

AGENDA
REGULAR MEETINGS
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 15, 2016

C. BUSINESS BEFORE THE BOARD

6. BOARD COMMITTEE REPORTS

b. Board Legislative Committee (08.19.16) (Burgis)

Present

Board: Diane Burgis (Chair), John Sutter, Dennis Waespi

Staff: Robert E. Doyle, Erich Pfuehler, Jeff Rasmussen, Tiffany Margulici, Debra Auker, Bob Nisbet, Mona Koh, Matt James

Consultants: Doug Houston, Houston Magnani & Associates

Public: Rick Rickard

This meeting was called to order at 1:30 p.m.

I. STATE LEGISLATION / ISSUES

A. NEW LEGISLATION

I. AB 2796 (Bloom D-Santa Monica / Low D-Silicon Valley) – Active Transportation Program

Government Affairs Manager Erich Pfuehler discussed the benefits of supporting this legislation. He indicated Jim Townsend, former Trails Manager, brought the bill to his attention. The state Active Transportation Program (ATP) has a significant time lag between when applications are due and when funds are received. The District will likely not see monies for projects for which applications have already been submitted until 2020. This legislation would allow projects to move forward more quickly by using the District's own funds to start projects which could then be reimbursed later by the ATP. In addition, 10% of the funding will be set aside for planning, which could benefit larger projects, such as the trail along Doolittle Drive and MLK Shoreline. Pfuehler stated the bill is not likely to pass this year, but he recommends the District support the concept. Advocate Doug Houston stated the bill is dead for the year. This legislation was sponsored by the California Active Transportation Leadership Group. Approximately \$130 million from the ATP is available for programming on a three year cycle. Reimbursements by ATP would provide the District more flexibility on projects. Houston agreed this concept should be kept on the District's radar. Director John Sutter asked if the District should just support the bill. Houston responded, with only one week in session left, there is no strategic reason to support at this time. General Manager Robert E. Doyle stated if a new bill is introduced in 2017, it would be beneficial to support then. Pfuehler added supporting the concept now would

provide Houston direction to begin work on this issue at the beginning of next years' session. Director Sutter agreed if this would help Houston, the District should support the concept. Director Sutter moved to express support in concept. Director Dennis Waespi seconded.

The Legislative Committee of the Board voted unanimously to SUPPORT in concept.

2. SB 450 (Allen D- Santa Monica) – Vote by Mail Voting and Mail Ballot Elections

Houston stated this legislation is based on current practices in Colorado where voting centers have been established. The proposed voting centers described in SB 450 would be open 24 hours for ballot drop offs. The bill also has the goal of ensuring all California citizens receive their ballots in the mail. Pfuehler stated the advantage of voting by mail allows for more time to go through the ballot. With District measures typically at the end of the ballot, having more time could be beneficial. The bill establishes a pilot for 2018 in a handful of counties. The program would go statewide in 2020. This bill was introduced at the request of Secretary of State Alex Padilla and is supported by the administration. Chair Director Diane Burgis stated in the previous election, some City Halls in Contra Costa County allowed residents to drop off ballots during business hours. She thought this was a successful approach. Director Waespi expressed some concern about the extra costs involved. Specifically, he wanted to ensure the costs weren't simply passed down to the candidates. Pfuehler felt it would be safe to assume a cost, but the vote centers are locked boxes and do not require county personnel to stand watch. Eventually, the costs on Election Day may actually decrease. Director Sutter asked if traditional polling places will still exist. Pfuehler stated he believed so. Houston shared the ultimate goal is for all eligible voters to receive ballots and there will be a cost to mail them. GM Doyle stated getting volunteers to monitor polling places has been difficult in recent years. Director Burgis shared the percentage of vote by mail has increased, especially with younger voters. She added 66% of Contra Costa County votes by mail. Pfuehler stated he would confirm the costs would not be passed down to the candidates prior to Board consideration. Director Burgis moved to support SB 450. Director Sutter seconded.

