

AGENDA
REGULAR MEETINGS
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, October 7, 2014

C. BUSINESS BEFORE THE BOARD

6. BOARD COMMITTEE REPORTS

c. (Board Legislative Committee (8.15.14)) (Sutter)

The Legislative Committee met at District headquarters on Friday, August 15, 2013.

Present: Directors: John Sutter, Ted Radke, Whitney Dotson (Alternate)
Staff: Dave Collins, Erich Pfuehler, Bob Nisbet, Jeff Rasmussen, Brian Holt,
Sharon Clay, Guy Fairon, Lisa Baldinger
Consultants: Doug Houston, Houston Magnani & Associates
Public: None

II. FEDERAL LEGISLATION / ISSUES – the Committee took up this Federal bill first.

A. NEW LEGISLATION

I. H.R. 5220 (Graves R-MO) – No More Land Act

Government Relations Manager Erich Pfuehler reported H.R. 5220 is an effort by Congressman Graves to ensure Land Water Conservation Fund (LWCF) dollars are not spent on any land acquisition. H.R. 5220 requires a 20% reduction in the overall maintenance backlog on property previously purchased with LWCF dollars. If those targets aren't met in five years, penalties will be enforced on agencies that don't fulfill their maintenance obligation.

Pfuehler commented this is a bad precedent. It would further limit the already underfunded Land Water Conservation Fund. The dialog should go in the other direction. The District's D.C. consultants believe there are votes in the Senate to actually expand or at least fully fund the LWCF. There is currently bi-partisan support by both the House and Senate for some level of LWCF reauthorization.

Currently, LWCF is authorized at \$900 million, but negotiations for the next Fiscal Year's appropriations are still in flux. The final LWCF dollar figure will probably be more in the range of \$250 million.

The Legislative Committee of the Board voted unanimously to work to oppose H.R. 5220.

I. STATE LEGISLATION / ISSUES – the Committee then proceeded in regular order.

A. NEW LEGISLATION

I. SB 633 (Pavley D-Agoura Hills) – State Parks Energy Costs Report

Advocate Doug Houston reported SB 633 is similar in nature to AB 2150 which was

previously considered by the Committee. SB 633 seeks to support some of the Parks Forward Commission's recommendations.

SB 633 has three principal components to encourage State Parks to be more innovative. It requires State Parks to audit their energy use and systems, which are antiquated. As an example, one park was on the closure list because its primary source of energy was a diesel generator. This park was remote and removed from the grid, so investment in basic infrastructure was minimal. Energy options at this park were deemed cost prohibitive. SB 633 recommends State Parks, once the audit is complete, apply for cap and trade revenue to upgrade its energy infrastructure.

The second provision would encourage State Parks to identify new potential vendors for selling State Park passes.

Lastly, the bill will allow State Parks to expand a pilot program for mobile food trucks – primarily in more urban State Parks. This would be an opportunity to generate more revenue and work with local food truck vendors.

Director Ted Radke inquired if there would be significant money generated from the food trucks. Houston remarked they might not create a lot of revenue, but would provide a better visitor experience.

Pfuehler noted this might generate more in-park revenue for parks with low attendance. The food trucks could actually be a draw in some cases.

Houston added the three state parks the District maintains will not be subject to the State Park pass because they are locally operated. This is specified in the operating agreements. Pfuehler further clarified the pass would not be a new one, it would just allow more vendors to sell them.

Houston encouraged a vote of support. The bill creates precedent for reducing energy costs and potentially accessing cap and trade money. Pfuehler added it would be positive for the District if State Parks can make the nexus for cap and trade funds.

The Legislative Committee of the Board voted unanimously to support SB 633.

I. AB 1922 (Gomez D-Los Angeles) – Greenway Development and Sustainment Act

Assembly Member Gomez represents much of Los Angeles and developing a “greenway” along the Los Angeles River is a high priority for the City. This bill would expand the types of nonprofits who can acquire and hold conservation easements.

Houston informed the Committee that AB 1922 is currently held on suspense in Appropriations and will not advance this year. The concept encompassed in AB 1922 was primarily for developing a “greenway” along the Los Angeles River. It provides a definition of a “greenway” as a part of “an open-space element of a county or city general plan.” It also encourages the application of cap and trade money to greenways if they have a transportation purpose. Pfuehler noted this could be applicable to the East Bay Greenway.

Houston spoke with the author's office about expanding the bill to include regional park districts. The author's office was amenable to this, but AB 1922 is dead for this year. It will probably be reintroduced next year. Pfuehler commented if this bill is reintroduced, it would be good for the District to meet with the author to ensure special park districts are included. This greenway is a high priority for the Los Angeles delegation.

