

# 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. 254

- DATE:** Thursday, March 14, 2013
- 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>

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- 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 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. 253 dated February 14, 2013. ACTION p. 1
- 5.2 Review and approval of a recommendation from the C/CAG Airport Land Use Committee (ALUC), Re: San Francisco International Airport Land Use Compatibility Plan (ALUCP) consistency review of a referral from the City of Daly City, Re: Daly City General Plan update (*Daly City 2030*). ACTION p. 7
- 5.3 Review and approval of a recommendation from the C/CAG Airport Land Use Committee (ALUC), Re: San Francisco International Airport Land Use Compatibility Plan (ALUCP) consistency review of a referral from the City of Daly City, Re: Christopher Highlands Project (General Plan amendment and zone change for an 80-unit single-family subdivision). ACTION p. 21
- 5.4 Review and approval of a waiver of the Request for Proposals process to allow an extension of EOA, Inc.'s funding agreement to ensure uninterrupted compliance support for meeting Municipal Regional Permit requirements. ACTION p. 35
- 5.5 Review and approval of the appointment of Shobuz Ikbal from the City of Redwood City to fill a vacant seat on the Congestion Management Program Technical Advisory Committee (CMP TAC). ACTION p. 37
- 5.6 Receive copies of contracts approved by the C/CAG Chair and/or Executive Director in accordance with C/CAG Procurement Policy:
- 5.6.1 Executive Director executed contract with William Klein for staff services for the San Mateo County Energy Watch for an amount not to exceed \$17,000 for calendar year 2013 through 2014. INFORMATION p. 41
- 5.6.2 Executive Director executed contract with Bay Area Community Resources for an AmeriCorps Member to support the San Mateo County Energy Watch program for an amount not to exceed \$8,750. INFORMATION p. 49
- 5.7 Review and approval to add an environmental stakeholder seat to the Resource Management and Climate Protection (RMCP) Committee. ACTION p. 59
- 5.8 Review and accept the C/CAG quarterly investment report as of December 31, 2012. ACTION p. 63
- 5.9 Review and approval of the appointment of Commissioner Alicia Aguirre (Mayor of Redwood City) to the Congestion Management & Environmental Quality (CMEQ) Committee. ACTION p. 69
- 5.10 Review and approval of Resolution 13-10 authorizing the funding allocation of the OneBayArea Grant (OBAG) - Cycle 2 Transportation for Livable Communities (TLC) Program for the C/CAG 5th Cycle Transit Oriented Development (TOD) program commitments. ACTION p. 71
- 5.11 Review and accept information regarding C/CAG financial practices INFORMATION p. 79

*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 Presentation and discussion on the Caltrain Go Pass Program. ACTION p. 85
- 6.2 Review and approval of C/CAG Legislative policies, priorities, positions, and legislative update. (A position may be taken on any legislation, including legislation not previously identified.) ACTION p. 89
- 6.3 Receive an update on Countywide Funding Initiative for municipal stormwater compliance activities. INFORMATION p. 95
- 6.4 Election of a C/CAG Chairperson and C/CAG Vice Chairperson. ACTION p. 97

## 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 650 599-1406 or [nblair@co.sanmateo.ca.us](mailto:nblair@co.sanmateo.ca.us) or download a copy from C/CAG's website – [www.ccag.ca.gov](http://www.ccag.ca.gov).

## 10.0 ADJOURN

Next scheduled meeting: April 11, 2013.

**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: Sandy Wong 650 599-1409*

*Administrative Assistant: Nancy Blair 650 599-1406*

#### FUTURE MEETINGS

March 14, 2013	Legislative Committee- SamTrans 2 <sup>nd</sup> Floor Auditorium - 5:30 p.m.
March 14, 2013	C/CAG Board - SamTrans 2 <sup>nd</sup> Floor Auditorium - 6:30 p.m.
March 21, 2013	CMP Technical Advisory Committee- SamTrans 2 <sup>nd</sup> Floor Auditorium - 3:00 p.m. Conference Room C - 7:00 p.m.
March 25, 2013	CMEQ Committee - San Mateo City Hall- Conference Room C - 3:00 p.m.
March 25, 2013	Administrators' Advisory Committee- 555 County Center, 5 <sup>th</sup> Fl, Redwood City– Noon
March 28, 2013	Bicycle and Pedestrian Advisory Committee (BPAC)- San Mateo City Hall– 7:00 p.m.
April 12, 2013	Resource Management and Climate Protection Committee (RMCP)

# C/CAG

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### BOARD MEETING NOTICE

Meeting No. 253  
February 14, 2013

#### 1.0 CALL TO ORDER/ROLL CALL

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

Jerry Carlson - Atherton  
Clarke Conway – Brisbane (6:38)  
Terry Nagel – Burlingame, San Mateo County Transportation Authority (6:44)  
Joseph Silva - Colma  
David Canepa - Daly City  
Ruben Abrica - East Palo Alto  
Art Kiesel – Foster City  
Jay Benton - Foster City (6:34)  
Kirsten Keith - Menlo Park (6:43)  
Gina Papan - Millbrae  
Mary Ann Nihart - Pacifica  
Maryann Moise Derwin – Portola Valley  
Alicia Aguirre - Redwood City  
Irene O’Connell - San Bruno  
Bob Grassilli - San Carlos  
Brandt Grotte - San Mateo  
Karyl Matsumoto - South San Francisco, San Mateo County Transit District

Absent,

Belmont  
Half Moon Bay  
San Mateo County  
Woodside

Others:

Sandy Wong, Executive Director C/CAG  
Nancy Blair, C/CAG  
Lee Thompson, C/CAG Legal Counsel  
Tom Madalena, C/CAG Staff  
John Hoang, C/CAG Staff  
Jean Higaki, C/CAG Staff

**ITEM 5.1**

Matt Fabry, C/CAG Staff  
Kim Springer, San Mateo County  
Joe La Mariana, San Mateo County  
Susan Wright, San Mateo County  
Gus Khouri, Shaw/Yoder/Antwih  
Scott Hart, PG&E  
Onnolee Trapp, CMEQ, Committee, League of Women Voters of San Mateo County  
Tom Kasten, Hillsborough  
Kathy Lavezzo, PG&E  
Jennifer Stuart, PG&E  
Gloria Samayoa, El Concilio  
Ortensia Lopez, El Concilio

4.0 PRESENTATIONS/ ANNOUNCEMENTS

4.1 Certificate of Appreciation to Tom Kasten, C/CAG Board Member, for his years of dedicated service and contributions to C/CAG. INFORMATION

4.2 Certificate of Appreciation to Carlos Romero, C/CAG Board Member, for his years of dedicated service and contributions to C/CAG. INFORMATION

4.3 Presentation of Ceremonial Check for PG&E Rebates to Customers Served in the 2010 through 2012 San Mateo County Energy Watch Program Cycle. INFORMATION

Staff presented a ceremonial check, from PG&E, in the amount of \$1,590,459.72 representing the total amount of energy saved by San Mateo County customers in 2010 through 2012.

5.0 CONSENT AGENDA

Vice Chair Grotte MOVED approval of Items 5.1, 5.2, 5.4, 5.5, 5.6, 5.9, 5.10, 5.11, and 5.12. Board Member Keith SECONDED. **MOTION CARRIED** 17-0.

5.1 Approval of the minutes of regular business meeting No. 252 dated December 13, 2012. APPROVED

5.2 Review and Approval of Appointments to the C/CAG Stormwater Committee APPROVED

5.4 Review and approval of Measure M Fund Financial Statements (Audit) for the Year Ended June 30, 2012 APPROVED

5.5 Review and accept the C/CAG Single Audit Report for the Year Ended June 30, 2012. APPROVED

5.6 Review and approval of Resolution 13-06 establishing a background check policy for staff working on the San Mateo County Energy Watch, Local Government Partnership with PG&E and for future contracts with similar requirements. APPROVED

- 5.9 Review and approval of the appointments of Councilmember Clifford Lentz of Brisbane and Mayor Elizabeth Lewis of Atherton to the Congestion Management & Environmental Quality (CMEQ) Committee and also approve the appointment of Vice Mayor Laurence May of the Town of Hillsborough to the Legislative Committee. APPROVED
- 5.10 Review and approval of Resolution 13-07 authorizing the C/CAG Chairperson to execute a funding agreement with the San Francisco Airport Commission for C/CAG to receive \$60,000 in calendar year 2013 for work related to the San Francisco International Airport Land Use Compatibility Plan (SFO ALUCP). APPROVED
- 5.11 Review and approval of Resolution 13-03 authorizing the filing of an application for funding assigned to the Metropolitan Transportation Commission and committing any necessary matching funds and stating the assurance to complete the San Mateo County Safe Routes to School project. APPROVED
- 5.12 Review and approval of Resolution 13-09 authorizing the adoption of the Fiscal Year 2013/2014 Expenditure Plan for the Transportation Fund for Clean Air (TFCA) County Program Manager Fund for San Mateo County. APPROVED

Items 5.3, 5.7, and 5.8 were removed from the Consent Calendar.

- 5.3 Review the attendance reports for the 2012 C/CAG Board and Committees. INFORMATION

Correction was made to the name of the Alternate from the City of San Mateo. Robert Ross is the Alternate.

- 5.7 Receive information on the Caltrain Go Pass program. INFORMATION

Staff was asked to place this on the next C/CAG Board meeting's agenda.

- 5.8 Review and approval of Resolution 13-04 authorizing the C/CAG Chair to execute an agreement with Jacobs Engineering Group to provide traffic monitoring service for the 2013 Congestion Management Program (CMP) update in an amount not to exceed \$61,202.88. APPROVED

Board Member Benton MOVED to approve as staff recommended with an amendment to the existing resolution. Board Member Nihart SECONDED. **MOTION CARRIED 17-0.**

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

APPROVED

Gus Khouri, Legislative Advocate, gave a summary of the current legislative activity in Sacramento.

The C/CAG Legislative Committee recommended two changes be made to the C/CAG Legislative Policies for 2013.

1. Policy #3, Item 3.1, eliminate paragraph e.
2. Policy #3, Item 3.2, change the wording to read:

Pursue and support efforts that ~~promote true source control~~ control pollutants at the source and extended producer responsibility, such as the California Product Stewardship Council and the Green Chemistry Initiative.

Vice Chair Grotte MOVED to approve Item 6.1. Board Member O'Connell SECONDED. MOTION APPROVED 17-0.

- 6.2 Review and approval of Resolution 13-1 waiving the Request for Qualifications/Proposals (RFP/ RFQ) and authorizing the C/CAG Chair to execute an agreement with Advocation Inc. in alliance with Shaw/Yoder/Antwith, Inc. to provide State legislative advocacy service in an amount not to exceed \$144,000 for 2013 and 2014.

APPROVED

The Board directed staff to table future contract renewals in advance to allow for an RFQ.

Board Member Canepa MOVED to approve Item 6.2. Board Member Nagel SECONDED. MOTION APPROVED 17-0.

- 6.3 Review and approval of Resolution 13-08 authorizing the C/CAG Chair to execute an agreement with KEMA Services, Inc. for an amount not to exceed \$265,000 for calendar year 2013 and 2014.

APPROVED

Vice Chair Grotte MOVED to approve Item 6.3. Board Member Aguirre SECONDED. MOTION APPROVED 17-0.

- 6.4 Review and approval of Resolution 13-2 authorizing the funding allocation for 1) the OneBayArea Grant (OBAG) - Cycle 2 Local Streets & Roads and 2) OBAG supplemental planning funds for fiscal year 2012/13 through 2015/16.

APPROVED

Board Member O'Connell MOVED to approve Item 6.4. Board Member Nihart SECONDED. MOTION APPROVED 17-0.



6.5 Amendment to C/CAG Bylaws.

APPROVED

Board Member Aguirre MOTIONED to select alternative three which reverts back to having one Vice Chairperson (as was the case before the changes made in 2004). Board Member O'Connell SECONDED. MOTION APPROVED 17-0.

Board Member Aguirre MOTIONED that there be an ad hoc task force to address the Bylaws to revise, edit and update them. Board Member Nihart SECONDED. MOTION APPROVED 17-0.

Volunteers for the Bylaws ad hoc task force are asked to contact Sandy Wong.

6.6 Nominations for C/CAG Chair and Vice Chair(s) for the March Election of Officers.

APPROVED

Board Member Nagel nominated Brandt Grotte for Chair.

Board Member O'Connell nominated Mary Ann Nihart as Vice Chair.

6.7 Receive information regarding the California Stormwater Quality Association's amicus brief, filed in relation to the County of Los Angeles' appeal of its stormwater permit-related unfunded mandate test claim, and to which C/CAG signed on as an interested party. ACTION

The brief can be viewed on line. County Counsel answered questions.

This was an information item. No action was taken.

## 7.0 COMMITTEE REPORTS

7.1 Committee Reports (oral reports).

None.

7.2 Chairperson's Report

None.

7.3 Boardmembers Report

None.

## 8.0 EXECUTIVE DIRECTOR'S REPORT

The Executive Director noted the Executive Director's report was mailed to the Board.

9.0 COMMUNICATIONS - Information Only

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10.0 ADJOURN

The Board meeting adjourned at 7:44 p.m.

# C/CAG AGENDA REPORT

**Date:** March 14, 2013  
**To:** C/CAG Board of Directors  
**From:** Sandy Wong, Executive Director  
**Subject:** Review and approval of a recommendation from the C/CAG Airport Land Use Committee (ALUC), Re: San Francisco International Airport Land Use Compatibility Plan (ALUCP) consistency review of a referral from the City of Daly City, Re: Daly City General Plan update (*Daly City 2030*)

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## RECOMMENDATION

That the C/CAG Board of Directors approve the following recommendation from the C/CAG Airport Land Use Committee (ALUC):

“That the C/CAG Board, in its designated role as the Airport Land Use Commission, take action to determine that the relevant content of the Daly City General Plan update document (*Daly City 2030*) is consistent with the relevant content in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport November 2012* document (SFO ALUCP), based on the following conditions:

**1. Consistency with the relevant content in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport November 2012 document (SFO ALUCP).** Add the following language in the Daly City General Plan update document (*Daly City 2030*):

“Require all future development within the Airport Influence Area B boundary for San Francisco International Airport to conform to the relevant height/airspace protection, aircraft noise, and safety policies and land use compatibility criteria contained in the most recent adopted version of the comprehensive airport/land use compatibility plan (ALUCP) for the environs of San Francisco International Airport.”

**2. Reference to airspace protection and land use characteristics that may create hazards to aircraft in flight.** Add appropriate text in the Daly City General Plan update document (*Daly City 2030*) to indicate all future development in the city shall comply with all relevant FAA standards and criteria for safety, regarding flashing lights, reflective building material, land uses that may attract large concentrations of birds, HVAC exhaust vents, thermal plumes, and uses that may generate electrical/electronic interference with aircraft communications and/or instrumentation (see list on pp.5-6 in the attached ALUC Staff Report).

**ITEM 5.2**

## RECOMMENDATION – continued

**3. Compliance with California Government Code 65302.3 General Plan Consistency With Comprehensive Airport Land Use Plan.** Include the following text in the Daly City General Plan update document (*Daly City 2030*) or in the Daly City City Council resolution to adopt the General Plan, to address compliance with California Government Code 65302.3:

“The goals, policies, and other relevant content contained herein do not conflict with the text in the relevant section of California Public Utilities Code Division 9, Part 1, Chapter 4, Article 3.5 and the applicable airport/land use compatibility criteria contained in the most recent adopted version of the comprehensive airport/land use compatibility plan (ALUCP) for the environs of San Francisco International Airport.”

## FISCAL IMPACT

None.

## BACKGROUND

The City of Daly City has referred its Daly City General Plan update document (*Daly City 2030*) to the C/CAG Board of Directors, in its designated role as the Airport Land Use Commission, for a determination of the consistency of the content of the document with the relevant airport/land use compatibility criteria contained in the *Comprehensive Airport Land Use Compatibility Plan for the environs of San Francisco International Airport November 2012* (SFO ALUCP) (see Attachment No. 1 in the attached ALUC Staff Report, dated February 28, 2103). The entire document can be found at [www.dalycity.org/gp](http://www.dalycity.org/gp) This referral is subject to ALUC/C/CAG review, pursuant to the California Public Utilities Code Section 21676(b).

The content in the *California Airport Land Use Planning Handbook October 2011* document, published by the Caltrans Division of Aeronautics, provides guidance to the C/CAG Board and C/CAG staff, regarding the concept of consistency between a proposed local agency policy action and the relevant content of an airport land use compatibility plan (ALUCP). The *Handbook* guidance states the following:

“As widely applied in airport land use planning, consistency does not require being identical. It means only that the concepts, standards, physical characteristics, and resulting consequences of a proposed action must not conflict with the intent of the law or the compatibility plan to which the comparison is being made.”

The role of the Airport Land Use Commission (C/CAG Board of Directors) is to take an action to determine if the relevant content of a proposed land use policy action is consistent with the airport land use compatibility policies and criteria in the relevant airport land use compatibility plan (ALUCP).

## **BACKGROUND - continued**

The Caltrans *Handbook* also provides guidance to airport land use commissions on the compatibility issues to be addressed in a land use policy action consistency review. The key airport land use compatibility issues related to a proposed land use policy action (i.e. general plan update, zoning action, etc.) include the following: (1) height of structures/airspace protection, (2) aircraft noise impacts, and (3) safety compatibility. Each of these topics related to this Daly City referral is addressed in the attached ALUC Staff Report, dated February 28, 2013.

## **ATTACHMENT**

**Attachment 1 – Staff report to ALUC February 28, 2012**



**Attachment 1**





# C/CAG

## CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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## C/CAG AIRPORT LAND USE COMMITTEE (ALUC)

### STAFF REPORT

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**TO:** C/CAG Airport Land Use Committee (ALUC) Representatives and Alternates

**FROM:** C/CAG Staff

**DATE:** February 28, 2013

**RE:** **Agenda Item No. 5 for February 28, 2013:** San Francisco International Airport Land Use Compatibility Plan (ALUCP) Consistency Review: Consideration/Action of a Referral From the City of Daly City, Re: Daly City General Plan Update (*Daly City 2030*)

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#### STAFF RECOMMENDATION

That the C/CAG Airport Land Use Committee (ALUC) recommend that the C/CAG Board, in its designated role as the Airport Land Use Commission, take action to determine that the relevant content of the Daly City General Plan update document (*Daly City 2030*) is consistent with the relevant content in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport November 2012* document (SFO ALUCP), based on the following conditions:

1. **Consistency with the relevant content in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport November 2012 document (SFO ALUCP).** Add the following language in the Daly City General Plan update document (*Daly City 2030*):

“Require all future development within the Airport Influence Area B boundary for San Francisco International Airport to conform to the relevant height/airspace protection, aircraft noise, and safety policies and land use compatibility criteria contained in the most recent adopted version of the comprehensive airport/land use compatibility plan (ALUCP) for the environs of San Francisco International Airport.”

