

SUMMARY MINUTES

ABAG Executive Board Meeting No. 343
May 19, 2005 ▪ MetroCenter Auditorium
101 Eighth Street, Oakland, CA

1. CALL TO ORDER

The meeting was called to order by President Scott Haggerty at 7:00 p.m. Forrest Williams led the Pledge of Allegiance.

Representatives and Alternates Present

Supervisor Scott Haggerty
Supervisor Gail Steele
Supervisor John Gioia
Supervisor Mark DeSaulnier
Supervisor Susan Adams
Supervisor Rose Jacobs Gibson
Supervisor Peter McHugh
Supervisor Barbara Kondylis
Mayor Shelia Young
Mayor Mark Green
Councilmember Gwen Regalia
Councilmember Maria Alegria
Fiscal and Policy Analyst Amiee Albertson
Councilmember Donald Eaton
Councilmember Julia Miller
Mayor Jim Spering
Councilmember Pam Torliatt
Councilmember Forrest Williams
Ms. Mary Warren
Councilmember Jane Brunner
Councilmember Jean Quan
Mayor Sepi Richardson

Jurisdiction

County of Alameda
County of Alameda
County of Contra Costa
County of Contra Costa
County of Marin
County of San Mateo
County of Santa Clara
County of Solano
Alameda County Cities
Alameda County Cities
Contra Costa County Cities
City of Contra Costa
City of San Francisco
San Mateo County Cities
Santa Clara County Cities
Solano County Cities
Sonoma County Cities
City of San Jose
Regional Water Quality Control Board
City of Oakland
City of Oakland
City of Brisbane

Following Representatives Absent

Supervisor Ross Mirkarimi
Supervisor Mike Kerns
Supervisor Mark Luce
Supervisor Fiona Ma
Supervisor Adrienne Tissier
Supervisor Blanca Alvarado
Mayor Pro Tem Carole Dillon-Knutson
Mayor Todd Carlson
Senior Advisor to Mayor Newsom, Mike Farrah
Director of Public Policy Julian Potter
Mayor Carol Klatt
Councilmember Steve Rabinowitsh
Councilmember Nancy Nadel
Councilmember David Cortese
Councilmember Linda LeZotte
Councilmember Ken Yeager

County of San Francisco
County of Sonoma
County of Napa
County of San Francisco
County of San Mateo
County of Santa Clara
City of Marin
City of Napa
City of San Francisco
City of San Francisco
City of San Mateo
City of Sonoma
City of Oakland
City of San Jose
City of San Jose
City of San Jose

2. PUBLIC COMMENT

There was no public comment.

All ABAG Executive Board meetings are recorded. To arrange for review of these tapes, please contact Mary Haro, Clerk of the Board at 510-464-7913 or maryh@abag.ca.gov.

3. ANNOUNCEMENTS

Supervisor Susan Adams reported that the Regional Planning Committee unanimously supported the establishment of a Regional Homeless Task Force and stated that there is a need for final approval from the Board. She also stated there is a need to define the members and duties of the Task Force.

4. PRESIDENT'S REPORT

President Haggerty reported that the April 2005 General Assembly was a success. He was pleased with the speakers and the attendance. It was noted that the annual budget and work program were approved. The event was well attended by elected officials. President Haggerty stated that he hopes for continued participation by ABAG members.

President Haggerty mentioned that the ABAG-MTC RAQMD Joint Policy Committee meets monthly to discuss planning programs of each agency and ways to better integrate work of the three agencies. He encouraged attendance of members of the board.

5. EXECUTIVE DIRECTOR'S REPORT

Henry Gardner was not in attendance but provided a written report which Patricia Jones, Assistant Executive Director presented. The ABAG Finance Authority issued \$65 million in housing revenue bonds for multi-family housing development. Underway is a new energy partnership in Contra Costa County working in collaboration with PG&E. She mentioned that on April 18th, the Regional Planning Committee held a successful housing workshop. The group discussed new housing laws which relate to the General Plan and the regional housing needs determination process. She passed out an invitation by UC Berkeley and the ULI to the Bay Area Public Officials Leadership Forum to be held on June 9-10.

A question was raised regarding whether the Community Choice Aggregation Program will be addressed in more detail. In response, Ken Moy, Legal Counsel to ABAG stated that ABAG conducts through the ABAG Power Committee a separate JPA, a regional energy efficiency program. The CCA is among some of the issues they are dealing with. In '05/'06 they expect to discuss and talk more about the issue. The goal is to have more of the regulations crafted by the California PUC come out in final form. A request was made that the final form be reported back to the Executive Board.

6. CONSENT CALENDAR

The entire Consent Calendar including the addition of Item M was approved in one motion.

