

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 4, 2014

C. BUSINESS BEFORE THE BOARD

6. BOARD COMMITTEE REPORTS

c. (Legislative 6.20.14) _____ (Sutter)

The Legislative Committee met at District headquarters on Friday, June 20, 2014.

Present: Directors: John Sutter, Ted Radke, Doug Siden
Staff: Erich Pfuehler, Robert E. Doyle, Larry Tong
Consultants: Doug Houston, Houston Magnani & Associates
Public: N/A

I. STATE LEGISLATION / ISSUES

A. NEW LEGISLATION

I. AB 2150 (Rendon D-Lakewood) – Establishes a new State Parks Division of Community Initiatives and Park Access

Advocate Doug Houston reported AB 2150 is authored by Anthony Rendon (D-Lakewood), Chair of the Assembly Water, Parks, and Wildlife Committee. AB 2150 pre-anticipates some of the recommendations being generated through the Parks Forward Commission. AB 2150 intends to create a new division within State Parks called the Division of Community Initiatives and Park Access. The theory behind creating this new division is the concern that State Parks is losing touch with the changing demographics of the state, particularly in urban and disadvantaged rural areas. In order to remain relevant with these growing demographics, State Parks need to be more involved with communities of color throughout the state.

AB 2150 also requires a modernization of Department of Parks and Recreation's (DPR) antiquated fee and data collection systems. It further requires State Parks to look at its backlog of deferred maintenance projects and prioritize them. AB 2150 will extend the moratorium on state park closures for an additional year.

Director Ted Radke asked if State Parks plans to shift existing employees or hire new staff for the proposed Division of Community Initiatives and Park Access. Houston stated they would likely draw internally from existing staff. The bond dollars State Parks have been using and administering over the last ten years have dried up. Consequently, the workload associated with those bond dollars has begun to dissipate. General Manager Robert E. Doyle commented this will be more work for State Parks without any new resources. Staff may not have the expertise to look at all infrastructure issues. He added he didn't think State Parks fully realizes how bad their infrastructure is or what the true cost of replacement will be. Houston added DPR estimated \$17 million and the consultants pinned

it at \$6 million. Director Doug Siden stated it was probably pre-mature to create a new division. He also mentioned the critique of Parks Forward by John Woodbury, General Manager Napa County Regional Park and Open Space District. Director John Sutter mentioned he was inclined to support the effort, but concluded it might be premature to take a position.

The Legislative Committee of the Board voted unanimously to watch AB 2150.

2. **SB 1021 (Wolk D-Davis) – Variable Rate Parcel Taxes for School Districts**

Houston stated last year a piece of legislation was introduced by Assemblymember Rob Bonta, AB 59, which tried to overturn a court case, Borikas v. City of Alameda. The Borikas decision negated differentiated tax rates for residents and businesses in the City of Alameda. The way the City's school parcel tax was structured residential units and commercial spaces were assessed at different values. The schools didn't have explicit taxing authority to establish differential tax rates. Park District Counsel is concerned the ruling establishes a very negative precedent and could potentially have an impact on Measure CC renewal if the District cannot apply different rates to residential units.

Houston spoke with the author's office to amend SB1021 to apply to all agencies. The author's office holds the opinion the District currently has the authority to impose differential rates through previous legislation. Her office believes schools do not have the authority and they are seeking to remedy the situation for schools. Sutter asked if the staff person was an attorney and wondered if District Counsel should speak directly with him. Houston added 20 years ago, when there were some revisions in tax law, the law specifically allowed the District to impose differential rates for unimproved property versus improved property. It was suggested by Government Relations Manager Erich Pfuehler the District work with the California Special Districts Association (CSDA) to amend SB 1021. Houston stated the Senator is having a challenge getting the bill through even in its current form. Sutter wondered if the League of Cities would help. Houston stated he would check with CSDA, the League of Cities and the association of counties.

The Legislative Committee of the Board voted unanimously to work with CSDA and others to amend SB 1021.

