

# SUMMARY MINUTES

ABAG Executive Board Meeting  
No. 353, January 18, 2007  
MetroCenter Auditorium  
101 8th Street, Oakland, CA

## 1. CALL TO ORDER

President Dave Cortese called the meeting to order at approximately 7:12 p.m. He noted that a memo on committee appointments and a revised Resolution 02-07 have been distributed to members.

### Representatives and Alternates Present

Supervisor Susan Adams  
Amiee Albertson, Dir., Intergovernmental Affairs  
Mayor Maria Alegria  
Vice Mayor Ruth Atkin  
Councilmember Jane Brunner  
Vice Mayor David D. Cortese  
Supervisor Chris Daly  
Councilmember Carole Dillon-Knutson  
Mayor Jose Esteves  
Vice Mayor Dan Furtado  
Mayor Mark Green  
Supervisor Scott Haggerty  
Supervisor Rose Jacobs Gibson  
Supervisor Mike Kerns  
Supervisor Barbara Kondylis  
Councilmember Sam Liccardo  
Supervisor Mark Luce  
Supervisor Peter McHugh  
Mayor Steve Messina  
Supervisor Ross Mirkarimi  
Councilmember Nancy Nadel  
Vice Mayor Jean Quan  
Mayor Pro Tem Gwen Regalia  
Councilmember A. Sepi Richardson  
Douglas Shoemaker, Mayor's Office of Housing  
Mayor Jill Techel  
Supervisor Gayle Uilkema  
Mary C. Warren  
Councilmember Forrest Williams

### Jurisdiction

County of Marin  
City of San Francisco  
City of Pinole  
City of Emeryville  
City of Oakland  
City of San Jose  
County of San Francisco  
City of Novato  
City of Milpitas  
City of Campbell  
City of Union City  
County of Alameda  
County of San Mateo  
County of Sonoma  
County of Solano  
City of San Jose  
County of Napa  
County of Santa Clara  
City of Benicia  
County of San Francisco  
City of Oakland  
City of Oakland  
City of Walnut Creek  
City of Brisbane  
City of San Francisco  
City of Napa  
County of Contra Costa  
RWQCB  
City of San Jose

### Representatives Absent

Supervisor Blanca Alvarado  
Supervisor John Gioia  
Vice Mayor Carol L. Klatt  
Supervisor Gail Steele  
Supervisor Adrienne Tissier

### Jurisdiction

County of Santa Clara  
County of Contra Costa  
City of Daly City  
County of Alameda  
County of San Mateo

**2. PUBLIC COMMENT**

There was no public comment.

**3. ANNOUNCEMENTS**

President Cortese welcomed Sam Liccardo and Forrest Williams, Councilmembers, City of San Jose; Steve Messina, Mayor, City of Benicia; Gayle Uilkema, Supervisor, County of Contra Costa; and Jill Techel, Mayor, City of Napa, to the Executive Board.

The Homelessness Task Force has three vacancies representing the City of Richmond, the City of San Jose, and the County of Santa Clara. Interested members are asked to contact ABAG staff. The next meeting is on February 21<sup>st</sup>, 2:00 p.m. to 4:00 p.m.

There were no other announcements.

**4. PRESIDENT'S REPORT**

President Cortese reported that ABAG is sponsoring a series of symposia/workshops to promote emergency preparedness for elected officials called, "What Every Elected Official Should Know".

President Cortese asked Executive Director Henry Gardner to brief members on recent activity including a policy briefing on promoting strengthening residential property along the Hayward Fault held on December 13<sup>th</sup>; a conference on Interoperable Communications on January 30<sup>th</sup> and 31<sup>st</sup> co-sponsored by ABAG and the Marines Memorial Association, and a Senior Officials Workshop for All Hazards Preparedness on March 1<sup>st</sup> and 2<sup>nd</sup>.

President Cortese announced that a Legislative Reception will be held in Sacramento on January 31<sup>st</sup> for the Bay Area Legislative Delegation.

President Cortese also reported that a public hearing on the Regional Housing Needs Allocation methodology will be conducted and noted the importance of coming to an agreement and adopting a methodology during the evening's meeting that advances Smart Growth principles.

