

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 BOARD MEETING NOTICE

Meeting No. 315

DATE: Thursday, January 10, 2019

TIME: **6:30 P.M.**

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
Caltrain: San Carlos Station.
Trip Planner: <http://transit.511.org>

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

This item is to set the final consent and regular agenda, and to approve the items listed on the consent agenda. All items on the consent agenda are approved by one action. 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. 314 dated December 13, 2018.

ACTION p. 1

- 5.2 Receive a copy of executed Amendment No. 1 to the agreement with Alexis Petru for consulting services for the San Mateo County Energy Watch (SMCEW) Program for time extension only, with no additional funds, in accordance with C/CAG procurement policy.
INFORMATION p. 7
- 5.3 Review and approval of Resolution 19-02 authorizing the C/CAG Chair to execute an agreement with Shaw/Yoder/Antwih, Inc. to provide state legislative advocacy service in an amount not to exceed \$146,250 for two years for the 2019 and 2020 legislative session.
ACTION p. 10
- 5.4 Review and approval of the appointment of Sam Bautista from the City of Pacifica to serve on C/CAG's Stormwater and Congestion Management Program Technical Advisory Committees.
ACTION p. 41

6.0 REGULAR AGENDA

- 6.1 Review and approve C/CAG legislative policies, priorities, positions, and legislative update (a position may be taken on any legislation, including legislation not previously identified).
ACTION p. 46
- 6.2 Review and approval of the Annual C/CAG Legislative Policies for 2019. ACTION p. 50
- 6.3 Review and approval of Resolution 19-01 endorsing the San Mateo County Flood and Sea Level Rise Resiliency Agency proposal. ACTION p. 56
- 6.4 Receive the San Mateo County Transportation Programs Climate Impact Report.
INFORMATION p. 68
- 6.5 Receive an update on the owner/operator options for the US 101 Managed Lanes Project and next steps.
INFORMATION p. 70

7.0 COMMITTEE REPORTS

- 7.1 Committee Reports (oral reports).
- 7.2 Chairperson's Report.
- 7.3 Board Members Report/ Communication.

8.0 EXECUTIVE DIRECTOR'S REPORT

9.0 COMMUNICATIONS - Information Only

10.0 ADJOURNMENT

Next scheduled meeting February 14, 2019

PUBLIC NOTICING: All notices of C/CAG regular Board meetings, standing committee meetings, and special meetings will be posted at the San Mateo County Transit District Office, 1250 San Carlos Ave., San Carlos, CA, and on C/CAG's website at: <http://www.ccag.ca.gov>.

PUBLIC RECORDS: Public records that relate to any item on the open session agenda for a regular Board meeting, standing committee meeting, or special meeting are available for public inspection. Those public records that are distributed less than 72 hours prior to a regular Board 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 public records available for inspection. Such public records are also available on C/CAG's website at: <http://www.ccag.ca.gov>.

PUBLIC PARTICIPATION: Public comment is limited to two minutes per speaker. Persons with disabilities who require auxiliary aids or services in attending and participating in this meeting should contact Mima Guilles at (650) 599-1406, five working days prior to the meeting date.

If you have any questions about this agenda, please contact C/CAG staff:
Executive Director: Sandy Wong (650) 599-1409
Administrative Assistant: Mima Guilles (650) 599-1406

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 MINUTES

Meeting No. 314
December 13, 2018

1.0 CALL TO ORDER/ROLL CALL

Chair Maryann Moise Derwin called the meeting to order at 6:30 p.m. Roll call was taken.

Atherton	– Elizabeth Lewis
Belmont	– Doug Kim
Brisbane	– Cliff Lentz
Burlingame	– Ricardo Ortiz
Colma	– Diana Colvin
Foster City	– Herb Perez (arrive 7:05 p.m.)
Half Moon Bay	– Debbie Ruddock
Hillsborough	– Marie Chuang
Menlo Park	– Catherine Carlton
Millbrae	– Gina Papan
Pacifica	– John Keener
Portola Valley	– Maryann Moise Derwin
Redwood City	– Alicia Aguirre
San Bruno	– Irene O’Connell
San Carlos	– Mark Olbert
San Mateo	– Diane Papan (arrive 6:55 p.m.)
San Mateo County	– David Canepa (depart 10:10 p.m.)
South San Francisco	– Karyl Matsumoto – SamTrans & TA

Absent:

Daly City
East Palo Alto
Woodside

Others:

Sandy Wong	– C/CAG Executive Director
Mima Guilles	– C/CAG Staff
Matthew Sanders	– C/CAG Legal Counsel
John Hoang	– C/CAG Staff
Jean Higaki	– C/CAG Staff
Matt Fabry	– C/CAG Staff
Reid Bogert	– C/CAG Staff

Sara Muse – C/CAG Staff
 Susy Kalkin – C/CAG Staff
 Kim Springer – San Mateo County
 Matt Robinson – Shaw/Yoder/Antwih
 Seth Miller – League of Cities
 April Chan – SMCTA
 Joe Hurley – SMCTA
 Sue Vaterlaus – Pacifica
 Andrew B. Fremier – MTC
 Lisa Klein – MTC
 Carolyn Gonot – VTA
 Casey Emoto – VTA
 Tony Harris – PointC
 Emily Beach – Burlingame
 Other members of the public attended.

3.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Note: Public comment is limited to two minutes per speaker.

None.

4.0 PRESENTATIONS/ ANNOUNCEMENTS

None.

5.0 ACTION TO SET AGENDA AND APPROVE CONSENT AGENDA ITEMS

This item is to set the final consent and regular agenda, and to approve the items listed on the consent agenda. All items on the consent agenda are approved by one action. 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.

Board Member O’Connell MOVED approval of Items 5.1, 5.2., 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9 and 5.10. Board Member Ruddock SECONDED. **MOTION CARRIED 16-0-0**

- 5.1 Approval of the Minutes of regular business meeting No. 313 dated November 8, 2018. APPROVED
- 5.2 Review and approve of the 2019 C/CAG Board calendar. APPROVED
- 5.3 Review and approve of the Finance Committee’s recommendation of no change to the investment portfolio and accept the Quarterly Investment Report as of September 30, 2018. APPROVED
- 5.4 Review and approve of Resolution 18-67 authorizing the C/CAG Chair to execute an agreement between C/CAG and the County of San Mateo to provide staff services for the San Mateo County Energy Watch Program 2019 calendar year for an amount not to exceed \$250,000. APPROVED

- 5.5 Review and approve of Resolution 18-68 authorizing the C/CAG Chair to execute Amendment No.1 to an agreement between C/CAG and DNV GL Energy Services USA, Inc. adding \$89,260 for a new total amount not to exceed \$349,260 APPROVED
- 5.6 Review and accept the C/CAG Financial Statements (Audit) for Fiscal Year Ended June 30, 2018 and the Memorandum on Internal Control and Required Communications for the Year Ended June 30, 2018. APPROVED
- 5.7 Review and accept the C/CAG Single Audit Report for the Year Ended June 30, 2018. APPROVED
- 5.8 Review and accept the C/CAG State Transportation Improvement Program (STIP) Planning, Programming & Monitoring Program (PPM) Final Project Expenditure Audit Report from August 17, 2016 through September 30, 2017. APPROVED
- 5.9 Review and accept the Measure M Fund Financial Statements (Audit) for the Year Ended June 30, 2018. APPROVED
- 5.10 Review and accept the Transportation Fund for Clean Air (TFCA) Program Manager Fund Projects Financial Audit for Project Period Ended June 30, 2017 APPROVED

6.0 REGULAR AGENDA

- 6.1 Review and approve C/CAG legislative policies, priorities, positions, and legislative update (A position may be taken on any legislation, including legislation not previously identified). NO ACTION

The Board received legislative update from Matt Robinson, Shaw/Yoder/Antwih regarding the status of Proposition 6, the November 6, 2018 election results, and the State budget.

- 6.2 Review and approve of the Annual C/CAG Legislative Policies for 2019. TABLED UNTIL NEXT BOARD MEETING

The Legislative Committee reviewed the staff recommended draft Legislative Policies for 2019 and made significant recommended changes at their December 13, 2018 meeting. Due to the extent of changes, it was recommended that the C/CAG Board table this item until the January Board meeting and be presented with a revised draft incorporating committee comments.

Board Member Canepa MOVED to table item 6.2. Board Member Carlton SECONDED. **MOTION CARRIED 16-0-0**

- 6.3 Review and approve of an Owner/ Operator option for the US 101 Express Lane project.

Sandy Wong, Executive Director of C/CAG, provided introduction and background information regarding the US 101 express lane project and owner/operator options of BAIFA and VTA.

The C/CAG Board received a presentation from Andrew Fremier, Deputy Executive Director of BAIFA, on BAIFA Express Lane Network. The Board also received a

presentation from Carolyn Gonot, Chief Engineering & Program Delivery Officer of VTA, on VTA Express Lanes.

Emily Beach, Burlingame, provided public comment.

During the discussion of this item, the time was close to 9:00 PM. Board Member Carlton MOVED to continue the Board meeting and allow the discussion of items after 9 pm. Board Member Ortiz SECONDED. **MOTION CARRIED 18-0-0.**

Board Member Perez MOVED to create a sub-committee to provide all questions regarding both options to staff, and to direct staff to provide answers to those questions prior to returning to the Board action. Board Member Carlton SECONDED. **MOTION FAILED 9-9-0**

Yes (9)

Atherton	Elizabeth Lewis
Belmont	Doug Kim
Brisbane	Cliff Lentz
Colma	Diana Colvin
Foster City	Herb Perez
Menlo Park	Catherine Carlton
Millbrae	Gina Papan
San Mateo	Diane Papan
South San Francisco	Karyl Matsumoto

No (9)

Burlingame	Ricardo Ortiz
Half Moon Bay	Debbie Ruddock
Hillsborough	Marie Chuang
Pacifica	John Keener
Portola Valley	Maryann Moise Derwin
Redwood City	Alicia Aguirre
San Bruno	Irene O'Connell
San Carlos	Mark Olbert
San Mateo County	David Canepa

Absent

Daly City
East Palo Alto
Woodside

Board Member Canepa MOVED to approve that the C/CAG Board enter into negotiations with Bay Area Infrastructure Financing Authority (BAIFA) and 1) Direct the C/CAG Executive Director to work with the TA to set up a joint C/CAG /TA Ad hoc committee of 3 members from each Board to resolve governance issues to ensure input to the San Mateo County's BAIFA member comes from TA and C/CAG Boards 2) bring this resolution to the C/CAG Board no later than the February 2019 TA and C/CAG Board meetings. Board Member Olbert SECONDED. **MOTION CARRIED 11-7-0**

Yes (11)

Belmont	Doug Kim
Colma	Diana Colvin
Half Moon Bay	Debbie Ruddock
Hillsborough	Marie Chuang
Pacifica	John Keener
Portola Valley	Maryann Moise Derwin
Redwood City	Alicia Aguirre
San Bruno	Irene O'Connell
San Carlos	Mark Olbert
South San Francisco	Karyl Matsumoto
San Mateo County	David Canepa

No (7)

Atherton	Elizabeth Lewis
Brisbane	Cliff Lentz
Burlingame	Ricardo Ortiz
Foster City	Herb Perez
Menlo Park	Catherine Carlton
Millbrae	Gina Papan
San Mateo	Diane Papan

Absent

Daly City
East Palo Alto
Woodside

Chair Derwin took the names of Board members who would be interested in serving on the ad hoc committee that the Board directed the Chair to create. Board members Diane Papan, Gina Papan, Kim, Lentz, Olbert, and Aguirre volunteered.

7.0 COMMITTEE REPORTS

7.1 Committee Reports (oral reports).

7.2 Chairperson's Report.

Chair Derwin announced there is an opening at the C/CAG Finance Committee. Interested individuals with a background in finance should contact Executive Director Sandy Wong.

7.3 Board Members Report/ Communication.

Board Member Keener announced this will be his last C/CAG Board meeting as he will not be on the Pacifica City Council next year. C/CAG board members thanked Mr. Keener for his service and wished him well.

8.0 EXECUTIVE DIRECTOR'S REPORT

9.0 COMMUNICATIONS - Information Only

10.0 CLOSED SESSION

10.1 Public Employee Performance Evaluation.

Title: Executive Director of C/CAG.

10.2 Conference with Labor Negotiators.

C/CAG Representatives: Maryann Moise Derwin.

Unrepresented Employee: Executive Director.

11.0 RECONVENE IN OPEN SESSION

11.1 Report out on any actions taken during the Closed Session.

C/CAG legal counsel reported that there were no reportable actions taken during the Closed Session.

12.0 Action on Compensation Adjustment for Executive Director.

ACTION

Board member Colvin MOVED the Board to approve, for the C/CAG Executive Director, a 5% increase in salary and a 4% bonus. Board member Lentz SECONDED. **MOTION CARRIED 17-0-0**

13.0 Approval of 2019 Performance Objectives for Executive Director.

ACTION

Board Member Gina Papan MOVED the Board to approve the C/CAG Executive Director's performance objectives for 2019. Board member Carlton SECONDED. **MOTION CARRIED 17-0-0**

14.0 ADJOURNMENT – 10:50 PM

Next scheduled meeting January 10, 2019

C/CAG AGENDA REPORT

Date: January 10, 2019

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sandy Wong, Executive Director

Subject: Receive a copy of executed Amendment No. 1 to the agreement with Alexis Petru for consulting services for the San Mateo County Energy Watch (SMCEW) Program for time extension only, with no additional funds, in accordance with C/CAG procurement policy

(For further information or questions, contact Kim Springer at 650-599-1412)

RECOMMENDATION

That the C/CAG Board receive a copy of executed Amendment No. 1 to the agreement with Alexis Petru for consulting services for the San Mateo County Energy Watch (SMCEW) Program for time extension only, with no additional funds, in accordance with C/CAG procurement policy.

FISCAL IMPACT

None.

BACKGROUND

San Mateo County Energy Watch (SMCEW) is a LGP between C/CAG and PG&E, and is managed and staffed by the County Office of Sustainability.

For the last few years the SMCEW program has published newsletters for specific audiences: municipalities and general audiences interested in learning more about available programs, events, and training opportunities related to energy efficiency and water conservation.

Since 2014, C/CAG has contracted with consultant, Alexis Petru, to work with SMCEW staff to develop content and write the newsletters. On January 24, 2017 Alexis Petru was awarded a new contract after a procurement process. That contract was set to expire on December 31, 2018. Because there were remaining funds in the contract and staff was satisfied with the services provided by the contractor, SMCEW staff recommended the C/CAG Executive Director to extend the contract through December 31, 2019, with no additional funds.

Amendment No. 1 to the original agreement between C/CAG and Alexis Petru is provided as an attachment to this staff report.

ATTACHMENT

Amendment No. 1 to the agreement between C/CAG and Alexis Petru.

**AMENDMENT NO. 1 TO THE AGREEMENT
BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY
AND
ALEXIS PETRU**

WHEREAS, the City/County Association of Governments of San Mateo County (hereinafter referred to as "C/CAG") and Alexis Petru (hereinafter referred to as "Contractor") are parties to an agreement originally dated January 24, 2017, for marketing services to the SMC Energy Watch Program (the "Alexis Petru Contract"); and

WHEREAS, the Alexis Petru Contract, effective January 24, 2017, will terminate on December 31, 2018; and

WHEREAS, funds in the amount of \$6,800 remain in the Alexis Petru Contract to perform the services described in the existing scope of work; and

WHEREAS, C/CAG staff are satisfied with the quality of the work completed under the Alexis Petru Contract; and

WHEREAS, the parties desire to extend the end date of the Alexis Petru Contract for professional marketing services to the San Mateo County Energy Watch Program; and

WHEREAS, the parties desire to amend the Alexis Petru Contract as set forth herein.

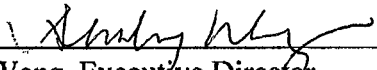
IT IS HEREBY AGREED by C/CAG and Contractor as follows:

1. Section 4 of the Alexis Petru Contract is hereby replaced in its entirety by the following:

Contract Term. This Agreement shall be in effect as of January 20, 2017, and shall terminate on December 31, 2019; provided, however, C/CAG may terminate this Agreement at any time for any reason by providing 30 days' notice to Contractor. Termination is 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 through the date of termination.


2. Except as expressly amended herein, all other provisions of the Alexis Petru Contract shall remain in full force and effect.
3. This Amendment No. 1 shall take effect upon the date of execution by both parties.

City/County Association of Governments
(C/CAG)



Sandy Wong, Executive Director

Date: 12/28/18

Approved as to form:


Legal Counsel for C/CAG

Alexis Petru (Contractor):


By

Title: Contractor

Date: 12/27/18

C/CAG AGENDA REPORT

Date: January 10, 2019

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approval of Resolution 19-02 authorizing the C/CAG Chair to execute a funding agreement with Shaw/Yoder/Antwih, Inc. to provide state legislative advocacy service in an amount not to exceed \$146,250 for twenty-two and a half months for the 2019 and 2020 legislative session.

