



# CALL AND NOTICE

## CALL AND NOTICE OF MEETING OF THE EXECUTIVE BOARD OF THE ASSOCIATION OF BAY AREA GOVERNMENTS

As Vice President of the Executive Board of the Association of Bay Area Governments (ABAG), I am calling a meeting of the ABAG Executive Board as follows:

### ABAG EXECUTIVE BOARD MEETING NO. 395

Thursday, September 19, 2013, 7:00 PM

Location:

Joseph P. Bort MetroCenter  
Lawrence D. Dahms Auditorium  
101 8<sup>th</sup> Street  
Oakland, California

*Agenda and attachments available at [abag.ca.gov](http://abag.ca.gov)*

*For information, contact Fred Castro, Clerk of the Board, at (510) 464 7913.*

The business to be transacted will include:

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

**2. PUBLIC COMMENT**

Information.

**3. ANNOUNCEMENTS**

Information.

**4. PRESIDENT'S REPORT**

Information/ACTION.

**A. Approval to Reschedule the Executive Board Meeting on  
November 21, 2013 to December 5, 2013**

**5. EXECUTIVE DIRECTOR'S REPORT**

Information.

**6. CONSENT CALENDAR**

ACTION.

**A. Approval of Executive Board Summary Minutes of Special Meeting No. 393  
held on June 20, 2013, and Meeting No. 394 held on July 18, 2013**

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**B. Approval of Transmission of Federal Grant Applications to State Clearinghouse**

**C. Committee Appointments**

ABAG Regional Planning Committee

Linda Jackson, Transportation Authority of Marin (replaces Beth Walukas)

Vu-Ban Nguyen, Urban Habitat (replaces Allen Fernandez Smith)

**D. Approval of Election Calendar—President and Vice President**

**E. Approval of Office Supplies Provider**

**F. Ratification of Agreement with Urban Resilience Policy**

**G. Adoption of Resolution No. 10-13 Authorizing Entering into an Augmented Agreement with the California Coastal Conservancy for the San Francisco Bay Area Water Trail**

**H. Ratification of Submittal of Grant Proposal to California State Coastal Conservancy Climate Ready Grant Program for Climate Ready-Green Infrastructure Project**

**I. Ratification of Submittal of Grant Application to California State Coastal Conservancy Climate Ready Program for Dredged Sediment Delivery System**

**J. Authorization to Enter into an Interagency Agreement with Alameda County to Provide Technical Resources to the San Francisco Regional Water Quality Control Board**

**K. Adoption of Resolution 11-13 in support of the City of Union City's Request for an Expedited Approval by the California Department of Finance of the Sale of Former Redevelopment Land within its Intermodal Station District PDA**

**7. BRIEFING ON THE BAY DELTA CONSERVATION PLAN**

Information.

**8. REPORT ON PLAN BAY AREA IMPLEMENTATION**

Information.

**9. UPDATE ON THE SAN FRANCISCO BAY AREA REGIONAL ENERGY NETWORK (BayREN)**

Information.

**10. LEGISLATION AND GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**

Information/ACTION.

**11. FINANCE AND PERSONNEL COMMITTEE REPORT**

Information/ACTION.

**A. Fiscal Year 2012-2013 Diversity and Business Opportunity Report**

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**12. CLOSED SESSION**

**A. Conference with Legal Counsel—Anticipated Litigation**

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2):

One case

**B. Conference with Legal Counsel—Existing Litigation**

Government Code Section 54956.9(d)(1)

Name of cases:

*Bay Area Citizens v. ABAG et al.*

*Building Industry Association Bay Area v. ABAG et al.*

*Communities for a Better Environment et al. v. MTC et al.*

**C. Labor Negotiations with SEIU Local 1021**

**13. REPORT OUT OF CLOSED SESSION**

**14. ADJOURNMENT**

The ABAG Executive Board may act on any item on the agenda.

Members of the public shall be provided an opportunity to directly address the ABAG Executive Board concerning any item described in this notice before consideration of that item.

Agendas and materials will be posted and distributed for this meeting by ABAG staff in the normal course of business.

Submitted



Julie Pierce  
Vice President

Date: September 16, 2013

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# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



ABAG

## AGENDA

### **ABAG EXECUTIVE BOARD MEETING NO. 395—REVISED**

Thursday, September 19, 2013, 7:00 PM

Location:

Joseph P. Bort MetroCenter  
Lawrence D. Dahms Auditorium  
101 8<sup>th</sup> Street  
Oakland, California

*The ABAG Executive Board may act on any item on this agenda.*

*Agenda and attachments available at [abag.ca.gov](http://abag.ca.gov)*

*For information, contact Fred Castro, Clerk of the Board, at (510) 464 7913.*

#### **1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

#### **2. PUBLIC COMMENT**

Information.

#### **3. ANNOUNCEMENTS**

Information.

#### **4. PRESIDENT'S REPORT**

Information/ACTION.

##### **A. Approval to Reschedule the Executive Board Meeting on November 21, 2013 to December 5, 2013**

#### **5. EXECUTIVE DIRECTOR'S REPORT**

Information.

#### **6. CONSENT CALENDAR**

ACTION. Unless there is a request by a Board member to take up an item on the consent calendar separately, the calendar will be acted upon in one motion.

##### **A. Approval of Executive Board Summary Minutes of Special Meeting No. 393 held on June 20, 2013, and Meeting No. 394 held on July 18, 2013**

*Attachments: Summary Minutes, June 20, 2013; Summary Minutes,  
July 18, 2013; Summary Minutes July 18, 2013 Attachment*

**B. Approval of Transmission of Federal Grant Applications to State Clearinghouse**

With Executive 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.

*Attachment: Grant Applications*

**C. Committee Appointments**

With Executive Board consent, the following committee appointments will be ratified.

ABAG Regional Planning Committee

Linda Jackson, Transportation Authority of Marin (replaces Beth Walukas)  
Vu-Ban Nguyen, Urban Habitat (replaces Allen Fernandez Smith)

*Attachments: CMA Directors Association; Urban Habitat*

**D. Approval of Election Calendar—President and Vice President**

The Executive Board is requested to adopt the election calendar for President and Vice President for the term of office beginning on January 1, 2014 and ending on December 31, 2015, and to ratify the appointment of a three-member canvassing committee.

*Attachments: Election Calendar, Election Procedures*

**E. Approval of Office Supplies Provider**

The Executive Board is requested to direct the Executive Director, or his designee, to negotiate and enter into contract with an office supplies provider for Fiscal Year 2013-2014, beginning in September, with an option to renew for three additional consecutive one-year periods ending June 30, 2017, subject to approval of future agency budgets.

*Attachment: Office Supplies Provider*

**F. Ratification of Agreement with Urban Resilience Policy**

The Executive Board is requested to ratify the agreement with Urban Resilience Policy and authorize the Executive Director, or his designee, to enter into an agreement with Urban Resilience Policy to provide programmatic and technical support to the ABAG Earthquake and Hazards Program.

*Attachment: Urban Resilience Policy*

**G. Adoption of Resolution No. 10-13 Authorizing Entering into an Augmented Agreement with the California Coastal Conservancy for the San Francisco Bay Area Water Trail**

The Executive Board is requested to adopt Resolution No. 10-13 authorizing the Executive Director, or his designee, to enter into an augmented agreement with the California Coastal Conservancy in the amount of \$750,000 to develop and implement various projects for the San Francisco Bay Area Water Trail.

*Attachments: San Francisco Bay Area Water Trail; Resolution No. 10-13*

**H. Ratification of Submittal of Grant Proposal to California State Coastal Conservancy Climate Ready Grant Program for Climate Ready-Green Infrastructure Project**

The Executive Board is requested to ratify the submittal of a proposal by the San Francisco Estuary Partnership (SFEP) in response to the California State Coastal Conservancy's Climate Ready Grant Announcement for which applications were due on August 28, 2013. The Climate Ready-Green Infrastructure Project (CR-GIP) proposal combines and builds upon two existing education and outreach efforts to promote the use of green infrastructure measures as a Bay Area climate change adaptation strategy. The proposal is collaboration among SFEP, the National Oceanic and Atmospheric Administration (NOAA), and the San Francisco Bay National Estuarine Research Reserve. The proposed project request is \$165,190.

*Attachment: Climate Ready-Green Infrastructure Project Proposal*

**I. Ratification of Submittal of Grant Application to California State Coastal Conservancy Climate Ready Program for Dredged Sediment Delivery System**

The Executive Board is requested to ratify the submittal of a proposal by the San Francisco Estuary Partnership in response to the California State Coastal Conservancy's Climate Ready Program to develop a conceptual design for a system to deliver dredged sediment to beneficial reuse/restoration sites in the San Francisco Bay/Delta. The estimated cost of the project is \$149,418.

*Attachment: Dredged Sediment Delivery System Proposal*

**J. Authorization to Enter into an Interagency Agreement with Alameda County to Provide Technical Resources to the San Francisco Regional Water Quality Control Board**

The Executive Board is requested to authorize the Executive Director, or his designee, to enter into an interagency agreement with Alameda County to provide staff to assist with permit review for projects and activities under the jurisdiction of the San Francisco Regional Water Quality Control Board. The new contract is estimated to cost \$791,328. The duration is from September 1, 2013 to September 20, 2018. No ABAG match is required.

*Attachment: Alameda County Permit Review*

**K. Adoption of Resolution 11-13 in support of the City of Union City's Request for an Expedited Approval by the California Department of Finance of the Sale of Former Redevelopment Land within its Intermodal Station District PDA**

The Executive Board is requested to adopt Resolution 11-13 in support of the City of Union City's request for an expedited approval by the California Department of Finance of the sale of land owned by former redevelopment agencies within its Intermodal Station District Planned Development Area.

*Attachments: Union City Intermodal Station District; Resolution No. 11-13; SF Chronicle Article*

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**7. BRIEFING ON THE BAY DELTA CONSERVATION PLAN**

Information. Paul Helliker, Deputy Director, Delta and Statewide Water Management, California Natural Resources Agency, will provide a briefing and presentation on the Bay Delta Conservation Plan. Gary Bobker, The Bay Institute, will comment on the proposal from the perspective of a coalition of environmental organizations.

*Attachments: Background on BDCP and Speakers; Resolution 08-12; BDCP Delta's Importance to the Bay Area; California Begins Releasing BDCP Documents*

**8. REPORT ON PLAN BAY AREA IMPLEMENTATION**

Information. Brad Paul, ABAG Deputy Executive Director, will report on Plan Bay Area implementation.

*Attachment: Plan Bay Area Implementation*

**9. UPDATE ON THE SAN FRANCISCO BAY AREA REGIONAL ENERGY NETWORK (BayREN)**

Information. Jerry Lahr, ABAG Energy Programs Manager, and Jennifer Berg, BayREN Program Manager, will present an update on the Bay Area Regional Energy Network programs.

*Attachment: BayREN Update*

**10. LEGISLATION AND GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**

Information/ACTION. Committee Chair David Rabbitt, Supervisor, County of Sonoma, will report on Committee activities and request Board approval of Committee recommendations.

*Attachments: LGO Committee agenda; Legislative Summary*

**11. FINANCE AND PERSONNEL COMMITTEE REPORT**

Information/ACTION. Committee Chair John Gioia, Supervisor, County of Contra Costa, will report on Committee activities and request Board approval of Committee recommendations.

**A. Fiscal Year 2012-2013 Diversity and Business Opportunity Report**

*Attachments: FP Committee agenda; Diversity Report*

**12. CLOSED SESSION**

**A. Conference with Legal Counsel—Anticipated Litigation**

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2):

One case

**ABAG Executive Board**

September 19, 2013

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**B. Conference with Legal Counsel—Existing Litigation**

Government Code Section 54956.9(d)(1)

Name of cases:

*Bay Area Citizens v. ABAG et al.*

*Building Industry Association Bay Area v. ABAG et al.*

*Communities for a Better Environment et al. v. MTC et al.*

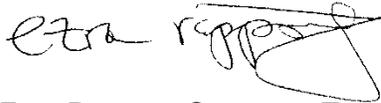
**C. Labor Negotiations with SEIU Local 1021**

**13. REPORT OUT OF CLOSED SESSION**

**14. ADJOURNMENT**

The next meeting of the Executive Board will be on November 21, 2013.

Submitted:

A handwritten signature in black ink, appearing to read "Ezra Rapport". The signature is written in a cursive style with a large, sweeping flourish at the end.

Ezra Rapport, Secretary-Treasurer

Date: September 16, 2013

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# SUMMARY MINUTES (DRAFT)

ABAG Executive Board Special Meeting No. 393  
Thursday, June 20, 2013  
Joseph Bort MetroCenter  
101 8<sup>th</sup> Street, Oakland, California

## 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

President Mark Luce, Supervisor, County of Napa, called the special meeting—No. 393—of the Executive Board of the Association of Bay Area Governments to order at about 7:10 p.m.

President Luce led the Board and the public in the Pledge of Allegiance.

A quorum of the Board was present.

| <b>Representatives and Alternates Present</b> | <b>Jurisdiction</b>         |
|---|-----------------------------|
| Councilmember Ronit Bryant                    | City of Mountain View       |
| Sr Adv Jeff Buckley, Office of the Mayor      | City of San Francisco       |
| Councilmember Kansen Chu                      | City of San Jose            |
| Mayor Pat Eklund                              | City of Novato              |
| Mayor Leon Garcia                             | City of American Canyon     |
| Supervisor John Gioia                         | County of Contra Costa      |
| Mayor Pedro Gonzalez                          | City of South San Francisco |
| Supervisor Scott Haggerty                     | County of Alameda           |
| Mayor Bill Harrison                           | City of Fremont             |
| Vice Mayor Dave Hudson                        | City of San Ramon           |
| Director William Kissinger                    | RWQCB                       |
| Councilmember Sam Liccardo                    | City of San Jose            |
| Supervisor Mark Luce                          | County of Napa              |
| Councilmember Jake Mackenzie                  | City of Rohnert Park        |
| Supervisor Eric Mar                           | County of San Francisco     |
| Supervisor Karen Mitchoff                     | Count of Contra Costa       |
| Mayor Julie Pierce                            | City of Clayton             |
| Supervisor Dave Pine                          | County of San Mateo         |
| Councilmember Joe Pirzynski                   | Town of Los Gatos           |
| Dep Dir Kelly Pretzer, Leg/Gov Affairs        | City of San Francisco       |
| Mayor Jean Quan                               | City of Oakland             |
| Supervisor David Rabbitt                      | County of Sonoma            |
| Supervisor Katie Rice                         | County of Marin             |
| Councilmember Libby Schaaf                    | City of Oakland             |
| Supervisor Linda Seifert                      | County of Solano            |
| Dep Dir Joaquin Torres, Econ/Workforce Dev    | City of San Francisco       |
| Supervisor Richard Valle                      | County of Alameda           |
| Supervisor Mike Wasserman                     | County of Santa Clara       |
| <b>Representatives Absent</b>                 | <b>Jurisdiction</b>         |
| Councilmember Desley Brooks                   | City of Oakland             |
| Supervisor Malia Cohen                        | County of San Francisco     |
| Supervisor David Cortese                      | County of Santa Clara       |
| Vice Mayor Richard Garbarino                  | City of South San Francisco |

Councilmember Ash Kalra  
Mayor Harry Price  
Supervisor Warren Slocum  
Mayor Jerry Thorne

City of San Jose  
City of Fairfield  
County of San Mateo  
City of Pleasanton

**2. PUBLIC COMMENT**

Public comments were heard from the following individuals:

James Bitter, David Erlich, Judy Galletti, Leslie Jones, Mimi Steel, Suzanne Tringali.

**3. ANNOUNCEMENTS**

There were no announcements.

**4. PRESIDENT'S REPORT**

President Luce reported on the following:

At the last Executive Board meeting on May 16, 2013, members decided to have this special meeting in order to review and provide comments on the draft Plan.

The ABAG Administrative Committee had a special meeting with the MTC Planning Committee on June 14, 2013. At that meeting, staff from both ABAG and MTC reported on the Summary of Public Input and Response to Key Issues and Preliminary Recommendations. During an extensive public comment period, committee members heard from over 50 individuals. Committee members then provided their comments on the reports.

On the Key Issues and Preliminary Recommendations, staff provided recommendations for (a) potential revisions to the draft Plan in advance of the adoption of the Final Plan and Final EIR on July 18, 2013, and (b) Plan implementation-related issues identified in the comment period that would serve to advance successful implementation. Both the ABAG Administrative Committee and the MTC Planning Committee approved staff recommendations with the committees' changes and additions. We will review these changes during the staff report.

**5. EXECUTIVE DIRECTOR'S REPORT**

Brad Paul, ABAG Deputy Executive Director, reported that staff has been working to prepare for the reports to be presented during the meeting.

**6. ABAG CONSENT CALENDAR**

President Luce recognized a motion by Scott Haggerty, Supervisor, County of Alameda, which was seconded by Pat Eklund, Mayor, City of Novato, to approve the Consent Calendar. The motion passed unanimously.

**A. Approval of Executive Board Summary Minutes\*\***

Approved Summary of Minutes of Meeting No. 392 held on May 16, 2013.

**7. DRAFT PLAN BAY AREA**

President Luce announced that Miriam Chion, ABAG Planning and Research Director, will present Items 7.A., 7.B., and 7.C., and that Board members will have an opportunity to ask questions during the staff reports to be followed by public

comment. After public comment, the items will then return to Board members for discussion and action.

**A. Summary of Public Input**

**B. Summary of Land Use-Related Issues and Responses**

**C. Response to Key Issues and Preliminary Recommendations**

Chion reported on the Plan Bay Area schedule and the summary of public input, including poll results, public meetings, frequently asked questions, and revisions to the jobs/housing distribution. She then reported on the summary of land use issues, including land use/environment, affordable housing and displacement, economic development, regional growth forecast, infrastructure and public services, and public health.

Chion reported on key issues and recommendations, including the following: population and housing forecast, housing re-distribution to suburbs, affordable housing, displacement risk, transportation investments, regional express lane network. She then reported on recommendations regarding goods movement and industrial lands, inter-regional coordination, and Priority Conservation Areas (PCAs). She reported on key points from the Administrative Committee meeting on June 14, 2013, including the following: Cap and Trade revenue, local land use control, goods movement and industrial lands, inter-regional coordination, PCAs, and infill development outside of PDAs.

Board members discussed the staff recommendations.

President Luce opened public comment at about 8:15 p.m.

The following individuals provided public comment on this item:

Lou (no last name), James Bennett, Joe Bernhard, James Bitter, Alberta Brierly, Clarrissa Cabansagan, Charles Cagnon, John Dalrymple, David Erlich, Pam Farly, Tim Frank, Aubrey Freedman, Judy Galletti, Heather Gass, Carol Gottstein, Michael Lane, Liz Manning, Matt Nickell, Marybelle Nzegwu, Celeste Paradise, Chris Pareja, Jose Ramos, Peter Singleton, Kirsten Spalding, Mimi Steel, Deborah Taveras, Larry Tong.

The following individuals provided written public comment on this item:

James Zahradka, Trish Cypher, Christine, Hernandez, Robert Nisbet.

President Luce closed public comment at about 9:10 p.m.

The Board recessed at about 9:10 p.m.

The Board reconvened at about 9:20 p.m.

President Luce recognized a motion by Haggerty, which was seconded by Pierce, to accept the recommendations regarding the Draft Plan Bay Area as reported by staff, as amended by Haggerty to include the recommendations in the staff memo dated June 20, 2013: Addendum 7C-1, Goods movement and industrial lands; Addendum 7C-2, Inter-regional coordination; Addendum 7C-3, Regional framework for open space and agricultural land conservation.

Board members discussed the recommendations and the process for making changes to the recommendations.

Haggerty withdrew his motion; Pierce withdrew her second to the motion.

President Luce recognized a motion by Haggerty, which was seconded by Gioia, to accept the recommendations regarding Goods Movement and Industrial Lands; Inter-Regional Coordination; and Regional Framework for Open Space and Agricultural Land Conservation, as reported by staff and as amended by Haggerty. The motion passed unanimously.

President Luce recognized a motion by Pine, which was seconded by Liccardo, to approve staff recommendation regarding Population and Housing Forecast: retain the jobs, population and housing forecast in the draft Plan. The motion passed with one nay vote by Eklund.

President Luce recognized a motion by Mitchoff, which was seconded by Haggerty, to approve staff recommendation regarding Housing Redistribution to Suburban Locations: retain the draft Plan housing distribution. Board members discussed the recommendation. The motion passed with one abstention by Haggerty.

President Luce recognized a motion by Liccardo, which was seconded by Pirzynski, to approve staff recommendations regarding Affordable Housing: (1) reserve ~~\$600 million in Plan from~~ Cap and Trade revenues for a regional affordable housing fund, and (2) continue use of PDA Planning Funds to facilitate entitlement of affordable housing, as amended. Board members discussed the recommendations. The motion passed unanimously.

President Luce recognized a motion by Gioia, which was seconded by Seifert, to approve staff recommendations regarding Reduce Potential Risk of Displacement: (1) target TOAH funding; (2) develop policies for future ~~OBAG~~ funding; and (3) consider policies developed through the HUD Regional Prosperity Grant, as amended. Board members discussed the recommendations. The motion passed unanimously.

President Luce recognized a motion by Haggerty, which was seconded by Harrison, to approve staff recommendation regarding Transportation Investments: reserve ~~\$2.5 billion of~~ Cap and Trade revenues for transit operating and capital and for local streets and roads and goods movement, consistent with the focused land use strategy outlined in the Plan, as amended. Board members discussed the recommendation. The motion passed with five nay votes (Wasserman, Pine, Liccardo, Bryant, Mitchoff).

President Luce recognized a motion by Mitchoff, which was seconded by Hudson, to approve staff recommendations regarding Regional Express Lane Network: (1) continue to include Express Lanes Network, and (2) study the potential benefits/impacts of converting lanes to inform implementation. The motion passed unanimously.

President Luce recognized a motion by Gioia, which was seconded by Pine, to provide greater specificity regarding the *Desire for local hire, job training, and living wage incentives* and *Integration of Economic Development into Regional Planning*, i.e., "...regional agencies will ~~would need to~~ conduct additional research and will

explore alternatives for local hires strategies and standard and living wages...”  
Board members discussed the motion. The motion passed unanimously.

President Luce recognized a motion by Haggerty, which was seconded by Eklund, for the Board to receive a report before the Board meeting in July on whether the Plan can go to a vote of the people. Board members discussed feasibility, implications, costs analysis, legal analysis. The motion failed with nine aye votes (Eklund, Haggerty, Harrison, Hudson, Liccardo, Rabbitt, Rice, Valle, Wasserman); and 13 nay votes (Buckley, Bryant, Garcia, Gonzalez, Luce, Mackenzie, Mar, Mitchoff, Pierce, Pirzynski, Pretzer, Schaaf, Torres).

Kenneth Moy, ABAG Legal Counsel, stated that MTC staff counsel and he will prepare a report regarding a request that ABAG and MTC seek a Legislative Counsel opinion on whether the Plan can be placed on the ballot.

#### **8. CONSISTENCY OF LOCAL PROJECTS WITH PLAN BAY AREA**

Chion reported on the preliminary criteria for determining the consistency of local projects with Plan Bay Area. This consistency relates to access to State funding, including State Proposition 1C housing funds, and California Environmental Quality Act (CEQA) purposes.

President Luce recognized a motion by Pierce, which was seconded by Hudson, to direct staff to develop the findings necessary to support action by the Executive Board and the MTC Commission determining that for CEQA purposes, future local projects are consistent with Plan Bay Area if the project: is located within a PDA that is in the Plan; has the same range of densities and intensities of the place type designation of the PDA; has uses specified for the place type designation of that PDA, and is determined by the local jurisdiction to be consistent with Plan Bay Area; and to direct staff to prepare an analysis of how such determination should be made in the future and recommendations for Executive Board and MTC Commission action on July 18.

Board members discussed preliminary criteria for determining the consistency of local projects with Plan Bay Area.

The following individuals provided public comment on this item:

James Bennett, David Erlich, Tim Frank, Hanson Hom, Chris Pareja, Debora Taveras, Star Child, Speaker (no name given).

The motion passed unanimously.

#### **9. GENERAL ASSEMBLY DELEGATE ENGAGEMENT STRATEGY**

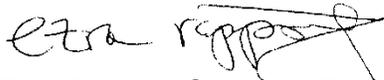
President Luce recognized a motion by Pierce, which was seconded by Eklund, to hear the report on General Assembly Delegate Engagement Strategy at an Administrative Committee meeting on July 12. The motion passed unanimously.

**10. ADJOURNMENT**

President Luce adjourned the special meeting of the Board at about 11:30 p.m.

The next meeting of the Executive Board, with the Metropolitan Transportation Commission, will be on July 18, 2013, at the Oakland Convention Center, at a time to be determined.

Submitted:



Ezra Rapport, Secretary-Treasurer

August 30, 2013

Date

*For information or to review audio recordings of ABAG Executive Board meetings, contact Fred Castro, Clerk of the Board, at (510) 464 7913 or [FredC@abag.ca.gov](mailto:FredC@abag.ca.gov).*

# SUMMARY MINUTES (DRAFT)

ABAG Executive Board Meeting No. 394  
Special Joint Meeting with Metropolitan Transportation Commission  
Thursday, July 18, 2013  
Oakland Marriott City Center  
1001 Broadway, Oakland, California

## 1. CALL TO ORDER AND ROLL CALL

ABAG President Mark Luce, Supervisor, County of Napa, and MTC Chair Amy Rein Worth, Councilmember, City of Orinda, called the special joint meeting of the Executive Board of the Association of Bay Area Governments and the Metropolitan Transportation Commission to order at about 6:43 p.m.

Rosy Leyva, MTC Commission Secretary, conducted the roll call of the Commission. A quorum of the Commission was present.

Fred Castro, ABAG Clerk of the Board, announced that a quorum of the Executive Board was present.

| <b>Representatives and Alternates Present</b> | <b>Jurisdiction</b>         |
|---|-----------------------------|
| Councilmember Desley Brooks                   | City of Oakland             |
| Sr Adv Jeff Buckley, Office of the Mayor      | City of San Francisco       |
| Councilmember Kansen Chu                      | City of San Jose            |
| Supervisor David Cortese                      | County of Santa Clara       |
| Mayor Pat Eklund                              | City of Novato              |
| Director Jason Elliott, Leg/Gov Affairs       | City of San Francisco       |
| Mayor Leon Garcia                             | City of American Canyon     |
| Supervisor John Gioia                         | County of Contra Costa      |
| Mayor Pedro Gonzalez                          | City of South San Francisco |
| Supervisor Scott Haggerty                     | County of Alameda           |
| Mayor Bill Harrison                           | City of Fremont             |
| Vice Mayor Dave Hudson                        | City of San Ramon           |
| Councilmember Dan Kalb                        | City of Oakland             |
| Councilmember Wayne Lee                       | City of Milbrae             |
| Councilmember Sam Liccardo                    | City of San Jose            |
| Supervisor Mark Luce                          | County of Napa              |
| Councilmember Jake Mackenzie                  | City of Rohnert Park        |
| Supervisor Eric Mar                           | County of San Francisco     |
| Supervisor Karen Mitchoff                     | Count of Contra Costa       |
| Mayor Pro Tem Mary Ann Nihart                 | City of Pacifica            |
| Mayor Julie Pierce                            | City of Clayton             |
| Supervisor Dave Pine                          | County of San Mateo         |
| Dep Dir Kelly Pretzer, Leg/Gov Affairs        | City of San Francisco       |
| Mayor Harry Price                             | City of Fairfield           |
| Mayor Jean Quan                               | City of Oakland             |
| Supervisor David Rabbitt                      | County of Sonoma            |
| Supervisor Katie Rice                         | County of Marin             |
| Councilmember Libby Schaaf                    | City of Oakland             |
| Mayor Greg Scharff                            | City of Palo Alto           |
| Supervisor Warren Slocum                      | County of San Mateo         |

**Summary Minutes (Draft)**

ABAG Executive Board Meeting No. 394  
Joint Special Meeting with Metropolitan Transportation Commission  
Thursday, July 18, 2013  
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Mayor Jerry Thorne  
Supervisor Richard Valle

City of Pleasanton  
County of Alameda

**Representatives Absent**

**Jurisdiction**

Councilmember Ash Kalra  
Supervisor Jane Kim  
Director William Kissinger  
Councilmember Joe Pirzynski  
Supervisor Linda Seifert  
Supervisor Mike Wasserman

City of San Jose  
County of San Francisco  
RWQCB  
Town of Los Gatos  
County of Solano  
County of Santa Clara

**2. COMPENSATION ANNOUNCEMENT**

Leyva made the Commission compensation announcement.

