

# SUMMARY MINUTES

ABAG Executive Board Meeting  
No. 350, July 20, 2006  
MetroCenter Auditorium  
101 8th Street, Oakland, CA

## 1. CALL TO ORDER

The meeting was called to order by President David Cortese, Councilmember, City of San Jose, at approximately 7:08 p.m. Quorum was present.

<b><u>Representatives and Alternates Present</u></b>	<b><u>Jurisdiction</u></b>
Supervisor Susan Adams	County of Marin
Mayor Pro Tem Maria Alegria	City of Pinole
Councilmember Jane Brunner	City of Oakland
Councilmember David D. Cortese	City of San Jose
Supervisor Chris Daly	County of San Francisco
Supervisor Mark DeSaulnier	County of Contra Costa
Supervisor Diane Dillon	County of Napa
Mayor Carole Dillon-Knutson	City of Novato
Mayor Jose Esteves	City of Milpitas
Vice Mayor Dan Furtado	City of Campbell
Supervisor John Gioia	County of Contra Costa
Mayor Mark Green	City of Union City
Supervisor Scott Haggerty	County of Alameda
Supervisor Rose Jacobs Gibson	County of San Mateo
Supervisor Mike Kerns	County of Sonoma
Councilmember Carol L. Klatt	City of Daly City
Supervisor Barbara Kondylis	County of Solano
Supervisor Peter McHugh	County of Santa Clara
Supervisor Ross Mirkarimi	County of San Francisco
Vice Mayor Jean Quan	City of Oakland
Councilmember Steve Rabinowitsh	City of Santa Rosa
Councilmember Gwen Regalia	City of Walnut Creek
Councilmember A. Sepi Richardson	City of Brisbane
Supervisor Gail Steele	County of Alameda
Mary C. Warren	RWQCB
Mayor Shelia Young	City of San Leandro

### **Representatives Absent**

	<b><u>Jurisdiction</u></b>
Supervisor Blanca Alvarado	County of Santa Clara
Councilmember Linda J. LeZotte	City of San Jose
Supervisor Fiona Ma	County of San Francisco
Councilmember Nancy Nadel	City of Oakland
Mayor Gavin Newsom	City of San Francisco
Julian Potter, Director of Public Policy	City of San Francisco
Mayor James P. Spering	City of Suisun City
Supervisor Adrienne Tissier	County of San Mateo
Councilmember Ken Yeager	City of San Jose

## 2. PUBLIC COMMENT

There was no public comment.

### **3. ANNOUNCEMENTS**

President Cortese informed members that the revised agenda reflects a correction to Item G in the Consent Calendar; the correct end date of the contract with Michael Arnold is June 2007. He also welcomed Diane Dillon, Supervisor, County of Napa, who was attending for Mark Luce and Bill Dodd, Supervisors, County of Napa.

Later in the meeting, President Cortese announced that Maria Alegria, Councilmember, City of Pinole, will become the League of California Cities president in September and acknowledged that 26 of 34 members were present at the meeting.

There were no other announcements.

### **4. PRESIDENT'S REPORT**

President Cortese reported that AB 2307 (Mullin), the legislation carried on behalf of ABAG to obtain funding for the Regional Housing Needs Allocation process, was not successful. He also reported that a Housing Methodology Committee has been formed to carry out the current RHNA process.

The Housing Methodology Committee will advise ABAG staff on determining the regional housing need, sub-regional allocations, if any, and the methodology used to allocate the regional housing need. The HMC is comprised of three representatives from each of the nine counties, six representatives of stakeholder groups and two representatives of the Executive Board – for a total of thirty-five. Representatives are a mix of elected officials, local government staff and members of the public. The Committee will operate under the procedures of ABAG's Policies on Committee Formation, Structure and Membership. The Committee has held two meetings and will continue meeting monthly through November. The roster of the HMC is on the consent calendar for ratification by the Executive Board.

President Cortese reported that staff is continuing to proceed with work on RHNA that does not require expenditure of ABAG funds.

