

**ABAG EXECUTIVE BOARD MEETING NO. 388**

**Thursday, September 20, 2012, 7:00 PM**

**METROCENTER AUDITORIUM**

**101 8<sup>th</sup> 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. 387 held on July 19, 2012.

**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.

**C. Executive Board Approval of Resolution No. 15-12 Authorizing Entering Into Agreement with State Water Resources Control Board for Proposition 84 Planning and Monitoring Funding for Green Infrastructure Master Planning Project\*\***

Authorization is requested to enter into an agreement with the State of California to fund and complete the Green Infrastructure Master Planning Project and

The ABAG Executive Board may act on any item on this agenda. \*\*Attachment included.

authorize the Executive Director of ABAG, or designee, to sign the agreement, and any amendments thereto.

**7. COASTAL REGIONAL SEDIMENT MANAGEMENT PLAN FOR SAN FRANCISCO LITTORAL CELL (SAN FRANCISCO TO PACIFICA COASTLINE)\*\***

**Information:** Athena Honore, Communications Officer, San Francisco Estuary Partnership, will discuss a report that introduces the Coastal Regional Sediment Management Plan (CRSMP) project recently undertaken for a portion of the San Francisco and San Mateo Counties Pacific coastline.

**8. BAY TRAIL OVERVIEW AND RECENT ACCOMPLISHMENTS\*\***

**Information:** Laura Thompson, Bay Trail Project Manager will update the Board on recent accomplishments.

**9. LOCAL GOVERNMENT LEADERSHIP MEETINGS\*\***

**Information:** Miriam Chion, ABAG Acting Planning Director, will discuss recent leadership meetings being held throughout the region in conjunction with Congestion Management Agencies.

**10. ABAG BUILDING RELOCATION POLICY PRINCIPLES\*\***

**ACTION:** The Executive Board will consider adopting a relocation policy to 390 Main Street, San Francisco, including negotiation principles under the auspices of the Administrative Committee.

**11. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT\*\***

**Information/ACTION:** Committee Chair Julie Pierce, Councilmember, City of Clayton, will report on Committee activities and ask Board approval of Committee recommendations and pending legislation.

**12. FINANCE & PERSONNEL COMMITTEE REPORT\*\***

**Information/ACTION:** Committee Chair Rose Jacobs Gibson, Supervisor, County of San Mateo, will report on Committee activities and ask Board approval of Committee recommendations, including the following:

**A. Fiscal Year 2011-12 Diversity and Business Opportunity Report**

**13. CLOSED SESSION**

The following items will be discussed in closed session pursuant to the requirements of the Ralph M. Brown Act:

**A. The ABAG Executive Board will meet in closed session pursuant to Government Code Section 54956.8 to confer with real property negotiators to discuss building co-location and the acquisition of real property:**

**ABAG Negotiators:** Ezra Rapport, Executive Director; Kenneth Moy, Legal Counsel; Herb Pike, Finance Director; and Administrative Committee

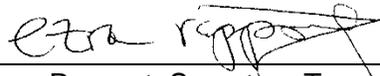
**Under Negotiation:** Update on discussions regarding co-location to Regional Facility, 390 Main Street, San Francisco

The ABAG Executive Board may act on any item on this agenda. \*\*Attachment included.

**B. Public Employee Performance Evaluation**

Title: Legal Counsel

**14. ADJOURNMENT**

A handwritten signature in black ink, appearing to read "Ezra Rapport", written over a horizontal line.

Ezra Rapport, Secretary-Treasurer

# ABAG CALENDAR – September & October 2012

## ASSOCIATION OF BAY AREA GOVERNMENTS [ABAG]

Joseph P. Bort MetroCenter, 101 Eighth Street, Oakland, CA 94607-4756

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

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## SEPTEMBER

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### PLAN Police Chief Committee

9/14 @ 10:00 am, MetroCenter, ABAG Conference Room B

### Legislation & Governmental Organization

9/20 @ 3:30 pm, MetroCenter, ABAG Conference Room B

### Finance & Personnel Committee

9/20 @ 5:00 pm, MetroCenter, ABAG Conference Room B

### EXECUTIVE BOARD

9/20 @ 7:00 pm, MetroCenter, Auditorium

### ABAG / BAAQMD / MTC Joint Policy Committee

9/21 @ 10:00 am, MetroCenter, Auditorium

### Regional Airport Planning Committee (RAPC)

9/28 @ 9:30 am, MetroCenter, Auditorium

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## OCTOBER

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### Regional Planning Committee (RPC)

10/3 @ 1:00 pm, MetroCenter, Auditorium

### Bay Trail Steering Committee

10/11 @ 1:30 pm, MetroCenter, ABAG Conference Room B

### ABAG FALL GENERAL ASSEMBLY

10/18 @ 8:30 am, Hyatt Regency, San Francisco

### PLAN Risk Management Committee

10/19 @ 1:30 pm, MetroCenter, ABAG Conference Room B

### BE SEWER SMART SUMMIT

10/23 @ 9:00 am., MetroCenter, Auditorium

### San Francisco Restoration Authority Governing Board

10/24 @ 12:00 Noon, MetroCenter, Room 171

### ABAG Power Executive Board

10/25 @ 10:30 am., MetroCenter, Auditorium

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\*\* 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 ABAG Training Center information contact Chanell Gumbs at 510/464-7964.

# SUMMARY MINUTES (DRAFT)

Special Joint Meeting  
ABAG Executive Board and MTC Commission  
No. 387, July 19, 2012  
Oakland Scottish Rite Center  
1547 Lakeside Drive, Oakland, California

## 1. CALL TO ORDER AND ROLL CALL

Napa County Supervisor Mark Luce, President, ABAG Executive Board, and San Mateo County Supervisor Adrienne Tissier, Chair, Metropolitan Transportation Commission, called the special joint meeting to order at approximately 7:19 p.m.

President Luce announced that a quorum of the Executive Board was present.

### Representatives and Alternates Present

Supervisor Susan L. Adams  
Councilmember Brandt Andersson  
Councilmember Desley Brooks  
Councilmember Ronit Bryant  
Supervisor Carmen Chu  
Supervisor David Cortese  
Mayor Pro Tem Pat Eklund  
Mayor Jack Gingles  
Mayor Mark Green  
Supervisor Scott Haggerty  
Councilmember Dave Hudson  
Councilmember Rebecca Kaplan  
Supervisor Barbara Kondylis  
Councilmember Sam Liccardo  
Supervisor Mark Luce  
Supervisor Karen Mitchoff  
Supervisor Christina Olague  
Supervisor Dave Pine  
Mayor Harry Price  
Councilmember Tiffany Renee  
Councilmember A. Sepi Richardson  
Renee Willette, Office of the Mayor

### Jurisdiction

County of Marin  
City of Lafayette  
City of Oakland  
City of Mountain View  
County of San Francisco  
County of Santa Clara  
City of Novato  
City of Calistoga  
City of Union City  
County of Alameda  
City of San Ramon  
City of Oakland  
County of Solano  
City of San Jose  
County of Napa  
County of Contra Costa  
County of San Francisco  
County of San Mateo  
City of Fairfield  
City of Petaluma  
City of Brisbane  
City of San Francisco

### Representatives Absent

Councilmember Jane Brunner  
Councilmember Kansen Chu  
Vice Mayor Richard Garbarino  
Supervisor John Gioia  
Supervisor Rose Jacobs Gibson  
Councilmember Ash Kalra  
Mayor Edwin Lee  
Councilmember Joe Pirzynski  
Supervisor David Rabbitt  
Mayor Tony Sbranti  
Supervisor Richard Valle  
Supervisor Mike Wasserman  
Vice Chair Terry Young

### Jurisdiction

City of Oakland  
City of San Jose  
City of South San Francisco  
County of Contra Costa  
County of San Mateo  
City of San Jose  
City of San Francisco  
Town of Los Gatos  
County of Sonoma  
City of Dublin  
County of Alameda  
County of Santa Clara  
RWQCB

Chair Tissier directed Rosy Leyva, MTC Commission Secretary, to conduct the roll call of the Commission; Leyva reported that a quorum of the Commission was not present.

[The ABAG Executive Board and MTC Commission next took up Item 3, Pledge of Allegiance.]

## **2. COMPENSATION ANNOUNCEMENT**

Chair Tissier directed Leyva to make the compensation announcement.

President Luce directed Fred Castro, ABAG Clerk of the Board, to make the compensation announcement.

[The ABAG Executive Board considered the following in order: Item 9, ABAG Consent Calendar; Item 12, ABAG President's Report; Item 13, ABAG Executive Director's Report; Item 14, ABAG Legislation and Governmental Organization Committee; Item 15, ABAG Finance and Personnel Committee.]

[The ABAG Executive Board and MTC Commission considered the following in order: Item 5, Plan Bay Area: Environmental Impact Report (EIR) Scoping Feedback and Alternatives; Item 4, Approval of Special Joint MTC-ABAG Executive Board May 17, 2012 Minutes; Item 7, Technical Amendments to the Job-Housing Connection Strategy.]

[The ABAG Executive Board considered the following in order: Item 8, Investment Area and Priority Development Area (PDA) Designations and Approval of Downtown Napa/Soscol Corridor PDA.]

[Chair Tissier adjourned the meeting of the MTC Commission at about 9:40 p.m.]

[President Luce recessed the meeting of the ABAG Executive Board at about 9:40 p.m.]

[President Luce reconvened the meeting of the ABAG Executive Board at about 9:50 p.m.]

[The ABAG Executive Board considered the following in order: Item 8, public comments; Item 6, Approval of Resolution Nos. 12-12 and 13-12, and Adoption of Final Regional Housing Need Allocation (RHNA) Methodology, Release of Draft Allocations, and Approval of Subregional Shares; Item 10, Public Comment; Item 11, ABAG Announcements; and Item 16, Adjournment.]

## **3. PLEDGE OF ALLEGIANCE**

President Luce and Chair Tissier led the ABAG Executive Board, MTC Commission, and the audience in the Pledge of Allegiance.

## **4. Approval of Special Joint MTC-ABAG Executive Board May 17, 2012 Minutes\*\*\* ABAG and MTC ACTION.**

Chair Tissier recognized a motion, which was seconded by MTC Commissioner Steve Kinsey, Supervisor, County of Marin, to approve the Special Joint MTC-ABAG Executive Board May 17, 2012 minutes. The motion passed unanimously.

President Luce recognized a motion by ABAG Executive Board Representative Rebecca Kaplan, Councilmember, City of Oakland, which was seconded by ABAG

Executive Board Representative Pat Eklund, Mayor Pro Tem, City of Novato, to approve the Special Joint MTC-ABAG Executive Board May 17, 2012 minutes. The motion passed by consensus, with Eklund abstaining from voting on items related to the U.S. Environmental Protection Agency.

**5. Plan Bay Area: Environmental Impact Report (EIR) Scoping Feedback and Alternatives\***

Kenneth Kirkey, ABAG Planning and Research Director, who was joined by Tina Thomas, Lead CEQA Counsel for Plan Bay Area, presented the alternatives reviewed by the MTC Planning Committee and ABAG Administrative Committee that will be evaluated in the Environmental Impact Report for Plan Bay Area.

Kirkey reported on the environmental review process, outreach meetings conducted and feedback received, the five EIR alternatives proposed by staff, the evaluation of the alternatives using an integrated regional modeling system. He described the five proposed EIR alternatives, which include (1) No Project, (2) Jobs-Housing Connection, (3) Transit Priority Focus, (4) Enhanced Network of Communities, and (5) Environment, Equity and Jobs. He described the environmental resource categories whose impacts the EIR will assess. He reviewed a detailed schedule of ongoing Plan Bay Area EIR activities. He stated that some policymakers on the ABAG Planning and Administrative Committees have indicated that a tutorial on the UrbanSims model would be helpful.

President Luce introduced ABAG Executive Board Representative Christina Olague, Supervisor, City and County of San Francisco, and ABAG Executive Board Alternate Brandt Andersson, Councilmember, City of Lafayette, attending for ABAG Executive Board Representative Julie Pierce, Councilmember, City of Clayton.

Chair Tissier announced that a quorum of MTC Commissioners was present at about 7:45 p.m.

Board and Commission members discussed Priority Conservation Areas, and whether conservation and recreation will be included in the assessment of the alternatives; the technical capability of the model simulations; including analyses of less growth under the No Project alternative; having a demonstration of the UrbanSims model at another joint meeting, the ABAG Executive Board, and the ABAG Regional Planning Committee; identifying and defining Transit Priority Projects; the South Livermore Plan and density transfer credits or transfer development rights policy in rural areas; baseline traffic data used in the modeling.

Public comments were heard from the following individuals:

Paul Campus, Building Industry Association of the Bay Area, spoke on the alternatives reflecting the views of active participants, support for Alternative 4, and the feasibility of reliance of proposed project on the PDAs; Glenda Kitchen stated she was not in agreement with what was being done with private property; Clare Johns on living and working in the Bay Area and values to be considered in the EIR analysis; Ari Goldberg stated he was in favor of Alternative 1, asked for a moratorium on the other alternatives, and spoke on central economic planning and the free market, and global warming; Mimi Steel on visioning sessions and its process, Utopianism, global warming, and smart growth and sustainability development; Rebecca Lafetus on the preferred land use alternative and public participation; Linda Best, Contra Costa

Council and Bay Area Business Coalition, on Alternative 4 and PDA assessment; Brian Chavez on VMT tax; Michael Nielson on a Soprano series, zero project, and governance; Robert Allen on Alternative 1 and a coordinated system of mass rapid transit.

Pat Ferguson on the economy, regulations and taxes, science, climate change and global warming, Communism and Marxism; Marlene Hofacker on public presentation and participation, use of models, and lifestyle changes; Ralph Fernandez on temperature readings, social reengineering, subsidizing of transportation; Kathleen McCray on Plan Bay Area and Alternative 1, public knowledge and support, regional planning, and open, transparent dialogue; David Schonburn on MTC highway construction and transit projects, regional transit ridership, rigorous targeting of investments to reduce greenhouse gas emissions, waiving Committed Projects Policy for Alternative 5; John Dalruple on the impact on construction workers and development, support for Enhanced Network of Communities and need for guidelines, and construction jobs; Carol Pesko on CEQA guidelines and EIR compliance certification, mass transit, transit villages, and jobs creation and local solvency; Jennifer Delaney on submitting alternative to a vote of all residents in nine-county Bay Area, regional government, and private property; Beverly Potter on spending money and stealing freedom; David Bennett on Agenda 21.

Bonnie Crup on mandates providing sufficient housing; Charles Cagna on greenhouse gas production and natural gas revolution; Catherine Lyons, Bay Area Council and Bay Area Business Coalition, on including Alternative 4, PDA assessment, additional forecasting analysis, and CEQA streamlining and tiering and infill development; Judy Ghillotti on surveys of public opinions at One Bay Area meeting and citizens as stakeholders; Pam F. on letters questioning EIR process and studying population forecast; Parisa Fatehi-Weeks, Public Advocates and Six Wins Network, on studying alternatives and Alternative 5, and environmental and equity benefits; Aubrey Freedman on job opportunities; Martin Engelman, CCTA, on letter of July 5 about urban limit line in Contra Costa County, UrbanSim model, Alternative 4 as infeasible, common land use control totals, and alternative that reflects local plans; Tim Frank, Center for Sustainable Neighborhoods, on expanding range alternatives, adopting a hybrid alternative, and providing low income housing in job rich communities with few transit; Karen Westmont on economic planning and social engineering, sprawl and low density, and transfer development rights.

