AGENDA

REVISED

ABAG EXECUTIVE BOARD MEETING NO. 370
Thursday, November 19, 2009, 7:00 PM
METROCENTER AUDITORIUM
101 8th Street (at Oak Street)
Oakland, California

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

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

1. **CALL TO ORDER**

2. **PUBLIC COMMENT**

3. **ANNOUNCEMENTS**

4. **PRESIDENT'S REPORT**

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. 369 held on September 17, 2009.

   B. **Grant Applications****
   With Board consent, ABAG will transmit the attached list of federal grant applications to the State Clearinghouse. These applications were circulated in ABAG's "Intergovernmental Review Newsletter" since the last Executive Board meeting.

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

C. Appointment to Committee
President Jacobs Gibson requests Executive Board approval of appointment to the following committee:

Regional Seaport Planning Advisory Committee

- Elizabeth Patterson, Mayor, City of Benicia

D. Request for Authorization to Enter into Interagency Agreement with U.S. Army Corps of Engineers
Authorization is requested to enter into an interagency agreement with U.S. Army Corps of Engineers to provide contract management and outreach to ABAG cities on a Regional Sediment Management Plan for the San Francisco Bay.

E. Authorization to Enter into Contract with the Bay Institute for a Restoration Coordinator
Authorization is requested for the Executive Director or designee to enter into a new contract on behalf of ABAG's San Francisco Estuary Partnership with the Bay Institute to continue the services of Marc Holmes, Restoration Consultant. The contract amount will not exceed $65,000 for a term from December 1, 2009, through December 31, 2010.

F. Authorization to Enter into New Contract with Watershed Project
Authorization is requested for the Executive Director or designee to enter into a new contract on behalf of ABAG's San Francisco Estuary Partnership with the Watershed Project for implementation of the Richmond Recommended Green Stormwater Reduction Options.

G. Approval of Resolution No. 18-09 Authorizing Executive Director or Designee to Sign and file, on behalf of ABAG, a Financial Assistance Application with State Water Resources Control Board for El Cerrito Green Streets Rain Gardens
At the May Executive Board meeting, the Board authorized submission of this application. The resolution approved at that meeting did not meet Regional Water Board's requirements. Therefore, a new resolution presented for Executive Board approval. Financial assistance shall not exceed $392,000.

7. CALIFORNIA CONSTITUTIONAL CONVENTION**
Information/ACTION: Fred Silva, Senior Fiscal Policy Advisor, California Forward and Jim Wunderman, President and CEO, Bay Area Council, will brief the Board on their respective proposed ballot measures concerning a California Constitutional Convention and other fiscal reform proposals.

8. SB 375 IMPLEMENTATION POLICIES**
ACTION: Paul Fassinger, ABAG Research Director, and Ted Droettboom, Joint Policy Committee Program Manager, will brief the Board on policies for the implementation of SB 375. The Board will be asked to approve the set of policies approved by the Joint Policy Committee.

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

9. REGIONAL STATE ENERGY PROGRAM APPLICATION**
Information/ACTION: Ezra Rapport, ABAG Deputy Executive Direcotr, and Jerry Lahr, ABAG POWER Program Manager, will brief the Board on a proposal to submit a grant application to the California Energy Commission for funds for a regional comprehensive Residential Building Retrofit Program and provide an udate on the Solar Energy Efficiency District.

10. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**
Information/ACTION: Committee Chair Carole Dillon Knutson, Councilmember, City of Novato, will report on Committee activities and ask Board approval of Committee recommendations.

11. FINANCE & PERSONNEL COMMITTEE REPORT**
Information/ACTION: Committee Chair Scott Haggerty, Supervisor, Alameda County, will report on Committee activities and ask Board approval of Committee recommendations including:

- The Committee is expected to recommend Executive Committee action on Resolution No. 19-09 authorizing up to $700,000 in borrowing to fund various capital improvements to the ABAG Offices and to recommend acceptance of vendor proposals for certain larger components of the overall facilities improvement project and contracting for the same.

12. CLOSED SESSION
Conference with Legal Counsel—Existing Litigation:
Home Builders Association of Northern California v. ABAG

13. ADJOURNMENT

Henry L. Gardner, Secretary-Treasurer

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

ABAG CALENDAR – November & December 2009

ASSOCIATION OF BAY AREA GOVERNMENTS [ABAG], Joseph P. Bort MetroCenter, 101 Eighth Street, Oakland, CA 94607-4756
ABAG Receptionist: 510/464-7900 **ABAG FAX:** 510/464-7985 **E-mail:** info@abag.ca.gov **URL:** http://www.abag.ca.gov

NOVEMBER

ABAG / BAAQMD / MTC Joint Policy Committee
11/6 @ 10:00 am, MetroCenter, Auditorium

Urban Pesticides Committee
11/17 @ 10:00 am, MetroCenter, Auditorium

Legislation & Governmental Organization
11/19 @ 3:30 pm, MetroCenter, ABAG Conference Room B

Finance & Personnel Committee
11/19 @ 5:00 pm, MetroCenter, ABAG Conference Room B

EXECUTIVE BOARD
11/19 @ 7:00 pm, MetroCenter, Auditorium

Regional Airport Planning Committee (RAPC)
11/20 @ 9:00 am, MetroCenter, Auditorium

DECEMBER

Regional Planning Committee (RPC)
12/2 @ 1:00 p.m., MetroCenter, Auditorium

Bay Trail Steering Committee
12/10 @ 1:30 pm, MetroCenter, ABAG Conference Room B

ABAG POWER Executive Committee
12/16 @ 10:00 am., MetroCenter, ABAG Conference Room B

** ABAG programs for which a fee is charged and pre-registration is required. To register or for further information, contact **ABAG Receptionist** at 510/464-7900.

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

MEMO

Date: November 5, 2009

To: Executive Board

From: Henry L. Gardner
Executive Director

Subject: **Executive Director's Report**

The following report highlights some of our most recent activities.

SB 406 and SB 279 Update
Governor Schwarzenegger vetoed SB 406 and SB 279, the two pieces of legislation that were a major part of ABAG's strategy for program development. SB 406 would have authorized ABAG and MTC to levy a $2 vehicle registration fee to support implementation of SB 375. The fee would have raised approximately $12 million annually, half of which would have been provided to cities and counties and congestion management agencies and half to ABAG and MTC to carry out their mandated functions under SB 375.

We are currently planning how to amend our legislative approach following the Governor's veto of SB 406. It is not anticipated that the Governor will alter his approach, which has been to require fee setting authority such as SB 406 to incorporate a vote of the people. ABAG staff is interviewing key actors and legislative allies, including the bill's author, Senator DeSaulnier, before recommending how to amend the bill for the next legislative session. In a meeting in early November among the largest Metropolitan Planning Organizations (MPOs), including MTC and ABAG, it was recognized that the need for planning resources to undertake the SB 375 mission is still paramount. The discussion about these MPOs supporting a revised SB 406 that incorporated a vote of the people was encouraging, and ABAG was asked to organize the legislative staff to make a proposal.

With respect to the veto of SB 279, it is also not expected that the Governor will alter his opposition. Therefore, ABAG is exploring how to proceed under current AB 811 authority. SB 279 would have amended the Mello-Roos Act to allow for a district to finance energy efficiency improvements on real property. This amendment would have made it easier and simpler to accomplish the program elements we have identified for a Bay area wide energy efficiency program. . A staff report on the status of the ABAG SEED program is on the agenda and covers this issue.

San Francisco Bay Trail
Chevron has agreed to donate 1.5 miles of Bay Trail easements on the western side of the Point San Pablo Peninsula to the East Bay Regional Park District. This is a major step towards completing the Bay Trail in Richmond. Additional easements are still needed to secure continuous access. ABAG/Bay Trail staff continues to work closely with the City of Richmond, Caltrans, and Chevron to close the trail gap on Refinery property between Point Richmond and the Richmond/San Rafael Bridge.

On October 21, 2009, the City of South San Francisco celebrated completion of their final Bay Trail gap with the installation of a bridge linking two completed segments over a slough near Genentech. Construction of the bridge was funded by the South San Francisco Scavengers and HCP, Inc. as part of a BCDC permit. This bridge opens up over 10 miles of continuous trail between Brisbane and San Francisco International Airport. Richard Garbarino, Councilmember, City of South San Francisco, and Executive Board member participated in the festivities.

San Francisco Estuary Partnership
SFEP sponsored a green streets/resilient watersheds tour in El Cerrito on October 9. The tour led by Lisa Owens-Viani had 40 attendees, including city planners and public works staff from cities surrounding the Bay, as well as a board member from the S.F. Regional Water Quality Control Board, staff from the State Water Resources Control Board, Department of Water Resources, and guests from the Malaysian government's erosion control department.

SFEP Director Judy Kelly and staffer Debbi Egter van Wissekerke, met with a group from the Dutch Ministry of Housing, Spatial Planning (LID) and the Environment to discuss San Francisco Bay Delta issues, including climate change, which could be applied to problems in the Dutch delta area. The meeting took place on Wednesday, October 21 at the offices of BCDC in San Francisco. Judy Kelly gave an overview of the Partnership and Will Travis gave a presentation on Bay history and current issues. Nadine Hitchcock and Brenda Buxton from the Coastal Conservancy presented information on the South Bay Salt Ponds as an introduction to a tour of the Salt Ponds for the visitors.

SFEP launched an updated web site (www.sfestuary.org) that includes pages for all new Estuary 2100 projects as well as other new projects, and videos and slideshows about the Estuary.

SFEP/ABAG received finance agreements for forgiveable loan funding for two expanded use projects; the El Cerrito Green Streets pilot project to retrofit a dense urban corridor with green stormwater infrastructure ($392,000) and the Bay wide trash capture device project ($5 million).

SFEP/ABAG received a new contract from the California Natural Resources Agency for assistance to the CalFed Science Program for contracting with science experts to provide ongoing detailed technical advice to the program and to assist in the integration of scientific practices in CalFed programs. ($300,000).

ABAG PLAN

The PLAN Board (ABAG's Risk Management and Insurance Program) met on November 4th and 5th in Palo Alto to address two important issues: 1) A new policy regarding PLAN liabilities for regulatory inverse claims arising before July 1, 2008, and 2) Concerns of some members over the role of the Board in management decisions regarding operation of PLAN.

Regarding the regulatory inverse claims issue, you may recall that a claim involving the City Pacifica was the subject of a court decision which interpreted PLAN's coverage policy to insure a regulatory inverse condemnation claim against the City of Pacifica. Using a group facilitator, the Board reached agreement on a framework for resolving these claims that limits the length of time they would be honored by PLAN, caps the dollar amounts payable for claims from each member, and limits PLAN's liability to defense costs only. Language reflecting these provisions in an amendment to PLAN's Memorandum of Coverage will be presented for action by the PLAN Board in the near future.

The second issue addressed at the Board meeting this week involves ABAG's role as administrator of services required to operate PLAN. ABAG provides administrative support and claims adjusting services to PLAN under an Agency Agreement first executed in 1986 when PLAN was created. ABAG employs all of the staff and manages all contracts required to support PLAN, and provides services to its 31 members, consistent with the policies and employment practices of ABAG. PLAN reimburses ABAG for these costs in the same way as do other entities and programs that ABAG supports. The issue before the PLAN Board has been whether it has the authority and independence from ABAG that it believes it needs to carry out its mission most effectively.

The Board has decided to enter into discussions with ABAG to clarify these issues and determine if mutually acceptable solutions are possible. We expect to have a resolution by early next year.

San Francisco Bay Restoration Authority

The Governing Board of the San Francisco Bay Restoration Authority met on October 28, 2009. The Governing Board heard a report from Will Travis, Executive Director, San Francisco Bay Conservation and Development Commission on building a regional focus; appointed members to the Advisory Committee; and formed a committee to implement public opinion polling and research work plan.

SUMMARY MINUTES

ABAG Executive Board Meeting
No. 369, September 17, 2009
MetroCenter Auditorium
101 8th Street, Oakland, CA

1. CALL TO ORDER

President Rose Jacobs Gibson called the meeting to order at approximately 7:06 p.m.

Representatives and Alternates Present	Jurisdiction
Supervisor Susan Adams	County of Marin
Supervisor John Avalos	County of San Francisco
Councilmember Jane Brunner	City of Oakland
Councilmember Kansen Chu	City of San Jose
Supervisor David Cortese	County of Santa Clara
Councilmember Carole Dillon-Knutson	City of Novato
Councilmember Dan Furtado	City of Campbell
Councilmember Richard Garbarino	City of South San Francisco
Mayor Jack Gingles	City of Calistoga
Supervisor John Gioia	County of Contra Costa
Mayor Mark Green	City of Union City
Supervisor Carole Groom	County of San Mateo
Supervisor Scott Haggerty	County of Alameda
Supervisor Rose Jacobs Gibson	County of San Mateo
Supervisor Mike Kerns	County of Sonoma
Director Nancy Kirshner Rodriguez	City of San Francisco
Supervisor Barbara Kondylis	County of Solano
Councilmember Sam Liccardo	City of San Jose
Supervisor Mark Luce	County of Napa
Supervisor Ross Mirkarimi	County of San Francisco
Mayor Julie Pierce	City of Clayton
Vice Mayor Jean Quan	City of Oakland
Mayor A. Sepi Richardson	City of Brisbane
Mayor Pamela Torliatt	City of Petaluma
Supervisor Gayle B. Uilkema	County of Contra Costa
Councilmember Joanne Ward	City of Hercules
Vice Mayor Ronit Bryant	City of Mountain View
Supervisor Alice Lai-Bitker	County of Alameda

Representatives Absent	Jurisdiction
Mayor Len Augustine	City of Vacaville
Mayor Beverly Johnson	City of Alameda
Councilmember Ash Kalra	City of San Jose
Education Advisor Hydra Mendoza	City of San Francisco
Councilmember Nancy Nadel	City of Oakland
Mayor Gavin Newsom	City of San Francisco
Supervisor Ken Yeager	County of Santa Clara
Vice Chair Terry Young	RWQCB

2. PUBLIC COMMENT

There was no public comment.

3. ANNOUNCEMENTS

President Jacobs Gibson announced that the meeting will be adjourned in memory of Mike Shimansky, Councilmember, Town of Danville.

There were no other announcements.

4. PRESIDENT'S REPORT

President Jacobs Gibson reported on the following:

SB 406 passed the legislature and is on the Governor's desk for signature. SB 406, authored by Senator Mark DeSaulnier, sponsored by CALCOG, and initiated by ABAG, authorizes MPOs and COGs to levy a vehicle surcharge of up to $2 on vehicles in the region. A $2 surcharge would mean $12 million to the region annually, half of which would go to local governments. Members were asked to encourage the Governor to sign the bill by sending letters of support or calling his office to express support for SB 406. A letter from the Executive Board was circulated for signature by members.

The San Francisco Estuary Partnership (SFEP) received a $5 million American Recovery and Reinvestment Act (ARRA) grant for region-wide trash capture grants to local jurisdiction. This funding will help municipalities respond to 26 proposed 303(d) listings for trash impairment, and begin to bring them into compliance with the Bay Area's first-ever requirement to reduce trash, part of the recently adopted regional NPDES permit for storm water discharges. The SFEP will purchase and install all types and sizes of trash capture devices in existing storm drain systems, facilitate training and information sharing among cities and with the Regional Water Board, and create a foundation for the eventual elimination of trash from Bay Area creeks and the Bay.

The San Francisco Bay Restoration Authority is now up and operational. Executive Board members Dave Cortese, Supervisor, County of Santa Clara, and John Gioia, Supervisor, County of Contra Costa, are members of the Restoration Authority, along with other elected and one appointed official. Supervisor Gioia was elected Vice Chair of the Authority at the July meeting. Sam Schuchat, Executive Officer of the California State Coastal Conservancy, is Chairperson.

The State of the Estuary Conference is on September 29 to October 1. Lisa P. Jackson, Secretary, U.S. Environmental Protection Agency, will kick off the conference, which usually attracts upwards of 800 environmentalists, scientists and others, provides an assessment of the ecological health of the San Francisco Bay-Delta Estuary, and brings the latest information about the Estuary's changing watersheds, impacts from stressors like climate change, and ideas and actions for how we can prepare for the future. Executive Board members Barbara Kondylis, Supervisor, County of Solano, Susan Adams, Supervisor, County of Marin, and Kansen Chu, Councilmember, City of San Jose, serve on the San Francisco Estuary Partnership Implementation Committee. Members were encouraged to take part in all or part of the conference.

The Fall General Assembly is on October 22 at the Westin St. Francis Hotel in San Francisco. Ron Sims, Deputy Secretary, Department of Housing and Urban Development, has been tapped to kick-off what is sure to be an informative session.

Will Fleissig, President of Communitas Development, Inc., is scheduled to be the luncheon speaker. Members were encouraged to attend.

The consent calendar includes procedures for the election of ABAG officers.

5. EXECUTIVE DIRECTOR'S REPORT

Ezra Rapport, ABAG Deputy Executive Director, reported on the following:

Since the last Board meeting in July, ABAG issued Projections 2009 during a well attended workshop attended by about 200 local government and business leaders.

Staff members from JPC agencies continue to meet to better define the SB 375 work plan, decision milestones, and public participation plan. Staff expects that a public participation plan will need to be approved by the Executive Board no later than June 2010. A more detailed report on the schedule of milestone decisions and the content of the work plans leading to those decisions will be available at the next Executive Board meeting.

SB 406 passed out of the Assembly Appropriations Committee and the Assembly. ABAG has been assisting with the shepherding of the bill through its committees. Staff has been involved in alerting those advocates for SB 375 among government, environmental, and the business communities about the importance of SB 406 in financing the implementation of SB 375 planning, and communicating with the Governor's office regarding his signature on SB 406.

The Governor and others in Sacramento recognize that future budget crises are inevitable unless there is reform of the State's revenue and expenditure system, including reform proposals to be introduced by initiative and the possibility of calling for a Constitutional Convention. The Governor's tax reform committee, the Commission on the 21st Century Economy, has produced a report on tax structure options, highlighting findings on revenue volatility and tax burden distribution. The Governor intends to call a special session of the Legislature to discuss options in September.

The SFEP was able to restart its frozen Proposition 50 state grant, Taking Action for Clean Water, Bay Area TMDL Implementation, with ARRA funds under a forgivable loan from the State Water Board's SRF program. The first project involved a creek restoration project being implemented by grant partner, the Midpeninsula Regional Open Space, in the Los Trancos Preserve of the San Francisquito Creek watershed.

ABAG and the SFEP have applied to the State Water Board for ARRA forgivable loan funding for two expanded use projects. The El Cerrito Green Streets pilot project retrofits a dense urban corridor with green storm water infrastructure that detains and treats urban runoff to remove pollutants; the project cost is $392,000 and time to complete construction is six months. The Trash Capture project will manage and implement a region-wide demonstration project to provide Bay Area cities with trash capture devices to retrofit existing storm drain infrastructure; an initial request of $5 million is being considered for funding.

On August 29, the San Francisco Bay Trail Project joined Caltrans, MTC, the cities of Martinez and Benicia, the Bay Area Ridge Trail Council and the East Bay Regional

Park District to celebrate the opening of the new bicycle-pedestrian pathway on the Benicia-Martinez Bridge, which closes a gap in the Bay Trail and the Ridge Trail and further extends the Carquinez Strait Scenic Loop Trail.

The Governing Board of the San Francisco Bay Restoration Authority met on July 29. Among the items discussed were the formation of the Advisory Committee and a report entitled *San Francisco Bay Restoration Authority Funding Options 2009* by Save The Bay. The San Francisco Foundation awarded a grant of $75,000 to the San Francisco Bay Restoration Authority on August 24 to complete research over the next six to twelve months on the best funding mechanisms.

Financings delivered by ABAG and its affiliated entities since the last report include: $240 million in Tax-Exempt Revenue Bonds on behalf of San Diego County for various capital needs of the Sharp HealthCare System.

President Jacobs Gibson thanked Deputy Executive Director Rapport for his report.

6. CONSENT CALENDAR

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

A. Approval of Executive Board Summary Minutes**

Summary Minutes of Meeting No. 368 held on July 16, 2009.

B. Grant Applications

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

C. Appointment to Committees

Approved the following appointment to committee:

Regional Planning Committee
Charlie Knox, Community Development Director, City of Benicia, representing Bay Area Planning Directors Association; and
Ann Gressani, Policy Development and Communications Director, Non-Profit Housing Association of Northern California, replaces Dianne Spaulding.

D. ABAG Officer Election Calendar**

The Board endorsed a schedule and procedure for the election of President and Vice President of the Association, which occurs in 2009, including a canvassing committee for officer selection.