Castro made the Executive Board compensation announcement.

**3. PLEDGE OF ALLEGIANCE**

Chair Amy Rein Worth, Metropolitan Transportation Commission, led the Board, Commission, and the public in the Pledge of Allegiance.

**4. SPECIAL JOINT COMMISSION AND ABAG EXECUTIVE BOARD MEETING MINUTES—JULY 19, 2012**

Chair Worth recognized a MTC motion by Dave Cortese, Supervisor, County of Santa Clara, which was seconded by Jake Mackenzie, Councilmember, City of Rohnert Park, to approve the special joint Commission and Board meeting minutes of July 19, 2012. The motion passed unanimously.

Vice President Pierce recognized an ABAG motion by John Gioia, Supervisor, County of Contra Costa, which was seconded by Pat Eklund, Mayor, City of Novato, to approve the special joint Commission and Board meeting minutes of July 19, 2012. The motion passed with two abstentions by Mary Ann Nihart, Mayor, City of Pacifica, and Jerry Thorne, Mayor, City of Pleasanton.

**5. PLAN BAY AREA**

MTC Planning Committee Chair James Spering, Supervisor, County of Solano, reported on the special joint meeting of the MTC Planning Committee and the ABAG Administrative Committee held on July 12, 2013. He reported that the MTC Planning Committee and ABAG Administrative Committee referred the following items for approval:

MTC Resolution No. 4076 approves the Air Quality Conformity Analysis finding that Plan Bay Area and the 2013 Transportation Improvement Plan are in conformance with the federal air quality plan for the national 8-hour Ozone standard, national Carbon Monoxide standard, and national PM<sub>2.5</sub> standard, and provide for the timely implementation of transportation control measures;

ABAG Resolution No. 05-13 and MTC Resolution No. 4110 certify that the Final Environmental Impact Report for Plan Bay Area has been completed in compliance with the California Environmental Quality Act (CEQA) and State

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CEQA Guidelines. The resolutions adopt environmental findings pursuant to CEQA, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program; certify that MTC and ABAG have reviewed and considered the information in the Final EIR prior to considering the adoption of Plan Bay Area and that the Final EIR reflects the independent judgment and analysis of MTC and ABAG;

MTC Resolution No. 4111 and ABAG Resolution No. 06-13 adopt the Final Plan Bay Area, the 2040 Regional Transportation Plan, including the region's 2013 Sustainable Communities Strategy, and the 2040 Regional Growth Forecast; and

MTC Resolution No. 4075 adopts the 2013 Transportation Improvement Program consistent with the Regional Transportation Plan.

Chair Worth recognized a motion by Spering, which was seconded by Steve Kinsey, Supervisor, County of Marin, to adopt MTC Resolution Number 4076, 4110, 4111, and 4075.

President Luce recognized a motion by Julie Pierce, Mayor, City of Clayton, and seconded by John Gioia, Supervisor, County of Contra Costa, to approve ABAG Resolution Number 05-13, adopting the Final Environmental Impact Report, and Resolution Number 06-13, adopting Plan Bay Area, which includes the 2040 Regional Transportation Plan, Sustainable Communities Strategy, and 2040 Regional Growth Forecast.

Ezra Rapport, Executive Director, Association of Bay Area Governments, and Steve Heminger, Executive Director, Metropolitan Transportation Commission, both commented on the Plan Bay Area process.

Chair Worth recognized proposed Plan Bay Area amendments from the following members:

Pierce: Modify the following text on the *Plan Bay Area* frequently asked questions: "The regional land use plan, or distribution of growth to individual jurisdictions, was developed through a variety of land use and transportation scenarios that distributed the total amount of growth forecasted for the region to specific locations. These scenarios sought to address the needs and aspirations of each Bay Area jurisdiction ~~as identified in locally adopted general plans and zoning ordinances~~ taking into account local assessments of development potential and local plans, while meeting Plan Bay Area performance targets adopted by ABAG and MTC to guide and gauge the region's future growth."

Gioia: Page 66, add the following language: "Cap and Trade revenues will be allocated to specific programs through a transparent and inclusive regional public process. That process will specifically ensure that at least 25% of these revenues will be spent to benefit disadvantaged communities, ~~as required by SB 535~~ in the Bay Area, and to achieve the goals of Plan Bay Area."

Scott Weiner, Supervisor, City and County of San Francisco: Page 71, at the end of the section entitled *Investment in the Transit System*, add the following text: "In particular, a robust and efficient public transit network is a linchpin of Plan Bay Area's

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land use strategy to promote future development around existing and planned transit nodes. The plan falls short in achieving two voluntary performance targets that are key indicators of a sustainable transit system: fully funded maintenance and state of good repair of existing capital assets and a projected growth in non-auto mode share to 26% of all trips. Of particular concern, nearly \$20 billion of the projected transit capital replacement and rehabilitation needs of the Bay Area's transit systems through 2040 are unfunded under the plan. The plan directs that 80% a significant portion of the revenue generated from cap-and-trade be dedicated to these unmet transit needs, distributed based on a formula taking into account transit agencies' unmet capital needs, ridership, and other metrics that the MTC deems appropriate. In addition, promptly after adoption of the plan, MTC will work with the region's operators and other stakeholders to develop a plan to address the gap in funding for transit capital replacement and rehabilitation needs."

Pat Eklund, Mayor, City of Novato: Attachment B, add the following text to *Updated Priority Development Areas: July 2013*: "A Planned PDA has a formally adopted plan, as determined by a local jurisdiction. A Potential PDA requires more local planning, review and action before it can become a Planned PDA."

Alicia Aguirre, Mayor, City of Redwood City: Appendix 2, *Open Space and Williamson Act Lands Map*, add the following text to describe Williamson Act Lands: "Some Williamson Act contracts are set to expire and be decommissioned during the plan period."

Liccardo/Cortese: (a) In the accompanying ABAG and MTC resolutions: "Each jurisdiction's forecasted job growth—estimated for purposes of this Plan—will not be utilized as a basis or criteria of transportation funding allocation decisions." (b) Page 4, modify the following text: "Adoption of Plan Bay Area does not mandate any changes to local zoning, general plans, or project review. The region's cities, towns, and counties will maintain control of all decisions to adopt plans and permit or deny development projects. Similarly, Plan Bay Area's forecasted job and housing numbers do not act as a direct or indirect cap on development locations in the region. This is required by SB 375 and reflects the intent of regional and local collaboration that is the foundation of Plan Bay Area." (c) Page 44, modify the following text: "Plan Bay Area's distribution of the forecasted jobs throughout the region is informed by changing trends in the locational preferences of the wide range of industry sectors and business place types in the Bay Area." (d) Page 44, add the following text: "This focused growth takes a variety of forms across the various employment centers through the region summarized below. The Plan's long-range employment forecast is developed for planning purposes only, and it is not intended to pre-determine subsequent transportation funding allocation decisions." (e) Page 50, add the following text, *Employment Distribution Highlights*: "In sum, the 15 cities expected to experience the most job growth will account for roughly 700,000 jobs, or just over 60 percent of the new jobs ~~added~~ forecasted in the region by 2040. Through local general plans, communities may aspire and plan for additional jobs beyond the forecast contained in Plan Bay Area."

David Campos, Supervisor, City and County of San Francisco: Page 71, at the end of the section entitled, *Investment in the Transit System*, add the following text: "In

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particular, a robust and efficient public transit network, anchored by expanded local service, is a linchpin of Plan Bay Area's land use strategy to promote future development around existing and planned transit nodes. The plan falls short in achieving two voluntary performance targets that are key indicators of a sustainable transit system: fully funded maintenance and state of good repair of existing capital assets transit operations funding necessary to meet the projected growth in non-auto mode share to 26% of all trips. In cooperation with the region's transit operators and other stakeholders, MTC will develop a comprehensive strategy to make better progress in forecasted achievement of these two performance targets in the next update of Plan Bay Area."

Libby Schaaf, Councilmember, City of Oakland: Page 123 (sic) [22], modify the following: "ABAG and MTC will work with local and county agencies to provide a menu of neighborhood stabilization and anti-displacement policies where the jurisdiction deems necessary, as well as affordable housing policies for consideration relative to future funding opportunities and ~~to consider~~ linking OBAG funding to jurisdiction-level approval of affordable housing planning, production, acquisition, and rehabilitation."

Chair Worth announced that public comments will be taken on Plan Bay Area [for agenda items 5.A., 5.B., 5.C. and 5.D.], and opened the public hearing on the Regional Transportation Plan at about 7:17 p.m.

Public comments were heard from the following individuals:

Robert Allen, Dick Anderson, Allen Andrade, Ayabuke Aqaba, (no first name) Armstrong, Susan Bailey, Susan Barranda, Niki Basero, James Bennett, Mike Bernal, James Bitter, Trish Booster, Sabine Brannon, Gloria Bruce, Joseph Buchanan, Jerry Buck, Mike Bulea, Clarrissa Cabansagan, Vic Candy, Sean Cartwright, Ann Cheung, Livitia Claire, Chris Clay, Jim Coffee, Richard Coleman, Linda Comtis, Chuck Corguy, Gaylor Cosner, Basia Crane, Margoin Creston, Trish Cyfer, Mike Daley, Tonay Dang, Jennifer Delaney, Patsy Denny, Alan Deny, Micael Divan, Nancy Duzon, Frank Egger, David Erlich, Jasmine Emonds, Chris Engel, Erika Ericson, Judy Fawcett, Pat Ferguson, Beth Flores, Jim Frank, Tim Frank, Aubrey Freedman, Adam Garcia, Jose Gendes, Judy Galletti, Brandis Ghols, Mike Godfrey, Margaret Gordon, Heather Gass, Jerry Grace, Steve Greenbay, Irene Gutierrez, John Hanew, Peter Hensill, Sean Hickey, Henry Hilken, Jeff Hudson, Marlen Huffacker, She Hwang, Mike In, Jamie Irwin, Justin Kai, Therese Karlamano, Arlene Kerla, Kevin Kirk, Susan Kirsh, Michelle Krolovech, Jean Lachterman, Liberty Larry, Joan Leave, James Lee, (no first name) Lestiko, Fred Leve, Susan Lfitz, Micael Lidwck, Edwin Liner, Patty Lion, Woody Little, Jeff Lodridgee, (no first name) Lou, Chris Lupe, Julie Lynch, Brian Lynch, Catherine Lyon, Liz Manning, Charlotte Margolis, Steve Massel, Chet Matin, Maribel Mejougue, Jay Michelson, Susan Mister, Nancy Mitchell, Jay Munge, Carla Nevero, Howard Nevero, Matt Nichell, C Novak, Liz Oderman, Mary Okado, (no first name) Ozhaski, Ben Pacho, Kenneth Paxton, David Pepper, Chris Pereja, Lihda Pfeiffer, Bob Piper, Linda Rains, Joel Ramos, David Randolph, Angeline Randolph, Jill Ratner, Stepenie Reyes, John Reynolds, Celeste Riordan, Doug Ruiz, Susanne Russo, Jean Ryer, Mary Sarge, Paul Schamborn, Carrie Scheinder, Barbara Schell, Chris Schulz, Lois Scott, Ken

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Smith, Dwight Smith, Rusty Snow, Kirsten Spalding, Liz Speck, Mimi Steel, John Templeton, Paula Tepins, Sam Tepperman Galfant, Terry Thompson, Liki Tissue, Larry Tong, Maribel Uzggail, Sandy Valdez, David Valdez, Snet Volken, Fred Volky, Jeff Wald, Gory Westly, Bernice Williams, Wanda Worthington, Vivian Worthington, Margaret Zegart, Nina (no last name), Sonia (no last name), Angel (no last name), Joey (no last name), Frenis (no last name), Bevin (no last name).

Chair Worth announced that public comments on Plan Bay Area [for agenda items 5.A., 5.B., 5.C. and 5.D.], and the public hearing on the Regional Transportation Plan were closed at about 10:37 p.m.

Board and Commission members discussed the proposed Plan Bay Area amendment by Aguirre.

Chair Worth recognized a MTC motion by Aguirre, which was seconded by Spering, to approve the amendment by Aguirre. The motion passed unanimously.

Vice President Pierce recognized an ABAG motion by Harry Price, Mayor, City of Fairfield, which was seconded by Eklund, to approve the amendment by Aguirre. The motion passed unanimously.

Board and Commission members discussed the proposed Plan Bay Area amendment by Eklund.

Chair Worth recognized a MTC motion by Kinsey, which was seconded by Spering, to approve the amendment by Eklund. The motion passed unanimously.

Vice President Pierce recognized an ABAG motion by Eklund, which was seconded by Katie Rice, Supervisor, County of Marin, to approve the amendment by Eklund. The motion passed unanimously.

Board and Commission members discussed the proposed Plan Bay Area amendment by Pierce.

Chair Worth recognized a MTC motion by Cortese, which was seconded by Kinsey, to approve the amendment by Pierce. The motion passed unanimously.

Vice President Pierce recognized an ABAG motion by Pierce [maker of the amendment], which was seconded by Karen Mitchoff, Supervisor, County of Contra Costa, to approve the amendment by Pierce. The motion passed unanimously.

Board and Commission members discussed the proposed Plan Bay Area amendment by Liccardo/Cortese.

Chair Worth recognized a MTC motion by Liccardo, which was seconded by Cortese, to approve the amendment by Liccardo/Cortese. The motion passed unanimously.

Vice President Pierce recognized an ABAG motion by Eklund, which was seconded by Dave Pine, Supervisor, County of San Mateo, to approve the amendment by Liccardo/Cortese. The motion passed unanimously.

Board and Commission members discussed the proposed Plan Bay Area amendment by Gioia.

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Chair Worth recognized a MTC motion by Campos, which was seconded by Jake Mackenzie, Councilmember, City of Rohnert Park, to approve the amendment by Gioia. The motion passed with nine aye votes and four nay votes.

Vice President Pierce recognized an ABAG motion by Gioia, which was seconded by Mitchoff, to approve the amendment by Gioia. The motion passed with 20 aye votes and seven nay votes.

Board and Commission members discussed the proposed Plan Bay Area amendment by Wiener.

Chair Worth recognized a MTC motion by Wiener, which was seconded by Campos, to approve the amendment by Wiener. Mackenzie offered a friendly amendment to replace "...that 80%..." with "...a significant portion..." Wiener accepted the friendly amendment. Campos withdrew his second. Liccardo seconded the motion and accepted the friendly amendment. Eklund offered a friendly amendment to insert "...replacement and rehabilitation..." in the last sentence. Wiener and Liccardo accepted the friendly amendment. The motion passed with 10 aye votes and three nay votes.

Vice President Pierce recognized an ABAG motion by Sam Liccardo, Supervisor, County of Santa Clara, which was seconded by Jason Elliott, Director, Governmental and Legislative Affairs, City and County of San Francisco, to approve the amendment by Wiener. The motion passed with 24 aye votes and three nay votes.

Board and Commission members discussed the proposed Plan Bay Area amendment by Campos. Staff was directed to eliminate any redundancy with Wiener's motion.

Chair Worth recognized a MTC motion by Campos, which was seconded by Spring, to approve the amendment by Campos. The motion passed unanimously.

Vice President Pierce recognized an ABAG motion by Dan Kalb, Councilmember, City of Oakland, which was seconded by Jean Quan, Mayor, City of Oakland, to approve the amendment by Campos. The motion passed with 22 aye votes and five nay votes.

Board and Commission members discussed the proposed Plan Bay Area amendment by Schaaf.

Vice President Pierce recognized an ABAG motion by Schaaf, which was seconded by Quan, to approve the amendment by Schaaf. Schaaf and Quan amended the amendment by inserting "...the jurisdiction deems..." and "...planning..." The motion passed with 15 aye votes and nine nay votes.

Chair Worth recognized a MTC motion by Quan, which was seconded by Adrienne Tissier, Supervisor, County of San Mateo, to approve the amendment by Schaaf. The motion passed with 10 aye votes and two nay votes.

Scott Haggerty, Supervisor, County of Alameda, called for quorum of ABAG. Kenneth Moy, ABAG Legal Counsel, confirmed that a quorum of ABAG was present.

Haggerty called for quorum of MTC. Chair Worth confirmed that a quorum of MTC was present.

Chair Worth announced Items 5.A.; 5.B.; 5.C., with amendments; and 5.D., will be taken separately by MTC.

Vice President Pierce announced Items 5.B. and 5.C., with amendments, will be taken separately by ABAG.

**A. Final Air Quality Conformity Analysis**

Chair Worth called the question on Item 5.A. The MTC motion to adopt MTC Resolution Number 4076 passed unanimously.

**B. Final Environmental Impact Report**

Chair Worth called the question on Item 5.B. for MTC. The MTC motion to adopt MTC Resolution Number 4110 passed unanimously.

Vice President Pierce called the question on Item 5.B. for ABAG. The ABAG motion to adopt ABAG Resolution Number 05-13, approving the Final Environmental Impact Report, passed with three abstentions by Pat Eklund, Mayor, City of Novato; Mary Ann Nihart, Mayor, City of Pacifica; and Greg Scharff, Mayor, City of Palo Alto.

**C. Final Plan Bay Area (including Public Hearing on the Regional Transportation Plan)**

Chair Worth called the question on Item 5.C., as amended by ABAG and MTC, for MTC. The MTC motion to adopt MTC Resolution Number 4111, including the eight amendments approved by ABAG and MTC, passed with 11 aye votes and one nay vote by Haggerty.

Vice President Pierce called the question on Item 5.C., as amended by ABAG and MTC, for ABAG. The ABAG motion to adopt ABAG Resolution Number 06-13, approving the Plan Bay Area, as amended by ABAG and MTC, passed with five nays by Haggerty; Scharff; Nihart; Dave Hudson, Councilmember, City of Dublin; and Jerry Thorne, Mayor, City of Pleasanton; and one abstention by Eklund.

Eklund submitted comments regarding her vote on the Environmental Impact Report and the Plan Bay Area.

**D. 2013 Transportation Improvement Program (TIP)**

Chair Worth called the question on Item 5.D. The MTC motion to adopt MTC Resolution Number 4075 passed unanimously.

[Chair Worth called for a motion and vote on Item 4 for MTC.]

[Vice President Pierce called for a motion and vote on Item 4 for ABAG.]

Chair Worth acknowledged the actions taken by ABAG and MTC and thanked ABAG Executive Board members and MTC commissioners, local government officials, and members of the public who were involved. Implementation will be at the local level

and reflect local values and vision for the future. The next plan can be guided and improved by that work and vision. Planning will ensure that steps are taken to keep our region one of the most wonderful places on Earth and to make progress to make it even better.

Chair Worth announced that the MTC business was concluded, but that the ABAG Executive Board and MTC will jointly adjourn after ABAG's business has concluded.

**6. REGIONAL HOUSING NEED ALLOCATION (2014-2022)**

Moy confirmed that a quorum of ABAG was present.

Vice President Pierce recognized a motion by Sam Liccardo, Councilmember, City of San Jose, which was seconded by Mary Ann Nihart, to adopt ABAG Resolution Number 07-13, adopting the Final Regional Housing Need Allocation Plan (2014-2022).

Gillian Adams, ABAG Regional Planner, briefed the Board on the Final Regional Housing Need Allocation Plan process and report.

**A. Public Hearing on the Final Regional Housing Need Allocation Plan (2014-2022)**

Vice President Pierce opened the public hearing on the Final Regional Housing Need Allocation Plan (2014-2022) on Friday, July 19, 2013, at about 12:22 a.m.

Public comments were heard from the following individuals:

Jim Fink, Tim Frank, James Bitter, Mary Mitchell, James Lee, Jerry Grace, Paloma Pavel, Mike Bulea, Liberty Lori, Speaker (no name given), Speaker (no name given), Chase Caligire, Speaker (no name given).

Vice President Pierce closed the public hearing on the Final Regional Housing Need Allocation Plan (2014-2022) on Friday, July 19, 2013, at about 12:42 a.m.

**B. Adoption of the Final Regional Housing Need Allocation Plan (2014-2022)**

The motion to adopt ABAG Resolution Number 07-13, adopting the Final Regional Housing Need Allocation Plan (2014-2022), passed unanimously.

Eklund stated that she supported the Final Regional Housing Need Allocation Plan, but not the housing methodology.

**7. CONSENT CALENDAR**

Vice President Pierce recognized a motion by Elliott, which was seconded by David Rabbitt, Supervisor, County of Sonoma, to approve the Consent Calendar. The motion passed unanimously.

**A. Grant Applications**

Approved transmitting a list of federal grant applications to the State Clearinghouse.

**B. Authorization to Submit Grant Application and enter in Contract with the Metropolitan Transportation Commission (MTC) for Bridge Toll Funds to support the San Francisco Bay Trail Project**

Adopted ABAG Resolution Number 08-13 and authorized submitting a grant application and enter into contact with the Metropolitan Transportation Commission for Bridge Toll Funds to support the San Francisco Bay Trail

**C. Authorization to Enter into an Interagency Agreement with California Department of Transportation (Caltrans) to provide technical support for Permit Processing at the San Francisco Regional Water Board**

Adopted ABAG Resolution Number 09-13 and authorized the Executive Director or designee to enter into an interagency agreement with Caltrans to provide technical resources to the San Francisco Bay Regional Water Quality Control Board (RWQCB) for permit review assistance.

**8. PUBLIC COMMENT**

Public comments on items not on the agenda were heard from the following individuals:

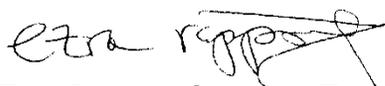
Mike Bulea on government debt; and Speaker (no name given) on the stenographers.

**9. METROPOLITAN TRANSPORTATION COMMISSION AND ABAG EXECUTIVE BOARD ADJOURNMENT**

Vice President Pierce and Chair Worth adjourned the special joint meeting of the ABAG Executive Board and MTC Commission, respectively, on Friday, July 19, 2013, at about 12:45 a.m., in memory of Alaysha Carradine of Oakland.

Chair Worth announced the next Metropolitan Transportation Commission meeting is on July 24, 2013.

Submitted:



Ezra Rapport, Secretary-Treasurer

August 30, 2013

Date

*For information or to review audio recordings of ABAG Executive Board meetings, contact Fred Castro, Clerk of the Board, at (510) 464 7913 or FredC@abag.ca.gov.*

# PAT EKLUND

Mayor, City of Novato and ABAG Executive  
Board Member for 11 Cities in Marin County  
STATEMENT – July 18, 2013

A year and half ago, I was elected by the 11 cities in Marin County as their representative on the ABAG Executive Board. After meeting with the ABAG delegates from each city in Marin County, I have no choice, but to abstain on the approval of FEIR and on the selection of the preferred alternative for the Plan Bay Area. Let me explain.

First, we recognize that the preferred scenario does in fact focus growth where jobs are anticipated to grow and it respects Marin County's decision made over 3 decades ago, to focus growth along the Highway 101 corridor.

Of the 400 **individuals** who submitted comments by letter or email on the Plan Bay Area/DEIR, 171 live in Marin County. The county with the next most comments was Alameda County with 84. Comments were also submitted by six of our 11 municipalities, the Board of Supervisors and many 'stakeholder' organizations including the Sierra Club Marin Group and the Marin Conservation League.

Of the 171 **individual** comments from Marin County, about 90% objected to the Potential PDAs in the unincorporated areas of Marin – Tam Valley and Marinwood -- which the Board of Supervisors recently withdrew in response to those public comments which demonstrates, there is local control. But, those same individuals along with other community members throughout Marin dug deeper into the Plan Bay Area, the alternatives and DEIR. They raised additional issues and challenged the population and jobs growth projections, the assumption of GHG reductions for the Plan, and, proposals to streamline CEQA in PDAs that is being perceived as 'gutting' CEQA. But, most importantly, the public expressed, loud and clear, they want to maintain local control.

Of the 11 cities in Marin, 3 (Novato, Sausalito, Mill Valley) indicated their support for the Preferred Scenario, one city (Corte Madera) voted for the No Project Alternative and 7 cities (Belvedere, Tiburon, Larkspur, Ross, San Anselmo, Fairfax and San Rafael) took 'No Position'. 'No Position' is just that -- they chose not to take a position for or against any of the alternatives.

Given that the majority of our cities in Marin County took 'No Position', I have no choice but to abstain. **We simply did not have enough time to work with our community members, 'stakeholder' organizations and municipalities to resolve the issues; and, some of those issues couldn't be resolved by their very nature.** For example, six Marin Cities, the Board of Supervisors and Congestion Management Agency along with community members requested more time to submit comments -- which could not be accommodated due to the statutory deadline for adoption of the RHNA that needs to reflect our Sustainable Community Strategy pursuant to SB 375.

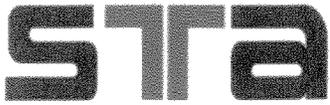
As we go forward, I hope we will have an open dialogue on what worked well and what areas need to be improved so we don't repeat our mistakes. We need to find a way to involve the communities at the local level as we start planning for our update on the Plan Bay Area that is due in 4 years. We need to start now – albeit in August or September after a well-deserved break – by working backwards from 2017 to ensure there is adequate time for a bottom up effort where the public, stakeholder organizations and elected officials are brought into the process early on. We need to allow enough time so each city, town and county can vote, so the public can engage with their elected officials on what type of a community they want reflected in the update to the Plan Bay Area.

We, the elected officials on our respective Boards of ABAG and MTC, need to look at options and select the best approach going forward on how we project the population and jobs growth, on whether locating housing near transit/transportation does in fact reduce GHG emissions as we have projected, and on how our other infrastructure needs (e.g. schools, parks and recreation, public safety, resource availability, etc.) can be addressed with the anticipated growth.

We look forward to working with all of you on the update; and, hope that by changing the process and making improvements, that we will be able to in 2017, support a Plan for our future that satisfies our individual community values while contributing to the Region's values of preserving our environment while having a prosperous economy where everyone has a place to call home.



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Solano Transportation Authority

... working for you!

## SOLANO TRANSPORTATION AUTHORITY

Member Agencies:

Benicia • Dixon • Fairfield • Rio Vista • Suisun City • Vacaville • Vallejo • Solano County

One Harbor Center, Suite 130, Suisun City, CA 94585-2473 • Telephone (707) 424-6075 / Facsimile (707) 424-6074  
Email: staplan@sta-snci.com • Website: sta.ca.gov

July 8, 2013

Mr. Miriam Chion, Planning and Research Director  
Association of Bay Area Governments (ABAG)  
101 Eighth Street  
Oakland, CA 94607

**RE: ABAG Regional Planning Committee:  
Appointment of CMA Director's Association Member**

Dear Ms. Chion:

The Bay Area CMA Directors Association has a seat on ABAG's Regional Planning Committee. Our current representative is Beth Walukas with the Alameda County Transportation Commission, who will be stepping down. At its June 28<sup>th</sup>, 2013 meeting, the CMA Directors approved the appointment of Linda Jackson of the Transportation Authority of Marin to replace our current representative.

