

SUMMARY MINUTES

ABAG Executive Board Meeting
No. 371, January 21, 2010
MetroCenter Auditorium
101 8th Street, Oakland, California

1. CALL TO ORDER

President Rose Jacobs Gibson called the meeting to order at approximately 7:05 p.m. She passed the gavel to in-coming President Mark Green, Mayor, City of Union City. President Green thanked Immediate Past-President Jacobs Gibson for her work as President.

Representatives and Alternates Present

Supervisor Susan Adams
Mayor Len Augustine
Supervisor John Avalos
Councilmember Jane Brunner
Councilmember Kansen Chu
Councilmember Carole Dillon-Knutson
Councilmember Dan Furtado
Mayor Jack Gingles
Councilmember Pedro Gonzalez
Mayor Mark Green
Supervisor Scott Haggerty
Supervisor Rose Jacobs Gibson
Supervisor Mike Kerns
Director Nancy Kirshner Rodriguez
Supervisor Barbara Kondylis
Councilmember Sam Liccardo
Supervisor Mark Luce
Supervisor Ross Mirkarimi
Mayor Julie Pierce
Councilmember Joe Pirzynski
Vice Mayor Jean Quan
Mayor A. Sepi Richardson
Mayor Pamela Torliatt
Supervisor Gayle B. Uilkema
Councilmember Joanne Ward

Representatives Absent

Supervisor David Cortese
Supervisor John Gioia
Supervisor Carole Groom
Mayor Beverly Johnson
Councilmember Ash Kalra
Education Advisor Hydra Mendoza
Councilmember Nancy Nadel
Mayor Gavin Newsom
Supervisor Gail Steele
Supervisor Ken Yeager
Vice Chair Terry Young

Jurisdiction

County of Marin
City of Vacaville
County of San Francisco
City of Oakland
City of San Jose
City of Novato
City of Campbell
City of Calistoga
City of South San Francisco
City of Union City
County of Alameda
County of San Mateo
County of Sonoma
City of San Francisco
County of Solano
City of San Jose
County of Napa
County of San Francisco
City of Clayton
Town of Los Gatos
City of Oakland
City of Brisbane
City of Petaluma
County of Contra Costa
City of Hercules

Jurisdiction

County of Santa Clara
County of Contra Costa
County of San Mateo
City of Alameda
City of San Jose
City of San Francisco
City of Oakland
City of San Francisco
County of Alameda
County of Santa Clara
RWOCB

2. PUBLIC COMMENT

There was no public comment.

3. ANNOUNCEMENTS

Jack Gingles, Mayor, City of Calistoga, announced that President Green was well received at the recent Napa County League of Governments meeting.

There were no other announcements.

4. PRESIDENT'S REPORT

President Green wished members a happy, healthy, and prosperous New Year. He announced his goal to reach out to members in each of the nine Bay Area counties to provide information about ABAG and to get feedback from them on how ABAG can better serve them. He met with the cities of Napa County in American Canyon and is working on meetings with the Santa Clara County Cities Association and San Mateo County for February. Contra Costa County is tentatively scheduled for April. He expects to complete this first round of meetings with all of the counties by April or May.

A working group of interested individuals will be brought together to look at electric vehicle recharging stations throughout the Bay Area in order to have a cohesive approach.

The Spring General Assembly and Business Meeting will be held with ABAG's regional agency partners on April 22nd at the Marriott Hotel in Oakland. Delegates from ABAG's member cities and counties are asked to register for the General Assembly which will focus on the process and scope envisioned for implementing SB 375 and on gaining regional support with the development of the Sustainable Communities Strategy.

The Administrative Committee will hold its annual meeting February 4th and 5th to discuss the agency's work plan and set priorities for the 2010-2011 fiscal year.

The L&GO Committee will host a Legislative Reception in Sacramento on January 27th at Chops Steakhouse in Sacramento. Members and their legislative representatives are encouraged to attend and discuss ABAG's legislative agenda.

5. EXECUTIVE DIRECTOR'S REPORT

Henry Gardner, ABAG Executive Director, reported on the following:

The California budget situation continues its rapid decline. The estimated deficit for the next eighteen months stands at \$21 billion. The Governor's proposal is deep cuts to social programs, reduction in staffing and pay at the State level, cuts in education and corrections, and essentially no tax or fee increases. It also relies heavily on expected help from Washington which is not likely to materialize in substantial ways. While several of the shifts from local government and transportation from the last budget remain in the courts, this budget proposal has some of the same shifts but proposes to accomplish them in different ways. Cities and counties are already

organizing to eliminate those shifts permanently by ballot initiative. Under the best of circumstances the budget is not balanced, the structural deficit is real, and there are no proposals to deal with it. The problem for cities and counties is that they are constrained statutorily in how they can raise taxes and fees to offset cuts at the State level that affect them directly. All will be challenged in meeting the program and service needs of our communities and the region.

