

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

*Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park
Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

BOARD MEETING NOTICE

Meeting No. 225

- DATE:** Thursday, June 10, 2010
- TIME:** **6:30 P.M. Board Meeting**
- PLACE:** San Mateo County Transit District Office
1250 San Carlos Avenue, Second Floor Auditorium
San Carlos, CA
- PARKING:** Available adjacent to and behind building.
Please note the underground parking garage is no longer open.
- PUBLIC TRANSIT:** SamTrans Bus: Lines 261, 295, 297, 390, 391, 397, PX, KX.
CalTrain: San Carlos Station.
Trip Planner: <http://transit.511.org>

- 1.0 CALL TO ORDER/ ROLL CALL
- 2.0 PLEDGE OF ALLEGIANCE
- 3.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
Note: Public comment is limited to two minutes per speaker.
- 4.0 RESOLUTIONS OF APPRECIATION / PRESENTATIONS/ ANNOUNCEMENTS
- 5.0 CONSENT AGENDA

Consent Agenda items are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the Board, staff or public request specific items to be removed for separate action.

- 5.1 Approval of the Minutes of Regular Business Meeting No. 224 dated May 13, 2010.

ACTION p. 1

- 5.2 Review and approval of Resolution 10-27 to adopt the Federal Cycle 1 Transportation for Livable Communities (TLC) Program. ACTION p. 7
- 5.3 Review and approval of Resolution 10-28 to adopt the Federal Cycle 1 Regional Bicycle Program (RBP). ACTION p. 11
- 5.4 Review and approval of Resolution 10-29 to adopt the Federal Cycle 1 San Mateo County Local Streets & Roads (LS&R) Program. ACTION p. 15
- 5.5 Review and approval of the appointment of Marge Colapietro to the Bicycle and Pedestrian Advisory Committee (BPAC). ACTION p. 25
- 5.6 Review and approval of the appointment of Mary Ann Nihard, Mayor Pro-Tem, Pacifica and Council Member David Lim, City of San Mateo to the Legislative Committee. ACTION p. 29
- 5.7 Adopt Resolution 10-35 providing comments on the updated Multi-Jurisdictional Non-Disposal Facility Element. ACTION p. 35
- 5.8 Update on Use of Funds for Climate Change Related Programs. INFORMATION p. 41
- 5.9 Review and approval of Resolution 10-31 authorizing the C/CAG Chair to execute a technical consultant contract with San Mateo County for a cost of \$299,956 for support of the Countywide Water Pollution Prevention Program in Fiscal Year 2010-11. ACTION p. 45
- 5.10 Review and approval of Resolution 10-32 authorizing the C/CAG Chair to execute a one year extension to the technical consultant contract with Eisenberg, Olivieri, and Associates, Inc., for a cost not to exceed \$731,994 for support of the Countywide Water Pollution Prevention Program in Fiscal Year 2010-11. ACTION p. 69
- 5.11 Review and approval of Resolution 10-33 authorizing the C/CAG Chair to execute a 12 month extension to the technical consultant contract with the City of Brisbane for a cost not to exceed \$60,000 for coordinator services for the Countywide Water Pollution Prevention Program in Fiscal Year 2010-11. ACTION p. 99
- 5.12 Receive an update on the 2010 State Transportation Improvement Program (STIP) for San Mateo County. ACTION p. 105
- 5.13 Review and approval of the Resolution 10-36 authorizing the C/CAG Chair to execute a funding agreement with the Metropolitan Transportation Commission (MTC) in an amount not to exceed \$150,000 for technical analysis of the US 101/SR 92 interchange improvement options. ACTION p. 109

NOTE: All items on the Consent Agenda are approved/accepted by a majority vote. A request must be made at the beginning of the meeting to move any item from the Consent Agenda to the Regular Agenda.

6.0 REGULAR AGENDA

- 6.1 Review and approval of the revised C/CAG Procurement Policy. ACTION p. 113
- 6.2 Review and approval of the revised C/CAG Investment Policy. ACTION p. 125
- 6.3 Approval of C/CAG Legislative priorities, positions and Legislative update.
(A position may be taken on any legislation, including legislation not previously identified.)
ACTION p. 141
- 6.3.1 Presentation from Advocation. INFORMATION
- 6.4 Review and approval of Resolution 10-25 approving the C/CAG 2010-11 Program Budget and Fees. (Special voting procedures apply.) ACTION p. 163
- 6.5 Review and approval of Resolution 10-34 authorizing the C/CAG Chair to execute the agreement between C/CAG and the County of San Mateo Department of Public Works for construction of Smart Corridor North and South Segments Project (Project 4), in an amount not to exceed \$7,150,000. ACTION p. 213
- 6.6 Receive results from the public opinion survey to determine the feasibility of placing a measure on the November 2010 ballot to impose a \$10 fee increase on motor vehicles registered in San Mateo County and make a determination on the adoption of Resolution 10-30 to support placing a ballot measure on the November 2010 for the \$10 fee increase. ACTION p. 233

7.0 COMMITTEE REPORTS

- 7.1 Committee Reports (oral reports).
- 7.2 Chairperson's Report.
- 7.3 Boardmembers Report

8.0 EXECUTIVE DIRECTOR'S REPORT

9.0 COMMUNICATIONS - Information Only

Copies of communications are included for C/CAG Board Members and Alternates only. To request a copy of the communications, contact Nancy Blair at 650 5991406 or nblair@co.sanmateo.ca.us or download a copy from C/CAG's website – www.ccag.ca.gov.

- 9.1 Letter from Richard Napier, Executive Director C/CAG, to Mr. Tom Stefan, Stefan/ George Associates, dated 5/27/10. Re: Support for the Grand Boulevard Initiative's application for the APA California's 2010 Award for Distinguished Leadership of an Organization. p. 255
- 9.2 Letter from Richard Napier, Executive Director C/CAG, to Cindy Nichol, Cindy Nichol, Finance Director, San Francisco International Airport, dated 5/5/10. Re: Request for Funding Assistance for FY 2010/2011 to Complete an Update of the Comprehensive Airport Land Use Plan (CLUP) for the Environs of San Francisco International Airport (SFO).

10.0 ADJOURN

Next scheduled meeting: August 12, 2010 Regular Board Meeting.

PUBLIC NOTICING: All notices of C/CAG Board and Committee meetings will be posted at San Mateo County Transit District Office, 1250 San Carlos Ave., San Carlos, CA.

PUBLIC RECORDS: Public records that relate to any item on the open session agenda for a regular board meeting are available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members of the Board. The Board has designated the City/ County Association of Governments of San Mateo County (C/CAG), located at 555 County Center, 5th Floor, Redwood City, CA 94063, for the purpose of making those public records available for inspection. The documents are also available on the C/CAG Internet Website, at the link for agendas for upcoming meetings. The website is located at: <http://www.ccag.ca.gov>.

NOTE: Persons with disabilities who require auxiliary aids or services in attending and participating in this meeting should contact Nancy Blair at 650 599-1406, five working days prior to the meeting date.

If you have any questions about the C/CAG Board Agenda, please contact C/CAG Staff:

Executive Director: Richard Napier 650 599-1420 Administrative Assistant: Nancy Blair 650 599-1406

FUTURE MEETINGS

June 10, 2010	Legislative Committee - SamTrans 2 nd Floor Auditorium - 5:30 p.m.
June 10, 2010	C/CAG Board - SamTrans 2 nd Floor Auditorium - 6:30 p.m.
June 15, 2010	NPDES Technical Advisory Committee - to be determined - 10:00 a.m.
June 17, 2010	Resource Management and Climate Protection Committee (RMCP)
June 28, 2010	CMEQ Committee - San Mateo City Hall - Conference Room C - 3:00 p.m.
June 28, 2010	CMP Technical Advisory Committee - SamTrans 2 nd Floor Auditorium – 3:00 p.m.
August 2, 2010	Administrators' Advisory Committee - 555 County Center, 5 th Fl, Redwood City – Noon

C/CAG

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Meeting No. 224
May 13, 2010

1.0 CALL TO ORDER/ROLL CALL

Chair Kasten called the meeting to order at 6:30 p.m. Roll Call was taken.

Jerry Carlson - Atherton
Coralin Feierbach - Belmont
Sepi Richardson - Brisbane
Terry Nagel - Burlingame
Joseph Silva - Colma
David Canepa - Daly City (6:41)
Linda Koelling - Foster City
John Muller - Half Moon Bay
Tom Kasten - Hillsborough
Kelly Fergusson - Menlo Park (6:40)
Paul Seto - Millbrae
Julie Lancelle - Pacifica (7:20)
Maryann Moise Derwin - Portola Valley (6:35)
Alicia Aquirre - Redwood City
Bob Grassilli - San Carlos
Brandt Grotte - San Mateo
Carole Groom - San Mateo County
Karyl Matsumoto - South San Francisco, San Mateo County Transit District
Deborah Gordon - Town of Woodside

Absent:

East Palo Alto
San Bruno
Woodside

Others:

Richard Napier, Executive Director - C/CAG
Nancy Blair, C/CAG Staff
Sandy Wong, Deputy Director - C/CAG
Lee Thompson, C/CAG - Legal Counsel
John Hoang, C/CAG Staff
Tom Madalena, C/CAG Staff
Jean Higaki, C/CAG Staff
Joe Kott, C/CAG Staff

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Matt Fabry, C/CAG Staff
Jim Bigelow, Redwood City/San Mateo County Chamber, CMEQ Member
Gina Papan, City of Millbrae
Pat Bell, San Carlos
Pat Dixon, SMCTA - CAC

3.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Pat Bell, San Carlos

4.0 RESOLUTIONS OF APPRECIATION / PRESENTATIONS/ ANNOUNCEMENTS

None.

5.0 CONSENT AGENDA

Board Member Richardson MOVED approval of Consent Items 5.1, 5.2, 5.3, and 5.6. Board Member Grotte SECONDED. **MOTION CARRIED** 17-0.

5.0 CONSENT AGENDA

Consent Agenda items are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the Board, staff or public request specific items to be removed for separate action.

5.1 Approval of the Minutes of Regular Business Meeting No. 222 dated March 11, 2010.
APPROVED

5.2 Review and approval of Resolution 10-16 authorizing the request to the Metropolitan Transportation Commission for the allocation of fiscal year 2010/11 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding for the San Mateo County Comprehensive Bicycle and Pedestrian Plan.
APPROVED

5.3 Review and approval of Resolution 10-17 authorizing the adoption of the San Mateo County Transportation Development Act (TDA) Article 3 program for fiscal year 2010/11 for \$100,000.
APPROVED

5.6 Review and approval of Resolution 10-18 approving the application for grant funds for the Urban Greening Planning Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84).
APPROVED

Items 5.4, 5.5, and 5.7 were removed from the Consent Calendar.

5.4 Review and approval of Resolution 10-20 authorizing the C/CAG Chair to execute an agreement with Alta Planning + Design for an amount not to exceed \$200,000 for the San Mateo County Comprehensive Bicycle and Pedestrian Plan.
APPROVED

Board Member Matsumoto MOVED approval of Item 5.4. Board Member Grotte SECONDED. **MOTION CARRIED** 17-0.

- 5.5 Review and approval of status to extend the construction period and project limits of the Transportation Development Act (TDA) Article 3 funded Highway 1 Bicycle and Pedestrian Trail Project in the City of Half Moon Bay. APPROVED

Board Member Koelling MOVED approval of Item 5.5. Board Member Muller SECONDED. **MOTION CARRIED** 17-0.

- 5.7 Review and approval of modeling on-call contracts.

- 5.7.1 Review and approval of Resolution 10-24 authorizing the C/CAG Executive Director to issue task orders in full compliance with the terms and conditions of on-call Travel Demand Forecasting model service agreements in the aggregate amount not to exceed \$500,000 for a three (3) year term among three firms. APPROVED

- 5.7.2 Review and approval of resolution 10-21 authorizing the C/CAG Chair to execute an agreement with Dowling Associates, Inc. for on-call Travel Demand Forecasting model services to be shared in the aggregate amount not to exceed \$500,000 for a three (3) year term among three firms and further authorize the Executive Director to make minor changes to said agreement upon consultation with Dowling Associates, Inc. APPROVED

- 5.7.3 Review and approval of resolution 10-22 authorizing the C/CAG Chair to execute an agreement with Cambridge Systematics for on-call Travel Demand Forecasting model services to be shared in the aggregate amount not to exceed \$500,000 for a three (3) year term among three firms and further authorize the Executive Director to make minor changes to said agreement upon consultation with Cambridge Systematics. APPROVED

- 5.7.4 Review and approval of resolution 10-23 authorizing the C/CAG Chair to execute an agreement with AECOM Technical Services, Inc. for on-call Travel Demand Forecasting model services to be shared in the aggregate amount not to exceed \$500,000 for a three (3) year term among three firms and further authorize the Executive Director to make minor changes to said agreement upon consultation with AECOM Technical Services, Inc. APPROVED

Board Member Richardson MOVED to approve all of the 5.7 items. Board Member Grotte SECONDED. **MOTION CARRIED** 17-0.

6.0 REGULAR AGENDA

- 6.1 Approval of C/CAG Legislative priorities, positions and Legislative update.
(A position may be taken on any legislation, including legislation not previously identified.)

SB 920 would allow Californians to opt out of receiving the classified and alphabetical phone directories known as yellow pages and white pages.

Board Member Richardson MOVED that the C/CAG Board support SB 920. Board Member Groom SECONDED. **MOTION CARRIED** 17-0.

6.2 Initial draft, assumptions, and input on the C/CAG 2010-11 Program Budget and Fees. ACTION

No action was taken.

6.3 Review and approval of the NPDES Five Year Budget Overview, C/CAG NPDES Coordinator position, and Municipal Regional Permit Tasks with a nexus to the C/CAG Vehicle License Fee.

6.3.1 Receive status report on estimated five-year National Pollutant Discharge Elimination System (NPDES) budget for the San Mateo Countywide Water Pollution Prevention Program. INFORMATION

6.3.2 Review and approval of a full time C/CAG NPDES Program Coordinator position. APPROVED

Board Member Grotte MOVED to approve Item 6.3.2. Board Member Fergusson SECONDED. **MOTION CARRIED** 18-0.

6.3.3 Public Hearing to consider the approval of Resolution 10-19 updating C/CAG's existing list of approved programs eligible for funding with vehicle license funds to include compliance tasks mandated in the Municipal Regional Stormwater Permit that directly address the negative impacts of Stormwater Pollution associated with vehicles or transportation infrastructure. (Special Voting Procedure Applies) APPROVED

Board Member Richardson MOVED to close the public hearing.

Board Member Fergusson MOVED approval of Item 6.3.3. Board Member Silva SECONDED. **MOTION CARRIED** 18-0.

A Super Majority Vote was taken by roll call. **MOTION CARRIED** 18-0. Results: 18 Agencies approving. This represents 86% of the Agencies representing 79% of the population.

6.4 Receive information on Senate Bill 83 (SB 83) Authorizing C/CAG to impose an annual fee of up to \$10 on motor vehicles registered within San Mateo County for transportation-related projects and programs and direct staff to gather information and present recommendation to the Board regarding the preparation of a measure to be put on the November ballot.

The Board Motion was that a survey specifically for San Mateo County be performed and the results be provided for the June Board Meeting. APPROVED

Board Member Richardson MOVED to the survey and approve the contract not to exceed \$45,000. Board Member Koelling SECONDED. **MOTION CARRIED** 13-4-1. Board Members Carlson, Canepa, Muller and Lancelle Voted No and ,Board Member Feierbach **Abstained**.

6.5 Review and approval of the revised C/CAG Procurement Policy. APPROVED

6.6 Review and approval of the C/CAG Investment Policy. APPROVED

Board Member Richardson MOVED to carry Item 6.5 and Item 6.6 to the next C/CAG Board Meeting. Board Member Koelling SECONDED. **MOTION CARRIED** 18-0.

7.0 COMMITTEE REPORTS

7.1 Committee Reports (oral reports).

None.

7.2 Chairperson's Report.

None.

8.0 EXECUTIVE DIRECTOR'S REPORT

An article, written by Henry L. Gardner, ABAG Executive Director, ABAG Executive Director, was distributed. Subject: Pre-Tax Commuter Benefits Model Ordinance.

Board Member Matsumoto suggested an Item be added to the agenda, this item would read: COMMENTS OR REQUESTS BY BOARD MEMBERS.

9.0 COMMUNICATIONS - Information Only

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9.1 Letter from Thomas M. Kasten, C/CAG Chairperson, to Councilpersons of San Mateo Cities, and Members of the Board of Supervisors, dated 4/8/10. Re: Vacancies on the Congestion Management and Environmental Quality Committee (CMEQ), the Bicycle and Pedestrian Advisory Committee (BPAC), and the Legislative Committee.

9.2. Press Release, dated 4/7/10. Re: Cities Seeks Public Input to Improve Traffic Conditions on Willow Road, University Avenue.

9.3 Letter from Thomas M. Kasten, C/CAG Chairperson, to Honorable Leland Yee, California State Senate, 8th Senate District, dated 4/10/10. Re: Thank you for speaking at C/CAG's Annual Retreat.

9.4 Letter from Richard Napier, Executive Director C/CAG, to Mayor Randy Royce, Council Members, and Planning Commissioners, dated 4/20/10. Re: Letter of support for the San Carlos East Side Community/Transit Connectivity Project and the City's Transportation for Livable Communities grant application.

10.0 ADJOURN

Meeting Adjourned at 8:48 p.m.

C/CAG AGENDA REPORT

Date: June 10, 2010
To: Board of Directors
From: Congestion Management and Environmental Quality (CMEQ) Committee
Subject: Review and approval of Resolution 10-27 to adopt the Federal Cycle 1 Transportation for Livable Communities (TLC) Program.

(For further information or questions contact Tom Madalena at 599-1460)

RECOMMENDATION

That the Board review and approve Resolution 10-27 to adopt the Federal Cycle 1 Transportation for Livable Communities (TLC) Program as follows:

1. \$564,000 for the Burlingame and San Bruno projects
2. \$1,632,000 for the 4th Cycle Transit Oriented Development commitments
3. Approximately \$566,880 to be transferred to the Local Streets and Roads (LS&R) Program

FISCAL IMPACT

There is a total of approximately \$2,762,880 available in Transportation for Livable Communities (TLC) funds.

SOURCE OF FUNDS

Fund sources are composed of Federal Surface Transportation Program (STP) and Federal Congestion Mitigation and Air Quality (CMAQ) funds.

BACKGROUND/DISCUSSION

Call for Projects Process:

On February 11, 2010 the C/CAG Board of Directors approved the process and guidelines for the San Mateo County Transportation for Livable Communities Program. C/CAG issued a Call for Projects for the Transportation for Livable Communities Program in February and applications were due on April 16, 2010. Staff received two applications. One was received from the City of San Bruno and one was received from the City of Burlingame. Both applications were for eligible streetscape enhancements as the program required.

Staff convened a TLC Selection Committee to review and score the applications. There were four members on the selection committee that are members of the C/CAG Congestion Management Program Technical Advisory Committee (TAC). The TLC Selection committee reviewed and scored the applications on May 6, 2010. The TLC Selection Committee has

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recommended that both projects receive funding in the amount requested. The TLC Selection Committee recommendation was presented to and recommended for approval by the TAC at the May 20, 2010 TAC meeting. This TLC Selection Committee recommendation was also presented to and recommended for approval by the C/CAG Congestion Management and Environmental Quality (CMEQ) Committee at the May 24, 2010 CMEQ Committee meeting. C/CAG staff was directed to work with both of the project sponsors to clear up some confusion with the applications. In addition, the selection committee recommended staff to follow up with applicants to ensure compliance with the Priority Development Area (PDA) requirement of the TLC funds.

Project Summary

Jurisdiction	Project	Grant Request Amount	Recommended for funding by Selection Committee	Amount recommended for funding
Burlingame	Burlingame Ave. and Broadway Districts Streetscape Project	\$301,000	Yes	\$301,000
San Bruno	Transit Corridor Pedestrian Connection Improvement Project	\$262,500	Yes	\$263,000

Program Level Recommendation:

The TLC program is undersubscribed, that is, there is a surplus of \$566,880 after fully funding the 2 applications and fully meeting the 4th Cycle TOD commitments. As a result, staff is now recommending that we transfer \$566,880 in TLC funds into the Local Streets and Roads (LS&R) Program. It was established at the February 11, 2010 Board meeting that the LS&R Program funds are to be distributed based on the Measure A local transportation distribution formula. The TLC funds that would be moved into the LS&R Program will then become part of the LS&R Program as presented in the LS&R Program staff report under a separate item in the June 10, 2010 Board of Directors packet.

ATTACHMENTS

- Resolution 10-27

RESOLUTION 10-27

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/
COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO
COUNTY TO ADOPT THE FEDERAL CYCLE 1 SAN MATEO
COUNTY
TRANSPORTATION FOR LIVABLE COMMUNITIES PROGRAM**

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG); that,

WHEREAS, the Metropolitan Transportation Commission (MTC) has developed policies and procedures to be used in the selection of projects to be funded with Surface Transportation Planning (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds for the Cycle 1 STP/CMAQ Program (23 U.S.C. Section 133); and

WHEREAS, local responsibility for project selection for the Cycle 1 funding program (i.e. County Transportation for Livable Communities (TLC) Program, Local Streets and Roads Rehabilitation Shortfall Program (LS&R) , Regional Bicycle Program(RBP)) has been assigned to Congestion Management Agencies (CMAs); and

WHEREAS, C/CAG is the Congestion Management Agency for San Mateo County; and

WHEREAS, C/CAG has developed a list of projects to submit for the Federal Cycle 1 San Mateo County Transportation for Livable Communities Program; and

WHEREAS, C/CAG is submitting the Federal Cycle 1 San Mateo County Transportation for Livable Communities Program to the Metropolitan Transportation Commission (MTC) for funding from the Federal Surface Transportation Program (STP).

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County to adopt the Federal Cycle 1 San Mateo County Transportation for Livable Communities Program to be submitted to the Metropolitan Transportation Commission (MTC) and authorize the C/CAG Executive Director to negotiate with the Metropolitan Transportation Commission (MTC) to make minor modifications as necessary.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF JUNE 2010.

Thomas M. Kasten, C/CAG Chair

C/CAG AGENDA REPORT

Date: June 10, 2010
To: Board of Directors
From: Bicycle and Pedestrian Advisory Committee (BPAC)
Subject: Review and approval of Resolution 10-28 to adopt the Federal Cycle 1 Regional Bicycle Program (RBP).

(For further information or questions contact Tom Madalena at 599-1460)

RECOMMENDATION

That the Board review and approve Resolution 10-28 to adopt the Federal Cycle 1 Regional Bicycle Program (RBP).

FISCAL IMPACT

There is a total of approximately \$1,669,440 available in Regional Bicycle Program (RBP) funds.

SOURCE OF FUNDS

Fund sources are composed of Federal Surface Transportation Program (STP) and Federal Congestion Mitigation and Air Quality (CMAQ) funds.

BACKGROUND/DISCUSSION

On February 11, 2010 the C/CAG Board of Directors approved the process and guidelines for the San Mateo County Regional Bicycle Program (RBP). C/CAG issued a Call for Projects for the Regional Bicycle Program in February and applications were due on April 16, 2010. Staff received nine applications. The City of Brisbane decided to formally withdraw their application. Additionally, there were two applications received for pedestrian projects, which were determined to be ineligible by staff as a result of the Metropolitan Transportation Commission not allowing C/CAG to fund pedestrian projects as staff had originally understood that C/CAG had the flexibility to do.

For the RBP, the recommended project list was developed by the C/CAG Bicycle and Pedestrian Advisory Committee (BPAC). The BPAC received presentations on the proposed projects from staff from each the sponsoring jurisdictions at the April 22, 2010 BPAC meeting. The BPAC also conducted site visits for each of the eligible projects on Saturday May 15, 2010. The BPAC scored the applications based upon the scoring criteria and then discussed and presented final scores at the May 27, 2010 BPAC meeting. The scoring of projects at the May 27th BPAC meeting resulted in a recommended project list as detailed in the table below.

Project Summary

Jurisdiction	Project	Grant Request Amount	Recommended for funding by C/CAG Bicycle and Pedestrian Advisory Committee	Amount recommended for funding
County of San Mateo	Crystal Springs Regional Trail South of Dam Project	\$300,000	Yes	\$300,000
South San Francisco	SSF Regional Gap Closure Project	\$261,290	Yes	\$261,000
Half Moon Bay	Highway 1 Bicycle/Pedestrian Trail	\$420,000	Yes	\$420,000
San Mateo	Concar Drive Class 1 Bike Path Project	\$309,750	No	\$0
Redwood City	Bair Island Bay Trail Improvements	\$337,343	Yes	\$337,000
Redwood City	Skyway/Shoreway Bike Route Improvement Project	\$256,427	Yes	\$256,000
Total		\$1,884,810		\$1,574,000

The total available funds for the Federal Cycle 1 RBP are \$1,669,440 and the total amount being recommended for funding is \$1,574,000. Therefore there are \$95,440 in surplus RBP funds.

Program Level Recommendation:

The RBP program is undersubscribed, that is, there is a surplus of \$95,440 after fully funding the 5 projects being recommended for funding by the BPAC. Staff recommendation is to transfer the \$95,440 in RBP funds into the Local Streets and Roads (LS&R) Program. It was established at the February 11, 2010 Board meeting that the LS&R Program funds are to be distributed based on the Measure A local transportation distribution formula. The RBP funds that would be moved into the LS&R Program will then become part of the LS&R Program as presented in the LS&R Program staff report under a separate item in the June 10, 2010 Board of Directors packet.

ATTACHMENTS

- Resolution 10-28

RESOLUTION 10-28

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/
COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO
COUNTY TO ADOPT THE FEDERAL CYCLE 1 SAN MATEO
COUNTY
REGIONAL BICYCLE PROGRAM**

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG); that,

WHEREAS, the Metropolitan Transportation Commission (MTC) has developed policies and procedures to be used in the selection of projects to be funded with Surface Transportation Planning (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds for the Cycle 1 STP/CMAQ Program (23 U.S.C. Section 133); and

WHEREAS, local responsibility for project selection for the Cycle 1 funding program (i.e. County Transportation for Livable Communities (TLC) Program, Local Streets and Roads Rehabilitation Shortfall Program (LS&R) , Regional Bicycle Program (RBP)) has been assigned to Congestion Management Agencies (CMAs); and

WHEREAS, C/CAG is the Congestion Management Agency for San Mateo County; and

WHEREAS, C/CAG has developed a list of projects to submit for the Federal Cycle 1 San Mateo County Regional Bicycle Program; and

WHEREAS, C/CAG is submitting the Federal Cycle 1 San Mateo County Regional Bicycle Program to the Metropolitan Transportation Commission (MTC) for funding from the Federal Surface Transportation Program (STP).

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County to adopt the Federal Cycle 1 San Mateo County Regional Bicycle Program to be submitted to the Metropolitan Transportation Commission (MTC) and authorize the C/CAG Executive Director to negotiate with the Metropolitan Transportation Commission (MTC) to make minor modifications as necessary.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF JUNE 2010.

Thomas M. Kasten, C/CAG Chair

C/CAG AGENDA REPORT

Date: June 10, 2010
To: City/County Association of Governments Board of Directors
From: Congestion Management & Environmental Quality Committee (CMEQ)
Subject: Review and approval of Resolution 10-29 to adopt the Federal Cycle 1 San Mateo County Local Streets & Roads (LS&R) Program.

(For further information contact Jean Higaki at 599-1462)

RECOMMENDATION

That the C/CAG Board approve Resolution 10-29 to adopt the Federal Cycle 1 San Mateo County Local Streets & Roads (LS&R) Program.

FISCAL IMPACT

Federal Cycle 1 available funding for LS&R has been approved by MTC for San Mateo County at \$6,518,000. An additional \$567,000 from the Transportation for Livable Communities (TLC) Program and \$95,000 from the Regional Bicycle Program (RBP) will be added to the Cycle 1 LS&R Program. Cycle 2 funding for LS&R is estimated by MTC for San Mateo County at \$6,000,000. Although Cycle 2 funding has not been approved by the MTC Commission, MTC concurs with San Mateo County's proposal of allocating both Cycle 1 & 2 LS&R funding to jurisdictions.

SOURCE OF FUNDS

Fund source for Cycles 1 & 2 comes from Federal Surface Transportation Program (STP). Minimum local match of 11.47% is required.

BACKGROUND/DISCUSSION

At its February 11, 2010 meeting, the C/CAG Board approved the funding allocation for LS&R by combining Federal Cycle 1 and 2 funds. That approval included two scenarios: Scenario A included additional Jobs Bill funding and Scenario B did not.

To date there is no additional Jobs Bill funding for transportation therefore, staff recommends proceeding with Scenario B. Under Scenario B Cycles 1 & 2 funds would be combined and allocated to all jurisdictions using the following steps and as shown in Table 2 (Attachment 1):

1. Using the latest Measure A Local Transportation Distribution percentage, each jurisdiction will be allocated an amount equal to its proportionate share of the total fund.

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2. The 10 largest jurisdictions will receive their shares in Cycles 1 & 2.
3. Remaining jurisdictions will receive their shares in Cycle 2.
4. All projects must comply with all Federal-Aid rules and requirements.
5. C/CAG will request for an exception from MTC for jurisdictions whose shares are smaller than \$250K (a MTC requirement of minimum project size), unless other arrangements can be made. For example, inter-jurisdiction cooperation to combine resources to deliver larger projects is encouraged.
6. Since the \$6 million in Cycle 2 is only an estimate, any difference in the final county allocation will be adjusted by adding or subtracting from each jurisdiction's Cycle 2 allocation, pro rata. Such final decision will be made by C/CAG Board during Cycle 2 programming.
7. During Cycle 2 programming, C/CAG Board may also consider providing the smaller jurisdictions with a minimum of \$250,000. Such final decision will be made by C/CAG Board during Cycle 2 programming.

Request for Cycle 1 project-programming information was sent out to the ten largest jurisdictions on April 12, 2010 via email with a due date of May 14, 2010. Information is only needed for the Cycle 1 fund recipients at this time. Cycle 1 funding recipients include San Mateo County, San Mateo City, Daly City, Redwood City, South San Francisco, Pacifica, San Bruno, Burlingame, Menlo Park, and San Carlos.

The Transportation for Livable Communities (TLC) Program is and is under-subscribed and it is proposed to transfer \$567,000 to the LS&R. The Regional Bicycle Program (RBP) also has excess funds of \$95,000 to transfer to the LS&R Program. It is expected that a total of \$662,000 will be transferred to the LS&R program. Allocation to each jurisdiction will be increased proportionately.

The Congestion Management Program Technical Advisory Committee (TAC) approved the LS&R Program on May 20, 2010 followed by the Congestion Management & Environmental Quality Committee (CMEQ) approval on May 24, 2010. After board approval, the project list will be sent to MTC for programming. It is expected that field reviews will be able to take place in July or August after MTC has notified Caltrans that these projects are proposed for programming in the Transportation Improvement Program (TIP).

Once a project is programmed regional delivery deadlines will apply. In order to preserve funding within the County action may be taken and penalties may be imposed on jurisdictions unable to make delivery deadlines. At least 50% of the Cycle 1 funds must be programmed for delivery in the 2010/2011 Fiscal Year (FY). The remaining funds must be delivered in the 2011/2012 FY.

MTC will expect new resolutions of local support by September 15, 2010. Agencies will also be required to input projects in the "Routine Accommodations" database and input specific project information in MTC FMS when the TIP is reopened in October 2010.

ATTACHMENTS

1. Resolution 10-29
2. Federal Cycle 1 Project List for San Mateo County LS&R Program
3. Attachment 1 - Table 2 (Part of Scenario B)

RESOLUTION 10-29

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/
COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO
COUNTY TO ADOPT THE FEDERAL CYCLE 1 SAN MATEO COUNTY
LOCAL STREETS & ROADS (LS&R) PROGRAM**

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG); that,

WHEREAS, the Metropolitan Transportation Commission (MTC) has developed policies and procedures to be used in the selection of projects to be funded with Surface Transportation Planning (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds for the Cycle 1 STP/CMAQ Program (23 U.S.C. Section 133); and

WHEREAS, local responsibility for project selection for the Cycle 1 funding program (i.e. County Transportation for Livable Communities (TLC) Program, Local Streets and Roads Rehabilitation Shortfall Program (LS&R) , Regional Bicycle Program(RBP)) has been assigned to Congestion Management Agencies (CMAs); and

WHEREAS, C/CAG is the Congestion Management Agency for San Mateo County; and

WHEREAS, C/CAG has developed a list of projects to submit for the Local Streets and Roads Rehabilitation Shortfall Program, which is referred to as the Federal Cycle 1 San Mateo County Local Streets & Roads (LS&R) Program; and

WHEREAS, C/CAG is submitting the Federal Cycle 1 San Mateo County Local Streets & Roads (LS&R) Program to the Metropolitan Transportation Commission (MTC) for funding from the Federal Surface Transportation Program (STP).

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County to adopt the Federal Cycle 1 San Mateo County Local Streets & Roads (LS&R) Program to be submitted to the Metropolitan Transportation Commission (MTC) and authorize the C/CAG Executive Director to negotiate with the Metropolitan Transportation Commission (MTC) to make minor modifications as necessary.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF JUNE 2010.

Thomas M. Kasten, C/CAG Chair

Federal Cycle 1 Project List for San Mateo County LS&R Program

City/County	Cycle 1 STP Federal Grant	Project name	Project Location	Description of Work
County of San Mateo	\$1,416,000	Resurfacing of Various Streets in the Ladera, North Fair Oaks, District 4 and Palomar Park Areas of San Mateo County	Alpine Road from County Boundary north of Stowe Ln to County Boundary south of La Mesa Dr; Canada Road from Edgewood Road to Interstate 280; Middlefield Rd from the railroad tracks to Fifth Ave; Semicircular Rd from Middlefield Rd to Fifth Ave; Edgewood Road from Interstate 280 to Crestview Drive; Crestview Drive from Edgewood Road to County Boundary near Edmonds Road	The work to be done consists, in general, of pavement repair (6" max.), installing new curb ramps and/or where applicable updating existing curb ramps to meet ADA compliance, planing asphalt concrete pavement (2" max.), placement of pavement reinforcing fabric, and an asphalt concrete overlay, re-stripping of the newly resurfaced roadway, preserving monuments and replacement of pavement markings, legends and markers.
City of San Mateo	\$1,255,000	Street Rehabilitation at Various Federal Aid Routes	1) 28th Ave, from 31st Ave to Alameda de las Pulgas; 2) 31st Ave, from W. Hillsdale Blvd to Hacienda St; 3) Hacienda St, from 28th Ave to 40th Ave; 4) Edison St, from 31st Ave to 39th Ave; 5) Curtiss St, from E. Hillsdale Blvd to 39th Ave; 6) La Selva St to Norfolk; 7) Los Prados St, from La Selva St to Norfolk	The proposed pavement rehabilitation improvements includes making 4" to 6" of localized pavement (base) repair with 4" to 6" of new asphalt concrete; grinding 1.5" AC and overlaying with 1.5" AC from lip of gutter to lip of gutter; repairing broken curb, gutter and sidewalk; adjusting manhole riser ring to grade; installing traffic loops and restriping bike lane and traffic striping, markings and legends
City of Daly City	\$1,058,000	Junipero Serra Blvd, Hoffman St, and San Pedro Rd Rehabilitation	Junipero Serra Boulevard from Washington Street to the City Limit near D Street, Hoffman Street from Hillside Boulevard to Lausanne Avenue, and San Pedro Road from Mission Street to Junipero Serra Blvd	Mill and AC overlay; make up to 6-inch deep localized base failure repairs; repair broken curb and gutter; install ADA compliant curb ramps; raise medians and electroliers; replace sign poles and signs; adjust utility manholes, utility boxes, and monuments to grade; install video detector cameras; replace traffic loops; reinstall traffic striping and pavement markings
Redwood City	\$946,000	Hopkins Avenue, East Bay Shore Road, Veterans Boulevard Overlay Project, Redwood Avenue	Hopkins Avenue from El Camino Real to City limit Past Alameda de Las Pulgas, East Bayshore Road from Seaport, Veterans Boulevard from Wipple Avenue to city limit past Chestnut Avenue Boulevard to City lime at Heven Avenue, Redwood Avenue from city limit before El Camino Real to Valota Road.	Repair/ overlay and install handicap ramps
South San Francisco	\$712,000	2010 Street Resurfacing Project: Various Streets	Holly Ave (Old Mission Road - Hillside Blvd), Arroyo Dr (Junipero Serra Blvd - Camaritas Dr), Grand Ave (Spruce Ave - Airport Blvd), Hilton Avenue (Hickey Blvd. - Newman Dr.), and Newman Drive (Hilton Ave. - Clay Ave.).	Install AC Resurfacing including Mobilization & Demobilization, Public Notification, Traffic Control, Concrete Work, AC Work, Pavement Milling, Digout repairs, Adjust Utility fame & covers to grade, new Striping & all incidentals
City of Pacifica	\$383,000	FY 2010-2011 Federal STP City of Pacifica Pavement Rehabilitation Project: Various Streets	TERRA NOVA BLVD. from Everglades Road Drive to Oddstad Blvd., OCEANA BLVD. from Milagra Drive to Monterey Road, HICKEY BLVD. from Gateway Drive to Parkview Circle.	Project composed of pavement grinding, base repair, asphalt overlay, thermoplastic traffic striping and markings, sidewalk ramps, and other miscellaneous work

Federal Cycle 1 Project List for San Mateo County LS&R Program

City/County	Cycle 1 STP Federal Grant	Project name	Project Location	Description of Work
City of San Bruno	\$398,000	San Bruno Various Streets Resurfacing	AC OVERLAY: Crestmoor Dr (San Bruno Ave to south of Cambridge Lane), Oakmont Dr (Valleywood Dr to Evergreen Dr BID ALTERNATE).	Place an asphalt concrete overlay and install new curb ramps on portions of several roadways in the City of San Bruno. The asphalt concrete overlay work generally consists of placing and compacting a 2-inch overlay with Type A asphalt concrete (no paving fabric), wedge grinding at existing gutters and conforms (1.5" deep), pavement base repairs (maximum excavation depth of 8" with not more than 4" into subbase materials), crack sealing, raising existing utility frames and covers to grade, replacing striping and pavement markings in kind and replacing any impacted traffic detector loops. Install new ADA mandated curb ramps at intersections with no existing ramps prior to or concurrent with the proposed paving work. No sidewalk repair will occur under this contract.
City of Menlo Park	\$385,000	2010/2011 Resurfacing of Federal Aid Routes	City of Menlo Park: Marsh Road, Middlefield Road, Middle Avenue and Sand Hill Road	Project Consists of pavement base repairs, edge and conform grinds, 2" asphalt overlay and ADA ramp improvements where needed.
San Carlos	\$319,000	Howard Avenue, Club Drive, and Elm Street Pavement Rehabilitation	Howard Avenue between Old County Road and Industrial Road, Elm Drive between San Carlos Avenue and Magnolia Avenue (excluding the part that was recently resurfaced), and all of Club Drive.	Project composed of pavement grinding, base repair, asphalt overlay, thermoplastic traffic striping and markings, sidewalk ramps, and other miscellaneous work
Burlingame	\$308,000	Federal Grant Street Resurfacing Program 2010-11	Bloomfield Road from Oak Grove to Pennisula Avenue, Bernal Avenue from Carmilita Avenue to Hillside Drive, and Rosedale Avenue from California Drive to ECR.	Project composed of pavement grinding, base repair, asphalt overlay, thermoplastic traffic striping and markings, sidewalk, and other miscellaneous work

**Table 2
Part of Scenario B**

Combine Cycles 1 & 2 funds for LS&R					
Cycle 1: Total Available: \$6,518,000 + \$95,000 (RBP) + \$567,000 (TLC) = \$7,180,000					
Cycle 2: Total Estimated: \$6,000,000. Exact final allocation for each jurisdiction in Cycle 2 will be adjusted pro rata based on final countywide allocation.					
CITY / COUNTY	Measure A	Jurisdiction's Total Share Rounded to \$1,000	Cycle 1 Federal Grant	Cycle 2 Federal Grant	
			FY 2010/11 FY 2011/12	FY 2012/13 FY 2013/14 FY 2014/15	
SM County	13.02%	\$1,716,000	\$1,416,000	\$300,000	
San Mateo	11.80%	\$1,555,000	\$1,255,000	\$300,000	
Daly City	10.30%	\$1,358,000	\$1,058,000	\$300,000	
Redwood City	9.45%	\$1,246,000	\$946,000	\$300,000	
South SF	7.68%	\$1,012,000	\$712,000	\$300,000	
Pacifica	5.18%	\$683,000	\$383,000	\$300,000	
San Bruno	5.10%	\$672,000	\$398,000	\$274,000	
Menlo Park	4.82%	\$635,000	\$385,000	\$250,000	
San Carlos	4.32%	\$569,000	\$319,000	\$250,000	
Burlingame	4.23%	\$558,000	\$308,000	\$250,000	
Belmont	3.52%	\$464,000		\$464,000	
Foster City	3.34%	\$440,000		\$440,000	
East Palo Alto	3.28%	\$432,000		\$432,000	
Hillsborough	3.01%	\$397,000		\$397,000	
Millbrae	2.93%	\$386,000		\$386,000	
Atherton	1.89%	\$249,000		\$249,000	
Woodside	1.76%	\$232,000		\$232,000	
Half Moon Bay	1.61%	\$212,000		\$212,000	
Portola Valley	1.48%	\$195,000		\$195,000	
Brisbane	0.96%	\$127,000		\$127,000	
Colma	0.32%	\$42,000		\$42,000	
Total:	100.00%	\$13,180,000	\$7,180,000	\$6,000,000	

Agencies above the dash line are working w/ Caltrans on projects that would have been funded by Stimulus II.

C/CAG AGENDA REPORT

Date: June 10, 2010
To: C/CAG Board of Directors
From: Richard Napier, Executive Director
Subject: Review and approval of the appointment of Marge Colapietro to the Bicycle and Pedestrian Advisory Committee (BPAC).

(For further information please contact Tom Madalena at 650-599-1460)

RECOMMENDATION

That the C/CAG Board review and appoint Marge Colapietro to the Bicycle and Pedestrian Advisory Committee (BPAC) in accordance with staff recommendation.

FISCAL IMPACT

There will be no fiscal impact.

SOURCE OF FUNDS

Not applicable

BACKGROUND/DISCUSSION

Currently the Bicycle and Pedestrian Advisory Committee (BPAC) has one vacant seat for an elected official. Staff distributed a recruitment letter to the elected officials in San Mateo County requesting letters of interest for appointment to the BPAC. Staff received one letter of interest for the elected official seat. The letter of interest was from Marge Colapietro, Councilmember from Millbrae. Staff recommends that the Board appoint Marge Colapietro to the vacant seat.

ATTACHMENTS

- Bicycle and Pedestrian Advisory Committee letter of interest from Marge Colapietro

ITEM 5.5



City of Millbrae

621 Magnolia Avenue, Millbrae, CA 94030
Phone: (650) 692-3195 Fax: (650) 259-2425
E-Mail: mcolapietro@ci.millbrae.ca.us

MARGE COLAPIETRO
Councilwoman

May 11, 2010

Richard Napier, C/CAG Executive Director
City/County Association of Governments
555 County Center, 5th Floor
Redwood City, CA 94063

Subject: Letter of Interest for Appointment to C/CAG
The Bicycle and Pedestrian Advisory Committee (BPAC)

Dear Director Napier,

I respectfully ask for your consideration of my appointment to the SMC C/CAG BPAC Advisory Committee.

I meet the basic requirements of being an elected official currently serving as a Councilwoman in the City of Millbrae, one of the twenty City Councils in San Mateo County.

I believe that I would bring value to the BPAC Advisory Committee because I exceed the minimum requirement, and my public service during the first 2-1/2 years of my first term in office within the County and my City have helped me to know more about our County and the people we serve beyond my own City borders. I'd like to share with you some of the experiences I have enjoyed during these past years:

City Council Liaison to Millbrae Commissions and Committees:

Millbrae Community Television
Millbrae Downtown Process Committee
Millbrae Senior Advisory Committee

City Council Delegate to SMC County Agencies:

C/CAG Airport Land Use Committee
Council of Cities (2009 Secretary/Treasurer, 2010 Vice President)
Council of Cities Compensation Task Force Sub-Committee
Emergency Medical Services JPA
Emergency Services Council
SFO Airport Community Roundtable

I am also a member of the Millbrae Chamber of Commerce and various other organizations.

My regional commitment to public service and to the above agencies has also been exemplified by my involvement and support of the League of California Cities, Institute for Local Government (engaging residents and volunteers in emergency preparedness/response) and the Peninsula Clergy Network, the Peninsula Partnership Leadership Council, to name a few. I have attended a multitude of local, county and regional seminars and have also participated in workshops relative to the many challenging issues that face public officials in our cities and county.

I maintain a good rapport with our local, state and national legislators.

I am very proud that I voted in favor of the City of Millbrae establishing a BPAC Advisory Committee and that I also voted to approve a bicycle route throughout our city that will establish good links with the routes of our neighboring cities, our County and Bay Area. I also assisted with the first SMC “World Health Day” planning and the Millbrae Historical Society’s “Inaugural History Walk.”

Millbrae has excellent sustainability programs that are continuously being expanded and I have voted to approve operating budgets for these important programs.

I have been a life-long resident of San Mateo County, was educated and employed in our County while enjoying almost thirty-eight years in the business world, the last twenty-six as a successful business owner also in SMC.

I look forward to working with colleagues on the BPAC Advisory Committee relative to the matters relating to bicycle and pedestrian facilities planning and selection of projects for state and federal funding.

Please feel free to contact me if you require additional information.

Marge Colapietro

Marge Colapietro
Councilwoman

C/CAG AGENDA REPORT

Date: June 10, 2010

To: City/County Association of Governments Board of Directors

From: Richard Napier

Subject: REVIEW AND APPROVAL OF THE APPOINTMENT OF MARY ANN NIHARD, MAYOR PRO-TEM, PACIFICA AND COUNCIL MEMBER DAVID LIM, CITY OF SAN MATEO TO THE LEGISLATIVE COMMITTEE

(For further information contact Joseph Kott at 599-1453)

RECOMMENDATION

That the Board approve the appointment of Mary Ann Nihart, Mayor Pro-Tem, Pacifica, and Councilmember David Lim, City of San Mateo, to the Legislative Committee.

FISCAL IMPACT

This is a change in Committee membership only. No fiscal impact will occur.

BACKGROUND/DISCUSSION

On November 14, 2003 the C/CAG Board established the Legislative Committee. Current members of the Legislative Committee are as follows:

- Deborah Gordon, Woodside – Chair
- Tom Kasten, Hillsborough
- Irene O’Connell, San Bruno
- Kevin Mullin, South San Francisco
- Andrew Cohen, Menlo Park
- Sepi Richardson, Brisbane
- Linda Koelling Foster City
- Gina Papen, Millbrae
- Jerry Carson, Atherton
- Carole Groom, County of San Mateo

There are two vacancies on the Legislative Committee, created by the departure from the Legislative Committee of Rosalie O’Mahony of Burlingame and Robert Grasilli of San Carlos.

The Legislative Committee recommends positions on pending legislation and an annual set of legislative priorities to the full C/CAG Board, as well as receives, considers, and discusses

ITEM 5.6

reports received from C/CAG staff and C/CAG lobbyists in Sacramento. The Legislative Committee typically meets on the same day as and prior to meetings of the full C/CAG Board.

ATTACHMENTS

- Applications for Legislative Committee from Hon. David Lim and Hon. Mary Ann Nihart.



OFFICE OF THE CITY COUNCIL

330 West 20th Avenue
San Mateo, CA 94403-1388
Telephone (650) 522-7048
FAX: (650) 522-7041
www.cityofsanmateo.org

May 11, 2010

Richard Napier
Executive Director
City/County Association of Governments of San Mateo County
County Office Building
555 County Center
Fifth Floor
Redwood City, California 94063

Re: *Application for Legislative Committee*

Mr. Napier,

I am writing to formally apply for the opening in C/CAG's Legislative Committee. I am currently an elected official serving on the San Mateo City Council from 2009-2013. While I am new to elected office, I have a wide range of experience in legislative affairs.

Since 1999, I have been an attorney working for the Alameda County District Attorney's Office. In my capacity as a Deputy District Attorney, I have served on the Real Estate Fraud Executive Committee for the California District Attorney's Association (CDAA) since 2006. In that capacity, I testified before the California State Senate Judiciary Committee on mortgage fraud and consumer protection. In 2009, I helped advise the CDAA on the creation of S.B. 239, a bill to aid law enforcement in the production of records relevant to a mortgage fraud investigation. S.B. 239 was passed by the legislature and signed into law in 2009 and is now California Penal Code § 532f.

From 1995-96, I served as a staff assistant for the late Robert T. Matsui, Congressman from Sacramento and House Minority Whip. In that capacity I gained valuable insight into the process by which legislators determine which bills to support and how they work to secure votes for a variety of legislation.

I have attached a copy of my resume for your review, and am available to meet with you and the C/CAG Board at your convenience-if you would like to interview me further. I look forward to helping C/CAG in its mission to help the Cities and the County of San Mateo identify and address issues important to all of us.

Sincerely,

David Lim
San Mateo City Council

David G. Lim

313 Midvale Avenue
San Mateo, CA 94403

(415) 290-4044
ucladavid@yahoo.com

WORK EXPERIENCE

Councilmember, San Mateo City Council 2009 – Present

Elected to four-year term on the San Mateo City Council. Deal with issues related to governance of a city of 96,000 including issues of land use, public safety, and public works.