B. ISSUES

I. **State Budget**

Houston reported the \$156.3 billion State Budget was signed by Governor Brown. A \$1.6 billion rainy day fund was included in anticipation of future downturns. In addition, \$400 million was added to CalStrs, some debt payment on general obligation bonds was accelerated, and some increases for pre-school expansion for low income families. The Governor was successful in dedicating 25% of all future proceeds from Cap and Trade auction for the high-speed rail project. This projects out to about \$250 million annually for high-speed rail. In addition, for this year an additional \$400 million of Cap and Trade proceeds will go to high-speed rail.

Doyle stated both the environmental organizations and the Republicans are upset that the Governor is putting 25% of Cap and Trade, which is supposed to go for clean air and carbon reduction, into high-speed rail.

Sutter asked if the 25% of high-speed rail was locked in for the future. Houston said yes and explained the budget breakdown of Cap and Trade: 25% for high speed rail; 20% for sustainable communities (affordable housing); 10% for transit operations in inner cities; 5% for low-carbon transit operations; and 40% subject to an annual appropriation and programming through the legislature.

Houston continued there might be opportunities for funding for parks, money for urban forestry, CEQA, fire suppression, and land acquisition. Siden asked where would be the best opportunity for the District. Houston thought there might be some funding available through the Sustainable Communities/Affordable Housing section, but the bulk of funding for which the District can compete will come through the 40% annual appropriation. With the election of Kevin de León as Pro Tempore of the California Senate there is an opportunity for money for disadvantaged communities in the form of park projects, greenways and non-motorized trails.

Sutter wondered if there would be acquisition money from Cap and Trade. Doyle said possibly if it can be shown the land would otherwise be developed for housing. Sutter asked who decides. Houston answered the legislature and various departments. Radke asked who allocates the money. Houston stated the Sustainable Growth Council.

The California Energy Commission will be allocating funds for weatherization. Some percentage of those funds will go to the Resources agency. There is also \$30 million dollars earmarked for wetlands restoration, mountain meadow restoration, and watersheds.

Doyle reported State Parks has committed \$3.9 million dollars in existing Prop 84 funding to assist in the development of the Brickyard at the McLaughlin Eastshore State Park.

2. Parks Forward Update

Doyle reported Parks Forward has drafted a long-term plan for the State Park system. They have spent \$3.5 million on consultants and public hearings throughout the state. The report emphasizes partnerships and having more flexibility within the DPR to cooperate with partners; more like equal partners instead of the current tenant/landlord relationship. The most controversial item is the creation of a statewide conservancy. The statewide conservancy is being described up as a public/private partnership. There would be private philanthropic funding, and there would be public funding. It is unclear what authority they would have vis-à-vis the State Parks Director. Doyle expressed concern about how the public would perceive this concept; would the funding be comingled, what's the transparency on the public side? The intent is to raise a lot more money, have the ability to be more entrepreneurial and innovative, and less bureaucratic. It seems to be the model of the Golden Gate Conservancy, but with more clout. Sutter asked about the role of the State Parks Foundation. Houston responded the Foundation thought the statewide conservancy could be a threat. Sutter also stated the model sounds more private than public; it is a business model. Doyle added accountability is an issue. It is also unclear what role the conservancy would have in a new park bond. For example, would they be the granting agency rather than DPR? There are a few additional Parks Forward hearings scheduled, a redrafting of the plan, and then in November the commission sunsets.

In the midst of the Parks Forward Commission's work, Major General Anthony Jackson departed as Director of the Department of Parks and Recreation after only 18 months of service. The Parks Forward Commission will likely play a role in recommending his replacement.

3. Park Bond Update

Houston reported Senator Kevin de León hosted a joint informational hearing in Los Angeles on June 6 about a possible park bond. The audience at the hearing and those testifying were mostly non-governmental organizations. There were not many actual park and recreation managers or agencies in attendance.

