

SUMMARY MINUTES

ABAG Executive Board Meeting No. 331
May 15, 2003 ■ MetroCenter Auditorium

1. CALL TO ORDER

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

Representatives and Alternates Present

Mayor Gwen Regalia
Supervisor Nate Miley
Supervisor Scott Haggerty
Supervisor Mark DeSaulnier
Supervisor Susan Adams
Supervisor Fiona Ma
Supervisor Matt Gonzalez
Supervisor Gerardo Sandoval
Supervisor Mark Church
Supervisor Rose Jacobs Gibson
Supervisor Barbara Kondylis
Supervisor Peter McHugh
Mayor Shelia Young
Mayor Mark Green
Mayor Maria Alegria
Councilmember Kris Valstad
Councilmember Carole Dillon-Knutson
Mayor Ken Slavens
Councilmember Donald Eaton
Councilmember Carol Klatt
Mayor Julia Miller
Mayor Jose Esteves
Mayor James Sperring
Councilmember Steve Rabinowitsh
Councilmember Jane Brunner
Vice Mayor Nancy Nadel
Mary Warren

Jurisdiction

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

Following Representatives and Alternates Absent

Supervisor John Gioia
Supervisor Federal Glover
Supervisor Mike Rippey
Supervisor Bill Dodd
Supervisor Blanca Alvarado
Supervisor Don Gage
Supervisor Mike Kerns
Supervisor Paul Kelley
Mayor Willie L. Brown, Jr.
Ms. Maria Ayerdi
Ms. Alicia Bert
Ms. Karin Carlson
Vice Mayor Nancy Nadel
Councilmember David Cortese
Councilmember Linda J. LeZotte
Councilmember Ken Yeager
Councilmember Nora Campos
Councilmember Terry Gregory
Councilmember Forrest Williams

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

2. PUBLIC COMMENT

There was no public comment.

3. ANNOUNCEMENTS

There were no announcements.

4. EXECUTIVE DIRECTOR'S REPORT

Executive Director Eugene Leong commented on the Governor's May revise indicating there is some relief to cities and counties with the latest budget, but to continue to be vigilant as the proposed budget makes its way through the legislative process. Leong pointed out materials provided to the Board that include the Bay Trail Rider Spring 2003 edition, which includes information on the new Bay Trail maps comprised of over 230 miles of completed trail and a brochure for the Projections 2003, "A Smart Growth Forecast", conference being held on June 18.

5. PRESIDENT'S REPORT

President Gwen Regalia reported on the success of the Water and Land Use Spring General Assembly held on April 24, 2003, at the Westin St. Francis Hotel in San Francisco. A reported 200 City and County officials, delegates and other business and civic leaders met to discuss the complexities and importance of water and land use. Senator Mike Machado and Assembly Member Joe Canciamilla were among the presenters. The Agency's Annual Budget and Work Program was also approved during the business meeting.

President Regalia updated the Board on the outstanding issues associated with the agreed upon series of meetings between ABAG and MTC. President Regalia reported that interviews for a facilitator/mediator took place on April 23, 2003. The team of John Fregonese and retired Walnut Creek City Manager Don Blubaugh was selected. President Regalia, Councilmember Jane Brunner, Supervisor Mark DeSaulnier, and Eugene Leong participated on the interview panel. President Regalia also announced the selection of the ABAG Task Force Members as Jane Brunner, Oakland Councilmember, Dave Cortese, San Jose Councilmember, Mark Green, Mayor, Union City, Pete McHugh, Santa Clara County Supervisor, Rose Jacobs Gibson, President, Board of Supervisors, San Mateo County, and Steve Rabinowitsh, Santa Rosa Councilmember. Scheduling for a series of monthly meetings with MTC, to begin in June 2003, is underway. The intent is to produce a draft recommendation by November and issue a final report in December.

President Regalia informed the Board of a special meeting of the Administrative Committee that took place on April 24th. The outcome of the meeting was that legislative action affecting ABAG and MTC would be suspended until January, 2004. To effect the Board action taken to appoint elected officials from the three big cities (Oakland, San Francisco, San Jose), ABAG agreed to select elected officials from Oakland and San Jose and MTC was to appoint from San Francisco. However, MTC was unable to select an elected official and therefore, the Administrative Committee approved allowing MTC to select a non-elected official to the Task Force from San Francisco.

