



2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381  
 T. 1 888 EBPARKS F. 510 569 4319 TDD. 510 633 0460 WWW.EBPARKS.ORG



## **AGENDA**

### **BOARD LEGISLATIVE COMMITTEE**

**Friday, April 16, 2010**  
**12:45 p.m., Peralta Oaks Board Room**

The following agenda items are listed for Committee consideration. In accordance with the Board Operating Guidelines, no official action of the Board will be taken at this meeting; rather, the Committee's purpose shall be to review the listed items and to consider developing recommendations to the Board of Directors.

#### AGENDA

<u>STATUS</u>	<u>TIME</u>	<u>ITEM</u>	<u>STAFF</u>
	12:45 p.m.	1. STATE LEGISLATION / ISSUES	
		A. NEW	O'Brien/Pfuehler
		a. Proposed Legislation	
(R)		AB 1805 (Calderon)	
(R)		AB 1929 (Hall)	
(R)		SB 1124 (McLeod)	
		B. ISSUES	
(I)		a. State Budget Update	
		2. FEDERAL LEGISLATION / ISSUES	Pfuehler/O'Brien
		A. NEW	
		a. Proposed Legislation	
(R)		S. 554 (Brown) Motorcoach Enhanced Safety Act of 2009	
(R)		H.R. 4772 (Blumenauer)	
		B. ISSUES	Pfuehler/O'Brien
		a. Transportation Update	
		3. PUBLIC COMMENTS	
		4. STATUS OF RECOMMENDATIONS	
		5. CORRESPONDENCE & ARTICLES	

(R) Recommendation for Future Board Consideration  
 (I) Information  
 (D) Discussion

Future 2010 Meetings:	May 21, 2010	July 16, 2010	October 15, 2010
	June 18, 2010	August 20, 2010	November 19, 2010
		September 17, 2010	December 17, 2010

Legislative Committee Members:

Ted Radke, Chair, Doug Siden, Ayn Wieskamp, John Sutter, Alternate  
 Erich Pfuehler, Staff Coordinator

Distribution/Agenda Only

Afton Crooks  
 Michael Kelley  
 Stana Hearne  
 Peter Rauch  
 Johan Klehs  
 Judi Bank

Distribution/Agenda Only

Dan Levy  
 Pete Wilson  
 Robert Follrath, Sr.  
 Fred W. Lopez  
 Yolande Barial  
 Bruce Beyaert

Distribution/Full Packet

Board of Directors  
 Pat O'Brien  
 Rosemary Cameron  
 Dave Collins  
 Bob Doyle  
 John Escobar

Distribution/Full Packet

Allen Pulido  
 Carol Johnson  
 Tyrone Davis  
 Dave Kalahela  
 Carol Victor  
 Ted Radosevich

Distribution/Full Packet

Hulet Hornbeck  
 Dr. George Manross  
 Norman LaForce  
 Rich Guarienti  
 Di Rosario  
 Jon King

Board of Directors

Ted Radke President Ward 7	Doug Siden Vice-President Ward 4	Beverly Lane Treasurer Ward 6	Carol Severin Secretary Ward 3	John Sutter Ward 2	Whitney Dotson Ward 1	Ayn Wieskamp Ward 5	Pat O'Brien General Manager
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BOARD LEGISLATIVE COMMITTEE  
2009/10 Status of Recommendations

The following is a record of bills that the Board has taken action on.

1. AB 83 (Feuer) Torts: personal liability. (2/2009)  
**STATUS:** 7/1/2009 Withdrawn from Governor. Ordered returned to enrollment.  
**CURRENT LOCATION:** 8/6/2009 A-CHAPTERED  
  
AB 90 (Adams) Torts: personal liability. (1/22/10)  
**STATUS:** 1/22/10 Failed Deadline pursuant to Rule 61(b)(2). (Last location was 2 YEAR on 6/8/2009).  
**CURRENT LOCATION:** 1/22/2010 A-DEAD  
  
The Board unanimously voted **support** pending state legislative AB 83 and AB 90. (Resolution #2009-4-105)  
**CURRENT LOCATION:** 6/8/2009 A-2 YEAR  
**NOTIFIED AUTHOR:** *April 24, 2009*
2. AB 1496 (Skinner) Torts: personal liability immunity. (1/31/10)  
**STATUS:** 1/31/2010 Failed Deadline pursuant to Rule 61(b)(3). (Last location was 2 YEAR ON 6/2/2009)  
**CURRENT LOCATION:** 1/31/2010 A-DEAD  
The Board unanimously voted to **support** pending legislation AB 1496. (Resolution #2009-4-106)  
**NOTIFIED AUTHOR:** *April 24, 2009*
3. AB 521 (De La Torre) Utility property: leases for park purposes. (10/11/2009)  
**STATUS:** 10/11/2009 Chaptered by the Secretary of State, Chapter Number 448, Statutes of 2009.  
**CURRENT LOCATION:** 10/11/2009 A-CHAPTERED  
The Board unanimously voted to **support** pending legislation AB 521. (Resolution #2009-4-107)  
**NOTIFIED AUTHOR:** *April 24, 2009*
4. AB 979 (Berryhill) Hunting or fishing: local regulation (9/4/2009)  
**STATUS:** 9/4/2009 to inactive file on motion of Senator Harman.  
**CURRENT LOCATION:** 9/4/2009 S-INACTIVE FILE  
The Board unanimously voted to **oppose unless amended** pending legislation AB 979. (Resolution #2009-4-107)  
**NOTIFIED AUTHOR:** Letter dated April 8, 2009 to Jared Huffman, Chair, Committee on Water, Parks & Wildlife
5. AB 1084 (Adams) Local planning: development projects: fees (10/11/09)  
**STATUS:** 10/11/2009 Chaptered by the Secretary of State, Chapter Number 507, Statutes of 2009  
**CURRENT LOCATION:** 10/11/2009 A-CHAPTERED  
The Board unanimously voted to **oppose unless amended** pending legislation AB 1084. (Resolution #2009-4-107)  
**NOTIFIED AUTHOR:** *N/A*

6. AB 135 (Jeffries) Public resources: forest resource improvement: urban forestry: cost sharing (8/24/09)  
**STATUS:** 9/4/2009 In committee: Set, first hearing. Hearing canceled at the request of author.  
**CURRENT LOCATION:** 8/25/2009 S-N.R. & W.  
 The Board unanimously voted to **support** pending legislation AB 135.  
 (Resolution #2009-6-167)  
**NOTIFIED AUTHOR:** *June 1, 2009*
  
7. AB 817 (Nestande) Government liability: special districts: indemnification.  
**STATUS:** 5/01/2009  
**CURRENT LOCATION:** 1/15/2010 A -DEAD  
 The Board unanimously voted to **support** pending legislation AB 817.  
 (Resolution #2009-6-168)  
**NOTIFIED AUTHOR:** *June 1, 2009*
  
8. AB 1464 (Symth) Transportation: California Bicycle Routes of State or Regional Significance Act (8/25/09)  
**STATUS:** 10/11/2009 Chaptered by the Secretary of State, Chapter Number 396, Statutes of 2009  
**CURRENT LOCATION:** 10/11/2009 A-CHAPTERED  
 The Board unanimously voted to **support** pending legislation AB 1464.  
 (Resolution #2009-6-169)  
**NOTIFIED AUTHOR:** *June 1, 2009*
  
9. SB 372 (Kehoe) State parks system: unit modification, adjustment, or removal. (9/15/09)  
**STATUS:** 10/11/2009 Vetoed by the Governor  
**CURRENT LOCATION:** 10/11/2009 S-VETOED  
 The Board unanimously voted to **support** pending legislation SB 372.  
 (Resolution #2009-6-172)  
**NOTIFIED AUTHOR:** *June 1, 2009*
  
10. SB 555 (Kehoe) Eminent Domain Law: conservation easement. (9/15/09)  
**STATUS:** 10/11/2009 Vetoed by the Governor.  
**CURRENT LOCATION:** 10/11/2009 S-VETOED  
 The Board unanimously voted to **support** pending legislation SB 555.  
 (Resolution #2009-6-173)  
**NOTIFIED AUTHOR:** *June 1, 2009*
  
11. HR 1044 (Miller) Port Chicago Naval Magazine National Memorial Enhancement Act of 2009 (2/12/09)  
**STATUS:** Received in the Senate and Read twice and referred to the Committee on Armed Services.  
**CURRENT LOCATION:** 7/16/2009 Referred to Senate committee. On Oct. 29, 2009 this was included as part of Defense Authorization and signed into law.  
 The Board unanimously voted to **support** pending legislation HR 1044.  
 (Resolution #2009-6-170)  
**NOTIFIED AUTHOR:** *July 6, 2009*
  
12. HR 1443 (Matsui) The Complete Streets Act (5/15/09)  
**STATUS:** Referred to the Subcommittee on Highways and Transit.  
**CURRENT LOCATION:** 3/12/2009 Referred to House subcommittee.

- The Board unanimously voted to **support** pending legislation HR 1443.  
(Resolution #2009-6-171)  
**NOTIFIED AUTHOR: July 6, 2009**
13. ACA 9 (Huffman) Local government bonds: special taxes: voter approval.  
**STATUS:** 1/14/2010 To inactive file on motion of Assembly Member Torrico.  
**CURRENT LOCATION:** 1/14/2010 A-INACTIVE FILE  
The Board unanimously voted to **support** pending legislation ACA 9.  
(Resolution #2009-7-188)  
**NOTIFIED AUTHOR: September 22, 2009**
14. S. 866 (Reed) A bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.  
**STATUS:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.  
**CURRENT LOCATION:** 4/22/2009 Referred to Senate committee.
- HR 2054 (Sarbanes) To amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.  
**STATUS:** Referred to the Subcommittee on Early Childhood, Elementary, and Secondary Education.  
**CURRENT LOCATION:** 6/4/2009 Referred to House subcommittee.  
The Board unanimously voted to **support** pending legislation S. 866 and H.R. 2054.  
(Resolution #2009-7-189)  
**NOTIFIED AUTHORS: September 22, 2009**
15. SB 448 (Pavley) California State Safe Harbor Agreement Program Act. (9/10/09)  
**STATUS:** 10/11/2009 Chaptered by the Secretary of State, Chapter Number 184, Statutes of 2009  
**CURRENT LOCATION: 10/11/2009 S-CHAPTERED**  
The Board unanimously voted to **support** pending legislation SB 448.  
(Resolution #2009-10-275)  
**NOTIFIED AUTHOR: October 21, 2009**
16. S. 1469 (Boxer) A bill to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes.  
**STATUS:** Read twice and referred to the Committee on Armed Services.  
**CURRENT LOCATION:** 7/16/2009 Referred to Senate committee.  
The Board unanimously voted to **support** pending legislation S 1469.  
(Resolution #2009- 10-274)  
**NOTIFIED AUTHOR: October 21, 2009**
17. SB 402 (Wolk) Recycling: California redemption value.  
**STATUS:** 10/11/2009 Vetoed by the Governor.  
**CURRENT LOCATION: 10/11/2009 S-VETOED**  
The Board unanimously voted to **support** pending legislation SB 402. Pulled by the Board Dec. 1, 2009 due to Governor's veto.  
**NOTIFIED AUTHOR: N/A**
18. SB 406 (DeSaulnier) Land use: environmental quality.  
**STATUS:** 10/11/2009 Vetoed by the Governor.  
**CURRENT LOCATION: 10/11/2009 S-VETOED**

The Board unanimously voted to **support** pending legislation SB 402. Pulled by the Board Dec. 1, 2009 due to Governor's veto.