At present, the park bond is in a holding pattern as the legislature and governor determine the future of the water bond. Senator de Leon has promised not to advance a park bond effort until there's some resolution on the water bond. Polling has consistently indicated the price tag associated with the current water bond is a concern. That opinion is softening a bit, in light of the drought, but not much. The latest proposal advancing through the legislature has about a \$10.5 billion price tag, which is not much of a reduction from the current \$11.14 billion measure. There is also concern from some environmental groups the water bond will pay the mitigation for the tunnels. Doyle stated the pain of conserving during this drought will likely improve support for the water bond.

Houston said they are in the process of putting together a survey on the park bond that will be circulated in the near future. Sponsors of the poll include California Park and Recreation Society, State Parks Foundation, Trust for Public Land, East Bay Regional Park District, and the Nature Conservancy.

Doyle stated he and Houston are working to get a coalition of park and recreation agencies to push for per capita. There has not been a traditional park bond in ten years. Local agencies have really suffered through the recession, so per capita funding is even more important now. Doyle stated Senator de Leon is urban centric and wants to see parks in urban poor communities. The District would like to make sure there are some things beneficial to large agencies as well.

Doyle indicated that Senator de León was the author of Prop. 84 grant application guidelines. The per capita is important as it guarantees some level of park bond funding for all districts, cities and counties. The Prop. 84 grant program did not meet that guarantee.

4. Water Bond Update

Houston said he is working with others to ensure there is money in the water bond for the Bay Area program. The latest draft of SB 848, which many consider has the most traction, has \$75 million for the Bay Area program.

5. Other issues – Please see attached election results memo

Pfuehler reported that this was not an election, but an important action by the Dublin City Council who voted 5-0 to establish an urban limit line. The competing proposal was sponsored by the developers. It would push the urban limit line further out toward Doolan Canyon. It is going on the ballot even though the Council voted to oppose it. It will be voted on in November.

Pfuehler stated Senator Corbett is 415 votes behind the second place challenger in her Congressional race. It is doubtful she will make it up, so it will be smooth sailing for Rep. Eric Swalwell.

Radke commented about the Environmental Labor Coalition meeting he attended. The members expressed concern about the constant attack on CEQA. The Planning Conservation League, as well as other environmental groups, has taken a lead role in trying to protect CEQA. Radke suggested the District speak with the Environmental Labor Coalition about this issue.

Sutter inquired about bills pending relating to reserve funds and school districts. His concern is the District could be impacted. Pfuehler said CSDA and the District will be watching this issue.

Sutter reported the San Francisco Bay Restoration Authority met this week and made the final decision to not put their measure on the ballot. Sutter reported Senator Feinstein told some of the Authority's members that she thought Silicon Valley businesses should pay to restore the South Bay and not taxpayers. Without her support, the Authority has limited fundraising ability. One of the commissioners brought up the Mid-Peninsula bond measure and how close it was, and that was a lesson that the Authority should be careful. Doyle commented that Mid-Peninsula's bond measure was very well funded and the election was tight. The polling results said there were 60% yes and 8% leaning yes. The Polling firm EMC Research said it could pass if there was significant funding.

Sutter said the San Francisco Bay Restoration Authority plans to target 2016 for a ballot measure.

II. FEDERAL LEGISLATION / ISSUES

A. NEW LEGISLATION – N/A

B. ISSUES

a. Possible Federal grant opportunities

Department of Labor Apprenticeships

Pfuehler reported the District had two grant opportunities. The Department of Labor (DoL) apprenticeship program grant announcement was recently issued: the \$450 million employment, labor and training grant program (funding opportunity number SGA-DFA-PY-13-10). The application deadline is July 7th and grants will be awarded to community colleges in every state. The program is a part of the Trade Adjustment Assistance and Community College and Career Training (TAA-CCCT) competitive grant program. They are looking for scalable apprenticeship projects that would be pilots to fund. In March, the District met with the DoL in D.C. The District informed the DoL of the job training needs of park professionals, and how it is a growing need. This could be an attractive grant proposal, but only community colleges are eligible to apply. The District will need to work on growing its relationships with community colleges in the East Bay.

