49th or 50th. Our transit network is the worst in the nation, our water system is on the verge of collapse, and our prison system is overflowing. The Legislature is responsible and they aren't able to do their jobs."

Interest in the proposed constitutional convention has been growing. A February meeting in Sacramento to discuss it drew several hundred attendees. Another meeting last week in Glendale, organized by several local chambers of commerce, drew broad interest.

Pico Rivera Councilman Ron Beilke, who attended the Glendale seminar last week, said he agrees reform is needed, but also has his concerns.

"It just seems like it could be virtually impossible to accomplish given the complexity and the special interests," Beilke said.

"I can see every one of the delegates being constantly e-mailed and twittered with a lobbying position," he said.

Leighton Anderson, a Whittier Union High School District board member who recently attended a forum on the issue, said he's not sure the convention idea will ever happen.

"There is a lot of support for reform in the abstract," Anderson said.

"Once you start putting details together, you're going to start dropping people off," he said. "All of a sudden the great stream of events will run out and as you get more specific you've lost people."

Assemblyman Mike Eng, D-Monterey Park, said he doesn't believe a convention is needed.

"I think the joint speakers and California Tax Reform Commission is a lot better place to look if we want something more immediate and the purpose is reform," Eng said.

"It's something that could be on the ballot as early as next year," he said.

[mike.sprague@sgvn.com](mailto:mike.sprague@sgvn.com)

Friday, April 24, 2009

# California Nurses Association launches 'single-payer' health reform ad drive

Sacramento Business Journal - by [Chris Rauber](#) San Francisco Business Times

[The California Nurses Association](#) and affiliates have launched a national ad campaign in favor of Medicare-for-all-style health-care reform that so far has cost “just under \$200 grand,” according to a CNA official.

The union, which recently mended fences with a former foe, the [Service Employees International Union](#), says the new ad campaign is intended to highlight the benefits of a so-called single-payer or Medicare-for-all system, shifting the focus on the reform debate in Washington, D.C. So far, however, there’s no indication that such an approach, seen as socialized medicine by many conservatives, can garner enough votes to get through the U.S. Congress, especially the Senate, which does not have a filibuster-proof majority of Democrats.

Michael Lighty, director of public policy at the Oakland-based union, said the ads have run or will run on CNN and in the Washington Post, New York Times, Los Angeles Times, The Nation, and many other publications, including the Missoulian and three other newspapers in the state of Montana -- the stomping grounds of Sen. Max Baucus, chairman of the Senate Finance Committee and a leading Democrat in the reform panoply.

CNA, which represents about 85,000 nurses nationwide in conjunction with the affiliated National Nurses Organizing Committee, said the campaign “calls on key Congressional leaders to protect the public -- not the profit motives of the insurance industry -- through a system of guaranteed, single-payer health-care reform.”

The ads are also sponsored by the [Massachusetts Nurses Association](#), which recently agreed to link up with CNA and United American Nurses to form the United American Nurses-National Nurses Organizing Committee, under the broad aegis of the [AFL-CIO](#).

The new affiliation is expected to link 150,000 RNs nationwide, once the affiliation process is complete, said a CNA spokeswoman.



**Sacramento Bee**

## **Democrats fail to back key ballot measure**

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

**Published Monday, Apr. 27, 2009**

California Democratic Party delegates Sunday failed to endorse a budget restructuring measure deemed critical to the success of a slate of May 19 special election ballot measures.

Though Democrats couldn't muster a 60 percent vote to officially endorse Proposition 1A, more than two-thirds of 1,300 delegates granted party backing to the Proposition 1C plan to borrow \$5 billion from anticipated future lottery revenues.

Delegates also endorsed the Proposition 1B school funding measure and Proposition 1F, which would eliminate pay hikes for elected state officials when the state's general fund is expected to end a fiscal year with a deficit.

The votes came amid an intensely emotional floor session at the party's Sacramento convention. They reflected sharp differences for Democrats and splits among unions and other party constituencies over cuts to social services and six special-election initiatives intended to resolve the California budget crisis.

Some 58 percent of delegates – short of the requirement – voted to support an endorsement of Prop. 1A, which would extend tax hikes totaling up to \$16 billion and restrict state spending.

Prop. 1A is tied to the fate of a second measure, Proposition 1B, which would pay \$9.3 billion to schools that education advocates say is owed. But Prop. 1B won the Democratic endorsement as an overwhelming number of delegates waved credential cards to vote "yes."

Despite Proposition 1A's failure, Senate President Pro Tem Darrell Steinberg argued that the measure got an important boost.

"You know what? I'm happy," Steinberg said. "The (endorsement) rules are a little odd. But I'm very pleased that 58 percent of the convention supports Proposition 1A. The majority of folks realized that there are billions of dollars in public investments at stake."

Two powerful Democratic constituencies – the California Teachers Association and the Service Employees International Union – are bankrolling opposing campaigns over Proposition 1A, with the CTA supporting the measure and the SEIU opposing it.

Democratic proponents call it a necessary budget concession to avert painful cuts to schools and social services. Democratic opponents call it a surrender of core party principles and say it could threaten programs for California's most vulnerable residents for years to come.

"The party spoke loudly and clearly that Proposition 1A is fatally flawed," said Mike Roth, spokesman for the No on 1A Coalition. "They refused to put the party seal on a Republican plan that would do nothing to solve the budget crisis and only make things worse."

California Republican Party leaders voted last week to oppose all six special election measures, harshly criticizing the budget spending limit and temporary tax hikes championed by Schwarzenegger and Assembly Republican leader Mike Villines. And a fractured Democratic base makes the measures' passage more difficult.

But the Democrats gave particular support to Proposition 1C, endorsing a measure that is banking on the success of a revamped state lottery.

They gave 67 percent support to 1C despite the arguments of San Diego Democratic Central Committee member David Casady, who said borrowing from the lottery is a reckless gambit.

"Balancing the budget on the people who play the lottery is one of the most shameful and disappointing things we can do in the state of California," Casady said.

But delegate David Cohen, a member of the Berryessa school board in San Jose, said the state's budget crisis is too severe – and schools and other programs need the borrowed money.

"I'm not willing to play Russian roulette with our schools and our children," he said.

Delegates failed to muster enough votes to endorse two measures – Proposition 1D and Proposition 1E – that would allow voter-approved funds for child development and mental health programs to be used for other purposes. The mental health issue struck a particular chord after Steinberg, the author of Proposition 63, cut a budget deal with Republicans and Gov. Arnold Schwarzenegger to transfer money away from Proposition 63-funded mental health programs to help reduce the state's burgeoning \$40 billion deficit.

"The author and supporter of Proposition 63 did not envision we were going to run into the worst budget crisis in the history of California since the Great Depression," Assemblyman Wesley Chesbro, D-Arcata, argued to delegates on Steinberg's behalf.

But delegate Anne Zerrien-Lee, a Los Angeles teacher and mother of a 39-year-old son with schizophrenia, was furious Democrats would consider cutting mental health programs.

"You have heard from Steinberg that Proposition 63 was his baby and he is willing to throw his baby under the train," she told the convention. "Please do not throw my flesh and blood under that train."

## EE News

### ***TRANSPORTATION: Senate panel to examine future of nation's surface strategy (04/27/2009)***

*Josh Voorhees, E&E reporter*

A Senate Commerce, Science and Transportation subcommittee will meet this week to discuss the role the upcoming highway and transit bill will play in dictating the future of the nation's transportation strategy.

