

# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



ABAG

## AGENDA

### ABAG EXECUTIVE BOARD MEETING NO. 410

Thursday, November 19, 2015, 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 <http://www.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

#### 5. EXECUTIVE DIRECTOR'S REPORT

Information

#### 6. CONSENT CALENDAR

ACTION

Unless there is a request by an Executive 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 Meeting No. 408 held on September 17, 2015, and Meeting No. 409 held of October 13, 2015

*Attachments: Summary Minutes of September 17, 2015; Summary Minutes of October 13, 2015*

## **ABAG Executive Board**

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### **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. Report on ABAG Contracts between \$20,000 and \$50,000**

The Executive Board will receive a report on contracts for contract amounts between \$20,000 and \$50,000.

*Attachment: Contracts between \$20,000 and \$50,000*

### **D. Ratification of Election Certification—President and Vice President**

The Executive Board is requested to ratify the election certification of President and Vice President for the term of office beginning on January 1, 2016 and ending on December 31, 2017.

*Attachment: Election Certification*

### **E. Approval of Meeting Schedule for 2016**

The Executive Board is requested to approve its meeting schedule for 2016.

*Attachment: Meeting Schedule 2016 Proposed*

### **F. Approval of BayREN California Public Utility Commission Funding**

The Executive Board is requested to approve the acceptance of the annual funding for the BayREN in the amount of \$12.9 million commencing in 2016 and continuing until the earlier of 2025 or when the California Public Utilities Commission issues a superseding decision, and authorize the ABAG Executive Director to enter negotiations and execute the necessary agreements for acceptance of the approved funding and implementation of the BayREN program.

*Attachment: BayREN CPUC Funding*

### **G. Authorization to Enter into Contract Agreement for Urban Greening Bay Area Project**

The Executive Board is requested to authorize the Executive Director or designee to enter into contracts on behalf of ABAG/SFEP with SFEI, BASMAA, and the Cities of San Jose, San Mateo and Sunnyvale, respectively, as sub-recipients of the US EPA grant. The contract terms may be back-dated to July 1, 2015 (execution date of EPA award to ABAG) and will terminate no later than December 31, 2018.

*Attachment: Urban Greening Bay Area Project*

### **H. Adoption of Resolution No. 14-15 on San Pablo Avenue Green Stormwater Spine Project**

The Executive Board is requested to adopt Resolution No. 14-15 authorizing the extension of the Caltrans Cooperative Agreement and to authorize the Executive Director or designee to execute Amendment #2 to the agreement.

*Attachments: San Pablo Green Stormwater Spine Project, Resolution No. 14-15*

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**7. PRESENTATION ON THE SAN FRANCISCO ESTUARY PARTNERSHIP**

Information

Caitlin Sweeney, San Francisco Estuary Partnership, will give a presentation on the San Francisco Estuary Partnership.

*Attachment: San Francisco Estuary Partnership*

**8. REPORT ON PRELIMINARY REGIONAL FORECAST**

Information

Staff will report on ABAG's preliminary proposal for the updated regional forecast numbers for Plan Bay Area 2040, including the context and methods, preliminary updated projections, and comparison these to the previous Plan Bay Area 2013 projections.

*Attachment: Preliminary Regional Forecast*

**9. REPORT ON PLAN BAY AREA 2040 PERFORMANCE TARGETS AND DRAFT SCENARIO CONCEPTS**

Information/ACTION

*Attachments: Performance Targets; Scenario Planning*

**10. ADMINISTRATIVE COMMITTEE REPORT**

Information/ACTION

President and Committee Chair Julie Pierce, Councilmember, City of Clayton, will report on Committee actions taken since the last Executive Board meeting on September 17, 2015.

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

Information/ACTION

Committee Chair Scott Haggerty, Supervisor, County of Alameda, will report on Committee activities and request Executive Board approval of Committee recommendations.

*Attachment: LGO Committee Agenda; Unaccompanied Immigrant Children*

**12. FINANCE AND PERSONNEL COMMITTEE REPORT**

Information/ACTION

Committee Chair Bill Harrison, Mayor, City of Fremont, will report on Committee activities and request Executive Board approval of Committee recommendations.

*Attachment: FP Committee Agenda; Resolution No. 13-15*

**13. CLOSED SESSION**

The following items will be discussed in closed session pursuant to the requirements of the Ralph M. Brown Act:

**A. Conference with Labor Negotiators**

Agency designated representatives: Brian Kirking, ABAG Information Technology/Human Resources Director; Brad Paul, ABAG Deputy Executive Director

Employee organization: SEIU Local 1021

**14. REPORT OUT OF CLOSED SESSION**

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**15. ADJOURNMENT**

The next meeting of the Executive Board will be announced.

Submitted:

/s/ Ezra Rapport, Secretary-Treasurer

Date Submitted: November 16, 2015

Date Posted: November 16, 2015

*Roster*

*Schedule*

# SUMMARY MINUTES (DRAFT)

ABAG Executive Board Meeting No. 408  
Thursday, September 17, 2015  
Joseph P. Bort MetroCenter  
101 8<sup>th</sup> Street, Oakland, California

## 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

President Julie Pierce, Councilmember, City of Clayton, called the meeting of the Executive Board of the Association of Bay Area Governments to order at about 7:02 p.m.

President Pierce led the Executive Board and the public in the Pledge of Allegiance.

A quorum of the Executive Board was present.

### **Representatives and Alternates Present    Jurisdiction**

Mayor Jack Batchelor	City of Dixon
Councilmember Desley Brooks	City of Oakland
Supervisor Cindy Chavez	County of Santa Clara
Councilmember Julie Combs	City of Santa Rosa
Supervisor Damon Connolly	County of Marin
Supervisor David Cortese	County of Santa Clara
Councilmember Jim Davis	City of Sunnyvale
Dep Dir Andrew Dayton, Leg and Gov Affairs	City of San Francisco
Mayor Pro Tem Pat Eklund	City of Novato
Mayor Leon Garcia	City of American Canyon
Councilmember Pradeep Gupta	City of South San Francisco
Supervisor Scott Haggerty	County of Alameda
Supervisor Erin Hannigan	County of Solano
Mayor Bill Harrison	City of Fremont
Vice Mayor Dave Hudson	City of San Ramon
Supervisor Jane Kim	County of San Francisco
Supervisor Mark Luce	County of Napa
Supervisor Eric Mar	County of San Francisco
Supervisor Karen Mitchoff	Count of Contra Costa
Councilmember Mary Ann Nihart	City of Pacifica
Councilmember Raul Peralez	City of San Jose
Councilmember Julie Pierce	City of Clayton
Supervisor Dave Pine	County of San Mateo
Mayor Greg Scharff	City of Palo Alto
Mayor Jerry Thorne	City of Pleasanton
Dir Nicole Wheaton, Leg and Gov Affairs	City of San Francisco

### **Representatives Absent**

Supervisor Candace Andersen	County of Contra Costa
Councilmember Magdalena Carrasco	City of San Jose
Supervisor Julie Christensen	County of San Francisco
Councilmember Charles "Chappie" Jones	City of San Jose
Councilmember Dan Kalb	City of Oakland
Director William Kissinger	RWQCB

Supervisor Nathan Miley  
Supervisor David Rabbitt  
Supervisor Warren Slocum

County of Alameda  
County of Sonoma  
County of San Mateo

**2. PUBLIC COMMENT**

Ken Bukowski commented on the joint special ABAG Administrative Committee and MTC Planning Committee meeting on September 11. A video of the meeting is available at regional-video.com.

There was no other public comment.

**3. ANNOUNCEMENTS**

Pat Eklund, Mayor Pro Tem, City of Novato, reported on a meeting of the Marin Coalition held in Marin County, a report given to the Marin cities, and on AB 24.

Mark Luce, Supervisor, County of Napa, reported on the status of the wild fires and resiliency in communities.

There was no other member announcement.

**4. PRESIDENT'S REPORT**

President Pierce reported on the following:

On the Consent Calendar, the Executive Board is requested to adopt Resolution No. 07-15 and Resolution No. 08-15 under Item 6.C, Resolution No. 09-15 under Item 6.D., and Resolution No. 10-15 under item 6.F.

On the Consent Calendar is Item 6.B., Approval of Election Calendar—President and Vice President.

The staff report for Item 6.I. and a revised Attachment F to the staff report on Item 10 were emailed to members and posted online.

Members were asked to consider dates for a possible special ABAG Executive Board meeting in October.

**5. EXECUTIVE DIRECTOR'S REPORT**

There was no Executive Director's report.

**6. CONSENT CALENDAR**

President Pierce acknowledged a request to consider Item 6.B. separately from the Consent Calendar.

President Pierce recognized a motion by Pat Eklund, Mayor Pro Tem, City of Novato, which was seconded by Dave Hudson, Vice Mayor, City of San Ramon, to approve the Consent Calendar, including approval of the Summary Minutes on July 16, 2015; and adoption of Resolution No. 07-15, Resolution No. 08-15, Resolution No. 09-15, and Resolution No. 10-15; and except Item 6.B. which is to be considered separately.

There was no discussion.

There was no public comment.

The aye votes were: Batchelor, Brooks, Combs, Connolly, Davis, Dayton, Eklund, Garcia, Gupta, Hannigan, Harrison, Hudson, Luce, Mar, Mitchoff, Pierce, Pine, Scharff, Thorne, Wheaton.

The nay votes were: None.

Abstentions were: None.

Absent were: Andersen, Carrasco, Chavez, Christensen, Cortese, Haggerty, Jones, Kalb, Kim, Miley, Nihart, Peralez, Rabbitt, Slocum.

The motion passed unanimously.

**A. Approval of Executive Board Summary Minutes of Meeting No. 407 held on July 16, 2015**

The Executive Board approved the Summary Minutes of July 16, 2015, as corrected.

**C. Update on Plan Bay Area—Amendment to Plan Bay Area**

The Executive Board adopted ABAG Resolution No. 07-15 to Certify the Final Addendum to the Plan Bay Area Final Environmental Impact Report and ABAG Resolution No. 08-15 to Adopt the Final Amendment to Plan Bay Area.

**D. Adoption of Resolution No. 09-15 Terminating Membership in Local Government Services and Regional Government Services**

The Executive Board adopted Resolution No. 09-15 terminating ABAG's participation in Local Government Services and Regional Government Services and vacating ABAG's seats on their respective Boards of Directors.

**E. Ratification of an Agreement with Rockefeller Philanthropic Advisors**

The Executive Board ratified the agreement with Rockefeller Philanthropy Advisors in the amount of \$300,000 to partner with 100 Resilient Cities program to strengthen resilience in the Bay Area.

**F. Adoption of Resolution No. 10-15 Ratifying Execution of a Cooperating Technical Partners Partnership Agreement with the Federal Emergency Management Agency (FEMA)**

The Executive Board adopted Resolution No. 10-15 authorizing a Cooperating Technical Partners Partnership Agreement within the amount of \$1,370,000 for the second and third phase of work.

**G. Authorization to Enter into an Agreement with Urban Resilience Strategies**

The Executive Board authorized the Executive Director to execute an agreement with Urban Resilience Strategies to assist with implementation of the Rockefeller Resilient Cities grant.

**H. Ratification of Contract with Natural Resources Agency for Work on the California Coastal Regional Sediment Management Plan Development for San Francisco Outer Coast Littoral Cell**

The Executive Board ratified the contract with Natural Resource Agency to facilitate additional outreach.

**I. Plan Bay Area 2040 Goals and Targets—Revised Staff Recommendation**

The Executive Board adopted the Plan Bay Area 2040 Performance targets as recommended by the joint ABAG Administrative Committee and MTC Planning Committee.

Members discussed Item 6.B., Election of President and Vice President, continuing the current leadership given current issues, and provisions of the ABAG Bylaws on the terms of President and Vice President.

President Pierce recognized a motion by Eklund, which was seconded by Karen Mitchoff, Supervisor County of Contra Costa, to approve the Election Calendar for the Election of President and Vice President.

Members discussed the election calendar and terms of office.

There was no public comment.

The aye votes were: Batchelor, Brooks, Combs, Connolly, Davis, Dayton, Eklund, Garcia, Gupta, Hannigan, Harrison, Hudson, Luce, Mar, Mitchoff, Nihart, Pierce, Pine, Scharff, Thorne, Wheaton.

The nay votes were: None.

Abstentions were: None.

Absent were: Andersen, Carrasco, Chavez, Christensen, Cortese, Haggerty, Jones, Kalb, Kim, Miley, Peralez, Rabbitt, Slocum.

The motion passed unanimously.

#### **B. Approval of Election Calendar—President and Vice President**

The Executive Board adopted the election calendar for President and Vice President for the term of office beginning on January 1, 2016 and ending on December 31, 2017.

### **7. REPORT ON PEOPLE, PLACES, AND PROSPERITY**

Gillian Adams, Senior Regional Planner, presented an overview of the *People, Places, and Prosperity* report. To inform discussions about the *Plan Bay Area 2040* update, this report highlighted efforts to implement Plan Bay Area and provided a comprehensive look at the ways in which economic, housing, and environmental issues relate to one another and how they are currently affecting local communities and the region as a whole.

President Pierce recognized a motion by Eklund, which was seconded by Damon Connolly, Supervisor, County of Marin, to adopt the report, *People, Places and Prosperity*.

Members discussed report distribution.

There was no other member discussion.

There was no public comment.

The aye votes were: Batchelor, Brooks, Combs, Connolly, Davis, Dayton, Eklund, Garcia, Gupta, Hannigan, Harrison, Hudson, Luce, Mar, Mitchoff, Nihart, Pierce, Pine, Scharff, Thorne, Wheaton.

The nay votes were: None.

Abstentions were: None.

Absent were: Andersen, Carrasco, Chavez, Christensen, Cortese, Haggerty, Jones, Kalb, Kim, Miley, Peralez, Rabbitt, Slocum.

The motion passed unanimously.

President Pierce announced the availability of the report, *The State of the Estuary 2015*, and the ribbon cutting ceremony on September 19 at a section of the San Francisco Bay Trail in the City of Hercules.

**8. REPORT ON PRIORITY DEVELOPMENT AREA NOMINATIONS AND STAFF RECOMMENDATIONS**

Christy LeFall, Regional Planner, reported on a review of the Priority Development Area inventory and on Priority Development Area nominations, including the Golden Gate/North Oakland in the City of Oakland, the Rumrill Boulevard in the City of San Pablo, and the Sonoma Boulevard in the City of Vallejo Priority Development Areas.

Public comment was heard from the following: Michelle Rodriguez, Community Development Director, San Pablo.

There was no member discussion.

President Pierce recognized a motion by Jack Batchelor, Mayor, City of Dixon, which was seconded by Mary Ann Nihart, Councilmember, City of Pacifica, to adopt the Golden Gate/North Oakland, the Rumrill Boulevard, and the Sonoma Boulevard Priority Development Areas.

The aye votes were: Batchelor, Brooks, Combs, Connolly, Davis, Dayton, Eklund, Garcia, Gupta, Hannigan, Harrison, Hudson, Luce, Mar, Mitchoff, Nihart, Pierce, Pine, Scharff, Thorne, Wheaton.

The nay votes were: None.

Abstentions were: None.

Absent were: Andersen, Carrasco, Chavez, Christensen, Cortese, Haggerty, Jones, Kalb, Kim, Miley, Peralez, Rabbitt, Slocum.

The motion passed unanimously.

**9. REPORT ON PRIORITY CONSERVATION AREA NOMINATIONS AND STAFF RECOMMENDATIONS**

Laura Thompson, Bay Trail Manager, reported on the Priority Conservation Area process, designations, funding sources, and nominations, including 68 Priority Conservation Areas as described in Attachment 3 of the staff report.

Public comment was heard from the following: Sara Fein, Greenbelt Alliance; Jane Mark, Mid-Peninsula Open Space District.

Members discussed a trail in the City of Pacifica connecting to Devil's Slide county park.

President Pierce recognized a motion by Nihart, which was seconded by Eklund, to adopt the 68 Priority Conservation Areas as described in Attachment 3 of the staff report and to look for additional funding sources for Priority Conservation Areas.

The aye votes were: Batchelor, Brooks, Combs, Connolly, Davis, Dayton, Eklund, Garcia, Gupta, Hannigan, Harrison, Hudson, Luce, Mar, Mitchoff, Nihart, Peralez, Pierce, Pine, Scharff, Thorne, Wheaton.

The nay votes were: None.

Abstentions were: None.

Absent were: Andersen, Carrasco, Chavez, Christensen, Cortese, Haggerty, Jones, Kalb, Kim, Miley, Rabbitt, Slocum.

The motion passed unanimously.

**10. REPORT ON MTC PROPOSAL TO TRANSFER REGIONAL LAND USE PLANNING STAFF AND ASSOCIATED FY 2015-16 PLANNING BUDGET**

Ezra Rapport, Executive Director, reported on options for enhanced collaboration; an analysis of the Metropolitan Transportation Commission's proposal to transfer regional land use planning and research staff and associated funding from ABAG to MTC; and proposed actions, including restore ABAG's budget for Fiscal Year 2015-2016, retain a third party consultant to evaluate existing conditions and develop proposals, establish a subcommittee from ABAG and MTC boards to prepare an action plan, and schedule regular progress reports to the joint MTC Planning Committee/ABAG Administrative Committee.

President Pierce informed members of a memo she received from Dave Cortese, Supervisor, County of Santa Clara, and Chair of the MTC Commission, which was distributed to members.

Cortese reviewed his memo to President Pierce, commented on the MTC proposal to be posted on September 18, 2105, and commented on the proposed actions in the staff report.

Members discussed whether the Board can comment on the MTC proposal; cost and management efficiencies; one organization's authority to act on another because of funding; legal framework of joint funding framework agreement and legal options; inefficient decision making and problems; Plan Bay Area performance target related to the Building Industry of America settlement and the regional control total; planning staff work; General Assembly deciding on the transfer of planners to MTC; financial analysis of impact transferring planners; employee membership in SEIU 1021; securing an independent funding source; unfunded pension liability; Board authority over planning staff; moving MTC planning staff to ABAG; elected officials authority and policy decision making; differences between land use planning and transportation planning.

Public comment was heard from the following: Lee Huo, SEIU 1021; Kathleen Cha; Danielle Mieler; Jenifer Berg; Sara Fain, Greenbelt Alliance; Michele Rodriguez, San Pablo; Leah Zippert; Alex Amoroso; Kirsten Spalding, San Mateo County Union Community Alliance; Revan Tranter; Colette Meunier, Bay Area Planning Directors Association; Bob Allen, Urban Habitat.

President Pierce commented on discussions with the MTC Chair, the status quo relationship between ABAG and MTC, examination of a full merger of both agencies, and ABAG funding.

Members discussed organizational efficiency, past merger attempts, representation, funding; MTC's upcoming decisions on ABAG funding and planning transfer; Plan Bay Area work; full merger of ABAG and MTC; differences between ABAG and MTC work cultures; multi-year funding agreement between ABAG and MTC; effect on regional planning; local

control and governance; engaging the General Assembly; independent state funding; status quo; discussion process and structure that works best for the region; establishing a separate agency; goals and direction without a plan; representative government; merger and process; continuing fiscal year funding; bifurcated planning; business model decision making; consolidating planning and independent agencies; reason for MTC's actions and developing a process and determining outcome; employee service and welfare; land use and transportation planning; improving efficiencies; elected bodies decision making; MTC leadership frustration with status quo; not rushing decision; recognizing ABAG value among members; ABAG and MTC collaboration; comparing ABAG and MTC staff reports.

President Pierce recognized a motion by Eklund, which was seconded by Leon Garcia, Mayor, City of American Canyon, to direct the ABAG President to inform the Metropolitan Transportation Commission of the following: request MTC to restore full funding of ABAG for Fiscal Year 2015-16; maintain the status quo/remove transfer of ABAG planning staff to MTC; and begin ABAG and MTC discussion on restructuring relations, including merger.

There was no member discussion.

There was no public comment.

The aye votes were: Batchelor, Chavez, Combs, Connolly, Davis, Dayton, Eklund, Garcia, Gupta, Haggerty, Hannigan, Harrison, Hudson, Kim, Luce, Mitchoff, Nihart, Peralez, Pierce, Pine, Thorne, Wheaton

The nay votes were: None.

Abstentions were: Cortese.

Absent were: Andersen, Brooks, Carrasco, Christensen, Jones, Kalb, Mar, Miley, Rabbitt, Scharff, Slocum.

The motion passed unanimously.

[The Board next took up Item 12.]

## **11. LEGISLATION AND GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**

Committee Chair Scott Haggerty, Supervisor, County of Alameda, reported on committee activities and requested Executive Board approval of committee recommendations, including the following: approval of minutes from July 16, 2015; briefing on AB X1-24 (Levine/Ting), SB X1-1 (Beall), Transportation Funding; update on key ABAG bills, including AB 35 (Chiu), AB 90 (Atkins), AB 1335 (Atkins), SB 489 (Monning), SB 602 (Monning), AB 18 (Dodd); briefing on proposed legislation to establish a pool for water efficiency programs and projects for local government; and report on legislative workshop and reception for 2016.

President Pierce recognized a motion by Haggerty, which was seconded by Bill Harrison, Mayor, City of Fremont, to accept the committee report.

There was no discussion.

There was no public comment.

The aye votes were: Chavez, Connolly, Davis, Dayton, Eklund, Garcia, Gupta, Haggerty, Hannigan, Harrison, Hudson, Kim, Luce, Mitchoff, Nihart, Peralez, Pierce, Thorne, Wheaton

The nay votes were: None.

Abstentions were: None.

Absent were: Andersen, Batchelor, Brooks, Carrasco, Christensen, Combs, Cortese, Jones, Kalb, Mar, Miley, Pine, Rabbitt, Scharff, Slocum.

The motion passed unanimously.

## **12. FINANCE AND PERSONNEL COMMITTEE REPORT**

Committee Chair Bill Harrison, Mayor, City of Fremont, reported on committee activities and requested Executive Board approval of committee recommendations, including the following: approval of minutes of July 16, 2015; presentation and review of financial reports for June 2015; report on amendment to ABAG's investment policy; report on conditions imposed by MTC on the six-month interagency agreement; report on the status of line of credit renewal; and report on payment of membership dues for Fiscal Year 2015-16.

President Pierce recognized a motion by Harrison, which was seconded by Jerry Thorne, Mayor, City of Pleasanton, to accept the committee report.

There was no discussion.

There was not public comment.

The aye votes were: Chavez, Connolly, Davis, Dayton, Eklund, Garcia, Gupta, Haggerty, Hannigan, Harrison, Hudson, Kim, Luce, Mitchoff, Nihart, Peralez, Pierce, Thorne, Wheaton

The nay votes were: None.

Abstentions were: None.

Absent were: Andersen, Batchelor, Brooks, Carrasco, Christensen, Combs, Cortese, Jones, Kalb, Mar, Miley, Pine, Rabbitt, Scharff, Slocum.

The motion passed unanimously.

## **13. ADJOURNMENT**

President Pierce adjourned the meeting of the Executive Board at about 10:45 p.m.

The special meeting of the Executive Board will be determined.

The next meeting of the Executive Board will be on November 19, 2015.

Submitted:



Ezra Rapport, Secretary-Treasurer

Date Submitted:

Approved: TBD

*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).*

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# SUMMARY MINUTES (DRAFT)

ABAG Executive Board Meeting No. 409  
Tuesday, October 13, 2015  
Joseph P. Bort MetroCenter  
101 8<sup>th</sup> Street, Oakland, California

## 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

President Julie Pierce, Councilmember, City of Clayton, called the meeting of the Executive Board of the Association of Bay Area Governments to order at about 7:30 p.m.

President Pierce led the Executive Board and the public in the Pledge of Allegiance.

A quorum of the Executive Board was present.

### **Representatives and Alternates Present    Jurisdiction**

Supervisor Candace Andersen	County of Contra Costa
Councilmember Desley Brooks	City of Oakland
Senior Advisor Jeff Buckley	City of San Francisco
Supervisor Cindy Chavez	County of Santa Clara
Supervisor Damon Connolly	County of Marin
Dep Dir Andrew Dayton, Leg and Gov Affairs	City of San Francisco
Mayor Pro Tem Pat Eklund	City of Novato
Mayor Leon Garcia	City of American Canyon
Supervisor Scott Haggerty	County of Alameda
Vice Mayor Dave Hudson	City of San Ramon
Councilmember Charles "Chappie" Jones	City of San Jose
Councilmember Dan Kalb	City of Oakland
Supervisor Jane Kim	County of San Francisco
Director William Kissinger	RWQCB
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
Councilmember Mary Ann Nihart	City of Pacifica
Councilmember Raul Peralez	City of San Jose
Councilmember Julie Pierce	City of Clayton
Supervisor David Rabbitt	County of Sonoma

### **Representatives Absent    Jurisdiction**

Mayor Jack Batchelor	City of Dixon
Councilmember Magdalena Carrasco	City of San Jose
Supervisor Julie Christensen	County of San Francisco
Supervisor David Cortese	County of Santa Clara
Councilmember Jim Davis	City of Sunnyvale
Councilmember Pradeep Gupta	City of South San Francisco
Mayor Bill Harrison	City of Fremont
Supervisor Nathan Miley	County of Alameda
Supervisor Dave Pine	County of San Mateo
Mayor Greg Scharff	City of Palo Alto

Supervisor Linda Seifert  
Supervisor Warren Slocum  
Mayor Jerry Thorne

County of Solano  
County of San Mateo  
City of Pleasanton

**2. PUBLIC COMMENT**

Ken Bukowski announced the availability of public meeting videos at regional-video.com.  
There was no other public comment.

**3. ANNOUNCEMENTS**

There was no member announcement.

**4. PRESIDENT'S REPORT**

President Pierce informed members that a revised proposed Resolution No. 11-15 was distributed.

**5. EXECUTIVE DIRECTOR'S REPORT**

Ezra Rapport, ABAG Executive Director, reported on the election of President and Vice President. At the close of the nomination period on October 9, 2015, only one candidate had filed the necessary nomination petition for the office of President and one candidate for the office of Vice President. Pursuant to the Association's Procedures for Election of the President and Vice President, the sole nominee for each office is declared to be elected to such office. Therefore, the President-elect is Julie Pierce, Councilmember, City of Clayton, and the Vice President-elect is David Rabbitt, Supervisor, County of Sonoma, for the term beginning January 1, 2016 and expiring December 31, 2017. The Executive Board will be requested to ratify the results at its November meeting.

**6. RESPONSE TO MTC PROPOSAL TO TERMINATE ABAG'S PLANNING GRANT AND TRANSFER LAND USE PLANNING STAFF TO MTC**

Rapport presented an analysis of the Metropolitan Transportation Commission's proposal to transfer regional land use planning and research staff and associated funding from ABAG to MTC, including a review of a staff memo on Summary of September 23 MTC Commissioner Comments and a staff report on MTC Proposal to Terminate ABAG's Planning Grant and Transfer Land Use Planning Staff to MTC.

Public comment was heard from the following: Matt Vander Sluis, Greenbelt Alliance, spoke on strengthening integration between agencies and on a public process with stakeholder engagement, timeline and benchmarks; and Ken Bukowski spoke on reviewing of regional planning process.

Pierce reviewed the revised proposed Resolution No. 11-15, including: to which Executive Director the ABAG planners report; moving planners will result in failure of the remaining AGAG work; consideration of the status quo, a merged process, or merger of both agencies under one regional government; hiring a third party independent consultant to facilitate discussions between ABAG and MTC and the 101 cities and nine counties.

Members discussed a neutral party mediator; a concern about distribution of transportation funding; communications with cities and counties and other agencies; references to the Sustainable Communities Strategy and Plan Bay Area; the funding agreement between ABAG and MTC; a meeting of Marin County's General Assembly delegates; restructuring, merger and representation; merger and streamlining; a definition of the problem between

ABAG and MTC; stakeholder participation; the September 18 memo from the MTC Executive Director from the MTC Chair; response to MTC's funding proposal; Plan Bay Area updates; the revised Funding Framework Agreement policy statement.

President Pierce recognized a motion by Pat Eklund, Mayor Pro Tem, City of Novato, which was seconded by Mary Ann Nihart, Councilmember, City of Pacifica, to adopt Resolution No. 11-15, as revised.

Pierce encouraged members to continue speaking with their colleagues and constituents in support of ABAG funding through Fiscal Year 2015-2016; and to agree to maintain the status quo or enter into a discussion of a merger of both agencies.

Members discussed next steps; discussions with legislators and other funding sources; response to MTC's funding proposal; a meeting of the General Assembly.

There was no public comment.

The aye votes were: Andersen, Brooks, Chavez, Connolly, Eklund, Garcia, Haggerty, Hudson, Jones, Kalb, Kim, Luce, Mar, Mitchoff, Nihart, Peralez, Pierce, Rabbitt.

The nay votes were: Mackenzie.

Abstentions were: Dayton, Buckley.

Absent were: Batchelor, Carrasco, Christensen, Cortese, Davis, Gupta, Harrison, Miley, Pine, Scharff.

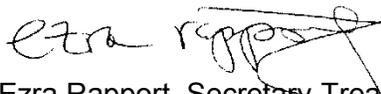
The motion passed.

## 7. ADJOURNMENT

President Pierce adjourned the meeting of the Executive Board at about 8:45 p.m.

The next meeting of the Executive Board will be on November 19, 2015.

Submitted:



Ezra Rapport, Secretary-Treasurer

Date Submitted: November 4, 2015

Approved: TBD

*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.*

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**Association of Bay Area Governments  
Executive Board  
Saturday, October 31, 2015  
Project Review**

**3.1 Federal Grant Applications Being Transmitted to the State Clearinghouse**

**The following federal grant applications which have been transmitted to the state clearinghouse by the applicants, have been entered into the regional clearinghouse by ABAG staff. These applications were circulated in ABAG's Intergovernmental Review Newsletter since the last Executive Board meeting. No comments were received on these projects. If the Executive Board wishes to take a position on any of these projects, it should so instruct the staff.**

**SANTA CLARA COUNTY**

Applicant: County of Santa Clara, office of Supportive Housing  
Program:  
Project: Morgen Hill Family Apartments Notice of Intend to Request Release of Funds and Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain  
Description: On or about November 2, 2105, the County of Santa Clara will submit a request to the U.S. Department of Housing and Urban Development (HUD) for release of \$ 756,269 in Home Investment Partnerships Program funds, as authorized by the National Affordable Housing Act 1990, Title II, as amended; and \$ 660,723 in Community Development Block Grants/Entitlement Grants, as authorized by the Housing and Community Development Act of 1974, Title I, Public Law 93-383, 88 Stat. 633 42 U.S.C. 5301-5321, as amended, to undertake a project known as Morgen Hill Family Apartments for the purpose of providing affordable housing. EAH Housing proposes to develop Morgan Hill Family Apartments on three separate sites to provide 41 units of affordable housing and 2,200 square feet of commercial space.  
Cost: Total \$16,728,381.00 Federal Applicant \$1,425,992.00 State: Local Other  
Contact: Angelina Usher (408) 299-6720  
ABAG Clearinghouse Number 16357

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# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: November 10, 2015  
To: ABAG Executive Board  
From: Charles Adams  
Interim Finance Director  
Subject: **ABAG Contracts between \$20,000 and \$50,000**

## Summary

ABAG has entered into contracts with the following consultants/contractors for contract amounts between \$20,000 and \$50,000. This is for information only.

1. ABAG entered into a contract with Frost-Cochrane, Inc. in the amount of \$20,000 for survey services pertaining to San Francisco Estuary Partnership's Clean Vessel Act Program. This consultant will survey approximately 50 sewage pumpout stations in the Bay and Delta to assess their functionality and condition. Contract negotiated by James Muller, Project Manager.
2. ABAG entered into a service agreement with TelePacific Communications in the amount of \$870 per month for telephone and fax service at 375 Beale Street in San Francisco. The agreement carries a 3-year term, making the total cost \$31,320. Agreement negotiated by Brian Kirking, Director of Information Services.
3. ABAG entered into a contract with CodeCycle, LLC in the amount of \$35,000 to provide compliance improvement technology. The software will be used initially in the Contra Costa County building department with the objective to provide services that will demonstrate the potential value of comprehensive, digital compliance assistance of Title 24 Part 6, as well as the energy components of Title 24 Part 11. Contract negotiated by Jennifer Berg, Program Manager and Gerald Lahr, Energy Programs Manager.

## Recommendation

Information.

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# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



Date: October 13, 2015  
To: ABAG Executive Board  
From: Fred Castro  
Clerk of the Board  
Subject: **Notice of Certification of Election of the President and Vice President of the Association of Bay Area Governments**

## Summary

At the close of the nomination period at noon on Friday, October 9, 2015, only one candidate had filed the necessary nomination petition for the office of President and one candidate for the office of Vice President of the Association of Bay Area Governments.

The sole candidate for President was Julie Pierce, Councilmember, City of Clayton, and the sole candidate for Vice President was David Rabbitt, Supervisor, County of Sonoma.

Pursuant to the Association's *Procedures for Election of the President and Vice President*: "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."

Therefore, I am pleased to certify the following as the Association's President-elect and Vice President-elect for the term beginning January 1, 2016 and expiring December 31, 2017.

President	Julie Pierce Councilmember City of Clayton
Vice President	David Rabbitt Supervisor County of Sonoma

## Recommendation

The Executive Board is requested to ratify the election certification of President and Vice President for the term of office beginning on January 1, 2016 and ending on December 31, 2017.

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# MEETING SCHEDULE 2016

*Approved by the Executive Board: TBD*

*For meeting date and time and location, see meeting notice, agenda and attachments available at <http://www.abag.ca.gov/>*

## General Assembly and Business Meeting

Date: TBD

Time: TBD

Location: TBD

Contact: Brad Paul, Deputy Executive Director, (510) 464 7955, [bradp@abag.ca.gov](mailto:bradp@abag.ca.gov)

## Executive Board

Dates: Thursday, January 21  
Thursday, March 17  
Thursday, May 19  
Thursday, July 21  
Thursday, September 15  
Thursday, November 17

Time: 7:00 PM to 10:00 PM

Location: Joseph P. Bort MetroCenter, 101 8th Street, Auditorium, Oakland  
*Across from the Lake Merritt BART Station*

Contacts: Brad Paul, Deputy Executive Director, (510) 464 7955, [bradp@abag.ca.gov](mailto:bradp@abag.ca.gov)  
Fred Castro, Clerk of the Board, (510) 464 7913, [fredc@abag.ca.gov](mailto:fredc@abag.ca.gov)

## Legislation and Governmental Organization Committee

Dates: *See Executive Board Schedule*

Time: 3:30 PM to 5:00 PM

Location: ABAG Conference Room B

Contact: Halimah Anderson, Communications Officer, (510) 464 7986,  
[halimaha@abag.ca.gov](mailto:halimaha@abag.ca.gov)

ASSOCIATION OF BAY AREA GOVERNMENTS  
MEETING SCHEDULE 2016

2

### Finance and Personnel Committee

Dates: See *Executive Board Schedule*  
Time: 5:00 PM to 6:00 PM  
Location: ABAG Conference Room B  
Contact: Finance Director, (510) 464 7900

### Administrative Committee

Dates: Special meetings scheduled as needed.  
  
Meets jointly with the MTC Planning Committee on the second Friday of the month, 9:30 AM, Joseph P. Bort MetroCenter, 101 8th Street, Auditorium, Oakland, across from the Lake Merritt BART Station  
  
Friday, January 8  
Friday, February 12  
Friday, March 11  
Friday, April 8  
Friday, May 13  
Friday, June 10  
Friday, July 8  
Friday, September 9  
Friday, October 14  
Friday, November TBD  
Friday, December 9  
  
Contact: Brad Paul, Deputy Executive Director, (510) 464 7955, bradp@abag.ca.gov

### Regional Planning Committee

Dates: Wednesday, February 3  
Wednesday, April 6  
Wednesday, June 1  
Wednesday, August 3  
Wednesday, October 5  
Wednesday, December 7  
  
Time: 12:30 PM to 2:30 PM  
  
Location: Joseph P. Bort MetroCenter, 101 8th Street, Auditorium, Oakland  
*Across from the Lake Merritt BART Station*  
  
Contact: Miriam Chion, Planning and Research Director, (510) 464 7919,  
miriamc@abag.ca.gov  
  
Wally Charles, Administrative Secretary, Planning, (510) 464 7993,  
wallyc@abag.ca.gov

# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: November 6, 2015

To: ABAG Executive Board

From: Gerald Lahr, Energy Programs Manager  
Jennifer Berg, BayREN Program Manager

Subject: **Bay Area Regional Energy Network**

## Summary

Approve the acceptance of funding from the California Public Utilities Commission (CPUC) for the continued implementation of the San Francisco Bay Area Regional Energy Network (“BayREN”) until the earlier of 2025 or when the California Public Utilities Commission issues a superseding decision, in an annual amount of \$12.9 million<sup>1</sup>, and authorize the ABAG Executive Director to enter negotiations and execute the necessary agreements for acceptance of the approved funding and implementation of the BayREN program.

## Background

On November 8, 2012 the CPUC approved ABAG’s application to form the BayREN, a collaboration of the 9 Bay Area counties to implement effective energy saving programs on a regional level. The BayREN draws on the expertise, experience, and proven track record of Bay Area local governments to develop and administer successful climate, resource, and sustainability programs. The BayREN uniquely addresses key sector regionally-scaled programs, and is able to offer and market them to residential and commercial customers across a large geographic area.

ABAG is the lead administrator of the BayREN and has convened a Coordinating Committee of local government agency staff representing the nine Bay Area counties, as follows:

- 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

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<sup>1</sup> The contract amount may increase slightly depending on any funds from the 2015 contract that remain at the end of the calendar year. These funds – if any – will be rolled into the 2016 program budgets. BayREN will also have the opportunity in 2016 to request a higher annual budget for subsequent years.

## Bay Area Regional Energy Network

November 6, 2015

2

- County of San Mateo
- County of Santa Clara
- Sonoma County Regional Climate Protection Authority

With an approved budget of \$22.7 million for 2013-14, and an additional 2015 budget of \$12,837,000,<sup>2</sup> the BayREN's main program elements include:

- Energy Efficiency Retrofits for Single Family Residential
- Energy Efficiency Retrofits for Multi-family Residential
- Promotion of Energy Efficiency Codes and Standards
- Commercial Property Assessed Clean Energy (PACE) financing facilitation
- Multifamily Project Financing (Capital Advance)
- Pay-As-You-Save (PAYS™)

Program successes to date include:

- Over 1,759 completed single family energy efficiency upgrades across the ABAG region
- Over 28,790 multifamily units completing technical assistance and 9,400 implementing energy efficiency measures (completed and in the pipeline)
- On-site assessments of energy code compliance rates in ten jurisdictions
- Convening of forums addressing Local Government Climate Action Planning, Commercial Benchmarking Ordinances and other energy/government related topics
- Providing information and services to members about PACE
- Participation agreements with four lending institutions to co-fund financing loans for multifamily energy retrofit projects
- Partnership with three water utilities for development of on-bill repayment program for financing of water/energy efficiency measures

A new rulemaking (R 13-11-005) at the CPUC commenced in 2013 and addresses a proposal to change the energy efficiency program cycle from two years to ten years. A decision in the second phase of this proceeding has recently been issued and provides BayREN with the same 2015 annualized budget until the earlier of 2025 or when the California Public Utilities Commission issues a superseding decision.

### Recommendation

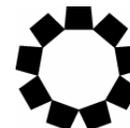
The Executive Board is requested to approve the acceptance of the annual funding for the BayREN in the amount of \$12.9 million commencing in 2016 and continuing until the earlier of 2025 or when the California Public Utilities Commission issues a superseding decision, and authorize the ABAG Executive Director to enter negotiations and execute the necessary agreements for acceptance of the approved funding and implementation of the BayREN program.

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<sup>2</sup> Approved annualized budget. Excludes funds rolled forward from prior years.

# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: November 10, 2015  
To: ABAG Executive Board  
From: Judy Kelly  
Director, San Francisco Estuary Partnership  
Subject: **Urban Greening Bay Area Grant Subcontracts Authorization**

## Summary

On June 24, 2015, ABAG/San Francisco Estuary Partnership (SFEP) was awarded a grant from US EPA for San Francisco Bay Area Water Quality Improvement Funds in the amount of \$1,730,862 for a project entitled Urban Greening Bay Area. The project will promote and implement green infrastructure (GI) throughout the Bay Area to improve stormwater quality which impacts the health of San Francisco Bay.

The project consists of GI Planning, Implementation and Tracking tasks. In the planning phase, the project will: 1) upgrade and enhance the watershed-based GreenPlan-IT tool, 2) integrate GI into local planning efforts in various partnering jurisdictions, and 3) support a roundtable process to explore long term funding for implementing GI in the region. The implementation phase includes: 1) a design charrette to develop cost-effective GI designs for typical roadway intersections, with construction of up to three GI projects based on the winning designs, and 2) construction of the Chynoweth Avenue Green Street Project in San Jose. The Tracking Element includes the development and trial of a Geographic Information System (GIS) database and interactive map of constructed GI and Low Impact Development (LID) projects in the region.

Among the project partners on the grant are San Francisco Estuary Institute (SFEI), Bay Area Stormwater Managers Agencies Association (BASMAA), Cities of San Jose, San Mateo and Sunnyvale. ABAG/SFEP seeks to issue contracts to these grant subrecipients in the near term. Subrecipient agreements will extend over a three year period as follows:

## Urban Greening Bay Area Grant Subcontracts Authorization

November 10, 2015

2

<b>Sub-recipient</b>	<b>Grant Subproject</b>	<b>Contract Amount</b>
SFEI	Planning: GreenPlan-IT Tool enhancements, GI integration into local planning; Tracking: LID Tracker Tool development	\$592,000
BASMAA	Planning: GI Funding Roundtable process; Implementation: GI Design Charrette	\$200,000
City of San Jose	Implementation: Chenoweth Street project GI Design & Engineering	\$100,000
City of San Mateo	Implementation: build up to three projects based on BASMAA design charrette outputs	\$300,000
City of Sunnyvale	Planning: GI integration into local planning; Implementation: build up one project based on BASMAA design charrette outputs	\$150,000
	<b>Total Amount to Sub-recipients</b>	<b>\$1,342,000</b>

Upon authorization, SFEP and ABAG Legal Counsel will draft individual contracts for execution by the Executive Director or his designee.

### Recommendation

The Executive Board is requested to authorize the Executive Director or designee to enter into contracts on behalf of ABAG/SFEP with SFEI, BASMAA, and the Cities of San Jose, San Mateo and Sunnyvale, respectively, as sub-recipients of the US EPA grant. The contract terms may be back-dated to July 1, 2015 (execution date of EPA award to ABAG) and will terminate no later than December 31, 2018.

# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: November 10, 2015  
To: ABAG Executive Board  
From: Judy Kelly  
Director, San Francisco Estuary Partnership  
Subject: **Caltrans Cooperative Agreement, Modification #2 Authorization**

## Executive Summary

On December 5, 2012 ABAG and Caltrans entered into a Cooperative Agreement defining the terms and conditions under which to cooperate on the San Pablo Avenue Green Stormwater Spine Project (Spine Project). Caltrans has contributed \$1,800,000 towards the construction of this multi-city/multi-site project to satisfy mitigation required of Caltrans by the Regional Water Quality Control Board as part of the San Francisco-Oakland Bay Bridge Seismic Safety Project.

The Cooperative Agreement currently expires on December 31, 2015. Due to significant delays in the planning and permitting processes, the construction of the project is now estimated to begin in spring 2016. To ensure the project construction funds and other Caltrans project-related commitments remain in place, Caltrans and SFEP have agreed to extend the Cooperative Agreement termination date to December 31, 2017.

Upon authorization, ABAG Executive Director and Legal Counsel will sign Amendment #2 to the Cooperative Agreement. Caltrans will execute the extension after receiving the signed Amendment from ABAG

## Recommended Action

The Executive Board is requested to adopt Resolution No. 14-15 authorizing the extension of the Caltrans Cooperative Agreement and to authorize the Executive Director or designee to execute Amendment #2 to the agreement.

## Attachment

Resolution No. 14-15

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**ASSOCIATION OF BAY AREA GOVERNMENTS  
EXECUTIVE BOARD**

**RESOLUTION NO. 14-15**

**RESOLUTION OF THE EXECUTIVE BOARD OF THE ASSOCIATION OF BAY AREA  
GOVERNMENTS APPROVING THE EXTENSION OF THE COOPERATIVE  
AGREEMENT BETWEEN ABAG AND CALTRANS FOR THE SAN PABLO AVENUE  
GREEN STORMWATER SPINE PROJECT**

**WHEREAS**, text; and

**WHEREAS**, the California Department of Transportation (Caltrans) and the Association of Bay Area Governments (ABAG) entered into a Cooperative Agreement on December 5, 2012 to define the terms and conditions under which to cooperate on the project above,

**WHEREAS**, Caltrans has provided funds in the amount of \$1,800,000 to ABAG for the construction of the project above,

**WHEREAS**, delays in the project design and permitting processes have extended the project timelines, such that the construction process will not begin before the current agreement terminates (December 31, 2015),

**WHEREAS**, Caltrans and SFEP staff have negotiated mutually agreeable terms to extend the Cooperative Agreement until December 31, 2017 as Amendment #2 to the Agreement; and

**WHEREAS**, Caltrans requires a resolution from the ABAG Executive Board certifying the approval of Amendment #2 to the Agreement before executing said amendment

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 14-15**

**NOW, THEREFORE, BE IT RESOLVED** that the Executive Board of the Association of Bay Area Governments hereby:

1. Approves Amendment #2 to the Cooperative Agreement between Caltrans and ABAG for the San Pablo Avenue Green Stormwater Spine project, extending the agreement to December 31, 2017;
2. Authorizes the ABAG Executive Director, or designee, as agent to sign and submit Amendment #2 to Caltrans for execution.

