

SUMMARY MINUTES

ABAG Executive Board Meeting No. 330
March 20, 2003 ■ MetroCenter Auditorium

1. CALL TO ORDER

Meeting called to order at 7:30 p.m. by President Gwen Regalia, MetroCenter, 101 Eighth Street, Oakland. Distributed to the Executive Board Members were new 2003 Bay Trail Maps. Order information can be obtained online at www.abag.ca.gov or calling ABAG at 510-464-7900.

Representatives and Alternates Present

Mayor Gwen Regalia
Supervisor Nate Miley
Supervisor Scott Haggerty
Supervisor Mark DeSaulnier
Supervisor John Gioia
Supervisor Susan Adams
Supervisor Mike Rippey
Supervisor Fiona Ma
Supervisor Matt Gonzalez
Supervisor Peter McHugh
Mayor Shelia Young
Mayor Mark Green
Mayor Maria Alegria
Council Member Carole Dillon-Knutson
Mayor Mary Lou Holt
Mayor Ken Slavens
Council Member Donald Eaton
Council Member Carol Klatt
Mayor Jose Esteves
Council Member Hedy Chang
Mayor Dan Furtado
Mayor James Sperring
Council Member Steve Rabinowitsh
Council Member Jane Brunner
Council Member Jean Quan
Vice Mayor Nancy Nadel
Council Member Dave Cortese
Council Member Ken Yeager

Jurisdiction

Contra Costa County Cities
Alameda County
Alameda County
Contra Costa County
Contra Costa County
Marin County
Napa County
San Francisco County
San Francisco County
Santa Clara County
Alameda County Cities
Alameda County Cities
Contra Costa County Cities
Marin County Cities
Napa County Cities
Napa County Cities
San Mateo County Cities
San Mateo County Cities
Santa Clara County Cities
Santa Clara County Cities
Santa Clara County Cities
Solano County Cities
Sonoma County Cities
City of Oakland
City of Oakland
City of Oakland
City of San Jose
City of San Jose

Following Representatives and Alternates Absent

Supervisor Gerardo Sandoval
Supervisor Mark Church
Supervisor Rose Jacobs Gibson
Supervisor Richard Gordon
Supervisor Michael Nevin
Supervisor Blanca Alvarado
Supervisor Don Gage
Supervisor Barbara Kondylis
Supervisor John Silva
Supervisor Mike Kerns
Supervisor Paul Kelley
Council Member Kris Valstad
Council Member Kathleen Hicks
Mayor Willie L. Brown, Jr.
Ms. Maria Ayerdi
Ms. Alicia Bert

San Francisco County
San Mateo County
Santa Clara County
Santa Clara County
Solano County
Solano County
Sonoma County
Sonoma County
Contra Costa County Cities
Contra Costa County Cities
City of San Francisco
City of San Francisco
City of San Francisco

Ms. Karin Carlson
Mayor Julia Miller
Council Member Linda J. LeZotte
Council Member Nora Campos

City of San Francisco
Santa Clara County Cities
City of San Jose
City of San Jose

2. PUBLIC COMMENT

There was no public comment.

3. ANNOUNCEMENTS

President Gwen Regalia welcomed first-time attendees, San Francisco Supervisor, Fiona Ma, Oakland Councilmember, Jean Quan and Advisory Member, Mary Warren. President Regalia also recognized the retiring Chair of the Legislation and Governmental Organization Committee, Mayor Mary Lou Holt, Town of Yountville, presenting Mayor Holt with a plaque for outstanding service to the L&GO, Finance and Personnel Committee and to the Executive Board. President Regalia reminded the Board of the Spring General Assembly scheduled for Thursday, April 24, 2003, at the St. Francis Hotel in San Francisco and stressed the importance of delegates and/or alternates attending as it is also the annual business meeting.

4. EXECUTIVE DIRECTOR'S REPORT

Executive Director Eugene Leong commented on the Board's full agenda, stating that the current set of projections has evoked more conversation than any other set of projections produced by ABAG for the past 25 years and referred members to his report in the board packet for current information on ABAG programs.

5. CONSENT CALENDAR

A. Approval Of Executive Board Summary Minutes**

The Board approved the Summary Minutes of Meeting No. 328 held on January 16, 2003, and Meeting No. 329 held on February 26, 2003.

B. Grant Applications**

The Board approved transmittal of federal grant applications to the State Clearinghouse.