President Obama and congressional Democrats have vowed to recast the nation's transportation system to curb greenhouse gas emissions and cut fuel consumption, and the upcoming reauthorization bill -- which will provide the bulk of federal funding for the nation's roads, rails and transit for the next six years -- will provide an opportunity for lawmakers to do just that.

House Transportation and Infrastructure Chairman James Oberstar (D-Minn.) and ranking member John Mica (R-Fla.) have promised a bipartisan effort to overhaul the entire reauthorization, complete with substantial increases for roads, rail and transit funding. The current law authorized \$286 billion for transportation projects; the forthcoming bill is expected to total as much as \$500 billion.

Transportation Secretary Ray LaHood will appear at tomorrow's Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee hearing. He has yet to provide specific recommendations for what the administration hopes to see in the upcoming bill but has said the Transportation Department is working on a set of principals. Among the issues LaHood and Obama have already lent their support to are substantial increases in passenger rail funding -- including the creation of a nationwide high-speed rail network -- and a focus on livability projects that link land use to transit systems.

The current bill is set to expire at the end of September. Lawmakers have begun sketching out the law's next incarnation, and House leaders expect to finish their bill by early summer. The Senate version will likely follow the House debate.

Senate Environment and Public Works Chairwoman Barbara Boxer (D-Calif.), whose committee will work with the Commerce Committee on drafting much of the Senate version, has said the bill should focus on curbing congestion and the emissions and fuel consumption that accompany the gridlock. Banking, Housing and Urban Affairs Chairman Chris Dodd (D-Conn.), whose committee has jurisdiction over the authorization's transit provisions, has backed the administration's push for livability projects and has promised an increased role for transit in the national strategy.

As important as which transportation modes and projects receive federal backing, is how lawmakers will provide the federal funding to pay for the work. The Highway Trust Fund, which pays the federal share of most state transportation projects, currently relies predominantly on federal fuel taxes for revenues. Decreases in vehicle miles traveled and increases in auto fuel economy have left

revenues unable to keep pace with spending. The trust fund required an \$8 billion bailout last September, and it is forecast to run dry again in the near future, possibly as soon as this summer.

LaHood and the administration have said they are open to a host of creative funding mechanisms to decrease the revenue burden on fuel taxes, but to date have offered few endorsements of specific financing vehicles. They have, however, ruled out both an increase in the federal gas tax and a new system that would charge drivers for every mile they drive, two ideas that have been backed by a number of transportation experts.

Pricing advocates argue that the problem with relying on the gas tax as a long-term answer is that it fails to force drivers to confront the true cost of using roads and bridges. Because of the relatively frequent swings in the price of fuel, they say many Americans associate the tax with the cost of gas and not of driving. They argue that by pricing roads, Americans will drive less, in turn cutting congestion and the air pollution and oil consumption that accompany the gridlock.

**Schedule:** The hearing is tomorrow at 2:30 p.m. in 253 Russell.

**Witnesses:** Transportation Secretary Ray LaHood; Anne Canby, Surface Transportation Policy Partnership president; James Corless, Transportation for America campaign director; Steve Heminger, executive director of Metropolitan Transportation; and Ned Holmes, Texas transportation commissioner.

Contra Costa Times

## Political Blotter: Joan Buchanan to seek Ellen Tauscher's seat

By Josh Richman

Oakland Tribune

Posted: 04/23/2009 02:15:07 PM PDT

Updated: 04/24/2009 06:35:36 AM PDT

So much for an “annointment” — Assemblywoman [Joan Buchanan](#), D-Alamo, today announced she too is entering the prospective race to succeed Rep. [Ellen Tauscher](#) in the [10th Congressional District](#), should Tauscher be confirmed to the State Department post to which she has been nominated.

“We cannot be timid or formulaic. If we do what we've been doing in government, we will get more of the same. These times require leaders with solid financial skills, a willingness to be bold and the creativity to shape and select the right innovations,” Buchanan wrote in a letter e-mailed to friends and supporters and posted on [her campaign Web site](#). “Those are the qualities you told me were right for the times last November when you sent me to Sacramento. I am grateful for your support. Now, I have a rare chance to shape our nation's future in ways we hadn't anticipated.”

Buchanan has been eyeing the race since Tauscher's nomination last month; her formal declaration of candidacy comes one day after that of Lt. Gov. [John Garamendi](#), who has shifted his ambitions from the 2010 gubernatorial race to CD-10. Both have thrown their hats into the ring after state Sen. [Mark DeSaulnier](#), D-Concord, secured endorsements from Tauscher, Rep. [George Miller](#) and most of Contra Costa County's labor groups.

Read the full text of Buchanan's letter, after the jump...

Dear Friends,

This isn't the Spring I expected!

There are times in our lives when an opportunity knocks quite unexpectedly. This happened last month when Congresswoman Tauscher was nominated to serve as an Undersecretary in the US State Department.

After consulting with hundreds of community leaders, voters, elected colleagues and activists across our region; after considering the extraordinary financial challenges facing the country; and after carefully evaluating where I can make the most significant contribution, I have decided that I will be a candidate for Congress in our district.

How we respond to the current economic crisis will determine our nation's quality of life and our capacity for growth for decades. This moment for dramatic restructuring in our public school system and for vastly improved health care services may not come again in our lifetime.

Our people live with the greatest income disparity in eighty years. Families have lost their homes and many face mounting credit card debt. Banks and financial institutions must be called to account. And we must rebuild an economy that rewards productivity and invention, while opening more opportunities to join the middle class.

The challenges are formidable and time is short.

We cannot be timid or formulaic. If we do what we've been doing in government, we will get more of the same. These times require leaders with solid financial skills, a willingness to be bold and the creativity to shape and select the right innovations.

Those are the qualities you told me were right for the times last November when you sent me to Sacramento. I am grateful for your support. Now, I have a rare chance to shape our nation's future in ways we hadn't anticipated.

Please join me. Together, we can do great things.

Warm regards,

Joan

# ROLL CALL

## California: Ex-Talk-Show Host Eyes Boxer Challenge

April 21, 2009

*By Josh Kurtz and David M. Drucker*

*Roll Call Staff*

---

Former radio talk-show host Larry Elder (R) is considering running for Senate in 2010 against Sen. Barbara Boxer (D) but is holding his fire while top GOP officials wait for favored candidate Carly Fiorina (R) to make a final decision on whether she'll run, Republican sources confirmed Monday.

Elder was in Washington, D.C., recently for meetings as part of his research while he weighs making the jump from media professional to politician. One Republican source said Elder is considered a strong second choice to challenge Boxer if Fiorina — the former Hewlett-Packard CEO — declines to take on the uphill task.

"The conventional wisdom is to let her decide, with Larry as a strong second choice," one GOP source said.

Elder spent 15 years broadcasting on KABC talk radio in Los Angeles, with that run coming to an end late last year. He is an attorney by trade who left a career running a legal head-hunting firm he founded in Cleveland to take to the airwaves in Southern California, where he grew up. Elder also hosted a short-lived nationally syndicated television show at one point.

Fiorina, a very public supporter of Sen. John McCain (R-Ariz.) in the 2008 presidential race, is the top choice of some top Republicans — both in California and Washington — to take on Boxer. She ranks high for several reasons: She is a woman, has a business background and has the deep pockets necessary to seed what would be a very expensive race.

Boxer closed the first quarter with \$4.6 million in cash on hand and has the advantage of running in a strongly Democratic state. State Assemblyman Chuck DeVore (R) has already announced his Senate candidacy, but is given long odds by most Republican strategists familiar with California politics.