The foregoing was adopted by the Executive Board this 19<sup>th</sup> day of November, 2015.

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Julie Pierce  
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 Administrative Committee of the Association at a duly called meeting held on the 19<sup>th</sup> day of November, 2015.

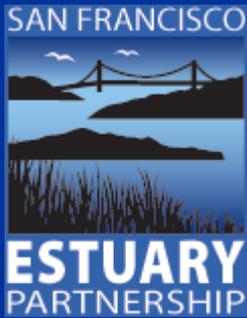
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Ezra Rapport  
Secretary-Treasurer

**Approved as To Legal Form**

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Kenneth K. Moy  
Legal Counsel



# San Francisco Estuary Partnership

ABAG Executive Board Meeting  
November 19, 2015



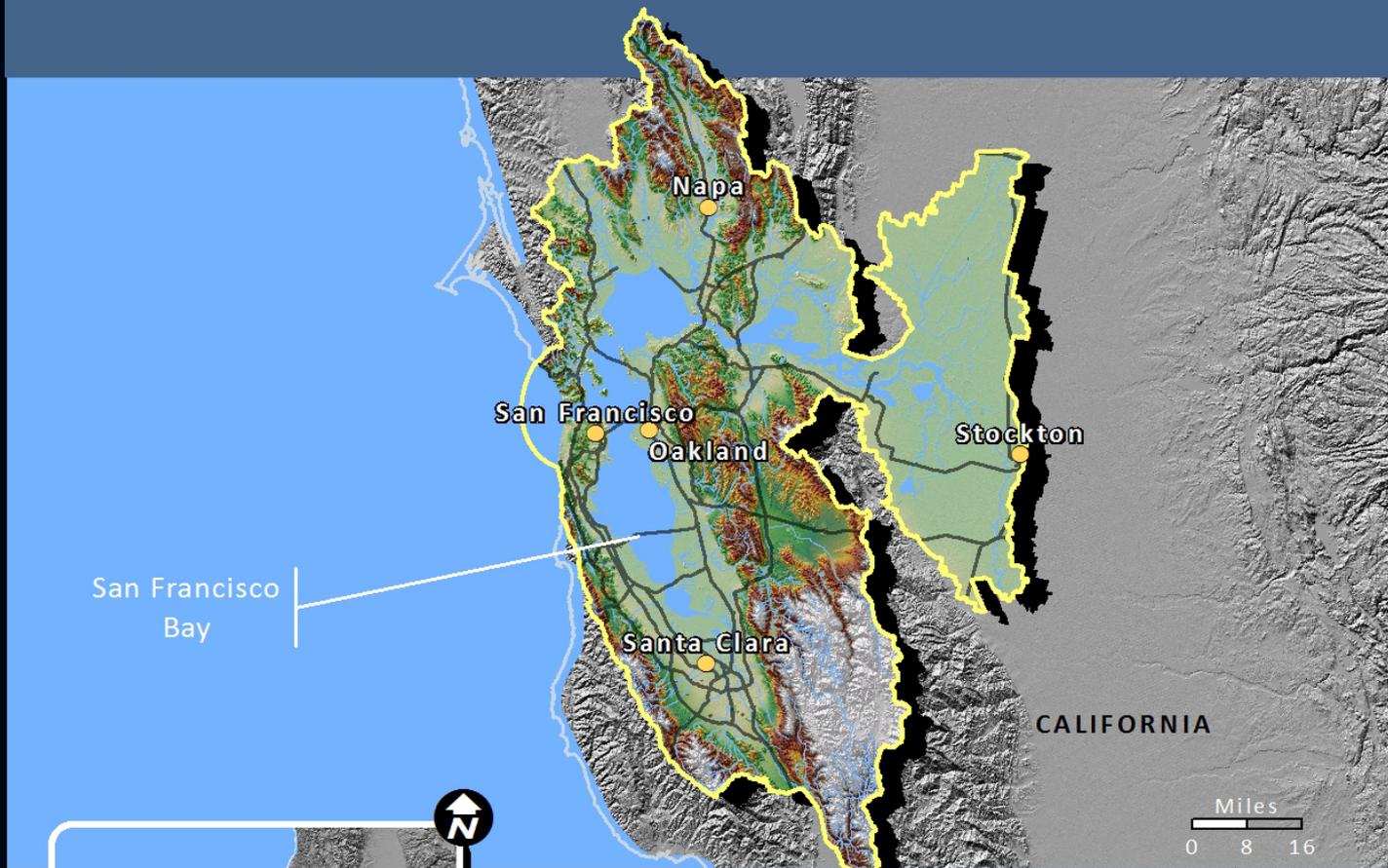
Item 7



# 28 Estuaries of National Significance Section 320 Clean Water Act



# SAN FRANCISCO ESTUARY PARTNERSHIP

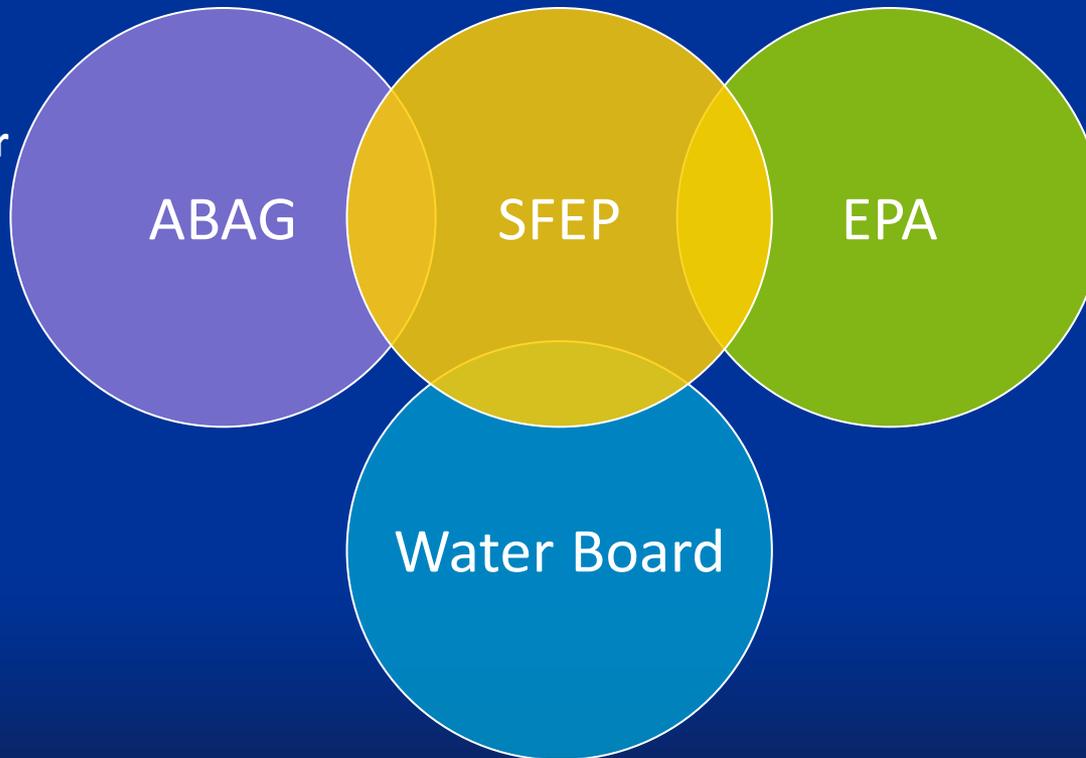


<b>LEGEND</b>	NEP Study Area	<b>Elevation</b>  H L
	Cities	
	Major Roads	



# SFEP – Federal, State, Local Partnership

**Regional Partner**  
SFEP's  
institutional  
home



**Federal Partner**  
Clean Water Act –  
Sec 320  
Legislative home of  
SFEP, program  
approval

**State Partner**  
Lead CCMP implementer  
Physical home of SFEP



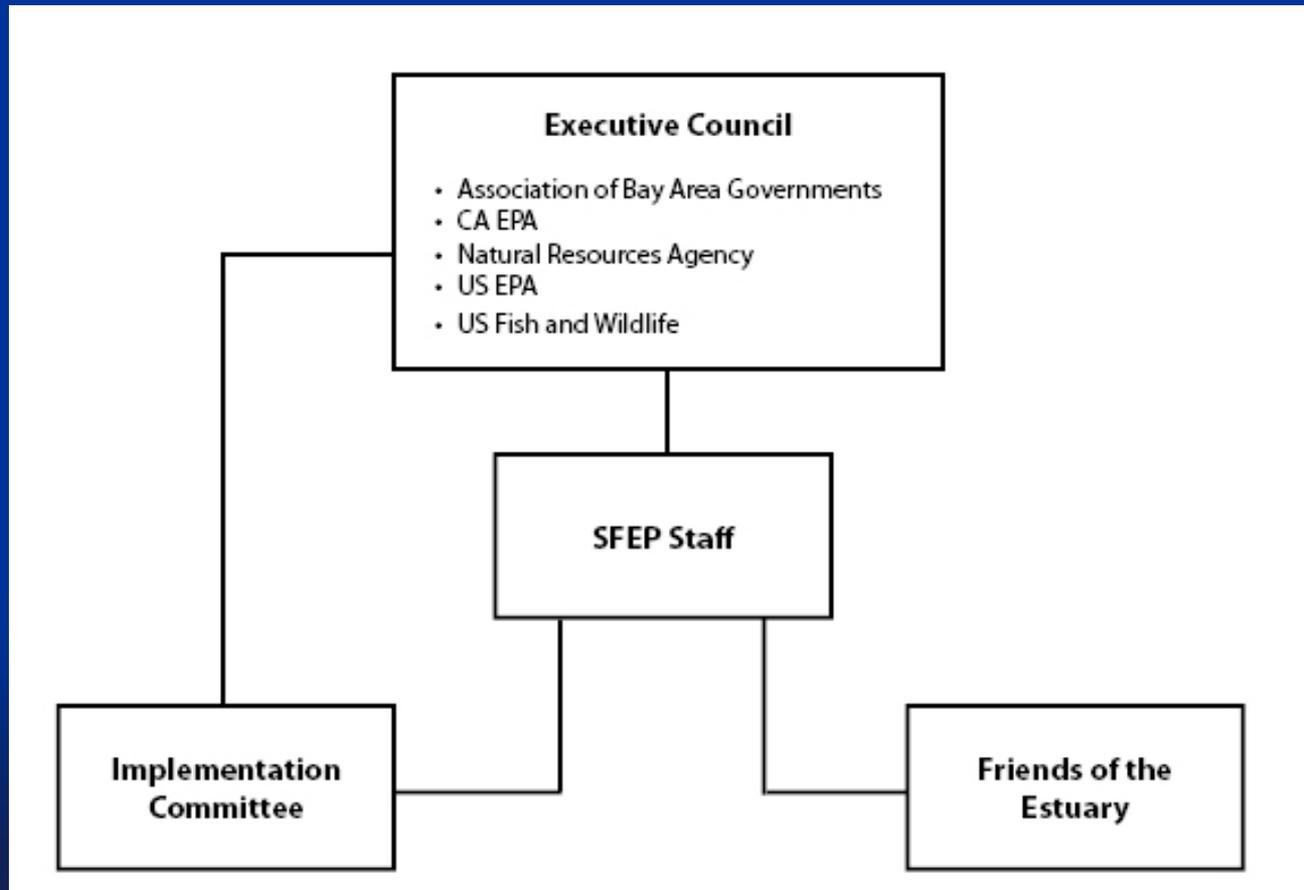
# San Francisco Estuary Partnership

- Collaborative
- Non-regulatory
- Created and manage the Comprehensive Conservation and Management Plan
  - To restore and enhance the Estuary





# SFEP Organizational Structure





## SFEP Staff

- Core staff manage 50+ projects (~8)
- Direct technical assistance to Regional Board  
- contract agreements (4)



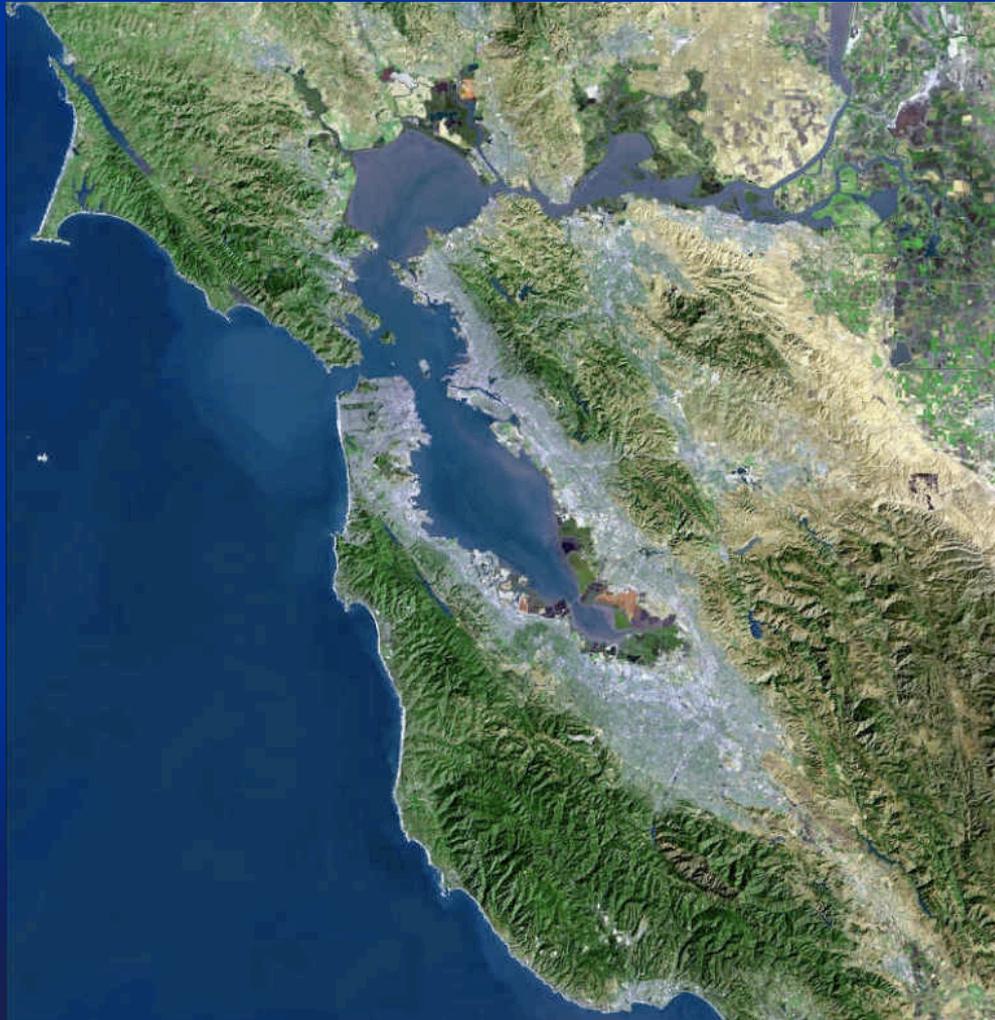


# SFEP Implementation Committee

- Representatives from local/state/federal agencies, business/industry, and environmental organizations
- Implements the CCMP
- Helps guide SFEP priorities and support implementation of SFEP activities



[www.sfestuary.org](http://www.sfestuary.org)



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Date: November 13, 2015

To: ABAG Executive Board

From: Cynthia Kroll, Chief Economist, ABAG

Subj: Preliminary Regional Forecast Numbers, November 19, 2015

This memo describes ABAG's preliminary proposal for the updated regional forecast numbers for Plan Bay Area 2040. The memo first presents the context and methods. Next we present the preliminary updated projections (referred to here as ABAG 2017p) and compare these to the previous Plan Bay Area 2013 projections. Appendix A describes the broader range of projections considered and explains the choice of the ABAG 2017p set of projections.

## Context

ABAG's Projections are being updated as part of the minor update to Plan Bay Area. The update recognizes changing information on economic conditions and population growth in the region over the past five years and also applies new tools.

### *How Does the 2010-2015 Surge in Growth Change the Outlook?*

There are two possible interpretations of the last 5 years:

- 1) The region grows through cycles of innovation. During periods when innovation is surging, employment and compensation also surge, as it has in the past 5 years. This surge slows when either a) other broader factors in the economy lead to a slowdown in investment (as with the financial crisis) or b) when the industry reaches the state of more standardized production or operations (in the case of services), at which time a substantial share of growth occurs outside the region. Under this interpretation, the growth surge is temporary and is expected to slow.
- 2) Analysts like Moretti have described differential growth across regions based on the region's capacity for knowledge-based activities. Regions with strong education and knowledge resources continue to grow, while those with a less educated population and greater concentration of employment in sectors outside the knowledge base stagnate or decline. Because the Bay Area is a knowledge based region, we should expect it to continue to be part of this faster growing segment of the national landscape.

The recommended set of projections assumes a combination of the two, but leans more heavily on explanation (1). The region has a competitive advantage in knowledge based industries, but the surge over the past 5 years is part of an innovation wave, and will not continue at this pace on a steady basis going forward. In fact, in the selected projection, regional employment grows slightly more slowly than the US as a whole for some periods following 2015.

### *What Is the "Right" Projection?*

The "right" projection is shaped by the goals of *Plan Bay Area 2040*. We are seeking a "realistic" set of numbers, meaning a projection that could reasonably occur given feasible relaxation of our most

constraining limitations. At the same time, *Plan Bay Area* is aspirational and intentional, prescribing policies to help overcome barriers and allow housing, household, population and job growth.

### **The Forecasting Process**

ABAG used a suite of tools and in-house analytic models to develop a range of projections for employment, population and household growth. Selection of a preliminary projection from this range relied on feedback from the Technical Advisory Committee (Appendix C) and consultation within senior and executive staff within the two regional agencies primarily responsible for *Plan Bay Area 2040*. Stephen Levy of the Center for Continuing Study of the California Economy (CCSCE) provided valuable input in shaping our process, including extensive review of the REMI model, which with his assistance became a tool for exploring a range of projections.<sup>1</sup> For the preliminary proposed projection, ABAG then estimated the change in commute level and a regional housing control total.

#### *Employment*

ABAG adjusted the REMI version 1.7.2 model, customized for the Bay Area, to analyze a range of employment levels for the Bay Area between 2010 and 2040. ABAG staff modified the national and regional controls and created simulations to explore implications of alternative levels of employment growth. ABAG also used simple trend extrapolation techniques to provide an envelope of potential employment levels within which to evaluate alternatives generated using REMI.

#### *Population*

ABAG contracted with John Pitkin of Analysis and Forecasting, Inc., and Dowell Myers, of the University of Southern California, to adapt their population projection model to the Bay Area. ABAG conducted sensitivity tests on migration assumptions, using the Pitkin-Myers (P-M) model, and compared detailed results by age and ethnic distribution with REMI and California Department of Finance output. Because of the consistency of population characteristics between the P-M and REMI results, the ABAG preliminary proposed population projection is drawn from REMI so that the growth in population is then internally consistent with growth in employment. ABAG will continue to refer to P-M results for detailed understanding of changes in demographic factors.

#### *Households*

ABAG applied recent historic headship rates<sup>2</sup> by age and ethnicity to estimate households from the population projections. Recognizing the impacts of housing costs and cultural diversity on changing headship rates, ABAG produced an alternative household projection, used in ABAG 2017p, based on adjusted lower headship rates for seniors and young adults.

#### *Housing Units and In-Commute*

Consistent with the legal settlement with the Building Industry Association, ABAG's housing unit projection includes housing for all projected households plus the number of units that would be needed to house the increased number of workers estimated to commute into the region. The in-commute change is estimated in two different ways using REMI output for employment, "residence adjusted

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<sup>1</sup> Despite our close work together on ABAG's models, ABAG's choice of preliminary proposed projection differs from the current CCSCE employment update completed for the region and City of San Jose, and the set of tools used by ABAG differ from the CCSCE projections process.

<sup>2</sup> A headship rate is the proportion of people in a specific age, gender and ethnic group who will head a household.

employment,” and the labor force in 2010 and as projected in 2040.<sup>3</sup> After adjusting for workers per household, an in-commuter household number is added to the base for estimating the regional housing control total. The regional housing control total is the sum of the households estimated for the projected population plus households equivalent to the maximum estimated in-commute number, plus a 5 percent vacancy factor.

### Preliminary Proposed Employment, Population, Household and Housing Projections

Table 1 shows ABAG’s proposed revised projections for the Plan Bay Area 2040 update. Population projections for 2040 are 1.5 percent higher than the *Projections 2013* levels. Employment projections are 2.1 percent and household projections are 2.4 percent higher than *Projections 2013*. Employment projections reflect adjusted baseline estimates from 2010 and strengthening competitiveness demonstrated between 2010 and 2015, but also the understanding that the region has witnessed fluctuating employment levels over time. Although employment growth is very strong now, it can equally level off or dip in the future. Household projections reflect the higher population estimate, the results of a revised estimation approach compared to *Projections 2013* as well as simulations of changing household formation in response to housing prices.

Projection Element	2010 Base (millions)	2040 Level (millions)	2040 Change (millions)	2010-40 Percent Change	Reasoning
Employment	3.411	4.601	1.190	34.9%	Region maintains a long term advantage relative to the US. The 2010 to 2015 growth is not an indicator of stable long term trends but of a boom period that will slow. The region grows faster than the US for the full 2010-2040 period, but will grow more slowly than the US for some period following 2015.
Population	7.151	9.443	2.292	32.1%	A certain base population growth will occur whatever the economic trends. Migration levels will reflect projected employment growth. Population follows employment growth to grow slightly faster than in <i>Projections 2013</i> .
Households	2.608	3.387	0.778	29.8%	Household growth follows population growth, but income and housing price factors can increase household size. Retired population demographic and behavioral changes may also affect household formation.
Households related to in-commute change	0.097	*	0.025	*	Calculated from REMI data on total regional employment, residence adjusted employment, and labor force projections. See Appendix B for a description of the estimation method.
Housing Units	2.784	3.592	0.808	29.0%	Estimated from households plus the in-commute household equivalent, with a 5% vacancy increment added to account for rental and homeowner turnover and seasonal homes.

Housing unit projections are 4.2 percent higher than in *Plan Bay Area 2013* for two reasons. First, household projections are higher, based on higher population and a more detailed understanding of

<sup>3</sup> The in-commute calculation is described in Appendix B and in more detail in a forthcoming white paper.

demographic change. For example, while an increasing share of immigrant households might be expected to lead to an overall increase in household sizes, the ageing of the population over time pushes forcefully in the other direction. Second, the net increase in in-commuting is added to the household base. The increment of change in housing is also higher because *Plan Bay Area 2013* used a one-time vacancy discount due to the recession which is not used here.

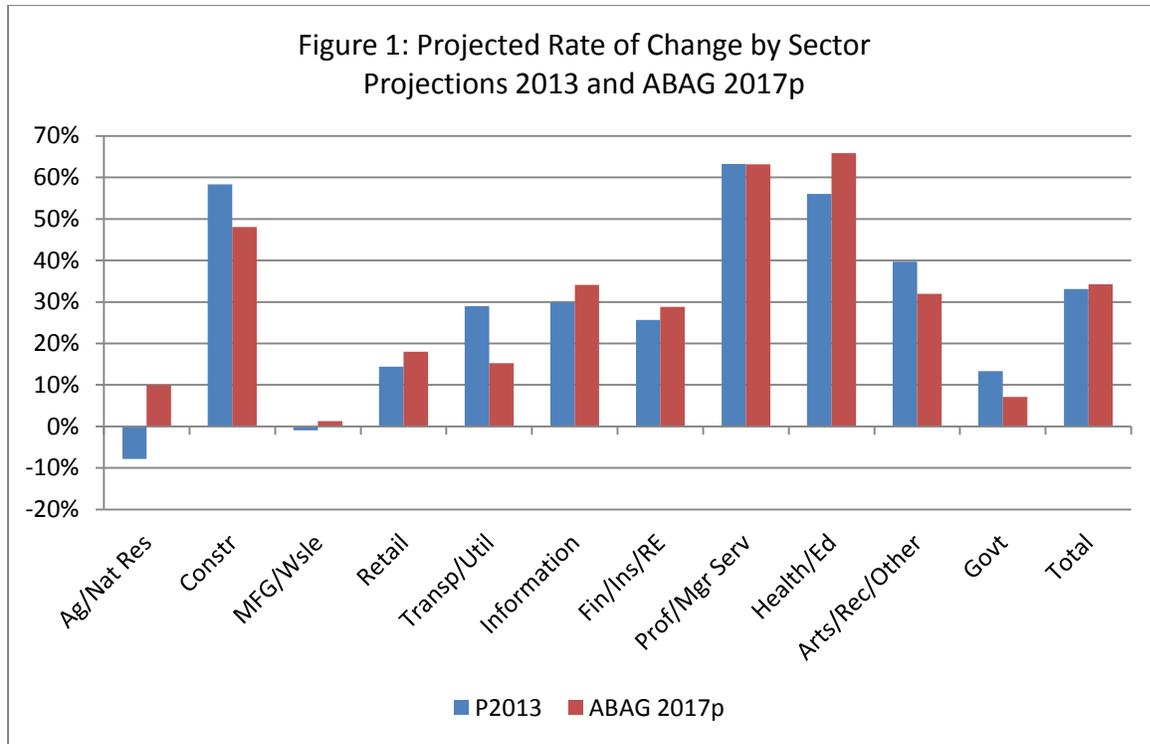
ABAG 2017p reflects an economy that continues to grow, but where the volatility of its key growth sectors and the maturing of the population lead to a fluctuation of competitive advantage. Overall, the region has a larger share of the US economy in 2040 than it does in 2010. However, looking forward from 2015, after the boom of the past five years (when recovery from a recession mixed with new industry expansion), the region's employment growth drops to a rate slower than nationwide employment growth for the 2015 to 2020 period, at which point the region once again may grow slightly faster than the nation. Population and housing still experience some of the constraints that have affected regional growth over the past two decades, but the projected rate of household and population growth is more consistent with a region that is developing land use policy to house all of its residents compared to slower growth of the past decade and a half. As such, the projections do assume a changing policy landscape relative to 10 years ago.

### **Additional Details on the Proposed Preliminary Projections**

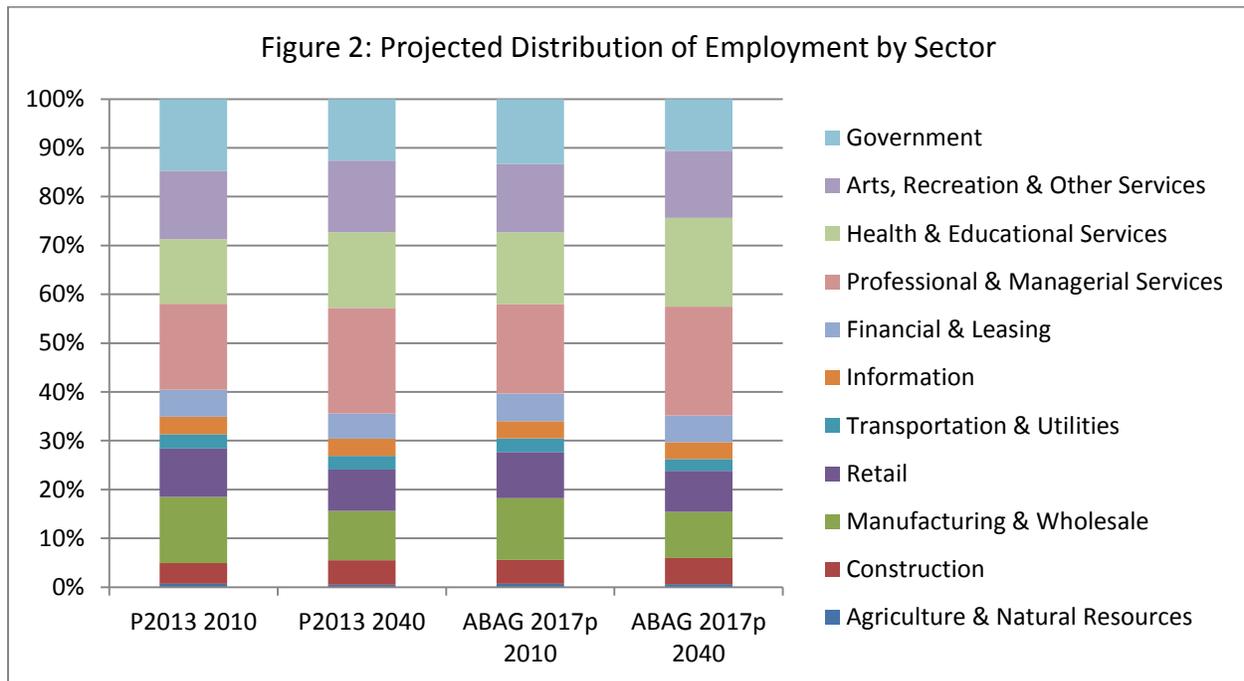
#### *Employment*

Figures 1 and 2 show sectoral detail for the ABAG 2017p projection, compared to *Projections 2013*. Between 2011, when *Projections 2013* was analyzed, and 2014 and 2015, when much of the analysis for the current projection took place, employment definitions changed slightly. Both *Projections 2013* and the current projection are based on employment by place of work as measured by the Bureau of Labor Statistics and the Employment Development Department, combined with Self-Employment estimates as measured by the Employment Development Department and the US Census Bureau. Between the two periods, EDD and BLS updated their definitions of some sectors and added some types of employees (specifically household workers) to their estimates. The 2010 base is therefore slightly different between the two series.

While both projections are based on BLS US forecasts, ABAG 2017p uses a more recent forecast than *Projections 2013*, and includes some additional adjustments (see Appendix A). Taking these differences into account, there are sectoral differences in the way the region grows. ABAG 2017p predicts higher rates of growth (more than 2 percentage points difference) for agriculture, manufacturing, retail, information, finance and leasing, and health and education services, and lower growth rates for construction, transportation and utilities, arts and recreation and government (Figure 1). As a result, ABAG 2017p has higher shares of jobs in health and education and a smaller share of jobs in government compared to the earlier *Projections 2013*. (See Figure 2).



Source: ABAG Projections 2013 and ABAG analysis using modified REMI 1.7.2 .



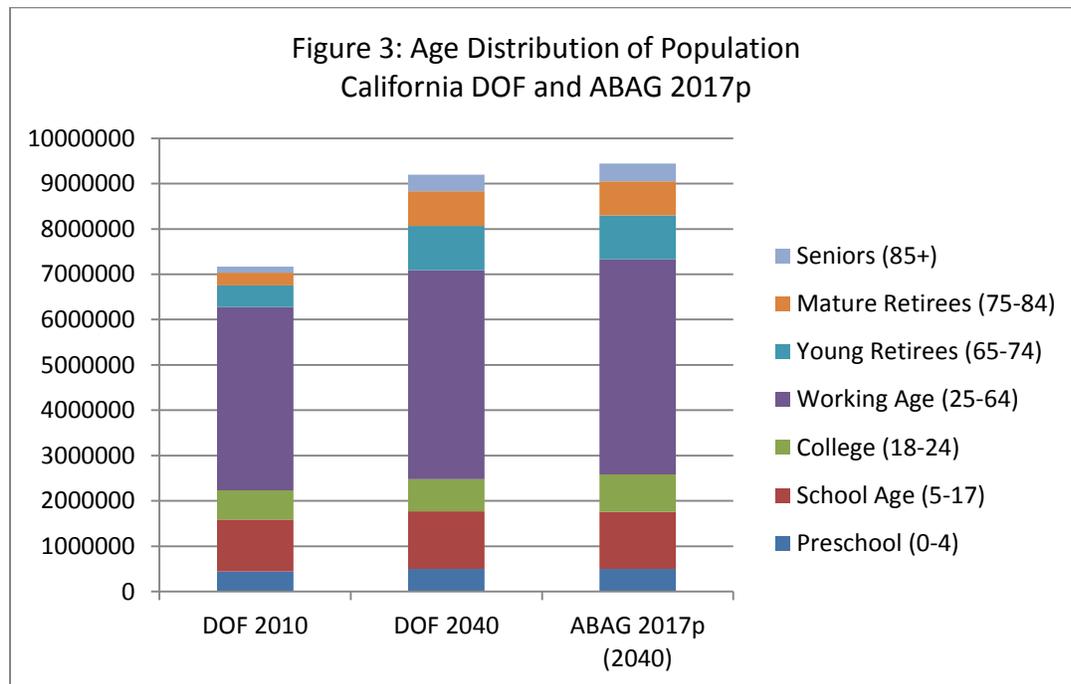
Source: ABAG Projections 2013 and ABAG analysis using modified REMI 1.7.2 .

**Population**

The projected population level is higher in ABAG 2017p compared to the most recent California Department of Finance (DOF) projection (shown also in Appendix A). This type of differential is to be

expected because of the timing and assumptions of the two projections. ABAG has projected a slightly higher employment number than the number ABAG made available to DOF at the time of the DOF analysis. In addition, DOF assumes a greater degree of land use constraints to the region’s addition of population and households.

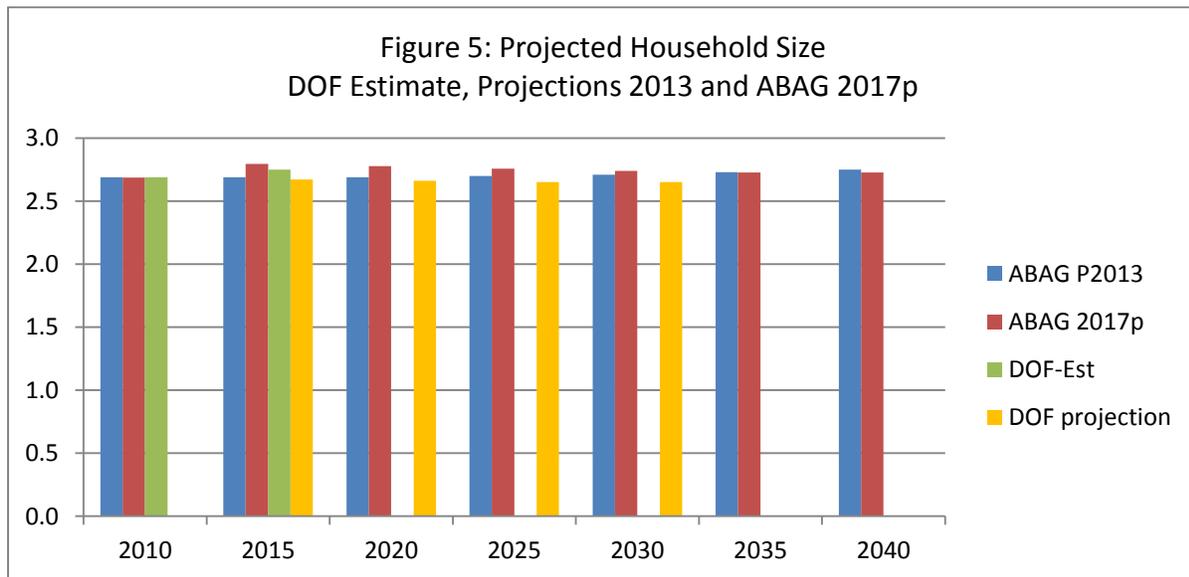
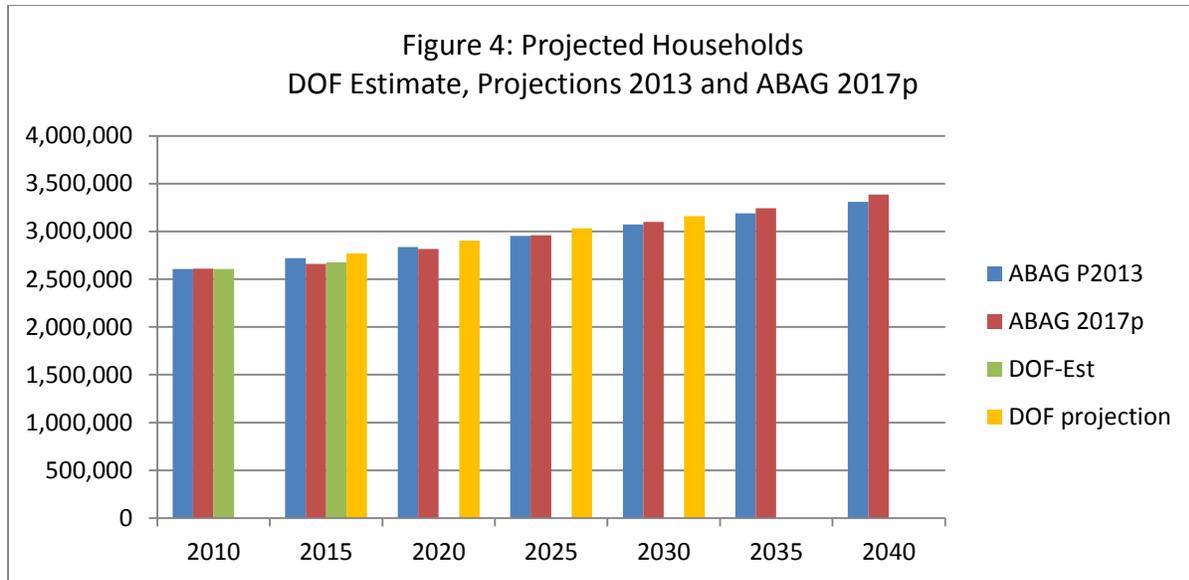
The demographic distribution from the two projections highlights this point, as shown in Figure 3. The number of seniors and children is quite similar in the two projections. The numbers of college aged and working aged adults is higher in ABAG 2017p, consistent with a higher employment level.



*Households*

ABAG 2017p household growth tracked actual household growth in the region through 2015 (see Figure 4). Overall, the region is projected to grow by almost 780,000 households, an additional 80,000 households in ABAG 2017p compared to *Projections 2013*.

Household size increases significantly in the first part of the forecast period, as housing construction lags population growth. In later years, household size drops back but remains above levels in 2010, consistent with the expectation embedded in the forecast that there are some long-term adjustments in household formation in response to housing costs and availability. ABAG’s *Projections 2013* household size figures vary more regularly, and by 2040 were slightly higher than ABAG 2017p projected household size. The highly disaggregated household formation projection approach used in ABAG 2017p captures economic and demographic changes over time that first lead to rising household size (similar to what was actually estimated by DOF for 20150 and then to declining household size as the share of households headed by seniors increases.



*Housing Units*

When additional in-commute households are taken into account, the growth in total housing unit demand between 2010 and 2040 is estimated at 808,000, almost 150,000 more housing units than the 660,000 additional units estimated in *Plan Bay Area 2013*. The 150,000 additional units comes from the larger number of households associated with the population projection, as well as the housing increment added to satisfy the legal settlement related to the in-commute. We estimate the growth in units as the difference between housing demand in 2040 and supply in 2010.

This larger number of units should be seen in the context of population and household demographics, which influence the types of units needed. The types of housing units to be added may differ from those added in the past, because of the population and household age groups that are growing. With much of the increase in households coming from populations 65 and older or from college-aged young adults,

the traditional suburban single-family home would not be the only way to meet the needs of a significant portion of the expanding population. The uptick in recent years of multi-family development in areas close to transit and services is consistent with an increasing diversity of housing needs and preferences. Housing policy will need to consider not only numbers of units but also types of units as well as services that could be needed to make efficient use of new and existing housing stock. Furthermore, changing use patterns of units (for example, sharing of space by over-housed seniors with other family members or tenants) or changing levels of movement into “group quarters” (for example some types of co-housing) could moderate the number of new units required.

## Appendix A Alternative Regional Projections

ABAG 2017p is one of many futures possible for the Bay Area. The levels projected in ABAG 2017p lie well within the range of different employment, population, household and housing increases that could occur over the next 25 years. This appendix discusses the range of possible futures analyzed and the process of selecting ABAG 2017p from these alternatives.

### Range of Regional Projections

Table 1 shows a range of possible futures identified in our analysis. The different projections come from a variety of sources. Population projections come from the Pitkin-Myers analysis, the California Department of Finance, *Plan Bay Area 2013*, and the ABAG analyses using REMI. Employment alternatives come from *Plan Bay Area 2013*, ABAG's analyses using the REMI tool, and ABAG's simple trend analysis.

Table A-1: Range of Projections of Bay Area Future Population, Employment and Households									
	Population			Employment			Households*		
	2040 (2010 7,150,000)	Change from 2010 <sup>^</sup>	Change from 2015 <sup>^</sup>	2040 (2010, 3,411,000)	Change from 2010 <sup>^</sup>	Change from 2015 <sup>^</sup>	2040 (2010 2,608,000)	Change from 2010 <sup>^</sup>	Change from 2015 <sup>^</sup>
BASE		7,151,000	7,511,000		3,411,000	4,011,000		2,608,000	2,676,000
P-M/ Trend Low <sup>4</sup> ,#	8,996,000	25.8% (0.8%)	19.8% (0.7%)	3,843,000	12.7% (0.4%)	-4.2% (-0.2%)	3,254,000	24.8% (0.7%)	21.6% (0.8%)
DOF	9,196,000	28.6% (0.8%)	22.4% (0.8%)						
PBA 2013**	9,299,000	30.0% (0.9%)	23.8% (0.9%)	4,505,000	33.1% (1.0%)	12.3% (0.5%)	3,308,000	26.8% (0.8%)	23.6% (0.9%)
ABAG 2017p (REMI based, lower)	9,443,000	32.1% (0.9%)	25.7% (0.9%)	4,601,000	34.9% (1.0%)	14.7% (0.6%)	3,387,000	29.9% (0.9%)	26.6% (0.9%)
REMI M	9,559,000	33.7% (1.0%)	27.3% (1.0%)	4,659,000	36.6% (1.0%)	16.2% (0.6%)	3,434,000	31.7% (0.9%)	28.3% (1.0%)
REMI H	9,994,000	39.8% (1.1%)	33.1% (1.1%)	4,945,000	45.0% (1.2%)	23.3% (0.8%)	3,632,960	39.3% (1.1%)	35.8% (1.2%)

Source: ABAG analysis using REMI, Pitkin-Myers Bay Area model, ABAG *Projections 2013*, California Department of Finance. # The employment trends in this row are NOT produced by the Pitkin-Myers modeling approach but we show them here as consistent with this level of population growth. \* Lower headship rate is used to calculate households for ABAG 2017p and REMI M, historic headship rate for P-M and REMI H. PBA 2013 is the level published in *Projections 2013*. ^ First percentage in each cell is for the full period, percentage in parentheses is the annual rate. \*\* PBA 2013 employment definition is slightly different from other runs; change is calculated from the PBA 2013 base for 2010, but uses the same 2015 base as the other estimates.

<sup>4</sup> For the purpose of discussion, in this chart we pair the low Pitkin-Myers population projection with the lowest trend projection generated by the ABAG simple extrapolation approach. The P-M/Trend Low projection assumes a net outward trend in domestic migration at a level equivalent to that which occurred between 2000 and 2010. In contrast the REMI H projection assumes more than a decade of net positive in-migration to the region at a rate greater than the region has seen since the 1970s.

At the low end, a “no growth” economy would lead to population growth spurred by natural increase but tempered by continuing domestic out-migration (a net shift of people from the Bay Area to other parts of the region), still adding about 1.8 million people and over 700,000 households to the region. At the high end, the region would see strengthening advantage of the Bay Area economy relative to the US, continuing in-migration of skilled workers, and successful expansion of housing stock to the extent that prices show no further relative increases (compared to 2013). This would lead to a 45 percent increase in the number of jobs, relative to 2010 (about a 20 percent increase from 2015). To support this employment growth, population could grow to almost 10 million, with 1 million new households.

The three middle level numbers (*Projections 2013*, ABAG 2017p (originally a REMI version), or REMI M) all offer a realistic perspective on likely migration and building activity. Considerations in choosing among these three alternatives include:

- ABAG historic population and household projections have been on target or slightly high. Employment projections have been lower than the highest (temporary) peaks but otherwise well above trend. *Projections 2013* was consistent with long term trends in all three components. ABAG 2017P is consistent the original employment projection provided by CCSCE in 2012 before adjusted downward because of housing constraints. REMI M is higher for all three components compared to ABAG 2017P and *Projections 2013*.
- Consistency with long term trends (as in *Projections 2013*) also means accepting “business as usual” for housing production and growth in in-commuting. This makes it more difficult to meet the requirements of SB 375. Projecting housing production consistent with demand growth due to population change would strengthen the region’s ability to meet the goals of SB 375. ABAG 2017P and REMI M do this compared to *Projections 2013*.
- The long-term employment projections do not take into account cyclical events, but the greatest uncertainty is in the employment level. We are confident the recent surge in employment growth will moderate but are much less certain as to the degree of moderation. In proposing ABAG 2017P we take an incremental approach to the forecast, as explained in the next bullet point.
- Plan Bay Area 2040 is a minor update. The ABAG 2017P projections raise employment, population, and household projections modestly relative to the *Projections 2013* level. The higher housing projection reflects the region’s aspiration to provide units for all of the population. This higher housing level will point to the need to address land use policy to expand the region’s housing production. Should the next four years show continued strong growth, and should housing respond in a way that meets growing needs, then the outlook for stronger long-term employment growth within the region (rather than relocation of expanding activities forced by constraints) would improve and would be addressed in the next forecast.