2. **Reference to airspace protection and land use characteristics that may create hazards to aircraft in flight.** Add appropriate text in the Daly City General Plan update document (*Daly City 2030*) to indicate all future development in the city shall comply with all relevant FAA standards and criteria for safety, regarding flashing lights, reflective building material, land uses that may attract large concentrations of birds, HVAC exhaust vents, thermal plumes, and uses that may generate electrical/electronic interference with aircraft communications and/or instrumentation (see list on pp.5-6).

**STAFF RECOMMENDATION – continued**

3. **Compliance with California Government Code 65302.3 General Plan Consistency With Comprehensive Airport Land Use Plan.** Include the following text in the Daly City General Plan update document (*Daly City 2030*) or in the Daly City City Council resolution to adopt the General Plan, to address compliance with California Government Code 65302.3:

“The goals, policies, and other relevant content contained herein do not conflict with the text in the relevant section of California Public Utilities Code Division 9, Part 1, Chapter 4, Article 3.5 and the applicable airport/land use compatibility criteria contained in the most recent adopted version of the comprehensive airport/land use compatibility plan (ALUCP) for the environs of San Francisco International Airport.”

**BACKGROUND**

The City of Daly City has referred its Daly City General Plan update document (*Daly City 2030*) to the C/CAG Board of Directors, in its designated role as the Airport Land Use Commission, for a determination of the consistency of the content of the document with the relevant airport/land use compatibility criteria contained in the *Comprehensive Airport Land Use Compatibility Plan for the environs of San Francisco International Airport November 2012* (SFO ALUCP) (see Attachment No. 1). The entire document can be found at [www.dalycity.org/gp](http://www.dalycity.org/gp). This referral is subject to ALUC/C/CAG review, pursuant to the California Public Utilities Code Section 21676(b).

The content in the *California Airport Land Use Planning Handbook October 2011* document, published by the Caltrans Division of Aeronautics, provides guidance to the C/CAG Board and C/CAG staff, regarding the concept of consistency between a proposed local agency policy action and the relevant content of an airport land use compatibility plan (ALUCP). The *Handbook* guidance states the following:

“As widely applied in airport land use planning, consistency does not require being identical. It means only that the concepts, standards, physical characteristics, and resulting consequences of a proposed action must not conflict with the intent of the law or the compatibility plan to which the comparison is being made.”

**DISCUSSION**

**I. Airport/Land Use Compatibility Issues**

The guidance in the *California Airport Land Use Planning Handbook October 2012* document requires each airport/land use compatibility plan (ALUCP) document to contain policies and criteria to address three key issues: (a) height of structures/airspace protection, (b) aircraft noise impacts, and (c) safety compatibility criteria. The following sections address each issue related to the content of the Daly City General Plan document (*Daly City 2030*).

## **DISCUSSION/Airport Land Use Compatibility Issues - continued**

### **A. Height of Structures/Airspace Protection**

By adopting the SFO ALUCP, the C/CAG Board adopted two criteria for airspace protection near San Francisco International Airport: (1) 14 Code of Federal Regulations Part 77, "Safe, Efficient Use and Preservation of the Navigable Airspace" and (2) critical aeronautical surfaces. Exhibit IV-17 in the SFO ALUCP illustrates the configuration of the critical aeronautical surfaces that affect Daly City (see Attachments 2). Each criterion is briefly described below.

Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace (Effective January 18, 2011) govern the FAA's review of proposed construction that exceed certain height limits, define airspace obstruction criteria, and provide for FAA aeronautical studies of proposed construction. Critical Aeronautical Surfaces include those established in accordance with FAA Order 8260.3B, U.S. Standard for Terminal Instrument Procedures (TERPS) and a surface representing the airspace required for a One-Engine Inoperative (OEI) procedure for aircraft departing on Runways 28 Left and 28 Right (to the west through the San Bruno Gap). These surfaces are defined with Required Obstacle Clearance (ROC) criteria to ensure the safe separation of aircraft. The surfaces indicate the maximum height at which structures can be considered compatible with Airport operations.

The city limits of Daly City are not located within the boundaries of the CFR Part 77 airspace protection and notification criteria. However, the entire city is located within the critical airspace protection surfaces for Runways 10/28 Left and Right at San Francisco International Airport. A portion of the text in Airspace Protection Policy AP-3 in the SFO ALUCP defines compatibility with the critical aeronautical surfaces, as follows:

"In order to be deemed consistent with the ALUCP, the maximum height of a new building must be the lower of (1) the height shown on the SFO critical aeronautical surfaces map (Exhibits IV-17 and IV-18) or (2) the maximum height determined not to be a "hazard to air navigation" by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

For a project to be consistent with this ALUCP, no local agency development permits shall be issued for any proposed structure that would penetrate the aeronautical surfaces shown on Exhibits IV-17 and IV-18 or the construction of which has not received a Determination of No Hazard from the FAA, or would cause the FAA to increase the minimum visibility requirements for any instrument approach or departure at the Airport."

Consistency with this SFO ALUCP policy is addressed in Condition No.1 on p. 1.

**C/CAG Airport Land Use Committee (ALUC) Staff Report, Re: San Francisco International Airport Land Use Compatibility Plan (ALUCP) Consistency Review: Consideration/Action of a Referral From the City of Daly City, Re: Daly City General Plan Update Document (*Daly City 2030*)**

**February 28, 2013**

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**DISCUSSION/Airport/Land Use Compatibility Issues - continued**

**B. Aircraft Noise Impacts**

The 65 dB CNEL<sup>1</sup> (Community Noise Equivalent Level) aircraft noise contour defines the federal and state threshold for aircraft noise impacts. This contour boundary is also used by the State of California as the threshold for airport noise/land use compatibility. The Serramonte area of Daly City is located within the projected 2020 65 dB CNEL aircraft noise contour for San Francisco International Airport (see Attachment No. 3). Although the city receives a significant amount of overflight from aircraft departures on Runways 28 Left and Right, no other areas of Daly City are affected by SFO aircraft noise contours.

Section 4.3 in the SFO ALUCP includes several policies to address airport noise compatibility. As noted in the ALUCP, these policies have a two-fold purpose:

- “1. To protect the public health, safety, and welfare by minimizing the exposure of residents and occupants of future noise-sensitive development to excessive noise.
2. To protect the public interest in providing for the orderly development of SFO by ensuring that new development in the Airport environs complies with all requirements necessary to ensure compatibility with aircraft noise in the area. The intent is to avoid the introduction of new incompatible land uses into the Airport’s “noise impact area” so that the Airport will continue to be in compliance with the State Noise Standards for airports (California Code of Regulations Title 21, Sections 5012 and 5014).”

The Daly City General Plan update document (*Daly City 2030*) contains a Noise Element chapter that includes text and policies related to noise impacts from aircraft operations at San Francisco International Airport. Condition No.1 on p. 1 will ensure that future proposed land use policy actions and related development, if any, will be consistent with the noise policies and criteria contained in the SFO ALUCP.

**C. Safety Compatibility**

**Runway Safety Zones.** The *California Airport Land Use Planning Handbook October 2011* document provides guidance on the location and configuration of safety zones and related safety compatibility policies and criteria for general aviation and commercial service airports. The zones are focused around each runway end, where safety considerations are the most critical. The safety zones for SFO are based on the *Handbook* guidance, with adjustments made to reflect the specific runway operating characteristics at the Airport.

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<sup>1</sup> CNEL: A metric, in A-weighted decibels (dB), that is used in California to measure the cumulative sound level of aircraft over a 24-hour period, as required by State law. A 10 dB weighting is added to the hourly sound levels between 10 p.m. and 7 a.m. and a 4.8 dB weighting is added to the hourly sound levels between 7 p.m. and 10 p.m. to reflect human sensitivity to noise during the night and evening hours. The A weighted scale approximates human hearing.

**C/CAG Airport Land Use Committee (ALUC) Staff Report, Re: San Francisco International Airport Land Use Compatibility Plan (ALUCP) Consistency Review: Consideration/Action of a Referral From the City of Daly City, Re: Daly City General Plan Update Document (Daly City 2030)**

**February 28, 2013**

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**DISCUSSION/Airport/Land Use Compatibility Issues - continued**

Section 4.4 in the SFO ALUCP addresses safety compatibility. Exhibit IV-7 in the ALUCP illustrates the location and configuration of the safety zones for each runway pair (see Attachment No. 4). Runways 10/28 Left and Right are the closest runways to the city limits of Daly City. The maximum extent of the safety zones for this runway pair is 10,000 feet to the west, or 1.89 miles (west end of Safety Zone 4). Safety Zones 1-4 shown in Exhibit IV-7 only affect small areas of San Bruno and South San Francisco. Since Daly City is located several miles west of the Airport, none of the runway safety zones and related safety compatibility policies and criteria apply to this referral.

**Hazards to Air Navigation Related to Land Use Characteristics.** Certain types of land use characteristics are recognized by the Airport Land Use Commission (C/CAG Board) as hazards to aircraft in flight. The text in Airspace Protection Policy, "AP-4 Other Flight Hazards Are Incompatible" in the SFO ALUCP includes a list of several land use characteristics that are incompatible in Area B of the Airport Influence Area. The text in AP-4 states the following:

"Proposed land uses with characteristics that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft taking off or landing at the Airport or in flight are incompatible in Area B of the Airport Influence Area. They may be permitted only if the uses are consistent with FAA rules and regulations. Proof of consistency with FAA rules and regulations and with any other performance standards cited below must be provided to the Airport Land Use Commission (C/CAG Board) by the sponsor of the proposed action.

Specific characteristics that may create hazards to aircraft in flight and which are incompatible include:

- (a) Sources of glare, such as highly reflective buildings or building features, or bright lights, including searchlights, laser displays, which would interfere with the vision of pilots making approaches to the Airport.
- (b) Distracting lights that could be mistaken by pilots on approach to the Airport for airport identification lighting, runway edge lighting, runway end lighting, or runway approach lighting.
- (c) Sources of dust, smoke, or water vapor that may impair the vision of pilots making approaches to the Airport.
- (d) Sources of electrical interference with aircraft or air traffic control communications or navigation equipment, including radar.

**C/CAG Airport Land Use Committee (ALUC) Staff Report, Re: San Francisco International Airport Land Use Compatibility Plan (ALUCP) Consistency Review: Consideration/Action of a Referral From the City of Daly City, Re: Daly City General Plan Update Document (*Daly City 2030*)**

**February 28, 2013**

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**DISCUSSION/Airport/Land Use Compatibility Issues - continued**

(e) Land uses that, as a regular byproduct of their operations, produce thermal plumes with the potential to rise high enough and at sufficient velocities to interfere with the control of aircraft inflight. Upward velocities of 4.3 meters (14.1 feet) per second at altitudes above 200 feet above the ground shall be considered as potentially interfering with the control of aircraft in flight.

(f) Any use that creates an increased attraction for wildlife, particularly large flocks of birds, that is inconsistent with FAA rules and regulations, including, but not limited to, FAA Order 5200.5A, Waste Disposal Sites On or Near Airports, FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports, and any successor or replacement orders or advisory circulars. Exceptions to this policy are acceptable wetlands or other environmental mitigation projects required by ordinance, statute, court order, or Record of Decision issued by a federal agency under the National Environmental Policy Act.

The Daly City General Plan update document (*Daly City 2030*) does not mention land use characteristics that may be hazardous to aircraft in flight. Recognition of these characteristics in the General Plan update is critical to protecting the Runways 10/28 Left and Right arrival/departure corridor for the safe passage of aircraft in flight. C/CAG Staff suggests that the General Plan update document include text to identify the specific land use characteristics that are incompatible in Area B. This would include adding appropriate text in the General Plan update document to incorporate the list of incompatible land use characteristics shown in Airspace Protection Policy AP-4 in the SFO ALUCP (see Condition No.2 on p.1).

**II. Airport Influence Area (AIA) Boundary**

The SFO ALUCP contains two policies (IP-1 and IP-2) that define a two-part airport influence area (AIA) boundary (Areas A and B). Real estate disclosure of potential airport impacts is required in both areas, per State law (California Business and Professions Code Division 4, Part 2, Chapter 1, Article 2, Section 11010 (a) and (b) (13), California Civil Code Division 2, Part 4, Title 4, Chapter 2, Article 1.7, Section 1103.4(c), and California Civil Code Division 2, Part 4, Title 6, Chapter 2, Article 1, Section 1353.

Area B also defines a geographic boundary for two other purposes: (1) the boundary within which the airport/land use compatibility policies and criteria apply and (2) the boundary within which affected local agencies must submit proposed local land use policy actions and related development, if any, to the ALUC/C/CAG for a formal ALUCP consistency review. All of the City of Daly City is located within Area A and a large part of the city is located within Area B (see Attachment Nos.5A and 5B).

**DISCUSSION - continued**

**III. Compliance with California Government Code 65302.3**

California Government Code 65302.3 states that a local agency general plan and/or any specific plan must be consistent with the applicable airport/land use compatibility criteria contained in the relevant adopted airport/land use compatibility plan (ALUCP). C/CAG Staff suggests that the Daly City General Plan update document (*Daly City 2030*) or the Daly City City Council resolution to adopt the General Plan update address compliance with California Government Code 65302.3 (see Condition No.3 on p.2).

**IV. Guidance From the *California Airport Land Use Planning Handbook October 2011***

In addition to the SFO ALUCP, C/CAG Staff reviewed the relevant content of the *California Airport Land Use Planning Handbook October 2011*, published by the Caltrans Division of Aeronautics, to prepare this report. The analysis and recommendation contained herein are consistent with and guided by the relevant content in the *Handbook*.

**ATTACHMENTS**

- Attachment No. 1:** Letter to David F. Carbone, Transportation Systems Coordinator, from Michael VanLonkhuysen, Senior Planner, City of Daly City, dated January 31, 2013; re: request for a finding of consistency with the Comprehensive Airport Land Use Plan for the Daly City General Plan with one attachment.
- Attachment No. 2:** Graphic: SFO ALUCP Exhibit IV-17 Critical Aeronautical Surfaces – Northwest Side
- Attachment No. 3:** Graphic: SFO ALUCP Exhibit IV-6 Noise Compatibility Zones – Detail
- Attachment No. 4:** Graphic: SFO ALUCP Exhibit IV-7 Safety Compatibility Zones
- Attachment No. 5A:** Graphic: SFO ALUCP Exhibit IV-1 Airport Influence Area A – Real Estate Disclosure
- Attachment No. 5B:** Graphic: SFO ALUCP Exhibit IV-3 Airport Influence Area B- North Side





# C/CAG AGENDA REPORT

**Date:** March 14, 2013  
**To:** C/CAG Board of Directors  
**From:** Sandy Wong, Executive Director  
**Subject:** Review and approval of a recommendation from the C/CAG Airport Land Use Committee (ALUC), Re: San Francisco International Airport Land Use Compatibility Plan (ALUCP) consistency review of a referral from the City of Daly City, Re: Christopher Highlands Project (General Plan and Amendment and Zone Change for an 80-unit Single-Family Subdivision)

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## RECOMMENDATION

That the C/CAG Board of Directors approve the following recommendation from the C/CAG Airport Land Use Committee (ALUC):

That the C/CAG Board, in its designated role as the Airport Land Use Commission, take action to determine that the Christopher Highlands Project (80-Unit Single-Family Subdivision) General Plan Amendment GPA-2-12-5055., Zone Change ZC-2-12-5056, Major Subdivision SUB-2-12-5037, Design Review DR-2-12-5058, and CEQA-2-12-5059 are consistent with the relevant content in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport November 2012* document (SFO ALUCP), based on the following conditions:

- 1. Reference to airspace protection and land use characteristics that may create hazards to aircraft in flight.** Add a condition of approval that indicates the design of all structures in the development shall comply with all relevant FAA standards and criteria for safety, regarding flashing lights, reflective building material, land uses that may attract large concentrations of birds, HVAC exhaust vents, thermal plumes, and uses that may generate electrical/electronic interference with aircraft communications and/or instrumentation, per SFO ALUCP Airspace Protection Policy, "AP-4 Other Flight Hazards Are Incompatible"
- 2. Reference to Airport Influence Area/Real Estate Disclosure.** Include appropriate text in the project approval documents to indicate the project site is located within the boundaries of Airport Influence Area B for San Francisco International Airport and therefore, all real property for sale or lease on the project site is subject to the real estate disclosure provisions in State law (California Business and Professions Code Sections 11010(a) and (b)12), regarding disclosure of potential airport impacts.

**ITEM 5.3**

## RECOMMENDATION – continued

**3. Compliance with California Government Code 65302.3 General Plan Consistency With Comprehensive Airport Land Use Plan.** Include the following text in the appropriate project approval documents to address compliance with California Government Code 65302.3:

“The General Plan amendment, Zone Change, design features, and other project discretionary entitlements do not conflict with the text in the relevant section of California Public Utilities Code Division 9, Part 1, Chapter 4, Article 3.5 and the applicable airport/land use compatibility criteria contained in the most recent adopted version of the comprehensive airport/land use compatibility plan (ALUCP) for the environs of San Francisco International Airport.”

## FISCAL IMPACT

None.

## BACKGROUND

The City of Daly City has referred General Plan Amendment GPA-2-12-5055, Zone Change ZC-2-12-5056, Major Subdivision SUB-2-12-5037, Design Review DR-2-12-5058, and CEQA-2-12-5059 for the Christopher Highlands Project (80-Unit Single-Family Subdivision) to the C/CAG Board of Directors, in its designated role as the Airport Land Use Commission, for a determination of the consistency of proposed land use policy actions (general plan amendment and zone change) and related discretionary actions, with the relevant airport/land use compatibility criteria contained in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport November 2012* (SFO ALUCP) (see Attachment No. 1). This referral is subject to ALUC/C/CAG review, pursuant to the California Public Utilities Code Section 21676(b).

