

# A G E N D A

## REVISED

### **ABAG EXECUTIVE BOARD MEETING NO. 372**

**Thursday, March 18, 2010, 7:00 PM**

**METROCENTER AUDITORIUM**

**101 8<sup>th</sup> 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. 371 held on January 21, 2010.

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

With Board consent, ABAG will transmit the attached list of federal grant applications to the State Clearinghouse. These applications were circulated in ABAG's "Intergovernmental Review Newsletter" since the last Executive Board meeting.

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

**C. Appointment to Committees**

President Mark Green requests Board approval of appointments to the following committees:

Bay Conservation and Development Commission

- Councilmember Ana Apodaka, Newark, Alternate to Member Robert Wieckowski

Regional Planning Committee

- Jeremy Madson, Executive Director, Greenbelt Alliance
- Egon Terplan, Regional Policy Director, SPUR

**D. Financial Support to Bay Area Council Economic Institute (Formerly Bay Area Economic Forum)\*\***

Authorization is requested (Pending Finance and Personnel Committee action) to approve FY 09-10 ABAG support to the Bay Area Council Economic Institute (BACEI, formerly known as the Bay Area Economic Institute) in the amount of \$50,000.

**E. Bay Area-Wide Trash Capture Demonstration Project: Approved Vendor List\*\***

With a "forgivable loan" from the State Water Resources Control Board's Clean Water State Revolving Fund for \$5 million in American Reinvestment and Recovery Act (stimulus) funding ABAG's Estuary Partnership will implement a region-wide demonstration project that will provide all interested Bay Area cities with trash capture devices to retrofit existing storm drain infrastructure.

**F. Resolution Authorizing to Entering into Agreement with State of California for the Hicks Flat Mercury Remediation Project\*\***

Approval of resolution authorizing the Association of Bay Area Governments to enter into an Agreement with the State of California, and authorizing the Executive Director, or designee, to sign the 319(h) Agreement, and any amendments thereto.

**7. SHORT TERM ECONOMIC CONFERENCE SUMMARY\*\***

**Information:** Paul Fassinger, ABAG Research Director, will provide a summary of the presentations made at ABAG's recent Short Term Economic conference. Updated information will be provided where it is available.

**8. INVESTMENT IN AFFORDABLE HOUSING TRANSIT ORIENTED DEVELOPMENT\*\***

**Information:** Ken Kirkey, ABAG Planning Director, will provide an overview of the Bay Area TOD Affordable Housing Fund. The fund is being jointly established by the Metropolitan Transportation Commission (MTC), the San Francisco Foundation, the East Bay Community Foundation, and the Silicon Valley Community Foundation to assist with the creation of affordable housing in FOCUS Priority Development Areas.

**9. SUSTAINABLE COMMUNITIES STRATEGY (SCS) ENGAGEMENT**

**Information:** Ezra Rapport, ABAG Deputy Executive Director, will present and seek Board input on a draft engagement approach for SB 375 and the Sustainable Communities Strategy.

**10. MTC UPDATE FROM ABAG REPRESENTATIVE**

**Information:** Dave Cortese, Supervisor, County of Santa Clara, and ABAG Representative to the Metropolitan Transportation Commission, will report on Commission Activities.

**11. ADMINISTRATIVE COMMITTEE REPORT**

**Information/ACTION:** Committee Chair Mark Green will report on the Administrative Retreat held February 4-5 and ask Board approval of Committee recommendations.

**12. 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.

**13. 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. Financial Support to Bay Area Council Economic Institute**

**B. CLOSED SESSION**

Public Employee Performance Evaluation  
Title: Executive Director

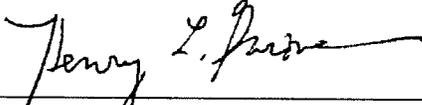
**C. CLOSED SESSION**

Conference with Legal Counsel: Existing Litigation  
Name of Case: HBANC v. ABAG

**14. PROJECTIONS 2009\*\***

**ACTION:** The Executive Board will consider recommendation from Finance and Personnel Committee to clarify Projections 2009.

**15. ADJOURNMENT**

  
Henry L. Gardner, Secretary-Treasurer



# ABAG CALENDAR – March & April 2010

ASSOCIATION OF BAY AREA GOVERNMENTS [ABAG]

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## MARCH

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**PLAN – Police Chief Steering Committee**

3/17 @ 10:00 am, MetroCenter, ABAG Conference Room B

**Legislation & Governmental Organization**

3/18 @ 3:30 pm, MetroCenter, ABAG Conference Room B

**Finance & Personnel Committee**

3/18 @ 5:00 pm, MetroCenter, ABAG Conference Room B

**EXECUTIVE BOARD**

3/18 @ 7:00 pm, MetroCenter, Auditorium

**ABAG / BAAQMD / MTC Joint Policy Committee**

3/19 @ 10:00 am, MetroCenter, Auditorium

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## APRIL

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**Regional Planning Committee (RPC)**

4/1 @ 1:00 p.m., MetroCenter, Auditorium

**Bay Trail Steering Committee**

4/8 @ 1:30 pm, MetroCenter, ABAG Conference Room B

**PLAN – Risk Management Committee**

4/14 @ 10:00 am, MetroCenter, ABAG Conference Room B

**ABAG Power Executive Committee**

4/21 @ 12 Noon., MetroCenter, ABAG Conference Room B

**\*\*ABAG SPRING GENERAL ASSEMBLY**

4/22 @ 8:00 am, Oakland Marriott, Oakland

**Regional Airport Planning Committee (RAPC)**

4/23 @ 9:30 am, MetroCenter, Auditorium

**ABAG Governing Board**

4/28 @ 12 Noon, California State Coastal Conservancy, 1330 Broadway, Oakland

**PLAN – Actuary Committee**

4/29 @ 10:00 am, MetroCenter, ABAG Conference Room B

**\*\*2007 Economic Census Workshop**

4/30 @ 8:30 am, MetroCenter, Auditorium

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

## M E M O

Date: March 3, 2010

To: Executive Board

From: Henry L. Gardner   
Executive Director

Subject: **Executive Director's Report**

**State Budget**

As of March 4th the Senate and Assembly approved on a party line vote the transportation proposal put forth by the Legislature. The proposal does not include two previous provisions that had received a lot of attention: delaying the implementation of certain business tax breaks that would have resulted in more revenues next fiscal year; and the provision to allow MPOs to levy a regional fuel fee to fund transit, bicycle, and pedestrian projects. Eliminating the fuel fee, which would require majority voter approval, removes a potentially significant source of funds for local governments and transit agencies that are proposing projects to support the goals of SB 375, the Sustainable Communities Strategy, and AB 32. Voter approval of such a fee may have been a challenge, but not having the ability for the voters to decide that, makes all of our work more difficult.

The Governor's May Revise Budget will be the most up-to-date estimate by the Finance Department of the State budget deficit. The State is currently receiving approximately \$1 billion more each month since January than estimated. If this trend continues, the deficit should shrink considerably, relieving some of the pressure on massive reductions of social services.

**Legislation for Regional Authority to Levy Vehicle Registration Fee**

Staff is continuing to pursue legislation that would authorize, by majority voter approval, a vehicle registration fee of up to \$4 to support planning and grants related to SB 375 (Sustainable Communities Strategy) and AB 32. This proposed legislation would generate approximately \$24 million a year, with half the amount available for ABAG and MTC to implement SB 375 and AB 32, and half available to cities and counties and congestion management agencies. This proposed legislation addresses the issue the Governor raised in his veto message of SB 406 by submitting the fee proposal to the voters. We are currently seeking an author for the legislation.

**Inter-Regional Coordination**

MTC and ABAG have joined four other regions in exploring ways to coordinate their efforts and strategies in implementing SB 375: SACOG (Sacramento region), SANDAG (San Diego region), SCAG (Southern California region) and the San Joaquin region. The large metropolitan regions share a lot in common in addressing housing, employment and environmental issues, and the San Joaquin region plays a critical role

in interfacing with the four metropolitan regions. We have begun to identify areas where we may be able to share resources and leverage off of each other's experiences and opportunities. We believe this can lead to more effective planning and possibly cost savings by eliminating duplicative analysis and research.

### **Construction Stormwater Workshops**

Over the last three months, the San Francisco Estuary Partnership has teamed with the Water Board, Santa Clara Valley Urban Runoff Pollution Program, the San Mateo Countywide Water Pollution Prevention Program, and Marin County Stormwater Pollution Prevention Program to provide Construction Stormwater Workshops. During the workshops, attendees were instructed on appropriate best management practices to manage construction storm water discharges and the requirements in the new general construction permit issued by the State Board on September 2, 2009. The workshops were held in Brisbane on December 3rd, San Rafael on December 10th, Cupertino on January 19th, San Jose on January 20th, and Oakland on January 23rd. In addition, a fifth workshop is being organized for Contra Costa County in mid-March.

Attendees included 296 municipal staff (inspectors, public works, parks departments, and water districts), 24 consultants, 14 Water Board staff, 10 Navy staff, and 6 developers. After the workshops this year, the success of the workshops will be evaluated and recommendations for improving the workshops will be provided. Given the mandatory training requirements in the new general construction permit and high attendance by municipal staff, SFEP staff will focus on identifying opportunities to provide municipal staff with low cost training equivalent to the mandatory training in the new general construction permit.

### **ABAG POWER**

ABAG has received notice that its funding application to the California Energy Commission (CEC) for the State Energy Program has been preliminarily approved for \$10,750,000. This is a two year program that will promote energy efficiency retrofits in residential buildings in the Bay Area, and is expected to have the following impacts:

- Number of jobs created: 1,739;
- Number of single family homes retrofitted: 15,000;
- Number of multifamily homes retrofitted: 2,000;
- Reduction of annual purchased energy consumptions: 390 billion BTUs (\$6.7 million);
- Total economic impact (\$ spent): \$170,750,000.

In addition to region-wide activities (e.g., marketing, web site, call center), approximately \$9.5 has been allocated to individual Bay Area counties for specific programs in their areas. ABAG expects to negotiate a contract with the CEC in March, and we expect to complete initial market research and program design by May 1st.

### **ABAG Financial Services**

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

- \$54,310,000 of State of California-Insured Revenue Bonds on behalf of San Diego County for Casa de Las Campanas, a multi-level retirement facility;

Executive Director's Report

March 3, 2010

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- \$9,920,000 in Freddie Mac-Guaranteed Variable Rate Demand Multifamily Housing Revenue Refunding Bonds on behalf of Alameda County for the Acton Courtyard Apartments Project in the City of Berkeley;
- \$3,200,000 in Freddie Mac-Guaranteed Variable Rate Demand Multifamily Housing Revenue Refunding Bonds on behalf of Alameda County for the ARTech Building Apartments Project also in Berkeley; and,
- A Capital Lease for the Town of Moraga to facilitate the Town's delivery of \$1,525,000 in Certificates of Participation.



# SUMMARY MINUTES

ABAG Executive Board Meeting  
No. 371, January 21, 2010  
MetroCenter Auditorium  
101 8th Street, Oakland, California

## 1. CALL TO ORDER

President Rose Jacobs Gibson called the meeting to order at approximately 7:05 p.m. She passed the gavel to in-coming President Mark Green, Mayor, City of Union City. President Green thanked Immediate Past-President Jacobs Gibson for her work as President.

### Representatives and Alternates Present

Supervisor Susan Adams  
Mayor Len Augustine  
Supervisor John Avalos  
Councilmember Jane Brunner  
Councilmember Kansen Chu  
Councilmember Carole Dillon-Knutson  
Councilmember Dan Furtado  
Mayor Jack Gingles  
Councilmember Pedro Gonzalez  
Mayor Mark Green  
Supervisor Scott Haggerty  
Supervisor Rose Jacobs Gibson  
Supervisor Mike Kerns  
Director Nancy Kirshner Rodriguez  
Supervisor Barbara Kondylis  
Councilmember Sam Liccardo  
Supervisor Mark Luce  
Supervisor Ross Mirkarimi  
Mayor Julie Pierce  
Councilmember Joe Pirzynski  
Vice Mayor Jean Quan  
Mayor A. Sepi Richardson  
Mayor Pamela Torliatt  
Supervisor Gayle B. Uilkema  
Councilmember Joanne Ward

### Representatives Absent

Supervisor David Cortese  
Supervisor John Gioia  
Supervisor Carole Groom  
Mayor Beverly Johnson  
Councilmember Ash Kalra  
Education Advisor Hydra Mendoza  
Councilmember Nancy Nadel  
Mayor Gavin Newsom  
Supervisor Gail Steele  
Supervisor Ken Yeager  
Vice Chair Terry Young

### Jurisdiction

County of Marin  
City of Vacaville  
County of San Francisco  
City of Oakland  
City of San Jose  
City of Novato  
City of Campbell  
City of Calistoga  
City of South San Francisco  
City of Union City  
County of Alameda  
County of San Mateo  
County of Sonoma  
City of San Francisco  
County of Solano  
City of San Jose  
County of Napa  
County of San Francisco  
City of Clayton  
Town of Los Gatos  
City of Oakland  
City of Brisbane  
City of Petaluma  
County of Contra Costa  
City of Hercules

### Jurisdiction

County of Santa Clara  
County of Contra Costa  
County of San Mateo  
City of Alameda  
City of San Jose  
City of San Francisco  
City of Oakland  
City of San Francisco  
County of Alameda  
County of Santa Clara  
RWQCB

**2. PUBLIC COMMENT**

There was no public comment.

**3. ANNOUNCEMENTS**

Jack Gingles, Mayor, City of Calistoga, announced that President Green was well received at the recent Napa County League of Governments meeting.

There were no other announcements.

**4. PRESIDENT'S REPORT**

President Green wished members a happy, healthy, and prosperous New Year. He announced his goal to reach out to members in each of the nine Bay Area counties to provide information about ABAG and to get feedback from them on how ABAG can better serve them. He met with the cities of Napa County in American Canyon and is working on meetings with the Santa Clara County Cities Association and San Mateo County for February. Contra Costa County is tentatively scheduled for April. He expects to complete this first round of meetings with all of the counties by April or May.

A working group of interested individuals will be brought together to look at electric vehicle recharging stations throughout the Bay Area in order to have a cohesive approach.

The Spring General Assembly and Business Meeting will be held with ABAG's regional agency partners on April 22nd at the Marriott Hotel in Oakland. Delegates from ABAG's member cities and counties are asked to register for the General Assembly which will focus on the process and scope envisioned for implementing SB 375 and on gaining regional support with the development of the Sustainable Communities Strategy.

The Administrative Committee will hold its annual meeting February 4th and 5th to discuss the agency's work plan and set priorities for the 2010-2011 fiscal year.

The L&GO Committee will host a Legislative Reception in Sacramento on January 27th at Chops Steakhouse in Sacramento. Members and their legislative representatives are encouraged to attend and discuss ABAG's legislative agenda.

**5. EXECUTIVE DIRECTOR'S REPORT**

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

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. All will be challenged in meeting the program and service needs of our communities and the region.

ABAG intends to continue efforts to pursue a funding source for the implementation of SB 375, the Sustainable Communities Strategy, and AB 32. Last year ABAG actively advocated for a very modest vehicle license fee of \$2 per vehicle that would have raised \$12 million a year. The legislation was passed by the Assembly and Senate, but vetoed by the Governor. ABAG plans to try again this year, and expects to construct legislation that the Governor might sign.

As one of the essential building blocks for the Sustainable Communities Strategy (SCS), and given the importance of Priority Development Areas (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, and 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.

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

U. S. Department of Energy (DOE) (ARRA Funding). Retrofit California (funding request: \$75,000,000). The San Francisco Bay Area (ABAG) joined three other regions in the state (Los Angeles County, Sacramento and San Diego), along with the California Energy Commission and the California Air Resources Board, to submit an application in response to the DOE's "Retrofit Ramp-up" competitive solicitation. The Retrofit California program seeks to accelerate energy efficiency building (residential and commercial) retrofits across the state and achieve market penetration in focused geographic areas. LA County is the lead applicant.

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.

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 in the 9-county area

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.

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.

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.

President Green thanked Executive Director Gardner for his report.

## **6. CONSENT CALENDAR**

President Green removed Item 6.C., Appointment to Committee, from the Consent Calendar. He recognized a motion by Susan L. Adams, Supervisor, County of Marin, and seconded by Mike Kerns, Supervisor, County of Sonoma, to approve the remainder of the Consent Calendar. The motion passed unanimously.

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

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

Not included in approval of Consent Calendar.

Bay Conservation and Development Commission

Kansen Chu, Councilmember, City of San Jose

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

Authorized the Executive Director or designee to enter into a 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\*\***  
Authorized 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\*\***  
Authorized 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\*\***  
Authorized 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)\*\***  
Authorized 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\*\***  
Adopted Resolution No. 01-10 which 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\*\***  
Adopted 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\*\***

Chris McKenzie, Executive Director, League of California Cities, discussed 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.

Members discussed the League's ballot measures related to repayment provisions being retroactive, protection of redevelopment funds, research conducted by and involvement of CSAC, protection against unfunded mandates, impacts on county services, ABAG taking a position on getting a measure on the ballot, state borrowing under a state of emergency, and impacts on school districts.

President Green recognized a motion by Jean Quan, Councilmember, City of Oakland, which was seconded by Sepi Richardson, Mayor, City of Brisbane, to support placing the League of California Cities' measure on the ballot. The motion passed unanimously.

President Green thanked Mr. McKenzie his report.

**8. PRINCIPLES TO CONSIDER FOR A CONSTITUTIONAL CONVENTION\*\***

Immediate Past President Rose Jacobs Gibson led a discussion on principles for consideration for a constitutional convention, including the following: (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 XII C of California Constitution concerning 2/3 vote requirement for GO bonds, special taxes, etc.; (6) Review term limits and their efficacy.