Pfuehler stated a meeting has been set up with Peralta College, a discussion with Merritt College is planned and he has reached out to the Contra Costa College system. Pfuehler has been working with Operations AGM Jim O'Connor, under the General Manager's direction, to build relationships with the colleges. If the apprenticeship program continues next year, the District hopes to have a strong enough relationship with local community colleges that an application to DoL can be submitted. Sutter mentioned reaching out to Chabot College as well.

Centers for Disease Control (CDC) Partnership to Improve Community Health

Pfuehler reported the Community Transformation Grant program by the CDC was terminated. A new Partnership to Improve Community Health (PICH) grant program has essentially taken its place. The PICH grant program (funding opportunity number CDC-RFA-DPI4-1417) will fund and support a new 3-year, \$50 million/year initiative to improve health and reduce the burden of chronic diseases through evidence and practice-based strategies to create or strengthen healthy environments that make it easier for people to make healthy choices and take charge of their health. The District looked at ways to qualify and apply, but was unable to meet all the criteria alone. The good news is "park and recreation departments" are mentioned as part of the multi-sectorial entities encouraged to partner and apply. Staff reached out to both Alameda and Contra Costa County Departments of Health. AGM of Public Affairs Carol Johnson and Pfuehler met with staff at the Contra Costa County Department of Public Health. It does not seem a joint grant application is likely to move forward this year, but Contra Costa County Department of Public Health is interested in partnering with the District on future grants.

III. PLAN BAY AREA UPDATE

Sutter commended the staff and the Park Advisory Committee (PAC) for their work on Plan Bay Area. He continued by stating this is very good use of the PAC and there is an abundance of impressive talent providing good advice to the Board.

Pfuehler stated the environmental groups have been involved in this process. The Nature Conservancy, Greenbelt Alliance, and Bay Area Open Space Council have been pushing to get more inclusion of special districts in the next iteration of Plan Bay Area. Part of their effort was to write a draft letter to ABAG and MTC on behalf of special districts. Several reviewed the draft and felt it missed the mark. In particular, the draft letter agreed with the proposal that cities and counties would be required to pass a board resolution to nominate a priority conservation area (PCA). Pfuehler explained to the environmental groups that the District Board Members would not agree to be required to obtain a city or county resolution to nominate a PCA. Pfuehler submitted some comments to the environmental groups about their letter and informed them the District would send its own letter. The PAC ad hoc subcommittee provided some very valuable input into what should be included in the letter.

The four points the Park District made in the letter to ABAG President Julie Pierce were to:

- Ensure the District is independently eligible for PCA grants.
- Ensure the District does not need to seek a city or county resolution to either designate a conservation area, or apply and receive a PCA grant.

- Make the case that “hard-lining” PCAs can actually undermine the ability to ensure properties are protected for their conservation value in perpetuity.
- Work to move urban greening projects out of the PCA funding stream and into the Priority Development Area (PDA) funding pot which had much more money allocated to it than the PCA pot in the last Plan Bay Area effort.

Pfuehler has proactively reached out to ABAG staff, but has not received comments yet on the letter. Pfuehler has spoken to MTC Commissioner Amy Worth. She agrees with the concepts the District raised, but is in a tough spot as Chair of MTC.

Sutter asked for an overview to explain how this process evolved. Interagency Planning Manager Larry Tong gave the Committee a brief outline of the inception of Plan Bay Area.

In 1970, ABAG had the only adopted regional plan which included an open space component. The most significant part of the regional plan was the linkage it made between development and the natural environment. Since then, there have been other regional plans. BCDC has a 2007 Bay Plan which identifies open space and park provisions. The District has a master plan which highlights areas for open space and natural resource protection. Plan Bay Area was adopted in 2013 and identifies both priority development areas and priority conservation areas.

Plan Bay Area initially allocates \$10 million dollars for a priority conservation areas (PCAs) pilot program. The District has secured \$1.9 million from the \$10 million dollar pot. For the priority development areas (PDAs), Plan Bay Area allocates \$320 million dollars for the first four years of this plan. For the life of the plan, they allocate \$14.5 billion dollars for PDAs.