The project details are stated in the project referral letter as follows.

“The applicant, Lennar, has submitted plans to develop a +/- 14.04 acre site with 80 single-family residences. The site is located at 60 Christopher Court and was formerly Christopher Columbus School. The site is zoned U Unzoned and has a General Plan Land Use designation of School. Entitlements will include a General Plan Amendment to re-designate the property for Low Density Residential (2.1-14.5 d.u/ac.), a Zone Change to R-1 Single-Family Residential District, a Major Subdivision, and Design Review.

Lots in the proposed development will range in size from +/- 3,000 square feet to +/- 11,000 square feet and will be subject to the development standards of the R-1 Single-Family Residential District, which allow 50% lot coverage, and a maximum of 30 feet in height, among other things. The applicant is proposing three different plan types, all of which are 2 story, 3-4 bedrooms/2bath, single-family residences, with 2 car garages, ranging in size from +/-2,400 square feet to +/- 2,800 square feet. The proposed development is surrounded by low density, single-family residential development.”

## **BACKGROUND-continued**

The content in the *California Airport Land Use Planning Handbook October 2011* document, published by the Caltrans Division of Aeronautics, provides guidance regarding the concept of consistency between a proposed local agency land use policy action and the relevant content of an airport land use compatibility plan (ALUCP). The *Handbook* states the following:

“As widely applied in airport land use planning, consistency does not require being identical. It means only that the concepts, standards, physical characteristics, and resulting consequences of a proposed action must not conflict with the intent of the law or the compatibility plan to which the comparison is being made.”

The role of the Airport Land Use Commission (C/CAG Board of Directors) is to take an action to determine if the relevant content of a proposed land use policy action is consistent with the airport land use compatibility policies and criteria in the relevant airport land use compatibility plan (ALUCP).

The Caltrans *Handbook* also provides guidance to airport land use commissions on the compatibility issues to be addressed in a proposed land use policy action consistency review. The key airport land use compatibility issues related to a proposed land use policy action (i.e. general plan update, zoning action, etc.) include the following: (1) height of structures/airspace protection, (2) aircraft noise impacts, and (3) safety compatibility. Each of these topics related to this Daly City referral is addressed in the attached ALUC Staff Report, dated February 28, 2013.

## **DISCUSSION**

**C/CAG Airport Land Use Committee (ALUC) Review.** The C/CAG Airport Land Use Committee (ALUC) reviewed this referral at its Regular Meeting on February 28, 2013. The ALUC encouraged Daly City staff to make the disclosure of the presence of the airport in the project vicinity more prominent to prospective home buyers.

City of Daly City intends to implement the ALUC’s encouragement and make the Airport Influence Area (AIA) Boundary/Real Estate Disclosure as prominent as possible to potential homebuyers by adding a condition of approval to the project entitlements that requires a separate and distinct disclosure addressing the Airport Influence Area (AIA) Boundary/Real Estate Disclosure in the covenants, conditions, and Restrictions (CC&Rs), which will require approval by the City Attorney’s office, prior to recordation of the Final Map.

## **ATTACHMENT**

Attachment 1 – Staff report to ALUC February 28, 2013



## **Attachment 1**



# 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

## C/CAG AIRPORT LAND USE COMMITTEE (ALUC)

### STAFF REPORT

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**TO:** C/CAG Airport Land Use Committee (ALUC) Representatives and Alternates

**FROM:** C/CAG Staff

**DATE:** February 28, 2013

**RE:** **Agenda Item No. 6 for February 28, 2013:** San Francisco International Airport Land Use Compatibility Plan (ALUCP) Consistency Review: Consideration/Action on a Referral from the City of Daly City, Re: Christopher Highlands Project (80-Unit Single-Family Subdivision) General Plan Amendment and Zone Change

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#### STAFF RECOMMENDATION

That the C/CAG Airport Land Use Committee (ALUC) recommend that the C/CAG Board, in its designated role as the Airport Land Use Commission, take action to determine that the Christopher Highlands Project (80-Unit Single-Family Subdivision) General Plan Amendment GPA-2-12-5055., Zone Change ZC-2-12-5056, Major Subdivision SUB-2-12-5037, Design Review DR-2-12-5058, and CEQA-2-12-5059 are consistent with the relevant content in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport November 2012* document (SFO ALUCP), based on the following conditions:

- 1. Reference to airspace protection and land use characteristics that may create hazards to aircraft in flight.** Add a condition of approval that indicates the design of all structures in the development shall comply with all relevant FAA standards and criteria for safety, regarding flashing lights, reflective building material, land uses that may attract large concentrations of birds, HVAC exhaust vents, thermal plumes, and uses that may generate electrical/electronic interference with aircraft communications and/or instrumentation, per SFO ALUCP Airspace Protection Policy, "AP-4 Other Flight Hazards Are Incompatible"
- 2. Reference to Airport Influence Area/Real Estate Disclosure.** Include appropriate text in the project approval documents to indicate the project site is located within the boundaries of Airport Influence Area B for San Francisco International Airport and therefore, all real property for sale or lease on the project site is subject to the real estate disclosure provisions in State law (California Business and Professions Code Sections 11010(a) and (b)12), regarding disclosure of potential airport impacts.

**C/CAG Airport Land Use Committee (ALUC) Staff Report, Re: San Francisco International Airport Land Use Compatibility Plan (ALUCP) Consistency Review: Consideration/Action of a Referral from the City of Daly City, Re: Christopher Highlands Project (80-Unit Single-Family Subdivision) General Plan Amendment, Zone Change, and Other Related Discretionary Entitlements**

**February 28, 2013**

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**STAFF RECOMMENDATION – continued**

- 3. Compliance with California Government Code 65302.3 General Plan Consistency With Comprehensive Airport Land Use Plan.** Include the following text in the appropriate project approval documents to address compliance with California Government Code 65302.3:

“The General Plan amendment, Zone Change, design features, and other project discretionary entitlements do not conflict with the text in the relevant section of California Public Utilities Code Division 9, Part 1, Chapter 4, Article 3.5 and the applicable airport/land use compatibility criteria contained in the most recent adopted version of the comprehensive airport/land use compatibility plan (ALUCP) for the environs of San Francisco International Airport.”

**BACKGROUND**

The City of Daly City has referred General Plan Amendment GPA-2-12-5055, Zone Change ZC-2-12-5056, Major Subdivision SUB-2-12-5037, Design Review DR-2-12-5058, and CEQA-2-12-5059 for the Christopher Highlands Project (80-Unit Single-Family Subdivision) to the C/CAG Board of Directors, in its designated role as the Airport Land Use Commission, for a determination of the consistency of proposed land use policy actions (general plan amendment and zone change) and related discretionary actions, with the relevant airport/land use compatibility criteria contained in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport November 2012* (SFO ALUCP) (see Attachment No. 1). This referral is subject to ALUC/C/CAG review, pursuant to the California Public Utilities Code Section 21676(b).

The content in the *California Airport Land Use Planning Handbook October 2011* document, published by the Caltrans Division of Aeronautics, provides guidance regarding the concept of consistency between a proposed local agency land use policy action and the relevant content of an airport land use compatibility plan (ALUCP). The *Handbook* states the following:

“As widely applied in airport land use planning, consistency does not require being identical. It means only that the concepts, standards, physical characteristics, and resulting consequences of a proposed action must not conflict with the intent of the law or the compatibility plan to which the comparison is being made.”

The project details are stated in the project referral letter as follows.

“The applicant, Lennar, has submitted plans to develop a +/- 14.04 acre site with 80 single-family residences. The site is located at 60 Christopher Court and was formerly Christopher Columbus School. The site is zoned U Unzoned and has a General Plan Land Use designation of School. Entitlements will include a General Plan Amendment to re-designate the property for Low Density Residential (2.1-14.5 d.u./ac.), a Zone Change to R-1 Single-Family Residential District, a Major Subdivision, and Design Review.



**C/CAG Airport Land Use Committee (ALUC) Staff Report, Re: San Francisco International Airport Land Use Compatibility Plan (ALUCP) Consistency Review: Consideration/Action of a Referral from the City of Daly City, Re: Christopher Highlands Project (80-Unit Single-Family Subdivision) General Plan Amendment, Zone Change, and Other Related Discretionary Entitlements**

**February 28, 2013**

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**BACKGROUND-continued**

Lots in the proposed development will range in size from +/- 3,000 square feet to +/- 11,000 square feet and will be subject to the development standards of the R-1 Single-Family Residential District, which allow 50% lot coverage, and a maximum of 30 feet in height, among other things. The applicant is proposing three different plan types, all of which are 2 story, 3-4 bedrooms/2bath, single-family residences, with 2 car garages, ranging in size from +/-2,400 square feet to +/- 2,800 square feet. The proposed development is surrounded by low density, single-family residential development.”

**DISCUSSION**

**I. Airport/Land Use Compatibility Issues**

The guidance in the *California Airport Land Use Planning Handbook October 2012* document requires each airport/land use compatibility plan (ALUCP) document to contain policies and criteria to address three key issues: (a) height of structures/airspace protection, (b) aircraft noise impacts, and (c) safety compatibility criteria. The following sections address each issue related to the proposed land use policy actions and other discretionary entitlements for the Christopher Highlands Project (80-Unit Single-Family Subdivision)

**A. Height of Structures/Airspace Protection**

By adopting the SFO ALUCP, the C/CAG Board adopted two criteria for airspace protection near San Francisco International Airport: (1) 14 Code of Federal Regulations Part 77, “Safe, Efficient Use and Preservation of the Navigable Airspace” and (2) critical aeronautical surfaces. Exhibit IV-17 in the SFO ALUCP illustrates the critical aeronautical surfaces that affect Daly City (see Attachment No. 2). Each criterion is briefly described below.

Title 14 Code of Federal Regulations (CFR) Part 77, “Safe, Efficient Use and Preservation of the Navigable Airspace” (Effective January 18, 2011) govern the FAA’s review of proposed construction that exceed certain height limits, define airspace obstruction criteria, and provide for FAA aeronautical studies of proposed construction. Critical Aeronautical Surfaces include those established in accordance with FAA Order 8260.3B, “U.S. Standard for Terminal Instrument Procedures (TERPS)” and a surface representing the airspace required for a One-Engine Inoperative (OEI) procedure for aircraft departing on Runways 28 Left and 28 Right (to the west through the San Bruno Gap). The surfaces indicate the maximum height at which structures can be considered compatible with Airport operations.

The project site is not located within the boundaries of the CFR Part 77 airspace protection and notification criteria. However, the entire City of Daly City is located within the critical airspace protection surfaces for Runways 10/28 Left and Right. A portion of the text in Airspace Protection Policy AP-3 in the SFO ALUCP defines compatibility with the critical aeronautical surfaces, as follows:

**C/CAG Airport Land Use Committee (ALUC) Staff Report, Re: San Francisco International Airport Land Use Compatibility Plan (ALUCP) Consistency Review: Consideration/Action of a Referral from the City of Daly City, Re: Christopher Highlands Project (80-Unit Single-Family Subdivision) General Plan Amendment, Zone Change, and Other Related Discretionary Entitlements**

**February 28, 2013**

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**DISCUSSION/Airport Land Use Compatibility Issues - continued**

“In order to be deemed consistent with the ALUCP, the maximum height of a new building must be the lower of (1) the height shown on the SFO critical aeronautical surfaces map (Exhibits IV-17 and IV-18) or (2) the maximum height determined not to be a “hazard to air navigation” by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

For a project to be consistent with this ALUCP, no local agency development permits shall be issued for any proposed structure that would penetrate the aeronautical surfaces shown on Exhibits IV-17 and IV-18 or the construction of which has not received a Determination of No Hazard from the FAA, or would cause the FAA to increase the minimum visibility requirements for any instrument approach or departure at the Airport.”

The project site elevation is 620.74 feet above mean sea level (AMSL) and the maximum structure height is 30 feet above ground level (AGL). Based on those characteristics, the proposed structures will be at least 83 feet below the lowest critical aeronautical surface and therefore, will not penetrate any critical aeronautical surfaces (analysis conducted via the SFO Interactive Airspace Tool).

**B. Aircraft Noise Impacts**

The 65 dB CNEL<sup>1</sup> (Community Noise Equivalent Level) aircraft noise contour defines the federal and state threshold for aircraft noise impacts. This contour boundary is also used by the State of California as the threshold for airport noise/land use compatibility. The Serramonte area of Daly City is located within the projected 2020 65 dB CNEL aircraft noise contour boundary for San Francisco International Airport (see Attachment No. 3).

The project site may receive noise impacts from aircraft departing on the San Bruno Gap Departure procedure (to the west) from Runways 28 Left and Right at San Francisco International Airport. However, the site is not located within the Airport’s 65 dB CNEL aircraft noise contour or any other SFO noise contour. Therefore, the airport noise/land use compatibility policies and criteria in the SFO ALUCP do not apply to this referral.

**C. Safety Compatibility**

**Runway Safety Zones.** The *California Airport Land Use Planning Handbook October 2011* document provides guidance on the configuration of safety zones and related compatibility policies and criteria for general aviation and commercial service airports. The zones are focused around each runway end, where safety considerations are the most critical. The safety zones for SFO are based on the *Handbook* guidance, with adjustments made to reflect specific runway operating characteristics at the Airport.

<sup>1</sup> CNEL: A metric, in A-weighted decibels (dB), that is used in California to measure the cumulative sound level of aircraft over a 24-hour period, as required by State law. A 10 dB weighting is added to the hourly sound levels between 10 p.m. and 7 a.m. and a 4.8 dB weighting is added to the hourly sound levels between 7 p.m. and 10 p.m. to reflect human sensitivity to noise during the night and evening hours. The A weighted scale approximates human hearing.

**C/CAG Airport Land Use Committee (ALUC) Staff Report, Re: San Francisco International Airport Land Use Compatibility Plan (ALUCP) Consistency Review: Consideration/Action of a Referral from the City of Daly City, Re: Christopher Highlands Project (80-Unit Single-Family Subdivision) General Plan Amendment, Zone Change, and Other Related Discretionary Entitlements**

**February 28, 2013**

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**DISCUSSION/Airport Land Use Compatibility Issues - continued**

Section 4.4 in the SFO ALUCP addresses safety compatibility. Exhibit IV-7 in the ALUCP illustrates the location and configuration of the safety zones for each runway pair (see Attachment No. 4). Runways 10/28 Left and Right are the closest runways to the city limits of Daly City. The maximum distance of the safety zones for this runway pair is 10,000 feet to the west, or 1.89 miles (west end of Safety Zone 4). Safety Zones 1-4 shown in Exhibit IV-7 only affect small areas within the cities of San Bruno and South San Francisco. Since Daly City is located several miles west of the Airport, none of the runway safety zones and related safety compatibility policies and criteria apply to this referral.

**Hazards to Air Navigation Related to Land Use Characteristics.** The Airport Land Use Commission (C/CAG Board) recognizes certain types of land use characteristics as hazards to aircraft in flight. The text in Airspace Protection Policy, “AP-4 Other Flight Hazards Are Incompatible” in the SFO ALUCP includes a list of several land use characteristics that are incompatible in Area B of the Airport Influence Area.

The text in AP-4 states the following:

“Proposed land uses with characteristics that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft taking off or landing at the Airport or in flight are incompatible in Area B of the Airport Influence Area. They may be permitted only if the uses are consistent with FAA rules and regulations. Proof of consistency with FAA rules and regulations and with any other performance standards cited below must be provided to the Airport Land Use Commission (C/CAG Board) by the sponsor of the proposed action.

Specific characteristics that may create hazards to aircraft in flight and which are incompatible include:

- (a) Sources of glare, such as highly reflective buildings or building features, or bright lights, including searchlights, laser displays, which would interfere with the vision of pilots making approaches to the Airport.
- (b) Distracting lights that could be mistaken by pilots on approach to the Airport for airport identification lighting, runway edge lighting, runway end lighting, or runway approach lighting.
- (c) Sources of dust, smoke, or water vapor that may impair the vision of pilots making approaches to the Airport.
- (d) Sources of electrical interference with aircraft or air traffic control communications or navigation equipment, including radar.
- (e) Land uses that, as a regular byproduct of their operations, produce thermal plumes with the potential to rise high enough and at sufficient velocities to interfere with the control of aircraft in flight. Upward velocities of 4.3 meters (14.1 feet) per second at altitudes above 200 feet above the ground shall be considered as potentially interfering with the control of aircraft in flight.

**C/CAG Airport Land Use Committee (ALUC) Staff Report, Re: San Francisco International Airport Land Use Compatibility Plan (ALUCP) Consistency Review: Consideration/Action of a Referral from the City of Daly City, Re: Christopher Highlands Project (80-Unit Single-Family Subdivision) General Plan Amendment, Zone Change, and Other Related Discretionary Entitlements**

**February 28, 2013**

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**DISCUSSION/Airport Land Use Compatibility Issues - continued**

(f) Any use that creates an increased attraction for wildlife, particularly large flocks of birds, that is inconsistent with FAA rules and regulations, including, but not limited to, FAA Order 5200.5A, Waste Disposal Sites On or Near Airports, FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports, and any successor or replacement orders or advisory circulars. Exceptions to this policy are acceptable wetlands or other environmental mitigation projects required by ordinance, statute, court order, or Record of Decision issued by a federal agency under the National Environmental Policy Act.

Prohibition of these incompatible land use characteristics by the responsible land use authority is critical to protecting the Runways 10/28 Left and Right arrival/departure corridor for the safe passage of aircraft in flight. C/CAG Staff suggests that the project approval documents include text to identify the specific land use characteristics that are incompatible on the project site, per the list shown in Airspace Protection Policy AP-4 in the SFO ALUCP (see Condition No.1 on p. 1).

