



A G E N D A

REVISED

ABAG EXECUTIVE BOARD MEETING NO. 367

Thursday, May 21, 2009, 7:00 PM

METROCENTER AUDITORIUM

101 8th Street (at Oak Street)

Oakland, California

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

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

1. CALL TO ORDER

2. PUBLIC COMMENT

3. ANNOUNCEMENTS

4. PRESIDENT'S REPORT

President Rose Jacobs Gibson will report on the recent Spring General Assembly and other matters.

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. 366 held on March 19, 2009.

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. Appointments to Committees

President Jacobs Gibson requests Executive Board approval of appointments to the following committees:

San Francisco Estuary Implementation Committee

Nominee to be Announced at Meeting

Bay Area Council Economic Institute*

Roseanne Faust, Mayor, Redwood City

D. Authorization to Renew Agreement with Michael J. Arnold and Associates, Legislative Advocate**

Authorization is requested to renew the agreement with Michael J. Arnold and Associates in an amount not to exceed \$60,000 to provide legislative advocacy on behalf of ABAG in Sacramento.

E. Authorization for the Executive Director or Designee to Enter into Agreement for Grant from US Geological Survey**

Authorization is requested for the Executive Director or designee to enter into agreement with the US Geological Survey to update public outreach materials on ABAG's website. Agreement will not exceed \$80,000.

F. Authorization is Requested for the Executive Director or Designee to Enter Into Contract Agreements for Estuary 2100 Grant**

At the July 2008 meeting the Executive Board authorized entering into a grant agreement with the U.S EPA in the amount of \$4,922,000 under the San Francisco Bay Water Quality Improvement fund. Authorization is requested to enter into agreements with 16 agencies totaling \$4,104,076.

G. Authorization to Amend or Enter into Agreement with US Environmental Protection Agency (EPA)**

Authorization is requested for the Executive Director or designee to amend or enter into a new 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 (CCMP). The agreement term will be extended to December 31, 2010.

H. Authorization and Approval of Resolution No. 09-09 to Enter into Financial Assistance Agreement for American Recovery and Reinvestment Act (AARA) Funds**

Authorization is requested for approval of Resolution No. 09-09 entering into agreement with the State Water Resources Control Board for Financial assistance agreement with the State of California and the State Water Resources Control Board.

I. Authorization and Approval of Resolution No. 10-09 to Enter into Agreement for Clean Water State Revolving Fund for \$7.8 Million in Stimulus Funding for Bay Area Trash Capture Demonstration Project**

Authorization is requested for approval of Resolution 10-09 transmitting application for funding for Bay Area-Wide Trash Capture Demonstration Project. The proposal includes significant public education and technology transfer elements.

J. Authorization to Enter into Financial Assistance Agreement under American Recovery and Reinvestment Act of 2009 (ARRA)**

Application for State Revolving Fund program funding for the El Cerrito Green Streets Project was approved by the Executive board in Resolution 04-09 adopted on March 19, 2009. The State Water Resources Control Board requests an additional Resolution using specific language drafted by the State Board. Approval of Resolution No. 11-09 is requested.

K. Approval of Resolution Recognizing State Treasurer Bill Lockyer for Supporting the San Francisco Bay Trail Project

Approval is requested for resolution recognizing State Treasurer Bill Lockyer for supporting the San Francisco Bay Trail Project since the passage of SB 100 in 1987 and efforts to complete the continuous trail around the San Francisco Bay.

L. Approval of Resolution No. 13-09 Authorizing the ABAG Secretary-Treasurer to Designate Authorized Check Signers**

Bank of the West requires a resolution authorizing designated signers for ABAG checks. Approval of Resolution No. 13-09 authorizing the ABAG Secretary-Treasurer to designate check signers is requested.

7. BAY FRIENDLY LANDSCAPING. PRACTICES**

Information/ACTION: Teresa Eade, Senior Program Manager, StopWaste.Org., and Michelle LeBeau, Bay-Friendly Landscaping & Gardening Coalition, will make a presentation about Bay-Friendly programs and services. StopWaste.Org and the Coalition are requesting that the Executive Board endorse the Bay-Friendly 7 Principles Charter, encourage staff to incorporate Bay-Friendly criteria in relevant programs, encourage continued development of a landscape verification program, and inform ABAG members of these actions.

8. BAY TRAIL 20TH ANNIVERSARY**

Information: The Bay Trail celebrates its 20th anniversary beginning in June. Bay Trail Project Manager Laura Thompson will provide the Board with a status report on the Bay Trail gap analysis and announce a schedule of 20th anniversary activities.

9. ABAG'S INTERACTIONS WITH THE JOINT POLICY COMMITTEE IN IMPLEMENTATING SB 375**

Information: Paul Fassinger, ABAG's Research Director will present recommendations for how decision making and staff work will be organized for upcoming regional initiatives like a Sustainable Communities Strategy. ABAG policy makers and staff will need to significantly increase coordination with other regional agencies. Work between agencies should supplement discussions among the agencies' representatives at the Joint Policy Committee.

10. ABAG REGIONAL SOLAR ENERGY EFFICIENCY PROGRAM UPDATE**

Information: Ezra Rapport, ABAG Deputy Executive Director, will provide the Board with an update on plans for a regional solar energy efficiency finance program.

11. 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 on pending legislation.

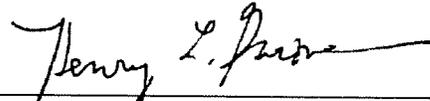
12. FINANCE & PERSONNEL COMMITTEE REPORT**

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

A. CLOSED SESSION: Public Employee Performance Evaluation

Title: Legal Counsel

13. ADJOURNMENT



Henry L. Gardner, Secretary-Treasurer

ABAG CALENDAR – May & June 2009

ASSOCIATION OF BAY AREA GOVERNMENTS [ABAG], Joseph P. Bort MetroCenter, 101 Eighth Street, Oakland, CA 94607-4756
ABAG Receptionist: 510/464-7900

ABAG FAX: 510/464-7985

E-mail: info@abag.ca.gov

URL: <http://www.abag.ca.gov>

MAY

PLAN – Executive Committee

5/13 @ 10:00 am, MetroCenter, ABAG Conference Room B

Bay Trail Steering Committee

5/14 @ 1:30 pm, MetroCenter, ABAG Conference Room B

ABAG / BAAQMD / MTC Joint Policy Committee

5/15 @ 10:00 am, MetroCenter, Auditorium

Urban Pesticides Committee

5/19 @ 9:00 am, MetroCenter, Room 171

Legislation & Governmental Organization

5/21 @ 3:30 pm, MetroCenter, ABAG Conference Room B

Finance & Personnel Committee

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

EXECUTIVE BOARD

5/21 @ 7:00 pm, MetroCenter, Auditorium

Regional Airport Planning Committee (RAPC)

5/22 @ 9:00 am, MetroCenter, Auditorium

PLAN – Actuary Committee

5/29 @ 10:00 am, MetroCenter, ABAG Conference Room B

JUNE

Pre-Regional Planning Committee (RPC) Luncheon

6/3 @ 11:45 p.m., MetroCenter, ABAG Conference Room B

Regional Planning Committee (RPC)

6/3 @ 1:00 p.m., MetroCenter, Auditorium

PLAN – Board of Directors

6/11 @ 10:00 am, MetroCenter, ABAG Conference Room B

Bay Trail Steering Committee

6/11 @ 1:30 pm, MetroCenter, ABAG Conference Room B

ABAG POWER Executive Committee

6/17 @ 12:00 p.m., MetroCenter, ABAG Conference Room B

Regional Airport Planning Committee (RAPC)

6/26 @ 9:30 am, MetroCenter, Auditorium

** ABAG programs for which a fee is charged and pre-registration is required. To register or for further information, contact **ABAG Receptionist** at 510/464-7900.
• For additional ABAG Training Center information contact **Chanell Gumbs** at 510/464-7964.

M E M O

Date: May 8, 2009

To: Executive Board

From:

Henry L. Gardner
Executive DirectorSubject: **Executive Director's Report****State Budget Crisis Worsens**

The Legislative Analyst has updated the State's cash flow analysis and has concluded that the State may have to halt spending on bond funded projects and force delays in payments for work already performed. This could have a significant impact on ABAG's Bay Trail Project and Estuary Project. Both of these projects are funded from State issued bond financings, and both have had payments delayed this fiscal year. Fortunately, we were able to move employees to other projects that were not affected by the funding freeze. That will probably not be possible if there is a future freeze, particularly for the Bay Trail Project. The Bay Trail Project is currently under funded and FY 2009-10 will be a challenge under the best case scenario. The State is currently estimating an \$8 billion revenue shortfall for the remainder of the fiscal year. Failure of measures in the May 19 special election (which seems quite likely at the moment) will make it difficult for the State to borrow to cover its cash flow pressures, resulting in further freezes of projects.

The prospects of the State borrowing from cities and counties and cutting funding for existing programs are becoming more probable each day, and failure of the measures in the May 19 special election will make it all but certain. Cities and counties are facing enormous budget challenges themselves and have exhausted most of the options they have to close budget deficits without painful reductions in staff and services. The federal stimulus package will ease some of the State's budget problems, but not all of them, and will provide little immediate help to cities and counties.

The May Revision is expected to be released by the Governor on May 14, 2009. Should the ballot propositions fail, estimated to raise approximately \$6 billion, the Governor has indicated that possible actions might include the following:

- Borrowing \$2 billion from cities, counties, and special districts;
- Additional cuts to Medi-Cal;
- Release of 40,000 nonviolent inmates from prison;
- Release of undocumented inmates to the federal government;
- An additional \$3.6 billion reduction to schools.

Status of Housing Elements

In its 2007 Report to the Legislature on the Status of Housing Elements in California, the California Department of Housing and Community Development reports that for the planning period from December 31, 2001 to June 30, 2009, in ABAG's region, 92 out of 109 total jurisdictions, or 85 percent, had adopted housing elements that were in compliance in their general plans, the highest among other regions in the state. The report describes the status of local government compliance with housing element law statewide and by region.

SB 406

To meet the requirements of SB 375, staff is taking steps to encourage the League of California Cities, the California State Association of Counties, and local jurisdictions to support SB 406 (DeSaulnier). SB 406 will allow the Metropolitan Planning Organizations the option of imposing a maximum \$2 as a registration fee on automobiles to generate funds that can support the significant planning responsibilities to provide for the orderly growth in a sustainable manner and to meet greenhouse gas reduction targets placed on MPOs by SB 375. Through SB 406, local governments receive 50 percent of funding for direct assistance in the SB 375 planning process, with the remainder going to MPOs to complete plans to meet regional targets.

San Francisco Bay Restoration Authority

The San Francisco Bay Restoration Authority Governing Board held its first meeting on April 22. Chaired by Samuel Schuchat, Executive Officer of the California State Coastal Conservancy, all appointed members of the Governing Board were present and heard a summary of the legislation establishing the Authority and an overview of San Francisco Bay wetlands restoration projects and opportunities. The Governing Board accepted the support offered by ABAG and the State Coastal Conservancy to provide staff to the Authority. The next Governing Board meeting is scheduled for July 29.

FOCUS Forum

FOCUS Forum continues its series of monthly meetings with focused discussions and guest speakers that provide opportunities to learn more about specific issues concerning the creation of complete communities near transit in urbanized areas. Upcoming meetings:

- "Air Quality in Our Communities" with guest speaker Dave Vintze, Program Manager BAAQMD, Thursday, May 14, 9:30 am to 11:30 am, BCDC, Petris McAteer Conference Room, 50 California Street, 26th Floor, San Francisco;
- "Development With Diversity" featuring the sub-recipients of the Caltrans Environmental Justice grant, Thursday, June 25, 9:30 am to 11:30 am, The Urban Center, 654 Mission Street, San Francisco;
- "Health in Urban Areas" with guest speaker Dr. Richard Jackson, Thursday, July 9, 9:30 am to 11:30 am, 101 8th Street, MetroCenter Auditorium, Oakland;
- Projections 2009 Conference "Building Momentum", Thursday, June 18, 8:30 am to noon, The Commonwealth Club of California, The Blue Room, 595 Market Street, 2nd Floor, San Francisco.

For more information, please contact JoAnna Bullock at JoAnnaB@abag.ca.gov or (510) 464-7968.

ABAG Energy Watch

On May 1, 2009 ABAG submitted its Final Partnership Report to PG&E. The successful conclusion of the program included the following accomplishments:

- Provided technical assistance to 61 agencies in the Bay Area, identifying over 600 potential energy savings projects.
- Completed 309 energy efficiency projects in local government facilities for 48 separate agencies.
- Saved over 25,000,000 kWh/yr and 580,000 therm/yr.

ABAG has successfully transitioned the energy efficiency assistance previously provided by the ABAG Energy Watch program to new, sub-regional Energy Watch programs for the 2009-11 program cycle, and is now working with PG&E on the Green Communities effort.

ABAG POWER

In 2006, ABAG POWER joined a lawsuit against natural gas trading companies that manipulated commodity prices during 1999-2001. As of May 2009, ABAG POWER has recovered \$500,000 – net – on behalf of 45 past and current members.

SUMMARY MINUTES

ABAG Executive Board Meeting
No. 366, March 19, 2009
MetroCenter Auditorium
101 8th Street, Oakland, CA

1. CALL TO ORDER

President Rose Jacobs Gibson called the meeting to order at approximately 7:05 p.m.
A revised agenda was distributed.

Representatives and Alternates Present

Supervisor Susan Adams
Mayor Len Augustine
Supervisor John Avalos
Councilmember Jane Brunner
Councilmember Kansen Chu
Supervisor David Cortese
Councilmember Carole Dillon-Knutson
Councilmember Dan Furtado
Councilmember Richard Garbarino
Mayor Jack Gingles
Supervisor John Gioia
Mayor Mark Green
Supervisor Carole Groom
Supervisor Scott Haggerty
Supervisor Rose Jacobs Gibson
Mayor Beverly Johnson
Councilmember Ash Kalra
Director Nancy Kirshner Rodriguez
Supervisor Barbara Kondylis
Supervisor Mark Luce
Supervisor Ross Mirkarimi
Mayor Julie Pierce
Councilmember Joe Pirzynski
Councilmember Nancy Pyle
Vice Mayor Jean Quan
Mayor A. Sepi Richardson
Supervisor Gail Steele
Mayor Pamela Torliatt
Supervisor Gayle B. Uilkema
Councilmember Joanne Ward
Supervisor Ken Yeager

Representatives Absent

Supervisor Mike Kerns
Education Advisor Hydra Mendoza
Councilmember Nancy Nadel
Mayor Gavin Newsom
Terry Young

Jurisdiction

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

Jurisdiction

County of Sonoma
County of San Francisco
City of Oakland
City of San Francisco
RWQCB

2. PUBLIC COMMENT

There were no public comments.

3. ANNOUNCEMENTS

President Jacobs Gibson welcomed Joanne Ward, Councilmember, City of Hercules, and Julie Pierce, Mayor, City of Clayton, representing cities in Contra Costa County; John Avalos, Supervisor, City and County of San Francisco; Carole Groom, Supervisor, County of San Mateo; and Nancy Pyle, Councilmember, City of San Jose, alternate to Councilmember Sam Liccardo.

Mark Green, Mayor, City of Union City, recognized those Board members who participated in the Environmentally Preferable Purchasing workshop on March 18, including Mark Luce, Supervisor, County of Napa; Jean Quan, Councilmember, City of Oakland; Barbara Kondylis, Supervisor, County of Solano; and Sam Liccardo, Councilmember, City of San Jose, and commended Ceil Scandone, ABAG Senior Regional Planner, and Jennifer Krebs, Senior Regional Planner, San Francisco Estuary Project, for their work on the conference.

Susan Adams, Supervisor, County of Marin, announced that Valerie Brown, Supervisor, County of Sonoma, in-coming President of the National Association of Counties, was invited to President Obama's Task Force on Health Care Reform. President Jacobs Gibson added there will be a Large Urban County Caucus on the health care system.

There were no other announcements.

4. PRESIDENT'S REPORT

President Jacobs Gibson reported on the following:

ABAG's Legislative Reception, co-sponsored by CSAC and MTC with support from Comcast, was held January 28 in Sacramento. Over 27 legislators and their staff were in attendance. She thanked the Board and L&GO members who attended. Legislators were provided with a flash drive containing information about ABAG and its legislative priorities.

The Administrative Committee held its annual meeting and planning session February 26-27 at the Oceana Hotel in Half Moon Bay.

A working group of the Youth Gun Violence Task Force met in February to review proposed ordinances and resolutions that could be adopted by local governments to curb the unrestricted sale of ammunition and weapons. The Task Force is in the process of discussing these ordinances and resolutions with local police and sheriff's departments before convening a larger meeting to obtain greater buy-in on approaches to dealing with weapons and ammunition issues as they affect youth and the greater community.

A total of 18 applications for seven available seats were received for the San Francisco Bay Restoration Authority's Governing Board. A slate of nominees for the Governing Board is on the Consent Calendar. She thanked those who expressed interest in the Authority. Two ABAG Board members who were not nominated are members of the Estuary Project's Implementation Committee which will be serving in an advisory capacity to the Authority.

5. EXECUTIVE DIRECTOR'S REPORT

Executive Director Gardner reported on the following:

The adoption of a State budget for the remainder of FY 2009-10 and FY 2010-11 will lift the freeze imposed on State funded projects and will relieve the cash flow pressure on the Estuary Project and the Bay Trail Project, both of which depend largely upon State grants and contracts. Still at issue is whether or not the State will release funding for the period the freeze was in place. So far, the answer appears to be no. This will result in a reduction of overall funding. Other ABAG programs and projects were not affected by the freeze.

The Metropolitan Transportation Commission (MTC) and ABAG have again been successful in competing for continuing funding for the region's Blueprint Plan, known as FOCUS. The California Department of Transportation (Caltrans) has awarded MTC/ABAG \$640,000 out of a total of \$5 million dollars statewide for the next round of funding from the Federal Highway Administration.

ABAG PLAN recovered over \$380,000 on behalf of Property Program members for reimbursement of past losses and which will likely be used to broaden coverage and reduce premiums for FY 2009-10. Liability Program members have received over \$440,000 in grants so far this fiscal year for risk management programs and services; members will consider increasing grants for next fiscal year to prevent cuts to critical training and risk management programs.

Over the last three years, ABAG Energy Watch has helped identify and implement energy-efficiency projects for 70 local government agencies and special districts throughout the Bay Area. More than 275 energy-efficiency projects are expected to be completed by the end of the first quarter of 2009, saving over 21,000,000 kilowatt-hours in electric power and over 478,000 therms of natural gas. The ABAG Energy Watch Program will conclude this spring 2009, but ABAG members will still be able to access services for energy efficiency through new sub-regional Energy Watch Programs and with the launching of the new "Green Communities" effort.

FOCUS Forum continues its series of monthly meetings with focused discussions and guest speakers that provide opportunities to learn more about specific issues concerning the creation of complete communities near transit in urbanized areas. Upcoming meetings will address "Cities and Schools—Best Practices for Urban Areas" on April 9; "Development with Diversity" on June 25; and "Health in Urban Areas" on July 9.

ABAG's Earthquake and Hazards Program is completing a list of potential soft-story multifamily residential buildings in the City of Oakland which was selected as a "pilot" for the inventory process because of its interest in using such a list to develop strategies to encourage retrofitting of these buildings. ABAG's Earthquake and Hazards Outreach Committee, chaired by Oakland City Councilmember Nancy Nadel, is now in the process of looking at the options for soft-story hazard mitigation in Oakland and other high-risk cities. ABAG is assisting the Bay Area Earthquake Alliance in compiling a list of events that are being planned by cities and counties commemorating the Loma Prieta earthquake.

Financings delivered by ABAG and its affiliated entities since the last report include: \$6,200,000 in Bank Secured Variable Rate Demand Revenue Bonds on behalf of **Alameda County** for the Ecole Bilingue de Berkeley to purchase, rehabilitate and

construct school facilities; and, \$60,000,000 in Bank Secured Variable Rate Revenue Bonds on behalf of **San Diego County** to provide permanent capital financing for a new hospital in the Sharp Healthcare System.

Jean Quan, Councilmember, City of Oakland, commented on progress being made regarding the retrofit of soft-story structures and noted that the financing being developed for solar and energy efficiency projects should also be offered for the seismic retrofitting of buildings.

Sepi Richardson, Mayor, City of Brisbane, suggested the need for a resource guide of businesses that can provide services, equipment and supplies to cities and counties following a disaster.

President Jacobs Gibson thanked Executive Director Gardner for his report.

6. CONSENT CALENDAR

President Jacobs Gibson recognized a motion by Barbara Kondylis, Supervisor, County of Solano, and seconded by Mayor Richardson, to approve the consent calendar. The motion passed unanimously.

A. Approval of Executive Board Summary Minutes**

Summary Minutes of Meeting No. 365 held on January 15, 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 Committees

Approved the following appointments to committees:

Bay Area Council Economic Institute
Supervisor Diane Dillon, County of Napa

Legislation and Governmental Organization Committee
Mayor Pamela Torliatt, City of Petaluma

Finance and Personnel Committee
Mayor Sepi Richardson, City of Brisbane

Regional Planning Committee
Supervisor Susan Bonilla, Contra Costa County (Replaces Supervisor Federal Glover, CCC)
Mayor Susan Gorin, City of Santa Rosa (Replaces Rohnert Park Mayor Jake Mackenzie

San Francisco Bay Restoration Authority
Samuel Schuchat, Executive Officer, California Coastal Conservancy, Chair
Phil Ting, Assessor-Recorder, City and County of San Francisco, West Bay Seat
John Gioia, Supervisor, Contra Costa County, East Bay Seat
Charles McGlashan, Supervisor, Marin County, North Bay Seat
Rosanne Foust, Mayor, Redwood City, South Bay Seat
Dave Cortese, Supervisor, Santa Clara County, Bayside City/County Seat

John Sutter, Director East Bay Regional Park Dist., Bayside City/Park District Seat

Delta Protection Commission

Mayor Jan Vick, City of Rio Vista (Replaces former Antioch Councilmember Arne Simonson): Member

Supervisor Barbara Kondylis, County of Solano: Alternate

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

Authorized approval of FY 09-10 ABAG support to the Bay Area Council Economic Institute (formerly known as the Bay Area Economic Institute) in the amount of \$50,000.

E. Approval of Resolutions and Ratification of Applications for State Revolving Funds**

Approved Resolutions Numbers 04-09, 05-09, and 06-09 and ratified applications for State Revolving Funds for CCMP Implementation Projects under the American Recovery and Reinvestment Act of 2009 and authorized to enter into Agreements, if awarded.

