SUMMARY MINUTES

ABAG Executive Board Meeting
No. 362, July 17, 2008
MetroCenter Auditorium
101 8th Street, Oakland, CA

1. CALL TO ORDER

President Rose Jacobs Gibson called the meeting to order at approximately 7:05 p.m. She informed members that a revised agenda had been distributed.

Representatives and Alternates Present	Jurisdiction
Supervisor Susan Adams	County of Marin
Mayor Len Augustine	City of Vacaville
Vice Mayor David D. Cortese	City of San Jose
Supervisor Chris Daly	County of San Francisco
Councilmember Carole Dillon-Knutson	City of Novato
Mike Farrah, Senior Advisor to the Mayor	City of San Francisco
Councilmember Dan Furtado	City of Campbell
Mayor Jack Gingles	City of Calistoga
Supervisor John Gioia	County of Contra Costa
Mayor Mark Green	City of Union City
Supervisor Scott Haggerty	County of Alameda
Supervisor Rose Jacobs Gibson	County of San Mateo
Supervisor Mike Kerns	County of Sonoma
Councilmember Sam Liccardo	City of San Jose
Mayor Janet Lockhart	City of Dublin
Supervisor Mark Luce	County of Napa
Vice Mayor John Marquez	City of Richmond
Supervisor Peter McHugh	County of Santa Clara
Supervisor Ross Mirkarimi	County of San Francisco
Councilmember Joe Pirzynski	City of Los Gatos
Councilmember Jean Quan	City of Oakland
Mayor Gwen Regalia	City of Walnut Creek
Mayor Pro Tem A. Sepi Richardson	City of Brisbane
Supervisor Gail Steele	County of Alameda
Mayor Pamela Torliatt	City of Petaluma
Supervisor Gayle B. Uilkema	County of Contra Costa
Councilmember Forrest Williams	City of San Jose

Representatives Absent	Jurisdiction
Councilmember Jane Brunner	City of Oakland
Councilmember Richard Garbarino	City of South San Francisco
Director Nancy Kirshner Rodriguez	City of San Francisco
Supervisor Barbara Kondylis	County of Solano
Education Advisor Hydra Mendoza	County of San Francisco
Councilmember Nancy Nadel	City of Oakland
Supervisor Adrienne Tissier	County of San Mateo
Supervisor Ken Yeager	County of Santa Clara

2. PUBLIC COMMENT
There was no public comment.

3. ANNOUNCEMENTS
President Jacobs Gibson welcomed Joe Pirzynski, Councilmember, City of Los Gatos, representing cities in Santa Clara County, to the Board.

There were no other announcements.

4. PRESIDENT'S REPORT
President Jacobs Gibson reported on the following:

In support of the goal of raising ABAG's visibility, President Jacobs Gibson participated on a televised interview panel on sustainable development, hosted by Peninsula Coalition and Peninsula Forward and moderated by Mark Simon, where she highlighted ABAG's work on RHNA, FOCUS, and the Joint Policy Committee.

A meeting of the Youth Gun Control Task Force—comprised of San Liccardo, Councilmember, City of San Jose; Dan Furtado, Councilmember, City of Campbell; John Gioia, Supervisor, County of Contra Costa; Gayle B. Uilkema, Supervisor, County of Contra Costa; and Gail Steele, Supervisor, County of Alameda—will be scheduled in early Fall.

In May, a subcommittee—comprised of President Jacobs Gibson; Scott Haggerty, Supervisor, County of Alameda; Supervisor Gioia; Carole Dillon Knutson, Councilmember, City of Novato; Gwen Regalia, Mayor, City of Walnut Creek; Arne Simonsen, Councilmember, City of Antioch—was formed to consider AB 2954 on the San Francisco Bay Restoration Authority. The subcommittee voted to support the amended bill which will come before the Senate Appropriations Committee on August 4.

5. EXECUTIVE DIRECTOR'S REPORT
Executive Director Gardner reported on the following:

Herbert Pike has joined ABAG as ABAG's new Director of Finance, replacing Joseph Chan who is retiring after having served the agency for 25 years. Mr. Pike comes to ABAG with a wealth of experience, most recently as Deputy Finance Director for the City of Richmond. Previously, he was Deputy Budget and Financial Services Director and Financial Services Manager for the City of Oakland and Court Administrative Services Officer for the Superior Court of Alameda County. He is a certified Public Finance Officer, member of GFOA, and Chair of the East Bay Chapter of the California Society of Municipal Finance Officers.

