

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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

BOARD MEETING NOTICE

Meeting No. 248

- DATE:** Thursday, August 9, 2012
- TIME:** **6:30 P.M. Board Meeting**
- PLACE:** San Mateo County Transit District Office
1250 San Carlos Avenue, Second Floor Auditorium
San Carlos, CA
- PARKING:** Available adjacent to and behind building.
Please note the underground parking garage is no longer open.
- PUBLIC TRANSIT:** SamTrans Bus: Lines 261, 295, 297, 390, 391, 397, PX, KX.
CalTrain: San Carlos Station.
Trip Planner: <http://transit.511.org>

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

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

- 5.1 Approval of the Minutes of Regular Business Meeting No. 247 dated June 14, 2012.

ACTION p. 1

- 5.2 San Mateo County Energy Watch Program
 - 5.2.1 Status Report on the San Mateo County Energy Watch Program. INFORMATION p. 7
 - 5.2.2 Review and approval of Resolution 12-47 authorizing the C/CAG Chair to execute an agreement between C/CAG and the County of San Mateo for staff services for an Energy Upgrade California Scope of Work added to the San Mateo County Energy Watch, Contract Work Authorization for an amount not to exceed \$77,000. ACTION p. 11
- 5.3 Review and approval of Resolution 12-45 authorizing the C/CAG Chair to execute an amendment to the funding agreement between C/CAG and the City of East Palo Alto for traffic improvement projects on University Avenue and East Bayshore Road in the amount of \$197,610.33. ACTION p. 23
- 5.4 Review and accept the revised funding recommendation for the Pacifica Weekend Community Shuttle for FY 2012/2013 and FY 2013/2014 in an amount of \$116,302. ACTION p. 29
- 5.5 Receive information regarding the submission of grant applications, and approval of Resolution 12-46 authorizing the acceptance of allocated funds, and the execution of grant agreements with the San Mateo County Transportation Authority, for project feasibility studies and project study documents. ACTION p. 31
- 5.6 Review and approval of Resolution 12-48 authorizing issuance of a request for proposals for Consulting Services to support a Countywide Funding Initiative for Stormwater Compliance Activities. ACTION p. 35
- 5.7 Review and Approval of Resolution 12-49 Authorizing C/CAG Support of Amicus Curiae Briefs for Los Angeles and San Diego Municipal Stormwater Permit Unfunded Mandate Test Claim Appeals. ACTION p. 47
- 5.8 Review and approval of Resolution 12-50 authorizing the C/CAG Chair to execute a contract with Ricondo and Associates for Airport Land Use Compatibility Planning professional services in support of the San Francisco International Airport Comprehensive Land Use Plan update for a total not to exceed \$46,000. ACTION p. 51
- 5.9 Biennial review of the C/CAG Conflict of Interest Code (COI). ACTION p. 65

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

6.0 REGULAR AGENDA

- 6.1 Review and approval of C/CAG Legislative policies, priorities, positions, and legislative update.
(A position may be taken on any legislation, including legislation not previously identified.) ACTION p. 77
- 6.2 Metropolitan Transportation Commission (MTC) OneBayArea Grant.

- 6.2.1 Receive an overview of the OneBayArea Grant (OBAG) - Cycle 2 adopted by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG). ACTION p. 89
 - 6.2.2 Review and approval of the funding exchange framework for the OneBayArea Grant (OBAG) - Cycle 2 Local Streets and Roads Surface Transportation Program (STP) funds with San Mateo County Transportation Authority (SMCTA) State and Local Partnership Program (SLPP) funds. ACTION p. 105
 - 6.3 Executive Director Presentation on C/CAG's FY 11-12 Highlights. INFORMATION p. 111
 - 7.0 COMMITTEE REPORTS
 - 7.1 Committee Reports (oral reports).
 - 7.2 Chairperson's Report
 - 7.3 Boardmembers Report
 - 8.0 EXECUTIVE DIRECTOR'S REPORT
 - 9.0 COMMUNICATIONS - Information Only
- Copies of communications are included for C/CAG Board Members and Alternates only. To request a copy of the communications, contact Nancy Blair at 650 599-1406 or nblair@co.sanmateo.ca.us or download a copy from C/CAG's website – www.ccag.ca.gov.
- 9.1 Letter from Richard Napier, Executive Director, C/CAG, to Honorable Jerry Hill, Assembly Member, Assembly District 19, dated 8/1/12. Re: AB 1456 Support. p. 115
 - 9.2 Letter from Richard Napier, Executive Director, C/CAG, to Honorable Jerry Hill, Assembly Member, Assembly District 19, dated 8/1/12. Re: AB 478 Support. p. 117
- 10.0 ADJOURN

Next scheduled meeting: September 13, 2012 Regular Board Meeting.

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

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

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

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

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

FUTURE MEETINGS

August 9, 2012	Legislative Committee - SamTrans 2 nd Floor Auditorium - 5:30 p.m.
August 9, 2012	C/CAG Board - SamTrans 2 nd Floor Auditorium - 6:30 p.m.
August 21, 2012	NPDES Technical Advisory Committee - to be determined - 10:00 a.m.
August 10, 2012	Resource Management and Climate Protection Committee (RMCP), San Carlos Library, 3:00 p.m. – 5:00 p.m.
August 16, 2012	CMP Technical Advisory Committee - SamTrans 2 nd Floor Auditorium - 3:00 p.m. Conference Room C - 7:00 p.m.
August 24, 2012	Administrators' Advisory Committee - 555 County Center, 5 th Fl, Redwood City – Noon
August 27, 2012	Bicycle and Pedestrian Advisory Committee (BPAC) - San Mateo City Hall -
August 27, 2012	CMEQ Committee - San Mateo City Hall - Conference Room C - 3:00 p.m.

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Meeting No. 247
June 14, 2012

1.0 CALL TO ORDER/ROLL CALL

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

Jerry Carlson - Atherton
Clarke Conway - Brisbane
Terry Nagel - Burlingame, San Mateo County Transportation Authority (6:33)
Joseph Silva - Colma
Carlos Romero - East Palo Alto
Art Kiesel - Foster City
Naomi Patridge - Half Moon Bay
Kirsten Keith - Menlo Park (6:45)
Marge Colapietro - Millbrae
Len Stone - Pacifica (6:45)
Maryann Moise Derwin - Portola Valley
Alicia Aguirre - Redwood City
Irene O'Connell - San Bruno
Bob Grassilli - San Carlos
Brandt Grotte - San Mateo
Don Horsley - San Mateo County
Karyl Matsumoto - South San Francisco, San Mateo County Transit District

Absent,
Belmont
Daly City
Hillsborough
Woodside

Others:
Richard Napier, Executive Director, C/CAG
Sandy Wong, Deputy Director, C/CAG
Nancy Blair, C/CAG
Inga Lintvedt, C/CAG Legal Counsel
Matt Fabry, C/CAG Staff
John Hoang, C/CAG Staff
Jean Higaki, C/CAG Staff
Tom Madalena, C/CAG Staff
Jim Bigelow, Redwood City/San Mateo County Chamber, CMEQ Member
Jim Cogan, PG&E

ITEM 5.1

3.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

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

Jim Cogan, PG&E provided an update:

- Emergency preparedness: PG &E participated in San Mateo County's Emergency Day on Saturday, June 9.
- Small and medium business outreach: PG&E is outreaching to small and medium businesses making them aware of a rate change that is coming in November. It is a time varying pricing rate change. The pricing that businesses will pay will mirror more what the market and PG&E are paying. The majority of businesses will come out on the positive side. Where businesses may see a negative impact from the rate change, PG&E is meeting with them ahead of time to change their load during the day, or to come up with some other energy saving opportunities.

4.0 PRESENTATIONS/ ANNOUNCEMENTS

- 4.1 Scott Fanon of PG&E made a presentation on pipeline safety enhancement projects and responded to questions. INFORMATION

5.0 CONSENT AGENDA

Board Member Horsley **MOVED** approval Items 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17, and 5.18. Board Member Aguirre **SECONDED**. **MOTION CARRIED** 17-0.

- 5.1 Approval of the Minutes of Regular Business Meeting No. 246 dated May 10, 2012. **APPROVED**
- 5.2 Review and approval of Resolution 12-27 authorizing the C/CAG Chair to execute Amendment No. 3 to the Cooperative Agreement with Caltrans for the design of the San Mateo County Smart Corridors project. **APPROVED**
- 5.3 Review and Approval of the Reallocation of \$136,000 in Transportation Development Act Article 3 Funds for the City of Burlingame's Broadway Pedestrian/Bicycle Bridge Connection Project. **APPROVED**
- 5.4 Review and Approval of the Reallocation of \$42,792 in Transportation Development Act Article 3 Funds for the City of Redwood City's North-South Bike Route Signage project. **APPROVED**
- 5.5 Review and approval of Resolution 12-28 authorizing the C/CAG Chair to execute an agreement with Coffman Associates to provide professional consulting services to prepare an Update of the Comprehensive Airport Land Use Compatibility Plan (ALUCP) for the Environs of Half Moon Bay Airport in an amount not to exceed \$190,000 and further authorize the Executive Director to negotiate said agreement prior to final execution. **APPROVED**
- 5.6 Review and approval of Resolution 12-29 authorizing the C/CAG Chair to execute the Interagency Agreement between Metropolitan Transportation Commission (MTC) and C/CAG for Transportation Planning, Programming, And Transportation/Land Use Coordination for FY 2012/13, FY 2013/14, FY 2014/15 and FY 2015/16, in the Amount of \$2,673,000. **APPROVED**

- 5.7 Review and approval of Resolution 12-31 authorizing the C/CAG Chair to execute an agreement between C/CAG and the County of San Mateo, Department of Public Works for an amount not to exceed \$50,000 for staff services for the Resource Management and Climate Protection Committee and the Local Task Force for FY 2012-13. APPROVED
- 5.8 Review and approval of Resolution 12-32 authorizing the C/CAG Chair to execute a one-year extension to the technical consultant contract with Eisenberg, Olivieri, and Associates, Inc., for an additional cost not to exceed \$1,686,360 for support of the Countywide Water Pollution Prevention Program in Fiscal Year 2012-13. APPROVED
- 5.9 Review and approval of Resolution 12-42 authorizing the Chair to execute the agreement between C/CAG and the City of San Carlos to provide financial services to C/CAG for an amount not to exceed \$73,600 for FY 12-13. APPROVED
- 5.11 Review and approval of Resolution 12-36 authorizing the C/CAG Chair to execute the Program Manager Funding Agreement with the Bay Area Air Quality Management District (BAAQMD) for the 2012/2013 Transportation Fund for Clean Air (TFCA) (40%) Program for San Mateo County for an amount up to \$1,037,781.01. APPROVED
- 5.12 Review and approval of Resolution 12-37 authorizing the C/CAG Chair to execute a Funding Agreement between C/CAG and the Peninsula Traffic Congestion Relief Alliance (Alliance) in the amount of \$435,600 under the 2012/2013 Transportation Fund for Clean Air (TFCA) Program to provide the Countywide Voluntary Trip Reduction Program. APPROVED
- 5.13 Review and approval of Resolution 12-38 authorizing the C/CAG Chair to execute the Funding Agreement between C/CAG and the San Mateo County Transit District (SamTrans) in the amount of \$554,400 under the 2012/2013 Transportation Fund for Clean Air (TFCA) Program to provide shuttle services. APPROVED
- 5.14 Review and approval of Resolution 12-17 authorizing the C/CAG Chair to execute Amendment No 3 to Funding Agreement between Metropolitan Transportation Commission (MTC) and City/County Association of Governments of San Mateo County (C/CAG) for Performance of 511 Regional Ridesharing and Bicycling Program. APPROVED
- 5.15 Review and approval of Resolution 12-33 authorizing the C/CAG Chair to execute the Amendment 2 to the Agreement between City/County Association of Governments and the Peninsula Traffic Congestion Relief Alliance in an amount not to exceed \$280,000 for performance of the Regional Ridesharing and Bicycling Program activities. APPROVED
- 5.16 Review and approval of Resolution 12-34 authorizing the C/CAG Chair to execute an agreement between the City/County Association of Governments (C/CAG) of San Mateo County and the Peninsula Traffic Congestion Relief Alliance in the amount of \$510,000 from the Congestion Relief Plan to provide the Countywide Voluntary Trip Reduction Program for FY 2012/2013 APPROVED
- 5.17 Review and approval of resolution 12-40 authorizing the C/CAG Chair to execute agreements with CSG Consultants, Inc. and Advance Project Delivery Inc. for on-call Project Coordination services to be shared in the aggregate amount not to exceed \$200,000 for a two (2) year term among the two firms, and further authorizing the Executive Director to execute task orders against the agreements. APPROVED

- 5.18 Review and approval of Resolution 12-41 authorizing the C/CAG Chair to execute a contract with Ricondo and Associates for Airport Land Use Compatibility Planning professional services in support of the San Francisco International Airport Comprehensive Land Use Plan update for a total not to exceed ~~\$45,000~~ \$65,000. APPROVED

Item 5.10 was removed from the Consent Agenda and placed on the regular agenda.

6.0 REGULAR AGENDA

- 5.10 Review and approval of Resolution 12-43 - Resolution Electing to be subject to Public Employees Medical and Hospital Care Act and fixing the employers contribution at any amount equal to or greater than that prescribed by Government Code Section 22892(b). APPROVED

Board Member Horsley MOVED approval of Item 5.10. Board Member Aguirre SECONDED.
MOTION CARRIED 17-0.

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

The C/CAG Legislative Committee recommends:

Support - AB 1456: Legislation requires the Public Utilities Commission to perform an analysis of benchmark data and adopt safety performance standards for pipeline safety and reliability standards. Requires the commission to evaluate a gas corporation's safety performance based on those standards, and to implement a rate incentive program that could contain penalties based on safety performance.

Board Member O'Connell MOVED approval of AB 1456. Board Member Aguirre SECONDED.
MOTION CARRIED 17-0.

Support- - AB 478: Authorizes the Public Utilities Commission to order that all or a portion of a fine or penalty levied against a gas corporation be held in a separate account by the corporation to offset investments for pipeline replacement to be undertaken within the service territory of the corporation that would otherwise be recovered from ratepayers. Requires moneys to be used for pipeline safety replacement. Provides unused moneys in the fund refer to the State General Fund after a specified number of years.

Board Member Nagel MOVED approval of AB 478. Board Member Horsley SECONDED.
MOTION CARRIED 17-0.

- 6.2 Review and approval of Resolution 12-30 for Amendment No. 1 of the Congestion Relief Plan. (Requires special voting procedures) APPROVED

Board Member Matsumoto recommended a change be made to the language for Item No. 1, on the first page of Item 6.2, to add the word "ferry" to the first sentence.

This will be included as part of the staff recommendation.

Board Member Grotte MOVED approval in accordance with staff recommendations.
Board Member O'Connell SECONDED. **MOTION CARRIED** 17-0.

A Super Majority Vote was taken by roll call. **MOTION CARRIED** 17-0. Results: 17 Agencies approving. This represents 81% of the Agencies representing 89% of the population.

- 6.3 Review and approval of Resolution 12-26 approving the C/CAG 2012-13 Program Budget and Fees. (Special voting procedures apply.) **APPROVED**

Board Member Carlson MOVED approval of Item 6.3. Board Member O'Connell SECONDED. **MOTION CARRIED** 17-0.

A Super Majority Vote was taken by roll call. **MOTION CARRIED** 17-0. Results: 17 Agencies approving. This represents 81% of the Agencies representing 89% of the population.

- 6.4 Review and approval of the project list for funding under the C/CAG and SMCTA Shuttle Program for FY 2012/2013 and FY 2013/2014 and Resolution 12-35 authorizing the C/CAG Chair to execute funding agreements with the City of Menlo Park and the County of San Mateo for an amount not to exceed \$787,871. **APPROVED**

Board Member Aguirre MOVED approval of Item 6.4. Board Member Carlson SECONDED. **MOTION CARRIED** 17-0.

- 6.5 Review and approval of a support letter to the California High Speed Rail Authority for the revised California High Speed Rail Business Plan **APPROVED**

The Chair directed the Board to vote to reconsider sending the letter the Board modified and approved at the May 2012 C/CAG Board meeting.

Board Member Aguirre MOVED to vote to reconsider. Board Member Carlson SECONDED. **MOTION FAILED** 1-16. Board Member Matsumoto voting to approve.

7.0 COMMITTEE REPORTS

- 7.1 Committee Reports (oral reports).

None.

- 7.2 Chairperson's Report.

There is no C/CAG Board meeting scheduled for the month of July. The next C/CAG Board meeting will be August 9, 2012.

Congratulations to South San Francisco for their Ferry opening.

- 7.3 Board Members Report

Board Member Patridge brought a cake in celebration of Father's Day.

8.0 EXECUTIVE DIRECTOR'S REPORT

The Executive Director and Deputy Director were successful in obtaining \$3.5 million in funding for the Smart Corridor Project. The Project is fully funded. San Mateo County is in the final paperwork process to go out to bid for it. Thanks to all the Cities that are cooperating.

In the Budget, relative to AB 1546, staff is looking at several programs as a way to provide an allocation of funds to the Cities above and beyond the current level Cities are getting from Measure M, AB 1546 program, and the AVA. Staff will be bringing new programs to the Board for consideration that would basically allocate some funds to the cities for work they are already doing. It will not increase their scope and, in some ways, it will help to address some of the budget issues the Cities and County are still feeling.

9.0 COMMUNICATIONS - Information Only

9.1 Letter from Bob Grassilli, C/CAG Chair, to Honorable Mark DeSaulnier, California State Senate District 7, dated 5/16/12. Re: SB 1149 Regional Governance Accountability Measure.

10.0 ADJOURN

Meeting adjourned at 8:55 p.m.

C/CAG AGENDA REPORT

Date: August 9, 2012
To: C/CAG Board of Directors
From: Richard Napier, Executive Director
Subject: Status Report on the San Mateo County Energy Watch Program
(For further information contact Kim Springer at 599-1412 or Richard Napier at 599-1420)

RECOMMENDATION

Receive an update on the San Mateo County Energy Watch Program.

FISCAL IMPACT

None

SOURCE OF FUNDS

All SMCEW program staff costs and expenses are paid for by funding under the C/CAG – PG&E LGP agreement.

BACKGROUND/DISCUSSION

San Mateo County Energy Watch is a local government partnership between the City/ County Association of Governments of San Mateo County (C/CAG) and Pacific Gas and Electric Company (PG&E). This program is managed and staffed by RecycleWorks, a program of the County of San Mateo. Other program partners include Ecology Action and El Concilio.

Since the program began on January 1, 2010, SMCEW has continued to increase its energy savings, outreach, contacts, and program successes in the current program cycle, which ends December 31, 2012. The partnership is on target to reach its energy savings and long-term strategic planning goals.

San Mateo County Energy Watch has provided energy efficiency services, benchmarking, and/or climate action planning assistance to every city in San Mateo County, plus SamTrans, South Bayside Waste Management Authority, and the County of San Mateo. SMCEW is acting as an extension of city staff, helping keep momentum going in the midst of limited city bandwidth, diminishing resources, and competing priorities. SMCEW has also assisted a variety of non-profit organizations, small businesses, and middle income residential properties.

Energy Savings Results:

As of June 2012, SMCEW has accomplished 8.5 million kilowatt hours, 1,179 peak kilowatts of

ITEM 5.2.1

energy savings, and approximately 15,190 Therms of energy savings. The program's "pipeline" is approximately 541,535 kilowatt hours, 95 kilowatts of energy savings and approximately 25,937 Therms of energy savings. Because of the success of the "direct install" portion of the program, PG&E has approved an additional \$578,000 in funding for Ecology Action. Demand for these services is strong, and Ecology Action expects to complete the associated audits and installation of measures by the end of October in order to meet PG&E's reporting deadlines for the end of the year.

Previous reports to C/CAG committees and the C/CAG Board showed a significant gap between Therms-savings achieved as compared to the program estimated goal. The original goal of 125,000 Therms, based on expected interactive effects (a calculation of reduced heat from indoor lighting energy efficiency projects affecting greater use of natural gas Therms for heating), and was greatly overestimated. The new estimated goal is approximately 60,000 Therms, which staff believes is achievable by the end of the program cycle, given the existing pipeline of Therm savings projects.

A chart showing the San Mateo County Energy Watch savings verses goals for the 2010 through 2012 program cycle are provided as attachments to this staff report.

Program Planning for 2013-2014 Transition Period

The SMCEW submitted a program implementation plan (PIP) for the CPUC's proposed 2013-2014 "transition period". The PIP, which was submitted to PG&E on June 5, 2012 outlined ongoing programs and potential areas for expansion.