**5. EXECUTIVE DIRECTOR'S REPORT\*\***

Executive Director Henry Gardner announced that Kenneth Kirkey has been appointed Planning Director, succeeding Janet McBride who resigned to become the Executive Director of the Bay Area Ridge Trail Council. He reported on meetings with representatives of San Francisco, Oakland, Marin County and the cities of Marin County, and other jurisdictions about the Regional Housing Needs Allocation (RHNA) methodology. He informed members that the Secretary of Business, Transportation and Housing announced the next round of Blueprint Planning Grants and that the Metropolitan Transportation Commission (MTC) and ABAG will receive \$325,000, which is an amount less than what is required to carry out the work for this comprehensive planning effort. He noted that a policy briefing breakfast on Housing and the Hayward Fault and the Projections 2007 Symposium were both held on December 14<sup>th</sup>. He highlighted recent capital funding through the ABAG Finance Authority for Nonprofit Corporations, including Senior Living Revenue Bonds for Alma Via of San Francisco, Variable Rate Demand Revenue Bonds for Eskaton Village in Roseville, and General Obligation Bonds for the El Camino Hospital District

**6. CONSENT CALENDAR**

President Cortese recognized a motion by A. Sepi Richardson, Councilmember, City

of Brisbane, and seconded by Barbara Kondylis, Supervisor, County of Solano, to approve the consent calendar with a correction to the Summary Minutes for the meeting on November 16<sup>th</sup> to indicate that she was present at the meeting. The motion passed unanimously.

**A. Approval of Executive Board Summary Minutes\*\***

No. 352, November 16, 2006.

**B. Grant Applications\*\***

A list of grant applications was approved for submission to the State Clearinghouse, having been circulated in ABAG's "Intergovernmental Review Newsletter" since the last Executive Board meeting.

**C. Appointment to Committees**

The Board approved the appointments to the following committee:

**Administrative Committee**

Supervisor John Gioia, County of Contra Costa  
Supervisor Mark Luce, County of Napa  
Supervisor Jim Spering, County of Solano  
Mayor Pam Torliatt, City of Petaluma

**Finance and Personnel Committee**

Supervisor Mike Kerns, County of Sonoma  
Supervisor Barbara Kondylis, County of Solano

**Legislation and Governmental Organization Committee**

Vice Mayor Surlene Grant, City of San Leandro  
Councilmember Kasie Hildenbrand, City of Dublin  
Councilmember Arne Simonsen, City of Antioch

**Metropolitan Transportation Commission**

Vice Mayor Dave Cortese, City of San Jose

**Regional Planning Committee**

Supervisor Jim Spering, County of Solano

**D. Approval of Resolution No. 01-07 Entering Into Grant Agreement with State Water Resources Control Board (State Water Board) for TMDL Implementation\*\***

The Board adopted Resolution No. 01-07 authorizing the Executive Director or designee to enter into a grant agreement with the State Water Board on behalf of ABAG/ San Francisco Estuary Project (SFEP) and its partners to implement specific high-priority water quality improvement actions identified in Bay Area Total Maximum Daily Loads (TMDLs) for sediment, PCBs, and pesticides. The agreement will not exceed \$2,680,000, with a start date of January 15, 2007 and end date of March 1, 2010. ABAG will provide a \$25,000 in-kind services match.

**E. Ratification of Contract with Joan Patton, Consultant\*\***

The Board ratified a contract with Joan Patton, responsive consultant under terms of the ABAG/San Francisco Estuary Project agreement with the U.S. Environmental Protection Agency. ABAG/SFEP issued a Request for Proposals to provide communication/marketing services for Comprehensive Conservation and

Management Plan (CCMP) implementation. The contract will not exceed \$35,000 and the contract term is January 1 to December 31, 2007.

