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AGENDA

BOARD LEGISLATIVE COMMITTEE

Monday, October 19, 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 SB 402 (Wolk) SB 406 (DeSaulnier)	
		B. ISSUES	
(I)		Efforts to Reform State Tax and Budget Policies	
		<ul style="list-style-type: none"> • Special Session – Governor's 21st Century Commission on Tax Recommendations • California Forward – Proposed Ballot Initiatives • Bay Area Council – Constitutional Convention Initiatives 	O'Brien/Pfuehler
		2. FEDERAL LEGISLATION / ISSUES	
		A. NEW N/A	
		B. ISSUES	
(I)		Land and Water Conservation Fund - CPRS DC Update	
		<ul style="list-style-type: none"> • Transportation Bill • Senator Feinstein's Delta Proposal • Health Care Reform 	Pfuehler/O'Brien
		3. MEASURE WW	
(I)		Measure WW - Local Grant Program Update	Collins/Rasmussen
		4. PUBLIC COMMENTS	
		5. STATUS OF RECOMMENDATIONS	
		6. CORRESPONDENCE & ARTICLES	

(R) Recommendation for Future Board Consideration

(I) Information

(D) Discussion

Future 2009 Meetings: November 20 December 18 January 15, 2010

Legislative Committee Members:

Ted Radke, Chair, Doug Siden, Ayn Wieskamp, 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
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Distribution/Agenda Only

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

Distribution/Agenda Only

Dan Levy
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
Di Rosario
Jon King

MEMORANDUM

October 16, 2009

To: Legislative Committee

From: Jeff Rasmussen, Grants Manager
Dave Collins, Assistant General Manager, Finance and Management Services

Subject: Update on of Measure WW Local Grant Program

On May 19, 2009, after staff's initial review of applications, the Board appropriated \$28,632,536.64 in Measure WW funds for 35 local projects and the District's 5% administrative fee. To date, the District has not received any requests for reimbursement of WW funds. A number of questions have been brought forward from applicant agencies and concerned citizens about approved project applications and project eligibility for future applications. Staff has developed responses to these matters consistent with the Grant Guidelines and Bond requirements. Several of these are described below for the Committee's information:

- The City of Alameda is considering a project to fund \$2 million for facility construction by the Boys & Girls Club. In relation to this issue, staff is working with bond and legal council to clarify the following questions:
 - The eligibility of Parks vs. Recreational Facilities for WW funding: A project that will provide a recreational facility for activities such as basketball, gymnastic, arts and craft and developmental programs is an eligible use of WW funds. The ballot language says WW is to "improve local ... recreational facilities."
 - Hours of availability/accessibility and fees: The District was asked if WW funded-facilities must be open to anyone at anytime. Just as a swimming pool or senior center need not be open for unmanaged use, a project, such as the Boys & Girls Club, can manage the recreational use at the facility, schedule activities and charge reasonable fees. Even open space parks may have fees or limits on the hours of use and activities that can occur there.
 - Funding for Non Profit organizations: Staff is working with legal and bond council to confirm that the use of WW funds by a local agency to contract with a non-profit for construction and operation of a facility is an eligible use of bond funds. Disbursement of District funds directly to a non-profit is not an eligible use.
- A member of the public questioned the Hayward Area Recreation District's (HARD) CEQA findings for the WW-approved Meek Estate West Terrace project. HARD received a legal opinion that their CEQA document was sufficient and if necessary could be strengthened with only minor improvements. Further, HARD has indicated that they may abandon the project; a community center planned for a neighboring parcel may make the Meek Estate project redundant.
- The Cities of San Leandro, Moraga and Alameda have contacted the District asking for clarification on the shared use of WW projects constructed on school district property. Per the WW guidelines, to guarantee public use, projects should be available for public recreation after 3:30 weekdays and all day on Saturday. In cases where proposed projects are constructed with multiple funding sources, the District may consider proportional public use and is asking cities to provide evidence that the public

recreational requirements of WW will be met by their projects. Staff will develop recommendations for approval based on the materials submitted.

- As was the case with Measure AA in 1988, and as required in the WW Ordinance, the Board allocated per-capita WW Local Grant funds for Bay Point to the Ambrose Recreation and Park District, whose official jurisdiction includes the population of Bay Point. Contra Costa County and members of the Bay Point Municipal Advisory Committee would like some of those funds, approximately \$400,000, to be allocated to the County for expenditure at County-owned parks in Bay Point. Based on the requirements that the per-capita funds be distributed to local park and recreation providers, and the distribution list adopted by the Board and approved by voters in the ballot measure, the District has accepted Ambrose's application and appropriated their full WW Local Grant amount to the renovation of the Ambrose Center. The District has offered to redistribute the WW funds between Ambrose and the County if these agencies can come to mutual agreement on the distribution of funds. The agencies have not been able to come to agreement on this matter. The County and Ambrose are also in dispute on a separate matter regarding approximately \$400,000 in developer fees that the County holds on behalf of Bay Point that they are withholding from Ambrose.

BOARD LEGISLATIVE COMMITTEE
2009/10 Status of Recommendations

The following is a record of bills that the Board has taken action on.

1. AB 83 (Feuer) Torts: personal liability. (2/2009)
STATUS: 7/1/2009 Withdrawn from Governor. Ordered returned to enrollment.
CURRENT LOCATION: **8/6/2009 A-CHAPTERED**

 AB 90 (Adams) Torts: personal liability. (2/20/09)
STATUS: 6/8/2009 Failed Deadline pursuant to Rule 61(a)(8). (Last location was JUD. on 3/4/2009).
CURRENT LOCATION: 6/8/2009 A-2 YEAR

 The Board unanimously voted **support** pending state legislative AB 83 and AB 90. (Resolution #2009-4-105)
CURRENT LOCATION: 6/8/2009 A-2 YEAR
NOTIFIED AUTHOR: *April 24, 2009*

2. AB 1496 (Skinner) Torts: personal liability immunity. (4/20/09)
STATUS: 6/2/2009 Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 05/28/2009)
CURRENT LOCATION: 6/2/2009 A-2 YEAR
 The Board unanimously voted to **support** pending legislation AB 1496. (Resolution #2009-4-106)
NOTIFIED AUTHOR: *April 24, 2009*

3. AB 521 (De La Torre) Utility property: leases for park purposes. (9/9/09)
STATUS: 10/11/2009 Chaptered by the Secretary of State, Chapter Number 448, Statutes of 2009.
CURRENT LOCATION: **10/11/2009 A-CHAPTERED**
 The Board unanimously voted to **support** pending legislation AB 521. (Resolution #2009-4-107)
NOTIFIED AUTHOR: *April 24, 2009*

4. AB 979 (Berryhill) Hunting or fishing: local regulation (7/14/09)
STATUS: 9/4/2009 to inactive file on motion of Senator Harman.
CURRENT LOCATION: 9/4/2009 S-INACTIVE FILE
 The Board unanimously voted to **oppose unless amended** pending legislation AB 979. (Resolution #2009-4-107)
NOTIFIED AUTHOR: *N/A*

5. AB 1084 (Adams) Local planning: development projects: fees (9/11/09)
STATUS: 10/11/2009 Chaptered by the Secretary of State, Chapter Number 507, Statutes of 2009
CURRENT LOCATION: **10/11/2009 A-CHAPTERED**
 The Board unanimously voted to **oppose unless amended** pending legislation AB 979. (Resolution #2009-4-107)
NOTIFIED AUTHOR: *N/A*

6. AB 135 (Jeffries) Public resources: forest resource improvement: urban forestry: cost sharing (8/24/09)
STATUS: 9/4/2009 In committee: Set, first hearing. Hearing canceled at the request of author.
CURRENT LOCATION: 8/25/2009 S-N.R. & W.
The Board unanimously voted to **support** pending legislation AB 135. (Resolution #2009-6-167)
NOTIFIED AUTHOR: *June 1, 2009*