The state reached the budget deadline without a budget. ABAG has some grants and contracts administered by state OES and other state agencies that will be impacted during this period.

An inverse condemnation lawsuit involving ABAG PLAN and the City of Half Moon Bay resulted in an agreement that ABAG PLAN pay the City of Half Moon Bay $5 million to settle the case. As a result of this case, and a similar case involving the City of Pacifica last year, the PLAN Corporation is in the process of redefining its coverage agreement. While ABAG PLAN is administered by ABAG, it is funded by the members of the pool. As a result these payouts had no impact on ABAG.

ABAG received notification from the state Department of Housing and Community Development (HCD) that ABAG's Regional Housing Need Allocation Plan is consistent with existing and future housing needs.

Governor Arnold Schwarzenegger announced the results of the Proposition 1C Housing and Infrastructure Bond Funding's Infill Housing Grant Award Program on July 1. ABAG staff wrote letters of support and contacted HCD on behalf of regional PDA applicants. While the Bay Area did well, not all PDA's were successful in receiving funding. In total, the Bay Area received 24% of the Infill Housing Grant funds, 32% of the Transit Oriented Development (TOD) funds, and 47% of the Multi-Family Housing Program (MHP) funds. Staff will continue to work with HCD and other state agencies to impress upon them the importance of providing the capital funding needed to implement the results of the state funded Blueprint Planning Grants.

The preliminary staff draft of the Delta Vision Strategic Plan has been released for comment for revisions prior to review by the Delta Vision Blue Ribbon Task Force. Five counties in the Bay Area could be significantly impacted by the proposed planning and programmatic elements of the Plan: Solano, Contra Costa, Napa, Alameda and Santa Clara. There could be a potential loss of valuable agricultural land and calls for alternative conveyances for an eastern or western Delta alignment, which has significant environmental, social and economic implications of a refashioned peripheral canal concept. Delta levee improvement costs are estimated at $20 billion. The Plan seeks to have the Delta recognized as a "National Heritage Area," and as a multi-unit "California Delta State Recreation Area." Given the importance of this proposed Plan to the Bay Area, this item will be discussed at the next Executive Board meeting in September and staff from the Delta Vision Blue Ribbon Task Force and Councilmember Simonsen, a member of the Delta Vision Committee, will be invited to attend and make a presentation.

ABAG is continuing to make progress on developing a regional long-term disaster recovery strategy. The next Regional Planning Committee (RPC) meeting on August 6, will focus on Regional Disaster Recovery Strategy. Executive Board members are invited. The major topics will include: a review of data on the vulnerability of city- and county-owned buildings in our region, a discussion of specific problems of recovery of city services when city facilities (including city halls and community centers) are among the damaged buildings, and the status of a survey ABAG is undertaking on current long-term recovery planning activities of cities and counties in our region.

ABAG will hold its annual Golf Outing on July 18 at Oakland's Metro Links Golf Club to benefit the Bay Trail and the Tranter-Leong Graduate Internship. This year the Tournament honors State Treasurer Bill Lockyer, who is considered the "Father" of the Bay Trail.

Financings delivered by ABAG and its affiliated entities include: Solano County's NorthBay Healthcare Group for $30,000,000 through an issue of Revenue Bonds to purchase medical equipment and expand hospital facilities; $14,335,000 in Tax-Exempt Medical Equipment Lease Financing delivered to Dameron Hospital on behalf of in the City of Stockton; the Vintage Square at Westpark, a new 152-unit Senior Apartment Complex in the City of Roseville, received $13,500,000 for construction through an issue of Multifamily Housing Revenue Bonds.

ABAG will present a Housing Element workshop on July 22 that will cover the Priority Development Areas and best practices.

President Jacobs Gibson thanked Executive Director Gardner for his report.

6. **CONSENT CALENDAR**
President Jacobs Gibson recognized a motion by Mike Kerns, Supervisor, County of Sonoma, and seconded by Councilmember Dillon Knutson, to approve the consent calendar. The motion passed unanimously.

