

EAST BAY REGIONAL PARK DISTRICT

MEMORANDUM

March 13, 2015

To: Board of Directors

From: Robert E. Doyle, General Manager  
Dave Collins, Assistant General Manager, Finance/Mgt. Services

Subject: March 23 Board of Directors Workshop

This second Workshop provides an opportunity for the Board to continue the discussion of topics of interest, and begin to focus on specific policy matters that have been identified as being of particular interest.

In support of this discussion, please find attached a draft transcription of the wall notes taken at the February 13<sup>th</sup> Workshop, organized by their assigned disposition (i.e.: future workshops, Board or committee meetings, etc.). We can review this summary at the start of the meeting and make any corrections or adjustments that you may find appropriate.

Also attached, per the Board's request at the February 13<sup>th</sup> Workshop, are one-page background summaries for four of the discussion topics for this second Workshop. These include:

- Attachment 1: Project Priority Criteria**
- Attachment 2: Measure CC Reserve**
- Attachment 3: Measure WW Reserve**
- Attachment 4: Atlas Road Bridge Funding**

Time permitting, the Board may also choose to continue with the topics identified, but not discussed, at the February 13<sup>th</sup> Workshop (as listed in the attached notes).

In addition, staff is awaiting receipt of information on the Measure CC polling results from Dr. Manross, and will bring an executive summary to the workshop if it is completed by that date.

As a reminder, this meeting is held in a workshop format to encourage Board member comment and discussion; however, per the requirements of the Brown Act, no formal actions may be taken at this Workshop. Therefore, any items requiring formal Board action will be referred to future Board Meetings for consideration.

**Draft Agenda, Monday, March 23, 2015:**

- |            |   |  |
|------------|---|--|
| 12:30 p.m. | Call to Order and Introductions<br>Opening Comments<br>Review of Feb. 13 <sup>th</sup> Draft Wall Notes | President Dotson<br>GM Robert E. Doyle<br>AGM Dave Collins |
| 1:00 p.m.  | Project Priority Criteria   |  |
| 1:45 p.m.  | Measure WW Reserve<br>Measure CC Reserve  |  |
| 2:30 p.m.  | Break – 15 minutes  |  |
| 2:45 p.m.  | Point Pinole Atlas Road Bridge Funding  |  |
| 3:15 p.m.  | Measure CC Polling, or Other Priority Discussion Items  |  |
| 3:45 p.m.  | Recap Consensus Review of Issues<br>Workshop wrap-up  |  |
| 4:15 p.m.  | Public Comments   |  |
| 4:30 p.m.  | Adjournment   |  |

- **BOARD WORKSHOP #1 – FEBRUARY 13, 2015, CONSENSUS FOCUS TOPICS:** *(topics in Italics were done)*
  - **General Board Discussion/New Member Introductions**
    - *Motivations for running for the Board*
    - *Rosenberg's rules of order*
    - 10-year goals of Board Members
    - Culture of District
    - *Ways to Communicate with Board members*
  - *Liaison Committee protocols*
  - *Board/Staff/Public Interactions*
  - Future Impacts of Park Use Levels (e.g.: Mission Peak)
  - Agriculture – What should be the District's involvement?
    - Pleasanton Ridge Olives/Delta Properties/Local Farm Products/Urban Farms
  - Project Priority Criteria

### **TOPICS REFERRED TO WORSHOPS OR BOARD MEETINGS:**

- **BOARD WORKSHOP #2, MARCH 23, 2015:**
  - **Measure CC -- Status, Survey and Renewal**
    - Opportunity Fund (contingency) criteria
  - **Measure WW – Contingency Criteria**
  - **Point Pinole Atlas Rd. Bridge Funding**
  - **Project Priorities from Board**
    - Reduce number of changes to schedules
  - **Unfinished Topics from Workshop #1**
    - **Board Introductions:**
      - 10 year goals of Board Members
      - Culture of District
    - **Future impact of Park Use Levels**
    - **Agriculture**
    - **Project Priority Criteria**