(For further information or questions, contact Jean Higaki at 650-599-1462)

RECOMMENDATION

That the C/CAG Board of Directors review approve Resolution 19-02 authorizing the C/CAG Chair to execute a funding agreement with Shaw/Yoder/Antwih, Inc. to provide state legislative advocacy service in an amount not to exceed \$146,250 for twenty-two and a half months for the 2019 and 2020 legislative session.

Further, it is recommended that the C/CAG Board consider an option to extend the contract to the 2021 and 2022 legislative session for an annual fee of \$78,000, subject to approval by the C/CAG Board at the time of extension.

FISCAL IMPACT

The cost of the state legislative advocacy services is \$6,500 per month for a total of \$146,250 for twenty-two and a half months.

SOURCE OF FUNDS

Funds for state legislative advocacy are programmed into the C/CAG fiscal year 2019 budget and are proposed for the fiscal year 2020 budget.

BACKGROUND

On October 24, 2014, C/CAG staff issued a Request for Qualifications/Proposals for state legislative advocacy. Shaw/ Yoder/ Antwih Inc. received the highest scores on both the proposal and interview. On January 8, 2014 the C/CAG Board approved entering a contract with Shaw/ Yoder/ Antwih Inc. for the 2015 and 2016 legislative session.

On December 8, 2016 the Board considered an option to extend the contract to the 2017 and 2018 legislative session, for the same annual fee as the 2015 and 2016 legislative session. The Board was satisfied with the services provided by Shaw/ Yoder/ Antwih Inc. and approved to extend the contract.

On September 26, 2018, C/CAG staff issued a Request for Proposals for state legislative advocacy. On October 26, 2018, one proposal was received from, Shaw/Yoder/Antwih, Inc.

Staff recommends approval of an agreement with Shaw/Yoder/Antwih Inc (SYA) to provide state legislative advocacy services to C/CAG, at \$6,500 per month for a total of \$146,250 for twenty-two and a half months for the 2019 and 2020 legislative session.

The current contract with SYA ends on February 14, 2019. The proposed contract would start on February 15, 2019. The duration of the contract is also shortened from 24 months to 22.5 months to better align the contract with the legislative session.

Further, SYA has proposed an option to extend the contract to the 2021 and 2022 legislative session at the same proposed rate of \$6,500/month for an annual amount of \$78,000. Staff recommends the C/CAG Board of Directors consider the option to extend the contract, subject to approval by the C/CAG Board at the time of extension.

ATTACHMENTS

1. Resolution 19-02
2. Agreement between C/CAG and Shaw/Yoder/Antwih, Inc.

RESOLUTION 19-02

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE C/CAG CHAIR TO EXECUTE AN AGREEMENT WITH SHAW/YODER/ANTWIH, INC. TO PROVIDE STATE LEGISLATIVE ADVOCACY SERVICE IN AN AMOUNT \$146,250 FOR TWENTY-TWO AND A HALF MONTHS FOR THE 2019 AND 2020 LEGISLATIVE SESSION

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

WHEREAS, C/CAG is a joint powers agency representing all twenty-one local jurisdictions in San Mateo County, and

WHEREAS, the C/CAG Board has determined that it is vital and necessary that its interests be actively advocated for with the California Legislature and Administration, and

WHEREAS, C/CAG has determined that outside legislative advocacy services would be the most appropriate method to ensure that C/CAG is adequately represented in the legislative and administrative processes in the capitol of the State of California, and

WHEREAS, on September 26, 2018, C/CAG issued an Request for Proposals for providing state legislative advocacy (lobbying) services, and

WHEREAS, through this competitive process, Shaw/Yoder/Antwih, Inc. was selected as the qualified candidate to provide legislative advocacy services, and

WHEREAS, Shaw/Yoder/Antwih, Inc. has included an option to extend the contract to the 2021 and 2022 legislative session under the same terms.

NOW THEREFORE BE IT RESOLVED, that the Chair of the Board of Directors of C/CAG is hereby authorized to execute an agreement with Shaw/Yoder/Antwih, Inc. to provide state legislative advocacy service in an amount not to exceed \$146,250 for twenty-two and a half months for the 2019 and 2020 legislative session, subject to approval as to form by C/CAG Legal Counsel, and further to consider an option to extend the contract to the 2021 and 2022 legislative session, subject to Board approval and approval as to form by C/CAG Legal Counsel.

PASSED, APPROVED, AND ADOPTED, THIS 10TH DAY OF JANUARY 2019.

Maryann Moise Derwin, Chair

**AGREEMENT
BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY
AND
SHAW/ YODER/ ANTWIH, INC.**

This Agreement entered this ___ day of _____ 2019, by and between the CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY, a joint powers agency whose members include the County of San Mateo and the twenty incorporated cities and towns within San Mateo County, hereinafter called “C/CAG,” and SHAW/ YODER/ ANTWIH, INC., hereinafter called “Consultant.”

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

WHEREAS, C/CAG desires to retain Contractor to provide legislative advocacy for C/CAG; and

WHEREAS, C/CAG is authorized as a Joint Powers Agency to enter into an agreement for such services; and

WHEREAS, C/CAG has determined that consultant services are needed to provide legislative advocacy services for the C/CAG staff, the C/CAG Legislative Committee, and the C/CAG Board; and

WHEREAS, the Consultant has submitted to C/CAG the “Proposal for Legislative Advocacy Services for the City/ County Association of Governments of San Mateo County” attached hereto as part of Exhibit B, which describes the desired legislative advocacy services; and

WHEREAS, C/CAG has determined, through a competitive review process, that the Consultant has the requisite qualifications to provide the services described in Exhibit B (“Services”); and

WHEREAS, the total amount available to Consultant under this Agreement is not to exceed \$146,250; and

WHEREAS, by adoption of Resolution 19-02, by the C/CAG Board of Directors has approved this Agreement to provide the Services for the 2019 and 2020 legislative session and has further authorized the C/CAG Executive Director to negotiate final terms, subject to legal counsel review prior to execution by the C/CAG Chair.

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

1. **Services to be provided by Consultant.** Consultant shall provide the Services consistent with Exhibit B as well as services described in the attached “Proposal for Legislative Advocacy Services for the City/ County Association of Governments of San Mateo County”, herein incorporated by reference and issued under this Agreement. Specific tasks that may be performed under this Agreement are limited to Consultant’s areas of expertise in with advocacy.
2. **Payments.** In consideration of the Services rendered with all terms, conditions, and specifications as set forth herein, in Exhibit A and Exhibit B, C/CAG shall pay the Consultant pursuant to this section. The total amount of such payment shall not exceed one hundred forty-six thousand two hundred fifty dollars (\$146,250) at \$6,500 per month for Services provided during the Contract Term set forth below. Payments shall be made to Consultant monthly based on an invoice submitted by Consultant that has been reviewed and approved by the project manager in accordance with Exhibit A and Exhibit B. 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 Consultant is an Independent Consultant, 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 Consultant.
4. **Non-Assignability.** Consultant shall not assign this Agreement or any portion thereof to a third party, or subcontract with a third party, without the prior written consent of the C/CAG Executive Director. Any such assignment or subcontract without the C/CAG Executive Director’s prior written consent shall give C/CAG the right to automatically and immediately terminate this Agreement without penalty or advance notice.
5. **Contract Term/Termination.** This Agreement shall be in effect as of February 15, 2019 and shall terminate on December 31, 2020; provided, however, the C/CAG Chairperson may terminate this Agreement at any time for any reason by providing 30 days’ notice to Consultant. Termination will be effective on the date specified in the notice. In the event of termination under this paragraph, Consultant shall be paid for all services provided to the date of termination, subject to availability of funding. Such payment shall be that prorated portion of the full payment determined by comparing the work actually completed to the work required by the Agreement.
6. **Hold Harmless/ Indemnity.**
 - a. *General.* Consultant shall indemnify and save harmless C/CAG and its officers, agents, employees, and servants from all claims, suits, or actions of every name, kind, and description resulting from this Agreement, the performance of any work or services required of Consultant under this Agreement, or payments made pursuant to this Agreement brought for, or on account of, any of the following: (A) injuries to or death of any person, including Consultant or its employees/officers/agents; (B) damage to any property of any kind whatsoever

and to whomsoever belonging; (C) any sanctions, penalties, or claims of damages resulting from Consultant's failure to comply, if applicable, with the requirements set forth in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and all Federal regulations promulgated thereunder, as amended; or (D) any other loss or cost, including but not limited to that caused by the concurrent active or passive negligence of C/CAG and/or its officers, agents, employees, or servants. However, Consultant's duty to indemnify and save harmless under this Section shall not apply to injuries or damage for which C/CAG has been found in a court of competent jurisdiction to be solely liable by reason of its own negligence or willful misconduct. The duty of Consultant to indemnify and save harmless as set forth by this Section shall include the duty to defend as set forth in Section 2778 of the California Civil Code.

The duty 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.

- b. *Intellectual Property.* Consultant hereby certifies that it owns, controls, and/or licenses and retains all right, title, and/or interest in and to any intellectual property it uses in relation to this Agreement, including the design, look, feel, features, source code, content, and/or other technology relating to any part of the services it provides under this Agreement and including all related patents, inventions, trademarks, and copyrights, all applications therefor, and all trade names, service marks, know how, and trade secrets (collectively referred to as "IP Rights") except as otherwise noted by this Agreement.

Consultant warrants that the services it provides under this Agreement do not infringe, violate, trespass, or constitute the unauthorized use or misappropriation of any IP Rights of any third party. Consultant shall defend, indemnify, and hold harmless C/CAG from and against all liabilities, costs, damages, losses, and expenses (including reasonable attorney fees) arising out of or related to any claim by a third party that the services provided under this Agreement infringe or violate any third-party's IP Rights provided any such right is enforceable in the United States. Consultant's duty to defend, indemnify, and hold harmless under this Section applies only provided that: (a) C/CAG notifies Consultant promptly in writing of any notice of any such third-party claim; (b) C/CAG cooperates with Consultant, at Consultant's expense, in all reasonable respects in connection with the investigation and defense of any such third-party claim; (c) Consultant retains sole control of the defense of any action on any such claim and all negotiations for its settlement or compromise (provided Consultant shall not have the right to settle any criminal action, suit, or proceeding without C/CAG's prior written consent, not to be unreasonably withheld, and provided further that any settlement permitted under this Section shall not impose any financial or other obligation on C/CAG, impair any right of C/CAG, or contain any stipulation, admission, or acknowledgement of wrongdoing on the part of C/CAG without C/CAG's prior written consent, not to be unreasonably withheld); and (d) should services under this Agreement become, or in Consultant's opinion be likely to become, the

subject of such a claim, or in the event such a third party claim or threatened claim causes C/CAG's reasonable use of the services under this Agreement to be seriously endangered or disrupted, Consultant shall, at Consultant's option and expense, either: (i) procure for C/CAG the right to continue using the services without infringement or (ii) replace or modify the services so that they become non-infringing but remain functionally equivalent.

Notwithstanding anything in this Section to the contrary, Consultant will have no obligation or liability to C/CAG under this Section to the extent any otherwise covered claim is based upon: (a) any aspects of the services under this Agreement which have been modified by or for C/CAG (other than modification performed by, or at the direction of, Consultant) in such a way as to cause the alleged infringement at issue; and/or (b) any aspects of the services under this Agreement which have been used by C/CAG in a manner prohibited by this Agreement.

The duty of Consultant to indemnify and save harmless as set forth by this Section shall include the duty to defend as set forth in Section 2778 of the California Civil Code.

7. **Insurance.**

- a. *General Requirements.* Consultant or its subconsultants performing the services on behalf of Consultant shall not commence work under this Agreement until all insurance required under this section has been obtained. Consultant shall use diligence to obtain such insurance. Consultant shall furnish C/CAG with Certificates of Insurance evidencing the required coverage and there shall be a specific contractual liability endorsement extending Consultant's coverage to include the contractual liability assumed by Consultant pursuant to this Agreement. These Certificates shall specify or be endorsed to provide that thirty (30) days' notice must be given, in writing, to C/CAG of any pending change in the limits of liability or of non-renewal, cancellation, or modification of the policy.
- b. *Workers' Compensation and Employer Liability Insurance.* Consultant shall have in effect, during the entire life of this Agreement, Workers' Compensation and Employer Liability Insurance providing full statutory coverage. In signing this Agreement, Consultant certifies, as required by Section 1861 of the California Labor Code, that (a) it is aware of the provisions of Section 3700 of the California Labor Code, which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of the Labor Code, and (b) it will comply with such provisions before commencing the performance of work under this Agreement.
- c. *Liability Insurance.* Consultant shall take out and maintain during the life of this Agreement such Bodily Injury Liability and Property Damage Liability Insurance as shall protect Consultant, its employees, officers and agents while performing

work covered by this Agreement from any and all claims for damages for bodily injury, including accidental death, as well as any and all claims for property damage that may arise from Consultant's operations under this Agreement, whether such operations be by Consultant or by any sub-consultant or by anyone directly or indirectly employed by either of them. Such insurance shall be combined single limit bodily injury and property damage for each occurrence and shall be not less than \$1,000,000 unless another amount is specified below and shows approval by C/CAG Staff.

d. *Insurance Limits; Insured Entities; Breach.* Required insurance shall include:

	Required Amount	Approval by C/CAG Staff if under \$ 1,000,000
1. Comprehensive General Liability	\$ 1,000,000	_____
2. Workers' Compensation	\$ Statutory	_____
3. Professional Liability	\$1,000,000	

C/CAG and its officers, agents, employees and servants shall be named as additional insured on any such policies of insurance, which shall also contain a provision that the insurance afforded thereby to C/CAG, its officers, agents, employees, and servants shall be primary insurance to the full limits of liability of the policy, and that if C/CAG, or its officers, agents, employees, and servants have other insurance against a loss covered by such a policy, such other insurance shall be excess insurance only.

In the event of the breach of any provision of this section, or in the event any notice is received which indicates any required insurance coverage will be diminished or canceled, the C/CAG Chairperson, at his/her option, may, notwithstanding any other provision of this Agreement to the contrary, immediately declare a material breach of this Agreement and suspend all further work and payment pursuant to this Agreement.

8. **Compliance with All Laws.** Consultant shall at all times comply with all applicable federal, state, San Mateo County, and municipal laws, ordinances, and regulations, including without limitation those regarding services to disabled persons, including any requirements of Section 504 of the Rehabilitation Act of 1973. In the event of a conflict between the terms of this Agreement and any applicable State, Federal, San Mateo County, or municipal law or regulation, the requirements of the applicable law or regulation will take precedence over the requirements set forth in this Agreement. Consultant will timely and accurately complete, sign, and submit all necessary documentation of compliance.

9. **Non-discrimination.** Consultant and any subconsultants performing the services on behalf of Consultant shall not discriminate or permit discrimination against any person or

group of persons on the basis of race, color, religion, national origin or ancestry, age, sex, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition, mental or physical disability or veteran's status, or in any manner prohibited by federal, state or local laws.

10. **Substitutions.** If particular persons or classifications are identified in Exhibit B as working on this Agreement, Consultant will not assign others to work in their place without the prior written consent of the C/CAG Executive Director. Any substitution shall be with a person or classification of commensurate experience and knowledge unless otherwise authorized by the C/CAG Executive Director.
11. **Sole Property of C/CAG.** Work products of Consultant 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. Consultant shall not be liable for C/CAG's use, modification or re-use of products without Consultant's participation or for purpose other than those specifically intended pursuant to this Agreement.
12. **Record Retention; Right to Monitor and Audit.**
 - a. Consultant shall maintain all required records relating to services provided under this Agreement for three (3) years after C/CAG makes final payment and all other pending matters are closed, and Consultant shall be subject to the examination and/or audit by C/CAG, a Federal grantor agency, and the State of California.
 - b. Consultant shall comply with all program and fiscal reporting requirements set forth by applicable Federal, State, and local agencies and as required by C/CAG.
 - c. Consultant agrees upon reasonable notice to provide to C/CAG, to any Federal or State department having monitoring or review authority, to C/CAG's authorized representative, and/or to any of their respective audit agencies access to and the right to examine all records and documents necessary to determine compliance with relevant Federal, State, and local statutes, rules, and regulations, to determine compliance with this Agreement, and to evaluate the quality, appropriateness, and timeliness of services performed.
13. **Permits/Licenses.** If any license, permit, or approval is required to perform the work or services required by this Agreement, Consultant bears the responsibility to obtain said license, permit, or approval from the relevant agency at Consultant's own expense prior to commencement of said work/services. Failure to do so will result in forfeit of any right to compensation under this Agreement.
14. **Merger Clause; Amendments.** This Agreement, including Exhibits A and B attached hereto and incorporated herein by reference, constitutes the sole agreement of the parties hereto with regard to the matters covered in this Agreement, and correctly states the rights, duties and obligations of each party as of the document's date. Any prior agreement, promises, negotiations or representations between the parties not expressly

stated in this Agreement are not binding. All subsequent amendments shall be in writing and signed by the C/CAG Chair. In the event of a conflict between the terms, conditions or specifications set forth herein and those in Exhibit A or B attached hereto, the terms, conditions or specifications set forth herein shall prevail.