"I think there are quite a few people who hope Fiorina will jump in," one California-based GOP strategist said.

### **Garamendi Poised to Join 10th District Race**

The Contra Costa County Central Labor Council on Sunday evening unanimously endorsed state Sen. Mark DeSaulnier (D) in the yet-to-be-scheduled special election in the 10th district.

Rep. Ellen Tauscher (D) will give up the seat later this year if she is confirmed, as expected, for a top post at the State Department.

The labor group's endorsement of DeSaulnier comes as Lt. Gov. John Garamendi (D), who had been gearing up to run for governor next year, appears more likely to try for Tauscher's East

Bay seat. Garamendi, who is running fourth in most polls on the race for the Democratic gubernatorial nomination, spoke almost exclusively about federal issues during an appearance before the Contra Costa County Democratic Central Committee late last week, according to media accounts.

But DeSaulnier has moved quickly to lock up key endorsements, including those of Tauscher and Rep. George Miller (D), who represents an adjoining district.

"Mark understands the needs of workers in this district and has always fought to maintain the wages and working conditions of the moms and dads trying to keep the mortgage current and food on the table," said Pam Aguilar, executive director of the Central Labor Council. "He knows that stronger workers in Contra Costa, Alameda and Solano mean stronger communities and a better economy for all Americans. We are confident that he will put those values to work in Washington."

Several Democrats and Republicans are taking a look at running in the all-party primary to succeed Tauscher, even though no date will be set until her seat is vacant. Besides Garamendi, who also served as California insurance commissioner, state Assemblywoman Joan Buchanan (D) is also a top potential contender.

### **State Party Backs Chu in Solis Special Election**

In a move that could prove critical in the May 19 special House primary in the Golden State's 32nd district, the California Democratic Party on Saturday unanimously endorsed state Board of Equalization Vice Chairwoman Judy Chu (D).

Depending on what party leaders decide to do, the endorsement could result in significant resources and boots on the ground for Chu in what appears to be a two-way battle between her and state Sen. Gil Cedillo (D). At the very least, the endorsement is a message to party activists that could prove critical in a special election where turnout is expected to be low.

"I feel so honored by the incredible support we had today," Chu said in a statement after the votes were tallied. "It shows that the Democrats of this district, which I have represented at the local and state level for the past 23 years and which I call my home, have come to trust me as one of their own and as a champion of the issues that are important to them."

Twelve candidates will appear on the all-party primary ballot in the race to replace former Rep. Hilda Solis (D), who is now secretary of Labor. The 32nd district, in the San Gabriel Valley east of Los Angeles, is more than 50 percent Latino, which gives Cedillo an advantage on paper. But Chu has significant Hispanic support in the district as well as the endorsement of the Los Angeles County Federation of Labor.

She had \$578,000 in her campaign account as of March 31 compared to Cedillo's \$441,000.

If no candidate tops 50 percent of the vote on May 19, the top vote-getters from each party advance to a special runoff on July 14. Democrats are heavily favored to hold Solis' seat.

**Sacramento Bee**

# **Dan Walters: Two strategies to change California government**

**[dwalters@sacbee.com](mailto:dwalters@sacbee.com)**

**Published Tuesday, Apr. 21, 2009**

California's never-ending budget crisis has, if nothing else, solidified broader acceptance of what until recently had seemed to be a radical notion – that the state's governance is deeply flawed and needs fundamental overhaul.

Two centrist, bipartisan civic groups – California Forward and the Bay Area Council – are pushing two different and somewhat competitive reform strategies, both aimed at asking voters next year to take action of some kind, and both appear to be picking up steam.

California Forward, an organization financed with millions of dollars from the state's top foundations, had been pursuing an incremental approach to reform. It endorsed shifting legislative redistricting to an independent commission, which voters approved last year. It is also endorsing the six budget-related measures on the May 19 special election ballot and has been poised to support a form of open primary elections on next year's ballot, aimed at reducing partisanship.

The Bay Area Council, a collection of corporate CEOs, has had a more aggressive approach, working on two ballot measures for 2010, one that would allow voters to call a constitutional convention without going through the Legislature, another that would call such a convention to overhaul state and perhaps local government.

Both have implicit, and sometimes explicit, support from Gov. Arnold Schwarzenegger. "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 during a presentation to the Commonwealth Club last month, "because there are many aspects of government in California that are dysfunctional."

That was a boost for the Bay Area Council, but California Forward is dominated by the governor's allies and advisers. They include Robert Hertzberg, the former Democratic speaker of the state Assembly who has assumed the group's co-chairmanship. He succeeded Leon Panetta, now director of the Central Intelligence Agency.

On Monday, Hertzberg laid out a more aggressive agenda, calling for sweeping changes in fiscal procedures, including two-year state budgets and eliminating the two-thirds vote requirement for budgets (while retaining it for new taxes), tax reform, modifying legislative term limits, and strengthening local governments.

"The public doesn't trust Sacramento," Hertzberg told the Sacramento Press Club, adding, "People are mad as hell ... it's real."

His reform list is similar to the Bay Area Council's, but Hertzberg says he wants to give the Legislature a chance to fashion a reform package through a constitutional revision commission, rather than jumping to a constitutional convention. "We are going to light this thing up," he said.

The two groups, which have been conducting talks together, appear to have agreed on a two-pronged strategy. They'll try the legislative route first. If that fails, they'll pursue a constitutional convention proposal for the 2010 ballot.

---

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



## Programs for mentally ill, at-risk children at risk

By Steven Harmon

MediaNews Sacramento Bureau

Posted: 04/20/2009 03:01:22 PM PDT

Updated: 04/21/2009 05:45:08 AM PDT

SACRAMENTO — It was a deal that could only be made in the state capitol: While shelving plans to increase taxes on oil companies and alcoholic beverages, legislators agreed to fill budget gaps by asking voters to raid hundreds of millions of dollars from two voter-approved programs for the mentally ill and poor children.

Advocates for the two groups have banded together to oppose Propositions 1D and 1E, saying the short-term benefit of revenue shifts will boomerang with greater long-term social costs.

State and local governments could face added costs for homeless shelters, social services programs, medical care, law enforcement, and county jail and state prison — which critics say could spiral into deeper budget cuts or pressures to increase revenues.

"What we save in the first year will be more than offset by added costs in future years," said Rusty Selix, executive director of the Mental Health Association in California.

Propositions 1D and 1E are two in a package of measures on the May 19 special election ballot that are key to closing a \$41 billion deficit. Billions of dollars are at stake in Propositions 1A through 1C that would allow the state to continue raising taxes (in exchange for a cap on spending), raise money for schools, and borrow from the state lottery.

For 1D and 1E to pass, voters would have to reverse commitments they made to create special funds for programs for children and the mentally ill.

In 1998, voters approved Proposition 10, which imposed a 50-cent-a-pack tax on cigarettes to finance early childhood programs, under First 5 California. And in 2004, voters approved Proposition 63, to extend mental health services financed by a tax on incomes over \$1 million. Proponents of the two measures, led by Gov. Arnold Schwarzenegger's Budget Reform Now campaign, contend that the money will be used to prevent deep cuts to — or prevent the elimination of — other children's health programs.

But, the programs the governor has said will receive the Proposition 63 and Proposition 10 funds are federally mandated, so they would be funded regardless, opponents say.

Instead, opponents argue, it is a straight cash grab to fill in budget gaps.