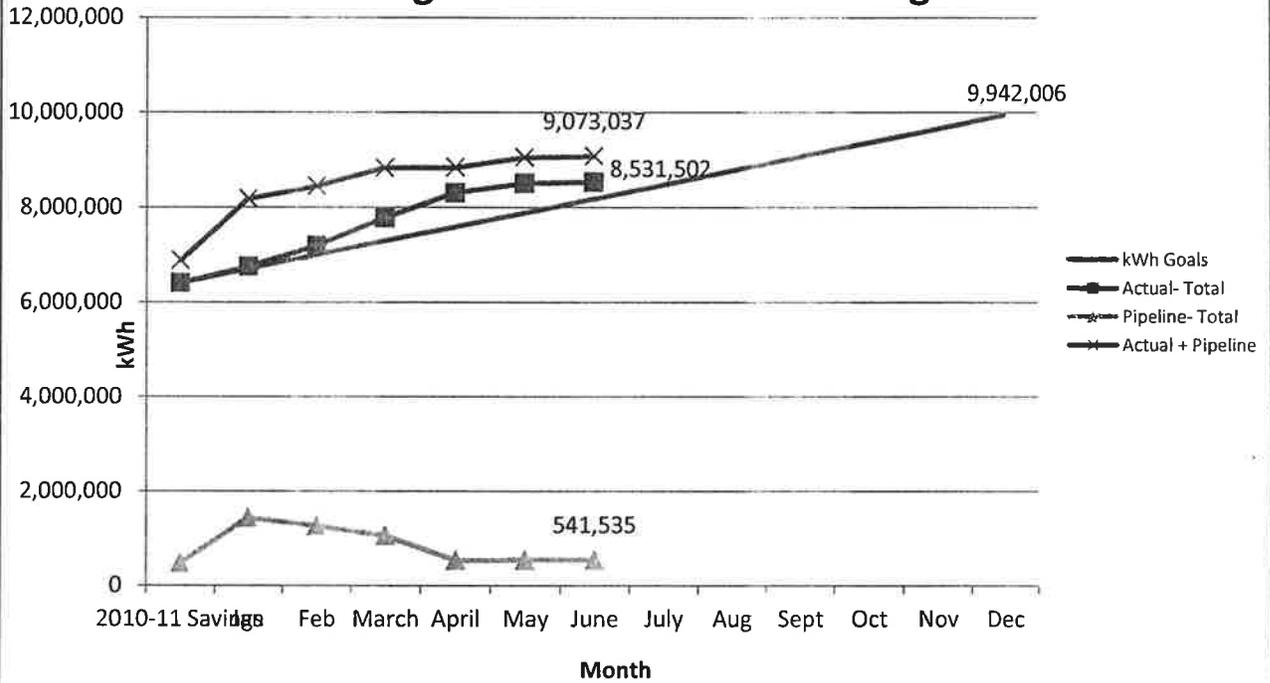
Core elements of SMCEW's 2013-14 transition period PIP include:

- ***Use climate action goals as a framework for SMCEW's efforts.*** Looking at climate action goals across the county, SMCEW has identified key sectors that the majority of cities will be targeting. SMCEW plans to help cities target these sectors by connecting them with related PG&E programs and initiatives and working collectively to create countywide outreach campaigns and programs.
- ***Serve as a community resource to provide information and technical assistance about energy efficiency, renewable generation, and project financing across key sectors countywide.*** Community members will be able to contact SMCEW to learn about any and all related PG&E programs. Our goal is to make information sharing seamless and to maximize the ability for parties to work together and share resources across the county.
- ***Assist cities in taking a whole-building/whole-portfolio approach for energy savings.*** SMCEW plans to help cities make their entire portfolio of municipal facilities more energy efficient at a faster rate by helping cities get energy efficiency calculations for multiple buildings, developing a comprehensive energy recommendations for each city (including leveraging lucrative financing options), and by assisting cities in setting up energy monitoring over time.

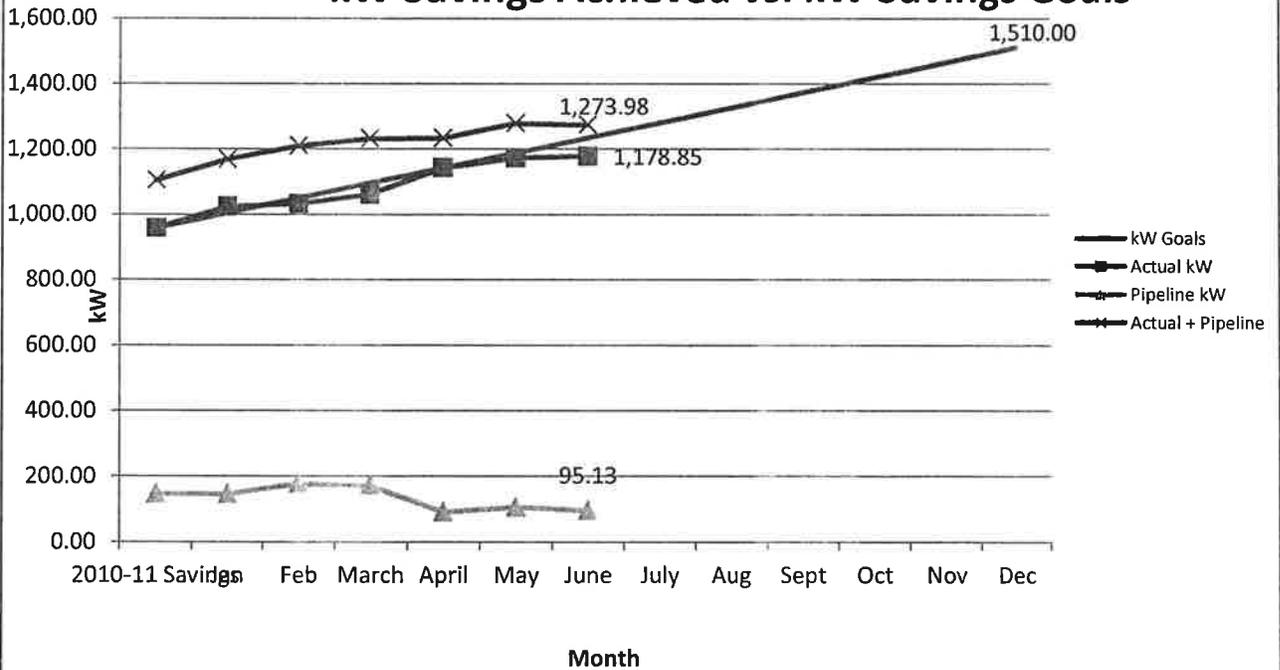
ATTACHMENT

SMCEW Energy Saving Charts – June 2012

San Mateo County Energy Watch 2012 kWh Savings Achieved vs. kWh Savings Goals

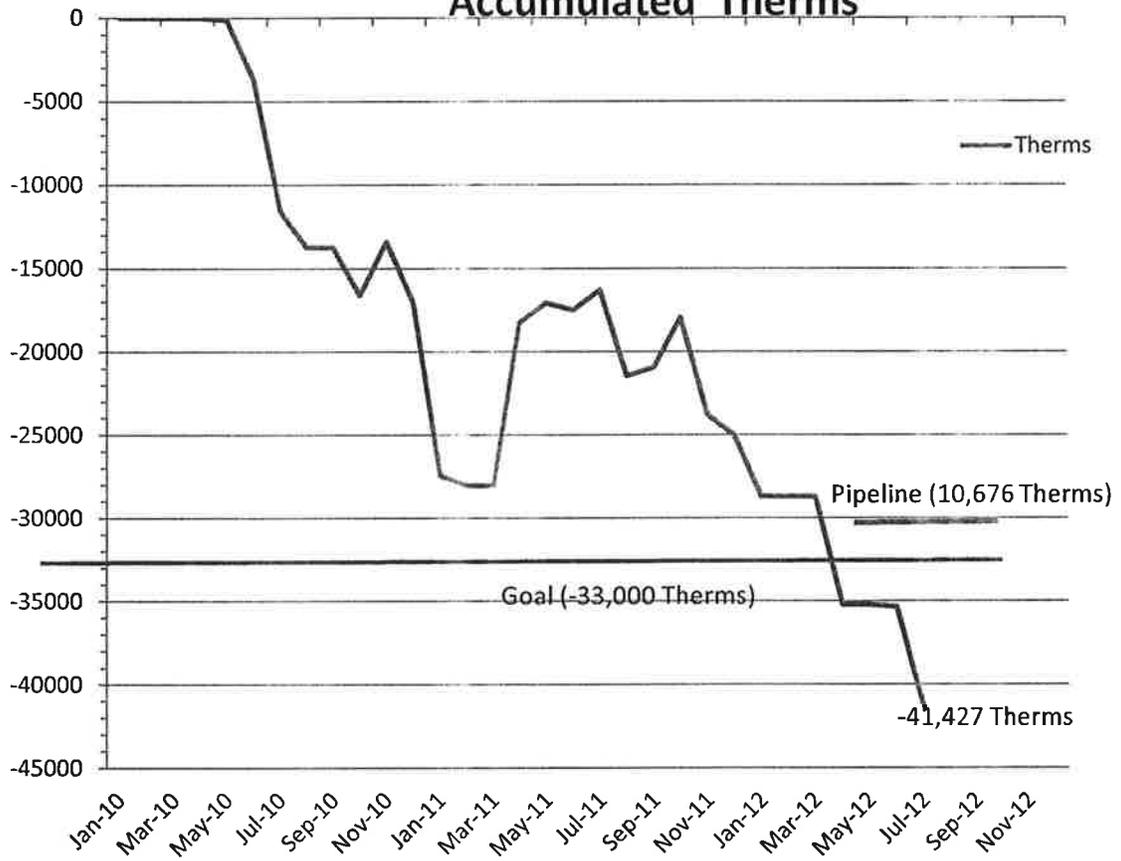


San Mateo County Energy Watch 2012 kW Savings Achieved vs. kW Savings Goals



San Mateo County Energy Watch 2012

Accumulated Therms



C/CAG AGENDA REPORT

Date: August 9, 2012
To: City/County Association of Governments Board of Directors
From: Richard Napier, Executive Director
Subject: Review and approval of Resolution 12-47 authorizing the C/CAG Chair to execute an agreement between C/CAG and the County of San Mateo for staff services for an Energy Upgrade California Scope of Work added to the San Mateo County Energy Watch, PG&E Contract Work Authorization for an amount not to exceed \$77,000.

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

RECOMMENDATION

Adopt Resolution 12-47 authorizing the C/CAG Chair to execute an agreement between C/CAG and the County of San Mateo for staff services for an Energy Upgrade California Scope of Work added to the San Mateo County Energy Watch, PG&E Contract Work Authorization for an amount not to exceed \$77,000.

FISCAL IMPACT

None

SOURCE OF FUNDS

All SMCEW program costs are paid for under the C/CAG – PG&E Local Government Partnership (LGP) agreement. An addendum to said agreement is expected to be provided by PG&E to cover the \$77,000.

BACKGROUND/DISCUSSION

San Mateo County Energy Watch is a LGP between C/CAG and PG&E and is managed and staffed by RecycleWorks, a program of the County of San Mateo. Other program partners include Ecology Action and El Concilio. The three-year program cycle runs from January 1, 2010 through December 31, 2012.

San Mateo County Energy Watch accomplishes energy savings in the municipal, non-profit and middle income¹ residential sectors, and has provided services and/or incentives in every city countywide and in additional public agencies in San Mateo County, including SamTrans and the South Bayside Waste Management Authority. SMCEW has completed projects for a variety of non-profit organizations, including food closets, home owners associations, and numerous congregations across San Mateo County.

ITEM 5.2.2

¹ household incomes 200-400% above the federal poverty level

The Energy Upgrade California (EUC) Program is a statewide collaboration between the California Energy Commission (CEC), the California Public Utilities Commission (CPUC), utilities, local governments, NGOs and private firms. Major funding sources for the Energy Upgrade California Program, statewide have included \$133 million from the State Energy Program and American Reinvestment and Recovery Act, \$116 million from the Investor Owned Utility Whole House Retrofit Program, and \$30 million from the Department of Energy's Better Buildings Program. The goal of the program has been to facilitate the transformation of residential energy efficiency and renewable energy generation markets, and to reach the State's energy and greenhouse gas emissions reduction goals.

Energy Upgrade California in San Mateo County has been coordinated by the County Manager's Office and was initially funded through a \$785,595 CEC State Energy Program award and a \$500,000 DOE Energy Efficiency and Conservation Block Grant.

To date, the County's participation has included development of a countywide marketing and education campaign, contractor training opportunities, homeowner resources, and additional program incentives. However, funding for outreach to drive the program ran out (across the state) on April 30, 2012.

Under direction from the CPUC to continue statewide outreach for the program, PG&E has approached the County offering to provide additional funding for EUC through the end of calendar year 2012, and has requested that this additional scope of work be added to the San Mateo County Energy Watch's existing contract work authorization.

Resolution 12-47 and the agreement for staff services, including the above mentioned scope of work are provided as attachments to this staff report.

Note: PG&E and the County Manager's Office are finalizing the last details outlined in the scope of work in the attached agreement. The updated scope of work will not change substantively.

ATTACHMENTS

- Resolution #12-47
- C/CAG County Agreement for additional staff service for the San Mateo County Energy Watch, Energy Upgrade California program.

RESOLUTION NO. 12-47

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE C/CAG CHAIR TO EXECUTE AN AGREEMENT BETWEEN C/CAG AND THE COUNTY OF SAN MATEO FOR STAFF SERVICES FOR AN ENERGY UPGRADE CALIFORNIA SCOPE OF WORK ADDED TO THE SAN MATEO COUNTY ENERGY WATCH PG&E CONTRACT WORK AUTHORIZATION FOR AN AMOUNT NOT TO EXCEED \$77,000

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

WHEREAS, C/CAG is committed to working with the cities in San Mateo County on issues related to resource conservation, climate protection and solid waste; and

WHEREAS, C/CAG desires to obtain additional services from the County of San Mateo to serve as staff support for the San Mateo County Energy Watch , Energy Upgrade California program; and

WHEREAS, the County of San Mateo is committed to providing additional staff services for a scope of work related to the Energy Upgrade California program;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the Chair is authorized to execute an agreement between C/CAG and the County of San Mateo for staff services for an Energy Upgrade California Scope of Work added to the San Mateo County Energy Watch, PG&E Contract Work Authorization for an amount not to exceed \$77,000.

The C/CAG Board also authorizes the following:

- 1- Authorize the C/CAG Executive Director and Legal Counsel to negotiate the final agreement.

PASSED, APPROVED, AND ADOPTED THIS 9TH DAY OF AUGUST 2012.

Bob Grassilli, Chair

**AGREEMENT BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO
COUNTY (C/CAG) AND THE COUNTY OF SAN MATEO FOR AN
AMOUNT NOT TO EXCEED \$77,000 FOR ADDITIONAL STAFF
SERVICES FOR THE SAN MATEO COUNTY ENERGY WATCH, ENERGY
UPGRADE CALIFORNIA PROGRAM**

This Agreement entered this ____ Day of ____ 2012, by and between the CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY, a joint powers agency formed for the purpose of preparation, adoption and monitoring of a variety of county-wide state-mandated plans, hereinafter called "C/CAG" and the COUNTY OF SAN MATEO, a subdivision of the State of California, hereinafter called "COUNTY."

W I T N E S S E T H

WHEREAS, C/CAG is committed to working with the cities in San Mateo County on issues related solid waste, resource conservation and climate protection; and

WHEREAS, C/CAG desires to obtain additional services from the COUNTY to serve as staff support for the San Mateo County Energy Watch on matters related to the Energy Upgrade California program; and

WHEREAS, the COUNTY is committed to providing additional staff services for the attached scope of work related to the Energy Upgrade California program;

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

1. **Services to be provided by COUNTY.** The COUNTY shall provide additional services as described in Exhibit A, attached hereto and incorporated by reference herein.
2. **Payments.** In consideration of the services rendered in accordance with all terms, conditions and specifications set forth herein and in Exhibit A, C/CAG shall reimburse COUNTY for eligible costs as set forth in Exhibit A, for an amount not to exceed \$77,000. Payments shall be made within 30 days after receipt and approval of monthly invoices from the COUNTY.
3. **Relationship of the Parties.** It is understood that the COUNTY enters into this Agreement as an Independent Contractor and the Agreement is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of Independent Contractor.
4. **Non-Assignability.** COUNTY shall not assign this Agreement or any portion thereof to a third party without the prior written consent of C/CAG, and any attempted assignment without such prior written consent is in violation of this Section and shall be grounds for termination of this Agreement.

5. **Contract Term.** This Agreement shall be in effect and cover cost as set out in Exhibit A from August 13, 2012 and shall terminate on January 15, 2013; provided, however, C/CAG may terminate this Agreement at any time for any reason by providing 30 days' written notice to COUNTY. COUNTY may terminate this Agreement at any time for any reason by providing 30 days' written notice to C/CAG. Termination will be effective on the date specified in the notice. In the event of termination under this paragraph, COUNTY shall be paid for all services provided to the date of termination.

6. **Hold Harmless/Indemnity.** COUNTY shall defend, indemnify and save harmless C/CAG and its member agencies and their employees, agents and officers from all claims, suits, damages or actions arising from COUNTY's performance under this Agreement.

C/CAG shall defend, indemnify and save harmless County and its member agencies and their employees, agents and officers from all claims, suits, damages or actions arising from C/CAG's performance under this Agreement.

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

7. **Workers' Compensation Coverage.** Statutory Workers' Compensation Insurance and Employer's Liability Insurance will be provided by the COUNTY with limits of not less than one million dollars (\$1,000,000) for any and all persons employed directly or indirectly by COUNTY. In the alternative, COUNTY may rely on a self-insurance program to meet these requirements so long as the program of self-insurance complies fully with the provisions of the California Labor Code. In such case, excess Workers' Compensation Insurance with statutory limits shall be maintained. The insurer, if insurance is provided, and the COUNTY, if a program of self-insurance is provided, shall waive all rights of subrogation against C/CAG for loss arising from worker injuries sustained under this Agreement.

8. **Liability Insurance.** COUNTY shall take out and maintain during the life of this Agreement such Bodily Injury Liability and Property Damage Liability Insurance as shall protect COUNTY, 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 operations under this Agreement, whether such operations be by COUNTY or by any sub-contractor or by anyone directly or indirectly employed by either of them. In the alternative, COUNTY may rely on a self-insurance program to meet these requirements so long as the program of self-insurance complies fully with the provisions of the California Labor Code.

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, C/CAG, at its 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 pursuant to this Agreement.

9. **Non-discrimination.** COUNTY and its subcontractors performing the services on behalf of the COUNTY 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. **Accessibility of Services to Disabled Persons.** COUNTY, not C/CAG, shall be responsible for compliance with all applicable requirements regarding services to disabled persons, including any requirements of Section 504 of the Rehabilitation Act of 1973.
11. **Substitutions.** If particular people are identified in Exhibit A as working under this Agreement, COUNTY will not assign others to work in their place without written permission from C/CAG. Any substitution shall be with a person of commensurate experience and knowledge.
12. **Joint Property.** As between C/CAG and COUNTY any system or documents developed, produced or provided under this Agreement shall become the joint property of C/CAG and the COUNTY.
13. **Access to Records.** COUNTY shall retain, for a period of no less than five years, all books, documents, papers, and records which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcriptions, and shall provide C/CAG, its member agencies, and or their auditors with access to said books and records.

COUNTY shall maintain all required records for five years after C/CAG makes final payments.
14. **Merger Clause.** This Agreement constitutes the sole agreement of the parties hereto with regard to the matters covered in this Agreement. Any prior agreement, promises, negotiations or representations between the parties not expressly stated in this document are not binding.
15. **Amendments.** Any changes in the services to be performed under this Agreement shall be incorporated in written amendments, which shall specify the changes in work performed and any adjustments in compensation and schedule. All amendments shall be executed by the C/CAG Executive Director or a designated representative, and the Deputy County Manager (Community Services). No claim for additional compensation or extension of time shall be recognized unless contained in a duly executed amendment.
16. **Governing Law.** This Agreement shall be governed by the laws of the State of California and any suit or action initiated by either party shall be brought in the County of San Mateo, California.

IN WITNESS WHEREOF, the parties hereto have affixed their hands to this Agreement for additional Staff Services for the San Mateo County Energy Watch, Energy Upgrade California program.

County of San Mateo (COUNTY)

By _____
Peggy Jensen
Deputy County Manager, Community Services

Date

Approved as to Form By _____
County Counsel

Date

City/County Association of Governments (C/CAG)

By _____
Bob Grassilli
C/CAG Chair

Date

Approved as to Form By _____
C/CAG Legal Counsel

Date

Exhibit A

STAFF SERVICES FOR THE SAN MATEO COUNTY ENERGY WATCH, ENERGY UPGRADE CALIFORNIA PROGRAM

SCOPE OF WORK

- 1.0 Introduction - The City/ County Association of Governments of San Mateo County (C/CAG) is committed to working with the cities in San Mateo County on issues related to solid waste, resource conservation and climate protection and desires to contract with the County of San Mateo (COUNTY) for additional staff support for the San Mateo County Energy Watch, Energy Upgrade California program.
- 2.0 Management and Staffing Oversight - COUNTY shall provide adequate staffing and attend meetings with C/CAG staff as necessary to support the Energy Upgrade California program, and shall provide reports and presentations to C/CAG as necessary to ensure completion of the elements included in Section 3.0, tasks added to Agreement No. 2500626827, adding a Specific Scope of Work below for outreach for the Energy Upgrade California Program for calendar year 2012.
- 3.0 Scope of Work:

ENERGY UPGRADE MARKETING, EDUCATION AND OUTREACH

Task 11: Develop Marketing Materials.

COUNTY shall develop marketing materials to drive consumer participation in Energy Upgrade. All Program Marketing Materials shall be approved by the PG&E Program Manager and in conformance with the approval requirements as set forth in Exhibit L (Approval Guidelines for Trademark/Trade Name/Logo Use in Co-Marketing Activities), PG&E Web site linking guidelines, Exhibit N (Energy Upgrade California Brand Usage and Graphic Standards), Exhibit O (Energy Upgrade California Marketing Guide) and any additional marketing guidelines as provided by the PG&E Program Manager prior to any distribution, circulation, or publication. Implementer shall identify and obtain approval for any claims in marketing materials as required in Section 8 (Claims Substantiation) and shall update them as needed during Program implementation to incorporate new claims. (Task 11)

1.1.1. Deliverables

1.1.1.1. Drafts of new and revised Program Marketing Materials

Due Date: Two weeks prior to planned distribution to target audience, and on-going as new or revised Program materials are developed during Program implementation.

1.1.1.2. Final copies of new and revised Program Marketing Materials incorporating all PG&E Program Manager comments.

Due Date: One week following receipt of PG&E Program Manager comments.