E. Authorization to Enter Into Contract With CalFed/California Department of Natural Resources to Provide Support for CALFED Science Program (CSP) and Approval of Resolution No.16-09**

Authorized the Executive Director or designee to enter into a new two-year contract on behalf of ABAG/San Francisco Estuary Partnership with the Natural Resources Agency to continue providing support for CALFED Science Program. The contract amount will not exceed $300,000.

F. **Authorization to Apply for U.S. Environmental Protection Agency (U.S. EPA) Grant for Comprehensive Conservation and Management Plan (CCMP) Implementation Projects under San Francisco Bay Area Water Quality Improvement Funds****
Authorized ABAG/SFEP to submit a proposal for $5 million in grant funding from U.S. EPA's San Francisco Bay Area Water Quality Improvement Funds, and if awarded, to enter into an agreement with U.S. EPA. The grant period will be two to four years and matching funds provided by participating partners.

G. **Request for Authorization to Amend an Interagency Agreement with California Department of Transportation (Caltrans) to Provide Technical Support for Permit Processing****
Authorized the Executive Director or designee to enter into an interagency agreement modification with Caltrans to provide technical resources to the San Francisco Bay Regional Water Quality Control Board (RWQCB) and the North Coast Regional Water Quality Control Board.

H. **Authorization to Issue Purchase Order to Radston's Office Plus****
Authorized the Executive Director or his designee to issue a general purchase order to Radston's Plus to provide general office supplies during FY 2009-10 in an amount not to exceed $30,000 with an option to renew for three additional consecutive one year periods ending June 30, 2013 subject to approval of future agency budgets.

7. **THIRD ROUND PRIORITY DEVELOPMENT AREA (PDA) NOMINATIONS****
Kenneth Kirkey, ABAG Planning Director, and Doug Johnson, MTC Senior Planner, presented staff recommendations for Priority Development Area designation and discussed recommended process for future PDAs. Kirkey provided a program overview of Priority Development Areas and Priority Conservation Areas and listed focused growth criteria. Johnson described PDAs and PCAs, highlighted online showcases, and described financial and technical assistance.

Kirkey outlined the application process for the third call for PDA applications. The areas recommended for adoption include the Appian Way Corridor, Civic Center/North San Rafael Town Center, Ravenswood Business District and 4-Corners, South San Francisco Downtown, and Cottle Transit Village and Shopping Center. The areas not recommended for adoption include Northern Gateway, Airport/Larkfield, Russian River/West County, and The Springs, Sonoma Valley. He described a proposed PDA review process and proposed PDA transit criteria. He noted that the Regional Planning Committee endorsed the staff recommendations at its meeting in August.

Members discussed neighborhood redevelopment plans; MTC's Resolution 3434, the region's transit expansion policy; and transit criteria related to housing, job centers, and employment centers.

President Jacobs Gibson recognized a motion by Gayle B. Uilkema, Supervisor, County of Contra Costa, which was seconded by Supervisor Kondylis, to adopt staff recommendations for Priority Development Areas, including approval of the list of new planned and potential PDAs; approval of the proposed process for accepting, reviewing, and designating future PDA applications; and approval of the proposed

revision and clarification of the PDA transit-service criteria. The motion passed unanimously.

President Jacobs Gibson thanked Messrs. Kirkey and Johnson for their report.

8. BUILDING MOMENTUM: PROJECTIONS AND PRIORITIES 2009**

Paul Fassinger, ABAG Research Director, discussed *Building Momentum: Projections and Priorities 2009*, the document and conference that describe long run forecast of growth, its relationship to the Priority Development and Conservation Areas, and how the forecast compares to regional performance targets. He noted the addition of descriptions accompanying the tables and described the rule of thumb thresholds related to growth and development around transit. He acknowledged the work of ABAG and MTC staff in the producing the report.

Members discussed employment rates, census and Department of Finance data, greenfield development, vehicle miles traveled, and particulate matter rates.

President Jacobs Gibson thanked Mr. Fassinger for his report.

9. YOUTH GUN VIOLENCE TASK FORCE RECOMMENDATIONS**

President Jacobs Gibson reported on the Youth Gun Violence Task Force, requested that the Executive Board endorse the recommendations of the Youth Gun Violence Task Force, and encouraged all cities and counties in the region to adopt the package of ordinances and resolutions to put into place laws and regulations that limit the accessibility of weapons and sale of ammunition by youth in communities.

President Jacobs Gibson recognized a motion by Supervisor Kondylis, which was seconded by Sam Liccardo, Councilmember, City of San Jose, to approve the staff report. The motion passed with one abstention (Cortese).

10. REGIONAL MULTI-JURISDICTIONAL LOCAL HAZARD MITIGATION PLAN**

Jeanne Perkins, ABAG Earthquake Program Consultant, and Danielle Hutchings, ABAG Earthquake and Hazards Specialist, reported on and requested Executive Board endorsement of the updated regional and ABAG mitigation priorities included in the Multi-Jurisdictional Hazard Mitigation Plan. Perkins provided an overview of the Disaster Mitigation Act of 2000, listed the reasons for completing a plan, described ABAG's role in the multi-jurisdictional plan, and described earthquake and weather-related hazards. Hutchings described mitigation strategies and setting regional priorities and reported on the workshops held to define priorities and listed recommendations which were endorsed by the Regional Planning Committee and invited public comment as required.

Members discussed sea level rise and its impact on transportation, stand-alone mitigation plans for Contra Costa and San Francisco counties, and SUASI disaster-response.

President Jacobs Gibson recognized a motion, which was seconded, to endorse the planning process and approve the updated Regional Mitigation Strategy Priorities for the region and ABAG included in the Multi-Jurisdictional Hazard Mitigation Plan. The motion passed unanimously.

President Jacobs Gibson thanked Mss. Hutchings and Perkins for their report

11. REGIONAL SOLAR AND ENERGY EFFICIENCY FINANCING DISTRICT**

Ezra Rapport, ABAG Deputy Executive Director, provided the Board with an update on progress to date for a regional Solar and Energy Efficiency Financing District (SEED). He provided an overview of the SEED planning, reported on the marketing analysis, including an online survey and its results, described the components of a business case, and reported on Senate Bill 279.

Members discussed PG&E's support of an initiative related to implementation of Community Choice Aggregation by jurisdictions, inviting PG&E representatives to address the issue, and making decisions based on independent data analysis.

President Jacobs Gibson thanked Mr. Rapport for his report.

12. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**

President Jacobs Gibson recognized Committee Chair Carole Dillon-Knutsen, Councilmember, City of Novato, who reported on committee activities, including: a report on S 1619, The Livable Communities Act of 2009, and HR 3525, Tax Exempt Private Activity Bond Use for Renewable Energy Generation and Energy and Water Efficiency Projects; recommendations on bills for consideration in the 2009 Legislative Session, including SB 406 and SB 279, and a report on bills enrolled; an update from the Youth Gun Violence Task Force on model ordinances and resolutions; and a recommendation for a presentation on a proposed constitutional convention.

President Jacobs Gibson recognized a motion by Chair Dillon-Knutsen, which was seconded by Mike Kerns, Supervisor, County of Sonoma, to approve the staff report. The motion passed unanimously.

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

13. FINANCE & PERSONNEL COMMITTEE REPORT**

President Jacobs Gibson recognized Committee Chair Scott Haggerty, Supervisor, County of Alameda, who reported on committee activities, including: approval of the June and July 2009 financial reports; membership dues; the Diversity and Business Opportunity Report for Fiscal Year 2008-09; authorization to borrow up to $700,000 for office renovation; and a closed session regarding a legal matter.

President Jacobs Gibson recognized a motion by Chair Haggerty, which was seconded by Supervisor Kerns, to approve the staff report. The motion passed unanimously.

President Jacobs Gibson thanked Chair Haggerty for his report.

14. ADJOURNMENT

Meeting adjourned in memory of Mike Shimansky, Councilmember, Town of Danville, at approximately 8:40 p.m.

Henry L. Gardner, Secretary-Treasurer

** Indicates attachments.

*** *For information on the L&GO Committee, contact Patricia Jones at (510) 464 7933 or PatJ@abag.ca.gov, or Kathleen Cha at (510) 464 7922 or KathleenC@abag.ca.gov.*

All ABAG Executive Board meetings are recorded. To arrange for review of these tapes, please contact Fred Castro, Clerk of the Board, at (510) 464-7913 or FredC@abag.ca.gov.

Association of Bay Area Governments
Executive Board
Thursday, November 19, 2009

Project Review

.1 Federal Grant Applications Being Transmitted to the State Clearinghouse

Impact Area	**MULTI-COUNTY**					
Applicant:	Penninsula Corridors Joint Powers Board					
Program:	Federal Transit Administration					
Project:	CA-66-X011 (ARRA STP) Preventive Maintenance					
Descriptiom	Peninsula Corridor Joint Powers Board (JPB) Section 5307 Urbanized rea Formula Program grant application CA-55-X011 that was submitted to the FTA electronically on September 18, 2009. The JPB is requesting 1,033,936 in FY 2--0 Surface Transportation Program (STP) funds for Preventive Maintenance.					
Cost:	Total	$1,033,836.00	Federal	$1,033,836.00	State:	$0.00
			Applicant	$0.00	Local	$0.00
					Other	$0.00
Contact:	Joel Slavit, Manager (650) 508-6269					
	ABAG Clearinghouse Numbe 14825					

Alameda						
Applicant:	Port of Oakland					
Program:	FAA					
Project:	Reconstruction of East Apron, Phase 3, Taxilane Sierra and West Ram, South Field, OIA					
Descriptiom	Reconstruction of East Apron, Phase 3, Taxilane Sierra and West Ram, South Field, OIA					
Cost:	Total	$3,251,428.00	Federal	$3,251,420.00	State:	$0.00
			Applicant	$0.00	Local	$0.00
					Other	$0.00
Contact:	Christina Lee (510) 627-1510					
	ABAG Clearinghouse Numbe 14816					

Alameda						
Applicant:	Port of Oakland					
Program:	Federal Aviation Administration					
Project:	Reconstruction of East Apron, Phase 3, Taxilane Sierra and West Ram, South Field, OIA					
Descriptiom	Reconstruction of East Apron, Phase 3, Taxilane Sierra and West Ram, South Field, OIA					
Cost:	Total	$200,000.00	Federal	$200,000.00	State:	$0.00
			Applicant	$0.00	Local	$0.00
					Other	$0.00
Contact:	Christina Lee (510) 627-1510					
	ABAG Clearinghouse Numbe 14821					

Sonoma

Applicant:	County of Sonoma					
Program:	USDA Rural Development					
Project:	Salmon Creek Benefit Zone Water Treatment and Storage Improvements					
Descriptiom	The proposed project would include installation of surface water treatment facilities to allow the current standby source (spring) to be tuilized on a year round bases. Due to concerns regarding the construction details of the existing well, water produced by the well would also be treated. Finish water quality will be enhanced by modifying operations so that the spring source is utilized first and withdrawals made from the well only when demands exceed spring production. Presently, the spring satisfies demands for a significant position of the year. During late summer and the fall both sources will have to be used. During the fall each source will contribute approximately half the required supply. Raw water from each source would be directed to an existing storage tank which will be converted to raw water storage. Commingling the sources will reduce the levels of shloride and iron in the raw water directed to the treatment plant. Because the spring source produces higher quality water, finished water delivered to the customers should meet all primary and secondary standards most of the year.					
Cost:	Total	$540,000.00	Federal	$540,000.00	State:	$0.00
			Applicant	$0.00	Local	$0.00
					Other	$0.00
Contact:	John Locey (707) 576-1322					
	ABAG Clearinghouse Numbe 14828					

Sonoma

Applicant:	Graton Community Services District					
Program:	USDA-RUS					
Project:	Gratin Community Services District Wastewater Treatment Facility - Process Upgrade					
Descriptiom	Wastewater Treatment Facility - Process Upgrade from Secondary standards to Tertiery standards as mandated by the North Coast RWQCB.					
Cost:	Total	$8,300,000.00	Federal	$5,000,000.00	State:	$0.00
			Applicant	$1,500,000.00	Local	$0.00
					Other	$1,300,000.00
Contact:	Robert W. Rawson (707) 823-1542					
	ABAG Clearinghouse Numbe 14830					

Santa Clara

Applicant:	Carnegie Institution of Washington, Plant Biology Dept.					
Program:	Department of Energy					
Project:	Integration of sugar transport, metabolism and sensing in Arabidopsis					
Descriptiom	Integration of sugar transport, metabolism and sensing in Arabidopsis					
Cost:	Total	$803,858.00	Federal	$803,858.00	State:	$0.00
			Applicant	$0.00	Local	$0.00
					Other	$0.00
Contact:	Susan Cortinas (650) 325-1521					
	ABAG Clearinghouse Numbe 14831					

MEMO

Submitted by: Judy Kelly, Director
San Francisco Estuary partnership

Subject: Request for Authorization to Enter into an Interagency Agreement with U.S. Army Corps of Engineers to Provide Contract Management and Outreach to ABAG Cities on a Regional Sediment Management Plan for San Francisco Bay

Date: November 2, 2009

Executive Summary

Approval is requested for ABAG to enter into a new interagency agreement with the U.S. Army Corps of Engineers which will fund development of a regional sediment management plan for San Francisco Bay. The San Francisco Estuary Partnership (SFEP) will serve as contract manager, and BCDC will be the primary subcontractor developing the management plan. BCDC will take the lead role in developing the plan with support from SFEP and ABAG. In Phase II (funding source yet to be established), SFEP will manage a stakeholder outreach piece to integrate local municipalities with Bay and ocean beaches into the sediment management plan development process.

The contract is estimated to be for $105,000, and the agreement period is three years (2009-2012 – with an estimated start date winter 2009). No ABAG match is required. The project will assist with implementation of the SFEP's Comprehensive Conservation and Management Plan for the San Francisco Estuary.

Recommended Action

Authorization is requested for the Executive Director or designee to enter into an interagency agreement with U.S. Army Corps of Engineers to develop a regional sediment management plan for San Francisco Bay, with BCDC as lead subcontractor.

Item 6.D.

MEMO

Submitted by: **Judy Kelly, Director**
San Francisco Estuary partnership

Subject: **Executive Board Approval for New Contract for Restoration Coordinator**

Date: **November 4, 2009**

Executive Summary

The San Francisco Estuary Partnership (SFEP) wishes to contract with The Bay Institute for the services of Marc Holmes as a Restoration Consultant for SFEP. His efforts will be to build upon SFEP's existing network of partners, supporters and outreach activities to create a regional campaign to promote implementation of SFEP's habitat restoration programs. This effort will include multiple partners and promote restoration projects throughout the bay region. SFEP seeks to increase the program's implementation of CCMP restoration goals and actions. SFEP is looking to expand recognition of the cutting-edge restoration activities already promoted by the program, to increase funding for new restoration efforts, and to accelerate restoration project successes around the estuary.

Recommended Action

Authorization is requested for the Executive Director or designee to enter into a new contract on behalf of ABAG/SFEP with The Bay Institute to continue the services of Marc Holmes, restoration consultant. The contract amount will not exceed $65,000 for a term from December 1, 2009 through December 31,2010. Funds for this contract are available in the ABAG grant agreement with the U.S. Environmental Protection Agency for implementation of the Comprehensive Conservation and Management Plan (CCMP) to support SFEP for FY09-10.

Next Steps

Upon authorization, SFEP will draft a new contract agreement with The Bay Institute for the services of Marc Holmes.

Item 6.E.

MEMO

Submitted by: **Judy Kelly, Director**
San Francisco Estuary Partnership

Subject: **Executive Board Approval for New Contract with the Watershed Project**

Date: **November 4, 2009**

Executive Summary

The San Francisco Estuary Partnership (SFEP) wishes to contract with The Watershed Project for implementation of the project known as the **Richmond Recommended Green Stormwater Reduction Options** which has two components: (1) a comprehensive study of the City of Richmond's stormwater infrastructure to identify cost-effective green retrofit opportunities that will reduce ongoing maintenance and future storm water infrastructure expansion costs. (2) A bioswale demonstration project at the Richmond Greenway. The site is within the City of Richmond's Santa Fe Watershed which is identified as a priority area for reducing maximum daily loads of mercury, arsenic, and PCBs from reaching the Bay. The project was awarded in response to a small grants solicitation under the U.S. EPA funded **Green Infill/Clean Stormwater** grant of ABAG/SFEP.

Recommended Action

Authorization is requested for the Executive Director or designee to enter into a new contract on behalf of ABAG/SFEP with The Watershed Project to complete the above project. The contract amount will not exceed $29,500 and the term extends from October 1, 2009 through March 31, 2011. Funds for this contract are available in the ABAG grant agreement with the U.S. Environmental Protection Agency for **Green Infill/Clean Stormwater**. The Watershed Project will provide matching funds of $22,078. The project serves as implementation of the SFEP Comprehensive Conservation and Management Plan (CCMP) to restore the San Francisco Estuary.

Next Steps

Upon authorization, ABAG will sign a contract agreement with The Watershed Project.

Mailing Address: P.O. Box 2050 Oakland, California 94604-2050 (510)464-7900 Fax: (510) 464-7970
info@babag.ca.gov
Location: Joseph P. Bort MetroCenter 101 Eighth Street Oakland, California 94607-4756

ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD

RESOLUTION NO. 18-09

APPLICATION/AUTHORIZED REPRESENTATIVE

NOW, THEREFORE BE IT RESOLVED, that the Executive Board of the Association of Bay Area Governments (ABAG) hereby authorizes and directs Henry L. Gardner, Executive Director, ABAG, to sign and file, for and on behalf of ABAG, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the El Cerrito Green Streets rain gardens; and

BE IT FURTHER RESOLVED, that the Executive Board of ABAG hereby agrees and further does authorize the aforementioned representative or his designee to certify that the Agency has and will comply with all applicable state and federal statutory and regulatory requirements related to any financing or financial assistance received from the State Water Resources Control Board; and

BE IT FURTHER RESOLVED, that Henry L. Gardner or his designee of ABAG is hereby authorized to negotiate and execute a financial assistance agreement from the State Water Resources Control Board and any amendments or change orders thereto and certify financing agreement disbursements on behalf of ABAG.

The foregoing adopted by the Executive Board this 19th day of November, 2009.

Rose Jacobs Gibson
President

Certification of Executive Board Approval

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 19th day of November, 2009.

Henry L. Gardner
Secretary-Treasurer

Approved as To Legal Form

Kenneth K. Moy
Legal Counsel

Item 6.G.

MEMO

Submitted by: Rose Jacobs Gibson, ABAG President
San Mateo County Supervisor

Subject: Proposed Constitutional Convention

Date: November 5, 2009

Executive Summary

At the November 19th ABAG Executive Board Meeting you are scheduled to hear from speakers representing two groups who are proposing significant reforms to the California Constitution. Both groups are motivated by the State's current fiscal crisis and massive unfunded liabilities extending into the future.

The State of California has not been in a net positive cash position since July, 2007, according to the State Controller. The State has engaged in aggressive internal and external borrowing to fund its current operations, which increases the structural budget deficit. The State ended last fiscal year with a deficit of $11.9 billion. This year, the State's revenue receipts are down approximately 10% from last year (2008), and are running 5% less than estimated for the current fiscal year.

According to the Legislative Analyst's Office, projected annual shortfalls from 2010-11 through 2013-14 are consistently in the range of $22 billion, about 20-25% of the entire budget. More worrisome are the State's longer term budgeting liabilities: Budget related liabilities are estimated at $35 billion; infrastructure related liabilities at $70 billion; and retirement related liabilities at $100-$135 billion.

One of the key issues constraining the ability of the Legislature and the Governor from resolving the State's critical financial condition is the existence of ballot box budgeting through the initiative process, which have both "locked in" spending while "locking out" revenues. Since 1988, four Propositions (99, 172, 10, 63) have locked up about $5 billion annually of revenues for specific health care, early childhood, and public safety programs. Five Propositions (98, 42, 49, 1A, 1A) have locked in spending for education, transportation, and local government.

Another principal factor for the State's inability to resolve financial issues is the Constitution's requirement that a two thirds majority is needed in the Legislature to both pass a budget and raise taxes. There have been numerous attempts to change this Constitutional provision in prior elections, and all have failed. Recent polling has indicated that the electorate is still not prepared to repeal the two thirds voting requirement. In a State as demographically diverse as California, and in a hyper partisan political environment with voting districts approved by the Legislature to protect safe seats, it has been almost impossible to achieve super majority consensus in the Legislature on budget and tax and spending policies.