ABAG intends to continue efforts to pursue a funding source for the implementation of SB 375, the Sustainable Communities Strategy, and AB 32. Last year ABAG actively advocated for a very modest vehicle license fee of \$2 per vehicle that would have raised \$12 million a year. The legislation was passed by the Assembly and Senate, but vetoed by the Governor. ABAG plans to try again this year, and expects to construct legislation that the Governor might sign.

As one of the essential building blocks for the Sustainable Communities Strategy (SCS), and given the importance of Priority Development Areas (PDAs) in the development path of the region, staff is assessing the challenges and strengths of planned PDAs to develop complete communities, accommodate major population growth, and reduce greenhouse gas emissions. The effort was kicked off with a regional multi-sector workshop on October 2, 2009, and has been followed by meetings with 47 local jurisdictions which will be completed in January. At these meetings ABAG, MTC, and JPC representatives have engaged in a dialogue with city planning, redevelopment, and public works directors as well as transit and congestion management agencies to better understand the local priorities and strengthen our partnership. This assessment will help to provide strategic funding programs to support the PDAs, identify barriers to implementation and strategies for overcoming them, and inform the regional growth allocation in the SCS and ensure that it is realistically attainable.

The following represent recent funding applications related to energy management and environmental issues:

U. S. Department of Energy (DOE) (ARRA Funding). Retrofit California (funding request: \$75,000,000). The San Francisco Bay Area (ABAG) joined three other regions in the state (Los Angeles County, Sacramento and San Diego), along with the California Energy Commission and the California Air Resources Board, to submit an application in response to the DOE's "Retrofit Ramp-up" competitive solicitation. The Retrofit California program seeks to accelerate energy efficiency building (residential and commercial) retrofits across the state and achieve market penetration in focused geographic areas. LA County is the lead applicant.

California Energy Commission (CEC) (ARRA Funding). Retrofit Bay Area (funding request: \$10,750,000). ABAG submitted an application in coordination with eight Bay Area counties in response to the CEC's State Energy Program (SEP) RFP – Residential Building Retrofit Program. The program proposes to promote residential building retrofits and achieve deep market penetration in the San Francisco Bay Region. In addition to region-wide activities, each county will receive a portion of the budget to implement activities in their area.

PG&E (CPUC – Public Goods Charge Funding). Innovator Pilot Program: Electric Vehicle Supply Equipment (EVSE) Regional Planning and Infrastructure Development Pilot Project (funding request: \$217,500). In partnership with key electric vehicle and transportation related organizations in the region, ABAG proposes to ensure that ESEV infrastructure is in place in the 9-county area

Energy Efficient Street Light Toolkit (funding request: \$87,600). In cooperation with the Clinton Climate Initiative (CCI) ABAG proposes to develop a toolkit that will help municipalities in the Bay Area and beyond take advantage of energy saving opportunities that exist in their outdoor street light infrastructure.

PG&E (CPUC – Public Goods Charge Funding). Green Communities: GHG Inventory Assistance for Local Governments (funding: TBD). In coordination with PG&E and ICLEI, ABAG would provide assistance for local governments to complete their municipal and community GHG inventories.

Municipal Facility Benchmarking (funding: TBD). ABAG has been investigating the opportunity to provide assistance to local governments that would allow them to perform energy-use benchmarking of their facilities.

Building Retrofit Coordination with Financing Districts (funding: TBD). To the extent allowed by the CPUC, ABAG will continue to coordinate with PG&E to implement a comprehensive building retrofit strategy that combines with energy financing districts to bring a customer-friendly approach to building owners.

ABAG Financial Services. Financings delivered by ABAG and its affiliated entities since my last report include: \$80 million in General Obligation Bonds purchased and sold for the East Bay Regional Park District to acquire, restore, and make improve to its regional park system; \$7.39 million in Variable Rate Revenue Bonds issued on behalf of the City of Livermore for the Valley Montessori School; and, \$15.52 million in Multifamily Housing Revenue Bonds issued on behalf of San Diego County for acquisition and rehabilitation of the 241-unit, Vintage Oaks Senior Apartments.

President Green thanked Executive Director Gardner for his report.