F. Authorization to Enter into Sole Source Agreement with Mike McCoy, Co-Director, UC Davis Information Center for the Environment**

Authorized to enter into an agreement for an amount not to exceed \$500,000 for computer software and training for the CalTrans Production, Exchange and Consumption Allocation System (PECAS) model funded from CalTrans grants.

G. Authorization requested to Purchase HP Multi-core Server**

Authorized to purchase, at a price of up to \$25,000, an HP multi-core server required to run PECAS modeling software, which would be purchased under California's Western States Contracting Alliance contract.

H. Authorization to Enter into Contracts for Graphic Design and Production of Projections 2009/FOCUS Publication**

Authorized to enter into contracts with Finger Design for Graphic Design and Production of Projections 2009/FOCUS Publication and for printing services pursuant to solicitation. Design services will not exceed \$40,000 and printing services will not exceed \$25,000.

I. Bylaw Amendment to Provide Flexibility in Scheduling Annual Meeting of General Assembly

Authorized to recommend to the General Assembly an amendment of the Bylaws to provide greater flexibility in setting date of the Annual Business Meeting of the General Assembly.

J. Authorization to Amend Grant Agreement with State Water Resources Control Board (State Water Board) - Suisun Marsh Low DO and MeHg Project and Approval of Resolution No. 08-09**

Authorized Executive Director or designee to amend a grant agreement with the State Water Board on behalf of ABAG/San Francisco Estuary Project (SFEP) and its partners for this project to test and demonstrate solutions to the severely low dissolved oxygen (DO) conditions and the methyl-mercury production that is facilitated by low DO in Suisun Marsh. The agreement formalized in Resolution No. 08-09 will not exceed \$795,000. ABAG will provide a \$5,000 in-kind services match.

The original end date was March 1, 2009, but due to the State Bond freeze a one year extension is needed to complete the project. New end date would be May 1, 2010.

K. Authorization to Apply for US Environmental Protection Agency Grant for CCMP Implementation Project under Region 9 Wetland Program Development Grants

Authorized ABAG/SFEP to submit a proposal for \$100,000 dollars in grant funding from US EPA's Region 9 Wetland Program Development Grant Funds, and, if awarded, to enter into an agreement with US EPA. The grant period is 1-3 years ABAG/SFEP would contribute match funds of \$33,333.

7. PROJECTIONS 2009 FORECAST**

Paul Fassinger, Research Director, presented the Projections 2009 Forecast and requested Board approval of Resolution No. 03-09 adopting Projections 2009. He gave an overview of the process undertaken, including the targets used, the alternative scenarios reviewed and tested, developing the draft Projections, local government comments, population and job constraints. He provided a summary of Projections 2009 and listed next steps to be taken.

Members discussed the uses for Projections data, the accuracy of the data, staff's work with the City of San Jose in response to the jurisdiction's questions, Projections' relation to the Regional Housing Needs Allocation and the Census data.

Mr. Michael Quigley, California Alliance for Jobs, commented on the transportation and land use planning and the Regional Transportation Plan with regards to future job growth, limits on green field development, and compliance with SB 375.

Mr. Bob Glover, Home Builders Association of Northern California, commented on the information provided by HBANC during the Projections process regarding performance targets, greenfield development, and CEQA requirements. He referenced a letter from HBANC's Senior Vice President and General Counsel which stated HBANC's opposition to the approval of Projections 2009.

Kenneth Moy, ABAG Legal Counsel, responded to the comments stating that the California Code exempts planning documents from CEQA and that the exemption applies to Projections 2009.

President Jacobs Gibson recognized a motion by Supervisor Kondylis, and seconded by Mayor Richardson, to approve Resolution No. 03-09 adopting Projections 2009. The ayes were 30; the nays were one. The motion passed.

President Jacobs Gibson thanked Mr. Fassinger for his presentation. Mr. Fassinger recognized the contributions to Projections 2009 by the ABAG Research staff members Christy Riviere, Hing Wong, Jason Munkres; Ted Droettboom, Regional Planning Program Director, Joint Policy Committee; ABAG Planning staff; and staff from member jurisdictions.

8. BAY AREA POLICIES FOR IMPLEMENTATION OF SB 375**

Ted Droettboom, Regional Planning Program Director, Joint Policy Committee, presented the draft policies to guide the implementation of SB 375. He described the role of the Joint Policy Committee in relation to the implementation of SB 375 and the draft policies. He discussed the Regional Target Advisory Committee; the California Air Resources Board targets; the interaction and iteration between planning and

modeling; the Sustainable Community Strategy and its relation to RHNA and housing elements, the Regional Transportation Plan and investments; CEQA assistance; the Alternate Planning Strategy; and the FOCUS growth initiative. He reviewed implementation of SB 375 in terms of its challenge to the status quo and business as usual; integration of ABAG and MTC, RTP and RHNA, modeling and planning, other initiatives, and the Bay Area and surrounding regions; inclusion of all those required to make implementation work; momentum building on current efforts; and impact on actual emissions.

Members discussed inclusion related to integration of mobility and surrounding regions; effects of power plant emissions; funding; Community Choice Aggregation; the need to have cities and counties review and discuss proposed policies; the history and role of the Joint Policy Committee; needed changes in CEQA; a need for a high-density housing study; monitoring different regional approaches; reaffirmation of position on SB 375 by local government; impacts on land use authority; and funding for implementation planning.

President Jacobs Gibson thanked Mr. Droettboom for his presentation.

9. SOLAR ENERGY EFFICIENCY PROGRAM**

Ezra Rapport, ABAG Deputy Executive Director, reported on developments made for a regional solar and energy efficiency financing program. He reviewed AB 32 compliance; barriers to energy efficiency and solar investments; the concept of Solar and Energy Efficiency (SEE) Districts; consumer benefits; benefits of regional administration; and next steps in program development.

President Jacobs Gibson introduced Tom Guarino and David Rubin, Pacific, Gas and Electric, Company.

Members discussed the liability to local jurisdictions; the property tax process; the Energy Efficiency Block Grant program; the capacity of smaller jurisdictions; Community Choice Aggregation; the program developed by the City of Berkeley; raising ABAG's visibility; maximum efficiency requirement; credits for providing energy to the grid; developing a similar financing program for earthquake retrofits; energy independence, dividend distribution, and vendor source; small energy producers.

President Jacobs Gibson recognized a motion by John Gioia, Supervisor, County of Contra Costa, and seconded by Supervisor Adams, to direct staff to continue developing the solar energy efficiency program. The motion passed unanimously.

President Jacobs Gibson thanked Mr. Rapport for his presentation.

10. ADMINISTRATIVE COMMITTEE REPORT**

Committee Chair, President Rose Jacobs Gibson reported on the Administrative Retreat held February 26 and 27 which included an update on the implementation of the Strategic Plan; the issue of long-term funding for ABAG and legislation by Senator Mark DeSaulnier that would potentially bring \$6-\$12 million per year as the regional share of dollars that would go to COGs/MPOs to implement the Blueprints being developed regionally throughout the state; revising the pass-through formula that has been in existence between ABAG and MTC for the last 20 or so years.

Further, committee members discussed ways to deal with potential budget shortfalls and funding gaps for the San Francisco Bay Trail Project and the San Francisco

Estuary Project, and to market the Trail to secure additional funding to complete its last portions. Staff will provide a gap analysis that identifies the portions of the trail that remain to be completed.

Staff gave an overview of ABAG's role in SB 375 and committee members discussed the need for ABAG to work closely with each community and other partners such as local CMAAs in implementing this legislation, and to work with MTC to develop a joint work plan to implement SB 375.

Staff reported on progress with the FOCUS initiative; Projections; work that is underway on a solar initiative; meeting with water agencies; PCA funding and a prioritization framework; hard mitigation strategies and goals; communicating ABAG's work to members and the public; and maximizing the use of editorial boards and other electronic media. Additional detailed listing of all of the items discussed at the retreat can be made available.

11. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**

President Jacobs Gibson recognized Committee Chair Carole Dillon Knutsen, Councilmember, City of Novato, who reported on committee activities, including; bills for consideration in the 2009 legislative session; an update on the formation of the San Francisco Bay Restoration Authority; an update on SB 375 and land use and transportation planning; a report on the General Assembly on April 23; a report on the Legislative Reception on January 28; and, a request to add for consideration at the next meeting AB 155 (Mendoza), Local Government, Bankruptcy, SB 406 (DeSaulnier), Land Use and Environmental Quality, SB 7 (Wiggins), Renewable Energy, Net Metering, and Delta Compact. The report on water planning priorities and related legislation was deferred to the next meeting.

She reported on recommendations on bills for consideration in the 2009 Legislative Session, including AB 338 (Ma), Transit Village Developments, Infrastructure Financing (watch); AB 280 (Blakeslee/Ma), California Earthquake Authority, Retrofit Programs, Grants (support in concept); AB 782 (Jeffries), Regional Transportation Plans, Sustainable Communities Strategies (watch); AB 814 (Krekorian), Timely Firearm Relinquishment Process (no position—need clarification); AB 1084 (Adams), Local Planning, Development Projects, Fees (support); SB 27 (Hancock), Local Agencies, Sales and Use Tax, Reallocation (support); SB 279 (Hancock), Local Government Community Facility District (support); SB 457 (Wolk), Creation of Delta Stewardship (watch); SB 458 (Wolk), Establish the Sacramento-San Joaquin Delta Conservancy (watch); SB 488 (Pavley), Energy, Energy Efficiency Financing (support); SB 808 (Wolk), San Francisco Bay/Sacramento-San Joaquin Delta Estuary, Strategic Work Plan (watch); AB 962 (DeLeon), Ammunition (support with amendments).

President Jacobs Gibson recognized a motion by Chair Knutsen, and seconded by Supervisor Kondylis to approve the committee report. The motion passed unanimously.

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

12. FINANCE & PERSONNEL COMMITTEE REPORT**

President Jacobs Gibson recognized Committee Chair Scott Haggerty, Supervisor, County of Alameda, who reported on committee activities, including reelection of Supervisor Haggerty as chair and election of Dave Cortese, Supervisor, County of Santa Clara, as vice-chair; review of the January and February 2009 financial reports;

authorization to increase line of credit with collateralization; awarding of contract for independent auditor, Maze and Associates; support to the Bay Area Council Economic Institute; recommended bylaw amendment regarding scheduling of the annual meeting of the General Assembly; recommended authorization to purchase computer hardware and contract for software and consultant services to implement PECAS Land Use Modeling System; and process for performance evaluation of Legal Counsel.

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

Members discussed funding for the Bay Area Council Economic Institute.

President Jacobs Gibson thanked Chair Haggerty for his report.

13. CLOSED SESSION

The Board entered closed session at 9:50 p.m. Executive Director Gardner requested that Deputy Executive Director Rapport, Pat Jones, Assistant Executive Director, and Legal Counsel Moy remain while the Board was in closed session.

The Board returned to open session at 10:00 p.m.

Chair Haggerty reported that there was no direction issued with regards to labor negotiations with SEIU Local 1021. He also reported that a Public Employee Performance Evaluation was conducted for the Executive Director.

Members noted Executive Director Gardner's stellar performance and quality service.

President Jacobs Gibson recognized a motion by Chair Haggerty, and seconded by Mayor Richardson, to approve the inclusion of the car allowance in the Executive Director's salary in lieu of a salary increase. The motion passed unanimously.

14. ADJOURNMENT

Meeting adjourned at approximately 10:07 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.

San Mateo

Applicant: Caltrain - Peninsula Corridor Joint Powers Board
Program: Federal Transit Administration
Project: CA-96-X022 FY 2009 ARRA Capital Improvements
Description: Track & Infrastructure Improvements
Cost: Total \$1,131,452.00 Federal \$1,131,452.00 State: \$0.00
Applicant \$0.00 Local \$0.00
Other \$0.00

Contact: Joel Slavit (650) 508-6476
ABAG Clearinghouse Numbe 14690

Sonoma

Applicant: City of Cloverdale-Chamber of Commerce
Program: USDA
Project: Implementation of outreach center for small business development and business counseling
Description: Implementation of outreach center for small business development and business counseling
Cost: Total \$40,000.00 Federal \$38,000.00 State: \$0.00
Applicant \$0.00 Local \$0.00
Other \$2,000.00

Contact: Carla A. Howell (707) 894-0125
ABAG Clearinghouse Numbe 14695

San Mateo

Applicant: San Mateo County Transit District
Program: Federal Transit Administration
Project: Replacement of up to 73-40 foot buses; Replacement of up to 64-35 foot buses; Preventive Maintenance; ADA Paratransit Operating Subsidy
Description: Projects are submitting application for federal funding along with contingency projects (below) should additional funds become available. The contingency projects total \$2,045,371 in federal funding . Replacement of up to 73-40 foot buses and Replacement of up to 64-35 foot buses.
Cost: Total \$7,878,269.00 Federal \$7,878,269.00 State: \$0.00
Applicant \$0.00 Local \$0.00
Other \$0.00

Contact: Rebecca Arthur (650) 508-6200
ABAG Clearinghouse Numbe 14706

San Mateo

Applicant: CalTrain - Peninsula Corridor Joint Powers Board
Program: Federal Transit Administration
Project: CA-90-Y696 FY 2008/09 Capital Improvements (Signal Communication Rehabilitation; Accessible Capital Enhancement; Systemwide Track Rehabilitation & Related Structures)
Description: Projects are submitting Application of Federal Funding.
Cost: Total \$5,119,279.00 Federal \$4,095,423.00 State: \$0.00
Applicant \$0.00 Local \$1,023,856.00
Other \$0.00

Contact: Joel Slavi, Manager (650) 508-6269
ABAG Clearinghouse Numbe 14707

San Mateo

Applicant: Caltrain - Peninsula Corridor Joint Powers Board
Program: Federal Transit Administration
Project: CA-05-0238 FY 2008/09 Capital Improvements (Systemwise Track Rehabilitation & Related Structures; Wide Spectrum Data Radio ATCS 2nd Channel Implementation; Signal/Communication Rehabilitation; Narrow Banding)

Description: Projects are submitting Application for Federal Funding
Cost: Total \$14,446,119.00 Federal \$11,556,895.00 State: \$0.00
Applicant \$0.00 Local \$2,889,224.00
Other \$0.00

Contact: Joel Slavit, Manager (650) 508-6269
ABAG Clearinghouse Number 14708

M E M O

May 8, 2009

TO: Executive Board

FROM: Henry L. Gardner, Executive Director

SUBJECT: Authorization to Renew Agreement with Michael J. Arnold and Associates, Legislative Advocate

Authorization is requested to renew ABAG's agreement with Michael J. Arnold and Associates to provide legislative representation in Sacramento. The agreement will not exceed \$60,000 for one year beginning July 1, 2009. Mr. Arnold provides invaluable assistance to the agency in monitoring legislation that impacts the Agency, its members, and the region. He also provides early alerts regarding pending legislation that may have impacts on local government and the region. Mr. Arnold also assists in facilitating access to sometimes difficult to navigate state agencies. The agreement with Michael Arnold was initially entered into in 2001 and has been renewed annually.



MEMO

Submitted by: Kenneth Kirkey

Subject: Authorization for the Executive Director or Designee to Enter into Agreement for Grant from US Geological Survey

Date: May 7, 2009

Executive Summary

Authorization is requested for the Executive Director or designee to enter into agreement with the US Geological Survey to update public outreach materials on ABAG's website. Agreement will not exceed \$80,000. The proposed project, if funded, will likely start in early 2010 and will end 12 months later. There is no match. However, the grant application has a subcontract for \$15,000.

Recommended Action

Authorization of action.

Next Steps

None at this time.

Attachments Memo: **Background and Scope of Work of Proposed USGS Proposal**

Item 6.E.

MEMO

Submitted by: Kenneth Kirkey

Subject: Authorization for the Executive Director or Designee to Enter into Agreement for Grant from US Geological Survey

Date: May 7, 2009

Background and Scope of Work of Proposed USGS Proposal

ABAG has the unique function of synthesizing all the scientific, engineering, and preparedness information available from various sources, as well as performing its own studies and models related to earthquake hazards in the Bay Area, and presenting it in one location that focuses only on the risks and hazards to the Bay Area. ABAG takes great pride in communicating scientific earthquake hazards research in a way that is understandable to the non-scientific community. Over the years ABAG has developed a popular earthquake and hazards website, receiving several thousand hits a day.

Research on risk communication tells us that the likelihood that a person will mitigate against a known risk depends on how the risk is presented to them. Furthermore, people who are very familiar with a particular risk respond differently to the same message to mitigate against the risk than those who are relatively unfamiliar. The proposed ABAG effort has the principal objective of effectively communicating the risk of earthquake hazards using the internet in the best way possible for the various user groups of this website.

In this proposal ABAG proposes to improve on the past success of its website by conducting a variety of tasks, including:

- Studying the scholarly body of knowledge in various fields such as communications, marketing and public relations to understand how to best tailor its message of mitigation to the various user groups that utilize ABAG's earthquake hazard information, including government officials, infrastructure planners, business and housing owners, tenants and scientific researchers.
- Holding a series of discussion sessions with a review committee to understand what needs they have as users of the website and to provide recommendations for modifying and updating the website. They will also review the draft product and make suggestions before it is finalized.
- Updating the website to include separate pages for the various user groups of the website to better target hazard and mitigation information to those users.
- Updating the user interface with the GIS maps on the website, including improving the navigation between different hazard maps and connecting maps with mitigation strategies more directly, revising and updating the map legends by improving the language to be more understandable to non-scientists and including links to more detailed information about how the maps were developed and what they mean.
- Performing usability studies to enhance the effectiveness of the website in providing vital information about hazard mitigation and preparedness.

MEMO

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

Subject: Executive Board Approval to Enter into Subcontracts for Estuary 2100 Grant

Date: May 6, 2009

Executive Summary

The Association of Bay Area Governments (San Francisco Estuary Project) applied for and was awarded a grant from the US.EPA in the amount of \$4,922,000 under the San Francisco Bay Water Quality Improvement Fund in late 2008. The Board authorized this application and entering into the grant agreement at its meeting of July 18, 2008.

At this time, we request approval for the Executive Director or his designee to enter into contract agreements for the following projects that were included as partnerships for implementation under this grant agreement:

Stonybrook Creek Bio-Engineered Bank Stabilization The Alameda County Flood Control District will stabilize the banks of Stonybrook Creek, an upper watershed tributary to Alameda Creek, in three locations. These efforts will decrease turbidity and fine sediment, which are detrimental to sensitive species, including the federally-listed endangered steelhead trout. Reducing sediment loads and turbidity in the creek will contribute to the significant multi-agency effort underway to re-establish a thriving population of the native steelhead in the watershed. **Implementer:** Alameda County Flood Control District **Funding: Estuary 2100** \$147,750 / \$268,460 in kind match Alameda County Flood Control District **Total Budget: \$416,210**

Bahia Restoration & Revegetation Project This project will enhance the habitat value of an important area of seasonal tidal marsh at Bahia Marsh in Marin County, over a three-year period. Work will focus on growing and planting 40,920 native plants, which will help establish upland transition zones adjacent to the existing tidal wetlands. This additional vegetation will contribute to a more ecologically complete and resilient wetland habitat attractive to the federally-listed, endangered California Clapper Rail, salt marsh harvest mouse, and other fauna. **Implementer:** Marin Audubon Society **Funding: Estuary 2100** \$56,000 / \$40,638 Combined Partner Match from Forrest and Frances Lattner Foundation, Patagonia, Wildlife and Fisheries Advisory Committee, National Audubon Society **Total Budget: \$96,638**

Candlestick Point State Recreation Area, Yosemite Slough Wetlands Restoration Bay Youth for the Environment, a wetland education program under the auspices of the California State Parks Foundation, will propagate and plant 5,000 to 6,000 native species in the Yosemite Slough Wetlands, the largest contiguous wetland area in the City and County of San Francisco. This project offers a unique combination of training in wetland ecology, horticultural techniques, nursery operations, as well as general life/professional skills development for local youth from the under-served Hunters' Point community. At the same time, it restores an area of the Bay where urban impacts to wetlands have been among the most severe; the project site is currently undergoing remediation to remove toxic sediment, which stormwater runoff currently washes to the Bay during high rainfall events. **Implementer:** California State Parks Foundation **Funding: Estuary 2100** \$98,500 / Partner combined match of \$800,103 from Richard and Rhonda Goldman Foundation, Adobe Foundation, Bechtel Foundation, Hass Sr. Foundation **Total Budget: \$898,603**

Item 6.F.