I understand that the next meeting will be Wednesday, August 7, 2013 and that the ABAG Executive Board will need to accept this appointment at its next meeting. Please let me know if this item will be considered in July or September.

Thank you for your consideration. I can be reached at (707) 424-6075 if you should have any questions.

Sincerely,

Daryl Halls  
Chair, Bay Area CMA Directors  
Executive Director, Solano Transportation Authority

Cc: Fred Castro, ABAG, Clerk of Executive Board  
Dayle Farina, ABAG  
Dianne Steinhauser, TAM  
Linda Jackson, TAM  
Art Dao, Alameda CTC  
Beth Walukas, Alameda CTC



**BOARD MEMBERS**

JOE BROOKS  
Chair

ROMEL PASCUAL  
Vice-Chair

TAMAR DORFMAN  
Treasurer

CARL ANTHONY

WADE CROWFOOT

MALO HUTSON

DEBRA JOHNSON

ASHA MEHTA

ARNOLD PERKINS

September 3, 2013

Miriam Chion  
Association of Bay Area Governments  
P.O. Box 2050  
Oakland, CA 94604

**RE: Vu-Bang Nguyen as new Urban Habitat representative to RPC**

Dear Miriam,

I'm writing this letter to recommend that Urban Habitat's Associate Director of Land-Use and Housing, Vu-Bang Nguyen, represent the organization on the Regional Policy Committee. In light of my transition out of Urban Habitat, I feel that Mr. Nguyen best represents the interests, commitment, and positioning of the organization at the RPC. Mr. Nguyen has extensive experience in regional issues and has a strong network of diverse constituencies that support him. I have no doubt that he will be an instant asset to the Committee.

Vu-Bang Nguyen holds a Masters in City & Regional Planning (emphasis in Community Development and Land Use Planning) from the University of California, Berkeley, where he also earned his B.A. in Architecture. He has worked for city planning departments in San Jose, Oakland, Los Gatos, and Berkeley on several research projects, including one for the San Jose Redevelopment Agency to augment community engagement among San Jose's Vietnamese American population. Vu-Bang has also worked in the private sector as a Project Manager for a residential developer.

In his current capacity as site lead for the Great Communities Collaborative, Vu-Bang facilitates several strategic planning efforts throughout the Bay Area in priority sites, such as Fremont and East Palo Alto. He is a longstanding member of the American Planning Association (APA) and the American Institute of Certified Planners (AICP).

It has been a pleasure working with you and I wish you all the best.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Smith", written over a horizontal line.

Allen Fernandez Smith  
President & CEO  
Urban Habitat

# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: August 30, 2013  
To: Executive Board  
From: Fred Castro  
Clerk of the Board  
Subject: **Approval of Election Calendar—President and Vice President**

ABAG's bylaws provide for the election of the President and Vice President of the Association every two years. An election of officers occurs in 2013.

With the Board's concurrence, and in accordance with the election procedures adopted by the Board (see attachment), the following schedule will be followed:

## Election Calendar

- The offices to be filled are those of the President and Vice President of the Association. The term of office for these positions begins January 1, 2014 and expires December 31, 2015.
- Procedures for the election of President and Vice President will be forwarded to each voting member and clerk on Friday, September 20, 2013.
- The period for filing nomination petitions with the Executive Director begins upon approval of the election calendar and ends at noon on Friday, October 11, 2013. Nomination petitions must be obtained from the Executive Director of the Association.
- Ballots will be mailed to county and city clerks and others having charge of elections by Friday, October 18, 2013.
- Completed ballots must be filed with the Executive Director no earlier than Monday, October 21, 2013 and no later than 12 noon on Monday, November 4, 2013.
- Opening and counting of ballots will be conducted on Wednesday, November 6, 2013 at ABAG's offices.
- Pursuant to the election rules, if no election is to be conducted because there is only one candidate for each office, a certification of election notice is to be mailed to county and city clerks and others having charge of elections by Tuesday, October 15, 2013.

**Approval of Election Calendar—President and Vice President**

August 30, 2013

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Recommended Action

The Executive Board is requested to adopt the election calendar. In addition, at the Board meeting, President Luce will appoint a canvassing committee of three members, two of whom will be members of the Board, to count the ballots if there is a contested election for either one or both seats. The Board will be asked to confirm the appointment of the committee members.

Attachment:

Election Procedures

## **ASSOCIATION OF BAY AREA GOVERNMENTS**

### **PROCEDURES FOR ELECTION OF THE PRESIDENT AND VICE PRESIDENT**

The Executive Board of the Association has adopted procedures for election of the President and Vice President of the Association. These rules are intended to govern the filing of Nomination Petitions, mailing and filing of Voter Ballots, and the canvassing of Voter Ballots. The following procedures have been adopted to govern elections of the Association and shall be liberally construed.

#### **DEFINITIONS**

"Voting Member" – any one of the following officers: Supervisor, Mayor, or City or Town Councilmember. Any action of a Voting Member taken under these Procedures (e.g., signing or circulating a petition or voting) shall be valid if the Voting Member held such office at the time of his or her acting, notwithstanding any subsequent change of status.

"Member Jurisdiction" – any one of the counties, cities or towns which are members of the Association of Bay Area Governments.

"Clerk" – the Clerk of County Board of Supervisors, City or Town Clerk, or other officer having charge of elections in a Member Jurisdiction.

"Voter Ballot" – ballot which will contain the names of the nominees for the offices of President and Vice President.

"Identification Envelope" – envelope which will contain the Voter Ballot as marked by the Voting Member, with the Declaration and Certification printed on its face.

"Return Envelope" – envelope which will contain signed and unsigned Identification Envelopes.

"Executive Director" – the Executive Director of the Association of Bay Area Governments.

"Legal Counsel" – the Legal Counsel of the Association of Bay Area Governments.

## **NOMINATION**

**Section 1 – Basic Reference** – The regulations, procedures and forms set forth in the California Election Laws shall be utilized as a basic reference unless otherwise in conflict with the Bylaws or Procedures and approved by the Legal Counsel of the Association.

**Section 2 – Notice of Election** – On or before the first day for filing Nomination Petitions, the Executive Director shall mail to each Voting Member and Clerk, 1) a Notice of Election and 2) a copy of the approved Procedures. The Notice shall contain a statement of:

- a. The offices to be filled and the term;
- b. The first and last day for filing of Nomination Petitions;
- c. The first and last day for the Executive Director to mail to the Clerks the Voter Ballots;
- d. The last day and time for the Executive Director to receive from the Clerk the Return Envelope containing the individuals Identification Envelopes with the enclosed Voter Ballots; and
- e. The date, time and place for counting Voter Ballots.

**Section 3 – Nomination Petition** – Nomination Petitions for the offices of President and Vice President shall be substantially in the form set forth in the Elections Code and shall include the verified statement of acceptance. Nomination Petition forms shall be furnished only by the Executive Director.

**Section 4 – Signature of Voting Members** – Not less than fifteen nor more than twenty Voting Members shall sign the Petition. No Voting Member may sign more than one Petition for the same office, and in the event he or she does so, his or her signature shall count only on the first Petition filed which contains his or her signature.

**Section 5 – Nomination for Office** – Nominations shall close on the last day for filing of Nomination Petitions. If, at the close of nominations, only one candidate has been nominated for the office of President or for the office of Vice President, then such sole nominee is declared hereby to be elected to such office.

**Section 6 – Circulation of Petition** – Any Voting Member may circulate a Nomination Petition. The circulator must sign a Certificate of Circulator on the Nomination Petition. The signature to each Petition shall be on the same form, and each signer shall add the date of his or her signing, his or her official title, and his or her member county, city or town. Successive signers may not use ditto marks.

**Section 7 – Mailing of Ballots** – The Executive Director, within the dates prescribed in the Notice of Election, shall mail to each Clerk one Voter Ballot and Identification Envelope for each Voting Member of his or her county, city or town and one Return Envelope to return the documents to the Executive Director.

**Section 8 – Voting of Ballots** – Upon receipt of the items referred to in Section 7, the Clerk shall arrange to hand the Voter Ballot to each Voting Member.

Each Voting Member shall mark his or her Ballot in the presence of the Clerk but in a manner that the Clerk does not see how it is being marked. Each Voting Member shall place his or her marked Ballot in the Identification Envelope, seal the Identification Envelope, sign the Declaration printed on the face of the Identification Envelope and hand it sealed to the Clerk before whom the Ballot is marked. The Clerk shall complete the Certification on the face of the Identification Envelope.

The Clerk shall deposit the signed Identification Envelopes in a safe place in his or her office, to be kept by him or her until it is necessary to file the signed and unsigned Identification Envelopes with the Executive Director in accordance with the final date and time for such filing prescribed in the Notice of Election.

**Section 9 – Filing of Ballots** – The Clerk shall place each signed Identification Envelope which contains a Voter Ballot from a Voting Member in the Return Envelope. The Clerk shall mail to the Executive Director the Return Envelope with enclosures, by the final date and time for such filing prescribed in the Notice of Election.

No Voter Ballot shall be accepted for count by the Counting Board unless received within the time specified in the notice of Election and unless the Declaration by the Voting Member and Certification of the Clerk have been completed.

## **COUNTING AND CANVASSING OF THE VOTER BALLOTS**

**Section 10 – Custody of Return Envelopes** – The Executive Director shall have custody of all Return Envelopes after they are received from the Clerks and until the date and time for counting of Voter Ballots.

**Section 11 – Counting of Voter Ballots** – The Executive Director shall commence to count the voter ballots on the date, at the time and in the place specified in the Notice of Election. The Executive Director may appoint a Counting Board to assist him in counting the Voter Ballots. No person who is a Voting Member shall be eligible to be appointed to the Counting Board. The Counting Board shall consist of not less than two and not more than four persons. The Executive Director shall determine the form of tally sheets and shall determine necessary and required procedures to assure an accurate counting of the Voter Ballots.

**Section 12 – Canvassing Board** – A Canvassing Board shall be appointed by the President, subject to Executive Board confirmation, consisting of three persons who shall be voting members other than candidates for President and Vice President. A majority of this Board shall be present at all times during the counting of Voter Ballots and shall pass upon challenges of Voter Ballots, and all questions relating to the signing and certification of Identification Envelopes and the marking of Voter Ballots. The Canvassing Board further shall receive from the Executive Director the Voter Ballot tally results after completion of count by the Executive Director, and shall thereupon post the results and certify the count to the Executive Board.

**Section 13 – Public Attendance** – The public shall be permitted to be in attendance during the counting and canvassing of the Voter Ballots, subject only to reasonable restrictions issued by the Executive Director to prevent interference with such counting and canvassing.

**Section 14 – Declaration of Election** – Legal Counsel shall declare elected the persons having received the highest number of votes given for the offices of President and Vice President, submit a written declaration to the President and the Executive Director, and report the results to the Executive Board at its next regular meeting. In the event of a tie, selection will be by drawing of lots.

# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: August 30, 2013  
To: Executive Board  
From: Fred Castro  
Office Manager  
Subject: **Approval of Office Supplies Provider**

## Background

On June 19, 2013, the Metropolitan Transportation Commission (MTC), on behalf of itself and the Association of Bay Area Governments (ABAG), distributed a request for information to several office supply vendors with Group Purchase Organization (GPO) contracts to provide next-day delivery of general office supplies for MTC and ABAG. Bids responses were received from The Office City, Hercules, California; Staples, San Francisco, California; and Purchasers Choice, Walnut, California. The lowest priced response was received from The Office City. The Office City is also MTC and ABAG's current vendor.

In Fiscal Year 2012-2013 total expenses under office supplies (account 53007) through the first close, was \$106,282. Not all expenses under office supplies were from the current contract vendor; some purchases from the contract vendor may have been charged to other accounts. In Fiscal Year 2012-2013, expenses under Radstons (later to become The Office City) were \$5,512.46, and under The Office City was \$5,412.96.

If approved, The Office City will provide general office supplies, including information technology and ergonomic supplies, between September 2013 and June 30, 2014, with an option to renew for three additional consecutive one-year periods ending June 30, 2017. The supplies will be procured using the National Cooperative Purchasing Alliance (NCPA) government purchasing cooperative agreement.

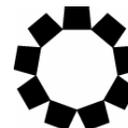
## Recommended Action

The Executive Board is requested to direct the Executive Director or his designee to negotiate and enter into contract with The Office City to provide general office and computer supplies during Fiscal Year 2013-2014, beginning in September, with an option to renew for three additional consecutive one-year periods ending June 30, 2017, subject to approval of future agency budgets.

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# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: August 30, 2013  
To: Executive Board  
From: Miriam Chion  
Planning and Research Director  
Subject: **Ratification of Agreement with Urban Resilience Policy**

## Executive Summary

Creating a sustainable region requires mitigation planning to reduce the impacts of future earthquakes and recovery planning to rebuild quickly after the disaster. For nearly three decades, ABAG has maintained an Earthquake and Hazards Program that has been a leader among Council of Governments across the nation.

We request ratification from the Executive Board for a new contract to fund a consultant, Urban Resilience Policy, to assist with advancing the program while the staff program coordinator is on extended leave. The consultant will support existing regional research projects, assist with developing future projects and provide structural guidance to shape the future of this vital regional program. The agreement is funded for the amount of \$76,800 and the agreement period is from August 2013 to August 2014. These consulting services are essential to the continuation and advancement of one of ABAG's most publically visible programs.

## Recommended Action

The Executive Board is requested to ratify the agreement with Urban Resilience Policy authorizing the Executive Director, or his designee, to enter into an agreement with Urban Resilience Policy to provide programmatic and technical support to the Earthquake and Hazards Program.

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# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: August 30, 20103

To: Executive Board

From: Laura Thompson  
Bay Trail Project Manager

Subject: **Adoption of Resolution No. 10-13 Authorizing Entering into an Augmented Agreement with the California Coastal Conservancy in the Amount of \$750,000 to Develop and Implement Various Projects for the San Francisco Bay Area Water Trail**

## Executive Summary

Adoption of a resolution is requested directing the Executive Director, or his designee, to enter into an augmented grant agreement with the California Coastal Conservancy (Conservancy). On October 3, the Coastal Conservancy Board of Directors will consider authorizing disbursement of up to \$750,000 to ABAG to augment an existing grant agreement to complete various projects for the San Francisco Bay Area Water Trail (Water Trail).

The Water Trail is a planned regional network of landing and launching sites for non-motorized small boats. In March 2011, the Conservancy authorized a \$1,000,000 block grant to ABAG for work on the Water Trail. This initial authorization enabled ABAG to hire a Water Trail Planner and develop critical outreach and education materials for the Water Trail, including a new logo, website ([www.sfbaywatertrail.org](http://www.sfbaywatertrail.org)), brochure, maps, sign program, event display board and project poster. The initial grant also set aside funding for the Water Trail Grant Program, launched in February 2013, to implement capital improvements to launch sites and to assist local jurisdictions with planning that must precede the capital improvements and designation of Water Trail sites.

The ABAG Executive Board adopted Resolution No. 02-13 on March 21, 2013 encouraging all shoreline jurisdictions to adopt local resolutions of support and integrate Water Trail strategies into local plans to realize the vision of the Water Trail. The \$750,000 augmentation will enable ABAG staff to continue management of the grant program, manage site-specific grants for enhancement activities and continued outreach to local jurisdictions consistent with ABAG's endorsement for local support.

## Recommended Action

The Executive Board is requested to adopt a resolution authorizing ABAG to enter into a \$750,000 augmented agreement with the California Coastal Conservancy to implement the San Francisco Bay Area Water Trail.

## Attachment

Resolution No. 10-13

**ASSOCIATION OF BAY AREA GOVERNMENTS  
EXECUTIVE BOARD**

**RESOLUTION NO. 10-13**

**RESOLUTION AUTHORIZING THE ASSOCIATION OF BAY AREA GOVERNMENTS  
TO ENTER INTO AN AUGMENTED GRANT AGREEMENT WITH THE CALIFORNIA  
COASTAL CONSERVANCY TO IMPLEMENT THE SAN FRANCISCO BAY AREA  
WATER TRAIL**

**WHEREAS**, the California Coastal Conservancy (Conservancy) will consider authorizing disbursement of up to seven hundred and fifty thousand dollars (\$750,000) to the Association of Bay Area Governments (ABAG) to augment an existing grant agreement to develop and implement various projects for the San Francisco Bay Area Water Trail (Water Trail); and

**WHEREAS**, the Water Trail Act (A.B. 1296 – Hancock, 2005) directs the Conservancy to lead the funding and development of projects implementing the Water Trail Plan; and

**WHEREAS**, in March 2011, the Conservancy authorized a \$1,000,000 block grant to ABAG to develop and implement various projects for the Water Trail; and

**WHEREAS**, the initial \$1,000,000 Conservancy authorization enabled ABAG staff to develop critical outreach and education media for the Water Trail, including a new logo, website ([www.sfbaywatertrail.org](http://www.sfbaywatertrail.org)), brochure, maps, sign program (almost complete), event display board and poster; and

**WHEREAS**, the ABAG Executive Board adopted Resolution No. 02-13 on March 21, 2013 encouraging all shoreline jurisdictions to adopt local resolutions of support and integrate Water Trail strategies into local plans to realize the vision of the Water Trail; and

**WHEREAS**, the proposed augmentation will allow ABAG to continue management of the Water Trail Grant Program, launched in February 2013, to implement capital improvements to launch sites and to assist local jurisdictions with planning that must precede the capital improvements and designation of Water Trail sites.

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 10-13**

**NOW, THEREFORE, BE IT RESOLVED**, that the Executive Board of the Association of Bay Area Governments hereby authorizes the Executive Director, or his designee, to negotiate, execute and deliver the amendment to the existing agreement with the California Coastal Conservancy, accept its terms and conditions, execute any future amendments, and take all other actions reasonably necessary to such execution and delivery.

The foregoing was adopted by the Executive Board this 19<sup>th</sup> day of September, 2013.

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Mark Luce  
President

**Certification of Executive Board Approval**

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 19<sup>th</sup> day of September, 2013.

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Ezra Rapport  
Secretary-Treasurer

**Approved as To Legal Form**

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Kenneth K. Moy  
Legal Counsel

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# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: August 30, 2013

To: Executive Board

From: Judy Kelly  
Director, San Francisco Estuary Partnership

Subject: **Ratification of Submittal of Grant Proposal to California State Coastal Conservancy Climate Ready Grant Program for Climate Ready-Green Infrastructure Project**

## Executive Summary

The San Francisco Estuary Partnership (SFEP) has submitted a grant application to the State Coastal Conservancy's Climate Ready Grant Program. This program is intended to support a range of climate change preparation and adaptation planning and implementation actions by local governments and non-governmental organizations. A total of \$1,500,000 is available for awards, with a maximum award amount of \$200,000. Applications were due on August 28, 2013.

SFEP partnered with the San Francisco Bay National Estuarine Research Reserve (SFBNERR) and the West Oakland Environmental Indicators Project (WOEIP) to prepare the Climate Ready Green Infrastructure Project proposal. This proposed project requests \$165,190 to staff and expand the Low Impact Development Leadership Group and hold two Bay Area Climate Change and Green Infrastructure conferences. The project will also include related community outreach and engagement in West Oakland and the creation of Green Infrastructure communication pieces that emphasize its climate change adaptation benefits.

If Conservancy staff recommends the proposal for funding to its Board, SFEP will draft a Resolution for Executive Board approval that authorizes the ABAG Executive Director, or his designee, to negotiate and enter into an agreement with the Conservancy. The earliest possible Conservancy Board meeting at which projects will be considered is February 2014.

## Recommended Action

The Executive Board is requested to ratify the submittal of a proposal by the San Francisco Estuary Partnership (SFEP) in response to the California State Coastal Conservancy's Climate Ready Grant Program for the Climate Ready-Green Infrastructure Project.

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# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: August 30, 2013

To: Executive Board

From: Judy Kelly  
Director, San Francisco Estuary Partnership

Subject: **Ratification of Submittal of Grant Application to California State Coastal Conservancy Climate Ready Program for Dredged Sediment Delivery System**

## Executive Summary

ABAG and the San Francisco Estuary Partnership (SFEP) submitted a proposal to the State Coastal Conservancy to develop a conceptual design for a system to deliver dredged sediment to beneficial reuse/restoration sites in the San Francisco Bay/Delta in support of the Conservancy's Climate Ready Program. The purpose of this project is to develop a cost effective, mobile off-loader designed to be flexible and adaptable within various topographies present at potential receiver sites around the Bay. Recent experience with sediment delivery to restoration projects has revealed the need for a sediment off-loader and site delivery system that is able to deliver material to a wide variety of sites in a cost-effective manner. Estimated cost of the project is \$149,418.

If Conservancy staff recommends the proposal for funding to its Board, SFEP will draft a resolution for Executive Board approval that authorizes the ABAG Executive Director, or his designee, to negotiate and enter into an agreement with the Conservancy. The earliest possible Conservancy Board meeting at which projects will be considered is February 2014.

## Recommended Action

The Executive Board is requested to ratify the submittal of a proposal by the San Francisco Estuary Partnership in response to the California State Coastal Conservancy's Climate Ready Program to develop a conceptual design for a system to deliver dredged sediment to beneficial reuse/restoration sites in the San Francisco Bay/Delta.

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# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: August 30, 2013

To: Executive Board

From: Judy Kelly  
Director, San Francisco Estuary Partnership

Subject: **Authorization to Enter into an Interagency Agreement with Alameda County to Provide Technical Resources to the San Francisco Regional Water Quality Control Board**

## Executive Summary

ABAG has had an Interagency Agreement with Alameda County since 2004 to provide a full time staff member to assist with preliminary review and processing applications for 401 Water Quality Certifications, Waste Discharge Requirements, programmatic maintenance, water quality protection activities required for county public works projects and activities under the jurisdiction of the San Francisco Regional Water Quality Control Board. A new agreement is needed as the current agreement ends August 2013. Staff is under the direction of the San Francisco Estuary Partnership Executive Director and technical supervision is by Water Board staff.

The new contract is estimated to cost \$791,328 and the time period is for five years from September 1, 2013 to September 30, 2018. No ABAG match is required. The project will assist with implementation of the Comprehensive Conservation and Management Plan for the San Francisco Estuary.

Approval is requested authorizing the Executive Director, or his designee, to enter into an interagency agreement with Alameda County to provide technical resources to the San Francisco Bay Regional Water Quality Control Board (RWQCB) for permit review assistance.

## Recommended Action

The Executive Board is requested to authorize the Executive Director, or his designee, to enter into an interagency agreement with Alameda County to provide staff to assist with permit review for projects and activities under the jurisdiction of the San Francisco Regional Water Quality Control Board.

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Date: September 5, 2013

To: Executive Board

From: Brad Paul  
Deputy Executive Director

Subject: **Adoption of Resolution No. 11-13 in Support of the City of Union City's Request for Expedited Approval by the California Department of Finance of the Sale of Former Redevelopment Land within its Intermodal Station District PDA**

## Executive Summary

In 2000, Union City in collaboration with nine public agencies and extensive citizen input created the Union City Station District—a vision to build housing, job centers and community facilities on 105 acres of vacant and environmentally contaminated lands surrounding Union City's BART Station. This innovative proposal became Union City's Intermodal Station District PDA as part of its submission for Plan Bay Area. This PDA now presents an instructive example of some of the obstacles to implementing Plan Bay Area that need to be addressed in the coming months, including potential conflicts with state policies regarding disposition of former redevelopment land. These impediments to completing development of the Union City Intermodal Station District PDA also apply to other Priority Development Areas in Plan Bay Area.

To date, the Station District plan has resulted in:

- *812 housing units (251 of them affordable) built within walking distance of Union City's BART station that now integrates BART, buses and passenger rail into one transit center.*
- *Amenities that include a beautiful community plaza, playground and a farmers market that will open in the fall.*
- *Union City investing \$163 million from redevelopment funds and leveraged grants in the Station District to acquire land, construct infrastructure, improve pedestrian connectivity to BART, and underwrite the construction of affordable housing.*
- *90 acres of previously contaminated land now generating \$3 million a year in property taxes. An additional \$2.2 million per year will be generated once this PDA is fully built-out, including the 14 properties owned by the former redevelopment agency.*

## **Adoption of Resolution No. 11-13**

September 5, 2013

2

Currently, the State Department of Finance (DOF), which oversees the dissolution of redevelopment agencies in California, requires a lengthy process for approving the sale of land previously owned by redevelopment agencies. In Union City's case, DOF is requiring separate agreements with each of the 29 taxing entities be executed for each of the 14 properties owned by the former redevelopment agency—a total of 406 separate agreements.

This lengthy process is slowing down final build out of the Station District's 14 remaining properties owned by the former redevelopment agency and, according to city officials, could prevent Union City from meeting its housing construction obligations to the California Department of Housing and Community Development, which has committed \$22.6 million in Proposition 1C funds to build infrastructure around the BART station.

At a time when we need to hasten the delivery of new housing, new jobs and new tax revenue around transit to meet the goals of Plan Bay Area and SB 375, ABAG anticipates opportunities to help member cities and counties inform state leaders about specific ways they might streamline state regulations that are inadvertently inhibiting the success of sustainable development in Plan Bay Area Priority Development Areas. Union City's situation offers just such an opportunity.

### Recommended Action

ABAG has been asked by the City of Union City, an ABAG member jurisdiction, to discuss with the Governor and other state officials better ways to fast-track successor agency sponsored transit-oriented projects that conform with the goals of Plan Bay Area so that jurisdictions, such as Union City, can put people to work, build badly needed housing, and generate more property taxes for schools and other taxing entities.

The Executive Board is requested to approve Resolution 11-13 instructing staff to send a letter to Governor Brown asking him to direct the Department of Finance to expedite review and approval of Long Range Property Management Plans for land owned by former redevelopment agencies such as the parcels in Union City's PDA, and to clarify that no further review is required by Department of Finance on individual property transactions that fall within the Union City Intermodal Station District if those property transactions conform with and implement an approved Long Range Property Management Plan that:

- a) meets the goals of SB 375 and Plan Bay Area, and
- b) specifies that all net proceeds from the sale of parcels of land owned by former redevelopment agencies within PDAs will be distributed to all taxing entities on a pro-rata basis in proportion to each entity's respective share of the property tax base.

