



DATE: April 24, 2019  
MEMO TO: MROSD Board of Directors  
THROUGH: Ana M. Ruiz, General Manager *AMR*  
FROM: Joshua Hugg, Governmental Affairs Specialist  
SUBJECT: Legislative Actions Update to Board

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## BACKGROUND

Board Policy 1.11 titled "Positions on Ballot Measures and Legislative Advocacy," Section 2.0b, provides the General Manager the ability to take a position on pending legislation in time-sensitive situations. More specifically:

- b. When time is so short that neither the full Board nor LFPAC can be convened to consider positions to support or oppose local, state or federal legislation, the General Manager is authorized to take a position on behalf of the District if the legislation:
  - i. Is related to the District's mission; AND
  - ii. Would directly impact the District's business, such as project delivery, operations, finances, legal authority, or other District responsibilities; AND
  - iii. The position being taken is consistent/inconsistent with existing District policy, past action, or District Strategic Plan; OR
  - iv. The legislation carries other considerations that make it contrary to the District's interests.

In such instances, the General Manager or designee shall report to the Board any actions taken to support or oppose the legislation at or before the next Board meeting.

## DISCUSSION

On behalf of the District, the General Manager has taken the following time-sensitive action:

➤ **AB 948 (Kalra): Coyote Valley Conservation Program.**

**Action:** At the behest of the Santa Clara Valley Open Space Authority, the District has taken a SUPPORT position and communicated it to the Chair of the Assembly Natural Resources Committee.

**Bill Summary:** AB 948 would create the Coyote Valley Conservation Program (Program) to be implemented by the Santa Clara Valley Open Space Authority (Authority). Under the Program, the Authority would undertake projects to conserve, protect, and restore the natural and working land aspects of Coyote Valley and the multiple benefits these lands provide.

### **Consistency with Legislative Program:**

- District Legislative Priority #2 – Regional Conservation: The District supports legislation that enhances and funds regional collaboration and coordination of conservation efforts.
- Natural Resources Protection and Restoration #27 - Enhances or streamlines the identification, creation, and maintenance of wildlife corridors both within District lands and adjacent entities, which may extend to statewide and international linkages

### ➤ **AB 450 (Irwin): Bees: Apiary Protection Act.**

**Action:** Midpen has taken a SUPPORT position and communicated it to the author on April 9. This bill would provide timely notification of apiary relocations to help entities avoid impacting apiaries when considering the use of pesticides.

**Bill Summary:** This bill is a cleanup bill to AB 2468 (Arambula, 2018), which required timely apiary movement notification. The 72-hour reporting requirement of AB 2468 when an apiary is moved into another county will also be required for an apiary relocated within a county under this new bill.

### **Consistency with Legislative Program:**

- Natural Resources Protection and Restoration #17. Emphasizes the use of Integrated Pest Management (IPM) practices that aligns with the District’s program
- Natural Resources Protection and Restoration #29. Enhances regulatory permit and closer collaboration and coordination between regulatory agencies

### ➤ **State Budget Program – Prop 68 Community Access**

**Action:** The District has signed a group support letter for a provision of Prop 68 (2018) in the state budget that helps enable community access to outdoor opportunities.

**Summary:** The state Department of Finance (DOF) has come out against using Prop 68 funds for non-capital purposes. This support letter reinforces the message that voters who supported Prop 68 want barriers to accessing open space and outdoor recreational opportunities lowered.

#### **Prop 68 Provisions Under Scrutiny:**

**80002(b)** “Community access” means engagement programs, technical assistance, or facilities that maximize safe and equitable physical admittance, especially for low-income communities, to natural or cultural resources, community education, or recreational amenities.

**80008 (c) (1)** Up to 5 percent of funds available pursuant to each chapter of this division shall, to the extent permissible under the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code) and with the concurrence of the Director of Finance, be allocated for community access projects that include, but are not limited to, the following:

- (A) Transportation.
- (B) Physical activity programming.
- (C) Resource interpretation.
- (D) Multilingual translation.

(E) Natural science.

(F) Workforce development and career pathways.

(G) Education.

(H) Communication related to water, parks, climate, coastal protection, and other outdoor pursuits.

**Consistency with Legislative Program:**

- Public Access and Education:

#2. Increases public access to preserved land region-wide

#4. Helps provide educational opportunities for preserve visitors about natural and cultural resources and the benefits of open space

#6. Promotes involvement and engagement of communities in ongoing conservation

#7. Funds and enables programs that hires youth to work in parks and open space and encourages them to consider careers in conservation

➤ **State Budget Program – Habitat Conservation Fund**

**Action:** At the behest of Defenders for Wildlife, the District has signed onto a group support letter requesting the Habitat Conservation Fund (HCF) be renewed and funded in perpetuity.

**Summary:** HCF is slated to sunset in July 2020. The District has received HCF funds on several occasions and currently has two applications pending. California voters passed the California Wildlife Protection Act, Proposition 117 in June 1990. It created the HCF and required an annual transfer of \$30 million into the fund until the year 2020. It also specified how the monies were to be expended for acquiring, restoring, and enhancing habitat to protect wildlife and plant populations, especially deer, mountain lions, rare, endangered, threatened or fully protected species, wetlands, riparian, and aquatic habitat.

**Consistency with Legislative Program:**

- Natural Resource Protection and Restoration:

#13. Creates or enhances new funding sources to implement local or state government programs that benefit the environment such as: watershed protection, groundwater recharge and sustainability, water conservation, GHG reduction, Areas of Special Biological Significance compliance, Rare, Threatened, and Endangered species management and recovery

#14. Expands funding for:

- Wetland restoration projects that provide carbon sequestration benefits.
- Forest health programs that reduce GHG emissions through fuel reduction.
- Wildlife Corridor projects that improve wildlife habitat connectivity