C. Appointments to Committees

The Board approved the following committee appointments:

Regional Planning Committee

- Vacaville Mayor Len Augustine, Representing Solano County Cities
- Supervisor John Vasquez, Solano County
- Supervisor Diane Dillon, Napa County

CALFED Task Force

- Mayor Marci Coglianesse, Rio Vista (Replacing Mayor David Flemming, Vacaville)

D. Authorization to Amend a Contract with the Santa Clara Valley Water District

The Board authorized the Executive Director or designee to amend the contract previously approved by the Board in March 2002 with the Santa Clara Valley Water District for ABAG and the San Francisco Estuary Project providing technical support pertaining to permits related to stream protection, restoration, and flood protection projects. No matching funds are required by ABAG. The amended contract is extended until April 30, 2005, and to increase the not to exceed amount from \$200,000 to \$330,000 over the two-year period (May 1, 2003 - April 30, 2004). The contract assists with implementing the CCMP.

E. Authorization to Submit a Proposal to the State Water Resources Control Board (SWRCB) under the Pesticide Research and Identification of Source and Mitigation (PRISM) Grants

The Board authorized the Executive Director or designee to submit a proposal to enter into an agreement with the SWRCB for ABAG and the San Francisco Estuary Project to provide administrative, educational and technical support for implementation of the high-priority Total Maximum Daily Load (TMDL) for diazinon and pesticide-related toxicity in Bay Area urban creeks. This mitigation project will

foster effective outreach and education programs regarding pesticides and water quality, integrating the latest science into California urban pesticide mitigation activities. Partners participating in submitting this proposal are TDC Environmental, and other subcontractors to be determined. The contract would not exceed \$572,000 over a three-year period (Jan.2004-Dec.2006). ABAG will provide \$15,000 in matching funds (in-kind services). The proposal will assist with implementing the CCMP.

F. Authorization to Submit a Proposal to the State Water Resources Control Board (SWRCB) under the Pesticide Research and Identification of Source and Mitigation (PRISM) Grants

The Board authorized the Executive Director or designee to submit a proposal to enter into an agreement with the SWRCB for ABAG and the San Francisco Estuary Project to provide administrative and technical support for developing tools for monitoring pesticide-related toxicity in California surface waters. This research proposal will identify tools that include, new and/or improved toxicity identification evaluation, toxicity testing and enzyme-linked immunosorbent assay procedures for new pesticides replacing diazinon and chlorpyrifos in the marketplace. Partners participating in submitting this proposal are AQUA-Science; TDC Environmental; U.C. Davis Dept. of Entomology; California Dept. of Fish and Game Water Pollution Control Laboratory; and the U.C. Davis Aquatic Toxicology Laboratory. The agreement would not exceed \$200,000 over a three-year period (Jan.2004-Dec.2006). ABAG will provide \$5,000 in matching funds (in-kind services). The proposal will assist with implementing the CCMP.

G. Authorization to Enter into Agreement with the Santa Monica Bay Restoration Project (SMBRP)

The Board authorized the Executive Director or designee to enter into an agreement with SMBRP in an amount not to exceed \$42,750 over a 16-month period, September 2002-December 2003. Previously, in September 2002, the Executive Board authorized the Executive Director or designee to amend the March 2001 agreement with the Dept. of Boating and Waterways for ABAG/SFEP to provide a boater education program and a pass-through contract to the SMBRP. The not to exceed amount was increased from \$565,000 to \$690,000 and the end date was extended from December 31, 2002, to December 31, 2003. Under terms of this contract, ABAG/SFEP will enter into a contract with SMBRP to provide education and outreach to recreational boaters on the need to prevent pollution.

H. Authorization to Enter into a Contract with the California Resources Agency

The Board authorized the Executive Director or designee to enter into a contract with the Resources Agency on behalf of the San Francisco Estuary Project/ABAG to provide technical and administrative support for the Santa Monica Bay Restoration Commission (the SFEP's counterpart). The agreement will not exceed \$150,000 to be expanded over a one-year period (2003-2004). No match is required. The contract will assist with development of a design and implementation plan for storm water Best Management Practices for the Ballona Creek Watershed. The plan will address metals, pathogens, trash and polyaromatic hydrocarbon contamination. This is a demonstration project that will involve municipalities and other organizations within the watershed.

I. Contract with Financial Auditor

At the recommendation of the Finance and Personnel Committee, the Board authorized the Executive Director to enter into a contract with Maze & Associates to conduct financial audits for ABAG and its affiliated entities for the next three fiscal years beginning with FY 02-03 at a total fixed price of \$199,100. Through a competitive bidding process, staff has determined that Maze and Associates is the most responsible bidder among the bidding firms. The proposed audit engagement carries an option to extend for two additional fiscal years at prices to be negotiated prior to the beginning of each fiscal year.