The Legislative Committee of the Board voted unanimously to SUPPORT SB 450.

B. ISSUES

I. Park Bond Update (AB 2444)

Houston stated the park bond dialogue continues. He added the General Manager and Pfuehler have done terrific work to rally Bay Area agencies as champions for the Park Bond. Houston expressed disappointment in the East Bay legislative delegation, however, finding them apathetic at best. The park bond advanced further than anyone anticipated. A new set of amendments were submitted last night to address Senate Democrat and Republican priorities. The amendments total \$3.5 billion. It appears, however, the Pro Tempore does not view this bill as a priority. He is not likely to allow it to advance. The bill is not officially dead at this time, but the focus of both houses of the legislature and the administration is extending the greenhouse gas reduction cap and trade program. It is likely a park bond bill will be reintroduced next year. GM Doyle expressed gratitude for all of Houston's efforts. The bill has strong support in the Assembly. The Bay Area Open Space Council has been motivated, inspired by Pfuehler, to organize advocacy within the Bay Area. The good bill language and the partnerships which have been developed bode well for a future park bond. Clearly, developing more leadership in the Senate is critical. Pfuehler shared his take away is the Bay Area open space and park districts need to work at the local level to coordinate engagement, specifically with the Bay Area legislative caucus. Director Sutter asked if there was an environmental caucus. GM Doyle stated

it is now more of an environmental justice caucus. Director Burgis wondered if the next Governor might be more supportive of a park bond. Director Sutter wondered if Gavin Newsom had impressed Houston or staff. GM Doyle stated the Lieutenant Governor expressed support when a few General Manager's met with him about a year or so ago.

2. Endowments Bill Update (SB 1020)

Houston relayed there has not been a lot of activity on this bill for a few months now. Though it was advancing nicely, the District faced a decision to try and force the bill forward or to negotiate with the Fish and Wildlife Service. GM Doyle negotiated a "working group" with Fish and Wildlife and other stakeholders to determine alternatives to endowments. GM Doyle added there is a two year safe harbor agreement on permits. He believes The Nature Conservancy will push to get the "working group" together. It is possible the District may need to revive the legislative effort next year.

3. Cap and Trade

Houston shared the cap and trade funding content is changing dramatically. With the last cap and trade auction only selling \$10 million of the \$500 million anticipated in credits, the program is taking a hit. The legality of the program is also being questioned. Houston feels the legislature and administration are at odds over the \$1.4 billion in cap and trade proceeds which have yet to be allocated. There is some urban greening, \$100 million, and healthy forests language which could benefit the District. GM Doyle shared this as a priority program to the Governor. Pfuehler added the urban greening program largely benefits disadvantaged communities, which has yet to be defined. He also pointed out the healthy soils program is a potential beneficial funding source for the District.

4. Other Issues – N / A

II. FEDERAL LEGISLATION / ISSUES

A. NEW LEGISLATION – N/A

B. ISSUES

I. Land and Water Conservation Fund Grant Application

Pfuehler shared the District's Land and Water Conservation Fund \$750,000 grant application for a project at Bay Point has gotten past the state level. A decision at the federal level is pending. This is a highly competitive program, so the District has begun engagement with local legislators and community groups, as well as on social media. Grants Manager Tiffany Margulici provided an overview about the meetings on the site and the support letters the District has received. The project is tidal marsh restoration, upland enhancement and public access improvements at Bay Point Regional Shoreline. The enhanced and restored wetlands and park improvements are designed to be resilient and adaptive to sea level rise. 4,020 people live within a half mile radius of Bay Point Regional Shoreline with a per capita income of \$15,920 (Source: LWCF Fact Finder). The National Park Service (NPS) will issue \$15 million in grants nationwide to benefit mostly disadvantaged communities. NPS's project award list is expected mid-September.

