

CALIFORNIA STATE PARK and RECREATION COMMISSION

MEETING CONDUCTED VIA TELECONFERENCE
Teleconference Location: California State Parks Russian River District Office
25831 Steelhead Boulevard
Duncans Mills, California

Minutes of the Meeting - Tuesday, June 30, 2009

COMMISSIONERS PRESENT AT THE TELECONFERENCE LOCATION

Caryl Hart, CHAIR

**COMMISSIONERS PARTICIPATING VIA TELECONFERENCE
AS PERMITTED BY CALIFORNIA GOVERNMENT CODE SECTION 11123**

Lindy DeKoven
Alice Huffman
Gail Kautz
William "Bill" Kogerman
Paul Junger Witt

CALIFORNIA STATE PARKS STAFF

Ruth Coleman, DIRECTOR
Michael Harris, ACTING CHIEF DEPUTY DIRECTOR
Tara Lynch, ACTING CHIEF COUNSEL
Louis Nastro, ASSISTANT TO THE STATE PARK AND RECREATION COMMISSION
Tony Perez, DEPUTY DIRECTOR, PARK OPERATIONS
Dan Ray, CHIEF, PLANNING DIVISION
Roy Stearns, DEPUTY DIRECTOR, COMMUNICATIONS

SPEAKERS REGISTERED/REPRESENTING

Elizabeth Goldstein/California State Parks Foundation
Fred Luna/Stewards of the Coast and Redwoods
Traci Verardo-Torres/California State Parks Foundation

CALL TO ORDER

Legal notice having been given, this teleconference meeting of the California State Park and Recreation Commission was called to order at 12:33 p.m. by Commission Chair Caryl Hart. Chair Hart asked the commissioners to introduce themselves from the various teleconference locations.

AGENDA ITEM 1/AGENDA ITEM 2:

**UPDATE ON THE STATE BUDGET PROPOSAL CURRENTLY BEING CONSIDERED
BY THE LEGISLATURE, INCLUDING THE VEHICLE PARK PASS, DISCUSSION OF
POSSIBLE IMPACTS OF THE PROPOSED BUDGET/COMMISSION DISCUSSION**

Director Ruth Coleman provided an update on the Vehicle Park Pass proposal's status in the state legislature. She noted that the proposal to support State Parks had passed on a simple majority, but that the governor stated he would veto if the proposal was presented for his signature. The Director added that the California Department of Finance had stated that the Vehicle Park Pass would be considered a fee and

not a tax so long as payment of funds was voluntary. Director Coleman added that the California Legislative Counsel had issued a statement that any mandatory fee would be considered a tax.

Commissioners and staff discussed the consequences of the legislature passing a budget on a simple majority, how such a budget would likely be vetoed by the governor, and how the governor’s decision could only be overridden by a two-thirds vote in the legislature. The commissioners concluded that this meant that any proposal must be capable of passing the legislature with a two-thirds vote.

Director Coleman noted that the budget situation, proposals for State Parks, and how these issues are reported in the media changes literally every day. The Director stated that the department was considering all available options including park visitor fee increases, adding that fee increases would have to be administered with the cooperation of the governor’s office.

Director Coleman and Deputy Director of Park Operations Tony Perez reported that State Parks staff in particular were experiencing hardships as a result of the budget situation. The Director noted that during the previous week the governor had implemented a third “furlough” day for employees, which resulted in approximately a 15 percent pay reduction for staff. Director Coleman added that many households – more than at most other state agencies – had more than one family member employed at State Parks with both members facing significant cuts. Tony Perez reported that summer park visitation featured record crowds, especially at beach and reservoir units of the State Park System. He added that many State Parks campgrounds were sold out far in advance. Director Coleman added that on July 1st State Parks was conducting a meeting in Sacramento to explore partnership options for funding State Parks.

Commission Chair Caryl Hart asked Elizabeth Goldstein of the California State Parks Foundation to report on the Foundation’s efforts to build public and legislative support for State Parks.

