

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 4, 2014

C. BUSINESS BEFORE THE BOARD

6. BOARD COMMITTEE REPORTS

a. (Legislative 4.18.14) _____ (Sutter)

The Legislative Committee met at District headquarters on Friday, April 18, 2014.

Present: Directors: Doug Siden, John Sutter, Whitney Dotson (Alternate)
Staff: Erich Pfuehler, Jeff Rasmussen, Carol Victor, Larry Tong
Consultants: Doug Houston, Houston Magnani & Associates
Public: Pat O'Brien

I. STATE LEGISLATION / ISSUES

A. NEW LEGISLATION

1. **AB 1193 (Ting D-San Francisco) – New Class IV Bikeway Designation**

Advocate Doug Houston reported Assembly Member Ting has proposed a new class of bikeways in response to active transportation projects in urban areas. These Class IV bikeways or 'cycletracks' are separate, distinct bicycle pathways adjacent to an existing roadway. Typically, there is some sort of physical barrier that separates the bike route from the vehicles. Currently, Caltrans does not have standards or criteria for bike lanes which include physical barriers against traffic. Caltrans is responsible for establishing minimum safety design criteria for the planning and construction of bikeways and roadways where bicycle travel is permitted. These criteria are contained within the California Highway Design Manual (HDM). Because there are no criteria for physical barriers in the HDM, many California cities have refrained from developing protected bike lanes even though they are considered to be the safest design for cyclists.

These bikeways are very popular in other parts of the country and Europe. Through the use of cycletracks the incidents of accident and injury between cyclists and vehicular use have been reduced by 50%. Several California cities have installed cycletracks, including Long Beach, Los Angeles, and San Francisco. Long Beach's cycletracks in the downtown area have been open for nearly three years. The lanes were installed as part of a federal experiment on these types of facilities. According to the city, the lanes have been "remarkably successful."

The California Bicycle Coalition is supporting this effort. District Trails Manager Jim Townsend supports the legislation.

The Legislative Committee of the Board voted unanimously to support AB 1193.

2. AB 2193 (Gordon D-Menlo Park) – Habitat Restoration and Enhancement Act

Government Relations Manager Erich Pfuehler stated AB 2193 removes some regulatory barriers for small scale environmental restoration projects. AB 2193 would streamline the permitting process associated with watershed ecosystem restoration projects which are less than five acres in total size and are proven to be environmentally beneficial.

Staff indicated this program could help in urban creek, Bay shoreline and Delta restoration projects.

AB 2193 also would create a habitat restoration enhancement account to help underwrite some of the costs for these programs in both public and private settings. Houston commented that he doesn't think this provision will stick because there is opposition by Governor Brown to fund new programs. Pfuehler said there is an expectation that some private money, whether it be from foundations or other entities, would contribute to the fund. This bill would make it easier for volunteer groups to complete small scale restoration projects with private money.

Director John Sutter asked if it was assumed that these properties would be acquired by nonprofits, by gifts, or land trusts. Houston speculated that it is primarily for the land trust community although it should not preclude the District from utilizing the program.

The Legislative Committee of the Board voted unanimously to support AB 2193.

3. ACR 96 (Olsen R-Merced) – The 150th Anniversary of the California State Park System

This measure would recognize the 150th anniversary of the California State Park System and would urge all Californians to join in celebrating this important anniversary.

The Legislative Committee of the Board voted unanimously to support ACR 96.

B. ISSUES

1. Drought Relief

Houston reported \$650 million dollars have been identified for immediate use to try and create new water capacity in the State of California. This is not new money, but funds that were available through previous water bonds including Propositions 50 and 84. Of the identified monies, \$472 million dollars are set aside for the Integrated Regional Water Management Program. Of the \$472 million, \$200 million was already slated to be spent later this year, but the release of these funds has been expedited for immediate use. Grants Manager Jeff Rasmussen stated the District has submitted five applications in this category. Rasmussen commented there is \$72 million for the Bay Area watershed.

There is \$13 million dollars set aside for the local California Conservation Corps for water efficiency and fire fuel reduction programs. Rasmussen added the California Conservation Corps in Napa has provided the District four months and \$200,000 worth of free work for fuels management. Sutter inquired about the Student Conservation Association.

