

A G E N D A

REVISED

ABAG EXECUTIVE BOARD MEETING NO. 362

Thursday, July 17, 2008, 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**
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. 361 held on May 15, 2008.
 - 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

Regional Planning Committee*

- Napa County Supervisor Bill Dodd, MTC Representative
- Patty Boyle, Housing Director, League of Women Voters of the Bay Area (Replaces Stana Hearne)

Legislation and Governmental Organization Committee

- Mayor Jack Gingles, City of Calistoga

D. Authorization to Negotiate and Enter into a Contract with PG&E for the ABAG Green Communities Effort 2009-11**

Authorization is requested to enter into a contract with PG&E in an amount not to exceed \$1,500,000 for the three year period beginning Jan. 1, 2009. No matching funds required. An extension of ABAG Energy Watch, this program will continue to assist local governments with their energy management and climate action efforts.

E. Approval of Resolution 05-08 Adding Additional Authorized Institutional Representatives for California Office of Emergency Services Grant Actions**

Resolution authorizing three institutional representatives to deal with administrative correspondence with the California Governor's Office of Emergency Services (OES) – The current resolution listing Henry Gardner, Executive Director, as ABAG's Authorized Institutional Representative will be modified to list the Executive Director, Assistant Executive Director, and Finance Director.

F. Authorization to Apply for US Environmental Protection Agency Grant for CCMP Implementation Projects under San Francisco Bay Area Water Quality Improvement Funds**

Authorization is requested for ABAG/SFEP to submit a proposal for \$ 5 million dollars in grant funding from US EPA's San Francisco Bay Area Water Quality Improvement Funds, and, if awarded, to enter into an agreement with US EPA. The grant period is 2-4 years (with awards being announced December 2008) and matching funds provided by participating partners. The proposal covers projects in all Bay geographical areas with 12 or more individual projects and partners for wetland restoration, stormwater management, improved land use functions, biotic monitoring, invasive species, and public outreach.

G. Authorization to Extend Agreement with US Environmental Protection Agency for CCMP Implementation under Section 320 Funds, National Estuary Program**

Authorization is requested for the Executive Director or designee to enter into a grant agreement extending the current agreement with US EPA for funding under the National Estuary Program for the period beginning October1, 2008, through

* Additional appointments may be announced at the meeting.

September 30, 2009. The grant agreement extension will provide base funding for the San Francisco Estuary Project for the above time frame in the amount of \$591,750.

H. Ratification of a Contract Amendment with the State Water Resources Control Board for Total Maximum Daily Load (TMDL) Support**

Ratification is requested for a contract amendment with the State Water Resources Control Board for TMDL outreach and communication support to increase the contract, previously approved on January 17, 2008, from \$200,000 to \$ 335,000 for additional services for TMDLs under development and in the approval process. Contract term remains through June 30, 2010.

I. Ratification of Contract Amendment with Carol Thornton for SEP Supervision**

Ratification of a contract amendment with Carol Thornton, consultant, is requested to continue her work for the Estuary project increasing the contract amount from \$ 28,500 to \$63,700 and extending the contract end date from May 31, 2008, to December 31, 2008. The additional funding will provide for assistance with oversight, including selection and implementation, of Supplemental Environmental Projects authorized by the San Francisco Bay Regional Water Board.

J. Amendment to Regional Airport Planning Committee (RAPC) Memorandum of Understanding Adding Three Representatives from Outside Region**

Approval is requested to revise the MOU to expand RAPC membership to include representatives from Sacramento, San Joaquin and Monterey Counties. The current Regional Airport Systems Plan update includes the commercial airports in these counties. New members will be non-voting and the quorum will not change.

K. Ratification of Agreement with Bay Area Clean Water Agencies (BACWA) to Provide Support for Development of Strategies for San Francisco Bay Water Quality Improvement**

In November 2005 the Executive Board authorized the Executive Director or designee to enter into an agreement with BACWA, a Joint Powers Agreement of Publicly Owned Treatment Works and ABAG/San Francisco Estuary Project (SFEP) to provide staff and technical resources to the Water Board for the development of Total Maximum Daily Loads (TMDLs) for pollutants in SF Bay. This contract is expiring and BACWA wishes to enter into a three-month contract to complete work begun under the prior agreement. Authorization is requested for the Executive Director or designee to enter into the new contract with BACWA with a contract term from June 30, 2008, to September 30 2008, and a total contract amount of \$31,250.

7. INTRODUCTION OF DIRECTOR GENERAL OF THE TAIWANESE CONSULATE**

Information: ABAG Vice President Mayor Mark Green will introduce the Hon. Thomas Chen, Director General, Taiwan Consulate, who will address the Board.

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

8. LIGHT BROWN APPLE MOTH UPDATE

Information: California Department of Food and Agriculture Secretary A.G. Kawamura and Dr. Rajiv Bhatia, Director of Occupational and Environmental Health, San Francisco Department of Public Health, will provide updates on the light brown apple moth. Recent court cases have resulted in a change in course after citizens and governments questioned the safety and effectiveness of spraying aerially with pesticides.

9. BUILD IT GREEN: GREENPOINT RATED RESIDENTIAL GREEN BUILDING SYSTEM**

Information/ACTION: Brian Gitt, Build It Green's Executive Director and CEO, will make a presentation about their programs and services. Mr. Gitt is seeking Executive Board endorsement for implementation of comprehensive Green Building programs that include GreenPoint Rated as the residential verification system. He will be joined by Joseph Perkins, President and Chief Executive Officer of the Home Builders Association of Northern California (HBANC), and Cheryl O'Connor, Chair, HBANC Executive Committee.

10. FOCUS ADOPTION OF PRIORITY CONSERVATION AREAS**

ACTION: Ken Kirkey, ABAG Planning Director, and Jaqueline Guzman, Regional Planner, will present staff recommendations pertaining to the adoption of Priority Conservation Areas and the related nomination process.

11. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**

Information/ACTION: Committee Chair Pete McHugh, Supervisor, Santa Clara County, will report on Committee activities and may ask Board approval of Committee recommendations on pending legislation.

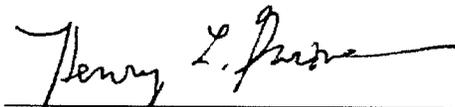
12. FINANCE & PERSONNEL COMMITTEE REPORT**

Information/ACTION: Committee Chair Scott Haggerty, Supervisor, Alameda County, will report on Committee activities.

A. CLOSED SESSION: The following items will be discussed in Closed Session pursuant to the requirements of the Ralph M. Brown Act:

Public Employee Performance Evaluation – Title: Legal Counsel

13. ADJOURNMENT



Henry L. Gardner, Secretary-Treasurer

ABAG CALENDAR – July & August 2008

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>

JULY

Legislation & Governmental Organization

7/17 @ 3:30 pm, MetroCenter, ABAG Conference Room B

Finance & Personnel Committee

7/17 @ 5:00 pm, MetroCenter, ABAG Conference Room B

EXECUTIVE BOARD

7/17 @ 7:00 pm, MetroCenter, Auditorium

ABAG / BAAQMD / MTC Joint Policy Committee

7/18 @ 10:00 am, MetroCenter, Auditorium

Regional Airport Planning Committee (RAPC)

7/25 @ 9:30 am, MetroCenter, Auditorium

**OSHA 40-Hour Hazwoper Annual Refresher

7/28 – 8/1 @ 8:00 am, MetroCenter, Lobby

**OSHA 24-Hour Hazwoper Annual Refresher

7/28 – 7/30 @ 8:00 am, MetroCenter, Lobby

**OSHA 16-Hour Hazwoper Annual Refresher

7/31 – 8/1 @ 8:00 am, MetroCenter, Lobby

AUGUST

Regional Planning Committee (RPC)

8/6 @ 1:00 p.m., MetroCenter, Auditorium

Bay Trail Steering Committee

8/14 @ 1:30 pm, MetroCenter, ABAG Conference Room B

ABAG POWER Executive Committee

8/20 @ 12:00 p.m., MetroCenter, ABAG Conference Room B

**OSHA 8-Hour Hazwoper Annual Refresher

8/25 @ 8:00 am, MetroCenter, Lobby

** 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 **Sharon McCreadie** at 510/464-7964.

M E M O

July 2, 2008

TO: Executive Board

FROM: Henry L. Gardner, Executive Director
Henry L. Gardner

SUBJECT: Executive Director's Report

Since our last meeting Herbert Pike has joined ABAG as our new Director of Finance replacing Joseph Chan who is retiring after having served the agency for 25 years. Mr. Pike comes to ABAG with a wealth of experience, most recently as Deputy Finance Director for the City of Richmond. Previously, he was Deputy Budget and Financial Services Director and Financial Services Manager for the City of Oakland and Court Administrative Services Officer for the Superior Court of Alameda County. He is a certified Public Finance Officer, member of GFOA, and Chair of the East Bay Chapter of the California Society of Municipal Finance Officers.

State Budget

Once again, we have reached the state budget deadline without a budget. From all indications we may go well into August again and possibly September without a state budget. ABAG has some grants and contracts administered by state OES and other state agencies that will be impacted during this period. We will keep you posted as developments occur.

ABAG PLAN CORPORATION

Many of you have probably read about the inverse condemnation lawsuit involving ABAG PLAN and the City of Half Moon Bay that resulted in an agreement that ABAG Plan pay the City of Half Moon Bay \$5 million to settle the case. As a result of this case and a similar case involving the City of Pacifica last year, the PLAN Corporation is in the process of redefining its coverage agreement. While ABAG PLAN is administered by ABAG it is funded by the members of the pool. As a result these payouts had no impact on ABAG.

HCD Commends ABAG for RHNA

We have received notification from the state Department of Housing and Community Development that they have made a finding that ABAG's Regional Housing Need Allocation Plan is consistent with existing and future housing needs. The Agency and staff were commended for its work.



Proposition 1 C Housing and Infrastructure Bond Funding

Governor Arnold Schwarzenegger announced the results of the Infill Housing Grant Award Program on July 1. ABAG staff wrote letters of support and contacted HCD on behalf of regional PDA applicants. While the Bay Area did well, not all PDA's were successful in receiving funding. In total, the Bay Area received 24% of the Infill Housing Grant funds (62% of which went to Oakland), 32% of the Transit Oriented Development (TOD) funds, and 47% of the MultiFamily Housing Program (MHP) funds.

The Cities of Oakland and San Leandro were the big winners: Oakland got a total of \$71.7 million and San Leandro got \$24.5 million. San Francisco received one grant for \$3.25 million for a senior project that was not in its Priority Development Area (PDA).

We will continue to work with HCD and other state agencies to impress upon them the importance of providing the capital funding needed to implement the results of the state funded Blueprint Planning Grants.

Delta Vision Strategic Plan

The preliminary staff draft of the Delta Vision Strategic Plan has been released for comment. The draft has not been discussed or approved by the Delta Vision Blue Ribbon Task Force or the Delta Vision Committee, which has an ABAG representative. Comment periods for revisions prior to review by the Blue Ribbon Task Force are August 4, September 2, and September 30.

Five counties in the Bay Area could be significantly impacted by the proposed planning and programmatic elements of the Plan: Solano, Contra Costa, Napa, Alameda and Santa Clara. These counties rely on Delta waters for drinking water, or on conveyances of drinking water from the Delta.

The proposed Plan has several controversial components. There could be a potential loss of valuable agricultural land and it calls for alternative conveyances for an eastern or western Delta alignment, which has significant environmental, social and economic implications of a refashioned peripheral canal concept. The estimated costs are in the billions. Delta levee improvement costs are estimated at \$20 billion, and even at this amount, "not all levees should provide equal levels of protection." The Plan seeks to have the Delta recognized as a "National Heritage Area," and as a multi-unit "California Delta State Recreation Area."

Given the importance of this proposed Plan to the Bay Area, we recommend scheduling this item for discussion at the next Executive Board meeting in September and inviting the staff from the Delta Vision Blue Ribbon Task Force to attend and make a presentation.

Regional Disaster Recovery Strategy

ABAG is continuing to make progress on developing a regional long-term disaster recovery strategy. At the next Regional Planning Committee (RPC) meeting on Wednesday August 6, the entire meeting from 1-3 p.m. will focus on this issue. Executive Board members are invited. The major topics will include:

- a review of data on the vulnerability of city- and county-owned buildings in our region,

- a discussion of specific problems of recovery of city services when city facilities (including city halls and community centers) are among the damaged buildings, and
- the status of a survey ABAG is undertaking on current long-term recovery planning activities of cities and counties in our region.

ABAG Golf Outing

On July 18 ABAG will hold its annual Golf outing at Oakland's metro Links Golf Club to benefit the Bay Trail and the Tranter-Leong Graduate Internship. This year the Tournament honors State Treasurer Bill Lockyer, who is considered the "Father" of the Bay Trail. I hope to see some of you there.

ABAG Financial Services

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

- **Solano County's** NorthBay Healthcare Group received \$30,000,000 through an issue of Revenue Bonds to purchase medical equipment and expand hospital facilities.
- \$14,335,000 in Tax-Exempt Medical Equipment Lease Financing delivered to Dameron Hospital on behalf of in the **City of Stockton**.
- The Vintage Square at Westpark, a new 152-unit Senior Apartment Complex in the **City of Roseville**, received \$13,500,000 for construction through an issue of Multifamily Housing Revenue Bonds.

SUMMARY MINUTES

ABAG Executive Board Meeting
No. 361, May 15, 2008
MetroCenter Auditorium
101 8th Street, Oakland, CA

1. CALL TO ORDER

President Rose Jacobs Gibson called the meeting to order at approximately 7:11 p.m.

Representatives and Alternates Present

Supervisor Susan Adams
Councilmember Carole Dillon-Knutson
Councilmember Dan Furtado
Mayor Jack Gingles
Supervisor John Gioia
Mayor Mark Green
Supervisor Scott Haggerty
Supervisor Rose Jacobs Gibson
Supervisor Mike Kerns
Director Nancy Kirshner Rodriguez
Councilmember Sam Liccardo
Supervisor Mark Luce
Vice Mayor John Marquez
Supervisor Ross Mirkarimi
Councilmember Jean Quan
Mayor Gwen Regalia
Mayor Pro Tem A. Sepi Richardson
Supervisor Gail Steele
Mayor Pamela Torliatt
Supervisor Gayle B. Uilkema
Councilmember Forrest Williams

Representatives Absent

Mayor Len Augustine
Councilmember Jane Brunner
Vice Mayor David D. Cortese
Supervisor Chris Daly
Mayor Jose Esteves
Councilmember Richard Garbarino
Supervisor Barbara Kondylis
Mayor Janet Lockhart
Supervisor Peter McHugh
Councilmember Nancy Nadel
Mayor Gavin Newsom
Supervisor Adrienne Tissier
Supervisor Ken Yeager

Jurisdiction

County of Marin
City of Novato
City of Campbell
City of Calistoga
County of Contra Costa
City of Union City
County of Alameda
County of San Mateo
County of Sonoma
City of San Francisco
City of San Jose
County of Napa
City of Richmond
County of San Francisco
City of Oakland
City of Walnut Creek
City of Brisbane
County of Alameda
City of Petaluma
County of Contra Costa
City of San Jose

Jurisdiction

City of Vacaville
City of Oakland
City of San Jose
County of San Francisco
City of Milpitas
City of South San Francisco
County of Solano
City of Dublin
County of Santa Clara
City of Oakland
City of San Francisco
County of San Mateo
County of Santa Clara

2. PUBLIC COMMENT

There was no public comment.

Item 6.A.

3. ANNOUNCEMENTS

There were no announcements.

4. PRESIDENT'S REPORT

President Jacobs Gibson reported that during the Spring General Assembly ABAG announced the winners of the 2008 Growing Smarter Together Awards. The *Distinguished Leadership Award* was presented to Board member Gwen Regalia, Mayor, City of Walnut Creek, for her unsurpassed commitment to sustainable community improvement and focused growth on the local, regional and state levels. Other recipients included: the City of Hercules received the *On the Ground—Getting it Done Award* recognizing the significant progress made in implementing its Plan and Regulating Code; the City of Dublin, Alameda County Surplus Property Authority and BART were awarded the *Public-Private Partnership Award* for their collaboration on the Dublin Transit Center; and, the *Start it Up Award* was presented to the City of San Leandro for its Downtown Transit-Oriented Development Strategy to revitalize their downtown with a walk-able, mixed-use housing and business development. The video produced by COMCAST, which shows the award winning work of our communities, is now on the ABAG website.

The General Assembly was a big success. The speakers were excellent and helped to drive home the messages that ABAG has been making about focused growth, infill development and climate protection. President Jacobs Gibson encouraged members to attend these General Assemblies. The Fall General Assembly will be held in Oakland on October 24th.

To kick -off ABAG's Climate Protection Campaign, members were each given a reusable grocery bag, "a Bag" from ABAG. With a significant contribution from PG&E, ABAG will promote earth-friendly practices like this. President Jacobs Gibson described the importance of using reusable bags and its impact on the environment and climate change. These reusable bags will be distributed to ABAG members, Bay Area local elected officials and community leaders as a reminder of what individuals can do to promote best practices for reducing green house gas emissions. ABAG will be unveiling a special website section next month with additional earth-friendly tips, best practices, and suggestions that local governments and communities can put to use.

President Jacobs Gibson proposed a dialogue between concerned local government officials and the gun lobby (NRA and others) to discuss ways to deal with the issue of the increasing incidence of guns in the hands of young people. She made it clear that this was not about gun control, but about common sense approaches to tracking and keeping guns out of the hands of youth. The dialogue will be planned for the Fall.

President Jacobs Gibson announced she will make additional committee appointments in July and throughout the year as vacancies occur. Members who are interested in serving on a committee or who would like to nominate someone are to let her know.

5. EXECUTIVE DIRECTOR'S REPORT

Executive Director Gardner reported on the following:

The Spring General Assembly, held on April 24th at the Palace Hotel in San Francisco, was well attended. He assured members that the Budget and Work Program for 2008/2009 which was approved at the Business Meeting was a balanced budget.

The California Department of Transportation awarded the Metropolitan Transportation Commission (MTC) and ABAG for a third year of funding from the California Regional Blueprint Planning Program (Blueprint) for Fiscal Year 2007/08 in the amount of \$860,000.

The U.S. Environmental Protection Agency (EPA), Region 9, is expected to announce the availability of grant funds for water quality improvements in the San Francisco Bay Area as detailed in their pre-funding announcement. An estimated \$5,000,000 in funding will be available. ABAG/SFEP is coordinating a grant proposal.

ABAG recently received two grants from the Federal Emergency Management Agency (FEMA) through the State of California Office of Emergency Services (OES) Hazard Mitigation Grant Program (HMGP). The first project focuses on developing a model local program for dealing with the hazards associated with soft-story multifamily residential buildings and will be reviewed by the ABAG Earthquake and Hazards Outreach Committee. The second project will develop a comprehensive understanding of the vulnerability of the regional water system to natural disasters and will be reviewed by the ABAG Lifeline Infrastructure and Hazards Committee.

ABAG POWER initiated a pilot program that seeks to provide independent studies to determine the feasibility of solar energy projects on specific local government facilities. The ABAG Energy Watch Program was awarded a Certificate of Recognition by the U.S. Environmental Protection Agency (EPA) for its "commitment to a better environment and reducing greenhouse gas emissions as a Charter Participant in the Energy Star Low Carbon IT Campaign."

ABAG PLAN has awarded over \$300,000 in grants this fiscal year for risk management projects for its members, and expects to spend at least another \$500,000 by the end of the year.

ABAG has provided capital funding through the ABAG Finance Authority for Nonprofit Corporations in the following issues: \$93,625,000 in Revenue Bonds on behalf of Alameda County to fund construction of Acacia Creek in Union City; Medical Helicopter Leases aggregating \$18.4 million for the CALSTAR (California Shock Trauma Air Rescue) system for operations in Placer, El Dorado, and Sacramento Counties; \$45,645,000 in Revenue Bonds on behalf of San Diego County for senior care facilities operated by Casa De Las Campanas; \$3.7 million in Multifamily Housing Revenue Bonds on behalf of the City of Woodland for acquisition and major rehabilitation of the 68-unit Fair Plaza Senior Apartments; \$72 million in Revenue Bond financing for Eskaton Properties for senior care facilities in Sacramento, El Dorado, and Nevada Counties; \$4.5 million in Multifamily Housing Revenue Bonds on behalf of the City and County of San Francisco for acquisition and major rehabilitation of the 82-unit Reardon Heights Apartments in Hunters Point.

Members recognized the work of Jeanne Perkins and ABAG on earthquake retrofit standards for soft story buildings. They discussed the involvement of water districts in the study of the vulnerability of the regional water system.

