

SUMMARY MINUTES

ABAG Executive Board Meeting No. 336
March 18, 2004 ■ MetroCenter Auditorium
101 Eighth Street, Oakland.

1. **CALL TO ORDER**

Meeting called to order at 7:35 p.m. by President Scott Haggerty, Mayor Mark Green lead in the Pledge of Allegiance.

Representatives and Alternates Present

Supervisor Gail Steele
Supervisor Scott Haggerty
Supervisor Mark DeSaulnier
Supervisor John Gioia
Supervisor Susan Adams
Supervisor Fiona Ma
Supervisor Rose Jacobs Gibson
Supervisor Barbara Kondylis
Mayor Shelia Young
Mayor Mark Green
Mayor Maria Alegria
Councilmember Carol Dillon-Knutson
Ms. Amiee Albertson
Mr. Mike Farrah
Councilmember Donald Eaton
Councilmember Julia Miller
Mayor Jose Esteves
Mayor James P. Sperring
Councilmember Steve Rabinowitsh
Councilmember Jean Quan
Vice Mayor Nancy Nadel
Councilmember Dave Cortese
Councilmember Linda J. LeZotte
Councilmember Forrest Williams
Mary Warren

Jurisdiction

Alameda County
Alameda County
Contra Costa County
Contra Costa County
Marin County
San Francisco County
San Mateo County
Solano County
Alameda County Cities
Alameda County Cities
Contra Costa County Cities
Marin County Cities
City of San Francisco
City of San Francisco
San Mateo County Cities
Santa Clara County Cities
Santa Clara County Cities
Solano County Cities
Sonoma County Cities
City of Oakland
City of Oakland
City of San Jose
City of San Jose
City of San Jose
Regional Water Quality Control Board

Following Representatives and Alternates Absent

Supervisor Mike Rippey
Supervisor Bill Dodd
Supervisor Matt Gonzalez
Supervisor Gerardo Sandoval
Supervisor Richard Gordon
Supervisor Michael Nevin
Supervisor Mark Church
Supervisor Blanca Alvarado
Supervisor Don Gage
Supervisor Pete McHugh
Supervisor Liz Kniss
Supervisor Mike Kerns
Supervisor Paul Kelley
Mayor Gwen Regalia
Councilmember Kris Valstad
Vice Mayor Gregg Manning
Mayor Ken Slavens
Councilmember Jane Brunner
Councilmember Danny Wan
Councilmember Henry Chang, Jr.

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

2. PUBLIC COMMENT

Iris Leblanc, introduced herself as the SEIU Local 790 Business Representative and chief spokesperson for the upcoming labor negotiations for ABAG. Leblanc introduced President Alex Amoroso, Vice President Michael Smith, David Lipsetz and Halimah Anderson were also named as members of the negotiating team.

3. ANNOUNCEMENTS

President Scott Haggerty introduced first time Board attendees, Mike Farrah, Senior Advisor to Mayor Gavin Newsom and Amiee Albertson, Fiscal & Policy Analyst for the Mayor. Board members were reminded of the upcoming General Assembly, *Housing and Economic Prosperity* at the Oakland Marriott City Center on April 29, 2004 and encouraged all delegates and alternates to attend the business meeting.

4. PRESIDENTS REPORT

President Scott Haggerty reported on the actions of the Administrative Committee's annual retreat on January 29th and 30th in Napa. No formal action was taken on items discussed during the retreat. However, there was a lively discussion on the State budget impacts on ABAG and local governments, the ABAG-MTC Task Force Report, meetings with Senator Torlakson regarding plans for comprehensive regional planning legislation, ABAG-MTC budgets, and the proposed new Joint Policy Committee work program. President Haggerty reported that the Planning Manager position is now being announced and that the position will be hired through Local Government Services, a local government employment service managed by San Carlos. Haggerty reported that, at Senator Torlakson's request, ABAG and MTC are reviewing his draft legislation that codifies the work of the Task Force. Also reported was the statewide meeting of the Inter-Regional Partnerships hosted by ABAG on February 6th. Haggerty stated that he provided the welcome address to the group of representatives from San Diego, LA Region, Inland Empire, Monterey, Mendocino-Lake County (Wine Country IRP), and Santa Barbara. He has also been invited to address the new Wine Country IRP in Healdsburg. President Haggerty invited Board members who are interested in serving on any of the ABAG committees to notify him. Interested members should email President Haggerty at scott.haggerty@acgov.org.

