AC TRANSIT DISTRICT
Board of Directors

GM Memo No. 10-142a
Meeting Date: July 14, 2010

Committees:
Operations Committee ☐ Planning Committee ☐
External Affairs Committee ☐ Finance and Audit Committee ☐
Board of Directors ☒ Financing Corporation ☐

SUBJECT: Consider the Adoption of Resolution No. 10-031 Opposing Proposition 23 - The Ballot Initiative that Would Suspend AB 32 – The Global Warming Solutions Act of 2006

RECOMMENDED ACTION:

☐ Information Only ☐ Briefing Item ☒ Recommended Motion

Adopt Resolution No. 10-031

Fiscal Impact: Unknown

Recommendation of the External Affairs Committee on June 9, 2010:
At the External Affairs Committee meeting on June 9, 2010, the Committee voted unanimously to recommend adoption of the resolution to the Board of Directors. In addition, a member of the Committee inquired if the initiative had actually qualified for the November ballot.

On June 22, 2010, the California Secretary of State officially qualified the initiative for the November ballot as Proposition 23.

Content of the Original GM Memo Presented to the External Affairs Committee:

Background/Discussion:
In 2006, the California Legislature enacted AB 32: The Global Warming Solutions Act to reduce the amount of greenhouse gas emissions and pollution from the State of California. This legislation was in agreement with Governor Schwarzenegger’s Executive Order S-3-05 which set targets for reducing global warming pollution in California.

The goals of AB 32 are to reduce greenhouse emissions to 1990 levels resulting in an approximately 25% reduction in carbon dioxide pollution within the State of California. California’s Climate Change Scoping Plan recommends changes in cap-and-trade programs, the capture of high global warming potential gases, transportation, electricity and energy, industry, forestry, agriculture, waste and recycling in order to achieve these goals.

Earlier this year, Assembly Bill 118 was proposed and rejected which would have overturned this landmark legislation. Subsequently, an initiative very similar to that legislation was filed and is titled the California Jobs Initiative.
The attached resolution opposes the California Jobs Initiative which would suspend AB 32 and California's effort to reduce pollution.

**Prior Relevant Board Actions/Policies:**
None

**Attachments:**
Resolution No. 10-031

Approved by: Mary V. King, Interim General Manager
Prepared by: Beverly Greene, Acting Assistant General Manager
Date Prepared: July 7, 2010
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
RESOLUTION NO. 10-031

A RESOLUTION OPPOSING PROPOSITION 23 - THE BALLOT INITIATIVE THAT WOULD SUSPEND AB 32 – THE GLOBAL WARMING INITIATIVE

WHEREAS, the Alameda-Contra Costa Transit District (AC Transit) has actively put programs into place to comply with the goals of AB 32: The Global Warming Solutions Act toward the goal of reducing greenhouse emissions; and

WHEREAS, the proponents of Proposition 23, the Ballot Initiative that would suspend AB 32, claim the proposition would only suspend AB 32’s air pollution and regulations until California’s economy improves, but the proposition would harm California’s clean air standards by prohibiting them from being enforced unless the state’s unemployment rate drops to a fixed level of 5.5% or below for four consecutive quarters, a level that has rarely been achieved; and

WHEREAS, since 2005, California green jobs have grown 10 times faster than the statewide average. California’s clean technology sector received $2.1 billion in investment capital in 2009 – more than five times the investment of the next sector and is generating tens of thousands of jobs; and

WHEREAS, this proposition would also destroy California’s newly emerging clean energy businesses that have flourished because of California clean energy and clean air laws; and

WHEREAS, by stifling the demand for clean energy products, this proposition would eliminate the motivation to find alternative energy, thereby increasing dependence on fossil fuels and dirty oil which will result in rising prices for consumers and a continued drag on the economy.

NOW THEREFORE, the Board of Directors of the Alameda-Contra Costa Transit District, AC Transit, does resolve as follows:

Section 1. AC Transit hereby opposes Proposition 23, the ballot initiative that would suspend AB 32: The Global Warming Solutions Act.

Section 2. AC Transit will continue to comply with the goals of AB 32 toward the goal of reducing greenhouse gas emissions.

Section 3. The District Secretary shall send a copy of this resolution to the elected officials who are elected from within the District’s geographical boundaries.

Section 4. This resolution shall become effective immediately upon its passage by four affirmative votes of the Board of Directors.

PASSED AND ADOPTED THIS ___ day of ___, 2010

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Ryan "Rocky" Fernandez, President

Attest:

Linda Nemeroff, District Secretary

I, Linda A. Nemeroff, District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that the foregoing Resolution was passed and adopted at a Special Meeting of the Board of Directors held on the day of , 2010 by the following roll call vote:

Ayes:
Noes:
Absent:
Abstain:

Linda A. Nemeroff, District Secretary

Approved as to Form:

Kenneth C. Scheidig, General Counsel

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