

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

**Thursday, September 20, 2012
Summary Minutes**

Members Present:

Councilmember Desley Brooks, City of Oakland
Supervisor Dave Cortese, County of Santa Clara
Supervisor Rose Jacobs Gibson, County of San Mateo
Mayor Jack Gingles, City of Calistoga
Mayor Mark Green, Union City, ABAG Immediate Past President
Supervisor Scott Haggerty, County of Alameda
Supervisor Barbara Kondylis, County of Solano
Supervisor Mark Luce, County of Napa, ABAG President
Vice Mayor Pete McHugh, City of Milpitas
Councilmember Julie Pierce, Chair, City of Clayton, ABAG Vice President
Councilmember A. Sepi Richardson, City of Brisbane

Staff Present:

Ezra Rapport – ABAG
Kathleen Cha – ABAG
Herb Pike —ABAG
Zack Wasserman, Partner, Wendel Rosen Black & Dean, LLP

- 1. INTRODUCTIONS:** L&GO Chair Councilmember Julie Pierce called the meeting to order at 3:40 p.m.
- 2. MINUTES:** July 19, 2012, minutes were approved.
- 3. STATUS OF 2012 STATE LEGISLATION CONSIDERED**

The committee received a Summary report of the 25 bills considered by the Committee during the 2012 Legislative Session. Eleven of these bills were enrolled and sent to the Governor for signature. To date two have been signed: AB 441 (Monning) on State Planning, and AB 57 (Beall) MTC Composition, which was signed earlier this year. The deadline for action by the Governor is September 30th. It was also noted that December 3rd is the beginning of the next two year legislative cycle, with plans to open with a Special Session on Health Care to be convened by the Governor.

4. CEQA GUIDELINES ANALYSIS—BALLONA WETLANDS TRUST

ABAG Executive Director Ezra Rapport reported on recent studies and results of a 2012 Appellate Court Case—Ballona Wetlands Trust, and the issue regarding CEQA Guidelines. There is a lack of clarity on whether the study of freeway ambient air quality is a CEQA matter or a local government policy matter.

To help resolve the matter, the Executive Director would like to approach State Government (the Governor's Office, the Attorney General's office and Office of Planning and Research

and Department of Natural Resources) to seek clarification regarding its published CEQA Guidelines and asking for this clarification as part of their periodic review. This plan would include obtaining legal opinion. Zackary Wasserman, Partner, Wendel Rosen who has provided a proposal to provide this opinion, answered questions from the committee about what this process would entail and next steps regarding meeting the appropriate state agencies.

Motion: The Committee moved to approve the process to achieve clarification of the CEQA guidelines.

5. OVERVIEW OF PENSION REFORM LEGISLATION

Herbert Pike, ABAG Finance Director, who had just returned from a CalPERS conference on Pension Reform Provisions in AB 340, provided a quick look at how elements of the provisions would affect ABAG employees. He noted how these elements and their various provisions could possibly impact local governments/agencies. He cited the following:

- the reduced benefit formulas and increased retirement ages,
(new benefit formula of 2% at age 62 for all new employees with an early retirement age of 52 and a maximum benefit factor of 2.5% at age 67)
- the cap compensation that counts toward pension benefits,
- the equal sharing of normal costs,
- the prohibition of purchasing of air time,
- prohibition of retroactive pension increase,
- the limitation on post-retirement public employment, and
- the contracting agency's liability for excessive compensation

6. DISCUSSION OF SEA LEVEL RISE SCOPE

ABAG Executive Director Ezra Rapport provided a briefing on the JPC staff report, entitled "JPC's role in formulating a Regional Sea Level Rise Adaptation Strategy" to elicit comments from the Committee and help inform discussion when it is presented to the JPC on September 21.

Motion: The Committee moved to support these efforts and affirmed the Preliminary Work Plan being proposed, which will be co-managed by the staffs of ABAG and BCDC.

7. Regarding agenda item on November Ballot Propositions, the Committee moved to table discussion.

8. Adjourn: The meeting adjourned at 5:00 p.m.
The next meeting will be held on **November 15, 2012.**