The legislative champion of Proposition 63 in the 2004 campaign, Senate President Pro Tem Darrell Steinberg, D-Sacramento, is now the lead voice for the Yes on 1E campaign. He wrote the ballot argument in favor of the measure that would partly dismantle the mental health initiative.

Steinberg said he had to set an example as a leader when he agreed to include protected funds for mental health in the budget deal.

"It's not right for a leader to say there's huge sacrifice and pain going around for everyone, but don't touch the one thing I care the most about and worked hardest at," he said. "I didn't feel right doing that. I have the responsibility to look at the entire picture and look at (funding for) the developmentally disabled, low income kids, immigrants and foster kids" that otherwise would have been cut.

Legislators targeted First Five and the mental health programs because of their revenue-rich reserves. But those funds were built expressly with the future in mind. All the benefits of long-range visions and preventive action are being trumped by the fiscal necessity of the here and now, advocates said.

"Our job is to prevent long-term costs," said Sherry Novick, executive director of First 5 Association of California, "but as money gets squeezed out the door, everyone thinks in terms of the immediate needs rather than preventive measures."

For example, rather than being able to put money into services that prevent child abuse — at a cost of \$10,000 per child, at most — the state will find itself reacting to abuse, Novick said. It costs about \$100,000 to move a child from an abusive home to foster care, she said.

Critics also say the shift of Proposition 63 money will result in less treatment and fewer services for the mentally ill, and fewer interventions for children at risk of abuse. The Legislative Analyst warned that the costs of hospitalization, crime and homelessness could soar by allowing preventive mental health programs to wither.

"Since 2004, the state has been building a brand new, state-of-the-art mental health system, and for the first time it was being fully funded," said Michael Barrington, CEO of Concord-based Anka Behavioral Health, Inc., the largest contract provider of mental health services in Contra Costa County. "It was the envy of the rest of the United States. It's a sad day. It winds the clock to the old days when you had to go to Sacramento to beg for money and they always pitted us against others. And we always came out on the short end."

Steinberg said the diversion of money "equates to lost services. ... I don't deny that. I took on the Proposition 63 campaign (in 2004) because I knew the history of how the state failed to address the needs of the mentally ill. That's why I put my heart and soul into the campaign. I don't like any of this ... but we do not have any good choices."

Reach Steven Harmon at 916-441-2101 or [sharmon@bayareanewsgroup.com](mailto:sharmon@bayareanewsgroup.com)

### Programs at stake

- In 1998, voters approved Proposition 10, which uses tobacco tax revenue to support First 5 California, a statewide system of local agencies that provide crucial early-childhood development services.
- In 2004, voters approved Proposition 63, which taxes incomes above \$1 million to develop services for previously unreachable emotionally disturbed and mentally ill populations.

### The new proposals

- Proposition 1D would allow the state to shift \$600 million from a Prop. 10 reserve of about \$2.5 billion into the 2009-10 general fund. Over the next four years, the state would take \$268 million a year -- generated by a 50-cent-a-pack cigarette tax added in 1998 -- to support programs that help poor children under age 5, including child abuse prevention, infant health care, immunizations and a wide range of early-childhood development programs.
- Proposition 1E would permit the state to shift to the general fund \$230 million a year for the next two years from Proposition 63 funds that voters approved in 2004 to expand mental health services for seriously emotionally disturbed children and mentally ill adults previously unable to get help.



# Contra Costa Times

## Tauscher's legacy one of respect, competence

[By Lisa Vorderbrueggen](#)

[Contra Costa Times](#)

Posted: 04/20/2009 12:00:00 AM PDT

Updated: 04/20/2009 06:29:42 AM PDT

When East Bay Democratic Rep. Ellen Tauscher departs for her new job as Undersecretary of State for Arms Control and International Security later this year, she will leave behind a robust legacy.

Tauscher, a 13-year veteran of Congress, has amassed considerable clout in Washington. She is a close friend of U.S. Sen. Dianne Feinstein and has a strong relationship with House Speaker Nancy Pelosi and the speaker's confidant, Rep. George Miller, D-Martinez.

Tauscher leads the moderate Democratic congressional caucus and is the only Northern California representative on the critical House Transportation Committee.

With an Air Force base and two national laboratories in her district, she has also earned substantial respect for her expertise on military and security issues. She was named chairwoman last year of the House Strategic Forces Subcommittee, the third woman in U.S. history to lead a panel of the House Armed Services Committee.

"The average voter in the 10th Congressional District may not fully comprehend the leadership role Ellen has taken on in Washington," said David Bowlby, of Alamo, a longtime friend and former staff member. "Ellen has a remarkable ability to build consensus on issues that are not only important to the 10th District but to the nation.

"The other side of that is that she will bring that experience to her potential new post, which will benefit not only the 10th District but the country and the world."

Tauscher is waiting for U.S. Senate confirmation, which could occur within weeks or months. As soon as she resigns from Congress, Gov. Arnold Schwarzenegger will call for a special election and voters will choose her successor.

In stark contrast, Tauscher's replacement will be the junior-most member of the California congressional delegation.

House leaders undoubtedly will prop up the incoming freshman with a choice committee assignment and a few bills. Miller will lend a hand, too.

However, it remains to be seen if Tauscher's successor will slide seamlessly into a comparable position of clout and effectiveness.

It seems more likely that the district will suffer a period of transition as the new member of Congress learns the ropes and begins to establish his or her own relationships and policy expertise in Washington.

In the meantime, folks back in Tauscher's district are just now beginning to count the ways in which they will feel her absence.

Tauscher, a 57-year-old former Wall Street stockbroker with a quick wit and a keen intellect, has been the face of the moderate swing voters of the 10th Congressional District since she won a surprise narrow victory in 1996.

During her tenure, she has helped crystallize the Democratic Party's expansion in Contra Costa County.

Since 2000, Democrats have taken the lead in Lamorinda, Walnut Creek and San Ramon, leaving only Danville and Clayton with GOP registration leads.

"There is no question there was underlying demographic shift happening at that time, but I think Ellen gets some credit for it," said Bruce Cain, political science professor and director of UC Berkeley's Washington, D.C., Center. "If she had not been elected, I believe the transformation (toward Democrats) would have taken longer."

Tauscher's election also helped squash the notion that a woman must come up through the local elected ranks in order to run for higher office, said Judi Kanter, of Moraga, an EMILY's List activist. Tauscher had never held political office when she challenged incumbent Republican Bill Baker.

"Ellen latched onto the issues that people care about in Contra Costa County," Kanter said. "She is really smart and grasps the issues very quickly."

The issues important to Tauscher's constituents, aside from national policies that resonate with voters everywhere, quickly emerged as transportation and matters related to the presence in her district of Travis Air Force Base and the Livermore and Sandia national laboratories.

She is the only Northern California representative of either party on the House Transportation Committee, a panel that will in the next year reauthorize the federal spending plan for highways and public transit.

A seat at the table helps ensure that the Bay Area, the second-most congested area in the nation behind Los Angeles, receives its share of federal transportation dollars.

Transportation officials credit Tauscher with the record speed under which she brought together multiple agencies and dollars to fast-track the construction of carpool lanes on the Sunol grade on Interstate 680 during the hyper-congested dot-com era. More recently, Tauscher served as the key liaison between federal, state and local transportation officials as California scabbled for its share of President Barack Obama's \$787 billion economic stimulus package.

"We go regularly to meet with other Bay Area members of Congress and they typically say to us, 'Ellen is our point person on transportation, we follow her lead,'" said Randy Rentschler, government affairs director for the Metropolitan Transportation Commission, which oversees Bay Area roads and transit funding.