J. Authorization to Submit Grant Proposal to California Environmental Protection Agency, State Water Resources Control Board**

The Board approved the request to submit a grant proposal entitled *Making Integrated Pest Management Mainstream: Tools and Market-Based Incentives for Improving Urban Water Quality*, in the amount of \$785,000, to the California Environmental Protection Agency, State Water Resources Control Board, and if funded, authorized the Executive Director or designee to enter into a contract to serve as the Lead Agency/Fiscal Sponsor, and participate in other capacities to be defined.

K. Authorization to Submit Proposal and Participate in Biodiesel Fuel Study

The Board approved staff to team with other California entities to submit a proposal in response to the RFP, and if approved, to either contract with the BAAQMD to complete the services, or provide subcontract services to an alternate entity. The Bay Area Air Quality Management District (BAAQMD) seeks to encourage the use of biodiesel fuel in the Bay Area. Compared to petroleum diesel, biodiesel has lower emissions rates of diesel particulate, a toxic air contaminant. The BAAQMD is soliciting proposals from agencies to prepare a biodiesel feasibility study and conduct a biodiesel pilot project and has allocated \$75,000 for this project.

L. Authorization to Enter into Contract with San Francisco Bay Conservation and Development Commission (BCDC).

The Board authorized the Executive Director or designee to enter into a contract with BCDC on behalf of the San Francisco Estuary Project/ABAG to provide technical, administrative and communication support for the San Francisco Bay Wetlands Restoration Program. The agreement will not exceed \$110,000 to be expended over a two-year period (2003-2005). No match is required. The contract will assist with implementation of the CCMP for the San Francisco Estuary.

It was moved by McHugh/S/Gioia/C/ that the consent calendar be approved.

6. REPORT ON PROJECTIONS 2003

ABAG Research Director, Paul Fassinger presented the Board with ABAG's revised Smart Growth Projections 2003 to reflect comments that have been received since December. The revised Projections 2003 represents a significant change in ABAG's long run forecasting series. It is a departure from previous forecasts in that it includes policy based land use assumptions that come from the Smart Growth/Regional Livability Footprint Project Vision. Public comments opposing the projections were made by a number of individuals, however, a motion was approved by the Board to:

- support and approve the Projections 2003 as recommended by ABAG staff,
- direct ABAG staff to work with such groups as the Bay Area Council through the Business, Environment and Equity caucuses of the Bay Area Alliance for Sustainable Communities (BAASC) over the next two years, focusing on incorporating the Smart Growth Vision numerical goals for housing and job creating and placement into the next and future iterations of Projections,
- direct ABAG staff to work with the California League of Cities, the California State Association of Counties, and the Business Caucus of the BAASC and other interested parties in developing state level legislation providing incentives to cities to increase housing goals and production to levels that will support the Smart Growth Vision,
- direct ABAG staff to submit to MTC for mobility analysis the "jobs/housing balance alternative scenario" developed in August 2002, by the BAASC Economic Caucus and
- provide quarterly reports to the Executive Board.

It was moved by Haggerty/S/DeSaulnier/C/ that the motion be approved.

7. CALFED TASK FORCE REPORT

Supervisor Mike Rippey, Chair of the Task Force, provided the Board with a status report on the Task Force activities. An updated roster was distributed to the Executive Board along with a summary of the Task Force accomplishments. A brief summary was given to the new members of the Executive Board regarding the Task Force organization. The CALFED Task Force was created to educate and coordinate activities with the various water districts and local agencies in the Bay Area in a more comprehensive way and to make the Bay Area more visible in the water arena in the state. Rippey noted that the City and County of San Francisco was asked to join as an official member.

The purpose of the task force is to:

- protect water resources,
- link and improve water supply quality,
- improve reliability and environmental protection efforts in the Bay Area delta, and
- provide a regional voice.

Chair Rippey reported that the Governor signed Senator Costa's bill last year to create an official CALFED Bay Delta Commission that has officially been in place since January 1, 2003. Only one appointment has been made so far and the Governor will be making appointments to fill the Commission which is expected to be fully operational by June, 2003. It is hoped that the Bay Area will be well represented. For information on the CALFED Task Force, contact Kathleen Van Velsor at 510/464-7959.

