

A G E N D A

REVISED

ABAG EXECUTIVE BOARD MEETING NO. 371

Thursday, January 21, 2010, 7:00 PM

METROCENTER AUDITORIUM

101 8th Street (at Oak Street)

Oakland, California

For additional information, please call:
Fred Castro, (510) 464 7913

Agenda and attachments available at:
<http://www.abag.ca.gov/meetings/>

1. CALL TO ORDER

2. PUBLIC COMMENT

3. ANNOUNCEMENTS

4. PRESIDENT'S REPORT

5. EXECUTIVE DIRECTOR'S REPORT**

6. CONSENT CALENDAR

ACTION: Unless there is a request by a Board member to take up an item on the consent calendar separately, the calendar will be acted upon in one motion.

A. Approval of Executive Board Summary Minutes**

Summary Minutes of Meeting No. 370 held on November 19, 2009.

B. Grant Applications

None Received.

C. Appointment to Committees

President Mark Green requests Executive Board approval of appointment to the following committee:

Bay Conservation and Development Commission

- To be Announced

D. Authorization to Enter into Contract with River of Words**

Authorization is requested for the Executive Director or designee to enter into a

Please Note: The Board may act on any item on this agenda. **Attachment included.

new contract on behalf of ABAG/SFEP with River of Words to continue environmental education and outreach services. The contract amount will not exceed \$44,257 for a term from September 1, 2009, through August 30, 2010. This project supports implementation of the Comprehensive Conservation and Management Plan. Funds supporting this contract are available in the ABAG grant agreement with the U.S. Environmental Protection Agency.

E. Authorization to Enter into Contract with USGS (US Geological Survey) to Provide Support for Bay-Delta Science Program Biennial Science Conference**

Authorization is requested for the Executive Director or designee to enter into a new one-year contract on behalf of ABAG/SFEP with the USGS for support services on the 2010 Bay-Delta Science Conference. The contract amount will not exceed \$200,000.

F. Authorization to Enter into Contract with State Coastal Conservancy to Assist the Subtidal Habitat Goals Project**

Authorization is requested for the Executive Director or designee to enter into a contract on behalf of ABAG/SFEP with the State Coastal Conservancy to assist the Subtidal Habitat Goals Project. The contract amount will not exceed \$45 000 for a term from December 1, 2009, through December 31, 2010. This project supports the implementation of the Comprehensive Conservation and Management Plan (CCMP).

G. Authorization to Enter into Contract with State Water Resources Control Board for Hicks Flat Mercury Remediation Project, Guadalupe Creek, Santa Clara County**

Authorization is requested for the Executive Director or designee to enter into a new contract on behalf of ABAG/SFEP with the State Water Resources Control Board to implement the Hicks Flat Mercury Remediation Project. The grant agreement is for three years from agreement execution and will not exceed \$420,000 including match and in-kind funds of \$7500 from ABAG and \$97,500 from the District. This project serves as implementation of the Comprehensive Conservation and Management Plan (CCMP).

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

Authorization is requested for the Executive Director or designee to amend the DBW/ABAG contract by increasing the not to exceed amount to \$2,304,280, an increase of \$459,613. Under terms of the contract authorization is requested for the Executive Director or designee to amend the agreement with SMBRF by increasing the amount from \$508,289 to \$803,392 to carry out boater education programs.

I. Request to Rescind Resolution No. 17-09 and Adopt Resolution No. 01-10 Authorizing Submission of Proposal to California Energy Commission (CEC) and if Funded Designating a Representative to Sign the Agreement, and any Amendments Thereto, and to Act on Behalf of Participating Partners for Grant Funding**

Resolution No. 01-10 incorporates changes authorizing acceptance of an award up to \$10,750,000 and indicates compliance with CEQA.

J. Resolution for Bay Area-Wide Trash Capture Demonstration Project**

Approval is requested for Resolution 02-10 which incorporates revised language prescribed by the State Revolving Fund administered by the Division of Financial Assistance at the State Water Resources Control Board for the Bay Area Wide Trash Capture Demonstration Project. The application for a forgivable loan from the Clean Water State Revolving Fund for \$5 million in stimulus funding was authorized by the Executive Board in Resolution 04-09 adopted on March 19, 2009.

7. LEAGUE OF CALIFORNIA CITIES BALLOT MEASURE**

Information/ACTION: Chris McKenzie, Executive Director, League of California Cities, will discuss the League's Ballot Measure, designed to protect local revenue by prohibiting the state from borrowing, taking, or redirecting local taxpayer funds dedicated to public safety, emergency response and other vital local services including redevelopment.

8. PRINCIPLES TO CONSIDER FOR A CONSTITUTIONAL CONVENTION**

ACTION: Immediate Past President Rose Jacobs Gibson will lead the discussion on principles for consideration for a constitutional convention.

9. 2009 HOUSING REPORT--"TESTING THE AMERICAN DREAM."***

Information: Principal Planner Christy Riviere and Senior Planner Hing Wong will present the annual Housing Report, "Testing the American Dream." The report covers the recent housing crisis and its effect in the Bay Area. Staff will also discuss the annual housing production survey of existing units and permits in local jurisdictions.

10. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**

Information/ACTION: Committee Chair Carole Dillon Knutson, Councilmember, City of Novato, will report on Committee activities and ask Board approval of Committee recommendations.

11. FINANCE & PERSONNEL COMMITTEE REPORT**

Information/ACTION: Committee Chair Scott Haggerty, Supervisor, Alameda County, will report on Committee activities and ask Board approval of Committee recommendations including:

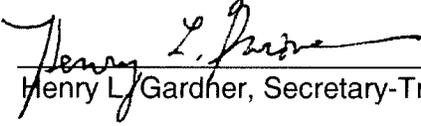
- A.** Approval of FY 2010-11 Budget and Work Program for recommendation to General Assembly

Please Note: The Board may act on any item on this agenda. **Attachment included.

12. CLOSED SESSION

Conference with Legal Counsel—Existing Litigation:
Home Builders Association of Northern California v. ABAG

13. ADJOURNMENT


Henry L. Gardner, Secretary-Treasurer

ABAG CALENDAR – January & February 2010

ASSOCIATION OF BAY AREA GOVERNMENTS [ABAG]

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JANUARY

PLAN – Executive Board

1/14 @ 1:30 pm, MetroCenter, ABAG Conference Room B

ABAG / BAAQMD / MTC Joint Policy Committee

1/15 @ 10:00 am, MetroCenter, Auditorium

Legislation & Governmental Organization

1/21 @ 3:30 pm, MetroCenter, ABAG Conference Room B

Finance & Personnel Committee

1/21 @ 5:00 pm, MetroCenter, ABAG Conference Room B

EXECUTIVE BOARD

1/21 @ 7:00 pm, MetroCenter, Auditorium

Regional Airport Planning Committee (RAPC)

1/22 @ 9:30 am, MetroCenter, Auditorium

Bay Area Economic Outlook 2010-11

1/26 @ 9:00 am, MetroCenter, Auditorium

Governing Board

1/27 @ 12 Noon, California State Coastal Conservancy, 1330 Broadway, Oakland

FEBRUARY

Regional Planning Committee (RPC)

2/3 @ 1:00 p.m., MetroCenter, Auditorium

Bay Area Complete Count Committee

2/4 @ 1:30 p.m., MetroCenter, Room 171

Bay Trail Steering Committee

2/11 @ 1:30 pm, MetroCenter, ABAG Conference Room B

ABAG Power Executive Committee

2/17 @ 10:00 am., MetroCenter, ABAG Conference Room B

** ABAG programs for which a fee is charged and pre-registration is required. To register or for further information, contact **ABAG Receptionist** at 510/464-7900.

- For additional ABAG Training Center information contact **Chanell Gumbs** at 510/464-7964.



M E M O

Date: January 11, 2010

To: Executive Board

From: Henry L. Gardner
Executive Director 

Subject: **Executive Director's Report**

State Budget

The economy shows signs of gradual recovery and the California budget situation continues its rapid decline. The estimated deficit for the next eighteen months stands at \$21 billion. The Governor's proposal is deep cuts to social programs, reduction in staffing and pay at the State level, cuts in education and corrections, and essentially no tax or fee increases. It also relies heavily on expected help from Washington which is not likely to materialize in substantial ways. While several of the shifts from local government and transportation from the last budget remain in the courts, this budget proposal has some of the same shifts but proposes to accomplish them in different ways. Cities and counties are already organizing to eliminate those shifts permanently by ballot initiative. Under the best of circumstances the budget is not balanced, the structural deficit is real, and there are no proposals to deal with it. The problem for cities and counties is that they are constrained statutorily in how they can raise taxes and fees to offset cuts at the State level that affect them directly. We will all be challenged in meeting the program and service needs of our communities and the region.

Follow-up on SB 406

We intend to continue our efforts to pursue a funding source for the implementation of SB 375, the Sustainable Communities Strategy, and AB 32, both designed to reduce greenhouse gas emissions and reliance on automobiles. Last year we actively advocated for a very modest vehicle license fee of \$2 per vehicle that would have raised \$12 million a year. Half of this funding would have been available to cities, counties, CMAs, and half to ABAG and MTC to plan for and carryout the purposes of these two landmark bills. The legislation was passed by the Assembly and Senate, but vetoed by the Governor. We plan to try again this year, and believe we can construct legislation that the Governor might sign.

Assessment of Priority Development Areas (PDAs)

As one of the essential building blocks for the Sustainable Communities Strategy (SCS) pursuant to SB 375, and given the importance of PDAs in the development path of the region, staff is assessing the challenges and strengths of planned PDAs to develop complete communities, accommodate major population growth, and reduce greenhouse gas emissions. The effort was kicked off with a regional multi-sector workshop on October 2, 2009. This has been followed by meetings with 47 local jurisdictions, which will be completed in January. At these meetings ABAG, MTC, and JPC representatives



have engaged in a dialogue with city planning, redevelopment, and public works directors as well as transit and congestion management agencies to better understand the local priorities and strengthen our partnership. This assessment will help to provide strategic funding programs to support the PDAs, identify barriers to implementation and strategies for overcoming them, and inform the regional growth allocation in the SCS and ensure that it is realistically attainable.

ABAG Funding Applications

The following represent recent funding applications related to energy management and environmental issues.

California Energy Commission (CEC) (ARRA Funding)

- *Retrofit Bay Area* (funding request: \$10,750,000). ABAG submitted an application in coordination with eight Bay Area counties in response to the CEC's State Energy Program (SEP) RFP – Residential Building Retrofit Program. The program proposes to promote residential building retrofits and achieve deep market penetration in the San Francisco Bay Region. In addition to region-wide activities, each county will receive a portion of the budget to implement activities in their area. The overall program includes the following elements: innovative financing and rebates; green workforce development; advanced outreach and marketing programs; efficient implementation and delivery.

PG&E (CPUC – Public Goods Charge Funding)

Innovator Pilot Program:

- *Electric Vehicle Supply Equipment (EVSE) Regional Planning and Infrastructure Development Pilot Project* (funding request: \$217,500). In partnership with key electric vehicle and transportation related organizations in the region, ABAG proposes to ensure that ESEV infrastructure is in place by achieving the following goals in the 9-county area: identify publicly accessible EVSE locations; develop streamlined processes for building and parking lot owners to install EV charging points; develop MOUs with EV manufacturers to ensure that the Bay Area is a favored early development market for EVs; develop and disseminate regionally-specific EVSE site identification and installation guidelines; develop a strategic roadmap for deployment of electric bicycles as “last mile” connectors from transit nodes to employment centers.
- *Energy Efficient Street Light Toolkit* (funding request: \$87,600). In cooperation with the Clinton Climate Initiative (CCI) ABAG proposes to develop a toolkit that will help municipalities in the Bay Area and beyond take advantage of energy saving opportunities that exist in their outdoor street light infrastructure. The toolkit will serve as a “how to” guide for municipalities to retrofit their street lighting systems, addressing the key drivers of cities decision making, including energy efficiency technology options, project economics, financing and best practice case studies.