"So, it's a big deal that she is leaving. We wish her well. She is a great public servant. But we're also sad because she is very effective."

Anti-nuclear activist Marylia Kelley, executive director of Tri-Valley Communities Against a Radioactive Environment, offered a similar assessment.

Tauscher and Kelley do not always agree, but the activist says the congresswoman carefully evaluated each issue.

In the same camp, the women lobbied for the creation of a resource center at the Livermore lab for sick employees exposed to radiation. Tauscher also sided with Kelley in their successful opposition to the development of nuclear bunker busters.

On the other hand, Tauscher rejected Kelley's pleas for an endorsement of a re-evaluation of the laboratory's new National Ignition Facility under national nuclear nonproliferation rules.

"On the whole, I have always found Ellen to be extremely intelligent," Kelley said. "I appreciate that she has a very detailed mind and asks penetrating questions. "... I hope our relationship continues into her new job, where we also have an intense interest."

Reach Lisa Vorderbrueggen at 925-945-4773, [lvorderbrueggen@bayareanewsgroup.com](mailto:lvorderbrueggen@bayareanewsgroup.com) or [www.ibabuzz.com/politics](http://www.ibabuzz.com/politics).

#### ROLL CALL: 10th Congressional District

Here's a list of people who have declared interest in the seat held by Rep. Ellen Tauscher, D-Alamo.

- Democrats: Assemblywoman Joan Buchanan, D-Alamo; former Assemblyman Joe Canciamilla, of Pittsburg; Sen. Mark DeSaulnier, D-Concord; Lt. Governor John Garamendi, of Walnut Grove; San Francisco Attorney's Office investigator Adriel Hampton, of Dublin; former BART Director Dan Richard, of Piedmont, and Fairfield native Anthony Woods.
- Independents: Scott Talan, former Lafayette mayor now living in Washington, D.C., area.
- Republicans: California GOP Vice Chairman Tom Del Beccaro, of Lafayette; 2008 GOP nominee Nick Gerber, of Moraga; attorney David Harmer, of Dougherty Valley; Fairfield City Councilwoman and Executive Director of Move America Forward Catherine Moy; and Contra Costa Sheriff Warren Rupf, of Martinez.



APRIL 20, 2009

## In California, Another Deficit Looms

By [STU WOO](#)

California's fiscal woes aren't over yet. Only months after state lawmakers in February had to raise taxes and slash spending to close a \$42 billion budget deficit, legislators in May will begin work on filling a new multibillion-dollar shortfall.

A state agency projects an additional \$8 billion budget gap for the fiscal year that ends in July 2010, a result of declining tax revenue amid the recession. The figure could grow if revenue plummets further.

And it could get worse yet if voters defeat a series of ballot measures on May 19 aimed at closing the earlier deficit. That is a possibility, as a March 25 poll by the nonpartisan Public Policy Institute of California shows 50% of Californians against Proposition 1C, which would allow the state to borrow \$5 billion against future lottery revenue, versus 37% who support it.

The proposition's backers, who include Republican Gov. Arnold Schwarzenegger and legislative leaders, said they expect increased support for the measures as they begin campaigning. "As they step back and we get information to them, they'll say, 'You know what, this makes sense,'" said Republican Mike Villines, the Assembly's minority leader.

About \$2 billion of the new deficit can be wiped out by using cash reserves that were built into the plan approved in February. Legislators are waiting until May 28, when the governor is scheduled to release his revised budget, to get into specifics on how they will close the rest of the gap.

Mr. Villines said one option won't be on the table -- more tax increases. The recent 15-week budget impasse, which prompted officials to delay tax-refund checks and public-works projects to keep the state solvent, was caused because Republicans wanted no new taxes, while Democrats wanted to temper cuts. The stalemate ended when Mr. Villines and five other GOP lawmakers voted with majority Democrats to approve a budget that raised income taxes, sales taxes and vehicle-license fees. "The deficit is going to be dealt with on cuts alone," Mr. Villines said.

Legislators, who dictate how \$92 billion of the state's \$131 billion budget is spent, say it will be difficult to make more cuts after slashing \$16 billion in February. "We have cut way past into the bone at this point," said Democrat Noreen Evans, the state Assembly's budget chairwoman. "California residents are going to feel a reduction in services -- there's just no way around that."



Contra Costa Times

## Garamendi sits on the CD10 fence

[By Lisa Vorderbrueggen](#)

[Contra Costa Times](#)

Posted: 04/18/2009 12:55:14 PM PDT

Updated: 04/18/2009 05:37:22 PM PDT

With one foot in the governor's race and the other in the 10th congressional district contest, Lt. Gov. John Garamendi is straddling the political fence.

But Garamendi's appearance last week before the Contra Costa Democratic Central Committee — where he never once mentioned he was running for governor but talked mostly about federal issues — sends a very strong signal that he will shift his sights to Congress.

On the surface, it may seem odd that a man who represents 36 million Californians as lieutenant governor would even look at the much smaller congressional district and its 600,000 constituents.

In reality, Congress looks pretty good from the perspective of a California lawmaker stuck on the term-limit merry-go-round.

Members of Congress have no term limits. Incumbents rarely lose. The job comes with perks and prestige.

It's also true that Garamendi's coveted shot at the governor's office appears out of reach.

A March Field Poll shows him trailing well behind Attorney General Jerry Brown, Los Angeles Mayor Antonio Villaraigosa and San Francisco Mayor Gavin Newsom.

Garamendi may also be looking at the fact that two people he beat in his 2006 lieutenant governor's race are now members of Congress.

He narrowly bested now-Rep. Jackie Speier, D-San Mateo, in the 2006 primary and in the general election squeaked by GOP nominee and now-Rep. Tom McClintock, R-Granite Bay.

Regardless of his reasons, Garamendi could prove to be a formidable challenger in the 10th congressional district, a seat held by outgoing Rep. Ellen Tauscher, who has been appointed Undersecretary of Arms Control.

A resident of Walnut Grove, a small Sacramento County town on the edge of the district, he has strong name identification and a great deal of practice in tough campaigns.

Aside from a four-year stint in the Clinton administration's Interior Department, Garamendi has held four different public offices in California since 1974, including two terms as state Insurance Commissioner.

Garamendi has proven fundraising skills. He had about \$750,000 in the bank in his two state campaign accounts at the end of 2008.

He cannot transfer the money to a federal campaign due to more stringent federal rules. But he has a large donor base, which he could quickly tap in a compressed special election calendar.

Garamendi's presence undeniably complicates the picture for the man considered the early front-runner, state Sen. Mark DeSaulnier, D-Concord.

DeSaulnier has already locked in coveted endorsements from Tauscher, Rep. George Miller, of Martinez, and the Contra Costa Building and Construction Trades Council. Last week, the Contra Costa Central Labor Council endorsed him.

But DeSaulnier has never had a bruising election. He walked into the Assembly in 2006 after a modest primary challenge but had virtually no opposition in his 2008 Senate race.

A tough campaign would have given DeSaulnier more name recognition. A poll by another potential congressional contender showed that almost half of those surveyed in the district had never heard of DeSaulnier.

Garamendi's name on the ballot could help Assemblywoman Joan Buchanan, D-Alamo, the other major Democratic contender still on the fence about this seat.

Women typically draw a higher percentage of votes in Democratic primaries. If DeSaulnier and Garamendi split the male vote, she could emerge with the nomination.

So, we wait with much anticipation for their next moves. Garamendi and Buchanan say they will announce their final decisions soon.