Deputy District Attorney, Alameda County District Attorney's Office 1999 – Present

Criminal prosecutor with over 40 trials to jury verdict including cases for murder, child sexual assault, financial elder abuse, domestic violence, robbery, burglary, and DUI. Currently assigned to real estate fraud division. Trainer and presenter to U.S. Attorney, FBI, and law enforcement agencies on real estate fraud and white collar crime.

Staff Assistant, Congressman Robert T. Matsui 1995 – 1996

Handled daily office staff functions for Washington, D.C. office including constituent correspondence, assisting legislative aides, and supporting Congressman's duties as Minority Whip for House of Representatives in an administrative capacity.

Adjunct Professor (Lecturer), UCLA Graduate School of Education & Information Studies 1994 – 1995

Served as team leader for approximately 30 graduate students obtaining their M.Ed. / teaching credentials. Duties included placement, observation, and assessment of graduate students in their teaching assignments. Taught graduate level courses in curriculum development and classroom management. Helped restructure UCLA's teacher education program to reflect a commitment to social justice for urban, inner-city schools.

Teacher, Paul Revere Middle School 1993 – 1994

World history teacher at Paul Revere Math, Science & Technology Magnet in the Los Angeles Unified School District. Taught over 150 students in the ethnically diverse setting of L.A. public schools. Responsible for all aspects of lesson planning and classroom management.

COMMUNITY SERVICE**Commissioner, Community Relations Commission for City of San Mateo
2004 – 2009**

Appointed by San Mateo City Council. Make yearly funding recommendations for allocation of federal funding to local non-profit agencies serving basic human needs to elderly, children, and the homeless. Also liaison with community on issues related to quality of life and public safety. Served as Chair of Commission from 2006 – 2007.

**Board of Directors, San Mateo Neighborhood Watch
2002 – 2006**

Assisted San Mateo Police Department Neighborhood Watch program organize events and outreach to community. Events included Neighborhood Night Out and annual Holiday Party. Served as Board President in 2006.

EDUCATION

University of California, Hastings College of the Law
J.D., 1999
Tony Patino Fellow
Am Jur Award – Constitutional Law, Negotiations & Mediation

University of California, Los Angeles
M.Ed., Education, 1993
Dean's Scholar
B.A., Political Science, 1992

MEMBERSHIPS & LICENSES

California State Bar, 1999 - present
California Real Estate Broker, 2007 - present
Alameda County Bar Association, 1999 - present
Asian-American Bar Association of the Greater Bay Area, 1999 - present
California District Attorney Association (CDAA), 1999 - present
Executive Committee, Real Estate Fraud, CDAA, 2006 - present
California Teaching Credential, 1993 – 1998
United Teachers of Los Angeles Union, 1993 - 1994

Mary Ann Nihart
Mayor, Pro-tem, City of Pacifica

May 3, 2010

Richard Napier, C/CAG Executive Director
City/County Association of Governments
555 County Center, 5tr Floor
Redwood City, CA 94063

Dear Mr. Kasten and Members of the City/County Association of Governments,

I am writing to express my interest in joining the Legislative Committee of the San Mateo City/County Association of Governments. In the coming year, the California State legislature will be making decisions that will directly impact resources and revenues available to our city and counties. It is essential that we are all involved in actively monitoring these decisions.

As President of the American Psychiatric Nurses Association, California Chapter and Executive Board Member for the National Association of Nurse Practitioners in Women's Health, I already have experience monitoring legislation in the health care arena, writing position papers, working with legislators and committees, and conducting briefings, even at the Federal level. As faculty for the University of California, Davis, Center for Human Services, I have managed a number of statewide projects for the Departments of Mental Health, Social Services, and Developmental Services and enjoy the challenges of not only building consensus in Sacramento but writing regulations that make legislations work. In other words, I enjoy the process of government and believe I have skills that would be useful to our efforts in San Mateo County.

As Pacifica does not currently have membership in this committee, I would like to offer my time and experience. Thank you for consideration. I hope to work with you in the future.

Respectfully



Mary Ann Nihart

C/CAG AGENDA REPORT

Date: June 10, 2010
To: C/CAG Board of Directors
From: Richard Napier, Executive Director
Kim Springer, County of San Mateo, RecycleWorks, Staff
Subject: Adopt Resolution 10-35 Providing Comments on the Draft Updated Multi-Jurisdictional Non-Disposal Facility Element

(For further information, contact Richard Napier 650-599-1420 or Kim Springer 650-599-1412)

RECOMMENDATION

Adopt Resolution 10-35 authorizing the C/CAG Chair to sign a letter to the County providing comments on the draft updated Multi-Jurisdictional Non-Disposal Facility Element (NDFE).

FISCAL IMPACT

None.

SOURCE OF FUNDS

N/A.

BACKGROUND/DISCUSSION

At the February 12, 2009 C/CAG Board meeting, the board approved the composition of a temporary committee to see through the process of the 2009 Countywide Integrated Waste Management Plan (CIWMP) review.

With the addition of one, large business committee member, the membership of the committee was approved at the March 12, 2009 C/CAG Board meeting.

This temporary committee met two times and, in so doing, recommended comments in the form of a letter to the County of San Mateo, Director of Public Works. Your Board approved these comments with Resolution 09-49 at the September 10, 2009 C/CAG Board meeting.

The letter commented to the County that C/CAG, as the Local Task Force, has reviewed the CIWMP and that all elements of the plan were still acceptable planning tools with one exception, the multi-jurisdictional Non-Disposal Facility Element. The letter further suggested that the County complete the required Five-Year CIWMP Review Report and forward this report to the California Integrated Waste Management Board (now CalRecycle) for their approval.

The County received the comments from the Local Task Force and completed the Review Report with a summary, in agreement with the findings of the C/CAG temporary CIWMP review committee and your Local Task Force comments.

ITEM 5.7

The final CIWMP Five-Year Review Report was mailed to the C/CAG Chair upon approval by the County of San Mateo, Board of Supervisors on January 26, 2010.

CalRecycle reviewed the Report and delivered its findings in agreement with both the assessment of the Local Task Force and the County's Review Report. The County has updated the multi-jurisdictional NDFE for your review, comment and approval.

The Countywide Integrated Waste Management Plan Five Year Review Report, the draft letter of Comments from Local Task Force to County on the Multi-Jurisdictional Non-Disposal Facility Element update, and Resolution 10-35 have been provided as attachments to this report.

The five-year review process will be completed:

- once the updated Multi-Jurisdictional Non-Disposal Facility Element is approved by your Board, the County of San Mateo Board of Supervisors,
- the Multi-Jurisdictional Non-Disposal Facility Element update is provided to CalRecycle for their review,
- and the final Multi-Jurisdictional Non-Disposal Facility Element update is provided to the cities in San Mateo County.

ATTACHMENTS

- Resolution 10-35
- Draft Multi-Jurisdictional Non-Disposal Facility Element Update – Not Included
(Available Upon Request: Contact Kim Springer 650-5991412)
- Countywide Integrated Waste Management Plan Five Year Review Report – Not Included
(Available Upon Request: Contact Kim Springer 650-5991412)
- Draft letter of Comments from Local Task Force to County on Multi-Jurisdictional Non-Disposal Facility Element update

RESOLUTION NO. 10-35

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE C/CAG CHAIR TO SIGN A LETTER TO THE COUNTY PROVIDING COMMENTS ON THE DRAFT UPDATED MULTI-JURISDICTIONAL NONDISPOSAL FACILITY ELEMENT

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), that

WHEREAS, the C/CAG Board is the Local Task Force (LTF) to the California Integrated Waste Management Board (CIWMB) for San Mateo County; and,

WHEREAS, the C/CAG Board appointed a Countywide Integrated Waste Management Plan (CIWMP) committee at the February 12, 2009 meeting; and,

WHEREAS, the LTF shall review the Five-Year Countywide Integrated Waste Management Plan Review report; and,

WHEREAS, the LTF shall reviewed Multi-Jurisdictional Non-Disposal Facility Element update and provide comments to the County in a letter;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the Chair is authorized to sign a letter to the County providing comments on the updated Multi-Jurisdictional Non-Disposal Facility Element.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF JUNE, 2010.

Thomas M. Kasten, Chair

C/CAG
CITY/COUNTY ASSOCIATION OF GOVERNMENTS
OF SAN MATEO COUNTY

*Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park •
Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

June 10, 2010

James C. Porter
County of San Mateo
Department of Public Works
555 County Center – 5th Floor
Redwood City, CA 94063

Dear Mr. Porter:

This letter is to inform you that the City and County Association of Governments (C/CAG) as the Local Task Force (LTF) to the California Integrated Waste Management Board (CIWMB) has reviewed the updated Multi-Jurisdictional Non-Disposal Facility Element (NDFE) provided to our Board in the June 10, 2010 Board packet.

We find that the updated NDFE is acceptable and suggest, once approved by the County of San Mateo Board of Supervisors, that it be distributed to the all the cities in San Mateo County as a reference for future diversion activities in San Mateo County.

Very truly yours,

Thomas M. Kasten
C/CAG Chairperson

C/CAG AGENDA REPORT

Date: June 10, 2010
To: City/County Association of Governments Board of Directors
From: Richard Napier, Executive Director
Subject: Update on Use of Funds for Climate Change Related Programs
For further information contact Richard Napier at 650-599-1420 or Kim Springer at 650-599-1412.

RECOMMENDATION

Review the report back from County of San Mateo for professional support services for the Resource Management and Climate Protection Committee, Countywide Recycling Committee, Countywide Green Business Program and Countywide Green Building Ordinance Work.

FISCAL IMPACT

No fiscal impact.

SOURCE OF FUNDS

N/A

BACKGROUND/DISCUSSION

At the C/CAG, August 14, 2009 meeting, the Board approved Resolution 09-37 authorizing the C/CAG Chair to execute an agreement with the County of San Mateo for staff time to provide professional support services for the Resource Management and Climate Protection Committee, Solid Waste Staff Support, Countywide Green Business Program and Countywide Green Building Ordinance Work for a not-to-exceed amount of \$90,000.

The staff report for Resolution 09-37 provided that the County report back in June 2010 and in December 2010 on specific performance goals for each of the four programs funded under this resolution. This report provides these updates.

Resource Management and Climate Protection Committee and Solid Waste Staff Support:

Resolution 09-37 provided funding of up to \$20,000 from the General Fund for these two programs and four associated goals. To date, the County has not billed for these services.

Goal	Report Back
Provide Four Countywide Recycling Committee Meetings in 2010.	Two Countywide Recycling Committee Meetings have been provided, one in February and one in May.
Provide reports to all jurisdictions in San	The County has completed the report to the

ITEM 5.8

Mateo County containing the efforts that can be reported on electronic annual reports to CalRecycle.	cities and will be providing this report to the cities in this month of June. Electronic Annual Reporting to CalRecycle will be due from all cities August 1, 2010.
Provide Staffing for a minimum of eight RMCP meetings in 2010.	Staffing has been provided for three of eight RMCP meetings: January, February and March. April and May were cancelled.
Provide staff support to the Local Task Force	The County has provided staff support to the Local Task Force in several tasks related to providing Countywide Recycling Committee meetings and February and May, staffing of a Countywide Integrated Waste Management Plan, Five-Year Review committee, and the completion of the Non-Disposal Facility Element update.

Countywide Green Business Program:

Resolution 09-37 provided funding of up to \$45,000 (\$25,000 from the Congestion Relief Fund and \$20,000 from NPDES) for these two programs and six associated goals. To date, the County has not billed for these services.

Unfortunately, expansion of this program Countywide has been put off indefinitely. Because this is one of the basic requirements for the use of these funds, none of the six requested goals has been met.

Programs not specifically related to solid waste, including the Green Business Program, were previously funded by the County’s solid waste fund, which contractually collected revenue on a per ton disposed basis from landfills in the unincorporated area of the County. The aforementioned contract expired in December 2009 and was replaced by a funding structure adopted by the County of San Mateo, Board of Supervisors, called an AB 939 fee. AB 939 revenue cannot be used to fund program elements outside of Solid Waste. Since the Green Business Program’s solid waste section is only one quarter of the program, AB 939 revenue alone cannot be used for this program.

The county is seeking ongoing funding of approximately \$100,000 per year to expand this program Countywide. This would pay for the administrative portion of the energy, water and pollution prevention sections of this program.

In the interim, the County is continuing to work with ten cities already enrolled in the program through fiscal year 2010-11 and is transitioning to a web-based program developed by the Association of Bay Area Governments with funding from the Department of Toxic Substance Control. Should the program eventually find ongoing administrative funding to expand, this new web-based system will almost completely eliminate the need for cities to provide staff time for the program.

Countywide Green Building Ordinance Work.

Resolution 09-37 provided funding of up to \$25,000 from PG&E funds via the San Mateo County Energy Watch for this program and associated goal. To date, the County has billed \$10,978.38 via the San Mateo County Energy Watch program for this work.

Goal	Report Back
Continue to provide support to all of the jurisdictions in San Mateo County to help move them to Green Building Ordinance requirement.	To date, the County has held 6 meetings to support city staff and 6 cities in San Mateo County have adopted Green Building Ordinances. County staff continues to provide support to the cities.

ATTACHMENTS

None

C/CAG AGENDA REPORT

Date: June 10, 2010

To: City/County Association of Governments Board of Directors

From: Richard Napier, C/CAG Executive Director

Subject: Review and approval of Resolution 10-31 authorizing the C/CAG Chair to execute a technical consultant contract with San Mateo County for a cost of \$299,956 for support of the Countywide Water Pollution Prevention Program in Fiscal Year 2010-11

(For further information or questions, contact Matt Fabry at 415-508-2134)

RECOMMENDATION

The C/CAG Board review and approve Resolution 10-31 authorizing the C/CAG Chair to execute a technical consultant contract with San Mateo County (County) for a cost of \$299,956 for support of the Countywide Water Pollution Prevention Program (Countywide Program) in fiscal year 2010-11.

FISCAL IMPACT

The cost for the County's services in 2010-11 is \$299,956. Contract costs are included in the proposed C/CAG budget for the Countywide Program.

SOURCE OF FUNDS

The Program is funded through annual property tax assessments (or member agency contributions if so elected) and vehicle license fee revenue. The County's 2010-11 consultant costs are included in the proposed 2010-11 C/CAG budget and sufficient revenue exists between property tax and vehicle license revenue to fund the proposed costs.

BACKGROUND/DISCUSSION

C/CAG previously approved Resolution 09-24 authorizing San Mateo County, through its Environmental Health Department, to provide technical consulting services to the Countywide Program for stormwater-related public information and participation (PIP) programs during Fiscal Year 2009-10. The Municipal Regional Permit (MRP), which mandates a new set of PIP requirements for municipalities throughout the Bay Area, went into effect in December 2009. Countywide Program staff has been working with County Health staff over the past six months to develop a workplan and budget for implementing these new requirements, with a primary focus being cost-effective assistance to San Mateo municipalities for MRP compliance. The PIP provisions, like many of the MRP requirements, are being addressed at three levels: regionally, through the Bay Area Stormwater Management Agencies Association's PIP committee, on a countywide basis through the Countywide Program via its contract with San Mateo County, and locally by individual municipalities. This requires highly integrated efforts on behalf of Countywide Program staff and technical consultants to participate in regional efforts, develop and implement countywide efforts, and disseminate information and work products at the local level to

meet all of the MRP requirements. Given the time it has taken since MRP adoption to develop detailed plans and budget estimates for all of the permit requirements, the complexity of the PIP requirements and the integrated levels of regional, countywide, and local implementation, the particular knowledge and experience County Health staff have developed over the years while assisting the Countywide Program with PIP requirements, and impact time delays would have on meeting the compliance timeframes for the PIP provisions in the MRP, staff is recommending C/CAG waive the requirement for a Request for Proposals for the proposed contract. Staff recommends issuing a Request for Proposals during Fiscal Year 2010-11 in preparation for issuing technical consultant contracts for Fiscal Year 2011-12 to ensure continued cost-effectiveness of providing Countywide Program services.

DIRECTED PROCUREMENT JUSTIFICATION

C/CAG staff is requesting that the Board approve a technical consultant contract with San Mateo County for a cost of \$299,956 for support of the Countywide Water Pollution Prevention Program in Fiscal Year 2010-11. This is one of three extensions that was included as part of the original contract. San Mateo County preferred to execute three one year contracts instead of a three year contract. The basis is that this was included as part of the original approval and there is an established relationship and knowledge base. It is likely that any cost savings would be minimized or eliminated by the learning curve of a new contractor. In addition it would take additional staff time to do a Request for Proposal (RFP) that would also minimize or eliminate any potential savings.

This is consistent with the adopted C/CAG Procurement Policy. Specifically it relates to:

Professional Services Procurements – 9. Waiver of RFP Process a. - which states “ ...Another appropriate situation for waiving the RFP process is where a particular firm and/ or individual has unique qualifications and/ or experience, and it is determined by the C/CAG Board that the added time required for another firm and/or individual to acquire this knowledge base would create an unacceptable delay in the delivery of the service and not result in significant cost savings.”

See attached C/CAG Procurement Policy.

Therefore, C/CAG staff recommends approval of Resolution 10-31 authorizing the C/CAG Chair to execute a technical consultant contract with San Mateo County (County) for a cost of \$299,956 for support of the Countywide Water Pollution Prevention Program (Countywide Program) in fiscal year 2010-11.

ATTACHMENTS

- Resolution 10-31
- Agreement for Consulting Services
- County Health's 2010-11 Workplan and Budget
- C/CAG Procurement Policy - 6/09/2005

ALTERNATIVES

- 1- C/CAG Board approve Resolution 10-31 authorizing the C/CAG Chair to execute a technical consultant contract with San Mateo County Division of Environmental Health for

a cost of \$299,956 for support of the Countywide Water Pollution Prevention Program in Fiscal Year 2010-11 in accordance with the staff recommendation.

- 2- C/CAG Board approve Resolution 10-31 authorizing the C/CAG Chair to execute a technical consultant contract with San Mateo County Division of Environmental Health for a cost of \$299,956 for support of the Countywide Water Pollution Prevention Program in Fiscal Year 2010-11 in accordance with the staff recommendation with modifications.
- 3- No action.

RESOLUTION NO. 10-31

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG)
AUTHORIZING THE C/CAG CHAIR TO EXECUTE A TECHNICAL CONSULTANT CONTRACT WITH
SAN MATEO COUNTY FOR A COST OF \$299,956 FOR SUPPORT OF THE
COUNTYWIDE WATER POLLUTION PREVENTION PROGRAM IN FISCAL YEAR 2010-11**

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), that

WHEREAS, C/CAG is the agency responsible for the development and implementation of the Water Pollution Prevention Program for San Mateo County; and

WHEREAS, C/CAG determined outside consulting services are needed to assist the Water Pollution Prevention Program with its Public Information and Participation Program mandated by requirements in the Municipal Regional Stormwater Permit during fiscal year 2010-11; and

WHEREAS, San Mateo County, through the Environmental Health Division, has successfully provided technical consulting services for Public Information and Participation Programs in the past, and has submitted a scope of work and budget for performing such services in Fiscal Year 2010-11;

NOW, THEREFORE, BE IT RESOLVED that the C/CAG Chair be authorized to execute a technical consultant contract with San Mateo County Division of Environmental Health for a cost of \$299,956 for support of the Countywide Water Pollution Prevention Program during Fiscal Year 2010-11 in accordance with the attached agreement and workplan and budget.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF JUNE, 2010.

Thomas M. Kasten, Chair

AGREEMENT BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS AND
SAN MATEO COUNTY FOR PROFESSIONAL SERVICES

THIS AGREEMENT is entered into on _____, 2010, between the City/County Association of Governments ("C/CAG") and San Mateo County, hereinafter referred to as Consultant.

WHEREAS, C/CAG is a joint powers agency formed for the purpose of preparation, adoption and monitoring of a variety of county-wide state-mandated plans; and,

WHEREAS, C/CAG has determined that consulting assistance is required to facilitate the implementation of the Countywide Water Pollution Prevention Program; and

WHEREAS, Consultant has the capacity and is willing to provide C/CAG with such assistance and services.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Rendition of Services. Consultant agrees to provide C/CAG with the assistance and services as described in Exhibit A.
2. Payment. In consideration of Consultant providing the assistance and services described in Exhibit A, C/CAG shall reimburse Consultant at the rates shown in Exhibit A, not to exceed a maximum of two-hundred ninety-nine thousand nine-hundred fifty-six dollars (\$299,956) under this Agreement for fiscal year 2010-11.
3. Term of Agreement. This Agreement shall commence on July 1, 2010, and shall continue until June 30, 2011 unless terminated by either party upon thirty (30) days prior written notice.
4. Relationship of Parties. It is expressly understood that this is an agreement between two (2) independent entities and that no agency, employee, partnership, joint venture or other relationship is established by this Agreement. The intent by both County and C/CAG is to create an independent contractor relationship.

5. Indemnifications and Liability. C/CAG shall indemnify, keep and save harmless Consultant against any and all suits, claims or actions arising out of any intentional, reckless, or negligent conduct by C/CAG, its agents or employees in the course of C/CAG's performance of its responsibilities under this Agreement.

Consultant shall indemnify, keep and save harmless C/CAG, its directors, officers, employees and agents against any and all suits, claims or actions arising out of any intentional, reckless or negligent conduct by Consultant in the course of his performance of the responsibilities under this Agreement.

6. Workers' Compensation Coverage. C/CAG shall not be liable for any workers' compensation benefits payable to Consultant for performing services under this Agreement.

7. Assignment and Delegations. Neither C/CAG nor Consultant shall assign any of its rights or transfer any of its obligations under this Agreement without the prior written consent of the other party. Any attempt, not in accordance with this paragraph, to assign or delegate rights or obligations under this Agreement shall be ineffective, null and void.

8. Termination. In the event of termination of this Agreement for reasons other than Consultant's breach of the Agreement, Consultant shall be compensated for all services performed to the termination date together with reimbursable costs then due.

9. Non Discrimination. The parties shall not discriminate or permit discrimination against any person or group of persons on the basis of race, color, religion, national origin or ancestry, age, sex, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition, mental or physical disability or veteran's status, or in any manner prohibited by federal, state or local laws.

10. Applicable Law. This Agreement, its interpretations and enforcement shall be governed by the laws of the State of California.

11. Binding on Successors. This Agreement is binding on and inures to the benefit of the successors of the parties.

12. Notices. Any notice which may be required under this Agreement shall be in writing, shall be effective when sent, and shall be given by personal service or by certified mail, return receipt requested, to the address set forth below or to such other addresses that may be specified in writing to all parties to this Agreement.

If to C/CAG: C/CAG Executive Director
555 County Center, 5th Floor
Redwood City, CA 94063

If to County: San Mateo County Division of Environmental Health
Attn: Dean Peterson, Director
455 County Center
Redwood City, CA 94063

13. Severability. If one or more of the provisions or paragraphs of this Agreement shall be found to be illegal or otherwise void or unenforceable, the remainder of this Agreement shall not be affected and shall remain in full force and effect.

14. Amendment of Agreement and Merger Clause. This Agreement, including the Exhibits attached hereto and incorporated herein by reference, constitutes the sole Agreement of the parties hereto with regard to the Services that are the subject hereof and correctly states the rights, duties and obligations of each party with regard thereto as of this document's date. In the event that any term, condition, provision, requirement or specification set forth in this body of this Agreement conflicts with or is inconsistent with any term, condition, provision, requirement or specification in any exhibit and/or attachment to this Agreement, the provisions in the body of this Agreement shall prevail. Any prior agreement, promises, negotiations, or representations between the parties regarding the Services that are the subject hereof not expressly stated in this document are not binding. All subsequent modifications shall be in writing and signed by the parties.

IN WITNESS HEREOF, the parties have caused this Agreement to be entered into as of the day and year set forth on page one of this Agreement.

COUNTY OF SAN MATEO

Richard S. Gordon, President
Board of Supervisors

Date _____

Attest:

By _____
Clerk of Said Board

CITY/COUNTY ASSOCIATION OF GOVERNMENTS

Thomas M. Kasten, Chair

Dated: _____

C/CAG LEGAL COUNSEL

Dated: _____

EXHIBIT A

CONSULTANT WORKPLAN AND BUDGET

**SAN MATEO COUNTY ENVIRONMENTAL HEALTH
SMCWPPP WORKPLAN FOR 2010-2011**

Task Number	Item	Vendor/hours	2010-2011
A	PIP SUPPORT TASKS	BUDGET: HOURLY RATE	\$ 149.00
1	PROVIDE SUPPORT TO PIP		
	Salaries	125 hours	\$ 18,625.00
		SUBTOTAL	\$ 18,625.00
2	REPORTING		
	Salaries	80 hours	\$ 11,920.00
		SUBTOTAL	\$ 11,920.00
3	ASSIST OTHER SUBCOMMITTEES		
	Salaries	50 hours	\$ 7,450.00
		SUBTOTAL	\$ 7,450.00
		TOTAL	\$ 37,995.00
B	ADVERTISING CAMPAIGNS (C.7.b)		
1	SUPPORT REGIONAL AD CAMPAIGN		
	Salaries	72 Hours	\$ 10,728.00
		TOTAL	\$ 10,728.00
C	MEDIA RELATIONS: USE OF FREE MEDIA (C.7.c)		
	LOCAL MEDIA PITCHES		
	Salaries	20 hours	\$ 2,980.00
		TOTAL	\$ 2,980.00
D	STORMWATER POINT OF CONTACT (C.7.d)		
1	WEBSITE		
	Salaries	130 hours	\$ 19,370.00
	Web Hosting - 1 year		\$ 108.00
		SUBTOTAL	\$ 19,478.00
2	RESPOND TO EMAILS & CALLS		
	Salaries	70 Hours	\$ 10,430.00
		SUBTOTAL	\$ 10,430.00
		TOTAL	\$ 29,908.00
E	PUBLIC OUTREACH EVENTS (C.7.e)		
1	PUBLIC OUTREACH EVENTS		
	Salaries	150 hours	\$ 22,350.00
	Booth cost		\$ 800.00
		SUBTOTAL	\$ 23,150.00
2	OUTREACH MATERIALS		
	Salaries	130 hours	\$ 19,370.00
	Materials		\$ 10,000.00
		SUBTOTAL	\$ 29,370.00
3	CAR WASH OUTREACH		
	Salaries	100 hours	\$ 14,900.00
	Materials		\$ 5,000.00
		SUBTOTAL	\$ 19,900.00
		TOTAL	\$ 72,420.00
F	WATERSHED STEWARDSHIP COLLABORATIVE (C.7.f)		
	SAN MATEO COUNTY GROUPS UPDATE RESOURCE GUIDE		
	Salaries	20 hours	\$ 2,980.00
		TOTAL	\$ 2,980.00
G	CITIZEN INVOLVEMENT EVENTS (C.7.g)		
1	CALIFORNIA COASTAL CLEANUP DAY		
	Salaries	300 Hours	\$ 44,700.00

		Materials		\$	2,500.00	
			SUBTOTAL	\$	47,200.00	
2		COMMUNITY ACTION GRANT				
		Salaries	30 hours	\$	4,470.00	
		Printing		\$	225.00	
			SUBTOTAL	\$	4,695.00	
				TOTAL	\$	51,895.00
H		SCHOOL-AGE CHILDREN OUTREACH (C.7.h)				
1		SCHOOL ASSEMBLIES				
		Salaries	30 Hours	\$	4,470.00	
		Contract		\$	20,000.00	
			SUBTOTAL	\$	24,470.00	
2		JR HIGH & HIGH SCHOOL				
		Salaries	55 Hours	\$	8,195.00	
		Contract		\$	11,125.00	
			SUBTOTAL	\$	19,320.00	
				TOTAL	\$	43,790.00
I		PESTICIDES PUBLIC OUTREACH (C.9)				
1		PESTICIDES PUBLIC OUTREACH: OUR WATER, OUR WORLD				
		Salaries	220 Hours	\$	32,780.00	
		Materials		\$	6,000.00	
		Contract		\$	3,000.00	
			SUBTOTAL	\$	41,780.00	
2		GREEN GARDENER TRAINING PROGRAM FOR LANDSCAPERS				
		Salaries	20 Hours	\$	2,980.00	
		Sponsorship		\$	2,500.00	
			SUBTOTAL	\$	5,480.00	
				TOTAL	\$	47,260.00
TOTAL PROGRAM COSTS for 2010-2011					\$	299,956.00



C.7. Public Information and Outreach WORKPLAN FOR 2010-2011

**Countywide Program Support: San Mateo County Environmental Health
 Description of Tasks**

PIP Support Tasks

A.1. PROVIDE SUPPORT TO PIP

Six PIP Meetings: create agenda, prepare notes, handouts, and outreach materials.	125 hours	\$18,625
Two Environmental Health employees to attend and report at meetings, take meeting minutes and distribute, and any follow-up.		
Assist with ensuring that the PIP work plan conforms to the permit requirements; tasks include assisting with new reporting requirements, and development of current and future work plan.		

Other Agency Responsibilities

City/Town/County Co-Permittees:

- Attend and participate in six PIP meetings
- One volunteer to serve as Chairperson at meetings

A.2. REPORTING

<ul style="list-style-type: none"> • Quarterly • Annual 	80 hours	\$11,920
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Other Agency Responsibilities

City/Town/County Co-Permittees:

- Submit 1/2 yearly report for section “C.7 Public Information and Outreach” to EOA for submittal to Regional Water Board. Reports due by the July and January TAC meetings.

A.3. ASSIST OTHER SUBCOMMITTEES

As needed: attend meetings, give presentations, assist with press releases and coordinate on outreach materials with other subcommittees.	50 hours	\$7,450
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C.7.a. Storm Drain Inlet Marking

No Contractor support.

Other Agency Responsibilities

City/Town/County Co-Permittees:



- Inspect and maintain storm drain markings of at least 80 percent of municipality maintained inlets to ensure they are legibly labeled with a no dumping message or equivalent once per permit term. In the 2013 Annual Report, report prior years' annual percentages.
- Verify that newly developed streets are marked prior to acceptance of the project. In the 2013 Annual Report, report prior years' annual number of projects accepted after inlet markings verified.

C.7.b. Advertising Campaigns

B. SUPPORT REGIONAL AD CAMPAIGN

Attend BASMAA monthly meetings to support the development of two regional ad campaigns, one on trash/litter and the other on urban pesticides.	60 hours	\$8940
Participate in email, meeting prep, research, and follow-up tasks	12 hours	\$1788

Other Agency Responsibilities

City/County Association of Governments (C/CAG):

- Pay \$40,000 to regional advertising campaign.

Regional/BASMAA:

- Target a broad audience with two separate advertising campaigns, one on trash/litter and the other on reducing impact of urban pesticides within the permit cycle
- Conduct pre-campaign and post-campaign surveys

C.7.c. Media Relations – Use of Free Media

C. LOCAL MEDIA PITCHES

Conduct a minimum of two local media relations pitches (e.g. press release, public service announcements)	20 hours	\$2,980
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Other Agency Responsibilities

Regional/BASMAA:

- Conduct regional level pitches

C.7.d. Stormwater Point of Contact

D.1. WEBSITE

Maintain website, updating based on program needs. Publish contact information, printed materials, PSA's, and press releases. Send out Gov Delivery emails to subscribers.	110 hours	\$16,390
Track website visitor traffic with monthly reports.	20 hours	\$2,980
Payment for hosting website (1 year).	Payment	\$108



D.2. RESPOND TO EMAILS & CALLS

Respond to emails and calls from the public, organizations, cities, and co-permittees.	70 hours	\$10,430
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Other Agency Responsibilities

City/Town/County Co-Permittees:

- Contact for Illicit Discharge Coordinator
- Contact for Stormwater Business Inspector

City/County Association of Governments (C/CAG):

- Respond to media inquiries
- Website domain name registration

C.7.e. Public Outreach Events

E.1. PUBLIC OUTREACH EVENTS

Staff a minimum of 10 events in 10 different municipalities to help cities/towns/unincorporated County meet permit requirements. Prioritize those that have more event requirements; track effectiveness of outreach and provide this information to the municipality for reporting purposes. Possibility of staffing a County-wide event based on determination by subcommittee.	150 hours	\$22,350
Booth cost	Payment	\$800

Other Agency Responsibilities

City/Town/County Co-Permittees:

- Each municipality shall participate and/or host the number of events according to its population as shown in Table 7.1 Public Outreach Events. In the Annual Report list the events participated in and assess the effectiveness of efforts with appropriate measures.

E.2. OUTREACH MATERIALS

Order materials (research cost(s), setup order, review, process invoices, organize materials into storage for use) Provide outreach materials by request to nonprofits, schools, residents, and municipalities; evaluate request, gather materials, and arrange for pickup, delivery, or mailing.	130 hours	\$19,370
Outreach Materials	Materials	\$10,000

Other Agency Responsibilities

City/Town/County Co-Permittees:

- Request outreach materials at least two weeks before scheduled outreach event.
- Pickup new outreach materials at PIP meetings and make available to residents.



E.3. CAR WASH OUTREACH

Develop and implement an outreach campaign that partners with commercial car wash businesses to promote use by residents; some ideas include: offering a discount card to residents for discounts on car washes; fundraising program; and/or media advertisements with pollution prevention messages related to car washing.	100 hours	\$14,900
Materials and Advertising	Cost	\$5,000
Qualifies for Vehicle Registration Fee		

C.7.f. Watershed Stewardship Collaborative Efforts

F. SAN MATEO COUNTY GROUPS UPDATE RESOURCE GUIDE

Update the online resource guide. Review and verify contact information and web links. Add new and discovered groups to the guide.	20 hours	\$2,980
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Other Agency Responsibilities

City/Town/County Co-Permittees:

- Encourage and support watershed stewardship collaborative efforts of community groups. Coordinate with existing groups and encourage and support development of new groups. Report in each annual report, efforts undertaken and the results of these efforts, and provide an evaluation of the effectiveness of these efforts.

C.7.g. Citizen Involvement Events

G.1. CALIFORNIA COASTAL CLEANUP DAY

Coordinate the Countywide event with 30+ events spread throughout the Coast, the Bay, and Inland Creeks.	300 hours	\$44,700
Materials and Supplies	Materials	\$2,500

G.2. COMMUNITY ACTION GRANT

Update community action grant database. Mail postcards to over 300+ community groups and schools. Respond to questions and emails. Coordinate with the Project Lead (volunteer from PIP).	30 hours	\$4,470
Postcards	Materials	\$225

Other Agency Responsibilities

City/County Association of Governments (C/CAG):



- Pay \$15,000 to grant recipients.

City/Town/County Co-Permittees:

- Each permittee shall sponsor and/or host the number of citizen events according to its population as shown in Table 7.2 Community Involvement Events.
 - *Note:* the Countywide California Coastal Cleanup Day counts as one event toward each permittees total. Permittees can also count one event for the awarding of the community action grant to an organization within their jurisdiction.
- One Volunteer from the PIP subcommittee to be the Contact person (Lead) for the Community Action Grant.

C.7.h. School-Age Children Outreach

H.1. SCHOOL ASSEMBLIES

Kindergarten through 5 th grade school assembly program.	30 hours	\$4,470
Contract with the Banana Slug String Band	Contract	\$20,000

H.2. JR HIGH & HIGH SCHOOL

Develop and implement outreach to 6 th -12 th grades.	55 hours	\$8,195
Materials and/or Contract	Materials	\$11,125

C.7.i. Outreach to Municipal Officials

No Contractor support.

Other Agency Responsibilities

City/Town/County Co-Permittees:

- At least once per permit cycle conduct outreach to municipal officials to increase overall awareness of stormwater and/or watershed message(s).

C.9.h. Pesticides Toxicity Control Public Outreach;

i. Point of Purchase Outreach

iii. Pest Control Contracting Outreach

i. I.1. PESTICIDES PUBLIC OUTREACH: OUR WATER, OUR WORLD

Maintain 21 retail partnership stores – visit stores twice a year to update shelf talkers and fact sheets.	220 hours	\$32,780
Participate in regional meeting. Order, organize, store, and distribute materials.		
Present to the Master Gardeners in September. Conduct outreach to residents who hire or purchase pesticides, home gardeners, and college students taking landscaping classes, through presentations		



and tabling events.		
Contract with Debi Tidd to conduct Employee Training up to 11 training sessions.	Contract	\$3,000
Partnership store supplies: fact sheets, shelf talkers, tape, literature rack, labels. Outreach materials for residents.	Materials	\$6,000

Other Agency Responsibilities

Regional/BASMAA:

- Coordinates Our Water, Our World Program with County partners: Arranges and solicits print runs, provides consultant to staff booths at trade shows, liaison with the corporate partners Home Depot and Orchard Supply Hardware. Arranges print advertising in magazines, newspapers, bus shelters, as determined at regional meetings.

v. Outreach to Pest Control Operators

I.2. GREEN GARDENER TRAINING PROGRAM FOR LANDSCAPERS

Sponsor the second series of classes in the Bay Area Green Gardener Program. Participate in Technical Advisory Committee.	20 hours	\$2,980
Sponsorship, ¼ of total cost of implementing program	Sponsor	\$2,500

C/CAG PROCUREMENT POLICY

Established June 9, 2005

Professional Services Procurements

1. The method for procurement of professional services (consultants) shall generally be the Request for Proposal (RFP) procedure. The primary purpose of using a RFP is to ensure that C/CAG receives the best value in obtaining services. The determination of “best value” is not based solely on the lowest price or the highest quality. It involves a subjective weighing of efficiency, quality, and economy, and a recommendation as to how the services might best be provided. The RFP is not a bid, in which the contract is awarded to the lowest bidder and the bid dictates the terms of the contract. Rather, it is a mechanism for exploring the expense and potential methodologies that could be used for dealing with the project for which the proposal is solicited. The RFP is an opportunity to ensure that all qualified contractors are given an opportunity to be considered for providing services to C/CAG. Each RFP shall be sent to all qualified firms and/or individuals that have been previously identified by C/CAG staff. Some of the ways that C/CAG staff may identify qualified firms and/or individuals could be through the issuance of a Request for Qualifications (RFQ), a letter of interest, and/or a review of informational materials provided by firms and/or individuals. Any firm and/or individual can request to be included on this list at any time by communicating such request to C/CAG staff and providing a summary of qualifications.
2. All RFPs must include a well-defined statement of work and must require that the responding party include quantifiable objectives, performance standards, and deliverables in its response to the RFP in order to be considered for funding.
3. The C/CAG Chair may administratively authorize up to an additional 5% of the original total contract amount in the event that there are unforeseen costs associated with the project.
4. If the contract is for work that will continue for a specified period of time, the term of the contract should be the period of time for which the services are needed, but no longer than three (3) years.
5. Once a contractor has been selected through either the formal RFP procedure or another procedure as per 6., 7., 8., or 9., the contractor may be used to provide additional services, if the work is substantially similar to that which was included in the original contract, for a period of up to three (3) years beyond the initial contract ending date. This may be done through either the execution of an amendment to the existing contract or through the execution of a new contract. The approval of the amendment or new contract shall be subject to the approval requirements in 6, 7, or 8. depending on the amount of funding to be included in the amendment or new contract.
6. Contracts \$5,000 and below:
 - a. A formal RFP procedure is not required.

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- b. The selection process must be fair (see #1), and there must be documentation that the contractor selected is qualified and that the cost is competitive.
 - c. The results of another public agency's selection process may be used to satisfy the requirements of b.
 - d. A telephone survey of three (3) or more potential service providers may be used to satisfy the requirements of b.
 - e. The C/CAG Executive Director shall be authorized to execute contracts \$5,000 and below without the prior approval of the Board. The Board shall be notified of such contracts executed at the next scheduled Board meeting following such execution.
7. Contracts \$5,001 to \$25,000:
- a. A formal RFP procedure is not required.
 - b. The selection process must be fair (see #1), and there must be documentation that the contractor selected is qualified and that the cost is competitive.
 - c. The results of another public agency's selection process may be used to satisfy the requirements of b.
 - d. A telephone survey of three (3) or more potential service providers may be used to satisfy the requirements of b.
 - e. The Chair of the C/CAG Board shall be authorized to execute contracts \$25,000 and below without the prior approval of the Board. The Board shall be notified of such contracts executed at the next scheduled Board meeting following such execution.
8. Contracts greater than \$25,000:
- a. A formal RFP procedure should be utilized unless authorization from the C/CAG Board is given for another procedure or for a waiver of the RFP process.
 - b. The selection process shall not utilize cost as the sole criteria in selecting the successful contractor. The proposals shall be evaluated based on a combination of factors that result in the best value to C/CAG, including but not limited to:
 - i. Understanding of the work required by C/CAG.
 - ii. Quality and responsiveness of the proposal.
 - iii. Demonstrated competence and professional qualifications necessary for satisfactory performance of the work required by C/CAG.
 - iv. Recent experience in successfully performing similar services.
 - v. Proposed methodology for completing the work.
 - vi. References.
 - vii. Background and related experience of the specific individuals to be assigned to the project.
 - viii. Proposed cost.
 - ix. Previous experience in providing similar services for C/CAG and satisfactory delivery of those services.

- c. The Chair of the C/CAG Board shall be authorized to execute contracts greater than \$25,000 with the prior approval of 51% of the voting members of the Board present at a Board meeting where a vote on the contract was taken in accordance with C/CAG procedures. In accordance with the C/CAG Bylaws, Article VIII., Section 3., the special voting procedures may be utilized upon the request of any voting member. Under the special voting procedures, for a motion to be successful it must receive the votes of a majority of the voting members representing a majority of the population of the County.
9. Waiver of RFP Process:
 - a. The C/CAG Board may waive the solicitation of RFPs when it determines that it is in the best interest of C/CAG to do so. Situations in which a RFP may be waived include, but are not limited to, emergency situations or those in which an independent contractor is the only available source of a particular service. Another appropriate situation for waiving the RFP process is where a particular firm and/or individual has unique qualifications and/or experience, and it is determined by the C/CAG Board that the added time required for another firm and/or individual to acquire this knowledge base would create an unacceptable delay in the delivery of the service and not result in significant cost savings.
 - b. Requests to waive the RFP process that are presented to the C/CAG Board for consideration must include the specific findings by staff which substantiate the request for a waiver.
 10. Contractors shall not discriminate or permit discrimination against any person or group of persons on the basis of race, color, religion, national origin or ancestry, age, sex, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition, mental or physical disability or veteran's status, or in any manner prohibited by federal, state or local laws.

Additional policies related to procurements funded entirely or in part with Federal TEA 21, Surface Transportation Program (STP) funds.

1. All contracts must have the prior written consent of MTC.
2. Copies of all contracts or amendments to contracts exceeding \$25,000 must be provided to MTC after their execution.
3. MTC reserves the right to review contracts or amendments to contracts, prior to their execution.
4. All contracts must be in accordance with 49 Code of Federal Regulations (CFR) Part 18, MTC's funding agreement with DOT and any regulations, guidelines and circulars of Department of Transportation (DOT), applicable as a result of such funding agreement.
5. The provisions of the MTC/San Mateo County Interagency Agreement will be included, as applicable, in any contract exceeding \$25,000, including procurement of materials and leases of equipment.

6. All books, records, accounts, and any and all work products, materials, and other data relevant to the performance under any contract shall be maintained for a minimum of three (3) years following final payment by MTC.
7. All contractors shall not discriminate or permit discrimination against any persons or group of persons on the grounds of race, religious creed, color, national origin, age, ancestry, physical disability, medical condition, marital status, or sex, in any manner prohibited by federal, state, or local laws. Contractors shall comply with all applicable provisions of Executive Order 11246 as amended by Executive Order 11375 and as supplemented by Department of Labor (DOL) regulations.
8. C/CAG shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts.
9. C/CAG shall cooperate with MTC in meeting its commitments and objectives to ensure nondiscrimination in the award and administration of DOT assisted contracts and to create a level playing field on which disadvantaged business enterprises, as defined in 49 CFR Part 26, can compete fairly for contracts.
10. Contractors shall comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (42 USC § 2000(d)) and the regulations of the DOT issued thereunder (49 CFR Part 21).
11. Title 49 CFR Part 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" shall govern contracts.
12. No contract shall be executed with any organization or individual who is included on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs, as published by the U.S. General Services Administration.

Policies related to procurements of capital items, consumable items and services.

1. C/CAG shall, to greatest extent possible, utilize the procurement systems of its member agencies for capital purchases. The member agencies have in place the appropriate infrastructure to manage these procurement processes and this will enable C/CAG to take advantage of their greater purchasing power; thereby ensuring a more favorable price and the meeting of all appropriate federal, state and local procurement requirements.
2. The C/CAG Executive Director shall have the authority to purchase consumable items and services through any appropriate means up to a maximum of \$5,000. Purchases of more than \$5,000 require approval of the C/CAG Board.

C/CAG AGENDA REPORT

Date: June 10, 2010
To: City/County Association of Governments Board of Directors
From: Richard Napier, C/CAG Executive Director
Subject: Review and approval of Resolution 10-32 authorizing the C/CAG Chair to execute a one-year extension to the technical consultant contract with Eisenberg, Olivieri, and Associates, Inc., for a cost not to exceed \$731,994 for support of the Countywide Water Pollution Prevention Program in Fiscal Year 2010-11.

(For further information or questions, contact Matt Fabry at 415-508-2134)

RECOMMENDATION

The C/CAG Board review and approve Resolution 10-32 authorizing the C/CAG Chair to execute a one-year extension to the technical consultant contract with Eisenberg, Olivieri, and Associates, Inc. (EOA), for a cost not to exceed \$731,994 for support of the Countywide Water Pollution Prevention Program (Countywide Program) in Fiscal Year 2010-11.

FISCAL IMPACT

The cost for EOA's services in 2010-11 is \$731,994. Contract costs are included in the proposed C/CAG budget for the Program.

SOURCE OF FUNDS

The Program is funded through annual property tax assessments (or member agency contributions if so elected) and vehicle license fee revenue. The County's 2010-11 consultant costs are included in the proposed 2010-11 C/CAG budget and sufficient revenue exists between property tax and vehicle license revenue to fund the proposed costs.

BACKGROUND/DISCUSSION

C/CAG previously approved Resolution 07-19 awarding a three year technical consultant contract to EOA, which included a provision for up to three one-year extensions. The proposed contract extension would be the first one-year extension. Since the existing contract allows for the one-year extensions, the requirement in the procurement policy for issuing a Request for Proposals is not applicable. EOA provides technical support to the Countywide Program in assisting municipalities with compliance with the requirements of the Municipal Regional Stormwater Permit, which went into effect in December 2009.

DIRECTED PROCUREMENT JUSTIFICATION

C/CAG staff is requesting that the Board approve a one extension to the technical consultant contract with Eisenberg, Olivieri, and Associates, Inc. for a cost not to exceed \$731,994 for support of the Countywide Water Pollution Prevention Program in Fiscal Year 2010-11. This is one of

ITEM 5.10

three extensions that was included as part of the original contract. The basis is that this was included as part of the original approval, there is an established relationship and knowledge base, and EOA is familiar with the Municipal Regional Permit. It is likely that any cost savings would be minimized or eliminated by the learning curve of a new contractor. In addition it would take additional staff time to do a Request for Proposal (RFP) that would also minimize or eliminate any potential savings.

This is consistent with the adopted C/CAG Procurement Policy. Specifically it relates to:

Professional Services Procurements – 9. Waiver of RFP Process a. - which states “ ...Another appropriate situation for waiving the RFP process is where a particular firm and/ or individual has unique qualifications and/ or experience, and it is determined by the C/CAG Board that the added time required for another firm and/or individual to acquire this knowledge base would create an unacceptable delay in the delivery of the service and not result in significant cost savings.”

See attached C/CAG Procurement Policy.

Therefore, C/CAG staff recommends approval of Resolution 10-32 authorizing the C/CAG Chair to execute a one-year extension to the technical consultant contract with Eisenberg, Olivieri, and Associates, Inc., for a cost not to exceed \$731,994 for support of the Countywide Water Pollution Prevention Program in Fiscal Year 2010-11.

ATTACHMENTS

- Resolution 10-32
- Proposed Contract Amendment #5
- Exhibit A - EOA's Proposed 2010-11 Scope of Work and Budget
- C/CAG Procurement Policy - 6/09/2005

ALTERNATIVES

- 1- C/CAG Board approve Resolution 10-32 authorizing the C/CAG Chair to execute a one-year extension to the technical consultant contract with Eisenberg, Olivieri, and Associates, Inc., for a cost not to exceed \$731,994 for support of the Countywide Water Pollution Prevention Program in Fiscal Year 2010-11 in accordance with the staff recommendation.
- 2- C/CAG Board approve Resolution 10-32 authorizing the C/CAG Chair to execute a one-year extension to the technical consultant contract with Eisenberg, Olivieri, and Associates, Inc., for a cost not to exceed \$731,994 for support of the Countywide Water Pollution Prevention Program in Fiscal Year 2010-11 in accordance with the staff recommendation with modifications.
- 3- No action.

RESOLUTION NO. 10-32

AUTHORIZING THE C/CAG CHAIR TO EXECUTE A ONE-YEAR EXTENSION TO THE TECHNICAL CONSULTANT CONTRACT BETWEEN THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AND EISENBERG, OLIVIERI, & ASSOCIATES, INC. (EOA, INC.) FOR A COST NOT TO EXCEED \$731,994 FOR SUPPORT OF THE COUNTYWIDE WATER POLLUTION PREVENTION PROGRAM IN FISCAL YEAR 2010-11

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), that

WHEREAS, C/CAG is the agency responsible for the development and implementation of the Water Pollution Prevention Program for San Mateo County; and

WHEREAS, C/CAG determined outside consulting services are needed to assist during Years 2010-11; and

WHEREAS, C/CAG previously approved Resolution 07-19 authorizing a three-year contract with the option for up to three one-year extensions with EOA, Inc., for technical consulting services to the Countywide Water Pollution Prevention Program; and

WHEREAS, EOA has prepared a scope of work and budget for providing technical support during Fiscal Year 2010-11;

NOW, THEREFORE, BE IT RESOLVED that C/CAG hereby authorizes the C/CAG Chair to execute a one-year extension to the existing technical consultant contract with Eisenberg, Olivieri, and Associates, Inc., at a cost not to exceed of \$731,994 to support the Countywide Water Pollution Prevention Program in Fiscal year 2010-11 in accordance with the attached contract amendment.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF JUNE, 2010.