Two Approaches

California Forward is a bipartisan group who is in the process of qualifying two initiatives that will further amend the Constitution. Their proposals are too complicated to analyze for their intended and perhaps unintended consequences in this staff report. The budget amendment is a reform of the budget process and imposes additional strictures on the Legislature. It will allow the budget to be passed with a majority vote, but retains the two thirds voting requirement for increasing taxes. The amendment prohibits the Legislature from adding new programs without demonstrating a revenue source (triggering the two thirds requirement if a tax) or a cut in some other program. The Legislature is also prohibited from converting a tax to a fee without a two thirds vote, which would constrain the Legislature from converting the gas tax to a legally imposed fee without a two thirds vote of the Legislature. The budget amendment also, among other things, includes provisions to provide more evaluative oversight of State programs, and limits the use of non-recurring revenues except for specific purposes.

California Forward is also proposing a Constitutional amendment to protect the proceeds of any tax, assessment or fee levied by a local agency from being borrowed, transferred, or appropriated by the State. In addition, Counties would be authorized

to adopt ten year countywide strategic action plans, and could raise the sales tax by 1% to fund the plan if approved by a majority of voters. The Action Plan must meet numerous requirements, and shall contain plans submitted by each participating city and school district within the County.

Repair California is a coalition group originally formed by the **Bay Area Council** that has filed two ballot measures calling for a limited state Constitutional Convention. The first measure amends the Constitution to allow a convention to be called by an initiative process, in addition to the current route to the convention that can be called by the Legislature. The second ballot measure outlines the rules and process for the convention to take place.

If approved by the voters and determined to be legal by the Supreme Court, the proposed convention will be populated by delegates chosen by three methods. Under this procedure, there will be three citizen delegates chosen from each of 240 Assembly Districts. These delegates will be chosen at random by jury pool procedures. The second set of delegates will be chosen by the County Board of Supervisors, with one delegate for each 175,000 residents of that County. Counties with less than 175,000 residents will get one delegate. The third set of delegates will be four Indian Tribe delegates.

The Convention will be limited in scope to four categories: Government Effectiveness; Elections and the Initiative Process; Spending and Budgeting; and Governance. The Convention may not propose direct tax or fee increases nor address social issues nor threaten protections on civil rights. The Convention will propose a package of proposals to be placed on the November 2012 general election.

The Convention will be staffed by the Constitutional Convention Commission, made up of the Fair Political Practices Commission. The delegates may also call upon other sources of information.

Recommended Action

Executive Board Members may desire to further familiarize themselves with the proposals to determine whether the region should take a leadership role in advocating on behalf of the proposed Constitutional Amendment initiatives. ABAG staff will continue following these initiatives and will provide additional analysis as requested by the Board.

Attachments

CALIFORNIA FORWARD ACTION FUND

THE *CALIFORNIA FORWARD* 2010 REFORM PLAN

California has always led the way, in jobs and technology, education and quality of life. We need comprehensive reform to get our state moving again so that California can lead again.

Politics as usual won't solve our problems. The California Forward Action Fund is a nonpartisan organization with no political ties or partisan agendas, and is led by citizens of every walk of life willing to put California first.

We've created a plan that puts community interests before special interests, protects funding for local services and provides a strong preference for government that's closer to the people. And our plan takes practices that have proven themselves in business and other states, and puts them to work in California, balancing the budget, reducing waste and delivering better results for people.

BEST PRACTICES BUDGET ACCOUNTABILITY ACT: A BUDGET THAT APPLIES LESSONS LEARNED

Our plan calls for the state budget to set clear goals, design plans to achieve them, and take action when things go wrong. It's time to apply the best practices from successful businesses and other states to California's dysfunctional budget process, including:

- **Planning ahead on spending.** Requires the Governor and lawmakers to think long-term about spending priorities and revenues by reviewing a two-year spending plan along with a five-year fiscal forecast before approving the annual budget. The measure also strengthens requirements for quick action when the budget is out of balance.
- **Results and accountability.** Requires clear goals for every program to be spelled out in the Governor's budget and improves the legislative process for developing the budget by focusing on results and greater public transparency.
- **Performance review.** Requires the Legislature to oversee major expenditures and examine every program at least once every 10 years, looking for ways to improve efficiency and reduce waste.
- **Reduce debt when revenues spike.** Creates a process for identifying and using occasional, nonrecurring spikes in revenue for one-time uses, such as paying down debt.
- **Pay-as-you-go.** Requires that major new or expanded programs and tax reductions proposed in the budget or legislation identify a specific funding source such as savings, cuts to other programs or tax increases.
- **Majority vote budget.** As part of these comprehensive fiscal reforms, lowers the vote requirement for adopting the state budget to a majority vote of the Legislature. All

300 Montgomery St., Ste. 630
San Francisco, CA 94104
(415) 362-9860
calfwd-action.org

lawmakers would forfeit their pay and per diem when the budget is late. The measure also requires a two-thirds vote for any new fees that replace tax revenue, but does not change the majority vote requirement for other fees or the two-thirds vote requirement to raise taxes.

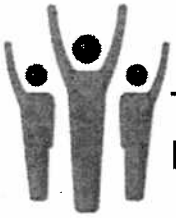
COMMUNITY FUNDING PROTECTION AND ACCOUNTABILITY ACT: GOVERNMENT CLOSER TO THE PEOPLE

We need to protect locally levied taxes that pay for schools, police, fire and other basic services from being borrowed or redirected by state government.

Counties, cities and schools also need the tools to address community needs by working together. Our plan encourages communities to coordinate to solve problems without all the duplication, waste and red tape of Sacramento. It allows cities, counties and schools to work together to address community needs – and lets voters decide whether to support them by majority vote – while retaining protections established under Prop. 218.

- **Protecting Local Tax Dollars.** The proceeds of any tax, assessment or fee levied by a local agency (including a county, city, a school district, or any other local or regional governmental entity) belong exclusively to that entity. The state would be prohibited from borrowing, transferring or making any appropriation of those funds, including Prop. 42 transportation funds.
- **Encouraging Community Problem-Solving.** Local governments would be allowed to develop and implement countywide action plans to ensure that officials are working together to address local priorities, eliminate waste and duplication, and identify how additional revenue would be used to reach community goals.
- **New resources for community services.** If a countywide action plan is adopted requiring additional revenue, county supervisors may ask voters to approve an increase in the sales and use tax of up to 1 cent. If approved by a majority of voters, an amount equal to the new revenue will be distributed among local governments.
- **Public accountability for results.** Local officials would have discretion about how to spend new dollars, but also be held accountable for reporting progress toward community goals, and be required to seek voter approval to continue carrying out the plan at least once every 10 years.

REPAIR CALIFORNIA



The Movement to Repair California

Our Government has failed us. This was the headline of the August 2008 opinion editorial, authored by Jim Wunderman, President & CEO of the Bay Area Council, which ignited the movement to Repair California through a limited Constitutional Convention.

California, was once was the envy of the nation with the country's best schools, infrastructure system and a thriving economy. Today our schools are the worst in nation, our state has the two most congested regions in the country, our unemployment rate is higher than the national average and California is consistently ranked the worst state to do business. Our legislature has failed to pass a budget on time 21 times in the past 30 years, each day of the delays costing the taxpayers tens of millions of dollars. Special interests have hijacked the initiative system, passing misleading initiatives that benefit the few through expensive campaigns.

We believe that our state will continue to careen from one crisis to the next until we fix the system.

The *only* way to achieve this - the only way to make sweeping, hollistic changes to our state government and wrestle our state back from special interests - is through a limited constitutional convention. While some may be fearful of Californians fixing our state through a Convention, we believe that there is nothing more scary than the status quo.

Thousands of Californians have joined the movement to fix our state. We hope you will join us.

Los Angeles Times

"It's time to end the circus and start fresh, with a new constitution by and for the people who use it and live with it. The Los Angeles Times thus enthusiastically endorses a state constitutional convention as the best opportunity for California to reclaim its stability and purpose."

THE ORANGE COUNTY REGISTER

"Many top Republicans and Democrats agree on how to fix government in California – a state plagued by perennial budget crises, dwindling services, failing schools, crumbling infrastructure, and inordinate influence from special interests. The solution? Rewrite the state constitution."

The San Diego Union-Tribune.

"What [community leaders] want is a state government that actually functions and a Legislature that can pass a budget on time, without being hamstrung by ideological tugs of war or unworkable strictures on taxes and spending. No matter what end of the political spectrum you come from, that sounds like a good idea – which is why the constitutional convention initiative has been drawing backers statewide."

The Economist

"As California ceases to function like a sensible state, a new constitution looks both necessary and likely."

THE SACRAMENTO BEE

"The Constitutional Convention may be California's only hope." - Dan Walters, Columnist (Considered the "Dean of the Capitol Press Corp.")

REPAIR CALIFORNIA

Constitutional Convention Ballot Measures Fact Sheet

- Repair California filed two ballot measures on October 28, 2009, to call for a limited state Constitutional Convention. They are currently awaiting title and summary from the Attorney General.

- The first ballot measure, the *Citizens' Constitutional Convention Act*, amends Article 18, Section 2 of the California Constitution to allow the citizens of California to call for a Constitutional Convention by the vote of simple majority in a state-wide election ballot.

    - It specifies that a Call for a Convention can be made through the initiative process, so long as no convention has convened within ten years of such an election.

    - It stipulates that whether a Convention is called through the Legislature (the current route to a Convention) or through the initiative process (the new route to a Convention), the Convention call may prescribe judicially enforceable limits (a limited scope), it authorizes the Convention to propose both a revision or separate amendments to the Constitution and finally, it allows the call to outline a fair methods for selecting or electing delegates.

- The second ballot measure, *The Call for a Citizens' Limited Constitutional Convention*, would call for the Convention and set forth the following rules and principals:

    - Forms the Constitutional Convention Commission, made up of the Fair Political Practices Commission or their designees, which will: Incur all costs of the Convention; determine the date and location of the Convention; hire the Constitutional Convention Clerk and other staff and counsel; be the final arbiter of delegate qualification; provide for the training of delegates; determine if required deadlines should be extended; and, provide any additional assistance as determined by the Convention.

    - Outlines the duties of the Constitutional Convention Clerk who will: Prepare and manage the Convention budget; establish Convention rules for adoption; serve as interim-Chair for Convention until the delegates elect a Chair; hires staff and provides analysis for the delegates' deliberation (provided that the delegates may also call upon the state's Legislative Analyst or other sources of information); establish and maintain Convention website; and, oversee the administration of Convention and other duties determined by the Commission or the Convention.

- Describes the three different types of delegates to be selected: Assembly District delegates, County delegates and Indian Tribe delegates.
  - There will be 240 Assembly District delegates, three from each district.
  - There will be one County delegate for each 175,000 residents of that County. If a County has less than 175,000 residents, it will have one delegate.
  - There will be four Indian Tribe delegates, serving as representatives of the federally recognized Indian Tribes in the State.

- Outlines the process by which each type of delegate is selected. (see Delegate Selection paper)

- Limits the scope of the Convention to the following four categories:
  - Government Effectiveness, with emphasis on establishing a method for ensuring government efficiency.
  - Elections and the Initiative Process, with a focus on reducing special interest influence.
  - Spending and Budgeting, relating to the process, term and balancing of the budget, voting thresholds and mandating spending.
  - Governance, including the relationship between the state and local governments and the structure of the legislative and executive branches.

- Further limits the scope of the Convention by dictating that the Convention may not propose direct tax or fee increases nor shall it address social issues or other issues related to increasing taxes and changes that could threaten protections on civil rights.

- Requires the Convention commence no later than May 20, 2011 and the delegate's package of proposals will be voted upon no later than at the November 2012 general election.

- Outlines quorum, voting rules and order of business responsibilities.

- Ensures that all proceedings of the Convention are free and open to the public and sets forth rules to ensure openness and transparency.

- Note: The parameters governing the proposed Convention set forth in this initiative and inserted as statutory government code will expire on December 31, 2012, unless otherwise extended by the Legislature.

Repair California: We are a broad-based coalition of Californians dedicated to achieving real reforms that are needed to get California functioning again.

Routes to become a Delegate
to the California Constitutional Convention

County Delegates

How it works...

Each California County will have one delegate for every 175,000 residents. If a County has a population of less than 175,000, they will have one delegate. Recent population estimates show that there would be 221 County Delegates.

In each County there will be a Delegate Selection Committee made up of five people: Two members of the Board of Supervisors, two mayors and a school board or board of education member.

The County Delegate Selection Committee of each County will hold public meetings to select, by majority vote, County delegates to the convention. Any person interested can and should apply.

The three cities that have a population of over one million (Los Angeles, San Diego & San Jose) will have their share of delegates chosen at the city level by the members of the City Council, under the same process the County Delegate Selection Committee. In addition, the four federally recognized Indian Tribes will also appoint their own delegates.

Assembly District Delegates

How it works...

Each California Assembly District will have three delegates. In total, there will be 240 Assembly District Delegates.

The State Auditor randomly selects the names of 400 people in each Assembly District across California.

Those 400 people, per district, will receive information by mail about becoming a delegate. If they are interested in serving, they respond to the Auditor.

Of those who responded favorably, 50 individuals per assembly district will be invited to attend a presentation to learn more about duties and responsibilities of a delegate. At the meeting of 50, following discussion and deliberation, they will vote for three in their own ranks to represent the Assembly District as delegates to the Constitutional Convention.

California Constitutional Convention

A RESOLUTION OF THE BOARD OF SUPERVISORS
SUPPORTING REPAIR CALIFORNIA'S DUAL BALLOT MEASURES
CONVENING A LIMITED STATE CONSTITUTIONAL CONVENTION

WHEREAS, Repair California, a non-partisan, statewide coalition of individuals and organizations, which advocates for convening a limited Constitutional Convention to repair California's governance; and

WHEREAS, Repair California is submitting two ballot measures which will constitute the first systematic reform of the guiding document of our great state since 1879; and

WHEREAS, the first ballot measure will amend the state constitution to allow for the electorate to call a constitutional convention; and

WHEREAS, the second measure will call and convene a limited state constitutional convention focused on issues of governance; and

WHEREAS, the judicially-enforceable, limited Constitutional Convention will focus solely on issues of governance, defined as elections, the budget process, revenue distribution, and restoring the balance of power between the state and local governments; and

WHEREAS, direct tax or fee increases will be explicitly barred from consideration, as will social issues such as marriage, guns, abortion, and prayer-in-school, allowing the Convention to focus on critical governance reforms; and

WHEREAS, amended more than 500 times, the Constitution of the state of California is currently the third largest such document in the world, behind those only of Alabama and India, at over 75,000 words; and

WHEREAS, the Constitution has been described as "the perfect example of what a constitution ought *not* to be" [Wilson and Ebbert, California's Legislature]; and

WHEREAS, the lack of a functioning system of state governance – a system dictated by the Constitution – is a major factor in the legislative and budgetary gridlock affecting the government of our state; and

WHEREAS, the legislative and budgetary gridlock in our state greatly harms the ability of local governments to properly and effectively budget, finance and govern for the needs of the people; and

WHEREAS, the legislative and budgetary gridlock in our state and unfunded mandates dictated by the state's Constitution results in damaging borrowing or taking of funding from local government; and

WHEREAS, the legislative and budgetary gridlock in our state prevents needed action in policy areas beset by crisis, such as education, water, transportation, prisons, and the relationship between the state and local government; and

WHEREAS, some important measures in consideration for the November 2010 ballot would lock-in existing local funding in a broken system, but a Constitutional Convention could fix the system and restore the balance of power between the state and local government; and

WHEREAS, Sacramento has proven unable to reform itself, and hence local government and the people of the great state of California must bring reform to Sacramento;

NOW THEREFORE BE IT RESOLVED, that by adoption of this Resolution, the County Board of Supervisors hereby supports Repair California's call for a limited State Constitutional Convention.

MEMO

Submitted by: Paul Fassinger

Subject: SB375 Implementation Policies

Date: November 5, 2009

Executive Summary

This item considers the policies for SB 375 Implementation adopted at the September 2009 Joint Policy Committee (JPC). The staff memo describes the process used to obtain comments on earlier draft polices, and provides the revised polices that were adopted by the JPC at that meeting.

The ABAG Executive Board provided its input on the draft polices at its May 2009 meeting.

The JPC has referred the policies to its four member agencies for action. The Bay Conservation and Development Commission has already adopted the policies. The Bay Area Air Quality Management District and the Metropolitan Transportation Commission are placing the policies on their December agendas.

Recommended Action

The Executive Board Adopt the Policies for Implementing SB 375 Integrated Land Use and Transportation Planning to Reduce Greenhouse Gases.

Next Steps

Mailing Address: P.O. Box 2050 Oakland, California 94604-2050 (510)464-7900 Fax: (510) 464-7970 info@babag.ca.gov
Location: Joseph P. Bort MetroCenter 101 Eighth Street Oakland, California 94607-4756

MEMO

To: ABAG Executive Board
From: Paul Fassinger, Research Director
Date: November 2, 2009
Subject: Policies for Implementing SB 375

Recommendation: The Executive Board Adopt the Policies for Implementing SB 375 Integrated Land Use and Transportation Planning to Reduce Greenhouse Gases

Summary

Attached is a memo from the September 2009 Joint Policy Committee (JPC). It describes the process used to obtain comments on earlier draft polices, and provides the revised polices that were adopted by the JPC at that meeting.

The ABAG Executive Board provided its input on the draft polices at its May 2009 meeting.

The JPC has referred the policies to its four member agencies for action. The Bay Conservation and Development Commission has already adopted the policies. The Bay Area Air Quality Management District and the Metropolitan Transportation Commission are placing the policies on their December agendas.

Implementation Policies

In brief, the implementation polices are designed to identify a process where we work cooperatively with local partners (CMAs, local governments and others), state agencies and the regional stakeholders to create a Sustainable Communities Strategy (SCS):

Policy 1: The Bay Area regional agencies will fully participate in the regional target-setting process. If we eventually recommend a target it should give primary attention to the scientific assessment of need and use the SCS to judge feasibility. We will establish 25-year housing-growth targets no later that the release of final GHG-targets in September, 2010.We will also seek clear measurements of performance so that we can assess our performance compared to the regional targets.

Policy 2: We will construct an integrated modeling system which, to the extent possible, provide technical, decision-maker and public understanding of how land-use and transportation decisions can be coordinated so as to reduce GHG emissions. Recognizing the limitations of models to accurately predicting the future and guiding choice

Policy 3: The Bay Area regional agencies are committed to achieving the region's GHG-reduction targets through a realistic and attainable SCS and will prepare an Alternative Planning

Strategy only as a last resort. The SCS will be prepared cooperatively, and the regional agencies will seek to make tangible commitments that support the SCS.

Policy 4: The Bay Area regional agencies will initiate discussions and consult with our neighboring regions throughout the model-development and SCS planning processes to facilitate consistency in assumptions and policies.

Policy 5: The SCS, RTP and RHNA will be developed together through a single and integrated cross agency work program, developed and implemented in partnership with the other regional agencies, congestion management agencies, local governments, and non-governmental organizations which have a stake in the work and its outcomes.

Policy 6: In consultation with appropriate CEQA authorities, the regional agencies will develop and finalize, no later than June 2010, a functional design for the structure and content of the SCS, the APS and associated environmental impact review documents sufficient for these to be confidently employed as the basis for determining eligibility for CEQA assistance as contemplated in SB 375 and, if feasible, to provide additional CEQA assistance for projects which contribute positively to environmental objectives for the region.

Policy 7:Starting immediately, and consistent with the JPC's role as defined in state law, all *significant* regional-agency policy documents affecting the location and intensity of development or the location and capacity of transportation infrastructure will be vetted through the JPC and evaluated against the filter of the emerging SCS. The final decision on any regional policy will continue to rest with the responsible regional board or commission to which the JPC is advisory.

Revisions to the Policies
Since the ABAG Executive Board reviewed the original draft policies at its May 2009 meetings, staff from the Joint Policy Committee, ABAG, MTC, the Bay Area Air Quality Management District, and the Bay Conservation and Development Commission have been meeting with representatives of local government and various regional stakeholders to describe the policies and discuss concerns.

The involvement of the county Congestion Management Agencies in the SCS process has been the most expansive discussion. The regional agencies and the Congestion Management agencies have been able to agree to cooperate on technical, policy and outreach tasks that are necessary to achieve a bay area Sustainable Communities Strategy.

The policies as now drafted respond positively to most of the major concerns as expressed by our Partners, stakeholders and elected officials like the Executive Board. A few concerns remain, but are directed more at SB 375 itself than at our proposed implementation.