6. CONSENT CALENDAR

A. Approval Of Executive Board Summary Minutes

The Board approved the Summary Minutes of Meeting No. 330 held on March 20, 2003. A comment requesting that more details of individual discussions be included in the minutes was made by Supervisor Susan Adams, Marin County.

B. Grant Applications

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

C. Appointments to Committees

The Board approved the following committee appointments:

Regional Planning Committee

- Supervisor Pete McHugh, Representing Santa Clara County
- Juliet Ellis, Executive Director, Urban Habitat Program, Representing Social Equity Interests

Regional Agency Coordinating Committee (RACC)

- Councilmember Millie Greenberg, Town of Danville

D. Authorization to Submit Proposal to the National Science Foundation

The Board approved the request to submit a proposal to the National Science Foundation as subcontractor to George Washington University (GWU)-"Sustainable Risk Management of Multi-Modal Port Infrastructure." The ABAG portion of the proposed two-year project is \$60,000. This effort will be to provide the Bay Area earthquake portion of a general risk assessment of cargo facilities at the Port of Oakland and ferry facilities at the Port of San Francisco. The entire GWU project also includes terrorism risk and covers the Port of New Orleans.

E. Authorization to Amend a Contract with the Port of Oakland

In May 2000, the Board authorized the Executive Director to enter into a contract with the Port of Oakland for ABAG and the San Francisco Estuary Project to provide technical support pertaining to permits and activities that are related to dredging projects. The Board approved the request to authorize the Executive Director or designee to amend the contract by extending it for one year until June 30, 2004, and to increase the not to exceed amount from \$230,505 to \$330,505. No matching funds are required by ABAG. The contract assists with implementing the CCMP.

F. Authorization to Enter into a Contract with the State Water Resources Control Board (SWRCB)

The Board authorized the Executive Officer or designee to enter into a contract that will not exceed \$96,500 over a three-year period (2003-2006) with the State Water Resources Control Board on behalf of the San Francisco Estuary Project to provide technical and administrative oversight for small (under \$20,000) Supplemental Environmental Projects (SEPs) that are approved through the San Francisco Bay Regional Water Quality Control Board's (Regional Board) Mandatory Minimum Penalties. This contract will provide oversight similar to that already provided under a separate ABAG contract for SEPs that are approved through Administrative Civil Liabilities. This oversight will include compiling and maintaining a list of potential projects, assisting dischargers in selecting appropriate projects, monitoring selected projects, and expanding the public's awareness of the Regional Board's role in promoting environmental improvement projects.

G. Authorization to Amend a Cooperative Agreement with the US Environmental Protection Agency (EPA)

In May 2002, the Board authorized the Executive Director to enter into a cooperative agreement with EPA on behalf of the San Francisco Estuary Project to provide technical, public involvement, and administrative support in implementing the Comprehensive Conservation and Management Plan. The Board approved the request to authorize the Executive Director or designee to amend the contract by extending it for one year until December 31, 2004, and to increase the not to exceed amount from \$410,000 to \$825,000. ABAG will provide a match of in-kind services in the amount of \$18,000. The CALFED Bay-Delta Program will provide an additional match in the amount of \$410,000.

H. Authorization to Submit Grant Proposal to the Metropolitan Transportation Commission (MTC)

The Board authorized the request to submit a Toll Bridge Reserve funding application to the MTC and if successful, to enter into an agreement with MTC in an amount up to \$186,000 for administration of the San Francisco Bay Trail Project. ABAG would provide up to \$79,700 in matching funds and in-kind services. ABAG has received grant funding from MTC each of the past several years.

I. Resolution to Enter into a Contract with the State of California for Copper Brake Pad Partnership

As a result of a grant proposal to the State Water Resources Control Board (SWRCB) on behalf of the San Francisco Estuary Project and the Copper Brake Pad Partnership, \$700,000 has been awarded. The Board approved the resolution authorizing the Executive Director or designee to enter into a contract with the State. An ABAG in-kind match of \$20,000 over a three-year period (2003-05) will be provided.

