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Alameda County Mayors' Conference

Alameda
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October 15, 2015

Albany
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ABAG Governing Board
MTC Board of Commissioners

Berkeley
Tom Bates

101 Eighth Street
Oakland, CA 94607

Dublin
David Haubert

Re: Relationship between the Association of Bay Area Governments and the Metropolitan Transportation Commission

Emeryville
Ruth Atkin

Dear ABAG Governing Board Members and MTC Board of Commissioners:

Fremont
Bill Harrison

As President of the Alameda County Mayors' Conference, I am writing to inform you that, at our meeting on October 14, 2015, our membership considered the proposal by the Metropolitan Transportation Commission (MTC) to eliminate financial support to the Association of Bay Area Governments (ABAG) for ABAG's planning and research activities from January 1, 2016 forward and, instead, to absorb ABAG's planning responsibilities and staff into MTC.

Hayward
Barbara Halliday

Livermore
John Marchand

Newark
Al Nagy

Enclosed is a resolution passed by our members on October 14, 2015 that outlines our thinking on this important matter of regional planning and our opposition to this MTC proposal.

Oakland
Libby Schaaaf

While we firmly understand the merits of consolidating and unifying the Bay Area's regional agencies, **we do not support the current proposal by MTC.** Not only would this proposal remove a core function from ABAG, it would also place the regional planning agency on a path towards insolvency, which would jeopardize the success of several high priority efforts, including the San Francisco Bay Trail Project, the San Francisco Estuary Project, and ABAG's water quality, earthquake and disaster resiliency, wetlands restoration, green business, pooled power purchasing, hazmat training, risk management/insurance pool, and pooled financing authority activities.

Piedmont
Margaret Fujioka

Pleasanton
Jerry Thorne

San Leandro
Pauline Cutter

Union City
Carol Dutra-Vernaci

Instead of proceeding with this plan, **we strongly urge MTC and ABAG to consider openly studying a merger that delivers a comprehensive and multi-disciplinary regional approach for all planning related functions.** This process should recognize local control while still promoting optimal land use, transportation, and all related functions in the region. Additionally, this merger must be transparent and involve input from a broad set of stakeholders -- including municipal governments.

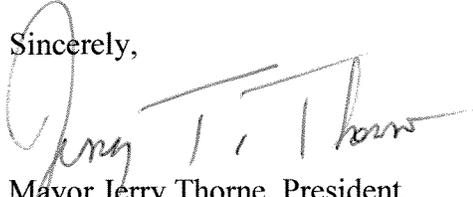
Executive Director
Nancy Ortenblad

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EXECUTIVE DIRECTOR'S OFFICE

We urge MTC to continue fully funding ABAG until the two agencies enact a cooperative agreement -- perhaps a new JPA -- that leads to an orderly and successful transition of all planning functions and the development of a new model which promotes participative Bay Area regional governance.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Thorne". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke extending to the right.

Mayor Jerry Thorne, President
Alameda County Mayors' Conference

Resolution No. 1-15

A Resolution of the Alameda County Mayors' Conference
Regarding the Relationship between ABAG and MTC

Whereas, the cities and counties of the Bay Area created the Association of Bay Area Governments (ABAG) as a joint powers agency with regional planning powers, including regional land use planning; and

Whereas, all the cities in the county of Contra Costa are members of ABAG; and

Whereas, the State Legislature has also conferred specific regional land use planning powers on ABAG through the enactment of statutes such as SB 375, and

Whereas, the statute creating the Metropolitan Transportation Commission (MTC):

A) Requires it to provide comprehensive regional transportation planning for the Bay Area, and

B) Does not grant MTC any land use planning powers, and

C) Explicitly states that MTC shall consider plans prepared and adopted by ABAG; and

Whereas, SB 375 allocates to ABAG the power to prepare all land use planning elements of the sustainable communities strategy (SCS) and its quadrennial updates; and

Whereas, SB 375 allocates to MTC the power to prepare all transportation planning elements of SCS and its quadrennial updates; and

Whereas, SB 375 requires that the regional transportation plan (RTP) for the Bay Area include the SCS and the quadrennial updates prepared by both ABAG and MTC in accordance with the statutory scheme described above; and

Whereas, ABAG and MTC staff have been working on the current quadrennial update to the SCS, Plan Bay Area 2040 (PBA 2040); and

Whereas, MTC has been using pass-through State and Federal public monies to fund both its and ABAG's work on PBA 2040; and

Whereas, the MTC Commission has adopted the Revised Funding Agreement Framework which specifically states that MTC will provide access to such pass-through funds through fiscal year 2020-21, including funding for ABAG's work on PBA 2040; and

Whereas, so long as ABAG is able and willing to carry out its work on PBA 2040, MTC should not defund ABAG because by doing so, MTC makes it impossible for ABAG to provide the long term regional land use plan, which will impact MTC's ability to adopt a legally compliant RTP and puts at risk the region's State and Federal transportation funding; and

Whereas, for decades ABAG has been successfully collaborating with cities in a transparent way; and

Whereas, in ABAG's discussions throughout the region, and from the body of correspondence and testimony at the MTC meeting on September 23, 2015, it should be clear that the region's cities and counties, city managers, and city planning managers are not supportive of MTC's unilateral proposal to transfer regional land use planning authority and land use planning staff from ABAG to MTC; and

Whereas, ABAG has regional land use planning and research staff capable of carrying out all the responsibilities assigned to ABAG under SB 375; and

Whereas, ABAG staff has been directed to carry out the responsibilities assigned to ABAG under SB 375, including preparation of Plan Bay Area 2040; and

Whereas, ABAG's planning and research staff belongs with the Council of Governments, which is ABAG.

Now, therefore, be it resolved that the Alameda County Mayors' Conference states to the Metropolitan Transportation Commission:

A. MTC should restore funding to ABAG for fiscal year 2015-16 in the full amount set forth in the Revised Funding Agreement Framework approved by MTC at its June 25, 2014 meeting, through June 2016 without qualification; and

B. So long as ABAG is able and willing to carry out its responsibilities under SB 375, MTC should continue funding ABAG for such work provided there are available State and Federal pass-through funds and provide ABAG with sufficient assurances that such funding will not be unilaterally terminated in the future; and

C. MTC and ABAG staff should be instructed, by their respective boards, to immediately begin open and transparent discussions regarding restructuring their relationship including consideration of a possible merger of the two organizations; and

D. MTC and ABAG should retain a third party organizational consultant acceptable to both organizations to facilitate conversations on better collaboration and possible merger options.

PASSED, APPROVED AND ADOPTED on October 14, 2015 by the following vote:

AYES: Alameda, Albany, Dublin, Emeryville, Fremont, Hayward,
Livermore, Newark, Pleasanton, San Leandro, Union City

NOES: Oakland

ABSENT: Berkeley

ABSTENTIONS: Piedmont

I, Nancy Ortenblad, Executive Director of the Alameda County Mayors' Conference, do hereby certify that this is a true and accurate copy of Resolution No. 1-15.

Nancy Ortenblad

Nancy Ortenblad
Executive Director