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AGENDA

BOARD LEGISLATIVE COMMITTEE

Friday, December 18, 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.	I. STATE LEGISLATION / ISSUES	
		A. NEW	O'Brien/Pfuehler
		a. Proposed Legislation – n/a	
		B. ISSUES	O'Brien/Pfuehler
(I)		a. Constitutional Convention – Bay Area Council / Repair California	
		2. FEDERAL LEGISLATION / ISSUES	Pfuehler/O'Brien
		A. NEW	
(R)		a. HR 3734 (Sires) Urban Revitalization and Livable Communities Act	
(R)		b. S 2747 (Bingaman) Land and Water Conservation Authorization and Funding Act	
(R)		c. Active Transportation Act of 2009 (Blumenauer)	
		d. S 1619 The Livable Communities Act of 2009	
		B. ISSUES	Pfuehler/O'Brien
(I)		a. H. Con .Res. 211 (Miller) and S. Con. Res. 47 (Boxer) Recognizing the 75 th Anniversary of the East Bay Regional Park District	
(I)		b. Federal Jobs Bill	
(I)		c. Water Resources Development Act requests	Pfuehler/Rasmussen
		3. PUBLIC COMMENTS	
		4. STATUS OF RECOMMENDATIONS	
		5. CORRESPONDENCE & ARTICLES	

(R) Recommendation for Future Board Consideration

(I) Information

(D) Discussion

Legislative Committee Members:

Ted Radke, Chair, Doug Siden, Ayn Wieskamp, John Sutter, Alternate

Erich Pfuehler, Staff Coordinator

Future 2009 Meetings:

January 15, 2010

February 19, 2010

April 16, 2010

May 21, 2010

June 18, 2010

July 16, 2010

August 20, 2010

September 17, 2010

October 15, 2010

November 19, 2010

December 17, 2010

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Rich Guarienti
Di Rosario
Jon King

Recognizing the 75th anniversary of the establishment of the East Bay Regional Park District in California, and for other purposes. (Introduced in House)

HCON 211 IH

111th CONGRESS
1st Session
H. CON. RES. 211

Recognizing the 75th anniversary of the establishment of the East Bay Regional Park District in California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

November 6, 2009

Mr. GEORGE MILLER of California (for himself, Ms. LEE of California, Mr. MCNERNEY, Mr. STARK, and Mr. GARAMENDI) submitted the following concurrent resolution; which was referred to the Committee on Natural Resources

CONCURRENT RESOLUTION

Recognizing the 75th anniversary of the establishment of the East Bay Regional Park District in California, and for other purposes.

Whereas, November 6, 2009, will mark the 75th anniversary of the historic passage of a ballot measure to create the East Bay Regional Park District (referred to in this preamble as the `District') in California's San Francisco Bay Area by a convincing `yes' vote of a 2 1/2 to 1 margin in 1934 during the height of the Depression;

Whereas with the help of the Civilian Conservation Corps, the Works Progress Administration, and private contractors, the District began putting people to work to establish the District's first 3 regional parks--Tilden, Temescal, and Sibley;

Whereas over the intervening 75 years, the District has grown to be the largest regional park agency in the United States with nearly 100,000 acres of parklands spread across 65 regional parks and over 1,100 miles of trails in Alameda and Contra Costa Counties;

Whereas approximately 14,000,000 visitors a year from throughout the San Francisco Bay Area and beyond take advantage of the vast and diverse District parklands and trails;

Whereas the vision of the District is to preserve the priceless heritage of the region's natural and cultural resources, open space, parks, and trails for the future, and to set aside park areas for enjoyment and healthful recreation for current and future generations;

Whereas the mission of the District is to acquire, develop, manage, and maintain a high quality, diverse system of interconnected parklands that balances public usage and education programs with the protection and preservation of the East Bay's most spectacular natural and cultural resources;

Whereas an environmental ethic guides the District in all that it does;

Whereas in 1988, East Bay voters approved the passage of Measure AA, a \$225,000,000 bond to provide 20 years of funding for regional and local park acquisition and development projects;

Whereas in 2008, under the strategic leadership of its Board of Directors and General Manager Pat O'Brien, East Bay voters approved passage of the historic Measure WW, a \$500,000,000 renewal of the original Measure AA bond--the largest regional or local park bond ever passed in the United States; and

Whereas throughout 2009, the District's 75th Anniversary will be recognized through special events and programs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That
Congress--

- (1) recognizes the 75th anniversary of the establishment of the East Bay Regional Park District; and
- (2) honors the board members, general managers, and East Bay Regional Park District staff who have dutifully fulfilled the mission of protecting open space and providing outdoor recreation opportunities for generations of families in the East Bay.

FEDERAL PARKS & RECREATION

VOLUME 27 NUMBER 23

DECEMBER 4, 2009

Federal Parks & Recreation is published by Resources Publishing Co., P.O. BOX 41320, Arlington, VA 22204. EIN 52-1363538. Phone (703) 553-0552. FAX (703) 553-0558. E-mail james.b.coffin@verizon.net. Website: <http://www.plnfpr.com>.

'LIVABILITY' GETS A CAUCUS. Rep. Earl Blumenauer (D-Ore.) and 17 other House Democrats have formed a Livability Communities Task Force to work for livability legislation. The caucus intends to address a broad sweep of issues - housing, the environment and transportation as well as recreation. One bill the caucus lists for attention would authorize up to \$445 million per year for grants to local governments in a new urban park restoration program in the Department of Housing and Urban Development. The measure (HR 3734) was introduced by Rep. Albio Sires (D-N.J.) Blumenauer was a cosponsor. More broadly, the House subcommittee on Highways and Transits June 24 did approve a \$500 billion, six year surface transportation bill (unnumbered) that would establish a new Office of Livability in the Department of Transportation. The office would oversee such outdoor programs as transportation enhancements, recreational trails, scenic byways, Safe Routes to School and a new U.S. bicycle route system. The bike route program would provide grants to states and Indian tribes (80 percent federal money) to establish a national system. The money would be used for construction (at least half of all expenditures), planning, mapping, signage and promotional materials. The Livability Communities Task Force has its own website, www.blumenauer.house.gov/livablecommunities.

EE News Climate Wire

CALIFORNIA: Schwarzenegger unveils 12-part adaptation strategy (12/03/2009)

Colin Sullivan, E&E reporter

SAN FRANCISCO -- California officials have completed a broad study of climate adaptation that advises state agencies to prepare for more frequent floods, sea level rise, reduced snowpack, tight water supplies, increased wildfires and threatened communities on the coast.

A report released yesterday by the California Natural Resources Agency sees a dire future ahead for a state that many experts say is on the front lines of adapting to global warming. Most damning, the report found that \$4 trillion in coastal real estate assets is at risk, as is the Sierra Nevada's vital snowpack.

"If the state were to take no action to reduce or minimize expected impacts from future climate change, the costs would be severe," the report warns.

For that reason, the agency recommended a 12-part adaptation strategy yesterday that was endorsed by Gov. Arnold Schwarzenegger (R) and Google CEO Eric Schmidt, among others, during a signing ceremony here. Among the recommendations:

- Creation of a climate adaptation advisory panel, staffed by business and government leaders, to further assess the level of risk facing California.
- Pursuit of more reservoirs and water projects to address strained water supplies.
- Implementation of a statewide conservation target to cut water use by 20 percent by 2020.
- A directive to state agencies to avoid new development in areas prone to erosion, flooding and wildfire.
- Expanded use of the California Environmental Quality Act to force managers of infrastructure projects to consider their contributions to greenhouse gas emissions.