### **5. EXECUTIVE DIRECTOR'S REPORT\*\***

Executive Director Gardner highlighted recent activities including an update on the Focusing Our Vision effort for which ABAG and MTC received state funding in the amount of \$500,000. Staff continues to engage with constituency and interest groups to reach agreement on goals and objectives and, ultimately, to reach agreement at the local level on areas that should be looked at for housing and other development and those areas that should be preserved for open space and agriculture. This builds on the Smart Growth Livability Footprint project. The four largest regions in the state received funding in the first round of the Blueprint funding process; a second round of funding will occur in the fall or winter. ABAG and MTC expect to be funded at \$400,000. Staff is working with Sunne Wright McPeak, Director, Business, Transportation and Housing, to identify funding sources for the RHNA process.

Mr. Gardner reported that AB 2307 carried by Assembly Member Gene Mullin for funding of the Regional Housing Needs Allocation process was not successful. Because of overlapping tasks between the Blueprint/Focusing Our Vision and RHNA, there are some funds to begin the process. Throughout discussions with the state, staff has made it clear that ABAG is not in a position to take on this effort without adequate state support. Gardner reiterated President Cortese's announcement that a Housing Methodology Committee has been established to advise on the RHNA

process. He stated that the deadline for sub-regions to indicate interests in forming sub-regions for allocating housing is August 31<sup>st</sup> and the Board needs to approve requests prior to September 1<sup>st</sup>. A meeting of the Administrative Committee may be called in August to consider the formation of sub-regions. A request has been submitted to Housing and Community Development to allow sub-regions until September 30<sup>th</sup> to form because many cities and counties take summer breaks and this extension would give them more time to establish sub-regions. If the extension is granted, an Administrative Committee will not be needed in August.

Mr. Gardner also informed members of his participation in a number of conferences, meetings and presentations, including the Water Transit Authority's Water-Linked Transit Oriented Development conference; the Bay Area Alliance symposium on Promoting Bay Area Sustainability through Infrastructure Bonds; the Commonwealth Club of Northern California's Editorial Board on "California's Flawed Fiscal System: Is the State Impeding Local Governments' Ability to Address Local Problems?".

Mr. Gardner reported on ABAG's completion of a major housing report, "A Place to Call Home: Housing in the San Francisco Bay Area," and the provision of capital funding through the ABAG Finance Authority for Nonprofit Corporations.

President Cortese thanked Executive Director Gardner for his report.

## **6. CONSENT CALENDAR**

President Cortese recognized Dan Furtado, Vice Mayor, City of Campbell, who requested that Item L be considered separately. President Cortese recognized a motion by Mike Kerns, Supervisor, County of Solano, and seconded by Carole Dillon-Knutson, Mayor, City of Novato, to approve the consent calendar, including the correction to Item G and excluding Item L. The motion passed unanimously.

Vice Mayor Furtado asked about the relationship between ABAG and the Santa Monica Bay Restoration Foundation and the \$60,000 allocation for a survey of recreational boater's use of pumpout stations. Ken Moy, ABAG Legal Counsel, responded that ABAG acts as the fiscal agent for the Santa Monica Bay Restoration Foundation for a pass-through contract. President Cortese recognized a motion by Peter McHugh, Supervisor, County of Santa Clara, and seconded by Barbara Kondylis, Supervisor, County of Solano to approve Item L. The motion passed unanimously.

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

The minutes of Executive Board Meeting No. 348 on March 16, 2006, and No. 349 on May 18, 2006, were approved.

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

A list of grant applications was approved to be submitted to the State Clearinghouse, having been circulated in ABAG's "Intergovernmental Review Newsletter" since the last Executive Board meeting.

### **C. Appointments to Committees**

The Board approved the appointments to the following committee:

Housing Methodology Committee

(See Executive Board Meeting No. 350, Revised Agenda, Item 6.C.)