Members discussed the elimination of 2/3 vote requirement for state budget; the separate measures by California Forward, Repair California and the League of California Cities; Proposition 13 revenue; elimination of programs and services; elected officials as convention delegates; the need for analysis of the principles.

President Green recognized a motion by Mayor Richardson which was seconded by Joe Pirzynski, Councilmember, City of Los Gatos, to support items 1, 3, and 6 of the Principles for a Constitutional Convention. The motion passed unanimously.

On a straw vote, a majority of members supported a constitutional convention that would consider all issues.

President Green recognized a motion by Councilmember Pirzynski, which was seconded by Carol Dillon Knutson, Councilmember, City of Novato, to recommend a 55 percent majority vote sufficient for inclusion of all issues relative to budget and finance.

President Green recognized a substitute motion by Sam Liccardo, Councilmember, City of San Jose, which was seconded, to support Items 2 and 5 of the Principles for a Constitutional Convention.

Councilmember Pirzynski withdrew his motion and Councilmember Dillon Knutson withdrew her second of the motion.

Councilmember Liccardo accepted a friendly amendment to the motion indicating a less than 2/3 vote requirement in Items 2 and 5. The motion passed, with one no vote.

President Green thanked Immediate Past President Jacobs Gibson for her report.

**9. 2009 HOUSING REPORT--“TESTING THE AMERICAN DREAM.”\*\***

Christy Riviere, ABAG Principal Planner, and Hing Wong, ABAG Senior Planner, presented the annual Housing Report, “Testing the American Dream.” The report covers the recent housing crisis and its effect in the Bay Area and discusses the annual housing production survey of existing units and permits in local jurisdictions.

Members requested housing permit combined data for all cities, and discussed projected loss of property tax revenue, building permit issuance rate, and projected housing units and job growth.

President Green thanked Ms. Riviere and Mr. Hing for their report.

**10. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT\*\***

President Green recognized Committee Chair Carole Dillon-Knutson, Councilmember, City of Novato, who reported on committee activities, including: bills for consideration which includes AB 118 (Logue), California Global Warming Solutions Act of 2006, oppose; AB 283 (Chesbro), California Project Stewardship Act, support in concept; AB 1343 (Huffington), Architectural Paint Recycling, support; SB 26 (Simitian), Home Generated Pharmaceutical Waste, withdrawn; SB 346 (Kehoe), Hazardous Materials: Motor Vehicle Brake Friction Materials, watch; recommendation to amend ABAG Committee Formation, Structure and Membership Policy; the 2010 Legislative Cycle Priorities; the Legislative Reception on January 27<sup>th</sup>; and an update from the Youth Gun Violence Task Force.

Members discussed AB 155, Local Government Bankruptcy.

President Green recognized a motion by Chair Dillon-Knutson, which was seconded by Supervisor Kerns, to approve the committee report. The motion passed unanimously.

President Green thanked Chair Dillon-Knutson for her report.

**11. FINANCE & PERSONNEL COMMITTEE REPORT\*\***

President Green recognized Committee Chair Scott Haggerty, Supervisor, County of Alameda, who reported on committee activities, including the re-election of himself as committee chair and the election of Supervisor Kerns as committee co-chair; a recommendation to amend ABAG’s Investment Policy; acceptance the October and November Financial Reports; a recommendation to submit the Proposed Work

Program, Budget and Membership Dues to the General Assembly for approval; and a recommendation to raise the minimum threshold for bringing purchases and contracts to the Executive Board for pre-authorization.

Barbara Kondylis, Supervisor, County of Solano, expressed her opposition to raising thresholds for the Executive Director's authority to enter into contracts and grants.

President Green recognized a motion by Chair Haggerty, which was seconded by Supervisor Kerns, to approve the committee report and to recommend for approval FY 2010-11 Budget and Work Program by the General Assembly. The motion passed, with one no vote.

President Green thanked Chair Haggerty for his report.

**12. CLOSED SESSION**

There was no closed session conference with Legal Counsel—Existing Litigation: Home Builders Association of Northern California v. ABAG

**13. ADJOURNMENT**

The meeting was adjourned at approximately 8:40 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.*

**Association of Bay Area Governments  
Executive Board  
Thursday, January 21, 2010  
Project Review**

**.1 Federal Grant Applications Being Transmitted to the State Clearinghouse**

**Alameda**

Applicant: Port of Oakland

Program:

Project: Installation of Ground Power at Cargo and East Apron Remain Overnight Parking, South Field, Oakland International Airport.

Description: Installation of Ground Power at Cargo and East Apron Remain Overnight Parking, South Field, Oakland International Airport.

Cost:	Total	\$5,438,705.00	Federal	\$1,383,052.00	State:	\$0.00
			Applicant	\$1,055,653.00	Local	\$0.00
					Other	\$0.00

Contact: Deborah Ale Flint (510) 563-6421  
ABAG Clearinghouse Number 14895

March 1, 2010

TO: Finance Committee

FM: Herbert L. Pike, Finance Director

**RE: ABAG Financial Support to the Bay Area Council Economic Institute—FY 10-11**

The Bay Area Council Economic Institute (BACEI), formerly Bay Area Economic Forum is a partnership of ABAG and the Bay Area Council (BAC). It was formed in 1988 as a public-private partnership of business, government, university, labor and community leaders to analyze and implement programs to strengthen the region's competitive economy and quality of life. ABAG currently appoints 1/3 of the BACEI Board members and provides a variety of other ongoing support to the BACEI's programs.

The BACEI obtains its funding from a variety of sources, including Bay Area Council, ABAG, grants, contracts and other fund-raising activities. ABAG has been providing financial support to BACEI over the past several years: \$100,000 in FY 2002-03, \$70,000 in FY 2003-04, \$60,000 in FY 04-05, and \$50,000 annually since FY 2005-06.

Attached is a summary of BACEI's major program activities for the past year as well as continuing and new program initiatives going forward.

**Staff Recommendation**

Continue to work with the BACEI staff and Board of Directors to analyze and implement programs to strengthen the region's economy and competitiveness. Staff is requesting authorization for the FY 2010-11 ABAG support to BACEI in the amount of \$50,000.

Attachment

**AGENDA ITEM 5**



## Bay Area Council Economic Institute

**T**he Bay Area Council Economic Institute is a public-private partnership of business, labor, government and higher education that works to support the vitality and competitiveness of California and the Bay Area economies. Its work builds on the twenty-year record of economic analysis and policy leadership of the Bay Area Economic Forum, which merged with the Bay Area Council in January 2008. The Association of Bay Area Governments (ABAG) is a founder and key institutional partner. The Economic Institute also supports and manages the Bay Area Science and Innovation Consortium (BASIC), a partnership of Northern California's leading scientific research organizations.

Through its economic and policy research and partnerships, the Economic Institute addresses major issues impacting the competitiveness, economic development and quality of life of the region and the state, including infrastructure, globalization, science and technology, and governance. By providing fact-based economic analysis, and by convening leaders from diverse communities and sectors, the Institute provides the intellectual infrastructure for policy initiatives that impact the competitiveness of the state and regional economies. Recent Institute priorities have included: reforming California's electricity markets; using public-private partnerships to expand California's infrastructure; state budget reform; the design of California's international trade and investment programs; human capital; building bridges to key global partners such as China, Canada and India; advancing policies that support technology and business innovation; advancing the Bay Area's leadership in renewable energy technology; climate change; bringing new research funds and programs to the Bay Area; Federal stimulus funding; and economic education.

The Institute's Board of Trustees, which oversees the development of its products and initiatives, is composed of leaders representing business, labor, government, higher education, science and philanthropy.

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**Jim Wunderman**, President & CEO, Bay Area Council





MEMO

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

**Subject: Bay Area-Wide Trash Capture Demonstration Project: Designation of vendors of approved trash capture devices**

**Date: March 18, 2010**

**Executive Summary**

The Association of Bay Area Governments (San Francisco Estuary Partnership) has received a “forgivable loan” from the State Water Resources Control Board’s Clean Water State Revolving Fund for \$5 million in American Reinvestment and Recovery Act (stimulus) funding. With this grant we will manage and implement a region-wide demonstration project that will provide all Bay Area cities that wish to participate with trash capture devices to retrofit existing storm drain infrastructure. The application for funding 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 Partnership’s (SFEP) Comprehensive Conservation and Management Plan (actions PO-1.8 and AR-9.2); provides incentives for early compliance with the Water Board’s new 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.

In December and January, SFEP staff released two Requests for Proposals (RFPs) to provide devices that meet the SF Bay Water Board’s criteria for “full trash capture.” The first RFP is to provide and install small, relatively inexpensive devices that will retrofit individual catch basins attracted proposals from 11 firms, offering a total of 29 different devices. The second RFP is to provide high flow capacity devices, which municipalities will install under separate contracts, yielded proposals from five firms offering 14 devices.

These proposals have undergone rigorous review. SFEP staff have vetted them for completeness; Water Board staff have selected devices for certification as “full trash capture”; and members of the project’s Technical Advisory Group have checked references extensively. With your concurrence, we are now prepared to designate approved vendors and contract with them to provide/install certified devices.

Municipalities that choose to participate in the program will be allocated project funds based on population and land area zoned retail/commercial/industrial (such zoning is widely understood to yield more trash and litter). City or county staff will choose devices from the project’s list; ABAG will purchase the devices. When installed or delivered, ownership of the devices and responsibility for maintaining them will revert to the municipalities.

**Recommended Action**

Staff recommends that the Board approve the attached list of vendors and trash capture devices.

## Bay Area-wide Trash Capture Demonstration Project Approved Vendors and Trash Capture Devices

### Approved vendors and devices, certified by the San Francisco Bay Water Board as full trash capture devices

Advanced Solutions	Stormtek ST3
Advanced Solutions	Stormtek ST3-G
Best Management Products, Inc.	SNOUT Oil-Debris Separator (with Trash Screen)
Bio Clean Environmental Services, Inc.	Grate Inlet Skimmer Box (square design)
Bio Clean Environmental Services, Inc.	High Capacity Round Grate Inlet Skimmer Box
Bio Clean Environmental Services, Inc.	Modular Connector Pipe Screen
Bio Clean Environmental Services, Inc.	Nutrient Separating Baffle Box
Bio Clean Environmental Services, Inc.	Trash Guard
Contech Construction Products	Continuous Deflective Separator (CDS)
Ecology Control Industries (American Stormwater)	Debris Dam
Fresh Creek Technologies, Inc.	Inline Netting Trash Trap
G2 Construction, Inc.	Collector Pipe Screen
Gentile Family Industries (Waterway Solutions)	GRATE Trash Catcher
KriStar Enterprises, Inc.	CleansAll
KriStar Enterprises, Inc.	Downstream Defender
KriStar Enterprises, Inc.	Flo Gard Plus Catch Basin Filter Insert, combination inlet style – C3 (stainless steel)
KriStar Enterprises, Inc.	Flo Gard Plus Catch Basin Filter Inserts, flat grated inlet style, rectangular or round – C3 (stainless steel)
KriStar Enterprises, Inc.	FloGard Catch Basin Outlet Screen Insert
KriStar Enterprises, Inc.	FloGard Dual-Vortex Hydrodynamic Separator
KriStar Enterprises, Inc.	FloGard Perk Filter
KriStar Enterprises, Inc.	FloGard Swirl-Flo Screen Separator
KriStar Enterprises, Inc.	Nettech Gross Pollutant Trap - In Line
Revel Environmental Manufacturing, Inc.	Triton Bioflex Drop Inlet Trash Guard
Roscoe Moss Company	Storm Flo Screen
United Stormwater, Inc.	Connector Pipe Screen
West Coast Storm, Inc.	Connector Pipe Screen
Xeripave, LLP	Storm Grate Basket (revised design)

### Devices not certified as full capture, but eligible for ordering by municipalities where they will be used in train with full capture devices

Ecology Control Industries (American Stormwater)	Surfgate
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G2 Construction, Inc.	CamLock Debris Gate
G2 Construction, Inc.	FS 10
Gentile Family Industries (Waterway Solutions)	ARS – automatic retractable screen
KriStar Enterprises, Inc.	Trash and Debris Guard
United Stormwater, Inc.	Clean Screen III
Xeripave LLC	Infill existing grate
Xeripave LLC	Storm Grate and Lintel

**Approved on a case-by-case basis, pending the San Francisco Bay Water Board's determination that installation qualifies for CEQA Categorical Exemption 15302(c), "Replacement or reconstruction of existing utility systems and/or facilities..."**

Fresh Creek Technologies, Inc.	End of Pipe Netting Trash Trap
KriStar Enterprises, Inc.	Nettech Gross Pollutant Trap- End of Line
KriStar Enterprises, Inc.	Nettech Gross Pollutant Traps

**ASSOCIATION OF BAY AREA GOVERNMENTS  
EXECUTIVE BOARD**

**RESOLUTION NO. 03-10**

**AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE STATE OF CALIFORNIA AND DESIGNATING A REPRESENTATIVE TO SIGN 319(H) AGREEMENT, AND ANY AMENDMENTS THERETO, FOR THE HICKS FLAT MERCURY REMEDIATION PROJECT**

**WHEREAS**, the Executive Board authorizes the Association of Bay Area Governments to enter into an Agreement with the State of California for the Hicks Flat Mercury Remediation Project; and

**WHEREAS**, the Executive Board authorizes the Executive Director, or his designee, to sign the 319[h] Agreement, and any amendments thereto.

**NOW, THEREFORE BE IT RESOLVED**, that the Executive Board of the Association of Bay Area Governments hereby adopts Resolution No. 03-10.

The foregoing adopted by the Executive Board this 18<sup>th</sup> day of March, 2010.

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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 18<sup>th</sup> day of March, 2010.

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Henry L. Gardner  
Secretary-Treasurer

**Approved as To Legal Form**

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Kenneth K. Moy  
Legal Counsel

## MEMO

To: ABAG Executive Board  
From: Paul Fassinger, Research Director  
Date: March 3, 2010  
Subject: Economic Information from ABAG's Short Term Forecast

On January 26<sup>th</sup> ABAG held its most recent short term forecasting conference entitled Rebuilding the American Dream? ABAG staff was joined by the Chief Economists from the State Department of Finance and the Board of Equalization, as well as a representative of DataQuick Information Systems, a firm that is widely relied on for real estate information.

While the conference enjoys good attendance from local staff, consultants and investors, it is difficult for many of our elected officials to attend.

We will be making a summary presentation of the conference results at the March Executive Board meeting, and provide updated information where it is available.



## M E M O

**Submitted by:** Ken Kirkey, Planning Director

**Submitted to:** ABAG Executive Board

**Subject:** Bay Area Affordable Transit-Oriented Development (TOD) Fund

**Date:** March 3, 2010

### **Executive Summary**

On February 24<sup>th</sup>, 2010 the Metropolitan Transportation Commission (MTC) agreed to reserve \$10 million in regional Transportation for Livable Communities (TLC) funding for the creation of the Bay Area Affordable TOD Fund. The fund would be utilized to secure sites in Priority Development Areas (PDAs) for affordable housing development. The funds would only be spent in PDAs on projects that have the greatest potential to deliver affordable housing units. Interest on the part of regional and national foundations provides an opportunity to triple the TLC investment. Foundation and other sources of funding would be matched by TLC funds on a minimum 3 to 1 basis by August 31, 2011 to reach a minimum fund total of \$40 million. The ABAG Finance Authority has already made a commitment of \$1 million in matching funds for the program.

### **Next Steps**

The Great Communities Collaborative (GCC) is a collaborative of 24 member organizations, including Reconnecting America (a national transit advocacy non-profit), housing and transportation equity and sustainability organizations, and three foundations (East Bay Community Foundation, San Francisco Foundation, and the Silicon Valley Community Foundation). In recent years the GCC has partnered with ABAG, MTC and numerous local jurisdictions to assist with the implementation of the Priority Development Areas (PDAs) as complete communities. The GCC is currently advancing a Request for Proposal (RFP) to hire a fund manager for the Bay Area Affordable TOD fund. The fund manager will secure matching grant and loan funding, prepare policies and rules for loan underwriting, and establish necessary oversight systems.





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TRANSPORTATION  
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## *Memorandum*

TO: Planning Committee

DATE: February 12, 2010

FR: Executive Director

W. I.

RE: Investment in Bay Area Affordable TOD Fund; MTC Resolution No. 3940

### **Background**

In September 2009, this committee approved new Transportation for Livable Community (TLC) program guidelines (see Attachment A) that contain some new funding categories, including non-transportation infrastructure and land banking, to respond to current market conditions and encourage more Transportation for Livable Communities (TOD) throughout the region.

According to ABAG's *A Place to Call Home*, from 1999-2006 the region produced 29% of the needed moderate income housing, 72% of low-income housing, and 35% of the needed very low income housing. In total, 40,088 of the needed 72,213 affordable units were built during the period. By comparison, the region produced 149,663 market rate units during the same period. While no organization tracks the exact location of all affordable units built in the Bay Area, property values closest to regional transit services typically have increased more than in the surrounding neighborhoods over the last twenty years. This puts tremendous financial pressure on the production and preservation of affordable housing in these locations for the households that have the greatest need to access transit.

### **Affordable TOD Fund Opportunity**

While estimates indicate the region needs to produce housing for an additional 2 million residents by 2035, the Center for TOD estimates over 50% of the demand for TOD, or over 200,000 households, will come from households earning less than \$75,000 per year. In order to help address these challenges, staff have participated in discussions with members of the Great Communities Collaborative (GCC) to establish a land acquisition and land banking financing facility or fund (the TOD Fund) to maximize the production of affordable housing near transit stations, consistent with the new TLC guidelines. The GCC is a collaborative of 24 member organizations, including Reconnecting America, a national transit advocacy non-profit, four non-profit entities focused on sustainability and equity in housing and transportation, and three community foundations (the San Francisco Foundation, Silicon Valley Community Foundation and East Bay Community Foundation).