Senador Mine Erosion Control In the 1990's, Santa Clara County, under the direction of California Department of Toxic Substance Control, assessed former mercury mining sites at Almaden Quicksilver County Park, and remediated certain sites. Although the Senador mine site was one of the remediated sites, the area continues to add to the mercury load in Guadalupe watershed, which drains to the South Bay Salt Ponds. The County will undertake a variety of erosion control strategies, including regrading and planting, to minimize mercury-laden sediment from entering the watershed as required to implement the Guadalupe River Watershed Mercury TMDL. **Implementer:** Santa Clara County **Funding:** Estuary 2100 \$492,500 / \$226,000 in kind match Santa Clara County **Total Budget: \$718,500**

Shoreline Habitat Restoration At Eden Landing Ecological Reserve in Hayward and Martin Luther King Jr. Regional Shoreline in Oakland, trained community volunteers directed by staff of Save the Bay will establish and enhance tidal marsh transition zone habitat for recovery of endangered species and improved water quality. MLK Shoreline is at the confluence of five urban creeks, and a magnet for thousands of stewardship volunteers; Eden Landing Ecological Reserve is at the mouth of Alameda Creek, where additional upstream restoration activities are underway to benefit salmon and steelhead. **Implementer:** Save the Bay **Funding:** Estuary 2100 \$197,000 / \$140,000 in kind match Save the Bay **Total Budget: \$337,000**

Protecting Instream Flows for Fish in the North Bay Over one year, the California Land Stewardship Institute will evaluate experimental approaches to providing frost protection to vineyards in order to reduce springtime water diversions in the North Bay. Future efforts will develop best management practices from the successful approaches and promote the BMPs to vineyard owners. Reducing stream diversions for frost control should help maintain stream-flow levels which are vital to young fish during a very vulnerable stages in their development. **Implementer:** California Land Stewardship Institute **Funding:** Estuary 2100 \$98,500 / Match of \$25,000 from CALFED Ecosystem Restoration Grant to CSLI **Total Budget: \$123,500**

Stream Management Program for Landowners Reducing the amount of sediment in creeks and streams is essential to supporting and reestablishing viable populations of salmonids. The importance of such efforts is underscored by a growing number of TMDLs for sediment in Bay Area streams and by the identification of excessive sediment as a priority issue in the CCMP. This unique program, directed by the Urban Creeks Council (UCC), will assist creekside property owners in implementing state-of-the-art erosion control techniques that will protect their property and reduce sedimentation in key watersheds. Approaches include redesigning and revegetating stream channels, minimizing soil disturbances, and restoring soil-food web relationships. **Implementer:** Urban Creeks Council **Funding:** Estuary 2100 \$393,998 / in kind match Alameda, Contra Costa, Marin County Public Works Agencies \$400,000 **Total Budget: \$793,998**

Littorina Eradication Project This project aims to stop a new invasive species before it becomes a large-scale problem. To prevent the exotic snail *Littorina littorea* from establishing itself in San Francisco Bay, volunteers will remove the snails from areas with known, incipient populations. *Littorina* species will be studied to determine the best control strategies to prevent them from becoming fully established. New outreach materials will help inform the public and encourage reporting of future sightings. **Implementer:** SFEI **Funding:** Estuary 2100 \$25,000 **Total Budget: \$25,000**

Invasive *Spartina* Project This critical project will complete ongoing efforts by the California Coastal Conservancy to reduce the last 150 acres of baylands infested with invasive *Spartina* to zero net acres, an unprecedented accomplishment achieved through the coordinated work of numerous public agencies and private nonprofit organizations over the last decade. Control and eradication of *Spartina* is particularly important to support broader efforts around the Bay to restore wetlands because this species spreads rapidly, crowding out native cordgrass and other plants and simplifying our wetland ecosystems, which makes them less able to support a healthy range of native flora and fauna, including the endangered California Clapper Rail. **Implementer:**

California Coastal Conservancy & Partners **Funding: Estuary 2100** \$172,375 / \$87,500 in kind match Coastal Conservancy **Total Budget: \$259,875**

Innovative Wetland Adaptation Techniques in Lower Corte Madera Creek Watershed BCDC will study the effects of sea level rise and the impact of the local sediment budget on wetland restoration in the watershed. Outcomes will include wetland restoration strategies that will increase resilience to, and mitigation of, climate change impacts on water quality. **Implementer:** BCDC and consultants, **Funding: Estuary 2100** \$591,000 / Partner match \$640,000 in kind Marin County Public Works Department **Total Budget: \$1,231,000**

Habitat Evolution Monitoring Pilot Program, and Pond A8 Muted Tidal Restoration The Habitat Evolution Monitoring Pilot Project will use remote sensing technology to map and analyze vegetation, mudflat, and channel evolution in the South Bay Salt Ponds as restoration progresses. These findings will be essential in evaluating baylands restoration approaches and methodologies under changing conditions. The Pond A8 Project will introduce muted tidal action from Alviso and Guadalupe Sloughs to create approximately 1,400 acres of shallow subtidal habitat in Ponds A5, A7, and A8. This will be accomplished by construction of a 40-ft wide notch at the southern end of Pond A8 and an approximately 475-foot-long pilot channel through the fringe marsh of Alviso Slough. This Project is necessary to determine how tidal marsh can be safely restored in Alviso Slough, which has a legacy of mercury contamination from the Guadalupe River. **Implementer:** South Bay Salt Ponds: **Funding: Estuary 2100** \$403,850 / Partner Match \$1,144,000 from California Prop. 40 grant to the Santa Clara Valley Water District **Total Budget: \$1,547,850**

Bay Area Stream Channel Restoration Design Curves The Waterways Restoration Institute will develop a critical design tool that will guide the stream restoration projects around the Bay Area. Regional "restoration curves" indicate the appropriate width and depth of a restored stream channel that will achieve equilibrium stability and avoid excessive erosion, deposition, and flooding. The curves will be developed through field research, analysis of rainfall and flow data, and watershed size, using representative streams in Marin and Sonoma Counties. This project will not only enhance the opportunities for success of the projects described in this proposal, but the results can also be used for future restoration projects throughout the Estuary. The San Francisco Bay Regional Water Quality Control Board will publish them as part of its water quality permit and stream protection programs. **Implementer:** Waterways Restoration Institute **Funding: Estuary 2100** \$30,000 **Total Budget: \$30,000**

Modeling, Monitoring, and Reporting San Francisco Estuary Institute (SFEI) will implement a project QAPP (Quality Assurance Project Plan) to track **Estuary 2100** projects to establish monitoring protocols and report outputs and outcomes. SFEI will target monitoring and modeling on a group of projects that should demonstrate results within the required time frame: Shoreline Habitat Restoration (photo documentation and monitoring design of native plant recovery); Bahia Restoration and Revegetation (monitoring and design review, and monitoring program implementation support); Littorina Eradication Project (develop long-term eradication monitoring program & public outreach success monitoring); Protecting Instream Flows for Fish in the North Bay (develop pre- and post-BMP monitoring program to assess flows); Senador Mine Erosion Control (work with RWQCB and Santa Clara County Parks to develop a meaningful and cost effective long-term monitoring plan). **Implementer:** SFEI **Funding: Estuary 2100** \$246,250 / SFEI in kind match \$45,000 **Total Budget: \$291,250**

Green Solution Project will quantify and identify suitable public lands in two Bay Area counties for conversion from impervious to pervious land cover, and retrofit to serve as seasonal retention/filtration areas for urban/stormwater runoff—and also achieve additional public benefits. As has been demonstrated in other California communities, such lands can act as natural pollutant filters and treatment areas, while meeting needs for parks, playing fields, and wildlife habitat. This project will be expanded to other counties as funding permits. **Implementer:** Community Conservancy International **Funding: Estuary 2100** \$246,250 / California Coastal Conservancy match \$250,000 **Total Budget: \$496,250**

Keep It Clean will collaborate with Bay Area local governments to promote and replicate proven Bay-friendly best management practices and outreach strategies. Working directly with several cities, Save The Bay will provide tools to better protect San Francisco Bay and its watersheds from runoff pollution, and will partner with ABAG, SFEP, and the Regional Water Board to strengthen regional support networks for water quality improvement. Save The Bay will also expand its innovative outreach and engagement strategies to the general public, in order to promote Bay-friendly behavior by area residents. The project will track success and conduct outreach to additional cities based upon successes. **Implementer:** Save the Bay **Funding: Estuary 2100** \$394,000 request / Partner matches totaling \$480,000 from Richard & Rhoda Goldman Fund, Rose Foundation, Oracle, and TEAK Motion Visuals **Total Budget: \$874,000**

Bayview Model Block Project Architecture for Humanity, a non-profit network of design professionals, has designed a traffic-calming, community building, street-greening project for the 1700 block of Newcomb Avenue in San Francisco's low-income Bayview district. This Estuary 2100 project will implement the design for a green streetscape, planting trees and other drought tolerant plants and installing specially designed stormwater-filtering planters to infiltrate stormwater runoff, and traffic chicanes to calm traffic and create community gathering places. The City and County of San Francisco will monitor the project to quantify reductions in stormwater runoff due to green infrastructure improvements, and develop a template for future projects. **Implementer:** City and County of San Francisco **Funding: Estuary 2100** \$492,500 request / in kind match \$800,000 **Total Budget: \$1,292,500**

Recommended Action

Authorization for the Executive Director or his designee to enter into contract agreements for the Estuary 2100 projects that were included as partnerships for implementation under this grant agreement.

Next Steps

SFEP will finalize contracts for the project partners so work can begin.

MEMO

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

Subject: Authorization to Amend or Enter into Agreement with US Environmental Protection Agency (EPA)

Date: May 6, 2009

Executive Summary

The San Francisco Estuary Project (SFEP) is one of 28 programs mandated under Section 320: National Estuary Program (NEP) of the Clean Water Act. The US Congress appropriates funds each year for the NEP to be distributed through EPA. The funds are allocated equally to the 28 programs, for the fiscal year beginning October 1, 2009 each program will receive \$ 600,000.

A total match of \$ 200,000 is required. ABAG will provide \$15,000 in-kind services and the State Water Resources Control Board will provide \$550,000 in in-kind match for office space, computers, telephones, printing, mailing and other overhead expenses for 17 estuary project staff.

Recommended Action

The Executive Board is requested to authorize the Executive Director or designee to amend or enter into a new 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 (CCMP). The agreement term will be extended to December 31, 2010.

Next Steps

SFEP will apply for the NEP grant by June 1, 2009.



MEMO

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

Subject: Authorization for Entering into Financial Assistance Agreement

Date: May 6, 2009

Executive Summary

The Association of Bay Area Governments (San Francisco Estuary Project) has been requested by the State Water Resources Control Board to apply for federal ARRA (American Recovery and Reinvestment Act of 2009) stimulus funds as a forgivable loan administered by the State Board under the State Revolving Fund (SRF) program for the Taking Action for Clean Water Project currently funded under a frozen Proposition 50 State Board grant.

The Taking Action for Clean Water Project will reduce water quality impairment through TMDL Implementation. The San Francisco Estuary Project will manage a partnership effort to implement specific, measurable actions in Bay Area TMDLs. Project goals are to restore beneficial uses and reduce pollutant loads of three high priority contaminants, sediment, PCBs, and pesticides, to Bay Area creeks, San Francisco Bay, Tomales Bay, and the adjacent coastal ocean. While this project focuses on Bay Area TMDL implementation, a number of the implementation actions have statewide relevance, either serving as models for actions in other regions, or, in the case of pesticides, providing direct benefit to other regions. The Taking Action for Clean Water Project uses a source reduction/pollution prevention strategy aimed at reducing or eliminating the sources of these pollutants. Because of this focus on addressing key pollutants at their source, the project will contribute to the long-term attainment and maintenance of water quality objectives.

Recommended Action

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

Next Steps

Should this project be restarted under ARRA, a financial assistance agreement would be entered into for completion of the project.

Attachments: Draft Resolution

**ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD**

RESOLUTION NO. 09-09

A RESOLUTION AUTHORIZING ENTERING INTO A FINANCIAL ASSISTANCE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE TAKING ACTION FOR CLEAN WATER: TMDL IMPLEMENTATION PROJECT AND DESIGNATING A REPRESENTATIVE TO SIGN THE FINANCIAL ASSISTANCE AGREEMENT, AND ANY AMENDMENTS THERETO

WHEREAS, the Association of Bay Area Governments is authorized to enter into a financial assistance agreement with the State of California and the State Water Resources Control Board; and

WHEREAS, the Association of Bay Area Governments authorizes the Executive Director, or designee, to sign the financial assistance agreement, and any amendments thereto; and

WHEREAS, the Association of Bay Area Governments agrees and further does authorize the aforementioned representative or his/her designee to certify that the Association of Bay Area Governments has and will comply with all applicable federal and state statutory and regulatory requirements related to any financial assistance funds received.

**ASSOCIATION OF BAY AREA GOVERNMENTS
RESOLUTION NO. 09-09**

NOW, THEREFORE, BE IT RESOLVED, that the Executive Board of the Association of Bay Area Governments adopts Resolution No. 09-09.

The foregoing adopted by the Executive Board this 21st day of May, 2009.

Rose Jacobs Gibson
President

Certification of Executive Board Approval

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 21st day of May, 2009.

Henry L. Gardner
Secretary-Treasurer

Approved as To Legal Form

Kenneth K. Moy
Legal Counsel



MEMO

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

Subject: Bay Area-Wide Trash Capture Demonstration Project

Date: May 6, 2009

Executive Summary

The Association of Bay Area Governments (San Francisco Estuary Project) has applied to the Clean Water State Revolving Fund for \$7.8 million in stimulus funding (“forgivable loan”) to manage and implement a region-wide demonstration project intended to provide all Bay Area cities that wish to participate with trash capture devices that will retrofit existing storm drain infrastructure. The application was authorized by the Executive Board in Resolution 04-09 adopted on March 19, 2009.

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

Program elements in at least the first year or two of the project are categorically exempt from CEQA. The SF Bay Regional Water Board is the CEQA Lead Agency. The project has enthusiastic support of the Water Board, the Bay Area Stormwater Management Agencies Association, and numerous local municipalities.

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

Recommended Action

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

Next Steps

If and when funding is awarded, SFEP staff will meet with a project advisory group consisting of BASMAA representatives and cities that have cooperated in the development of the project application; and with vendors/installers of trash capture devices. We will then announce the program to all Bay Area cities and initiate procurement and installation of appropriate devices.

The proposal also includes significant public education and technology transfer elements. Because stimulus funds are designed to be spent immediately, the project will ramp up quickly.

Attachment: Draft Resolution

**ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD**

RESOLUTION NO. 10-09

A RESOLUTION AUTHORIZING ENTERING INTO A FINANCIAL ASSISTANCE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE BAY AREA-WIDE TRASH CAPTURE DEMONSTRATION PROJECT AND DESIGNATING A REPRESENTATIVE TO SIGN THE FINANCIAL ASSISTANCE AGREEMENT, AND ANY AMENDMENTS THERETO

WHEREAS, the Association of Bay Area Governments is authorized to enter into a financial assistance agreement with the State of California and the State Water Resources Control Board; and

WHEREAS, the Association of Bay Area Governments authorizes the Executive Director, or designee, to sign the financial assistance agreement, and any amendments thereto; and

WHEREAS, the Association of Bay Area Governments agrees and further does authorize the aforementioned representative or his/her designee to certify that the Association of Bay Area Governments has and will comply with all applicable federal and state statutory and regulatory requirements related to any financial assistance funds received.

**ASSOCIATION OF BAY AREA GOVERNMENTS
RESOLUTION NO. 10-09**

NOW, THEREFORE, BE IT RESOLVED, that the Executive Board of the Association of Bay Area Governments adopts Resolution No. 10-09.

The foregoing adopted by the Executive Board this 21st day of May, 2009.

Rose Jacobs Gibson
President

Certification of Executive Board Approval

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 21st day of May, 2009.

Henry L. Gardner
Secretary-Treasurer

Approved as To Legal Form

Kenneth K. Moy
Legal Counsel

MEMO

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

Subject: Authorization for Entering into Financial Assistance Agreement

Date: May 6, 2009

Executive Summary

The Association of Bay Area Governments (San Francisco Estuary Project) has applied for federal ARRA (American Recovery and Reinvestment Act of 2009) stimulus funds as a forgivable loan to be administered by the State Board under the State Revolving Fund (SRF) program for the El Cerrito Green Streets project. The application was authorized by the Executive Board in Resolution 04-09 adopted on March 19, 2009.

The **El Cerrito Green Streets** pilot project retrofits a dense urban corridor with green stormwater infrastructure that detains and treats urban runoff to remove pollutants. The proposal partners with the City of El Cerrito in a shovel-ready green stormwater project—two rainwater gardens along San Pablo Avenue near El Cerrito City Hall—along with public outreach by the San Francisco Estuary Project. The project cost is \$392,000 and time to complete construction is six months.

Recommended Action

The State Water Resources Control Board requests an additional Resolution using specific language drafted by State Board authorizing the Executive Director or his designee to enter into a financial assistance agreement with the State Board should this project be awarded funding. The proposed Resolution is attached and we request approval.

Next Steps

Should ABAG receive a funding award, a financial assistance agreement would be entered into for completion of the project.

Attachments: Draft Resolution

**ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD**

RESOLUTION NO. 11-09

**A RESOLUTION AUTHORIZING ENTERING INTO A FINANCIAL
ASSISTANCE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL
BOARD FOR THE EL CERRITO GREEN STREETS PILOT PROJECT AND
DESIGNATING A REPRESENTATIVE TO SIGN THE FINANCIAL ASSISTANCE
AGREEMENT, AND ANY AMENDMENTS THERETO**

WHEREAS, the Association of Bay Area Governments is authorized to enter into a financial assistance agreement with the State of California and the State Water Resources Control Board; and

WHEREAS, the Association of Bay Area Governments authorizes the Executive Director, or designee, to sign the financial assistance agreement, and any amendments thereto; and

WHEREAS, the Association of Bay Area Governments agrees and further does authorize the aforementioned representative or his/her designee to certify that the Association of Bay Area Governments has and will comply with all applicable federal and state statutory and regulatory requirements related to any financial assistance funds received.

**ASSOCIATION OF BAY AREA GOVERNMENTS
RESOLUTION NO. 11-09**

NOW, THEREFORE, BE IT RESOLVED, that the Executive Board of the Association of Bay Area Governments adopts Resolution No. 11-09.

The foregoing adopted by the Executive Board this 21st day of May, 2009.

Rose Jacobs Gibson
President

Certification of Executive Board Approval

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 21st day of May, 2009.

Henry L. Gardner
Secretary-Treasurer

Approved as To Legal Form

Kenneth K. Moy
Legal Counsel



M E M O

Date: May 11, 2009
To: Executive Board
Fr: Laura Thompson
SF Bay Trail Project
Re: Resolution – Hon. Bill Lockyer

Summary: Request Executive Board to adopt Resolution 12-09 commending and thanking the Honorable Bill Lockyer for his role in the planning and implementation of the Bay Trail.

Discussion: In celebration of its 20th Anniversary, the San Francisco Bay Trail Project, in partnership with Association of Bay Area Governments, the City of Hayward, the East Bay Regional Park District, the Hayward Area Shoreline Planning Agency and the Hayward Area Recreation and Park District will host a reception on June 6th at the Hayward Shoreline Interpretive Center from 1PM to 4PM. The Honorable Bill Lockyer, California State Treasurer, will be honored at the reception for his authorship of Senate Bill 100 – a seminal event for the planning and implementation of the Bay Trail. Adoption of the resolution will enable ABAG to present it State Treasurer Lockyer at the reception.

Requested Action: Adopt Resolution 12-09



**ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD**

RESOLUTION NO. 12-09

**RESOLUTION COMMENDING THE HONORABLE BILL LOCKYER FOR HIS VISION
AND GUIDANCE IN THE CREATION OF THE SAN FRANCISCO BAY TRAIL**

WHEREAS, the Honorable Bill Lockyer authored Senate Bill 100 enacted in 1987 that empowered the Association of Bay Area Governments (ABAG) to develop and adopt a plan for implementation of a program to create a continuous recreational corridor around the perimeters of San Francisco and San Pablo Bays – the San Francisco Bay Trail (Bay Trail); and

WHEREAS, ABAG developed the plan for the Bay Trail: a planned public access corridor that, when complete, will encircle San Francisco and San Pablo Bays with a continuous 500-mile network of recreational bicycling and hiking trails that link to parks and other recreational facilities and to existing and proposed public transportation facilities; and

WHEREAS, in the twenty years since enactment of Senate Bill 100, close to 300 miles of the Bay Trail have been completed; and

WHEREAS, the vision and leadership of the Honorable Bill Lockyer was essential to elevating the Bay Trail as a regional priority and garnering the widespread support for its implementation.

**ASSOCIATION OF BAY AREA GOVERNMENTS
RESOLUTION NO. 12-09**

NOW, THEREFORE, BE IT RESOLVED, by the Executive Board of the Association of Bay Area Governments that the Association of Bay Area Governments hereby commends the Honorable Bill Lockyer for his vision and leadership in the creation of the Bay Trail and extends its deepest appreciation for his support in its implementation.

The foregoing adopted by the Executive Board this 21st day of May, 2009.

Rose Jacobs Gibson
President

Certification of Executive Board Approval

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 21st day of May, 2009.

Henry L. Gardner
Secretary-Treasurer

Approved as To Legal Form

Kenneth K. Moy
Legal Counsel

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



ABAG

To: Executive Board
Association of Bay Area Governments

Fr: Herbert Pike, Finance Director

Re: *Resolution to Open Bank Accounts and Authorize
Signers of Checks*

Dt: May 21, 2009

As action was initiated to update authorized signers on the various accounts ABAG has with Bank of the West, the Bank advised that a resolution was required. By consenting to the attached resolution, action can be finalized to update the signers without returning to the Executive Board.

Staff Recommendation: By consent, approve the attached resolution providing the Secretary-Treasurer (Executive Director) of ABAG to designate authorized signers on the Agency's accounts.

**ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD**

RESOLUTION NO. 13-09

**ASSOCIATION RESOLUTION TO OPEN BANK ACCOUNT(S) WITH THE
SECRETARY HAVING THE AUTHORITY TO OPEN BANK ACCOUNT(S) WITH THE
AND DESIGNATE AUTHORIZED SIGNERS**

NOW, THEREFORE, BE IT RESOLVED, by the Executive Board of the Association of Bay Area Governments that the Secretary of this organization is authorized to open or maintain the account(s) with Bank of the West as reflected in the Bank's signature card and pursuant to the terms and conditions of the signature card and Deposit Account Disclosure; and

FUTHER RESOLVED, that the persons listed as signers on the signature card are authorized to endorse, on behalf of this organization, any checks or other items payable to the organization or its order; to deposit such checks and other items into the account(s) with or without such endorsement; to negotiate any of such checks or other items for cash without depositing them into the account(s) if approved by the Bank and to direct withdrawals from the account(s) by check drawn on the account(s) or otherwise, including withdrawals to anyone who is an authorized signer; and

**ASSOCIATION OF BAY AREA GOVERNMENTS
RESOLUTION NO. 13-09**

FUTHER RESOLVED, that this organization hereby ratifies and confirms the acts of its officers, agents and/or employees in heretofore opening the account(s) with the Bank together with any acts performed in relation thereto.

The foregoing adopted by the Executive Board this 21st day of May, 2009.

Rose Jacobs Gibson
President

Certification of Executive Board Approval

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 21st day of May, 2009.

Henry L. Gardner
Secretary-Treasurer

Approved as To Legal Form

Kenneth K. Moy
Legal Counsel

Submitted by: Ceil Scandone, Senior Regional Planner 

Subject: Bay-Friendly Landscaping & Gardening

Date: May 7, 2009

Executive Summary

Bay Area cities, counties and regional agencies are developing and implementing climate action plans. Drought conditions remind us that our water supply is under increasing pressure. Urban runoff pollutes our creeks, rivers and water bodies, and strains the capacity of flood control systems. Landfill capacity and the energy to transport discarded resources to landfills are limited. ***Bay-Friendly Landscaping & Gardening*** provides guidance and tools public agencies can use to address these issues. Developed by Alameda County's StopWaste.Org, ***Bay-Friendly Landscaping & Gardening*** is a whole systems approach to the design, construction, and maintenance of landscapes that contributes to the health of the San Francisco Bay watershed. This methodology extends green building principles to the area outside the building, as well as to greenbelts and parks. The Bay-Friendly Landscaping & Gardening Coalition is an alliance of public agencies, utilities, non-profits, landscape professionals, and businesses established to promote the Bay-Friendly standards and provide a complete package of educational and outreach tools. StopWaste.Org and the Coalition will make a presentation about and seek support for ***Bay-Friendly Landscaping & Gardening*** initiatives.