Conclusion
Ted Droettboom and I will describe these issues in more detail at the meeting. The JPC has forwarded the Implementation Policies to its member regional agencies with the recommendation that they be adopted. ABAG's staff joins in that recommendation.

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

ABAG

MEMO

Submitted by: Gerald Lahr, Energy Programs Manager

Subject: State Energy Program (SEP) Application for Funding

Date: November 4, 2009

Executive Summary

On October 8, 2009, the California Energy Commission (CEC) released an RFP for $95 million in State Energy Program (SEP) funds.

Upon a request by local member agencies, ABAG has taken the lead in coordinating with interested local governments in its service territory to submit a regional proposal for the SEP category #2 - California Comprehensive Residential Building Retrofit Program. As lead applicant and fiscal sponsor, ABAG in partnership with participating local governments seeks to achieve the following objectives:

1) Create competitive regional grant application that maximizes funding for Bay Area residential building retrofit programs by collaborating on program design and implementation.
2) Reduce program design and implementation costs for each participating County-wide program through shared activity (cross cutting tasks that benefit all Bay Area programs might include developing model program protocols and procedures, shared list of qualifying contractors, shared regional web-based project tracking system, tools and templates, consumer education resources, contract admin/reporting, etc.).
3) Reduce confusion among contractors and homeowners with more program uniformity while maintaining individual County priorities.
4) Leverage early adopter programs (e.g. Sonoma County, Alameda County, etc.) which will have developed tools and templates before SEP money has been released.

Recommended Action

Staff recommend the Board approve Resolution No. 17-09 authorizing ABAG to execute all necessary agreements to implement and carry out the purposes of any funds awarded as a result of its SEP 2 funding application.

Next Steps

ABAG funding application due to CEC on November 30th.

Attachments: ARRA Funding for Building Retrofits Memorandum

Mailing Address: P.O. Box 2050 Oakland, California 94604-2050 (510)464-7900 Fax: (510) 464-7970 info@babag.ca.gov
Location: Joseph P. Bort MetroCenter 101 Eighth Street Oakland, California 94607-4756

MEMORANDUM

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area

DT: November 4, 2009

TO: ABAG Executive Board

FM: Ezra Rapport, Deputy Executive Director
Gerald Lahr, Energy Programs Manager

RE: ARRA Funding for Building Retrofits
- State Energy Program (SEP) Application for Funding
- DOE Retrofit Ramp-up
- Status Report on ABAG SEED Program

On October 8th the California Energy Commission (CEC) released an RFP for $95 million in State Energy Program (SEP) funds, and on October 19th the Department of Energy (DOE) issued a Funding Opportunity Announcement for $390 million in Retrofit Ramp-Up funds. Together these solicitations provide an unprecedented opportunity to develop and implement a regional community-scale building retrofit program.

The CEC will use the SEP competitive grant to fund projects in the following program areas:

1. Municipal Financing Program ("AB 811-type programs")
2. California Comprehensive Residential Building Retrofit Program
3. Municipal and Commercial Building Targeted Measure Retrofit Program
4. Low Interest Energy Efficiency Financing Program

DOE is specifically targeting funds for a small number of high-profile, high-impact awards that will enable large-scale programs of ongoing energy efficiency retrofits on residential, commercial and public buildings in geographically focused areas. DOE anticipates making 8-20 awards under this topic, with award sizes up to $75 million.

Upon a request by local member agencies, ABAG has taken the lead in coordinating with interested local governments in its service territory to submit a regional proposal for the SEP category #2 - California Comprehensive Residential Building Retrofit Program. As lead applicant and fiscal sponsor, ABAG in partnership with participating local governments seeks to achieve the following objectives:

- Create competitive regional grant application that maximizes funding for Bay Area residential building retrofit programs by collaborating on program design and implementation
- Reduce program design and implementation costs for each participating County-wide program through shared activity (cross cutting tasks that benefit all Bay Area programs might include developing model program protocols and procedures, shared list of

qualifying contractors, shared regional web-based project tracking system, tools and templates, consumer education resources, contract admin/reporting, etc.)

- Reduce confusion among contractors and homeowners with more program uniformity while maintaining individual County priorities.
- Leverage early adopter programs (e.g. Sonoma County, Alameda County, etc.) which will have developed tools and templates before SEP money has been released

ABAG has hired Bevilacqua-Knight Inc (BKi) and Build It Green (BIG) to coordinate the SEP 2 grant proposal process. BKi and BIG will develop a common proposal framework and task structure, although each County program will write specific portions in order to tailor the program scope and budget to fit local conditions, existing initiatives and priorities. A representative from each County-wide program is participating in a steering committee to guide proposal development and program implementation. It is expected that this proposal will request approximately $10 million for the region.

Although ABAG is also exploring the development of a regional Energy Financing District (SEED), we will not be submitting a proposal for SEP category 1 (Municipal Financing Program) in order to avoid conflicts with other county and state-wide applications (see discussion below). ABAG's role in the category 2 proposal is focused on coordinating interested County-wide programs and acting as a fiscal sponsor. ABAG will lead cross cutting tasks that benefit all county-wide programs but each county-wide program will be responsible for implementation their scope of work.

In addition, ABAG is coordinating with three other regions in the state (Sacramento, LA County and San Diego) to submit a grant application for the DOE Retrofit Ramp-Up funds. This application is being put together in coordination with the CEC and is expected to request approximately $75 million. BKi has been retained under an existing contract with LA County to lead the development of this proposal as well. Each region will be asked to contribute approximately $12,500 toward its development.

Status of ABAG SEED Program:

Following the Governor's veto of SB 279, staff has undertaken an assessment of how ABAG will continue its work in developing a regional program to encourage maximum participation in energy efficiency retrofits and solar installations for both residential and commercial properties. SB 279 would have provided authority for ABAG to form a regional financing district and would have allowed residential property owners to pay for energy and water efficiency improvements as well as solar installations through their property tax bill.

The initial concept was to tie SB 279 financing to homeowners as a means of creating a one-stop shop for consumers to access both screened contractors to do the work and favorable financing to pay for it. ABAG and PG&E joined together to analyze how a program might be designed to accomplish these objectives. A working group was established and an extensive market survey was undertaken among PG&E customers to determine levels of interest. The findings of the

market survey were that a large number of consumers are interested in energy efficiency home improvements, and would be stimulated by financing in the 5-6% range. There was a steep drop off in interest when rates exceeded 7%. This finding has been confirmed elsewhere.

At the present time, neither AB 811 (nor SB 279) is able to provide financing to scale at interest rates below 6% without government subsidies. The bonds issued by these programs would be characterized by the capital market as taxable municipal securities, and even credit enhanced bonds in this category are presently trading at 8.5 – 9.5%. While most experts in the field believe that AB 811 financing is much more secure than traditional taxable municipals, there will need to be much more volume (e.g. $500 million) for these bonds to be priced at a lower rate than other taxable municipals.

Given that the market is not adequately pricing AB 811 type bonds (referred to as Property Assessed Clean Energy Bonds, or PACE bonds), an effort has been made to see if the federal government would be interested in helping to support AB 811 bonds as a means to making progress on climate change goals. Discussions have taken place with Congress and the Department of Energy (DOE), and the Environmental Protection Agency (EPA) about finding ways to support energy retrofit using PACE bonds. Vice President Biden has also expressed a great deal of interest in supporting the PACE bond concept. Renewable Funding has played an instrumental role in moving this issue to the federal level.

The conclusion from these discussions is that there is indeed interest at the federal level in the PACE concept. In our view, the long-term solution to the financing problems with AB 811 does lie at the federal level. Two actions are needed: 1) Fannie Mae and Freddie Mac need to publish underwriting standards to define the PACE bond structure. PACE bonds potentially impair the interest of mortgage holders, and both Fannie and Freddie need to agree on how they should be structured so as not to diminish the value of first lien mortgages; 2) the Treasury needs to guarantee PACE bonds, so they will be priced at the level of other federally guaranteed debt. Given the security of PACE bonds through foreclosure provisions, with a priority over mortgage debt, the federal guarantee will not cost the Treasury any subsidy and will accomplish significant climate change benefits. The interest rate on this type of financing would likely be in the 5% range. A provision of the Waxman-Markey bill, HR 2454, contains a provision offering $7.5 billion in guarantees for PACE bonds. This provision apparently has bipartisan support, and has been stripped out as an independent bill by Rep. Steve Israel (D-NY) for possible passage if the Cap and Trade bill bogs down.

The DOE has provided the State of California with two opportunities to pilot an AB 811 program in coordination with the California Energy Commission. SEP category #1 and the DOE Retrofit Ramp Up funding opportunity can both potentially support a pilot AB 811 program to collect data before any additional federal support takes place. This period of evaluation will be instrumental in furthering actions at the federal level to support AB 811 programs. In light of this, the California Statewide Communities Development Authority ("CSCDA") has utilized their CaliforniaFIRST program, in partnership with Renewable Funding and participating local governments, to apply for SEP 1 Financing and help sponsor a regional approach to the DOE

Retrofit Ramp Up that will demonstrate the utility and efficacy of the AB 811 approach. ABAG staff has been participating and supporting these efforts.

The other element of the ABAG SEED program is the customer friendly access to retrofit contracting, combining the contracting program with favorable financing. As discussed above, ABAG is coordinating the SEP 2 application, which focuses on residential retrofit. Included in that application is a proposal to create contracting standards, workforce development, and alternative methods of marketing energy retrofit programs to consumers. ABAG is partnering with StopWaste.org to complete some of the tasks that ABAG and PG&E were working on to create the most robust energy retrofit programs with entry at alternative pricing points.

Action: Staff recommend the Board approve Resolution No. 17-09 authorizing ABAG to execute all necessary agreements to implement and carry out the purposes of any funds awarded as a result of its SEP 2 funding application.

cc: Henry Gardner, Executive Director

ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD

RESOLUTION NO. 17-09

AUTHORIZING SUBMISSION OF A PROPOSAL TO THE CALIFORNIA ENERGY COMMISSION (CEC), ENTERING INTO AN AGREEMENT WITH THE CEC, AND DESIGNATING A REPRESENTATIVE TO SIGN THE AGREEMENT, AND ANY AMENDMENTS THERETO, AND TO ACT ON BEHALF OF PARTICIPATING PARTNERS FOR GRANT FUNDING

WHEREAS, the California Energy Commission (CEC) has issued a Request for Proposals #400-09-403 (RFP) for projects to be funded from the American Recovery and Reinvestment Act of 2009 (ARRA) for California Comprehensive Residential Building Retrofit Program of the State Energy Program (SEP); and

WHEREAS, the Association of Bay Area Governments (ABAG) is eligible to submit a proposal for such funding as more particularly described in Exhibit A to this resolution (Project); and

WHEREAS, ABAG staff has solicited from the Counties of Contra Costa, Marin, San Mateo, Santa Clara, and Solano, the City and County of San Francisco, StopWate.org (Alameda County), the Sonoma County Transportation Authority (Sonoma County), and the Napa County Transportation and Planning Agency (Napa County) (Collaborative Agencies) letters of commitment to participate in the Project as collaborative partners and to provide resolutions from their governing bodies authorizing ABAG to apply for and receive funding for the Project on behalf of each of them.

ASSOCIATION OF BAY AREA GOVERNMENTS
RESOLUTION NO. 17-09

NOW, THEREFORE BE IT RESOLVED, that the Executive Board of the Association of Bay Area Governments hereby:

a) authorizes ABAG staff to respond to the CEC Request for Proposal and apply for and receive funding of the Project described in Exhibit A on its own behalf and on behalf of the Collaborative Agencies, or as many of them as submits letter of commitment prior to the RFP deadline, and

b) designates ABAG's Executive Director, or his designee, as the representative of ABAG authorized to execute the funding agreement, any amendments thereto, and any other document reasonably related to receiving such funding.

The foregoing adopted by the Executive Board this 19th day of November, 2009.

Rose Jacobs Gibson
President

Certification of Executive Board Approval

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 19th day of November, 2009.

Henry L. Gardner
Secretary-Treasurer

Approved as To Legal Form

Kenneth K. Moy
Legal Counsel

Exhibit A

Description of Project

On October 8, 2009, the California Energy Commission (CEC) released a Request for Proposal for $95 million in State Energy Program (SEP) funds.

The CEC will use the SEP competitive grant to fund projects in the following program areas:

1) Municipal Financing Program ("AB 811-type programs")
2) California Comprehensive Residential Building Retrofit Program
3) Municipal and Commercial Building Targeted Measure Retrofit Program
4) Low Interest Energy Efficiency Financing Program

Upon a request by local member agencies, ABAG has taken the lead in coordinating with interested local governments in its service territory to submit a regional proposal for the SEP category #2, California Comprehensive Residential Building Retrofit Program. As lead applicant and fiscal sponsor, ABAG in partnership with participating local governments seeks to achieve the following objectives:

1) Create competitive regional grant application that maximizes funding for Bay Area residential building retrofit programs by collaborating on program design and implementation.
2) Reduce program design and implementation costs for each participating county-wide program through shared activity (cross cutting tasks that benefit all Bay Area programs might include developing model program protocols and procedures, shared list of qualifying contractors, shared regional web-based project tracking system, tools and templates, consumer education resources, contract admin/reporting, etc.).
3) Reduce confusion among contractors and homeowners with more program uniformity while maintaining individual county priorities.
4) Leverage early adopter programs (e.g. Sonoma County, Alameda County, etc.) which will have developed tools and templates before SEP money has been released.

LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE

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

Committee Vice Chair: Supervisor Mike Kerns—County of Sonoma

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

Thursday, November 19, 2009 – 3:30 p.m. to 5:00 p.m.

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

AGENDA*

1.	**OPEN AGENDA**** Committee members may raise issues for consideration; members of the public may speak.	Information/ Action
2.	**APPROVAL OF MINUTES** Committee will review and approve the minutes of the September 17, 2009, L&GO meeting.	Information/ Action
3.	**DISCUSSION OF LEGISLATIVE PRIORITIES FOR 2010 LEGISLATIVE SESSION**	Information/ Action
4.	**REVIEW OF PROPOSED PG&E-SPONSORED BALLOT INITIATIVE: "NEW TWO-THIRDS VOTE REQUIREMENT FOR LOCAL PUBLIC ELECTRICITY PROVIDER INITIATIVE"—CONSTITUTIONAL AMENDMENT ****	Information
5.	**A REVIEW OF PROPOSALS REGARDING STATE LEGISLATIVE REFORM** A look at strategies, such as constitutional reform, legislative amendments, and constitutional convention, being proposed statewide.	Information
6.	**2010 LEGISLATIVE RECEPTION**	Information/ Action
7.	**ADJOURNMENT** Next meeting is scheduled for **January 21, 2010.**	Action
	Agenda and other written materials are available at ABAG/Front Desk, 101 8th Street, Oakland, or at *http://www.abag.ca.gov/meetings* -- Legislation and Governmental Organization Committee	

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

** Public Comments restricted to three minutes.

ABAG FINANCE AND PERSONNEL COMMITTEE

Thursday, November 19, 2009, 5:00 p.m.
ABAG Conference Room B
MetroCenter—8th and Oak Streets
Oakland, CA

Est. Time in Minutes			Recommendation**
2	1.	**Public Comments**	**Information**
3	*2.	**Minutes of the September 17, 2009 Meeting**	**Action**
5	*3.	**Financial Reports – ABAG** *The August and September 2009 reports are enclosed with the agenda packet.*	**Action**
5	4.	**Membership Dues Not Yet Received** *The members and the FY 2009-10 dues amount not yet received by ABAG will be reported and discussed at the meeting.*	**Information**
15	** *5.	**Audited Financial Reports for ABAG** *Auditors from Maze & Associates will present the June 30, 2009 audited financial reports for ABAG. Committee will consider recommending Executive Board approval of these reports.*	**Action**
		THE FOLLOWING ITEMS WILL BE DISCUSSED IN CLOSED SESSION PURSUANT TO THE REQUIREMENTS OF THE RALPH M. BROWN ACT.	
15	6.	**Conference with Legal Counsel—Existing Litigation** *Home Builders Association of Northern California vs ABAG*	**Information**
	7.	**Adjournment**	**Action**

* Attachments enclosed with packet.
** The committee may take action on any item on the agenda, which action may be the recommended action, any other action or no action.
*** Will be sent separately.

ABAG FINANCE AND PERSONNEL COMMITTEE

Summary Minutes

September 17, 2009

Members Present	Jurisdiction
Supervisor Scott Haggerty, Chair	County of Alameda
Supervisor David Cortese	County of Santa Clara
Supervisor Rose Jacobs Gibson	County of San Mateo
Supervisor John Gioia	County of Contra Costa
Mayor Mark Green	City of Union City
Supervisor Mike Kerns	County of Sonoma
Supervisor Barbara Kondylis	County of Solano
Vice Mayor Peter McHugh	City of Milpitas
Mayor A. Sepi Richardson	City of Brisbane

Members Absent
None

Officers and Staff Present
Ezra Rapport, Deputy Executive Director
Patricia Jones, Assistant Executive Director
Kenneth Moy, Legal Counsel
Herbert Pike, Finance Director
Brian Kirking, Information Services Director
Susan Hsieh, Assistant Finance Director

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

1) There were no public comments.

2) Minutes of the July 16, 2009 meeting were approved as presented. /M/McHugh/S/Gioia/C/approved.

3) Pike summarized the June and July 2009 financial report for ABAG. Emphasis was on the slow recovery from the State creating high receivables and low cash balance. Also discussed was the payment of the Annual Required Contribution (ARC) for FY 2008-09 by December 2009. /M/Cortese/S/Rose-Gibson/C/ to accept reports.

AGENDA ITEM 2

4) Pike reported to the Committee that all members' dues for FY 2009-10 had been received except for four municipalities. The dues remaining represent less than two percent of all dues and Mr. Gardner has been working with each of the four. Staff expects to be able to report at the November meeting that **all** members have been renewed.

5) Jones summarized the annual Report on Diversity and Business Opportunity—FY 2008-09. While progress continues to be made, challenges still remain. As in previous years, ABAG continues to seek Hispanic applicants to round out our diverse workforce. ABAG also continues to reach out and provide contracting opportunities to as many under-represented groups as possible, while maintaining its requirements of excellence. /M/ /S/ /C/ to recommend acceptance by Executive Board.

6) Rapport presented staff's request to authorize borrowing of up to $700,000 to fund renovation of ABAG's offices and work areas located at the MetroCenter. The annual amortization of the loan would amount to less than $100,000 per year over up to 10 years; funds for amortization would be available following the last payment in December, 2009, of the ABAG MetroCenter 25-year capital-lease. /M/ McHugh/S/Gioia/C/ to recommend approval by the Executive Board.

   To commence renovations in the latter half of November, the Committee seeks delegation of authority from the Executive Board to convene a special meeting to review and authorize any contracts of $20,000 or more. /M/Green/S/Kondylis/C/ to seek said authorization from the Executive Board.

7) At a special closed session, the Committee was briefed on new litigation brought against the ABAG regarding PROJECTIONS 2009. There is nothing to report out at this time.

8) Meeting was adjourned at 5:45 p.m.

AGENDA ITEM 2

TO: Finance and Personnel Committee

DT: September 30, 2009

FM: Herbert Pike, Finance Director

Re: Financial Reports
--August 2009

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

Cash on Hand (Figure 1)
Cash on hand increased to $3.16 million on August 31 from $1.53 million on July 31. The August balance includes approximately $1.77 million invested in the Local Agency Investment Fund (LAIF). Currently, ABAG does not hold any other investments. The August 31 cash balance is approximately $555 thousand higher than the prior year, commensurate with the roughly $565 thousand owed to fund the prior year's required contribution for future retiree health insurance obligations. Much of the upturn is attributed to improved receivables noted below.

Receivables (Figure 2)
Receivables from grant and service programs amounted to about $2.65 million on August 31, a decrease of $809 thousand from the month prior. Compared to August 30 the year prior, the total reflects a decrease of approximately $399 thousand. While substantially improved from the prior month and the prior year, the total receivables are still over $850 thousand higher than two years prior, before the budget crises commenced. It is hoped this reflects a return to a more expeditious reimbursement pattern from the State experienced prior to the State budget crises of the last two years.

Actual vs. Budgeted Expenses (Figure 9)
Total expenses through August 31 amounted to about $2.50 million, or 11.2%, of projected annual expenses of $22.3 million for FY 09-10.

Actual vs. Budgeted Revenues (Figure 10)
At August 31, total revenues amounted to about $2.44 million, or 11.0%, of projected annual revenue of $22.3 million for FY 09-10.