The fund would be established with a conditional grant from the regional TLC fund and would be leveraged at a ratio of at least three-to-one by various forms of grant and loan funds that would be raised by the TOD fund manager. The GCC is currently committed to hiring a fund

manager who would oversee the development of the fund, prepare policies and rules for loan underwriting, and establish necessary oversight systems. The fund manager selection process would be accomplished through an RFP process that is being led by the San Francisco Foundation, working closely with a sub-set of the GCC and MTC staff to draft an RFP and select an appropriately qualified fund manager over the next 3-4 months. As a funder, MTC would have an active role in these processes.

Similar funds have been established in Los Angeles, Minneapolis, New York, New Orleans, and Denver over the last six years. These funds, totaling over \$350 million, bring hundreds of millions in new funding from foundations, public agencies, program related investment funds, and commercial lenders to support the development of affordable housing. In both Denver and Minneapolis, the funds specifically target the need to provide new affordable TOD in concert with investments in their rail network to maximize the transportation benefits for all income groups.

At a time when lending, especially for affordable housing, is almost non-existent, this fund can serve a critical role to preserve sites for affordable TOD while the credit markets and bond institutions recover to support affordable housing construction in the years ahead. These sites, once secured, will still take time to go to construction, as they would still need to go through the local agency approval processes and the developer would still need to secure construction financing. However, staff believes with the opportunity to triple the TLC investment through this partnership with the foundations, and a slow housing market, the timing is good to make this investment. The TLC funding would be a catalyst for such a fund to be established. However, given the continuing uncertainty in the credit markets, there remains the possibility that the fund manager may not be able to raise sufficient additional capital to meet the expected three to one ratio for leveraging TLC funds.

#### **Proposed TLC Grant Conditions**

Staff proposes that the Commission agree to reserve up to \$10 million in regional TLC funds under the following conditions:

1. MTC is able to find a source of funds to exchange for the STP/CMAQ funds, since the proposed TOD fund is not an eligible expense for federal highway funds.
2. Foundation and other sources of funding would be matched by TLC funds on a minimum 3 to 1 basis by August 31, 2011 to reach a minimum fund total of \$40 million.
3. Consistent with Commission policy, the funds would only be spent in Priority Development Areas (both Planned *and* Potential) on projects that have the greatest potential to deliver affordable housing units.
4. MTC would be represented on the fund manager selection team and on the fund's advisory committee.
5. Staff would return to the Planning Committee in September 2011 with a report on the amount of funds raised and satisfaction of the above conditions before seeking Commission approval to release the exchanged monies to the TOD fund.

Additional information about this proposal is included in the attached slides and will be presented at the committee meeting.

**Recommendation**

Staff recommends that this Committee refer MTC Resolution No. 3940 to the Commission for approval, which reserves up to \$10 million from the regional TLC program to invest in the proposed Affordable TOD Fund, subject to the conditions outlined in this memo and as included in this resolution.

In the event the fund manager does not raise the required minimum of \$30 million or fails to meet any of the other conditions by August 31, 2011, the funds would be returned to the regional TLC program for distribution in subsequent grant cycles.

---

Steve Heminger

**ATTACHMENT A**

**Approved TLC 2.0 – Program Categories  
Planning Committee, September 11, 2009**

Program Option	Streetscapes (current program eligibility)	Non-transportation Infrastructure Improvements	Transportation Demand Management (TransLink®, carshare, TOD parking, etc)	Density Incentives (Direct TOD funding Land Banking / Site Assembly
Grant or Loan	Grant	Grant or Loan	Grant or Loan	Grant or Loan
CMAQ /TE /STP Eligible Example	Yes	No	Yes	Only via transit operator joint development program
	Strengthen connection of existing program to new development in need of millions in new streetscapes such as San Jose midtown, Santa Rosa Railroad Sq. <u>Ensure high quality projects and maximum access for all users.</u>	San Leandro: sewer upgrades required for 2,500 new units in approved TOD plan; fee structures and redevelopment funds are not capable of covering full expense.	Oakland MacArthur BART: project replaces 300 of 600 surface parking spaces in a <u>priced</u> parking structure that creates site for 675 new housing units.  TransLink® for TOD program expansion pending study results and/or support for a carshare vehicle for new or recent TOD residents)	Richmond approves 5-story, 70+ units/acre project (230 units) adjacent to BART & the transit village; developer unable to finance above 25 unit/acre project. City under pressure to deliver “something” on critical site, once in a generation opportunity site.  San Bruno is interested in securing land near the re-located Caltrain station but is unable to fund the transaction. Similar stories to be found at numerous future transit stations.
<b>Notes</b>	Demand remains strong for this program element	Funding compatibility a challenge, high demand. <u>Directly leverages creation of TOD.</u>	Parking management is a critical component of a successful TOD. <u>Funded projects required to have priced parking and to employ other policies (e.g. Carshare, shared parking, parking maximums)</u>	<u>Holding title to land and land re-sale in cooperation with cities and/or transit agencies. Critical time to preserve key sites for future development.</u>

# 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](mailto:PatJ@abag.ca.gov)  
 Kathleen Cha – Senior Communications Officer 510/ 464-7922; [KathleenC@abag.ca.gov](mailto:KathleenC@abag.ca.gov)

**Thursday, March 18 – 3:30 p.m. to 5:00 p.m.**

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

## AGENDA\*

1.	<b>OPEN AGENDA</b> Committee members may raise issues for consideration; members of the public may speak.	Information/ Action
2.	<b>APPROVAL OF MINUTES</b> Committee will review and approve the minutes of the January 21, 2010, L&GO meeting.	Information/ Action
3.	<b>ANNUAL ELECTION OF L&amp;GO COMMITTEE OFFICERS</b>	Information/ Action
4.	<b>2010 LEGISLATIVE SESSION—BILLS FOR CONSIDERATION**</b> Update on past bills considered, constitutional reform efforts and other legislative activity, and committee review of the following new bills:  <b>AB 2138 (Chesbro) Recycling: Food Service Packaging— Carryout Bags</b> <b>AB 2139 (Chesbro) Solid Waste: Product Stewardship</b> <b>AB 2176 (Blumenfield) Hazardous Waste: Lighting Products</b> <b>SBX8 26 (Pavley and other co-authors) Energy: Property Assessed Clean Energy (PACE) Financing</b> <b>SB 88 (DeSaulnier) Local Government: Bankruptcy</b> <b>SB 1048 (Hancock) Local Government: Community Facilities District</b> <b>SB 1100 (Corbett) Product Stewardship: Household Batteries</b> <b>SB 1205 (Corbett) The Bay Area Post-Recovery Authority Act</b> <b>SB 1445 (DeSaulnier) Planning</b> <b>SB 2103 (Hill) San Francisco Bay Restoration Authority</b>	Information/ Action
5.	<b>REVIEW OF JANUARY 27<sup>TH</sup> LEGISLATIVE RECEPTION</b> Update on sponsors, participants and other logistics of Legislative Reception	Information/ Action
6.	<b>YOUTH GUN VIOLENCE TASK FORCE—UPDATE</b>	Information
7.	<b>ADJOURNMENT</b> Next meeting is scheduled for <b>May 20, 2010.</b>	Action
	<b>Agenda and other written materials are available at ABAG/Front Desk, 101 8<sup>th</sup> Street, Oakland, or at <a href="http://www.abag.ca.gov/meetings">http://www.abag.ca.gov/meetings</a> -- Legislation and Governmental Organization Committee</b>	

\* 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](http://www.leginfo.ca.gov).



**LEGISLATION**  
**2010 State Legislative Session**  
**Legislation & Governmental Organization Committee**  
**March 4, 2010**

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
<b>*NEW BILLS</b>					<b>Bold Face/Shading in Legislation Summary indicates change/ amendments.</b>
<p><i>Bills to be reviewed are listed in numeric order with Assembly bills listed first, followed by Senate bills</i></p> <p><b>*Federal Bills listed on page 5</b></p>					
	<b>New Bills</b>				
<b>*AB 2138 Chesbro</b>	<b>Recycling: Food Service Packaging—Carryout Bags</b>	<b>ASM</b> From printer; may be heard in Committee March 23	Watch, pending further information		Would enact the Plastic Ocean Pollution Reduction, Recycling and Composting Act. Would prohibit a food provider (such as restaurants, grocery stores, retail, etc) from distributing disposable food service packaging or a single-use carryout bag to a consumer that does not meet a specific composting rate of 25% or more. Disposable food service packaging is defined as plates, cups bowls, trays, and hinged or lidded containers. The Department of Resources Recycling and Recovery would be required to adopt regulation to implement these requirements, provide for the imposition of a civil penalty with penalties deposited in to the Ocean Pollution Reduction Account. Would expend these moneys, upon appropriation by the Legislature, to provide public education and assist local governmental agencies in efforts to reduce plastic waste and marine debris.
<b>*AB 2139 Chesbro</b>	<b>Solid Waste: Product Stewardship</b>	<b>ASM</b> From printer; may be heard in Committee March 21	Support		Would create the California Product Stewardship Act that creates an EPR program for Household Hazardous Waste products already banned from disposal and not dealt with in other legislation or programs. This bill would specifically require a producer of medical sharps, pesticide containers for residential use, small personal use propane tanks, personal butane lighters, and single-use food packaging products to develop and implement a product stewardship plan with the goal of sharing in the responsibility of reducing the lifecycle impact of these products. Would require producer/product stewardship organization submitting a plan to pay the state administering Department of Resources Recycling and

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 2
*AB 2176 Blumenfeld	Hazardous Waste: Lighting Products	ASM From printer; may be heard in Committee March 21	Watch, pending further information		<p>Recovery a fee of \$10,000 and pay an annual administrative fee of \$1000. Would thus provide for administrative oversight, and imposition of civil penalties upon non-compliant producers, and would create a Product Stewardship Account.</p> <p>Would create the California Lighting Efficiency and Toxics Reduction Act. Would require producers of mercury containing lamps to develop, fund and manage a product stewardship program approved by the Department of Toxics Substances Control (DTSC).</p>	
*SBX8 26 Pavley, Cedillo, Hancock, Padilla, Steinberg, Wolk – Co-Author Senator Alquist	Energy: Property Assessed Clean Energy (PACE) Financing	ASM Read First Time; held at Desk	Support		<p>This bill creates a state Property Assessed Clean Energy (PACE) reserve program. Under the program, the state will provide financial assistance to local governments in order to facilitate their support for consumer energy efficiency and renewable energy projects. This bill transfers \$50 million from the Renewable Resources Trust Fund into a new account and continuously appropriates funds in that account for the program.</p> <p>1. Authorizes cities, counties, and other local public agencies and utility districts to provide up-front financing to property owners to install solar or other renewable energy-generating devices or make specified water or energy efficiency improvements to their properties through a system of voluntary contractual assessments which is repaid, with interest, through property tax assessments.</p> <p>2. Creates the California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) for the purpose of promoting the development and utilization of alternative energy sources and the development and commercialization of advanced transportation technologies. CAEATFA is authorized to issue up to \$1 billion in revenue or prepayment bonds to fund projects.</p> <p>3. Authorizes the California Energy Commission (CEC) to use federal funds received from the American Recovery and Reinvestment Act of 2009 (ARRA), or subsequent federal acts related to ARRA, to award contracts, grants, and loans for energy efficiency, energy conservation, renewable energy, and other energy-related projects and activities.</p> <p><i>(According to authors, the bill is intended to create a state program in the State Treasurer's Office through which local PACE programs can be aggregated into larger groupings to make the loans more attractive to financial markets and lower costs of financing.)</i></p>	
*SB 88 DeSaulnier	Local Government: Bankruptcy	ASM: Held at Desk	Oppose		<p>Bill would provide that a local public entity may only file under federal bankruptcy law with the approval of the California Debt and Investment Advisory Commission, or if the local public entity has adopted a resolution to override the findings of the commission. Specifics about the process for being granted approval is defined in the bill.</p>	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 3
SB 1048 Hancock	Local Government: Community Facilities Districts	SEN Com. On Local Government	Support		Would authorize community facilities district to finance and refinance the acquisition, installation, and improvement of energy efficiency, water conservation, and renewable energy improvements to or on real property and in buildings.	
*SB 1100 Corbett	Product Stewardship: Household Batteries	SEN Com on Environmental Quality	Support		Would require the Department of Resources Recycling and Recovery by January 2012 to establish a baseline collection rate for the amount of household batteries that are discarded and subsequently discarded. Would require household battery manufacturers to submit a product stewardship plan by September 30, 2011, with the Department reviewing (approving/disproving) the plan by January 1, 2012, and would prohibit the producer from selling the household battery without an approved plan. Would also set up an administrative fee plan, would provide for imposition of administrative civil penalties upon non-compliant producers, and would create a Household Battery Stewardship Account. Sponsor is StopWaste.org.	
*SB 1205 Corbett	The Bay Area Post-Recovery Authority Act	SEN	Support		Would establish the Bay Area Post-Recovery Authority to create a long-term regional recovery plan to be implemented following an earthquake in the Bay Area, by cooperating with various stakeholders including but limited to cities, counties, special districts, schools, emergency operators, hospitals, members of the public private businesses, and non governmental organizations. Sponsor of the bill is ABAG.	
*SB 1445 DeSaulnier	Planning	SEN From print; May be acted upon on or after March 22	Watch, pending further information		Would increase the registration fee imposed by the state on the registration of each vehicle by \$1 and require the DMV to distribute 5% of the net revenues from the fee increase to the Planning Advisory and Assistance Council. Remaining net revenues would be distributed to designated transportation planning agencies based on the number of vehicles registered within the jurisdiction of each agency and require that these funds be used solely to develop and implement a sustainable communities strategy or regional blueprint plan. Would change the membership of the Planning Advisory and Assistance Council to include seven representatives of regional planning organizations; one member of the State Air Resources Board, one member of the CA Transportation Commission; one member of the State Energy Resources Conservation and Development Commission; one member appointed by the Speaker of Assembly; one member appointed by the Senate Committee on Rules, in addition to representative from California Indian Tribes and Bands.	
SB 2103 Hill	San Francisco Bay Restoration Authority	ASM From printer;	Support		When the San Francisco Bay Restoration Authority proposes a measure to levy a benefit assessment, special tax, or property	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 4
		may be heard in committee March 21			related fee for submission to voters, this bill would require the board of supervisors of each affected county to call a special election on the measure and place the measure on the ballot of the next regularly scheduled election. Would require the county clerk of each county to report the results of the special election to the Authority. This is a clean-up bill for prior legislation on the Authority.	
	Update on bills previously considered:					
AB 118 Logue	California Global Warming Solutions Act of 2006	Died 1/31 <u>ab_118</u>	Oppose	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 re-suspension 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	Died 1/31 <u>ab_283_chesbro</u>	Support Supported by CSAC and LCC (2009)	Support in Concept	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 identification of covered product and prohibiting sale or promotional use of a covered product without a product stewardship plan. (two year bill)	
AB 1343 Huffman	Architectural Paint Recycling	SEN Appropriations <u>ab_1343_huffman</u>	Support CSAC Support (2009)	Support	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	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 5
SB 26 Simitian	<p><b>Changed to Recycling: Used Lubricating oil—Re-refining Incentive</b> (was Home-Generated Pharmaceutical Waste)</p>	<p>held in committee 8/09</p> <p>SEN Appropriations</p>	<p>Support</p>	<p>No position—bill changed subject matter</p>	<p>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> <p><i>Original bill: 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. (two year bill)</i></p>	
SB 346 Kehoe	<p><b>Hazardous Materials: Motor Vehicle Brake Friction Materials</b></p>	<p>ASM Environmental Safety &amp; Toxic Materials</p>	<p>Support CSAC Support (2009)</p>	<p><b>Watch:</b> (questions about brake performance)</p>	<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>	
S. 1619 Dodd	<p><b>The Livable Communities Act of 2009</b></p>	<p>Senate Committee on Banking, Housing and Urban Affairs 8/6/09</p>	<p>Support</p>	<p><b>Support</b></p>	<p>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</p>	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
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	local governments, city, county, and towns.  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.
	Carry-over bills from 2009 State Legislative Session <b>ASSEMBLY BILLS</b>				
AB 46 Blakeslee	Energy: Energy Conservation Assistance	SEN: To Inactive File by Sen. Benoit <u>ab 46</u> <u>blakeslee</u>	Support concept	Watch	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 (LJEA), 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.
AB 68 Brownley	Solid Waste: Single-use Carryout Bags	ASM: Appropriations Hearing 5/6/09 Postponed by committee <u>ab 68</u> <u>brownley</u>	Watch	Watch, but encourage bag giveaway programs	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-

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
AB 87 Davis	Single-use Carryout Bags: Environmental Effects—Mitigation	ASM: Appropriations Died 1/31 <u>ab 87 davis</u>	Watch	Support 5/21/09  Watch, but encourage bag giveaway programs	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.  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, 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.
AB 155 Mendoza	Local Government: Bankruptcy Proceedings  <i>(Similar bill was re-introduced as SB 88 (DeSaulnier) which did not pass—was re-referred to Committee on Rules)</i>	SEN Local Government Committee First hearing. Testimony taken. Further hearing to be set.  <u>ab 155 mendoza</u>	Oppose CSAC Oppose LCC Oppose	Oppose	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.
AB 280 Blakeslee and Ma	California Earthquake Authority: Retrofit Programs—Grants	Died 1/31  <u>ab 280 blakeslee</u>	Support Concept	Support in concept	Would authorize the 3-member governing Board (Governor, Treasurer, Commissioner) to create a program, administered by the Earthquake Authority, to access and disperse 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.
AB 744 Torrico	Transportation: Toll Lanes—Express Lane Network	SEN Appropriation	Support	Support	Authorizes the Bay Area Toll Authority (BATA) to develop a Bay Area Express Lane Network (network).