Pfuehler explained that out of the \$292 billion total of Plan Bay Area funding about \$230 billion is obligated directly to Federal Transportation projects, but there is a \$60 billion pot of discretionary funding. The realistic numbers for what would be possible for conservation is zero to \$60 billion. Clearly, not all of the discretionary money will be spent on conservation, but it should be more than the allotted \$10 million.

Tong stated in the iteration adopted last year, the District, along with other open space agencies, submitted a formal request for a 5% set aside of the \$60 million. ABAG and MTC jointly adopted the plan. BCDC and the Bay Area Air Quality Management District had very minor roles. In theory it was a four-agency joint effort, in reality, it was ABAG and MTC.

In the first go around in 2007-8 through the Focus Program, MTC and ABAG solicited proposals for PCAs. The District submitted the parks (and future parks) identified in the master plan. MTC and ABAG actually hard-lined areas where they thought the parks would be. Tong noted the District never hard-lines future parks. The Focus Program then went to the various local land-use jurisdictions and allowed them to veto the District’s proposals. For example, the District proposed a potential regional park in the Concord Naval Weapons Station area that was vetoed by the City of Concord because they felt the entire area should be identified as a PDA.

Tong added another consideration is the implementation process of the initial \$320 million dollars for PDAs during this current four-year cycle. For implementation purposes, the plan says the local congestion management agencies – Alameda County Transportation Commission and Contra Costa Transportation Authority – will allocate those monies. Alameda County was allocated \$63 million and Contra Costa County was allocated \$45 million. Plan Bay Area could have identified PCA funding as well within the \$110 million. In reality what they allocated for PCAs grants was zero dollars.

Pfuehler commented the staff of ABAG and MTC are looking at the next version of this plan. They have asked for input on how to design future PCAs, how to allocate money, and what should be the criteria.

Doyle said when he and Pfuehler met with MTC and others they were told this was new to them, a new concept. They don't currently have the support for allocating more PCA money at this time. It has been good, however, to tee this up for the future.

Pfuehler said through the deliberations of the PAC ad hoc subcommittee there was a strong emphasis on the tone of the letter being respectful. PAC members relayed ABAG and MTC staff reacted strongly to the initial 5% set aside letter signed by all of the Bay Area open space agencies. They viewed it as an overreach. In fact, the quote was "how dare they." Rather than hit them right away with the need for more money, the thought is to set some parameters around a conversation. It would be helpful to get a response and some direction on where we really should be going. That's why the letter to doesn't bring up the dollar figure right away.

PAC Member Bruce Kern commented there are a couple of connections that are implicit. Specifically, the reference to Measure WW as a matching program which is an existing partnership between local government and the District. In an indirect way, ABAG and MTC will have to prioritize because there are inadequate resources to be able to achieve their mission. The conservation areas are needed to meet their SB 375 requirements as much as the development.

Tong noted the PAC ad hoc subcommittee is extremely invaluable in terms of identifying the opportunities to move forward with this process.

IV. PUBLIC COMMENTS

None

V. BOARD MEMBER COMMENTS

Siden expressed appreciation to Pfuehler for providing the election returns. Siden asked that the addition of Alameda County Superintendent be added to the election returns.

Siden announced the Friends of Crown Beach have submitted 6,000 signatures for an initiative to be on the ballot to maintain open space at Crown Beach. The Attorney for the City of Alameda has recommended the Council adopt a resolution stating any future legal action as a result of rezoning the property should be the District's responsibility.

Siden commented on the action by BCDC regarding the government suing the State of California, the vote was 17 to support BCDC taking legal action, one opposing and one abstaining.

Doyle expressed his appreciation for the hard work Pfuehler, Grants Manager Jeff Rasmussen and Tong have done on behalf of the District on Plan Bay Area.

Respectfully submitted:



Erich Pfuehler

Government Relations and Legislative Affairs Manager