

AGENDA  
REGULAR MEETINGS  
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, September 5, 2017

C. BUSINESS BEFORE THE BOARD

6. BOARD COMMITTEE REPORTS

c. Board Legislative Committee (7.21.17) (Corbett)

Present

Board: Ellen Corbett, Dennis Waespi, Colin Coffey

Staff: Ana Alvarez, Erich Pfuehler, Xiaoning Huang, Debra Auker, Jeff Rasmussen, Tiffany Margulici, Rachel Sater

Consultants: Doug Houston, Houston Magnani & Associates (on phone)

Public: Rick Rickard, Mona Barra-Gibson, Kelly Abreu

This meeting was called to order at 12:31 pm.

I. STATE LEGISLATION / ISSUES

A. NEW LEGISLATION

I. **AB 398 (Garcia D-Coachella) – Extend the cap-and-trade program**

Legislative Advocate Doug Houston spoke about the extension of cap-and-trade through 2030. It passed by 2/3rds in both houses. There was broad support by much of the environmental and business communities. This bill extended the program pretty much at status quo. Some provisions unrelated to the program itself were included in the overall agreement. For example, the bill suspended the State's Responsibility Area (SRA) fee, as well as a manufactures' tax credit for certain types of activates to reduce carbon throughout the state. This bill was joined with AB 617, a bill to establish a uniform, statewide system for annual emissions of pollutants which would prevent regional air quality management districts from applying different local standards. The environmental justice community felt AB 398 was a giveaway to industry and hoped to leverage cap-and-trade to reduce source pollutants in impacted communities. The legislature also adopted a provision to ensure any expenditures from cap-and-trade auction revenues will require a 2/3rds vote beginning in 2024. Republicans pushed for this to ensure they have a say in how future cap-and-trade funds are spent. Director Dennis Waespi requested clarity on the suspension of SRA fee. Advocate Houston confirmed the suspension.

The Board Legislative Committee voted unanimously to SUPPORT.

## **2. SJR 8 (Allen D-Santa Monica) – California Nonmotorized Trails Master Plan**

Houston shared this legislation is to encourage the Governor to move forward with formalizing a non-motorized trail master plan at both rural and urban levels. The bill holds findings which include GHG reductions as more nonmotorized trail use increases. Money has been allocated to the State of California through the Federal Government's Service Transportation Act, but is currently negligible in terms of available dollars.

The Board Legislative Committee voted unanimously to SUPPORT.

## **3. SB 3 (Beall D-San Jose) and SB 35 (Wiener D-San Francisco) – Housing Bond Funding and Permit Streamlining**

Houston noted the legislature has expressed a strong interest to invest in affordable housing throughout the state. There has been a commitment by the Governor and leadership upon return from the summer district work period to tackle the housing issue. In opening up the conversation about incurring new debt, the Pro Tempore and Speaker broached the topic of weaving in a park, resources and water bond into the creation of a housing bond package. Houston believes there is going to be a legislative park/water/flood vehicle which will advance upon return from summer district work period. There is conflicting information about the balance between incurring debt for housing versus parks, but he is optimistic. Director Ellen Corbett asked about opposition to modifying land use authority with regard to the housing issue, particularly from the League of Cities and other local government organizations. Houston shared the Local Agency Formation Commission (LAFCo) has repealed their opposition and the hope is for a neutral position by such organizations. Government Affairs Manager Erich Pfuehler wanted to clarify the relaxation of environmental permitting approvals only applied to in-fill housing projects. Director Corbett agreed that would be an important distinction for the District's interests.

## **4. SB 649 (Hueso D-San Diego) – Wireless telecommunications facilities**

Houston shared this bill is working through the legislative process quickly despite opposition throughout the state. Advocates suggest this bill will help cellphone rates go down. The bill basically removes local control over the installment of telecommunications equipment by the telecom companies. The equipment can go on public right-of-ways, such as street lamps and telephone poles. It caps the amount that can be charged for leasing a location to \$250. Organizations such as the League of Cities, California Park and Recreation Society (CPRS), etc. are opposed. The telecom industry is universally united in support. Staff estimates the District earns about \$500,000 annually in leases with telecom companies. Director Colin Coffey asked why staff is recommending a watch position. Pfuehler shared it is unclear whether special districts would fall under this restriction because the language is so specific to cities and counties. If it doesn't apply to the District, we may want to stay neutral since it is likely to pass. Director Corbett asked if it is possible the entities in opposition saw it moving quickly and were wanting to create opposition in the Assembly. Director Waespi wondered if the current earnings are \$500,000 annually from these leases, what would the District's revenue be if the \$250 limit were in place. Houston said it would be difficult to estimate. Pfuehler agreed and shared the figure came from Business Services, but it is a good question to have staff look into. Director Coffey clarified existing leases are likely to be grandfathered. He requested the District oppose the legislation to be in alignment with cities and counties. Deputy General Manager Dr. Ana M. Alvarez added the potential loss of revenue would have an impact, but there are also unintended consequences on the environment, such as disrupted ecosystems. Director Corbett asked the downside of opposing. Houston shared the Chamber of Commerce at the state and local levels are in support.

