

# SUMMARY MINUTES

ABAG Executive Board Meeting No. 413  
Thursday, May 19, 2016  
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 7:01 p.m.

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

A quorum of the Executive Board was present at about 7:01 p.m.

### Representatives and Alternates Present

Supervisor Candace Andersen  
Mayor Jack Batchelor  
Councilmember Annie Campbell Washington  
Supervisor Cindy Chavez  
Supervisor David Cortese  
Councilmember Julie Combs  
Councilmember Jim Davis  
Dep Dir Andrew Dayton, Leg and Gov Affairs  
Mayor John Dunbar  
Mayor Pat Eklund  
Dir Nicole Elliot Leg and Gov Affairs  
Councilmember Lynette Gibson McElhaney  
Councilmember Abel Guillen  
Vice Mayor Pradeep Gupta  
Supervisor Scott Haggerty  
Mayor Bill Harrison  
Councilmember Dave Hudson  
Councilmember Charles "Chappie" Jones  
Mayor Wayne Lee  
Supervisor Mark Luce  
Supervisor Eric Mar  
Supervisor Karen Mitchoff  
Councilmember Raul Peralez  
Councilmember Julie Pierce  
Supervisor Dave Pine  
Supervisor David Rabbitt  
Supervisor Katie Rice  
Vice Mayor Greg Scharff  
Supervisor Linda Seifert  
Mayor Jerry Thorne

### Representatives Absent

Supervisor Jane Kim  
Director William Kissinger  
Supervisor Nathan Miley

### Jurisdiction

County of Contra Costa  
City of Dixon  
City of Oakland  
County of Santa Clara  
County of Santa Clara  
City of Santa Rosa  
City of Sunnyvale  
City of San Francisco  
City of Yountville  
City of Novato  
City of San Francisco  
City of Oakland  
City of Oakland  
City of South San Francisco  
County of Alameda  
City of Fremont  
City of San Ramon  
City of San Jose  
City of Milbrae  
County of Napa  
County of San Francisco  
County of Contra Costa  
City of San Jose  
City of Clayton  
County of San Mateo  
County of Sonoma  
County of Marin  
City of Palo Alto  
County of Solano  
City of Pleasanton

### Jurisdiction

County of San Francisco  
RWQCB  
County of Alameda

Supervisor Warren Slocum

County of San Mateo

**2. PUBLIC COMMENT**

There was no public comment.

**3. ANNOUNCEMENTS**

Pat Eklund, Mayor, City of Novato, reported speaking before the Assembly Committee on Local Government on junior accessory dwelling units.

**4. PRESIDENT'S REPORT**

President Pierce reported on the following:

Under Item 6.B., the Executive Board is requested to consider the adoption of Resolution No. 04-16, authorizing ABAG to submit a grant application for Two Percent Bridge Toll Reserve Funds and Five Percent Unrestricted State Funds with the Metropolitan Transportation Commission.

Under Item 6.C., the Executive Board is requested to consider the adoption of Resolution No. 05-16 authorizing accepting the State Coastal Conservancy Explore the Coast grant.

Staff received notice from the Bank of the West for authorization for a line of credit. Staff requested that a matter be added to the agenda as a 'late breaking' item upon a 2/3rds vote of the Executive Board (if 21 members are present), or a unanimous vote of the body if less than 2/3rds (if less than 21 members are present) of the body is present at the meeting.

President Pierce recognized a motion by Karen Mitchoff, Supervisor, County of Contra Costa, which was seconded by Dave Hudson, Councilmember, City of San Ramon, to add the adoption of Resolution No. 06-16 as a 'late breaking item to the Executive Board agenda under Item 8.

There was no discussion.

There was no public comment.

The aye votes were: Andersen, Batchelor, Campbell Washington, Chavez, Cortese, Combs, Davis, Dayton, Dunbar, Eklund, Elliot, Gibson McElhaney, Guillen, Gupta, Haggerty, Harrison, Hudson, Jones, W. Lee, Luce, Mar, Mitchoff, Peralez, Pierce, Pine, Rabbitt, Rice, Scharff, Seifert, Thorne. (30)

The nay votes were: None.

Abstentions were: None.

Absent were: Kim, Miley, Slocum. (3) Kissinger (non-voting).

The motion passed unanimously.

**5. EXECUTIVE DIRECTOR'S REPORT**

Ezra Rapport, ABAG Executive Director, reported that ABAG will move to San Francisco will beginning on Friday, May 20, and will open at 375 Beale Street on Monday, May 23. A ribbon cutting ceremony at the new location will be planned at the next Executive Board meeting.