### Attachments

Resolution No. 11-13

Op-Ed by Mark Evanoff, Redevelopment Manager, Union City, entitled, "Cities Need the State as a Partner on Housing", San Francisco Chronicle, 9/2/13

**ASSOCIATION OF BAY AREA GOVERNMENTS  
EXECUTIVE BOARD**

**RESOLUTION NO. 11-13**

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR, OR HIS DESIGNEE, TO  
SEND A LETTER TO THE GOVERNOR SUPPORTING THE CITY OF UNION CITY'S  
REQUEST FOR EXPEDITED APPROVAL BY THE CALIFORNIA DEPARTMENT OF  
FINANCE REGARDING THE SALE OF FORMER REDEVELOPMENT LAND WITHIN  
UNION CITY'S INTERMODAL STATION DISTRICT PRIORITY DEVELOPMENT  
AREA (PDA)**

**WHEREAS**, the Association of Bay Area Governments (ABAG) approved Plan Bay Area, the region's Sustainable Development Strategy; and

**WHEREAS**, the development pattern in Plan Bay Area relies on the efficient and effective realization of Priority Development Areas (PDAs); and

**WHEREAS**, in 2000, Union City, in collaboration with nine public agencies and extensive citizen input, created the Union City Station District—a vision for housing, job centers and community facilities on 105 acres of vacant, environmentally contaminated land surrounding Union City's BART Station and which has become its Intermodal Station District PDA for Plan Bay Area; and

**WHEREAS**, the project has created 812 new housing units—including 251 affordable units—within walking distance of Union City's BART station that integrates BART, buses and passenger rail into one transit center; and

**WHEREAS**, Union City has already invested \$163 million from redevelopment funds and leveraged grants in the Station District to acquire land, construct infrastructure, improve pedestrian connectivity to BART, and underwrite the construction of affordable housing; and

**WHEREAS**, 90 acres of previously contaminated land now generates \$3 million a year in property taxes and an additional \$2.2 million per year will be generated once this PDA is fully built-out, including 14 properties owned by the former redevelopment agency; and

**WHEREAS**, the State Department of Finance (DOF), which oversees the dissolution of redevelopment agencies in California, is requiring separate agreements with each of 29 taxing entities be executed for each of 14 properties owned by the former Union City redevelopment agency—a total of 406 separate agreement; and

**WHEREAS**, this lengthy process is slowing down build out of the Station District's 14 remaining properties owned by the former redevelopment agency and could prevent Union City from meeting its housing construction obligations to the State

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 11-13**

Department of Housing and Community Development, which has committed \$22.6 million in Proposition 1C funds to build infrastructure around the BART Station; and

**WHEREAS**, the impediments to completing development of the Union City Intermodal Station District PDA also apply to other Priority Development Areas in Plan Bay Area.

**NOW, THEREFORE, BE IT RESOLVED**, that the Executive Board of the Association of Bay Area Governments hereby authorizes the Executive Director, or his designee, to send a letter to Governor Brown, with copies to Senate President *Pro Tem* Darrell Steinberg and Speaker of the Assembly John Perez, requesting the Governor to direct the State Department of Finance to:

- 1) expedite review and approval of Long Range Property Management Plans for land owned by former redevelopment agencies that are within Plan Bay Area Priority Development Areas (PDAs), such as Union City, in order to implement the policy goals of the State Legislature (SB 375) and Plan Bay Area to:
  - Encourage greater infill and compact development
  - Revitalize community and urban centers
  - Increase the availability of affordable housing
  - Improve transportation
  - Promote public health
  - Increase the local property tax base for all taxing entities

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 11-13**

- 2) clarify that no further review is required by Department of Finance on individual property transactions within the Union City Intermodal Station District that conform with and implement an approved Long Range Property Management Plan that a) meets the goals of SB 375 and Plan Bay Area, and b) specifies that any net proceeds from the sale of parcels of land owned by former redevelopment agencies within Plan Bay Area PDAs will be distributed to all of the taxing entities on a pro-rata basis in proportion to each entity's respective share of the property tax base.

The foregoing was adopted by the Executive Board this 19<sup>th</sup> day of September, 2013.

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Mark Luce  
President

**Certification of Executive Board Approval**

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 19<sup>th</sup> day of September, 2013.

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Ezra Rapport  
Secretary-Treasurer

**Approved as To Legal Form**

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Kenneth K. Moy  
Legal Counsel

**OPINION**

# Cities need the state as partner on housing

By Mark Evanoff

Union City's Station District follows state and regional policies to focus new housing and community amenities around transit hubs, yet the California Department of Finance is slowing the development there of market-rate housing, and the property tax revenues it will generate, by requiring the city to execute 500 separate agreements to continue development.

In 2000, Union City in collaboration with nine public agencies and extensive citizen input created a vision to build housing, job centers and community facilities on vacant lands surrounding the Union City BART Station.

Thirteen years later, more than 812 housing units have been built within close walking distance of the BART station. The neighborhood is walkable, with multiple safe paths to BART. BART, buses and passenger rail are being integrated into one transit center.

Residents enjoy the beautiful community plaza and playground. MidPen Housing's Station Center, consisting of 157 units of affordable housing, just opened. Station Center together with the Station District are finalists in the Urban Land Institute's Global Awards of Excellence, which recognizes real estate developments of

**At a time when we need new housing, new jobs and more development around transit, the state's requirements are inhibiting the success of this new neighborhood.**

international significance.

However, the state is not approving a plan that was reviewed and approved by officials from five different agencies to convey properties next to the Union City BART Station to the city for the Station District. A private developer, who wants to build market-rate housing next to BART, cannot begin work because the state is not allowing the land to be transferred to Union City without significant additional steps.

Instead, the state is requiring separate agreements with all of the taxing entities be executed for 20 properties owned by the former redevelopment agency (including seven properties surrounding the BART station, a playground, fountain and dog park).

This will slow down the development and could pre-

vent Union City from meeting its obligations to the California Department of Housing and Community Development, which has committed \$22.6 million in Proposition 13C funds to build infrastructure around the BART station.

The state Department of Finance has a different interpretation of what's legally required.

At a time when we need new housing, new jobs and more development around transit, the state's requirements are inhibiting the success of this new neighborhood.

There are 400 successor agencies to redevelopment agencies in California that formerly owned thousands of properties throughout the state. The Department of Finance's procedures could require thousands of agreements with taxing entities before the property is developed.

The state would help communities like Union City if it would partner with successor agencies rather than throwing up new requirements. Readers, tell the governor and legislator to direct the state Department of Finance to stop the make-work and let cities put people to work, build badly needed housing, and generate more property taxes for schools.

*Mark Evanoff is the redevelopment manager for Union City.*



Date: September 5, 2013

To: Executive Board

From: Judy Kelly  
Director, San Francisco Estuary Partnership

Subject: **Background on Bay Delta Conservation Plan Presentation and Speakers**

Summary

Pivotal decisions are pending in Sacramento that will affect the quality and quantity of habitats in the Bay-Delta region; how much water will be required to flow from the Bay's watershed into the Bay-Delta estuary; and how water is moved to regions south of the Delta.

These decisions will have significant long-term impacts to the quality of life and economy of the San Francisco Bay-Delta region. Although conflict over water use and availability in California dates back many decades, state law now calls for "coequal goals":

*... Of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place." Delta Reform Act, 2009*

One of the key processes intended to implement the coequal goals is the **Bay Delta Conservation Plan (BDCP)**.

The BDCP is a multi-species, 50-year conservation road map for the Sacramento-San Joaquin Delta that proposes new tunnels as water intakes on the Sacramento River and associated conveyance facilities. Reflecting the coequal goals, it seeks to assure that water continues to move from the north state southward while protecting the fragile Delta. It is being funded by a number of federal and state water contractors and is being prepared as both a Natural Community Conservation Plan (NCCP) per the state's habitat conservation regulations, and as a Habitat Conservation Plan (HCP) under federal Endangered Species Act regulations. Along with conveyance recommendations, it contains actions which by law should support recovery of the 57 covered species; it is intended to result in long-term regulatory authorizations for the state and federal water projects.

Preliminary draft documents were released in March of 2013. Final chapters of the extensive Administrative Draft BDCP were released to the public on May 29th and public

## **Background on Bay Delta Conservation Plan Presentation and Speakers**

September 5, 2013

2

meetings were held in Sacramento in July. According to the BDCP website, a public review Draft BDCP and formal comment period will be announced by October 1, 2013.

The potential benefits, costs, impacts and policy implications of the BDCP are enormous and, as would be expected, are controversial. These issues include: How much water will be conveyed for delivery to contractors versus reserved for ecosystem restoration? Is the BDCP justified in relying on restoring wetland habitat as a substitute for improving flows for the environment? Are the land use/local economy impacts of new conveyance on the Delta region acceptable, and are there alternative approaches (levee improvement, different conveyance capacity) that should be pursued? Should water users in areas that export water from the Delta be required to reduce their reliance on the Delta? How will the BDCP be financed?

To help frame the BDCP proposal for the Executive Board, two speakers bring their perspectives; Paul Helliker, Deputy Director California Department of Water Resource, Delta and Statewide Water Management, will present an overview of the BDCP. Gary Bobker, of The Bay Institute will comment on the proposal from the perspective of a coalition of environmental organizations which has been closely engaged in this process.

Relevant to these presentations is Resolution 08-12, passed in May of last year by this Executive Board, calling for certain outcomes from the BDCP. In part, the Resolution states—

*“That protection and restoration of a healthy sustainable Bay-Delta ecosystem includes adequate water quality, outflow and water supply to support fisheries, wildlife and habitat in perpetuity;*

*That [planning processes recognize that] the Bay-Delta ecosystem has been in a state of “chronic drought” due to current water management practices and [to] ensure adequate Delta outflows to San Francisco Bay to support fisheries, wildlife habitat, water quality and other beneficial uses”*

As outcomes of the BDCP and other Bay-Delta planning processes, the Resolution calls for: protection and restoration of the Bay-Delta ecosystem; ensuring adequate Delta outflows into San Francisco Bay; reducing reliance on exports through regional self-sufficiency; protecting the economic vitality of communities throughout the Bay-Delta; full financial disclosure of plan costs and benefits; fair representation of local governments in governance structures and; flood protection.

Attachment:  
Resolution 08-12

**ASSOCIATION OF BAY AREA GOVERNMENTS  
EXECUTIVE BOARD**

**RESOLUTION NO. 08-12**

**ON ECOSYSTEM HEALTH AND THE NEED FOR FRESH WATER FOR THE  
SAN FRANCISCO BAY DELTA ESTUARY**

**WHEREAS**, the Association of Bay Area Governments is the home for the San Francisco Estuary Partnership, a coalition of resource agencies, non-profits, citizens, and scientists working to protect, restore, and enhance water quality and fish and wildlife habitat in and around the San Francisco Bay Delta Estuary. One of the San Francisco Estuary Partnership's purposes is to inform local governments in the region on issues critical to the health of the San Francisco Bay Delta Estuary and to enable them to effectively engage in processes that will affect its health; and

**WHEREAS**, at 1,600 square miles, the San Francisco Bay Delta Estuary is the largest on the West Coast and drains nearly 40 percent of California's land area, provides drinking water to nearly two-thirds of the state's population, and supplies irrigation water to four million acres of farmland. Although significantly altered since 1850, the Estuary still supports hundreds of fish, wildlife, and plant species, many found nowhere else on Earth: Almost two-thirds of the state's salmon travel through the Estuary as young fish and return to spawn as adults; almost half of the migratory birds on the Pacific Flyway pass by the Golden Gate or stop in San Francisco Bay's remaining wetlands. Brackish habitat in the Suisun Marsh provides critical habitat to many species important to the estuarine ecosystem; and

**WHEREAS**, the San Francisco Bay Area is the United States' fourth largest exporting region, accounting for 36 percent of California's exports. In 2009, the San Francisco Bay Area hosted over 15 million visitors, adding some \$8 billion to the Bay Area economy and many more billions of dollars to our nation's wealth. The San Francisco Bay Delta Estuary helps to power this economic engine, and the health of the ecosystem is vital to maintaining a healthy regional economy; and

**WHEREAS**, in a 2010 survey, 92% of Bay Area voters agreed that "It is important for the region's economy to have a clean, healthy and vibrant San Francisco Bay." The Bay is the globally recognized symbol of our region, and its health reflects on our region's capacities, values, and vibrancy; and

**WHEREAS**, the San Francisco Bay and the Sacramento-San Joaquin River Delta are at risk from many factors, and the State and Federal governments are proposing large-scale changes to address these factors. These include new water conveyance through and around the Delta to address state-wide water supply needs; changes to the Bay-Delta ecosystem to address declining ecosystem health and fish populations; changes to land use authority within the Delta; and changes to water allocations and management. These changes will impact the long-term health of the

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 08-12**

San Francisco Bay Estuary; and

**WHEREAS**, the California's State Water Resources Control Board determined in 2010 that, in order to protect public trust resources in the Sacramento-San Joaquin Bay-Delta ecosystem, 75 percent of unimpaired runoff from the Sacramento-San Joaquin watershed should flow out of the Delta and into the Estuary during the critical winter and spring periods. From 2000 to 2009, in contrast, on average only 45 percent of estimated unimpaired inflow was actually received into the estuary during these seasons; and

**WHEREAS**, the Association of Bay Area Government/San Francisco Estuary Partnership's 2011 *State of the Bay* report also indicates that limited freshwater inflows are having a negative impact on the greater San Francisco Bay Delta Estuary, and finds that fish abundance and diversity are declining in all regions of the Bay except near the Golden Gate and that the fish community is in poor condition in Suisun Bay; and

**WHEREAS**, each county and city and town in the Association of Bay Area Governments will be impacted by planned actions in the Delta through potential changes in water quality and health of the San Francisco Bay.

**NOW, THEREFORE, BE IT RESOLVED** that the Executive Board of the Association of Bay Area Governments hereby expresses its interest in the on-going Bay-Delta planning process of the Delta Stewardship Council, the Bay Delta Conservation Plan, and the State Water Board's Delta planning and regulatory efforts, and urges that as part of any solution or conclusions reached in these critical planning and regulatory processes, the following principles be applied:

Bay-Delta Ecosystem. Recognize that protection and restoration of a healthy sustainable Bay-Delta ecosystem includes adequate water quality, outflow, and water supply, to support fisheries, wildlife and habitat in perpetuity.

Delta Outflows. Recognize that the Bay-Delta ecosystem has been in a state of "chronic drought" due to current water management practices, and ensure adequate Delta outflows to San Francisco Bay to support fisheries, wildlife, habitat, water quality and other beneficial uses.

Regional Self-Sufficiency. Incorporate sustainable approaches for improved water supply, water quality and reliability through the overarching principle of regional self-sufficiency, linked specifically to reducing reliance on exports from the Delta and reducing the current impacts on the Bay-Delta ecosystem.

Bay Area Communities. Protect the economic viability of industry, recreation, tourism, fisheries, and agriculture, and the ongoing vitality of communities throughout and along the shoreline of the greater San Francisco Bay-Delta ecosystem.

Full Financial Disclosure. The multi-decade costs of restoring habitat in the Bay

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 08-12**

and the Delta are expected to be significant as would be the full costs associated with any new or modified water management facilities. Realistic cost estimates must be calculated and made clear to both taxpayers and ratepayers throughout California before any final decisions are made. A full cost-benefit analysis of any proposed project must cover all affected geographic areas, and adverse socio-economic impacts need to be minimized and fully mitigated by the beneficiaries of the project.

Fair Representation. Represent and include local governments in any new governance structures for the Delta.

Flood Protection. Support funding and implementation of urban and non-urban flood protection, at the appropriate level of protection, through rehabilitation and restoration of wetlands wherever feasible, and improvement and maintenance of flood control levees and structures where necessary.

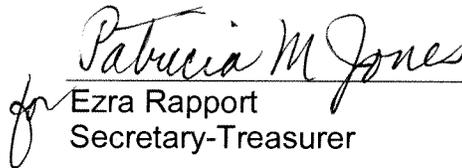
The foregoing adopted by the Executive Board this 17<sup>th</sup> day of May, 2012.



\_\_\_\_\_  
Mark Luce  
President

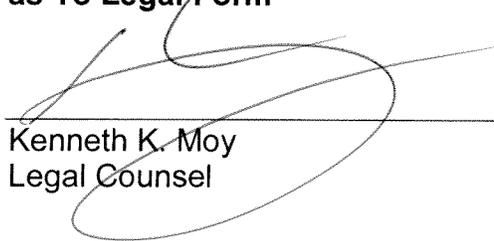
**Certification of Executive Board Approval**

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 17<sup>th</sup> day of May, 2012.



\_\_\_\_\_  
Ezra Rapport  
Secretary-Treasurer

**Approved as To Legal Form**



\_\_\_\_\_  
Kenneth K. Moy  
Legal Counsel

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April 2013



Although local Bay Area water agencies have instituted many measures to increase water use efficiency, the Delta is still a critical piece of the Bay Area's water supply security. As such, securing the Delta ecosystem also helps provide economic certainty for the Bay Area's economic engine.

## The Delta's Importance to the Bay Area

**The Sacramento-San Joaquin River Delta (Delta) is a critical to Bay Area water supplies. About 3 million people in Santa Clara, Alameda, Contra Costa, Napa and Sonoma counties—and a \$530 billion economic engine—rely on Delta water.**

Rain and snowmelt from the Sierra Nevada mountain range flow through the Delta via a network of rivers, canals, pumps, and pipelines. This system is a critical piece of the California—and Bay Area—water delivery system, supplying water to 25 million people across the state and two-thirds of the Bay Area's drinking water. The Delta has been stretched to the breaking point.

**With the ecosystem in steep decline, environmental regulations and pumping restrictions have put the water that much of the Bay Area relies upon at risk.** Curtailment of water supplies puts a significant strain on water districts to meet demands for drinking water. An aging levee system is at ever-greater risk of failure from earthquakes and climate change impacts.

Through a 6-year collaborative process, a team of federal and state water experts, scientists, and public water agencies have developed the Bay Delta Conservation Plan (BDCP)—a comprehensive strategy committed to meeting the co-equal goals of ecosystem restoration and water supply reliability.



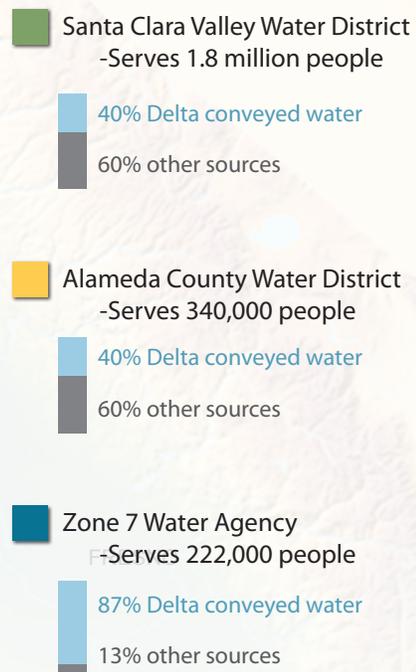
## Delta Water Supplies to the Bay Area

The Bay Area has been a leader in innovating ways to adapt to changing conditions, including the exploration and development of water storage and groundwater banking, conservation and water recycling, stormwater-capture, and desalination. But these innovations are not enough to secure a future water supply, and would never be enough to supplant imported Delta water. The BDCP provides an important way to adapt to future realities by meeting both ecosystem and water supply needs.

Without an effective habitat conservation strategy, the Delta's sensitive ecosystem and water delivery system cannot be sustained. The BDCP will address adverse effects of climate change, ecosystem failure, and seismicity on water supply reliability by changing the way water is conveyed through the Delta and restoring thousands of acres of important habitat. By moving the water diversion points to the north Delta, the BDCP will also restore a more natural flow pattern to benefit fish while protecting critical water supplies.



BDCP combines approximately 145,000 acres of habitat restoration with new water delivery facilities. The new facilities will also improve the quality of Delta water exports, an important benefit that will reduce salinity-related barriers to water recycling and sustainable agriculture.



BDCP is not the peripheral canal. Whereas that earlier proposal would have diverted all water exports around the Delta at nearly 22,000 cubic feet per second (cfs), BDCP proposes a pair of gravity-fed tunnels that would bring no more than 9,000 cfs to existing south Delta facilities. Its implementation would relieve stress on the local environment while making investments in habitat restoration that are essential for the Delta's health.

# BDCP Refinements Respond to Community and Statewide Needs

August 2013

Proposed refinements have been developed to address comments and concerns gathered throughout the BDCP planning process.

Over 7 years, hundreds of public meetings, and ongoing coordination with stakeholders, a comprehensive plan to address the ecosystem and water supply challenges in the Sacramento-San Joaquin Delta has taken shape. The Bay Delta Conservation Plan (BDCP) has continued to evolve since the enactment of the 2009 Delta Reform Act. The water facility and conveyance operations proposed as part of the BDCP have changed significantly in ways that reduce disruption and disturbance in the Delta. Changes previously announced include:

- Underground tunnels, instead of a surface canal, could be used for water transport.
- The number of new Sacramento River intakes has been reduced from five to three, and capacity has decreased from 15,000 cubic feet per second (cfs) to 9,000 cfs.

Newly proposed changes include:

- A shift of construction activities associated with intermediate forebay and reusable tunnel material area away from north Delta communities.
- A shift of some permanent and temporary construction impacts from private to public lands.
- A shrinking of the intermediate forebay surface acreage from 750 acres to 40 acres.
- A reduction in the number of main tunnel shaft locations from seven to five.
- Shortening of the main tunnel length from 35 miles to approximately 30 miles.
- A reduction in the amount of private land subject to permanent and temporary impacts due to construction of water conveyance infrastructure.

These project refinements balance costs, engineering design, and ease of construction while minimizing local dislocation and disturbance.

Efforts will continue to ensure that the project is developed under the best management practices possible, and with the most current science available. The plan seeks to achieve the co-equal goals of a more reliable water supply for California and enhancement of the Delta ecosystem, while also preserving the unique communities and agricultural productivity of the Delta.



*No final decisions on the BDCP can be made prior to the completion of environmental review and public input. The elements described here have been identified for the purpose of further analysis pursuant to the California Environmental Quality Act, the National Environmental Policy Act, the Endangered Species Act, the Natural Community Conservation Planning Act, and other applicable statutes.*

## Highlights of Changes to Proposed Water Facility Construction

Recent tunnel alignment refinements based on local input and ongoing evaluation have been recommended to improve efficiency, reduce impacts to local Delta communities, and minimize environmental impacts. These changes will be reflected in the BDCP Measure 1 and evaluated in the Public Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) planned for release in 2013.

### Reduced Impacts of Recent Project Refinements<sup>1</sup>

|   | Consultant Administrative Draft EIR/EIS | 2013 Project Refinements (Environmental Review Pending) |
|---|---|---|
| CM 1 Facility Footprint <sup>2</sup>                                    | 3,654 acres                             | 1,851 acres   |
| Intermediate Forebay Size (Surface Acreage)                             | 750 acres                               | 40 acres  |
| Private Property Impacts - Permanent and Temporary                      | 5,965 acres                             | 5,557 acres   |
| Public Lands Utilized   | 240 acres                               | 657 acres <sup>1</sup>                                  |
| Number of Main Tunnel Launch and Retrieval Shaft Locations <sup>4</sup> | 7                                       | 5   |
| Agricultural Impacts <sup>5</sup>                                       | 6,105 acres                             | 6,033 acres   |

- All acreages listed are approximate. Final acreages will be determined after the Record of Decision/Notice of Determination. Environmental review documents are meant to disclose impacts. As such, the worst-case scenario impacts are included. Opportunities to further reduce and mitigate impacts will be evaluated as the project progresses.
- Conservation Measure 1 - All permanent surface facility footprint acreage.
- Does not include reusable tunnel material acreage.
- 2013 Project Refinements utilize more publicly-owned acres.
- A "Shaft Location" is defined as a location with one or more launch or retrieval shafts. Includes locations for the main tunnel, which is the dual-bore tunnels between the intermediate forebay and Clifton Court Forebay. Agricultural impacts were identified using the County Land Use data, which includes the following categories: Alfalfa, Corn, Fallow and Idle, Grain, Grapes, Non-irrigated, Deciduous Fruits and Nuts, Field Crops, Truck Nursery and Berry), Pasture, Rice, Semi-Agricultural, and Tomatoes.

**Uses More Public Lands** - The refined alignment utilizes 657 acres of state- and publicly-owned property to minimize impacts to productive farmland and beneficial habitat. The Department of Water Resources property south of the town of Hood will be used as a construction staging area, and due to its proximity to town, a 1,200-foot noise buffer will be provided (included in the EIR/EIS as a mitigation measure).

**Reduces Roadway Impacts** - Input from the local residents of Hood and Courtland identified several temporary road alternatives for Highway 160 that preliminarily meet Caltrans requirements and impacts fewer residences, other structures, and farmland. DWR will continue its consultations with Caltrans to further refine the road designs to address community concerns, including the accommodation of emergency response vehicles, agricultural vehicles, and other commercial vehicles. The refined alignment also reduces or eliminates impacts to bridges and roads including the Snodgrass Slough Bridge at Twin Cities Road and Highway 4.

**Reduces the Impact of the Intermediate Forebay** - Operational changes to gravity flow conveyance and modification at Clifton Court Forebay allow for the reduction in size of the Intermediate Forebay surface storage and spillway from more than 1,000 acres to less than 250 acres (with surface acreage reduced from approximately 750 acres to 40 acres). Relocating the smaller forebay away from the towns of Hood and Courtland and closer to Interstate 5 on the Granville Tract also lessens the impacts to roads and bridges, creates conservation opportunities with the Stone Lakes National Wildlife Refuge, and makes it possible to utilize more publicly-owned land.

**Creates Reusable Tunnel Material** - The refined tunnel alignment includes the potential for reuse of excavated tunnel material. Lessons learned on a nearby San Francisco Public Utilities Commission tunnel project suggest that as much as 98 percent of the material will be reusable for construction, habitat restoration, and other reuses. The EIR/EIS assumes that all of the excavated tunnel material will need to be stored; however, with modern sorting and processing techniques using biodegradable additives, the majority of the material is expected to be reused during and after the construction of the project.

**Eliminates Borrow Pit Area Near Intakes** - Proposed borrow pits in the area near the intakes (between River Road and Snodgrass Slough) have been removed. Due to concerns about drainage and irrigation impacts on farmland, activities in this area will be limited to staging for construction. Overall acreage of the staging area will be reduced in half from more than 400 to approximately 200 acres.

**Reduces Height of Pumping Plants** - Design refinements allow for the reduction of the height of the pumping plants at the intake facilities along the Sacramento River from 60 feet to approximately 30 feet.

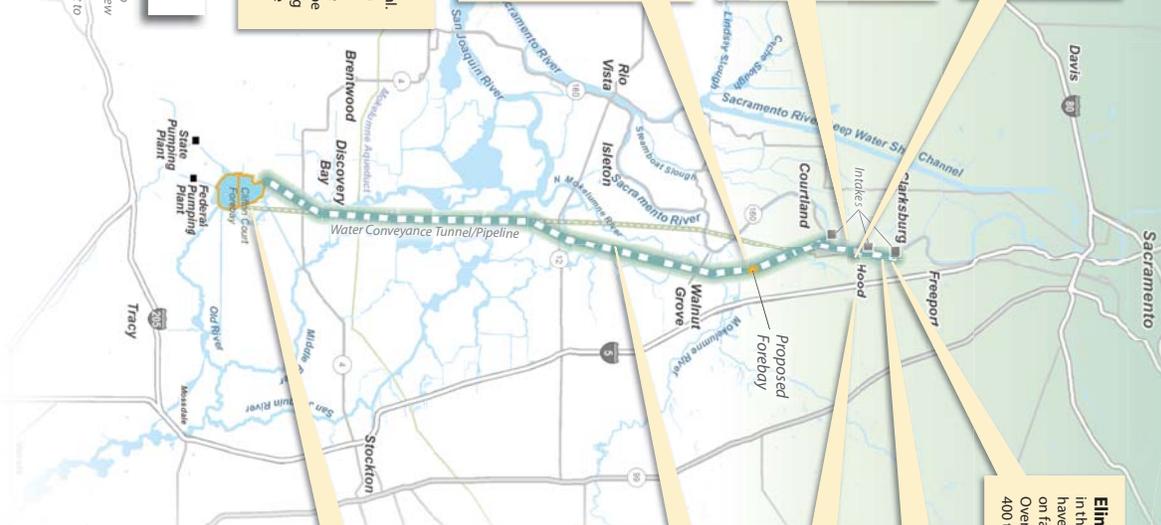
**Reduces Above-Ground Impacts to Hood** - Replacing the proposed cut and cover (surface) pipeline with a conveyance tunnel reduces impacts to the town of Hood, including the Hood fire station, homes, farmland, and related structures.