- 1.1.1.3. Program Marketing Plan: Implementer shall develop and submit to PG&E Program Manager for review and approval a general EUC marketing plan (“Marketing Plan”) which shall include a list and short description of all program marketing materials, target audiences, associated timeline and a description of enhancements desired for web portal.

- 1.1.1.3.1. Draft Program Marketing Plan

Due Date: Within 15 days of Contract addendum execution by C/CAG

- 1.1.1.3.2. Final Program Marketing Plan incorporating all PG&E Program Manager comments.

Due Date: One week following receipt of PG&E Program Manager comments.

Task 12: Locally implemented homeowner outreach.

COUNTY shall plan and implement a homeowner outreach program including outreach support for community based workshops hosted by Ecology Action and a public relations campaign to support event attendance.

- 1.1.1.4. Deliverable (s) | Due Date (s):

- 1.1.1.4.1. Attendance roster for each workshop including presenters and the name and address of attendees, the date of the event within one week of workshop \$1,000 per workshop.

- 1.1.1.4.2. Provide draft public relations collateral for PG&E Program Manager review three weeks prior to use. \$1 per collateral item. (900 items)

Task 1 Total Budget: NTE \$10,000.00

Targeted outreach

COUNTY shall conduct two rounds of targeted direct mail and/or door hangers to 30,000 high potential households. Print material will advertise upcoming local homeowner workshops.

- 1.1.1.5. Deliverable (s) | Due Date (s):

- 1.1.1.5.1. Provide draft print material for PG&E Program Manager review three weeks prior to use. \$25,000 per round. (\$25,000x per round, total of 2 rounds)

Task 12 Total Budget: NTE \$50,000.00

Task 13: Targeted local advertising.

COUNTY shall purchase local media advertising using existing ads and successful media outlets.

1.1.1.6. Deliverable (s) | Due Date (s):

- 1.1.1.6.1. Provide draft media material for PG&E Program Manager review three weeks prior to use.

Task 13 Total Budget: NTE \$10,000.00 (one time purchase)

Task 14:

Project management.

COUNTY shall manage EUC outreach activities.

1.1.1.7. Deliverable (s) | Due Date (s):

- 1.1.1.7.1. C/CAG will provide monthly invoices and summary of monthly activities. (\$1,400.00 per month).

Task 14 Total Budget: NTE \$7,000.00

Add Fees and Invoices:

The total amount invoiced by COUNTY, inclusive of all expenses and administrative costs, shall not exceed Seventy-seven Thousand Dollars (\$77,000).

Project Fees by Task

Task	Not-to-Exceed Amount
Task 11: Locally implemented homeowner outreach	\$10,000.00
Task 12: Targeted outreach	\$50,000.00
Task 13: Targeted local advertising	\$10,000.00
Task 14: Project management	\$ 7,000.00
<i>Project Scope Total</i>	<i>\$77,000.00</i>

- 4.0 Reporting - The COUNTY shall cc: existing San Mateo County Energy Watch contracted staff on all correspondence with PG&E program and contract management, and provide monthly activity reports to C/CAG, including a list of completed scopes of work and billable amounts, by the seventh day of each month for inclusion in the monthly San Mateo County Energy Watch consolidated report and billing to PG&E. The COUNTY shall report to the C/CAG Board and other C/CAG committees on activities related to this scope of work upon request during the 2012 calendar year.

5.0 Payments - The existing San Mateo County Energy Watch contracted staff shall be responsible for submitting consolidated reports and invoices to C/CAG for services provided along with supporting documentation and related costs for the scope of work in Section 3.0. C/CAG shall pay COUNTY invoices within 30 days of receipt.

C/CAG AGENDA REPORT

Date: August 9, 2012
To: City/County Association of Governments Board of Directors
From: Richard Napier, Executive Director
Subject: Review and approval of Resolution 12-45 authorizing the C/CAG Chair to execute an amendment to the funding agreement between C/CAG and the City of East Palo Alto for traffic improvement projects on University Avenue and East Bayshore Road in the amount of \$197,610.33

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

RECOMMENDATION

Review and approval of Resolution 12-45 authorizing the C/CAG Chair to execute an amendment to the funding agreement between C/CAG and the City of East Palo Alto for traffic improvement projects on University Avenue and East Bayshore Road in the amount of \$197,610.33

FISCAL IMPACT

The total project cost is \$688,909.75. The City of East Palo Alto will pay \$226,299.42 and C/CAG will pay \$462,610.33.

SOURCE OF FUNDS

Funding sources and amounts for C/CAG's contribution of \$462,610.33 are as follows: Metropolitan Transportation Commission (MTC) - \$80,000; Repair/Maintenance Program - \$80,000; Congestion Relief Plan (CRP) for ITS - \$65,000; \$4 Vehicle Registration Fee – Countywide - \$237,610.33

BACKGROUND/DISCUSSION

The 2020 Peninsula Gateway Study, completed in July 2008, evaluated potential traffic improvements and identified near, medium and long-term options for addressing traffic congestion issues relating to the approaches and connections to the Dumbarton Bridge and Highway 101 between Routes 84 and 85. The 2020 Peninsula Gateway Action Plan identified the University Avenue/Bell Street traffic signal upgrade and the East Bayshore Road/Pulgas Avenue geometric improvement projects as “near-term” improvements that would enhance traffic operations and safety at the intersections, and mitigate traffic congestion.

ITEM 5.3

At the February 2010 meeting, the C/CAG Board approved Resolution 10-05 authorizing the C/CAG Chair to execute a funding agreement with the City of East Palo Alto for design and construction of traffic improvement projects on University Avenue and East Bayshore Road in the amount of \$347,500. The total cost of the projects was estimated to be \$430,000 with East Palo Alto paying \$82,500 of the cost.

The City of East Palo Alto expended \$61,366 for the design phase and on May 11, 2012 advertised the project to solicit bids. The low bid received was for the amount of \$597,543.75. Including 5% contingency and the design cost, the project cost totaled \$688,909.75, resulting in a funding shortfall of \$258,909.75. To fully fund the project, East Palo Alto has committed additional funds (\$4 VRF and Measure M) and requested C/CAG to assist with funding the remaining balance.

The original C/CAG Budget of \$347,500 included \$82,500 from EPA’s \$4 VRF (FY09-FY12) and \$40,000 from the \$4 VRF Countywide program. The new funding scenario shifts local VRF funds under EPA therefore C/CAG’ new commitment would increase by \$197,610.33. The additional funds would come from the \$4 VRF Countywide program. A breakdown of the project cost and proposed funding source are as follows:

BUDGET	
Design Cost	\$ 61,366.00
Construction Bid Amount	\$ 597,543.75
5% Contingency	<u>\$ 30,000.00</u>
Total	\$ 688,909.75

FUNDING SOURCE	
<u>East Palo Alto</u>	
Local	\$ 61,366.00
\$4 VRF (FY09-FY13)*	\$ 100,224.42
Measure M (FY12 - 1st)	<u>\$ 64,709.00</u>
Subtotal	\$ 226,299.42

<u>C/CAG</u>	
MTC - 2020 Gateway	\$ 80,000.00
Repair/Maint	\$ 80,000.00
CRP - ITS	\$ 65,000.00
\$4 VRF Countywide	<u>\$ 237,610.33</u>
Subtotal	\$ 462,610.33

Total \$ 688,909.75

* Estimate

ATTACHMENTS

- Resolution 12-45
- Funding agreement amendment between C/CAG and City of East Palo Alto for Traffic Improvement Projects on University Avenue and East Bayshore Road in the amount of \$197,610.33

RESOLUTION 12-45

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CITY/COUNTY ASSOCIATION OF GOVERNMENTS
OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE CHAIR TO
EXECUTE AN AMENDMENT TO THE FUNDING AGREEMENT
BETWEEN C/CAG AND THE CITY OF EAST PALO ALTO FOR
TRAFFIC IMPROVEMENT PROJECTS ON UNIVERSITY AVENUE AND
EAST BAYSHORE ROAD IN THE AMOUNT OF \$197,610.33**

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

WHEREAS, on February 10, 2010, C/CAG and East Palo Alto entered into a funding agreement for Traffic Improvement Projects on University Avenue and East Bayshore Road for the amount of \$347,500; and

WHEREAS, the total cost of design and construction of the two projects was estimated to be \$430,000 with the City of East Palo Alto paying \$82,500 and C/CAG paying \$347,500; and

WHEREAS, on May 11, 2012, East Palo Alto advertised the projects to solicit bids and the lowest bid received on June 7, 2012, was in the amount of \$597,543.75; and

WHEREAS, the total cost of the projects is increased to \$688,909.75, exceeding the original estimated budget resulting in a funding shortfall \$258,909.75; and

WHEREAS, to fill the funding gap, East Palo Alto will increase its contribution to \$226,299.42; and

WHEREAS, C/CAG's contribution will increase to a total of \$462,610.33, an additional \$197,610.33.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the Chair is authorized to execute an amendment to the Funding Agreement between C/CAG and City of East Palo Alto for traffic improvement projects on University Avenue and East Bayshore Road in the amount of \$197,610.33.

PASSED, APPROVED, AND ADOPTED THIS 9TH DAY OF AUGUST 2012.

Bob Grassilli, Chair

**FIRST AMENDMENT TO THE FUNDING AGREEMENT
BETWEEN
THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY
AND
CITY OF EAST PALO ALTO
FOR
TRAFFIC IMPROVEMENT PROJECTS ON UNIVERSITY AVENUE AND EAST
BAYSHORE ROAD**

THIS FIRST AMENDMENT to that certain Funding Agreement Between the City/County Association of Governments of San Mateo County and City of East Palo Alto, for Traffic Improvement Projects on University Avenue and East Bayshore Road (the "First Amendment") is entered into by and between the City/County Association of Governments, a joint powers authority ("C/CAG") and the City of East Palo Alto, a municipal corporation ("City") as of the _____ of _____, 2012 (the "Effective Date"). Together, C/CAG and City are referred to herein as the "Parties."

WITNESSETH:

WHEREAS, on February 10, 2010, C/CAG and City entered into that certain Funding Agreement Between City/County Association of Governments of San Mateo County and City of East Palo Alto for Traffic Improvement Projects on University Avenue and East Bayshore Road (the "Agreement"); and

WHEREAS, the Agreement includes two proposed projects: University Avenue/Bell Street traffic signal modifications to provide an exclusive left-turn phase; and East Bayshore Road/Pulgas Avenue intersection improvement (the "Projects"); and

WHEREAS, on May 11, 2012, the City advertised the Projects to solicit bids and the lowest bid, opened on June 7, 2012, was in the amount of \$597,543.75; and

WHEREAS, based on the bid outcome, the Projects' construction costs exceeded the available budget as originally approved resulting in a funding shortfall in the amount of \$197,610.33; and

WHEREAS, the Parties seek to amend the Agreement to provide additional matching funds for construction of the Projects; and

NOW, THEREFORE, for the consideration and upon the terms and conditions hereinafter specified, the Parties agree to amend the Agreement as follows:

1. **Recitals.** The fifth recital shall be amended as follows (additions in *italics*, deletions in strikethrough): "the total cost of the Projects is ~~estimated to be \$430,000~~*\$688,909.75*. East Palo Alto will pay ~~\$82,500~~*\$226,299.42* of the cost and C/CAG will pay ~~\$347,500~~*\$462,610.33*."

2. Section 3. Subsection (a) of Section 3 “Funding and Method of Payment” is hereby amended as follows (additions in *italics*, deletions in ~~strikethrough~~):
 - (a) C/CAG agrees to pay East Palo Alto up to ~~\$347,500~~*\$462,610.33* as a match to East Palo Alto funds for the design and construction phases of the Projects.
 - (c) Subject to duly executed amendments, it is expressly understood and agreed that in no event will the total funding commitment under this agreement exceed ~~\$347,500~~*\$462,610.33*, unless revised in writing and approved by C/CAG and East Palo Alto.
 - (d) *City agrees to pay \$226,299.42 of the cost for the design and construction phases of the Projects.*
3. All other provisions of the Agreement shall remain in full force and effect.
4. This amendment shall take effect upon execution by both parties.

IN WITNESS WHEREOF, the First Amendment to the Funding Agreement Between the City/County Association of Governments of San Mateo County and City of East Palo Alto for Traffic Improvement Projects on University Avenue and East Bayshore Road has been executed by the Parties hereto as of the day and year first written above.

CITY OF EAST PALO ALTO

CITY/COUNTY ASSOCIATION OF GOVERNMENTS

City Manager

By: _____
Bob Grassilli, C/CAG Chair

Date: _____

Date: _____

Attest:

City Clerk

Approved as to form:

City Attorney

C/CAG Legal Counsel

C/CAG AGENDA REPORT

Date: August 9, 2012
To: City/County Association of Governments Board of Directors
From: Richard Napier, Executive Director
Subject: Review and accept the revised funding recommendation for the Pacifica Weekend Community Shuttle for FY 2012/2013 and FY 2013/2014 in an amount of \$116,302.

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

RECOMMENDATION

That the Board of Directors review and accept the revised funding recommendation for the Pacifica Weekend Community Shuttle for FY 2012/2013 and FY 2013/2014 in an amount of \$116,302.

FISCAL IMPACT

There will be no fiscal impact to C/CAG.

SOURCE OF FUNDS

The recommended source of funds for this Pacifica shuttle is the San Mateo County Transportation Authority (SMCTA) Measure A Program, which is anticipated to be approved by the SMCTA Board of Directors on August 2, 2012.

The overall funding for the San Mateo County Shuttle Program for FY 2012/2013 and FY 2013/2014 is as follows.

	SMCTA	C/CAG
Total available	\$6,000,000	\$1,000,000
Previously allocated	\$4,513,153	\$787,871

Funding to support the shuttle programs will be derived from the Congestion Relief Plan adopted by C/CAG and includes \$1,000,000 in funding (\$500,000 for FY 12/13 and \$500,000 for FY 13/14). The SMCTA Measure A Program will provide approximately \$6,000,000 for the two-year funding cycle. The C/CAG funding will be predicated on the C/CAG Board of Directors approving shuttle funding in the amount of \$500,000 for FY 2013/2014 through the budget adoption process.

ITEM 5.4

BACKGROUND/DISCUSSION

At the June 14, 2102 Board of Directors meeting the Board approved the shuttle funding allocation for the San Mateo County Shuttle Program for FY 12/13 and FY 13/14. At the time of the June Board meeting C/CAG and the TA were still working with staff from three jurisdictions (Pacifica, Belmont and Daly City) to clarify and work through issues with each of their proposed shuttle applications.

San Mateo County Transportation Authority staff and C/CAG staff have worked with City of Pacifica staff to work through concerns with the service plan and shuttle route for the Pacifica Weekend Community shuttle. The City of Pacifica has submitted a revised application and staff from both agencies have determined that this revised application is now eligible for funding. The revised application includes a new service plan that will utilize a shuttle vendor to provide the service and a new route structure that has been reviewed by SamTrans operation staff and is now acceptable to SamTrans. SamTrans operations staff determined that the route would no longer unduly overlap with SamTrans fixed route service.

This shuttle route will be funded by the San Mateo County Transportation Authority should it be approved by their Board of Directors at the August 2, 2012 TA Board of Directors meeting.

C/CAG AGENDA REPORT

Date: August 9, 2012
To: City/County Association of Governments Board of Directors
From: Richard Napier, Executive Director
Subject: Receive information regarding the submission of grant applications, and approval of Resolution 12-46 authorizing the acceptance of allocated funds, and the execution of grant agreements with the San Mateo County Transportation Authority, for project feasibility studies and project study documents.

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

RECOMMENDATION

That the C/CAG Board receive information regarding the submission of grant applications, and approval of Resolution 12-46 authorizing the acceptance of allocated funds, and the execution of grant agreements with the San Mateo County Transportation Authority, for project feasibility studies and project study documents.

FISCAL IMPACT

If awarded project funds, up to \$3,800,000 in Measure A funds will be accepted by C/CAG.

SOURCE OF FUNDS

If awarded funds, the source will be Measure A funds provided by the San Mateo County Transportation Authority (SMCTA).

BACKGROUND/DISCUSSION

On May 24, 2012, the SMCTA issued a call for project for their Measure A Highway Program. A total of \$104 million is available for projects that reduce congestion in commute corridors. Applications were due June 29, 2012.

In general, highway and roadway improvements on congested commute corridors are eligible for Highway Program funds. The program focuses on removing bottlenecks in the most congested highway commute corridors, reducing congestion, and improving throughput along critical congested commute corridors. Maintenance and rehabilitation projects for highways and roadways are not eligible.

C/CAG functions as a regional transportation planning agency and is qualified to apply for this competitive grant. C/CAG has submitted applications to SMCTA for the following 4 project scopes:

1. HOV Hybrid Study from Whipple to south of the I-380 interchange – Requested \$2,000,000 for development of a Project Study Report.
2. SR 92/ Delaware Feasibility Study – Requested \$300,000 to study solutions that address congestion on SR 92 in the vicinity of the South Delaware Street.
3. SR 92/ US101 Interchange Area Improvement Feasibility Study – Requested \$500,000 to study solutions that improve the operation of the interchange.
4. US 101 Aux Lanes from Oyster Point to San Francisco County Line – Requested \$1,000,000 for development of a Project Study Report.

C/CAG has designated SMCTA as the implementing agency for all four studies.

SMCTA requires board resolutions for all project scope phases beyond the study phase (e.g. environmental clearance, design, and construction). C/CAG will present projects to the board for approval of any future phases of work beyond the study phase.

It is recommended that the C/CAG board authorize the Chair to accept any awarded funds on behalf of the City/County Association of Governments.

ATTACHMENTS

1. Resolution 12-46

RESOLUTION 12-46

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE ACCEPTANCE OF ALLOCATED FUNDS, AND THE EXECUTION OF GRANT AGREEMENTS WITH THE SAN MATEO COUNTY TRANSPORTATION AUTHORITY, FOR PROJECT FEASIBILITY STUDIES AND PROJECT STUDY DOCUMENTS.

WHEREAS, the Board of Directors of the City/County Association of Governments are parties to four grant application for a regionally significant highway projects; and,

WHEREAS, the San Mateo County Transportation Authority (SMCTA), provides grant funding for Highway improvements that improve congestion conditions for corridors within the county; and,

WHEREAS, the C/CAG is an eligible project sponsor and desires to apply for project funds for four eligible project scopes; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the Board

1. Authorizes the acceptance of allocated funds for any awarded project scope.
2. Authorizes the chair to execute funding or cooperative agreements between C/CAG and SMCTA for any funds awarded to the project applications; and

BE IT FURTHER RESOLVED, that the Board of Directors of the City/County Association of Governments of San Mateo County does hereby authorize the Chair to sign any documents required to accept these subject funds on behalf of the City/County Association of Governments.

PASSED, APPROVED, AND ADOPTED THIS 9TH DAY OF AUGUST 2012.

Bob Grassilli, Chair

C/CAG AGENDA REPORT

Date: August 9, 2012
To: City/County Association of Governments Board of Directors
From: Matthew Fabry
Subject: Review and Approval of Resolution 12-48 Authorizing Issuance of a Request for Proposals for Consulting Services to Support a Countywide Funding Initiative for Stormwater Compliance Activities

(For further information contact Matthew Fabry at 650-599-1419)

RECOMMENDATION

Review and approve Resolution 12-48 authorizing issuance of a Request for Proposals (RFP) for consulting services to support a countywide funding initiative to increase funding for stormwater compliance activities for both C/CAG's Countywide Water Pollution Prevention Program (Countywide Program) and the member agencies.

FISCAL IMPACT

The only impact from issuing the RFP is staff time to manage the proposal review process. Contracts for consulting services would be brought back before the Board for approval at a future meeting, and funds are included in the adopted C/CAG Budget for this process.

SOURCE OF FUNDS

The source of funds for a countywide funding initiative would be the property tax assessments that fund the Countywide Program.

BACKGROUND/DISSION

C/CAG's NPDES and Congestion Management Technical Advisory Committees have previously discussed a countywide funding initiative to generate additional funding for both the Countywide Program and the individual jurisdictions for meeting the requirements of the Municipal Regional Permit and future municipal stormwater permits. Staff drafted (and both committees have reviewed) an RFP for consulting services that would address three phases of tasks and services. Under the first phase, a consultant would analyze current and projected expenditures for both the Countywide Program and local agencies as well as current sources of funding, evaluate potential additional sources of funding, conduct public opinion surveys, and summarize results. Should the public opinion surveys under Phase I indicate favorable support,

ITEM 5.6

Phase II would include development of a revenue report that establishes proposed funding mechanisms and amounts (e.g., a property-related per-parcel fee based on impervious area), and Phase III would consist of implementing the recommended funding initiative process, including public outreach and education. Lessons learned during a recent unsuccessful Contra Costa Clean Water Program stormwater funding initiative process would be incorporated, especially with regard to public outreach and education.

Staff is recommending Board approval of Resolution 12-48 authorizing issuance of the RFP. Assuming selection of a consultant team under the RFP, any funding agreements for consulting services would be brought before the Board for approval.

ATTACHMENTS

Resolution 12-48

Request for Proposals for Consultant Services to Implement a Stormwater Quality Funding Initiative

RESOLUTION NO. 12-48

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG), AUTHORIZING THE EXECUTIVE DIRECTOR TO ISSUE A REQUEST FOR PROPOSALS FOR CONSULTING SERVICES TO SUPPORT A COUNTYWIDE FUNDING INITIATIVE FOR STORMWATER COMPLIANCE ACTIVITIES

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

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

WHEREAS, C/CAG and its member agencies are required to comply with increasingly costly stormwater compliance regulations through the Municipal Regional Permit issued by the San Francisco Bay Regional Water Quality Control Board; and

WHEREAS, C/CAG determined outside consulting services are needed to evaluate public support for and assist with development of a countywide funding initiative to address shortfalls in C/CAG and member agency budgets in meeting mandated stormwater permit requirements;

NOW, THEREFORE, BE IT RESOLVED that C/CAG hereby authorizes the Executive Director to issue a Request for Proposals for consulting services to support a countywide funding initiative for stormwater compliance activities.