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 8
		<p>tions Held under Submission <u>ab 744</u> <u>torrico</u></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. -- would authorize the authority to establish the fee structure for use of the express lanes and would require a public hearing in that regard. --would authorize the authority to determine the types of vehicles that may use the lanes. --would provide for agreements between the authority and the Department of Transportation and the Department of the California Highway Patrol.</p>	
<p><b>AB 782</b> <b>Jeffries</b></p>	<p><b>Regional Transportation Plans: Sustainable Communities Strategies</b></p>	<p>Died 1/31 <u>ab 782</u> <u>Jeffries</u></p>	<p>Watch</p>	<p><b>Watch</b></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>	
<p><b>AB 814</b> <b>Krekorian</b></p>	<p><b>Firearm Surrender Process and Procedure</b></p>	<p><b>SEN Public Safety Com</b> <u>ab 814</u> <u>krekorian</u></p>	<p>Support concept</p>	<p><b>Support</b></p>	<p>Amended 4/13, 6/1: This bill would establish a procedure for a <i>defendant who owns, has possession, custody, or control of a firearm</i>, 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 <i>designee</i>, and <i>would</i> 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. 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>	
<p><b>AB 1342</b> <b>Evans</b></p>	<p><b>Local Taxation: Income Taxes— Vehicle License Fees</b></p>	<p><b>ASM Revenue &amp; Taxation</b></p>	<p>Support CSAC</p>	<p><b>Support</b></p>	<p>Authorizes counties, under specified circumstances, to adopt a local personal income tax (PIT), a local vehicle license fee (VLF), or both: Contains legislative findings.</p>	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 9
ACA 9 Huffman	Local Government Bonds: Special Taxes—voter approval	Com: Hearing cancelled at request of author	Support		Amended 6/26 to add "city and county, to those authorized to impose a special tax. 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.	
	SENATE BILLS	ASM Third Reading <u>aca 9</u> <u>huffman</u>	Support CSAC Support LCC Support	Support		
SB 7 Wiggins	Renewable Energy Sources:— Net Metering (Feed-in Tariff reference in title removed)	Placed on ASM inactive file by ASM Torrico <u>sb 7</u> <u>wiggins</u>	Support concept	Support (if amended to provide better rates/credits to individual generator)	Amended 5/5: This bill would require the electricity distribution 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.	



## ABAG FINANCE AND PERSONNEL COMMITTEE

Thursday, March 18, 2010, 5:00 p.m.  
 ABAG Conference Room  
 MetroCenter—8<sup>th</sup> and Oak Streets  
 Oakland, CA

<u>Est. Time in Minutes</u>		<u>Recommendation</u>
	1. <b>Call to Order</b>	
2	2. <b>Public Comments</b>	<b>Information</b>
3	*3. <b>Minutes of the January 21, 2010 Meeting</b>	<b>Action</b>
5	*4. <b>Financial Reports – ABAG</b> <i>The December 2009 and January 2010 Financial reports are enclosed with the agenda packet.</i>	<b>Action</b>
3	*5. <b>ABAG Support to the Bay Area Council Economic Institute (BACEI)</b> <i>As described in the attached staff memo, Executive Board's approval is requested for financial support to BACEI for FY 2010-2011.</i>	<b>Action</b>
2	*6. <b>Process for Performance Evaluation of Legal Counsel</b> <i>Committee will discuss and decide on proposed process.</i>	<b>Action</b>
<b>THE FOLLOWING ITEMS WILL BE DISCUSSED IN CLOSED SESSION PURSUANT TO THE REQUIREMENTS OF THE RALPH M. BROWN ACT.</b>		
15	7. <b>Conference with Legal Counsel—Existing Litigation</b> <i>Home Builders Association of Northern California vs ABAG</i>	<b>Information</b>
20	8. <b>Public Employee Performance Evaluation</b> <i>Title: Executive Director</i> <i>Materials for this item will be mailed under separate cover.</i>	<b>Action</b>
	9. <b>Adjournment</b>	<b>Action</b>
	* 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

January 21, 2010

#### Members Present

Supervisor Scott Haggerty, Chair  
Supervisor David Cortese  
Supervisor Rose Jacobs Gibson  
Mayor Mark Green  
Supervisor Mike Kerns, Vice Chair  
Supervisor Barbara Kondylis  
Vice Mayor Peter McHugh  
Mayor A. Sepi Richardson

#### Jurisdiction

County of Alameda  
County of Santa Clara  
County of San Mateo  
City of Union City  
County of Sonoma  
County of Solano  
City of Milpitas  
City of Brisbane

#### Members Absent

Supervisor Susan Adams  
Supervisor John Gioia

County of Marin  
County of Contra Costa

#### Officers and Staff Present

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

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

- 1) There were no public comments.
- 2) Supervisors Haggerty and Kerns were unanimously re-elected as Chair and Vice-Chair, respectively.  
/M/Green/S/Jacobs-Gibson/C/.
- 3) Minutes of the November 19, 2009, meeting were approved as presented.  
/M/Kondylis/S/Green/C/approved.
- 4) Pike summarized proposed revisions of the ABAG Investment Policy to reflect State-mandated caps on mutual fund investments and other updates.  
/M/Green/S/Kerns/C/ approved.

- 5) Pike summarized the October and November 2009 financial reports for ABAG. Emphasis was on the low cash on hand, with anticipated outlays in December for payoff of ABAG's mortgage on its MetroCenter space as well as payment of the prior year's OPEB liability.  
/M/Kerns/S/Jacobs-Gibson/C/ approved.
- 6) Gardner presented the Work Program, Budget and Membership Dues proposed for FY 2010-11.  
/M/Richardson/S/Jacobs-Gibson/C/ to forward reports to the Executive Board with a recommendation to accept.
- 7) Pike presented the Executive Director's proposal to increase his authority to enter into contracts to \$50,000 and to accept grants to \$100,000. At the next subsequent Executive Board Meeting, a report would be placed on the consent calendar noting any and all such contracts and grants above the previous authority levels (\$20,000 and \$50,000) and the new levels authorized.  
/M/McHugh/S/Kerns/C/ to approve.
- 8) The committee met in closed session to discuss HBANC v ABAG. There was no reportable action taken..
- 9) Meeting was adjourned at 5:45 p.m.

TO: Finance and Personnel Committee

DT: February 26, 2010

FM: Herbert Pike, Finance Director

Re: Financial Reports  
--December 2009

The following are highlights of the financial reports for December 2009.

Cash on Hand (Figure 1)

Cash on hand decreased to \$0.94 million on December 31 from \$1.98 million on November 30. The decrease is largely attributed to the payment of the prior year OPEB obligation to CalPERS (\$565 thousand) and payoff of the mortgage on ABAG's space at the MetroCenter. The December balance includes approximately \$0.54 million invested in the Local Agency Investment Fund (LAIF). Currently, ABAG does not hold any other investments. The December 31 cash balance is approximately \$155 thousand less than the prior year, the latter being attributed to an increase in the percentage of personnel costs attributed to leave usage compared to the prior year, as well as a slight portion of salaries charged to overhead as opposed to billable grant projects.

Receivables (Figure 2)

Receivables from grant and service programs amounted to about \$3.28 million on December 31, an increase of \$267 thousand from the month prior. The increase results from primarily to the suspension of overhead reimbursement pending CalTrans audit review. Compared to December 31 of the year prior, the total reflects a decrease of approximately \$440 thousand.

Actual vs. Budgeted Expenses (Figure 9)

Total expenses through December 31 amounted to about \$8.35 million, or 36.29 percent, of projected annual expenses of \$23.01 million for FY 09-10.

Actual vs. Budgeted Revenues (Figure 10)

At December 31, total revenues amounted to about \$8.10 million, or 35.36 percent, of projected annual revenue of \$22.91 million for FY 09-10.

As of December 31, both revenues and expenses are below "projected" annual totals. While revenues and expenditures might be expected to be 50 percent after the first six months of the new fiscal year, they are less than projections, largely due to the timing of consultant and sub-contractor expenses that lag in getting the billings in for the work performed and, consequently, getting billed and reimbursed for completed work. This "lag" often results in consultant and sub-contractor expenses accelerating in the second half of the year as many projects approach completion.

Fund Equity (Figure 5)

As of December 31, general fund equity was approximately \$805 thousand, an increase of \$1 thousand from November 30. The Agency's restricted fund equity, consisting of capital, self-insurance and building maintenance, remained unchanged at \$510 thousand.

Indirect Cost (Figure 6)

The agency's actual indirect cost (overhead) rate was 44.43 percent of direct labor cost as of December 31, or about 1.48% above the budgeted rate of 42.95 percent for FY 09-10. Most of the excess charges are due to revised allocations of employees' time between Agency Administration/Communications and General Overhead. These issues have been identified and rates are expected to further converge toward the expected rate over the next several months.

Overall (Figures 3, 4, 7 & 8)

At December 31, the Agency's net financial position is reasonably close to forecast with a deficit of roughly \$248 thousand, or 3.06 percent of year-to-date revenues. Cash on hand and fund balance both reflect decreases that will need to be addressed in the new calendar year. Contributing to the rebound in the second half of the fiscal year is the relative reduction in vacation and holiday leave; in other words, a greater percentage of labor costs becomes billable to grants.

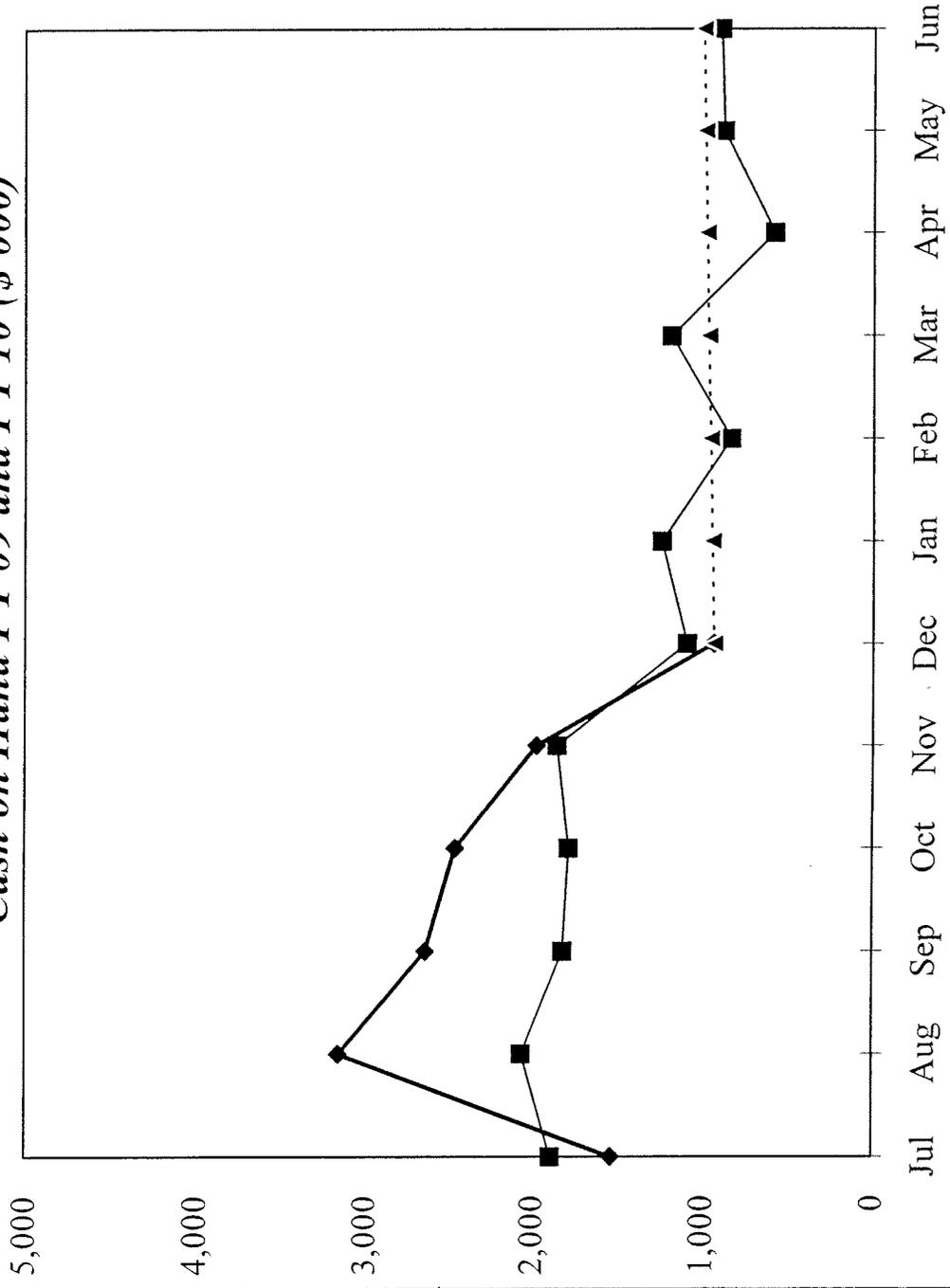
# ABAG FINANCIAL REPORTS

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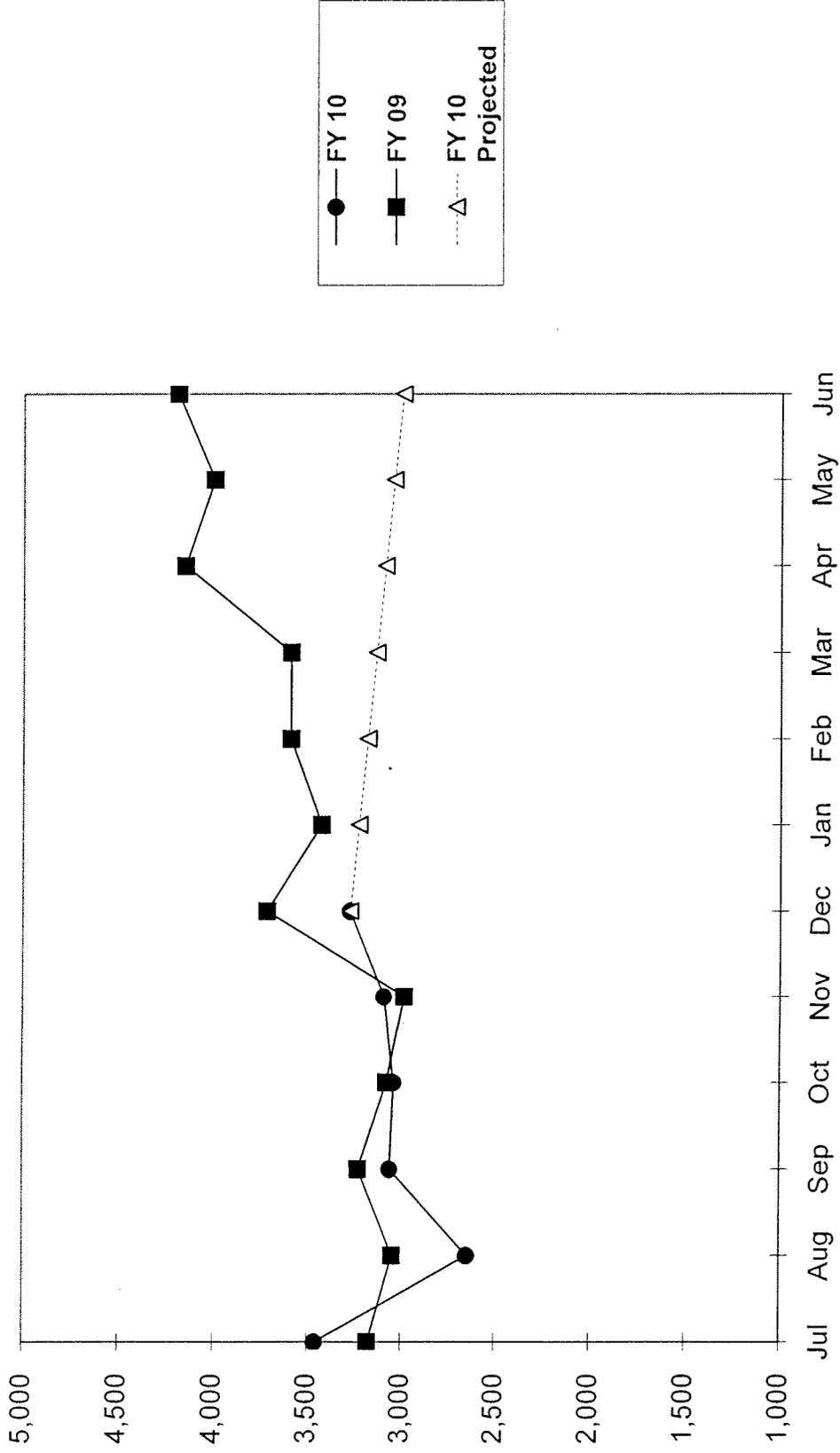
# ABAG Financial Indices

