

SUMMARY MINUTES

ABAG Executive Board Meeting No. 332
July 17, 2003 ■ MetroCenter Auditorium

1. CALL TO ORDER

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

Representatives and Alternates Present

Mayor Gwen Regalia
Supervisor Gail Steele
Supervisor Scott Haggerty
Supervisor Susan Adams
Supervisor Mike Rippey
Supervisor Gerardo Sandoval
Supervisor Mark Church
Supervisor Rose Jacobs Gibson
Supervisor Barbara Kondylis
Supervisor Mike Kerns
Supervisor Peter McHugh
Mayor Ruth Atkin
Mayor Mark Green
Mayor Maria Alegria
Councilmember Carole Dillon-Knutson
Councilmember Donald Eaton
Councilmember Carol Klatt
Mayor Julia Miller
Mayor Jose Esteves
Mayor James Sperring
Councilmember Steve Rabinowitsh
Councilmember Jane Brunner
Councilmember Jean Quan
Councilmember Forrest Williams
Mary Warren

Jurisdiction

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

Following Representatives and Alternates Absent

Supervisor Mark DeSaulnier
Supervisor John Gioia
Supervisor Federal Glover
Supervisor Gayle Uilkema
Supervisor Fiona Ma
Supervisor Matt Gonzalez
Supervisor Blanca Alvarado
Supervisor Don Gage
Mayor Ken Slavens
Mayor Willie L. Brown, Jr.
Ms. Maria Ayerdi
Ms. Alicia Bert
Ms. Karin Carlson
Vice Mayor Nancy Nadel
Councilmember David Cortese
Councilmember Linda J. LeZotte
Councilmember Ken Yeager
Councilmember Nora Campos
Councilmember Terry Gregory

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

2. PUBLIC COMMENT

There was no public comment.

3. ANNOUNCEMENTS

President Regalia recognized new board members, Maria Alegria, Mayor, City of Pinole, representing Contra Costa County Cities, and Gail Steele, Supervisor, Alameda County. She announced that Millie Greenberg, Chair of the Regional Planning Committee, filled the vacancy on the Contra Costa County Board of Supervisors on Tuesday, moving from the Town Council of Danville.

4. PRESIDENT'S REPORT

President Gwen Regalia reported on the first meeting of the ABAG/MTC Task Force held on June 25th. The Task Force has defined communication, regional vision and plan, implementation, governance structure and funding as important issues that will be reviewed for directions on how the group will proceed. The next meeting is scheduled for July 18, 2003.

President Regalia reported on her attendance at the National Association of Regional Councils (NARC) in Pittsburgh, PA June 20-24th, stating that there are 394 regions in the US according to the US Labor Statistics and that the universities are the hub of the economic engine of our future growth. President Regalia stated that the presence of universities is a major part of what will be happening in these 394 regions and that the innovation from the universities with the entrepreneurship of the private sector will be a part of what is considered the "New Economy." A session on Homeland Security reported that regions must come together in terms of dealing with terrorism, earthquakes, floods, etc., and that regions should be responsible for facilitating communication among all of the agencies that would be involved and to coordinate among the emergency centers to decide on how to be best utilized. President Regalia stated that concerns regarding these types of disasters include evacuation, where to evacuate to, what is the capacity of people on the roads during evacuation, and how is communication between the regions being controlled. Hospitals should be communicating their inventory of medical supplies to include expiration dates and that a standard message should be in place for all public information officers no matter what agency. President Regalia stated that while some of this type of coordination has been started in ABAG it is time to be conducting an update and look for ways to improve. Other points of interest from NARC were International Trade, where President Regalia stated that there are now 250,000 small businesses within the US that are exporting product, 86% of which is supported by the Export Import Bank and that often small businesses do not know how to access this export market and as a region, we could be helpful to small businesses and others on educating them about how to gain access to the export market.

5. EXECUTIVE DIRECTOR'S REPORT

Executive Director Eugene Leong reported on a presentation he gave to San Francisco Planning and Urban Research Association (SPUR) Symposium on Regional Governance that included a quote from Dwight D. Eisenhower, "Plans are nothing, planning is everything." ABAG is engaged in many plans in preparation, working with partners in the state implementation plan for air quality, the Regional Board for water quality, 20 federal agencies on wetlands and habitat goals, MTC for regional transportation plans, and infrastructure planning with a variety of other partners. Leong stated that as a region there must be a vision on how to grow more intelligently to accommodate the 2 million more people that are projected in the Bay Area and to maintain a healthy environment and protect open space.

6. CONSENT CALENDAR

A. Approval Of Executive Board Summary Minutes

The Board approved the Summary Minutes of Meeting No. 331 held on May 15, 2003. A correction to the Summary Minutes of Meeting No. 330 should indicate Councilmember Jean Quan in attendance.