15. **Governing Law.** This Agreement shall be governed by the laws of the State of California, without regard to its choice of law rules, and any suit or action initiated by either party shall be brought in the County of San Mateo, California.
16. **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, 5th Floor
Redwood City, CA 94063
Attention: Jean Higaki

Notices required to be given to the Consultant shall be addressed as follows:

Shaw/ Yoder/ Antwih, Inc.
1415 L Street, Suite 1000
Sacramento, CA 95814
Attention: Andrew Antwih

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

Shaw/ Yoder/ Antwih, Inc. (Consultant)

By _____

Date

City/County Association of Governments of San Mateo County (C/CAG)

By _____

Maryann Moise Derwin
C/CAG Chair

Date

C/CAG Legal Counsel

By _____

Matthew J. Sanders, C/CAG Counsel

Exhibit A

CONSULTANT BILLING RATES

Cost of Services

The Consultant will provide the services outlined in Exhibit B Scope of Work to C/CAG as well as services described in the attached “Proposal for Legislative Advocacy Services for the City/ County Association of Governments of San Mateo County” at \$6,500 per month for a total of \$146,250 for twenty-two and a half months for the 2019 and 2020 legislative session.

The Agreement will be for the 2019 and 2020 Legislative session with an option to extend the contract for the 2021 and 2022 Legislative session, under the same terms, subject to approval by the C/CAG Board at the time of extension.

For the 2021 and 2022 Legislative session, upon approval by the C/CAG Board, Consultant will provide the services outlined in Exhibit B Scope of Work to C/CAG as well as services described in the attached “Proposal for Legislative Advocacy Services for the City/ County Association of Governments of San Mateo County” to C/CAG at an annual rate of \$78,000 per year, billed at \$6,500 per month for two years not to exceed \$156,000.

C/CAG reserves the right to modify the scope of work at the time of extension. In the event that work beyond the existing scope is added it is understood that the cost of added work may be negotiated at that time.

Exhibit B

SCOPE OF WORK

Background

The City/County Association of Governments of San Mateo County (C/CAG) was created by a Joint Powers Agreement (JPA) in the fall of 1990 to address diverse issues that transcend political boundaries within San Mateo County. The C/CAG Board consists of one Councilmember from each participating City and one member of the Board of Supervisors. In addition, there are two non-voting ex-officio members: a member of the San Mateo County Transit District Board and a member of the San Mateo County Transportation Authority. Currently, C/CAG serves San Mateo County in the following areas:

Congestion Management Program

In 1990, because of laws passed by the California Legislature, every urbanized county in California was required to designate a Congestion Management Agency (CMA). C/CAG was established as the CMA for San Mateo County. The CMA is responsible for preparing, implementing, and biennially updating a Congestion Management Program (CMP). The primary purposes of a CMP are to: provide alternative transportation strategies; identify safe bicycle and pedestrian travel options; support shuttle services; encourage travel behavioral changes; develop procedures to alleviate or control anticipated increases in roadway congestion; ensure that government together with business, private, and environmental interests develop and implement comprehensive strategies to address future congestion problems.

C/CAG's role has expanded into the areas of express lane implementation, technology-based ridesharing incentive programs, and facilitating the links being made between transportation and housing. It is anticipated that legislation may be needed to address ownership the operation issues associated with the implementation of a managed lane in San Mateo county. C/CAG also implements rideshare incentive programs in conjunction with emerging rideshare applications. Legislation and policies developed at the regional level that link transportation funding with local housing production is resulting in the need to follow housing production legislation.

As the CMA for San Mateo County, C/CAG is also responsible for allocating available federal, state, regional, and local transportation funds to local jurisdictions. Some of the transportation funds administered by C/CAG include: SB 83 (Measure M) - \$10 Vehicle Registration Fees, Bay Area Air Quality Management District (BAAQMD) Transportation Fund for Clean Air (TFCA), Transportation Development Act (TDA), State Transportation Improvement Program (STIP), and Federal Transportation Act funds.

Storm Water Management (NPDES)

C/CAG is responsible for providing technical support and compliance assistance for federal and state stormwater management requirements. All municipalities in San Mateo County are co-permittees under the Municipal Regional Stormwater Permit issued by the San Francisco Bay

Regional Water Quality Control Board. C/CAG has established the San Mateo Countywide Water Pollution Prevention Program as the primary means of assisting its member agencies with meeting these requirements. Funding for this program is generated through property tax assessments and vehicle registration fees. Increases in program revenue are subject to Proposition 218 requirements.

C/CAG is currently engaged in a joint process with the County of San Mateo to explore creating a new entity to address integrated water issues, including regional stormwater management, flood control, and sea level rise. This new entity could include a new legislatively created special district, modifying an existing special district like the County Flood Control District, or modifying an existing agency like C/CAG, all of which may require support in pursuing legislative action.

Airport Land Use

C/CAG is the designated Airport Land Use Commission for San Mateo County. State law requires the Commission to prepare, adopt, and implement a comprehensive Airport Land Use Compatibility Plan for each public use airport in the County. The C/CAG Airport Land Use Committee (ALUC) makes recommendations to the Commission (C/CAG), related to the administration and implementation of the Airport Land Use Plan (e.g. consistency reviews of proposed local agency land use policy actions, Plan amendments, etc.).

Energy Efficiency and Climate Action

C/CAG implements programs related to energy efficiency and climate action through several activities. C/CAG has established a local government partnership with Pacific Gas and Electric Company called the San Mateo County Energy Watch (SMCEW), which provides access to public goods funds under the auspices of the CPUC. The program provides access to energy efficiency audits, installation rebate incentives, and project implementation coordination to municipalities, special districts, businesses, schools, and residents in San Mateo County. C/CAG strives to leverage funds through grant opportunities to provide technical assistance for development and adoption of climate plans for the cities in San Mateo County.

Scope of Services

The purpose of this contract is to retain a part-time consultant to 1) monitor and review pending legislation, policies, and regulations, and 2) advocate C/CAG's interests with the California Legislature and its members and other parties as appropriate. The bills tracked by the consultant and the C/CAG Legislative Committee may include any subject matter that is of concern to C/CAG member agencies (20 cities and County). During the active legislative session, the consultant will be directed to bring attention to specific bills that affect C/CAG and its related programs as well as focus on bills identified by C/CAG and its Legislative Committee as being high priority. Some of the typical activities that could be performed by the consultant may include:

1. General
 - a. Assist in the development of strategies for advancing actions at the State level that are beneficial to C/CAG and its member agencies.
 - b. Represent and advocate on behalf of C/CAG in its dealings with relevant State agencies and related interest groups including but not limited to 1) California Legislature, 2) Governor's Office, 3) Individual Legislators and their staff members.
2. Facilitate Communication
 - a. Develop and maintain contact with members of the Legislature and state agencies to facilitate regular communication with and about C/CAG.
 - b. Meet with State representatives on a regular basis to provide briefings on issues of interest or concern to C/CAG.
 - c. Solicit input from State representatives on issues of concern to C/CAG and report it to C/CAG on a regular basis.
 - d. Arrange appointments with Legislators and other State representatives to meet with C/CAG representatives.
 - e. Coordinate with legislative advocates for other public agencies such as the League of California Cities, other bay area Congestion Management Agencies, San Mateo County Transportation Authority, California State Association of Counties, Metropolitan Transportation Commission, etc.
3. Monitor and Evaluate
 - a. Identify and evaluate the potential impact of proposed legislation, policies, and regulations on C/CAG and its member agencies.
 - b. Bring to C/CAG's attention, bills that affect C/CAG or its programs.
 - c. Work with State representatives to identify and amend bills and other proposed legislative or regulatory language to address C/CAG concerns.
 - d. Advocate C/CAG's position to appropriate State legislative, executive, and administrative committees, board, and commissions.
4. Initiate and Advocate
 - a. Advise C/CAG on opportunities to pursue C/CAG objectives through the Legislature and various State agencies.
 - b. Assist in drafting legislation on behalf of C/CAG.
 - c. Formulate and manage strategies to achieve passage of C/CAG's legislative initiatives (if any).
 - d. Make presentations to and testify on behalf of C/CAG before legislative and

administrative bodies.

5. Report and Respond

- a. Provide regular reports summarizing the activities under the contract with C/CAG.
- b. Appear before the C/CAG Board and/or Legislative Committee to provide an overview and summary of current and future activities or to report on a particular item of concern to C/CAG.
- c. Respond to C/CAG's requests for information about pending State legislation, regulations, or policies.



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

***Proposal for Legislative Advocacy Services for the
City/County Association of Governments of San Mateo
County***



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

October 22, 2018

Ms. Jean Higaki
City/County Association of Governments
555 County Center, 5th Floor
Redwood City, CA 94063

RE: **PROPOSAL FOR LEGISLATIVE ADVOCACY SERVICES FOR THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY**

Dear Ms. Higaki:

On behalf of Matt Robinson and all of us here at Shaw / Yoder / Antwih, Inc. (SYA) we are pleased to present this proposal in which we would continue to provide Legislative Advocacy Services for the City/County Association of Governments of San Mateo County (C/CAG). Thank you for inviting us to again submit a proposal. We very much enjoy the work that we currently provide C/CAG for state legislative advocacy services, and we feel that, for the last four years, we have enjoyed a wonderful and very successful partnership.

We hope to continue to build on our recent achievements by actively representing C/CAG as it works to fulfill its numerous, and growing responsibilities associated with the programs it oversees in San Mateo County. C/CAG provides a unique and admirable means for meeting statutory obligations and resolving important issues in San Mateo County.

Please consider our proposal to continue to represent C/CAG in Sacramento and to continue to work with you, your Board, your colleagues, and your legislative delegation on an effective advocacy program. If you have any questions regarding our proposal, please do not hesitate to contact me at (916) 446-4656.

Sincerely,

Andrew K. Antwih
Partner

Table of Contents

Tab 1 – Firm Information and Background

Tab 2 – Firm Experience and Current Clients

Tab 3 – Proposed Advocacy Team, References, and Work Performed

Tab 4 – Approach to Serving C/CAG and Cost Proposal

Tab 5 – Conflict Resolution

Firm Information and Background

Shaw / Yoder / Antwih, Inc. (SYA) is a Sacramento-based firm providing legislative advocacy, association management and consulting services on a broad range of government programs. SYA is a corporation, owned by Partners Joshua W. Shaw, Paul J. Yoder, Andrew K. Antwih, Karen Lange, and Jason Schmelzer. Joshua Shaw and Paul Yoder have owned the firm since 1998. The firm under its original ownership – which Mr. Shaw joined in 1990 and Mr. Yoder joined in 1993 – was founded in 1975. Andrew K. Antwih was named a Partner of the firm in 2009, after joining in 2008. Karen Lange was named a Partner of the firm in 2016, after joining in 2006. Jason Schmelzer was also named a Partner of the firm in 2016, after joining in 2009. The firm’s contact information is as follows:

Shaw / Yoder/ Antwih, Inc.
1415 L Street, Suite 1000
Sacramento, CA 95814
(916) 446-4656
(916) 446-4318
www.shawyoderantwih.com
matt@shawyoderantwih.com

SYA currently employs nine registered lobbyists, three legislative assistants, and several other full-time and part-time professional, clerical and technical staff, many of them dedicated solely to the local government and transportation practice. The firm is registered with the Fair Political Practices Commission to lobby state government for various clients consisting of local governments, transit or transportation agencies, private sector organizations, and non-profit trade associations. The firm additionally services other clients through strategic partnerships with other firms in Sacramento.

Firm Experience and Current Clients

SYA provides a range of services to local government agencies and corporate clients. Our advocates offer years of legislative experience and specialize in lobbying local government, transportation, public transit, water resources, housing, and infrastructure issues. In addition, because the firm represents many statewide associations, consisting of public and private organizations, the lobbyists work regularly with all legislators and state agencies, across many policy and committee areas. The firm's record is one of achievement and significant successes in the enactment, defeat, or amendment of legislation for our clients, including C/CAG. The firm's advocates enjoy regular access to and success in working with the leadership of both parties and in both houses of the California Legislature, state agencies and the Governor's Administration.

In addition to representing C/CAG for the last four years, a sampling of local government agencies and transportation groups we have experience with, include the Fresno County Transportation Authority, the Solano Transportation Authority, the Los Angeles County Metropolitan Transportation Authority, the San Mateo County Transit District, Caltrain, the Santa Cruz Metropolitan Transit District, the San Joaquin Regional Transit District, Metrolink, the California Transit Association, the Pacific Merchant Shipping Association, and the Port of Los Angeles; the Cities of Beverly Hills, Los Angeles, Santa Monica, & the City/County of San Francisco; as well as 19 of the state's 58 counties. The firm provides advocacy services to these clients like those required by C/CAG (discussed in detail under Tab 4 – **Approach to Serving C/CAG**) and works to cultivate relationships between our clients around common issues that lead to success in the Legislature and the Administration.

Below is a list of the clients for whom we are currently registered to lobby California state government. Contact information for any client can be provided at C/CAG's request.

Advanced Energy Economy	California Medical Association
Aircraft Owners & Pilots Association ◆	California Moving and Storage Association ◆
Allstate Insurance	California Product Stewardship Council
American Insurance Association	California Transit Association *
bay.org	City/County Association of Governments of San Mateo
Beverly Hills, City of	County Medical Services Program
Boeing Company, The	CSAC Excess Insurance Authority ▼
Butte County	Del Norte County
California & Nevada Civil Engineers and Land Surveyors Association, Inc.	FedEx Corporation
California Academy of Child and Adolescent Psychiatry	Fresno County ■
California Animal Welfare Association	Fresno County Transportation Authority
California Arts Advocates	Humane Society of the United States ▼
California Association of County Treasurers and Tax Collectors *	Humboldt County
California Coalition on Workers' Compensation	Kern County ■
*California Faculty Association	Large-scale Solar Association
California Financial Service Providers	Los Angeles, City of
California Green Business Network	Los Angeles City Attorney's Office
	Los Angeles County Metropolitan Transportation Authority
	Los Angeles World Airports ◊

Madera County
 Mendocino County
 Merced County
 Napa County
 National Stewardship Action Council
 Nevada County
 Pacific Merchant Shipping Association ◡
 Peninsula Corridor Joint Powers Board (Caltrain)
 ■
 Placer County
 Port of Los Angeles ◡
 Property Casualty Insurers Association of America
 Prudential Financial, Inc. ◆
 Sacramento County
 San Francisco, City and County ◡
 San Joaquin County
 San Joaquin Regional Transit District
 San Joaquin Valley Unified Air Pollution Control District
 San Luis Obispo County
 San Mateo County Transit District ■

Santa Cruz Metropolitan Transit District
 Santa Monica, City of
 Schnitzer Steel Industries, Inc.
 Sedgwick Claims Management Services, Inc.
 Shasta County
 Siskiyou County
 Solano County
 Solano Transportation Authority
 Solid Waste Association of North America, California Chapters (SWANA)
 Sonoma County
 Southern California Regional Rail Authority (Metrolink) ◡
 Specialty Equipment Market Association (SEMA)
 Stanislaus County
 Tejon Ranch Corporation
 Tulare County
 Western Placer Waste Management Authority
 Western Propane Gas Association
 Yuba County
 Yuba County Water Agency

* Shaw / Yoder / Antwih, Inc. is pleased to provide both legislative advocacy and association management services to these clients.

◆ Shaw / Yoder / Antwih, Inc. is pleased to serve these clients through our strategic alliance with Advocation, Inc.

▼ Shaw / Yoder / Antwih, Inc. is retained as a subcontractor for these clients: CSAC Excess Insurance Authority under a subcontract with Corbett & Associates and Humane Society of the United States under a subcontract with Nielsen Merksamer Parrinello Gross & Leoni.

■ Shaw / Yoder / Antwih, Inc. serves these clients under a joint contract: Caltrain and SamTrans with Edelstein, Gilbert, Robson & Smith; Fresno County with Corbett & Associates; and Kern County with DiMare, Brown, Hicks & Kessler.

◡ Shaw / Yoder / Antwih, Inc. serves the City & County of San Francisco and retains Carter, Wetch & Associates as a subcontractor for this client; Los Angeles World Airports and Port of Los Angeles and retains Fernandez Government Solutions, LLC as a subcontractor for these clients; Metrolink and retains Smith, Watts & Martinez, LLC as a subcontractor for this client; and Pacific Merchant Shipping Association and retains KP Public Affairs as a subcontractor.

Proposed Advocacy Team, References, and Work Performed

SYA proposes to make two legislative advocates primarily responsible to C/CAG on a day-to-day basis, with the entirety of SYA’s resources available for strategic consulting and specialty assignments as directed by the client.