Rasmussen added they are a non-profit and did not receive the state funding. There is also \$20 million dollars of Cap and Trade revenues which will be administered by the Department of Water Resources for water use and energy efficiency. The District is exploring the possibility of installing solar panels for water pumping purposes at reservoirs.

The Committee discussed working with the local California Conservation Corps. Houston said it would be desirable for the District to partner with them on good conservation projects. Director Whitney Dotson inquired if the California Conservation Corps mostly works in fuel reduction. He wondered if they have any involvement in wetlands restoration. Houston replied that the State Corps does many different types of conservation projects.

2. SB 1183 (DeSaulnier D-Concord) – Local Bike Infrastructure Enhancement Act of 2014

Houston reported he worked closely with Senator DeSaulnier's office on SB 1183. The bill is intended to provide a funding mechanism for the maintenance, operations and improvements to paved and natural surface trails. Originally, the concept for the bill was a point of sale surcharge on bicycles. It could be a percentage of the sale, or a flat surcharge of ten dollars per bike.

Originally, SB 1183 would authorize the District to go to the voters and ask them for their approval to assess a point of sale in the amount of \$20 dollars per bike. SB 1183 would be a local authorization, not statewide and would take a majority vote in the legislature, 2/3rds within the jurisdiction.

The bill was scheduled for a hearing two weeks ago, but there was push back from the retailers and the retail association. They are a formidable force in Sacramento and have convinced the chair of the Governance and Finance Committee, Lois Wolk, that a different tack needs to be taken. She has made it clear the point of sales tax proposal would not pass in her committee. Houston met with some of the stakeholders to discuss an alternative way to collect revenues for bike infrastructure improvements. Houston suggested a vehicle registration surcharge. It means that each time a vehicle is registered, there would be \$2, \$4 or \$5 added specifically for bike infrastructure improvements. For every vehicle registered in the District's jurisdiction, there would be \$1 to \$5 dollar increment of this surcharge.

Senator DeSaulnier will be advancing the vehicle registration proposal instead of the point of sale bike surcharge. SB 1183 will still need the 2/3rds vote within the local jurisdiction and majority vote within the legislature. There are approximately 2 million registered vehicles in the District's jurisdiction, so a \$1 dollar add-on could generate about \$2 million dollars and take care of a lot of trail maintenance throughout the District's trail network.

Houston commented there is likely to be opposition from Howard Jarvis Taxpayers Association and possibly new car dealers.

Sutter asked who, besides a regional park district, can bring a measure forward to the voters. Houston said a city or county. Sutter asked could the City of Oakland, County of Alameda and Park District all pass the surcharge proposal. Houston said yes.

Houston continued the bicycle groups were not in support of bike sales tax. They believe using bikes as a form of transportation should be incentivized and not taxed. They will, however, support the new revision from a bicycle tax to a vehicle registration fee.

The Legislative Committee of the Board voted unanimously to support SBI 183.

3. **SB 1086 (de Leon D-Los Angeles) - The Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2014**

Houston reported SB 1086 is a placeholder for a new state park bond. There is no money ascribed to the bill at present. It simply represents a host of funding programs seen in previous resource bonds. Two weeks ago, General Manager Robert Doyle was invited to be the lead Northern California witness while Senator de Leon represented Southern California. Doyle testified in front of the Senate Natural Resources and Water Committee. SB 1086 was forwarded on by the Assembly Committee on Water, Parks and Wildlife with a vote of 7 to 1 on April 8.

Houston commented the challenge with advancing SB 1086 is a Park Bond is being viewed as competition to the existing Water Bond. There are also some programs and funding opportunities in the Water Bond that might be duplicative of what is proposed in SB 1086. In addition, there is urgency from the Governor associated with the Water Bond. Senator de Leon, in his position as the prospective Pro Tempore, is being very deferential to his members and wants to make sure the Water Bond advances appropriately. He does not want to undermine those efforts by virtue of a Park Bond.

The hope is to see a Park Bond on a future ballot. If not in 2014, at least by 2016. They expect to begin polling next month to test the voter threshold for a Park Bond.