President Jacobs Gibson thanked Executive Director Gardner for his report.

6. CONSENT CALENDAR

President Jacobs Gibson recognized a motion by Mike Kerns, Supervisor, County of Sonoma, and seconded by Sam Liccardo, Councilmember, City of San Jose, to approve the consent calendar. The motion passed unanimously.

A. Approval of Executive Board Summary Minutes**

Summary Minutes of Meeting No. 360 held on March 20, 2008.

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

Regional Planning Committee

Supervisor Federal Glover, County of Contra Costa

Lesia R. McIntosh, Board of Directors, East Bay Municipal Utilities District

Legislation and Governmental Organization

Supervisor Mark Luce, County of Napa

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

Authorized submission of a grant application to the Metropolitan Transportation Commission under the Bridge Toll Funds "Five Percent Unrestricted State Funds" category and, if successful, to enter into an agreement with MTC in an amount up to \$175,000 for administration of the San Francisco Bay Trail Project.

E. Adoption of a Resolution Authorizing ABAG to Enter into a Contract with the Coastal Conservancy**

Adopted Resolution No. 04-08 to enter into contract with the California Coastal Conservancy for \$20,000 to conduct preliminary planning for future water trail signage at Water Trail sites that coincide with the San Francisco Bay Trail.

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

Authorized renewal of 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.

G. Authorization to Enter into Contract with City of Oakland for Funding to Prepare Model Disaster Recovery Plan for Local Governments**

Authorized signing a contract with the City of Oakland to prepare a model Disaster Recovery Plan for local governments using the City of Oakland as an example. The contract will be for \$25,000 with the possibility of a second year of funding for an additional \$25,000.

H. Authorization to Extend Agreement with U.S. Environmental Protection Agency for Development of Stream and Wetland Systems Protection Policy**

Authorized extending an agreement with U.S. EPA for a Wetland Program Development Grant in the amount of \$300,000 to fund.

The Board next conducted the public hearing on the Adoption of Final Regional Housing Need Allocation, followed by the State Budget Update, and then the San Mateo County Sub-Regional RHNA Process.

7. STATE BUDGET UPDATE AND MAY REVISION

President Jacobs Gibson recognized Michael J. Arnold, ABAG’s Legislative Advocate, who provided an overview of the Governor’s May Budget Revision and its impact on local government. Mr. Arnold reviewed the budget developments since January, the Governor’s declaring a fiscal emergency and calling the Legislature into a special session, the Governor’s plan for correcting the budget, and the Legislature’s response. He then reviewed the May Budget Revision, noted no provisions that impact local governments in terms of reductions in revenues beyond those already known since January, and spoke about the Governor’s plan with regards to the State Lottery. He commented on the expected budget debate and the consequences if the state does not have a budget by August.

Members discussed the cops revenues and booking fees and the Safe Neighborhoods Initiative; cuts to education and health care; and broadening the base of the sales tax.

President Jacobs Gibson thanked Mr. Arnold for his presentation.

8. PUBLIC HEARING—7:30 PM

ADOPTION OF FINAL REGIONAL HOUSING NEED ALLOCATION**

President Jacobs Gibson opened the public hearing on the Adoption of Final Regional Housing Need Allocation at 7:30 p.m.

Paul Fassinger, ABAG Research Director reported on the RHNA process, including the approval of the proposed Final RHNA in March when the Board accepted the recommendations of the RHNA Appeals Committee. Staff received no further comments on the proposed final allocation but did receive documentation of a transfer of 24 units from the Town of Woodside to the City of Redwood City which does not affect the final allocation within the County of San Mateo sub-region or that of the greater region. He recommended that the Board adopt the Final Regional Housing Need Allocation and direct staff to forward the allocation with the appropriate supporting written documents to the State Housing and Community Development (HCD). He noted that staff expects to send those documents and allocation in June and HCD has until August to certify the allocation plan.

There was no public comment.

President Jacobs Gibson recognized a motion by Susan Adams, Supervisor, County of Marin, and seconded by Councilmember Liccardo, to close the public hearing on the Adoption of Final Regional Housing Need Allocation. The motion passed unanimously.

President Jacobs Gibson recognized a motion by Sepi Richardson, Mayor Pro Tem, City of Brisbane, and seconded by Gayle B. Uilkema, Supervisor, County of Contra Costa, to adopt the Final Regional Housing Need Allocation and direct staff to send the allocation and supporting documents to the State Housing and Community Development. The motion passed unanimously.

Mayor Pro Tem Richardson recognized and thanked Duane Bay, Director of Housing, County of San Mateo, and Richard Napier, Executive Director, City/County Association of Governments of San Mateo County, for their work with the cities and county in the San Mateo County sub-region.

Forrest Williams, Councilmember, City of San Jose, noted the City of San Jose and the County of Santa Clara's willingness to take on additional housing units in the final allocation.

President Jacobs Gibson thanked Mr. Fassinger for his report.

9. FOCUS—PRIORITY CONSERVATION AREAS**

President Jacobs Gibson recognized Ken Kirkey, ABAG Planning Director, who provided an update of the nomination and review process for the Priority Conservation Areas (PCAs) in preparation for adoption of the first round of nominated PCAs by the Board in July. Mr. Kirkey described the Priority Conservation Areas and reported that those nominations to be recommended for adoption have met the criteria of regional significance, consensus for protection at the local level, and urgency for permanent protection.

Over 100 nominations have been received representing a range of land types. Nominations were received from 25 local jurisdictions, nearly all major county or sub-regional open space districts, major land trusts, and the National Park Service. The State Coastal Conservancy indicated their intent to use the PCAs as an indicator of where to direct Proposition 84 funds of approximately \$120 million over the next three years. There have been two calls for comments, with the second to close on May 30th. Letters were sent all elected officials, city managers, and planning directors regarding any nominations within their jurisdictional boundaries.

Staff will bring the recommended areas to the Regional Planning Committee (RPC) in June. The RPC's recommendation will come to the Board in July. The PCAs provide a regional framework for land conservation and a means for bringing in more open space funding to the Bay Area.

President Jacobs Gibson thanked Mr. Kirkey for his report.

10. PROJECTIONS 2009 FINAL PERFORMANCE TARGETS**

President Jacobs Gibson recognized Christy Riviere, ABAG Senior Planner, who provided an update on the Projections 2009 Final Performance Targets. Ms. Riviere noted that land use performance targets were first brought to the Board in March. In February, the Joint Policy Committee recommended that staff engage in county-level outreach. Staff made presentations at over 20 meetings over the last couple months, met with the FOCUS Working Group, and distilled the feedback received from these meetings into lessons regarding: managing expectations; solutions to reach goal; targets, not mandates; land use dialogue; change is inevitable; and making Projections transparent.

Staff expects to have a base set of projections, without policy, by the end of July, and to conduct local review with local governments and stakeholders through the Fall. Staff will report on progress in July, September, and November. A draft scenario will be presented to the Board with the final scenario adopted as Projections 2009 in January.

She recommended that the Board adopt the revised performance targets for Projections 2009, direct staff to develop alternatives and test these against targets, and to direct staff to develop metrics on issues of interests not included in the performance targets.

Members discussed vehicles miles traveled (VMT) reduction; Greenfield conversion; the impact of the Census; water modeling; the baseline for non-automobile transportation; peak oil; actualizing targets; clean energy modeling; staff capacity and resources; the likelihood that targets will become mandates.

President Jacobs Gibson recognized a motion by Councilmember Williams, and seconded by Nancy Kirshner-Rodriguez, Director, Intergovernmental Affairs, City and County of San Francisco, to adopt the revised performance targets for Projections 2009, to direct staff to develop alternatives and test these targets, and to direct staff to develop metrics on issues not included in the performance targets. The motion passed unanimously.

President Jacobs Gibson thanked Ms. Riviere for her presentation.

11. SAN MATEO COUNTY SUB-REGIONAL RHNA PROCESS

President Jacobs Gibson recognized Duane Bay, Director of Housing, County of San Mateo, and Richard Napier, Executive Director, City/County Association of Governments of San Mateo County, who reported on their successful sub-regional RHNA experience and process. Mr. Bay and Mr. Napier described the reasons the cities and county chose to take on a sub-regional approach, the process for completing the sub-regional approach, and the overall reasons why the process worked. They noted C/CAG's role in the sub-regional process and shared their observations, lessons learned, and next steps.

President Jacobs Gibson thanked Mr. Bay and Mr. Napier for their presentation.

12. LIGHT BROWN APPLE MOTH UPDATE

President Jacobs Gibson recognized Executive Director Gardner who briefed members on the issue of the Light Brown Apple Moth in the place of invited speakers who were unable to attend the meeting. Executive Director Gardner reported on the agricultural and economic impacts of the Light Brown Apple Moth, eradication efforts, the issues raised over the use of spraying technique, and actions being taken by the state to address environmental impacts.

Members discussed actions being taken in their respective jurisdictions; the impact on agriculture and business; the health concerns over the materials and methods being used; liability concerns; and the need for research, health risk analysis, and environmental impact report.

President Jacobs Gibson noted that state representatives and other experts will be invited to make a presentation at the next Board meeting. She thanked Executive Director Gardner for his report.

13. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**

President Jacobs Gibson recognized Committee Co-Chair Carole Dillon-Knutson, Councilmember, City of Novato, who reported on Committee activities. The committee reconsidered AB 2094 (DeSaulnier), San Francisco Bay Conservation and Development Commission—Support with amendment that the seven San Francisco

Bay Conservation and Development Commission representatives on the Joint Policy Committee would have a majority of elected officials; heard a briefing from Amy O’Gorman, Regional Manager, League of California Cities, on Propositions 98 and 99, Eminent Domain—Oppose Proposition 98 and Support Proposition 99; and reviewed the following legislation: AB 2954 (Lieber/Hancock), San Francisco Bay Restoration Authority—Appointed a sub-committee to clarify issues and concerns about the set up of the Authority, funding, and ABAG’s role; AB 38 (Nava), Department of Emergency Services and Homeland Security—Support; AB 2000 (Mendoza), General Plan Housing Element—Support; SB 900 (Corbett), Mobile Home Parks Conversion—Support; SB 1731 (Yee), Vehicle Fees Metropolitan Transportation Commission Congestion Mitigation—Support; AB 2280 (Saldana/Caballero), Density Bonus—Requested additional briefing and discussion; SB 1732 (Romero), Local Agencies—Position pending; AB 2093 (Jones), General Plan Mandatory Elements—Oppose; AB 3005 (Jones), Community Development Mitigation Fees—Oppose; AB 2513 (Caballero), Housing and Emergency Shelter Trust Fund 2006—To be considered at the next meeting; SB 1124 (Local Governments), Local Government Omnibus Act 2008—No position.

President Jacobs Gibson recognized a motion by Co-Chair Dillon Knutson, and seconded by Supervisor Kerns, to approve the committee report, except Proposition 99. The motion passed unanimously.

President Jacobs Gibson recognized a motion by Mark Green, Mayor, City of Union City, and seconded by Scott Haggerty, Supervisor, County of Alameda, to oppose Proposition 99. The ayes were two, the nays were 18. The motion failed.

President Jacobs Gibson recognized a motion by Co-Chair Dillon Knutson, and seconded by Mayor Pro Tem Richardson, to accept the committee recommendation on Proposition 99. The ayes were 18, the nays were two. The motion passed.

Members noted that no position was taken on AB 2513 because the committee did not have time to consider it at its meeting and requested additional information.

President Jacobs Gibson thanked Co-Chair Dillon Knutson for her report.

14. FINANCE & PERSONNEL COMMITTEE REPORT**

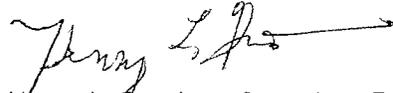
President Jacobs Gibson recognized Committee Chair Scott Haggerty, who reported on Committee activities. The committee received the Financial Reports for March and April 2008, and noted that the agency realized an overall year-to date surplus of \$109,000 which is .5 percent of actual revenues; all key aspects of the agency’s finances are within expectations; Fiscal Year 2007/2008 will be adequately funded. The committee approved the Financial Reports as presented. The committee reviewed and adopted a proposed process for the performance review of Legal Counsel which will take place at the next committee meeting.

President Jacobs Gibson recognized a motion by Chair Haggerty, and seconded by Mark Luce, Supervisor, County of Napa, to approve the committee report. The motion passed unanimously.

President Jacobs Gibson thanked Chair Haggerty for his report.

15. ADJOURNMENT

Meeting adjourned at approximately 9:34 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.

MEMORANDUM

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area

DT: June 25, 2008

TO: ABAG Executive Board

FM: Gerald Lahr, Energy Programs Manager

RE: **Request for Authorization for ABAG Staff to Negotiate and Enter into a Contract with PG&E for the ABAG Green Communities effort during 2009-11**

Background. In 2006 ABAG contracted with PG&E to implement the ABAG Energy Watch Partnership. This program provides energy efficiency assistance to local government agencies (cities, counties and special districts) in ABAG's territory through the end of 2008. Currently 68 agencies have enrolled in this program.

As an extension of the 2006-08 ABAG Energy Watch partnership, ABAG has entered into discussions with PG&E regarding how ABAG will continue to assist local governments with their energy management and climate action efforts after the end of the current program. This process is being undertaken as part of the California Public Utilities Commission's (CPUC) 2009-11 energy efficiency planning process. Initial discussions have centered on ABAG's participation in PG&E's proposed new "Green Communities" initiative. This initiative is intended to fund implementation of tools and technical assistance to reduce energy and greenhouse gases over the long term.

Authorization Request. Staff requests authorization to negotiate and enter into a contract with PG&E for the Green Communities initiative (or similar program). The contract amount is expected to be approximately \$750,000 - \$1,000,000 for the three year period beginning Jan. 1, 2009. No matching funds are required.

Item 6.D.

July 2, 2008

M E M O

TO: ABAG Executive Board

FROM: Jeanne Perkins, Earthquake and Hazards Program Consultant 

SUBJECT: Authorized Representatives to California Governor's Office of Emergency Services (OES)

The California Governor's Office of Emergency Services (OES) requires that the governing board of any organization receiving grants administered by them have a resolution identifying the authorized institutional representative for that organization. At the present time, the only person so designated is Henry Gardner as the Executive Director. The attached resolution modifies that authorization to include three individuals identified by title only:

- ◆ Executive Director
- ◆ Assistant Executive Director
- ◆ Finance Director

When the resolution is forwarded to OES, the current people with those titles will be listed in a cover letter. Then, as those people with the titles change in the future, the changes can be handled through a letter informing OES of the changes, rather than having to have the Executive Board pass another resolution.

Item 6.E.



**ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD**

RESOLUTION NO. 05-08

**DESIGNATION OF AGENTS WITH THE STATE OF CALIFORNIA
OFFICE OF EMERGENCY SERVICES**

WHEREAS, the Association of Bay Area Governments (ABAG) receives federal assistance under P.L. 93-288, as amended, and state financial assistance under the California Disaster Assistance Act; and

WHEREAS, the State of California Office of Emergency Services requires recipients of such funds to designate persons authorized to execute documents.

NOW, THEREFORE, BE IT RESOLVED, by the Executive Board of the Association of Bay Area Governments that Henry L. Gardner, Executive Director, Patricia M. Jones, Assistant Executive Director, and Herbert L. Pike, Finance Director, are hereby authorized for and in behalf of the Association of Bay Area Governments, a public entity established under the laws of the State of California, to provide to the Office of Emergency Services for all matters pertaining to federal financial assistance under P.L. 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

The foregoing adopted by the Executive Board this 17th day of July, 2008.

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 17th day of July, 2008.

Henry L. Gardner
Secretary-Treasurer

Approved as To Legal Form

Kenneth K. Moy
Legal Counsel

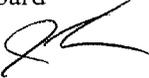
ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



June 30, 2008

To: ABAG Executive Board

From: Judy Kelly, Director 
San Francisco Estuary Project

Re: Authorization to Apply for US Environmental Protection Agency (EPA) Water Quality Grant

Authorization to Apply for US Environmental Protection Agency Grant for CCMP Implementation Projects under the San Francisco Bay Area Water Quality Improvement Funds

Authorization is requested for ABAG/SFEP to submit a proposal for \$ 5 million dollars in grant funding from US EPA's San Francisco Bay Area Water Quality Improvement Funds, and, if awarded, to enter into an agreement with US EPA. The grant period is 2-4 years (with awards being announced December 2008) and matching funds provided by participating partners. The proposal covers projects in all Bay geographical areas with 12 or more individual projects and partners for wetland restoration, stormwater management, improved land use functions, biotic monitoring, invasive species, and public outreach.

Item 6.F.



ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



ABAG

June 30, 2008

To: ABAG Executive Board

From: Judy Kelly, Director 
San Francisco Estuary Project

Re: **Authorization to Amend Agreement with US Environmental Protection Agency (EPA)**

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, 2008 each program will receive \$ 591,750.

The Executive Board is requested to authorize the Executive Director or designee to amend the 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, 2009.

A total match of \$ 591,750 is required. ABAG will provide \$15,000 in-kind services and the State Water Resources Control Board will provide \$576,750 through three ABAG/SFEP/SWRCB grants: 1) the Wetland Design and Management Options for Control of Mercury Project; 2) the Strategy for Resolving Methyl Mercury and Low Dissolved Oxygen Events in Northern Suisun Marsh Project; 3) TMDL Outreach and Support.

Item 6.G.



ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



June 30, 2008

To: ABAG Executive Board

From: Judy Kelly, Director 
San Francisco Estuary Project (SFEP)

Re: **Ratification of a Contract Amendment with the State Water Resources Control Board for TMDL Support**

ABAG/San Francisco Estuary Project (SFEP) provides technical and public outreach support to the San Francisco Bay Regional Water Board for development and implementation of TMDLs in the Bay Region.

Ratification is requested for a contract amendment with the State Water Resources Control Board for TMDL outreach and communication support to increase the contract, previously approved on January 17, 2008, from \$200,000 to \$ 335,000 for additional services for TMDLs under development and in the approval process. Work includes science support, data collection and public outreach and communication for developing TMDLs. Work also includes administrative support for the Statewide TMDL training meetings and workshops. The funds will cover staff support and technical consultant expertise for the TMDLs. Contract term is through June 30, 2010.

Item 6.H.



ASSOCIATION OF BAY AREA GOVERNMENTS

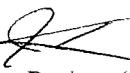
Representing City and County Governments of the San Francisco Bay Area



ABAG

June 30, 2008

To: ABAG Executive Board

From: Judy Kelly, Director 
San Francisco Estuary Project (SFEP)

Re: **Ratification of Contract Amendment with Carol Thornton, Consultant**

ABAG/San Francisco Estuary Project (SFEP) has agreements and grants from the San Francisco Regional Water Quality Control Board (Water Board), San Francisco Bay dischargers and the US Environmental Protection Agency for implementation of the Comprehensive Conservation and Management Plan (CCMP) for the Estuary. Under terms of these agreements, ABAG/SFEP issued a Request for Qualifications to provide oversight and project management of the Water Board's Supplemental Environmental Projects (SEP) program. Carol Thornton, consultant, was the sole response to the RFQ and has been working under an existing contract.

The Water Board accepts and encourages SEPS in lieu of a portion of an Administrative Civil Liability or Mandatory Minimum Penalties imposed on Bay Area dischargers. The goals for the SEP program include: projects should benefit the environment and projects should focus on environmental education, environmental restoration, pollution prevention or pollution reduction. The State Water Resources Control Board's Enforcement Policy requires third party oversight of the SEPs. Additionally, a percentage of the SEP is designated to provide this oversight.

Ratification of the contract amendment to continue work from the original expiration of May 31, 2008 through December 31, 2008 is requested and an addition of \$ 35,200 to the contract funds to cover work during the time extension. Tasks include: working with the Water Board, dischargers and SFEP/ABAG in selection of appropriate SEP projects; working with project implementers to ensure they develop work plans that provide the best environmental protection; tracking selected projects, including site visits and ensuring timely completion and reporting; entering and maintaining project data in the State Water Boards database; and other work to be determined. The contract will not exceed \$63,700 and the contract term is June 1, 2007 to December 31, 2008.

Item 6.I.



ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



ABAG

MEMO

To: Executive Board

From: Marisa Cravens, Regional Planner, Association of Bay Area Governments
ABAG Staff Liaison to the Regional Airport Planning Committee (RAPC) 

Date: July 1, 2008

Subject: Revision of Memorandum of Understanding to expand the Regional Airport Planning Committee to include representation from Stockton, Sacramento, and Monterey Airports

The Association of Bay Area Governments (ABAG), San Francisco Bay Conservation and Development Commission (BCDC) and Metropolitan Transportation Commission (MTC) created the Regional Airport Planning Committee (RAPC) to advise the three agencies on regional aviation matters. Along with elected officials nominated by the three regional agencies, RAPC includes voting representatives from San Francisco, Oakland, and San Jose airports as well as a General Aviation representative.