2. Other Issues - N / A

III. BALLOT MEASURES

A. **Proposition 65 – Environmental Fee Protection Act and Proposition 67 – California Plastic Bag Ban Referendum**

Houston discussed the plastic bag ban measures. Two years ago, SB 279 was enacted to ban plastic bags. The plastic industry filed a referendum to stop the ban. In addition, they have placed a “competing” measure on the ballot to earmark the 10 cent paper bag fee for a wildlife fund for a variety of environmental projects, issues and initiatives. This fund would generate \$475 million annually for the Wildlife Conservation Board. District projects should be eligible. Director Waespi explained currently it is a 5 cent fee, but the bill will increase this to 10 cents. Director Burgis asked who has filed the referendum. Houston shared it was filed by the plastic bag industry. Director Burgis expressed agreement with banning plastic bags, having seen many polluting the creeks. GM Doyle shared the District endures costs from trash pickups throughout the region, including many plastic bags, and could benefit from additional funds to keep these areas clean. Pfuehler shared the interest in supporting both would create a direct nexus between the payment and where the funding should be allocated. Director Sutter asked what occurs if both pass. Houston shared plastic bags will be banned and a fund will be created for good environmental purposes. Director Sutter moved to support both measures. Director Waespi seconded.

The Board Legislative Committee voted unanimously to SUPPORT both Props. 65 and 67.

B. Oakland Infrastructure Bond

Pfuehler stated the City of Oakland approved a \$600 million infrastructure bond measure for the November 2016 ballot, which includes funds for bicycle routes, and parks and recreation. The measure’s funding will be very neighborhood focused – fixing potholes, etc. It could provide some connectivity to District interests such as the Bay Trail and access to parklands. GM Doyle added the City is seeking to make funding go further and not looking to take on additional maintenance costs. Director Sutter added the City’s staff was cut 25% during the recession and maintenance costs are a big concern of the Mayor. Director Sutter moved to support the measure. Director Waespi seconded.

The Board Legislative Committee voted unanimously to SUPPORT.

C. Measure CC

GM Doyle provided a brief overview about the status of Measure CC projects. Assistant Finance Officer Jeff Rasmussen discussed more details about expenditures and progress on Measure CC projects. As of 2016, out of the total \$46.7 million in project allocations on the Measure CC list, \$37.2 million has been appropriated (approximately 80%). The District has completed 22 of the 83 projects listed in the Measure CC Expenditure Plan. 14 current projects provide annual “operational” funds that pay for staff expenses associated with parks, including the Crab Cove Visitor Center year-round operation, and McLaughlin/Eastshore State Park operations and maintenance. These will generally continue through 2020.

Rasmussen added at the 2015 Board Workshops, the Board of Directors discussed the criteria for use of the reserve funds, and suggested uses for the total of \$4.7 million in reserves. In 2015, the full Board approved the appropriation of funds as follows:

- \$1,106,245 to completed the Atlas Road Bridge and Public Access project
- \$1,000,000 for the Point Pinole Visitor Center, initial funding
- \$1,500,000 for the Bay Trail, Doolittle Drive section
- \$1,090,055 remaining unallocated balance for future high priority opportunities
- \$1,090,055 in Reserve Funds remain unallocated for future high priority opportunities.

Unlike a bond program, such as Measure WW in which the District can sell a bond anytime it needs funding, the Measure CC program is a parcel tax, which provides approximately \$3.2 million in revenue each year.

Director Sutter mentioned his interest in seeing geographic equity as part of the future Measure CC renewal project list. He noted 40% of the vote is in Oakland. Despite the strong environmental interests in Richmond, Albany, and Berkeley, Oakland has the bulk of the population and should receive their fair share.

