

AGENDA
REGULAR MEETINGS
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, December 1, 2009

C. BUSINESS BEFORE THE BOARD

8. BOARD COMMITTEE REPORTS

d. Legislative (10.19.09) _____ (Radke)

The Legislative Committee met at District headquarters on Monday, October 19, 2009.

Present: Directors: Ted Radke (Chair), Doug Siden, Ayn Wieskamp
 Staff: Pat O'Brien, Erich Pfuehler, Dave Collins, Carol Victor,
 Bob Doyle, Jeff Rasmussen, Ted Radosevich, Sharon Corkin
 Consultants: Doug Houston, The Houston Group
 Public: N/A

I. STATE LEGISLATION/ISSUES UPDATE

A. NEW

a. Proposed Legislation

SB 402 (Wolk)

SB 402 would expand the scope of the Californian Redemption Value (CRV) program, or bottle deposit, for beverage containers. Advocate Houston stated this bill would have expanded the program to bring in new containers and generate some additional money which could be used to support the Civicorps program in the East Bay. The District has benefited from Civicorps. 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. Advocate Houston added this bill also reauthorized the program and although the Governor vetoed this bill, because of the expansion of the program, money continues to get collected by the Department of Conservation. The Department of Conservation plans to use some of their emergency regulatory authority to keep the program going.

Even though the bill was vetoed by the Governor, the Committee voted unanimously to SUPPORT SB 402.

SB 406 (DeSaulnier)

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. Advocate Houston stated the Governor vetoed this bill because he has consistently held the position that any such fee needs to be approved by a 2/3rd vote of the people.

Houston also mentioned another bill by Senator Hancock, SB 83, which the Governor did sign. It allows up to a ten dollar per vehicle registration increase for broad transportation purposes. It is primarily for transportation congestion management. That bill only requires a majority vote within a county to enact the fee increase. It could be used for District bike trails.

Despite the Governor’s veto of SB 406, the Committee voted unanimously to SUPPORT.

B. ISSUES

Efforts to Reform State Tax and Budget Policies

Advocate Doug Houston stated the Governor has called for a special session on tax reform. The Senate met and recognized the special session on taxation, but hasn’t taken any further action. Similarly, they acknowledged the special session on water, but have not taken any further action. The Legislature wants to make tax reform more transparent through the hearing process. Advocate Doug Houston doesn’t think it will happen until 2010 as the Legislature is in recess. In addition, most business groups, labor and Democrats oppose the proposal, so it is not likely to move forward.

Legislative Manager Erich Pfuehler stated that Director Ayn Wieskamp is going to represent the District at a town hall meeting on reform in Fremont. Pfuehler said it is reasonable to believe that some of these items will be on the ballot. General Manager Pat O’Brien has met with staff from California Forward and with Bay Area Council Executive Director Jim Wunderman. The Bay Area Council appears to have enough money and energy to push for a Constitutional Convention ballot initiative.

O’Brien stated he wants to protect the District’s property tax base. The District was given a fair amount of assurance from California Forward that: 1) they don’t want to stir up a hornet’s nest with local government; and 2) they wanted to really address the State issues. California Forward is not advocating a Constitution Convention, but others are. The stated goal of California Forward is to place some budget 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.

O’Brien also discussed a meeting with Alameda County Supervisor Nate Miley regarding government reform. Supervisor Miley indicated to O’Brien that he definitely wanted to insure Special Districts are protected and involved in the reform process. Miley’s main interest is to focus on state issues and how they relate to local government – not engaging in a debate amongst local governments. O’Brien commented the Constitution Convention proposals seek to limit the scope of what will be discussed, but that may prove to be difficult.

Director Wieskamp questioned if anyone has discussed the criteria for delegates to any Constitutional Convention. O'Brien stated it has been discussed, but not settled. He commented that Supervisor Miley favored citizens and not elected officials as delegates.

Director Wieskamp commented that unless you have quite a cross section of people it will be difficult to sell to the public. Director Ted Radke said they have to get voter approval to even to have an election to call a convention. It has to get on the ballot and then approved before the public can even call a convention. Pfuehler stated advocates intend for there to be such an initiative on the November 2010 ballot.

Pfuehler stated there was some discussion at the last CSDA legislative meeting about forming a subcommittee to explore this issue. Pfuehler volunteered to participate in the subcommittee and report back to the District's Legislative Committee.

Pfuehler explained there are two tracks: 1) California Forward has enumerated a set of reforms they are probably going to put on the ballot as independent initiatives, and 2) the Bay Area Council which is planning to circulate two initiatives: one to allow the citizens of California to call for a limited Constitutional Convention and another to actually call for the convention. Both groups are working on parallel tracks, they are not trying to get in each other's way, but they are not necessarily the same thing.