PG&E (CPUC – Public Goods Charge Funding)

Green Communities:

- *GHG Inventory Assistance for Local Governments* (funding: TBD). In coordination with PG&E and ICLEI, ABAG would provide assistance for local governments to complete their municipal and community GHG inventories.
- *Municipal Facility Benchmarking* (funding: TBD). ABAG has been investigating the opportunity to provide assistance to local governments that would allow them to perform energy-use benchmarking of their facilities. This assistance would be based on the Energy Star Portfolio Manager tool.
- *Building Retrofit Coordination with Financing Districts* (funding: TBD). To the extent allowed by the CPUC, ABAG will continue to coordinate with PG&E to implement a comprehensive building retrofit strategy that combines with energy financing districts to bring a customer-friendly approach to building owners.

ABAG Financial Services

Financings delivered by ABAG and its affiliated entities since my last report include:

- \$80 million in General Obligation Bonds purchased and sold for the East Bay Regional Park District to acquire, restore, and make improve to its regional park system;
- \$7.39 million in Variable Rate Revenue Bonds issued on behalf of the City of Livermore for the Valley Montessori School; and,
- \$15.52 million in Multifamily Housing Revenue Bonds issued on behalf of San Diego County for acquisition and rehabilitation of the 241-unit, Vintage Oaks Senior Apartments.

SUMMARY MINUTES

ABAG Executive Board Meeting
No. 370, November 19, 2009
MetroCenter Auditorium
101 8th Street, Oakland, CA

1. CALL TO ORDER

President Rose Jacobs Gibson called the meeting to order at approximately 7:05 p.m.

Representatives and Alternates Present

Supervisor Susan Adams
Mayor Len Augustine
Supervisor John Avalos
Supervisor David Cortese
Councilmember Carole Dillon-Knutson
Mayor Jack Gingles
Mayor Mark Green
Supervisor Carole Groom
Supervisor Scott Haggerty
Supervisor Rose Jacobs Gibson
Mayor Beverly Johnson
Councilmember Ash Kalra
Supervisor Mark Luce
Supervisor Ross Mirkarimi
Mayor Julie Pierce
Vice Mayor Jean Quan
Supervisor Gail Steele
Mayor Pamela Torliatt
Supervisor Gayle B. Uilkema
Councilmember Joanne Ward
Supervisor Ken Yeager
Vice Chair Terry Young
Vice Mayor Ronit Bryant
Mayor Pro Tem David Casas

Representatives Absent

Councilmember Jane Brunner
Councilmember Kansen Chu
Councilmember Richard Garbarino
Supervisor John Gioia
Supervisor Mike Kerns
Director Nancy Kirshner Rodriguez
Supervisor Barbara Kondylis
Councilmember Sam Liccardo
Education Advisor Hydra Mendoza
Councilmember Nancy Nadel
Mayor Gavin Newsom
Mayor A. Sepi Richardson

Jurisdiction

County of Marin
City of Vacaville
County of San Francisco
County of Santa Clara
City of Novato
City of Calistoga
City of Union City
County of San Mateo
County of Alameda
County of San Mateo
City of Alameda
City of San Jose
County of Napa
County of San Francisco
City of Clayton
City of Oakland
County of Alameda
City of Petaluma
County of Contra Costa
City of Hercules
County of Santa Clara
RWQCB
City of Mountain View
City of Los Altos

Jurisdiction

City of Oakland
City of San Jose
City of South San Francisco
County of Contra Costa
County of Sonoma
City of San Francisco
County of Solano
City of San Jose
City of San Francisco
City of Oakland
City of San Francisco
City of Brisbane

2. PUBLIC COMMENT

There was no public comment.

3. ANNOUNCEMENTS

Mark Green, Mayor, City of Union City, announced that it was Big Game Week between University of California, Berkeley and Stanford University.

There were no other announcements.

4. PRESIDENT'S REPORT

President Jacobs Gibson reported on the following:

Governor Schwarzenegger vetoed SB 406 which would have allowed the region to assess a vehicle surcharge of up to \$2 to generate revenue to implement SB 375. President Jacobs Gibson, Mayor Green and others worked to ensure this bill passed both the Assembly and the Senate. The collaborative legislative effort began with our work with the California Association of Council of Governments, which sponsored the bill, and Senator Mark DeSaulnier, the bill's author. She thanked those who wrote letters or called the Governor's Office to express your support, as well as those members on the League of California Cities Board who worked to keep the League neutral when there was talk of their opposing SB 406.

The election of ABAG Officers beginning in 2010 has been certified. Union City Mayor Mark Green was elected President, and Susan Adams, Supervisor, County of Marin, was elected Vice President.

President Jacobs Gibson thanked members for their support during her two years as ABAG President. She reported on her efforts to reach out to ABAG's membership via special e-mail alerts on our activities—especially around legislation and the Youth Gun Violence Initiative. She thanked members for allowing her to appoint members to the Youth Gun Violence Task Force which actively pursued the legislation, ordinances and resolutions brought before the Board in July and September, and acknowledged members of the Task Force—John Gioia, Supervisor, County of Contra Costa; Dan Furtado, Councilmember, City of Campbell; Sam Liccardo, Councilmember, City of San Jose; Gail Steele, Supervisor, County of Alameda; and Nancy Kirshner Rodriguez, Director of Governmental Affairs, Office of the Mayor, City and County of San Francisco.

Other highlights noted during her two-year term included:

The Growing Smarter Together Awards criteria were refined by adding an urban design category. The Growing Smarter Together Awards recognize the accomplishments of our members who are doing outstanding work in a variety of categories such as transit oriented development, public private partnerships, innovative projects and individual leadership.

President Jacobs Gibson noted the appointment of members to the San Francisco Bay Area Restoration Authority, created under AB 2954 (Lieber), which is charged with raising and allocating resources for the restoration, enhancement, protection and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline. The Authority's Governing Board members represent local government and the Coastal Commission. ABAG was identified as the appropriate body to serve as steward for this important function.

She acknowledged the work to bring the region together over the last two years around the FOCUS Initiative and the priority development and priority conservation areas, which has strengthened ABAG's relationship with its member cities and counties and with partner regional agencies.

President Jacobs Gibson thanked members who attended the General Assemblies, which offer programs that benefit our members, and who participated as panelists, speakers and as members of the audience. The last General Assembly, held on October 22nd, featured Ron Sims, Deputy Secretary, U.S. Housing and Urban Development, Will Fleissig, a well respected transit-oriented, mixed used developer, and a panel of elected officials moderated by Scott Haggerty, Supervisor, County of Alameda.

Supervisor Adams commented that the San Francisco Bay Restoration Authority may want to consider efforts related to San Pablo Bay and to work with federal legislators to create a watershed/bay program designated as an important national water area eligible for federal funds.

Pamela Torliatt, Mayor, City of Petaluma, recognized President Jacobs Gibson for her leadership over her term as president.

Mayor Green commented on the need to shift ABAG's lobbying focus to Washington D.C.

5. EXECUTIVE DIRECTOR'S REPORT

Henry Gardner, ABAG Executive Director, reported on the following:

Governor Schwarzenegger vetoed SB 406 and SB 279, legislation that was a major part of ABAG's strategy for program development and for long-term sustained funding for its core functions. SB 406 would have authorized ABAG and MTC to levy a \$2 vehicle registration fee to support implementation of SB 375. The fee would have raised approximately \$12 million annually, half of which would have been provided to cities and counties and congestion management agencies and half to ABAG and MTC to carry out their mandated functions under SB 375. Staff is currently planning how to amend ABAG's legislative approach following the Governor's veto of SB 406, including interviewing the bill's author and key allies like the largest Metropolitan Planning Organizations before suggesting amendments to the bill for the next legislative session.

Following the veto of SB 279, ABAG is exploring how to proceed with establishment of a regional solar energy efficiency district under current AB 811 authority. SB 279 would have amended the Mello-Roos Act to allow for a district to finance energy efficiency improvements on real property making it easier and simpler to accomplish the program elements we have identified for a Bay Area wide energy efficiency program.

The San Francisco Bay Trail Project continues to be one of ABAG's most popular programs. Recent activities include an agreement with Chevron to donate 1.5 miles of Bay Trail easements on the western side of the Point San Pablo Peninsula to the East Bay Regional Park District, a major step towards completing the Bay Trail in Richmond; and a celebration by the City of South San Francisco on October 21st on

the completion of their final Bay Trail gap with the installation of a bridge linking two completed segments over a slough near Genentech funded by the South San Francisco Scavengers and HCP, Inc. as part of a San Francisco Bay Conservation and Development Commission permit.

The San Francisco Estuary Partnership's recent activities include a green streets/resilient watersheds tour in El Cerrito on October 9th attended by city planners and public works staff from cities surrounding the Bay, as well as a board member from the San Francisco Regional Water Quality Control Board, staff from the State Water Resources Control Board, Department of Water Resources, and guests from the Malaysian government's erosion control department; a meeting with representatives from the Dutch Ministry of Housing, Spatial Planning and the Environment, San Francisco Bay Conservation and Development Commission, and the State Coastal Conservancy, on October 21st to discuss San Francisco Bay Delta issues, including climate change; the launch of an updated website at www.sfestuary.org that includes pages for all new Estuary 2100 projects as well as other new projects, and videos and slideshows about the Estuary; receipt of finance agreements for forgivable loan funding for two expanded use projects: the El Cerrito Green Streets pilot project to retrofit a dense urban corridor with green stormwater infrastructure (\$392,000) and the Bay-wide Trash Capture Device Project (\$5 million); and a new contract from the California Natural Resources Agency for assistance to the CalFed Science Program for contracting with science experts to provide ongoing detailed technical advice to the program and to assist in the integration of scientific practices in CalFed programs (\$300,000).

The ABAG PLAN Board (ABAG's Risk Management and Insurance Program) met on November 4th and 5th in Palo Alto to address two important issues: a new policy regarding PLAN liabilities for regulatory inverse condemnation claims arising before July 1, 2008; and concerns of some members over the role of the Board in management decisions regarding operation of PLAN. The Board has decided to enter into discussions with ABAG to clarify these issues and determine if mutually acceptable solutions are possible.

At its meeting on October 28th, the Governing Board of the San Francisco Bay Restoration Authority heard a report from Will Travis, BCDC Executive Director, on building a regional focus; appointed members to the Advisory Committee; and formed a committee to implement public opinion polling and research work plan.

ABAG continues to work to identify ways to protect revenues needed by its member cities and counties and to find new sources of revenue to sustain their programs.

President Jacobs Gibson thanked Executive Director Gardner for his report.

6. CONSENT CALENDAR

President Jacobs Gibson recognized a motion by Supervisor Adams, and seconded by Ross Mirkarimi, Supervisor, City and County of San Francisco, to approve the consent calendar with changes regarding Item 11 in the Executive Board Summary Minutes of September 17th, i.e., to strike "Members discussed PG&E's support of an initiative related to implementation of Community Choice Aggregation by jurisdictions" and replace with "Members discussed PG&E's support of an initiative

which would create a 2/3 voting obstacle for implementation of Community Choice Aggregation". The motion passed unanimously.

A. Approval of Executive Board Summary Minutes**

Summary Minutes of Meeting No. 369 held on September 17, 2009.