**6. CONSENT CALENDAR**

President Pierce recognized a motion by Jim Davis, Councilmember, City of Sunnyvale, which was seconded by Mitchoff, to approve the consent calendar.

There was no discussion.

There was no public comment.

The aye votes were: Andersen, Batchelor, Campbell Washington, Chavez, Cortese, Davis, Eklund, Gibson McElhaney, Guillen, Gupta, Haggerty, Harrison, Hudson, Jones, Lee, Luce, Mar, Mitchoff, Peralez, Pierce, Pine, Rabbitt, Rice, Scharff, Seifert, Thorne (26).

The nay votes were: None.

Abstentions were: Combs, Dayton, Dunbar, Elliot (4).

Absent were: Kim, Miley, Slocum. (3) Kissinger (non-voting).

The motion passed.

**A. Approval of Executive Board Summary Minutes of Meeting No. 412 held on March 17, 2016**

The Executive Board approved the Summary Minutes of Meeting No. 412 held on March 17, 2016.

**B. Adoption of Resolution No. 04-16 and authorization to submit grant application and enter into contract with the Metropolitan Transportation Commission (MTC) for Bridge Toll Funds to support the San Francisco Bay Trail Project**

The Executive Board adopted Resolution No. 04-16 authorizing ABAG to submit a grant application for Two Percent Bridge Toll Reserve Funds and Five Percent Unrestricted State Funds and enter into an agreement with the Metropolitan Transportation Commission.

**C. Adoption of Resolution No. 05-16 to accept a \$62,500 "Explore the Coast" grant from the State Coastal Conservancy for the purpose of developing five Bay Trail mobile phone tours in San Francisco, San Mateo, Santa Clara, Solano, and Alameda Counties**

The Executive Board adopted Resolution No. 05-16 and authorized accepting the State Coastal Conservancy Explore the Coast grant, to enter into a contract with the State Coastal Conservancy for said grant, and to execute any related agreements for the development of the mobile phone application.

**D. Acceptance of U.S. Department of Energy Grant Funding Opportunity for the BayREN Integrated Commercial Retrofits (BRICR) Project**

The Executive Board approved the acceptance of the grant funding from U.S. Department of Energy for the BayREN: Integrated Commercial Retrofits (BRICR) project and authorized the ABAG Executive Director to enter negotiations and execute the necessary agreements for acceptance of the approved funding and implementation of the program.

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

There was no Legislation and Governmental Organization Committee meeting.

**8. FINANCE AND PERSONNEL COMMITTEE REPORT**

There was no Finance and Personnel Committee meeting.

Committee Chair Bill Harrison, Mayor, City of Fremont, reported on the status of the line of credit with Bank of the West.

President Pierce recognized a motion by Harrison, which was seconded by Hudson, to adopt Resolution No. 06-16.

There was no discussion.

There was no public comment.

The aye votes were: Andersen, Batchelor, Campbell Washington, Chavez, Cortese, Combs, Davis, Dayton, Dunbar, Eklund, Elliot, Gibson McElhaney, Guillen, Gupta, Haggerty, Harrison, Hudson, Jones, Lee, Luce, Mar, Mitchoff, Peralez, Pierce, Pine, Rabbitt, Rice, Scharff, Seifert, Thorne (30).

The nay votes were: None.

Abstentions were: None.

Absent were: Kim, Miley, Slocum (3). Kissinger (non-voting).

The motion passed unanimously.

## **9. REPORT ON PLAN BAY AREA 2040 SCENARIOS UPDATE**

Miriam Chion, ABAG Planning and Research Director, reported on developing a preferred scenario that takes into account local input and maximizes the goals of Plan Bay Area in line with the Sustainable Communities and Climate Protection Act of 2008 (SB 375). Public workshops are scheduled from May through June. The growth allocation for the scenarios is a model output; MTC and ABAG executive directors are committed to ensure that for the preferred scenario close attention will be made to local input.

Members discussed the approach taken in developing scenarios and performance targets; UrbanSim land use model outputs and local jurisdiction constraints; local input not incorporated into the released scenarios; strategies that can affect land use patterns; Appendix A and B of report, *The Bay Area in 2040: Three Scenarios*; the no project alternative and the Plan Bay Area 2013 preferred alternative.

There were no public comments.

## **10. UPDATE AND ACTION OF ABAG/MTC MERGER OPTIONS**

Rapport reported on the ABAG/MTC merger study and staff recommendation, including a report on the General Assembly action to support the staff recommendation and direct reporting relationship between the successor Executive Director and Executive Board; regional governance, council of governments, and metropolitan planning organization; MTC Resolution 4210 and ABAG Resolution No. 12-15; ABAG/MTC Merger Study and Implementation Option 4 and Option 7; implementation objectives; principles to be appended to resolution supporting Option 7; memorandum of understanding and contract for services under Option 7; pursuing new governance model; successor executive director reporting relationship to both boards.

