

**Unapproved Meeting Minutes**  
**PARK ADVISORY COMMITTEE**  
 June 27, 2016

ATTENDING: Best, Bueren, Kern, Beyaert, Coffey, Coomber, Godfrey, Gregory, Ho, Madsen, Mercurio, Palacios, Sanwong, Simmons, Robinson, Texeira, Volin, Wilkins, Yee  
 NOT ATTENDING: Thompson, Rickard  
 STAFF ATTENDING: Auker, Balingit, Rasmussen, Nisbet, O'Connor, Pfuehler, Clay  
 GUESTS: Director Dennis Waespi, Retired Operations AGM Jerry Kent  
 PUBLIC: Kelly Abreu

The meeting began at 7:04 p.m.

1. **Approval of May 23, 2016 Minutes:** The May 23, 2016 minutes were approved with edits. PAC members Godfrey, Madsen and Texeira abstained due to being absent from the May meeting. The motion to approve was moved by PAC member Beyaert. PAC member Yee seconded approval of the minutes. The motion was approved.
2. **Introductions:** PAC Chair Kern asked PAC members, staff and the public to introduce themselves. Newly appointed PAC member Bueren shared she is the Public Works Director for Contra Costa County and has worked at the Public Works Department for 35 years. Bueren stated many of her favorite work projects over the years have involved the East Bay Regional Park District. Bueren is looking forward to serving on the Park Advisory Committee. She commented it is a great opportunity to continue her working relationship with Park District.
3. **Board Member Comments:** Director Waespi thanked the PAC for the invitation to speak. Waespi remarked he has served on the Board of Directors for a year and half. Although he worked for the District for 36 years, he continues to learn many lessons serving as a board member.

Waespi announced the California State Assembly has given initial approval to put a \$3.1 billion bond measure on the November ballot for parks, water and climate change action. This would be the first park bond measure in 14 years. Waespi also touched on Measure AA, the San Francisco Bay Restoration Authority \$500 million bond measure, which will provide funding to restore portions of the Bay over a 20-year period. The District helped fund Measure AA to get it on the ballot. Funds from this measure should help the District to complete shoreline restoration projects.

Waespi mentioned Director Sutter, one of the District's longest serving board members who will be retiring in November, serves on the Restoration Authority's Board.

Waespi mentioned Director Burgis, one of the District's newest members, finished second in the primary for Contra Costa County Supervisor. She will be in the top two run-off in November.

Waespi also touched on Rep. Eric Swalwell's favorable interest in the District, stating he has held several *Hike with Your Rep* events in the District's parks. Waespi outlined some of Swalwell's achievements, and his goals to improve the Bay Area during his second term in office.

Waespi reported Lake Chabot celebrated its 50 anniversary and the event was a great success.

Waespi added the Regional Park Foundation entered into a partnership with Drake's Brewery in San Leandro. Drakes created a beer in the District's name, Kick Back IPA. Waespi explained proceeds from a percentage of beer sold goes to the Regional Parks Foundation. Drake's held a Foundation fundraising event on June 3<sup>rd</sup> which generated close to \$4,800 dollars for the Foundation.

#### 4. **Public Comments:**

Kelly Abreu from Mission Peak Conservancy commented he would like to see normal park hours restored. Abreu stated although the District's plans for Vargas Plateau include drinking water, the District is not currently providing water. To improve public safety, the District should consider providing water for visitors at the entrance of Vargas Plateau, the top of Mission Peak and the entrance to Mission Peak at Ohlone.

#### 5. **Presentations:**

##### (R) **a. CAFR – Debra Auker, AGM of Finance of Finance and Management Services / Chief Financial Officer (CFO)**

PAC member Best introduced Debra Auker, AGM of Finance and Management Services. Auker provided highlights about the Comprehensive Annual Financial Report (CAFR). Auker introduced Bill Zenoni, Interim CFO since October, Accounting Manager Kim Balingit and Assistant Finance Officer Jeff Rasmussen.