Thomas M. Kasten, Chair

**AMENDMENT (No. 5)
TO THE AGREEMENT BETWEEN THE
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AND
EISENBERG, OLIVIERI, ASSOCIATES, INC.**

WHEREAS, the Board of Directors of the City/County Association of Governments for San Mateo County (hereinafter referred to as C/CAG), at its June 14, 2007 meeting, approved Resolution 07-19 authorizing an Agreement with Eisenberg, Olivieri, and Associates, Inc. (hereinafter referred to as Consultant) to provide technical services to the Countywide Water Pollution Prevention Program for fiscal years 2007-08, 2008-09, and 2009-10, with an option for up to three one-year extensions; and

WHEREAS, C/CAG desires ongoing consulting services to meet requirements in the Municipal Regional Permit; and

WHEREAS, Consultant submitted a scope of work and budget of \$731,994 for services it will provide during Fiscal Year 2010-11; and

WHEREAS, Consultant has reviewed and accepted this amendment;

IT IS HEREBY AGREED by the C/CAG Chair and Consultant that:

1. Consultant will provide the consulting services described in the attached Scope of Work (Exhibit A); and
2. The funding provided to Consultant by C/CAG under this amendment will be no more than seven-hundred thirty-one thousand nine-hundred ninety-four dollars (\$731,994.00) for Fiscal Year 2010-11; and
3. All other provisions of the original agreement between C/CAG and Consultant dated June 14, 2007 and subsequent amendments (Amendment #1 dated August 9, 2007, Amendment #2 dated June 12, 2008, Amendment #3 dated May 14, 2009, and Amendment #4 dated February 11, 2010) shall remain in full force and effect; and
4. Payment for services under this amendment shall be on a time and materials basis, based upon the receipt of invoices for the actual costs, and with services to be performed only upon the request of C/CAG staff after review of specific work plans for individual tasks; and
5. This amendment to the agreement shall take effect upon signature by both parties.

For C/CAG:

For Consultant:

Thomas M. Kasten, Chair

Signature

Date: June 10, 2010

By: _____

Approved as to form:

Date: _____

C/CAG Legal Counsel

EXHIBIT A

**EOA Inc.'s Scope of Work to Assist the
San Mateo Countywide Water Pollution Prevention Program
Comply with Municipal Regional Stormwater Requirements
FY 2010/11**

**MRP Provisions C.2 and C.9
Municipal Maintenance Activities**

EOA will assist the Countywide Program and its member municipalities to continue to implement the municipal regional stormwater permit's (MRP) Provisions C.2 Municipal Operations and portions of C.9 Pesticides Toxicity Control as shown in the Countywide Program's FY 2010/11 approved work plan and budget. The following scope of work does not cover Provision C.9.h. Public Outreach because it is included among the County Environmental Health's public outreach tasks. The tasks associated with Provision C.10 Trash Load Reduction are described in a separate section (Task 4.1).

Task 2.1 Assist Municipalities to Implement Appropriate Maintenance Operations BMPs

EOA will assist the Municipal Maintenance (MM) Subcommittee's members to understand and implement maintenance-related BMPs, such as those described in the California Stormwater Quality Association's Handbook for Municipal Operations (CASQA Manual), for the following activities that are listed as requirements in the MRP:

- BMPs for street and road repair maintenance activities, such as asphalt/concrete removal, cutting, installation, and repair (Provision 2.a);
- Sidewalk/plaza maintenance and pavement washing, such as mobile cleaning, pressure washing operations at parking lots and garages, trash areas, fueling areas, and sidewalk and plaza cleaning (Provision C.2.b);
- Graffiti removal conducted in a way that prevents non-stormwater and wash water discharges to storm drains (Provision C.2.c); and
- Corporation yards for activities, such as inspecting corporation yards, plumbing vehicle and equipment wash areas to the sanitary sewer; using dry clean up methods when cleaning debris and spills, and storing materials outdoors (Provision C.2.f).

This task will also include providing ongoing guidance needed to assist the 12 agencies that operate storm drain pump stations to meet the MRP's requirement to conduct dissolved oxygen testing twice a year during the dry season starting after July 1, 2010 and inspect pump stations twice a year during the wet season starting in fall 2010 (Provision C.2.d.).

This task will include the following deliverables:

- Provide a written list of specific BMPs references from the CASQA Manual to assist the Countywide Program's member agencies to implement appropriate BMPs for the maintenance activities listed above. This list will also include appropriate references from the Caltrans Storm Water Quality Handbook Maintenance Staff Guide, May 2003, and its addenda, as appropriate for corporation yard BMP implementation (per Provision C.2.f.i.(1));
- Ensure that the written list of specific BMPs references provided above are included on the members only portion of the Countywide Program's webpage; and
- Answer questions from the Countywide Program's member agencies staff about the implementation of BMPs and the implementation of the dissolved oxygen testing and inspection requirements for municipal stormwater pump stations.

Task 2.2 Assist with Municipal Maintenance Component Coordination and Regulatory Compliance

EOA will provide technical support to the MM Subcommittee and the Parks Maintenance and IPM Work Group and assist the Countywide Program with the preparation of its FY 2009/10 annual report. This will include continued collaboration with Bay Area Stormwater Management Agencies Association's (BASMAA) Municipal Operations Committee to identify cost-effective ways of meeting the MRP's recordkeeping and reporting requirements in FY 2010/11.

MM Subcommittee and Parks Maintenance Work Group: Both the MM Subcommittee and the Parks Maintenance and IPM Work Group meet approximately every quarter to plan and oversee implementation of this component's Countywide Program activities.

Annual Report: EOA will compile and summarize, as appropriate, municipalities' reports and submit the draft FY 2009/10 Annual Report to the TAC for review. EOA will work with BASMAA's Municipal Operations Committee to identify the municipal maintenance-related MRP reporting requirements for FY 2010/11.

Work Plan: The Countywide Program's work plan for these MRP provisions will be updated and submitted, if needed, to the MRP Implementation Work Group and TAC for review and approval. EOA will finalize the updated work plan based upon any comments received.

This task will include the following deliverables:

- Organize and facilitate up to four Municipal Maintenance Subcommittee meetings and up to three Parks Maintenance and IPM Work Group meetings, including working with the chairs on developing agendas, preparing discussion materials (e.g., handouts, presentations, talking points), participating in meetings, preparing meeting summaries, and conducting meeting follow up actions.
- Complete the Municipal Maintenance section of the Countywide Program's FY 2009/10 Annual Report. EOA will compile and summarize, as appropriate, municipalities' reports and submit the draft FY 2009/10 Annual Report to the TAC for review. EOA will finalize the report and submit it to the Water Board by the September 15, 2010 MRP deadline.
- Develop the FY 2011/12 work plan and budget for municipal maintenance (Provision C.2 Municipal Operations) and parks maintenance and IPM activities (C.9 Pesticide Toxicity Control).

Task 2.3 Parks Maintenance and Integrated Pest Management

EOA will continue working with the Parks Maintenance and IPM Work Group to assist the Countywide Program's municipalities to understand and implement the new requirements contained in the MRP's Provision C.9 Pesticides Toxicity Control. This will be accomplished by distributing materials and covering MRP compliance topics at up to three-times per year Parks Maintenance and IPM work group meetings and at the annual Parks Maintenance and IPM training workshop. Areas to focus on for improved understanding and MRP compliance training include the following:

- Implementation of IPM policy or ordinance (Provision C.9.a);
- Implementation of standard operating procedures for pesticide use and IPM (Provision C.9.b);
- Training of municipal employees about pesticides that threaten water quality and IPM practices (Provision C.9.c);

- Requirements for agency contractors to implement IPM (Provision C.9.d);
 - Tracking and participating in relevant regulatory processes (Provision C.9.e); and
 - Interface with County Agricultural Commissioners (Provision C.9.f).
- This task will include the following deliverables:
- Hold the Parks Maintenance and IPM training workshop similar to previous years for municipal staff that apply or make decisions about the application of pesticides and, as space is available, pest control operators who work in San Mateo County.
 - Communicate quarterly with County Agricultural Commissioner's staff through the Parks Maintenance and IPM Work Group meetings, emails, and/or telephone calls to (1) obtain input and assistance on urban pest management practices and use of pesticides; 2) inform them of any water quality issues related to pesticides; and (3) provide an opportunity to report violations, if any are known, of pesticide regulations (e.g., illegal handling) associated with having an affect on stormwater (per Provision C.9.f).
 - Prepare a written summary about which agencies reported having IPM policies, IPM ordinances, and standard operating procedures for using pesticides and assuring the implementation of the agency's IPM policy/ordinance. This summary will be based on information submitted by the Countywide Program's member agencies for the FY 2009/10 annual report.
 - Complete MRP orientation training of interested member agency staff. This assistance will focus on the Pesticides Toxicity Control aspects of the orientation training in order to increase knowledge of the MRP's requirements and tools and materials available to assist with compliance.

MRP Provisions C.4, C.5, C.15, C.13.a (Reporting), and C.13.d (Industrial sources) Commercial, Industrial and Illicit Discharge Controls

EOA will assist the Countywide Program and its member agencies to continue implementation of the MRP's Provisions C.4 Business Inspections, C.5 Illicit Discharge Detection and Elimination, C.15 Exempted and Conditionally Exempted Discharges, and a portion of C.13 Copper Controls. The following scope of work is based on the FY 2010/11 tasks in the Countywide Program's approved work plan and budget.

Task 3.1 Assist with Business Inspection Plan, Enforcement Response Plan, and Staff Training

This multi-faceted task includes MRP compliance assistance with various aspects of Provision C.4 including:

- Business Inspection Plans that are due with the FY 2009/10 Annual Report (Provisions C.4.b.)
- Enforcement Response Plans (Provision C.4.c); and
- Staff Training (Provision C.4.d).

EOA will continue to assist municipalities to develop and implement their Business Inspection Plans that will serve as prioritized inspection work plans needed to comply with the MRP's Provision C.4.b. This builds upon the work conducted in FY 2009/10 to develop a Business Inspection Plan template. Not included in this scope of work is the Countywide Program's member agencies or by County Environmental Health, which is under contract to individual agencies, need to create these Business Inspection Plans.

A template for an Enforcement Response Plan was developed in FY 2009/10 and examples of Enforcement Response Plans recommended by the Water Board staff were identified and distributed to the Commercial, Industrial, and Illicit Discharge Control Subcommittee in February 2010. Continued assistance will be provided in implementing and, where requested, improving individual member agency Enforcement Response Plans as possible within the available budget.

○ The focus of training in FY 2010/11 will be to assist with MRP orientation training of interested member agency staff. In addition, support will be provided for training on industrial sources likely to use copper or have sources of copper. This training may be conducted by the Countywide Program's member agencies.

This task will include the following deliverables:

- Prepare a written summary about what agencies have reported as regards the Business Inspection Plans and Enforcement Response Plans based on information submitted by the Countywide Program's member agencies for the FY 2009/10 annual report.
- Answer municipal staff questions and provide additional follow up assistance on the implementation and improvement of the Business Inspection Plans and Enforcement Response Plans.
- Complete MRP orientation training of interested member agency staff. The Task 3.1 aspects of this training will focus on the MRP's requirements for business inspections, illicit discharge identification and elimination, and non-stormwater discharges.

Task 3.2 Assist with Regulatory Compliance and Planning

EOA will provide technical support to the CII Subcommittee and assist the Countywide Program with the preparation of its FY 2009/10 annual report. This will include continued collaboration with BASMAA's Municipal Operations Committee to identify cost-effective ways of meeting the MRP's recordkeeping and reporting requirements in FY 2010/11. This assistance does not include developing TAC meeting agendas and agenda packets; researching and preparing TAC agenda topics; and preparing TAC meeting summaries because this work will be conducted by the new full-time stormwater coordinator.

CII Subcommittee: Both the CII Subcommittee and its Training Work Group have been meeting approximately every other month to plan and oversee implementation of the commercial, industrial, and illicit discharge control activities in order to facilitate MRP compliance. EOA will organize and facilitate the subcommittee and work group meetings, including working with chairs to develop agendas, preparing discussion materials (e.g., handouts, presentations, talking points), participating in meetings, and preparing meeting summaries.

Annual Report: EOA will compile and summarize, as appropriate, municipalities' reports and submit the draft FY 2009/10 Annual Report to the TAC for review. EOA will finalize the report and submit it to the Water Board by the September 15, 2010 MRP deadline. EOA will work with BASMAA's Municipal Operations Committee to identify the commercial, industrial, and illicit discharge control-related MRP reporting requirements for FY 2010/11.

Work Plan: The Countywide Program's work plan for these MRP provisions will be updated and submitted, if needed, to the MRP Implementation Work Group and TAC for review and approval. EOA will finalize the updated work plan based upon any comments received.

This task will include the following deliverables:

- Organize and facilitate up to four CII Subcommittee and up to four work group meetings, including working with the chairs on developing agendas, preparing discussion materials (e.g., handouts, presentations, talking points), participating in meetings, preparing meeting summaries, and facilitating meeting follow up actions.
- Complete the commercial, industrial, and illicit discharge control section of the Countywide Program's FY 2009/10 Annual Report.
- Develop the FY 2011/12 work plan and budget for business inspections (Provision C.4 Industrial and Commercial Site Controls), illicit discharge control (Provision C.5. Illicit Discharge Detection and Elimination), and non-stormwater discharges (Provision C.15 Exempted and Conditionally Exempted Discharges).

Task 3.3 Illicit Discharge Detection and Elimination

EOA will assist with the implementation of illicit discharge detection and elimination tasks required by the MRP's Provision C.5. In particular, this will include the following activities:

- Implementation of the MRP's spill and dumping response and complaint response requirements (Provision C.5.c);
- Implementation of the additional mobile source controls agreed to by BASMAA's Municipal Operations Committee (Provision C.5.d). It is anticipated that this will include an expansion of BASMAA's existing surface cleaner project to include BMPs and a program for mobile vehicle washing businesses;

- Implementation of the collection system illicit discharge screening requirements (Provision C.5.e); and
- Any needed improvements to the illicit discharge spill and discharge complaint tracking (Provision C.5.f) spreadsheet created in FY 2009/10.

This task will include the following deliverables:

- Prepare a written summary of what agencies have reported to achieve compliance with the MRP's illicit discharge control requirements in order to identify any areas for possible improvement. This will include summarizing compliance activities, such as spill and dumping response and complaint response, collection system illicit discharge screening, and illicit discharge spill and discharge complaint tracking.
- Complete additional mobile cleaning educational outreach materials that will be developed through the Countywide Program's participation in a BASMAA-led project for mobile cleaners.

Task 3.4 BMPs for Conditionally Exempted Non-Stormwater Discharges

EOA will assist with the implementation of exempted and conditionally exempted discharge tasks required by the MRP's Provision C.15. In particular, this will include assisting municipalities to comply with the notification, BMP implementation, and, where applicable, monitoring requirements for the following types of conditionally exempted non-stormwater discharges:

- Planned discharges of potable water (Provision C.15.b.iii.(1));
- Unplanned discharges of potable water (Provision C.15.b.iii.(2)); and
- Swimming pool, hot tub, spa, and fountain water discharges (Provision C.15.b.v).

This task will also include identifying any additional types of non-stormwater discharges not listed in Provision C.15 that the Countywide Program's member agencies would like propose as exempt from the MRP's Prohibition A.1. Any list proposed by the CII Subcommittee would need to be approved by the TAC before being transmitted to the Water Board. In addition, it would be desirable to see whether there is any commonality among lists that may be recommended by other BASMAA members so that a stronger case could be made for some minor modifications to the MRP.

This task will include the following deliverables:

- Complete written guidance materials for meeting the MRP's requirements for planned and unplanned potable water discharges and for discharges of swimming pool, hot tub, spa, and fountain waters.
- Prepare a list of proposed additional types of non-stormwater discharges that the CII Subcommittee recommends be forwarded to the Water Board's Executive Officer for approval.

**MRP Provision C.10
Trash Load Reductions**

The work on trash reductions will continue the efforts initiated in FY 2009/10 to identify and clean up trash hot spots at least annually, develop a plan for how to meet the trash load reduction requirements, and plan and facilitate trash work group meetings. This task does not include assisting municipalities to

understand and participate in the full-trash capture grant funded demonstration project led by the San Francisco Estuary Partnership because this work will be conducted by the new full-time stormwater coordinator.

Task 4.1 Trash Baseline Load and Tracking Load Reductions

EOA will assist the municipalities to identify their baseline trash loads from the MS4 in order to establish the basis for demonstrating the trash load reductions needed to comply with the MRP's trash load reduction requirements (Provision C.10.a). This task will also include the development of an outline of a Short-Term Trash Load Reduction Plan (Trash Reduction Plan) template (Provision C.10.a.1) that will be fleshed out, as possible, in FY 2010/11 for use by the Countywide Program's member agencies for complying with the February 1, 2012 preparation of their individual Short-Term Trash Load Reduction Plans. This task will be accomplished by working with BASMAA's Trash Committee and the Countywide Program's Trash Work Group.

This task will include the following deliverables:

- Participate in up to 12 BASMAA Trash Committee meetings and following each meeting prepare a brief summary of the most important items agreed to and being worked on by the Committee. This participation will include soliciting input from the Countywide Program's Trash Work Group and representing the Trash Work Group at BASMAA's Trash Committee meetings.
- Prepare a Short-Term Trash Load Reduction Plan outline and flesh out the outline as much as possible in FY 2010/11 in order to eventually create a template.
- Prepare a technical memo that describes trash baseline load and load reduction tracking methods.

MRP Provisions C.3, C.6, and C.13.a (Managing Wastes from Cleaning Copper Architectural Features)

New Development and Construction Controls

EOA will assist the Countywide Program and its member agencies to continue implementing the MRP's Provision C.3 (New Development) and Provision C.6 (Construction Site Controls). The new development and construction tasks in this section are organized primarily around these two MRP provisions with one small task to assist municipalities with managing wastes that are created from cleaning copper architectural features.

Task 5.1 Assist With Implementation of Provision C.3

EOA will prepare new tools and update existing tools used by municipalities to implement the MRP's Provision C.3. As possible within the available budget, this work will include participation in BASMAA's meetings, preparation of brief meeting summaries, the review of draft criteria, specifications, and other related materials, and coordination with the Countywide Program's New Development Subcommittee to keep member agencies informed and involved in the criteria and specifications development.

LID Feasibility/Infeasibility Criteria. On behalf of the Countywide Program, EOA will attend BASMAA's Development Committee and work group meetings regarding the development of criteria for determining the feasibility and infeasibility of meeting the MRP's LID stormwater treatment requirements with evapotranspiration, infiltration and rainwater harvesting and use. The criteria are due to the Water Board by May 1, 2011.

Soil Specifications. EOA will attend BASMAA's Development Committee and work group meetings regarding the development of biotreatment soil specifications and related materials that are required to be submitted to the Water Board by December 1, 2010. As needed, this task will include updating the Countywide Program's forms to refer to the finalized specifications.

Green Roof Specifications. Representing the Countywide Program, EOA will attend BASMAA's Development Committee and work group meetings regarding the development of green roof specifications and related materials that are required to be submitted to the Water Board by May 1, 2011.

Special Projects Criteria. On behalf of the Countywide Program, EOA will attend BASMAA's Development Committee and work group meetings regarding the development of criteria for identifying special projects that merit a reduction in LID requirements as allowed by the MRP. The criteria are due to the Water Board by December 1, 2010. As needed, this task will include updating the Countywide Program's forms and flyers to refer to the finalized criteria.

Annual Reporting Coordination. EOA will work with the New Development Subcommittee to help municipal staff understand and use the new Provision C.3 and C.6 Annual Report forms to report on Fiscal Year 2009/10 activities by the September 15 due date. EOA will assist the Countywide Program to participate in any process set up by the Water Board or BASMAA to review and potentially update the format for New Development and Construction sections of the annual report templates.

This task will include the following deliverables:

- Participate in up to 12 of BASMAA's Development Committee and work group meetings and following each meeting prepare a brief summary of the most important items agreed to and being worked on by the Committee. This participation will include soliciting input from the Countywide Program's New Development Subcommittee and representing the New Development Subcommittee at BASMAA's Trash Committee meetings.
- Complete the LID feasibility/infeasibility criteria, soil specifications, green roof specifications, and special projects criteria that will be developed through the Countywide Program's participation in these BASMAA Development Committee-led projects.
- Complete the new development and construction controls section of the Countywide Program's FY 2009/10 Annual Report.

Task 5.2 Assist with Implementation of Hydromodification Management Requirements

Bay Area Hydrology Model. EOA will continue to coordinate with the Santa Clara Valley Urban Runoff Pollution Prevention Program and the Alameda Countywide Clean Water Program to monitor the need for member agency assistance with the Bay Area Hydrology Model (BAHM), related documentation, and the new upcoming WWHM4 software that includes all of the IMP toolbox solutions used in Contra Costa County. This task will include assisting member agencies to evaluate whether they would like to obtain the free Reviewers Version of the WWHM4 software that is available to local municipalities and other governmental agencies. The Reviewers' Version will allow the reviewer to read the project file, but not to rerun the computations.

This task will include the following deliverable:

- Evaluate the merits of municipalities obtaining the free Reviewers Version of the WWHM4 and of purchasing the full version of this software.

Task 5.3 Assist with Implementation of Operations and Maintenance Requirements

Operations and Maintenance Database or Equivalent Tabular Format. EOA will assist the Countywide Program to work with other stakeholders to identify how to comply with the requirement for a database or equivalent tabular format for municipalities to enter operation and maintenance (O&M) verification information for projects with stormwater treatment systems and HM controls.

Model Prioritized Inspection Plan. EOA will prepare a model prioritized plan for inspecting installed stormwater treatment systems and HM controls, and a model plan for O&M of municipality-owned stormwater treatment systems and HM controls. As needed, the model plan will address the maintenance of Regional Projects.

This task will include the following deliverable:

- Complete a model prioritized plan for inspection of stormwater treatment measures and HM controls.
- Complete a model plan for O&M of municipality-owned stormwater treatment systems and HM controls.

Task 5.4 Assist with Implementation of Construction Site Requirements

EOA will continue working with the New Development Subcommittee to assist the Countywide Program's member agencies to understand and implement the requirements for construction included in the MRP (Provision C.6 Construction Site Control) and the new statewide Construction General Permit. This assistance will include the following. This Provision of the MRP has a high priority, in part, because it may be the focus of future auditing by the Water Board staff.

Statewide Construction General Permit. The new Construction General Permit that goes into effect July 1, 2010, introduces significant new requirements for projects subject to this permit. As part of this task, EOA will also review the beneficial use designations of surface waters within San Mateo County in order to develop a list of waterways that meet the permit's definition of "high risk" receiving waters. This task will also include updating the Countywide Program's Construction General Permit fact sheet prepared in May 2010.

Update Construction Site Inspection Tracking Spreadsheet. EOA will work with the New Development Subcommittee to identify any changes or improvements to the construction site inspection tracking spreadsheet that may be needed based on member agencies' use of the new spreadsheet during Fiscal Year 2009/10.

Prepare Erosion Control Plan/SWPPP Form. EOA will prepare a form to help municipalities review projects' erosion control/pollution prevention plans or stormwater pollution prevention plans (SWPPPs). The purpose of this form will be to help municipalities comply with the MRP's requirement for confirmation of the adequacy of these plans prior to issuing grading permits.

Prepare Model Letter for Construction Sites. EOA will adapt or identify a model letter for municipalities to send, by September 1 of each year, to active construction sites to remind them to prepare for the wet season.

This task will include the following deliverables:

- Develop a list of waterways that meet the Construction General Permit’s definition of “high risk” receiving waters.
- Update the construction site inspection tracking spreadsheet, as needed, based on its use in FY 2009/10.
- Complete a form to help municipalities review of erosion controls and SWPPPs.
- Adapt or identify a model letter for municipalities to send to active construction sites to remind site operators of the requirements for wet season erosion and sedimentation control.

BMPs for Cleaning Architectural Copper Features. On behalf of the Countywide Program, EOA will attend BASMAA’s Development Committee and work group meetings regarding the development of BMPs for managing waste from the cleaning of architectural copper features. As possible within the available budget, this work will include participation in BASMAA’s meetings, preparation of brief meeting summaries, the review of draft BMPs, and other related materials, and coordination with the Countywide Program’s New Development Subcommittee to keep member agencies informed and involved in the development of the BMPs associated with cleaning copper architectural features.

The deliverable for this task will include the following:

- Complete a report to the Countywide Program’s New Development Committee on the BMPs associated with cleaning copper architectural features.

Task 5.5 Assist with Outreach and Training

Training. EOA will work with the New Development Subcommittee to plan and conduct a new development or construction training event or workshop, which is anticipated to focus on meeting the MRP requirements for new development/redevelopment and construction site controls.

Update Outreach Brochures. EOA will attend BASMAA’s Development Committee and work group meetings regarding the update of regional outreach brochures and other handouts regarding construction best management practices, including BASMAA’s construction BMP plan sheet. This task does not include printing or photocopying of the updated materials.

Coordinate with San Francisco Estuary Partnership. EOA will assist the Countywide Program to coordinate with San Francisco Estuary Partnership (SFEP) staff responsible for organizing regional construction site stormwater compliance training in order to help facilitate attendance by municipality staff. The Countywide Program’s involvement in the SFEP workshops will be limited to the available budget.

This task will include the following deliverables:

- Complete a training event or workshop on the MRP’s requirements for new development/redevelopment and construction site controls.
- Finish regional outreach brochures and other construction related educational outreach materials that will be developed through the Countywide Program’s participation in these BASMAA Development Committee-led activities.
- Complete a construction focused stormwater compliance training workshop led by the SFEP with assistance from the Countywide Program.

Task 5.6 Assist with Regulatory Compliance

New Development Subcommittee. EOA will continue to support the New Development Subcommittee’s meetings by working with the Subcommittee Chair to develop meeting agendas, preparing handouts and other materials for the meetings, participating in meetings, and preparing meeting summaries.

Annual Report: EOA will draft the New Development and Construction section of the Program’s FY 2009/10 Annual Report. EOA will coordinate with the Program’s municipalities and other countywide stormwater programs that are implementing green streets, to report on the status of MRP-required pilot green streets projects. EOA will finalize the New Development and Construction section of the Annual Report based upon any comments received.

Work Plan: The Countywide Program’s work plan for these MRP provisions will be updated and submitted, if needed, to the MRP Implementation Work Group and TAC for review and approval. EOA will finalize the updated work plan based upon any comments received.

Website Assistance. EOA will coordinate with the San Mateo County Environmental Health staff to update New Development Subcommittee information on the Countywide Program’s website.

Limited On-Call Assistance. EOA will respond to questions from municipalities, as possible within the available budget. Where appropriate, information provided for individual municipalities may be offered as case studies or other agenda items for the New Development Subcommittee.

This task will include the following deliverables:

- Organize and facilitate up to six New Development Subcommittee meetings, including working with the chair on developing agendas, preparing discussion materials (e.g., handouts, presentations, and talking points), participating in meetings, preparing meeting summaries, and facilitating meeting follow up actions.
- Complete the new development and construction site control section of the Countywide Program’s FY 2009/10 Annual Report.
- Develop the FY 2011/12 work plan and budget for new development (Provision C.3 New Development and Redevelopment) and construction site controls (Provision C.6).
- Arrange for the New Development Subcommittee’s work products to be available on the Countywide Program’s webpage.

**MRP Provisions C.8, C.11, C.12, C.14, C.13.c (Brake Pad Partnership), and C.13.e (Studies to Reduce Copper Uncertainties)
Monitoring and Pollutants of Concern (MPC)**

EOA will assist the Countywide Program to implement tasks related to monitoring and pollutants of concern. These tasks address requirements in MRP Provisions C.8, C.11, C.12, C.13.c, C.13.e, and C.14, and are described below, including deliverables that are consistent with MRP requirements.

Task 6.1 Assist with WAM Component Coordination and Regulatory Compliance

EOA will continue to plan, coordinate, and support technically all MPC component activities by working with the Countywide Program’s MRP Implementation Work Group and/or Watershed Assessment and Monitoring (WAM) Subcommittee. This will include continuing to assist the Program to collaborate and coordinate with other Bay Area municipal stormwater management agencies on the below-described tasks, including representing the Program on BASMAA’s Monitoring and Pollutants of Concern Committee. In addition, EOA will assist the Program to prepare the MPC component section of the Countywide Program’s FY 2009/10 Annual Report.

This task will include the following deliverables:

- Prepare each month a set of written bullets summarizing highlights and action items from the monthly BASMAA Monitoring and Pollutants of Concern Committee meetings.
- Complete the MPC component section of the Program’s FY 2009/10 Annual Report.

Task 6.2 Assist with Water Quality Monitoring

EOA will assist the Countywide Program to perform tasks required by the MRP’s Provision C.8 - Water Quality Monitoring. An important aspect of this task will be continuing to assist the Program to participate in the Regional Monitoring Coalition (RMC) among Bay Area municipal stormwater management agencies. The RMC is intended to enhance coordination and collaboration in order to maximize performance and cost-effectiveness of meeting these monitoring requirements among all of the participating programs. This task includes the following sub-tasks:

- MRP Provision C.8.b - San Francisco Estuary Monitoring. The MRP requires that permittees continue to participate in implementing a San Francisco Estuary receiving water monitoring program, at a minimum equivalent to the San Francisco Estuary Regional Monitoring Program (RMP), by contributing annually their financial fair-share. EOA understands that the Countywide Program will continue to make a financial contribution to the RMP. In addition, through continued participation in RMP’s committees and work groups, the Countywide Program and BASMAA will remain informed stakeholders able to oversee the RMP's activities and identify any opportunities to use the existing RMP funds to meet MRP requirements. In coordination with other BASMAA agencies, EOA will continue to assist the Countywide Program to participate in the RMP, including participating in selected RMP committees and work groups and providing input to related work plans and reports. It should be noted that Program's direct financial contribution to the RMP is not included in the budget for this task.

This subtask will include the following deliverable:

- Summarize in the 2009/10 Annual Report how the Countywide Program participated in the RMP in collaboration/coordination with other Bay Area municipal stormwater management agencies.
- MRP Provision C.8.e. - Pollutants of Concern and Long Term Trends Monitoring. EOA will assist the Countywide Program to participate in a regional project to monitor two new pollutant loading stations during the 2010/11 wet season. The stations will be operated in accordance with guidance documents developed in the Monitoring Protocols & Data Quality sub-task described below (MRP Provision C.8.h.).

This subtask will include the following deliverable:

- Monitor two new pollutant loading stations in collaboration with other Bay Area municipal stormwater management agencies (the initial monitoring results will be documented in the Program's 2010/11 Annual Report, the preparation of which is outside of this scope of work).
- MRP Provision C.8.e.vi - Sediment Delivery Estimate/Budget. EOA will assist the Countywide Program to participate in a regional project to prepare a scope of work for a study for developing a sediment delivery estimate and sediment budget in local tributaries and urban drainages.

This subtask will include the following deliverable:

- Prepare in collaboration with other Bay Area municipal stormwater management agencies a report that documents the study design. This report will be completed by July 1, 2011.
- MRP Provision C.8.g. - Reporting. The MRP requires annual electronic reporting of field monitoring results comparable with the SWAMP database followed by an annual Urban Creeks Monitoring Report with data analysis and interpretation. EOA will assist the Countywide Program to participate in regional projects to 1) modify existing SWAMP electronic data reporting templates for BASMAA agency MRP reporting purposes and 2) develop an outline for the Urban Creeks Monitoring Report.

This subtask will include the following deliverables:

- Develop in collaboration with other Bay Area municipal stormwater management agencies electronic data reporting templates.
- Complete an Urban Creeks Monitoring Report outline by July 1, 2011.
- MRP Provision C.8.h. - Monitoring Protocols & Data Quality. EOA will assist the Countywide Program to participate in regional projects to standardize methods and quality control measures in support of the above-described monitoring of two new pollutant loading stations (MRP Provision C.8.e.). These regional projects will include developing:
 - experimental designs for the field monitoring procedures including a Sampling and Analysis Plan (SAP) consistent with the RMP's Small Tributaries Loading Strategy;
 - field and laboratory Quality Assurance (QA) procedures, including a Quality Assurance Project Plan (QAPP) that conforms to the existing templates and guidance for data comparability with the Surface Water Ambient Monitoring Program (SWAMP);
 - Standard Operating Procedures (SOPs) that describe all aspects of field station operations including equipment maintenance, sampling, and ancillary data collection based on recent monitoring experience by the RMP and other Bay Area municipal stormwater management agencies;
 - laboratory contracting language and standard reporting forms; and
 - an Information Management System to store and manage the monitoring data that allows for quality control reviews and ready access and querying to facilitate interpretation and reporting.

This subtask will include the following deliverable:

- Prepare in collaboration with other Bay Area municipal stormwater management agencies the above documents by September 1, 2010.

Task 6.3 Assist with Participation in Clean Watersheds for a Clean Bay

EOA will assist the Countywide Program to participate in Clean Watersheds for a Clean Bay (CW4CB), a four-year regional project that will address MRP Provisions C.11/12 c., d., e. and i. CW4CB will pilot test methods to reduce loading of sediment-bound pollutants to the bay and, therefore, help implement the PCBs and mercury Total Maximum Daily Load (TMDL) water quality restoration programs. CW4CB will select five high priority subwatersheds that discharge urban runoff with PCBs and other pollutants to the bay, identify PCB and mercury source areas within the project subwatersheds and refer these sites to regulatory agencies for cleanup and abatement, develop methods to enhance removal of sediment with PCBs and other pollutants during municipal sediment management activities, retrofit eight to 10 urban runoff treatment facilities into existing infrastructure throughout the Bay Area, and facilitate development and implementation of a regional risk reduction program that focuses on educating the public about the health risks of consuming certain species of Bay fish that contain high levels of PCBs and mercury. The knowledge and experience gained and the lessons learned will be promoted and made readily available to inform future similar efforts by others in the Bay Area and elsewhere in California and the United States.

CW4CB is funded by a \$5-million grant from USEPA to BASMAA and \$1.84-million in matching funding from BASMAA and BASMAA agencies, including the Countywide Program. The Countywide Program has agreed to contribute \$240,000 of the matching funds over four years, and this task will be credited as an in-kind contribution towards this commitment. EOA will assist the Countywide Program to participate in all components of CW4CB and will continue to represent the Program on CW4CB's Project Management Team.

The deliverables for this task will include the following:

- Prepare for inclusion in the 2009/10 Annual Report a description of the five high priority subwatersheds, the status of the effort to identify PCB and mercury source areas within the project subwatersheds, the status of evaluating methods to enhance removal of sediment with PCBs and other pollutants during municipal sediment management activities.
- Complete a work plan for the regional risk reduction program.

Task 6.4 Assist with Pollutants of Concern Projects

EOA will assist the Countywide Program to perform tasks to address mercury, PCBs, copper, PBDEs, legacy pesticides, and selenium; as required by the MRP Provisions C.11, C.12, C.13.c., C.13.e., and C.14. This will include continuing to assist the Countywide Program to collaborate and coordinate with other Bay Area municipal stormwater management agencies through participation on BASMAA's Monitoring and Pollutants of Concern Committee. This task includes the following sub-tasks:

- MRP Provision C.12.a. - Implement a regional project to incorporate PCBs and PCB-containing equipment identification into existing industrial inspections. EOA will assist the Countywide Program to train industrial inspectors to incorporate identification of PCBs and PCB-containing equipment into their existing inspections.

The deliverable for this subtask will include the following:

- Complete a summary of the training materials developed in collaboration with other Bay Area municipal stormwater management agencies and the training activities conducted for inclusion in the FY 2009/10 Annual Report.
- MRP Provision C.12.b. - Conduct Pilot Projects to Evaluate Managing PCB-Containing

Materials/Wastes during Building Demolition and Renovation (e.g., Window Replacement) Activities. The study of PCBs in caulk is a grant-funded (federal stimulus funds - ARRA) project administered by the San Francisco Estuary Partnership. The project is characterizing PCBs in Bay Area building materials and conducting pilot projects to evaluate managing PCB-containing materials during building demolition and renovation. In collaboration with other BASMAA agencies, EOA will continue to assist the Countywide Program to help represent BASMAA's interests and facilitate local agency participation in this project.

The deliverable for this subtask will include the following:

- Complete and submit the project Sampling and Analysis Plan and any available sampling results in the FY 2009/10 Annual Report.
- MRP Provision C.11/12.f. - Diversion of Dry Weather and First Flush Flows to Publicly Owned Treatment Works (POTWs). The MRP requires BASMAA agencies to perform pilot projects to assess the feasibility of diverting urban runoff to sanitary sewers for treatment at local POTWs. In coordination/collaboration with other Bay Area municipal stormwater management agencies, EOA will assist the Countywide Program to select a stormwater pump station in San Mateo County and begin the planning/design/permitting process for constructing the diversion facilities.

The deliverables for this subtask will be presented in the FY 2009/10 Annual Report and will include the following:

- Prepare a summary of the results of a regional collaborative project to perform a feasibility and cost-benefit analysis of stormwater to POTW diversions.
- Propose a method to distribute load reductions among wastewater and stormwater agencies.
- Develop criteria to select five pump stations across the region for diversion and five alternates. This information will be included in the FY 2009/10 Annual Report.
- MRP Provision C.11.a. and C.11/12.g. - Monitor Stormwater Hg/PCB Pollutant Loads and Loads Reduced. The MRP requires quantification of POC loads reduced through source control, treatment and other management measures. EOA will assist the Countywide Program to participate in a regional collaborative project to develop methodologies for all applicable POCs.

This subtask will include the following deliverable:

- Report on the methods developed as part of the FY 2009/10 Annual Report.
- MRP Provision C.11.j. - Develop Allocation Sharing Scheme with Caltrans. The waste load allocation for urban stormwater in the San Francisco Bay mercury TMDL implicitly includes Caltrans roadway and non-roadway facilities within the geographic boundaries of the MRP program area. The MRP requires development of an equitable mercury allocation-sharing scheme in consultation with Caltrans to address the Caltrans facilities in the program area. EOA will assist the Countywide Program to participate in a regional collaborative project to work with Caltrans to develop preliminary allocation sharing methods.

This subtask will include the following deliverable:

- Report on the status of this effort to develop an allocation sharing method with Caltrans as part of the FY 2009/10 Annual Report.
- MRP Provision C.11/12.h. - Fate and Transport Study of Hg/PCBs in Urban Runoff. The MRP requires that permittees conduct or cause to be conducted studies aimed at better understanding the fate, transport, and biological uptake of mercury and PCBs discharged in urban runoff. EOA will assist the Countywide Program to participate in a regional collaborative project to address this requirement through participation in the RMP, which plans to perform related special studies.

This subtask will include the following deliverable:

- Prepare a work plan that describes how this requirement will be met through participation in the RMP. This work plan will be included in the FY 2009/10 Annual Report.
- MRP Provision C.13.c. - Vehicle Brake Pads. In coordination/collaboration with other Bay Area municipal stormwater management agencies, EOA will assist the Countywide Program to participate in the Brake Pad Partnership (BPP) process to develop legislation phasing out copper from certain automobile brake pads sold in California.

This subtask will include the following deliverable:

- Prepare a report for inclusion in the FY 2009/10 Annual Report on the status of the effort to develop legislation that would phase out copper from brake pads.
- MRP Provision C.13.e. - Studies to Reduce Copper Pollutant Impact Uncertainties. The MRP requires permittees to conduct or cause to be conducted technical studies to investigate possible copper sediment toxicity and technical studies to investigate effects on salmonids. EOA will assist the Countywide Program to participate in a regional collaborative project to address this requirement through participation in the RMP.

This task will include the following deliverable:

- Complete a work plan that describes how this requirement will be met through participation in the RMP. This work plan will be included in the FY 2009/10 Annual Report.
- MRP Provision C.14.a. - Control Program for PBDEs, Legacy Pesticides, and Selenium. The MRP requires permittees to characterize representative distribution of PBDEs, legacy pesticides, and selenium in the urban areas of the Bay Region. EOA will assist the Countywide Program to participate in a regional collaborative project to address this requirement by compiling and evaluating data from a variety of existing and new sources (e.g., previous municipal stormwater management agency stormwater conveyance bedded sediment collection and analysis, ongoing SWAMP data collection efforts, RMP data collected through the Small Tributaries Loading Strategy, and data collected through MRP Provision C.8).

This task will include the following deliverable:

- Report on the status of the effort to characterize PBDEs, legacy pesticides, and selenium in the FY 2009/10 Annual Report.

Task Description	Level of Effort and Cost Estimate ¹										Fiscal Year 2010/11	
	Principal or Managing Engineer II 200	Managing Engineer I 177	Senior Engineer III 163	Senior Engineer II 150	Senior Engineer I 136	Assoc. Eng/Sci II 125	Assoc. Eng/Sci I 103	Technician 84	Admin 60	Total Hours	Other EOA Costs (Subs)	Total EOA Cost
Municipal Maintenance Activities												
2.1 Assist Municipalities to Implement Appropriate Maintenance Operation BMPs.	40		20			20		20		100	\$0	\$15,440
2.2 Assist with Municipal Maintenance Component Coordination and Regulatory Compliance	60				32	16			20	128	\$0	\$19,552
2.3 Parks Maintenance and Integrated Pest Management	100		24		100				40	264	\$0	\$39,912
Subtotal:	200	0	44	0	132	36	0	20	60	492	\$0	\$74,904
Industrial and Illicit Discharge Controls												
3.1 Assist with Business Inspection Plan, Enforcement Response Plan, and Staff Training	80	24	24		40	40				208	\$0	\$34,600
3.2 Assist with Regulatory Compliance and Planning	120	40	24		40	40	32		60	356	\$0	\$52,328
3.3 Illicit Discharge Detection and Elimination	120	24	48		40	24			40	296	\$0	\$46,384
3.4 BMPs for Conditionally Exempted Non-Stormwater Discharges	80		24		40	48	8	48	40	288	\$0	\$38,608
Subtotal:	400	88	120	0	160	128	64	48	140	1148	\$0	\$171,920
Trash Load Reduction												
4.1 Trash Baseline Load and Tracking Load Reduction	100		24		100		80		60	364	0	\$49,352
Subtotal:	100	0	24	0	100	0	80	0	60	364	0	\$49,352
New Development and Construction Site Controls												
5.1 Assist with Implementation of Provision C.3	16		92		88	32			16	244	\$15,000	\$50,124
5.2 Assist with Implementation of HM Requirements	16		32							48	\$0	\$8,416
5.3 Assist with Implementation of O&M Requirements	6		32		40	32			8	118	\$0	\$16,336
5.4 Assist with Implementation of Construction Site Requirements	8		80		72	40				200	\$0	\$29,432
5.5 Assist with Outreach and Training	1		60		80	16			58	215	\$8,000	\$34,340
5.6 Assist with Regulatory Requirements	7		160		16	4			9	196	\$0	\$30,696
Subtotal:	54	0	456	0	296	124	0	0	91	1021	\$23,000	\$169,344
Component 6: Watershed Assessment and Monitoring												
6.1 Assist with WAM Component Coordination & Regulatory Compliance		40		40	40	40			16	176	\$0	\$24,480
6.2 Assist with Water Quality Monitoring		160		160	160	120			16	616	\$0	\$90,040
6.3 Assist with Participation in Clean Watersheds for a Clean Bay		100		100	80	60			16	356	\$0	\$52,040
6.4 Assist with Pollutants of Concern Projects		140		140	140	88			16	524	\$0	\$76,780
Subtotal:	0	440	0	440	420	308	0	0	64	1672	\$0	\$243,340
Total Hours	754	528	644	440	1108	596	144	68	415	4697		

Task 99 Other Costs and Expenses
Associated with Components 2, 3, 5, & 6

Municipal Maintenance	\$6,596
Commercial, Industrial and Illicit Discharge Controls	\$4,080
Trash Load Reduction	\$648
New Development and Construction	\$4,256
Monitoring and Pollutants of Concern	\$7,554
Subtotal	\$23,134

TOTAL BUDGET: \$731,994

¹ Labor hours are approximate level of effort for each task. Actual distribution of hours within and among tasks may vary. Subcontractor costs are planning-level estimates. Estimated total cost will not be exceeded without C/CAG's written authorization.

C/CAG PROCUREMENT POLICY

Established June 9, 2005

Professional Services Procurements

1. The method for procurement of professional services (consultants) shall generally be the Request for Proposal (RFP) procedure. The primary purpose of using a RFP is to ensure that C/CAG receives the best value in obtaining services. The determination of “best value” is not based solely on the lowest price or the highest quality. It involves a subjective weighing of efficiency, quality, and economy, and a recommendation as to how the services might best be provided. The RFP is not a bid, in which the contract is awarded to the lowest bidder and the bid dictates the terms of the contract. Rather, it is a mechanism for exploring the expense and potential methodologies that could be used for dealing with the project for which the proposal is solicited. The RFP is an opportunity to ensure that all qualified contractors are given an opportunity to be considered for providing services to C/CAG. Each RFP shall be sent to all qualified firms and/or individuals that have been previously identified by C/CAG staff. Some of the ways that C/CAG staff may identify qualified firms and/or individuals could be through the issuance of a Request for Qualifications (RFQ), a letter of interest, and/or a review of informational materials provided by firms and/or individuals. Any firm and/or individual can request to be included on this list at any time by communicating such request to C/CAG staff and providing a summary of qualifications.
2. All RFPs must include a well-defined statement of work and must require that the responding party include quantifiable objectives, performance standards, and deliverables in its response to the RFP in order to be considered for funding.
3. The C/CAG Chair may administratively authorize up to an additional 5% of the original total contract amount in the event that there are unforeseen costs associated with the project.
4. If the contract is for work that will continue for a specified period of time, the term of the contract should be the period of time for which the services are needed, but no longer than three (3) years.
5. Once a contractor has been selected through either the formal RFP procedure or another procedure as per 6., 7., 8., or 9., the contractor may be used to provide additional services, if the work is substantially similar to that which was included in the original contract, for a period of up to three (3) years beyond the initial contract ending date. This may be done through either the execution of an amendment to the existing contract or through the execution of a new contract. The approval of the amendment or new contract shall be subject to the approval requirements in 6, 7, or 8. depending on the amount of funding to be included in the amendment or new contract.
6. Contracts \$5,000 and below:
 - a. A formal RFP procedure is not required.

- b. The selection process must be fair (see #1), and there must be documentation that the contractor selected is qualified and that the cost is competitive.
 - c. The results of another public agency's selection process may be used to satisfy the requirements of b.
 - d. A telephone survey of three (3) or more potential service providers may be used to satisfy the requirements of b.
 - e. The C/CAG Executive Director shall be authorized to execute contracts \$5,000 and below without the prior approval of the Board. The Board shall be notified of such contracts executed at the next scheduled Board meeting following such execution.
7. Contracts \$5,001 to \$25,000:
- a. A formal RFP procedure is not required.
 - b. The selection process must be fair (see #1), and there must be documentation that the contractor selected is qualified and that the cost is competitive.
 - c. The results of another public agency's selection process may be used to satisfy the requirements of b.
 - d. A telephone survey of three (3) or more potential service providers may be used to satisfy the requirements of b.
 - e. The Chair of the C/CAG Board shall be authorized to execute contracts \$25,000 and below without the prior approval of the Board. The Board shall be notified of such contracts executed at the next scheduled Board meeting following such execution.
8. Contracts greater than \$25,000:
- a. A formal RFP procedure should be utilized unless authorization from the C/CAG Board is given for another procedure or for a waiver of the RFP process.
 - b. The selection process shall not utilize cost as the sole criteria in selecting the successful contractor. The proposals shall be evaluated based on a combination of factors that result in the best value to C/CAG, including but not limited to:
 - i. Understanding of the work required by C/CAG.
 - ii. Quality and responsiveness of the proposal.
 - iii. Demonstrated competence and professional qualifications necessary for satisfactory performance of the work required by C/CAG.
 - iv. Recent experience in successfully performing similar services.
 - v. Proposed methodology for completing the work.
 - vi. References.
 - vii. Background and related experience of the specific individuals to be assigned to the project.
 - viii. Proposed cost.
 - ix. Previous experience in providing similar services for C/CAG and satisfactory delivery of those services.

- c. The Chair of the C/CAG Board shall be authorized to execute contracts greater than \$25,000 with the prior approval of 51% of the voting members of the Board present at a Board meeting where a vote on the contract was taken in accordance with C/CAG procedures. In accordance with the C/CAG Bylaws, Article VIII., Section 3., the special voting procedures may be utilized upon the request of any voting member. Under the special voting procedures, for a motion to be successful it must receive the votes of a majority of the voting members representing a majority of the population of the County.
9. Waiver of RFP Process:
 - a. The C/CAG Board may waive the solicitation of RFPs when it determines that it is in the best interest of C/CAG to do so. Situations in which a RFP may be waived include, but are not limited to, emergency situations or those in which an independent contractor is the only available source of a particular service. Another appropriate situation for waiving the RFP process is where a particular firm and/or individual has unique qualifications and/or experience, and it is determined by the C/CAG Board that the added time required for another firm and/or individual to acquire this knowledge base would create an unacceptable delay in the delivery of the service and not result in significant cost savings.
 - b. Requests to waive the RFP process that are presented to the C/CAG Board for consideration must include the specific findings by staff which substantiate the request for a waiver.
10. Contractors shall not discriminate or permit discrimination against any person or group of persons on the basis or race, color, religion, national origin or ancestry, age, sex, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition, mental or physical disability or veteran's status, or in any manner prohibited by federal, state or local laws.