- J. Authorization to Submit a Proposal to the Regional Water Quality Control Board for Administration of Water Quality Planning Funds for the Preparation of Hydro Modification Plans by Local Governmental Agencies
 The Board authorized the Executive Director or designee to submit a proposal and, if awarded, to enter into an agreement with the Regional Water Quality Control Board for ABAG to administer funds for the preparation, by local governmental agencies, of Hydro Modification Plans (HMP). HMPs are a new requirement of jurisdictions, intended to determine the impact on streams and creeks of modifications, both increases and decreases, of storm water runoff. ABAG would administer a grant from the consolidated Propositions 13 and 50 and Clean Water Act 319 program funding process on a single and multi-jurisdictional basis to governmental agencies, which propose to prepare the required plans. The contract would not exceed \$500,000 over an expected two-year period. No matching funds are required.
- K. Authorization to Renew Database Administration (DBA) Contract with V-Soft
 The Board approved to extend the V-Soft contract for another 12 months with an adjustment to the hourly billing rate and the 12-month maximum total equal to the average Bay Area CPI change over the past 12 months. At the May 2002 meeting, the Board approved the first annual contract amendment with V-Soft, Inc. to provide database administration services on an as needed basis to support all Oracle databases at ABAG, including Accounting, Mailing Labels and Claims Processing systems. V-Soft began providing the contracted services in May 2001 and has been compensated since May 1, 2002, at the contracted rate of \$83.17 per hour with a maximum 12-month total of not-to-exceed \$172,994. This consulting service contract with V-Soft is included in the current fiscal year overhead budget and will continue to be part of the overhead budget in FY 03-04.
- L. Authorization to Submit a Proposal to US Environmental Protection Agency (US EPA) for a 2003/04 Persistent Bioaccumulative Toxic (PBT) Challenge Grant to Continue Implementation of Bay Area Dioxins Project Pollution Prevention Efforts
 The Board authorized the Executive Director or designee to submit a proposal and, if awarded, to enter into an agreement with the US EPA for ABAG to administer funds for the Bay Area Dioxins Projects Task Force. The contract would not exceed \$35,000 over an expected one-year period. A five- percent match is required. Local governments that participate in the Task Force will provide this match. The anticipated tasks include assisting local governments expand their environmentally preferable purchasing policies for paper, conducting public outreach efforts, and doing dioxins pollution prevention research/providing information updates. ABAG will continue working the LWS and TDC Environmental Consulting.
- M. Authorization to Submit a Proposal to US Environmental Protection Agency (US EPA) for a 2003/04 Persistent Bioaccumulative Toxic (PBT) Challenge Grant to Coordinate/Assist with On-Going Regional Medical Waste Reduction Efforts
 The Board authorized the Executive Director or designee to submit a proposal and, if awarded, to enter into an agreement US EPA for ABAG to administer funds for the Bay Area Dioxins Projects Task Force. The anticipated tasks include staffing and facilitating the Health Care Pollution Prevention Work Group, printing medical waste reduction materials, providing technical assistance to localities, offering training and workshops that promote medical waste reduction and pollution prevention. ABAG will continue working the LWS and TDC Environmental Consulting. The contract would not exceed \$42,000 over an expected one-year period. A five- percent match is required. Local governments that participate in the Task Force will provide the required five-percent match.
- N. Authorization to Submit Proposal for "Analysis of Quaternary Mapping for Improved Liquefaction and Ground Shaking Hazard Mapping – San Francisco Bay Area"
 The Board authorized the request to submit a proposal to the U.S. Geological Survey for funding, and if accepted, for the Executive Director or designee to enter into an agreement to expand and extend ABAG's efforts at mapping and analyzing liquefaction hazards for the San Francisco Bay Area. The focus of this project is to gain a greater understanding about units mapped as underlain by deposits with very high liquefaction susceptibility that were clearly responsible for disproportionate damage to roads and pipelines in the 1989 Loma Prieta earthquake. The proposed project will start in Fall or Winter of 2003 and end 12 months later with a total budget of \$74,400 including an ABAG match of \$12,000 and \$12,000 of subcontract work.

O. Authorization to Enter into Contract with the West Contra Costa County Wastewater District

The Board authorized the request to enter into a contract with the West Contra Costa County Wastewater District to receive and administer up to \$97,500 for Bay Trail construction in central Richmond. The funds are the result of a water quality violation fine, under the administrative oversight of the Regional Water Quality Control Board.

P. Authorization to Enter into Contract with the California Department of Transportation (CALTRANS)

The Board authorized to enter into a contract with the California Department of Transportation

(CALTRANS) for a three hundred thousand dollar (\$300,000) Community Based Transportation Planning Grant for the Smart Growth Strategy/Regional Livability Footprint Project.

It was moved by McHugh/S/Spering/C/ that the consent calendar be approved.