Houston added a nonprofit specific to the Los Angeles area has been created to work with the City and County to generate new revenue. These types of nonprofits need legislative authority to acquire land and secure staff.

The Legislative Committee did not vote as the bill is dead.

B. ISSUES

I. **Water and park bond updates**

The Governor and legislature have agreed on a \$7.12 billion water bond by a near unanimous vote. The significant piece which brought bi-partisan support is \$2.7 billion for water storage, dams and reservoirs.

Houston read from a report written by Darla Guenzler, Executive Director of the California Council of Land Trusts, which listed the categories of funds for which the District might be eligible to compete. In the bond itself, there is \$100 million dollars available for the State Coastal Conservancy; the San Francisco Bay is one of the eligible programs.

The Bay Area program did not receive a specific set aside. The Bay Area "won" a concession in the bond by it being "tunnel neutral", i.e. no funding for environmental mitigation for construction of the conveyance tunnels. The "tunnel neutral" language was the Bay Area delegation's main ask and they didn't have enough leverage to seek specific Bay Area program money.

Pfuehler added there was a concerted effort by outside groups to try and get specific Bay Area program language included. Pfuehler stated Houston was at the forefront of this effort. The Bay Area Open Space Council, and other agencies, also weighed in with our delegation.

Through the advocacy, the allocation to the Coastal Conservancy went up by \$20 million from \$80 to \$100 million. Houston felt this was the effort to placate Bay Area folks.

The bond included money for the Wildlife Conservation Board for enhanced stream flows throughout the state; \$100 million dollars for an urban creek (Los Angeles River); \$20 million for multi-benefit watershed and urban river projects that will be awarded on a competitive basis.

One area of interest to the District is the \$285 million awarded to the Department of Fish and Wildlife for restoration projects. The language is very specific and cannot be used for mitigation for any conveyance projects, namely the tunnels. The Department of Fish and Wildlife directly reports to the Governor's office. The Administration will have significant influence about the distribution of these funds.

Under all the categories listed, 25% of the monies need to be available for disadvantaged communities.

Pfuehler stated this could clear the way for a future park bond. Should this water bond advance and pass, it potentially frees up 2016 for the park bond. If a park bond is modest, targeted, addresses some of the deficiencies and needs in State Parks, and is more urban in orientation, Houston thinks a \$2 billion bond could be on the 2016 ballot. Pfuehler added the highest priority for the General Manager is to return the “per capita” distributions in statewide park bond measures. This would ensure direct funding for special park districts, cities and counties for park development. This will remain a high priority for the District’s legislative team.

Director John Sutter inquired if there are any other park bond issues waiting in the wings. Houston indicated the Parks Forward Commission’s final recommendation will come out next month. Those will provide a template for a series of bills that will be introduced next year.

Pfuehler stated there is some contemplation of a super conservancy that would assist State Parks in areas where they are weaker. This could be a merging of nonprofit and foundation work.

2. Bike bill update

Houston reported the District is a sponsor of the Local Bike Infrastructure Enhancement Act, SB 1183, authored by Senator Mark DeSaulnier. The bill authorizes local governments to impose, by a 2/3rds vote of the electorate, a vehicle registration surcharge of up to five dollars per vehicle to fund bicycle infrastructure maintenance and improvements. The funds would be collected by the Department of Motor Vehicles and allocated to the local agencies. Revenue for the District would be approximately \$10 million annually which could be used for operations, infrastructure, bike trails, etc.

Houston suggested it would be good to have discussions with the cities and counties as this bill moves along.

Pfuehler added the Senator has expressed continued enthusiasm about this legislation and seems pleased with the District’s support.

SB 1183 is headed to the Assembly Floor and will go back to the Senate to concur on some amendments. It is then expected to go on to the Governor.

3. Other issues

Director Sutter said he received a note from Save the Bay regarding spills on the shoreline. He read from the action alert, ‘SB 1319 (Pavley) would expand California’s clean-up agency and provide emergency responders with resources they need to protect our communities, local waterways, and the Bay from crude by rail spills. It passed the Senate, but faces an uncertain future before a key Assembly committee. This bill would try to put in some safety rules in place.’ Houston said he will research this legislation.

II. FEDERAL LEGISLATION / ISSUES

B. ISSUES

I. Land and Water Conservation Fund (LWCF) update

Pfuehler reported about the Federal grant program under LWCF. This national competitive

grant program of \$3 million is the one General Manager Robert Doyle testified in support before Congress in 2011. The Department of Interior is now implementing it. As currently being implemented, each state nominates two proposals to the National Park Service. Out of potentially 100 proposals, only about six will be granted nationwide.