Kirsten Sno Spaulding, San Mateo County Union Community Alliance, on integrating equity concerns, affordable housing, affordable public transportation, and environmental concerns, focusing on workers and their communities, job growth and productivity, and offsetting unmitigatable impacts with job creation; Bonnie Crup on opposition to scenarios, statistics, and Chinese style government;

Board and Commission members discussed analyses of predicted jobs and housing growth and lower jobs and housing growth under Alternative 1, and construction job growth.

President Luce recognized a motion by ABAG Executive Board Representative Rebecca Kaplan, Councilmember, City of Oakland, which was seconded by ABAG Executive Board Representative Pat Eklund, Mayor Pro Tem, City of Novato, to approve Plan Bay Area: Environmental Impact Report alternatives with the

additional analysis of reduced jobs and housing growth under the No Project alternative and analysis of construction job growth.

Board and Commission members discussed the proposed alternatives and additional analyses of reduced jobs and housing growth; a hybrid alternative of the five proposed alternatives; the No Project alternative as a baseline analysis; including the Priority Conservation Areas in the EIR analyses; the relation of lower jobs and housing growth on General Plans; analyzing changing technology on reducing Greenhouse Gas emissions; discrepancies in the staff report and presentation for Alternative 4; Vehicle Miles Traveled; CEQA and EIR requirements.

President Luce recognized a substitute motion by ABAG Executive Board Representative Scott Haggerty, Supervisor, County of Alameda, which was seconded by ABAG Executive Board Representative Mark Green, Mayor, City of Union City, to approve Plan Bay Area: Environmental Impact Report alternatives as reported by staff. The motion passed unanimously.

Chair Tissier made a motion, which was seconded by MTC Commissioner Scott Haggerty, Supervisor, County of Alameda, to approve Plan Bay Area: Environmental Impact Report alternatives as reported by staff. The motion passed unanimously.

Chair Tissier suggested that the Board and Commission and their respective Executive Directors discuss the next round of public workshops and hearings before their next respective meetings.

**6. Approval of Resolution Nos. 12-12 and 13-12, and Adoption of Final Regional Housing Need Allocation (RHNA) Methodology, Release of Draft Allocations, and Approval of Subregional Shares\***

ABAG Executive Board Representative Karen Mitchoff, Supervisor, County of Contra Costa, suggested that members refer to the staff report in lieu of a staff presentation.

Board members discussed the reallocation of housing units from Oakland, San Jose and Newark, under the Sustainable Communities Strategy, to other cities due to changes in growth concentration and income adjustments in the draft RHNA methodology or inputs; the allocation of housing units to Dublin; and the appeals process and appeals board.

Public comments were heard from the following individuals: David Grabill, Latinos Unidos de Napa y Solano and Sonoma County Housing Advocacy Group, on the methodology as invalid, arbitrary and discriminatory; Michael Rawson, Public Interest Law Project, on the methodology's compliance with the law and reliance on PDAs; Peter Ohtaki, Vice Mayor, City of Menlo Park, on current housing element process and unfunded state mandates, and community participation and capacity; Mimi Steel on regional housing needs analysis and computer model; Evelyn Stivers, Nonprofit Housing Association of Northern California, on the PDAs and need for building affordable housing in transit-rich and job-rich communities; Pat Ferguson on opportunity for the poor; Sam Tepperman-Gelfant, Public Advocates and Six Wins Network on regional housing need assessment process; Gloria Bruce, East Bay Housing Organizations, on objective data to comply with state law; Tim Frank, Center for Sustainable Neighborhoods, on RHNA and PDAs, affordable housing for North Bay in-commuters.

President Luce recognized a motion by ABAG Executive Board Representative Barbara Kondylis, Supervisor, County of Solano, which was seconded by ABAG Executive Board Representative Carmen Chu, Supervisor, City and County of San Francisco, to approve Resolution Nos. 12-12 and 13-12.

Board members discussed income distribution by city; RHNA performance credit; allocation of housing units to Dublin, and the change in growth concentration and its effect; allocations to cities without PDAs; Housing Element law as a criteria and other factors considered in the methodology; forecasted growth outside of PDAs.

President Luce called for the vote on the motion. The motion passed by consensus, with four nay votes by Pat Eklund, Mayor Pro Tem, City of Novato; Brandt Andersson, Councilmember, City of Lafayette; Tiffany Renee, Vice Mayor, City of Petaluma; Scott Haggerty, Supervisor, County of Alameda.

**7. Technical Amendment to the Jobs-Housing Connection Strategy\***

President Luce recognized a motion by ABAG Executive Board Representative Rebecca Kaplan, Councilmember, City of Oakland, which was seconded by ABAG Executive Board Representative Pat Eklund, Mayor Pro Tem, City of Novato, to approve the technical amendment to the Jobs-Housing Connection Strategy. The motion passed unanimously.

Chair Tissier recognized a motion, which was seconded, to approve the technical amendment to the Jobs-Housing Connection Strategy. The MTC Commission vote to approve the technical amendment to the Jobs-Housing Connection Strategy was unanimous.

MTC Commissioner Amy Worth, Councilmember, City of Orinda, spoke on local plans and on the impact of Vehicle Miles Traveled tax.

[Public comments were heard under Item 10.]

**8. Investment Area and Priority Development Area (PDA) Designations and Approval of Downtown Napa/Soscol Corridor PDA\*\***

President Luce recognized a motion by ABAG Executive Board Representative Rebecca Kaplan, Councilmember, City of Oakland, which was seconded by ABAG Executive Board Representative Barbara Kondylis, Supervisor, County of Solano, to approve Resolution No. 11-12. The motion passed unanimously.

Public comments were heard from the following individuals: a speaker on the importance of investing in the education of children; a speaker on building on existing footprints and relocating people; a speaker on the No Project alternative and Paul Saffo's March 16 presentation to the Joint Policy Committee; David Grabill, Latinos de Unidos de Valle de Napa y Solano, on the PDA designation and RHNA allocation; a speaker on city and urban planning and general regional planning, and Agenda 21.

**9. ABAG Consent Calendar**

President Luce recognized a motion by ABAG Executive Board Representative Jack Gingles, Mayor, City of Calistoga, and seconded by ABAG Executive Board Representative Barbara Kondylis, Supervisor, County of Solano, to approve the ABAG Executive Board Consent Calendar. The motion passed by consensus, with ABAG

Executive Board Representative Pat Eklund, Mayor Pro Tem, City of Novato, abstaining from voting on Item 9.D.

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

Summary of Minutes of Meeting No. 386 held on May 17, 2012.

**B. Grant Applications**

There were no federal grant applications received for transmittal to the State Clearinghouse.

**C. Appointments to Committees**

President Luce requested Executive Board approval of appointments to the following committees:

Regional Airport Planning Committee

Mark Kasperzak, Mayor, Sunnyvale  
Desley Brooks, Councilmember, Oakland

Regional Planning Committee

Michael Lane, Policy Director, Non-Profit Housing Association of Northern California

HUD Grant Steering Committee

Julie Pierce, Councilmember, Clayton  
Scott Haggerty, Alameda County Supervisor  
Christina Olague, Supervisor, City and County of San Francisco

**D. Authorization to Submit Full Proposal and Accept Grant from U.S. Environmental Protection Agency Bay Water Quality Improvement Fund to Advance climate Change Resiliency through Ecologically Beneficial Flood Channel Design and Management\*\***

**E. Request for Authorization to Enter into an Interagency Agreement with the County of Marin, the Marin County Flood Control and Water Conservation District and the Sonoma-Marin Area Rail Transit District to Provide Technical Support for Permit Processing\*\***

**F. Authorization to Contract with Wilsey-Ham, Inc. for San Pablo Avenue Green Stormwater Spine Project Design Services\*\***

**G. Approval of Resolution No. 10-12 Authorizing Submittal of Urban Greening Grant Application, Accepting Grant Award, Negotiating, and Entering into Contract Agreement with State of California Strategic Growth Council\*\***

**H. Authorization to Join Amicus Curiae Brief in Cole v Town of Los Gatos (Pending Recommendation from Finance and Personnel Committee. Will Be Remove from Consent Calendar if there is no recommendation.)\*\***

**I. Approval of Resolution No. 14-12 Ratifying Submittal of Proposal to California Public Utilities Commission (CPUC) for Creation of San Francisco Bay Area Regional Energy Network (Bay REN)\*\***

**10. Public Comment**

Public comments were heard from the following individuals: Mike Bulea spoke on the use of public transportation, affordable housing, and environmental standards; a speaker on managing minds with respect to data; Sam Tepperman-Gelfant on including housing element as an eligibility factor for the One Bay Area grant program.

**11. ABAG Announcements**

There were no announcements.

**12. ABAG President's Report**

President Luce reported on his attending a meeting of the City of Corte Madera where he spoke on ABAG's role and their membership, and a meeting of the Alameda County Mayors Association where he spoke about the One Bay Area program and encouraged their continuing participation.

**13. ABAG Executive Director's Report\*\***

There was no Executive Director's report.

**14. ABAG Legislation & Governmental Organization Committee Report\*\***

ABAG Immediate Past President Mark Green, Mayor, City of Union City, reported on Committee activities and asked Board approval of Committee recommendations, including consideration of legislation: AB 693 (Huffman), Local Government: Sonoma County Regional Climate Protection Authority, support; SB 1130 (De Leon), Energy: Energy Assessment—Nonresidential Buildings—Financing, support; SB 1572 (Pavley), California Global Warming Solutions Act of 2006: AB 32 Investment Fund, support; review position on SB 1366 (DeSaulnier), Firearm: Lost or Stolen—Reports, support.

President Luce recognized a motion by ABAG Immediate Past President Mark Green, Mayor, City of Union City, and seconded by ABAG Executive Board Representative Scott Haggerty, Supervisor, County of Alameda, to accept the committee recommendations on AB 693, SB 1130, SB 1572, and SB 1366. The motion passed unanimously

Green reported on the Committee's review of other bills previously considered; and review of budget trailer bills: AB 1484, Redevelopment; SB 1018, Resources and Environmental Protection; and SB 1023, Public Safety Realignment.

**15. ABAG Finance & Personnel Committee Report\*\***

Committee Vice Chair Sepi Richardson, Councilmember, City of Brisbane, reported on the Committee's review of the financial reports.

**A. CLOSED SESSION**

Conference with Labor Negotiators

Agency designated representatives: Patricia Jones and others TBD

Employee organization: SEIU Local 1021

There was no closed session.

**16. Adjournment**

**Summary Minutes (Draft)**  
Special Joint Meeting  
ABAG Executive Board and MTC Commission  
No. 387, July 19, 2012

President Luce adjourned the meeting of the ABAG Executive Board at approximately 10:42 p.m.

Next MTC Commission Meeting:  
9:30 a.m., Wednesday, July 25, 2012  
Lawrence D. Dahms Auditorium  
Joseph P. Bort MetroCenter  
101 8th Street, Oakland, CA 94607

Next ABAG Executive Board Meeting:  
7:00 p.m., Thursday, September 20, 2012  
Lawrence D. Dahms Auditorium  
Joseph P. Bort MetroCenter  
101 8th Street, Oakland, CA 94607

Ezra Rapport, Secretary-Treasurer

*\* Attachments sent to ABAG Executive Board Members and MTC Commissioners*

*\*\* Attachments set to ABAG Executive Board Members.*

*\*\*\* Attachments sent to MTC Commissioners*

*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 audio recordings, please contact Fred Castro, Clerk of the Board, at (510) 464-7913 or FredC@abag.ca.gov.*



**Sonoma**

Applicant: Sweetwater Springs Water District  
Program: USDA  
Project: Water and Wastewater Disposal Program  
Description: Replacement of 4,800 lineal feet (LF) of existing main (2-inch with 6-inch) and appurtenances with 50 services on Old Monte Rio Road in Guernewood Park (Buerneville System) and replacement of 3,900 LF of existing main (2-inch with 6-inch) and appurtenances with 67 services on Hidden Valley Road in Guernewood Park (Guerneville System).

Cost: Total \$1,790,800.00 Federal \$1,754,800.00 State:  
Applicant \$36,000.00 Local  
Other

Contact: Stephen F. Mack (707) 869-4000  
ABAG Clearinghouse Numbe 15611

**San Mateo**

Applicant: San Mateo County Transportation District  
Program: Department of Transportation  
Project: FTA Section 5307 Program  
Description: Capital Maintenance--Fuel; ADA Operating Subsidy; Preventive Maintenance

Cost: Total \$5,843,646.00 Federal \$4,674,916.00 State:  
Applicant Local \$1,168,730.00  
Other

Contact: Rebecca Arthur (650) 508-6200  
ABAG Clearinghouse Numbe 15612



Submitted by: Judy Kelly  
Director, San Francisco Estuary Partnership

Subject: **Executive Board Approval of a Resolution to Authorize Entering into an Agreement with the State Water Resources Control Board for Proposition 84 Planning and Monitoring Funding for Green Infrastructure Master Planning Project**

Date: September 5, 2012

## **Executive Summary**

ABAG has been awarded \$597,901 in Proposition 84 grant funding to complete a Bay Area Green Infrastructure Master Planning Project. SFEP will receive approximately \$100,000 of the total. In this project, SFEP will coordinate with the County of San Mateo, Cities of Fremont, El Cerrito, San Jose, and Redwood City, as well as San Francisco Estuary Institute to develop a geographic information system (GIS) screening tool to identify opportunity locations for low impact development (LID) features within public rights-of-way. The screening tool will be beta-tested and refined. SFEP and collaborator will also develop LID-oriented plans and/or municipal LID implementation programs. Lastly, SFEP will work with municipalities to evaluate potential funding mechanisms to support LID including alternative compliance/in-lieu fee programs.

## **Recommended Action**

The Board is requested to authorize ABAG to enter into an agreement with the State of California to fund and complete the Green Infrastructure Master Planning Project and authorize the Executive Director of ABAG, or designee, to sign the agreement, and any amendments thereto.

## **Attachment**

Resolution 15-12

**ASSOCIATION OF BAY AREA GOVERNMENTS  
EXECUTIVE BOARD**

**RESOLUTION NO. 15-12**

**RESOLUTION AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE STATE  
OF CALIFORNIA AND DESIGNATING A REPRESENTATIVE TO SIGN THE  
AGREEMENT, AND ANY AMENDMENTS THERETO, FOR THE BAY AREA GREEN  
INFRASTRUCTURE MASTER PLANNING PROJECT**

**WHEREAS**, the Executive Board previously approved the application of ABAG/SFEP for grant funds from the State Water Resources Control Board under Proposition 84 for the Bay Area Green Infrastructure Master Planning Project; and

**WHEREAS**, the overarching goal of this project is to develop tools and methodologies that will enable municipalities to complete planning-level identification and prioritization of optimal sites for LID implementation to facilitate evaluation and ranking of potential sites for effectiveness in reducing pollutant loads and impacts to beneficial uses of area rivers, lakes, and streams; and

**WHEREAS**, the State Water Resources Control Board of the State of California has approved a grant award of Proposition 84 funds to ABAG to complete the project; and

**WHEREAS**, the Executive Board authorizes the Association of Bay Area Governments to enter into an Agreement with the State of California; and

**WHEREAS**, the Executive Board authorizes the Executive Director of ABAG, or designee, to sign the Agreement, and any amendments thereto.

