

AGENDA
REGULAR MEETINGS
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, August 11, 2015

C. BUSINESS BEFORE THE BOARD

7. BOARD COMMITTEE REPORTS

- a. (Board Legislative Committee (1.16.15) _____ (Burgis)

The Legislative Committee met at District headquarters on Friday, January 16, 2015.

Present: Directors: Committee Chair Diane Burgis, Whitney Dotson, Dennis Waespi
Staff: Robert E. Doyle, Erich Pfoehler, Bob Nisbet, Jim O'Connor, Dave Collins,
Debra Auker
Consultants: Doug Houston, Houston Magnani & Associates
Public: Pat O'Brien

General Manager Robert E. Doyle congratulated Directors Diane Burgis and Dennis Waespi on their election to the East Bay Regional Park District Board. Doyle explained he has been directed by the Board to support a state park funding measure. Priorities include receiving some infrastructure funding for the state parks the District manages and to ensure per capita benefits every park agency. Doyle informed the committee per capita was always included in state park bonds, but about ten years ago it stopped. Now funding is distributed through competitive grants and there is no guaranteed distribution. Doyle explained it has been over ten years since there has been a "true" state park bond. He pointed out the water system at Del Valle is in need of replacement. The cost is \$2 to \$3 million. To date, the District has received no money from the state to repair it.

The other Board priority is the reauthorization of Measure CC along the urban corridor from Richmond to the San Leandro border. This could be a 2016 measure and polling begins soon.

Doyle stated the Contra Costa Transportation Authority is looking at a Measure J reauthorization in 2016 as well. This measure would likely include money for bike trails and bike trail maintenance.

I. STATE LEGISLATION / ISSUES

A. NEW LEGISLATION

I. **SB 45 (Mendoza D-Artesia)** –

State Senator Tony Mendoza introduced this legislation. It states the legislature's intent that local governmental entities can use tax increment financing for the development of economic planning, infrastructure and educational facilities. It is a very short three paragraph bill and could be a placeholder for more expanded language about tax increment financing.

Legislative Advocate Doug Houston reported SB 45 is a spot bill. This bill may be an attempt to reinstitute redevelopment (RDA) still using tax increment financing as a principal revenue tool. Houston said an issue would be whether agencies like the District would have the option to opt in to an RDA area, or will they be compelled to forfeit some of their

property tax revenue.

Cities, counties and special districts have worked well over the last several years to make sure there are no forfeitures of property tax revenue. There are some cities, however, that do not subscribe to the detente and would like to reinstitute tax increment financing at the expense of special districts and counties.

The Legislative Committee of the Board voted unanimously to WATCH SB 45.

B. ISSUES

Houston reported about the state budget. The governor identified an additional \$16.8 million for state park operations, a continuation of what was in last year's budget. Houston added an additional \$40 million was set aside for state park capital improvements, but the trigger to release the funds was never met in 2014. Consequently, State Parks never received the money. This year's budget contains \$20 million for the same purpose, but isn't subject to the same trigger.

Government Relations and Legislative Affairs Manager Erich Pfuehler gave a PowerPoint presentation to the Committee. Pfuehler outlined how the District has traditionally been involved in direct advocacy and policy change in Sacramento, Washington D.C. and locally. Pfuehler also highlighted some of the legislative accomplishments by the District.

- The District received \$10.2 million from the Green Transportation TIGER II grant, the largest Federal grant in the District's history. This grant helped complete projects like the George Miller Trail in Martinez.
- SB 1183 (DeSaulnier) would allow the District to impose an up to \$5 dollar surcharge on vehicle registration for trail maintenance funding.
- In 2014, the District was able to get some language in the Water Resources Development Act allowing the lower Walnut Creek Chanel to be controlled by the county, as opposed to the Army Corps of Engineers. This is important to the District because this is where the Iron Horse trail will ultimately connect to the Delta trail.
- The District had some success locally with putting pressure on the City of Alameda to rezone the GSA property to open space.

Pfuehler gave an overview of the Congressional districts representing the District. He touched on some of the Member's committee assignments and their relevance to the District.

Senator Boxer is ranking member of the Environment and Public Works Committee, which is important for the District. The transportation bill, Army Corps of Engineers bill, and many other environmental and resource related matters go through this committee.

Senator Feinstein is ranking member of the Energy and Water Subcommittee for Appropriations which would fund many of the projects that come through Senator Boxer's committee.

Congressman Mike Thompson is on the Ways and Means Committee and the Health Subcommittee, which the Healthy Parks Healthy People work of the District falls under.