**II. Airport Influence Area (AIA) Boundary/Real Estate Disclosure**

The SFO ALUCP contains two policies (IP-1 and IP-2) that define a two-part airport influence area (AIA) boundary (Areas A and B). All of the City of Daly City is located within Area A and a large part of the city is, including the project site, is located within Area B (see Attachment No.5A and No. 5B). Within both areas, real estate disclosure of potential airport impacts is required per State law. California Business and Professions Code Sections 11010(a) and (b)(13) state the following:

“(a)...[A]ny person who intends to offer subdivided lands within this state for sale or lease shall file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire on a form prepared by the department.

(b) The notice of intention shall contain the following information about the subdivided lands and the proposed offering:

**Note:** The text under (b) includes 15 items that must be included in the notice of intention. Subsections 1-12 and 14 and 15 were omitted her for clarity.

(13)(A) The location of all existing airports, and all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision. If the property is located within an airport influence area, the following statement shall be included in the notice of intention:

**NOTICE OF AIRTPORT IN VICINITY**

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

**C/CAG Airport Land Use Committee (ALUC) Staff Report, Re: San Francisco International Airport Land Use Compatibility Plan (ALUCP) Consistency Review: Consideration/Action of a Referral from the City of Daly City, Re: Christopher Highlands Project (80-Unit Single-Family Subdivision) General Plan Amendment, Zone Change, and Other Related Discretionary Entitlements**

**February 28, 2013**

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**DISCUSSION/ Airport Influence Area (AIA) Boundary/Real Estate Disclosure - continued**

(B) For purposes of this section, an “airport influence area,” also known as an “airport referral area,” is the area within which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.”

The same disclosure notice shown on p.7 is also found in California Civil Code Division 2, Part 4, Title 4, Chapter 2, Article 1.7, Section 1103.4(c) and California Civil Code Division 2, Part 4, Title 6, Chapter 2, Article 1, Section 1353. C/CAG staff suggests the project approval documents include appropriate text to indicate all property for sale or lease is subject to the real estate disclosure of potential airport impacts, per state law, as shown above (see Condition No. 2 on p.1).

**III. Compliance with California Government Code 65302.3**

California Government Code 65302.3 states that a local agency general plan and/or any specific plan must be consistent with the applicable airport/land use compatibility criteria contained in the relevant adopted airport/land use compatibility plan (ALUCP). C/CAG Staff suggests that the Daly City City Council resolution to adopt the Christopher Highlands Project (80-Unit Single-Family Subdivision) General Plan Amendment, Zone Change, and other related discretionary entitlements include appropriate text to address compliance with California Government Code 65302.3 (see Condition No. 3 on p.2).

**IV. Guidance From the *California Airport Land Use Planning Handbook October 2011***

In addition to the SFO ALUCP, C/CAG Staff reviewed the relevant content of the *California Airport Land Use Planning Handbook October 2011*, published by the Caltrans Division of Aeronautics, to prepare this report. The analysis and recommendation contained herein are consistent with and guided by the relevant content in the *Handbook*.

**ATTACHMENTS**

**Attachment No. 1:** Letter to David F. Carbone, C/CAG staff, from Jeannie Naughton, Associate Planner, City of Daly City, dated December 18=9, 2012, re: request for finding of consistency with the Comprehensive Airport Land Use Plan for the Christopher Highlands Project (General Plan Amendment GPA-2-12-5055, Zone Change, ZC-2-12-5056, Major Subdivision SUB-2-12-5057, Deign Review DR-2-12-5058, and CEQA-2-12-5059, located at 60 Christopher Court in Daly City, with three attachments.

**Attachment No. 2:** Graphic: SFO ALUCP Exhibit IV-17 Critical Aeronautical Surfaces – Northwest Side

**Attachment No. 3:** Graphic: SFO ALUCP Exhibit IV-5 Noise Compatibility Zones

**C/CAG Airport Land Use Committee (ALUC) Staff Report, Re: San Francisco International Airport Land Use Compatibility Plan (ALUCP) Consistency Review: Consideration/Action of a Referral from the City of Daly City, Re: Christopher Highlands Project (80-Unit Single-Family Subdivision) General Plan Amendment, Zone Change, and Other Related Discretionary Entitlements**

**February 28, 2013**

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**ATTACHMENTS - continued**

- Attachment No. 4:** Graphic: SFO ALUCP Exhibit IV-7 Safety Compatibility Zones
- Attachment No. 5A:** Graphic: SFO ALUCP Exhibit IV-1 Airport Influence Area A – Real Estate Disclosure
- Attachment No. 5B:** Graphic: SFO ALUCP Exhibit IV-3 Airport Influence Area B- North Side

# C/CAG AGENDA REPORT

**Date:** March 14, 2013

**To:** City/County Association of Governments Board of Directors

**From:** Sandy Wong, Executive Director

**Subject:** Review and approval of a waiver of the Request for Proposals process to allow an extension of EOA, Inc.'s funding agreement to ensure uninterrupted compliance support for meeting Municipal Regional Permit requirements.

(For further information or questions contact Matthew Fabry at 599-1419)

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## RECOMMENDATION

Review and approve staff request for a waiver of the Request for Proposals process to allow an extension of EOA, Inc.'s funding agreement to ensure uninterrupted compliance support for meeting Municipal Regional Permit requirements.

## BACKGROUND/DISCUSSION

C/CAG utilizes technical consultants to assist its member agencies in meeting stormwater regulatory requirements contained in the Municipal Regional Permit. EOA, Inc. (EOA) is C/CAG's primary consultant that assists with all aspects of permit compliance except the public outreach/education requirements, for which C/CAG contracts with County Environmental Health for technical assistance. EOA's current funding agreement was approved by C/CAG via Resolution 07-19 as a three-year contract with a provision for up to three one-year extensions. C/CAG Resolution 12-32 authorized the final one-year extension, with the funding agreement scheduled to terminate at the end of June 2013. For a variety of reasons further detailed below, staff is requesting the C/CAG Board waive the Request for Proposals process called for under the Procurement Policy and allow extension of EOA's contract.

The Municipal Regional Permit is issued pursuant to federal Clean Water Act requirements and, as such, has a five-year term, after which it must be reissued. The permit, which expires November 30, 2014, is structured in such a way that the 76 Permittees are required to perform numerous projects, studies, and monitoring activities that culminate in a variety of detailed technical submittals, which collectively represent an application for permit reissuance. Given the regional nature of the permit, most of the required projects and studies are being implemented regionally through the Bay Area Stormwater Management Agencies Association (BASMAA) or at the countywide level through C/CAG and the other countywide programs. Therefore, C/CAG, its member agencies, and more importantly, its consultants, are in the midst of planning/coordination efforts, data collection, pilot studies, and monitoring activities to ensure timely completion of these documents, and these efforts will continue all the way through the expiration date of the permit.

**ITEM 5.4**

One example of this type of effort is the Integrated Monitoring Report – a comprehensive document due in March 2014 that will detail multiple years’ worth of creek and San Francisco Bay monitoring data, numerous pilot studies to reduce mercury and PCBs (polychlorinated biphenyls) in urban runoff, and several special monitoring projects. In San Mateo County, EOA is performing all of these activities on behalf of C/CAG’s member agencies, including water quality monitoring within local creeks and subsequent studies when certain parameters exceed pre-defined triggers, facilitating design, construction, and monitoring of both a green street retrofit and a stormwater-to-sanitary sewer diversion project in San Carlos to pilot test removal of PCBs, and implementing an opportunity study for siting landscape-based features for stormwater capture and treatment. EOA’s efforts on behalf of San Mateo jurisdictions also have to be coordinated with and incorporated into the overall regional report preparation, including sufficient time for review and comment by C/CAG staff and member agencies.

Given the complex, integrated regional efforts underway to meet the highly prescriptive requirements and aggressive timelines in the Municipal Regional Permit, it would be very challenging to 1) develop a Request for Proposals that adequately addresses all of these integrated efforts in addition to the ongoing countywide support activities, and 2) potentially bring a new consultant on board and have them get up to speed fast enough to ensure that none of the compliance efforts slip from the already tight timelines. Therefore, staff is requesting that C/CAG waive the requirement to issue a Request for Proposals to fill the need for technical consulting services. This is consistent with the Procurement Policy, which states, in part:

*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.*

Should the C/CAG Board concur with staff’s request, staff would plan to bring an 18-month contract extension to the Board for consideration in May to ensure EOA is able to continue providing technical support through the expiration date of the permit. Staff anticipates performing a Request for Proposals process in the fall of 2014, at which point all permit-required projects should be complete and it should be fairly certain what will be required in the next version of the Municipal Regional Permit. Staff also anticipates requesting a similar approach with regard to County Environmental Health’s contract for technical support for the public education/outreach requirements when it expires at the end of fiscal year 2013-14.



# C/CAG AGENDA REPORT

**Date:** March 14, 2013  
**To:** City/County Association of Governments Board of Directors  
**From:** Sandy Wong, Executive Director  
**Subject:** Review and approval of the appointment of Shobuz Ikbal from the City of Redwood City to fill a vacant seat on the Congestion Management Program Technical Advisory Committee (CMP TAC)

(For further information or questions contact John Hoang at 363-4105)

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## **RECOMMENDATION**

That the Board review and approval of the appointment of Shobuz Ikbal from the City of Redwood City to fill a vacant seat on the Congestion Management Program Technical Advisory Committee (CMP TAC).

## **FISCAL IMPACT**

None.

## **BACKGROUND/DISCUSSION**

The Congestion Management Program Technical Advisory Committee (CMP TAC), provide technical expertise for the Congestion Management and Environmental Quality (CMEQ) Committee and the C/CAG Board. The TAC is made up of engineers and planners from local jurisdictions in addition to one representative each from Caltrans, SMCTA /Peninsula Corridor JPB/Caltrain, MTC, and C/CAG.

As approved by the C/CAG Board, the maximum number of CMP TAC members is 25 and the total vary depending on vacancies and/or interest from the city staff. C/CAG received a letter from the City of Redwood City requesting the appointment of Shobuz Ikbal, City Engineer, on the CMP TAC. The appointment would backfill a vacant position previously held by a Redwood City representative. With the appointment, there will be a total of 22 CMP TAC members.

## **ATTACHMENTS**

- Current CMP TAC Roster - 2013
- Letter from City of Redwood City

**ITEM 5.5**



### Current CMP TAC Roster – 2013

No.	Member	Agency
1	Jim Porter (Co-Chair)	San Mateo County Engineering
2	Joseph Hurley (Co-Chair)	SMCTA / PCJPB / Caltrain
3	Afshin Oskoui	Belmont Engineering
4	Randy Breault	Brisbane Engineering
5	Syed Murtuza	Burlingame Engineering
6	Bill Meeker	Burlingame Planning
7	Lee Taubeneck	Caltrans
8	Sandy Wong	C/CAG
9	Robert Ovadia	Daly City Engineering
10	Tatum Mothershead	Daly City Planning
11	Mo Sharma	Half Moon Bay Engineering
12	Chip Taylor	Menlo Park Engineering
13	Van Ocampo	Pacifica Engineering
14	Klara Fabry	San Bruno Engineering
15	Jay Walter	San Carlos Engineering
16	Larry Patterson	San Mateo Engineering
17	Steve Monowitz	San Mateo County Planning
18	Brian McMinn	South San Francisco Engineering
19	Gerry Beaudin	South San Francisco Planning
20	Paul Nagengast	Woodside Engineering
21	Kenneth Folan	MTC

- Note:
- 13 out of 21 jurisdictions are represented (13 Engineers, 4 Planners)
  - One representative each for Caltrans, MTC, SMCTA/JBP/Caltrain, and C/CAG
  - Not currently represented (Atherton, Colma, East Palo Alto, Foster City, Hillsborough, Millbrae, Portola Valley, Redwood City)

**Community Development Department**

1017 Middlefield Road  
P.O. Box 391  
Redwood City, CA 94064



Telephone: (650) 780-7241  
Facsimile: (650) 780-0128  
TDD: (650) 780-0129  
Website: [www.redwoodcity.org](http://www.redwoodcity.org)

February 14, 2013

Ms. Sandy Wong  
Executive Director  
C/CAG  
555 County Center, 5<sup>th</sup> Floor  
Redwood City, CA 94063

Dear Ms. Wong,

Please accept this as Redwood City's formal designation of Shobuz Ikbal, City Engineer, as our representative on the Congestion Management TAC.

Please do not hesitate to contact me, if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Ekern".

Bill Ekern  
Community Development Director

cc: Shobuz Ikbal, City Engineer

# C/CAG AGENDA REPORT

**Date:** March 14, 2013  
**To:** City/County Association of Governments, Board of Directors  
**From:** Sandy Wong, Executive Director  
**Subject:** Executive Director executed contract with William Klein for staff services for the San Mateo County Energy Watch for an amount not to exceed \$17,000 for calendar year 2013 through 2014.

[For further information contact Sandy Wong at (650) 599-1409 or Kim Springer at (650) 599-1412.]

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## **RECOMMENDATION**

Receive Executive Director executed contract with William Klein for staff services for the San Mateo County Energy Watch for an amount not to exceed \$17,000 for calendar year 2013 through 2014.

**FISCAL IMPACT** None

**SOURCE OF FUNDS** This agreement for services for the SMCEW program is paid for under the C/CAG – PG&E Local Government Partnership (LGP) agreement.

## **BACKGROUND/DISCUSSION**

San Mateo County Energy Watch is a LGP between C/CAG and PG&E and is managed and staffed by RecycleWorks, a program of the County of San Mateo.

For the last three years, the SMCEW program has leveraged an AmeriCorps program administered by Bay Area Community Resources, which places members into local governments and nonprofits in the Bay Area region. William Klein was an AmeriCorps member, working on the San Mateo County Energy Watch program in 2011 and 2012. After his term as an AmeriCorps member, William Klein was hired to continue work on to fill the two-month gap between AmeriCorps program years.

This Agreement is for services for the 2013-14 SMCEW program cycle and is designed to leverage both expertise and reduce county staff time on monthly tasks, mainly two outreach newsletters to cities staff and other stakeholders.

The Agreement with scope of work are provided with this staff report.

## **ATTACHMENTS**

- 2013-2014 William Klein Agreement

**ITEM 5.6.1**



AGREEMENT BETWEEN  
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY  
AND WILLIAM KLEIN FOR SUPPORT SERVICES TO THE  
SAN MATEO COUNTY ENERGY WATCH PROGRAM

This Agreement entered this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between the City/County Association of Governments of San Mateo County, a joint powers agency, hereinafter called "C/CAG" and William Klein, an individual, hereinafter called "Contractor."

W I T N E S S E T H

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 and other programs and plans; and,

WHEREAS, C/CAG is prepared to award funding for contracted staff time to support ongoing work on the San Mateo County Energy Watch and related climate action planning; and,

WHEREAS, C/CAG has determined that Contractor has the requisite qualifications to perform this work.

NOW, THEREFORE, IT IS HEREBY AGREED by the parties as follows:

1. Services to be provided by Contractor. In consideration of the payments hereinafter set forth, Contractor agrees to perform the services described in Exhibit A, attached hereto (the "Services"). All Services are to be performed and completed by January 31, 2015.
2. Payments. In consideration of Contractor providing the Services, C/CAG shall reimburse Consultant based on the cost rates set forth in Exhibit A up to a maximum amount of Seventeen Thousand dollars (\$17,000) for Services provided during the Contract Term as set forth below. Payments shall be made to contractor based on an invoice submitted by contractor that identifies expenditures and describes services performed in accordance with the agreement. C/CAG shall have the right to receive, upon request, documentation substantiating charges billed to C/CAG.
3. Relationship of the Parties. It is understood that Contractor is an Independent Contractor and this Agreement is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of Independent Contractor.
4. Contract Term. This Agreement shall be in effect as of February 12, 2013 and shall terminate on January 31, 2015; provided, however, C/CAG may terminate this

Agreement at any time for any reason by providing 30 days' notice to Contractor. Termination to be effective on the date specified in the notice. In the event of termination under this paragraph, Contractor shall be paid for all Services provided to the date of termination.

5. Hold Harmless/ Indemnity: Contractor shall indemnify and save harmless C/CAG, its agents, officers and employees from all claims, suits or actions to the extent caused by the negligence, errors, acts or omissions of the Consultant, its agents, officers or employees related to or resulting from performance, or non-performance under this Agreement.

The duty of the parties to indemnify and save harmless as set forth herein, shall include the duty to defend as set forth in Section 2778 of the California Civil Code.

6. Compliance with PG&E Contracts. The Contractor HAS BEEN PROVIDED A COPY OF THE C/CAG Local Government Partnership Agreement between C/CAG and PG&E, AND AGREES TO comply with all contract requirements contained THEREIN WITH REGARD TO THE requirements for CONTRACTORS AND subcontractors, specifically including Data Security, Background Checks, Confidentiality and Data Security, Customer Satisfaction, and Escalation of Complaints and Safety.

7. Sole Property of C/CAG. Work products of Contractor which are delivered under this Agreement or which are developed, produced and paid for under this Agreement, shall be and become the property of C/CAG. Contractor shall not be liable for C/CAG's use, modification or re-use of products without Contractor's participation or for purpose other than those specifically intended pursuant to this Agreement.

8. Governing Law. This Agreement shall be governed by the laws of the State of California and any suit or action initiated by either party shall be brought in the County of San Mateo, California.

9. Notices. All notices hereby required under this agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid and addressed as follows:

City/County Association of Governments of San Mateo County  
555 County Center, 5<sup>th</sup> Floor  
Redwood City, CA 94063  
Attention: Kim Springer

Notices required to be given to contractor shall be addressed as follows:

1450 Guerrerro St. #3  
San Francisco, CA 94110  
Attention: William Klein



IN WITNESS WHEREOF, the parties hereto have affixed their hands on the day and year first above written.

William Klein (Contractor)

By \_\_\_\_\_

\_\_\_\_\_ Date

City/County Association of Governments (C/CAG)

By \_\_\_\_\_  
Sandy Wong, C/CAG Executive Director

\_\_\_\_\_ Date

C/CAG Legal Counsel

By \_\_\_\_\_



## **EXHIBIT A**

### **SCOPE OF SERVICES**

#### **Task 1: San Mateo County Energy Watch – Two versions of email newsletters**

Contractor shall publish two versions of the SMCEW email newsletter monthly – municipal and general. Contractor shall use the existing Constant Contact template. Contractor shall send out the newsletters according to the following schedule:

General – 1<sup>st</sup> Thursday of the month

Municipal – 3<sup>rd</sup> Thursday of the month

Contractor shall have a brief phone conversation with the SMCEW Coordinator each month to discuss the proposed content for each newsletter and strategies for improvements based on quantitative and qualitative feedback. Before sending out newsletters, Contractor shall send each version to the SMCEW Coordinator for final input and approval.

