

SUMMARY MINUTES

ABAG Executive Board Meeting No. 329
February 26, 2003 ▪ MetroCenter Auditorium

1. CALL TO ORDER

Meeting called to order at 7:30 p.m. by President Gwen Regalia, MetroCenter, 101 Eighth Street, Oakland.

Representatives and Alternates Present

Mayor Gwen Regalia
Supervisor Scott Haggerty
Supervisor Mark DeSaulnier
Supervisor John Gioia
Supervisor Susan Adams
Supervisor Mike Rippey
Supervisor Matt Gonzalez
Supervisor Gerardo Sandoval
Supervisor Mark Church
Supervisor Peter McHugh
Supervisor Barbara Kondylis
Supervisor Mike Kerns
Mayor Shelia Young
Mayor Mark Green
Councilmember Kris Valstad
Councilmember Carole Dillon-Knutson
Mayor Ken Slavens
Mr. Paul Horcher
Councilmember Donald Eaton
Councilmember Duane Bay
Mayor Jose Esteves
Mayor James Sperring
Councilmember Jane Brunner
Vice Mayor Nancy Nadel

Jurisdiction

Contra Costa County Cities
Alameda County
Contra Costa County
Contra Costa County
Marin County
Napa County
San Francisco County
San Francisco County
San Mateo County
Santa Clara County
Solano County
Sonoma County
Alameda County Cities
Alameda County Cities
Contra Costa County Cities
Marin County Cities
Napa County Cities
City of San Francisco
San Mateo County Cities
San Mateo County Cities
Santa Clara County Cities
Solano County Cities
City of Oakland
City of Oakland

Following Representatives and Alternates Absent

Supervisor Nate Miley
Supervisor Alice Lai-Bitker
Supervisor Gail Steele
Supervisor Rose Jacobs Gibson
Supervisor Richard Gordon
Supervisor Michael Nevin
Supervisor Blanca Alvarado
Supervisor Don Gage
Supervisor Liz Kniss
Mayor Willie L. Brown, Jr.
Ms. Maria Ayerdi
Ms. Alicia Bert
Ms. Karin Carlson
Ms. Jennifer Kass
Councilmember Carol Klatt
Councilmember Daniel Quigg
Mayor Julia Miller
Councilmember Hedy Chang
Mayor Dan Furtado
Councilmember Steve Rabinowitsh
Councilmember Pam Torliatt
Councilmember Ken Yeager

Alameda County
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City of San Francisco
San Mateo County Cities
San Mateo County Cities
Santa Clara County Cities
Santa Clara County Cities
Santa Clara County Cities
Sonoma County Cities
Sonoma County Cities
City of San Jose

Councilmember David D. Cortese
Councilmember Linda J. LeZotte
Councilmember Terry Gregory
Councilmember Nora Campos
Councilmember Forrest Williams

City of San Jose
City of San Jose
City of San Jose
City of San Jose
City of San Jose

2. PUBLIC COMMENT

President Gwen Regalia opened the floor for public comment to which David Shonbrunn of TRANSDEF commented on Smart Growth.

3. PROPOSED LEGISLATION TO MERGE MTC & ABAG

President Gwen Regalia announced first time attendees, Supervisor Matt Gonzalez, representing the County of San Francisco and Councilmember Duane Bay, East Palo Alto, alternate to Carol Klatt, representing San Mateo County Cities.

President Regalia reported that seven members of the Board signed a letter requesting this special meeting and that it be held prior to March 1st. The purpose of the letter was to ask the Board to discuss its efforts to pursue legislation, to integrate land use and transportation planning and establish a comprehensive regional plan for the area. Regalia updated the Board regarding Senator Torlakson's bill last year, that ABAG felt did not accomplish what the goal had been. The bill from Senator Torlakson transferred land use and housing to a transportation agency and did not provide for integrated comprehensive regional planning to consider jobs, housing, economy, environment and social equity-- all of the things that should be together in a regional plan. It also ignored the voices of local governments who had been opposing the governance structure because they felt it did not fairly represent the diverse interests and needs of the Bay Area. The Senator withdrew the bill and it was not voted on in the Senate; however, the Senator promised to return with legislation again this year.

President Regalia commented on the initial State proposed make-over of SANDAG which was ultimately defeated, but came back with the input of local governments and that's the direction that she is requesting the Board to take -- to have a bill that would represent the interests of local governments. The Board is of the opinion that if there is going to be a bill, the Board would rather have input into the process, rather than having something done to us. With this in mind, the Administrative Committee directed Mr. Haggerty, Vice President, and myself to meet with the officers of MTC to find common ground between ABAG and MTC. Several meetings took place between the Executive Directors and four representatives from both MTC and ABAG to seek a consensus. MTC declined to discuss merger legislation, but offered to discuss better ways to cooperate and coordinate.