Additional policies related to procurements funded entirely or in part with Federal TEA 21, Surface Transportation Program (STP) funds.

1. All contracts must have the prior written consent of MTC.
2. Copies of all contracts or amendments to contracts exceeding \$25,000 must be provided to MTC after their execution.
3. MTC reserves the right to review contracts or amendments to contracts, prior to their execution.
4. All contracts must be in accordance with 49 Code of Federal Regulations (CFR) Part 18, MTC's funding agreement with DOT and any regulations, guidelines and circulars of Department of Transportation (DOT), applicable as a result of such funding agreement.
5. The provisions of the MTC/San Mateo County Interagency Agreement will be included, as applicable, in any contract exceeding \$25,000, including procurement of materials and leases of equipment.

6. All books, records, accounts, and any and all work products, materials, and other data relevant to the performance under any contract shall be maintained for a minimum of three (3) years following final payment by MTC.
7. All contractors shall not discriminate or permit discrimination against any persons or group of persons on the grounds of race, religious creed, color, national origin, age, ancestry, physical disability, medical condition, marital status, or sex, in any manner prohibited by federal, state, or local laws. Contractors shall comply with all applicable provisions of Executive Order 11246 as amended by Executive Order 11375 and as supplemented by Department of Labor (DOL) regulations.
8. C/CAG shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts.
9. C/CAG shall cooperate with MTC in meeting its commitments and objectives to ensure nondiscrimination in the award and administration of DOT assisted contracts and to create a level playing field on which disadvantaged business enterprises, as defined in 49 CFR Part 26, can compete fairly for contracts.
10. Contractors shall comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (42 USC § 2000(d)) and the regulations of the DOT issued thereunder (49 CFR Part 21).
11. Title 49 CFR Part 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" shall govern contracts.
12. No contract shall be executed with any organization or individual who is included on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs, as published by the U.S. General Services Administration.

Policies related to procurements of capital items, consumable items and services.

1. C/CAG shall, to greatest extent possible, utilize the procurement systems of its member agencies for capital purchases. The member agencies have in place the appropriate infrastructure to manage these procurement processes and this will enable C/CAG to take advantage of their greater purchasing power; thereby ensuring a more favorable price and the meeting of all appropriate federal, state and local procurement requirements.
2. The C/CAG Executive Director shall have the authority to purchase consumable items and services through any appropriate means up to a maximum of \$5,000. Purchases of more than \$5,000 require approval of the C/CAG Board.

C/CAG AGENDA REPORT

Date: June 10, 2010

To: City/County Association of Governments Board of Directors

From: Richard Napier, C/CAG Executive Director

Subject: Review and approval of Resolution 10-33 authorizing the C/CAG Chair to execute a twelve-month extension to the technical consultant contract with the City of Brisbane for a cost not to exceed \$60,000 for coordinator services for the Countywide Water Pollution Prevention Program in Fiscal Year 2010-11

(For further information or questions, contact Matt Fabry at 415-508-2134)

RECOMMENDATION

Review and approve Resolution 10-33 authorizing the C/CAG Chair to execute a twelve-month extension to the technical consultant contract with the City of Brisbane for a cost not to exceed \$60,000 for coordinator services for the Countywide Water Pollution Prevention Program in Fiscal Year 2010-11.

FISCAL IMPACT

The cost for Brisbane's services in 2010-11 is \$60,000. Contract costs are included in the proposed C/CAG budget for the Countywide Program.

SOURCE OF FUNDS

The Program is funded through annual property tax assessments (or member agency contributions if so elected) and vehicle license fee revenue. Brisbane's 2010-11 costs are included in the proposed 2010-11 C/CAG budget and sufficient revenue exists between property tax and vehicle license revenue to fund the proposed costs.

BACKGROUND/DISCUSSION

C/CAG previously approved Resolution 09-26 authorizing Brisbane to provide part-time coordinator services to the Countywide Program through June 30, 2010. Due to the ongoing complexity and increased regulatory requirements associated with the recently adopted Municipal Regional Stormwater Permit, C/CAG approved funding a full-time program coordinator at the May 2010 Board meeting. However, since it takes time to create, advertise, and fill a full-time coordinator position, staff recommends C/CAG extend Brisbane's contract to continue providing part-time coordinator services in the interim. Although the proposed contract amendment is for the 2010-11 fiscal year, staff expects a full-time coordinator position will be filled within several months; as such, the proposed amendment restates the termination clause allowing contract termination with 30-days written notice by either party. Given the expected

ITEM 5.11

brief duration of the proposed contract, and in accordance with its procurement policy, staff recommends C/CAG waive the Request for Proposals process since the staff person Brisbane provides for this contract has unique knowledge and experience with the Countywide Program and a Request for Proposals process would potentially create an unacceptable delay in delivery of essential compliance services related to the Municipal Regional Stormwater Permit. The proposed contract amount remains at \$60,000 for a year with payments made on a monthly basis for actual time and materials, which is unchanged from the past four and a half years.

ATTACHMENTS

- Resolution 10-33
- Contract Amendment for Fiscal Year 2010-11

ALTERNATIVES

- 1- Review and approve Resolution 10-33 authorizing the C/CAG Chair to execute a twelve-month extension to the technical consultant contract with the City of Brisbane for a cost not to exceed \$60,000 for coordinator services for the Countywide Water Pollution Prevention Program in Fiscal Year 2010-11 in accordance with staff's recommendation.
- 2- Review and approve Resolution 10-33 authorizing the C/CAG Chair to execute a twelve-month extension to the technical consultant contract with the City of Brisbane for a cost not to exceed \$60,000 for coordinator services for the Countywide Water Pollution Prevention Program in Fiscal Year 2010-11 in accordance with staff's recommendation with modifications.
- 3- No action.

RESOLUTION NO. 10-33

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE C/CAG CHAIR TO EXECUTE A TWELVE-MONTH EXTENSION TO THE TECHNICAL CONSULTANT CONTRACT WITH THE CITY OF BRISBANE FOR A COST NOT TO EXCEED \$60,000 FOR COORDINATOR SERVICES TO THE COUNTYWIDE WATER POLLUTION PREVENTION PROGRAM IN FISCAL YEAR 2010-11

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), that

WHEREAS, the City/County Association of Governments (C/CAG) manages the Countywide Water Pollution Prevention Program (Countywide Program); and,

WHEREAS, the Countywide Program requires coordinator services; and,

WHEREAS, the City of Brisbane has provided satisfactory coordinator services in previous years; and,

WHEREAS, C/CAG finds it advantageous to utilize the City of Brisbane's services for up to an additional twelve months; and,

WHEREAS, the scope of services remains unchanged from the existing contract;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the C/CAG Chair be authorized to extend the City of Brisbane's contract for twelve months to provide coordinator services for fiscal year 2010-11 with a contract amount not to exceed \$60,000.

APPROVED AND ADOPTED THIS 10TH DAY OF JUNE, 2010.

Thomas M. Kasten, Chair

**AMENDMENT NO. 3 TO THE CONTRACT BETWEEN THE
CITY/COUNTY ASSOCIATION OF GOVERNMENTS AND THE
CITY OF BRISBANE TO PROVIDE COORDINATOR SERVICES TO THE
SAN MATEO COUNTYWIDE WATER POLLUTION PREVENTION PROGRAM**

WHEREAS, the City/County Association of Governments of San Mateo County (herein after referred to as "C/CAG") and the City of Brisbane (City") entered into an original agreement for the period from January 1, 2006 to December 31, 2007 for Coordinator Services to the San Mateo Countywide Water Pollution Prevention Program (the Agreement"); and

WHEREAS, the Agreement was subsequently amended pursuant to Amendment No. 1, which amendment, among other things, extended the funding and term of the Original Agreement to June 30, 2009; and

WHEREAS, the Agreement was subsequently amended pursuant to Amendment No. 2, which extended the funding and term of the Original Agreement to June 30, 2010; and

WHEREAS, the parties wish to further amend the Agreement to extend services and funding.

THEREFOR, IT IS HEREBY AGREED by C/CAG and the City that:

1. The term of the Agreement (as set forth in section 2 thereof) shall be and is hereby extended such that the new expiration date is June 30, 2011.
2. Section 2.a. of the Agreement shall be and is hereby revised to provide as follows: "Either party may terminate this Agreement, without cause, by giving thirty (30) days written notice of termination to the other party."
3. The compensation to be paid to the Program Coordinator (as set forth in section 3.a. of the Agreement) shall be at the rate of not to exceed \$60,000 per fiscal year for compensation and reimbursement of expenses.
4. This Amendment No. 3 to the Agreement shall take effect on July 1, 2010.
5. Except as specified herein, all other provisions of the Agreement shall remain in full force and effect.

CITY OF BRISBANE

CITY/COUNTY ASSOCIATION OF
GOVERNMENTS OF SAN MATEO COUNTY

By: _____
Clarke W. Conway, Mayor

By: _____
Thomas M. Kasten, C/CAG Chair

Date: _____

Date: _____

By: _____
City Attorney

By: _____
Counsel for C/CAG

Date: _____

Date: _____

C/CAG AGENDA REPORT

Date: June 10, 2010
To: C/CAG Board of Directors
From: Richard Napier, Executive Director
Subject: Receive an update on the 2010 State Transportation Improvement Program (STIP) for San Mateo County

(For further information or questions contact Sandy Wong at 599-1409)

RECOMMENDATION

That the C/CAG Board of Directors receive an update on the 2010 State Transportation Improvement Program (STIP) for San Mateo County.

FISCAL IMPACT

None to the direct C/CAG budget.

SOURCE OF FUNDS

The 2010 State Transportation Improvement Program (STIP) fund will come from the State and Federal fund sources.

BACKGROUND/DISCUSSION

On December 10, 2009, the C/CAG Board adopted Resolution 09-66 approving the proposed 2010 State Transportation Improvement Program (STIP) for San Mateo County and authorizing the C/CAG Executive Director to negotiate with the Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) to make modifications as necessary.

The C/CAG proposed 2010 STIP for San Mateo County was then submitted to the Metropolitan Transportation Commission (MTC) for inclusion in the Bay Area regional STIP proposal. In January 2010, the Bay Area proposal was submitted to the California Transportation Commission (CTC). In an effort to align anticipated revenue with project needs at the statewide level, CTC staff negotiated with MTC and C/CAG staff and has recommended some revision to the San Mateo County STIP. The CTC staff recommendation (as shown in Attachment 1) was acceptable to staff of C/CAG and the San Mateo County Transportation Authority (SMCTA), the sponsor of the affected projects. The revised STIP was adopted by the CTC Commission on May 20, 2010.

ATTACHMENT

1. Revised Summary of 2010 STIP for San Mateo County

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REVISED SUMMARY of 2010 STIP FOR SAN MATEO COUNTY
(\$1,000's)

Lead Agency	Rte	FPNO	Project	Total	(Info Only) 08/09	(Info Only) 09/10	10-11	11-12	12-13	13-14	14-15
Caltrans	101	658B	Auxiliary Lanes from Marsh Rd to Embarcadero Rd		9,021						
SMCTA			US 101/Broadway Interchange (Design) - New project	4,218			4,218				
SMCTA	101	690A	Willow Rd interchange (design phase)	4,500				4,500			
SMCTA	102	690A	US 101/Willow interchange reconstruction (construction phase)	20,471					20,471		
Caltrans	101	669B	SR 92 Slow Vehicle Lane Improvements	7,759				7,759			7,759
Caltrans	101	669B	SR 92 Slow Vehicle Lane Improvements (grf)	4,781				4,781			4,781
Caltrans	82	645C	Menlo Park-Millbrae, interconnect signals, phase 2			6,396					
SMCTA/ Pacifica	1	632C	SR 1 Calera Parkway - Pacifica	6,900					6,900		6,900
SMCTA/ Pacifica	1	New	Hwy 1 San Pedro Creek Bridge Replacement - New project	3,000				3,000			
SM C/CAG	VAR	2140E	Countywide ITS Project	1,977					1,977		
SM C/CAG	VAR	2140F	Smart Corridor Segment	8,000	2,000	1,000	8,000				
SUBTOTAL - HIGHWAY (2010/11 thru 2014/15):				61,606							
JPB			CalTrain San Bruno Ave Grade Separation - New project	19,203			19,203				
BART	rail	1003J	Daly City BART station improvements, elevator, lighting	900				200	700		
SUBTOTAL - PTA ELIGIBLE (2010/11 thru 2014/15):				20,103							
SM C/CAG			TE Reserve	3,790	1,124	1,587	300	1,000	1,000	745	745
SM County			TE funded - County of San Mateo Bike lane (C/CAG TOD commitment)	223			223				
San Bruno			TE funded - City of San Bruno ECR median (C/CAG TOD commitment)	779			779				
MTC		2140	Planning, programming, and monitoring	306	60	60	60	60	60	63	63
SM C/CAG		2140A	Planning, programming, and monitoring	2,211	460	460	460	690	353	353	355
Grand Total:				89,018							

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C/CAG AGENDA REPORT

Date: June 10, 2010
To: City/County Association of Governments Board of Directors
From: Richard Napier, Executive Director
Subject: Review and approval of the Resolution 10-36 authorizing the C/CAG Chair to execute a funding agreement with the Metropolitan Transportation Commission (MTC) in an amount not to exceed \$150,000 for technical analysis of the US 101/SR 92 interchange improvement options

(For further information or questions contact Sandy Wong at 599-1409)

RECOMMENDATION

That the C/CAG Board review and approve Resolution 10-36 authorizing the C/CAG Chair to execute a funding agreement with the Metropolitan Transportation Commission (MTC) in an amount not to exceed \$150,000 for technical analysis of the US 101/SR 92 interchange improvement options.

FISCAL IMPACT

MTC is the lead agency for the technical analysis of the US 101/SR 92 interchange improvement options. Total cost is estimated at \$450,000. It will be equally shared C/CAG, MTC and SMCTA at \$150,000 each.

SOURCE OF FUNDS

\$150,000 C/CAG share will come from the Congestion Management Fund budgeted in FY 2010/11.

BACKGROUND/DISCUSSION

The US 101/SR 92 Interchange area has suffered from severe traffic congestion, particularly during morning and afternoon commute hours. That area is also identified in the San Mateo County Measure A Sales Tax Expenditure Plan as a "Key Congested Area" in the highway program. However, to date, no study has been done to identify solutions to that problem.

As part of the Freeway Performance Initiative effort, the Metropolitan Transportation Commission (MTC) has retained consultants to conduct corridor-wide studies on many of the major freeways in the Bay Area, including the US 101 corridor in San Mateo County. On July 16, 2009, Dowling Associates, Inc., one of the MTC consultants, prepared the "Existing Conditions and Trends Memo for the San Mateo 101 Corridor System Management Plan" identifying both existing and future congestion problems along the US 101 corridor. The US 101/SR 92 interchange was identified as one problem area.

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Staff from C/CAG, MTC, and San Mateo County Transportation Authority (SMCTA) have met and determined it is prudent to retain the same MTC consultant, Dowling Associates, Inc. to perform technical analysis of the US 101/SR 92 interchange area. The purpose of this technical analysis is to develop a better understanding of how State Route 92 and US 101 interact and based on that information develop recommended freeway, ramp, and surface street improvements to address existing and future mobility problems on both freeways in the vicinity of that interchange. The estimate cost for the technical analysis is \$450,000. It is proposed to equally share the total cost by C/CAG, MTC and SMCTA at \$150,000 each.

Staff is in the process of developing the final funding agreement and will obtain approval, as to form, by C/CAG legal counsel prior to execution by the C/CAG Chair.

ATTACHMENTS

Resolution 10-36

RESOLUTION 10-36

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY
ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG)
AUTHORIZING THE C/CAG CHAIR TO EXECUTE AN AGREEMENT WITH THE
METROPOLITAN TRANSPORTATION COMMISSION (MTC) IN AN AMOUNT NOT
TO EXCEED \$150,000 FOR TECHNICAL ANALYSIS OF THE US 101/SR 92
INTERCHANGE IMPROVEMENT OPTIONS**

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), that

WHEREAS, C/CAG is the designated Congestion Management Agency for San Mateo County; and

WHEREAS, C/CAG desires to conduct technical analysis for the US 101/SR 92 interchange improvement options; and

WHEREAS, the Metropolitan Transportation Commission (MTC) and the San Mateo County Transportation Authority (SMCTA) also desires to conduct technical analysis for the US 101/SR 92 interchange improvement options; and

WHEREAS, C/CAG, MTC, and SMCTA are interested in equally co-sharing the cost of \$450,000 for the technical analysis; and

WHEREAS, MTC has agree to be the lead agency for the technical analysis.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the Chair is authorized to execute an Agreement with the Metropolitan Transportation Commission (MTC) in an amount not to exceed \$150,000 for technical analysis of the US 101/SR 92 interchange improvement options. It is also resolved that the C/CAG Executive Director is authorized to negotiate the final terms of said agreement prior to its execution by the C/CAG Chair, subject to approval as to form by the C/CAG Legal Counsel.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF JUNE 2010.

Thomas M. Kasten, Chair

C/CAG AGENDA REPORT

Date: June 10, 2010
To: City/County Association of Governments Board of Directors
From: Finance Committee and Richard Napier, Executive Director
Subject: Review and approval of the revised C/CAG Procurement Policy
(For further information or questions contact Sandy Wong at 599-1409)

RECOMMENDATION

That the C/CAG Board review and approve the revised C/CAG Procurement Policy for professional services, and capital items, consumable items and services.

FISCAL IMPACT

None

SOURCE OF FUNDS

The Procurement Policy applies to all C/CAG administered contracts funded by local, state, and federal funds.

BACKGROUND/DISCUSSION

At the February 11, 2010 meeting, the C/CAG Board directed staff to revise the current C/CAG Procurement Policy and bring it back for approval. Since then, C/CAG staff, in consultation with C/CAG legal counsel, prepared a revised procurement policy and presented to the C/CAG Finance Committee for review and comment at the March 14, 2010 Finance Committee meeting. The Revised C/CAG Procurement Policy presented hereof incorporates comments from the Finance Committee.

The C/CAG Procurement Policy, established June 9, 2005, implements procedures for selecting consultants (contractors) to provide professional services to C/CAG. The Policy includes guidelines for utilizing a formal Request for Proposal (RFP) process when procuring for consultant services as well as identifies situations where the RFP process could be waived, as appropriate, taking into consideration the proposed contract amount thresholds, timeframe constraints, potential delays, emergency situation, unique qualifications or experiences, and/or other factors. The Policy also addresses procurement of capital items and consumable items and services.

ATTACHMENTS

1. Revised C/CAG Procurement Policy (with track changes)
2. Revised C/CAG Procurement Policy (without track changes)

ITEM 6.1

C/CAG PROCUREMENT POLICY

Established June 9, 2005 Revised June 10, 2010

Professional Services Procurements

1. The method for procurement of professional services (consultants) shall generally be the Request for Proposal (RFP) procedure. The primary purpose of using a RFP is to ensure that C/CAG receives the best value in obtaining services. The determination of "best value" is not based solely on the lowest price or the highest quality. It involves a subjective weighing of efficiency, quality, and economy, and a recommendation as to how the services might best be provided, including the consideration of Design-Build approaches. The RFP is not a bid, in which the contract is awarded to the lowest bidder and the bid dictates the terms of the contract. Rather, it is a mechanism for exploring the expense and potential methodologies that could be used for dealing with the project for which the proposal is solicited. The RFP is an opportunity to ensure that all qualified contractors are given an opportunity to be considered for providing services to C/CAG. Each RFP shall be sent to all qualified firms and/or individuals that have been previously identified by C/CAG staff. Some of the ways that C/CAG staff may identify qualified firms and/or individuals could be through the issuance of a Request for Qualifications (RFQ), a letter of interest, and/or a review of informational materials provided by firms and/or individuals. Any firm and/or individual can request to be included on this list at any time by communicating such request to C/CAG staff and providing a summary of qualifications.
2. All RFPs must include a well-defined statement of work and must require that the responding party include quantifiable objectives, performance standards, and deliverables in its response to the RFP in order to be considered for funding.
3. In response to a written request from the Executive Director, the C/CAG Chairperson, with the concurrence of at least one Vice Chairperson, may administratively authorize up to an additional 5%, but not to exceed \$100,000, of the original total contract amount in the event that there are unforeseen costs associated with the project.
4. If the contract is for work that will continue for a specified period of time, the term of the contract should be the period of time for which the services are needed, but no longer than three (3) years, unless a longer term is approved by the C/CAG Board.
5. The Executive Director may approve up to one year time extension of a contract if there is no change in the contract amount.
6. ~~Once a contractor has been selected through either the formal RFP procedure or another procedure as per 6., 7., 8., or 9., the contractor may be used to provide additional services, if the work is substantially similar to that which was included in the original contract, for a period of up to three (3) years beyond the initial contract ending date. This may be done through either the execution of an~~

With Track Changes

~~amendment to the existing contract or through the execution of a new contract. The approval of the amendment or new contract shall be subject to the approval requirements in 6, 7, or 8, depending on the amount of funding to be included in the amendment or new contract.~~

7. ~~Contracts \$5,000~~ \$25,000 and below:
 - a. A formal competitive RFP procedure is not required.
 - b. The selection process must be fair (see #1), and there must be documentation that the contractor selected is qualified and that the cost is competitive.
 - c. The results of another public agency's selection process may be used to satisfy the requirements of b.
 - d. A telephone survey of three (3) or more potential service providers may be used to satisfy the requirements of b.
 - e. The C/CAG Executive Director shall be authorized to execute contracts ~~\$5,000~~ \$25,000 and below without the prior approval of the Board. The Board shall be notified of such contracts executed at the next scheduled Board meeting following such execution.
8. ~~Contracts \$5,001~~ \$25,001 to ~~\$25,000~~ \$49,999:
 - a. A formal competitive RFP procedure is not required.
 - b. The selection process must be fair (see #1), and there must be documentation that the contractor selected is qualified and that the cost is competitive.
 - c. The results of another public agency's selection process may be used to satisfy the requirements of b.
 - d. A telephone survey of three (3) or more potential service providers may be used to satisfy the requirements of b.
 - e. The Chair of the C/CAG Board shall be authorized to execute contracts ~~\$25,000~~ \$49,999 and below without the prior approval of the Board. The Board shall be notified of such contracts executed at the next scheduled Board meeting following such execution.
9. ~~Contracts greater than \$25,000~~ \$50,000:
 - a. A formal competitive RFP procedure should be utilized unless authorization from the C/CAG Board is given for another procedure or for a waiver of the RFP process.
 - b. The selection process shall not utilize cost as the sole criteria in selecting the successful contractor. The proposals shall be evaluated based on a combination of factors that result in the best value to C/CAG, including but not limited to:
 - i. Understanding of the work required by C/CAG.
 - ii. Quality and responsiveness of the proposal.
 - iii. Demonstrated competence and professional qualifications necessary for satisfactory performance of the work required by C/CAG.
 - iv. Recent experience in successfully performing similar services.
 - v. Proposed methodology for completing the work.

With Track Changes

- vi. References.
 - vii. Background and related experience of the specific individuals to be assigned to the project.
 - viii. Proposed cost.
 - ix. Previous experience in providing similar services for C/CAG and satisfactory delivery of those services.
 - c. The Chair of the C/CAG Board shall be authorized to execute contracts greater than ~~\$25,000~~ \$50,000 with the prior approval of 51% of the voting members of the Board present at a Board meeting where a vote on the contract was taken in accordance with C/CAG procedures. In accordance with the C/CAG Bylaws, Article VIII., Section 3., the special voting procedures may be utilized upon the request of any voting member. Under the special voting procedures, for a motion to be successful it must receive the votes of a majority of the voting members representing a majority of the population of the County.
10. Waiver of RFP Process:
- a. The C/CAG Board may waive the solicitation of RFPs when it determines that it is in the best interest of C/CAG to do so. Situations in which a RFP may be waived include, but are not limited to, emergency situations or those in which an independent contractor is the only available source of a particular service. ~~Appropriate situations for waiving the RFP process include contracting directly with a member agency or other public agency, which has the qualifications or expertise to perform the particular service desired.~~ Another appropriate situation for waiving the RFP process is where a particular firm, agency, and/or individual has unique qualifications and/or experience, ~~and or~~ it is determined by the C/CAG Board that the added time required for another firm and/or individual to acquire this knowledge base would create an unacceptable delay in the delivery of the service ~~and or~~ not result in significant cost savings. In all circumstances, the any waiver requires the approval of the C/CAG Board.
 - b. Requests to waive the RFP process that are presented to the C/CAG Board for consideration must include the specific findings by staff which substantiate the request for a waiver.
11. Contractors shall not discriminate or permit discrimination against any person or group of persons on the basis of race, color, religion, national origin or ancestry, age, sex, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition, mental or physical disability or veteran's status, or in any manner prohibited by federal, state or local laws.
12. Contract specifications shall be written, and contractor services and products shall be delivered, in such a way so as to minimize C/CAG dependence on one particular contractor or methodology for future contracts or programs.
13. In those instances when the procurement requirements, standards or procedures of the funding source are more rigorous than these C/CAG procedures, those of the funding source shall apply to the procurement in question.

With Track Changes

Additional policies related to procurements funded entirely or in part with Federal TEA 21, Surface Transportation Program (STP) funds.

All contracts must have the prior written consent of MTC.

Copies of all contracts or amendments to contracts exceeding \$25,000 must be provided to MTC after their execution.

MTC reserves the right to review contracts or amendments to contracts, prior to their execution.

All contracts must be in accordance with 49 Code of Federal Regulations (CFR) Part 18, MTC's funding agreement with DOT and any regulations, guidelines and circulars of Department of Transportation (DOT), applicable as a result of such funding agreement.

The provisions of the MTC/San Mateo County Interagency Agreement will be included, as applicable, in any contract exceeding \$25,000, including procurement of materials and leases of equipment.

All books, records, accounts, and any and all work products, materials, and other data relevant to the performance under any contract shall be maintained for a minimum of three (3) years following final payment by MTC.

All contractors shall not discriminate or permit discrimination against any persons or group of persons on the grounds of race, religious creed, color, national origin, age, ancestry, physical disability, medical condition, marital status, or sex, in any manner prohibited by federal, state, or local laws. Contractors shall comply with all applicable provisions of Executive Order 11246 as amended by Executive Order 11375 and as supplemented by Department of Labor (DOL) regulations.

C/CAG shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts.

C/CAG shall cooperate with MTC in meeting its commitments and objectives to ensure nondiscrimination in the award and administration of DOT assisted contracts and to create a level playing field on which disadvantaged business enterprises, as defined in 49 CFR Part 26, can compete fairly for contracts.

Contractors shall comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (42 USC § 2000(d)) and the regulations of the DOT issued thereunder (49 CFR Part 21).

Title 49 CFR Part 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" shall govern contracts.

1. No contract shall be executed with any organization or individual who is included on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs, as published by the U.S. General Services Administration.

Policies related to procurements of capital items, consumable items and services.

1. C/CAG shall, to greatest extent possible, utilize the procurement systems of its member agencies for capital purchases. The member agencies have in place the appropriate infrastructure to manage these procurement processes and this will

With Track Changes

enable C/CAG to take advantage of their greater purchasing power; thereby ensuring a more favorable price and the meeting of all appropriate federal, state and local procurement requirements.

2. The C/CAG Executive Director shall have the authority to purchase consumable items and services through any appropriate means up to a maximum of \$5,000. Purchases of more than \$5,000 require approval of the C/CAG Board.

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C/CAG PROCUREMENT POLICY

Established on June 9, 2005

Revised on June 10, 2010

Professional Services Procurements

1. The method for procurement of professional services (consultants) shall generally be the Request for Proposal (RFP) procedure. The primary purpose of using a RFP is to ensure that C/CAG receives the best value in obtaining services. The determination of "best value" is not based solely on the lowest price or the highest quality. It involves a subjective weighing of efficiency, quality, and economy, and a recommendation as to how the services might best be provided, including the consideration of Design-Build approaches. The RFP is not a bid, in which the contract is awarded to the lowest bidder and the bid dictates the terms of the contract. Rather, it is a mechanism for exploring the expense and potential methodologies that could be used for dealing with the project for which the proposal is solicited. The RFP is an opportunity to ensure that all qualified contractors are given an opportunity to be considered for providing services to C/CAG. Each RFP shall be sent to all qualified firms and/or individuals that have been previously identified by C/CAG staff. Some of the ways that C/CAG staff may identify qualified firms and/or individuals could be through the issuance of a Request for Qualifications (RFQ), a letter of interest, and/or a review of informational materials provided by firms and/or individuals. Any firm and/or individual can request to be included on this list at any time by communicating such request to C/CAG staff and providing a summary of qualifications.
2. All RFPs must include a well-defined statement of work and must require that the responding party include quantifiable objectives, performance standards, and deliverables in its response to the RFP in order to be considered for funding.
3. In response to a written request from the Executive Director, the C/CAG Chairperson, with the concurrence of at least one Vice Chairperson, may administratively authorize up to an additional 5%, but not to exceed \$100,000, of the original total contract amount in the event that there are unforeseen costs associated with the project.
4. If the contract is for work that will continue for a specified period of time, the term of the contract should be the period of time for which the services are needed, but no longer than three (3) years, unless a longer term is approved by the C/CAG Board.
5. The Executive Director may approve up to one year time extension of a contract if there is no change in the contract amount.
6. Contracts \$25,000 and below:
 - a. A formal competitive RFP procedure is not required.
 - b. The selection process must be fair (see #1), and there must be documentation that the contractor selected is qualified and that the cost is competitive.
 - c. The results of another public agency's selection process may be used to satisfy the requirements of b.

- d. A telephone survey of three (3) or more potential service providers may be used to satisfy the requirements of b.
 - e. The C/CAG Executive Director shall be authorized to execute contracts \$25,000 and below without the prior approval of the Board. The Board shall be notified of such contracts executed at the next scheduled Board meeting following such execution.
7. Contracts \$25,001 to \$49,999:
- a. A formal competitive RFP procedure is not required.
 - b. The selection process must be fair (see #1), and there must be documentation that the contractor selected is qualified and that the cost is competitive.
 - c. The results of another public agency's selection process may be used to satisfy the requirements of b.
 - d. A telephone survey of three (3) or more potential service providers may be used to satisfy the requirements of b.
 - e. The Chair of the C/CAG Board shall be authorized to execute contracts \$49,999 and below without the prior approval of the Board. The Board shall be notified of such contracts executed at the next scheduled Board meeting following such execution.
8. Contracts greater than \$50,000:
- a. A formal competitive RFP procedure should be utilized unless authorization from the C/CAG Board is given for another procedure or for a waiver of the RFP process.
 - b. The selection process shall not utilize cost as the sole criteria in selecting the successful contractor. The proposals shall be evaluated based on a combination of factors that result in the best value to C/CAG, including but not limited to:
 - i. Understanding of the work required by C/CAG.
 - ii. Quality and responsiveness of the proposal.
 - iii. Demonstrated competence and professional qualifications necessary for satisfactory performance of the work required by C/CAG.
 - iv. Recent experience in successfully performing similar services.
 - v. Proposed methodology for completing the work.
 - vi. References.
 - vii. Background and related experience of the specific individuals to be assigned to the project.
 - viii. Proposed cost.
 - ix. Previous experience in providing similar services for C/CAG and satisfactory delivery of those services.
 - c. The Chair of the C/CAG Board shall be authorized to execute contracts greater than \$50,000 with the prior approval of 51% of the voting members of the Board present at a Board meeting where a vote on the contract was taken in accordance with C/CAG procedures. In accordance with the C/CAG Bylaws, Article VIII., Section 3., the special voting procedures may be utilized upon the request of any voting member. Under the special voting procedures, for a motion to be successful it must receive the votes of a majority of the voting members representing a majority of the population of the County.

9. Waiver of RFP Process:
 - a. The C/CAG Board may waive the solicitation of RFPs when it determines that it is in the best interest of C/CAG to do so. Situations in which a RFP may be waived include, but are not limited to, emergency situations or those in which an independent contractor is the only available source of a particular service. Another appropriate situation for waiving the RFP process is where a particular firm, agency, and/or individual has unique qualifications and/or experience, or it is determined by the C/CAG Board that the added time required for another firm and/or individual to acquire this knowledge base would create an unacceptable delay in the delivery of the service or not result in significant cost savings. In all circumstances, any waiver requires the approval of the C/CAG Board.
 - b. Requests to waive the RFP process that are presented to the C/CAG Board for consideration must include the specific findings by staff which substantiate the request for a waiver.
10. Contractors shall not discriminate or permit discrimination against any person or group of persons on the basis of race, color, religion, national origin or ancestry, age, sex, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition, mental or physical disability or veteran's status, or in any manner prohibited by federal, state or local laws.
11. Contract specifications shall be written, and contractor services and products shall be delivered, in such a way so as to minimize C/CAG dependence on one particular contractor or methodology for future contracts or programs.
12. In those instances when the procurement requirements, standards or procedures of the funding source are more rigorous than these C/CAG procedures, those of the funding source shall apply to the procurement in question.

Policies related to procurements of capital items, consumable items and services.

1. C/CAG shall, to greatest extent possible, utilize the procurement systems of its member agencies for capital purchases. The member agencies have in place the appropriate infrastructure to manage these procurement processes and this will enable C/CAG to take advantage of their greater purchasing power; thereby ensuring a more favorable price and the meeting of all appropriate federal, state and local procurement requirements.
2. The C/CAG Executive Director shall have the authority to purchase consumable items and services through any appropriate means up to a maximum of \$5,000. Purchases of more than \$5,000 require approval of the C/CAG Board.

C/CAG AGENDA REPORT

Date: June 10, 2010

To: City/County Association of Governments Board of Directors

From: Finance Committee

Subject: Review and approval of the Revised C/CAG Investment Policy

(For further information or questions contact Richard Napier at 599-1420)

RECOMMENDATION

The C/CAG Board review and approve the revised C/CAG Investment Policy in accordance with the Finance Committee recommendation.

FISCAL IMPACT

Minimal. Will potentially reduce the return on investments while reducing or eliminating the potential for loss of principal.

SOURCE OF FUNDS

The Investment Policy applies to all C/CAG funds held by the C/CAG Financial Agent (City of San Carlos).

BACKGROUND/DISCUSSION

In FY 08-09 C/CAG lost approximately \$200,000 due to the Lehman Brothers negative impact on the County Pool. The C/CAG Board requested that the Finance Committee make changes to the Investment Policy in order to reduce the risk of loss of principal. The Finance Committee met twice to recommend changes to the Investment Policy. After meeting with the City of San Carlos and the C/CAG Chair, staff drafted final changes to the Investment Policy. This was presented to the Finance Committee and accepted on March 14, 2010. The Finance Committee recommended some minor changes which staff have made.

The major changes to the Investment Policy include the following:

- 1- Establish guidelines to reduce the potential for loss of principal.
- 2- Establish a C/CAG Investment Advisory Committee with significant financial expertise.
- 3- The C/CAG Investment Advisory Committee would specify to the C/CAG Financial Agent (City of San Carlos) the distribution between the County Pool and the State Pool (LAIF).

ATTACHMENTS

1. Revised C/CAG Investment Policy

ITEM 6.2

**CITY AND COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY
INVESTMENT POLICY**

May, 2010

POLICY

The investment of the funds of the City and County Association of Governments (C/CAG) is directed to the goals of safety, liquidity and yield. This Investment Policy incorporates the policies defined by the certified investment policy standards recommended by the Association of Public Treasurers. The authority governing investments for municipal governments is set forth in the California Government Code, Sections 53601 through 53659. C/CAG's portfolio shall be designed and managed in a manner responsive to the public trust and consistent with state and local law.

The three objectives, in priority order, of the investment policy of the City and County Association of Governments are:

- 1- **SAFETY OF PRINCIPLE** - The primary objective of the investment policy of the City and County Association of Governments is **SAFETY OF PRINCIPAL**. Investments shall be placed in those securities as outlined by type and maturity sector in this document to achieve this objective. The portfolio should be analyzed not less than quarterly by the C/CAG Investment Committee and modified as appropriate periodically to respond to changing circumstances in order to achieve the Safety of Principle.

- 2- **LIQUIDITY TO MEET NEEDS** - Effective cash flow management and resulting cash investment practices are recognized as essential to good fiscal management and control. The portfolio should have adequate liquidity to meet the immediate and short term needs.

- 3- **RETURN ON INVESTMENT** - A reasonable return on investment should be pursued. Safety of Principle should not be reduced in order to achieve higher yield.

Portfolio management requires continual analysis and as a result the balance between the various investments and maturities may change in order to give C/CAG the optimum combination of Safety of Principle, necessary liquidity, and optimal yield based on cash flow projections.

SCOPE

The investment policy applies to all financial assets of the City and County Association of Governments. Policy statements outlined in this document focus on C/CAG's pooled funds.

PRUDENCE

The standard to be used by investment officials shall be that of a "prudent investor" and shall be applied in the context of managing all aspects of the overall portfolio. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law.

It is C/CAG's full intent, at the time of purchase, to hold all investments until maturity to ensure the return of all invested principal dollars.

However, it is realized that market prices of securities will vary depending on economic and interest rate conditions at any point in time. It is further recognized that in a well-diversified investment portfolio, occasional measured losses are inevitable due to economic, bond market or individual security credit analysis. These occasional losses must be considered within the context of the overall investment program objectives and the resultant long-term rate of return.

Individuals assigned to manage the investment portfolio, acting within the intent and scope of the investment policy and other written procedures and exercising due diligence, shall be relieved of personal responsibility and liability for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

C/CAG will establish an Investment Advisory Committee that will analyze the portfolio quarterly against the policy objectives and make recommendations to C/CAG's Fiscal Agent as necessary for changes to the portfolio. It is intended that the committee membership include financial expertise.

OBJECTIVES

Safety of Principal

Safety of principal is the foremost objective of the City and County Association of Governments. Each investment transaction shall seek to ensure that capital losses are avoided, whether from securities default, broker-dealer default or erosion of market value. C/CAG shall seek to preserve principal by mitigating the three types of risk: credit risk, market risk and interest rate risk.

Credit risk, defined as the risk of loss due to failure of the issuer of a security, shall be mitigated by investing in investment grade securities and by diversifying the investment portfolio so that the failure of any one issuer does not unduly harm C/CAG's capital base and cash flow.

Market risk, defined as market value fluctuations due to overall changes in the general level of interest rates, shall be mitigated by limiting the average maturity of C/CAG's investment portfolio to two years, the maximum maturity of any one security to five years, structuring the portfolio based on historic and current cash flow analysis eliminating the need to sell securities prior to maturity and avoiding the purchase of long term securities for the sole purpose of short term speculation.

Interest rate risk, defined as pursuing higher yields at the cost of increasing the risk of loss of principal, shall be mitigated by accepting a lower return with increased safety of principle, by investing in investment grade securities, and by diversifying the investment.

Liquidity

Historical cash flow trends are compared to current cash flow requirements on an ongoing basis in an effort to ensure that C/CAG's investment portfolio will remain sufficiently liquid to enable C/CAG to meet all reasonably anticipated operating requirements. The C/CAG Executive Director will provide a projected cash flow schedule in consultation with the C/CAG Chair and the C/CAG Investment Advisory Committee Chair.

MATURITY MATRIX

Maturities of investments will be selected based on liquidity requirements to minimize interest rate risk and maximize earnings. Current and expected yield curve analysis will be monitored and the portfolio will be invested accordingly. The weighted average maturity of the pooled portfolio should not exceed two years and the following percentages of the portfolio should be invested in the following maturity sectors:

Maturity Range	Suggested Percentage
1 day to 7 days	10 to 50%
7 days to 180	10 to 30%
180 days to 360 days	10 to 30%
1 year to 2 years	10 to 20%
2 years to 3 years	0 to 20%
3 years to 4 years	0 to 20%
4 years to 5 years	0 to 20%

No more than 40% of the portfolio shall have a maturity of 2-5 years.

PERFORMANCE EVALUATION

Day to day management of C/CAG's portfolio is conducted by the C/CAG Fiscal Agent Finance Officer. Investment performance is monitored and provided to the C/CAG Investment Advisory Committee on a quarterly basis. Investment performance statistics and activity reports are generated on a quarterly basis for presentation to the C/CAG Investment Advisory Committee, and to the C/CAG Board. Annually, a statement of investment policy, and any proposed changes to the policy, will be rendered to the C/CAG Investment Advisory Committees and to the C/CAG Board for consideration at a public meeting.

C/CAG's investment portfolio is designed to at least attain a market average rate of return through economic cycles. The market average rate of return is defined as average return on the Local Agency Investment Fund (assuming the State does not adversely affect LAIF's returns due to budget constraints).

DELEGATION OF AUTHORITY

The Joint Powers Authority Agreement of the City and County Association of Governments of San Mateo County and the authority granted by the C/CAG Board, assign the responsibility of investing

unexpended cash to the Administrative Services Director. Daily management responsibility of the investment program may be delegated to the Finance Officer, who shall establish procedures for the operation consistent with this investment policy. For the longer term investments the C/CAG Fiscal Agent shall invest in accordance with the directions provided by the C/CAG Investment Advisory Committee.

C/CAG INVESTMENT ADVISORY COMMITTEE

C/CAG will establish an Investment Advisory Committee that will analyze the portfolio quarterly against the policy objectives and make recommendations as necessary for changes to the portfolio. The committee should include the C/CAG Chair or designee, and four public members with a financial background. Recommendations from the Committee should be unanimous. Quarterly Reports on the portfolio performance and the make-up of the County Pool and the Local Agency Investment Fund (LAIF) will be provided to the Committee. The Committee will consider input from the C/CAG Fiscal Agent and C/CAG staff in making their recommendations to the C/CAG Board.

ETHICS AND CONFLICTS OF INTEREST

The C/CAG Investment Advisory Committee, Officers, and employees involved in the investment process shall refrain from personal business activity that conflicts with proper execution of the investment program, or impairs their ability to make impartial investment decisions. Additionally the Administrative Services Director, the Finance Officer, and members of the C/CAG Investment Advisory Committee are required to annually file applicable financial disclosures (Form 700 etc.) as required by the Fair Political Practices Commission (FPPC).

SAFEKEEPING OF SECURITIES

To protect against fraud or embezzlement or losses caused by collapse of an individual securities dealer, all securities owned by C/CAG shall be held in safekeeping by a third party bank trust department, acting as agent for C/CAG under the terms of a custody agreement. All trades executed by a dealer will settle delivery versus payment (DVP) through C/CAG's safekeeping agent.

A receipt shall be provided for securities held in custody for C/CAG and shall be monitored by the Administrative Services Director to verify investment holdings.

INTERNAL CONTROL

Separation of functions between the Administrative Services Director or Finance Officer and/or the Senior Accountant is designed to provide an ongoing internal review to prevent the potential for converting assets or concealing transactions.

Investment decisions made by the C/CAG Investment Advisory Committee are executed by the Administrative Services Director or Finance Officer and confirmed by the Senior Accountant. All

wire transfers initiated by the Administrative Services Director or Finance Officer must be reconfirmed by the appropriate financial institution by the Senior Accountant. Proper documentation obtained from confirmation and cash disbursement wire transfers is required for each investment transaction. Timely bank reconciliation is conducted to ensure proper handling of all transactions.

The investment portfolio and all related transactions are reviewed and balanced to appropriate general ledger accounts by the Senior Accountant on a monthly basis. An independent analysis by an external auditor shall be conducted annually to review and perform procedure testing on the Agency's cash and investments that have a material impact on the financial statements. The Administrative Services Director and/or Investment Committee shall review and assure compliance with investment process and procedures.

REPORTING

The Administrative Services Director shall review and render quarterly reports to the C/CAG Investment Advisory Committee and to the C/CAG Board which shall include the face amount of the cash investment, the classification of the investment, the name of the institution or entity, the rate of interest, the maturity date, the current market value and accrued interest due for all securities. The quarterly reports will be submitted to the C/CAG Investment Advisory Committee within thirty (30) days following the end of the quarter covered by the report as per Section 53646 (b)(1) of the California Government Code. Once approved by the C/CAG Investment Advisory Committees, the quarterly reports shall be placed on C/CAG's meeting agenda for its review and approval no later than 75 days after the quarter ends.

QUALIFIED BROKER/DEALERS

C/CAG shall transact business only with banks, savings and loans, and with broker/dealers registered with the State of California or the Securities and Exchange Committee. The broker/dealers should be primary or regional dealers. The Administrative Services Director will maintain a list of approved dealers. Investment staff shall investigate dealers wishing to do business with C/CAG's staff to determine if they are adequately capitalized, have pending legal action against the firm or the individual broker and make markets in the securities appropriate to C/CAG's needs. The Investment staff shall recommend additions to the approved dealer list to the C/CAG Investment Advisory Committee for approval.

The Administrative Services Director or Finance Officer shall annually send a copy of the current investment policy to all broker/dealers approved to do business with C/CAG. Confirmation of receipt of this policy shall be considered evidence that the dealer understands C/CAG's investment policies and intends to sell C/CAG only appropriate investments authorized by this investment policy.

COLLATERAL REQUIREMENTS

Collateral is required for investments in certificates of deposit. In order to reduce market risk, the collateral level will be at least 110% of market value of principal and accrued interest. Collaterals should be held by an independent third party. Collaterals should be required for investments in CDs in excess of FDIC insured amounts.

In order to conform with the provisions of the Federal Bankruptcy Code which provides for liquidation of securities held as collateral, the only securities acceptable as collateral shall be certificates of deposit, commercial paper, eligible banker's acceptances, medium term notes or securities that are direct obligations of, or are fully guaranteed as to principal and interest by, the United States or any agency of the United States.

AUTHORIZED INVESTMENTS

Investment of C/CAG's funds is governed by the California Government Code Sections 53600 et seq. The level of investment in all areas will be reviewed by the C/CAG Investment Advisory Committee. Within the context of the limitations, the following investments are authorized, as further limited herein:

1. United States Treasury Bills, Bonds, and Notes or those for which the full faith and credit of the United States are pledged for payment of principal and interest. There is no percentage limitation of the portfolio that can be invested in this category, although a five-year maturity limitation is applicable.
2. Obligations issued by the Government National Mortgage Association (GNMA), the Federal Farm Credit System (FFCB), the Federal Home Loan Bank Board (FHLB), the Federal National Mortgage Association (FNMA), the Student Loan Marketing Association (SLMA), and the Federal Home Loan Mortgage Corporation (FHLMC). Investments in these agencies shall be no more than 20% of the portfolio. It should be reviewed quarterly by the C/CAG Investment Advisory Committees, although a five-year maturity limitation is applicable.

Investments detailed in items 3 through 9 are further restricted to a percentage of the cost value of the portfolio in any single issuer name to a maximum of 5%. The total value invested in any one issuer shall not exceed 5% of the issuer's net worth. Again, a five-year maximum maturity limitation is applicable unless further restricted by this policy.

3. Bills of exchange or time drafts drawn on and accepted by commercial banks, otherwise known as banker's acceptances. Banker's acceptances purchased may not exceed 180 days to maturity or 30% of the cost value of the portfolio and no more than 5% of the portfolio to any one corporate borrower.
4. Commercial paper ranked P1 by Moody's Investor Services or A1+ by Standard & Poor's, and issued by domestic corporations having assets in excess of \$500,000,000 and having an AA or better rating on its' long term debentures as provided by Moody's or Standard & Poor's. Purchases of eligible commercial paper may not exceed 270 days to maturity nor represent more than 10% of the outstanding paper of the issuing corporation. Purchases of commercial paper may not exceed 15% of the cost value of the portfolio and no more than 5% of the portfolio to any one corporate borrower.
5. Negotiable Certificates of Deposit issued by nationally or state chartered banks (FDIC insured institutions) or state or federal savings institutions. Purchases of negotiable

certificates of deposit may not exceed 30% of total portfolio. A maturity limitation of five years is applicable and no more than 5% of the portfolio to any one corporate borrower.

Local Agency Investment Fund (LAIF) which is a State of California managed investment pool, and San Mateo County Investment pool, may be used up to the maximum permitted by California State Law. A review of the pool/fund is required when they are part of the list of authorized investments.

6. Time deposits, non-negotiable and collateralized in accordance with the California Government Code, may be purchased through banks or savings and loan associations. Since time deposits are not liquid, no more than 25% of the investment portfolio may be invested in this investment type and no more than 5% of the portfolio to any one corporate borrower.
7. Medium Term Corporate Notes, with a maximum maturity of five years may be purchased. Securities eligible for investment shall be rated AA or better by Moody's or Standard & Poor's rating services. Purchase of medium term notes may not exceed 30% of the market value of the portfolio and no more than 5% of the market value of the portfolio may be invested in notes issued by one corporation. Commercial paper holdings should also be included when calculating the 15% limitation. The C/CAG portfolio should not have more than 5% of its investment portfolio (cumulative for all categories of investment) in any one corporate borrower.
8. Ineligible investments are those that are not described herein, including but not limited to, common stocks and long term (over five years in maturity) notes and bonds are prohibited from use in this portfolio. It is noted that special circumstances may arise that necessitate the purchase of securities beyond the five-year limitation. On such occasions, requests must be reviewed by the C/CAG Investment Advisory Committee and approved by the C/CAG Board prior to purchase.
9. Various daily money market funds administered for or by trustees, paying agents and custodian banks contracted by the City and County Association of Governments may be purchased as allowed under State of California Government Code. Only funds holding U.S. Treasury or Government agency obligations can be utilized.