The staff recommendation is, first, approval of Option 4, and, if Option 4 is not approved by the MTC, then, approval of Option 7 with pursuing of a new governance model and

principles as described in the staff memo, including integrating ABAG's mission, merger coordination committee, transfer all non-executive staff, staff for ABAG Executive Board.

The action requested include approval of resolution supporting Option 4 or Option 7 with attached principles; enter into a letter of agreement to continue MTC's financial support of ABAG's planning services pending execution of a Contract for Services for consolidating MTC and ABAG staff and staffing for ABAG statutory duties and responsibilities and a Memorandum of Understanding regarding governance; conduct financial and legal analyses of impact on both ABAG and MTC; enter into negotiations and establish deadline for Contract for Services and Memorandum of Understanding; Board involvement on the Contract for Services and Memorandum of Understanding; establish a joint ABAG and MTC employee relations committee; document a communications plan to Bay Area cities and counties.

Members discussed the General Assembly attendance by city representatives; recommended principles to be appended to Option 7 (liaison to the Executive Board; retaining all programs); negotiating over principles with the MTC commissioners; the action taken at the General Assembly to recommend the staff recommendation to the Executive Board; referring to a shared agency staff of MTC and ABAG staff; guidelines and principles that protect the interests of ABAG; clarification of process adopting a resolution approving Option 4 as preferred and Option 7 as fallback, and reviewing implementation action plan; the joint ABAG Administrative Committee and MTC Planning Committee recommendation to pursue Option 7 to the Executive Board and MTC Commission, respectively; the rhetoric surrounding this process and a collaboration to reach consensus; staff move and cohesion; employee relations committee; agency staff merger and governance and joint accountability; a proposed joint ABAG and MTC resolution.

The following individuals gave public comment: Leah Zippert, ABAG; Lee Huo, ABAG and SEIU Local 1021; Michael Germeraad, ABAG; Revan Tranter, ABAG Executive Director Emeritus; Ken Bukowski; Christy LeFall, ABAG; Niall (no last name given).

Members discussed legal action on proposed resolution and principles as reported by staff; timeframe for discussion on governance; General Assembly recommendation for Option 4 and Option 7; principles to be appended to Option 7; local jurisdiction delegates; worker protection principles; new executive director selection and reporting relationships; memorandum of understanding regarding governance and contract for services deliverables; Option 4; suspension of MTC Resolution 4210; retaining ABAG's collaborative and holistic culture; preserving ABAG's existing programs; a management level staff liaison; General Assembly support for Option 4 and Option 7 as a fallback; executive director reporting relationship to Executive Board; including worker protection principles into the implementation action plan; San Francisco, Oakland and San Jose mayors' letter of support for Option 7; Option 4 transfer of staff; staff report and proposed resolution; including into the implementation action plan a process for determining timeframe for discussion on governance and management level staff liaison;

President Pierce recognized a motion by Linda Seifert, Supervisor, County of Solano, which was seconded by Jim Davis, Councilmember, City of Sunnyvale, to adopt the proposed resolution, as revised as reported, supporting Option 4 and Option 7 of the ABAG MTC Merger Study Options and Recommendation, to wit:

[Section of whereas clauses remain the same.]

Now therefore, be it resolved, that the ABAG Executive Board expresses policy support for ~~Option 7~~ (Option 4 and Option 7) and directs staff to:

- (a) Enter into a letter of agreement that includes language to continue [following remains the same.].
- (b) ~~Cooperate with MTC~~ To conduct financial and legal analyses to determine a joint study of the human resources, financial, and legal implications and impacts on both ABAG and MTC of a staff consolidation including review of principles developed by agency staff as well as issues related to consolidation of benefits and other similar matters.
- (c) ~~Enter into~~ To begin negotiations and ~~establish~~ set a deadline ~~for to enact~~:
  - i. A multi-year Contract for Services that consolidates MTC and ABAG staff under ~~one~~ a single executive director and ~~provides~~ ensures that the necessary staffing for all ABAG statutory duties and responsibilities can be achieved as the region's COG;
  - ii. [Section on *Memorandum of Understanding* remains the same.]
- (d) ~~Commission/Board Involvement: Request Commission/Board Chairs and/or their~~ To ensure that representatives delegates to work with respective agency staff, legal counsel and a project manager/facilitator on the necessary advisors to develop the Contract for Services and MOU.
- (e) [Section on Employee Relations Committee remains the same.]
- (f) ~~Communications Plan: Document each agency's existing policy structure and responsibilities, and clarify intent to maintain them until and unless there is a successor governance structure; include this as a part of a communications plan to Bay Area cities and counties.~~ To develop a plan that sets forth a proposed governance structure that defines the duties to be integrated and those duties and responsibilities each to be reserved for ABAG and for MTC.
- (g) To draft communications guidelines that can be employed by each agency related to information to be shared with Bay Area cities and counties regarding the foregoing.
- (h) To work to extend deadlines as necessary to achieve these mutually desired results.

