

AGENDA  
REGULAR MEETINGS  
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

September 17, 2019

C. BUSINESS BEFORE THE BOARD

7. BOARD COMMITTEE REPORTS

b. Board Legislative Committee (8.16.2019) (Waespi)

Present

Board: Dennis Waespi, Colin Coffey, Ellen Corbett

Staff: Robert E. Doyle, Erich Pfuehler, Lisa Baldinger, Debra Fuller, Tiffany Margulici, Katherine Dudney, Debra Auker, Jeff Rasmussen

Consultants: Doug Houston

Public: Eric Holmes, Kelly Abreu

This meeting was called to order at 12:35 pm.

I. STATE LEGISLATION / OTHER MATTERS

A. NEW LEGISLATION

**I. AB 839 (Mullin D-San Francisco) – Resiliency through Adaptation, Economic Vitality and Equity Funding**

Legislative Advocate Doug Houston noted AB 839 and the following SB 576 have some overlap and duplication. AB 839 addresses the Safeguarding California Plan (Plan) which is revised every three years. The Plan outlines strategies associated with adaptation and resiliency. It creates a strategic resiliency framework and objectives for the California Natural Resources Agency (CNRA). In doing so, it would create a new grant program known as the Resiliency through Adaptation, Economic Vitality and Equity Account. This would specify money to be available for projects which address the strategic resiliency framework. Staff has asked if the District would be eligible for the grant program. Currently, it is not clear. Grant eligibility is not being spoken about at this juncture.

The Board Legislative Committee voted unanimously to SUPPORT.

## **2. SB 576 (Umberg D-Santa Ana) – Coastal Climate Change Adaptation, Infrastructure and Readiness Program**

Houston continued stating SB 576 is more specific to the coast. It establishes the Climate Ready Program through the State Coastal Conservancy and would achieve similar goals as proposed in AB 839. The Climate Ready Program seeks to establish nature-based flood protection along the coast and reduce greenhouse gas emissions. Director Ellen Corbett asked from what account the money would come. Houston answered legislative appropriation. Director Colin Coffey asked if the District would be eligible for grants. Houston stated the District does work in these areas and believed it would be eligible. General Manager Robert E. Doyle specified District staff and advocates will focus on ensuring the District is eligible.

The Board Legislative Committee voted to unanimously SUPPORT.

## **3. Other Matters**

None

### **B. OTHER STATE MATTERS**

#### **1. Mullin Infrastructure Bond**

Houston shared the bond has not been introduced. It is an infrastructure bond with a number of programs. No dollar amount has been assigned to any programs. It is a template for continued dialogue on bonds.

#### **2. SB 45 (Allen D-Santa Monica) – Wildfire Prevention, Safe Drinking Water, Drought Preparation and Flood Protection Bond Act of 2020 Update**

Houston stated this Bond Act has stalled and is creating a vacuum in the legislature which has led to the introduction to one or two different bonds.

#### **3. AB 1190 (Irwin D-Thousand Oaks) – Prohibition of Local Drone Bans Update**

Houston has been working with the authors' office to encourage some amendments to, at a minimum, exempt Public Resources Code 5500 series districts from the legislation. He is gaining some momentum and the discussions will continue. This bill has been placed on hold. It is now a two-year bill. Houston suspects the District will have more stakeholder discussions during the recess starting in September. He will keep the committee apprised.

#### **4. AB 1486 (Ting D-San Francisco) – Surplus Land for Housing Update**

Houston said Assembly Member Ting has introduced a bill trying to spur housing development. The Legislative Committee has already taken a position opposing the bill. The District is working with Mid Pen on a joint letter proposing an exemption of Public Resources Code 5500 agencies. An advance copy has been shared with Ting and Skinner's offices.

## **5. Other Matters**

None

## II. FEDERAL LEGISLATION / OTHER MATTERS

### A. NEW LEGISLATION

#### 1. **S. 170 (Daines R-MT) and H.R. 1992 (Thompson D-CA) – Charitable Conservation Easement Program Integrity Act**

Government Affairs Manager Erich Pfuehler stated this bill was recommended by the California Council of Land Trust. Pfuehler shared it allows for a charitable tax deduction when donating a conservation easement. The bill would require a three-year holding period before the property could be sold to a new owner, unless it was a family member. The goal is to reduce easement flipping, which is now taking place.

