

SUMMARY MINUTES

ABAG Executive Board Meeting No. 422
Thursday, February 16, 2017
Bay Area Metro Center
375 Beale Street, Board Room
San Francisco, California

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

ABAG 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 7:00 p.m.

President Pierce welcomed the following new Executive Board members: Diane Burgis, Supervisor, County of Contra Costa—attending for Supervisor Candace Andersen; Liz Gibbons, Mayor, City of Campbell—Cities in Santa Clara County; John Rahaim, Director of Planning, City and County of San Francisco; Todd Rufo, Director of Economic and Workforce Development, City and County of San Francisco; Lan Diep, Councilmember, City of San Jose; Sergio Jimenez, Councilmember City of San Jose.

President Pierce announced that Dave Cortese, Supervisor, County of Santa Clara, was participating by teleconference.

President Pierce directed the Clerk of the Board to conduct a roll call.

A quorum of the ABAG Executive Board was present at about 7:00 p.m.

Representatives and Alternates Present	Jurisdiction
Mayor Jesse Arreguin	Cities in Alameda County
Supervisor Diane Burgis	County of Contra Costa
Councilmember Annie Campbell Washington	City of Oakland
Supervisor Dave Canepa	County of San Mateo
Supervisor Cindy Chavez	County of Santa Clara
Supervisor David Cortese	County of Santa Clara
Councilmember Lan Diep	City of San Jose
Councilmember Pat Eklund	City of Novato
Dir Nicole Elliott, Leg and Gov Affairs	City of San Francisco
Mayor Leon Garcia	City of American Canyon
Mayor Liz Gibbons	City of Campbell
Councilmember Lynette Gibson McElhaney	City of Oakland
Councilmember Abel Guillen	City of Oakland
Mayor Pradeep Gupta	City of South San Francisco
Supervisor Scott Haggerty	County of Alameda
Mayor Barbara Halliday	City of Hayward
Supervisor Erin Hannigan	County of Solano
Councilmember Sergio Jimenez	City of San Jose
Director William Kissinger *	RWQCB
Mayor Wayne Lee	City of Millbrae
Mayor Jake Mackenzie	City of Rohnert Park
Supervisor Karen Mitchoff	County of Contra Costa
Councilmember Raul Peralez	City of San Jose
Councilmember Julie Pierce	City of Clayton

Supervisor Dave Pine	County of San Mateo
Supervisor David Rabbitt	County of Sonoma
Dir John Rahaim, Planning	City of San Francisco
Supervisor Dennis Rodoni	County of Marin
Dir Todd Rufo, Economic and Workforce Dev	City of San Francisco
Mayor Greg Scharff	City of Palo Alto

Representatives Absent

Mayor Len Augustine
Vice Mayor Dave Hudson
Supervisor Nathan Miley
Supervisor Belia Ramos
Supervisor Norman Yee

Jurisdiction

City of Vacaville
City of San Ramon
County of Alameda
County of Napa
County of San Francisco

[* Non-voting Advisory Member]

2. PUBLIC COMMENT

There was no public comment.

3. ANNOUNCEMENTS

There were no announcements.

4. PRESIDENT'S REPORT

President Pierce reported on the following:

The special General Assembly on "Shaping the Future of ABAG: What Does the Bay Area Need from Its Council of Governments?" was held on January 30, 2017.

The regular General Assembly and Business Meeting is on May 11, 2017.

The San Francisco Bay Trail and San Francisco Water Trail 2016 highlights booklets were distributed.

Executive Board representatives and alternates are required to file an annual Form 700 under ABAG's Conflict of Interest Code. Filing deadline is April 3, 2017.

The Executive Board was requested to ratify appointments to ABAG committees under the Consent Calendar.

5. ACTING EXECUTIVE DIRECTOR'S REPORT

There was no Acting Executive Director's report.

6. CONSENT CALENDAR

President Pierce recognized a request by Pradeep Gupta, Mayor, City of South San Francisco, to pull Item 6.C., Authorization to Enter into New Contract with San Francisco Estuary Institute (SFEI) for the *Healthy Watersheds, Resilient Baylands* Project, from the Consent Calendar.

President Pierce recognized a motion by Pat Eklund, Councilmember, City of Novato, which was seconded by Cindy Chavez, Supervisor, County of Santa Clara, to approve the Consent Calendar, excepting Item 6.C., Authorization to Enter Into New Contract with San Francisco Estuary Institute (SFEI) for the *Healthy Watersheds, Resilient Baylands* Project and including the ratification of committee appointments.

There was no discussion.

There was no public comment.

President Pierce directed the Clerk to conduct a roll call vote.

The aye votes were: Arreguin, Burgis, Canepa, Chavez, Cortese, Diep, Eklund, Elliott, Garcia, Gibbons, Guillen, Gupta, Haggerty, Halliday, Hannigan, Jimenez, Lee, Mackenzie, Mitchoff, Peralez, Pierce, Pine, Rabbitt, Rahaim, Rodoni, Rufo, Scharff.