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 15-12**

**NOW, THEREFORE, BE IT RESOLVED**, that the Executive Board of the Association of Bay Area Governments hereby adopts the contents of this Resolution.

The foregoing adopted by the Executive Board this 20<sup>th</sup> day of September, 2012.

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Mark Luce  
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 20<sup>th</sup> day of September, 2012.

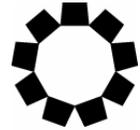
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Ezra Rapport  
Secretary-Treasurer

**Approved as To Legal Form**

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Kenneth K. Moy  
Legal Counsel



Submitted by: Athena Honore

Subject: **Introducing the Coastal Regional Sediment Management Plan for San Francisco Littoral Cell (San Francisco to Pacifica Coastline)**

Date: September 6, 2012

## **Executive Summary**

This report introduces the Coastal Regional Sediment Management Plan (CRSMP) project recently undertaken for a portion of the San Francisco and San Mateo Counties Pacific coastline (known as the San Francisco Littoral Cell). The Plan is being developed by consultants ESA PWA, with ABAG staff coordinating public and stakeholder involvement. We expect to bring a request to the ABAG Executive Board in late 2013 to adopt the Plan and to establish a new program committee to provide an ongoing governance structure to implement Regional Sediment Management after the Plan is adopted.

## **Recommended Action**

Information only at this time.

## **Next Steps**

The Plan will be completed in 2013. A resolution to adopt the final Plan will likely go to the ABAG Executive Board in late 2013. At the same time, we expect to request that the ABAG Executive Board establish a program committee to provide a forum for Plan implementation discussions after adoption.

## **Attachments**

San Francisco Littoral Cell Study Reaches for CRSMP



Date: September 6, 2012

To: Executive Board

From: Athena Honore, Communications Officer

Subject: **Introducing the Coastal Regional Sediment Management Plan for San Francisco Littoral Cell (San Francisco to Pacifica Coastline)**

## **Summary**

This report introduces the Coastal Regional Sediment Management Plan (CRSMP) project recently undertaken for a portion of the San Francisco and San Mateo Counties Pacific coastline (known as the San Francisco Littoral Cell). The Plan is being developed by consultants ESA PWA, with ABAG staff coordinating public and stakeholder involvement. We expect to bring a request to the ABAG Executive Board in late 2013 to adopt the Plan and to establish a new program committee to provide an ongoing governance structure to implement Regional Sediment Management after the Plan is adopted.

## **Background**

A task force of state, federal, and local/regional entities known as the Coastal Sediment Management Workgroup is addressing adverse impacts of coastal erosion on our coastal habitats through a Regional Sediment Management approach to augment or restore natural processes. Urbanization has changed natural supply and transport patterns for sediment, especially sand. Some coastal beach areas are narrowing due to reduced sediment supply, while ports and harbors must manage excess sediment. Regional Sediment Management (RSM) facilitates beneficial reuse of excess clean sediment from inundated locations at areas experiencing severe erosion.

The Coastal Sediment Management Workgroup is funding Coastal Regional Sediment Management Plans for coastal regions across California. These plans are intended to formulate regional sediment management policy and guidance in order to:

- restore, preserve and maintain coastal beaches and other critical areas of sediment deficit
- sustain recreation and tourism
- enhance public safety and access
- restore coastal sandy habitats, and

- identify cost-effective solutions for restoring areas impacted by excess sediment.

A Coastal Regional Sediment Management Plan process has recently been initiated for the portion of the San Francisco and San Mateo Counties Pacific coastline known as the San Francisco littoral cell (a littoral cell is a shoreline sedimentation unit including sources, transport, and sinks for sand). The Coastal Sediment Management Workgroup agencies are funding a technical team (ESA PWA) to develop the plan and ABAG staff to coordinate public and stakeholder outreach. Municipalities and landowning agencies in the plan area include the City and County of San Francisco, County of San Mateo, City of Daly City, City of Pacifica, and the Golden Gate National Recreation Area.

The San Francisco Littoral Cell Coastal Regional Sediment Management Plan will specify how governance, outreach, and technical approaches can support beneficial use of sediment resources in the plan area without causing environmental degradation or public nuisance. Preliminary analysis has included an assessment of geological and geomorphic processes, habitats and species of concern (terrestrial and marine), infrastructure at risk, economic costs/benefits, public access, policies that may influence sediment management, and impacts of climate change and sea level rise. Outreach efforts include convening a Stakeholder Advisory Group, working directly with individual stakeholders, and involving the public through public meetings and soliciting public comment on the Plan.

The Plan will identify coastal reaches where infrastructure or habitats are most at risk from coastal erosion and recommend approaches for managing future impacts. The Plan will examine potential funding sources for future projects to implement Plan recommendations. Because of its regional focus, the Plan focus may identify future opportunities for affected municipalities to work together on projects across jurisdictions. The Plan will be advisory in nature.

ABAG has been identified as the ideal agency to adopt the plan and provide an ongoing forum for RSM implementation. Regional government sponsorship is considered essential to the Plan effort, in order to maintain the regional focus during Plan implementation.

Timeline: Preliminary technical work and public and stakeholder involvement began in 2012. We expect a draft plan to be completed in early 2013 and a final plan late in 2013. A resolution to adopt the final Plan will likely go to the ABAG Executive Board in late 2013, along with a request to establish a program committee to provide a forum for implementation discussions after Plan adoption.

### **Recommendation**

Information only at this time.

Attachment:  
San Francisco Littoral Cell Study Reaches for CRSMP

# San Francisco Littoral Cell Study Reaches for CRSMP



SOURCE: ESA PWA 2012 (Figure, Reaches), NAIP 2010 (Aerial Imagery)

San Francisco Littoral Cell Coastal Regional Sediment Management Plan 211658.00

**Figure 1**  
Study Reaches



**Date:** September 20, 2012

**To:** ABAG Executive Board

**From:** Laura Thompson, Bay Trail Project Manager

**Subject:** Bay Trail Information Overview and Announcement of Recent Accomplishments

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The Bay Trail mission is to advance completion of a continuous 500-mile trail through all nine Bay Area counties, 47 shoreline cities and across 7 toll bridges. Today, 330 miles of trail exist and are in use by the public for recreation, active transportation and nature exploration.

The objectives of the Bay Trail Project are to coordinate completion of the multi-jurisdictional trail system; close trail gaps through grant awards to local agencies for trail planning and construction; and educate the public about this valuable resource along the edge of the bay.

At the September 20<sup>th</sup> meeting, I will provide a brief overview of recent ribbon-cuttings along the trail, update you on the accomplishments of our grant program and highlight recently-released and upcoming publications produced by the Bay Trail Project.

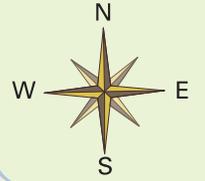
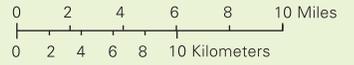
We are pleased to provide a complimentary copy of the new *San Francisco Bay Shoreline Guide* to each ABAG Executive Board member in appreciation of your support for this regional project.

#### Attachments

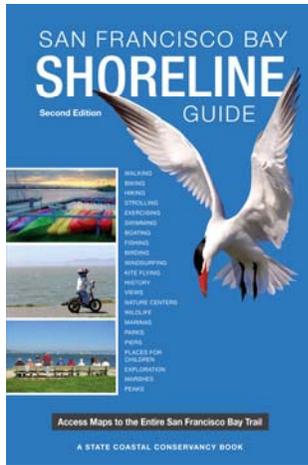
- 1) Bay Trail Vision Map
- 2) *San Francisco Bay Shoreline Guide* publication announcement



# SAN FRANCISCO BAY TRAIL



- Existing and Planned Bay Trail
- Connector Trail
- County Line
- Parks and Open Space

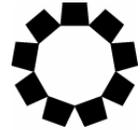


## The San Francisco Bay Shoreline Guide Your Passport to the San Francisco Bay Trail

The San Francisco Bay Trail Project is announcing the release of the second edition of the popular *San Francisco Bay Shoreline Guide*. Published by UC Press and funded by the State Coastal Conservancy, the Guide is comprehensive, compact, user-friendly, and studded with full-color maps and illustrations that cover the more than 325 miles of shoreline Bay Trail already open to the public. This book is a passport to the San Francisco Bay Trail and is essential for anyone who wants to explore the remarkably diverse San Francisco Bay shoreline.

The Guide shows how the Bay Trail offers access to commercial, industrial and residential neighborhoods, featuring points of historic, natural and cultural interest; recreational areas like beaches, marinas, fishing piers, boat launches, and over 130 parks and wildlife preserves. The Guide illustrates how the Bay Trail, which consists of paved multi-use paths, dirt trails, bike lanes, and sidewalks, passes through highly urbanized areas like downtown San Francisco as well as remote natural areas like the San Francisco Bay National Wildlife Refuge. It also highlights the various ecosystems that coexist along this unique urban shoreline, with common plant and animal species illustrated and described for easy identification. Access maps with icons indicate sites suitable for various activities: boating, fishing, biking, hiking, bird watching, picnicking, wheelchair riding. A reference section contains public transit information, names of Bay-related organizations, and many useful phone numbers and websites.

Since the Guide's first publication in 1995, more than 150 miles have been added to the Bay Trail, which will eventually encircle San Francisco and San Pablo Bays with continuous 500-miles of bicycling and hiking trails. The Second Edition Guide showcases those additions as well as the incredible array of amenities and activities featured along the Bay Trail. The Association of Bay Area Government's Bay Trail Project directed the comprehensive updates and new contributions, with Maureen Gaffney serving as editor and Laura Thompson and Lee Huo providing additional revisions and updates. For more information about the Bay Trail and where you can order your copy (just \$29.95 + shipping and handling), go to [www.baytrail.org](http://www.baytrail.org).



Submitted by: Miriam Chion  
Interim Director of Planning and Research

Subject: **Fall 2012 Leadership Meetings and Plan Bay Area Update**

Date: September 5, 2012

## **Executive Summary**

Staff will provide an overview of the Leadership Meetings' content and schedule (see attached memo).

Staff will also provide an update of the Plan Bay Area land use policies and implementation, as well as the environmental analysis and schedule.

## **Background**

This item is a follow up to the approval of the draft Plan Bay Area and the Draft Environmental Impact Report Alternatives.

## **Recommended Action**

This is an informational item; no action is required.

## **Attachment**

Leadership Meetings memo

# OneBayArea

DATE: September 5, 2012

TO: ABAG Executive Board

FROM: Miriam Chion, Interim Director of Planning and Research  
Association of Bay Area Governments

RE: Plan Bay Area Leadership Meetings - Priority Development Area Growth Strategy

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This fall, ABAG will conduct a series of Priority Development Area (PDA) Growth Strategy meetings - one in each county - as a precursor to City Council presentations on PlanBayArea. Co-sponsored with each county's congestion management agency, the purpose of the meetings being scheduled in September and October is to present up to date information related to PlanBayArea and the implementation of PDA Growth Strategies, including soliciting feedback on appropriate messaging, presentation materials, and the communication process needed for the cities in each county. The meetings are intended to be non-Brown Act, small group sessions that will facilitate dialogue between ABAG staff, and regional and congestion management elected officials and their invitees.

The meetings will include a brief staff presentation covering the topics and issues described below. The majority of the meetings will be reserved for discussion as they are intended to provide an opportunity for staff to hear from and engage Congestion Management Agencies (CMAs) and local elected officials regarding PDA implementation.

The following outlines the topics and issues that could be included:

**PlanBayArea:** The region's Sustainable Communities Strategy (SCS) – a collaborative regional planning effort between the Bay Area's 101 cities and towns, nine counties, and regional agencies to encourage more focused and compact growth to develop complete, unique communities – is comprised of several components:

*Jobs-Housing Connection Strategy:* The land-use element that proposes a long-term approach to growth focused on locally-designated PDAs.

*Transportation Investment Strategy:* A performance-based planning approach focused on measurable outcomes to help ensure high returns on strategic transportation investments.

*RHNA:* A comprehensive forecast of areas identified within the region sufficient to house an eight-year projection of the regional housing need consistent with the development pattern included in the SCS.

*RTP Environmental Impact Report (EIR) Alternatives:* ABAG and MTC recently adopted five alternatives which are currently under analysis for the program-level Draft EIR for PlanBayArea.

***PDA Implementation:*** The objective is how we get from where we are today to implementation of the PDAs based on the proposed place types. Two major components of implementation include the OneBayArea Grant (OBAG) and the PDA Investment and Growth Strategy:

*OBAG:* A new funding approach that better integrates the region's federal transportation program with the SCS and encourages land-use and housing policies that support the production of housing with transportation investments.

*PDA Investment and Growth Strategies:* In order to be eligible for OBAG funds, Congestion Management Agencies must prepare and adopt a PDA Investment and Growth Strategy to guide transportation related investments that are supportive of PDAs.

***County Plans:*** Existing plans, including county, transportation, and local plans, will play a critical role in PDA implementation. The meetings should discuss how existing and future plans help shape the development of PDAs.

***Local Engagement:*** ABAG and MTC are committed to assist with developing presentation materials for city councils so we need input on the kinds of materials you believe will be effective. Looking forward to the development of the PDA Investment and Growth Strategy and beyond, it would also be valuable to hear what the Leadership group thinks would constitute good engagement strategies for all stakeholders that will participate in the process.