At its June 27th meeting, the Regional Airport Planning Committee voted to expand its current membership to include representation from Sacramento, San Joaquin and Monterey Counties. The current Regional Airport Systems Plan update includes the commercial airports in these counties (Sacramento, Stockton, and Monterey Airports.) New members will be non-voting.

The inclusion of these counties recognizes that the economies, air space, travel patterns and housing trends in the area are linking the nine-county Bay Area to its neighboring counties, creating a mega-region that has been described as the area from Monterey to Auburn and Cloverdale to Modesto. The residents of all three counties use Bay Area airports at varying levels, with significant usage by San Joaquin County and Monterey County residents. Based on this usage, San Joaquin and Monterey Counties are both within the Bay Area airports' catchment areas and will need to be part of any solution designed to address projected congestion at the Bay Area's main commercial airports.

The Regional Airport Systems Plan update, which is considering several different scenarios to accommodate projected congestion at the Bay Area's main commercial airports, includes a scenario that diverts traffic to these mega-regional airports. All three counties have commercial airports; Sacramento International Airport is the most mature and provides a significantly higher level of service than either Stockton Metropolitan or Monterey Peninsula Airports.

Given the nature of the issues likely to arise, the Committee determined that elected officials would be the most appropriate representatives but that each county should determine their representative and appoint an alternate. The Committee expressed concern over the long distances that these members would be required to travel and that if their attendance was not consistent, that the proposed change could make it

Item 6.J.

difficult for RAPC to achieve a quorum. Therefore, RAPC will keep its current quorum of ten members. The addition of three new members will bring total RAPC membership to 22.

Staff requests the Executive Board's approval to revise the MOU to expand the committee membership to include the designated non-voting representatives from the three counties. ABAG's Legal Counsel has reviewed and approved the changes. RAPC has approved revision to the MOU. RAPC staff is also requesting that MTC and BCDC approve revisions.

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



ABAG

June 30, 2008

To: ABAG Executive Board

From: Judy Kelly, Director 
San Francisco Estuary Project (SFEP)

Re: **Ratification of Agreement with the Bay Area Clean Water Agencies (BACWA) to Provide Support for Development of Strategies for Water Quality Improvement for San Francisco Bay**

In November 2005, the Executive Board authorized the Executive Director or designee to enter into an agreement with BACWA a Joint Powers Agreement of Publicly Owned Treatment Works and ABAG/San Francisco Estuary Project (SFEP) to provide staff and technical resources to the Water Board for the development of Total Maximum Daily Loads (TMDLs) for pollutants in SF Bay. This contract is expiring and BACWA wishes to enter into a 3 month contract with other funding to complete work begun under the prior contract agreement.

Authorization is requested for the Executive Director or designee to sign the new contract with BACWA with a contract term from June 30, 2008 to September 30, 2008 and a total contract amount of \$ 31,250.

The funds will be used to assist the Water Board by providing additional staff resources that can focus on the development of TMDLs within the San Francisco Bay Region. No ABAG match is required. The project assists with the implementation of the CCMP for the San Francisco Estuary.

Item 6.K.



Thomas J. C. Chen

Date & Place of Birth:

July 16, 1955 in Taiwan

Education:

- Diplomatic Personnel English Language Training Program, University of Witwatersrand, South Africa □ 1982 □
- Graduate Studies, International Law and Diplomacy, National Cheng-Chi University □ Taiwan, 1979-1980 □
- Bachelor of Laws, National Cheng-Chi University □ 1977 □

Career:

- Director General, Taipei Economic and Cultural Office (TECO) in San Francisco (2008-)
- Deputy Representative, TECO in Canada (2004-2008)
- Deputy Director General, Foreign Service Institute (2002-2003)
- Vice Chairman, NGO International Affairs Committee, Ministry of Foreign Affairs (2000-2002)
- Deputy Director General, Department of East Asian and Pacific Affairs, MOFA (2000)
- Director, Public Affairs Division, TECO in Canada (1997-2000)
- Director, Services Division, TECO in Toronto (1994-1997)
- Director, Public Relations Office, Taipei City Council (1990-1994 on secondment)
- Chief, Second Division, Department of North American Affairs, MOFA (1989-1990)

- Assistant and Senior Assistant, TECO in Chicago (1985-1989)
- Staff, Second Division, Department of North American Affairs, MOFA (1981, 1983-1984)
- Administrative Assistant, Republic of China's Embassy in South Africa (1982)

Marital Status:

Married; Two Children

M E M O

Date: July 1, 2008
To: Executive Board
From: Ceil Scandone, Senior Regional Planner 
Subject: Green Building Policies and Programs

Summary

Bay Area cities and counties are implementing green building programs in increasing numbers. Green building practices have also gained momentum in the construction marketplace. While initially oriented towards commercial and institutional projects, residential green building has recently earned significant attention.

Build It Green is a Bay Area – based non-profit professional membership organization whose mission is to promote healthy, energy and resource-efficient buildings in California. *Build It Green* fosters collaboration with key public and private sector stakeholder groups and provides assistance to local governments to accelerate the adoption of green building programs.

In 2006, *Build It Green* introduced GreenPoint Rated (GPR), a third-party rating system for residential construction. GPR allows builders and contractors who create green homes to brand their products with a recognizable, trustworthy seal of approval. GreenPoint Rated has become a key element of a number of local programs.

In January 2008, the Home Builders Association of Northern California (HBANC) announced support for the adoption of residential green building programs based on the Green Point Rated system. HBANC's endorsement, the first of its kind in the nation, opens the door for more widespread implementation of regionally-consistent green building programs.

At the June 2008 Regional Planning Committee (RPC) meeting, Brian Gitt, *Build It Green's* Executive Director and CEO, made a presentation about their services and suggested ways that ABAG can help to advance green building in the region. The Committee endorsed the implementation of comprehensive green building programs that include GreenPoint Rated for residential projects, and directed staff to schedule a presentation to the Executive Board. Mr. Gitt will be joined by RPC member Joseph Perkins, President and Chief Executive Officer of HBANC, and Cheryl O'Connor, Chair, HBANC Executive Committee.

Build It Green is seeking Executive Board support for implementation of comprehensive green building programs with GreenPoint Rated as the verification system for residential projects.



Introduction

With its emphasis on sustainable site selection and design, energy and water-efficient construction, and use of natural and non-toxic materials, green building practices can reduce greenhouse gas emissions, complement efforts to promote “smart growth,” reduce the amount of waste generated during construction and throughout the life of a building, and provide better indoor air quality to building occupants.

The Bay Area is recognized as a leader in promoting green building practices. Many local governments require that their own facilities meet the US Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) standards. Many private companies have voluntarily built new headquarters and other facilities to LEED standards. In fact, LEED standards are rapidly becoming a prerequisite for Class A office projects in many markets.

Local governments have begun to extend their requirements from civic projects to either encourage with incentives or require that commercial and residential projects built by the private sector incorporate green building features. Within the Bay Area dozens of jurisdictions now have voluntary educational or incentive-based programs to promote green building in the private-sector; 18 jurisdictions have mandatory green building programs; 25+ are actively developing comprehensive mandatory programs, with many transitioning to a mandatory approach from a previously adopted voluntary program (*see Attachment A*).

Green Building Leaders

The US Green Building Council is a national non-profit organization committed to sustainable building practices. The USGBC LEED standards are the predominant rating system for institutional and commercial construction. LEED offers a variety of rating levels for new construction, tenant improvements and the maintenance and rehabilitation of existing buildings. Recognizing that buildings that serve specialized purposes have unique characteristics, LEED has developed rating systems for commercial, retail, healthcare, schools facilities and homes.

While LEED has until recently focused its energies in the commercial realm, two Bay Area organizations have developed special expertise in the residential green building sector. All of the Bay Area jurisdictions that have established voluntary or mandatory residential green building programs have based their policies on guidelines and resources developed by these two organizations: StopWaste.Org and Build It Green.

StopWaste.Org is the name used by the joint powers agency legally known as the Alameda County Waste Management Authority and the Alameda County Source Reduction and Recycling Board. Since March 2001, Stopwaste.Org has provided green building design resources to its 17 member jurisdictions to encourage green building practices. The program has provided services to approximately 100 public and public-benefit projects, awarding over \$1.6 million in grants for projects such as City Halls, Libraries, Fire Stations, Educational Facilities, Senior and Community Centers, and Residential Projects (Multifamily & Single Family). Stopwaste.Org was the original developer of the Build It Green Residential Green Building Guidelines and continues to be a major strategic partner.

Build It Green is a professional non-profit membership organization whose mission is to promote healthy, energy and resource-efficient buildings in California. *Build It Green* fosters collaboration with key stakeholder groups to accelerate the adoption of green building practices, policies, and programs with a particular focus on residential projects. Stakeholder groups include

public agencies, building professionals, production builders, affordable housing producers, realtors and building suppliers. Supported by a solid foundation of outreach and education, *Build It Green* connects consumers and building professionals with a wide range of tools and technical expertise they need to build quality green buildings.

Green Building Guidelines

Build It Green offers Green Building Guidelines for New Home Construction, Home Remodeling, and Multifamily Construction. Recommended measures were specifically developed to address climate and market conditions in California, are endorsed by credible third-party sources, and are backed by sound building science.

The Guidelines were developed and refined by a diverse group of residential building stakeholders including production builders, contractors, architects and designers, multifamily home developers, state and local government leaders, building-science experts, product manufacturers and suppliers, and green building advocates. In the past six years, numerous local governments have adopted the Guidelines as the foundation for their programs. The Guidelines are updated regularly in alignment with the State Energy Efficiency requirements (i.e. Title 24). Copies are available for download from www.builditgreen.org and hard copies are available for purchase (with bulk discounts) for use in local green building programs.

GreenPoint Rated

In 2006, *Build It Green* introduced GreenPoint Rated, a program that rewards builders and contractors who create green homes by allowing them to brand their products with a recognizable, trustworthy seal of approval. The program is increasingly becoming an element of voluntary and mandatory green building programs in the Bay Area.

The GreenPoint Rated program provides an objective, third-party verification system that helps consumers find green homes, understand green benefits, and recognize green features. Conservation of natural resources, increased energy efficiency and improved indoor air quality are just a few of the benchmarks a home must meet.

The GreenPoint Rated program leverages *Build It Green*'s Guidelines. The recommended practices and performance benchmarks were specifically developed to address climate and market conditions in California. Point values are assigned based on their benefits to the homeowner and the environment, and reflect construction practices that exceed California's building and energy code requirements. Any eligible project that achieves the minimum of 50 total points and meets the category-specific point thresholds earns the right to bear the GreenPoint Rated label.

Locally trained and certified raters evaluate whether new home construction projects meet program standards. GreenPoint Rated offers an array of benefits for different stakeholders.

- Home buyers look for the GreenPoint Rated logo to be sure they're actually getting a healthy, environmentally-responsible home.
- Builders and contractors receive validation from a trusted, independent source to support their marketing efforts as a green builder.
- Local governments and policy makers are able to track the number and types of green homes in their communities and better understand the resource and health benefits those homes represent relative to conventional alternatives.

Home Builders Association of Northern California Goes Green

The most recent significant milestone in the evolution of green building in the Bay Area has been the forward looking endorsement of residential green building and the GreenPoint Rated program by the Home Builders Association of Northern California (HBANC). In January 2008, HBANC took the unprecedented step of endorsing the use of GreenPoint Rated in mandatory green building programs in their 14 county service area, which includes the Bay Area's nine counties and 101 cities. HBANC's endorsement is the first of its kind in the nation and opens the door for widespread adoption of regionally-consistent green building programs. HBANC is jointly cosponsoring a Builders Council with *Build It Green* to promote green building education for production home builders. HBANC's action demonstrates the viability of green building and further demonstrates the Bay Area's leadership statewide and on the national stage.

Build It Green Presentation – July 17, 2008

At the Executive Board Meeting on July 17, *Build it Green* Executive Director Brian Gitt will make a presentation on Build It Green and GreenPoint Rated. The presentation will cover the following points:

- What Build It Green offers: e.g. information to support value, and tools, such as sample ordinances, that can make it easier to implement comprehensive green building programs with support from the public and builders.
- How comprehensive green building programs with “GreenPoint Rated at 50 Points” as the foundation for residential green building can help to achieve local and regional climate protection and other objectives.
- GreenPoint Rated can make residential green building easy: a number of jurisdictions are already using the system, so newer jurisdictions have their experience to draw upon.
- Green building programs can provide green jobs for local green building experts.
- Support from Boards of Supervisors and City Councils needed to accelerate implementation of local green building programs.

ACTION REQUESTED:

THAT the Executive Board endorses the implementation of consistent green building guidelines and encourages the rapid adoption by Bay Area cities and counties, of Green Building Programs including GreenPoint Rated as the verification system for residential projects.

The Executive Board directs ABAG staff to identify opportunities to incorporate green building criteria in relevant program activities, including FOCUS.

The Executive Board directs ABAG staff to cooperate with Build It Green, StopWaste.Org and other partners in providing information about and publicizing the advantages of comprehensive green building programs and GreenPoint Rated to ABAG member jurisdictions.

Attachment A

ABAG Jurisdictions with Mandatory Green Building Programs

- Livermore
- Pleasanton
- Albany
- San Rafael
- Novato
- Rohnert Park
- Larkspur
- Cotati
- Sebastopol
- Moraga
- Los Altos
- Windsor
- Marin County
- Berkeley
- Hillsborough
- San Mateo (City)
- Los Altos Hills
- Hayward (multi-family projects)

ABAG Jurisdictions developing Mandatory Green Building Programs

- Santa Rosa
- Petaluma
- Alameda
- Palo Alto
- San Francisco
- San Jose
- Sonoma (City)
- Napa Cities
- Marin Cities
- Brisbane
- Atherton
- Gilroy
- Campbell
- Santa Clara
- Cupertino
- Morgan Hill
- Palo Alto
- Saratoga
- Monte Sereno
- Milpitas
- Sunnyvale
- Mountain View
- Gilroy
- San Mateo County
- Solano County

MEMO

July 2, 2008

TO: ABAG Executive Board

FR: Kenneth Kirkey, ABAG Planning Director

Jaqueline Guzman, ABAG Regional Planner 

RE: Regional Adoption of Priority Conservation Areas

At the July 17th Executive Board meeting, staff will seek support for staff recommendations related to regional adoption of Priority Conservation Area nominations for inclusion as a key component of the FOCUS Program, the Bay Area's Regional Blueprint Plan. The Joint Policy Committee (JPC) supported the programmatic addition of Priority Conservation Areas to FOCUS at its May meeting, and at their June meeting, the ABAG Regional Planning Committee (RPC) motioned that the staff recommendations be advanced to the Executive Board for adoption. Since the June presentation of these recommendations to the ABAG RPC, one recommendation change has been made for the Tomales Dunes nomination. This area is no longer being recommended for consideration as a PCA through this first round of nominations because it has been brought to our attention that a local planning process is currently underway for that area. This recommendation is consistent with other nominations not being recommended at this time due to a lack of consensus given an existing planning process underway. This memo outlines the purpose for identifying Priority Conservation Areas as part of the FOCUS Program, the staff recommendations on PCA nominations received, and lessons learned through the first call for nominations.

FOCUS & Priority Conservation Areas

FOCUS is an incentive-based development and conservation strategy for the nine county San Francisco Bay Area. It encourages future growth in areas near existing or planned transit and within existing communities (priority development areas) and the conservation of regionally significant resource areas that have consensus for protection in the near-term (priority conservation areas).

The purpose for identifying Priority Conservation Areas as part of the FOCUS Program is to highlight near-term opportunities for land conservation in the San Francisco Bay Area for which there is consensus for protection. Highlighting these areas as part of a regional planning program is intended to help inform the distribution of public funds and leverage private funds and new partnerships to invest in these areas. Decisions as to what land to conserve and how (purchase or easement) will need to be determined at the local level among willing and interested landowners and a land trust or other entity. If interest exists for conserving a piece of land among all parties, PCAs can serve as a tool to try to help leverage funding and partnerships.

Adoption of PCAs as part of the FOCUS Program advances implementation of regional goals to support livable communities and protect and steward the lands we depend on. Ultimately, land use decisions get made on the local level as to where to grow and what areas to preserve, so adoption of a priority area does

not change local plans or zoning. FOCUS intends to help inform local decisions and to help local entities achieve their goals that also benefit the region.

Staff Recommendations for Regional Adoption of Priority Conservation Areas

Approximately 100 nominations were received through the first call for PCA nominations. The nominations received represent an array of conservation values ranging from agriculture to habitat and recreation. Nominations were solicited for areas that represent regionally significant conservation values and have consensus and urgency for protection. Nominations were submitted by local governments, public agencies, and nonprofit organizations.

Staff has worked over the last several months to reduce the amount of overlap among the nominations submitted, ensure local government support for a nomination made within their jurisdiction, and maintain communication with regional and local conservation-related planning efforts. Staff has received input from local governments and a review panel comprised of land conservation experts from across the region as well as stakeholder representation from economic, affordable housing, and urban land development entities.

In summary, most nominations submitted will be recommended for adoption to ABAG's Executive Board in July, 2008. However, upon review against the nomination criteria, some nominations are not ready for recommendation as part of the FOCUS Program at this time. A nomination may not be considered ready for the following reasons:

- A local government could not support the nomination at this time. (relates to the consensus criteria)
- A local planning process is underway, which included planning for the nominated area. (relates to the consensus criteria)
- Although locally important, the nomination did not amount to appropriate consideration as a regionally significant area. (relates to the regional significance criteria)

The following nominations are *not being recommended* at this time for the following reasons:

Area Name	Area Location	Recommendation Notes
Oak Knoll	City of Oakland, southeast of Leona Canyon Regional Open Space Preserve	The City is working on a plan for this area. There is support for preserving a portion of the site as open space, but it should not be designated as a PCA until the planning process has been completed.
Albany Waterfront	City of Albany, west of Interstate 80	The City is working on a plan for this area. Support exists for preserving a portion of the site as open space, but it should not be designated as a PCA until the planning process has been completed.
Gill Tract	City of Albany, southwest corner of San Pablo Ave. and Buchanan St.	Although this site has a demonstration farm, this educational component is not a regionally significant agricultural use.
Area 4, Also known as Pintail and Whistling Wings Duck Clubs	City of Newark, south of Mowry Avenue and east of Mowry Slough	The City's opposition to this nomination demonstrates a lack of consensus.
Fremont-Coyote Tract	City of Fremont, north of Highway 84 and west of Paseo Padre Parkway	Opposition to this nomination from the City and land owner demonstrates a lack of consensus.

Regional Adoption of Priority Conservation Areas

July 1, 2008

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Area Name	Area Location	Recommendation Notes
Patterson Ranch	City of Fremont, west of Ardenwood Boulevard and Paseo Padre Parkway	The City's opposition to this nomination demonstrates a lack of consensus.
Site 3- Sabercat	City of Fremont, foothills near Interstate 680	The area lacks regional significance and development proposals for the area indicate a lack of consensus for conservation.
Alameda Naval Air Station Area	City of Alameda	The City is working on a plan for this area. There is support for preserving a portion of the site as open space, but it should not be designated as a PCA until the planning process has been completed.
Bollinger Valley Study Area	Town of Moraga	Specific plan for area in progress
North Richmond Shoreline	City of Richmond, south of Breuner Marsh	General Plan Update in process, and city cannot support nomination at this time, which demonstrates a lack of consensus.
Fossil Creek	City of El Cerrito, south of Arlington Blvd. and west of Potrero Ave.	Area locally but not regionally significant.
Point Molate Area	City of Richmond	General Plan Update in process, and city cannot support nomination at this time, which demonstrates a lack of consensus.
North Richmond Wetlands Area	City of Richmond	General Plan Update in process, and city cannot support nomination at this time, which demonstrates a lack of consensus.
Pittsburg-Antioch Shoreline Area	City of Pittsburg and City of Antioch	Cities do not support nomination, which demonstrates a lack of consensus at this time.
Concord Naval Weapons Station Area	City of Concord	Reuse plan in process, and city does not support nomination at this time, which demonstrates a lack of consensus.
Hanna Ranch	City of Novato, east of Highway 101 and north of Highway 37	Lacks consensus as demonstrated by inconsistency with the Novato General Plan and landowner opposition.
Francia Property	City of Mountain View	Area locally but not regionally significant.
7th & Lawton open space	City and County of San Francisco	Area locally but not regionally significant.
Crestmont Hills	City and County of San Francisco	Area locally but not regionally significant.
Hunters Point serpentine hillside	City and County of San Francisco	Community planning process underway.
Brotherhood Way	City and County of San Francisco	Area locally but not regionally significant.
Redwood City Bayfront Tidal Plain Area	City of Redwood City	Lacks consensus as indicated by the City of Redwood City's lack of support for the nomination at this time.
Burnham Strip / El Granada Waterfront	Unincorporated El Granada, San Mateo County	Area locally but not regionally significant.