### Further Considerations in Selecting an Alternative

There is no single “right” projection. There is uncertainty going forward on all aspects of the projections. Some key uncertainties include:

- Economic uncertainties
  - Where is the Bay Area in the economic cycle? This influences where the trend can be expected to go.
  - Is the region’s economy on a long-term path of strengthening relative to the nation, or will it continue to have innovative surges followed by flat periods or employment downturns as the new innovative source transforms to a mature sector. This affects the overall rate of growth.

- When the next downturn comes, will the Bay Area weather it well, or will it lead the nation downward, as it has done in the past 3 cycles? This will affect our expectations for average growth rates.
- How will employment shift among our key high wage and low wage sectors?
- Demographic uncertainties
  - Will growing job opportunities continue to draw new residents to the region? To what degree will this flow counterbalance the outflows of those who cannot afford the region's high living costs?
  - How will tempering of job growth affect future migration in and out of the region?
  - Will the millennials (also the echo boomers) still be in the region in 25 years, or will they move to other geographic areas as they form families?
  - Will seniors stay in their under-occupied single family homes, move to smaller units or group settings, double up with children or grandchildren, or leave the region?
  - How will labor force skills change over time—will new in-migrants and immigrants continue to be highly educated, and will this counterbalance any challenges in educating the region's home-grown diverse labor force?
- Household and housing uncertainties
  - Will changes in land use policy, development fees, and financing availability help expand future housing production?
  - Will family and non-family groupings form larger households to make living in the region more "affordable" under existing constraints?
  - Will cultural trends toward assimilation continue, diluting the tendency of immigrant households to have multigenerational households, or will even native-born third-generation and higher households begin to adopt multigenerational living situations for cultural or cost reasons?

### **Assumptions in Alternative Projections**

The range of projections shown in Tables A-1 and A-2 are a small sample of the many different results generated from our projections process. Table A-2 outlines the different assumptions underlying each set of projections, including:

- The driving forces at the national level
- The level of residential and nonresidential investment
- The rate of growth of housing prices
- The level of regional competitiveness
- The role of demographic change and household formation assumptions

The preliminary proposed employment projection (ABAG 2017p) is a projection generated using the REMI modeling tool after some major adjustments. Adjustments include: (1) National employment growth occurs by sector as projected by the Bureau of Labor Statistics, with a moderation in the pace of growth following 2022 consistent with slower growth in the US labor force. (2) Further adjustments at the national level to Health and Education and Information sectors to reflect more realistic trends relative to other sectors (Health and Education was escalating too rapidly, Information dropping too broadly). (3) Adjustments at the regional level to constrained residential and nonresidential investment from expanding exponentially (adjusting for a model flaw). (4) Increasing production costs in some sectors as the region competes to retain and attract skilled labor in its fastest growing industries. Adjustments (1) through (3) are shared across a number of alternative projections produced by ABAG

(only some of which are shown here). In some of our alternative projection simulations we also adjusted relative housing prices to a level more reflective of current conditions. This adjustment is not included in the ABAG 2017p projection.

	<b>Migration</b>	<b>US Growth</b>	<b>Construction Investment</b>	<b>Sector Adjustments</b>	<b>Households and Housing</b>	<b>Labor Force Characteristics</b>
P-M Low/ Low trend employment projection#	Rate equivalent to 2000-2010, domestic net negative	Low trend based only on regional growth, no US assumptions.	NA	Paired with low trend based on <i>region's</i> trough to trough historic rate of growth	Historic household formation rates by demographic group	NA
DOF	Projections 2013 equivalent	NA	Land use controls remain tight	NA	From DOF	NA
Projections 2013	Not estimated	BLS 2008-2018 series, updated by CCSCE	NA	Shift share adjusted manually	NA	Total matches employment demand; demographic details from DOF.
<i>ABAG 2017p</i> (REMI based)	Net domestic economic migration positive through 2020, then negative to 2037; negative net retirement migration, increased	BLS 2012-2022 projection, rates dropped after 2022.	Residential and non-residential investment capped to peak historic level	Modified Health and Education, Information trends at US level.	Adjusted household formation rates (see text)	Production costs rise in key South and West Bay sectors. Labor force participation increases in younger age groups.
REMI M	Net domestic economic migration positive through 2020, then negative; negative net retirement migration	BLS 2012-2022 projection, rates dropped after 2022.	Residential and non-residential investment capped to peak historic level	Modified Health and Education at the US level	Adjusted household formation rates; higher relative housing price.	NA
REMI H	Net domestic economic migration positive except small negative 2029-2033	BLS 2012-2022 projection, rates dropped after 2022.	NA	NA	NA	NA
NA: Not addressed or not adjusted in forecast # The low employment trend was NOT produced by the Pitkin-Myers modeling approach but we discuss this employment trend as consistent with this low population growth level.						

### Evaluating the Alternatives

In selecting among the alternatives, ABAG staff consulted the technical advisory committee, ABAG senior management, MTC senior staff and management, and Stephen Levy of the Center for Continuing Study of the California Economy.

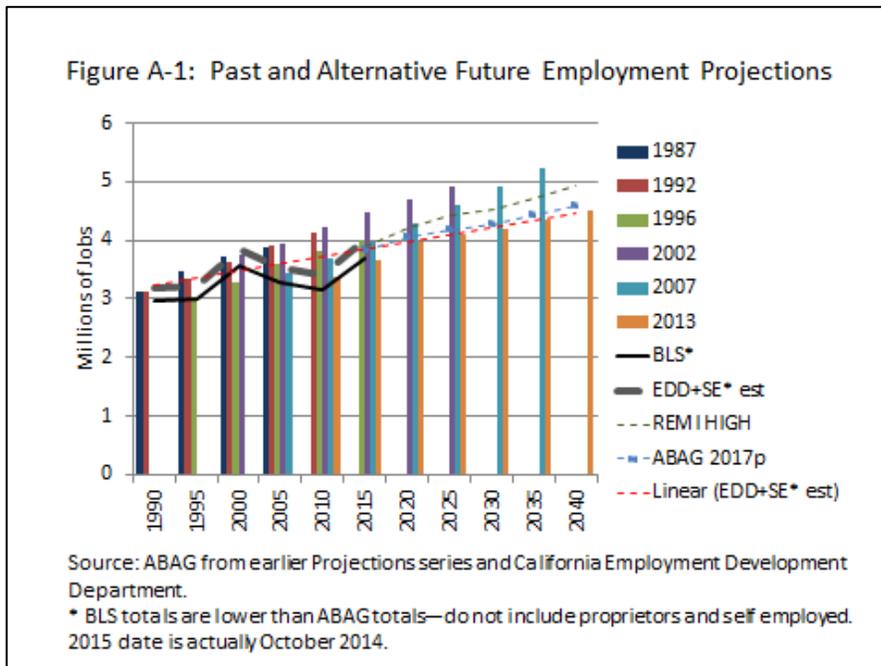
*Technical Advisory Committee and Consultant Role and Response*

Of ABAG’s Regional Forecast Technical Advisory Committee’s twelve members, ten provided feedback. Eight of the ten argued that the lower projections were most likely (P-M, DOF, Projections 2013 or an earlier REMI version similar to ABAG 2017p for population; Projections 2013, the REMI version close to ABAG 2017p or REMI M for employment; household estimates ranging from the original Projections 2013 to a REMI version lower than ABAG 2017p). Underlying arguments for this view were that housing would continue to be a constraint to population and labor force growth, while some felt infrastructure constraints, especially roads and transit, would add further limits on employment and household growth. The other two technical advisory committee members felt the high end was a better selection for planning purposes, arguing that the current surge in jobs could continue, although one of these two reviewers recognized that changes in land use policy would be needed to avoid a continuing pattern of displacement from such growth. Stephen Levy of CCSCE, who played a very helpful larger consulting role at the early stages of assessing and applying REMI, also argues for the higher employment level, saying this could be achieved with a population level closer to the mid-range (perhaps 9.6 million), due to higher labor force participation rates and lower birth rates.

*Projection Alternatives in Context*

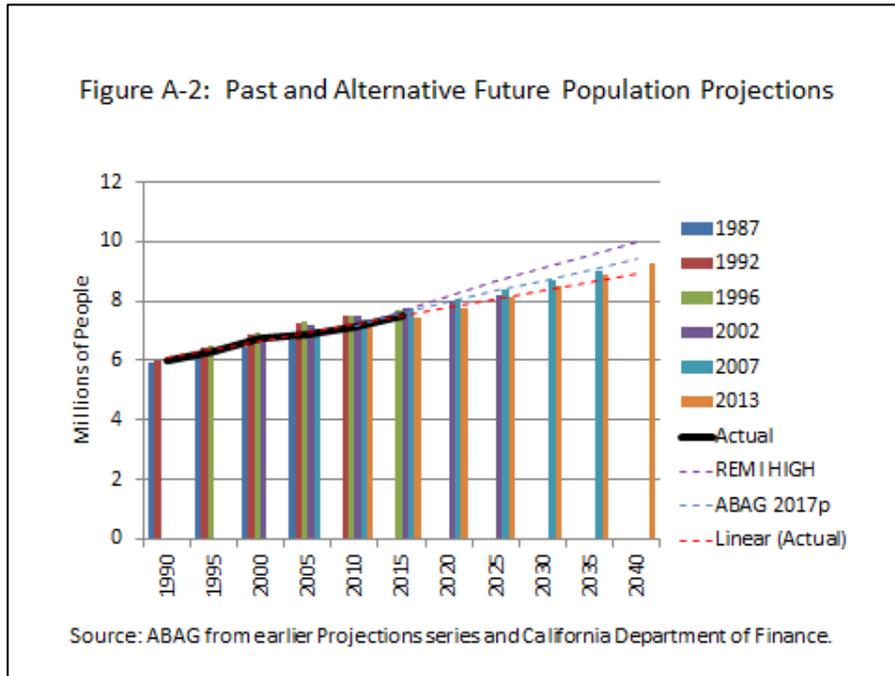
We can compare the range of projections described above with those that have been done in the past.

Employment: Figure A-1 shows the history of selected ABAG employment projections, including *Projections 2013*, as well as ABAG 2017P and REMI H projections, and a straight continuation of the 1990 to 2010 trend.<sup>5</sup> *Projections 2013* is at the historic long-term trend, ABAG 2017P is only slightly above the line, while REMI H is about 9 percent above ABAG 2017P, but still trending below the highest employment forecasts from *Projections 2002* and *Projections 2007*.

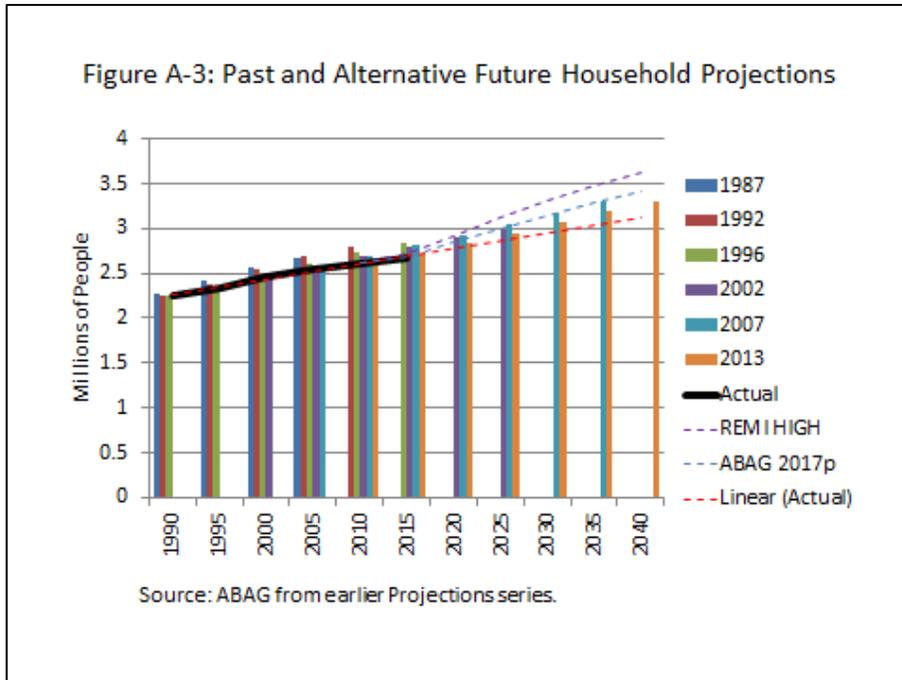


<sup>5</sup> This differs from our highest trend extrapolation, which assumes a continuation of 1990 to 2010 growth rates applied to every sector in every county. In contrast, the trend line shown here is based on an extrapolation of the overall regionwide employment level.

Population: Comparing population projections, *Projections 2013* closely tracks historic trends, ending slightly above the trend level in 2040. ABAG 2017P gives a total about 1.5 percent above the *Projections 2013* level, while REMI H is above *Projections 2013* by 7.5 percent and more than ten percent above the trend level in 2040. REMI H quickly jumps above all historic projection levels, while ABAG 2017P tracks the *Projections 2007* levels.



Households: Figure 3 shows earlier household projections, as well as ABAG 2017P and REMI H projections and the trend line. *Projections 2013* was about 5 percent above the extrapolated trend line. ABAG 2017P is 2.4 percent above the *Projections 2013* level, while REMI H is 10 percent above the *Projections 2013* level.



Using ABAG 2017p provides a modest change from employment and population projections that were the basis for *Projections 2013* while identifying potential housing demand at a higher level than was described in *Plan Bay Area 2013*. ABAG 2017p is well within the range of possible employment, population and household growth estimated by the variety of methods applied during the forecasting process.

*Interpreting and Using Projections*

For those who are concerned that a higher or lower set of numbers would be appropriate, there are a couple of key points to consider. First, in employment projections, because of the cyclical nature of employment, there is no clear target to aim for, much less to hit. Certainly it is likely that employment at some point may be substantially higher than projected in ABAG 2017p sometime between 2015 and 2040. At the same time, it is quite conceivable that at some point in that period, employment will be lower than it is in 2015. The alternative applied here allows for continuing employment and population growth, without assuming a major long-term transformation in how the region grows relative to the state and nation.

Second, from a slower growth perspective, housing constraints could well keep population and household growth closer to the DOF projection or below. However, to meet the requirement that *Plan Bay Area 2040* address the needs of all of the population, the projection must consider the possibility that at least some of these constraints are overcome over the next 25 years. The projections are reestimated every four years and will take into account both changes in the strength of the economy and in the region’s ability over time to create a more flexible approach to housing the population.

More detailed technical documentation of the projections process is currently in preparation and will be available for review.

## Appendix B In-Commute Estimation Method

ABAG used REMI output in two different ways to estimate the in-commute.

REMI output:

- Employment by Place of Work: Bureau of Economic Analysis (BEA) employment measure
- Residence Adjusted Employment: BEA defined jobs held by residents in the region
- Labor Force: Adults working or unemployed but looking for work

Method 1:

- (1) In-commute = [Employment by Place of Work] – [Residence adjusted employment].
- (2) Change in in-commute = [In-commute 2040] – [In-commute 2010].
- (3) Employment count adjustment—Raw employment numbers in REMI are projected using the Bureau of Economic Analysis employment numbers, which overcount employment in sectors with extensive part-time and seasonal work. ABAG translates these jobs into Bureau of Labor Statistics and Self Employment estimates (equivalent to annual average across months) using a ratio technique applied at the sector level. This adjustment is made before estimating Households from In-Commuters.
- (4) Households = (In-Commuters)/1.3

Method 2:

- (1) Employed Labor Force=Labor Force \* [1-unemployment rate]. Unemployment rate is actual in 2010 (10.3%) and assumed to be 5.5% in 2040.
- (2) Employment count adjustment—as described in Method 1, REMI BEA employment by place of work is adjusted to a Bureau of Labor Statistics plus Self Employment equivalent using ratios applied at the sector level.
- (3) In-commute = [Employment by Place of Work adjusted to BLS/SE definition]-[Employed Labor Force]
- (4) Households = (In-Commuters)/1.3

Method 1 produces a low estimate of commuting but a moderate estimate of change in commuting. Method 2 produces a commuting estimate in 2010 close to actual measured levels by the US Bureau of the Census, but a much lower number by 2040. For the ABAG 2017p estimate, the results on in-commute change ranged from less than zero to 25,400. We apply the higher level of change to our commute household estimates to ensure meeting the legal settlement requirements.

**Appendix C**  
**Technical Advisory Committee and Consultants**

**ABAG Regional Forecast Technical Advisory Committee, Plan Bay Area 2040**

Irena Asmundson, Chief Economist, California Department of Finance

Clint Daniels, Principal Analyst, SANDAG

Ted Egan, Chief Economist, Controller's Office of Economic Analysis, City of San Francisco

Robert Eyler, Professor of Economics and Director, Center for Regional Economic Analysis, Sonoma State University

Gordon Garry, Director of Research and Analysis, Sacramento Area Council of Governments

Tracy Grose, Bay Area Council Economic Institute

Subhro Guhathakurta, Professor, Georgia Tech University, Department of City and Regional Planning

Hans Johnson, Senior Fellow, Public Policy Institute of California

Jed Kolko, Chief Economist, Trulia

Walter Schwarm, Demographic Research Unit, California Department of Finance

Michael Teitz, UC Berkeley and PPIC, Retired

Daniel Van Dyke, Rosen Consulting Group

**Ex-Officio Members**

David Ory, Metropolitan Transportation Commission

Michael Reilly, Metropolitan Transportation Commission

Sean Randolph, Bay Area Council Economic Institute

**Consultants**

Stephen Levy, Center for Continuing Study of the California Economy

Dowell Myers, University of Southern California

John Pitkin, Analysis and Forecasting, Inc.

**ABAG Staff**

Cynthia Kroll, Chief Economist

Aksel Olsen, Regional Planner/Analyst

Hing Wong, Senior Regional Planner

Shijia Bobby Lu, Regional Planner

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TO: ABAG Executive Board

DATE: November 19, 2015

FR: Miriam Chion, ABAG Planning and Research Director

RE: Staff Recommendation for Remaining Performance Targets

This memorandum presents the staff recommendation for the four remaining performance targets for Plan Bay Area 2040. In September 2015, ABAG and MTC approved the Plan goals, as well as nine of the thirteen performance targets. Over the past two months, staff has sought feedback from jurisdictions and stakeholders to develop a recommendation for the remaining four targets which were adopted by the Joint ABAG Administrative and MTC Planning Committees on November 13, 2015. Staff recommends that the ABAG Executive Board approve the remaining four performance targets as approved by the Joint ABAG Administrative and MTC Planning Committees.

### **Background**

Performance-based planning is a central element of the long-range planning process for MTC and ABAG. In 2013, Plan Bay Area included a set of ten performance targets that were used to evaluate over a dozen different scenarios and hundreds of transportation projects. Plan Bay Area 2040 carries over the goals from the last Plan, as well as performance targets related to greenhouse gas emissions, open space & agricultural preservation, affordability and non-auto mode share. In total, thirteen performance targets will be used to compare scenarios, highlight tradeoffs between goals, analyze proposed investments and flag issue areas where the Plan may fall short. Performance targets will guide Plan development and will be supplemented in the future by required federal performance measures.

In September, MTC and ABAG adopted the goals and nine of the thirteen performance targets (refer to **Attachment A** for more detail). At that time, policymakers also directed staff to identify four more performance targets for consideration this month; these targets relate to adequate housing, displacement risk, jobs/wages and goods movement. This memorandum highlights the staff recommendation developed in response to this direction, which was reviewed by the Regional Advisory Working Group, Regional Equity Working Group, MTC Policy Advisory Council, and MTC Planning / ABAG Administrative Committees this month.

### **Development Process for Staff Recommendation**

Staff received clear direction from policymakers in September regarding the issue areas for each of the four remaining performance targets. However, for each issue area, there are a number of potential performance targets, each with their own strengths and weaknesses. To narrow down the field to the most promising candidates, staff scored potential targets' viability using the standard targets criteria identified in **Attachment B**. Stakeholder input was then sought at an October 6 meeting, at which point staff discussed options for the remaining performance targets. Staff received valuable feedback from approximately 50 attendees, ranging from local governments & congestion management agencies to non-governmental organizations representing equity, economic, and environmental interests.

The four proposed performance targets are highlighted in **Attachment A**, with specific methodologies included in **Attachment C**. The remainder of this memorandum discusses the rationale behind the staff recommendation for each performance target.

### **Proposed Target #2: Adequate Housing**

ABAG and MTC staff have reached consensus on the Adequate Housing target language and are recommending using MTC's proposed language with inclusion of the explanation below. The Adequate Housing target relates to a Regional Housing Control Total per the settlement agreement signed with the Building Industry Association (BIA), which increases the housing forecast by the housing equivalent to in-commute growth. The forecast of households, jobs, population, and in-commute will remain as established by the approved forecast methodology and best practices.

### **Proposed Target #7: Equitable Access - Displacement Risk**

The proposed performance target for risk of displacement reflects a focus on Priority Development Areas (PDAs) as the fundamental building block of Plan Bay Area 2040. Given the high level of growth forecasted for these areas, staff recommends that the performance target focus specifically on displacement risk in these communities. The proposed target seeks to eliminate displacement risk in PDAs triggered by investments and related growth pressures and to support mixed-income communities.

### **Proposed Target #9: Economic Vitality - Jobs/Wages**

Over the past few months, there has been significant discussion with stakeholders about the issue of middle-wage jobs. Middle-wage jobs have been declining in the Bay Area, impacting the region's economic diversity and stability. The challenge related to creating a middle-wage job performance target has been that many potential performance targets do not meet the criteria established for the Plan Bay Area 2040 process. However, given the significance of this issue, staff is recommending including a performance target related to middle-wage job creation despite the fact that it will not vary between scenarios. This modeling limitation is a result of the control total framework, which does not allow for any variance in the total number or type of jobs across the scenarios. The proposed target sets a goal of growing the Bay Area's middle-wage jobs at the same rate as overall regional job growth.

### **Proposed Target #10: Economic Vitality - Goods Movement**

The proposed performance target for goods movement was designed to reflect concerns raised at the September joint committee meeting related to goods movement and traffic congestion. Given ongoing work with the Regional Goods Movement Plan, the proposed target focuses specifically on highway corridors identified as the Regional Freight Network<sup>1</sup> in that planning effort. It prominently reintroduces the issue of highway delay into Plan Bay Area 2040 by relying upon a revised version of a performance target last included in *Transportation 2035*.

### **Next Steps**

- **November 19, 2015:** Seek ABAG Executive Board approval of all four remaining Plan Bay Area 2040 performance targets
- **November 19, 2015:** Seek MTC Commission approval of all four remaining Plan Bay Area 2040 performance targets
- **January 2016:** Release project performance assessment results for public review
- **Spring 2016:** Release scenario performance assessment results for public review

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<sup>1</sup> The Regional Freight Network includes segments along the following highway corridors: I-880, I-80, I-580, US-101, I-680, SR-12/SR-37, SR-152 and SR-4; it was finalized earlier this year as part of the Goods Movement Plan.

## ATTACHMENT A: STAFF RECOMMENDATION FOR REMAINING PLAN BAY AREA 2040 PERFORMANCE TARGETS

Goal	#	Proposed Target*	Same Target as PBA?
Climate Protection	1	Reduce per-capita CO <sub>2</sub> emissions from cars and light-duty trucks by <b>15%</b>	✓
Adequate Housing	2	<b>House 100% of the region’s projected growth by income level without displacing current low-income residents and with no increase in in-commuters over the Plan baseline year*</b>	
Healthy and Safe Communities	3	Reduce adverse health impacts associated with air quality, road safety, and physical inactivity by <b>10%</b>	
Open Space and Agricultural Preservation	4	Direct <b>all</b> non-agricultural development within the urban footprint (existing urban development and UGBs)	✓
Equitable Access	5	Decrease the share of lower-income residents’ household income consumed by transportation and housing by <b>10%</b>	✓
	6	Increase the share of affordable housing in PDAs, TPAs, or high-opportunity areas by <b>15%</b>	
	7	<b>Reduce the share of low- and moderate-income renter households in PDAs, TPAs, or high opportunity areas that are at an increased risk of displacement to 0%</b>	
Economic Vitality	8	Increase by <b>20%</b> the share of jobs accessible within 30 minutes by auto or within 45 minutes by transit in congested conditions	
	9	<b>Increase by 35%*** the number of jobs in predominantly middle-wage industries</b>	
	10	<b>Reduce per-capita delay on the Regional Freight Network by 20%</b>	
Transportation System Effectiveness	11	Increase non-auto mode share by <b>10%</b>	✓
	12	Reduce vehicle operating and maintenance costs due to pavement conditions by <b>100%</b>	
	13	Reduce per-rider transit delay due to aged infrastructure by <b>100%</b>	

\*= The Adequate Housing target relates to a Regional Housing Control Total per the settlement agreement signed with the Building Industry Association (BIA), which increases the housing forecast by the housing equivalent to in-commute growth. The forecast of households, jobs, population, and in-commute will remain as established by the approved forecast methodology and best practices.

\*\* = **text marked in blue** highlights staff recommendation for four remaining performance targets

\*\*\* = the numeric target for #9 will be revised later based on the final ABAG forecast for overall job growth

## ATTACHMENT B: PRIMARY TECHNICAL CRITERIA FOR SELECTING PERFORMANCE TARGETS

### # Criterion for an Individual Performance Target

- 1** **Targets should be able to be forecasted well.**  
A target must be able to be forecasted reasonably well using MTC's and ABAG's models for transportation and land use, respectively. This means that the target must be something that can be predicted with reasonable accuracy into future conditions, as opposed to an indicator that can only be observed.

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- 2** **Targets should be able to be influenced by regional agencies in cooperation with local agencies.**  
A target must be able to be affected or influenced by policies or practices of ABAG, MTC, BAAQMD and BCDC, in conjunction with local agencies. For example, MTC and ABAG policies can have a significant effect on accessibility of residents to jobs by virtue of their adopted policies on transportation investment and housing requirements.

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- 3** **Targets should be easy to understand.**  
A target should be a concept to which the general public can readily relate and should be represented in terms that are easy for the general public to understand.

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- 4** **Targets should address multiple areas of interest.**  
Ideally, a target should address more than one of the three "E's" – economy, environment, and equity. By influencing more than one of these factors, the target will better recognize the interactions between these goals. Additionally, by selecting targets that address multiple areas of interest, we can keep the total number of targets smaller.

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- 5** **Targets should have some existing basis for the long-term numeric goal.**  
The numeric goal associated with the target should have some basis in research literature or technical analysis performed by MTC or another organization, rather than being an arbitrarily determined value.

### # Criterion for the Set of Performance Targets

- A** **The total number of targets selected should be relatively small.**  
Targets should be selected carefully to make technical analysis feasible within the project timeline and to ensure that scenario comparison can be performed without overwhelming decision-makers with redundant quantitative data.

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- B** **Each of the targets should measure distinct criteria.**  
Once a set of targets is created, it is necessary to verify that each of the targets in the set is measuring something unique, as having multiple targets with the same goal unnecessarily complicates scenario assessment and comparison.

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- C** **The set of targets should provide some quantifiable metric for each of the identified goals.**  
For each of the seven goals identified, the set of performance measures should provide some level of quantification for each to ensure that that particular goal is being met. Multiple goals may be measured with a single target, resulting in a smaller set of targets while still providing a metric for each of the goals.

## ATTACHMENT C: PROPOSED PERFORMANCE TARGETS – BACKGROUND INFORMATION & METHODOLOGIES

### Performance Target #2: Adequate Housing

*House 100% of the region's projected growth by income level without displacing current low-income residents and with no increase in in-commuters over the Plan baseline year*

#### Background Information

Similar to the greenhouse gas reduction target, California Senate Bill 375 requires Plan Bay Area to house all of the region's growth. This is an important regional issue given that long interregional trips – which typically have above-average emission impacts – can be reduced by planning for sufficient housing in the region.

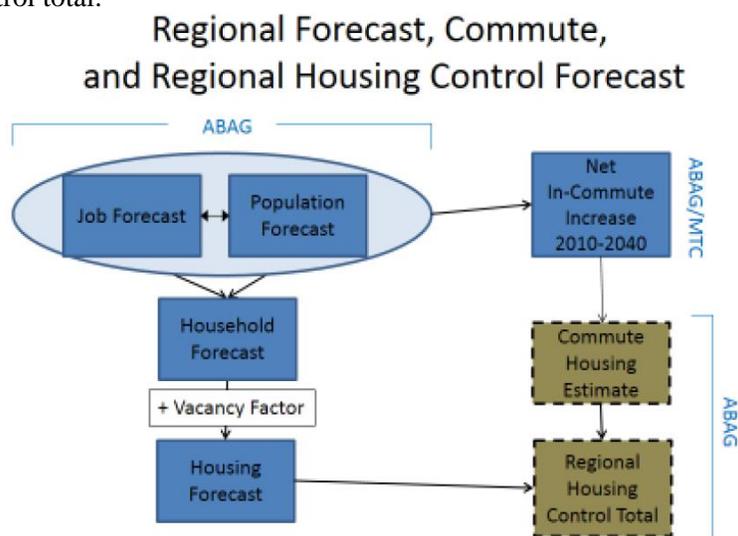
ABAG and MTC staff have reached consensus on the Adequate Housing target language and are recommending using MTC's proposed language with inclusion of the explanation below. The Adequate Housing target relates to a Regional Housing Control Total per the settlement agreement signed with the Building Industry Association (BIA) which increases the housing forecast by the housing equivalent to in-commute growth. The forecast of households, jobs, population, and in-commute will remain as established by the approved forecast methodology and best practices.

#### Past Experience

A similar version of this target was included in Plan Bay Area adopted in 2013, although the proposal for Plan Bay Area 2040 incorporates language clarifying how the regional housing control total will be calculated as agreed to by MTC, ABAG, and the Building Industry Association as part of a 2014 legal settlement. In 2013 Plan Bay Area housed 100% of the region's projected growth as defined under the adopted language from 2011.

#### Evaluation Methodology

Evaluation of this performance target will utilize the methodology relating to the Regional Forecast agreed to by both agencies. The regional housing control total will estimate the total number of units needed to accommodate all of the residents in the region plus the number of housing units that correspond to the in-commute increase. The number of units will include a reasonable vacancy level for circulation of units among movers. The figure below diagrams the overall regional forecast process that leads to a regional housing control total.



## **Performance Target #7: Equitable Access (Displacement Risk)**

*Proposed Target Language: Reduce the share of low- and moderate-income renter households in PDAs, TPAs, or high-opportunity areas that are at an increased risk of displacement to 0%*

### Background Information

Displacement has consistently been identified as a major concern for low-and-moderate-income households, who are most vulnerable to rising costs in the Bay Area's housing market. As households relocate to more affordable areas within and outside the region, they may lose not only their homes but also their social networks and support systems. The scale of displacement across the Bay Area has triggered major concerns among the region's elected officials who requested that displacement be directly addressed in Plan Bay Area.

The region's strong economy has brought many benefits such as employment growth, innovative technologies, and tax revenues for infrastructure improvements and public services. However, since housing production usually lags job creation, especially in a booming economy, there has been upward pressure on housing costs which is most keenly felt by households with the least resources. The working definition of displacement in this document is: *Displacement occurs when a household is forced to move from its place of residence due to conditions beyond its ability to control. These conditions may include unjust-cause eviction, rapid rent increase, or relocation due to repairs of demolition, among others.*

While there is currently no precise tool available to predict which and what number of households would be displaced from a given neighborhood, current research allows planners to measure existing and future displacement risk. According to the Regional Early Warning System for Displacement (REWS) study by the Center for Community Innovation at UC Berkeley ([www.urbandisplacement.org](http://www.urbandisplacement.org)), areas that are experiencing losses of low-income residents and affordable units are home to about 750,000 people. In general, areas of displacement and displacement risk are concentrated around high capacity transit corridors such as Caltrain on the Peninsula, BART in the East Bay, and in the region's three largest cities. It is important to note that this approach highlights areas where low-income households are potentially vulnerable to displacement; however this study does not "predict" which specific neighborhoods will experience displacement, or how many households will be displaced in the future.

With a numeric target for displacement risk of 0%, ABAG and MTC are signaling the importance of this issue at the regional level. At the same time, regional agencies and stakeholders recognize that more specific local strategies will be needed beyond the scope of the Plan. The broader trend of risk is a function of job growth and wage disparities without an equal or greater expansion of adequate affordable housing at all income levels.

The performance target relies upon a consistent geography as target #6 (affordable housing), emphasizing minimization of displacement risk for low- and middle-income renters who live in PDAs, TPAs (transit priority areas, per Senate Bill 375), or high-opportunity areas (as defined under target #6). This ensure consistency between the region's goals for affordable housing and minimization of displacement risk.

### Past Experience

This target is not new to Plan Bay Area 2040, although it represents a more refined version of a displacement risk measure that was based on overburdened renters in Plan Bay Area 2013 Equity Analysis. Overburdened renters served as a proxy for vulnerable populations. Using this methodology, the 2013 Equity Analysis estimated that the Plan increased the risk of displacement on Communities of Concern by 36% and 8% everywhere else. Current estimates from the REWS study

suggest that this methodology may have significantly underestimated the risk of displacement on lower-income households.

### Evaluation Methodology

Regional agencies propose to measure displacement risk by measuring the decline of low and moderate-income households in PDAs between the target baseline year and 2040.

In order to forecast the risk of displacement in 2040 relative to conditions in the baseline year, the analysis will compare the following three data points [*note that “lower-income” is defined as including both low- and moderate-income households*]:

- Number of lower-income renter households in the target baseline year in each census tract or TAZ;
- Number of lower-income households in 2040 as projected by ABAG through its demographic forecast; and
- Number of lower-income renter households in each census tract or TAZ in 2040 through UrbanSim, the land use model.

Working under the assumption that UrbanSim will be used for forecasting future renter household location patterns, the analysis will estimate which zones (e.g., census tracts or TAZs) gained or lost the total number and share of lower-income households – “projected” vs. “actual”. Zones designated as PDAs that lost lower-income households (beyond 2 standard deviations from the regional mean to account for margin of error) would be defined as areas where there is risk of displacement. The share of lower-income households at risk of displacement would be calculated by dividing the number of lower-income households living in census tracts in PDAs with an increased risk of displacement by the total number of lower-income households living in census tracts in PDAs in 2040.

The relative risk of displacement for each Plan scenario will be estimated using this methodology. Relative risk is expected to vary between scenarios, since each scenario will allocate households across the region based on different growth patterns. A comparison of these relative risks will determine which scenario maximizes benefits or adverse impacts on lower-income households.

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### **Performance Target #9: Economic Vitality (Jobs/Wages)**

*Proposed Target Language: Increase by 35%\* the number of jobs in predominantly middle-wage industries*

*\* = indicates that the numeric target will be revised based on the final ABAG forecast for overall job growth*

### Background Information

As home to some of the world’s most innovative and successful businesses, the Bay Area boasted a gross regional product of \$631 billion in 2013, making it one of the world’s largest economies. However, the region’s economic prosperity is unevenly felt, as 36% of the region’s 1.1 million workers earn less than \$18 per hour with the majority of those earning even less than \$12 per hour. As the Bay Area’s cost of living (particularly housing costs) continues to skyrocket, a decent quality of life is becoming increasingly out of reach for hundreds of thousands of workers, particularly those without higher education.

The proposed performance target acknowledges the importance of middle-wage jobs in the Bay Area’s economy. The numeric target is based on a goal to preserve the target baseline year share of middle-wage jobs - by growing middle-wage jobs at the same rate as the region’s overall growth in total jobs. The exact numeric target will be updated in early 2016 to make it fully consistent with the overall job growth rate forecast from the finalized control totals.

## Past Experience

This target is new to Plan Bay Area 2040, as the issue of middle-wage jobs was not specifically addressed in Plan Bay Area.

## Evaluation Methodology

The number of jobs in predominantly middle-wage industries would be forecast using ABAG's Forecast of Housing, Population and Jobs. This target expects a proportional growth of jobs in predominantly middle-wage industries to the region's overall growth in jobs; preliminary forecasts show overall job growth of approximately 35% between the target baseline year and 2040.

Given that some industries have a higher proportion of middle-wage jobs than others, ABAG will use the number of jobs in predominantly middle-wage industries as a proxy for the number of middle-wage jobs. Presently, forecasting limitations do not allow us to project the number of jobs in individual occupations (i.e., how many nurses there will be in 2040); however, ABAG can project the sectoral makeup of jobs within different industries. The share of middle-wage jobs within each industry will be identified using baseline data for wage breakdowns by industry; the share of middle-wage jobs in a given industry today will be assumed to be the same in 2040 for the purpose of target forecasting.

Notably, this target will not differ between scenarios, typically a requirement for performance targets. All regional forecast totals are held constant throughout the Plan process in order to focus on the Plan's different transportation investments and land use patterns and to assure consistency within the EIR analysis. In this sense, this performance target is more of an aspirational target, rather than a measure that can be compared across scenarios.

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## **Performance Target #10: Economic Vitality (Goods Movement)**

*Proposed Target Language: Reduce per-capita delay on the Regional Freight Network by 20%*

### Background Information

This target reflects the importance of goods movement as a component of the region's overall economy. In addition to ensuring access to and from the Port of Oakland – a major economic engine for the Bay Area – goods movement is critical in supporting agricultural and industrial sectors in the region. This proposed target focuses specifically on how trucks – the primary mode for goods movement – are affected by traffic congestion. While truck traffic cannot be forecasted with a high level of precision, this performance target captures the delay on high-volume truck corridors already identified by the Regional Goods Movement Plan.

The numeric target, reflecting a goal of reducing per-capita delay on these corridors by 20 percent, was based on *Transportation 2035* (adopted in 2009). That plan was the most recent long-range regional plan to incorporate a delay target, as Plan Bay Area did not have a specific target related to goods movement. While *Transportation 2035* focused on delay across the entire network, this performance target is slightly refined to focus in on goods movement corridors under the overarching goal of Economic Vitality.

## Past Experience

This target is similar to a performance target used in *Transportation 2035*; however, no targets related to congestion reduction or goods movement were included in Plan Bay Area. In *Transportation 2035*, per-capita congestion increased as a result of capacity-constrained infrastructure (combined with robust pre-recession employment forecasts). Plan Bay Area congestion forecasts, included in the Environmental Impact Report (EIR), also showed a significant increase in congestion between baseline year and horizon year conditions.

## Evaluation Methodology

In addition to calculating total delay, Travel Model One can output vehicle hours of delay for specific corridors. To calculate this target, the appropriate corridors will be flagged for analysis based on the Regional Freight Network from the ongoing goods movement plan; these include segments of the following highway corridors: I-880, I-80, I-580, US-101, I-680, SR-12/SR-37, SR-152 and SR-4. Vehicle hours of delay on this network will be calculated for a typical weekday and will be based on the differential between forecasted and free-flow speeds. The total vehicle hours of delay accrued on the network identified above will then be divided by the regional population to calculate the per-capita delay along these freeway segments. Note that rail freight delay – which is a relatively small component of both overall goods movement and goods movement delay in the Bay Area – is not reflected in the target due to travel model limitations.

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TO: ABAG Executive Board

DATE: November 19, 2015

FR: Miriam Chion, ABAG Planning and Research Director

RE: Plan Bay Area 2040 Scenario Planning Approach and Draft Scenario Concepts

### **Background**

ABAG and MTC are beginning the process of developing three land use and transportation scenarios to inform discussions about the strategic update of Plan Bay Area, Plan Bay Area 2040. Scenarios show different options for how the Bay Area can grow and change over time in ways that help us meet our goals for a more prosperous, sustainable, and equitable region. A vital part of the Plan Bay Area 2040 plan development process, scenarios represent alternative Bay Area futures based on distinct land use development patterns and transportation investment strategies.

### **Scenario Planning Approach**

The MTC Public Participation Plan, adopted in February 2015, lays out Plan Bay Area 2040's scenario development approach. This approach can be summarized as follows:

- One round of scenario analysis and evaluation will be conducted, and a maximum of three scenarios will be developed;
- The scenarios will be constructed in an effort to achieve Plan Bay Area 2040's goals and performance targets;
- The scenarios will be designed to inform the selection of a preferred scenario; and,
- The same scenario alternatives will be carried over into the Environmental Impact Report (EIR) process.

Attachment 1 explains ABAG and MTC's approach to scenario planning in more detail.

### **Draft Scenario Concepts**

On October 6 and October 7, ABAG and MTC held two scenario workshops at the Regional Advisory Working Group (RAWG) and ABAG's Regional Planning Committee, respectively, to present and discuss three draft scenario concepts (Attachment 2). The purpose of the workshops was to receive feedback on the initial concepts, as well as specific strategies for how to maximize their effectiveness. Some 80 participants attended the RAWG workshop on October 6, representing a mix of staff from local planning agencies, transit operators, CMA staff, as well as leaders from business, building, environmental, public health and social justice organizations. A number of members of MTC's Policy Advisory Council also joined the dialogue. Another 50 people attended the October 7 meeting of ABAG's Regional Planning Committee, which included a range of public sector, nonprofit and community representatives as well as local elected officials.

After a short overview of our Plan Bay Area 2040 scenario development approach (Attachment 1), participants at the workshops had the opportunity to engage in small-group discussions around the draft scenario concepts. Participants were asked for their feedback on the draft scenario concepts, and their suggested housing, jobs and transportation policy strategies that would allow each scenario concept to be successful in achieving the same Plan Bay Area 2040 goals. After reviewing the draft

scenario concepts, workshop participants were then asked what they found most promising and most challenging and any other important issues for consideration in developing scenarios. A complete summary of the workshop comments organized by overall goals for scenario planning; general comments on the process; and specific comments on each of the three draft scenario concepts are found in Attachment 3.

### **Next Steps**

Once refined, these scenario concept narratives will provide a framework for the scenario alternatives, which will be developed and evaluated to understand the effects of different combinations of land use and transportation strategies on our shared goals and targets. Key milestones include the release of scenarios in early 2016 and the selection of a preferred scenario in June 2016. The scenario planning process and next steps are detailed in Attachment 4.

### **Attachments**

1. Scenario Planning Approach
2. Draft Scenario Concepts
3. Workshop Comments Summary
4. Scenario Development Process
5. Scenario Planning Approach Presentation



METROPOLITAN  
TRANSPORTATION  
COMMISSION



Association of  
Bay Area Governments

# Scenario Planning Approach

## Background

In July 2013, MTC and ABAG adopted Plan Bay Area 2013 as the Bay Area's first Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The plan responds to State Law (SB 375) requiring the preparation of an integrated land-use and transportation plan to meet greenhouse gas (GHG) emission reduction targets. A lot has changed in the Bay Area since the Plan's adoption, as the region's economy is growing rapidly and housing costs continue to increase, and many communities have recently completed land use plans that envision how to accommodate future growth.

MTC and ABAG are required to update the RTP/SCS every four years. In spring 2015, MTC and ABAG began a limited and focused update of Plan Bay Area 2013, called Plan Bay Area 2040 (PBA 2040). From late April through May, a series of open houses were conducted across the region to introduce the public to the PBA 2040 update process, seek comments on goals and targets, and receive feedback on local priorities across a wide range of issue areas. The comments and feedback were compiled and shared with the Regional Advisory Working Group (RAWG) as well as MTC and ABAG other committees and working groups, in July 2015. Meanwhile, over the past several months, MTC and ABAG have presented information regarding PBA 2040's proposed Goals and Performance Targets, Regional Forecasts, and Project Performance Assessment to the RAWG, the MTC Planning and ABAG Administrative Committees, and various other committees and working groups. With the Goals and Performance Targets up for adoption this fall and the Regional Forecasts underway, the next milestone is to develop and evaluate regional scenarios that integrate land use and transportation strategies.

## What is Scenario Planning?

Scenario planning is a common way for organizations such as MTC and ABAG to analyze and communicate the effects of different combinations of land use and transportation strategies on regional goals and targets. Scenarios can help articulate alternative future paths and provide information to help partner agencies, local jurisdictions, and the general public understand trade-offs. Scenarios can be constructed to modify the status quo, analyze and evaluate strategies that may be practically or politically challenging, and engage the region in a common dialogue about planning for our common future.

Constructing and communicating scenarios generally requires adherence to the following principles:

- **Develop a small number of scenarios.** A good regional planning process should advance a short list of coherent scenarios that can be clearly communicated. This can be challenging, because the strategies underpinning scenarios can be arranged in an infinite number of ways.
- **Construct a preferred scenario.** Since an infinite number of scenarios can theoretically be constructed, it is not appropriate to conduct a "winner takes all" approach to scenario planning. Rather, a "preferred scenario" can incorporate some of the best ideas from each scenario alternative. This can be challenging, because most people naturally gravitate toward voting for a favorite scenario out of the alternatives presented.
- **Balance sophistication with simplicity.** Scenarios should be meaningful for the most engaged and sophisticated observers, but also be easy to communicate to a broad spectrum of people around the region. This can be challenging, because scenarios may seem overly simplistic to some audiences or cryptic to other audiences.

## Scenario Planning in Plan Bay Area 2013

For Plan Bay Area 2013, MTC and ABAG conducted extensive outreach to develop multiple rounds of scenario development and evaluation. This led to the development and adoption of the preferred land use distribution and transportation investment strategy (preferred scenario). Once the preferred scenario was adopted, another set of scenarios was developed and evaluated as alternatives within Plan Bay Area 2013's Environmental Impact

Report (EIR). These multiple rounds of scenario development required a tremendous amount of time and effort on the part of MTC and ABAG, partner agencies, local jurisdictions, working groups and committees. In retrospect, this process may also have created confusion due to the large number of scenario alternatives (13 alternatives in total). As a result, in early project scoping meetings for PBA 2040, MTC and ABAG proposed a simplified approach to scenario planning as described in the following sections.