- F. Ratification of Contract Amendment with San Francisco Estuary Institute (SFEI)\*\***  
The Board ratified a contract extension with SFEI from January 1, 2007, to January 31, 2007, to provide technical assistance for Comprehensive Conservation and Management Plan (CCMP) implementation work funded by a U.S. Environmental Protection Agency grant. This is a time extension only; the contract amount of \$58,000 remains the same.
- G. Ratification of Contract with San Francisco Estuary Institute (SFEI)\*\***  
The Board ratified a contract with the San Francisco Estuary Institute under terms of the ABAG/SFEP agreement with the State Coastal Conservancy. ABAG/SFEP issued a Request for Qualifications to provide technical writing/editing services for the San Francisco Bay Subtidal Habitat Goals Project. The contract will not exceed \$33,200 and the contract term is November 20, 2006 to November 19, 2007.
- H. Ratification of Contract with Eleanor Ely, Consultant\*\***  
The Board ratified a contract with Eleanor Ely, responsive consultant under terms of the ABAG/SFEP agreement with the State Coastal Conservancy. ABAG/SFEP issued a Request for Qualifications to provide technical writing/editing services for the San Francisco Bay Subtidal Habitat Goals Project. The contract will not exceed \$41,800 and the contract term is December 1, 2006, to November 30, 2007.
- I. Ratification of Amendment to an Agreement with the Bay Area Clean Water Agencies (BACWA)\*\***  
The Board ratified a contract amendment with BACWA extending the contract end date from December 31, 2006, to May 31, 2007, and increasing the amount from \$95,000 to \$102,639. The funds will be used by ABAG/SFEP to assist the Regional Water Quality Control Board by providing additional staff resources that can focus on the development of TMDLs within the San Francisco Bay Region.
- J. Authorization to Submit Grant Proposal to United States Department of Agriculture to Develop IPM Contracting Toolkit\*\***  
The Board authorized the submission of a grant proposal entitled *Best Practices for Local* Department of Agriculture, and if funded, for the Executive Director or designee to enter into a contract to serve as the Lead Agency/Fiscal Sponsor, and participate in other capacities to be defined.
- K. Authorization to Submit Proposal to California Department of Pesticide Regulation for Funding to Develop Guidance for and Conduct Outreach to Public and Private Sector IPM Customers\*\***  
The Board authorized the submission of a proposal to the California Department of Pesticide Regulation for \$66,500 to develop guidance materials and conduct outreach to public agency and private sector facilities managers on how to fulfill customer responsibilities to ensure the success of Integrated Pest Management services, and if funded, for the Executive Director or designee to enter into a contract to serve as the Lead Agency/Fiscal Sponsor, and participate in other capacities to be defined.

**L. Ratification of Subcontract with Wetlands and Water Resources, Inc. to Develop Strategy for Resolving Methyl Mercury and Low Dissolved Oxygen Events in Suisun Marsh\*\***

The Board ratified a subcontract with Wetlands and Water Resources, Inc. to lead a team of scientific partners and manage and coordinate the research effort to determine best management practices for reducing Mercury methylation and low dissolved Oxygen in Suisun Marsh to improve water quality in managed wetlands in accordance with a grant from the State Water Resources Control Board. The subcontract amount is \$323,970 and the subcontract period is from December 2006 through March 2009.

**M. Re Authorization to Enter into a Subcontract with U.S. Geological Survey (USGS) to Develop Strategy for Resolving Methyl Mercury and Low Dissolved Oxygen Events in Suisun Marsh\*\***

The Board authorized the Executive Director or designee to enter into a subcontract with the United States Geological Survey (USGS) to provide slough hydrodynamics, water and soil grab sampling and analysis, developing statistical models, and report development that will assist with improving water quality in Suisun Marsh in accordance with a grant from the State Water Resources Control Board. The subcontract amount is \$95,000 and the subcontract period is from December 2006 through March 2009.

**N. Authorization to Enter into Subcontract with Moss Landing Marine Laboratory (MLML) to Develop Strategy for Resolving Methyl Mercury and Low Dissolved Oxygen Events in Suisun Marsh\*\***

The Board authorized the Executive Director or designee to enter into a subcontract with the Moss Landing Marine Laboratory to develop best management practices, and statistical models and provide water and soil grab sampling analysis that will assist with improving water quality in Suisun Marsh in accordance with a grant from the State Water Resources Control Board. The subcontract amount is \$150,000 and the subcontract period is from December 2006 through March 2009.