**Increases Habitat Restoration Opportunities** - The combined actions of realigning the conveyance tunnels and moving the intermediate forebay creates new restoration opportunities. Excavated reusable tunnel material creates the opportunity to work with landowners and stakeholders to improve and preserve habitat at potential locations like Staten Island both for sandhill cranes and other species.

**Reduces Impacts in South and Central Delta** - The tunnel realignment has reduced the number of tunnel reaches and the number of launch sites. Some islands no longer have direct impacts, including Venice, Andrus, and Tyler islands. Impacts elsewhere have been reduced significantly.

**Modifies Clifton Court Forebay** - Clifton Court Forebay will be redesigned to improve overall operations for both north and south Delta conveyance. The existing forebay will be dredged, divided, and expanded to the south. Proposed north Delta conveyance facilities will supply water to the northern portion of the forebay, while existing south Delta facilities will supply the southern portion. The new pipeline-tunnel will terminate at the north end of the forebay. Additional opportunities have been identified to expand recreation facilities and accessibility at Clifton Court.

Counties, cities, and other local governments depend, in part, on property taxes paid by private property owners. Typically when land is acquired by a public agency, those payments stop. To ensure that these important revenues remain, the BDCP will pay the replacement cost of those property taxes to local governments.



## Moving Forward: Ongoing Community Coordination and Adaptation

The State of California is committed to an open and transparent process throughout the development of the BDCP, as reflected by refinements made to BDCP's water and ecosystem strategies over the past several years. Opportunities for public involvement continue, with the Public Draft BDCP and EIR/EIS scheduled for release in 2013.

Delta Landowners may contact DWR Delta Landowner Liaison Lauren Bisnett at (916) 653-7564 or [lauren.bisnett@water.ca.gov](mailto:lauren.bisnett@water.ca.gov) with questions about the Consultant Administrative Draft environmental documents, now available online at [www.BayDeltaConservationPlan.com](http://www.BayDeltaConservationPlan.com).



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## FOR IMMEDIATE RELEASE

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## California Begins Releasing Draft BDCP Documents

Today, the State of California will begin releasing the latest version of the Bay Delta Conservation Plan to the public. A coalition of environmental and business groups and urban water agencies has requested that BDCP analyze a [portfolio alternative](#) that includes a new, less-expensive Delta conveyance, science-based operations that reduce water exports from the Delta, and major investments in water efficiency, recycling, new South of Delta storage, and other tools. Support continues to build for analysis of this alternative from a [wide variety of interests](#), but the BDCP agencies have yet to commit to whether they will analyze this alternative. In addition, the documents to be released will apparently focus on a single alternative, not the full range of alternatives that need to be meaningfully analyzed before identifying a proposed project.

In July 2012, five major environmental groups identified the [key elements](#) of a successful BDCP plan. We want to see BDCP succeed, and we're looking forward to reviewing the state's plan and evaluating it against these criteria:

- Does the plan reduce reliance on the Delta and invest in alternative water supplies like recycling and efficiency, as required by the Delta Reform Act of 2009?
- Does the plan reduce exports from the Delta and provide the kinds of flows that the best available science and the BDCP agencies' own analyses demonstrate are necessary, at least until salmon and other native fish recover?
- Does the plan have a scientifically rigorous adaptive management program, based on enforceable biological goals and objectives that are necessary to achieve recovery of native species in the Delta and restore the Delta ecosystem?
- Does the plan have a reliable financing mechanism that ensures that the contractors pay for the full costs of any new facility and all mitigation associated with it, as well as contributing to the funding of environmental restoration programs?

Our colleagues at the Nature Conservancy recently wrote an [op-ed in the Sacramento Bee](#) that emphasizes many of these same points.

In addition, we will be closely reviewing the effects analysis and other elements of the plan to see if the major scientific flaws with prior drafts have been remedied (the so-called "[Red Flag](#)")

problems identified by the state and federal wildlife agencies, as well as the scientific problems identified by independent peer reviews by the [National Research Council](#) and other reviewers).

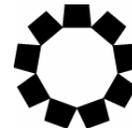
It's premature to say whether the planning documents that the state will release this week meet these criteria. It's not premature to say that, given BDCP's past "Red Flag" problems and the complexity of the issues being addressed, these documents need to be thoroughly reviewed by both the fish and wildlife agencies and independent science peer reviewers, in order to ensure a scientifically sound plan is put forward.

Ultimately, we want to see BDCP succeed, and select a project that is environmentally and economically sustainable, consistent with the criteria we've identified. In order to do so, BDCP must meaningfully evaluate all of the alternatives, including our portfolio alternative, before selecting a project. We'll see whether the new BDCP documents mark a significant shift in the right direction.

###

# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: September 5, 2013  
To: Executive Board  
From: Ezra Rapport  
Executive Director  
Subject: **Plan Bay Area Implementation Next Steps**

## Summary

This item describes ABAG activities to support implementation of Plan Bay Area over the next three years. As the region's Council of Governments, ABAG is responsible for guiding implementation of the growth pattern established in the adopted Plan—working in concert with local jurisdictions, MTC, County congestion management agencies (CMAs), special districts, and other regional agencies to spur investment and development in Priority Development Areas (PDAs). ABAG activities will focus on PDA Implementation (with an emphasis on development feasibility and entitlement), Housing Production and Affordability, Economic Development, and Open Space and Farmland Preservation—all of which will be supported by research and communications activities. MTC staff is working on transportation related tasks, including the assessment of goods movement. ABAG and MTC work tasks are appropriately coordinated for a comprehensive implementation of the Plan Bay Area. This work will inform the update to Plan Bay Area anticipated in 2017.

## Action

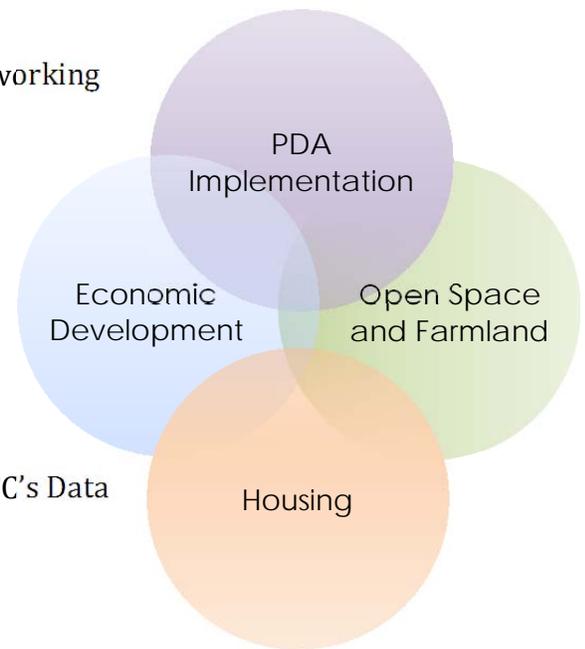
This is an information item for discussion.

## Background

With adoption of Plan Bay Area (Plan), ABAG and MTC along with partner agencies will begin to guide efforts to advance the Plan. ABAG will coordinate implementation of the growth pattern established in our Sustainable Community Strategy—working in concert with local jurisdictions, MTC, county Congestion Management Agencies (CMAs), special districts, and other regional agencies to spur investment and development in PDAs.

Over the next several years, ABAG will focus its planning efforts on four primary areas: Priority Development Area (PDA) Implementation, Housing Production and Affordability, Economic Development, and Open Space and Farmland Preservation. These efforts will be supported by ABAG and MTC’s Data Analysis and Research and Communications activities.

### Implementation Focus Areas



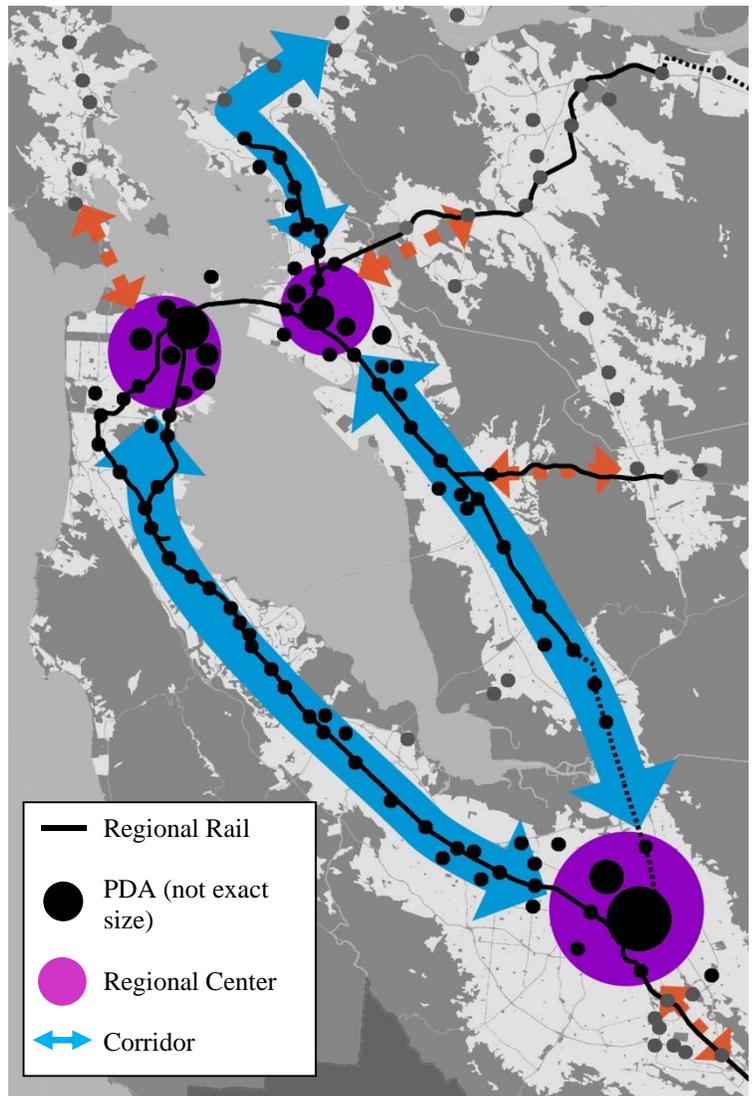
### 1) PDA Implementation

The region’s PDAs are the organizing framework for implementing Plan Bay Area. They are expected to accommodate most of the Bay Area’s new homes and jobs. The Plan’s major investments in transportation and planning assistance are focused in the PDAs, but there are significant obstacles to achieving PDA growth and investment. ABAG and local jurisdictions will conduct a focused effort to identify and overcome these obstacles, with an emphasis on development feasibility and entitlement, while supporting adopted PDA plans.

- *Transit Corridors.* In Plan Bay Area, the majority of housing and job growth is projected in the PDAs along transit corridors stretching between San Francisco, San Jose, Oakland, and West Contra Costa County. The corridors are served by BART, Caltrain, Capitol Corridor, Bus Rapid Transit (BRT), and light rail investments. With the extension of BART to San Jose, electrification of Caltrain, and introduction of enhanced bus service on El Camino Real, San Pablo Boulevard, and International Boulevard/14<sup>th</sup> Street, the corridors will increasingly function as an interconnected system. Implementing the Plan will depend upon the success of all of the communities and business districts along the corridor, which today vary significantly in terms of housing and commercial development, amenities, infrastructure and public services.

The first step in this process will be a detailed analysis of the corridor's PDAs. ABAG will evaluate development potential, adopted local plans and CEQA documents, and the level of participation of special districts in the planning process. Based upon this analysis ABAG will work with local governments to coordinate the participation of responsible parties to address challenges that cross jurisdictional boundaries. The result will be a comprehensive assessment of the specific qualities and unique needs of PDAs along the corridor, identification of common obstacles to development, and a tailored set of best practices and implementation actions involving jurisdictions, communities, businesses, and special districts. This effort will be closely coordinated with the housing and economic development efforts highlighted below, and will build upon advanced planning such as the El Camino Real Grand Boulevard Initiative and the PDA Investment and Growth Strategies completed by CMAs.

### Inner Bay Area Corridors and Regional Centers



- *Entitlement Efficiency.* Plan Bay Area sets the stage for local jurisdictions to choose to increase the efficiency of the development process for transit-oriented projects consistent with the Plan and state legislation. California Senate Bills 375 and 226 allow jurisdictions to limit the level of environmental review required for projects that are: consistent with a Sustainable Community Strategy (i.e. Plan Bay Area); meet specific density and transit proximity requirements; and located in an area with an adopted programmatic EIR. Some eligible projects will not require additional CEQA analysis, while others can reduce the number of areas analyzed in an EIR and be subject to a more favorable standard of judicial review.<sup>1</sup>

<sup>1</sup> CA Public Resources Code Section 21155.2(b)(7)

ABAG will work with MTC to develop advisory guidelines that assist jurisdictions in determining whether a local programmatic EIR will support PDA projects in utilizing legislative incentives found in SB375 and other bills. In addition to providing guidance to local jurisdictions on entitlement efficiency, ABAG will advocate for legislative reforms that make resources available for producing affordable housing and fostering economic growth in PDAs.

- *Resilience.* Plan Bay Area identifies the need for strategies to improve resilience in the face of natural disasters. ABAG will be assessing earthquake risk in PDAs as well as working with the Bay Conservation and Development Commission (BCDC) to analyze the risk of sea level rise. This effort will involve consultation with local jurisdictions in high risk zones as well as infrastructure providers and other special districts. MTC and ABAG will also work with the Bay Area Air Quality Management District (BAAQMD) and jurisdictions to ensure that development in PDAs along major transportation corridors mitigate future impacts of particulate matter associated with proximity to freeways and heavily used arterials.
- *Regional PDA Planning Grants.* Since its inception in 2007, the MTC/ABAG PDA Planning Grant program has supported the development and adoption of 52 plans to create walkable, mixed-use communities within walking distance of transit. These plans accommodate the potential development of more than 40,000 new housing units, 60,000 new jobs and 24 million square feet of commercial space.

To enhance PDA planning capacity across the region, each county received a dedicated share of PDA planning funds between 2013 and 2017. These funds are allocated to local jurisdictions by CMAs. This approach helps ensure a comprehensive process for funding PDA planning throughout the region. Supported by this funding, communities outside of large cities will be able to conduct the planning necessary for implementation.

To complement the county PDA programs, MTC and ABAG will continue to lead a strategic regional PDA planning grant program. The regional grant program will be redefined to support advanced implementation issues such as affordable housing production, rehabilitation and preservation; community stabilization; and overcoming a variety of obstacles to infill development. To complement the broad reach of the county programs, regional grants will target PDAs with the potential to make the greatest impact on meeting the housing and job projections in the Plan.

Details of the regional program will be finalized in the coming months, informed by feedback received from a survey sent to planning directors in each jurisdiction with a PDA.

## 2) Housing Production and Affordability

By all accounts, the Bay Area faces a housing crisis. Rents and mortgages are consuming a growing share of household incomes. Working families are priced out of locations with access to high-quality services and networks of opportunity. Employers have to pay a wage premium to compensate workers for high housing and transportation costs.

Increasing housing production and affordability—especially in transit-served locations—is essential for implementing the Plan. ABAG will work with the private and non-profit sectors to provide a comprehensive approach to addressing this challenge. While addressing the region’s housing challenges at a broad scale, this effort will also seek to identify tools and strategies to assist local jurisdictions in spurring housing growth in PDAs based upon each community’s unique needs and circumstances.

- *Housing Production Analysis and Policy Development.* State subsidies play an important role meeting our workforce housing needs. Through the Sustainable Communities grant from the U.S. Department of Housing and Urban Development (HUD), ABAG is developing methods to monitor housing production across the Bay Area to inform strategies to fill the substantial gap between the region’s housing need and production. ABAG will work with local jurisdictions and private and non-profit sector developers to establish new funding sources for land acquisition, pre-development financing and construction financing. The grant will fund several pilot projects to implement new funding and incentive strategies in local communities. In addition, as required by the HUD grant, ABAG is preparing a Fair Housing Equity Assessment (FHEA) to identify obstacles to fair housing access and affordability.

To address the risk of displacement of low-income communities due to new development, ABAG and MTC, in collaboration with UC-Berkeley, are creating an “early warning system” to identify neighborhoods facing the greatest pressure from rising rents and housing values. ABAG will work with local jurisdictions to ensure that the early warning system recognizes the individual qualities of each neighborhood and can be implemented at the local as well as regional level. The HUD grant will also support pilot projects for engaging residents and small business in areas at risk of displacement to develop and implement community stabilization strategies.

- *Targeting Regional Resources for Affordable Housing.* The Plan allocates \$12 million to the Transit-Oriented Affordable Housing (TOAH) fund. Funded by MTC, the TOAH has been recognized as a national model for linking housing and transit investments. To date, the fund has leveraged \$10 million in public investment to attract \$40 million in private and non-profit funding and support the production of 535 units. ABAG will continue to work with MTC to refine the criteria for TOAH-funded projects to ensure the program supports the goals of the Plan.

TOAH is complemented by the Affordable Housing Program operated by the ABAG Finance Authority (FAN). The program provides low-cost financing for smaller infill projects and an efficient, competitive lending vehicle for larger developments. It provides tax-exempt bond financing for the acquisition, construction and rehabilitation of multifamily and senior housing with a demonstrable public benefit. Over time, the program has helped finance 76 projects that have created or preserved more than 10,300 units. As part of Plan implementation, ABAG and MTC will identify opportunities to coordinate the TOAH and FAN Affordable Housing Program with efforts to strategically spur growth in PDAs, as well as to draw upon the experience of the Finance Authority and its network of real estate developers as a resource for local jurisdictions as they begin to craft implementation strategies.

- *State Housing Policy Coordination.* ABAG will coordinate discussions with state agencies about potential adjustments to state housing policies and the creation of new affordable housing funding sources. Key issues include ensuring that Housing Element policies are aligned with the region's changing demographics and housing needs, particularly with respect senior housing and preservation of existing affordable housing, and that the disposition of land within PDAs owned by former redevelopment agencies takes place in a timely manner. ABAG will also track and influence legislation to achieve Plan housing objectives.

### **3) Economic Development**

ABAG will collaborate with regional agencies, business groups, and community-based organizations to strengthen the competitiveness of the regional economy, enhance local business districts in PDAs, expand access to opportunities for all Bay Area residents, and develop economic development policies for the next update to Plan Bay Area.

- *Bay Area Economic Prosperity Strategy.* As part of the HUD Sustainable Communities grant, MTC and ABAG are working with a broad group of private, non-profit, and public-sector stakeholders to create a strategy to expand opportunities for the region's low and moderate income workers. The regional agencies and partner organizations will conduct outreach to community groups, workers, and the business community. The effort will also support a technical assessment of industries of opportunity, employment barriers, best practices, and potential policies addressing issues such as job creation, career pathways, and apprenticeships.

The Prosperity Strategy will address the Bay Area as a whole as well as sub-regions. In addition to a set of policies and actions, the Strategy will fund pilot projects that support its objectives and seek to establish replicable approaches to expanding opportunities for low

and moderate income workers. The Strategy will be considered in the next update to Plan Bay Area.

- *Coordination with the Business Community.* ABAG will work closely with the business community to support regional economic development initiatives. The Joint Policy Committee (JPC) emerged as a potential forum for collaboration to develop a coordinated regional strategy. ABAG will continue to participate in this effort and seek other opportunities for partnership with the business community, including organizations such as the Bay Area Council Economic Institute, Silicon Valley Leadership Group, Joint Venture Silicon Valley, East Bay Economic Development Alliance, and North Bay Leadership Council. ABAG will also involve the business community in the update to Plan Bay Area.
- *Place-Based Economic Development Strategies.* ABAG will create place-based strategies to support the economic growth of different types of PDAs and job centers. This will respond to the changing dynamics of the regional and sub-regional economies and the needs of growing industries. ABAG will investigate the unique role of different types of PDAs in the regional economy, ranging from centers in which office and retail jobs cluster around transit hubs to agricultural areas protected from urban development. The place-based strategies will include approaches to both strengthen local business districts and create physical environments that support investment in driving industries.
- *Goods Movement and Industrial Land.* A robust regional economy depends upon a goods movement network and access to industrial land. As the Plan indicates, “the movement of freight, and the protection of production and distribution businesses, have important environmental, economic and equity implications for the region. The region is home to the fifth-busiest maritime port in the nation, the Port of Oakland; ... manufacturing, freight transportation and wholesale trade account for nearly 40 percent of regional output and goods movement businesses create over 10 percent of regional employment. ... MTC and ABAG will work with the business community and local jurisdictions and stakeholders to explore economic development best practices for goods movement and industrial businesses, and to identify funding to assess the role of goods movement businesses and industrial land in the regional economy.”

#### **4) Open Space and Farmland Preservation**

Priority Conservation Areas (PCAs) complement the PDAs by identifying areas for preservation that play an important role in the region’s open space, habitat, and farmland networks. ABAG will strengthen the PCA framework by supporting targeted efforts to both protect the region’s open spaces and enhance the agricultural economies of our rural communities.

- *Priority Conservation Area Grants.* The One Bay Area Grant (OBAG) provides \$10 million for a PCA Grant program to fund conservation easements, land acquisition, and transportation projects. The effort is divided into two programs. In the North Bay, the CMAs will allocate \$5 million to a range of projects using locally-defined criteria. The California Coastal Conservancy, in partnership with MTC and ABAG, is administering a competitive grant program for the Peninsula, South Bay, and East Bay counties that focuses on regionally significant projects in areas with existing open space protection, leveraging local, state and non-profit funding sources.
- *PCA Framework Update.* Drawing upon lessons learned from the PCA grant process and the wealth of available data on the region's natural systems and agricultural economy, ABAG in partnership with key open space entities will update the PCA Framework to further define the role of different kinds of PCAs to support habitat, agriculture, recreation, and various ecological functions. This will involve consultation with jurisdictions, open space and recreation districts, the region's scientific community, and farmland organizations.
- *Bay Trail and Water Trail.* ABAG will continue to expand the Bay Trail, which is a critical part of the region's network of PCAs and an increasingly popular resource for Bay Area residents seeking a healthy lifestyle, as well as an important part of the region's tourist industry. In addition to the Bay Trail, ABAG will support the recently launched Water Trail, which provides public access to the historic, scenic, cultural and environmental resources of the San Francisco Bay

## **Data Analysis and Research**

The implementation tasks outlined above will be supported by ABAG and MTC's research and modeling efforts. This includes tracking housing and commercial development trends, refining the region's land use model, and consolidating data on Priority Development Areas into an updated website and information sharing system available to local jurisdictions and the regional agencies. By 2015, ABAG will produce a State of the Region Report to assess the region's progress toward implementing the Plan.

## **Communications**

These implementation strategies are also being supported by three major communication initiatives. ABAG is realigning its communication efforts to engage and respond rapidly to local media. In addition, the ABAG website is being updated to improve navigation and become a better resource to our members and the public. Finally, ABAG will convene a series of conversations between Executive Board Members and our local delegates about the challenges they face in implementing the Plan and the role ABAG can play in helping them succeed.

# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: August 30, 2013  
To: Executive Board  
From: Gerald Lahr, Energy Programs Manager  
Jennifer Berg, BayREN Program Manager  
Subject: **San Francisco Bay Area Regional Energy Network (BayREN)**

## Summary

In July 2012 ABAG submitted a proposal to the California Public Utilities Commission (CPUC) to implement energy efficiency programs in the ABAG region under a collaborative effort known as the San Francisco Bay Area Regional Energy Network (BayREN). The final decision, issued on November 8, 2012, awarded \$26 million to BayREN for the 2013-14 funding cycle. The majority of these programs have launched throughout the ABAG region.

## Background

As previously reported to the Executive Board, ABAG is the lead administrator for BayREN, working closely with a steering committee of local government agency staff representing the nine Bay Area counties<sup>1</sup>. The committee is comprised of:

- Alameda County Energy Council
- City and County of San Francisco
- City of Suisun City (Representing Solano County)
- County of Contra Costa
- County of Marin
- County of Napa
- County of San Mateo
- County of Santa Clara
- Sonoma County Regional Climate Protection Authority

Below is a summary and brief update of the four approved program elements:

### Energy Efficiency Retrofits for Single Family Residential

- BayREN is implementing the statewide 'Home Upgrade'<sup>2</sup> program in the ABAG territory

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<sup>1</sup> ABAG is also coordinating with the Southern California REN (SoCalREN) lead by LA County.

<sup>2</sup> Element of Energy Upgrade California™

## San Francisco Bay Area Regional Energy Network (BayREN)

August 30, 2013

2

- Provides single family homeowners incentives of \$1,000-2,500 for installing various energy efficiency measures
- Additional assessment incentives for homeowners that choose to participate in the 'Advance Home Upgrade' program
- ~\$4 million available incentives
- Program is currently available in all Bay Area counties. Contractor outreach is underway.

### Energy Efficiency Retrofits for Multi-Family Residential

- Free technical assistance (audits) provided for multi-family properties of five or more units
- Incentives of \$750/unit for achieving at least 10% energy savings
- Current efforts involve owners of properties in multiple ABAG counties

### Promotion of Energy Efficiency Codes and Standards

- Provides energy code trainings to local officials
- Goal to increase compliance with local energy codes
- Currently initiating a compliance baseline survey targeted to local government staff

### Financing Programs that Promote Energy Efficiency Projects

- Commercial PACE: validation currently in process in Marin and Napa
- PAYS<sup>®</sup>: On bill water efficiency program that enables customers to purchase and install money saving water technology with no upfront cost. City of Hayward, Town of Windsor (Sonoma County), SFPUC and EBMUD selected for BayREN pilots
- Multi-Family Capital Advance Program: final decision expected to be issued on or about September 5<sup>th</sup>; by the CPUC (this memo will be amended accordingly)
- Single Family Loan Loss Reserve: final decision expected to be issued on or about September 5<sup>th</sup>; by the CPUC (this memo will be amended accordingly)

ABAG is part of a stakeholder group working to lengthen the funding cycle and simplify the regulatory process for energy efficiency programs. This group includes the Investor Owned Utilities, CPUC staff, rate payer advocates and energy efficiency contractor groups. Among the goals of the group is a longer funding cycle.

# LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE

**Committee Chair:** Supervisor David Rabbit—Sonoma County

**Committee Vice Chair:** Supervisor Scott Haggerty—Alameda County

**Staff:** Brad Paul – Deputy Executive Director

510/ 464-7955; [BradP@abag.ca.gov](mailto:BradP@abag.ca.gov)

Kathleen Cha – Senior Communications Officer

510/ 464-7922; [KathleenC@abag.ca.gov](mailto:KathleenC@abag.ca.gov)

**Thursday, September 19, 2013 – 3:30 p.m. to 5:00 p.m.**

***ABAG Large Conference Room B, MetroCenter, 101 Eighth Street, Oakland***

## AGENDA\*

|    |   |                        |
|----|---|------------------------|
| 1. | <b>OPEN AGENDA</b><br>Committee members may raise issues for consideration; members of the public may speak.  | Information/<br>Action |
| 2. | <b>APPROVAL OF MINUTES</b><br>Committee will review and approve the minutes of the May 16, 2013, L&GO meeting.  | Information/<br>Action |
| 3. | <b>REVIEW OF LEGISLATION IN 2013 STATE LEGISLATIVE SESSION—BILLS PREVIOUSLY CONSIDERED AND “GUT &amp; AMEND,” LAST MINUTE AMENDED BILLS*</b><br><br><b>AB 325 (Alejo) Land Use and Planning: Cause of Actions—Time Limitations</b><br><b>AB 440 (Gatto) Hazardous Substances: Releases—Local Agency Cleanup or Remedy</b><br><b>AB 562 (Williams) Economic Development Subsidies: Review by Local Agencies</b><br><b>AB 667 (Roger Hernandez) Land Use: Development Project Review—Superstores</b><br><b>SB 470 (Wright) Community Development: Economic Opportunity</b><br><b>SB 594 (Hill) Use of Public Funds</b><br><br><b>SB 1 (Steinberg) Sustainable Communities Investment Authority</b><br><b>SB 391 (DeSaulnier) California Homes and Jobs Act of 2013</b><br><br><i>*September 13<sup>th</sup>—Last day for each house to pass bills</i> | Information/<br>Action |
| 4. | <b>EXAMINATION OF CEQA REFORM STRATEGIES</b><br>Discussion of CEQA issues and legislative strategies proposed, such as SB 731 (Steinberg and Hill) California Environmental Quality Act (CEQA)  | Information/<br>Action |
| 5. | <b>ADJOURNMENT</b><br>Next meeting is scheduled for <b>November 21, 2013.</b>   | Action                 |
|    | <b>Agenda and other written materials are available at ABAG/Front Desk, 101 8<sup>th</sup> Street, Oakland, or at <a href="http://www.abag.ca.gov/meetings">http://www.abag.ca.gov/meetings</a></b>   |                        |

\* The Committee may take any action on any item on the agenda

\*\* Full California Bill Texts and actions can be read and printed out from state website: [www.leginfo.ca.gov](http://www.leginfo.ca.gov).

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**LEGISLATION**  
**2013 State Legislative Session**  
**Legislation & Governmental Organization Committee**  
**September 3, 2013**

| Bill Author  | Subject   | Status                    | Staff Recommendation | L&GO Position | Legislation Summary  |
|--|---|---------------------------|----------------------|---------------|--|
| <b>*NEW BILLS</b>  |   |                           |                      |               | <b>Bold Face/Shading in Legislation Summary indicates change/ amendments.</b>  |
| <i>Bills to be reviewed are listed in numeric order with Assembly bills listed first, followed by Senate bills</i> |   |                           |                      |               |  |
| <b>SB 1 Steinberg (co-author DeSaulnier)</b>   | <b>Sustainable Communities Investment Authority</b> | <b>ASM Second Reading</b> | Support              | Watch         | <p>Amended 8/5: This bill allows local governments to establish a Sustainable Communities Investment Authority to finance specified activities within a sustainable communities investment area. Specifically, this bill:</p> <ol style="list-style-type: none"> <li>1) Allows cities and counties to form a Sustainable Communities Investment Authority and specifies that it is subject to the provisions of the Community Redevelopment Law (CRL). Makes a legislative finding that inefficient transportation infrastructure and high costs of housing and transportation are a form of blight, which is a necessary condition under CRL.</li> <li>2) Provides the governing board of the Authority shall consist of five members appointed for four-year terms. Provides the authority is subject to existing state laws, including the Political Reform Act, the California Public Records Act and the Ralph M. Brown Act (open meetings).</li> <li>3) States an authority shall only include transit priority areas, including a high speed rail station and adjacent areas, walkable communities and sites for clean energy manufacturing.</li> <li>4) Allows a plan for an authority to include a provision for the receipt of tax increment funds, as specified, and provides other specific requirements for the plan, in</li> </ol> |

| Bill Author      | Subject   | Status                | Staff Recommendation    | L&GO Position | Legislation Summary   | Page 2 |
|------------------|---|-----------------------|-------------------------|---------------|---|--------|
|                  |   |                       |                         |               | <p>addition to what is contained in CRL. Allows an authority to implement local transaction and use tax.</p> <p>5) Requires an authority to contract for an independent financial and performance audit every five years, consistent with the guidelines established by the State Controller.</p> <p>6) Specifies, in the event tax increment financing provisions are included as part of an authority, for the purposes of collecting tax increment under Section 16 of Article XVI of the California Constitution the terms "district" and "affected taxing entity" shall exclude a school district and special districts.</p> <p><u>Background As a Financing Tool</u>: <i>This bill relies upon tax increment financing, in addition to several other potential funding sources, including Mello Roos, capital investment from public pensions, and local transaction and use taxes, to support the development of transit priority areas, small walkable communities, and clean energy manufacturing. One of the challenges of using tax increment as a financing tool for community and economic development in the post-redevelopment world is carving out the schools portion of the tax increment. Section 16 of Article XVI of the California Constitution gives authority to reapportion property taxes among a city, city and county, and district or other public corporation (otherwise known as taxing agencies) for the purpose of redevelopment. SB 1 excludes school district and special district from "district" and "affected taxing entity" for purposes of tax increment financing.</i></p> |        |
| SB 731 Steinberg | California Environmental Quality Act (CEQA)<br><i>(was CEQA and Sustainable Communities Strategy)</i> | ASM<br>Second Reading | Watch<br>CSAC<br>oppose | Watch         | <p>Amended 8/6:<br/>This bill enacts the California Environmental Quality Act (CEQA) Modernization Act of 2013 and makes a series of definitions, findings and revisions to CEQA law. Specifically, this bill:</p> <ol style="list-style-type: none"> <li>1) Establishes, until January 1, 2017, the position of Advisor on Renewable Energy Facilities in the Governor's Office.</li> <li>2) Modifies the existing residential exemption to limit what is considered new information that would invalidate</li> </ol>  |        |

| Bill Author | Subject | Status | Staff Recommendation | L&GO Position | Legislation Summary  | Page 3 |
|-------------|---------|--------|----------------------|---------------|--|--------|
|             |         |        |                      |               | <p>the exemption.</p> <p>3) States the intent of the Legislature to appropriate the sum of \$30 million in the annual Budget Act beginning in the 2014-15 fiscal year, to the Strategic Growth Council to provide competitive grants to local agencies for planning activities related to implementing SB 375.</p> <p>4) Authorizes a project applicant for a renewable energy project to present environmental or health benefits to the public agency as specified.</p> <p>5) Requires a public agency to make draft findings available for public review as specified 15 days prior to project approval.</p> <p>6) Requires the lead agency to prepare and electronically post annual mitigation compliance reports until all mitigation measures are completed.</p> <p>7) Requires the Governor's Office of Planning and Research (OPR) to prepare and submit to the Secretary of the Natural Resources Agency, revisions to the CEQA Guidelines to establish prescribed thresholds of significance for noise and transportation impacts for residential, mixed-use residential, or employment center projects or infill sites within transit priority areas.</p> <p>Requires OPR to circulate a draft of this revision on or before July 1, 2014.</p> <p>8) Prohibits aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area from being considered significant impacts on the environment. States that the provisions do not affect the authority of a lead agency to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers provided by other laws or policies and establish more stringent thresholds of significance for projects subject to these provisions.</p> <p>9) Allows the statute of limitations for bringing a CEQA lawsuit to be tolled for successive periods up to four years by agreement of the parties as specified.</p> <p>10) Authorizes a lead agency, for certain projects and upon a project applicant's request, to prepare concurrently with the administrative process the record of proceedings, as specified that would be used in a</p> |        |

| Bill Author | Subject | Status | Staff Recommendation | L&GO Position | Legislation Summary   | Page 4 |
|-------------|---------|--------|----------------------|---------------|---|--------|
|             |         |        |                      |               | <p>judicial challenge. The lead agency shall certify the record of proceedings within 30 days after the filing of specified notices.</p> <p>11) Requires the record of proceedings for the preparation of a negative declaration, mitigated negative declaration, EIR, or other specified documents to meet the concurrent preparation requirements under certain circumstances for specified projects.</p> <p>12) Requires the California Research Bureau, subject to the availability of funds and other conditions, to annually submit a report to the Legislature as specified.</p> <p>13) Requires, when a court finds that a public agency has not complied with CEQA, that the court issue a peremptory writ of mandate specifying what action is necessary to comply.</p> <p><i>Amended 5/4, 5/24: Requires OPR, on or before July 1, 2014, to propose revisions to the CEQA Guidelines to establish thresholds of significance (to determine if an environmental effect justifies preparation of an EIR) for noise, transportation, and parking impacts of residential, mixed-use residential, or employment center projects within transit priority areas. Requires the thresholds to be based upon a project's proximity to a multi-modal transportation network, its overall transportation accessibility, and its proximity to a diversity of land uses.</i></p> <p>a) Defines "<u>employment center project</u>" as a project located on property zoned for commercial uses, with a floor area ratio of no less than 0.75, located within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan.</p> <p>b) Defines "<u>transit priority area</u>" as an area within one-half mile of a major transit stop that is either existing or planned, if the planned stop is scheduled to be completed with the 20-year planning horizon of a specified federal transportation plan.</p> <p>c) Provides that "<u>aesthetic</u>" impacts of projects subject to this section shall not be considered significant impacts on the environment for purposes of CEQA, while also stating that the authority of a lead agency to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers is not affected. (Section 9)</p> |        |

| Bill Author                | Subject  | Status   | Staff Recommendation                         | L&GO Position | Legislation Summary  | Page 5 |
|----------------------------|--|--|--|---------------|--|--------|
|                            |  |  |  |               | <p><i>States the Legislature's intent to revise various provisions in CEQA: Expands the exemption for a residential development project that is undertaken to implement a specific plan by providing that "new information" triggering an environmental review does not include "new information consisting solely of argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are caused by, physical impacts on the environment."</i></p>  |        |
| *AB 325<br>Alejo           | <p><b>New Bills</b><br/>Land use and Planning: Cause of Actions—time limitations</p> | <p>SEN<br/>Third Reading</p>   | <p>Oppose<br/>LCC Oppose<br/>CSAC Oppose</p> |               | <p><b>This bill allows an entity in support of affordable housing to initiate a challenge to a housing element or a specified city or county housing ordinance within three years of adoption, except for an HCD-approved housing element. This bill differs from AB 1220, vetoed in past session, in that it provides that a party challenging an HCD-approved housing element must serve a deficiency notice within 270 days of the adoption of the housing element and file an action in court within six months of the lapsing of the notice period.</b></p>   |        |
| *AB 562<br>Williams        | <p>Economic Development Subsidies: Review by Local Agencies</p>                      | <p>SEN<br/>Amendments Concurred in<br/>Sent Engrossing and Enrolling</p> | <p>Oppose<br/>LLC oppose</p>                 |               | <p><b>This bill would, beginning January 1, 2014, require each local agency, as defined, to provide specified information to the public before approving an economic development subsidy, as defined, within its jurisdiction, and to review, hold hearings, and report on those subsidies at specified intervals.</b><br/><i>"Economic development subsidy" means any expenditure of public funds or loss of revenue to a local agency in the amount of one hundred thousand dollars (\$100,000) or more, for the purpose of stimulating economic development within the jurisdiction of a local agency, including, but not limited to, bonds, grants, loans, loan guarantees, enterprise zone or empowerment zone incentives, fee waivers, land price subsidies, matching funds, tax abatements, tax exemptions, and tax credits. "Economic development subsidy" shall not include expenditures of public funds by, or loss of revenue to, the local agency for the purpose of providing housing affordable to persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code."</i></p> |        |
| *AB 667<br>Roger Hernandez | <p>Land Use: Development Project Review--Superstores</p>                             | <p>SEN<br/>Governance and Finance</p>                                    | <p>Oppose<br/>League of</p>                  |               | <p><b>Requires a city or county to make a specified finding based on an economic impact report for superstores: --Requires a city, county, or city and county to make a finding</b></p>  |        |

| Bill Author       | Subject   | Status   | Staff Recommendation      | L&GO Position | Legislation Summary   | Page 6 |
|-------------------|---|--|---------------------------|---------------|---|--------|
|                   |   | Hearing cancelled at request of author                     | Cities (LCC)<br>Oppose    |               | <p>that a superstore will not adversely affect the economic welfare of the impact area, as defined, prior to permitting the construction of, addition to, or alteration of, a superstore in an economic assistance area, or where a superstore would receive over \$100,000 in financial assistance, as defined.</p> <p>--The finding must be based on information in an economic impact report, information received or obtained by the designated agency of the local government, and any other information received before or at a public hearing as required.</p> <p>--Requires city and county governing bodies to provide the opportunity for public comment on the economic impact reports and its findings at regularly scheduled meetings after the reports' completion but 30 days before issuing any entitlements. The bill doesn't preclude cities and counties from conducting more studies.</p> <p>--Authorizes a local government to prepare the economic impact report or to contract with a private entity, other than the permit applicant, or another public agency to prepare the report. The bill provides that any private entity or public agency contracted to prepare the economic impact report must be qualified by education, training, and experience to conduct economic and fiscal impact analyses. The applicant must pay for the report.</p> |        |
| *AB 440<br>Gatto  | Hazardous Substances: Releases—Local Agency Cleanup or Remedy | SEN<br>Appropriations: Pass to Second Reading              | Support<br>LCC<br>Support |               | <p>Would authorize cities, counties and housing authorities to use the brownfield remediation tools previously granted to redevelopment agencies under the Polanco Redevelopment Act: would authorize local governments to remedy or remove a release of hazardous substances and would provide immunity from further liability to the local agency and any person who enters into an agreement with that local agency to develop the property as well as future property owners.</p>   |        |
| *SB 470<br>Wright | Community Development: Economic Opportunity                   | ASM<br>Appropriations: Passed as amended to Second Reading | Support<br>LCC<br>Support |               | <p>Would provide cities and counties with enhanced flexibility when disposing of publicly-owned property for economic development purposes and would provide former redevelopment Polanco Act brownfield remediation tools to cities and counties: (amended 8/5 and 8/21)</p> <p>The bill would state that the creation of economic opportunity and the provisions for appropriate continuing land use and construction policies with respect to property acquired, in whole or in part, for economic</p>   |        |

| Bill Author  | Subject                                       | Status  | Staff Recommendation                | L&GO Position | Legislation Summary  | Page 7 |
|--------------|---|---|-------------------------------------|---------------|--|--------|
| *SB 594 Hill | Use of Public Funds (for Campaign Activities) | ASM<br>Com on Appropriations<br>Suspense File | Oppose<br>LCC Oppose<br>CSAC Oppose |               | <p>opportunity constitute public uses and purposes for which public money may be advanced or expended and private property acquired.</p> <p>--The bill would provide that before certain returned city, county, or city and county property is sold or leased for development, the sale or lease shall first be approved by the legislative body, as specified.</p> <p>--The bill would authorize a city, county, or city and county to establish a program under which it loans funds to owners or tenants for the purpose of rehabilitating commercial buildings or structures and to assist with the financing of facilities or capital equipment as part of an agreement that provides for the development or rehabilitation of property that will be used for industrial or manufacturing purposes, as specified.</p>   |        |
|              |   |   |                                     |               | <p><i>Existing law prohibits an elected or appointed official, or any public employee or consultant, from using "public resources" for political campaign activity. In addition, the Political Reform Act requires qualifying individuals and organization to disclose specified information about campaign funding sources and expenditures in statements filed with the Fair Political Practices Commission.</i></p> <p><b>SB 594</b> was a gut and amend on August 7<sup>th</sup> (bill was "CA Career Pathways Investment"-Steinberg). In its new form, bill would prohibit a nonprofit organization from using, for campaign activities, any public resources - including public resources received in exchange for consideration - it receives from a local agency. In addition, the bill would require any nonprofit organization that receives at least 20% of its total revenue from public resources to deposit funds in a separate account and to pay for all campaign activity from that separate account. <i>Defines public resources to include, but not be limited to cash, lands, buildings, funds, and facilities owned by a local agency, and "nonprofit organization" mean an entity incorporated under the Nonprofit Corporation Law or a nonprofit organization that qualifies for exempt status under federal IRS Code of 1986.</i></p> <p><b>Amended 8/21: This bill would prohibit a nonprofit organization or an officer, employee, or agent of a</b></p> |        |

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|                       |  |                                  |                        |                | <p><u>nonprofit organization</u> from using, or permitting another to use, public resources, including but not limited to public resources received in exchange for consideration, from a local agency for activity, as defined and not authorized by law. This bill would define, among other terms, “public resources” to include, but not be limited to, cash, lands, buildings, funds, and facilities owned by a local agency, and “nonprofit organization” to mean an entity incorporated under the Nonprofit Corporation Law or a nonprofit organization that qualifies for exempt status under the federal Internal Revenue Code of 1986, except as specified. This bill would authorize a civil cause of action for a violation of these prohibitions and damages that include, but are not limited to, 3 times the value of the unlawful use of the public resources. This bill would authorize the Attorney General, a district attorney, and a city attorney of a city having a population in excess of 750,000 to seek civil remedies.</p> |        |
|                       | <b>Updated Summaries and Status of Bills Previously Considered</b> |                                  |                        |                |  |        |
| <b>SB 33<br/>Wolk</b> | <b>Infrastructure Financing Districts: Voter Approval—Repeal</b>   | <b>ASM<br/>Third<br/>Reading</b> | Support<br>LCC Support | <b>Support</b> | <p><i>A measure to update Infrastructure Financing District law, making it a more useful tool for helping cities maintain, repair, and rebuild critical infrastructure and create economic development:</i> This bill would revise and recast the provisions governing infrastructure financing districts. The bill would eliminate the requirement of voter approval for creation of the district and for bond issuance, and would authorize the legislative body to create the district subject to specified procedures.</p> <p><b>As amended 8/26:</b><br/> <b>Eliminates the voter approval requirement for a city or county to create an infrastructure financing district (IFD) and expands the types of projects that may be financed by a district. Specifically, <u>this bill</u> :</b></p> <p><b>1) Repeals the voter approval requirements to form an IFD, issue bonds, and set the appropriations limit.</b></p>   |        |

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|             |         |        |                      |               | <p>2) Allows an IFD to contribute to the cost of maintaining facilities, as specified, and adds the following to the types of facilities an IFD can finance:</p> <ul style="list-style-type: none"> <li>a) Watershed lands used for the collection and treatment of water for urban uses;</li> <li>b) Flood management, including levees, bypasses; and,</li> <li>c) Habitat restoration.</li> </ul> <p>3) Authorizes an IFD to finance the cleanup and development of brownfield properties contaminated by hazardous waste under the provisions of the Polanco Redevelopment Act.</p> <p>4) Allows an IFD to finance any project that implements a transit priority project, regional transportation plan, or other projects that are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy (SCS) or an alternative planning strategy (APS) for which the Air Resources Board has accepted the metropolitan planning organization's determination that the SCS or the APS, would, if implemented, achieve the greenhouse gas emission reduction targets.</p> <p>5) Expands the life of an IFD from 30 to 40 years.</p> <p>6) Removes the prohibition against an IFD including any portion of a redevelopment project area.</p> <p>7) Prohibits an IFD from providing any form of financial assistance to a vehicle dealer or a big box retailer, or a business entity that sells or leases land to a vehicle dealer or big box retailer that is relocating from the territorial jurisdiction of one local agency to the territorial jurisdiction of another local agency, as specified.</p> <p>8) Specifies that an IFD is a local agency for purposes of the Ralph M. Brown Act.</p> <p>9) Requires the resolution of intention for the establishment of an IFD to state the need for the IFD and the goals the IFD proposes to achieve by financing public facilities.</p> <p>10) Requires the legislative body to direct the clerk to mail a copy of the resolution of intention to create the IFD to each owner of land within the IFD and to each affected taxing entity and to direct the clerk to post a</p> |

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| SB 391<br>DeSaulnier | California Homes and Jobs Act of 2013 | ASM<br>Appropriations Com<br>Suspense File<br>Hearing postponed by Com | Support              | Support       | <p>copy of the resolution of intention to create an IFD in an easily identifiable and accessible location on the legislative body's Internet Web site.</p> <p>11) Allows the legislative body to adopt a resolution establishing the IFD, at the conclusion of the required public hearing, based upon a finding that a) the goals of the IFD are consistent with the general plan; and, b) the financing programs undertaken by the IFD are an efficient means of implementing the goals of the IFD. <i>(plus other specific directions and findings)</i></p> <p><i>Specifically this bill:</i></p> <ol style="list-style-type: none"> <li>1. Enacts the California Homes and Jobs Act of 2013 (Act) which imposes a fee, beginning January 1, 2014, of \$75 on the recording of each real estate instrument, paper, or notice, except for those documents recorded in connection with a transfer subject to a documentary transfer tax, and directs the money to the Trust Fund.</li> <li>2. Allows the funds to be appropriated for the development, acquisition, rehabilitation, and preservation of homes affordable to low- and moderate-income households, including emergency shelters, transitional and permanent rental housing, foreclosure mitigation, and homeownership opportunities.</li> <li>3. Limits administrative costs to 5% of the funds for administering housing programs that receive an appropriation from the Trust Fund.</li> <li>4. Requires HCD to report annually to the Legislature on how funds made available and allocated under this Act, including efforts to promote a geographically balanced distribution of the funds.</li> <li>5. Requires the Department of Industrial Relations to monitor and enforce prevailing wage requirements for construction contracts for public works projects over \$1,000,000, that are funded, in whole or in part, by this bill.</li> <li>6. Requires the Bureau of State Audits (BSA) to conduct periodic audits to ensure that state agencies award appropriated funds in a timely fashion consistent with legal requirements. Requires the first audit be conducted within two years of the effective date of the Act.</li> </ol> <p><u>Was Amended May 20, 2013</u>, to include the following stipulation:<br/> <u>This bill would require the Department of Industrial Relations to monitor and enforce prevailing wage requirements for construction contracts for certain public</u></p> |

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| SB 279<br>Hancock | San Francisco Bay Restoration Authority | ASM<br>Read third time and amended—<br>Ordered to Third Reading | Support<br><br>Estuary Partnership Support |               | <p>works projects over \$1,000,000, that are funded, in whole or in part, by the bill. The bill would authorize the department to charge each person or entity awarding a construction contract for the reasonable and directly related costs of the monitoring and enforcement activities, and would require the department to deposit the moneys collected into the State Public Works Enforcement Fund. The bill would exempt projects with a collective bargaining agreement with a mechanism for resolution of wage disputes from this requirement. By establishing a new source of revenue for a continuously appropriated fund, this bill would make an appropriation.</p> <p>This bill would specify that a measure proposed by the authority must be submitted to the voters of the authority in accordance with the provisions of the Elections Code applicable to districts, as specified. This bill would require the authority to file with the board of supervisors of each affected county a resolution requesting consolidation. This bill would require the legal counsel for the authority to prepare, subject to review and revision by a specified county counsel, an impartial analysis of the measure. This bill would require the elections officials of those affected counties to mutually agree to use the same letter designation for the measure.</p> <p><b>Amended 8/26 to include:</b><br/> <u>This bill would express the intent of the Legislature to address the unique procedural and financial barriers faced by the authority in proposing a special tax measure for a large, multi county jurisdiction in a special election. The bill would, in the first election at which the authority proposes a special tax, provide that the authority is required to reimburse each county in which the special tax measure appears on the ballot only for the incremental costs, as defined, that are incurred by the county elections official related to submitting the measure to the voters, and would repeal this provision on January 1, 2017.</u></p> | Page 11 |

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|                      |                                   |   |                      |               | <p>Specifies procedures for conducting a multi-county election to approve a special tax measure proposed by the San Francisco Bay Restoration Authority.</p> <p><i>Senate Bill 279 declares the San Francisco Bay Restoration Authority (SFBRA) to be a "district," as defined in a specified statute. SB 279 requires the SFBRA's elections to be governed by specified state laws for district initiatives and referenda, except as otherwise provided in the San Francisco Bay Restoration Authority Act.</i></p> <p><i>SB 279 requires the SFBRA to file, with the board of supervisors of each county in which a special tax measure will appear on the ballot, a resolution requesting that the election be consolidated with the next regularly scheduled statewide election and setting forth the exact form of the ballot question, in accordance with state law. The bill requires the SFBRA to transmit a copy of the special tax measure to its legal counsel, who must prepare an impartial analysis of the measure in accordance with state law. The impartial analysis prepared by the SFBRA's legal counsel is subject to review and revision by the county counsel of the county that contains the largest population, as determined by the most recent federal census, among the counties in which the measure will be submitted to the voters.</i></p> |         |
| SB 299<br>DeSaulnier | Firearms: Lost or Stolen: Reports | ASM<br>Appropriations Com:<br><br>Pass as amended to Second Reading | Support              | Support       | <p><i>Existing law requires each sheriff or police chief executive to submit descriptions of serialized property, or nonserialized property that has been uniquely inscribed, which has been reported stolen, lost, or found directly into the appropriate Department of Justice automated property system for firearms, stolen bicycles, stolen vehicles, or other property. Existing law requires that information about a firearm entered into the automated system for firearms remain in the system until the reported firearm has been found. Existing law requires the Department of Justice to implement an electronic system to receive comprehensive tracing information from each local law enforcement agency and to forward the information to the National Tracing Center.</i></p> <p><b>Amended 8/6: This bill would require every person, with exceptions, to report the theft or loss of a firearm he or she owns or possesses to a local law enforcement agency in the jurisdiction in which the theft or loss occurred within 7 days of the time he or she knew or reasonably should have known that the firearm had been stolen or lost, and requires every person who has reported a firearm lost or stolen to notify the local law enforcement</b></p>  |         |

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| SB 792<br>DeSaulnier | Regional Entities: Bay Area | SEN Appropriations<br>Held in Committee and under submission | Watch                | Changed position from Watch to: <u>Oppose Unless Amended 5/16/13</u> | <p>agency within 48 hours if the firearm is subsequently recovered. The bill would make a violation of these provisions an infraction punishable by a fine not to exceed \$100 for a first offense, an infraction punishable by a fine not to exceed \$1,000 for a 2nd offense, and a misdemeanor, punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not to exceed \$1,000, or both that fine and imprisonment, for a 3rd or subsequent offense. The bill would make it a misdemeanor for any person to make a report to a local law enforcement agency that a firearm has been lost or stolen, knowing the report to be false. The bill would not preclude or preempt a local ordinance that imposes additional penalties or requirements in regard to reporting the theft or loss of a firearm.</p> <p><u>Amended 5/14:</u> “would require the San Francisco Bay Area’s “joint policy committee” (JPC) to prepare a plan for consolidating the functions common to its member agencies and develop and adopt a public outreach and participation plan for adoption of the regional organization plan, as specified. The bill would also require the inclusion of additional elements in the region’s Sustainable Communities Strategy (SCS), and assign responsibility for those elements to member entities of the JPC. In addition, the bill would require the San Francisco Bay Conservation and Development Commission (BCDC) to relocate to a building that will be occupied by other members of the JPC.”</p> <p><u>Amended 4/10:</u><br/> <u>This bill would require the joint policy committee to prepare a regional organization plan for the affected regional entities. The regional organization plan would include a plan integrating, by July 1, 2016, certain major planning documents of the individual entities into a comprehensive regional plan that also addresses other specified goals, and a plan for consolidating certain functions that are common to the regional entities. The regional organization plan would also include a statement relative to the expected reduction of overhead, operation, and management costs. The bill would require the joint policy committee to ensure public participation in the development and adoption of the plan, hold at least one public hearing in each county to adopt a final plan by June 30, 2015. The bill would also require the joint policy committee to develop and adopt public community</u></p> |         |