## Recommended approach to PBA 2040 Scenario Development

As described in a July 2014 memo to the MTC Planning Committee and ABAG Administrative Committees, MTC and ABAG's approach for this RTP/SCS will be to conduct a limited and focused update, building off the core framework established in Plan Bay Area 2013. One key difference between Plan Bay Area 2013 and its update – PBA 2040 – is that PBA 2040 does not include the Regional Housing Need Allocation (RHNA), which will be included again in the 2021 RTP/SCS. The RHNA process required a great deal of outreach and planning work that will not be necessary for PBA 2040. In addition, this will not be the region's first RTP/SCS, so we can build on lessons learned in the first integrated transportation and land use planning effort.

The MTC Public Participation Plan, adopted in February 2015, lays out PBA 2040's scenario development approach. This approach can be summarized as follows:

- One round of scenario analysis and evaluation will be conducted, and a maximum of three scenarios will be developed;
- The scenarios will be constructed in an effort to achieve PBA 2040's goals and performance targets;
- The scenarios will be designed to inform the selection of a preferred scenario; and,
- The same scenario alternatives will be carried over into the Environmental Impact Report (EIR) process.

Additionally, in order to analyze and evaluate the scenario alternatives, each scenario output will include, at a minimum:

- **Land use**
  - Total jobs by PDA and city;
  - Total housing units and households by PDA and city; and
  - Total population by PDA and city.
- **Transportation**
  - Investments by mode and purpose; and,
  - GHG and other travel model outputs for performance targets assessment.

## Specific Process and Timeline for Developing and Evaluating Scenarios

The scenario development and evaluation process will occur over the next nine months, with MTC and ABAG adopting a preferred scenario in June 2016. MTC and ABAG, using input from the public workshops held in Spring 2015, partner agencies, working groups, and committees will develop and evaluate three alternative scenarios composed of land use and transportation strategies.

The scenario planning process will have three phases:

- **Scenario Development.** In October, MTC and ABAG staff hosted scenario development workshops with the RAWG and ABAG Regional Planning Committee (RPC) to kick off the scenario planning process; gather input on the draft scenario concepts; and identify potential jobs, housing and transportation strategies to support the scenario concepts. These workshops will help shape the development of the three scenario alternative concepts and their respective strategies.

Following the October workshops, MTC and ABAG staff will present the draft scenario concepts in November to the MTC Planning and ABAG Administrative Committees, ABAG Executive Board, and other committees and working groups as appropriate, for additional feedback.

In February and March 2016, MTC and ABAG staff will present to the RAWG, RPC, the MTC Planning and ABAG Administrative Committees, and the ABAG Executive Board defined scenario alternatives that show

different options for distributing forecasted housing, population, and employment growth, as well as the high performing projects of the project performance assessment and the costs to maintain and operate our existing transportation system.

- **Scenario Evaluation.** Following the November 2015 joint meeting of the MTC Planning and ABAG Administrative Committees, MTC and ABAG staff will begin an iterative process of scenario evaluation and refinement of each scenario’s land use and transportation strategies to meet regional goals and targets. MTC and ABAG staff will use regional models, described in more detail in the following section, to develop and analyze the scenarios.

In March 2016, MTC and ABAG staff will present to the RAWG, the MTC Planning and ABAG Administrative Committees, and other committees and working groups as appropriate, the results of the performance targets and equity assessments for each of the three scenario alternatives.

In April 2016, MTC and ABAG will host public workshops to discuss the scenario alternatives and the results of their evaluation.

- **Scenario Adoption.** Following the April 2016 public workshops, MTC and ABAG staff will create a draft preferred scenario based on feedback from the public, local jurisdictions, MTC and ABAG’s partner agencies, working groups, and committees. The draft preferred scenario will incorporate strategies that best achieve the adopted PBA 2040 goals and performance targets and equity metrics.

In May 2016, MTC and ABAG staff will present the draft preferred scenario to the RAWG, the MTC Planning and ABAG Administrative Committees, and ABAG Executive Board. Their input will be used to refine the preferred scenario before the MTC Commission and ABAG Executive Board are asked to adopt the final preferred scenario at a joint June 2016 meeting.



Figure 1

## Modeling Tools

MTC and ABAG staff will use modeling tools to assist in the development and analysis of scenarios. The integration of the regional land use and travel demand models allows for analysis of how land use policies will affect transportation outcomes and how transportation projects and policies will affect land use outcomes. The models allow us to perform our targets assessment for each scenario.

- **UrbanSim.** This regional land use forecasting model relies on regional control totals of jobs, housing, and population, developed and adopted by ABAG, to analyze the effects of land use and transportation strategies on the forecasted regional development pattern. The model simulates the interactions of households, businesses, developers, and governments within the urban market. The model will produce land use outputs, including the forecasted location of new jobs and housing for each scenario alternative. MTC and ABAG staff will evaluate the model outputs through an extensive planning process involving input by local jurisdictions.
- **Travel Model One.** The regional travel demand model relies on UrbanSim’s forecasted regional development pattern to analyze the significance of transportation impacts and estimate travel outcomes, including vehicle miles traveled, vehicle hours of delay, and accessibility for each scenario alternative.

## Common Assumptions for All Scenarios

There are a number of core assumptions that will stay the same across different scenarios:

- **Regional Forecast – Total Jobs, Housing, and Population (Control Totals).** ABAG’s adopted regional forecast will set control totals for the total jobs, housing, and population in the region. This total number will not vary across scenarios.
- **Regional Housing Need Allocation (RHNA).** In 2013, ABAG adopted the *Final Regional Housing Need Plan for the San Francisco Bay Area: 2014-2022*, including the final housing unit allocations, by income, to local jurisdictions in the region. The three scenario alternatives will reflect the adopted 2013 RHNA, and will not vary across scenarios. The next RHNA process will occur in coordination with the 2021 RTP/SCS.
- **Regional PDA and PCA Framework.** PDAs and PCAs are locally nominated and their geography will not vary across scenarios; however, the extent to which growth is emphasized in PDAs and land in PCAs is conserved may be considered as strategies.
- **Regional Transportation Revenue Sources.** MTC develops a revenue forecast that accounts for all reasonably assumed revenue sources to 2040. The total amount of revenues and sources will not vary across scenarios; however, certain revenue enhancements may be considered as strategies.
- **Regional Committed Transportation Network.** The committed transportation network represents the existing transportation infrastructure and proposed transportation improvements that are fully funded and under construction. The committed transportation network will not vary across scenarios.

## Strategies Varying Across Scenarios

The differences in scenario alternatives will be driven by alternative distributions of strategies, which generally comprise a short set of land use and housing policies, transportation policies, and transportation investments. While not an exhaustive list, the strategies generally encompass the following actions:

- **Land Use Strategies** that change a community’s capacity for new development or incentivize a particular type or location of growth.
- **Transportation Strategies**
  - Transportation Investments- includes strategies for different types of transportation investments by category (expansion, maintenance, state of good repair, etc.), and mode (highway, transit, bike/ped, etc.), and programs.
  - Transportation Policies- includes strategies to manage transportation demand, systems operations, parking policies, and taxes and fees.
  - Climate Strategies- includes technological advancements (e.g. clean vehicles) and incentive programs to encourage travel options that help meet GHG emissions reduction targets.

It is important to recognize that the distribution of different strategies within initial scenarios does not constitute a staff proposal or recommendation. This distribution is done simply to illustrate tradeoffs between alternative growth patterns and infrastructure investments and serve as a building block for developing a preferred scenario.

## Next Steps

Stakeholder engagement will help shape the strategies across each of the three scenario alternatives. The October ’15 scenario workshops are the first opportunity for input.



Figure 2

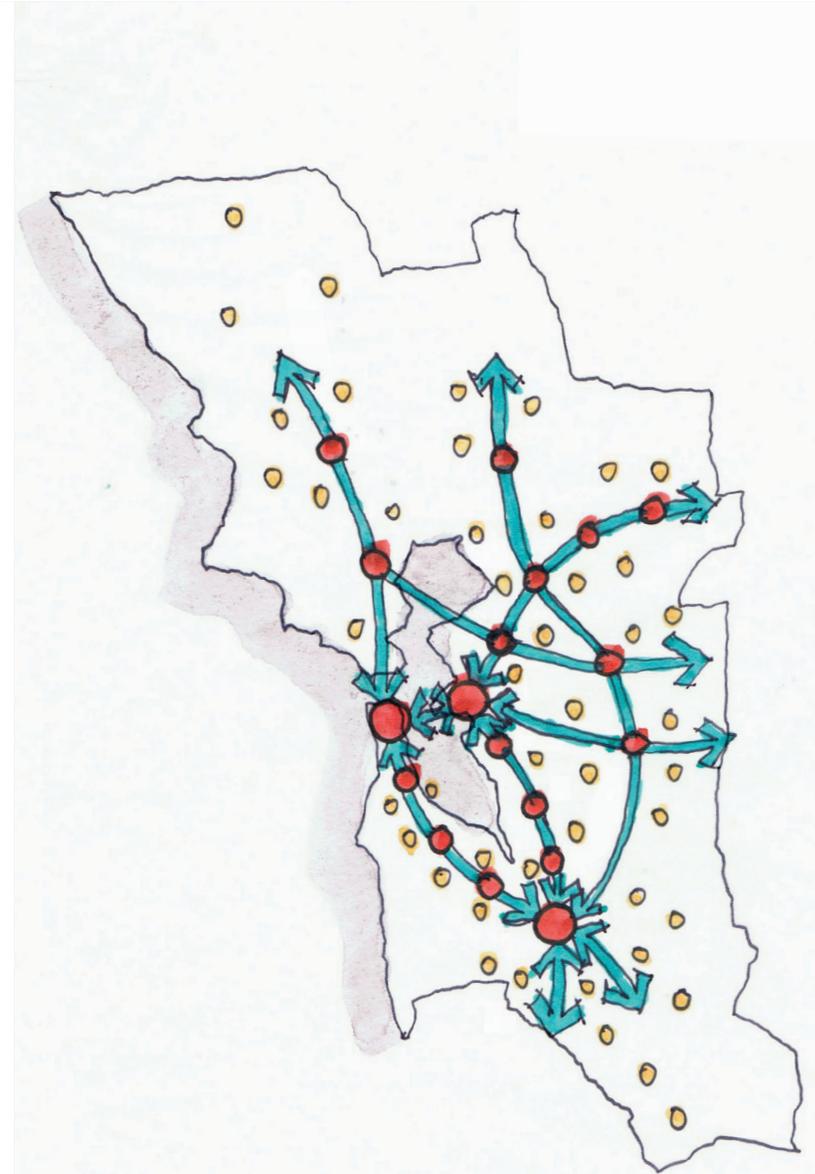
# Scenario Draft Concept #1

Scenario 1 targets future population and employment growth to the downtowns of every city in the Bay Area to foster a region of moderately-sized, integrated town centers. As in the other scenarios, most growth will be in locally-identified PDAs, but this scenario offers the most dispersed growth pattern, meaning that cities outside the region's core are likely to see higher levels of growth and, within cities, more growth will be accommodated outside of PDAs than in other scenarios.

To accommodate this growth, investments, including resources for affordable housing, will be dispersed across PDAs, other transit-proximate locations outside PDAs, and underutilized transportation corridors across the region. This scenario comes closest to resembling a traditional suburban pattern, with an increase in greenfield development to accommodate the dispersed growth pattern. While an emphasis on multi-family and mixed-use development in downtowns will provide opportunities for households of all incomes to live near a mix of jobs, shopping, services, and other amenities, this scenario also assumes that many people will drive significant distances by automobile to get to work.

To support this scenario's dispersed growth pattern, transportation investment priorities will largely embrace new technologies and innovative strategies to manage travel demand. To accommodate increased reliance on automobiles for commuting, this scenario assumes a vast expansion of high-occupancy toll lanes on all regional highways, the institution of variable pricing, and highway widening at key bottlenecks. Additionally, the region will adopt transformational investments like automated buses and private vehicles. Bicycle and pedestrian infrastructure will create a network of regional trails and bike lanes, including a robust regional network of bike sharing. To support industry and goods movement, the scenario will focus largely on "smart operations and deliveries"— technology and operations to reduce congestion and increase safety on urban and rural roads.

To reach our climate goals, this scenario sees heavy investments in technology advancements, clean vehicles, and incentives and to pursue near-zero and zero emissions strategies wherever feasible. The mobility needs of seniors, persons with disabilities, and low-income communities will be addressed most centrally by "mobility management" solutions to link individuals to travel options that meet their specific needs, as well as the provision of demand-responsive strategies by the public, non-profit, and private sectors.

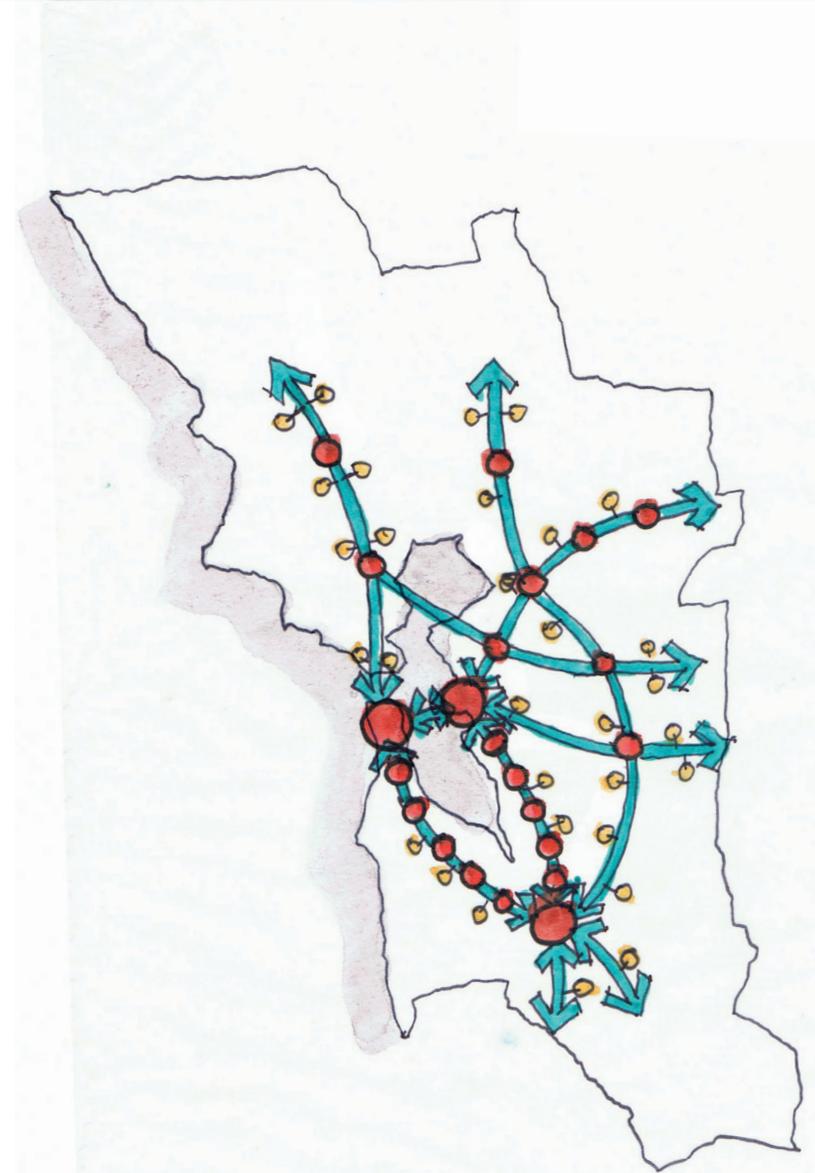


# Scenario Draft Concept #2

Building from the final, adopted Plan Bay Area 2013, Scenario 2 targets future population and employment growth to locally-identified PDAs throughout the region, with an emphasis on growth in medium-sized cities with access to the region's major rail services, such as BART and Caltrain. Outside the PDAs, this scenario sees modest infill development, along with a small amount of greenfield growth. As these communities grow over the next 25 years, compact development and strategic transportation investments will provide residents and workers access to a mix of housing, jobs, shopping, services, and amenities in proximity to transit traditionally offered by more urban environments. Resources for affordable housing will be dispersed across the Bay Area, with some concentration in PDAs to support the development of affordable housing where the most population and employment growth is targeted.

To support this scenario's growth pattern, transportation investments will prioritize maintenance of existing infrastructure. The region's transit system will be modernized and expanded along key corridors to improve commutes and add capacity. Investments in bicycle and pedestrian infrastructure, including the regional bike sharing network, will support the creation of more walkable and bikeable downtowns. While this scenario would see limited expansion of the region's roadways, it will use travel demand strategies, including an expansion of the regional express lanes network to use existing roadways more efficiently. To support industry and goods movement, this scenario will support environmentally sustainable investments at our key global gateways to create local jobs, protect the community, and attract international commerce.

To protect the climate, this scenario prioritizes a number of innovative transportation initiatives, including car sharing and near-zero and zero emission goods movement technologies. The mobility and accessibility needs of seniors, persons with disabilities, and low-income communities will be addressed through continued investments in transit operations, transit capital, and a continued focus on "mobility management" solutions to link individuals to travel options that meet their specific needs.

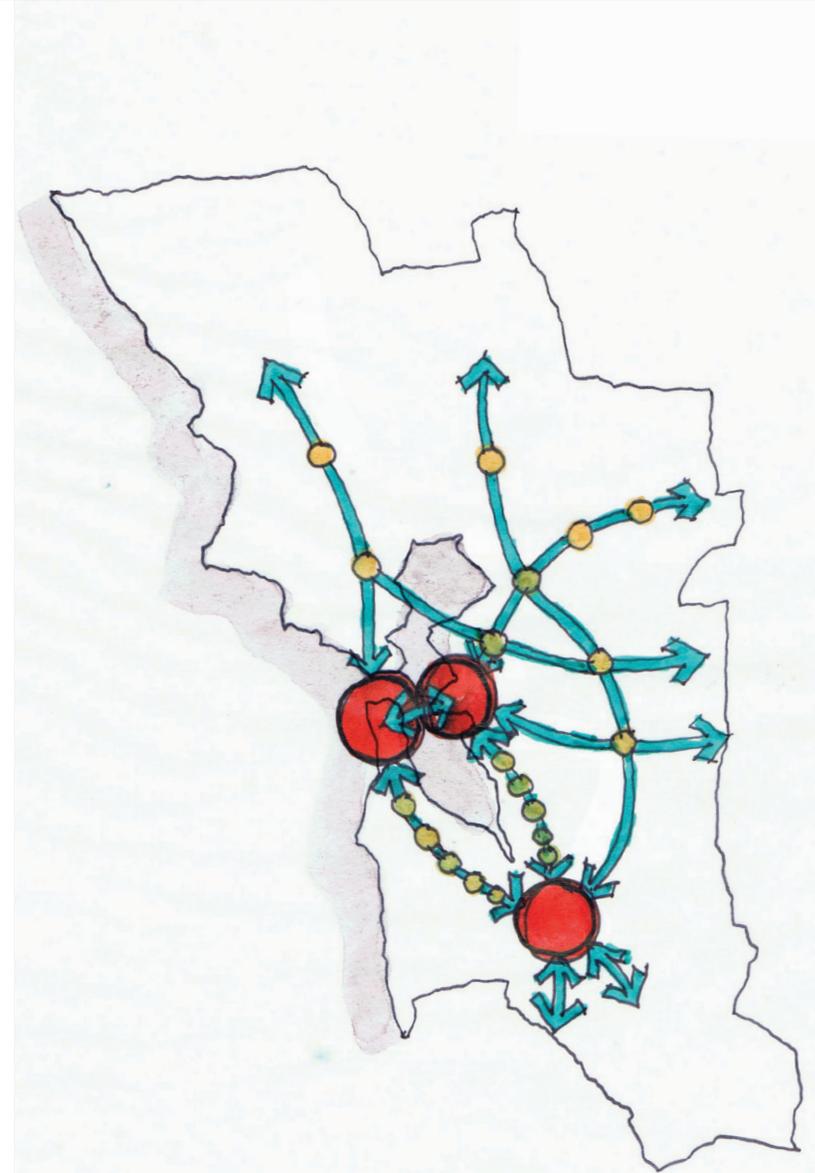


# Scenario Draft Concept #3

Scenario 3 concentrates future population and employment growth in the locally-identified PDAs within the Bay Area's three largest cities: San Jose, San Francisco and Oakland. Neighboring cities that are already well-connected to these three cities by transit will also see increases in population and employment growth, particularly in their locally-identified PDAs. The amount of growth outside these areas is minimal, with limited infill development in PDAs and no greenfield development. Growth in the three biggest cities will require substantial investment to support transformational changes to accommodate households of all incomes. This scenario will prioritize strategies to make these existing urban neighborhoods even more compact and vibrant, and enable residents and workers to easily take transit, bike or walk to clusters of jobs, stores, services, and other amenities. Resources for affordable housing will likewise be directed to the cities taking on the most growth.

To support this scenario's big city-focused growth pattern, the transportation infrastructure within and directly serving the region's core will be maintained to a state of good repair, modernized to boost service and improve commutes and capacity, and expanded to meet increased demand. While these transit investments will take priority, the roadway network will also require significant investments, such as a regional express lane network to prioritize direct access to the three biggest cities and regional express bus service to increase connections to the region's core. Bicycle and pedestrian infrastructure will be dramatically expanded in these cities, including a robust network of bike sharing. To support industry and goods movement, investments at the Port of Oakland will be ramped up quickly to enable more efficiency and to mitigate the impacts of Port activities on nearby communities.

To reach our climate goals, this scenario will focus technological and financial incentive strategies in and around the three biggest cities, which will accommodate a significant increase in population and travel demand. The mobility and accessibility needs of seniors, persons with disabilities, and low-income communities will be addressed by directing resources for a robust increase in transit operations and capital within the region's core.



# What We Heard from RAWG & RPC

## Goals and Aspirations for Scenario Planning

- Plan for diverse, inclusive and supportive communities
- Preserve what is unique about each community
- Focus on vibrant downtowns and neighborhoods with clean, safe and attractive streets; more walking and activity on the streets; great parks, schools and lots of services
- Promote equitable community development that brings new life to neighborhoods without displacement
- Plan to improve public health and improve the health of the natural environment

## General Comments: Scenario Development Process

- Appreciated ability to provide early input in the scenario process
- Include social equity as a guiding theme in each scenario
- Concern about achieving greenhouse gas (GHG) reduction and housing goals under any scenario
- Concern that policies to promote compact growth could lead to segregation
- Solutions to region's challenges will be different in every city; need scalable solutions
- Provide examples of how the type of development discussed in each scenario concept worked in other regions
- Consider changing demographics (race, age, and lifestyle preferences such as young people driving significantly less)
- Priorities for unincorporated communities and/or smaller communities are not reflected in the scenarios.
- Consider discussing tradeoffs what will the region gain and what is the region willing to give up?
- Provide the general public with an opportunity to have a discussion about scenario concepts before scenarios are solidified

## Plan Bay Area 2040: Scenario Draft Concept #1

### Housing

- Requires suburban co-location of jobs/housing
- Affordable housing will be harder to produce in less dense areas; requires more subsidy
- Consider housing subsidies for low-income residents; more funds for affordable housing
- Encourage density bonuses
- Could help smaller cities become complete communities while still maintaining their character

### Transportation

- Consider transit subsidies for low income residents; public shuttles; toll roads
- Last mile connection still an issue
- Regional bus system and high occupancy toll/express lane network important to this scenario (24/7)
- Scenario requires expanded roadways, leaving less funding for transit
- Greater need for transit infrastructure (transit in suburbs) with dispersed development
- Consider parking policy reform

- Invest more in goods movement
- Scenario is heavy on technology but the innovations aren't here yet; be cautious when planning

## Equity

- Scenario could lead to displacement; need renters' protection
- Explicitly include inclusionary zoning as a policy solution

## Economy

- Need more employment growth in the dispersed areas
- Consider how to disperse jobs
- Need transportation demand management strategies to encourage working remotely

## Environment

- This scenario could encourage greenfield development and sprawl
- This scenario could be detrimental to preserving open space
- Consider better coordination between Bay Area Air Quality Management District and Bay Conservation and Development Commission and ABAG and MTC as policies are moving in opposite direction than priority development areas (PDAs)
- Vehicle miles traveled will increase under this scenario; won't achieve GHG target
- Could achieve GHG target with zero emissions vehicles
- Keep some lots for urban agriculture
- Maintain urban growth boundaries
- Implement indirect source review

## Other

- Congestion pricing to raise money to pay for roadways; development fees for transit
- Consider providing funding for areas outside of PDAs; many cities cannot accommodate all growth within PDAs.
- One Bay Area Grants (OBAG) could expand the definition of PDAs and provide incentives if close to transit

## Plan Bay Area 2040: Scenario Draft Concept #2

### Housing

- Need anti-displacement policies, both carrots and sticks
- Need more incentives to get needed densities to support more affordable housing
- Convert older office parks to low-income housing and provide needed transit
- Need for senior housing near transit given changing demographics
- Clarify and specify PDA criteria about PDAs with respect to housing
- Smaller cities will need technical support to plan in a way that supports this scenario

### Transportation

- First/last mile transportation will be key with this scenario
- Scenario will require significant investment in rail/fixed-guideway transit, but that only works in the core
- Consider new types of transit or Transportation Demand Management for suburbs
- Scenario leaves North Bay out in terms of transportation investments (more for Sonoma-Marín Area Rail Transit )

- Support mobility-management programs for seniors
- Consider bicycle/pedestrian improvements
- Scenario doesn't offer enough for small suburban or rural communities

## Equity

- This scenario offers potential for most equitable growth
- This scenario will need to address suburbanization of poverty; lower income communities will increasingly have longer commutes, less access to services
- Consider policies to provide living wage
- Consider non-work transit trips (many other needs - school, recreation, medical, shopping)
- Don't just focus on housing; look at location of and access to jobs

## Economy

- Pay equal attention to jobs and housing
- Policies should promote more working remotely
- Promote job creation, especially in PDAs (though some wanted jobs outside PDAs to increase accessibility to lower income residents)
- Need more clarity and specificity about PDA policies with respect to jobs
- Need more California Environmental Quality Act relief/regulatory streamlining

## Environment

- This scenario encourages greenfield development and sprawl
- Would require enormous investments in transit (esp. rail or bus-rapid transit) to avoid sprawl
- Need to address hazards like fault lines and sea-level rise with this scenario
- Ensure that PDA policies are not weakened or the region will not be able to realize environmental benefits from concentrated growth
- Commuter Benefit Ordinances could be helpful to making this scenario work

## Other

- Would require new regional sales tax for bus service as well as a regional gas tax
- OBAG should go to all "red dot" areas (outside PDAs as well as within)

## Plan Bay Area 2040: Scenario Draft Concept #3

### Housing

- Exacerbates displacement and affordability; more stress regarding displacement if jobs are focused in urban core
- The three cities are already behind in their jobs/housing balance
- Would need to incentivize affordable housing, but land costs will be a huge barrier
- Needs anti-displacement policies
- Needs inclusionary zoning
- Consider a housing trust fund
- Missed opportunity to consider infill in smaller cities

### Transportation

- Transit will need large investments plus operating funds
- Transit could not handle this scenario; already at capacity now

- Transit investments needed in other parts of the region; need to support smaller cities and suburbs too.

## Equity

- Least equitable scenario
- This scenario provides least amount of choice
- There will be the highest pressures on displacement under this scenario
- Who could afford to live in the cities?

## Economy

- The kind of growth discussed in the scenario is already happening so let's make it successful by investing in cities
- Infrastructure in other areas will deteriorate, and so will economic vitality
- Goods movement in and out of these corridors will be a challenge
- How will we fund regional initiatives if benefits only flow to big cities?

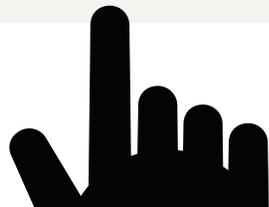
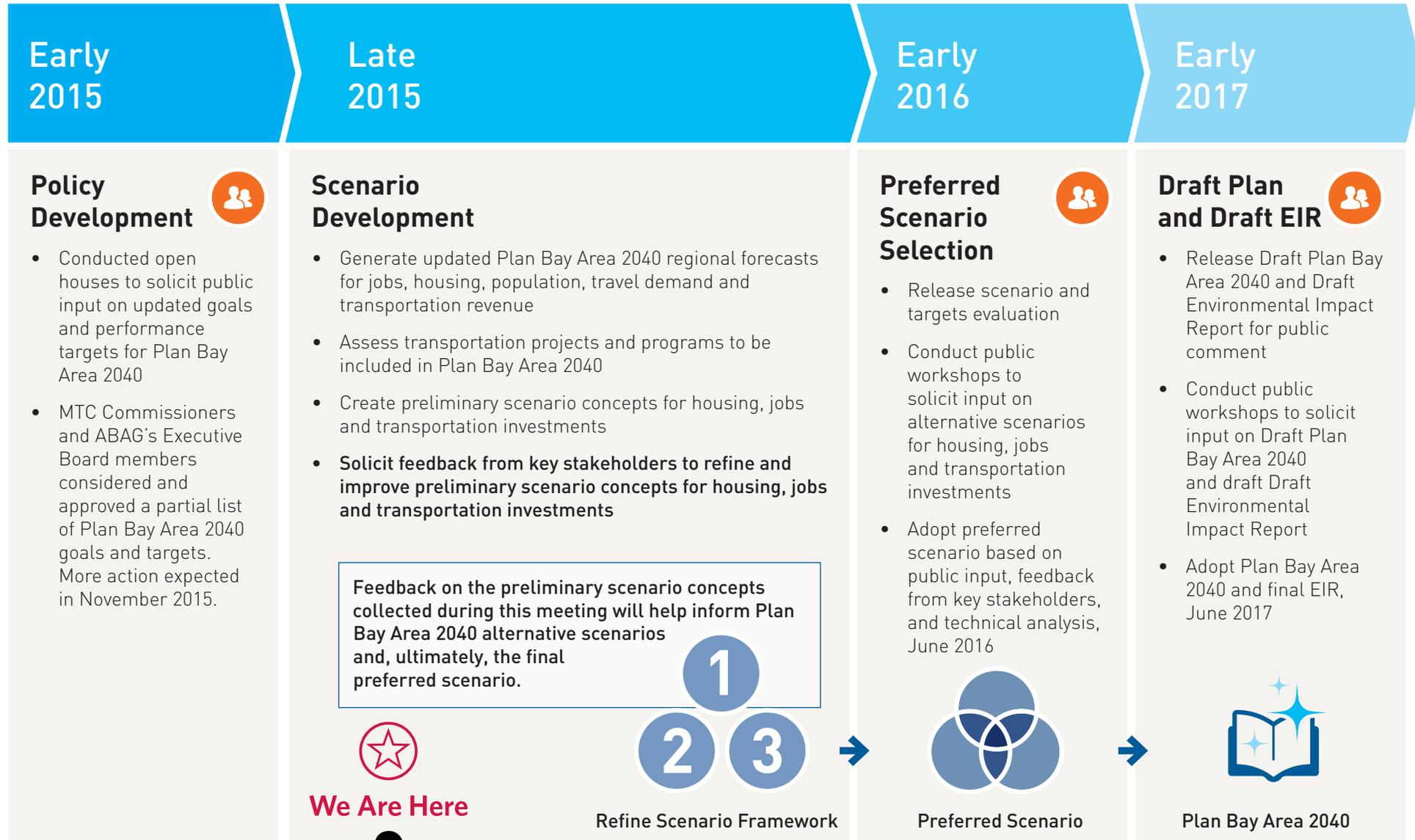
## Environment

- Only this scenario will help us reach targets; most environmentally sustainable
- This scenario will be hard to implement due to economic and political realities
- Change urban growth boundaries to change development

## Other

- Other cities need investments in order to be walkable, complete, equitable and green; creates "have" vs "have nots"
- Need to address other areas such as schools, safety, parks to improve quality of life in three big cities
- Three big cities enjoy economies of scale and are better able to address major issues
- Consider creating incentives for public-private partnerships

# Scenario Development Process





# A G E N D A

## LEGISLATION AND GOVERNMENTAL ORGANIZATION COMMITTEE

Thursday, November 19, 2015

3:30 p.m. – 5:00 p.m.

Association of Bay Area Governments, 101 8<sup>th</sup> Street, Conference Room B, Oakland, CA

### Committee Members

*Chair: Supervisor Scott Haggerty, Alameda County*

*Vice Chair: Councilmember Desley Brooks, City of Oakland*

Supervisor Dave Cortese, County of Santa Clara

Mayor Bill Harrison, City of Fremont

Supervisor Mark Luce, County of Napa, ABAG Immediate Past President

Councilmember Julie Pierce, ABAG President, City of Clayton

Mayor Harry Price, City of Fairfield

Supervisor David Rabbitt, ABAG Vice President, County of Sonoma

Supervisor Linda Seifert, County of Solano

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

*Halimah Anderson, Communications Officer*

1. CALL TO ORDER
2. OPEN AGENDA-PUBLIC COMMENT
3. APPROVAL OF MINUTES FROM SEPTEMBER 17, 2015 MEETING Action
4. MAYOR PRO TEM PAT EKLUND, CITY OF NOVATO  
Update and Overview on ABX1 24 (Levine and Ting): Bay Area Transportation  
Commission Information/Action
5. HALIMAH ANDERSON, COMMUNICATIONS OFFICER  
Overview on AB 2 (Alejo) Community Revitalization Information

6. PEDRO GALVAO, REGIONAL PLANNER  
Unaccompanied Minors Report Information
  
7. TRANSFORM'S LEGISLATIVE SESSION REVIEW Information
  
8. HALIMAH ANDERSON – L&GO COMMITTEE OVERVIEW ON 2015 LEGISLATIVE  
SESSION Information
  
9. DRAFTING L&GO LEGISLATIVE PRIORITIES FOR 2016 Information/Action
  
10. ADJOURNMENT

The next L&GO Committee Meeting will be held on **January 21, 2016**.

*The ABAG L&GO Committee may act on any item on this agenda.  
Agenda and attachments available at ABAG/Front Desk, 101 8th Street, Oakland, CA  
or at [www.abag.ca.gov/meetings](http://www.abag.ca.gov/meetings).*

*For information, contact Halimah Anderson, at (510) 464-7986*

**ASSOCIATION OF BAY AREA GOVERNMENTS  
LEGISLATION AND GOVERNMENTAL ORGANIZATION  
COMMITTEE**

**Thursday, September 17, 2015  
Summary Minutes**

**Committee Members Present:**

Supervisor Scott Haggerty, *Chair*

Councilmember Desley Brooks, *Vice Chair*

Supervisor, Dave Cortese, County of Santa Clara

Mayor Bill Harrison, City of Fremont

Supervisor Mark Luce, County of Napa, ABAG Immediate Past President

Councilmember Julie Pierce, City of Clayton, ABAG President

*Other Officials:*

Mayor Pro Tem Pat Eklund

Councilmember Dave Hudson

*Staff:*

Ezra Rapport – ABAG

Brad Paul – ABAG

Halimah Anderson – ABAG

Jerry Lahr – ABAG

Jennifer Berg – ABAG

*Public:* Ken Bukowski/Filming

**1. Call To Order**

**2. Open Agenda-Public Comment**

Mayor Pro Tem Pat Eklund, City of Novato asked the Committee to make a motion to have ABX1 24 (Levine and Ting) Bay Area Transportation Commission Election of Officers added to the agenda for discussion at the November 19<sup>th</sup> Committee Meeting. The Committee then voted to discuss ABX1 24 on November 19<sup>th</sup>.

**3. Approval of Minutes**

The July 16, 2015 minutes were approved as written. (6-0)

**4. Halimah Anderson, ABAG Communications Officer**

A briefing on SBX1 1 (Beall) Transportation Funding was presented. ABAG suggested a watch position on SBX1 1 due to the preliminary stage of the legislation. Staff noted that amendments are in progress and an update on this legislation will be presented in January 2016.

The Committee voted to watch SBX1 1 and asked staff to provide more information as updates are available.

**5. Legislation Summary**

The legislation summary was reviewed and an updated was provided on the key bills that the committee is currently supporting.

**6. Jerry Lahr, ABAG Energy Programs Manager – Proposed Legislation for 2016**

Jerry provided a briefing on proposed 2016 ABAG Legislation to establish a Pool for Water Efficiency programs and projects for local governments. He asked the committee to vote on whether ABAG move forward with developing legislation to establish a Pool for Water Efficiency.

During the ABAG Executive Board Meeting, Scott Haggerty, Alameda County Supervisor made a motion to support proposed 2016 ABAG Legislation to establish a Pool for Water Efficiency programs and projects for local governments. Mayor Bill Harrison, City of Fremont seconded the motion. The L&GO Committee voted unanimously for ABAG to proceed with drafting legislation for a Water Efficiency Pool (6-0). The Committee will review the draft bill legislation in early 2016 and determine next steps.

**7. 2016 Legislative Reception**

The Committee voted to hold the 2016 Legislative Reception in Sacramento. February 10<sup>th</sup> is the preferred Legislative Reception date that was determined by the Committee. Staff will confirm that there are no schedule conflicts on February 10th. Staff will reserve the workshop and reception spaces in Sacramento. The Committee approved February 24<sup>th</sup> as an alternate reception date.

**8. Adjournment - Meeting was adjourned at 4:00 p.m.**

The next meeting of the L&GO Committee will be on **November 19, 2015.**

# BAY AREA SERVICES TO UNACCOMPANIED IMMIGRANT CHILDREN



Fall 2015

A Regional Response to Provide for  
Unaccompanied Immigrant Children in the San  
Francisco Bay Area



**Association of Bay Area Governments**  
Item 11, Report

# Acknowledgements

## AUTHORS:

**Association of Bay Area Governments (ABAG)**

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Project Manager: Pedro Galvao

## Thank you to ABAG staff and County representatives:

Members of ABAG's Legislation and Government Organization Committee, who championed unaccompanied immigration children as an important issue to address as a region.

Ezra Rapport, for bringing this unique project to fruition and galvanizing support from funders and stakeholders.

## SPECIAL THANK YOU TO OUR COMMUNITY PARTNERS:

### Staff at Catholic Charities of Santa Clara,

for elevating our work as an official partner to the project, and his staff for providing support throughout the project's life cycle.

Steven Hicken,  
Candace Chen

Bridget Stevens  
Maria Luz Brubaker

### Staff at Legal Services for Children,

for partnering on disseminating information on our work, vetting our surveys, and contributing to our forum.

Hayley Upshaw  
Andrea Del Pan

Rumeli Snyder  
Erin Maxwell

## Research Contributors (full list on next page)

We appreciate the time these individuals graciously took from their busy schedules to share their work with us and answer our surveys. We are especially grateful to Sarah Bowyer of the Immigration Center for Women and Children, who generously shared local ORR data that aided in substantiating our research.

## Forum on Bay Area Services to Unaccompanied Immigrant Children:

Steven Hicken (Catholic Charities of Santa Clara), for introducing and moderating our panel.

### Panelists:

Avantika Shastri, *SF Immigrant Legal Defense Collaborative at Bar Association of San Francisco*  
Maria Luz Brubaker, *Catholic Charities of Santa Clara*  
Erin Maxwell, *Legal Services for Children*  
Ariana Flores, *Oakland Unified School District*

### Facilitators:

Candace Chen, *Catholic Charities of Santa Clara County*  
Rachel Prandini, *Immigrant Legal Resource Center*  
Adina Hemley-Bronstein, *SF Immigrant Legal Defense Collaborative at Bar Association of San Francisco*

## ADDITIONAL THANKS:

Former ABAG staff Mitali Perkins, who supported in internship recruitment

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Dolores Street Community Services  
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\* Legal Services for Children  
Huckleberry Youth Programs  
\* San Francisco Unified School District - Caminos Program  
\* Oakland Unified School District  
Alameda County Health Care Services  
\* SF Immigrant Legal Defense Collaborative at Bar Association of San Francisco  
USF Immigration and Deportation Defense Clinic  
Center for Gender & Refugee Studies  
\* Catholic Charities of Santa Clara County  
SFDHS  
Lawyers' Committee for Civil Rights  
East Bay Sanctuary Covenant  
Jewish Family & Children's Services of the East Bay  
\* Inspiration Quest  
La Familia Counseling Services  
Social Justice Collaborative  
East Bay Alliance for a Sustainable Economy  
SFUSD Wellness Initiative  
Consulate of Honduras  
API Legal Outreach  
Legal Assistance for Seniors  
\* Grantmakers Concerned with Immigrants and refugees  
\* Legal Services for Children  
Community Legal Services in East Palo Alto  
Law Office of Helen Lawrence  
The Women's Building  
Alameda County, Center for Healthy Schools and Communities  
Legal Advocates for Children & Youth  
International Rescue Committee  
\* Culturestrike

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Centro de Ayuda Legal para Inmigrantes  
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Huckleberry House  
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\* UCSF Benioff Children's Hospital  
\* Immigration Legal Resource Center  
UC Davis School of Law Immigration Law Clinic  
Centro Latino Cuscatlan  
San Francisco Women Against Rape  
\* Catholic Legal Immigration Network, Inc  
\* ORR - Office on Trafficking in Persons  
Covenant House California East Bay  
Justice and Diversity Center  
\* Immigration Center for Women and Children  
\* Santa Clara County - OHR  
\* San Francisco Foundation  
Central American Resource Center of Northern California  
Alameda County Office of Education  
\* Office of Immigration Affairs, City of San Jose

***\*Assisted staff through interviews***

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# Guide to using this document

This document is intended for immigrant-serving professionals in the Bay Area and key decision-makers that could influence immigration-related services in the nine Bay Area counties (Alameda County, Contra Costa County, Marin County, Napa County, San Francisco City and County, San Mateo County, Santa Clara County, Solano County, and Sonoma County).

The purpose of this document is to give a comprehensive overview of services available to unaccompanied immigrant children and immigrant women with children that have settled in the Bay Area, with an overview of federal and state services, and a closer look at services in local Bay Area counties. At the Bay Area level, we identify key service providers, challenges they have faced in serving these populations, and examples of how these organizations have worked to address these gaps. We conclude with recommendations on how to approach these challenges moving forward.

## KEY TERMS

### Department of Homeland Security (DHS)

The *Department of Homeland Security* (formerly Immigration and Naturalization Services, or INS) consists of several sub-departments, including Customs and Border Protection and Immigration and Customs Enforcement. For simplicity, each of these is referred to under the umbrella term of *Department of Homeland Security*.

### Immigrant Women with Children (IWC)

Although the term has many variants, the report uses the term *immigrant women with children* to maintain neutrality concerning the women's age and to clarify that we are specifically discussing immigrant women.

### Immigration Courts in San Francisco

Although it is formally known as “the San Francisco Immigration Court,” it is referred to as the *Immigration Courts in San Francisco* to emphasize that these federal courts are not simply limited to cases in San Francisco; rather, they take cases from the entire region of Northern California.

### Office of Refugee Resettlement (ORR)

The *Office of Refugee Resettlement* (an Agency under the Department of Health and Human Services) is in charge of coordinating the care and placement of unaccompanied immigrant children who are in federal custody.

### “Pre-Release” Services and “Post-Release” Services

The term *pre-release services* refers to services that unaccompanied immigrant children and immigrant women with children receive while they are still under federal custody. *Post-release services* are sometimes referred to as services that the federal government provides to unaccompanied immigrant children that have been released from custody of the Office of Refugee Resettlement. However, we apply the term “post-release” services for any service that unaccompanied immigrant children receive upon release from federal shelters.

### Short-term Detention Facilities vs. Long-term Shelter Care

In passing through the immigration system, unaccompanied immigrant children and immigrant women with children are housed in detention facilities that have generated much attention, and these facilities – which vary based on individual cases – are often confused or conflated. For simplicity, we devote greater attention to *long-term shelter care* under the

Office of Refugee Resettlement and only briefly discuss *short-term detention facilities* under the Department of Homeland Security. For more information on the process, see the Vera Institute's "The Flow of Unaccompanied Children through the Immigration System: A Resource for Practitioners, Policy Makers, and Researchers."<sup>1</sup>

## Social Services

For the purposes of this report, the term *social services* broadly encompass any direct, public service that unaccompanied immigrant children or immigrant women with children receive, insofar as they are *not* legal services.

## Sponsor

One of the Office of Refugee Resettlement's principal responsibilities is to release unaccompanied immigrant children to an approved *sponsor* while they await immigration proceedings, a process known as reunification. Sponsors are either a parent, legal guardian, family member, or trusted family friends.

## Unaccompanied Immigrant Child (UC)

We use the term *unaccompanied immigrant child* to clarify that the children under discussion are immigrants ("unaccompanied minors" is used in other settings to describe children with unrelated characteristics). As most of our data are from federal agencies, we characterize unaccompanied immigrant children using the federal definition under the Homeland Security Act, which states that an "unaccompanied alien child" is a child who has no lawful immigration status, is under 18 years of age, and has no parent or legal guardian in the country available to provide care and physical custody. Beyond data, we apply a more flexible definition based on how it is referenced by professionals.

## Legal Terms

The following are legal terms used to describe the status of UCs (discussed in further detail in Appendix III):

**Affirmative Asylum:** When an individual makes an asylum application while physically present in the US and not subject to removal proceedings.

**Defensive Asylum:** When asylum is requested as a defense against removal from the US.

**Full Scope Removal Defense:** When an attorney provides services to a client within the full scope of relief the client could be eligible for under immigration law.