8. CONTINUATION OF SPECIAL MEETING DISCUSSION ON COMPREHENSIVE PLANNING LEGISLATION

President Regalia updated the Board on the special meeting held on February 26 indicating that staff was directed to distribute ABAG's discussion draft legislation to ABAG's membership and to begin a regional dialogue on legislation to merge ABAG and MTC. President Regalia informed the board that she and Eugene Leong, Executive Director, have attended three Mayors' Conferences including Contra Costa County, Alameda County, and Santa Clara County Cities Association indicating that Santa Clara County Cities Association voted to endorse, in concept, ABAG's draft bill. President Regalia reminded the Board that the draft legislation coincides with the principles of an acceptable merger bill that was approved by the General Assembly and Executive Board last spring and summer.

Discussion was opened to the Executive Board regarding the proposal from Steve Kinsey, Chair of the Metropolitan Transportation Commission regarding shared responsibility for regional planning. Members commented on the coordination between land use and transportation and how to better coordinate land use decisions on a regional level. A motion was made to:

- 1) Establish a Merger Task Force consisting of seven (7) Executive Board/Commission members from each agency. The Task Force will consider how to most effectively work toward our regional goals, using the Smart Growth Strategy/Regional Livability Footprint Project as a starting point for the work,
- 2) The Task Force will explore issues of regional governance, including identification of strengths and weaknesses of the current structure as well as analysis of alternate organizational frameworks in other metropolitan areas, within California and around the country,
- 3) The Task Force will identify the issues and propose an inclusive process for developing a framework to address economic, environmental and social equity factors associated with our region's development,
- 4) The Task Force will prepare quarterly written progress reports and will recommend a merger plan no later than January 2004,
- 5) ABAG's representatives will be appointed by ABAG President,
- 6) Due to the limited membership of MTC, the ABAG representation cannot be a dual MTC member,
- 7) Within the fourteen (14) Task Force slots, one (1) elected official shall be appointed from each of the large cities (San Francisco, San Jose, and Oakland),
- 8) Meetings will be facilitated by a trained facilitator, noticed, and open to the public, and
- 9) The Board requested the Commission's formal response by April 20, 2003.

The motion was moved by Brunner/S/DeSaulnier/C/ that the motion be approved.

Councilmember Brunner commented that the Board did not need to address Supervisor McHugh's previous motion to continue legislation at this meeting, rather postpone the discussion until the May 2003 meeting, giving MTC time to respond to the Board regarding the suggestion of a Merger Task Force. President Regalia responded by indicating that the Board had approved continuing the pursuit of legislation at the January 2003 meeting.

A motion by Haggerty/S/Adams failed that would have ceased pursuit of legislation until after MTC's March 26th meeting.

9. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**

The Committee appointed Rose Jacobs Gibson, Supervisor, San Mateo County as Chair and Maria Alegria as Vice Chair. The Vice Chair reported that the Committee approved support of positions AB 437 (Matthews) Inter-Regional Partnership State Pilot Project: Local Jurisdictions and AB 723 (Matthews) Jobs-Housing Opportunity Zones and to oppose AB 1160 (Steinberg) Housing: Second Units and SB 148 (Torlakson) Property Tax Revenue Allocations.

After Committee discussion of spot bills AB 829 (Salinas) and SB 170 (Torlakson) it was moved to recommend that the Executive Board move forward with the legislative process and the regional discussions

for comprehensive integrated regional planning. It was reported that the recent state fiscal reform legislation will be held over to the May 15, 2003, meeting. For information on the L&GO Committee, contact Kathleen Cha at 510/464-7922 or KathleenC@abag.ca.gov or Patricia Jones PatJ@abag.ca.gov. It was moved by Slavens/S/Rabinowitsh to accept the Committee Report.

10. FINANCE AND PERSONNEL COMMITTEE REPORT

Chair, Steve Rabinowitsh requested approval of the January 2003 financial reports and brought a recommendation for approval from the Finance and Personnel Committee for the following items:

A. Contract with Financial Auditor

The Finance and Personnel Committee recommended the Board to authorize the Executive Director to enter into a contract with Maze & Associates to conduct financial audits for ABAG and its affiliated entities for the next three fiscal years beginning with FY 02-03 at a total fixed price of \$199,100.

It was moved by Slavens/S/McHugh/C that the report be approved.

The following was considered in closed session:

B. Personnel Matter: Executive Director's Review

The Board met in closed session to hear recommendations from the Finance & Personnel Committee about the Executive Director's annual performance review. The Board approved revisions in salary and benefits for the Executive Director.

11. ADJOURNMENT



Eugene Y. Leong, Secretary-Treasurer