

AGENDA  
REGULAR MEETINGS  
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, September 6, 2016

D. BUSINESS BEFORE THE BOARD

6. BOARD COMMITTEE REPORTS

- e. Board Legislative Committee (12.4.15) (Burgis)

The Legislative Committee met at District headquarters on Friday, December 4, 2015.

Present: Directors: Dennis Waespi, Diane Burgis

Staff: Robert E. Doyle, Erich Pfuehler, Tiffany Margulici, Jeff Rasmussen, Bob Nisbet, Debra Auker, Xiaoning Huang

Consultants: Doug Houston - Houston Magnani & Associates, Dr. G. Gary Manross - Strategy Research Institute, Satinder Malhi

Public: Rick Rickard, Sam Schuchat

I. STATE LEGISLATION / ISSUES

A. NEW LEGISLATION – N/A

B. ISSUES

**I. Ballot Measures**

Government Affairs Manager Erich Pfuehler and Legislative Advocate Doug Houston presented a power point highlighting a number of possible ballot measures. The measures included were items most directly related to the District.

- Safe Neighborhood Parks, Rivers and Coastal Protection Act of 2016 – SB 317
- The Water Supply Reliability and Drought Protection Act of 2016
- San Francisco Bay Restoration Authority parcel tax
- Contra Costa County transportation measure
- Measure CC renewal
- Control, Regulate and Tax Adult Use of Marijuana Act
- Water Priorities Public Interest and Public Trust Constitutional Amendment
- Cap-and-Trade Auction Proceeds Second Investment Plan

Recent actions on the Cap-and-Trade Second Investment Plan were discussed as part of the ballot measure overview power point. Pfuehler stated the investment plan includes many positive items for agencies like the District. Pfuehler suggested items to work on for next year will be to advocate about the benefits the District provides in terms of greenhouse gas reduction, active transportation, land management strategies, fuels management and co-benefits of shoreline resiliency.

Houston indicated there should be a considerable amount of money in this budget due to a remaining balance leftover from the prior year's allocation. He believes current trends in the discussion indicate there will be more opportunities for the District to receive some of the funds. There was further discussion about the next steps regarding the investment plan. Director Diane Burgis asked for clarification about how the funds are disbursed and how the District would access these funds. Pfuehler stated probably through the Strategic Growth Council, but much of this is to be determined by the legislature next year.

## **2. Other Issues**

Pfuehler provided an update about drafting language for a bill on endowments, and stated he has discussed with Senator Bob Wieckowski on the possibility of authoring the legislation.

## **II. FEDERAL LEGISLATION / ISSUES**

### **A. NEW LEGISLATION**

#### **I. S. 2257(Cantwell D-WA) and H.R. 3556 (Grijalva D-AZ) – The National Park Service Centennial Act**

NOTE: The Federal Legislation / Issues section of the agenda was deferred to the end due to public attendees. The District Survey Results item was moved up.

Pfuehler provided a summary of this legislation. The National Park Service Centennial Act provides funding and management authority for the National Park Service (NPS) to help the country celebrate the Service's 100th anniversary next year. The bill establishes a National Park Centennial Challenge Fund at the NPS, matched by private donations, to support signature NPS projects through 2018. The Fund relies on donations to leverage Federal funds. The Federal contribution cannot exceed \$100 million annually. Pfuehler informed the committee the District is a part of a National coalition which helped form the concepts behind this bill. Director Burgis inquired if the possible centennial event in Concord in July is still moving forward. Pfuehler responded the effort is continuing for President Obama's attendance to the event on July 17<sup>th</sup>. Director Dennis Waespi wondered how the matched private donations would be distributed. Pfuehler replied, private donations will be added to the fund and later disbursed in accordance with NPS priorities. Pfuehler will provide Director Waespi with a list of projects outlined in the bill. Pfuehler noted the legislation as written is the Administration's proposal and what ultimately comes out of Congress will likely be altered. Pfuehler added the legislation does have bipartisan interest and support.

The Legislative Committee of the Board voted unanimously to SUPPORT.

### **B. ISSUES**

#### **I. Land and Water Conservation Fund Update**

Pfuehler provided an update about this issue and informed the committee the Land and Water Conservation Fund (LWCF) expired at the end of September. A bipartisan effort is being made to permanently reauthorize the LWCF program. The process has been held up as part of the Federal budget package, but the Land and Water Conservation Fund (LWCF) is expected to be funded in the range of \$200 to \$300 million. It's been funded annually by revenues from offshore oil and gas development, accumulating an unappropriated balance of roughly \$20 billion. Appropriators will still be able to draw from this fund when it comes time to pass another spending bill December 11. The program's expiration primarily means oil and gas companies have stopped paying into it.