Elizabeth Goldstein, President of the California State Parks Foundation, and Traci Verardo-Torres, Legislative & Policy Director for the Foundation, reported that over the last several weeks the number of users on the Foundation’s “FaceBook” web page had increased from approximately 500 individuals to over 39,000. Ms. Verardo-Torres also reported that the Foundation had documented over 166,000 pieces of correspondence to the governor and the legislature on the subject of parks. Ms. Verardo-Torres noted that she had recently transmitted to the “Big 5” – the governor along with the democratic and republican senate and assembly leaders – a 1,600 page petition that included over 29,000 signatures. She also spoke of senate bills 372 & 679, both written to provide increased protection to state parks, noting that both these bills were passed in the Assembly Water, Parks, and Wildlife Committee that morning (June 30, 2009).

Commissioner Gail Kautz stated that she wished to commend the California State Parks Foundation for their outstanding work in support of California State Parks. Commission Chair Caryl Hart concurred.

Commissioner Bill Kogerman listed economic opportunities that were available to State Parks, noting that as much as \$50 million could be available from the proponents of the Tehachapi Renewable Transmission Project, and as much as \$100 million from the proposal to build the Highway 241 toll road extension through San Onofre State Beach. Commissioner Kogerman also described the potential to generate \$6 million per year by leasing sites for cellular telephone/broadband “repeaters” on State Parks property. Commissioner Kogerman and Commissioner Paul Witt noted that in their role as the Commission’s Concessions, Enterprise & Fiscal Committee, they planned to investigate creative opportunities to generate additional revenue for State Parks. Commissioner Witt suggested that staff could conduct a workshop for the Commission in which legal, park-compatible revenue generating proposals could be explored.

Commissioner Alice Huffman, Traci Verardo-Torres of the Foundation, Commissioner Bill Kogerman, and Commission Chair Caryl Hart discussed the Vehicle Park Pass proposal: the legislative attitude toward the proposal and comparing an “opt out” fee proposal to a mandatory fee. Ms. Verardo-Torres explained why the California State Parks Foundation supported and would advocate for a mandatory fee.

Director Ruth Coleman and Acting Chief Deputy Director Michael Harris explained that any non-guaran-

ted funding source would require what was known as “contingency budgeting,” and how this would be discouraged if not prohibited in state government. They provided a brief explanation of contingency budgeting, and described how any vehicle license fee-based program would take a minimum of six months to began generating revenue, and possibly many months more. The Director explained that in addition to whatever administrative issues such a program would entail, the long lead time would in the interim leave State Parks with the authority to expend funds without the funds to expend. She noted that for this reason a contingency budget could not realize any savings in its first year. Director Coleman explained that any program that promised free park access would have to begin doing so from the inception of the program.

Commissioner Bill Kogerman noted that with park user fees increasing, a \$15 annual fee attached to vehicle licensing would be a considerable value.

Chair Caryl Hart asked that the commissioners vote to make clear their desire to utilize their political and other connections to cultivate interest and support for an “opt out” vehicle license fee proposal. Commissioner Alice Huffman made a motion to this effect, and Chair Hart conducted a role call vote. The commissioners voted unanimously to support an “opt out” vehicle license fee proposal.

The commissioners discussed their actions related to the vehicle license fee proposal. Commissioner Kogerman noted that he would work with the legislature and the governor’s office, Chair Hart stated that she had already met with State Senator Loni Hancock, Commissioner Alice Huffman noted that she was acquainted with Governor Arnold Schwarzenegger and his Chief of Staff Susan Kennedy.

Chair Hart suggested that the commissioners form a committee for the purpose of working with the legislature and the governor’s staff on this issue. Chair Hart, Commissioner Huffman, and Commissioner Kogerman agreed to form a Vehicle Access Pass Committee. The Chair asked for comments on this from the California State Parks Foundation.

Elizabeth Goldstein, President of the California State Parks Foundation, noted that the Foundation’s research, conducted with professional organizations that develop political initiatives, indicated that a voluntary vehicle fee program would face many challenges. Ms. Goldstein stated that the Foundation respectfully disagreed and could not support efforts to create a voluntary vehicle license fee program.

