

AGENDA
REGULAR MEETINGS
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

October 21, 2022

D. BUSINESS BEFORE THE BOARD

7. BOARD COMMITTEE REPORTS

a. Board Legislative Committee (10.21.2022) (Echols)

The October 21 Board Legislative Committee meeting was held in-person and via video conference pursuant to the Brown Act, as amended by AB 361.

Members of the public can watch the meeting on the Park District's YouTube channel here:
<https://www.youtube.com/watch?v=FOOedBV3LAA>.

Attendees:

Board: Chair Elizabeth Echols, Beverly Lane, Colin Coffey (Alternate)

Staff: Lisa Baldinger, Flora Csontos, Yulie Padmore, Jeff Rasmussen, Katy Hornbeck, Devan Reiff

Consultants: Doug Houston, Peter Umhofer

Public: Members of the public were able to access the meeting via live video stream.

This meeting was called to order at 12:43 PM.

Legislative Assistant Flora Csontos conducted a roll call of Board Legislative Committee members and staff.

Items discussed:

I. DEPUTY GENERAL MANAGER'S COMMENTS

A. *Year in Review Presentation*

Legislative and Policy Management Analyst Lisa Baldinger introduced Legislative Assistant Flora Csontos to share the Government and Legislative Affairs Year in Review overview summarizing 2022 advocacy and funding efforts.

Chair Elizabeth Echols thanked Government Affairs staff for fantastic work and lauded the team effort. Director Beverly Lane indicated her appreciation for the presentation and requested a copy. Director Colin Coffey also requested a copy.

I. LOCAL ISSUES / ACTIONS TAKEN BY OTHER JURISDICTIONS

No items for discussion on this agenda item.

Director Beverly Lane mentioned she attended the recent Contra Costa Board of Supervisor's meeting to support the Port Chicago 50 Exoneration Resolution. She was pleased with the support and with how informed the discussion was.

II. FUNDING AND GRANTS UPDATE

Director Beverly Lane requested a discussion about the successes and failures of applying for Proposition 68 funding categories. Director Colin Coffey inquired whether the reported \$7 million for the Finley Ranch Road Property Acquisition referenced in the Legislative Committee Grants Report had already been awarded.

Grants Manager Katy Hornbeck provided a verbal update to accompany the Legislative Committee Grants Report. In response to Director Coffey's question, Hornbeck confirmed the \$7 million had already been received from the State Coastal Conservancy due to the fact the Park District was invited to apply. The Park District Land Acquisition team has also played an important information-sharing role to facilitate a quick process. State Coastal Conservancy staff will prepare their recommendation for their February board meeting. Hornbeck then shared a photo of a recent grants site visit for the California Natural Resources Agency "Urban Greening" program to close a San Francisco Bay Trail gap at the Martinez Shoreline and thanked Government and Legislative Affairs staff for confirming several legislative attendees. There was a great showing of about 25 attendees including supportive stakeholders. Hornbeck indicated Park District staff would follow up with Director Lane regarding Proposition 68 grant applications. State Advocate Doug Houston, Houston Magnani, also offered to follow up with information.

III. ADVOCATE BRIEFINGS

A. Federal Advocate Briefing – Federal Advocate Peter Umhofer provided a verbal update about the midterm elections, National Public Lands Day on September 30, several funding and land acquisition announcements from the National Park Service, Department of the Interior and the United States Geological Survey, federal legislation, Exoneration of the Port Chicago 50 and America the Beautiful.

Director Coffey inquired about the Thurgood Marshall Regional Park – Home of the Port Chicago 50 funding request from United States Representative Mark DeSaulnier. Umhofer indicated the \$3 million is in process to be considered as part of the omnibus appropriations package with the hope community funding projects remain in the bill. Baldinger further clarified there may be updates available for the next Legislative Committee meeting set for December 16. Funding may not be secured until further in to 2023 and is specifically for pre-construction, design and planning costs.

B. State Advocate Briefing – State Advocate Doug Houston, Houston Magnani, shared the East Bay Regional Park District 2022 Legislative Wrap up presentation discussing the state budget, Park District sponsored legislation, legislative funding investments, a legislative overview, elections and leadership changes.

Director Lane agreed the state environment is different after COVID-19 and asked if legislative staff are being required to return to work. Houston indicated many staff have pivoted to campaign work, but offices are offering latitude and occasional remote work.