Director Doug Siden asked if per capita was included in the de Leon legislation. Houston replied SB 1086 contains a per capita. It doesn't specify how it will be administered, it doesn't have an amount, but it has a per capita. SB 1086 could have \$400 million dollars for statewide per capita distribution and then a separate \$100 million dollar set aside for heavily urbanized agencies which would include the Park District. Sutter asked if that figure was statewide or just the two East Bay counties. Houston said statewide. Every state agency that operates parks would be entitled to a sum of money. Generally there are minimums, so every entity would receive something. He added in Prop. 40 there was \$350 million per capita statewide and the District received \$6 million. Sutter asked what about agencies which operate state parks. Houston said those funds would go through state parks under a competitive grant program for regional park agencies. Sutter asked what the overall bond dollar amount would be. Houston said the current thinking is \$3 billion state wide.

Siden asked for an update on the Water Bond. Houston stated the \$11.2 billion package is still on the ballot. Republicans want \$3 billion for storage in any new Water Bond. Siden asked if water storage is in the current bond. Houston said yes. Sutter asked if any of the proposals include money for the tunnels. Houston said no.

II. FEDERAL LEGISLATION / ISSUES

A. NEW

1. **S. 2016 (Feinstein) and H.R. 4239 (Huffman) – Western State Emergency Drought Relief Act**

Pfuehler reported while staff and Board members were in D.C. they spent some time advocating in support of Senator Feinstein's bill to provide funding for drought disaster relief. Included in the original package was money for FEMA to provide emergency resources for pre-disaster mitigation including fuels management work. The District thought it would be a good opportunity to prioritize projects in the urban-wildland interface, like the Oakland hills. Upon returning from D.C., the Senator changed her bill and took out the \$300 million in emergency funding because she didn't have the 60 votes she needed to pass it in the Senate with the new additional dollars included. The bill now removes some cost-share agreements for the Bureau of Reclamation, provides some resources for Lake Mead to make sure it is full and some other bureaucratic measures to move existing funding more quickly. It is a much less compelling bill for the District. In addition to what's in the bill, there have been some headlines relatively recently where the Senator has stated she's willing to do more to ensure that the agricultural interests in Southern California receive the water they need for this year's growing season regardless of the risk to the Delta smelt and other fish.

Pfuehler recommended this bill be watched to see if it evolves beyond where it is now.

Dotson inquired what other actions could be done to protect the fish. Pfuehler responded the District could continue to advocate in D.C. on S. 2016, but it might be prudent to advocate with Senator Boxer because she'd be more sympathetic to making sure those protections remain. On the original version of S. 2016, Boxer was a co-sponsor. Pfuehler pointed out the National Resources Defense Council will fight S. 2016 if Senator Feinstein goes too far.

Sutter suggested letters be written to both Senator Feinstein and Senator Boxer expressing the District's opposition.

The Legislative Committee of the Board voted unanimously to watch S. 2016.

2. **H.R. 956 (Kind D-WI) Personal Health Investment Today (PHIT) Act of 2013**

H.R. 956 allows a medical care tax deduction for up to \$1,000 per individual and \$2,000 per married couples. The deduction is placed in a medical savings account and can be used for anything that promotes physical activity for your health. Gym membership and recreational programs would qualify. It is a fairly unique way to provide a financial incentive for people to stay active. NRPA supports H.R. 956.

Dotson agreed it is positive to reinforce healthy behavior. Pfuehler said he felt H.R. 956 is the kind of legislation that could have bi-partisan support.

The Legislative Committee of the Board voted unanimously to support H.R. 956.

B. ISSUES

1. Land and Water Conservation Fund Competitive Grant Program

Pfuehler reported Doyle testified two-years ago in front of a U.S. House Subcommittee in support of a national competitive grant program within the stateside portion of the Land and Water Conservation Fund. For the first time this year, the Department of Interior decided to fund that program at \$3 million dollars nationwide. They have indicated they would probably award about six grants throughout the country. They have made it clear they want those grants to be with traditionally strong partners. The District is in a solid position to compete, particularly while Rep. George Miller is in Congress, as he would likely support a grant request if it were in his district. Although these funds can't be used for planning money, the District will find a project that can be targeted for this funding. Pfuehler also reported that D.C. Legislative Advocate Peter Umhofer is working to ensure that special districts remain eligible.