**NOTIFIED AUTHOR: N/A**

19. AB 1594 (Huber) Sacramento-San Joaquin Delta: peripheral canal.

**STATUS:** 1/14/2010 Referred to Com. on W.,P. & W.

**CURRENT LOCATION: 1/14/2010 A-W.,P. & W.**

The Board unanimously voted to **support** pending legislation AB 1594.

**NOTIFIED AUTHOR: April 8, 2010**

20. AB 419 (Caballero) Local government: change of organization or reorganization: elections.

**STATUS:** 2/11/2010 Referred to Com. on L. GOV.

**CURRENT LOCATION: 2/11/2010 S-L. GOV.**

The Board unanimously voted to **support** pending legislation SB 402. Pulled by the Board Dec. 1, 2009 due to Governor's veto.

**NOTIFIED AUTHOR: April 8, 2010**

*Updated 4/8/10*

## Inside Bay Area

# Bay Area jobs market won't recover until 2015, forecast says

[By Pete Carey and George Avalos](#)

[Bay Area News Group](#)

Posted: 04/03/2010 02:00:00 PM PDT

Updated: 04/05/2010 05:23:46 AM PDT

Battered by the Great Recession, the Bay Area won't fully recover the jobs it has lost until 2015, according to a forecast prepared for the Mercury News and its sister papers, leaving tens of thousands of workers struggling to find permanent employment.

Such a prolonged slump will take a heavy toll on the region, keeping home sales depressed, squeezing Bay Area retailers and leaving the overall economy jittery for years.

"It does have the potential to be the most durable period of unemployment since World War II," said Jon Haveman, a founding principal of Beacon Economics, the San Rafael-based firm that prepared the forecast.

And the social costs have civic leaders and others concerned, as the ranks of the unemployed put a strain on tight budgets for job retraining, social services and other safety net programs when the state and cities are already in a financial bind.

From the time employment peaked in early 2008, to the end of 2009, the Bay Area's core counties — including Alameda, Contra Costa, Marin, San Francisco, San Mateo and Santa Clara — have lost 251,000 jobs out of a work force of nearly 3 million people.

Beacon's forecast, which tried to determine when the Bay Area would replace those lost jobs, is in line with the views of a wide range of economists, who say it will take the region years to regain its economic footing, although it will begin to add some jobs this year. Beacon prepared the forecast by modeling how the jobs market had rebounded from previous recessions and factoring in assumptions about how different sectors of the region's economy will act in the future to arrive at an estimate of the pace of this recovery.

The forecast indicates that the Bay Area's recovery will be about on pace with the state's, which should regain its pre-recession job levels after 2015, according to a projection from the California Legislative Analyst's Office. But Beacon's numbers suggest the Bay Area will lag — though only slightly — the rest of the country, with the firm estimating a recovery in the national jobs market by

the final quarter of 2014. On Friday, the government reported that the nation's employers added workers at the fastest pace in three years, a sign, according to some economists, that the U.S. had turned a corner in its struggle to recover its lost jobs.

### Silicon Valley rebound

The recovery around the Bay Area will be uneven, according to Beacon's forecast. It will take longer in the East Bay, where the economy was most dependent on housing construction and manufacturing. Silicon Valley and San Francisco should recover faster. But for years to come, there will be large numbers of people either out of work or working fewer hours than they want.

However, it appears that the bottom has been reached.

In Silicon Valley, hiring continues for certain types of highly skilled positions, or in hot fields. For example, National Semiconductor of Santa Clara has 40 openings for analog chip designers, marketers and engineers. "We're starting to grow once again," said Ed Sweeney, National's vice president for worldwide human resources. "We expect to see continued growth in the coming quarters."

And cleantech is showing signs of life. "We're hiring people as fast as we can find them," said Peter Rive, chief operating officer and co-founder of SolarCity in Foster City, which installs solar panel systems. SolFocus in Mountain View, a high-efficiency solar cell maker, has 70 openings at its valley headquarters.

"We're in this kind of contradictory situation where things are starting to move, and yet there will be some people who are still looking for work three or four or five years from now," said Stephen Levy of the Center for Continuing Study of the California Economy in Palo Alto.

In San Francisco, several major projects ranging from hospitals to infrastructure are planned or under way, including a major new transbay transit center, surrounding buildings and a downtown rail extension that will create more than 125,000 jobs during construction and 27,000 permanent jobs over the life of the project, according to Steve Falk, the San Francisco Chamber of Commerce president and CEO. And the city's \$8 billion tourist industry has seen a recent upturn, said Joe D'Alessandro, president and CEO of the San Francisco Convention & Visitors Bureau. Hotel occupancies are up, but room rates are still down and will take some time to return to 2008 levels, he said.

"It's tiny growth, but for the first time we're seeing quarterly growth over the year before, which is encouraging," he added.

### East Bay's challenge

And despite some grim news, experts have no doubt the East Bay will eventually join the rebound.

"The East Bay will be challenged and the NUMMI layoffs will be a challenge," said Bruce Kern, executive director of the East Bay Economic Development Alliance for Business. "But the fundamentals are there. The East Bay is a terrific market."

Talicia Beck, a Pittsburg resident, figures finding work will be tough. But Beck, whose last job in quality control at a Vallejo factory ended in February, is determined.

"Things are rough, but if you get yourself out there and post your résumé, you will get responses," Beck said. "It might not be what you want, but it's a job."

But there may be a "new normal" for many workers, said Jim Wunderman, president and chief executive of the Bay Area Council, in which they work independently rather than as employees of companies.

Many of those hardest hit by this recession worry that some jobs are gone forever.

"This is a jobless recovery," said Rosanne Foust, acting president of the San Mateo County Economic Development Association.

"I'm only being offered minimum-wage jobs," said Brian Laraway, a Redwood City resident and construction worker, who once made \$20 an hour. "This is brutal."

"I don't feel this situation is going to turn around for a good four years," said Barbara Blake-Lang, 48, of San Bruno. Blake-Lang has decided to go back to school and get a degree in acupuncture. She's been trying to find a job in pharmaceutical sales ever since she left a job in that field just before the recession struck.

A volunteer at the career center PeninsulaWorks in Daly City, where she helps people prepare résumés and learn computer skills, Blake-Lang said it's no longer just blue-collar workers who are looking for jobs. "They are now coming in from middle corporate America. We're getting the businessmen now," she said.

Jim Chase, 46, a San Jose semiconductor marketing specialist, has been out of work for 18 months, outside of some consulting jobs that have allowed him to stay current in his field.

"My feeling is that a lot of the jobs that have gone are never coming back," he said.

Chase said he attended a meeting recently where the CEO of a major valley company talked about how by downsizing his work force and investing in new plants in China and India, his company successfully weathered the recession.

"He said that in order to manage costs, it was easy to do layoffs. I was really shocked at the thought that layoffs would be easy. I would hope that layoffs would be a difficult decision to make."

Such lingering, long-term unemployment endured by Chase and thousands of others can fray the fabric of communities and families and whole classes of workers, sociologists say. It will also contribute to concerns among middle-income families, already worried about falling behind, that they could lose their job-dependent safety nets.

Americans derive most of their security through employment, notes sociologist and author Marianne Cooper of Menlo Park, who interviewed and tracked 50 Silicon Valley families for a doctoral thesis and forthcoming book on how families manage their security in insecure times.

The long-term character of unemployment in this recession is worrisome, she said. And as it recedes, "I think it is going to remain largely worse for middle-income families and below," she said. "Upper-income people have human capital that is in more demand in this economy. They seem to land on their feet, and to have more resources when they do get laid off."

If there's one thing the experts agree on, it's that many blue-collar jobs aren't coming back for a long time. Manufacturing has been in decline in the Bay Area for years, with the number of jobs falling 12 percent since the start of the recession. And construction was devastated, with nearly 30 percent of the jobs vanishing during the past two years.

"America wants very educated, computer-literate workers," said John Silvia, chief economist for Wells Fargo. "It will pay a premium for those workers. Blue-collar workers are just not keeping up in a global, open economy," he said.

"I've heard some say that manufacturing is basically gone from the Bay Area," said Beverly Johnson, director of San Mateo County's Human Services Agency. "We have an aggressive green-collar job program, and we'll train 150 people this year, but we're not prepared for thousands."

San Mateo County has one of the lowest unemployment rates in the state, reported at 9.4 percent in February. But that masks large pockets like Daly City, some parts of Redwood City and East Palo Alto where double-digit unemployment has been the norm for some time, Johnson said.

The competition even for low-paying jobs is fierce, she said. "I have résumés from people who have worked in global executive positions in the information technology industry, or who have been high-level administrative assistants, who have been laid off and are willing to work for \$15 to \$20 an hour."

"It's terrible. I get responses, but not as many as I'd like," said Tina Romo, a Hayward resident who lost her accounts payable job at an auto dealership. "I will do my best, keep applying and hope for a phone call."

Contact Pete Carey at 408-920-5419.



## ***CLIMATE: 'Clean-Tea' sponsors want Senate bill to focus more on transportation (04/06/2010)***

**Josh Voorhees, E&E reporter**

A group of Democratic senators is concerned that the bipartisan energy and climate legislation expected to be unveiled later this month won't focus enough on the transportation sector.

Sen. Tom Carper of Delaware and seven other Democrats sent a letter yesterday to the three lawmakers crafting the climate bill urging them to use it to "transform the transportation sector," which currently accounts for roughly a third of the nation's greenhouse gas emissions.