Director Coffey shared an update of recent work with California State Parks regarding the 3600-acre Marsh Creek Historic State Park in the center of the Los Vaqueros watershed and open space. The Park District has engaged Assembly Member Tim Grayson and State Senator Steve Glazer to open this park and make progress on regional trail planning. There appears to be local momentum and with Mount Diablo State Park leadership. Director Coffey shared an update about a recent site visit with Assembly Lori Wilson to Big Break Regional Shoreline. He noted her interest in Contra Costa issues and Marsh Creek State Park support. Houston inquired whether planning efforts are complete at Marsh Creek State Park. Director Coffey elaborated that a general plan was approved 12 years ago.

Baldinger thanked Houston and shared in-person advocacy will be the focus in Sacramento for the Park District next year and a Legislative Luncheon earlier in the session.

V. LEGISLATIVE PROGRAM UPDATES

Legislative and Policy Management Analyst Lisa Baldinger presented legislative program updates.

A. NEW LEGISLATION

I. RECOMMENDED BILLS FOR SUPPORT

- a. S. Con. Res 46 (Carper D-DE) – 50th Anniversary of the Clean Water Act
The Senate non-binding resolution commemorates the 50th anniversary of the Federal Water Pollution Control Act of 1972, commonly known as the “Clean Water Act.” The resolution recognizes the role of the Clean Water Act in reducing water pollution, improving water quality and reducing the rate of wetland loss. The resolution also recognizes different interpretations of the act by different administrations have impeded achieving the law’s intended goals. The resolution expresses the sense of Congress to fully realize the goals of the Clean Water Act by ensuring investments are prioritized for low-wealth communities – including Black, Indigenous, People of Color – and other communities most harmed by pollution.

Legislative Program Area: Community Health, Ecosystem Stewardship

- b. S. 4639 (Wyden D-OR) – North America Grasslands Conservation Act
This bill establishes a landowner-driven, voluntary, incentive-based program to conserve and restore grassland ecosystems. Specifically, it establishes a flexible Grassland Conservation Grant Program to help fund projects aimed at restoring degraded grasslands, increasing carbon sequestration, improving grassland and rangeland health, mitigating the threats of wildfire and drought, improving biodiversity, supporting habitat connectivity, and restoring watersheds. The bill creates National and Regional Grassland Conservation Councils to recommend and approve projects to be funded under the grant program. It also establishes research initiative on native and seed crop systems and regenerative grazing practices. “Local governments” are eligible to apply.

Legislative Program Area: Ecosystem Stewardship

- c. S. 4693 (Coons D-DE) – National Discovery Trails Act
This bill will expand the National Trails System by adding the existing American Discovery Trail, the nation’s only coast-to-coast multiuse trail. The American Discovery Trail stretches 6,800 miles from Delaware to California across 15 states. In the East Bay, it runs through Antioch and Walnut Creek to the summit of Mount Diablo. Designating the American

Discovery Trail as part of the National Trails System will ensure the entire trail is accessible, user-friendly and well maintained. This legislation will also create a new category of long-distance trails known as National Discovery Trails. This category of trails aims to help connect wilderness areas and national parks with rural towns and big cities to promote family-oriented recreation, physical health and economic development.

Legislative Program Area: Climate Friendly Transportation

d. S. 4877 (Markey D-OR) – Civilian Conservation Center Enhancement Act

This bill directs the Department of Agriculture and the Department of Interior to offer specialized training, specifically wildland firefighter training, to Job Corps Civilian Conservation Center students. The intent is to create a pipeline for careers fighting fires and caring for public lands. It would set a goal for the Department of Agriculture and Department of Interior to each hire 300 students a year. It provides direct hire authority specific to CCC graduates to expedite meeting the 300 a year goal. It would create a pilot program to use CCC students to address the lack of workforce housing for wildland firefighters. The U.S. Forest Service operates 24 Civilian Conservation Centers which are part of the national Jobs Corps program,

Legislative Program Area: Green Jobs, Wildfire Resilience

e. S. 4884 (Hirono D-HI) – Natural Infrastructure Act

This bill requires the Secretary of the Interior, in coordination with the Secretary of Agriculture, to establish a Joint Natural Infrastructure Science Program. This program would seek to further research on the use of natural solutions aimed at addressing evolving infrastructure needs across the country. The bill also requires the Secretary of the Interior to assess the costs and effectiveness of select natural infrastructure projects on an annual basis. The bill defines natural infrastructure as constructed landscape features and systems which employ nature-based solutions that promote, use, restore or emulate natural ecological processes. The bill authorizes \$4 million in appropriations for each fiscal year from 2023 through 2033 for both the Secretaries of Agriculture and Interior to implement the Joint Natural Infrastructure Program. The American Society of Civil Engineers estimates the country's need for infrastructure repairs through 2025 totals over \$4 trillion.