Area Name	Area Location	Recommendation Notes
Tomales Dunes	Marin County	Lacks consensus as indicated by Marin County's lack of support for the nomination at this time given the master planning process underway for the area.

Future nomination cycles are expected. Thus, a nomination not recommended for adoption through the first call for nominations, can be re-submitted in following nomination cycles stating how the original reason for non-recommendation has been addressed. Staff is recommending that the next call for nominations occur in the summer of 2009.

The staff recommendations for regional adoption of Priority Conservation Areas follow as an attachment.

Lessons Learned & Potential Improvements to Future PCA Nomination Cycles

Several important lessons were learned through the first call for nominations and review process. Staff would like to continually improve future calls for PCA nominations and will incorporate these lessons into future nomination cycles.

- Although consensus is a nomination criterion, local government support can only be secured for certain if it is explicitly stated as a requirement in the nomination guidelines. During the first round of review, staff ensured local governments did not oppose nominations made within their boundaries by undertaking a concerted outreach effort to notify local governments of nominations made within their boundaries and requested that staff be notified if a nomination could not be supported.
 - Going forward, nominees will have to demonstrate local government support through a council or board of supervisor's resolution.
- Although the nomination criteria emphasized consensus for protection, some nominations were submitted for areas that clearly still needed additional time to reach a general level of consensus.
 - The proposed requirement to ask nominees to demonstrate local government support is also expected to help address this.
- Although the San Francisco Bay Area region has been very successful in establishing a network of open space, many opportunities still exist to conserve and enhance this network. This point was realized when staff received an overwhelming response to the first call for nominations.
 - Staff will continue to collaborate with the Coastal Conservancy's San Francisco Bay Program and regional conservation organizations to support collaborative approaches to conservation within this region.
- Although applicants were encouraged to collaborate on nomination submissions and some counties did, many nominations received were still duplicative or overlapping.
 - Staff will modify the nomination guidelines to incorporate guidance on how to coordinate nominations at the city and county levels.
- The nomination criteria for urgency was not very helpful in the review of nominations received because relatively any nominated area in the region can demonstrate some opportunity for conservation or threat to the ecological integrity of the area.
 - Going forward, this criterion will be tailored to emphasize near-term conservation opportunities.
- Although regional significance was a nomination criterion, some submitted nominations were essentially locally important but not regionally significant projects. While regionally significant resources pass through urbanized areas, such as regional trails and waterways, and should be considered as part of the PCA process of the FOCUS Program, staff does not see site specific

public serving spaces, such as pocket parks, as aligned with the goals of conserving regionally significant resource areas. Local projects in Priority Development Areas will be supported through the Priority Development Area process, since they support efforts to create complete communities. Staff will continue working with the Coastal Conservancy's Bay Area Program and private foundations to secure capital funding for Priority Development Areas that would support the development and restoration of urban parks.

- Going forward, staff will provide specific guidance as to distinguish between a local and a regionally significant nomination.
- Communication of what PCAs are and are not intended to achieve should be emphasized early and often.
 - Staff will continue to refine the communication strategy for PCAs. The creation of additional online information and a report is intended to clarify this message.

With these lessons learned in mind, staff is recommending that the next call for nominations occur in the summer of 2009. A later call for nominations will provide time to build resources for the first round of adopted areas.

Next Steps

Following adoption of Priority Conservation Areas by the Executive Board, staff will proceed to summarize the adopted PCAs and highlight the benefits of a coordinated strategy for development and conservation through FOCUS. Mapping and outreach materials will serve as tools to highlight the conservation values PCAs provide. These materials will provide PCA contacts with a resource to help leverage additional funding and partnerships. FOCUS staff will also provide assistance in convening meetings with key funders and potential partners outside the traditional conservation community.

RECOMMENDATION:

THAT the ABAG Executive Board supports the staff recommendations on Priority Conservation Area nominations received for inclusion in the FOCUS Program, the Bay Area's Regional Blueprint Plan.

Staff Recommendations for Regional Adoption of Priority Conservation Areas

Presentation to ABAG's Executive Board

July 17, 2008

ALAMEDA COUNTY NOMINATIONS

Area Name	Recommendation Notes	Lead Nominating Agency
Leona Canyon Creek Tributaries		City of Oakland
Temescal Creek/North Oakland		City of Oakland
Ridgemont West		City of Oakland
South Hills, San Leandro Creek		City of Oakland
East Bay Greenway		City of Oakland
Butters Canyon/Headwaters of Peralta Creek		Butters Land Trust
North Livermore, South Livermore Valley	Area modified to include only those areas in Livermore & Unincorporated Alameda County.	City of Livermore
Albany Hill		City of Albany
Union City Hillside Area		City of Union City
Site 1-Coyote Hills	Excluded areas zoned for industrial, including Cargill lands.	City of Fremont
Chain of Lakes Area		East Bay Regional Park District (EBRPD)
Bethany Reservoir Area		EBRPD
Cedar Mountain Area		EBRPD
Duarte Canyon Area		EBRPD
Potential Oakland Gateway Area		EBRPD
Potential Tesla Area		EBRPD

Staff Recommendations for Regional Adoption of Priority Conservation Areas

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July 17, 2008

CONTRA COSTA COUNTY NOMINATIONS

Area Name	Recommendation Notes	Lead Nominating Agency
Central Hercules and Waterfront District		City of Hercules
Big Canyon Preserve		City of San Ramon
MOSO and NON-MOSO Open Space		Town of Moraga
Acalanes Ridge Open Space		City of Walnut Creek
Indian Valley		East Bay Municipal Utility District
Burton Ridge		City of Lafayette
Lafayette Ridge		City of Lafayette
Contra Costa County Agricultural Core		Contra Costa County, Community Development Department
East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (ECCC HCP/NCCP)	Area modified to include only areas of medium and high priority and to exclude the area within the City of Antioch.	Contra Costa County
Point Edith Wetlands Area		EBRPD
Delta Recreation Area		EBRPD
Potential Pinole Watershed Area		EBRPD

Staff Recommendations for Regional Adoption of Priority Conservation Areas

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July 17, 2008

MARIN COUNTY NOMINATIONS

Area Name	Recommendation Notes	Lead Nominating Agency
3rd Valley Creek/Chicken Ranch Beach Conservation Area		Tomales Bay Watershed Council
San Geronimo Valley headwaters of the Lagunitas Watershed and shore of Tomales Bay		Salmon Protection And Watershed Network
Marin County Agricultural Lands		Marin Agricultural Land Trust
Marin City Ridge		National Park Service, Golden Gate National Recreation Area
North GGNRA Lagunitas Creek Parcels		National Park Service, Golden Gate National Recreation Area
Central Marin Ridge lands		Marin County Parks and Open Space Department
North County Gateway		Marin County Parks and Open Space Department
Bothin Waterfront		Marin County Parks and Open Space
Big Rock Ridge Lands		Marin County Parks and Open Space Department
Tiburon Ridge Lands		Marin County Parks and Open Space Department
Bowman Canyon		Marin Conservation League
St. Vincent's and Silveira Properties		Marin Audubon Society/Marin Baylands Advocates

Staff Recommendations for Regional Adoption of Priority Conservation Areas

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Area Name	Recommendation Notes	Lead Nominating Agency
Central Marin Bayfront, Madera Bay Park		Marin Audubon Society/Marin Baylands Advocates
Central Marin Bayfront, Canalways		Marin Audubon Society

NAPA COUNTY NOMINATIONS

Area Name	Recommendation Notes	Lead Nominating Agency
Napa County Agricultural Lands and Watersheds		County of Napa
Blue Oak Woodlands of the Lake District		Napa County Regional Park and Open Space District
Interior Mountains – Moore Creek to Milliken Creek		Napa County Regional Park and Open Space District
Palisades—Mt St Helena to Anqwin		Napa County Regional Park and Open Space District
Southern Mountains -- Skyline Park to Newell Preserve		Napa County Regional Park and Open Space District
Napa Valley - Napa River Corridor	Area modified to be consistent with City of American Canyon General Plan	Land Trust of Napa County
Bothe-Napa Valley State Park to Sugarloaf Ridge State Park Priority Conservation Area		Save-the-Redwoods League
Redwood & Dry Creek Watersheds Priority Conservation Area		Save-the-Redwoods League
Lake Curry/Suisun Creek Watershed		Napa County Regional Park and Open Space District

SANTA CLARA COUNTY NOMINATIONS

Area Name	Recommendation Notes	Lead Nominating Agency
Upper Stevens Creek Watershed Area		Midpeninsula Regional Open Space District
Upper Los Gatos Creek Watershed		Midpeninsula Regional Open Space District
East Berryessa Foothills		Santa Clara County Parks & Recreation Department
Alum Rock Foothills		Santa Clara County Parks & Recreation Department
Joseph D. Grant to Coyote Ridge		Santa Clara County Parks & Recreation Department
East Coyote Foothills to Almaden Quicksilver	Removed the overlap with Coyote Valley Specific Plan Area	Santa Clara County Parks & Recreation Department
Anderson/Coyote Connection		Santa Clara County Parks & Recreation Department
East Gilroy Foothills		Santa Clara County Parks & Recreation Department
South County Regional Trail Connection		Santa Clara County Parks & Recreation Department
Lexington Hills		Santa Clara County Parks & Recreation Department
Sanborn Skyline		Santa Clara County Parks & Recreation Department
Baylands		Santa Clara County Parks & Recreation Department
Soap Lake	Recommendation is only for the portion within the Bay Area region, although the natural area extends beyond	The Nature Conservancy
Rancho Canada		Santa Clara County Open Space Authority

Staff Recommendations for Regional Adoption of Priority Conservation Areas

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July 17, 2008

Area Name	Recommendation Notes	Lead Nominating Agency
South County Agriculture		Santa Clara County Open Space Authority
Pescadero/Tar Creek		Santa Clara County Parks & Recreation Department
Paradise Valley to Calero		Santa Clara County Parks & Recreation Department

SAN FRANCISCO CITY AND COUNTY NOMINATIONS

Area Name	Lead Nominating Agency
Aquavista/Twin Peaks	City of San Francisco Planning Department
Palou-Phelps, Bayview	City of San Francisco Planning Department
Sutro Tower, Inc	California Native Plant Society Yerba Buena Chapter
Bayview Hill radio property	California Native Plant Society Yerba Buena Chapter

SOLANO COUNTY

Area Name	Lead Nominating Agency
Vacaville-Fairfield-Solano Greenbelt and Cement Hill	City of Fairfield
Western Hills (including part of the Vallejo Lakes Property)	Solano County
Tri City and County Cooperative Planning Area	Solano County
Blue Ridge Hills (Vaca Mountains)	Solano County

Staff Recommendations for Regional Adoption of Priority Conservation Areas

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July 17, 2008

SAN MATEO COUNTY

Area Name	Recommendation Notes	Lead Nominating Agency
Montara Mountain Complex	Excluding the El Granada, Moss Beach, and Montara urban areas.	Peninsula Open Space Trust
Lobitos Ridge Corridor		Peninsula Open Space Trust
Gateway to the San Mateo County Coast		Midpeninsula Regional Open Space District
Pacifica Conservation Area: South of Mussell Rock to McNee Ranch State Park		National Park Service, Golden Gate National Recreation Area
Upper San Gregorio Creek Headwaters		Midpeninsula Regional Open Space District
San Francisco Watershed Lands to Wilder Ranch State Park Priority Conservation Area		Save-the-Redwoods League

SONOMA COUNTY NOMINATIONS

Area Name	Lead Nominating Agency
Upper Mark West Watershed	Sotoyome Resource Conservation District
Petaluma Watershed Southeastern Portion	Southern Sonoma County Resource Conservation District
Laguna de Santa Rosa	Laguna de Santa Rosa Foundation
Santa Rosa Plain	Laguna de Santa Rosa Foundation

Staff Recommendations for Regional Adoption of Priority Conservation Areas

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Area Name	Lead Nominating Agency
Coastal Sonoma to Armstrong Redwoods	Save-the-Redwoods League
Pitkin Marsh – Atascadero Creek Watershed	Sonoma Land Trust
Sonoma Baylands	Sonoma Land Trust
The Cedars	Sonoma Land Trust
Northern Mayacamas	Sonoma Land Trust
Coastal Access and Resource Protection	Sonoma County Agricultural Preservation and Open Space District
Coastal Agriculture	Sonoma County Agricultural Preservation and Open Space District
Sonoma County Gateway	Sonoma County Agricultural Preservation and Open Space District
Russian River Access	Sonoma County Regional Parks Department
Sonoma Mountain	Sonoma County Agricultural Preservation and Open Space District

MULTIPLE COUNTY NOMINATIONS

Area Name	Recommendation Notes	Lead Nominating Agency
San Francisco Bay Trail – Bay Area Ridge Trail		San Francisco Bay Trail Project
Regional Trails System Gaps	Potential regional trail in San Ramon no longer included as part of this nomination as consistent with the newly adopted 2007 EBRPD Master Plan Map. In Richmond, a General Plan Update is in process, and city cannot support nomination at this time.	East Bay Regional Park District



City of Albany

405 KAINS AVENUE • ALBANY, CALIFORNIA 94706

May 30, 2008

CITY ADMINISTRATOR

PH. (510) 528-5710
FAX (510) 528-5797

CITY ATTORNEY

PH. (510) 528-5858
FAX (510) 526-9190

CITY CLERK

PH. (510) 528-5720
FAX (510) 528-5797

CITY COUNCIL

PH. (510) 528-5720
FAX (510) 528-5797

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FAX (510) 528-8914

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Childcare Program
PH. (510) 559-7220
- Senior Center
PH. (510) 524-9122
FAX (510) 524-8940
- Teen Center
PH. (510) 525-0576

Kenneth Kirkley
Association of Bay Area Governments
P.O. Box 2050
Oakland, CA 94604-2050

Subject: Priority Conservation Area Designation for the Albany Waterfront

Dear Mr. Kirkley:

The City of Albany is writing with respect to the staff recommendation not to designate the Albany Waterfront as a Priority Conservation Area. The City of Albany feels strongly that the City's Albany Waterfront nomination meets the PCA program criteria as originally described by ABAG, that it is of key regional conservation significance, and urges reconsideration of the recommendation. The features of the Albany Waterfront include its highly visible location in the central Bay, ecological importance of the beach areas, creeks, wetlands and salt marshes, habitats for wildlife, and linkages with the Bay Trail and with public lands in the Eastshore State Park.

The ABAG staff recommendation is correct in that the City has initiated a planning process for the Albany Waterfront. One of the objectives of the planning process is to create a vision for the future character of privately owned-lands at the Albany Waterfront. It is important to understand, however, that there is broad consensus of support for the protection and enhancement of the beach and shoreline, creeks, wetlands, and marsh areas of the waterfront. The PCA nomination has been described potentially as a key consideration in the distribution of conservation funding in the Bay Area, and this important area should not be viewed as less competitive in seeking these funds as a result of pro-actively initiating our planning process.

The City recognizes, and is strongly supportive of other PCA nominations from the East Bay Regional Park District and the San Francisco Bay Trail that include portions of the Albany Waterfront. From our perspective, their nominations are very general in nature, and involve numerous potential projects, and that do not address all of the potential conservation activities on the Albany Waterfront.

Thank you for your consideration of our request.

Sincerely,

Beth Pollard
City Administrator



LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE

Committee Chair: Supervisor Pete McHugh – County of Santa Clara

Committee Vice Chair: Councilmember Carole D. Knutson – City of Novato

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, July 17, 2008 – 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 May 15, 2008, L&GO meeting.	Information/ Action
3.	Update on AB 2954 Lieber & Hancock: San Francisco Bay Restoration Authority	Information/ Action
4.	2008 LEGISLATIVE SESSION—BILLS FOR REVIEW ** Discuss the following bills from 2008 Legislative Session: AB 2280 Saldana & Caballero: Density Bonus SB 303 Ducheny: Local Government—Land Use Planning AB 2513 Caballero: Housing and Emergency Shelter Trust Fund of 2006—Allocation of Funds—Regional Housing Need Share AB 2347 Ruskin: Mercury-added Thermostats—Collection Program AB 2939 Hancock: Building Standards—Green Buildings—Local Variances AB 1654 Huffman: Integrated Regional Water Management Planning Act Update status of bills previously considered and reconsider the following due to changes/amendments: AB 842 Jones: Regional Plans—Traffic Reduction AB 1634 Levine: California Healthy Pets AB 2069 Jones: Local Planning—Residential Planning AB 2093 Jones: General Plan—Mandatory Elements—Climate Change SB 1118 Negrete McLeod: Airports—Airport Land Use Commission	Information/ Action
5.	ADJOURNMENT Next meeting is scheduled for September 18, 2008.	Action
	<i>Agenda and other written materials are available at ABAG/Frontdesk, 101 8th Street, Oakland, or at http://www.abag.ca.gov/meetings -- Legislation and Governmental Organization Committee</i>	

* 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 AND GOVERNMENTAL ORGANIZATION COMMITTEE
ASSOCIATION OF BAY AREA GOVERNMENTS

Thursday, May 15, 2008

Summary Minutes

Members Present:

Councilmember Dan Furtado, City of Campbell
Supervisor Rose Jacobs Gibson, County of San Mateo, ABAG President
Vice Mayor Surlene Grant, City of San Leandro
Supervisor Scott Haggerty, County of Alameda
Supervisor Mike Kerns, County of Sonoma
Councilmember Carole D. Knutson, City of Novato, *Vice Chair*
Supervisor Barbara Kondylis, County of Solano
Mayor Gwen Regalia, City of Walnut Creek
Councilmember Arne Simonsen, City of Antioch
Mayor Mark Green, Union City, ABAG Vice President
Supervisor Mark Luce, County of Napa

Staff Present:

Henry Gardner—ABAG
Ken Moy--ABAG
Laura Thompson – ABAG
Kathleen Cha – ABAG

1. Introductions: Vice Chair Councilmember Carole D. Knutson opened the meeting at 3:40.

2. Minutes: March 20, 2008, minutes were approved.

3. Reconsideration of AB 2094 (DeSAULNIER): San Francisco Bay Conservation and Development Commission

After a lengthy discussion that included comments from Will Travis for BCDC, *the committee moved to Support AB 2094 with the following amendment: that the 7 representatives appointed by BCDC would have a majority of elected officials. (e.g. 4 elected- 3 non elected)*

4. Eminent Domain Propositions 98 and 99

Amy O'Gorman, Regional Manager, League of California Cities, provided a brief overview of Propositions 98 and 99.

Motion: The committee moved to recommend opposing Proposition 98, and supporting Proposition 99.

5. 2008 Legislative Session—Bills for Review

The following bills were discussed and the L&GO Committee recommended the following actions and positions:

AB 2954 Lieber & Hancock: San Francisco Bay Restoration Authority

Before taking a position on this bill, the Committee moved to have President Rose Jacobs Gibson appoint a sub committee to meet further with bill sponsor Save the Bay Executive Director Dave Lewis who was present at this meeting, and follow-up with legislators to clarify issues and concerns about the set up of the Authority, funding, and ABAG's role.

It was recommended that a representative of the Bay Trail would be included in this subcommittee.

The Committee Recommended Support for the following bills:

AB 38 Nava: Department of Emergency Services and Homeland Security

Would consolidate the offices of Emergency Services and Homeland Security into a new department to be headed by a Secretary of Emergency Services and Homeland Security need allocation (RHNA) share during a planning period, to count the excess units toward meeting its share in the subsequent planning period.

SB 900 Corbett: Mobile Home Parks— Conversion

Would close the loophole within rental to resident ownership conversion of mobile homes to ensure adequate local scrutiny and to allow local rent control ordinances to keep mobile homes at an affordable rate.

SB 1731 Yee: Vehicles—Fees—Metropolitan Transportation Commission: Congestion Mitigation:

Authorizes MTC to add a \$1 surcharge to the motor vehicle registration fee for congestion mitigation purposes in the nine Bay Area counties. Sponsor is MTC.