## Fall 2012 Leadership Meetings Schedule

**Napa County:** Co-sponsored with Napa County Transportation and Planning Agency

**Date: September 10<sup>th</sup>, 10 a.m.**

Site: NCTPA offices, 707 Randolph Street, Suite 100, Napa

**Solano County:** Co-sponsored with Solano County Transportation Authority

**Date: Wednesday, September 12<sup>th</sup>, 1-3 p.m.**

Site: County Event Center, Conf. Room A/B, 601 Texas Street, Fairfield

**Santa Clara County:** Co-sponsored with VTA

**Date: Thursday, September 13, 4 p.m. (opening presentation of VTA Policy Advisory Committee (PAC) meeting)**

Site: VTA Administration Complex, Conference Room B-104, Building B,  
3331 North First Street, San Jose

**San Francisco City and County:** Co-sponsored with San Francisco County Transportation Authority

**Date: Friday, September 14<sup>th</sup>, 1 p.m. - 3 p.m.**

Site: SFCTA offices, Floor 22, 1455 Market Street, San Francisco

**Contra Costa County:** Co-sponsored with Contra Costa Transportation Authority

**Date: Monday, September 17<sup>th</sup>, 1 p.m. – 3 p.m.**

Site: CCTA meeting room, Suite 100, 2999 Oak Road, Walnut Creek

**Sonoma County:** Co-sponsored Sonoma County Transportation Authority

**Date: Wednesday, September 19<sup>th</sup>, 10 a.m. – Noon**

Site: County of Sonoma Administration Center, Human Resources Large Training Room, 575 Administration Dr., Suite 117-C, Santa Rosa

**Alameda County:** Co-sponsored with Alameda County Transportation Commission

**Date: Thursday, Sept. 27<sup>th</sup>, 4 p.m. – 6 p.m.**

Site: ACTC Offices, Board Conference Room, 1333 Broadway, Oakland

**Marin County:** Co-sponsored with Transportation Authority of Marin

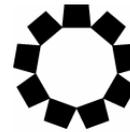
**Date: Thursday, October 4<sup>th</sup>, 5- 7 p.m. (SCS Ad Hoc Committee meeting)**

Site: TAM offices, Suite 200, 750 Lindero Street, San Rafael

**San Mateo County:** Co-sponsored with C/CAG

**Date: Thursday, October 25<sup>th</sup>, 6 – 8 p.m.**

Site: SamTrans, 1250 San Carlos, San Carlos



Date: September 7, 2012

To: Executive Board  
Administrative Committee

From Ezra Rapport  
Executive Director

Subject: **ABAG Building Relocation Policy**

## **Executive Summary**

ABAG staff is recommending that the Executive Board adopt a policy, subject to the successful negotiation of terms and conditions, whereby ABAG agrees to relocate to 390 Main Street (the Regional Headquarters Building) to preserve co-location with Metropolitan Transportation Commission (MTC) and join the Bay Area Air Quality Management District (BAAQMD) and possibly the San Francisco Bay Conservation and Development Commission (BCDC) in one regional facility.

This policy recommendation is not made easily. ABAG has been located in the City of Oakland for its entire fifty year history, and this location has proven to be successful in attracting good attendance to Executive Board meetings and many public events. ABAG's relationship with the City of Oakland has always been cordial and productive. ABAG also owes a debt of gratitude to Alameda County. Several decades ago, at a moment of crisis, Alameda County agreed to guarantee ABAG's bonds so it could purchase its condominium share of the MetroCenter. These bonds were paid off two years ago.

Nevertheless, this recommendation is made based upon staff's view that ABAG's function as the Bay Area's Council of Governments is best accomplished at the Regional Headquarters Building. In our opinion, the value of maintaining ABAG's co-location with MTC and the other regional agencies transcends the reservations and inconveniences of relocating to a new facility in San Francisco. ABAG's ability to influence regional policy, in particular land use policy, is far better served being co-located with the other agencies, and this will facilitate integrated regional planning which is essential for the Bay Area.

## **Executive Board/Administrative Committee**

### **ABAG Building Relocation Policy**

September 7, 2012

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#### **Argument for Continued Co-Location with MTC**

The Planning and Research Department is one of the core units of ABAG. ABAG's relationships with local government and the agenda of the Executive Board largely stem from content created by Planning and Research.

It should be noted, however, that ABAG performs many functions that are not related to Planning and Research and MTC. ABAG engages in numerous environmental planning and programming functions, including the San Francisco Estuary Partnership (SFEP), and a hazard mitigation program focused on earthquake damage mitigation and recovery. ABAG enterprise units also manage a large insurance pool with about 30 cities (PLAN), a finance authority (FAN) which has issued over \$2 billion of bonds, and an energy division. ABAG publishes economic and demographic reports based on the U.S census and other data sources. ABAG represents the interests of local government outside of land use planning as well, including public safety, education, legislation, economic development, environmental programs, waterfront access and other public policy arenas.

That said, most Planning and Research projects and programs are co-managed between ABAG and MTC. Over the past six years, the branding of regional land use programs has been in partnership between ABAG and MTC, and there has been a conscious effort to present regional land use policies with a united position. The programs include FOCUS; PDA Planning, Growth Strategies, and Investment; Station Area Planning; inclusion of PDAs and RHNA in OBAG; SCS Preferred Scenario, the Jobs Housing Connection; UrbanSim modeling; Web site information and public meeting communication; SCS EIR preparation; SGC and HUD Grant awards; and others.

Interaction between ABAG and MTC with respect to land use policies and programs typically involve daily meetings and constant communication between the staffs. The spatial integration of ABAG and MTC, in our opinion, has had a very positive impact on the work relationship. In person meetings are vital for the success of the partnership between ABAG and MTC.

Meetings among the staff between the two agencies have been the difference in resolving potential conflicts between the two agencies. The two cultures of the organizations—MTC being project driven; ABAG process oriented—requires extensive communication and sharing of ideas, and this has produced very positive results. The MTC and ABAG partnership has resulted in substantial ABAG input into the Sustainable Communities Strategy and the funding criteria of OBAG. ABAG's contribution to these documents and programs is influential with local government planners and CMAs/Special Districts because of the partnership that is maintained with MTC, which means that funding and investment will follow the planning. ABAG has an intermediary function between the interests of local governments and state and federal funding that is programmed by MPOs. Ultimately, ABAG funding for Planning and Research is justified because of ABAG's utility in performing this connection between local government and the MPO.

## **Executive Board/Administrative Committee**

### **ABAG Building Relocation Policy**

September 7, 2012

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In our opinion, the Council of Governments (ABAG) function should be co-located with the Metropolitan Planning Organization (MTC), in order to preserve and enhance this vital partnership. The co-location of these two organizations is an essential element of regional planning, and is the norm in every region in the United States.

Co-location with the BAAQMD and potentially BCDC should also be positive for future integrated regional planning.

### **Building Logistics and Accessibility Summary**

Analysis has been performed regarding the quality of space ABAG would receive if it relocated, as well as other issues, such as accessibility to the building.

The amount of space allocated to ABAG in the current planning of the building is equivalent to what is available now to ABAG at the MetroCenter. The quality of the space may be slightly less desirable, given that ABAG currently has more natural light space than the large floor plates at 390 Main, although the current design of 390 Main calls for natural light on agency floors. ABAG staff will be split among two floors, a minor disadvantage, as the staff will be located on two adjacent floors connected by an internal staircase. ABAG's Planning and Research staff will be located adjacent to the planning staffs of MTC and the Air District, a significant advantage in terms of relationship building and policy coordination.

Public space is likely to be more attractive than the MetroCenter, especially the auditorium. Energy costs are likely to remain constant with today's costs, given energy saving standards that will be employed.

The earthquake standard will be a minimum of life safety standard (same as current MetroCenter).

ABAG staff will generally face longer and more expensive commutes, and because of such, the proposed move may be unpopular with some staff. 390 Main is served well by BART/Caltrain for daytime meetings, although there is a four block, ten to twelve minute walk from BART and a MUNI connection from Caltrain. Board members will likely drive to ABAG night-time meetings, and will have to navigate San Francisco traffic between 6 p.m. and 7 p.m. While this trip is a reverse commute, traffic can be heavy at times. Returning from the night meetings should present free flow traffic conditions. Sufficient parking is available on site or very nearby for Board members, and making a suitable arrangement for ABAG public meetings is a condition that will need to be satisfied.

## **Executive Board/Administrative Committee**

### **ABAG Building Relocation Policy**

September 7, 2012

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#### **Principles Requiring Memorialized Agreement with MTC**

No agreements are in place pending the outcome of ABAG's policy decision regarding co-location. Should ABAG make the policy decision to relocate to 390 Main, the following principles will be presented to the Administrative Committee as ones to guide the negotiations with MTC:

1. Relocation expenses shall result in no cost to ABAG,
2. ABAG shall receive tenure security in the 390 Main building, equivalent to its rights at the MetroCenter;
3. Building governance shall protect ABAG in a similar manner as in the MetroCenter;
4. ABAG's space allocation shall have the same capacity as MetroCenter;
5. Relocation of ABAG's space shall be by mutual agreement only;
6. ABAG's annual costs of occupancy will be reasonably equivalent to ABAG's annual costs of occupying the MetroCenter;
7. ABAG will be granted rights to the programming of auditorium;
8. Parking for Board members for all meetings will be accommodated;
9. Shuttle allowance for ABAG meetings shall be provided;
10. Cafeteria services, similar to the MetroCenter, will be studied.

#### **Decision Making Process**

In July, 2011, the ABAG Executive Board declined to endorse MTC's proposal to purchase 390 Main. ABAG requested additional information about the available options, especially regarding buildings in Oakland.

Over one year later, it is clear that MTC and BAAQMD will be moving to 390 Main. The choice for ABAG is whether to join these agencies in this location or to remain separate from them at the MetroCenter.

To assist in evaluating the relocation option, the ABAG Administrative Committee Chair appointed a Co-location Subcommittee to identify issues that should be addressed in evaluating the decision by ABAG regarding relocation. Unfortunately, the last meeting of this Subcommittee failed to achieve a quorum, and there is no recommendation available.

The Administrative Committee is convening to make a recommendation to the Executive Board regarding the policy as to whether or not ABAG should join MTC and BAAQMD at 390 Main. If the Administrative Committee recommends relocation, it will also take action to adopt or modify the principles described above. The principles as adopted by the Administrative Committee will be presented in writing to the Executive Board for its affirmation.

**Executive Board/Administrative Committee**

**ABAG Building Relocation Policy**

September 7, 2012

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If the policy decision to relocate is made by the Executive Board, along with the adopted principles, it is expected that the final agreement negotiated between ABAG and MTC for terms and conditions will be managed by the Administrative Committee and brought to the Executive Board.

As this memo is being written for both the Administrative Committee and the Executive Board, staff recommends the following:

1. That the Administrative Committee and the Executive Board approve the policy of ABAG relocating to the Regional Headquarters Building at 390 Main, San Francisco;
2. That the principles recommended by the Administrative Committee and affirmed by the Executive Board guide the negotiations between ABAG and MTC over the terms and conditions of the real estate transaction under the auspices of the Administrative Committee. A report will be presented to the ABAG Executive Board in November.

# LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE

Committee Chair: Councilmember Julie Pierce—City of Clayton

Committee Vice Chair: Supervisor David Rabbit—Sonoma County

Staff: Patricia Jones – Assistant Executive Director 510/ 464-7933; FAX 510/464-7970; [PatJ@abag.ca.gov](mailto:PatJ@abag.ca.gov)

Kathleen Cha – Senior Communications Officer 510/ 464-7922; [KathleenC@abag.ca.gov](mailto:KathleenC@abag.ca.gov)

**Thursday, September 20, 2012 – 3:30 p.m. to 5:00 p.m.**  
***ABAG Large Conference Room B, MetroCenter, 101 Eighth Street, Oakland***

## AGENDA\*

1.	<b>OPEN AGENDA</b> Committee members may raise issues for consideration; members of the public may speak.	Information/ Action
2.	<b>APPROVAL OF MINUTES</b> Committee will review and approve the minutes of the July 19, 2012, L&GO meeting.	Information/ Action
3.	<b>STATUS OF 2012 STATE LEGISLATION CONSIDERED **</b> Summary report of bills previously considered by the Committee as the Legislature begins its final recess of the 2012 Legislative Session.	Information/ Action
4.	<b>CEQA GUIDELINES ANALYSIS—BALLONA WETLANDS TRUST</b> Presentation by Zack Wasserman, Partner, Wendel Rosen Black & Dean, LLP	Information/ Action
5.	<b>OVERVIEW OF PENSION REFORM LEGISLATION</b> Briefing by Herbert Pike, ABAG Finance Director	Information/ Action
6.	<b>DISCUSSION OF SEA LEVEL RISE SCOPE</b> Briefing by Ezra Rapport, ABAG Executive Director	Information/ Action
7.	<b>REVIEW OF NOVEMBER BALLOT PROPOSITIONS IMPACTING LOCAL GOVERNMENT</b> <b>Proposition 30:</b> Schools and Local Public Safety Protection Act <b>Proposition 31:</b> Government Performance and Accountability Act <b>Proposition 39:</b> Tax Treatment for Multistate Businesses	Information/ Action
8.	<b>ADJOURNMENT</b> Next meeting is scheduled for <b>November 15, 2012.</b>	Action
	<b>Agenda and other written materials are available at ABAG/Front Desk, 101 8<sup>th</sup> Street, Oakland, or at <a href="http://www.abag.ca.gov/meetings">http://www.abag.ca.gov/meetings</a> --</b>	

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

\*\* Full California Bill Texts and actions can be read and printed out from state website: [www.leginfo.ca.gov](http://www.leginfo.ca.gov).



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

**LEGISLATION**  
**2012 State Legislative Session**  
**Legislation & Governmental Organization Committee**  
**September 6, 2012**

	<b>2012 Legislative Session: Bills Enrolled and Sent to Governor</b>	<b>Status</b>	<b>L&amp;GO Position</b>
<b>AB 693 (Huffman)</b>	<b>Local Government: Sonoma County Regional Climate Protection Authority</b>		<b>Support</b>
<b>AB 441 Monning</b>	<b>State Planning</b>		<b>Oppose</b>
<b>AB 1532 John A. Perez</b>	<b>California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Account</b>		<b>Support (with suggested amendment)</b>
<b>AB 1585 Perez, Atkins, Dickinson, Hill, Mitchell, Perea, and Torres</b>	<b>Community Development</b>		<b>Support</b>
<b>AB 1656 Fong</b>	<b>San Francisco Bay Restoration Authority</b>		<b>Support</b>
<b>AB 1672 Torres</b>	<b>Housing-Related Parks Program</b>		<b>Support</b>
<b>AB 1951 Atkins</b>	<b>Housing Bonds</b>		<b>Support</b>
<b>SB 878 DeSaulnier</b>	<b>Office of the Transportation Inspector General</b>		<b>Watch</b>
<b>SB 1156 Steinberg</b>	<b>Sustainable Communities Investment Authority</b>		<b>Support</b>
<b>SB 1366 DeSaulnier</b>	<b>Firearms: Lost or Stolen— Reports</b>		<b>Support</b>
<b>AB 57 Beall</b>	<b>Metropolitan Transportation Commission</b>	<b>Chapter 88, 2012 Statutes</b>	<b>Support</b>
	<b>Bills that failed passage/died in Committee</b>	<b>Last status</b>	
<b>AB 484 Alejo</b>	<b>Enterprise Zones: Expiration of Designation</b>	<b>SEN Governance and Finance</b>	<b>Support</b>
<b>AB 1555 Norby</b>	<b>Redevelopment: Debt Forgiveness Agreements</b>	<b>ASM Inactive File</b>	<b>Watch</b>
<b>AB 1627 Dickinson</b>	<b>Energy: Vehicle Miles Traveled</b>	<b>ASM Business, Professions, Consumer Protection</b>	<b>Oppose</b>
<b>AB 2231</b>	<b>Sidewalks: Repairs</b>	<b>SEN Appropria-</b>	<b>Oppose</b>

Fuentes		tions Com	
AB 2447 Skinner & Perez	California Neighborhood Revitalization Partnership Act of 2012	SEN Appropriations Com	Watch
SB 654 Steinberg	Redevelopment	ASM Housing and Community Develop- ment	Watch
SB 986 Dutton	Redevelopment: Bond Proceeds	SEN Read third time. Urgency clause refused adoption	Support
SB 1130 (De Leon)	Energy: Energy Assessment— Nonresidential Buildings— Financing	ASM Appropriations Com; held under submission	Support
SB 1149 DeSaulnier	Bay Area Regional Commission (BARC)	SEN Appropriations Com	Oppose and Withdraw
SB 1151 Steinberg	Sustainable Economic Development and Housing Trust Fund: Long-range Asset Management Plan	ASM Housing and Community Develop- ment	Support
SB 1220 Steinberg and DeSaulnier	Housing Opportunity and Market Stabilization (HOMeS) Trust Fund Act of 2012	SEN Read Third time; refused passage	Watch
SB 1335 Pavley	Redevelopment: Brownfield Sites	SEN Appropriations Com. Held under submission	Watch
SB 1545 DeSaulnier —CoAuthor Hancock	Bay Area Toll Bridges	ASM Transportation--Failed passage out of Com.	Watch
SB 1572 (Pavley)	California Global Warming Solutions Act of 2006: <u>AB 32</u> <u>Investment Fund</u>	ASM Ordered to Second Reading. Rule 63 Suspended	Support
<b>FEDERAL LEGISLATION</b>			
S.97 Feinstein	<a href="#">San Francisco Bay Restoration Act</a>	SEN Legislative Calendar under General Orders	Support
H.R. 3034 Speier	<a href="#">San Francisco Bay Restoration Act of 2011</a>	Subcom. On Water Resources and Environment	Support



Date: September 5, 2012

To: Legislation and Governmental Organization Committee

From: Ezra Rapport  
Executive Director

Subject: **CEQA Guidelines Analysis**

Recent studies have made the point, including those conducted by the Bay Area Air Quality Management District (BAAQMD), that future development in areas proximate to freeways or busy arterials should consider the health impact of ambient freeway particulate matter on future residents of the project. The issue before local governments is whether or not these findings are required to be integrated into the CEQA process, or whether such findings constitute a land use policy matter that local governments can manage through conditions of approval.