Contractor shall post content from the newsletters on the SMCEW website and link content from the newsletters to the site.

Contractor shall keep the SMCEW calendar updated with events, trainings, and classes related to energy efficiency and climate action planning.

#### **Task 2: Survey and analytics**

After the first set of newsletters, the Contractor shall poll current recipients of the two versions about their experience with the newsletter and make adjustments and improvements based on the feedback using Survey Monkey or another free online survey service.

Contractor shall update the SMCEW tracking spreadsheet with website and newsletter analytics monthly (unique page views, time spent per page, newsletter opens and click throughs) and make adjustments and improvements to future newsletters based on the findings.

#### **Task 3: “Success story” articles**

Contractor shall publish one “success story” highlighting a project or initiative relating to the SMCEW program every other month. The content should be published in the email newsletter and posted on the SMCEW website.

#### **Task 4: SMCEW support services as assigned**

Contractor shall assist with updating and adding new energy report cards if requested.

Contractor shall assist County staff with data analysis projects if requested.

**Payment:**

Contractor shall invoice C/CAG \$500 per month upon completion of the deliverables listed in Tasks 1, 2, and 3 above.

Contractor shall invoice C/CAG for hours of work performed for work in Task 4 above, up to a maximum of \$5,000 at a rate of \$25 per hour.

# C/CAG AGENDA REPORT

**Date:** March 14, 2013  
**To:** City/County Association of Governments, Board of Directors  
**From:** Sandy Wong, Executive Director  
**Subject:** Executive Director executed contract with Bay Area Community Resources for an AmeriCorps Member to support the San Mateo County Energy Watch program for an amount not to exceed \$8,750.

[For further information contact Sandy Wong at (650 ) 599-1409 or Kim Springer at (650) 599-1412.]

---

## RECOMMENDATION

Receive Executive Director executed contract with Bay Area Community Resources for an AmeriCorps Member to support the San Mateo County Energy Watch program for an amount not to exceed \$8,750.

**FISCAL IMPACT**     None

**SOURCE OF FUNDS**     This agreement for services for the SMCEW program is paid for under the C/CAG – PG&E Local Government Partnership (LGP) agreement.

## BACKGROUND/DISCUSSION

San Mateo County Energy Watch is a LGP between C/CAG and PG&E and is managed and staffed by RecycleWorks, a program of the County of San Mateo.

For the last three years, the SMCEW program has leveraged an AmeriCorps program administered by Bay Area Community Resources, which places members into local governments and nonprofits in the Bay Area region.

The C/CAG SMCEW program has leveraged this program since September 2010, beginning with Lisa Wan, then William Klein, and currently member Samir Dhebar was hired September 2012. With an expanded scope of work for the 2013-14 SMCEW program cycle, working in the public schools sector throughout San Mateo County, a new AmeriCorps member, Bjorn Gripenburg has been hired.

The MOU is for Bjorn is provided for your review as an attachment to this staff report. Staff believes that other local governments may be interested in this program and SMCEW staff would be happy to organize a presentation to interested organizations.

## ATTACHMENTS

- BACR AmeriCorps MOU for Bjorn Gripenburg

**ITEM 5.6.2**





## Thank you for your partnership with Climate Corps Bay Area

To complete the application process for the 2012-2013 Climate Corps service year, an MOU or Contract with Bay Area Community Resources, Climate Corps' legal applicant, must be fully executed. This document will be used to confirm the information you agreed upon in your Application.

Your organization can either:

1. **Use the Climate Corps MOU to execute your commitment.** For this option, please use the DocuSign electronic signing process or execute this document manually.
2. **Incorporate the MOU below into a Host Agency Specific Contract.** If your organization would prefer to incorporate the Climate Corps MOU into a more in depth contract, please notify Kristin Brubaker at [kbrubaker@bacr.org](mailto:kbrubaker@bacr.org), who can assist you through that process.

Climate Corps Staff is available to assist you in every step of this iterative process. We are happy to help you decide if a Contract or MOU best fits your organization's needs, as well as provide sample Contracts from previous service years. Additionally Site Partners may choose to commit additional funding in this MOU, for to use for commuting costs, trainings, or benefits at the outset of the program. If you are interested in this option, Climate Corps Staff should be notified to ensure the set amount is included in your MOU/Contract.



## Climate Corps Bay Area MOU Summary Page

### Climate Corps Member Activities:

During Service Hours, Members are allowed only to complete tasks related to greenhouse gas emission reduction and volunteer recruitment and support. All tasks unrelated to these performance measures are considered un-awarded activities and therefore are prohibited. Members completing un-awarded tasks will not be able to log hours for this time, which may result in them being unable to hit the minimal goal of 900 total hours by the end of the program cycle. Additionally, Members cannot be used to complete tasks that result in displacement of existing staff.

Between Sept. 4, 2012 and July 26, 2013, Members can only be hired, part time, by Partner Sites to complete work unrelated to their CCBA project, per Article II, "Host Agency agrees to:", bullet number nine, below.

By signing the MOU, as a Partner Agency you agree to:

- Allow Member to complete only CCBA awarded and allowable activities, as defined by California Volunteers (further information on allowable activities can be found in Enclosure A)
  - In the case that it is found that a site is participating in unallowable activities multiple times, Members' hours will be disallowed and the site be warned and assisted in removing the unallowable activities.
  - If unallowable activity continues to occur after CCBA has disallowed it, the site will jeopardize their eligibility to have a Climate Corps Member in the future and may lose their current CCBA Member with no refund of match paid.
- Refrain from using the AmeriCorps member for displacement of a host agency employee.

### Supervision:

Each Partner Agency must select a Site Supervisor for each CCBA position they will host. Site Supervisors must be able to commit to a minimum of 10 hours / month of supervision, training, or one-on-one work time with the Members. Additionally, we invite all Site Supervisors to be involved in our Advisory Committee, which meets monthly to provide CCBA with feedback to improve the program, or to be involved in hosting or participating in a Monthly Training.

### Payment:

Match invoices will be sent the first day of the month March and July, with the match broken evenly across invoices. If Partner Agencies wish to set aside additional funds for Members to use during the service year (for commuting assistance, training costs, etc), this will be charged in the first invoice. If a Member decides to leave the CCBA program prior to the end of the service year, and before May 1st, a refund will be available for Partner Agencies.







**Memorandum of Understanding (MOU) between  
Bay Area Community Resources and San Mateo County Energy Watch  
Feb. 2, 2013 – Aug. 30, 2013**

**SUBJECT: Climate Corps Bay Area**

This MEMORANDUM OF UNDERSTANDING is hereby made and entered into by and between Bay Area Community Resources, hereinafter referred to as "BACR" and the City and County Association of Governments (C/CAG), hereinafter referred to as "Host Agency". Collectively, BACR and C/CAG are hereinafter referred to as the "Parties" or individually as "Party." The individual to whom this MOU applies is Bjorn Gripenburg, hereinafter referred to as "Member" or broadly as one individual of "Members".

**ARTICLE I – BACKGROUND AND OBJECTIVES**

BACR is collaborating with public and nonprofit organizations in the San Francisco Bay Area to recruit, train, and place AmeriCorps Members at public and nonprofit organizations, where they will assist in implementing greenhouse gas reduction programs. The Members' term of service is from Feb. 18, 2013 to August 23, 2013. While working for the Host Agency, Members will complete 900 hours to receive an education award of \$2775 from BACR.

During their term of service, Members will implement programs that save energy, reduce greenhouse gas (GHG) emissions, and raise community engagement within environmental awareness activities. Members will devote an average of 32 hours per week to training for and directly working on emissions reduction projects, and an average of 8 hours per week to recruiting and supporting volunteers. The last day members are eligible to complete their 900 hours for the 2012-2013 program year will be August 23th 2013.

The objectives of the program are as follows:

- Host Agency will be able to report measurable GHG reductions that their work is responsible for throughout the placement.
- Members will be able to develop a practical skill set and expertise in the realm of climate change management at the community level.
- Host Agency communities will be able to increase community participation towards further GHG reductions through volunteer opportunities that are created and/or increased through the participation of the Member.

The Parties will work in partnership to promote this MOU, and its benefits to the CCBA project and community at large.





**ARTICLE IV – KEY OFFICIALS**

The individuals listed below are identified as key personnel considered essential to the project being performed under this Memorandum of Understanding

**For BACR**

Job Title: Executive Director, BACR  
Name: Marty Weinstein  
Address: 171 Carlos Dr, San Rafael, CA 94903  
Phone Contact: 510-525-9980  
Email Contact: [mweinstein@bacr.org](mailto:mweinstein@bacr.org)

**For Host Agency**

Job Title: Resource Conservation Program Manager  
Name: Kim Springer  
Address: 555 County Center – 5<sup>th</sup> Floor, Redwood City  
Phone Contact: (650) 599-1412  
Email Contact: [kspringer@smcgov.org](mailto:kspringer@smcgov.org)

No change in key officials will be made by either BACR or Host Agency without written notification thirty days in advance of the proposed change. The notification will include a justification in sufficient detail to permit evaluation of the impact of such a change on the scope of work.

**ARTICLE V –PAYMENT**

Host Agency will provide BACR with \$8,750 per member and requests 1 member for the remaining program year for a total payment amount of \$8,750 to support the implementation of the program. Host Agency will complete payments within 30 days of receiving invoices. The invoices will be dispersed according to the following schedule:

- Invoice 1:
  - Due: March 1, 2013
  - Amount: \$4,375
- Invoice 2:
  - Due: July 1, 2013
  - Amount: \$4,375

An additional amount of \$0 will be charged in the first invoice. These funds will be available for the Host Agency to use for commuting costs, trainings, and other benefits as seen as necessary. Host Agencies will be able to access funds by completing a Climate Corps Bay Area Expense Report and submitting it to the BACR Climate Corps Director. Funds will be able to be dispersed to Members, Site Supervisors, and other individuals specifically identified within the Host Agency. BACR requests a month notice for distribution of these funds.





**ARTICLE VI - TERMS**

It is mutually agreed by Parties that:

- Parties will review the effectiveness of the MOU after the first year and evaluate potential modifications that more adequately address the purpose of this MOU.
- In the event that Party no longer approves implementation of any of the provisions referenced in this MOU, Party agrees to promptly confer to determine what, if any, modifications to this MOU should be made to address the issue(s) of concern.
- In the event that Party no longer desires to be a part of this MOU or any modification(s), then Party, at their sole discretion, may terminate their relationship within this MOU.
- Written notice must be provided by the Party desiring to withdraw from the MOU at least thirty days prior to termination. Each Party agrees that it will be responsible for its own acts and the results thereof and shall not be responsible for the acts of the other Party and the results thereof. Each Party, therefore, agrees that it will assume all risk and liability to itself, its agents or employees, for any injury to persons or property resulting in any manner from the conduct of its own operations, and the operation of its agents or employees under this MOU, for any loss, cost, damage, or expense resulting at any time from any and all causes due to any act or acts, negligence, or the failure to exercise proper precautions, of or by itself or its agents or its own employees, while occupying or visiting the premises under and pursuant to the MOU.

**ARTICLE VII – AUTHORIZING SIGNATURES**

IN WITNESS HEREOF, the parties hereto have executed this MOU on the date(s) set forth below.

**Bay Area Community Resources**

*Marty Weinstein*

Marty Weinstein  
Executive Director

*2/21/13*

Date

**City and County Association of Governments**

*Sandy Wong*

Sandy Wong  
Executive Director

*2-20-2013*

Date





## Enclosure A: AmeriCorps Members' Prohibited Activities

(a) While charging time to the AmeriCorps program, accumulating service or training hours, or otherwise performing activities supported by the AmeriCorps program or the Corporation, staff and members may not engage in the following activities:

- (1) Attempting to influence legislation;
- (2) Organizing or engaging in protests, petitions, boycotts, or strikes;
- (3) Assisting, promoting, or deterring union organizing;
- (4) Impairing existing contracts for services or collective bargaining agreements;
- (5) Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any public office;
- (6) Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials;
- (7) Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization;
- (8) Providing a direct benefit to—
  - (i) A business organized for profit;
  - (ii) A labor union;
  - (iii) A partisan political organization;
  - (iv) A nonprofit organization that fails to comply with the restrictions contained in section 501(c)(3) of the Internal Revenue Code of 1986 except that nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and
  - (v) An organization engaged in the religious activities described in paragraph (g) of this section, unless Corporation assistance is not used to support those religious activities;
- (9) Conducting a voter registration drive or using Corporation funds to conduct a voter registration drive;
- (10) Providing abortion services or referrals for receipt of such services; and
- (11) Such other activities as the Corporation may prohibit.

(b) Individuals may exercise their rights as private citizens and may participate in the activities listed above on their initiative, on non-AmeriCorps time, and using non-Corporation funds. Individuals should not wear the AmeriCorps logo while doing so.

### BACR National Service Policy Regarding Un-Allowable and Un-Awarded Activities

The BACR National Service Policy is that Corps Members are not allowed to perform activities that are not specifically awarded in the approved performance measure. In addition, Corps Members are not allowed to perform clerical tasks or other un-allowable activities. By signing the CCBA MOU, Partner Agencies agree to follow the guidelines regarding unallowable and un-awarded activities. Partner Agencies that are found allowing Members to engage in these prohibited activities will jeopardize their eligibility to have CCBA Members in future service years.





## ARTICLE II – STATEMENT OF PROJECT ACTIVITIES

Though Climate Corps Bay Area, BACR agrees to:

- Recruit and assist in selection of an AmeriCorps Member for a commitment of 900 hours over a period of 7 months.
- Train and support Member with a comprehensive training program that includes a training manual, an orientation, monthly trainings, a mid-year 2-day retreat, and two performance reviews.
- Work with the Host Agency to develop a specific Scope of Service plan for Member that aligns with the GHG reduction initiatives provided by Host Agency.
- Provide assistance in defining and developing metrics for the Member to measure and track the progress of GHG reduction throughout the placement.
- Provide monthly follow-ups to review progress with Site Supervisor and Member.
- Define and implement any corrections to Member's plan determined to be necessary based on feedback collected from Member and Host Agency.
- Provide training for Host Agencies and Site Supervisors regarding CCBA deliverables and expectations throughout the service year.

Host Agency agrees to:

- Take part in the recruitment and interview process to identify an AmeriCorps Member best fitted for the specific projects' needs.
- Provide one to three specific GHG reduction initiatives that Member can work on during their term of service.
  - Initiatives must be well-defined, approved for implementation and include specific GHG reduction targets, or have the capacity to define specific reduction targets.
  - Host Agency will work with BACR to finalize a mutually agreed-upon work plan including completing a Scope of Service prior to the start of the service year and defined metrics no later than 1 month after Member begins work.
- Allow Member to complete only CCBA awarded and allowable activities, as defined by California Volunteers (*further information on allowable activities can be found in Enclosure A*)
  - In the case that it is found that a site is participating in unallowable activities multiple times, Members' hours will be disallowed and the site be warned and assisted in removing the unallowable activities.
  - If unallowable activity continues to occur after CCBA has disallowed it, the site will jeopardize their eligibility to have a Climate Corps Member in the future and may lose their current CCBA Member with no refund of match paid.
- Ensure that Member does not work directly on policy development or policy advocacy efforts.
- Assign a Site Supervisor who will commit to no fewer than ten (10) hours per month of one-on-one time, in-kind hours, with Member.
  - CCBA funders expect a minimum of total, program-wide, in-kind hours reflective of \$132,800 worth of supervisory time, which breaks down to approximately 10 hours per month per CCBA Member.
- Complete monthly reporting to BACR indicating whether progress is being made on the initiatives.





- Provide feedback on the program's effectiveness: two times per year, fill out and submit an Individual Development Plan to provide feedback on Member activities and offer data on specific GHG reduction metrics.
- Attend or send a representative to BACR Partner Orientation and quarterly training calls.
- Only hire member to work part-time in program or service area unrelated to BACR community service programs; Agency may not hire the AmeriCorps member for like projects until and unless member completes his/her entire program year of service.
- Refrain from using the AmeriCorps member for displacement of a host agency employee, and will screen positions prior to the start of the service year to ensure:
  - AmeriCorps members won't be placed in positions that were recently occupied by paid staff.
  - No AmeriCorps member will be placed into a position for which a recently resigned or discharged employee has recall rights as a result of a collective bargaining agreement, from which a recently resigned or discharged employee was removed as a result of a reduction in force, or from which a recently resigned/discharged employee is on leave or strike.
- Allow BACR to share results from this program through grant reporting and other means as BACR deems appropriate.
- Support and encourage the promotion of National Service through the following:
  - Post AmeriCorps and National Service information at all service sites
  - Ensure Member wears appropriate uniforms as required by BACR
  - Allow Member to leave program site to participate in pre-arranged National Service identity activities.
- Provide program-wide support through either:
  - Delivery of at least 1 all-day training event for all members, or
  - Participation in an advisory committee that meets once a month for at least 1 hour for 8 months.

#### ARTICLE III – TERM OF AGREEMENT

This MOU will become effective on the date of final signature and shall continue in full force and effect through Aug. 30, 2013. In the chance that the MOU must be terminated prior to Aug. 30, 2013, a reimbursement will be issued for match funds, up until till May 1, 2013. The match is used throughout the year for Member stipends, benefits, training, and programmatic costs; all Host Agency match funds will have been absorbed by the program by the May 1st deadline.



# C/CAG AGENDA REPORT

**Date:** March 14, 2013  
**To:** City/County Association of Governments Board of Directors  
**From:** Sandy Wong, Executive Director  
**Subject:** Review and approval to add an environmental stakeholder seat to the Resource Management and Climate Protection (RMCP) Committee.  
[For further information or questions contact Kim Springer at (650) 599-1412 or Sandy Wong at (650) 599-1409]

---

## **RECOMMENDATION**

That the Board approve the addition of an environmental stakeholder seat to the Resource Management and Climate Protection (RMCP) Committee.

## **FISCAL IMPACT**

None.