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 Committee

Approved the following appointment to committee:

Regional Seaport Planning Advisory Committee
Elizabeth Patterson, Mayor, City of Benicia

D. Request for Authorization to Enter into Interagency Agreement with U.S. Army Corps of Engineers

Authorized the Executive Director or designee to enter into an interagency agreement with U.S. Army Corps of Engineers to provide contract management and outreach to ABAG cities on a Regional Sediment Management Plan for the San Francisco Bay.

E. Authorization to Enter into Contract with the Bay Institute for a Restoration Coordinator

Authorized the Executive Director or designee to enter into a new contract on behalf of ABAG's San Francisco Estuary Partnership with the Bay Institute to continue the services of Marc Holmes, Restoration Consultant. The contract amount will not exceed \$65,000 for a term from December 1, 2009, through December 31, 2010.

F. Authorization to Enter into New Contract with Watershed Project

Authorized the Executive Director or designee to enter into a new contract on behalf of ABAG's San Francisco Estuary Partnership with the Watershed Project for implementation of the Richmond Recommended Green Stormwater Reduction Options.

G. Approval of Resolution No. 18-09 Authorizing Executive Director or Designee to Sign and file, on behalf of ABAG, a Financial Assistance Application with State Water Resources Control Board for El Cerrito Green Streets Rain Gardens

At the May Executive Board meeting, the Board authorized submission of this application. The resolution approved at that meeting did not meet Regional Water Board's requirements. A new resolution was approved by the Executive Board. Financial assistance shall not exceed \$392,000.

7. CALIFORNIA CONSTITUTIONAL CONVENTION**

Fred Silva, Senior Fiscal Policy Advisor, California Forward, and Jim Wunderman, President and CEO, Bay Area Council, briefed the Board on their respective proposed ballot measures concerning a California Constitutional Convention and other fiscal reform proposals.

Summary Minutes

ABAG Executive Board Meeting
No. 370, November 19, 2009

Mr. Silva spoke about the interrelated fiscal issues of the budget, revenue, and state/local relationship; state general fund spending; state and local tax revenues; confusion in roles and lack of accountability; revenue trends over time; general fund expenditure growth; state program growth; workload requirements, budget agreements, program reductions, and using tomorrow's money today; budget reforms; and the local side of the state/local relationship.

Mr. Wunderman spoke about a state constitutional convention in the context of the California State government; a dysfunctional state; state problems, including the budget, elections and initiatives, government effectiveness, and governance; results of these problems; and a constitutional convention as the best option to fix the problems. He reported on polling results related to a constitutional convention. He described the proposal for a convention, including two propositions, four areas of reform, county and Assembly District delegates, and a timeline.

Members discussed appointment of county delegates to the convention, limitation and scope of the convention, convention requirements regarding elected officials, the operations of the convention, the expected outcome from the convention, recommendations from the convention to the electorate, funding for the convention and its delegates, other constitutional convention efforts, addressing ideology in the convention, representation of state's diversity, electoral reform, selection criteria of Assembly delegates and preclusion of elected officials, lobbyist, and others, addressing cynicism by voters, and others, and alternative proposal by the League of California Cities.

President Jacob Gibson announced that the League of California Cities requested to present its proposal at the Board meeting in January. She indicated that ABAG will develop a set of principles regarding state government reforms for consideration by its members.

President Jacobs Gibson thanked Msrs. Silva and Wunderman for their report.

8. SB 375 IMPLEMENTATION POLICIES**

Paul Fassinger, ABAG Research Director, briefed the Board on policies for the implementation of SB 375. Mr. Fassinger reported on Integrated Land Use and Transportation Planning to Reduce Greenhouse Gases which included a review of seven implementation policies developed by the Joint Policy Committee, changes to these policies since March, and a work plan for building a foundation of tools and information leading to a final draft Sustainable Communities Strategy and then to an Adopted SCS, Regional Transportation Plan, and Regional Housing Needs Allocation. He requested Board approval of the revised implementation policies.

President Jacobs Gibson recognized a motion by Mayor Green, which was seconded, to approve the revised implementation policies by the Joint Policy Committee. The motion passed unanimously.

Members thanked staff for their efforts to meet concerns of member jurisdictions. Staff will continue to schedule meetings with regional agency partners, and cities and counties.

Members discussed the work of the California Air Resources Board, best management practices and modeling, the need to share information about the implementation process, and developing an educational campaign to highlight jurisdictions' implementation efforts.

President Jacobs Gibson thanked Mr. Fassinger for his report.

9. REGIONAL STATE ENERGY PROGRAM APPLICATION**

Ezra Rapport, ABAG Deputy Executive Director, and Jerry Lahr, ABAG POWER Program Manager, briefed the Board on a proposal to submit a grant application to the California Energy Commission (CEC) for funds for a regional comprehensive Residential Building Retrofit Program and provide an update on the Solar Energy Efficiency District.

Mr. Rapport also provided a status update on ABAG's Solar and Energy Efficiency District program and American Recovery and Reinvestment Act (ARRA) funding opportunities, including a report on legislation and AB 811 program, the State Energy Program and Department of Energy Retrofit Ramp-up. He requested Board approval of a resolution authorizing ABAG to apply for and receive funding under the CEC SEP 2 Residential Retrofit Program.

Members discussed when resolutions from collaborative agencies are due, and expected date of awards and program implementation.

President Jacobs Gibson recognized a motion by Jean Quan, Councilmember, City of Oakland, which was seconded by Carole Dillon Knutson, Councilmember, City of Novato, to approve the resolution authorizing ABAG to apply for and receive funding under the CEC SEP 2 Residential Retrofit Program. The motion passed unanimously.

President Jacobs Gibson thanked Mr. Rapport his report.

10. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**

President Jacobs Gibson recognized Committee Chair Carole Dillon-Knutson, Councilmember, City of Novato, who reported on committee activities, including: legislative priorities for the 2010 Legislative cycle; a report on the New Two-thirds Vote Requirement for Local Public Electricity Providers, a PG&E sponsored initiative constitutional amendment; the status of bills reviewed by the committee in 2009; Senate Bill 1619 (Dodd), The Livable Communities Act of 2009; H.R. 3525 (Thompson), Tax Exempt Private Activity Bond Use for Renewable Energy Generation and Energy and Water Efficiency Projects; SB 406 (DeSaulnier), Land Use: Environmental Quality; and AB 155 (Mendoza), Local Government—Bankruptcy, oppose; review of state reform proposals; review of a model ordinance regarding pre-tax commuter benefits; and the 2010 Legislative Reception.

Members discussed the PG&E sponsored initiative regarding a 2/3 requirement for approval of Community Choice Aggregation and requested a presentation at the next Board meeting.

Kenneth Moy, ABAG Legal Counsel, noted that ABAG is prohibited from using public resources to oppose or support a matter on the ballot unless the public agency itself has placed the matter on the ballot.

President Jacobs Gibson recognized a motion by Chair Dillon-Knutsen, which was seconded by Supervisor Mirkarimi to approve the committee report. The motion passed unanimously.

Members requested that the committee's PowerPoint presentation and report be distributed to members.

Tom Guarino, Public Affairs Manger, East Bay, PG&E, commented on PG&E's sponsored initiative, its Smart Meter program, and its long relationship with ABAG, and offered to meet with members on these matters.

President Jacobs Gibson thanked Chair Dillon-Knutsen for her report.

11. FINANCE & PERSONNEL COMMITTEE REPORT**

President Jacobs Gibson recognized Committee Chair Scott Haggerty, Supervisor, County of Alameda, who reported on committee activities, including: approval of the August and September 2009 financial reports; review of membership dues received; recommendation to the board to accept the June 30, 2009, Audited Financial Reports, with the Single Audit and Memorandum of Internal Controls; a report on capital improvements to ABAG facilities and recommendation to approve Resolution 19-09; and a closed session regarding a legal matter.

President Jacobs Gibson recognized a motion by Chair Haggerty, which was seconded, to approve the committee report. The motion passed unanimously.

President Jacobs Gibson thanked Chair Haggerty for his report.

12. CLOSED SESSION

The Board entered closed session at approximately 9:41 PM for a conference with Legal Counsel regarding existing litigation, Home Builders Association of Northern California v. ABAG.

The Board entered open session at approximately 9:45 PM.

Supervisor Haggerty reported on the status of existing litigation, Home Builders Association of Northern California v. ABAG.

13. ADJOURNMENT

The meeting was adjourned at approximately 9:46 p.m.


Henry L. Gardner, Secretary-Treasurer

*** Indicates attachments.*

**** For information on the L&GO Committee, contact Patricia Jones at (510) 464 7933 or PatJ@abag.ca.gov, or Kathleen Cha at (510) 464 7922 or KathleenC@abag.ca.gov.*

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.

MEMO

Submitted by: Judy Kelly, Director
San Francisco Estuary Partnership

Subject: Executive Board Approval for Contract with River of Words

Date: January 5, 2010

Executive Summary

The San Francisco Estuary Partnership (SFEP) wishes to contract with **River of Words**, a nonprofit organization that specializes in environmental education through environmental art and poetry contests for elementary school children. The Scope of Work includes administering a K-12 poetry and art contest; targeting K-12 schools in the SF Estuary Watershed; working with SFEP staff to develop posters for schools re contest; conducting outreach to teachers, librarians, students, youth organizations and other outlets to promote contest and environmental issues involved; developing curriculum materials and activities connecting green infrastructure concepts (rain gardens, bioswales, and other green stormwater strategies) with estuary and watershed health and sustainability, promoting awareness, citizen responsibility and creative stewardship. In addition, ROW will work with existing curriculum materials (ROW, SFEP and other sources) to provide a broad range of resources and points of engagement. ROW will offer “regional prizes” to enhance SFEP publicity. It will mount a special SFEP/ROW exhibit at the Young at Art Gallery, featuring winners of the 2010 SFEP regional contest; do data entry for entries; work with SFEP staff to judge contest entries; help publicize awards; contact award winners and notify them of award presentation and present awards at 2010 Ceremony.

River of Words was procured through a competitive solicitation in late 2008.

Recommended Action

Authorization is requested for the Executive Director or designee to enter into a new contract on behalf of ABAG/SFEP with River of Words to continue their environmental education and outreach services. The contract amount will not exceed \$ 44,257 for a term from September 1, 2009 through August 30, 2010. Funds for this contract are available in the ABAG grant agreement with the U.S. Environmental Protection Agency for implementation of the Comprehensive Conservation and Management Plan (CCMP) to support SFEP for FY10-11.

Next Steps

Upon authorization, SFEP will draft a new contract agreement with River of Words.



MEMO

January 5, 2010

To: ABAG Executive Board

From: Judy Kelly, Director
San Francisco Estuary Project

Re: Authorization to Enter into a Contract with USGS
to Provide Support for the Bay-Delta Science Program Biennial Science Conference

Executive Summary

ABAG/SFEP has historically provided institutional support for multi-agency planning, environmental and scientific projects, estuarine and scientific public education and outreach in regions within the San Francisco Bay-Delta Estuary. This contract continues a longstanding working relationship with the Bay-Delta Science Program (formerly CalFed Science Program) to assist with planning and organization of the 2010 Bay-Delta Science Conference. The purpose of the 2010 Science Conference is to inform agency staff and stakeholders about the newest and latest information from scientific work funded in the Bay-Delta system. The conference will be organized with at least one plenary session and a series of concurrent sessions, each session organized around a specific scientific theme of critical importance to the Bay-Delta.