The following summary of maximum percentage limits, by instrument, is established for C/CAG's total pooled funds portfolio:

<u>Investment Type</u>	<u>Percentage/Amount</u>
Repurchase Agreements	Not Allowed
Local Agency Investment Fund	\$10,000,000 per account
San Mateo County Investment Pool	\$10,000,000 per account
US Treasury Bonds/Notes/Bills	0 to 100%
US Government Agency Obligations	0 to 20%
Bankers' Acceptances	0 to 30%
Commercial Paper	0 to 5%
Negotiable Certificates of Deposit	0 to 30%
Time Certificates of Deposit	0 to 25%
Medium Term Corporate Notes	0 to 5%
Reverse Repurchase Agreements	0%

DERIVATIVE INVESTMENTS

Derivatives are investments whose value is "derived" from a benchmark or index. That benchmark can be almost any financial measure from interest rates to commodity and stock prices. The Joint Powers Authority will not invest directly in derivative investments. However, derivative investments could be made by the San Mateo County Pool or the Local Agency Investment Fund (LAIF) in which C/CAG invests. Therefore, the C/CAG Investment Advisory Committee may limit or prohibit how much is invested in the pools. Securities or investments classified as derivatives must be issued by an agency or entity authorized by this policy.

LEGISLATIVE CHANGES

Any State of California legislative action that further restricts allowable maturities, investment type, or percentage allocations will be incorporated into the City and County Association of Governments' Investment Policy and supersede any and all previous applicable language.

INTEREST EARNINGS

All moneys earned and collected from investments authorized in this policy shall be allocated quarterly based on statements received from LAIF, the San Mateo County Pool, and the Safekeeper.

LIMITING MARKET VALUE EROSION

The longer the maturity of securities, the greater their market price volatility. Therefore, it is the general policy of C/CAG to limit the potential effects from erosion in market values by adhering to the following guidelines:

All immediate and anticipated liquidity requirements will be addressed prior to purchasing all investments.

Maturity dates for long-term investments will coincide with significant cash flow requirements where possible, to assist with short term cash requirements at maturity.

All long-term securities will be purchased with the intent to hold all investments to maturity under then prevailing economic conditions. However, economic or market conditions may change, making it in C/CAG's best interest to sell or trade a security prior to maturity.

PORTFOLIO MANAGEMENT ACTIVITY

The investment program shall seek to augment returns consistent with the intent of this policy, identified risk limitations and prudent investment principals. These objectives will be achieved by use of the following strategies:

Active Portfolio Management. Through active fund and cash flow management, taking advantage of current economic and interest rate trends, the portfolio yield may be enhanced with limited and measurable increases in risk by extending the weighted maturity of the total portfolio.

Portfolio Maturity Management. When structuring the maturity composition of the portfolio, C/CAG shall evaluate current and expected interest rate yields and necessary cash flow requirements. It is recognized that in normal market conditions longer maturities produce higher yields. However, the securities with longer maturities also experience greater price fluctuations when the level of interest rates change.

Security Swaps. C/CAG may take advantage of security swap opportunities to improve the overall portfolio yield. A swap, which improves the portfolio yield, may be selected even if the transactions result in an accounting loss. Documentation for swaps will be included in C/CAG's permanent investment file documents. No swap may be entered into without the approval of the C/CAG Investment Advisory Committee and the C/CAG Board.

Competitive Bidding. It is the policy of C/CAG to require competitive bidding for investment transactions that are not classified as "new issue" securities. For the purchase of non-"new issue" securities and the sale of all securities at least three bidders must be contacted. Competitive bidding for security swaps is also suggested, however, it is understood that certain time constraints and broker portfolio limitations exist which would not accommodate the competitive bidding process. If a time or portfolio constraining condition exists, the pricing of the swap should be verified to current market conditions and documented for auditing purposes.

POLICY REVIEW

The City and County Association of Governments' investment policy shall be adopted by resolution of the C/CAG Board on an annual basis. This investment policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends. The Investment Policy, including any amendments to the policy shall be forwarded to the C/CAG Board for approval.

Glossary of Terms

Accrued Interest- Interest earned but not yet received.

Active Deposits- Funds which are immediately required for disbursement.

Amortization- An accounting practice of gradually decreasing (increasing) an asset's book value by spreading its depreciation (accretion) over a period of time.

Asked Price- The price a broker dealer offers to sell securities.

Basis Point- One basis point is one hundredth of one percent (.01).

Bid Price- The price a broker dealer offers to purchase securities.

Bond- A financial obligation for which the issuer promises to pay the bondholder a specified stream of future cash flows, including periodic interest payments and a principal repayment.

Bond Swap - Selling one bond issue and buying another at the same time in order to create an advantage for the investor. Some benefits of swapping may include tax-deductible losses, increased yields, and an improved quality portfolio.

Book Entry Securities - Securities, such stocks held in "street name," that are recorded in a customer's account, but are not accompanied by a certificate. The trend is toward a certificate-free society in order to cut down on paperwork and to diminish investors' concerns about the certificates themselves. All the large New York City banks, including those that handle the bulk of the transactions of the major government securities dealers, now clear most of their transactions with each other and with the Federal Reserve through the use of automated telecommunications and the "book-entry" custody system maintained by the Federal Reserve Bank of New York. These banks have deposited with the Federal Reserve Bank a major portion of their government and agency securities holdings, including securities held for the accounts of their customers or in a fiduciary capacity. Virtually all transfers for the account of the banks, as well as for the government securities dealers who are their clients, are now effected solely by bookkeeping entries. The system reduces the costs and risks of physical handling and speeds the completion of transactions.

Bearer and Registered Bonds - In the past, bearer and registered bonds were issued in paper form. Those still outstanding may be exchanged at any Federal Reserve Bank or branch for an equal amount of any authorized denomination of the same issue. Outstanding bearer bonds are interchangeable with registered bonds and bonds in "book-entry" form. That is, the latter exist as computer entries only and no paper securities are issued. New bearer and registered bonds are no longer being issued. Since August 1986, the Treasury's new issues of marketable notes and bonds are available in book-entry form only. All Treasury bills and more than 90% of all other marketable securities are now in book-entry form. Book-entry obligations are transferable only pursuant to regulations prescribed by the Secretary of the Treasury.

Book Value- The value at which a debt security is shown on the holder's balance sheet. Book value is acquisition cost less amortization of premium or accretion of discount.

Broker - In securities, the intermediary between a buyer and a seller of securities. The broker, who usually charges a commission, must be registered with the exchange in which he or she is trading, accounting for the name registered representative.

Certificate of Deposit- A deposit insured up to \$100,000 by the FDIC at a set rate for a specified period of time.

Collateral- Securities, evidence of deposit or pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposit of public moneys.

Constant Maturity Treasury (CMT)- An average yield of a specific Treasury maturity sector for a specific time frame. This is a market index for reference of past direction of interest rates for the given Treasury maturity range.

Coupon- The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value.

County Pool- County of San Mateo managed investment pool.

Credit Analysis- A critical review and appraisal of the economic and financial conditions or of the ability to meet debt obligations.

Current Yield- The interest paid on an investment expressed as a percentage of the current price of the security.

Custody- A banking service that provides safekeeping for the individual securities in a customer's investment portfolio under a written agreement which also calls for the bank to collect and pay out income, to buy, sell, receive and deliver securities when ordered to do so by the principal.

Delivery vs. Payment (DVP)- Delivery of securities with a simultaneous exchange of money for the securities.

Discount- The difference between the cost of a security and its value at maturity when quoted at lower than face value.

Diversification- Dividing investment funds among a variety of securities offering independent returns and risk profiles.

Duration- The weighted average maturity of a bond's cash flow stream, where the present value of the cash flows serve as the weights; the future point in time at which on average, an investor has received exactly half of the original investment, in present value terms; a bond's zero-coupon equivalent; the fulcrum of a bond's present value cash flow time line.

Fannie Mae- Trade name for the Federal National Mortgage Association (FNMA), a U.S. sponsored corporation.

Federal Reserve System- The central bank of the U.S. that consists of a seven member Board of Governors, 12 regional banks and 5,700 commercial banks that are members.

Federal Deposit Insurance Corporation (FDIC)- Insurance provided to customers of a subscribing bank that guarantees deposits to a set limit (currently \$100,000) per account.

Fed Wire- A wire transmission service established by the Federal Reserve Bank to facilitate the transfer of funds through debits and credits of funds between participants within the Fed system.

Fiscal Agent - The organization that is essentially the checkbook for C/CAG funds.

Freddie Mac- Trade name for the Federal Home Loan Mortgage Corporation (FHLMC), a U.S. sponsored corporation.

Ginnie Mae- Trade name for the Government National Mortgage Association (GNMA), a direct obligation bearing the full faith and credit of the U.S. Government.

Inactive Deposits- Funds not immediately needed for disbursement.

Interest Rate- The annual yield earned on an investment, expressed as a percentage.

Investment Agreements- An agreement with a financial institution to borrow public funds subject to certain negotiated terms and conditions concerning collateral, liquidity and interest rates.

Local Agency Investment Fund (LAIF) - State of California managed investment pool.

Liquidity- Refers to the ability to rapidly convert an investment into cash.

Market Value- The price at which a security is trading and could presumably be purchased or sold.

Maturity- The date upon which the principal or stated value of an investment becomes due and payable.

New Issue- Term used when a security is originally "brought" to market.

Perfected Delivery- Refers to an investment where the actual security or collateral is held by an independent third party representing the purchasing entity.

Portfolio- Collection of securities held by an investor.

Primary Dealer- A group of government securities dealers that submit daily reports of market activity and security positions held to the Federal Reserve Bank of New York and are subject to its informal oversight.

Purchase Date- The date in which a security is purchased for settlement on that or a later date.

Rate of Return- The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

Repurchase Agreement (REPO)- A transaction where the seller (bank) agrees to buy back from the buyer (C/CAG) the securities at an agreed upon price after a stated period of time.

Reverse Repurchase Agreement (REVERSE REPO)- A transaction where the seller (C/CAG) agrees to buy back from the buyer (bank) the securities at an agreed upon price after a stated period of time.

Risk- Degree of uncertainty of return on an asset.

Safekeeping- see custody.

Sallie Mae- Trade name for the Student Loan Marketing Association (SLMA), a U.S. sponsored corporation.

Secondary Market- A market made for the purchase and sale of outstanding issues following the initial distribution.

Settlement Date- The date on which a trade is cleared by delivery of securities against funds.

Time Deposit - A deposit in an interest-paying account that requires the money to remain on account for a specific length of time. While withdrawals can generally be made from a passbook account at any time, other time deposits, such as certificates of deposit, are penalized for early withdrawal.

Treasury Bills- U.S. Treasury Bills which are short-term, direct obligations of the U.S. Government issued with original maturities of 13 weeks, 26 weeks and 52 weeks; sold in minimum amounts of \$10,000 in multiples of \$5,000 above the minimum. Issued in book entry form only. T-bills are sold on a discount basis.

U.S. Government Agencies- Instruments issued by various US Government Agencies most of which are secured only by the credit worthiness of the particular agency.

Yield- The rate of annual income return on an investment, expressed as a percentage. It is obtained by dividing the current dollar income by the current market price of the security.

Yield to Maturity- The rate of income return on an investment, minus any premium or plus any discount, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond, expressed as a percentage.

Yield Curve- The yield on bonds, notes or bills of the same type and credit risk at a specific date for maturities up to thirty years.

C/CAG AGENDA REPORT

Date: June 10, 2010

To: City/County Association of Governments Board of Directors

From: Richard Napier, Executive Director

Subject: Approval of C/CAG Legislative priorities, positions, and legislative update.
(A position may be taken on any legislation, including legislation not previously identified.)

(For further information or questions contact Joseph Kott at 599-1453)

RECOMMENDATION

That the C/CAG Board review and approve recommendations on the attached C/CAG Legislation “Support” and “Watch” Legislative List report and that the C/CAG Board review the attached “State Legislative Update – May”.

The “**Support**” recommendations are as follows:

SB 965 – which, if amended, would allow Caltrain early access to American Recovery and Reinvestment Act (ARRA) funds for improvements on Caltrain and other commuter rail lines in California. Support for this legislation does not necessarily mean or imply support for any High Speed rail alignment or other configuration (undergrounding, elevation, or at-grade). Caltrain staff will be present to discuss the needed amendment and to answer questions about the importance of this legislation to Caltrain.

SB 1333 – which ensures the enforcement of airport air space (“avignation”) safety easements.

SB 1141 – which facilitates formation of countywide airport land use commissions. C/CAG supported this legislation last session and staff proposes a continuation of this “Support” position for this session.

FISCAL IMPACT

Not applicable.

SOURCE OF FUNDS

Not applicable.

LEGISLATIVE PRIORITY

“Support” List

BACKGROUND/DISCUSSION

Each year the C/CAG Board received recommendations from the C/CAG Legislative Committee and C/CAG staff on pending State legislation and establishes as well as periodically updates a “Support” and a “Watch” list for legislation. Board decisions on pending legislation guide the actions of C/CAG staff and the C/CAG lobbyist in Sacramento.

ATTACHMENTS

- C/CAG Legislation “Support” and “Watch” List Status
- State Legislative Update – May 2010

C/CAG LEGISLATION “SUPPORT” AND “WATCH” LIST STATUS

SUPPORT LIST

BILL: SB 965

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_965&sess=0910&house=B

AUTHOR: DeSaulnier (D)

<http://www.senate.ca.gov/DeSaulnier>

SUBJECT: High-speed rail**STATUS:**

SENATE TRANS

5/13/2010 - To Com. on TRANS.

SUMMARY:

Existing law, the California High-Speed Train Act, creates the High-Speed Rail Authority to develop and implement a high-speed train system in the state, with specified powers and duties. Existing law, the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes. This bill, subject to appropriation by the Legislature, would authorize the authority to expend federal funds made available by the federal American Recovery and Reinvestment Act (ARRA) for high-speed rail purposes. The bill would require the authority to take various actions in that regard. The bill would also require the authority to submit to the Legislature an expenditure plan for the federal funds within 60 days of enactment of this act or upon finalization of a cooperative agreement with the federal government, whichever occurs later, and to submit a progress report on expenditure of the funds to the Legislature on the following December 31 and annually thereafter. The bill would make legislative findings and declarations relative to the award of federal funds to the state by ARRA for high-speed rail purposes. The bill would exempt the Transbay Terminal project in San Francisco from these provisions if ARRA funds are made available to the Transbay Joint Powers Authority for that project.

Last Amended on 4/7/2010

RECOMMENDATION: SUPPORT

BILL: SB 1333

http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_1301-1350/sb_1333_bill_20100426_amended_sen_v97.html

AUTHOR: Lee (D)

<http://dist08.casen.govoffice.com/>

SUBJECT: Airport Avigation Easements**STATUS:**

5/24/2010 In Assembly. Read first time. Held at Desk.

5/24/2010 A-DESK

SUMMARY:

The State Aeronautics Act governs the creation and operation of airports in this state. The act provides for the establishment of county airport land use commissions to carry out various requirements, including the formulation of a comprehensive land use compatibility plan to provide for the orderly growth of the airport and the area surrounding the airport within the jurisdiction of the commission, and to safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The act authorizes any person authorized to exercise the power of eminent domain for airport purposes to acquire by purchase, gift, devise, lease, condemnation, or otherwise airspace or an easement in airspace above the surface of property where necessary to permit imposition upon the property of excessive noise, vibration, discomfort, inconvenience, interference with use and enjoyment, and any consequent reduction in market value, due to the operation of aircraft to and from the airport. This bill would provide that if a political subdivision, as defined, conditions approval of a noise-sensitive project, as defined, upon the grant of an avigation easement, as defined, to the owner or operator of an airport, the avigation easement shall be required to be granted to the owner or operator of the airport prior to the issuance of the building permit that allows construction or reconstruction of the noise-sensitive project. The bill would require that the avigation easement include a termination clause that operates to terminate the avigation easement if the noise-sensitive project is not built and the permit or any permit extension authorizing construction or reconstruction has expired or has been revoked. The bill would require the political subdivision that issued the permit to notify the owner or operator of the airport of the expiration or revocation of the permit within 30 days of its expiration or revocation. The bill would require the owner or operator of the airport to record a notice of termination with the county recorder of the county where the property is located within 90 days after receipt of the notice from the political subdivision, and to provide the political subdivision with proof of filing of the notice of termination within 30 days of it being recorded. By requiring a political subdivision to provide notice of the expiration or revocation of the permit to the owner or operator of an airport and by requiring the recording of a notice of termination, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

RECOMMENDATION: SUPPORT

BILL: SB 1141

http://info.sen.ca.gov/cgi-bin/postquery?bill_number=sb_1141&sess=CUR&house=B&site=sen

AUTHOR: Negrete McLeon (D)

<http://dist32.casen.govoffice.com/>

SUBJECT: Airport s: Land Use Commissions

STATUS:

Set for hearing May 27. (Suspense - for vote only.)

SUMMARY:

The State Aeronautics Act governs the creation and operation of airports in this state. The act provides for the establishment of county airport land use commissions to carry out various requirements, including the formulation of a comprehensive land use compatibility plan to provide for the orderly growth of airports and the area surrounding airports within the jurisdiction of the commission, and to safeguard the general welfare of the inhabitants within the vicinity of an airport and the public in general. The act requires each county in which there is an airport served by a scheduled airline, with certain exceptions, to establish an airport land use commission. Existing law additionally requires each county in which there is an airport operated for the benefit of the public to establish an airport land use commission, but authorizes the board of supervisors of a county, upon making certain findings, to declare that the county is exempt from establishing an airport land use commission. Existing law requires that an airport land use commission include in its membership, 2 persons having expertise in aviation, as defined. This bill would revise the definition of a person having expertise in aviation. This bill contains other related provisions and other existing laws.

RECOMMENDATION: SUPPORT

WATCH LIST

BILL: AB 744

<http://www.assembly.ca.gov/acs/acsframeset2text.htm>

AUTHOR: Torrico (D)

<http://democrats.assembly.ca.gov/members/a20/mainpage.aspx>

SUBJECT: Transportation: toll lanes: Express Lane Network

STATUS:

APPR. SUSPENSE FILE

8/27/2009

SUMMARY:

Existing law specifies the respective powers and duties of the Bay Area Toll Authority and the Department of Transportation relative to the operation of the state-owned Bay Area toll bridges and the allocation of toll bridge revenues. Existing law provides for the department to designate certain lanes for the exclusive use of buses and high-occupancy vehicles (HOVs). Existing law provides for various agencies, including the Sunol Smart Carpool Lane Joint Powers Authority, the Alameda County Congestion Management Agency, and the Santa Clara Valley Transportation Authority, to implement high-occupancy toll (HOT) lanes on state highways, which are high-occupancy vehicle lanes that may also be used by vehicles without the requisite number of occupants upon payment of a toll. This bill would authorize the Bay Area Toll Authority to develop, administer, operate, and maintain a Bay Area Express Lane Network on state highways within the 9 Bay Area counties pursuant to a development plan recommended by the Bay Area Express Lane Network Project Oversight Committee, which the authority would be required to establish. The bill would authorize the authority to establish the fee structure for use of the express lanes and would require a public hearing in that regard. The bill would authorize the authority to determine the types of vehicles that may use the lanes. The bill would prohibit the authority from converting existing nontolled general purpose lanes to express lanes. The bill would provide for agreements between the authority and the Department of Transportation and the Department of the California Highway Patrol. The bill would require revenues from the express lanes to be deposited in the Bay Area Express Lane Network Account, which the authority would be required to create. The bill would authorize the authority to issue revenue bonds for the express lane program. The bill would specify the use of revenues in the account, including the net revenues remaining after expenses and obligations, including revenue bond obligations, for the express lane program are satisfied. The bill would provide for certain payments by the authority to the Department of Transportation and the Department of the California Highway Patrol relative to their responsibilities with regard to the express lane program, and would continuously appropriate the amount of those payments to those agencies for

those purposes. The bill would require the Sunol Smart Carpool Lane Joint Powers Authority, the Alameda County Congestion Management Agency, and the Santa Clara Valley Transportation Authority to enter into agreements with the Bay Area Toll Authority by January 1, 2011, to provide for the transfer of their rights and obligations relative to HOT lane projects to the Bay Area Toll Authority. The bill would enact other related provisions. This bill contains other related provisions and other existing laws.

RECOMMENDATION: WATCH

BILL: AB 2620

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_2620&sess=0910&house=B

AUTHOR: Eng (D)

<http://democrats.assembly.ca.gov/members/a49>>

SUBJECT: Transportation: toll facilities

STATUS:

5/12/2010 – In committee: Set, first hearing, Referred to APPR. Suspense file.

5/12/2010 APPR. SUSPENSE FILE

SUMMARY:

Existing law provides that the Department of Transportation shall have full possession and control of the state highway system and associated property. Existing law provides for the development of high-occupancy toll lanes on the state highway system by regional transportation agencies under specified circumstances and specifies the use of toll revenues generated from these facilities. This bill would require an unspecified percentage of net toll revenues generated by a toll facility on the state highway system to be dedicated to maintenance, preservation, and rehabilitation of the state highway system, including funding of projects in the state highway operation and protection program. The bill would also make legislative findings and declarations in that regard.

Last Amended on 4/8/2010

RECOMMENDATION: WATCH

BILL: AB 2703

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_2703&sess=0910&house=B

AUTHOR: Perez (D)

<http://democrats.assembly.ca.gov/members/a46>

SUBJECT: Federal transportation economic stimulus funds: 2nd round.

STATUS:

5/20/2010 In Senate. Read first time. To Com. on RLS. for assignment.

SUMMARY:

Existing law establishes special procedures and formulas for allocation and expenditure of federal transportation economic stimulus funds awarded to the state in 2009. Under these provisions, the Department of Transportation, with the approval of the Department of Finance, may make a loan or loans from a specified portion of those federal funds for the purpose of advancing projects meeting certain criteria that otherwise would be funded from the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, a general obligation bond measure approved by the voters in November 2006 as Proposition 1B. This bill would provide similar authority to advance those projects with loans of federal funds awarded to the state in 2010 under the 2nd round of federal transportation economic stimulus funds. In order to be eligible for an advance, a project would need to have been programmed for Proposition 1B bond funds by an unspecified date and be ready to be awarded within 90 days of federal apportionment. Upon repayment of the loans, these funds would be available for appropriation by the Legislature for the State Highway Operation and Protection Program.

Last Amended on 4/8/2010

RECOMMENDATION: WATCH

BILL: SB 1061

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1061&sess=0910&house=B

AUTHOR: Hancock (D)

<http://www.senate.ca.gov/Hancock>

SUBJECT: San Francisco-Oakland Bay Bridge: capital projects.

STATUS:

SENATE APPR. Suspense File

5/21/2010 - Set for hearing May 27. (Suspense - for vote only.)

SUMMARY:

Existing law specifies the respective powers and duties of the Department of Transportation, the Metropolitan Transportation Commission, and the Bay Area Toll Authority relative to the state-owned toll bridges in the Bay Area. Existing law specifies the major capital projects on the bridges that may be funded from toll revenues. Existing

law provides that the authority may increase the toll rates to provide funds for various purposes, including the planning, design, construction, operation, maintenance, repair, replacement, rehabilitation, and seismic retrofit of these bridges. This bill would include, among the projects that may be funded from state-owned toll bridge revenues, a major project on the San Francisco-Oakland Bay Bridge consisting of a bicycle-pedestrian-maintenance pathway linking the pathway on the replacement eastern span with San Francisco, subject to certain conditions. The bill would provide that the project may be sponsored by the Metropolitan Transportation Commission. The bill would prohibit the Bay Area Toll Authority from increasing tolls to fund this project.

Last Amended on 4/8/2010

RECOMMENDATION: WATCH

BILL: SB 1245

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1245&sess=0910&house=B

AUTHOR: Simitian (D)

<http://www.senate.ca.gov/Simitian>

SUBJECT: High-occupancy vehicle lanes.

STATUS:

5/10/2010 - APPR. Suspense File

SUMMARY:

Existing law provides for the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to authorize or permit exclusive or preferential use of highway lanes for high-occupancy vehicles (HOVs). Existing law authorizes the development and implementation of high-occupancy toll (HOT) lanes under limited circumstances, pursuant to which vehicles that do not meet the vehicle occupancy requirements for use of an HOV lane may use the lane upon payment of a toll. This bill would require an HOV lane, including, but not limited to, a HOT lane, on a highway or bridge that was free of tolls to HOVs as of January 1, 2010, to remain free of tolls with respect to HOVs.

RECOMMENDATION: WATCH

BILL: SB 1299

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1299&sess=0910&house=B

AUTHOR: Lowenthal (D)
<http://www.senate.ca.gov/Lowenthal>

SUBJECT: Vehicles: vehicle miles traveled fee (VMT).

STATUS:
5/3/2010 - APPR. Suspense File

SUMMARY:
Existing law requires the Department of Motor Vehicles and the Department of the California Highway Patrol to each shall file, at least monthly with the Controller, a report of money received by the department covering all fees for applications accepted by the department and all other moneys received by the Department of Motor Vehicles under the Vehicle Code and, at the same time, to remit all money so reported to the Treasurer. This bill would require the Department of Motor Vehicles to develop and implement, by January 1, 2012, a pilot program designed to assess the following issues related to implementing a vehicle miles traveled (VMT) fee in California. The bill would also require the department to prepare and submit a specified report of its findings to the policy and fiscal committees of the Legislature no later than June 30, 2012. This bill contains other existing laws.

RECOMMENDATION: WATCH

BILL: SB 1320
http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1320&sess=0910&house=B

AUTHOR: Hancock (D)
<http://www.senate.ca.gov/Hancock>

SUBJECT:
Transit fare evasion and passenger misconduct: administrative adjudication.

STATUS:
5/20/2010 - TRANS

SUMMARY:
Existing law provides that it is an infraction, punishable by a fine not to exceed \$250 and by specified community service, to evade the payment of any fare of, or to engage in passenger misconduct on or in a facility or vehicle of a public transportation system. Existing law authorizes the City and County of San Francisco and the Los Angeles County Metropolitan Transportation Authority to adopt and enforce an ordinance to impose and enforce civil administrative penalties for fare evasion or passenger misconduct, other than by minors, on or in a transit facility or vehicle in lieu of the criminal penalties, with specified administrative adjudication procedures for the

imposition and enforcement of the administrative penalties. Fare evasion and passenger misconduct violation penalties are deposited in the general fund of the City and County of San Francisco or the County of Los Angeles, as applicable. This bill would authorize the Alameda-Contra Costa Transit District to adopt and enforce a similar administrative adjudication ordinance. Fare evasion and passenger misconduct violation penalties would be deposited in the general fund of the district.

RECOMMENDATION: WATCH

BILL: SB 1371

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1371&sess=0910&house=B

AUTHOR: Lowenthal (D)

<http://www.senate.ca.gov/Lowenthal>

SUBJECT:

Federal transportation economic stimulus funds: 2nd round.

STATUS:

5/10/2010 DESK

SUMMARY:

Existing law generally provides for programming and allocation of state and federal transportation capital improvement program funds pursuant to the state transportation improvement program process administered by the California Transportation Commission. Under these provisions, 25% of available funds are available for interregional improvement projects nominated by the Department of Transportation, subject to a requirement that 60% of these funds be available for projects in non-urbanized areas on the interregional road system and for intercity rail projects. The remaining 75% of available funds are available for regional improvement projects nominated by regional agencies. All funds programmed through the state transportation improvement program process are subject to the north-south split, and the regional improvement funds are further subject to the county shares formula. This bill would require the Department of Transportation to work with local transportation agencies to develop a list of potential projects that may be awarded within a 90-day period of the award to the state of 2nd round federal transportation economic stimulus funds. The bill would require the department to submit a monthly status report to the Legislature, as specified, with respect to certain milestones for expenditure of these funds. The bill would make related legislative findings and declarations. This bill contains other related provisions and other existing laws.

RECOMMENDATION: WATCH

BILL: SB 1418

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1418&sess=0910&house=B

AUTHOR: Wiggins (D)

<http://www.senate.ca.gov/Wiggins>

SUBJECT: Transportation: motorist aid services.

STATUS:

5/12/2010 THIRD READING

SUMMARY:

Existing law authorizes the establishment of a service authority for freeway emergencies in any county if the board of supervisors of the county and the city councils of a majority of the cities within the county adopt resolutions providing for the establishment of the service authority. Existing law authorizes the Metropolitan Transportation Commission to function as the service authority for freeway emergencies in the San Francisco Bay area counties upon adoption of a resolution, as specified. Existing law authorizes a service authority to impose a fee of \$1 per year on vehicles registered in the counties served by the service authority. Existing law requires moneys received by a service authority to be used for the implementation, maintenance, and operation of a motorist aid system of call boxes and authorizes moneys received by a service authority in excess of what is needed for that system to be used for additional motorist aid services, including, among other things, changeable message signs and lighting for call boxes. Existing law requires any plan or amendment to a plan for a motorist aid system of call boxes for any state highway route to be approved by the Department of Transportation and the Department of the California Highway Patrol. This bill would authorize those service authorities to be established for freeway and expressway services, instead of only freeway emergencies and would delete the provisions authorizing only excess moneys to be used for additional motorist aid services and would instead authorize moneys from the service authority fee on vehicles to be used for the implementation, maintenance, and operation of systems, projects, and programs to aid and assist motorists, including, among other things, a call box system, freeway service patrol, mobile roadside assistance systems, intelligent transportation systems, and traveler information systems. The bill would authorize the Metropolitan Transportation Commission to place call boxes to assist motorists in specified parking or roadway areas in mutually agreed upon state and federal parks. The bill would authorize a service authority to impose a fee of up to \$2 per year on vehicles registered in the counties served by the service authority. The bill would provide that any amendment to an existing plan for a motorist aid network of call boxes adopted by a service authority shall be deemed to be approved by the Department of Transportation and the Department of the California Highway Patrol unless rejected within 120 days of receipt of the amendment.

RECOMMENDATION: WATCH

BILL: SCA 5

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sca_5&sess=0910&house=B

AUTHOR: Hancock (D)

<http://www.senate.ca.gov/Hancock>

SUBJECT: State budget.

STATUS:

SENATE THIRD READING

9/1/2009 - Read second time. To third reading.

4/27/2010 #81 SENATE SENATE BILLS-THIRD READING FILE

SUMMARY:

The California Constitution requires the Governor to submit to the Legislature by January 10 of each year a budget for the ensuing fiscal year, accompanied by a Budget Bill itemizing recommended expenditures. The Constitution requires specified bills, including a bill making a change in state taxes for the purpose of raising revenue, a bill containing an urgency clause, and a bill, including the Budget Bill, that makes certain appropriations from the General Fund, to be passed in each house of the Legislature by a 2/3 vote. This measure would exempt General Fund appropriations in the Budget Bill from the 2/3 vote requirement. This bill contains other related provisions and other existing laws.

RECOMMENDATION: WATCH

BILL: SCA 9

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sca_9&sess=0910&house=B

AUTHOR: Ducheny (D)

<http://www.senate.ca.gov/Ducheny>

SUBJECT: Finance: state budget: taxes.

STATUS:

SENATE B. & F.R.

4/12/2010 - Set, first hearing. Testimony taken. Further hearing to be set.

4/26/2010 1:30 p.m. or upon adjournment of session SENATE BUDGET AND FISCAL REVIEW, DUCHENY, Chair Hearing cancelled

SUMMARY:

Existing constitutional provisions require each house of the Legislature to pass a bill appropriating money from the General Fund, except appropriations for the public schools, by a 2/3 vote. This measure would also exempt from this 2/3-vote requirement appropriations made in a Budget Bill, and appropriations made in a bill identified in the Budget Bill as containing only changes in law necessary to implement the Budget Bill. Instead, this measure would require that a Budget Bill, and any bill identified in the Budget Bill as containing only changes in law necessary to implement the Budget Bill, be passed by a 55% vote in each house. This bill contains other related provisions and other existing laws.

RECOMMENDATION: WATCH

BILL: SCA 15

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sca_15&sess=0910&house=B

AUTHOR: Calderon (D)

<http://www.senate.ca.gov/Calderon>

SUBJECT: State budget.

STATUS:

SENATE B. & F.R.

4/12/2010 - Set, first hearing. Testimony taken. Further hearing to be set.

4/26/2010 1:30 p.m. or upon adjournment of session SENATE BUDGET AND FISCAL REVIEW, DUCHENY, Chair, Hearing cancelled

SUMMARY:

The California Constitution requires the Governor to submit to the Legislature by January 10 of each year a budget for the ensuing fiscal year, accompanied by a Budget Bill itemizing recommended expenditures. The Constitution requires specified bills, including a bill making a change in state taxes for the purpose of raising revenue, a bill containing an urgency clause, and a bill, including the Budget Bill, that makes certain appropriations from the General Fund, to be passed in each house of the Legislature by a 2/3 vote. This measure would exempt General Fund appropriations in the Budget Bill for the ensuing fiscal year from the 2/3 -vote requirement if the total amount of General Fund revenues estimated by the Legislative Analyst, on or after May 15, for the current fiscal year is at least 5% below the estimate of General Fund revenues set forth in the Budget Bill enacted for the current fiscal year. This bill contains other related provisions and other existing laws.

Last Amended on 4/13/2009

RECOMMENDATION: WATCH



SHAW/YODER/ANTWIH, *inc.*
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT



ADVOCATION

May 25, 2010

TO: Board Members, City/County Association of Governments, San Mateo County

FROM: Advocation, Inc. – Shaw / Yoder / Antwih, Inc.

RE: STATE LEGISLATIVE UPDATE- MAY

On May 14th, the Governor released his May Revision to the Governor's 2010-11 State Budget. The Governor estimates that the state's budget gap is \$19.1 billion (only \$800 million less than what the Governor stated in January), which includes a current year (FY 09-10) shortfall of \$7.7 billion, a budget year (FY 10-11) shortfall of \$10.2 billion and a modest reserve of \$1.2 billion. Citing lower than anticipated revenues, the Governor proposes to eliminate the California Work Opportunity and Responsibility to Kids Program, (CalWORKs) program, and to reduce funding for local mental health services by approximately 60 percent to help balance the budget. In addition, the Governor proposes to borrow \$650 million from the excise tax on gasoline (additional revenue generated from gas tax swap that was to be divided between STIP, SHOPP, and cities/counties), and account for \$3.4 billion in federal funding. Spending reductions account for \$12.4 billion of his proposed solutions.

Impact on Transportation

In March, the legislature adopted the "gas tax swap" which eliminated the sales tax on gasoline (Proposition 42) and replace it with a 17.3 cent increase in excise tax revenue. This new increment provided an additional \$650 million to what the sales tax generated as was to be split 44/44/12 between the State Transportation Improvement Program (STIP), and cities and counties, and State Highway Operation and Protection Program (SHOPP), respectively.

The Governor proposes to borrow this amount and repay it in 2013. This funding is available on a one-time only basis, as specified in Chapter 12, Statutes of 2010, of the recently enacted excise gas tax swap legislation.

Impact on Transit

In March, the legislature captured a total of \$1.586 billion in traditional sources of funding through the "gas tax swap" from public transportation for FY 10-11. Public transportation received a \$400 million appropriation to the State Transit Assistance program from the balance created from the *Shaw v. Chiang* lawsuit. The intercity rail program received a \$129 million appropriation from that balance as well for FY 10-11 and is expected to receive a like amount for FY 11-12. Beginning in FY 11-12, local transit operators are expected to receive \$348 million as a result of the 75% allocation to the State Transit Assistance program from the sales tax on diesel. The remaining 25% is dedicated primarily to the intercity rail program as well as the other traditional expenditures of the Public Transportation Account (CPUC, CTC, ITS). Non-article XIX funds which are derived from the sale of documents and miscellaneous services to the public were also dedicated to the intercity rail program to ensure full funding.

The May Revise proposes to transfer the \$72.2 million of Non-Article XIX funds that have materialized for FY 10-11 from the Motor Vehicle Account to the General Fund. This should not have an impact on the intercity rail program in the budget year.

Additional proposals include:

- Extending the repayment date for \$230 million in loans from the State Highway Account and other transportation funds from June 2011 to June 2012. The projects planned for 2010 do not require this cash.
- Loaning up to \$250 million from the Motor Vehicle Account to the General Fund. This funding depends in large part on the adoption of reductions in state staffing costs as proposed in the Governor's Budget.
- After adjusting for workload increases reflecting the need to deliver more projects with funds freed up from bid savings, the Governor proposes a net decrease of \$42.3 million and 498 position-equivalents for engineering workload in the Department of Transportation Capital Outlay Support Program, including a reduction of 750 positions and 102 overtime position-equivalents, and an increase of 69 contract staff. These funding levels reflect greater efficiencies in project delivery that the Department has achieved over the past several years. The savings of State Highway Account funds have been redirected to fund highway maintenance activities.

High-Speed Rail

The Governor proposes an increase of \$100.2 million for Caltrans to use American Recovery and Reinvestment Act (ARRA) funding it has received for high-speed intercity rail projects. Of this, \$349,000 will be for 4 positions to manage and oversee projects, administer the funding, and meet federal reporting requirements.

Proposition 1B

The Governor proposes a \$350 million appropriation to transit capital projects from the Public Transportation Modernization Improvement and Service Enhancement Account (PTMISEA) and \$101.3 million for the Transit System Security Safety and Disaster Response Account (TSSSDRA).

On May 13th, the Senate Budget subcommittee #2 approved an accelerated appropriation of \$1.15 billion to the Public Transportation Modernization, Improvement, and Service Enhancement Account Program (PTMISEA). The additional appropriation, if approved by the Legislature and the Governor later this year, would make a total of \$1.5 billion available for Prop 1B PTMISEA allocations. While the appropriation would occur in 2010-11, the \$1.5 billion would incorporate three years of expenditures as provided by PTMISEA recipients to Caltrans Division of Mass Transportation (DMT). While the requested amount for expenditures by PTMISEA recipients is over \$700 million for FY 10-11, this action allows more projects to advance ahead of schedule. Any unallocated portion would carry over to 2011-12.

The additional appropriation has yet to be considered by the Assembly. If there is a discrepancy on the measure by the two houses, the proposal would be heard in budget conference committee.

Senate Democrat Budget Proposal

On May 24th, Senate Democrats unveiled a plan Monday to raise \$4.9 billion in taxes and other revenues in an effort to forestall the deep cuts to some services and the outright elimination of California's welfare program that are part of Gov. Arnold Schwarzenegger's budget proposal.

The plan would delay yet-to-be implemented corporate tax cuts, extend a personal income tax surcharge and extend a reduced tax credit for dependents. It also would raise the vehicle license fee to 1.5 percent, an increase of 0.35 percentage points, and increase taxes on alcohol.

Earlier in the year, state Senate President Pro Tem Darrell Steinberg, D-Sacramento, had said new taxes would not be part of the Democrats' solution to the now-\$19 billion deficit, although Steinberg had also said he believed the deficit would be significantly smaller.

The Senate Democratic plan includes the following:

Corporate taxes: \$2.05 billion would be raised by delaying implementation of previously approved corporate tax breaks.

Personal income tax: \$1.43 billion would come from extending both a 0.25 percent personal income tax surcharge and reduction in dependent tax credits. The tax plan extends, for two years, a 0.25 percent income tax surcharge that was part of last year's budget solution and continues the reduction of the dependent tax credit from \$309 to \$99 per dependent for two years. That amounts to about \$1.4 billion this year and \$4.2 billion next year.

Vehicle license fee: \$1.2 billion would be raised from a temporary increase in the vehicle license fee. It would go from the current 1.15 percent to 1.5 percent for two years. The fee historically was 2 percent, although it was reduced significantly first by the Legislature in the flush late 1990s and early 2000s and then by Schwarzenegger when he became governor.

Alcohol tax: \$210 million would come from an increase of 1 to 2 cents in the alcohol tax, which has not been increased since 1991.

Governor Schwarzenegger called the proposal "disturbing," adding, "Whenever we have a problem, the only answer they have is tax increases rather than looking within, looking at the pensions, where we can save hundreds of millions of dollars, looking at the way the prison system is run where we can save billions of dollars - all of this money could go to education, could go to children, could go to vulnerable citizens."

The governor has said pension and budget reform are necessary for him to sign a spending plan this year. Senate and Assembly Republicans have repeatedly stated that they will not vote for a package that contains tax increases. As a result, a very long debate that could continue well beyond the Legislature's June 15 deadline to pass a budget is expected. Overhauling state employee pensions would not save the state money in the current budget.

Assembly Democrat Budget Proposal

On May 25th, the Assembly Democrats unveiled a plan to address the state's budget and help stimulate job creation. The centerpiece of the California Jobs Budget is a \$10.1 billion Jobs Fund which according to the Assembly Democrats will protect against the loss of 430,000 private sector, local government, and school jobs in the Governor's proposal and that will also generate tens of thousands of new jobs. Assembly Democrats state that their package would do the following:

- ◆ **Generates Billions for Jobs By Closing the California Oil Severance Loophole:**
 - **\$900 million from Oil Severance in 2010-11.** The Oil Severance Tax will generate \$900 million in 2010-11 and billions more each year, to be deposited into the Jobs and Economic Security Fund.
 - **\$9.2 billion by Marshalling other State Resources in 2010-11.** In order to maximize the immediate attack on job losses now, the Jobs and Economic Stability Fund also borrows \$8.7 billion from the California Beverage Recycling Fund¹ and \$500 million from the Disability Insurance Fund (similar to Governor's proposal).
 - **Hundreds of Millions per Year Ongoing.** Beginning in 2011-12, the Jobs and Economic Security fund will have hundreds of millions available for Jobs Priorities, even after making repayments and other required transfers resulting from the 2010-11 Jobs and Economic Security Fund Loans.

Allocation of \$10.1 billion Jobs and Economic Security Funds:

- ◆ **\$1.1 Billion Targeted Jobs Investments.** Provides \$1.1 billion for targeted jobs strategies to develop and strengthen California industries, including green and clean tech industries. These investments can generate tens of thousands more

¹ Funds will be available from the Beverage Container Recycling Fund due to the acceleration of Beverage Recycling Fees to meet the needs of the program and for other permitted uses. The loan will be repaid from the Jobs Fund to meet the expanded in order to fund the expanded Recycling Program needs.

jobs and strengthen California's economy for a generation. This provides a potential funding source for numerous Democratic and Republican jobs bills that are making their way in both houses of the Legislature this year.

- ◆ **\$900 million Repayment to Local Governments.** The California Jobs Budget protects thousands of local police, fire, and other local jobs by repaying \$900 million owed to local governments for past mandates. This provides local governments with \$900 million in discretionary funds to assist their budget challenges and avoid layoffs to critical public service jobs.
- ◆ **\$3.8 Billion Repayment to Local School Districts.** Protects tens of thousands of jobs for teachers, aides, and counselors by fully funding Proposition 98 and eliminating portions of the "Education Credit Card" rather than the Governor's proposal to cut schools by \$2.8 billion, which leads to thousands of lost jobs.
- ◆ **\$900 million to Protect Higher Education's Role in Our Economic Future.** Provides \$1 billion to restore recent education cuts and fully fund the UC and CSU to prevent the devastating economic and jobs impact of decimating Higher Education. Also protects access to higher education by reducing the Governor's student fee hike by 50 percent, which will save UC students \$628 and CSU students \$202.
- ◆ **\$1.9 Billion Keeping Working Poor Parents in Workforce.** Maintains necessary childcare programs funded through CalWORKS and Prop 98 to ensure working parents can stay employed and over 50,000 small business childcare providers can stay in business.
- ◆ **\$1.4 Billion Getting Californians Back to Work.** Invests in critical employment services to move people from welfare to work and to retrain workers at Community Colleges. Helps make employment a reality once again to Californians struggling to get back into the workforce through increased job training and employment services.
- ◆ **\$100 Million for Oil Producing Communities.** Provides \$100 million to local communities impacted by the new Oil Severance Fee. Experts project the Oil Severance Fee will have little impact on jobs statewide, but there may be localized impacts. Therefore, an ongoing \$100 million allocation is included to offset any negative impacts of the fee.
- ◆ **\$200 million for the Bottle Bill.** Separate from the Jobs and Economic Security Fund, the package increases funding by \$200 million for the Beverage Container Recycling program to strengthen and stabilize the state's recycling program. California's recycling program was nearly bankrupt due to the downturn in the economy, and this increase in support will provide long term secure funding for the program, which will protect local conservation corps, protect bottle manufacturing jobs through processing fee relief and drive green technology investment through product development grants.

Side-by-Side Comparison:

Governor's May Revision & Assembly Democrats' California Jobs Budget

Starting Problem	-\$17.9 (# s in billions)	Starting Problem:	-\$17.9 (#s in billions)
Governor Education: Funds Proposition 98 at \$48.4 billion (no funding for childcare) and cuts Prop 98 funding for schools over the current year and budget year by \$2.8 billion. LAO believes this does not meet Prop 98 Obligation.	\$2.9	Jobs Budget Education: Funds Proposition 98 \$5.9 billion (including \$1.4 for Child Care) above the Governor for the Budget Year. Provides \$3.9 billion from Jobs and Economic Security Fund to meet Prop 98 minimums. Saves \$1 billion in the Current Year by maintaining the existing appropriation level.	\$4.9
Governor's Prop 98 Child Care: Eliminates Child Care.	\$1.4B	Jobs Budget Prop 98 Child Care: Fully Funds Child Care from the Jobs and Economic Security Fund	\$1.4B
Governor's Higher Ed: Restores \$600 million in cuts to UC and CSU. Increases UC fees by 15% and CSU fees by 10%.	--	Jobs Budget Higher Ed: Restores \$600 million in cuts to UC and CSU with the Jobs and Economic Security Fund. Reduces Governor's UC and CSU fee increases by 50% by providing an additional \$275 million for the UC and CSU from the Jobs and Economic Security Fund.	\$.6B
Governor's Health: Various significant cuts to Medi-Cal to save nearly \$700 million. Eliminates Adult Day Healthcare to save nearly \$200 million. Cuts county Mental Health Funds to save \$600 million. Makes various other health care cuts to save \$200 million.	\$1.6B	Jobs Budget Health: Makes no significant cuts to healthcare. Restores \$70 million for critical public health and clinic programs that were vetoed by the Governor last year.	-.1B
Governor's Human Services: Eliminates CalWORKS to save \$1.2 billion. Reduces IHSS by 50% to save \$750 million. Reduces SSI/SSP grants for individuals to the federal minimum to save \$133 million. Shifts county human service funds and various other reductions to save \$600 million.	\$2.7	Jobs Budget Human Services: Provides \$1.8 billion from the Jobs and Economic Security Fund for employment services and childcare portions of CalWORKS, and shifts all General Fund costs to Federal Funds to save \$1.5 billion. Establishes an IHSS provider fee to save \$150 million. Rejects cuts to SSI/SSP. Restores critical funds that the Governor vetoed last year, including \$80 for Child Welfare Services, \$6.4 million for core aging	\$1.5

		nutrition and support programs, and \$20.4 for domestic violence shelters.	
Governor's Public Safety: Unspecified reduction to prison healthcare costs to save \$811 million. Shifts certain offenders to county jail and provides a block grant to save \$200 million.	\$1.0	Jobs Budget Public Safety: Generally the same as proposed by the Governor.	\$1.0
Governor's Local Government: Suspends and defers certain mandate payments to save \$200 million.	\$.2	Jobs Budget Local Government: Provides \$931 million to repay local mandate funds owed to local governments, which also saves \$200 million.	\$.2
Governor's State Employee Comp.: Avoids collective bargaining to cut salaries 5%, increase employee retirement contributions 5%, reduces staff funding by 5%, and have a floating furlough day to save \$2.1 billion.	\$2.1	Jobs Budget State Employee Comp: Cuts staffing funds and overhead by 5% to save \$700 million. All other reductions should be accomplished through collective bargaining and any savings will increase the reserve.	\$.7
Governor's Federal Funds: Projects \$3.4 billion in additional Federal Funds.	\$3.4	Jobs Budget Federal Funds: Accepts Governor's projection of \$3.4 billion.	\$3.4
Governor's Special Fund Loans, Transfers, Fund Shifts: Proposes \$2.6 billion in various special fund loans, transfers, and fund shifts.	\$2.6	Jobs Budget Special Fund Loans, Transfers, Fund Shifts: Generally accepts Governor's proposals. Various costs (as specified above are shifted to the Jobs and Economic Security Fund).	\$2.6
Governor's Revenue Solutions: Establishes Speed Cameras to generate \$200 million. Extends Hospital Fees to generate \$200 million. Establishes the Emergency Response Initiative property insurance fee to fund fire costs to save almost \$100 million. Estimates \$450 million in various other revenues.	\$.9	Jobs Budget Revenue Solutions: Rejects the Speed Cameras but includes all other Governor's revenue solutions to generate \$700 million. Accepts LAO Current Year Revenues of \$400 million. Accepts LAO Budget Year Revenues of \$1 billion (\$430 million net of Prop 98) Delays various new business tax breaks to generate \$2.1 billion (\$903 net of Prop 98)	\$2.4
Governor's Various Others:	\$.3	Jobs Budget Various Others (inc Prop 98 reserve):	\$.3
Final Reserve	\$1.2	Final Reserve	\$1.0

C/CAG AGENDA REPORT

Date: June 10, 2010

TO: C/CAG Board of Directors

From: Richard Napier, Executive Director - C/CAG

Subject: Review and approval of Resolution 10-25 approving the C/CAG 2010-11 Program Budget and Fees
(For further information or response to questions, contact Richard Napier at 650 599-1420)

Recommendation:

Review and approval of Resolution 10-25 approving the C/CAG 2010-11 Program Budget and Fees in accordance with the staff recommendation.