Recommended Action

- Endorse the Bay-Friendly Landscaping & Gardening 7 Principles Charter.
- Encourage ABAG staff to identify opportunities to incorporate Bay-Friendly criteria in relevant programs, such as the Bay Area Green Business Program, the San Francisco Estuary Project, EcoWise Certified and FOCUS.
- Encourage StopWaste.Org and the Coalition to continue development of a verification program for the design and construction of new landscapes in the Bay Area.
- Inform ABAG members of the Board's actions

Next Steps

- Incorporate Bay-Friendly criteria in relevant ABAG programs.
- Direct staff to communicate the Board's actions to ABAG members.

Attachments

1. Declaration of Support of the 7 Principles of Bay-Friendly Landscaping.
2. Signers of the Declaration of Support.
3. Cities in Alameda County that have adopted and are developing policies that require Bay-Friendly Rated Landscapes for new civic landscape projects.

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



MEMO

Date: May 7, 2009
To: Executive Board
From: Ceil Scandone, Senior Regional Planner 
Subject: Bay-Friendly Landscaping & Gardening

Executive Summary

Bay Area cities, counties and regional agencies are developing and implementing climate action plans to address our most significant environmental challenges. Current drought conditions remind us that California's water supply is under increasing pressure. Water quality is in peril, with urban runoff polluting our creeks, streams, rivers and water bodies, and straining the capacity of our flood control systems. Landfill capacity and the energy used in transporting discarded resources to landfills are limited. The ***Bay-Friendly Landscaping & Gardening Program*** provides guidance and tools public agencies can use to address these critical issues.

Developed by Alameda County's StopWaste.Org, Bay-Friendly Landscaping & Gardening is a whole systems approach to the design, construction, and maintenance of landscapes that contributes to the health of the San Francisco Bay watershed. This methodology is an integral component of green building programs, extending green building principles to the area outside the building, as well as to greenbelts and parks.

The Bay-Friendly Landscaping & Gardening Coalition (Coalition) is an alliance of stakeholders representing public agencies, utilities, non-profits, landscape professionals and associations and businesses from around the San Francisco Bay Area. The Coalition promotes the Bay-Friendly standards and provides a complete package of educational and outreach tools. The Coalition has developed and is asking stakeholders to sign a ***7 Principles Charter*** to demonstrate their support of Bay-Friendly Landscaping & Gardening as a model approach to sustainable landscaping.

On April 1, 2009, StopWaste.Org and Coalition representatives made a presentation to the Regional Planning Committee and suggested ways that ABAG could advance Bay-Friendly Landscaping & Gardening in the region. The Committee endorsed the recommended Bay-Friendly actions and directed staff to schedule a presentation to the Executive Board to seek support for their initiatives.

StopWaste.Org, and the Coalition are requesting that the Executive Board:

- endorse the Bay-Friendly Landscaping & Gardening 7 Principles Charter.
- encourage ABAG staff to identify opportunities to incorporate Bay-Friendly criteria in relevant programs, such as the Bay Area Green Business Program, the San Francisco Estuary Project, EcoWise Certified and FOCUS.
- encourage StopWaste.Org and the Coalition to continue development of a verification program for the design and construction of new landscapes in the Bay Area.
- direct staff to inform ABAG members of the Board's actions.

Bay-Friendly Landscaping and Gardening

Introduction

Like conventional building techniques, conventional landscaping practices can contribute to environmental degradation. Conventional landscaping often features large lawns, non-native plants, and extensive irrigation and depends on the heavy use of fertilizers and pesticides. It also tends to be maintenance-intensive requiring a great deal of watering, mowing, blowing, trimming, and removal of plant debris that can end up in landfills. By contrast, sustainable landscaping practices seek to conserve natural resources, reduce waste, minimize maintenance, chemical & water use, prevent pollution & stormwater runoff and build soil health.

While there are several comprehensive green building standards such as LEED (Leadership in Energy and Environmental Design) by the U.S. Green Building Council and Green Point Rated Homes by Build It Green, Bay-Friendly Landscaping and Gardening is one of the first comprehensive sustainable landscape standards in the country. There are many standards for landscaping that address single issues such as stormwater pollution prevention or water efficiency but few that provide a holistic approach.

Bay-Friendly Landscaping and Gardening was initiated in 2001 by StopWaste.Org, the joint powers agency legally known as the Alameda County Waste Management Authority (Authority) and the Alameda County Source Reduction and Recycling Board (Board), for its members: Alameda County, the 14 cities within the county, and 2 sanitary districts. Public and private stakeholders developed the *7 Principles of Bay-Friendly Landscaping & Gardening* and created the *Bay-Friendly Landscaping Guidelines: Sustainable Practices for Landscape Professionals*. The Guidelines complement and coordinate with green building and waste management standards, water efficiency programs and stormwater pollution prevention protocols.

Bay-Friendly subsequently developed other resources, such as model policies and programs, and training services. To date, 180 Bay-Friendly Qualified Landscape Maintenance Professionals have been trained in Alameda, Marin and Contra Costa counties. The Bay-Friendly Garden Tour has attracted 2,000 residents annually over the last 6 years, and a workshop series for home gardeners offered in fall and spring registers 50 people or more per class.

StopWaste.Org has provided Bay-Friendly technical assistance to over 50 public and public-benefit projects and has awarded nearly \$350,000 in Bay-Friendly landscaping grants for projects such as parks, street medians, city hall renovations, fire stations, libraries, senior centers and affordable housing projects in Alameda County. These projects have demonstrated that the Bay-Friendly principles and practices work in diverse situations and conditions.

StopWaste.Org staff regularly receive requests from agencies, utilities, landscape associations and businesses all over the region, the state and the country to share Bay-Friendly Landscaping & Gardening. Agencies in Marin and Contra Costa Counties have replicated the Maintenance Training & Qualification Program. The Sacramento area has adapted the Bay-Friendly approach to create the River-Friendly Landscape Guidelines. New York State has asked for information on the program. And the US EPA is adapting Bay-Friendly tools for a national audience.

Bay-Friendly Landscaping & Gardening Coalition

In 2006, diverse stakeholders established the Bay-Friendly Landscaping & Gardening Coalition (Coalition) to assist in the expansion of the Bay-Friendly programs and resources. A fiscally-sponsored project of StopWaste.Org, the Coalition offers general membership and sponsorship opportunities for public agencies; organizations; businesses in environmental protection and quality, waste and water management, air and water quality, and landscaping; and home gardeners. The Coalition promotes the adoption of Bay-Friendly Programs by Bay Area jurisdictions, and implementation of sustainable practices in landscapes and gardens. More information about the Coalition can be found on their website at: www.bayfriendlycoalition.com.

Bay-Friendly Guidelines & Tools

Bay-Friendly provides a comprehensive package of tools – for public agencies, home gardeners, and professionals – to support and encourage informed decisions about sustainable landscaping. This approach enables the Coalition to promote implementation across sectors.

In addition to the Guidelines, the Bay-Friendly toolkit / resources include:

- Landscape scorecards for the design and construction of new landscapes
- Trainings and qualification programs for landscape professionals
- Model landscape specifications
- Professional landscape guides on Sustainable Landscaping, Mulch, Grasscycling, and Using Recycled and Salvaged Materials in the Landscape.
- Regional Bay-Friendly Conference for landscape professionals
- Comprehensive home gardener guide and workshops for home gardeners
- Educational garden tours for home gardeners and more

Bay-Friendly programs and materials are applicable to communities throughout the region. They are consistent with a number of ABAG programs. StopWaste.Org staff participated in the development of the Green Business program landscaper checklist. ABAG's Eco-Wise Certified program for structural Integrated Pest Management complements StopWaste.Org's Bay-Friendly and Green Building programs. The Bay-Friendly tools and resources are available on the StopWaste.Org website at <http://www.stopwaste.org>.

Bay-Friendly Rated Landscapes

A new tool being developed by StopWaste.Org and the Coalition, due for release in 2010, is the Bay-Friendly Rated Landscape toolkit. Similar to the US Green Building Council's LEED (Leadership in Energy and Environmental Design), or Build It Green's Green Point Rated Homes, Bay-Friendly Rated Landscapes will be a third party system available to jurisdictions throughout the region. The program will train independent raters, and reward designers and contractors whose landscapes meet the Bay-Friendly standards with branded materials and signage that can be placed on the landscape as a visible seal of approval.

The development of a third party rating system is dependent upon interest and support from ABAG members and other public and private stakeholders in the greater Bay Area. With a Bay-Friendly Landscape Rater system in place, local governments can encourage or require that

public and private landscapes be built to a Bay-Friendly standard just as many have already required that buildings are built to a LEED or Green Point Rated Home green building standard.

StopWaste.Org has developed many of the tools needed to create the standard; however broader support is needed for it to become a regional tool. Local and regional governments working together on this effort are more likely to attract grant funding needed to complete development and implement the system in the Bay Area and beyond.

Bay-Friendly Landscaping and Gardening 7 Principles Charter

In 2008, at the Bay-Friendly Landscaping and Gardening Conference, the Coalition introduced the *Bay-Friendly Landscaping and Gardening 7 Principles Charter* (Charter) (*attachment 1*), and initiated a signature campaign to increase awareness and broaden Bay-Friendly's reach. To date, 23 entities, including the Authority and Board, 4 cities, several water districts, and the San Francisco Estuary Project, have signed the Charter (*attachment 2*). StopWaste.Org and the Bay-Friendly Coalition are requesting ABAG's endorsement and assistance in encouraging all Bay Area cities and counties to sign the Charter.

Briefly, the "7 Principles" are:

1. Landscape Locally
2. Landscape for Less to the Landfill
3. Nurture the Soil
4. Conserve Water
5. Conserve Energy
6. Protect Water & Air Quality
7. Create Wildlife Habitat

The Charter is an important initial step toward achieving sustainable landscaping goals. In Alameda County, 11 jurisdictions have taken a further step by adopting an ordinance requiring use of the Bay-Friendly Rated Landscapes in civic landscape projects. All 17 Member Agencies of StopWaste.Org are expected to have ordinances by mid 2009 (*attachment 3*).

Endorsement of the Charter by the ABAG Executive Board will assist StopWaste.Org and the Coalition as they conduct outreach to ABAG members. It can also provide direction to relevant ABAG programs with diverse environmental goals such as water and resource conservation, reduction of waste and pollution and the creation of healthy urban environments.

Benefits of a Regional Approach

StopWaste.Org and the Bay-Friendly Landscaping & Gardening Coalition provide critical leadership for creating a regional approach to sustainable landscaping and gardening in the Bay Area. The benefits of a regional approach include:

- Provides a consistent definition and recognizable brand of sustainable landscaping that is less confusing, easily recognized, and avoids conflicting "best" practices for consumers, professionals, and local governments.

- Leverages staff time to avoid reinventing programs and materials and encourage economy of scale.
- Leverages data & information by sharing our knowledge and increasing access to information to the public and to the landscape/horticulture industry.
- Strengthens the ability to influence markets and research toward sustainable landscape practices, products and services.
- Leverages financial resources by forming partnerships to solicit funding/conduct regional projects, media campaigns, rebate programs and more.

StopWaste.Org and the Coalition are eager to share these resources with the ABAG member jurisdictions and gain their support. On April 1, 2009, their representatives presented Bay-Friendly to the Regional Planning Committee, which endorsed the recommended Bay-Friendly actions and directed staff to schedule a presentation to the Executive Board.

StopWaste.Org/Bay-Friendly Coalition Presentation – May 21, 2009

At the Executive Board meeting on May 21, 2009, Teresa Eade, Senior Program Manager of StopWaste.Org, and Michelle LeBeau of the Coalition will present the Bay-Friendly Landscaping and Gardening Program. The presentation will cover the following points:

- How a comprehensive, sustainable landscaping program can help local agencies reduce greenhouse gas emissions; conserve energy and water; reduce stormwater runoff, air pollution and waste; increase recycling; and create healthier communities.
- What Bay-Friendly Landscaping and Gardening offers: tools for public agencies, landscape professionals, and home gardeners to implement sustainable landscaping practices.
- Support needed from Regional Agencies, Boards of Supervisors and City Councils to accelerate expansion of sustainable landscaping regionally through a common standard.

ACTION REQUESTED:

THAT the Executive Board

- endorse the Bay-Friendly Landscaping & Gardening 7 Principles Charter.
- encourage ABAG staff to identify opportunities to incorporate Bay-Friendly criteria in relevant programs, such as the Bay Area Green Business Program, the San Francisco Estuary Project , EcoWise Certified and FOCUS.
- encourage StopWaste.Org and the Coalition to continue development of a verification program for the design and construction of new landscapes in the Bay Area.
- direct staff to inform ABAG members of the Board's actions

Attachments:

1. Declaration of Support of the 7 Principles of Bay-Friendly Landscaping
2. Signers of the Declaration of Support.
3. Cities in Alameda County that have adopted and are developing policies that require Bay-Friendly Rated Landscapes for new civic landscape projects.

BAY-FRIENDLY LANDSCAPING & GARDENING



7 PRINCIPLES CHARTER

WHEREAS, public agencies set forth goals for preserving and improving the natural and built environment, protecting the health of residents and visitors, and conserving natural resources; and

WHEREAS, a sustainable landscape can have a significant positive effect on energy, water and resource efficiency, waste and pollution generation, wildlife habitat, and the human health over the life of the landscape; and

WHEREAS, Bay-Friendly landscape design, construction, operation, and maintenance contributes to a reduction in greenhouse gas emissions, improves air quality and enhances quality of life; and

WHEREAS, California's water supply is limited and under increasing pressure, and Bay-Friendly landscaping and gardening conserves water; and

WHEREAS, Bay-Friendly landscape and gardening practices support and enhance green building practices by extending them beyond the building and into the landscape, and recognizing that landscapes are a vital part of our built environment; and

WHEREAS, in recent years, sustainable landscape design, construction, and operational techniques have become increasingly widespread in the Bay Area and California, with many homeowners, commercial property owners and landscape professionals voluntarily seeking to incorporate sustainable landscaping techniques into their projects; and

WHEREAS, it is critical to both the economic and environmental health of the greater Bay Area that local officials provide leadership in the area of sustainable landscaping;

NOW THEREFORE, be it resolved this [enter date] at [enter Agency name and location] the [enter title of official body – board, council, etc...] are Charter Signatories to the 7 Principles of Bay-Friendly Landscaping & Gardening as a model approach to sustainable landscaping:

(name and title)



7 PRINCIPLES OF BAY FRIENDLY LANDSCAPING & GARDENING

- 1) ***Landscape Locally;*** recognizes that built landscapes are a part of the larger ecosystem of the San Francisco Bay watershed and that they can contribute to it's health if designed and maintained using sustainable practices.
- 2) ***Landscape for Less to the Landfill;*** means that we should reduce waste by choosing the right plants, using recycled and salvaged products in the landscape and by composting, mulching and grasscycling plant debris.
- 3) ***Nurture the Soil;*** soils are living ecosystems and when landscape practices allow the soil food web to thrive it can filter pollution, store water, provide plant nutrients, and help plants resist pests naturally.
- 4) ***Conserve Water;*** means using a holistic approach of creating drought resistant soils with compost and mulch, selecting plants naturally adapted to summer-dry climates, using stormwater, graywater and recycled water in the landscape as much as possible and using efficient irrigation systems that include self adjusting, weather-based controllers.
- 5) ***Conserve Energy;*** by reducing the need for mowing and shearing, by shading buildings and paved areas, using efficient outdoor lighting, and buying local landscape products.
- 6) ***Protect Water & Air Quality;*** through maximizing impervious surfaces and minimizing stormwater runoff, using integrated pest management, minimizing the use of synthetic pesticides and avoiding overuse of fertilizers, reducing fossil fuel consumption, and planting trees to remove CO₂ and absorb air pollutants.
- 7) ***Create Wildlife Habitat;*** recognizes that biodiversity is crucial to the health of natural ecosystems and that by using native plants and increasing the diversity of plant palettes, our built landscape can provide food, water, shelter for birds, butterflies, and other beneficial insects and animals.



Attachment 2

**BAY-FRIENDLY LANDSCAPING & GARDENING
COALITION**

7 PRINCIPLES DECLARATION SIGNERS

	AGENCY	REGION	SIGNATORY	DATE SIGNED
1	California Invasive Plant Council	Statewide	Doug Johnson, Executive Director	January 8, 2008
2	Alameda County Source Reduction and Recycling Board	Alameda County	Jean Quan, Chair	January 15, 2008
3	Alameda Countywide Clean Water Program	Alameda County	Kathy Cote, Chair	December 11, 2007
4	Alameda County Waste Management Authority	Alameda County	Dennis Waspi, President	January 15, 2008
5	American Society of Landscape Architects, Northern California Chapter	Northern California	Ive Haugeland, President	December 10, 2007
6	East Bay Municipal Utility District	East Bay	Dennis Diemer, General Manager	February 26, 2008
7	Ecology Center	Berkeley	Martin Bourque, Executive Director	January 11, 2008
8	City of El Cerrito	El Cerrito	William Jones III, Mayor	February 19, 2008
9	City of Palo Alto	Palo Alto	Emily Harrison, Assistant City Manager	January 22, 2008
10	City of San Pablo	San Pablo	Sharon Brown, Mayor	January 22, 2008
11	LifeGarden	Walnut Creek	Judith Adler, Board President	January 12, 2008
12	Marin Municipal Water District	Marin County	Larry Russell, Board President	January 16, 2008
13	North Marin Water District	North Marin County	Rick Fraitess, Board President	December 18, 2007
14	Mauby All Natural	Santa Clara County	Brian Debasitis, Founder	February 15, 2008
15	City and County of San Francisco, Department of the Environment	San Francisco County	Jared Blumenfeld, Director	January 8, 2008
16	San Francisco Public Utilities Commission	San Francisco County	Anthony Irons, Deputy General Manager	February 29, 2008
17	San Francisco Estuary Project	Bay Area	Thomas Mumley, Chair	February 1, 2008
18	Sustainable Conservation	Statewide	Ashley Boren, Executive Director	February 13, 2008
19	The Watershed Project	Bay Area	Briggs Nisbet, Board Chair	February 25, 2008
20	University of California Agriculture and Natural Resources Department	Statewide	Richard Standiford, Associate Vice President	January 30, 2008
21	University of California Cooperative Extension Urban Horticulture Dept.	Contra Costa County	Bethallyn Black, Program Manager	January 22, 2008
22	Zone 7 Alameda County Flood Control and Water Conservation District	Alameda County	Dick Quigley, Board Vice President	February 20, 2008
23	City of San Jose	Santa Clara County	John Stufflebean, Director, Environmental Sciences	January 28, 2008



Bay-Friendly Landscaping & Gardening

Alameda County Jurisdictions with Policies Adopted / In Process

Jurisdictions in Alameda County that have Adopted Policies for Mandatory Civic Bay-Friendly Rated Landscapes

Alameda County
City of Albany
Castro Valley Sanitary District
City of Emeryville
City of Hayward
City of Newark
Oro Loma Sanitary District
City of Piedmont
City of Pleasanton
City of San Leandro
Union City

Jurisdictions in Alameda County that have Adopted Policies for Voluntary Private Sector Bay-Friendly Rated Landscapes

City of Albany
City of Hayward
City of Oakland
City of San Leandro
Union City

Jurisdictions in Alameda County that are in the Process of Adopting a Policy for Mandatory Civic Bay-Friendly Rated Landscapes

City of Alameda
City of Berkeley
City of Dublin
City of Livermore
City of Fremont
City of Oakland



MEMO

Submitted by: Laura Thompson

Subject: San Francisco Bay Trail 20th Anniversary

Date: May 21, 2009

Executive Summary

This year marks the 20th anniversary of the San Francisco Bay Trail Plan. Adopted in 1989 by the ABAG Executive Board, the Plan serves as the blueprint for this regional effort to connect nine counties and 47 cities with a continuous shoreline trail. Over 290 miles are now in place linking communities to each other and to the bay. Much has been accomplished in the last two decades: construction of 200 miles of trail, increased momentum for completion, broad public support and enjoyment by hikers, runners, bicyclists, equestrians, and people of all ages, abilities, and incomes.

As we enter into the next phase of the project, imagine, for a moment, what it will be like to live in the Bay Area when the Bay Trail is complete. Bicycling to work in the South Bay will be significantly easier because the Moffett Field gap will be closed. No problem getting around the San Francisco Airport. Commuting across the Richmond-San Rafael Bridge will bring East Bay and Marin County communities together. A walk along the bluffs overlooking the Carquinez Strait will be a straight shot from Port Costa to Marinettez. The remote trails along the edge of restored San Pablo Bay wetlands will provide ample bird watching opportunities. And visitors from around the world will travel to the Bay Area to claim the distinction of completing all 500 miles.

If the past is a good judge of the future, Bay Area and State leaders will find the funds and the political will to complete the entire trail. The Bay Trail enjoys strong public support and over the years momentum has grown to expedite its completion. Estimates call for approximately \$150 million to complete the remaining 200 miles of Bay Trail. But it is not just dollars that will make it happen. Innovative, creative and collaborative efforts to address the remaining challenges are necessary. Private landowners and communities will need to work together to find safe routes across properties that balance private interests with the public good. State and local roads will need to be altered to accommodate bicycle and pedestrian routes where a shoreline alignment is not feasible. Dedicated transportation dollars will need to be set aside to create commute routes linking housing, transit and employment centers. And new wetland restoration projects will need to incorporate trails that provide continuous public access along the edge of habitat areas.

The time has come to initiate a collective regional effort to set aside the funds necessary to complete the Bay Trail. After twenty years of planning and constructing the Bay Trail, elected officials, planners and advocates know that closing the remaining gaps will not be easy. But this milestone serves as a call to action to commit to completing the vision.

Recommended Action

No action. Information only.

Next Steps

Attachments

- 1) Regional Bay Trail map with cost estimates for completion
- 2) Completion status summary sheet with statistics organized by county.



**SAN FRANCISCO
BAY TRAIL**
 500 total spine/spur miles
 293 miles existing
 207 miles proposed
 \$150,856,705 to complete*
 * 2007 dollars; excludes toll bridges and private development

San Francisco Bay Trail — Existing Bay Trail - - - Existing Connector
 Regional Map ····· Proposed Bay Trail - - - Proposed Connector

San Francisco Bay Trail Project Completion Status

**How much of the alignment is now complete? How much remains to build?
How much will it cost to complete the Bay Trail?**

In general, we estimate just over half, or about 293 miles out of the ultimate 500-mile alignment are now finished and it will cost approximately \$151 million to complete the remaining miles. Summary figures for completion status and costs are impacted by the following:

- The Bay Trail alignment includes **3 distinct designations**: spine, spur and connector.* The attached maps and completion statistics refer to the 500-mile spine/spur system.
- In a number of locations, **alternate parallel alignments** exist. Parallel alignments were created in the Bay Trail Plan due to uncertainty about future development potential and constraints. These routes total approximately 40 miles. In most cases, only one of the alternate routes will ultimately develop. For these reasons, we estimate approximately 500 total miles of spine/spur trail.
- Construction cost estimates are based on the **Bay Trail Gap Analysis**, completed in 2005 and updated in 2007. These figures do not include costs of completing connector trails, bicycle/pedestrian access on Bay Area toll bridges or trail that will be constructed by private landowners as a condition of development.