ABAG/SFEP will work with the Science Program Contract Manager to identify and invite qualified individuals to serve on the coordinating committee for this conference. ABAG staff will provide support for the coordinating committee during planning and implement the committee's overall plan for the conference structure. Activities will include organizing committee meetings and drafting meeting notes, identifying and working with conference chairs, program chairs, and session chairs to select, contact, and confirm presenters for each topic area, and organizing a plenary session. Other tasks include assisting with conference advertisement and registration, conference and facility logistics, poster program organization and setup, catering, staffing, and conference documentation.

The conference supports implementation of the Comprehensive Conservation and Management Plan for the San Francisco Estuary.

Recommended Action:

Authorization is requested for the Executive Director or designee to enter into a new one year contract on behalf of ABAG/SFEP with the USGS for support services on the 2010 Bay-Delta Science Conference. The contract amount will not exceed \$200,000.

Next Steps: Upon receipt of the contract document from USGS, the Executive Director or designee will execute the agreement.

Item 6.E.

MEMO

Submitted by: Judy Kelly, Director
San Francisco Estuary Partnership

Subject: Executive Board Approval for Contract with State Coastal Conservancy

Date: January 6, 2010

Executive Summary

The San Francisco Estuary Partnership (SFEP) partners with the State Coastal Conservancy, Bay Conservation and Development Commission, NOAA Fisheries, and others on the development of the San Francisco Bay Subtidal Habitat Goals. As part of the of the Goals Project development process, ABAG/SFEP will contract with technical advisors to serve on the Subtidal Goals Project's Science, Management and Restoration Committees. The technical advisors will review relevant documents, including draft recommendations, consultant reports, and GIS maps for the project; attend committee meetings to discuss and provide written comment on the draft recommendations.

Recommended Action

Authorization is requested for the Executive Director or designee to enter into a new contract on behalf of ABAG/SFEP with the State Coastal Conservancy to assist the Subtidal Habitat Goals Project. The contract amount will not exceed \$ 45,000 for a term from December 1, 2009 through December 31, 2010. Funds for this contract are from the State Coastal Conservancy. This project serves as implementation of the SFEP's Comprehensive Conservation and Management Plan (CCMP).

Next Steps

Upon authorization, ABAG will execute a new contract agreement with the State Coastal Conservancy.



MEMO

Submitted by: Judy Kelly, Director
San Francisco Estuary Partnership

Subject: Executive Board Approval for Contract with State Water Resources
Control Board for Hicks Flat Mercury Remediation Project, Guadalupe
Creek, Santa Clara County

Date: January 6, 2010

Executive Summary

The San Francisco Estuary Partnership (SFEP) partnered with the Midpeninsula Regional Open Space District (District) to apply for an EPA 319(h) grant for the Hicks Flat Mercury Remediation project to be administered by the State Water Resources Control Board. The project received an award notice in April 2009 and we are beginning the grant agreement negotiation process. The project proposes to remediate an estimated 2700 cubic yards of mercury mining waste rock at Hicks Flat located in the Rancho de Guadalupe area of the District's Sierra Azul Open Space Preserve. The Midpeninsula Open Space District acquired the Rancho de Guadalupe property in 1995. This particular property lies within the New Almaden Mercury Mining District and was historically used as a waste rock disposal area for the Guadalupe Mines. During the fill disposal operations, material was deposited directly adjacent to an intermittent tributary to Guadalupe Creek and over-steepened banks were created that have since failed into the Cherry Springs Creek tributary. The Site is sparsely vegetated and physical transport through erosion and natural dispersion of fine sediment is the primary mechanism delivering waste rock material to the creek. Contaminant investigations conducted between 1990 and 1995 collected a total of 30 surface soil samples from the Site and six sediment samples from Cherry Springs Creek. Results from these studies indicate that the mining waste rock at the Site contains elevated levels of total mercury. The District is proposing to retain a qualified project team of environmental and civil engineers, restoration scientists and erosion control specialists to design the final remedy, implement construction activities, and conduct monitoring at the Site.

Recommended Action

Authorization is requested for the Executive Director or designee to enter into a new contract on behalf of ABAG/SFEP with the State Water Resources Control Board to implement the Hicks Flat Mercury Remediation Project. The grant agreement will not exceed \$ 420,000 including match/in-kind funds of \$105,000 from ABAG (\$7,500) and the District (\$97,500). The term will be 3 years from agreement execution. This project serves as implementation of the SFEP's Comprehensive Conservation and Management Plan (CCMP).

Next Steps

Upon authorization and completion of grant agreement negotiations, ABAG will execute a new agreement with the State Water Resources Control Board.



January 7, 2010

To: ABAG Executive Board

From: Judy Kelly, Director
San Francisco Estuary Project

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

Executive Summary

The San Francisco Estuary Partnership ABAG has been working in cooperation with the Department of Boating and Waterway for over 15 years to implement actions from the Clean Vessel Act to ensure proper disposal of sewage from recreational boats.

In January 2009, the Executive Board authorized the Executive Director or designee to amend an agreement with the DBW for the San Francisco Estuary Partnership/ABAG and the Santa Monica Bay Restoration Foundation (SMBRF) to provide support for a Boater Education Program. Terms included a pass-through contract to the SMBRF, the Estuary Project's counter part.

The Board is requested to authorize the Executive Director or designee to amend the contract by increasing the not to exceed amount to \$2,304,280.10 an increase of \$459,613.00. The time period of the contact will be extended, with the contract ending on December 31, 2011. The funds will be used for inform the boating community about proper vessel sewage disposal practices to encourage the use of pumpout and dump facilities. The San Francisco Estuary Project/ABAG will use \$135,000 to work with the boating community in the San Francisco Bay Delta Estuary. ABAG will provide an inkind services match of \$33,750. A pass-through contract for \$295,103 will go to the SMBRF to work with the boating community in Santa Monica Bay. An additional \$29,510 will go to ABAG for managing the SMBRF contract. The SMBRF will provide an inkind services match of \$81,153.

Under terms of this contract the Board is requested to authorize the Executive Director or designee to amend the agreement with the SMBRF by increasing the amount from \$508,289 to \$803,392 for carrying out the boater education program. The time period of the contact will be extended, with the contract ending on December 31, 2011.

Recommended Action

The Board is requested to authorize the Executive Director or designee to amend the DBW/ABAG contract by increasing the not to exceed amount to \$2,304,280.10 an increase of \$459,613.00.

Item 6.H.

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



ABAG

Under terms of this contract the Board is requested to authorize the Executive Director or designee to amend the agreement with the SMBRF by increasing the amount from \$508,289 to \$803,392 for carrying out the boater education program.

Next Steps

Upon board approval SFEP will contract with DBW and SMBRF.

MEMO

Submitted by: Gerald Lahr, Energy Programs Manager

Subject: Resolution for State Energy Program (SEP) Funding

Date: January 6, 2010

Executive Summary

On November 19, 2009, the ABAG Executive Board approved resolution 17-09 authorizing ABAG to apply for and receive funding in response to the California Energy Commission's (CEC) ARRA funded State Energy Program (SEP) RFP. ABAG has subsequently revised the original resolution to be in compliance with new funding guidelines.

Background. Upon a request by local member agencies, ABAG took the lead in coordinating with interested local governments in its service territory to submit a regional proposal for the SEP category #2 - California Comprehensive Residential Building Retrofit Program. The proposal was submitted to the CEC on December 21, 2009.

As lead applicant, ABAG is required to pass a resolution authorizing the recipient to enter into the agreement and designate an authorized representative to execute all necessary agreements to implement and carry out the purposes of the award. ABAG passed a resolution on November 19th, however new requirements have come to light, and have been incorporated into a revised resolution.

The revised resolution incorporates the following changes:

- Statement authorizing acceptance of award up to \$10,750,000
- Statement indicating compliance with CEQA

Recommended Action

Staff recommends the Board rescind Resolution No. 17-09 and adopt Resolution No. 01-10 which makes certain findings regarding the application of CEQA to the Project and authorizing ABAG to execute all necessary agreements to implement and carry out the purposes of any funds awarded as a result of its SEP 2 funding application.

Next Steps

Notice of proposed award due from the California Energy Commission on February 11th.

Attachments: Resolution No. 01-10

**ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD**

RESOLUTION NO. 01-10

**AUTHORIZING SUBMISSION OF A PROPOSAL TO THE CALIFORNIA ENERGY
COMMISSION (CEC), ENTERING INTO AN AGREEMENT WITH THE CEC, AND
DESIGNATING A REPRESENTATIVE TO SIGN THE AGREEMENT, AND ANY
AMENDMENTS THERETO, AND TO ACT ON BEHALF OF PARTICIPATING
PARTNERS FOR GRANT FUNDING**

WHEREAS, the California Energy Commission (CEC) has issued a Request for Proposals #400-09-403 (RFP) for projects to be funded from the American Recovery and Reinvestment Act of 2009 (ARRA) for California Comprehensive Residential Building Retrofit Program of the State Energy Program (SEP); and

WHEREAS, the Association of Bay Area Governments (ABAG) is eligible to submit a proposal for such funding as more particularly described in Exhibit A to this resolution (Project); and

WHEREAS, ABAG staff has solicited from the Counties of Contra Costa, Marin, San Mateo, Santa Clara, and Solano, the City and County of San Francisco, StopWate.org (Alameda County), the Sonoma County Transportation Authority (Sonoma County), and the Napa County Transportation and Planning Agency (Napa County) (Collaborative Agencies) letters of commitment to participate in the Project as collaborative partners and to provide resolutions from their governing bodies authorizing ABAG to apply for and receive funding for the Project on behalf of each of them; and

WHEREAS, the ABAG Executive Board adopted Resolution No. 17-09 authorizing submission of an application and acceptance of funding which resolution does not conform to CEC requirements.

NOW, THEREFORE BE IT RESOLVED, by the Executive Board of the Association of Bay Area Governments, that:

- 1) Resolution 17-09 is rescinded; and
- 2) in compliance with the CEQA, the Executive Board finds that the approval of the energy efficiency project described in Exhibit A is a "project" under CEQA that is exempt under CEQA Guidelines Sec. 15378 and Public Resources Code section 21065 because the Project will only fund activities that are either not a "project" under CEQA or is a "project" under CEQA but is exempt; and
- 3) the Executive Board authorizes the submittal of the application to the California Energy Commission's EECEBG Program for funds to execute the proposed project described in Exhibit A; and

**ASSOCIATION OF BAY AREA GOVERNMENTS
RESOLUTION NO. 01-10**

- 4) if recommended for funding by the California Energy Commission, the Executive Board authorizes the Association of Bay Area Governments (ABAG) to accept a grant award up to the amount of this application for Ten Million Seven Hundred and Fifty Thousand Dollars (\$10,750,000) and that the Executive Director of ABAG acting for ABAG is hereby authorized and empowered to execute, in the name of ABAG, all necessary contracts and agreements, and amendments hereto, to implement and carry out the purposes specified in the application.

The foregoing adopted by the Executive Board this 21st day of January, 2010.

Mark Green
President

Certification of Executive Board Approval

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 21st day of January, 2010.

Henry L. Gardner
Secretary-Treasurer

Approved as To Legal Form

Kenneth K. Moy
Legal Counsel

Exhibit A

Description of Project

On October 8, 2009, the California Energy Commission (CEC) released a Request for Proposal for \$95 million in State Energy Program (SEP) funds.