6. CONSENT CALENDAR

President Green removed Item 6.C., Appointment to Committee, from the Consent Calendar. He recognized a motion by Susan L. Adams, Supervisor, County of Marin, and seconded by Mike Kerns, Supervisor, County of Sonoma, to approve the remainder of the Consent Calendar. The motion passed unanimously.

A. Approval of Executive Board Summary Minutes**

Summary Minutes of Meeting No. 370 held on November 19, 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 Committee

Not included in approval of Consent Calendar.

Bay Conservation and Development Commission
Kansen Chu, Councilmember, City of San Jose

D. Authorization to Enter into Contract with River of Words**

Authorized the Executive Director or designee to enter into a new contract on behalf of ABAG/SFEP with River of Words to continue environmental education and outreach services. The contract amount will not exceed \$44,257 for a term from September 1, 2009, through August 30, 2010. This project supports implementation of the Comprehensive Conservation and Management Plan. Funds supporting this contract are available in the ABAG grant agreement with the U.S. Environmental Protection Agency.

E. Authorization to Enter into Contract with USGS (US Geological Survey) to Provide Support for Bay-Delta Science Program Biennial Science Conference**

Authorized the Executive Director or designee to enter into a new one-year contract on behalf of ABAG/SFEP with the USGS for support services on the 2010 Bay-Delta Science Conference. The contract amount will not exceed \$200,000.

F. Authorization to Enter into Contract with State Coastal Conservancy to Assist the Subtidal Habitat Goals Project**

Authorized the Executive Director or designee to enter into a contract on behalf of ABAG/SFEP with the State Coastal Conservancy to assist the Subtidal Habitat Goals Project. The contract amount will not exceed \$45 000 for a term from December 1, 2009, through December 31, 2010. This project supports the implementation of the Comprehensive Conservation and Management Plan (CCMP).

G. Authorization to Enter into Contract with State Water Resources Control Board for Hicks Flat Mercury Remediation Project, Guadalupe Creek, Santa Clara County**

Authorized the Executive Director or designee to enter into a new contract on behalf of ABAG/SFEP with the State Water Resources Control Board to implement the Hicks Flat Mercury Remediation Project. The grant agreement is for three years from agreement execution and will not exceed \$420,000 including match and in-kind funds of \$7500 from ABAG and \$97,500 from the District. This project serves as implementation of the Comprehensive Conservation and Management Plan (CCMP).

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

Authorized the Executive Director or designee to amend the DBW/ABAG contract by increasing the not to exceed amount to \$2,304,280, an increase of \$459,613. Under terms of the contract authorization is requested for the Executive Director or designee to amend the agreement with SMBRF by increasing the amount from \$508,289 to \$803,392 to carry out boater education programs.

I. Request to Rescind Resolution No. 17-09 and Adopt Resolution No. 01-10 Authorizing Submission of Proposal to California Energy Commission (CEC) and if Funded Designating a Representative to Sign the Agreement, and any

Amendments Thereto, and to Act on Behalf of Participating Partners for Grant Funding**

Adopted Resolution No. 01-10 which incorporates changes authorizing acceptance of an award up to \$10,750,000 and indicates compliance with CEQA.

J. Resolution for Bay Area-Wide Trash Capture Demonstration Project**

Adopted Resolution 02-10 which incorporates revised language prescribed by the State Revolving Fund administered by the Division of Financial Assistance at the State Water Resources Control Board for the Bay Area Wide Trash Capture Demonstration Project. The application for a forgivable loan from the Clean Water State Revolving Fund for \$5 million in stimulus funding was authorized by the Executive Board in Resolution 04-09 adopted on March 19, 2009.

7. LEAGUE OF CALIFORNIA CITIES BALLOT MEASURE**

Chris McKenzie, Executive Director, League of California Cities, discussed the League's ballot measure designed to protect local revenue by prohibiting the state from borrowing, taking, or redirecting local taxpayer funds dedicated to public safety, emergency response and other vital local services including redevelopment.

Members discussed the League's ballot measures related to repayment provisions being retroactive, protection of redevelopment funds, research conducted by and involvement of CSAC, protection against unfunded mandates, impacts on county services, ABAG taking a position on getting a measure on the ballot, state borrowing under a state of emergency, and impacts on school districts.

President Green recognized a motion by Jean Quan, Councilmember, City of Oakland, which was seconded by Sepi Richardson, Mayor, City of Brisbane, to support placing the League of California Cities' measure on the ballot. The motion passed unanimously.

President Green thanked Mr. McKenzie his report.