**O. Authorization to Enter into Subcontract with Suisun Resource Conservation District (SRCD) to Develop Strategy for Resolving Methyl Mercury and Low Dissolved Oxygen Events in Suisun Marsh\*\***

The Board authorized the Executive Director or designee to enter into a subcontract with the Suisun Resource Conservation District (SRCD) to provide CEQA documentation, landowner agreements, developing management practices, deploying hydrodynamic monitoring equipment that will assist with improving water quality in Suisun Marsh in accordance with a grant from the State Water Resources Control Board. The subcontract amount is \$ 75,000 and the subcontract period is from December 2006 through March 2009.

**P. Authorization to Enter into Subcontract with University of California, Davis, Department of Wildlife, Fish & Conservation Biology, to Develop Strategy for Resolving Methyl Mercury and Low Dissolved Oxygen Events in Suisun Marsh\*\***

The Board authorized the Executive Director or designee to enter into a subcontract with the U.C. Davis Department of Wildlife, Fish & Conservation Biology to conduct fish and invertebrate sampling and report development to assist with improving water quality in Suisun Marsh in accordance with a grant from the State Water Resources Control Board. The subcontract amount is \$73,030 and the subcontract period is from December 2006 through March 2009.

**Q. Ratification of Amendment to a Contract with San Francisco Estuary Institute (SFEI)\*\***

The Board ratified the extension of a contract with SFEI from January 1, 2007, to December 31, 2007, to provide technical assistance for the Wetlands Tracker Expansion project; the work is funded by a U.S. EPA grant. This is a time extension only; the contract amount of \$79,750 remains the same.

**R. Authorization to Amend Contracts with the California Department of Boating and Waterways (DBW) and the Santa Monica Bay Restoration Foundation (SMBRF)\*\***

The Board authorized the Executive Director or designee to amend the DBW contract by increasing the not to exceed amount to \$1,223,192.10, an increase of \$150,000.00. The time period of the contact will remain the same, with the contract ending on December 31, 2007. Terms included a pass-through contract to the SMBRF, the Estuary Project's counterpart. The San Francisco Estuary Project/ABAG will use \$60,000 to work with the boating community in the San Francisco Bay Delta Estuary. A pass-through contract for \$90,000 will go to the SMBRF to work with the boating community in Santa Monica Bay. The Board authorized the Executive Director or designee to amend the agreement with the SMBRF by increasing the amount not to exceed from \$132,000 to \$222,000 for carrying out the boater education program.

**S. Authorization to Solicit co-sponsorship funding for the Urban Pesticide Pollution Prevention (UP3) Project\*\***

The Board authorized the ABAG/the San Francisco Estuary Project to solicit funds from municipalities in support of the UP3 Project's pesticide Total Maximum Daily Load (TMDL) implementation. Funding would provide municipalities with technical assistance and organizational support services to prevent water pollution from pesticides. Funds collected would cover services not covered by State Water Resources Control Board grant funding. Funds would be deposited in a central account managed by ABAG and agencies would sign a Letter of Agreement. Funds collected may be greater than \$20,000, but are not expected to exceed \$100,000.

**T. Approval of 2004/2005 Hazardous Waste Data Analysis, Rankings, and Recommendations Contained in *Report Hazardous Waste Generation and Treatment Trends/San Francisco Bay Area/2004 and 2005 Manifest Data*\*\***

The Board approved the 2004/2005 data analysis of regional hazardous waste generation vs. management capacity and related recommendations, which the Hazardous Waste Management Facility Allocation Committee unanimously approved on November 17, 2006.

**U. Authorization to Enter Into Contract with Bobbi Sloan, Consultant\*\***

The Board authorized the Executive Director or designee to enter into a contract with Bobbi Sloan, responsive consultant under terms of the ABAG/SFEP agreement with the U.S. Environmental Protection Agency. ABAG/SFEP issued a Request for Qualifications to provide graphic design and layout services for SFEP publications. The contract will not exceed \$17,000 and the contract term is January 1 to December 31, 2007.

**7. REGIONAL HOUSING NEED ALLOCATION PROPOSED METHODOLOGY – PUBLIC HEARING**

President Cortese recognized Executive Director Gardner who briefed members on the RHNA process and concerns raised regarding the draft methodology including the transit component, the allocation of low and very low income units to the large cities, the spheres of influence in Marin County, and the housing market. He also

briefed members on the proposed allocation methodology and state mandated objectives.