Delete "Be it further resolved that the ABAG Executive Board requests that the MTC Commission and the ABAG Administrative Committee...."

Delete "Further be it resolved that the ABAG Executive Committee acknowledges...."

Add "Be it further resolved, that the respective reports and recommendations emanating from the above be returned to the ABAG Executive Board as information, except that the Implementation Action Plan, Contract for Services and MOU be returned for approval of the ABAG Executive Board."

Members discussed General Assembly recommendation for Option 4 and Option 7; executive director reporting relationship to Executive Board; directing chairs of both organizations to enter into agreements; the joint ABAG Administrative Committee and MTC Planning Committee to work on the Contract for Services and MOU.

President Pierce recognized a substitute motion by Dave Hudson, Councilmember, City of San Ramon, which was seconded by Karen Mitchoff, Supervisor, County of Contra Costa, to adopt resolution as reported by staff supporting Option 7 of the ABAG MTC Merger Study

Options and Recommendation, with the principles to be appended as reported by staff and with the executive director reporting to the Executive Board, to wit:

Add: "Be it therefore further resolved, that the successor to the current Executive Director of MTC will be appointed by and report to both the ABAG Executive Board and the Metropolitan Transportation Commission."

Members discussed the original proposed resolution and support for Option 7 and principles; support for the worker protection principles and to add these under the principle designating a staff merger committee.

President Pierce recognized a friendly amendment by Raul Peralez, Councilmember, City of San Jose, to support the worker protection principles and to add these under the principle designating a staff merger committee, which was accepted by the maker of the motion and the second.

Kenneth Moy, ABAG Legal Counsel, stated that the General Assembly expressed support for Option 4 and Option 7 as a fallback and that the General Assembly action does not constrain any action of the Executive Board.

Members discussed General Assembly recommendation for Option 4 and Option 7.

President Pierce recognized a motion to amend the substitute motion by Greg Scharff, Councilmember, City of Palo Alto, which was seconded by Lynette Gibson McElhaney, President, City of Oakland, to adopt resolution expressing policy support for Option 4 and Option 7 of the ABAG MTC Merger Study Options and Recommendation.

On the vote on the motion to amend the substitute motion:

The aye votes were: Andersen, Campbell Washington, Davis, Eklund, Gibson McElhaney, Guillen, Gupta, Harrison, W. Lee, Luce, Mar, Peralez, Rice, Scharff, Seifert (15).

The nay votes were: Batchelor, Chavez, Cortese, Dayton, Dunbar, Elliot, Haggerty, Hudson, Jones, Mitchoff, Pierce, Rabbitt, Thorne (13).

Abstentions were: None.

Absent were: Combs, Kim, Miley, Pine, Slocum (5). Kissinger (non-voting).

The motion passed.

On the vote on the substitute motion, as amended:

The aye votes were: Andersen, Batchelor, Campbell Washington, Chavez, Cortese, Dayton, Dunbar, Elliot, Gibson McElhaney, Guillen, Gupta, Haggerty, Harrison, Hudson, Jones, W. Lee, Luce, Mar, Mitchoff, Peralez, Pierce, Pine, Rabbitt, Rice, Scharff, Seifert, Thorne (27)

The nay votes were: Davis, Eklund (2)

Abstentions were: None.

Absent were: Combs, Kim, Miley, Slocum (4). Kissinger (non-voting).

The motion passed.

## **11. DISCUSSION OF POSSIBLE JUNE 2016 MEETING OF THE EXECUTIVE BOARD**

President Pierce informed members of a need for a special meeting of the Executive Board on June 16, 2016.

## **12. ADJOURNMENT**

President Pierce adjourned the meeting of the Executive Board at about 11:00 p.m.

The next meeting of the Executive Board will be on June 16, 2016.

Submitted:

/s/ Ezra Rapport, Secretary-Treasurer

Date Submitted: July 7, 2016

Approved: July 21, 2016

*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](mailto:FredC@abag.ca.gov).*