Principal Advocacy Contacts Andrew Antwih Matt Robinson	Day-to-day client engagement; primary responsibility for advocacy, issue involvement, strategy development, Board meeting attendance, and monthly reporting
Secondary Advocacy Contact Karen Lange, Michael Pimentel	Primary responsibility will be to support the Principal Contacts on C/CAG’s stormwater management and compliance efforts, as well as legislation related to housing
Additional Advocacy Support Joshua Shaw, Paul Yoder, Silvia Solis Shaw, Jason Schmelzer, Melissa Immel	Strategic consulting, supportive advocacy, bill tracking, assistance with monthly reporting

*For qualifications of supporting advocacy staff at SYA, please visit our website:
www.shawyoderantwih.com

Andrew K. Antwih has been in government affairs and advocacy for 24 years and is currently a Partner with SYA, joining the firm in early 2008. He offers years of experience as one of Sacramento’s most respected Capitol staffers, a wealth of policy and budget knowledge, wide-ranging political contacts, and acknowledged and admired advocacy skills. Andrew was recently included on the Capitol Weekly’s Top 100, a list of the 100 most influential non-elected persons in Sacramento for 2018.

Before joining SYA, Mr. Antwih served as the Chief Legislative Representative to the City of Los Angeles. In that capacity, he oversaw a comprehensive local government lobbying effort in all areas of state public policy of interest to the City of Los Angeles, including a focus on the City’s transportation infrastructure, homeland security, education, water, and economic development needs.

In the 10+ years that he has worked at SYA, Andrew has worked on issues ranging from economic development, affordable housing, state funding for homeless assistance, storm water remediation, transportation, environmental regulation insurance, health care, higher education, goods movement, aviation, energy, land use, public safety, rail transportation, state, federal and local transportation funding, water, consumer protection, state and local taxation, state and local pension, solid waste, labor law, elections law, trucking, technology and privacy issues, emerging mobility, outdoor advertising, state, local and regional air quality, state and local planning and other issues.

During his 12-and-a-half years working as a legislative staffer in the State Capitol, Mr. Antwih’s policy work in progressively more responsible positions included health and human services, governmental organization, insurance and transportation. Mr. Antwih’s last position in the Capitol was Chief Consultant to the Assembly Transportation Committee where he served for more than eight years, developing a rich understanding of the complex funding, planning and programming issues facing the State, regional and local transportation agencies and private sector companies in California.

Mr. Antwih, a South Los Angeles native, began his career in the Legislature in 1994 as a Senate Fellow, shortly after graduating with a Bachelor of Arts degree in Government from Pomona College.

References:

Eric Thronson, Chief Consultant
Assembly Transportation Committee
(916) 319-2093
eric.thronson@asm.ca.gov
Colleague/Former Co-Worker

Katie Kolitsos, Special Assistant the Speaker for Housing, Local Government, and Taxation
Office of Assembly Speaker Anthony Rendon
(916) 319-2063
katie.kolitsos@asm.ca.gov
Colleague

Michael Turner, Director State Government Relations
Los Angeles County Metropolitan Transportation Authority (LA Metro)
(213) 922-2122
turnerm@metro.net
Client

Hugh Bower, Chief of Staff
Assembly Member Kevin Mullin
(916) 319-2022
hugh.bower@asm.ca.gov
Colleague

Matt Robinson has been in government affairs & advocacy for 17 years and joined the SYA team as a legislative advocate in 2013, representing many of the firm's transportation and local government clients. Prior to joining the firm, Matt worked in state service under two gubernatorial administrations, as well as in the legislature as a Capitol staffer. Matt's final roll before leaving state government was as the Deputy Director for Legislation at the California High-Speed Rail Authority, appointed by Governor Jerry Brown. Matt managed the Authority's legislative program, working with the Governor's Office, the California State Transportation Agency, the Legislature, local agencies, and stakeholders to ensure successful planning and implementation of the state's rail modernization program.

Prior to his work at the Authority, Matt was an analyst at Governor Brown's Department of Finance, where he oversaw the budget of the Authority, as well as Caltrans' highway, rail, and transit programs and the California Transportation Commission. While at Finance, Matt worked extensively on the 2012 Budget Act, which provides billions in funding to begin construction of the high-speed rail system and upgrade and expand existing transit, commuter, and intercity rail systems throughout California, including the electrification of Caltrain in the Bay Area.

Before moving to Finance, Matt worked for five years as a legislative representative at the Department of Fish and Wildlife, where he participated in the Water Education Foundation's Water Leaders Program. Prior to joining the civil service ranks, Matt worked in the State Capitol for three years as legislative staff for two Senators, including the Senate Budget Committee Chair.

Matt received his Bachelor of Arts degree in Government from California State University, Sacramento.

References:

Brian Annis, Secretary
California State Transportation Agency
(916) 323-5400
brian.annis@calsta.ca.gov
Colleague/Former Co-Worker

Susan Bransen, Executive Director
California Transportation Commission
(916) 654-4245
Susan.Bransen@catc.ca.gov
Colleague

**Seamus Murphy, Government Relations
Manager**

San Mateo County Transit District
(650) 508-6388

murphys@samtrans.com

Client

Nate Solov, Chief of Staff

Senator Jerry Hill

(916) 651-4013

nate.solov@sen.ca.gov

Colleague/College Roommate

As mentioned above, SYA is recognized in Sacramento as transportation, infrastructure, local government, housing, and water policy advocates. The firm has developed a specialty in the transportation and local government policy areas through representation of regional planning agencies, county transportation commissions, local sales tax authorities, public transit agencies, and cities and counties starting from the firm's inception. Our work in this field has allowed us to be involved in most every major transportation and local government policy or funding development in Sacramento in recent years. Highlights include: the development and passage of SB 1 (Beall and Frazier) providing millions annually to San Mateo County; the developments and passage of SB 595 (Beall) authorizing Regional Measure 3; water bond funding; funding for affordable housing and the housing bond; developing economic development tools for cities and counties in the wake of the elimination of redevelopment, including infrastructure financing districts; participation in the passage of Proposition 42, which dedicated the sales tax on gasoline to a variety of transportation programs; crafting Proposition 1B; implementation of a high speed rail funding program through Proposition 1A, which provides \$600 million to Caltrain; transportation funding and programming activities at the California Transportation Commission; negotiating the "gas tax swap" legislation to provide funding for highways and transit; and Cap and Trade funding for affordable housing, rail, and transit. We are also part of a coalition of stakeholders defending the recently enacted transportation funding currently under the threat of repeal.

C/CAG

- Successful passage of SB 595 (Beall), which dedicates bridge toll revenues from Regional Measure 3 to specified projects in San Mateo County, including significant funding for improvements to the US 101/92 interchange, the US 101 Managed Lanes project, the Dumbarton Bridge Corridor, and funding for Caltrain improvements;
- Amended SB 595 to authorize C/CAG, in coordination with the San Mateo County Transportation Authority, to sign an operating agreement with the Santa Clara Valley Transportation Authority for the US 101 Managed Lanes project in San Mateo County;
- Successfully lobbied for the award of \$250 million for the US 101 Managed Lanes project from the Solutions for Congested Corridors competitive grant program;
- Amended SB 1 to include authorization for local agencies to use streets and roads funding for stormwater projects;

SamTrans/Caltrain

- Worked to secure \$160 million from the Transit and Intercity Rail Capital Program for the Caltrain Electrification Project, as well as \$15 million for SamTrans Express Bus service;
- Helped secure \$750 million in federal funding from the Trump Administration, in addition to \$706 million in Proposition 1A High-Speed Rail funds for the Caltrain Modernization Program;
- Successfully enacted AB 1613 (Mullin) which authorized SamTrans to exceed the 2% statewide limit to impose a sales tax, which is now on the November ballot in San Mateo County as Measure W;
- Successfully enacted SB 1889 (Hill), which allows Caltrain to go to the voters for dedicated funding.

City of Los Angeles

- Supported SB 1 (Beall and Frazier) which provided \$5.2 billion in transportation funding.
- Successfully opposed SB 649 (Hueso) regarding wireless telecommunications facilities.
- Successfully supported SB 822 (Wiener) the California Internet Consumer Protection and Net Neutrality Act of 2018.
- Successfully supported AB 2363 (Friedman) which established a Zero Traffic Fatalities Task Force within Caltrans.
- Successfully sponsored AB 2548 (Friedman) which authorized the Los Angeles County Metropolitan Transportation Authority (LA Metro) to establish a commute benefit ordinance similar to the one in the MTC region.
- Successfully opposed SB 827 (Wiener) which would have set new procedures for certain types of housing production.
- Successfully sponsored AB 1452 (Muratsuchi) which authorized the installation of EV charging facilities at public parking spaces.
- Successfully supported AB 1218 (Olberholte) which extended CEQA exemptions for bicycle transportation plans.

Los Angeles County Metropolitan Transportation Authority (Metro)

- Created a local control mechanism for the Pacific Surfliner intercity rail route by securing passage of SB 1225 (Padilla). Maintained funding for the intercity rail system in our region.
- Secured approval of the California High Speed Rail project and almost \$1 billion for rail improvements in our region including funding for the Regional Connector project.
- Enacted special legislation (AB 1026-Keuhl, 2006) to authorize the Los Angeles County Metropolitan Transportation Authority to utilize design-build on the I-405 Freeway.
- Enacted AB 2321 (Feuer) which lead to voter approval of Measure R, a local ½-cent sales tax dedicated to transportation in Los Angeles county for a duration of 30 years. When it was originally approved by voters, Measure R was estimated to generate \$40 billion over the life of the tax.
- Enacted legislation that helped LA Metro secure a \$210 million grant from the US Department of Transportation to evaluate congestion pricing on high-occupancy toll (HOT) lanes along the I-10 and the SR 110 Freeways.
- Enacted SB 767 (DeLeon) which lead to voter approval of Measure M, a permanent ½-cent sales tax dedicated to transportation in LA County that is projected to generate \$120 billion for local projects throughout the county.

Our basic approach to effective advocacy is information-based and we have demonstrated our ability to get the right information to the right decision-makers in Sacramento, as well as the ability to obtain for our clients the meetings with the people they want to meet with, when they want to meet with them. SYA proposes to continue to provide access to key decision makers in state government with whom C/CAG needs to maintain positive relationships. We also propose a proactive program of representation for you, wherein we shepherd C/CAG's legislation through the legislative process, and identify bills and other legislative or regulatory developments of potential interest *early* in the process, report those to you, work with your staff to evaluate the impacts on C/CAG, and take positions as appropriate to protect your interests.

Our firm enjoys a reputation among legislators, staff, and peers as one of the hardest working and most effective lobbying firms in Sacramento. All our advocates spend much of our time in the Capitol making direct contact with legislators, staff, and others and have formed exceptional relationships with your

legislative delegation. It is in the halls of the Capitol that we can be most effective, and it is there that we are most likely to learn in a timely manner about opportunities for, and challenges to, our clients.

Our approach is also collaborative. We will seek to affiliate C/CAG with like-minded organizations working on broader goals supportive of your individual efforts. For instance, we work regularly with a broad spectrum of stakeholders within the transportation community to guarantee successful outcomes for agencies and groups with similar interests and this was extremely effective in getting SB 1 passed. This also allows us to stay abreast of pertinent regulatory and legislative issues currently facing the transportation and local government community.

Additionally, in our opinion, a successful program of advocating for C/CAG will require strategic participation and involvement by the C/CAG Board, executive director, and staff, including regular legislative visits to Sacramento for meetings with C/CAG's legislative delegation and representative from the Administration. We look forward to helping to continue to coordinate these efforts on behalf of C/CAG, as we have done in years past.

Approach to Serving C/CAG and Cost Proposal

As stated above, our approach to successful advocacy revolves around accessing information and ensuring the flow of information between the agencies and organizations we represent and key decision-makers. We propose to continue what we feel has been a successful program of representing C/CAG over the last four years, by delivering on all the tasks set forth in the **Scope of Services** section of the RFP. Additionally, we propose to carry out various tasks not specifically listed in the RFP, but which currently contribute to an overall effective lobbying program for you. SYA's lobbyists and technical support staff currently provide all these services to C/CAG. Specifically, our proposed program of Sacramento legislative advocacy for C/CAG includes the following, which reflects our approach to and incorporation and delivery of the tasks outlined in the RFP:

1. Assist in developing and carrying out C/CAG's annual Legislative Policies and priorities. Maintain regular contact with your key staff to ensure they know what's going on in Sacramento, and to obtain from them their specialized perspective on bills and other legislative developments we identify as having a potential impact on C/CAG and its legislative goals.
2. Work with C/CAG staff to translate your legislative program into specific objectives, such as introduction of, or amendments to, bills to further the goals of C/CAG, and the adoption of official positions on existing legislation. We would advise on the cost impact of your proposals, and the political feasibility of such proposals. We would obtain authors for your original legislative proposals, and provide necessary support to your authors to obtain passage of your legislation in the Legislative Session. This could include legislation clarifying authority for implementation of the US 101 Managed Lanes Project or modifying/enhancing C/CAG's role as the County's water pollution prevention coordinator.
3. Review every individual piece of legislation, as it is introduced or amended. All our registered lobbyists review every introduced bill, and every amendment thereafter, to ensure nothing falls through. To help identify bills of importance to C/CAG, we would first flag bills that may have an impact on C/CAG's adopted legislative program. We would also cross-check key bills flagged by other SYA local agency clients (e.g. SamTrans, Caltrain, cities, counties), as well as organizations representing local agencies (e.g. League of Cities, CALCOG, Self-Help Counties Coalition, Congestion Management Agencies) to further bolster our efforts to initially capture relevant bills. Legislation initially flagged as potentially impacting C/CAG would then be given a second vetting for consistency with your adopted legislative program, as well as previously identified bills, and then referred to C/CAG staff for further analysis and response. We would also research the background of priority bills and refer that material to staff to assist in developing C/CAG's position as we consider which bills to include in reports to your Board. We would provide advice and analysis on key bills identified by staff and the Board and track these bills in a computer database. Finally, we would work with C/CAG staff to submit regular, streamlined reports to the Board regarding the status of each priority bill.
4. As bills are identified as a priority by SYA & C/CAG and move through the legislative process, we would monitor and if appropriate, communicate your official position on legislation to legislators, committees and staff; including preparing & distributing letters and alerts, preparing & delivering testimony before committees, and through personal contact with & lobbying of appropriate legislators & staff. This process will include preparing staff and/or board members

of C/CAG for carrying out similar activities, such as testifying before committees and meeting with legislators, legislative staff, or administrative officials. As bills move to the Governor's desk, we will communicate with the appropriate staff in the Governor's Office and in his key policy departments and state agencies regarding C/CAG's position on bills. We will carry out a similar program on all regulatory matters of interest to C/CAG, including lobbying Executive Branch agencies and departments. We will also analyze the annual state budget and determine any impacts it may have on C/CAG and respond to those impacts appropriately.

5. Meet with your legislative delegation and other key state officials, formally when needed and informally on an ongoing basis, with an emphasis on maintaining our excellent relationships with Senators Jerry Hill and Scott Wiener, and Assembly Members Phil Ting, Kevin Mullin & Marc Berman, to provide ongoing education to them on all issues of importance to C/CAG. Additionally, we would meet with and put your staff in contact with other members of the Legislature from the region, as well as the Speaker of the Assembly, the Senate President Pro Tem, and the Chairs and Vice-Chairs of key committees, to ensure issues of importance are understood.
6. Monitor and attend legislative committee and administrative agency hearings to assess the impact on C/CAG of actions taken by these entities regarding legislation or regulations. Our team regularly attends hearings and meetings held by the Senate and Assembly Transportation Committees; Budget Subcommittees; Appropriations Committees; Environmental Quality, Local Government, Governmental Organization, and Governance and Finance Committees. Our emphasis would be on legislation, funding, or regulatory developments consistent with C/CAG's adopted policy priorities.
7. Assist C/CAG's Board, executive director, and staff in developing strategies and assessing political considerations, and would provide recommendations to respond to legislative and regulatory issues as they arise, whether in the form of the annual state budget, specific bills, or as broad policy or funding issues. Our emphasis would be on maximizing state benefits accruing to C/CAG and opposing threats to C/CAG's established purpose and funding sources. We actively monitor and engage in not only pending policy legislation in the Capitol, but also the state budget process, where we would look to support any appropriations requests made by C/CAG and ensure valuable transportation funding is maintained.
8. Assist you in working with other public agencies and organizations to develop support for C/CAG's policies and identify those entities with like-minded goals. The members of our team regularly interact with the staff, lobbyists and members of organizations C/CAG already is – or, should be – partnering with, including: the League of California Cities, CSAC, the California Association of Councils of Government (CALCOG); MTC, the California Transit Association; the Self-Help Counties Coalition; the California Alliance for Jobs; and Transportation California.