GOT POLITICS? Read Political Blotter for the latest happenings at [www.ibabuzz.com/politics](http://www.ibabuzz.com/politics):

- Republican gubernatorial candidate Steve Poizner spells out his platform in Pleasant Hill.
- Garamendi, DeSaulnier and Buchanan deliver their stances on the ballot measures in the May 19 special election.

AND FINALLY: The National Republican Congressional Committee is pumping robocalls into the district of Rep. Jerry McNerney, D-Pleasanton.

The automated phone messages blast McNerney for his favorable federal budget votes.

OK. I get it. The minority party doesn't like the majority party's budget. No shocker there.

McNerney is one of 43 targeted members nationwide the Republicans view as vulnerable.

Is he?

It's true that McNerney is headed into a re-election campaign in one of the few competitive districts at a time when a lot of voters are disgusted with Congress.

But the GOP's registration lead in the district has narrowed dramatically in the past two years, down from 5 points in 2007 to less than a half point in March.

Plus, the GOP doesn't have a District 11 candidate after Dean Andal, the 2008 Republican nominee, bowed out of a second attempt. Yeah, it's still a year before the 2010 primary but those campaign accounts don't fill themselves. Just saying.



## [Potential CD10 candidates differ on May 19 propositions](#)

By Lisa Vorderbrueggen

Friday, April 17th, 2009 at 10:48 am in [Congressional District 10](#), [Contra Costa County](#), [Contra Costa politics](#), [Democratic Party](#), [Democratic politics](#), [Joan Buchanan](#), [John Garamendi](#), [Mark DeSaulnier](#).



Asm. Joan Buchanan, D-Alamo



Sen. Mark DeSaulnier, D-Concord



California Lt. Gov. John Garamendi

The special election date in the 10th Congressional district to replace outgoing [Rep. Ellen Tauscher, D-Alamo](#), has not been set yet. And two of the three people on the stage at last night's [Contra Costa County Democratic Central Committee](#) meeting in Martinez have not made a final decision about their candidacies.

But their positions on the six ballot measures on the May 19 special election ballot could not have been any clearer.

On the yes side is the man who is definitely running for Congress, state [Sen. Mark DeSaulnier, D-Concord](#), along with his potential challenger, [Assemblywoman Joan Buchanan, D-Alamo](#).

[California Lt. Governor John Garamendi](#) of Walnut Grove opposes them, a view held by a majority of voters according to recent polls.

Central Committee Chairman Chuck Carpenter gave each legislator time to make a statement to the group and answer a few questions. These appearances before the local party leaders — where a lot of the work on the ground during an election gets done — are part of the courting process that serious candidates undertake when they run for office.

Garamendi says the propositions will further tie up California's already knotted budget process while the deficits continue to mount. ([Click here to view the voting pamphlet with all the details of the measures.](#))

“Where do I stand on the measures? No, no, no, no, no, no,” Garamendi said.

Of course, it is far easier for Garamendi to say no to the measures. Unlike state legislators Buchanan and DeSaulnier, he did not vote to put them on the ballot as part of the negotiated budget settlement. A lieutenant governor typically plays little or no role in budget negotiations.

Buchanan, who came to the meeting to talk about the propositions and not about a congressional race, reluctantly endorsed the measures even though she said it felt like she was “selling her soul to the devil” when she voted to put them on the ballot.

But Buchanan said the impacts of failing to adopt the budget negotiated between the Democrats, Gov. Arnold Schwarzenegger and a handful of Republicans were too dear.

And she said she will vote for the ballot measures — holding her nose — because the alternative is also too costly. If voters do not pass these measures, the state deficit could double from \$8 billion to \$16 billion and more draconian cuts will be on the table.

DeSaulnier was the most positive of the three speakers. He not only pointed out the fiscal impacts of failing to pass the measures but talked about a few of the pluses of the legislation, including what he views as added protection for education funding.

And he also promoted, as a solution to the annual budget stalemate between Democrats and Republicans, an end to the two-thirds voting threshold in the Legislature to pass a budget or new taxes. There is a bill in process that would place the question before voters in 2010 and proponents are also prepared to seek signatures and place an initiative on the ballot if the Legislature fails to do it.

## Mercury News

# Top lawmakers urge passage of May budget ballot propositions

[By John Woolfolk](#)  
[Mercury News](#)

Posted: 04/17/2009 02:50:11 PM PDT

Updated: 04/17/2009 03:22:32 PM PDT

A bipartisan team of four top state lawmakers visited Silicon Valley on Friday to pitch support for a slate of May ballot measures they say are critical to solving California's budget crisis.

The lawmakers said the half-dozen measures, propositions 1A through 1F, on the May 19 ballot together would provide short-term revenue by extending a temporary sales tax increase while enacting long-term reforms to stabilize state spending in the future and represent the spirit of bipartisan compromise that was needed to close a \$42 billion budget gap this year.

"I believe strongly that it's the best possible deal we could have crafted that was politically viable," said state Sen. Dave Cogdill, R-Modesto, whose willingness to reach a budget agreement with Democrats cost him his post as Republican Senate leader in February. Cogdill was among the four lawmakers at an event hosted by the Silicon Valley Leadership Group, which supports the measures.

Added Assembly Republican Leader Mike Villines, R-Fresno: "Everyone had to cross a Rubicon. We all had to take the most important thing for us and put it on the table."

The leadership group, which represents the interests of top valley corporations, invited 125 chief executives and local officials to the "business climate summit" with the lawmakers in Santa Clara.

The two Republicans were joined by Senate President Pro Tempore Darrell Steinberg, D-Sacramento, and Assembly Speaker Karen Bass, D-Los Angeles, as well as SpikeSource Chief Executive Officer Kim Polese and ANDA Networks President Charles Kenmore.

Also attending was San Jose Mayor Chuck Reed, a Democrat who ran as a fiscal conservative and who also urges support for the measures, "even though there are parts I don't like."

"In fact," Reed added, "there are parts that I hate. But we can't let the perfect be the enemy of the good."

The four lawmakers who teamed with Gov. Arnold Schwarzenegger to craft the budget compromise on which the measures' passage depends are touring the state to urge support. Despite strong business and labor support, they face an uphill battle, as polls show that voters are skeptical of all but Proposition 1F, which would prevent lawmakers and the governor from receiving raises while

the budget is in deficit, although their pay is set by a citizens commission and Schwarzenegger, a rich movie star, has declined his salary.

Bass said if the measures fail, "it will blow a \$14 billion hole in our budget, so our primary focus is making those pass."

"The bottom line is that if voters don't pass them, it's going to result in \$14 billion in cuts," Bass said.

And Villines added that the measures were crafted as a package and are interrelated, so if voters pick and choose among them, the budget deal will unravel.

"If we do our job educating people, they will realize these are all common-sense," Villines said.

Among those who will need the most convincing, however, are Villines' fellow Republicans. Top Republican gubernatorial candidates Meg Whitman, eBay's former chief executive, and Steve Poizner, state insurance commissioner and a former valley technology entrepreneur, both oppose proposition 1A, billed as the lynchpin of the package. It would require the state to increase its "rainy day" funds for lean revenue years, but also would extend temporary tax hikes to generate an additional \$16 billion.

Critics of the measures were not part of Friday's panel, although the leadership group hosted Poizner at a recent event and is sponsoring a gathering with Whitman on April 27.

"We respect diversity of views," said the leadership group's president.

Asked about his fellow GOP candidates' opposition to the measures, Villines said "I think they're being short-sighted."