7. AB 817 (Nestande) Government liability: special districts: indemnification.
STATUS: 5/1/2009 Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 04/13/2009)
CURRENT LOCATION: 5/1/2009 A -2 YEAR
The Board unanimously voted to **support** pending legislation AB 817. (Resolution #2009-6-168)
NOTIFIED AUTHOR: *June 1, 2009*

8. AB 1464 (Symth) Transportation: California Bicycle Routes of State or Regional Significance Act (8/25/09)
STATUS: 10/11/2009 Chaptered by the Secretary of State, Chapter Number 396, Statutes of 2009
CURRENT LOCATION: 10/11/2009 A-CHAPTERED
The Board unanimously voted to **support** pending legislation AB 1464. (Resolution #2009-6-169)
NOTIFIED AUTHOR: *June 1, 2009*

9. SB 372 (Kehoe) State parks system: unit modification, adjustment, or removal. (9/15/09)
STATUS: 10/11/2009 Vetoed by the Governor
CURRENT LOCATION: 10/11/2009 S-VETOED
The Board unanimously voted to **support** pending legislation SB 372. (Resolution #2009-6-172)
NOTIFIED AUTHOR: *June 1, 2009*

10. SB 555 (Kehoe) Eminent Domain Law: conservation easement. (9/15/09)
STATUS: 10/11/2009 Vetoed by the Governor.
CURRENT LOCATION: 10/11/2009 S-VETOED
The Board unanimously voted to **support** pending legislation SB 555. (Resolution #2009-6-173)
NOTIFIED AUTHOR: *June 1, 2009*

11. HR 1044 (Miller) Port Chicago Naval Magazine National Memorial Enhancement Act of 2009 (5/15/09)
STATUS: Received in the Senate and Read twice and referred to the Committee on Armed Services.
CURRENT LOCATION: 7/16/2009 Referred to Senate committee.
The Board unanimously voted to **support** pending legislation HR 1044. (Resolution #2009-6-170)
NOTIFIED AUTHOR: *July 6, 2009*

12. HR 1443 (Matsui) The Complete Streets Act (5/15/09)
STATUS: Referred to the Subcommittee on Highways and Transit.
CURRENT LOCATION: 3/12/2009 Referred to House subcommittee.
 The Board unanimously voted to **support** pending legislation HR 1443.
 (Resolution #2009-6-171)
NOTIFIED AUTHOR: *July 6, 2009*
13. ACA 9 (Huffman) Local government bonds: special taxes: voter approval.
STATUS: 8/31/2009 From committee: Be adopted. (Ayes 12. Noes 5.) (August 27). Read second time. To third reading.
CURRENT LOCATION: 8/31/2009 A-THIRD READING
 The Board unanimously voted to **support** pending legislation ACA 9.
 (Resolution #2009-7-188)
NOTIFIED AUTHOR: *September 22, 2009*
14. S. 866 (Reed) A bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.
STATUS: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
CURRENT LOCATION: 4/22/2009 Referred to Senate committee.
- HR 2054 (Sarbanes) To amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.
STATUS: Referred to the Subcommittee on Early Childhood, Elementary, and Secondary Education.
CURRENT LOCATION: 6/4/2009 Referred to House subcommittee.
 The Board unanimously voted to **support** pending legislation S. 866 and H.R. 2054.
 (Resolution #2009-7-189)
NOTIFIED AUTHORS: *September 22, 2009*
15. HR 1329 (Blumenauer) The Clean Low-Emissions Affordable New Transportation Efficiency Act (CLEAN-TEA). (3/6/09)
STATUS: Referred to the Subcommittee on Railroads, Pipelines, and Hazardous Materials.
CURRENT LOCATION: 3/6/2009 Referred to House subcommittee.
 The Board unanimously voted to **support** pending legislation HR 1443. (Resolution #2009-)
NOTIFIED AUTHOR:
16. SB 448 (Pavley) California State Safe Harbor Agreement Program Act. (9/10/09)
STATUS: 10/11/2009 Chaptered by the Secretary of State, Chapter Number 184, Statutes of 2009
CURRENT LOCATION: **10/11/2009 S-CHAPTERED**
 The Board unanimously voted to **support** pending legislation SB 448. (Resolution #2009-)
NOTIFIED AUTHOR:
17. S. 1469 (Boxer) A bill to provide for the administration of Port Chicago Naval Magazine

National Memorial as a unit of the National Park System, and for other purposes.

STATUS: Read twice and referred to the Committee on Armed Services.

CURRENT LOCATION: 7/16/2009 Referred to Senate committee.

The Board unanimously voted to **support** pending legislation S 1469. (Resolution #2009-)

NOTIFIED AUTHOR:

Updated on 10/13/09

Contra Costa Times

East Bay voters to head to polls Nov. 3

By [Lisa Vorderbrueggen](#)

[Contra Costa Times](#)

Posted: 10/06/2009 03:18:47 PM PDT

Updated: 10/07/2009 06:31:45 AM PDT

Slightly more than half of Contra Costa County's 520,000 registered voters live in cities or other political districts with an election set for Nov. 3.

These voters include those who'll decide on a vacant congressional seat, and those who'll cast ballots in San Ramon, Walnut Creek and two school districts.

Voters in Newark, Emeryville and Albany also will participate in the typically small off-year election cycle.

Residents in these communities began receiving this week their vote-by-mail ballots, a voting method again expected to substantially eclipse the numbers of those who cast their votes at the polls.

The highest profile race is the runoff to replace former Rep. Ellen Tauscher in the 10th Congressional District. Two-thirds of the heavily Democratic district is in Contra Costa, with smaller segments in Alameda, Solano and Sacramento counties.

The U.S. Senate confirmed Tauscher in June as undersecretary for arms control and international security in the U.S. State Department.

Democrat and Lt. Gov. John Garamendi is the front-runner by virtue of his political party and high name identification. He faces GOP nominee and Dougherty Valley attorney David Harmer. The names of three minor-party candidates also will appear on the ballot.

The congressional contest coupled with Walnut Creek's two school funding measures and its seemingly perennial battle over downtown development could easily drive up voter turnout there.

Walnut Creek voters will decide the fate of Measure I, a contentious initiative that would grant Broadway Plaza owner Macerich Co. permission to build a new store downtown intended for a Neiman Marcus.

Residents of the Acalanes and Walnut Creek school districts also will decide whether to extend indefinitely existing parcel taxes that help close the state funding gap. The measures require a difficult two-thirds vote threshold but there has been little organized opposition.

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

VOTER INFORMATION

Find your polling place or answers to other election questions at the following locations:

- Contra Costa County Registrar of Voters, 555 Escobar St., Martinez. Contact the office at 925-335-7800 or www.cocovote.us.
- Alameda County Registrar of Voters, 1225 Fallon Street, G-1, Oakland. Contact the office at 510 267-8683 or www.acgov.org/rov.

TO BE DECIDED NOV. 3

Here's a full list of East Bay races and ballot measures:

CONGRESS

- 10th Congressional District -- John Garamendi, Dem.; David Harmer, Rep.; Mary McIlroy, Peace and Freedom; Jeremy Cloward, Green Party; and Jerry Denham, American Independent.

CONTRA COSTA COUNTY

- San Ramon City Council -- two seats -- Dave Hudson (i), Jim Livingstone (i), Doug Burr and Jim Brady.
- San Ramon mayor -- Abram Wilson (i)
- Measure G, Acalanes Union High School District -- Asks voters to extend indefinitely an existing \$189 parcel tax to fund school programs. Two-thirds vote required.
- Measure H, Walnut Creek School District -- Asks voters to extend indefinitely an existing \$82 parcel tax to fund school programs. Two-thirds vote required.
- Measure I, Walnut Creek -- Asks voters to approve a downtown Broadway Plaza commercial retail project that property owner Macerich has said will be a Neiman Marcus department store. Majority vote required.