**Special Immigrant Juvenile Status (SIJS):** Children who are present in the United States without legal status and who have been abused, abandoned, or neglected and are unable to be reunited with a parent can get a green card as a Special Immigrant Juvenile. State courts are required to make a determination of SIJS status which makes the UC eligible to petition for a green card through the federal government.

**U-Visas:** The U nonimmigrant status (U visa) is set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity (*Definition from U.S. Citizenship and Immigration Services*).

**T-Visas:** The T Nonimmigrant Status (T visa) is a set aside for those who are or have been victims of human trafficking, protects victims of human trafficking and allows victims to remain in the United States to assist in an investigation or prosecution of human trafficking (*Definition from U.S. Citizenship and Immigration Services*).

**VAWA:** Violence Against Women Act of 1994 and renewed in 2013, the act created several visa categories for which UCs are eligible.

# Executive Summary

In 2014, the number of Unaccompanied Immigrant Children (UCs) and Immigrant Women with Children (IWCs) arriving to the U.S.-Mexico border spiked, constraining federal agencies and drawing national attention. Securing legal status for these children, many whom are seeking refuge from violence and gang pressures in Central America, has proven difficult. While the courts sort of their immigration issues, these children and a growing number of young women with children, are settling in the Bay Area, arriving with complex needs that require concerted coordination of legal and social services.

In light of this need, ABAG executive board members directed the agency to undertake research on this topic. In partnership with Catholic Charities of Santa Clara, ABAG hired an intern and, in the summer of 2015, undertook extensive research to produce this report, which details the landscape of services available to unaccompanied immigrant children and immigrant women with children in the nine counties of the Bay Area region.

## SUMMARY OF FINDINGS

### California's Response

California is one of the most common destinations for UCs and IWCs seeking to reunite with parents or relatives which suggests that UCs are settling in California for the longer term, seeking to integrate into local communities while their immigration case is being heard. Although the state has responded to the immediate service needs of these new residents – for instance, by providing additional funding to impacted schools and additional legal resources for the courts – long-term considerations remain to be addressed.

### Overview of Bay Area Services

#### UC Arrivals to the Bay Area

As of the writing of this report (August 2015), the Bay Area is the second largest region of settlement for UCs arriving in California, with 1,842 unaccompanied immigrant children released to sponsors by the Office of Refugee Resettlement (ORR) and 2,868 UCs filing their case before the immigration court in San Francisco. UCs in the Bay Area mostly live in larger, urban counties with a smaller but sizeable population in rural counties located in the North Bay, reflecting broader trends in migration to the Bay Area. The report found that the Bay Area is a welcoming place for immigrant children in that virtually every county has some means to coordinate services for these children. The Bay Area's embrace of newcomers, especially over the last 30 years, has generated a sympathetic environment for undocumented children and paved the way for providing supportive services.

#### Availability of Legal and Social Services

Immigrant-serving organizations are more prevalent in San Francisco and sparser in the North Bay (Sonoma, Marin, Napa, Solano). Survey responses indicate that legal services have a broader and more evenly distributed geographic reach of services across the region, whereas social services limit their services to their respective geographic area. Survey data also indicates that social services are used a greater range of people than legal services that are specifically tailored to certain population groups. In addition, we found that social service organizations offer services to a greater number of UCs when compared to legal services. However, legal service providers spend a greater number of hours on average serving UCs as compared to their social service counterparts. ORR contracts out to local agencies in the surrounding Bay Area region that oversee their placement with nearby sponsors. By extension, several specific organizations in the Bay Area collaborate to provide social work or case management to UCs under ORR custody.

## Impact of UC Arrivals on Legal and Social Services

The unprecedented growth of UCs in 2014 caused a serious constraint on the immigration courts of San Francisco. In response, legal organizations mobilized and strengthened their network of services with funding support from the State of California and the City of San Francisco. Of the various legal options available to UCs, ABAG's survey found that SIJS and U-Visa/T-Visas are the most frequently offered.

Social service organizations generally provide a broader range of services when compared to legal service organizations. The majority of responding organizations have been in existence for more than 20 years, and have offered services to UCs and IWCs for more than five years. A significant number of the social service organizations surveyed receive referrals from legal service providers, and many also specified that they do not exclusively offer services to UCs. Interviews indicate that social service providers have needed to offer services to a higher number of UCs since the surge of 2014. Although there have been efforts to mobilize social service collaboratives around UC issues, the regional network of services are not as consolidated as that of legal services.

Altogether, we found that funding for services for UCs tended to be geographically concentrated in San Francisco with available services being primarily legal in nature. In addition our research finds that while federal and state government offer resources to provide services to UCs, these funds do not cover the total cost incurred by local governments in providing legal and social services to these children.

## County Level

Beyond the regional consultation and collaboratives that have formed around the UC issue, individual cities and counties have responded and formed local coalitions that meet and have related conversations. Appendix VI provides a list of collaboratives and networks that are discussed in the report. Altogether, counties have offered their own particular network of services, whether these are a multitude of service organizations in the East Bay, the network of legal services and social services in San Francisco, faith-based organizations in the North Bay, and local government officials coordinating programs in Santa Clara. We provide more detailed lists of organizations that have serviced UCs in some capacity within these counties.

## Gaps and Recommendations

Through engagement with legal and social service providers, we generated a list of both gaps and recommendations in addressing the UC issue moving forward. Under gaps, we discuss both the challenges that UCs face both prior and during their arrival, and we also discuss institutional hurdles that complicate service provision for UCs in the Bay Area.

Challenges discussed include:

- Funding Issues
- Sponsor tensions
- Housing Needs
- Legal Services
- Coordination between legal and social services
- UC's experience with the courts
- Health needs
- Local and organizational political context

Through interviews and discussions with immigrant-serving professionals, the report's recommendations fall broadly into two categories, namely, inter-agency communication and collaboration, and targeted expansion of resources. We offer possible suggestions and scenarios that were provided by stakeholders to highlight opportunities to bring these objectives into effect.

## Desired Outcomes

Without a doubt, the Bay Area is one of the most welcoming places for unaccompanied immigrant children in the United States. The laws of the State of California, especially SB 873 which provides funding for legal counsel for unaccompanied immigrant children, have been a tremendous step in the right direction. Local governments have also been doing their fair share to welcome these children with significant investments made by jurisdictions throughout the Bay Area to address their legal and social service needs. While many local resources have provided crucial short term support to unaccompanied immigrant children, there remains significant need for ongoing funding support for long-term services. Funding crucial services such as mental health services and sponsor support will ultimately ensure that these children who have already been welcomed into many of our communities can transition into fully integrated contributing residents of the Bay Area, their new home.



# I. Background

In March of 2015, members of ABAG’s Legislation and Government Organization Committee directed ABAG staff to examine the issue of unaccompanied immigrant children and immigrant women with children in context of the Bay Area. To this end, ABAG partnered with Catholic Charities of Santa Clara County and engaged closely with local immigration professionals to produce the following report on legal and social services for these populations in the Bay Area.

## METHODOLOGY

Over the course of eleven weeks, ABAG applied the following research and feedback:

1. **Literature review** and research on secondary sources (over seventy secondary sources).
2. **Interviews** with twenty-six key immigration professionals in the Bay Area, from eighteen immigrant-serving organizations. Breakdown of each individual’s *primary* expertise:

Arts/culture (1)	Education (1)	Social Services (4)
Catholic Charities (1)	Federal (2)	County (1)
City (2)	Legal Services (8)	Health (2)
Independent consulting (1)	Philanthropy (2)	

3. **Two surveys** released from July 4, 2015 to August 7, 2015. Appendix I shows a complete list of organizations interviewed and surveyed for the report.
  - *Legal Service Survey* - responses from 30 organizations.
  - *Social Service Survey* - responses from 31 organizations.
4. Held a **Regional Forum** on July 24, 2015 where we received input from immigrant-serving professionals throughout the Bay Area on preliminary findings of the report. Over 100 social and legal service organizations were in attendance.

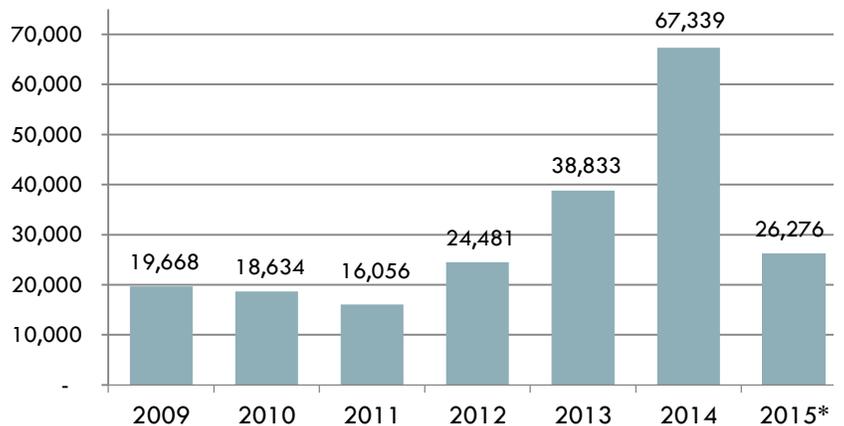
## NATIONAL CONTEXT

Though unaccompanied immigrant children (UC) and immigrant women with children (IWC) have been arriving to the U.S. border for decades, the number of unaccompanied immigrant children spiked at an unprecedented level in 2014 garnering national attention. Controversy particularly surfaced over conditions of temporary shelters operated by the federal government, and debates concerning the U.S.’ role in protecting these populations continue. Appendix II offers information on the push and pull factors that brought these new immigrants to the United States.

### Defining characteristics:

→ Starting in fiscal year 2013, UC apprehensions grew at an alarming rate that constrained federal agencies. The number of UCs jumped in 2014 (see Figure 1), when the total number of UCs increased by almost 30,000, or three times higher than the number in 2009.<sup>2</sup>

**Figure 1. UCs Apprehended on the U.S.-Mexico border Fiscal year 2009 to Fiscal year 2015**



\*2015 figures still being recorded, total for entire fiscal year not shown  
Source: U.S. Customs and Border Protection, statistics page

→ **The issue primarily concerns children and families from countries in Central America.** Historically, the greatest share of UCs was from Mexico, but by 2014, the number of Central American UCs surpassed the number of UCs from Mexico. As a result, the share of UCs by country of origin gradually became even by 2014 (see Figure 2). Moreover, UCs that remain and seek services in the U.S. are primarily from Central America: due federal legislation, children from Mexico are almost always sent back to their home county no more than a day or two after being apprehended by DHS. Altogether, **51,705** UCs arrived to the U.S. from Central America in fiscal year 2014.<sup>3</sup>

**Figure 2. Percentage of UCs by Country of Origin, Fiscal year 2009 to Fiscal year 2014**

County of Origin	2009	2010	2011	2012	2013	2014
El Salvador	6.2%	10.3%	8.7%	13.5%	15.4%	22.3%
Guatemala	5.7%	8.1%	9.7%	15.7%	20.8%	24.7%
Honduras	4.9%	5.5%	6.1%	12.2%	17.4%	29.3%
Mexico	81.9%	73.7%	73.3%	57.1%	44.4%	23.7%
Other	1.3%	2.5%	2.2%	1.5%		

Source: U.S. Customs and Border Protection, statistics page  
See Appendix II for the actual figures of UC arrivals by country of origin.

→ **Though most UCs seek refuge in the U.S., they are not immediately eligible for humanitarian relief.** Apprehensions of UCs and IWCs are unique in that they typically present themselves to the first U.S. agent that they encounter, seeking protection on humanitarian grounds.<sup>4</sup> As these individuals move through the U.S. immigration system, they traverse an unclear space between receiving protection on legal grounds on the one hand, and experiencing barriers due to their lack of legal status on the other hand. Appendix III details the legal options that are available to UCs and IWCs.

→ **Although these populations overlap, UCs and IWCs confront different processes and have different needs.** Upon being apprehended on the border, UCs and IWCs undergo different experiences with the federal government, as a result of internal restructuring by the Human Services Agency and class action law suits<sup>5</sup>. For instance, UCs are housed by DHS in a short-term detention facility for at most 72 hours before being transferred to long-term shelter under ORR. On the other hand, the majority of IWCs are processed and immediately sent to secured facilities, and do not interact with ORR. In this report we give further treatment to UCs, but we provide more detail on IWCs in Appendix IV.

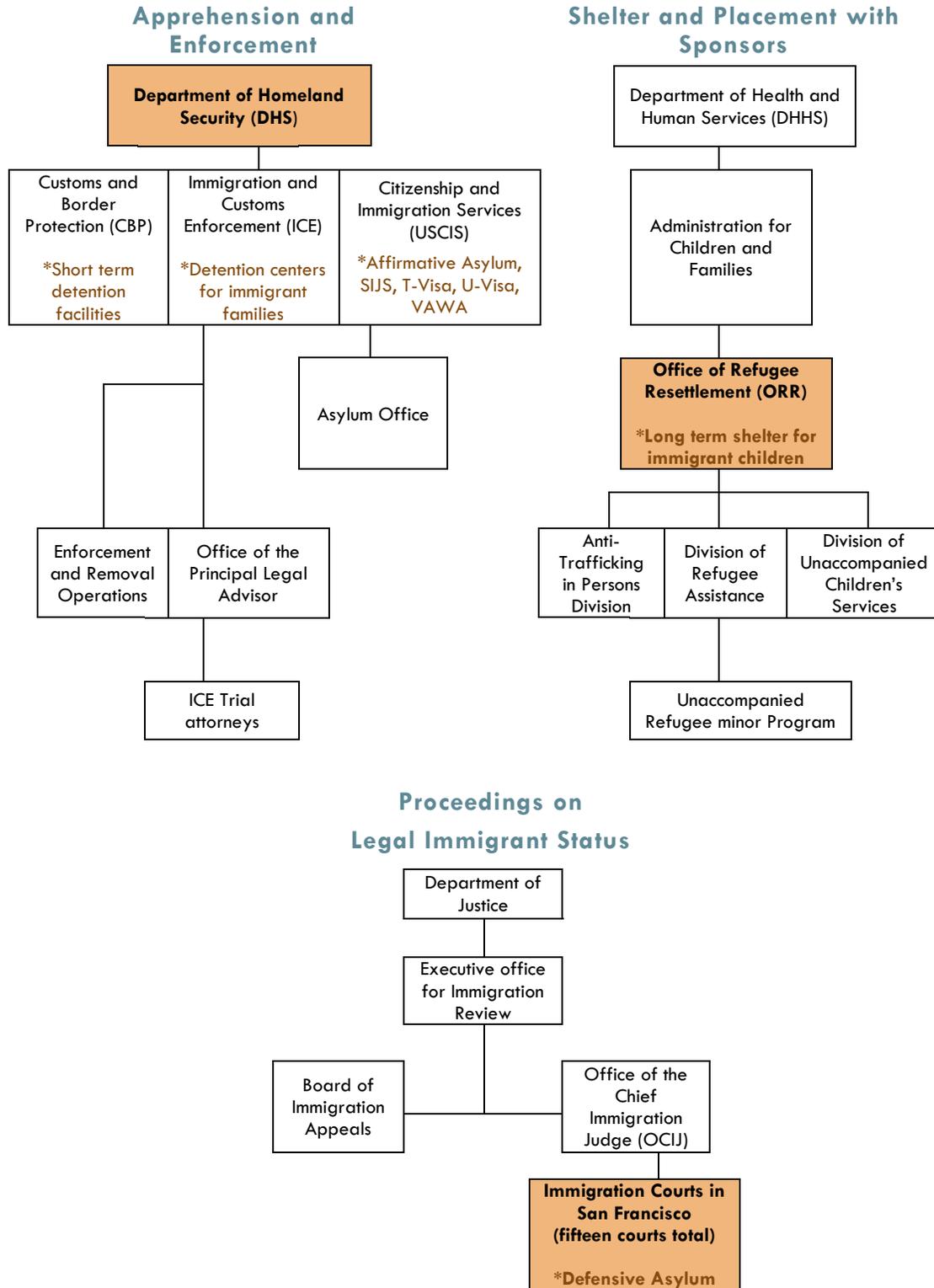
**Federal Agencies under consideration:**

→ **The Department of Homeland Security and the Office of Refugee Resettlement** - These two agencies were chartered to provide services to immigrant children after passage of the Homeland Security Act of 2002 (HSA), which transferred all enforcement to DHS - who oversees apprehensions on the border and citizenship claims - and created ORR to oversee the care, placement, and release of UCs.

→ **Federal Immigration Courts in San Francisco** - Although state courts have limited involvement, immigration law is chiefly within the scope of the federal government. Both UCs and IWCs are required to attend immigration proceedings at the federal immigration court nearest to them. In the Bay Area, these federal immigration courts are housed in San Francisco, and these courts take cases from the entire region of northern California, including the central valley.

**Altogether, the federal government takes on the role of processing and sheltering UCs and IWCs and engaging them in legal proceedings according to their citizenship status.** Figure 3 highlights the offices that are the focus of this report, in context of the overall structure of these federal agencies.

Figure 3. Federal Agencies that Interact with UCs and their Distinct Functions



Note: shaded areas indicate the offices that are the concern of this report. Text in brown indicate the forms of detention and immigration relief that fall under each respective office. For more details on legal options, see Appendix III.

\*Adapted from the Vera Institute's "The Flow of Unaccompanied Children through the Immigration System: A Resource for Practitioners, Policy Makers, and Researchers."

## II. The California Response

As the U.S. state with the highest share of immigrants in the overall population,<sup>6</sup> California has traditionally attracted migrants from all over the world who arrive with a vast range of socioeconomic experiences. This trend is reflected in both the rate of UC arrivals to California and the level of support that the state has offered to this population, as shown below.

### WELCOMING UNACCOMPANIED IMMIGRANT CHILDREN

**California is one of the most common destinations for UCs and IWCs seeking to reunite with parents or relatives.**

Even though the largest numbers of UCs arrived to the border sectors of Texas in 2014,<sup>7</sup> ORR data indicates that a significant number of UCs are ultimately released by ORR to family members or other adults serving as sponsors. In 2014 for instance, California was one of the three states with the highest number of UCs released to sponsors by ORR, and by 2015, California became the state with the highest number of UCs released to sponsors by ORR (see Figure 4).<sup>8</sup> This suggests that UCs are settling in California for the longer term, seeking to integrate into local communities while their immigration cases are being heard.

**Figure 4. States with the highest number of UCs released to sponsors, Fiscal Year 2014 to Fiscal Year 2015**

2014		2015*	
1. Texas	7,409	1. California	2,282
2. New York	5,955	2. Texas	2,072
3. California	5,831	3. Florida	1,606

Source: Office of Refugee Resettlement, as of August 2015

\*2015 figures still being recorded, total for entire fiscal year not shown

**California provides a relatively friendly legal environment for UCs.** California responded to the immediate service needs of these new residents, particularly devoting attention to its schools and courts. In 2014, Mayor Eric Garcetti of Los Angeles partnered with mayors of several large cities throughout the country to sign a letter welcoming UCs in solidarity with Welcome America, a national network that helps nonprofit and government partners support locally-driven efforts to create more immigrant-friendly environments.<sup>9</sup> California is especially noteworthy for being the first state to enact a law (SB 873) dedicating funds to non-profit organizations representing UCs in immigration proceedings.<sup>10</sup>

### Senate Bill 873: Accounting for Challenges to Legal Representation

**Among states that have experienced an influx of UCs, California has focused on filling gaps in federally-provided services and clarifying ambiguities concerning the role of state courts.** Accessing legal services is a major challenge for UCs and IWCs and has been frequently cited as a serious gap in federal services. Unlike cases involving U.S. citizens, the federal government is not required to provide legal counsel to respondents in immigration proceedings. The Department of Justice has taken steps to account for this gap, such as appropriating \$9 million for legal services<sup>11</sup> and creating “Justice AmeriCorps,” a grant program that enrolls lawyers and paralegals as AmeriCorps members to provide legal representation to UCs.<sup>12</sup> As gaps continued to persist however, the State of California passed in 2014 Senate Bill 873, which allocates \$3 million to the Department of Social Services (CDSS) to contract with qualified nonprofit organizations offering legal services to UCs.<sup>13</sup>

**In addition to providing funds for legal representation, SB 873 clarified and affirmed the role of state courts in cases where a child applies for Special Immigrant Juvenile Status (SIJS).** SIJS is unique within immigration law in that children must have findings from a state court before they can even apply for SIJS with the federal government. (See Appendix III

for further details on SIJS). By firmly establishing that California Superior Courts have jurisdiction to make findings for SIJS, SB 873 improves UC's opportunities to acquire SIJS status.

### **New State legislation pertaining to Undocumented Immigrants (2015-16 regular session):**

The following is a list of legislation adopted in California pertaining to undocumented immigrants at the 2015-16 legislative session. These bills are shown here as a way to illustrate California's relatively friendly political climate towards immigrants relative to other parts of the country:

- **SB 4 (Lara)** - Healthcare coverage for undocumented people.
- **SB 600 (Pan)** – Expands civil rights protections for undocumented immigrants by making it unlawful for businesses to discriminate against them.
- **SB 674 (DeLeon)** - Ensures all immigrant victims of crimes are offered assistance applying for special federal visas.
- **AB 60 (Gonzalez)** - Protects undocumented immigrants from attorneys who demand payments for services related to pending legislation.
- **AB 622 (Hernandez)** - Strengthens state Labor Code protections for all workers by limiting misuse of E-Verify, a federal program designed to prevent the undocumented from gaining employment.
- **AB 899 (Levine)** - Protects immigrant children's records from unauthorized disclosure to federal immigration authorities. Clarifies confidentiality protections for youth in dependency and delinquency proceedings.
- **AB 900 (Levine)** - Aligns state law with federal law, allowing the maximum number of youth to receive humanitarian relief through special visas. In particular, extends the jurisdiction of probate courts to appoint guardians for youth ages 18-20 in connection with a petition requesting findings for Special Immigrant Juvenile Status.
- **AB 1343 (Thurmond)** – Criminal procedure: defense counsel: Requires defense counsel to provide accurate advice of the potential immigration consequences of a proposed disposition and attempt to defend against those consequences. Requires the prosecution and defense counsel to contemplate immigration consequences in the plea negotiation process.
- **AB 1352 (Eggman)** - Deferred entry of judgment: withdrawal of plea. Requires the court to allow a defendant to withdraw his or her guilty in order to avoid specified adverse consequences if certain conditions are met, like court ordered programs.

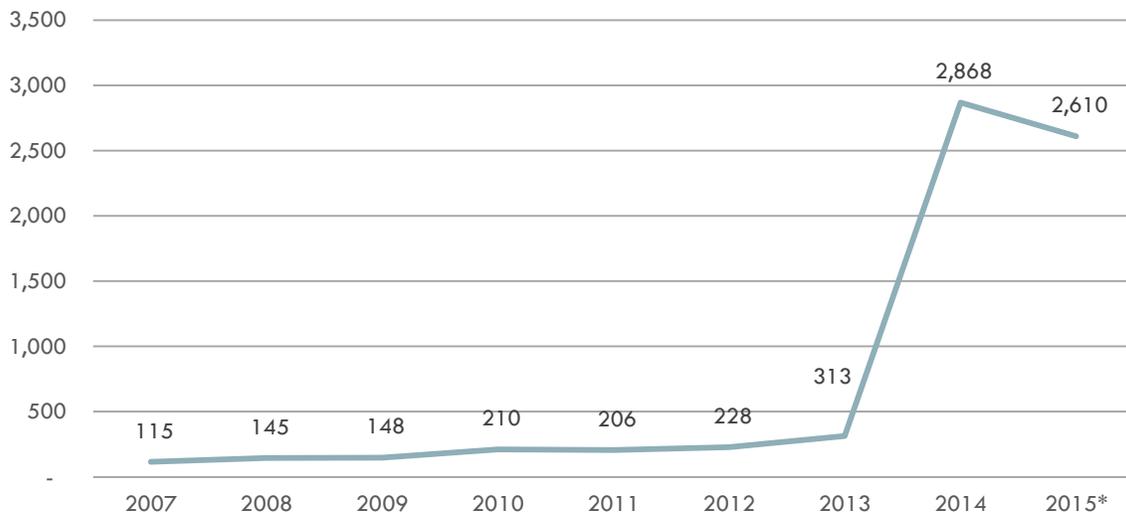
# III. Overview of Bay Area Services

## UNACCOMPANIED IMMIGRANT CHILDREN IN THE BAY AREA

Like the broader state of California, the Bay Area has attracted a substantial number of UCs to the region. Next to Los Angeles, the Bay Area is the second largest region of settlement for UCs arriving to California.<sup>14</sup> In the period between January 1, 2014 and May 31, 2015, ORR recorded a total of 1,842 UCs released to sponsors in the Bay Area.<sup>15</sup>

**Many immigrant-serving legal service agencies have taken UC cases from beyond the Bay Area as the Immigration Courts of San Francisco are responsible for all immigration-related cases in Northern California.** The Bar Association of San Francisco notes that UCs placed in big cities often end up moving to the Central Valley or other rural areas with their relatives, and estimates that nearly one in five UCs appearing in the immigration courts of San Francisco live in the Central Valley.<sup>16</sup> ORR counts at least 700 of these rural UCs, but they record figures only for counties home to more than 50 UCs.<sup>17</sup> Altogether, the Immigration Courts in San Francisco recorded a total of 2,868 juvenile cases filed in 2014, a staggering 816% increase in cases relative to the 313 case filings in 2013 (see Figure 5).<sup>18</sup>

**Figure 5. Number of Juvenile Cases Filed in the San Francisco Immigration Court, fiscal year 2007 to fiscal year 2015**



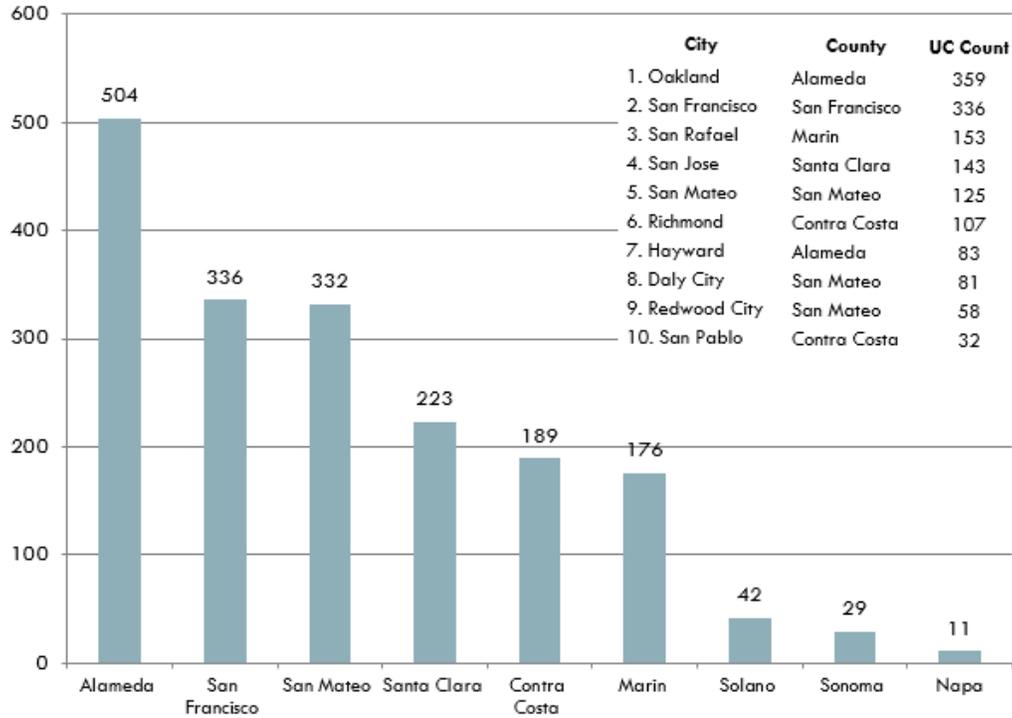
*\*2015 figures still being recorded, total for entire fiscal year not shown  
 Caseload numbers for the San Francisco Immigration Court obtained from Syracuse University's Transactional Records Access Clearinghouse (TRAC) Immigration Project, as of August 2015*

**UC settlement in the Bay Area is generally split between a higher concentration of UCs in larger, urban counties and a lower number of UCs in rural counties located in the North Bay.** Altogether, Alameda County received the greatest number of UCs with 200 more children than San Francisco – the county with the second highest share of UCs (See Figure 6). On the other hand, the North Bay counties of Marin, Solano, Sonoma, and Napa received a smaller share of UCs, although San Rafael (located in Marin County) is one of the cities that received the greatest share of UCs in the region. These urban and rural regions encounter their own unique sets of issues, addressed later in the report.

**The areas of settlement for UCs likely reflect recent broader trends in migration to the Bay Area.** Due to the reunification process, the location where UCs are placed ultimately depends on where their sponsors live. As such, the regional distribution of UCs (as highlighted in Figure 6) also reflect the concentration of sponsor populations throughout

the region, most of whom are parents or relatives of these children. Indeed, the counties with the highest share of UCs also have a greater share of foreign born immigrants – between 31 percent foreign born (Alameda) and 38 percent foreign born (Santa Clara).<sup>19</sup>

Figure 6. UCs Released to Sponsor by County



Source: ORR Data on UCs released to sponsors between Jan. 2014 and May 2015

## ORR SHELTERS AND PRE-RELEASE SERVICES

**ORR contracts out to local agencies in the surrounding Bay Area region that oversee their placement with nearby sponsors.** Due to confidentiality requirements, there is limited information on ORR shelters in the region and their conditions. Varying news sources indicate that ORR can range from state-licensed, federal taxpayer-funded companies, to for-profit organizations that operate shelters, foster care, group homes and residential treatment centers.<sup>20</sup> From both interviews and online sources we know of the presence of shelters in Solano and Contra Costa counties. Generally, ORR Shelter Services include food, shelter, schooling, recreation, medical services, group therapy, individual counseling, religious services, and family reunification.<sup>21</sup> The average of stay in the program in FY 2014 was 29 days.<sup>22</sup>

**By extension, several specific organizations in the Bay Area collaborate to provide social work or case management to UCs under ORR custody.** For instance, faith-based organizations through the U.S. Conference of Catholic Bishops and Lutheran Immigration and Refugee Service have worked as umbrella organizations overseeing smaller community-based and residential care. Legal service organizations such as Legal Services for Children provide various legal services to children, such as Know Your Rights orientations. The federal government additionally partners with the Immigration Center for Women and Children (ICWC) to oversee “Legal Orientation Program for Custodians (LOPC) of Unaccompanied Alien Children,” which provide trainings and orientations to sponsors as they prepare to welcome newly arrived children. Their orientations inform sponsors of their responsibilities in ensuring the child’s appearance at all immigration proceedings, as well as protecting the child from mistreatment, exploitation, and trafficking.<sup>23</sup>

## AVAILABILITY OF POST-RELEASE SERVICES (LEGAL AND SOCIAL)

Generally, we found that the Bay Area is a welcoming place for immigrant children and that virtually every county is trying to do something to coordinate services for these children. In particular, the Bay Area’s historical role embracing newcomers (i.e. through the Sanctuary Movement of the 1980s) has generated a sympathetic environment for undocumented children and paved the way for supportive services. Moreover, the unprecedented growth of UCs in 2014 substantially impacted the provision of services in the Bay Area, though legal and social services have responded in different ways. We offer a list of regional collaboratives and initiatives surrounding this topic in Appendix VI.

### Regional Distribution of Immigrant-Serving Organizations

**Our analysis of services throughout the Bay Area services points toward a particularly strong presence of organizations in San Francisco and a lower concentration of immigrant-serving organizations in the northern parts of the Bay Area (Marin, Napa, Sonoma, Solano).** To capture the range of services offered to UCs in the Bay Area, we turned to research, interviews, and various resource guides for practitioners and crafted a list of organizations that express an interest or history of providing services to UCs. To date, our list includes a total of 113 organizations that have been broadly categorized as legal service providers, social service providers, and philanthropic organizations (see Appendix VII for full list). The summary in Figure 7 highlights the number of services in each category and breaks them down by the counties in which their offices are located. Though we recognize that this does not fully capture the full breadth of services offered to UCs in the Bay Area, this list offers some insights on the distribution of services in the Bay Area – particularly the strong concentration of services in San Francisco.

**Figure 7. Current Tally of Bay Area Organizations Explicitly Offering service to UCs or seeking to improve services to UCs**

County	Legal Services	Philanthropy	Social Services	Total
San Francisco	20	4	22	46
Alameda	10	1	12	23
Santa Clara	7	2	13	22
San Mateo	3	1	3	7
Napa	1	1	3	5
Sonoma	1	1	2	4
Marin	1	1	1	3
Contra Costa		1	1	2
Solano			1	1
<b>Total</b>	<b>43</b>	<b>12</b>	<b>58</b>	<b>113</b>

Source: ABAG analysis of Bay Area Organizations.

*\*This only demonstrates the location of organizations, not the areas served. Does not show organizations that are housed in multiple locations (See Appendix VII for the full list).*

Although this tally above offers a picture of where organizations are located, it does not depict where these organizations provide their services. To examine this further, we distributed two surveys to legal and social service providers and gathered responses from 30 organizations that provide legal services and 31 organizations that provide social services (see Appendix I for a full list of these organizations). For the sake of comparison, Figure 8 depicts a summary of where these organizations are located.

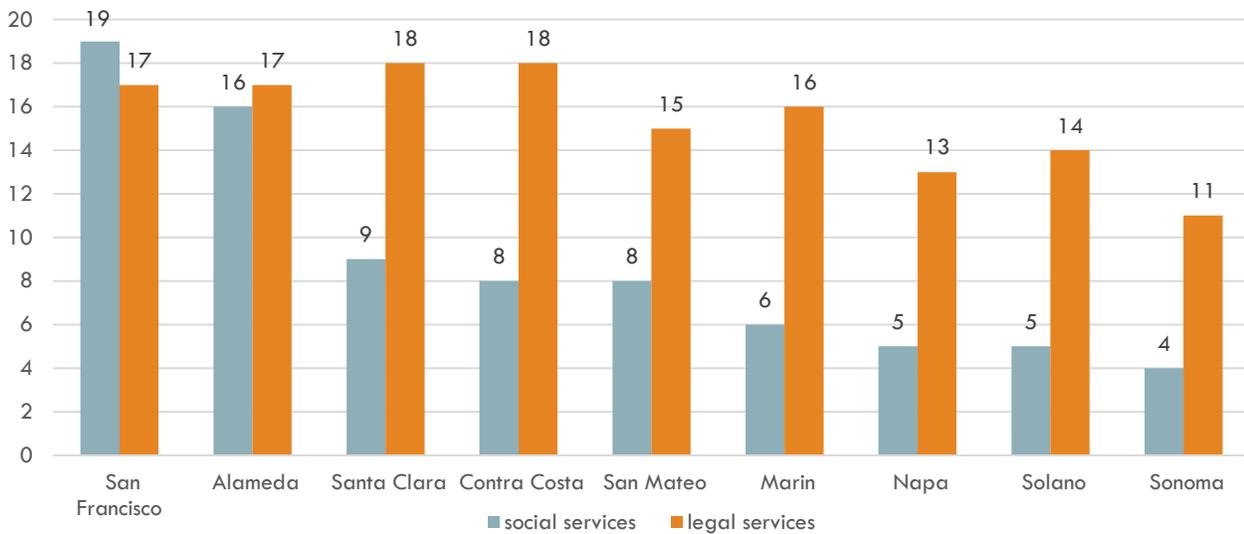
**Figure 8. Location of Organizations Responding to ABAG Survey**

County	Legal services	Social Services	Total
San Francisco	14	12	26
Alameda	8	11	19
Santa Clara	4	4	8
San Mateo	2	2	4
Contra Costa	1		1
Marin	1		1
Other – Davis	1		1
<b>Total organizations:</b>	<b>31</b>	<b>29</b>	<b>60</b>

Source: ABAG legal and social service surveys to Bay Area immigrant-serving organizations  
 Count of organizations represented: 30 Legal service providers; 31 social service providers

Responses indicate that legal services have a broader and more evenly distributed reach of services across the region, whereas social service organizations generally limit their services to their respective geographic areas (see Figure 9). Among the sample, there is a saturation of services for UCs in urban areas compared to the rural parts of the Bay Area. Based on these results, UCs throughout the region face a similar level of access to legal services, but UCs in more urbanized parts have a greater range of social services that they could turn to for support.

**Figure 9. Counties where respondents' services are offered**

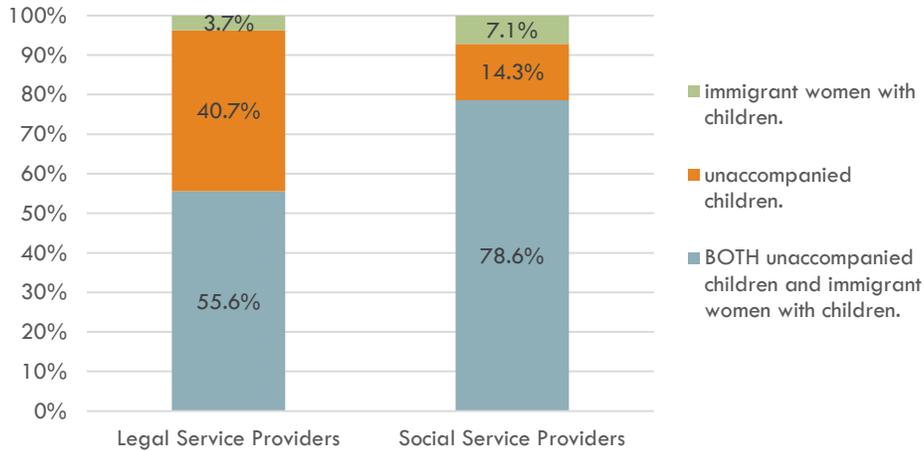


Source: ABAG legal and social service surveys to Bay Area immigrant-serving organizations  
 Count of organizations represented: 31 Legal service providers; 29 social service providers

## Populations Served

Survey data indicate that social service organizations work with diverse populations, whereas legal service organizations are tailored to specific populations. The surveys also point toward differences in the populations targeted by legal and social service providers. The majority of social service providers provide services to both UCs and IWCs, whereas legal service organizations are almost evenly split between serving UCs and IWCs (see Figure 10). Few organizations offer services exclusively to IWCs.

**Figure 10. Percent of Respondents offering Services to UCs, AWCs, or both**



Source: ABAG legal and social service surveys to Bay Area immigrant-serving organizations  
 Count of organizations represented: 27 Legal service providers; 28 social service providers

In addition, we found that social service organizations on average offer services to a greater number of UCs when compared to legal services (see Figure 11). However, legal service providers spend a greater number of hours on average working directly with UCs as compared to their social service counterparts.

**Figure 11. Summary of Number of UCs served by Survey Respondents**

	Legal service providers		Social Service providers	
	Range	Average	Range	Average
UCs served in a given week	1 to 20	6	1 to 100	10
UCs served in a fiscal year	2 to 80	65	2 to many hundreds	75
Hours providing services to UCs in a given week	3 to 170	45	3 to many hundreds	40

Source: ABAG legal and social service surveys to Bay Area immigrant-serving organizations  
 Count of organizations represented: 18 Legal service providers; 16 social service providers

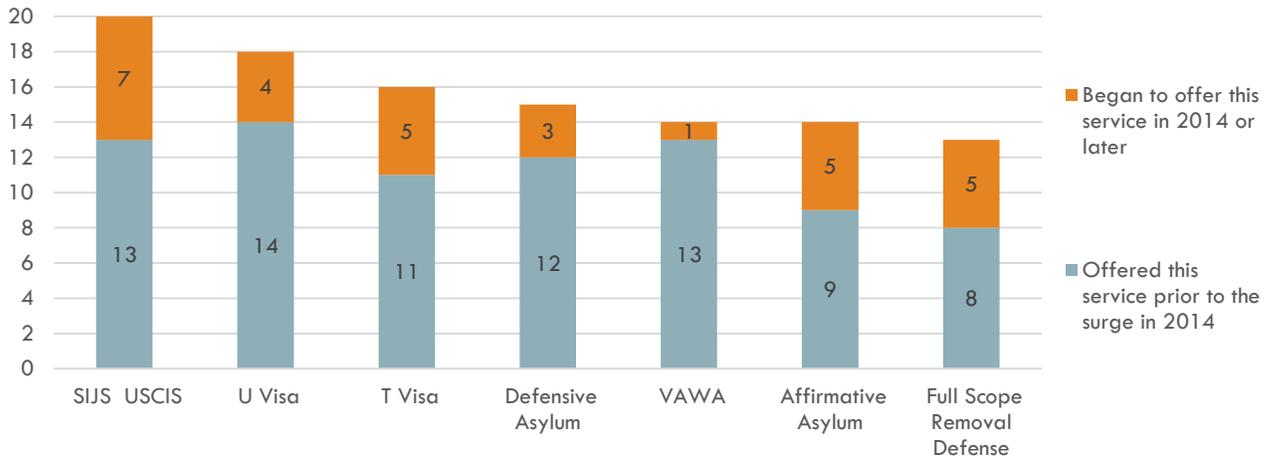
## IMPACT OF UC ARRIVALS ON LEGAL SERVICES

**The unprecedented growth of UCs in 2014 caused a serious constraint on the immigration courts of San Francisco, which was repeatedly cited in research and interviews as chronically under-staffed and under-funded.** <sup>24</sup> It also doubled the work on pro bono lawyers and advocates whom were already constrained. Thus in an attempt to alleviate strains on the court, the Department of Justice established immigration court dockets for migrant children and families that arrived in 2014 – referred to as “surge dockets” or “rocket dockets” – and required that judges prioritize these cases under an expedited adjudication process. Since this order, children and families are given approximately 21 days from the time that they are released from DHS custody to appear before an immigration judge (an individual would have 4-6 months in typical immigration proceedings). We discuss the challenges associated with the surge in Section V.

**In response to these new constraints, legal organizations mobilized and strengthened their network of services with funding support from the State of California and the City of San Francisco.** For instance, the Bar Association of San Francisco strengthened recruitment efforts among private attorneys to staff their Attorney of the Day Program, which offers pro bono counsel to individuals on these surge dockets. In addition, the Bay Association established the San Francisco Immigrant Legal Defense collaborative, a network of organizations throughout the Bay Area dedicated to strengthening legal services to UCs.

Of the various legal options available to UCs, SIJS and U-Visa/T-Visas are the most frequently offered by respondents to the legal services survey. In addition, survey responses indicate that services around SIJS experienced the most growth since the surge of 2014 (see Figure 12). Incidentally, Legal Services for Children oversees a regional coalition around SIJS, and this task force has successfully advocated for reduced administrative hurdles in applying for SIJS (for instance, instantiating fee waivers).<sup>25</sup>

**Figure 12. Services Offered by respondents to Legal Service Survey**



Source: ABAG legal and social service surveys to Bay Area immigrant-serving organizations  
 Count of organizations represented: 21 Legal service providers

## CHARACTERISTICS OF SOCIAL SERVICE ORGANIZATIONS

Survey responses offer insights into the characteristics of social services in the Bay Area, which incorporate a broader range of services as compared to legal services. As mentioned earlier social service providers tend to be more geographically constrained than legal service providers. In addition, social service providers tend to impact a larger number of unaccompanied immigrant children, but they may not devote as much time to UCs specifically. Survey responses additionally indicate that the majority of organizations are in the non-profit sector and address health, mental health, and school services (see Figure 13).

**Figure 13. Types of Social Service Organizations Surveyed and Practice Areas**

Type of Organization		Area of Practice	
Non-Profit	52%	Health	18%
Government	24%	Mental Health	14%
Education	17%	School/education	14%
Health	3%	Policy and/or Advocacy	11%
International	3%	Legal	11%
		Other	11%
		Child Welfare	8%
		Juvenile/Criminal Justice	6%
		Occupational Social work/EAP	4%
		Community Development/Housing	3%

Source: ABAG legal and social service surveys to Bay Area immigrant-serving organizations  
 Count of organizations represented: 29 social service providers

In addition, the majority of responding organizations have been in existence for more than 20 years, and have offered services to UCs and IWCs for more than five years (see Figure 14). This marks a difference from legal services, some of whom only began to offer their services after the growth of the surge docket.

**Figure 14. Social Service Providers: Experience Serving these Populations**

How long has your organization been in existence?		How long has your organization serviced this population?		
Years in existence	Count	Duration	UC	IWC
0-5 years	1	0-1 years	4	4
10-15 years	1	1-2 years	4	4
15-20 years	3	4-5 years	1	1
20 years +	22	5+ years	11	9
5-10 years	2	Not applicable	3	3
Total	29	Grand Total	23	22

Source: ABAG legal and social service surveys to Bay Area immigrant-serving organizations

A large portion of organizations surveyed receive referrals from legal service providers, and many also specified that they do not exclusively offer services to UCs. Social service agencies provide a variety of screening methods for the populations of UCs that they serve. Generally, these fall into the category of interviews, assessments, referrals, intake forms, program criteria, and psycho-social evaluations. Few social service organizations charge clients for services (see Figure 15).

**Figure 15. Social Service Provision – Charges and Referrals**

	Do you need a referral to get these clients?		Do you charge clients for services?	
	YES	NO	YES	NO
UC	10	11	1	18
IWC	9	10	2	14

Source: ABAG legal and social service surveys to Bay Area immigrant-serving organizations  
 Count of organizations represented: 29 social service providers

## IMPACT OF UC ARRIVALS ON SOCIAL SERVICES

Interviews indicate that social service providers witnessed a larger number of UCs seeking their services since the surge of 2014. The surge dockets also impacted social service providers. First, lawyers often need input from mental health experts to assess UCs for certain forms of relief. Second, the surge docket added pressure to relocate UCs with sponsors at a quicker rate, and ensuing conflicts with sponsors have generated a greater need for social services while also creating barriers to accessing services. We discuss these challenges further in section V.