A. **Approval of Executive Board Summary Minutes****
Summary Minutes of Meeting No. 362 held on May 15, 2008.

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 Committees**
Approved the following appointments to committees:

Regional Planning Committee
Napa County Supervisor Bill Dodd, MTC Representative
Patty Boyle, Housing Director, League of Women Voters of the Bay Area (Replaces Stana Hearne)

Legislation and Governmental Organization Committee
Mayor Jack Gingles, City of Calistoga

D. **Authorization to Negotiate and Enter into a Contract with PG&E for the ABAG Green Communities Effort 2009-11****
Authorized to enter into a contract with PG&E in an amount not to exceed $1,500,000 for the three year period beginning Jan. 1, 2009. No matching funds required. An extension of ABAG Energy Watch, this program will continue to assist local governments with their energy management and climate action efforts.

E. **Approval of Resolution 05-08 Adding Additional Authorized Institutional Representatives for California Office of Emergency Services Grant Actions****
Approved resolution authorizing three institutional representatives to deal with administrative correspondence with the California Governor's Office of Emergency Services (OES). The current resolution listing Henry Gardner, Executive Director, as ABAG's Authorized Institutional Representative will be modified to list the Executive Director, Assistant Executive Director, and Finance Director.

F. **Authorization to Apply for US Environmental Protection Agency Grant for CCMP Implementation Projects under San Francisco Bay Area Water Quality Improvement Funds****
Authorized ABAG/SFEP to submit a proposal for $5 million dollars in grant funding from US EPA's San Francisco Bay Area Water Quality Improvement Funds, and, if awarded, to enter into an agreement with US EPA. The grant period is 2-4 years (with awards being announced December 2008) and matching funds provided by participating partners. The proposal covers projects in all Bay geographical areas with 12 or more individual projects and partners for wetland restoration,

stormwater management, improved land use functions, biotic monitoring, invasive species, and public outreach.

G. **Authorization to Extend Agreement with US Environmental Protection Agency for CCMP Implementation under Section 320 Funds, National Estuary Program****
Authorized the Executive Director or designee to enter into a grant agreement extending the current agreement with US EPA for funding under the National Estuary Program for the period beginning October 1, 2008, through September 30, 2009. The grant agreement extension will provide base funding for the San Francisco Estuary Project for the above time frame in the amount of $591,750.

H. **Ratification of a Contract Amendment with the State Water Resources Control Board for Total Maximum Daily Load (TMDL) Support****
Ratified a contract amendment with the State Water Resources Control Board for TMDL outreach and communication support to increase the contract, previously approved on January 17, 2008, from $200,000 to $ 335,000 for additional services for TMDLs under development and in the approval process. Contract term remains through June 30, 2010.

I. **Ratification of Contract Amendment with Carol Thornton for SEP Supervision****
Ratified a contract amendment with Carol Thornton, consultant, to continue work for the Estuary project increasing the contract amount from $28,500 to $63,700 and extending the contract end date from May 31, 2008, to December 31, 2008. The additional funding will provide for assistance with oversight, including selection and implementation, of Supplemental Environmental Projects authorized by the San Francisco Bay Regional Water Board.

J. **Amendment to Regional Airport Planning Committee (RAPC) Memorandum of Understanding Adding Three Representatives from Outside Region****
Approved revisions to the MOU to expand RAPC membership to include representatives from Sacramento, San Joaquin and Monterey Counties. The current Regional Airport Systems Plan update includes the commercial airports in these counties. New members will be non-voting and the quorum will not change.

K. **Ratification of Agreement with Bay Area Clean Water Agencies (BACWA) to Provide Support for Development of Strategies for San Francisco Bay Water Quality Improvement****
Authorized the Executive Director or designee to enter into the new contract with BACWA with a contract term from June 30, 2008, to September 30, 2008, and a total contract amount of $31,250. In November 2005 the Executive Board authorized the Executive Director or designee to enter into an agreement with BACWA, a Joint Powers Agreement of Publicly Owned Treatment Works and ABAG/San Francisco Estuary Project (SFEP) to provide staff and technical resources to the Water Board for the development of Total Maximum Daily Loads (TMDLs) for pollutants in SF Bay. This contract is expiring and BACWA wishes to enter into a three-month contract to complete work begun under the prior agreement.