## **BACKGROUND/DISCUSSION**

The RMCP Committee provides advice and recommendations to the Congestion Management and Environmental Quality (CMEQ) Committee and the full C/CAG Board on matters related to energy and water use and climate change efforts in San Mateo County and develops and promotes actions on the same. The RMCP also reports on the San Mateo County Energy Watch (SMCEW) and promotes the goals outlined in the San Mateo County Energy Strategy, including: energy, water, climate action, collaboration between cities and the utilities, leadership and economic opportunities related to the RMCP committee's efforts.

The RMCP Committee currently has 13 committee positions: six elected officials, and one stakeholder representative from each of the following sectors: energy, water, utility, nonprofit, large business, small business and chamber of commerce.

In the process of discussing outreach to fill a currently vacant elected official seat, members requested that a new seat be established to include input from an environmental stakeholder.

C/CAG Board approval of this additional, environmental seat on the committee, would increase the number of committee positions from 13 to 14 members.

## **ATTACHMENTS**

- March 2013 Roster for the RMCP Committee (with proposed additional seat)

**ITEM 5.7**

# 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*

<b>Resource Management and Climate Protection Committee</b> (March 2013)	
<b>Elected Officials (6)</b>	
Deborah Gordon – <b>Committee Chair</b> Former Mayor/Councilwoman Woodside <a href="mailto:dcgordon@stanford.edu">dcgordon@stanford.edu</a> Work (650) 725-6501	Dave Pine Supervisor County of San Mateo <a href="mailto:dpine@co.sanmateo.ca.us">dpine@co.sanmateo.ca.us</a> Work (650) 363-4571
Barbara Pierce Former Mayor/Councilwoman Redwood City <a href="mailto:barbara@barbarapierce.org">barbara@barbarapierce.org</a> Cell (650) 208-9828 Home (650) 368-6246	Vacant
Maryann Moise Derwin – <b>Vice-Chair</b> Former Mayor/Councilwoman Portola Valley <a href="mailto:mderwin@portolavalley.net">mderwin@portolavalley.net</a> Home (650) 851-8074 Cell (650) 279-7251	Pedro Gonzalez Former Mayor, Councilman, S.San Francisco <a href="mailto:pedro.gonzalez@ssf.net">pedro.gonzalez@ssf.net</a> Work (650) 877-8500
<b><u>Stakeholder Representatives (8)</u></b>	
<b><u>Energy</u></b>	Noelle Bell Assistant Program Manager, Energy Group Ecology Action <a href="mailto:nbelle@ecoact.org">nbelle@ecoact.org</a> (831)818-3180
<b><u>Water</u></b>	Nicole Sandkulla, P.E. Senior Water Resources Engineer BAWSCA <a href="mailto:nsandkulla@bawsca.org">nsandkulla@bawsca.org</a> (650) 349-3000
<b><u>Utility</u></b>	Kathy Lavezzo Account Manager PG&E <a href="mailto:KOL1@pge.com">KOL1@pge.com</a> (650) 598-7267 cell (650) 279-3864



**Resource Management and Climate Protection Committee**  
(March 2013)

<b><u>Nonprofit</u></b>	Robert Cormia Professor, Foothill - De Anza Community College <a href="mailto:rdcormia@earthlink.net">rdcormia@earthlink.net</a> (650)747-1588
<b><u>Large Business</u></b>	Lauren Bonar Swezey LEED® GA   Facebook <a href="mailto:Facilitieslauren.swezey@fb.com">Facilitieslauren.swezey@fb.com</a> (650)521-4886
<b><u>Small Business</u></b>	Eric Sevim Shop Manager A+ Japanese Auto Repair, Inc. <a href="mailto:apluseric@gmail.com">apluseric@gmail.com</a> (650) 595-CARS
<b><u>Chamber of Commerce</u></b>	Jorge Jaramillo President SMC Hispanic Chamber of Commerce <a href="mailto:smchcc@gmail.com">smchcc@gmail.com</a> (650)245-6902
<b><u>Environmental (proposed)</u></b>	Vacant

**RMCP Committee Staff (4)**

<b><u>C/CAG:</u></b>	Sandy Wong Executive Director <a href="mailto:rnapiet@co.sanmateo.ca.us">rnapiet@co.sanmateo.ca.us</a> (650) 599-1420
<b><u>County of San Mateo, RecycleWorks:</u></b>	Kim Springer Resource Conservation Programs Mgr. <a href="mailto:kspringer@co.sanmateo.ca.us">kspringer@co.sanmateo.ca.us</a> (650) 599-1412
	Susan Wright Resource Conservation Specialist SMCEW Program Coordinator <a href="mailto:swright@co.sanmateo.ca.us">swright@co.sanmateo.ca.us</a> (650)599-1403
	Samir Dhebar AmeriCorp Member <a href="mailto:wklien@co.sanmateo.ca.us">wklien@co.sanmateo.ca.us</a> (650) 599-1480



## C/CAG AGENDA REPORT

Date: March 14, 2013  
To: C/CAG Board of Directors  
From: Sandy Wong, Executive Director - C/CAG  
Subject: Review and accept the Quarterly Investment Report as of December 31, 2012  
(For further information, contact Sandy Wong at 650 599-1409)

---

### **RECOMMENDATION:**

That the C/CAG Board of Directors review and accept the Quarterly Investment Report as of December 31, 2012.

### **FISCAL IMPACT:**

None.

### **REVENUE SOURCE:**

All C/CAG revenue sources.

### **BACKGROUND:**

C/CAG's financial agent (City of San Carlos) provides a quarterly report of investments. Attached is the Quarterly Investment Report as of December 31, 2012. The total portfolio value decreased primarily from the transfer of funds from the LAIF investment portfolio account to the checking account for operating disbursements. During the quarter, the total average daily balance in the investment pools was higher than the last quarter. A second Lehman recovery payment of \$8,528 was received in the quarter. Of the total Lehman investment loss of \$222,171 in 2009, \$21,935 (or 9.9%) has been recovered to-date.

### **ATTACHMENT:**

Quarterly Investment Report as of December 31, 2012

**ITEM 5.8**



**C/CAG**  
CITY/COUNTY ASSOCIATION OF GOVERNMENTS  
of San Mateo County

**Board of Directors Agenda Report**

**To: Sandy Wong, Executive Director**  
**From: Tracy Kwok, Financial Services Manager**  
**Date: January 31, 2013**

**SUBJECT: Quarterly Investment Report as of December 31, 2012**

**RECOMMENDATION:**

It is recommended that the C/CAG Board review and accept the Quarterly Investment Report.

**ANALYSIS:**

The attached investment report indicates that on December 31, 2012, funds in the amount of \$18,961,215 were invested producing a weighted average yield of 0.39%. Accrued interest earnings for this quarter totaled \$18,512.

Below is a summary of the changes in the portfolio:

	<b>Qtr Ended 12/31/12</b>	<b>Qtr Ended 9/30/12</b>	<b>Increase (Decrease)</b>
Total Portfolio	\$ 18,961,215	\$ 19,835,621	\$ (874,406)
Wgtd Avg Yield	0.39%	0.42%	-0.03%
Interest Earnings	\$ 18,512	\$ 17,060	\$ 1,452
Lehman Recovery Pymt	\$ 8,528	\$ -	\$ 8,528

The total portfolio value decreased primarily from the transfer of funds from the LAIF investment portfolio account to the checking account for operating disbursements. During the quarter, the total average daily balance in the investment pools was higher than the last quarter. As a result, the accrued interest earnings of \$18,512 remain at the same level as last quarter despite a decrease in the weighted average yield. A second Lehman recovery payment of \$8,528 was received in this quarter. Of the total Lehman investment loss of \$222,171 in 2009, \$ 21,935 or 9.9% has been recovered to-date.

Historical cash flow trends are compared to current cash flow requirements on an ongoing basis to ensure that C/CAG's investment portfolio will remain sufficiently liquid to meet all reasonably anticipated operating requirements. As of December 31, 2012, the portfolio contains enough liquidity to meet the next six months of expected expenditures by C/CAG. All investments are in compliance with the Investment Policy. Attachment 2 shows a historical comparison of the portfolio for the past nine quarters.

The primary objective of the investment policy of the CCAG remains to be the SAFETY OF PRINCIPAL. The permitted investments section of the investment policy also states:

*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.*

The Investment Advisory Committee has reviewed and approved the attached Investment Report.

Attachments

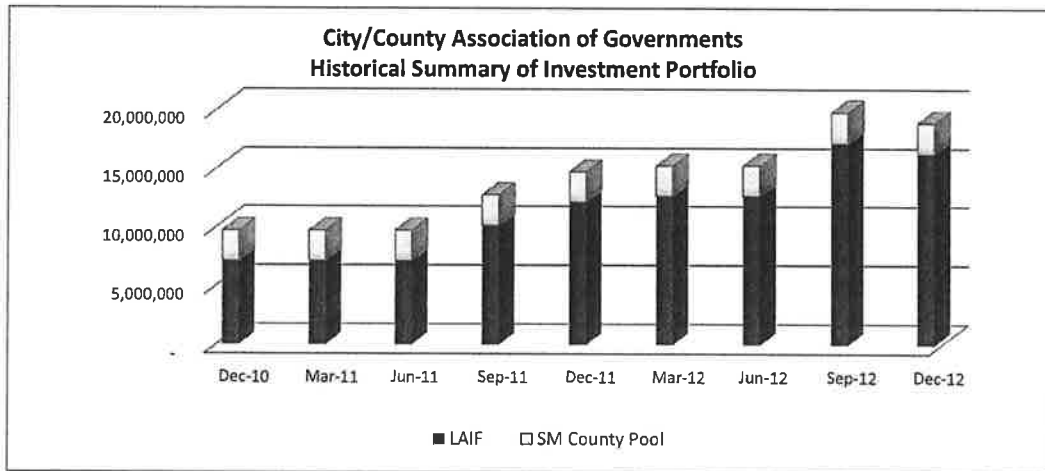
- 1 – Investment Portfolio Summary for the Quarter Ended December 31, 2012
- 2 – Historical Summary of Investment Portfolio

**CITY & COUNTY ASSOCIATION OF GOVERNMENTS**

**SUMMARY OF ALL INVESTMENTS**  
For Quarter Ending December 31, 2012

Category	Weighted Average Interest Rate	HISTORICAL Book Value	GASB 31 ADJ Market Value
<b>Liquid Investments:</b>			
Local Agency Investment Fund (LAIF)	0.32%	16,319,895	16,338,291
San Mateo County Investment Pool (COPOOL)	0.83%	2,641,320	2,652,519
<b>Agency Securities</b>			
<i>none</i>			
<b>Total - Investments</b>	<b>0.39%</b>	<b>18,961,215</b>	<b>18,990,810</b>
<b>GRAND TOTAL OF PORTFOLIO</b>	<b>0.39%</b>	<b>\$ 18,961,215</b>	<b>\$ 18,990,810</b>
<b>Total Accrued Interest this Quarter</b>			<b>18,512</b>
<b>Total Interest Earned (Loss) Fiscal-Year-to-Date</b>			<b>35,572</b>

### C/CAG Investment Report December 31, 2012



**City/County Association of Governments Investment Portfolio**

	<b>Dec-10</b>	<b>Mar-11</b>	<b>Jun-11</b>	<b>Sep-11</b>	<b>Dec-11</b>	<b>Mar-12</b>	<b>Jun-12</b>	<b>Sep-12</b>	<b>Dec-12</b>
LAIF	7,141,456	7,149,659	7,158,604	10,167,100	12,174,722	12,685,059	12,696,529	17,207,806	16,319,895
SM County Pool	2,567,256	2,574,079	2,580,462	2,588,438	2,596,189	2,602,633	2,621,911	2,627,815	2,641,320
<b>Total</b>	<b>\$ 9,708,712</b>	<b>\$ 9,723,738</b>	<b>\$ 9,739,066</b>	<b>\$ 12,755,537</b>	<b>\$ 14,770,911</b>	<b>15,287,692</b>	<b>15,318,440</b>	<b>19,835,621</b>	<b>18,961,215</b>



# C/CAG AGENDA REPORT

**Date:** March 14, 2013  
**To:** City/County Association of Governments Board of Directors  
**From:** Sandy Wong, Executive Director  
**Subject:** Review and appointment of Commissioner Alicia Aguirre to fill the vacant MTC seat on the Congestion Management & Environmental Quality (CMEQ) Committee  
(For further information or questions contact Sandy Wong at 599-1409)

---

## RECOMMENDATION

That the C/CAG Board appoint Commissioner Alicia Aguirre to fill the vacant MTC seat on the Congestion Management & Environmental Quality (CMEQ) Committee.

## FISCAL IMPACT

None.

## BACKGROUND/DISCUSSION

There is one seat on the CMEQ committee for a MTC representative vacated by former Commissioner Kevin Mullin. Staff contacted Alicia Aguirre, Mayor of Redwood City, who now represents the Cities of San Mateo County on the MTC Commission, filling the seat vacated by Kevin Mullin. Commissioner Aguirre has expressed interested in serving on the CMEQ committee.

The Congestion Management and Environmental Quality Committee (CMEQ) provides advice and recommendations to the full C/CAG Board on all matters relating to transportation planning, congestion management, and selection of projects for state and federal funding. The Committee also has the specific responsibility for the development and updating of the Congestion Management Program and the Countywide Transportation Plan.

## ATTACHMENTS

- Roster for the CMEQ Committee

# CMEQ March 2013 ROSTER

Chair - Richard Garbarino  
 Vice Chair - Gina Papan  
 Staff Support: Sandy Wong ([slwong@co.sanmateo.ca.us](mailto:slwong@co.sanmateo.ca.us))  
 (650) 599-1409

Name	Representing
Jim Bigelow	Business Community
Zoe Kersteen-Tucker	San Mateo County Transit District (SamTrans)
Arthur Lloyd	Peninsula Corridor Joint Powers Board (CalTrain)
Lennie Roberts	Environmental Community
Onnolee Trapp	Agencies with Transportation Interests
Steve Dworetzky	Public Member
Naomi Patridge	City of Half Moon Bay
Gina Papan	City of Millbrae
Barbara Pierce	City of Redwood City
Irene O'Connell	City of San Bruno
Rich Garbarino	City of South San Francisco
<b>VACANT</b>	MTC
Nadia Holober	City of Millbrae
Mark Olbert	City of San Carlos
Clifford Lentz	City of Brisbane
Elizabeth Lewis	City of Atherton

# C/CAG AGENDA REPORT

**Date:** March 14, 2013

**To:** City/County Association of Governments Board of Directors

**From:** Sandy Wong, Executive Director

**Subject:** Review and approval of Resolution 13-10 authorizing the funding allocation of the OneBayArea Grant (OBAG) - Cycle 2 Transportation for Livable Communities (TLC) Program up to \$2 million for the C/CAG 5<sup>th</sup> Cycle Transit Oriented Development (TOD) program commitments.

(For further information or questions contact Tom Madalena at 650-599-1460 or Jean Higaki at 650-599-1462)

---

## **RECOMMENDATION**

That the C/CAG Board review and approve Resolution 13-10 authorizing the funding allocation of the OneBayArea Grant (OBAG) - Cycle 2 Transportation for Livable Communities (TLC) Program up to \$2 million for C/CAG 5<sup>th</sup> Cycle Transit Oriented Development (TOD) program commitments, for those projects that fulfill all the TOD program requirements.

## **FISCAL IMPACT**

Not applicable.

## **SOURCE OF FUNDS**

OBAG Congestion Mitigation and Air Quality (CMAQ) or OBAG Surface Transportation Program (STP).

## **BACKGROUND/DISCUSSION**

On May 17, 2012 the joint Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) adopted Resolution No. 4035 outlining the "OneBayArea Grant" (OBAG) Cycle 2 policies.

On October 11, 2012 the C/CAG Board approved of setting aside approximately \$2 million of the \$6.5 million in the OBAG Transportation for Livable Communities (TLC) Program funds for commitments made under the C/CAG 5<sup>th</sup> Cycle Transit Oriented Development (TOD) program.

As part of the programming process MTC requires formal CMA board adoption of projects to be

**ITEM 5.10**

programmed with OBAG funds.

### **5th Cycle Transit Oriented Development (TOD)**

On January 7, 1999, the C/CAG Board of Directors adopted the 1<sup>st</sup> Cycle Transit Oriented Development Housing Incentive Program to promote smart growth and increase the housing stock in San Mateo County. This program provides transportation funds as an incentive for local jurisdictions to build high-density housing (greater than 40 units per acre) within 1/3 of a mile of a BART or Caltrain station, or on a frontage parcel of the El Camino Real/Mission Street in San Mateo County. For eligible housing projects, C/CAG will make a commitment to program the incentive funds to a transportation project(s) identified by the sponsor if the housing is under construction within two years.

On March 10, 2011, the C/CAG board approved the 5<sup>th</sup> Cycle of the Transit Oriented Development Housing Incentive Program. Up to \$3 million in funding incentives were committed for the TOD cycle as listed in Attachment 1; however, it is estimated that not all of the housing projects listed will meet the TOD program requirements and qualify to receive funding.

TOD project sponsors have until March 10, 2013 to show proof that the housing projects is under construction, and to identify a transportation project to receive transportation incentive funding. At the time of writing this staff report, only three projects have fulfilled this requirement. Staff recommends that the C/CAG Board allocate OBAG funds to those projects that fulfill TOD program requirements by the March 10, 2013 deadline, on a first come first serve basis. TOD project sponsors that do not meet the requirements by the deadline may re-apply for funding in the next TOD cycle.

Cities that approve and construct qualified Transit Oriented Development (TOD) projects receive funding for transportation projects. The funding committed for Cycle 5 TOD is sourced from the OBAG Program and OBAG requirements apply.