The Committee recommended Oppose positions for the following bills:

AB 2093 Jones: General Plan—Mandatory Elements

Would require that policies to reduce emission of greenhouse gases be required in six of seven mandatory elements of general plans. Bill is premature and unwarranted since policies are still being formed and that these issues will be part of the implementation of AB 32.

AB 3005 Jones: Community Development Mitigation Fees

Do not support reducing traffic impact fees based on general and vague criteria related to reduction of car trips generated due to a proposed housing development

Position Pending:

AB 2280 Saldana & Caballero: Density Bonus: Position pending

Because of the complexity and scope of the technical changes and clarifying requirements proposed for current Density Bonus law contained in this bill, the committee requested that additional briefing and discussion be provided at the next L&GO meeting.

SB 1732 Romero: Local Agencies— Position pending clarification of bill's intention

SB 1124 Com/Local Governments: Local Government Omnibus Act of 2008 – No position-neutral

AB 2513 Caballero: Housing and Emergency Shelter Trust Fund of 2006—

Allocation of Funds—Regional Housing Need Share: Did not finalize position—Ran out of time

6. Adjourn: The meeting adjourned at 5 p.m. The next meeting is scheduled for July 17, 2008.



MEMO

To: Legislation & Governmental Organization Committee
Association of Bay Area Governments

Fr: Kenneth K. Moy
Legal Counsel

Re: AB 2954 (Leiber) – SF Bay Restoration Authority

Dt: July 3, 2008

UPDATE

At the May meeting, the Legislation & Governmental Organization Committee (L&GO) delegated responsibility for taking a position on AB 2954 to a subcommittee to be formed by President Rose Jacobs Gibson. A subcommittee comprised of President Rose Jacobs Gibson, Supervisors John Gioia and Scott Haggerty, Councilmember Carol Dillon-Knutsen, Mayor Gwen Regalia and Councilmember Arne Simonson convened by teleconference on June 4. The subcommittee voted unanimously to support the bill. A letter of support dated June 13 was sent to the author and copied to the Bay Area delegation.

On May 23, AB 2954 was voted out of the Assembly and referred to the Senate Committee on Local Government. At its June 25, hearing, the bill passed out of the committee on a party line vote of 3-2. The bill is now before the Senate Rules Committee.

Staff understands that the bill was amended by the Senate Committee on Local Government. The provision that names the executive director of the State Coastal Conservancy as chair of the governing body of the SF Bay Restoration Authority is deleted. Instead, ABAG is given the power to appoint a “resident of the Bay Area” as chair.



ASSOCIATION OF BAY AREA GOVERNMENTS
 Representing City and County Governments of the San Francisco Bay Area

LEGISLATION
2008 State Legislative Session
Legislation & Governmental Organization Committee
July 2, 2008

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
*NEW BILLS					<u>Bold Face/Shading in Legislation Summary indicates change/ amendments.</u>
		<i>Bills to be reviewed are listed in numeric order with Assembly bills listed first, followed by Senate bills</i>			
		ASSEMBLY BILLS			
AB 38 Nava	State Agencies: Department of Emergency Services and Homeland Security	SEN Appropriations Committee	Support CSAC Support LCC Support	Support	The bill would consolidate the offices of Emergency Services and Homeland Security and create in state government a new Department of Emergency Services and Homeland Security, to be headed by a Secretary of Emergency Services and Homeland Security. Would streamline governance of existing OES and OHS functions. Vests new department with responsibility of overseeing and coordinating emergency preparedness, response, recovery, and homeland security activities. This would also allow persons employed by the new department to have access to state summary criminal history information maintained by Department of Justice, and exempt certain documents maintained by the new department. <i>Recommendation being considered: bill be amended to require that as part of the 2009-10 Budget, the Dept. of Emergency Services and Homeland Security propose a spending and staff consolidation plan</i>
AB 842 Jones	Regional Plans: Traffic Reduction	SEN Appropriations Com. Hearing 7/7/08	Oppose MTC Oppose unless amended CSAC Pending LCC Watch	OPPOSE Oppose (9/20/07)	Amended 6/24/08: Existing law, the Housing and Emergency Shelter Trust Fund Act of 2006, authorizes the Department of Housing and Community Development to administer the Infill Incentive Grant Program of 2007, to fund selected capital improvement projects that are an integral part of, or necessary to facilitate the development of, a qualifying infill project or a qualifying infill area, and specifies the conditions that a qualifying infill project or qualifying infill area must meet to receive a capital improvement project grant award. This bill would additionally require the department to rank applicants for the award of capital improvement project grants

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 2
AB 1634 Levine	California Healthy Pets Act	SEN Appropriations	Watch CSAC Watch LCC Watch	WATCH	<p>based upon a reduction of vehicle miles traveled as a result of the project, as specified.</p> <p>Two Year Bill: amended 1/17/08</p> <p>Would require the California Transportation Commission (CTC) to update its guidelines for preparation of regional transportation plans, including a requirement that each regional Transportation Plan provide for a 10% reduction in the growth increment of vehicle miles traveled. Requires the Department of Housing and Community Development (HCD) give priority to projects located in jurisdictions or regions that have adopted plans that will reduce the amount of vehicle miles traveled by at least 10% when awarding grants under the Infill Incentives Grant Program and the Transit Oriented Development Implementation Program.</p> <p>(One issue: unclear how HCD is supposed to determine whether particular local or regional plan will in fact reduce VMT by 10%)</p>	
					<p>Amended 7/1/08: This bill would increase the fines for a nonspayed or unneutered dog to \$50 for the first occurrence, \$100 for the 2nd occurrence, and would require spaying or neutering of the dog at the owner's expense on the 3rd occurrence. The bill would increase fines for a nonspayed or unneutered cat to \$50 on the first occurrence and would require spaying or neutering of the cat at the owner's expense on the 2nd occurrence.</p> <p>This bill would also provide that the owner of a nonspayed or unneutered dog or cat that is the subject of a complaint to a local animal control agency, as specified, may be cited and, if cited, shall pay a civil penalty to the local animal control agency within 30 days. It would require a local animal control agency to waive the civil penalty if, within 14 business days of the citation, the pet's owner presents written proof from a licensed veterinarian that the dog or cat was spayed or neutered. By increasing the enforcement responsibility of local agencies, this bill would create a state-mandated local program.</p> <p>Two Year Bill: Would prohibit a person from owning a cat or dog that is over six months old unless the animal has been spayed or neutered, or unless the person has an "intact permit." Intact permits are defined as a locally issued annual document that allows a person to own an unaltered cat or dog and are issued by local officials. Six conditions and other exemptions are listed that would qualify owners for an intact permit. Would require local animal control agencies to enforce, conduct outreach efforts, and administer AB 1634 provisions; requires local officials to establish</p>	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 3
*AB 1654 Huffman & Wolk	Integrated Regional Water Management Planning Act	SEN Com. on Rules	Watch		<p>a free and low-cost spay and neuter program (to the extent financing available). Bill requires that civil penalties and permit funding must be used for finance administration, outreach and enforcement activities.</p> <p>This bill would declare the intent of the Legislature to establish principles to guide the implementation of the initiative bond act. The bill would require applicants for funding for projects that assist local public agencies to meet the long-term water needs of the state to identify the manner in which the proposed project will contribute to meeting the performance standards included in the applicable integrated regional water management plan. The bill would require the Department of Water Resources to conduct a study, consistent with an existing provision of the initiative bond act, to determine the status and effectiveness of groundwater management plans and programs. The bill would define administrative costs for the purposes of the initiative bond act. The bill would require the Secretary of the Resources Agency to prepare and submit to the Legislature an annual report with regard to the expenditure of funds pursuant to the initiative bond act.</p> <p>(2) The Integrated Regional Water Management Planning Act of 2002 authorizes a regional water management group, as defined, to prepare and adopt a regional water plan meeting specified requirements. This bill would repeal these provisions of law and enact the Integrated Regional Water Management Planning Act. Regional water management groups, as defined, would be authorized to prepare and adopt integrated regional water management plans meeting specified requirements. The department would be required to develop and adopt guidelines for the preparation of integrated regional water management plans meeting specified requirements. The bill would establish a specified funding preference for regional projects and programs identified in an integrated regional water management plan.</p>	
AB 1756 Caballero	Local Infrastructure Development—Public-Private Partnerships	ASM Business & Professions Com. <i>Failed passage; reconsideration granted</i>	Support CSAC Watch	WATCH	<p>Amended 4/3/08: Would require the Secretary of Business, Transportation and Housing to establish the Office of Local Public-Private Partnerships in the agency to inform local agencies and other interested stakeholders of the role that public-private partnerships can play in financing, constructing, operating, maintaining or managing any combination thereof, fee-producing local infrastructure projects.</p>	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
AB 2000 Mendoza	General Plan: Housing Element	SEN Read Second Time; Amended, to Third Reading	Support in Concept LCC Support in Concept CSAC Pending	SUPPORT	<p>Amended 6/24/08: This bill would allow a local government in which housing units <i>newly</i> constructed <i>during a planning period</i> exceeded, during a planning period, its share of the regional housing need for a particular income level as allocated to that local government for that planning period, or as set forth in the local government's housing element, to count any housing units <i>newly</i> constructed in excess of its share of the regional housing need for an income level toward meeting its share of the 96 regional housing need for that same or a higher income level for the period covered by the subsequent planning period.</p> <p>Previously read: Would allow a local government in which housing units constructed exceeded, during a housing element planning period, its share of the regional housing need for a particular income level as allocated, or in the local government's housing element, to count any housing units constructed in excess of its share of the regional housing need for an income level <i>toward meeting its share of the regional housing need for that same or a higher income level for the period covered by the next planning period.</i></p>
AB 2016 Committee on Housing & Community Develop- ment	Housing Omnibus Bill	SEN Appropriations	Watch CSAC Watch LCC Watch	WATCH	<p>Amended 5/28/08</p> <ol style="list-style-type: none"> 1. Would require council of governments or delegate subregion to adjust allocations of regional housing needs in the proposed final allocation plan based on the results of a specified revision request process. 2. Would authorize grant funds allocated under the CalHome Program to be used for homeownership counseling. 3. Would delete obsolete provisions, correct erroneous, cross references, and make various other technical changes in existing law relating to housing and local land use planning.
AB 2069 Jones	Local Planning: Residential Development	SEN Third Reading	Watch CSAC Support LCC Support	OPPOSE UNLESS AMENDED	<p>Amended: 6/17/08: In addition to housing element law, the "no-net-loss zoning" law requires a city or county to maintain an inventory of adequate sites throughout the housing element planning period and prohibits a city or county from downzoning or permitting a lower residential density on a site that has been identified in the housing element unless the city or county adds zoning capacity for a comparable number of units elsewhere (upzones) or makes findings that the reduction is consistent with the housing element and that remaining sites are adequate to accommodate the jurisdiction's housing need.</p> <p>This bill amends the no-net-loss zoning law to clarify that upzoning or findings are required if fewer units are approved for a particular site than were counted for the site in the housing element.</p>

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 5
AB 2093 Jones	General Plan: Mandatory Elements—Climate Change	SEN Local Government—Set First Hearing, Failed passage—Reconsideration granted	Watch CSAG Oppose LCC Oppose	OPPOSE	<p>Specifically, this bill clarifies the no-net-loss zoning law to specify that the law's provisions are triggered:</p> <ol style="list-style-type: none"> 1) In cities and counties with compliant housing elements when the approval of a project on a site on which the zoning permits residential use results in fewer housing units on the site than were projected in the housing element. 2) In cities and counties with non-compliant housing elements when a project is approved on a residentially zoned site at a density that is lower than 80% of the maximum allowable residential density for that site or when a project is approved on a site that allows both residential and nonresidential uses that would result in the development of fewer than 80% of the number of residential units that would be allowed under the maximum residential density for the site. Would redefine lower residential density of parcels based on adoption of housing element plan and if council of governments fails to complete final housing need allocation, and other stipulations. <p>Amended 6/19/08: This bill would require climate change to be considered in the general plan in policies to achieve the greenhouse gas emission reductions of the California Global Warming Solutions Act of 2006. It would require a city or county to meet the above requirement in any mandatory element or combination of mandatory elements on or before specified dates. This new requirement would not be considered to be an additional element that requires the Office the Planning and Research to adopt guidelines within six months of the effective date of this act. By adding to the elements that local officials are required to include in a general plan, this bill would impose a state-mandated local program.</p> <p>Was: Bill requires that six of the seven mandatory elements of a city or county's general plan give consideration to policies that reduce the emission of greenhouse gases. Additional provisions would be required by the date of the local government's next general plan update or within one year after the next housing element revision is due.</p>	
AB 2094 DeSaulnier & Laird	San Francisco Bay Conservation and Development Commission	SEN Appropriations	Support LCC Watch CSAC Watch	SUPPORT With AMENDMENTS	<p>Amended: 6/17/08 and 7/1/08: This bill would require the San Francisco Bay Conservation and Development Commission to be represented on the joint policy committee with an equal number of committee members as other represented agencies by January 1, 2009, and would require that a majority of the commission's representatives on the committee, on and after January 1, 2011, be locally elected officials. The bill would include the San Francisco Bay Conservation and Development</p>	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 6
AB 2182 Caballero	<p>New bill title: School Facilities</p> <p><i>Was Urban and Community Center Revitalization Program</i></p> <p><i>Was Local Land Use Planning</i></p> <p><i>Was Regional and Local Land Use Plans</i></p>	<p>SEN Local Government Withdrawn from committee; re-referred to Com. on Rules</p>	<p>Support</p> <p>CSAC Pending</p> <p>LCC Watch</p> <p>CALCOG support in concept</p> <p>CSAC Watch</p>	<p>OPPOSE UNLESS AMENDED</p>	<p>Commission in coordinating the development and drafting of major planning documents prepared by the member agencies.</p> <p>Would require by January 1, 2009, that the San Francisco Bay Conservation and Development Commission (BCDC) be represented on the ABAG/MTC/BAAQMD Joint Policy Committee. Would include BCDC in the coordination and drafting of major planning documents. In coordination with other JPC members, other agencies and interested parties would be authorized to develop regional strategies for addressing the impacts of, and adapting to, the effects of sea level rise and other impacts of global climate change on the San Francisco Bay. State mandated local program</p> <p>Amended 6/23/08: Bill addresses under School Facilities Act State Allocation Board construction funding actions/stipulations.</p> <p><i>AMENDED 4/22/08 and 3/12/08: This bill would establish the Urban and Community Center Revitalization Program within the Department of Conservation, and would allocate unspecified sums from the \$90,000,000 made available under the act to the Director of Conservation for distribution as grants to local governments that meet specified criteria. The bill would authorize the director to award grants for specific plans, master environmental impact reports, and charettes. The bill would also require the State Clearinghouse in the Governor's Office of Planning and Research to prepare and develop proposed specified regulations for the implementation of this program</i></p> <p><i>Would establish the Sustainable Communities Regional and Local Land Use Planning Program with the Office of Planning and Research, and would allocate unspecified sums from the \$90million made available under the act for planning grants and incentives for the development of specified regional and local land use plans, for grants and loans to local governments, councils of governments, and other public agencies, subject to specified criteria.</i></p>	
*AB 2280 Saldana & Caballero	<p>Density Bonus</p>	<p>SEN</p> <p>Read Second Time</p>	<p>Support</p> <p>CSAC Support</p> <p>LCC Support</p> <p>APA Support</p>	<p>POSITION PENDING FURTHER REVIEW</p>	<p>Amended 6/18/08: This bill would impose certain procedures on the application for a density bonus and other incentives or concessions.</p> <p>The bill would require a city, county, or city and county to grant a concession or incentive requested by the applicant under existing law unless the city, county, or city and county makes a written finding, based upon substantial evidence, that, among other things, the concession or incentive would be contrary to state or federal law.</p> <p>The bill would delete a requirement that an applicant for a</p>	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 7
					<p>waiver or reduction of development standards show that the waiver or modification is necessary to make proposed housing units economically feasible.</p> <p>The bill would require, as a condition for the granting of a density bonus to a developer in exchange for donating land to a city, county, or city and county for very low income housing, that the local agency identify a source of funding for the very low income units.</p> <p>Contains a number of substantive provisions as well as technical changes aimed at resolving conflicts, clarifying requirements, and restoring balance under the state's Density Bonus Law. For example, clarifies that the density bonus law only applies where a city does not have an inclusionary ordinance or where the developer agrees to include affordable units over and above the inclusionary ordinance. The legislation also adds 10 percent across the board to the threshold of affordable units which must be built to get a local "incentive or concession." Bill only applies to for-profit developers and would not impact nonprofit affordable housing developers.</p>	
*AB 2347 Ruskin	Mercury-added thermostats: Collection Program	SEN Appropriations	Support LCC Support CSAC Support		6/19/08: This bill would enact the Mercury Thermostat Collection Act of 2008 and would require a manufacturer, that owns or owned a name brand of mercury-added thermostats sold in this state before January 1, 2006, to establish and maintain a collection and recycling program for out-of-service mercury-added thermostats.	
AB 2466 Laird	Government Energy Producers	SEN Appropriations	Support LCC Watch	SUPPORT	<p>Amended 6/12/08</p> <p>Would authorize a city, county, city and county, or joint powers agency formed by those jurisdictions to receive a bill credit (as defined) to a benefiting account (as defined) for electricity supplied to the electric grid by an eligible renewable generating facility and requires the Public Utilities Commission to adopt a rate tariff for the benefiting account.</p>	
*AB 2513 Caballero	Housing and Emergency Shelter Trust Fund of 2006: Allocation of Funds—Regional Housing Need Share	ASM Appropriations Held under submission	Support ABAG Sub-Committee Support		Bill would require the Department of Housing and Community Development (HCD) when awarding grants or loans from the Housing and Emergency Shelter Trust Fund to give additional consideration to projects within jurisdictions that have met at least 75% of it total need under the previous regional housing need for the previous housing element planning period as demonstrated by housing units permitted. Sponsor is City of San Jose	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 8
AB 2596 Jones	California Global Warming Solutions Act of 2006: Cities and Counties	ASM Appropriations Set Second hearing; held under submission	Support LCC Oppose CSAC Pending	WATCH	<p>Amended 4/22/08: <i>This bill would require the California Air Resources board to quantify a baseline level of greenhouse gas emissions generated by land use and transportation activities in 2009 for each city and county with a population of at least 50,000. The state board would also be required to develop and make available to cities and counties a model that cities and counties may use to quantify the projected level of greenhouse gas emissions for the period from January 1, 2011, through January 1, 2020, that will be generated from land use and transportation activities for each city and county.</i></p> <p>(<i>Was:</i> Would require the California Air Resources board, on or before January 1, 2011, and January 1, 2020, to quantify the projected annual greenhouse gas emissions generated by each city and county, based on land use and transportation activity data from 2009. Would authorize a city or county, to the extent it reduces its greenhouse gas emissions by 25% of the state board projections, to sell, exchange, or auction its incremental emissions reduction in any open market-based compliance mechanism established by the state board.)</p>	
AB 2744 Huffman	Metropolitan Transportation Commission: Fee—Motor Vehicle Fuel	ASM Transportation Com. Failed passage; reconsideration granted 4/14/08	Watch MTC- No Position CSAC Watch LCC Watch	WATCH	Would authorize MTC to impose a fee on each gallon of motor vehicle fuel, as defined, delivered into the fuel supply tank or tanks of a motor vehicle in the Bay Area region, excluding motor vehicle fuel used to power aircraft, for a 25-year period. Would require MTC to adopt a regional transportation/climate protection expenditure plan for the revenues derived from the fee, if it is imposed. Fee would be levied at a rate established by MTC, but not exceeding \$0.10 per gallon.	
AB 2870 DeSaulnier	Land Use: Environmental Quality	SEN Local Government Set, first hearing—cancelled at request of author	Support CSAC Pending LCC Watch	SUPPORT WITH AMENDMENT	<p>Amended 6/19/08 and 5/23/08: <i>Proposes an 11-member Council with one of the six members appointed to come from the Metropolitan Transportation Commission or the Association of Bay Area Governments, who shall be a member of the governing body for both the Metropolitan Transportation Commission and the Association of Bay Area Governments. It would specify that the California Blueprint Implementation council would perform functions and duties only to the extent that funding is available for that purpose, require the council to seek and authorize it to receive funding from state and nonstate resources, and require the Governor's Office of Planning and Research to provide administrative assistance and support staff to the council.</i></p> <p>Amended 4/10/08: The bill would create the California Blueprint Implementation</p>	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 9
*AB 2939 Hancock	Building Standards: Green Buildings—Local Variances	SEN Read Second Time, amended, re-referred to Appropriations Com.	Support Support Stopwaste.org		Council and would also require the Council to report to the Legislature on state planning matters and specified regional performance measures. The bill would authorize a municipal planning organization or council of governments to adopt a resolution to impose a \$1 motor vehicle registration surcharge on vehicles registered in the entity's jurisdiction that would be collected by the Department of Motor Vehicles and, after deducting its administrative costs, would be transmitted to the entity imposing the surcharge. The bill would require that the surcharge revenue be expended to develop and implement a regional blueprint plan and would specify that 5% of the surcharge revenue be transmitted to the council for performance of its functions. The Council consisting of designated members that would, in part, facilitate implementation of regional blueprint projects. Sponsor is CA Association of Council of Governments	
*AB 2954 Lieber & Hancock	San Francisco Bay Restoration Authority	SEN Appropriations Com.	Watch/ Support; Need Clarification LCC Watch	Proposed an ABAG sub-committee to clarify and address bill concerns	<p>This bill would specifically authorize a city, county, or city and county to make changes or modifications in the building standards proposed by the department and approved by the commission, to permit the city, county, or city and county to implement one or more green building standards, guidelines, and rating systems, as defined, if the change or modification does not permit use of a building standard that is less stringent than those otherwise permitted under existing law.</p> <p>Amended 7/1/08 and 6/12/08: The act would establish a governing board of the authority composed of a resident of the San Francisco Bay Area, as defined, who would be required to serve as chair, and specified local governmental officials, impose membership requirements for the board, and require the board to, among other things, establish policies for the operation of the authority and convene a Bay Restoration Advisory Committee to assist and advise the board in carrying out its functions.</p> <p>Under definitions adds "(e) 'Elected official' means an elected member of a city council or an elected member of a county board of supervisors."</p> <p>Establishes the San Francisco Bay Restoration Authority as an entity or regional government to raise and allocate resources for the restoration, enhancement, protection and enjoyment of wetlands and wildlife habitat in San Francisco Bay and along its shoreline. Sponsor is Save the Bay.</p>	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 10
AB 3005 Jones	Community Development: Mitigation Fees	ASM Third Reading	Watch LCC Oppose	OPPOSE	<p>Amended 7/1/08: This bill would require a local agency, when establishing, increasing, or imposing as a condition of approval of a development project an impact fee for mitigating vehicular traffic impacts of a housing development, to set the fee, or the portion thereof relating to vehicular traffic impacts, at a rate that reflects a lower rate of automobile trip generation if the housing development meets specified criteria.</p> <p>Was: Would require a local agency when assessing traffic impact fee for a housing development, establish the fee at a rate that reflects a reduction of automobile trip generation if the housing development meets specified criteria, unless the local agency finds that the development would not significantly reduce automobile trip generation.</p>	
ACA 10 Feuer	Bonded Indebtedness: Local Government—Transportation Infrastructure	ASM To Committees Local Government and Appropriations	Support CSAC Support LCC Watch	SUPPORT	<p>Would create an additional exception to the 1% limit on ad valorem tax on real property for a city, county or city and county to pay bonded indebtedness, incurred to fund specified transportation infrastructure that is approved by 55% of the voters within the jurisdictions. Would lower to 55% the voter approval threshold for city, county, city and county to impose, extend, or increase any special tax for the purpose of paying the principal, interest, and redemption charges on bonded indebtedness incurred to fund specified transportation infrastructure.</p>	
AB 94 Levine	Public Utilities: Local Publicly Owned Electric Utilities—Renewable Energy Resources Was Renewable Energy	SEN Com. Energy Utilities & Commerce	1/17 with amendments —No Position <i>(Before amendments: Support in Concept)</i> LCC Watch CSAC Watch	No Position	<p>Amended 6/10/08 and 1/7/08: Eliminates and amends sections of the Public Utilities Code that reference the Public Utilities Holding Company Act of 1935 (PUHCA), which was repealed by the federal energy Policy Act of 2005. This is a code clean-up bill and makes a number of technical changes to various provisions of the state law relating to public utilities. In addition clarifies that any reference to Energy Commission means the State Energy Resources, Conservation and Development Commission, its formal name. (Committee Hearing 1/14—it was stated that all provision are non-substantive and without opposition, and that relevant regulatory agencies have been consulted and expressed no concerns.)</p> <p><i>Would revise intent language of Renewable Energy Resources Program so that the amount of electricity generated per year from eligible renewable energy resources is increased from at least 20% to at least 33% by 12/31/2020. Would require that each retail seller increase its total procurement of eligible renewable energy resources by at least an additional 1% of retail sales so that 33% or its retail sales are procured from eligible renewable energy resources no later than December 31, 2020.</i></p>	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
	SENATE BILLS				
*SB 303 Ducheny	Local Government: Land Use Planning	ASM Read Second Time; amended; re-referred to Appropriations Committee	Watch CSAC Oppose unless amended (6/9)		<p>Amended 7/1/08: This bill would require a transportation planning agency with a population exceeding 200,000 persons, (A) to prepare an initial planning scenario, as specified, and an alternative planning scenario, as specified, (B) to adopt and publish procedures governing the preparation and adoption of the initial planning scenario and the alternative planning scenario, as specified, and (C) to submit, at least 90 days prior to circulation of the draft regional transportation plan, the initial planning scenario and the alternative planning scenario and accompanying report to the State Air Resources Board, as specified. These additional duties would impose a state-mandated local program. The State Air Resources Board would be required to hold a public hearing and issue a written report determining whether either the initial planning scenario or the alternative planning scenario will inhibit the state from achieving its goals under the California Global Warming Solutions Act of 2006. A city or county would be authorized to create one or more transportation infill areas, as specified.</p> <p>This bill would revise the time period for the statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing. The timeframe for calculating and distributing the 4th and subsequent revisions of the housing element would be revised, as specified. Each local government within a regional transportation planning agency or a local transportation commission instead would be required to revise the housing element, as appropriate but not less than every 8 years, to reflect the adoption of the regional transportation plan. Every other local government would be required to revise the housing element not less than every 10 years to reflect the adoption of the regional transportation plan.</p>
SB 375 Steinberg	Transportation Planning: Improved travel models—Sustainable Communities Strategy—Environmental Review	ASM: Appropriations Committee	2008: recommmend Support MTC Support (was Watch 2007) CSAC 8/17/07	Support if amended Changed to WATCH 7/19 Was SUPPORT IN CONCEPT	<p>Amended 3/24/08 Would require the California Transportation Commission by July 2009 to adopt guidelines for travel demand models used in the development of regional transportation plans (RTP); would require the RTP for specified regions to include a sustainable communities strategy designed to achieve certain goals for the reduction of greenhouse gas emission from automobiles and light trucks in a region. Would require certain transportation planning and programming activities by affected regional agencies to be consistent with the sustainable communities</p>