- D. Authorization to Submit Proposal to U.S. Army Corps of Engineers\*\***  
The Board authorized the request to submit a proposal in the amount of \$1.4 million to the U.S. Army Corps of Engineers Sacramento Area office for planning and implementation studies that are responsive to the Executive Board's November Dam and Delta Levee Failures Resolution No. 10-05. Authorization is also requested to accept funding, if awarded, to carry out the project proposal.
- E. Authorization to Submit Proposal to the State Water Resources Control Board\*\***  
The Board authorized the request to submit a proposal as co-applicant with the San Francisco Estuary Institute for \$900,000 to the State Water Resources Control Board's Consolidated Grants Program to engage in a Phase II Critical Coastal Areas planning effort that fully identifies and models non-point sources of pollution, applies best management practices and creates watershed-based implementation plans.
- F. Resolution No. 06-06 Authorizing Approval of Proposed Final San Francisco Bay Area Transportation Air Quality Conformity Protocol and Interagency Consultation Procedures\*\***  
The Board approved Resolution No. 06-06 to approve and submit the proposed final San Francisco Bay Area transportation air quality conformity protocol and interagency consultation procedures to the California Air Resources Board (CARB) and the U. S. Environmental Protection Agency (EPA); and authorized MTC to make minor adjustments to the protocol and procedures, as necessary, in response to CARB and EPA comments.
- G. Authorization to Extend Agreement with Michael Arnold, Legislative Representative\*\***  
The Board authorized the request to extend the agreement between ABAG and Michael J. Arnold, as ABAG's State Legislative Representative in Sacramento, for an amount not to exceed \$60,000 through June 30, 2007.
- H. Authorization to Amend Agreement with US Environmental Protection Agency (EPA)\*\***  
The Board authorized the Executive Director or designee to amend the agreement with EPA on behalf of the San Francisco Estuary Project to implement the Comprehensive Conservation and Management Plan (CCMP). The amount of the agreement is increased to \$987,600 and the time period remains the same, December 1, 2006 to December 31, 2007. This is an \$85,000 increase from EPA and a \$67,000 required match provided by the Santa Clara Valley Water District contract with ABAG/SFEP.
- I. Authorization to Enter into a Contract with San Francisco Public Utility Commission (SFPUC)\*\***  
The Board authorized the Executive Director or designee on behalf of the San Francisco Estuary Project to enter into a one-year contract to provide technical support for permit processing. The total contract amount will not exceed \$97,000 and the contract term is August 1, 2006, to July 30, 2007. No ABAG match is required.
- J. Authorization to Enter into an Intergovernmental Personnel Agreement (IPA) with the State Water Resources Control Board (SWRCB)\*\***  
The Board authorized the Executive Director or designee to enter into an IPA with the SWRCB to assign Carol Thornton, Environmental Planner (P-4), and Paula

Trigueros, Administrative Officer (P-3), ABAG/SFEP staff, to provide assistance to the San Francisco Bay Regional Water Board. Under this agreement, partial funding (35 - 40% each) for their positions is provided by the SWRCB's cooperative agreement with the U.S. EPA National Estuary Program funds. The agreement will not exceed \$90,000 and the term is September 1, 2006, to December 31, 2007.

**K. Authorization to Amend a Cooperative Agreement with the US Geological Survey (USGS)\*\***

The Board authorized the Executive Director or designee to amend the USGS agreement by extending the agreement from August 19, 2006, to November 30, 2006, for ABAG/SFEP to provide support for the California Bay-Delta Authority Science Program. The cooperative agreement total remains the same at \$1,709,422.

**L. Authorization to Amend Contracts with the California Department of Boating and Waterways (DBW) and the Santa Monica Bay Restoration Foundation (SMBRF)\*\***

The Board authorized the Executive Director or designee to amend the DWB contract by increasing the not to exceed amount to \$1,073,192.10, an increase of \$65,638.10, and to extend the contract from December 31, 2006, to December 31, 2007. Terms included a pass-through contract to the SMBRF, the Estuary Project's counterpart. The Board is requested to authorize the Executive Director or designee to amend the agreement with the SMBRF by increasing the contract amount from \$72,000 to \$132,000 for carrying out a survey of recreational boaters' use of pumpout stations.