5. EXECUTIVE DIRECTOR'S REPORT

Executive Director Eugene Leong reported that all eyes are focused on the activities in Sacramento in bringing the state budget into balance and minimize the impacts on local governments. Leong promoted the Smart Growth activities announcing that ABAG is engaged in the first survey to follow up on what local governments are doing terms of implementing a variety of the smart growth planning tools. He stated that the results of the survey, which will include the extent that the cities and counties are beginning to implement smart growth programs, will be made available in the near future. Leong reported on the meetings with Senator Torlakson regarding the final ABAG-MTC Task Force report. The first meeting held on January 16th provided Torlakson a summary of the 6 months of meetings between ABAG and MTC. The second meeting, held on February 12th, primarily attended by ABAG staff members, held discussion of common ground between the agencies that Torlakson could codify in proposed legislation. Leong stated that Senator Torlakson is still interested in trying to have a bill that will contain the results of the Task Force and perhaps move it a step further. Leong stated that Torlakson asked the Task Force to review a draft copy of legislation that he is considering and hopes to meet with the Task Force to discuss the legislation in April.

6. CONSENT CALENDAR

A. Approval of Executive Board Summary Minutes

The Board approved the Summary Minutes of Meeting No. 335 held on January 15, 2004.

B. Grant Applications

The Board approved transmittal of federal grant applications to the State Clearinghouse.

C. Appointments to Committees

The Board approved the following appointments:

- CALFED Task Force

D. Authorization to Submit Proposal to California Department of Transportation (CALTRANS) Re Trip Generation Rates

The Board approved the Executive Director to submit a proposal to, and if awarded, enter into agreement with CALTRANS to conduct research on Trip Generation-Rates for Urban and Infill Land Uses in California in response to CalTrans Problem Statement # PS02. The grant application will not exceed \$300,000. There is no local match requirement.

E. Authorization to Submit Proposal to California Coastal Conservancy for Regional Watershed Assessment Project

The Board approved the Executive Director or designee to submit a grant proposal to, and if awarded, enter into agreements with the California Coastal Conservancy to develop a Regional Watershed Assessment Project. The grant application will not exceed \$350,000 and is expected to cover an 18 month period. Ten percent local government match will be required of local government applicants.

F. Authorization to Enter into Contract with Alameda County and Alameda County Flood Control and Water Conservation District (County) to Provide Technical Support for Permit Processing

The Board approved the Executive Director or designee to enter into a contract with Alameda County to provide technical support pertaining to permits and the County's water quality protection activities. The contract will not exceed \$100,000 and the contract period will be for one year, April 2004 – 2005, with the option to renew. No ABAG match is required. The project will assist with implementation of the CCMP for the San Francisco Estuary.

G. Authorization to Enter into Contract with ToxScan, Inc. to Provide Laboratory Analysis Services to the Brake Pad Partnership

In August 2003, the State Water Resources Control Board awarded a grant of \$700,000 to ABAG/San Francisco Estuary Project to administer the contract for the Brake Pad Partnership. Under terms of the grant, competitive bid solicitation processes were carried out to seek laboratory analysis services. The Board approved the Executive Director or designee to enter into a subcontract with the responsive consultant, ToxScan, Inc. for \$75,000. The subcontract term is January 2004 to February 2006.

H. Resolution No. 03-04 for Authorization to Enter into Contract with the State Water Resources Control Board (SWRCB) to Provide Technical Support for the Statewide Ambient Monitoring Program

The Board approved the Executive Director or designee to enter into a contract on behalf of ABAG, the San Francisco Estuary Project and the San Francisco Estuary Institute to provide assistance to the SWRCB with revisions to the Statewide Ambient Monitoring Program. The total amount of the contract will not exceed \$530,000 and the term of the contract will be June 1, 2004- June 30, 2007. The contract assists with implementing the CCMP for the San Francisco Estuary.

I. Authorization to Amend Contract with Santa Clara Valley Water District (SCVWD)

In March 2003, the Board authorized the Executive Director to renew a contract with the SCVWD for ABAG /SFEP to provide technical support for permits related to stream protection, restoration, and flood protection projects. The Board approved the Executive Director or designee to amend the contract by extending it an additional year until April 30, 2006. The contract amount will not exceed \$238,506 over the next two years (May 1, 2004 - April 30, 2006).

