

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 4, 2014

C. BUSINESS BEFORE THE BOARD

6. BOARD COMMITTEE REPORTS

b. (Legislative 5.16.14) _____ (Sutter)

The Legislative Committee met at District headquarters on Friday, May 16, 2014.

Present: Directors: John Sutter, Whitney Dotson (Alternate)
Staff: Erich Pfuehler, Dave Collins
Consultants: Doug Houston, Houston Magnani and Associates
Public: Bruce Kern

I. STATE LEGISLATION / ISSUES

A. NEW LEGISLATION

1. AB 1799 (Gordon D-Menlo Park) – Endowment Exemptions for Public Agencies for the Long-term Stewardship of Mitigation Properties

Legislative Advocate Doug Houston reported Santa Clara Valley Water District is sponsoring AB 1799. When a public agency receives mitigation property, or sets aside mitigation property for purposes of development within the agency, they are required to establish endowments for the operation and management of the property in perpetuity. AB 1799 seeks to relieve local agencies from this obligation. The primary opponent is California Council of Land Trusts which represents the non-profit agencies that also accept, operate and manage mitigation lands. The exception would not apply to non-profits because they rarely have the fiscal operational capacity local agencies have.

Government Relations and Legislative Affairs Manager Erich Pfuehler commented it's an effort for agencies like the District to free up additional money for other operational expenses rather than being perpetually tied up in an endowment. The land trust community worries that public agencies would let property go fallow or not be maintained. Assembly Member Gordon has since added language to safeguard against this unlikely possibility. The safeguard is triggered if the public agency's credit rating is downgraded or if the agency fails to provide adequate stewardship. Should either circumstance occur, the state or local agency enforcing the mitigation requirement may require the posting of collateral in the form of a performance bond, escrow account, casualty insurance, letter of credit or other appropriate instrument. Pfuehler stated the reality is public agencies are going to manage mitigation property regardless of an endowment. He believed this would be a positive bill for the District.

The bill is supported by the California Special Districts Association, Midpeninsula Regional Open Space District, Open Space Authority Santa Clara Valley and the Contra Costa Water District. It has been opposed by the California Council of Land Trusts, Environmental Defense Fund and the Natural Resources Defense Council.

In deference to the California Council of Land Trusts, the Legislative Committee of the Board voted unanimously to watch AB 1799.

2. ACR 130 (Rendon D-Lakewood) – Parks Make Life Better! Month

Houston stated this is the California Park and Recreations Society's (CPRS) annual resolution declaring July 2014 as "Parks Make Life Better!" Month. CPRS is urging support from all its member agencies for this resolution.

The Legislative Committee of the Board voted unanimously to support ACR 130.

B. ISSUES

1. Governor's May Budget Revise

Houston reported he didn't see much in the Governor's budget that would have direct impact on the District. There is a little bit of an increase in the Active Transportation program, some money for State Parks, and there may be some new funds in the Resources budget for drought relief. In general, the budget has a surplus of between \$4 and \$5 billion. The Governor's revise reflects his significant commitment to paying down the \$340 billion "wall of debt" in addition to the "rainy day fund." The Governor would like to set aside 10% of the General Fund as a reserve "rainy day fund." This proposal was approved by the legislature and will be on the November ballot. Money needs to be directed to Medi-Cal caseloads because of the Affordable Care Act. New Medi-Cal enrollments have increased 30%. Also, in light of Toyota's exodus from Torrance and some other smaller companies, the Governor is setting aside \$750 million in tax incentives for job and business retention in the state.

Board Member John Sutter asked if there were any changes to State Parks. Houston replied the January budget had a one-time allocation of \$40 million to State Parks to help address their backlog of deferred maintenance. The Legislature, through AB 2150 (Rendon), is attempting to encourage prioritization of how State Parks intends to spend the money. AB 2150 also creates a new division within State Parks. It is called the *Community Initiatives and Outdoor Recreation Division* which is asking State Parks to get more involved in urbanized settings and become more relevant to the changing demographics of California. Board Member Whitney Dotson suggested one of the focuses should be providing transportation and information on how the public can access transportation to parks. Houston mentioned within the context of advancing a new Park Bond, there has been discussion about creating a program to aid or assist urban youth to access outdoor experiences.

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

SB 1086 is a placeholder for a Park Bond. It was heard in the Senate Natural Resources Committee last month. General Manager Robert E. Doyle was a key witness. The bill

passed the committee 7 to 1. It then went to the Senate Governance and Finance Committee and obtained a support vote of 5 to 2. It has been placed on the Suspense File in Appropriations. The bill remains in a skeletal form; it just talks in generalities about some programs and doesn't have any dollars attached. A statewide poll will be sent out soon to see what the voters' tolerance is for a park bond. Results should be ready in about 3-4 weeks.

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

SB 1183 is the District's sponsored bill for bike infrastructure funding. It passed the Senate Transportation and Housing Committee by a vote of 5 to 2 and is currently in Senate Appropriations. Doyle testified before the committee as a lead witness. SB 1183 essentially authorizes cities, counties and regional park agencies to impose a surcharge of up to \$5 dollar per vehicle registration. Cities and counties, and some in the bike community, are asking that modifications be made to SB 1183 to expand its applicability beyond trails. It would require 2/3rds vote of the local population to secure the revenues. If passed, the DMV would have to modify their registration forms in the applicable community to reflect the add-on amount.

Every dollar in surcharge revenue for the East Bay would amount to about \$2 million annually for bike infrastructure improvements. Sutter asked if these monies would have to be shared with the county or city. Houston replied no, but Senator DeSaulnier would like the District at some point to work with the county transportation agencies. One of the Senator's priorities is connectivity. If the District is ultimately the agency that imposes the fee, the Senator would like the District to work with the local communities to create more of an integrated continuous bikeway system.