Presently, there is a lack of clarity on whether the study of the impact of freeway ambient air quality is a CEQA matter or a local government policy matter. This lack of clarity has a serious impact on the ability of local governments to manage the entitlement process within PDAs and attract private and public investment to these areas. ABAG, as one of the key sponsors of the PDA strategy, has an obligation, in my opinion, to assist its members in understanding the type and level of analysis that is required by CEQA with respect to PDAs.

Recently published appellate court cases have examined the underlying CEQA statute regarding the principle of whether CEQA requires an examination of how the existing, ambient environment impacts the project or its users. In each case, the court ruled it did not. The CEQA statute contains provisions to study how the impact of the proposed project on the environment needs to be studied, not the reverse.

In the 2012 appellate case, *Ballona Wetlands Trust*, the Court struck Appendix G, the Environmental Checklist form, which contains the guideline requiring the examination of the existing environment on the project and its users. The Court did not address the guidelines directly. However, given the holding of the opinion, and the striking of Appendix G, it is logical that the Court intended that the offending guideline be struck by

the Department of Natural Resources. The Supreme Court declined to hear the case, leaving the opinion intact.

To help resolve this matter, the Executive Director would like to approach State government (Governor's Office, Attorney General's Office, Office of Planning and Research, Department of Natural Resources) to seek clarification regarding its published CEQA guidelines. The plan to do so includes obtaining a legal opinion from a strategically chosen law firm with known access to the Governor's Office, as well as contacts among other stakeholders with an interest in clarifying the intent of this guideline.

Attached is a proposal from Wendell Rosen, authored by attorney Zach Wasserman, to provide ABAG with such an opinion within the Executive Director's contracting authority (proposal is for a fixed fee of \$15,000), to be funded by the Planning Budget. If the opinion is useful in providing clarity for the state of CEQA law for this purpose, the Executive Director will request meetings with appropriate State agencies and report back to the L&GO Committee. It is expected that this process could take as long as 12 months.

### **Recommendation**

Staff recommends the Committee approve the process to achieve clarification of this CEQA guideline. Mr. Wasserman will be available to answer any questions.

Attachment:  
Wendell Rosen proposal dated August 16, 2012



1111 Broadway, 24<sup>th</sup> Floor  
Oakland, CA 94607-4036

T: 510-834-6600  
F: 510-808-4691

www.wendel.com  
zwasserman@wendel.com

August 16, 2012

**VIA EMAIL**

Mr. Ezra Rapport  
Executive Director  
Association of Bay Area Governments  
Joseph P. Bort MetroCenter  
101 Eighth Street  
Oakland, CA 94607

**Re: Proposal to Prepare Legal Analysis – Effect of *Ballona Wetlands* and Related CEQA Cases on CEQA Guidelines §15126.2**

Dear Ezra:

This letter is a response to the request for a proposed scope of work and cost proposal for Wendel, Rosen, Black & Dean LLP (“Wendel Rosen”) to prepare a legal analysis regarding the impacts and implications of *Ballona Wetlands Land Trust et al. v. City of Los Angeles* (2011) 201 Cal.App.4th 455 (“*Ballona Wetlands*”) and related cases under California Environmental Quality Act (“CEQA”) on the validity of statewide CEQA Guidelines §15126.2. The legal analysis would be prepared on behalf of Association of Bay Area Governments (“ABAG”), with the intent that the analysis could be used by ABAG to assist in advocacy efforts related to the affects of CEQA Guidelines on development and the environment in the Bay Area. As further described below, we propose to prepare the requested legal analysis for a fixed fee of \$15,000.

Guidelines §15126.2, and related State materials, including Appendix G, as currently adopted requires EIRs to “analyze any significant environmental effects the project might cause by bringing development and people into the area affected.” By way of example, this Guideline’s section states that “an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision.” Essentially, this means that EIRs must analyze the impacts of the environment on the project, in addition to the impact of the project on the environment. *Ballona Wetlands* is one of a series of cases that has called this language and approach into question, stating that “identifying the effects on the project and its users of locating the project in a particular environmental setting is neither consistent with CEQA’s legislative purpose nor required by the CEQA statutes.”

A number of legal firms and other parties interested in CEQA-related matters have issued statements, blog postings and other materials suggesting that the specific language in Guidelines §15126.2 cited above should be disregarded, while others have issued statements to the effect

Mr. Ezra Rapport  
August 16, 2012  
Page 2

WENDEL, ROSEN, BLACK & DEAN LLP

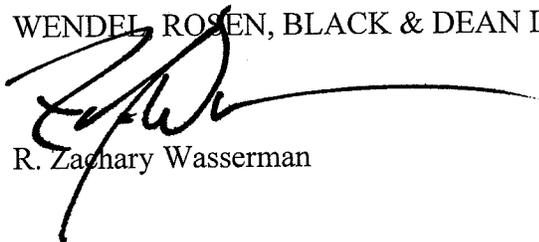
that jurisdictions preparing EIRs must rely on the current Guidelines, and include the analysis required by §15126.2 despite the courts' questioning in *Ballona Wetlands* and other cases. Additionally, as part of the process of amending the Guidelines pursuant to SB 226 (CEQA Streamlining for Infill Projects), some parties have submitted comments requesting that the Guidelines be amended to conform to the *Ballona Wetlands* decision. To date, however, the responses from the Governor's Office of Planning and Research ("OPR") have not addressed this issue, and the matter remains muddled.

Although CEQA itself only requires that the Guidelines be reviewed (and amended, if necessary) by OPR and the Secretary for Resources every two years, in practice the amendment process can occur continually, to account for statutory changes and evolving case law. We believe it is appropriate for ABAG to submit, with the assistance of Wendel Rosen, a specific request to OPR that the Guidelines be amended to account for the *Ballona Wetlands* decision and related cases. In particular, Wendel Rosen's work would consist of a careful review of the case law and commentary, and preparation of a detailed analysis explaining why §15126.2 should be amended – including a specific proposal for the required amendment. The analysis would be prepared by Wendel Rosen's experienced Land Use attorneys, with Patricia E. Curtin and Zack Wasserman assuming the lead roles. We propose to prepare the requested legal analysis for a fixed fee of \$15,000. We would also be available to make a presentation at an ABAG Board meeting, if requested.

We would be very pleased to assist ABAG in this important effort. If you have any questions on this proposal, feel free to contact me by phone or email. I look forward to discussing this with you.

Very truly yours,

WENDEL ROSEN, BLACK & DEAN LLP



R. Zachary Wasserman

RZW/nap

## ABAG FINANCE AND PERSONNEL COMMITTEE

**Thursday, September 20, 2012, 5:00 p.m.**

ABAG Conference Room B  
MetroCenter—8<sup>th</sup> and Oak Streets  
Oakland, CA

		<u>Recommendation</u>
1.	<b>Call to Order</b>	***
2.	<b>Public Comments</b>	<b>Information</b>
*3.	<b>Minutes of the July 19, 2012 Meeting</b>	<b>Action</b>
**4.	<b>Financial Reports – ABAG</b> <i>The June 2012 Financial report will be distributed later in the week as soon as it is completed.</i>	<b>Action</b>
*5.	<b>Report on Diversity and Business Opportunity—FY 2011-12</b> <i>The Finance Director will present the annual Diversity and Business Opportunity Report.</i>	<b>Action</b>
*6.	<b>Proposed Resolution to pay <i>per diem</i> for attending a meeting where quorum not achieved</b> <i>Discussion and action on proposal to pay per diem to members who attend a regular ABAG Board or committee meeting for which a quorum is not achieved.</i>	<b>Action</b>
*7.	<b>Discussion regarding payment of per diem for attending regular BACEI meetings</b> <i>Current ABAG policy does not specifically allow payment of per diem for attendance at BACEI meetings. Staff seeks direction as to whether per diem should be paid and to whom?</i>	<b>Action</b>
*8.	<b>Update on Budget Discussions Regarding Long-Term Funding for Planning and Research</b> <i>The Executive Director will present a proposed agreement between MTC and ABAG regarding long-term funding for Planning and Research.</i>	<b>Action/ Information</b>
*9.	<b>Review Prospective Impact of Recent State Pension Revisions on ABAG</b> <i>The Finance Director will present the major elements of the recent State legislation modifying employee retirement benefits and how it will impact current and prospective ABAG employees.</i>	<b>Information</b>

(continued)

**THE FOLLOWING ITEM WILL BE DISCUSSED IN CLOSED  
SESSION PURSUANT TO THE REQUIREMENTS OF THE RALPH  
M. BROWN ACT.**

- |     |  |                                |
|-----|--|--------------------------------|
| 10. | <b>Public Employee Performance Evaluation</b><br><i>Title: Legal Counsel</i> | <b>Action/<br/>Information</b> |
| 11. | <b>Adjournment</b>   | <b>Action</b>                  |

- \* Attachments enclosed with packet.
- \*\* Supporting documentation will be sent under separate cover.
- \*\*\* The Committee may take action on any item on the agenda, which action may be the recommended action, any other action or no action.

# ABAG FINANCE AND PERSONNEL COMMITTEE

## Summary Minutes

July 19, 2012

### Members Present

Councilmember A. Sepi Richardson  
Supervisor David Cortese  
Mayor Mark Green  
Supervisor Scott Haggerty  
Supervisor Barbara Kondylis  
Supervisor Mark Luce  
Vice Mayor Peter McHugh  
Councilmember Julie Pierce

### Jurisdiction

City of Brisbane  
County of Santa Clara  
City of Union City  
County of Alameda  
County of Solano  
County of Napa  
City of Milpitas  
City of Clayton

### Members Not in Attendance

Supervisor Rose Jacobs Gibson, Chair      County of San Mateo  
Supervisor John Gioia                              County of Contra Costa  
Supervisor David Rabbitt                              County of Sonoma

### Officers and Staff Present

Ezra Rapport, Executive Director  
Patricia Jones, Assistant Executive Director  
Kenneth Moy, Legal Counsel  
Herbert Pike, Finance Director  
Brian Kirking, IT Director  
Susan Hsieh, Assistant Finance Director

- 1) Councilmember Richardson called the meeting to order at 5:00 p.m.
- 2) Summary Minutes of the May 17, 2012 meeting were approved.  
/M/Haggerty/S/Kondylis/C/approved.
- 3) Pike provided an overview of the April and May 2012 Financial Reports.  
/M/Haggerty/S/McHugh/C/approved.
- 4) Pike provided an oral update on dues still owing from FY 2010-11 and FY 2011-12. The Committee directed staff to prepare and send a letter to Rio Vista expressing appreciation for their recent dues payment for FY 2012-13 indicating their desire to remain an active member of ABAG and to waive their dues from the prior fiscal years.  
/M/Green/S/Haggerty/C/approved.

- 5) The Committee discussed and agreed to support the request to join *amicus curiae* brief in support of Cole vs. Los Gatos.  
/M/Kondylis/S/McHugh/C/approved.
- 6) Rapport presented a proposal regarding long-term funding for ABAG's Planning & Research. The Committee directed further negotiation and to schedule further discussion at the next Committee meeting, September 20, 2012.
- 7) Moy recommended a process similar to the previous year to evaluate the performance of Legal Counsel and the Committee concurred.
- 8) The Committee discussed additional compensation for the Assistant Executive Director during the period she served as Acting Executive Director.  
/M/Kondylis/S/Haggerty/C/approved the award of 7.5 percent acting pay for the period March 16 through July 15, 2012.
- 9) In closed session, the Committee discussed issues regarding prospective labor negotiations. There was no reportable action.
- 10) The meeting was adjourned at 6:00 p.m.  
/M/McHugh/S/Kondylis/C/approved.

Date: September 10, 2012

To: Ezra Rapport, Executive Director

From: Patricia M. Jones, Assistant Executive Director  
Herbert L. Pike, Finance Director

Subject: **Report on Diversity and Business Opportunities - FY 2011/12**

This status report summarizes ABAG's business opportunities, recruitment, promotion and training activities during FY 2011-2012 (ending June 30, 2012) and recommends programs that will continue our record toward improving the Agency's diversity.

### **Executive Summary**

ABAG continues to have limited opportunities for employment and promotion due to our size, funding and turnover due to medical leaves. The fiscal year ended with 80 employees. During this past fiscal year, ABAG was able to add three permanent males of which two are full-time and one part-time, two temporary males, four permanent full-time females and one temporary female to our professional staff. We promoted two employees this fiscal year. One female was promoted from within the professional level and one member from an underrepresented group was promoted from the support level to the professional level.

ABAG's Diversity Program has three goals:

- To achieve in major job classifications (Management, Professional, Support) the same proportion of under-represented group members as exists in the nine-county San Francisco Bay Area labor force;
- To provide opportunities for all under-represented group members employed by ABAG to participate in training and education programs that will improve their personal advancement and contributions to the work of the Agency; and
- To ensure that the promotion of under-represented group members employed by ABAG be consistent with relevant skills, experience and background of the employees, performance requirements of higher job classifications and the needs for particular skills and positions in the Agency's work program.

This policy is consistent with the requirements and objectives set forth in Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e); the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 793); the Americans With Disabilities Act (ADA) of 1990 (42 U.S.C. § 12101 et seq); and California Government Code Sections 12940 et seq.

The following table shows the racial make-up of the total population and the labor force in the nine Bay Area counties. This reflects 2010 census information.