B. Grant Applications

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

C. Appointments to Committees

The Board approved the following committee appointments:

- CALFED Task Force
Supervisor Fiona Ma, City and County of San Francisco
- REGIONAL PLANNING COMMITTEE

- Councilmember Duane Bay, East Palo Alto, Representing San Mateo County Cities
- Guy Bjerke, Acting CEO & Staff Vice President, Home Builders Association of Northern California, Representing the Building Industry

D. Local Agency Investment Fund (LAIF)

The Executive Board approved Resolution No. 03-03 required by LAIF requested by the Finance and Personnel Committee to update authorized signatures for the ABAG LAIF investment account.

E. Authorization to Amend Grant Agreement No. 02-103 between ABAG and the California State Coastal Conservancy

The Board authorized the request to amend the existing agreement between ABAG and the California State Coastal Conservancy ("The Conservancy") to provide technical and administrative support to the Conservancy. The maximum amount of the Agreement is amended to \$134,950. The term of the Agreement is extended to June 30, 2005.

F. Authorization to Amend Agreement with the California Resources Agency

The Board approved amending the agreement previously approved at the May 2003 meeting in which the Executive Director or Designee was authorized to enter into an agreement with the Resources Agency on behalf of the San Francisco Estuary Project. The amendment increases the not to exceed amount from \$150,000 to \$165,000; all other terms in the agreement remain the same. The contract assists with development of a design and implementation plan for storm water Best Management Practices for the Ballona Creek Watershed.

G. Authorization to Amend Agreement with the U.S. Environmental Protection Agency (EPA)

The Board authorized amending the agreement previously approved at the January 2003 meeting in which the Board authorized the Executive Director or designee to enter into an agreement with EPA on behalf of the San Francisco Estuary Project/ABAG and the San Francisco Estuary Institute to carry out Phase II of the San Francisco Bay Area Wetlands Regional Monitoring Program. The amendment increases the not to exceed amount from \$220,000 to \$250,000; all other terms in the agreement remain the same. The agreement is part of a statewide effort to create a comprehensive wetlands monitoring program for California.

H. Authorization to Enter into an Agreement with the San Francisco Estuary Institute (SFEI)

In June 2003, EPA awarded a grant of \$250,000 to ABAG/San Francisco Estuary Project for Phase II of the San Francisco Bay Area Wetlands Regional Monitoring Program (WRMP). Under terms of the agreement, ABAG/San Francisco Estuary Project will enter into a contract with SFEI to provide technical support for the WRMP. The Board authorized the Executive Director or designee to enter into an agreement with SFEI in an amount not to exceed \$227,500 over a one-year period, July 2003 – June 2004. The project will assist with the implementation of the Comprehensive Conservation and Management Plan for the San Francisco Estuary.

I. Authorization to Submit Funding Request to Regional Water Quality Control Board (RWQCB)

The Board approved the request to submit a set of ABAG-CALFED Task Force water and land use related education and research project funding proposals, totaling \$100,000, to the Bay Area Regional Water Quality Control Board's Supplemental Environmental Project (SEP) grants coordinator. Financial support for a Citizen's Guide to Water and Land Use Planning in the Bay Region will help implement several primary goals of the Task Force - to link water and land use planning, and to promote regional water education efforts. Financial support for ABAG environmental planning and research efforts is sought to document water usage, water supplies and water conservation efforts in North Bay counties. To our knowledge there is no local match required for these proposals.

J. The Hazardous Waste Management Facility Allocation Committee

The Board approved the Hazardous Waste Management Facility Allocation Committee's 2001 data analysis of regional hazardous waste generation vs. management capacity, resulting facility allocations, and related recommendations.

K. Authorization to Submit Proposal for "Coordinating Disaster and Risk Management Planning for Greater Bay Area Airports - Greater San Francisco Bay Area"

The Board authorized the request to submit a proposal to FAA for funding, and if accepted, for the Executive Director or designee to enter into an agreement to expand and extend ABAG's efforts identifying and coordinating emergency response planning and hazards analysis for the region. ABAG plans to ensure that this expanded effort results in stronger emergency planning partnerships among the three international airports in the San Francisco Bay Area. The proposed project will start in fall or winter of 2003/2004 and end 24 months later with a total budget of \$297,400 including an ABAG match of \$27,000 and \$90,000 of subcontract work.

L. Authorization to Submit Grant Proposal to the U.S. Environmental Protection Agency (EPA)

The Board authorized the request for the Executive Director or designee to submit a grant proposal totaling \$100,000, and if awarded, to enter into an agreement with the U.S. Environmental Protection Agency for ABAG to conduct a National Air Quality and Smart Growth Workshop. The U.S. Environmental Protection Agency is seeking a qualified agency to conduct a national workshop in Summer, 2004, which would bring together a multi-disciplinary audience to discuss and focus on ways to make Smart Growth and Air Quality Programs work together. There is no local match requirement.