J. Authorization to Amend Cooperative Agreement with US Geological Survey (USGS)

In July 2001, the USGS awarded a grant of \$707,881 to ABAG/SFEP to provide technical and communication support for the California Bay-Delta Authority's Science Program. In March 2003, the Board authorized the Executive Director to amend the agreement by increasing the amount by \$150,000 and extending the term to December 31, 2005. The Board approved the Executive Director or designee to amend the agreement again by increasing the amount an additional \$151,541 to provide contract administration support for the Science Program. The agreement term remains the same.

K. Authorization to Enter into Contract with San Francisco Bay Conservation and Development Commission (BCDC) to continue the Wildlife and Public Access Study

The Board approved the Executive Director or designee to enter into a contract with BCDC for up to \$132,500 in Coastal Impact Assistance Program (CIAP) funds to conduct additional follow-on research to the independent Wildlife and Public Access Study. The study investigates the potential effects of non-motorized recreational trail use on shorebirds and waterfowl that use foraging habitat adjacent to the San Francisco Bay.

L. Authorization to Enter into Contract with San Francisco Bay Conservation and Development Commission (BCDC) for a grant program

The Board approved the Executive Director or designee to enter into a contract of up to \$377,500 with BCDC for Coastal Impact Assistance Program (CIAP) funds to coordinate and administer construction and planning grants for Bay Trail segments.

A motion to approve the consent calendar was moved by Supervisor Kondylis/S/Supervisor Jacobs Gibson/C/. The motion passed without objection.

7. GREEN BUSINESS PROGRAM AWARDS

ABAG Senior Planner Ceil Scandone reported on the progress of the Green Business Program, which received Executive Board recognition for nine public agencies that have been certified by their counties as green businesses. The Bay Area Green Business Program assists and certifies businesses and public agencies that are in compliance with all environmental regulations and voluntarily implements a specified number of additional measures to prevent pollution, conserve energy and water, and reduce or divert their solid waste. Scandone stated that since 1996 the program has certified 350 businesses in 6 Bay Area counties in over 20 different industries, which includes 28 public agencies. The following public agencies were recognized for achieving Green Business Certification:

- Alameda County: City of Berkeley Office of Economic Development
City of San Leandro Public Works Department Equipment Maintenance Division
- Contra Costa County: City of Concord Fleet Services
Town of Danville Maintenance Services
City of Pinole Vehicle Maintenance
City of Walnut Creek Vehicle Maintenance
Mt. View Sanitary District
- Marin County: Sir Francis Drake High School
- Santa Clara County: City of San Jose West Valley Branch Library – Recognized as first lead green building in the world.
- Sonoma County: Sonoma County Administration Center

A motion to recognize the agencies for their accomplishments was moved by Councilmember LeZotte/S/Councilmember Miller/C/ and approved without objection.

8. REGIONAL HOMELESSNESS COALITION

Berkeley Mayor Tom Bates, reported to the Board the need to address the issue of homelessness from a regional perspective. Bates reported that Berkeley, San Francisco and other cities are prime locations for the homeless primarily due to the programs that are available to them. It is reported that 37% of the homeless in Alameda County reside in Berkeley, 80% of which are men and 70% of which are chronically homeless. Bates stated that after further review it was found that a great percentage of the homeless had been in foster care, in mental hospitals, and coming out of state and federal prisons. All of which do not provide discharge plans other than discharging to shelters. Bates stated that currently there are 11 counties working together to comprise 10 year plans. In addition, Bates suggested that the Board, along with the Mayors and County Supervisors, become involved in helping to stop the flow of homelessness by going to state government and recommend that no prisoner, mental patient, or foster care child be discharged until it is known where and how they will fit into the community.

A discussion was engaged on efforts that some counties already have in place and is suggested that each of these organizations as well as including the Regional Planning Committee to come together to discuss best practices.