President Cortese opened the public hearing on the RHNA Methodology. The Clerk of the Board called the following speakers to the microphone:

**Julie Pierce**, Councilmember, City of Clayton, concurred with the original recommendation adopted by the Board in November. Staff recommendation to reduce the impact of transit has the unintentional consequence of re-concentrating housing in those areas that are housing rich and job poor. The income recommendation at 150 percent is probably realistic, but 175 percent is a stretch for many communities.

**Tina Wehrmeister**, City of Antioch, stated support for alternative one in the staff report as well as the 175 percent adjustment for the income allocation portion of the methodology.

**Paul Peninger**, Nonprofit Housing Association, stated that the group cannot support the alternative presented because it is too narrow and does not serve the vision of providing affordable housing across the region for a full range of incomes and household types. Undue emphasis is placed on fixed rail transit and ferry terminals while stepping away from broader concept of transit and infill development. He suggested looking at alternatives based on policy based projections. The group supports the 175 percent income adjustment.

**Sally Maxwell**, Planning Department, City of Pleasanton, read comments from the Mayor of Pleasanton. The Mayor and City Council requests that the Board incorporate changes to the draft methodology including: allocating employment and employment growth on a sub-regional basis rather than on a city by city basis; adding traffic gridlock as an alternative allocation factor; and considering the difficulty of developing affordable housing in high housing costs areas.

**Jasmine Dawson**, West Bay Housing Corporation, representing Housing Leadership Alliance of Marin, asked the Board to consider Smart Growth and fair allocations, and not to let suburban Bay Area jurisdictions off the hook for planning future housing needs.

**Paul Cohen**, City of San Rafael, stated support for the resolution between Marin County and the towns and cities in Marin and the proposed income adjustment. He disagreed with staff on the handling of transit. He supported removing unfunded transit but leaving the 10 percent transit oriented development for housing and 10 percent for jobs.

**Sean Rogan**, City of Oakland, stated that the City of Oakland cannot support any of the methodologies because it puts an unfair shared burden on Oakland and other large cities. Oakland gets an additional unfair allocation because of several BART stations and transit oriented stations. Producing 2,100 units of very low income family housing will cost the city \$330 million.

**Meghan Horl**, City of Oakland, spoke on three points: support for the 175 percent proposal for allocating shares by income; against the draft methodology for allocation for overall needs which needs to be tempered by a reality check; concern

that the substantial increase in allocation for Oakland is beyond the city's infrastructure capacity.

**Darin Ranelletti**, City of Oakland, stated Oakland's support for the 175 percent modifier for allocating income units. He stated Oakland cannot support the proposed allocation methodology or staff's recommended alternative for overall allocation. Through its General Plan and its adopted policies and programs, Oakland is deeply committed to Smart Growth. The proposed methodology does not represent Smart Growth and is inconsistent with statutory requirements to promote infill and to preserve agricultural land.

**Dave Coury**, Housing Alliance of Marin, took exception to Executive Director Gardner's characterization of affordable housing as something to escape from. He sees affordable housing as a public good and as a way for the region to meet the socioeconomic and environmental needs of the residents now and in the future.

Executive Director Gardner clarified his comments about how the Board got from its last meeting to the present meeting, stating that he did not mean to imply that affordable housing was something to escape from.

**Steve Emslie**, City of Palo Alto, commented that growth projections for Palo Alto are vastly overstated. He stated support for the direction to normalize the allocation of housing based on transit.

**Diane Dillon**, County of Napa, stated that affordable housing is not about building, but rather about zoning. The housing allocation given to Napa County's unincorporated areas potentially means rezoning agricultural land for housing. Napa County is adamant that a specific factor should have been included for agricultural. Napa County was willing to accept the proposed draft methodology with a heavy weight for transit because it offset the failure to call out agriculture. She proposed an alternative to put a cap at ten percent on every county-wide allocation to the unincorporated areas to offset the unintended result of removing the transit element.