8. PRINCIPLES TO CONSIDER FOR A CONSTITUTIONAL CONVENTION**

Immediate Past President Rose Jacobs Gibson led a discussion on principles for consideration for a constitutional convention, including the following: (1) Must address structural issues of state budget; (2) Eliminate 2/3 vote requirement for state budget; (3) No more erosion of local government revenues; (4) Delegates to convention should not preclude local elected officials; (5) Amend Article XIIC of California Constitution concerning 2/3 vote requirement for GO bonds, special taxes, etc.; (6) Review term limits and their efficacy.

Members discussed the elimination of 2/3 vote requirement for state budget; the separate measures by California Forward, Repair California and the League of California Cities; Proposition 13 revenue; elimination of programs and services; elected officials as convention delegates; the need for analysis of the principles.

President Green recognized a motion by Mayor Richardson which was seconded by Joe Pirzynski, Councilmember, City of Los Gatos, to support items 1, 3, and 6 of the Principles for a Constitutional Convention. The motion passed unanimously.

On a straw vote, a majority of members supported a constitutional convention that would consider all issues.

President Green recognized a motion by Councilmember Pirzynski, which was seconded by Carol Dillon Knutson, Councilmember, City of Novato, to recommend a 55 percent majority vote sufficient for inclusion of all issues relative to budget and finance.

President Green recognized a substitute motion by Sam Liccardo, Councilmember, City of San Jose, which was seconded, to support Items 2 and 5 of the Principles for a Constitutional Convention.

Councilmember Pirzynski withdrew his motion and Councilmember Dillon Knutson withdrew her second of the motion.

Councilmember Liccardo accepted a friendly amendment to the motion indicating a less than 2/3 vote requirement in Items 2 and 5. The motion passed, with one no vote.

President Green thanked Immediate Past President Jacobs Gibson for her report.

9. 2009 HOUSING REPORT-- "TESTING THE AMERICAN DREAM."**

Christy Riviere, ABAG Principal Planner, and Hing Wong, ABAG Senior Planner, presented the annual Housing Report, "Testing the American Dream." The report covers the recent housing crisis and its effect in the Bay Area and discusses the annual housing production survey of existing units and permits in local jurisdictions.

Members requested housing permit combined data for all cities, and discussed projected loss of property tax revenue, building permit issuance rate, and projected housing units and job growth.

President Green thanked Ms. Riviere and Mr. Hing for their report.

10. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**

President Green recognized Committee Chair Carole Dillon-Knutsen, Councilmember, City of Novato, who reported on committee activities, including: bills for consideration which includes AB 118 (Logue), California Global Warming Solutions Act of 2006, oppose; AB 283 (Chesbro), California Project Stewardship Act, support in concept; AB 1343 (Huffington), Architectural Paint Recycling, support; SB 26 (Simitian), Home Generated Pharmaceutical Waste, withdrawn; SB 346 (Kehoe), Hazardous Materials: Motor Vehicle Brake Friction Materials, watch; recommendation to amend ABAG Committee Formation, Structure and Membership Policy; the 2010 Legislative Cycle Priorities; the Legislative Reception on January 27th; and an update from the Youth Gun Violence Task Force.

Members discussed AB 155, Local Government Bankruptcy.

President Green recognized a motion by Chair Dillon-Knutsen, which was seconded by Supervisor Kerns, to approve the committee report. The motion passed unanimously.

President Green thanked Chair Dillon-Knutsen for her report.

11. FINANCE & PERSONNEL COMMITTEE REPORT**

President Green recognized Committee Chair Scott Haggerty, Supervisor, County of Alameda, who reported on committee activities, including the re-election of himself as committee chair and the election of Supervisor Kerns as committee co-chair; a recommendation to amend ABAG's Investment Policy; acceptance the October and November Financial Reports; a recommendation to submit the Proposed Work Program, Budget and Membership Dues to the General Assembly for approval; and a recommendation to raise the minimum threshold for bringing purchases and contracts to the Executive Board for pre-authorization.

Barbara Kondylis, Supervisor, County of Solano, expressed her opposition to raising thresholds for the Executive Director's authority to enter into contracts and grants.

President Green recognized a motion by Chair Haggerty, which was seconded by Supervisor Kerns, to approve the committee report and to recommend for approval FY 2010-11 Budget and Work Program by the General Assembly. The motion passed, with one no vote.

President Green thanked Chair Haggerty for his report.

12. CLOSED SESSION

There was no closed session conference with Legal Counsel—Existing Litigation: Home Builders Association of Northern California v. ABAG

13. ADJOURNMENT

The meeting was adjourned 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.