PASSED, APPROVED, AND ADOPTED THIS 9TH DAY OF AUGUST, 2012.

Bob Grassilli, Chair

[DATE]
REQUEST FOR PROPOSALS (RFP)
FOR CONSULTANT SERVICES
TO IMPLEMENT A
STORMWATER QUALITY FUNDING INITIATIVE

DUE BY [DATE] (12 NOON)

The City/County Association of Governments of San Mateo County (C/CAG) is inviting proposals to develop a viable public financing mechanism for both countywide and local stormwater management activities mandated under municipal stormwater National Pollutant Discharge Elimination System (NPDES) permits. In San Mateo County, compliance with stormwater regulatory requirements is currently achieved jointly by C/CAG through its San Mateo Countywide Water Pollution Prevention Program (on issues of countywide or regional significance) and its member agencies at the local level. C/CAG also provides technical assistance to its member agencies on regulatory requirements. C/CAG is seeking technical assistance to evaluate available funding options for stormwater quality programs, gauge public support for the most likely options, quantify current and anticipated expenditures (at both the local and C/CAG levels) necessary for meeting stormwater regulatory mandates, provide public outreach and education, and pursue implementation of the preferred financing mechanism to meet determined funding needs.

The qualified firm shall conduct research; analyze results; provide administrative, legal, and technical support to C/CAG; develop and recommend strategies; develop public education materials; provide outreach; perform public opinion polling; develop an engineer's report as needed; and provide the necessary technical support to conduct an election within San Mateo County for imposing a fee to provide a stable, long-term funding source to meet mandatory regulatory requirements for both C/CAG and the local agencies.

Proposals must be addressed and submitted no later than 12 Noon on **[DATE]**, as follows:

City/County Association of Governments
Stormwater Management Funding Initiative
Attn: Matthew Fabry, Program Manager
San Mateo Countywide Water Pollution Prevention Program
555 County Center, 5th Floor
Redwood City, CA 94063

BACKGROUND

C/CAG established its Countywide Water Pollution Prevention Program (Countywide Program) in the early 1990s in response to the initial municipal stormwater permit issued to San Mateo county jurisdictions. The Countywide Program collaborates with twenty two public agencies in San Mateo County, including San Mateo County, all 20 of its incorporated cities and towns, and the San Mateo County Flood Control District. The Countywide Program's primary purpose is to assist C/CAG's member agencies in meeting federally and state-mandated stormwater regulations specifically targeting the discharge of pollutants in urban runoff from municipal separate storm sewer systems (MS4s). The Countywide Program includes all of the incorporated and unincorporated areas of San Mateo County.

The 1987 amendments to the Federal Clean Water Act designated urban runoff as a point source discharge of pollutants requiring permitting under the National Pollutant Discharge Elimination System (NPDES). The United States Environmental Protection Agency promulgated rules and regulations under the NPDES permit program to reduce the discharge of pollutants in urban runoff to the maximum extent practicable on November 16, 1990. NPDES permitting regulations have been delegated to the State of California, and the program is administered by the State Water Resources Control Board and its nine Regional Water Quality Control Boards (Regional Boards). The jurisdictions in San Mateo County are regulated by the San Francisco Bay Regional Board, although a small section of the southwestern corner of unincorporated county drains to an area of the Pacific Ocean regulated by the Central Coast Regional Board. The Regional Boards issue, oversee, and enforce compliance with NPDES permits within their jurisdictional areas, with permits issued for five-year terms and including additional requirements pursuant to the state's water code, the Porter-Cologne Water Quality Control Act.

Although San Mateo jurisdictions have been regulated under countywide municipal NPDES permits since the early 1990s, the San Francisco Bay Regional Board issued a Municipal Regional Permit in November 2009 that regulates all jurisdictions in San Mateo, Santa Clara, Alameda, and Contra Costa Counties (with the exception of Antioch, Brentwood, Oakley, and eastern Contra Costa County), and the cities of Fairfield, Suisun City, and Vallejo. The Municipal Regional Permit can be downloaded from the San Francisco Bay Regional Board's website at www.swrcb.ca.gov/rwqcb2/ and details on the Countywide Program can be found on its website at www.flowstobay.org or C/CAG's website at www.ccag.ca.gov.

C/CAG currently receives revenue from a countywide property-related fee that is assessed on the property tax rolls through the San Mateo County Flood Control District. Some of C/CAG's member agencies also have their own local stormwater fees on the tax rolls. C/CAG and the local agencies also receive stormwater pollution prevention program funding from two county-specific vehicle license fees, the first of which was authorized through the state legislative process and is set to expire at the end of 2012 and the second of which was approved by voters in 2010 and in effect for 25 years. Unfortunately, these combined revenue sources are insufficient to fund present and anticipated stormwater regulatory requirements. Thus, the need to increase resources for both C/CAG and its member agencies to remain in compliance with Municipal Regional Permit requirements is critical.

SCOPE OF WORK

C/CAG is seeking a fully qualified consultant or consultant teams who have actual demonstrated experience and can perform the following tasks and services. The work is anticipated to be performed in the designated phases, with decision points on whether to proceed after each phase.

Phase I (Tasks 1 to 3)

Task 1 – Consultant shall analyze current and projected Countywide Program and local agency expenditures and sources of funding for meeting existing and anticipated Municipal Regional Permit requirements. Consultant shall meet individually with Countywide Program and local agency staffs to perform this analysis.

Task 2 – Consultant shall evaluate potential funding sources, recommend which funding enhancement options should be pursued by the Countywide Program and local agencies, and provide recommendations for how the Countywide Program and local agencies could revise or restructure existing funding methods in a manner that best links funding sources with compliance activities (e.g., street sweeping costs on garbage bills, new and redevelopment costs through developer fees, etc.). The evaluation shall consider:

- The pros and cons of each source;
- The political viability of each source;
- Any legal restrictions and considerations for their use;
- Determine if they require any legislative changes or additional authorizations to implement;
- The future reliability of each source;
- The estimated amount each funding source may generate for the stormwater program; and,
- The estimated implementation cost of the most viable funding options.
- Timing and next steps for implementation of the most viable funding options.

Task 3 – Provide a recommended scope and approach for opinion research and survey to measure the political viability of increasing funding either with a voter-decided parcel tax, a property owner decided fee, or another viable funding option. Consultant shall conduct a statistically valid countywide public opinion survey.

Polling shall test public awareness, understanding, and receptiveness to finance stormwater compliance programs. All aspects of property owners and voters within the County should be polled including single family residents, retail business owners, hotels, industry leaders, public land trusts and others deemed appropriate.

When considering the timing and strategy of the opinion poll, it will be important to consider impacts from recent and planned elections involving fees, assessments, and other revenue generation proposals within the County.

Phase II (Task 5)

Task 5 – Should a property-related assessment be the preferred option, a revenue report shall be prepared along with an action plan for implementing the funding enhancement options supported by the Countywide Program and local agencies. An estimated cost to develop the revenue report and action plan shall be included in the consultant’s cost proposal. C/CAG is interested in evaluating revenue structures that will incentivize on-site stormwater management; the recommended funding mechanism shall consider revenue structures that include both base rates to address stormwater impacts from public infrastructure (e.g., roads, sidewalks, parking lots) and general program administration costs and parcel-specific rates to address private parcel impacts, with mechanisms to incentivize on- or off-site stormwater retention and management via reductions in the private parcel portion of the rate structure. This may require analysis of individual parcels to determine contributory impervious areas. Categories shall be explored to find out how to divide parcels for assessment, and the need for exemptions for certain parcel classes shall be considered. Additionally, all legal aspects in determining an impervious area per parcel shall be included.

Phase III (Tasks 6 & 7)

Task 6 – Assist C/CAG and the Countywide Program with the implementation of any funding enhancement options and provide the necessary technical support for successful passage, including development of any ballot measures, authorizing resolutions, public hearing information, and associated schedules. Consultant shall be capable of providing strategic analysis, expert opinions, and recommended strategies for how best to ensure successful passage of a recommended funding measures.

Task 7 – Public education may be required to inform and educate citizens about funding enhancement options and associated approval processes. The consultant shall develop a recommended education program and implementation approach, including consideration of mailers, community workshops, engagement with editorial boards, education of elected officials, etc. Any proposed outreach or education program shall be developed to ensure it does not constitute advocacy for the measure.

PROJECT SCHEDULE

The project period for this consultant shall commence as quickly as possible, (assume [DATE]) and end prior to [DATE].

CONSULTANT SELECTION AND RANKING CRITERIA

The Countywide Program has established an Oversight Ad Hoc Workgroup (Workgroup) that is composed of XX municipal representatives. This Workgroup shall be responsible for selecting and recommending the consultant to the Countywide Program’s Technical Advisory Committee for a formal recommendation for contract award to the C/CAG Board. The anticipated timetable for consultant selection process is as follows (subject to minor revision):

[DATE]	Request for Proposal Released
[DATE]	Pre-Proposal Meeting (1:00 to 2:30)

[DATE]	Proposals Due (12 Noon)
[DATE]	Conduct Interviews (if needed) and Make Selection
[DATE]	Contract Negotiations Begin
[DATE]	TAC Consideration and Recommendation to C/CAG Board
[DATE]	C/CAG Board Contract Approval
[DATE]	Anticipated Notice to Proceed
[DATE]	Completion of Contract

The submitted proposals will be evaluated consistent with the below-listed criteria. The selected consultant will be chosen according to the highest ranking from the written proposal and the oral interview.

C/CAG reserves the right to select the vendor it determines to be the highest qualified firm to perform the requested services.

The evaluation of the proposal and the interview will include the following criteria:

1. Demonstrated competence and professional qualifications necessary for satisfactory performance of the services required by the Countywide Program and local agencies.
2. Experience performing similar services.
3. Experience with and understanding of the Countywide Program and San Francisco Bay Regional Board stormwater regulations.
4. Understanding of the work required by C/CAG and proposed approach for the scope of work.
5. Quality and responsiveness of the proposal to the stated requirements.
6. References.
7. Background and related experience of the specific individuals to be assigned to the project.
8. Proposed compensation.
9. As reflected above, a contract award will not be based solely on price, but on a combination of factors determined to be in the best interest of C/CAG and the local agencies. Given the expertise required for this RFP is highly specialized, C/CAG reserves the right to negotiate a contract with the firm determined to offer unique and unmatched expertise. After evaluating the proposals, C/CAG reserves the right to further negotiate the scope of work, method of delivery, and amount of compensation.

PROCESS

Proposals must be presented in accordance with the requirements specified in this RFP. **Five (5) printed proposals and one electronic proposal on CD or other media must be submitted to C/CAG's offices (attention Matthew Fabry, Program Coordinator) no later than [DATE] at 12 Noon. Late proposals will not be accepted.**

Countywide Program and selected Workgroup representatives will be available for a pre-proposal meeting on [DATE] at 1:00 PM to discuss the project and answer questions. This meeting will be held at C/CAG's offices at 555 County Center, 5th Floor in Redwood City. No reservations are required.

The Countywide Program's Workgroup will conduct interviews on [DATE]. Each firm selected to be interviewed shall be allotted 30 minutes to make a presentation followed by a 15 minute question and answer period from the Workgroup representatives.

The Workgroup's consultant selection recommendation will be considered by the Countywide Program's Technical Advisory Committee at its regularly scheduled meeting on [DATE], or at a specially called meeting.

Following a recommendation of approval of a consultant by the Technical Advisory Committee, and after negotiations between C/CAG and the selected consultant(s) have taken place, the contract will be placed on the C/CAG Board's agenda for approval on or about [DATE]. The contract will terminate [DATE].

PROPOSAL FORMAT

Proposal format and content are important, but length is limited as specified below. Clarity and conciseness are essential and will be considered in assessing the firm's responsiveness and capabilities. Proposals shall use a minimum 12-point size font. All ten copies of the proposal should be double-sided. Each page shall measure 8 ½ by 11 inches with one inch margins.

The proposal should be organized in the following manner:

1. Cover Letter (1 page)
2. Title Page (1 page) – Include the RFP subject, name of firm, location address, telephone number, fax number, email address, and date. The project manager shall be designated and be the principal contact for C/CAG. Indicate other firms serving as sub-consultants, as appropriate.
3. Proposal Content – This section should clearly convey the consultant understands the work to be undertaken. The consultant should detail the following:
 - a. Organizational chart (1 page) – Identify principal-in-charge, project manager, staff, and other team members.

- b. Work Plan (4 pages maximum) – Identify management approach, relevant project issues, scope of work, and describe all proposed consultant tasks.
 - c. Project Tasks (2 pages maximum) – Provide a spreadsheet which shows, in detail, the number of hours per task and each person/classification assigned to each task.
 - d. Project Schedule (2 pages maximum) – Identify project schedule to include meetings reports, deliverables, Workgroup review, and submittal dates.
 - e. Statement of Qualifications (5 pages maximum) – Provide a summary of the firm(s) information, direct work experience, references, and brief resumes of key team members. The consultant group must show experience related to the scope of work with capabilities to complete all the tasks from the beginning to the end of the project.
4. Cost Proposal – Detailed payment schedules including hourly rates for each category of personnel assigned to the project and other direct expenses **shall not** be included in the proposal, but shall be submitted in a separate envelope.

These schedules must specify the following information:

- a. A range of costs by task and by phase to complete the entire effort from polling through community education, campaign, and funding measure initiative.
- b. Show project deliverables and due dates.
- c. Budget for direct costs for all public outreach printing, postage, and website management.

Fees paid to the consultant shall be on a time and materials basis up to a negotiated maximum amount per signed contract. Any extra work deemed necessary by the consultant must be pre-approved and authorized by C/CAG in writing. No payment will be made on any unauthorized work performed by the consultant or sub-consultants.

The consultant shall implement Phase I of the work described in this RFP. Upon the successful completion of these tasks and the satisfactory performance of the consultant, C/CAG shall authorize the consultant to proceed to Phase II, then Phase III.

The selected consultant's payment schedule will either be accepted in whole or C/CAG will negotiate an acceptable payment schedule with the consultant. If C/CAG and the consultant are unable to agree upon a payment schedule, then the Workgroup will look to the next highest qualified consultant. Please find enclosed a copy of C/CAG's Consulting Services Agreement (Appendix B) that will be used to execute an Agreement between C/CAG and the selected

consultant. **Changes to the agreement cannot be made.** If the terms and conditions are not acceptable to the consultant, then C/CAG reserves the right to negotiate with another firm.

This solicitation does not commit C/CAG to pay any costs incurred by consultants in preparing and presenting proposals or to select any consultant that chooses to propose. This solicitation covers only the work described herein and does not commit C/CAG to any work beyond what is described herein.

Thank you for proposing to provide services under this request.

Sincerely,

Matthew Fabry, P.E.
Program Coordinator
C/CAG – San Mateo Countywide Water Pollution Prevention Program

C/CAG AGENDA REPORT

Date: August 9, 2012
To: City/County Association of Governments Board of Directors
From: Matthew Fabry
Subject: Review and Approval of Resolution 12-49 Authorizing C/CAG Support of Amicus Curiae Briefs for Los Angeles and San Diego Municipal Stormwater Permit Unfunded Mandate Test Claim Appeals

(For further information contact Matthew Fabry at 650-599-1419)

RECOMMENDATION

Review and approve Resolution 12-49 authorizing C/CAG support of amicus curiae briefs for the Los Angeles and San Diego municipal stormwater permit unfunded mandate test claim appeals.

FISCAL IMPACT

None anticipated other than staff time. Should outside legal assistance be required, C/CAG has budgeted \$75,000 in the current fiscal year for legal/litigation support, including support for the member agencies' unfunded mandate test claims on the Municipal Regional Permit.

SOURCE OF FUNDS

If needed, the source of funds would be the property tax assessments that fund the Countywide Program.

BACKGROUND/DISSION

C/CAG's member agencies previously filed test claims with the Commission on State Mandates, claiming certain provisions of the Municipal Regional Permit constitute state mandates subject to reimbursement from the State of California. These claims are currently on hold at the Commission awaiting Courts of Appeals decisions on two other municipal stormwater permit test claims filed separately by Los Angeles and San Diego Counties. These claims were originally found valid by the Commission, decisions which were subsequently overturned upon Superior Court review, and have now been appealed to the applicable Courts of Appeal by the claimants.

A key issue in both of these cases is if the permit requirements in question exceed the federal "maximum extent practicable," or MEP, standard for implementation by permittees. If the permit requirements in question are found to not exceed MEP, then they will not be considered an unfunded mandate and would

ITEM 5.7

not be eligible for reimbursement of the cost to implement. The Los Angeles case is proceeding first, followed shortly by the San Diego case, with briefings likely to conclude at the end of September and early November for each case, respectively. Amicus briefs and applications to file briefs are required within 14 days after the last appellant's reply brief.

Given the nature of these cases and similarities to C/CAG member agency claims, staff recommends C/CAG's legal counsel review the need and options for filing amicus curiae briefs in support of the test claimant positions. The California Stormwater Quality Association (CASQA) intends to file briefs on both cases on behalf of its membership (which includes C/CAG and its member agencies) and staff anticipates opportunities to collaborate on the content of the CASQA briefs to address C/CAG member agency concerns and to potentially file as co-amici, which would reduce staff and legal counsel costs and possibly eliminate the need to file separately. Staff recommends C/CAG approve Resolution 12-49, authorizing C/CAG support of amicus curiae briefs, as appropriate, in both Los Angeles and San Diego cases.

ATTACHMENTS

Resolution 12-49

RESOLUTION NO. 12-49

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG), AUTHORIZING C/CAG SUPPORT OF AMICUS CURIAE BRIEFS FOR LOS ANGELES AND SAN DIEGO MUNICIPAL STORMWATER PERMIT UNFUNDED MANDATE TEST CLAIMS

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

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

WHEREAS, C/CAG and its member agencies are required to comply with increasingly costly stormwater compliance regulations through the Municipal Regional Permit issued by the San Francisco Bay Regional Water Quality Control Board; and

WHEREAS, C/CAG's member agencies filed unfunded mandate test claims with the State's Commission on State Mandates, claiming certain provisions of the Municipal Regional Permit constitute mandates by the State requiring reimbursement of costs to implement; and

WHEREAS, similar test claims by the Counties of Los Angeles and San Diego are currently under appeal by the claimants at applicable Courts of Appeal; and

WHEREAS, court decisions in the Los Angeles and San Diego appeals will impact the outcome of C/CAG's member agency test claims;

NOW, THEREFORE, BE IT RESOLVED that C/CAG hereby authorizes support of amicus curiae briefs for the Los Angeles and San Diego municipal stormwater permit unfunded mandate test claims, as appropriate, including co-filing with other agencies or associations.

PASSED, APPROVED, AND ADOPTED THIS 9TH DAY OF AUGUST, 2012.

Bob Grassilli, Chair

C/CAG AGENDA REPORT

Date: August 9, 2012

TO: C/CAG Board of Directors

From: Richard Napier, Executive Director - C/CAG

Subject: Review and approval of Resolution 12-50 authorizing the C/CAG Chair to execute a contract with Ricondo and Associates for Airport Land Use Compatibility Planning professional services in support of the San Francisco International Airport Comprehensive Land Use Plan update for a total not to exceed \$46,000.

(For further information or response to question's, contact Richard Napier at 650 599-1420)

Recommendation:

Review and approval of Resolution 12-50 authorizing the C/CAG Chair to execute a contract with Ricondo and Associates for Airport Land Use Compatibility Planning professional services in support of the San Francisco International Airport Comprehensive Land Use Plan update for a total not to exceed \$46,000 in accordance with the staff recommendation.

Fiscal Impact:

\$46,000

Source of Revenue:

General Fund

Background/ Discussion:

C/CAG as the Airport Land Use Commission is in the final approval process of a new Airport Land Use Compatibility Plan (ALUCP) for San Francisco International Airport. Ricondo and Associates are under contract to develop the plan and do the CEQA document. The review process and iterations necessary is greater than original planned. The following additional tasks need to be done: additional revisions to the ALUCP and CEQA document, additional meetings to attend, and perform on-call project consistency reviews to the Comprehensive Airport Land Use Compatibility Plan for the environs of San Francisco International Airport. A contract was approved in June for \$65,000 to support the numerous revisions to the SFO ALUCP and additional meetings requiring the consultants attendance. The significant complexities and numerous stakeholder issues including additional Airport Land Use Committee (ALUC) meetings has resulted in a need for additional Consultant services.

Ricondo and Associates has the contract to develop the SFO ALUCP which provides unique expertise. Therefore, staff recommends approval of Resolution 12-50 authorizing the C/CAG

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Chair to execute a contract between C/CAG and Ricondo and Associates for Airport Land Use Compatibility Planning professional services for San Francisco International Airport for a not to exceed \$46,000.

Procurement Policy:

The staff recommendation is consistent with the procurement because the policy allows a waiver of the RFP Process (Section 9). The justification for the waiver of the RFP process is as follows:

- 1- Ricondo is uniquely qualified and knowledgeable since they developed the SFO ALUCP.
- 2- Given the contract is \$46,000 and that other vendors would have a learning curve, it is unlikely there would be significant savings.
- 3- The additional staff time required would further reduce any potential savings.