M. Authorization to Enter into Contract with Stanislaus Council of Governments

The Board authorized the request for the Executive Director or designee to enter into a contract with the Stanislaus Council of Governments (StanCOG) not to exceed \$45,000. Under this contract, ABAG staff would perform demographic and economic analysis for StanCOG, and produce a document describing a forecast for Stanislaus County to 2030. It is anticipated that StanCOG would use the results of this work in its various activities, including its 2005 Regional Transportation Plan. It is expected that work under this contract would be completed by Fall 2003.

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

7. PRESENTATION OF NATIONAL CHARTER AWARD OF EXCELLENCE FROM CONGRESS FOR THE NEW URBANISM TO ABAG

Shelley Poticha, Executive Director of the Congress for the New Urbanism (CNU), presented President Regalia with a framed certificate "The Award of Excellence" for the Smart Growth Strategy Regional Livability Footprint Project. CNU is a national non-profit organization based in San Francisco with membership primarily in the US and also in 16 countries around the world. Each year CNU has the Charter Awards Program, based on the Charter of the New Urbanism, put together in 1994 that sets out a series of principles for building regions, communities, neighborhoods and blocks in ways that promote greater livability and more walking and transit options. Poticha reported that in 2003 the Charter Awards Program drew over 250 entries from around the world, more entries than any other urban design awards program in the US and is a very recognized awards program. Out of the 250 entries, a total of 15 awards were given. ABAG Executive Director Eugene Leong attended the awards ceremony with over 1,100 people, which took place in June in Washington, D.C. The award was presented to ABAG for its role as Manager of the Smart Growth Strategy Regional Livability Footprint Project. A book was donated to the ABAG/MTC library entitled Charter of the New Urbanism.

8. QUARTERLY SMART GROWTH UPDATE

Alex Amoroso, ABAG Principal Planner provided the Board with the first quarterly Smart Growth update. The vision, known as the "Network of Neighborhoods", has been created that identifies growing smarter along transit corridors and in urbanized areas, focusing growth away from open space and agricultural lands and in more dense and attractive ways in the inner cities. The forecast "Projections 2003" has been created and used by MTC in the Regional Transportation Plan for 2005. The Air District is using the information and it is anticipated that the concepts and policy-based projections will be used, as the basis for the next regional housing needs. Ongoing work includes identifying and obtaining regulatory changes and incentives to support smart growth, developing viable smart growth implementation programs, and review of forecasts over time. Amoroso reported that the project focus is shifting toward practical programs to support implementation of smart growth, where outreach incentive components are built into the process. The primary goal is to create a corridor program that implements the Smart Growth goals and principles of the "Network of Neighborhoods." Mayor Sperring encouraged strengthening partnerships with the CMA's to become more involved so that they take information back into their local

communities. Mayor Eaton commented on the outstanding example that a number of communities have done in the area of smart growth. A list of actual smart growth projects that have been completed and being used to date will be made available on the ABAG website that will include location, dates and pictures. Two half-day workshops in partnership with ULI, the BAAQMD and MTC are being offered on August 22 – 23, 2003, entitled “Effective Local Approaches”, at the Joseph P. Bort MetroCenter Auditorium in Oakland.

9. UPDATE ON CALIFORNIA HOME SOURCE-- A NEW HOME OWNERSHIP PROGRAM OF ABAG FINANCE AUTHORITY FOR NONPROFIT CORPORATION

President Regalia and Clarke Howatt, Director of ABAG Financial Services provided the Board with information on the new Lease-Purchase Homeownership Program. A program designed primarily for low and moderate income people who can earn up to 140% of the median income allowing them to purchase a home. Home prices range from \$300,000 - \$600,000 depending on income. The program is a workforce housing initiative that is a flexible 39 month lease to own program that eliminates the down payment and closing costs. It also allows candidates to qualify that have had bankruptcy or poor credit. Interest rates are offered every quarter, currently the rate is 5.38%.

Howatt reported that there are four major barriers to homeownership in the Bay Area that are inter-related. 1) Insufficient down payment, 2) Credit Concerns, 3) Access to mortgage capital, and 4) High grade mortgages. Howatt stated that the program directly addresses the first three and not the fourth due to the level of affordability in the Bay Area and hopes to work with ABAG members to combine this program with section 8 funds, second mortgages from RDA's, homebuyer assistance programs and neighborhood revitalization programs. Howatt reported that the first home in the program closed for \$330,000. MLS indicates that there is product around the Bay Area that will allow the program to serve people in various income categories. Mayor Regalia led the kick-off event held in Oakland, June 27th. Speakers from HUD, Freddie Mac, State Mortgage Insurance Division lenders and others along with the press were among the attendees. A number of workshop and home fair events have been conducted with one scheduled on July 19, 2003, in Oakland. Other locations include Sonoma, San Leandro, and Pleasanton and work is being done to meet with as many members as possible to help inform the public of homebuyer assistance funds. Visit www.calhomesource.org or 800-807-8827 for more information.