Californians could see a 7-degree temperature rise this century

Schwarzenegger, who is headed to Denmark next week to participate in international climate talks, said his state is the first in the nation to adopt an official adaptation strategy. He warned that California could see a 7-degree temperature rise by the end of the century, which could mean severe economic consequences.

"We must be prepared if climate change continues to worsen," Schwarzenegger said.

The adaptation strategy released yesterday is nonbinding and represents a series of recommendations for state agencies, boards and commissions. Schwarzenegger authorized the study in an executive order signed a year ago.

Schmidt, who was on hand yesterday and was praised by the governor for his work on energy efficiency, said Google intends to help California adapt by customizing its Google Earth software for Californians curious about the potential effects of climate change. The search-engine giant announced "Cal-Adapt," which is essentially Google Earth for California, highlighted by a virtual flyover of the state to highlight areas prone to risks.

Schmidt called his company's contribution "modest" and said Google wants to help however it can.

"We try to provide tools to help people understand what's happening," he said.

[Click here](#) to view the adaptation report.

Time for more stimulus

By Harold Meyerson
Thursday, December 3, 2009

President Obama convenes a summit today to hear from a range of interested parties how he can goose the American economy to create more jobs. Yet, for weeks, virtually every White House employee with the power of speech has made clear that the president doesn't intend to increase the deficit, and that the idea of a second stimulus is a non-starter.

Boosting the economy without increasing government spending on jobs is squaring a circle, however. Standing athwart the prospects for a second stimulus is the universal belief that the government has already enacted a massive [stimulus program](#), to the tune of \$787 billion, even as unemployment has risen to 10.2 percent. If that's what \$787 billion produces, the thinking goes, why bother to try again?

In fact, that spending has saved or created more than 640,000 jobs, and possibly as many as 1.6 million, the Congressional Budget Office [reported this week](#). More important, total government spending to combat the recession is far less than \$787 billion.

For one thing, most of the funds appropriated for job-creating projects in 2009 and 2010 are to be spent in this quarter and next year. So we haven't seen the full effects yet. And \$146 billion of the stimulus is targeted for the years 2011-19 -- bringing the short-term total of the package down to \$641 billion.

Actual public spending to boost the economy is still a great deal smaller. For while the federal government has been pouring money into the economy to counter the collapse of private spending and investment, state and local governments have been taking money out of the economy in ways that deepen our decline.

A recent [report](#) from the Center on Budget and Policy Priorities assesses the 2009-10 budget shortfall for the 50 state governments at a stunning \$350 billion -- a gap that the states (all but Vermont have to run balanced budgets) have addressed by slashing services, cutting jobs and raising taxes. "All these steps," the center concludes, "reduce the purchasing power of workers' families, which in turn affects local businesses."

In addition to state cutbacks and tax hikes, separate cutbacks and tax hikes among cities, counties and school districts come to a further \$15 billion, [estimates](#) the Center for Economic Policy and Research. Now, not all of this \$365 billion shortfall is addressed by cuts and higher taxes; state and local governments have also engaged in budget finagling. But assuming, conservatively, that states and localities are making cuts and raising taxes roughly at the level of \$300 billion, net government spending to boost the economy this year and next is only \$341 billion.

That means our federal stimulus package isn't the 2.6 percent of gross domestic product that was claimed but more like 1 percent. In the spring, you may recall, the administration chastised other nations for stimulus packages that it thought were too small -- by which it meant stimulus packages that came to around 1 percent of those nations' respective GDP.

Why is \$341 billion a more accurate figure than \$787 billion? Because the stimulus packages of virtually every other nation reflect or even understate the net total of government spending at the national and local levels. In most nations -- France and Britain, say -- government functions that are funded at the local level in the United States, such as schools and local infrastructure, are funded nationally. In other nations -- such as Japan and Switzerland -- local governments can and do run deficits in times of downturn. Only the U.S. version of federalism -- whose fiscal effects I describe in [greater detail](#) in the current issue of American Prospect, the magazine where I'm an editor -- requires state and local governments to abet a recession even as the national government tries to combat it.

Indeed, during a recession, the American system of government works like the bathtub in an old algebra problem ("old" means I had it in middle school). In it, water pours into the tub from the tap but exits the tub from a drain that isn't stopped. If you know the rates of filling and draining and the size of the tub, you can calculate the water level.

In an American recession, the federal government is the tap and the state and local governments are the drain. That's no way to fill a tub, and no way to fight a recession. Which is one more reason we need a big second stimulus, since our system doesn't let us plug the leaks.

meyersonh@washpost.com

Contra Costa Times

Property tax relief due for California property owners

By Denis C. Theriault dtheriault@mercurynews.com

Posted: 12/02/2009 08:21:16 AM PST

Updated: 12/02/2009 04:15:23 PM PST

SACRAMENTO — For the first time since Proposition 13 took effect 30 years ago, most Californians will see lower property tax bills next year.

Just not much lower.

The state Board of Equalization, relying on federal statistics, estimated this week that deflation could reduce what many property owners owe — a new twist for the annual formula that caps tax increases based partly on the rate of inflation.

For the owner of a home assessed at \$400,000, that would amount to a savings of about \$11 in next year's tax bills. Toss in the fact that rates usually rise by at least 2 percent a year, and the savings works out to nearly \$100 on a \$4,400 tax bill.

Although that may bring a small smile to the faces of home- owners, it's downright bad news for the local governments that rely on property taxes to fund everything from police services to holiday parades.

Earlier this year, Santa Clara County, lowered tax assessments for tens of thousands of local property owners who had purchased their homes in the past decade, before values began plunging. While those folks will not be eligible for further reductions next year, most of the rest of us will be.

A spokeswoman for the Board of Equalization defended the decision as "good news" for Californians, even as she acknowledged the dire effects on local governments.

"Consumers will not see their taxes rise," said Anita Gore, "and that's what the voters voted for when they passed Proposition 13. "

The measure, which took effect in 1978, caps the annual increase for assessed property values at 2 percent, no matter a property's actual market value. The rate set by the Board of Equalization has fallen below that 2 percent maximum only five times in the past 31 years, but it has never before been negative.

Homes are reassessed only when they are sold or significantly remodeled — or if the assessor's office determines the market value of a property has dropped below its assessed value.

This year, facing the prospect of negative inflation for the first time, the board "took a look at the law," Gore said.

"The law mandates that in inflationary times, the rate is capped," she added, "and that if indeed there is deflation, the value should be reduced."

Using Consumer Price Index numbers recently released by the federal government, the Board of Equalization estimated that deflation this year hit 0.237 percent in California. The state's official inflation factor will be released soon — after which the board will notify county assessors of the rate to apply to assessed property values.

Santa Clara County's assessor said, South Bay governments already are reeling after his office reassessed nearly 100,000 properties this year. Although that cost the county's tax roll about \$19 billion, the overall tax roll grew by a few hundred million dollars because the rest of the county's 465,000 properties saw their assessed values increased by the usual 2 percent.

At stake in the calculations is millions of tax dollars for deficit-riddled cities such as San Jose, which is struggling to close a \$90 million budget gap by July.