"I think it's frankly just inexperience," Villines said. "Whoever becomes governor without 1A passing will be a one-term governor."

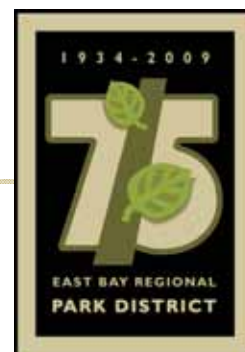
While the lawmakers praised each others' courage in standing up to their partisan colleagues for the good of the state, it was evident that wide gulfs of disagreement over policy remain. The leadership group's business climate survey indicated its members consider controlling the cost of state employee labor and prisons to be top priorities for the state to reduce spending and balance the budget.

Asked about that after the program, Bass said the growth has primarily been in prisons, not employee pay and perks, and said she's planning legislation to deal with that. Villines disagreed with the need to focus on prison costs, citing public safety concerns. But he added that until lawmakers stabilize the budget, they cannot deal with such policy debates.

"Water, pensions, health care, we can't even talk about it," Villines said, "because we're dealing with financial crises all the time."

Contact John Woolfolk at [jwoolfolk@mercurynews.com](mailto:jwoolfolk@mercurynews.com) or (408) 975-9346.

## MEMO



---

TO: Board of Directors

FROM: Pat O'Brien

SUBJECT: ERAF and Budget Reform Election

---

Attached you shall find the latest Field Poll on the May 19th State Special Election. As indicated by the Field Poll, the budget reform measures are trailing for lack of majority support. Should the measures fail the State will go from an estimated \$8 billion deficit to an estimated \$13+ deficit. The Governor may well call for a Fiscal Emergency and ERAF will then be in play. The Republicans have already attempted to use ERAF in their budget proposal. Several Democrats have stated that if the budget reforms do not pass local government will have to "share" in the budget solution (read ERAF). The last time ERAF was put forward we were facing a \$34 million hit to the EBRPD budget. EBRPD took the lead and with the help of our legislative delegation we were able to shift a larger burden to the enterprise districts (in the special district portion of ERAF) and we reduced our budget hit to \$9 million. The enterprise districts (water, rate based agencies) have said that they will fight any efforts this time to impose the formula which the District previously obtained. The enterprise districts felt they took a big hit and now it is the turn of the non enterprise districts (EBPRD) to assume that burden. The General Manager has already been working with Doug Houston, our legislative advocate, on strategies to not allow any changes in the formula, but it will be extremely competitive in the state budget revision process.

# Field Poll

## May 19, 2009 Statewide Special Election

April 29, 2009

Below are the most recent results of the Field Poll as released this morning at 6:00 AM of Propositions 1A-1F. The poll results are based on “likely voters”:

### **Proposition 1A (Rainy Day Budget Stabilization Fund)**

Would establish a “rainy day” budget reserve and limit state spending, is trailing by nine points – 49% No vs. 40% Yes and 11% undecided.

### **Proposition 1B (Education Funding)**

The measure would provide supplemental funding to local schools and community colleges, is also behind by nine points – 49% No vs. 40% Yes, with 11% undecided.

### **Proposition 1C (Lottery Modernization)**

This measure is receiving the least support. It calls for modernizing the state lottery and borrowing against its future proceeds- 59% No vs. 32% yes and 9% undecided.

### **Proposition 1D (Children’s Services Funding)**

Would transfer early childhood development monies out of the California Children and Families Program to the state’s general fund- 49% No vs. 40% Yes, with 11% undecided.

### **Proposition 1E (Mental Health Funding)**

Temporarily transfer funds currently allocated to mental health programs under the Mental Health Services Act to the state’s general fund- 51% are voting No vs. 40% Yes and 9% undecided.

### **Proposition 1F (Elected Officials Salaries)**

Bar legislative and statewide constitutional officers from receiving pay raises when the state is running a budget deficit, is overwhelmingly supported- 71% Yes vs. 24% No and 5% undecided.

### **Notes on the Poll**

The Field Poll states that, “almost three in ten likely voters (28%) say they had not seen or heard anything about these proposed ballot measures, while 72% had.”

One of the factors working against passage of the first five ballot measures, “is the existence of a significant bloc of voters who are not currently supporting any of these measures. Statewide one in three likely voters (33%) either are intending to vote No or remain in the undecided column on each of these measures three weeks before the election. Among Republican voters half (50%) are withholding their support for each of these five measures.

There is a widespread skepticism that if passed Proposition 1A would be successful in either limiting the size of future budget deficits or slowing the rate of future state spending growth. By

a 51% to 39% margin voters believe it is not likely that Proposition 1A would limit the size of future state budget deficits. And, by a 61% to 32% margin voters are not convinced that passage of Proposition 1A would slow the rate of growth of future state spending.”

Supporters and opponents of Proposition 1A hold diametrically opposite views about whether the measure “will be successful in meeting its stated goals. Large majorities of those intending to vote Yes believe it is very or somewhat likely that passage of Proposition 1A would both limit the size of future budget deficits and slow the rate of future state spending growth. No voters, on the other hand, are nearly unanimous in their view that the measure will not be successful at doing either of these things.”

### **Sending the Governor and Legislature a Message**

“By a 47% to 41% margin likely voters are inclined to believe that the defeat of the budget-related measures would make the state’s budget problem even worse than it is now by increasing the size of the deficit by about \$6 billion. Democrats are more likely to agree with this statement than Republicans and non-partisans.

Yet, voters are much more inclined to agree that if the budget measures are defeated it would send a message to the governor and the legislature that voters are tired of more government spending and higher taxes. Statewide, 72% agree with this statement. Republicans hold to this view by a six to one margin, while non-partisans concur greater than three to one. Even a 60% majority of Democrats agrees with this view.”

### **Source**

Field Poll #2305, April 29, 2009; 6:00 AM. [www.field.com](http://www.field.com).

**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: May 15, 2009, 12:45 p.m.**  
**Lunch will be served**

**WHERE: Board Room, Peralta Oaks**

---

**Items to be discussed:**

1. **STATE LEGISLATION/ISSUES**

A. NEW

a. PROPOSED LEGISLATION

**AB 135 (Jeffries) Public resources: forest resource improvement: urban forestry: cost sharing. (4/20/09)** – Please see attachment 1Aa

This bill would allow the State Department of Forestry and Fire Protection to waive requirements that local landowners pay a share of forest resource improvement work. Specifically, it allows the Director of CAL FIRE to waive the cost-share requirements for local agencies who apply for funds under the federal economic stimulus package. Normally, when local agencies or entities receive state or federal funding, they must match 10% of the funds. The American Recovery and Reinvestment Act (ARRA) passed by Congress actually prohibits matching funds, so the state law needs to be changed for California to be eligible. This would more easily allow the District to qualify for stimulus dollars and more easily work with private neighbors surrounding parks in urban-forest interfaces. The bill has passed the Assembly Natural Resources Committee.

Staff Recommendation: SUPPORT

**AB 817 (Nestande) Government liability: special districts: indemnification. (4/02/09)**

This bill would require the State Attorney General to defend Special Districts in all cases where a claim for damages is made as a result of authorized recreational use of public lands managed by a Special District. Currently, the Attorney General is authorized to defend Special Districts, but is not required to do so. The bill is pending in the Assembly Local Government Committee.