7. STATE BUDGET UPDATE & MAY REVISE

Chief Economist, Howard Roth, of the California State Department of Finance briefed the Board on the May revise and the State's fiscal outlook which includes; a) budget shortfall estimate grows from \$34.6 billion to \$38.2 billion, b) revised budget protects K-12 education, public safety, and critical health and environmental programs, c) current year deficit, \$10.7 billion is paid off with proceeds from sale of 5-year bonds, to be paid off with a ½ cent state sales tax increase, d) increase in VLF is assumed, e) May revision leaves open a \$7.9 billion structural shortfall – a plan to close the hole will be left until after this year's budget is passed, f) State-local realignment cut sharply to \$1.8 billion paid for by adding a 10.3% income tax bracket and a \$.63 a pack tax increase on cigarettes, g) May revision restored \$2 billion for education, health care and other government programs, and h) on-time approval of the budget is critical. A deadline of June 15 for a plan is expected by the legislature that will hopefully be approved by July 1, 2003.

8. LOCAL GOVERNMENT RESPONSE TO STATE FISCAL CRISIS

Steve Szalay, Executive Director, California State Association of Counties, briefed the board on the local government activities and responses to the state budget crisis and the impact on local government. Szalay reported that as of his last update to the Board a year ago regarding the budget, the coalition being built in Sacramento entitled LOCAL (Leave Our Community Assets Local) which involves the League of California Cities, CSAC and the special districts and now 400 other individual associations and groups from labor to business to the non-profit sector was very successful last year in the budget wars. With regard to the May revise, Szalay reported good news for local government in California compared to the January budget, indicating that the framework that has been proposed by the Governor is one that will serve as a base for discussion. Items discussed were a) the recovery bond which is to be financed over 5+ years with a ½ cent sales tax, b) the VLF trigger is expected to be pulled anticipating that there will be insufficient monies available to be transferred from the General Fund for the offsets, beginning with the payments scheduled for transfer in July 2003. The May revision assumes that the state will not be obligated to make offset payments in 2003-04, c) The Williamson Act fund is fully funded in the May revise for agricultural and natural resources, d) public safety funding is restored, e) redevelopment consisting of a diversion of \$250 million could leverage between \$1.5 - \$1.8 billion in private capital. Szalay reported that the Governor committed that he would not sign a budget unless there was physical and structural reform connected to it. A copy of the May revision can be found online at the Department of Finance's website http://www.dof.ca.gov/HTML/BUD_DOCS/May_Revision_2003_www.pdf. Szalay also reported that christ McKenzie, LCC Director, was tied up in meetings in Sacramento and he sends his apologies.

9. REQUEST FROM ALAMEDA COUNTY MAYORS' CONFERENCE RE SUPPORT FOR ESTABLISHING ALTERNATE COMMISSION MEMBER POSITION TO METROPOLITAN TRANSPORTATION COMMISSION (MTC) GOVERNANCE STRUCTURE

Emeryville Mayor Ken Bukowski, on behalf of the Alameda County Mayors' Conference, requested that agencies with appointments to MTC take a vote of its members to determine if it supports establishing an alternate position to the MTC, indicating that when a member is out ill, there is no representation. Comments of approval were given by Mayor Mark Green, Councilmember Jane Brunner, Supervisor Matt

Gonzalez, and Supervisor Pete McHugh who support Mayor Bukowski, indicating that the intent is to solicit to the appointing agencies the idea of alternates to the MTC. Supervisor Haggerty commented that in fairness to MTC, the subject should be brought to MTC prior to the Board voting on the item. The Board approved a substitute motion made by Supervisor Haggerty to endorse the concept of an alternate member to the MTC by each of the appointing agencies and that ABAG direct its appointee, Councilmember Torliatt, to agendaize that item for an MTC meeting. It was moved by Haggerty/S/Young/C/. Dillon-Knutson, DeSaulnier and Sperring voted no. The main motion made by Councilmember Dillon-Knutson, to only endorse the notion of alternates to the MTC died.

10. LEGISLATION AND GOVERNMENTAL ORGANIZATION COMMITTEE (L&GO) REPORT

Rose Jacobs Gibson, Supervisor, San Mateo County and Chair, reported on Committee activities. For information on the L&GO Committee, contact Kathleen Cha at 510/464-7922 or KathleenC@abag.ca.gov or Patricia Jones at 510-464-7933 or PatJ@abag.ca.gov. The Board approved actions of the Committee.

Eugene Y. Leong, Secretary-Treasurer