As of August 31, both revenues and expenses are below "projected" annual totals. While revenues and expenditures might be expected to be 16.67% after the first two months of the new fiscal year, they are less than projections, largely due to the timing of consultant and sub-contractor expenses that lag in getting the billings in for the work performed and, consequently, getting reimbursed for completed work.

Fund Equity (Figure 5)
As of August 31, general fund equity was approximately $1.00 million, a decrease of $35 thousand from July 31. The agency's restricted fund equity, consisting of building bond interest, capital, self-insurance and building maintenance, remained unchanged at $510 thousand.

AGENDA ITEM 3

Indirect Cost (Figure 6)

The agency's actual indirect cost (overhead) rate was 50.43% of direct labor cost as of August 30, or about 7.48% above the budgeted rate of 42.95% for FY 09-10. Most of the excess charges are due to revised allocations of employees' time between Agency Administration/Communications and General Overhead. These issues have been identified and rates are slowly converging toward the expected rate over the next several months.

Overall (Figures 3, 4, 7 & 8)

At August 31, the Agency's net financial position is reasonably close to forecast with a modest deficit of roughly $55 thousand, or 2.25% of July-August revenues. Both "cash on hand" and "receivables" have improved over the prior month. Several projects formerly frozen are being restarted with the infusion of federal ARRA funding. The Agency looks forward to making its contributions for retiree medical benefits deferred from the prior fiscal year within the next couple of months.

ABAG FINANCIAL REPORTS

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* Composition of Revenues ..... Figure 8
* Actual vs. Budgeted Expenses ..... Figure 9
* Actual vs. Budgeted Revenues ..... Figure 10
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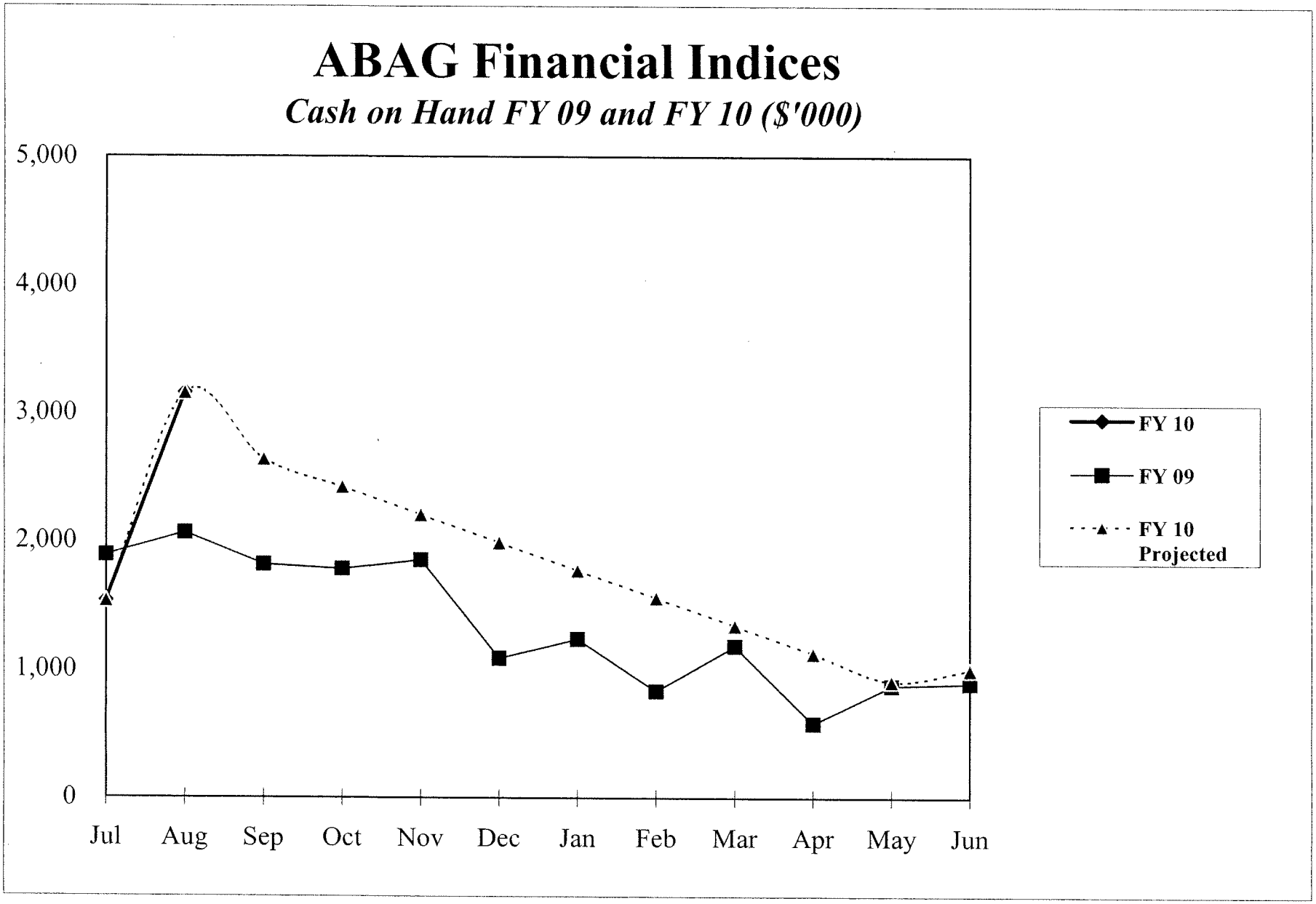
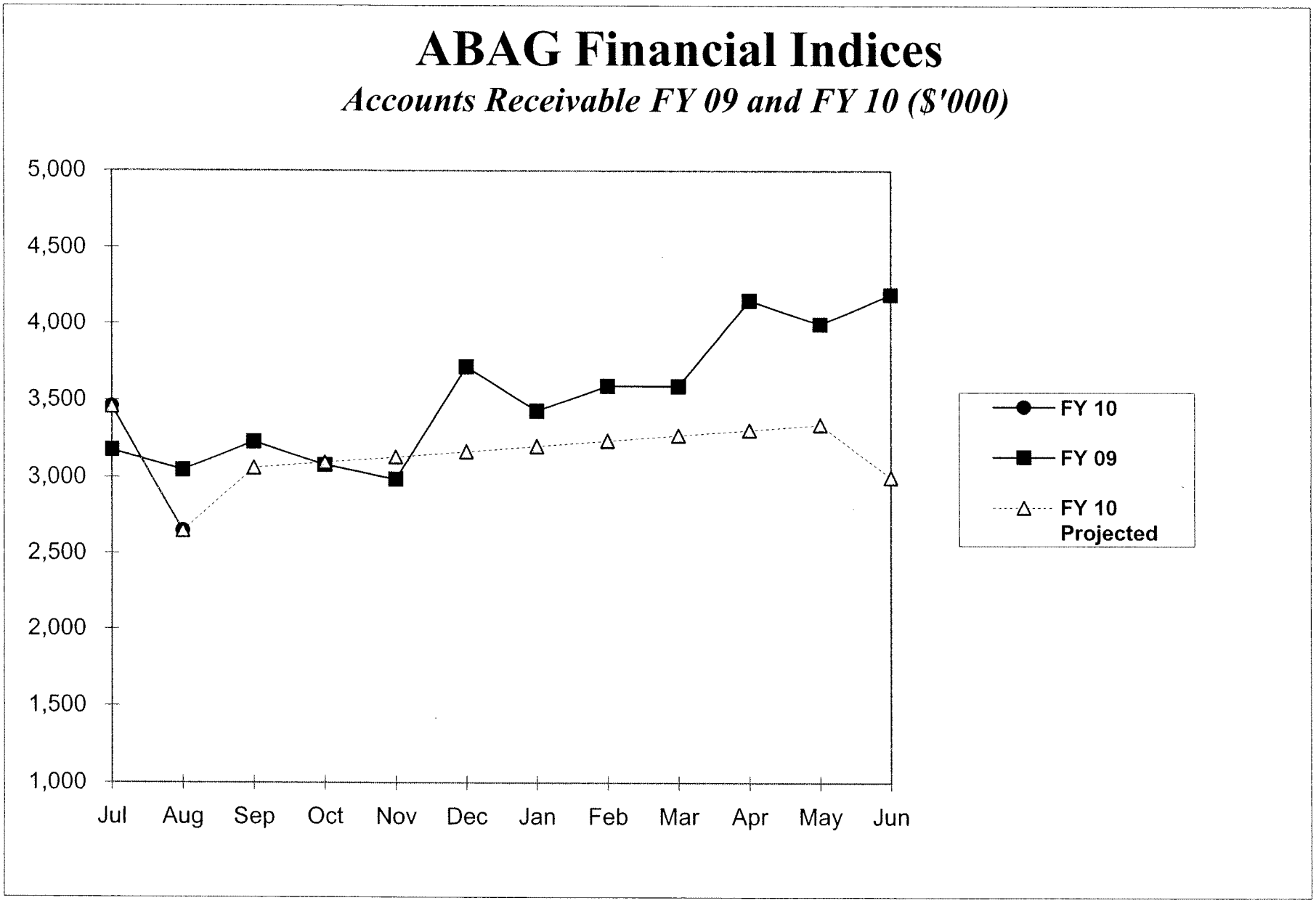