"While we support your work to develop comprehensive legislation, we are concerned that your approach may not result in sufficient emission or oil consumption reductions from the transportation sector," the group told Sens. John Kerry (D-Mass.), Lindsey Graham (R-S.C.) and Joe Lieberman (I-Conn.).

Specifically, Carper and the other seven Democrats want the climate bill to include language that directs states and cities to set emissions and fuel-consumption reduction goals, and to develop plans to reach those targets. They also want the bill to include performance-based funding for states and cities to help them build "clean transportation projects."

Six of the eight senators who signed the letter are members of the Environment and Public Works Committee: Frank Lautenberg of New Jersey, Arlen Specter of Pennsylvania, Benjamin Cardin of Maryland, Jeff Merkley of Oregon, Kirsten Gillibrand of New York and Carper. The EPW panel reported out its own climate bill ([S. 1733](#)) earlier this year that directed states and cities to make emissions and fuel-reduction goals, but given fierce Republican opposition, that bill has been set aside as Kerry, Graham and Lieberman attempt to cobble together legislation that can overcome partisan gridlock in their chamber.

Sens. Michael Bennet of Colorado and Bill Nelson of Florida were the other two to sign the letter. All eight signatories are co-sponsors of so-called "Clean-Tea" ([S. 575](#)), which would require 10 percent of any cap-and-trade revenues to go toward low-carbon transportation.

### **Transportation investment**

Kerry, Graham and Lieberman have said they likely won't address transportation emissions through a larger cap-and-trade system, and instead will rely on new fees on gasoline and diesel, potentially creating a "linked fee" that would be tied to the carbon market price for the other industrial sectors.

When the proposal was first floated, it was suggested that a portion of the linked fee revenues would be funneled into the Highway Trust Fund to help close a funding shortfall that has continued to plague the transportation sector. But Graham said late last month that plan had lost traction.

Carper and his fellow Democrats said that using the fuel-fee revenues for non-transportation purposes could derail efforts to pass a multiyear highway and transit bill, a top priority this year for transportation advocates and like-minded lawmakers.

"If your legislation raises revenues from the transportation sector but does not reinvest funds into infrastructure, our efforts to enact a surface transportation authorization bill in the near future will be constrained," the letter states.

More than two dozen transportation groups sent a similar letter to Kerry, Graham and Lieberman last week, urging them to devote any and all revenues raised from a potential fuel fee exclusively to pay for road and transit work ([E&ENews PM](#), April 5).

Finding a way to pay for the federal share of transportation work has been an ongoing struggle for lawmakers as they craft the next multiyear highway bill. Currently, the bulk of road work is paid for by fuel tax revenues, but transportation spending has outpaced the money coming into the highway account as Americans drive fewer miles in more fuel-efficient cars and trucks.

Lawmakers have had to scramble several times to approve multibillion-dollar transfers into the trust fund to keep it from running dry. The latest extension of the current law -- which continues the current programs through the end of 2010 -- was accompanied by a roughly \$20 billion injection into the account.

Work on the highway bill has been stalled since last summer as lawmakers search for the money needed to pay for a six-year bill that is expected to approach \$500 billion.

Late last month, House Transportation and Infrastructure Chairman James Oberstar (D-Minn.) floated a proposal that would increase the federal gasoline tax -- which has remained stagnant since the early 1990s -- after the economy rebounds but that would allow the government to begin investing the projected increased revenues immediately ([E&ENews PM](#), March 26).



The latest on California politics and government

*April 2, 2010*

## **Bay Area Council announces positions on ballot measures**

Its push to put a measure to call a constitutional convention on the ballot [fizzled](#), but the business-backed Bay Area [Council](#) is jumping into battles over [ballot measures](#) heading before voters.

Here are the [council's](#) positions on five measures.

### *SUPPORT:*

Prop 14: Open Primary Initiative  
Prop 16: Vote Requirement for Local Electricity Providers  
Prop 17: Auto Insurance Reform Initiative  
Safe Clean Reliable Drinking Water Supply Bond (November)

### *OPPOSE:*

Prop 15: California Fair Elections Initiative

The [council](#) didn't announce a position on Prop 13 (Limits on property tax assessment; seismic retrofitting of existing buildings).

**Categories:** [2010 ballot initiatives](#)

Posted by [Torey Van Oot](#)

# Contra Costa Times

## Miller, Garamendi lauded as heroes at Martinez forum

[By Lisa Vorderbrueggen](#)

Posted: 04/01/2010 08:36:07 PM PDT Updated: 04/02/2010 06:37:17 AM PDT

MARTINEZ — Rep. George Miller, D-Martinez, raised his arms, split the air and yelled into the microphone, "It's done!"

And the room packed with several hundred East Bay labor, minority and Democratic leaders jumped to their feet and erupted into another round of applause Thursday evening for the Martinez congressman who played an integral role in the passage of the largest reform of the nation's health care system in nearly five decades.

"And when you buy that health insurance policy, they are not going to take it away from you when you need it like they do today," Miller said. "They are not going to say, 'We have spent enough on your cancer.' They are not going to tell you they won't cover your children because they have a pre-existing condition. And if you lose your job and your spouse gets a disease, they can't tell you, 'We won't cover you.' Those days are done."

He went on to say, "Let me just tell you how honored I am to be in this place at this time in history, to be able to participate and to be at the eye of the storm in this debate."

Unlike other colleagues in the House of Representatives who returned to less liberal home districts this week for Easter break and whose constituents have mixed reviews of legislation that has left the country divided, Miller and neighboring Democratic Rep. John Garamendi, of Walnut Grove, were treated like conquering heroes. Neither man faces a serious threat to re-election in November.

Held at the IBEW Local 302 Hall and sponsored by a slew of East Bay labor groups, Contra Costa Democratic Central Committee, local chapters of the NAACP and League of United Latin American Citizens, the audience downed hors d'oeuvres and nonalcoholic punch before they heaped verbal praise on the two congressmen.

The legislators were also presented with white lab coats, with supporters saying they had saved the lives of the 32 million people who will now have access to health insurance.

Garamendi, for his part, arrived in Congress on Nov. 5, just in time to vote for the first House version of the health care legislation. The former state insurance commissioner and lieutenant governor flew into Washington, D.C., shortly after a bruising special election to replace Ellen Tauscher, who took a high-ranking job in the State Department under President Barack Obama. He was one of the aye votes in the Democrats' two-vote margin of victory.

He, too, piled praise on Miller, along with House Speaker Nancy Pelosi.

"Because of George Miller and Nancy Pelosi, we are on our way to providing insurance to every American," said a smiling Garamendi.

Miller, in his speech, also acknowledged his central role in the addition of student loan reforms to this week's budget package that contained the House changes to the health care legislation.

**Contra Costa Times**

## **Karl Rove blasts Democrats and promotes his new book in the East Bay**

[By Lisa Vorderbrueggen](#)

[Contra Costa Times](#)

Posted: 03/30/2010 08:26:32 PM PDT

Updated: 03/31/2010 07:43:00 AM PDT

LAFAYETTE — Karl Rove made his transformation from behind-the-scenes Republican political strategist and right hand to a U.S. president into a pundit and public speaker look as easy as falling off a log.

Speaking comfortably before a sold-out crowd of nearly 400 friendly Republicans in Lafayette, Rove alternately hammered Democrats and recounted funny stories about the lighter side of his seven years as the White House deputy chief of staff to President George W. Bush.

The man many Democrats revile as the coldhearted architect of GOP successes told how he repeatedly hid a White House colleague's car as a practical joke. In return, the fellow staff member had Rove's vehicle covered in plastic wrap and sticky notes.

"But he who laughs last laughs best," said the wry Rove. He arranged to meet his co-jokester in front of the redecorated car for a concessionary photo but instead staged a mock arrest with Capitol police.

Rove's visit was at the invitation of California Republican Party Vice Chairman Tom Del Beccaro of Lafayette, and coincided with the release of Rove's new book, "Courage and Consequence: My Life as a Conservative in the Fight."

Party officials avoided a repeat of Rove's book signing Monday night in Beverly Hills, where anti-war CodePink co-founder Jodie Evans came onstage with handcuffs, called him a war criminal and attempted to make a citizen's arrest.

Lafayette's thimbles worth of protesters never got within 50 feet of Rove at the Veterans Memorial Building.

"We think Rove had a hand in starting an illegal war in Iraq and other U.S. policies we abhor, such as torture," said protester Cynthia Papermaster, a Berkeley resident.

Inside, Rove called the Lafayette event much "nicer than the one in Beverly Hills." And he repeated his assertion that the protesters' allegation that the Bush administration lied about weapons of mass destruction "is a pernicious political attack launched by cynical and hypocritical individuals."

His appearance was also a fundraiser for the Contra Costa Republican Party. The \$75 ticket included a box lunch and Rove's book.

Rove aimed his strongest criticism Tuesday at Democrats' health care reform. He called much of it unaffordable and predicted Americans would press for repeal or replacement of some or all of it.

He also criticized as dangerous President Barack Obama's decision to restrict the government's interrogation methods and to try Khalid Shaikh Mohammed, the self-described mastermind of the Sept. 11 attacks, in a public court rather than a military tribunal.

Rove singled out California Democratic U.S. Sen. Barbara Boxer as an election target. "You have a marvelous, delicious opportunity to kick Boxer out this year," Rove said.

He also said Republicans should not underestimate Democratic gubernatorial nominee and Attorney General Jerry Brown, a man he said has repeatedly recast his political career.

Rove pitched his new book, a 596-page tome The Washington Post described as "unexpectedly tender" but a clear attempt to shape history in Bush's favor.

"I wanted to set the record straight," Rove said Tuesday. "We didn't get everything right — the presidential office is a human endeavor — but we got a hell of a lot more right than we got wrong."

Rove also told how he gave Bush eight reasons why Vice President Dick Cheney — with Cheney in the room — should not be his pick for vice president.

"(Bush) didn't keep me around because of my pretty face or my athletic ability," Rove said. "... He wanted people who would marshal their facts and tell him what they thought."

Staff writer Jonathan Morales contributed to this story.

Lisa Vorderbrueggen covers politics. Contact her at 925-945-4773 or [www.ibabuzz.com/politics](http://www.ibabuzz.com/politics).

**SFGate.com**

## **Part-time Legislature push fails to make ballot**

Wyatt Buchanan, Chronicle Sacramento Bureau

Tuesday, March 30, 2010

**(03-30) 04:00 PDT Sacramento --**

A proposed ballot initiative to create a part-time Legislature has failed to make it on the November ballot. Backers say they were unable to raise the money to collect the necessary signatures by a Monday deadline.