The nay votes were: None.

Abstentions were: None.

Absent were: Augustine, Campbell Washington, Gibson McElhaney, Hudson, Miley, Ramos, Yee.

The motion passed unanimously.

A. Approval of Executive Board Summary Minutes of Meeting No. 421 held on January 19, 2017

The ABAG Executive Board approved its Summary Minutes of the meeting on January 19, 2017.

B. Ratification of Committee Appointments

The Executive Board ratified the following committee appointments:

Administrative Committee

Karen Mitchoff, Supervisor, County of Contra Costa—FP Committee Chair
Cindy Chavez, Supervisor, County of Santa Clara

Finance and Personnel Committee

Annie Campbell Washington, Councilmember, City of Oakland
Erin Hannigan, Supervisor, County of Solano

Legislation and Governmental Organization Committee

Dave Hudson, Vice Mayor, City of San Ramon
Greg Scharff, Mayor, City of Palo Alto

Regional Planning Committee

Monica Brown, Supervisor, County of Solano
David Canepa, Supervisor, County of San Mateo
Greg Scharff, Mayor, City of Palo Alto—San Francisco Bay Conservation and Development Commission
Kathleen Cha, League of Women Voters—Public Interest

C. Authorization to Enter into New Contract with San Francisco Estuary Institute (SFEI) for the *Healthy Watersheds, Resilient Baylands* Project

The Executive Board authorized the Executive Director or designee to enter into an agreement with SFEI for *Healthy Watersheds, Resilient Baylands* project in the amount not to exceed \$988,335.14.

D. Authorization to Enter into New Contract with Grassroots Ecology for the *Healthy Watersheds, Resilient Baylands* Project

The Executive Board authorized the Executive Director or designee to enter into a new Subrecipient Agreement with the Grassroots Ecology for the *Healthy Watersheds, Resilient Baylands* project in the amount not to exceed \$52,250.

E. Authorization to Enter into New Contract with City of Sunnyvale for the *Healthy Watersheds, Resilient Baylands* Project

The Executive Board authorized the Executive Director or designee to enter into a new Subrecipient Agreement with the City of Sunnyvale for the *Healthy Watersheds, Resilient Baylands* project in the amount not to exceed \$380,000.

Members discussed Item 6.C., Authorization to Enter into New Contract with San Francisco Estuary Institute (SFEI) for the *Healthy Watersheds, Resilient Baylands* project, i.e., project costs and funding.

President Pierce recognized a motion by Pradeep Gupta, Mayor, City of South San Francisco, which was seconded by Wayne Lee, Mayor, City of Millbrae, to approve Item 6.C., Authorization to Enter into New Contract with San Francisco Estuary Institute (SFEI) for the *Healthy Watersheds, Resilient Baylands* project.

There was no public comment.

President Pierce directed the Clerk to conduct a roll call vote.

The aye votes were: Arreguin, Burgis, Canepa, Chavez, Cortese, Diep, Eklund, Elliott, Garcia, Gibbons, Guillen, Gupta, Haggerty, Halliday, Hannigan, Jimenez, Lee, Mackenzie, Mitchoff, Peralez, Pierce, Pine, Rabbitt, Rahaim, Rodoni, Rufo, Scharff.

The nay votes were: None.

Abstentions were: None.

Absent were: Augustine, Campbell Washington, Gibson McElhaney, Hudson, Miley, Ramos, Yee.

The motion passed unanimously.

7. REPORT ON LOWER SAN JOAQUIN RIVER FLOW OBJECTIVES

Miriam Chion, ABAG Planning and Research Director, introduced a panel of speakers, including Leslie F. Grober, Deputy Director for Water Rights, State Water Resources Control Board; Steven Ritchie, Assistant General Manager of the Water Enterprise, San Francisco Public Utilities Commission; and Peter Drekmeier, Policy Director, Tuolumne River Trust, which presented on the proposed State Water Resources Control Board's Phase I Substitute Environmental Document for Flow Objectives on the Lower San Joaquin River.

Members discussed ground water recharging, water storage, and water for the Bay; status of settlement discussions and implications on comment period; salt water intrusion; bay restoration; flow flexibility, program implementation, and state of emergency; wastewater treatment facility discharge for ground water recharge; San Francisco Public Utility Commission assertions and socioeconomic study; customer impact on housing development; Sonoma County Water Agency and Russian River flows.

President Pierce recognized a motion by Eklund, which was seconded by Lee, to accept the staff report, including approval to send a comment letter to the State Water Resources Control Board, as reported.

President Pierce recognized a friendly amendment by Nicole Elliot, Director, Legislative and Governmental Affairs, City and County of San Francisco, to include in the letter acknowledgment of the parties in the negotiated settlement in seeking time to find balance. The friendly amendment was accepted by Eklund and Lee.