**Laurel Prevetti**, City of San Jose, provided comments from the Mayor and City Council of San Jose. San Jose recognizes that the city will continue to bear a significant share of the regional need and is comfortable with assuming a transit factor in the methodology and supports the 175 percent for income distribution. She requested that the resolution include language that strongly links the allocation to incentives and funding for the delivery of infrastructure and affordable housing monies to achieve the numbers they are seeking.

**Phillip Woods**, City of Concord, stated that the city strongly recommends and supports the recommendations from the January 4<sup>th</sup> Housing Methodology Committee meeting. The proposed draft RHNA methodology takes a balanced approach to assigning local housing responsibility. The proposed transit factor supports ABAG policy to promote Smart Growth and the revised income allocation method. He referred to areas to be corrected in the next round of Projections.

President Cortese recognized a motion by Pete McHugh, Supervisor, County of Santa Clara, and seconded by Councilmember Richardson, to close the public hearing on the RHNA proposed methodology. The motion passed unanimously.

## **8. REGIONAL HOUSING NEED ALLOCATION – FINAL RHNA METHODOLOGY**

President Cortese recognized Paul Fassinger, ABAG Research Director, who provided an overview on the Regional Housing Needs Allocation Final Allocation Methodology proposal which included a review of the November Executive Board discussion, approval of Projections 2007, and the release of the draft RHNA methodology; the components of the RHNA methodology; a description of the items for which Councils of Governments must survey local jurisdictions and consider; sources of comments received, including comments from the City of Dixon; a general summary of the key issues, including transit, planned transit, impact on jurisdictions, linkages to resource decisions, and concentration of low income housing; a description of “transit lite”; and a review of the 175 percent regional income allocation factor. He recommended that the Board adopt the staff recommendation, the “transit lite” alternative, and the 175 percent towards the regional average income allocation proposal. The Board received a staff report summarizing comments received, a staff report on university student housing, and a revised resolution.

Legal Counsel Kenneth Moy reviewed the changes in the revised resolution including a description of the changes to the RHNA methodology that staff is recommending; the weighted factor change; the change in regional income allocation; and the 50/50 split recommended by the County of Marin and the cities and towns in the County of Marin. The resolution will take out “Alternative 1” and replace it with “the reduced transit alternative”. The resolution links these regional goals and objectives and the assumption of the regional housing allocation by individual jurisdictions under this proposed allocation methodology to resources. At a policy level, identified resources include those under Propositions 1C and 84. Staff is directed to advocate to the Metropolitan Transportation Commission that it recognizes the assumptions of these allocations in its update of the Regional Transportation Plan and distribution of discretionary 1B funds. The resolution works with a possible extension of the timeline for certification of the housing elements by Housing and Community Development in the event that these funding decisions are not made prior to the current deadline of June 2009.

Staff clarified that the alternative referred to as the reduced transit alternative is labeled “Existing TOD/Less TOD”.

President Cortese recognized a motion by Supervisor McHugh, and seconded by Councilmember Williams, to adopt Resolution No. 02-07 on the final Regional Housing Need Allocation methodology.

Members discussed the proposal by the Supervisor Dillon to cap allocations to unincorporated areas; the possible reallocation of units from unincorporated areas to other jurisdictions; the available infrastructure in unincorporated areas; the preservation of agricultural lands.

Jane Brunner, Councilmember, City of Oakland, stated that the numbers are not realistic for Oakland. Oakland has been good at building affordable housing. The biggest challenge is infrastructure. Jurisdictions should build in their respective cities. She proposed to connect the cities that have significant increases in housing allocation to the funding so they can do the significant increases.

President Cortese recognized a motion by Councilmember Brunner to amend the motion by replacing “those with significant proportions of the RHN as reflected in their certified Housing Elements” with “a significant increased allocation in the current

RHNA cycle” under B of the resolution, and by replacing “those with significant portions of the RHN as reflected in their certified Housing Elements” with “a significant increased allocation in the current RHNA cycle” under C of the resolution, and seconded by Councilmember Liccardo. The motion was accepted as a friendly amendment to the original motion.