The plan becomes the third proposed ballot measure aimed at changing how state government operates that has failed to qualify. Two other proposals, one to call a constitutional convention and another to make specific changes in state governance, were suspended because of a lack of funding.

"We did not get the big donors," said Gabriella Holt, president and CEO of Citizens for California Reform, the organization backing the measure.

Holt said the group had collected about half of the almost 700,000 signatures necessary to qualify the measure and had raised about \$30,000. Despite that, Holt said there was strong support from people for the proposal.

"The demand for the petition itself far exceeded the ability to supply people to go out and garner the signatures," she said.

The part-time Legislature proposal would have limited the Legislature to meeting 95 days per year - 30 in January and up to 60 starting in May, with five additional meetings to allow for overriding any gubernatorial vetoes. Salaries would have been cut by 50 percent. California would save tens of millions of dollars if it was approved, according to a state financial analysis.

California has had a full-time Legislature since 1966, at the urging of the Assembly Speaker Jesse Unruh. A Public Policy Institute of California poll from September found just 23 percent of state voters surveyed supported the part-time proposal, while 71 percent said it was either a bad idea or would make no difference.

Holt said the group will now focus on individual elections to the Legislature and support candidates who back the part-time plan. She said she would like to see the proposal introduced in the Legislature. If not, the group plans to try again for the next statewide ballot.

E-mail Wyatt Buchanan at [wbuchanan@sfchronicle.com](mailto:wbuchanan@sfchronicle.com).

# Contra Costa Times

## Richmond grapples with spread of anti-casino signs

[By John Simerman](#)  
[Contra Costa Times](#)

Posted: 03/29/2010 04:41:16 PM PDT

Updated: 03/30/2010 06:54:33 AM PDT

City workers are trying to keep up with the illegal spread of signs that call on three City Council members to oppose an Indian casino-resort on the Richmond shoreline.

The city has torn scores of anti-casino signs from utility poles and other public spots in the past few weeks, said Tim Higaes, code enforcement manager with the Richmond Police Department.

"I have been getting a lot of complaints from the public about the signage," he said.

A local ordinance requires permits for 25 or more temporary signs, with identification numbers on each sign. The aim is to control blight and identify who is responsible for taking the signs down after 90 days. No one has taken out a permit for the anti-casino signs, according to the city attorney's office.

The signs appear to be the work of Stop the Mega Casino, a group of card clubs that has registered with the city as an "expenditure lobbyist." The group has stood as the most aggressive opponent of the plan for a major Las Vegas-style casino and commercial attraction at Point Molate. In early March, it launched TV and mailer ads that reflected a violent, seedy Richmond, arguing the casino project would burnish a climate of drug dealing, loan sharking and crime in the city.

Chuck Finnie, a spokesman for the group, said that the campaign hired a private vendor to erect the signs and that it directed placement only on private property.

Higaes said that the permit requirement applies to private property as well, but that his team was removing only the signs on public property. Higaes said he was under no orders to remove the anti-casino signs specifically.

"We're not focusing on political signs," he said. "At this point, anything on public property, we're ripping it. A lot of those are the casino signs."

The casino project has become an early flash point in an election year with the mayorship and three council seats up for grabs. The signs take aim at council members Ludmyrna Lopez, Jim Rogers and Maria Viramontes. All three face election battles this year, and each has either expressed conditional support or remained noncommittal on the casino project.

The City Council must certify an environmental review of the project, with a vote expected late this year. The Guidiville Band of Pomo Indians also must win federal approvals to lay claim to the land for a casino. The tribe has pledged some \$17 million a year in payments to the city, and \$12 million

Sacramento Bee

## Viewpoints: Should state adopt an open primary? No

*It would hurt the GOP and reward mushy candidates*

Published Sunday, Mar. 28, 2010

The attention of California Republicans is naturally focused on the rambunctious gubernatorial and U.S. Senate contests. After all, who we nominate for those offices, and the slate of constitutional officers, is essential to the GOP's recovery as a force in California politics.

Overshadowed by the sound and fury of those contests is an initiative on the June ballot that could affect GOP fortunes even more profoundly by permanently, radically altering how party nominees are selected.

Proposition 14 replaces our traditional party primary system with the "blanket" primary used by that paragon of political dysfunction, the state of Louisiana. Prop. 14 is the fruit of a corrupt bargain struck a year ago between liberal Republican state Sen. Abel Maldonado and legislative Democrats: Maldonado voted to enact the budget and largest tax increase in state history in exchange for putting the blanket primary on the June ballot.

Traditionally, California voters choose party nominees in a primary election, the winners of which face each other in the November general election. Political parties are free to decide votes in their primaries. For example, the GOP allows decline-to-state voters to vote in its primary, in addition to registered Republicans. This system has served our state well for decades.

The radical Prop. 14 scheme proposes a blanket primary in which all candidates are on a single ballot. The top two vote-getters – regardless of party affiliation – advance to the general election.

The blanket primary narrows, rather than widens, voters' choices. Many of our gerrymandered legislative and congressional districts are dominated by a single party. In these, general elections would be between a Republican and a Republican, or a Democrat and a Democrat. In large, rural districts, there would never be a Democrat on the November ballot. Likewise for Republican candidates in urban areas like Los Angeles and San Francisco. As for third party candidates, they'd effectively be knee-capped.

This is no accident. The blanket primary is designed to blur the lines and populate the Legislature with politicians with mushy beliefs. The unstated premise is that sharp philosophical differences between the two parties is unhealthy, and that seeking voter allegiance on such a basis is "partisan" and therefore bad.

In a free society, parties should be allowed to set their own rules for selecting nominees, not have one imposed on them against their will.

Adopting a blanket primary in the tea party era would be a historic mistake. I can't remember the last time so many ordinary Americans were so earnestly engaged in issues of politics and government, actively pushing back against state and federal governments that have slipped their constitutional moorings and are spinning out of control.

At a time of maximum voter alertness to the very real differences between two parties – and their flaws – do we really want a blanket primary that blurs those distinctions? Is it wise to rig the game so that voters, rebelling against the status quo, have their choices narrowed to two brands of vanilla? Some elites argue that the California Republican Party can only grow by diluting itself, and they see the blanket primary as a means to that end – but that view ignores history and is blind to the opportunities ahead.

In California, the seeds planted by years of Democratic policies – high taxes, anti-business regulations, massive entitlements and unsustainable public pension obligations – are bearing their bitter fruit. The edifice of liberal governance is quickly crumbling, and more and more Californians are open to Republican solutions grounded in liberty and limited government as the surest path to restraining government and creating economic opportunity. Why, then would we choose such a moment to adopt a blanket primary that deprives voters of robust choices and offers them a narrow octave of echoes, instead?

**SFGate.com**

## **State's voters want cuts to prisons, parks**

Wyatt Buchanan, Chronicle Sacramento Bureau

Wednesday, March 24, 2010

**(03-24) 04:00 PDT Sacramento - --**

If California voters controlled the state budget, a majority would agree to cut spending in only two areas - the state's prisons and parks, according to a Field Poll to be released today. If those areas were eliminated entirely, meaning no prisons or parks, it would take care of a little less than half of California's \$20 billion deficit.

The poll also found near majority support for cuts to environmental regulation and public transportation, but voters surveyed roundly rejected cuts to education, which makes up more than half of all state general fund spending. This year, general fund spending is \$84.5 billion.

"When you ask the question of would you rather the state deal with the deficit by increasing taxes or making spending cuts, most people choose the spending-cuts route. Then when you go down the list ... and ask in which areas they favor cutting spending, they find it very difficult," said Mark DiCamillo, director of the Field Poll.

DiCamillo said voters believe there is massive inefficiency in state government and that earlier polls found majorities who believe the state could cut its budget by up to \$16 billion, or nearly a fifth of all spending, by just focusing on inefficiency.

He said lawmakers should focus their initial efforts on those types of cuts to show the public they share concerns about waste, though the public's expectations may be unrealistic.

"Even if it's only \$1 billion, or whatever it is, that's where efforts should be going because that's where voters think efforts should be going," said DiCamillo, adding that doing that first could make other unpopular cuts easier.

The survey found 56 percent of voters polled support cuts to state prisons and correctional facilities, and 52 percent support cuts to state parks and recreational facilities. Also, 48 percent support cuts to environmental regulations, and 48 percent would cut public transit.

Gov. Arnold Schwarzenegger's budget proposal for next year actually satisfies the top preferences of those surveyed. He has proposed an \$811 million cut in prison health care spending and the elimination of spending on parks. He suggests replacing the \$140 million to parks with money generated by a lease for oil drilling off the coast of Santa Barbara.

Still, if those two cuts are enacted, they would amount to less than 5 percent of the overall budget shortfall.

State budget experts said they have been surprised to find that most Californians do not know that education makes up more than half the state budget, by far the largest expenditure, and believe that leads to voter frustration with the budget process.

"They think a preponderance of dollars go to places they would want to be cut, but they don't understand that most tax dollars actually go to services that most people support," said Jean Ross, executive director of the California Budget Project, a Sacramento think tank that lobbies for low-income families.

Strong majorities of voters also opposed cuts to state services for low-income Californians, including public assistance, child care and health care.

The poll surveyed 503 registered voters in California from March 9 to 15 and has a margin of error of plus or minus 4.5 percentage points.

E-mail Wyatt Buchanan at [wbuchanan@sfchronicle.com](mailto:wbuchanan@sfchronicle.com).

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/03/24/BA111CK8KU.DTL>

This article appeared on page **C - 2** of the San Francisco Chronicle

SF Gate.com

# Key elements of health reform would start soon

[Victoria Colliver, Chronicle Staff Writer](#)

Tuesday, March 23, 2010

The health care reforms President Obama is expected to sign into law today would unfold slowly for the most part, with a few provisions kicking in this year, such as extended dependent coverage for young adults up to age 26 and an end to insurers' practice of placing lifetime spending limits on policies.

But the major changes - a mandate that most Americans obtain health insurance, a prohibition against insurers turning down adults for coverage because of pre-existing conditions, and the creation of a marketplace or purchasing pool to make it more affordable for people to buy insurance - won't go into effect until 2014.

In a White House ceremony today, Obama plans to sign the historic, nearly \$1 trillion health care overhaul bill passed Sunday by the House of Representatives. Then, as the president heads to Iowa to kick off a campaign to sell the legislation to the American public, the Senate will take up a package of House changes to the Senate bill.