2. Outdoors Alliance for Kids

Pfuehler stated the District presented the Kids Healthy Outdoors Challenge information to the National Park Service (NPS) in D.C. NPS staff suggested the District get more involved with the Outdoors Alliance for Kids (OAK). OAK is a partnership of environmental groups, outdoor industries (i.e. YMCA, Heart Association, REI, The North Face) that are trying to draw more attention and pool resources for activities like outdoor education, health and wellness, environmental stewardship. Pfuehler indicated he is in the process of getting all the details of what will be required to participate and what the benefits would be. Membership dues are \$100 dollars and partners have to participate in two conference calls per year.

Pfuehler commented there is a value in being associated with companies like REI, The North Face, and some of the other environmental groups supporting this effort, so it could be a great opportunity for the District.

3. Centers for Disease Control and Prevention (CDC) Healthy Communities Program

Pfuehler reported the meeting with CDC staff was good, but the Community Transformation Grant (CTG) program has been discontinued. The District's CTG application in 2012 was accepted, but not funded because of the challenges with the Federal budget and government shutdowns. A new grant program has replaced it called the Healthy Communities Program. The Program works with communities through local, state and territory, and national partnerships to improve population-based strategies that reduce the burden of chronic disease and achieve health equity. Currently, 331 communities and 52 state and territorial health departments have been funded. CDC will be allocating \$80 million toward Healthy Communities grants this year. CDC staff said the District could repackage their prior CTG grant and apply. The criteria and request for proposal (RFP) have not been released so it is uncertain if the District will be able to apply.

Pfuehler cited the only open grant is a \$250,000 program for New England, but staff will continue to track the status of future RFPs. This grant deals more with lower income seniors who live in housing developments that are somewhat unhealthy.

Sutter commented the City of Richmond might be eligible for this type of grant, but the District probably isn't the right agency to apply for this. Pfuehler said there is a movement funded by the California Endowment in which Richmond is included. The Endowment's Healthy Communities initiative takes a holistic approach, from schools, to parks to transportation, to health in all policies.

Dotson suggested the District work a little more closely with the Health Departments for both Alameda and Contra Costa counties. Dotson continued that CDC received a lot of direction from the American Public Health Association. CDC's program guidelines will probably evolve out of the American Public Health Association.

4. Department of Labor 21st Century Conservation Service Corps

Pfuehler said the Department of Labor staff proposed the District consider the 21st Century Conservation Service Corps (21CSC) as a way to address job training needs. Their charter calls for them to develop "National Partnerships to support 21CSC." The Partnership supports the development and implementation of the 21CSC to reach its goal of engaging 100,000 young people and veterans per year in conservation service. Secretary of the Interior Sally Jewell strongly supports this program. She has raised private money to fund placing youth and veterans into conservation corps. Secretary Jewell has raised about \$1.2 million so far, but her goal is \$10 million dollars. Agencies are invited to participate. It may be something in which the District should participate. The program does, however, assume the participating agencies will match private dollars given with operational supervision and maintenance. If the Park District takes on a Corps crew, it will take on the expense of the supervision and management of their project.

III. DISCUSSION ABOUT LOCAL BALLOT MEASURES

Pfuehler informed the Committee there are five measures of interest and two measures in need of direction.

Sutter inquired if there is a policy about when the District gets involved with ballot measures and when they don't. Pfuehler replied most measures brought before the Committee deal with land use and transportation. The District is becoming active in health issues, so measures pertaining to health have also been considered. Pfuehler stated it might be a good idea to consider having an overarching criteria or policy that the District adopts.

Masonic Home Initiative

Interagency Planning Manager Larry Tong contacted the Union City Clerk to discuss the initiative and inquire whether the city had requested their staff to prepare an analysis. As of today, the city has not requested an analysis, which is a little bit unusual. In many cases, the city council requests a 9212 report (a reference to the elections code section). The city typically asks staff to prepare an analysis of how the initiative might affect its finances, general plan, and how it impacts parks and open space. At this point the City Council of Union City has not asked for such a report.

The initiative is vague and does not identify the amount of development, nor does it identify the site location of any proposed development. There are 63 acres adjacent to Mission Blvd. A small portion is immediately adjacent to the May Road entrance to Grain Regional Park. The initiative does not identify what the immediate effect would be on the District.