A. Approval of Executive Board Summary Minutes

No. 342 March 17, 2005

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.

C. Authorization to Submit a Grant Proposal to the Metropolitan Transportation Commission (MTC)

Authorization is requested to submit a Toll Bridge Reserve funding application to the MTC and, if successful, to enter into an agreement with MTC in the amount of \$140,000 for administration of the San Francisco Bay Trail Project. ABAG would provide up to \$60,000 in matching funds. ABAG has received grant funding from MTC each of the past several years.

D. Authorization to Enter Into Database Administration (DBA) Contract with V-Soft**

Authorization is requested for the Executive Director or designee to enter into a contract with V-Soft, the lowest responsive bidder in an open competitive selection process conducted in February this year, to provide ABAG with Oracle DBA services.

- E. Authorization to Extend Agreement with Michael Arnold, Legislative Representative**
Authorization is requested to extend the agreement between ABAG and Michael J. Arnold, as ABAG's State Legislative Representative in Sacramento, for an amount not to exceed \$60,000 through June 30, 2006.
- F. Endorsement and Establishment of Voluntary Contributions Program to Assist in Support and Development of ABAG-CALFED Task Force/Bay Area Water Forum**
Staff requests Executive Board endorsement in concept and approval of the establishment of a Voluntary Contributions Program to assist in the support and development of the ABAG-CALFED Task Force/Bay Area Water Forum. Members and participants of the ABAG-CALFED Task Force/Bay Area Water Forum agreed to the establishment of such a Voluntary Contributions Program at its regularly scheduled meeting of April 25th. It was agreed that a sliding scale would be developed to encourage contributions from local governments, agencies, organizations, corporations and non-governmental entities. ABAG staff has prepared a draft Finance Plan to evaluate a range of voluntary contributions scenarios. Initial pledges of support have been made to the program from several participants.
- G. Authorization to Enter into Cooperative Agreement with U.S. Environmental Protection Agency to Provide Support for Implementing Comprehensive Conservation and Management Plan (CCMP)**
Authorization is requested for the Executive Director or designee to enter into an interagency agreement with EPA to provide technical, public involvement, and administrative support for CCMP implementation. The agreement will not exceed \$410,000 and the agreement period will be December 1, 2005 – December 31, 2006. ABAG will provide a match of in-kind services in the amount of \$18,000 and the State Water Resources Control Board will provide additional matching funds in the amount of \$410,000 through ABAG/SFEP/SWRCB grants for the Brake Pad Partnership and Urban Pesticide TMDL.
- H. Authorization to Submit Grant Proposal to U.S. Environmental Protection Agency for Stream and Wetlands Protection Policy Development**
Authorization is requested to submit a proposal, and if accepted, for the Executive Director or designee to enter into a cooperative agreement with EPA to develop and adopt a stream and Wetlands Protection Policy for the San Francisco Bay and North Coast Regional Water Boards. The agreement will not exceed \$160,000 and the project period is July 2005-December 2007. ABAG will provide a \$32,985 match through an ACL (fine) and the Regional Water Boards will provide a \$58,300 in-kind service match.
- I. Authorization to Amend Cooperative Agreement with U.S. Geological Survey**
Authorization is requested for the Executive Director or designee to amend the USGS agreement by increasing the amount by an additional \$700,000 to provide support to the California Bay-Delta Authority Science Program. The cooperative agreement total will increase from \$1,009,422 to \$1,709,422. The agreement ends December 31, 2005.
- J. Authorization to Amend Contract with Alameda County and Alameda County Flood Control and Water Conservation District**
Authorization is requested for the Executive Director or designee to amend the contract by increasing the total amount from \$100,000 to \$180,000 and extending the contract until June 30, 2006. The funds will cover staff costs to provide technical support for permit processing for the additional year.
- K. Authorization to Enter into Subcontract with Levine Fricke Rincon (LFR)**
Authorization is requested for the Executive Director or designee to enter into a subcontract with LFR to provide technical and scientific support services for a \$1,360,000 grant received from the State Water Resources Control Board to develop wetland design and management options to control mercury in the San Francisco Bay. The subcontract will not exceed \$800,000 over the project period 2005-2009. **(*A question was raised by Councilmember Forrest Williams regarding this item. He wanted to know how the subcontract was formed and why Santa Clara County or San Jose were not included. He suggested that Santa Clara Valley Water District be added. President Haggerty stated that staff would contact him to discuss the issue.)**

L. Authorization to Amend Contract with the California Coastal Conservancy

Authorization is requested for the Executive Director or designee to amend the contract by increasing the total amount from \$50,000 to \$90,000 and extending the contract period until June 30, 2006. The funds will cover staff costs to provide additional support for the *Spartina* Signage Project.