Congressman Jerry McNerney is on the Energy and Commerce Committee, and importantly on the Environment and Economy Subcommittee.

Congressman Mark DeSaulnier is newly elected and took George Miller's seat. He's on the Education and Workforce Committee and is a real friend of the District.

Congresswoman Barbara Lee is on the Appropriations Committee. She serves on the Labor, Health and Human Services and Education Subcommittee. Lee is probably now the District's most powerful member of the delegation and is close to Democratic leader Nancy Pelosi.

Congressman Eric Swalwell relatively newly elected, represents the Tri-Valley and Hayward/Fremont area. He is on Homeland Security and within the purview of Homeland Security is FEMA. The District does a lot of work with FEMA for fuels management and other issues.

Congressman Mike Honda is also on the Appropriations Committee. He just won a hard contested battle on in November.

In the State Senate, Lois Wolk is the Majority Whip. Wolk is engaged in Delta and environmental issues. She was a leader in the water bond and Delta issues. Her work is important to the District. Wolk is chair for the Resource and Environmental Protection and Transportation Committee. Most everything in which the District is interested will be routed through this committee.

The election for DeSaulnier's vacant Senate seat will be in May. The two leading candidates are former Assemblymember Joan Buchanan and Assemblymember Susan Bonilla who will compete for this seat.

Senator Loni Hancock has been a longtime friend of the District and has a strong interest in Eastshore State Park. She has a long legacy of work on environmental and District related issues. Hancock is on the old term limit system, so these will be her last two years in the Senate.

Senator Bob Wieckowski is Chair of the Environmental Quality Committee, an important committee for the District. He is also on the Transportation Committee which could be helpful for bike trail funding the District is trying to secure.

Assemblymember Jim Frazier is Chair of the Transportation Committee. He is very interested in trail and Delta related issues.

Assemblymember Tony Thurmond, newly elected, represents the Berkeley/Richmond area.

Assemblymember Catharine Baker, also newly elected, represents the Tri-Valley area which includes Del Valle State Recreation Area. There may be some opportunities to work with her as she is the only Republican in the delegation.

Assemblymember Rob Bonta has the Alameda/Oakland area. He is a very aggressive fund raiser. He is a former councilmember for the City of Alameda. The District has had some discussions with him about the GSA property issue.

Assemblymember Bill Quirk has the southern/western part of Alameda County.

Assemblymember Kansen Chu is on the Entertainment, Sports, Tours and Internet Media Committee.

The District is conducting polling and research to see if a statewide park bond with per capita is viable for 2016. The District will continue to do some social media work to raise the awareness of the park bond.

There will potentially be some funding opportunities in the implementation of the water bond.

Pfuehler stated Cap and Trade is another possible source of revenue. To date, they have only funded projects that directly reduce greenhouse gas emissions, but there may be some opportunities in the future for shoreline restoration and projects that help adapt to climate change.

Doyle commented the District has an important fuel break project along the East Bay Hills which could consume millions of dollars every year. The District funds about one million yearly, but it could use much more. The District is pursuing federal and state funding. Pfuehler remarked CalFIRE received some Cap and Trade revenue, and the District has a grant request pending with them.

Director Waespi expressed interest reducing the ballot costs of elections. Pfuehler explained the county can charge considerable money for races to go on the ballot. This issue is a priority for the California Special Districts Association. There will be some discussion in Sacramento to see if there is a way to ensure counties don't overreach when they charge for Election Day costs.

Pfuehler reported at the Federal level the District has a number of issues that require some level of administrative action by a Federal agency. Pfuehler reasoned for the next two years most of the work the District does in D.C. will be dealing with agencies, trying to get some of these projects moving forward. For example, the Oakland Army Base where Gateway Park is scheduled to be located, needs to be cleaned up before it can be transferred and made into a viable park. Congresswoman Barbara Lee has spoken to the Army about this and has had a briefing in her office about it. The Army said they will clean up the upland portion, and, in theory, it should be done by this year, but the District needs to continue to keep the Army to its schedule.

Pfuehler touched on the issue of the GSA property in Alameda. The current status is the Department of Justice and GSA are seeking to take McKay Avenue, which is a state park road, via eminent domain. The District is still interested in the GSA property directly adjacent to Crown Beach. Several years ago, the GSA moved the people that worked in the vacated portion of the property into newly refurbished buildings next door. They then declared the part they abandoned as surplus. They tried to sell it to a developer for approximately \$3.5 million which was much more than the appraised value of the property. There has been a lot of back and forth with the City of Alameda who rezoned the property for residential use. They have since zoned it open space due to a lot of pressure from the community. At this point, the property is zoned open space and has limited value, but the GSA wants over \$3 million for it.