Source: ABAG -INDICES 2009-08.xls

FIGURE 1



Source: ABAG -INDICES 2009-08.xls

FIGURE 2

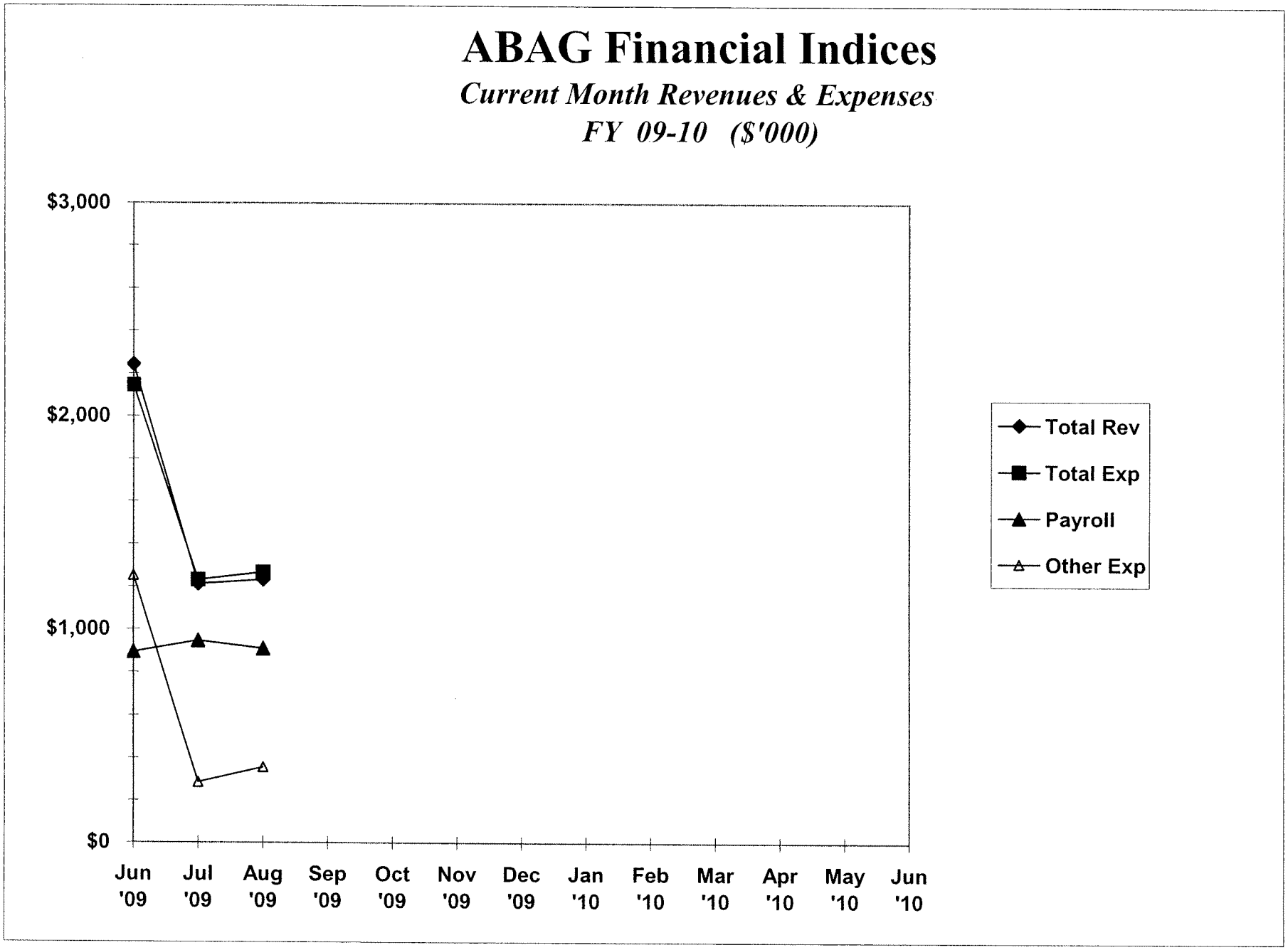


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FIGURE 3

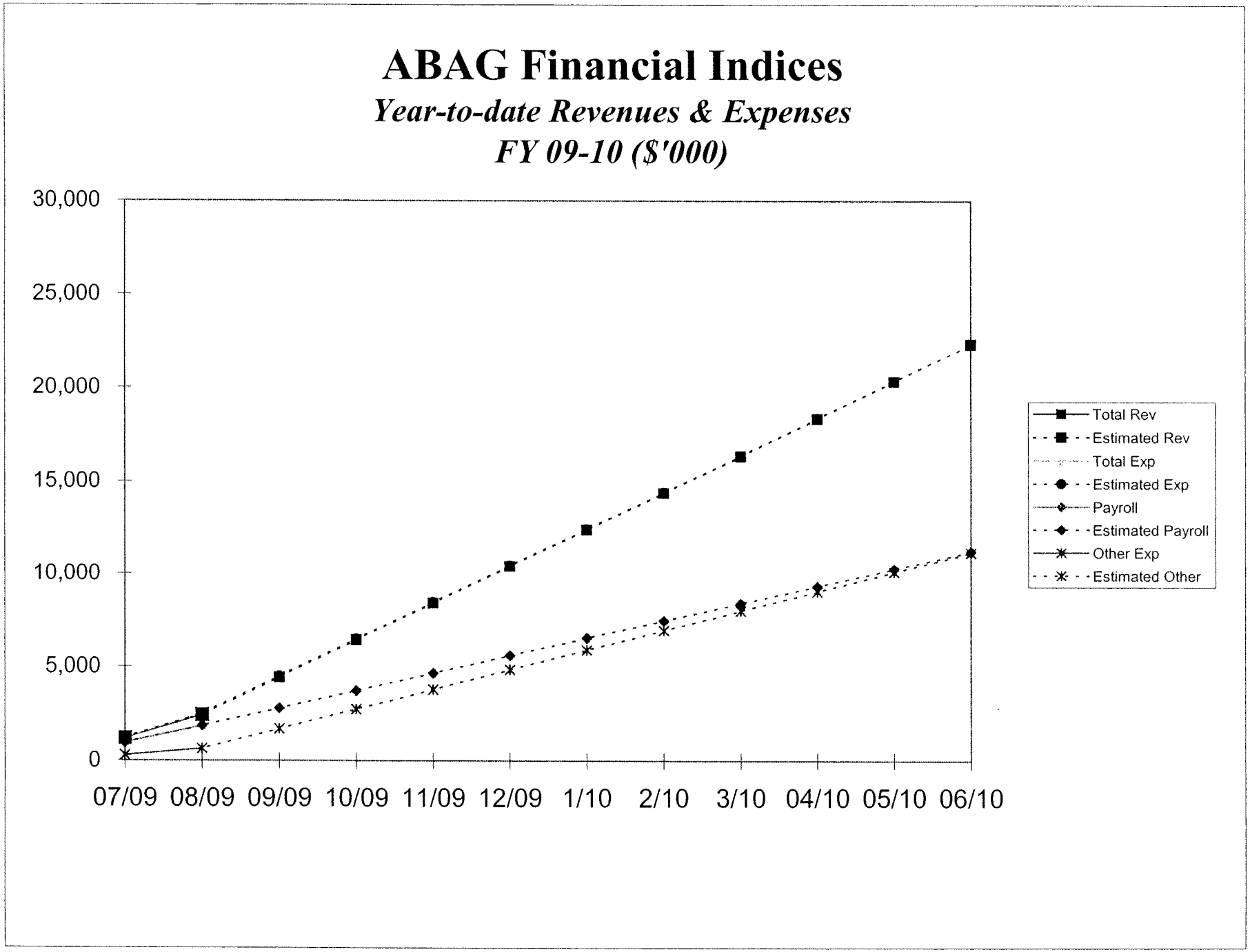

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FIGURE 4

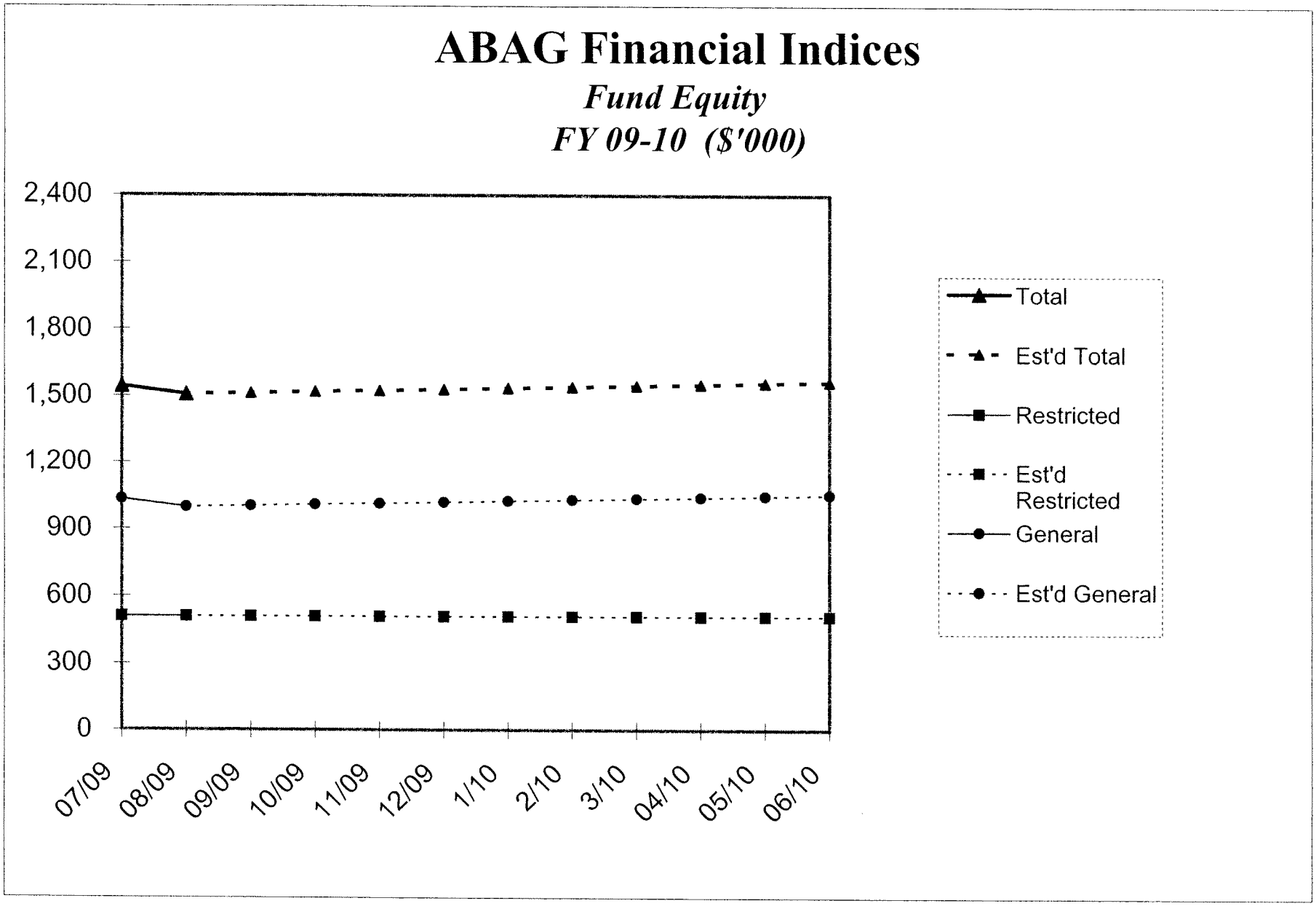

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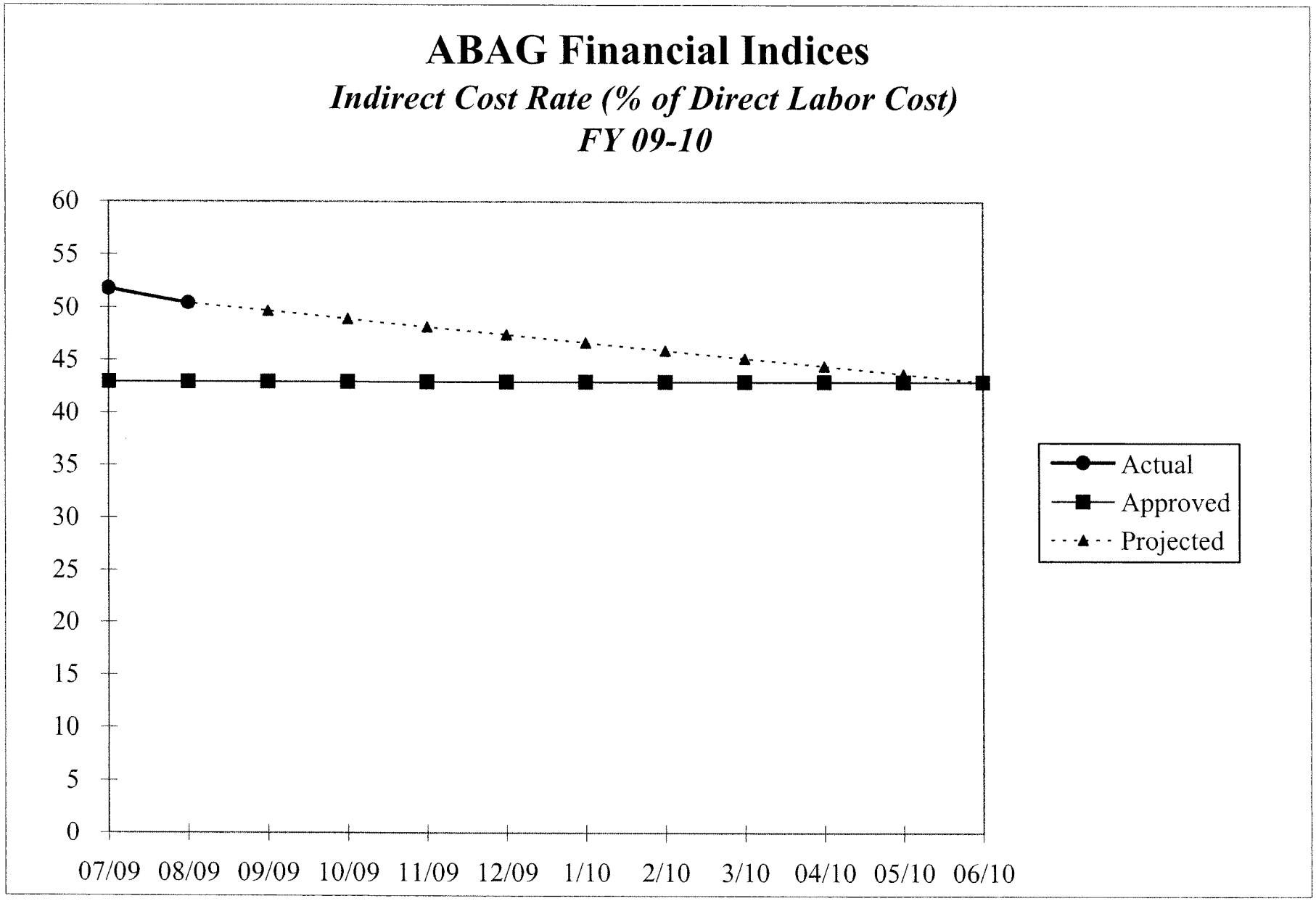
FIGURE 5



Source: ABAG- INDICES 2009-08.xls

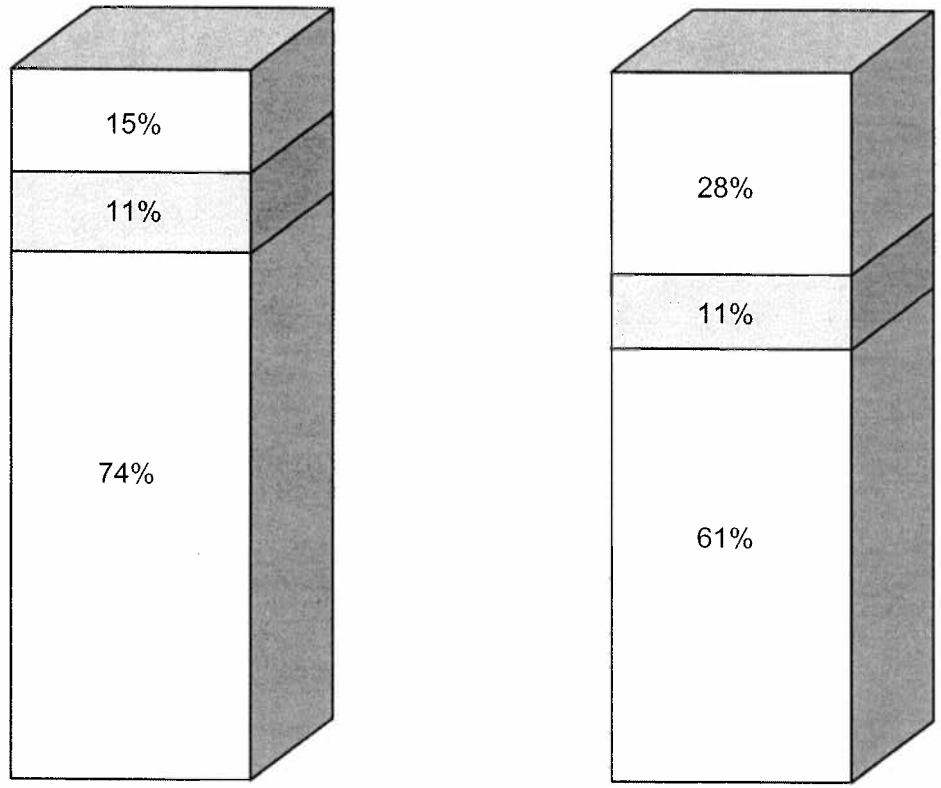
FIGURE 6

ABAG Financial Indices

Composition of Expenses FY 09--FY 10

Year to Date

($'000)



	FY09-10 Expenses (Total $2,498)	FY08-09 Expenses (Total $2,803)
☐ Consultants	$360	$794
☐ Others	$282	$295
☐ Payroll	$1,856	$1,714

Source: ABAG -INDICES 2009-08.xls

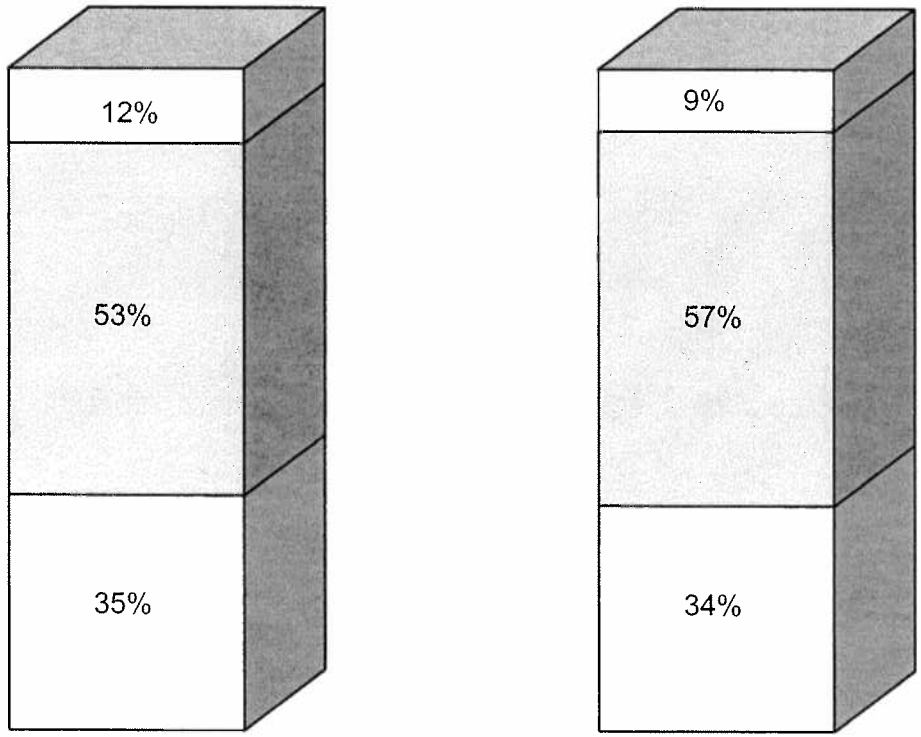
Figure 7

ABAG Financial Indices

Composition of Revenues FY 08--FY 09

Year to Date

($'000)



	FY 09-10 Revenue (Total $2,443)	FY 08-09 Revenue (Total $2,854)
☐ Membership	$278	$267
☐ Grants	$1,298	$1,615
☐ Services & Others	$867	$972

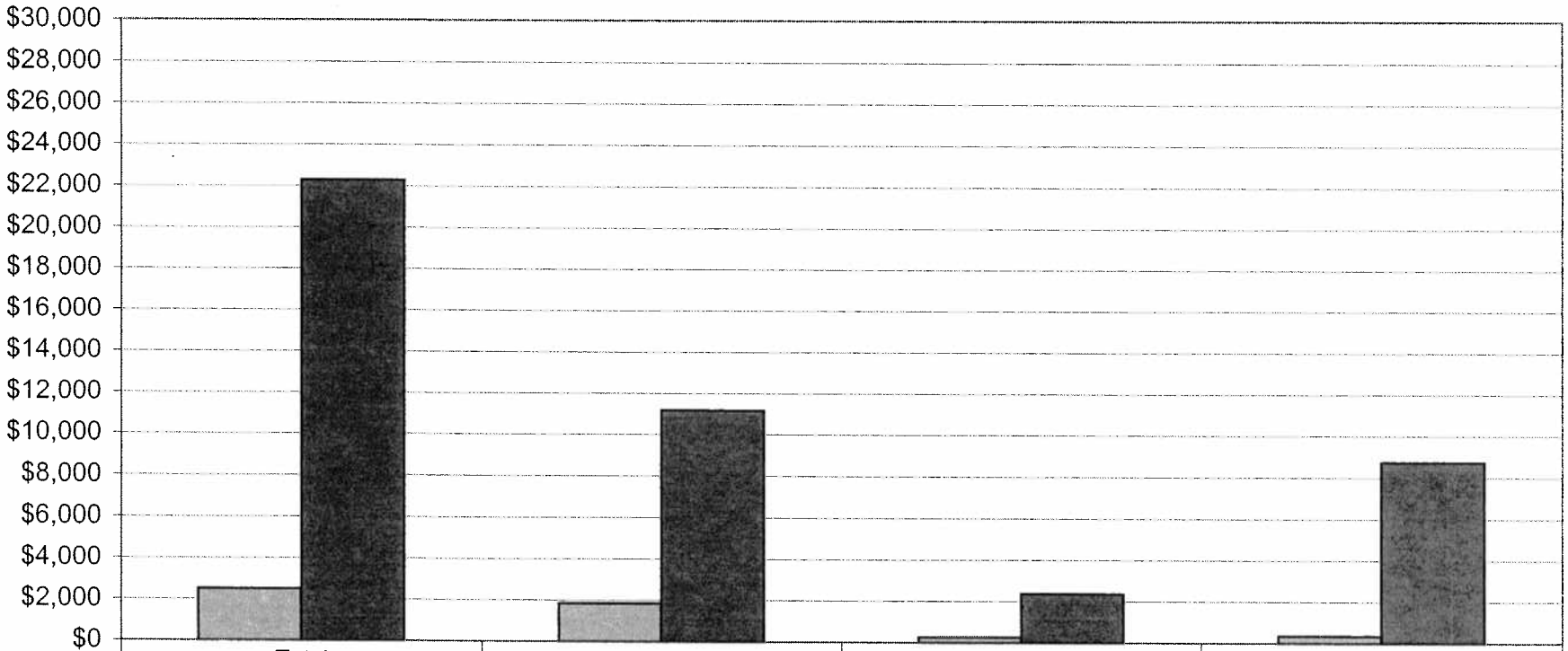
Source: ABAG --- INDICES 2009-08.xls

Figure 8

ABAG Financial Indices

Actual vs Projected Expenses--FY 09-10

Year to Date ($'000)



	Total	Payroll	Other	Consultants
Actual	$2,498	$1,856	$282	$360
Projected	$22,300	$11,178	$2,368	$8,754

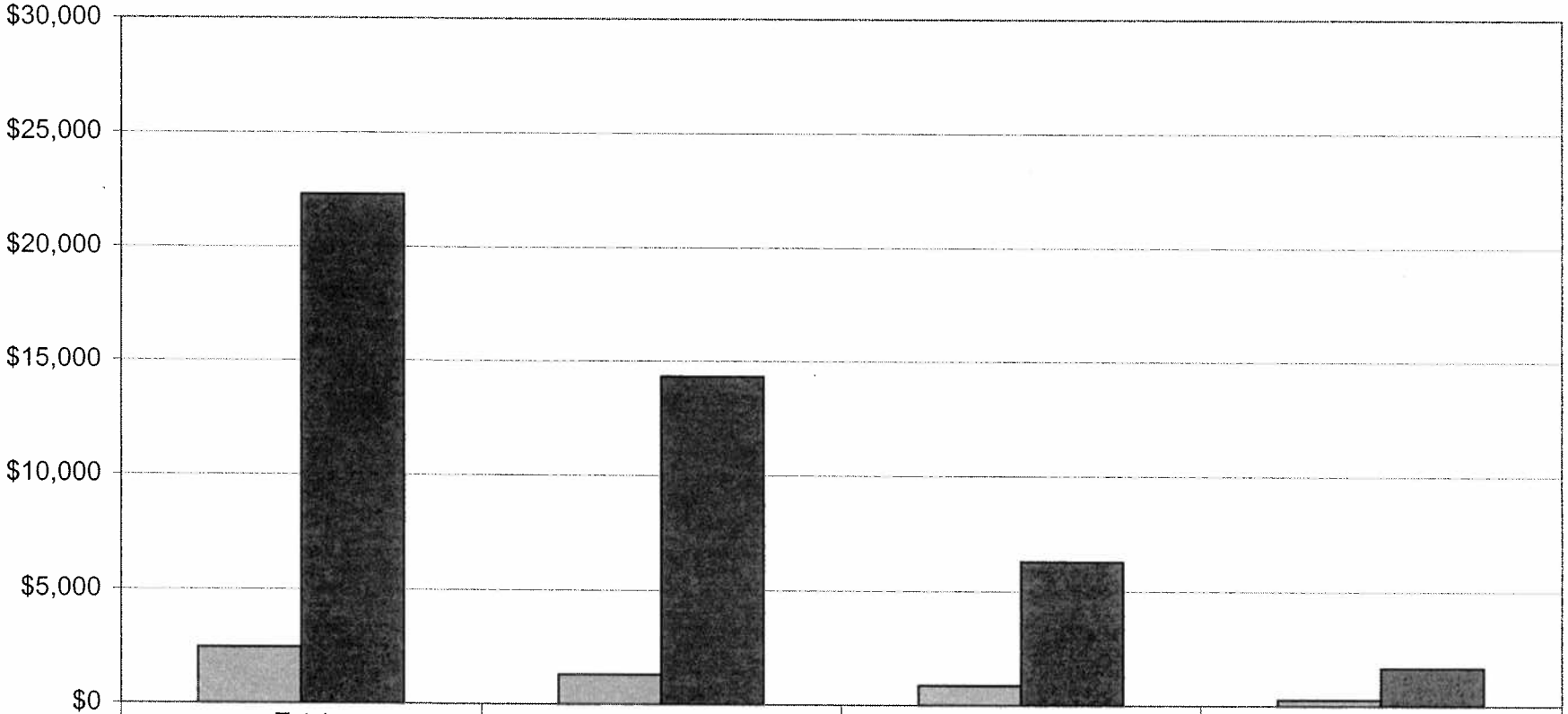
Source: ABAG -- INDICES 2009-08.xls

Figure 9

ABAG Financial Indices

Actual vs Projected Revenues--FY 09-10

Year to Date ($'000)



	Total	Grants	Services & Other	Membership
Actual	$2,443	$1,298	$867	$278
Projected	$22,300	$14,329	$6,300	$1,671

Source: ABAG --INDICES 2009-08.xls

Figure 10

Description of Charts

Figure 1 -- Cash on Hand

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

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Accounts receivable tracked by this chart include receivables generated by grants and service programs over two fiscal years. This chart reflects the reasonableness of our receivable levels. We usually have about six weeks' worth of our annual revenues in receivables.

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Presents month by month total revenues, total expenses, payroll and other expenses for the current fiscal year. The difference between total revenues and total expenses lines represents the overall current month net surplus (or deficit) for the agency.

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

Presents year-to-date total revenues, total expenses, payroll and other expenses for the current fiscal year. The difference between total revenues and total expenses lines represents the overall year-to-date net surplus (or Deficit) for the agency.

Figure 5 --Fund Equity

Presents general, restricted and total fund equities for the current fiscal year. General fund equity represents unrestricted equity. Restricted equities include building bond interest, building maintenance, self-insurance and capital. These restricted equities represent the agency's equities set aside for specific purposes as approved by the Finance and Personnel Committee. Total equity is the sum total of general and restricted equities.

Figure 6 -- Indirect Cost Rate (% of Direct Labor Cost)

This chart shows a comparison between the actual indirect cost rate and the approved rate. The approved indirect cost rate is computed by dividing total estimated overhead expenses by total projected direct labor cost for a fiscal year. This rate is used as a standard overhead cost rate to allocate indirect costs to all projects. This process is performed in accordance with an indirect cost plan, which is prepared annually in accordance with OMB A-87.

Figure 7 – Composition of Expenses

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TO: Finance and Personnel Committee

DT: October 30, 2009

FM: Herbert Pike, Finance Director

Re: Financial Reports --September 2009

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

Cash on Hand (Figure 1)
Cash on hand decreased to $2.64 million on September 30 from $3.16 million on August 31. The September balance includes approximately $2.17 million invested in the Local Agency Investment Fund (LAIF). Currently, ABAG does not hold any other investments. The September 30 cash balance is approximately $820 thousand higher than the prior year, modestly greater than the roughly $565 thousand owed to fund the prior year's required contribution for future retiree health insurance obligations. Much of the upturn is attributed to improved receivables noted below.

Receivables (Figure 2)
Receivables from grant and service programs amounted to about $3.06 million on September 30, an increase of $412 thousand from the month prior. Compared to September 30 the year prior, the total reflects a decrease of approximately $170 thousand. While substantially improved from the prior month, the total receivables are still over $378 thousand higher than two years prior, before the budget crises commenced. It is hoped that more timely reimbursements from the State in recent months reflects a trend toward a more expeditious reimbursement pattern from the State experienced prior to the State budget crises of the last two years.

Actual vs. Budgeted Expenses (Figure 9)
Total expenses through September 30 amounted to about $3.85 million, or 17.26%, of projected annual expenses of $22.3 million for FY 09-10.

Actual vs. Budgeted Revenues (Figure 10)
At September 30, total revenues amounted to about $3.79 million, or 17.0%, of projected annual revenue of $22.3 million for FY 09-10.

As of September 30, both revenues and expenses are below "projected" annual totals. While revenues and expenditures might be expected to be 25% after the first two months of the new fiscal year, they are less than projections, largely due to the timing of consultant and sub-contractor expenses that lag in getting the billings in for the work performed and, consequently, getting billed and reimbursed for completed work.

Fund Equity (Figure 5)
As of September 30, general fund equity was approximately $1.00 million, a decrease of $3 thousand from August 31. The agency's restricted fund equity, consisting of building bond interest, capital, self-insurance and building maintenance, remained unchanged at $510 thousand.

AGENDA ITEM 3

Indirect Cost (Figure 6)

The agency's actual indirect cost (overhead) rate was 46.26% of direct labor cost as of September 30, or about 3.31% above the budgeted rate of 42.95% for FY 09-10. Most of the excess charges are due to revised allocations of employees' time between Agency Administration/Communications and General Overhead. These issues have been identified and rates are slowly converging toward the expected rate over the next several months.

