

AGENDA
REGULAR MEETINGS
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, May 19, 2008

C. BUSINESS BEFORE THE BOARD

6. BOARD COMMITTEE REPORTS

b. Legislative Committee (3-27-09) (Radke)

The Legislative Committee met at District headquarters on Friday, March 27, 2009.

Present: Directors: Ted Radke (Chair), John Sutter, Ayn Wieskamp
Staff: Pat O'Brien, Erich Pfuehler, Dave Collins, Carol Victor, Jeff Rasmussen
Consultants: Doug Houston, The Houston Group
Public: Hulet Hornbeck

I. STATE LEGISLATION/ISSUES UPDATE

A. NEW

a. Proposed Legislation

AB 444 would make it permissible for non-profit organizations to create endowments for the management of mitigation lands or easements. It is supported by the California Council of Land Trusts. Advocate Houston stated there may be a correlation between this bill and the need for Fish and Game to release some of the endowment funds to the District. Some headway was made a few weeks ago and funds may be released. Legislative Committee members recommended the District take the position of Watch on AB 444.

AB 521 would allow a public utility to lease property for park purposes and, when determining the fair market value of the lease, may include as consideration the public benefits of parks and open space. Lease rates have to be approved by the Public Utilities Commission. Houston stated this bill stems from an issue where Southern California Edison attempted to charge an exorbitant fee for a lease under a power line. This legislation would ensure the 'community benefit' is considered when lease rates are set and should help to lower the rates. The Legislative Committee members voted unanimously to Support AB 521.

AB 1496 is essentially an environmental justice bill. The author, Assembly Member Nancy Skinner, is concerned that when contamination occurs in urban areas the mitigation takes place far away from the impacted community. General Manager O'Brien stated regulatory entities think in terms of species protection and fund

projects in the North Bay so they can get more bang for their buck. They generally don't consider the impact to the local community most affected and mostly concern themselves with species protection. This means the affected community of lower income people take the hit and don't get the benefit of the mitigation. This is a big concern in the City of Richmond. Victor stated the fix is enormously challenging and the statutory system set in place by the state and federal governments is extremely complex. The National Environmental Policy Act (NEPA) Resources Damages Assessment is carried out pursuant to Federal law. The District should work with the author to see if there is some way, at the state level, to address environmental justice concerns. Houston stated Assembly Member Skinner has introduced this as a spot bill and his firm is working with the author to see if something sensible can be done at the state level. O'Brien added this could be a good issue for U.S. Representative George Miller to work on at the Federal level. Victor mentioned she has been working closely with the Natural Resources Trustees on the Cosco Busan mitigation efforts. The District is part of this trustee group and can help them focus more attention to environmental justice issues. Houston mentioned another bill which places fees assessed to polluters into a 'community benefits fund' to target lower income communities. Perhaps the District could look into this to ensure heavily industrialized lower income communities get some benefit. The Legislative Committee voted unanimously to support AB 1496.

B. ISSUES N/A

C. UPDATE

a. State Budget

Houston reported the Treasurer issued bonds with the hopes of selling \$4 billion. To date, \$6.54 billion have been sold. The California Council of Land Trusts believes this money will first be used to reimburse entities which used their own money to launch projects with the promise of being reimbursed by the State. The District has \$3.5 million worth of project work currently invoiced to the State.

b. Special Election

Recent polling on the May 19th Special Election ballot Initiatives is not looking good. Proposition 1F (freezing legislators pay during budget deficit years) is the only one polling above 50%. Proposition 1B to provide funding to schools is contingent on Proposition 1A, which includes tax increases and a cap on spending. The Howard Jarvis Taxpayers Association is joining AFSCME and the League of Women Voters in opposing Prop. 1A. Proposition 1E may have a chance because it redirects Prop. 63 millionaire's taxes from mental health to the general budget. Proposition 1D temporarily redirects tobacco tax money from the first five programs to the general budget.

State Parks is developing guidelines for implementing Proposition 84. The District and the Houston Group have been working with Assembly Member Skinner and State Senator Loni Hancock to make the guidelines more favorable

for regional parks. State Parks seems to have made some changes which will allow the District to be competitive for a project or two. The guidelines should be completed by April 1st, but the Request for Proposal process will be stalled as there is no cash to pay for the \$186 million in appropriations. Pfuehler added Prop. 84 passed by over 64% of the vote in both Alameda and Contra Costa counties.

Director Siden asked about Assembly Member Mary Hayashi's appointment to the State Public Works Board. Pfuehler responded that she was appointed,

Advocate Houston mentioned approximately \$77 billion in federal stimulus funding is coming to California including funds for transportation enhancement projects. About \$48 million will go to the regions and the Metropolitan Transportation Commission will probably receive between three and four million. Caltrans will have about \$28 million as well. Houston speculated the funds would be available in June.

Pfuehler commented a recent conversation about fire fuels reduction funding he and Rasmussen had with the U.S. Forest Service was positive. There is some funding for non-Federal land fire hazard mitigation efforts. District staff has also contacted Senator Feinstein's office about this funding. Her office indicated a willingness to be helpful.

2. FEDERAL LEGISLATION/ISSUES

A. NEW

a. Proposed Legislation N/A

B. ISSUES

C. NRPA Conference Follow Up

Pfuehler reported thank you letters are being generated and are half completed. Work is being done on a draft letter regarding the Concord Naval Weapons Station to accompany the other thank yous.

Director Siden suggested it would be helpful to review the visits with each legislator and decide what follow up should be done by staff and Board Members.

3. MEASURE WW

a. Measure WW Local Grant Program Update

AGM Dave Collins discussed the two step process involving the master contracts. The District has sent 24 master contracts to other jurisdictions which have until March 31st to apply for funds. Fremont is the largest entity to not yet submit an application.

The District has not received responses about conflicting jurisdictions from Danville/Green Valley, and Bay Point /Ambrose yet. Ambrose submitted their

materials for their full amount. Director Radke indicated that historically Ambrose received funding in Measure AA. After the March 31st deadline, District staff will add up the funding requests included in the master contracts to help determine how much in bonds the District will need to issue this year to pay for the Measure WW local grant program.

4. PUBLIC COMMENTS
None