Fiscal Impact:

In accordance with the proposed C/CAG 2010-11 Program Budget.

Revenue Sources:

Funding sources for C/CAG include member assessments, cost reimbursement from partners, local sales tax Measure A, private and public grants, regional - State - Federal transportation and other funds, Department of Motor Vehicle fees, State-Federal earmarks, and interest.

Background/Discussion:

Staff has developed the C/CAG Program Budget for 2010-11. Refer to the following:

- Attachment A: Budget Executive Summary. The complete detailed Budget will be provided in a separate attachment for reference.
- Attachment B: Member Assessments. The Member Assessments remain the same as in FY 09-10 in recognition of the difficult budget climate for the cities and the County.
- Attachment C: A graphical presentation of the budget
- Attachment D: Resolution 10-25 adopting the C/CAG 2010-11 Program Budget and Fees
- Attachment E: A comparison of the FY 2009-10 Projection vs. FY 2009-10 Updated Budget
- Attachment F: Key Budget Definitions/ Acronyms

The C/CAG Budget was introduced at the 5/13/10 Board Meeting and is recommended for approval at the 6/10/10 Board Meeting.

ITEM 6.4

C/CAG 2010-11 Program Budget Assumptions:

Revenue Assumptions

1- General Fund:

- Administrative - Member Assessments - Same as last year.
- ALUC - Airport Revenues - In FY 09-10 C/CAG negotiated funding for the Airport Land-Use Commission (ALUC) of \$100,000 from San Francisco International Airport and \$20,000 from the County of San Mateo. Assumes the same level of funding for ALUC in FY 10-11.

2- Congestion Management:

- Member Assessments - Same as last year due to financial issues with the cities and County.
- Smart Corridor Funding - Assumes \$6,140,000 in STIP/ TLSP/ Measure A funds flows through C/CAG Budget. This is for the construction of the local portion of the Smart Corridor Project.
- MTC and STIP Funding - Assumes no funding beyond the negotiated level of funding for planning from the Metropolitan Transportation Commission (MTC) and the State Transportation Improvement Program for FY 10-11
- Congestion Management/ San Mateo Congestion Relief/ Smart Corridor - Transportation Authority (TA) cost reimbursement funding is included per the TA Budget for FY 10-11 Budget.

3- San Mateo Congestion Relief Program - Assumes \$350,000 for Climate Action Planning. Includes:

- \$75,000 to partner with the Bay Area Air Quality Management District (BAAQMD)
- \$150,000 to partner with the Transportation Authority for an MTC Climate Grant
- \$75,000 to partner with Joint Venture Silicon Valley.
- Remaining \$50,000 is to be determined.

Previously partnered with Joint Venture Silicon Valley on the Greenhouse Gas municipal inventory. If approved contracts will be brought back to the Board for BAAQMD, Transportation Authority, and Joint Venture Silicon Valley.

Expenditures Assumptions

8- Congestion Management –

- Modeling - Will continue to invest (\$150,000) in the Travel Demand Forecasting Model in FY 10-11

9- 2020 Gateway - Phase 2 assumes the following:

- Operational Study - \$100,000.
- Implementation Project - Willow/ University project implementation \$175,000.

10- San Mateo Congestion Relief Program (SMCRP) - Energy Local Government Partnership - \$240K pass through to County. Receive \$240K in cost reimbursement from PG&E, so there is no net cost to C/CAG.

11- San Mateo Smart Corridor Program - Assumes the following:

- \$1,000,000 from the State Infrastructure Bond (TLSP)
- \$900,000 from the DMV Fee Fund for the Smart Corridors Project.

- \$3,500,000 of STIP funds for project implementation.
- 12- NPDES - Budget projected cost for the new Municipal Regional Permit for FY 10-11. The reserves and other one-time revenues cover the FY 10-11 cost. Following next year, there is approximately a \$500K-750K annual funding deficit that must be addressed.
- 13- DMV Fee - Transfer out \$900,000 to the Smart Corridor fund for project implementation.
- 14- TFCA - Programmed Projects are 100% reimbursed in the current and budget year. Due to lower revenues received than programmed, may have a larger commitment than revenues in which case we will reduce the commitment to ensure we stay within the funds available.
- 15- DMV Fee Program - For FY 09-10 and FY 10-11 it is assumed that all the allocations to each agency will be made.

C/CAG 2010-11 Budget Overview

Fund Balance:

Beginning - There is a 23.6% increase of \$1,856,004 of which \$1,753,595 is due to:

- the DMV Fee Program increase of \$969,400.
- the San Mateo Congestion Relief increase of \$610,957
- NPDES Program increase of \$173,238.

Ending - There is a 9.3% decrease (\$903,824) of which \$1,084,240 is due to the decrease in fund balance for the Transportation Programs (\$472,991) and the DMV Fee Program (\$611,249). This is due to the implementation of the countywide projects and Smart Corridor project implementation.

Revenues:

Total - Revenues increased 46.2%. The Revenue increase of \$5,390,077 is due primarily to: \$5,354,925 increase in State Transportation Improvement Program (STIP) funds for the Smart Corridor Project.

PPM-STIP - There is a 218.1% increase (\$2,714,925) of which \$5,307,160 is due to:

- \$3,500,000 in State Transportation Improvement Program (STIP)
- An increase in Transportation Authority funds of \$1,807,160 for the Smart Corridor Project.

Interest - Assumes interest rate currently being earned with no further write-offs.

Expenditures:

Total - There is an 83.1% increase (\$8,149,904) of which \$ 7,627,824 is due to:

- An increase in the Transportation Programs project implementation (\$979,065)
- The San Mateo Congestion Relief Program increased project implementation (\$487,216) for the Smart Corridor project
- The Smart Corridor Project (\$5,679,584)
- DMV Fee Countywide Programs (\$806,618).

Professional Services - There is a 6.7% increase (\$131,053) due to the increase in labor costs and potential cost of NPDES appeals.

Consulting Services - There is a 220.9% increase (\$6,790,829) of which \$6,642,179 is due to:

- The Transportation Programs (\$561,677) increased project implementation including

- transportation model update
- The San Mateo Congestion Relief Program (\$292,833)
- Smart Corridor project implementation (\$5,610,169)
- DMV Fee Program (\$177,500) project implementation.

Reserves:

Balance - No change.

C/CAG 2010-11 Program Budget Issues:

The C/CAG FY 10-11 Budget is balanced. Staff will need to do the following:

- Continue to develop a source of revenue to fund the Airport Land Use Commission activities.
- Manage for cash flow the implementation of the Smart Corridor Project which will cause a significant increase in expenditures.
- Reduce the large ending balance (\$1,672,613) of the San Mateo Congestion Relief Program and the DMV Fee Program (\$4,678,929).

C/CAG - Member Fees Highly Leveraged and Cost Savings:

The member dues and fees are highly leveraged. Attachment C provides a Graphical Representation of the C/CAG Budget and visually illustrates the leveraged capacity (Less SMCRP).

The FY 10-11 Revenue is leveraged **5.22 to 1**. Including the funds that C/CAG controls, such as State and Federal Transportation funds (\$21,200,00), increases the leverage to **15.55 to 1**. The San Mateo Congestion Relief Program is leveraged approximately **1.60 to 1** (Including City/County shuttle match).

C/CAG provides revenues to its members that in most cases exceed the Member Assessments. It would be more costly for the programs to be performed by the cities individually than through C/CAG. Developing efficient programs through collective effort is the basis for C/CAG.

Committee Recommendations:

The Finance Committee met on 5/13/10 to review and comment on the detailed Budget. The Technical Advisory Committee (TAC) reviewed the budget on 5/20/10. The Congestion Management and Environmental Quality Committee reviewed the Budget assumptions on 5/24/10. All the Committees recommend approval of the budget as presented.

Attachments:

Attachment A - City/County Association of Governments 2010-11 Program Budget Executive Summary

Attachment B - Member Assessments FY 10-11

Attachment C - Graphical Representation of C/CAG Budget

Attachment D - Resolution 10-25 adopting the C/CAG 2010-11 Program Budget and Fees

Attachment E - FY 2009 - 10 Projection vs. FY 2009 - 10 Updated Budget

Attachment F - Key Budget Definitions/ Acronyms

Alternatives:

- 1- Review and approval of Resolution 10-25 approving the C/CAG 2010-11 Program Budget and Fees in accordance with the staff recommendation.
- 2- Review and approval of Resolution 10-25 approving the C/CAG 2010-11 Program Budget and Fees in accordance with the staff recommendation with modifications.
- 3- No action.

ATTACHMENT A

City/County Association of Governments 2010-11 Program Budget Executive Summary

(Detailed Budget Provided Separately)

06/02/10

CHANGES IN C/CAG BUDGET BY FISCAL YEAR

	Projected Actual FY 2009-10	Budgeted FY 2010-11	Budget Change	Budget % Change
BEGINNING BALANCE	7,859,839	9,715,843	1,856,004	23.61%
RESERVE BALANCE	376,112	376,112	0	0.00%
PROJECTED REVENUES				
Interest Earnings	121,000	137,000	16,000	13.22%
Member Contribution	2,597,903	2,598,512	609	0.02%
Cost Reimbursements-SFIA	100,000	0	(100,000)	-100.00%
MTC/ Federal Funding	892,000	893,000	1,000	0.11%
Grants	431,050	616,000	184,950	42.91%
DMV Fee	4,426,185	4,287,271	(138,914)	-3.14%
NPDES Fee	1,398,457	1,302,856	(95,601)	-6.84%
TA Cost Share	457,840	2,265,000	1,807,160	394.71%
Miscellaneous/ SFIA	52	0	(52)	-100.00%
Street Repair Funding	0	0	0	0.00%
PPM-STIP	1,245,075	3,960,000	2,714,925	218.05%
Assessment	0	0	0	0.00%
TLSP	0	1,000,000	1,000,000	0.00%
	0	0	0	0.00%
Total Revenues	11,669,562	17,059,639	5,390,077	46.19%
TOTAL SOURCES OF FUNDS	19,529,401	26,775,481	7,246,081	37.10%
PROJECTED EXPENDITURES				
Administration Services	313,551	373,000	59,449	18.96%
Professional Services	1,962,311	2,093,364	131,053	6.68%
Consulting Services	3,074,706	9,865,535	6,790,829	220.86%
Supplies	61,532	63,000	1,468	2.39%
Prof. Dues & Memberships	130,734	173,314	42,580	32.57%
Conferences & Meetings	16,895	22,500	5,605	33.18%
Printing/ Postage	2,168	37,750	35,582	1641.24%
Publications	36,046	17,500	(18,546)	-51.45%
Distributions	4,074,515	5,178,000	1,103,485	27.08%
Street Repair	0	0	0	0.00%
Miscellaneous	28,716	30,500	1,784	6.21%
Bank Fee	2,000	2,000	0	0.00%
Audit Services	7,000	7,000	0	0.00%
Project Management	103,385	100,000	(3,385)	-3.27%
Total Expenditures	9,813,559	17,963,463	8,149,904	83.05%
TRANSFERS				
Transfers In	300,000	1,005,000	705,000	235.00%
Transfers Out	300,000	1,005,000	705,000	235.00%
Administrative Allocation	0	0	0	0.00%
Total Transfers	0	0	0	0.00%
NET CHANGE	1,856,003	(903,824)	(2,759,827)	-148.70%
TRANSFER TO RESERVES	0	0	0	0.00%
TOTAL USE OF FUNDS	9,813,558	17,963,463	8,149,905	83.05%
ENDING FUND BALANCE	9,715,843	8,812,018	(903,824)	-9.30%
RESERVE FUND BALANCE	376,112	376,112	0	0.00%
NET INCREASE (Decrease) IN FUND BALANCE	1,856,004	(903,824)	(2,759,828)	-148.70%

Note: Beginning/ Ending Reserve Fund Balance is not included in Beginning/ Ending Fund Balance

06/02/10	C/CAG PROGRAM BUDGET: REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE								
	FY 2010-11								
	Administrative Program (General Fund)	Transportation Programs	SMCRP Program	Smart Corridor	TFCA	NPDES	AVA	DMV Fee Program	Total
BEGINNING BALANCE	34,591	665,055	1,655,306	104,659	4,099	1,370,453	591,502	5,290,178	9,715,843
RESERVE BALANCE	43,346	131,863	0	0	0	200,903	0	0	376,112
PROJECTED REVENUES									
Interest Earnings	2,000	30,000	40,000	0	6,000	30,000	4,000	25,000	137,000
Member Contribution	250,024	390,907	1,850,000	0	0	107,581	0	0	2,598,512
Cost Reimbursements-SFIA	0	0	0	0	0	0	0	0	0
MTC/ Federal Funding	0	893,000	0	0	0	0	0	0	893,000
Grants	120,000	256,000	240,000	0	0	0	0	0	616,000
DMV Fee	0	0	0	0	1,007,271	0	680,000	2,600,000	4,287,271
NPDES Fee	0	0	0	0	0	1,302,856	0	0	1,302,856
TA Cost Share	0	250,000	375,000	1,640,000	0	0	0	0	2,265,000
Miscellaneous/ SFIA	0	0	0	0	0	0	0	0	0
Street Repair Funding	0	0	0	0	0	0	0	0	0
PPM-STIP	0	460,000	0	3,500,000	0	0	0	0	3,960,000
Assessment	0	0	0	0	0	0	0	0	0
TLSP	0	0	0	1,000,000	0	0	0	0	1,000,000
	0	0	0	0	0	0	0	0	0
Total Revenues	372,024	2,279,907	2,505,000	6,140,000	1,013,271	1,440,437	684,000	2,625,000	17,059,639
TOTAL SOURCES OF FUNDS	406,615	2,944,961	4,160,306	6,244,659	1,017,370	2,810,890	1,275,502	7,915,178	26,775,481
PROJECTED EXPENDITURES									
Administration Services	118,000	86,000	49,000	40,000	10,000	40,000	0	30,000	373,000
Professional Services	250,000	1,330,000	218,000	180,000	37,153	53,211	0	25,000	2,093,364
Consulting Services	60,000	897,000	1,020,065	6,340,000	0	1,313,470	0	235,000	9,865,535
Supplies	61,000	2,000	0	0	0	0	0	0	63,000
Prof. Dues & Memberships	1,750	0	0	0	0	171,564	0	0	173,314
Conferences & Meetings	15,000	3,000	1,000	0	0	1,500	0	2,000	22,500
Printing/ Postage	22,250	5,500	0	0	0	10,000	0	0	37,750
Publications	1,500	4,000	12,000	0	0	0	0	0	17,500
Distributions	0	420,000	1,101,000	0	957,000	25,000	675,000	2,000,000	5,178,000
Street Repair	0	0	0	0	0	0	0	0	0
Miscellaneous	2,500	1,000	1,000	0	0	1,000	25,000	0	30,500
Bank Fee	2,000	0	0	0	0	0	0	0	2,000
Audit Services	7,000	0	0	0	0	0	0	0	7,000
Project Management	0	0	0	100,000	0	0	0	0	100,000
Total Expenditures	541,000	2,748,500	2,402,065	6,660,000	1,004,153	1,615,745	700,000	2,292,000	17,963,463
TRANSFERS									
Transfers In	0	105,000	0	900,000	0	0	0	0	1,005,000
Transfers Out	0	0	65,000	0	0	0	0	940,000	1,005,000
Administrative Allocation	-145,119	109,398	20,628	0	3,643	7,201	0	4,249	0
Total Transfers	-145,119	4,398	85,628	-900,000	3,643	7,201	0	944,249	0
NET CHANGE	-23,857	-472,991	17,307	380,000	5,475	-182,509	-16,000	-611,249	-903,824
TRANSFER TO RESERVES	0	0	0	0	0	0	0	0	0
TOTAL USE OF FUNDS	395,881	2,752,898	2,487,693	5,760,000	1,007,796	1,622,946	700,000	3,236,249	17,963,463
ENDING FUND BALANCE	10,734	192,063	1,672,613	484,659	9,574	1,187,944	575,502	4,678,929	8,812,018
RESERVE FUND BALANCE	43,346	131,863	0	0	0	200,903	0	0	376,112
NET INCREASE (Decrease) IN FUND BALANCE	-23,857	-472,991	17,307	380,000	5,475	-182,509	-16,000	-611,249	-903,824
As of June 30, 2010									

Note: 1- Beginning/ Ending Reserve Fund Balance is not included in Beginning/ Ending Fund Balance.
2- See individual fund summaries and fiscal year comments for details on Miscellaneous expenses.
3- SMCRP - San Mateo Congestion Relief Program; TFCA - Transportation Fund For Clean Air; NPDES - National Pollutant Discharge Elimination System; Abatement.
AVA - Abandoned Vehicle Abatement; DMV - Department of Motor Vehicles.

06/02/10

C/CAG PROJECTED STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE

	FY 2009-10								Total
	Administrative Program (General Fund)	Transportation Programs	SMCRP Program	Smart Corridor	TFCA	NPDES	AVA	DMV Fee Program	
BEGINNING BALANCE	2,470	690,423	1,044,349	0	(2,898)	1,197,215	607,502	4,320,776	7,859,839
RESERVE BALANCE	43,346	131,863	0	0	0	200,903	0	0	376,112
PROJECTED REVENUES									
Interest Earnings	1,000	20,000	30,000	0	4,000	30,000	4,000	32,000	121,000
Member Contribution	250,024	390,907	1,850,000	0	0	108,972	0	0	2,597,903
Cost Reimbursements-SFIA	100,000	0	0	0	0	0	0	0	100,000
MTC/ Federal Funding	0	892,000	0	0	0	0	0	0	892,000
Grants	131,050	60,000	240,000	0	0	0	0	0	431,050
DMV Fee	0	0	0	0	1,020,885	0	680,000	2,725,300	4,426,185
NPDES Fee	0	0	0	0	0	1,398,457	0	0	1,398,457
TA Cost Share	0	32,000	425,840	0	0	0	0	0	457,840
Miscellaneous/ SFIA	0	52	0	0	0	0	0	0	52
Street Repair Funding	0	0	0	0	0	0	0	0	0
PPM-STIP	0	460,000	0	785,075	0	0	0	0	1,245,075
Assessment	0	0	0	0	0	0	0	0	0
TLSP	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0
Total Revenues	482,074	1,854,959	2,545,840	785,075	1,024,885	1,535,429	684,000	2,757,300	11,669,562
TOTAL SOURCES OF FUNDS	484,544	2,545,362	3,590,189	785,075	1,021,987	2,732,644	1,291,502	7,076,078	19,529,401
PROJECTED EXPENDITURES									
Administration Services	118,000	65,433	51,418	21,200	6,000	40,000	0	11,500	313,551
Professional Services	250,000	1,294,708	194,308	126,000	25,000	52,913	0	19,382	1,962,311
Consulting Services	112,000	335,323	727,232	729,831	0	1,112,620	0	57,500	3,074,706
Supplies	61,500	32	0	0	0	0	0	0	61,532
Prof. Dues & Memberships	1,750	0	0	0	0	128,984	0	0	130,734
Conferences & Meetings	15,000	1,027	493	0	0	375	0	0	16,895
Printing/ Postage	1,500	0	0	0	0	668	0	0	2,168
Publications	22,250	1,796	12,000	0	0	0	0	0	36,046
Distributions	0	70,000	929,398	0	984,361	18,756	675,000	1,397,000	4,074,616
Street Repair	0	0	0	0	0	0	0	0	0
Miscellaneous	2,500	1,116	0	0	0	100	25,000	0	28,716
Bank Fee	2,000	0	0	0	0	0	0	0	2,000
Audit Services	7,000	0	0	0	0	0	0	0	7,000
Project Management	0	0	0	103,385	0	0	0	0	103,385
Total Expenditures	593,500	1,769,435	1,914,849	980,416	1,015,361	1,354,616	700,000	1,485,382	9,813,559
TRANSFERS									
Transfers In	0	0	0	300,000	0	0	0	0	300,000
Transfers Out	0	0	0	0	0	0	0	300,000	300,000
Administrative Allocation	(143,547)	110,892	20,034	0	2,527	7,575	0	2,518	0
Total Transfers	(143,547)	110,892	20,034	(300,000)	2,527	7,575	0	302,518	0
NET CHANGE	32,121	(25,368)	610,957	104,659	6,997	173,238	(16,000)	969,400	1,856,003
TRANSFER TO RESERVES	0	0	0	0	0	0	0	0	0
TOTAL USE OF FUNDS	449,953	1,880,327	1,934,883	680,416	1,017,888	1,362,191	700,000	1,787,900	9,813,558
ENDING FUND BALANCE	34,591	665,055	1,655,306	104,659	4,099	1,370,453	591,502	5,290,178	9,715,843
RESERVE FUND BALANCE	43,346	131,863	0	0	0	200,903	0	0	376,112
NET INCREASE (Decrease) IN FUND BALANCE	32,121	(25,368)	610,957	104,659	6,997	173,238	(16,000)	969,400	1,856,004
As of June 30, 2009									

Note: 1- Beginning/ Ending Reserve Fund Balance is not included in Beginning/ Ending Fund Balance

2- See individual fund summaries and fiscal year comments for details on Miscellaneous expenses.

3- SMCRRP - San Mateo Congestion Relief Program; TFCA - Transportation Fund For Clean Air; NPDES - National Pollutant Discharge Elimination System; Abatement

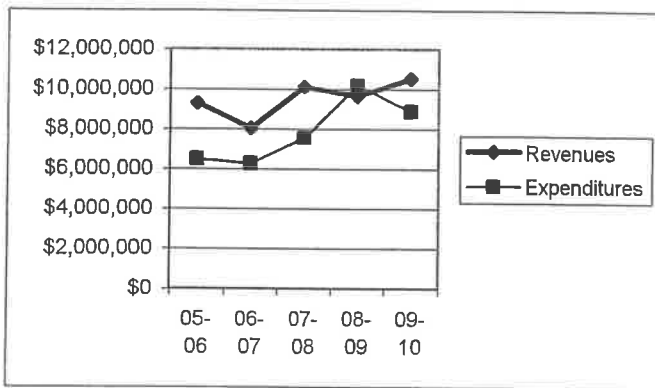
AVA - Abandoned Vehicle Abatement; DMV - Department of Motor Vehicles.

Undesignated Balance:

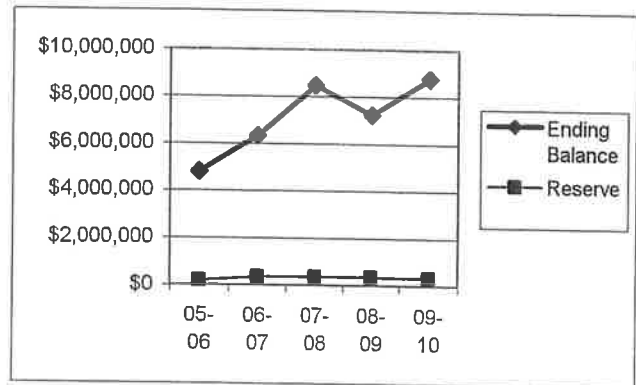
Major Programs/ Funds:	Balance Ending	Designated Expense	Designated Revenue	Designated Net	Undesignated Balance
General Fund	\$10,734	\$0	\$0	-\$0	\$10,734
Transportation Fund	\$192,063	\$92,000	\$0	-\$92,000	\$100,063
San Mateo Congestion Relief Program	\$1,672,613	\$823,000	\$100,000	-\$723,000	\$949,613
San Mateo Smart Corridor Program	\$484,659	\$484,659	\$0	\$484,659	\$0
TFCA	\$9,574	\$9,574	\$0	\$9,574	\$0
NPDES	\$1,187,944	\$750,000	\$0	-\$750,000	\$437,944
AVA	\$575,502	\$180,000	\$0	-\$180,000	\$395,502
DMV Fee	\$4,678,929	\$2,819,498	\$0	-\$2,819,498	\$1,859,431
C/CAG – Total	\$8,812,018	\$5,158,731	\$100,000	-\$5,058,731	\$3,753,287

C/CAG NORMALIZED FIVE YEAR HISTORICAL REVIEW:

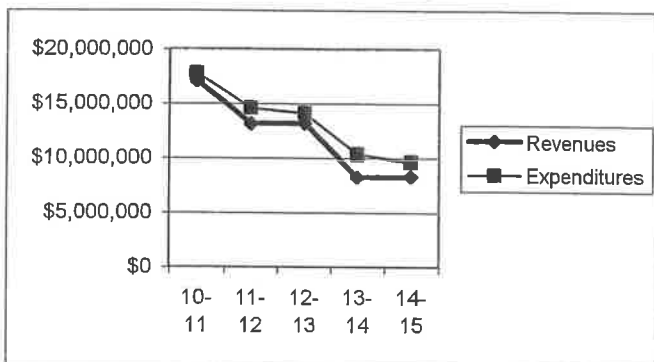
**FY 05-06 Thru FY 09-10
(Normalized to 2005)**



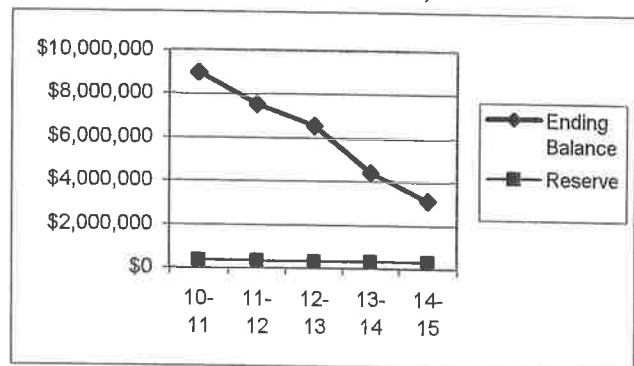
**FY 05-06 Thru FY 09-10
(Normalized to 2005)**



**FY 10-11 Thru FY 14-15
(Normalized to 2010)**



**FY 10-11 Thru FY 14-15
(Normalized to 2010)**



- Issues:**
- 1- Need to continue to get funding for the Airport Land Use Commission activities.
 - 2- New NPDES Storm-water Permit will significantly increase the cost of the program although budget balanced through FY 13-14. Approximately a \$750,000 per year deficit. Must pursue additional revenue.
 - 3- Implementation of the Smart Corridor Project will cause a significant increase in expenditures that requires the cash flow to be managed.
 - 4- Staff needs to reduce the large balance (\$4,678,929) of the DMV Fee Program.
 - 5- Ending Balance will drop significantly due to project cash flow; however, it should not be seen as a problem.

Reserves: Have reserves of \$376,112 out of an Operating Budget of \$2,919,928 or 12.9%. However; the Undesignated Balance of \$3,753,287 provides funding capacity for unexpected issues or cost growth in programs. This will cover 1.9 years of the C/CAG fixed labor cost (\$1,950,000).

CITY/COUNTY ASSOCIATION OF GOVERNMENTS
2010-11 PROGRAM BUDGET
JULY 1, 2010 - JUNE 30, 2011
 (by fund)

ADMINISTRATIVE PROGRAM - GENERAL FUND

PROGRAM DESCRIPTION: The General Fund finances the administrative functions of C/CAG. The Airport Land Use Commission and Waste Management Programs are also included. The FY 10-11 member assessment is the same as for FY 09-10.

Issues: The FY 10-11 Budget assumes that all the Funds except for the AVA Program and Smart Corridor will share proportionally some administrative costs. As a result of this C/CAG policy the General Fund is in a balanced position. Need to get continued funding (\$120,000) from San Francisco International Airport and County of San Mateo for Airport Land Use Commission functions.

Reserves: Important to have adequate reserves. Current level of \$43,346 is minimal. Would like to maintain at least 15% in the future.

ESTIMATED BEGINNING BALANCE		\$34,591
RESERVE BALANCE		\$43,346
PROJECTED REVENUES		
Interest Income	\$2,000	
Member Assessments (General Fund)	\$250,024	
Miscellaneous/ SFIA	\$0	
Grants	\$120,000	
TOTAL PROJECTED REVENUES	\$372,024	\$372,024
TOTAL SOURCES OF FUNDS		\$406,615
PROPOSED EXPENDITURES		
Administrative Services	\$118,000	
Professional Services	\$250,000	
Consulting Services	\$60,000	
Supplies ¹	\$61,000	
Professional Dues & Memberships	\$1,750	
Conferences & Meetings	\$15,000	
Printing and Postage	\$22,250	
Publications	\$1,500	
Miscellaneous	\$2,500	
Bank Fee	\$2,000	
Audit Services	\$7,000	
TOTAL EXPENDITURES	\$541,000	\$541,000
TRANSFERS	(\$145,119)	(\$145,119)
NET CHANGE	(\$23,857)	
TRANSFER TO RESERVES	\$0	
TOTAL USE OF FUNDS		\$395,881
ENDING FUND BALANCE (6/30/11)		\$10,734
RESERVE FUND BALANCE		\$43,346

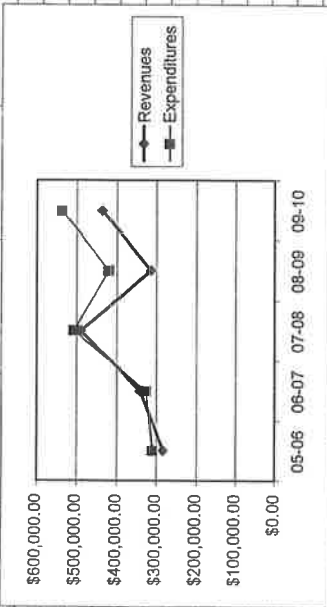
¹Includes office lease and operating expenses.

Note: Beginning/ Ending Reserve Fund Balance is not included in Beginning/ Ending Fund Balance

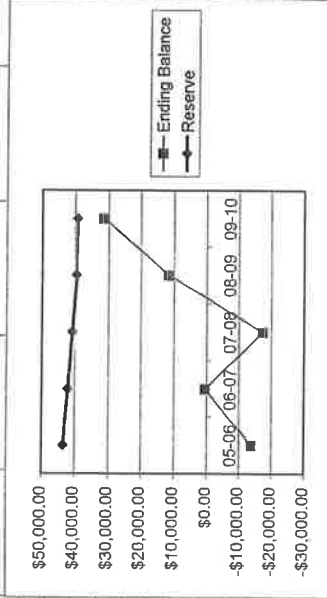
**ADMINISTRATIVE PROGRAM
GENERAL FUND**

NORMALIZED FIVE YEAR HISTORICAL OVERVIEW

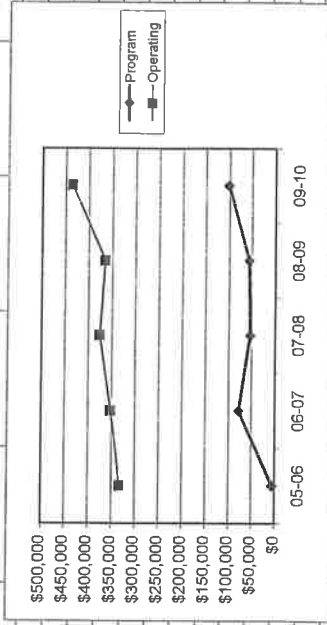
General Fund Five Year History
FY 05-06 THRU FY 09-10 (Normalized to 2005)



General Fund Five Year History
FY 05-06 THRU FY 09-10 (Normalized to 2005)

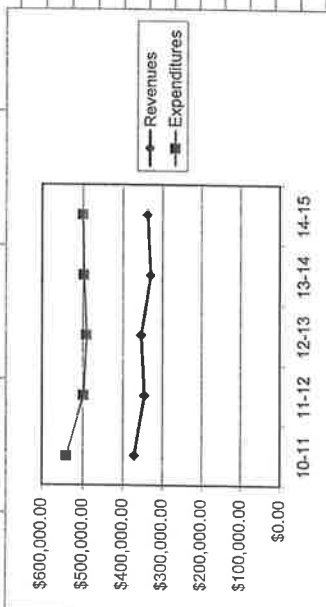


General Fund Five Year History
FY 05-06 THRU FY 09-10 (Normalized to 2005)

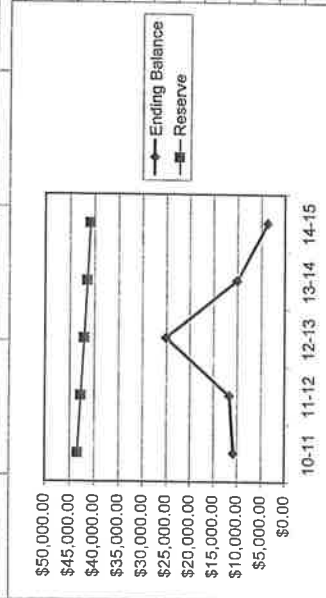


NORMALIZED FIVE YEAR PROJECTION OVERVIEW

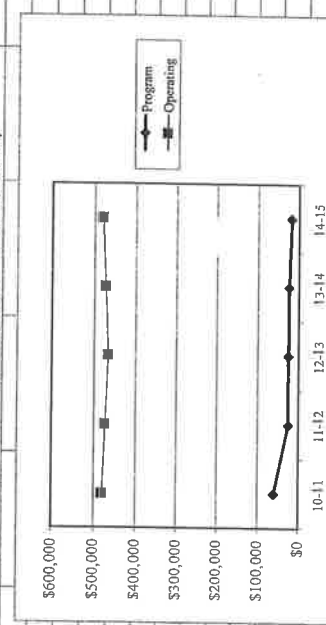
General Fund Five Year Projection
FY 10-11 THRU FY 14-15 (Normalized to 2010)



General Fund Five Year Projection
FY 10-11 THRU FY 14-15 (Normalized to 2010)



General Fund Five Year Projection
FY 10-11 THRU FY 14-15 (Normalized to 2010)



Assumed 1.5% CPI for next Four Years

Assumed 1.5% CPI for next Four Years

Assumed 1.5% CPI for next Four Years

TREND: Multi-year assumption averaged 1.5% per year increase for Expenditures. Increased Revenue (Member Assessment) in FY 12-13 and FY 14-15. Transfers into the General Fund from the Transportation Programs, SMCRRP, TFCA, NPDES, and DMV Fee Funds to share general cost. Need to continue to find a source of revenue for ALUC activities.

**CITY/COUNTY ASSOCIATION OF GOVERNMENTS
2010-11 PROGRAM BUDGET
JULY 1, 2010 - JUNE 30, 2011
(by fund)**

TRANSPORTATION PROGRAMS FUND

PROGRAM DESCRIPTION: Transportation Programs includes Congestion Management Program, Countywide Transportation Plan, MTC Transportation Plus Land-use, Ride-share, Bikeways and Pedestrian Advisory Committee (BPAC) and TDA Fund Management, the Peninsula 2020 Corridor study, and the 2020 Corridor Phase 2 implementation of Willow/ University ITS improvements.

Issues: The FY 10-11 member assessment is the same as for FY 09-10. Coordinated the C/CAG budget with the Transportation Authority Budget for consistency. Assumed no funding beyond the negotiated level of funding for planning from the Metropolitan Transportation Commission (MTC) and the State Transportation Improvement Program for FY 10-11.

Reserves: The reserve balance is \$131,863.

ESTIMATED BEGINNING BALANCE

\$665,055

RESERVE BALANCE

\$131,863

PROJECTED REVENUES

Interest Earnings	\$30,000
Member Contribution (CMP 111)	\$390,907
Miscellaneous	\$0
Federal Funding - MTC	\$893,000
PPM-STIP	\$460,000
Grants/ VTA	\$256,000
TA Cost Share	\$250,000

TOTAL PROJECTED REVENUES

\$2,279,907

\$2,279,907

TOTAL SOURCES OF FUNDS

\$2,944,961

PROJECTED EXPENDITURES

Administration	\$86,000
Professional Services	\$1,330,000
Consulting Services	\$897,000
Supplies	\$2,000
Conferences & Meetings	\$3,000
Printing/ Postage	\$5,500
Publications	\$4,000
Distributions	\$420,000
Miscellaneous	\$1,000

TOTAL EXPENDITURES

\$2,748,500

\$2,748,500

TRANSFERS

\$4,398

\$4,398

NET CHANGE

(\$472,991)

(\$472,991)

TRANSFER TO RESERVES

\$0

TOTAL USE OF FUNDS

\$2,752,898

ENDING FUND BALANCE (6/30/11)

\$192,063

RESERVE FUND BALANCE

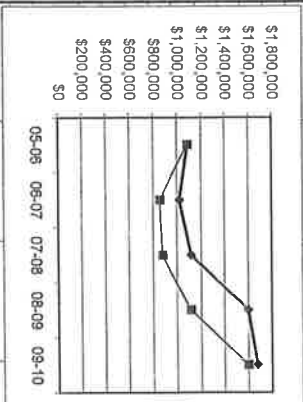
\$131,863

Note: Beginning/ Ending Reserve Fund Balance is not included in Beginning/ Ending Fund Balance.

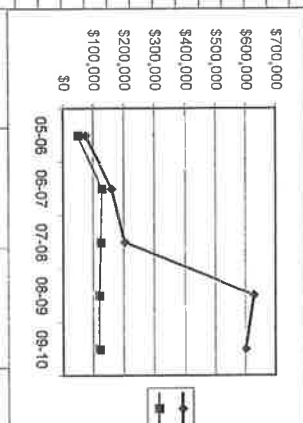
TA provides funding for potential TA requested studies.

TRANSPORTATION PROGRAMS
NORMALIZED FIVE YEAR HISTORICAL OVERVIEW

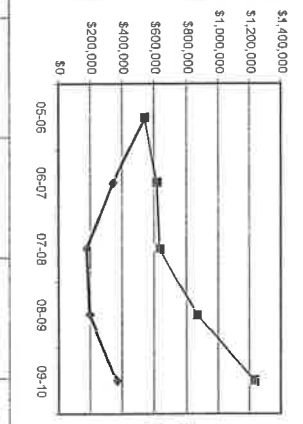
Transportation Programs Five Year History
FY 05-06 THRU FY 09-10 (Normalized to 2005)



Transportation Programs Five Year History
FY 05-06 THRU FY 09-10 (Normalized to 2005)

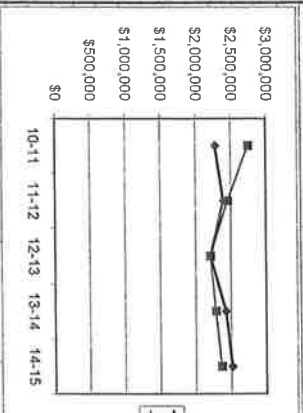


Transportation Programs Five Year History
FY 05-06 THRU FY 09-10 (Normalized to 2005)

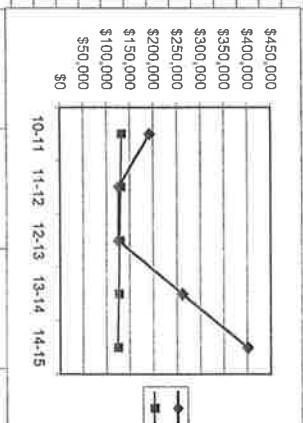


NORMALIZED FIVE YEAR PROJECTION OVERVIEW

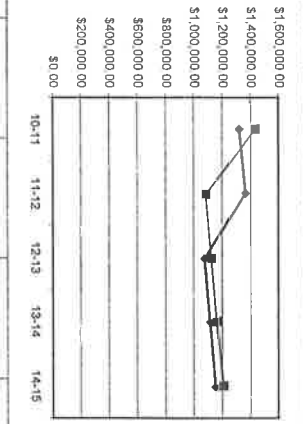
Transportation Programs Five Year Projection
FY 10-11 THRU FY 14-15 (Normalized to 2010)



Transportation Programs Five Year Projection
FY 10-11 THRU FY 14-15 (Normalized to 2010)



Transportation Programs Five Year Projection
FY 10-11 THRU FY 14-15 (Normalized to 2010)



Assumed 1.5% CPI for next four years.

Assumed 1.5% CPI for next four years.

Assumed 1.5% CPI for next four years.

TREND: The \$2,000,000 drop in Expenditures was due to the one time Bus Route Rehabilitation Program. Assumes Revenue and Expenditures grow average of 2.5% and 5% per year respectively.

Increased Member Assessments 5% in FY 12-13 and recommended for FY 14-15.

Projected growth in FY 09-10 Program is due to the Smart Corridor Project.

**CITY/COUNTY ASSOCIATION OF GOVERNMENTS
2010-11 PROGRAM BUDGET - JULY 1, 2010 - JUNE 30, 2011 (by fund)**

SAN MATEO CONGESTION RELIEF PLAN PROGRAM FUND

PROGRAM DESCRIPTION: The San Mateo Congestion Relief Plan (SMCRP) goal is to increase transit ridership from 6% to 20% and reduce automobile usage from 94 to 80%. The plan focuses on the operating efficiency of the transportation system through shuttles, Transportation Demand Management, Intelligent Transportation Systems and creating incentives for transportation friendly land use. C/CAG will work with SamTrans, the Transportation Authority, and the Peninsula Congestion Relief Alliance to implement this program. New programs include Countywide Housing Element Update and Energy Local Government Partnership. Partial support for the lobbyist is included in this Fund.

Issues: C/CAG and TA staff coordinated the SamTrans/ TA contribution for FY 10-11. Primary focus has been on local shuttles. Need to reduce the Ending Balance.

Reserves: Current reserve is \$0. Not important to develop a reserve since the projects are adjusted to fit the funds available.

ESTIMATED BEGINNING BALANCE **\$1,655,306**

RESERVE BALANCE **\$0**

PROJECTED REVENUES

Interest Earnings	\$40,000	
Member Contribution (Gas Tax - See Attachment B)	\$1,850,000	
Cost Reimbursements		
MTC/ Federal Funding	\$0	
Grants	\$240,000	
TA (Note 1)	\$375,000	
PPM-STIP	\$0	
TOTAL PROJECTED REVENUES	\$2,505,000	\$2,505,000

TOTAL SOURCES OF FUNDS **\$4,160,306**

PROJECTED EXPENDITURES

Administration	\$49,000	
Professional Services	\$218,000	
Consulting Services (Studies)	\$1,020,065	
ITS/ Ramp Metering - \$200,000		
Countywide TDM - \$505,000		
ECR Incentive/ CRP - \$115,065		
Climate - \$200,000		
Distributions	\$1,101,000	
Energy Watch - \$111,000		
Shuttles - \$790,000		
Climate - \$150,000		
ECR Incentive Program - \$50,000		
Other	\$14,000	
TOTAL EXPENDITURES	\$2,402,065	\$2,402,065

TRANSFERS **\$85,628** **\$85,628**

NET CHANGE **\$17,307**

TRANSFER TO RESERVES **\$0**

TOTAL USE OF FUNDS **\$2,487,693**

ENDING FUND BALANCE (6/30/11) **\$1,672,613**

RESERVE FUND BALANCE **\$0**

Note 1 Funds proposed by TA staff. Budget will be adjusted if necessary to reflect final approved amount.
 2 Beginning/ Ending Reserve Fund Balance is not included in Beginning/ Ending Fund Balance
 3 CRP = Congestion Relief Plan

SAN MATEO CONGESTION RELIEF PROGRAM NORMALIZED FIVE YEAR HISTORICAL OVERVIEW																																					
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<p>TREND: Assumes Revenue & Expenditures grow 3% and 2% per year respectively. City/ County contribution is maintained fixed at \$1,850,000.</p>	<p>Assumed 1.5% CPI for next four years.</p>																																				
<p>Not important to develop a reserve in this program since programs are adjusted to fit the funds available. Ending Balance has been growing but is projected to be reduced as projects transition from study to implementation.</p>	<p>Assumed 1.5% CPI for next four years.</p>																																				

**CITY/COUNTY ASSOCIATION OF GOVERNMENTS
2010-11 PROGRAM BUDGET
JULY 1, 2010 - JUNE 30, 2011
(by fund)**

SMART CORRIDOR PROJECT - SMART CORRIDOR FUND

PROGRAM DESCRIPTION: Design, construction, and test of the San Mateo Smart Corridor Project (\$20-25M).

Issues: Implementation of the Smart Corridor Project will cause a significant increase in expenditures that requires the cash flow to be managed.

Reserves: It is a single project; therefore, a reserve is not necessary.

ESTIMATED BEGINNING BALANCE		\$104,659	
RESERVE BALANCE			\$0
PROJECTED REVENUES			
Interest Income	\$0		
TA Cost Share	\$1,640,000		
PPM - STIP	\$3,500,000		
TLSP	\$1,000,000		
TOTAL PROJECTED REVENUES	\$6,140,000	\$6,140,000	
TOTAL SOURCES OF FUNDS			\$6,244,659
PROPOSED EXPENDITURES			
Administrative Services	\$40,000		
Professional Services	\$180,000		
Consulting Services	\$6,340,000		
Supplies ¹	\$0		
Professional Dues & Memberships	\$0		
Conferences & Meetings	\$0		
Printing and Postage	\$0		
Publications	\$0		
Project Management	\$100,000		
Bank Fee	\$0		
Audit Services	\$0		
TOTAL EXPENDITURES	\$6,660,000	\$6,660,000	
TRANSFERS	(\$900,000)	(\$900,000)	
NET CHANGE	\$380,000		
TRANSFER TO RESERVES	\$0		
TOTAL USE OF FUNDS		\$5,760,000	
ENDING FUND BALANCE (6/30/11)		\$484,659	
RESERVE FUND BALANCE			\$0

¹Includes office lease and operating expenses.

Note: Beginning/ Ending Reserve Fund Balance is not included in Beginning/ Ending Fund Balance

SAN MATEO COUNTY SMART CORRIDOR NORMALIZED FIVE YEAR HISTORICAL OVERVIEW	
<p>Smart Corridor Program Five Year History FY 05-06 THRU FY 09-10 (Normalized to 2005)</p> <p>Y-axis: \$0 to \$1,000,000. X-axis: 05-06, 06-07, 07-08, 08-09, 09-10. Legend: Revenues (solid line with circles), Expenditures (dashed line with squares).</p>	<p>Smart Corridor Program Five Year History FY 05-06 THRU FY 09-10 (Normalized to 2005)</p> <p>Y-axis: \$0 to \$100,000. X-axis: 05-06, 06-07, 07-08, 08-09, 09-10. Legend: Ending Balance (solid line with circles), Reserves (dashed line with squares).</p>
<p>Smart Corridor Program Five Year Projection FY 10-11 THRU FY 14-15 (Normalized to 2010)</p> <p>Y-axis: \$0 to \$7,000,000. X-axis: 10-11, 11-12, 12-13, 13-14, 14-15. Legend: Revenues (solid line with circles), Expenditures (dashed line with squares).</p>	<p>Smart Corridor Program Five Year Projection FY 10-11 THRU FY 14-15 (Normalized to 2010)</p> <p>Y-axis: \$0 to \$600,000. X-axis: 10-11, 11-12, 12-13, 13-14, 14-15. Legend: Ending Balance (solid line with circles), Reserves (dashed line with squares).</p>
NORMALIZED FIVE YEAR PROJECTION OVERVIEW	
<p>Smart Corridor Program Five Year History FY 05-06 THRU FY 09-10 (Normalized to 2005)</p> <p>Y-axis: \$0 to \$700,000. X-axis: 05-06, 06-07, 07-08, 08-09, 09-10. Legend: Program (solid line with circles), Operating (dashed line with squares).</p>	<p>Smart Corridor Program Five Year Projection FY 10-11 THRU FY 14-15 (Normalized to 2010)</p> <p>Y-axis: \$0 to \$7,000,000. X-axis: 10-11, 11-12, 12-13, 13-14, 14-15. Legend: Program (solid line with circles), Operating (dashed line with squares).</p>
<p>Assumed 1.5% CPI for next four years.</p>	
<p>TREND: Assumes Revenue and Expenditures grow average of 2.5% and 5% per year respectively. Cost to build the current Smart Corridor Project with construction of the local arterials only.</p>	

CITY/COUNTY ASSOCIATION OF GOVERNMENTS
2010-11 PROGRAM BUDGET
JULY 1, 2010 - JUNE 30, 2011
 (by fund)

TFCA PROGRAM FUND

Program Description: The Bay Area Air Quality Management District (BAAQMD) is charged under AB 434 to levy a surcharge on motor vehicle registration fees to fund projects and programs to reduce air pollution. This provides the revenues for the Transportation Fund for Clean Air (TFCA) Program. Forty (40) percent of the revenues generated within San Mateo County are allocated to C/CAG to be used to fund local programs implementing specified transportation control measures to improve air quality in the San Francisco Bay Area. Primary focus in San Mateo County is on shuttles and Countywide Transportation Demand Management.

Issues: The actual funds received were less than programmed; therefore, must reduce payment to project sponsors.

Reserves: Current reserve is \$0. Not important to develop a reserve since the projects are adjusted to fit the funds available.

ESTIMATED BEGINNING BALANCE¹		\$4,099
RESERVE BALANCE		\$0
PROJECTED REVENUES		
Interest Earnings	\$6,000	
TFCA Motor Vehicle Fee Revenue ²	\$1,007,271	
TOTAL PROJECTED REVENUES	\$1,013,271	\$1,013,271
TOTAL SOURCES OF FUNDS		\$1,017,370
PROPOSED EXPENDITURES		
Administration Services	\$10,000	
Professional Services	\$37,153	
Project Sponsor Reduction		
Conferences & Meetings	\$0	
TFCA Distributions (See Attached Details)	\$957,000	
TOTAL EXPENDITURES	\$1,004,153	\$1,004,153
NET CHANGE	\$5,475	
TOTAL TRANSFERS	\$3,643	\$3,643
TRANSFER TO RESERVE	\$0	
TOTAL USE OF FUNDS		\$1,007,796
ENDING FUND BALANCE (6/30/11)		\$9,574
RESERVE FUND BALANCE		\$0

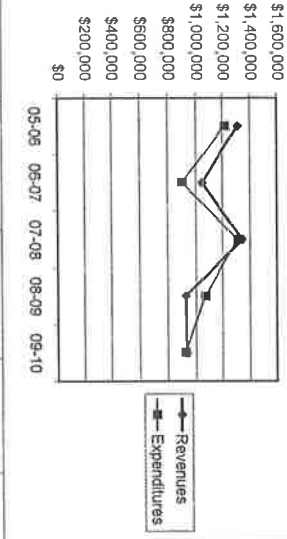
¹ TFCA Funds are good for two years. Programming issues, interest and cost reimbursement result in a balance carried forward.