**M. Approval of Resolution No. 07-06 Entering Into Contract with California Bay-Delta Authority (CBDA) to Provide Support for CALFED Science Program (CSP)\*\***

The Board authorized the Executive Director or designee to enter into a contract with the CBDA to provide technical, administrative and communication support for the CBDA Science Program. The three-year contract amount will not exceed \$7.5 million and the term is October 1, 2006, to September 30, 2009, and authorized the Executive Director, or designee, to negotiate and execute contracts and agreements to implement the contract in accordance with its scope of work.

**N. Authorization to Enter Into an Intergovernmental Personnel Agreement (IPA) with California Bay-Delta Authority (CBDA) for Assignment of ABAG/SFEP Employee to CALFED Science Program\*\***

The Board authorized the Executive Director or designee to assign Dustin Boeger, Webmaster (P-2) ABAG/SFEP staff, to provide website assistance to the CBDA Science Program. The two-year agreement will not exceed \$218,850 and the term is October 1, 2006, to September 30, 2008.

**O. Authorization to Submit Proposal to California Earthquake Authority\*\***

The Board authorized the request to submit a proposal to the California Earthquake Authority in the amount of \$79,500 and if funded, for the Executive Director or designee to enter into a one year agreement to design a two-hour training module for contractors, develop online training, update and distribute an existing publication, and conduct an evaluation of current home retrofit quality.

**P. Authorization to Amend Contract with Ariel Rubissow Okamoto\*\***

The Board authorized the Executive Director or designee to amend the agreement with Ariel Rubissow Okamoto for research, writing, and editing

services for the California Aquatic Invasive Species Plan. The amount of the agreement is increased from \$12,000 to \$27,000 and the time period remains the same with all work to be completed by August 31, 2007.

#### **7. REPORT ON ABAG PLAN CORPORATION**

President Cortese recognized Marcus Beverly, Risk Manager, ABAG PLAN Corporation, who reported on the ABAG PLAN Corporation. Mr. Beverly gave an overview of ABAG PLAN Corporation, including a description of its members; its mission statement; liability, property and crime coverage; claims administration; risk management programs and training, e.g., Sewer Smart; and pool administration. He described past accomplishments in its 20-year history; other risk management services, e.g., SHARP Pool, Safety and Hazardous Materials Training, and Earthquake and Loss Mitigation; and PLAN's future. Finally, he noted PLAN has successfully provided a valued service to its members for 20 years; its membership, services and assets have grown substantially; and PLAN remains a member-driven organization, focused on its mission and improved services.

Members discussed PLAN's membership growth capacity, underwriting of cities, sidewalk repair grants, and similarity to CSAC's pooled liability program for counties.

President Cortese thanked Mr. Beverly for his presentation.

#### **8. UPDATE ON ABAG STRATEGIC PLANNING EFFORT**

President Cortese recognized Henry Gardner who reported on the Strategic Planning effort. Executive Director Gardner provided a brief review of the origins and purpose of ABAG's strategic planning effort and recent activities. He noted that the Finance and Personnel Committee has oversight of this effort and that members have been actively involved. In addition to a member survey of elected officials, county administrators, city and town managers, and planning directors, three to four focus groups and up to 24 in-depth interviews will be scheduled.

Mr. Gardner listed objectives, including, identifying a strategy for achieving greater financial stability, creating a higher and accurate profile and perception of the value of ABAG's work in the region, increasing responsiveness to and accountability for addressing the diverse needs of members, having a more effective and unified regional voice to advance the region's interests at the state and national levels, enhancing the organization's ability to identify and implement creative and innovative solutions, and creating a shared understanding of ABAG's purpose and strategic direction. The ABAG Member Survey was distributed to and completed by Board members. The survey, interview and focus group results will be ready by the September board meeting and before the October General Assembly.

President Cortese thanked Mr. Gardner for his report.

#### **9. PROJECTIONS 2007 POLICY ASSUMPTIONS**

President Cortese recognized Paul Fassinger, ABAG Research Director, who reported on the Projections 2007 policy assumptions. Mr. Fassinger reviewed several assumptions regarding the Projections 2007 effort, including slower employment growth than expected since 2000, consistency with monitoring programs, such as assessors parcel data, general plan land use, specific plan land use, and feedback from local officials, an expected housing production of 20,000 to 25,000 units annually, and coordination of information with Focusing Our Vision, RHNA, and Regional Transportation Plans. He reminded members of the Projections 2007

schedule for 2006, and expected updated assumptions and draft forecast results in September with revised forecast results and monitoring program results in November.