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 12
			<p>oppose</p> <p>LCC Oppose 8/9/07</p>		<p>strategy, but would state that certain transportation projects programmed for funding on or before December 31, 2011, are not required to be consistent with the sustainable communities strategy. To the extent the sustainable communities strategy is unable to achieve the greenhouse gas emission reduction targets, the bill would require that the affected regional agencies to prepare a supplement to the strategy that would achieve the targets through alternative development patterns or additional transportation measures.</p> <p><i>As amended 9/12/07 with additional clarifying amendments expected in February:</i></p> <p>This bill provides a framework for regional transportation and land use planning, with the overall goal of reducing greenhouse gas emissions attributable to the transportation sector in California. Key provisions require the larger regional transportation planning agencies to develop more sophisticated transportation planning models and regional development patterns, and better account for how changes in transportation investments and land use affect reduction of greenhouse gas emissions.</p>	
<p>SB 900 Corbett</p>	<p>Mobilehome Parks: Conversion</p>	<p>ASM Housing and Community Development</p> <p>Hearing 6/11 for testimony</p>	<p>Support</p> <p>LCC Support</p> <p>CSAC Support</p>	<p>SUPPORT</p>	<p>Amended 5/27/08: SB 900 would extend rent protections that are provided to low-income non-purchasing residents under existing law to median income households and prevent post conversion pass-through costs from being passed on to these non-purchasing residents. Non-purchasing residents who are above moderate income would be given six years rather than the four years currently required under existing law before their rent reached market rate. Additionally, HCD's income guidelines would be used to determine eligibility for those residents who decide not to purchase their lot. The author states, SB 900 strikes a much needed balance by allowing owner and resident initiated conversions while continuing to permit local regulation of such conversions and providing stronger state rent protections for non-purchasing residents.</p> <p>This bill would close a loophole within rental to resident ownership conversion of mobile homes, but maintain current reporting requirements which are subject to local approval. Currently some mobilehome park owners are abusing the resident-conversion exemption as a loophole that allows them to subdivide and sell their lots without being subject to adequate local scrutiny. Additionally, the appraisal methods used by some owners, under the current law, allow them to inflate the true cost of the lots that are being converted. As a result, after the first lot is sold, the</p>	

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
SB 1118 Negrete McLeod	Airports: Airport Land Use Commissions	ASM Appropriations Committee Hearing 7/1/08	Watch CSAC Watch LCC Watch	OPPOSE	<p>property is no longer subject to local rent control and the costs of the lots are usually well beyond a resident's ability to afford. Eliminating the loophole would allow local rent control ordinances to keep mobile homes at an affordable rate.</p> <p>Amended 6/12/08: This bill would eliminate the authority of the board of supervisors of a county in which an airport is located that is operated for the benefit of the general public that is not served by a scheduled airline, to adopt a resolution declaring that the county is exempt from establishing an airport land use commission. The bill would provide that if a county has only one airport that (1) is not served by a scheduled airline, (2) is operated for the benefit of the general public, and (3) is owned by a city, then the city owning the airport is required to establish the airport land use commission and the bill would provide for the composition of the commission. The bill would limit the authority of a board of supervisors and city selection committee of mayors to designate a body to assume the planning responsibilities of an airport land use commission. The bill would make other conforming changes and would delete certain obsolete provisions. By eliminating the authority of the board of supervisors to adopt a resolution declaring that the county is exempt from establishing an airport land use commission and limiting the authority of a board of supervisors and city selection committee of mayors to designate a body to assume the planning responsibilities of a commission, the bill would impose a state-mandated local program by requiring a higher level of service.</p> <p>Amended 4/23/08 and Amended 3/12/08: The bill would, beginning January 1, 2010, <i>limit</i> the authority of a board of supervisors and city selection committee of mayors to designate a body to assume the planning responsibilities of an airport land use commission. The bill would make other conforming changes and would delete certain obsolete provisions. By eliminating the authority of the board of supervisors to adopt a resolution declaring that the county is exempt from establishing an airport land use commission and <i>limiting</i> the authority of a board of supervisors and city selection committee of mayors to designate a body to assume the planning responsibilities of a commission, the bill would impose a state-mandated local program by requiring a higher level of service.</p> <p>1/24/08: Would eliminate the authority of the board of supervisors of a county in which an airport is located that is</p>

	<p>operated for the benefit of the general public that is not served by a scheduled airline, to adopt a resolution declaring that the county is exempt from establishing an airport land use commission. Would repeal the authority of a board of supervisors and city selection committee of mayors to designate a body to assume the planning responsibilities of an airport land use commission; and makes other conforming changes. Would impose a state-mandated local program by requiring a higher level of service.</p>						
<p>SB 1124 Committee on Local Government</p>	<p>Amended 5/1/08 Would combine into one bill a number of "minor, non-controversial statutory changes relating to local governments." For example: would repeal requirement of local governments to provide annual statements of investment policies and quarterly investment reports to the California Debt and Investment Advisory Commission; would designate an entity formed by the regional planning authority as a nonprofit public benefit corporation, designated as a consolidated transportation services agency, under the Social Service Transportation Improvement Act, for the purposes of liability; would delete a series of special tax authorizations and instead authorize local governments to levy voter-approved special taxes as specified for the same purposes. Would also extend authorizations to issue securitized limited obligation notes, address exemptions from requirements of Subdivision Map Act, and authorize a special business license tax.</p>	<p>NO POSITION</p>	<p>Watch LCC Watch CSAC Neutral</p>	<p>ASM Local Government Committee</p>	<p>Local Government Omnibus Act of 2008</p>		
<p>SB 1165 Kuehl</p>	<p>Amended 5/10/08 Would require communications between project applicant and the public agency or the preparers of EIR to be in writing, or recorded in writing. Would authorize the public agency to make available to members of the public preliminary drafts of EIR, negative declaration or mitigated negative declarations that are circulated among the project applicant and any public agencies prior to their official release for public comments. Would require a lead agency or a responsible agency to prepare a subsequent or supplemental EIR for a project if the certification of the prior EIR is more than 5 years old. Would be required to treat this old EIR as an uncertified, draft EIR that must be re-circulated for public review and comment. Would increase the level of service provided by a local agency, thereby imposing a state-mandated local program. No reimbursement is required.</p>	<p>OPPOSE</p>	<p>Watch CSAC Pending LCC Oppose</p>	<p>SEN Third Time; refused passage</p>	<p>Environment: Environmental Impact Report</p>		
<p>SB 1508 Corbett</p>	<p>Amended 6/19/08: This bill requires the Department of Housing and Community Development (HCD) to prepare guidelines and standards for the seismic strengthening of sill plates and cripple walls for light wood frame residential buildings. Specifically, the bill: 1) Requires the guidelines and standards to be prepared prior</p>	<p>SUPPORT</p>	<p>Support LCC Watch CSAC Watch</p>	<p>ASM Appropriations Hearing 7/2/08</p>	<p>Seismic Safety Standards: Strengthening Standards</p>		

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
SB 1731 Yee	Vehicles: Fees—Metropolitan Transportation Commission—Congestion Mitigation	SEN Third Reading Refused passage; motion to reconsider granted	Support MTC Support	SUPPORT	<p>to January 1, 2010.</p> <p>2) Requires that HCD prepare the guidelines in consultation with the Building Standards Commission, Division of the State Architect, the Contractors' State Licensing Board, the California Council of American Institute of Architects, and a variety of other organizations.</p> <p>3) Requires that the guidelines be submitted to (a) the International Code Council by July 1, 2010 for consideration and adoption into the model codes, and (b) to the Building Standards Commission by January 1, 2012 for approval.</p> <p>4) Requires the Contractor's Licensing Board to update examinations for both a general contractor's license and a carpentry and framing license to ensure that applicants have sufficient knowledge to perform a the seismic strengthening of cripple walls.</p> <p>Would require HCD, in consultation with designated entities, to develop guidelines and standards prior to January 2, 2010, for seismic repairs of cripple walls of residential buildings and to publish a commentary explaining the guidelines and standards by that date. Would require the California Building Standards Commission to adopt, approve, codify, and publish the guidelines and standards in the California Building Standards Code prior to July 2, 2011, and to submit them to the International Code Council prior to August 1, 2011; Would also require the Contractors' State License Board to adopt a training and testing program prior to August 1, 2011, for special license classification for the seismic retrofit of cripple Walls. Would appropriate an unspecified amount from the Earthquake Loss Mitigation Fund to HCD for the purposes of developing the seismic retrofit guidelines and standards. <i>Bill sponsored by City of Oakland with ABAG</i></p> <p>Authorizes MTC to add a \$1 surcharge to the motor vehicle registration fee for congestion mitigation purposes in the nine Bay Area counties. Sponsor is MTC.</p>
*SB 1732 Romero	Local Agencies	Enrolled 6/24 to Governor	Watch CSAC Watch LCC Watch	POSITION PENDING	<p>6/20/08: Prohibits a majority of the members of a legislative body from using a series of communications of any kind, directly or through intermediaries, to discuss, deliberate or take action on any item of business that is required by the Ralph M. Brown Act (Brown Act) to be conducted in public. Specifically, this bill:</p> <p>1) States, under the Brown Act, that "meeting" means any</p>

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 16
					<p>congregation of a majority of the members of a legislative body at the same time and location, including teleconference locations as permitted, to hear discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.</p> <p>2) Prohibits a majority of the members of a legislative body from through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.</p> <p>3) Specifies that the prohibition listed above shall not be construed as preventing an employee or official of a local agency from engaging in separate conversations or communications outside of a Brown Act meeting with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.</p> <p>4) States that the Legislature declares that it disapproves the court's holding in <i>Wolfe v. City of Fremont</i> (2006) 144 Cal. App.4th 533, 545, fn.6, to the extent that it construes the prohibition against serial meetings by a legislative body of a local series of individual meetings by members of a body actually result in a collective concurrence to violate the prohibition rather than collective concurrence as a violation of the prohibition.</p> <p>5) States that it is the intent of the Legislature that changes made in this measure supersede the court's holding in <i>Wolfe</i>.</p> <p>6) Prohibits a local agency from discriminating between, or among, members of a legislative body with regard to accessing a writing of the body or of the agency.</p> <p>Amended 4/24/08</p> <p>Would prohibit a majority of members of a legislative body of a local agency from using a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body. Would state the Legislature's declaration that it disapproves the holding of the appellate court in <i>Wolfe v. City of Fremont</i> (2006), "to the extent that it construes the prohibition on serial meetings and would state its intention that the changes made in this bill supersede the holding."</p>	



A G E N D A

ABAG FINANCE AND PERSONNEL COMMITTEE

Thursday, July 17, 2008, 5:00 p.m.
 ABAG Conference Room
 MetroCenter—101 Eighth Street
 Oakland, CA

<u>Est. Time in Min.</u>		<u>Recommendation</u>
2	1. Public Comments	Information
2	*2. Minutes of the May 15, 2008 Meeting	Action
10	*3. Financial Reports – ABAG <i>The May 2008 reports are enclosed with the agenda packet. The preliminary June 30, 2008 year-end reports will be presented at the September meeting.</i>	Action
5	4. Introduction of New Finance Director <i>We are pleased to introduce ABAG’s new finance director Herbert Pike to the Committee.</i>	Information
THE FOLLOWING ITEM WILL BE DISCUSSED IN CLOSED SESSION PURSUANT TO THE REQUIREMENTS OF THE RALPH M. BROWN ACT.		
20	8. Public Employee Performance Evaluation <i>Title: Legal Counsel</i>	Action
	5. Adjournment	Action

- Attachments enclosed with packet.

Copies of attachments can be obtained at the Receptionist’s desk of the ABAB Offices, or on-line at:
<http://www.abag.ca.gov/meetings>



ABAG FINANCE AND PERSONNEL COMMITTEE

Summary Minutes

May 15, 2008

Members Present

Supervisor Scott Haggerty, Chair
Mayor Gwen Regalia, Vice Chair
Supervisor John Gioia
Supervisor Rose Jacobs Gibson
Mayor Mark Green
Supervisor Mike Kerns

Jurisdiction

County of Alameda
City of Walnut Creek
County of Contra Costa
County of San Mateo
City of Union City
County of Sonoma

Members Absent

Vice Mayor David Cortese
Supervisor Barbara Kondylis
Supervisor Peter McHugh

City of San Jose
County of Solano
County of Santa Clara

Officers and Staff Present

Joseph Chan, Finance Director
Henry Gardner, Executive Director
Patricia Jones, Assistant Executive Director
Kenneth Moy, Legal Counsel

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

1. There were no public comments.
2. Minutes of the March 20, 2008 meeting were approved as presented.
/M/Gibson/S/Regalia/C/
3. Chan summarized the March and April 2008 financial reports for ABAG.
/M/Gioia/S/McHugh/C/ to approve.
4. Committee discussed a proposed performance evaluation process for the Legal Counsel.
The performance evaluation will be conducted at the July meeting.
5. Meeting was adjourned at 5:30 p.m.

TO: Finance and Personnel Committee

DT: July 2, 2008

FM: Herbert Pike, Finance Director 

Re: Financial Reports
--May 2008

The following are highlights of the financial reports for May 2008.

Cash on Hand (Figure 1)

Cash on hand increased from about \$1.4 million on April 30 to \$2.0 million on May 31. The May balance includes approximately \$897 thousand invested in the Local Agency Investment Fund (LAIF). Currently, ABAG does not hold any other investments. The current cash balance is reasonable for this time of the year.

Receivables (Figure 2)

Receivables from grant and service programs amounted to about \$2.2 million on May 31, compared to \$3.0 million a month ago. These balances in receivables are reasonable with respect to the volume of business.

Actual vs. Budgeted Expenses (Figure 9)

Total expenses on May 31 amounted to about \$15.7 million, or 76.0% of the approved budget of \$20.6 million for FY 07-08.

Actual vs. Budgeted Revenues (Figure 10)

At May 31, total revenues amounted to about \$15.8 million, or 75.4% of the approved budget of \$20.9 million for FY 07-08.

Both revenues and expenses are below budget at the end of May 2008 (91.7% of the fiscal year). These positions are largely due to the timing of consultant and sub-contractor expenses that are grant funded. These are typically multi-year programs and their budget balances at fiscal year-end will be carried forward to the following year.

