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Revised by the City Council at its October 20, 2015 Council Meeting

Approved as to Form and Legality

City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 85854 C.M.S.

INTRODUCED BY COUNCILMEMBERS BROOKS & KALB & VICE MAYOR KAPLAN

RESOLUTION URGING THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) TO IMMEDIATELY RELEASE THE FULL BUDGET FOR LAND USE PLANNING AT THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG), THAT HOLDING UP OF ANY FUNDING NOT BE USED TO FORCE OTHER DECISIONS, THAT MTC AND ABAG ENGAGE IN COLLABORATIVE DISCUSSIONS TO CONSIDER RESTRUCTURING THEIR RELATIONSHIP, INCLUDING A POSSIBLE MERGER, AND DIRECTING OAKLAND'S REPRESENTATIVE ON MTC TO VOTE ACCORDINGLY

WHEREAS, pursuant to section IV.D of the Bylaws of the Association of Bay Area Governments (ABAG), the cities and counties of the Bay Area created ABAG as a joint powers agency with regional planning powers, including regional land use planning; 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, (b) does not grant MTC any land use planning powers, and (c) explicitly states that the Commission 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 (PBA) 2040); and

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

WHEREAS, on June 25, 2014 MTC unanimously approved the Revised Funding Agreement Framework which specifically states that MTC will provide access to such funds through FY 2020-21, including funding for ABAG's work on PBA 2040, and its quadrennial updates; and

WHEREAS, the cities and counties of the Bay Area are engaged with ABAG on preparation of the quadrennial PBA update in 2017 and have an immediate and direct interest in assuring that the ABAG studies underlying the SCS, PBA and other planning documents are accurate, reasonable, timely and consistent with regional and local objectives and goals; and

WHEREAS, the cities and counties of the Bay Area, through their representatives on the Executive Board of ABAG, are concerned that recent proposals by MTC would have the effect of undermining necessary funding for the timely preparation of the extensive analysis and studies needed for Plan Bay Area; and

WHEREAS, proposals by MTC that deviate from the Revised Funding Agreement Framework by no longer supporting the necessary ABAG planning staff to prepare the SCS and PBA 2040 and, in fact, transferring ABAG planners to MTC, can unnecessarily impede staff and governing boards of both ABAG and MTC from the work each needs to perform; and

WHEREAS, so long as ABAG is able and willing to carry out its work on PBA 2040, MTC should continue to fund ABAG because by not doing so, MTC would make it impossible for ABAG to provide a long term regional land use plan, which will impact MTC's ability to adopt a legally compliant RTP and could put at risk the region's State and Federal transportation funding; now therefore be it

RESOLVED: That Oakland City Council states to the MTC

A. ABAG has regional land use planning and research staff capable of carrying out all the responsibilities assigned to ABAG under SB 375;
B. ABAG staff has been directed to carry out the responsibilities assigned to ABAG under SB 375, including preparation and joint adoption of Plan Bay Area 2040;
C. ABAG's planning and research staff currently belongs with the Council of Governments, which is ABAG, and MTC should set aside the current effort to transfer only the land use planning staff and function from ABAG to MTC, and instead work cooperatively with ABAG on a more comprehensive merger or balanced plan, and that work should begin immediately;
D. MTC should restore funding to ABAG for FY 2015-16 in the full amount set forth in the Revised Funding Agreement Framework as approved by MTC at its June 25, 2014 meeting, but without qualifications;

E. Since ABAG is functionally 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 grant and/or pass-through funds, and should provide ABAG with sufficient assurances that such funding will not be unilaterally eliminated in the future absent a merger or other mutually agreed upon staffing arrangement arrived at through a deliberative, transparent and cooperative process;

F. ABAG and MTC should begin an open and transparent discussion including the 101 cities and nine counties and stakeholders on restructuring the relationship, including the possibility of merger or other mutually agreed upon working relationship, set a firm and workable timeline for action, and consider jointly hiring an independent consultant as soon as possible to facilitate such a process; and be it

FURTHER RESOLVED: That the Oakland City Council urges that MTC transportation planning staff and ABAG land use planning staff work more closely together in achieving shared objectives pursuant to SB 375 and other planning efforts; and be it

FURTHER RESOLVED: That maintaining or increasing Oakland's representation and influence within the regional agencies or any newly formed merged agency is critically important in making future decisions regarding any possible restructuring; and be it

FURTHER RESOLVED: Pursuant to Oakland Charter Section 305(g) and Rule 25 of the Council's Rules of Procedure, the Oakland City Council directs the City's representative on the MTC to vote in accordance with the Oakland City Council's above statements to MTC.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 20 2015

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT GIBSON MCELHANEY – 8

NOES – Ø

ABSENT – Ø

ABSTENTION – Ø

ATTEST: LaTonda Simmons

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California