On Tuesday, Mayor Chuck Reed's office said it was too soon tell what the latest blow to city revenues might be.

But with reassessments due for big-dollar commercial and industrial properties, Stone wasn't shy about sounding the alarm: "There's not a possibility," he said, "the hit won't be a record."

Bay Area News Group writer John Woolfolk contributed to this story. Reach Denis C. Theriault at 916-441-4651.

Rep. Miller: House Leaders Want a Jobs Bill by Year's End

December 2, 2009

By Naftali Bendavid

Rep. **George Miller** (D., Calif.) said in an interview today that House leaders will push to pass a jobs package by year's end. "I think clearly we would like to do something before the end of the year," said Miller, who has been assigned by Speaker **Nancy Pelosi** (D., Calif.) to craft legislation to spur jobs growth.

With unemployment at 10.2%, lawmakers are facing increasing pressure to show they are taking action to combat joblessness. But House Majority Leader **Steny Hoyer** (D., Md.) Tuesday appeared to downplay the issue of timing.

"The important thing from my perspective, speaking for Steny Hoyer, is to get a jobs package that will work, not getting one right now," Hoyer told reporters. "In other words, we need to work on this, make sure we've got it right, make sure we think it will be effective, and if we adopt it in the next two or three weeks, or we adopt it in January, we need to make sure it will work."

Miller suggested that moving quickly was critical. "It's very important, because there is concern that parts of the stimulus start winding down," Miller said, referring to the \$787 billion stimulus package passed earlier this year. "You'd like to have this come on-line as rapidly as possible."

Among ideas being floated for the jobs package are investing in infrastructure, bolstering loans for small business, and aiding states and cities to prevent layoffs of teachers, police officers and other public employees. Even if the House enacts legislation this year, the Senate is not likely to pass a similar measure until early 2010.

Republicans argue that the Democrats' ideas would lead only to government spending and overreach. Rep. **Eric Cantor** (R., Va.), the House minority whip, suggested alternatives today including approving free-trade deals and halting a "deluge" of regulations.

Miller stressed the urgency of the joblessness problem. "Anywhere you go in the community, people tell you stories about themselves, their families, or someone else who has been laid off or is concerned about being laid off," he said. "They clearly want the administration and the Congress and the government to help out."

AM Alert: Seeking the speakership

December 2, 2009

The behind-the-scenes battle over who will be the next speaker of the Assembly is heating up this week, with sources saying a vote on who will succeed Speaker **Karen Bass** could be coming up soon.

A handful of members were said to be jockeying for the spot, but it appears the pool of contenders has been whittled down to two Democrats from Los Angeles.

Those left standing are Assemblyman **Kevin de León** of the 45th District, a friend from way back of former Assembly Speaker **Fabian Nunez**. De Leon's chief rival is Assemblyman **John Pérez**, the rookie from the 46th District, who is Los Angeles Mayor **Antonio Villaraigosa's** cousin.

Pérez's supporters say the rookie from the 46th District may already have enough votes to snag the support of a majority of Assembly Democrats, a first step toward a full Assembly vote.

"I think John's got them," said Assemblyman **Jared Huffman**, D-San Rafael. "A number of us have been on the phone and in touch with each other beginning before Thanksgiving."

Huffman said Pérez, a University of California at Berkeley grad, is often identified as a labor union champion who has defended immigrant workers' rights. But Huffman said Pérez is also respected by other core Democratic Party constituencies - including environmentalists and the gay, lesbian, bisexual and transgender communities.

Pérez is the first openly gay Latino legislator in California. And if he were Speaker, he'd be the first openly gay Speaker.

But Pérez, who members say was recently drafted into the mix, might not have it in the bag. Capitol Weekly [reported](#) yesterday, de León has told members that he has 22 votes in his corner.

More insight on where the votes are lining up could come today, after the **Assembly's Latino Caucus** holds a morning meeting, where members are expected to discuss the candidates vying for the post.

We're still waiting for calls back from de León's and Pérez's offices, but will keep you posted on developments as they occur.

In other lower house action on tap, the Assembly has plans to [convene a check-in session](#) for the first reading of its version of legislation aimed at ensuring California schools are eligible for "**Race to the Top**" federal stimulus funds.

The **Assembly Education Committee** will meet at 1 p.m. in Room 4202 for its final informational hearing on the application guidelines for states vying for a piece of the \$4.35 billion in federal stimulus funds up for grabs. Click

[here](#)

to read the hearing agenda.

The committee is scheduled to meet again next Wednesday to vote on "**Race to the Top**" legislation, with floor votes expected to take place later that week.

Notice a shortage of Republican lawmakers roaming the Capitol halls as the week winds down?

GOP members from the Assembly and the Senate are gathering in Santa Barbara today to kick off their annual three-day joint policy summit.

Jennifer Gibbons, a spokeswoman for Assembly Republican leader **Sam Blakeslee**, said the discussions will be focused on the budget, but that other topics would include government and economic reforms.

BIRTHDAY: Assemblyman **Danny Gilmore**, R-Hanford, turns 60 today.

Susan Ferriss contributed to this report.

Sacramento Bee

Sunday, November 29, 2009

Big Dog of the SF political consulting world is back on the block after 14 year hiatus

SAN FRANCISCO – To the delight of many and the horror of others, the former big dog of San Francisco politics is back on the block.

After 14 years in self-imposed exile, Clint Reilly has agreed to return to campaign work as chief strategist for Repair California and its efforts to call the first state constitutional convention in 130 years.

The organization is sponsoring two initiatives it hopes will appear on the November 2010 ballot. The first asks voters' permission to bypass the state Legislature and convene a convention in 2011. The second spells out which issues would be tackled and how the session would be conducted.

If the changes are ultimately approved by the voters in yet another ballot measure, the way state government operates in California would be fundamentally altered.

For Reilly, the decision to accept the gig from Repair California means starting a new chapter in what has already been a colorful career.

From 1971, when he steered Richard Hongisto's effort to become sheriff of San Francisco County through the mid-1990s, Reilly helped elect, re-elect or protect from recall some of California's most famous political leaders, Dianne Feinstein, Nancy Pelosi and Barbara Boxer among them.

Over time, his firm, the now-defunct Clinton Reilly Campaigns, became a "one-stop shop" offering clients an array of services, from strategy to direct mail literature to TV and radio advertising production.

He earned millions running losing initiative campaigns for the auto insurance industry in 1988 – ultimately leveraging the money and his considerable energies to build a multimillion-dollar commercial real estate business.

He became a leader in several high-profile San Francisco charities and began to build a collection of post World War II-era impressionist art now considered to be one of the best in private hands.

Following a spirited but failed run for San Francisco mayor in 1999, Reilly gained wide notice in 2000 and again in 2006 after filing lawsuits to fight the corporate consolidation of Bay Area newspaper publishing chains.

In the first, Reilly challenged the sale of the morning San Francisco Chronicle to the Hearst Corporation, then the owner of the afternoon San Francisco Examiner.

He lost that legal battle but won a settlement in the second suit, which sought to stop a plan by MediaNews Group (owner of the Oakland Tribune and San Jose Mercury News) and the Hearst Corporation to combine portions of their business operations, thereby creating a regional newspaper monopoly. In the settlement, the two companies agreed not to pursue combining their operations in Northern California.

Reilly said he also has enjoyed mentoring a virtual "salon" of younger California political consultants

like local strategists Eric Jaye and Jim Ross.