ALAMEDA COUNTY

- Emery Unified School District, three seats -- Cheryl Webb (i), Brian Donahue, Miguel Dwin (i), Darice Bridges, Joshua Simon (i).
- Emeryville City Council, two seats -- Jennifer West, Frank Flores, Kurt Brinkman.
- Newark City Council -- two seats -- Ana Apodaca (i), Nadja Adolf and Alan Nagy (i).
- Newark mayor -- David Smith (i)
- Measure I, Albany Unified School District -- Asks voters to approve a five-year, \$149 parcel tax to help backfill the loss of state funds. Two-thirds vote required.
- Measure J, Albany Unified School District -- Asks voters to combine three existing special school taxes. No tax increase requested. Two-thirds vote required.
- Measure K, Emeryville -- Asks voters to increase business license tax on card rooms from 9 percent to 10 percent of gross receipts or \$1,000 per table, whichever is greater. Majority vote required.
- Measure L, Newark -- Asks voters to establish a 3.9 percent utility users tax for six years to fund police, fire and other city services. Majority vote required.

Contra Costa Times

Governor: Give me Delta deal first, then I'll sign bills

By Denis C. Theriault dtheriault@mercurynews.com

Posted: 10/07/2009 09:42:27 PM PDT

Updated: 10/08/2009 10:04:24 AM PDT

SACRAMENTO — With a midnight Sunday deadline looming, Gov. Arnold Schwarzenegger is refusing to act on hundreds of bills awaiting his signature — a bid to spur legislative leaders into finally overhauling the environmentally fragile Delta.

A deal on the Delta, a conduit for two-thirds of the state's drinking water, has eluded legislators and governors for decades. Now, Schwarzenegger finds himself with leverage in the more than 700 bills sent his way this past legislative session. They range from the esoteric, such as regulations on honey, to the massive — a bill providing \$400 million in extra cash for impoverished schools.

But Schwarzenegger, so far, has sat on all but three. And if a deal on the Delta can't be assembled by Friday, there's a good chance he won't sign any more.

If so, it would mark an unprecedented high-stakes maneuver for a governor who seemingly has thrived on the dramatic.

"There's no guarantee that it will pay off," Dan Schnur, director of the Jesse M. Unruh Institute of Politics, said of the governor's stalling tactics. "But there's an absolute guarantee that he won't get a water deal without taking this type of risk."

Talks on how to craft a Delta package have intensified this week after running aground in the late hours of last month's legislative session. Quietly, while the Legislature was on recess, the governor met with individual lawmakers to maintain momentum toward a deal.

Emerging from a nearly two-and-a-half-hour meeting with Schwarzenegger on Wednesday, top Assembly Democrats and Republicans called the day's discussions positive and said they would continue meeting in hopes of reaching a deal by Friday night.

"Significant progress was made," said Assembly Minority Leader Sam Blakeslee, R-San Luis Obispo.

Added his Democratic counterpart, Speaker Karen Bass, D-Los Angeles: "Things are going forward in a very, very productive fashion."

That was a marked change from the response that followed a shorter round of talks Tuesday, with Bass and Senate President Pro Tem Darrell Steinberg, D-Sacramento, blasting the governor for tying a water deal to the fate of hundreds of other bills.

On Wednesday, though, Steinberg said he was confident the governor will consider the remaining bills "on their merits."

Despite that hope, several significant hurdles remain for an overhaul of the Delta — the heart of long-fought battles between environmentalists and farmers and across the geographic fault lines of Northern and Southern California.

There's no agreement on how to pay for the project, now expected to cost \$8 billion to \$10 billion, down from the nearly \$12 billion discussed last month. The governor had insisted on borrowing against the state's strapped operating fund via a bond sale, but Democrats and some Republicans want water users to shoulder part of the burden through extra fees.

And though there is broad approval for a canal that would divert water south around the Delta, which is home to endangered fish and other wildlife, hurdles have arisen over how to pay for new reservoirs and what kind of water conservation measures to include.

If the leaders do reach a compromise, they would next need to sell it to their respective members — the governor would call a special session to take it up this fall. Voters would then have the final say on whether to sell the bonds to fund the project.

But even a reduced bond issue offset by user fees will face skepticism among an electorate that has watched lawmakers spend the past several months slashing services. Many observers are mindful of what happened in May, when a compromise tax increase was placed before voters, only to fail.

"It's a very narrow, hollow victory to come up with a bipartisan water package that is supported by the lawmakers in Sacramento but is rejected by the voters," said Jon Fleischman, a state Republican Party vice chairman and publisher of the GOP Web site Flashreport.org.

Schwarzenegger's veto threat first cropped up in the waning days of the legislative session, when he hoped to prod along progress on water reform, corrections cost-cutting and renewable energy standards.

So far, Schwarzenegger has approved only measures that honor Vietnam War veterans, defer some payments to schools until later in the fiscal year and restore funding to the state's Healthy Families insurance program for needy children.

Other bills at stake include a measure preventing health insurers from rescinding coverage absent evidence of consumer fraud and a measure that would add the Antioch and Dumbarton bridges to a state seismic retrofit program.

Schwarzenegger's spokesman, Aaron McLearn, said Wednesday that the governor also "feels good" about the progress this week and said decisions on signing bills in coming days would depend on how the talks continue.

But he also wouldn't rule out Schwarzenegger racing the clock to sign or veto the measures on his desk. "We do have until midnight Sunday," he said.

Contra Costa Times

Prepare for hot races in Contra Costa

By [Lisa Vorderbrueggen](#)

[Contra Costa Times](#)

Posted: 10/02/2009 07:59:45 PM PDT

Updated: 10/03/2009 10:32:06 PM PDT

The temperature is rising in some Contra Costa countywide elected offices.

Contra Costa District Attorney Robert Kochly announced he will not seek re-election in June to a fourth term, clearing the political path for the three candidates who already have launched their campaigns: Deputy district attorney and Concord Councilman Mark Peterson, private attorney and former Judge Dan O'Malley, and Danville attorney Elle Falahat

Like Kochly, incumbent Sheriff Warren Rupf will leave office at the end of his term next year, and he has recruited Concord police Chief Dave Livingston to run in June as his replacement. Last week, Antioch Councilman and Sheriff's Office Lt. Brian Kalinowski became the second declared candidate, setting the stage for a showdown.

In the third potential election battle, Bob Brooks, an Antioch real estate broker and vice chairman of the Contra Costa Assessment Appeals Board, is seriously exploring a run against Assessor Gus Kramer, a three-term incumbent who has suffered bad publicity this year.

The District Attorney's Office recently launched a noncriminal inquiry after the Times ran a series of unflattering stories about, among other things, allegations that Kramer, a prolific property investor, used his office for personal gain. He has adamantly denied any wrongdoing, and a state review released last week found only minor problems in his office.

Raising sufficient cash to wage a successful campaign in a county with 525,000 registered voters is a major undertaking.

Taking on a 15-year incumbent who has not had a serious challenger in years as a political unknown in a big county is an even bigger hurdle.

But if Brooks enters the fray, he brings to the field a wildly varied background.

The 64-year-old Vietnam veteran's chief occupation is in real estate. He also owns an Antioch bail bond company, taught college, has a master's degree in business administration and holds a private pilot's license.

His most intriguing business endeavor is O.T.'s, a gourmet barbecue sauce produced in Pittsburg and sold in local Safeway stores. ("O.T." stands for outstanding taste, he said.)

The sauce company founder's family asked Brooks to buy the firm after they learned of a 1999 incident in which he returned \$33,000 to an elderly woman. He had purchased her Pittsburg house and found the money stashed in envelopes and tucked underneath carpets and shelf paper.

"The family told me they wanted to sell the company to an ethical person," Brooks said.

Brooks does have a potential campaign liability: As vice chairman of the Contra Costa Assessment Appeals Board, he helped write the board's recent decision that lowered Chevron's assessed valuation, which could force local public agencies and schools to cough up a \$12 million property tax refund.