<b>BAY AREA NINE COUNTIES</b>	<b>TOTAL POPULATION CENSUS 2000</b>	<b>TOTAL POPULATION CENSUS 2010</b>
<b>RACIAL MAKE-UP</b>	<b>6,783,760</b>	<b>7,150,739</b>
Amer. Indian & Alaska Native	0.6%	0.7%
Asian, Native Hawaiian & Other Pacific Islander	19.5%	23.9%
Black or African American	7.5%	6.7%
Hispanic*	19.4%	23.5%
Others	9.2%	10.8%
White	58.1%	52.5%
Two or More Races	4.9%	5.4%

The racial make-up of the three counties (Alameda, Contra Costa and San Francisco) from which ABAG staff is primarily drawn differs from the nine-county Bay Area as shown below.

<b>ALAMEDA, CONTRA COSTA AND SAN FRANCISCO COUNTIES</b>	<b>TOTAL POPULATION CENSUS 2000</b>	<b>TOTAL POPULATION CENSUS 2010</b>
<b>RACIAL MAKE-UP</b>	<b>3,169,290</b>	<b>3,364,531</b>
Amer. Indian & Alaska Native	0.6%	0.6%
Asian, Native Hawaiian & Other Pacific Islander	20.7%	24.8%
Black or African American	11.5%	10.0%
Hispanic*	17.4%	21.3%
Others	8.1%	9.8%
White	54.0%	49.1%
Two or More Races	5.1%	5.7%

\*Persons of Hispanic origin may be of any race. Percent totals of White, Black, Asian and Pacific Islander, American Indian, Eskimo and Aleut, Others and Two or More Races may not total 100 percent due to rounding of decimals. Persons who identified themselves in the 2000 census as of Hispanic origin are also included in the racial categories.

### Current Composition of Staff

The table below shows the composition of the ABAG staff as of June 30, 2012. Of 80 employees, 46 are White (57 percent), 13 are Asian (16 percent), 11 are Black (14 percent), 4 are Hispanic (5 percent), 3 are Other (4 percent), 3 are Two or More Races (4 percent) and 1 percent is American Indian. On June 30, 2011, ABAG had 76 employees; the composition was 60.5 percent White, 16 percent Asian, 13 percent Black, 6.5 percent Hispanic and 4 percent Other. Because of the relatively small size of the staff, the addition or loss of one or two employees appears significant in percentages.

Progress towards diversity shows some variations for different under-represented members when examined by classification. Hispanics are not currently represented in the management and support classifications. As opportunities become available additional effort will be made to recruit this group.

ETHNIC BREAKDOWN BY CLASSIFICATION							
Race	Management		Professional		Support		Total
Amer. Indian	--		1	1.5%	--		1 1.2%
Asian	--		11	16.7%	2	25%	13 16%
Black	1	14.3%	7	10.6%	3	37.5%	11 13.6%
Hispanic	--		4	6%	--		4 4.9%
Others	1	14.3%	2	3%	--		3 3.7%
Two or More	1	14.3%	2	3%	--		3 3.7%
White	4	57.1%	39	59.2%	3	37.5%	46 56.9%
<b>Total</b>	<b>7</b>	<b>100%</b>	<b>66</b>	<b>100%</b>	<b>8</b>	<b>100%</b>	<b>81 100%</b>

An examination of the composition of staff by classification and gender in the following table shows a need for more females in management and more males in professional and support classifications.

STAFF COMPOSITION BY CLASSIFICATION & GENDER			
Management (7)	Professional (66)	Support (8)	Total (81)
Male (5) 71%	Male (25) 38%	Male (3) 38%	Total (33) 41%
Female (2) 29%	Female (41) 62%	Female (5) 62%	Total (48) 59%

During FY 2011-2012, five staff members left the Agency. Two retired, two resigned and one was laid off due to the end of the grant-funded position.

	White*	Black	Asian	Hispanic	Male	Female
Management	2	--	--	--	2	--
Professional	2	--	--	1	1	2
Support	--	--	--	--	--	--
<b>Totals</b>	<b>4</b>	<b>--</b>	<b>--</b>	<b>1</b>	<b>3</b>	<b>2</b>

### **Recruitment**

During FY 2011-2012, the Agency added ten staff members, five males and five females.

	White*	Black	Asian	American Indian	Two or More Races	Male	Female
Management	--	--	--		--	--	--
Professional	5	1	1	1	2	5	5
Support	--	--	--		--	--	--
<b>Totals</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>5</b>

Job openings were advertised with other regional councils of governments and other professional and non-profit organizations. Agency job openings were also posted on the Internet and the application was available online.

Interview Panels have, whenever possible, included under-represented group members as well as both genders. This policy will continue. The Human Resources Manager and hiring manager select applicants for interview without knowledge of their ethnic status. If, however, this process does not produce representatives of under-represented groups, they are asked to re-examine the credentials of under-represented candidates. Whenever possible, qualified under-represented applicants are invited to interview.

The following table presents the salary breakdown for classified staff by race and gender as of June 30, 2012.

**ASSOCIATION OF BAY AREA GOVERNMENTS**  
**COMPOSITION OF CLASSIFIED STAFF BY GENDER, RACE AND SALARY RANGE**  
(As of June 30, 2012)

SALARY RANGE	WHITE*		BLACK		ASIAN		AMERICAN INDIAN		TWO OR MORE RACES		HISPANIC		SUB-TOTAL		TOTAL
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
<b>MANAGEMENT</b>															
\$128,472-\$161,100	4	1	--	1	--	--	--	--	1	--	--	--	5	2	
<b>SUBTOTAL</b>	4	1	--	1	--	--	--	--	1	--	--	--	5	2	7
<b>PROFESSIONAL</b>															
\$94,932-\$115,380	2	2	--	--	--	1	--	--	--	--	--	2	2	5	
\$75,024-\$100,548	2	7	1	1	2	--	--	--	--	--	--	1	5	9	
\$68,280-\$83,004	8	8	1	1	4	1	1	--	--	1	--	1	14	12	
\$56,820-\$69,060	2	5	--	--	--	1	--	--	--	1	--	--	2	7	
\$49,512-\$60,180	2	3	--	3	--	2	--	--	--	--	--	--	2	8	
<b>SUBTOTAL</b>	16	25	2	5	6	5	1	--	--	2	--	4	25	41	66
<b>SUPPORT</b>															
\$44,832-\$54,660	--	2	--	--	--	--	--	--	--	--	--	--	--	2	
\$38,952-\$47,352	--	--	--	3	2	--	--	--	--	--	--	--	2	3	
\$35,304-\$42,948	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
\$30,360-\$37,080	1	--	--	--	--	--	--	--	--	--	--	--	1	--	
<b>SUBTOTAL</b>	1	2	--	3	2	--	--	--	--	--	--	--	3	5	8
<b>TOTAL</b>	21	28	2	9	8	5	1	0	1	2	0	4	33	48	81

\*White includes Other

**Internship Program**

Our traditional summer intern program consistently attracts a high caliber of applicants. The Agency received a total of 62 applications and hired 8 interns who were continuing or had just completed their college education. Of the 8 interns, 3 were White (37.5 percent), 3 were Asian (37.5 percent), and 2 were Other (25 percent).

## **Training**

It is the Agency's policy to encourage staff to participate in training to enhance their performance and develop skills for future growth. Thirty-four employees participated in 74 classes with the assistance of our training and development program. The Agency's expenditure was \$28,855 which compares to \$36,401 invested in FY 10/11 and \$27,405 invested in FY 09/10. The participants were from every classification and represented all races and genders. Although not represented in these numbers, the Agency encourages and supports managers and professionals to participate in workshops and associations related to their field. The expenditures for these on-going professional development programs are included in individual program and project budgets.

All program managers are encouraged to promote the professional growth of their staff. Since funds are limited, we encourage focus on those efforts that enhance the position-related qualifications of regular staff members. A special effort will be made to identify under-represented group members who need guidance and encouragement, as well as financial help, to further their careers. This is especially true for those interested in completing their college education.

## **Promotions**

There were four promotions during this fiscal year. Two males and two females were promoted. Two employees were promoted from within the professional level and two were promoted from the support level to the professional level. Three of the four promotions were for women or for a member of an under-represented group.

## **Business Opportunities - FY 11/12**

Our adopted diversity policy states in part that:

“ABAG will, in its contracts with third parties for technical, consulting or other professional and non-professional services, comply with Federal rules regarding third-party relationships. ABAG will solicit proposals: from consultants with the required expertise who have protected group representatives among their employees, and from protected group consultants with the required expertise.”

In this spirit during FY 2011-12, ABAG used—and in most cases continues to use—the MBE/WBE firms, organizations or companies presented on Tables I and II.

In the past year, the agency consulting/service contracts with MBE/WBE organizations totaled \$1.04 million representing a decrease of 12.3 percent (\$146 thousand) from FY 2010-11. Since total contracted services decreased 12.6 percent in FY 2011-12 over FY 2010-11, the percent of all contracts representing MBE/WBE enterprises increased from 23.6 percent in FY 2010-11 to 23.7 percent in FY 2011-12. Staff will review the process and explore how the designation process may be improved to assure we are capturing all minority vendors, not only those self-reported as minority vendors.

Table I--List of Firms/Contracts by Name and Table II—List of Firms/Contracts by Type are attached and provide additional detail.

### **Conclusion**

Progress toward achieving and maintaining a diverse workforce continues to be a challenge. As in previous years, we continue to seek Hispanic applicants in the professional and support classifications to round out ABAG's diverse workforce. We have doubled our efforts to send job announcements to organizations that provide services to Hispanics, such as the Unity Council in Oakland. We will also continue to reach out and provide contracting opportunities to as many under-represented groups as possible, while maintaining our requirements of excellence. For the first time, we do have representation of American Indian.

**TABLE I--LIST OF FIRMS/CONTRACTS BY NAME**

COMPANY	NATURE OF WORK	TYPE	FY2011/12 (\$'000)	FY2010/11 (\$'000)
ACCENT SERVICE COMPANY INC	JANITORIAL SERVICES	Asian	0	13
BARR, EILEEN C	CONSULTANT	Woman	1	0
BROCKBANK, MARCIA L	CONSULTANT	Woman	0	1
CAREER ALLIANCE INC	TEMP. PERSONNEL AGENCY	African-America	157	245
CHOPS STEAKHOUSE	CATERING	Woman	0	5
CUSTOMIZED PERFORMANCE CLEANING	JANITORIAL SERVICES	Hispanic	19	0
DRLIK, TANYA	CONSULTANT	Woman	1	0
EARTHTEAM ENVIRONMENTAL NETWORK	CONSULTANT	Woman	3	64
FASTSIGNS	PRINTING	Asian	0	1
GOODWIN CONSULTING GROUP INC	CONSULTANT	Woman	22	29
JEANNE PERKINS CONSULTING	CONSULTANT	Woman	0	15
JP GRAPHICS INC	PRINTING	Woman	0	15
JT LITHO	PRINTING	Asian	55	58
KEATING, MARISELA	CONSULTANT	Hispanic	0	2
KRIESHOK, LISA	CONSULTANT	Woman	1	3
LUNCHSTOP CAFE METRO CENTER	CATERING	Asian	15	17
MAZE & ASSOCIATES	AUDITOR	Woman	140	77
NAT'L FORUM FOR BLACK PUBLIC ADMINISTRATORS	PROFESSIONAL ORG.	African-America	5	2
NETWORK CONSULTING SERVICES	CONSULTANT	Woman	4	0
OAKLAND MARRIOTT CITY CENTER	HOTEL	Asian	102	20
OKAMOTO, ARIEL RUBISSOW	CONSULTANT	Woman	25	0
PATTON, JOAN E	CONSULTANT	Woman	4	2
PDQ PRINT COPY MAIL	PRINTING/MAILING	Asian	1	2
PRISTIA, ELIZABETH	TRANSCRIPTION SERVICES	Woman	2	1
PRUNUSKE CHATHAM INC	CONSULTANT	Woman	58	14
REED, DENISE J	CONSULTANT	Woman	9	12
SAFETY COMPLIANCE MANAGEMENT INC	ONLINE INSTRUCTION	Woman	276	283
SLOAN, ROBERTA	CONSULTANT	Woman	13	17
SPENCER, LINDA	CONSULTANT	Woman	3	14
SSP DATA PRODUCTS	COMPUTER SUPPLIES	Asian	44	33
SULLIVAN, VERONICA	CONSULTANT	Woman	1	0
TDC ENVIRONMENTAL LLC	CONSULTANT	Woman	14	48
V-SOFT INC	TECHNICAL CONSULTANT	Asian	50	177
ZERO WASTE SOLUTIONS	JANITORIAL SERVICES	Asian	14	15
<b>TOTAL</b>			<b>1,039</b>	<b>1,185</b>
<b>% of ALL ABAG CONTRACTS/SERVICES</b>			<b>23.7%</b>	<b>23.6%</b>

**TABLE II--LIST OF FIRMS/CONTRACTS BY TYPE**

COMPANY	NATURE OF WORK	FY2011/12 (\$'000)	FY2010/11 (\$'000)
<b>AFRICAN-AMERICAN</b>			
CAREER ALLIANCE INC	TEMPORARY PERSONNEL AGENCY	157	245
NAT'L FORUM FOR BLACK PUBLIC ADMINISTRATORS	PROFESSIONAL ORG.	5	2
<b>TOTAL AFRICAN-AMERICAN</b>		<b>162</b>	<b>247</b>
<b>ASIAN</b>			
ACCENT SERVICE COMPANY INC	JANITORIAL SERVICES	0	13
FASTSIGNS	PRINTING	0	1
JT LITHO	PRINTING	55	58
LUNCHSTOP CAFE METRO CENTER	CATERING	15	17
OAKLAND MARRIOTT CITY CENTER	HOTEL	102	20
PDQ PRINT COPY MAIL	PRINTING/MAILING	1	2
SSP DATA PRODUCTS	COMPUTER SUPPLIES	44	33
V-SOFT INC	TECHNICAL CONSULTANT	50	177
ZERO WASTE SOLUTIONS	JANITORIAL SERVICES	14	15
<b>TOTAL ASIAN</b>		<b>281</b>	<b>336</b>
<b>HISPANIC</b>			
CUSTOMIZED PERFORMANCE CLEANING	JANITORIAL SERVICES	19	0
KEATING, MARISELA	CONSULTANT	0	2
<b>TOTAL HISPANIC</b>		<b>19</b>	<b>2</b>
<b>WOMAN</b>			
BARR, EILEEN C	CONSULTANT	1	0
BROCKBANK, MARCIA L	CONSULTANT	0	1
CHOPS STEAKHOUSE	CATERING	0	5
DRLIK, TANYA	CONSULTANT	1	0
EARTHTEAM ENVIRONMENTAL NETWORK	CONSULTANT	3	64
GOODWIN CONSULTING GROUP INC	CONSULTANT	22	29
JEANNE PERKINS CONSULTING	CONSULTANT	0	15
JP GRAPHICS INC	PRINTING	0	15
KRIESHOK, LISA	CONSULTANT	1	3
MAZE & ASSOCIATES	AUDITOR	140	77
NETWORK CONSULTING SERVICES	CONSULTANT	4	0
OKAMOTO, ARIEL RUBISSOW	CONSULTANT	25	0
PATTON, JOAN E	CONSULTANT	4	2
PRISTIA, ELIZABETH	TRANSCRIPTION SERVICES	2	1
PRUNUSKE CHATHAM INC	CONSULTANT	58	14
REED, DENISE J	CONSULTANT	9	12
SAFETY COMPLIANCE MANAGEMENT INC	ONLINE INSTRUCTION	276	283
SLOAN, ROBERTA	CONSULTANT	13	17
SPENCER, LINDA	CONSULTANT	3	14
SULLIVAN, VERONICA	CONSULTANT	1	0
TDC ENVIRONMENTAL LLC	CONSULTANT	14	48
<b>TOTAL WOMAN</b>		<b>577</b>	<b>600</b>
<b>TOTAL MBE/WBE</b>		<b>1,039</b>	<b>1,185</b>
<b>Total ABAG Consulting/Service Contracts</b>		<b>4,393</b>	<b>5,026</b>
<b>Percent MBE/WE of Total Consulting/Service Contracts</b>		<b>23.7%</b>	<b>23.6%</b>

**ASSOCIATION OF BAY AREA GOVERNMENTS  
EXECUTIVE BOARD**

**RESOLUTION NO. \_\_-12**

**WHEREAS**, the Association of Bay Area Governments (ABAG) is a joint powers agency formed pursuant to the Joint Powers Act, California Government Code §§ 6500, *et seq.*; and

**WHEREAS**, Section VII.A(7) of the duly adopted Bylaws of ABAG states that members of specified boards, standing committees, special committees, joint committees, task forces and the like (Eligible Bodies) receive a *per diem* “for each meeting attended”; and

**WHEREAS**, on occasion a validly called and noticed meeting of an Eligible Body fails to occur due to the lack of a quorum (Failed Meeting); and

**WHEREAS**, the members of the Eligible Body who were present at the validly called and noticed time and location of the Failed Meeting have incurred the same expenses that they would have incurred had the meeting occurred; and

**WHEREAS**, the Finance and Personnel Committee recommends that the members of an Eligible Body who were present at the validly called and noticed time and location of a Failed Meeting of the Eligible Body be paid a *per diem*.