"I do miss it," Reilly said, adding that lately he has become "bored" with the real estate business. "Winning a campaign that you've sunk your heart and mind into ... well, there's nothing like that."

Even 14 years later, stories about Reilly's fiery personality and colorful "take no prisoners" approach continue to echo throughout the state's political world.

Reilly's first high-profile campaign victory came in 1978 when he got Robert Matsui of Sacramento elected to Congress.

He's also credited with directing the winning campaigns of former Los Angeles Mayor Richard Riordan and those of former U.S. Reps. Tony Coelho and Jim Corman. Likewise, Reilly can also claim credit for the winning campaigns of former San Francisco Mayor Frank Jordan and former state Senate President pro tem David Roberti.

Reilly famously fired Feinstein as a client early in her 1990 gubernatorial campaign by faxing a news release questioning her commitment to the race. But seven years earlier, in 1983, he also beat back a nasty attempt to recall her from the San Francisco mayor's office. He performed a similar function for Roberti a decade later.

One of the most infamous - if not painful - incidents in Reilly's storied political career came in 1993, when he got into a fight during a meeting with then-San Francisco Examiner editor Phil Bronstein and emerged with a broken ankle.

A year later, in 1994, Reilly was heavily criticized for reportedly mismanaging client Kathleen Brown's gubernatorial run.

As consultants gathered to assess her decisive loss, Reilly said he looked forward to the political post-mortem "like a cadaver looks forward to its own autopsy."

That defeat was followed a year later by San Francisco Mayor Frank Jordan's re-election meltdown - a loss spurred by his still-inexplicable decision to participate in a stunt where he agreed to be photographed naked with two Los Angeles-area disc jockeys in a home shower.

Veteran Democratic strategist Darry Sragow said Reilly - like many San Francisco political figures - views politics as a full-contact sport.

"Clint can be very mean at times," Sragow said. "But he's also a brilliant and impassioned player. If you take him on, you should know that he will take it seriously and personally. In the heat of battle he can be ferocious."

Colorful past aside, it is Reilly's skills that persuaded members of the Bay Area Council - Repair California's prime backer - to recruit the famed politico.

"He has a remarkable strategic sense and a passion for organizing, which is all too often missing in statewide campaigns, and is just what this historic effort needs to succeed," Bay Area Council President Jim Wunderman said in a statement.

Jim Ross, one of those younger political consultants who has enjoyed Reilly's mentoring, says it just makes sense for him to run the initiatives.

"He's been out of the game for a long time, and he's not aligned with anyone. That makes him perfect for this job," Ross said.

Bruce Cain, a UC Berkeley political science professor, said Repair California may have scored a coup in getting Reilly on board.

"I'm pretty sure that not a lot of hands shot up when this gig became available," Cain said. "Whoever runs a campaign like this has got to know they will likely be ostracized from the state's political world."

Reilly said he knows that he will go up against entrenched Sacramento interests that won't hesitate to spend large amounts of money to defeat the initiatives.

"We must form an effective grass-roots, bipartisan citizens coalition to win," Reilly said. "Our success or failure hinges on putting that coalition together."

Reilly added that he believes the ballot measures are coming at just the right time, as recent statewide polls show Californians have little or no confidence in their state government.

"Special interests have a stranglehold on Sacramento right now, and it is going to take a citizen movement to change that," Reilly said.

Corey D. Cook, a University of San Francisco political science professor, said Reilly's decision to lead the Repair California campaign is significant for another reason.

"Unfortunately, a lot of the good government reform ideas of the past couple of decades have not been successful because they have been designed by policy wonks with limited political acumen. Accordingly, these efforts are often defeated," Cook said.

In this case, Cook added, Repair California has opted to have its campaign led by a true campaign gunfighter.

"This is a very serious reform effort that recognizes that changing the state constitution requires a political movement that is informed by smart policy wonks ... what better way to signal that than to get Clint Reilly out of retirement?"

IN THE KNOW

Repair California's two initiatives, now under review by the state attorney general's office, would direct a convention of 465 delegates to focus on four main areas:

- Making state government more efficient.
- Overhauling the election and initiative process while reducing the influence of special interests.
- Revamping the state budget system.
- Improving the strained relationship between state and local government.

Delegates to the convention, which could last as long as six months, would be specifically prohibited from taking up issues such as marriage, abortion, gambling, affirmative action, freedom of the press, freedom of religion, immigration or the death penalty.

Contra Costa Times

Richmond casino fight turns to Washington, D.C.

[By John Simerman](#)

[Contra Costa Times](#)

Posted: 11/29/2009 12:00:00 AM PST

Updated: 11/29/2009 11:50:30 AM PST

Some of the loudest East Bay voices against a major Indian casino-resort on the Richmond waterfront are fast turning mute.

And while the Guidiville Band of Pomo Indians and the developer credit the quality of the plan and their attention to local concerns — backed by big-money pledges — opponents find themselves grasping for fresh strategies and loyal political allies.

Contra Costa County, once the sharpest local thorn in the side of Indian casino plans, now supports the project for the former Point Molate Naval Fuel Depot. County supervisors agreed this month to a deal for \$12 million a year if the resort gets built. Environmental groups that sued over the project, meanwhile, are deep in talks with the developer on an eight-figure deal to bolster their shoreline dreams.

Planned for the scenic, 266-acre site is a casino with thousands of slot machines, two hotels, a convention center and retail complex, trails, parks and tribal facilities.

With local opposition in retreat, critics of Las Vegas-style gambling in West Contra Costa are now hanging their hopes on Congress.

"Right now our biggest allies are probably Senators Feinstein and Boxer. It's unfortunate local leadership hasn't shown the same kind of courage," said Andres Soto, a Richmond activist with the Coalition to Save Point Molate, a group supported by local card clubs.

The action is at the Interior Department, where the Obama administration is reviewing federal policy on placing new land into trust for tribes, including those that want casinos.

Sen. Dianne Feinstein, a steady critic of casino expansion in urban areas, recently joined Sen. Barbara Boxer, Majority Leader Harry Reid, D-Nev., and other senators in a letter urging Interior Secretary Ken Salazar to closely scrutinize tribes seeking "off-reservation" casinos.

A similar plea came this month from 27 House members, including several from California.

Not among them: Rep. George Miller, D-Martinez. His district includes Point Molate and the North Richmond area where another tribe, the Scotts Valley Band of Pomo Indians, seeks casino rights along Richmond Parkway.

Miller is staying out of it, according to his chief of staff, Danny Weiss.

"Members of Congress and senators do not have a role in that process," Weiss said in an e-mail.

In 2000, Miller taxied legislation through Congress granting the land under the Casino San Pablo card club to the Lytton Band of Pomo Indians. It may have saved the city — San Pablo reaps two-thirds of its general fund from Lytton and its electronic bingo machines — but Miller took heavy heat for sidestepping the Interior process. That's probably why he's mum on a hot-button issue in his district, say both sides in the debate.

"Miller's staying neutral on it," Soto said. "By being neutral, it's tacit approval."

Mixed signals from governor

Soto named Gov. Arnold Schwarzenegger among those who could influence a federal decision against the project. But the governor's actions send conflicting messages.

Schwarzenegger's top legal adviser last month urged federal officials to kill the Point Molate plan, arguing in a sharply worded letter that it would violate the good faith of voters and could threaten the constitutionality of Proposition 1A, the 2000 state ballot measure authorizing gaming on Indian land.