President Regalia informed that Board that while the discussions were going on the Board was also under the direction of the Administrative Committee, as well as with the support of its other committees to continue looking at putting forth its own legislation. In September, November and January, the Executive Board reviewed and approved the actions of the Administrative Committee and the actions of the Legislative and Governmental Organization Committee. Discussions have been open and public and regularly agendaized at the Executive Board meetings as it will be again at the next scheduled meeting. Regalia indicated that some have said it is not the time to address the issue of comprehensive planning because of the current state budget crisis and it's impact on local government and that whether or not ABAG and MTC combine resources, it is not an issue for local government.

Several members of the Executive Board provided the following comments:

Mayor Green commented that he has been a part of the Administrative Committee that participated in meetings with MTC representatives and MTC staff last summer and was a part of the retreat. Mayor Green opposed Senator Torlakson's bill last year stating that it was not in the best interest of Union City, Alameda County, or the greater Bay Area. He stated that the Board needed to have something better as an alternative to what the Senator has been proposing but also stated that anything carried by any legislator in Sacramento is open to tinkering, polishing, changes, modifications, or altercations. Mayor Green approved moving forward with having legislation introduced.

Mayor Young commented that she signed the letter requesting this additional meeting because she is a cross over member representing the cities of Alameda County on MTC and that the merger discussions did not have the kind of dialogue that it deserves for the cities of Alameda County. Mayor Young was not supportive of the legislation that was developed as a result of the actions of the Administrative Committee from the January retreat and commented that a process needed to be proposed by both ABAG and MTC.

Vice Mayor Nadel reported that she supports the concept of a merger to coordinate transportation and land use planning but did not support the last amendments from Senator Torlakson. Vice Mayor Nadel indicated that this is the time, during budget discussions, to provide efficiencies in staffing. Nadel recommended forming a joint subcommittee from MTC and ABAG that might design two or three alternatives.

Supervisor Adams agreed that the process is important and that addressing issues from a regional perspective is important and asked the following questions:

1. Are we not talking to each other about these issues now in some kind of format?
2. Is the system that we have in place now a broken system?
3. Can't we have input into legislation without prematurely merging two entities?
4. Will this create a bigger bureaucracy that further decreases local control?

Supervisor Adams shared her concerns about the ability for smaller jurisdictions to really be able to have a strong voice in how local planning operates within regional planning and informed the Board of CSAC's organization efforts to coordinate cities, local jurisdictions and counties together to bring a stronger more unified voice to Sacramento. Such efforts provide for more local empowerment of local and regional land use issues to be discussed and we would not want to obstruct the process that is happening now.

Supervisor Church informed the Board that he also signed the letter and though he understands and appreciates the efforts and strategy of the Administrative Committee in having a proactive effort, there needs to be a collaborative and a cooperative approach where everyone is at the table. Supervisor Church commented that the focus and attention needs to be on the state budget crisis and direct any collective efforts to getting the revenues back to the cities and counties and not on the proposed merger.

Mayor Eaton commented that he signed the letter in an effort to be brought up to date on the proposed merger and agreed that both ABAG and MTC should work together to achieve goals that will be beneficial to the Bay Area.

Councilmember Dillon-Knutson commented that Marin County is already moving towards smart growth and believes in it. The proposal should be looked at with caution. It should be analyzed carefully in the largest realm and in the most public way.

Supervisor Haggerty cautioned the Board regarding any decision being made and that the result of any vote should send a clear message in how the Board will move forward. Of foremost concern is ensuring that any actions taken not be divisive and polarize the agency.

Supervisor DeSaulnier informed the Board that he serves on MTC, the Executive Board, the Administrative Committee and admitted restarting these discussions a few years ago with Senator Torlakson, Gene, Revan, and Steve Heminger. As a person who believes in merger, he commented that it needs to be done right.

Supervisor Kerns reported that many agreed that SB 1243 was being forced upon us and a bad idea. He believes in a collaborative, coordinated approach. To proceed cautiously so that it doesn't become territorial but that it remains focused on the concern of sound planning for the future.

Supervisor McHugh informed the Board that he is part of the Legislation & Governmental Organization Committee and recommended to the full Executive Board to look into having a proactive position in developing legislation that could be considered by both ABAG & MTC and that his recommendation was adopted by the full board. Supervisor McHugh disagrees with putting the merger discussion on hold due to budgetary issues. He indicated that there has to be dialogue and people have to come to the table. The

two are related, given the budget crisis, there would seem to be merit in looking at consolidation of agencies and there is no better time to start than now. He agreed with the comments to proceed slowly and cautiously, but that the Board moves forward in the dialogue. McHugh asked about the urgency of this special meeting commenting that it would have been more appropriate to discuss at the next scheduled meeting in March.