Regional Summary

	Miles	Complete	Incomplete	Percent Complete
Spine	449	241	208	54%
Spur	93	52	41	56%
Total Miles	542	293	249	54%

County Summary

County	Miles	Complete	Incomplete	Cost to Complete
San Francisco	28	13	15	\$4,962,858
San Mateo	69	46	23	\$11,948,494
Santa Clara	46	33	13	\$11,375,637
Alameda	149	100	49	\$35,107,584
Contra Costa	68	34	34	\$30,348,853
Napa	40	9	31	\$11,356,232
Solano	25	13	12	\$4,008,313
Sonoma	31	9	22	\$8,925,518
Marin	86	36	50	\$32,823,216
Total	542	293	249	\$150,856,705

*The **spine** is the primary network forming a continuous corridor around the Bay; **spur** trails provide access from the Bay Trail spine to points of interest along the Bay shoreline; and **connector** trails link the Bay to other recreational opportunities, residential areas and employment centers inland from the Bay.

MEMO

To: ABAG Executive Board
From: Paul Fassinger, Research Director *PF*
Ken Kirkey, Planning Director
Date: May 21, 2009
Subject: ABAG's Interactions with the JPC in Implementing SB 375

Summary

At the March Executive Board Meeting Ted Droettboom, Regional Planning Program Director of the Joint Policy Committee (JPC) presented policies for the Bay Area's implementation of SB 375. The staffs of the four regional agencies, including ABAG, were involved in the development of those policies, and support them. This memo addresses some of the key questions that arose as a result of that presentation, related to how ABAG, its policy makers and staff, will be involved in, and contribute to the development of a Sustainable Communities Strategy (SCS), and the joint regional planning process described in SB 375.

In our region, ABAG and MTC are responsible for the implementation of SB375. The agencies' staffs have a good relationship having worked jointly on a variety of issues. However, if SB375 is to be successfully implemented a higher level of collaboration and cooperation will be necessary. It will also mean coordinating a series of decisions by policymakers. We are recommending that the initial staff proposal for the SCS would be reviewed by ABAG and the other regional agencies (MTC, BCDC and BAAQMD) before seeking input from the JPC. In its subsequent decisions the Executive Board would continue to act independently but would need to consider the actions taken by MTC and the other regional agencies. In turn, we will need to convey the actions of the Executive Board to our partner agencies.

The JPC should continue to play a critical role in the coordination of regional policies for the four agencies. We propose that ABAG's representatives to the JPC will be responsible for face-to-face discussions with policymakers representing the other regional agencies, acting to identify inconsistencies in our approach and help to forge combined recommendations. Good communication with the Executive Board will be essential.

While this memo describes some details of a potential administrative process for SB375, we believe it is important to not lose sight of the real objective of SB375. Effective policy implementation through a Sustainable Communities Strategy that has buy-in across many sectors will put our region in a position of leadership in reducing greenhouse gas emissions and advancing real progress on climate change. Throughout the process the involvement and input of local jurisdictions, congestion management agencies, and key stakeholder entities will be critical to the development of a meaningful SCS in our region. We are also recommending that staff begin to engage local agencies and other key stakeholders around the issues that were raised in the JPC memo and report back to the Executive Board at its next meeting.

The Joint Policy Committee and Implementation of SB 375

Since the March 19, 2009 Executive Board meeting, the staff of the JPC has recommended that the proposed policies to implement SB 375 be amended in response to comments, and that the JPC hold its decision until its September 2009 meeting. Further, it asks the regional agencies' staffs to engage local agencies and other key stakeholders to build a consensus recommendation.

The legislation that established the JPC calls for certain documents of regional significance to be reviewed by the committee. Over the last five years ABAG received JPC input on its *Projections* forecast and process, the Regional Housing Needs Allocation (RHNA), and a number of FOCUS implementation programs including the adoption of the Priority Development and Priority Conservation Areas. Going forward, during the next four years the JPC will review ABAG's demographic forecast as part of the Sustainable Communities Strategy. It will also review the next round of the RHNA, and will provide additional input on how to implement and support the FOCUS Priority Development Areas and Priority Conservation Areas. .

The proposal before the JPC would not change the type of ABAG-related activities that are reviewed by the JPC, and the Executive Board would continue to have the final decision on all ABAG-related programs. The proposed SB 375 implementation policies encompassed in the JPC staff report do suggest a significantly expanded level of coordination between the regional agencies' staffs and policy makers.

In order to describe that coordination, and begin a discussion with the Board, we want to provide a description of two key components of the SCS-- Technical Analysis and Civic Engagement. We intend to bring forward other issues at upcoming meetings. .

Sustainable Communities Strategy -*Technical Analysis and Local Involvement*

The Sustainable Communities Strategy is required by SB 375. By statute, it will provide key inputs as part of the next Regional Transportation Plan (RTP) and a link between the RTP and RHNA. It will also replace ABAG's *Projections* forecast with a more comprehensive joint land-use and transportation strategy. If successful it would also provide a framework for further implementation of the FOCUS Priority Development Areas.

In recent years, the staffs of ABAG and MTC have developed a good working relationship through the kick-off and implementation of the FOCUS Initiative, joint work on *Transportation 2035*, the recently adopted RTP and the *Projections 2009* forecast. To date, staff has held initial joint meetings to discuss the development of the SCS and potential schedules for completing the strategy. The SCS process will be a big part of each agency's work over the next four years. It will require significantly more coordination and collaboration at the staff level than ever before.

Technical Analysis

One key aspect of the SCS is technical analysis, including the development of computer models to describe land use and transportation outcomes. MTC and ABAG are both engaged in

significant upgrades of the computer models that are used to estimate land-use forecasts, and the characteristics of the region's transportation system. Although the two sets of complex models will remain separate, staff is working together to ensure that the models can create consistent and comprehensive land-use and transportation forecasts. We expect that the model development will continue for the next year and will need to incorporate information from BCDC and the BAAQMD. The region's climate adaptation needs and air quality rules are critical parts of the overall strategy.

Local Involvement

While the agencies can produce a technical analysis, local involvement in revising, changing and validating the analysis makes it a strategy. Initial discussions about the SCS have begun, including the process of arriving at our most recent forecast, *Projections 2009*, the FOCUS initiative, the Spring General Assembly, and the Air District's Climate Change Summit. SB 375 describes a required outreach plan, but the public involvement necessary for a successful SCS in our region will go far beyond the legal requirements. The staff of the regional agencies will be working jointly with Congestion Management Agencies (CMAs), local jurisdictions and other key stakeholders to discuss modeling assumptions, the potential scenarios that will describe future development and transportation, and their climate-change impacts.

Sustainable Communities Strategy --*Policymaker Review*

Drafts of work plans, programs, assumptions and scenarios will be brought to the Executive Board for its approval. We propose that staff from ABAG and MTC, working with staff from the other regional agencies will produce initial SCS proposals that would first be reviewed by the Executive Board, and the other regional agencies prior to discussion at the JPC. Because we are producing a joint land use and transportation strategy, dependant on each other, the individual parts are not really meaningful. Going forward, the Executive Board's input and decisions will need to be coordinated with the input and decisions of MTC, BCDC and BAAQMD. Since the regional agencies have authority over different aspects of the SCS, the agencies will need to work together to coordinate policy review and adoption of the SCS. Key policy issues for which ABAG and by extension the Executive Board is responsible for by statute and as envisioned relative to SCS implementation are listed below.

Key issues that will need decisions by the Executive Board include:

- The basic work program for the development of the SCS;
- Draft assumptions and scenarios for analysis and local discussion;
- Draft results of the land use transportation strategy;
- Various points in the development of the Regional Housing Needs Allocation (RHNA);
- Potential implementation issues including PDA incentives, CEQA reform and legislation;
- Final decisions on the SCS and the RHNA.

The JPC will play a critical coordinating role in the development of the SCS. It would be very difficult to have an effective discussion between the entire Executive Board and Commission. It becomes even more difficult when we include the other regional agencies. The large number of people and the difficulty in logistics suggests the need for a committee to identify inconsistencies

and recommend further policies. However, staff believes that successful development of the SCS will require policy coordination between agencies in addition to the work of the JPC.

As the development of the SCS progresses, the Executive Board will need information about the decisions occurring at the other regional agencies, the opportunities for direct input into those decisions and the consequences of those decisions. Staff is proposing a process whereby ABAG staff will share draft material for the Executive Board with staff from the other regional agencies. Where it is appropriate, staff from other agencies will take part in presentations at the Executive Board. ABAG and other regional agencies will consider policies prior to bringing them to the Joint Policy Committee for input, brought back to the Executive Board for further consideration and if needed returned to the JPC for further input prior to a final decision by the Executive Board. To be successful this process would need to be incorporated by the other regional agencies as well.

The JPC will remain the place where policy makers from the various agencies can have face to face discussions about the issues as they develop and can make recommendations with one voice. Therefore, it would be appropriate for the Executive Board to provide direction to its representatives in advance of JPC meetings, and for ABAG's JPC members to make regular reports on the deliberations of the JPC back to the Executive Board.

Next Steps

Staff is seeking input regarding the above-described issues at the Executive Board's meeting on May 21st, 2009 but believes that any final action pertaining to SB 375 implementation policies and process could be delayed until the Executive Board meeting on July 16th, 2009. This staff report is presented as a primer relative to a larger set of SB375 implementation policies issues that will be presented to the Executive Board at the Board's July meeting.

The JPC is asking that regional agencies' staffs to commence discussions with local agencies and other key stakeholders relative to the implementation policies proposed by regional agency staff and presented by JPC staff to the Executive Board on March 19, 2009. Initial engagement with local agencies across a variety of sectors is intended to result in consensus recommendations on SB 375 implementation policies including those outlined in this staff report at the September 2009 JPC Meeting. ABAG staff will work to coordinate initial discussions pertaining to SB375 implementation policies prior to the Executive Board's July meeting. Based upon the input of local jurisdictions, other key entities and in coordination with staff from our partner regional agencies, ABAG staff will present recommendations pertaining to SB 375 Implementation Policies at the July Executive Board Meeting. We will also provide an update on progress constructing an overall joint agency SB 375 workplan.



MEMO

Submitted by: Ezra Rapport, Deputy Executive Director

Subject: Solar and Energy Efficiency District Program Development – Status Report

Date: May 6, 2009

Executive Summary

Staff outlined an initial program concept for a region-wide solar and energy efficiency financing district at the March 19, 2009 ABAG Executive Board meeting. The Executive Board supported the continuation of staff work to further refine the program concept. This report outlines progress to date and next steps in the design of this regional program.

Recommended Action

This agenda item is informational as to the status of the program concept. A more detailed report will be presented at the next Executive Board meeting.

Next Steps

Work with the consultant team to refine the program elements that will feed into the development of a business plan.

Attachments: Solar and Energy Efficiency District Program Development – Status Report

Solar and Energy Efficiency District Program Development Status Report

Since the March 19th presentation to the ABAG Executive Board on the initial program concept for a regional solar and energy efficiency financing district, several advances have been made on the legislation that would enable the creation of a regional financing district and on the refinement of the potential program details.

Legislation

The program concept for the San Francisco Bay Area Solar and Energy Efficiency District (SEE District) is based on the financing mechanism that would be allowed by the passage of Senate Bill 279 (SB 279). Senator Hancock introduced SB 279 this year. The bill is based on the Mello-Roos Community Facilities Act of 1982, which allows a community facilities district to finance community improvements, and would amend this act to allow a community facilities district to finance energy efficiency and renewable energy improvements to or on real property. The bill passed the Senate Local Government Committee and the Senate and is now in the Assembly. Passage of this bill is seen as critical to the creation of the SEE District. From the California Constitution perspective, AB 811 relies on assessment law, while SB 279 operates under the special tax category. This is an important difference with respect to issuing bonds that will be used to finance the SEE District.

Program Concept

An initial program concept was outlined in the staff report to the ABAG Executive Board for consideration at the March 19, 2009 meeting. Since then, PG&E has made funding available through ABAG's Energy Watch contract to help refine the program concept. Staff has conducted an informal request for qualifications to hire a consultant team for a small contract to define the broad program elements. Leading the consultant team is Bevilacqua-Knight, Inc. (BKi), a consulting firm located in Oakland specializing in governmental policy development and program management. BKi will work with PowerHouse, EcoMotion, NBS, and Energy Solutions in helping to think through the program. This consultant team has a broad range of expertise that will aid in the refinement of the program parameters. The team's program recommendations will feed into the development of a business plan to test the feasibility of the program.

As BKi has outlined initially, in order to ensure significant market penetration and program success, several supporting program elements are required:

- consistent and credible program standards for energy efficiency with clear verification protocols
- training to ensure a robust and capable workforce
- an effective marketing and outreach strategy offering bundled incentives to attain high participation
- a strict quality assurance program to protect consumers and reduce local government liability

- ongoing tracking, measurement, and reporting to ensure program effectiveness and to quantify energy, water, and carbon reduction benefits.

BKi will also coordinate all program elements to combine funding sources and provide an integrated delivery model that relieves local governments of technical and administrative responsibilities. Existing PG&E utility programs in home performance contracting will be integrated with this regional initiative to capitalize on their experience and funding.

Next Steps

Staff will continue to coordinate with PG&E and the consultant team to refine the program concept. Upon review and approval of the consultant team's recommendations for the general elements of the program, a consultant will be hired to conduct a business case within the parameters defined by the program elements. Assuming a program business model is developed that meets both ABAG's and PG&E's approval, a formal request for proposals will be conducted for a program administrator.

LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE

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

Committee Vice Chair: Supervisor Mike Kerns—County of Sonoma

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

Thursday, May 21, 2009 – 3:30 p.m. to 5:00 p.m.

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

AGENDA*

1.	OPEN AGENDA Committee members may raise issues for consideration; members of the public may speak.	Information/ Action
2.	APPROVAL OF MINUTES Committee will review and approve the minutes of the March 19, 2009, L&GO meeting.	Information/ Action
3.	2009 LEGISLATIVE SESSION—BILLS FOR CONSIDERATION** Review the following bills and update status of bills previously considered: SB 406 (DeSaulnier) Land Use: Environmental Quality SB 575 (Steinberg) Local Planning: Housing Element AB 349 (Silva) State Mandates AB 155 (Mendoza) Local Government—Bankruptcy ACA 9 (Huffman) Local Government Bonds: Special Taxes—Voter Approval AB 1342 (Evans) Local Taxation: Income Taxes—Vehicle License Fees SB 7 (Wiggins) Renewable Energy Sources: Feed-in Tariff—Net Metering SB 676 (Wolk) Local Fees AB 1520 (Evans) State Watershed Program	Information/ Action
4.	DISCUSSION OF DELTA RESOLUTION AND WATER PLANNING PRIORITIES Examine the Multi-County Delta Resolution passed in 2008 by Contra Costa, Solano, Sacramento, San Joaquin and Yolo Counties and discuss potential for expanding the resolution to include all Bay Area counties	Information/ Action
5.	SB 375: LAND USE AND TRANSPORTATION PLANNING Brief Summary of issues and challenges raised during ABAG Spring General Assembly <i>SB 375 Call to Action</i> and BAAQMD Climate Action Summit	Information
6.	ADJOURNMENT Next meeting is scheduled for July 16, 2009.	Action
	Agenda and other written materials are available at ABAG/Frontdesk, 101 8 th Street, Oakland, or at http://www.abag.ca.gov/meetings -- Legislation and Governmental Organization Committee	

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

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



LEGISLATION
2009 State Legislative Session
Legislation & Governmental Organization Committee
May 7, 2009

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
*NEW BILLS					
<i>Bills to be reviewed are listed in numeric order with Assembly bills listed first, followed by Senate bills</i>					
ASSEMBLY BILLS					
AB 18 Knight	Local Government: City Councils	ASM: Elections and Redistricting Committee Hearing 5/5	Watch After amended, LCC support	Oppose	<p>Amended 3/17 and 4/27: Would require the city council to, within 60 days of a vacancy in an elective office, fill that vacancy by appointment or call a special election to fill the vacancy, as specified.</p> <p>Originally: Would authorize a city council to leave a seat on the city council vacant for up to one year or the next general election, whichever comes first; if the remaining city council members cannot agree up an appropriate appointee and the remaining city council members can still form a quorum.</p> <p><i>Existing law requires a city council to, within 30 days of a vacancy in an elective office to fill that vacancy by appointment or call a special election to fill the vacancy.</i></p>
AB 46 Blakeslee	Energy: Energy Conservation Assistance	ASM: APPROPRIATIONS Referred to Suspense File	Support concept	Watch	<p>Amended 3/31: This bill extends the sunset dates, from January 1, 2011 to January 1, 2020, for the Energy Conservation Assistance Account (ECAA) and the Local Jurisdiction Energy Assistance Account (LJEEAA), each administered by the California Energy Commission (CEC); continues local assistance energy programs nine more years.</p> <p>Originally: Would extend the operation of the State Energy Conservation Assistance Account to January 1, 2015: a continuously appropriated account in the General Fund that provides grants and loans to local governments and public institutions to maximize energy use savings. In existing law will end January 1, 2011.</p>

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 2
AB 55 Jeffries	Water Supply Planning	ASM: Parks and Wildlife Committee	Watch	Watch	<p><i>Is now being considered a Two-Year bill</i></p> <p>Existing law requires a city or county that determines a project is subject to CEQA to identify any public water system that may supply water for the project and request those public water systems to prepare a water supply assessment. This bill would revise the definition of "Project" to include within the scope of the definition and water supply requirements related to projects the following: specified business, commercial, hotel or motel, industrial, manufacturing, and mixed use developments with an equivalent water demand similar to a 500 dwelling unit project.</p>	
AB 68 Brownley	Solid Waste: Single-use Carryout Bags	ASM: Appropriations Hearing 5/6/09	Watch	Watch, but encourage bag giveaway programs	<p>Amended 3/31 and 4/23: <i>Amended definition of "Reusable bag" to mean a bag that is specifically designed and manufactured for multiple reuse, meaning 50 or more uses.</i></p> <p>This bill would, on and after July 1, 2010, prohibit a store, as defined, from providing a single-use carryout bag to a customer unless the store charges a fee of not less than \$0.25 per bag at the point of sale. The bill would exempt certain customers from paying the fee. The bill would establish the Bag Pollution Fund in the State Treasury and would require a store to remit the single-use carryout bag fees, less a specified amount, to the State Board of Equalization for deposit in that fund. The bill would prohibit a store from distributing a single-use carryout bag that is not a plastic or compostable carryout bag that meets specific requirements. The bill would require the board to administer and enforce the single-use carryout bag provisions and would require the State Board of Equalization to administer the collection of the fees imposed on those bags. The moneys in the fund would be required to be expended, upon appropriation by the Legislature, in a specified order of priority, by the board for grants to cities and counties for programs related to single-use carryout bags and reusable bag giveaway programs, by the State Board of Equalization to reimburse its costs associated with collecting the fees, by the board for purposes of implementing the above provisions, and by the board, in consultation with specified state agencies, to develop and implement specified programs related to single-use carryout bags. The bill would expressly prohibit the expenditure of revenues from the fund for activities unrelated to the prevention or reduction of single-use bag pollution. The bill would require the board, on or before January 1, 2013, to submit to the Legislature a report regarding the effectiveness of the above provisions and recommendations to further encourage the use of reusable bags.</p>	Originally: Would on and after July 1, 2011, prohibit a store from