Attachment:

Resolution 12-50
Ricondo Contract

Alternatives:

- 1- Review and approval of Resolution 12-50 authorizing the C/CAG Chair to execute a contract with Ricondo and Associates for Airport Land Use Compatibility Planning professional services in support of the San Francisco International Airport Comprehensive Land Use Plan update for a total not to exceed \$46,000 in accordance with the staff recommendation.
- 2- Review and approval of Resolution 12-50 authorizing the C/CAG Chair to execute a contract with Ricondo and Associates for Airport Land Use Compatibility Planning professional services in support of the San Francisco International Airport Comprehensive Land Use Plan update for a total not to exceed \$46,000 in accordance with the staff recommendation with modifications.
- 3- No action.

RESOLUTION 12-50

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE C/CAG CHAIR TO EXECUTE A CONTRACT WITH RICONDO & ASSOCIATES, INC. FOR AIRPORT LAND USE COMPATIBILITY PLANNING PROFESSIONAL SERVICES IN SUPPORT OF THE SAN FRANCISCO INTERNATIONAL AIRPORT COMPREHENSIVE LAND USE PLAN UPDATE FOR A TOTAL NOT TO EXCEED \$46,000

WHEREAS, C/CAG has been designated the Airport Land Use Commission (ALUC) for San Mateo County; and

WHEREAS, the Airport Land Use Commission is responsible for developing Airport Land Use Compatibility Plans (ALUCP) for San Francisco International Airport, San Carlos Airport, and Half Moon Bay Airport; and

WHEREAS, C/CAG has contracted with Jacobs Consultancy/ Ricondo & Associates, Inc. to update the San Francisco International Airport Land Use Compatibility Plan; and

WHEREAS, Upon completion of the Draft Comprehensive Land Use Plan for San Francisco International Airport it is necessary to have a public review process, develop CEQA documentation, and perform on-call project consistency reviews; and

WHEREAS, Ricondo & Associates, Inc. is uniquely qualified as the developer of the Airport Land Use Compatibility Plan for San Francisco International Airport; and

WHEREAS, C/CAG would like to contract with Ricondo & Associates, Inc.;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the Chair is authorized to:

- 1- Execute a contract with Ricondo & Associates, Inc. for Airport Land Use Compatibility Planning professional services in support of the San Francisco International Airport Comprehensive Land Use Plan Update for a total not to exceed \$46,000.
- 2- In accordance with the adopted Procurement Policy the C/CAG Chair shall also have the authority to execute up to a total of \$50,000 for this contract including future amendments.

This contract shall be in a form approved by C/CAG Legal Counsel.

PASSED, APPROVED, AND ADOPTED THIS 9TH DAY OF AUGUST 2012.

Bob Grassilli, Chair

**AGREEMENT BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY
AND
RICONDO & ASSOCIATES, INC.**

This Agreement entered this 9th day of August, 2012, by and between the City/County Association of Governments of San Mateo County, a joint powers agency, hereinafter called "C/CAG" and Ricondo & Associates, Inc., hereinafter called "Contractor."

WITNESSETH

WHEREAS, C/CAG has been designated the Airport Land Use Commission (ALUC) for San Mateo County; and

WHEREAS, the Airport Land Use Commission is responsible for developing Airport Land Use Compatibility Plans (ALUCP) for San Francisco International Airport, San Carlos Airport, and Half Moon Bay Airport; and

WHEREAS, C/CAG has contracted with Ricondo & Associates, Inc. to complete the update the San Francisco International Airport Land Use Compatibility Plan; and

WHEREAS, Upon completion of the Draft Comprehensive Land Use Plan for San Francisco International Airport it is necessary to have a public review process, develop CEQA documentation, and perform on-call project consistency reviews; and

WHEREAS, Ricondo & Associates, Inc., is uniquely qualified as the developer of the Airport Land Use Compatibility Plan for San Francisco International Airport; and

WHEREAS, C/CAG would like to contract with Ricondo & Associates, Inc.;

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

1. Services to be provided by Contractor. In consideration of the payments hereinafter set forth, Contractor agrees to perform the services described in Exhibit A, attached hereto (the "Services"). All Services are to be performed and completed by June 30, 2013.
2. Payments. In consideration of Contractor providing the Services, C/CAG shall reimburse Consultant based on the cost rates set forth in Exhibit A up to a maximum amount of Forty Six thousand dollars (\$46,000) for Services provided during the Contract Term as set forth below. Payments shall be made to contractor monthly based on an invoice submitted by contractor that identifies expenditures and describes services performed in accordance with the agreement. C/CAG shall have the right to receive, upon request, documentation substantiating charges billed to C/CAG.

3. Relationship of the Parties. It is understood that Contractor is an Independent Contractor and this Agreement is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of Independent Contractor.
4. Non-Assignability. Contractor shall not assign this Agreement or any portion thereof to a third party.
5. Contract Term. This Agreement shall be in effect as of August 9, 2012 and shall terminate on June 30, 2013; provided, however, C/CAG may terminate this Agreement at any time for any reason by providing 30 days' notice to Contractor. Termination to be effective on the date specified in the notice. In the event of termination under this paragraph, Contractor shall be paid for all Services provided to the date of termination.
6. Hold Harmless/ Indemnity: Contractor shall indemnify and save harmless C/CAG, its agents, officers and employees from all claims, suits or actions to the extent caused by the negligence, errors, acts or omissions of the Consultant, its agents, officers or employees related to or resulting from performance, or non-performance under this Agreement.

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

7. Insurance: Contractor or any subcontractors performing the services on behalf of Contractor shall not commence work under this Agreement until all Insurance required under this section has been obtained and such insurance has been approved by the C/CAG Staff. Contractor shall furnish the C/CAG Staff with Certificates of Insurance evidencing the required coverage and there shall be a specific contractual liability endorsement extending the Contractor's coverage to include the contractual liability assumed by the Contractor 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. Such Insurance shall include at a minimum the following:

Workers' Compensation and Employer Liability Insurance: Contractor shall have in effect, during the entire life of this Agreement, Workers' Compensation and Employer Liability Insurance providing full statutory coverage.

Liability Insurance: Contractor shall take out and maintain during the life of this Agreement such Bodily Injury Liability and Property Damage Liability Insurance as shall protect C/CAG, 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 operations under this Agreement, whether such

operations be by the Contractor or by any sub-contractor 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.

Required insurance shall include:

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

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 and employees 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 pursuant to this Agreement.

8. Non-discrimination. The Contractor and any subcontractors performing the services on behalf of the Contractor 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.
9. Compliance with All Laws. Contractor shall at all times comply with all applicable laws and regulations, including without limitation those regarding services to disabled persons, including any requirements of Section 504 of the Rehabilitation Act of 1973.
10. Substitutions: If particular people are identified in this Agreement are providing services under this Agreement, the Contractor will not assign others to work in their place without written permission from C/CAG. Any substitution shall be with a person of commensurate experience and knowledge.

11. Sole Property of C/CAG. Work products of Contractor which are delivered under this Agreement or which are developed, produced and paid for under this Agreement, shall be and become the property of C/CAG. Contractor shall not be liable for C/CAG's use, modification or re-use of products without Contractor's participation or for purpose other than those specifically intended pursuant to this Agreement.
12. Access to Records. C/CAG, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Contractor which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcriptions.

The Contractor shall maintain all required records for three years after C/CAG makes final payments and all other pending matters are closed.

13. Merger Clause. This Agreement, including Exhibit A 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 document are not binding. Any subsequent modifications must be in writing and signed by the parties. In the event of a conflict between the terms, conditions or specifications set forth herein and those in Exhibit A attached hereto, the terms, conditions or specifications set forth herein shall prevail.
14. Governing Law. This Agreement shall be governed by the laws of the State of California and any suit or action initiated by either party shall be brought in the County of San Mateo, California.

15. 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: Richard Napier
1 650 599-1420

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

Ricondo and Associates
5314 West 99th Terrace
Overland Park, Kansas 66207
Attention: Mark Johnson
1 913 871-1991

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

Ricondo & Associates, Inc. (Contractor)

By _____
Joseph A. Huy, C.M. _____ Date _____

City/County Association of Governments (C/CAG)

By _____
Bob Grassilli, C/CAG Chair _____ Date _____

C/CAG Legal Counsel

By _____

EXHIBIT A

SCOPE OF SERVICES

Task 1: ALUCP Document - \$9,505

Make changes as necessary from the public outreach process. Develop interim and final document.

Deliverables:

Interim and Final Airport Land Use Compatibility Plan (ALUCP) for San Francisco International Airport

Task 2: CEQA Documentation - \$10,650

Develop appropriate documentation as required under the California Environmental Quality Act (CEQA) for the Airport Land Use Compatibility Plan (ALUCP) for San Francisco International Airport.

Deliverables:

Interim and final documentation as required under the California Environmental Quality Act (CEQA) for the Airport Land Use Compatibility Plan (ALUCP) for San Francisco International Airport.

Task 3: Adoption Meetings -\$12,756

Provide technical and meeting support and attend the Airport Land Use Committee and C/CAG Board Meetings.

Deliverables:

Meeting preparation material, agenda reports, and attendance at the Airport Land Use Committee and C/CAG Board Meetings.

Task 4:ALUCP Project Consistency Reviews - \$13,089

Perform project consistency reviews to the Airport Land Use Compatibility Plan (ALUCP) for the environs of San Francisco International Airport. Task to be done on a time and materials basis. Prior written approval must be provided by C/CAG along with a task scope and cost prior to any work being done on this task. These funds can only be used for consistency reviews

authorized by C/CAG. Under no circumstances can these funds be used to cover overages in tasks 1 through 3. These overages if any will be at the contractor expense.

Deliverables:

C/CAG staff report for project consistency reviews to the Airport Land Use Compatibility Plan (ALUCP) for the environs of San Francisco International Airport.

COST RATE SCHEDULE

Fully loaded rates, including overhead multiplier.

Officer	\$315
Director (Mark Johnson)	\$271
Managing Consultant	\$225
Senior Consultant	\$185
Consultant	\$147
Technical Specialist/Support	\$118

C/CAG AGENDA REPORT

Date: August 9, 2012
To: City/County Association of Governments Board of Directors
From: Richard Napier, Executive Director
Subject: Biennial review of the C/CAG Conflict of Interest Code (COI).
(For further information or questions contact Richard Napier at 599-1420)

RECOMMENDATION

That the C/CAG Board accept the biennial review of the C/CAG Conflict of Interest Code (COI).

FISCAL IMPACT

None.

SOURCE OF FUNDS

Not applicable.

BACKGROUND/DISCUSSION

Per Government Code §87306.5, all local agencies are to review their Conflict of Interest Code biennially to determine if it is accurate or if their code must be amended. The biennial review must be returned to the San Mateo County Assessors – County Clerk - Records Office by September 1st.

The current information for C/CAG is accurate and there is no change required in the agency's code.

ATTACHMENTS

- Conflict of Interest Code City/County Association of Governments of San Mateo County
- Conflict of Interest Code (COI) Biennial Review Notice
- 2012 Local Agency Biennial Notice
- How to Review a Conflict-of-Interest Code
- How to Amend a Conflict-of-Interest Code

CONFLICT OF INTEREST CODE
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO
COUNTY (C/CAG)

The purposes of this Conflict of Interest Code are to provide for the disclosure of investments, real property, income and business positions of designated City/County Association of Governments of San Mateo County (hereinafter referred to as "C/CAG") officials and employees that may be materially affected by their official actions and to provide for the disqualification of designated officials and employees from participation in C/CAG decisions in which they may have a financial interest.

Background

The Political Reform Act of 1974 (Government Code Sections 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, California Code of Regulations Section 18730, which contains the terms of a standard conflict of interest code. This regulation and any amendments thereto may be incorporated by reference by local agencies and, together with the designation of employees and disclosure categories, meets the requirements of the Political Reform Act.

Adoption of Conflict of Interest Code

The terms of Title 2 California Code of Regulations Section 18730 are hereby incorporated by reference and, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the City/County Association of Governments of San Mateo County.

Pursuant to the Political Reform Act and its regulations, all designated officials and employees shall file statements of economic interests with C/CAG, which shall retain a copy and forward the originals to the San Mateo County Clerk, which shall be the filing officer. The San Mateo County Board of Supervisors shall be the code reviewing body.

Subsequent amendments to Title 2 California Code of Regulations Section 18730 duly adopted by the Fair Political Practices Commission, after public notice and hearings, are also incorporated by reference unless C/CAG, within 90 days after the date on which an amendment to Section 18730 becomes effective, adopts a resolution providing that the amendment is not to be incorporated into this Code.

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

List of Designated C/CAG Board Members and Employees,
Description of Financial Disclosure Categories

Each person holding any position listed below must file statements disclosing the kinds of financial interest shown for the identified position. Statements must be filed at the times and on the forms prescribed by law. Failure to file statements on time may result in penalties including but not limited to late fines.

<u>Designated Members or Employee</u>	<u>Disclosure Category</u>
Member	1, 2, 3, 4
Alternate Member	1, 2, 3, 4
Ex Officio Member	1, 2, 3, 4
Executive Director	1, 2, 3, 4
Consultants*	1, 2, 3, 4

*Those consultants who, within the meaning of 2 Ca. Code of Regulations 18701(a)(2) are required to file statements of economic interests, shall do so. During each calendar year, C/CAG shall maintain a list of such consultants for public inspection in the same manner and location as this Conflict of Interest Code. Nothing herein excuses any consultant from any other provision of the Conflict of Interest Code, specifically those dealing with disqualification.

Disclosure Categories

Category 1. A designated official or employee assigned to Category 1 is required to disclose direct or indirect investments in any business entity that may foreseeably be affected materially by any decision made or participated in by the designated official or employee by virtue of his or her position.

Category 2. A designated official or employee assigned to Category 2 is required to disclose interests in any real property that may foreseeably be affected materially by any decision made or participated in by the designated official or employee by virtue of his or her position.

Category 3. A designated official or employee assigned to Category 3 is required to disclose any source of income that may foreseeably be affected materially by any decision made or participated in by the designated official or employee by virtue of his or her position.

Category 4. A designated official or employee assigned to Category 4 is required to disclose any business entity in which the designated official or employee is a director, officer, partner, trustee, employee or holds any position of management that may foreseeably be affected materially by any decision made or participated in by the designated official or employee by virtue of his or her position.



DATE: July 10, 2012
TO: All Filing Officials
FROM: Mark Church, Assessor-County Clerk-Recorder
SUBJECT: **Conflict of Interest Code (COI) Biennial Review Notice**

This is to remind you that Government Code §87306.5 requires each local agency to review its Conflict of Interest Code biennially to determine if it is accurate or, alternatively, if it must be amended. To assist you in making that determination, please review the attached "How to amend a Conflict of Interest Code" and "How to review a Conflict of Interest Code" documents. The attached "2012 Local Biennial Notice" form must be **returned to our office no later than September 1st**. Your agency must review its Conflict of Interest Code and submit a completed notice to:

Juliet Fernandez
San Mateo County Clerk's Office
555 County Center
Redwood City, CA 94063

Our office will then submit the completed notice to the code reviewing body for approval. **Please note that your agency's amended code is not effective until it has been approved.**

Accordingly, we request your agency to:

- a) **Review** its Conflict of Interest Code and, if a change in the agency's code is necessitated by changed circumstances (events such as organizational changes, changes in staff duties and/or titles, the use of consultants and/or interim staff members), **indicate the changes on the notice and return the notice to us no later than September 1st**.
- b) **If a change in the agency's code is necessary**, submit the amended code adopted by your Board to our office within 90 days of the date of the completed notice.
- c) **If no change** in the agency's code is required, indicate this on the notice form and forward it to our office **no later than September 1st**.

Our office also requests that your agency send a ***copy of your most current Conflict of Interest Code*** so that we may update our files.

If you have any questions, please do not hesitate to contact me at (650) 363-4988.

2012 Local Agency Biennial Notice

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

Mailing Address: 555 County Center, 5th Floor, Redwood City, CA 94063

Contact Person: Richard Napier Office Phone No: 650 599-1420

E-mail: rnapier@smcgov.org Fax No: 650 361-8227

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. This agency has reviewed its conflict-of-interest code and has determined that (*Check one box*):

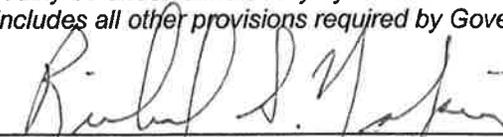
An amendment is required. The following amendments are necessary:
(*Mark all that apply.*)

- Include new positions (including consultants) that must be designated.
- Delete positions that manage public investments from the list of designated positions.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete titles of positions that have been abolished.
- Other (*describe*) _____

No amendment is required.

Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

7/30/12
Date

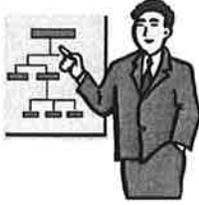
Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than September 1, 2012, to:

**Office of MARK CHURCH
Assessor-County Clerk-Recorder
555 County Center
Redwood City, CA 94063**

Attention: Juliet Fernandez

How to Review a Conflict-of-Interest Code¹

Who is a Designated Employee?



Designate these Positions:

High level positions that have authority to vote on a matter, appoint a person, obligate or commit his or her agency to a course of action, or enter into any contractual agreement on behalf of his or her agency.

Mid-level positions that have authority to negotiate decisions on behalf of the agency, without significant substantive review; or

Positions that advise or make recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion that requires the exercise of judgment on the part of the employee and the employee is attempting to influence the decision.

A designated employee is an officer, employee, member, or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions that may foreseeably have a material effect on his or her financial interest. (*Government Code Section 82019.*)

Who Should Not be Designated?



Do Not Designate these Positions:

- Board of Supervisors
- Chief Administrative Officers
- District Attorneys
- County Counsels
- County Treasurers
- Planning Commissioners
- City Council Members
- Mayors
- City Managers
- City Attorneys
- City Treasurers
- Other city, county, and local agency public officials who manage public investments
- Solely clerical, ministerial, or manual positions
- Unsalaries members of boards or commissions that are solely advisory

Review:

First, eliminate positions outlined above that are not designated employees.

Second, evaluate the remaining employees, committees, officers, or consultants. Top level management personnel are normally broad policy makers and should be designated. Beyond that, read duty statements and talk to supervisors. Each position should be analyzed to determine if it makes decisions. Be sure all positions that have authority to authorize contracts are designated.

Next, review the disclosure categories. Employees should only disclose economic interests that relate to their job. Do not assign the same disclosure to every position as jobs are different. The disclosure category assignments must adequately differentiate between positions.

Contact other cities or counties for examples and guidance. The FPPC also posts model disclosure categories on its website.

Check Duty Statements Review Disclosure Categories



¹ This information sheet should not be used to determine whether an agency is required to adopt a conflict-of-interest code. Contact the FPPC for assistance in making that determination.

How to Amend a Conflict-of-Interest Code

The following are the FPPC's guidelines of the steps necessary to amend a conflict-of-interest code. Additional information may be required depending on the specific amendment. The FPPC's website, www.fppc.ca.gov, has available all of the necessary forms and documents to prepare an amendment. When the code reviewing body is a City Council or Board of Supervisors, contact the local code reviewing body concerning their code amendment procedures.

Non-Substantive Amendments

1. Provide a letter or memorandum describing the positions that have been deleted or renamed.
2. Include a copy of the entire code showing the changes in strikeout/underscore format.
3. Include a declaration by the chief executive officer.

Substantive Amendments

1. Prepare the proposed amendment using strikeout/underscore format.
2. Prepare a Notice of Intention and conduct a public comment period. Multi-county agencies must have a 45-day comment period. Other local agencies must follow the city's or county's requirements. Provide a copy of the notice to:
 - a. Members of the public and to each employee affected by the proposed amendment.
 - b. Multi-county agencies should also forward the notice to the FPPC.
3. Submit to the code reviewing body the proposed code amendment in strikeout/underscore format. Multi-county agencies must provide the following:
 - a. A declaration by the Chief Executive Officer
 - b. A summary of any hearing, including the names and addresses of any participants
 - c. Copies of all written comments
 - d. Written justification for all changes
 - e. The most current organizational chart of the agency
 - f. Job descriptions of all positions being added or whose disclosure category is being changed
 - g. Minutes of the last two agency board meetings, if available

Example strikeout/underscore format

<u>III. PUBLIC WORKS OFFICE</u>	
<u>MAINTENANCE DIVISION</u>	
1. Maintenance Superintendent.....	2
<u>2. Maintenance Supervisor.....</u>	<u>2</u>
2. Asst. Maintenance Superintendent.....	2
3. Senior Equipment Technician.....	3
3. Equipment Services Technician.....	3
<ul style="list-style-type: none">• The Public Works Office became the Maintenance Division.• The Asst. Maintenance Superintendent was reclassified to Maintenance Supervisor.• The Equipment Services Technician position has been deleted.	

C/CAG AGENDA REPORT

Date: August 9, 2012

To: C/CAG Board of Directors

From: Richard Napier, Executive Director

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

(For further information or questions contact Richard Napier at 599-1420 or Sandy Wong at 599-1409)

RECOMMENDATION

That the C/CAG Board of Directors receive legislative update and consider taking positions on legislative related items that may be recommended by the Legislative Committee, including but not limited to the League of California Cities Resolution requesting consideration of suspension of implementation or revision of the California Global Warming Solutions Act (AB 32 of 2006).

FISCAL IMPACT

Unknown.

SOURCE OF FUNDS

NA.

BACKGROUND/DISCUSSION

The League of California Cities will be voting on a Resolution at their September 7, 2012 Annual Conference requesting suspension of implementation or revision of the California Global Warming Solutions Act (AB 32 of 2006). That Resolution would encourage the existing 482 California cities to adopt resolutions requesting a suspension of the implementation of some, if not all, the regulations promulgated under the California Global Warming Solution Act (AB 32 of 2006) until such time as the legal and regulatory inconsistencies can be resolved. Details are as shown in the attachment.