- **CAPITAL FINANCE WORKSHOP – APRIL 20, 2015:**
  - Restrooms – locations, upgrades, replacements
  - Vegetation Management Funding/Future Costs
  - Infrastructure Priorities
  - Measure WW – Urban Creeks Policy
  
- **CAPITAL/PLANNING WORKSHOP – MAY 18, 2015:**
  - **Project Updates/Future Projects:**
    - **Bay Trail:** Reaches in Berkeley, Oakland, Richmond, Hercules/Rodeo, Brooklyn Basin, Bart to Bay, Doolittle connection
    - **Bay Ridge Trail:** gap closures
    - **Clayton Ranch:** LUP and Opening
    - **Doolan Canyon**
    - **East Bay Greenway:** Southern Extension
    - **Equestrian Facilities:** Vaquero Farms
    - **Gateway**
    - **Iron Horse Trail:** Completion to North and South
    - **Las Trampas:** Water System, Northern Access, Land Bank, Burton Ridge
    - **Marsh Creek:** Land Bank and Round Valley Trail
    - **McLaughlin/Eastshore State Park**
    - **Niles Canyon Trail**
    - **Point Pinole Interpretive Center:** Location and Funding
    - **Sibley:** McCosker
  
- **LAND ACQUISITION SESSION (CONFIDENTIAL)—JUNE 22, 2015:**
  - Dry Creek Gladiola Fields/Masonic Home Property
  - East Contra Costa Habitat Conservancy
  
- **BOARD MEETING (open or closed session):**
  - Mission Peak
  - Concord Hills
  - Clerk of the Board Recruitment
  - Alameda Issues: GSA/McKay Street
  - Breuner Marsh
  - Altamont Wind Turbines
  - Visitor Centers, District-wide Plan

### TOPICS REFERRED TO COMMITTEE:

- **FINANCE COMMITTEE:**
  - **Investment Policy:** Seek better investment returns
  
- **OPERATIONS COMMITTEE:**
  - **Willow Park Golf Course & Event Center**
  - **Chabot Gun Range**
  - **Camping:**
    - Project Manager
    - Timetable
    - Coordination with Foundation Goals
    - Priorities for camping projects
    - 'comfort camping' and Delta opportunities
  - **Youth Engagement:** East County and elsewhere
    - Environmental Science
    - Youth Jobs
  - **Outreach to Veterans and Seniors**
    - Therapeutic Activities
    - Foundation Membership
  - **ADA Outreach, Services, and Information**
  
- **LEGISLATIVE COMMITTEE:**
  - **Park 'Town Hall' meetings**
  
- **NATURAL/CULTURAL RESOURCES COMMITTEE:**
  - **History of CCC/WPA contributions to EBRPD**

### TOPICS REFERRED TO STAFF:

- **GENERAL MANAGER:**
  - **Cultural Resources Management and Staffing Level**
  - **Staffing, Transitions and Reorgs, & Deputy**
  - **Social Media – Good! Do more! – *comment received***

### **FEBRUARY 13<sup>TH</sup>, 2015 WORKSHOP –DISCUSSION OF BOARD INTERESTS:**

- **Liaison Committee protocols – (discussed)**
  - **Pros/cons of Establishing new Liaison with Alameda?**
  - **'District practices' re: Liaison Committees include:**
    - *Ad-hoc vs. regularly scheduled -- generally no more frequently than quarterly, less often if insufficient agenda items.*
    - *Participants – generally two elected officials from each agency, and assigned staff*
    - *May be staffed on alternating basis.*
  