Yet Schwarzenegger could have stymied the Point Molate plan on his own, by keeping his pen capped.

Instead, he signed off in September on the early transfer of the 41-acre linchpin of the project from the Navy to Richmond. Under federal law, the governor's permission was required to allow the Navy to turn over land without first completing environmental cleanup. With his signature, Schwarzenegger said he wanted to "help the City of Richmond accelerate the conversion of the former Naval Fuel Depot Point Molate into an economic development project."

The city is pursuing just one economic development project there: the tribal casino resort.

For his signature, the Bay Area Regional Water Quality Control Board sent the governor a thick package of documents that clearly described the "conversion of land use to gaming casino." A briefing paper outlined the casino project, and the package included developer Upstream Point Molate's deal with the city.

The Navy has paid the city \$28.5 million for the cleanup, with Upstream to kick in another \$4 million.

Schwarzenegger's action on the transfer "gives me confidence," said Jim Levine of Upstream.

"He signed that himself. There was a lot of staff review," he said. "The governor's got oars on both sides of the boat. He can pull whichever one he wants."

Schwarzenegger "has once again proved to speak with a forked tongue," chided Soto.

'Cleaning up California'

A spokesman for the governor denied any mixed message.

"One thing doesn't have anything to do with the other," spokesman Jeff Macedo said. "The important part is obtaining that land so we're cleaning up California. We don't want to have polluted lands in our community. This just happens to be one of those lands. That said, the governor is against urban gaming. He does not support a casino at Point Molate."

It was one of eight early land transfers from the military that Schwarzenegger has approved in office, and the only one this year, state figures show. Without it, the Navy would have kept the 41 acres indefinitely. The regional water district ordered a cleanup, but the Navy was pushing for a less intensive, far slower one, said George Leyva, the water district's program manager for the Point Molate cleanup.

"The Navy's proposal involved leaving that (contamination) in place and letting natural attenuation finish the cleanup, which would have been 100 years. But in that 100 years that land would have remained fenced off and unusable," Leyva said.

Few if any local interests wanted that fate for the land. But the early transfer was timed to the tribe's pending bid for federal approval and an approaching deadline for Richmond to turn over the land to Upstream.

"I think the governor is like everybody else. He's against it until he cuts a deal for money," Richmond Councilman Tom Butt said. "You don't know anymore. Everybody's against it, but you don't know if its real, or posturing for more money."

Tribal influence, money

Once backed by Harrah's, Guidiville and Upstream now claim major financing from the Yocha Dehe Wintun Nation, which operates Cache Creek Casino Resort in Yolo County.

The strongest force working against the project, meanwhile, may have little concern about toxics, traffic, crime, gambling addiction or other evils that opponents predict. Casino tribes are flexing their political muscle to stave off urban rivals, lobbying members of Congress and top Interior officials.

Among them is the California Tribal Business Alliance, which includes Lytton, the tribe that operates Thunder Valley Casino in Lincoln and some politically active Southern California gaming tribes.

The group opposes any federal policy that would grant casino rights to tribes on land they never occupied, arguing that any policy that would allow Guidiville or Scotts Valley to build a casino would open the floodgates to urban casinos elsewhere — particularly in California, where quirks of history and decades of federal injustice bred dozens of small, landless tribes.

"It's such a sticky issue, and everything (federal officials) seem to do that makes sense everywhere else doesn't make sense in California," said Allison Harvey, executive director of the alliance. "So they can't quite figure out what to do, I think. But they're getting an earful."

Contra Costa Times

Rep. Miller talks on water, war and politics

[By Lisa Vorderbrueggen](#)

[Contra Costa Times](#)

Posted: 11/28/2009 05:00:00 PM PST

Updated: 11/28/2009 05:28:13 PM PST

SENATE PRESIDENT Pro Tem Darrell Steinberg called Rep. George Miller and asked for the congressman's support sight unseen for the \$11.1 billion water package a few days before it hit the floor of the Legislature.

Miller's blessing would have been powerful mojo in the Senate leader's battle with unhappy Delta lawmakers, who universally opposed the bills.

"Steinberg wanted me to endorse it," the Martinez congressman said during a wide-ranging discussion over coffee last week. "I told him, 'You have moved this issue a long way but I don't have the language in front of me and I can't do that to my local representatives. They are on the ground. I'm 2,000 miles away.'"

Miller agrees with the electeds in his district who say the Delta lacks sufficient representation on the new Delta Stewardship Council.

They want more emphasis on cheaper sources of new water such as recycling and conservation and less reliance on expensive reservoirs or canals.

And they fear its financing mechanism, general obligation bonds, which must be repaid out of the state's general fund, will drain dollars from an already depleted budget.

"The tragedy is that everybody wanted a deal more than they wanted a solution," Miller said. "So, (the proponents) sort of stacked the deck against the Delta counties and yet, they are heavily impacted in terms of development, recreation, business and all the rest of it."

WAR FRONT. Miller visited Pakistan earlier this month as part of a congressional team sent to look at how it spends U.S. money fighting terrorism.

He is unimpressed.

Pakistan is a poor partner who selectively targets some Taliban factions while ignoring others, he says.

It's one of the many reasons why he will oppose expansion of U.S. troop levels in neighboring Afghanistan.

"The idea that we will reconstruct Afghanistan into a 21st century society is unrealistic," Miller said.

OLIVE BRANCHES. Miller threw his weight behind another congressional candidate — state Sen. Mark DeSaulnier of Concord — but he holds no grudges against the winner.

Miller helped newly elected Rep. John Garamendi, D-Walnut Grove, secure a coveted seat on the House Transportation Committee despite requests from more senior members. (Garamendi was sworn into office Nov. 5, so everyone has more seniority.)

Garamendi is the only Northern California representative on the key committee, which will write the new national transportation spending blueprint next year.

On the other hand, Garamendi hustled out to Washington, D.C., just in time to help Democrats narrowly pass a health reform package by five votes.

"He came at a critical time," Miller said. "We had the two special elections, Garamendi and (Democrat Bill Owens in New York), and winning both of them, which provided two votes for health care, was a big deal. If either of them had missed their planes, we could probably have delayed the vote."

GOT POLITICS? Read the Political Blotter at www.ibabuzz.com/politics:

- Gov. Arnold Schwarzenegger nominated state Sen. Abel Maldonado, R-Santa Maria as the next lieutenant governor. Steinberg immediately dissed the act as unnecessary and expensive. What, again, does a lieutenant governor do?

GOT SEAMSTRESS? Brentwood Mayor "Bob Is A Turkey" Taylor has a small problem.

As you may recall, Taylor promised to hand out holiday food baskets wearing a turkey suit if more than 300 people donated birds in his name to the Community Chest, a local food bank.

It has been a resounding success. At last count, the food bank had more than 500 turkeys.

But the feathered friend costume is, well, a bit tight.

"It needs adjustment for plumpness," said Taylor, who makes no apologies for his healthy appetite. "This is a well-stuffed turkey."

Reach Lisa Vorderbrueggen at lvorderbrueggen@bayareanewsgroup.com or 925-945-4773 or www.ibabuzz.com/politics.