9. Maintain necessary formal and informal ongoing communications with Governor's Office staff and state officials on C/CAG's behalf. This continuing contact would ensure that these individuals understand that C/CAG is an active participant in state efforts affecting things like transportation planning and congestion management. We are actively involved in the development of the various SB 1 programs, including the State-Local Partnership Program, the Solutions for Congested Corridors Program, and the Transit and Intercity Rail Program. SYA helped C/CAG maximize funding from these programs for projects like the US 101 Managed Lanes Project.
10. Provide necessary written and oral reports on issues of importance to C/CAG, including: telephone calls and/or emails, as needed to provide high priority alerts on breaking legislative news; regularly-scheduled telephone calls for purposes of providing updates and receiving direction; and written reports reflecting the latest status of each bill lobbied or being monitored by C/CAG, as well as an overview of ongoing policy and funding developments on a regular basis. Such reporting would also include attendance by our team at meetings of, and presentations to, the C/CAG Legislative Committee and Board.
11. We would adhere to all regulations governing the activities of registered lobbyists in California, including preparing necessary Fair Political Practices Commission lobbying reports for execution by C/CAG.

In all these activities, our focus would be on *proactively positioning* C/CAG and advancing your initiatives and goals, i.e. we will not just *react* to what happens in Sacramento.

For all the above listed services, we propose to represent C/CAG for \$6,500 per month, for the duration of the 2019-20 Legislation Session, and, we suggest an option for C/CAG to extend the agreed upon contract for the 2021-22 Legislative Session under the same terms, for a total of four years. The aforementioned proposal is, of course, open to negotiation between C/CAG and SYA.

Conflict Resolution

SYA strives to recognize and resolve potential conflicts between its clients as early as possible. We hold regular meetings to discuss the legislative priorities of our clients. This practice helps identify potential issues and generally leads to an agreeable solution before an issue becomes a significant conflict. SYA also has a team of lobbyists sharing the workload for each client so that we are not presented with a scenario in which we cannot support a client's legislative program in front of the Legislature. If, in the rare instance there was no way to avoid a conflict amongst clients, SYA's policy is to give deference to the client under contract with the firm the longest. Over the last four years, we cannot recall a single conflict arising between C/CAG and our many local government clients.

C/CAG AGENDA REPORT

Date: January 10, 2019

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approval of the appointment of Sam Bautista from the City of Pacifica to serve on C/CAG's Stormwater and Congestion Management Program Technical Advisory Committees.

(For further information or questions, contact John Hoang at 650-363-4105)

RECOMMENDATION

That the C/CAG Board review and approve the appointment of Sam Bautista from the City of Pacifica to serve on C/CAG's Stormwater and Congestion Management Program Technical Advisory Committees.

FISCAL IMPACT

None.

SOURCE OF FUNDS

N/A

BACKGROUND

The Stormwater Committee provides policy and technical advice and recommendations to the C/CAG Board of Directors and direction to technical subcommittees on all matters relating to stormwater management and compliance with associated regulatory mandates from the State Water Resources Control Board and San Francisco Bay Regional Water Quality Control Board. The Stormwater Committee includes a designated seat for each member agency and a non-voting seat for the Regional Water Quality Control Board for a total of 22 members.

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 TAC members is 25 and the total varies depending on vacancies and/or interest from the city staff. Typically, when a seat becomes vacant on the CMP TAC, C/CAG staff will solicit agencies not represented regarding interest in being added to the committee.

The City of Pacifica is requesting the appointment of Sam Bautista, Deputy Public Works Director, to replace Van Ocampo, former Public Works Director who has retired, on the Stormwater Committee and CMP TAC. The appointment will replace a member previously representing the same city.

ATTACHMENTS

1. Current Stormwater Committee Roster
2. Current CMP TAC Roster
3. Letter from City of Pacifica

Current Stormwater Committee Roster – 2018

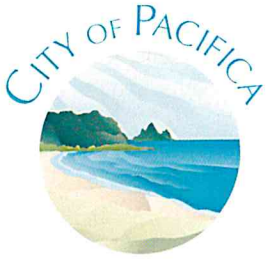
No.	Municipality/Agency	Representative
1	Atherton	Robert Ovadia
2	Belmont	Afshin Oskoui
3	Brisbane	Randy Breault (Chair)
4	Burlingame	Syed Murtuza
5	Colma	Brad Donohue
6	Daly City	Richard Chiu
7	East Palo Alto	Kamal Fallaha
8	Foster City	Norm Dorais
9	Half Moon Bay	Maziar Bozorginia
10	Hillsborough	Paul Willis
11	Menlo Park	Justin Murphy
12	Millbrae	Khee Lim
13	Pacifica	<i>Van Ocampo*</i>
14	Portola Valley	Howard Young
15	Redwood City	Saber Sarwary
16	San Bruno	Jimmy Tan
17	San Carlos	Steven Machida
18	San Mateo	Brad Underwood
19	South San Francisco	Eunejune Kim
20	Woodside	Sean Rose
21	San Mateo County	Jim Porter
22	Regional Water Quality Control Board	Dr. Tom Mumley

** Current Representative to be replaced with new appointment*

Current CMP TAC Roster – 2018

No.	Agency	Representative
1	San Mateo County Engineering	Jim Porter (Co-Chair)
2	SMCTA / PCJPB / Caltrain	Joseph Hurley (Co-Chair)
3	Atherton Engineering	Robert Ovadia
4	Belmont Engineering	Afshin Oskoui
5	Brisbane Engineering	Randy Breault
6	Burlingame Engineering	Syed Murtuza
7	C/CAG	Sandy Wong
8	Colma Engineering	Brad Donohue
9	Daly City Engineering	Richard Chiu
10	Daly City Planning	Tatum Mothershead
11	Foster City Engineering	Norm Dorais
12	Hillsborough Engineering	Paul Willis
13	Half Moon Bay Engineering	Maziar Bozorginia
14	Menlo Park Engineering	Justin Murphy
15	Millbrae Engineering	Khee Lim
16	Pacifica Engineering	<i>Van Ocampo*</i>
17	Redwood City Engineering	Jessica Manzi
18	San Bruno Engineering	Jimmy Tan
19	San Carlos Engineering	Steven Machida
20	San Mateo Engineering	Brad Underwood
21	South San Francisco Engineering	Eunejune Kim
22	South San Francisco Planning	Billy Gross
23	Woodside Engineering	Sean Rose
24	MTC	Vacant
25	Caltrans	Vacant

** Current Representative to be replaced with new appointment*



Scenic Pacifica
Incorporated Nov. 22, 1957

CITY OF PACIFICA

170 Santa Maria Avenue • Pacifica, California 94044-2506
www.cityofpacifica.org

MAYOR
Sue Vaterlaus

MAYOR PRO TEM
Deirdre Martin

COUNCIL
Sue Beckmeyer
Mary Bier
Mike O'Neill

December 20, 2018

Ms. Sandy Wong, Executive Director
City/County Association of Governments of San Mateo County
555 County Center, 5th Floor
Redwood City, CA 94063

SUBJECT: Replacement of Pacifica Engineering Representative on the City/County Association of Governments of San Mateo County Technical Advisory Committee and Stormwater Committee

Dear Ms. Wong,

The City of Pacifica is requesting the appointment of Mr. Sam Bautista, Deputy Director of Public Works, to replace Mr. Van D. Ocampo, former Director of Public Works, on the Technical Advisory Committee and Stormwater Committee for the City/County Association of Governments of San Mateo County.

If you have any questions, you can contact me at (650) 738-7408.

Sincerely,

Kevin Woodhouse
City Manager

Cc: John Hoang, C/CAG of SMC
Matt Fabry, C/CAG of SMC

C/CAG AGENDA REPORT

Date: January 10, 2019

To: City/County Association of Governments of San Mateo County 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, contact Jean Higaki at 650-599-1462)

RECOMMENDATION

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)

FISCAL IMPACT

Unknown.

SOURCE OF FUNDS

N/A

BACKGROUND

The C/CAG Legislative Committee receives monthly written reports and oral briefings from the C/CAG's State legislative advocates. Important or interesting issues that arise out of that meeting are reported to the Board.

The legislature is still in recess will reconvene on January 7, 2019. This month's report from our legislative advocate is a recap of the November 6, 2018 elections.

On December 19, 2019 the Metropolitan Transportation Commission adopted their 2019 Final Advocacy Program. It is recommended that C/CAG members be aware of MTC's goal to address the housing crisis by enacting legislation to make progress on the CASA Compact, some of which will impact local land use authority. The table below are the adopted legislative goals associated with the CASA compact.

The CASA compact is available at the website below:
https://mtc.ca.gov/sites/default/files/CASA_Compact.pdf

Excerpt from MTC Draft 2019 Joint Advocacy Program:

Goal	Strategy
A. Implement the CASA Compact’s 3Ps & 3Rs	Subject to authorization by the Commission for the MTC Chairman to sign the CASA Compact, collaborate with other key local, regional and statewide partners to enact legislation to make substantial progress on the “3 Ps” of the upcoming CASA Compact, which focuses on three core areas: 1) Production of additional housing, including affordable and market rate; 2) Preservation of existing affordable housing; and 3) Protection of current residents from displacement. Implementation of these core goals will be through various bills that aim to deliver the “3 Rs,” namely Reform, Revenue and Regional Leadership .
B. Support complementary legislative efforts to increase funding for affordable housing and accelerate production	Monitor and support complementary legislative efforts to CASA, identified as “Calls for Action” in the draft CASA Compact document, to address the housing crisis, including support of “Redevelopment 2.0,” i.e. reinstating tax-increment financing for affordable housing and supportive infrastructure, lowering the vote threshold for affordable housing bonds to 55 percent, addressing fiscalization of land use, supporting action to alleviate homelessness, and growing and stabilizing the construction labor force. Support appropriate revisions to the Regional Housing Needs Allocation (RHNA) process to broaden the definition of units that count towards an individual jurisdiction’s RHNA share.

ATTACHMENTS

1. January 2019 Legislative update from Shaw/ Yoder/ Antwih, Inc.
2. Full Legislative information is available for specific bills at <http://leginfo.legislature.ca.gov/>



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

DATE: December 19, 2018
TO: Board Members, City/County Association of Governments, San Mateo County
FROM: Andrew Antwih and Matt Robinson, Shaw / Yoder / Antwih, Inc.
RE: STATE LEGISLATIVE UPDATE – January 2019

Legislative Update

The newly-elected and carryover members of the Legislature convened for the first time on December 3, for a one-day organizational session. Legislators introduced several dozen bills for consideration in the 2019-2020 Regular Session, with many of them attempting to address the state’s housing crisis. Legislators will introduce at least a couple thousand more bills when they return in January.

The Legislature reconvenes on January 7, the same day that Governor-elect Gavin Newsom will be sworn in to office. In his first major task at the helm of California state government, Governor Newsom will release his proposed 2019-20 State Budget on January 10.

In the following report, we highlight the most relevant bills introduced so far this year affecting C/CAG; those are discussed under ***Bills of Interest***, below.

Bills of Interest

SB 5 (Beall) Local-State Sustainable Investment Incentive Program.

This bill would establish the Local-State Sustainable Investment Incentive Program, which would be administered by the Sustainable Investment Incentive Committee. The bill would authorize a city, county, city and county, joint powers agency, enhanced infrastructure financing district, affordable housing authority, community revitalization and investment authority or transit village development district to apply to the Committee to participate in the program and would authorize the Committee to approve or deny applications for projects meeting specific criteria. Upon approval of a project application, the bill would require the Committee to issue an order directing the county auditor to reduce the total amount of ad valorem property tax revenue otherwise required to be contributed to the county’s ERAF from the applicant by the annual reduction amount approved. The bill would require a county auditor, if the applicant is an enhanced infrastructure financing district, affordable housing authority, transit village development district, or community revitalization investment authority, to transfer to the district or authority an amount of property tax revenue equal to the reduction amount approved by the Committee.

SB 50 (Wiener) Planning and Zoning: Housing Development: Equitable Communities Incentives.

This bill would authorize residential developers to build four- to five-story apartment complexes in neighborhoods rail stops and eases local restrictions on building homes near frequently used bus stops. This bill would address concerns about displacement by prohibiting residential developers from

demolishing properties rented within the prior 7 years and by allowing communities dealing with gentrification to propose alternate plans to increase housing.

AB 11 (Chiu) Community Redevelopment Law of 2019.

This bill, the Community Redevelopment Law of 2019, would authorize cities and counties to create agencies that would use tax increment financing to fund affordable housing and infrastructure projects. This bill takes a similar approach to the tax increment financing structure used by the former redevelopment agencies.

ACA 1 (Aguiar-Curry) Local Government Financing: Affordable Housing and Public Infrastructure: Voter Approval.

This constitutional amendment would lower the necessary voter threshold from a two-thirds supermajority to 55 percent to approve local general obligation bonds and special taxes for affordable housing and public infrastructure projects. ***We recommend C/CAG SUPPORT this measure.***

C/CAG AGENDA REPORT

Date: January 10, 2019

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approval of the Annual C/CAG Legislative Policies for 2019.

(For further information, contact Jean Higaki at 650-599-1462)

RECOMMENDATION

That the C/CAG Board of Directors review and approve the Annual C/CAG Legislative Policies for 2019.

FISCAL IMPACT

Many of the policies listed in the attached document have the potential to increase or decrease the fiscal resources available to C/CAG member agencies.

SOURCE OF FUNDS

New legislation

BACKGROUND

Each year, the C/CAG Board adopts a set of legislative policies to provide direction to its Legislative Committee, staff, and legislative advocates. In the past, the C/CAG Board established policies that:

- Clearly defined a policy framework at the beginning of the Legislative Session.
- Identified specific policies to be accomplished during this session by C/CAG's legislative advocates.
- Limited the activities of C/CAG to areas where we can have the greatest impact.

The adoption of a list of policies will maximize the impact of having legislative advocates represent C/CAG in Sacramento and will also significantly reduce the amount of C/CAG staff time needed to support the program.

The draft policies were reviewed by the Legislative Committee on December 13, 2018. Recommended revisions are reflected in the attached draft. Further changes proposed at the Legislative Committee on January 10, 2019 will be presented verbally to the Board. If substantial modifications are requested a subsequent draft will be presented again at the next committee and corresponding Board meeting.

ATTACHMENTS

1. Draft C/CAG Legislative Policies for 2019

C/CAG LEGISLATIVE POLICIES FOR ~~2018~~2019

Policy #1 -

Protect against the diversion of local revenues and promote equitable distribution of state/regional resources and revenues.

- 1.1 Support League, CSAC, and other initiatives to protect local revenues.
- 1.2 Provide incentives and tools to local government to promote economic vitality ~~and to alleviate blighted conditions.~~
- 1.3 Support appropriate new funding or the reinstatement of state funding for economic development and affordable housing, including the use of tax-increment financing or “Redevelopment 2.0.”
- 1.4 Pursue and support efforts that direct state and regional funds equitably to ensure a return to source.

Policy #2 -

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

- 2.1 Support State actions that take into consideration the fiscal impact to local jurisdictions, by ensuring that adequate funding is made available by the State, for delegated re-alignment responsibilities and by ensuring that all State mandates are 100% reimbursed.
- 2.2 Oppose State actions that delegate responsibilities to local jurisdictions without full reimbursement for resulting costs.

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. Advocate for funding for implementing the San Mateo County Stormwater Resource Plan and local Green Infrastructure Plans, and advocate -to support long-term reductions in bacteria, trash, mercury, ~~and~~ PCBs, and other pollutants discharging to the Bay and Ocean and to reduce flooding, recharge groundwater, adapt to a changing climate, and enhance communities.
 - b. Advocate for inclusion of 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.
 - c. Track and advocate for resources for stormwater management in State and Federal grant and loan programs.

- d. Support efforts to identify regulatory requirements that are unfunded state mandates and ensure provision of state funding for such requirements.
 - e. Pursue and support efforts that address stormwater issues at statewide or regional levels and thereby reduce the cost share for C/CAG and its member agencies and limit the need to implement such efforts locally.
 - e.f. Advocate for better integration between parallel statewide efforts to manage stormwater for water quality improvement, long-term climate change adaptation, and groundwater recharge.
- 3.2 Support efforts to secure statewide legislation mandating abatement of polychlorinated biphenyls (PCBs) in building materials prior to demolition of relevant structures, in accordance with requirements in the San Francisco Bay Regional Water Quality Control Board's Municipal Regional Permit.
 - 3.3 Pursue and support efforts that control pollutants at the source and extend producer responsibility, especially in regard to trash and litter control.
 - 3.4 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.
 - 3.5 Advocate for integrated, prioritized, and achievable stormwater regulations that protect water quality and beneficial uses and account for limitations on municipal funding.
 - 3.6 Pursue and support pesticide and rodenticide regulations that protect water quality and reduce pesticide toxicity.
 - 3.7 Support legislative efforts to provide additional funding for stormwater projects into San Mateo County.

Policy #4 -

Advocate and support an integrated approach to funding.

- 4.1 Advocate for ~~an~~ appropriate and effective integrated approaches to both funding and project types for statewide and regional infrastructure efforts including stormwater management, transportation, and affordable housing.
- 4.2 Advocate for efforts that ~~breakdown funding silos and~~ provide flexibility in funding sources to enable a holistic approach to fund programs and projects.

Policy #5 -

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

- 5.1 Support constitutional amendments that reduce the vote requirements for special taxes and fees.

5.2 Oppose bills that impose restrictions on the expenditures, thereby reducing flexibility, for special tax category.

~~5.3 Support modification or elimination of the Proposition 26 two-thirds requirements.~~

Policy #6-

Protect and support transportation funding.