### **ATTACHMENTS**

- Resolution 13-10
1. Transit Oriented Development Housing Incentive Program 5<sup>th</sup> Cycle Recommended Projects (Attachment 1)

**RESOLUTION 13-10**

\*\*\*\*\*

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/ COUNTY  
ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY TO ADOPT  
THE FUNDING ALLOCATION OF THE ONEBAYAREA GRANT (OBAG) -  
CYCLE 2 TRANSPORTATION FOR LIVABLE COMMUNITIES (TLC)  
PROGRAM FOR THE C/CAG 5TH CYCLE TRANSIT ORIENTED  
DEVELOPMENT (TOD) PROGRAM COMMITMENTS**

\*\*\*\*\*

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

WHEREAS, the joint Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) adopted Resolution No. 4035 outlining the “OneBayArea Grant policies and procedures to be used in the selection of projects to be funded with Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds for the Cycle 2 STP/CMAQ Program (23 U.S.C. Section 133); and

WHEREAS, local responsibility for project selection for the OBAG 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 approved the 5th Cycle Transit Oriented Development (TOD) program, listed in Attachment 1, and as adopted in March 10, 2011; and

WHEREAS, C/CAG has approved of OBAG funding allocations to a subset of those listed project sponsors that fulfill TOD requirements by March 10, 2013; and

WHEREAS, the allocation of OBAG funds for transportation projects fulfill C/CAGs 5th Cycle Transit Oriented Development (TOD) program commitments.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County to allocate OBAG funds

to 5th Cycle Transit Oriented Development (TOD) transportation projects, for those TOD projects that fulfill all TOD program requirements, which will be submitted to the Metropolitan Transportation Commission (MTC); and to 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 14TH DAY OF MARCH 2013.**

---

Bob Grassilli, C/CAG Chair

**Transit Oriented Development Housing Incentive Program  
5<sup>th</sup> Cycle Recommended Projects**

<b>City of San Mateo:</b>	
Project Name:	Mid-Peninsula Housing & Palo Alto Partners
Number of Units:	120 units
Distance from Transit Station or ECR/Mission Street:	1,000 feet from Hayward Park Caltrain Station
Affordable housing incentive:	100% (242 bedrooms)
<i>Transportation project - Eligible for up to \$</i>	\$368,000

<b>City of San Mateo:</b>	
Project Name:	Bay Meadows Phase II
Number of Units:	108 units
Distance from Transit Station or ECR/Mission Street:	923 feet from proposed Hillsdale Caltrain Station
Affordable housing incentive:	10% (20 bedrooms)
<i>Transportation project - Eligible for up to \$</i>	\$270,000

<b>City of San Carlos:</b>	
Project Name:	San Carlos Transit Village
Number of Units:	281 units
Distance from Transit Station or ECR/Mission Street:	El Camino Real
Affordable housing incentive:	15% Affordable (80 bedrooms)
<i>Transportation project - Eligible for up to \$</i>	\$726,000

<b>City of San Carlos:</b>	
Project Name:	Wheeler Plaza
Address:	1200 block of San Carlos Ave. & 600 block of Walnut Street, San Carlos, CA
Number of Units:	112
Distance from Transit Station or ECR/Mission Street:	1/10 of a mile from Caltrain
Affordable housing incentive:	21% (44 bedrooms)
<i>Transportation project - Eligible for up to \$</i>	\$290,000

<b>City of San Bruno:</b>	
Project Name:	Peninsular Plaza
Address:	400-418 San Mateo Avenue, San Bruno, CA
Number of Units:	48 units
Distance from Transit Station or ECR/Mission Street:	1/5 mile to Caltrain
Affordable housing incentive:	17.5% affordable (16 bedrooms)
<i>Transportation project - Eligible for up to \$</i>	\$127,000

<b>City of South San Francisco:</b>	
Project Name:	Mid Peninsula Housing Coalition
Address:	636 El Camino Real, South San Francisco, CA
Number of Units:	109 residential units
Distance from Transit Station or ECR/Mission Street:	El Camino Real
Affordable housing incentive:	100% affordable (235 bedrooms)
<i>Transportation project - Eligible for up to \$</i>	\$357,000

<b>City of South San Francisco:</b>	
Project Name:	City of South San Francisco
Address:	418 Linden Avenue, South San Francisco, CA
Number of Units:	25 residential units
Distance from Transit Station or ECR/Mission Street:	¼ mile to South San Francisco Caltrain
Affordable housing incentive:	NA
<i>Transportation project - Eligible for up to \$</i>	\$49,000

<b>City of South San Francisco:</b>	
Project Name:	Metron, PTP
Address:	1309 Mission Road, South San Francisco, CA
Number of Units:	20
Distance from Transit Station or ECR/Mission Street:	.02 miles from South San Francisco BART
Affordable housing incentive:	20% affordable (9 bedrooms)
<i>Transportation project - Eligible for up to \$</i>	\$61,000



<b>City of Redwood City:</b>	
Project Name:	Mel's Bowl Site / Urban Housing Group
Address:	2580 El Camino Real, Redwood City, CA
Number of Units:	149
Distance from Transit Station or ECR/Mission Street:	El Camino Real
Affordable housing incentive:	NA
<i>Transportation project - Eligible for up to \$</i>	\$258,000

<b>City of Redwood City:</b>	
Project Name:	Dodge Dealership Development Site / BRE Properties
Address:	640 Veterans Blvd., Redwood City, CA
Number of Units:	260
Distance from Transit Station or ECR/Mission Street:	.27 miles from Redwood City Caltrain Station
Affordable housing incentive:	NA
<i>Transportation project - Eligible for up to \$</i>	\$494,000

Notes – Grant amounts are rounded to the nearest \$1,000 per State and Federal requirements. Funds will be OBAG STP or CMAQ depending on transportation project and fund availability.



## **C/CAG AGENDA REPORT**

Date: March 14, 2013  
To: C/CAG Board of Directors  
From: Sandy Wong, Executive Director - C/CAG  
Subject: Review and accept information regarding C/CAG financial practices  
(For further information, contact Sandy Wong at 650 599-1409)

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### **RECOMMENDATION:**

That the C/CAG Board of Directors review and accept the information regarding C/CAG financial practices.

### **FISCAL IMPACT:**

None.

### **REVENUE SOURCE:**

All C/CAG revenue sources.

### **BACKGROUND:**

At the December 13, 2012 C/CAG Board meeting, one or more C/CAG Board members requested staff to provide information regarding C/CAG financial practices, and financial safeguard process. C/CAG contracts with the City of San Carlos as the financial agent. A “checklist of internal controls for investment function” as well as “Suggested questions for Board members to ask” were provided to San Carlos Finance Department. Answers are provided in the attached as applicable to C/CAG. The questions & answers are intended to provide information on the process used by San Carlos Finance Department in handling of C/CAG finances. Staff will continue to work with San Carlos Finance Department to track, monitor, and seek continuous process improvement to protect and safeguard C/CAG finances.

### **ATTACHMENT:**

1. Suggested questions for Board members to ask.
2. Checklist of Internal Controls for the Investment Function

**ITEM 5.11**



## Suggested questions for Board Members to Ask

1. Do we have insurance coverage for employee theft or embezzlement? Please explain the policy limits, whether the policy is part of a pooled risk program and whether other claims have been made against the policy, thus reducing the remaining limits available to us. Are legal or investigation costs covered and, if so, what is the limit for those costs? Are there any exclusions that limit coverage?

*The City is required to maintain \$1million in professional liability under its contract with C/CAG.*

2. Do any employees handle cash, signature stamps or checks?

*No cash for C/CAG, City's signature stamps and checks.*

If so, what protections are in place to protect against theft?

*For receipts, checks are kept in a safe. For disbursements, the City uses positive pay.*

Are checks, signature stamps and cash stored in a secure place and under dual custody? Are two people required to sign or witness each transaction? Do we verify goods received before issuing payment for them?

3. How many employees have credit cards? What are their titles and for what purpose have they been issued credit cards? What protections are in place to protect against their misuse?

*There is no C/CAG credit card.*

4. Do you have annual audits?

*Yes.*

How long has it been since we required an RFP to consider a new auditor or investment manager?

*An RFP was done and a new audit firm was selected in late 2011.*

Do we also have periodic audits focused on internal controls designed to avoid employee fraud?

*The City has sent out an RFP for internal controls and has identified two firms for reference checking.*

5. What is the board's investment strategy?

*Please refer to the Investment Policy that is reviewed and approved by C/CAG Board.*

6. What fees do we pay for investment transactions? Is the investment manager permitted to mark up the price in addition to receiving a management fee?

*Currently, funds are invested in the San Mateo County Pool and the State of California's Local Agency Investment Fund.*

7. What background checks are required before people are hired to supervise or manage finances or investments?

*Fingerprint*

Do we run credit reports on prospective hires?

*Yes*

8. Are all employees required to get anti-fraud training?

*No*

9. Do we require all employees to take vacations at least one week or longer? Are employees cross-trained and required to rotate duties?

*City's Finance Division staff are periodically taking time off. Although no staff rotation, transactions are being reviewed and approved by the Financial Services Manager.*

10. Do we have a dedicated computer for online banking that is not enabled for email and web browsing? Do we have alerts set up to notify us when debits are made?

*No dedicated computer but the all debit transactions have to either clear through positive pay or approved by the City's Financial Services Manager or the Administrative Service Director.*

11. Do we have an anonymous whistleblower tip line in place? Do we reward whistle blowers?

12. Are budgets compared on a regular basis to actual results to detect significant variances?

*Yes, the budget to actual report is sent to C/CAG monthly.*

## CHECKLIST OF INTERNAL CONTROLS FOR THE INVESTMENT FUNCTION

1. Does the agency have a written investment policy that has been approved by the governing body? Is the policy reviewed and revised periodically?

*Yes. Annually*

2. Does the investment policy specify permissible investments by type and provide guidelines describing diversification and credit quality requirements for each type of permissible investment?

*Yes.*

3. Is there an approved list of financial institutions and broker/dealers for each type of permissible investment?

*No because fund is invested in the San Mateo County Pool and the State of California's Local Agency Investment Fund.*

4. Does the investment policy describe the process of selecting financial institutions, broker/dealers, custodians, etc., and require written contracts and agreements with these entities? Is the selection process carried out in conformance with the policy?

*Not applicable at this time as all available funds are deposited in the investment pools.*

5. Are investment transactions and strategies documented? Is the process of initiating, reviewing, and approving investment purchases and sales recorded in written documents and are the documents retained for audit purposes?

*Not applicable at this time as all available funds are deposited in the investment pools.*

6. Are selected investments reviewed for: type, authorized trading partner, custodial arrangements, written authorizations, accounting and disposition of interest earnings?

*Not applicable at this time as all available funds are deposited in the investment pools.*

7. Does the agency have a written wire transfer agreement with the bank outlining various controls and security provisions for making and receiving wire transfers? Are written confirmations of telephone transactions for investments and wire transfers required?

*The San Mateo County Pool requires written request for wire transfer and calls back to request PIN number. The City provides the State of California's Local Agency Investment Fund a list of authorized signers and bank accounts. Transfer can only be made by those authorized signers and to those authorized accounts. When request transfers, the City has to provide a valid PIN number.*

8. Are duties segregated so no one person has responsibility for investment transactions from beginning to end?

*Not applicable at this time as all available funds are deposited in the investment pools.*

9. Are the credentials and references for all investment position candidates carefully reviewed and verified? Are the finalists for investment positions with bona fide security requirements screened for past records of indiscretion or criminal activity? Is care taken so that all such candidates are treated equally in the selection process? Does such screening conform to applicable federal and state laws?

*Not applicable at this time as all available funds are deposited in the investment pools.*

10. Are investment procedures clearly documented? Does the documentation include descriptions of employee responsibilities, the process for conducting and recording transactions, and clear delineation of authority to approve the transactions?

*Please refer to the Investment Policy adopted by the C/CAG Board.*

11. Does the agency have a training plan to ensure that each employee understands the tasks they are required to perform? Does the training plan include updates and refresher training for investment staff who are responsible for making judgments about investment selection?

*Not applicable at this time as all available funds are deposited in the investment pools.*

12. Are confirmations of investment transactions obtained from the custodial bank?

*Not applicable at this time as all available funds are deposited in the investment pools.*

13. Does the custodial bank provide monthly verifications of both principal and market values of all investments and collateral? Is this information compared against internal records? Does staff immediately follow up on any discrepancies?

*Not applicable at this time as all available funds are deposited in the investment pools. However, monthly statements are provided by the investment pools and the City's Senior Accountant prepares monthly reconciliation and the Financial Services Manager reviewed and approves the reconciliation.*

14. Are investment reports produced on a periodic basis? Do the reports include descriptions of investment amounts, transaction dates, interest rates, maturities, bond ratings, market prices and other related income? Are investment yields monitored and compared against expectations?

*Not applicable at this time as all available funds are deposited in the investment pool.*

15. Are periodic internal control audits performed to verify that controls are functioning properly and in compliance with the investment policy?

*The City is in the process of having an outside firm to review/audit the City's financial internal controls.*



# C/CAG AGENDA REPORT

**Date:** March 14, 2013  
**To:** C/CAG Board of Directors  
**From:** Sandy Wong, Executive Director  
**Subject:** Presentation and discussion on the Caltrain Go Pass program

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

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## **RECOMMENDATION**

That the C/CAG Board of Directors receive a presentation and discuss the Caltrain Go Pass program.

## **FISCAL IMPACT**

There will be no fiscal impact.

## **SOURCE OF FUNDS**

Not applicable

## **BACKGROUND/DISCUSSION**

At the December 13, 2012 C/CAG Board of Directors meeting, the Board requested for staff to provide information on the Caltrain Go Pass program. Staff provided an informational report for the Board of Directors at the February 14, 2013 Board meeting. At the February 14<sup>th</sup> meeting the Board requested for staff to coordinate a presentation by the Caltrain Joint Powers Board (JPB) staff on the Go Pass Program.

## **ATTACHMENTS**

- Caltrain Go Pass FAQs



## Go Pass FAQs

1. What does a company need to do to sign up for the program?
  2. How much does the Go Pass cost?
  3. What about colleges or universities?
  4. Can the cost of the Go Pass be shared with the employee or student?
  5. How often can someone use the Go Pass?
  6. What about Go Passes for part-time employees?
  7. Can two smaller companies or a non-profit “partner?”
  8. Can employees use the Go Pass for personal, non-work related trips?
  9. What about a company with many offices, nationally or internationally? Must the Go Pass be purchased for the entire company?
  10. What else is the company responsible for?
  11. How can I obtain a parking permit?
- 

1. What does a company need to do to sign up for the program?

Interested companies must enter into a contract with Caltrain which details the responsibilities for issuing, tracking and reporting on the status of the Go passes the company issues to employees.

To get started, the company submits a letter of intent verifying the number of full-time, regular employees (working more than 20 hours per week). Temporary or contract workers aren't eligible for the program. The company must submit a sample of the its photo identification badge to the Caltrain Sales Office. Identification badges without a photo are unacceptable.

The company and Caltrain will then sign an agreement. Payment for the Go passes is required before the Go Pass decals will be issued to the company.

2. How much does the Go Pass cost?

The Go Pass program is open to companies of any size. The total cost of participating in the 2012 Go Pass program will be the greater of \$165 per employee or \$13,750. The cost is pro-rated if the company joins the program for less than a full year.

3. What about colleges or universities?

Caltrain allows colleges and universities to participate in the same way as companies. Schools can purchase the Go Pass for staff or faculty – or both – and for students, but the benefit must be for everyone in the category for which the school decides to provide it – all full-time faculty or staff, for example, or all undergraduate or graduate students.

4. Can the cost of the Go Pass be shared with the employee or student?

Yes. The company or school determines at what level they wish to cover the cost, so long as the price charged to Go Pass recipients is within the limits set forth in the Go Pass agreement.

5. How often can someone use the Go Pass?

The Go Pass is valid for unlimited rides on Caltrain through any zone seven days a week for the calendar year for which it's purchased.

6. What about Go passes for part-time employees?

A company cannot purchase a Go Pass for part-time (20 hours or less a week) employees, temporary staff, interns or consultants. They are not eligible to receive one.

7. Can two smaller companies or a non-profit "partner?"

No. Smaller companies might want to look at options like Commuter Check or other pre-tax employee benefit programs as a way to save money if the Go Pass isn't right for them.

8. Can employees use the Go Pass for personal, non-work related trips?

Yes. The Go Pass can be used by the authorized employee on any Caltrain train at any time, within any zone.

9. What about a company with many offices, nationally or internationally? Must the Go Pass be purchased for the entire company?

The Go Pass would not benefit employees at locations outside of the Caltrain service area. A company may select specific worksites to enroll in the program, and only employees assigned to those worksites are eligible for a Go Pass.

10. What else is the company responsible for?

Generally, the company is responsible for issuing and tracking the Go Pass stickers by serial number, administering the pre-enrollment survey of employees who will receive a Go Pass and submitting quarterly updates to Caltrain. Complete information about the company's responsibilities can be found in the Go Pass agreement. For more information, contact the Caltrain Market Development staff at 650.508.6292.

11. How can I obtain a parking permit?

Go Pass participants may purchase a Monthly Parking Permit from any station ticket vending machine after submitting an application to Caltrain. Market Development staff will issue the necessary unique access code.

# C/CAG AGENDA REPORT

**Date:** March 14, 2013

**To:** C/CAG Board of Directors

**From:** Sandy Wong, Executive Director

**Subject:** Review and approval of C/CAG legislative policies, priorities, positions, and legislative update (A position may be taken on any legislation, including legislation not previously identified)

(For further information or questions contact Jean Higaki at 599-1462 Sandy Wong at 599-1409)

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## **BACKGROUND/DISCUSSION**

At the February 14, 2013 C/CAG Board of Directors meeting, the Board adopted the Legislative Policies for 2013, with the following language changes.

The Board directed staff to delete the following:

- 3.1 e Support renewal of the \$4 vehicle license fee for funding stormwater regulatory requirements in the Municipal Regional Permit.

The Board also directed a change to the language of 3.2 to the following:

- 3.2 Pursue and support efforts that ~~promote true source control~~ control pollutants at the source and extended producer responsibility, such as the California Product Stewardship Council and the Green Chemistry Initiative.

The final adopted version is attached

## **ATTACHMENTS**

Attachment A - C/CAG Legislative Policies for 2013.

**ITEM 6.2**



# Attachment A

## C/CAG LEGISLATIVE POLICIES FOR 2013

### ***Policy #1 -***

#### ***Protect against the diversion of local revenues.***

- 1.1 Support League and CSAC Initiatives to protect local revenues.
- 1.2 Provide incentives to local government to promote economic vitality and to alleviate blighted conditions.