Although there have been efforts to mobilize social service collaboratives around UC issues, the regional network of services are not as consolidated as that of legal services. This could be due to several reasons. Immigration proceedings are centered on the immigration court, so investment in services in the immigration court prove to have greater spillover effects for the region. On the other hand, social services do not revolve around a centralized location, and as Figure 9 indicates, social services tend to restrict services provision to their geographic area. As a result so there is less of an incentive to collaborate regionally. Moreover, although social service organizations serve a greater number of UCs, the organizations are more diverse than legal service providers in their areas of practice and in the populations that they serve. Nevertheless, we have identified local city and county social service collaborations in section V.

## School District Response

The growth of UC populations in schools has positioned school districts as a prominent social service provider and a strong connector for other legal and social service providers. Because U.S. law requires all children to attend schools regardless of their immigration status,<sup>26</sup> school districts with a high proportion of UCs are tasked with providing adequate assistance to aid UCs in their transition into the U.S. education system. Several pre-existing programs are designed to assist immigrant children:<sup>27</sup>

- Services for educationally disadvantaged children (Title I, Part A)
- Individuals with Disabilities Education Act (IDEA);
- English language acquisition programs (Title III);
- McKinney-Vento Homeless Assistance Act
- Migrant education programs (Title I, Part C).

In addition to these programs, the California Department of Education administers \$3.5 million in federal funding to assist schools that have had exceptional growth in their immigrant population in recent years. The funds may be used for improving instruction, providing tutoring and intensified instruction, and conducting community participation programs.<sup>28</sup> San Francisco and Alameda have received these funds, in addition to philanthropic grants, and have developed a position that exclusively focuses on unaccompanied immigrant children. We received indications during interviews that Hayward Unified is also in the process of hiring a UC coordinator.

## FUNDING

Altogether, we found that funding for UCs has been the most concentrated in San Francisco and in the realm of legal services, and that mobilization of legal and social services throughout the Bay Area reflects this focus. Cities and counties have additionally devoted funds to addressing the UC issue, whether through legal services, shelters, mental health and counseling, health, or research. However, two particularly important sources of funding have been funding for legal services from the state of California and from the city and county of San Francisco. Since the immigration court in San Francisco encompasses all UC cases throughout Northern California, the fund that were devoted to programs such as Attorney of the Day have had positive spillover effects for UCs throughout the region. Responses to the legal service survey reflect this trend, as the local funding was listed as the most common source of funding for legal organizations (see Figure 16).

**Figure 16. Count of Funding Sources for Legal Service Organizations Responding to Survey**

Source	Count
Local funding	20
State funding through SB 873	9
Donations and/or foundations	5
State court appointments	3
EJW Americorps fellowship	2
Other cited sources include: local diocese, national funding, federal (Title 3), the local county, grants, Membership dues, and HIP	

Source: ABAG legal and social service surveys to Bay Area immigrant-serving organizations

\* Count of organizations represented: 31 legal service providers

**While this report finds that federal and state governments offer resources to provide services to UCs, these funds do not cover the costs incurred by the local counties of the Bay Area.** Interviews indicate that funding is surfacing where there is a strong, organized coalition with a clear vision (as in the case of legal collaboratives) or in places where there are sizeable gaps in services. For instance, in Napa, International Institute of the Bay Area is working to implement a program that allows local community based organizations (such as Puertas Abiertas) to become accredited by the Board of Immigration appeals and provide legal support to UCs in the region. Funding support for legal services have had a great impact, but there certainly are gaps that still need addressing, as is discussed in the forthcoming section.

# IV. County Level Responses

Beyond the regional collaboratives that have formed around the UC issue, individual cities and counties have responded and formed local coalitions to serve UCs. They are listed alphabetically in this section.

## ALAMEDA COUNTY

### East Bay Collaborative

As the county with the largest number of UCs in the Bay Area, Alameda experienced its own particular set of constraints and challenges to providing services to UCs. For instance, Centro Legal (legal services) reports that the number UCs seeking services at its immigration clinics has tripled since January 2014.<sup>29</sup> As organizations from numerous sectors experienced constraints, they created an East Bay collaborative of legal and social service providers that include:

- Centro Legal de la Raza
- East Bay Sanctuary Covenant
- Catholic Charities of the East Bay
- La Clínica de la Raza
- Primera Iglesia Presbiteriana Hispana
- Other Oakland Community Based Organizations

This collaborative is unique in that it is not exclusive to legal or social services, but rather incorporates the various aspects of services needed for UCs, including shelter, schooling, legal services, mental health care, and health care. Together, they petitioned to receive and will be awarded \$1 million in funds from Alameda County, with \$577,231 to cover legal services and \$422,769 to cover mental health and housing services.<sup>30</sup>

### Social Services

#### Mental Health Services

A member of the East Bay Collaborative, Oakland organization La Clínica de la Raza (La Clínica) is one of the few organizations that offer bilingual mental health services to UCs. Between June and August 2014, approximately one in five new pediatric patients at La Clínica's Fruitvale Village health center were UCs. In addition, La Clínica's school-based health centers provide services to students at Fremont High School and Oakland International High School, where the highest concentrations of newly arrived and unaccompanied students are enrolled.

Another Organization that offers Spanish-based and culturally sensitive mental health services and interventions is La Familia Counseling Services. This organization specializes in trauma-focused and family oriented treatment to UC families in Alameda County, including Oakland and Hayward. In addition, they announced that they will employ a mobile unit with a Clinician, Parent Partner, and Youth Promotor who will serve in identified sites in Oakland.<sup>31</sup>

Other Alameda county strategies that provide access to health services for UCs include: HealthPAC, California Children's Services (CCS), and Point of Service enrollment.

**Housing**

Organizations throughout the East Bay are collaborating to step in and offer housing for families or UCs that are in need of shelter. For instance, four East Bay Congregations have vowed to revive the sanctuary movement in the East Bay, pledging their support for specific families and accompanying them through their asylum immigration process, and if necessary, to offer physical sanctuary and protection from deportation.<sup>32</sup> Similarly, the Primera Iglesia Presbiteriana Hispana (PIPH) church in Oakland has set up a temporary housing facility that also includes meals.

**Oakland Unified School District**

The Oakland Unified School District (OUSD) has witnessed a dramatic increase of unaccompanied minors in classes. Approximately 75% are in high school, 10% in middle school, and 15% in elementary, though sources vary.<sup>33</sup> To assist these students in their transition, the Oakland Unified School District (OUSD) received \$45,000 to pay for a position dedicated exclusively to UCs.<sup>34</sup> Currently, the UC staff in the school district provide a vast array of services to UCs. Taking on the role of a trusted adult, the coordinator assesses the children for trauma, flags them as UCs and determines their eligibility for free school supplies, discusses whether they are seeking legal help, places them in the appropriate English Language Learner courses (ELL), and makes further use of connections offered by the East Bay collaborative. Currently, the ELL programs at Oakland are moving to HUB model in their elementary, whereby ELLs are all housed in one school. These programs are found in Oakland international, Oakland High, and Fremont high. Each school site has an agency that provides health services that include a coalition of CBOs and Alameda County Behavioral health.

**Funding and Political Support**

As previously mentioned, the East Bay Collaborative has been awarded \$577,000 in legal aid from the City of Oakland and \$422,769 for mental health and housing services from Alameda County, totaling \$1,000,000. Similarly, the Alameda Behavioral Health Care Services (BHCS) set up a fund for providers to help them build informed behavioral health services to UCs who meet medical necessity for mental health services.<sup>35</sup> Oakland is a very diverse city and has previously offered institutional support to undocumented immigrants, as evidenced by passage of Resolution 80584, calling for a moratorium on immigration raids and for the passage of fair and humane federal immigration laws; as well as declaring Oakland a refuge.<sup>36</sup>

**Figure 17. Preliminary List of Immigrants-Serving Organizations Located in Alameda**

Legal Services		
Organization	City	Website
Carmen Reyes-Yosiff	Oakland	
Catholic Legal Immigration Network	Oakland	<a href="http://cliniclegal.org/">cliniclegal.org/</a>
East Bay Community Law Center	Berkeley	<a href="http://ebclc.org/">ebclc.org/</a>
Ijichi Perkins and Associates	Oakland	
Law Office of Angela M. Bean	Oakland	
Law Office of Helen Lawrence	Oakland	<a href="http://helenlawrencelaw.com/">helenlawrencelaw.com/</a>
Law Office of Peggy Bristol Wright	Oakland	<a href="http://www.bristolimmigrationlaw.com/">www.bristolimmigrationlaw.com/</a>
Law Office of Robert L. Lewis	Oakland	
Social Justice Collaborative	Oakland	<a href="http://socialjusticecollaborative.org">socialjusticecollaborative.org</a>
Philanthropy		
Organization	City	Website
The Law Office of Julianna Rivera	Oakland	
Firedoll Foundation	Walnut Creek	<a href="http://www.firedoll.org/">www.firedoll.org/</a>
California Endowment	Oakland	<a href="http://www.calendow.org/">www.calendow.org/</a>

Social Services		
Organization	City	Website
Alameda County Health Care Services	San Leandro	<a href="http://www.acgov.org/health/">www.acgov.org/health/</a>
Alameda County Public Defender's Office		<a href="http://www.co.alameda.ca.us/defender/">www.co.alameda.ca.us/defender/</a>
Alameda County Public Health Department	San Leandro	<a href="http://www.acphd.org/">www.acphd.org/</a>
Alameda Unified School District	Alameda	<a href="http://www.alameda.k12.ca.us">www.alameda.k12.ca.us</a>
Bay Area Immigration Services	Fremont	<a href="http://www.bayareaimmigrationservices.com/">www.bayareaimmigrationservices.com/</a>
Catholic Charities of the East Bay	Oakland	<a href="http://www.cceb.org/">www.cceb.org/</a>
Covenant House California	Oakland	<a href="http://covenanthousecalifornia.org/index-pg.php">covenanthousecalifornia.org/index-pg.php</a>
East Bay Sanctuary Covenant	Berkeley	<a href="http://eastbaysanctuary.org/">eastbaysanctuary.org/</a>
Hayward Unified School District	Hayward	<a href="http://www.husd.k12.ca.us/">www.husd.k12.ca.us/</a>
International Rescue Committee	Oakland	<a href="http://www.rescue.org/">www.rescue.org/</a>
La Familia Counseling Services	Hayward	<a href="http://lafamiliacounseling.org/">lafamiliacounseling.org/</a>
Oakland Unified School District, staff focused exclusively on UCs	Oakland	<a href="http://www.ousd.org/site/default.aspx?PageID=1">www.ousd.org/site/default.aspx?PageID=1</a>

## CONTRA COSTA

Under the time frame in which we undertook this project, we unfortunately found limited information on services that are offered in Contra Costa County. Survey results suggest that services in other East Bay counties such as Alameda are also offered in Contra Costa. Moreover, some of the services that were pronounced in this region also involved collaborations with children in the ORR shelter located in the county. Finally, sources show that the West Contra Costa district is working with Catholic Charities to enroll 64 UC students from Central America in adult education programs, some elementary schools and Kennedy and Richmond high schools. The high schools offer health and dental clinics, mental health counselors and connections with social services agencies and nonprofit groups.<sup>37</sup>

**Figure 18. Preliminary List of Immigrants-Serving Organizations Located in Contra Costa**

Type of Service	Organization	Website	City
Philanthropy	Y&H Soda Foundation	<a href="http://www.yhsodaPhilanthropy.org/">www.yhsodaPhilanthropy.org/</a>	Moraga
Social Services	Centro Latino Cuscatlan		El Cerrito

## SAN FRANCISCO CITY AND COUNTY

The Immigration Courts of San Francisco set much of the framework for legal services throughout the Bay Area region, and are discussed in detail in sections III and V. In particular, the infusion of funds by the city of San Francisco (\$2 million over the course of two years) has created new positions and strengthened collaboratives in a manner that has had positive spillover effects for the entire region.

Beyond recent efforts, San Francisco houses prominent legal service providers, such as ICWC and Legal Services for Children, who have offered services to immigrant children for decades. These organizations have developed formal contracts with ORR and are also champions for the regional network of legal service providers. As such, these organizations have a unique role in the placement process for UCs as facilitators of partnerships. A positive practice that has emerged from this for instance, is the fact that ICWC is housed in the Women’s building, which is one of the few places in California to offer fingerprinting for these populations.

## Social Services

San Francisco's traditional embrace of immigrants has also generated a supportive infrastructure of services for UCs and undocumented immigrants. For instance, San Francisco provides city IDs that allows residents, regardless of their immigration status, access to services. The city government also oversees the Office of Civic Engagement and Immigrant Affairs, which worked to provide a local response to the growth of UCs in 2014.

### Network of Service Providers with the Department of Public Health

San Francisco's Behavioral Health Services, Children Youth & Families System of Care have been coordinating a Behavioral Health Treatment Providers meeting to discuss service coordination to align and orient each other on services to these children. Through these meetings, contributing organizations have developed a "First Encounter Check List" for providers to screen for unaccompanied minors safety and psychosocial needs during their initial contacts so that providers can make linkages to other special services. They have also been working to link the San Francisco Unified School district's (SFUSD) Students Families & Community Support Services and Special Education to ensure that behavioral services are offered in schools to these children.

### San Francisco Unified School District

Since 2013, the program has seen a steady increase in the number of unaccompanied children, and the school district has worked closely with the Mayor's Office, Board of Supervisors, and city departments as well as school partners in the community. Through collaboration and foundation support, a position was created in San Francisco Unified School District (SFUSD) specifically targeted to UCs.<sup>38</sup>

The UC coordinator serves as an internal linkage between schools and the SFUSD wellness program. UCs are housed under the Newcomer system of support in the district, which offers transitional and academic support services under the school district's wellness program. Newcomer pathways is designed for schools with a sizeable ELL population and focuses on language support. Moreover, under the school wellness program, each school has a therapist, nurse, health outreach, full time wellness coordinator. Under this model, teachers and educational staff refer UCs to the wellness program and relevant social workers.

The UC coordinator also partners with CBOs to offer groups therapy support services, legal services, etc. Linking organizations include the Huckleberry Youth Program, Good Samaritan Services, Instituto Familiar de la Raza, Centro Legal, and CARECEN. By partnering with the San Francisco legal collaborative, the UC coordinator also developed a system verbal consent with family that allows the UC to directly link with legal and social services.

## Funding and Political Support

UC arrivals have sparked support from leaders in various levels of government in San Francisco, ranging from the Mayor's office to the San Francisco Board of Supervisors. Most notably, Supervisor David Campos spearheaded a city appropriation for a two year grant of \$2.4 million for legal services that was passed by a unanimous vote by the San Francisco Board of Supervisors.<sup>39</sup> As a result of this grant, the city funded 13 legal services organizations, 10 of which hired one full-time attorney to provide direct representation. One organization, CARECEN, is also the fiscal sponsor of the collaborative that surfaced from this funding.

Figure 19. Preliminary List of Immigrants-Serving Organizations Located in San Francisco

Legal Services	
Organization	Website
Ana Gonzales	
API Legal Outreach	<a href="http://www.apilegaloutreach.org/">www.apilegaloutreach.org/</a>
Asian Americans Advancing Justice	<a href="http://www.advancingjustice-la.org/">www.advancingjustice-la.org/</a>
Asian Pacific Islander Legal Outreach (APILO)	<a href="http://www.apilegaloutreach.org/">www.apilegaloutreach.org/</a>
Bar Association of San Francisco	<a href="http://www.sfbar.org/">www.sfbar.org/</a>
Center for Gender & Refugee Studies	<a href="http://cgrs.uchastings.edu/">cgrs.uchastings.edu/</a>
Cindy Liou Consulting & Law	
Helen Lawrence	
Immigrant Legal Resource Center	<a href="http://www.ilrc.org/">www.ilrc.org/</a>
Jaime D. Mira	
Keker & Van Nest	<a href="http://www.kvn.com/">www.kvn.com/</a>
Law Office of Fellom & Solorio	
Law Offices of Katie Annand	
Lawyers' Committee for Civil Rights	<a href="http://www.lawyerscommittee.org/">www.lawyerscommittee.org/</a>
OneJustice	<a href="http://www.one-justice.org/">www.one-justice.org/</a>
Pangea	<a href="http://www.pangealegal.org/">www.pangealegal.org/</a>
People Organizing to Demand Environmental and Economic Justice (PODER)	<a href="http://www.podersf.org/">www.podersf.org/</a>
SF Immigrant Legal Defense Collaborative at BASF	<a href="http://blog.sfbar.org/2015/05/07/the-san-francisco-immigrant-legal-defense-collaborative-bay-area-public-interest-attorneys-collective-response-to-crisis/">blog.sfbar.org/2015/05/07/the-san-francisco-immigrant-legal-defense-collaborative-bay-area-public-interest-attorneys-collective-response-to-crisis/</a>
University of California, San Francisco	<a href="http://www.ucsf.edu/">www.ucsf.edu/</a>
USF School of Law	<a href="http://www.usfca.edu/law/">www.usfca.edu/law/</a>
Philanthropy	
Organization	Website
California Bar Foundation	<a href="http://www.calbarfoundation.org/">www.calbarfoundation.org/</a>
The San Francisco Foundation	<a href="http://sff.org/">sff.org/</a>
Walter S Johnson Foundation	<a href="http://wsjf.org/">wsjf.org/</a>
Zellerbach Foundation	<a href="http://zff.org/">zff.org/</a>
Social Services	
Organization	Website
Casa Quezada	<a href="http://www.dscs.org/content/view/182/149/">www.dscs.org/content/view/182/149/</a>
Central American Resource Center (CARECEN SF)	<a href="http://carecensf.org/">carecensf.org/</a>
Child Protective Services	<a href="http://www.dss.cahwnet.gov/cdssweb/pg93.htm">www.dss.cahwnet.gov/cdssweb/pg93.htm</a>
CYF System of Care, Behavioral Health SVC, San Francisco Dept. of Public Health	<a href="http://www.sfdph.org/dph/comupg/oservices/mentalHlth/CBHS/default.asp">www.sfdph.org/dph/comupg/oservices/mentalHlth/CBHS/default.asp</a>
Dolores Street Community Service	<a href="http://www.dscs.org/">www.dscs.org/</a>
Educators for Fair Consideration	<a href="http://e4fc.org/">e4fc.org/</a>
Huckleberry Youth Programs	<a href="http://www.huckleberryyouth.org/">www.huckleberryyouth.org/</a>
Instituto Familiar De La Raza	<a href="http://ifrsf.org/">ifrsf.org/</a>
Legal Services for Children	<a href="http://www.lsc-sf.org/">www.lsc-sf.org/</a>
Mission Neighborhood Health Center	<a href="http://www.mnhc.org">www.mnhc.org</a>
Office of Supervisor David Campos	<a href="http://www.sfbos.org/index.aspx?page=2117">www.sfbos.org/index.aspx?page=2117</a>
Project Alero, Mission Neighborhood Health Center	

San Francisco Human Services Agency	<a href="http://www.sfhsa.org/">www.sfhsa.org/</a>
San Francisco Unified School District, staff focused exclusively on UCs	<a href="http://www.sfusd.edu/">www.sfusd.edu/</a>
San Francisco Women Against Rape	<a href="http://www.sfwar.org/">www.sfwar.org/</a>
SF International High school	<a href="http://international-sfusd-ca.schoolloop.com/">international-sfusd-ca.schoolloop.com/</a>
SF Mayor's Office of Housing/Community Development	<a href="http://sf-moh.org/">sf-moh.org/</a>
Sonadores Invencibles	<a href="http://younginvincibles.org/about/">younginvincibles.org/about/</a>
The Alero Project	<a href="http://www.mnhc.org/news/rising-to-give-a-helping-hand-the-alero-project/">www.mnhc.org/news/rising-to-give-a-helping-hand-the-alero-project/</a>
The Women's Building	<a href="http://www.womensbuilding.org/twb/">www.womensbuilding.org/twb/</a>
University of San Francisco	<a href="http://www.usfca.edu/">www.usfca.edu/</a>
University Of San Francisco School Of Nursing and Health Professions	

## NORTH BAY: MARIN, NAPA, SONOMA, SOLANO

Similar to Contra Costa, we found limited information on services offered in the North Bay region, although research and interviews indicate that there are less services offered for UCs in this region. For instance, Napa Valley legal aid was formerly a prominent service provider in Napa, but in recent years they have decreased their services.

### Legal Services

Interviews indicate that, depending on the county, there are few to no legal service organizations. Interviewees from Napa indicate that services in the North Bay focus on citizenship services (such as acquiring legal permanent residency) rather than refugee services that offer forms of relief. Nevertheless there are some organizations that have responded to the surge docket, as for instance Sonoma County has offered funding to provide legal counsel to UCs. In addition a collaborative has been formed with the International Institute of the Bay Area to help social service organizations such as Puertas Abiertas to become accredited and provide legal services to UCs in the area. Moreover, the Bay Area Rural Justice Collaborative, facilitated by One Justice, brings regularly-scheduled free legal clinics to isolated communities in the Bay Area, including Napa County, the coast side of San Mateo County, and Southern Santa Clara County.

### Social Services

Interviewees observe that a lot of the support in Napa is community based and by word of mouth, rather than formal initiatives, and that UCs and immigrants in the region especially converge around faith-based organizations. Most recently, the North Bay Organizing Project mobilized a county-wide partnership to assist unaccompanied immigrant children, along with twenty faith-based and community groups in the North Bay.<sup>40</sup>

### Shelter in Solano

As previously mentioned. There is an ORR shelter in Solano that is contracted with the Baptist Children and Family Services (BCFS) who operates a group home of unaccompanied refugee. The program is licensed by the State of California in the service of up to 24 males, ages 12 to 17. The average stay of each student is 45 days and there is one teacher and one interpreter that provide instruction to the students.

### Funding and Political Support

Funding and support for UCs is mixed in the North Bay. Interviews indicate that funding is limited in the North Bay, particularly in Marin, and that the bulk of funding and services have surfaced in Napa. While, Sonoma County supervisors

unanimously approved a plan would help county attorneys to provide legal help to UCs facing deportation proceedings.<sup>41</sup>

**Figure 20. Preliminary List of Immigrants-Serving Organizations Located in North Bay Counties**

Legal Services			
Organization	City	County	Website
North Bay Legal Aid	San Rafael	Marin	lawyers.justia.com/legalservice/north-bay-legal-aid-9111
Legal Aid of Napa valley	Napa	Napa	legalaidnapa.org/
Vital Immigrant Defense and Advocacy Services	Santa Rosa	Sonoma	vidaslegal.org
Philanthropy			
Organization	City	County	Website
Marin Community Foundation	Novato	Marin	www.marincf.org/
Napa Valley Community Foundation	Napa	napa	www.napavalleycf.org/
Grantmakers Concerned with Immigrants and Refugees	Sebastapol	Sonoma	www.gcir.org/
Social Services			
Organization	City	County	Website
Canal Alliance	San Rafael	Marin	canalalliance.org/
On the Move Bay Area	Napa	Napa	www.onthemovebayarea.org/
Puertas Abiertas Community resource Center	Napa	Napa	puertasabiernasapa.org/
Up Valley Family Centers	Calistoga	Napa	upvalleyfamilycenters.org/
Catholic Social Service of Solano County	Vallejo	Solano	www.csssolano.org/
California Human Development	Santa Rosa	Sonoma	www.cahumandevlopment.org/
North Bay Organizing project	Graton	Sonoma	northbayop.org/

## SAN MATEO

San Mateo County has a handful of key legal services providers such as Community Legal Services in East Palo Alto have been heavily involved in responding to the arrival of UCs. Legal experts also identify San Mateo as a unique model for identifying children as eligible for SIJS. Specifically, San Mateo relies on the foster youth’s county social worker to identify UCs as potentially eligible for SIJS, and then refers the child to a non-attorney liaison that fills out and submits the SIJS applications on behalf of the youth. County counsel then accompanies the youth to the interview with USCIS. In addition, the Consulate of Honduras, which is located in San Mateo, has also stepped in to offer legal and social services to UCs throughout the region. Finally, interviews indicate that advocates in San Mateo County sought to get funding to support UCs in the region but were unfortunately denied.

**Figure 21. Preliminary List of Immigrants-Serving Organizations Located in San Mateo**

Type of Service	Organization	City	Website
Legal Services	Community Legal Services in East Palo Alto	East Palo Alto	www.clsepa.org/
	Immigration Services of Mountain View	Mountain View	
	Legal Aid Society of San Mateo County		www.legalaidsmc.org/
Philanthropy	Silicon Valley Community Foundation	San Mateo	www.siliconvalleycf.org/
Social Services	Catholic Charities of San Mateo	San Mateo	catholiccharitiessf.org/
	Catholic Charities San Francisco	San Mateo	catholiccharitiessf.org/

## SANTA CLARA

Santa Clara has been a prominent hub for UCs and has been a champion of local organizing to address broader immigration issues. For instance, though not directly related to UCs, the county has approved \$1.8 million to support administrative relief for undocumented immigrants. In response to the UC issue, the county has held meetings with local organizations to establish a county-wide collaborative response to the issue.

### Social Services

In Santa Clara, Catholic Charities of Santa Clara is primary organization contracted by ORR to shelter UCs and provide them with services. The organization provides in-house legal and social services and has been widely involved with county meetings. A standout program in Santa Clara is the alternative UC host program run by the Bill Wilson center.<sup>42</sup> The county established this volunteer program as an alternative to the sponsor reunification process, instead inviting members of the community to host UCs as sponsors. Rather than coinciding with a foster care model, the host program is meant to be similar to an exchange student model that places students in homes primarily for support, housing, and daily care.<sup>43</sup>

### Funding and Political Support

The arrival of UCs to San Jose has also generated political and funding support from Santa Clara. For instance, the city of San Jose has established an office of Immigrant Relations that works with immigrant community and service providers to promote the full inclusion of immigrant communities in Santa Clara. The Santa Clara Office of Human relations has also produced research on UCs arrivals that helped generate support from the county in approximately \$900,000 for social services to UCs.<sup>44</sup> Among social service providers, a collaborative has formed to discuss relationships between UCs and the foster care system. Politicians from the county such as Rep. Zoe Lofgren (D-19) have travelled to the border to further examine the issue and similarly championed the development of the host program.<sup>45</sup>

**Figure 22. Preliminary List of Immigrants-Serving Organizations Located in Santa Clara**

Legal Services		
Organization	City	County
Asian Americans for Community Involvement	San Jose	aaci.org/
California Strategies and Advocacy, LLC	San Jose	www.calstrat.com/
CET Immigration Program	San Jose	www.cetweb.org/immigration/
Cooley LLP	Palo Alto	www.cooley.com/index.aspx
Law Foundation of Silicon Valley	San Jose	www.lawfoundation.org/lacy.asp
Legal Advocates for Children & Youth	San Jose	www.lawPhilanthropy.org/lacy.asp
SIREN	San Jose	www.siren-bayarea.org/
Philanthropy		
Organization	City	County
Heising Simons Foundation	Los Altos	www.heisingsimons.org/
Social Services		
Organization	City	County
Bill Wilson Center	Santa Clara	www.billwilsoncenter.org/
Catholic Charities of Santa Clara County	San Jose	www.catholiccharitiesscc.org/

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**Bay Area Services to Unaccompanied Immigrant Children**

City of San Jose Mayor's Office	San Jose	<a href="http://www.sanjoseca.gov/">www.sanjoseca.gov/</a>
City of San Jose - Parks, Recreation and Neighborhood Services	San Jose	<a href="http://www.sanjoseca.gov/prns/">www.sanjoseca.gov/prns/</a>
EMQ Families First	Campbell	<a href="http://emqff.org/">emqff.org/</a>
Santa Clara County Behavioral Health Services	San Jose	<a href="http://www.sccgov.org/sites/mhd/Pages/default.aspx">www.sccgov.org/sites/mhd/Pages/default.aspx</a>
Santa Clara County Counsel		
Santa Clara County Library District	Campbell	<a href="http://www.sccl.org/">www.sccl.org/</a>
Santa Clara County Office of Human Affairs	San Jose	
Santa Clara Valley Health and Hospital System, Mental Health	San Jose	<a href="http://www.sccgov.org/sites/mhd/Pages/default.aspx">www.sccgov.org/sites/mhd/Pages/default.aspx</a>
Stanford University	Palo Alto	<a href="http://www.stanford.edu/">www.stanford.edu/</a>
U.S. Congresswoman Zoe Lofgren	San Jose	<a href="http://lofgren.house.gov/">lofgren.house.gov/</a>
Unity Care	San Jose	<a href="http://www.unitycare.org/">www.unitycare.org/</a>

# V. Gaps and Recommendations

## CITED CHALLENGES AND THE BAY AREA RESPONSE

### Complex challenges faced by UCs influence all services

UCs arrive in the Bay Area having undergone traumatic experiences whose effects are long lasting. The past and current trauma these children experience require specialized services and a holistic response from service providers. As part of its survey social service providers, ABAG asked respondents to rank the challenges that UCs face by level of hardship. Given the severity and interconnectedness of various issues respondents gave almost equal weight to each of the factors they were asked about (See Figure 23). Thus, it became clear that the constellation of challenges that UCs face pose high levels of hardship when considered both individually for UCs and collectively as a demographic.

**Figure 23. Hardships faced by UCs, as ranked by social service providers in survey**

Type of hardship	1 (most difficult) (# of responses)	2 (# of responses)	3 (# of responses)	4 (# of responses)	5 (least difficult) (# of responses)	Total
Experience with the courts	10	3	3	1	1	18
Language problems	10	3	3	1	1	18
Cultural adaptation	10	3	3	1	1	18
Mental health needs	10	3	3	1	1	18
Health Needs	10	3	3	1	1	18
Housing needs	9	3	3	1	1	17
Outstanding debt	8	2	3	1	1	15
Tensions with sponsors and/or family	8	3	3	1	1	16

Source: ABAG legal and social service surveys to Bay Area immigrant-serving organizations  
 Count of organizations represented: 29 social service providers

Unsurprisingly, the hardships that UCs endure also shape their experiences and relationships with legal and social service providers, making them more likely to be impacted by barriers to service provision and at higher risk for breaking away from support systems. Below are just some of the challenges that UCs encounter based on ABAG's interviews and research.

- **Trauma** – A large portion of UCs have been traumatized and harmed by gangs or authority figures due to being left without parental protection, and many have been targeted due to their refusal to support local gangs or militias. Some of them, including the youngest of the asylum seekers, have been sexually assaulted and almost all of the children and families have lived with death threats for much of their lives.
- **Cultural adaptation, Language problems** – Most UCs are very low-income and have little formal education. A large portion of these children only speak Mam Mayan, an indigenous language from Central America.
- **Outstanding debt** – School district coordinators for UCs noted that almost every UC has outstanding debt to human smugglers that have helped bring them to the U.S. This leads to tension with sponsors, as they are pressured to work to earn the money they owe.
- **Fraud** – UCs are vulnerable to exploitation from traffickers and/or exploitation from fraudulent lawyers.

- **At-risk for trauma and risk taking behavior** – Most UCs haven't seen their family in many years, which leaves children vulnerable to trauma and risk taking behavior after reuniting with sponsors. Interviews also indicated that tensions between gangs and/or immigrant communities can persist in new immigrant communities within the U.S.

## Institutional Challenges

In addition to examining the challenges faced by UCs, ABAG sought to better understand the challenges or institutional hurdles that organizations face in offering services to UCs. Below is a list of ranked challenges in providing services to UCs from the 29 service providers that responded to ABAG's survey.

1. Funding sources overly restrict services or population that can be served
2. Too much demand
3. Lack of awareness about the services offered
4. Lack of culturally-sensitive services
5. Lack of adequate training to serve these specific populations
6. Mobility issues (personal and to/from appointments)
7. Lack of resources and/or status to qualify for services offered
8. Fear or distrust of social service organizations
9. Lack of cross-agency/department coordination
10. Too few staff
11. Political context (inter-agency and general)
12. Confidentiality requirements
13. Duplication of services

This report discusses the issues from this list in further detail below based on interviews and research.

## Funding Issues

**Funding is too narrowly defined.** Various interviewees states that there is a need for services to IWCs, but little of the funding that has surfaced to support UCs could be used to support immigrant women with children who are equally vulnerable. Rather, most funding that surfaced since 2014 has gone to those who were placed on the surge docket, and does not include UCs who arrived prior to 2014 unless they have asylum cases.

**Funding is short term.** The temporary nature of funding is particularly challenging for organizations that may have started providing services to UCs after 2014. Interviewees suggested that such short term funds could lead to conflict between organizations instead of collaboration. Without continued funding, organizations are unable to plan for the longer term welfare of UCs once the immediate threat of deportation fades such providing mental health and education services.

**Funding is concentrated.** Most of the money that has been made for service provision to UCs has been concentrated in San Francisco causing organizations outside of the city to spend considerable time fundraising rather than providing services

**Short term attention to the issue** – A great deal of funding has been made available for UCs due to their surge in numbers and resultant media coverage, however providers are concerned that funding will fade along with media coverage.

## Sponsor Tensions

**UCs tend to be in unstable living situations.** Many UC sponsors experience their own hardships due to poverty or lack of immigration status. There is no government financial support for sponsors even though sponsoring a UC requires substantial financial and time commitments. Challenges faced by sponsors include:<sup>46</sup>

- *Sponsors are foster parents without financial support or services.* As de-facto foster parents sponsors face the added challenges of helping the children under their care navigate a complex legal environment, learn English, and integrate with their peers.
- *UCs placed with family members often have never met the adults with whom they are placed.* Children placed with family friends or acquaintances (27% of unaccompanied immigrant children) commonly have no relationship whatsoever with that adult and are at a particularly high risk of labor and sex trafficking.<sup>47</sup> There have been multiple reports of children placed with supposed acquaintances only to be sold to sex or labor traffickers within days of placement.
- *Sponsors are unmonitored.* While sponsors are required to sign an agreement stating they will care for the child placed with them, there is little, if any, monitoring of compliance with this agreement.
- *Sponsor agreements do not grant any kind of legal guardianship,* leaving the children with no one legally empowered to get them medical care, enroll them in school, or take other actions on their behalf that would require legal guardianship. There is also no guarantee that a sponsor will be proactive and supportive in helping the child receive services.
- *Children often arrive with debt from smugglers, which puts further strain on relationships with sponsors.* Interviewees mention that sponsors pressure children to work to pay for their stay. For instance, one account in particular described a girl who became uncomfortable after her aunt started kept accounts of how much she ate to know what she owed.

**The surge docket complicated relationships with sponsors as child placement became emphasized over vetting.**

Interviewees have mentioned that coordinating with Child Protective Services and/or the foster care system has been a challenge in mitigating for tensions with sponsors. Other sources of support for children struggling with sponsors include school systems and faith-based shelters.

## Housing Needs

**UCs face challenges with acquiring housing, especially UCs that live in high cost areas.** To mitigate for the high costs of housing in places like San Francisco, many immigrant families will live in small apartments. Additionally, evictions can be an issue for many sponsors making UCs vulnerable to homelessness.

**Many UCs are forced out of their sponsor's home or leave after experiencing abuse or exploitation.** Interviewees mentioned that sponsors do not often receive additional support (kinship support) to care for UCs. Faith based organizations and churches are filling gaps in this area, as many sponsors look to local churches to help them housing. Another practice that has shown promise are alternative paths to sponsorship through housing from volunteers, as practiced in Santa Clara. In addition to churches, volunteer sponsors, selected only after careful vetting, have started to fill in the gaps in housing in Santa Clara County.

## Legal Services

**UCs do not have a right to government-funded legal counsel.**<sup>48</sup> To exercise their right to counsel, UCs have the option of either hiring a legal representative and paying out of pocket or obtaining pro bono legal representation. As pro bono legal services for UCs are in short supply and few of these children have the resources to hire their own legal counsel, many have no choice but to go through the difficult and intimidating experience of appearing in immigration court without legal representation. Moreover, having a lawyer makes a significant difference in how immigration cases are decided. According to data from immigration court records for fiscal years 2012 to 2014, an average of 73% of children with legal representation were permitted by to stay in the U.S. On the other hand, only 15% of children without legal representation were allowed to stay in the U.S.<sup>49</sup> The obstacles that UCs and IWCs face in acquiring legal representation are frequently cited as a serious gap in the provision of federal services, and have generated concerns from organizations such as the ACLU and American Bar Association.<sup>50</sup> Even for those who can afford an attorney are likely to experience fraud.<sup>51</sup>

**The surge dockets have generated challenges for UCs and service providers alike.** The shortened time to prepare for hearings has made it harder for UCs to obtain counsel. Expediting case processing has increased the number of cases that attorneys take on at any given time with significantly less time per case (which have been shortened to months whereas prior to the docket such cases could take one to two years).

## Coordination between Legal and Social services

**Although legal and social services providers often rely on each other to handle UC cases, several interviewees mentioned that legal cases are complicated by difficulties in accessing social services.** For instance, most Bay Area counties rely on social workers to identify immigrant youth who may be eligible for Special Immigrant Juvenile Status (SIJS) – an important precursor to permanent legal status – however, many child welfare offices are staffed by new and inexperienced social workers unfamiliar with SIJS due to high turnover rates. In addition, legal service providers often require the services of other experts such as mental health professionals who can corroborate a child’s story or trauma, diagnose any mental health conditions, and/or help explain any potential credibility issues that may arise from the trauma.

**Organizations that provide needed psychosocial evaluations that could help UCs obtain legal status can require anywhere from 1-3 months advance notice for an evaluation.** Additionally, volunteers with these programs may not have experience working with traumatized children, and children may not immediately trust the person conducting the evaluation. Thus, to the extent possible, attorneys need to work to share materials in advance of the evaluation that may be helpful to the expert.

**Legal and social service organizations are often siloed and experience challenges in coordinating services.** Interviewees mention that some major social service providers (i.e. schools) are uninformed about the available care that should be offered to UCs and/or programs that UCs are eligible for. As a result, UCs could be placed in programs that are neither culturally competent nor tailored to their particular needs. To mitigate for the the separate nature of legal and social services, a few larger organizations such as Catholic Charities of Santa Clara County and Legal Services for Children offer both legal and social services within the same organization, overseeing only internal referrals and coordination.

**Interviewees also expressed a need for trauma-informed “wrap around services” – a clinical model that seeks to help individual cope with challenging circumstances.** This particular form of service provision also seeks to tackle the multiple issues and systems that exacerbate certain challenges (i.e. lack of linguistically appropriate services for UCs, whether it be Spanish or the indigenous Mam Mayan language).

## Other cited challenges

- **Access to health care and health needs** – include challenges in acquiring health insurance.
- **Political context** – involvement in the issue is sometimes politically motivated. In addition changes in the political landscape in the future can have an impact on how policies for UCs are fashioned.
- **Education** – many of these children have gaps in education and other issues that complicate the provision of proper educational resources.
- **Conflating UCs with other undocumented immigrants**
- **Limited funding in some counties makes it difficult to replicate model services that rely on robust funding.**

## RECOMMENDATIONS

To better serve the thousands of unaccompanied immigrant children in the Bay Area, it is vital that the region’s service providers have the resources they require to ensure these children’s welfare both in the short and long term. Following extensive interviews, surveys, secondary research, and a forum of practitioners, ABAG has identified the following recommendations targeted to immigrant-serving organizations that fall broadly into two categories: Fostering inter-agency communication and collaboration and targeted expansion of resources.

### Fostering Inter-Agency Communication and Collaboration

Recommendation	Local Examples
Database - Create a real-time, editable, database accessible to both social and legal service providers that includes information on services offered, staff language capacity, and the listed organization’s capacity to serve more UCs in general.	El Centro de la Raza in Oakland is working on creating a “living” referral database of legal and social service providers that could be expanded region-wide
Foster collaboration and coordination among providers through regional and countywide meetings and forums.	Legal Services for Children in San Francisco and ABAG in Oakland have held convenings of legal and social service providers to foster regional collaboration.
Acknowledge mental health and social service needs as vital for UCs and provide funding for crucial services including psychosocial evaluations and capacity building among providers.	Several Bay Area organizations including Legal Services for Children in San Francisco conduct a psychosocial evaluation of children as part of their intake process.
Promote coordination among legal service providers, especially those who go to probate court in the same city to avoid duplication of services.	The San Francisco Bar Association’s Attorney of the Day program which pairs pro-bono attorneys with children with pending cases could be emulated in other counties
Inter-county funding – Explore ways to extend funding might that be geographically restricted to residents of a given county to serve others that might come to that county for services	Many unaccompanied minors from the Central Valley come to the Bay Area for their court hearings yet are ineligible for many services.
Build community and foster social integration for children through planning social events and support groups in places where unaccompanied immigrant children are already congregating.	Churches throughout the Bay Area have proved to be a natural organizing ground for many recently arrived immigrants and logical places to hold functions.
Foster a culture of feedback where youth and immigrant-serving organizations can provide input to funders and policymakers to improve funding streams and better target programs.	While this remains an emerging model, organizations like Grantmakers Concerned with Immigrants and Refugees (GCIR) helps connect philanthropy with immigrant-serving organizations.

## Targeted Expansion of Resources

Recommendation	Local Examples
Build capacity of immigrant-serving organizations in rural and outlying areas by providing staff in such locations with training and access to resources.	Organizations like the Catholic Legal Immigration Network and the Immigration center for Women and Children regularly conduct “train the trainer” workshops, others like the Immigrant Legal Resource Center provide materials for workshops, and referrals to key services.
Encourage legal and social service providers to use a sliding scale of fees for services to UCs and IWCs	Pangea Legal Services and Immigration Center for Women and Children (ICWC) are examples of Bay Area organizations that provide legal services on a sliding scale fee system. The American Bar Association also maintains a web page that lists innovative programs to help people of modest meant obtain legal help. <sup>52</sup>
Support programs that provide UCs and IWCs with free or subsidized transportation to or from court hearings and who can have volunteers accompany clients to appointments.	<p>The State of California requires courts to provide a children’s waiting room in each courthouse for children whose parents or guardians are attending a court hearing.<sup>53</sup> Thus each county’s Superior Courts offer strategies for adopting waiting rooms. For instance, Kidango, a Fremont non-profit, operates children’s waiting rooms in Alameda courts. Alameda county also offers free shuttle services between the Bay Fair BART station and nearby bus stops to the juvenile courts in San Leandro.</p> <p>Faith-based organizations have taken strides to support children in their experiences with the courts. In Los Angeles, an Episcopal-based “acompañero” program pairs volunteer mentors with child refugees to help them negotiate the court system. In partnership with an ecumenical “Guardian Angels” project, the group trains clergy and lay volunteers to monitor immigration courtrooms for possible violations of children’s legal rights.</p> <p>Children-serving legal organizations such as Pangea also recruit volunteers to partner with refugee families and guide their adaptation to the U.S.</p>
Build human capital – train volunteers for discrete tasks that may otherwise require a social worker or legal counsel (i.e. processing paperwork, conducting intake interviews)	The Bar Association of San Francisco offers volunteer opportunities for legal workers, paralegals, law students, and Spanish and Mam-speaking interpreters to assist attorneys in providing Know Your Rights presentations, assisting with intakes, and serving as interpreters.
Encourage less experienced organizations to build their expertise working with unaccompanied youth by working closely with local organizations and shelters who have relationships and specialized knowledge working with this population.	<p>The growing collaboratives in the region (listed in Appendix VI) offer avenues to share practices between organizations with differing levels of experience.</p> <p>The SF Bar Association’s Attorney of the Day (AOD) program requires that new Pro Bono immigration attorneys observe and complete interviews with respondents under guidance of an experienced AOD panel attorney. Organizations such as CLINIC, KIND, and the Immigrant Legal Resource Center also provide trainings for first-time pro bono attorneys serving unaccompanied minors.</p>
Consider asking clients who have been served by the organization to help provide interpretation services having already undergone the process themselves	In partnership with organizational networks and community based organizations, CARECEN retains close ties with local Latino communities and trains parent leaders in building

	community and advocate on behalf of the community.
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## Next Steps

As a Council of Governments, it is ABAG's role to research and bring to attention issues of major concern to its members. From this research it is clear that the Bay Area has admirably responded to the influx of unaccompanied immigrant children to the region. Jurisdictions and many immigrant-serving organizations have contributed significant financial and programmatic resources to ensure that these children have access to the services they need to succeed as new residents. However significant gaps in services remain that need to be addressed to help these children transition from newcomers to long-time neighbors. ABAG hopes that through this research, local governments and immigrant-serving organizations can tailor specific policies and programs to better serve these children within their own local context. The Bay Area has done tremendous work to become a national leader on this issue, undoubtedly the region will continue to lead by remaining as compassionate and welcoming to the most vulnerable as it has so amply demonstrated.