Overall (Figures 3, 4, 7 & 8)

At September 30, the Agency's net financial position is reasonably close to forecast with a modest deficit of roughly $59 thousand, or 1.56% of first quarter revenues. Both "cash on hand" and "receivables" have improved over the prior year, and their downturn from the prior month reflects expected seasonal trends. Several projects formerly frozen are being restarted with the infusion of federal ARRA funding. This reflects part of a larger trend away from State funding towards Federal funding; grants received through the State are increasingly pass-through of Federal funding. The Agency looks forward to making its contributions ($565,000) for retiree medical benefits deferred from the prior fiscal year within the before the end of December.

ABAG FINANCIAL REPORTS

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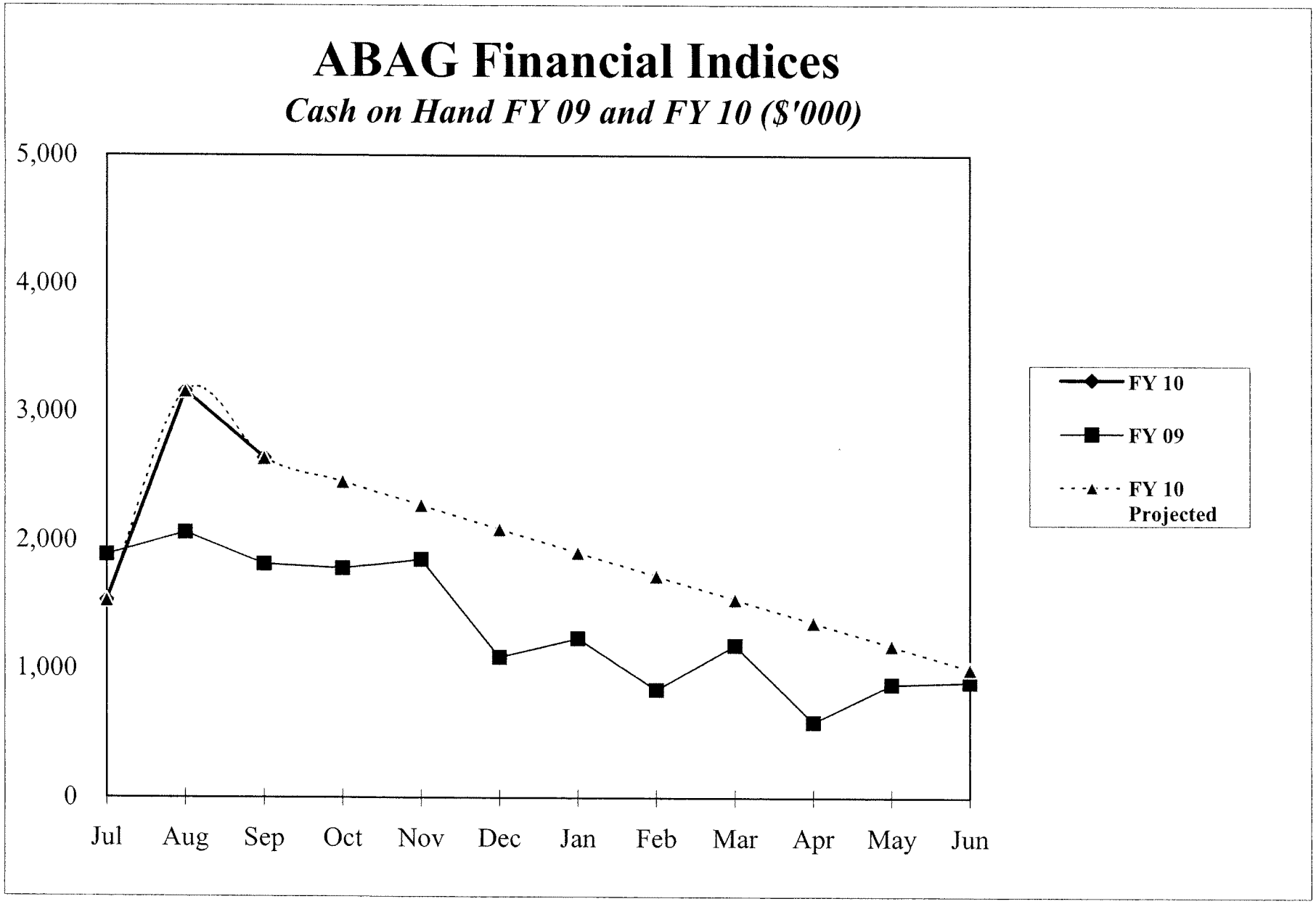
* Accounts Receivable ..... Figure 2
* Current Month Revenues and Expenses ..... Figure 3
* Year-to-date Revenues and Expenses ..... Figure 4
* Fund Equity ..... Figure 5
* Indirect Cost Rate (% of Direct Labor Cost) ..... Figure 6
* Composition of Expenses .....Figure 7
* Composition of Revenues ..... Figure 8
* Actual vs. Budgeted Expenses ..... Figure 9
* Actual vs. Budgeted Revenues ..... Figure 10
* Description of Charts



Source: ABAG -INDICES 2009-09.xls

FIGURE 1

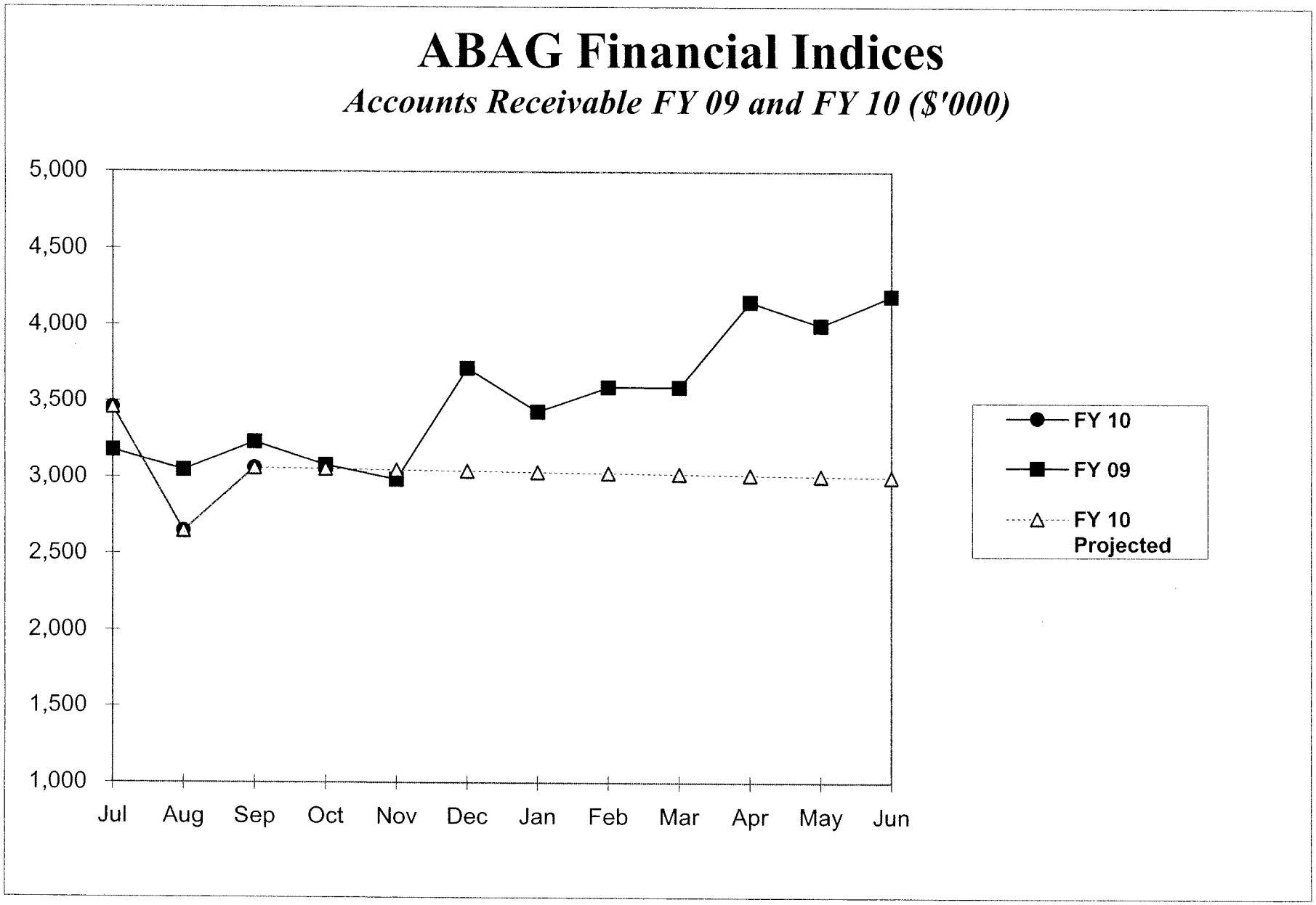


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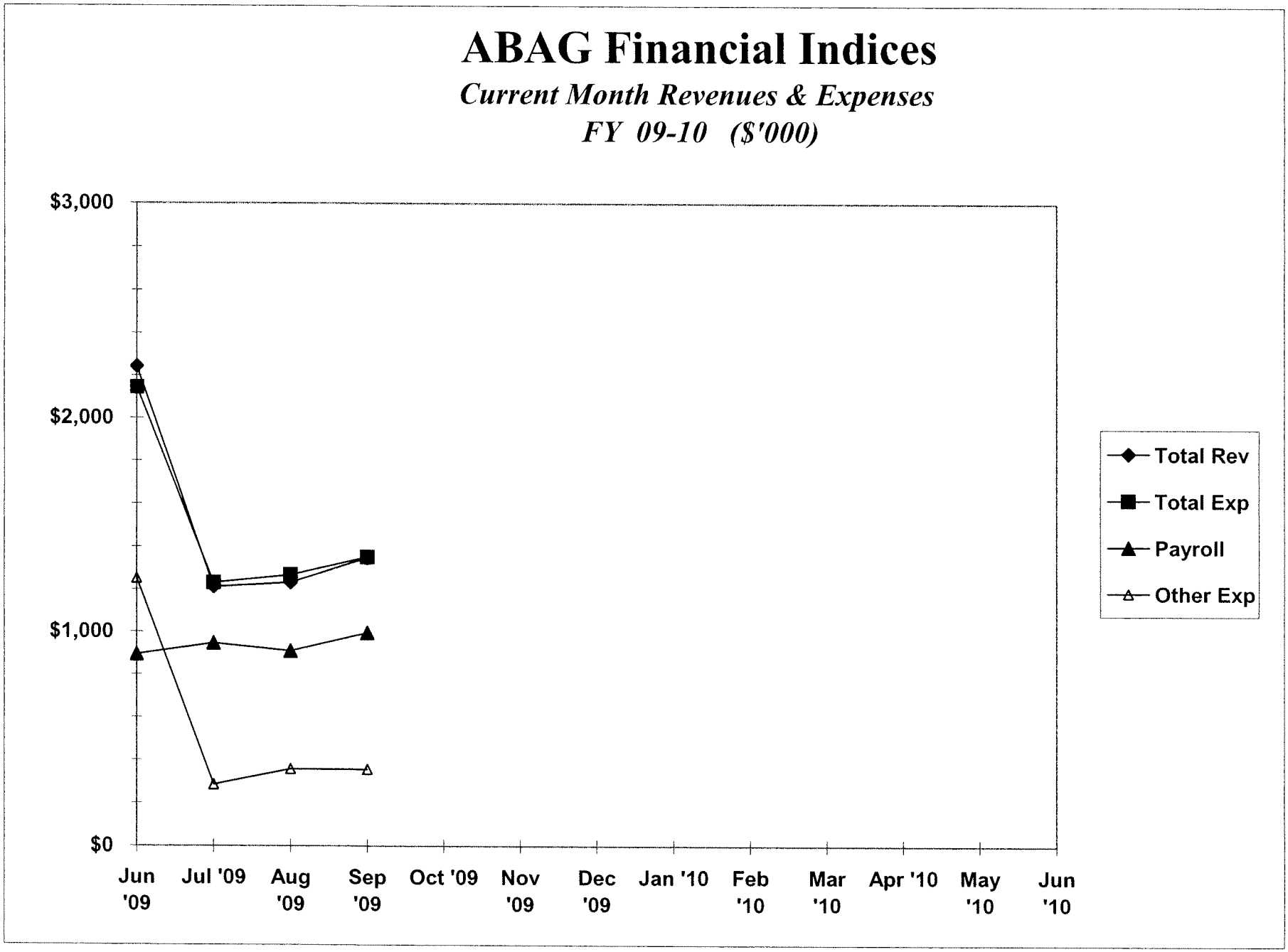
FIGURE 2



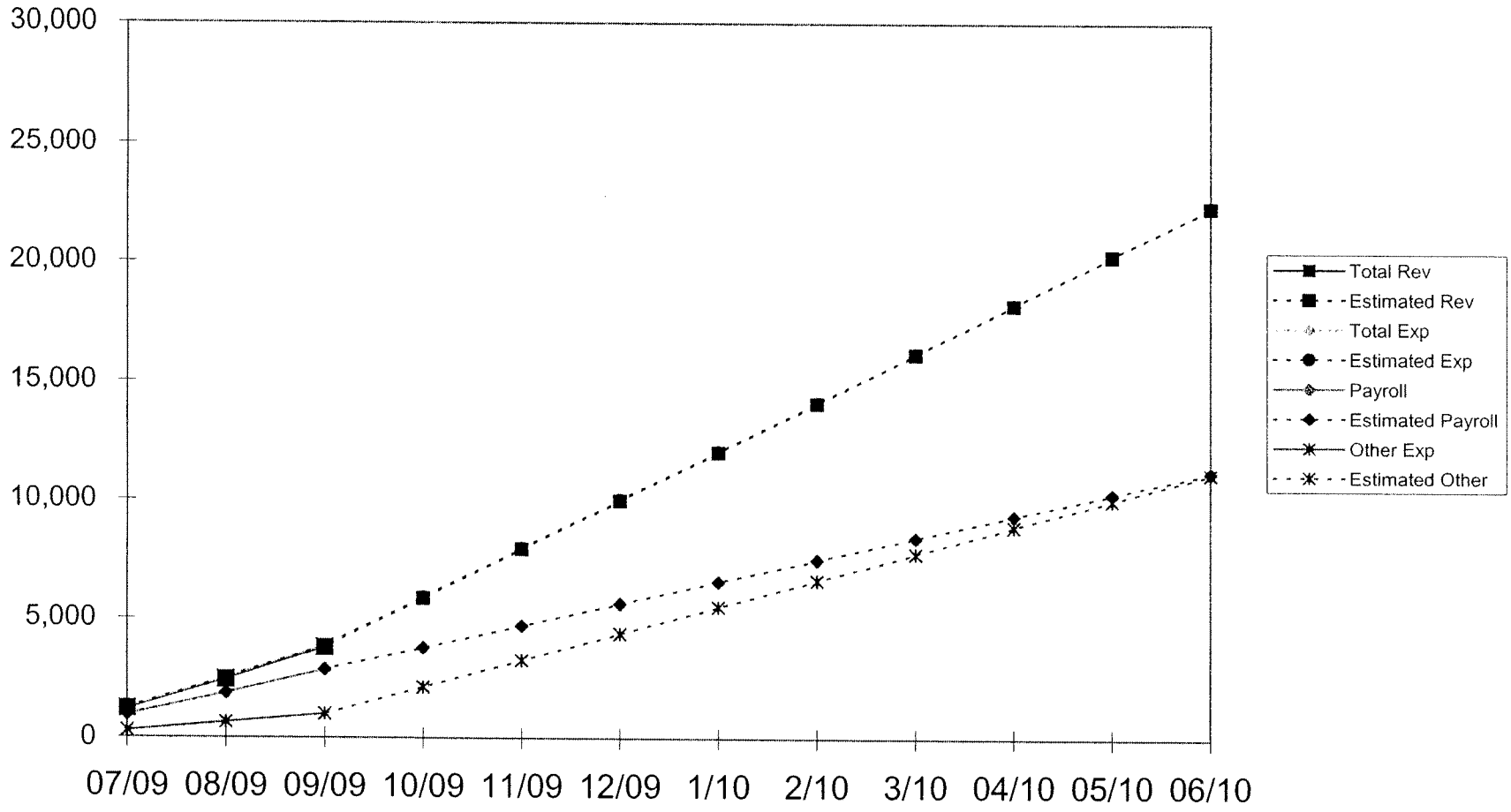
Source: ABAG- INDICES 2009-09.xls

FIGURE 3

ABAG Financial Indices

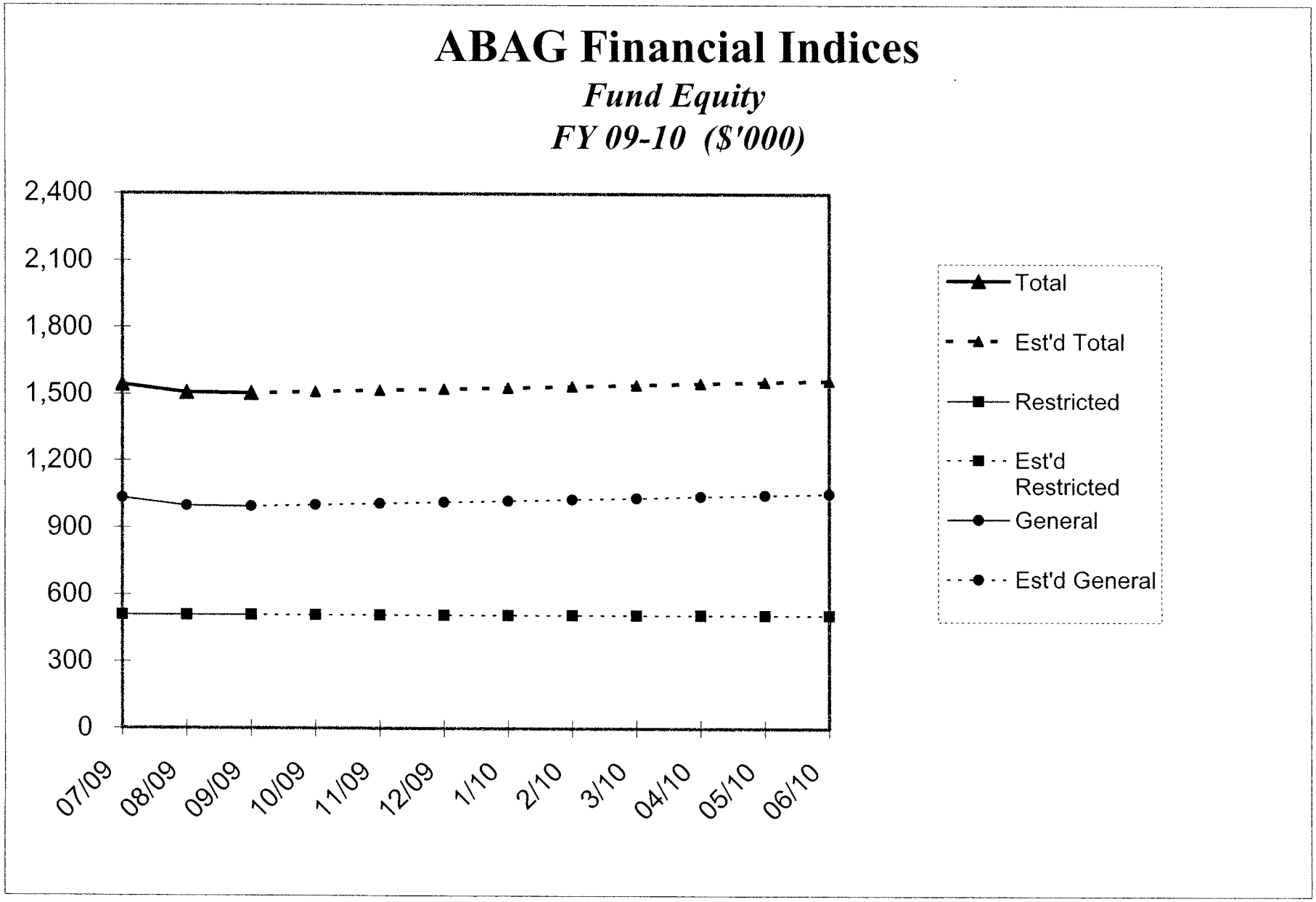
Year-to-date Revenues & Expenses

FY 09-10 ($'000)