Staff Recommendation: SUPPORT

**AB 1464 (Symth) Transportation: California Bicycle Routes of State or Regional Significance Act (4/16/09)**

According to the author, "bicycle-related transactions resulted in nearly \$1 billion in sales in California last year." Cycling tourism is a growing industry in California. This bill allows non-profits and local governments to work with Caltrans to designate significant bicycle routes throughout the state, such as legs of the Amgen Tour of California. The bill authorizes the Department of Transportation to establish a process for identifying and promoting bicycle routes of state and or regional significance. The bill also contains provisions to allow signage of designated bicycle routes to be paid for by non-profit funders. The bill is pending in the Assembly Committee on Transportation.

Staff Recommendation: SUPPORT

**SB 372 (Kehoe) State parks system: unit modification, adjustment, or removal. (4/20/09)**

This bill requires legislative approval for modifications or adjustments to state park lands that the Director of Parks and Recreation determines as incompatible. For example, running power lines through Del Valle or placing wind turbines on Mt. Diablo. It would also require legislative approval to remove units from the state park system. Current state law does not provide a consistent process for protecting state parks from proposed land uses which may be inconsistent with the original purposes of establishing the park. The bill is sponsored by the California State Parks Foundation and supported by the Bay Area Open Space Council, California Council of Land Trusts, Muir Heritage Land Trust and the Tri-Valley Conservancy. It is opposed by the California Chamber of Commerce, Southern California Edison and Orange County. The bill has passed the Senate Natural Resources and Water Committee and is pending in the Appropriations Committee.

Staff Recommendation: SUPPORT

**SB 555 (Kehoe) Eminent Domain Law: conservation easement. (4/13/09)**

This bill would restrict the initiation of eminent domain proceedings against property under a conservation easement. There has been an increase in the number of condemnations of conservation easements. This trend is expected to continue as development pressure continues and communities are built out. The California Outdoor Heritage Alliance (COHA), in support of the bill, notes that: "urban growth increasingly threatens easements in cases where public agencies attempt to use their condemnation powers to construct roads and other infrastructure." The bill also makes it more clear that the public investment of and support for the easement may conceivably outweigh other public needs. The bill adds more steps to the eminent domain process for property with a conservation easement and raises the burden of proof with regard to public benefit. Opposition, which includes the California Business Properties Association, contends this bill would "further block jobs and construction of infrastructure projects in California." The bill is sponsored

by the California Council of Land Trusts and is supported by the Bay Area Open Space Council, Tri-Valley Conservancy, Save Mt. Diablo, Muir Heritage Land Trust and most major environmental groups. The bill is pending in the Senate Appropriations bill.

Staff Recommendation: Support

B. ISSUES

a. ERAF and Budget Reform Election- Please see attachment 1Ba

C. UPDATE

2. FEDERAL LEGISLATION/ISSUES UPDATE

A. NEW

a. PROPOSED LEGISLATION

**HR 1044 (Miller) Port Chicago Naval Magazine National Memorial Enhancement Act of 2009 (2/12/09)**

This bill amends the Port Chicago National Memorial Act of 1992 to require the Secretary of Interior to administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System.

This bill directs the Secretary of Defense to transfer a specified parcel of land within the "Port Chicago Naval Magazine National Memorial, Proposed Boundary" to the administrative jurisdiction of the Secretary of Interior if: (1) the land is excess to military needs; and (2) all environmental remediation actions necessary to respond to environmental contamination have been completed.

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.

The bill is pending in the National Parks, Forests and Public Lands Subcommittee. Given the seniority of its author, District staff expect this bill to move this Congress.

Staff Recommendation: Support

**HR 1443 (Matsui) The Complete Streets Act (3/11/09)**

The Complete Streets Act of 2009 requires each state or each state department of transportation and metropolitan planning organization (MPO) to have an explicit policy statement requiring all federally-funded transportation projects to accommodate the safety and convenience of all users – including bicyclists and pedestrians.

The bill defines the "complete streets principles" as transportation laws, policies or principles which ensure the safety and convenience of all users of a transportation system – including pedestrians, bicyclists, public transit users, children, older individuals, motorists and individuals with disabilities – are accommodated in all phases of project planning and development.

The bill does make some exceptions. For example, it won't require federal funded units of the Interstate highway system to accommodate bikes and pedestrians.

The bill requires states noncompliant with complete streets principles to use a portion of their surface transportation program funds to carry out a highway safety program.

Among the bill's cosponsors are Reps. Ellen O. Tauscher and Pete Stark.

Staff Recommendation: Support

## B. ISSUES

### a. **Federal Transportation Bill**- Please see attachment 2Ba

The federal Surface Transportation authorization bill (SAFETEA) expires in 2009. Congress is expected to reauthorize, but modify, this bill either this year or next year. The Chairman of the Transportation Committee in the House, James Oberstar, is a longtime supporter of bicyclists and has pledged to carve out provisions in the bill to provide more vehicle-free alternatives for bikers and pedestrians. At a recent National Bike Summit dinner Oberstar was quoted as saying, "Bicycling is going to be available everywhere. We have to make bicycling a mode of transport by law." Senator Barbara Boxer is Chair of the Senate Environment and Public Works Committee which also has jurisdiction over the transportation bill. She is very keen on reducing greenhouse gases and alternative forms of transportation. Rep. Ellen O. Tauscher has also been a reliable trails advocate. Her office has asked local government agencies for some ideas about priority projects to which the District responded with a letter last October. District staff has also submitted some "High Priority Projects" (please see attached list) to our local delegation for inclusion in the federal transportation bill. It is staff's opinion that this bill offers a great opportunity for the District and, also, that this bill is likely to be passed next year rather than this year. The process, however, is underway and the Committee should be updated about our activities.

## C. UPDATE

### 3. PUBLIC COMMENTS

### 4. CORRESPONDENCE AND ARTICLES

- a. "California: Miller, Caradoza to fete DeSaulnier in D.C.", Roll Call, April 28, 2009
- b. "Danville mayor will run for State Senate, Inside Bay Area, April 27, 2009

- c. "Dan Walters: Proposition 13 limits return to the agenda, Sacramento Bee, April, 28, 2009
- d. "Groups strategize for single-payer plan, Politico, April 28, 2009
- e. "Election far off, but field of would-be Oakland mayors growing, Inside Bay Area, April 25, 2009
- f. "Census to trigger political shifts, Contra Costa Times, April 25, 2009
- g. "San Francisco group proposes constitutional convention to solve State's ills, San Gabriel Valley Tribune, April 25, 2009
- h. "California Nurses Association launches 'single payer' health-reform ad drive, Sacramento Business Journal, April 24, 2009
- i. "Democrats fail to back key ballot measure", Sacramento Bee, April 27, 2009
- j. "Transportation: Senate panel to examine future of nation's surface strategy, EE News, April 27, 2009
- k. "Political Blotter: Joan Buchanan to seek Ellen Tauscher's seat", Contra Costa Times, April 23, 2009
- l. "California: Ex-talk show host eyes Boxer challenge", Roll Call, April 21, 2009
- m. "Dan Walters: Two strategies to change California government", Sacramento Bee, April 21, 2009
- n. "Programs for mentally ill, at-risk children at risk", Inside Bay Area, April 20, 2009
- o. "Tauscher's legacy, one of respect confidence", Contra Costa Times, April 20, 2009
- p. "In California another deficit looms", Wall Street Journal, April 20, 2009
- q. "Garamendi sits on CD10 fence", Contra Costa Times, April 18, 2009
- r. "Potential CD10 differ on May 19 propositions", Inside Bay Area, April 17, 2009
- s. "Top lawmakers urge passage of May budget ballot propositions", Mercury News, April 17, 2009