The CEC will use the SEP competitive grant to fund projects in the following program areas:

- 1) Municipal Financing Program ("AB 811-type programs")
- 2) California Comprehensive Residential Building Retrofit Program
- 3) Municipal and Commercial Building Targeted Measure Retrofit Program
- 4) Low Interest Energy Efficiency Financing Program

Upon a request by local member agencies, ABAG has taken the lead in coordinating with interested local governments in its service territory to submit a regional proposal for the SEP category #2, California Comprehensive Residential Building Retrofit Program. As lead applicant and fiscal sponsor, ABAG in partnership with participating local governments seeks to achieve the following objectives:

- 1) Create competitive regional grant application that maximizes funding for Bay Area residential building retrofit programs by collaborating on program design and implementation.
- 2) Reduce program design and implementation costs for each participating county-wide program through shared activity (cross cutting tasks that benefit all Bay Area programs might include developing model program protocols and procedures, shared list of qualifying contractors, shared regional web-based project tracking system, tools and templates, consumer education resources, contract admin/reporting, etc.).
- 3) Reduce confusion among contractors and homeowners with more program uniformity while maintaining individual county priorities.
- 4) Leverage early adopter programs (e.g. Sonoma County, Alameda County, etc.) which will have developed tools and templates before SEP money has been released.

MEMO

Submitted by: Judy Kelly, Director, San Francisco Estuary Project

Subject: Bay Area-Wide Trash Capture Demonstration Project

Date: January 14, 2010

Executive Summary

The Association of Bay Area Governments (San Francisco Estuary Project) has received a forgivable loan from the Clean Water State Revolving Fund for \$5 million in stimulus funding to manage and implement a region-wide demonstration project intended to provide all Bay Area cities that wish to participate with trash capture devices that will retrofit existing storm drain infrastructure. The application was authorized by the Executive Board in Resolution 04-09 adopted on March 19, 2009.

This “Estuary Enhancement Project” implements elements of the San Francisco Estuary’s Comprehensive Conservation and Management Plan (actions PO-1.8 and AR-9.2), provides incentives for early compliance with the Water Board’s Municipal Regional Stormwater Permit, is consistent with the 2007 Resolution of the California Ocean Protection Council on Reducing and Preventing Marine Debris and the related Implementation Strategy, and will create jobs in the private sector (for device fabricators and installers).

The project has enthusiastic support of the Water Board, the Bay Area Stormwater Management Agencies Association, and numerous local municipalities.

It will be managed by SFEP staff.. ABAG/SFEP will do the purchasing of trash capture devices in order to obtain economies of scale and simplify administration of project funds. The project duration is three years.

Recommended Action

Staff recommends that the Board approve the attached revised resolution language prescribed by the State Revolving Fund, administered by the Division of Financial Assistance at the State Water Resources Control Board and direct the Executive Director to sign and transmit it to the Division of Financial Assistance.

Attachment: Draft Resolution

**ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD**

RESOLUTION NO. 02-10

**APPLICATION/AUTHORIZED REPRESENTATIVE RESOLUTION RELATED TO THE
BAY AREA WIDE TRASH CAPTURE DEMONSTRATION PROJECT**

BE IT RESOLVED, by the Executive Board of the Association of Bay Area Governments, that Henry Gardner, Executive Director, is hereby authorized and directed to sign and file for and on behalf of the Association of Bay Area Governments a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Bay Area Wide Trash Capture Demonstration Project; and

BE IT RESOLVED that the Association of Bay Area Governments hereby agrees and further does authorize the aforementioned representative or his designee to certify that the Agency has and will comply with all applicable state and federal statutory and regulatory requirements related to any financing or financial assistance received from the State Water Resources Control Board; and

BE IT FURTHER RESOLVED that Henry Gardner or his designee of the Association of Bay Area Governments is hereby authorized to negotiate and execute a financial assistance agreement from the State Water Resources Control Board and any amendments or change orders thereto and certify financing agreement disbursements on behalf of the Association of Bay Area Governments.

The foregoing adopted by the Executive Board this 21st day of January, 2010.

Mark Green
President

**ASSOCIATION OF BAY AREA GOVERNMENTS
RESOLUTION NO. 02-10**

Certification of Executive Board Approval

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 21st day of January, 2010.

Henry L. Gardner
Secretary-Treasurer

Approved as To Legal Form

Kenneth K. Moy
Legal Counsel



www.savelocalservices.com

YES to Protect Local Taxpayers and Funding for Public Safety, Transportation & Other Vital Local Services from State Raids

THE PROBLEM: STATE RAIDS AND BORROWING ARE JEOPARDIZING PUBLIC SAFETY, EMERGENCY RESPONSE, TRANSPORTATION, TRANSIT AND OTHER VITAL LOCAL SERVICES.

California voters have overwhelmingly passed separate ballot measures to dedicate local funding sources to essential local services and to prevent the State from shifting or raiding local government, transit and transportation funds. Despite this, the State recently passed a budget that borrowes and takes approximately \$5 billion in city, county, transit, redevelopment and special district funds this year. This year's raids and previous, ongoing state raids and borrowing are jeopardizing the services Californians need most:

- X *Police, fire and emergency 911 services have been cut.*
- X *Healthcare services for children, seniors and the disabled are being slashed.*
- X *Road repair and maintenance, congestion relief and safety improvements are constantly at risk.*
- X *Public transit like buses, commuter rail and shuttles are being slashed and fares are being raised.*
- X *Parks and libraries are closing, and other local government services critical to protect our neighborhoods and improve our quality of life are shutting down.*
- X *Vital community economic development and job creation projects are being shut down.*

State raids of local funds are fiscally irresponsible. The fiscally irresponsible practice of borrowing local taxpayer and transportation funds makes our budget problems worse down the line because local government and transportation funds have to be repaid, with interest. Additionally, many of the outright raids are ultimately rejected by the courts, creating even larger state budget deficits down the line.

THE SOLUTION: PROHIBIT THE STATE FROM RAIDING LOCAL GOVERNMENT, TRANSIT AND TRANSPORTATION FUNDS.

The Local Taxpayer, Public Safety and Transportation Protection Act, scheduled for the November 2010 statewide ballot, would:

- ✓ **Prohibit the State from taking, borrowing or redirecting local taxpayer funds dedicated to public safety, emergency response and other vital local government services.** The measure would close loopholes to prevent the taking of local taxpayer funds currently dedicated to cities, counties, special districts and redevelopment agencies. It would also revoke the State's authority to borrow local government property tax funds.
- ✓ **Protect vital, dedicated transportation and public transit funds from state raids.** The measure would prevent State borrowing, taking or redirecting of the state sales tax on gasoline (Prop 42 funds) and Highway User Tax on gasoline (HUTA) funds that are dedicated to transportation maintenance and improvements. It would also prevent the State from redirecting or taking public transit funds.
- ✓ **Protect local taxpayers** by keeping more of our local tax dollars local where there's more accountability to voters, and by ensuring once and for all that our gas taxes go to fund road improvements. The measure also reduces pressure for local tax and fee increases that become necessary when the State redirects local funds.
- ✓ **Reform state government and enhance fiscal accountability.** This measure is a key step in reforming California's broken budget system by restoring more local control and accountability. It also stops the irresponsible practice of the State borrowing special funds that have to be repaid with interest, which only puts our State further in debt.

Item 7



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YES to Protect Local Taxpayers and Funding for Public Safety, Transportation & Other Vital Local Services from State Raids

YES! You may list me/my organization as a public supporter of The Local Taxpayer, Public Safety and Transportation Protection Act, an initiative aimed for the November 2010 ballot that would protect funding for public safety, transportation & other vital local services. The measure would prevent the Legislature and Governor from borrowing, taking or otherwise redirecting local government, public transit and transportation funds.

Please select a category: Organization Company Individual

Please complete the following information:

Company or Organization Name/Employer

Name

Title/Occupation

Street address

City

State

Zip

County

Phone number

Fax number

E-mail Address (If you are a public employee, please do not use your government e-mail address. Use your personal e-mail address, like Gmail, Yahoo, Hotmail, etc.)

Signature (Required)

Date

Please email me updates.

I/We can help in the following ways:

- | | |
|---|---|
| <input type="checkbox"/> Help collect signatures | <input type="checkbox"/> Write a letter-to-the editor |
| <input type="checkbox"/> Help raise money | <input type="checkbox"/> Place a link on a website |
| <input type="checkbox"/> Volunteer/Speak at local events | <input type="checkbox"/> Distribute materials |
| <input type="checkbox"/> Communicate with employees/members | |

Email or fax this form to: info@savelocalservices.com or 916-442-3510 (fax)

DISCUSSION DRAFT

Principles for Constitutional Convention

1. Must address structural issues of state budget
2. Eliminate 2/3 vote requirement for state budget
3. No more erosion of local government revenues
4. Delegates to Convention should not preclude local elected officials
5. Amend Article X111C of CA Constitution concerning 2/3 vote requirement for GO Bonds, special taxes, etc.
6. Review term limits and their efficacy



MEMO

Submitted by: Christy Riviere

Subject: Testing the American Dream in the San Francisco Bay Area: 2009 Housing Report

Date: January 4, 2010

Executive Summary

This item is an information presentation on the recently published 2009 Housing Report, *Testing the American Dream in the San Francisco Bay Area*. The staff memo gives a brief synopsis of the report.

Recommended Action

There is no Recommended Action

Next Steps

Attachments

MEMO

To: ABAG Executive Board
From: Christy Riviere, Principal Planner
Hing Wong, Senior Planner
Date: January 4, 2010
Subject: *Testing the American Dream in the San Francisco Bay Area: 2009 Housing Report*

Summary

In early 2009, both foreclosures and delinquent mortgage payment rates were the highest on record since 1972. Home prices dropped 19 percent, the largest ever recorded year-over-year decline in housing prices. The nation was unquestionably in a housing crisis. The “American Dream,” combined with investor frenzy, tail spun the country into financial chaos unseen since the Great Depression. The mortgage crisis succeeded in upending government budgets, sending unemployment rates to new highs, and in devastating communities with instability.

National reports on the housing crisis are increasingly available, as are studies of local impacts. However, little has been written on how the crisis played out in the San Francisco Bay Area. The Association of Bay Area Government’s 2009 Housing Report, *Testing the American Dream in the San Francisco Bay Area*, focuses on the housing crisis’ direct impact on the Bay Area. The report examines regional shifts in home values and the spread of foreclosures, as well as the ripple effects that falling home values have had on government revenues, negative equity, and housing affordability. The report also explores how the crisis has impacted renters and housing production.

This staff report offers a synopsis of the 2009 Housing Report.

The Housing Crisis

Nationwide, indicators of a looming housing crisis began to emerge in 2005. For the first time in a decade, the country’s supply of new homes outweighed demand from buyers. After home prices doubled in seven years, home price appreciation slowed to a near a standstill by 2006. Foreclosures also began to inch up in many parts of the country. These factors soon led to an unraveling of housing markets across the country. The Bay Area, however, appeared insulated.

Home prices in the Bay Area continued to rise through most of 2005 and 2006, even hitting record highs in 2007. Even though foreclosure rates began to creep up in 2006, they were still considered low by historical measures, and remained below state averages.

The apparent strength of the Bay Area market, however, was masking real variations within the region. San Francisco and Santa Clara counties were experiencing the lowest foreclosure rate increases throughout California in 2006, yet Solano and Contra Costa counties were reporting

some of the highest foreclosure rates. Marin County posted a median home price of over one million dollars in 2007, the first county in the state to reach such a threshold, even while Sonoma, Napa, and Solano counties were witnessing steady price declines.

Before long, what began as localized problems spread throughout much of the Bay Area. Through 2007 and 2008, foreclosure rates in the region soared and home values plummeted. In first quarter 2009, the Bay Area's median home price was 43 percent lower than it was a year ago. During the same period, California's home prices dropped 25 percent and the nation's dropped 12 percent.