**NOW THEREFORE BE IT RESOLVED**, that the Executive Board of the Association of Bay Area Governments hereby finds that the members of an Eligible Body authorized to receive a *per diem* from ABAG who were present at the validly called and noticed time and location of a proposed meeting of the Eligible Body that failed due to lack of a quorum have incurred the same expenses that they would have incurred had the meeting occurred. Therefore, the Executive Board of the Association of Bay Area Governments hereby declares that solely for the purpose of implementing Section VII.A(7) of its Bylaws, members of an Eligible Body who are authorized to receive a *per diem* from ABAG who were present at the validly called and noticed time and location of a proposed meeting of the Eligible Body that failed due to lack of a quorum are deemed to have attended a meeting of the Eligible Body.

The foregoing was adopted by the Executive Board this 20<sup>th</sup> day of September, 2012.

---

Mark Luce  
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 20<sup>th</sup> day of September 2012.

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Ezra Rapport  
Secretary-Treasurer

**Approval as To Legal Form**

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Kenneth K. Moy  
Legal Counsel

DRAFT

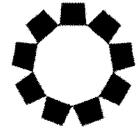
Date: September 10, 2012  
To: ABAG Finance & Personnel Committee  
From: Herbert L. Pike, Finance Director  
Subject: Per diem for attending BACEI meetings

Staff seeks Committee direction in drafting a resolution to allow *per diem* reimbursement for ABAG members attending regular meetings of the Bay Area Council Economic Institute (BACEI).

Background

Current ABAG By-Laws and Policies do not presently allow for the payment of *per diem* for ABAG members to attend BACEI meetings. BACEI endeavors to schedule regular quarterly meetings. ABAG appoints 13 members (one-third of the BACEI Board). If all appointees attended all meetings, the incremental *per diem* cost to ABAG would be \$7,800.

An alternative would be to authorize *per diem* for ABAG elected officers to attend BACEI meetings. An example would be the President, Vice-President and immediate Past President. This would equate to a *per diem* cost of \$1,800.



Date: September 7, 2012

To: Finance and Personnel Committee

From: Ezra Rapport  
Executive Director

Subject: **MTC-ABAG Planning and Research Budget Agreement**

## **Executive Summary**

The ABAG – MTC Budget Committee has reached agreement on a five year budget (beginning FY 2102 -2013 through FY 2016-2017) to fund the ABAG Planning and Research Department. The agreement contains annual payments from MTC to ABAG as reflected in the memo that MTC has sent to its full Commission for ratification. Attachment A is the MTC memo going forward to the full Commission. Attachment B is the ABAG baseline budget projected for FY 2012- 2017, which demonstrates that the MTC funding is sufficient to cover the projected expenses of the ABAG’s Planning and Research Department.

## **Benefits of the Agreement**

The proposed ABAG- MTC Budget proposal accomplished the following ABAG objectives:

1. Sets forth a base line budget for ABAG Planning and Research that allows ABAG to meet its Council of Government responsibilities for both land use and economic and demographic projections. These funds will be used to accomplish a mutually agreeable set of tasks, and are not tied specifically to any particular set of tasks, such as work associated with SB 375;
2. The budget augmentation to ABAG, which is in the amount of approximately \$500,000 per year, should sufficiently replace State subsidies (Prop. 84) that currently provide partial funding for this unit, as these funds may be difficult to obtain beginning in FY 2013-14;
3. The funding is a guaranteed baseline amount, and is not subject to a formula which varies year to year. MTC agrees to guarantee ABAG funding at the

beginning of the fiscal year, creating stability in the budget/fiscal management of the unit. In addition, any budgetary savings achieved in one year can be rolled over to the next year, potentially providing a small reserve in the event of unforeseen expenditures required by the unit mid-year.

This proposal would resolve the budget dilemma between ABAG and MTC for at least five years, including the current year. The long standing issue stems from the fact that the separation of ABAG as the Council of Governments (COG), and MTC as the Metropolitan Planning Organization (MPO), is unique in the State. Several times over the forty year history of MTC, proposals have been made to consolidate the two agencies. In each case, the Legislature chose to keep the agencies independent and represented by different Boards with different levels of regional representation. Since the last occasion when this issue was debated, the Legislature specifically called out ABAG to provide the land use scenarios and analysis under SB 375. To my knowledge, however, the Legislature was not asked to sort out how ABAG would be annually funded to perform this statutory responsibility as well as its other COG functions. ABAG staff believes this proposed agreement addresses this statutory anomaly by voluntary agreement between the two agencies.

### **Base Line Budget for Planning and Research Activities**

ABAG presented to MTC a detailed five year budget reflecting its COG role as the agency primarily responsible for developing a regional land use plan collaboratively with local governments (see Attachment 1). The baseline budget represents staff's best attempt to streamline functions, consolidating what were previously two departments.

Land use and Council of Governments planning synergizes a great deal of relevant information, including regional economics, demographic trends, local housing markets, employment distribution, regulatory impacts on entitlements, and environmental, sustainability, and equity analytics.

The ABAG-MTC FOCUS program and subsequent Sustainable Communities Strategy (SCS) program have resulted in 200 self nominated areas throughout the region where sustainable housing and employment growth could be achieved with the support of local government. This highly successful program could not have been undertaken without the State providing grant funding over six years; first, Blueprint grants, and second, Prop. 84 grants. These funds are most likely terminated by 2013-2014 (a small level of funding remains, but unlikely to be awarded for SCS planning). While the PDA program has identified areas for potential growth, implementing this strategy for growth is a much more complex matter. The PDA program is the centerpiece of a Transportation Demand Management (TDM) strategy of MTC. MTC is investing many millions on this strategy to succeed, thereby creating a path for the region to maintain its competitive economic edge through appropriately located growth.

ABAG believes that continued funding for ABAG planning staff is an appropriate TDM land use investment. ABAG Planning proposes to assist local governments, special districts, CMAs, and other regional agencies in land use planning in a variety of ways. ABAG will expand its support to local governments with the PDA planning process and investment strategy. Beyond technical assistance, ABAG will assist in administering the PDA program by helping shape the PDA growth strategies through a comprehensive assessment of each PDA.

ABAG will continue to strengthen its role as a regional resource by monitoring housing production, building expertise in urban and suburban housing markets, and assembling and disseminating best practices for financing the acquisition and development of affordable units. ABAG will also bolster its ability to support local governments in addressing obstacles to infill development –including streamlining the entitlement process and innovative approaches to attracting private investment in the PDAs. Streamlining the entitlement process requires working with various regional and state agencies and special districts. ABAG will help integrate hazard mitigation planning, such as air quality mitigation, earthquake resiliency, and sea level rise infrastructure planning into the PDA planning process. ABAG will also convene stakeholders in advocating for the replacement of State redevelopment and the creation of new mechanisms to finance affordable housing and infrastructure, including the use of tax increment financing.

#### **Guarantee of Funding at the Start of the Fiscal Year**

ABAG cannot manage its fiscal responsibilities unless it is certain that the revenues projected to cover expenses are available at the beginning of the fiscal year. MTC revenues have such certainty, and the agreement contemplates that unexpended ABAG funds from one fiscal year will be carried over to the next. ABAG does not have (and has never had) a sufficient undesignated reserve to cover uncertainties and, this agreement may allow ABAG to carry a small reserve to cover unanticipated expenses within the Planning Department.

#### **Relocation to 390 Main**

Should ABAG decide to move to 390 Main, the agreement contains \$1.4M to cover tenant improvements. Staff is conferring with MTC project managers to assess if this amount of funding is sufficient. The agreement does not rely on ABAG moving to 390 Main, and will stay in place even if ABAG chooses not to move, less the \$1.4M tenant improvement allowance.

**Conclusion: Budget Issues Resolved through Dialogue between ABAG and MTC Policymakers**

ABAG appreciates the effort to date put forth by ABAG and MTC elected officials and staff.

We hope that further dialogue between ABAG and MTC elected officials will continue the progress made on resolving the Planning and Research budget issues in the future, beyond the five year agreement. It is recommended that the budget issue be taken up again in the third year of the agreement so that the agreement can be extended or amended as necessary with sufficient time for discussion. Staff recommends approval of this agreement to be memorialized by a Memorandum of Understanding (or similar document) between the agencies.

Attachments:

- (A) MTC Executive Director draft memo
- (B) ABAG baseline budget projected for FY 2012- 2017



METROPOLITAN  
TRANSPORTATION  
COMMISSION

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## *Memorandum*

TO: Commission

DATE: September 19, 2012

FR: Executive Director

RE: Funding Agreement Framework for MTC/ABAG Joint Planning Activities

The Association of Bay Area Governments (ABAG) has requested the Commission to consider a new approach to funding joint planning activities that would provide ABAG a more predictable basis for their annual budgeting. Members of the ABAG Board and Commission met twice to discuss an approach to a multi-year funding agreement and a baseline calculation of ABAG's expenses that would be covered by this agreement. Based on those meetings and continuing conversations between board members of both agencies, staff is recommending a framework for your approval.

### **Background**

The current MTC/ABAG funding agreement for ABAG's research and planning activities is based on a formula allocation of a percentage of the federal and TDA planning funds that MTC receives each year. This formula has been in existence since FY 1993-94. In addition to these funds, MTC provides ABAG a percentage of regional planning funds per the One Bay Area Grant (OBAG) formula allocation, and funding for ABAG staff support to the Station Area Planning program, now re-named the PDA Planning program.

In addition to the above, in both FY2011-12 and FY2012-13, the region received a \$1,000,000 grant from the state's Strategic Growth Council Sustainable Communities Planning Grant program per Proposition 84. MTC and ABAG have shared these funds to cover costs associated with implementing the joint planning requirements of SB375. The final round of grant funding under this program will occur in FY2013-14. While we are advocating for the continuation of state funding support after that date, the loss of these funds would have a significant impact on ABAG's ability to fund its research and planning functions.

### **Proposed Framework**

- The agreement would cover a four-year period beginning FY 2013-14 through FY 2016-17 and would replace the current annual formula calculation with a specific dollar amount per year.
- The framework includes a mechanism and funding for ABAG to contribute to the cost of tenant improvements to new office space in the event ABAG decides to relocate its

offices to the new Regional Headquarters Facility.

- Per the meetings of ABAG Board and Commission members noted above, the proposed funding amounts are calculated using an FY2012-13 estimate of ABAG’s research and planning services expenses of \$3,700,000 as the base, escalated at 1.5% per year, plus funding sufficient for ABAG to contribute to the cost of tenant improvements as noted above.
- Per these assumptions, the annual amount of funds to be made available to ABAG would be as follows:

FY 2013-14	\$4,105,000
FY 2014-15	\$4,162,000
FY 2015-16	\$4,219,000
FY 2016-17	\$4,277,000

- The funding sources for the agreement would include the final round of Prop. 84 funds in FY2013-14 as well as any new state planning funds made available to the region to support research, planning and implementation activities per the requirements by SB 375 and Plan Bay Area. MTC and ABAG will advocate for the continuation of state planning funds to support these activities.
- The framework would allow unspent funds to carry over into ensuing years’ agreements for expenditure by ABAG in subsequent fiscal years, thereby providing budget capacity over the course of the four-year agreement to meet anticipated agency expenses.
- The MTC Administration Committee would authorize the execution of each year’s agreement, per the funding amounts above, in order to confirm the scope of work for research and planning activities to be carried out by ABAG in exchange for the funding received.
- ABAG and MTC will explore in earnest ways to reduce costs related to duplicate functions.

Staff seeks the Commission’s approval of this framework and authorization to forward it to ABAG for consideration as the basis for the MTC/ABAG funding agreements beginning in FY2013-14.