ATTACHMENTS

- League of California Cities proposed Resolution + League of California Staff Analysis
- State Legislative Update (July) from Advocation and Shaw/Yoder/Antwih

4. RESOLUTION REQUESTING CONSIDERATION OF SUSPENSION OF IMPLEMENTATION OR REVISION OF THE CALIFORNIA GLOBAL WARMING SOLUTIONS ACT (AB 32 of 2006)

Source: City of Needles

Referred to: Environmental Quality Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, in 2006 the California Legislature adopted the California Global Warming Solutions Act, commonly referred to as AB 32 (Health & Safety Code §§38500 et seq.); and

WHEREAS, AB 32 aims to reduce California's greenhouse gas emissions (GHGs) to 1990 levels by 2020 (Health & Safety Code §38550) and to 80 percent below 1990 levels by 2050; and

WHEREAS, the California Air Resources Board (CARB) is the government agency charged with determining how the AB 32 goals will be reached (Health & Safety Code §38510); and

WHEREAS, CARB's implementation of AB32 aims to reduce California's GHG emissions by 169 million metric tons of carbon dioxide equivalent (MMTCO₂E) through a variety of strategies, including sector-specific regulations, market mechanisms, voluntary measures, fees, incentives and other policies and programs; and

WHEREAS, there are portions of the state that have been designated as nonattainment for the national ambient air quality standards (NAAQS) for Ozone and PM, nonattainment for state ambient air quality standards (SAAQS) for Ozone, PM, Sulfates and Hydrogen Sulfide, and identified by CARB pursuant to as overwhelmingly impacted by transported air pollution from upwind air basins; and

WHEREAS, areas designated nonattainment are mandated under the provisions of the Federal Clean Air Act (FCAA) to require pursuant to New Source Review (NSR) rules, Best Available Control Technology (BACT) and offsetting emissions reductions (Offsets) on major new or modified stationary sources of those nonattainment air pollutants and their precursors (42 U.S.C. §§7502(c)(5), 7503) regardless of whether or not the area so designated has any control or not over the pollution causing the nonattainment finding; and

WHEREAS, the United States Environmental Protection Agency (USEPA) has requested that a program be developed to implement the Prevention of Significant Deterioration (PSD) which will require additional analysis for new or modified sources of attainment pollutants including but not limited to greenhouse gases, which will also necessitate emissions reductions and BACT in some cases for attainment pollutants; and

WHEREAS, due in part to the limited number of existing sources of air pollutants and the overwhelming impact of transport some or a majority of the cities have few if any available emissions reductions available to provide such offsets; and

WHEREAS, many technologies used to attain BACT levels of air pollution control are based upon the combustion of fossil fuels which also causes emissions of GHGs; and

WHEREAS, there are a variety of Federal regulations promulgated and proposed by the USEPA regarding greenhouse gasses that have the potential to conflict both directly and in their implementation with regulatory measures to implement AB32 as adopted and proposed by CARB; and

WHEREAS, there are a variety of other mandates and regulations at the State level (municipal waste diversion, renewable energy mandate etc.) which have the potential to conflict both directly and in due to their implementation with regulatory measures to implement AB32 as adopted and proposed by CARB; and

WHEREAS, such conflicts severely impede the cities or state as well as regulated industry efforts to comply with both the applicable Federal regulations and regulations implementing AB32; and

WHEREAS, the existing and proposed regulations on both the State and Federal level result in an overall regulatory structure that is inconsistent and confusing making it virtually impossible or incredibly slow to start any new large scale projects within the State at a time where California infrastructure and its economy are in most need of refurbishment; and

WHEREAS, the existing and proposed regulations and unclear guidelines will also make it more difficult for smaller, pollution transport impacted air districts like the MDAQMD, to properly implement and enforce the regulations;

NOW, THEREFORE, BE IT RESOLVED, by the General Assembly of the League of California Cities assembled at the Annual Conference in San Diego, September 7, 2012, that the League encourages the existing 482 California cities to adopt resolutions requesting a suspension of the implementation of some, if not all, the regulations promulgated under the California Global Warming Solutions Act (AB 32 of 2006) until such time as the legal and regulatory inconsistencies can be resolved; and

BE IT FURTHER RESOLVED, that California cities request the California Air Resources Board and other applicable state agencies examine the impact of the regulations promulgated pursuant to AB 32 and for potential direct and indirect conflict with other existing regulations at both the State and Federal level including but not limited to the potential for gains in one area to jeopardize progress in another; and

BE IT FURTHER RESOLVED, that California cities request the California Air Resources Board and other applicable state agencies examine the overall economic impact of the regulations promulgated pursuant to AB 32 and their interaction with other existing regulations with emphasis upon the potential for job and other economic activity "flight" from California; and

BE IT FURTHER RESOLVED, that California cities request the State of California by and through its Governor, Legislature, and applicable state agencies should encourage the resolution of internal conflicts between and among existing Federal programs by supporting items including but not limited to: reopening the Federal Clean Air Act, New Source Review Reform, and efforts to regulate GHGs under a comprehensive Federal program.

//////////

League of California Cities Staff Analysis on Resolution No. 4

Staff: Kyra Ross, Legislative Representative, (916) 658-8252
Committee: Environmental Quality Policy Committee

Summary:

This resolution encourages California cities to:

- 1.) Adopt resolutions requesting the suspension of the implementation of some, if not all, the regulations promulgated under the California Global Warming Solutions Act (AB 32) until such time as the legal and regulatory inconsistencies can be resolved;
- 2.) Asks cities to request the California Air Resources Board (CARB) and other applicable state agencies examine the impact of the regulations promulgated pursuant to AB 32, and for potential conflict with other existing regulations at both the State and Federal level including, but not limited to, the potential for gains in one area to jeopardize progress in another; and,
- 3.) Asks cities to request the CARB and other applicable state agencies examine the overall economic impact of the regulations promulgated pursuant to AB 32 and their interaction with other existing regulations with emphasis upon the potential for job and other economic activity “flight” from California; and,
- 4.) Asks cities to request the State to encourage the resolution of internal conflicts between and among existing Federal programs by supporting items, including but not limited to:
 - a. Reopening the Federal Clean Air Act;
 - b. New Source Review Reform; and,
 - c. Efforts to regulate greenhouse gas emissions under a comprehensive federal program.

Background:

AB 32 passed in 2006 and requires the State to reduce greenhouse gas emissions to 1990 levels by 2020. As the implementing agency, CARB developed and passed a Scoping Plan in 2008, outlining emission reduction measures to help the state meet its statutory reduction of greenhouse gas emissions. Since 2008, a number of measures outlined in the Scoping Plan have been implemented. Measures of interest to cities include: voluntary local government 15% reduction in greenhouse gas emissions; regional transportation-related greenhouse gas targets; landfill methane control; and green building codes.

At the same time, many of California’s 15 air basins are facing ongoing challenges to meeting federal air quality standards. It’s important to note that regulation of air quality in California is separated into two levels of regulation. CARB regulates air pollution from cars, trucks, buses and other sources, often referred to as “mobile sources”. Local air districts regulate businesses and industrial facilities. Local air districts are the bodies that regulate ozone, PM 2.5 and PM 10. Ground level ozone (ozone), more commonly referred to as smog, is a pollutant that forms on hot summer days (not to be confused with the ozone that forms in the upper atmosphere or stratosphere). Ozone is not directly emitted by one source but comes from a combination of volatile organic compounds and nitrogen oxides. In the presence of sunlight, especially on hot summer days, this mixture forms ozone. Particulate Matter (PM) is made up of fine solid or liquid such as dust, fly ash, soot, smoke, aerosols, fumes, mists, and condensing vapors. US EPA has set health based standards for particles smaller than 10 microns (PM 10) and particles smaller than 2.5 microns (PM 2.5). When these particles become airborne, they can be suspended in the air for long periods of time. Both PM 10 and PM 2.5 have been determined to cause serious adverse health effects.

According to an April 2012 report by the California Air Pollution Control Officer’s Association “California’s Progress Toward Clean Air”:

- *Despite significant improvements, air quality remains a major source of public health concern in large metropolitan areas throughout California. The San Joaquin and South Coast Air Basin*

continue to face significant challenges in meeting the federal health-based standards for ozone and fine particles, despite their regional and state-level controls on mobile and stationary sources that are the most stringent in the nation. In 2007, both regions sought extension for meeting the 1997 8-hour federal ambient air quality standard for ozone. A comparable challenge faces each region with respect to attainment of the 1997 PM2.5 standard. Due to continued progress in health research, the federal EPA lowered the ambient concentration for the 8-hour ozone and 24-hour PM 2.5 standards in 2008 and 2006, respectively. The net effect of these stricter standards is to raise the performance bar for California air basins. This will extend the timeframe for attainment in highly polluted regions as well as increase the number of basins with non-attainment status. Challenges also exist for air districts across California who are in attainment with the federal standards, as they continue to strive for attainment of the State's health-based ozone and PM standards, which are more stringent than the standards adopted by the US EPA.

According to the Sponsor, areas designated nonattainment are mandated under the provision of the federal Clean Air Act to require (pursuant to New Source Review Rules) Best Available Control Technology (BACT) and offsetting emissions reduction on major new or modified stationary sources of those nonattainment air pollutants and their precursors regardless of whether or not the area so designated has any control and not over the pollution causing the nonattainment finding.

The Sponsor also notes that there are a variety of other mandates and regulations at the state level that have the potential to conflict both directly and indirectly with the implementation of AB 32 measures being proposed and implemented by CARB. Two measures pointed out by the Sponsor are the existing mandate for local jurisdictions to divert 50% of solid waste from landfills (Public Resources Code 41780) and the state Renewable Portfolio Standard (RPS) that requires all retail sellers (Investor Owned Utilities, electric service providers, and community choice aggregators) and all publicly owned utilities to procure at least 33% of electricity delivered to their retail customers from renewable resources by 2020.

Fiscal Impact:

Unknown. No direct fiscal impact to city general funds.

Existing League Policy:

Specific to this Resolution, existing policy states:

Air Quality

- The League believes cities should have the authority to establish local air quality standards and programs that are stricter than state and federal standards. The League opposes efforts to restrict such authority.
- The League opposes legislation redirecting the funds authorized by Health and Safety Code Section 44223, which are currently used by local governments for locally based air quality programs.
- The League opposes air quality legislation that restricts the land use authority of cities.

Climate Change

- The League recognizes that climate change is both immediate and long term, with the potential for profound environmental, social and economic impacts to the planet and to California.
- Through the Global Warming Solutions Act of 2006 (AB 32 (Nuñez) Chapter 488, Statutes of 2006) California has embarked on a plan that requires the reduction of greenhouse gas emissions to 1990 levels by 2020. Although uncertainty remains about the pace, distribution and magnitude of the effects of climate change, the League recognizes the need for immediate actions to mitigate the sources of greenhouse gas emissions and has adopted the following principles:
 1. Action Plans for Mitigating Greenhouse Gas Emissions. Encourage local governments to complete

an inventory of greenhouse gas emissions, set appropriate reduction targets, and create greenhouse gas emission reduction action plans.

2. Smart Growth. Consistent with the League's Smart Growth policies, encourage the adoption of land use policies designed to reduce sprawl, preserve open space, and create healthy, vibrant, and sustainable communities.
3. Green Technology Investment Assistance. Support tax credits, grants, loans and other incentives to assist the public, businesses, and local agencies that invest in energy efficient equipment and technology, and fuel efficient, low emission vehicles.
4. Energy and Water Conservation and Efficiency. Encourage energy efficiency, water efficiency, and sustainable building practices in new and existing public, residential and commercial buildings and facilities. This may include using the U.S. Green Building Council's LEED program or similar systems.
5. Increase the Use of Clean Alternative Energy. Promote the use and purchase of clean alternative energy through the development of renewable energy resources, recovery of landfill methane for energy production and waste-to-energy technologies.
6. Reduction of Vehicle Emissions in Public Agency Fleets. Support the reduction of vehicle emissions through increased fuel efficiency, use of appropriate alternative fueled vehicles, and/or low emission vehicles in public agency fleets. Encourage the use of appropriate alternative fueled vehicles, and/or low emission vehicles in private fleets.
7. Climate Change Impacts. Encourage all levels of government to share information to prepare for climate change impacts.
8. Coordinated Planning. State policy should encourage and provide incentive for cities to coordinate and share planning information with neighboring cities, counties, and other governmental entities so that there are agreed upon regional blueprints and strategies for dealing with greenhouse gas emissions.
9. Water Supply for New Development. Encourage exchange of water supply information between state and local agencies, including information on the impacts of climate change on state and local water supplies.
10. Recycles Content and Green Purchasing Policies. Encourage the adoption and implementation of recycled content and green procurement policies, if fitness and quality are equal, including the adoption of an Environmental Management System and authorization of local agencies to consider criteria other than only cost in awarding contracts for services.

Additionally, the League's Mission Statement is "to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians."

Finally, the League's Strategic Priorities for 2012, as adopted by the League Board of Directors, include:

In addition, the Strategic Priorities for 2012, as adopted by the League Board of Directors, are to:

1) Support Sustainable and Secure Public Employee Pensions and Benefits: Work in partnership with state leaders and other stakeholders to promote sustainable and secure public pensions and other post-employment benefits (OPEBs) to help ensure responsive and affordable public services for the people of our state and cities.

2) Promote Local Control for Strong Cities: Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues,

land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.

3) Build Strong Partnerships for a Stronger Golden State: Collaborate with other public and private groups and leaders to reform the structure and governance, and promote transparency, fiscal integrity, and responsiveness of our state government and intergovernmental system.



ADVOCATION



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

July 30, 2012

TO: Board Members, City/County Association of Governments, San Mateo County
FROM: Advocation, Inc. – Shaw / Yoder / Antwih, Inc.

RE: STATE LEGISLATIVE UPDATE- JULY

On June 27, Governor Brown signed AB 1464 (Committee on Budget), which contains the 2012-13 State Budget and closes a \$15.7 billion deficit, \$8.2 billion of which is a structural deficit.

In order to address the shortfall, the budget contains \$16.7 billion in solutions (including a \$1 billion reserve) as follows:

- 50% (\$8.3 billion) from making various cuts to education and health and human services, scoring savings from the elimination of redevelopment agencies, and reduced compensation for state employees, and;
- 35% (\$5.9 billion) from the imposition of temporary taxes which includes increasing the personal income tax for seven years on income earners making over \$250,000 and a ¼ percent sales tax for four years. The taxes would be placed on this November's ballot, and;
- 15% (\$2.5 billion) from loan repayment extensions, transfers and loans from special funds, and additional weight fee revenue, among other things.

The tax proposals will include trigger cuts of \$6.1 billion that would go into effect in January 1, 2013 if the measures fail. This includes a reduction of \$5.5 billion for schools and community colleges, \$250 million each to the University of California and California State University, and a variety of reductions for public safety programs.

The legislature voted on AB 1464, and subsequent trailer bills, on June 15 but waited until July 6th to complete business on trailer bills on important issues such as redevelopment and high-speed rail.

Impact on Transportation

Overall, the budget does not make any major changes to funding for transportation or public transit from the January budget, with the exception of:

- Using \$705,000 in Public Transportation Account funding (non-State Transit Assistance program) to enable Caltrans to work with the High-Speed Rail Authority (HSRA) and other local and regional rail operators to improve service on Northern California intercity rail lines, consistent with the blended system presented in HSRA's revised 2012 Business Plan, and;
- A reduction to Caltrans of capital outlay support and 330 positions in 2012-13 due to ramping down work on the federal American Recovery and Reinvestment Act funds.
- Diversion of \$130 million off-highway gas tax revenue (non-Article XIX) funds to the General Fund rather than HUTA (SB 1006).

Impact on State Transit Assistance Program Funding

As reported in January, the original 2010 gas tax swap and subsequent reenactment in 2011 (with a 2/3 vote of the legislature) both reinstated but made the State Transit Assistance (STA) program solely reliant upon the sales tax on diesel (both the historic 4.75% base rate and the new add-on rate from the gas tax swap, which is scheduled to be 2.17% for FY 12-13). Given that the consumption of diesel fuel is volatile; our remaining core STA program revenue source is subject to wild swings.

The STA program which was estimated to be \$416 million for FY 11-12 in the Governor's original FY 11-12 budget, but was adjusted down to \$376 million, is a prime example of the volatility.

On the other hand, the Administration estimated in January of this year that STA for FY 12-13 would be \$420 million. On May 14, the Department of Finance (DOF) confirmed their estimate is still \$420 million for FY 12-13.

We will continue to work with DOF, Board of Equalization, and State Controller's Office to monitor quarterly receipts of the sales tax on diesel, and ensure that actual allocations match actual consumption and revenue estimates.

Proposition 1A-High Speed Rail Funding

The HSRA is responsible for the development and construction of a high-speed passenger train service between San Francisco and Los Angeles/Anaheim (Phase I), with extensions to San Diego and Sacramento and points in-between (Phase II). Proposition 1A, enacted in November 2008, authorizes \$9 billion in bond proceeds for the rail lines and equipment, and an additional \$950 million for state and local feeder lines. The federal government also has awarded the Authority a \$3.3 billion grant, most of which has been designated to fund portions of the project in the Central Valley.

On April 2, the HSRA released its revised Business Plan. The latest version calls for a \$68.4 billion investment (down from the \$98.5 billion proposed in November) to build the high-speed train network. It recommends making substantial investments in the San Francisco Bay Area / Peninsula corridor, as well as in Southern California, in order to modernize the existing transit infrastructure in "the bookends" – to improve the current systems and prepare for linkage to a high-speed rail system in the future.

The DOF recommended that the \$819 million in remaining Proposition 1A connectivity funding be appropriated for the first time (for non-positive train control projects), but they have conditioned that the revenue will only be available if \$5.8 billion in funding for the Central Valley (which includes a \$3.3 billion in federal funding) is appropriated concurrently.

In May, we convened the second meeting between all our rail transit agencies and key Administration and HSRA leaders, for the purposes of ensuring that these appropriations, should the legislature approve them, are sustained by Governor Brown (similar appropriations had been vetoed each of the last two years).

On July 6th, the legislature approved SB 1029, which appropriates funding for high-speed rail. The appropriation includes \$6 billion for the Central Valley (\$3.3 billion of which is a federal grant), \$1.1 billion for the "bookends", primarily Caltrain and Metrolink and \$819 million for connectivity project funding (including \$106 million for intercity rail) for the 11 recipients identified in the list approved by the California Transportation Commission (CTC) on June 27th.

As a result, Caltrain will receive \$1.1 billion in Proposition 1A funding to use with local match dollars (\$1.428 billion total) to electrify its system along its existing right-of-way, implement positive train control, and purchase new rail cars. The improvements would be completed by 2019, a full 12 years before high-speed rail service is being contemplated in the area. Electrification will allow for member agencies to reduce their operating costs in half while increasing service from 45,000 to 70,000 riders per day.

CTC Meeting

We are pleased to report that San Mateo will be hosting the California Transportation Commission for its September 26-27 meeting. Your advocacy team is working with Caltrain, SamTrans, and SMCTA staff on making the event a success.

Key Bills

1. AB 1780 (Bonilla) assigns responsibilities, including cost-sharing responsibilities between local transportation planning agencies and Caltrans, for completion of project study reports (PSRs), or equivalent planning documents. It also directs Caltrans to review and approve PSRs or equivalent planning documents that are prepared by other entities for projects on the State Highway System. Mandates that, for state highway projects that are in an adopted regional transportation plan, a voter-approved county sales tax measure expenditure plan, or other voter-approved transportation program, Caltrans is to review and approve the PSR or equivalent planning document at its own expense; for other projects, Caltrans's costs for review and approval of the PSRs or equivalent planning documents are to be paid by the entity performing the work.

PSRs and equivalent planning documents (referred to collectively as project initiation documents, or PIDS) are used to document the initial stages of a project's development. They contain specific information related to a project idea such as the identification of the transportation problem that is to be addressed, an evaluation of potential alternatives to address the problem, and the justification and description of the preferred solution. Each PSR also includes the estimated cost, scope, and schedule of the project-information needed to decide if, how, and when to fund the project. Existing law requires PSRs to be completed before a project can be included in an adopted STIP and the California Transportation Commission (CTC) administratively requires PSRs for projects to be included in the State Highway Operation and Protection Program.

Caltrans' efforts related to preparing and providing oversight for PIDS, including development of PSRs, have come under scrutiny in the last couple of years, focused largely on a significant over-production of PIDs and resultant wasteful costs. Much of the scrutiny was as a result of the Legislative Analyst's Office (LAO) budget analyses that identified deficiencies in the program, including (in addition to the over-production issue) a lack of any cost-sharing arrangements with other agencies for the development of PIDs. As a result, the Legislature requested Caltrans to collaborate with external stakeholders to identify ways to improve the project initiation process, including consideration of potential cost-sharing arrangements and a streamlined PID process.

Caltrans responded to LAO's concerns and recommendations by working with local agencies and the CTC to streamline PIDs. These efforts sought to ensure that PSRs did not include more information than was prudent to collect at the beginning stages of a project's development and that PSRs were not being done for more projects than could reasonably be expected to be developed.

Budget discussions are continuing this year and continue to focus on: 1) identifying the appropriate source of funding for PSRs and other planning documents; and 2) resolving the appropriate content and scope of these documents. Previous attempts by the Legislature to ensure that Caltrans be responsible for costs for locally-sponsored state highway projects

have been twice vetoed by the Governor, who directed, instead, that Caltrans' costs for the work be reimbursed by local agencies.

This bill is set for hearing on August 6th in the Senate Appropriations Committee.

2. SB 1339 (Yee) authorizes the Metropolitan Transportation Commission (MTC) and the Bay Area Air Quality Management District (BAAQMD) to jointly adopt a commute benefit ordinance that requires covered employers operating within the common area of the 2 agencies with an average of 50 employees per week to offer those employees certain commute benefits.