Contra Costa Times

As city vote nears, critics seek leverage on Point Molate plan

[By John Simerman](#)
[Contra Costa Times](#)

Posted: 11/27/2009 12:59:07 PM PST

Updated: 11/28/2009 05:37:52 PM PST

RICHMOND — While federal officials have the final say, critics of the Indian casino resort slated for Point Molate are taking a last stab at City Hall, hoping to wheedle concessions — even if they can't defeat the plan.

The City Council still must certify an environmental review that critics say is deeply flawed and ripe for challenge. The report cites soil erosion, traffic trouble and other potential impacts, listing a host of fixes. But some effects — such as leveling or moving a national historic building — are unavoidable, the report says. So the council may need to adopt a "statement of overriding considerations."

That, some say, is where Richmond can wield leverage.

City Councilman Tom Butt, for one, said his yes vote may hinge on developer Upstream Point Molate agreeing to save more historic buildings, sweeten the city's financial deal, allow more public review of the design and safeguard the city against long delays or inaction.

"As it gets close to the end, there are a lot of issues that need to be resolved," Butt said. "We don't have to do a project that can't be mitigated."

Tribe solidifying support

The developer remains reluctant to make major changes.

"I come from the old school. When you make a deal with somebody, you honor it," Jim Levine, of Upstream, said. "At the same time, we're practical, and we're in discussions with the city on resolving some outstanding issues."

A council majority seems to favor a project that promises more than \$16 million in annual city revenue and thousands of jobs for residents.

Upstream and the Guidiville Band of Pomo Indians have also pledged \$12 million a year to Contra Costa County for its support. And, in a developing deal with Citizens for East Shore Park and other green groups, tens of millions of casino dollars would go to shoreline projects.

The payments are not payoffs, Levine insisted. The county deal covers estimated health and public safety impacts — and more — while the tribe and environmental groups lately have found common ground, he said.

"The environmentalists basically talked about their mission and their dreams, and the set of dreams they talked about were dreams that the tribe and us related to," he said.

Legal attacks likely

But opposition remains. Bay Area card rooms, the East Bay Regional Park District and San Pablo all have hinted at legal action.

Card rooms say the casino resort would nullify Proposition 1A, the 2000 ballot measure that granted Indian tribes a monopoly on slot machines and other Las Vegas-style action on mostly rural Indian lands.

The park district claims the plan clashes with regional goals for open space and outdoor recreation and that the environmental review shortchanges aesthetics, eel grass beds and burrowing owl habitat.

"If it goes into a tribal designation, how do we get our issues addressed? This is the only shot the public gets," said Bob Doyle, assistant general manager for the district. "Our charge is a magnificent and spectacular shoreline. It has been abused by lots of uses, including the Navy, for decades. It needs to be looked at not just for jobs and gambling."

San Pablo argues that a competing casino would foster urban decay, gnawing at police, recreation and other vital services funded by \$12 million in annual revenue from Lytton San Pablo Casino and its electronic bingo games. City Manager Brock Arner said he met with Upstream a few weeks ago but got nowhere.

"We're not at a meeting of the minds at all," he said.

Levine insists the two casinos would serve vastly different clientele in a big gambling market.

"If you own a Denny's, and a Ritz-Carlton opened up," he crowed, "there's a different customer base."

Staff writer Katherine Tam contributed to this story.

Contra Costa Times

Californians asked to spend more during unprecedented spree of water spending

[By Mike Taugher Contra Costa Times](#)

Posted: 11/23/2009 04:07:31 PM PST

Updated: 11/24/2009 07:21:18 AM PST

Supporters of a proposed \$11 billion water bond say the money is urgently needed to fix California's water supply problems, yet billions of dollars in previous bond money still hasn't been spent, according to the California treasurer.

About half of the \$20 billion in water and levee improvement bonds passed since 2000 was unspent as of July, according to the State Treasurer's Office most recent report on debt affordability. It is unclear how much of that money is actually available for new efforts, since lawmakers have appropriated billions for specific projects, according to Jason Dickerson, debt service analyst for the Legislative Analyst's Office.

Some of those commitments could be changed by lawmakers if they want to redirect funds or by voters if they revise earlier bond measures.

But projects also could already be under way with the expectation that they would be paid later when bonds are sold to investors, Dickerson said.

Despite that spending, bond supporters say more is needed and they will spend the next year making the case for the biggest water bond ever proposed.

"It really is a need for investment in the tens of billions of dollars in the next few decades," said Mark Cowin, deputy director of the Department of Water Resources.

"In light of population growth and climate change, we knew we've got to invest even more."

At \$11.1 billion, the measure is twice as big as the last record-breaking water bond -- Proposition 84, the \$5.4 billion bond initiative that passed in 2006, shattering the record set four years earlier with the \$3.4 billion Proposition 50.

If the slate of ambitious projects to reform distribution and improve supply sounds familiar, that's because it is. And no wonder: that new measure was written largely by lobbyist Joe Caves, who was a key player behind previous water bonds.

Caves, whose biggest client is The Nature Conservancy, is a master broker who brings together environmentalists, business groups and various parts of the state that often have very different interests. He could not be reached Friday.

The bond measure, which will go to voters next November, was passed as part of a five-bill package to overhaul the state's water system. It includes \$3 billion to build new surface or groundwater reservoirs, \$455 million for drought relief projects and \$2.25 billion for Delta projects.

Supporters, including Gov. Arnold Schwarzenegger and the sponsor of the bond measure, state Sen. Dave Cogdill, R-Modesto, say the inclusion of \$3 billion for new dams makes this bond measure important and different.

"This is a comprehensive solution that takes into account all aspects of dealing with safe, reliable water," said Cogdill spokeswoman Sabrina Lockhart

Most of the other half of the bond is for programs that were funded by earlier bonds, including groundwater cleanup, water recycling, land conservancies and grants for regional water projects.

Critics, including some environmentalists, contend that the state has overpromised water. They say the state's farms and cities must use less water, and the state cannot spend its way out of the problem with new dams, canals and other infrastructure.

"This bloated bond just throws money at water without the thoughtful stewardship the taxpayers deserve," said Jonas Minton, a water policy analyst at the Planning and Conservation League, a state environmental group.

State Treasurer Bill Lockyer recently sounded a warning that the state was issuing too much debt and water improvements should be paid mostly through rate increases.

"If we keep going down the road we're headed, debt service is going to devour more than 10 percent of general fund revenues in 2014-2015," said Lockyer spokesman Tom Dresslar. "That is unprecedented. We need to adopt a smarter, long-term approach to planning and financing infrastructure in this state."

If approved, an \$11 billion bond could cost the state's general fund between \$600 million and \$800 million a year to repay once the money is fully accessed, the LAO said.

Local water agencies, meanwhile, have also been on an unprecedented spending spree to upgrade and maintain water infrastructure.

For example:

-- The Contra Costa Water District spent \$450 million to build Los Vaqueros reservoir, which was completed in 1998.

-- The Metropolitan Water District of Southern California completed its \$2 billion reservoir in 2002.

-- The San Francisco Public Utilities Commission is in the middle of a \$4.6 billion upgrade of its water system.

-- The East Bay's largest water district, the East Bay Municipal Utility District, is expected to complete a \$922 million project with Sacramento County next spring to take water out of the Sacramento River.

In each of those cases, water agencies relied on ratepayers to make the investment.

"Those who need surface storage and have the ability to pay for it have done so," said Catherine Freeman of the Legislative Analyst's Office. "The state of California has been doing a lot of investing in infrastructure, and they've been doing it outside the general fund."