M. ABAG Support to Bay Area Economic Forum (FY 05-06)

Pending approval by the Finance and Personnel Committee, authorization is requested to make a financial contribution of \$50,000 to the Bay Area Economic Forum (BAEF). This is a reduction over amounts contributed toward BAEF's support over the last two years.

7. STATE BUDGET UPDATE & MAY REVISE

Mark Hill, Principal Budget Manager, California Department of Finance, reported on the impact of the Governor's May Budget Revision on local Government. He stated that there was a strong revenue forecast in January and that the state economy was good adding that it is in the late stage of recovery going into sustained growth. In April, the State received more cash than expected due to capital gains and stock options income by high income tax payer essentially because they ran out of losses to offset against. The State expects 2.7 billion more in personal income tax receipts in current fiscal year but doesn't expect growth to continue into 2005/2006 as there will be no losses to offset. So far In May there has been stronger profit on the corporate side for 2005/2006. The top expenditures are paying Prop 42. and early pay off of VLF gap loan. There is still a \$4.5 - 7 billion gap to close. Hill then discussed several programs in detail.

8. HOUSING NEEDS DETERMINATION PROCESS DISCUSSION

Janet Mc Bride, ABAG Planning Director briefed the Board on the status of the Regional Housing Needs Determination Process (RHND) and relevant recent and pending regional and state actions. She noted that participants reported that the May 18th ABAG Housing Workshop was helpful in making sense of some of the complex new laws. With respect to RHND, a number of issues are being addressed, especially related to funding and timing. SB1102 allows COGs to charge local governments a fee for the RHND, The mechanism is highly problematic. The Commission on State Mandates has ruled that Councils of Governments are no longer eligible to receive reimbursement for the RHND process. This represents a reversal of state policy. Locally, if there are no housing allocations, cities and counties can't get their housing element certified, which leaves them vulnerable to legal challenge and ineligible for certain federal/state funds. ABAG has appealed the decision of the Commission on State Mandates and is also considering filing legal challenge. Senator Torlakson has asked for a budget augmentation of \$1 million to allow the RHND process to begin while other issues are being worked out. Also, ABAG formally requested a time extension from the State Department of Housing and Community Development. There has been no official response yet, but staff is optimistic about an 18 month to 2 year extension. Under this scenario, the process would begin in spring 2006, with local housing element revisions due December 31, 2008. Staff will keep the jurisdictions apprised as the situation unfolds.

9. REPORT ON THE INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENTAL INITIATIVES (ICLEI) – CITIES FOR CLIMATE PROTECTION U.S.

Melissa Royael explained the mission, goal and global participation of ICLEI, a worldwide movement of local governments working together to improve global conditions. The flagship campaign is the Cities for Climate Protection. She explained that is important for local governments to be involved since they contribute the highest percentage to global greenhouse gas emissions. Benefits of improving community wide emissions habits include saving money and having a more livable lifestyle. ICLEI provides an established methodology that is flexible and makes sense. They possess a software tool that gives information on gas emissions and air pollutants. They shoot for pragmatic and aggressive planning which Michelle feels needs to move into aggressive implementation. She noted that many communities are setting reduction targets. The goal is that the local governments working together can have the power to affect national and state policy.

10. REPORT ON SPRING GENERAL ASSEMBLY

Pat Jones reported that the April 2005 General Assembly was a success. Various Board Members commented that there was good engagement and turn out. The also stated that the Assembly was informative, panelists were well chosen, and the main speaker stayed around long enough for questions. Pat noted that the challenge is making the October Assembly as successful. She mentioned that it may feature some aspect of homelessness.

11. LEGISLATION AND GOVERNMENTAL ORGANIZATION COMMITTEE (L&GO) REPORT

Chair Rose Jacobs Gibson informed the board that the Committee went over a large number of bills addressing housing, land use and planning, environment and local government. Susan Adams requested that there be a "watch" on bills tinkering with CEQA. The Board approved the various positions on the set of bills except SB832 and SB521 which were voted on separately. They recommended SB832 be a watch instead of support. SB521 remained as a watch. It was removed from the set for separate voting by mistake. *{Motion approved first Barbara Kondylis/second Scott Haggerty}*

12. FINANCE AND PERSONNEL COMMITTEE REPORT**

Committee Chair Pete McHugh reported on activities of the Committee which included the Financial Report for April. *Unanimously approved.*

13. ADJOURNMENT

Meeting moved to closed session approximately 8:45 and adjourned at approximately 9:00pm.



Henry L. Gardner, Secretary-Treasurer