Auker explained independent auditors annually review the District's budget and internal controls. They also review and test the District's financial report. The auditors meet with the General Manager, CFO and Finance staff to provide comments. This year, the District received a clean report from the auditors. There were no modifications or recommendations. Auker explained this means the District's internal controls and policies are working as planned.

Auker outlined the District's assets and liabilities. The District's total net position and investments in assets are growing. This year, the District has implemented a new government accounting standard for pensions. It is the first time Finance has recorded the full net liability or retirement plan costs on the face of the balance sheet. The total liability is about \$100 million. Another long term liability the District plans to add is environmental mitigation. Once the Gun Club closure is final, it will trigger Finance to calculate the liabilities the District is responsible for regarding cleaning up, closing and monitoring the site.

Auker discussed the general fund, debt service fund, project funds and property tax revenue. Assessments, non-major governmental funds for special revenue monies, include Lighting and Landscape Districts and Measure CC funds. The end of year fund balance was \$97,327,973 in the total fund balance. The 2015 general fund unassigned was \$45,559,907 and the 2015 available end of year fund balance was \$6,050,099. Auker spoke in depth about the pension liability plan, and stated the total net pension liability is \$100,518,179.

PAC member Coomber inquired if the District has a reserve policy and, if so, what percentage of the budget is set aside. Auker replied the current reserve policy allows the CFO to have discretion over updating it, but it started with setting aside 32%. Texiera asked if the District rotates the auditors. Auker answered the District is currently using the audit firm of Vavrinek,

Trine and Day. They are in the second year of a five-year contract. The District does rotate audit firms. PAC member Volin said a factor contributing to the increase in pension liability is that interest assumptions went down. Auker agreed, and noted historically the PERS Board set 7.5% as their actuarial rate of return. They did a recent re-evaluation and are in the process of lowering the assumed rate of return to 6.5%.

Best motioned and Beyaert seconded that the Park Advisory Committee forward a recommendation for approval of the proposed CAFR to the full Board for consideration. The motion was approved. Teixeira abstained.

**(R) b. Measure CC Update – Jeff Rasmussen, Assistant Finance Officer, Management Services**

Jeff Rasmussen, Assistant Finance Officer provided historical background information about Measure CC. Measure CC was approved by the voters in 2004 with a 15 year sunset. This year, staff has done an extensive review of prior appropriations, current projects, and future projects as part of an assessment prior to potentially seeking voter approval to renew the Measure. These reviews resulted in several changes and updates for the 2017 budget year.

Rasmussen stated in 2016, out of the total \$46.7 million in project allocations, \$37.2 million has been appropriated. Of the total, approximately \$21.5 million has been expended and \$25.2 million remains unexpended.

Rasmussen explained the District has completed 22 of the 83 total projects contained in the Measure CC Expenditure Plan. In addition, 14 of the projects are “operational” and provide annual funds to pay for staff expenses. These operational projects include keeping the Crab Cove Visitor Center open year-round, and operations and maintenance for McLaughlin/Eastshore State Park.

Rasmussen reported 46 projects are in process; they are on track to be completed over the next four years. Annual appropriations have to be made to complete the projects. The budget proposes appropriating approximately \$406,901 for the 2017 allocation of the Expenditure Plan.

In 2015, the General Manager and staff worked with the Board of Directors to appropriate some of the contingency funds to projects. The contingency fund for Measure CC is about \$4.7 million in total. The Board appropriated \$1,106,245 to the Atlas Road Bridge and Public Access project, 1,000,000 a future visitor center at Point Pinole, and \$1,500,000 for the Bay Trail on Doolittle Drive at Marin Luther King Shoreline. There is still \$1,090,055 remaining in unallocated funds for future high priority opportunities.

Rasmussen explained unlike a bond program, such as Measure WW in which the District can sell a bond anytime funding is needed, Measure CC is a parcel tax, which provides approximately \$3.2 million in revenue each year. The District must be careful not to exceed spending those funds.

Rasmussen stated Measure CC allowed the Board to make amendments to the project list over time. In 2015, the Board approved modifications to six Measure CC projects. These were projects that were no longer viable and will not be completed. This year, the Board modified two additional Measure CC projects in order to help fund the Breuner Wetland

Restoration and Public Access project, and to fund the demolition of buildings on the newly acquired McKay Avenue - Crown Beach property. Rasmussen explained 30% of Measure CC funding must be used for restoration projects.