The property the Land Division would like to acquire to improve the May Road entrance will potentially still be available should the measure pass.

There is an interest at the staff level to make sure the Board is aware of the initiative before making any decisions, but there should be a thoughtful discussion if this action went on the ballot.

Sutter wondered if it was in the District's best interest to take a position on this initiative or to remain neutral. The committee agreed that there should be no position taken.

City of Alameda

Pfuehler reported the Friends of Crown Beach exceeded their required 4400 signatures and intend to file shortly after Earth Day. Their initiative would re-zone the GSA property to open space. The Committee discussed waiting until the initiative was certified before a position is taken.

Dublin Open Space Initiative and Let Dublin Decide

Pfuehler reported these are dual efforts to influence what will happen in Doolan Canyon. The Dublin Open Space Initiative allows the voters to eliminate a planned housing development, and the Let Dublin Decide allows the voters to approve the development. The Open Space Initiative is supported by Save Mount Diablo, Sierra Club, etc. As a competing measure, the former mayor and one of the developer companies have been circulating the Let Dublin Decide Initiative. They are still in the process of collecting signatures, so it is not known if they both will end up on the ballot.

Tong said his understanding is the Open Space Initiative would put an urban limit line on the existing city limit and Doolan Canyon would remain outside of that line. The Let Dublin Decide Initiative would allow the urban limit line to include Doolan Canyon and make it possible for 2000 dwelling units to move forward as identified by a general plan amendment through the City of Dublin.

The Legislative Committee of the Board voted unanimously to watch measures Dublin Open Space Initiative and Let Dublin Decide.

Alameda County Essential Health Services Taxes

Pfuehler reported the Alameda County Essential Health Services Taxes will be on the June ballot. It is basically a fifteen year extension of a sales tax that funds county health services including Highland, Alameda and San Leandro hospitals. The Board of Supervisors has decided to put a twenty year extension on the ballot for this June. Alameda County Supervisor Nate Miley, who is the chair of the committee to renew the tax, has sent a letter to Doyle asking the District to support. Director Ayn Wieskamp asked for this to be brought forward to the Legislative Committee in advance of the May 6 Board meeting. If the Board wants to take any kind of action prior to the June election, there must be a vote in the May 6 Board meeting.

In the materials sent to Doyle, the committee to renew the tax stated the program is going well, they have some results, and they have transparency measures to show they are spending the money wisely.

The Legislative Committee moved unanimously to support the Alameda County Essential Health Services Taxes measure and to put it on the May 6 Board meeting agenda.

Rodeo-Hercules Fire District parcel tax

The District, as a land owner in the jurisdiction of the Rodeo-Hercules Fire District, has the opportunity to cast a ballot in the assessment election; it's a mail ballot. General Counsel and Finance wanted to bring it before the Board Legislative Committee for a recommendation about how to vote on the assessment. In 2002, the District was asked to pay this parcel tax. District Counsel and Finance staff contested the assessment because the District properties were not developed and the District has its own fire suppressions services. It is not clear there is any direct benefit to this measure passing, although any additional fire support is usually a good thing. There would be a financial impact to the District in paying the assessment. In the last go around the District was being assessed the equivalent of a business. It's hard to justify the District's assessed amount being the same as a house, a business, or a condo because there are no structures or development on the property.

Sutter inquired what amount the District would need to pay. Rasmussen stated in 2002 it was \$440.00 per parcel and the District had six parcels. Rasmussen said he took a quick look at the engineer's report for this program, and it looks like open space may be charged as little as three cents per acre.

Assistant District Counsel Carol Victor mentioned this is a Prop 218 assessment so government entities can't be exempted from this property related fee. It does look like the rate is very low for open space and District Counsel will research how it will affect Park District property.

The Legislative Committee of the Board voted unanimously to put the matter of the Rodeo-Hercules Fire District assessment on the May 6 Board meeting agenda.

Sutter wanted to make it clear that the reason the Board Legislative Committee is not making a recommendation is because there is currently not enough information to do so.

IV. PUBLIC COMMENTS

None.

Respectfully submitted:



Erich Pfuehler

Government Relations and Legislative Affairs Manager