

**LEGISLATION AND GOVERNMENTAL ORGANIZATION COMMITTEE
ASSOCIATION OF BAY AREA GOVERNMENTS**

Thursday, September 20, 2007

Summary Minutes

Members Present:

Vice Mayor Dave Cortese, City of Oakland, ABAG President
Supervisor Rose Jacobs Gibson, County of San Mateo, ABAG Vice President
Supervisor Scott Haggerty, County of Alameda, ABAG Immediate Past President
Vice Mayor Kasie Hildenbrand, City of Dublin
Supervisor Barbara Kondylis, County of Solano
Councilmember Carole D. Knutson, City of Novato, Vice Chair
Supervisor Pete McHugh, County of Santa Clara, Chair
Mayor pro Tem Gwen Regalia, City of Walnut Creek
Councilmember Arne Simonsen, City of Antioch

Staff Present:

Patricia Jones – ABAG
Kathleen Cha – ABAG

1. Introductions: Chair Supervisor Pete McHugh opened the meeting at 3:45.

2. Minutes: July 19, 2007, minutes were approved.

3. Review of 2007 Legislative Session: Status Summary of Bills

Committee reviewed the status of bills previously considered at the end of the session. Since many amendments and bill changes occurred during the last three weeks of the session, the committee reviewed the amendments to the bills that were passed, enrolled, and then sent to the Governor to sign or veto.

As a result of the review, the committee recommended that letters be sent to the Governor requesting his veto of two bills with the previous ABAG position of WATCH. Because of last minute amendments, the Committee felt an oppose position was now warranted for the following two bills:

AB 162 Wolk, Land Use: Water Supply

This bill, even with amendments, creates high impact unfunded mandates. The bill concept was supported, but concerns were raised that the unfunded expansion of general plan requirements would be difficult to achieve.

SB 2 Cedillo, Local Planning

This bill would require emergency shelter provisions be added to the housing element and is unreasonably prescriptive about the siting and zoning. It was noted that this issue goes beyond local requirements and should be addressed regionally and by the state.

4. Briefing on Issues and Concerns related to Over-concentration of Residential Care Facilities

Gwen Regalia, Walnut Creek Mayor pro Tem, briefed the committee on issues related to over concentration of residential care facilities in neighborhoods.

There are 10 types of residential care facilities and only half have 300 foot distance separation standards. This means that a number of residential facilities of varying kinds can be placed together in a neighborhood. This has created excessive over-concentration in many neighborhoods which changes the character of neighborhoods and creates an institutional character.

A remedy that will support residential facilities and address the negative impact of over-concentration is to support the cross-application of one state 300-foot separation law to all residential care facility arrangements fairly and equitably.

Motion: The Committee moved to recommend support of the League of California Cities Resolution “Relating to Applying 300-Foot Distance Separation for all new Residential Care Facilities.” When specific legislation is proposed, the recommendation is to make sure the language truly addresses the issue and that the state provide for more and better oversight of facilities. A request was also made for Legal Counsel to review the constitutionality of these types of requirements, as well as other court decisions.

Under Open Agenda:

- **Motion was made** to direct staff between meetings to send letters supporting or opposing bills to the Governor, if last minute amendments meet the criteria proposed by the Committee for support or opposition of the specific bill.

- **Concern over SB 976 (Torlakson), *San Francisco Bay Area Water Emergency Transportation Authority*, was raised.** This bill, which was introduced at the last minute, repeals the San Francisco Bay Area Water Transit Authority and establishes a new replacement entity consolidating and operating ferry services in the San Francisco Bay Area to plan and respond to emergencies or disasters affecting the transportation system in the San Francisco Bay Area. There was great concern about the way bill was introduced and passed without consultation with the Water Transit Authority and local Ferry Systems. Committee members asked that this bill be discussed by the Executive Board.

5. Adjourn: The meeting adjourned at 5 p.m. *The next meeting is scheduled for November 15, 2007.*