The result of California's wave of investment by ratepayers and taxpayers is several new regional reservoirs, groundwater storage and billions for water efficiency, conservation and recycling.

Voters will have to decide if a massive slug of taxpayer-backed borrowing is the way to fix the state's continuing water problems.

Contra Costa Times

Legislators, not citizens, put pricey measures on the ballot

[By Lisa Vorderbrueggen](#)

[Contra Costa Times](#)

Posted: 11/18/2009 04:27:13 PM PST

Updated: 11/19/2009 08:33:08 AM PST

Legislators love to gripe about how California's wildly popular ballot initiative process ties their hands on the state budget.

But a preliminary analysis from the nonpartisan Center for Governmental Studies shows that the legislators — not the public — put on the ballot most of the measures requiring additional funding.

"Most of the ballot-box budgeting has come from you," Bob Stern, president of the Los Angeles-based think tank, told the Senate and Assembly Select Committees on Improving State Government during a recent hearing in Oakland.

The new data come as legislators and reform activists explore changes in how California governs itself.

The center found that of the 68 ballot measures requiring additional money that voters approved between 1988 and 2009, 51 originated with the Legislature versus 17 with citizens and groups other than lawmakers.

Ballot measures originate with state and elected officials, but nonlawmakers sponsor ballot initiatives.

The legislative-sponsored ballot measures cost a combined \$9.8 billion compared with \$2.05 billion for the nonlawmaker measures.

The most expensive legislative-sponsored measure was the \$15 billion deficit fix in 2004. The highest price tag among the 17 initiatives that passed was Gov. Arnold Schwarzenegger's \$500 million annual after-school program in 2002, before he was elected governor.

The statistics do not, however, reflect the indirect cost of initiatives that have had a major fiscal effect on the state's budget.

That list includes Proposition 13, the 1978 initiative that limited property tax hikes and imposed a two-thirds voting threshold for tax hikes, and Proposition 98, the 1988 effort that mandated minimum education funding levels.

Railroad roots

Led by Gov. Hiram Johnson, voters in 1911 adopted the initiative to stymie the railroad barons' political hold over state legislators. Initiative proponents may gather the requisite number of signatures to go directly to voters with measures to recall an elected official and to repeal or pass laws.

It caught on.

Only one other state has had more statewide initiatives than California, according to the National Conference of State Legislatures: Oregon leads with 349 initiatives on the ballot between 1898 and 2009, followed by California with 331.

Proponents laud the initiative as democracy in its purest form, a system in which the voters bypass elected representatives and directly propose and adopt laws.

Critics describe the California initiative as democracy run amok.

They argue that wealthy special interests pepper voters with complex new laws, shroud them in deceptive advertising and forever restrict the use of tax dollars without regard for the state's overall financial picture or full disclosure of the unintended consequences.

As Stern's preliminary data reveals, the Legislature writes the most expensive ballot measures but most proposed reforms would not restrict legislators' access to the ballot.

"My argument is that we should have both kinds of reform, not one or the other," Stern said.

Assemblyman Ed Hernandez, D-West Covina, has introduced a bill that would limit to five the number of initiatives on any single statewide ballot.

State Sen. Denise Ducheny, D-San Diego, sponsored legislation calling for the specific identification of the source of the money for all statewide ballot initiatives.

Other bills would impose sunsets on all initiatives that require additional money, limit or ban the use of paid signature-gatherers, and extend the deadlines for collecting signatures.

DeSaulnier plan

Many of these reforms could be extended to cover legislative-sponsored ballot measures, said State Sen. Mark DeSaulnier, D-Concord, co-chairman of the joint reform committee.

But DeSaulnier wants to go another direction, too.

He has introduced Senate Constitutional Amendment 16, which would qualify initiatives for the ballot with fewer signatures if the proponents first submit the language to the Legislature for review.

If the advocates and the Legislature come to an agreement, the measure goes straight to the ballot. If not, the proponents may gather the balance of the required signatures and place it on the ballot themselves.

California is the only state with an initiative process that does not permit legislative amendments or repeals.

"In other states, it seems to help generate a more logical, reasoned discussion between the representative government and the proponents of the initiative," DeSaulnier said. "And the initiative proponents could potentially save some money. I don't see a lot of downside and there is a lot of potential for the upside."

The joint committee will hold more governance reform hearings this year in Los Angeles, Fresno, San Diego and Sacramento. DeSaulnier said the panel hopes to produce a legislative package in early 2010.

Reach Lisa Vorderbrueggen at 925-945-4773 or www.ibabuzz.com/politics.

BALLOT BUCKS

Of the 68 ballot measures requiring additional money passed by California voters between 1988 and 2009, 51 originated with the Legislature while 17 were placed on the ballot by nonlawmakers:

- The most expensive legislative-sponsored measure was the \$15 billion deficit fix in 2004.
- The highest price tag among the 17 citizen initiatives that passed was Gov. Arnold Schwarzenegger's \$500 million annual after-school program in 2002.

Source: Center for Governmental Studies

**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: December 18, 2009, 12:45 p.m.
Lunch will be served

WHERE: Board Room, Peralta Oaks

Items to be discussed:

I. STATE LEGISLATION/ISSUES

A. NEW

a. PROPOSED LEGISLATION - N/A

B. ISSUES

a. **Constitutional Convention – Bay Area Council / Repair California**

The Bay Area Council, through their 501 c4 entity called “Repair California,” has filed two initiatives with the State Attorney General’s office. One allows the citizens of California to call for a Constitutional Convention (currently only the legislature can call for such a convening), the other sets the parameters of the convention – including the delegate selection process. The Attorney General is slated to prepare a title and summary for both initiatives by December 22nd, at which point they could be circulated for signatures. They will be working on gathering 1.6 million signatures by April 16, 2010 to place the measure on the November 2010 ballot.

The delegate selection process outlined in the Bay Area Council’s call for a “Citizens’ Limited Constitutional Convention” is as follows:

1. Voter files, drivers license and taxpayer data bases would be used to randomly select three people from each assembly district (240 total)
2. Five people per county (another 221 people) would be selected. In each county, two would be selected by the supervisors, two by the mayors and one by the school districts.

This process does not specifically include representation by Special Districts, even though most other forms of local government are explicitly included. As a result, EBRPD Board Members (at various local townhalls and hearings) have raised their concern that Special Districts be included on par with cities, counties and school districts in any Constitutional Convention delegate selection process. The General Manager has expressed concerns to Bay Area Council President

and CEO Jim Wunderman both in person and via letter, and the Alameda County Chapter of the California Special District Association has also communicated with Mr. Wunderman.

The District will continue to advocate for the specific inclusion of Special Districts in the delegate selection process and will be working with the California Special Districts Association to encourage Special Districts throughout the state to actively engage in this process.