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|              |   |   |   |   | <p>outreach and inclusive public participation programs and to maintain an Internet Web site. The bill would also require the joint policy committee to appoint an advisory committee on economic competitiveness with specified members from the business community and other organizations to adopt goals and policies related to the inclusion of economic development opportunities in the plans of the regional entities. <u>The bill would require the joint policy committee, until a comprehensive regional plan is adopted, to conduct a review of the major planning documents and associated policies and plans, and regulations of each regional entity, including an assessment of the consistency of the policies, plans, and with the requirements of Senate Bill 375 of the 2007-08 Regular Session, and with the goals and policies adopted by the advisory committee on economic competitiveness. The bill would require the joint policy committee to issue a consistency report describing the findings of each review and to hold hearings in that regard, and would require the applicable regional entity to consider the findings. The bill would require all cost savings derived from implementation of the regional organization plan to be directed to the joint policy committee's general fund. By imposing new duties on the joint policy committee, the bill would impose a state-mandated local program. The bill would require the Legislative Analyst's Office to analyze voting power disparities based on population, race, and ethnicity relative to the voting power of each city and county on the governing board of each of the regional agencies, and to report to the Legislature by July 1, 2014, as specified.</u></p> |         |
| SCA 4<br>Liu | Local Government:<br>Transportation Projects: Special<br>Taxes – Voter Approval | SEN<br>Re-referred to<br>Appropriations Com | Support<br>LCC Watch<br>MTC<br>recommends support (with possible amendment)<br>CSAC Support | (was Support)<br><br>Changed to Oppose 3/21 because of unacceptable amendment | <p><b>Amended 8/28:</b> This measure would provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects requires the approval of 55% of its voters voting on the proposition, if the proposition proposing the tax includes certain requirements. <i>(Resolution to propose constitutional amendment for vote by people of California)</i></p> <p>This measure would prohibit a local government from expending any revenues derived from a special transportation tax approved by 55% of the voters at any time prior to the completion of a statutorily identified capital project funded by revenues derived from another special tax of the same local government that was approved by a 2/3 vote: includes the following amendments</p> <p>--<i>The ballot proposition requires that at least 50 percent of the tax proceeds be expended by the local government for programs or purposes included in a sustainable communities strategy adopted pursuant to Chapter 2.5</i></p>   |         |

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| SCA 8<br>Corbett | Transportation Projects: Special Taxes – Voter Approval               | SEN Re-referred to Appropriations Com                     | Support<br>LCC Watch<br>MTC Support    | Support       | <p><u>(commencing with Section 65080) of Division 1 of Title 7 of the Government Code or any successor to that chapter, as either of them may be amended, or, in the case of a local government not included within a sustainable communities strategy, for programs or purposes that are authorized by law to be included in such a strategy.</u></p> <p><u>--The ballot proposition requires a local government, when expending any of the tax proceeds for an expansion project on the state highway system, to dedicate a portion of those proceeds, as determined under statute, for the ongoing maintenance of that expansion project.</u></p> <p>This measure would provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for transportation projects requires the approval of 55% of its voters voting on the proposition. <i>(resolution to propose constitutional amendment for vote by people of California)</i></p> <p><i>Amended 5/21 to include the following:</i><br/> <b>This proposed constitutional amendment, subject to a future vote of the people, reduces the voter threshold from two-thirds to 55 percent for passage of local sales taxes dedicated to transportation purposes, if the local ballot proposition:</b><br/> <b>--Contains a specific list of projects, programs, and purposes to be funded by the tax proceeds;</b><br/> <b>--Requires an annual independent audit of the tax proceeds collected and expended; and</b><br/> <b>--Requires the governing board to create a citizens' oversight committee.</b></p> |         |
| SCA 9<br>Corbett | Local Government: Economic Development—Special Taxes – Voter Approval | SEN Re-Referred to Appropriations Com<br>Last action 6/27 | Support<br>CSAC Support<br>LCC Support | Watch         | <p><i>Resolution to propose constitutional amendment for vote by people of California: Amended 5/21</i><br/> <b>This constitutional amendment lowers the vote threshold for local agencies imposing, extending, or increasing a special tax to fund local community and economic development projects within their jurisdiction to 55% if all of the following requirements are met:</b><br/> <b>--The ballot proposition contains a specific list of programs</b></p>   |         |

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| SCA 11<br>Hancock | Local government: special taxes:<br>voter approval | SEN<br>Referred to Appropriations Com<br>Last action 6/27 | Support              | Support       | <p><i>and purposes to be funded, and a requirement that tax proceeds be spent solely for those programs and purposes.</i></p> <p><i>--The ballot proposition includes a requirement for annual independent audit of the amount of tax proceeds collected and the specified purposes and programs funded.</i></p> <p><i>--The ballot proposition requires the governing board to create a citizens' oversight committee to review all expenditures of proceeds and financial audits, and report its findings to the governing board and public.</i></p> <p><u>This constitutional amendment defines a project as one that improves, upgrades, or revitalizes areas within the local government's jurisdiction that have become blighted because of deterioration, disuse, or unproductive economic conditions.</u></p> <p><i>The California Constitution conditions the imposition of a special tax by a local government upon the approval of 2/3 of the voters of the local government voting on that tax, and prohibits a local government from imposing an ad valorem tax on real property or a transactions tax or sales tax on the sale of real property. This measure would instead condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on the proposition. The measure would also make conforming and technical, nonsubstantive changes.</i></p> <p><b>Amended 5/21 to include the following:</b></p> <p><b><u>This constitutional amendment would lower the vote threshold for local agencies imposing, extending, or increasing any special tax from 2/3 to 55% provided all of the following requirements are met:</u></b></p> <p><i>--The ballot proposition contains a specific list of programs and purposes to be funded, and a requirement that tax proceeds be spent solely for those programs and purposes.</i></p> <p><i>--The ballot proposition includes a requirement for annual independent audit of the amount of tax proceeds collected and the specified purposes and programs funded.</i></p> <p><i>--The ballot proposition requires the governing board to create a citizens' oversight committee to review all expenditures of proceeds and financial audits, and report its findings to the governing board and public.</i></p> |         |

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| AB 22<br>Blumenfeld                   | Sidewalks: Repairs   | ASM<br>Local Government Committee<br><br>Set Hearing cancelled at request of author<br><br>Last action 4/10 | Oppose<br><br>LCC Oppose<br><br>CSAC Oppose | Oppose        | <p>Under existing law, the Improvement Act of 1911, the owners of lots or portions of lots fronting on any portion of a public street or place are required to maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition that will not interfere with the public convenience in the use of those works or areas, except as to those conditions created or maintained by persons other than the owner. This law imposes a duty of repair on the abutting property owners for defects in sidewalks, regardless of who created the defects, but does not of itself create tort liability to injured pedestrians or a duty to indemnify municipalities, except where a property owner created the defect or exercised dominion or control over the abutting sidewalk. <b>This bill would prohibit a city, county, or city and county that has an ordinance in operation that requires the city, county, or city and county to repair or reconstruct streets, sidewalks, or driveways that have been damaged as a result of tree growth from repealing the ordinance without the concurrence of the local electorate by majority vote. The bill would also declare that this is a matter of statewide concern.</b></p>   |         |
| AB 39<br>Skinner &<br>John A<br>Perez | Amended to<br>Energy: Conservation—Financial Assistance<br><br>(Was Proposition 39:<br>Implementation) | SEN<br><br>Appropriations Com:<br>Passed to<br>Second<br>Reading  | Support                                     | Watch         | <p><b>Amended 6/24/13 to now read:</b><br/><i>Current law establishes the Energy Conservation Assistance Account (ECAA) program for administration by the California Energy Commission (CEC) to provide grants and loans low or no interest for local governments, public schools, hospitals, government buildings and non-profit organizations to finance energy efficiency projects. This bill extends the sunset date of the ECAA program to January 1, 2020.</i></p> <p><b>Amended 2/27, 4/9, 4/24, 5/18, 5/24</b><br/>This bill would require the State Energy Resources Conservation and Development Commission (Energy Commission) to administer grants, no-interest loans, or other financial assistance to an eligible institution, defined as a public school providing instruction in kindergarten or grades 1 to 12, inclusive, for the purpose of projects that create jobs in California by reducing energy demand and consumption at eligible institutions. This bill would continuously appropriate for prescribed fiscal years an unspecified amount to the Energy Commission for this purpose in each year that at least that amount of money is transferred to the Job Creation Fund. This bill would require the Energy Commission to administer the grants, no-interest loans, or other financial assistance program to ensure that projects satisfy the prescribed criteria that apply to all expenditures from the Job Creation Fund. This bill would require an eligible</p> |         |

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|               |                            |   |                      |               | <p>institution that receives a grant, no-interest loan, or other financial assistance to report the amount of energy saved to the Energy Commission and to compute the cost of energy saved as a result of implementing projects funded by the grant, as prescribed.</p> <p>This bill would set forth certain criteria to be used to prioritize projects to be funded from moneys in the Job Creation Fund relative to public schools, school districts, public colleges and universities, and other public buildings and facilities. This bill would require moneys for job training and workforce development to be available from the Job Creation Fund, upon appropriation by the Legislature, to the California Conservation Corps, Certified Community Conservation Corps, Youth Build, and other existing workforce development programs, as specified, consistent with the requirements of the California Clean Energy Jobs Act.</p> <p>This bill would require moneys for <i>public-private partnerships</i> to be available from the Job Creation Fund, <i>upon appropriation by the Legislature, for assistance to certain local governments to establish and implement Property Assisted Clean Energy programs or similar financial and technical assistance consistent with the requirements of the California Clean Energy Jobs Act.</i></p> | Page 18 |
| AB 48 Skinner | Firearms: Ammunition—Sales | SEN<br>Com on Appropriations:<br>Passed to Second Reading | Watch                | Watch         | <p><b><u>Amended 7/9/13 to now read:</u></b><br/> <b><u>This bill would require DOJ to alert local law enforcement entities in the city, county, or city and county where the purchaser lives if any ammunition purchaser obtains more than 3,000 rounds of ammunition within a five-day period and the purchaser is an individual and not an ammunition vendor.</u></b><br/> <b><u>(this bill includes other stipulations as noted below that have not been amended or stricken out, regarding buying and receiving large capacity ammunition magazine, manufacturing, and fines.</u></b><br/> <b><u>Amended 4/4, 5/7, 5/24, 6/24:</u></b><br/> <b><u>This bill would also require DOJ to notify local law enforcement entities in the city, county, or city and county where the buyer lives if any ammunition purchaser obtains more than 3,000 rounds of ammunition within a five-day period and the purchaser is an individual and not an ammunition vendor.</u></b><br/> <b><u>This bill would add buying or receiving a large-capacity ammunition magazine to the current ban on importation, manufacture or sale of these magazines. This crime is punishable as a misdemeanor, by up to one year in the</u></b></p>   |         |

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| AB 185<br>Roger Hernandez | Open and public meetings: televised meetings | ASM Local Government<br><br>No movement; did not pass out of committee | Watch                | Oppose        | <p>county jail, or as a felony, by 16 months, two or three years in county jail.</p> <p><u>This bill</u> would clarify that, for purposes of the ban on manufacturing high capacity magazines, manufacturing a magazine from a combination of parts, including but not limited to the body, spring, follower, and floor plate or end plate, to be a fully functioning large-capacity magazine.</p> <p><u>This bill</u> would provide that, except as specified, any person in this state who knowingly manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, buys, or receives any large-capacity magazine conversion kit is punishable by up to six months in county jail, a fine of not more than \$1,000, or both.</p> <p><u>This bill</u> would define large-capacity magazine conversion kit as a device or combination of parts of a fully functioning large-capacity magazine, including, but not limited to, the body, spring, follower, and floor plate or end plate, capable of converting an ammunition feeding device into a large-capacity magazine.</p>   | Page 19 |
|                           |  |  |                      |               | <p><b>Amended 4/2, 4/17, 4/23:</b></p> <p>The bill would require a local agency that collects a franchise fee from the holder of a state franchise that provides PEG channels to televise the open and public meetings of its legislative body and planning commission, unless doing so would result in a financial hardship, as defined, in which case the local agency would be required to broadcast the meetings via an audio-visual electronic medium or an audio medium.</p> <p><b>Existing Law:</b> <i>The Ralph M. Brown Act requires that an audio or video recording of an open and public meeting made at the direction of a local agency is subject to inspection pursuant to the California Public Records Act and may be erased or destroyed 30 days after the recording. Existing law requires that any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency.</i></p> <p><i>The Digital Infrastructure and Video Competition Act of 2006 provides that cities, counties, cities and counties, or joint powers authorities receive state franchise fees in exchange for the use of public rights-of-way for the delivery of cable and video services provided within their jurisdictions, based on gross revenues,</i></p> |         |

| Bill Author          | Subject  | Status  | Staff Recommendation      | L&GO Position | Legislation Summary  | Page 20 |
|----------------------|--|---|---------------------------|---------------|--|---------|
| AB 188<br>Ammiano    | Property Taxation: Change in Ownership                                   | ASM<br>Revenue and Taxation Com set second hearing: Held under submission<br>Last action 5/13 | Support                   | Support       | <p><i>pursuant to a specified formula, from state franchise holders that provide public, educational, and governmental access (PEG) channels.</i></p> <p><b>Revises the circumstances under which a "change in ownership" of real property owned by a legal entity is deemed to have occurred.</b> Specifically, this bill:</p> <ol style="list-style-type: none"> <li>1) Provides that, when 100% of ownership interests in a legal entity are sold or transferred in a single transaction, the purchase or transfer of those interests is considered to be a "change of ownership" of the real property owned by the entity, thus, triggering a reassessment of the property for tax purposes.</li> <li>2) Specifies that a "purchase or transfer" of ownership interests in a legal entity means a merger, acquisition, private equity buyout, transfer of partnership shares, or any other means by which a legal entity acquires the ownership interest of another legal entity, including the subsidiaries or affiliates of the legal entity and the property owned by those subsidiaries and affiliates.</li> <li>3) States that a purchase or transfer of 100% of ownership interests in a legal entity is considered to be a "change of ownership" of the real property owned by that entity, whether or not any one legal entity that is a party to the transaction acquires more than 50% of the ownership interests.</li> <li>4) Requires the State Board of Equalization (BOE) to notify assessors when such a change in ownership has occurred.</li> </ol> |         |
| AB 210<br>Wieckowski | Transactions and Use Taxes: County of Alameda and County of Contra Costa | SEN<br>Chapters: Statutes of 2013<br>Chapter 194  | Support<br>MTC<br>Support | Support       | <p><b>Extends the current authorization for Alameda County to adopt an ordinance imposing a transactions and use tax (TUT) for transportation programs and allows Contra Costa County to adopt a similar ordinance. Specifically:</b></p> <ol style="list-style-type: none"> <li>1) Extends the sunset date from January 1, 2014 to December 31, 2020, allowing the County of Alameda to adopt an ordinance, conditioned upon voter approval, to propose the imposition of a TUT for the support of countywide transportation programs.</li> <li>2) Allows the County of Contra Costa to adopt an ordinance proposing the imposition of a TUT for the support of countywide transportation programs at a rate of no more than 0.5% that, in combination with other</li> </ol>  |         |

| Bill Author       | Subject  | Status  | Staff Recommendation | L&GO Position | Legislation Summary  |
|-------------------|--|---|----------------------|---------------|--|
| AB 416<br>Gordon  | California Air Resources Board:<br>Local Emission Reduction Program        | ASM<br>Appropriations<br>Set Second Hearing; held under submission<br>Last action 5/24                                  | Support              | Support       | <p><b>specified taxes, exceeds the 2% statutory limitation.</b></p> <p>Amended 4/4: <u>The bill would require the implementation of the program to be contingent on the appropriation of moneys by the Legislature</u></p> <p>This bill would create the Local Emission Reduction Program and would require money to be available from the general fund, upon appropriation by the Legislature, for purposes of providing grants to develop and implement greenhouse gas emission reduction projects in the state. The bill would require the state board to award moneys under the program to eligible recipients, as specified, and would permit the state board to give consideration to the ability of a project to, among other things, create local job training and job creation benefits and provide opportunities to achieve greenhouse gas emission reduction in ways that increase localized energy resources. This would include projects/ opportunities that decrease air or water pollution; reduce the consumption of natural resources or energy; provide opportunities to achieve greenhouse gas emission reductions in ways that increase localized energy resources; increase the reliability of local water supplies; increase solid waste diversion from landfills; achieve greenhouse gas emission reductions in ways that reduce vehicle miles traveled; prevent conservation of agricultural, forest, and open space lands to uses that result in higher greenhouse gas emissions.</p> |
| AB 431<br>Mullins | Regional Transportation Plan:<br>Sustainable Communities Strategy: Funding | ASM<br>Transportation Com<br>In Com; set first hearing; hearing cancelled at request of author<br>(now a two year bill) | Watch                | Watch         | <p>This bill authorizes a transportation planning agency that is designed as a metropolitan planning organization to impose a transactions and use tax of no more than 0.5% within all or a portion of its jurisdiction, in order to fund transportation, and affordable housing, as well as parks and open space in conformity with the region's sustainable communities strategy. The bill allows the proposed transactions and use tax to exceed the 2% combined county cap that is contained in existing law. In order to impose the tax, the transportation planning agency must first develop an expenditure plan for the revenues and then the governing board of the transportation planning agency must then adopt an ordinance proposing the tax by a 2/3 vote of that governing board. Provisions in the bill allow the transportation planning agency that includes territory of more than one count, to elect</p>   |

| Bill Author       | Subject  | Status   | Staff Recommendation | L&GO Position | Legislation Summary   | Page 22 |
|-------------------|--|--|----------------------|---------------|---|---------|
| AB 523<br>Ammiano | Department of Housing and Community Development: loans | SEN<br>Appropriations Com<br>Suspense File         | Support              | Watch         | <p>to exclude one or more counties from the transactions and use tax ordinance. <i>Co-sponsored by the Center for Sustainable Neighborhoods and the Non-Profit Housing Association of Northern California.</i></p> <p><b>This bill allows the Department of Housing and Community Development (HCD) to reduce the interest rate to as low as 0% on loans for affordable rental housing developments, if specified conditions are met. Amended 6/24/13 to also include:</b></p> <p><b>The bill would also authorize the department to change the current interest rate for any loan it <u>originates for which it receives a loan extension request associated with an award of federal or state low-income housing tax credits made on or after January 1, 2014</u>, to the most recently published applicable federal rate, as specified, and to forgive an amount of accrued interest if the total amount of debt and accrued interest at the end of the loan term would be greater after making this change than it would have been under the original interest rate. <i>Sponsored by Non Profit Housing Association of Northern California</i></b></p>                              |         |
| AB 453<br>Mullin  | Sustainable Communities                                | SEN<br>Appropriations Com<br>Held under submission | Support              | Support       | <p><i>Existing law establishes the Strategic Growth Council and appropriated \$500,000 from the funding provided by the initiative to the Natural Resources Agency to support the council and its activities. The council is required to manage and award grants and loans to a council of governments, metropolitan planning organization, regional transportation planning agency, city, county, or joint powers authority for the purpose of developing, adopting, and implementing a regional plan or other planning instrument to support the planning and development of sustainable communities.</i></p> <p><b>This bill would make a local agency formation commission eligible for the award of financial assistance for those planning purposes.</b></p> <p><b>Amended 7/3/13 to add the following:</b></p> <p><b><i>Existing law, the Cortese-Knox-Hertzberg Act, specifies the factors that a local agency formation commission is required to consider in the review of a proposal for a change of organization or reorganization, including a regional transportation plan, as specified, and its consistency with city or county general and specific plans.</i></b></p> |         |

| Bill Author   | Subject   | Status   | Staff Recommendation | L&GO Position         | Legislation Summary  | Page 23 |
|---|---|--|----------------------|-----------------------|--|---------|
| <p><b>AB 662</b><br/>Atkins,<br/>Dickinson,<br/>Mitchell,<br/>Perea,<br/>Ting, and<br/>Torres</p> | <p><b>Local government: Redevelopment—Successor Agencies to Redevelopment Agencies</b><br/><br/><b>(was Local Government: Infrastructure Financing Districts)</b></p> | <p><b>SEN</b><br/>Appropriations Com:<br/><br/>Pass as amended to Second Reading</p> | <p>Support</p>       | <p><b>Support</b></p> | <p><b>This bill would additionally require the regional transportation plan factor to include the effect development in the area is likely to have on meeting the region's greenhouse gas emissions reduction targets established by the State Air Resources Board in adopted and future plans.</b></p> <p><i>Existing law authorizes the creation of infrastructure financing districts, as defined, for the sole purpose of financing public facilities, subject to adoption of a resolution by the legislative body and affected taxing entities proposed to be subject to the division of taxes and voter approval requirements. Existing law prohibits on infrastructure financing district from including any portion of a redevelopment project area.</i></p> <p><b>This bill would delete the prohibition on infrastructure financing district including any portion of a redevelopment project area: Allows infrastructure financing districts to include portions of former redevelopment project areas and modifies the statutes governing redevelopment agencies' dissolution.</b></p> <p><b><u>Amended 9/3:</u> This bill would require that, on January 2, 2014, and twice yearly thereafter until June 1, 2018, funds be allocated to cover the housing entity administrative cost allowance of <del>city, county, or city and county</del> local housing authority that has assumed the housing duties of the former redevelopment agency, as specified, before remaining moneys are distributed to local agencies and school entities.</b></p> <p><b><u>Amended 6/11 to add the following:</u></b></p> <p>The bill would also provide that an agreement entered into between the redevelopment agency and the city, county, or city and county that created the redevelopment agency prior to October 1, 2011, is an enforceable obligation if the agreement relates to state highway infrastructure improvements to which the redevelopment agency committed funds pursuant to a specified code section.</p> |         |
| <p><b>AB 738</b><br/>Harkey</p>   | <p><b>Public Entity Liability: Bicycles</b></p>   | <p><b>ASM</b><br/>Judiciary Com<br/>hearing cancelled at request of</p>              | <p>Support</p>       | <p><b>Support</b></p> | <p><b>The bill states: “This bill would provide that a public entity or an employee of a public entity acting within his or her official capacity would not be liable for an injury caused to a person riding a bicycle while traveling on a roadway, if the public entity has provided a bike lane on</b></p>   |         |

| Bill Author      | Subject   | Status   | Staff Recommendation | L&GO Position         | Legislation Summary   | Page 24 |
|------------------|---|--|----------------------|-----------------------|---|---------|
| AB 745<br>Levine | Land Use: Housing Element                                   | <p>author:<br/>Last action<br/>4/23<br/>ASM<br/>Housing and<br/>Community<br/>Development<br/>Last action<br/>4/16</p> | Watch                | Watch                 | <p>that roadway.”</p> <p><b>This bill would authorize a city or county to request the appropriate council of governments to adjust a density to be deemed appropriate if it is inconsistent with the city or county’s existing density.</b><br/> <i>Currently: The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan that includes various mandatory elements, including a housing element that, in turn, is required to contain, among other things, an inventory of resources and constraints relevant to meeting the city’s or county’s housing needs. That law also requires a city’s or county’s inventory of land suitable for residential development to be used to identify sites that can be developed for housing that are sufficient to provide for the city’s or county’s share of the regional housing need, and for that purpose, requires a city or county to determine (1) whether each site in the inventory can accommodate some portion of its share, as specified, and (2) the number of housing units that can be accommodated on each site, as specified. That law requires a city or county, for the number of units calculated to accommodate its share of the regional housing need for lower income households, to either provide a prescribed analysis demonstrating how the adopted densities accommodate this need, or deem certain densities appropriate to accommodate housing for lower income households, based on specified classifications.</i></p> |         |
| AB 1002<br>Bloom | Vehicles: Registration Fee—Sustainable Communities Strategy | <p>ASM<br/>Local<br/>Government<br/>Com<br/>Last Action<br/>4/30<br/><br/>Has become<br/><u>a 2-year bill</u></p>      | Support              | Oppose unless amended | <p><b>Amended 4/23:</b><br/> Added to projects to be funded: <i>Safe Routes to School projects, and pedestrian safety projects if the road and highway maintenance and repair costs make up no more than 20 percent of the total pedestrian safety project cost. These funds may also be used for the construction and planning of, and as local matching funds for purposes of applying for federal or state transportation grants</i><br/> This bill would, in addition to any other fees specified in the Vehicle Code and the Revenue and Taxation Code, impose a fee of \$6 to be paid at the time of registration or renewal of registration of every vehicle subject to registration under the Vehicle Code, except as specified. This bill would require the Department of Motor Vehicles, after deducting all costs incurred pursuant to that provision, to remit all moneys realized pursuant</p>   |         |

| Bill Author      | Subject   | Status   | Staff Recommendation | L&GO Position | Legislation Summary  | Page 25 |
|------------------|---|--|----------------------|---------------|--|---------|
| AB 1080<br>Alejo | Community Revitalization and Investment Authorities | SEN<br>Appropriations Com<br>Held under submission | Support              | Support       | <p>to that provision for deposit in the Sustainable Communities Strategy Subaccount which is hereby established in the Motor Vehicle Account and made available, upon appropriation by the Legislature, for implementation of sustainable communities strategies.</p> <p><i>Existing law imposes a registration fee to be paid to the Department of Motor Vehicles for the registration of every vehicle or trailer coach of a type subject to registration, except those vehicles that are expressly exempted from the payment of registration fees. Existing law, until January 1, 2016, imposes a \$3 increase on that fee, \$2 of which is to be deposited into the Alternative and Renewable Fuel and Vehicle Technology Fund and \$1 of which is to be deposited into the Enhanced Fleet Modernization Subaccount.</i></p> <p>Amended 8/12 and 8/20:<br/> <b>Would authorize local entities, either individually or collaboratively and excluding schools and successor agencies, to form a Community Revitalization and Investment Authority (CRIA). Participating entities agree to direct property tax increment revenues to the CRIA to invest in improvements in specified project areas that are characterized by low household income, high unemployment and crime, and deteriorated public infrastructure and structures.</b></p> <p><i>Amended 4/24, 5/6, 5/20, 6/25, 7/2: to read<br/> This bill would authorize certain public entities of a community revitalization and investment area, as described, to form a community revitalization plan within a community revitalization and investment authority (authority) to carry out the Community Redevelopment Law in a specified manner. The bill would require the authority to adopt a community revitalization plan for a community Revitalization and investment area and authorize the authority to include in that plan a provision for the receipt of tax increment funds: authorizes local governments to create Community Investment and Revitalization Authorities to use tax increment revenue to improve the infrastructure, assist businesses, and support affordable housing in disadvantaged communities.<br/> (From the author, bill was introduced "to allow certain "disadvantaged" areas of California to create a new entity</i></p> |         |

| Bill Author                                | Subject   | Status   | Staff Recommendation             | L&GO Position        | Legislation Summary   |
|--|---|--|----------------------------------|----------------------|---|
|  |   |  |                                  |                      | <p><i>called a Community Revitalization Investment Authority through which the local community would invest the property tax increments of consenting local agencies, except schools, and other available funding, to improve conditions leading to increased employment opportunities, to reduce high crime rates, to repair deteriorating and inadequate infrastructure, to clean up brownfields, and to promote affordable housing.” He notes “that redevelopment focused over \$6 billion per year toward repairing and redeveloping urban cores and building affordable housing, especially those areas most economically and physically disadvantaged.”</i></p>   |
| <p><b>AB 1051</b><br/><b>Bocanegra</b></p> | <p><b>Housing (Sustainable Communities for All)</b></p>                                   | <p><b>ASM</b><br/><b>Appropriations Com</b><br/><b>Held under Submission</b><br/><b>Last Action 5/24</b></p>             | <p>Support</p>                   | <p><b>Watch</b></p>  | <p>Creates the Sustainable Communities for All Program to fund, via cap-and-trade auction revenues, the equitable implementation of SB 375 (Steinberg), Chapter 728, Statutes of 2008.</p> <p><b>Specifically, this bill:</b></p> <ol style="list-style-type: none"> <li><b>1) Requires the Program to provide competitive grants and loans to achieve the goals of the bill by investing in specified transportation, conservation and housing projects.</b></li> <li><b>2) Provides the implementation of the Program is contingent upon an appropriation by the Legislature.</b></li> <li><b>3) States legislative intent to fund the Program in the 2013-14 budget year.</b></li> <li><b>4) Appropriates unspecified amounts from the Greenhouse Gas Reduction fund for numerous eligibility categories and existing state programs.</b></li> </ol> |
| <p><b>AB 1179</b><br/><b>Bocanegra</b></p> | <p><b>Regional Transportation Plan: Sustainable Communities Strategy: Schoolsites</b></p> | <p><b>ASM</b><br/><b>Local Government Committee</b><br/><b>Hearing Postponed by Com.</b><br/><b>Last action 5/24</b></p> | <p>Oppose<br/>MTC<br/>Oppose</p> | <p><b>Oppose</b></p> | <p>Requires metropolitan planning organizations to identify, in consultation with local educational agencies, how the sustainable communities strategy may impact school enrollments and school capacities in the areas targeted for infill. Specifically, this bill requires the sustainable communities strategy (SCS) to identify, in consultation with each local educational agency (LEA) in the region, how the SCS may impact school enrollments and capacities and the need for new school sites or expansion or modernization of existing school sites.</p>  |

| Bill Author         | Subject                                       | Status  | Staff Recommendation       | L&GO Position | Legislation Summary  | Page 27 |
|---------------------|---|---|----------------------------|---------------|--|---------|
| AB 1229<br>Atkins   | Land use: Zoning Regulations                  | SEN<br>Third<br>Reading   | Support<br>CSAC<br>Support | Watch         | Expressly authorizes the legislative body of a city or county to establish inclusionary housing requirements as a condition of development. Specifically, this bill: Authorizes the legislative body of a city or county to establish, as a condition of development, inclusionary housing requirements, which may require the provision of residential units affordable to and occupied by lower-income, very low-income, or extremely low-income owners or tenants: <b>in other words, this bill overturns the Palmer decision and expressly authorizes a county or city to establish inclusionary housing requirements as a condition of development.</b> |         |
| ACA 8<br>Blumenfeld | Local Government Financing:<br>Voter Approval | SEN<br>Government<br>and Finance<br>Com<br><br>Hearing<br>postponed:<br>last action<br>7/10 | Support                    | Watch         | This measure would amend the California Constitutions to similarly lower to 55% the voter-approval threshold for a city, county, or city and county to incur bonded indebtedness, exceeding in any year the income and revenue provided in that year, that is in the form of general obligation bonds to fund specified public improvements and facilities, or buildings used primarily to provide sheriff, police, or fire protection services.   |         |

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**FINANCE AND PERSONNEL COMMITTEE**

Thursday, September 19, 2013, 5:00 PM

Location:

Joseph P. Bort MetroCenter  
Association of Bay Area Governments  
101 8<sup>th</sup> Street, Conference Room B  
Oakland, California

*The ABAG Finance and Personnel Committee may act on any item on this agenda.*

*Agenda and attachments available at [abag.ca.gov](http://abag.ca.gov)*

*For information, contact Herbert Pike, Finance Director, at (510) 464 7902.*

**1. CALL TO ORDER**

**2. PUBLIC COMMENT**

Information.