# VI. Appendices

## APPENDIX I. LIST OF ORGANIZATIONS INTERVIEWED AND SURVEYED

### Organizations Interviewed

Bar Association of San Francisco  
Catholic Charities of Santa Clara County  
Catholic Legal Immigration Network  
Culturestrike  
Grantmakers Concerned with Immigrants and refugees  
Immigrant Legal Resource Center  
Immigration Center for Women and Children  
Inspiration Quest  
Legal Services for Children  
Oakland Unified School District  
Office of Immigration Affairs, City of San Jose  
Office of Refugee Resettlement - Office on Trafficking in Persons  
San Francisco Foundation  
San Francisco Mayor's office  
San Francisco Unified School District  
Santa Clara County Office of Human Affairs  
UCSF Benioff Children's Hospital  
Puertas Abiertas

### Legal Services Survey

API legal outreach  
Bar Association of San Francisco  
Canal Alliance  
Catholic Charities CYO  
Catholic Charities of Santa Clara County  
Catholic Charities of the East Bay  
Catholic Legal Immigration Network, Inc  
Center for Gender & Refugee Studies  
Centro de Ayuda Legal para Inmigrantes  
Centro Legal de la Raza  
Community Legal Services in East Palo Alto  
Consulate of Honduras  
Dolores Street Community Services  
East Bay Community Law Center  
East Bay Sanctuary Covenant  
Immigrant Legal Resource Center  
Jewish Family & Children's Services of the East Bay  
Justice and Diversity Center  
Law Foundation of Silicon Valley  
Law Office of Helen Lawrence  
Law Offices of Katie Annand

## Legal Services Survey

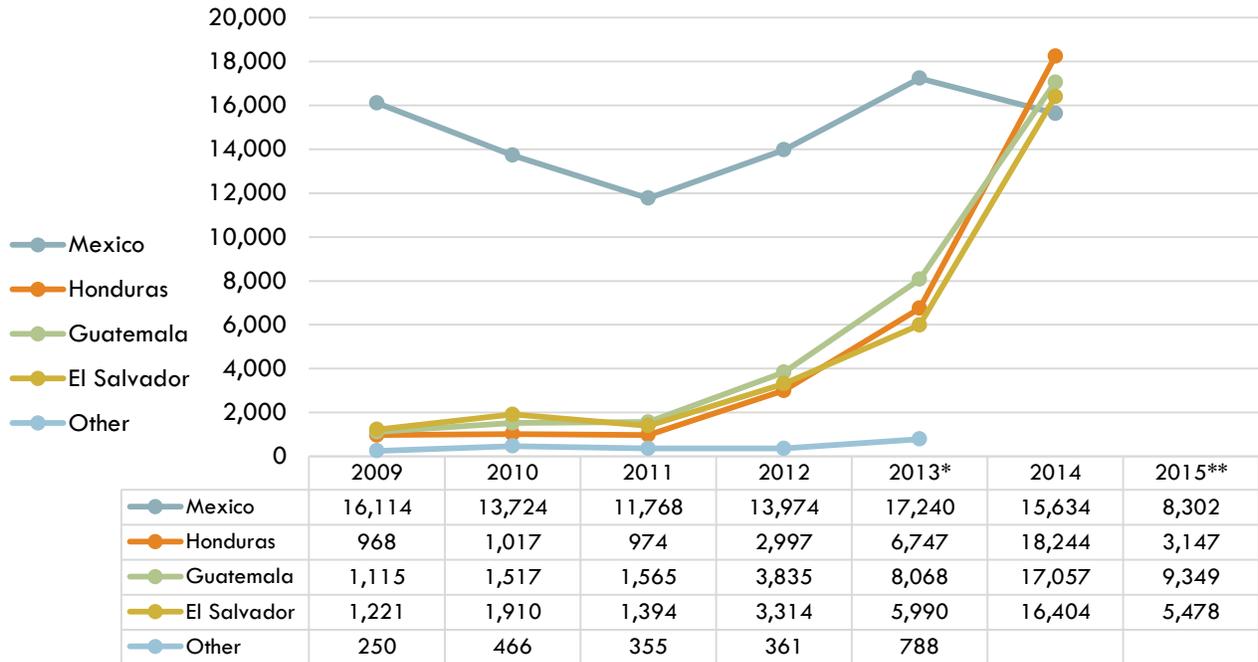
Lawyers' Committee for Civil Rights  
Legal Advocates for Children & Youth  
Legal Assistance for Seniors  
Legal Services for Children  
OneJustice  
San Francisco Department of Human Services  
Social Justice Collaborative  
UC Davis School of Law Immigration Law Clinic  
USF Immigration and Deportation Defense Clinic

## Social Service survey

Alameda County Health Care Services  
Alameda County Office of Education  
Alameda County, Center for Healthy Schools and Communities  
Asian Americans for Community Involvement  
Catholic Charities CYO  
Central American Resource Center of Northern California  
Centro Latino Cuscatlan  
Consulate of Honduras  
Covenant House California East Bay  
Dolores Street Community Services  
East Bay Alliance for a Sustainable Economy  
Huckleberry House  
Huckleberry Youth Programs  
Human Services Agency SF County  
International Rescue Committee  
La Familia Counseling Services  
Legal Services for Children  
Mission Neighborhood Health Center / Project Alero  
Oakland Unified School District  
San Francisco Women Against Rape  
Santa Clara County Department of Family and Children's Services  
Santa Clara County Library District  
SF Department of Public Health  
SFUSD - Caminos  
SFUSD Wellness Initiative  
Social Services Agency, Department of Family and Children Services  
Sonadores Invencibles  
UCSF Benioff Children's Hospital  
The Women's Building

## APPENDIX II. SUPPLEMENTAL DATA

**Figure 24. UCs apprehended during fiscal year 2014, by Country of Origin**



\*The category “other” stopped being recorded in 2013

\*\*2015 still in progress, so not included in the time series lines

Source: U.S. Customs and Border Protection, statistics page

**Figure 25. UC apprehensions by DHS, fiscal year 2014 and fiscal year 2015 by Border Control Sectors**

Intersecting State	Sector	Fiscal Year 2014	Fiscal Year 2015
Arizona	Tucson Sector	6,942	4,516
California	El Centro Sector	485	444
	San Diego Sector	729	790
California and Arizona	Yuma Sector	295	599
Texas	Big Bend Sector	178	410
	Del Rio Sector	2,781	1,479
	Laredo Sector	3,128	1,778
	Rio Grande Sector	42,146	15,613
Texas and New Mexico	El Paso Sector	794	1,056
Southwest Border Total		46,858	22,869

\*Estimates vary depending on the period. FY 14 and FY 15 figures represent CBP’s estimates through May.

\*\*Source: U.S. Customs and Border Protection Statistics page

### Push and Pull factors

No agreement exists about the “push and pull” factors that underlie the recent spike in child arrivals to the border.<sup>54 55</sup> Although audiences generally agree that country conditions, family reunification, work opportunities, poverty, and trafficking/exploitation are contributors, there are ongoing debates over the predominant reasons. Two major studies sought to identify these motives by directly surveying UCs (see Figure 1 for a comparison of results).<sup>56</sup> There have also

been arguments that recent reforms in U.S. Immigration Policy are a significant contributor; however, a statistical study by the Center for American Program shows that this is inconclusive.<sup>57</sup>

**Figure 26. Self-reported reasons for migration in 2014 studies**

<b>United Nations<sup>58</sup></b>		<b>Elizabeth Kennedy<sup>59</sup></b>	
<b>Sample: 404 children migrating from El Salvador, Guatemala, Honduras, and Mexico</b>		<b>Sample: 315 children migrating from El Salvador.</b>	
<b>Reason</b>	<b>Frequency</b>	<b>Reason</b>	<b>Frequency</b>
Family or Opportunity	329	Crime, gang threats, and violence	188
Violence in Society	192	Family Reunification	113
Abuse in home	85	Study	100
Deprivation	64	Work	84
Other	143	Poverty	17
		Abuse +	10
		Adventure	10

Note: both surveys used open -ended interviews and allowed multiple responses.

† Kennedy usually conducted interviews with parents present and believes the true rate is higher.

For an exhaustive list of detailed resources on UC arrivals on a national scale, see “Child Refugees and Migrants Coming to the United States” by Grantmakers Concerned with Immigrants and Refugees ([www.gcir.org/childrefugeesmigrants](http://www.gcir.org/childrefugeesmigrants)).

## APPENDIX III. OVERVIEW OF LEGAL OPTIONS

### Common forms of legal relief available to unaccompanied children:

#### Asylum

In general, there are two different types of asylum applications: affirmative applications and defensive applications. Individuals who are not in removal (or deportation) proceedings may submit an affirmative application to U.S. Citizenship and Immigration Services. . If an individual is already in deportation proceedings – often after having been apprehended at a border - the asylum seeker must file a defensive application with the immigration judge who is adjudicating his or her removal proceedings. Under the Trafficking Victims Protection Reauthorization Act of 2008, children classified as UCs may file an affirmative asylum application with U.S. Citizenship and Immigration Services, despite the fact that they are in removal proceedings. This is a huge benefit that is only available to children who have been classified as UCs, or who otherwise fit the definition of an “unaccompanied alien child.”

**Requirements:** To qualify for asylum, a UC must meet the definition of a refugee outlined in the Immigration and Nationality Act (INA): “any person who is outside any country of such person’s nationality and is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.”<sup>60</sup>

For more information, consult the USCIS Asylum information page at: [www.uscis.gov/humanitarian/refugees-asylum/asylum](http://www.uscis.gov/humanitarian/refugees-asylum/asylum).

#### Special Immigrant Juvenile Status (SIJS)

SIJS allows certain undocumented children who have been abandoned, abused, or neglected by a parent to obtain lawful permanent residency. It is the only provision in substantive immigration law that incorporates the “*best interests of the child*” standard, a legal standard that seeks to ensure the protection and welfare of children.

**Requirements:** SIJS is unique within immigration law in that children must have findings from a state court before they can even apply for SIJS with the federal government. To qualify, the child must show that: 1) he or she has been declared dependent on a U.S. juvenile court or placed in the custody of an individual, entity, or agency or department of a state by a juvenile court,<sup>61</sup> 2) the juvenile court has determined that reunification of the child with one or both parents is not viable due to abuse, neglect, abandonment, or a similar basis under state law and 3) it has been determined through judicial or administrative proceedings that it would not be in the child’s best interest to be returned to his or her home country. Once the child has obtained an order from a state court fulfilling these requirements, he or she may petition U.S. Citizenship and Immigration Services for SIJS and adjustment of status to lawful permanent residency.

For more information, consult the USCIS SIJS information page at: [www.uscis.gov/green-card/special-immigrant-juveniles/special-immigrant-juveniles-sij-status](http://www.uscis.gov/green-card/special-immigrant-juveniles/special-immigrant-juveniles-sij-status).

#### T-visas for trafficking victims

The T-Visa program was created to protect victims of severe forms of trafficking (both adults and children). It allows victims to remain in the United States and to assist in an investigation or prosecution of labor or sex trafficking.

**Requirements:** A victim must prepare and submit a petition for T nonimmigrant status, evidence that he or she meets the eligibility requirements, and a personal statement explaining how he or she was a victim of trafficking. After three years of continuous physical presence in the U.S., the T visa holder can apply to adjust his or her status to that of a lawful permanent resident. The T visa also allows holders to obtain work authorization in the United States.

### U-visas for crime victims

The U visa is designed to protect victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. Congress created the U Visa as part of the Victims of Trafficking and Violence Prevention Act of 2000 after recognizing the need to protect victims and encourage them to come forward with information.

**Requirements:** A victim must prepare and submit a petition for U nonimmigrant status and have a certifying law enforcement agency fill out the form verifying that the victim has been, or will be, helpful in the investigation of the crime. Once USCIS approves a U visa application, the applicant receives “U nonimmigrant status,” allowing him or her to remain in the U.S. for up to four years while assisting law enforcement. After three years of continuous physical presence in the U.S., the U visa holder can apply to adjust his or her status to that of a lawful permanent resident. The U visa also allows holders to obtain work authorization in the United States.

For more information, consult the USCIS U-Visa page at: [www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status](http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status).

### Immigrant Women With Children

Note: Adults are only eligible for a portion of the forms of relief mentioned above, namely, Asylum, U-Visas, and T-Visas.

### Violence Against Women Act (VAWA)

The Violence Against Women Act (VAWA), passed by congress in 1994, creates special routes to immigration status for non-citizens that have been abused by a U.S. citizen spouse or parent. Through a self-petitioning process, the battered spouse/child may apply for immigration status without the knowledge or involvement of the abuser.

**Requirements:** Eligible applicants must file a VAWA petition with supporting documentation proving that they have experienced battery from a U.S. citizen and establish their relationship to the abuser. If the VAWA petition is approved, the immigrant is granted deferred action status in most cases and is eligible for certain public benefits, and will eventually be eligible to obtain lawful permanent residency.

For more information, consult the USCIS VAWA fact sheet at: [www.uscis.gov/archive/archive-news/fact-sheet-uscis-issues-guidance-approved-violence-against-women-act-vawa-self-petitioners](http://www.uscis.gov/archive/archive-news/fact-sheet-uscis-issues-guidance-approved-violence-against-women-act-vawa-self-petitioners).

## APPENDIX IV. IMMIGRANT WOMEN WITH CHILDREN AND THE IMMIGRATION SYSTEM

Unaccompanied immigrant children (UCs) and immigrant women with children (IWC) undergo different processes upon being detained by DHS officials on the border. Whereas children that are deemed UCs are transferred to long term shelter care under ORR under the Department of Health and Human Services, children with families are placed into custody under Immigration and Customs Enforcement (ICE) in family detention facilities (see Figure 3 for a comparison of departments). Federal judges have ruled that ICE is required to honor protections in the *Flores Settlement*, which holds that children must be housed in the least restrictive setting possible with access to medical care, exercise, and adequate education. However, numerous sources and interviews attest that the Bush and Obama administration have failed to heed to these protections in the case of ICE family detention centers.<sup>62 63</sup>

### Expansion of ICE Family Detention Centers

The U.S. had largely abandoned detention of immigrant families before 2014 maintaining only one residential shelter for immigrant families in Pennsylvania with capacity for 96 people. But in June 2014, the U.S. government dramatically expanded its detention of immigrant families, opening three new family detention facilities:<sup>64</sup>

- Family detention facility in Artesia, New Mexico: 646-bed, make-shift family detention facility in Artesia, New Mexico (which ceased operation in December 2014)
- Family detention facility in Karnes County, Texas: with almost 600 beds, run by the GEO private prison company, opened in August 2014.
- Family detention facility in Dilley, Texas: holds several hundred mothers and children, but will ultimately has the capacity to hold 2400 people – making it the single largest immigration detention facility in the nation. Dilley is run and operated by Corrections Corporation of America, the largest private prison company in the United States.

The majority of the families detained in these facilities are Central American women and children who have fled extreme violence in their countries and are seeking political asylum. The ACLU cites that approximately 70 percent of the women and children in family detention demonstrate a credible fear of returning to their country of origin, thereby indicating significant possibility of establishing eligibility for asylum. Despite the fact that many of these women and children are eligible for release on bond or their own recognizance, the U.S. government imposed a blanket no-release policy for the express purpose of sending a deterrent message to other Central Americans who might be considering migrating to the U.S.

### Recent Ruling in favor of Children

In December of 2014, the ACLU social justice organizations challenged the federal government’s “no-release policy” in federal court, seeking an injunction to stop the government from detaining these families for deterrence purposes. In February, a federal court in Washington DC ruled the approach unconstitutional, and officials stopped invoking deterrence as a factor in deciding whether to release mothers and children as they seek asylum in the United States. Yet many women and children remained stalled in detention centers with no end in sight, becoming severely depressed or anxious, and their distress echoed in their children, who became worried and sickly.<sup>65</sup>

Most recently, in a decision announced in July 2015 by Judge Dolly M. Gee of Federal District Court for the Central District of California, the courts rejected the administration’s arguments for holding families and maintained that the detention centers in Texas fail to meet the *Flores* requirements.

## Unique Needs

Travelling to the United States with a parent creates a unique set of challenges that, arguably, make it more difficult for *accompanied* children to have their needs met than unaccompanied children. Oftentimes immigrant women with children are relatively young themselves with most being in their late teens or early twenties and are travelling with toddlers and infants. These women with children face the many of the same challenges as unaccompanied minors who meet with a parent once they are in the US, but have access to far fewer legal options and other resources. For instance, if immigrant women with children seek asylum they are under the sole jurisdiction of the immigration courts, which tend to be more adversarial than Asylum Offices which are more commonly used in the case of unaccompanied minors. These women and children are also ineligible for a major legal remedy used to protect unaccompanied minors – Special Immigrant Juvenile Status (SIJS). Furthermore, most grant funding is targeted towards unaccompanied immigrant children which means these women and their children have less ability to cope with their pressing legal and social service needs.

## APPENDIX V. COUNT OF UCS IN INDIVIDUAL CITIES SEPARATED BY COUNTY

### Alameda County

Oakland	359
Hayward	83
Fremont	16
San Leandro	15
Alameda	9
Union City	6
Livermore	4
Newark	3
Pleasanton	3
Berkeley	2
Emeryville	2
Albany	1
Castro Valley	1

### Contra Costa County

Richmond	107
San Pablo	32
Concord	20
Antioch	13
Pittsburg	7
El Sobrante	3
Pinole	1
San Ramon	1

### San Francisco City and County

San Francisco	336
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### Marin County

San Rafael	153
Novato	17
Napa	7
San Anselmo	3
American Canyon	2
St. Helena	2
Angwin	1
Larkspur	1
Sausalito	1

### San Mateo County

San Mateo	125
Daly City	81
Redwood City	58
East Palo Alto	29
South San Francisco	19
San Bruno	7
Burlingame	5
Menlo Park	5
San Carlos	2
Belmont	1

### Santa Clara County

San Jose	143
Sunnyvale	30
Mountain View	23
Santa Clara	13
Campbell	6
Palo Alto	4
Milpitas	3
Los Gatos	1

### Solano County

Vallejo	31
Fairfield	10
Vacaville	1

### Sonoma County

Santa Rosa	22
Petaluma	7

### Napa County

Napa	7
American Canyon	2
St. Helena	2

## APPENDIX VI. NETWORKS AND COLLABORATIVES

### Legal Partnerships

- Bay Area DACA collaborative, led by International Institute of the Bay Area
- SIJS legal Collaborative and UAC roundtable facilitated by legal services for children
- Bar Association of San Francisco, immigration legal defense fund
- Oakland collaborative – Centro legal de la Raza and others
- The Bay Area Rural Justice Collaborative, Facilitated by One Justice

### Education Partnerships:

- SFUSD Latino Newcomer youth collaborative
- McKinney-Vento

### Public Health and Mental Health

- SF Department of Public Health and California Department of Education
- Movimiento Reunificacion Familiar

### Faith-based Partnerships

- Deborah lee, churches to house them (although fairly nascent)
- East Bay Sanctuary Covenant

### University Partnerships

- University of San Francisco, School of Law Unaccompanied Immigrant Children Assistance Project
- USF's School of Nursing and Health Professions to help the children engage with schools and community health organizations
- Stanford University students in translation program
- Doctors in Residency at University of California, San Francisco

## APPENDIX VII. LIST OF ORGANIZATIONS ADDRESSING UCS

### Legal Service Providers

Organization	Website	City	County
East Bay Community Law Center	ebclc.org/	Berkeley	Alameda
Carmen Reyes-Yosiff		Oakland	Alameda
Catholic Legal Immigration Network	cliniclegal.org/	Oakland	Alameda
Ijichi Perkins and Associates		Oakland	Alameda
Law Office of Angela M. Bean		Oakland	Alameda
Law Office of Helen Lawrence	helenlawrencelaw.com/	Oakland	Alameda
Law Office of Peggy Bristol Wright	www.bristolimmigrationlaw.com/	Oakland	Alameda
Law Office of Robert L. Lewis		Oakland	Alameda
Social Justice Collaborative	socialjusticecollaborative.org	Oakland	Alameda
The Law Office of Julianna Rivera		Oakland	Alameda
UC Davis School of Law	law.ucdavis.edu/	Davis	Davis
North Bay Legal Aid	lawyers.justia.com/legalservice/north-bay-legal-aid-9111	San Rafael	Marin
Bay Area Legal Aid	baylegal.org/	multiple locations	multiple locations
Immigration Center for Women and Children	icwclaw.org/	multiple locations	multiple locations
Youth Law Center	www.ylc.org/	multiple locations	multiple locations
Legal Aid of Napa valley	legalaidsnapa.org/	Napa	Napa
Asian Americans Advancing Justice	www.advancingjustice-la.org/	San Francisco	San Francisco
Bar Association of San Francisco	www.sfbar.org/	San Francisco	San Francisco
People Organizing to Demand Environmental and Economic Justice (PODER)	www.podersf.org/	San Francisco	San Francisco
University of California, San Francisco	www.ucsf.edu/	San Francisco	San Francisco
USF School of Law	www.usfca.edu/law/	San Francisco	San Francisco
Ana Gonzales		San Francisco	San Francisco
API Legal Outreach	www.apilegaloutreach.org/	San Francisco	San Francisco
Asian Pacific Islander Legal Outreach (APILO)	www.apilegaloutreach.org/	San Francisco	San Francisco
Center for Gender & Refugee Studies	cgrs.uchastings.edu/	San Francisco	San Francisco
Cindy Liou Consulting & Law		San Francisco	San Francisco
Helen Lawrence		San Francisco	San Francisco
Immigrant Legal Resource Center	www.ilrc.org/	San Francisco	San Francisco
Jaime D. Mira		San Francisco	San Francisco
Keker & Van Nest	www.kvn.com/	San Francisco	San Francisco
Law Office of Fellom & Solorio		San Francisco	San Francisco
Law Offices of Katie Annand		San Francisco	San Francisco
Lawyers' Committee for Civil Rights	www.lawyerscommittee.org/	San Francisco	San Francisco
OneJustice	www.one-justice.org/	San Francisco	San Francisco
Pangea	www.pangealegal.org/	San Francisco	San Francisco
SF Immigrant Legal Defense Collaborative at BASF	blog.sfbar.org/2015/05/07/the-san-francisco-immigrant-legal-defense-collaborative-bay-area-public-interest-attorneys-collective-response-to-crisis/	San Francisco	San Francisco
Community Legal Services in East Palo Alto	www.clsepa.org/	East Palo Alto	San Mateo
Immigration Services of Mountain View		Mountain View	San Mateo
Legal Aid Society of San Mateo County	www.legalaidsmc.org/		San Mateo
Cooley LLP	www.cooley.com/index.aspx	Palo Alto	Santa Clara
Asian Americans for Community Involvement	aaci.org/	San Jose	Santa Clara
California Strategies and Advocacy, LLC	www.calstrat.com/	San Jose	Santa Clara
CET Immigration Program	www.cetweb.org/immigration/	San Jose	Santa Clara
Law Foundation of Silicon Valley	www.lawfoundation.org/lacy.asp	San Jose	Santa Clara
Legal Advocates for Children & Youth	www.lawPhilanthropy.org/lacy.asp	San Jose	Santa Clara
SIREN	www.siren-bayarea.org/	San Jose	Santa Clara
Vital Immigrant Defense and Advocacy Services	vidaslegal.org	Santa Rosa	Sonoma

**Philanthropic Organizations**

ORGANIZATION	Website	City	County
California Endowment`	<a href="http://www.calendow.org/">www.calendow.org/</a>	Oakland	Alameda
Firedoll Foundation	<a href="http://www.firedoll.org/">www.firedoll.org/</a>	Walnut Creek	Alameda
Y&H Soda Foundation	<a href="http://www.yhsodaPhilanthropy.org/">www.yhsodaPhilanthropy.org/</a>	Moraga	Contra Costa
Marin Community Foundation	<a href="http://www.marincf.org/">www.marincf.org/</a>	Novato	Marin
Napa Valley Community Foundation	<a href="http://www.napavalleycf.org/">www.napavalleycf.org/</a>	Napa	Napa
California Bar Foundation	<a href="http://www.calbarfoundation.org/">www.calbarfoundation.org/</a>	San Francisco	San Francisco
The San Francisco Foundation	<a href="http://sff.org/">sff.org/</a>	San Francisco	San Francisco
Walter S Johnson Foundation	<a href="http://wsjf.org/">wsjf.org/</a>	San Francisco	San Francisco
Zellerbach Foundation	<a href="http://zff.org/">zff.org/</a>	San Francisco	San Francisco
Silicon Valley Community Foundation	<a href="http://www.siliconvalleycf.org/">www.siliconvalleycf.org/</a>	San Mateo	San Mateo
Heising Simons Foundation	<a href="http://www.heisingimons.org/">www.heisingimons.org/</a>	Los Altos	Santa Clara
Grantmakers Concerned with Immigrants and Refugees	<a href="http://www.gcir.org/">www.gcir.org/</a>	Sebastapol	Sonoma

**Social Service Providers**

ORGANIZATION	Website	City	County
Alameda Unified School District	<a href="http://www.alameda.k12.ca.us">www.alameda.k12.ca.us</a>	Alameda	Alameda
East Bay Sanctuary Covenant	<a href="http://eastbaysanctuary.org/">eastbaysanctuary.org/</a>	Berkeley	Alameda
Bay Area Immigration Services	<a href="http://www.bayareaimmigrationservices.com/">www.bayareaimmigrationservices.com/</a>	Fremont	Alameda
Hayward Unified School District	<a href="http://www.husd.k12.ca.us/">www.husd.k12.ca.us/</a>	Hayward	Alameda
La Familia Counseling Services	<a href="http://lafamiliacounseling.org/">lafamiliacounseling.org/</a>	Hayward	Alameda
Catholic Charities of the East Bay	<a href="http://www.cceb.org/">www.cceb.org/</a>	Oakland	Alameda
Covenant House California	<a href="http://covenanthousecalifornia.org/index-pg.php">covenanthousecalifornia.org/index-pg.php</a>	Oakland	Alameda
International Rescue Committee	<a href="http://www.rescue.org/">www.rescue.org/</a>	Oakland	Alameda
Oakland Unified School District, staff focused exclusively on UCs	<a href="http://www.ousd.org/site/default.aspx?PageID=1">www.ousd.org/site/default.aspx?PageID=1</a>	Oakland	Alameda
Alameda County Health Care Services	<a href="http://www.acgov.org/health/">www.acgov.org/health/</a>	San Leandro	Alameda
Alameda County Public Health Department	<a href="http://www.acphd.org/">www.acphd.org/</a>	San Leandro	Alameda
Alameda County Public Defender's Office	<a href="http://www.co.alameda.ca.us/defender/">www.co.alameda.ca.us/defender/</a>		Alameda
Centro Latino Cuscatlan		El Cerrito	Contra Costa
Canal Alliance	<a href="http://canalalliance.org/">canalalliance.org/</a>	San Rafael	Marin
International Institute of the Bay Area	<a href="http://www.iibayarea.org/">www.iibayarea.org/</a>	multiple locations	multiple locations
Up Valley Family Centers	<a href="http://upvalleyfamilycenters.org/">upvalleyfamilycenters.org/</a>	Calistoga	Napa
On the Move Bay Area	<a href="http://www.onthemovebayarea.org/">www.onthemovebayarea.org/</a>	Napa	Napa
Puertas Abiertas Community resource Center	<a href="http://puertasabiertasnapa.org/">puertasabiertasnapa.org/</a>	Napa	Napa
Casa Quezada	<a href="http://www.dscs.org/content/view/182/149/">www.dscs.org/content/view/182/149/</a>	San Francisco	San Francisco
Central American Resource Center (CARECEN SF)	<a href="http://carecensf.org/">carecensf.org/</a>	San Francisco	San Francisco
San Francisco Unified School District, staff focused exclusively on UCs	<a href="http://www.sfusd.edu/">www.sfusd.edu/</a>	San Francisco	San Francisco
SF International High school	<a href="http://international-sfusd-ca.schoolloop.com/">international-sfusd-ca.schoolloop.com/</a>	San Francisco	San Francisco
Sonadores Invencibles	<a href="http://younginvencibles.org/about/">younginvencibles.org/about/</a>	San Francisco	San Francisco
The Alero Project	<a href="http://www.mnhc.org/news/rising-to-give-a-helping-hand-the-aler-project/">www.mnhc.org/news/rising-to-give-a-helping-hand-the-aler-project/</a>	San Francisco	San Francisco
Child Protective Services	<a href="http://www.dss.cahwnet.gov/cdssweb/pg93.htm">www.dss.cahwnet.gov/cdssweb/pg93.htm</a>	San Francisco	San Francisco
Behavioral Health Services, San Francisco Dept. of Public Health	<a href="http://www.sfdph.org/dph/comupg/oservices/mentalHlth/CBHS/default.asp">www.sfdph.org/dph/comupg/oservices/mentalHlth/CBHS/default.asp</a>	San Francisco	San Francisco
Dolores Street Community Service	<a href="http://www.dscs.org/">www.dscs.org/</a>	San Francisco	San Francisco
Educators for Fair Consideration	<a href="http://e4fc.org/">e4fc.org/</a>	San Francisco	San Francisco
Huckleberry Youth Programs	<a href="http://www.huckleberryyouth.org/">www.huckleberryyouth.org/</a>	San Francisco	San Francisco

**Social Service Providers**

ORGANIZATION	Website	City	County
Instituto Familiar De La Raza	<a href="http://ifrsf.org/">ifrsf.org/</a>	San Francisco	San Francisco
Legal Services for Children	<a href="http://www.lsc-sf.org/">www.lsc-sf.org/</a>	San Francisco	San Francisco
Mission Neighborhood Health Center	<a href="http://www.mnhc.org">www.mnhc.org</a>	San Francisco	San Francisco
Office of Supervisor David Campos	<a href="http://www.sfbos.org/index.aspx?page=2117">www.sfbos.org/index.aspx?page=2117</a>	San Francisco	San Francisco
Project Alero, Mission Neighborhood Health Center		San Francisco	San Francisco
San Francisco Human Services Agency	<a href="http://www.sfhsa.org/">www.sfhsa.org/</a>	San Francisco	San Francisco
San Francisco Women Against Rape	<a href="http://www.sfwar.org/">www.sfwar.org/</a>	San Francisco	San Francisco
SF Mayor's Office of Housing/Community Development	<a href="http://sf-moh.org/">sf-moh.org/</a>	San Francisco	San Francisco
The Women's Building	<a href="http://www.womensbuilding.org/twb/">www.womensbuilding.org/twb/</a>	San Francisco	San Francisco
University of San Francisco	<a href="http://www.usfca.edu/">www.usfca.edu/</a>	San Francisco	San Francisco
University Of San Francisco School Of Nursing and Health Professions		San Francisco	San Francisco
Government of Honduras		SAN BRUNO	San Mateo
Catholic Charities of San Mateo	<a href="http://catholiccharitiessf.org/">catholiccharitiessf.org/</a>	San Mateo	San Mateo
Catholic Charities San Francisco	<a href="http://catholiccharitiessf.org/">catholiccharitiessf.org/</a>	San Mateo	San Mateo
EMQ Families First	<a href="http://emqff.org/">emqff.org/</a>	Campbell	Santa Clara
Santa Clara County Library District	<a href="http://www.sccl.org/">www.sccl.org/</a>	Campbell	Santa Clara
Stanford University	<a href="http://www.stanford.edu/">www.stanford.edu/</a>	Palo Alto	Santa Clara
Catholic Charities of Santa Clara County	<a href="http://www.catholiccharitiesscc.org/">www.catholiccharitiesscc.org/</a>	San Jose	Santa Clara
City of San Jose Mayor's Office	<a href="http://www.sanjoseca.gov/">www.sanjoseca.gov/</a>	San Jose	Santa Clara
City of San Jose - Parks, Recreation and Neighborhood Services	<a href="http://www.sanjoseca.gov/prns/">www.sanjoseca.gov/prns/</a>	San Jose	Santa Clara
Santa Clara County Behavioral Health Services	<a href="http://www.sccgov.org/sites/mhd/Pages/default.aspx">www.sccgov.org/sites/mhd/Pages/default.aspx</a>	San Jose	Santa Clara
Santa Clara County Office of Human Affairs		San Jose	Santa Clara
Santa Clara Valley Health and Hospital System, Mental Health	<a href="http://www.sccgov.org/sites/mhd/Pages/default.aspx">www.sccgov.org/sites/mhd/Pages/default.aspx</a>	San Jose	Santa Clara
U.S. Congresswoman Zoe Lofgren	<a href="http://lofgren.house.gov/">lofgren.house.gov/</a>	San Jose	Santa Clara
Unity Care	<a href="http://www.unitycare.org/">www.unitycare.org/</a>	San Jose	Santa Clara
Bill Wilson Center	<a href="http://www.billwilsoncenter.org/">www.billwilsoncenter.org/</a>	santa clara	Santa Clara
Santa Clara County Counsel			Santa Clara
Catholic Social Service of Solano County	<a href="http://www.csssolano.org/">www.csssolano.org/</a>	Vallejo	Solano
California Human Development	<a href="http://www.cahumandevlopment.org/">www.cahumandevlopment.org/</a>	Santa Rosa	Sonoma
North Bay Organizing project	<a href="http://northbayop.org/">northbayop.org/</a>	Graton	Sonoma County

# Endnotes

<sup>1</sup> VERA Institute of Justice, “The Flow of Unaccompanied Children through the Immigration System: A Resource for Practitioners, Policy Makers, and Researchers.” Available at: ([www.vera.org/pubs/flow-unaccompanied-children-through-immigration-system-resource-practitioners-policy-makers-and](http://www.vera.org/pubs/flow-unaccompanied-children-through-immigration-system-resource-practitioners-policy-makers-and)).

<sup>2</sup> These numbers are from Customs and Border Protection and are subject to change depending on the period. U.S. Customs and Border Protection, “Southwest Border Unaccompanied Alien Children apprehensions” Available at: ([www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children](http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children)).

<sup>3</sup> For more information on these children on a county-by-county basis, see “Children on the Run” by UNHCR The UN Refugee Agency Available at: ([www.unhcrwashington.org/sites/default/files/1\\_UAC\\_Children%20on%20the%20Run\\_Full%20Report.pdf](http://www.unhcrwashington.org/sites/default/files/1_UAC_Children%20on%20the%20Run_Full%20Report.pdf)).

<sup>4</sup> Up to 15% of other UCs are apprehended internally after being arrested by state or local law enforcement. VERA Institute of Justice, “The Flow of Unaccompanied Children through the Immigration System: A Resource for Practitioners, Policy Makers, and Researchers.” Available at: ([www.vera.org/pubs/flow-unaccompanied-children-through-immigration-system-resource-practitioners-policy-makers-and](http://www.vera.org/pubs/flow-unaccompanied-children-through-immigration-system-resource-practitioners-policy-makers-and)).

<sup>5</sup> See The Flores Settlement. The Flores Settlement imposed several obligations, which fall into three broad categories, on the former INS. First, the INS was required to release children from immigration detention without unnecessary delay. Second, it was obligated to place children in the “least restrictive” setting appropriate to their age and any special needs. Third, it was required to implement standards relating to the care and treatment of children in immigration detention. The text of the Flores settlement agreement is available at [www.centerforhumanrights.org](http://www.centerforhumanrights.org).

<sup>6</sup> Pew Research Center, “15 States with the highest share of immigrants in their population” Available at: ([www.pewresearch.org/fact-tank/2014/05/14/15-states-with-the-highest-share-of-immigrants-in-their-population/](http://www.pewresearch.org/fact-tank/2014/05/14/15-states-with-the-highest-share-of-immigrants-in-their-population/)).

<sup>7</sup> Pew Research Center, “Number of Latino Children caught trying to enter the U.S. doubles in less than a year.” Available at: ([www.pewresearch.org/fact-tank/2014/06/10/number-of-latino-children-caught-trying-to-enter-u-s-nearly-doubles-in-less-than-a-year/](http://www.pewresearch.org/fact-tank/2014/06/10/number-of-latino-children-caught-trying-to-enter-u-s-nearly-doubles-in-less-than-a-year/)).

<sup>8</sup> Office of Refugee Resettlement, “Unaccompanied Children Released to Sponsors by State” Available at: ([www.acf.hhs.gov/programs/orr/programs/ucs/state-by-state-uc-placed-sponsors](http://www.acf.hhs.gov/programs/orr/programs/ucs/state-by-state-uc-placed-sponsors)).

<sup>9</sup> California cities that have become members of Welcoming America include Los Angeles, Oakley, San Francisco, and San Jose.

<sup>10</sup> Reuters, “California Sets up fund for Legal Representation of Immigrant Children” Available at: ([www.reuters.com/article/2014/09/28/us-usa-immigration-california-idUSKCN0HN00B20140928](http://www.reuters.com/article/2014/09/28/us-usa-immigration-california-idUSKCN0HN00B20140928)).

<sup>11</sup> The Washington Post, “Obama administration to provide \$9 million in legal help to undocumented children” ([www.washingtonpost.com/blogs/govbeat/wp/2014/10/02/obama-administration-to-provide-9-million-in-legal-help-to-undocumented-children/](http://www.washingtonpost.com/blogs/govbeat/wp/2014/10/02/obama-administration-to-provide-9-million-in-legal-help-to-undocumented-children/)).

<sup>12</sup> Corporation for National and Community Service, “Justice Department and CNCS Announce New Partnership to Enhance Immigration Courts and Provide Critical Legal Assistance to Unaccompanied Minors” Available at: ([www.nationalservice.gov/newsroom/press-releases/2014/justice-department-and-cnsc-announce-new-partnership-enhance](http://www.nationalservice.gov/newsroom/press-releases/2014/justice-department-and-cnsc-announce-new-partnership-enhance)).

<sup>13</sup> Senate Bill 873 is available in full at ([leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB873](http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB873)).

<sup>14</sup> The Los Angeles Times, “Oakland churches offer aid, sanctuary to Central American immigrants” Available at: ([www.latimes.com/local/california/la-me-bay-area-sanctuary-20141231-story.html#page=1](http://www.latimes.com/local/california/la-me-bay-area-sanctuary-20141231-story.html#page=1)).

<sup>15</sup> Data obtained from ORR release records by zip code.

<sup>16</sup> California Lawyer, “Unaccompanied, but Not Alone: Kids Who Migrate Alone Face Tough Odds Finding a Lawyer” Available at: ([www.callawyer.com/2015/05/unaccompanied-minors-face-tough-odds-finding-a-lawyer-especially-in-central-valley/](http://www.callawyer.com/2015/05/unaccompanied-minors-face-tough-odds-finding-a-lawyer-especially-in-central-valley/)).

<sup>17</sup> Ibid.

<sup>18</sup> Syracuse University’s Transactional Records Access Clearinghouse (TRAC) Immigration Project – Juvenile Immigration Court Deportation Proceedings Available at: ([www.trac.syr.edu/phptools/immigration/juvenile/](http://www.trac.syr.edu/phptools/immigration/juvenile/)).

<sup>19</sup> Association of Bay Area Governments, “San Francisco Bay Area State of the Region, Available at: ([reports.abag.ca.gov/sotr/2015/section3-changing-population.php](http://reports.abag.ca.gov/sotr/2015/section3-changing-population.php)).

<sup>20</sup> Southwest Key, for example, is a company that bills itself as one of the largest providers of services for unaccompanied children in the U.S. They operate more than 25 shelters across 15 cities in Texas, Arizona and California and serve thousands of children each day.

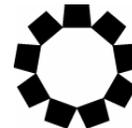
<sup>21</sup> The Catholic Immigration Network (CLINIC) provides a series of ORR webinars that give closer insight into this: Available at: ([cliniclegal.org/resources/orr-webinar-series#w3](http://cliniclegal.org/resources/orr-webinar-series#w3)).

<sup>22</sup> U.S. Department of Human Services, Administration for Children and Families, Office of Refugee Resettlement, Unaccompanied Alien Children Program ([www.acf.hhs.gov/sites/default/files/orr/fact\\_sheet.pdf](http://www.acf.hhs.gov/sites/default/files/orr/fact_sheet.pdf)).

- <sup>23</sup> Immigrant Center for Women and Children, Legal Orientation Program for Custodians (LOPC), Available at: ([icwclaw.org/services-available/legal-orientation-program-for-custodians-lopc/](http://icwclaw.org/services-available/legal-orientation-program-for-custodians-lopc/)).
- <sup>24</sup> Available at: ([www.blog.sfbay.org/2015/05/07/the-san-francisco-immigrant-legal-defense-collaborative-bay-area-public-interest-attorneys-collective-response-to-crisis/](http://www.blog.sfbay.org/2015/05/07/the-san-francisco-immigrant-legal-defense-collaborative-bay-area-public-interest-attorneys-collective-response-to-crisis/)).
- <sup>25</sup> Available at: ([cssr.berkeley.edu/cwsmsreports/LatinoPracticeAdvisory/Madera/Policy%20and%20Procedures%20SIJS.pdf](http://cssr.berkeley.edu/cwsmsreports/LatinoPracticeAdvisory/Madera/Policy%20and%20Procedures%20SIJS.pdf))
- <sup>26</sup> Plyler v. Doe, 457 U.S. 202 (1982).
- <sup>27</sup> California Department of Education News Release, “State Schools Chief Tom Torlakson Issues Guidance to Schools on Unaccompanied Immigrant Children” Available at: ([www.cde.ca.gov/nr/ne/yr14/yr14rel83.asp](http://www.cde.ca.gov/nr/ne/yr14/yr14rel83.asp)).
- <sup>28</sup> For more information on this program, funding, and application, visit the California Department of Education’s (CDE) [Title III Immigrant Education Program](#)
- <sup>29</sup> Contra Costa Times, “Oakland: \$1 million plan would help child migrants who fled Central America” Available at: ([www.contracostatimes.com/contracosta-times/ci\\_26705694/oakland-1-million-plan-would-help-child-migrants](http://www.contracostatimes.com/contracosta-times/ci_26705694/oakland-1-million-plan-would-help-child-migrants)).
- <sup>30</sup> Ibid.
- <sup>31</sup> La Familia Counseling Services Website. Available at: ([lafamiliacounseling.org/index.php/counseling-services/](http://lafamiliacounseling.org/index.php/counseling-services/)).
- <sup>32</sup> Four Congregations declaring Sanctuary: Iglesia Presbiteriana High Street (Oakland), St. John’s Presbyterian Church (Berkeley), Montclair Presbyterian Church (Oakland), Beacon Fellowship (Oakland).
- <sup>33</sup> “Oakland Demographic Profile, OFCY 2016-2019 Strategic Planning,” Oakland Fund for Children and Youth, available at: (<http://www.ofcy.org/assets/Agendas/2015-Agendas/OFCY-Demographic-Report-3.25.15-FINAL-to-OFCY.pdf>).
- <sup>34</sup> NBC Bay Area, “School Districts Brace for Unaccompanied Minors From Central America, Find Funding to Pay for Help” Available at: ([www.nbcbayarea.com/news/local/School-Districts-Brace-for-Unaccompanied-Minors-From-Central-America-Find-Funding-to-Pay-for-Help-271073271.html](http://www.nbcbayarea.com/news/local/School-Districts-Brace-for-Unaccompanied-Minors-From-Central-America-Find-Funding-to-Pay-for-Help-271073271.html)).
- <sup>35</sup> Alameda County Health Care Services Agency, “Letter to Behavioral Health Care CSOC Providers.” Available at: ([www.acbhcs.org/providers/network/docs/Forms/Provider\\_Letter.pdf](http://www.acbhcs.org/providers/network/docs/Forms/Provider_Letter.pdf)).
- <sup>36</sup> Oakland City Council Resolution No. 80584, Available at: ([observatoriocolof.org/admin/documentos/Resolution%2080584%20Oakland%20Ca.pdf](http://observatoriocolof.org/admin/documentos/Resolution%2080584%20Oakland%20Ca.pdf)).
- <sup>37</sup> NBC Bay Area, “School Districts Brace for Unaccompanied Minors from Central America, Find Funding to Pay for Help.” Available at: ([www.nbcbayarea.com/news/local/School-Districts-Brace-for-Unaccompanied-Minors-From-Central-America-Find-Funding-to-Pay-for-Help-271073271.html](http://www.nbcbayarea.com/news/local/School-Districts-Brace-for-Unaccompanied-Minors-From-Central-America-Find-Funding-to-Pay-for-Help-271073271.html)).
- <sup>38</sup> USA Today, “Now Hiring: School Consultant for Unaccompanied Immigrant Students,” Available at: ([www.usatoday.com/story/news/nation-now/2014/08/13/unaccompanied-minors-public-schools-consultant/13947299/](http://www.usatoday.com/story/news/nation-now/2014/08/13/unaccompanied-minors-public-schools-consultant/13947299/))
- <sup>39</sup> ABA Journal of Immigration Law, “San Francisco to Publicly Fund Legal Services to Unaccompanied Immigrant Minors,” Available at: ([www.abajournal.com/news/article/san-francisco-to-publicly-fund-legal-services-for-unaccompanied-immigrant](http://www.abajournal.com/news/article/san-francisco-to-publicly-fund-legal-services-for-unaccompanied-immigrant))
- <sup>40</sup> The Voice Newsletter, available at: ([www.shomreitorah.org/wp-content/uploads/2011/07/Oct2014\\_Voice\\_web.pdf](http://www.shomreitorah.org/wp-content/uploads/2011/07/Oct2014_Voice_web.pdf))
- <sup>41</sup> Santa Rosa Press Democrat, “Sonoma County Approves Legal Aid to Immigrant Children,” Available at: (<http://www.pressdemocrat.com/news/nation/2875541-181/sonoma-county-approves-legal-aid>)
- <sup>42</sup> Mercury News, “Santa Clara County to Take up Border Kids Crisis on Tuesday,” Available at: ([www.mercurynews.com/immigration/ci\\_26275336/santa-clara-county-take-up-border-kids-crisis](http://www.mercurynews.com/immigration/ci_26275336/santa-clara-county-take-up-border-kids-crisis)).
- <sup>43</sup> Palo Alto Online, “County to Create Host Family Program for Unaccompanied Immigrants,” Available at: ([www.paloaltoonline.com/news/2014/08/06/county-to-create-host-family-program-for-unaccompanied-immigrants](http://www.paloaltoonline.com/news/2014/08/06/county-to-create-host-family-program-for-unaccompanied-immigrants)).
- <sup>44</sup> Interview with Teresa Castellanos, Office of Human Relations.
- <sup>45</sup> Santa Clara County Board of Supervisors & Boards and Commissions, “Report 72957: Consider Recommendations Relating to unaccompanied Immigrant Minors (Office of the County Executive)” Available at: ([sccgov.iqm2.com/Citizens/Detail\\_LegiFile.aspx?ID=72957](http://sccgov.iqm2.com/Citizens/Detail_LegiFile.aspx?ID=72957)).
- <sup>46</sup> National Association for the Education of Homeless Children and Youth, “Unaccompanied Immigrant Children Education and Homelessness,” Available at: ([www.naehcy.org/sites/default/files/dl/uic-brief.pdf](http://www.naehcy.org/sites/default/files/dl/uic-brief.pdf)).
- <sup>47</sup> Ibid.
- <sup>48</sup> Section 292 of the INA provides that, “In any removal proceedings before an immigration judge and in any appeal proceedings before the Attorney General from any such removal proceedings, the person concerned shall have the privilege of being represented (at no expense to the Government) by such counsel, authorized to practice in such proceedings, as he shall choose.” 8 U.S.C. §1362.
- <sup>49</sup> Syracuse University’s Transactional Records Access Clearinghouse (TRAC) Immigration Project, Available at: ([trac.syr.edu/immigration/reports/371/](http://trac.syr.edu/immigration/reports/371/)).
- <sup>50</sup> Organizations include the American Civil Liberties Union and the American Bar Association. Available at: ([thehill.com/blogs/blog-briefing-room/211695-lawsuit-filed-over-legal-representation-for-child-immigrants](http://thehill.com/blogs/blog-briefing-room/211695-lawsuit-filed-over-legal-representation-for-child-immigrants)) and American Bar Association, American Justice Through Immigrants’ Eyes, 2004, available at ([www.abanet.org/publicserv/immigration/americanjusticethroughimmigeyes.pdf](http://www.abanet.org/publicserv/immigration/americanjusticethroughimmigeyes.pdf)).