Chairman Rob Bishop (R-UT) has highlighted the \$20 billion on the LWCF balance sheet, which appropriators can spend as they see fit. Representative Bishop reasons, at LWCF's recently appropriated levels of roughly \$300 million annually, it would take more than 50 years to spend the account down. Representative Bishop has said he supports reauthorization this year, but he wants more LWCF money sent to states. His priorities are programs that could grow the fund and support education.

General Manager Robert E. Doyle asked about the appropriation for the prior year. Pfuehler responded the amount was in the \$300 million range. Director Burgis wondered about the unspent funds. GM Doyle stated it was his understanding the funds are being used to offset other deficits in the budget. Pfuehler added one of the arguments some are using against the reauthorization is, there are "billions in reserve." GM Doyle stated the complexity of the election and the budget negotiations remain big hurdles.

## **2. Transportation update**

Pfuehler provided an update about this item. He informed the committee a five-year bipartisan transportation bill has passed both the House and Senate for the first time in six or seven years. The current extension of the previous transportation measure expires today. The bill may be signed today or the previous measure will receive a short term extension. There is currently funding for alternative transportation. Each state will receive funding for paved trails and active transportation as part of a block grant program. As the bill currently stands, however, it does not authorize TIGER. TIGER is being addressed in the omnibus appropriations bill (\$600 million in the Senate bill) with the Transportation Alternatives Program (TAPs) remaining as part of the reauthorization bill.

GM Doyle remarked this will provide the District a great opportunity to apply for grants and may be slightly less complicated if processed through the State.

## **III. SAN FRANCISCO BAY RESTORATION AUTHORITY**

NOTE: This item was moved to earlier in the meeting (after District Survey Results) to accommodate the guests in attendance.

GM Doyle clarified the request is for assistance in funding the ballot access cost for the San Francisco Bay Restoration Authority (Authority) and is not a request to contribute to the campaign. He stated the Authority has been positive in their responses to the District's requests to ensure the urban East San Francisco Bay Area receives and qualifies for important funding. The Authority has included over \$100 million worth of projects that meet the criteria of their proposed measure. This type of measure is always a risk and will depend on the mood and turnout of voters. A contribution toward ballot access for the measure would be a good investment for the District. The Authority is seeking an agreement with the District to help meet its financial obligations to county registrar of voters for placing the measure on the ballot. The District would commit \$250,000 toward ballot access costs. GM Doyle believes an investment of \$250,000 is a potential growth opportunity. If the measure is successful, the District will be reimbursed over time and is well positioned to compete for project funds. If the ballot is unsuccessful, the District may potentially not be reimbursed.

Doyle introduced California State Coastal Conservancy Executive Officer Sam Schuchat who provided background on the Coastal Conservancy and the Authority. Schuchat stated the Authority is moving toward making a decision on January 13 regarding adding the measure to the

June ballot. The measure would be a \$12 per parcel tax, so it needs 2/3rds of the vote. The initiative and all accompanying materials are available on the Authority's website. The factors the Authority Board will consider in January: are the ballot costs are covered, the results of the tracking poll and is there likely to be sufficient campaign funding. Schuchat clarified the ballot measure will need to receive an aggregate two-thirds vote in all nine counties. The strategy depends on the larger more populous, and also more liberal, counties voting strongly for the measure. A campaign committee has been formed and raised approximately half a million dollars. Schuchat believes they need to raise four to six million dollars. The June ballot will be more affordable than November.

Director Waespi asked Schuchat if there are any guarantees for projects within the District. Schuchat replied the Authority does not have specific control over the places that will receive project funding. There are geographic allocations including a minimum of 18% to the East Bay. Agencies like the District and the Santa Clara Valley Water District, which have projects ready to go, will be well positioned as priorities amid all proposals.

Director Waespi inquired if the Authority is offering the opportunity to donate to other agencies, cities or other special districts. Schuchat said yes, but probably only a handful are needed.

Director Burgis stated she has followed this for a while. She inquired as to where the half million that has already been committed is coming from. Schuchat answered it is campaign funding. Director Burgis asked if the measure will sunset. Schuchat answered as it is currently written it will sunset in 20 years. Director Burgis asked who will be heading the campaign. Schuchat informed her a campaign committee has been formed which includes the Bay Area Council and the Silicon Valley Leadership Group. It will also likely include some parts of the labor movement and the Resources Legacy Fund. Director Burgis stated she would like to make sure the District feels confident the best effort is being put forward to make it pass.