## Cash on Hand FY 09 and FY 10 (\$'000)



# ABAG Financial Indices

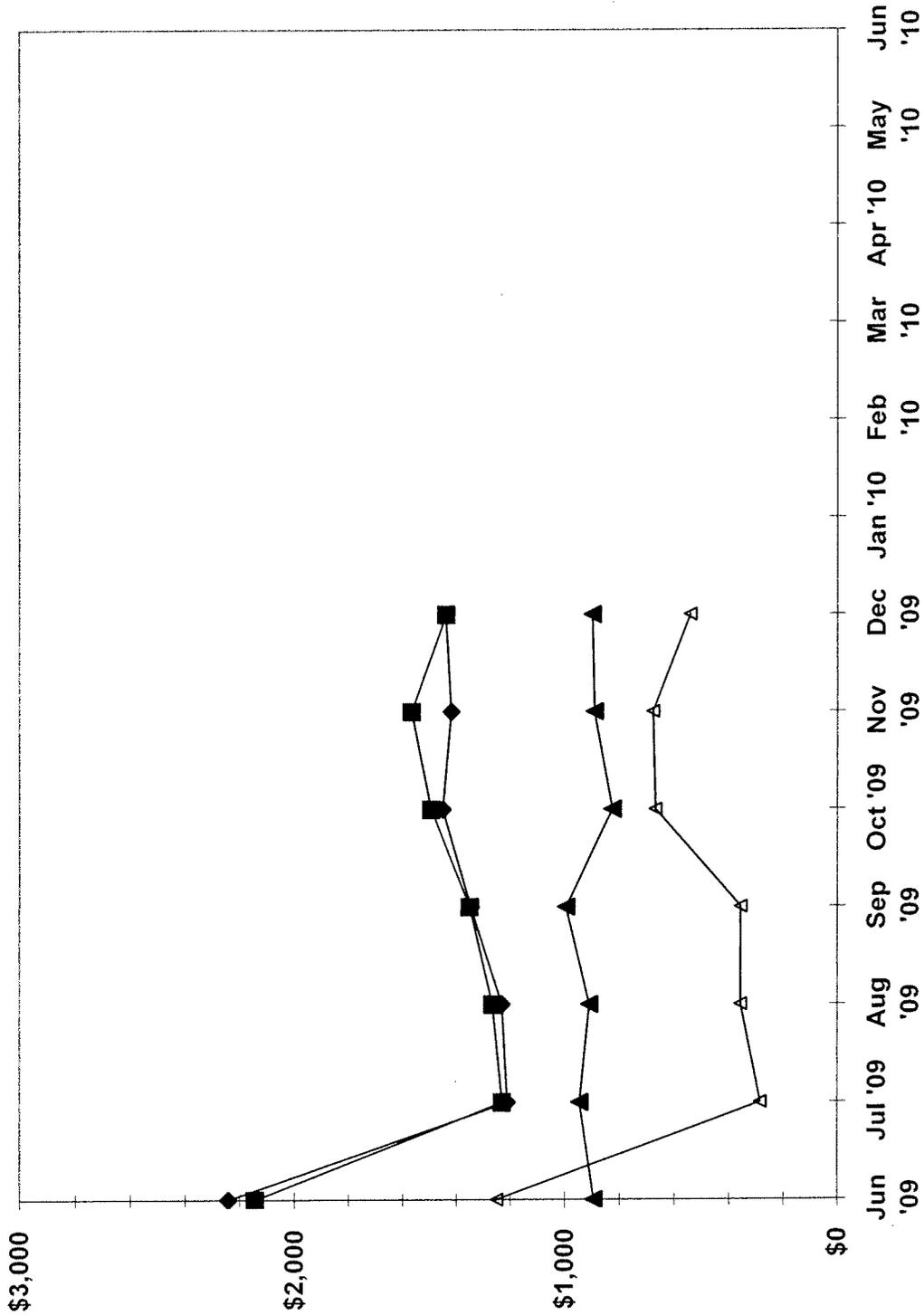
## Accounts Receivable FY 09 and FY 10 (\$'000)



# ABAG Financial Indices

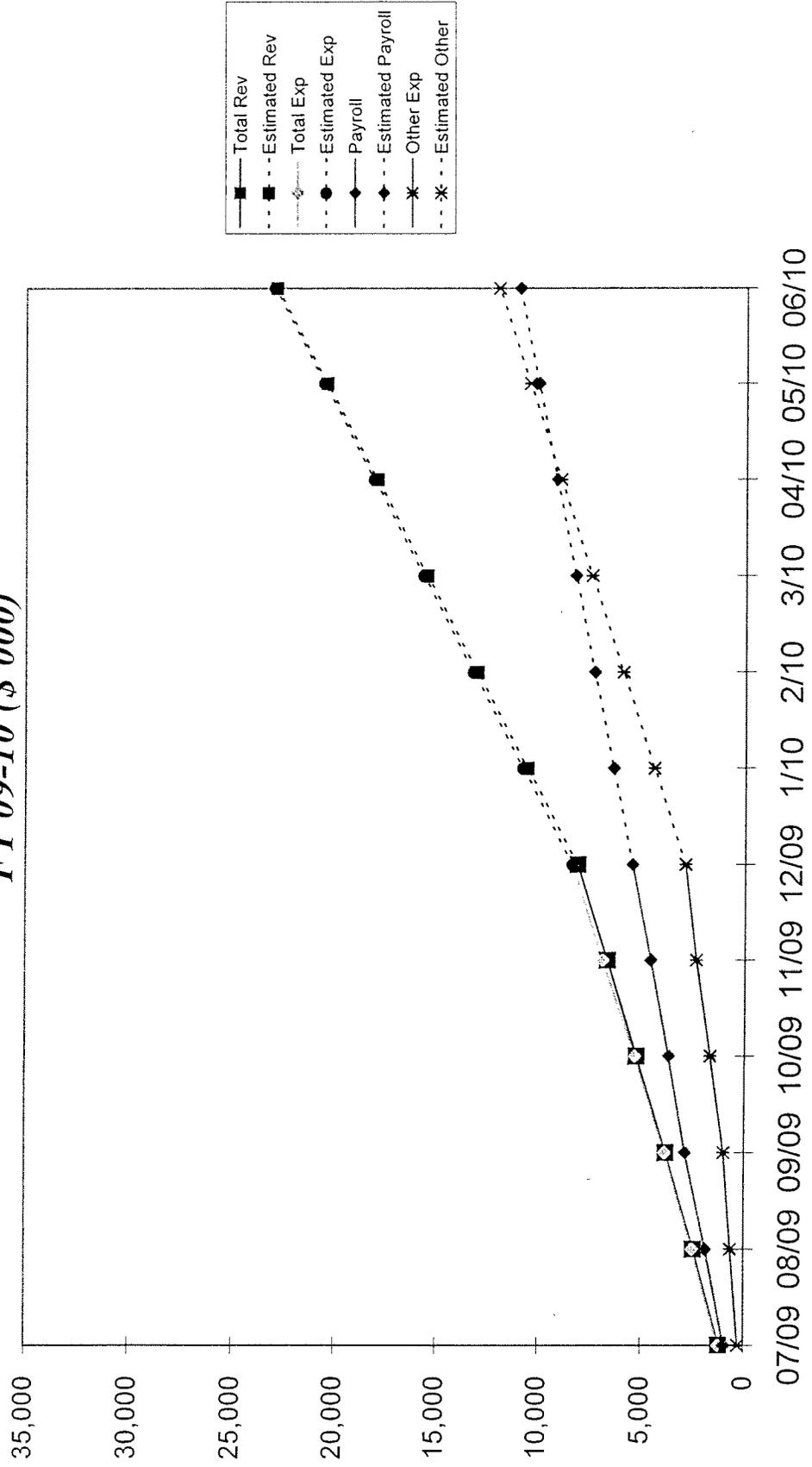
Current Month Revenues & Expenses

FY 09-10 (\$'000)



# ABAG Financial Indices

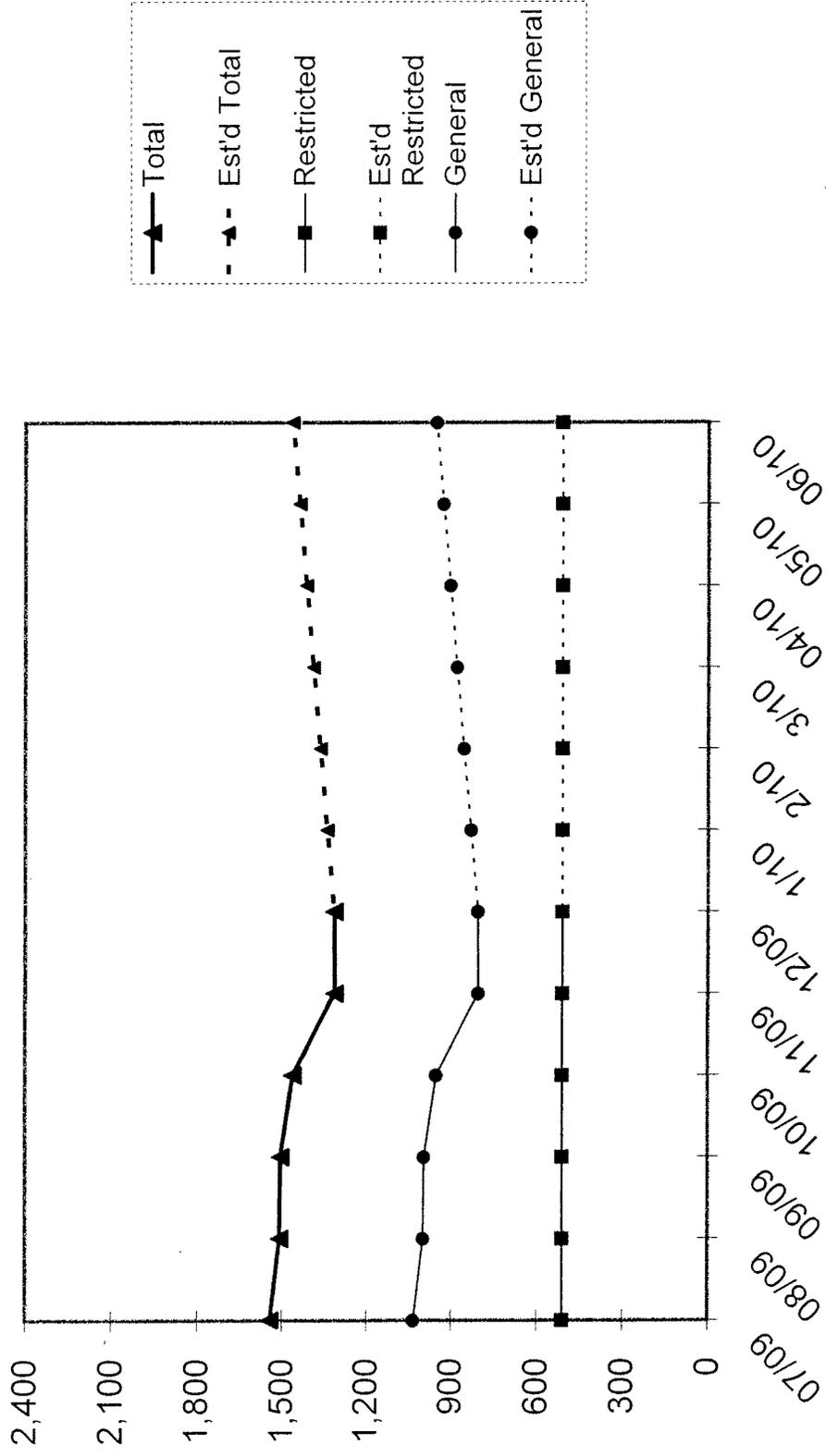
## Year-to-date Revenues & Expenses FY 09-10 (\$'000)



# ABAG Financial Indices

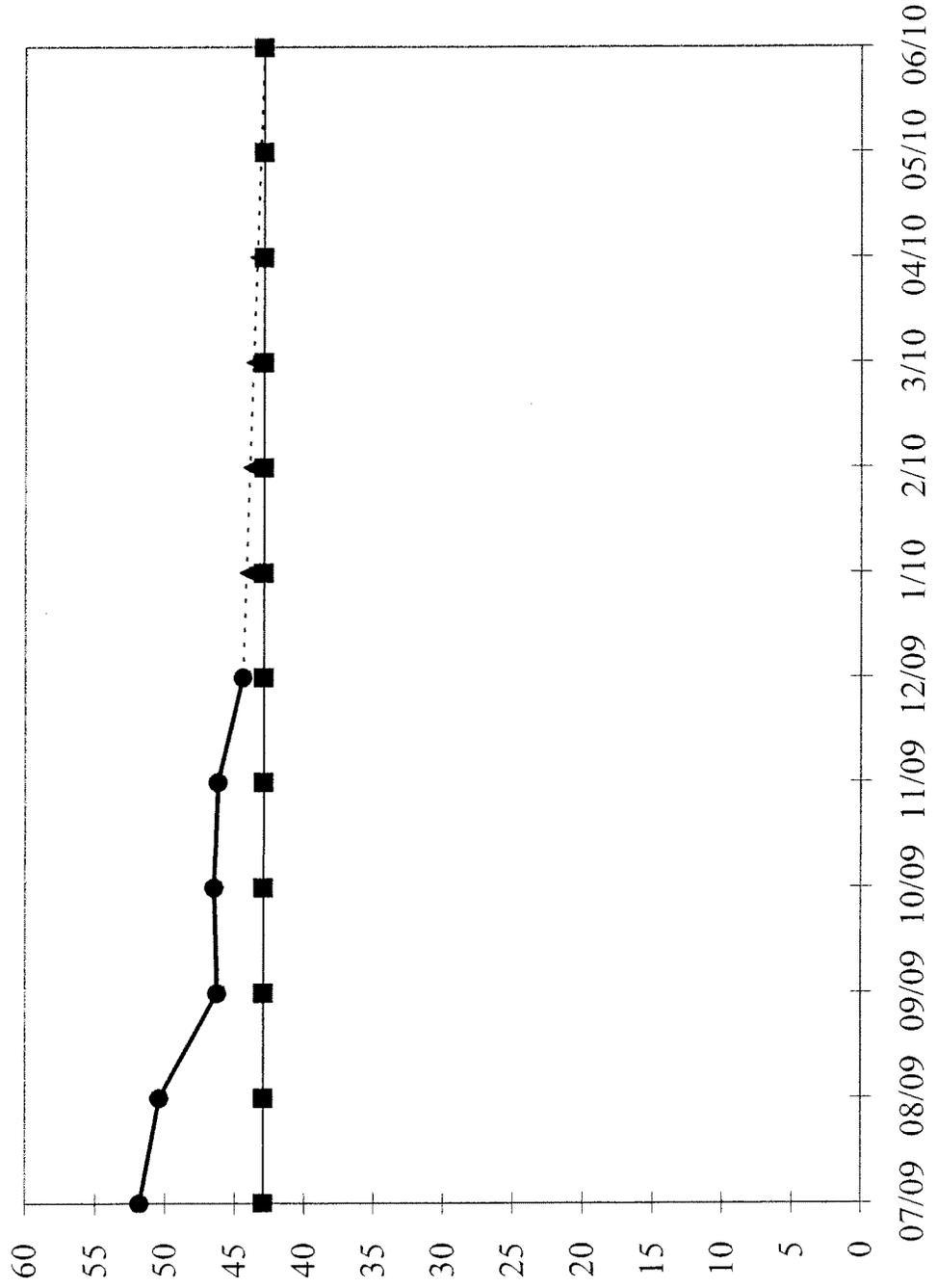
## Fund Equity

### FY 09-10 (\$'000)



# ABAG Financial Indices

## Indirect Cost Rate (% of Direct Labor Cost) FY 09-10

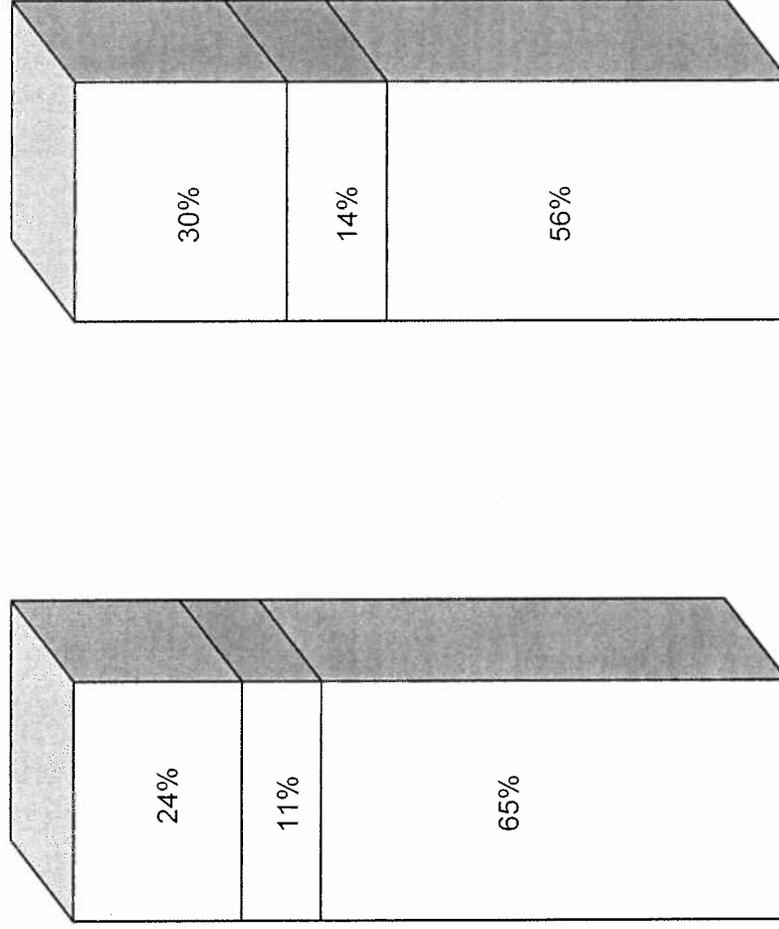


# ABAG Financial Indices

## Composition of Expenses FY 09--FY 10

### Year to Date

(\$'000)