Mayor Sperring reported to being the author of many of the letters received by the members of the Board. Mayor Sperring's answer to the urgency of the meeting was due to the bill that was being introduced, on behalf of ABAG. Since legislation might be introduced before the next scheduled Executive Board meeting, he indicated that there were members of the Board who wanted to have input before it was introduced. Mayor Sperring indicated that members of the Board were told there was an author for a spot bill already.

Mayor Sperring believes, as he stated in his letters, the time is wrong due to the fiscal crisis the state is experiencing. It is important that MTC, ABAG, the cities, the counties, are all partners, working together to see that the cities and counties get through this fiscal crisis with the state. Mayor Sperring recommended that both ABAG and MTC take a one year hiatus of supporting or sponsoring any regional bills, developing regional governance or merging agencies and recommends that the discussion be deferred to the Regional Agency Coordinating Committee (RACC) where it can be made a high priority.

Supervisor Kondylis reported signing the letter because she was concerned about the process and believes that both bodies were formed for cities and counties to work together for the betterment of the region. Supervisor Kondylis commented that any solution should not be up to ABAG or to MTC alone. A proposal should be sent to each city and county and a response back as to what direction they would like to see.

Councilmember Valstad expressed that the community of Hercules is concerned about this issue. The City of Hercules believes in efficiency in government. He agreed with the concept of both agencies working together in a proactive way starting from the communities.

Supervisor Sandoval reported that he would like to consult with his colleagues and leaders of his community.

Councilmember Brunner reported that the Bay Area is the only region in the nation that doesn't have an integrated transportation and land use planning agency. She agreed that the Board needed to continue the conversation on merger and would like to be a part of those dialogues. Brunner reported that none of the big cities, Oakland, San Francisco or San Jose have representation on MTC and supports the discussion with the Board. She disagreed that budget is not a good time and stated that it is a perfect time to do this and is not willing to wait a year.

Councilmember Bay reported that he would like to take this discussion back to San Mateo County's forums, the council of cities, and CCAG. Bay pointed out one feature of the legislative proposal that had not been discussed, which was at the operational level and the staff level.

Supervisor Gioia reported to signing the letter and agreed to developing ideas to move forward in a process and not to wait a year. He recommends the regional agencies work together to come up with some recommendations, bring it back to the Board, hopefully back to MTC and then back to the communities, rather than take this to the cities right now. Gioia also expressed a great appreciation to the Administration Committee for all the works that it's done in getting it to this point.

Mayor Esteves commented that he also believes in the integration of planning, land use and transportation. He indicated that in Milpitas, the city builds around the transit corridors and thinks it is a good concept. Mayor Esteves also believes in being proactive in coming up with a proposed resolution or legislation. But at the same time, agreed with Mayor Sperring about looking at the potential plan before addressing the issue of merging. He also agreed with the approach of having a smaller group to brainstorm to present the pros and cons, or options.

President Regalia introduced Millie Greenberg, Danville Councilmember, and Chair of the Regional Planning Committee who reminded everyone that the Board supported the initial Torlakson bill and that last summer

there were four meetings between representatives from ABAG and MTC to discuss regional planning issues and to find common ground for joint support of the bill. Members of the Administrative Committee met with Senator Torlakson, Assembly Member Wiggins, key staff and other legislators, to inform them that the Administrative Committee was delivering the message that there was not one Bay Area city or county that supported the bill as it was then written. The Committee was told there was going to be another bill and that if both agencies did not take control of their own destiny, others would. She reported that the Administrative Committee hoped that it would be distributed throughout all of the cities and counties, the Mayors' Conferences, the City County Associations, the CMA's, the individual cities and the individual counties for discussion and modification, then bring it back to the Board and the General Assembly. She disagreed with deferring the discussion due to the budget crisis.

Seth Kaplan reported on behalf of Supervisor Nate Miley in support of a regional body that is concerned with transportation, housing, jobs, recreation, other land use issues and urged that the process keep moving.

Mayor Alegria reported being a member of the Legislative Government Committee and an alternate to the Executive Board representing the Conference of Mayors for Contra Costa County. She is also the current Chair of the Conference of Mayors of Contra Costa County and urged the Board to allow this legislation to move forward.

Eve Alexis, President of the League of Women Voters of the Bay Area commented that the system of regional governance is broken. The system is not providing for housing needs. People are driving more, wasting more energy, polluting the water, polluting the air, noise, and commuting more. The system continues to consume open space including prime agricultural land with development patterns that will not support transit ever. Ms. Alexis informed the Board of a prior workshop on regional governance in Santa Clara County and presented the proposal asking what they thought of it. And as League members they thought this is too vague and indicated members would like to see representation more proportional than that is now. The League is in favor of a regional plan that has a regional growth framework that coordinates local growth boundaries that we have in various counties but is currently not coordinating the whole Bay. We need to protect primary resources and that requires space within the boundary for the housing to balance jobs.

