

AGENDA
REGULAR MEETINGS
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, October 4, 2016

D. BUSINESS BEFORE THE BOARD

6. BOARD COMMITTEE REPORTS

- a. Board Legislative Committee (03.18.16) (Burgis)

Present

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

Staff: Robert E. Doyle, Erich Pfuehler, Yulie Padmore

Consultants: Doug Houston, Houston Magnani & Associates, Satinder Malhi

Public: N/A

I. STATE LEGISLATION / ISSUES

A. NEW LEGISLATION –

1) AB 1665 (Bonilla D-Concord) – Extending Sunset for East Bay Transportation Measures

Advocate Doug Houston discussed previous legislation, AB 210, passed in 2013 to expand the Bradley-Burns (uniform local sales and use tax law), which allows sales taxes to go beyond the 9.5% tax threshold authorized in law for both Contra Costa County and Alameda County for transportation measures. This authority expires if the voters have not approved a new tax by December 21, 2020. Measure BB passed in Alameda County in 2014 under this authority. The Contra Costa County Transportation Authority (CCTA) oversees the County’s “countywide transportation program” and would administer the tax proceeds from any Measure J augmentation. This legislation shifts the authority granted in AB 210 from the County to CCTA. CCTA believes without this legislation, they would not have independent authority to administer or place a Measure J augmentation tax measure on the ballot.

The Legislative Committee of the Board voted unanimously to support.

2) AB 1680 (Rodriguez D-Chino) – Drone Interference Enforcement as a Reimbursable State-Mandate

Houston stated given the popularity and affordability of hobby drones, there are increasing conflicts and/or friction between people desiring to fly their hobby drones in emergency situations

and emergency service providers. This bill would create a new misdemeanor if drone operators interfere with the scene of an emergency.

Director Diane Burgis asked about drone issues in District parks. General Manger Robert E. Doyle shared the District currently has a policy to regulate air space above the parks and drones are not permitted.

The Legislative Committee of the Board voted unanimously to support.

3) AB 1713 (Eggman D-Stockton) – Statewide Vote on the Peripheral Canal

Houston indicated this bill would prohibit the construction of a peripheral canal or conveyance tunnels unless expressly authorized by a ballot approved by the voters. In theory, the \$20 billion plus price tag for the tunnels would be paid for by water contractors in the state. The Governor's plan would reduce the flow of water in the Delta, which could potentially cause salt water intrusion and change the whole ecology. It would impact District shoreline parks like Big Break. It would also impact cities like Antioch that might have to desalinate their drinking water.

The Legislative Committee of the Board voted to watch.

4) AB 1745 (Hadley R-Torrance) – Supplemental Law Enforcement Services Account

Houston stated this account has about \$230 million for juvenile justice programs and frontline law enforcement (city and counties) in the state. The District has identified this bill as a possible vehicle to ensure Special District's receive some of this funding. Currently, the District is not included in either County's allocation of these funds.

The Legislative Committee of the Board instructed Houston to work with the author to help make the District eligible for these funds.

5) AB 1968 (Steinorth R-Rancho Cucamonga) – East Bay Regional Park District Recreation Vehicle Spot Bill

Houston mentioned this legislation specifically identified the East Bay Regional Park District. It was just a coincidence it was introduced with the Park District's name as the title. This bill was reviewed and edited on March 17, 2016 and now pertains to affordable housing and sustainable communities. The District no longer needs to watch.

The Legislative Committee of the Board directed staff to remove the bill from the District's watch list.

6) AB 2249 (Cooley D-Rancho Cordova) – Protecting Historic California State Park Trademarks

Houston noted this is also referred to as the Yosemite Bill. This is the fallout associated with the Curry Company and their long-standing concession contract with the National Park Service (NPS) at Yosemite. NPS didn't retain the concession contract and the Curry Company sought to take the copyright or trademark of the names of some landmarks and park sites. NPS, to avoid lawsuit, changed the name of several iconic sites.

As a consequence, Assembly Member Cooley, of the Sacramento/Rancho Cordova area, introduced legislation ensuring a similar instance or episode doesn't occur with respect to State Parks. No concessionaire will have claim over the name or title of any unit of State Parks system or any facilities therein.

Burgis inquired if the District has thought about this for its concessionaires. Doyle stated the District should look at adopting a policy. Burgis suggested it should be a policy embedded as part of District concessionaire agreements.

The Legislative Committee of the Board voted unanimously to support AB 2249.

7) AB 2480 (Bloom D-Santa Monica) – Include Watersheds as Part of the State Water System

Houston indicated this bill would make it state policy to recognize source watersheds as integral components of the California water system. Agencies, like the Park District, manage these watersheds and would be eligible for maintenance financing and repairs. This recognition could help agencies which manage watersheds, such as the District, to qualify for more water-centric grant programs, such as the Prop. 1 water bond.

Director John Sutter wondered if this would put half the state within a "watershed." Doyle cited Del Valle as part of the State Water Project. A percentage of its capacity is for flood control so Livermore Valley doesn't flood, yet it doesn't qualify for Prop. 1 grants. Burgis mentioned the significant need to repair aging flood control infrastructure.