² Estimate for 2010-11 is \$1,007,271 direct to San Mateo.

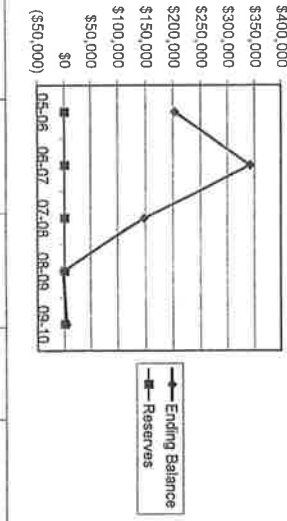
³ Beginning/ Ending Reserve Fund Balance is not included in Beginning/ Ending Fund Balance

**TRANSPORTATION FUND FOR CLEAN AIR PROGRAM
NORMALIZED FIVE YEAR HISTORICAL OVERVIEW**

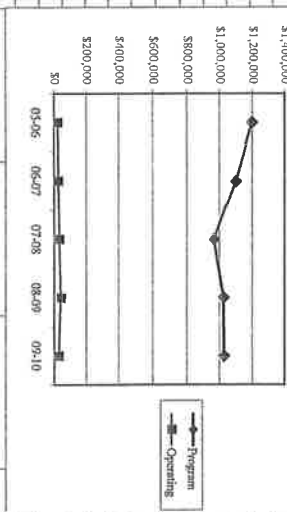
TFCA Program Five Year History
FY 05-06 THRU FY 09-10 (Normalized to 2005)



TFCA Program Five Year History
FY 05-06 THRU FY 09-10 (Normalized to 2005)

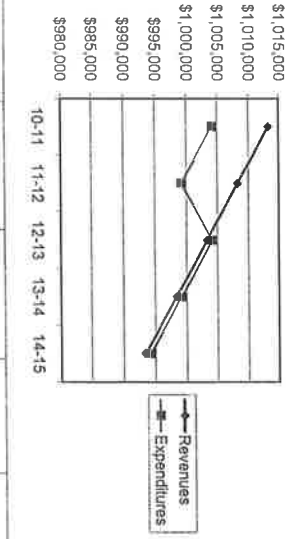


TFCA Program Five Year History
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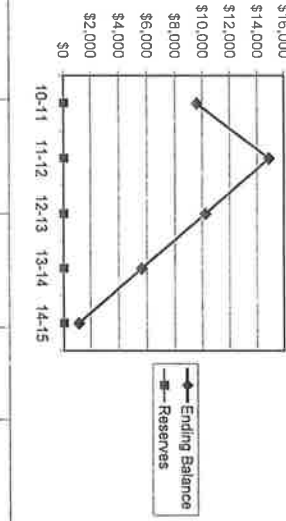


NORMALIZED FIVE YEAR PROJECTION OVERVIEW

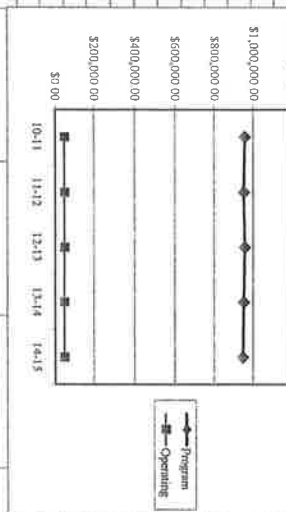
TFCA Program Five Year Projection
FY 10-11 THRU FY 14-15 (Normalized to 2010)



TFCA Program Five Year Projection
FY 10-11 THRU FY 14-15 (Normalized to 2010)



TFCA Program Five Year Projection
FY 10-11 THRU FY 14-15 (Normalized to 2010)



Assumed 1.5% CPI for next four years.

Assumed 1.5% CPI for next four years.

Assumed 1.5% CPI for next four years.

TREND:

Assumes Revenue and Expenditures grow 1% per year. Tied to registered vehicles growth.
Historical expenditure fluctuation is due to delays in project sponsor cost reimbursement requests.
Not important to develop a reserve in this program since programs are adjusted to fit the funds available.
Revenues and Expenditures are fully utilized in the Funding Year which results in a 0 Ending Balance

**CITY/COUNTY ASSOCIATION OF GOVERNMENTS
2010-11 PROGRAM BUDGET
JULY 1, 2010 - JUNE 30, 2011
(by fund)**

NPDES STORMWATER MANAGEMENT PLAN PROGRAM FUND

PROGRAM DESCRIPTION: The National Pollutant Discharge Elimination System (NPDES) program is a response to the mandate imposed by federal/ state legislation and the San Francisco Bay Regional Water Quality Control Board (RWQCB) requiring a San Mateo County stormwater discharge permit. The Cities/ County have joined together with C/CAG as co-permittee agencies for the Water Pollution Prevention Program (WPPP).

Issues: New NPDES Storm-water Permit will significantly increase the cost of the program although budget balanced through FY 13-14. Approximately a \$750,000 per year deficit. Must pursue additional revenue. Need to legislatively address the ability to generate revenue. Proposition 218 seriously limits the ability to increase revenue in response to expanded programs required from the permit. Included the cost of a Proposition 218 vote and a claim with the Commission on mandates.

Reserves: Current reserves are \$200,903. Need to try to increase the reserves to 15% (\$200-250,000) over next few years.

ESTIMATED BEGINNING BALANCE		\$1,370,453
RESERVE BALANCE		\$200,903
PROJECTED REVENUES		
Interest Earnings	\$30,000	
Member Contribution	\$107,581	
NPDES Fee ¹ (See Attachment B)	\$1,302,856	
TOTAL PROJECTED REVENUES	\$1,440,437	\$1,440,437
TOTAL SOURCES OF FUNDS		\$2,810,890
PROPOSED EXPENDITURES		
Administration Services	\$40,000	
Professional Services	\$53,211	
Consulting Services ²	\$1,313,470	
Supplies	\$0	
Professional Dues & Membership ³	\$171,564	
Printing & Postage	\$1,500	
Publications	\$10,000	
NPDES Distributions	\$25,000	
Miscellaneous	\$1,000	
TOTAL EXPENDITURES	\$1,615,745	\$1,615,745
NET CHANGE	(\$182,509)	
TRANSFERS	\$7,201	\$7,201
TRANSFER TO RESERVES	\$0	
TOTAL USE OF FUNDS		\$1,622,946
ENDING FUND BALANCE (6/30/11)		\$1,187,944
RESERVE FUND BALANCE		\$200,903

¹NPDES Fee - Assumed the same base contribution rate as 2009-10 plus a COLA for the supplemental fee.

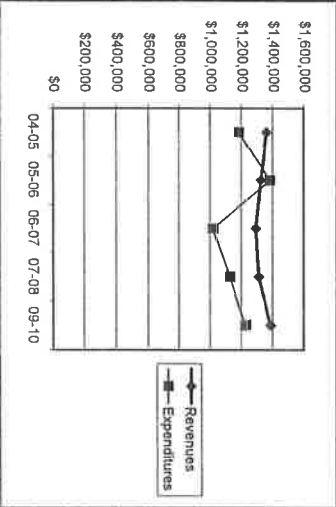
²Consulting services are provided by EOA and San Mateo County.

³Consists of Permits and Regional Assessment fees.

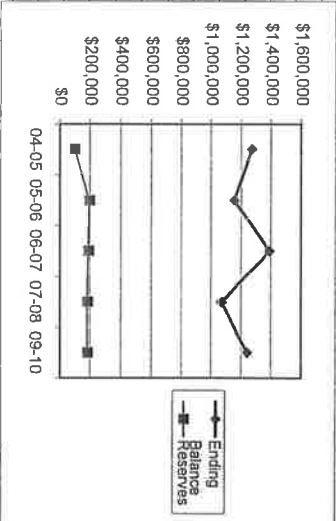
⁴Beginning/ Ending Reserve Fund Balance is not included in Beginning/ Ending Fund Balance.

NORMALIZED FIVE YEAR HISTORICAL OVERVIEW

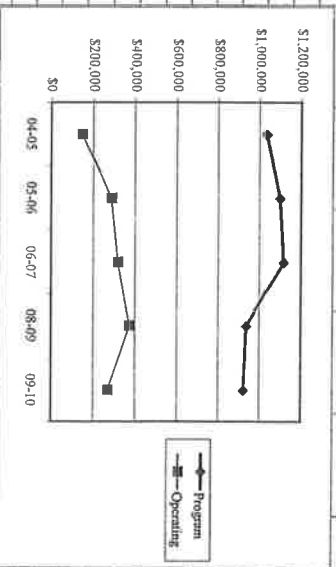
**NPDES Program Five Year History
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**NPDES Program Five Year History
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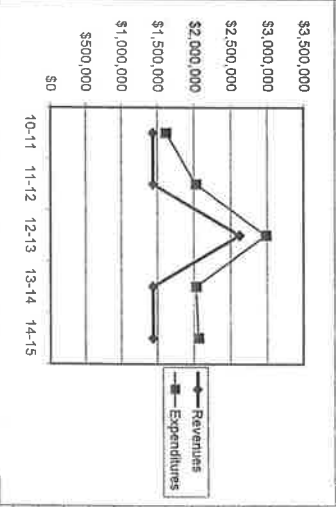


**NPDES Program Five Year History
FY 05-06 THRU FY 09-10 (Normalized to 2005)**

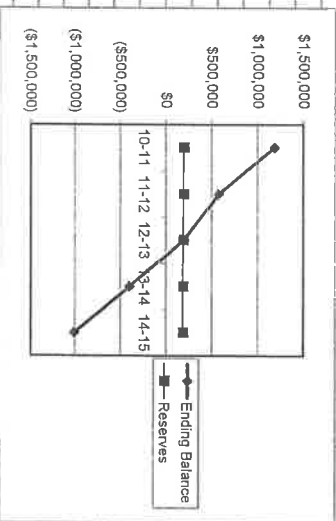


NORMALIZED FIVE YEAR PROJECTION OVERVIEW

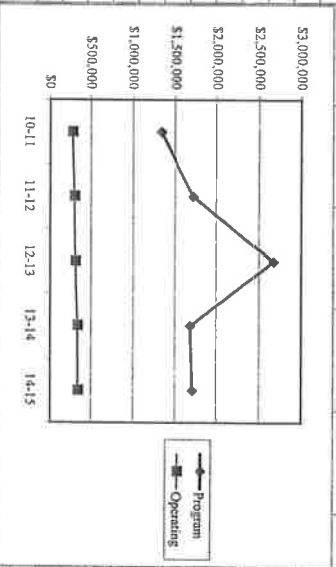
**NPDES Program Five Year Projection
FY 10-11 THRU FY 14-15 (Normalized to 2010)**



**NPDES Program Five Year Projection
FY 10-11 THRU FY 14-15 (Normalized to 2010)**



**NPDES Program Five Year Projection
FY 10-11 THRU FY 14-15 (Normalized to 2010)**



Assumed 1.5% CPI for next four years.

Assumed 1.5% CPI for next four years.

Assumed 1.5% CPI for next four years.

TREND:

- Assumed a Revenue Growth of 1.5% per year and no new revenue.
- Included the projected cost for the Municipal Regional Permit.
- Need to develop additional Revenue since it is less than Expenditures.
- Currently have a reasonable level of Reserves (\$100,903).
- One time revenue balances budget until FY 13-14.

CITY/COUNTY ASSOCIATION OF GOVERNMENTS
2010-11 PROGRAM BUDGET
JULY 1, 2010 - JUNE 30, 2011
 (by fund)

ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY FUND

PROGRAM DESCRIPTION: The objective of the Abandoned Vehicle Abatement (AVA) Program is to assist the Cities and County in the abatement of abandoned vehicles. These revenues provide cost recovery for the expenses incurred by member jurisdictions related to the abatement of abandoned vehicles. The County and 17 Cities participate in this program. The City of San Carlos provides administrative and finance support for the program. AVA funds are distributed to those agencies (18) participating, based half on population and half on proportionate share of vehicles abated.

Issues: Need to program the uncommitted funds which is over \$400,000.

Reserves: Current reserve is \$0. Not important to develop a reserve since the projects are adjusted to fit the funds available.

ESTIMATED BALANCE¹		\$591,502
RESERVE BALANCE		\$0
PROJECTED REVENUES		
Interest Earnings	\$4,000	
Abandoned Vehicle Abatement Fee Revenues ²	\$680,000	
TOTAL PROJECTED REVENUES	\$684,000	\$684,000
TOTAL SOURCES OF FUNDS		\$1,275,502
PROPOSED EXPENDITURES		
Administration Services	\$0	
Professional Services	\$0	
AVA Distributions ³ (See Attached Distributions)	\$675,000	
Miscellaneous	\$25,000	
TOTAL EXPENDITURES	\$700,000	\$700,000
NET CHANGE	(\$16,000)	
TRANSFER TO RESERVES	\$0	
TOTAL USE OF FUNDS		\$700,000
ENDING FUND BALANCE¹ (6/30/11)		\$575,502
RESERVE FUND BALANCE		\$0

¹AB 135, effective January 1, 1996, requires rebating surplus funds back to the State of California 90 days after the preceding year ends. Surplus generated prior to this date is not affected.

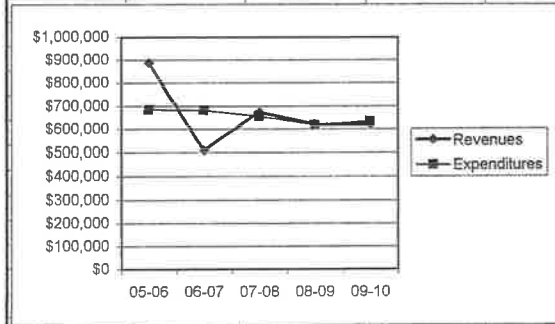
²Assumed the same contribution rate as 2009-10.

³The same agency reimbursement level as 2009-10 was assumed.

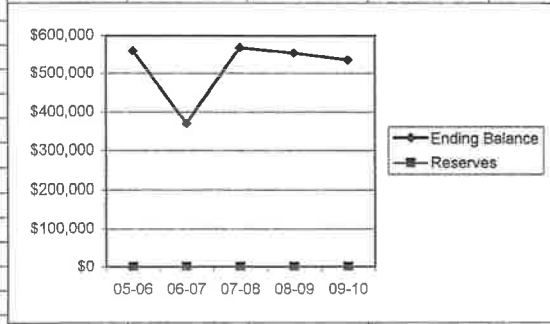
⁴ Beginning/ Ending Reserve Fund Balance is not included in Beginning/ Ending Fund Balance.

**ABANDONED VEHICLE ABATEMENT PROGRAM
NORMALIZED FIVE YEAR HISTORICAL OVERVIEW**

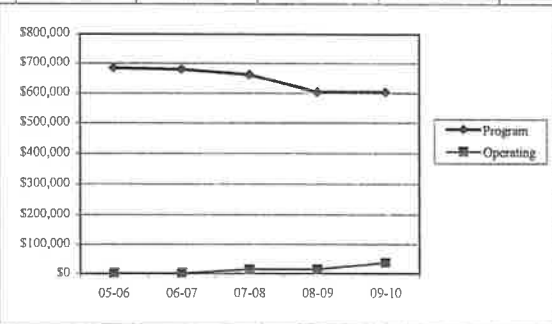
**AVA Program Five Year History
FY 05-06 THRU FY 09-10 (Normalized to 2005)**



**AVA Program Five Year History
FY 05-06 THRU FY 09-10 (Normalized to 2005)**

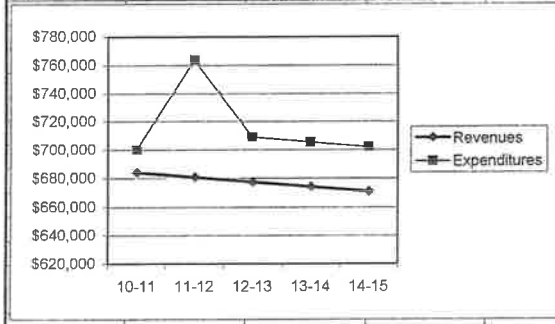


**AVA Program Five Year History
FY 05-06 THRU FY 09-10 (Normalized to 2005)**

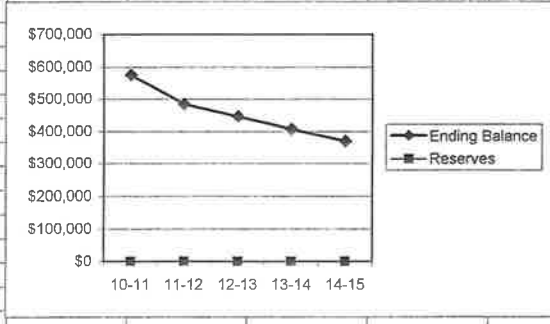


NORMALIZED FIVE YEAR PROJECTION OVERVIEW

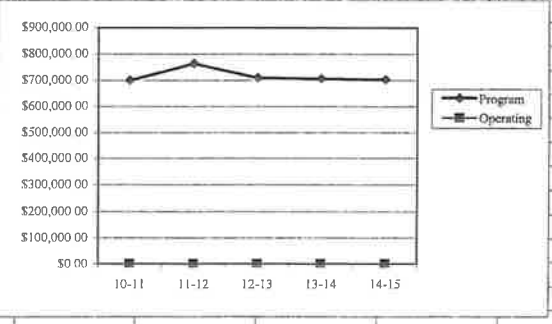
**AVA Program Five Year Projection
FY 10-11 THRU FY 14-15 (Normalized to 2010)**



**AVA Program Five Year Projection
FY 10-11 THRU FY 14-15 (Normalized to 2010)**



**AVA Program Five Year Projection
FY 10-11 THRU FY 14-15 (Normalized to 2010)**



Assumed 1.5% CPI for next four years.

Assumed 1.5% CPI for next four years.

Assumed 1.5% CPI for next four years.

TREND: Assumes Revenue and Expenditures grow 1% per year. Tied to motor vehicle registration growth.
Historical expenditure fluctuation is due to timing of revenue and project sponsor reimbursement.
Not important to develop a reserve in this program since programs are adjusted to fit the funds available.
Need to spend the unprogrammed funds such that the Ending Balance is reduced to approximately \$0.

CITY/COUNTY ASSOCIATION OF GOVERNMENTS
2010-11 PROGRAM BUDGET
JULY 1, 2010 - JUNE 30, 2011
 (by fund)

DMV FEE PROGRAM

PROGRAM DESCRIPTION: AB 1546 was signed into law and took effect on January 1, 2005 and reauthorized as SB 348 in 2008. It provides authorization for C/CAG to impose an annual fee of up to \$4 on motor vehicles registered within San Mateo County for a program for the management of traffic congestion and storm-water pollution within San Mateo County. The Board initially authorized the implementation of a \$4 fee beginning 7/1/05, and reauthorized the implementation in November 2008. Both traffic congestion and storm-water pollution programs include support for local programs and new countywide programs. An allocation for each agency is provided to support the local programs.

Issues: Delay in implementation of new countywide programs (50% of funds) for both congestion relief and storm-water pollution programs have resulted in the large increasing fund balance. However, grants were awarded to cities in FY 2008/09. As cities continue to submit invoices as projects are completed, the fund balance will be drawn down. Need to reduce the large balance (\$4,678,929) of the DMV Fee Program.

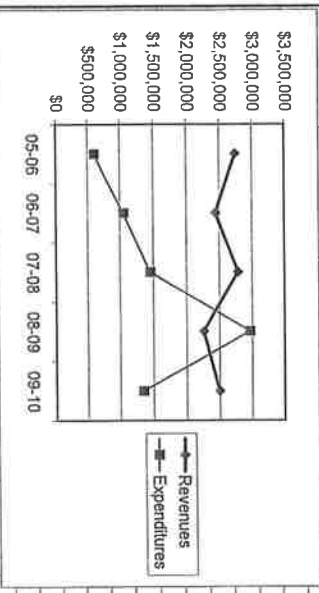
Reserves: Current reserve is \$0. Not important to develop a reserve since the projects are adjusted to fit the funds available.

ESTIMATED BEGINNING BALANCE		\$5,290,178
RESERVE BALANCE		\$0
PROJECTED REVENUES		
Interest Income	\$25,000	
DMV Fee	\$2,600,000	
TA Cost Share	\$0	
TOTAL PROJECTED REVENUES	\$2,625,000	\$2,625,000
TOTAL SOURCES OF FUNDS		\$7,915,178
PROPOSED EXPENDITURES		
Administrative Services	\$30,000	
Professional Services	\$25,000	
Consulting Services	\$235,000	
Supplies ¹		
Professional Dues & Memberships		
Conferences & Meetings	\$2,000	
Publications		
Distribution	\$2,000,000	
TOTAL EXPENDITURES	\$2,292,000	\$2,292,000
TRANSFERS	\$944,249	\$944,249
NET CHANGE	(\$611,249)	
TRANSFER TO RESERVES	\$0	
TOTAL USE OF FUNDS		\$3,236,249
ENDING FUND BALANCE (6/30/11)		\$4,678,929
RESERVE FUND BALANCE		\$0

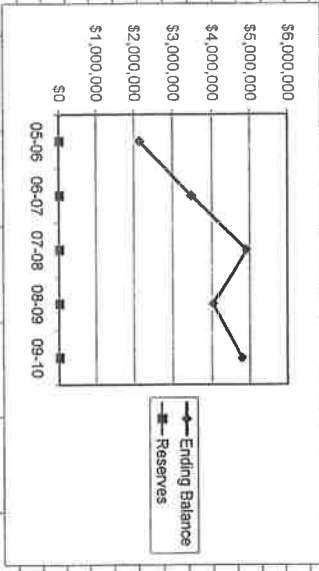
Note: 1- Beginning/ Ending Reserve Fund Balance is not included in Beginning/ Ending Fund Balance
 2- Assumed full allocation to Cities/ County.

**DMV FEE PROGRAM
NORMALIZED FIVE YEAR HISTORICAL OVERVIEW**

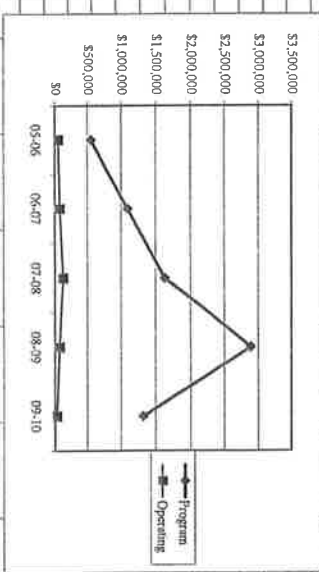
DMV Fee Program Five Year History
FY 05-06 THRU FY 09-10 (Normalized to 2005)



DMV Fee Program Five Year History
FY 05-06 THRU FY 09-10 (Normalized to 2005)

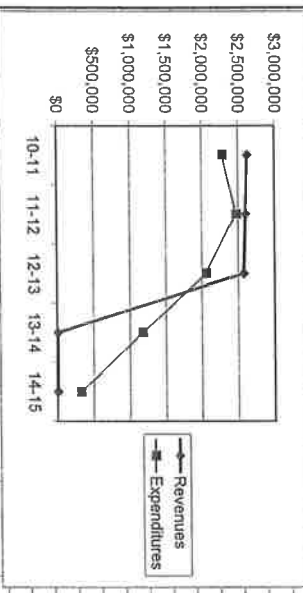


DMV Fee Program Five Year History
FY 05-06 THRU FY 09-10 (Normalized to 2005)

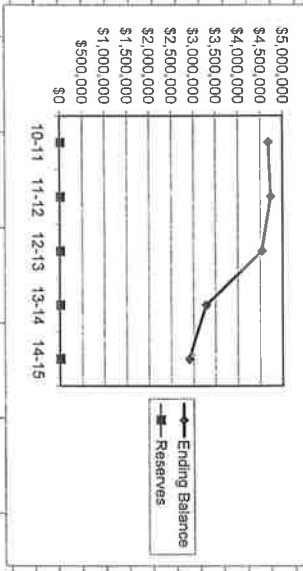


NORMALIZED FIVE YEAR PROJECTION OVERVIEW

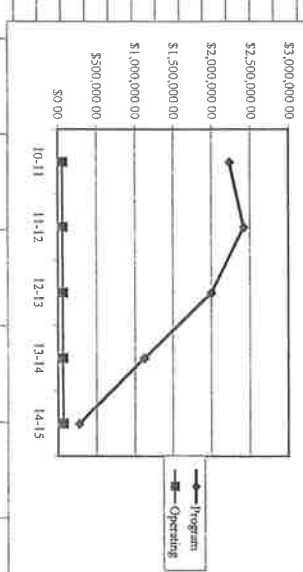
DMV Fee Program Five Year projection
FY 10-11 THRU FY 14-15 (Normalized to 2010)



DMV Fee Program Five Year projection
FY 10-11 THRU FY 14-15 (Normalized to 2010)



DMV Fee Program Five Year projection
FY 10-11 THRU FY 14-15 (Normalized to 2010)



Assumed 1.5% CPI for next four years.

Assumed 1.5% CPI for next four years.

Assumed 1.5% CPI for next four years.

TREND:
Revenues and expenditures grow 0.5% and 5% respectively.
Programs will be implemented that matches the funding available.
Will not invest in recurring programs so as to not create a future unfunded liability.
Did not assume renewal in FY 13-14.

^o
ATTACHMENT B

MEMBER ASSESSMENTS FY 10-11
(Same as FY 09-10)

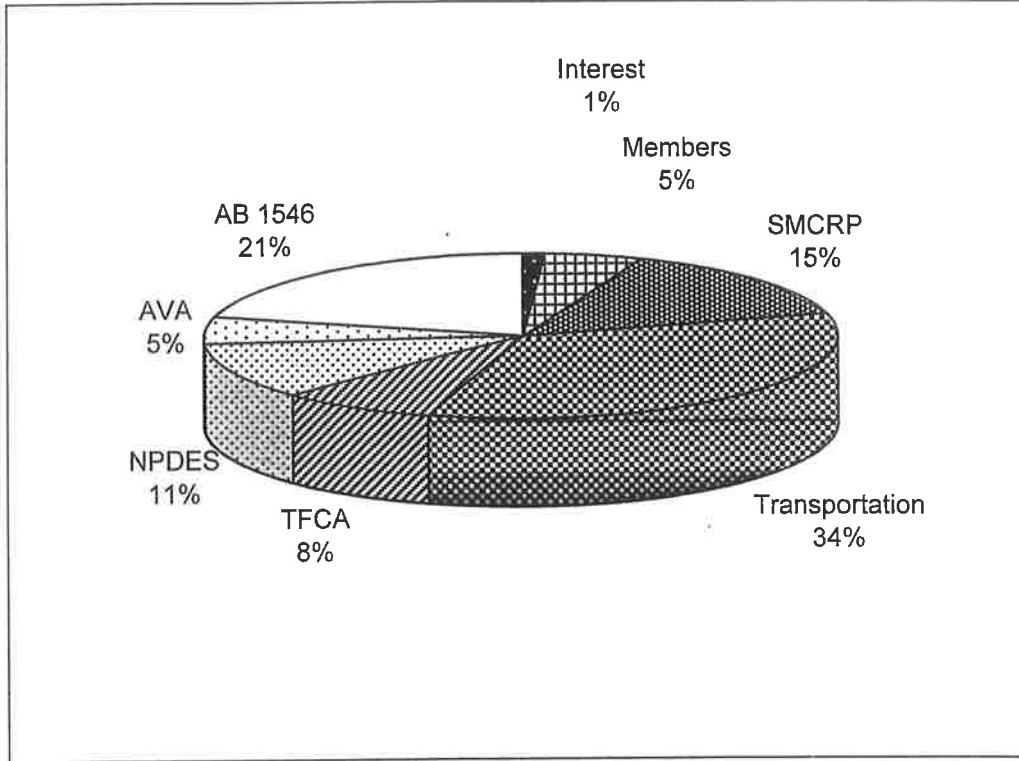
Agency	C/CAG FEE FY 10-11		CONGESTION RELIEF PROGRAM ASSESSMENT		COUNTYWIDE HOUSING ELEMENT UPDATE		NPDES MEMBER ASSESSMENT			
	% Popul. (as of 1/1/06)	General Fund Gas Tax Fee	Agency	% of Trip Generation/Benefit	Agency	% Popul. (as of 1/1/06)	Agency	% Popul. (as of 1/1/06)	NPDES Basic (1)	NPDES Extended / Total (1)
Alhambra	1.00%	\$250,024	Alhambra	1.34%	Alhambra	1.00%	Alhambra	1.00%	\$10,906	\$8,518
Belmont	3.54%	\$2,407	Belmont	3.56%	\$24,845	3.54%	Belmont	3.54%	\$30,446	\$23,780
Brisbane (2)	0.52%	\$8,866	Brisbane (2)	1.18%	\$65,984	0.52%	Brisbane (2)	0.52%	\$6,767	\$15,431
Burlingame	3.91%	\$1,293	Burlingame	5.19%	\$107,193	3.91%	Burlingame	3.91%	\$34,339	\$26,822
Colma	0.22%	\$544	Colma	0.50%	\$9,224	0.22%	Colma	0.22%	\$2,293	\$5,224
Daly City	14.48%	\$36,123	Daly City	10.79%	\$199,610	14.48%	Daly City	14.48%	\$81,553	\$63,699
East Palo Alto	4.43%	\$11,078	East Palo Alto	2.10%	\$44,633	4.43%	East Palo Alto	4.43%	\$17,681	\$13,811
Foster City	4.13%	\$10,324	Foster City	4.90%	\$96,679	4.13%	Foster City	4.13%	\$32,692	\$24,535
Half Moon Bay	1.76%	\$4,399	Half Moon Bay	1.27%	\$24,451	1.76%	Half Moon Bay	1.76%	\$18,581	\$14,513
Hillsborough	1.51%	\$3,786	Hillsborough	1.27%	\$24,491	1.51%	Hillsborough	1.51%	\$14,105	\$11,017
Menlo Park	4.25%	\$10,618	Menlo Park	5.37%	\$103,109	4.25%	Menlo Park	4.25%	\$42,985	\$33,575
Millbrae	2.86%	\$7,160	Millbrae	3.27%	\$69,419	2.86%	Millbrae	2.86%	\$22,529	\$17,597
Pacifica	5.35%	\$13,376	Pacifica	3.50%	\$64,742	5.35%	Pacifica	5.35%	\$45,183	\$35,291
Portola Valley	0.63%	\$1,572	Portola Valley	0.41%	\$7,607	0.63%	Portola Valley	0.63%	\$7,227	\$5,645
Redwood City	5.73%	\$14,335	Redwood City	13.42%	\$248,197	10.51%	Redwood City	10.51%	\$78,175	\$61,061
San Bruno	3.90%	\$9,760	San Bruno	5.55%	\$102,604	5.73%	San Bruno	5.73%	\$42,460	\$33,165
San Carlos	8.50%	\$21,347	San Carlos	4.77%	\$88,246	3.90%	San Carlos	3.90%	\$39,176	\$30,999
San Mateo	0.76%	\$1,901	San Mateo	16.11%	\$298,110	13.03%	San Mateo	13.03%	\$94,938	\$74,154
South San Francisco	8.94%	\$22,359	South San Francisco	8.99%	\$166,325	8.54%	South San Francisco	8.54%	\$73,573	\$57,779
Woodside (3)			Woodside (3)	0.69%	\$11,189	0.76%	Woodside (3)	0.76%	\$9,046	\$7,066
San Mateo County			San Mateo County	4.90%	\$90,667	8.94%	San Mateo County	8.94%	\$82,636	\$64,545
TOTAL	100	\$250,024	TOTAL	100.0%	\$1,850,000	100.00%	TOTAL	100.00%	\$790,227	\$617,230

1- Except, those in bold is collected by the San Mateo County Flood Control District
2- Bold indicate Cities pay 1/2 from their General Fund
3- Woodside pays for Both NPDES Basic and NPDES Extended from City Funds
4- Estimate of Fees. Budget includes \$1,410,437
5- Increased by 1%

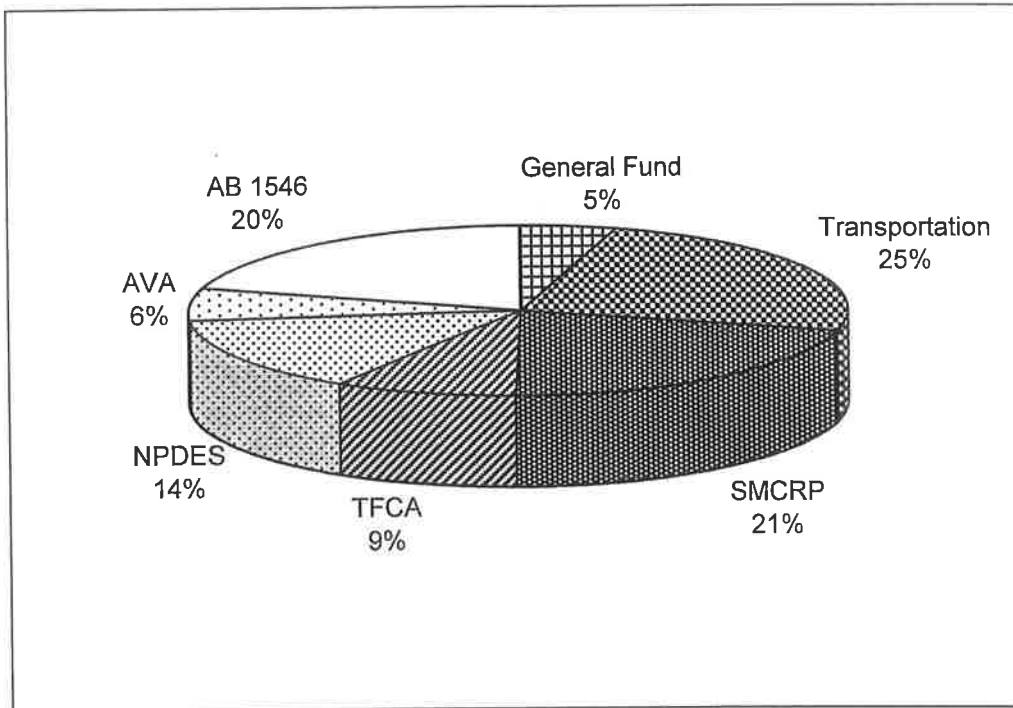
ATTACHMENT C

Graphical Representation of C/CAG Budget

C/CAG REVENUES FY 2010-11

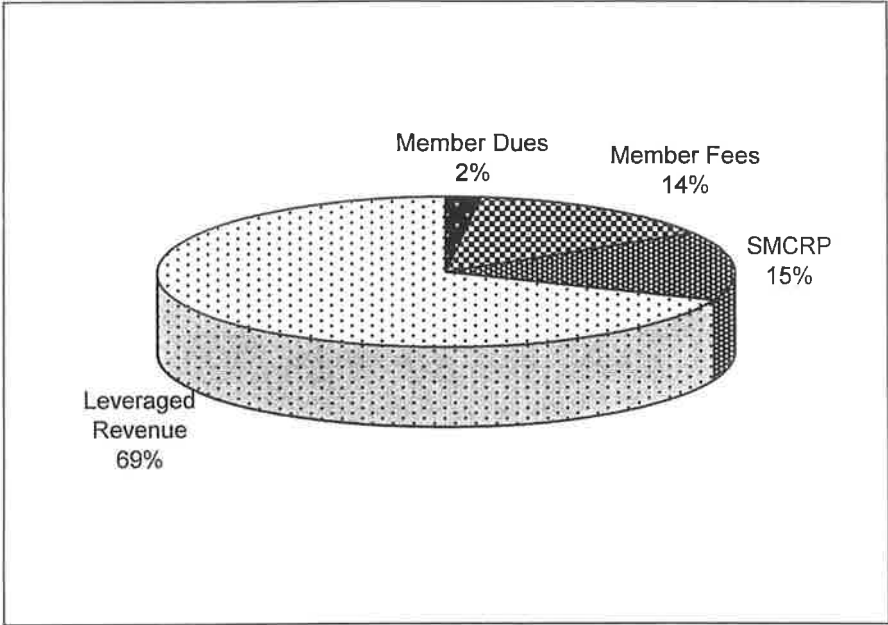


C/CAG EXPENDITURES FY 2010-11



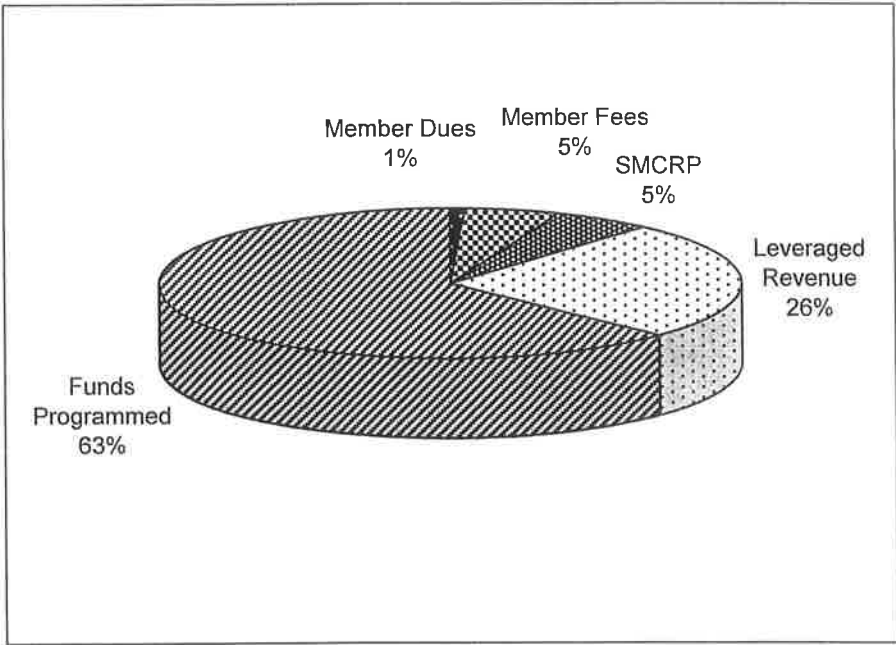
C/CAG MEMBER DUES/ FEES HIGHLY LEVERAGED

C/CAG REVENUES FY 2010-11



Leverage= 5.22073 to 1
(Less SMCRP Funds)

C/CAG CONTROLLED FUNDS FY 2010-11



Leverage= 15.5553 to 1
(Less SMCRP Funds)

ATTACHMENT D

Resolution 10-25 adopting the C/CAG 2010-11 Program Budget and Fees

RESOLUTION 10-25

* * * * *

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CITY/COUNTY ASSOCIATION OF GOVERNMENTS
OF SAN MATEO COUNTY (C/CAG) ADOPTING THE C/CAG 2010-11 PROGRAM
BUDGET AND FEES**

* * * * *

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), that,

WHEREAS, C/CAG is authorized as a Joint Powers Agency to provide services for member agencies; and

WHEREAS, C/CAG is required to adopt a program budget and establish fees annually; and

WHEREAS, C/CAG must use the latest population data available from the State of California, dated 1/01/06, in establishing the member assessments; and

WHEREAS, a C/CAG 2010-11 Program Budget and fees has been proposed;

NOW, THEREFORE, BE IT RESOLVED that the City/County Association of Governments of San Mateo County (C/CAG) adopts the C/CAG 2010-11 Program Budget and Fees.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF JUNE 2010.

Thomas M. Kasten, Chair

ATTACHMENT E

FY 2009 - 10 Projection vs. FY 2009 - 10 Updated Budget

•

06/02/10	C/CAG PROJECTION VS UPDATED BUDGET				
	Updated	Projected			
	Budgeted	Actual	Budget	Budget	
	FY 2009-10	FY 2009-10	Change	% Change	
BEGINNING BALANCE	8,110,890	7,859,839	(251,051)	-3.10%	
RESERVE BALANCE	332,766	376,112	43,346	13.03%	
PROJECTED REVENUES					
Interest Earnings	138,000	121,000	(17,000)	-12.32%	
Member Contribution	2,597,641	2,597,903	262	0.01%	
Cost Reimbursements-SFIA	0	100,000	100,000	0.00%	
MTC/ Federal Funding	1,062,000	892,000	(170,000)	-16.01%	
Grants	442,000	431,050	(10,950)	-2.48%	
DMV Fee	4,422,117	4,426,185	4,068	0.09%	
NPDES Fee	1,289,361	1,398,457	109,096	8.46%	
TA Cost Share	475,000	457,840	(17,160)	-3.61%	
Miscellaneous/ SFIA	25,000	52	(24,948)	-99.79%	
Street Repair Funding	0	0	0	0.00%	
PPM-STIP	1,960,000	1,245,075	(714,925)	-36.48%	
Assessment	0	0	0	0.00%	
TLSP	0	0	0	0.00%	
	0	0	0	0.00%	
Total Revenues	12,411,119	11,669,562	(741,557)	-5.97%	
TOTAL SOURCES OF FUNDS	20,522,009	19,529,401	(992,608)	-4.84%	
PROJECTED EXPENDITURES					
Administration Services	422,411	313,551	(108,860)	-25.77%	
Professional Services	1,797,504	1,962,311	164,807	9.17%	
Consulting Services	5,283,765	3,074,706	(2,209,059)	-41.81%	
Supplies	63,500	61,532	(1,968)	-3.10%	
Prof. Dues & Memberships	220,817	130,734	(90,083)	-40.80%	
Conferences & Meetings	21,500	16,895	(4,605)	-21.42%	
Printing/ Postage	37,750	2,168	(35,582)	-94.26%	
Publications	5,500	36,046	30,546	555.38%	
Distributions	5,728,000	4,074,515	(1,653,485)	-28.87%	
Street Repair	0	0	0	0.00%	
Miscellaneous	11,594	28,716	17,122	147.68%	
Bank Fee	500	2,000	1,500	300.00%	
Audit Services	7,000	7,000	0	0.00%	
Project Management	0	103,385	103,385	0.00%	
Total Expenditures	13,599,841	9,813,559	(3,786,282)	-27.84%	
TRANSFERS					
Transfers In	650,000	300,000	(350,000)	-53.85%	
Transfers Out	650,000	300,000	(350,000)	-53.85%	
Total Transfers	0	0	(0)	-74.47%	
NET CHANGE	(1,188,723)	1,856,003	3,044,725	256.13%	
TRANSFER TO RESERVES	0	0	0	0.00%	
TOTAL USE OF FUNDS	13,599,840	9,813,558	(3,786,282)	-27.84%	
ENDING FUND BALANCE	6,922,169	9,715,843	2,793,674	40.36%	
RESERVE FUND BALANCE	332,766	376,112	43,346	13.03%	
NET INCREASE (Decrease) IN FUND BALANCE	(1,188,722)	1,856,004	3,044,725	256.13%	

Note: Beginning/ Ending Reserve Fund Balance is not included in Beginning/ Ending Fund Balance

ATTACHMENT F

Key Budget Definitions/ Acronyms

Key Budget Definitions/ Acronyms

AB 434 - Transportation Fund for Clean Air Program
AB 1546 Program - San Mateo County Environmental/ Transportation Pilot Program
AVA - Abandoned Vehicle Abatement
BAAQMD - Bay Area Air Quality Management District
BPAC - Bicycle and Pedestrian Advisory Committee
Cal PUC - California Public Utilities Commission
C/CAG - City/ County Association of Governments
CMAQ - Congestion Mitigation and Air Quality
CMP 111 - Congestion Management Program (Proposition 111)
DMV - Department of Motor Vehicles
ECR - El Camino Real
ISTEA - Intermodal Surface Transportation Equity Act
ITS - Intelligent Transportation Study
LGP - Local Government Partnership with PG&E and Cal PUC
Measure A - San Mateo County Sales Tax for Transportation
MTC - Metropolitan Transportation Commission
Normalized - Years in a multi-year analysis all referred to a base year.
NPDES - National Pollutant Discharge Elimination System
Peninsula 2020 Gateway Study - San Mateo and Santa Clara County study on Highway 101 and access to the Dumbarton Bridge.
PPM - Planning Programming and Monitoring
PSR - Project Study Report
RWQCB - San Francisco Bay Area Regional Water Quality Control Board
SFIA - San Francisco International Airport
SMCRP - San Mateo Congestion Relief Plan Program
STIP - State Transportation Improvement Program (State and Federal Transportation Funds)
STOPPP - Storm-water Pollution Prevention Program
STP - Surface Transportation Program (Federal Funds)
TA - Transportation Authority
TAC - Congestion Management Technical Advisory Committee
TDA - Transportation Development Act Article III Funding
TFCA - Transportation Fund for Clean Air (Also known as AB 434)
TLSP - Traffic Light Synchronization Program - Part of Proposition 1B Infrastructure Bond
VTA - Santa Clara Valley Transportation Authority

C/CAG AGENDA REPORT

Date: June 10, 2010

To: City/County Association of Governments Board of Directors

From: Richard Napier, Executive Director

Subject: Review and approval of Resolution 10-34 authorizing the C/CAG Chair to execute the agreement between C/CAG and the County of San Mateo Department of Public Works for construction of Smart Corridor North and South Segments Project (Project 4), in an amount not to exceed \$7,150,000.

(For further information or questions contact Jean Higaki at 599-1462)

RECOMMENDATION

That the C/CAG Board approve Resolution 10-34 authorizing the C/CAG Chair to execute the agreement between C/CAG and the County of San Mateo Department of Public Works for construction of Smart Corridor North and South Segments Project (Project 4), in an amount not to exceed \$7,150,000.

FISCAL IMPACT

C/CAG agrees to fund the construction of San Mateo County Smart Corridor Project 4 in the amount of up to \$7,150,000. C/CAG will also fund design consultant cost during construction estimated at \$254,000.

SOURCE OF FUNDS

Funding for Project 4 comes from the Regional State Transportation Improvement Program (STIP) and the San Mateo Transportation Authority Measure A (Measure A) funds per an agreement executed October 1, 2009.

BACKGROUND/DISCUSSION

It is noted that the Smart Corridors project is broken into 5 separate projects:

- Project number 1 consists of El Camino Real and other major streets in the City of San Mateo from Hillsdale Boulevard to Highway 92 (**The pilot project**)
- Project number 2 is an internal State Project which interconnects signals along El Camino Real (**Separate State Funded Project**)
- Project number 3 includes El Camino Real and all other locations within the State right-of-way (**State portion**)

ITEM 6.5

- Project number 4 consists of all local arterials and streets (**Local portion**)
- Project number 5 consist of software and hardware integration of the entire system (**State portion**)

SMART CORRIDOR NORTH AND SOUTH SEGMENTS PROJECT (PROJECT 4)

Since Project 4 is located mostly on local streets, it was decided that C/CAG would design the project, prepare all required construction documents, and administer the construction contract.

C/CAG is not set up to administer construction contracts and has requested that the County of San Mateo Department of Public Works (County) administer the construction contract. The County is much more proficient and experienced with construction engineering and construction contract administration.

Some of the benefits in using County services are as follows: The County has mixed technical staff and skills to administer large and complex projects and is very familiar working with the Cities in the project area. The County is also a C/CAG member agency and is not profit motivated. Finally, C/CAG staff and County staff share the same location that facilitates close communications.

County staff is heavily involved in the design review process. It is estimated that County service will be approximately \$650,000 and construction contract cost will be \$6,500,000.

Project 4 designs are currently close to 65% complete and estimate is as follows:

Construction contract	\$6,500,000
<u>Construction Engineering</u>	<u>\$650,000</u>
Total	\$7,150,000

C/CAG will have a separate contract for design consultant services during construction, which is currently estimated at \$254,000. The total construction cost is estimated at \$7,404,000.

Since the County does not have the cash flow to support a reimbursable operation, C/CAG is negotiating with the San Mateo County Transportation Authority to provide their agreed project match in the form of an initial deposit \$2,000,000 to support the construction contract payments until reimbursement from the State takes effect.

The target design completion date is August 2010. Under this agreement the County will advertise, award, and administer the construction contract for Project 4. The County staff has reviewed and commented on a draft of the agreement. A draft of the agreement is attached hereto and will be approved as to form by C/CAG Legal Counsel prior to execution. A Board resolution is required for execution of this agreement.

ATTACHMENTS

- Resolution 10-34
- Draft Construction Contract Administration Agreement

RESOLUTION 10-34

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE C/CAG CHAIR TO EXECUTE THE AGREEMENT BETWEEN C/CAG AND THE COUNTY OF SAN MATEO DEPARTMENT OF PUBLIC WORKS OF SMART CORRIDOR NORTH AND SOUTH SEGMENTS PROJECT (PROJECT 4), IN AN AMOUNT NOT TO EXCEED \$7,150,000.