Whether Brooks could muster the money and political support required to take down a strong incumbent remains an unanswered question.

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

- Congressional District 10 GOP candidate David Harmer's campaign released details of a new poll that shows him within striking distance of Democrat Lt. Gov. John Garamendi. Are the Republicans smoking something they ought not to smoke? Or do the results foretell a big wake-up call for Democrats? Voting by mail in the Nov. 3 special general election starts Monday.

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

SF Gate.com

Bottle deposits would jump under new bill

Shane Goldmacher, Los Angeles Times

Friday, October 2, 2009

(10-02) 04:00 PDT Sacramento - --

Californians could soon be paying new deposits on half-gallon juice jugs, small juice boxes and soy drink containers - and handing over twice as much as they already pay on some soda and water bottles - because lawmakers have been raiding the state's recycling fund to help balance the budget.

Officeholders have yet to repay \$451 million they took from the recycling fund since 2002 to cover the state's bills, siphoning away \$100 million this year alone. Recycling and deposit redemptions, meanwhile, have risen amid the recession, and the fund is now facing bankruptcy.

The Legislature recently passed a vast expansion of California's recycling program. The proposal would replenish the fund by imposing new nickel deposits or doubling existing ones on billions of containers. Buyers could get the deposits back, as usual, by turning in the empty containers.

If Gov. Arnold Schwarzenegger signs the measure into law, consumers will pay an estimated \$295 million more per year on beverage containers, according to the state Department of Conservation. The governor has not taken a public position on the measure, which would create no new environmental programs.

Opponents call the Legislature's proposal a hidden tax, the product of years of botched fiscal management.

"It's a back-door tax increase," said Sen. George Runner, R-Lancaster (Los Angeles County).

Recycling advocates concede that the larger deposits won't pay for new programs. But they say extending deposits to more than 5 billion containers annually will curb the waste that ends up in landfills.

"This crisis created an opportunity to expand and improve the recycling program," said Mark Murray, executive director of Californians Against Waste, a nonprofit recycling group.

The current threshold for 10-cent deposits is 24 ounces. The new legislation would lower that, capturing an extra nickel on now-ubiquitous 20-ounce bottles, of which there are an estimated 3.6 billion in circulation annually in California.

Among the containers that would be newly subject to deposits are juice jugs larger than 46 ounces; half-gallon cartons (milk excluded); small foil pouches, such as Capri Sun packages; 8-ounce juice boxes; and containers of drinks made from almond, soy, rice and other grains - all currently exempted.

The new structure would go into effect July 1, 2010.

"Maybe it will make people more aware of our container usage," said Eve Imagine, a 37-year-old city college professor in Sacramento, as she unloaded a Prius full of bottles and cans at a recycling center. "It's a tax - I see that. I will just continue to recycle."

Created in 1986, California's recycling program requires a deposit on beer, water, soda and other drinks in aluminum, plastic or glass containers. Consumers pay 5 cents for small containers, 10 cents for large ones. A byzantine set of rules governs which containers and drinks are affected.

Unredeemed deposits go into the state's recycling treasury, which spreads the money to environmental programs, local governments and industry subsidies.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/10/02/BA5S19TNHR.DTL>

This article appeared on page **E - 4** of the San Francisco Chronicle

SF Gate.com

High court says state can't raid transit funds

[Matthew Yi, Chronicle Sacramento Bureau](#)

Friday, October 2, 2009

(10-02) 04:00 PDT Sacramento - --

The California Supreme Court has left intact a lower court's ruling that the state illegally raided money intended for local public transit projects, a decision that could leave the cash-strapped state on the hook for up to \$3.6 billion.

The lawsuit is one of several facing the state over its spending plans, which have repeatedly relied on accounting gimmicks such as the transfer of funds from one state account to another.

Losing the lawsuits would exacerbate the state's fiscal problems - a \$7 billion to \$8 billion shortfall is already expected for next year - and lawmakers are expected to be dealing with deficits for years to come.

This week's case began in 2007 when the California Transit Association sued the state after Gov. Arnold Schwarzenegger and the Legislature approved a budget that took \$1.2 billion from public transit for other uses.

As the lawsuit lingered in the court system, the state continued raiding the transit funds in 2008 and 2009 to help erase budget shortfalls. In all, about \$3.6 billion in transit funds was used for other purposes.

Judgment reversed

While the state initially won at trial, that judgment was reversed by an appellate court on June 30. The state then asked the Supreme Court to reverse the appellate court's decision, but the high court decided late Wednesday not to hear the case, leaving the appellate court ruling intact.

"We're disappointed that the Supreme Court denied the review," H.D. Palmer, a spokesman for the Department of Finance, said Thursday.

Jeff Wagner, a spokesman for the California Transit Association, said it is unclear just how much of the \$3.6 billion will be restored. He said his group expects to negotiate with state officials.

Randy Rentschler, director of the Bay Area's Metropolitan Transportation Commission, called the Supreme Court's refusal to hear the case a major win for transit systems across the state.

"Everyone knows that the state's in a budget crisis, but that crisis also exists in local governments in part because the state has taken transit money away from local entities," he said.

Jean Ross, executive director of California Budget Project, a progressive think tank in Sacramento, said California has been "deficit spending through gimmicks ... or high-risk proposals."

"I think the problem for California is that the state continues to use questionable assumptions even in years where external economic conditions would argue you should have bit the bullet and raised taxes to balance the budget," she said.

Siphoning funds

In their latest budget action, the governor and the Legislature approved a plan in July to close a \$24 billion deficit, in part by siphoning \$138 million from the public transit account to the Department of Developmental Services to pay for transporting developmentally disabled persons to regional centers. The July plan also counted on taking \$254 million from public transit to repay transportation bond debt payments.

In addition, the plan counted on shifting \$622 million in transit funds to the general fund to pay for the previous year's debt service.

The refusal of the Supreme Court to hear the appeal could push California's precariously balanced budget immediately into the red.

Before losing this lawsuit, the state was already \$200 million short. That's because a deal to cut the state's prison budget was ultimately watered down, reducing the actual savings.

More lawsuits

The state also faces more lawsuits that threaten its financial stability.

On Thursday, a coalition of labor unions and disability rights advocates filed a suit in federal court in Oakland in an effort to halt budget cuts to In Home Support Services, which provides care to senior and disabled people.

Other pending lawsuits include:

-- Senate President Pro Tem Darrell Steinberg, D-Sacramento, filed a suit claiming that Schwarzenegger's \$489 million in line-item vetoes in July were illegal.

-- State Insurance Commissioner Steve Poizner has filed a lawsuit challenging as illegal a part of the July plan, which calls for raising \$1 billion by selling a portion of the State Compensation Insurance Fund.

SFGate.com

Feinstein planning major delta legislation

[Carolyn Lochhead, Chronicle Washington Bureau](#)

Thursday, October 1, 2009

(10-01) 04:00 PDT Washington - -- California Sen. Dianne Feinstein, considered a pre-eminent broker in the state's water wars, said Wednesday she is planning one of the biggest pieces of legislation she's ever attempted, to address the water and environmental crisis in the Sacramento-San Joaquin River Delta.

Feinstein told The Chronicle of her plans after a fiery public hearing at the Interior Department in Washington, where Secretary Ken Salazar fended off angry charges from Central Valley congressmen that the Obama administration has failed to respond to the crisis that is devastating California's farm communities.

The legislation is still in the idea stage, but Feinstein has told her staff to scour other major water restoration projects, from the Great Lakes to the Everglades, to find a way to fix the delta, one of the world's largest natural estuaries.

"We are looking at putting together a major delta restoration act," Feinstein said. "There is enormous national significance of this delta estuary. It's 2,000 miles of levees, it goes up through Sacramento, and it is an enormous inland body of water that has not gotten the attention it needs. It is crumbling and in an earthquake could come down entirely."

'As fast as we can'

She also called for waiving the Endangered Species Act to speed water transfers from the delta to farmers. "Just get it done as fast as we can," she said.