Last year, MTC and BAAQMD sponsored similar legislation (SB 582) for purposes of authorizing a metropolitan planning organization (MPO), in conjunction with the local air quality management district, to adopt a regional commute benefit requirement, for businesses of 20 or more. SB 1339 raises the threshold to apply to companies/businesses that employ 50 people. The intent of the bill is to help reduce congestion, cut air pollution, and achieve the mandated transportation-related greenhouse gas reduction targets adopted by the Air Resources Board (ARB) in 2010, consistent with Senate Bill 375 (Steinberg, 2008).

The bill is on the Governor's desk awaiting a signature.

3. SB 843 (Wolk) establishes a new business model that would allow developers of renewable projects to sell electricity to customers of Investor Owned Utilities (IOUs) in the City of Davis.

The bill is awaiting a hearing in the Assembly Appropriations Committee.

C/CAG AGENDA REPORT

Date: August 9, 2012

To: City/County Association of Governments Board of Directors

From: Richard Napier, Executive Director

Subject: Receive an overview of the OneBayArea Grant (OBAG) - Cycle 2 adopted by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG).

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

RECOMMENDATION

That the Board receive an overview the OneBayArea Grant (OBAG) - Cycle 2 adopted by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG).

FISCAL IMPACT

Not applicable.

SOURCE OF FUNDS

OBAG is composed of three fund sources, Surface Transportation Program (STP), Congestion Mitigation and Air Quality (CMAQ), and State Transportation Improvement Program-Transportation Enhancement (STIP-TE) funds.

BACKGROUND/DISCUSSION

On May 17, 2012 the joint Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) adopted Resolution No. 4035 outlining the "OneBayArea Grant. OBAG is composed of three fund sources, Surface Transportation Program (STP), Congestion Mitigation and Air Quality (CMAQ), and State Transportation Improvement Program-Transportation Enhancement (STIP-TE) funds.

For San Mateo County, there will be approximately the following amounts of federal funds:

- \$8 million – Surface Transportation Program (STP)
- \$13 million - Congestion Mitigation and Air Quality (CMAQ)
- \$2 million - State Transportation Improvement Program-Transportation Enhancement (STIP-TE)

Note: Federal Safe Routes to School Funds are not part of OBAG.

ITEM 6.2.1

Highlights of the MTC/ABAG adopted proposal:

- For our county, 70% of all funds must be spent in Priority Development Areas (PDAs).
- Projects can count towards a PDA if it connects or provides proximate access to a PDA.
- To address PDAs, pedestrian and bike project eligibility will be expanded to not be limited to the regional bike network.
- Minimum grant size for this county is \$250,000.
- Each jurisdiction will have to identify a single point of contact for the implementation of all FHWA projects from inception to project close-out.
- An additional year has been added to the overall program which spans from FY2012/13 to FY 2015/16.
- Obligation deadlines will be moved up from April 30 to March 31 of the program year. This will result in the submission deadline moving up from February 1 to January 1 of the program year.

Surface Transportation Program (STP) – Issues that pertain to C/CAG

On February 2010, the C/CAG Board adopted a funding commitment for Local Streets and Roads that included both Cycle 1 and Cycle 2 Surface Transportation Program (STP) funds. Approximately \$6 million was committed under the MTC Cycle 2 framework. At that time, the C/CAG Cycle 2 commitment was approved by MTC staff. Also, at that time, the OBAG eligibility requirements (e.g. projects must be in PDAs, jurisdictions must adopt complete streets resolutions, and jurisdictions must have a Housing and Community Development (HCD) certified housing element) did not exist.

Under OBAG, Federal STP funds have been increased for Cycle 2 however; the MTC framework for Cycle 2 has been changed to a new program called OBAG, and new eligibility requirements, detailed below, have been added.

Staff is proposing a fund exchange with the San Mateo County Transportation Authority (SMCTA). This fund exchange is detailed in a following staff report.

Congestion Mitigation and Air Quality (CMAQ)

There will be approximately \$13 million available in CMAQ funds for the remaining OBAG eligible project types that are also eligible under CMAQ. These project types consist of bicycle /pedestrian improvements and transportation for livable communities. It is expected that nearly all of the available funds must be for projects located in, directly connecting, or providing proximate access to a Priority Development Areas (PDA).

C/CAG staff will convene a technical working group to develop a call for projects this summer and expects to issue a call for projects this fall/winter.

Per the OBAG “PDA Investment & Growth Strategy” detailed below, staff must develop evaluation criteria for projects that place an emphasis on supporting projects in PDAs with high housing growth, projects that support multi-modal access, projects located in Communities of Concern (COC), projects in affordable housing PDAs, and projects in PDAs that overlap with Air District “Community Air Risk Evaluation (CARE)” Communities.

State Transportation Improvement Program-Transportation Enhancement (STIP-TE)

Approximately \$2 mil expected in in STIP-TE funds will be directed towards the San Mateo County Transit District’s (SamTrans) effort to construct a “Grand Boulevard” project on the El Camino Real. This funding commitment was approved by the Board on June 9, 2011.

Eligibility Requirements

In order to be eligible for any funding related to the OneBayArea grant, a jurisdiction must comply with the following requirements:

Complete Street Requirements

- Cities must adopt a complete street policy resolution no later than January 31, 2013, in compliance with MTC “Complete Streets Required Elements” (See attachment). A jurisdiction can also meet this requirement through a general plan that complies with the California Complete Streets Act of 2008. In next funding cycles the general plan adoption will be an eligibility requirement.

Housing Element Requirement

- A jurisdiction is required to have its general plan housing element adopted and certified by the California Department of Housing and Community Development (HCD) for 2007-14 RHNA prior to January 31, 2013. If a jurisdiction submits its housing element to the state on a timely basis for review, but the State's comment letter identifies deficiencies that the local jurisdictions must address in order to receive HCD certification, then the jurisdiction may submit a request to the Joint MTC Planning / ABAG Administrative Committee for a time extension to address the deficiencies and resubmit its revised draft housing element to HCD for re-consideration and certification.

Growth Strategy

As part of the OBAG guidelines (Resolution No. 4035, Appendix A-6) MTC requires that C/CAG develop a “PDA Investment & Growth Strategy”. This requirement is to ensure that C/CAG has a priority-setting process for OBAG funding that supports and encourages development in the region’s Priority Development Areas (PDAs). This guideline requires that

C/CAG stay apprised of land use planning efforts throughout the county and to follow up with jurisdictions including but not limited to some of the following:

- Encourage local agencies to quantify infrastructure needs and cost as part of their planning process.
- Ensure that regional policies are addressed in local agencies PDA plans.
- Analyze the progress that jurisdictions have made in implementing their RHNA housing element objectives.
- Identify local jurisdiction housing policies that encourage affordable housing production and or community stabilization.
- Assess local performance in producing sufficient housing for all income levels through the RHNA process.
- Develop evaluation criteria for OBAG projects that place an emphasis on supporting projects in PDAs with high housing growth, projects that support multi-modal access, projects located in Communities of Concern (COC), projects in affordable housing PDAs, and projects in PDAs that overlap with Air District “Community Air Risk Evaluation (CARE)” Communities.

Public Outreach

Per OBAG guidelines (Resolution No. 4035, Appendix A-5), MTC requires that C/CAG perform public outreach and local engagement to solicit candidate project for inclusion in the OBAG program. This outreach must be consistent with MTC’s Public Participation Plan.

C/CAG will be expected to inform stakeholders and the public about the opportunities for public comment on project ideas and to “assist” community –based organizations, communities of concern, and any other underserved community interested in having project submitted for funding.

To comply with outreach requirements, C/CAG plans on utilizing committee and board meetings to allow for public input. Staff also intends to perform additional outreach in the form of informational mailings to community based organizations. C/CAG may also hold a public workshop to inform the public of funding opportunities and to solicit project ideas as needed to adhere to MTC outreach policy.

As C/CAG is not a potential project sponsor, staff may need to direct/ refer any public entities, with project ideas, to partner with a local jurisdiction (Cities/ County).

ATTACHMENTS

1. MTC Complete Streets Required Elements
2. Resolution No. 4035, Appendix A-5
3. Resolution No. 4035, Appendix A-6

Elements Required of a Complete Streets Resolution to Comply with the One Bay Area Grant
(Revised July 1, 2012)

To receive funding through the OneBayArea Grant (OBAG) program, a jurisdiction must have either updated its General Plan to comply with the Complete Streets Act of 2008 or adopted a Complete Streets Resolution that incorporates all nine of the following elements.

Complete Streets Principles

1. **Serve all Users** - All transportation improvements will be planned, designed, constructed, operated and maintained to support safe and convenient access for all users, and increase mobility for walking, bicycling and transit use, wherever possible while promoting safe and accessible operations for all users.
2. **Context Sensitivity** – The planning and implementation of transportation projects will reflect conditions within and surrounding the project area, whether the area is a residential or business district or urban, suburban or rural. Project planning, design and construction of complete streets projects should include working with residents and merchants to ensure that a strong sense of place is maintained.
3. **Complete Streets in all Departments** – All departments in the jurisdiction whose work affects the roadway must incorporate a complete streets approach into the review and implementation of their projects and activities. Potential Complete Streets opportunities could apply to projects such as, transportation projects, road rehabilitation, new development, utilities, etc.
4. **All Projects/Phases** - The policy will apply to all roadway projects including those involving new construction, reconstruction, retrofits, repaving, rehabilitation, or changes in the allocation of pavement space on an existing roadway, as well as those that involve new privately built roads and easements intended for public use.

Implementation

5. **Plan Consultation** –Any proposed improvements should be evaluated for consistency with all local bicycle, pedestrian and /or trans plans and any other plans that affect the right of way should be consulted for consistency with any proposed improvements.
6. **Street Network/Connectivity** - The transportation system should provide a connected network of facilities accommodating all modes of travel. This includes looking for opportunities for repurposing rights-of-ways to enhance connectivity for cyclists, pedestrians and transit users. A well connected network should include non-motorized connectivity to schools, parks, commercial areas, civic destinations and regional non-motorized networks on both publically owned roads/land and private developments (or redevelopment areas).

7. **BPAC Consultation** - Input shall be solicited from local bicycle and pedestrian advisory committees (BPACs) or similar advisory group in an early project development phase to verify bicycling and pedestrian needs for projects. (MTC Resolution 875 requires that cities of 10,000 or more create and maintain a BPAC or rely on the county BPAC to receive TDA-3 funds.)
8. **Evaluation** – City will establish a means to collect data and indicate how the jurisdiction is evaluating their implementation of complete streets policies. For example tracking the number of miles of bike lanes and sidewalks, numbers of street crossings, signage etc.

Exceptions

9. **Process**– Plans or projects that seek exemptions from the Complete Streets approach outlined in prior sections must provide written finding of why accommodations for all modes were not included in the project. The memorandum should be signed off by the Public Works Director or equivalent high level staff person. Plans or projects that are granted exceptions must be made publically available for review.

Federal guidance on exceptions can be found from the Federal Highway Administration (FHWA) Accommodating Bicycle and Pedestrian Travel

http://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/design_guidance/design.cfm

Attachment B:
Sample MTC Complete Streets Sample Resolution
for Bay Area Cities and Counties

ChangeLab Solutions & MTC
<http://changelabsolutions.org/>

Resolution No. _____

**A RESOLUTION OF THE [City Council/Board of Supervisors] OF THE
[Jurisdiction] ADOPTING A COMPLETE STREETS POLICY**

WHEREAS, the term “Complete Streets” describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth, and families [*insert other significant local users if desired, e.g. drivers of agricultural vehicles, emergency vehicles, or freight*];

WHEREAS, [Jurisdiction] acknowledges the benefits and value for the public health and welfare of reducing vehicle miles traveled and increasing transportation by walking, bicycling, and public transportation;

WHEREAS, [Jurisdiction] recognizes that the planning and coordinated development of Complete Streets infrastructure provides benefits for local governments in the areas of infrastructure cost savings; public health; and environmental sustainability;

WHEREAS, the State of California has emphasized the importance of Complete Streets by enacting the California Complete Streets Act of 2008 (also known as AB 1358), which requires that when cities or counties revise general plans, they identify how they will provide for the mobility needs of all users of the roadways, as well as through Deputy Directive 64, in which the California Department of Transportation explained that it “views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation system”;

WHEREAS, the California Global Warming Solutions Act of 2006 (known as AB 32) sets a mandate for the reduction of greenhouse gas emissions in California, and the Sustainable Communities and Climate Protection Act of 2008 (known as SB 375) requires emissions reductions through coordinated regional planning that integrates transportation, housing, and land-use policy, and achieving the goals of these laws will require significant increases in travel by public transit, bicycling, and walking;

WHEREAS, numerous California counties, cities, and agencies have adopted Complete Streets policies and legislation in order to further the health, safety, welfare, economic vitality, and environmental well-being of their communities;

WHEREAS, [Jurisdiction] therefore, in light of the foregoing benefits and considerations, wishes to improve its commitment to Complete Streets and desires that its streets form a comprehensive and integrated transportation network promoting safe, equitable, and convenient travel for all users while preserving flexibility, recognizing community context, and using the latest and best design guidelines and standards;

NOW, THEREFORE, BE IT RESOLVED, by the [City Council/Board of Supervisors] of [Jurisdiction], State of California, as follows:

1. That the [Jurisdiction] adopts the Complete Streets Policy attached hereto as Exhibit A, and made part of this Resolution, and that said exhibit is hereby approved and adopted.

2. That the next substantial revision of the [Jurisdiction] General Plan circulation shall incorporate Complete Streets policies and principles consistent with the California Complete Streets Act of 2008 (AB 1358) and with the Complete Streets Policy adopted by this resolution.

PASSED AND ADOPTED by the [City Council/Board of Supervisors] of the [Jurisdiction], State of California, on _____, 201_, by the following vote:

Attachment: Exhibit A

Exhibit A

This Complete Streets Policy was adopted by Resolution No. _____ by the [City Council/Board of Supervisors] of the [Jurisdiction] on _____, 201_.

COMPLETE STREETS POLICY OF [JURISDICTION]

A. Complete Streets Principles

1. **Complete Streets Serving All Users.** [Jurisdiction] expresses its commitment to creating and maintaining Complete Streets that provide safe, comfortable, and convenient travel along and across streets (including streets, roads, highways, bridges, and other portions of the transportation system) through a comprehensive, integrated transportation network that serves all categories of users, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth, and families [*insert other significant local users if desired, e.g. drivers of agricultural vehicles, emergency vehicles, freight, etc.*].
2. **Context Sensitivity.** In planning and implementing street projects, departments and agencies of [Jurisdiction] shall maintain sensitivity to local conditions in both residential and business districts as well as urban, suburban, and rural areas, and shall work with residents, merchants, and other stakeholders to ensure that a strong sense of place ensues. Improvements that will be considered include sidewalks, shared use paths, bicycle lanes, bicycle routes, paved shoulders, street trees and landscaping, planting strips, accessible curb ramps, crosswalks, refuge islands, pedestrian signals, signs, street furniture, bicycle parking facilities, public transportation stops and facilities, transit priority signalization, and other features assisting in the provision of safe travel for all users, such as traffic calming circles, transit bulb outs, and road diets [, as well as other features such as *insert other accommodations if desired*] [, and those features identified in *insert name of Pedestrian/Bicycle Master Plan if it exists*].
3. **Complete Streets Routinely Addressed by All Departments.** All relevant departments and agencies of [Jurisdiction] shall work towards making Complete Streets practices a routine part of everyday operations, approach every relevant project, program, and practice as an opportunity to improve streets and the transportation network for all categories of users, and work in coordination with other departments, agencies, and jurisdictions to maximize opportunities for Complete Streets, connectivity, and cooperation. The following projects provide opportunities: pavement resurfacing, restriping, accessing above and underground utilities, signalization operations or modifications, and maintenance of landscaping/related features.
4. **All Projects and Phases.** Complete Streets infrastructure sufficient to enable reasonably safe travel along and across the right of way for each category of users shall be incorporated into all planning, funding, design, approval, and implementation processes for any construction, reconstruction, retrofit,

maintenance, operations, alteration, or repair of streets (including streets, roads, highways, bridges, and other portions of the transportation system), except that specific infrastructure for a given category of users may be excluded if an exemption is approved via the process set forth in section C. 1 of this policy.

B. Implementation

1. **Plan Consultation and Consistency.** Maintenance, planning, and design of projects affecting the transportation system shall be consistent with local bicycle, pedestrian, transit, multimodal, and other relevant plans, except that where such consistency cannot be achieved without negative consequences, consistency shall not be required if the head of the relevant department provides written approval explaining the basis of such deviation. If [Jurisdiction] has a Bicycle and Pedestrian Advisory Committee, such deviations shall be presented to the Bicycle and Pedestrian Advisory Committee early in the planning and design stage, to ensure the Bicycle and Pedestrian Advisory Committee has an opportunity to provide comments and recommendations.
2. **Street Network/Connectivity.** As feasible, [Jurisdiction] shall incorporate Complete Streets infrastructure into existing streets to improve the safety and convenience of users and to create employment, with the particular goal of creating a connected network of facilities accommodating each category of users, and increasing connectivity across jurisdictional boundaries and for existing and anticipated future areas of travel origination or destination.
3. **Bicycle and Pedestrian Advisory Committee Consultation.** If [Jurisdiction] has a Bicycle and Pedestrian Advisory Committee, transportation projects shall be reviewed by the Bicycle and Pedestrian Advisory Committee early in the planning and design stage, to provide the Bicycle and Pedestrian Advisory Committee an opportunity to provide comments and recommendations regarding Complete Streets features to be incorporated into the project.
4. **Evaluation.** All relevant agencies or departments shall perform evaluations of how well the streets and transportation network of [Jurisdiction] are serving each category of users by collecting baseline data and collecting follow-up data on a regular basis.

C. Exemptions

1. **Leadership Approval for Exemptions.** Projects that seek Complete Streets exemptions must provide written finding of why accommodations for all modes that were not included in the project and signed off by the Public Works Director or equivalent high level staff person. Projects that are granted exceptions must be made publically available for review. Federal guidance on exceptions can be found from the Federal Highway Administration (FHWA) Accommodating Bicycle and Pedestrian Travel http://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/design_guidance/design.cfm

Appendix A-5: One Bay Area Grant Call for Projects Guidance

The Metropolitan Transportation Commission (MTC) has delegated OBAG project selection to the nine Bay Area Congestion Management Agencies (CMAs) as they are best suited for this role because of their existing relationships with local jurisdictions, elected officials, transit agencies, community organizations and stakeholders, and members of the public within their respective counties. In order to meet federal requirements that accompany the decision-making process regarding federal transportation funding, MTC expects the CMAs to plan and execute an effective public outreach and local engagement process to solicit candidate projects to be submitted to MTC for consideration for inclusion in the Cycle 2 One Bay Area Grant Program. CMAs will also serve as the main point of contact for local sponsoring agencies and members of the public submitting projects for consideration for inclusion in the 2013 Transportation Improvement Program.

CMAs will conduct a transparent process for the Call for Projects while complying with federal regulations by carrying out the following activities:

1. Public Involvement and Outreach

- **Conduct countywide outreach to stakeholders and the public to solicit project ideas.** CMAs will be expected to implement their public outreach efforts in a manner consistent with MTC's Public Participation Plan (MTC Resolution No. 3821), which can be found at http://www.onebayarea.org/get_involved.htm. CMAs are expected at a minimum to:
 - Execute effective and meaningful local engagement efforts during the call for projects by working closely with local jurisdictions, elected officials, transit agencies, community-based organizations, and the public through the project solicitation process.
 - Explain the local Call for Projects process, informing stakeholders and the public about the opportunities for public comments on project ideas and when decisions are to be made on the list of projects to be submitted to MTC;
 - Hold public meetings and/or workshops at times which are conducive to public participation to solicit public input on project ideas to submit;
 - Post notices of public meetings and hearing(s) on their agency website; include information on how to request language translation for individuals with limited English proficiency. If agency protocol has not been established, please refer to MTC's Plan for Assisting Limited English Proficient Populations at http://www.mtc.ca.gov/get_involved/lep.htm
 - Hold public meetings in central locations that are accessible for people with disabilities and by public transit;
 - Offer language translations and accommodations for people with disabilities, if requested at least three days in advance of the meeting.
- **Document the outreach effort undertaken for the local call for projects.** CMAs are to provide MTC with:
 - A description of how the public was involved in the process for nominating and/or commenting on projects selected for OBAG funding. Specify whether public input was gathered at forums held specifically for the OBAG project solicitation or as part of a separate planning or programming outreach effort;

- A description of how the public engagement process met the outreach requirements of MTC's Public Participation Plan, including how the CMA ensured full and fair participation by all potentially affected communities in the project submittal process.
- A summary of comments received from the public and a description of how public comments informed the recommended list of projects submitted by the CMA.

2. Agency Coordination

- ***Work closely with local jurisdictions, transit agencies, MTC, Caltrans, federally recognized tribal governments, and stakeholders to identify projects for consideration in the OBAG Program.*** CMAs will assist with agency coordination by:
 - Communicating this Call for Projects guidance to local jurisdictions, transit agencies, federally recognized tribal governments, and other stakeholders

3. Title VI Responsibilities

- ***Ensure the public involvement process provides underserved communities access to the project submittal process as in compliance with Title VI of the Civil Rights Act of 1964.***
 - Assist community-based organizations, communities of concern, and any other underserved community interested in having projects submitted for funding;
 - Remove barriers for persons with limited-English proficiency to have access to the project submittal process;
 - For Title IV outreach strategies, please refer to MTC's Public Participation Plan found at: http://www.onebayarea.org/get_involved.htm
 - Additional resources are available at
 - i. <http://www.fhwa.dot.gov/civilrights/programs/tvi.htm>
 - ii. http://www.dot.ca.gov/hq/LocalPrograms/DBE_CRLC.html#TitleVI
 - iii. http://www.mtc.ca.gov/get_involved/rights/index.htm

Appendix A-6: PDA Investment & Growth Strategy

MTC shall consult with the CMAs and amend the scope of activities identified below, as necessary, to minimize administrative workload and to avoid duplication of effort. This consultation may result in specific work elements shifting to MTC and/or ABAG. Such changes will be formalized through a future amendment to this appendix.