The Bay Area's cities and counties experienced the peak of the crisis differently. Foreclosure rates increased in all nine Bay Area counties, but to a much greater extent in Contra Costa and Solano counties. In the first quarter of 2005, Solano County had almost no foreclosures. Four years later, the county had the highest foreclosure rate in the region and the state, at 11 foreclosures for every 1,000 owner-occupied homes. In contrast, the foreclosure rates of the West Bay counties ranged from 1 per 1,000 homes in San Francisco to 4 per 1,000 homes in Sonoma. While home price declines were nearly ubiquitous in the Bay Area during the crisis, with some areas witnessing drops of over 50 percent from 2005 to 2009, a few cities in Santa Clara, San Francisco, and San Mateo counties recorded rising home values.

Consequences of a Crisis

The housing crisis impacted the country's financial institutions, unemployment numbers, and major industries. Locally, the ripple effects of foreclosures and falling home values reached far beyond affected homes and families, to local governments, neighborhoods, schools, and the development community.

The region's declining home values impacted local government revenues because revenues are largely dependent on property taxes. Since the housing crisis, estimates put California's accumulated loss in property value at almost \$38 billion, which means that the state's local governments have lost \$377 million in annual property taxes. Contra Costa County jurisdictions lost an estimated \$116 million in property taxes due to the county's high rate of foreclosures, and Solano County jurisdictions may face a \$9-12 million budget shortfall.

Homeowners have also been hurt by declining home values and loss in equity. The sharp rise and fall of home prices in the Bay Area led to a greater incident of negative equity than in other parts of the country. At the end of 2008, 27 percent of Bay Area homeowners had negative equity in their homes, compared to 18 percent nationally. Among households who originated loans in 2006, 92 percent in Solano County had negative equity by 2009 (compared to 32 percent in San Francisco). High rates of negative equity increased the number of foreclosures, since households with negative equity often cease making their mortgage payments and instead choose to go into foreclosure.

Somewhat unique to the Bay Area, there was actually a positive side to the housing crisis, often quoted by housing advocates and prospective new home buyers. With the crisis and falling home values, the Bay Area may finally become more affordable to the average resident. Median home

prices are closer to the region's median income than they have been in years. The California Association of Realtors estimates that 44 percent of households in the region could afford a median priced home at the beginning of 2009, compared to only 10 to 15 percent during peak housing values.

On the other hand, families looking to buy a home face obstacles that were not present a few years ago, such as stricter underwriting standards, less access to credit, and higher down payment requirements.

Affordability may also be stymied by the drop in new home construction due to current glut of homes on the market. Housing production declined in the Bay Area, falling 37 percent from 2007 to 2008. Some parts of the region witnessed much steeper drops. Sonoma County saw an 80 percent decline in building permits issued. Permits for affordable housing—open only to households who fall under certain income limits—were slightly more stable, declining 21 percent. Affordable housing developers face additional challenges in securing financing, since previously reliable sources like state bond funds and the Low Income Housing Tax Credit have withered.

Much of the discussion of the foreclosure crisis focuses on owner-occupied homes. Yet renters are also feeling its impacts. In the Bay Area, nearly ten percent of all first quarter foreclosures from 2005 to 2009 affected units in multi-family buildings. The number of multi-family units in foreclosure increased from 22 in first quarter 2005 to 500 in first quarter 2009. In some cases, tenants have no forewarning that their property is facing foreclosure, and may be subject to utility shut-offs, loss of security deposits, and eviction. In the past year, governments at the local, state, and federal level have enacted legislation to increase protection for renters whose buildings are foreclosed.

An Uncertain Future

The Bay Area will eventually emerge from its financial and housing problems. The region experienced among the country's greatest home price run-ups in the beginning of this decade, and continues to have some of the country's highest home values, largely because of its desirability as a place to live. While high home prices led to a painful crash, the region's underlying strengths remain sound.

The Bay Area that emerges from this crisis may look different than it does today. Developers are likely to focus new construction in areas that suffered least from falling home values, such as in San Francisco and Santa Clara counties. Recovery may also take longer in areas that experienced high foreclosure rates. However, residents will continue to want to live in the Bay Area, and developers will continue to build to meet that demand, but where and in what form this development takes place is likely to shift in coming years.

LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE

Committee Chair: Councilmember Carole Dillon-Knutson—City of Novato

Committee Vice Chair: Supervisor Mike Kerns—County of Sonoma

Staff: Patricia Jones – Assistant Executive Director 510/ 464-7933; FAX 510/464-7970; PatJ@abag.ca.gov
 Kathleen Cha – Senior Communications Officer 510/ 464-7922; KathleenC@abag.ca.gov

Thursday, January 21 – 3:30 p.m. to 5:00 p.m.

ABAG Large Conference Room B, MetroCenter, 101 Eighth Street, Oakland

AGENDA*

1.	OPEN AGENDA Committee members may raise issues for consideration; members of the public may speak.	Information/ Action
2.	APPROVAL OF MINUTES Committee will review and approve the minutes of the November 19, 2009, L&GO meeting.	Information/ Action
3.	2010 LEGISLATIVE SESSION—BILLS FOR CONSIDERATION** A review of carry-over bills from 2009 Legislative Session and consideration of new bills being proposed at the beginning of the 2010 Legislative Session. AB 118 (Logue) California Global Warming Solutions Act of 2006 AB 283 (Chesbro) California Product Stewardship Act AB 1343 (Huffman) Architectural Paint Recycling SB 26 (Simitian) Home-Generated Pharmaceutical Waste SB 346 (Kehoe) Hazardous Materials: Motor Vehicle Brake Friction Materials	Information/ Action
4.	AMEND POLICIES ON ABAG COMMITTEE FORMATION, STRUCTURE, AND MEMBERSHIP Add two at-large members to Administrative Committee	Information/ Action
5.	FOLLOW-UP LEGISLATION TO SB 406 Discussion of policy actions to create a new bill in 2010 Legislative Session to address funding issues proposed in SB 406.	Information/ Action
6.	REVIEW OF 2010 LEGISLATIVE PRIORITIES	Information/ Action
7.	2010 LEGISLATIVE RECEPTION—JANUARY 27TH Update on sponsors, participants and other logistics of reception at Chops Steakhouse, Wednesday, January 27 th , 5:30-7:30 p.m.	Information/ Action
8.	YOUTH GUN VIOLENCE TASK FORCE—UPDATE	Information/ Action
9.	ADJOURNMENT Next meeting is scheduled for March 18, 2010.	Action
	Agenda and other written materials are available at ABAG/Front Desk, 101 8th Street, Oakland, or at http://www.abag.ca.gov/meetings -- Legislation and Governmental Organization Committee	

* The Committee may take any action on any item on the agenda

** Full California Bill Texts and actions can be read and printed out from state website: www.leginfo.ca.gov.



LEGISLATION
2010 State Legislative Session
Legislation & Governmental Organization Committee
January 7, 2010

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
*NEW BILLS					Bold Face/Shading in Legislation Summary indicates change/ amendments.
<p><i>Bills to be reviewed are listed in numeric order with Assembly bills listed first, followed by Senate bills</i></p> <p>*Federal Bills listed on page 7</p>					
	New Bills				
*AB 118 Logue	California Global Warming Solutions Act of 2006	ASM Natural Resources Committee Hearing 1/11/10	Oppose		This bill would suspend the California Global Warming Solutions Act of 2006 until the state unemployment rate is 5.5% or lower for four consecutive calendar quarters. The bill would require the resuspension of the act whenever the state unemployment rate rises above 5.5% for four consecutive calendar quarters. The bill would prohibit the state board, and specified other state agencies, from proposing, promulgating, or adopting any regulation pursuant to the act during a period of suspension, and would require that any such regulation adopted prior to January 1, 2011, be inoperative until the suspension is lifted. The bill would request local agencies to refrain from adopting rules, regulations, and policies that derive authority or responsibility from the act and to revise or repeal those rules, regulations, or policies adopted prior to January 1, 2011, until the suspension is lifted.
*AB 283 Chesbro	California Product Stewardship Act	ASM Natural Resources Com.	Support Supported by CSAC and LCC (2009)		Would create the California Product Stewardship Act to require the Integrated Waste Management Board (IWMB) to administer an Extended Producer Responsibility (EPR) program of product stewardship that encourages producers to be "comprehensively responsible" for the life cycle of their products. Specific stipulations include: requiring by July 2012 a selection of products with environmental, waste management and public health effects, including all products banned from landfill disposal, to be covered by the program and with set performance goals; and requiring a producer of covered product to submit a product stewardship plan after

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 2
*AB 1343 Huffman	Architectural Paint Recycling	SEN Appropriations	Support CSAC Support (2009)		<p>identification of covered product and prohibiting sale or promotional use of a covered product without a product stewardship plan. (two year bill)</p> <p>Would require manufacturers of architectural paint to develop and implement stewardship programs to manage post consumer paint. Plans would be reviewed by IWMB with annual reports required of manufacturers on the performance of their stewardship program. Note—post-consumer paint is the largest source of household hazardous waste in CA, making up about 1/3 of total household hazardous waste collected, and yet @ five percent of households in state make use of local household hazardous waste programs. (two year bill)</p>	
*SB 26 Simitian	Home-Generated Pharmaceutical Waste	SEN Appropriations	Support		<p>Defines home generated pharmaceutical waste as prescribed and over-the-counter drugs derived from a household and would exclude home generated pharmaceutical waste from the current definition of medical waste. Would require the Board of Pharmacy to coordinate with other state agencies, local governments, drug manufacturers, and pharmacies to develop policies to manage home generated pharmaceutical waste. Would authorize pharmacies, health care facilities, clinics, household hazardous waste programs, nursing homes and government facilities to accept the home generated pharmaceutical waste; specifies criteria for storage and transportation of these wastes; would authorize, but not require, IWMB to make grants to local governments for the management of home generated pharmaceutical waste and sharps waste. (two year bill)</p>	
*SB 346 Kehoe	Hazardous Materials: Motor Vehicle Brake Friction Materials	ASM Environmental Safety & Toxic Materials	Support CSAC Support (2009)		<p>Would require that the use of copper in brake pads sold in California be reduced to no more than 5% by weight by 2021, and no more than 0.5% by 2032. Working off of the allowable pollution limits on copper by State Water Resources Control Board, studies have shown that much of copper in urban watersheds comes from debris generated from use of brake pads. This copper brake pad phase out bill was sponsored by Sustainable Conservation on behalf of the Brake Pad Partnership. (two year bill)</p>	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
<p>Carry-over bills from 2009</p> <p>ASSEMBLY BILLS</p>					
<p>AB 46 Blakeslee</p>	<p>Energy: Energy Conservation Assistance</p>	<p>SEN: To Inactive File by Sen. Benoit <u>ab 46</u> <u>blakeslee</u></p>	<p>Support concept</p>	<p>Watch</p>	<p>Amended 3/31, 6/22, 9/4: This bill extends the sunset dates, from January 1, 2011 to January 1, 2012, for the Energy Conservation Assistance Account (ECAA) and the Local Jurisdiction Energy Assistance Account (LJEEAA), each administered by the California Energy Commission (CEC); continues local assistance energy programs. Originally: Would extend the operation of the State Energy Conservation Assistance Account to January 1, 2015/2015 for @ 9 years: a continuously appropriated account in the General Fund that provides grants and loans to local governments and public institutions to maximize energy use savings. In existing law will end January 1, 2011.</p>
<p>AB 68 Brownley</p>	<p>Solid Waste: Single-use Carryout Bags</p>	<p>ASM: Appropriations Hearing 5/6/09 Postponed by committee <u>ab 68</u> <u>brownley</u></p>	<p>Watch</p>	<p>Watch, but encourage bag giveaway programs</p>	<p>Amended 3/31 and 4/23: Amended definition of "Reusable bag" to mean a bag that is specifically designed and manufactured for multiple reuse, meaning 50 or more uses. This bill would, on and after July 1, 2010, prohibit a store, as defined, from providing a single-use carryout bag to a customer unless the store charges a fee of not less than \$0.25 per bag at the point of sale. The bill would exempt certain customers from paying the fee. The bill would establish the Bag Pollution Fund in the State Treasury and would require a store to remit the single-use carryout bag fees, less a specified amount, to the State Board of Equalization for deposit in that fund. The bill would prohibit a store from distributing a single-use carryout bag that is not a plastic or compostable carryout bag that meets specific requirements/recommendations to further encourage the use of reusable bags.</p>
<p>AB 87 Davis</p>	<p>Single-use Carryout Bags: Environmental Effects—Mitigation</p>	<p>ASM: Appropriations In committee; hearing postponed by Committee <u>ab 87</u> <u>davis</u></p>	<p>Watch</p>	<p>Support 5/21/09 Watch, but encourage bag giveaway programs</p>	<p>Amended 3/18 and 4/27: This bill restricts grocery and convenience stores from providing single-use carry out bags to their customers. Specifically: 1) As of July 1, 2010, prohibits grocery and convenience stores and pharmacies, as defined, from providing single-use carryout bags, to customers without charging a sales tax-free fee of 25 cents per bag (the Bag Pollution Cleanup Fee). 2) Exempts from the fee customers participating in certain low-income assistance programs. 3) Allows stores charging the fee to retain a portion of the amount generated by the fee to pay for implementation of the requirements of the bill, including educational programs and donation of reusable bags to community groups, nonprofits, and similar entities. 4) Creates the Bag Pollution Fund,</p>