9. UPDATE ON STATE BUDGET ISSUES

Steve Szalay, Executive Director of the California State Association of Counties (CSAC) reported to the Board on the status of state budget negotiations, proposed ERAF shifts, CSAC's response/proposals, and the statewide CSAC and League of California Cities sponsored initiative to require voter approval of any state shifts in local government funds. Szalay provided the Board with a copy of a memo he presented to the CSAC Board of Directors reporting that the Board responded with a strong strategy that needs to be taken at the local level through local coalition, cities, counties and special districts. Szalay reported that Propositions 57 & 58 passed after being 20 points behind in the polls with a quick turnaround in 3 weeks. He stated that the attitude in Sacramento is at a crisis level with a 2 year period of time to deal with the crisis and that local government needs to be a part of dealing with the crisis. Szalay reported that Legislative Committees are starting their work on the budget and in order to solve another \$3 – 7 billion dollars, beyond Props 57 & 58, it will have to be done with a mix of program cuts and revenue enhancements. The new proposed \$1.3 billion permanent ERAF Shift is a non-starter from the city & county perspective. The CSAC Budget Work Group met with the Governor to discuss ideas for a substitute plan that the Governor is open to review. Szalay reported that Legislative Analyst, Liz Hill, rejected the Governor's ERAF shift proposal, declaring that the proposal raises questions concerning the state's role regarding property tax and that legislature should use its authority over the tax for the overall betterment of local government, not as a state rainy day fund. He stated that the CSAC Budget Work Group has taken the approach proposed by Ms. Hill, with modifications to include a modified LAO proposal, program efficiencies, alternative In Home Support Services (IHSS) proposal, Local Taxpayer and Public Safety Protection Act Initiative, total cost package and media campaign. The next steps for CSAC after preliminary meetings with the League of California Cities, the Special Districts Association and the California Redevelopment Association, is to engage in serious discussions to propose a budget deal together that makes sense for local government and for the state.

10. LETTER FROM METROPOLITAN TRANSPORTATION COMMISSION (MTC) CHAIR RE RECONSIDERATION OF JOINT POLICY COMMITTEE MEMBERSHIP COMPOSITION

President Haggerty reported on a letter from the Metropolitan Transportation Commission requesting that ABAG consider the idea of including the Bay Area Air Quality Management District on the Joint Policy Committee recommended by the ABAG-MTC Task Force, or in the alternative to consider reorganization of the Regional Agency Coordinating Committee (RACC) to expand representation and allow it to act in place of the Joint Policy Committee. Councilmember Dave Cortese updated the Board on the development of the ABAG-MTC Task Force stating that ABAG & MTC agreed in the spring of 2003 to form a Joint Task Force consisting of 7 members from each agency to discuss the issue of cooperation. This being the result of a legislative effort introduced last year by Senator Torlakson. The Task Force agreed to a 6 month facilitated process using a mutually agreed upon facilitator to bring forth consensus on items discussed during the 6 month period. If consensus was not made on items discussed, those items would not be brought forward as recommendations. Cortese reported that during the last meeting the formation of a Joint Policy Committee (JPC) would continue to pursue the idea of joint planning integration between the two agencies. The final report of the ABAG-MTC Task Force states that the 7 members from each agency would begin the JPC process until details could be worked through. It was suggested during the final meeting that the RAAC would be the governing body and that the BAAQMD should be involved from the beginning of the JPC but there was not consensus on this issue. Cortese stated that work needs to be completed by the JPC before the BAAQMD should be brought into discussions. Discussion was engaged that the BAAQMD should be included in a liaison capacity from the start of the Joint Policy Committee, however, a motion to accept ABAG's recommendation to reaffirm the Board's prior action of January 2004 supporting the process and approving the final report of the Task Force and its recommendations was moved by Councilmember Rabinowitsh/S/Councilmember Alegria. The motion passed with 14 yes votes and 9 no votes that include Supervisor Fiona Ma, Supervisor Barbara Kondylis, Councilmember Julia Miller, Mayor James Spering, Mayor Shelia Young, Supervisor Susan Adams, Supervisor Gayle Steele, Supervisor John Gioia and President Scott Haggerty.

11. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT

Chair Rose Jacobs Gibson reported on Committee activities. 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. The Board approved the actions of the Committee. It was moved by Supervisor Jacobs Gibson/S/Councilmember Dillon-Knutson/C/. A vote to accept the status from watch to support on AB 2908 Wolk that would increase the commission's membership to 21 failed. AB 2908 remains at a watch position.

12. FINANCE AND PERSONNEL COMMITTEE REPORT

Chair Julia Miller reported on the actions of the F&P Committee, which included the Financial Report for January & February 2004 and the review process for the Executive Director.

13. ADJOURNMENT

Eugene Y. Leong, Secretary-Treasurer