10. UPDATE ON REQUEST BY ALAMEDA COUNTY MAYORS' CONFERENCE RE METROPOLITAN TRANSPORTATION COMMISSION (MTC) MEMBER ALTERNATES

President Regalia updated the Board on correspondence from MTC regarding the issue of alternates and referred the Board to two letters provided in the packet. MTC Counsel feels that they would have to go to the legislature to be granted authority to have alternates. Regalia reported that MTC is not opposed to alternates but feels this is not the appropriate time due to bills regarding ABAG and MTC being held in abeyance in the legislature and the outcome of the Task Force work. The issue will be revisited in January. Supervisor Haggerty stated that as previously voted upon at the May 15, 2003 Board meeting, Councilmember Pam Torliatt did not request MTC to agendize the subject. Mayor Green asked if a request could be made to the Attorney General on whether or not legislative action is required. ABAG Legal Counsel Ken Moy indicated that a request could be submitted but the prospect of a response from the Attorney General, where local counsel has ruled, is fairly unlikely unless other factors are presented other than ABAG's request. Supervisor Haggerty made a request for a copy of audio tapes from the May 15, 2003 Board meeting.

11. UPDATE ON CALIFORNIA BAY-DELTA AUTHORITY PUBLIC ADVISORY COMMITTEE

ABAG Board Member and Napa County Supervisor Mike Rippey reported that the California Bay-Delta Authority Public Advisory Committee was created by appointments from the Secretary of Interior and the Governor to be advisory to the CALFED program with broad representation throughout the state. The Governor appointed Patrick Wright as the new director. Commissioners include former Senator Patrick Johnson of Stockton, former Senator Jim Costa of Fresno, Susan Kennedy, PUC Commissioner, Alfred Montna, Yuba City, Paula Daniels Counsel, Los Angeles and Mark Holmes, Bay Institute, all appointed by Senator Burton. The first meeting of the authority will be held on August 14th in Sacramento. Supervisor Rippey also announced that \$7.5 million dollars has been appropriated by the appropriations committee that will go to the CALFED program that is part of a \$200.7 million overall water resources funding for the state. The ABAG CALFED Task Force is engaged in ensuring that the Bay, the Delta, and the communities around the Bay are not forgotten in the program. Supervisor Rippey reported that the Task Force has been working on legislation that has been introduced to create the new authority and it has

been successful in obtaining regional representation, which includes the Bay Area, which was not adequately represented prior to the formation of the Authority. The advisory committee meets quarterly with the next meeting to be held in September. Supervisor Rippey encouraged the Board members to attend the Task Force meetings and announced the addition of Supervisor Barbara Kondylis of Solano County.

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

Chair Rose Jacobs Gibson, Supervisor, San Mateo County, reported that the Committee continues to make sure the Cities and Counties are considered while reviewing legislation. After review and discussion, the Committee approved support for SB 20 (Sher), SB 639 (Torlakson) with updates on activities, SB 750 (Machado), AB 1598 (Corbett) with amendments, SB 321 (Torlakson) with amendment eliminating local match funding requirement, SB 196 (Kuehl) with amendment specifying local elected officials to include county supervisors. A split vote on SB 219 (Romero) was also reported with a watch for AB 332 (Mullin) and AB 1358 (Simitian). Chair Jacobs Gibson also reported that the California Seismic Safety Commission requested members to write opposing the elimination of the Commission. The Board approved the actions of the committee. It was moved by Sperring/S/McHugh/C/. Supervisor Barbara Kondylis asked to be recorded as a no vote on SB 219 (Romero) stating that currently when police officers pursue suspects and an innocent bystander is injured, there is no liability. Kondylis stated that cities are required to create a protocol but do not create laws that state they must be followed. Kondylis reported that a judge in this case stated that it was wrong and that this bill would require cities to adopt protocols that provide training and ensure police officers follow them. For information on the L&GO Committee, contact Kathleen Cha at 510/464-7922 or KathleenC@abag.ca.gov.

13. FINANCE AND PERSONNEL COMMITTEE REPORT

Chair, Councilmember Steve Rabinowitsh reported on the actions of the F&P Committee, which included the Financial Report for May & June 2003. It was moved by McHugh/S/Miller/C/ that the report be approved.

14. CLOSED SESSION

The following item was taken up in a closed session pursuant to the requirements of the Ralph M. Brown Act.

- Legal Counsel Performance Review

The Board approved the Performance Review.

15. ADJOURNMENT



Eugene Y. Leong, Secretary-Treasurer