A third year of drought in the state has pushed to the breaking point a decades-long struggle among cities, farms, fisheries and environmentalists over scarce water allocations from the delta.

Wednesday's public hearing was reminiscent of the storied water wars of the early 20th century, as Central Valley representatives accused San Franciscans of refusing to sacrifice their Sierra drinking water from the Hetch Hetchy Reservoir to save the fish they love, while allowing desperate valley farm communities to go dry.

"Communities in my district are facing unemployment of 30 percent, 34 percent, 38 percent and, mind you, those are Depression-like numbers," said Rep. Jim Costa, D-Hanford (Kings County). "Detroit isn't suffering any more than our valley is today" but has gotten billions of dollars in federal aid, he said, calling the state's three-year drought "our Katrina," a reference to the hurricane that devastated New Orleans four years ago.

Salazar, a Coloradan who is intimate with Western water fights, calmly asserted that the administration is working on a lasting fix, without which the only result will be more lawsuits between environmentalists and farmers.

Feinstein call backed

He endorsed Feinstein's call for a new study by the National Academy of Sciences that would review the administration's own biological opinions that call for more protection of endangered species such as salmon and the delta smelt. Feinstein inserted \$750,000 into the Interior spending bill to pay for the study.

Salazar also issued a "memorandum of understanding" among six federal agencies to keep talking with the state.

Rep. Dennis Cardoza, D-Atwater (Merced County), said the time was long past for more committees.

"When we have a fire we want the fire trucks and pails of water to put it out," Cardoza said, slamming his fist on the lectern. "There is a fire burning in the Central Valley, and gosh darn it, it's time to put that fire out."

Salazar said the administration has put \$400 million into California water projects, adding that it would be a "fundamental mistake for us to use this crisis to essentially create another crisis that will continue into the courts for decades to come without us getting to real solutions."

Coastal fishermen, who have seen salmon populations evaporate, insisted that their livelihoods are at stake, too. Rep. Mike Thompson, D-St. Helena, argued that before changing any "plumbing," the delta needs a governance structure that includes salmon fishermen and rice farmers whose fields use enormous quantities of water but have become a major flyway for migrating birds as natural flows were diverted.

Environmental damage

As the competing interests clashed, the magnitude of the problem was laid out by UC Davis geologist Jeffrey Mount, who showed how 150 years of water diversions have caused environmental damage on a scale of Florida's Everglades.

The subsidence of land behind miles of antiquated levees, combined with rising sea levels, has or will put most of the Sacramento area below sea level. A one-meter rise in sea level or an earthquake could inundate hundreds of thousands of acres.

Referring to ancient Babylon's Code of Hammurabi, Mount said the state faces a strategic decision: "Build new facilities or wean the state off of the delta water supply."

Sacramento Bee

Q&A: How Schwarzenegger-backed tax plan would affect Californians

kyamamura@sacbee.com

Published Wednesday, Sep. 30, 2009

Despite opposition from business and labor groups, Gov. Arnold Schwarzenegger embraced a blue-ribbon panel's recommendation Tuesday to flatten the state income tax, eliminate part of the sales tax and install a new form of consumption tax on most firms.

The plan would cut the highest state income tax rate to 7.5 percent on millionaires and 6.5 percent for single filers earning between \$28,000 and \$1 million in taxable income.

A new consumption tax, called a business net receipts tax, would capture revenues from firms that now escape taxation, such as service-based industries.

Schwarzenegger called a legislative special session Tuesday and wants lawmakers to approve the package this year. The GOP governor said he would sign the plan as is. But Democratic leaders made no promises on a timetable.

The complex tax package raises numerous questions:

Why is this necessary?

State leaders launched the panel because they believed the tax system was responsible for California's notorious budget problems.

The state experiences heavy revenue swings due largely to its growing reliance on income and capital gains taxes. Many panelists believed that a move away from those taxes would solve this problem, but others disagree and say the state's budget problems are better solved by a rainy-day fund.

How would this affect my state income taxes?

All filers who owe taxes would pay less, but those earning above \$75,000 would benefit most. Because those earners pay the bulk of income taxes, they will see the most significant reductions.

According to the commission, millionaires would receive, on average, a \$109,291 cut in their tax payments; those earning between \$75,000 and \$100,000 would see roughly a \$905 drop.

What about deductions and credits?

The plan would allow itemized deductions only for mortgage interest, property taxes and charitable contributions. It would eliminate tax credits, including one for child care, while removing deductions for medical expenses.

Would I pay sales tax?

The plan calls for the elimination of the 5 percent portion of the state sales tax that currently pays for California's general fund budget (that rate is temporarily 6 percent through June 2011). Drivers would continue to pay the full tax at the gas pump. Consumers also would pay 2.25 percent in statewide sales taxes that would go toward local programs and repaying deficit bonds, as well as any additional local taxes.

What about property taxes?

The tax commission recommended no change.

Won't the state go broke?

The commission envisions that the new tax on businesses would capture more revenues from service industries that escape taxation, such as accountants, lawyers and auto mechanics. The panel also believes that out-of-state firms will pay more.

Critics dispute the extent to which the new tax will increase revenues.

Why do I care if more firms have to pay taxes?

The presumption is that firms would pass on the new tax burden to consumers through higher prices. Because companies could not deduct salaries or benefits, unions also fear employers would cut wages, benefits or jobs.

Conservatives assert that because companies face a lower tax rate - 4 percent compared to the current 8.84 percent corporation tax rate - they would be able to create more jobs. Critics suggest that the plan provides incentive to fire employees and hire independent contractors because contractors are deductible and in-house employees are not.

Commissioner Christopher Edley, dean of the UC Berkeley School of Law, said the Legislature might deal with this loophole by eliminating deductions for use of contractors who do not pay the new tax.

When would this begin?

The commission has recommended that it start in 2012 with a five-year phase-in period that allows for "tweaks" if economic models prove wrong.

The Legislature must approve the plan, however, and has made no promises. Business groups and labor unions, whose opinions weigh heavily, denounced the plan Tuesday.

Support on the commission tilted Republican. Nine out of 14 commissioners supported the final package, including six of seven Schwarzenegger appointees. Only three of seven Democratic appointees signed on.

Why are business groups opposed?

Their biggest concern seems to be that the new tax is untested and could become a regulatory hurdle that makes California less competitive than other states. Even if businesses dislike the current system, they prefer predictability and a known quantity.

Because businesses could not deduct benefits and pay for employees, some have called it a tax on employees. Service industries that rely heavily on labor rather than materials may face significant tax burdens.

Why are unions and many Democrats opposed?

As mentioned, labor groups fear that employers will cut wages and salaries to deal with the tax burden. Public employee unions dislike the commission's call for a spending cap and rainy-day fund.

It also remains unpalatable for Democrats to approve a plan that dramatically cuts income taxes on the upper-middle class and wealthy. Under the proposal, the top 3 percent receives half of the \$15 billion cut in income taxes.

Any other problems?

UCLA tax law professor Kirk Stark and eight other tax experts suggest the plan could prove unconstitutional as it applies to out-of-state firms, including Internet retailers. Commissioners said Tuesday they believe those firms would provide roughly \$6 billion in new revenues.

At the very least, the new tax would be challenged in court for years. Chairman Gerald Parsky said he believes the state would prevail, in part because the new tax is not a sales tax. But Stark warned that it is a "total crapshoot" and that the state could owe significant refunds if it loses at the U.S. Supreme Court.

Contra Costa Times

Plethora of reform proposals hit California

[By Lisa Vorderbrueggen](#)

[Contra Costa Times](#)

Posted: 09/30/2009 04:45:25 PM PDT

Updated: 09/30/2009 09:56:06 PM PDT

With California's golden reputation tarnished by layers of political dysfunction and policy paralysis, the call for reform is gaining momentum.