Source: ABAG - INDICES 2009-09.xls

FIGURE 4



Source: ABAG - INDICES 2009-09.xls

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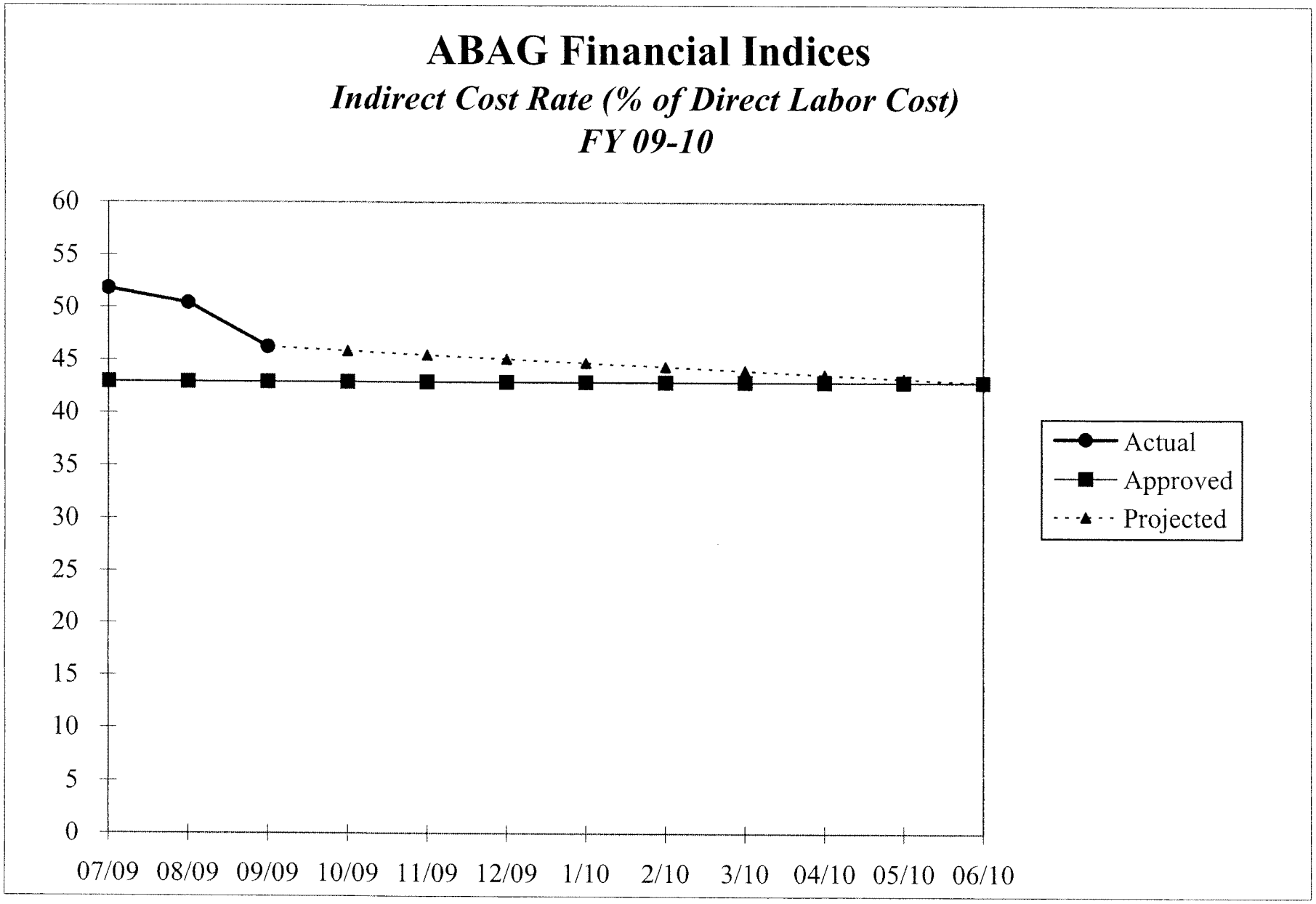


Source: ABAG- INDICES 2009-09.xls

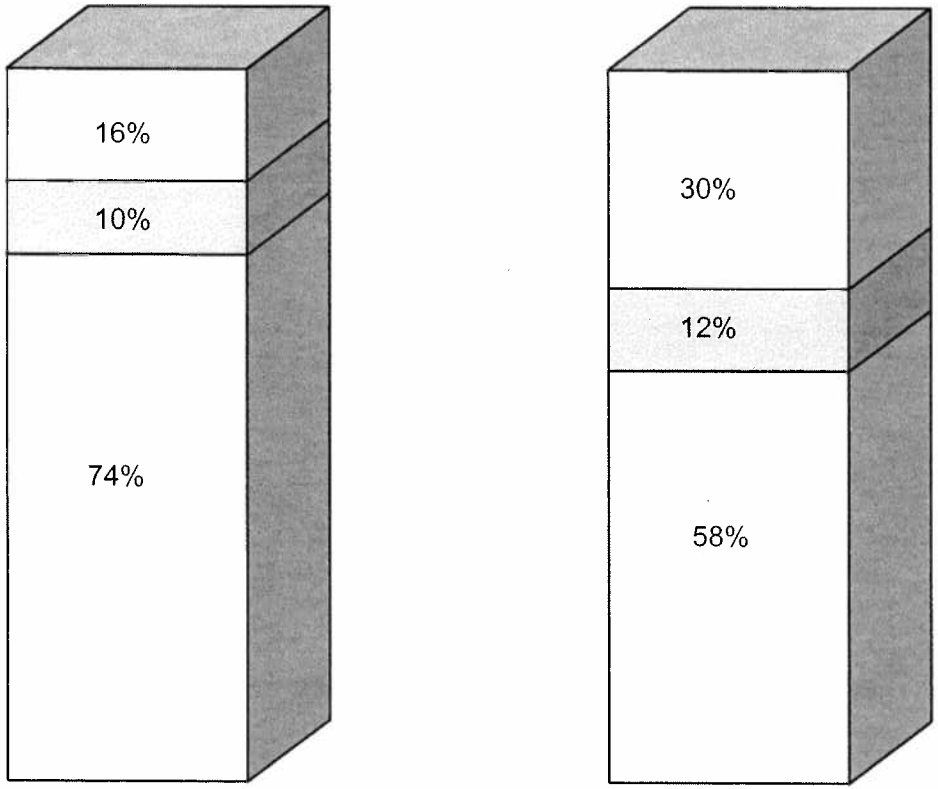
FIGURE 6

ABAG Financial Indices

Composition of Expenses FY 09--FY 10

Year to Date

($'000)



	FY09-10 Expenses (Total $3,849)	FY08-09 Expenses (Total $4,453)
☐ Consultants	$600	$1,358
☐ Others	$398	$521
☐ Payroll	$2,851	$2,574

Source: ABAG -INDICES 2009-09.xls

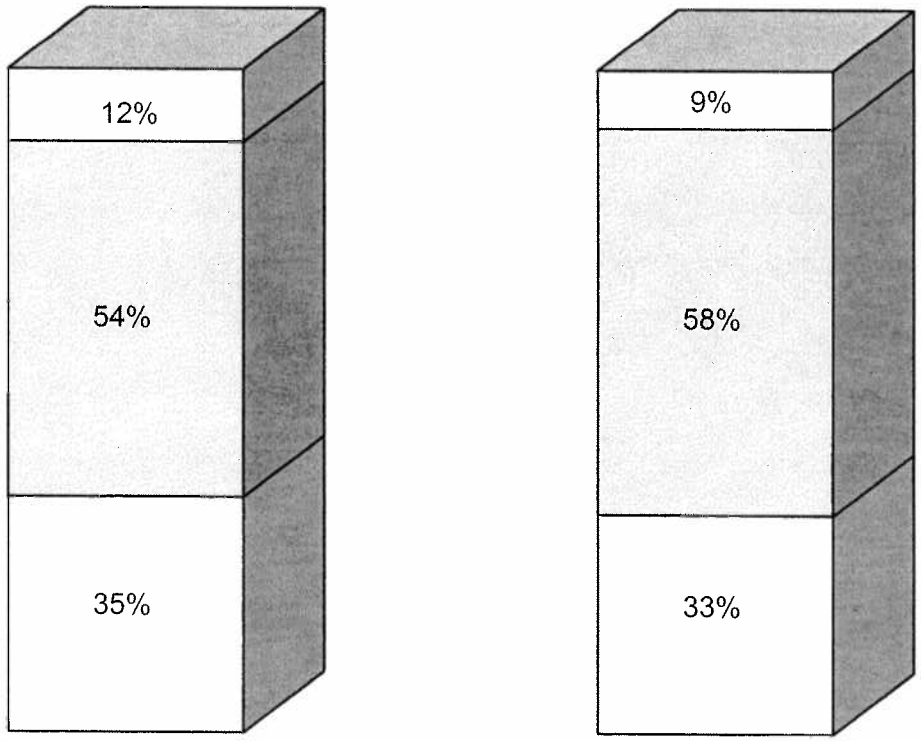
Figure 7

ABAG Financial Indices

Composition of Revenues FY 08--FY 09

Year to Date

($'000)



	FY 09-10 Revenue (Total $3,790)	FY 08-09 Revenue (Total $4,528)
☐ Membership	$416	$401
☐ Grants	$2,032	$2,638
☐ Services & Others	$1,342	$1,489

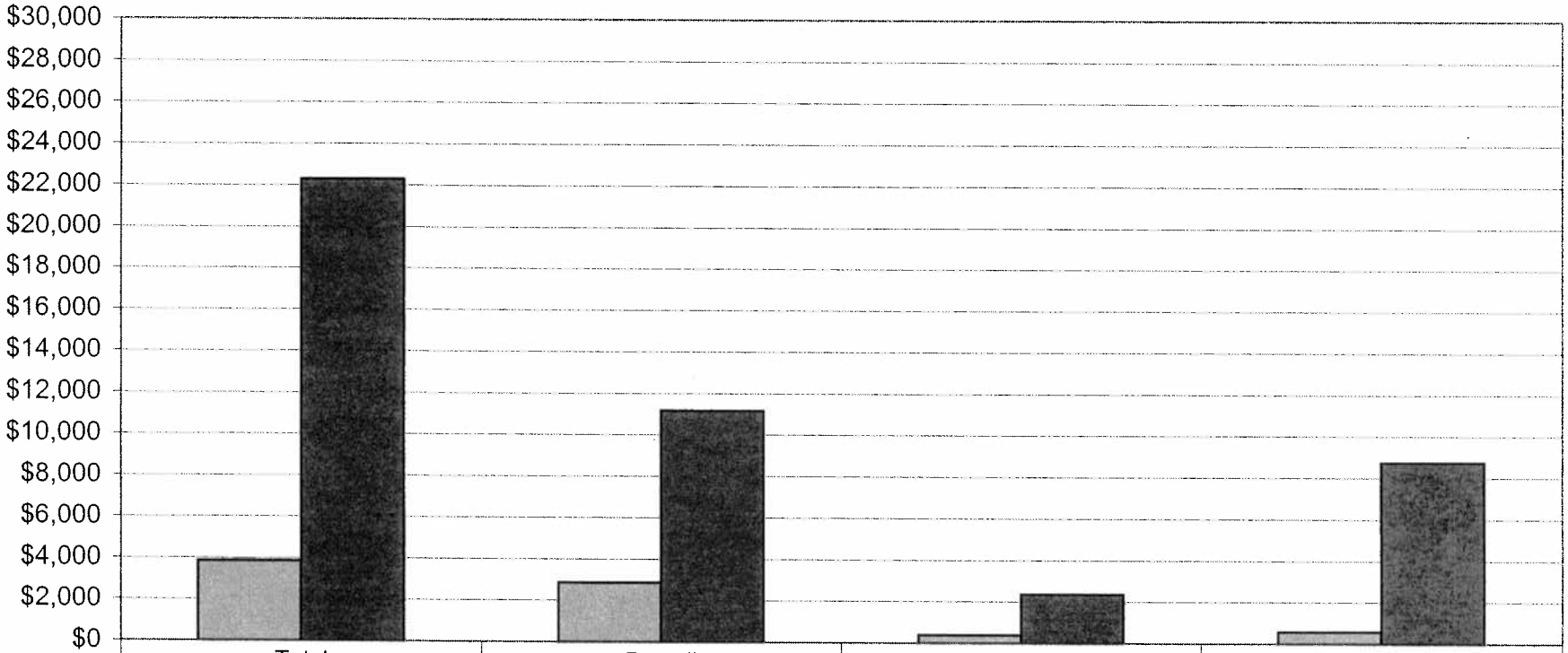
Source: ABAG --- INDICES 2009-09.xls

Figure 8

ABAG Financial Indices

Actual vs Projected Expenses--FY 09-10

Year to Date ($'000)



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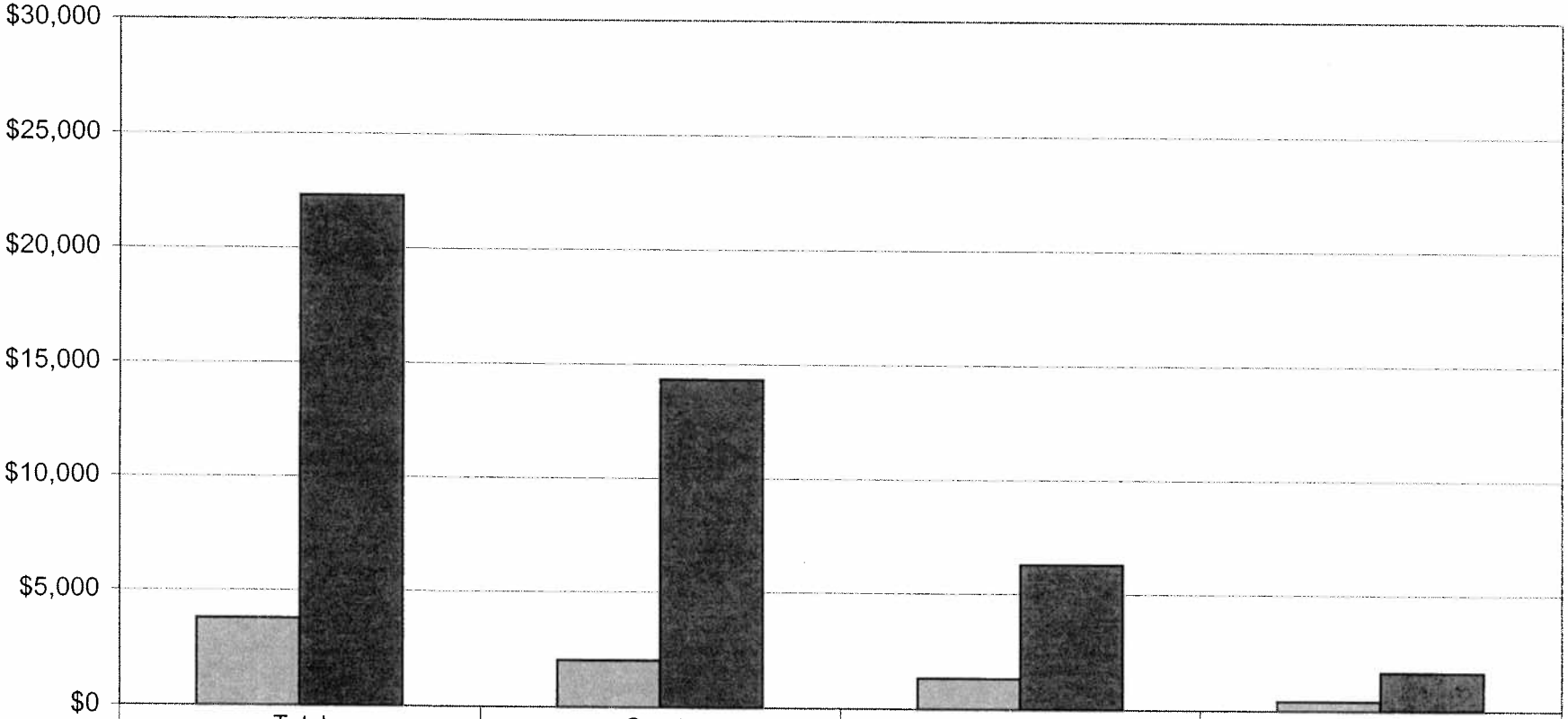

	Total	Grants	Services & Other	Membership
Actual	$3,790	$2,032	$1,342	$416
Projected	$22,300	$14,329	$6,300	$1,671

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Association of Bay Area Governments

Meeting No. 370, November 19, 2009

Executive Board

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

County of	Representative	Alternate
ALAMEDA	** Supervisor Gail Steele	Supervisor Alice Lai-Bitker
ALAMEDA	** Supervisor Scott Haggerty	Supervisor Nathan Miley
CONTRA COSTA	* Supervisor Gayle B. Uilkema	Supervisor Susan Bonilla
CONTRA COSTA	* Supervisor John Gioia	Supervisor Mary Piepho
MARIN	** Supervisor Susan Adams	Supervisor Judy Arnold
NAPA	** Supervisor Mark Luce	Supervisor Bill Dodd
SAN FRANCISCO	** Supervisor John Avalos	To Be Appointed
SAN FRANCISCO	** Supervisor Ross Mirkarimi	To Be Appointed
SAN MATEO	* Supervisor Rose Jacobs Gibson	Supervisor Mark Church
SAN MATEO	* Supervisor Carole Groom	Supervisor Rich Gordon
SANTA CLARA	** Supervisor Ken Yeager	Supervisor Donald Gage
SANTA CLARA	** Supervisor Dave Cortese	Supervisor George Shirakawa
SOLANO	* Supervisor Barbara Kondylis	Supervisor James Spering
SONOMA	* Supervisor Mike Kerns	Supervisor Shirlee Zane

Cities in the County of	Representative	Alternate
ALAMEDA	* Mayor Beverly Johnson (Alameda)	Mayor Tony Santos (San Leandro)
ALAMEDA	* Mayor Mark Green (Union City)	Mayor Michael Sweeney (Hayward)
CONTRA COSTA	** Mayor Julie Pierce (Clayton)	Vice Mayor Dave Hudson (San Ramon)
CONTRA COSTA	** Councilmember Joanne Ward (Hercules)	Councilmember Ben Johnson (Pittsburg)
MARIN	* Councilmember Carole Dillon-Knutson (Novato)	Councilmember Shawn Marshall (Mill Valley)
NAPA	* Mayor Jack Gingles (Calistoga)	Mayor Leon Garcia (American Canyon)
CITY OF SAN FRANCISCO	* Mayor Gavin Newsom	Mike Farrah, Senior Advisor to the Mayor
CITY OF SAN FRANCISCO	* Nancy Kirshner Rodriguez, Government Affairs Dir.	Christine DeBerry, Board Liaison
CITY OF SAN FRANCISCO	* Hydra Mendoza, Education Advisor	To Be Appointed
SAN MATEO	** Mayor A. Sepi Richardson (Brisbane)	Councilmember Pedro Gonzalez (S San Francisco)
SAN MATEO	** Councilmember Richard Garbarino (S San Francisco)	Councilmember John Boyle (Menlo Park)
SANTA CLARA	* Councilmember Dan Furtado (Campbell)	Mayor Pro Tem David Casas (Los Altos)
SANTA CLARA	* Councilmember Joe Pirzynski (Los Gatos)	Vice Mayor Ronit Bryant (Mountain View)
SOLANO	** Mayor Len Augustine (Vacaville)	Mayor Harry Price (Fairfield)
SONOMA	** Mayor Pamela Torliatt (Petaluma)	Mayor Susan Gorin (Santa Rosa)
CITY OF OAKLAND	* Vice Mayor Jean Quan	To Be Appointed
CITY OF OAKLAND	* Councilmember Jane Brunner	To Be Appointed
CITY OF OAKLAND	* Councilmember Nancy Nadel	To Be Appointed
CITY OF SAN JOSE	* Councilmember Sam Liccardo	Councilmember Rose Herrera
CITY OF SAN JOSE	* Councilmember Kansen Chu	Councilmember Nancy Pyle
CITY OF SAN JOSE	* Councilmember Ash Kalra	Mayor Chuck Reed

Advisory Members	Representative	Alternate
RWQCB	Terry Young	Bill Peacock

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

** Term of Appointment: July 1, 2009 - June 30, 2011

Revised September 4, 2009

ABAG

Meeting Schedule **2010**

Executive Board Meetings

January 21
March 18
May 20
July 15
September 16
November 18

START TIME
7:00 PM

LOCATION
Joseph P. Bort MetroCenter Auditorium
101 Eighth Street
Oakland, California 94607
Across from the Lake Merritt BART Station

Spring General Assembly

April 22
Oakland Marriott City Center

Fall General Assembly

October TBD
Location TBD