The Board Legislative Committee voted unanimously to SUPPORT

#### 2. **S. 1482 (Whitehouse D-RI) and H.R. 2748 (Cartwright D-PA) – Safeguarding America’s Future and Environment (SAFE) Act**

Pfuehler explained the SAFE Act essentially establishes an inter-agency working group which will use science to develop a national strategy for adaptation. Additionally, funding can come through the Coastal Zone Management Agency and Wildlife Grant Program. California would be eligible because the inter-agency working group requires states to have their own adaptation strategy in order to receive funding. California established a statewide adaptation strategy about 10 years ago.

The Board Legislative Committee voted unanimously to SUPPORT

#### 3. **S. 1730 (Harris D-CA) and H.R. 3115 (Pallone D-NJ) – Living Shorelines Act**

Pfuehler informed the Committee the Living Shorelines Act is essentially promotes green infrastructure as a means of protecting shorelines. An example being what the District has done with Dotson Family Marsh and what the District will likely be doing along the Hayward Shoreline. This particular legislation is a pilot program suggesting \$50 million a year be spent for resiliency in shoreline improvement through natural means as opposed to hard levees.

The Board Legislative Committee voted unanimously to SUPPORT

#### 4. **H.R. 3949 (Meng D-NY) - Safe Drinking Water in Playgrounds and Parks**

Pfuehler continued a program was implemented several years ago to reduce lead in drinking water. It is grant program. This legislation would specify parks and playgrounds are eligible for the grants. The District has supported this legislation in the past. Director Dennis Waespi asked if the District has a program. Director Ellen Corbett responded the District has a phased program.

The Board Legislative Committee voted unanimously to SUPPORT

#### 5. **Other Matters**

None

## B. OTHER FEDERAL MATTERS

### I. **S. 500 and H.R. 1225 (Portman R – OH and Bishop R-UT) Restore our Parks Act Update**

Pfuehler stated the first two Federal Matters, Restore our Parks Act (Parks Act) and the Land and Water Conservation Fund (LWCF), are somewhat linked. Both fund efforts toward expanding and maintaining parks and open space. The first addresses maintenance back log for National Parks and public lands. It is widely supported. The second is funding for the LWCF and is also widely supported. Senator Lisa Murkowski, the Chair of the Senate Energy Natural Resources Committee, is trying to cut a deal. She is not a fan of the LWCF, nor supportive of the Parks Act. Additionally, she is trying to tap into the offshore oil royalty revenues to provide more funding for Alaskans and Gulf States. All three efforts are tied together and in process of negotiation. The District's DC has shared something is likely to happen by the end of the year. The LWCF has been level funded \$535 million which is higher than it has been in the past few years.

### 2. **Land and Water Conservation Fund (LWCF) Update**

Minutes included in Federal Matter #1 (above).

### 3. **Appropriations Process**

Pfuehler shared the budget agreement was reached between the Speaker of the House, Nancy Pelosi, and the Office of Management of Budget (OMB) of the White House. The agreement increases spending to \$320 billion over the budget caps each year and extends the debt limit past the next election. This stabilizes the appropriation process this year for the first time in a while. General Manager Doyle has asked staff to reach out to Senator Dianne Feinstein and some of the East Bay Representatives to see if the District can receive additional funding for items such as Concord Hills, park visitor centers, wildfire and shoreline protection. The District has been working with the Senator to advocate in DC for programs since there is more money available. General Manager Doyle stated there is more money and each individual Department needs to determine expenditures. This gives the District an opportunity to look at the Interior Appropriations budget to see what National Parks are receiving compared to other agencies. It is a real opportunity. This time there is money. The District needs to advocate for projects early and motivate its delegation.

### 4. **Transportation Authorization**

Pfuehler discussed the reauthorization of the Transportation Bill which happens every three to five years. There was a movement to put all recreation and active transportation funding into one pot and send it to states as a block grant. Now there are efforts to unwind the grants which includes Safe Routes to School, Active Transportation and Recreational Trails. There is a movement in the House to rewrite and go back to using the old categories. There will be a negotiation in the Senate over the next few months. Previously, the Senator in charge of the Public Works Committee held up the rewrite specifically for the active transportation consolidation. Other news, spending will increase, up 27%. Across the board, more money for green transportation and paved trail networks.