6.1 Support ~~ACA 5 and other~~ efforts that protect transportation revenues from being pledged, transferred, or used for non-transportation purposes.

6.2 ~~Oppose the repeal of SB 1 (The Road Repair and Accountability Act of 2017) and s~~Support the implementation of SB 1 ~~(Road Repair and Accountability Act of 2017)~~ programs.

6.3 Monitor and engage in the implementation of the SB 1077 “Road User Charge.”

6.4 Support revisions in the Peninsula Joint Powers Agreement that provide equitable funding among the Caltrain partners.

6.5 Support a dedicated funding source for the operation of Caltrain and monitor the implementation of High Speed Rail.

6.6 Support efforts to secure the appropriation and allocation of “cap and trade” revenues to support San Mateo County needs.

6.7 Support or sponsor efforts that finance and/ or facilitate operational improvements on the US 101 corridor.

~~6.8 Support alternative contracting methods, such as Public Private Partnerships, that could result in project cost savings.~~

~~6.8 Support the development of an expenditure plan for a potential countywide sales tax measure to fund transportation in San Mateo County.~~

6.9 ~~Support~~ Monitor the development of ~~a~~ the new bridge toll program (Regional Measure 3) and advocate for ensure an appropriate share of new revenues ~~is available~~ for projects in San Mateo County.

Policy #7 -

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

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

7.2 Support measures and policies that encourage and facilitate public private partnerships.

Policy #8 -

Support reasonable climate protection action, Greenhouse Gas reduction, and energy conservation legislation

- 8.1 Support incentive approaches toward implementing AB 32 ([California Global Warming Solutions Act of 2006](#)), SB 32 ([extension of the target date and goals](#)), and AB 398 ([Cap and Trade](#)), and legislation that supports electrification of infrastructure and the adoption of [alternative fuel technologies](#).
- 8.2 Oppose climate legislation that would conflict with or override projects approved by the voters.
- 8.3 Support funding for both transportation and housing investments, which support the implementation of SB 375 ([Sustainable Communities and Climate Protection Act of 2008](#)), so that housing funds are not competing with transportation funds.
- 8.4 Monitor the regulatory process for implementing SB 743 ([Evaluation of Transportation Impacts in CEQA](#)) and impacts the new regulations may have on congestion management plans.
- 8.5 Alert the Board on legislation that would require recording of vehicle miles of travel (VMT) as part of vehicle registration.
- 8.6 Support local government partnerships to foster energy conservation, as well as the generation and use of renewable and/ or clean energy sources (wind, solar, etc.).
- 8.7 Support efforts to improve the disadvantage community screening tools used by the state on the allocation of “cap and trade” and other state funding programs to ensure that San Mateo county needs are reflected.
- [8.8 Support legislation that supports Peninsula Clean Energy \(PCE\) objectives and oppose proposed legislation that impairs that effort.](#)

***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***

- 10.1 Support/sponsor legislation that identifies revenue to fund airport/land use compatibility plans.
- [10.2 Alert the Legislative Committee and C/CAG Board on legislation that impacts local housing and land use authority.](#)
- 10.23 Support efforts that will engage the business community [in making contributions to community improvements in mitigating industry impacts](#) associated with stormwater, transportation congestion [relief and mobility options](#), ~~transportation options~~, affordable housing, greenhouse gas emissions [reductions](#), and energy ~~consumptions~~[savings](#).

10.4 Support legislative efforts to create a unified voice in San Mateo County and to manage integrated water issues including sea level rise, flooding, coastal erosion, and stormwater vulnerabilities.

C/CAG AGENDA REPORT

Date: January 10, 2019

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sandy Wong, Executive Director of C/CAG

Subject: Review and approval of Resolution 19-01 endorsing the San Mateo County Flood and Sea Level Rise Resiliency Agency proposal.

Recommendation:

That the C/CAG Board of Directors review and approve Resolution 19-01 endorsing the San Mateo County Flood and Sea Level Rise Resiliency Agency proposal (Proposal).

Fiscal Impact:

None specifically for C/CAG. The Proposal does, however, include a three-year, \$1.5 million annual funding commitment to establish the new agency, split equally (\$750k each) between the County of San Mateo and the 20 cities and towns. The annual city/town contributions and \$350k of the County's share (total of \$1.1 million) will go to agency startup services; the remaining \$400k of the County's annual contribution will continue its Flood Resilience Program that is currently working with seven cities under three memoranda of understanding on multi-jurisdictional flooding issues.

Background:

Early Efforts

In December 2013, Congresswoman Jackie Speier, Assemblymember Rich Gordon, and County Supervisor Dave Pine convened a conference titled "Meeting the Challenge of Sea Level Rise in San Mateo County" that initiated the County's efforts to plan for sea level rise, including launching in 2015 its "Sea Change SMC" initiative and commencing a countywide sea level rise vulnerability assessment.

At the May 2015 C/CAG Board meeting, Supervisor Pine and County staff presented proposed plans for the County to begin addressing multi-jurisdictional flooding and sea level rise. To ensure all its member agencies were included in decisions on how best to address these challenging issues, C/CAG convened an ad-hoc group to evaluate options and make recommendations to the C/CAG Board.

C/CAG Ad-hoc Water Committee

In December 2015 C/CAG convened an ad-hoc Water Committee to discuss opportunities for better countywide coordination, communication, and collaboration on integrated water issues to improve efficiency and maximize funding opportunities, including for state and federal grants. The ad-hoc Water Committee met throughout 2016 and, after exploring various options for a more comprehensive approach to water management, including presentations by numerous agencies that are already doing integrated water management outside of San Mateo County, ultimately recommended C/CAG establish a standing committee as a first step toward greater levels of countywide collaboration and decision

making. It also recommended the committee primarily focus on the “orphan” issues of stormwater, flooding, and sea level rise rather than water management issues related to groundwater, water supply, or wastewater since those are already being worked on by others, such as through the Bay Area Water Supply and Conservation Agency, water purveyors, and sanitary agencies/special districts.

C/CAG Countywide Water Coordination Committee

The Countywide Water Coordination Committee (Committee) convened in May of 2017 with four city elected officials representing geographic areas in the county and one member of the Board of Supervisors. After establishing its focus on funding advocacy, information and education, and inter-agency collaboration, the Committee quickly began planning the March 30, 2018 water summit, “Floods, Droughts, Rising Seas, Oh My!” This summit, attended by over 300 people, closed with a video address by Congresswoman Speier urging San Mateo County and the 20 cities and towns to create a joint flood control agency to better compete for federal funds to address sea level rise. In response to this call to action, the Committee, over the subsequent months, began investigating options for taking more formal action to address integrated water management in the county, including creation of a new or modified agency to coordinate efforts on sea level rise, coastal erosion, flooding, and regional stormwater management. To support this effort, the C/CAG Board added three additional members to the Committee, including the C/CAG Chair, Vice-Chair and immediate past Chair.

The Committee ultimately decided to develop by the end of 2018 a proposal for a water management agency that could be considered by the C/CAG Board of Directors and County Board of Supervisors. To achieve this goal, the Committee convened a Staff Advisory Team (SAT) comprised of 18 representatives (staff level) from C/CAG, the County, cities, and other water-related agencies and interests to help develop the draft proposal. The SAT was supported by Environmental Science Associates (ESA) under contract to the County Department of Public Works. The process has throughout been a partnership between C/CAG and the County of San Mateo.

The SAT Process

The SAT convened in July 2018 (see attached roster) and met eight times, with numerous additional Executive Team calls to help shepherd the process. The SAT’s focus has been evaluating options for a new entity, including reviewing different governance structures and the potential scope of the new entity, getting feedback from the cities on their needs related to a countywide integrated water agency, and regularly informing and receiving feedback from the Countywide Water Coordination Committee. The SAT, in coordination with the Committee, developed an overall Roadmap for the process that includes developing the final proposal by the end of 2018, the C/CAG Board and the County Board of Supervisors considering its endorsement in January 2019, followed by outreach to all 20 city and town councils in early 2019.

The SAT hosted a series of initial information gathering meetings with all 20 cities and towns in August and September 2018, the results of which informed the draft agency proposal. Two additional city meetings were hosted in November and December to present the draft agency proposal. At its December 13 meeting, the SAT endorsed a final version of the agency proposal (Proposal) for Committee consideration on December 20. At that meeting, the Committee recommended the C/CAG Board endorse the Proposal (attached).

The Proposal: The San Mateo County Flood and Sea Level Rise Resiliency Agency

After considering many different alternatives, the Proposal focuses on modifying an existing special district, the San Mateo County Flood Control District (District). The District, which is governed by the Board of Supervisors and utilizes county staff for its functions, has been in place since its creation via special legislation in 1959. Its activities are generally limited to three flood control zones in which it collects pre-Proposition 13 property taxes to fund flood control efforts (Colma Creek, San Bruno Creek, and San Francisquito Creek watersheds). It also imposes two countywide fees on the property taxes on C/CAG's behalf to fund its Countywide Water Pollution Prevention Program. The District's annual zone-based property tax revenue is approximately \$3.8 million, the majority of which comes from the Colma Creek zone, and the two countywide fees for the C/CAG program generate approximately \$1.5 million annually. These funds would remain dedicated to their existing programs.

To address city concerns about a County-managed integrated water agency, the Proposal recommends revising (through special legislation) the 1959 San Mateo Flood Control District Act to change the governance from the Board of Supervisors to a seven-member board consisting of five city and two county elected officials. Legislative fixes, which could go into effect as early as July 1, 2019, would also enhance authorities related to sea level rise and coastal erosion, clarify funding/financing authorities to reflect current state regulations/constitutional restrictions, and change the name to the Flood and Sea Level Rise Resiliency Agency (Agency). The Agency's mission and role would be to address sea level rise, flooding, coastal erosion, and large-scale stormwater infrastructure improvements through integrated regional planning, design, permitting, project implementation, and long-term operations and maintenance to create a resilient "one shoreline" San Mateo County by 2100.

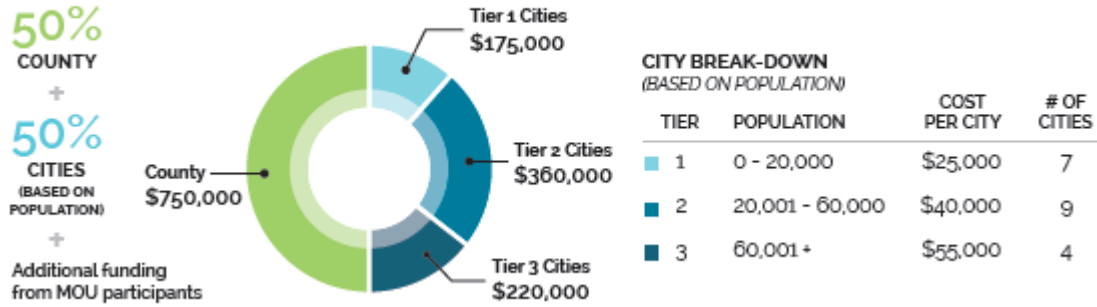
Proposed Agency "Startup" funds:

The Proposal calls for \$1.5 million in annual funding contributions for three years, split equally between the County and the 20 cities and towns (\$750k each). Annual city/town contributions are proposed to fall into three population-based tiers, with seven small size cities/towns paying \$25k, nine medium size cities paying \$40k, and four large size cities paying \$55k (see chart on next page), for a cumulative city/town contribution of \$755k. A table listing each agency's proposed annual contributions is included in Attachment 3.

Of the \$750K County's share, \$350K will go to supplement the cities/towns' contribution, resulting in a grand total of \$1.1 million as "Start-up" funds. The remaining \$400k County contribution would be used to continue its current Flood Resilience Program under which the County is leading efforts with seven cities under three memoranda of understanding to address multi-jurisdictional flooding problems in three different watersheds. Additional city/town contributions for specific Flood Resilience Program projects are established under the terms of the memoranda of understanding.

In the event a long-term funding structure is not in place within this three-year period, the annual funding contributions of the County and the cities are proposed to be extended for up to two additional years provided that (1) the Agency is demonstrating sufficient progress toward meeting its objectives, and (2) the cities and the County agree to continue their respective funding contributions.

Annual Funding



During this three-year period, the Agency’s activities would generally fall into two categories: continuing existing efforts and implementing new startup services. For the first, the Agency would continue implementing the District’s zone-based flood control activities (proposed initially through contracting with County Department of Public Works) and maintain the Flood Resilience Program that is working with the seven cities under three memoranda of understanding. For the startup services, the Agency would develop an Integrated Flood and Sea Level Rise Investment Plan and, perhaps most importantly, work to secure long-term sustainable revenue, such as through an Enhanced Infrastructure Financing District, a Geological Hazard Abatement District, or targeted special tax, any of which will require significant community and stakeholder engagement and outreach.

In the event a long-term funding structure is not in place within this three-year period, the annual funding contributions of the County and the cities are proposed to be extended for up to two additional years provided that (1) the Agency is demonstrating sufficient progress toward meeting its objectives, and (2) the cities and the County agree to continue their respective funding contributions.

The Proposal calls for the new governing board of the Agency to hire an Executive Director and the two County staff currently working on the Flood Resiliency Program would join the new Agency. Additional staff and consultants would be hired by the Agency, as needed, to achieve its goals during the three-year startup period and beyond. It would also need to contract with the County for ongoing management of the existing District activities, until it is able to manage such efforts on its own.

The Proposal anticipates endorsement by the C/CAG Board of Directors and County Board of Supervisors in January 2019, after which the Proposal would be presented to all 20 city and town councils for their endorsement and commitment of funding. In addition to the detailed Proposal, a four-page Executive Summary brochure is attached.

Attachments:

1. Resolution 19-01
2. Staff Advisory Team (SAT) roster
3. Proposed annual funding contributions by agency
4. Executive Summary of the Proposal
5. Proposal - Flood and Sea Level Rise Resiliency Agency Proposal (Available on-line at: <http://ccag.ca.gov/committees/board-of-directors/>)

RESOLUTION 19-01

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY ENDORSING THE SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY AGENCY PROPOSAL

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

WHEREAS, C/CAG convened its Countywide Water Coordination Committee (Committee) to investigate opportunities for greater communication, collaboration, and coordination on integrated water issues, including flood, sea level rise, and stormwater management; and

WHEREAS, the Committee, in conjunction with the County of San Mateo, helped plan and host the March 30, 2018 water summit “Floods, Droughts, Rising Seas, Oh My!” at the conclusion of which Congresswoman Jackie Speier issued a call to action for San Mateo agencies to come together and form a unified flood control agency to better compete for Federal funds for shoreline protection; and

WHEREAS, the Committee initiated a process to develop a proposal for a new entity that can manage sea level rise, flooding, coastal erosion, and large-scale stormwater infrastructure improvements, including engaging the County and the 20 cities and towns on their interests and priorities for such an agency; and

WHEREAS, the Committee, with support of an 18-member Staff Advisory Team comprised of representatives from C/CAG, its member agencies, and other agencies/districts, developed a proposal to modify through legislation the existing County Flood Control District, changing its governance to include five city and two county elected officials, expand its authorities to address sea level rise and coastal erosion, clarify its funding and financing authorities to be consistent with current state regulations and constitutional restrictions, and changes its name to the San Mateo County Flood and Sea Level Rise Resiliency Agency (Agency) ; and

WHEREAS, the proposed governing board for the Agency would include five city council representatives, three of which would represent the north, central, and south bayside areas, one of which would represent the coastside, and one at-large, all to be appointed by the C/CAG Board of Directors, and two County Supervisors, one of which would represent District 3 on the coast and one at-large to be appointed by the Board of Supervisors; and

WHEREAS, the proposal includes a three-year startup period during which the County and the 20 cities and towns would equally contribute \$750,000 annually for a total of \$1.5 million per year; and

WHEREAS, the three years of city/town contributions would be population-based, with agencies with populations under 20,000 paying \$25,000 per year, agencies with populations between 20,000 and 60,000 paying \$40,000 per year, and agencies with populations greater than 60,000 contributing \$55,000 per year for a total of \$750,000; and

WHEREAS, during the three-year startup period, the Agency would develop an Integrated Flood and Sea Level Rise Resiliency Investment Plan, continue implementing the County’s Flood Resiliency Program, maintain the existing Flood Control District zone-based services, and secure a long-term funding source; and

WHEREAS, if long-term funding is not secured within the three-year period, the County and city/town contributions would be extended for an additional two years provided that (1) the Agency is demonstrating sufficient progress toward meeting its objectives, and (2) the cities and the County agree to continue their respective funding contributions; and

WHEREAS, the proposal anticipates endorsement by the C/CAG Board of Directors and the County Board of Supervisors prior to presenting the proposal to each of the 20 city and town councils for their endorsement and funding commitments; and

WHEREAS, the C/CAG Countywide Water Coordination Committee, at its December 20, 2018 meeting, recommended the C/CAG Board endorse the proposal;

NOW THEREFORE BE IT RESOLVED, that the C/CAG Board of Directors hereby endorses the San Mateo County Flood and Sea Level Rise Resiliency Agency proposal.