The Senate needs a simple majority of 51 votes to approve the changes, but Republicans in the Senate are preparing to put up stiff opposition, and lawmakers in about 30 states are launching legal challenges to the bill.

## First-year changes

Assuming GOP efforts fail, the bulk of the reforms offered in the bill would phase in over the next four years, but a number of noteworthy changes would go into effect in the first year.

Among those, health insurers would not be able to deny coverage for children based on pre-existing conditions, and they will no longer be able to set lifetime limits on the amount of money they are willing to pay out to cover people's health care needs.

Insurers would also be prohibited from canceling policies retroactively unless they can prove that the dropped policyholder engaged in fraud.

Young adults who do not have access to health insurance would be able to stay on their parents' policies as dependents until age 26, and seniors who hit the dreaded "doughnut hole," or the coverage gap in the Medicare prescription drug benefit, would get \$250 in rebates to help with their costs. The bill eventually phases out that coverage gap entirely.

## Getting immediate help

Several health experts said Monday that Congress was wise to enact aspects of the reform package over the next several months so that people get immediate help.

"They're giving themselves a little bit of time to put the full law into place, but also having some provisions to help people in that interim period," said Sara Collins, vice president at the Commonwealth Fund, a private fund that supports independent health research.

For example, health insurers won't be required to accept all applicants regardless of their health status until 2014. Until that happens, the federal government will kick in funds to help states establish high-risk pools to provide health coverage to people who have pre-existing conditions and have been uninsured for six months.

## **State's high-risk pool**

California already has a state-run, high-risk pool, but it caps annual insurance benefits at \$75,000, often has a waiting list, and the coverage can cost more than \$1,000 a month.

"The problem with it is we put about \$40 million into it back in 1988 when it was created, and then we haven't put in a penny more," said Lucien Wulsin Jr., executive director of Insure the Uninsured Project, referring to the annual funding provided through the state's tobacco tax.

Wulsin's group reports at least 200,000 uninsured Californians say they are in poor health, while the state high-risk pool covers just 7,100 people. He said California could be eligible for about \$375 million of the \$5 billion in federal funding the bill promises to states for these high-risk pools.

## **Small employers**

A tax credit to small employers with fewer than 25 workers is another change that would go into effect this year. The credit would help pay for health care and a requirement that insurers offer certain preventive services without co-payments or other fees.

One lesser-known provision that would go into effect this summer is the "tan tax," a 10 percent tax increase on indoor tanning services. The tax, considered a way to generate money and discourage potentially unhealthy behaviors, replaced a proposed 5 percent tax on elective cosmetic procedures dubbed the "botax."

## **Effect on small businesses**

John Overstreet, executive director of the Indoor Tanning Association, said the federal government's estimate that the tax would generate \$2.7 billion over 10 years is an inflated figure. "That figure is just way, way off," he said. "We're dealing with 18,000 or 19,000 small businesses."

Craig Joyner, owner of three tanning salons in San Francisco, said his industry has already been hit by the recession because of consumers cutting back on discretionary expenses, and believes the tax is unfair.

"The fact that it's in there seems pretty random. There's no logic to segmenting out one type of service industry and not others," said Joyner, who owns Great Tan Castro, Great Tan Geary and Great Tan Union.

## **Timeline for implementation**

### **2010**

- Sets up a high-risk health insurance pool to provide affordable coverage for uninsured people with medical problems.
- Starting six months after enactment, requires all health insurance plans to maintain dependent coverage for children until they turn 26; prohibits insurers from denying coverage to children because of pre-existing health problems.
- Bars insurance companies from putting lifetime dollar limits on coverage and canceling policies except for fraud.
- Provides tax credits to help small businesses with up to 25 employees get and keep coverage.
- Begins narrowing the Medicare prescription coverage gap by providing a \$250 rebate to seniors in the gap, which starts this year once they have spent \$2,830. It would be fully closed by 2020.
- Reduces projected Medicare payments to hospitals, home health agencies, nursing homes, hospices and other providers.
- Imposes 10 percent sales tax on indoor tanning.

### **2011**

- Creates a voluntary long-term care insurance program to provide a modest cash benefit helping disabled people stay in their homes, or cover nursing home costs. Benefits can begin five years after people start paying a fee for the coverage.
- Imposes a \$2.3 billion annual fee on drugmakers, increasing over time.
- Requires employers to report the value of health care benefits on employees' W-2 tax statements.
- Provides Medicare recipients in the prescription coverage gap with a 50 percent discount on brand-name drugs; begins phasing in additional drug discounts to close the gap by 2020.
- Provides 10 percent Medicare bonus to primary care doctors and general surgeons practicing in underserved areas, such as inner cities and rural communities.
- Freezes payments to Medicare Advantage plans, the first step in reducing payments to the private insurers who serve about one-fourth of seniors. The reductions would be phased in over three to seven years.

### **2012**

- Sets up a program to create nonprofit insurance co-ops that would compete with commercial insurers.
- Penalizes hospitals with high rates of preventable readmissions by reducing Medicare payments.

-- Initiates Medicare payment reforms by encouraging hospitals and doctors to band together in "accountable care organizations" along the lines of the Mayo Clinic. Sets up a pilot program to test more efficient ways of paying hospitals, doctors, nursing homes and other providers who care for Medicare patients from admission through discharge. Successful experiments would be widely adopted.

## **2013**

-- Standardizes insurance company paperwork, first in a series of steps to reduce administrative costs.

-- Limits medical expense contributions to tax-sheltered flexible spending accounts (FSAs) to \$2,500 a year, indexed for inflation. Raises threshold for claiming itemized tax deduction for medical expenses from 7.5 percent of income to 10 percent. People over 65 can still deduct medical expenses above 7.5 percent of income through 2016.

-- Imposes a 2.3 percent sales tax on medical devices. Eyeglasses, contact lenses, hearing aids and many everyday items bought at the drug store are exempt.

-- Increases Medicare payroll tax on couples making more than \$250,000 and individuals making more than \$200,000. The tax rate on wages above those thresholds would rise to 2.35 percent from the current 1.45 percent. Also adds a new tax of 3.8 percent on income from investments.

## **2014**

-- Prohibits insurers from denying coverage to people with medical problems or refusing to renew their policy. Health plans cannot limit coverage based on pre-existing conditions or charge higher rates to those in poor health. Premiums can only vary by age, place of residence, family size and tobacco use.

-- Coverage expansion goes into high gear as states create new health insurance exchanges - supermarkets for individuals and small businesses to buy coverage. People who already have employer coverage won't see any changes.

-- Medicaid expanded to cover low-income people up to 133 percent of the federal poverty line, about \$28,300 for a family of four. Low-income childless adults covered for the first time.

-- Requires citizens and legal residents to have health insurance, except in cases of financial hardship, or pay a fine to the IRS. Penalty starts at \$95 per person in 2014, rising to \$695 in 2016. Family penalty capped at \$2,250. Penalties indexed for inflation after 2016.

-- Penalizes employers with more than 50 workers if any of their workers get coverage through the exchange and receive a tax credit. The penalty is \$2,000 times the total number of workers employed at the company. However, employers get to deduct the first 30 workers.

-- Provides income-based tax credits for most consumers in the exchanges, substantially reducing costs for many. Sliding-scale credits phase out completely for households above four times the federal poverty level, about \$88,000 for a family of four.

## **2018**

-- Imposes a tax on employer-sponsored health insurance worth more than \$10,200 for individual coverage, \$27,500 for a family plan. The tax is 40 percent of the value of the plan above the thresholds, indexed for inflation.

## **2020**

-- Coverage gap in Medicare prescription benefit is phased out. Seniors continue to pay the standard 25 percent of their drug costs until they reach the threshold for Medicare catastrophic coverage, when their co-payments drop to 5 percent.

Source: Associated Press

## **What happens today**

-- At the White House, President Obama will sign the Senate health care legislation approved by the House on Sunday.

-- The Senate then will begin considering a package of House changes to the Senate measure known as "reconciliation." Senate Republicans will try to derail it with parliamentary challenges and amendments, but Democrats are confident they will prevail and complete the overhaul of the health care system. Obama would then sign the reconciliation bill.

E-mail Victoria Colliver at [vcolliver@sfgate.com](mailto:vcolliver@sfgate.com).

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/03/23/MN531CJKCG.DTL>

This article appeared on page **A - 1** of the San Francisco Chronicle

**SF Gate.com**

## **Jobs top issue among state voters, poll shows**

[Marisa Lagos, Chronicle Sacramento Bureau](#)

Tuesday, March 23, 2010

**(03-23) 04:00 PDT Sacramento --**

Jobs, more jobs and the economy - there's a reason politicians can't say those words enough: A new Field Poll shows the issues are at the top of voters' minds heading into November's gubernatorial election.

The state budget deficit, education and health care are also of major concern to a majority of California voters as they weigh who should be their next governor, according to the poll, which was conducted March 9-15 among a random sample of 503 registered voters. Taxes, illegal immigration and water were listed as top concerns by less than half of respondents.

"Jobs is at the very top - I didn't think anything could top the state budget deficit, but there it is," said Field Poll director Mark DiCamillo, adding that voters' worries are "very different," than they were four years ago, prior to the last gubernatorial election.

In 2006, just 39 percent of voters said they were worried about jobs and the economy; now, 69 percent of respondents list it as the most important issue. Four years ago, the Field Poll didn't even ask about the state budget deficit, because there wasn't one. Concern about education has also jumped significantly, with 45 percent of respondents listing it as a top concern four years ago, compared to 60 percent now.

"We were not facing the severity of issues then that California is facing now, and that's why in many respects there's so much more attention being paid to the governor's race and that it's happening much earlier," DiCamillo added. "There are huge issues facing voters and they want the gubernatorial candidates to address them."

Voters' opinions on many of the top issues are largely dictated by their political leanings, DiCamillo said. For example, while a majority of Democrats, Republicans and independents all list jobs, the economy and the state budget deficit as most important issues, worries about education, health care, taxes and immigration fall along party lines.

Republicans are overwhelmingly worried about illegal immigration and taxes, while Democrats have much larger concerns about health care and education. These partisan splits will be most important in the June Republican primary between former eBay CEO Meg Whitman and state Insurance Commissioner Steve Poizner, DiCamillo said. Attorney General Jerry Brown is currently running unopposed in the Democratic primary.