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 3
AB 87 Davis	Single-use Carryout Bags: Environmental Effects—Mitigation	ASM: Appropriations Hearing 5/6	Watch	Watch, but encourage bag giveaway programs	<p>providing a single-use carryout bag to a customer unless the store charges a fee of not less than 25 cents per bag at the point of sale. Would establish a Bag Pollution Fund where stores would remit the carryout bag fees, depositing in the fund through the State Board of Equalization. Moneys in the fund would be required to be expended, upon appropriation by the Legislature in priority to cities and counties for programs related to single-use carryout bags and reusable bag giveaway programs.</p> <p>Amended 3/18 and 4/27: This bill restricts grocery and convenience stores from providing single-use carry out bags to their customers. Specifically: 1) As of July 1, 2010, prohibits grocery and convenience stores and pharmacies, as defined, from providing single-use carryout bags, to customers without charging a sales tax-free fee of 25 cents per bag (the Bag Pollution Cleanup Fee). 2) Exempts from the fee customers participating in certain low-income assistance programs. 3) Allows stores charging the fee to retain a portion of the amount generated by the fee to pay for implementation of the requirements of the bill, including educational programs and donation of reusable bags to community groups, nonprofits, and similar entities. 4) Creates the Bag Pollution Fund, available for annual legislative appropriation to the Integrated Waste Management Board for state programs for litter cleanup and source reduction and for grants to cities and counties for those same purposes.</p> <p>Originally: Would on and after July 1, 2010, prohibit a store from providing a single-use carryout bag, including a green carryout bag, to a customer unless the store charges a fee of not less than 25 cents per bag at the point of sale. Would establish a Bag Pollution Fund and by January 31, 2011, would require stores that collect the single-use carryout bag fees to remit the fees to the State Board of Equalization for deposit in the fund, and do so on a quarterly basis. Would require the manufacturer of single-use carryout bags to develop educational materials to encourage the reduction, reuse and recycling of single-use bags for those store required to comply with program. Would require a biennial report to legislature in coordination with other state agencies and stakeholders on the effectiveness of the program and recommendations to further encourage the use of reusable bags.</p>	
AB 155 Mendoza	Local Government: Bankruptcy Proceedings	ASM Appropriations Com	Oppose CSAC Oppose LCC Oppose		<p>Prohibits a local public entity (defined as a county, city, district, public authority, public agency) from exercising its rights under applicable federal bankruptcy law unless granted approval by the California Debt and Investment Advisory Commission (CDIAC), under CDIAC's terms and conditions.</p>	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 4
AB 280 Blakeslee and Ma	California Earthquake Authority: Retrofit Programs—Grants	ASM Appropriations Suspense File	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 338 Ma	Transit Village Developments: Infrastructure Financing	ASM Third Reading Passed Appropriations	Watch	Watch	Would recast the area included in a transit village plan to include all land within not more than ½ mile of the main entrance of a transit station. Would eliminate the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and an issuance of bonds for developing and financing a transit facility. Includes other stipulations about public benefit and affordable housing.	
AB 349 Silva	State Mandates	ASM Appropriations	Support Concept CSAC Support		Requires the Director of Finance to provide to the Legislature all proposed statutory changes necessary to repeal reimbursable state mandates that have been suspended for three consecutive years in the Governor's Budget.	
AB 782 Jeffries	Regional Transportation Plans: Sustainable Communities Strategies	ASM Natural Resources Committee	Watch	Watch	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.	
AB 814 Krekorian	Firearm Surrender Process and Procedure	ASM Appropriations Com. Suspense File	Support concept	No Position— need clarification	Amended 4/13: This bill would establish a procedure for a defendant who owns, has possession, custody, or control of a firearm, to sell the firearm to a firearms dealer or relinquish the firearm to a law enforcement agency in order to comply with existing prohibitions. The procedure would in part require the defendant to disclose whether the defendant owns or has possession, custody, or control of any firearms and to list those firearms. The bill would provide procedures for persons in or out of custody to relinquish their firearms, including designating a law enforcement agency or a person as the defendant's designee, and would require the defendant or the defendant's designee to file a form showing, among other things, the date the firearm was relinquished. Failure to timely file the form would be an infraction punishable by a fine not	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 5
AB 1084 Adams	Local Planning: Development Projects--Fees	ASM Appropriations Committee	Watch	Support	<p>exceeding \$500.</p> <p>Originally: Would establish a procedure for defendants to sell firearm to a firearms dealer or relinquish the firearm to a law enforcement agency. Require the defendant to disclose, under penalty of perjury, whether the defendant owns or has possession or custody or control of any firearms and to list those firearms. Would provide procedures for them to relinquish their firearms.</p> <p>Amended 4/13/, 4/27/ and 4/28:</p> <p>This bill provides a time frame for notice relating to an increase or change in fee levied under the Mitigation Fee Act and establishes procedures for requesting an audit of those fees.</p> <p><i>(Existing Law: Authorizes a local agency to charge a variety of fees, dedications, reservations, or other exactions in connection with the approval of a development project, as defined. Provides, under the Mitigation Fee Act, that in any action establishing, increasing, or imposing a fee as a condition of approval of a development project by a local agency, the local agency is required to determine how there is reasonable relationship between the amount of the fee and the cost of public facility or portion of the public facility attributable to the development project on which the fee is imposed fees.)</i></p> <p>Specifically, the bill would:</p> <ol style="list-style-type: none"> 1) Require a local agency that is a city, county, or city and county to mail notice of the time and place of the meeting that will be held regarding adoption of a new fee or increasing an existing fee under the mitigation fee act. 2) Require that the mailing, which must be sent 14 days prior to the hearing, include a general explanation of the matter to be considered and a statement of the proposed costs. 3) Provide that any written request for mailed notice is valid for one year and the legislative body of the city, county, or city and county may establish a reasonable annual charge for sending these notices. 4) State that at least 10 days prior to the meeting, a local agency that is a city, county, or city and county shall make available to the public the data indicating the amount of cost or estimated cost, required to provide the public facilities and the revenue sources anticipated to fund those public facilities. 5) Prohibit any new or increased fee adopted by a local agency that is a city, county, or city and county from going in to effect until 60 days after the final adoption, unless otherwise provided in law. 6) State that any person can request an audit in order to determine whether any fee or charge levied by a local agency 	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 6
AB 962 DE LEON	Ammunition	ASM Appropriations Hearing 5/6	Support in Concept	Support with amendments	<p>that is a city, county, or city and county exceeds the amount reasonably necessary to cover the cost of any product, public facility, or service provided.</p> <p>7) Specify that any costs incurred by a city, county, or city and county by having an independent audit conducted may be recovered from the person who requests the audit.</p> <p>8) Specify that the oversight of local agency fees is of statewide concern, and therefore, this measure shall apply to charter cities.</p> <p>Originally: Would revise the definition of "fee" that a local agency can charge in connection to the approval of a development project to mean a "charge or other exactions, including a dedication, reservation, set-aside, or contribution of real or personal property or services, including a monetary exaction other than a tax or special assessment that is charged by a local agency, including a local agency that does not itself approve the development project, to the applicant in connection with the development project or as a condition of approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project." <i>"Public facilities" would be defined to include public improvements, public services, community amenities, and measures intended to mitigate or alleviate the effects of the development project, whether or not owned or controlled by a public agency. Also stipulates that regarding the fees/amount, it would need to be justified prior to imposing the fee how there is a reasonable relationship between the fee and the cost of the public facility/or portion. Includes also a series of stipulations on the process, timing, and scope.</i></p>	<p>Would require the Department of Justice to maintain additional info relating to ammunition transfers and licensed handgun ammunition vendors; require starting 7/1/10 not person shall sell or transfer more than 50 rounds of handgun ammunition in any month unless a handgun ammunition vendor; request background clearance of employees, store handgun ammunition safely and securely away from purchasers, maintain records, and require handgun ammunition be sold in face to face transactions so that the vendor can confirm identity of purchaser and record that information, obtain a thumbprint and other info from purchaser. Prohibits sale to person associated with criminal street gang or others that reasonably should not possess ammunition.</p>

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
AB 2235 DeSaulnier	Firearms: Owner-Authorized Handguns	2008 position: SEN Appropriations Committee Held under submission	Support in Concept	Support in Concept	This bill could be re-introduced into the 2009 legislative cycle. The 2008 bill provisions would require all newly manufactured or imported handguns in the state be owner-authorized, which means having a permanent programmable biometric feature that makes only a lawful owner or authorized user able to fire the gun. Other stipulations how to monitor technology and implementation are included.
AB 1342 Evans	Local Taxation: Income Taxes— Vehicle License Fees	ASM Revenue & Taxation Com	Support CSAC Support		<p>Authorizes counties, under specified circumstances, to adopt a local personal income tax (PIT), a local vehicle license fee (VLF), or both:</p> <p>1) Contains legislative findings noting that:</p> <p>a) Proposition 13 has reduced local property taxes by approximately 50%;</p> <p>b) In response to the enactment of Proposition 13, the state has provided local governmental agencies with increased amounts of state funds to maintain police, school, and other local services;</p> <p>c) Proposition 13 has resulted in increased state control and decreased local control with respect to the provision of local governmental services;</p> <p>d) The state is experiencing great difficulty in providing state funds to maintain local governmental services at historical levels; and,</p> <p>e) It is appropriate and necessary to shift some authority, control, and responsibility back to local governmental agencies to allow those agencies to determine the level of services appropriate for their citizens.</p> <p>--Provides that, notwithstanding existing law, the board of supervisors of any county may, by ordinance, place on the ballot either or both of the following for consideration by the voters in accordance with all constitutional and statutory requirements: A local PIT; and/or, a local license fee on any vehicle, registered within the county in which the local license fee is imposed, that is subject to registration under the Vehicle Code and on which a VLF is imposed under existing law.</p> <p>--Provides that a local VLF shall be subject to the following conditions: a) The aggregate license fee rate imposed by both the state and county on any vehicle shall not exceed 2% of the vehicle's market value;</p> <p>b) The local VLF shall be assessed and collected in the same manner as the fee imposed by state law;</p> <p>c) The local VLF shall be administered by the Department of Motor Vehicles (DMV); and the DMV shall transmit all revenues, less its costs of administration and any refunds, to</p>

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
AB 1520 Evans	State Watershed Program	ASM Natural Resources Com	Support concept CSAC Support		the county in which the fee is imposed. Establishes a Statewide Watershed Program as a voluntary program in the Department of Conservation to provide assistance and funding to local community-based efforts in the conservation, protection, and restoration of the state's watersheds.
ACA 9 Huffman	Local Government bonds: Special Taxes—voter approval	ASM Local Government Committee	Support CSAC Support LCC Support		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 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.
SB 7 Wiggins	SENATE BILLS Renewable Energy Sources: Feed-in Tariff—Net Metering	SEN Second Reading	Support concept		Amended May 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 kilowatthours consumed during one, or both, of the two following 12-month periods. <u>This bill</u> 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 12 Simitian	Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement 2009	SEN: Amended; Re-referred to Com. on APPR. Hearing 5/18	Watch	Watch	Amended 5/5/09: section on Delta Protection Commission review of Delta local government plans: The bill would require each Delta county, as defined, and each city within a Delta county, to submit to the commission for review proposed amendments to make its general plan consistent with the commission's revised resource management plan. By imposing requirements on those counties and cities with regard to the preparation of their general plans, the bill would impose a state-mandated local program. The bill would establish a permit process for projects, as defined, requiring the commission to review and determine whether any project proposed to be carried out or approved by a local government within the primary zone is consistent with both the commission's revised resource management plan and the plan, and requiring the commission, until a Delta county or a city within a Delta county in which a project is located has adopted general plan amendments to make the general plan consistent with the commission's revised resource management plan, to review and determine whether any

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 9
					<p><i>project proposed to be carried out or approved by a local government within the secondary zone is consistent with both the commission's revised resource management plan and the plan. The bill would make any person who undertakes a development project within the commission's jurisdiction without securing a permit from the commission guilty of a misdemeanor, thereby imposing a state-mandated local program by creating a new crime. The council would be authorized to review development projects in the primary and secondary zones for consistency with the plan adopted by the council.</i></p> <p>Originally: Would authorize for funding the Act issuance of bonds in amount of \$6 million for voter approval. Would establish in state government the Delta Water and Land Use Authority, prescribe composition of its Board of Directors, and grant to the Authority a broad range of powers relating to preservation of the Delta ecosystem and the delivery of a reliable state water supply. Would authorize the Authority to contract to design, construct and own one or more facilities to move water from the Sacramento River to federal and state pumping facilities. The Authority would succeed to the powers and duties of the California Bay-Delta Authority. Would establish within the California Coastal Commission, the Delta Watershed Conservancy. Would subject any approval by a city or county in specified zones of the Delta, and certain lands adjacent to the Delta to review by the Delta Protection Commission, and require the Authority to adopt or reject these land use decisions of the Commission. Other fee provisions included.</p>	
SB 27 Hancock	Local Agencies: Sales and Use Tax--Reallocation	ASM-Local Government Hearing 5/13	Support Concept CSAC Support LCC Support	Support	<p>The bill would prohibit a city, county, or city and county, on or after the bill's effective date, from entering into any form of agreement or taking any action that would result, directly or indirectly, in the payment, transfer, diversion or rebate of any amount of Bradley-Burns local tax proceeds to any person for any purpose when:</p> <p>--The agreement results in a substantial reduction in the amount of Bradley-Burns tax proceeds received by another local agency from a retailer within that other local agency;</p> <p>--and the retailer continues to maintain a physical presence and location within that other local agency. This bill has a urgency clause that means it would be immediately enacted after passed, signed and chaptered.</p>	
SB 31 Pavley	California Global Warming Solutions Act of 2006: Revenue	SEN Second Reading	Watch	Watch	<p>Would require that revenues collected due to compliance mechanisms adopted by the State Air Resources Board also be</p>	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 10
	Allocations	Passed Appropriations Committee			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.	
SB 279 Hancock	Local Government: Community Facilities Districts	ASM: Read First time; held at desk	Support	Support	Amended 4/13 and 4/21: Would authorize a community facilities district to finance and refinance the acquisition, installation, and improvement of energy efficiency and renewable energy improvements to or on real property and in buildings. Includes some provisions for establishing a community facility district and procedure for incurring bonded indebtedness.	
SB 406 DeSaulnier	Land Use: Environmental Quality	SEN Appropriations	Support		This bill authorizes regions to impose a surcharge on vehicle registrations to pay for regional land use planning activities. This bill also makes changes to the membership and duties of the Office of Planning and Research's Planning Advisory and Assistance Council. Allows an MPO, a COG, or a county transportation commission and a subregional COG jointly preparing an SCS to impose a surcharge of up to \$2 on vehicles registered in its jurisdiction to fund the development and implementation of an SCS or a regional blueprint plan to identify land use strategies to reduce the use of motor vehicles and thereby reduce emissions into the environment. Specifies that the regional entity shall adopt a resolution imposing the surcharge, except that: i) In the San Francisco Bay Area, both MTC and ABAG shall have to adopt a resolution and agree how to divide the revenue received; and ii) In the jurisdiction of the Southern California Association of Governments, both a county transportation commission and a subregional COG shall have to adopt a resolution and agree how to divide the revenue received.	
SB 457 Wolk	Creation of Delta Stewardship Council for Sacramento-San Joaquin Delta	SEN Appropriations Com Hearing 5/18	Watch	Watch	Amended 4/13 and 5/5: Creates a 9-member Delta Stewardship Council and deletes section on establishing the Delta Conservancy. The bill would require the Delta Protection commission to revise all of its plans and policies to be consistent with the Delta Stewardship Plan, to review and certify all city and county general plans for consistency with the resource management plan and the Delta Stewardship Plan, to exercise <i>appeal authority over actions taken by a local government or other local agency</i> in the primary zone, to review, hold public hearings and receive testimony, and provide recommendations	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 11
SB 458 Wolk	Establish the Sacramento-San Joaquin Delta Conservancy	SEN Appropriations Hearing 5/11	Watch	Watch	<p>to the council on all proposed projects subject to approval by the council, and develop a regional economic development plan. The bill would require the council to determine appeals from the commission on water conveyance and storage project decisions.</p> <p>Originally: This bill would create a 7-member Delta Stewardship Council in the Natural Resources Agency with specified powers and responsibilities relating to the Delta, including approving the Delta Stewardship Plan to guide and shape management of the Delta. The bill would require the commission to present the council with a draft plan on or before October 1, 2010. The bill would require the council to adopt the plan on or before January 1, 2011. The bill would require the council to review, and if necessary, amend the plan at least every 5 years.</p> <p>--- would establish the Sacramento-San Joaquin Delta Conservancy to undertake various activities related to the Delta and would prescribe the management, powers, and duties of the conservancy.</p> <p>--The bill would require the council by March 1, 2010, to appoint a Delta Science and Engineering Board and create a Delta Science and Engineering Program. The bill would state the intent of the Legislature that the Delta Science and Engineering Program be a replacement for, and a successor to, the CALFED Science Program, with specified responsibilities, and that the Delta Science and Engineering Board be a replacement for the CALFED Independent Science Board.</p> <p>--The bill would require the commission to require all general plans of cities and counties within the Delta, and the resource management plan, to be consistent with the Delta Stewardship Plan, thereby imposing a state-mandated local program on cities and counties. The bill would require the commission to revise all of its plans and policies to be consistent with the Delta Stewardship Plan, to review and certify all city and county general plans for consistency with the resource management plan and the Delta Stewardship Plan, to exercise direct consistency determination authority over development proposals in the primary zone, to review, hold public hearings and receive testimony, and provide recommendations to the council on all proposed projects subject to approval by the council, and develop a regional economic development plan.</p> <p>Amended 4/2: deletes language about Conservancy activities that said "including monitoring projects within the watershed of the delta, providing stewardship, and coordinating with other delta governance entities" to now read the purpose of the Conservancy is to "support efforts that advance both environmental protection and the economic well-being of Delta</p>	Page 11

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
SB 488 Pavley	New title: Energy Usage Information Energy: Energy Efficiency Financing	SEN Second Reading	Support in Concept	Support	<p>Residents, and cooperating with other Delta governance.³⁷ This bill would establish the Sacramento-San Joaquin Delta Conservancy to undertake various activities related to the Delta, as defined. The bill would prescribe the management, powers, and duties of the conservancy. The bill would create the Sacramento-San Joaquin Delta Conservancy Fund in the State Treasury. Moneys in the fund would be available, upon appropriation, for the purposes of the conservancy.</p> <p>Amended 4/14 and 5/5: This bill would require the commission, on or before July 1, 2010, to require each electrical corporation and each gas corporation to <i>adopt a pilot program to disclose, not less frequently than quarterly</i>, on the billing statement of a residential subscriber, information documenting the amount of energy used by the metered residence compared to similar residences in the subscriber's geographical area. The bill would require the commission to require each electrical corporation and each gas corporation to identify those residences that used significantly more energy during the period than was used by similar residences <i>with comparable household square footage</i> in the subscriber's geographical area and to ensure that information is provided to those subscribers on energy saving strategies and programs available to assist in financing energy efficiency improvements. <i>The bill would require each electrical corporation and each gas corporation, on or before July 1, 2011, and each July 1 thereafter, to submit to the commission a report on the energy savings resulting from the pilot program adopted by the utility.</i></p> <p>Originally: Would require the State Energy Resources Conservation and Development Commission to establish an ongoing procedure to develop an energy efficiency financing program to allow residential, commercial, industrial and municipal participants to finance energy efficiency improvements funded through cost avoidance of energy saves by the implemented measure. Includes a list of programs, measures and challenges to be addressed through energy efficiency.</p>
SB 575 Steinberg	Local Planning: Housing Element	SEN Appropriations Committee	Watch		<p>This bill is a clean-up bill for SB 375 an SB 732, cleaning-up three provisions: the exemption for transportation sales tax projects; the rezoning requirement under housing element law and housing element due dates generally.</p>
SB 676 Wolk	Local Fees	SEN Local Government Committee	Support CSAC Support		<p>This bill increases or eliminates the statutory limits on 14 fees still set by state law: such as federal lien certificates, environmental quality act filings, recorded documents, document indexing, court-appointed counsel, restitution, county probation department payments, change of plea/setting aside of a verdict, sealing of records, installment payments,</p>

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
SB 808 Wolk	San Francisco Bay/Sacramento-San Joaquin Delta Estuary: Strategic Work Plan	SEN Natural Resources and Water Com Set, first hearing. Hearing canceled at the request of author.	Watch	Watch	<p>fingerprinting, support of a minor sealing of juvenile records.</p> <p>This bill would require the State Water Resources Control Board to implement its resolution entitled the Strategic Workplan for Actions to Protect Beneficial Uses of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary by commencing an investigation of the reasonableness of the methods of diversions from the Sacramento-San Joaquin Delta used by the State Water Project and the federal Central Valley Project, ensuring that the implementation is consistent with its duties to protect the public trust and prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water, and taking other action. The state board would be required to prepare related quarterly reports, which the state board would be required to make available to the public and to post on the state board's Internet Web site.</p>

RESOLUTION NO. 2008-150

MULTI-COUNTY RESOLUTION ON WATER AND DELTA RELATED ISSUES

This Resolution is effective upon passage by the COUNTIES OF CONTRA COSTA, SACRAMENTO, SAN JOAQUIN, SOLANO AND YOLO, political subdivisions of the State of California (hereinafter collectively referred to as "the COUNTIES").

RECITALS

WHEREAS, the Sacramento-San Joaquin River Delta is at risk from many factors, and in addressing these threats the state may make large-scale changes to the Delta's legal boundaries and ecosystem, land use authority within the Delta, water conveyance through and around the Delta, water rights and water management statewide and many other aspects related to the Delta;

WHEREAS, the COUNTIES of Contra Costa, Sacramento, San Joaquin, Solano and Yolo believe there is value in developing a coalition on issues concerning the Sacramento-San Joaquin River Delta and greater Bay/Delta Estuary; and

WHEREAS, the COUNTIES wish to collectively articulate the issues and interests from the perspective of the Delta region itself, from the people who call the Delta home and perhaps best understand the tremendous resource the Delta represents;

WHEREAS, the COUNTIES have identified a need for joint action and advocacy in areas of mutual interest on Delta related issues; and

WHEREAS, the COUNTIES wish to educate and maintain positive working relationships with regional, state and federal governmental agencies and the public on Delta related issues; and

WHEREAS, through this Resolution, the COUNTIES have adopted a statement of basic principles describing their joint interests, which may be refined over time;

NOW THEREFORE, the COUNTIES agree that:

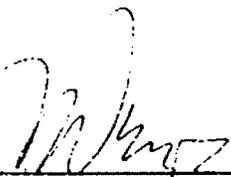
The COUNTIES adopt this Resolution for the purpose of articulating mutual interests on Delta issues. The COUNTIES resolve to work together to better understand Delta related issues from a regional perspective and to use their unified voice to advocate on behalf of local government in available forums at the federal and state levels. Our mutual interests are as follows.

Management of the Sacramento-San Joaquin River Delta and greater Bay/Delta Estuary must:

1. Protect and improve water quality and water quantity in the Delta region and maintain appropriate Delta outflow for a healthy estuary;
2. Protect the existing water right priority system and legislative protections established for the Delta;
3. Respect and safeguard Delta Counties' responsibilities related to land use, water resources, flood management, tax revenues, public health and safety, economic development, agricultural stability, recreation, and environmental protection in any new Delta governance structures;

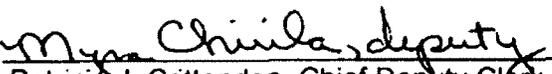
4. Represent and include local government in any new governance structures for the Delta;
5. Protect the economic viability of agriculture and the ongoing vitality of communities in the Delta;
6. Support rehabilitation, improvement and maintenance of levees throughout the Delta;
7. Support the Delta pool concept; in which the common resource provides quality freshwater supply to all delta users, requiring mutual responsibility to maintain, restore and protect the common resource;
8. Support immediate improvements to through-Delta conveyance;
9. Require that any water conveyance plan for the Delta be aligned with the principles established by this resolution and supported by clearly demonstrated improvement to the entire state's water management;
10. Protect and restore the Delta ecosystem, including adequate water supply and quality to support it in perpetuity; and
11. Include the study of storage options and implementation of conservation, recycling, re-use, and regional self sufficiency as part of a state-wide improved flood management and water supply system.

Dated this 10th day of June, 2008



JOHN F. SILVA / Chairman
Solano County Board of Supervisors

ATTEST:
Michael D. Johnson, Clerk
Solano County Board of Supervisors

By: 

Patricia J. Crittenden, Chief Deputy Clerk

ABAG FINANCE AND PERSONNEL COMMITTEE

Thursday, May 21, 2009, 5:00 p.m.
 ABAG Conference Room B
 MetroCenter—8th and Oak Streets
 Oakland, CA

<u>Est. Time in Minutes</u>		<u>Recommendation**</u>
2	1. Public Comments	Information
2	*2. Minutes of the March 19, 2009 Meeting	Action
5	*3. Financial Reports – ABAG <i>The March 2009 report is enclosed with the agenda packet. The April 2009 report will be sent under separate cover.</i>	Information
5	*4. ABAG Contributions to the Tranter-Leong Internship Program <i>As described in the attached staff memo, Executive Board’s approval is requested for continued contributions to the Tranter-Leong Internship Program endowment.</i>	Action
 THE FOLLOWING ITEMS WILL BE DISCUSSED IN CLOSED SESSION PURSUANT TO THE REQUIREMENTS OF THE RALPH M. BROWN ACT. 		
10	5. Conference with Labor Negotiators <i>Agency designated representatives: Patricia Jones, Brian Kirking and Austris Rungis [IEDA]. Employee organization: SEIU Local 1021.</i>	Information
20	6. Public Employee Performance Evaluation <i>Title: Legal Counsel Materials for this item were mailed under separate cover.</i>	Action
	7. Adjournment	Action

* Attachments enclosed with packet.