Fund Equity (Figure 5)

As of May 31, general fund equity was approximately \$868 thousand. The agency's restricted fund equity, consisting of building bond interest, capital, self-insurance and building maintenance, amounted to \$510 thousand.

Indirect Cost (Figure 6)

The agency's actual indirect cost (overhead) rate averaged 43.0% of direct labor cost as of May 31, or about 98.9% of the budgeted rate of 43.49% for FY 07-08. We believe the actual overhead rate will be close to the budgeted rate at the end of the current fiscal year.

Overall (Figures 3, 4, 7 & 8)

At May 31, the agency realized a year-to-date surplus of about \$69 thousand (0.4% of actual revenues). At one month before the end of FY 07-08, we believe the year will conclude with a modest surplus. Based on our latest financial forecast for FY 08-09, we are cautiously optimistic that next fiscal year appear to be adequately funded.

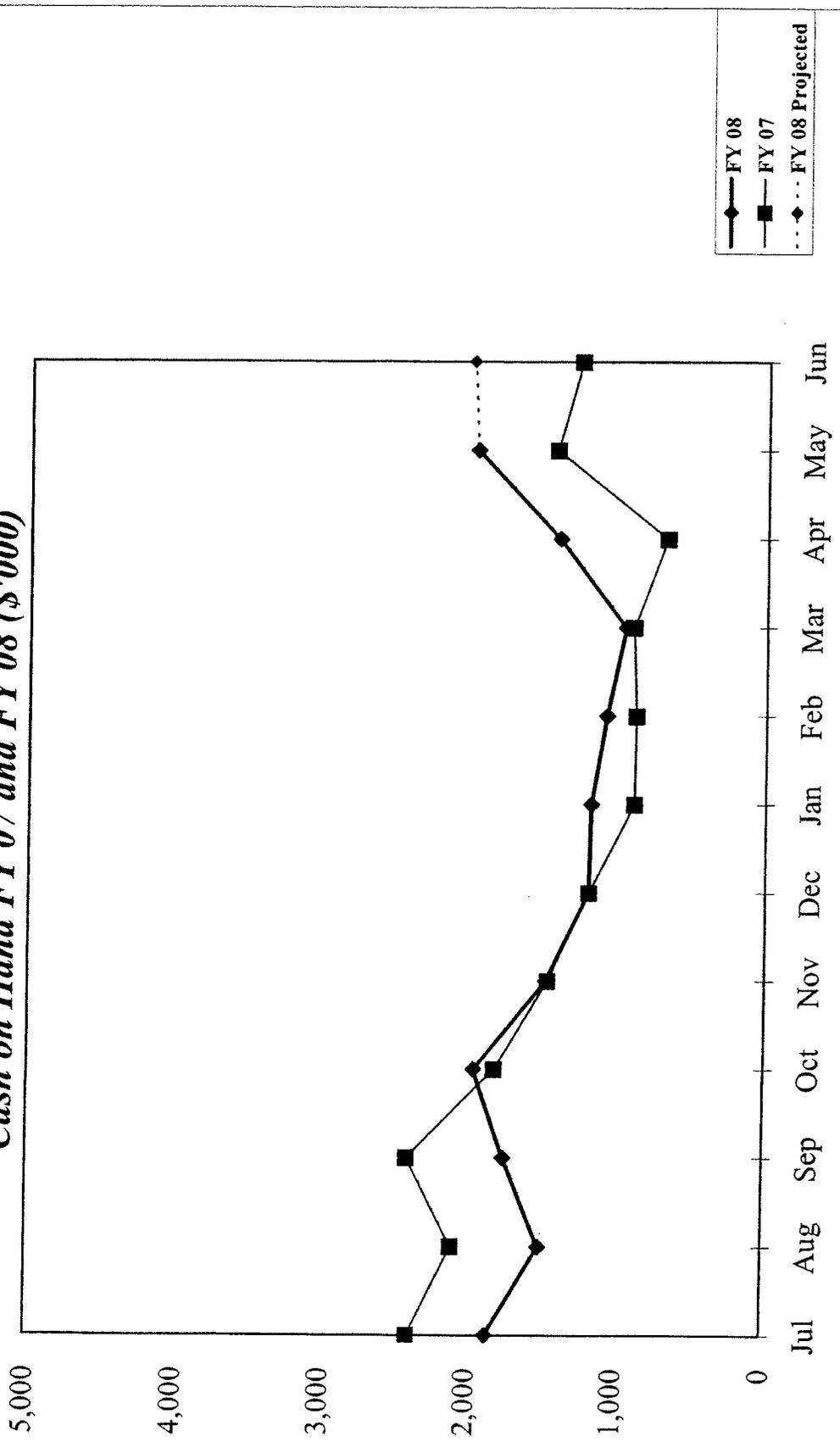
ABAG FINANCIAL REPORTS

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

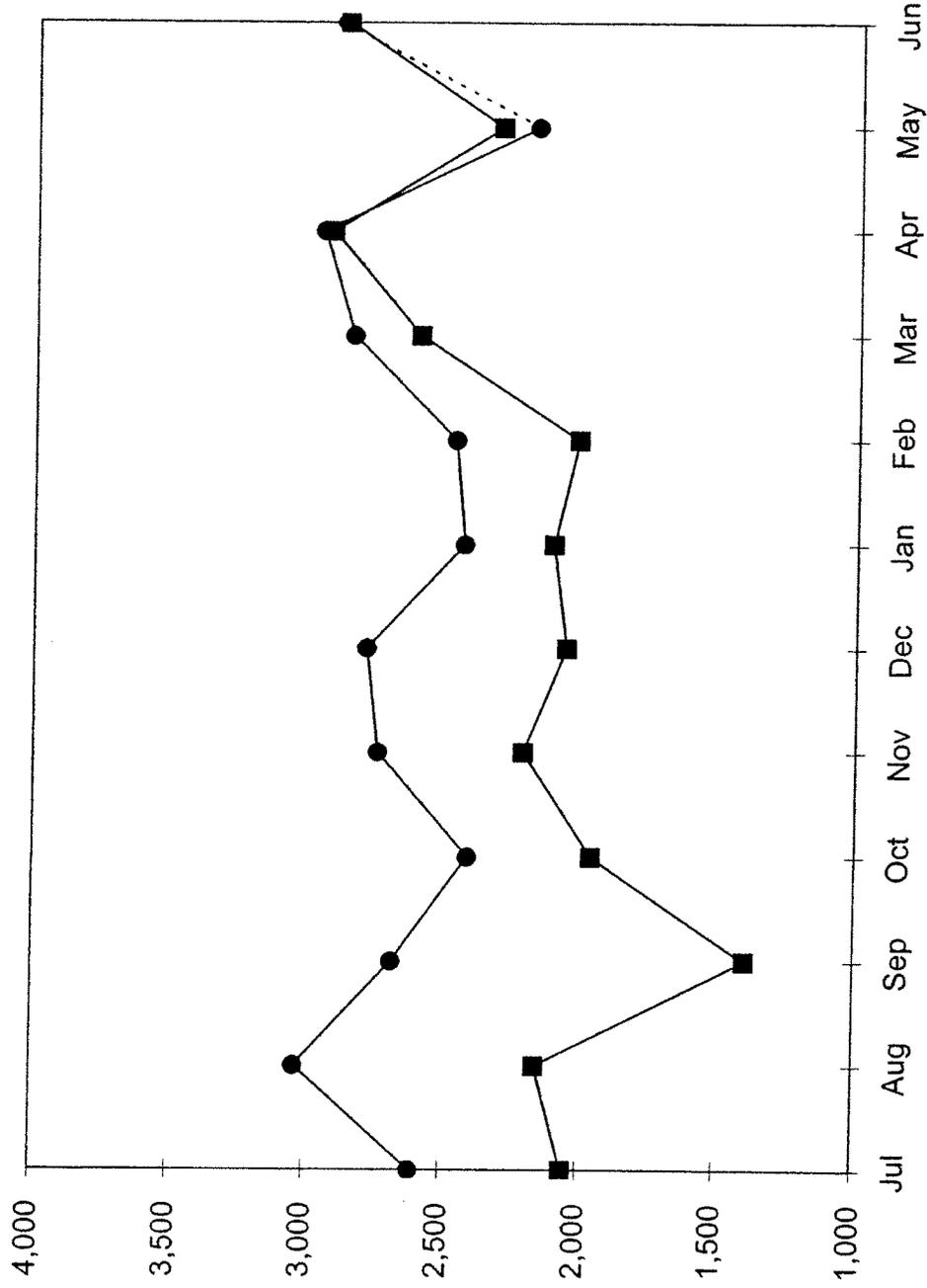
ABAG Financial Indices

Cash on Hand FY 07 and FY 08 (\$'000)

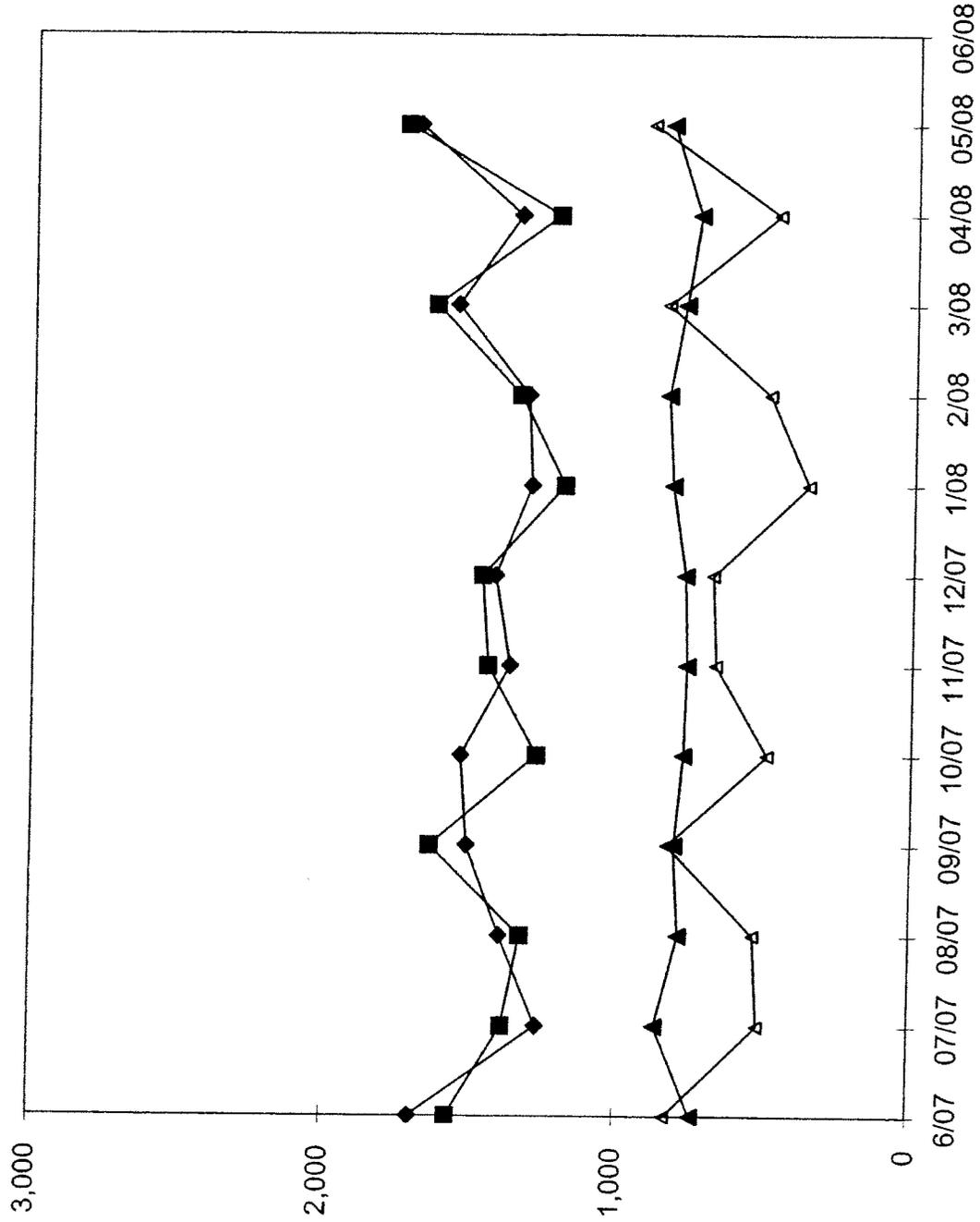


ABAG Financial Indices

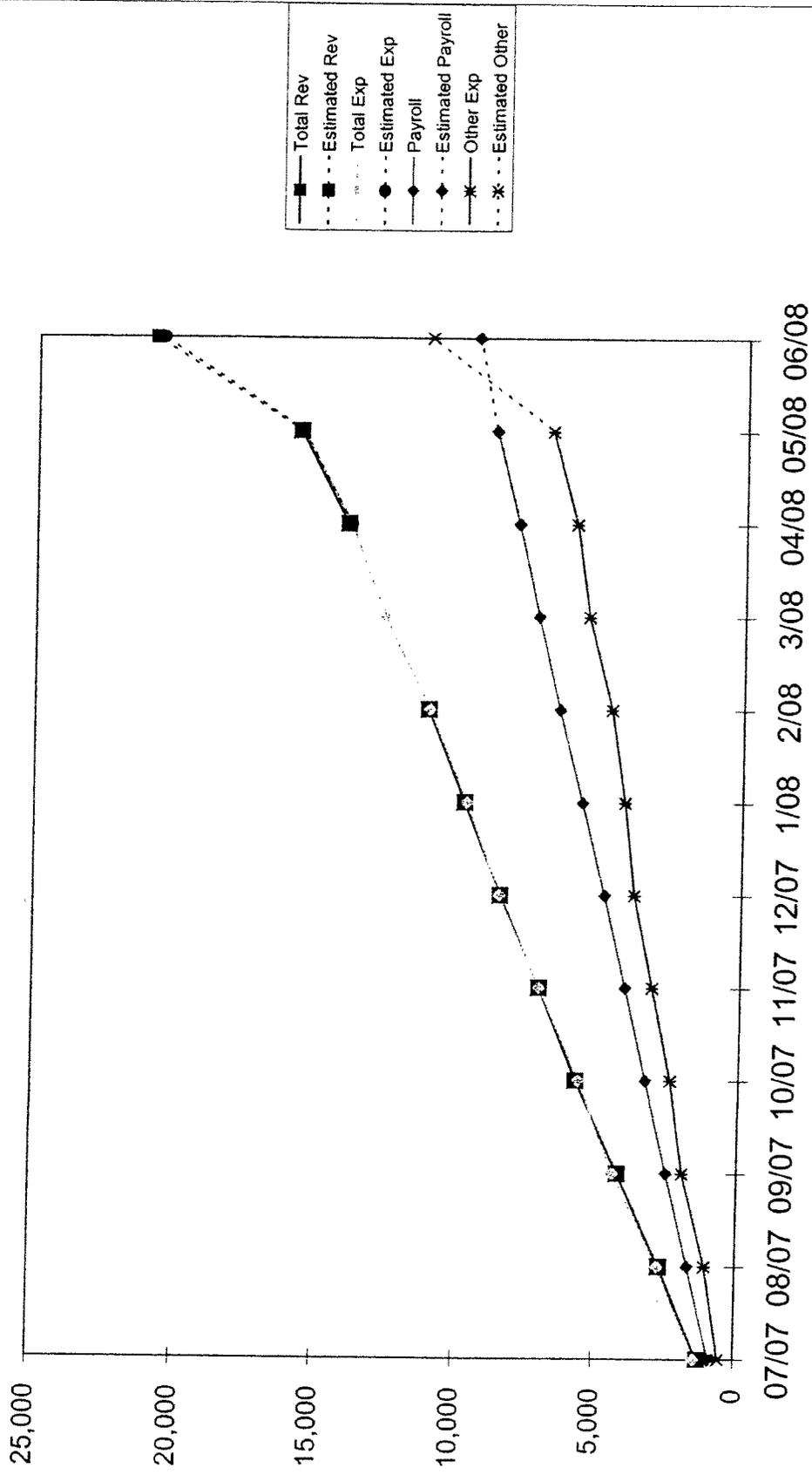
Accounts Receivable FY 07 and FY08 (\$'000)

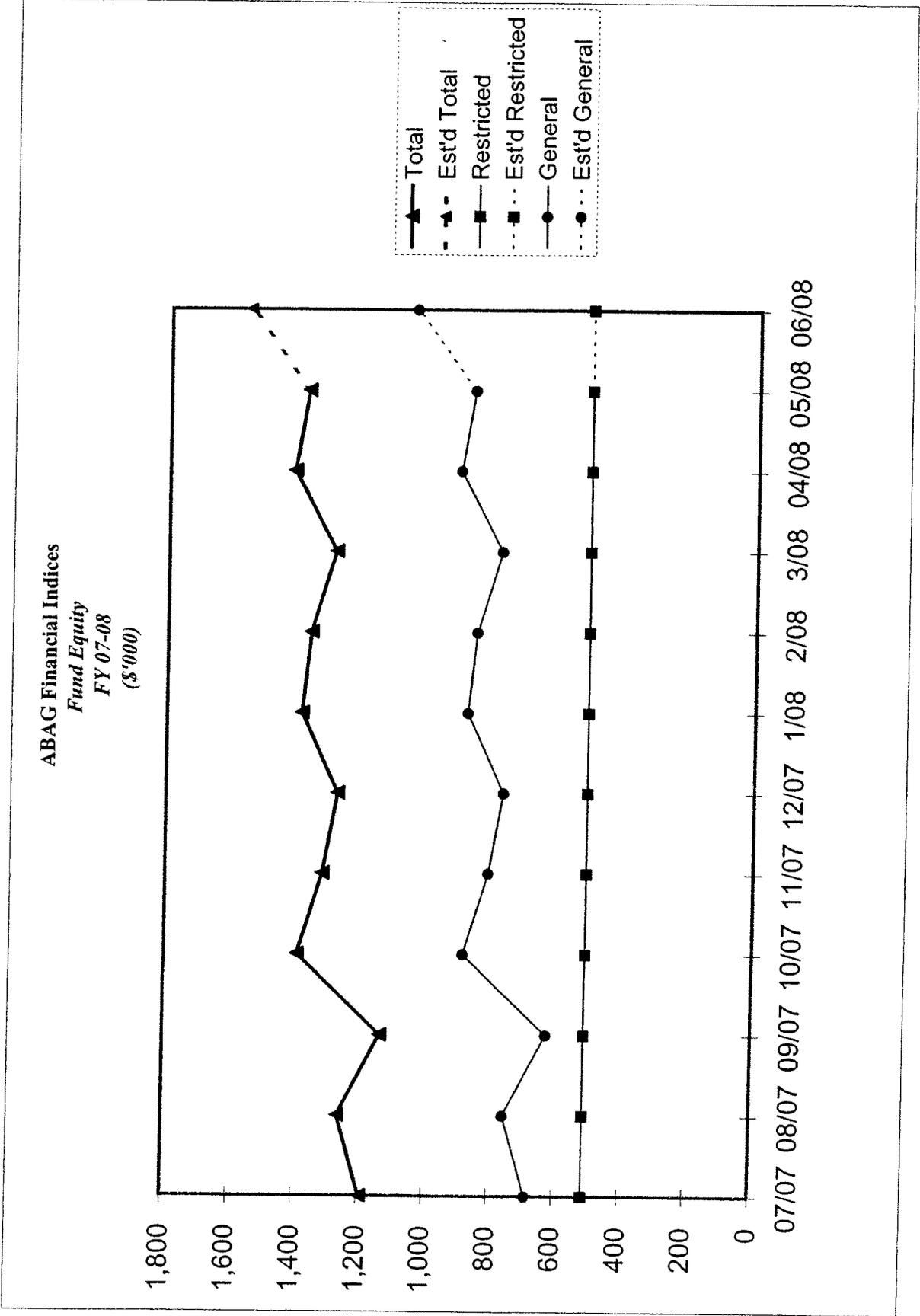


ABAG Financial Indices
 Current Month Revenues & Expenses
 FY 07-08
 (\$'000)