- **Board Discussion/New Member Orientation:**
  - **Motivations for running for the Board**
    - *Dir. Lane – Interest in the Iron Horse Trail, open space advocacy and 'fixing things'*
    - *Dir. Dotson – Personal history with natural areas, interested in protecting open spaces & engaging with local/community issues, especially Breuner marsh*
    - *Dir. Wieskamp – Longstanding park and recreation interests and prior park board and city council member, interested in buying/preserving open space and getting people into parks.*
    - *Dir. Burgis – Personal history/affinity with natural lands and creeks, experiences in parks, supports a culture of access to open space.*
    - *Dir. Waespi – Personal history, locally and as employee, prior Park and Recreation Board experience, supports parks and recreation.*
    - *Dir. Sutter – Personal history/affinity, prior involvement with People for Open space, BCDC, Watershed preservation and other organizations, desires to leave a legacy with the District.*
  
  - **Best Ways to Communicate with Board Members:**
    - *Dir. Lane – by e-mail*
    - *Dir. Siden – hard copy*
    - *Dir. Sutter – hard copy*
    - *Dir. Waespi – Electronic/e-mail (would like Park View, uses Google Alerts)*
    - *Dir. Burgis – Electronic (note-friendly format/Word docs, Maps in Hard copy,*
    - *Dir. Dotson – Hard Copy*
    - *Dir. Wieskamp – Hard Copy/Fax/e-mail (for info).*
    - *All – Urgent matters by phone call/text*
    - *Staff will adjust as requested by Board*
    - *Press Releases and sensitive information to the Board timely*
  
  - **Board Meeting Public Comment timing – Default to 3 min. at Presidents discretion**

## February 13, 2015 Board Workshop Wall Notes

---

- **PUBLIC COMMENTS -- February 13<sup>th</sup>, 2015:**
  - **Ed Bennett (Sierra Club and CESP?):**
    - Is interested in progress at Albany Bulb (MESP)
    - Is concerned about Albany Beach EIR adequacy
  - **Mary Barnsdale (ALDOG):**
    - Thinks Albany Beach EIR is fair,
    - Is concerned about cleanup of plastics on the beach.

DRAFT

**PROJECT PRIORITY CRITERIA**

Management recommendations on the appropriation of funds to projects, and the assignment of staff and consultant capacity to undertake project priorities, are complexly interdependent on a number of considerations, opportunities and constraints. Therefore, the Capital Improvement Plan is not a single “priority list” of projects, but is made up of several groups or categories of projects that are moving forward simultaneously through different parts of the project process. In support of the Board’s discussion of project priorities, the following list outlines the more significant criteria (not rank ordered) that are considered when project schedules are discussed:

1. **Land Tenure** – do we have land tenure necessary to complete the project: fee title, lease, license, etc.?
2. **Safety/Risk** – is the project needed to protect the health and safety of the public and/or staff?
3. **Replacement** of existing facilities – will the project avert a loss of public use or preserve functionality?
4. **District Master Plan** – is the project included in the District’s Master Plan?
5. **Board Priority** -- Does the project reflect Board members’ interests in providing public benefits?
6. **Land Use Plan** – Is one in place? Does the plan include the intended project? Do we need to amend?
7. **CEQA** and/or other environmental compliance – Is it completed? Can it be done? On what timeline?
8. **Zoning or Building Code** compliance – If necessary to comply with local ordinance or state statute?
9. **Regional Balance** -- Does it help the balance the geographic distribution of facilities within the District?
10. **Grant Funding Opportunity and/or Deadline** – Will funds be lost if the project is delayed?
11. **Operating Staff Capacity** – Can the District fund ongoing operations upon completion?
12. **Resource protection or restoration** – Does the project protect or restore natural and/or cultural assets?
13. **Community Interest** – Is there expressed community interest (or opposition) to a project?
14. **Measure WW or Measure CC** – Does the project meet commitments made in a ballot measure?
15. **Cooperative Projects** – Is the project a partnership with other agencies or organizations?
16. **Operational Need** — Does the project increase the efficiency of operations or improve public service?
17. **Available Funding** – are funds available, or can they be committed, to undertake/complete the project?
18. **Special Opportunities** – Are there unique opportunities for funding/partnerships that will expire?
19. **Opportunity Cost** – If a new project is started, what existing project will be delayed/abandoned?
20. **Prior Investment** – Will staff time & money invested in the project be lost if the project is deferred?

