



Midpeninsula Regional
Open Space District

LEGISLATIVE, FINANCE, AND PUBLIC AFFAIRS COMMITTEE

R-16-150
November 8, 2016

AGENDA ITEM 2

AGENDA ITEM

Legislative Items for 2017

SUMMARY

The District's Legislative/External Affairs Specialist, Joshua Hugg, will present several potential bill ideas that can be pursued during the 2017-18 State Legislative Session for the LFPAC Committee to consider and recommend for further action.

DISCUSSION

Potential Legislation for Next Legislative Session:

A number of potential opportunities for legislation have arisen through the 2016 Legislative Session that may wish to be pursued in the 2017 Legislative session.

1. **AB 612 (Gordon) clean-up:** Minor typo fix to Section 5544.1 of the Public Resources Code to reflect the intent of the original legislation that extended the rate of Midpen's indebtedness to 30 years.
2. **Board Compensation:** Update to Section 5536 of the Public Resources Code to modify Board compensation amounts and criteria that were last updated in 1984.
3. **Definition of Disadvantaged Community update:** An amendment to Section 75005 of the Public Resources Code (PRC) that would utilize county median household incomes as the relative measure of disadvantage, rather than the state median income. Currently the definition of disadvantaged community is 80% of the state median income of \$61,489 (ACS 2014). This severely restricts the opportunities for funding in places like San Mateo and Santa Clara Counties whose median household incomes are \$91,421 and \$93,854 respectively. This would expand funding eligibility criteria for disadvantaged communities in high-cost regions, like Silicon Valley, since it would comprehend local differences across the state. This would have the potential to affect several existing funding sources like Prop 1 and Prop 84 that reference the PRC definition.
4. **Design Build Authority Eligibility:** In 2014 SB 785 (Wolk) provided cities, counties, and special districts the ability to engage in certain capital projects in excess of \$1 million utilizing design-build (DB) methodologies, rather than more conventional design-bid-build (DBB) approaches as a pilot that will last until 2025. Several advantages may be had using DB techniques, which include:

- High quality based selection of contractors, not simply price
- Time savings – Construction can begin as sections of plans and specs are completed resulting in shorter delivery time
- Faster and improved communications between the designer and Contractor
- Responsibility and risk are delegated to a single source for design and construction – Result is fewer change orders and disputes
- Contractor's increased control of design and early involvement of key subcontractors may result in lower costs by collaborative efforts to identify innovative methods and systems to make design more efficient

The request would be to amend SB 785 eligibility criteria to include parks and open space capital projects. In 2016 SB 957 (Hueso) added hospital and health care facility construction by health care districts to the DB process eligibility list.

While the District may not want to use DB on all projects, it is an important tool to ensure the funds entrusted to the District are used in the most effective way possible.

FISCAL IMPACT

None.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

The Legislative/External Affairs Specialist and PPA will bring a legislative agenda proposal to the Board in preparation for the 2017 Legislative Session.

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