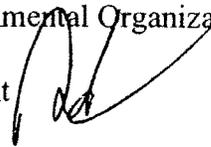
Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
AB 155 Mendoza	<p>Local Government: Bankruptcy Proceedings</p> <p><i>(Similar bill was re-introduced as SB 88 (DeSautnier) which did not pass— was re-referred to Committee on Rules)</i></p>	<p>SEN Local Government Committee</p> <p>First hearing. Testimony taken. Further hearing to be set.</p> <p><u>ab 155 mendoza</u></p>	<p>Oppose</p> <p>CSAC Oppose</p> <p>LCC Oppose</p>	<p>Oppose</p>	<p>available for annual legislative appropriation to the Integrated Waste Management Board for state programs for litter cleanup and source reduction and for grants to cities and counties for those same purposes.</p> <p>Prohibits a local public entity (defined as a county, city, district, public authority, public agency) from exercising its rights under applicable federal bankruptcy law unless granted approval by the California Debt and Investment Advisory Commission (CDIAC), under CDIAC's terms and conditions.</p>
AB 280 Blakeslee and Ma	<p>California Earthquake Authority: Retrofit Programs—Grants</p>	<p>ASM Appropriations</p> <p>Held under Submission</p> <p><u>ab 280 blakeslee</u></p>	<p>Support</p> <p>Concept</p>	<p>Support in concept</p>	<p>Would authorize the 3-member governing Board (Governor, Treasurer, Commissioner) to create a program, administered by the Earthquake Authority, to access and dispense federal stimulus dollars for purposes of retrofitting multiunit, soft-story buildings. Includes parameters of a city or county having adopted by ordinance a retrofit program, and other stipulations.</p>
AB 744 Torrice	<p>Transportation: Toll Lanes—Express Lane Network</p>	<p>SEN Appropriations</p> <p>Held under Submission</p> <p><u>ab 744 torrico</u></p>	<p>Support</p>	<p>Support</p>	<p>Authorizes the Bay Area Toll Authority (BATA) to develop a Bay Area Express Lane Network (network).</p> <p><u>Specifically:</u> This bill would authorize the Bay Area Toll Authority to acquire, administer, and operate a Bay Area Express Lane Network on state highways within the 9 Bay Area counties pursuant to a development plan recommended by the Bay Area Express Lane Network Project Oversight Committee, which the authority would be required to establish.</p> <p>-- would authorize the authority to establish the fee structure for use of the express lanes and would require a public hearing in that regard.</p> <p>--would authorize the authority to determine the types of vehicles that may use the lanes.</p> <p>--would provide for agreements between the authority and the Department of Transportation and the Department of the California Highway Patrol.</p> <p>--would require revenues from the express lanes to be deposited in the Bay Area Express Lane Network Account which the authority</p>

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
AB 782 Jeffries	Regional Transportation Plans: Sustainable Communities Strategies	ASM Natural Resources Committee Last action: 4/27 Hearing cancelled at request of author <u>ab 782</u> <u>jeffries</u>	Watch	Watch	<p>would be required to create, and would authorize the authority to issue revenue bonds for the express lane program.</p> <p>--would require the Sunol Smart Carpool Lane Joint Powers Authority, the Alameda County Congestion Management Agency, and the Santa Clara Valley Transportation Authority to enter into agreements with the Bay Area Toll Authority by January 1, 2011, to provide for the transfer of their rights and obligations relative to HOT lane projects to the Bay Area Toll Authority. The bill would enact other related provisions.</p> <p>The bill outlines a number stipulations regarding what happens after Sustainable Communities Strategy or alternative planning strategy (resulting from SB 375 requirements) is accepted: stipulations on project approval, adding commercial builders/business community to a business advisor committee to be created by MPOs, extending CEQA exemptions, and states Legislative intent to enact legislation to resolve conflicts with scheduling of new housing element updates and adoption of regional transportation plans.</p>
AB 814 Krekorian	Firearm Surrender Process and Procedure	SEN Public Safety Com <u>ab 814</u> <u>krekorian</u>	Support concept	Support	<p>Amended 4/13, 6/1: This bill would establish a procedure for a defendant who owns, has possession, custody, or control of a firearm, to sell the firearm to a firearms dealer or relinquish the firearm to a law enforcement agency in order to comply with existing prohibitions. The procedure would in part require the defendant to disclose whether the defendant owns or has possession, custody, or control of any firearms and to list those firearms. The bill would provide procedures for persons in or out of custody to relinquish their firearms, including designating a law enforcement agency or a person as the defendant's designee, and would require the defendant or the defendant's designee to file a form showing, among other things, the date the firearm was relinquished. Failure to timely file the form would be an infraction punishable by a fine not exceeding \$500.</p> <p>This bill would urge local law enforcement agencies to obtain a secured mailbox from the Department of Justice in order to receive information from the Prohibited Armed Persons File, and would encourage review of the file in connection with the relinquishment of firearms by defendants subsequent to conviction, as specified.</p>
AB 1342 Evans	Local Taxation: Income Taxes— Vehicle License Fees	ASM Revenue & Taxation Com	Support CSAC Support	Support	<p>Authorizes counties, under specified circumstances, to adopt a local personal income tax (PIT), a local vehicle license fee (VLF), or both: 1) Contains legislative findings noting that:</p> <p>a) Proposition 13 has reduced local property taxes by approximately 50%.</p>

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 6
ACA 9 Huffman	Local Government Bonds: Special Taxes—voter approval	Hearing cancelled at request of author	Support CSAC Support LCC Support	Support	<p>b) In response to the enactment of Proposition 13, the state has provided local governmental agencies with increased amounts of state funds to maintain police, school, and other local services;</p> <p>c) Proposition 13 has resulted in increased state control and decreased local control with respect to the provision of local governmental services;</p> <p>d) The state is experiencing great difficulty in providing state funds to maintain local governmental services at historical levels; and,</p> <p>e) It is appropriate and necessary to shift some authority, control, and responsibility back to local governmental agencies to allow those agencies to determine the level of services appropriate for their citizens.</p> <p>--Provides that, notwithstanding existing law, the board of supervisors of any county may, by ordinance, place on the ballot either or both of the following for consideration by the voters in accordance with all constitutional and statutory requirements: A local PIT; and/or, a local license fee on any vehicle, registered within the county in which the local license fee is imposed, that is subject to registration under the Vehicle Code and on which a VLF is imposed under existing law.</p> <p>--Provides that a local VLF shall be subject to the following conditions: a) The aggregate license fee rate imposed by both the state and county on any vehicle shall not exceed 2% of the vehicle's market value;</p> <p>b) The local VLF shall be assessed and collected in the same manner as the fee imposed by state law;</p> <p>c) The local VLF shall be administered by the Department of Motor Vehicles (DMV); and the DMV shall transmit all revenues, less its costs of administration and any refunds, to the county in which the fee is imposed.</p> <p>Amended 6/26 to add "city and county, to those authorized to impose a special tax.</p> <p>Proposes a constitutional amendment to change the 2/3 voter-approval requirement for special taxes to, instead, authorize a city, county, or special district impose a special tax with the approval of 55% of its voters voting on the tax. Would lower to 55% the voter approval threshold for a city, county, city and county to incur bonded indebtedness.</p>	
SB 7	<div style="background-color: black; color: white; padding: 2px;">SENATE BILLS</div> Renewable Energy Sources:—	Placed on	Support	Support	Amended 5/5: This bill would require the electricity distribution	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 7
Wiggins	Net Metering (Feed-in Tariff reference in title removed)	ASM inactive file by ASM Torrico <u>sb 7 wiggins</u>	concept	(if amended to provide better rates/credits to individual generator)	utility or cooperative to allow the eligible customer-generator to apply net surplus electricity, as defined, as a credit for kilowatt hours consumed during one, or both, of the two following 12-month periods. This bill requires utilities to compensate customers that use net metering for any generation in excess of their load or, for customers on time of use rates any net dollar value, on an annual basis, or to roll that excess generation over, on a kilowatt hour basis, to the next 12-month cycle. The compensation rate would be set by the CPUC at a rate no less than the MPR.	
SB 31 Pavley	California Global Warming Solutions Act of 2006: Revenue Allocations	SEN Inactive file Placed on Inactive file at request of author <u>sb 31 pavley</u>	Watch	Watch	Would require that revenues collected due to compliance mechanisms adopted by the State Air Resources Board also be deposited in the Air Pollution Control Fund. Specified uses of the revenues collected would fund renewable energy and energy efficiency programs to reduce greenhouse gas emissions (particularly programs focusing on low-income consumers); for investments in emission reduction technologies; and for green jobs development and training that will reduce greenhouse gas emissions.	
*S. 1619 Dodd	Federal Legislation The Livable Communities Act of 2009	Senate Committee on Banking, Housing and Urban Affairs 8/6/09	Support	Support	Would establish the Office of Sustainable Housing and Communities; establish the Interagency Council on Sustainable Communities; establish a comprehensive planning grant program for towns and regions, establish a sustainability challenge grant program for towns and regions. Intent is to help towns and regions across the country plan and implement development projects that integrate their community's needs for transportation, housing, land use and economic development: to include MPOs, regional councils of governments, rural planning organizations, consortiums of local governments, city, county, and towns.	
*H.R. 3525 Thompson	Tax Exempt Private Activity Bond (PAB) Use for Renewable Energy Generation and Energy and Water Efficiency Projects.	House Ways and Means Committee 7/31/09	Support	Support	To amend the Internal Revenue Code of 1986 to add additional categories of tax-exempt private activity bonds to finance renewable energy resource facilities, conservation and efficiency facilities, and other specified greenhouse gas emission technologies which would include energy efficiency, demand side management, energy storage, electric transmission, smart grid, water conservation, zero-emission vehicle projects and manufacturing facilities.	