2. FEDERAL LEGISLATION/ISSUES UPDATE

A. NEW

- a. **H.R. 3734 - Urban Revitalization and Livable Communities Act** introduced by U.S. Representative Albio Sires of New Jersey establishes a new grant program to provide resources to rehabilitate and develop recreation areas and programs. The grant program would be administered by the Department of Housing and Urban Development (HUD). The bill does not allow any of the funds to go toward the acquisition of land. The program is somewhat similar to the Urban Park and Recreation Recovery (UPARR) program established in 1978. The key difference is UPARR, which has not been funded since 2002, is administered by the Department of the Interior (Dol) and the National Park Service. Traditionally, the Dol and corresponding Committees in Congress have been more focused on large parcels of rural, federal land mostly in the west. Very few Members of Congress from urban areas serve on Dol oversight committees and most Interior Secretaries come from more rural western states. Providing HUD with jurisdiction should give the new grant program a better chance to succeed if the bill is signed into law. The grant program is authorized at \$445 million a year. The bill makes it clear that “general purpose local governments” would qualify for grants. It also defines park agencies, like the District, as “special purpose local governments.” It is not clear if “special purpose local governments” would qualify for grants. Two Members of the East Bay Congressional delegation, Reps. Lee and McNerney, are cosponsors and the bill is pending in Rep. George Miller’s Education and Labor Committee. The District may wish to seek clarification about whether it would qualify for grants.

Staff Recommendation: Communicate with the bill’s author and the East Bay Congressional delegation the District’s interest in seeing a friendly amendment to the bill which may allow us to compete for grants within this program.

- b. **S. 2747 – the Land and Water Conservation Authorization and Funding Act** introduced by Senator Jeff Bingaman of New Mexico and Chair of the Senate Energy and Natural Resources Committee, along with Finance Committee Chair Max Baucus of Montana, is a very short one page bill to permanently authorize full funding (\$900 million annually) of the Land and Water Conservation Fund (LWCF) Act of 1965. The bill would essentially take LWCF funding out of the appropriations process and make it an entitlement program similar to Social Security. Currently, \$900 million goes into the fund from oil and gas leases on federal lands, but Congress re-appropriates the money for

other purposes. Only once in the history of the fund has all the money collected actually gone to purposes within the original intent of the LWCF. Given the seniority of the Senators who introduced the bill, as well as efforts by House Resources Chairman Nick Rahall and remarks made by Secretary of Interior Ken Salazar, it seems as if there is a serious push for the first time in at least 15 years to fully fund the LWCF. LWCF is divided into “state side” and “federal side” grant programs. The LWCF does not require an equal 50-50 split between state side and federal side appropriations (the Conservation and Reinvestment Act, CARA, would have). Less than 30% of the LWCF funds that have actually been appropriated have gone to the state side grant program. The District has received state side grants in the past and could benefit from full funding of the LWCF.

Staff Recommendation: SUPPORT

- c. **Active Transportation Investment Fund Act of 2009** to be introduced by Rep. Earl Blumenauer would require the Secretary of Transportation to establish a \$500 million funding stream to construct a network of active transportation infrastructure so bicycle and pedestrian trails and walkways would directly connect with public transportation hubs, schools, residences, business and recreation areas. The multi-year grant program would be competitive and could benefit up to 50 communities. On average, grants would range from between \$5 million to \$15 million. District staff has worked with the Representative’s office to ensure we are eligible to apply for the grants. Assuming the Representative includes language which allows the District to apply, the District should support the legislation when it is introduced.

Staff Recommendation: SUPPORT, assuming the District is eligible for grants.

- d. **S. 1619 – the Livable Communities Act of 2009** introduced by Senator Chris Dodd would establish an Office of Sustainable Housing and Communities, an Interagency Council on Sustainable Communities (the Obama Administration Secretaries of Housing and Urban Development and Transportation, as well as the Environmental Protection Agency Administrator have already formed an interagency effort), a comprehensive planning grant program and a sustainability challenge grant program. The bill seeks to ensure land use, housing, transportation and infrastructure planning are regionally sustainable. Most eligible entities for either grant program will be metropolitan planning organizations, but they will be required to identify partners and create a consortium of local units of government. Given the District’s land use role, it should expect to be active in regional sustainable planning processes. It seems likely that future state and federal funding programs will require projects to meet some sort of “sustainable community” threshold. Following this process on the front end, rather than adapting to established policies later on, could be helpful to the long term mission of the District.

Staff Recommendation: WATCH, and look for future funding opportunities.

B. ISSUES

a. **H. Con. Res. 211 (Miller) and S. Con. Res. 47 (Boxer) - Recognizing the 75th anniversary of the East Bay Regional Park District** – Please see attachment 2Ba

Per the District's request, both Representative Miller and Senator Boxer have introduced Congressional resolutions honoring the District's 75th Anniversary. They hope to have joint resolution passed by May 22nd in conjunction with the celebratory dinner at Lake Temescal. The concurrent resolutions are identically in wording and were introduced the first week of November in concurrence with the 75th Anniversary of the 1934 vote establishing the District.

b. **Federal Jobs Bill**

With nationwide unemployment levels hovering around 10%, Congressional Democrats and the Obama Administration recognize the need to take steps to encourage job creation. The House leadership has suggested the package could be paid for with unused funds from the Troubled Asset Relief Program (TARP). The Administration recently announced the extension of the \$700 billion TARP program, which was set to expire on December 31st. The extension gives the Obama administration access to the TARP funds until October 3, 2010. They have suggested some of the funds could indeed be used to cover the cost of "jobs" legislation. Senate Environment and Public Works Chairwoman Barbara Boxer wants roughly \$65 billion in transportation investment in the jobs bill, with \$50 billion devoted to highway construction and the remaining \$15 billion for transit projects. The Administration would like to allot about \$50 billion for highways, airports, sewer systems and railroads. Democratic leaders in both the House and Senate are designing jobs packages, and the House could pass a version this month. Given the health care debate in the Senate, moving a jobs bill to the President's desk seems more likely to happen early next year. There is a possibility the District could qualify for some of the transportation funding for trails, although most of the discussion about how the funding would be allocated has been through existing, traditional pathways, i.e. the MTC., making a direct grant to the District a long shot. District staff and D.C. advocates continue to express our interest with key Members of our Congressional delegation (primarily Miller and Boxer).

c. **Water Resources Development Act requests**

Requests for U.S. Army Corps related projects have gone out from our U.S. Representatives. The Water Resources Development Act (WRDA) is a semi-annual bill which primarily authorizes Corps projects. The District has submitted a few requests for projects. The most prominent is a request, along with the City of Hayward, to Rep. Pete Stark to address the impacts of sea level rise on the Hayward Shoreline. The \$25 million request would create a regional demonstration project, repair levees and flood control systems, and develop a long-term plan to present alternatives for adapting to the rising sea level.

The District made two request of Rep. George Miller. The first was to improve public access at Miller Knox Regional Shoreline (about \$5 million). The project would include removing train tracks and fencing, renovating and expanding meadow areas, as well as removing silt from the lagoon system. The second request is to construct a Wildcat Creek Trail Pedestrian Bridge (about \$7 million) over Richmond Parkway to address the failed Corps trail project under the parkway which is loaded with sediment and unusable. The bridge will restore public access to the shoreline particularly for nearby, underserved residents.

3. PUBLIC COMMENTS

4. STATUS OF RECOMMENDATIONS

5. CORRESPONDENCE AND ARTICLES

- a. "‘Livability’ gets a caucus", Federal Parks & Recreation, December 4, 2009
- b. "California: Schwarzenegger unveils 12-part adaptation strategy, EE News Climate Wire, December 3, 2009
- c. "Time for more stimulus", Washington Post, December 3, 2009
- d. "Property tax relief due for California property owners", Contra Costa Times, December 2, 2009
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