- <sup>51</sup> NBC Bay Area, “Massive Backlog of Cases Saddle San Francisco Immigration Court,” Available at: ([www.nbcbayarea.com/investigations/Massive-Backlog-of-Cases-Saddle-San-Francisco-Immigration-Court-302462581.html](http://www.nbcbayarea.com/investigations/Massive-Backlog-of-Cases-Saddle-San-Francisco-Immigration-Court-302462581.html)).
- <sup>52</sup> The American Bar Association’s Standing Committee on the Delivery of Legal Services. List available at: ([http://www.americanbar.org/groups/delivery\\_legal\\_services/resources/programs\\_to\\_help\\_those\\_with\\_moderate\\_income.html](http://www.americanbar.org/groups/delivery_legal_services/resources/programs_to_help_those_with_moderate_income.html)).
- <sup>53</sup> Further information provided by the National Center for State Courts. Available at: (<http://www.ncsc.org/Topics/Courthouse-Facilities/Courthouse-Design-and-Finance/State-Links.aspx?cat=Childrens%20Waiting%20Rooms%20and%20Day%20Care%20Centers>).
- <sup>54</sup> Migration Policy Institute, “Dramatic Surge in the Arrival of Unaccompanied Children Has Deep Roots and No Simple Solutions,” Available at: ([www.migrationpolicy.org/article/dramatic-surge-arrival-unaccompanied-children-has-deep-roots-and-no-simple-solutions](http://www.migrationpolicy.org/article/dramatic-surge-arrival-unaccompanied-children-has-deep-roots-and-no-simple-solutions)).
- <sup>55</sup> Journal on Migration and Human Security, “Children’s Migration to the United States from Mexico and Central America: Evidence from the Mexican and Latin American Migration Projects,” Available at: ([jmhs.cmsny.org/index.php/jmhs/article/view/43](http://jmhs.cmsny.org/index.php/jmhs/article/view/43)).
- <sup>56</sup> Bipartisan Policy Center Immigration Task Force, “Child Migration by the Numbers,” Available at: ([bipartisanpolicy.org/wp-content/uploads/sites/default/files/BPC%20Immigration%20Task%20Force%20-%20Child%20Migration%20by%20the%20Numbers%20June%202014.pdf](http://bipartisanpolicy.org/wp-content/uploads/sites/default/files/BPC%20Immigration%20Task%20Force%20-%20Child%20Migration%20by%20the%20Numbers%20June%202014.pdf)).
- <sup>57</sup> Center for American Progress, “Statistical Analysis Shows that Violence, Not Deferred Action, is Behind the Surge of Unaccompanied Children Crossing the Border,” Available at: ([www.americanprogress.org/issues/immigration/news/2014/07/08/93370/statistical-analysis-shows-that-violence-not-deferred-action-is-behind-the-surge-of-unaccompanied-children-crossing-the-border/](http://www.americanprogress.org/issues/immigration/news/2014/07/08/93370/statistical-analysis-shows-that-violence-not-deferred-action-is-behind-the-surge-of-unaccompanied-children-crossing-the-border/)).
- <sup>58</sup> Ibid.
- <sup>59</sup> Kennedy, Elizabeth. 2014. No Childhood Here: Why Central American Children Are Fleeing Their Homes. Washington, DC: American Immigration Council. Available at: ([www.immigrationpolicy.org/perspectives/no-childhood-here-why-central-american-children-are-fleeing-their-homes](http://www.immigrationpolicy.org/perspectives/no-childhood-here-why-central-american-children-are-fleeing-their-homes)).
- <sup>60</sup> 8 U.S.C. §1101(a)(42)(A)
- <sup>61</sup> If the unaccompanied child is in federal custody (for instance, custody of ORR), he or she must obtain the consent of the Secretary of the DHS through the local ICE office before a juvenile court can take jurisdiction.
- <sup>62</sup> American Immigrant Lawyers Association “CARA Family Detention Pro Bono Project,” Available at: ([www.aila.org/practice/pro-bono/find-your-opportunity/cara-family-detention-pro-bono-project](http://www.aila.org/practice/pro-bono/find-your-opportunity/cara-family-detention-pro-bono-project)).
- <sup>63</sup> For instance, legal filings against the T. Don Hutto family center describe describe young children forced to wear prison jumpsuits, to live in dormitory housing, to use toilets exposed to public view and to sleep with the lights on, even while being denied access to appropriate schooling. Available at: ([www.nytimes.com/2015/02/08/magazine/the-shame-of-americas-family-detention-camps.html?\\_r=0](http://www.nytimes.com/2015/02/08/magazine/the-shame-of-americas-family-detention-camps.html?_r=0)).
- <sup>64</sup> As denoted by the ACLU in, “Immigrant Family Detention in the United States,” Available at: ([www.aclu.org/files/field\\_document/ACLU%20-%20Family%20Detention.pdf](http://www.aclu.org/files/field_document/ACLU%20-%20Family%20Detention.pdf)).
- <sup>65</sup> The New York Times, “Hope and Despair as Families Languish in Texas Immigration Centers,” Available at: ([www.nytimes.com/2015/06/15/us/texas-detention-center-takes-toll-on-immigrants-languishing-there.html](http://www.nytimes.com/2015/06/15/us/texas-detention-center-takes-toll-on-immigrants-languishing-there.html)).

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**FINANCE AND PERSONNEL COMMITTEE**

Thursday, November 19, 2015, 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 take action on any item on this agenda.*

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

*For information, contact Charles Adams, Interim Finance Director, at (510) 464-7906.*

**1. CALL TO ORDER**

**2. PUBLIC COMMENT**

Information.

**3. APPROVAL OF MINUTES OF SEPTEMBER 17, 2015**

ACTION.

*Minutes of September 17, 2015 meeting attached.*

**4. PRESENTATION AND REVIEW OF FINANCIAL REPORT FOR SEPTEMBER 2015**

Information/ACTION.

*Financial Report for September 2015 is attached.*

**5. ORAL REPORT ON CONDITIONS IMPOSED BY MTC ON THE SIX-MONTH INTERAGENCY AGREEMENT**

**ABAG Finance and Personnel Committee**

November 19, 2015

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Information.

**6. RESOLUTION AUTHORIZING ISSUANCE OF DEED OF TRUST ON ABAG'S CONDOMINIUM INTEREST TO BANK OF THE WEST AS SECURITY FOR LINE OF CREDIT RENEWAL**

Information/ACTION.

*Resolution is attached.*

**7. ORAL REPORT ON PAYMENT OF MEMBERSHIP DUES FY 15-16**

Information.

**8. CLOSED SESSION**

**A. Conference With Labor Negotiators**

**Agency designated representatives: Brian Kirking and Brad Paul  
Employee organization: SEIU Local 1021**

**B. Public Employee Performance Evaluation**

Title: Executive Director

**9. ADJOURNMENT**

The next meeting of the Finance and Personnel Committee will be on  
Thursday, January 21, 2016.

Submitted:

Charles Adams, Interim Finance Director

Date: November 4, 2015

## ABAG FINANCE AND PERSONNEL COMMITTEE

### Summary Minutes

September 17, 2015

#### Members Present

Mayor Bill Harrison  
Supervisor Karen Mitchoff  
Councilmember Desley Brooks  
Supervisor David Cortese  
Supervisor Scott Haggerty  
Supervisor Mark Luce  
Councilmember Julie Pierce

#### Jurisdiction

City of Fremont  
County of Contra Costa  
City of Oakland  
County of Santa Clara  
County of Alameda  
County of Napa  
City of Clayton

#### Members Absent

Supervisor John Gioia  
Supervisor Dave Pine  
Supervisor David Rabbitt

County of Contra Costa  
County of San Mateo  
County of Sonoma

#### Officers and Staff Present

Ezra Rapport, Executive Director  
Bradford Paul, Asst. Exec. Director  
Kenneth Moy, Legal Counsel  
Charles Adams, Interim Finance  
Director  
Brian Kirking, HR and IT Director  
Susan Hsieh, Asst. Finance Director

#### Guests

Mayor Pro Tem Pat Eklund  
Ken Bukowski, Videographer

City of Novato

1. The meeting was called to order by Mayor Harrison, Committee Chair, at 5:10 pm.
2. There was no public comment.
3. Summary Minutes of the July 17, 2015 meeting were approved.  
/M/Pierce/S/Mitchoff/C/approved unanimously.
4. Mr. Adams presented the financial reports for June 2015. He reported ABAG will end the year with a surplus. With the implementation of new accounting rule (GASB 68) to record pension liability, ABAG is required to restate its fund balance

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and will result in a negative fund balance in our case. This new requirement applies to all agencies that have pension liabilities. Mr. Adams also reported on the financial outlook and indicated that there will be negative impacts on ABAG's budget if the funding from MTC does not come through.

/M/Pierce/S/Luce/C/acceptance of the report unanimously.

5. Mr. Adams reported the changes to ABAG's investment policy. /M/Mitchoff /S/Haggerty/C/acceptance of the report unanimously.
6. Mr. Paul reported on the conditions imposed by MTC on the six-month interagency agreement. He indicated that most of the issues have been resolved or clarified. MTC will schedule a conference call with Caltrans for the last issue.
7. Mr. Adams reported on the status of line of credit (LOC) renewal and advised the Committee that a resolution for the deed of trust on ABAG's condominium interest (collateral for the LOC) will be presented for approval at the next meeting.
8. The Committee discussed the status of the FY 15-16 membership dues. The Committee directed staff to report the unpaid dues again at the next meeting.
9. There was no reportable action from Closed Session.
10. Meeting was adjourned at 5:59 pm.

Submitted: Susan Hsieh, Assistant Finance Director

To: Finance and Personnel Committee

Date: November 10, 2015

From: Charlie Adams  
Interim Finance Director

Re: Financial Reports  
September 2015

The following are highlights of the financial reports for September 2015.

### **Overall Summary**

Revenues exceeded expenses by \$306 thousand for the three months ended September 30, 2015. A \$500 thousand surplus is projected at year end, and this compares favorably with the \$50 thousand surplus projected in the adopted budget for fiscal year 2015-16. Please refer to the **Table of Financial Report Data Elements** for fiscal year budget, year-to-date actual and projected fiscal year numbers.

### **Cash on Hand**

The cash balance was \$7.5 million at the end of September, including \$2.2 million deposited in the Local Agency Investment Fund (LAIF). As shown in Figure 1 the actual monthly cash balances for the first three months of fiscal year 2015-16, and the projected balance for the year end are within our normal range of \$6.0 to \$9.0 million. The cash balance is projected to be approximately \$6.5 million at the end of the fiscal year.

### **Receivables**

Receivables from grant amounted to \$1.4 million at the end of September. Receivable over 90 days past due were \$273 thousand. Included in the over 90 days past due receivables is a grant funding invoice, issued by the San Francisco Estuary Partnership (SFEP) for \$162 thousand, which was prepared in February 2015, but was not actually issued until July 2015. The balance of the over 90 days past due receivables include retentions that are being held in accordance with the grant agreements. All receivables are believed to be collectible.

Outstanding city and county 2015-16 ABAG membership dues at September 30 were \$303,585, due from one county and eight cities. As of November 9, the balance was \$41,955.

### **Revenues and Expenses**

As of September 30, 2015, total revenue amounted to \$6.6 million, which is 24 percent, of the projected revenue for the year of \$27.1 million. Total expenses amounted to \$6.3 million, which is 24 percent, of the projected expenses for the year of \$26.7 million.

Figure 3 presents a graphic comparison of the current month of September, the three month year-to-date actual, and fiscal year projected revenues and expenses. The relationship of revenues exceeding expenses is consistent for all three periods shown.

Figures 4 and 5 show year-to-date revenues and expenses by major categories. Grants revenue is 73% of total revenue, compared to 71% for the prior fiscal year. Pass-through and Consultant

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expense are 50% of total expenses, compared to 47% for the prior fiscal year. The increasing percentages for these categories of revenues and expenses are caused by the growth of the BayREN project, which has provided ABAG revenue in excess of \$29 million since its inception in March 2013.

### **Net Position/Fund Equity**

Total fund equity was negative \$7.8 million as of September 30, 2015. In compliance with the new accounting pronouncement, GASB 68, beginning with the June 30, 2015 audited financial statements, we have recorded the ABAG accumulated unfunded pension obligation as a liability and reduction of fund equity. For internal financial statement purposes we have elected to separately track the fund equity for pension and for operations. Thus the September fund equity for pension is presented as a negative \$12.3 million, and the accumulated fund equity for operations is presented as a positive \$2.9 million.

The restricted fund equity consists of capital, self-insurance, building maintenance and reserves. Figure 6 is a graphic presentation of actual and projected: unrestricted, restricted, and total net equity for the current fiscal year. In reading this chart, it is important to recognize that the zero axis is in at the middle of the chart, not the bottom, as has been the case in all prior charts included in reports to the committee.

### **Indirect Overhead Rate**

The Agency's actual indirect cost (overhead) rate through September 2015 was 46.31%, which was 1.36 percentage points above the budget target of 44.95 percent. This variance from the budget is not unexpected at this early point in the fiscal year, and we anticipate making the require adjustments to control costs and bring actual overhead cost for the year in line with the budget target for the full fiscal year. Figure 7 shows a comparison between the actual indirect cost rate through September 30, 2015 and the approved budget rate for the year.

### **Financial Information by Program**

The **Report by Program of Net Surplus/(Deficit)** is included after the charts. This report presents revenue and expense information by program. It provides an overview of budgeted and year-to-date revenue and expense data for major programs such as the Planning Services, San Francisco Estuary Partnership, Bay Trail and POWER/Energy. None of the programs listed on this chart is significantly out of line with its budget at this time.

### **Financial Outlook**

The projection for fiscal year 2015-16 is for a surplus of revenues over expenses. ABAG staff continues to live with uncertainty regarding funding from MTC, as a result of conditions appended to the interagency agreement in Amendment 1 and Amendment 2. In the worst case scenario, ABAG would be required to revise its cost allocation model, on which the balanced budget is based. In addition, MTC continues to solicit Caltrans for a finding that costs billed to MTC for services provided by the ABAG Executive Director and Deputy Executive Director violates federal cost regulations. Management is confident that all costs billed are allowable, but the possibility exists that MTC may delay payment of ABAG invoices, pending conclusion of their review of charges and their request for rulings from Caltrans. Such action by MTC has the potential to cause a cash flow impairment, threatening all of ABAG's operations.

**Association of Bay Area Governments**  
**Table of Financial Report Data Elements**  
(thousands of dollars)

For the Month Ended September 2015

Projected percentage of budget is 25%.

Description	Adopted Budget	Projected Fiscal Year Budget	Year-To-Date Actual	% of Projected Fiscal Year Budget
<b>ASSETS</b>				
Cash		6,500	7,533	
Receivables		8,000	7,515	
<b>REVENUES</b>				
Membership Dues	1,897	1,897	474	25%
Grants	19,450	19,450	4,851	25%
Charges for Services and Other	5,360	5,810	1,284	22%
<b>Total Revenues</b>	<b>26,707</b>	<b>27,157</b>	<b>6,609</b>	<b>24%</b>
<b>EXPENSES</b>				
Salaries and Benefits	11,588	10,900	2,620	24%
Pass-through and Consultant Expenses	12,780	13,685	3,134	23%
Other Expenses	2,289	2,072	549	26%
<b>Total Expenses</b>	<b>26,657</b>	<b>26,657</b>	<b>6,303</b>	<b>24%</b>
Change in Net Position	50	500	306	61%
Beginning Net Position	(8,095)	(8,095)	(8,095)	100%
<b>Ending Net Position</b>	<b>(8,045)</b>	<b>(7,595)</b>	<b>(7,789)</b>	<b>103%</b>
<b>NET POSITION BREAKDOWNS</b>				
Unrestricted - Accumulated Operations Surplus	2,551	2,551	2,857	112%
Unrestricted - Pension Adjustment - June 30, 2015	(12,253)	(12,253)	(12,253)	100%
Restricted - Tenant Improvements	800	1,250	800	64%
Restricted - Other	857	857	807	94%
<b>Total Net Position</b>	<b>(8,045)</b>	<b>(7,595)</b>	<b>(7,789)</b>	<b>103%</b>
<b>INDIRECT OVERHEAD</b>				
Overhead Rate	44.95%	44.95%	46.31%	103%

Item 4

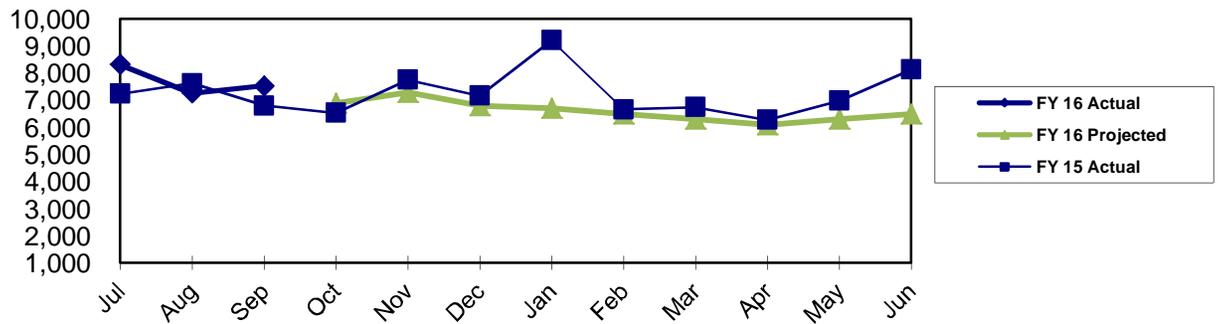
## ABAG Financial Indices

### Cash on Hand FY 15-FY 16 (\$'000)

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
FY 16 Actual	8,316	7,258	7,533									
FY 16 Projected				6,900	7,300	6,800	6,700	6,500	6,300	6,100	6,300	6,500
FY 15 Actual	7,243	7,620	6,801	6,529	7,751	7,161	9,213	6,661	6,745	6,270	6,979	8,128

**Represents** the sum total of cash deposited at our bank and the Local Agency Investment Fund. This chart shows fluctuation patterns of cash on hand for the current and prior fiscal years.

**Figure 1--Cash on Hand--FY 15 and FY 16 (\$'000)**

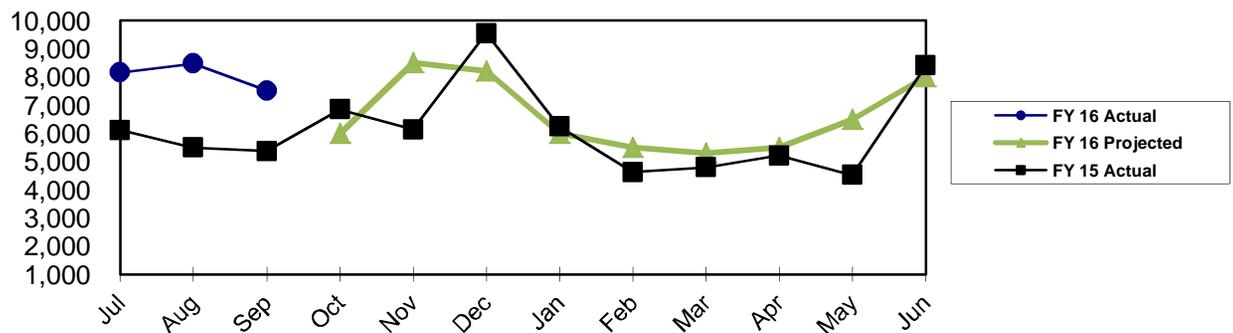


### Accounts Receivable FY 15-FY 16 (\$'000)

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
FY 16 Actual	8,163	8,471	7,515									
FY 16 Projected				6,000	8,500	8,200	6,000	5,500	5,300	5,500	6,500	8,000
FY 15 Actual	6,116	5,495	5,377	6,846	6,141	9,544	6,239	4,625	4,802	5,213	4,526	8,404

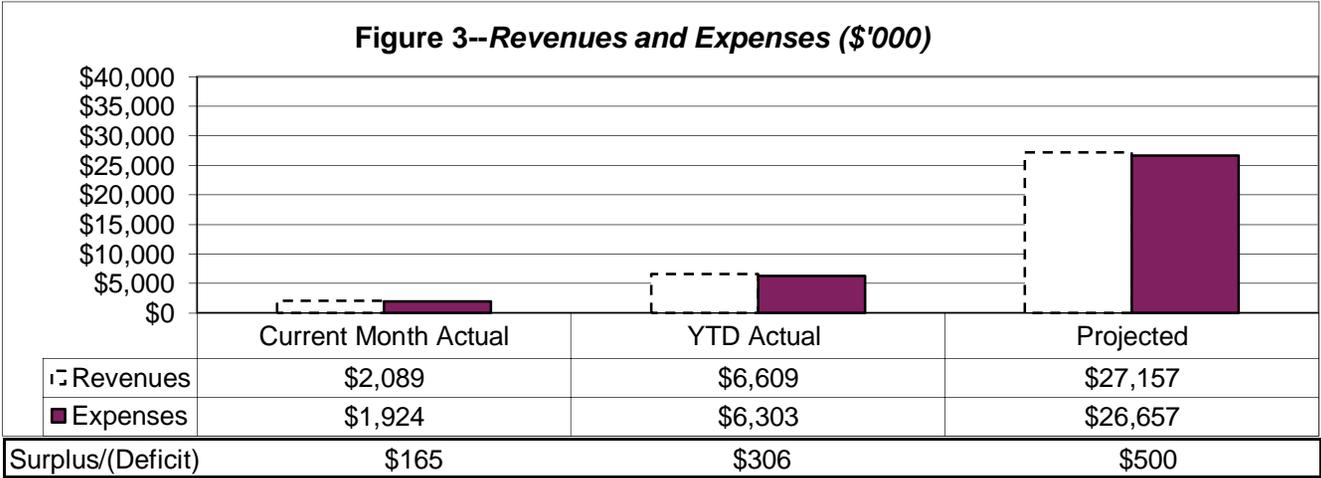
**Accounts** receivable include receivables generated by grants and service programs over two fiscal years. Reflects the reasonableness of our receivable levels.

**Figure 2--Accounts Receivable--FY 15 and FY 16 (\$'000)**



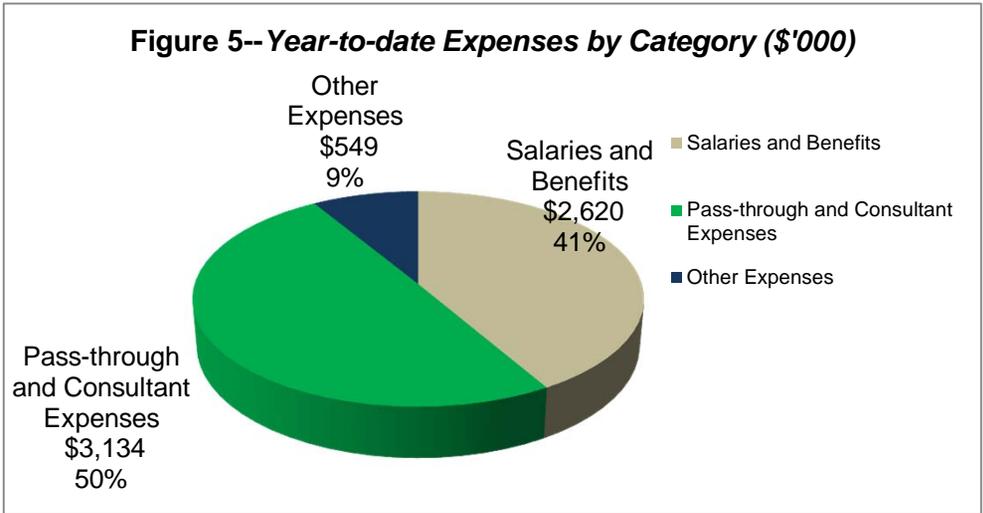
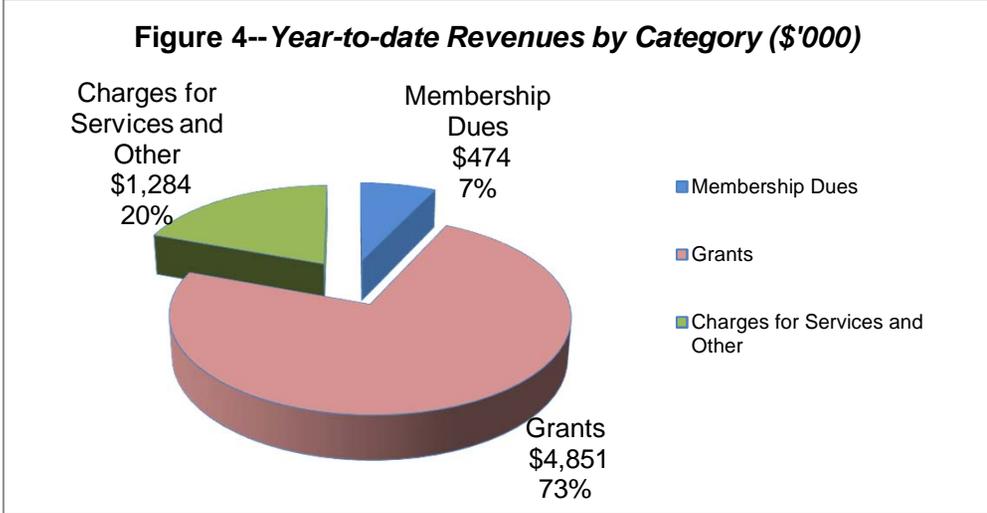
**ABAG Financial Indices**

**Presents** a comparison of current month actual, year-to-date actual, and adopted/projected revenues and expenses.



**Shows** year-to-date revenues by major category including membership dues, grants, and charges for services and other.

**Shows** year-to-date expenses by major category including salaries and benefits, pass-through and consultant expenses, and other expenses.



## ABAG Financial Indices

**Presents** actual and adopted/projected general, restricted and total fund equities for the current fiscal year. General fund equity represents unrestricted equity. Restricted equities include building improvements, building maintenance, self-insurance, capital and contingency reserve. These restricted equities represent the Association's equities set aside for specific purposes. Total equity is the sum total of general and restricted equities.

**Shows** a comparison between the actual indirect cost rate and the approved/projected rate. The approved indirect cost rate is computed by dividing total estimated overhead expenses by total projected direct labor cost for a fiscal year. This rate is used as a standard overhead cost rate to allocate indirect costs to all projects. This process is performed in accordance with an indirect cost plan, which is prepared annually in accordance with federal guidelines.

Figure 6--Net Position/Fund Equity (\$'000)

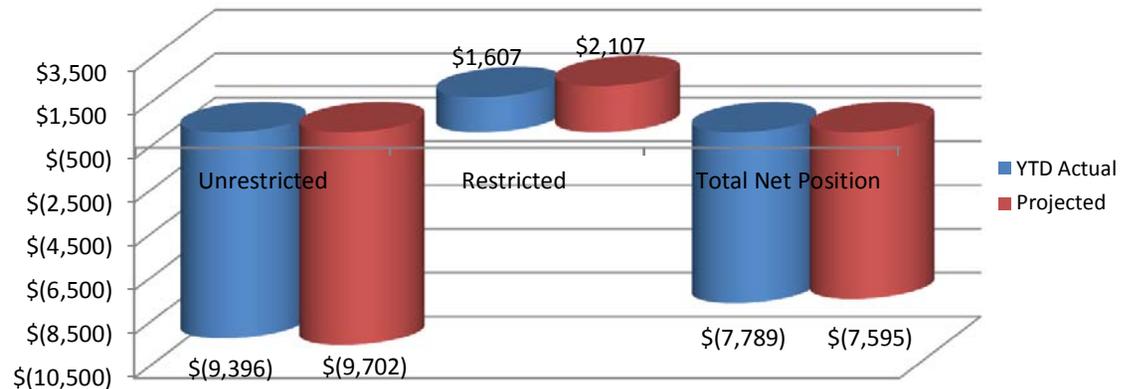
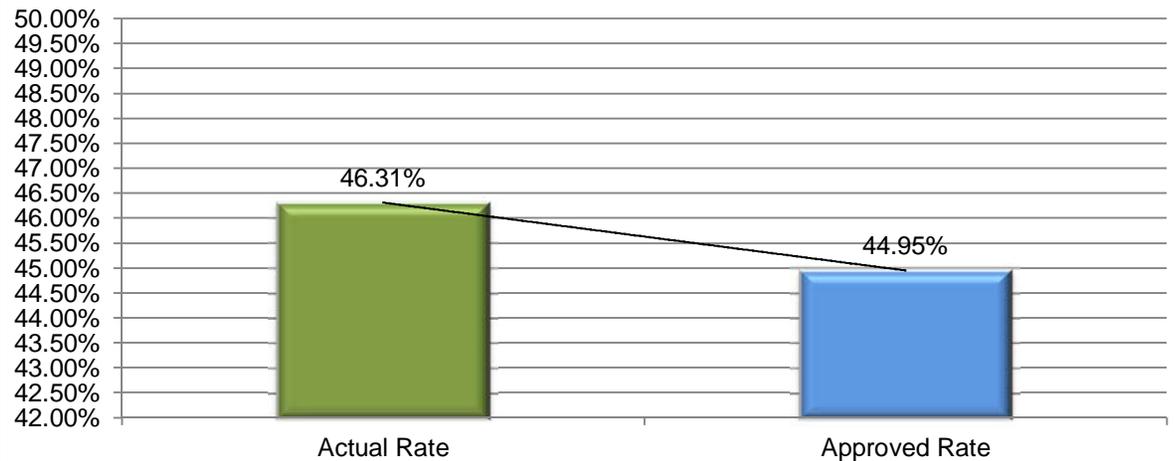


Figure 7--Indirect Overhead Rate



## Association of Bay Area Governments

### Report by Program of Net Surplus/(Deficit) Through September 2015 / 25% of Year Elapsed

Program Description	Projected Fiscal Year Budget Expenses	Year-To-Date Revenues	Year-To-Date Expenses	YTD Surplus/ (Deficit)	% of Expense Budget	Comments
	A	B	C	D = B - C	E = C/A	
<b>Planning Services</b>	3,844,000	1,072,598	1,072,689	(90)	28%	
<b>San Francisco Estuary Partnership</b>	5,380,000	885,642	866,697	18,946	16%	Expect expenses to increase as subrecipients bill to the Integrated Regional Water Management Plan project.
<b>Disaster Recovery</b>	700,000	165,809	165,809	-	24%	
<b>Bay Trail</b>	1,028,000	256,975	256,975	-	25%	
<b>Green Business</b>	90,000	24,353	24,353	-	27%	
<b>Training Center, Web Hosting and Publications</b>	540,000	182,002	132,015	49,988	24%	
<b>POWER/Energy</b>	9,712,304	2,678,933	2,685,215	(6,283)	28%	The operating deficit is caused by the expenditure of excess revenues from prior years. These expenditures are used to identify new funding opportunities and to support efforts that benefit members and local governments. The energy program has a positive fund balance as of September 30, 2015.
<b>Finance Authority</b>	1,104,696	224,051	224,493	(442)	20%	
<b>Plan Corporation - Property &amp; Liability Insurance Pool</b>	2,200,000	594,322	594,322	-	27%	
<b>SHARP - Worker's Comp Pool</b>	150,000	14,569	14,569	-	10%	Expect expenses to increase throughout the year, as members claim reimbursements for loss prevention program expenditures.
<b>Fiscal Agent Services</b>	106,200	41,648	39,158	2,490	37%	Higher than budgeted expenses is primarily attributed to staffing time spent on the year-end close and annual audit.
<b>Communications/Legislative</b>	560,000	132,585	132,585	-	24%	
<b>Agency Administration</b>	1,241,622	335,064	281,124	53,940	23%	
<b>Payroll Clearing</b>		-	(211,527)	211,527	N/A	Expect the payroll clearing account to be close to breakeven towards year end.

## Association of Bay Area Governments

### Report by Program of Net Surplus/(Deficit) Through September 2015 / 25% of Year Elapsed

Program Description	Projected Fiscal Year Budget Expenses	Year-To-Date Revenues	Year-To-Date Expenses	YTD Surplus/ (Deficit)	% of Expense Budget	Comments
	A	B	C	D = B - C	E = C/A	
Central Overhead	3,218,095	809,224	833,423	(24,200)	26%	Expect the recovery of charges to central overhead expense accounts to increase as staff work on billable projects.
<b>Totals</b>	<b>29,874,917</b>	<b>7,417,774</b>	<b>7,111,898</b>	<b>305,876</b>	<b>24%</b>	

**ASSOCIATION OF BAY AREA GOVERNMENTS  
EXECUTIVE BOARD**

**RESOLUTION NO. 13-15**

**RESOLUTION AUTHORIZING EXECUTIVE DIRECTOR  
TO INCUR DEBT ON BEHALF OF THE AGENCY**

**WHEREAS**, the Association of Bay Area Governments (ABAG) has an existing secured credit facility (line of credit) with Bank of the West with a limit of Two Million Dollars (\$2,000,000); and

**WHEREAS**, the existing line of credit will expire on February 28, 2016; and

**WHEREAS**, the Bank of the West, East Bay Commercial Banking Office has agreed to renew the existing line of credit of Two Million Dollars (\$2,000,000) subject to certain conditions, including but not limited to, ABAG providing collateral in the form of a Deed of Trust on the ABAG condominium interest located at 101 8th Street, Oakland, California; and

**WHEREAS**, ABAG has stated its intention to exchange its condominium interest located at 101 8<sup>th</sup> Street, Oakland for a condominium interest located at 375 Beal Street, San Francisco, California that is under development; and

**WHEREAS**, the Bank of the West, East Bay Commercial Banking Office has agreed to accept a Deed of Trust on ABAG's condominium interest located at 375 Beal Street, San Francisco as substitute collateral for the Deed of Trust on the ABAG's condominium interest located at 101 8th Street, Oakland, California; and

**WHEREAS**, it is necessary that ABAG maintain resources that enable it to short-term finance expenditures that are reimbursable from grantors, upon submission of invoices for expenses incurred in performance of specified tasks.

**NOW THEREFORE BE IT RESOLVED:** the Executive Board of the Association of Bay Area Governments hereby authorizes the Executive Director to:

- 1) negotiate, execute, deliver and record any and all documents reasonably necessary to renew ABAG's existing line of credit with Bank of the West of Two Million Dollars (\$2,000,000), including, without limitation, a Deed of Trust on the ABAG's condominium interest located at 101 8th Street, Oakland, California, and a Deed of Trust on ABAG's condominium interest located at 375 Beal Street, San Francisco, California once that development is completed; and
- 2) draw on the line of credit in such amounts and at such times as may be prudent to ensure the continuing operation of ABAG's programs and projects, with the

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 13-15**

understanding that all draws will be reported to the Finance and Personnel Committee.

The foregoing adopted by the Executive Board this 19th day of November 2015.

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Julie Pierce  
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 19th day of November 2015.

---

Ezra Rapport  
Secretary-Treasurer

**Approval as To Legal Form**

---

Kenneth K. Moy  
Legal Counsel

**ASSOCIATION OF BAY AREA GOVERNMENTS  
EXECUTIVE BOARD**

**RESOLUTION NO. 13-15**

**AUTHORIZING EXECUTIVE DIRECTOR TO INCUR DEBT  
ON BEHALF OF THE AGENCY**

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**WHEREAS**, ABAG has stated its intention to exchange its condominium interest located at 101 8th Street, Oakland for a condominium interest located at 375 Beal Street, San Francisco, California that is under development; and

**WHEREAS**, the Bank of the West, East Bay Commercial Banking Office has agreed to accept a Deed of Trust on ABAG's condominium interest located at 375 Beal Street, San Francisco as substitute collateral for the Deed of Trust on the ABAG's condominium interest located at 101 8th Street, Oakland, California; and

**WHEREAS**, it is necessary that ABAG maintain resources that enable it to short-term finance expenditures that are reimbursable from grantors, upon submission of invoices for expenses incurred in performance of specified tasks.

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 13-15**

**NOW, THEREFORE, BE IT RESOLVED** that the Executive Board of the Association of Bay Area Governments hereby authorizes the Executive Director to:

1. Negotiate, execute, deliver and record any and all documents reasonably necessary to renew ABAG's existing line of credit with Bank of the West of Two Million Dollars (\$2,000,000), including, without limitation, a Deed of Trust on the ABAG's condominium interest located at 101 8th Street, Oakland, California, and a Deed of Trust on ABAG's condominium interest located at 375 Beal Street, San Francisco, California once that development is completed; and
2. Draw on the line of credit in such amounts and at such times as may be prudent to ensure the continuing operation of ABAG's programs and projects, with the understanding that all draws will be reported to the Finance and Personnel Committee.

The foregoing was adopted by the Executive Board this 19<sup>th</sup> day of November, 2015.

---

Julie Pierce  
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 Administrative Committee of the Association at a duly called meeting held on the 19<sup>th</sup> day of November, 2015.

---

Ezra Rapport  
Secretary-Treasurer

**Approved as To Legal Form**

---

Kenneth K. Moy  
Legal Counsel

PRESIDENT	Councilmember Julie Pierce, City of Clayton
VICE PRESIDENT	Supervisor David Rabbitt, County of Sonoma
IMMEDIATE PAST PRESIDENT	Supervisor Mark Luce, County of Napa
SECRETARY-TREASURER	Ezra Rapport
LEGAL COUNSEL	Kenneth K. Moy

County of	Representative	Alternate
ALAMEDA	** Supervisor Scott Haggerty	Supervisor Keith Carson
ALAMEDA	** Supervisor Nathan Miley	To Be Appointed
CONTRA COSTA	* Supervisor Karen Mitchoff	Supervisor John Gioia
CONTRA COSTA	* Supervisor Candace Andersen	Supervisor Mary Piepho
MARIN	** Supervisor Damon Connolly	Supervisor Katie Rice
NAPA	** Supervisor Mark Luce	Supervisor Diane Dillon
SAN FRANCISCO	** Supervisor Eric Mar	To Be Appointed
SAN FRANCISCO	** Supervisor Jane Kim	To Be Appointed
SAN FRANCISCO	** Supervisor Julie Christensen	To Be Appointed
SAN MATEO	* Supervisor Warren Slocum	To Be Appointed
SAN MATEO	* Supervisor Dave Pine	To Be Appointed
SANTA CLARA	** Supervisor Cindy Chavez	Supervisor Mike Wasserman
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 Barbara Halliday (Hayward)
ALAMEDA	* Mayor Jerry Thorne (Pleasanton)	To Be Appointed
CONTRA COSTA	** Councilmember Julie Pierce (Clayton)	Councilmember Brandt Andersson (Lafayette)
CONTRA COSTA	** Vice Mayor Dave Hudson (San Ramon)	Mayor Pro Tem Roy Swearingen (Pinole)
MARIN	* Mayor Pro Tem Pat Eklund (Novato)	Councilmember Jessica Jackson (Mill Valley)
NAPA	* Mayor Leon Garcia (American Canyon)	To Be Appointed
CITY OF SAN FRANCISCO	* Mayor Edwin Lee	Jeff Buckley, Senior Advisor
CITY OF SAN FRANCISCO	* Nicole Wheaton, Director, Leg and Gov Affairs	Andrew Dayton, Dep Dir, Leg and Gov Affairs
SAN MATEO	** Councilmember Pradeep Gupta (S San Francisco)	Councilmember Wayne Lee (Millbrae)
SAN MATEO	** Councilmember Mary Ann Nihart (Pacifica)	Mayor Catherine Carlton (MenloPark)
SANTA CLARA	* Mayor Greg Scharff (Palo Alto)	Councilmember Chris Clark (Mountain View)
SANTA CLARA	* Councilmember Jim Davis (Sunnyvale)	Mayor Jeffery Cristina (Campbell)
SOLANO	** Mayor Jack Batchelor (Dixon)	Mayor Pete Sanchez (Suisun City)
SONOMA	** Councilmember Jake Mackenzie (Rohnert Park)	Councilmember Julie Combs (Santa Rosa)
CITY OF OAKLAND	* To Be Appointed	Councilmember Lynnette Gibson McElhaney
CITY OF OAKLAND	* Councilmember Dan Kalb	To Be Appointed
CITY OF OAKLAND	* Councilmember Desley Brooks	To Be Appointed
CITY OF SAN JOSE	* Councilmember Magdalena Carrasco	Vice Mayor Rose Herrera
CITY OF SAN JOSE	* Councilmember Charles "Chappie" Jones	Councilmember Tam Nguyen
CITY OF SAN JOSE	* Councilmember Raul Peralez	Councilmember Ash Kalra

Advisory Members	Representative	Alternate
RWQCB	William Kissinger	Terry Young

\* Term of Appointment: July 1, 2014 - June 30, 2016

\*\* Term of Appointment: July 1, 2015 - June 30, 2017

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# MEETING SCHEDULE 2015

*Approved by the Executive Board: December 4, 2014*

*Agenda and attachments available at <http://www.abag.ca.gov/>*

## General Assembly

Date: Thursday, April 23, 2015  
Time: 2:30 PM to 7:30 PM  
Location: Oakland Asian Cultural Center, 388 Ninth Street, Suite 290, Oakland  
Contact: Brad Paul, Deputy Executive Director, (510) 464 7955, [bradp@abag.ca.gov](mailto:bradp@abag.ca.gov)

## Executive Board

Dates: Thursday, January 15, 2015  
Thursday, March 19, 2015  
Thursday, May 21, 2015  
Thursday, July 16, 2015  
Thursday, September 17, 2015  
Thursday, October 13, 2015, 7:30 PM—Special Meeting  
Thursday, November 19, 2015  
Time: 7:00 PM to 10:00 PM  
Location: Joseph P. Bort MetroCenter, 101 8th Street, Auditorium, Oakland  
*Across from the Lake Merritt BART Station*  
Contacts: Brad Paul, Deputy Executive Director, (510) 464 7955, [bradp@abag.ca.gov](mailto:bradp@abag.ca.gov)  
Fred Castro, Clerk of the Board, (510) 464 7913, [fredc@abag.ca.gov](mailto:fredc@abag.ca.gov)

# Meeting Schedule 2015

## Administrative Committee

Dates: *Meetings Scheduled as Needed*  
Contact: Brad Paul, Deputy Executive Director, (510) 464 7955, bradp@abag.ca.gov

## Legislation and Governmental Organization Committee

Dates: *See Executive Board Schedule*  
Time: 3:30 PM to 5:00 PM  
Location: ABAG Conference Room B  
Contact: Halimah Anderson, Communications Officer, (510) 464 7986, halimaha@abag.ca.gov

## Finance and Personnel Committee

Dates: *See Executive Board Schedule*  
Time: 5:00 PM to 6:00 PM  
Location: ABAG Conference Room B  
Contact: Charlie Adams, Interim Finance Director, (510) 464 7902, herbertp@abag.ca.gov

## Regional Planning Committee

Dates: Wednesday, February 4, 2015  
Wednesday, April 1, 2015  
Wednesday, June 3, 2015  
Wednesday, August 5, 2015  
Wednesday, October 7, 2015  
Wednesday, December 2, 2015  
Time: 12:00 PM to 3:00 PM  
Location: Joseph P. Bort MetroCenter, 101 8th Street, Auditorium, Oakland  
*Across from the Lake Merritt BART Station*  
Contact: Miriam Chion, Planning and Research Director, (510) 464 7919, miriamc@abag.ca.gov  
Wally Charles, Administrative Secretary, Planning, (510) 464 7993, wallyc@abag.ca.gov