To: Executive Board
via
Legislation & Governmental Organization Committee

Fr: Mark Green, President 

Dt: January 6, 2010

Re: Composition of Administrative Committee

Summary: The current requirements for the composition of the nine member Administrative Committee make it difficult to have the committee reflect the geographical and jurisdictional diversity of the ABAG membership. Increasing the size of the committee will help address this issue.

Requested Action: Amend the *Policies on ABAG Committee Formation, Structure and Membership* to add two members from the Executive Board.

Discussion: The Administrative Committee is a standing committee of ABAG and is charged by section VII.C of the Bylaws as follows:

There shall be an Administrative Committee of the Executive Board of the Association whose composition shall be determined by the Executive Board and which shall, subject to any constraint or limitation imposed by the Executive Board or the General Assembly, exercise all powers of the Executive Board between meetings of the Executive Board; provided that, the Administrative committee shall not:

- (1) Amend the Agreement or Bylaws;
- (2) Exercise the budgetary duties of the Executive Board set forth in Article XII;
- (3) Appoint, fix the salary of, or remove an Executive Director of the Association;
- (4) Exercise the powers of appointment of officers as set forth in Article IX.

Section IV.A.4 of the Executive Board's *Policies on ABAG Committee Formation, Structure and Membership* sets the composition of the Administrative Committee as follows:

Membership of the Administrative Committee includes the President, Vice-President and Immediate Past President; chairpersons of the Finance & Personnel, Legislative & Governmental Organization and Regional Planning Committees; two other members of the Executive Board; and one other member of the RPC.

Six seats on the nine member Administrative Committee are assigned to designated positions and three are restricted. This makes balancing the composition of the Administrative Committee for geographical or jurisdictional (city, county, city and county) purposes difficult.

This problem is best addressed by increasing the size of the committee. I suggest that L&GO recommend and the Executive Board adopt an amendment to section IV.A.4 of the *Policies on ABAG Committee Formation, Structure and Membership* to increase the Administrative Committee to eleven (11) members by adding two additional members from the Executive Board.

Membership of the Administrative Committee includes the President, Vice-President and Immediate Past President; chairpersons of the Finance & Personnel, Legislative & Governmental Organization and Regional Planning Committees; ~~two~~ **four** other members of the Executive Board; and one other member of the RPC.

ABAG FINANCE AND PERSONNEL COMMITTEE

Thursday, January 21, 2010, 5:00 p.m.
 ABAG Conference Room
 MetroCenter—8th and Oak Streets
 Oakland, CA

<u>Est. Time in Minutes</u>		<u>Recommendation</u>
2	1. Public Comments	Information
3	2. Election of Officers <i>Following ABAG's Committee Rules and Procedures, the Committee will elect a Chair and Vice Chair.</i>	Action
3	*3. Minutes of the November 19, 2009 Meeting	Action
5	Amendments to ABAG's Investment Policy <i>The Committee requested staff to update ABAG's Investment Policy to reflect State-mandated caps on mutual fund investments. Additional edits are incorporated.</i>	Action
5	*4. *5. Financial Reports – ABAG <i>The October November 2009 Financial reports are enclosed with the agenda packet.</i>	Action
10	*6. Review of Proposed Work Program, Budget and Membership Dues-- FY 2010-2011 <i>The Committee will make a recommendation to the Executive Board on the proposed FY 10-11 operating budget and membership dues.</i>	Action
10	*7. Raise Minimum Threshold for Bringing Purchases and Contract to Executive Board for Pre-Authorization <i>The Executive Director recommends an increase in the Executive Director's authority to enter into contracts to \$50,000 and to accept grants to \$100,000.</i>	Information
THE FOLLOWING ITEM WILL BE DISCUSSED IN CLOSED SESSION PURSUANT TO THE REQUIREMENTS OF THE RALPH M. BROWN ACT.		
10	8. Conference with Legal Counsel—Existing Litigation <i>Home Builders Association of Northern California vs ABAG</i>	
	9. Adjournment	Action
	* Attachments enclosed with packet.	
	** The Committee may take action on any item on the agenda, which action may be the recommended action, any other action or no action.	

ABAG FINANCE AND PERSONNEL COMMITTEE

Summary Minutes

November 19, 2009

Members Present

Supervisor Scott Haggerty, Chair
Supervisor David Cortese
Supervisor Rose Jacobs Gibson
Mayor Mark Green
Vice Mayor Peter McHugh

Jurisdiction

County of Alameda
County of Santa Clara
County of San Mateo
City of Union City
City of Milpitas

Members Absent

Supervisor John Gioia
Supervisor Mike Kerns
Supervisor Barbara Kondylis
Mayor A. Sepi Richardson

County of Contra Costa
County of Sonoma
County of Solano
City of Brisbane

Officers and Staff Present

Henry Gardner, Executive Director
Ezra Rapport, Deputy Executive Director
Patricia Jones, Assistant Executive Director
Kenneth Moy, Legal Counsel
Brian Kirking, Information Technology Director
Herbert Pike, Finance Director
Susan Hsieh, Assistant Finance Director

Guests/Presenter

Cory Biggs, Maze & Associates

The meeting was called to order at 5:00 p.m.

- 1) There were no public comments.
- 2) Minutes of the November 19, 2009 meeting were approved as presented.
/M/McHugh/S/Jacob-Gibson/C/approved.
- 3) Pike summarized the August and September 2009 financial reports for ABAG. Emphasis was on the slow recovery from the State creating high receivables and low cash balance. Also discussed was the payment of the Annual Required Contribution (ARC) for FY 2008-09 in December 2009. /M/Green/S/Cortese/C/ to accept reports.

AGENDA ITEM 3

- 4) Gardner reported on annual membership dues having been received from all but three of the 101 cities and all nine of the counties. ABAG has been working with the three cities and payment of their dues is anticipated shortly.
- 5) Pike reported that the audited financial statements, single audit and management comments for ABAG as of June 30, 2009, had been completed and the auditor rendered no adverse findings and the few findings from the prior year had been resolved. Biggs from Maze & Associates then discussed the audit and answered any questions by the Committee out of the presence of staff. McHugh did raise the issue in the notes that there is a state-mandated limit on the holding of money market funds. Staff agreed to review the Investment Policy and present recommended revisions to the Committee in January. /M/Harrington/S/McHugh/C/ to forward reports to the Executive Board with a recommendation to accept.
- 6) The committee reviewed proposed Resolution 09-19 to formally authorize the loan of up to \$700,000 to fund improvements authorized at the last meeting. The purchasing contracts to effect the renovation, including partitions and cubicle furniture, a new telephone system and wiring, and painting were also discussed. /M/Green/S/Jacob Gibson/C/ to recommend the Executive Board adopt the Resolution and authorize the purchase contracts.
- 7) At a special closed session, the Committee reviewed with Counsel recent litigation filed by Home Builders Association of Northern California against ABAG, actions to-date, potential future actions and the potential funding required..
- 8) Meeting was adjourned at 5:45 p.m.

Executive Board

PRESIDENT	Mayor Mark Green, City of Union City
VICE PRESIDENT	Supervisor Susan Adams, County of Marin
IMMEDIATE PAST PRESIDENT	Supervisor Rose Jacobs Gibson, County of San Mateo
SECRETARY-TREASURER	Henry L. Gardner
LEGAL COUNSEL	Kenneth K. Moy

County of	Representative	Alternate
ALAMEDA	** Supervisor Gail Steele	Supervisor Alice Lai-Bitker
ALAMEDA	** Supervisor Scott Haggerty	Supervisor Nathan Miley
CONTRA COSTA	* Supervisor Gayle B. Uilkema	Supervisor Susan Bonilla
CONTRA COSTA	* Supervisor John Gioia	Supervisor Mary Piepho
MARIN	** Supervisor Susan Adams	Supervisor Judy Arnold
NAPA	** Supervisor Mark Luce	Supervisor Bill Dodd
SAN FRANCISCO	** Supervisor John Avalos	To Be Appointed
SAN FRANCISCO	** Supervisor Ross Mirkarimi	To Be Appointed
SAN MATEO	* Supervisor Rose Jacobs Gibson	Supervisor Mark Church
SAN MATEO	* Supervisor Carole Groom	Supervisor Rich Gordon
SANTA CLARA	** Supervisor Ken Yeager	Supervisor Donald Gage
SANTA CLARA	** Supervisor Dave Cortese	Supervisor George Shirakawa
SOLANO	* Supervisor Barbara Kondylis	Supervisor James Sperling
SONOMA	* Supervisor Mike Kerns	Supervisor Shirlee Zane

Cities in the County of	Representative	Alternate
ALAMEDA	* Mayor Beverly Johnson (Alameda)	Mayor Tony Santos (San Leandro)
ALAMEDA	* Mayor Mark Green (Union City)	Mayor Michael Sweeney (Hayward)
CONTRA COSTA	** Mayor Julie Pierce (Clayton)	Vice Mayor Dave Hudson (San Ramon)
CONTRA COSTA	** Councilmember Joanne Ward (Hercules)	Councilmember Ben Johnson (Pittsburg)
MARIN	* Councilmember Carole Dillon-Knutson (Novato)	Councilmember Shawn Marshall (Mill Valley)
NAPA	* Mayor Jack Gingles (Calistoga)	Mayor Leon Garcia (American Canyon)
CITY OF SAN FRANCISCO	* Mayor Gavin Newsom	Mike Farrah, Senior Advisor to the Mayor
CITY OF SAN FRANCISCO	* Nancy Kirshner Rodriguez, Government Affairs Dir.	Christine DeBerry, Board Liaison
CITY OF SAN FRANCISCO	* Hydra Mendoza, Education Advisor	To Be Appointed
SAN MATEO	** Mayor A. Sepi Richardson (Brisbane)	Councilmember Pedro Gonzalez (S San Francisco)
SAN MATEO	** Councilmember Richard Garbarino (S San Francisco)	Councilmember John Boyle (Menlo Park)
SANTA CLARA	* Councilmember Dan Furtado (Campbell)	Mayor Pro Tem David Casas (Los Altos)
SANTA CLARA	* Councilmember Joe Pirzynski (Los Gatos)	Vice Mayor Ronit Bryant (Mountain View)
SOLANO	** Mayor Len Augustine (Vacaville)	Mayor Harry Price (Fairfield)
SONOMA	** Mayor Pamela Torliatt (Petaluma)	Mayor Susan Gorin (Santa Rosa)
CITY OF OAKLAND	* Vice Mayor Jean Quan	To Be Appointed
CITY OF OAKLAND	* Councilmember Jane Brunner	To Be Appointed
CITY OF OAKLAND	* Councilmember Nancy Nadel	To Be Appointed
CITY OF SAN JOSE	* Councilmember Sam Liccardo	Councilmember Rose Herrera
CITY OF SAN JOSE	* Councilmember Kansen Chu	Councilmember Nancy Pyle
CITY OF SAN JOSE	* Councilmember Ash Kalra	Mayor Chuck Reed

Advisory Members	Representative	Alternate
RWQCB	Terry Young	Bill Peacock

* Term of Appointment: July 1, 2008 - June 30, 2010

** Term of Appointment: July 1, 2009 - June 30, 2011



ABAG

Meeting Schedule **2010**

Executive Board Meetings

January 21
March 18
May 20
July 15
September 16
November 18

START TIME

7:00 PM

LOCATION

Joseph P. Bort MetroCenter Auditorium
101 Eighth Street
Oakland, California 94607
Across from the Lake Merritt BART Station

Spring General Assembly

April 22
Oakland Marriott City Center

Fall General Assembly

October TBD
Location TBD