Ballot measures calling for a constitutional convention are in the pipeline. Hundreds of voters and elected officials have attended town hall meetings to discuss rewriting the state's 130-year-old constitution. See REFORM, Page 15

Colleges and universities are hosting conferences centered on reform. State lawmakers have introduced dozens of governance bills and have even formed a joint legislative committee to examine the plethora of reform proposals.

Historically, however, Californians are reluctant to make big changes to the way they govern themselves.

"History would suggest that it is a race between the conditions that make change possible and the time it takes to reach consensus on what you want to do," said Bruce Cain, director of UC Berkeley's Washington, D.C., center. "Usually, you don't get consensus in time. The economy improves and the sense of crisis dissipates."

California has not held a constitutional convention since 1879. Voters rejected four subsequent convention ballot measures. While they approved one in 1935, it was never called.

Voters in 1959 adopted a mechanism called the Constitutional Revision Commission, consisting of gubernatorial and legislative appointments. It met for a few years, but little came of it.

Former Gov. Pete Wilson convened a Constitutional Revision Commission after the recession of the mid-1990s. But by the time it finished its work, the economy had rallied, public pressure subsided and the Democratic-controlled Legislature quietly shelved the project.

California is not alone in its reluctance to undertake major constitutional changes. Only Rhode Island has held a constitutional convention in the past 25 years. From 1984 to 2000, voters in 15 states rejected calls for conventions.

Cain attributes the near-shutdown of the constitutional convention as tool of reform to the influence of sophisticated powerful special interests who know how to mobilize and raise money to stop proposals they view as counter to their interests.

"I'm very skeptical that any of the tracks being talked about will do the serious things that need to be done," Cain said. "On the other hand, even if you end up with something that is more cautious, it is better to do those things than it is to do nothing."

The governance reform proposals fall into roughly two camps: Change who voters send to Sacramento, or alter the system under which lawmakers operate once they get there.

Proponents of the first proposal want open primaries, where voters choose from among all the candidates without regard to party registration. Others seek modifications or the outright elimination of term limits and public financing of campaigns.

Such changes, they argue, would lead to the election of a more moderate and experienced Legislature less susceptible to the influence of money in campaigns and the ideological paralysis that has plagued its recent debates on everything from budgets to taxes to water to prisons.

The second set of reforms is a laundry list of changes to how legislators would conduct business once they arrive in Sacramento:

- Eliminate the two-thirds voting requirement for budgets or new taxes or both.
- Require the passage of two-year budgets.
- Impose performance standards and automatic sunsets on all state programs.
- Return control of some tax dollars to local governments.
- Mandate that all bills for new programs identify how the state intends to pay for them.
- Return to a part-time legislature.

It is not only the Legislature that needs to straighten up and fly right, activists say. Voters need to put the brakes on themselves, too.

Since voters adopted the popular initiative process in 1911, Californians have amended the state's constitution more than 500 times, often in contradictory and costly ways.

Before California can decide which reforms it wants, it must first choose how to proceed.

Repair California, a coalition led by the Bay Area Council, expects to finalize by late this month the language for two ballot measures.

The first would allow voters to call for a constitutional convention, a right currently given only to the Legislature. The second would authorize the actual convention, its scope limited to issues of governance.

If voters agree to a convention, delegates from throughout the state would meet, deliberate and place a reform package before voters in 2012.

Proponents say such a process would deliver a citizen-produced package plan more likely to win over suspicious voters than a series of measures backed by unpopular state legislators.

Critics of a convention, however, include Wilson, who views the effort as a thinly disguised campaign to strip from the Legislature the two-thirds voting requirement for budgets and tax increases.

"A convention would be terrible and tragic," he said. "You can bring about reform in a much more focused way than simply opening up the whole Constitution to God knows what. The initiative process is not perfect, but it is much better than a convention."

California Forward, a bipartisan group led by former Democratic Speaker Bob Hertzberg and Tom McKernan, a Republican and CEO of the Automobile Club of Southern California, also prefers an incremental process.

It recently released 10 recommendations that range from the adoption of two-year budgets, imposition of performance standards on state programs and modifications to lawmakers' term limits.

California Forward wants the Legislature to place individual reform measures on the ballot.

However, reform is rarely self-imposed.

Even state Sen. Mark DeSaulnier, chairman of the Joint Legislative Select Committee, voiced uncertainty about the likelihood that legislators will jump at the chance to curb their own powers.

"I have publicly stated over and over again that I don't think reform can happen inside the building," he said. "But we have this one shot. We have three months to come up with something that could be voted on in January or February. What I am telling my colleagues is that if we don't come up with reforms, we will have reforms done to us."

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

path to reform: online

To learn more about various California governance reform proposals, check out the following Web sites:

- CALIFORNIA FORWARD:
www.caforward.org
- REPAIR CALIFORNIA:
www.repaircalifornia.org
- LEGISLATIVE JOINT SELECT COMMITTEE ON REFORM: <http://democrats.assembly.ca.gov>
- INITIATIVE REFORM: cgs.org publishes the "Democracy by Initiative: Shaping California's Fourth Branch of Government."

path to reform: CONFERENCE

- WHAT: Free, daylong conference on state constitutional change
- WHO: Sponsored by the UC Berkeley Institute of Governmental Studies, Stanford University's Bill Lane Center for the Study of the American West and Sacramento State's Center for California Studies
- WHEN: 9 a.m.-5:30 p.m. Oct. 14
- WHERE: Sacramento Convention Center, rooms 308-310
- SIGN UP: See Web site for full agenda and registration at igs.berkeley.edu/events/reform2010

E & E News

PARKS: Report lays out plan for parks' woes, Salazar promises action (09/24/2009)

Scott Streater, special to E&E

A sweeping report released today lays out a plan to carry the National Park Service through the 21st century and confront the daunting challenges that threaten to undermine the usefulness and function of the park system.

Interior Secretary Ken Salazar vowed to use the commission's report as a kind of blueprint for guiding the park system. "We are going to take these recommendations seriously," Salazar said during a conference call, and he vowed to "figure out ways to implement as many of them as we can."

The report was commissioned by the National Parks Conservation Association and conducted by a panel of distinguished luminaries including co-chairmen and former U.S. Sens. Howard Baker Jr., a Republican from Tennessee, and J. Bennett Johnston, a Democrat from Louisiana, as well as retired Supreme Court Justice Sandra Day O'Connor.

Overall, the report is a forceful indictment of what the 26-member commission describes as the country's dwindling lack of commitment over the decades to the nation's park system, which is admired around the world as a powerful symbol of U.S. democracy.

Titled "Advancing the National Park Idea," the 46-page report concludes that the National Park Service, or NPS, is woefully underfunded and, as a result, lacks adequate staff to maintain the 3,500 statues and memorials, 121 million museum artifacts and specimens, and 12,000 miles of roads it oversees. The Park Service also lacks the research capabilities to plan for and deal with the emerging threat of a warming climate.

"There's a vast requirement for additional funding," Baker said today during the conference call with reporters. "We owe that to ourselves as a commission, to the citizens, to the country and to the park system."

Johnston, a former chairman of the Senate Energy and Natural Resources Committee, said the commission kept coming back to "the recurring need for funding for our national parks. They're underfunded, they are tremendously popular, and they need to be expanded. That's going to take better funding."

But the report -- compiled after a year of research that included interviews with dozens of scientists, NPS officials and concerned citizens -- also offers hope, outlining an ambitious plan to improve the park system that calls on President Obama to establish a task force to map out a national strategy for the park system, and on Congress to increase NPS funding by at least \$100 million a year through at least 2016 -- the 100th anniversary of NPS.

The report also calls for a concerted effort to find new forms of revenue for the park system, including forming more private-public partnerships and expanding oil and natural gas leasing on public land.

Unprecedented challenges

The report comes at a time when the nation's parks face unprecedented challenges.

Global warming is expected to create drought-like conditions across much of the West, forcing plants and wildlife to migrate north seeking cooling temperatures, and the park system's 84 million acres will be used to facilitate that migration.