"These are hugely partisan issues," DiCamillo said. "You can almost see why Poizner has decided to focus his attention on illegal immigration, because it's a top issue among Republicans. But when you get to the general election, that issue recedes in importance because Democrats and independents don't see it as pressing compared to other issues."

It's unclear how the passage of national health care reform will affect voters' opinions, DiCamillo said. The change in laws could prompt more interest among Republicans as November gets closer, he said. Currently, just 41 percent of GOP voters listed it as a major issue, compared with 48 percent of independents and 60 percent of Democrats. The poll has a margin of error of 4.5 percentage points.

SFGate.com

# Ban on smoking at parks, beaches moves forward

[Marisa Lagos, Chronicle Sacramento Bureau](#)

Tuesday, March 23, 2010

**(03-23) 04:00 PDT Sacramento --**

California lawmakers approved a groundbreaking smoking ban Monday that, if signed into law, will prohibit smoking at nearly all state beaches and parks.

The bill is believed to be the nation's most far-reaching smoking ban in state parks. It aims to cut down on litter, secondhand smoke and forest fires at California's 278 parks and 64 beaches by imposing a \$100 fine on people who violate the ban, according to its author, Sen. Jenny Oropeza, D-Long Beach.

The legislation faces one more vote in the Senate before it can be sent to Gov. Arnold Schwarzenegger, who has not indicated whether he will sign it.

"Unfortunately too many beach visitors are irresponsible with their smoking habit," Oropeza said in a statement. "Our majestic beaches and parks have been marred by cigarette butts for too long."

An earlier version of the measure was approved last year by the Senate, but the bill was narrowed as it moved through the Assembly. It now exempts all campsites and parking lots, as well as the Oceano Dunes State Vehicular Recreation Area in San Luis Obispo County, only allows enforcement in areas where signs have been posted advertising the ban, and specifies that no new resources be used to enforce the restrictions.

Even with those changes, it is unclear whether the law would be enforced. Roy Stearns, a spokesman for the state parks system, said there is no extra money to post signs or for additional manpower. In fact, most of the state's parks are closed during either all of some of the weekdays to save state money on staffing them.

Cynthia Hallett, executive director of Americans for Nonsmokers' Rights in Berkeley, said the law would be useful even if it's not strictly enforced - but it does need to be publicized.

"This is a public education issue," she said. "Nine times out of 10 these types of laws are self-enforcing, but you do need to have signage for that 10th instance. Or, if someone happens to be patrolling a park anyway, they can point out there is a law."

Opponents said the measure smacks of nanny government and that the Legislature should be spending its time on more pressing issues, such as the state's \$20 billion deficit.

Anthony Adams, R-Hesperia (San Bernardino County), said last week that there is no evidence that secondhand smoke in an unenclosed public environment is harmful.

"Prohibiting smoking is not the answer," Adams said, adding that it "assumes everyone who smokes does something intrinsically criminal."

Smoking at many parks and beaches in California is already prohibited through laws enacted by more than 100 cities and counties, Oropeza noted. San Francisco, for example, bars smoking in parks and near doorways and windows of offices, shops and restaurants, and this month expanded the ban to include sidewalk cafes, restaurant patios, movie and ATM lines, bingo halls and the common areas of housing complexes.

Several other states ban smoking on beaches, said Hallett, but Oropeza's law is the most far-reaching because it includes all state parks. Four other states, she said - including New York and Hawaii - are weighing similar bans.

Environmental groups also applauded the law, noting that cigarette butts are among the most common pieces of trash found on beaches and that smoking-related debris poses serious threats to marine animals.

People's opinion on the new restrictions appears to be dictated by whether they smoke. On a recent afternoon at the top of Mount Diablo State Park, nonsmokers said they were thrilled with a smoking ban, but smokers weren't so sure. Many visitors said a smoking ban would reduce fire hazards and trash and improve the overall park experience.

"I can't stand smoke. I can't stand cigarette butts. They're nasty and dirty," said Ray Daddi of Walnut Creek, who smoked Marlboros for 40 years before he quit seven years ago. "I'd rather pick up dog poop than a cigarette butt."

His friend, Steve Langlois, of San Francisco, had just finished a Winston Light. The pair had driven to the mountain top to enjoy the view.

"With open space like this, you should be able to smoke," Langlois said. "If you're careful and don't litter, I don't see what the problem is."

Chronicle staff writer Carolyn Jones contributed to this report. E-mail Marisa Lagos at [mlagos@sfchronicle.com](mailto:mlagos@sfchronicle.com).

**Contra Costa Times**

## **U.S. Interior Secretary visits Port Chicago**

[By Mike Taugher](#)  
[Contra Costa Times](#)

Posted: 03/22/2010 07:24:52 PM PDT

Updated: 03/22/2010 07:28:40 PM PDT

CONCORD — Interior Secretary Ken Salazar touched down in Concord late today and briefly visited the newest addition to the national park system, the Port Chicago Naval Magazine National Memorial.

The last minute stop was inserted between a stop in the Southern California desert to promote solar energy earlier on Monday and an event Tuesday in Red Bluff to promote a project funded with economic stimulus money.

"I saw we had a small window of time," Salazar said at the Army site north of Concord. "If there's any place I can go in the Bay Area, I want to go to Port Chicago."

Port Chicago was the site of a horrendous blast in 1944 that killed more than 300 sailors, most of them African-American, and led to a series of events that helped desegregate the military.

"It (the national park memorial) is telling the story of the explosion and the compelling civil rights story after," said George Turnbull, the National Park Service's deputy regional director.

Last year, a five-acre piece of the base, now run by the Army, was designated a unit of the national parks system.

In a waterside chat with National Park Service staff, Army officers and others, Salazar appeared interested in finding a way to make the site more accessible to the public. Hopeful visitors have to call in advance to be cleared to enter the base, but they cannot visit if explosive cargo is present.

**Fastcompany.com**

## **Transportation Secretary Announces "Sea-Change" for American Transport: Bikes!**

BY [Cliff Kuang](#)

Tue Mar 16, 2010

Ray LaHood, the U.S. Secretary of Transportation, has just announced a "sea-change" in American transit planning: As he [writes on his blog](#), "People across America who value bicycling should have a voice when it comes to transportation planning. This is the *end* of favoring motorized transportation at the expense of non-motorized."

LaHood's announcement has been bubbling for some time: The DOT is already funding bike-lane initiatives in Philadelphia and Indianapolis, and LaHood, a [darling among green-minded urban planners](#), has a penchant for [dropping by bike conferences and getting everyone all fired up](#). But this latest news is backed by [a set of eight guidelines](#), which will be sent to state DOT's and communities:

- Treat walking and bicycling as equals with other transportation modes.
- Ensure convenient access for people of all ages and abilities.
- Go beyond minimum design standards.
- Collect data on walking and biking trips.
- Set a mode share target for walking and bicycling.
- Protect sidewalks and shared-use paths the same way roadways are protected (for example, snow removal)
- Improve nonmotorized facilities during maintenance projects.

Which frankly all sounds rather dull, but here's the important thing: LaHood, as Transportation Secretary, is essentially saying, "If you want federal DOT dollars, you better think more seriously about adding bike paths to the projects you propose."

The hope then is that communities adopt similar guidelines, and that these will be baked into new infrastructure proposals. It's a rather circuitous path--and comes far short of a mandate--but this is a crucial start. And when local city planners get with the program, they'll find a wealth of ideas out there--from bicycle highways to solar bike sheds to safer bike lanes

# latimes.com

## CAPITOL JOURNAL

### *Dream big and take baby steps*

#### **A constitutional convention isn't going to happen, but real reform can -- eventually.**

George Skelton  
March 1, 2010  
From Sacramento

The dream about a historic state constitutional convention "reforming" California government was just that -- a fantasy. But the conclave's possibility served an important role: a prod on the Legislature to produce its own reforms.

Legislative leaders are about to unveil some bipartisan internal changes -- eye-glazing but potentially productive -- plus proposed restraints on the scourge of ballot box budgeting.

The tentative package includes two constitutional amendments that would be offered voters in November. One, by Sen. Denise Ducheny (D-San Diego), would require any citizen initiative that creates new spending to also raise the needed revenue. That measure worries some Republicans, who fear tax increases.

The companion proposal, by Assemblyman Sam Blakeslee (R-San Luis Obispo), has wider support. It would require any initiative bond proposal that exceeds \$1 billion to specify its funding source.

The goal is to shine a light on a ballot measure's cost and make sure it's covered.

But some big-ticket reforms -- such as lowering the Legislature's herculean hurdle of a two-thirds majority vote for budget passage and providing local governments with taxing flexibility to free them from financial dependence on Sacramento -- are much less likely to emerge from the Legislature because the drive for a constitutional convention stalled. There's less outside pressure.

The sponsoring Bay Area Council, a business lobby, couldn't -- or its megabucks members wouldn't -- raise the millions necessary to qualify two ballot measures that would have called the convention. Some potential bankrollers were comfortable with the status quo. Others feared a runaway convention or considered the whole idea impractical.

It's hard to raise money for wonkish reforms anyway, especially during tough times. What opens pocketbooks for contested initiatives is financial self-interest or heated social issues.

The convention effort isn't completely dead, but it needs a financial angel, and none is in sight.

The prod on the Legislature has been shelved, and that's too bad. But the convention movement wasn't going far anyway. California hasn't had such a confab in 132 years.

Even if the initiatives had been approved by voters and the convention called, "reform" could have been years away if it materialized at all.

Hundreds of citizen-delegates, most selected randomly and with little knowledge of government, would have been corralled into a hall and force-fed facts about the nuances of budgeting and federal-state-local relationships. Then they would have been asked to rewrite a big chunk of the state Constitution. Good luck.

As Assemblyman Hector De La Torre (D-South Gate) puts it: "The schizophrenia that we have in the Legislature is reflective of the population at large. If that's happening out there, we're going to reflect it here. I think a constitutional convention would do exactly the same."

But say the delegates did agree on a constitutional overhaul. Voters still would need to approve it. And anything that colossal and consequential would present a chubby target for the many interest groups certain to oppose individual parts.

The only passable route to reform in this climate of polarized and suspicious voters may be incrementalism. That's being illustrated in Washington with the healthcare debate. And in the past, Gov. Arnold Schwarzenegger has overreached on reforms.

"Unfortunately, when ballot initiatives are too long and too big, they just scare people," says former Assembly Speaker Bob Hertzberg, co-chairman of the reform group California Forward. "They're easy for the interests to kill. People would rather vote 'no' than 'yes,' especially in these times when they're so nervous.