### ***Policy #2 -***

#### ***Protect against increased local costs resulting from State action without 100% State reimbursement for the added costs.***

- 2.1 Oppose any State action that restricts local human resource (HR) decisions.
- 2.2 Oppose State action to restrict the ability of local jurisdictions to contract for services.
- 2.3 Advocate for State actions that are required to take into consideration the fiscal impact to local jurisdictions.
- 2.4 Require all State mandates to be 100% State reimbursed for added costs.
- 2.5 Ensure that adequate funding is made available by the State to address re-alignment responsibilities given to local jurisdictions.

### ***Policy #3 -***

#### ***Support actions that help to meet municipal stormwater permit requirements and secure stable funding to pay for current and future regulatory mandates.***

- 3.1 Primary focus on securing additional revenue sources for both C/CAG and its member agencies for funding state and federally mandated stormwater compliance efforts.
  - a. Support efforts to exempt storm sewers from the voting requirements imposed by Proposition 218, similar to water, sewer, and refuse services.
  - b. Support legislation that provides C/CAG, as a Joint Powers Authority, the flexibility to levy taxes, assessments, or fees upon voters or property owners approval consistent with Proposition 218 requirements
  - c. Include water quality and stormwater management as a priority for funding in new sources of revenues (e.g. water bonds) and protect against a geographically unbalanced North-South allocation of resources.
  - d. Track and advocate for resources for stormwater quality in State and Federal grant and loan programs.

- e. Support stormwater fee reform to 1) direct regulatory permit fees back to Regional Water Quality Control Board, 2) eliminate fee setting under emergency regulations and coordinate process with local budgeting procedures, and 3) ensure fees are consistent with level of service provided by state agencies.
  - f. Support efforts to identify regulatory requirements that are unfunded state mandates and ensure provision of state funding for such requirements.
  - g. Pursue and support efforts that provide additional funding from Federal, State, or local governments outside the Bay Area to regional or statewide associations of stormwater quality agencies (i.e., BASMAA – regional and CASQA – statewide) for programs and projects that reduce or eliminate the need for C/CAG and its member agencies to fund and implement similar programs and projects locally.
- 3.2 Pursue and support efforts that control pollutants at the source and extended producer responsibility, such as the California Product Stewardship Council and the Green Chemistry Initiative.
  - 3.3 Support efforts to place the burden/ accountability of reporting, managing, and meeting municipal stormwater requirements on the responsible source rather than the cities or county, such as properties that are known pollutant hot spots and third party utility purveyors.
  - 3.4 Advocate for the development of statewide stormwater policies that establish consistent, practical, and progressive approaches for stormwater regulatory and management programs that help protect water quality and beneficial uses.
  - 3.5 Pursue and support pesticide regulations that protect water quality and reduce pesticide toxicity.
  - 3.6 Track stormwater-related regulatory initiatives that may impact member agencies, such as the proposed statewide trash policy, Caltrans stormwater permits, special exceptions for Areas of Special Biological Significance, and the Phase II General Permit.

***Policy #4 -***

***Support lowering the 2/3rd super majority vote for local special purpose taxes and fees.***

- 4.1 Support bills that reduce the vote requirements for special taxes and fees.
- 4.2 Oppose bills that impose restrictions on the expenditures, thereby reducing flexibility, for special tax category.
- 4.3 Support modification or elimination of the Proposition 26 two-thirds requirements.



***Policy #5-***

***Encourage the State to maintain its commitment to provide and protect transportation funding.***

- 5.1 Urge the State to eliminate transfer of State transportation funds to the State General Fund.
- 5.2 Support additional revenues for transportation funding.
- 5.3 Protect existing funding and support additional funding for maintenance of streets and roads.
- 5.4 Protect existing funding and support additional funding for the State of California SHOPP program, which provides resources for maintenance of State highways.
- 5.5 Support revisions in the Peninsula Joint Powers Agreement that provide equitable funding among the Caltrain partners.
- 5.6 Support a dedicated funding source for the operation of Caltrain.

***Policy #6 -***

***Advocate for revenue solutions to address State budget issues that are also beneficial to Cities/Counties***

- 6.1 Support measures to ensure that local governments receive appropriate revenues to service local communities.

***Policy #7 -***

***Support reasonable climate action/Greenhouse Gas legislation***

- 7.1 Support incentive approaches toward implementing AB32.
- 7.2 Oppose climate legislation that would conflict with or override projects approved by the voters.
- 7.3 Alert the Board on legislation that would require recording of vehicle miles of travel (VMT) as part of vehicle registration.

***Policy #8 -***

***Support energy conservation***

- 8.1 Support local government partnerships to foster energy conservation, as well as the generation and use of renewable energy sources (wind, solar, etc.)

***Policy #9 -  
Protection of water user rights***

- 9.1 Support the Bay Area Water Supply and Conservation Association (BAWSCA) efforts in the protection of water user rights for San Mateo County users.

***Policy #10 –  
Other***

- 9.1 Support/sponsor legislation to allow transportation planning funds to be used to fund airport/land use compatibility plans.
- 9.2 Support efforts that will engage the business community in transportation demand management.

# C/CAG AGENDA REPORT

**Date:** March 14, 2013  
**To:** City/County Association of Governments Board of Directors  
**From:** Sandy Wong, Executive Director  
**Subject:** Receive update on Countywide Funding Initiative for municipal stormwater compliance activities

(For further information or questions contact Matthew Fabry at 599-1419)

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## RECOMMENDATION

Receive update on Countywide Funding Initiative for municipal stormwater compliance activities and provide feedback to staff, as appropriate.

## BACKGROUND/DISCUSSION

In December 2012, the C/CAG Board approved Resolution 1272, authorizing execution of a funding agreement with SCI Consulting Group to provide technical services in support of a potential countywide funding initiative for municipal stormwater compliance activities. Now that the consultant team is under contract and initial activities are underway, staff is providing a status update to inform Board members of the overall scope and schedule of the project

### Consulting Team and Steering Committee

SCI Consulting Group (SCI) is teamed with EOA, Inc., True North Research, S. Groner Associates, Inc., and McGovern Consulting. SCI is leading the overall effort and has expertise in public funding initiatives, EOA is providing support on evaluating costs to comply with the Municipal Regional Permit, True North Research specializes in public opinion research, S. Groner Associates focuses on public outreach and community engagement, and McGovern Consulting specializes in political strategy and analysis. Staff also convened an ad-hoc committee of C/CAG's Stormwater Committee consisting of four public works directors to review and help staff guide the consultant's efforts.

### Phases of Work

The overall effort is divided into three main phases.

- Phase 1 includes evaluating C/CAG's and member agencies' existing and future costs of compliance with the Municipal Regional Permit, identifying potential funding strategies and recommendations, and performing public opinion research.
- Phase 2, which would only be initiated if the results of Phase 1 indicate public support for an initiative, includes developing a revenue report and action plan.
- Phase 3 includes implementation of the recommended funding initiative and performing associated outreach/education.

### Anticipated Schedule

The consultant team estimates Phase 1 will extend through October 2013, Phases 2 and 3, if authorized, through January and June 2014, respectively.

**ITEM 6.3**



# C/CAG AGENDA REPORT

**DATE:** March 14, 2013  
**TO:** C/CAG Board of Directors  
**FROM:** Sandy Wong, Executive Director  
**SUBJECT:** Election of a C/CAG Chairperson and a C/CAG Vice Chairperson  
[For further information please contact Sandy Wong at (650) 599-1409]

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## **RECOMMENDATION:**

That the Board elect a Chairperson and Vice Chairperson. The vote can be by acclamation or a written ballot depending on the preference of the Board.

## **FISCAL IMPACT:**

None.

## **BACKGROUND/DISCUSSION:**

The C/CAG By-Laws, as amended on June 10, 2004, provides for the nomination of officers at the regular February Board meeting and the election of officers shall occur at the regular March Board meeting. This change was to allow time for the candidates to provide the Board Members with background information to assist them in casting their votes.

At the February 14, 2013 Board meeting, Brandt Grotte was nominated for Chair; and Mary Ann Nihart was nominated for Vice Chair.

No additional nominations may be submitted at the March 14 meeting. The Board can only accept additional nominees from the floor in the event there are not enough candidates for the available offices.

The voting shall be public. According to legal counsel, this can be done by hand or in writing as long as the Board member's name appears on the ballot and it becomes part of the official record. Written ballots will be available if the Board wants to use them.

## **ATTACHMENTS:**

Attachment 1: Background information for Brandt Grotte  
Attachment 2: Background information for Mary Ann Nihart  
Attachment 3: Letter from Mary Ann Nihart dated March 1, 2013

**ITEM 6.4**



## **Brandt Grotte**

Brandt Grotte has been a resident of San Mateo since 1986. He grew up in a variety of towns in the U.S. and abroad while his father was in the Air Force, settling in San Jose where he attended Leland High School. After high school, he obtained his BA in Aquatic Biology from UC Santa Barbara in 1979, and subsequently a Masters Degree in Environmental Management from the University of San Francisco in 1996. Brandt is very happily married to Kathy and has two stepsons. He currently works in the electronics industry as the company's Global Environmental, Safety and Health Manager.

Grotte has been active in neighborhood issues since 1989 including as a founding member of the Shoreview-Parkside Neighborhood Association and a representative to San Mateo United Homeowners including multiple years as President of each association. Other activities in support of the City and its residents and businesses have included

- Membership on San Mateo's Citizens Committee on Social Service Providers
- The City's committee that developed Single-Family Residential Design Guidelines (for second story additions)
- Bay Meadows Foundation (philanthropic)
- The City's Street Tree Maintenance focus group
- San Mateo United Homeowners Subcommittee on the General Plan Update
- City of San Mateo, Citizens' Academy
- Chamber of Commerce's Leadership Program
- Chair, member and founding Councilmember of the Sustainability Advisory Committee
- Founding member of San Mateo FACT (Flood Assessment Correction Team) to remove many of our homes from the FEMA Flood Map
- City representative to the City/County Association of Governments (C/CAG)
- City representative to the ALS/JPA (countywide ambulance services)
- Measure C campaign to improve Fire and Police stations
- Measure P to preserve height and density limits
- Implementing a Sustainability Plan and practices in our City to secure our long term future (now an appendix to the General Plan)
- Building a new Police Station that is seismically safe, sustainably green and demonstrates to our public safety workers that we value them
- City Council appointed lead on High Speed Rail – utilizing the opportunity to preserve and improve downtown San Mateo, electrify CalTrain and get safe grade separations for the streets in San Mateo
- Approved new Solar Panels on the Main Library which was determined LEED Gold in 2008
- Approved Bay Meadows Phase II which is now bringing good jobs to San Mateo, will provide a vibrant new Transit Oriented Development (TOD) neighborhood and significantly add 15+ acres to our system of parks
- Support for Downtown marketing efforts and the Chamber of Commerce EDGE program (to promote business conversation, employee training and business retention) that are helping to support our businesses in these challenging economic times
- Increased affordable housing requirement from 10 to 15% in new developments
- Approved the Hines and Station Park Green TOD developments which were approved with high green building requirements and development agreements that are business friendly and yet increase benefits to the adjacent neighborhoods

He is currently serving on the City Council as a Councilmember and was the 2009 Mayor. Grotte served on the Planning Commission of the City of San Mateo for 5 years including one year each as Vice-Chair and Chairperson. As a former Planning Commissioner, he demonstrated an open and responsive manner to all sides on any planning issue. This included listening, considering and then recommending solutions that balance the interests of all parties, and protect the character of San Mateo while allowing it to grow in a responsible and sustainable manner.

Professionally, Grotte has worked in the fields of aquaculture, facilities maintenance and for the past 29 years in the electronics field. His professional responsibilities include significant efforts in the areas of environmental management systems, risk management including fire protection, risk assessment, workers compensation, occupational health issues, quality management systems and building consensus between groups ranging from wage role employees to upper management.

Grotte's International experience has promoted his sensitivity to a variety of cultures and includes the challenges of achieving understanding across cultural boundaries. This is important when developing policies, obtaining consensus, implementing programs and interpreting needs all of which are important in the highly diverse City of San Mateo.



## Bio/Credentials – Mary Ann Nihart

Currently serving in her second term, Ms. Nihart was first elected to the Pacifica City Council in 2008. She served as Mayor for 2010-2011 and was again elected by her fellow councilmembers as Mayor Pro tem in December 2012. During her tenure on the Pacifica City Council she has served her community and the county in a number of capacities.

- Current Vice Chair, San Mateo County Council of Cities/City Selection Committee
- Council representative to City and County Association of Governments since January 2011
- C/CAG Legislative Committee appointee since early 2010
- Chair, Joint Powers Authority for North County Fire District (Daly City, Pacifica, and Brisbane), 2010-2012
- Articulation Committee Member, Jefferson Union High School District and Pacifica School District, 2009 thru 2012
- Initiated the reinstatement of the Pacifica Economic Development Committee and has served as council liaison since 2010
- Council liaison, Fog Fest Organizing Group since 2009
- Council Liaison, Pacifica Financing City Services Task Force since 2009
- Initiated, organized and now serve as liaison to the Pacifica Beautification Task Force
- Emcee, "Spring for Youth," Daly City Youth Health Center Annual Awards Banquet and Auction, April 25, 2013
- Initiated and spearheaded Pacifica's selection as one of six nationwide finalists in the Rand McNally Best of the Road, Most Beautiful City under 200,000 in 2011
- Reinstated monthly Mayor's Walks in 2011
- Committee member for the California League of Cities, Peninsula Division, for the successful Yes on Prop 22 in 2010
- Chaired the successful increase in Pacifica's Transient Occupancy Tax in 2010
- Recruitment/interview subcommittee for new Pacifica Planning Director in 2010
- Pacifica's representative to the Association of Bay Area Governments 2009 thru 2010
- President's Council, Skyline Community College, 2009 to 2011
- Initiated and spearheaded Pacifica's Ban on Plastic Bags
- Lead the reorganization and revitalization of the Palmetto Business Association focused on undergrounding utilities and completing a new street scape
- Subcommittee on Commissions and Committees, review, analyze, and make recommendations to the City Council, current
- Subcommittee on Recruitment of new Pacifica City Manager, current

Prior to Ms. Nihart's first election to Pacifica City Council in 2008, she has been a very active community member since the early 80s. Listed below are a few of her committee efforts:

- Vice chair, West Sharp Park Advisory Committee focused on redesign, rebrand, and revitalize the Palmetto Business District in preparation for undergrounding and streetscape,
- Founding member Pacificans United for Positive Solutions in 1994 (focused on the site development and community support for a new tertiary wastewater treatment facility which opened in 2000 and restoration of Calera Creek),
- Fog Fest Parade Committee and Parade organizer for 16 years, founding board member and sponsorship chair for the Fog Fest Organizing Group, a set of committee members who stepped up to save the Fog Fest in 1999
- Co-chair, Measure N, Pacifica School District's first successful school parcel tax in 2008, organized the campaign, helped recruit over 300 volunteers, and raised over \$70,000 in three months
- Founding member and donor, Pacifica Education Foundation
- Active fundraiser and member, Pacifica Historical Society

Professionally, Ms. Nihart is Chief, Mental Health and Critical Care Nursing at the San Francisco Veterans Affairs Medical Center. She co-owns and serves as Chair of the Board of Directors for Pro-ACT, Inc. based in Upland, California, which is a national consulting firm specializing in the management of assaultive behavior in at risk populations. She also teaches at the University of California Davis Center for Human Services, and precepts advanced practice nursing students from UCSF.

Ms. Nihart served as the curriculum developer for Reduction in the Use of Seclusion and Restraint and the Trauma Informed Care projects supported by the National Association of State Mental Health Program Directors (NASMHPD) & for Mental Health Component of the National Plan for Disaster sponsored by Substance Abuse Mental Health Services Administration (SAMSHA). In that capacity she traveled throughout the U. S. helping states and regions build capacity for providing mental health resources in the event of a disaster. In addition, Ms. Nihart co-authored/edited a popular textbook, speaks nationally and internationally, and has received multiple awards, including the 2012 Psychiatric Nurse of the Year for the American Psychiatric Nurses Association (APNA) and the UCD Outstanding Service Award for Faculty. Mary Ann served six years on the Board of Directors for Nurse Practitioners in Women's Health, is a Past President of the California Chapter of APNA, currently serves on the APNA Institute for Mental Health Advocacy and the conference committee for the APNA Annual Clinical Psychopharmacology Institute. She also chairs an annual psychiatric nursing conference. Ms. Nihart holds graduate degrees in psychology and nursing and is certified by the American Nurses Association Credentialing Center as both a nurse practitioner and a clinical nurse specialist in Psychiatric Mental Health Nursing.

Mary Ann Nihart  
Mayor Pro Tem  
City of Pacifica  
170 Santa Maria Avenue  
Pacifica, CA 94044

March 1, 2013


Sandy Wong  
Executive Director of C/CAG  
Bob Grassilli, C/CAG Chair and Board Members  
County Office Building  
555 County Center  
Fifth Floor  
Redwood City, California 94063

Chair, Vice Chair C/CAG Board Members:

I am deeply honored to have been nominated for Vice Chair of C/CAG at our last board meeting. As the representative from the Pacifica City Council for more than two years and a member of the C/CAG Legislative Committee for more than three years, I have experienced first-hand the excellent leadership and commitment of the board members, chair, and vice chair. C/CAG truly is a best practice for shared governance. I am committed to the mission of C/CAG and to our efforts on a county wide basis. I am proud of the great working relationship of our board members and our service to San Mateo County. Chair Grassilli and Vice Chair Grotte have done an outstanding job in leading the work of the board as efficiently and fairly as possible and I can only hope to follow in their strong example.

With that said, after the last meeting, I suddenly remembered that I had meant to announce that Mayor Len Stone would serve in my place at the March meeting. I am chairing a National Conference for my profession in New Orleans March 12 thru 15 and had already arranged for my alternate to replace me at the C/CAG meeting. While I cannot be in attendance for the election, I hope that you still understand my excitement, commitment and energy for the position. Mayor Stone can attest to my strong work ethic. And, if elected, I will arrange my schedule so I can be at every meeting. I feel awful that the timing was bad, but will make sure this does not happen in the future. Thanks for your understanding.

Respectfully,



Mary Ann Nihart