PAC member Mercurio asked if the District has been able to evaluate the passage of Measure AA (San Francisco Bay Restoration Authority measure). Will Measure AA funds be able to complement or augment CC funds for shoreline projects? Rasmussen said it is possible to use AA funds and Measure CC funds for future shoreline projects. PAC member Palacios inquired about the reserve contingency fund. Is the remaining \$1.09 million in un-allocated funds available for future priority projects? Palacios also asked if there is any criteria the Board uses to determine what constitutes a priority project. Auker responded the Board likes to have some reserve money set aside should an unplanned opportunity present itself. Allocations are determined on a case-by-case basis. There are three categories of criteria that must be met: development, resource enhancement and operations.

PAC member Simmons noted the Measure expires after 15 years, but the facilities and projects completed through funding from the Measure will need ongoing operations cost. He asked if Measure CC has unbalanced operations expenditures for its zone versus the Eastern portions of both counties.

PAC member Coffey made a motion to recommend the Board approval of the Measure CC 2017 budget. Best seconded the motion.

Beyaert commented moving on this motion would approve the spending plan modifications and change the project descriptions. Beyaert suggested an amendment to the motion asking the Board to consider keeping Item 76 of the Expenditure Plan at Point Molate, and using the funds for the Bay Trail construction project.

Mercurio said he would support Beyaert's amendment to put emphasis on building the Bay Trail north from the San Rafael Bridge at Point Molate. Simmons stated this has not been evaluated by staff. Simmons did not believe the PAC was qualified to determine if the Board has the legal authority to move the money. Simmons added he would prefer to act on the original motion. He asked Beyaert's amendment to be made as a supplemental motion. PAC member Ho inquired about the actual parameters of the project.

Kern asked for staff response/clarification to this amendment. Auker stated staff has looked at the project list and definitions. Some projects listed in the 2004 Measure simply won't be completed precisely as described 12 years ago. As staff has researched the expenditure plan, recommendations have been made to modify a few of the project descriptions. Auker said staff is also revisiting the schedule as some timelines need to be adjusted. She added staff doesn't have an issue with Beyaert's recommendation to keep that money in a specific area. Staff, however, is not ready to recommend the trail project for construction. A percentage needs to be spent on restoration and may not be completed within the Measure CC 15-year window. Auker elaborated this action is not before the PAC. The project modifications have already been approved by the Board. Staff is happy to include the PAC's comments in the report when it is brought before the full Board.

Kern directed the PAC to consider the original recommendation motioned offered by Coffey and seconded by Best. The PAC voted to forward a recommendation to the Board to adopt the 2017 Measure CC Expenditure Plan. The motion carried and PAC members Wilkins and Godfrey abstained.

Kern called for separate consideration of Beyaert's motion that the PAC recommend the Board retain Item 76 Pt. Molate funds for use at Pt. Molate.

PAC member Coffey made the motion, and PAC member Beyaert seconded it. The motion carried; Wilkins abstained.

**(I) c. Historical Perspective of Dogs in the Parks – Jerry Kent, retired Assistant General Manager (AGM) of Operations**

Jerry Kent, retired AGM of Operations provided a historical perspective of dogs in the parks. Between 1940 and 1964, dogs were prohibited in the parks unless on leash. The penalty was a misdemeanor and the fine was \$500, six months' imprisonment, or both. Until 1964 deputized Park employees enforced this law. When William Penn Mott became General Manager in 1962, he found that the District rules and regulations were haphazard. He asked judges in Alameda County to develop a master ordinance. In 1963, a disruptive event occurred at Roberts Park. After this incident, Mott realized he needed a Park District specific police force. He went to the legislature to gain authority to create a police force and fire chief. Two men were initially hired as police chiefs. As the District grew to 20 parks and 20,000 acres spread out all over Alameda and parts of Contra Costa County, more police officers were needed to enforce the rules and regulations.