Board members discussed the relationship between jobs and housing, land re-use and housing, the imbalance between jobs and housing, the Projections 2007 housing production assumption and higher RHNA numbers, Supervisor Adams thanked staff for substituting the term community resistance for NIMBY, and considering balancing issues, for example, water resources, environmental considerations, community based planning, etc.

President Cortese recognized a motion by Mark Green, Mayor, City of Union City, and seconded by Mayor Dillon-Knutson, to approve the report on Projections 2007 policy assumptions. The motion passed unanimously.

President Cortese thanked Mr. Fassinger for his presentation.

#### **10. UPDATE ON DELTA LEVEES ACTIVITIES\*\***

President Cortese reminded members that last November the Board passed a resolution supporting efforts to obtain funding for Delta levee programs. He recognized John Gioia, Supervisor, Contra Costa County, who briefed members on the importance of the Delta levees to the Bay Area. He noted that the Delta levees are a statewide concern and that the issue is less about impacts on population than on statewide water supply and eventual costs of levee repairs. He also noted that Bay Area elected officials should talk about the importance of the state and federal governments being more involved with this issue. He then called on Jeanne Perkins, ABAG Earthquake Program Manager, and Kathleen Van Velsor, ABAG Senior Environmental Planner, to provide an update on the Delta levees activities.

Ms. Van Velsor acknowledged Mr. Bill Kane, East Bay Municipal Utility District, who was present. She called attention to a letter from William Patterson, President of EBMUD, a map prepared by the U.S. Army Corps of Engineers included in the agenda, and letters of support for an ABAG proposal. She reported on staff activities, including the formation of a staff level technical working group to identify planning program issues and inter-related efforts. The technical working group includes staff from ABAG, the Bay Conservation and Development Commission, San Francisco Estuary Project, San Francisco Estuary Institute, Metropolitan Transportation Commission, U.C., Berkeley, Contra Costa County Water Agency, EBMUD, Bay Area Economic Forum, and Sacramento Area Council of Governments. She reported that the Bay Area congressional delegation has been kept informed of activities. Both Ms. Van Velsor and Ms. Perkins have made presentations before the California Bay-Delta Authority which brings in the U.S. Army Corps of Engineers, the Department of Water Resources, and stakeholder groups throughout the Delta. They have reached out to non-governmental organizations, water districts, and local governments.

Ms. Van Velsor reported on a recent sea-level rise study issued by the State Department of Water Resources entitled, "Progress on Incorporating Climate Change into Management of California Water Resources," which deals in part with the Delta. She highlighted the increase in storm intensity and potential for flooding and a prediction of a sea level rise of three feet by 2100.

Ms. Perkins reviewed a preliminary list of infrastructure that go through the Delta which may be impacted. Additional detailed data will be collected and included in a GIS database.

Ms. Perkins reported that ABAG submitted a proposal for regional emergency planning and implementation to the U.S. Army Corps of Engineers for \$1.4 million which was viewed as relevant but received a low ranking. Additionally, proposals will be submitted to the Federal Emergency Management Agency and state Office of Emergency Services.

Mr. Kane emphasized that in the Bay Area cities and counties do not typically provide water and there needs to be a collaborative effort between water agencies. He noted that both San Francisco PUC and EBMUD are seriously impacted by Delta issues.

Members discussed the diversion of resources to the Delta leaving out other jurisdictions with serious levee problems, the U.S. Army Corps of Engineers' focus on Delta issues, the inclusion of Bay Area jurisdictions under the FEMA and OES proposals, the need to think globally about this issue and the economic impacts statewide, the water bond on November' ballot, self-sufficiency and water retention within the Bay Area, and the existing Delta infrastructure.

At the request of Board members, President Cortese directed staff to distribute to Board members the information on ABAG's proposal to the U.S. Army Corps of Engineers, including a sample letter of support and the contact information for federal and state elected officials.