D. Contra Costa Transportation Authority Transportation Expenditure Plan

Pfuehler provided an update about the Contra Costa Transportation Authority's (CCTA) Transportation Expenditure Plan (TEP). The final 30 year TEP is a \$2.874 billion plan. It calls for an increase in sales tax by ½ cent making a total of 1 cent of sales tax going toward transportation related projects. The TEP includes \$115 million for bicycle and pedestrian projects (4% of total funds). The TEP specifies 1/3 of the funds (\$38.3 million) are to be allocated directly to the East Bay Regional Park District for the development and rehabilitation of paved regional trails. The bulk of the TEP is allocated to public transit (\$770 million) and local streets and roads (\$684 million). The local streets and roads funding also can be used for bicycle and pedestrian improvements. GM Doyle mentioned his presentation to the CCTA Board. He said by the end of the meeting, there was agreement on the 4% set aside for bicycle and pedestrian projects.

The Board Legislative Committee voted unanimously to SUPPORT.

ADDENDUM

III. BALLOT MEASURES

E. Hayward Area Recreation and Park District Safe, Clean, Local Parks

Pfuehler discussed the Hayward Area Recreation and Park District's (HARD) \$250 million bond measure. 100% of funds are to be used toward park and recreation facilities in Ashland, Castro Valley, Cherryland, Fairview, Hayward, South Hayward and San Lorenzo. The measure's funds are to be utilized to:

- Improve and maintain park bathrooms and other facilities
- Keep local parks and facilities clean, safe and well maintained
- Repair and upgrade children's playground
- Improve the safety and quality of parks

Of the proposed projects, the following are of interest to the District:

- Shoreline Interpretive Center and levee improvements. This could be a good source of matching funds for grants in partnership with the District.
- Sulphur Creek Nature Center – the District uses the animal hospital frequently for injured animals found in EBRPD parks.

In addition, funds will be included to repair and restore damaged trails throughout the District, as well as acquire parcels to make connections where gaps exist. Director Waespi moved the Board to support the HARD ballot measure. Director Sutter seconded the motion.

The Board Legislative Committee voted unanimously to SUPPORT.

F. Bay Area Rapid Transit Bond

Pfuehler discussed the Bay Area Rapid Transit (BART) \$3.5 billion general obligation bond measure. This measure will be to improve the safety of BART, as well as to reduce traffic throughout the Bay Area through alternative means of transportation.

\$3.165 million will be put toward repair and replacement of critical safety infrastructure such as:

- Renew track (\$625 million)
- Renew power infrastructure (\$1,225 million)
- Repair tunnels and structures (\$570 million)
- Renew mechanical infrastructure (\$135 million)
- Replace train control and other major system infrastructure to increase peak period capacity (\$400 million)
- Renew stations (\$210 million)

\$335 million will be used to relieve crowding, reduce traffic congestion and expand station access and safety by efforts to:

- Expand opportunities to safely access stations (\$135 million)
- Design and engineer future projects to relieve crowding, increase system redundancy and reduce traffic congestion (\$200 million)

Pfuehler noted the District will likely be eligible for a portion of the \$135 million funding to expand opportunities to safely access stations via bike and pedestrian trails.

Director Sutter raised some questions about BART's management. He also discussed the idea that BART consider parks as part of their extensions, as well as funding for the East Bay Greenway. Director Sutter also asked if BART supported Measure WW or Measure CC.

Director Waespi and Director Burgis also expressed concerns about BART's management.

Pfuehler discussed issues the District was partnering on with BART. GM Doyle discussed his recent conversation with the BART General Manager Grace Crunican. He recognized the Legislative Committee's concerns and suggested the item be brought back to the Committee after with additional information.

The Board Legislative Committee agreed to reconsider the measure at their next meeting.

IV. ARTICLES

Provided in Board Legislative Committee packet.

V. OPEN FORUM PUBLIC COMMENT

None.

VI. BOARD COMMENTS

None.

This meeting adjourned at 3:20 p.m.

Respectfully Submitted:

A handwritten signature in blue ink, appearing to read 'E. Pfuehler', with a long horizontal flourish extending to the right.

Erich Pfuehler
Government Affairs Manager

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