"The only way you can do it is piecemeal. Take a simple bite at a time and do it over two or three elections."

California Forward, funded by foundations, has two ballot initiatives ready for signature-collecting. But, like the constitutional convention folks, Hertzberg hasn't been able to raise enough money. Time's running out.

So he's working with legislative leaders, trying to coax them into adopting Cal Forward's ideas and placing some on the ballot.

One ballot proposal would add discipline to budgeting and spending, and lower the budget vote to a simple majority. A second proposal would protect local government coffers from Sacramento and allow residents to raise the local sales tax with a majority vote.

But each measure requires a two-thirds vote in the Legislature. And Republicans are balking at the majority-vote pieces.

Legislative leaders have settled on some internal upgrades -- which might best be described as *Do Your Job*. They include a few Cal Forward concepts.

Policy committees would keep a sharper eye on state agencies, federal dollars and recently enacted laws. Legislators would be limited to fewer bill introductions. Priorities would be established.

Money would be allocated based on a program's effectiveness -- called "performance-based budgeting."

"This isn't flashy, but it could change the culture of the institution," says Sen. Mark DeSaulnier (D-Concord), who headed a Senate reform committee.

"To use a baseball metaphor, we should be trying to hit singles. The problem with term limits is everyone is so anxious to hit a home run every time that they end up striking out."

Meanwhile, a labor-business coalition is sponsoring an initiative to relax term limits. Public employee unions are collecting signatures for a majority-vote budget measure.

An open primary proposal will be on the June ballot. Voters ended political gerrymandering in 2008.

A little here, a piece there. Pretty soon there's real reform, and without a nightmarish constitutional convention.

Sacramento Bee

## Field Poll: More California voters prefer spending cuts, not taxes, to close deficit

[kyamamura@sacbee.com](mailto:kyamamura@sacbee.com)

Published Tuesday, Mar. 02, 2010

Half of California voters believe the state should close its \$19.9 billion deficit mostly or entirely through spending cuts rather than tax increases, according to a Field Poll released Tuesday.

That compares with 29 percent who said the state should use an equal mix of spending cuts and tax increases, or 13 percent who prefer balancing the budget solely or mostly with tax hikes.

Field Poll Director Mark DiCamillo said that with the economy still in recovery and the state having passed tax hikes last year, "tax increases are just not that popular a notion right now."

"You're asking people to dig into their own pockets, and most voters think there's a lot of waste and abuse in state government," he said.

Despite that common refrain, state leaders have said cutting waste cannot solve the deficit problem. Gov. Arnold Schwarzenegger entered office in 2003 suggesting the state could solve its fiscal woes by being more efficient. But in recent years he has blamed the dysfunctional system more.

Government reformers have proposed several changes this year, ranging from a constitutional convention to reducing the two-thirds-vote threshold necessary to pass a state budget.

Those efforts have struggled, however. Backers of a constitutional convention stopped collecting signatures in February after not raising enough money. Another drive by California Forward to qualify a budget change measure also is endangered.

Qualifying an initiative requires millions of dollars, usually from a donor with a vested interest, noted Thad Kousser, a University of California, San Diego, political science professor who worked on the Field Poll through a university partnership.

**"With reform measures, support is often a mile wide and an inch deep," Kousser said.**

**The Field Poll found that voter support was not strong for the proposed measures. More voters (47 percent) want to keep the two-thirds budget vote threshold than reduce it (43 percent). Three-quarters said the state doesn't need constitutional changes if lawmakers are more willing to compromise, compared with 20 percent who said fundamental constitutional changes are needed.**

**"It shows the reform groups have to make a better case that it's the rules of the game that lead to late budgets, the policies people don't want and a system of democracy out of control," Kousser said.**

Schwarzenegger supports parts of California Forward's proposal, as well as the idea of having a constitutional convention, but he has not raised money for those initiatives. He has focused instead on a June ballot measure that would change California elections so that the top two primary winners compete in the general election rather than the top vote-getters from each party.

The Field Poll was conducted in January in partnership with Next 10, a Palo Alto-based think tank that focuses on environmental and economic issues and is financed by venture capitalist F. Noel Perry. The survey also was sponsored by governmental centers at three universities – Stanford, the University of California, Berkeley, and California State University, Sacramento. **They are launching the Web site [www.californiachoices.org](http://www.californiachoices.org) today to examine constitutional changes.**

## Environmentalists fight Redwood City project

[Carolyn Jones, Chronicle Staff Writer](#)

Monday, March 1, 2010

Environmental leaders are gearing up for a protracted fight over plans to build a 30,000-resident development at the Redwood City salt flats.

More than 90 current and former elected Bay Area officials last week demanded that Redwood City immediately halt the Saltworks project, which would bring up to 12,000 housing units, offices and retail to the shoreline.

"We all have a stake in what happens in Redwood City," said Contra Costa County supervisor John Gioia. "It's about habitat, biological diversity. The bay defines our quality of life and who we are."

The project is at least two years from a decision by the Redwood City Council and a host of other agencies, as well as voters, but environmentalists said they don't want to wait to launch the first salvo.

"There's absolutely no reason to move forward with this," said David Lewis, director of Save the Bay, which lobbied for the officials' support. "We don't pave restorable wetlands, and we don't need an environmental impact report to learn that."

Redwood City will soon start looking for a consultant to compile the environmental report, which is expected to be complete in 18 months to two years. The city plans to host dozens of public forums before making a final decision.

The 1,400-acre site at the western foot of the Dumbarton Bridge has been used to grow salt for a century, most recently by Cargill. It's the only chunk of Cargill's vast salt ponds not protected from development through state or federal deals.

Three years ago, Cargill and DMB Associates started polling residents about possible developments for the property, and came up with a plan to restore wetlands on half the site and build 4- and 5-story apartments and condominiums, parks, sports fields and schools on the remainder.

### Housing for workers

The goal is to provide housing for Silicon Valley workers who now commute from as far away as Solano and San Joaquin counties, which has led to decades of suburban sprawl, congestion and pollution, said Saltworks planner Peter Calthorpe.

"This project will put a very large amount of housing on a major transit network in the middle of our job center, Silicon Valley," Calthorpe said. "It'll be the largest transit-oriented, green development in the Bay Area."

The project will also include a waterfront park and a portion of the Bay Trail, making the shoreline accessible to the public for the first time in at least a century, Calthorpe said.

Despite the real estate crash, housing remains a critical need in Redwood City and throughout Silicon Valley, said Redwood City manager Peter Ingram.

"We still have a huge gap in the jobs-housing balance," he said. "I hear all the time from people who work here, 'Gosh I'd love to live here but can't afford it.' It's a fairly common theme."

If the Saltworks plan falls through, Redwood City hopes to meet its housing needs by allowing high-density housing downtown and along the major thoroughfares, Ingram said.

Lewis, of Save the Bay, hopes Redwood City opts for that route instead of allowing development on the shoreline.

The property connects open space preserves at Bair Island and soon-to-be-restored wetlands at Menlo Park and East Palo Alto, providing a corridor for birds, fish and mammals who roam the tidal zones.

## **Restoring marshes**

It would also provide a buffer for rising sea levels, and help bring the bay back to its historic, naturally marshy state.

"This site is hugely significant," Lewis said. "If they decide to develop this, Redwood City's entire reputation is at stake. The rest of the Bay Area will be scratching their heads saying, 'You've got to have your head examined.' "

Peter Hillan, spokesman for the developer, said the project should wind its way through the normal channels, undergo revisions and the public should ultimately decide.

"We're disappointed that (Lewis and others) choose to circumvent the process rather than have an open, public review," he said. "Right now, we're just beginning the discussion."

E-mail Carolyn Jones at [carolynjones@sfchronicle.com](mailto:carolynjones@sfchronicle.com).

Friday, January 15, 2010

## Sacramento ranks fourth in U.S. for bicycle commuting

Lea Brooks commutes 42 miles round-trip daily between Rancho Cordova and her job downtown — on a bicycle.

Brooks, assistant director of communications for the state Department of Pesticide Regulation, acknowledges she's a bit of an "extreme" bike commuter who rarely misses a day. But even riding a short distance once a week means there's one less car on the region's often-congested roadways, she said.

"Even if you ride once a week well, then, good for you," she said. "You should never underestimate the contribution you're making."

Though few people actually bike to work, the numbers are growing, according to American Bicyclist, the magazine of the [League of American Bicyclists](#).

Brooks said she's noticed the trend, and attributes the local upswing in bike commuters to the increase in gas prices and work the region's cities have done to better accommodate riders.

"If you build it, they will come," she said. "We still have a long way to go, but the facilities are improving all the time."

Sacramento ranks fourth in the nation — and first in California — for bicycle commuting among the 70 largest cities, according to a national survey published by American Bicyclist.

The magazine ranked cities based on data from the American Community Survey, a nationwide survey of households meant to provide information about how communities are changing during the years between the decennial U.S. census.

Sacramento ranked fourth behind Portland, Ore., Minneapolis and Seattle. Portland more than tripled its bike share to almost 6 percent in 2008 from 2000.

The percentage of people in Sacramento who bicycle to work jumped 101 percent between 2000 and 2008, to 2.72 percent from 1.35 percent.

***A bicycling infrastructure***

Walt Seifert, executive director of Sacramento Area Bicycle Advocates, said he believes more people are riding bikes to work because the city has become more bicycle-friendly.

“I think the city has been good about making conditions better for cyclists,” he said, noting a number of changes the city made last year in midtown.

Several streets, including P, Q, 19th and 21st, went from three lanes to two with bike lanes. The city also converted a number of parking meters to bike racks.

Efforts by cities to improve conditions for cyclists, from investing in engineering and education to planning, are paying off with increases in bicycle commuters, according to an article in the most recent issue of American Bicyclist.

The Sacramento Area Council of Governments Metropolitan Transportation Plan anticipates the region will spend \$1.4 billion on facilities for cyclists, pedestrians and people with disabilities by 2035, a 56 percent increase over the previous plan. In 2008, SACOG awarded \$11.4 million to such projects, and directors will consider next week approving another \$8.6 million over the next two years.

Last year, Mayor Kevin Johnson said he’d like to see Sacramento achieve the top, or platinum, level of the League of American Bicyclists’ Bicycle Friendly Communities program, which recognizes cities that actively support bicycling.

Cities such as Portland and Davis are platinum, while Sacramento is bronze.

The article notes that the American Community Survey, which it relied on to rank cities for bike commuting, does not determine how many people have ever, or sometimes, bike to work. “The phrasing of the question means that only the consistent bike commuters get counted,” the article states.