7. **INTRODUCTION OF DIRECTOR GENERAL OF THE TAIWANESE CONSULATE****
President Jacobs Gibson recognized ABAG Vice President Mayor Mark Green who introduced Thomas J.C. Chen, Director General, Taipei Economic and Cultural Office, San Francisco. Mr. Chen described cultural, economic, and political characteristics

of Taiwan, and spoke of the political, economic and cultural ties between the United States and Taiwan. He offered members the services of his office.

President Jacobs Gibson and Mayor Green presented Mr. Chen with an ABAG lapel pin.

Supervisor Gioia and Len Augustine, Mayor, City of Vacaville, indicated that they both had visited Taiwan.

President Jacobs Gibson thanked Mr. Chen for his remarks.

8. LIGHT BROWN APPLE MOTH UPDATE

President Jacobs Gibson recognized California Department of Food and Agriculture Secretary A.G. Kawamura and Dr. Rajiv Bhatia, Director of Occupational and Environmental Health, San Francisco Department of Public Health, who gave updates on the Light Brown Apple Moth (LBAM). Secretary Kawamura shared his views on the steps being taken to eradicate the LBAM, the handling of the eradication program, the impacts on the state's agriculture and food supply and environment, and continuing efforts to eradicate the LBAM. Dr. Bhatia offered his perspectives on the City and County of San Francisco's steps or actions to address the problem of the LBAM and the concerns over the proposed methods of eradication, the positions taken, and proposed steps to be taken to resolve the problems and concerns.

Members discussed pheromones and the use of aerial spraying and twist ties, sterile release, and other methods of eradication, impacts on local farmers markets and regional food systems, and the need for full disclosure of information and transparency of processes.

President Jacobs Gibson thanked Secretary Kawamura and Dr. Bhatia for their presentations.

9. BUILD IT GREEN: GREENPOINT RATED RESIDENTIAL GREEN BUILDING SYSTEM**

President Jacobs Gibson noted that a recommendation to support Build It Green and the GreenPoint Rated Residential Green Building System was forwarded to the Board by the Regional Planning Committee. She recognized Brian Gitt, Build It Green's Executive Director and CEO, who gave a presentation of Build It Green's programs and services. Mr. Gitt was joined by Joseph Perkins, President and Chief Executive Officer of the Home Builders Association of Northern California (HBANC) and member of the Regional Planning Committee, and Cheryl O'Connor, Chair, HBANC Executive Committee. Mr. Gitt described Build It Green's mission and work on green building programs, listed the benefits of promoting green building, and described the development of the GreenPoint Rated system. Mr. Perkins and Ms. O'Connor described HBANC's support of sustainable development and policy on using GreenPoint Rated as the system for their members' residential green building program. Mr. Gitt requested the Executive Board's endorsement for implementation of comprehensive green building programs that include GreenPoint Rated as the residential construction verification system.

President Jacobs Gibson recognized a motion by Susan Adams, Supervisor, County of Marin, and seconded by Supervisor Kerns, to endorse the implementation of consistent green building guidelines and to encourage the rapid adoption by Bay Area cities and counties of green building programs, including GreenPoint Rated as a

verification system for residential projects; to direct staff to identify opportunities to incorporate green building criteria in relevant program activities, including FOCUS; and to direct staff to cooperate with Build It Green, StopWaste.org and other partners in providing information about and publicizing the advantages of comprehensive green building programs and GreenPoint Rated to ABAG member jurisdictions.

The motion passed unanimously.

President Jacobs Gibson thanked Mr. Gitt, Mr. Perkins and Ms. O'Connor for their presentation.

10. FOCUS ADOPTION OF PRIORITY CONSERVATION AREAS**

President Jacobs Gibson recognized Ken Kirkey, ABAG Planning Director, and Jaqueline Guzman, ABAG Regional Planner, who presented background and staff recommendations for adoption of Priority Conservation Areas (PCAs) and the related nomination process. Mr. Kirkey reported that the Joint Policy Committee (JPC), at its May meeting, supported the programmatic addition of PCAs to FOCUS and that the Regional Planning Committee (RPC), at its June meeting, moved to forward the recommendations to the Executive Board for adoption, with the exception of the Tomales Dunes and Albany Waterfront nominations which are under planning review and therefore not presently eligible under PCA criteria. He reviewed the purpose of FOCUS and the PCAs, the PCA nomination process, lessons learned, and next steps. Ms. Guzman described examples of PCA nominations received.