Members discussed directing funds to cities with higher allocations; comparing allocations to a baseline; resource allocations and Smart Growth; resource allocations; the definition of “significant”; the state requirement to build housing; the costs of building low and very low income units; reducing transit and transit oriented development; the allocation of Propositions 1C and 84 funds and linking funds to housing; advocating for transportation funds; the physical constraints on jurisdictions; zoning implications on commercial and industrial development; the distribution of housing within counties with caps on unincorporated areas; keeping planned transit in a modified methodology; housing density and providing workforce housing; including rapid transit buses and different kinds of transit; the impact of the concentration of poverty; the intent of legislative advocacy; Smart Growth incentives; construction costs and affordable housing; the allocations to Napa County; capping allocations to unincorporated areas; urban growth boundaries; social services; the origin of RHNA in Fair Housing law; the distribution of poverty; reviewing alternative proposals; and developing a regional general plan.

Jean Quan, Councilmember, City of Oakland called the question.

On a roll call vote, the ayes were 17 (Albertson, Alegria, Brunner, Cortese, Daly, Esteves, Jacobs Gibson, Liccardo, McHugh, Mirkarimi, Nadel, Quan, Regalia, Richardson, Shoemaker, Uilkema, Williams); the nays were 11 (Adams, Atkin, Dillon-Knutson, Furtado, Green, Haggerty, Kerns, Kondylis, Luce, Messina, Techel). The motion, as amended, passed.

#### **9. LEGISLATION AND GOVERNMENTAL ORGANIZATION COMMITTEE (L&GO) REPORT\*\***

President Cortese recognized Chair Pete McHugh, who reported on the activities of the Legislation and Governmental Organization Committee.

President Cortese recognized a motion by Barbara Kondylis, Supervisor, County of Solano, and seconded by Chair McHugh to oppose SB 49 regarding the San Francisco 49ers. President Cortese recognized a substitute motion by Susan Adams, Supervisor, County of Marin, and seconded by Gayle Uilkema, Supervisor, County of Contra Costa, to take a neutral position on SB 49. The ayes were 16; the nays were four. The substitute motion passed.

Chair McHugh reported that the committee elected him as committee chair and Carol Dillon-Knutson, Mayor, City of Novato, as vice chair. The committee reviewed new bills of interest introduced in the 2007 Legislative Session, including support of AB 29, AB 38, SB 8, oppose AB 70, ACA 2, SCA 1, and watch AB 82, SB 2, SB 5, SB 6, SB 12, SB 27, SCA 2; received a briefing on Shifting State/Local Waste Diversion Responsibility to those who Produce Hazardous Waste Products; and heard a subcommittee report on the upcoming Legislative Reception, sponsored by ABAG with the League of California Cities and the California State Association of Counties, in Sacramento on January 31<sup>st</sup>.

President Cortese recognized a motion by Chair McHugh, and seconded by Scott Haggerty, Supervisor, County of Alameda, to accept the Legislation and

Governmental Organization Committee report. Members discussed a format for discussing eminent domain; SB 27 on the peripheral canal; and coordination on eminent domain with LCS and CSAC. The motion passed unanimously.

President Cortese thanked Chair McHugh for his report.

**10. FINANCE AND PERSONNEL COMMITTEE (F&P) REPORT\*\***

President Cortese recognized Chair Mark Green, who reported on the activities of the Finance and Personnel Committee. Chair Green reported that the committee reviewed the November 2006 Financial Reports; reviewed and approved the Proposed Work Program, Budget and Membership Dues for FY 2007-08; recommended approval of Resolution 03-07 recommending the General Assembly adopt an amendment to ABAG's Bylaws increasing the per diem rate for meetings; and reviewed the Annual Performance Evaluation Process for the Executive Director.

President Cortese recognized a motion by Chair Green, and seconded by Supervisor McHugh, to accept the Finance and Personnel Committee report. The motion passed unanimously.

President Cortese thanked Chair Green for his report.

**11. ADJOURNMENT**

Meeting adjourned at about 9:53 p.m.



Henry L. Gardner, Secretary-Treasurer

\*\* Indicates attachments.

*All ABAG Executive Board meetings are recorded. To arrange for review of these tapes, please contact Fred Castro, Clerk of the Board, at (510) 464-7913 or [FredC@abag.ca.gov](mailto:FredC@abag.ca.gov).*