In addition, NPS faces mounting threats from invasive species, such as mountain bark beetles and cheatgrass, all of which the commission notes "are displacing native organisms, even killing them outright." About 400 park system species are listed as endangered, according to the report.

The commission recommends that NPS develop "a robust internal research capacity" to track and prepare for the impacts of climate change. "Park managers ... must be able to assess how these changes are affecting their areas of responsibility, and formulate appropriate responses," according to the report.

No one knows the ecosystem of an individual park better than the NPS staff members who manage it, making the nation's parks ideal locations "where we can study and look at more closely to get a better idea of how warming is affecting the environment," said commission member Carolyn Finney, a geographer in the Department of Environmental Science, Policy and Management at the University of California, Berkeley.

All of this is playing out against the backdrop of years of dwindling appropriations for the nation's park system. In April, Salazar announced NPS would receive \$750 million in stimulus funds to address the \$9 billion backlog in basic maintenance projects at parks.

"Our country has not put its money where its mouth is when it comes to parks," said Jerry Rogers, a commission member and the former NPS associate director for cultural resources and keeper of the National Register of Historic Places.

There are economic reasons for supporting parks, which generate \$13.3 billion of local private-sector economic activity and support 267,000 private-sector jobs nationwide, according to the report. Example: Rocky Mountain National Park in Colorado receives a \$15.8 million annual federal appropriation but generates \$193 million a year in visitor spending.

"Investing in our national parks is investing in economic prosperity," the report says.

Keeping pace

Still, it is perhaps understandable that funding for NPS has not kept pace, since the scope of the park system itself has changed so dramatically.

In 1916, when Congress established the National Park Service, about 350,000 people visited a national park; today, the park system receives 274 million visitors annually. The system has grown from 14 parks, 21 monuments and one reservation, encompassing a total of 6 million acres, to 391 parks. What's more, the number of NPS employees has grown from a handful of park wardens to a work force of 21,000 full-time employees, according to the report.

But in addition to beefing up appropriations, the federal government must take more creative financial steps to not only protect and preserve the park system, but also allow it to grow, according to the report.

An example is the Land and Water Conservation Fund, which NPS uses to purchase private parcels inside park boundaries.

Congress has consistently underfunded it, and now NPS has a \$2 billion backlog of private parcels whose owners want to sell to the Park Service. Instead, "familiar open landscapes are disappearing before the relentless advance of suburban sprawl and big-box commerce," the report says.

"We strongly encourage the Administration and Congress to continue the recent effort to increase National Park Service operating funds by \$100 million annually, over the cost of inflation, until the unfunded operational backlog of the Park Service is eliminated," the report says. "Continuing the pace set in the President's fiscal year 2010 budget would achieve this goal by the Park Service centennial in 2016."

In addition, the commission recommends that NPS adopt a system similar to the National Historic Preservation Act, which works with private landowners to designate and preserve historic sites. The commission suggests that Congress authorize NPS to offer grants and other financial incentives to convince private landowners to preserve sensitive lands and then designate them as natural preservation sites.

"The majority of lands that need to be preserved will never be in public ownership," Rogers said. "There's not enough money. We have a system in place to manage for historical places on private property, but not for natural resources."

Scott Streater is a freelance journalist based in Colorado Springs, Colo.

State Park Cuts - Logic = Stoopit

by: [Brian Leubitz](#)

Tue Sep 22, 2009 at 06:30:00 AM PDT

Last week, the State Park system announced that they would [need more time to decide which parks would be closing](#). The list had previously been expected around Labor Day, but the delays keep mounting. The reason for the delays? The closures are flat out stupid.

And this stupidity is borne out by a [leaked report](#) from within the administration and the parks system showing that the closures would end up saving \$14 million by, wait for it, **spending \$24 million**. Yes, you read that right, the closures could end up being a net expenditure.

It is likely that state parks would be liable for breach of contract" with the 188 agreements the state has signed with private companies that provide concession services, from restaurants to boat rentals to gift shops in parks, the memo concluded. Those concessions generated \$89 million in gross sales last year.

Further, if people enter closed parks and are injured or start fires, the state "can be held responsible for dangerous conditions," the attorneys added, even if the parkgoers were trespassing. ([SJ Merc 9/17/09](#))

The memo is available on the website of [Public Employees for Environmental Responsibility](#). You can grab a [press release and the full memo here](#), the website is a bit tough to navigate. Essentially the memo, which was originally intended for state parks director Ruth Coleman and other department managers, argues that the costs and risks of closing the parks outweighs any potential benefits.

To the public, the State Parks Commission has been blaming the delay of the closure list on the fact that the parks are broken up by districts, and there was some intense calculations to figure that out. Now, I don't blame the folks of the parks system for these problems, they are just trying to do the best they can given the hand they were dealt. However, these closures are both impractical, and in a tightening economy, a poor economic decision.

Rumors abound of a potential ballot measure for fall 2010. Such a measure would need to be submitted very, very soon in order to get the full allotment of time to gather signatures, but there is a pretty good guide for the measure, as it has already been in bill form a couple of times before gubernatorial vetoes. Essentially, the measure would request a \$10 increase in the vehicle license fee in exchange for free access to state parks. Former Assemblyman (and all-around good guy) John Laird was (and is) a staunch supporter of this plan, [originally proposing it last year](#).

Seems like a great deal to me. The [closures simply do not make sense](#).

**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: October 19, 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

SB 402 (Wolk) Recycling: California Redemption Value. (9/28/09)

This bill expands the scope of the Californian Redemption Value (CRV), or bottle deposit, for beverage containers. It would add new deposits on half-gallon jugs, small juice boxes, soy drink containers, etc. The additional revenue generated by the new deposits would be used to fortify the California Beverage Container Recycling Fund. In recent years, monies in the Fund have been used to help balance the budget and have not been "repaid." This leaves the Fund and the Department of Conservation little money to help support recycling efforts, such as those undertaken by Civicorps in the East Bay. Civicorps provides jobs for youth in economically challenged and traditionally underserved communities. Civicorps in the East Bay have traditionally been a part of California's recycling program which benefits our entire community, but particularly EBRPD. Since 1989, the East Bay Conservation Corps has assisted EBRPD in establishing recycling stations and conducting public outreach. To date, the District has installed 211 recycling bins in 39 parks. On a routine basis, the Conservation Corps (now Civicorps Schools) participants have been invaluable in maintaining a continued clean recreational experience for park visitors. Enactment of SB 402 would provide additional resources for the Department of Conservation to support programs like Civicorps, which in turn would benefit the District.

Staff Recommendation: SUPPORT

SB 406 (DeSaulnier) Land Use: Environmental Quality. (9/04/09)

The regional land use and transportation law commonly known as SB 375 (Steinberg) requires metropolitan planning organizations (MPOs) to develop a "sustainable communities strategy" (SCS). By adding a one or two dollar fee to vehicle registration, this bill would provide a funding source for the regional and local planning required by SB 375. If all agencies approved a two dollar increase,

this bill would raise \$63 million annually for local agencies. Of the total amount of revenue raised, \$1.5 million would go to the Planning Advisory and Assistance Council (PAAC) within the state Office of Planning and Research (OPR) for technical assistance. In the Bay Area, the Association of Bay Area Governments (ABAG) is the main regional planning agency and would directly benefit from this bill. ABAG Executive Director Henry Gardner recently asked the District to support this bill. Others supporting the bill are AFSCME, the Metropolitan Transportation Commission (MTC) and the California League of Conservation Voters (CLCV). The main opposition is from the California New Car Dealers and the California Taxpayers Association.