** The committee may take action on any item on the agenda, which action may be the recommended action, any other action or no action.

ABAG FINANCE AND PERSONNEL COMMITTEE

Summary Minutes

March 19, 2009

Members Present

Supervisor Scott Haggerty, Chair
Supervisor David Cortese
Supervisor Rose Jacobs Gibson
Supervisor John Gioia
Mayor Mark Green
Supervisor Barbara Kondylis

Jurisdiction

County of Alameda
County of Santa Clara
County of San Mateo
County of Contra Costa
City of Union City
County of Solano

Members Absent

Supervisor Mike Kerns
Vice Mayor Peter McHugh

County of Sonoma
City of Milpitas

Officers and Staff Present

Henry Gardner, Executive Director
Patricia Jones, Assistant Executive Director
Kenneth Moy, Legal Counsel
Herbert Pike, Finance Director
Paul Fassinger, Director of Research

Guests:

Michael Costa

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

- 1) There were no public comments.
- 2) Haggerty was re-elected Chair and Cortese was elected Vice-Chair.
/M/Green/S/Kondylis/C/ to elect.
- 3) Minutes of the January 15, 2009 meeting were approved as presented.
/M/Green/S/Cortese/C/to approve.
- 4) Pike summarized the January and February 2009 financial reports for ABAG.
/M/Kondylis/S/Green/C/ to accept reports.

AGENDA ITEM 2

- 5) Gardner and Pike presented recommendation to take necessary steps to increase ABAG's line of credit to \$2 million.
/M/Green/S/Kondylis/C/ to refer to Executive Board with recommendation to approve.
- 6) Pike presented staff recommendation to contract with Maze and Associates for outside auditing services.
/M/Green/S/Jacobs Gibson/C/ to refer to Executive Board with recommendation to approve.
- 7) Gardner presented staff recommendation to continue ABAG support of the Bay Area Council Economic Institute (BACEI) in the amount of \$50,000 in FY 2009-10.
/M/Kondylis/S/Green/C/ to refer to Executive Board with recommendation to approve for inclusion in FY 2009-10 budget.
- 8) Gardner presented BYLaw Amendment re Scheduling of the Annual Meeting of the General Assembly to provide more flexibility in scheduling in 2010 and thereafter.
/M/Kondylis/S/Green/C/ to refer to Executive Board with recommendation to approve.
- 9) Fassinger presented request for authorization to purchase computer hardware and to contract for software and consultant services to implement the PECAS Land Use Modeling System.
/M/Kondylis/S/Green/C/ to forward to Executive Board consent calendar.
- 10) Moy presented the proposed process for conducting performance evaluation of legal counsel.
- 11) Closed Session was held with Agency designated representatives Patricia Jones regarding negotiations with ABAG's employee union—SEIU 1021.
Chair to report to the Executive Committee that the Committee was apprised of the on-going status of negotiations by the agency's representatives.
- 12) Closed Session was held with Executive Director Gardner to conduct annual performance evaluation.
Chair to report to Executive Board in Closed Session.
- 13) Meeting was adjourned at 6:00 p.m.

TO: Finance and Personnel Committee

DT: April 29, 2009

FM: Herbert Pike, Finance Director

Re: Financial Reports
--March 2009

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

Cash on Hand (Figure 1)

Cash on hand increased to about \$1.185 million on March 31 from \$835 thousand on February 28. The March balance includes approximately \$369 thousand invested in the Local Agency Investment Fund (LAIF). Currently, ABAG does not hold any other investments. The March 31 cash balance is approximately \$228 thousand more than the prior year. To better understand the year to year comparison, the current cash balance includes approximately \$400 thousand designated to cover the Annual Required Contribution (ARC) to amortize the Agency's unfunded liability for Other Post Employment Benefits (retiree health care) over the next 30 years. This OPEB liability is expected to be more than \$500 thousand by the end of the current fiscal year. Thus, the "uncommitted" cash balance is actually down almost \$200 thousand after accounting for the new OPEB liability. The downturn is attributed to the higher receivables noted below.

Receivables (Figure 2)

Receivables from grant and service programs amounted to about \$3.59 million on March 31, unchanged from the month prior. Compared to March 31 the year prior, the total reflects an increase of approximately \$0.75 million. It is anticipated that the continued reduction in State staffing and requested furloughs may slow reimbursements in the succeeding months. Some projects to be supported by State bond sales, although restarted, are awaiting reimbursement when the bonds are sold; it was just announced some State bonds have been issued, but we have not yet received word if ABAG's projects are covered under the most recent funding. Staff is seeking to accelerate collections from other Federal and local funding sources.

Actual vs. Budgeted Expenses (Figure 9)

Total expenses on March 31 amounted to about \$13.95 million, or 63.41%, of projected expenses of \$22.0 million for FY 08-09.

Actual vs. Budgeted Revenues (Figure 10)

At March 31, total revenues amounted to about \$13.64 million, or 61.72%, of projected revenue of \$22.1 million for FY 08-09.

As of March 31, both revenues and expenses are below projections for the first three-quarters of FY 08-09. These positions are largely due to the timing of consultant and sub-contractor expenses that are grant funded. The difference between the approved budget of \$26.7 million and the projections above reflect the typical multi-year programs and their budget balances at fiscal year-end (June 30, 2009) that will be carried forward to the following year. However, several Estuary projects have been suspended due to budget issues at the State. There is a concern that they may not be continued.

Fund Equity (Figure 5)

As of March 31, general fund equity was approximately \$0.80 million, unchanged from February 28. The agency's restricted fund equity, consisting of building bond interest, capital, self-insurance and building maintenance, also remains unchanged at \$510 thousand.

Indirect Cost (Figure 6)

The agency's actual indirect cost (overhead) rate was 41.00% of direct labor cost as of March 31, or about 95.3% of the budgeted rate of 43.00% for FY 08-09. Overhead expenditures are expected to escalate during the last three months of the fiscal year, bringing the actual closer to the budgeted rate of 43.0%.

Overall (Figures 3, 4, 7 & 8)

At March 31, the agency's finances are reasonably close to forecast with a modest deficit of roughly \$308 thousand, or 2.3% of the year-to-date revenues. It appears that this fiscal year is adequately funded if the State issues infrastructure bonds and removes the suspension of several awarded contracts. ABAG is being impacted by the State's cash flow problems and delays in reimbursements as seen in increased accounts receivable. Some projects funded through the State have been suspended until certain State bonds are issued. At present, there appears to be sufficient funding to cover grant-funded staff affected by the suspended projects.

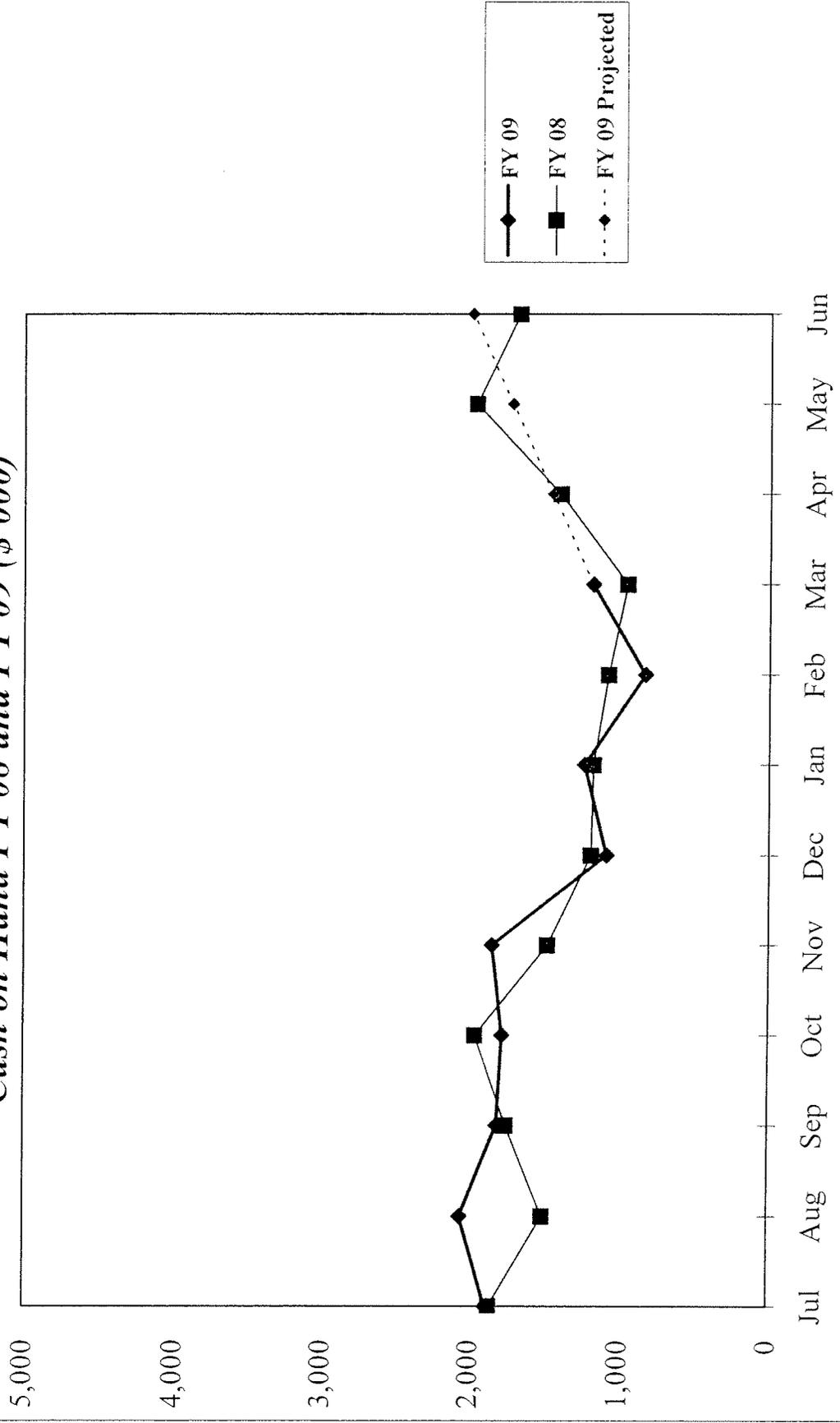
ABAG FINANCIAL REPORTS

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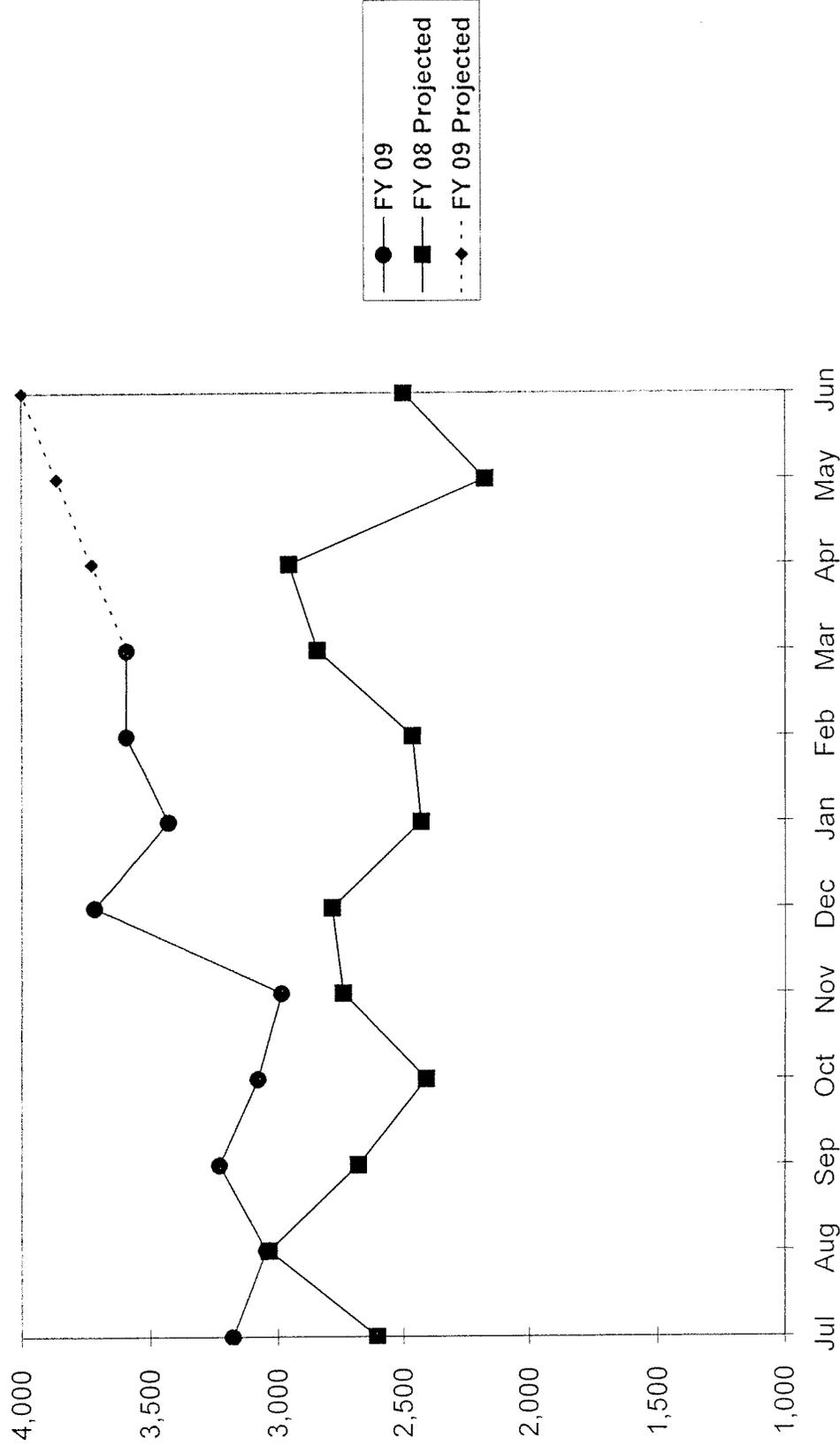
ABAG Financial Indices

Cash on Hand FY 08 and FY 09 (\$'000)



ABAG Financial Indices

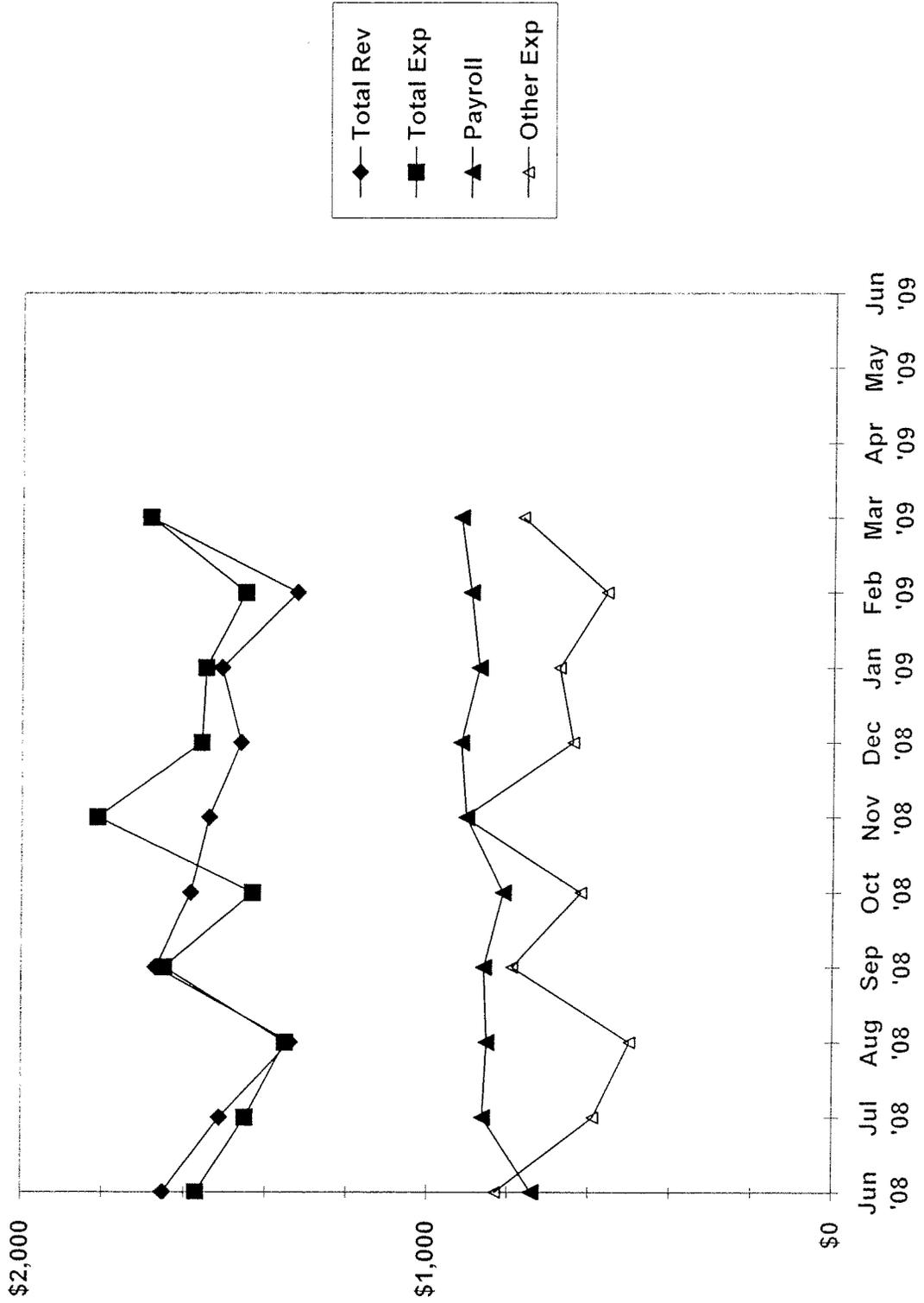
Accounts Receivable FY 08 and FY09 (\$'000)



ABAG Financial Indices

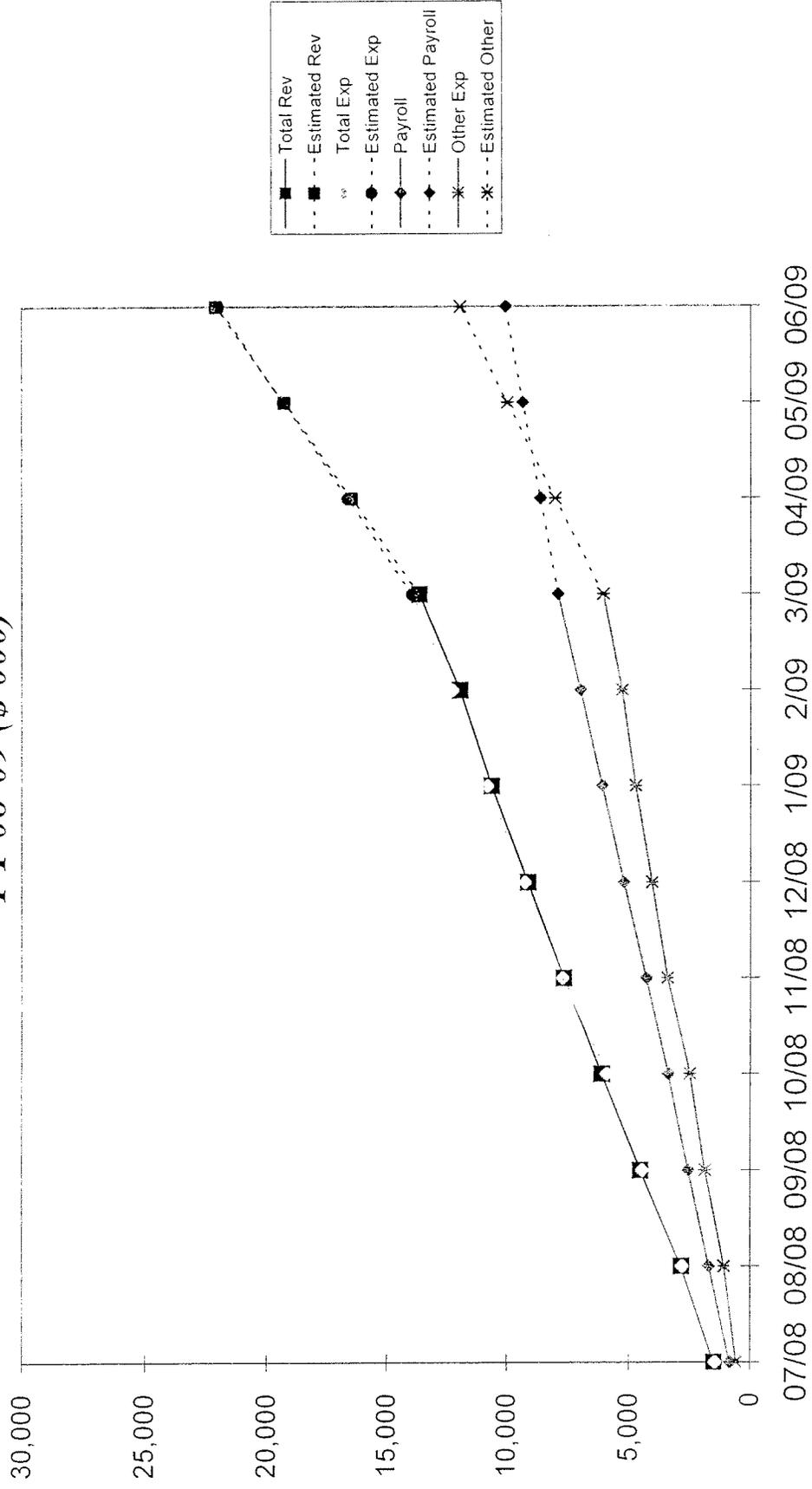
Current Month Revenues & Expenses

FY 08-09 (\$'000)