Pfuehler reported Grants Manager Jeff Rasmussen and Senior Interagency Planner Brian Holt put together the proposal for Concord Hills Regional Park. The Park District's application is one of two nominated by California State Parks.

Rasmussen thanked Holt for his expertise and good work on the project. He updated the committee on the status of the grant application. The \$500,000 application is a proposal to build a staging area for the future Concord Hills Regional Park. The staging area is on 450 acres of HCP property the District currently owns off of Kirker Pass Road. This would be Phase I of converting the Concord Naval Weapons Station (CNWS) property into parkland.

Pfuehler outlined the grant application wove in the story of how this land will provide access to a new 3,500 acre park. It included the collaborative effort with the National Park Service (NPS) to build a visitor center which will tell the story of Port Chicago and how the events there led to the integration of the military. The grant proposal linked the connections with the NPS, HCP and Park District. The proposal also notes the legislation establishing the Port Chicago Naval Magazine National Memorial included language directing NPS to work with the East Bay Regional Park District on establishing a visitor center.

Pfuehler commented there was good advocacy at the State Park level through Houston's efforts. Holt solicited letters from community groups. Letters from Senator DeSaulnier and Assemblymember Bonilla were included in the grant package.

One of the real selling points is the ridge with views of Pittsburg and Concord. Holt was able to take the State Parks grants staff to this vantage point and discussed the rich history of the Carquinez Strait, CNWS, Port Chicago, as well as the cities of Concord, Pittsburg and Bay Point.

Pfuehler then introduced Lisa Baldinger and Guy Fairon, Social Media and Legislative Advocacy Interns.

Pfuehler gave a brief overview and noted that legislative offices are tracking social media as they evaluate their positions on issues. It's important to have some ability to connect via social media with the legislature and, in particular, their staff. The old method of delivering stacks of letters and postcards is being replaced by not only e-mail, but what's trending on Twitter, a social media platform for messaging. Pfuehler worked with the General Manager and Public Affairs Division to establish a Legislative Advocacy and Social Media internship.

Pfuehler and interns Guy Fairon and Lisa Baldinger gave a presentation about how the District's website provides a link entitled, 'Support Your Regional Parks'. Users can read about and support or oppose issues important to the District. The District is using POPVOX, a company that provides a 'write Congress' widget on the District's website. The link sends letters of support or opposition to Federal legislators. POPVOX also has an analytics dashboard which lists supporters of the issue, displays the percentages that endorse and oppose the issue, and a map that shows where people have weighed in throughout the

country. This information is useful to the District and legislators to know who is weighing in and which district they are from.

Pfuehler mentioned the District is sponsoring this page and has solicited other agencies to offer this link on their websites too.

Interns Lisa Baldinger and Guy Fairon explained they are using Twitter to follow people important to the District. This will create a line of communication with electeds, policy makers, agencies, organizations and individuals. Currently the main focus is on the Land and Water Conservation Fund. The District is using Twitter to drive people to the POPVOX link on the website to weigh in on issues and send electronic letters of support.

The POPVOX list being generated by this sponsored action can be used for future communications by the District and/or to legislators.

III. ALAMEDA COUNTY TRANSPORTATION SALES TAX MEASURE

Pfuehler reported a couple of months ago the Alameda County Supervisors voted to put a Transportation Sales Tax Measure on the ballot for 2014. In the measure's expenditure plan (TEP), there is \$264 million for gap closures specifically for the Iron Horse Trail, the East Bay Greenway and the Bay Trail. There is also a set aside of \$154 million for a trail maintenance program. The District would be the main entity to receive this funding. The Alameda County Supervisors have asked the Park District for a resolution of support. The District supported a similar measure in 2012. The only real difference between 2012 and 2014 is the measure now includes a 30-year sunset. The 2012 measure went in perpetuity. It failed to garner 2/3rds by about 600 votes. Pfuehler stated this is the most direct amount of money that could come to the District for trails.

The final TEP is a \$7.8 billion plan with a 30 year sunset. It calls for an increase in the sales tax by ½ cent, so a full 1 cent of sales tax will go toward transportation related projects. The TEP includes \$651 million for bicycle and pedestrian projects (a full 8.4% of total anticipated funds) which is almost as much as it includes for Highway Efficiencies and Freight (\$677 million). There is an organized campaign site and an organized public outreach effort at higher level than for the previous 2012 measure. The Sierra Club has voted to support.

The Legislative Committee of the Board voted unanimously to support the Alameda County Transportation Sales Tax Measure.

IV. PUBLIC COMMENTS

None.

Respectfully submitted:



Erich Pfuehler

Government Relations and Legislative Affairs Manager

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