### ***Multiple benefits***

Matt Kuzins, president of Kuzins and Kumpany, a direct-mail fundraising consulting firm, said he averages four days a week on a bike.

“I don’t have a very long ride,” said Kuzins, who rides less than four miles each way between East Sacramento and downtown.

Read more: [Sacramento ranks fourth in U.S. for bicycle commuting - Sacramento Business Journal](#):

**TO:** Board Legislative Committee  
(Chair Ted Radke, Doug Siden, Ayn Wieskamp and Alternate John Sutter)

**FROM:** Pat O'Brien, General Manager  
Erich Pfuehler, Legislative Administrative Manager

**SUBJECT:** Board Legislative Committee Meeting  
**WHEN:** Friday, April 16, 12:45 p.m.  
Lunch will be served

**WHERE:** Board Room, Peralta Oaks

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**Items to be discussed:**

I. STATE LEGISLATION/ISSUES

A. NEW

a. PROPOSED LEGISLATION

**AB 1805 (Calderon) – Streamlining California Environmental Quality Act (CEQA) Pilot Program (2/10/10)**

This bill would provide the California Business, Transportation and Housing Agency (BT&H) the ability to exempt a certain number of projects a year between 2010 and 2014 – including five each from Alameda and Contra Costa Counties – from judicial review under CEQA. Generally, CEQA actions taken by local public agencies can be challenged in Superior Court once the agency approves the project. Under current law, court challenges of CEQA decisions generally must be filed within 30-35 days. This bill to exempt a specified number of projects from judicial review raises some concerns. One is how BT&H will decide ahead of time which projects in each county receive exemption from judicial review. Another, is it eliminates the only enforcement mechanism available to the public to ensure local agencies are complying with CEQA. The District also benefits from mitigations required under CEQA and this bill could take some opportunities out of play. The bill is supported by builders, contractors and the chamber of commerce. It is opposed by the Council of Land Trusts, Native Plant Society, Audubon Society and the State Parks Foundation. A hearing on the bill was scheduled for March 22<sup>nd</sup>, but was canceled at the request of the author.

*Staff Recommendation:* OPPOSE

**AB 1929 (Hall) – Immunity from Dreissenid Mussel Liability (2/17/10)**

In 2008, Senator Loni Hancock passed a bill requiring owners or managers of reservoirs in California to develop and implement a program to prevent the introduction of non-native mussels such as the Zebra and Quagga (dreissenid). The bill also made it illegal to possess, import, ship, transport or place dreissenid mussels within state waters. Water agencies are concerned that even if they develop and inspection program, they could still be liable if dreissenid mussels make it into reservoirs they manage or operate. The Association of California Water Agencies

(ACWA) is sponsoring this bill. ACWA asserts this bill is necessary to ensure that water system operators and their employees, who are observing current legal requirements to control or eradicate dreissenid mussels, are not subject to unwarranted civil or criminal penalties. They also note that even when a water system operator diligently implements a sound plan, complete eradication is not guaranteed or likely. This bill is substantially the same as AB 804 (Hall) of last year which was vetoed by the Governor. The Governor's veto message emphasized his belief that AB 804 shifted the liability to the state. The new bill specifically states the Department of Fish and Game or any other state agency is not liable.

The bill is supported by ACWA (sponsor), Alameda County Flood Control and Water Conservation District, Zone 7, Alameda County Water District, East Bay Municipal Utility District and the Santa Clara Valley Water District. The bill passed the Assembly Judiciary Committee on April 6<sup>th</sup> and has been referred to the Appropriations Committee.

While the bill limits water agency liability there are no protections for recreation providers. District staff believe we should make a push to include Public Resource Code 5500 agencies as equally immune.

*Staff Recommendation:* WATCH – work to amend.

**SB 1124 (McLeod) – Historical Records of Conservation Easements (2/18/10)**

In June of 1988, voters approved an initiative which provides bonds for wildlife, coastal and parkland conservation – The California Wildlife, Coastal and Park Land Conservation Act. This bill would require entities to record a conservation easement at the time property is acquired, developed, rehabilitated or restored with funds from the 1988 measure. For lands previously acquired, developed, rehabilitated or restored with funding from the 1988 measure, the bill requires a recording of an easement on or before April 1, 2011. District staff is concerned this could be a retroactive and burdensome requirement for all properties acquired or developed with this type of grant money since 1988.

The bill is scheduled for a hearing in the Senate Natural Resources and Water Committee on April 13<sup>th</sup>.

*Staff recommendation:* OPPOSE

**B. ISSUES**

a. State Budget Update – The good news is that on April 8<sup>th</sup>, State Controller John Chiang announced that receipts in March rose above the Governor's 2010-11 budget estimates by \$356 million or 5.9% and state disbursements were \$450 million lower than expected. Overall, revenues are \$2.3 billion over budget estimates for 2010. The bad news is that as of March 31, the state has a General Fund deficit of \$22.6 billion. In March, the Legislature enacted a package of payment deferrals – largely

impacting state, local government and school operations – to avoid cash shortfalls projected through June 2011.

## 2. FEDERAL LEGISLATION / ISSUES

### A. NEW

#### a. PROPOSED LEGISLATION

##### **S. 554 (Brown) Motorcoach Enhanced Safety Act of 2009**

This bill was re-introduced in response to the bus accident incurred by the Bluffton University (between Toledo and Dayton, Ohio) Baseball Team in March of 2009. The bus, carrying 35 student-athletes, coaches and bus drivers, flipped through a guard wall and dropped onto the freeway below. Four student-athletes, the bus driver and the bus driver's wife were killed in the accident. This bill requires safety belts, electronic stability control technology and improved crush-resistant roofs that can withstand rollovers on all motorcoaches. It also requires improved driver training and an assessment of motorcoach inspection programs for each state. Because of the obvious concern about avoiding another tragedy, the bill is moving through Congress. If the bill were to be enacted, the State of California is likely to institute a more stringent requirement that all drivers of motorcoaches with nine or more seats will need a Commercial Driver's License. A more stringent inspection program is also likely to cost operators more – particularly for on-board recorders and tire pressure monitoring devices. Since the District owns and operates eight vehicles which seat nine or more passengers, it could incur additional costs from a more stringent inspection program. District maintenance staff oppose these new requirements.

*Staff recommendation:* OPPOSE

##### **H.R. 4722 Active Community Transportation Act of 2010**

The Active Transportation Investment Fund Act of 2009 was introduced by Rep. Earl Blumenauer. It would require the Secretary of Transportation to establish a \$500 million funding stream to construct a network of active transportation infrastructure so bicycle and pedestrian trails and walkways would directly connect with public transportation hubs, schools, residences, business and recreation areas. The multi-year grant program would be competitive and could benefit up to 50 communities. On average, grants would range from between \$5 million to \$15 million. District staff has worked with the Representative's office to ensure we are eligible to apply for the grants. At our request, the Representative included language which allows the District to apply:

(1) IN GENERAL- The Secretary shall make grants to each community selected to participate in the program.

(2) RECIPIENTS- A recipient of a grant representing a community under the program shall be a local or regional governmental organization, multi-county special district, or Indian tribe that the Secretary determines is suitably equipped and organized to carry out the objectives and requirements of this section. Such organizations include metropolitan planning organizations and other regional planning organizations.

The District should support the legislation.

*Staff recommendation:* SUPPORT

## B. ISSUES

a. Transportation update - The Senate Environment and Public Works (EPW) Committee recently held hearings on mobility and energy security issues as they relate to the Federal transportation bill. EPW has indicated they will hold more transportation bill hearings in spring and summer and possibly mark up a bill later this year, but no firm timeline has been announced. On June 22, 2009 the House Transportation and Infrastructure Committee released a draft six-year \$450 billion transportation bill (The Surface Transportation Authorization Act of 2009) and the Highways and Transit subcommittee marked up the transportation bill on June 24, 2009. House Committee Chairman James Oberstar (D-MN) has called for an increase in the gas tax as a way to pay for major portions of the transportation bill, a proposal which has met resistance from the White House and others. The current transportation bill has been extended until December and most observers believe Congress will extend the bill again at the end of the year. Livability and non-motorized transportation alternatives have been emphasized by Chairman Oberstar and Chairwoman Barbara Boxer (D-CA) at hearings and in the media.

TIGER 2: Any day now, the Department of Transportation (DoT) is expected to release guidance for the next round of Transportation Investment Generating Economic Recovery (TIGER) grants. Last year's omnibus appropriations bill, included \$600 million to fund TIGER 2 grants. The original TIGER grants, which were part of the American Recovery and Reinvestment Act (ARRA), were very popular with communities and Congress. DoT has said the competition for grants will be intense and awardees will need to have a 20% local match. DoT has also said more livability and non-motorized transportation projects will be awarded during this round. The application deadline will likely be late June or early July and grants will be given by October.

## 3. PUBLIC COMMENTS

## 4. STATUS OF RECOMMENDATIONS

## 5. CORRESPONDENCE AND ARTICLES

- a. "Bay Area Council announces positions on ballot measures", Capitol Alert, April 2, 2010
- b. "Miller, Garamendi lauded as heroes at Martinez forum", Contra Costa Times, April 1, 200
- c. "Karl Rove blasts Democrats and promotes his new book in East Bay", Contra Costa Times, March 30, 2010
- d. "Part-time Legislature push fails to make ballot", SF Gate.com, March 30, 2010
- e. "Richmond grapples with spread of anti-casino signs", Contra Costa Times, March 29, 2010
- f. "Viewpoint: Should state adopt and open primary? ", March 28, 2010, Sacramento Bee
- g. "State's voters want cuts to prisons", SF Gate.com, March 24, 2010
- h. "Key elements of health reform would start soon", SF Gate.com, March 23, 2010

- i. "Job top issue among state voters, poll shows", SF Gate.com. March 23, 2010
- j. "Ban on smoking at parks, beaches move forward", SF Gate.com, March 23, 2010
- k. "U.S. Interior Secretary visits Port Chicago", Contra Costa Times, March 22, 2010
- l. "Transportation Secretary announces "Sea-Change" for American transport: bikes!"  
Fastcompany.com, March 16, 2010
- m. "Dream big and take baby steps", LA Times, March 1, 2010
- n. "Field Poll: More California voters prefer spending cuts, not taxes, to close deficit",  
Sacramento Bee, March 2, 2010
- o. "Environmentalists fights Redwood City Project", SF Gate .com, March 1, 2010