**3. APPROVAL OF MINUTES OF MAY 16, 2013**

ACTION.

*Attachment: Minutes of May 16, 2013*

**4. PRESENTATION AND REVIEW OF FINANCIAL REPORT FOR APRIL, MAY AND JUNE 2013**

Information/ACTION.

*Attachment: Financial Reports*

**5. REPORT ON DIVERSITY AND BUSINESS OPPORTUNITY FOR FY 2012/13**

Information/ACTION.

*Attachment: Diversity Report*

**6. PROCESS AND SCHEDULE FOR PUBLIC EMPLOYEE PERFORMANCE EVALUATION: LEGAL COUNSEL**

Information/ACTION.

**ABAG Finance and Personnel Committee**

September 19, 2013

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**7. CLOSED SESSION**

**A. Conference with Legal Counsel—Anticipated Litigation**

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2):

One case

**B. Conference with Legal Counsel—Existing Litigation**

Government Code Section 54956.9(d)(1)

Name of cases:

*Bay Area Citizens v. ABAG et al.*

*Building Industry Association Bay Area v. ABAG et al.*

*Communities for a Better Environment et al. v. MTC et al.*

**C. Labor Negotiations with SEIU Local 1021**

**D. Process and Schedule for Public Employee Performance Evaluation:  
Executive Director**

**8. REPORT OUT OF CLOSED SESSION**

**9. ADJOURNMENT**

The next meeting of the Finance and Personnel Committee will be on November 21, 2013.

Submitted:

Herbert Pike, Finance Director

Date: September 6, 2013

# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: August 30, 2013

To: Ezra Rapport, Executive Director

From: Brian Kirking, Human Resources Director  
Herbert L. Pike, Finance Director

Subject: **Report on Diversity and Business Opportunities—FY 2012/13**

This status report summarizes ABAG's business opportunities, recruitment, promotion and training activities during FY 2012-2013 (ending June 30, 2013) and recommends programs that will continue our record toward improving the Agency's diversity.

## **Executive Summary**

ABAG's annual number of hirings and promotions is small due to our size, funding and turnover. During this past fiscal year, ABAG added one permanent full-time male to our management staff and two permanent full-time females to our support staff. In addition, a number of temporary grant-funded professional staff were added. Four are male and five are female. We promoted three employees this fiscal year. One female from an under-represented group was promoted from the professional level to the management level, one male was promoted from within the professional level and one member from an under-represented group was promoted from the support level to the professional level.

## **Goals**

ABAG's Diversity Program has three goals:

- To achieve in major job classifications (Management, Professional, Support) the same proportion of under-represented group members as exists in the nine-county San Francisco Bay Area labor force;
- To provide opportunities for all under-represented group members employed by ABAG to participate in training and education programs that will improve their personal advancement and contributions to the work of the Agency; and
- To ensure that the promotion of under-represented group members employed by ABAG be consistent with relevant skills, experience and background of the employees, performance requirements of higher job classifications and the needs for particular skills and positions in the Agency's work program.

This policy is consistent with the requirements and objectives set forth in Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e); the Age Discrimination in Employment Act of 1967 (29

**Report on Diversity and Business Opportunities - FY 2012/13**

August 30, 2013

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U.S.C. § 621 et seq); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 793); the Americans With Disabilities Act (ADA) of 1990 (42 U.S.C. § 12101 et seq.); and California Government Code Sections 12940 et seq.

The following table shows the racial make-up of the total population in the nine Bay Area counties and the racial make-up of the three counties (Alameda, Contra Costa and San Francisco) from which ABAG staff is primarily drawn. The data reflects 2010 census information.

| <b>RACIAL MAKE-UP</b>                              | <b>TOTAL POPULATION<br/>NINE BAY AREA COUNTIES</b> | <b>ALAMEDA, CONTRA COSTA<br/>AND SAN FRANCISCO<br/>COUNTIES</b> |
|--|--|---|
|  | 7,150,739  | 3,364,531   |
| Amer. Indian & Alaska Native                       | 0.3%   | 0.3%  |
| Asian, Native Hawaiian &<br>Other Pacific Islander | 23.6%  | 24.5%   |
| Black or African American                          | 6.4%   | 9.6%  |
| Hispanic*  | 23.5%  | 21.3%   |
| Others   | 0.3%   | 0.3%  |
| White  | 42.4%  | 40.2%   |
| Two or More Races                                  | 3.5%   | 3.8%  |

\*Persons of Hispanic origin may be of any race.

**Current Composition of Staff**

An examination of the composition of staff by classification and gender in the following table shows an under-representation of females in management and an under-representation of males in professional and support classifications.

| <b>STAFF COMPOSITION BY CLASSIFICATION &amp; GENDER</b> |                   |                |                |
|---|-------------------|----------------|----------------|
| Management (7)  | Professional (69) | Support (5)    | Total (81)     |
| Male (5) 71%  | Male (28) 41%     | Male (1) 20%   | Total (34) 42% |
| Female (2) 29%  | Female (41) 59%   | Female (4) 80% | Total (47) 58% |

**Report on Diversity and Business Opportunities - FY 2012/13**

August 30, 2013

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The table below shows the composition of the ABAG staff as of June 30, 2013.

| ETHNIC BREAKDOWN BY CLASSIFICATION |            |             |              |             |          |             |                |
|------------------------------------|------------|-------------|--------------|-------------|----------|-------------|----------------|
| Race                               | Management |             | Professional |             | Support  |             | Total          |
| Amer. Indian                       | --         |             | 1            | 1.4%        | --       |             | 1 1.25%        |
| Asian                              | --         |             | 13           | 18.6%       | 2        | 40%         | 15 18.5%       |
| Black                              | --         |             | 8            | 11.4%       | 2        | 40%         | 10 12.3%       |
| Hispanic                           | 1          | 16.66%      | 1            | 1.4%        | 1        | 20%         | 3 3.7%         |
| Others                             | 1          | 16.66%      | 2            | 2.9%        | --       |             | 3 3.7%         |
| White                              | 3          | 50%         | 45           | 64.3%       | --       |             | 48 59.25%      |
| Two or More                        | 1          | 16.66%      | --           |             | --       |             | 1 1.25%        |
| <b>Total</b>                       | <b>6</b>   | <b>100%</b> | <b>70</b>    | <b>100%</b> | <b>5</b> | <b>100%</b> | <b>81 100%</b> |

During FY 2012-2013, twelve staff members left the Agency. Five retired, five resigned and two were laid off due to the end of their grant-funded positions.

|               | White    | Black    | Asian     | Hispanic | Two or More Races | Male     | Female   |
|---------------|----------|----------|-----------|----------|-------------------|----------|----------|
| Management    | 1        | 1        | --        | --       | --                | 1        | 1        |
| Professional  | 3        | --       | --        | 2        | 2                 | 2        | 5        |
| Support       | 2        | 1        | --        | --       | --                | 1        | 2        |
| <b>Totals</b> | <b>6</b> | <b>2</b> | <b>--</b> | <b>2</b> | <b>2</b>          | <b>4</b> | <b>8</b> |

## Report on Diversity and Business Opportunities - FY 2012/13

August 30, 2013

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### Recruitment

During FY 2012-2013, the Agency added twelve staff members, five males and seven females.

|              | White | Black | Asian | Hispanic | Two or More Races | Male | Female |
|--------------|-------|-------|-------|----------|-------------------|------|--------|
| Management   | 1     | --    | --    | --       | --                | 1    | --     |
| Professional | 7     | 1     | 1     | --       | --                | 4    | 5      |
| Support      | --    | --    | 1     | 1        | --                | --   | 2      |
| Totals       | 8     | 1     | 2     | 1        | --                | 5    | 7      |

Job openings were advertised with other regional councils of governments and other professional and non-profit organizations. This includes organizations that provide services to under-represented groups. Examples are the Unity Council in the Fruitvale District of Oakland and the Association of Latino Professionals in Finance and Accounting. Agency job openings were also posted on the Internet and the application was available online.

Interview Panels have, whenever possible, included under-represented group members as well as both genders. This policy will continue. The Human Resources Director and hiring manager select applicants for interview without knowledge of their ethnic status. If, however, this process does not produce representatives of under-represented groups, they are asked to re-examine the credentials of under-represented candidates. Whenever possible, qualified under-represented applicants are invited to interview.

### Promotions

Three employees were promoted during this fiscal year. Two males and one female were promoted. One employee was promoted within the professional level, one was promoted from the support level to the professional level, and one was promoted from the professional level to management. Two of the three promotions were for women or for a member of an under-represented group.

### Internship Program

Our traditional summer intern program consistently attracts a high caliber of applicants. The Agency received a total of 78 applications and hired 3 interns who were continuing or had just completed their college education. Of the 3 interns, 2 were White (66.7 percent), and 1 was Hispanic (33.3 percent).

**Report on Diversity and Business Opportunities - FY 2012/13**

August 30, 2013

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The following table presents the salary breakdown for classified staff by race and gender as of June 30, 2013.

**ASSOCIATION OF BAY AREA GOVERNMENTS  
COMPOSITION OF CLASSIFIED STAFF BY GENDER, RACE AND SALARY RANGE  
(As of June 30, 2013)**

| SALARY RANGE        | WHITE* |    | BLACK |    | ASIAN |    | AMERICAN INDIAN |    | TWO OR MORE RACES |    | HISPANIC |    | SUB-TOTAL |    | TOTAL |
|---------------------|--------|----|-------|----|-------|----|-----------------|----|-------------------|----|----------|----|-----------|----|-------|
|                     | M      | F  | M     | F  | M     | F  | M               | F  | M                 | F  | M        | F  | M         | F  |       |
| <b>MANAGEMENT</b>   |        |    |       |    |       |    |                 |    |                   |    |          |    |           |    |       |
| \$120,000-\$200,000 | 4      | 1  | --    | -- | --    | -- | --              | -- | 1                 | -- | --       | 1  | 5         | 2  |       |
| SUBTOTAL            | 4      | 1  | --    | -- | --    | -- | --              | -- | 1                 | -- | --       | 1  | 5         | 2  | 7     |
| <b>PROFESSIONAL</b> |        |    |       |    |       |    |                 |    |                   |    |          |    |           |    |       |
| \$94,932-\$115,380  | 3      | 2  | --    | -- | --    | 1  | --              | -- | --                | -- | --       | -- | 3         | 3  |       |
| \$75,024-\$100,548  | 1      | 7  | 1     | 1  | 2     | -- | --              | -- | --                | -- | --       | 1  | 4         | 9  |       |
| \$68,280-\$83,004   | 10     | 10 | 1     | 1  | 4     | 1  | 1               | -- | --                | -- | --       | -- | 16        | 12 |       |
| \$56,820-\$69,060   | 2      | 5  | --    | 1  | --    | 2  | --              | -- | --                | -- | --       | -- | 2         | 8  |       |
| \$49,512-\$60,180   | 2      | 4  | --    | 3  | 1     | 2  | --              | -- | --                | -- | --       | -- | 3         | 9  |       |
| SUBTOTAL            | 18     | 28 | 2     | 6  | 7     | 6  | 1               | -- | --                | -- | --       | 1  | 28        | 41 | 69    |
| <b>SUPPORT</b>      |        |    |       |    |       |    |                 |    |                   |    |          |    |           |    |       |
| \$44,832-\$54,660   | --     | -- | --    | -- | --    | 1  | --              | -- | --                | -- | --       | 1  | --        | 2  |       |
| \$38,952-\$47,352   | --     | -- | --    | 2  | 1     | -- | --              | -- | --                | -- | --       | -- | 1         | 2  |       |
| \$35,304-\$42,948   | --     | -- | --    | -- | --    | -- | --              | -- | --                | -- | --       | -- | --        | -- |       |
| \$30,360-\$37,080   | --     | -- | --    | -- | --    | -- | --              | -- | --                | -- | --       | -- | --        | -- |       |
| SUBTOTAL            | --     | -- | --    | 2  | 1     | 1  | --              | -- | --                | -- | --       | 1  | 1         | 4  | 5     |
|                     | WHITE* |    | BLACK |    | ASIAN |    | AMER IND        |    | TWO OR MORE       |    | HISPANIC |    | SUB-TOTAL |    | TOTAL |
|                     | M      | F  | M     | F  | M     | F  | M               | F  | M                 | F  | M        | F  | M         | F  |       |
| <b>TOTAL</b>        | 22     | 29 | 2     | 8  | 8     | 7  | 1               | 0  | 1                 | 0  | 0        | 3  | 34        | 47 | 81    |

\*White includes Other

## **Report on Diversity and Business Opportunities - FY 2012/13**

August 30, 2013

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### **Training**

It is the Agency's policy to encourage staff to participate in training to enhance their performance and develop skills for future growth. Thirty-three employees participated in 79 classes with the assistance of our training and development program. The Agency's expenditure was \$33,422 which compares to \$28,855 invested in FY 11/12 and \$36,401 invested in FY 10/11. The participants were from every classification and represented all races and genders. Although not represented in these numbers, the Agency encourages and supports managers and professionals to participate in workshops and associations related to their field. The expenditures for these on-going professional development programs are included in individual program and project budgets.

All program managers are encouraged to promote the professional growth of their staff. Since funds are limited, we encourage focus on those efforts that enhance the position-related qualifications of regular staff members. A special effort will be made to identify under-represented group members who need guidance and encouragement, as well as financial help, to further their careers. This is especially true for those interested in completing their college education.

### **Business Opportunities - FY 12/13**

Our adopted diversity policy states in part that:

“ABAG will, in its contracts with third parties for technical, consulting or other professional and non-professional services, comply with Federal rules regarding third-party relationships. ABAG will solicit proposals: from consultants with the required expertise who have protected group representatives among their employees, and from protected group consultants with the required expertise.”

In this spirit during FY 2012-13, ABAG used—and in most cases continues to use—the MBE/WBW firms, organizations or companies presented on Tables I and II.

In the past year, the agency consulting/service contracts with MBE/WBE organizations totaled \$833 thousand representing a decrease of 19.8 percent (\$206 thousand) from FY 2011-12. Accounting for \$50 thousand of this reduction was ABAG hiring of an individual formerly contracted under V-Soft Inc., an Asian-owned enterprise; the individual is Asian. The moving of the General Assembly from the Oakland Marriott City Center (Asian-owned) to another venue accounted for another \$102 thousand decrease.

At the same time, total contracted services increased in FY 2012-13 over FY 2011-12 by 22.4% (\$982 thousand). The largest factor being a \$1.03 million increase in Technical Consultant Services, primarily for technical reports issued by the Planning and Estuary Divisions.

The percent of all contracts representing MBE/WBE enterprises decreased from 23.7 percent in FY 2011-12 to 8.8 percent in FY 2012-13. In addition to the causes mentioned above, contributing to the reportable decline is the lack of self-reporting as to

## **Report on Diversity and Business Opportunities - FY 2012/13**

August 30, 2013

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the potential MBE/WBE status of many new vendors. Accounting is contemplating establishing a postcard query process to update our vendor files to strengthen confidence in the status reporting of our vendors. An example of poor reporting is that two vendors were added as MBE/WBE vendors because of firsthand knowledge of their ownership situation, but neither was listed within our purchasing system as MBE/WBE enterprises.

Table I--List of Firms/Contracts by Name and Table II—List of Firms/Contracts by Type are attached and provide additional detail.

### **Conclusion**

Progress toward achieving and maintaining a diverse workforce continues to be a challenge. As in previous years, we continue to seek Hispanic applicants to round out ABAG's diverse workforce. We will also continue to reach out and provide contracting opportunities to as many under-represented groups as possible, while maintaining our requirements of excellence.

Attachments:

Table I—List of Firms/Contracts by Name

Table II—List of Firms/Contracts by Type

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|                          |   |
|--------------------------|---|
| PRESIDENT                | Supervisor Mark Luce, County of Napa            |
| VICE PRESIDENT           | Mayor Julie Pierce, City of Clayton             |
| IMMEDIATE PAST PRESIDENT | Dave Cortese, Supervisor, County of Santa Clara |
| SECRETARY-TREASURER      | Ezra Rapport                                    |
| LEGAL COUNSEL            | Kenneth K. Moy                                  |

| County of     | Representative               | Alternate                   |
|---------------|------------------------------|-----------------------------|
| ALAMEDA       | ** Supervisor Richard Valle  | Supervisor Keith Carson     |
| ALAMEDA       | ** Supervisor Scott Haggerty | Supervisor Nathan Miley     |
| CONTRA COSTA  | * Supervisor Karen Mitchoff  | Supervisor Candace Andersen |
| CONTRA COSTA  | * Supervisor John Gioia      | Supervisor Mary Piepho      |
| MARIN         | ** Supervisor Katie Rice     | Supervisor Susan L. Adams   |
| NAPA          | ** Supervisor Mark Luce      | Supervisor Bill Dodd        |
| SAN FRANCISCO | ** Supervisor Eric Mar       | To Be Appointed             |
| SAN FRANCISCO | ** Supervisor Jane Kim       | To Be Appointed             |
| SAN MATEO     | * Supervisor Warren Slocum   | To Be Appointed             |
| SAN MATEO     | * Supervisor Dave Pine       | To Be Appointed             |
| SANTA CLARA   | ** Supervisor Mike Wasserman | To Be Appointed             |
| SANTA CLARA   | ** Supervisor David Cortese  | Supervisor Joe Simitian     |
| SOLANO        | * Supervisor Linda Seifert   | Supervisor Erin Hannigan    |
| SONOMA        | * Supervisor David Rabbitt   | Supervisor Susan Gorin      |

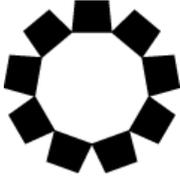
| Cities in the County of | Representative                                       | Alternate                                       |
|-------------------------|--|---|
| ALAMEDA                 | * Mayor Bill Harrison (Fremont)                      | Mayor Michael Sweeney (Hayward)                 |
| ALAMEDA                 | * Jerry Thorne (Pleasanton)                          | Mayor Marie Gilmore (Alameda)                   |
| CONTRA COSTA            | ** Mayor Julie Pierce (Clayton)                      | Councilmember Brandt Andersson (Lafayette)      |
| CONTRA COSTA            | ** Vice Mayor Dave Hudson (San Ramon)                | Mayor Greg Lyman (El Cerrito)                   |
| MARIN                   | * Mayor Pat Eklund (Novato)                          | Vice Mayor Daniel Hillmer (Larkspur)            |
| NAPA                    | * Mayor Leon Garcia (American Canyon)                | Mayor Ann Nevero (St. Helena)                   |
| CITY OF SAN FRANCISCO   | * Mayor Edwin Lee                                    | Jeff Buckley, Senior Advisor                    |
| CITY OF SAN FRANCISCO   | * Jason Elliott, Dir, Legislative/Government Affairs | Kelly Pretzer, Dep Dir, Legislative/Gov Affairs |
| CITY OF SAN FRANCISCO   | * Joaquin Torres, Dir, Economic/Workforce Dev        | Gillian Gillett, Dir, Transportation Policy     |
| SAN MATEO               | ** Mayor Pedro Gonzalez (S San Francisco)            | Councilmember Wayne Lee (Millbrae)              |
| SAN MATEO               | ** Mayor Pro Tem Mary Ann Nihart (Pacifica)          | Vice Mayor David Canepa (Daly City)             |
| SANTA CLARA             | * Councilmember Joe Pirzynski (Los Gatos)            | Councilmember Gilbert Wong (Cupertino)          |
| SANTA CLARA             | * Councilmember Ronit Bryant (Mountain View)         | Mayor Greg Scharff (Palo Alto)                  |
| SOLANO                  | ** Mayor Harry Price (Fairfield)                     | Mayor Jack Batchelor (Dixon)                    |
| SONOMA                  | ** Councilmember Jake Mackenzie (Rohnert Park)       | To Be Appointed                                 |
| CITY OF OAKLAND         | * Mayor Jean Quan                                    | Councilmember Lynnette Gibson McElhaney         |
| CITY OF OAKLAND         | * Councilmember Libby Schaaf                         | Councilmember Dan Kalb                          |
| CITY OF OAKLAND         | * Councilmember Desley Brooks                        | To Be Appointed                                 |
| CITY OF SAN JOSE        | * Councilmember Sam Liccardo                         | Councilmember Rose Herrera                      |
| CITY OF SAN JOSE        | * Councilmember Kansen Chu                           | Councilmember Donald Rocha                      |
| CITY OF SAN JOSE        | * Councilmember Ash Kalra                            | Mayor Chuck Reed                                |

| Advisory Members | Representative    | Alternate   |
|------------------|-------------------|-------------|
| RWQCB            | William Kissinger | Terry Young |

\* Term of Appointment: July 1, 2012 - June 30, 2014

\*\* Term of Appointment: July 1, 2013 - June 30, 2015

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**ABAG**

# Meeting Schedule 2013

## Executive Board Meetings

January 17

March 21

May 16

June 20—Special Meeting

July 18, 6:30 PM

Joint Meeting with Metropolitan Transportation Commission  
Oakland Convention Center—West Hall, 1001 Broadway, Oakland

September 19

November 21

START TIME:

7:00 PM

LOCATION:

Joseph P. Bort MetroCenter Auditorium  
101 8th Street  
Oakland, California 94607  
Across from the Lake Merritt BART Station

## Spring General Assembly

April 18

98 Broadway—Pavilion, Jack London Square, Oakland

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# ABAG CALENDAR – September & October 2013

## ASSOCIATION OF BAY AREA GOVERNMENTS [ABAG]

Joseph P. Bort MetroCenter, 101 Eighth Street, Oakland, CA 94607-4756

ABAG Receptionist: 510/464-7900

ABAG FAX: 510/464-7985

E-mail: [info@abag.ca.gov](mailto:info@abag.ca.gov)

URL: <http://www.abag.ca.gov>

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## SEPTEMBER

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### [JPC Agency Directors Meeting](#)

9/9 @ 3:00 pm, MetroCenter, MTC Offices

### [Health and Wellness Forum – Local Government: Creating Healthy Communities](#)

9/12 @ 8:30 am, MetroCenter, Auditorium

### [JPC Executive Committee](#)

9/12 @ 2:00 pm, MetroCenter, Auditorium

### [Bay Area Regional Prosperity Plan Steering Committee](#)

9/13 @ 12 pm, MetroCenter, Auditorium

### [Legislation & Governmental Organization](#)

9/19 @ 3:30 pm, MetroCenter, ABAG Conference Room B

### [Finance & Personnel Committee](#)

9/19 @ 5:00 pm, MetroCenter, ABAG Conference Room B

### [EXECUTIVE BOARD](#)

9/19 @ 7:00 pm, MetroCenter, Auditorium

### [ABAG / BAAQMD / MTC Joint Policy Committee](#)

9/20 @ 10:00 am, MetroCenter, Auditorium

### [San Francisco Restoration Authority Governing Board](#)

9/25 @ 12 Noon, MetroCenter, Room 171

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## OCTOBER

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### [Regional Planning Committee \(RPC\)](#)

10/2 @ 1:00 p.m., MetroCenter, Auditorium.

### [JPC Agency Directors Meeting](#)

10/7 @ 3:00 pm, MetroCenter, MTC Offices

### [Bay Trail Steering Committee](#)

10/10 @ 1:30 pm, MetroCenter, ABAG Conference Room B

### [ABAG PLAN Risk Management Committee](#)

10/16 @ 10:30 a.m., MetroCenter, ABAG Conference Room B

### [ABAG Power Annual Board Meeting](#)

10/24 @ 12 Noon, MetroCenter, ABAG Conference Room B

### [Regional Airport Planning Committee \(RAPC\)](#)

10/25 @ 9:30 am, MetroCenter, Auditorium

### [SFEP Evening Gala](#)

10/28 @ 5:00 pm, Oakland Museum of California, <http://www.sfestuary.org/SOE/>

### [SFEP State of the Estuary Conference](#)

10/29 – 10/30 @ 8:00 am, Oakland Marriott at City Center, <http://www.sfestuary.org/SOE/>

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\*\* ABAG programs for which a fee is charged and pre-registration is required. To register or for further information, contact **ABAG Receptionist** at 510/464-7900.

For ABAG Training Center information contact **Chanell Gumbs** at 510/464-7964.

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