President Jacobs Gibson recognized a motion by Supervisor Adams and seconded by Sepi Richardson, Mayor Pro Tem, City of Brisbane, to approve staff recommendations on adoption of Priority Conservation Area nominations received for inclusion in the FOCUS Program, with the exception of the Tomales Dunes and Albany Waterfront nominations.

Jeremy Madsen, Executive Director, Greenbelt Alliance, commended ABAG staff on their work on the Priority Development Areas (PDAs) and PCAs and stated support for the staff recommendations regarding adoption of PCAs.

Bettina Ring, Director, Bay Area Open Space Council, stated support for the staff recommendations regarding the adoption of PCAs and commended ABAG staff for their work.

The motion passed unanimously.

President Jacobs Gibson thanked Mr. Kirkey and Ms. Guzman for their presentation.

11. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**

President Jacobs Gibson recognized Committee Chair Pete McHugh, Supervisor, County of Santa Clara, who reported on Committee activities. Chair McHugh noted the distribution of a letter from the League of California Cities and an email from CSAC regarding the suspension of Proposition 1A funds to balance the state budget. The committee heard a report from the subcommittee formed to review AB 2954 (Lieber/Hancock), San Francisco Bay Restoration Authority. The committee reviewed the following legislation: AB 2954—support; AB 2280 (Saldana & Caballero), Density Bonus—support; SB 303 (Ducheny), Local Government Land Use Planning—oppose; AB 2513 (Caballero), Housing and Emergency Shelter Trust Fund of 2006—support; AB

2347 (Ruskin), Mercury-Added Thermostats Collection Program—support; AB 2939 (Hancock), Building Standards Green Building—support; AB 1654 (Huffman), Integrated Regional Water Management Planning Act—watch; AB 842 (Jones), Regional Plans Traffic Reductions—oppose; AB 1634 (Levine), California Healthy Pets—oppose; AB 2069 (Jones), Local Planning Residential Planning—oppose; AB 2093 (Jones), General Plan Mandatory Elements—oppose; SB 1118 (Negrete/McLeod), Airports Land Use Commission—oppose; AB 2094 (DeSaulnier/Laird), San Francisco Bay Conservation and Development Commission—support.

President Jacobs Gibson recognized a motion by Chair McHugh, and seconded by Mayor Pro Tem Richardson to approve the committee report. Pamela Torliatt, Mayor, City of Petaluma, requested that SB 2093 be considered separately. Members discussed SB 2093 and AB 32.

The motion to approve the committee report, except SB 2093, passed unanimously.

President Jacobs Gibson recognized a motion, which was seconded, to oppose AB 2093.

On the motion to oppose SB 2093, the ayes were 21, the nays were 4 (Torliatt, Luce, Daly, Mirkarimi), the abstentions were 2 (Quan, Adams). The motion passed.

President Jacobs Gibson thanked Chair McHugh for his report.

12. FINANCE & PERSONNEL COMMITTEE REPORT**

President Jacobs Gibson recognized Committee Chair Scott Haggerty, Supervisor County of Alameda, who reported on Committee activities. Chair Haggerty reported that the committee reviewed and approved the financial reports for May 2008, and was introduced to Herbert Pike, ABAG's new Finance Director.

President Jacobs Gibson recognized a motion by Chair Haggerty, and seconded by Forrest Williams, Councilmember, City of San Jose, to approve the committee report and enter into closed session.

The motion passed unanimously.

The Board entered closed session at 9:14 PM to discuss Public Employee Performance Evaluation—Title: Legal Counsel—pursuant to the requirements of the Ralph M. Brown Act.

The Board exited closed session at 9:19 PM.

Chair Haggerty reported that the Finance and Personnel Committee discussed the performance evaluation of Legal Counsel and recommended a salary increase.

President Jacobs Gibson recognized a motion by Chair Haggerty, which was seconded, to approve recommendations regarding Public Employee Performance Evaluation—Title: Legal Counsel.

The motion passed unanimously.

President Jacobs Gibson thanked Chair Haggerty for his report.

13. ADJOURNMENT

Meeting adjourned at approximately 9:19 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.