Staff Recommendation: SUPPORT

B. ISSUES

Efforts to Reform State Tax and Budget Policies

- **Special Session – Governor’s Commission on the 21st Century Economy:**
On September 29th, Governor Schwarzenegger called a legislative special session to approve a package of tax reforms recommended by his Commission on the 21st Century Economy. Among the panel’s recommendations are to cut the highest state income tax rate to 7.5% on millionaires and 6.5% for single filers earning between \$28,000 and \$1 million in taxable income. It would also eliminate the state corporate tax. A new consumption tax, called a business net receipts tax, would capture revenues from firms that now escape taxation, such as service-based industries. The plan also calls for eliminating 5% portion of the state sales tax that currently pays for California’s general fund budget. It would also ask the voters to establish a new rainy-day fund. The Commission recommended no change in property taxes. Most business groups, labor and Democrats oppose the proposal, so it is not likely to move forward.

- **California Forward – Proposed Ballot Initiatives**
California Forward was initiated with funding from some of California’s biggest Foundations: The California Endowment, The William and Flora Hewlett Foundation, The James Irvine Foundation, The David and Lucile Packard Foundation, etc. Leon Panetta and Thomas McKernan (CEO of AAA) started the original effort about two years ago in response to the ongoing budget challenges in California. Panetta has since been replaced by former Democratic Assembly Speaker Robert Hertzberg as Co-Chair. Others affiliated with the effort are Fred Keeley (former Assembly Speaker Pro Tempore), Sunne Wright McPeak, Bruce McPherson and Fred Silva. They have come up with a set of reform proposals they intend to place on the ballot as an initiative:
 1. Pay-as-you-go mandate that all bills for new programs identify how the state intends to pay for them.
 2. Base budgets on results which set accountability benchmarks to show the effectiveness of programs.

3. Require the passage of two-year budgets.
4. Reduce the two-thirds voting requirement for passing a budget, while retaining the two-thirds majority vote requirement for tax increases.

They have also proposed giving local communities more control of local revenue and encouraging community-level governments to “collaborate.” They specifically state “cities, counties and school districts” should be able to jointly initiate efforts to raise funds to meet community needs. The omission of Special Districts from this collaboration statement is noticeable. They have also called for term limit reform allowing a legislator to serve 12 years in one body. The stated goal of California Forward is to place these reforms on the 2010 ballot. They have a c4, the California Forward Issues Action Fund, which is raising money for the ballot campaign. They are likely to have the resources and momentum behind them to get some, if not all, of their proposed reforms on the ballot. District staff has met, and will continue to meet, with representatives from California Forward to ensure our interests are protected.

- Bay Area Council - Constitutional Convention Initiatives

The Bay Area Council is primarily a business-sponsored public-policy advocacy organization. More than 275 of the largest employers in the Bay Area are members, including: AT&T, Chevron, Google, Hewlett-Packard, PG&E, Safeway, etc. The Port of Oakland (Omar Benjamin is on their Board of Directors) and BART are also members. Jim Wunderman is their President and CEO. Mr. Wunderman was Chief of Staff to former San Francisco Mayor Frank Jordan and was a key aide to Senator Dianne Feinstein from 1984 to 1988 when she was Mayor. This well-financed group has taken the lead in calling for a Constitutional Convention. They have established a c4 called Repair California to place two initiatives on the 2010 ballot – one to enable citizens to call a Constitutional Convention (currently only the legislature can) and one to call the limited Convention and stipulate the process. Jim Wunderman, and others, are crisscrossing the state and attending “town halls” to discuss the need for calling a convention. Alameda County Supervisors Nate Miley and Scott Haggerty recently held a “town hall” in Oakland which drew about 200 people, mostly seniors, who claimed to be “mad as hell.” Even though the election is over a year away, the campaign has begun. District staff have a meeting with Jim Wunderman to express our concerns even with a tightly scoped convention (meaning issues only relating to taxes and the budget).

2. FEDERAL LEGISLATION/ISSUES UPDATE

A. NEW N/A

B. ISSUES

Land Water Conservation Fund – CPRS

Serious efforts are underway to reach full funding for the Land and Water Conservation Fund (LWCF). This federal program is authorized at \$900 million and

has never been fully funded since it was signed into law on September 3, 1964. The Obama Administration's first federal budget has a stated goal to fully fund the Land and Water Conservation Fund by 2014. Secretary of Interior, Ken Salazar, has stated he would like to revamp the royalty system for federal oil and gas leases to help fund conservation efforts. In 1992, Salazar wrote an amendment to Colorado's constitution which diverted lottery money to pay for open space and conservation easements. That effort created Great Outdoors Colorado for which Salazar was the initial Chair. The program has helped preserve 700,000 acres in Colorado since 1994. Salazar has pointed to this effort as a potential model for providing funding for the Federal Land and Water Conservation Fund.

U.S. Rep. Nick Rahall, Chairman of the House Resources Committee, has initiated an effort to revamp oil and gas leases. His legislation (H.R. 3534) would, among other things, fully fund the LWCF and remove it from the annual appropriations process, thus making it much harder for future Congresses to siphon money from LWCF for other purposes. Most environmental groups have expressed appreciation for Rahall's efforts, but the overall bill may be problematic for House Democrats as it could be subject to a difficult floor vote (motion to recommit) intended to make the Dems look unconcerned about high fuel prices.

The National Recreation and Park Association (NRPA) has asked affiliate organizations like the California Park and Recreation Society (CPRS) to solicit letters of support for LWCF from their Governors. With that in mind, CPRS has been meeting with senior staff at the state Natural Resources Agency and State Parks to advocate for a LWCF support letter from Governor Schwarzenegger. Conversations have been positive, but the Governor's staff wants time to analyze H.R. 3534.

D.C. Update –

- **Transportation Bill:** District staff continues to work with advocates in D.C. and our delegation to secure funding for completing the District's green transportation network. District staff was able to speak with Rep. George Miller directly at the recent Galindo Creek bridge dedication. He indicated a new transportation bill could help create jobs, but the Administration has yet to find a funding mechanism. At the end of September, Congress added an emergency one-month extension of the current transportation bill to a last minute bill (a Continuing Resolution to continue funding federal agencies at current levels) hours before the authorization was set to expire. Debate continues about how long to extend the existing transportation bill versus reauthorizing the federal program which would open the bill up for projects that could benefit the District.
- **Senator Feinstein's Delta Proposal -** Senator Feinstein, considered a pre-eminent broker in the state's water wars, said on September 30 that she is planning one of the biggest pieces of legislation she's ever attempted, to address the water and environmental crisis in the Sacramento-San Joaquin River Delta. The legislation is still in the

idea stage, but Feinstein has told her staff to scour other major water restoration projects, from the Great Lakes to the Everglades, to find a way to fix the Delta, one of the world's largest natural estuaries. District staff will continue to try and find out details, but this is consistent with remarks made by Rep. George Miller as well.

- Health Care Reform – President Obama has renewed his grass roots efforts to enact health care reform by the end of the year. As it stands now, the House will only pass a plan with a public option and the Senate cannot pass a plan that includes a public option. District staff will continue to monitor.

3. MEASURE WW

A. Grant Program Update

4. PUBLIC COMMENTS

5. STATUS OF RECOMMENDATIONS

5. CORRESPONDENCE AND ARTICLES

- a. "East Bay voters to head to polls Nov. 3," Contra Costa Times, October 7, 2009
- b. "Governor: Give me Delta deal first, then I'll sign bills," Contra Costa Times, October 7, 2009
- c. "Prepare for hot races in Contra Costa," Contra Costa Times, October 2, 2009
- d. "Bottle deposits would jump under new bill," SF Gate.com, October 2, 2009
- e. "High court says state can't raid transit funds," SF Gate.com, October 2, 2009
- f. "Feinstein planning major delta legislation," SF Gate.com, October 1, 2009
- g. "Q & A: How Schwarzenegger-backed tax plan would affect Californians," Sacramento Bee, September 30, 2009
- h. "Plethora of reform proposals hit California," Contra Costa Times, September 30, 2009
- i. "PARKS: Report lays out plan for parks' woes, Salazar promises action," E & E News, September 24, 2009
- j. "State Park Cuts-Logic = Stoopit," Calitcs.com, September 22, 2009