PASSED, APPROVED, AND ADOPTED, THIS 10TH DAY OF JANUARY 2019.

Maryann Moise Derwin, Chair

**Attachment 2 – San Mateo Countywide Water Coordination Committee
Staff Advisory Team (SAT) Roster**

Member	Agency
Supervisor Dave Pine	Chair – Countywide Water Coordination Committee
SAT Members	
Brian Perkins	District Director, Congresswoman Speier's Office
Danielle Lee	County Office of Sustainability
Deborah Hirst	Supervisor Horsley's office, County of San Mateo
Erika Powell	County Flood Resilience Program
Jeremy Dennis	Town Manager, Portola Valley
Jim Porter	Public Works Director, County of San Mateo
John Beiers or his appointees	County Counsel, County of San Mateo
John Doughty	Director of Public Works, Half Moon Bay
Larry Patterson (Co-Chair)	City Manager, San Mateo
Len Materman	Executive Director, San Francisquito Creek JPA
Matt Fabry	C/CAG Stormwater Program
Melissa Stevenson Diaz	City Manager, Redwood City
Michael Barber	Supervisor Pine's Office, County of San Mateo
Michael Callagy (Co-Chair)	County Manager, County of San Mateo
Mike Futrell	City Manager, South San Francisco
Nicole Sandkulla	CEO and General Manager, BAWSCA
Sandy Wong	Executive Director, C/CAG
Van Ocampo	Public Works Director, Pacifica
ESA Facilitators	
Jim O'Toole	Project Manager
Ellen Cross	Strategic Facilitator
Ari Frink	Deputy Project Manager

Attachment 3 – Proposed Annual Contributions (for three years), By Agency

Municipality	Population (2018 Dept. of Finance)	Proposed Contribution
Atherton	7,135	\$25,000
Belmont	27,388	\$40,000
Brisbane	4,692	\$25,000
Burlingame	30,294	\$40,000
Colma	1,501	\$25,000
Daly City	107,864	\$55,000
East Palo Alto	30,917	\$40,000
Foster City	33,490	\$40,000
Half Moon Bay	12,639	\$25,000
Hillsborough	11,543	\$25,000
Menlo Park	35,268	\$40,000
Millbrae	22,854	\$40,000
Pacifica	38,418	\$40,000
Portola Valley	4,767	\$25,000
Redwood City	86,380	\$55,000
San Bruno	46,085	\$40,000
San Carlos	29,897	\$40,000
San Mateo	104,490	\$55,000
South San Francisco	67,082	\$55,000
Woodside	5,623	\$25,000
San Mateo County	65,828	\$750,000

Flood and Sea Level Rise Resiliency Agency Proposal

21st Century Solutions for One Resilient Shoreline



"The sea is rising and we are not prepared. It's really time for us to pull together across city boundaries to help our citizens in the battle against rising waters and the rising costs of coping with this global threat.

To do that, San Mateo County cities must create a joint agency along with the County to ask for federal help."

*—Jackie Speier,
U.S. Congresswoman*

1959 to Today

San Mateo County and its cities have been addressing sea level rise, flooding, coastal erosion, and stormwater retention in a variety of ways

✔ San Mateo County Flood Control District (FCD)

Formed in 1959; addresses flooding in three county flood zones; oversees a budget of approximately \$3.8 million

Colma Creek

Issued bonds to alleviate flooding in South San Francisco

San Bruno

Improved channels and culverts in lower San Bruno Creek

San Francisquito

Member of the San Francisquito Creek Joint Powers Authority

✔ Independent City Efforts

Several cities have pursued flood mitigation projects

Foster City Levees

Will be improved using recent bond money

North Shoreview Flood Projects

Will protect the City of San Mateo from storm surges along the bayshore

✔ Other County Efforts

These planning efforts include County and City/County collaborations that have engaged numerous stakeholders

Stormwater

(C/CAG)

SeaChange Vulnerability Assessment

(Office of Sustainability)

Operational

Landscape Units

(SFEI)

San Mateo Plain

Groundwater Assessment

(SMC Environmental Health)

✔ Flood Resilience Program (FRP)

A County initiative that addresses flood risks in cross-jurisdictional areas through memorandums of understanding (MOUs)

Belmont Creek

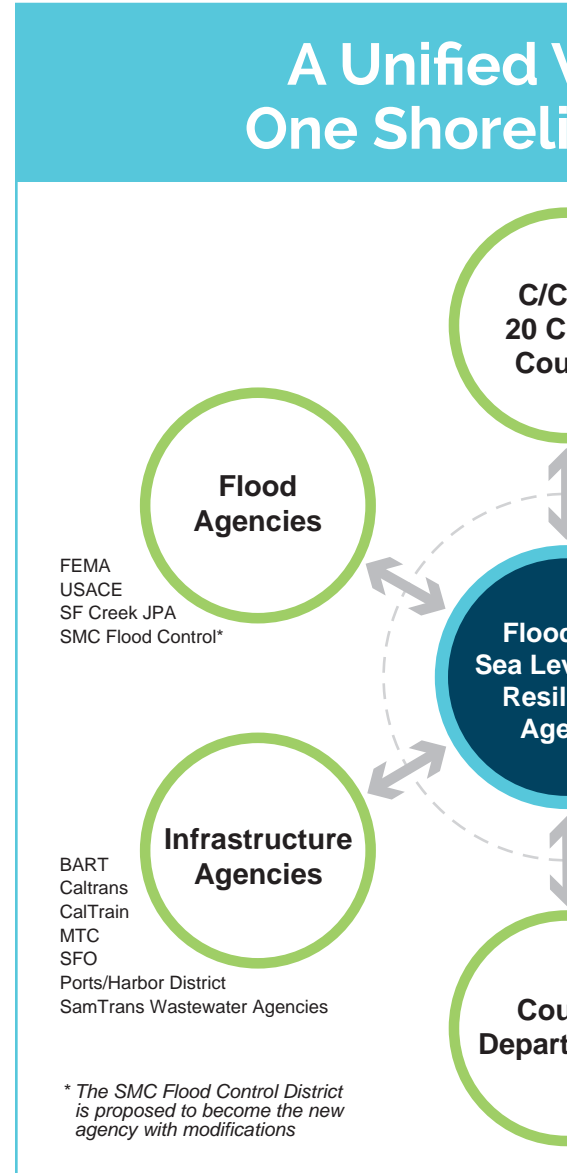
Developed a Watershed Management Plan to obtain grants

Navigable Slough

Leveraged existing resources to identify near-term solutions

Bayfront Canal

Applied for over \$14 million worth of state/federal construction funding



Continued Success

Successful FRP efforts will be carried over into the new priority plan



Navigable Slough
Feasibility Study

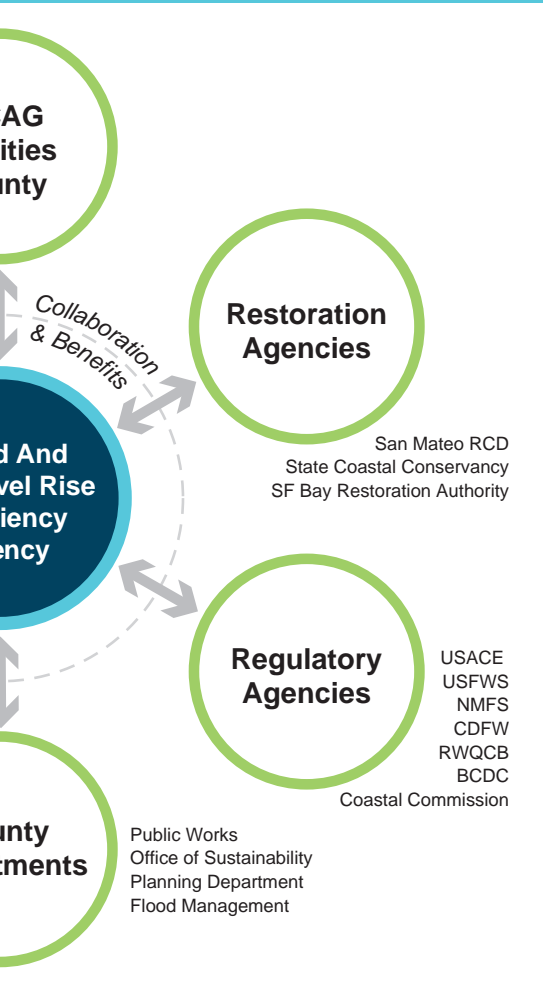


Belmont Creek
Flood

Looking Ahead to 2019-2100

The **Flood and Sea Level Rise Resiliency Agency** will speak with one voice without boundaries across San Mateo County to create a resilient shoreline

Voice for a Resilient Solution



Focus on 2100

The agency would develop and implement a plan to prepare San Mateo County's Bayshore and Coastside for 2100 sea level rise.

Mission & Vision of the Flood and Sea Level Rise Resiliency Agency



The Agency's Mission. The agency would consolidate the work of the SMC Flood Control District and Flood Resiliency Program and initiate new countywide efforts to address sea level rise, flooding, coastal erosion, and large-scale stormwater infrastructure improvements through integrated regional planning, project implementation, and long-term maintenance.



Create Multi-Jurisdictional Solutions. The agency would facilitate and monitor existing FRP MOUs, and create new MOUs, addressing cross-jurisdictional issues.



Leverage State & Federal Funding. By prioritizing and coordinating projects countywide, the agency would position the County to seek substantial state and federal funding.

First Priority Actions

Create the Agency. The Flood and Sea Level Rise Resiliency Agency would be created by modifying the existing FCD through state legislation. A 7 person board (2 county supervisors, 5 city councilmembers) will govern the agency.

Priority Plan. Develop a Flood & Sea Level Rise Resiliency Investment Plan.

Secure Long-term Funding. Secure sustainable long term funding for the agency.

Project Funding. Pursue state and federal grants for planning and implementation of projects.

MOU Services. Continue existing FRP MOUs and create additional MOUs.



Mont Creek
Management Plan



The Bayfront Canal & Atherton Channel
Flood Management and Habitat Restoration Project

City and Countywide Benefits

A vision for 2100: One Resilient Shoreline

Project Assistance. Will plan, permit, design, construct and provide long-term maintenance for projects.

Funding Access. Will access and leverage state and federal funds.

Public Education. Will educate stakeholders and the public on the need for any potential revenue measures to fund the Agency or implementation of projects.

Prioritized Multibenefit Projects. Will ensure that collaborative projects will be coordinated, won't create unintended consequences, and won't duplicate efforts.

Stormwater Detention Solutions. Will be implemented from C/CAG's plan for countywide compliance on the Municipal Regional Permit.



A Resilient Future

Accomplishing these efforts together will ensure that collectively we build our resilient future

Annual Funding

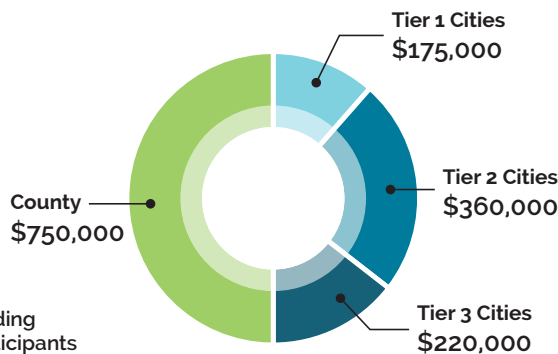
50%
COUNTY

+

50%
CITIES
(BASED ON POPULATION)

+

Additional funding
from MOU participants



CITY BREAK-DOWN
(BASED ON POPULATION)

TIER	POPULATION	COST PER CITY	# OF CITIES
1	0 - 20,000	\$25,000	7
2	20,001 - 60,000	\$40,000	9
3	60,001+	\$55,000	4

LONG TERM FUNDING

A primary objective of the agency in the first 3 years, will be to design an Investment Plan in order to establish a source of sustainable funding. The County and the City would make their annual financial contributions for three years following the Agency's formation. During this three year time period the Agency would pursue an alternative and more sustainable long term funding structure. In the event a long term funding structure is not in place within this three year period, and provided the cities and County agree, the annual funding contributions of the County and the cities will be extended for up to an additional two years.

Contact

Are you ready to leverage our opportunities to create a one shoreline resilient county? Contact **Erika Powell**, San Mateo County, epowell@smcgov.org, (650) 599-1488

Financial Benefit of Acting Now to Create a Resilient Shoreline

Each \$1 spent on mitigation saves an average of \$6 in future disaster costs.

Natural Hazard Mitigation Saves: 2017 Interim Report, www.nibs.org/page/mitigationsaves

C/CAG AGENDA REPORT

Date: January 10, 2019

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sandy Wong, Executive Director

Subject: Receive the San Mateo County Transportation Programs Climate Impact Report

(For further information or questions, contact John Hoang at 650-363-4105)

RECOMMENDATION

That the C/CAG Board receives the San Mateo County Transportation Programs Climate Impact Report.

FISCAL IMPACT

Cost to develop the plan was \$35,000.

SOURCE OF FUNDS

Congestion Relief Funds.

BACKGROUND

The challenge of climate change is not new and addressing it has long been a priority for San Mateo County. City/County Association of Governments of San Mateo County (C/CAG) is responsible for administering many state-mandated programs related to transportation, air quality and federal and state transportation funding programs in San Mateo County.

This Transportation Programs Climate Impact Report refers to C/CAG's long-range planning document, the recently adopted San Mateo Countywide Transportation Plan 2040 (SMCTP 2040), and its anticipated impact in GHG emissions countywide and identifies strategies for all transportation plans in the county on meeting the State of California's climate goal of 40% below 1990 levels by 2030.

The SMCTP 2040 is intended to articulate clear transportation planning objectives and policies and to promote consistency and compatibility among all transportation plans and programs within the county. By doing so, SMCTP 2040 supports an integrated, system-wide approach to transportation planning that gives proper consideration to the countywide transportation network as a whole, not just in its constituent parts. Through its countywide initiatives, C/CAG is supporting its member jurisdictions to meet city-level climate action commitments.

At the September 20, 2018 meeting, the Congestion Management Program Technical Advisory Committee (TAC) received a presentation on the Transportation Programs Climate Impact Report and

the draft report was provided at the November 15, 2018 meeting. The presentation was also provided to the Congestion Management and Environmental Quality (CMEQ) Committee on September 24th and the draft report provided at the November 26, 2018 meeting. In addition, a presentation was also provided to the Resource Management and Climate Protection Committee (RMCP) at its November 28, 2018 meeting. Comments from all three committees were received and incorporated into the final “San Mateo County Transportation Programs Climate Impact Report”.

ATTACHMENTS

- San Mateo County Transportation Programs Climate Impact Report (*The document will be available for download at the C/CAG website at: <http://ccag.ca.gov/committees/board-of-directors/>*)

C/CAG AGENDA REPORT

Date: December 13, 2018

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sandy Wong, Executive Director

Subject: Receive an update on the owner/operator options for the US 101 Managed Lanes Project and next steps

(For further information, contact Sandy Wong at 650-599-1409)

RECOMMENDATION

That the C/CAG Board of Directors receive an update on the owner/operator options for the US 101 Managed Lanes Project and next steps.

FISCAL IMPACT

This is a discussion item.

SOURCE OF FUNDS

N/A.

BACKGROUND

The TA and the C/CAG Boards met on December 6, 2018 and December 13, 2018 respectively to decide on the owner/operator for the 101 Managed Lanes Project (Project). Both Boards were presented with two options:

Option 1: Authorize Bay Area Infrastructure Financing Authority (BAIFA) to own and operate the US101 Managed Lanes facility in San Mateo county, subject to the following:

- BAIFA agrees to take on the responsibility for funding current Project construction costs that are anticipated to be provided by future toll revenues (~\$50 Million);
- BAIFA agrees to cover the cost of any Project cost overrun that may materialize;
- BAIFA commits to how it would prioritize the construction of US 101 express lanes north of I-380, into San Francisco, relative to other express lane projects in the region; and
- BAIFA agrees to implement the TA and C/CAG's decisions on the investment of toll revenues generated in San Mateo County, as set forth in a Corridor Investment Plan as is.

The above-listed conditions would need to be met no later than the February 2019 TA and C/CAG Board meetings for this Option 1 to take effect.

OR:

Option 2: Authorize the Executive Director or his designee to retain ownership of the US101 Managed Lanes facility, and to enter into an agreement with Santa Clara Valley Transportation Authority (VTA) to operate the facility, subject to the TA and C/CAG reaching agreement on the structure of the two agencies' joint governance of the facilities, no later than the February 2019 TA and C/CAG Board meetings.