Pfuehler commented Senator DeSaulnier and Doyle discussed SB 1183. The Senator questioned if a Metropolitan Planning Organization (MTC in the Bay Area) could run the ballot initiative. The concern Doyle has is if MTC were to administer the funds, the money would disappear and not trickle down to the District. Pfuehler said the District has to work with the author to address the connectivity issue without losing control over how the money would be directed. A 5% limit will be added into the bill for administrative costs. The District would have to pay the Registrar of Voters to put it on the ballot.

4. Other issues

Pfuehler commented the May revise of the budget was remarkably agreed to by both sides. Houston reported the new Assembly Speaker is Toni Atkins (D- San Diego). The leadership change in the Senate will happen after the budget is completed and adopted. Senator Kevin de León (D- Los Angeles) is expected to become the next Pro Tempore of the Senate

Houston mentioned with three fewer Democratic Senators it will be a challenge to get a 2/3rds vote on a revised Water Bond. The \$11.2 billion Water Bond is still slated to appear on the November ballot. It does not include anything specific for the Bay Delta Conservation Plan, but many of the provisions, forged five years ago, are obsolete. It is not a perfect measure, but there are some good things for the District in it. What is not in the bond is funding for conservancies. There is no money for the Bay Area program

administered by the State Coastal Conservancy. It was quite intentional and meant as a punishment to the Northern California Legislators.

II. FEDERAL LEGISLATION / ISSUES

A. NEW

1. **H.R. 188 (Kaptur D-OH) – 21st Century Civilian Conservation Corps Act**

This is an effort by Representative Marci Kaptur who represents an area in Ohio that had a lot of unemployment during the recession. H.R. 188 sets out to revise the concept of the Civilian Conservation Corps. It has been introduced for quite a while and its prospects of passage aren't very good in this Congress. Pfuehler stated when Secretary Sally Jewell was in town she talked with Doyle about the 21st Century Conservation Service Corps. This is an effort to duplicate what the Kaptur legislation is trying to do at the Administrative level. The Department of Interior is trying to generate private funding to pay for it. Jewell has received pledges from American Eagle, CamelBack, and other corporation's to provide funding to reach the goal of 100,000 students and veterans signed up in the program.

The District would like to participate in this program. If the Department of Interior secures enough money sponsor crews, they will need places to send them and projects on which to work. If the District could afford to supervise it, there would be plenty of work (i.e. trails maintenance, fuels management). The idea behind supporting this legislation is two-fold; to support the concept in Congress and to share that correspondence with the Secretary. It would let her know the District is engaged and could lead to opportunities to work with her. This legislation is also consistent with the District's history and current job training needs.

The Legislative Committee of the Board voted unanimously to support H.R. 188.

2. **H.R. 750 (Thompson D-CA) Congressional Gold Medal for Stewart Lee Udall**

Pfuehler reported H.R. 750 was introduced by Representative Mike Thompson to provide a Congressional Gold Medal to Stewart Lee Udall. The Gold Medal is in recognition of his contributions to the Nation as a hero for the environment, a champion for conservation, a civil right activist, a Native American crusader and an advocate for the arts. There is bi-partisan support for this legislation so it is possible H.R. 750 will move forward.

The District took the unprecedented step of contracting with former Interior Secretary Udall's firm to facilitate the development of its Master Plan in 1973. Given the District's history with Stewart Udall – and that the sponsor of the legislation now represents portions of the District near Martinez, Crockett and Hercules – it would be appropriate to support this legislation.

The Legislative Committee of the Board voted unanimously to support H.R. 750.

B. ISSUES

1. **Update on NRPA debrief**

Pfuehler reported the Water Resources Development Act passed and the language allowing the District to take on the responsibility of the Oakland Inner Harbor Canal was approved. The language to declassify the Lower Walnut Creek Watershed was also included. This will

give Contra Costa County Water Flood Control the ability to work with the District on an alignment for the Iron Horse Trail. The Innovative Financing provision was included, which is a way to provide revolving loan money for projects related to water quality, water adaptation to climate change, and perhaps useful to the District for Crown Beach sand restoration.

Pfuehler added the District made an offer to Senator Feinstein's State Director to tour the Gateway and GSA properties. In discussions with Feinstein's D.C. staff person, he recommended the District invite Feinstein's California State Director Sean Elsbernd to tour those facilities.

Grants Manager Jeff Rasmussen and Pfuehler continue to look for a request for proposal (RFP) from the Land and Water Conservation Fund Competitive Grant Program. The criteria recommended by the Department of Interior are being reviewed by Congress. It is speculated there will be modifications, so the RFP has not been released. Until the guidelines are known, the District can't zero in on a specific project. Pfuehler stated the program is looking for five or six projects, \$500,000 per project, with partners that have good track records. When staff met with the Department of the Interior they were encouraged.

2. Other issues

AGM Dave Collins mentioned there is a concern about obtaining additional funding for Quagga Mussel prevention. In order to receive the money, the District may have to get a resolution passed by the County Board of Supervisors. The District is trying to seek acknowledgment that it is a government agency with its own elected entity, and should receive the funds with just a simple resolution from its own Board.

Pfuehler added this concept also relates to Plan Bay Area. Currently, there is some discussion on priority conservation areas and how they get designated. Because ABAG has a strong role in this process, they are looking to have a provision that requires a city resolution of support for designating a priority conservation area.

III. PUBLIC COMMENTS

None

Respectfully submitted:



Erich Pfuehler

Government Relations and Legislative Affairs Manager