President Cortese thanked Supervisor Gioia, Ms. Perkins, and Ms. Van Velsor on their report, and urged members to consider sending letters of support for ABAG's proposal.

#### **11. CONSIDERATION OF CHANGE TO EXECUTIVE BOARD MEETING START TIME**

President Cortese suggested that there may be as many arguments for setting the meeting time at 7:00 p.m. as 7:30 p.m. President Cortese recognized a motion by Solano County Supervisor Kondylis and seconded by A. Sepi Richardson, Councilmember, City of Brisbane, to keep the Executive Board meeting start time at 7:00 p.m.

Members discussed the possibility of starting on time and finishing early enough for those who have to travel farther, some members attend committee meetings prior to the Executive Board meeting, the safety of those using public transportation later at night, the need for reminders to members of upcoming meetings, limiting meetings to two hours. President Cortese stated his intent to contact personally those members who were absent. The motion passed unanimously.

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

President Cortese recognized Chair Shelia Young, Mayor, City of San Leandro, who reported on the activities of the Legislation and Governmental Organization Committee. Chair Young reported that the Committee reviewed the Legislative Analyst's report on the 2006-07 budget which passed on June 27th; reviewed the 13 propositions on the November ballot; stated that because of the significant impact on local government voted to recommend positions on two propositions, i.e., support for Proposition 84, Water Quality, Safety and Supply, Flood Control, Natural Resource Protection, Park Improvements Bond, and oppose Proposition 90, Anderson Initiative on Eminent Domain, Entitled Government Acquisition, Regulation of Private Property Initiative; recommended support of Proposition 1A, Transportation Funding Protection, Proposition 1B, Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond

Act of 2006, Proposition 1C, Housing and Emergency Shelter Trust Fund Act of 2006, Proposition 1D, Kindergarten-University Public Education Facilities Bond Act of 2006, and Proposition 1E, Disaster Preparedness and Flood Prevention Bond Act of 2006; updated bills previously considered, i.e., changed support to watch on AB 2286, Housing, and AB 2378, Housing Density Bonus, and maintained opposition to eminent domain legislation; updated the status on AB 2987, Cable and Video Services; and reported that AB 2307 (Mullin), State Mandates, died in Committee.

President Cortese recognized a motion by Chair Young and seconded by Supervisor McHugh to approve the Legislation and Governmental Organization Committee report. Susan Adams, Supervisor, County of Marin, reported on testifying at the hearing on AB 2987. The motion passed unanimously.

President Cortese thanked Mayor Young for her report.

### **13. FINANCE AND PERSONNEL COMMITTEE (F&P) REPORT\*\***

President Cortese recognized Chair Pete McHugh, Supervisor, County of Santa Clara, who reported on the activities of the Finance and Personnel Committee. Chair McHugh reported that the committee reviewed the financial reports for May and the preliminary reports for Fiscal Year 2005-06, and noted a net surplus of \$100,000 and a stable outlook for 2006-07; based on the latest financial forecasts both grant and service programs are adequately funded for the fiscal year; cash on hand increased to \$2 million from the prior month's \$930,000; receivables decreased by \$100,000 to \$2.5 million; actual versus budgeted expenses came in at 91.2% of the revised budget at \$17.4 million; revenue amounted to \$17.5 million at 91.3% of the revised budgeted amount. The committee also reviewed per diem survey results, directed staff to return at the next meeting with more information. The Committee expects to have a recommendation for the Board at its next meeting.

President Cortese recognized a motion by Chair McHugh and seconded by Mayor Dillon-Knutson to approve the Finance and Personnel Committee report. Members discussed having a summary of key budget points and financial reports distributed to members. Chair McHugh suggested that the financial reports be distributed as well. The motion passed unanimously.

President Cortese announced that the Board was entering into closed session. The Board entered closed session at 9:00 PM to discuss a personnel issue, and exited closed session at approximately 9:05 PM.

President Cortese thanked Chair McHugh for his report.

### **14. ADJOURNMENT**

Meeting adjourned at about 9:05 PM.

  
Henry L. Gardner, Secretary-Treasurer

\*\* Indicates attachments.

*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](mailto:FredC@abag.ca.gov).*