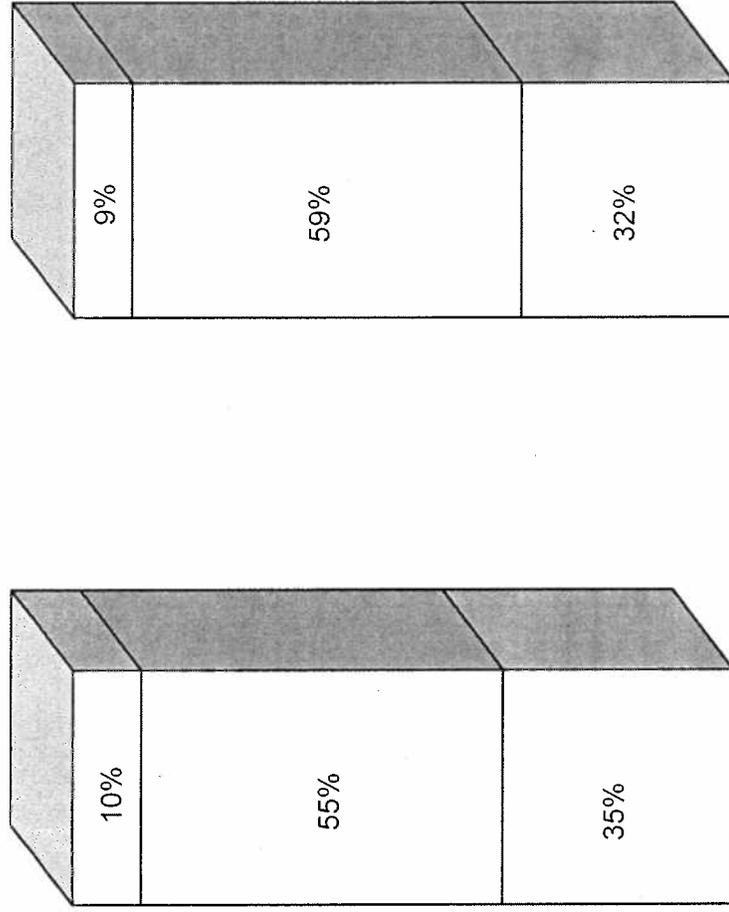
	FY09-10 Expenses (Total \$8,349)	FY08-09 Expenses (Total \$9,261)
<input type="checkbox"/> Consultants	\$1,961	\$2,743
<input type="checkbox"/> Others	\$924	\$1,307
<input type="checkbox"/> Payroll	\$5,464	\$5,211

# ABAG Financial Indices

## Composition of Revenues FY 09--FY 10

### Year to Date

(\$'000)

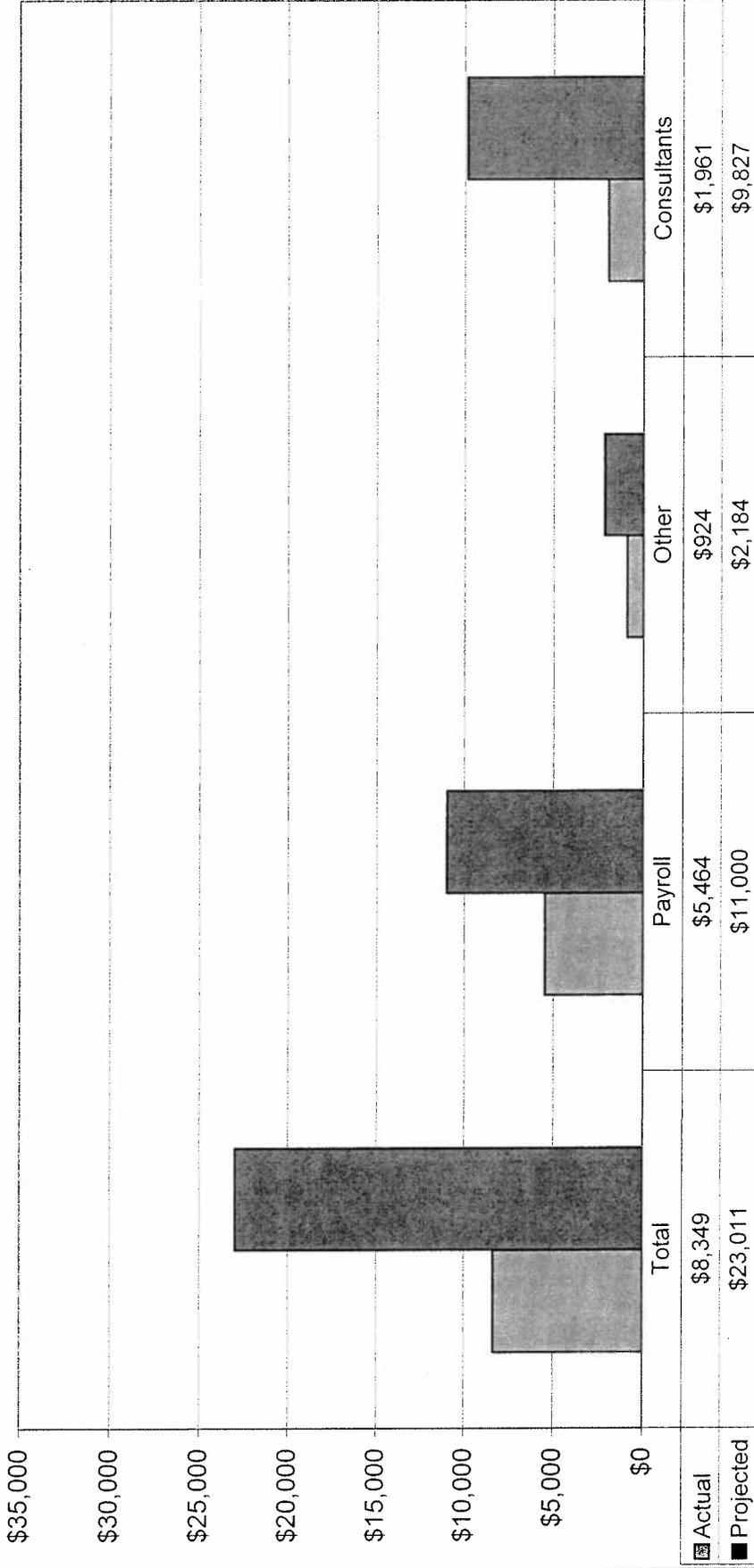


	FY 09-10 Revenue (Total \$8,101)	FY 08-09 Revenue (Total \$9,116)
<input type="checkbox"/> Membership	\$833	\$801
<input type="checkbox"/> Grants	\$4,453	\$5,391
<input type="checkbox"/> Services & Others	\$2,815	\$2,924

# ABAG Financial Indices

## Actual vs Projected Expenses--FY 09-10

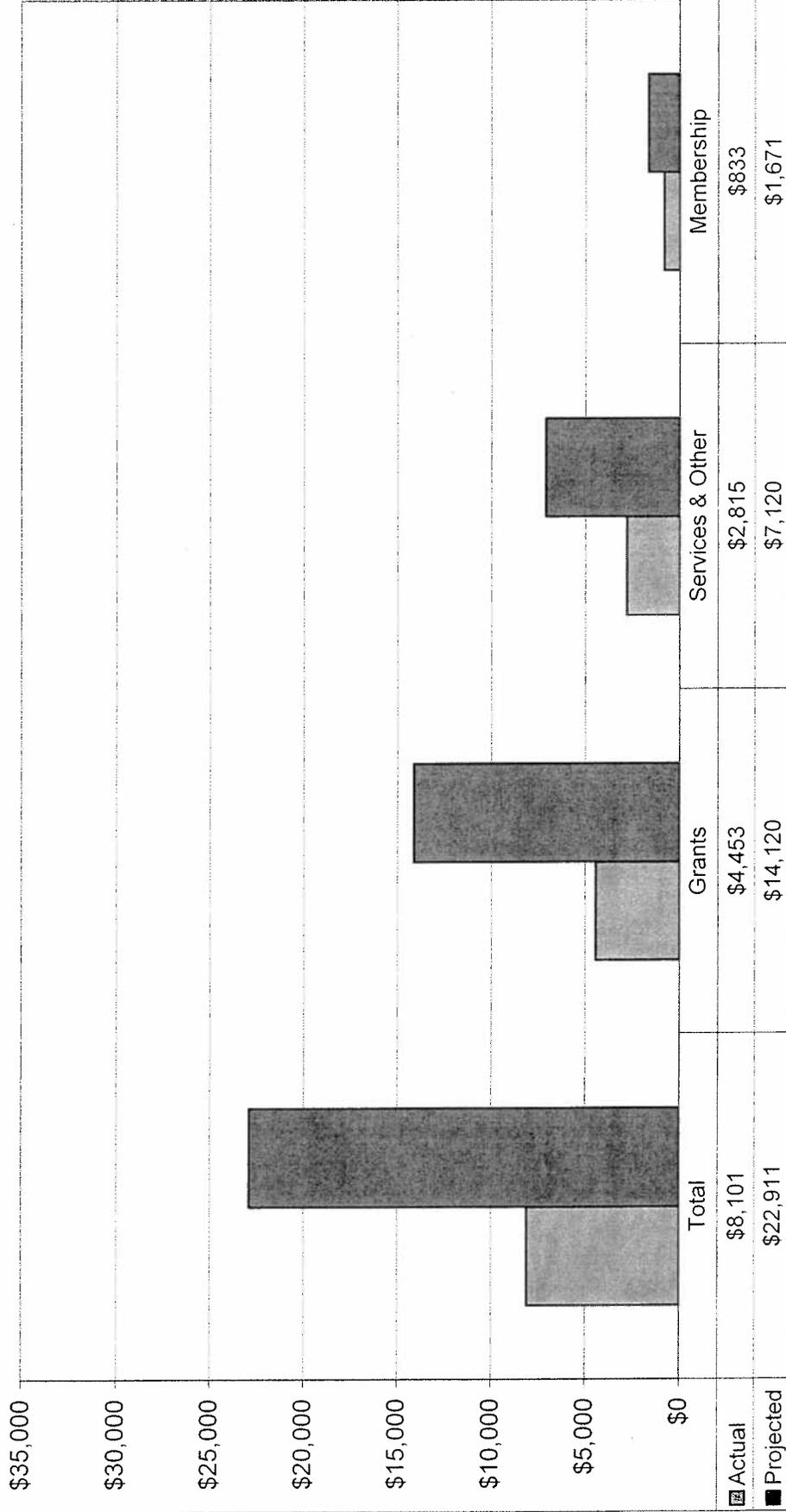
### Year to Date (\$'000)



## ABAG Financial Indices

### Actual vs Projected Revenues--FY 09-10

#### Year to Date (\$'000)



## Description of Charts

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### Figure 2 -- Accounts Receivable

Accounts receivable tracked by this chart include receivables generated by grants and service programs over two fiscal years. This chart reflects the reasonableness of our receivable levels. We usually have about six weeks' worth of our annual revenues in receivables.

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Presents year-to-date total revenues, total expenses, payroll and other expenses for the current fiscal year. The difference between total revenues and total expenses lines represents the overall year-to-date net surplus (or Deficit) for the agency.

### Figure 5 --Fund Equity

Presents general, restricted and total fund equities for the current fiscal year. General fund equity represents unrestricted equity. Restricted equities include building bond interest, building maintenance, self-insurance and capital. These restricted equities represent the agency's equities set aside for specific purposes as approved by the Finance and Personnel Committee. Total equity is the sum total of general and restricted equities.

### Figure 6 -- Indirect Cost Rate (% of Direct Labor Cost)

This chart shows a comparison between the actual indirect cost rate and the approved rate. The approved indirect cost rate is computed by dividing total estimated overhead expenses by total projected direct labor cost for a fiscal year. This rate is used as a standard overhead cost rate to allocate indirect costs to all projects. This process is performed in accordance with an indirect cost plan, which is prepared annually in accordance with OMB A-87.

### Figure 7 – Composition of Expenses

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### Figure 9 -- Actual vs. Budgeted Expenses

Presents a comparison of actual and budgeted total expenses as well as component categories: payroll costs, consultants and other expenses.

### Figure 10 -- Actual vs. Budgeted Revenues)

Presents a comparison of actual and budgeted total revenues as well as component categories: membership dues, grants, services and other.



TO: Finance and Personnel Committee

DT: February 26, 2010

FM: Herbert Pike, Finance Director

Re: Financial Reports  
--January 2010

The following are highlights of the financial reports for January 2010.

Cash on Hand (Figure 1)

Cash on hand increased to \$1.47 million on January 31st from \$0.94 million on December 31. The increase is largely attributed to the receipt of some \$500 thousand of Bay Trail funds that have yet to be expended. The January balance includes approximately \$1.04 million invested in the Local Agency Investment Fund (LAIF). Currently, ABAG does not hold any other investments. The January 31st cash balance is approximately \$230 thousand more than the prior year, the latter being attributed to more timely reimbursement from granting agencies, especially the State.

Receivables (Figure 2)

Receivables from grant and service programs amounted to about \$3.68 million on January 31, an increase of \$406 thousand from the month prior. Upwards of half the increase is attributed to the pending approval by CalTrans of ABAG's indirect overhead rate, until which time the billed overhead reimbursements are suspended. The balance of the increase results from more personnel time committed to grant-reimbursable projects (following the holiday season). Compared to December 31 of the year prior, the total reflects an increase of approximately \$253 thousand.

Actual vs. Budgeted Expenses (Figure 9)

Total expenses through January 31 amounted to about \$9.92 million, or 43.10 percent, of projected annual expenses of \$23.01 million for FY 09-10.

Actual vs. Budgeted Revenues (Figure 10)

As of January 31st, total revenues amounted to about \$9.57 million, or 41.77 percent, of projected annual revenue of \$22.91 million for FY 09-10.

As of January 31st, both revenues and expenses are below "projected" annual totals. While revenues and expenditures might be expected to be 58.3 percent after the first seven months of the new fiscal year, they are less than projections, largely due to the timing of consultant and sub-contractor expenses that lag in getting the billings in for the work performed and, consequently, getting billed and reimbursed for completed work. Consultant and sub-contractor expenses may be expected to accelerate during the balance of the fiscal year.

Fund Equity (Figure 5)

As of January 31st, general fund equity was approximately \$706 thousand, a decrease of \$99 thousand from December 31st. The Agency's restricted fund equity, consisting of capital, self-insurance and building maintenance, remained unchanged at \$510 thousand.

#### Indirect Cost (Figure 6)

The agency's actual indirect cost (overhead) rate was 43.79 percent of direct labor cost as of January 31, or about 0.84% above the budgeted rate of 42.95 percent for FY 09-10. Most of the excess charges are due to revised allocations of employees' time between Agency Administration/Communications and General Overhead. These issues have been identified and rates are expected to further converge toward the expected rate over the next several months.

#### Overall (Figures 3, 4, 7 & 8)

At January 31, the Agency's net financial position is reasonably close to forecast with a deficit of roughly \$347 thousand, or 3.63 percent of year-to-date revenues. While the cash balance was temporarily relieved by the receipt of Bay Trail RDP funds, it is committed to Bay Trail construction projects that will need to be paid. The rebound of the Agency's financial position should occur during the balance of the fiscal year as the relative reduction in vacation and holiday leave results in higher percentage of labor costs to be charged against grant reimbursable activities.

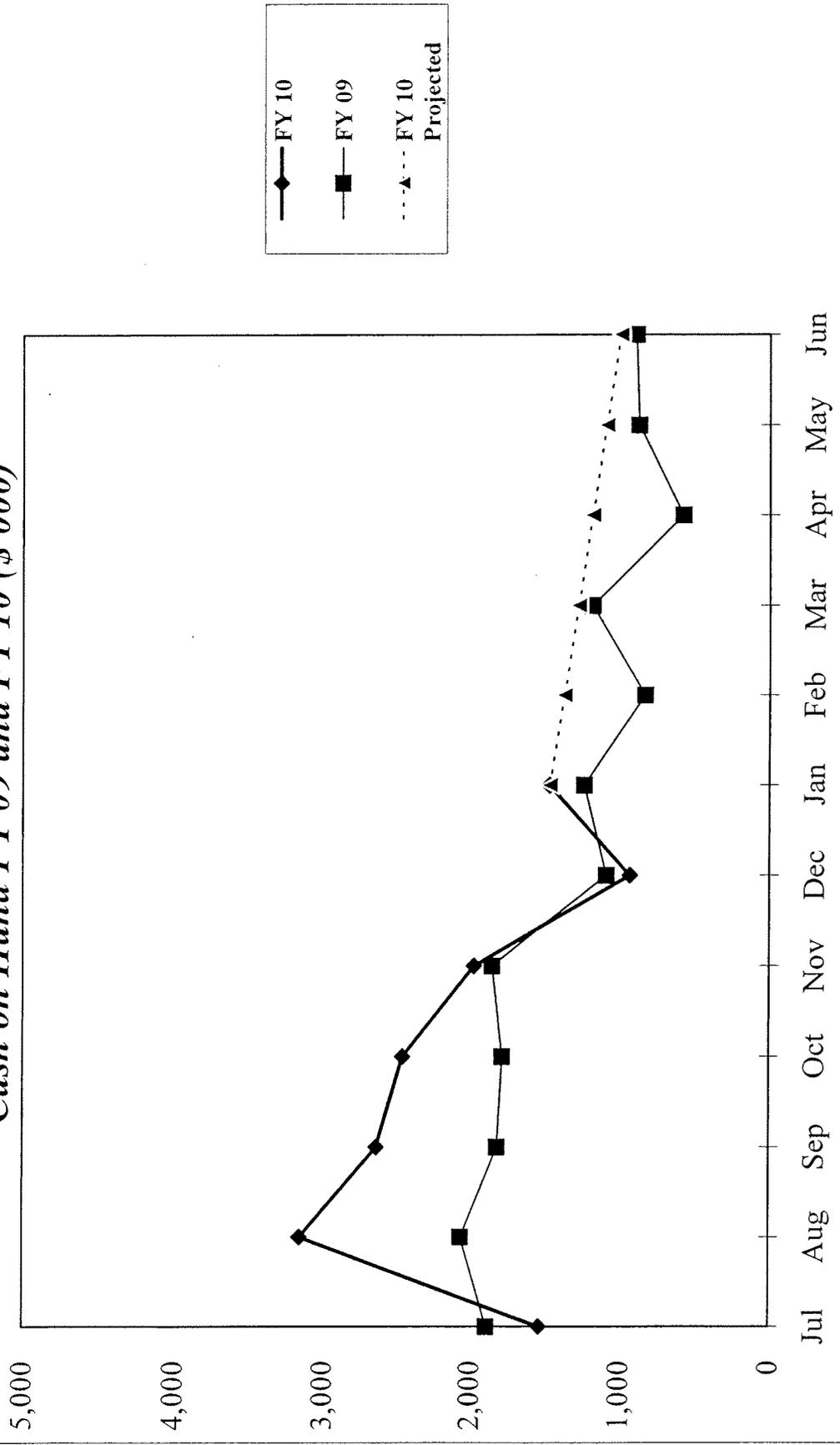
# ABAG FINANCIAL REPORTS

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* Current Month Revenues and Expenses .....	Figure 3
* Year-to-date Revenues and Expenses .....	Figure 4
* Fund Equity .....	Figure 5
* Indirect Cost Rate (% of Direct Labor Cost) .....	Figure 6
* Composition of Expenses .....	Figure 7
* Composition of Revenues .....	Figure 8
* Actual vs. Budgeted Expenses .....	Figure 9
* Actual vs. Budgeted Revenues .....	Figure 10
* Description of Charts	