Legislative Program Area: Sea Level Rise Preparedness, Ecosystem Stewardship

f. H.R. 8483 (Waters D-CA) – Wildfire Insurance Coverage Study Act

This bill would require the Federal Emergency Management Agency (FEMA) and the Government Accountability Office (GAO) to conduct studies assessing the danger wildfires increasingly pose to communities and how the market for homeowners' insurance is responding to this growing threat. Specifically, it calls on FEMA to identify mitigation practices which would assist in reducing premiums for insurance policies covering damages from wildfires. It also calls on FEMA to analyze and assess the need for a national map to measure and quantify wildfire risk. The FEMA study is to be completed in one year. The bill requires the GAO to examine the extent to which private insurers have increased rates and the geographic areas in which such increased rates have been applied. It also calls on the GAO to determine what actions state insurance regulatory agencies have taken in response to increased rates. The GAO is to report about the manner in which the Federal and state governments can alleviate impediments faced by private insurers underwriting wildfire risk.

The study will include forest management policies, which will support relocating homeowners from wildfire zones and subsidizing premiums for lower-income homeowners. The GAO study is to be completed in two years.

Legislative Program Area: Wildfire Resilience

g. H.R. 8516 (Stanton D-AZ) – Wildfire Response Improvement Act

This bill directs the Federal Emergency Management Agency to update categories of eligibility and timelines for fire management assistance. The review is to consider defensible space mitigation projects, nature-based infrastructure, consideration of ecological and societal health, carbon sequestration, improved water quality and lessening disaster impact on traditionally underserved communities. The goal is to expand the use of Federal funds to recover from wildfires. Today, Federal support for fighting wildfires ends when the fire is extinguished. Post-fire risks, however, remain: burn scars from the blazes can lead to life-threatening mudslides and flooding, which create public safety risks and can cause property damage. Currently, state and local government bear much of the cost of post-fire expenses.

Legislative Program Area: Wildfire Resilience, Ecosystem Stewardship

Vote: Director Lane made a motion to forward a recommendation of support to the East Bay Regional Park District Board of Directors. Second by Director Coffey. Motion passed unanimously.

2. RECOMMENDED BILLS TO OPPOSE – N/A

3. RECOMMENDED BILLS TO WATCH – N/A

4. RECOMMEND BALLOT MEASURE TO OPPOSE

a. Initiative # 21-0042A1 – Taxpayer Protection and Government Accountability Act

This is a statewide measure to amend the California Constitution sponsored by the California Business Roundtable. The initiative is to be placed on the November 2024 statewide ballot. The measure expands the definition of “tax” to include some charges state and local governments currently treat as fees, assessments and other revenue collection mechanisms. For example, certain charges imposed for a benefit or privilege granted to an individual rate-payer, but not universally benefitting others would no longer be considered a fee. As a result, the measure could increase the number of revenue proposals subject to the higher state and local vote requirements for taxes. The measure also increases the vote requirements for increasing state taxes. Specifically, the measure requires legislatively proposed tax increases receive approval by two-thirds of each house and a majority vote of the statewide electorate. Voters would still, however, be able to increase taxes by majority vote of the electorate through the initiative process and without legislative action. The measure has a retroactive clause as well. Any state tax approved between January 1, 2022, and the effective date of this measure, would be nullified unless it fulfills the initiative’s requirements. The California Special Districts Association (CSDA) opposes this ballot initiative set to be voted on in the November 2024 statewide general election. CSDA is encouraging members to adopt resolutions in opposition.

Legislative Program Area: Multi-benefit

Vote: Director Lane made a motion to forward a recommendation of opposition to the East Bay Regional

Park District Board of Directors. Second by Director Coffey. Motion passed unanimously.

Chair Echols departed and Director Lane assumed the Chair position.

B. PROJECTS AND PROGRAMS

Legislative and Policy Management Analyst Lisa Baldinger presented a project and program update.

I. 2023 SPONSORED LEGISLATION – ADMINISTRATIVE LIMIT

Staff is developing a white paper around raising the administrative limit for the General Manager to approve contracts from \$50,000 to \$200,000. The proposed legislation would allow certain Special Park Districts to have a \$200,000 contract limit which could be authorized by the General Manager without Board approval. An escalator clause is also being explored to increase the limit annually instead of seeking to introduce new legislation. This bill will be cosponsored with Midpeninsula Open Space District. Staff completed an assessment of Park District contracts over the past three years within the \$50,000 to \$200,000 range and found these contracts to be predominantly administrative in nature including purchases of fleet vehicle and software.