Capital projects can generally be understood to move forward in a sequential manner - from acquisition, to land bank, to planning, to permitting, to design, to construction, and to operation – essentially a “Pipeline”. Historically, each District function in this sequence was a Division or Department, each having their assigned components, with projects handed-off between work groups as elements were completed.

The District’s capital delivery system is being re-structured, and past practice will be adjusted to meet current needs and new opportunities, including the combination of Divisions, more complex projects, and an increasing use of outside consulting firms to provide specific professional expertise and to increase capacity. However, the above project criteria, as may be adjusted, augmented or clarified by this Workshop discussion, will continue to be applicable, and will serve as the basis for funding and schedule recommendations made by staff to the Board.



**MEASURE CC RESERVE**

The Measure CC Authorizing Legislation, Section 5 Use of Tax Proceeds reads:

*"All proceeds of the tax levied and imposed hereunder shall be accounted for and paid into a special account designated for use of operations and maintenance of park and trail facilities only. Monies in such special account may only be used in the following manner:*

<b>A.</b>	<b><i>Park Access, Infrastructure and Safety Improvements</i></b>	<b><i>58%</i></b>
<b>B.</b>	<b><i>Resource-Related Projects</i></b>	<b><i>32%</i></b>
<b>C.</b>	<b><u><i>Reserve for Unknown Events and Opportunities</i></u></b>	<b><u><i>10%</i></u></b>
	<b><i>TOTAL:</i></b>	<b><i>100%</i></b>

*The overall commitment to natural resources shall be no less than 30 percent of the revenue raised by the entire measure."*

The Measure CC Reserve Fund accrues annually, and will total \$4.7 million over the life of the measure. This Reserve Fund has not yet been tapped, nor have criteria for use of these funds been recommended to, or approved by, the Board. The Board has occasionally discussed the possible criteria for use of the Reserve in past Workshops. Comments recorded from the 2010 Workshop were as follows:

***Measure CC Contingency Policy -- OK to consider use of CC Contingency for:***

- ***Existing Parks***
- ***New Shoreline Opportunities***
- ***Resources/resource management***

Staff is seeking the Board’s guidance on criteria under which use of CC Reserve funds would be recommended to the Board. The Measure CC Reserve criteria would logically be similar to that developed for the Measure WW Reserve, with two additional considerations unique to Measure CC:

1. The CC Reserve can only be applied to project or operational expenses within the Measure CC area.
2. The District is contemplating seeking voter renewal of the Measure CC authority as early as 2016; therefore, it may be considered beneficial to utilize these funds in the near future to further demonstrate the District’s need for continuation of this ongoing source.

**MEASURE WW RESERVE -- CRITERIA FOR APPROPRIATION OF FUNDS**

Section 3(c) of the Adopted Ordinance placing Measure WW on the ballot in 2008 states:

***"... Of the seventy-five percent (75%) of the Proceeds allocated to the District for regional park, recreation and open space purposes, seven percent (7%) of the Proceeds will be allocated to a reserve for unanticipated future project needs and opportunities consistent with the regional park, recreation and open space purposes of the measure and the District's Master Plan."***

This Reserve allocation, amounting to \$26,250,000; has not yet been used for any purpose, nor have criteria for use of these funds been recommended to, or approved by, the Board. Staff has, from time to time, referenced the Reserve as a potential funding source for projects in Board reports, eliciting comments regarding the relative suitability of this funding source for various uses. The matter was discussed in more detail at the February 23, 2010 Board Workshop which yielded the following comments from Board members:

- i. Measure WW Contingency Policy***
  - ***For BIG Opportunities only***
    - a. (e.g.: critical trail gap closures)***
    - b. How Big is BIG?***
    - c. No definite dollar threshold -- \$30,000 is probably too small***
  - ***Metro Area Distribution?***
    - a. Yes, but as a Guideline only (not mandatory)***
    - b. Track use by metro***
  - ***Use to offset future inflation in costs***
  - ***Use for Future Opportunities, Including:***
    - a. Existing Parks, on or off the current list.***
    - b. New Parks, not on the current list***
    - c. Projects on or off the current list***
  - ***Board would like to hear Staff's ideas.***

Staff supports a discussion at this workshop to clarify the Board's interests regarding uses of the Reserve, and generally concurs with the above criteria. In addition, staff suggests that the criteria allow for augmentation of existing projects that have incurred increased costs due to regulatory requirements, increased design needs, and increased construction costs due to inflation. Staff would also welcome the Board's discussion on the potential use of the Reserve when there are funds remaining in either the Measure WW Acquisition or Development categories at a particular park site.

As a related matter, a longstanding conservative financial principle of the District is to use the most restricted funding source available for a project prior to using less restricted funds, which can be applied to a wider variety of uses. In practice this means that staff recommends using a grant before recommending use of bond or CC funds; the use of site specific bond funds before using reserve funding; and using any eligible one-time funding sources prior to considering appropriation of General Fund dollars. Use of General Funds for new project construction or acquisition is a last resort because this use competes with, and constrains, the District's financial ability to open and operate new facilities, to accommodate growth in existing programs, to support existing staffing expenses, and to fund critical maintenance and replacement of facilities.

**POINT PINOLE, ATLAS ROAD BRIDGE AND PUBLIC ACCESS FUNDING OPTIONS**

On December 16, 2014, the Board awarded an engineering contract for the Point Pinole Atlas Road Bridge Construction and Public Access improvement project. The Staff Report disclosed the need for additional funding to be appropriated to the project at, or prior to, the award of the construction contract, and reviewed the several contributing factors associated with the increased costs of completing this complex project. At that meeting, the Board requested that staff bring a discussion of the potential funding sources for the anticipated shortfall to a Board Workshop.

***Staff is seeking guidance on this matter in anticipation of award of bid for construction in June, 2015.***

The current project funding status is as follows:

1	<b>Total Estimated Project Cost</b>	<b>\$ (10,584,000)</b>
2	Funds Appropriated to date (project 539700)**	4,343,497
3	<b>Additional funding needed to complete project</b>	<b>\$ (6,240,503)</b>
4		
5	<b>Available/Potential sources of capital funding:</b>	
6	Measure WW, Point Pinole Development	\$ 3,390,000
7	Measure WW Contingency	\$ 26,250,000
8	Measure CC Contingency	\$ 4,700,000
9	Measure WW, development funds from other project areas	various
10	Measure CC, funds from other project areas	various
11	Measure WW, Point Pinole Acquisition funds	2,244,300
12	Measure WW, Acquisition funds from other project areas	various
13	General Fund (reserves/fund balance/operations)	NA
14		
15	<b>** Funding sources appropriated to this project:</b>	
16	Measure AA	\$ 50,000
17	Measure AA Local Grant funds (Rollingwood)	64,598
18	Land and Water Grant funds	199,500
19	Contra Costa Transportation Agency	636,900
20	City of Richmond/Assesment Funds	1,473,760
21	Eastshore Endowment	64,000
22	Environmental Enhancement Mitgation Grant	304,739
23	WW Pinole Development funds	1,550,000
24		<b>\$ 4,343,497</b>

The above expenses **do not** include funds for Visitor Center or Service Yard construction. The Visitor Center can be expected to cost between \$5 and \$10 million. To date, two grant applications for the project have been unsuccessful, so funding sources remain to be identified. The Service Yard will cost between \$1.7 and \$2 million, and is not grant or bond eligible, which leaves the General Fund/553 as the only resource.