Steve Kinsey, Chair, MTC reported that MTC has programs that are seeking to link transportation and housing, and has been working closely with ABAG through the Smart Growth Livability Footprint Project. Kinsey commented that creating a better region means creating plans that are attractive and appealing to the local jurisdictions that ultimately are represented. What is difficult for MTC and for many is not the issue of how both agencies can better coordinate and better collaborate on regional goals. It is the issue of governance. Kinsey supports dialogue where both agencies are doing right and seeking ways to see what can be done better with regard to regional planning efforts. Kinsey supports discussions to continue and proposes the RACC as a forum for this discussion. However, we should remove the concerns of governance from the discussion for a period of time while both agencies work to figure out what it is that will make for better regional solutions.

John Dahrymple, Executive Director of the AFL-CIO in Contra Costa County and a Board member of the Transportation Land Use Coalition reported on a prior meeting that took place with all the transit worker organizations who had never met before to discuss what is happening within their counties. He commented that the counties needed to be smart about putting people where they have access to public transit. Mr. Dahrymple indicated that the time is now, while there is a crisis, of housing and transportation, when there is a crisis of money, to force us to make hard decisions and decisions that will mean change.

Mayor Bukowski of Emeryville proposed a regional transportation and land use convention every three years where with enough publicity, all of the elected officials in the region could realize what's happening and pay attention and be a part of it.

Supervisor Beall of Santa Clara County reported that he learned of the legislation when he was walking the corridors of Sacramento, talking about the budget for the county governments, and one of the legislators informed him that he had been asked to introduce this bill for merging ABAG and MTC. He commented that the process needs to come first and protecting and preserving the work that has been done by the RACC

and to continue the smart growth planning efforts. Beall also felt that the discussion needs a lot of time. It does not need a bill that is going to be introduced right away.

Mr. Shonbrunn suggested to bring together all the elected officials from the cities and counties to learn what the regions problems are and to jointly develop a solution. Then MTC and ABAG could operate with a mandate, confident that the region supports whatever new direction is arrived at. Then only at that point would it be appropriate to debate governance structures.

Daryl Halls, Executive Director of the Solano Transportation Authority and a Director of one of the 9 CMA's commented that there are 9 different transportation planning agencies at the county level. Specifics have been developed on land use transportation. We should build upon the TLC program, recognizing that this clearly is an important regional dialogue and see this as a potential forum for working with the local cities in the county at both the regional and county levels. Mr. Halls proposed, in the future, to make a presentation to the Board.

Mayor Spering moved for a motion to defer the discussion to the Regional Agency Coordinating Council (RACC) which includes the 3 E's and the other Regional Agencies, with a 6 month time limit in which the RACC reports back to ABAG and MTC. Supervisor Church/S/.

Supervisor McHugh motioned that if the current motion fails, to propose that the Board not take action and defer this item to the normally scheduled meeting on March 20. Councilmember Dillon-Knutson/S/.

Executive Director Leong updated the Board that the Regional Agencies Coordinating Committee is a follow-on to the Joint Air Quality Policy Committee. The former existence dealt with air quality issues only. At the last meeting, a vote was taken to expand, to encompass the responsibilities of the Steering Committee on Smart Growth. The 5 agencies include ABAG, MTC, the Regional Water Quality Control Board, the BAAQMD and BCDC. The recently reconstituted, expanded RACC has not met yet, but plans to meet every two to three months. The expanded RACC is scheduled to meet for the first time in a couple of months.

President Regalia asked the Clerk of the Board for a roll call vote and the results are as follows:

Supervisor Haggerty – Aye
Supervisor DeSaulnier – Aye
Supervisor Gioia – Aye
Supervisor Adams – Nay
Supervisor Rippey – No
Supervisor Gonzalez – No
Supervisor Sandoval – No
Supervisor Church – Aye
Supervisor McHugh – No
Supervisor Kondylis – No
Supervisor Kerns – No
Mayor Young – Aye
Mayor Green – No
Councilmember Valstad – Aye
Councilmember Dillon-Knutson – No
Mayor Slavens – No
Mr. Horcher – Abstain
Councilmember Eaton – Aye
Mayor Esteves – No
Mayor Spering – Yes
Councilmember Brunner – No
Vice Mayor Nadel – No
Mayor Regalia – No
Councilmember Bay – Aye

The results of the vote are 9 Aye's, 14 No's and 1 Abstention. The motion failed.

A motion for the discussion to be continued at the normally scheduled March Executive Board meeting was moved by McHugh/S/Brunner/C/.

4. ADJOURNMENT

The meeting was adjourned at 10:00 p.m.

Eugene Y. Leong, Secretary-Treasurer