Save the Bay Executive Director David Lewis was introduced by GM Doyle. Lewis stated he is happy the District and Save the Bay have enjoyed a long history of collaboration and cooperation on a number of things. He thanked the District for its partnership in this effort since the beginning. This includes the District's support of the legislation that created the Authority. He thanked Director John Sutter for his long service on the Authority's board, as well as the strong support of GM Doyle and Pfuehler throughout. Lewis stated the Authority has been polling for a long time. The most recent poll in April tested the specific ballot language, including the detailed amount of the tax. Even with both positive and negative messages provided in the poll, it was still above 70%. He also informed the committee about the breadth of support from communities including more than 150 local elected officials who are prepared to endorse the measure.

GM Doyle asked if the Authority is initiating an additional tracking poll. Lewis replied the tracking poll is in the field and the results will be ready in 10 days to two weeks. GM Doyle made a request for the poll results when made available. Lewis stated the results will be made public.

Director Waespi moved to authorize the General Manager complete negotiations and enter into an Agreement with the San Francisco Bay Restoration Authority for \$250,000 and Director Burgis seconded.

#### IV. CONTRA COSTA COUNTY LAFCo AGRICULTURAL AND OPEN SPACE PRESERVATION POLICY

Pfuehler provided an overview about the Contra Costa Local Agency Formation Commission (LAFCo) deliberations over a potential agricultural and open space lands preservation policy for the county. Director Burgis stated Igor Skaredoff, President of the Contra Costa Resource Conservation District, has spoken to her about this subject many times. She suggested Pfuehler work with him.

Doyle informed the committee he participated in panel discussions during the initial launch of this effort. He stated the District has had input, but did not have intimate discussions with staff. Director Burgis remarked in her discussions with Mr. Skaredoff she learned they are seeking to determine a monetary value of open space. She believes it may be part of what is influencing this policy.

Pfuehler stated options under consideration range from a simple affirmation of the agency's intent to discourage urban development on prime agricultural land to the imposition of direct mitigation requirements on developers either in the form of land or in-lieu fees. Pfuehler remarked one of the most interesting comments he received was from the Brentwood Agricultural Land Trust. They are calling for an agricultural mitigation program. He stated Lou Ann Texeira, Executive Director of Contra Costa LAFCo, suggested the District may want to weigh in. Director Burgis stated she would direct staff to participate in discussions and asked to please inform the Board of Directors if they need to be involved directly.

#### V. DISTRICT SURVEY RESULTS

NOTE: This item was moved to earlier in the meeting after State Legislation / Issues to accommodate the guests in attendance.

GM Doyle provided an introduction and background about the Measure CC District survey and introduced Dr. G. Gary Manross. Dr. Manross provided an overview of Strategy Research Institute's Measure CC District survey. Dr. Manross advised the District to not add renewal of this item to the very crowded 2016 ballot.

GM Doyle commented about the first item provided in the survey – fuels management. He stated Measure CC contains a large block of funding for this work, and there has been much controversy in the press about this issue. The District should see how this more recent controversy is affecting voters. GM Doyle mentioned the longitudinal surveys indicate the fuels management issue is a positive one for voters. Dr. Manross' surveys have been an affirmation that the public is concerned about wildfires and fuels management.

Director Waespi thanked Dr. Manross for his presentation and stated it was informative. Director Waespi asked, of the 302 respondents, how many respondents were in Subzone A, B and C and if they were evenly distributed. Dr. Manross replied they were essentially equally balanced with two extra in subzone A. Director Waespi asked for clarification about the wording of the negative questionnaire on figure 4. It states it is an unfair tax because only homeowners and renters will have to pay it. Dr. Manross clarified it is a property tax; property owners theoretically pass the cost on to their renters.

Director Burgis asked Dr. Manross about the density of the communities in the CC zone. She asked if the results would look different if polling took place across the entire two counties. GM Doyle interjected that in the prior poll, the entire District was broken down and they received good data by sub region that indicated significant positive shifts.

Director Burgis wondered how much could change in a short amount of time. She also wondered how many others might wait, creating a crowded ballot for 2018 as well. Dr. Manross stated in terms of change, it will not go down, but up. He does not believe the District is in jeopardy by waiting. He doesn't believe others will hold off ballot items until 2018.

GM Doyle believes the Board's process of decision making is more challenging given the level of support in this survey was higher than expected.

## VI. PUBLIC COMMENTS

There were no public comments.

**Respectfully submitted:**



**Erich Pfuehler**  
**Government Affairs Manager**