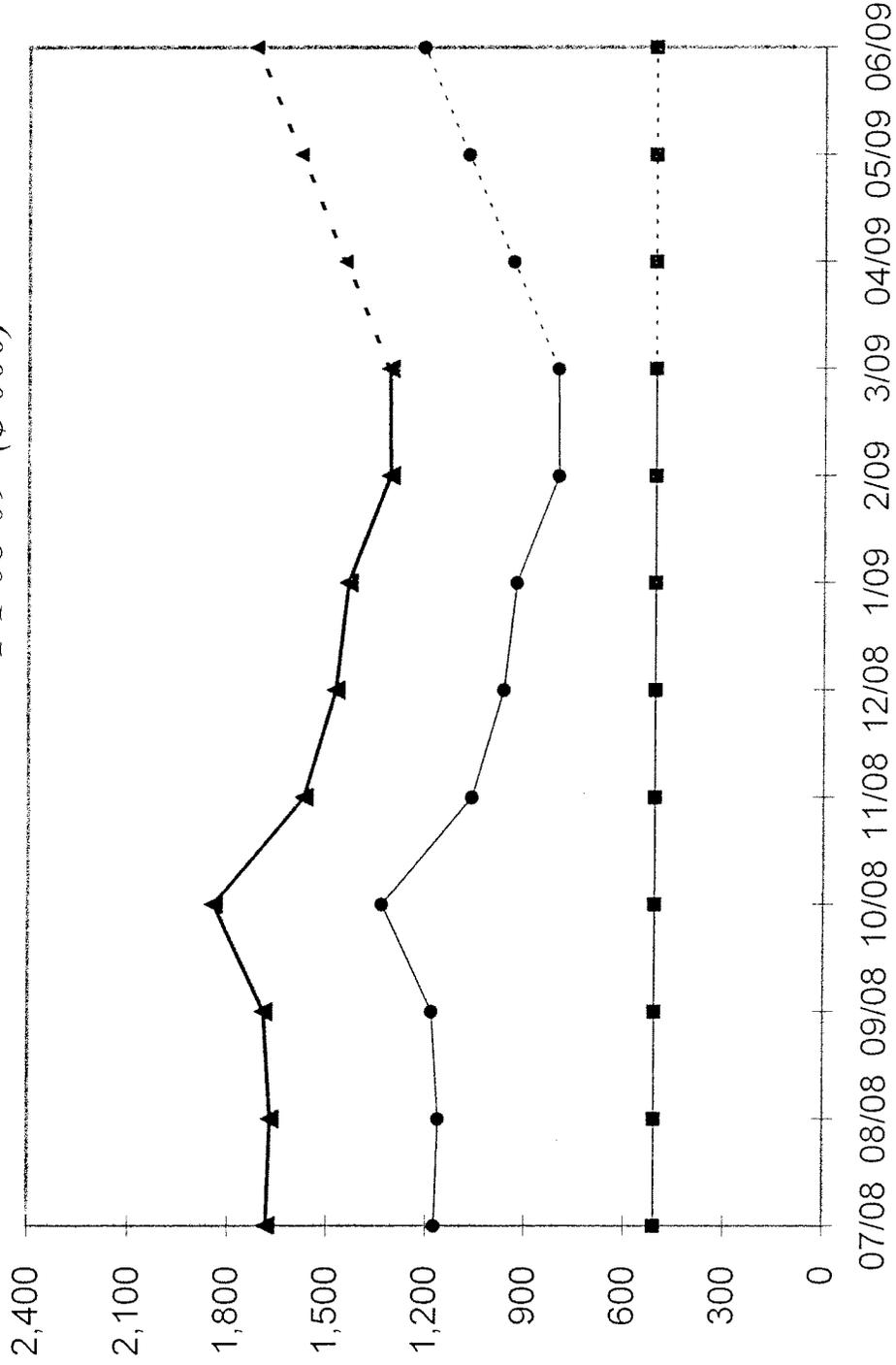
ABAG Financial Indices

Year-to-date Revenues & Expenses FY 08-09 (\$'000)



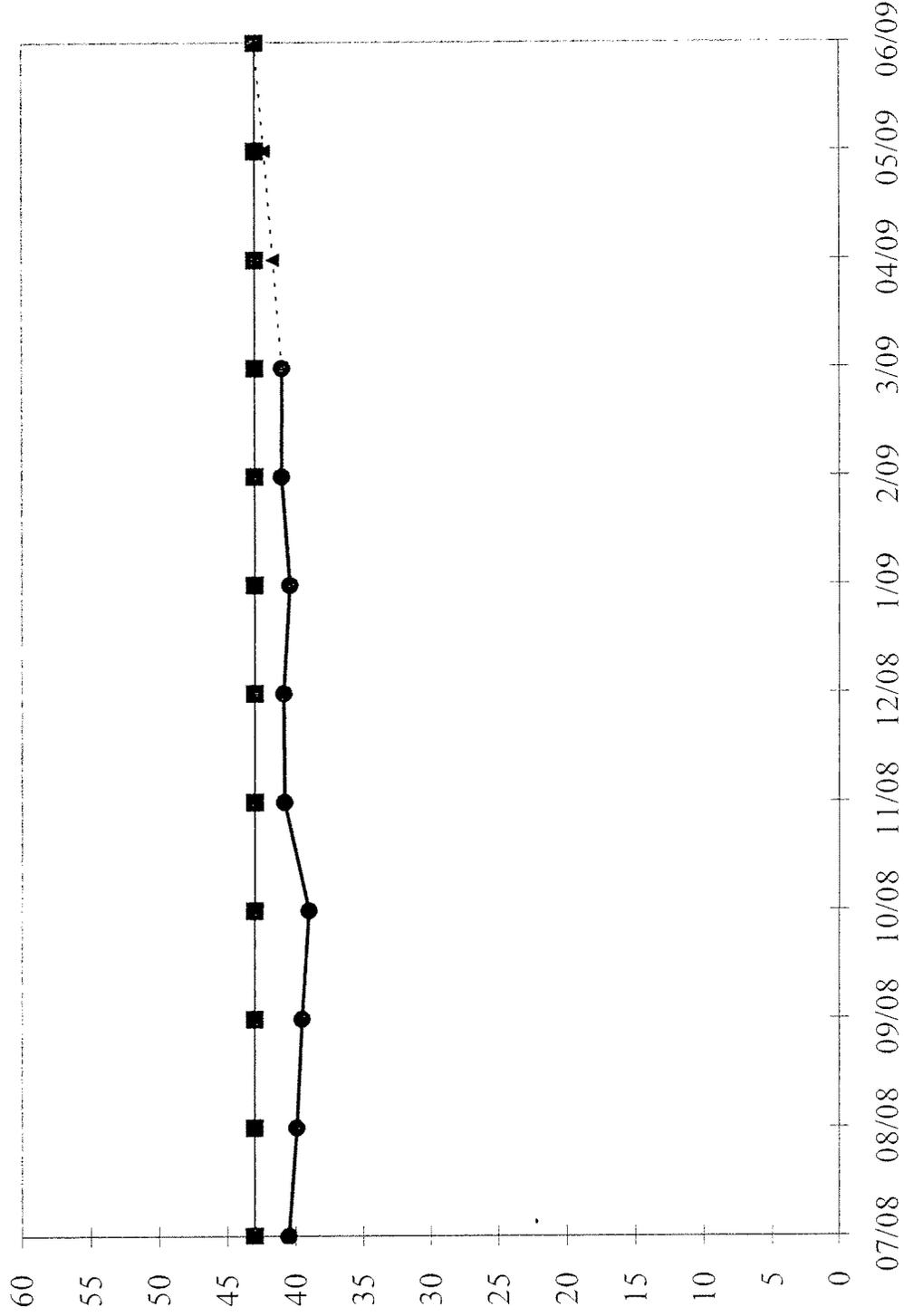
ABAG Financial Indices

Fund Equity FY 08-09 (\$'000)

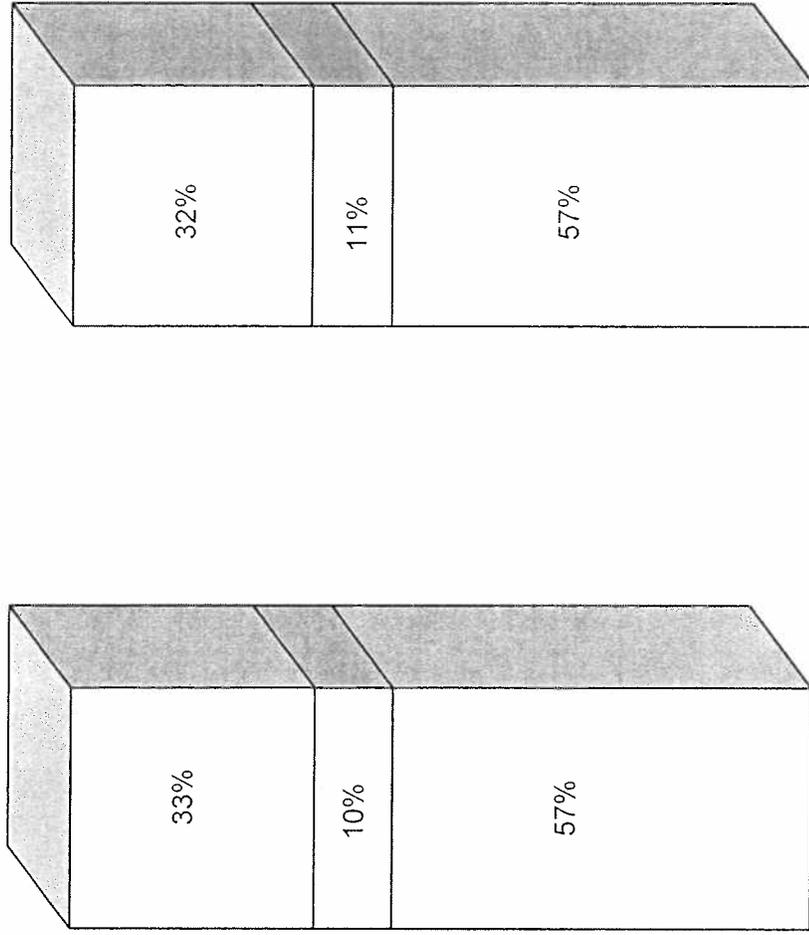


ABAG Financial Indices

Indirect Cost Rate (% of Direct Labor Cost) FY 08-09



ABAG Financial Indices
Composition of Expenses FY 08 -- FY 09
Year to Date
(\$'000)



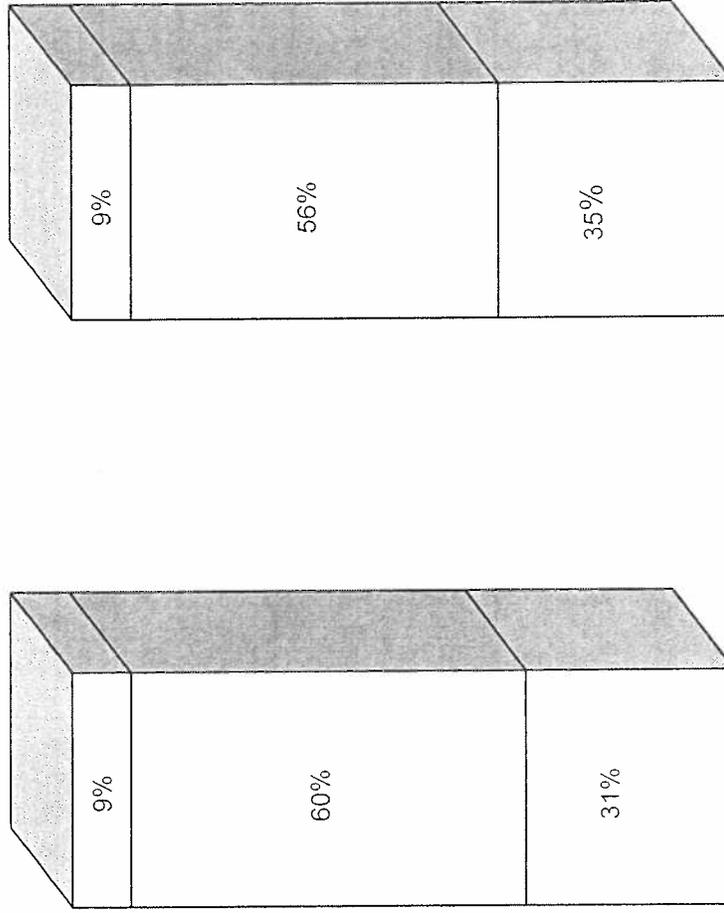
	FY08-09 Expenses (Total \$13,952)	FY07-08 Expenses (Total \$12,727)
□ Consultants	\$4,570	\$4,080
□ Others	\$1,482	\$1,385
□ Payroll	\$7,900	\$7,262

ABAG Financial Indices

Composition of Revenues FY 08-- FY 09

Year to Date

(\$'000)

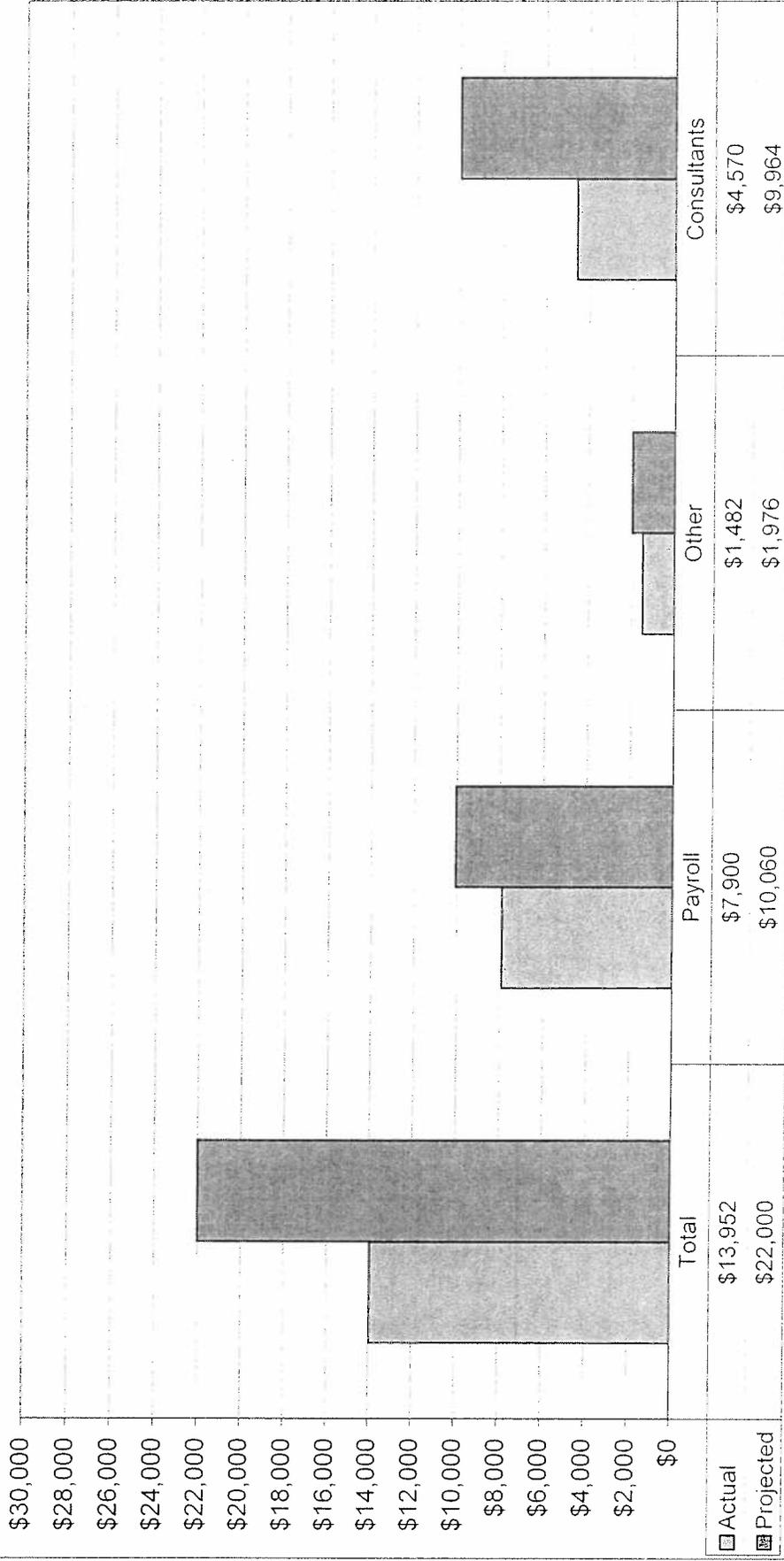


	FY 08-09 Revenue (Total \$13,644)	FY 07-08 Revenue (Total \$12,707)
Membership	\$1,202	\$1,132
Grants	\$8,174	\$7,080
Services & Others	\$4,268	\$4,495

ABAG Financial Indices

Actual vs Projected Expenses--FY 08-09

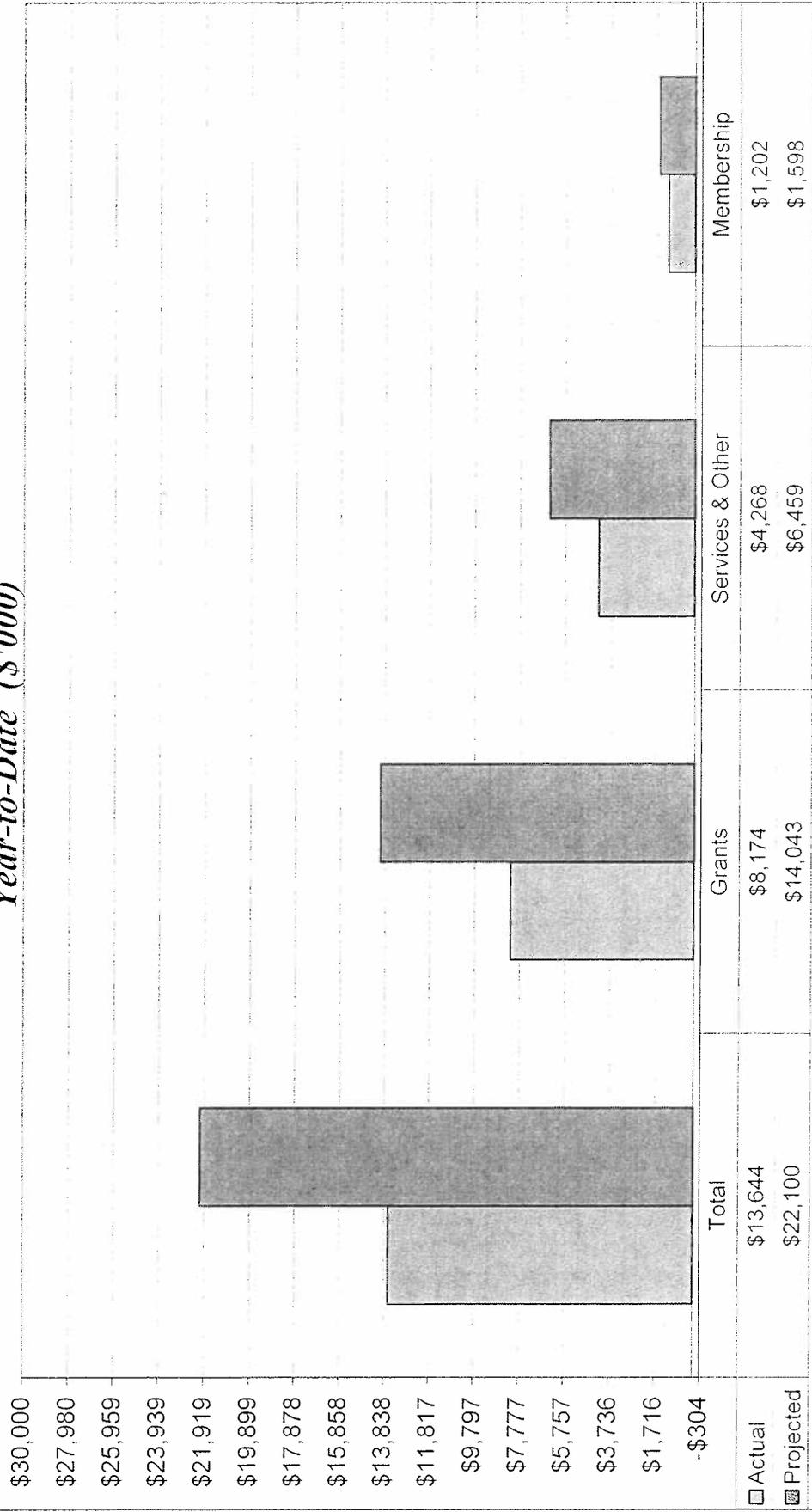
Year-to-Date (\$'000)



ABAG Financial Indices

Actual vs Projected Revenues--FY 08-09

Year-to-Date (\$'000)



Description of Charts

Figure 1 -- Cash on Hand

Cash on hand represents the sum total of cash deposited at our bank and the Local Agency Investment Fund (LAIF). This chart shows fluctuation patterns of cash on hand for the current and last fiscal years.

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.

Figure 3 -- Current Month Revenues and Expenses

Presents month by month 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 current month net surplus (or deficit) for the agency.

Figure 4 -- Year-to-date Revenues and Expenses

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

This chart compares expenses for current and last fiscal years. It groups expenses into two broad categories -- payroll costs and other expenses.

Figure 8 -- Composition of Revenues

Presents a break down of total revenues into four main sources -- membership, grants, services and others. This chart compares revenue sources between current and last fiscal years.

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.

Association of Bay Area Governments
Executive Board

Meeting No. 367, May 21, 2009

PRESIDENT Supervisor Rose Jacobs Gibson, County of San Mateo
 VICE PRESIDENT Mayor Mark Green, City of Union City
 IMMEDIATE PAST PRESIDENT Supervisor David D. Cortese, County of Santa Clara
 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 Plepho
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	Vacant
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 Paul Kelley

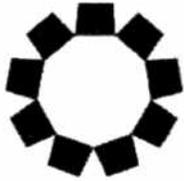
Cities in the County of	Representative	Alternate
ALAMEDA	* Mayor Beverly Johnson (Alameda)	Mayor Tony Santos (San Leandro)
ALAMEDA	* Mayor Mark Green (Union City)	Mayor Michael Sweeney (Hayward)
CONTRA COSTA	** Mayor Julie Pierce (Clayton)	Councilmember Janet Kennedy (Martinez)
CONTRA COSTA	** Councilmember Joanne Ward (Hercules)	Vacant
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	Wade Crowfoot, Climate Protection Initiatives Dir.
SAN MATEO	** Mayor A. Sepi Richardson (Brisbane)	Mayor Robert Gottschalk (Millbrae)
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	To Be Appointed

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

** Term of Appointment: July 1, 2007 - June 30, 2009

Revised March 4, 2009



ABAG

Meeting Schedule **2009**

Executive Board Meetings

January 15
March 19
May 21
July 16
September 17
November 19

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 23
Palace Hotel
San Francisco

Fall General Assembly

October 22
Venue TBD