2. FEDERAL LEGISLATION/ISSUES UPDATE

A. NEW N/A

B. ISSUES

Land and Water Conservation Fund (LWCF)

Pfuehler reported that there is some renewed energy to try to fully fund LWCF. Congressman Nick Rahall put forward a bill to fully fund it, but the bill relies on oil and gas leasing to generate the revenue. Pfuehler stated there is concern among House leadership about moving the bill forward because of a potential hostile motion to recommit the bill to committee with instructions in regard to oil drilling policy. The Secretary of Interior Ken Salazar has said he is supportive of full funding.

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. Advocate Houston discussed some meetings he arranged with California resource officials and CPRS to discuss LWCF. The goal was to have the Governor add his name to a list of governor's signing onto a letter supporting full funding of LWCF. There is interest from the Governor's office in seeing LWCF fully funded, but they are cautious about it being linked to oil and gas drilling.

D.C. Update

Transportation Bill

Pfuehler gave an update about the Federal transportation bill. The District is working to secure funding for paved trails. An overhaul of the bill is on hold and a one month extension of the old bill was passed to carry the authorization through the end of October. There is question about whether it will be extended again for a limited time or if reauthorization will begin. The House Transportation Committee Chair Jim Oberstar

is adamant about moving a reauthorization as soon as possible. Pfuehler also mentioned he discussed reauthorization with Rep. George Miller at the Galindo Creek Dedication. Rep. Miller indicated he believes the economy warrants a transportation bill sooner rather than later because it will help create jobs. He also indicated the Obama Administration has questions about how to pay for it. The District is working with an advocate in D.C. to try to secure language in the transportation bill to help the District's paved trail network.

Water Rights – Senator Dianne Feinstein proposal

Director Radke raised his concern that the Governor is listening to groups which want to move water from the Carquinez Straits south. He also wondered if Senator Feinstein might be listening to the same interest groups.

Pfuehler mentioned Senator Feinstein announced she wanted the Delta to receive the same federal designation as the Everglades in Florida. Pfuehler hasn't seen any details about what that means yet. AGM Bob Doyle said her plan will probably include water storage as well as a major conservation element.

Health Care Reform

Chair Ted Radke spoke with Rep. George Miller who told him the House needed to secure about five or six more 'blue dog' Democratic votes to pass a health care reform package. He expressed confidence they would get the votes.

Director Wieskamp commented none of the options she has seen seem to regulate private insurance companies enough. Without a public option, the private insurance companies will continue to restrict access to health care, deny claims and make access to care more difficult.

3. MEASURE WW

A. Grant Program Update

Dave Collins provided an update about the Measure WW local grant program process. He stated there are a significant number of non-governmental organizations and non-profits now providing services which used to be more governmental in nature. Recreation services, in particular, are being offered by partnerships between non-profits, schools and local agencies. This creates a bit of a challenge for the Measure WW local grant program. Specifically, there is a "Private Business Use Limitation for Tax Exempt Bonds" requirement. This requirement also applies to non-profits. The limitation is only about 5% of funds from the bonds can be allocated to either a business or non-profit which partners with a municipality to provide a recreation service. If Measure WW funding is going to a project where a non-profit or private entity will be constructing a facility, it triggers the 5% limitation. Additionally, if a municipality builds something with WW funds and charges fees for use that could trigger the business use limitation. It is a fairly intricate challenge for which municipalities need to account.

The issue has emerged with the City of Alameda, the Boys and Girls Club wants to operate an after school recreational/educational facility. The question is would this proposal trigger the business use limitation? One Bond Counsel has suggested this constitutes a private business use, and triggers the limitation in our bond. The other

Bond Counsel says to not worry about it. The District has granted the money to Alameda and is no longer responsible. If the City of Alameda chooses to grant it to a private business use or a non-profit it is not the District's responsibility. It has taken the District some time to digest this limitation clause, but it has made a significant effort to address questions raised by Alameda so they can make their own decision on this project. The interested parties in Alameda have communicated their views to the District.

The District is working on a list of frequently asked questions list for the local grant program. Some issues on the list will be guideline enforcement, construction projects, maintenance and operation contracts, etc.

Grants Manager Jeff Rasmussen discussed the issue of local grant money for projects on school district property. The District's guidelines say projects on school district property should be made available to the broader public after 3:30 PM during the week and all day on Saturday. San Leandro, Moraga and Alameda have all proposed projects where school districts are providing additional funding. The District will work with these communities to ensure the public interest and recreational access needs are adequately met for these projects.

4. PUBLIC COMMENTS – none.