## **5. Amendment to Security Act of 1933**

Legislative Assistant Lisa Baldinger and the District's Representative to the California Special Districts Association (CSDA) Legislative Committee, explained the Amendment to Security Act of 1933. The 1933 Federal Securities Act came to fruition after the Depression of 1929. Prior to that, it was regulated on a state level by what were known as blue-sky laws. In 1933, Congress decided to put into place the Securities Act across the states. Multiple codes were put into place at that time which limited the ability of public entities to purchase certain kinds of debt. The debt available to public agencies is decreasing and this amendment seeks to make public agencies able to purchase a variety of debt. Assistant General Manager/CFO Debra Auker continued the District investment policy states the different investments it can make in accordance to the government code. For example, Treasury bills are one of them, which are debt of the Federal government. The District also has investments which are debt of other agencies, such as when WW bonds are sold. The debt of another agency is an investment. The District earns the interest. AGM Auker stated that even if the government code is changed to allow new investment instruments, the District would be required to amend its Investment Policy before it could invest in new types of debt investments. Director Corbett wants to see what other agencies are doing. Director Waespi agreed and reminded everyone of the CSDA annual conference in September where there will be sessions to discuss current events. General Manager Doyle will have staff look into this and ask that it be discussed and attend the session.

The Board Legislative Committee will HOLD, to bring back for discussion in the future.

## **6. Other Matters**

### **III. PARK AND PUBLIC INTEREST COMMUNITY ENGAGEMENT PROJECT UPDATE**

Baldinger shared the Park and Public Interest Community Engagement Project is continuing, extending through the Labor Day weekend, September 2<sup>nd</sup>. The results will be consolidated and reviewed. As of today, over six thousand responses have been collected. Once analysis of project results has been finalized, staff will bring results to an appropriate Legislative Committee. General Manager Doyle extended compliments to staff. The field staff is embracing this process. The engagement with visitors has been beneficial in addition to the survey data. Pfuehler added the District will be doing a big survey promotion over Labor Day weekend. Public Affairs is creating a social media messaging to encourage the public to visit parks and fill out the survey.

### **IV. BAY AREA LANDS ADVOCACY GROUP**

Baldinger and Pfuehler provided a presentation on the Bay Area Lands Advocacy Group (BALAG), a unified advocacy group seeking funding and policy changes for the Bay Area's parks, trails and open space's natural and working lands. The General Manager and Board Members expressed compliments and support for this collaborative work.

### **V. ARTICLES**

General Manager Doyle pointed out an interesting article in the East Bay Times "Should Pedestrian/Bike Bridge Be Built?". The bridge would be a direct connection to Delta/DeAnza trail. The District is talking with Contra Costa Transportation Association (CCTA) about a connection to the Delta/DeAnza east/west bike trail that would connect people to BART in

East County. This is timely. Pfuehler added we have been meeting with staff and advocates for the CCTA. The current expenditure plan has been released for the measure to be placed on the March ballot. There is \$215 million for a bike pedestrian program. Out of that, one-fifth is allocated to the District for everything including maintenance which adds up to \$43 million. The District is also eligible to compete in other categories. CCTA staff could see linking the Iron Horse trail from Concord to the Benicia Bridge. Director Beverly Lane has met with the CCTA and expressed her support for language in the expenditure plan. General Manager Doyle said to Director Coffey that staff has talked to advocates about completing linkages at Point Pinole.

#### VI. OPEN FORUM PUBLIC COMMENT

Kelly Abreu expressed the need to use statistics, science and adherence to accounting and scheduling.

#### VII. BOARD COMMENTS

Director Waespi noted the following, 1. Senator Glazer will be honored at the Radke Awards, 2. Niles Canyon Roll and Stroll – September 22<sup>nd</sup>

This meeting adjourned at 2:14 PM.

Respectfully Submitted:

Debra Fuller  
Confidential Secretary