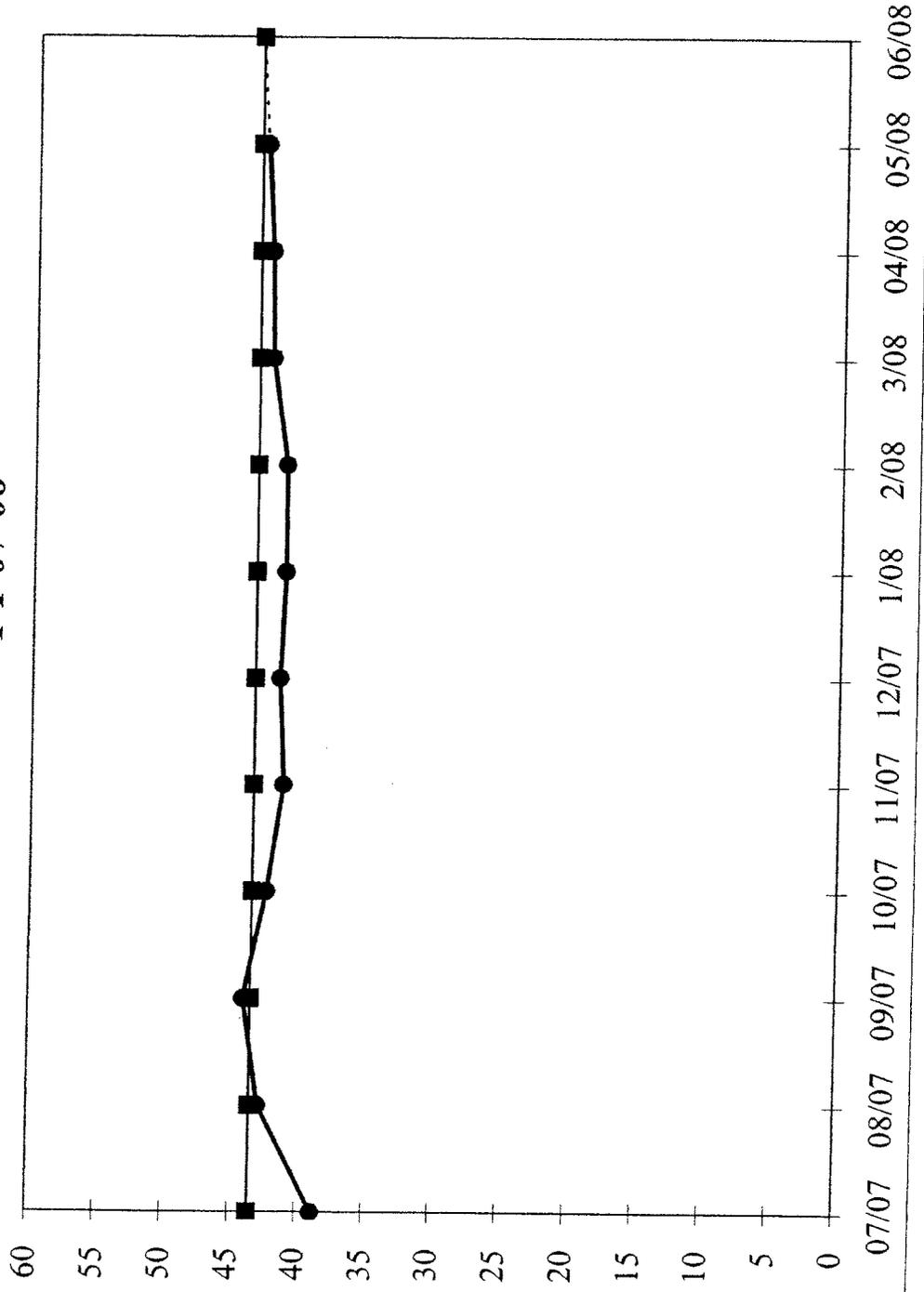


ABAG Financial Indices
Year-to-date Revenues & Expenses
FY 07-08
(\$'000)



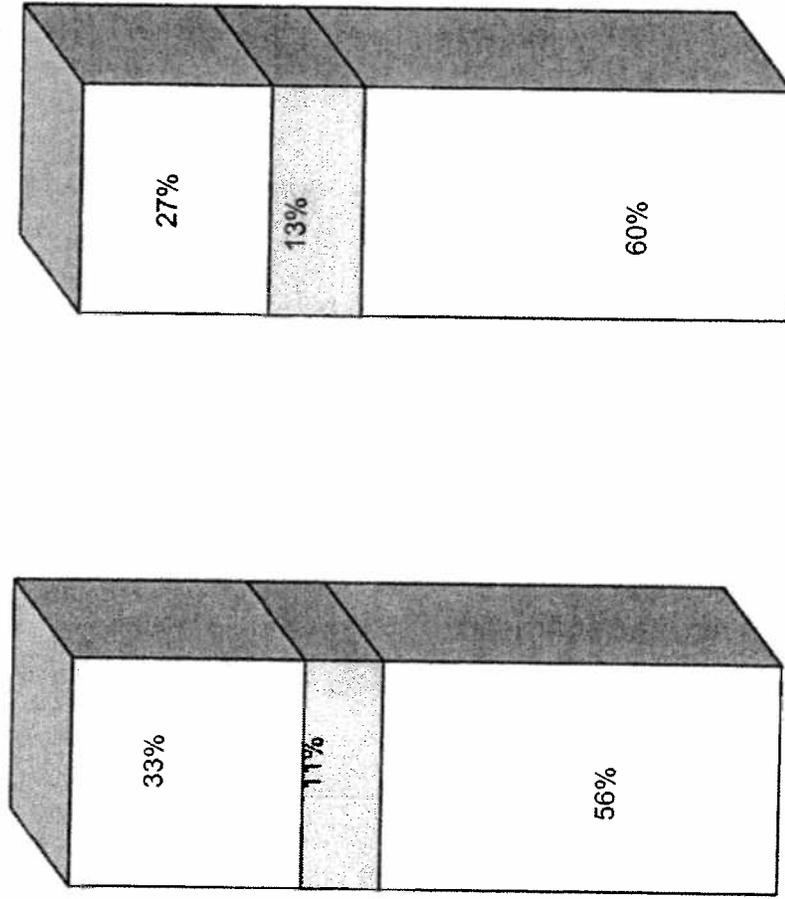


ABAG Financial Indices
Indirect Cost Rate (% of Direct Labor Cost)
FY 07-08



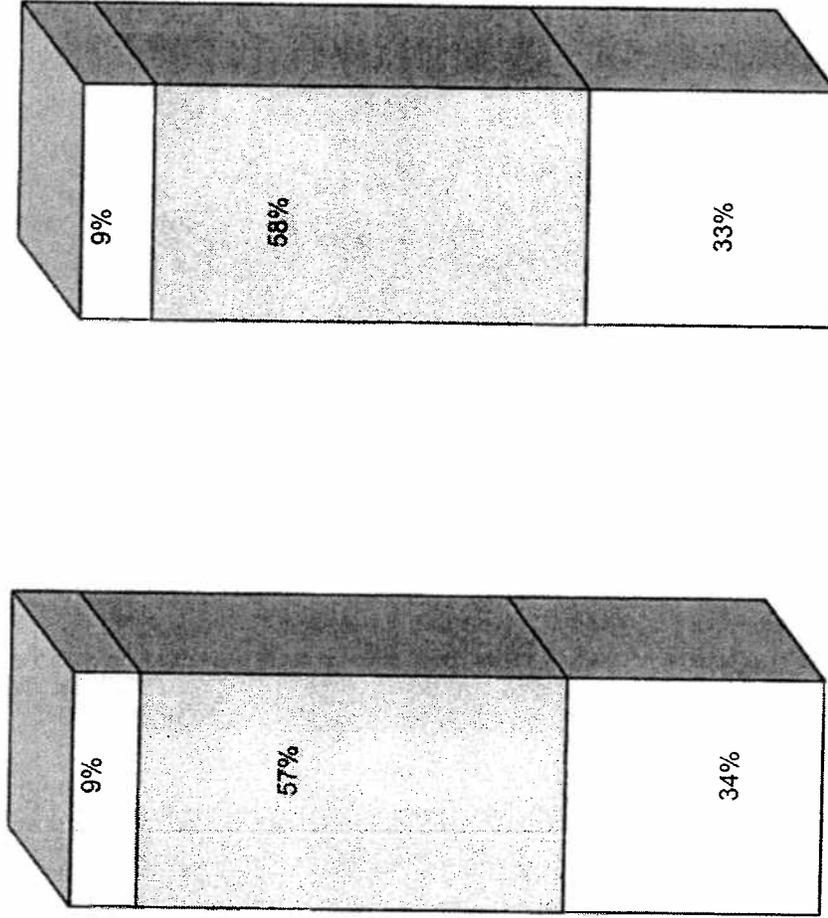
● Actual
 ■ Approved
 ▲ Projected

**ABAG Financial Indices
Composition of Expenses FY 07 -- FY 08
Year to Date
(\$'000)**



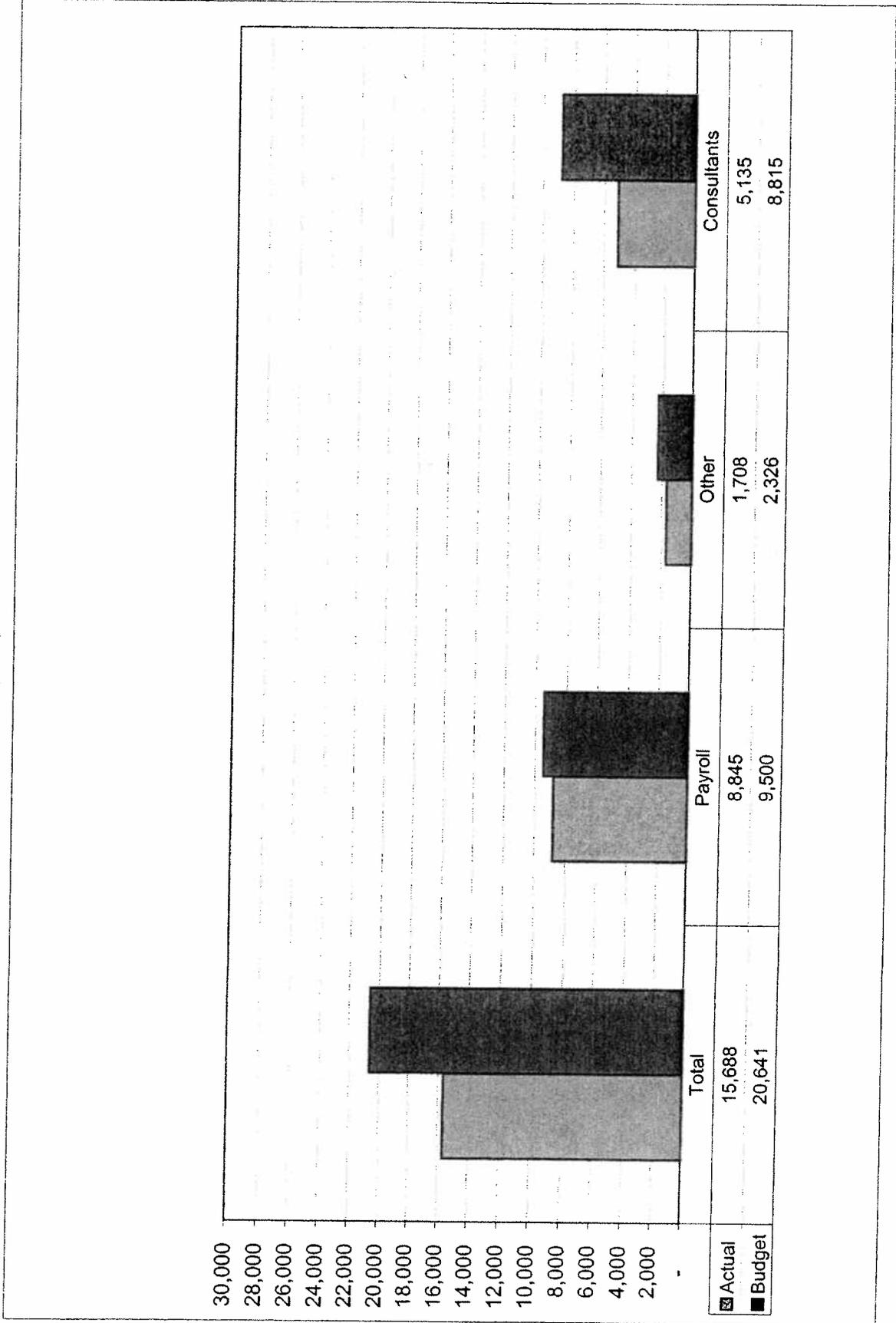
	FY07-08 Expenses (Total \$15,688)	FY06-07 Expenses (Total \$14,124)
<input type="checkbox"/> Consultants	\$5,135	\$3,761
<input type="checkbox"/> Others	\$1,708	\$1,830
<input type="checkbox"/> Payroll	\$8,845	\$8,537

**ABAG Financial Indices
Composition of Revenues FY 07-- FY 08
Year to Date
(\$'000)**

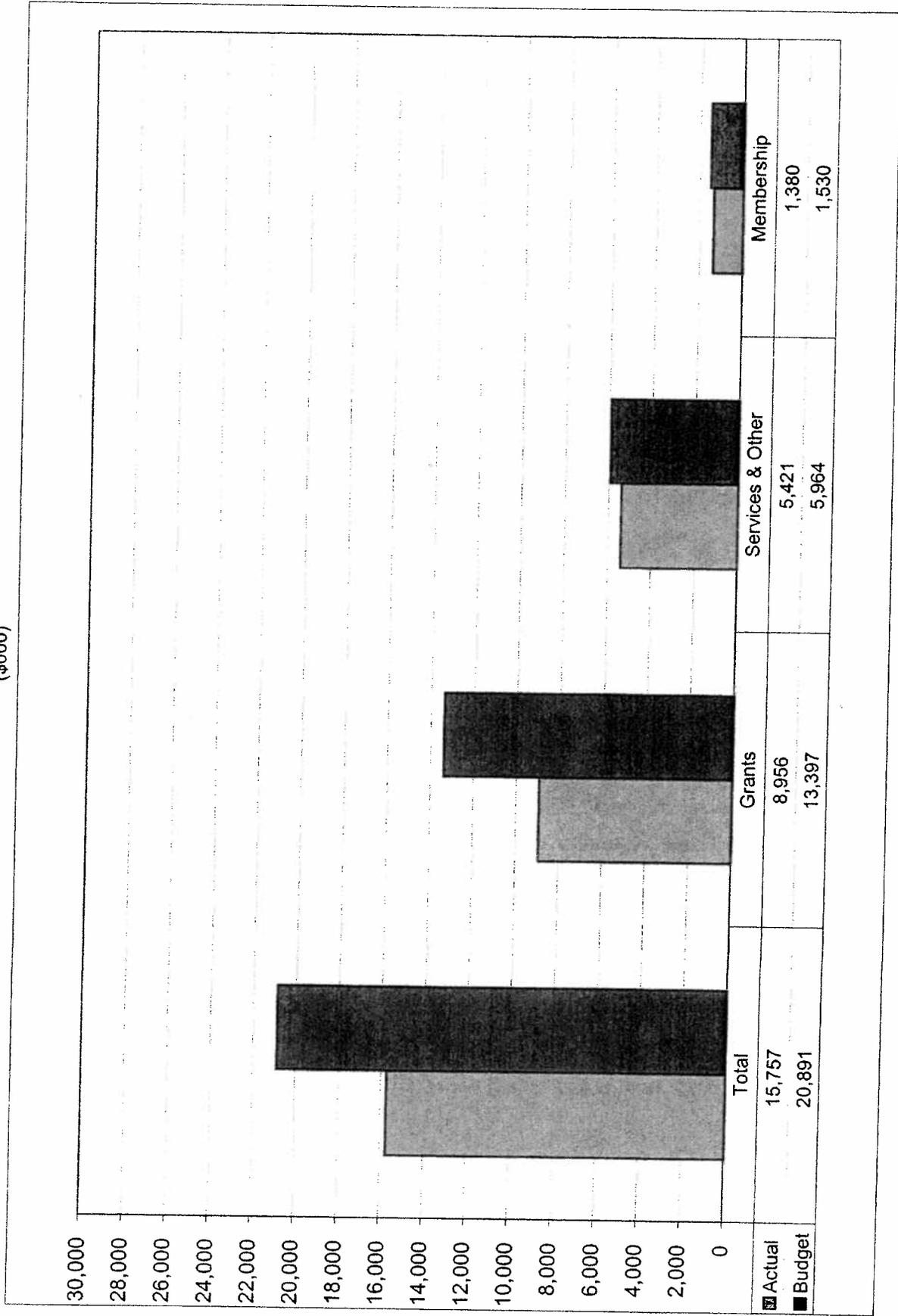


	FY 07-08 Revenue (Total \$15,757)	FY 06-07 Revenue (Total \$14,134)
Membership	\$1,380	\$1,326
Grants	\$8,956	\$8,161
Services & Others	\$5,421	\$4,647

ABAG FINANCIAL INDICIES
 ACTUAL VS BUDGETED EXPENSES-FY07-08
 YEAR TO DATE
 (\$000)



ABAG FINANCIAL INDICES
 ACTUAL VS BUDGETED REVENUES - FY07-08
 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. 362, July 17, 2008

PRESIDENT	Supervisor Rose Jacobs Gibson, County of San Mateo
VICE PRESIDENT	Mayor Mark Green, City of Union City
IMMEDIATE PAST PRESIDENT	Vice Mayor David D. Cortese, City of San Jose
SECRETARY-TREASURER	Henry L. Gardner
LEGAL COUNSEL	Kenneth K. Moy

County of	Representative	Alternate
ALAMEDA	** Supervisor Gail Steele	Supervisor Alice Lai-Bitker
ALAMEDA	** Supervisor Scott Haggerty	Supervisor Nathan Miley
CONTRA COSTA	* Supervisor Gayle B. Uilkema	Supervisor Susan Bonilla
CONTRA COSTA	* Supervisor John Gioia	Supervisor Mary Piepho
MARIN	** Supervisor Susan Adams	Supervisor Judy Arnold
NAPA	** Supervisor Mark Luce	Supervisor Bill Dodd
SAN FRANCISCO	** Supervisor Chris Daly	To Be Appointed
SAN FRANCISCO	** Supervisor Ross Mirkarimi	To Be Appointed
SAN MATEO	* Supervisor Rose Jacobs Gibson	Supervisor Mark Church
SAN MATEO	* Supervisor Adrienne Tissier	Supervisor Jerry Hill
SANTA CLARA	** Supervisor Ken Yeager	Supervisor Donald Gage
SANTA CLARA	** Supervisor Peter McHugh	Supervisor Liz Kniss
SOLANO	* Supervisor Barbara Kondylis	To Be Appointed
SONOMA	* Supervisor Mike Kerns	Supervisor Paul Kelley

Cities in the County of	Representative	Alternate
ALAMEDA	* Mayor Janet Lockhart (Dublin)	Mayor Michael Sweeney (Hayward)
ALAMEDA	* Mayor Mark Green (Union City)	Mayor Beverly Johnson (Alameda)
CONTRA COSTA	** Mayor Gwen Regalia (Walnut Creek)	Vice Mayor Julie Pierce (Clayton)
CONTRA COSTA	** Vice Mayor John Marquez (Richmond)	Councilmember Janet Kennedy (Martinez)
MARIN	* Councilmember Carole Dillon-Knutson (Novato)	Mayor 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, Director, Intergov Affairs	To Be Appointed
CITY OF SAN FRANCISCO	* To Be Appointed	To Be Appointed
SAN MATEO	** Mayor Pro Tem A. Sepi Richardson (Brisbane)	Vice Mayor Robert Gottschalk (Millbrae)
SAN MATEO	** Councilmember Richard Garbarino (S San Francisco)	Councilmember John Boyle (Menlo Park)
SANTA CLARA	* Councilmember Dan Furtado (Campbell)	Councilmember Aileen Kao (Saratoga)
SANTA CLARA	* Councilmember Joe Pirzynski (Los Gatos)	Councilmember Ronit Bryant (Mountain View)
SOLANO	** Mayor Len Augustine (Vacaville)	Mayor Harry Price (Fairfield)
SONOMA	** Mayor Pamela Torliatt (Petaluma)	Councilmember Susan Gorin (Santa Rosa)
CITY OF OAKLAND	* Councilmember 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	* Vice Mayor David D. Cortese	Councilmember Nora Campos
CITY OF SAN JOSE	* Councilmember Forrest Williams	Councilmember Nancy Pyle
CITY OF SAN JOSE	* Councilmember Sam Liccardo	Mayor Chuck Reed

Advisory Members	Representative	Alternate
RWQCB	To Be Appointed	To Be Appointed

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

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



ABAG

Meeting Schedule **2008**

Executive Board Meetings

January 17
March 20
May 15
July 17
September 18
November 20

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 24
Palace Hotel
San Francisco

Fall General Assembly

October 24
Oakland Marriott City Center