Doyle commented there has been a lot of public support from environmental groups. Crown Beach is owned by the state. The District has managed it since the Sixties. Essentially, the Federal government is condemning property within the State Park system. State Parks owns

the actual fee title to McKay Avenue. The voters in Alameda approved Measure WW by 71% which called for expanding the park. The Federal government is doing everything they can to slow down the project.

Pfuehler reported the Land Water Conservation Fund (LWCF) has been in place for fifty years. Oil royalty money is contributed to the LWCF account each year. The account is supposed to be appropriated by Congress every year to invest in restoration, enhancement and acquisition of natural areas worthy of protection. Full funding for this program at the Federal level is \$900 million. Only once in its fifty-year history has it ever been fully funded. LWCF grants to the District have totaled about \$40 million.

Pfuehler reported the Federal transportation bill used to have four or five direct accounts for programs like recreational trails, transportation enhancements, bike trails, Safe Routes to School, etc. In the last transportation bill two years ago, Senator Boxer cut a deal with the Republican Senator from Oklahoma, James Inhofe, to place all of those accounts into one consolidated program called “transportation alternatives.” The bill also gave states the discretion to opt-out of the programs. This time around, the Transportation Alternative Programs (TAPs) is at risk given the change in the Senate leadership. The “MAP-21” transportation bill was only for two years, and is up for reauthorization again this year. Doyle stated Rails-to-Trails led the charge twenty years ago to build legislative support for trails to receive Federal transportation funding. Now it has gone backward.

Some of the things the District will focus on locally include the possible renewal of Measure CC. District staff will work on education and social media outreach for Measure CC. Staff will also be looking at how Measure BB funds for Alameda County will be allocated. The county’s recently passed transportation measure contains about \$450 million for trails. Some of the money is specifically allocated to the Bay Trail, some of it allocated to the Iron Horse Trail and the East Bay Greenway. There is also additional money for maintenance and some discretionary money.

It also looks like Contra Costa County may be placing a transportation measure on the ballot in 2016. It could potentially have a significant amount of trail funding as well.

Pfuehler mentioned six of seven years ago state legislation created the San Francisco Bay Restoration Authority. Director Sutter serves on their board. The Authority’s task is to raise money to improve the health of the Bay. Thus far, they’ve had a difficult time providing the resources to place a measure on the ballot. Currently, the Authority is being supported by the Association of Bay Area Governments, the Coastal Conservancy and Save the Bay. Without a revenue measure, the Authority may not continue to exist, so they are very focused on putting something on the 2016 ballot. This means there is the potential for a crowded 2016 ballot: Measure CC, Measure J, Statewide Park Bond, San Francisco Bay Restoration Authority, etc.

Pfuehler remarked there was an effort three or four years ago to combine the housing element and transportation funding into one program called Plan Bay Area. The plan seeks to encourage infill development and reduce vehicle miles traveled. It is supposed to have funding for priority conservation areas. In the \$292 billion Plan Bay Area effort, there is about \$60 billion over which MTC and ABAG have discretion. Out of that \$60 billion, only \$10 million was put into priority conservation areas; as compared to about \$400 million that was put into priority development areas. Doyle stated the only reason the \$10 million was allocated to

priority conservation areas is because the District raised the issue, and got other agencies to write letters and push for the money.

II. FEDERAL LEGISLATION / ISSUES

A. NEW LEGISLATION

1. **H.R. 199 (Sires D-NJ) – Bicycle and Pedestrian Infrastructure Improvement Act**
Pfuehler reported H.R. 199 is an \$11 million pilot program, a revolving loan fund, for cities and local governments to make bicycle pedestrian improvements. The money would come from the existing TIFIA (Transportation Infrastructure Finance and Innovation Act) program and thus not add to the federal budget deficit.

The Legislative Committee of the Board voted unanimously to SUPPORT H.R. 199 if Special Districts qualify.

2. **H.R. 201 (Sires D-NJ) – Community Parks Revitalization Act**
H.R. 201 would create the first ever direct link between health, the economy, and parks and recreation within the Department of Housing and Urban Development. Pfuehler stated it would require the Secretary of Housing and Urban Development to develop a program that demonstrates the linkage between health, economy of a community, and its parks and recreation department. It is a good precedent for parks.

The Legislative Committee of the Board voted unanimously to SUPPORT H.R. 201.

B. ISSUES – N/A

III. PUBLIC COMMENTS

None.

Respectfully submitted:



Erich Pfuehler
Government Relations and Legislative Affairs Manager