There was no discussion.

There was no public comment.

President Pierce directed the Clerk to conduct a roll call vote.

The aye votes were: Arreguin, Burgis, Campbell Washington, Canepa, Chavez, Cortese, Diep, Eklund, Elliott, Garcia, Gibbons, Gibson McElhaney, Guillen, Gupta, Haggerty, Halliday, Hannigan, Jimenez, Lee, Mackenzie, Mitchoff, Peralez, Pierce, Pine, Rabbitt, Rahaim, Rodoni, Rufo, Scharff.

The nay votes were: None.

Abstentions were: None.

Absent were: Augustine, Hudson, Miley, Ramos, Yee.

The motion passed unanimously.

8. REPORT ON ABAG/MTC OPTION 7 IMPLEMENTATION ACTION PLAN

A. REPORT ON CONTRACT FOR SERVICES

Brad Paul, ABAG Acting Executive Director, presented the draft Contract for Services that will govern how ABAG and MTC will share a consolidated staff and requested members to provide policy guidance, including ABAG statutory authority, employee transition plan, organizational chart, consolidated staff organizational chart, Memorandum of Understanding, and annual budget and work plan, organizational development work, input process, update schedule, ad hoc committee, and employee relations group.

The following individuals gave public comment: Matt Vander Sluice, Greenbelt Alliance; Lee Huo, SEIU Local 1021, ABAG Chapter; Julio Corral, SEIU Local 1021; Ken Bukowski.

Members discussed transition of staff not needing Legislature approval; Legislature approval regarding merger of governance agencies; staff integration and revised job classification report, employee transition plan, employee representation, and retirement and benefits; job classification and organizational development consultants; CalPERS contract and retirement; compensation and benefits, and sick and vacation leave; dispute resolution and policy making; termination for cause provision; stakeholder process and involvement; organizational development contract and agency mission and culture; procuring areas of service from MTC for ABAG, functional work, budget and work plan, and checks and balances, budget shortfall; Regional Planning Committee workshop feedback, maintain local control, protect staff employee benefits, enhance engagement with local planners, economic prosperity on par with housing and transportation issues; classification study and keeping employees whole regarding compensation and benefits; input regarding Memorandum of Understanding and Contract for Services documents; conflict resolution process regarding

policy issues; financial and programmatic accountability for products and services; General Assembly role, engagement, and policy decisions; Option 7 resolution and principles; successor Executive Director selection; \$2.6 million funding gap; provision for General Assembly, Executive Board, and local jurisdictions discussion on consolidation implementation; revenue sources and funding for transportation and land use planning; compilation of General Assembly notes; consolidated staff cost; Executive Board control over staff liaison; staff consolidation and merger of ABAG and MTC governance; cities and counties interests and regional planning; executive management staff work on consolidation; Council of Governments and Metropolitan Planning Organization; trust and working with colleagues; working with past and incoming MTC chair and vice chair.

B. REPORT ON POTENTIAL CONFLICT OF INTEREST

Kenneth Moy, ABAG Legal Counsel, reported on potential conflict of interest and requested the Executive Board to accept a report that staff members negotiating the Contract for Services have a 'remote interest' in the contract. [Govt Code § 1091.5(a)(9)]

President Pierce recognized a motion by Karen Mitchoff, Supervisor, County of Contra Costa, which was seconded by Abel Guillen, Councilmember, City of Oakland, to accept the staff report on potential conflict of interest regarding staff members negotiating the Contract for Services.

There was no discussion.

There was no public comment.

President Pierce directed the Clerk to conduct a roll call vote.

The aye votes were: Arreguin, Burgis, Campbell Washington, Canepa, Chavez, Cortese, Diep, Eklund, Elliott, Garcia, Gibbons, Gibson McElhaney, Guillen, Gupta, Halliday, Hannigan, Jimenez, Lee, Mackenzie, Mitchoff, Pierce, Pine, Rabbitt, Rahaim, Rodoni, Rufo, Scharff.

The nay votes were: None.

Abstentions were: None.

Absent were: Augustine, Haggerty, Hudson, Miley, Peralez, Ramos, Yee.

The motion passed unanimously.

9. ADJOURNMENT

Dave Cortese, Supervisor, County of Santa Clara, commented on the deliberation on staff consolidation process and Contract for Services.

President Pierce adjourned the meeting of the ABAG Executive Board at about 9:30 p.m.

The next regular meeting of the ABAG Executive Board will be on March 16, 2017.

Submitted:

/s/ Brad Paul, Acting Secretary-Treasurer

Date Submitted: March 7, 2017

Approved: March 16, 2017

For information or to review audio recordings of ABAG Executive Board meetings, contact Fred Castro, Clerk of the Board, at (415) 820 7913 or FredC@abag.ca.gov.