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), that

WHEREAS, C/CAG has developed the San Mateo County Smart Corridors Project to implement traffic management strategies with the deployment of Intelligent Transportation Systems (ITS); and

WHEREAS, the Smart Corridor North and South Segments Project (Project 4) consists of work mostly on local roads; and

WHEREAS, C/CAG will have plans and specifications prepared for Project 4 work, and will assist County to secure all necessary construction encroachment permits for the proposed construction of Project 4; and

WHEREAS, State Transportation Improvement Program (STIP) and San Mateo Transportation Authority Measure A (Measure A) funds can be made available to finance the construction contract, construction engineering, and construction contract administration for Project 4; and

WHEREAS, C/CAG has requested the assistance of the County, as C/CAG does not typically do contract administration or construction inspection for road related projects; and

WHEREAS, the County has the ability to provide construction management services to administer Project 4; and,

WHEREAS, the County is willing and able to administer the construction contract for Project 4 using funds provided by C/CAG, and C/CAG has budgeted \$7,150,000 for the implementation of the Project 4 construction contract from STIP and Measure A funds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the Chair is authorized to execute the agreement between C/CAG and the County of San Mateo Department of Public Works for construction of Smart Corridor North and South Segments Project (Project 4), in an amount not to exceed \$7,150,000. The final agreement will be reviewed and approved by C/CAG Legal Counsel as to form.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF JUNE 2010.

Thomas M. Kasten, C/CAG Chair

**AGREEMENT BETWEEN
THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO
COUNTY (C/CAG) AND THE COUNTY OF SAN MATEO DEPARTMENT OF PUBLIC
WORKS (COUNTY), FOR CONSTRUCTION CONTRACT ADVERTISEMENT,
AWARD, AND ADMINISTRATION FOR THE SMART CORRIDOR NORTH AND
SOUTH SEGMENTS PROJECT IN SAN MATEO COUNTY**

THIS AGREEMENT is entered into as of the _____ day of _____, 2010, by and between the City/County Association of Governments (C/CAG) and the County of San Mateo, Department of Public Works, (COUNTY).

W I T N E S S E T H:

WHEREAS, C/CAG was awarded funding from the Traffic Light Synchronization Program (TLSP), which is part of the Proposition 1B State Infrastructure Bond, and obtained additional funding from the 2008 State Transportation Improvement Program (STIP), Measure A Sales Tax, and local funds to implement a San Mateo County Smart Corridors Project; and

WHEREAS, the San Mateo County Smart Corridors Project is consisted of several projects, one of which is the Smart Corridor North and South Segments project, described as Project 4 in Exhibit A; and

WHEREAS, C/CAG has programmed \$7,150,000 dollars for the construction phase of the Smart Corridor North and South Segments project; and

WHEREAS, the Smart Corridor North and South Segments project, referred to as "Smart Corridor Project" hereafter, is defined in the Plans, Specifications, and Estimates (PS&E) prepared by C/CAG and to be approved by Public Works, incorporated herein by reference, and is generally consists of the installation of Intelligent Transportation System devices on various state and local city streets in multiple cities jurisdictions; and

WHEREAS, C/CAG will assist County to secure all necessary construction encroachment permits for the Smart Corridor Project; and

WHEREAS, C/CAG has requested the assistance of COUNTY for the Smart Corridor Project, as C/CAG does not typically do contract administration or construction inspection for road related projects; and

WHEREAS, COUNTY is willing and able to provide construction contract advertisement, award, and administration services (Services) for the Smart Corridor Project; and,

WHEREAS, C/CAG has agreed to fully compensate COUNTY for Services provided in the Smart Corridor Project; and

WHEREAS, COUNTY has agreed to provide Services for the Smart Corridor Project for \$650,000.

NOW, THEREFORE, IT IS HEREBY AGREED by the parties hereto, as follows:

1. SCOPE OF SERVICES

COUNTY agrees to advertise, award, and administer the construction contract for the Smart Corridor Project, as described in the Plans and Specifications, and Estimates (PS&E) prepared by C/CAG and to be approved by County Public Works Director. COUNTY further agrees to provide all deliverables as described in Exhibit B attached hereof.

2. TIME OF PERFORMANCE

The services funded by this agreement shall commence after full execution of this agreement AND after C/CAG notifies COUNTY of the project funding allocation approval by the California Transportation Commission. This agreement shall be terminated by Smart Corridor Project close out or by December 31, 2015, whichever is earlier. County shall perform the construction phase services based on the schedule duration provided in the Project specifications and the approved construction contract. Termination of this agreement prior to Project close out shall be in writing and by mutual agreement between the County's Public Works Director and the C/CAG Executive Director.

3. FUNDING AND METHOD OF PAYMENT

- a. C/CAG agrees to fully compensate COUNTY for services provided in the Smart Corridor Projects in an amount not to exceed \$650,000, as shown in Exhibit C, attached herein. Any additional unforeseen costs shall require prior written approved by C/CAG Executive Director.
- b. C/CAG agrees to fully compensate COUNTY for the construction capital costs of the Smart Corridor Project, estimated at \$6,500,000.
- c. All payments will be on a reimbursable basis except for an initial deposit of \$2,000,000 from C/CAG at the time of construction contract award to assist COUNTY in cash-flow.
- d. County agrees to initially finance the work with the \$2,000,000 initial deposit from C/CAG and from its own funds and further agrees that it will submit the necessary documentation in order to receive reimbursement of costs through C/CAG.
- e. C/CAG agrees to provide all necessary design support during the construction of the Smart Corridor Project.
- f. C/CAG agrees to reimburse the County for construction contract change orders, in accordance with item "g" of this section.

- g. All contract change orders exceeding an aggregate total of \$300,000 shall obtain written approval from the C/CAG Executive Director or his delegate before change order work can proceed.
- h. County shall submit monthly billings, accompanied by the activity reports, deliverables, and invoices issued by contractor or progress payments issued by County as proof that services were rendered and paid for by the County. Upon receipt of the invoice and approval of its accompanying documentation, C/CAG shall pay the amount invoiced under this agreement within ninety (90) days of receipt of the invoice, delivered or mailed to the County as follows:

County of San Mateo
Director of Public Works
555 County Center, 5th Floor
Redwood City, CA 94063-1665

- i. Subject to duly executed amendments, should the lowest contractor's bid price exceed by more than 10% of the Engineer's Estimates as approved by the California Transportation Commission, an amendment to this agreement will be required for C/CAG to provide the additional funding required to complete the Project. C/CAG will notify the County in writing within 30 days to advise whether the proposal is acceptable. Otherwise, County shall immediately terminate this agreement and will be reimbursed for the incurred costs up to termination.

4. AMENDMENTS

Any changes in the services to be performed under this Agreement shall be incorporated in written amendments, which shall specify the changes in work performed and any adjustments in compensation and schedule. All amendments shall be executed by C/CAG's Executive Director and County's Public Works Director. No claim for additional compensation or extension of time as described in section 2 of this agreement shall be recognized unless contained in a duly executed amendment.

5. NOTICES

All notices or other communications to either party by the other shall be deemed acceptable given when made in writing and delivered or mailed to such party at their respective addresses as follows:

To C/CAG: Attention: Richard Napier, Executive Director
 City/County Association of Governments
 555 County Center, 5th Floor
 Redwood City, CA 94063

To County: Attention: James C. Porter, Director of Public Works
County of San Mateo Department of Public Works
555 County Center, 5th Floor
Redwood City, CA 94063

6. INDEPENDENT CONTRACTOR

County and its employees, agents and consultants shall be deemed independent contractors of C/CAG. Nothing herein shall be deemed to create any joint venture or partnership arrangement between County and C/CAG.

7. MUTUAL HOLD HARMLESS

- a. It is agreed that C/CAG shall defend, save harmless and indemnify County, its officers and employees from any and all claims which arise out of the terms and conditions of this Agreement and which result from the negligent acts or omissions of C/CAG, its officers and/or employees.
- b. It is agreed that County shall defend, save harmless, and indemnify C/CAG, its officers and employees from any and all claims for injuries or damage to persons and/or property which arise out of the terms and conditions of this Agreement and which result from the negligent acts or omissions of County, its officers and/or employees.
- c. In the event of concurrent negligence of County, its officers and/or employees, and C/CAG, its officers and/or employees, then the liability for any and all claims for injuries or damage to persons and/or property which arise out of terms and conditions of this Agreement shall be apportioned according to the California theory of comparative negligence.

IN WITNESS WHEREOF, this funding agreement between the City/County Association of Governments (C/CAG) and the County of San Mateo, Department of Public Works for construction contract advertisement, award, and administration of the Smart Corridor Project has been executed by the parties hereto as of the day and year first written above.

CITY/COUNTY ASSOCIATION OF
GOVERNMENTS

COUNTY OF SAN MATEO
DEPARTMENT OF PUBLIC WORKS

Thomas M. Kasten., C/CAG Chair

Richard Gordon, President of the San Mateo County
Board of Supervisors

Approved as to form:

C/CAG Legal Counsel

Deborah Penny Bennett, County Counsel

Information contained in Exhibit A is for illustrative purposes only. Detail description of the Smart Corridor North and South Segments Project is as described in the Plans, Specifications, and Estimates prepared by C/CAG and approved by County.

BACKGROUND

The City/County Association of Governments (C/CAG) and the San Mateo County Transportation Authority have initiated an effort to develop an Alternate Routes Plan for the San Mateo County Highway US 101-corridor system. The Alternate Routes Project focused on predefining emergency alternate routes to be used in an event of a major traffic incident along Highway US 101 that causes traffic to be diverted off the freeway and onto the local street network, which includes primarily El Camino Real. The alternate routes provide diverted freeway traffic a clear path around major freeway incidents thereby minimizing the impact to residents and businesses of local jurisdictions caused by major traffic incidents.

From the Alternative Routes Plan, an Intelligent Traffic Systems (ITS) infrastructure improvement project was developed called the “Smart Corridors Project”. This Project will provide specific ITS infrastructure elements for the identification of traffic conditions and the direction and management of resultant traffic congestion on local streets during an incident on Highway US 101. The elements include the following:

Traffic Signal Upgrades and Interconnection – These devices will allow modification of signal timing along specific roadways, from the Caltrans Traffic Management Center (TMC) or a central command hub in the City of San Mateo, during an incident.

Fixed and Pan-Tilt-Zoom (PTZ) and/ or Closed Circuit Television (CCTV) Cameras – These devices provide a visual tool for monitoring traffic flow and conditions along the alternative route.

Trailblazer Signs (TBS) – These devices provide route guidance for drivers along the alternative route. They also direct local street traffic away from entering the impacted freeway section.

Arterial System Detection – These devices may be part of an enhanced system to collect traffic speed and flow data along the alternative route.

Communication Network – Communications between field elements and central coordination facilities provide the backbone for transmitting and disseminating data and video.

PROJECT DESCRIPTION

The overall Smart Corridors Project objective is to provide local agencies remote access to ITS elements while providing the capability for Caltrans District 4 TMC in Oakland to manage the ITS elements and the roadway network during major incidents. The software system(s) that manages the devices installed for the Smart Corridors Project has not been selected at this point.

The design plans and specifications for the entire project are divided geographically into four distinct projects. The construction will also be broken into four subprojects, which must fit together seamlessly.

- Project 1 is a demonstration project, to be designed and constructed by the City of San Mateo. It is located near the Highway 92 and Highway US 101 interchange, along the Delaware and Saratoga Streets corridor.
- Project 2 is a signal interconnect project located along El Camino Real (SR 82). Project 2 is an internal Caltrans project, which will be designed and constructed entirely by Caltrans.
- Project 3 consists of portions of the Smart Corridor, located within state right of way (SR 82 and US 101). Project 3 will be designed and constructed entirely by Caltrans.
- Project 4 consists of the portion of the Smart Corridor mostly on local streets that is not within state right of way. Project 4 will consist of two separate plan and specification packages that are divided geographically. One package will cover the northern half of the project and one package will cover the southern half of the project.

Project 4 local streets are located within the cities of San Bruno, Millbrae, Burlingame, San Mateo, Belmont, San Carlos and Redwood City and within State right-of-way at El Camino Real (SR 82). They are divided into the following two segments:

- North Segment is from San Bruno Avenue to Poplar Avenue including, San Bruno Avenue, Millbrae Avenue, Broadway Ave, Peninsula Avenue, Poplar Avenue, Old Bayshore Road, Airport Boulevard, Rollins Road and California Avenue.
- South Segment is from Poplar Avenue to Whipple Avenue including, 3rd Avenue, 4th Avenue, Ralston Avenue, Harbor Boulevard, Holly Street, Brittan Avenue, Whipple Avenue, Delaware Street and Industrial Road.

Plans are expected to include the following details:

- Installation of communications network for traffic signals, trailblazers, detectors, and CCTV cameras.
- Installation of trail blazer and other route signage.
- Installation of both fixed and PTZ CCTV cameras.
- Installation of system detectors.

SCOPE OF WORK

In consideration of the payments set forth in Section 3h, of the Agreement, the following tasks and deliverables are included as part of this contract.

1. Inspection Procurement

- a. The County will advertise and procure specialty inspection services, if deemed necessary^[p1], in accordance with all applicable regulations.
- b. The County will respond to questions concerning the required services, if needed.

Deliverables:

- Description of inspection consultant and contractor roles and responsibilities. [p2]
- Prepare inspection contracts.
- Award inspection contracts.
- Administer inspection contracts.
- Prepare inspection contract amendments, if needed

2. Contract Advertise, Bid, and Award

- a. The County will advertise the project in accordance with all applicable regulations.
- b. The County will respond to questions concerning the plans, specifications, and estimates prior to bid opening and prepare contract addenda, if needed.
- c. The County will review construction bids received and make a recommendation for award of construction contract. Award will be presented to the C/CAG board for approval.

Deliverables:

- Prepare contract addenda, if needed.
- Prepare answers to bidder's questions during bid phase.
- Prepare recommendation for the award of the construction contract to C/CAG Executive Director.

3. Equipment Installation (if needed) for Project 4

- a. The Contractor shall purchase and install project equipment (CCTV cameras, detectors, signal controllers), conforming to project specifications.
- b. The County, with assistance from the inspection or design consultant, will receive all purchase documentation, copies of warranty information, maintenance and software licensing upon deployment. These documents will be delivered to C/CAG upon completion of the project.
- c. The County will coordinate any necessary factory and/or field-testing to ensure equipment is operational prior to delivery and field installation.

Deliverables:

- Equipment deliverables to file along with warranty and software licensing information.

- Draft and final test plan for factory and field testing, material certifications and testing results.

4. Construction

- a. The County will hold a pre-construction conference with contractor(s).
- b. The County, procured inspector, or design consultant will promptly interpret the intent of the Contract Documents in an unbiased manner, as to minimize construction delay.
- c. The County will ensure coordination between the multiple Smart Corridor construction contracts (e.g. Project 2 and Project 3) to avoid conflicts during construction.
- d. The County will provide construction surveys, if necessary.
- e. Utility locations on plans are only approximate and will require verification prior to construction. County will ensure that contractor verifies applicable utility locations prior to construction.
- f. The County shall ensure that traffic control measures are implemented as necessary to ensure that traffic is carried through the work area in an effective manner and that motorists, pedestrians, bicyclists, and workers are protected from hazards and accidents.
- g. The County shall ensure that County “Best Management Practices (BMP)” and/ or permit requirements, as accompanied by the Project’s environmental clearance documents, are adhered to during construction.
- h. County shall ensure that property owners that may be affected by the proposed construction activities are notified of the scope and duration of the construction activities.
- i. The County shall ensure that Contractors perform regular safety briefings and that Contractors adhere to site and job specific OSHA safety requirements.
- j. The County shall ensure that work is completed in a thorough, workmanlike manner and call to the C/CAG Executive Director’s or his designee’s attention to apparent errors or omissions and request instruction before proceeding with the work.
- k. The County will respond to Requests for Information and negotiate contract change orders if necessary.
- l. The County will conduct a final walk through of the constructed Project and prepare a "punch list" of work necessary to complete Project.
- m. The County shall maintain a Project file which includes, but is not limited to, punch list items, close out documentation, Operation and Maintenance manuals, and warranties.
- n. The County shall provide and maintain accurate field data on a red-lined set of contract Plans, which are to be kept current and submitted as complete at the conclusion of the construction. These record Plans will be used as documentation for progress payments, and upon Project completion, for the preparation of “as-built” Plans.

Deliverables:

- Responses to Requests for Information from contractor.
- Modifications or revisions that are related to the Project’s original scope and character.
- Contract change orders if necessary.
- Records of progress payments and final payments
- Project file documents as listed under section “1.” above.
- Final red-lined “as-built” plans^[p3].
- Inspection reports (daily journals and weekly reports).

5. System Testing

- a. The County shall coordinate with Caltrans and work with the installation contractor to test all system components and make modifications or repairs as required to ensure each system component is fully functional.

Deliverables

- Fully functional system of cameras, signs and interconnected traffic signals.

Upon the completion of this project, C/CAG or Caltrans should have the ability to observe CCTV inputs, operate and modify trailblazer sign messages, and monitor and control traffic signal operations. Prior to final acceptance, the County and/or Contractor will demonstrate to the City/County Association of Governments of San Mateo County (C/CAG) and Caltrans that the features listed above can be performed.

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[p1] We are trying to find out if our Tower Road Electrician(s) can help with electrical work inspection. We might need to hire specialty inspection for fiber optics installation.

Page: 8

[p2] Does that mean that PWs staff prepares a transmittal outlining duties to be performed by private consultant and/or contractor?

Page: 9

[p3] As-Builts Plans shall be prepared by Contractor. Will include such requirement into the Plans & Specs.

SMCo Smart Corridors Project. Construction management Estimated Charges.

May 20, 2010

Month	Working Days	Hours	Employee/Section	Current Rates	Expected Hrs	Charges
Oct-10	20	160	Ann S.	\$153.26	100.00	\$15,326.00
Nov-10	20	160	Karen P.	\$168.42	200.00	\$33,684.00
Dec-10	23	184	Design (Advertise/Award)	\$154.67	30.00	\$4,640.10
Jan-11	20	160	Zack A.	\$154.67	750.00	\$116,002.50
Feb-11	19	152	Matt H.	\$123.88	950.00	\$117,686.00
Mar-11	22	176	Emmett J.	\$113.13	950.00	\$107,473.50
	Total Hrs:	992	Keith N.	\$639.75	40.00	\$5,590.00
			Armando C.	\$113.13	40.00	\$4,525.20
			Lilya S.	\$113.13	100.00	\$11,313.00
			Admin Staff	\$56.26	40.00	\$2,250.40
			Accounting	\$52.75	40.00	\$2,110.00
			Drafting (Plans Repro, As-Builts)	\$114.85	24.00	\$2,756.40
			County Specialty Inspection		Lump Sum	\$45,000.00
			Consultant Specialty Inspection		Lump Sum	\$45,000.00
Estimated Construction Management Charges:						\$513,357.10

C/CAG AGENDA REPORT

Date: June 10, 2010

To: City/County Association of Governments Board of Directors

From: Richard Napier, C/CAG Executive Director

Subject: Receive results from the public opinion survey to determine the feasibility of placing a measure on the November 2010 ballot to impose a \$10 fee increase on motor vehicles registered in San Mateo County and make a determination on the adoption of Resolution 10-30 to support placing a ballot measure on the November 2010 for the \$10 fee increase

(For further information contact Richard Napier at 599-1420 or John Hoang at 363-4105)

RECOMMENDATION

That the C/CAG Board takes the following actions:

1. Receive results from the public opinion survey to determine the feasibility of placing a measure on the November 2010 ballot to impose a \$10 fee increase on motor vehicles registered in San Mateo County; and
2. Approve Resolution 10-30 to support placing the measure on the November 2010 ballot for the \$10 fee increase and authorizing staff to establish a final expenditure plan and other development efforts to place the measure on the ballot.

FISCAL IMPACT

Cost of election

If the Board approves Resolution 10-30 to support placing a measure on the November 2010 ballot, C/CAG would be responsible for the cost of placing the \$10 vehicle registration fee measure (VRF) on the ballot. The estimated costs for the County Registrar of Voters to place the measure on the ballot is \$825,000 to \$990,000 (based on \$2.50-\$3.00 per registered voter in San Mateo County. The County has approximately 330,000 registered voters). These costs would be reimbursable if the VRF passes by a simple majority vote.

Projected Revenue

If the \$10 VRF measure is approved by the voters in November 2010, the expected annual revenue will be approximately \$6,720,000.

SOURCE OF FUNDS

Staff proposes that the costs for placing the measure on the November 2010 ballot be funded by a combination of the C/CAG Congestion Relief Program and the existing \$4 VRF Program portion allocated for Administrative purposes.

BACKGROUND/DISCUSSION

Senate Bill 83 (SB 83), authored by Senator Hancock and signed into law, authorizes C/CAG, as the countywide transportation planning agency, to impose an annual fee of up to ten dollars (\$10) on motor vehicles registered in San Mateo County, through a simple majority vote ballot measure, for transportation-related congestion mitigation and pollution mitigation programs and projects.

Feasibility Survey

At the May 13, 2010 meeting, the Board authorized staff to proceed with entering into contract with a vendor to conduct a public opinion survey to determine the feasibility of placing a measure on the November 2010 ballot to impose a \$10 vehicle registration fee (VRF). Staff solicited proposals from two vendors, Godbe Research and EMC Research. Godbe had provided SB83/vehicle registration fee polling services for Marin County and EMC had provided similar services for Alameda, Contra Costa, San Francisco, and Solano Counties.

On May 19, 2010, a proposal review panel consisting of Richard Napier, Sandy Wong, and John Hoang interviewed the two firms and Godbe Research (in association with TBWB – feasibility consulting services) was selected based on their project approach, familiarity with San Mateo County, and previous work experience for agencies and school districts within the County. Reference checks were conducted and respondents provided positive feedback indicating that actual voting outcome for their respective measures were either within reasonable accuracy or better when compared to the polling results.

The polling service consists of conducting telephone interviews of 1,000 likely voters in San Mateo County as a whole. This sample size provides for 300 interviews in north, central, and southern San Mateo County, as well as 100 interviews of coastside voters. The San Mateo County SB83/VRF Feasibility Survey, which is 19-minutes in length, includes the following proposed expenditures:

- Repair, maintain and improve safety of city streets;
- Fund transit, including Samtrans and Caltrain;
- Enhance local public transportation for work, school and other trips including bus, bike and pedestrian alternatives;
- Reduce traffic and cut greenhouse gas emissions;
- Provide senior and disabled transportation; and
- Enhance Safe Routes to Schools

The survey was finalized on May 26, 2010 and polling began on Thursday, May 27, 2010. Polling is currently ongoing as of this writing and results are not available for inclusion with this report. The poll results are intended to inform the Board as to the likely intent of the voters to support the proposed fee and expenditures of revenue generated by the fees. Final polling results and summary will be presented at the Board meeting.

Expenditure Plan Framework

The SB 83 statute requires that the Board adopts, by a majority vote, a finding of fact that the projects and programs to be funded by the fee increase have a relationship or benefit to the persons who will be paying the fee, and the projects and programs are consistent with the Regional Transportation Plan (RTP). The Board is also required to adopt an expenditure plan allocating the revenue to transportation-related programs and projects

Similar to the current C/CAG \$4 VRF Program, it is proposed that 50% of the revenue collected under the potential \$10 VRF Program be allocated to local jurisdiction (or return to source). The remaining 50% will fund countywide programs. The draft Expenditure Framework indicated below provides a list of potential programs and projects that may receive funding from the new \$10 VRF. It is suggested that the measure only identify the 50% allocation to local jurisdictions with the C/CAG Board determining the rest.

Category	Allocation	Annual Revenue (Million)	20 Yr Revenue (Million)
Distribution to Local Jurisdictions for Local Streets and Roads/Stormwater Pollution Prevention	50%	\$3.35	\$67
Transit Operations (i.e., Caltrain, Samtrans)*	20%	\$1.34	\$26.8
Intelligent Transportation Systems (ITS)/San Mateo County Smart Corridor	10%	\$0.67	\$13.4
Safe Routes To School (SR2S)*	5%	\$0.34	\$6.8
NPDES (National Pollutant Discharge Elimination System)	5%	\$0.34	\$6.8
Senior Transportation Programs*	5%	\$0.34	\$6.8
Program Administration	5%	\$0.34	\$6.8
TOTAL	100%	\$6.72	\$134.4

** May not meet provisional requirements*

Proposed November 2010 “Stop Hidden Taxes” Ballot Initiative

A coalition of taxpayers and business groups, led by the California Chamber of Commerce and the California Taxpayers’ Association, has submitted signatures to election officials to qualify for an initiative for the November 2010 ballot. The initiative would amend the constitution to require that a “user fee”, which currently requires a simple majority vote to be classified as a “tax” which requires a two-thirds vote, and stop the Legislature from imposing hidden taxes on California taxpayers by referring to them as “fees”.

Issues for the Board’s consideration include the following:

- If the measure passes it will as a minimum significantly restrict the allowable \$10 VRF programs.
- As a maximum the measure may make an effective \$10 VRF Program impractical.
- Given the potential issues with this measure it would be beneficial to put a \$10 VRF measure on the ballot prior to the potential of this measure taking effect.

The November 2010 elections may not be best time to place the \$10 VRF measure on the ballot; however, it may be the best opportunity for San Mateo County to pass the measure.

Staff has asked C/CAG Legal Counsel to review the proposed “Stop Hidden Taxes” initiative and provide an analysis at the Board meeting.

ATTACHMENTS

- Final San Mateo County SB83/VRF Feasibility Survey
- Stop Hidden Taxes Initiative information
- Resolution 10-30

**San Mateo County SB83/VRF Feasibility Survey
Final**

Hello, may I speak with _____? Hello, my name is _____ and I'm calling on behalf of GRA, a public opinion research firm. We're conducting a survey concerning some important issues in your community, and we would like to hear your opinions. We really appreciate your time.

[IF NEEDED]: This is a study about issues of importance in your community. It is a survey only and I am not selling anything.

[IF THE PERSON ASKS WHY YOU ONLY WANT TO TALK TO THE INDIVIDUAL LISTED ON THE SAMPLE, OR ASKS IF THEY ARE ABLE TO PARTICIPATE INSTEAD OF THE INDIVIDUAL, THEN SAY: "I'm sorry, but for statistical purposes this survey must only be completed by this particular individual."]

[IF THE INDIVIDUAL INDICATES THAT THEY ARE AN ELECTED OFFICIAL, THANK THEM FOR THEIR TIME, POLITELY EXPLAIN THAT THE FOCUS OF THIS SURVEY IS ON THE PUBLIC'S PERCEPTION OF ISSUES, AND TERMINATE THE INTERVIEW.]

[IF THE INDIVIDUAL SAYS THEY ARE ON THE NATIONAL DO NOT CALL LIST, RESPOND BASED ON THE GUIDELINES FROM THE MARKETING RESEARCH ASSOCIATION. FOR EXAMPLE, IF THE INDIVIDUAL SAYS: "There's a law that says you can't call me," RESPOND WITH: "Most types of opinion research studies are exempt under the law that congress recently passed. That law was passed to regulate the activities of the telemarketing industry. This is a legitimate research call. Your opinions count!"]

Screener

- i. Do you, or does anyone in your household, serve as an elected or appointed public official, or work for a public relations or advertising agency, a market research or public opinion research firm, or is a member of the media?

Yes -----1 [THANK & TERMINATE]
 No-----2 [CONTINUE]
 [DON'T READ] DK/NA-----99 [THANK & TERMINATE]

- I'd like to begin by asking you about a number of issues facing San Mateo County residents. For each issue, please tell me if it is very important, somewhat important, or not at all important to you personally.

RANDOMIZE	Very <u>important</u>	Somewhat <u>important</u>	Not at all <u>important</u>	[DON'T READ] DK/NA
A. Improving public transportation -----	1	2	3	99
B. Funding local services, such as police, fire and parks ----	1	2	3	99
C. Preventing local tax increases -----	1	2	3	99
D. Keeping State Parks open -----	1	2	3	99
E. Maintaining the quality of education -----	1	2	3	99
F. Reducing impacts of climate change -----	1	2	3	99
G. Reducing traffic congestion -----	1	2	3	99
H. Preventing increases in vehicle registration fees-----	1	2	3	99

- Later this year, voters in your area may be asked to vote on several local ballot measures. Let me read you the summary of one of these potential measures:

In order to help:

- Repair, maintain and improve safety of city streets;
- Fund transit, including Samtrans and Caltrain;
- Enhance local public transportation for work, school and other trips including bus, bike and pedestrian alternatives;
- Reduce traffic and cut greenhouse emissions;
- Provide senior and disabled transportation; and,
- Enhance Safe Routes to Schools

shall San Mateo County levy a \$10 vehicle registration fee for each vehicle registered in San Mateo County, requiring annual audits to ensure funds are spent as promised? [75 words]

If the election were held today, would you vote yes or no on this measure? [GET ANSWER, THEN ASK]: Is that definitely [yes/no] or probably [yes/no]?

Definitely Yes -----	1
Probably Yes-----	2
Probably No -----	3
Definitely No-----	4
[DON'T READ] DK/NA-----	99

3. The measure we've been discussing would fund various transportation improvements. As I read each item to you, please tell me if you would be more or less likely to vote for the measure given this information.

If you heard that the money raised by the measure would be used to _____, would you be more or less likely to vote for the measure? [GET ANSWER, THEN ASK]: Is that much [more/less] likely or somewhat [more/less] likely?

[RANDOMIZE]	<u>Much More Likely</u>	<u>Swt. More Likely</u>	<u>[DON'T READ] No Effect</u>	<u>Swt. Less Likely</u>	<u>Much Less Likely</u>	<u>[DON'T READ] DK/NA</u>
A. Provide safe and accessible bike and pedestrian access to Caltrain and Samtrans-----	1	2	3	4	5	99
B. Improve pedestrian facilities on city streets and roads-----	1	2	3	4	5	99
C. Improve bike facilities on city streets and roads-----	1	2	3	4	5	99
D. Expand the use of alternative fuel vehicles-----	1	2	3	4	5	99
E. Provide senior and disabled transportation options--	1	2	3	4	5	99
F. Maintain existing pedestrian and bike paths-----	1	2	3	4	5	99
G. Help fund improved Samtrans service on local routes-----	1	2	3	4	5	99
H. Help fund Caltrain service-----	1	2	3	4	5	99
I. Help fix potholes and maintain neighborhood streets and roads-----	1	2	3	4	5	99
J. Reduce congestion by improving existing intersections and by better timing of traffic signals-----	1	2	3	4	5	99
K. The measure will help reduce water pollution caused by oil, gas and exhaust particles running into storm drains-----	1	2	3	4	5	99
L. Continue to expand local school programs teaching biking, walking and carpooling to school-----	1	2	3	4	5	99
M. Repair and maintain more than 1,800 miles of County roads to improve traffic circulation-----	1	2	3	4	5	99
N. Maintain street sweeping and storm drain clean out-	1	2	3	4	5	99
O. Creating safe bike and pedestrian routes to neighborhood schools-----	1	2	3	4	5	99

ROTATE QUESTIONS 6 AND 7.

4. During the next several months, voters will hear arguments from supporters *in favor of* the measure we have been discussing. As I read each of the arguments for the measure, please tell me if you would be more likely to vote “yes” on the measure, given the argument.

Here’s the (first/next): _____. Does hearing this make you much more likely or somewhat more likely to vote “YES” – or does it have no effect?

RANDOMIZE	<u>Much More Likely</u>	<u>Swt. More Likely</u>	<u>No Effect</u>	<u>[DON'T READ] DK/NA</u>
A. Every penny from this measure will benefit local transportation programs, no funds will go to the State -----	1-----	2-----	3-----	99
B. The measure would provide for safer neighborhood roadways for motorists, bicyclists and pedestrians -----	1-----	2-----	3-----	99
C. The measure would help reduce traffic congestion on Highway 101 and 280 within San Mateo County -----	1-----	2-----	3-----	99
D. The measure would help reduce traffic congestion on local roadways -----	1-----	2-----	3-----	99
E. The San Mateo County Highway 101 corridor is one of the most congested corridor in the Bay Area. It is critical to have well funded public transportation options, such as bus service -----	1-----	2-----	3-----	99
F. The measure will help reduce air pollution -----	1-----	2-----	3-----	99
G. The measure would help reduce traffic congestion on local roadways reducing critical emergency response times -----	1-----	2-----	3-----	99
H. With climate change and greenhouse gas emissions getting worse, we need to implement more environmentally friendly transportation options in San Mateo County -----	1-----	2-----	3-----	99
I. Safeguards like an independent citizens’ oversight committee will ensure that the money will be spent properly -----	1-----	2-----	3-----	99
J. The City and County Association of Governments of San Mateo County provides annual public reports of all expenditures. -----	1-----	2-----	3-----	99
K. The measure will help better connect all of the different transportation and transit alternatives in San Mateo County -----	1-----	2-----	3-----	99
L. The measure would help make public transportation more accessible, especially for seniors and disabled residents -----	1-----	2-----	3-----	99
M. The measure would help teach kids about healthy ways to travel -----	1-----	2-----	3-----	99
[SPLIT SAMPLE N & O 500 INTERVIEWS EACH]				
N. [SPLIT A] The expenditure plan would be updated and approved by the City County Association of Governments of San Mateo County every 20 years. -----	1-----	2-----	3-----	99
O. [SPLIT B] The expenditure plan would be updated and approved by the City County Association of Governments of San Mateo County every 10 years. -----	1-----	2-----	3-----	99
P. All of the money from the measure would stay in San Mateo County -----	1-----	2-----	3-----	99

5. During the next several months, voters will hear arguments from opponents **against** the measure we have been discussing. As I read each of the arguments against the measure, please tell me if you would be more likely to vote “no” on the measure, given the argument.

Here’s the (first/next): _____. Does hearing this make you much more likely or somewhat more likely to vote “NO” – or does it have no effect??

RANDOMIZE	<u>Much More Likely</u>	<u>Swt. More Likely</u>	<u>No Effect</u>	<u>[DON'T READ] DK/NA</u>
A. There will be another measure on the ballot at the same time that will increase the vehicle registration fee by another \$18 per vehicle to keep State Parks open-----	1-----	2-----	3-----	99
B. The vehicle registration fee will not cover the needs in San Mateo County and they will just come back to ask for more money in the future.-----	1-----	2-----	3-----	99
C. If the County managed its budget more efficiently, we would not have to pay more in taxes.-----	1-----	2-----	3-----	99
D. Voters passed a sales tax measure in 2004 to improve transportation in San Mateo County. Taxpayers are already making their contribution and shouldn't be asked to pay again.-----	1-----	2-----	3-----	99
E. With the current economic crisis, falling home prices, and rising unemployment, now is not the right time to raise taxes.-----	1-----	2-----	3-----	99
F. We cannot afford to have a vehicle registration fee increase at the same time as local sales tax, bond measures and parcel taxes for other local services priorities like schools and public safety.-----	1-----	2-----	3-----	99
F. The vehicle license fee increase by the state resulted in the recall of the governor in 2003 and it is still an unfair tax and a bad idea-----	1-----	2-----	3-----	99
G. The measure would never expire-----	1-----	2-----	3-----	99

6. Now that you know more about the measure, let me read the summary:

In order to help:

- Repair, maintain and improve safety of city streets;
- Fund transit, including Samtrans and Caltrain;
- Enhance local public transportation for work, school and other trips including bus, bike and pedestrian alternatives;
- Reduce traffic and cut greenhouse emissions;
- Provide senior and disabled transportation; and,
- Enhance Safe Routes to Schools

shall San Mateo County levy a \$10 vehicle registration fee for each vehicle registered in San Mateo County, requiring annual audits to ensure funds are spent as promised? [75 words]

If the election were held today, would you vote yes or no on this measure? [GET ANSWER, THEN ASK]: Is that definitely [yes/no] or probably [yes/no]?

Definitely Yes ----- 1
 Probably Yes----- 2
 Probably No ----- 3
 Definitely No----- 4
 [DON'T READ] DK/NA-----99

7. The number of additional transportation and transit programs that can be put into service in San Mateo County will depend on the amount of the vehicle registration fee approved by voters.

If you heard that the vehicle registration fee would be _____ for each vehicle registered in San Mateo County, would you vote yes or no on this ballot measure? [GET ANSWER, THEN ASK:] Is that definitely (yes/no) or probably (yes/no)?

[READ FIRST ITEM AND CONTINUE IN SEQUENCE UNTIL ALL ITEMS ARE READ. IF RESPONDENT SAYS "DEFINITELY YES," RECORD "DEFINITELY YES" FOR ALL OTHER LOWER TAX RATES AND GO TO THE NEXT QUESTION.]

[DO NOT RANDOMIZE]

	Definitely Yes	Probably Yes	Probably No	Definitely No	[DON'T READ] DK/NA
A. \$10 -----	1	2	3	4	99
B. \$5 -----	1	2	3	4	99

8. Next, I'd like you to think your household finances. Do you think that your household finances will be better, about the same, or worse by Fall 2010 than they are today?

Better----- 1
 About the same----- 2
 Worse----- 3
 [DON'T READ] DK/NA-----99

Now, some background questions for comparison purposes.

A. In the last 12 months, what type of transportation have you typically used to go to work or school? [IF MORE THAN ONE RESPONSE, PROBE FOR THE MOST TYPICAL MODE.]

- Bicycle-----1 (SKIP TO B)
- Bus / Samtrans-----2 (SKIP TO B)
- Carpool-----3 (SKIP TO B)
- Casual carpool / get rides from others -----4 (SKIP TO B)
- Drive alone -----5 (SKIP TO B)
- BART -----6 (SKIP TO B)
- Caltrain -----7 (SKIP TO B)
- Vanpool -----8 (SKIP TO B)
- Walk-----9 (SKIP TO B)
- Other [SPECIFY: _____]-----97 (SKIP TO B)
- [DON'T READ] Don't work or go to school-----98 (CONTINUE WITH A-1)
- [DON'T READ] Refused/DK/NA -----99 (SKIP TO B)

A-1. What kind of transportation do you use for your routine trips?

- Bicycle-----1 (SKIP TO D)
- Bus / Samtrans-----2 (SKIP TO D)
- Carpool-----3 (SKIP TO D)
- Casual carpool / get rides from others -----4 (SKIP TO D)
- Drive alone -----5 (SKIP TO D)
- BART -----6 (SKIP TO D)
- Caltrain -----7 (SKIP TO D)
- Vanpool -----8 (SKIP TO D)
- Walk-----9 (SKIP TO D)
- Other [SPECIFY: _____]-----97 (SKIP TO D)
- [DON'T READ] Refused/DK/NA -----99 (SKIP TO D)

B. About how many minutes each way is your daily commute?

- _____ minutes [RECORD NUMBER OF MINUTES]
- [DON'T READ] Do not commute-----98
- [DON'T READ] DK/NA-----99

C. What is your work or school zip code? _____

- _____ [RECORD ZIP CODE]
- [DON'T READ] Do not commute-----98
- [DON'T READ] DK/NA-----99

Thank you so much for participating in this survey!

D. Respondent's Gender:

- Male-----1
- Female-----2

INFORMATION FROM VOTER FILE: *All information is included in voter registration records, and these items will not be asked during interviews.*

E. Voting History:

	<u>No</u>	<u>Poll</u>	<u>Mail</u>
a. Voted Recall 10/03 -----	0	1	2
b. Voted 6/04 -----	0	1	2
c. Voted 11/04 -----	0	1	2
d. Voted 11/05 -----	0	1	2
e. Voted 6/06 -----	0	1	2
f. Voted 11/06 -----	0	1	2
g. Voted 2/08 -----	0	1	2
h. Voted 6/08 -----	0	1	2
i. Voted 11/08 -----	0	1	2
j. Voted 5/09 -----	0	1	2

F. [PLEASE COUNT TIMES VOTED IN QE] Times Voted in Last Ten Elections:

Never voted -----	0
1 of 10 -----	1
2 of 10 -----	2
3 of 10 -----	3
4 of 10 -----	4
5 of 10 -----	5
6 of 10 -----	6
7 of 10 -----	7
8 of 10 -----	8
9 of 10 -----	9
10 of 10 -----	10

G. [PLEASE COUNT TIMES VOTED BY MAIL IN QE] Absentee Voter:

Never voted absentee -----	0
1 of 10 -----	1
2 of 10 -----	2
3 of 10 -----	3
4 of 10 -----	4
5 of 10 -----	5
6 of 10 -----	6
7 of 10 -----	7
8 of 10 -----	8
9 of 10 -----	9
10 of 10 -----	10

H. Party:

Democrat -----	1
Republican -----	2
Other -----	3
DTS -----	4

I. Age

18-29 years-----	1
30-39 years-----	2
40-49 years-----	3
50-64 years-----	4
65+ years-----	5
Not coded-----	6

J. Registration Date:

2009 to present-----	1
2005 to 2008-----	2
2001 to 2004-----	3
1997 to 2000-----	4
1993 to 1996-----	5
1992 or before-----	6

K. Household Party Type:

Democrat (1)-----	1
Democrat (2+)-----	2
Republican (1)-----	3
Republican (2+)-----	4
Other (1)-----	5
Other (2+)-----	6
Democrat & Republican-----	7
Democrat & Other-----	8
Republican & Other-----	9
Democrat, Republican, & Other-----	0

L. Homeownership Status:

Owner-----	1
Renter-----	2

M. Permanent Absentee Voter:

Yes-----	1
No-----	2

N. Likely Absentee Voter:

Yes-----	1
No-----	2

O. Likely June 2010 Voter:

Yes-----	1
No-----	2

P. Likely Mail Ballot 2010 Voter:

Yes ----- 1
 No----- 2

Q. Supervisorial District

1st District ----- 1
 2nd District ----- 2
 3rd District ----- 3
 4th District ----- 4
 5th District ----- 5

R. City:

Atherton ----- 1
 Belmont ----- 2
 Brisbane ----- 3
 Burlingame ----- 4
 Colma ----- 5
 Daly City ----- 6
 East Palo Alto ----- 7
 Foster City ----- 8
 Half Moon Bay ----- 9
 Hillsborough ----- 10
 Menlo Park ----- 11
 Millbrae ----- 12
 Pacifica ----- 13
 Portola Valley ----- 14
 Redwood City ----- 15
 San Bruno ----- 16
 San Carlos ----- 17
 San Mateo ----- 18
 South San Francisco ----- 19
 Woodside ----- 20
 Unincorporated ----- 21

S. PRECINCT NUMBER [REQUIRED] _____

T. RESPONDENT'S ZIP CODE OF RESIDENCE [REQUIRED] _____

NAME _____ PHONE _____

ADDRESS _____

DATE OF INTERVIEW _____ VALIDATED BY _____

INTERVIEWER: _____ NUMBER: _____



1111 Broadway, 24th Floor
Oakland, CA 94607-4034

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Oakland, CA 94604-2047

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odclifford@wendel.com

May 27, 2010
Agenda Item 3.6

MEMORANDUM

May 20, 2010

TO: Dennis Fay and Beth Walukas, **CLIENT-MATTER NO.:** 000230-0001
Alameda County Congestion
Management Agency

FROM: R. Zachary Wasserman and Anagha Dandekar Clifford

RE: California "Stop Hidden Taxes" Initiative Information

We have reviewed the proposed "Stop Hidden Taxes" constitutional amendment. The point most applicable to SB 83 and the Vehicle Registration Fee appears to be the expansion of what would be considered a tax. The pertinent exception to a tax, for our purposes, is narrowed substantially to **only** include user charges, based on government's reasonable costs, for specific services or benefits that government provides directly and exclusively to the fee payer.

The amendment language states that the exception is "a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of conferring the benefit or granting the privilege to the payor."

The proposed effective date would be January 1, 2010.

We are further analyzing the ramifications of this, if passed, but the scope of the amendment, given the "exclusive benefit to the fee payer" language, may affect all programs we have suggested, because even the programs under "streets and roads" arguably benefit both fee payers and non fee payers.

November 23, 2009

09 - 0093

VIA PERSONAL DELIVERY

The Honorable Edmund G. Brown, Jr.
Attorney General
1300 I Street
Sacramento, CA 95814

RECEIVED

NOV 23 2009

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attention: Krystal Paris, Initiative Coordinator

Re: Request for Title and Summary- Initiative Constitutional Amendment

Dear Mr. Brown:

Pursuant to Article II, Section 10(d) of the California Constitution and Section 9002 of the Elections Code, I hereby request that a title and summary be prepared for the attached initiative constitutional amendment. Enclosed is a check for \$200.00. My residence address is attached.

All inquires or correspondence relative to this initiative should be directed to Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP, 1415 L Street, Suite 1200, Sacramento, CA 95814, (916) 446-8752, Attention: Steve Lucas (telephone: 415/389-6800).

Thank you for your assistance.

Sincerely,

Allan Zaremberg, Proponent

Enclosure: Proposed Initiative

SECTION 1 - FINDINGS AND DECLARATIONS OF PURPOSE.

The People of the State of California find and declare that:

(a) Since the people overwhelmingly approved Proposition 13 in 1978, the Constitution of the State of California has required that increases in state taxes be adopted by not less than two-thirds of the members elected to each house of the Legislature.

(b) Since the enactment of Proposition 218 in 1996, the Constitution of the State of California has required that increases in local taxes be approved by the voters.

(c) Despite these limitations, California taxes have continued to escalate. Rates for state personal income taxes, state and local sales and use taxes, and a myriad of state and local business taxes are at all-time highs. Californians are taxed at one of the highest levels of any state in the nation.

(d) Recently, the Legislature added another \$12 billion in new taxes to be paid by drivers, shoppers, and anyone who earns an income.

(e) This escalation in taxation does not account for the recent phenomenon whereby the Legislature and local governments have disguised new taxes as "fees" in order to extract even more revenue from California taxpayers without having to abide by these constitutional voting requirements. Fees couched as "regulatory" but which exceed the reasonable costs of actual regulation or are simply imposed to raise revenue for a new program and are not part of any licensing or permitting program are actually taxes and should be subject to the limitations applicable to the imposition of taxes.

(f) In order to ensure the effectiveness of these constitutional limitations, this measure also defines a "tax" for state and local purposes so that neither the Legislature nor local governments can circumvent these restrictions on increasing taxes by simply defining new or expanded taxes as "fees."

SECTION 2 - SECTION 3 OF ARTICLE XIII A OF THE CALIFORNIA CONSTITUTION IS AMENDED TO READ:

~~SEC. 3. (a) From and after the effective date of this article, any changes in state taxes enacted for the purpose of increasing revenues collected pursuant thereto. Any change in state statute which results in any taxpayer paying a higher tax whether by increased rates or changes in methods of computation must be imposed by an Act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property may be imposed.~~

(b) As used in this section, "tax" means any levy, charge, or exaction of any kind imposed by the State, except the following:

(1) A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of conferring the benefit or granting the privilege to the payor.

(2) A charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of providing the service or product to the payor.

(3) A charge imposed for the reasonable regulatory costs to the State incident to issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

(4) A charge imposed for entrance to or use of state property, or the purchase, rental, or lease of state property, except charges governed by Section 15 of Article XI.

(5) A fine, penalty, or other monetary charge imposed by the judicial branch of government or the State, as a result of a violation of law.

(c) Any tax adopted after January 1, 2010, but prior to the effective date of this Act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this Act unless the tax is reenacted by the Legislature and signed into law by the Governor in compliance with the requirements of this section.

(d) The State bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.

SECTION 3 - SECTION 1 OF ARTICLE XIII C OF THE CALIFORNIA CONSTITUTION IS AMENDED TO READ:

SECTION 1. Definitions. As used in this article:

(a) "General tax" means any tax imposed for general governmental purposes.

(b) "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity.

(c) "Special district" means an agency of the State, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with

limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.

(d) "Special tax" means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.

(e) *As used in this article, "tax" means any levy, charge, or exaction of any kind imposed by a local government, except the following:*

(1) A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.

(2) A charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.

(3) A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

(4) A charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.

(5) A fine, penalty, or other monetary charge imposed by the judicial branch of government or a local government, as a result of a violation of law.

(6) A charge imposed as a condition of property development.

(7) Assessments and property-related fees imposed in accordance with the provisions of Article XIII D.

The local government bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.

SECTION 4 - CONFLICTING MEASURES.

In the event that this measure and another measure or measures relating to the legislative or local votes required to enact taxes or fees shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the

provisions of the other measure or measures relating to the legislative or local votes required to enact taxes or fees shall be null and void.

SECTION 5 - SEVERABILITY.

If any provision of this Act, or any part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

RESOLUTION 10-30

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING STAFF TO ESTABLISH A FINAL EXPENDITURE PLAN AND UNDERTAKE DEVELOPMENT EFFORTS TO PLACE THE \$10 VEHICLE REGISTRATION FEE MEASURE ON THE NOVEMBER 2010 BALLOT

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), that

WHEREAS, C/CAG is the designated Congestion Management Agency responsible for the development and implementation of the Congestion Management Program for San Mateo County; and

WHEREAS, Senate Bill 83 (SB 83) authorizes a countywide transportation planning agency (Congestion Management Agency) to impose an annual fee of up to ten dollars (\$10) on motor vehicles registered in San Mateo County, through a simple majority vote ballot measure, for transportation-related congestion and pollution mitigation programs and projects; and

WHEREAS, the public polling results to determine the feasibility of placing a vehicle registration fee measure in the November 2010 ballot indicated a strong voter support for a \$10 vehicle registration fee increase; and

WHEREAS, the draft Expenditure Plan framework for the potential \$10 Vehicle Registration Fee allocates fifty percent (50%) to the 20 cities and the County (return to source) based on population and 50% towards countywide programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the City/County Association of Governments of San Mateo County by a vote of approval by Board Members:

1. Authorize staff to undertake efforts to place the \$10 VRF measure on the November 2010 ballot
2. Approve the draft Expenditure Plan framework for the potential \$10 VRF Program San Mateo County
3. Authorize staff to establish the Final Expenditure Plan and finding of fact that those programs bear a relationship or benefit to the motor vehicles that will pay the fee; and
4. Authorize staff to provide a Final Expenditure Plan at a Special Board meeting in July 2010 (exact date to be determined) for Board adoption.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF JUNE 2010.

Thomas M. Kasten, Chair