The Legislative Committee of the Board voted unanimously to support.

8) SB 807 and SB 810 (Gaines R-El Dorado) – Drones: Liability and Fire Protection Interference

Houston mentioned SB 807 refers to the notion of civil liability if an emergency responder damages a drone. It would limit civil liability exposure regarding drone damage for an emergency responder. SB 810 makes it unlawful to operate a drone which interferes with fire suppression.

The Legislative Committee of the Board voted unanimously to support.

9) SB 1386 (Wolk D-Davis) – Include Natural and Working Lands in Greenhouse Gas Reduction Efforts

Houston states this bill seeks to maximize the use of natural and working lands in the Greenhouse Gas (GHG) reduction efforts moving forward. This bill is a good placeholder as the legislature debates the Second Investment Plan for the 40% of Cap and Trade dollars which are reapportioned every three years. The draft plan submitted to the Governor from the Air Resources Board and other agencies, does recognize the role natural and working lands play in GHG reduction efforts. The final allocations will, however, be determined by the legislature with the Governor's approval as part of the budget process. This effort could be helpful to the District to receive Cap and Trade funding for existing projects.

The Legislative Committee of the Board voted unanimously to support.

B. ISSUES

I. **Park Bond Update, Including Spot Bill AB 2444**

Houston stated there is a lengthy process for AB 2444 to qualify for the November ballot. There is also a short legislative timeline for the bill to pass. Houston is not confident a ballot measure will be done by the end of the year, but believes it's important to keep the narrative alive about the importance of a Park Bond. Houston believes more than anything else, having some control over content is important because this might serve as a template moving forward.

2. **Endowment Legislation**

Houston stated the District is entrusted as a steward of open space lands that have significant habitat values. There are occasions where the District has instituted projects which have impacts on the habitat values of specific properties. The District is fully aware and is working to mitigate for these impacts.

The Department of Fish and Wildlife Service (FWS) is now seeking to have the District set aside money for an endowment for each project on the District's own lands. The endowment is intended to ensure the performance of mitigation, which the District already does. This money could otherwise be spent for staff to actually protect habitat, but FWS wants to freeze it to ensure habitat protection.

As a habitat land management agency, the District believes it should be able to mitigate its own projects on District property without having to set aside funds to ensure ongoing performance. This is not only redundant, but prevents the District from doing further work to protect and preserve habitat lands.

3. **Other Issues:** N/A

II. FEDERAL LEGISLATION / ISSUES

A. NEW LEGISLATION – N/A

B. ISSUES

I. **Federal Issues for D.C. Update**

Pfuehler mentioned the designation of the Bay Trail as a national, scenic or recreational trail is a new item. The goal is to promote something positive for the Bay Area, raise the profile and make it easier to obtain grants. The hope is this will enable the District to compete for Federal money, like the Land and Water Conservation Fund. There are also other internal grants with the Department of Interior and National Park Service that provide planning assistance, but not a lot of money.

The 100th Anniversary for the National Parks Service (NPS) is another focus for the District. NPS is promoting centennial events throughout the country. The District and regional office of NPS raised the idea of connecting the 100th Anniversary with the July 2016 commemoration of the Port Chicago explosion. The idea is to hold the event on the Concord Naval Weapons Station property where the proposed visitor center is located. The District is working with NPS

to see what the level of interest might be from the Administration to participate in that type of event.

2. Other Issues

The District is truly honored to be one of the few land management agencies, if not the only, to be invited to the White House Water Summit. There are only 200 committing organizations throughout the entire country participating to honor International Water Day. The Summit will focus on strategies to conserve water and reduce consumption. Doyle expressed his pride in the District regarding being invited.

III. CONSIDERATION OF MEASURE CC RENEWAL

Doyle discussed the pros and cons about considering Measure CC renewal in 2016. He specifically cited the recent changes in senior management staff and cautioned staff is still settling into their roles. He also cited the Board elections in the Measure CC zone and recommended delaying renewal of Measure CC until 2018.

The Legislative Committee of the Board voted to support considering Measure CC for a 2018 ballot (Director Waespi opposed).

IV. CONSIDERATION OF SAN FRANCISCO BAY RESTORATION AUTHORITY (SFBRA) MEASURE AA AND RESOLUTION 12 REGARDING PROJECT LABOR AGREEMENTS:

Pfuehler expressed the District should support Measure AA and gave background on the Project Labor Agreements (PLA) situation. Resolution 12, regarding PLAs, would basically require every agency interested in a grant from SFBRA to have a PLA in place. The SFBRA also proposed to set the construction cost that triggers a PLA at \$100,000. Most of the District's shoreline projects are in the \$2 to \$5 million dollar range and nothing is less than \$500,000, so this threshold would require a PLA for every District project. Santa Clara Valley Water District is opposing the PLA requirement. SFBRA seems likely to drop the issue until after the election. The District should support Measure AA on the June ballot. Then the District should seek a commitment letter from SFBRA after the election regarding if and/or how to structure PLAs.

The Legislative Committee of the Board voted unanimously to support Measure AA.

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