Director Coffey inquired about the statutory scheme that sets the present limitation. Baldinger responded it is included in the Public Resource Code 5549. Director Coffey asked how long ago the limit was set to \$50,000. Baldinger indicated this went into effect in 2015 via AB 495 (Gordon) which raised the limit from \$25,000 to \$50,000. This legislation was cosponsored by the East Bay Regional Park District and Midpeninsula Open Space District. Director Coffey indicated this would need to be moved at the Board level eventually and amended in the Park Operations Manual. Baldinger indicated the \$200,000 limit was chosen because this is the level for county governments with a population over 200,000. Director Coffey indicated this is reasonable legislation to pursue. It should be approached in tandem with the East Bay Regional Park District Board of Directors and with the legislature.

Chair Lane recommended a detailed explanation be included in the Legislative Committee minutes to go before the Board of Directors.

Overview of Regional Park and Open-Space Districts: General Manager: Powers

The California Public Resources Code (PRC) - PRC § 5549, as written, allows for the general manager of any park or open-space district, with district board approval, to bind the district in accordance with Board policy that has been adopted in an open meeting in amounts not exceeding fifty thousand dollars (\$50,000). At the Park District, every item requiring approval for a contract ranging from \$51,000 - \$200,000 must go before a Board subcommittee and then advance to the full Board of Directors, in addition to an internal review process. This requires weeks of processing and often delays project delivery. In addition, with the impacts of climate change on the landscape becoming increasingly intense and districts experiencing steep increases in park and open space visitation since the onset of COVID, the need to accelerate the pace and scale of work is greater than ever. This legislative proposal asserts the administrative limit for certain park or open space district should align with that of a county at two-hundred thousand dollars (\$200,000). Specifically, language should mirror California Government Code § 25502.5

2. FALL SURVEY UPDATE

Baldinger shared the 2022 Fall Voter Survey will be administered in early November and will focus on the draft 2023 Legislative Program. This survey will be conducted of 600 East Bay

residents in a multi-lingual and multi-modal approach in late 2022 or early 2023. Tulchin Research is the survey firm deploying this survey.

3. SITE VISITS AND MEETINGS

The following legislative site visits and meetings updates took place:

1. September 3, 2022: Assembly Member Alex Lee Walk and Talk – Quarry Lakes Regional Recreation Area
2. September 12, 2022: Assembly Member Lori Wilson Site Visit – Big Break Regional Shoreline
3. September 13, 2022: Legislative and Agency Appreciation Luncheon and Grant Discussions – Sacramento
4. September 15, 2022: California Conservation Corps (CCC) Site Visit – Bollinger Canyon / Holly Court
5. September 16, 2022: United States Environmental Protection Agency Clean Water Act Press Conference – Dotson Family Marsh
6. September 28, 2022: 30x30 Partnership Kick-Off Event – Sacramento
7. October 1, 2022: Park Advisory Committee Site Visit – Thurgood Marshall Regional Park – Home of the Port Chicago 50

Chair Lane expressed her support for the multiple Thurgood Marshall Regional Park – Home of the Port Chicago 50 site visits. United States Representative Mark DeSaulnier seemed pleased with the turnout for the August Walk and Talk on-site. Chair Lane inquired whether legislative staff do most of the event planning or if Public Affairs staff are also brought in. Baldinger indicated Public Affairs primarily leads media events and Government and Legislative Affairs serves as lead when elected officials are key attendees. Chair Lane inquired about the quick turnaround process when prominent visitors request a visit to one of the District's parks. Csontos underscored the interdepartmental collaboration between Park District Government and Legislative Affairs, Public Safety, Operations and Interpretation and Recreation staff that allows these high-profile events to successfully take place. Chair Lane underscored the importance of continuing to invite Board members to attend. These in-park site visits by elected officials and agencies are a high priority for each Board member. Director Coffey mentioned the recent Contra Costa Transportation Authority site visit to the northern portion of Thurgood Marshall Regional Park – Home of the Port Chicago 50 with Secretary of Transportation Pete Buttigieg. While the Secretary was primarily there to see GoMentum Station Director Coffey was able to describe plans for the park and discuss active transportation funds.

VI. OPEN FORUM PUBLIC COMMENT

No requests for public comment were received.

VII. SOCIAL MEDIA

No discussion.

VIII. BOARD COMMENTS.

Chair Lane expressed her thanks to the committee and staff for all the hard work and indicated it would be one of her final committee meetings.

The committee adjourned at 2:27 PM.