---

Steve Heminger

**RESEARCH & PLANNING SERVICES**  
**PROJECTED EXPENSES THROUGH FY 2014-15**  
(updated July 13, 2012)

		<u>12-13</u>	<u>13-14</u>	<u>14-15</u>	<u>15-16</u>	<u>16-17</u>	<u>5-YEAR AVG</u>
<b>TOTAL SALARIES</b>	\5	1,376,794	1,401,406	1,420,143	1,430,463	1,435,959	
TOTAL BENE'S B4 MOU 1%	\4	995,837	1,025,796	1,053,507	1,077,171	1,098,401	
MOU ANNUAL 1%	\9	11,863	35,922	60,553	85,895	111,830	
<b>TOTAL SAL+BEN+MOU</b>		<b>2,384,494</b>	<b>2,463,124</b>	<b>2,534,203</b>	<b>2,593,529</b>	<b>2,646,190</b>	
INDIRECT COSTS (@42.95%)		1,000,910	1,028,251	1,052,180	1,070,977	1,086,861	
<b>TOTAL PERSONNEL + INDIRECT</b>		<b>3,385,403</b>	<b>3,491,374</b>	<b>3,586,382</b>	<b>3,664,506</b>	<b>3,733,051</b>	<b>3,572,144</b>
<b>DIRECT NON-PERSONNEL</b>							
Consulting Fees	\11	56,250	56,250	56,250	56,250	56,250	
Communications Services	\6	82,500	82,500	82,500	82,500	82,500	
Other Non-Personnel	\10	41,250	45,000	48,750	52,500	56,250	
<b>TOTAL DIRECT NON-PERSONNEL</b>		<b>180,000</b>	<b>183,750</b>	<b>187,500</b>	<b>191,250</b>	<b>195,000</b>	<b>187,500</b>
<b>OPERATING REVENUE REQ'D</b>		<b>3,565,403</b>	<b>3,675,124</b>	<b>3,773,882</b>	<b>3,855,756</b>	<b>3,928,051</b>	<b>3,759,644</b>
<b>REVENUES</b>							
-Station Area Planning	\7	(250,000)	0	0	0	0	(50,000)
-MTC Funding	\7	(3,211,260)	(3,755,000)	(3,812,000)	(3,869,000)	(3,927,000)	(3,714,852)
-Prop. 84/Other Grants	\8	(1,000,000)					
<b>TOTAL REVENUES</b>	\8	<b>(4,461,260)</b>	<b>(3,755,000)</b>	<b>(3,812,000)</b>	<b>(3,869,000)</b>	<b>(3,927,000)</b>	<b>(3,964,852)</b>
<b>NET (SURPLUS)/DEFICIT</b>			<b>(79,876)</b>	<b>(38,118)</b>	<b>(13,244)</b>	<b>1,051</b>	<b>(32,546)</b>
<b>RELOCATION ALLOWANCE \12</b>							
Supplemental MTC funding commitment			(350,000)	(350,000)	(350,000)	(350,000)	(350,000)
Amortized Relocation Costs			350,000	350,000	350,000	350,000	350,000

**FOOTNOTES:**

\4 = Employee benefits include retirement contributions, funding retiree medical health liability (OPEB ARC), health-dental-vision care, transit allowance, disability insurance, long-term disability, life insurance, workers' comp, etal.

\5 = Increase between fiscal years due solely to step increases.

\6 = Reduction of 25% from previous funding levels. Communications support is essential to communicate directly with our members, the public and media. Some \$700,000 (approximately 80%) of the Communications work has been focused on the SCS, including participating and supporting outreach for the Plan to our members, and the public. Thus, it is estimated ABAG has been underwriting SCS and related activities in the neighborhood of \$600,000 in excess of the \$110,000 previously funded by transportation funding passing through MTC.

\7 = Revenue projections are based on a 1.5% annual increase in the MTC FY 13/14 allocation of \$3.7 million. Station Area Planning is included within the \$3.7 million allocation.

\8 = Assumes surplus funding in one year can be carried forward into subsequent years.

\9 = Rough approximation of additional costs assuming negotiated labor MOU increases of 1% each January.

\10 = A 25% reduction in original request is reflected. A summary of costs incurred in FY 2010-11 under "Non-Personnel Expense" include Office Supplies-\$14,551; In-house printing-\$6,132; Travel-\$5,684; Subscriptions & Membership-\$15,853; Computer processing-\$900; Postage-\$850; Mailing labels-\$486; Telephone (teleconferences)-\$317; Insurance & bonding-\$243 and Staff training & development-\$789, summing to \$70,833.

\11 = (cont'd) This institutional knowledge will be essential to further support and integrate land use and transportation analysis. Thus, both the new position and the reduced consulting fees will be required to accomplish our tasks.

\12 = Relocation funding and amortized costs cease after FY 16/17. Allowance is restricted to tenant improvements. Moving expense and movable furniture (e.g. desks, chairs and file cabinets) still to be negotiated.

Date: September 10, 2012  
To: ABAG Finance & Personnel Committee  
From: Herbert L. Pike, Finance Director  
Subject: Review Prospective Impact of Recent State Pension Revision on ABAG

On the last day of the recent State legislative session, AB340 was passed that included several substantial revisions to the governmental pensions throughout California. The legislation is currently in the Governor's Office awaiting his signature. Since he introduced the legislation, his signature is expected.

The attached F&PC AGENDA ITEM #9-A provides an edited version of a recent summary provided by CalPERS. Having reviewed several analyses over the last two weeks, I am prepared to answer any questions. New requirements such as basing pensions on the highest contiguous 36 month period are already in place, as well as the restriction not to use unused sick leave or vacation to increase reported salary. Similarly, ABAG already complies with medical coverage restrictions by offering the same coverage to all employees. As for ABAG's current pension offering, it is 2.5% at age 55.

The new legislation references the splitting of "normal" retirement costs between the employee and the employer. The "normal" cost is the required amount to pay for new service credits being earned during the current year. It excludes the accrued actuarial unfunded liability accrued in prior periods. In the case of ABAG, our current CalPERS retirement contribution is 30.5% of salary or which 13.5% is accrued liability from prior periods. Thus, the "normal" cost would be 17.0% which would require a new employee to pay 8.5% toward their retirement. To provide some insight into the causes of our accrued unfunded liability, F&PC AGENDA ITEM #9-B is provided. Because of its relative complexity, I will note any questions and obtain informed responses from our actuarial consultant, Bartel & Associates.

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To: ABAG Finance & Personnel Committee  
From: Herbert L. Pike, Finance Director  
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The attached F&PC AGENDA ITEM #9-A provides an edited version of a recent summary provided by CalPERS. Having reviewed several analyses over the last two weeks, I am prepared to answer any questions. New requirements such as basing pensions on the highest contiguous 36 month period are already in place, as well as the restriction not to use unused sick leave or vacation to increase reported salary. Similarly, ABAG already complies with medical coverage restrictions by offering the same coverage to all employees. As for ABAG's current pension offering, it is 2.5% at age 55.

The new legislation references the splitting of "normal" retirement costs between the employee and the employer. The "normal" cost is the required amount to pay for new service credits being earned during the current year. It excludes the accrued actuarial unfunded liability accrued in prior periods. In the case of ABAG, our current CalPERS retirement contribution is 29.4% of salary or which 12.6% is accrued liability from prior periods. Thus, the "normal" cost would be 16.8% which would require a new employee to pay 8.4% toward their retirement. To provide some insight into the causes of our accrued unfunded liability, F&PC AGENDA ITEM #9-B is provided. Because of its relative complexity, I will note any questions and obtain informed responses from our actuarial consultant, Bartel & Associates.

## Preliminary Summary of Pension Reform Provisions

These preliminary comments of CalPERS staff are based on its current understanding of AB 340 as set forth in Conference Report, edited to address the elements as they affect ABAG employees.

BRIEF SUMMARY	IMPACTS CURRENT EMPLOYEES	IMPACTS FUTURE EMPLOYEES
<p><b>Reduced Benefit Formulas &amp; Increased Retirement Ages</b> Creates a new defined benefit formula of 2% at age 62 for all new employees with an early retirement age of 52 and a maximum benefit factor of 2.5% at age 67.</p>		X
<p><b>Cap Compensation that Counts Toward Pension Benefits</b> Caps the annual salary that counts towards final compensation for all new employees at \$110,100 (2012 Social Security Contribution and Benefit Base) for employees. This compensation cap would adjust annually based on the CPI for all Urban Consumers.</p>		X
<p><b>Equal Sharing of Normal Cost</b></p> <ul style="list-style-type: none"> <li>• For new employees, it generally requires the employees and the employer to each contribute 50% of the total annual normal cost of pension benefits.</li> <li>• For current employees, the employer and employee could mutually agree to any cost sharing agreement for pension benefits between January 1, 2013 and December 31, 2017. Beginning on January 1, 2018 the employer could unilaterally require employees to pay 50% of the total annual normal cost up to an 8% contribution rate.</li> <li>• Employers may not pay any of the “equal share” required employee contribution.</li> </ul>	X	X
<p><b>Prohibit Purchases of Airtime</b> Eliminates the ability of any public employee to purchase non-qualified service or “airtime,” unless an official application was received by the system prior to January 1, 2013.</p>	X	X

<p><b>Prohibit Retroactive Pension Increases</b> Prohibits public employers from granting to both current and future employees retroactive pension benefit enhancements that apply to service performed prior to the enhancement.</p>	<p><b>X</b></p>	<p><b>X</b></p>
<p><b>Limit Post-Retirement Public Employment</b></p> <ul style="list-style-type: none"> <li>• Limits all employees who retire from public service from working more than 960 hours or 120 days per year for any public employer.</li> <li>• Requires a 180-day “sit-out” period before a retiree could return to work except under certain circumstances.</li> <li>• Requires a one-year “sit-out” period for retirees who received either a golden handshake or some other employer incentive to retire.</li> <li>• Prohibits an individual receiving an industrial disability retirement from working for another public employer doing the same or substantially similar job.</li> </ul>	<p><b>X</b></p>	<p><b>X</b></p>
<p><b>Contracting Agency Liability for Excessive Compensation</b> Requires CalPERS to develop requirements for defining a significant increase in actuarial liability for a former employer due to excessive compensation paid by a subsequent public employer, and to develop a plan to assess the cost of that excess liability to the employer who paid the excessive compensation.</p>	<p><b>X</b></p>	<p><b>X</b></p>

## Non-Normal PENSION Costs

The new legislation makes a distinction by asking new employees to fund half of the “normal” pension costs, thereby creating the category “non-normal” pension costs. Non-normal costs are the actuarial estimates of how much is needed to fund the future benefits earned through prior service credited less the reserves available to provide that funding. The largest shortfalls have arisen when a new benefit is established and employees’ prior experience is credited toward earning that benefit. Then there was the instance in 2008 when the equity (funds with CalPERS) lost 26% of their value. Then there are changes in assumptions such as a change in the assumed rate of return (recently reduced from 7.75% to 7.50%) and the amortization rate), the change in projected longevity of retirees and their age at retirement, and the estimated average salary increase over the life of the employee.

For ABAG’s pension plan CalPERS uses layered amortization. This means reasons for the unfunded liability are amortized separately. Here are their current policies:

1. Side fund (\$5.3M/8.56%)
  - Initial amount June 30, 2003 amortized over 17 years beginning 2005/06 (remaining 10 years from 2012/13)
  
2. Risk Pool: (4.03%)
  - Unfunded liability as of June 30, 2004 amortized over remaining 30 years from 2006/07 (remaining 24 years from 2012/13)
  - Gains and losses (with some exception) amortized over rolling 30 years
  - Special June 30, 2009 and 2010 asset losses amortized over fixed 30 years beginning 2011/12 and 2012/13 respectively
  - June 30, 2009 assumption changes amortized over 20 years beginning 2011/12
  - The above results in an average amortization period remaining of about 24 years from 2012/13

PRESIDENT	Supervisor Mark Luce, County of Napa
VICE PRESIDENT	Councilmember Julie Pierce, City of Clayton
IMMEDIATE PAST PRESIDENT	Mayor Mark Green, City of Union City
SECRETARY-TREASURER	Ezra Rapport
LEGAL COUNSEL	Kenneth K. Moy

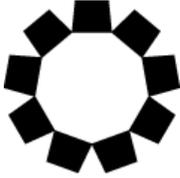
County of	Representative	Alternate
ALAMEDA	** Supervisor Richard Valle	Supervisor Keith Carson
ALAMEDA	** Supervisor Scott Haggerty	Supervisor Nathan Miley
CONTRA COSTA	* Supervisor Karen Mitchoff	Supervisor Candace Andersen
CONTRA COSTA	* Supervisor John Gioia	Supervisor Mary Piepho
MARIN	** Supervisor Susan L. Adams	Supervisor Judy Arnold
NAPA	** Supervisor Mark Luce	Supervisor Bill Dodd
SAN FRANCISCO	** Supervisor Christina Olague	Supervisor Eric Mar
SAN FRANCISCO	** Supervisor Carmen Chu	To Be Appointed
SAN MATEO	* Supervisor Rose Jacobs Gibson	To Be Appointed
SAN MATEO	* Supervisor Dave Pine	To Be Appointed
SANTA CLARA	** Supervisor Mike Wasserman	Supervisor George Shirakawa
SANTA CLARA	** Supervisor David Cortese	Supervisor Ken Yeager
SOLANO	* Supervisor Barbara Kondyllis	Supervisor Linda Seifert
SONOMA	* Supervisor David Rabbitt	Supervisor Mike McGuire

Cities in the County of	Representative	Alternate
ALAMEDA	* Mayor Mark Green (Union City)	Mayor Michael Sweeney (Hayward)
ALAMEDA	* Mayor Tim Sbranti (Dublin)	To Be Appointed
CONTRA COSTA	** Councilmember Julie Pierce (Clayton)	Councilmember Brandt Andersson (Lafayette)
CONTRA COSTA	** Councilmember Dave Hudson (San Ramon)	Councilmember Ben Johnson (Pittsburg)
MARIN	* Mayor Pro Tem Pat Eklund (Novato)	Vice Mayor Daniel Hillmer (Larkspur)
NAPA	* Mayor Jack Gingles (Calistoga)	Mayor Leon Garcia (American Canyon)
CITY OF SAN FRANCISCO	* Mayor Edwin Lee	Jeff Buckley, Office of the Mayor
CITY OF SAN FRANCISCO	* Jason Elliott, Dir, Legislative/Government Affairs	Renee Willette, Office of the Mayor
CITY OF SAN FRANCISCO	* Joaquin Torres, Office of the Mayor	Gillian Gillett, Office of the Mayor
SAN MATEO	** Councilmember A. Sepi Richardson (Brisbane)	Councilmember Pedro Gonzalez (S San Francisco)
SAN MATEO	** Vice Mayor Richard Garbarino (S San Francisco)	Councilmember Nadia Holoher (Millbrae)
SANTA CLARA	* Councilmember Joe Pirzynski (Los Gatos)	Councilmember Gilbert Wong (Cupertino)
SANTA CLARA	* Councilmember Ronit Bryant (Mountain View)	Vice Mayor Greg Scharff (Palo Alto)
SOLANO	** Mayor Harry Price (Fairfield)	Mayor Jack Batchelor (Dixon)
SONOMA	** Councilmember Susan Gorin (Santa Rosa)	Vice Mayor Tiffany Renee (Petaluma)
CITY OF OAKLAND	* Councilmember Rebecca Kaplan	To Be Appointed
CITY OF OAKLAND	* Councilmember Jane Brunner	To Be Appointed
CITY OF OAKLAND	* Councilmember Desley Brooks	To Be Appointed
CITY OF SAN JOSE	* Councilmember Sam Liccardo	Councilmember Rose Herrera
CITY OF SAN JOSE	* Councilmember Kansan Chu	Councilmember Nancy Pyle
CITY OF SAN JOSE	* Councilmember Ash Kalra	Mayor Chuck Reed

Advisory Members	Representative	Alternate
RWQCB	Terry Young	To Be Appointed

\* Term of Appointment: July 1, 2012 - June 30, 2014

\*\* Term of Appointment: July 1, 2011 - June 30, 2013



**ABAG**

# Meeting Schedule 2012

## Executive Board Meetings

January 19

March 15

May 17—Oakland Marriott City Center

July 19—Oakland Scottish Rite Center

September 20

November 15

### START TIME

7:00 PM

### LOCATION

Joseph P. Bort MetroCenter Auditorium

101 8th Street

Oakland, California 94607

Across from the Lake Merritt BART Station

## Spring General Assembly

April 19

Oakland Marriott City Center

## Fall General Assembly

October 18

Hyatt Regency Embarcadero, San Francisco