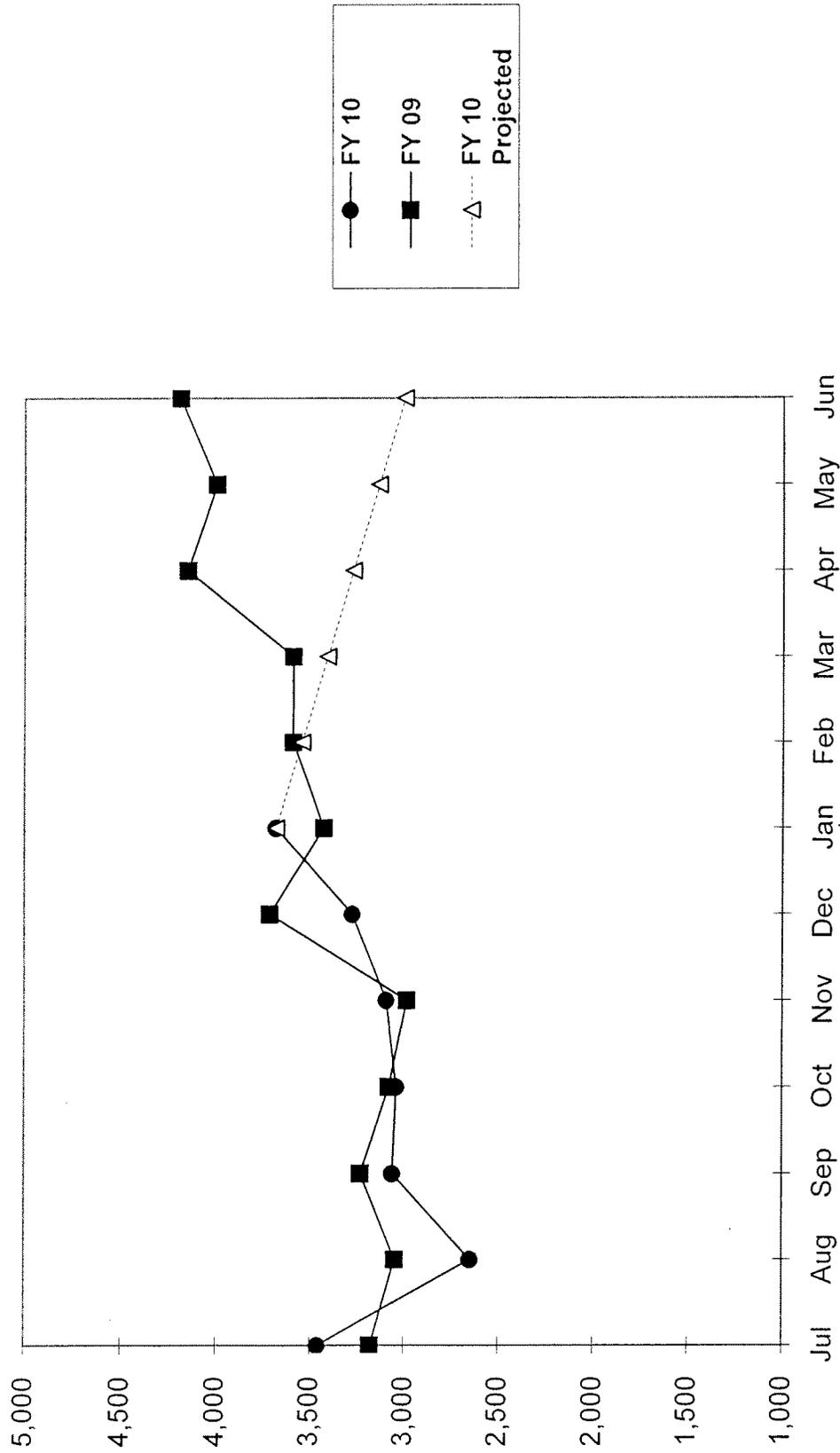
# ABAG Financial Indices

## Cash on Hand FY 09 and FY 10 (\$'000)



# ABAG Financial Indices

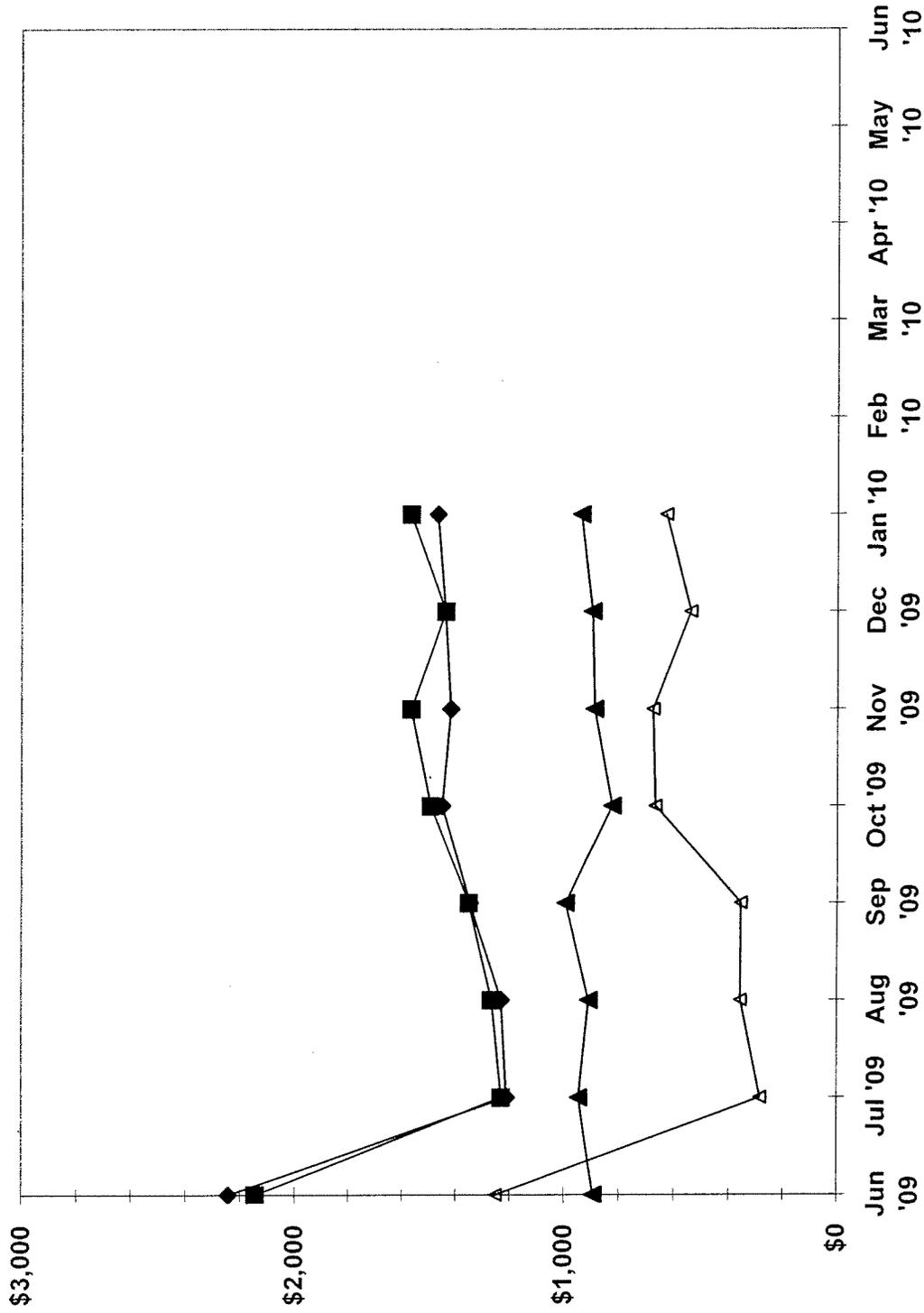
*Accounts Receivable FY 09 and FY 10 (\$'000)*



# ABAG Financial Indices

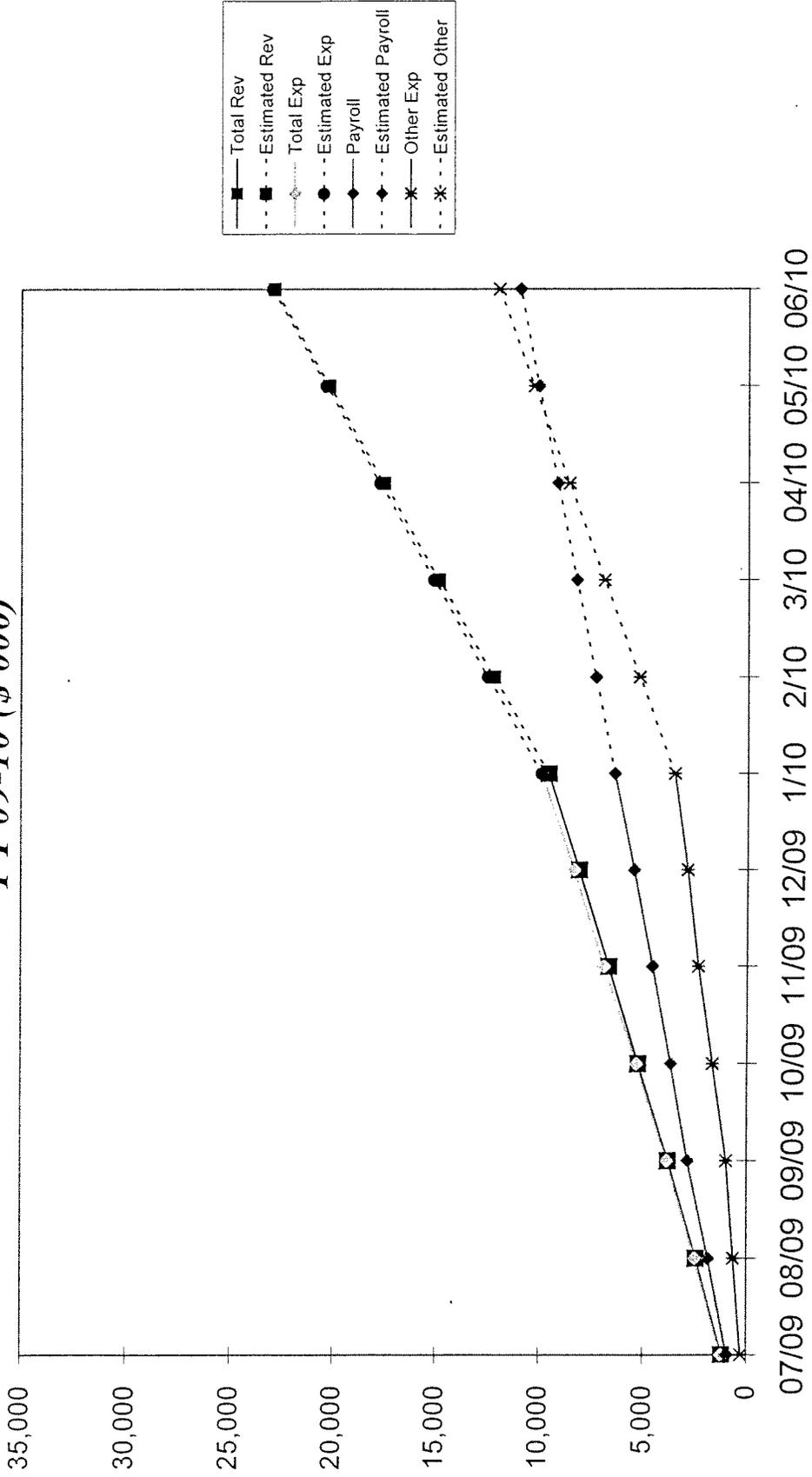
## Current Month Revenues & Expenses

### FY 09-10 (\$'000)



# ABAG Financial Indices

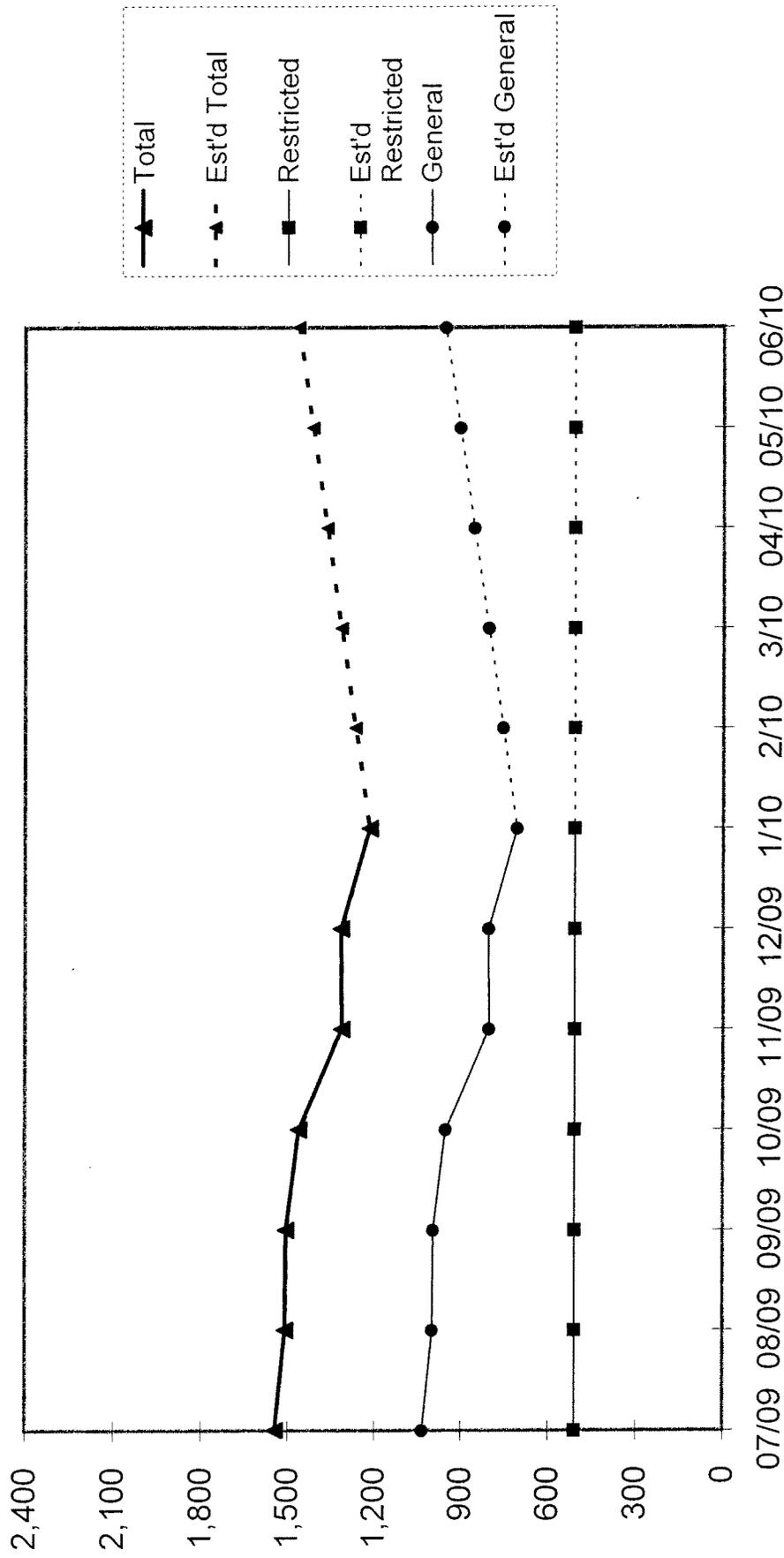
## Year-to-date Revenues & Expenses FY 09-10 (\$'000)