The Board Legislative Committee voted unanimously to OPPOSE.

## B. ISSUES

### I. Park Bond Update – Legislative and Initiative

Pfuehler shared since last Legislative Committee Meeting, there has been little change to the park bond. The initiative process is being led by The Nature Conservancy (TNC). They have filed a \$7.5 billion bond measure. This initiative would be an acceptable vehicle for the Park District. The issue for the District is it has been 15 years since a legislative park bond has passed. With Assembly Member Eduardo Garcia as a champion, it would be beneficial to have legislative action. The District is staying part of the initiative discussion, while advocating for legislation.

### 2. Regional Measure 3 Update (SB 595)

Pfuehler shared there has been a flurry of recent activity on Regional Measure 3 (RM 3). General Manager Robert E. Doyle, Pfuehler and Legislative Assistant Lisa Baldinger went to Sacramento prior to the hearing on RM 3. Most electeds and staff wondered why the District had an interest in bridge tolls. Staff explained the Metropolitan Transportation Commission (MTC) requested a list of paved trail projects by the District. The funding allocations have been a fairly fluid process. At one point the bicycle, pedestrian funding was down to \$50 million. With continued advocacy, it was bumped up to \$150 million. Director Waespi commented about a meeting he attended with Senator Bob Wieckowski and Assembly Member Bill Quirk during which the Park District shared its 10 projects. He was thanked for the conservative ask. The East Bay delegation has been strong on asks as their constituents pay 49% of the bridge tolls and represent over a third of the voting population.

### 3. AB 898 Update

Pfuehler shared this bill, which requires a 2/3 vote, is still technically active even though it has not been heard. It has potential to come up, though not likely. Thus, it still remains a threat to the Park District. At this time, the District is not responding to the recent opinion editorial on AB 898, but are prepared for future discussions. Director Coffey asked if we are following tax reallocation proposal being pushed by a local Community College Director. Pfuehler replied a unified redistribution of funding in that area could potentially provide additional revenue to the District.

### 4. Other Issues

## II. FEDERAL LEGISLATION / ISSUES

### A. NEW LEGISLATION – N/A

#### I. H.R. 3275 (McNerney D-California) – Water and Energy Sustainability through Technology Act (WEST Act)

Pfuehler commented this bill was introduced in response to discussions on moving water around the state, particularly from the Delta to Southern California. This legislation would provide more grant funding to recycle and reuse water, purple pipes and other water conservation efforts. Though it may be a challenge to get through the current Congress, such a grant program could be beneficial for the District. A request has been made to the District's Federal advocate to visit with the author's office and ensure Special Districts qualify for funding. Director Coffey asked if the District has taken a position on the tunnels. Pfuehler commented a position of strong concern was made under former Director Ted Radke, who was strongly opposed. Director Corbett commented about an excellent presentation the Board received on the Vasco rainwater catchment system. Pfuehler added such efforts are highlighted in the District's sustainability plan.

The Board Legislative Committee voted unanimously to SUPPORT.

## B. ISSUES

## **I. Land and Water Conservation Fund (LWCF) Grant Award**

Pfuehler recalled in 2012 the General Manager, Robert E. Doyle, was asked to testify in Washington, D.C. to support the Land and Water Conservation Fund competitive grant program. It was implemented in 2014. In the first round of this extremely competitive grant program, the District applied for a project in Concord which did not receive a grant. Only two projects per state advance to the Department of Interior and National Park Service for grant consideration. In the second round two years ago, the District submitted a project for Bay Point Regional Shoreline advanced. It had been assumed with the new administration, the program was no longer active. This week, the District was notified it would receive a \$750,000 grant from the federal program.

## **2. Other Issues**

### III. GRANTS UPDATE

Grants Manager Tiffany Margulici provided an overview about the Grants Department and importance of relationships, both external and internal, in obtaining grants. She also highlighted the important collaboration between Grants and Government Affairs.

### IV. MEASURE CC UPDATE

Pfuehler and Legislative Assistant Lisa Baldinger presented a PowerPoint about the project development process which is just in its initial stage.

### V. ARTICLES

None

### VI. OPEN FORUM PUBLIC COMMENT

None

### VII. BOARD COMMENTS

Director Waespi commented positively on General Manager Robert E. Doyle's Park Bond Op Ed. Pfuehler shared the District will also try to place it in the Los Angeles Times and Sacramento Bee.

This meeting adjourned at 2:04 pm.

Respectfully Submitted:

/s/ Lisa Baldinger  
Legislative Assistant