The commissioners and Foundation staff discussed the advantages and disadvantages of mandatory versus voluntary programs and agreed that while a mandatory program was preferable, it could be worthwhile to explore the possibility of a voluntary program. The Commission and the Foundation also agreed that they did not wish to be working against each other. Chair Caryl Hart asked if there was a motion for the Commission to formalize its position of first favoring a mandatory vehicle license fee proposal, but to pursue and support a voluntary “opt out” fee as an option should it appear that a mandatory fee could not obtain sufficient support to become reality. Motion Commissioner Huffman, second Commissioner Kautz. Commissioners DeKoven, Huffman, Kautz, Witt and Chair Hart voted in favor of the motion. Commissioner Kogerman opposed the motion. The motion passed on a vote of five to one. Commissioner Kogerman noted that his actions would support the Commission position on this issue.

**AGENDA ITEM 3:
PUBLIC COMMENT**

Chair Hart opened the public comment portion of the meeting at 1:36 p.m. The following speakers addressed the Commission from the various teleconference locations:

Fred Luna, Stewards of the Coast and Redwoods, concerning the vehicle license fee proposal and cellular telephone/broadband repeater sites in parks. Mr. Luna cautioned against establishing an “opt out” fee proposal, as supporters could be inclined to pay the fee now but discontinue this in the future. Mr. Luna also noted that he had professional experience with cellular/broadband towers and that he found this to be an acceptable use in parks. He asked the California State Parks Foundation to comment on this use.

Traci Verardo-Torres stated that the Foundation did not have a position on cellular towers, and that they were not opposed to developing new compatible uses in State Parks. Ms. Verardo-Torres also noted that Senate Bill 679, which she had mentioned earlier, added a provision to state law that California State Parks must be compensated at fair market value whenever parklands are used for non-park purposes. She added that the \$100 million offered by the Transportation Corridor Agencies in return for constructing the Foot-hill-South toll road through San Onofre State Beach was not equivalent to fair market value. Chair Hart noted that a toll highway was an incompatible use of park property regardless of the situation, and that the Commission should be investigating compatible uses. The Chair added that she did not understand why the toll road continued to be discussed at State Parks when the decision to prohibit construction of the road had been made by the California Coastal Commission.

Tony Perez, Deputy Director for Park Operations, noted that there were already cellular/broadband towers in some State Park System units. Orange Coast District Superintendent Ken Kramer added that his district was currently home to two cellular towers which generated approximately \$1,000 per year from lease agreements. Commissioner Bill Kogerman stated that fees as low as \$1,000 per year were typical, and that landowners were often paid less than fair market value for these sites. Commissioner Kogerman added that, using the conservative number of 500 sites in parks, he had estimated that State Parks could realize \$6 million a year from such a project, with additional revenues available from additional sites.

Chair Hart closed public comment at 1:47 p.m.

AGENDA ITEM 4:

CLOSED SESSION TO DISCUSS PENDING LITIGATION

As permitted by Government Code Section 11126(e)(1) & (e)(2)(C)(i). Pending Litigation: Budget Proposals. Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would prejudice the position of the Commission

Chair Hart announced this agenda item and noted that each of the teleconference location rooms must now be cleared for the closed session. Acting Chief Counsel Tara Lynch specified that only commissioners, necessary State Parks staff, and legal counsel would be permitted to remain during the closed session.

Chair Hart called the closed session to order at 1:48 p.m.

AGENDA ITEM 5:

PUBLIC ACCOUNT OF REPORTABLE ITEMS, IF ANY, FROM CLOSED SESSION, ADJOURNMENT

Chair Hart reconvened the Commission in open session at 2:10 p.m. The Chair noted that there were no reportable items from the closed session. Chair Hart noted that she would be scheduling another meeting as soon as the need arose. The Chair adjourned the meeting at 2:11 p.m.