In 1974, the first three-prong dog use regulations for the District were created. Dogs were prohibited from certain areas of the parks and were required to be on leash in certain areas. In the areas where dogs could be off leash they must be under voice control. These were mainly open space areas. The first major change was in Point Isabel in 1974. Park use was low and the ordinance was not enforced by park staff. In 1986, park supervisor Rachael MacDonald was attacked by a dog, which brought the issue back to the forefront. In 1982, the court load in Alameda and Contra Costa Counties was high. The courts asked the District to change its ordinance to infractions, rather than major misdemeanors with penalties or jail time. In 1988, changes were made to Ordinance 38 regarding dogs in parks. With the exception of Point Isabel, dogs were to remain on leash at all parks.

In 1996, the Mayor of Alameda went before the Board and asked the District to allow a temporary off leash city dog park at Crown Beach because the city was unable to find a viable site. It required the owner to be present with the dog, walking with the dog and with a leash. This was a huge commitment, and the District was not interested in being involved in city dog parks throughout the two counties.

In 2000, the Park Advisory Committee reviewed Ordinance 38 and incorporated recommendations regarding dogs and bikes. A brochure was created for park users which defines a list of detailed rules for dogs in parks. By 2004, Point Isabel was an accepted dog park. It is a major recreational destination for dog lovers from all over the Bay Area. Kent touched briefly on the dog groups active in the Bay Area. They have approached the National Park Service to adopt the same practices the District has at Point Isabel. Ordinance 38 now has five designations for dogs in parks. Two exceptions to the ordinance are Point Isabel and Albany Beach.

Coffey commented the Board receives reports about dog incidents and are tracking this issue. Coffey stated this information might be good for the PAC to know. At what level does the Board understand the problem? Kern responded at the Board Executive Committee meeting, the Board was receptive to the PAC's review of dog policy. Kern stated Ordinance 38 is an excellent

document, with good protocols in place to deal with this issue. Kern suggested follow up action for a future work plan item is for the PAC to learn more about how the District manages Ordinance 38, how is it revised, and what are the trigger points. What education is being done to remind the public of these ordinances. Simmons suggested the PAC get direction from the Board on whether they want the PAC to take this issue on as part of the 2017 PAC work plan. Ho pointed out that Ordinance 38, section 801.3 c clearly defines when dogs are presumed not to be under control and those are owner problems. Ho stated if this issue is pursued by the PAC, it would be good to hear from the Volunteer Trail Patrol who speak to owners about their dogs.

Operations AGM O'Connor explained the day is coming when dog use will be in direct conflict with the District staffs' public mission to protect these parks. Dogs and people can impact parks to the point where resources aren't sustainable. That's the point where decisions will have to be made about priorities and when the rules will need to change.

6. PAC Member Comments

Yee commented he was approached by the President of the Fremont Chamber of Commerce, who is working closely with the physicians and corporate managers at Fremont Kaiser. Yee connected the Chamber with the District's Public Affairs Department regarding Parks Prescriptions and Healthy Parks Healthy People initiative. They are looking at having 30-40 physicians and corporate managers participate.

Palacios has spent a lot of time in Redwood Park and asked why the dog disposal bags are left on the side of the trail instead of them being thrown in the trash.

7. **Report from Chair** – Kern announced the July 25 meeting is a barbecue and will be held at Black Diamond Mines. Please dress appropriately as the barbecue will be outside and the meeting in the mines.
8. **Board Committee Reports** – None.
9. **Status of Recommendations** – None.
10. **Old Business** – None.
11. **New Business** – None.
12. **Adjournment** – The meeting was adjourned at 9:15 p.m.

Summary of Actions:

1. The PAC approved the May 23, 2016 minutes.
2. The PAC approved a motion to recommend to the Board of Directors the adoption of the draft CAFR.
3. The PAC voted to forward a recommendation to the Board to adopt the 2017 Measure CC Expenditure Plan.
4. The PAC approved a motion asking the Board to consider keeping Item 76 of the Expenditure Plan at Point Molate, and using the funds for the Bay Trail construction project.

Respectfully submitted,

Sharon Clay  
Confidential Secretary