# ABAG Financial Indices

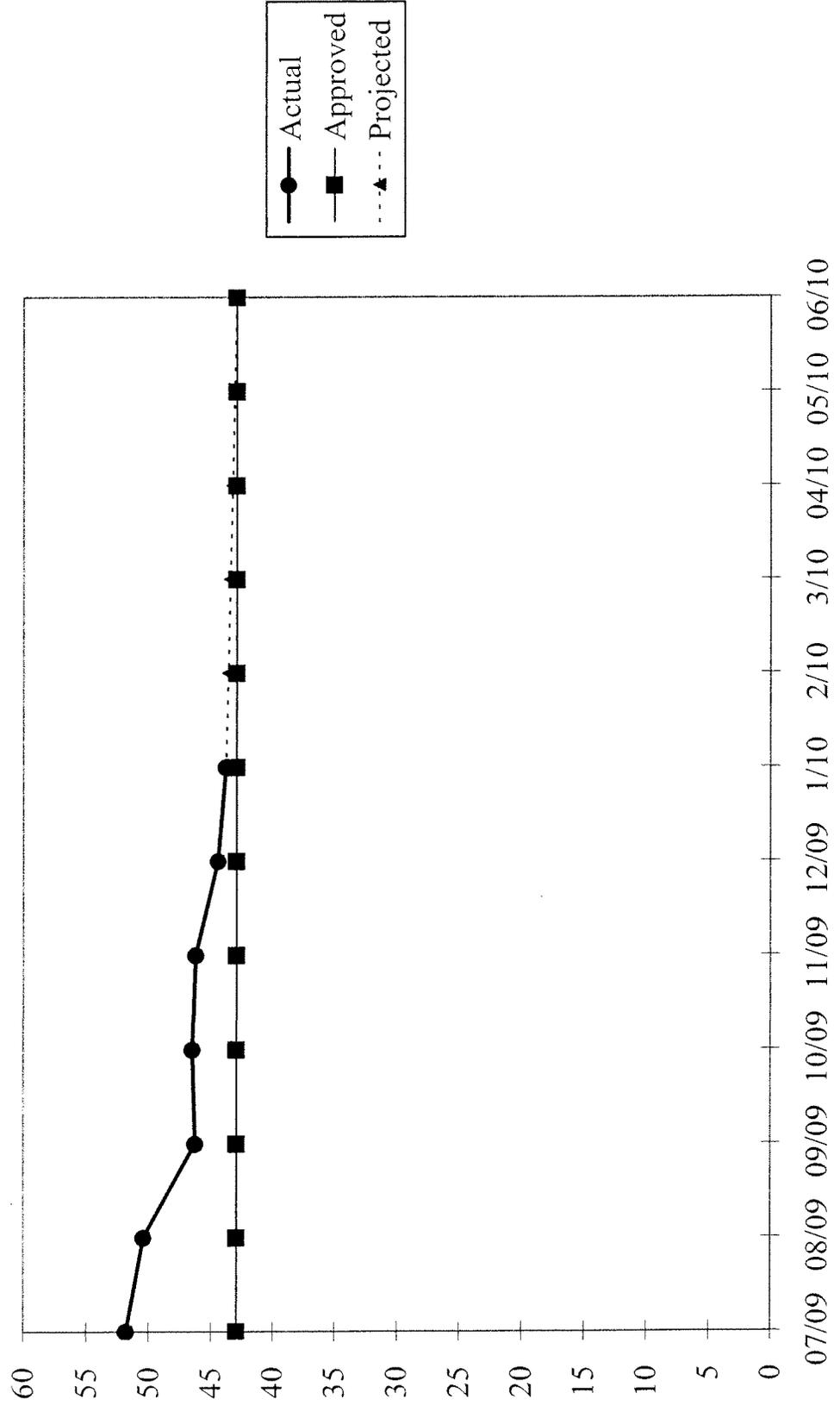
## Fund Equity

### FY 09-10 (\$'000)



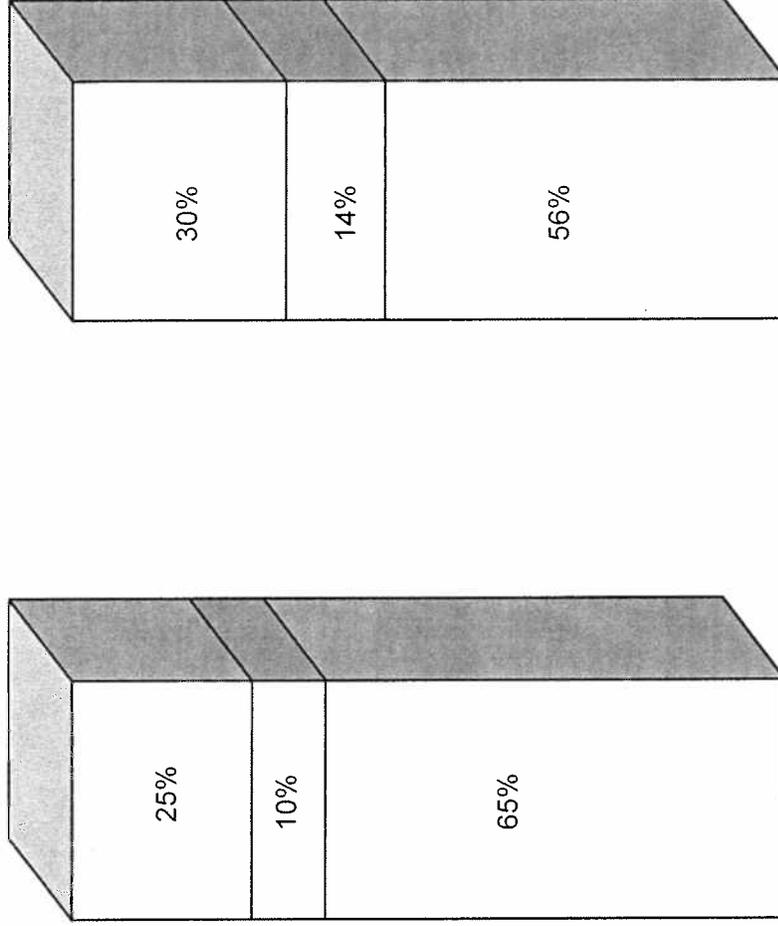
# ABAG Financial Indices

## Indirect Cost Rate (% of Direct Labor Cost) FY 09-10



# ABAG Financial Indices

## Composition of Expenses FY 09--FY 10 Year to Date (\$'000)



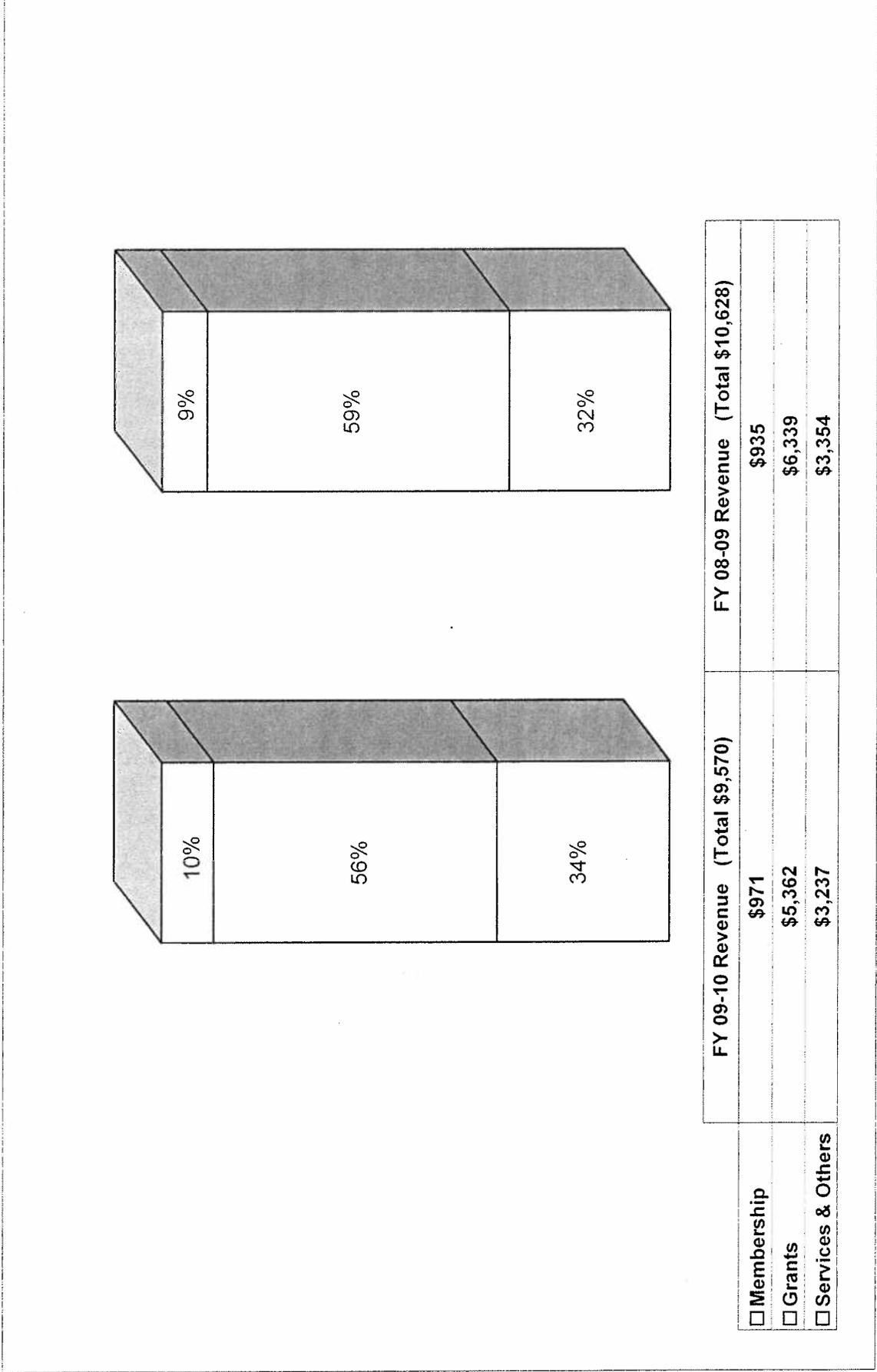
	FY09-10 Expenses (Total \$9,917)	FY08-09 Expenses (Total \$10,811)
<input type="checkbox"/> Consultants	\$2,487	\$3,215
<input type="checkbox"/> Others	\$1,027	\$1,510
<input type="checkbox"/> Payroll	\$6,403	\$6,085

# ABAG Financial Indices

## Composition of Revenues FY 09--FY 10

### Year to Date

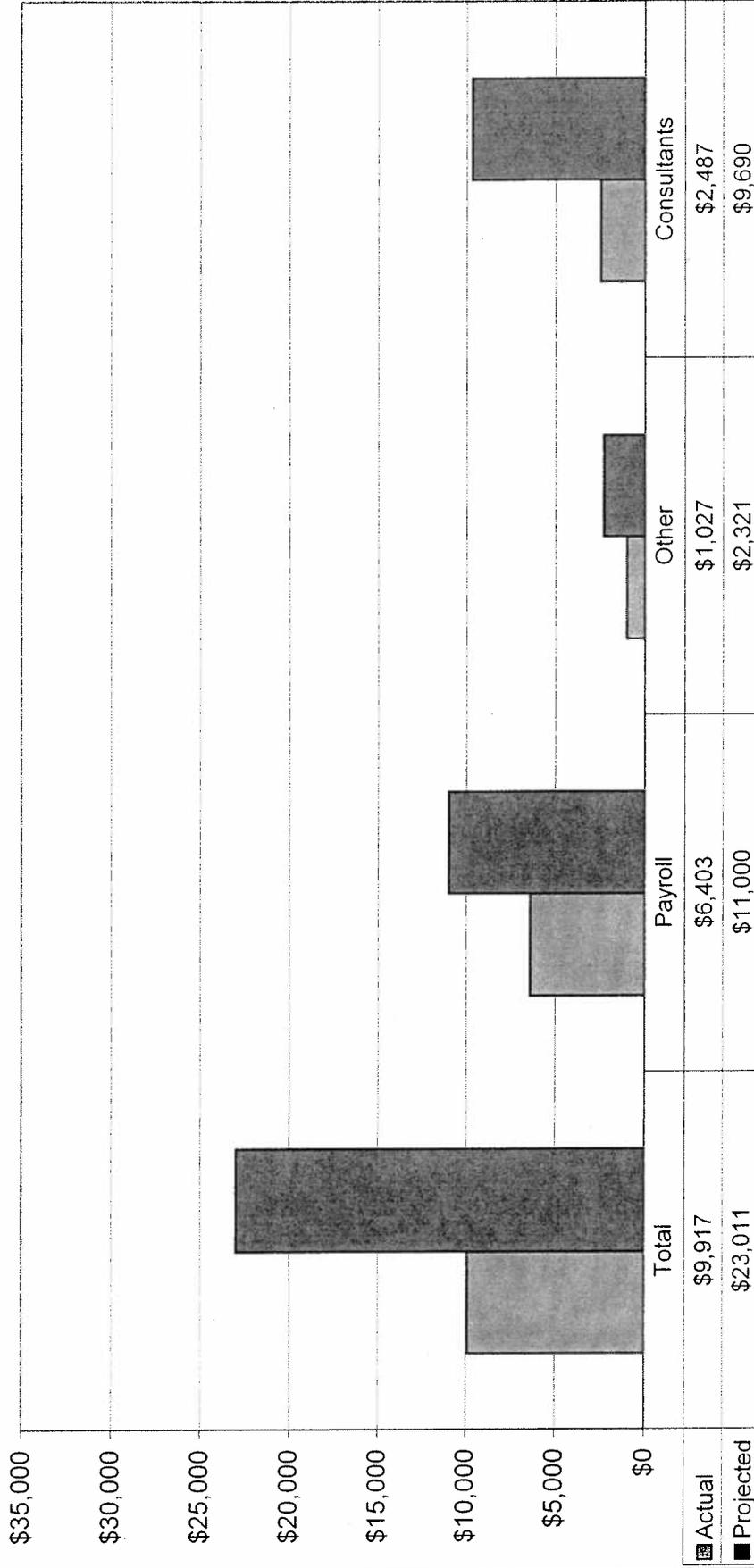
(\$'000)



# ABAG Financial Indices

## Actual vs Projected Expenses--FY 09-10

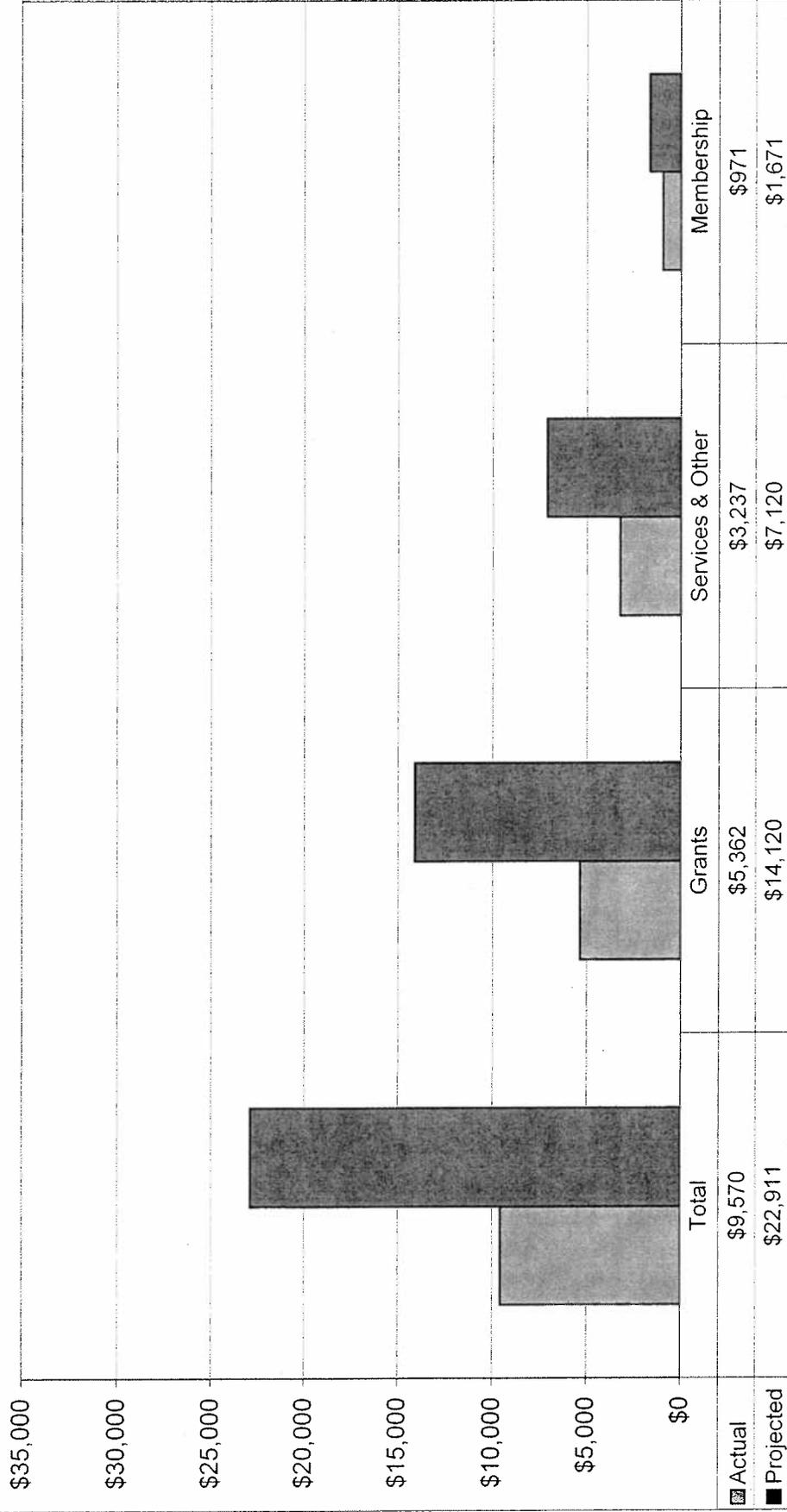
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M E M O

To: Executive Board

Fr: Kenneth K. Moy  
Legal Counsel

Dt: March 8, 2010

Re: **HBANC v ABAG - *Projections 2009***

Summary Analysis: On January 21, the Executive Board received a closed session report on the lawsuit filed by the Home Builders of Northern California [now the Building Industry Trades Association of the Bay Area (BIA)]. The Finance and Personnel Committee (F&P) will discuss a proposed settlement of the lawsuit at its March 18 meeting in closed session.

The F&P recommendation will be made to the Executive Board in a closed session that precedes this item on the agenda.

In open session, the Executive Board will consider what action, if any, it will take to clarify certain aspects of *Projections 2009*. Of necessity, the precise nature of the clarifications will not be known until the end of the Executive Board's closed session. Written materials will be provided on the day of the meeting.

PRESIDENT	Mayor Mark Green, City of Union City
VICE PRESIDENT	Supervisor Susan L. 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 Spering
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