December 2018 Adopted Motions from the Two Boards:

The TA Board met on December 6, 2018, and the following decision was reached in the form of two motions:

Motion 1: Authorized the TA Executive Director or his designee, subject to C/CAG doing the same, to retain ownership of the managed lane facility and to enter into an agreement with VTA to operate the facility. (Vote: 5-2)

Motion 2: Directed staff to explore another alternative in the relationship structure between C/CAG and the TA to consider a structure where one Board or the other retains the authority, subject to what is required by statute, to simplify and streamline the ownership governance structure. (Vote: 7-0)

The CCAG Board met on December 13, 2018 and the following decision was reached:

Motion: Directed staff to enter into negotiations with BAIFA and 1) directed the C/CAG Executive Director to work with the TA to set up a joint C/CAG /TA ad hoc committee (Joint Ad Hoc Committee), consisting of 3 members from each board, to resolve governance issues to ensure input to the San Mateo County's BAIFA member comes from the TA and C/CAG Boards and 2) to bring resolution to the C/CAG Board no later than the February 2019 TA and C/CAG Board meetings. (Vote: 11-7; 3 absentees)

Joint Ad Hoc Committee of 101 Managed Lanes Project

Since the TA and C/CAG Boards selected different options and provided inconsistent direction for their respective staffs at their December 2018 meetings, staff of the two agencies recommend that the Joint Ad Hoc Committee confer and recommend the appropriate actions for the TA and C/CAG Boards to consider at their respective Board meetings on February 7 and February 14, 2019. Any delay in reaching and agreeing on the same direction would likely delay the 101 Managed Lanes capital project and may increase project costs. The capital project is currently in the final design phase for the segment north of Whipple Avenue, and is getting ready to begin construction in the segment south of Whipple Avenue on US101.

Don Horsley, Chair of the TA, and Maryann Moise Derwin, Chair of C/CAG, appointed the following members to the Joint Ad Hoc Committee to meet on Wednesday, January 2, 2019:

TA

Emily Beach
Maureen Freschet
Don Horsley

CCAG

Alicia Aguirre
Doug Kim
Diane Papan

Among the questions that the Joint Ad Hoc Committee was recommended to answer included, but not limited to, the following:

1. Under either option (the BAIFA or VTA model), how should the TA and C/CAG assign financial responsibility (between the TA and C/CAG) for construction budget overruns? (See #2 in Attachment A)
2. If BAIFA is selected as the owner-operator, what are the required conditions for consummating an arrangement with BAIFA? (See Attachment A)
3. If VTA is selected as the operator, what should the governance model be between C/CAG and the TA? Previously, staff provided three governance model options, including joint governance by agreement, joint governance under the advice of a policy committee or a creation of a new joint powers authority.
4. If VTA is selected as the operator, how should financial responsibility be split between the TA and C/CAG for future operating funding needs in the start-up phase and/or if revenues generated are insufficient to cover operating and maintenance (O&M) costs?

On January 2, 2019, the Joint Ad Hoc Committee met, no action was taken. VTA and BAIFA staff were in attendance to respond to questions. A verbal update of that meeting will be provided to the C/CAG Board at the January 10, 2019 meeting.

Additional Project History:

In 2012, C/CAG, as the Project Sponsor, applied for and was awarded \$2 million TA Measure A Highway Program funds to develop a Project Initiation Document (PID) to extend High-Occupancy Vehicle lanes (HOV) Study on US 101 from Whipple to the I-380 interchange.

On May 4, 2015, the California State Department of Transportation (Caltrans) approved a Project Initiation Document (PID) for a project that proposed to extend existing High Occupancy Vehicle (HOV) lanes on the Highway 101 Corridor in San Mateo County 14.5 miles from Whipple Road to the Interstate 380 interchange.

In May 2015, as the project sponsor, C/CAG applied for and was awarded \$8.5 million TA Measure A Highway Program funds to prepare the Environmental Study and Project Report for the project.

Based on stakeholder input, a express lane option was added to the project scope (for the environmental study) in addition to the carpool lane option.

In June 2016, work began on the environmental phase of the 101 Corridor Managed Lanes Project which proposed to modify US101 resulting in 22.5 miles of managed lanes in each direction from Santa Clara County to I-380. An integrated project delivery team including staff from Caltrans, TA, C/CAG, and consultants was formed to implement the project.

Given the complexity, large size, and regional nature of the project, partnership and collaboration between C/CAG and the SMCTA is required to ensure success. It was recommended that C/CAG and the SMCTA serve as co-sponsors of the project.

On November 10, 2016 the C/CAG Board approved a resolution to co-sponsor the environmental phase of the US 101 Managed Lane Project with the TA.

C/CAG has since programmed a total of \$33.5 million in STIP funds and \$9.5 million in Federal earmark repurposed funds for the project, which is matched by various funding sources, including SB 1, regional bridge tolls, local, and private sector funding.

After extensive outreach and public review, the environmental document, which reports the benefits and impacts that are anticipated to be realized with the implementation of the project, was finalized and certified by Caltrans in November 2018.

ATTACHMENTS

The following attachments were provided to the Joint Ad Hoc, and provided here as information:

1. San Mateo County conditions to joining BAIFA.
2. Additional Comparison Between BAIFA and SMCVTA Models.
3. Managed Lanes Project Funding Plan
4. Questions and Answers from ad hoc member to staff and BAIFA
5. BAIFA Express Lanes Program Quarterly Report – 3rd Quarter 2018 (Available on-line only at: <http://ccag.ca.gov/committees/board-of-directors/>)

Attachment A – San Mateo County Conditions to Joining BAIFA *

<p>Conditions to BAIFA San Mateo County Ask</p>	<p>BAIFA response</p>	<p>How it will be handled if SM County is owner</p>
<p>1. BAIFA agrees to take on the responsibility for funding current Project construction costs that are anticipated to be provided by future toll revenues (~\$50 Million)</p>	<p>BAIFA will serve as patient lender, and will provide the ~\$50m to be paid back by future toll revenues.</p>	<p>SMCTA advances ~\$50m in Measure A funds against future toll revenues, and be paid back over time.</p>
<p>2. BAIFA agrees to cover the cost of any Project construction cost overrun that may materialize</p>	<p>BAIFA may consider the cost of overrun associated with the toll system equipment</p>	<p>SMCTA, CCAG and MTC would need to discuss how to secure additional resources, grants, and/or loans to pay for the increase. SB1 SCC funds likely would <u>not</u> be an option since CTC stated any cost overruns would need to be paid with other funds.</p>
<p>3. BAIFA commits to how it would prioritize the construction of US 101 express lanes north of I-380, into San Francisco, relative to other express lane projects in the region</p>	<p>BAIFA expresses it is committed to pursue corridor completion for US101 in the peninsula and San Francisco; BAIFA staff had indicated that this corridor is considered a Tier 1 project in the regional network</p>	<p>SMCTA and CCAG would work together to develop a funding plan for the project north of I380. Funding sources can include: SB1 SCC, San Mateo County LPP, STIP, Measures A & W, Regional Bridge Tolls, financing and/or grants from express lane toll revenues.</p>
<p>4. BAIFA agrees to implement the TA and C/CAG's decisions on the investment of toll revenues generated in San Mateo County, as set forth in a Corridor Investment Plan</p>	<p>BAIFA assures control over net toll revenues to the County, including ability to implement appropriate equity program in the corridor.</p>	<p>San Mateo has full control over gross and net revenues.</p>

* These conditions were included in the December 6, 2018 TA and December 13, 2018 CCAG Board Staff Reports

Attachment B: Additional Comparison between BAIFA and SMC/VTA Models

Comparison of BAIFA vs. VTA	BAIFA	San Mateo County Ownership/VTA as Operator
Legislation re: gross revenues	SHC 149.7 (e) (4) ...revenue generated from the operation of the toll facility shall be available to the sponsoring agency for the direct expenses related to the following: (A) Debt issued to construct, repair, rehabilitate, or reconstruct any portion of the toll facility, payment of debt service, and satisfaction of other covenants and obligations related to indebtedness of the toll facility. (B) The development, maintenance, repair, rehabilitation, improvement, reconstruction, administration, and operation of the toll facility, including toll collection and enforcement. (C) Reserves for the purposes specified in subparagraphs (A) and (B).	SHC 149.6 (f) VTA shall carry out a value pricing program established pursuant to this section in cooperation with the department pursuant to an agreement that addresses all matters related to design, construction, maintenance, and operation of state highway system facilities in connection with the value pricing program. An agreement to carry out the program authorized pursuant to subdivision (b) shall be subject to the review and approval by the City/County Association of Governments of San Mateo County and the San Mateo County Transportation Authority. (g) (2) The revenues generated by the program shall be available to VTA for the direct expenses related to the operation (including collection and enforcement), maintenance, construction, and administration of the program. The VTA’s administrative costs in the operation of the program shall not exceed 3 percent of the revenues.
Legislation re: net revenues	SHC 149.7 (e)(5) All remaining revenue generated by the toll facility shall be used in the corridor from which the revenue was generated pursuant to an expenditure plan developed by the sponsoring agency, as follows: (A) (i) For a toll facility sponsored by a regional transportation agency, the regional transportation agency shall develop the expenditure plan in consultation with the department	SHC 149.6 (g) (3) (B) For a value pricing program established pursuant to subdivision (b), all remaining revenue generated by the program after expenditures made pursuant to paragraph (2) shall be used in the corridor from which the revenues were generated exclusively for the preconstruction, construction, and other related costs of high-occupancy vehicle facilities, transportation corridor improvements, and the improvement of transit service, including, but not limited to, support for transit operations pursuant to an expenditure plan adopted by the City/County Association of Governments of San Mateo County and the San Mateo County Transportation Authority.
Staffing Costs for SM’s US101 operations (non-normalized)	Included in 11/16/18 ppt: <u>\$655k</u> , which includes \$520k of BAIFA staff costs and \$135k of San Mateo County staff costs	Included in 11/16/18 ppt: <u>\$1.17m</u> , which includes \$555k of VTA staff costs and \$615k of San Mateo County staff costs
Tolling Experience (per information provided in the BAIFA and VTA ppt)	<ul style="list-style-type: none"> • 23 miles of I-680 started in 2017; • 50 miles of I-880 scheduled in 2020; • 11 miles of I-680 extension planned in 2022 	<ul style="list-style-type: none"> • SR237 Phase 1 started in 2012 • SR237 (Phase 2) Extension scheduled for 2019 • US 101 (connecting to SM’s EL) scheduled for 2021 • US 101 (connecting SR85/SR87 to US101) – scheduled for 2022 • US 101 (from SR237 to I-880) – scheduled for 2025 if construction dollars are secured

SM 101 MANAGED LANES PROJECT



FUNDING PLAN

9-Feb-18

SAN MATEO 101 MANAGED LANE PROJECT															
Project Component	Fiscal Year Cost Estimate (w/ escalation)			Total Cost Estimate	Funding									TOTAL	
	Prior	18/19	19/20		Measure A (SMCTA)	Federal Repurposing	Private	STIP (State)		SB 1 SCC (State)	Regional Tolls (MTC)	SB 1 LPP Formula (State - SMCTA, C/CAG)	SB 1 LPP Competitive (State - SMCTA, C/CAG)		Local Toll Revenues / Other (SMCTA)
								ITIP (Caltrans)	RTIP (C/CAG)						
Project Approval / Environmental Document	\$21.0			\$21.0	\$8.5	\$9.5	\$3.0								\$21.0
Design (Plans, Specification, Estimate)	\$20.0	\$18.0		\$38.0	\$20.0			\$18.0							\$38.0
Right of Way & Utilities Administration	\$2.0			\$2.0	\$2.0										\$2.0
Right of Way & Utilities Capital		\$16.0		\$16.0					\$16.0						\$16.0
Construction Administration / System Manager			\$41.0	\$41.0					\$17.5	\$23.5					\$41.0
Construction Capital			\$396.3	\$396.3			\$50.0			\$176.5	\$95.0	\$1.8	\$20.0	\$53.0	\$396.3
TOTAL	\$43.0	\$34.0	\$437.3	\$514.3	\$30.5	\$9.5	\$53.0	\$18.0	\$33.5	\$200.0	\$95.0	\$1.8	\$20.0	\$53.0	\$514.3

NOTES

Dollars shown in millions

**Questions and Answers from ad hoc member to staff and BAIFA
(January 2, 2019)**

1. When we talk about liabilities, what are they specifically — cost overruns, lawsuits, etc?

Liabilities may include project cost overruns, start-up operating funds, future operation deficit (negative net revenue), and tort liability.

2. What are the expected sources of money to address each liability? What are the terms upon which the money would be provided to address a liability?

Likely sources may include future toll revenues, Measure A funds, STIP (limited for capital costs and not for operating shortfalls)

3. How has the TA funded projects previously? What was the level of project management or sponsorship?

TA allocates Measure A (half-cent transportation sales tax) for various transportation projects in the County in accordance with the Expenditure Plan approved by the SM voters in 2004. TA generally programs and allocates funding via a call-for-projects process. For highway projects in the County, TA retains qualified consultants to deliver pre-construction phases of projects as requested by project sponsors (e.g. 101/Broadway; 101/Willow; SR92/SR 82 I/C)

4. How have the TA and C/CAG funded projects together previously?

Many highway improvement projects were jointly funded by TA Measure A funds and C/CAG administered STIP funds. (e.g. 101/Broadway; 101/Willow; SR92/SR 82 I/C)

5. What were the 680 projected revenues? Have they been met?

BAIFA Response:

BAIFA's FY 17/18 Operating Budget for the I-680 Express Lanes, adopted in June 2017, reflected estimated toll revenues of \$5.7 million during the first 9 months of operations. The lanes opened in October 2017. The actual, audited toll revenues for FY 17/18 was \$9.1 million. Let me provide some context for these figures:

- The primary goal for the lanes is traffic management, and the main aim for opening year was to cover operating costs. We exceeded this expectation handily: actual operating costs for FY 17/18 were \$4.1 million.
- The FY 17/18 estimated budget was for the opening 9 months, and so it anticipated slow revenue growth during ramp up and a toll violation "grace period". As it turned out, the economy was strong and the ramp up went faster than anticipated. The violation grace period was 5 months.
- Based on experience, BAIFA has been cautious about revenue projections. Express lane revenue is very sensitive to congestion levels and hence to the economy. The rule of

thumb is that toll revenues will increase or decrease by 4-5% for every 1% increase/decrease in congestion.

When BAIFA first began planning for a regional express lane network in 2006, the economy was booming, our revenue projections were very robust and stakeholders developed expectations that the network would finance itself over perhaps 15 years and generate significant net revenue. We know now that those projections were far too rosy.

When BAIFA updated those projections in 2011 for the CTC application, the economy was in a recession and the revised revenue projections were considerably more modest. The CTC application projected the need for at least \$600 million in grant funding to build out the network over 25-30 years. This experience informs our approach to focus on initially on covering operating costs, and then, once in operation to develop more realistic projections of total revenue.

6. Has the 680 incurred any of the liabilities contemplated here? How were they satisfied?

BAIFA Response:

Fortunately, BAIFA has not incurred any major liabilities in the first 15 months of express lane operations. The main liabilities to date have been associated with damage to toll system equipment such as hit and run collisions with roadside equipment and cuts in the backhaul fiber. In the most serious of these, a driver took out one of our backhaul cabinets and equipment in January 2017 (see photo attached).

This hit and run collision happened during construction so did not affect tolling; BAIFA has designed a redundant fiber network to protect against such disruptions. During construction, there was also some vandalism to electric and communications pull boxes, likely by folks intending to steal copper wire. We have since hardened the pull boxes and these incidents have decreased significantly.

7. What are the 880 projected revenues?

BAIFA Response:

The I-880 express lanes are expected to open in early 2020. BAIFA will develop a revenue estimate later this year when we prepare an operating budget for the opening of the lane. As a point of reference, however, we are projecting a 14 to 22 million trips annually, which is comparable to the 16 million annual trips projected for San Mateo 101.

8. Are there 880 and 680 future projects? What are the anticipated costs? How are they anticipated to be funded? Will they have the same priority as our 380 connector?

BAIFA Response:

There are express lane gaps in both corridors.

In the I-680 corridor, there is a northbound gap of roughly 12 miles from Walnut Creek to the Benicia Bridge. (The southbound companion segment is currently under construction and will open in 2022.) The estimated cost to construct this project is \$390 million. It's a high-cost, challenging project because it must get through the 680/24 interchange. Environmental clearance will start in early 2019; the effort is jointly funded by CCTA and MTC. Construction funding is not yet secured; the funding plan is similar to the San Mateo 101 plan and most projects of this size: it includes competitive and discretionary SB1 funding, bridge tolls, future county sales tax, STIP and federal funds.

The San Mateo 101 extension north of I-380 and the I-680 northbound project are of comparable priority, and would ideally proceed on parallel tracks. If San Mateo were to join BAIFA, we could team with San Mateo County on the environmental work for the 101 extension, including joint funding.

In the I-880 corridor, there is a northbound gap of roughly 5 miles from Route 238 to Hegenberger, near the Oakland Airport. (The southbound companion segment is currently under construction and will open with the rest of the I-880 lanes in early 2020.) The estimated cost of this project is about \$100 million. There is no specific funding plan for this project, which has not yet initiated the Caltrans planning phase (Project Initiation Document). However, it's like to involve the same funding sources as other major projects: SB1, tolls, sales tax, STIP and federal funds.