The purpose of a PDA Investment & Growth Strategy is to ensure that CMAs have a transportation project priority-setting process for OBAG funding that supports and encourages development in the region's PDAs, recognizing that the diversity of PDAs will require different strategies. Some of the planning activities noted below may be appropriate for CMAs to consider for jurisdictions or areas not currently designated as PDAs if those areas are still considering future housing and job growth. Regional agencies will provide support, as needed, for the PDA Investment & Growth Strategies. The following are activities CMAs need to undertake in order to develop a project priority-setting process:

(1) Engaging Regional/Local Agencies

- Develop or continue a process to regularly engage local planners and public works staff. Encourage community participation throughout the planning process and in determining project priorities
- Participate as a TAC member in local jurisdiction planning processes funded through the regional PDA Planning Program or as requested by jurisdictions. Partner with MTC and ABAG staff to ensure that regional policies are addressed in PDA plans.
- Help develop protocols with MTC, ABAG and Air District staff to assess toxic-air contaminants and particulate matter, as well as related mitigation strategies, as part of regional PDA Planning Program.

(2) Planning Objectives – to Inform Project Priorities

- Keep apprised of ongoing transportation and land-use planning efforts throughout the county
- Encourage local agencies to quantify infrastructure needs and costs as part of their planning processes
- Encourage and support local jurisdictions in meeting their housing objectives established through their adopted Housing Elements and RHNA.
 - *Short-term:* By May 1, 2013, analyze progress of local jurisdictions in implementing their housing element objectives and identify current local housing policies that encourage affordable housing production and/or community stabilization.
 - *Long-term:* Starting in May 2014 and for subsequent updates, PDA Investment & Growth Strategies will assess performance in producing sufficient housing for all income levels through the RHNA process and, where appropriate, assist local jurisdictions in implementing local policy changes to facilitate achieving these goals¹. The locally crafted policies should be targeted to the specific circumstances of each PDA. For example, if the PDA currently does not provide for a mix of income-levels, any recommend policy changes should be aimed at promoting affordable housing. If the PDA currently is mostly low-income housing, any needed policy changes should be aimed at community stabilization. This analysis will be coordinated with related work conducted through the Housing and Urban Development (HUD) grant awarded to the region in fall 2011.

(3) Establishing Local Funding Priorities - Develop funding guidelines for evaluating OBAG projects that support multi-modal transportation priorities based on connections to housing, jobs and commercial activity. Emphasis should be placed on the following factors when developing project evaluation criteria:

¹ Such as inclusionary housing requirements, city-sponsored land-banking for affordable housing production, “just cause eviction” policies, policies or investments that preserve existing deed-restricted or “naturally” affordable housing, condo conversion ordinances that support stability and preserve affordable housing, etc.

- **Projects located in high impact project areas.** Key factors defining high impact areas include:
 - a. Housing – PDAs taking on significant housing growth in the SCS (total number of units and percentage change), including RHNA allocations, as well as housing production
 - b. Jobs in proximity to housing and transit (both current levels and those included in the SCS),
 - c. Improved transportation choices for all income levels (reduces VMT), proximity to quality transit access, with an emphasis on connectivity (including safety, lighting, etc.)
 - d. Consistency with regional TLC design guidelines or design that encourages multi-modal access: http://www.mtc.ca.gov/planning/smart_growth/tlc/2009_TLC_Design_Guidelines.pdf
 - e. Project areas with parking management and pricing policies
- **Projects located in Communities of Concern (COC)** – favorably consider projects located in a COC see: <http://geocommons.com/maps/110983>
- **PDAs with affordable housing preservation and creation strategies** – favorably consider projects in jurisdictions with affordable housing preservation and creation strategies or policies
- **PDAs that overlap with Air District CARE Communities and/or are in proximity to freight transport infrastructure** – Favorably consider projects located in PDAs with highest exposure to particulate matter and toxic air contaminants where jurisdictions employ best management practices to mitigate exposure.

Process/Timeline

CMA's develop PDA Investment & Growth Strategy	June 2012 – May 2013
PDA Investment & Growth Strategy Presentations by CMA's to Joint MTC Planning and ABAG Administrative Committee	Summer/Fall 2013
CMA's amend PDA Investment & Growth Strategy to incorporate follow-up to local housing production and policies	May 2014
CMA's submit annual progress reports related to PDA Growth Strategies, including status of jurisdiction progress on development/adoption of housing elements and complete streets ordinances.	May 2014, Ongoing

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C/CAG AGENDA REPORT

Date: August 9, 2012

To: City/County Association of Governments Board of Directors

From: C/CAG Congestion Management Program Technical Advisory Committee (CMP TAC)

Subject: Review and approval of the funding exchange framework for the OneBayArea Grant (OBAG) - Cycle 2 Local Streets and Roads Surface Transportation Program (STP) funds with San Mateo County Transportation Authority (SMCTA) State and Local Partnership Program (SLPP) funds.

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

RECOMMENDATION

That the Board review and approve of the funding exchange framework for the OneBayArea Grant (OBAG) - Cycle 2 Local Streets and Roads Surface Transportation Program (STP) funds with San Mateo County Transportation Authority (SMCTA) State and Local Partnership Program (SLPP) funds.

FISCAL IMPACT

None.

SOURCE OF FUNDS

State Local Partnership Program (SLPP) fund exchange for OneBayArea Grant (OBAG) - Cycle 2 Surface Transportation Program (STP) funds.

BACKGROUND/DISCUSSION

On May 17, 2012 the joint Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) adopted Resolution No. 4035 outlining the "OneBayArea Grant. One of the OBAG fund sources is Surface Transportation Program (STP). San Mateo County's share is approximately \$8 million.

Prior C/CAG commitment for Local Streets and Roads

On February 2010, the C/CAG Board adopted a funding commitment for Local Streets and Roads that included both Cycle 1 and Cycle 2 Surface Transportation Program (STP) funds. As shown on Attachment 1, \$6,027,924 was committed under the MTC Cycle 2 framework, also

ITEM 6.2.2

known as “Scenario B”. The MTC framework for Cycle 2 has since been changed to a new program called OBAG.

The new Cycle 2 STP fund for San Mateo County has been increased from \$6,027,924 to an anticipated \$8,615,000 and each jurisdiction’s share has been scaled up as shown in the “Total OBAG” column of Attachment 2, in accordance with the adopted framework.

Proposed State Local Partnership Program (SLPP) fund exchange for OBAG STP

The San Mateo County Transportation Authority (SMCTA) is the recipient of \$8,615,500 in SLPP funds and has the desire to exchange those funds with C/CAG’s OBAG share of federal Surface Transportation Program (STP) funds.

Under this funding exchange proposal \$8,615,500 would be distributed to local jurisdictions for Local Streets and Road Preservation under the C/CAG adopted Cycle 2 framework. Cities would opt to receive their share of funds in either STP or SLPP by submission of a board or council resolution. Resolutions to request the fund exchange are due to C/CAG by September 2012. C/CAG will provide an amount of STP funds to SMCTA equal to the aggregate total of SLPP from those jurisdictions that commit to opt in for the exchange.

Agencies that opt to exchange STP funds for SLPP funds would be subject to all SLPP requirements and a March 2013 delivery deadline, but would follow state fund delivery processes instead of the federal-aid process (See Attachment 3). Agencies that opt to keep their share in STP funds would be subject to the federal aid delivery process and deadlines. In both cases above, the MTC eligibility requirements, related to housing certification and complete streets, will still apply.

This proposal was presented at a special meeting held with public works directors on June 18, 2012. Most agencies were interested in the proposal. The fund exchange proposal was formally presented to the CMP TAC and was recommended for approval on July 19, 2012.

Eligibility Requirements

In order to be eligible for any funding related to the OneBayArea grant, a jurisdiction must comply with the following requirements:

Complete Street Requirements

- Cities must adopt a complete street policy resolution no later than January 31, 2013. MTC staff has provided minimum requirements for this resolution. A jurisdiction can also meet this requirement through a general plan that complies with the California Complete Streets Act of 2008. In next funding cycles the general plan adoption will be an eligibility requirement.

Housing Element Requirement

- A jurisdiction is required to have its general plan housing element adopted and certified by the California Department of Housing and Community Development (HCD) for 2007-14 RHNA prior to January 31, 2013. If a jurisdiction submits its housing element to the state on a timely basis for review, but the State's comment letter identifies deficiencies that the local jurisdictions must address in order to receive HCD certification, then the jurisdiction may submit a request to the Joint MTC Planning / ABAG Administrative Committee for a time extension to address the deficiencies and resubmit its revised draft housing element to HCD for re-consideration and certification.

ATTACHMENTS

1. "Scenario B" for Local Streets and Roads adopted by C/CAG in February 2010.
2. SLPP funding chart
3. STP SLPP comparison chart

Adopted by the C/CAG Board
in February 2010

Table 2
Part of Scenario B

Combine Cycles 1 & 2 funds for LS&R				
Cycle 1: Total Available: \$6,564,000				
Cycle 2: Total Estimated: \$6,000,000. Exact final allocation for each jurisdiction in Cycle 2 will be adjusted pro rata based on final countywide allocation.				
CITY / COUNTY	Measure A	Jurisdiction's Total Share	Cycle 1 Federal Grant	Cycle 2 Federal Grant
			FY 2010/11 FY 2011/12	FY 2012/13 FY 2013/14 FY 2014/15
SM County	13.02%	\$1,635,833	\$1,335,833	\$300,000
San Mateo	11.80%	\$1,482,552	\$1,182,552	\$300,000
Daly City	10.30%	\$1,294,092	\$994,092	\$300,000
Redwood City	9.45%	\$1,187,298	\$887,298	\$300,000
South SF	7.68%	\$964,915	\$664,915	\$300,000
Pacifica	5.18%	\$650,815	\$350,815	\$300,000
San Bruno	5.10%	\$640,764	\$340,764	\$300,000
Menlo Park	4.82%	\$605,585	\$305,585	\$300,000
San Carlos	4.32%	\$542,765	\$242,765	\$300,000
Burlingame	4.23%	\$531,457	\$231,457	\$300,000
Belmont	3.52%	\$442,253		\$442,253
Foster City	3.34%	\$419,638		\$419,638
East Palo Alto	3.28%	\$412,099		\$412,099
Hillsborough	3.01%	\$378,176		\$378,176
Millbrae	2.93%	\$368,125		\$368,125
Atherton	1.89%	\$237,460		\$237,460
Woodside	1.76%	\$221,126		\$221,126
Half Moon Bay	1.61%	\$202,280		\$202,280
Portola Valley	1.48%	\$185,947		\$185,947
Brisbane	0.96%	\$120,614		\$120,614
Colma	0.32%	\$40,205		\$40,205
Total:	100.00%	\$12,564,000	\$6,536,076	\$6,027,924
Agencies above the dash line are working w/ Caltrans on projects that would have been funded by Stimulus II.				

	Measure A Distribution FY 2013 *	Measure A Distribution FY 2014 * *	Two Year Total	OBAG Cycle II	OBAG Cycle II Plus	Total OBAG***	Minimum Size of Construction Project to Fully Utilize SLPP/OBAG
SAN MATEO COUNTY							
ATHERTON	\$270,563	\$270,563	\$541,125	\$237,460	\$47,870	\$285,330	\$570,660
BELMONT	\$517,725	\$517,725	\$1,035,450	\$442,253	\$91,600	\$533,853	\$1,067,706
BRISBANE	\$146,250	\$146,250	\$292,500	\$120,614	\$25,876	\$146,490	\$292,980
BURLINGAME	\$624,488	\$624,488	\$1,248,975	\$300,000	\$110,490	\$410,490	\$820,979
COLMA	\$49,725	\$49,725	\$99,450	\$40,205	\$8,798	\$49,003	\$98,006
DALY CITY	\$1,481,513	\$1,481,513	\$2,963,025	\$300,000	\$262,122	\$562,122	\$1,124,243
EAST PALO ALTO	\$466,538	\$466,538	\$933,075	\$412,099	\$82,544	\$494,643	\$989,285
FOSTER CITY	\$498,713	\$498,713	\$997,425	\$419,638	\$88,236	\$507,874	\$1,015,749
HALF MOON BAY	\$222,300	\$222,300	\$444,600	\$202,280	\$39,331	\$241,611	\$483,222
HILLSBOROUGH	\$441,675	\$441,675	\$883,350	\$378,176	\$78,145	\$456,321	\$912,642
MENLO PARK	\$718,088	\$718,088	\$1,436,175	\$300,000	\$127,050	\$427,050	\$854,100
MILLBRAE	\$434,363	\$434,363	\$868,725	\$368,125	\$76,851	\$444,976	\$889,952
PACIFICA	\$740,025	\$740,025	\$1,480,050	\$300,000	\$130,931	\$430,931	\$861,863
PORTOLA VALLEY	\$213,525	\$213,525	\$427,050	\$185,947	\$37,779	\$223,726	\$447,451
REDWOOD CITY	\$1,399,613	\$1,399,613	\$2,799,225	\$300,000	\$247,631	\$547,631	\$1,095,262
SAN BRUNO	\$737,100	\$737,100	\$1,474,200	\$300,000	\$130,414	\$430,414	\$860,828
SAN CARLOS	\$633,263	\$633,263	\$1,266,525	\$300,000	\$112,042	\$412,042	\$824,084
SAN MATEO	\$1,763,775	\$1,763,775	\$3,527,550	\$300,000	\$312,062	\$612,062	\$1,224,124
SOUTH SAN FRANCISCO	\$1,136,363	\$1,136,363	\$2,272,725	\$300,000	\$201,055	\$501,055	\$1,002,109
WOODSIDE	\$254,475	\$254,475	\$508,950	\$221,126	\$45,024	\$266,150	\$532,300
COUNTY OF SAN MATEO	\$1,874,925	\$1,874,925	\$3,749,850	\$300,000	\$331,727	\$631,727	\$1,263,455
COUNTY TOTAL	\$14,625,000	\$14,625,000	\$29,250,000	\$6,027,923	\$2,587,577	\$8,615,500	\$17,231,000

* Based on projected sales tax revenue for FY 2013 (Amount subject to change from actual sales tax revenue collected)

** Assumes FY 2014 revenues to be equal to FY 2013

*** Based on anticipated STP from MTC

STP SLPP Comparison Chart

OBAG Local Streets & Road funds Surface Transportation Program (STP)	State Local Partnership Program (SLPP)
Federal Funds	State Funds
Projects need to follow the Federal-Aid process (field review, NEPA, and authorization(E-76))	Project must follow the California Transportation Commission (CTC) STIP allocation process. Projects do not need to follow the Federal-Aid process.
Projects delivery is subject to regional deadlines associated with the programmed year (FY13/14 or 14/15).	Project must be ready to advertise and have the package submitted CTC for allocation by March 2013. Project needs to have a CTC allocation by June 2013. C/CAG will require a letter of commitment to deliver the project.
Funds may be used for Design, Construction Engineering, and Construction Capital.	Funds may only be used for Construction phase (Construction Engineering is okay). No design allowed.
Funds require an 11.47% local, non-federal match.	Funds require a 50% match (dollar for dollar) of Measure A funds. Your City's allocation of Measure A funds must be used towards this project.
Jurisdictions are subject to OBAG housing and complete streets eligibility requirements by January 31, 2013. Compliance needed prior to programming of funds.	Jurisdictions are still subject to OBAG housing and complete streets requirements by January 31, 2013. C/CAG will require a letter of commitment. Compliance needed prior to allocation of funds.
Local Streets and Roads projects are limited to federally eligible streets.	Funds may be used on any local street (not limited to federally eligible streets).
Projects are subject to NEPA and CEQA environmental clearance	Funds are subject to CEQA environmental clearance but not NEPA, if no federal funds are contributing to the project.
Funds are limited to pavement rehabilitation and preventive maintenance (for PCI of 70 or higher). Non-Pavement features that bring the facility to current standards are allowed.	Funds may be used for any transportation improvement capital project per AB268. SLPP has a 15 year useful life requirement for roadway resurfacing and bike projects....see AB268.

If we proceed with the SLPP exchange, SLPP funding will meet the C/CAG Cycle 2 Local Streets and Roads commitment to the cities.

C/CAG FY 11-12 HIGHLIGHTS

- **Smart Corridor** **Additional \$11M in State Funds.
Design Completed.
Construction Out to Bid.**
- **RICAPS Regionally Integrated Climate Action Planning.**
**HARA Tool Optimized.
Workshops with 13 Cities and County Underway.**
- **Safe Routes to Schools**
**Outreach to all schools through County Office of Education.
Developed the Safe Routes to School Program Guide (Toolkit).
Outreached to all schools (K-8) within the County.
Awarded \$523,000 in grants to 6 school districts and one
private school (20,289 students).
Funded walk/bike audits, San “Carless” Week, Walk-to-School
Wednesday, walking school bus, route maps, bike train, bike
education and bus pilot projects.
Established task forces at 19 schools.
Established Operations and Policy Advisory Committees.**
- **Congestion Management Program**
**101 Auxiliary Lane Marsh to University Completed.
101 Auxiliary Lane University to Embarcadero Contracted.
Allocated \$987,566 in Clean Air funds to C/CAG and two
agencies (Alliance and Samtrans).
Cost effectiveness of \$27,926 (estimate) per ton with 38.9
(estimate) tons eliminated.
Developed San Mateo County input to Regional
Transportation Plan (RTP).
100% of STP/ CMAQ FY 11-12 Projects Allocated (\$7.5M).
\$3M in Lifeline Projects Funded.
Programmed \$23M for the 2012 STIP.
Completed the Congestion Management Program for 2011.
Completed the Willow Road/University Avenue Traffic Study.**

- **Environmental/ Transportation Program**
 Allocated \$1,254,000 (AB 1546) and \$2,113,000 (Measure M) to local jurisdictions for pavement overlay, signal upgrade, street sweeping, and storm drain inlet cleaning projects.
- **Bicycle and Pedestrian Program**
 Completed the San Mateo County Comprehensive Bicycle and Pedestrian Plan 2011.
 Awarded \$1,139,000 (TDA Article 3) to seven jurisdictions for bicycle and pedestrian projects.
- **San Mateo Congestion Relief Program**
 Funded \$660,982 for 15 shuttles serving 400,000 passengers/year.
 \$512,000 Travel Demand Management (TDM) Services.
 Funding of \$200,000 for Climate Action Planning.
 Metering for southbound I-280 between Daly City and San Bruno.
- **Airport Land Use Commission**
 Draft ALUCP Completed.
 Outreach Initiated.
 Draft ALUCP accepted by ALUC.
- **Abandoned Vehicle Abatement Program (estimate)**
 Vehicles Towed - 18,000 to 20,000
 Vehicles Destroyed - 1,500 to 2,000
 Cities/ County Cost Reimbursement - \$640,000
 * Cost Per Vehicle - \$32-38
 * Administrative Rate - 1.3 to 1.7%
 * Agencies Participating - 18
 Air Quality reduction - 11 to 18 Tons
- **Stormwater Management Program**
 Continued assisting municipalities in meeting new regional stormwater permitting requirements.
 Coordinated California Coastal Cleanup Day in San Mateo County, at which over 4,000 volunteers removed over 42,000 pounds of litter from local waterways.
 Awarded over \$17,000 to six organizations through Community Action Grant Program to improve water quality.

Provided 70 presentations at elementary and high schools, educating over 9,500 students about stormwater pollution issues.

- **Staffing - 7 Full Time, 2 Part Time plus contracted Payroll, Legal, and Financial**

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

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Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

August 1, 2012

California State Assembly
Assembly District 19
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0019

Attention: Honorable Jerry Hill, Assembly Member

Subject: AB 1456 Support

Honorable Jerry Hill:

The City/ County Association of Governments of San Mateo County (C/CAG) has one representative from each city and the County on its Board. The C/CAG Board adopted a support position for AB 1456 Gas corporations: safety performance standards: rate incentive program. It is critical as stated in AB 1456 that the California Public Utility Commission (CPUC) perform an analysis of benchmark data and adopt safety performance standards for pipeline safety and reliability. The CPUC also needs to aggressively monitor the gas corporations safety performance against these standards and apply penalties when the standards are not met. The San Bruno disasters has pointed out the need for close CPUC oversight which AB 1456 tries to address in a small way.

On behalf of the City/ County Association of Governments of San Mateo County (C/CAG), I would like to thank you for the leadership shown on AB 1456.

C/CAG will continue to support your efforts to get AB 1456 passed. Let us know what the next actions or steps are and how C/CAG can assist. If there are any questions please contact Richard Napier, C/CAG Executive Director at 650 599-1420.

Sincerely,



Richard Napier
Executive Director

C/CAG
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OF SAN MATEO COUNTY

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August 1, 2012

California State Assembly
Assembly District 19
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0019

Attention: Honorable Jerry Hill, Assembly Member

Subject: AB 478 Support

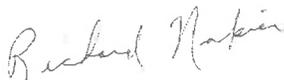
Honorable Jerry Hill:

The City/ County Association of Governments of San Mateo County (C/CAG) has one representative from each city and the County on its Board. The C/CAG Board adopted a support position for AB 478 Gas Corporations: Fines and penalties. It is critical as stated in AB 478 that fines and penalties levied against a Gas Corporation be held in a separate account and further require them to be used to offset investments for pipeline replacement. Hopefully this will be an incentive to the Gas Corporation to better maintain the gas pipeline such that there is not a repeat of the San Bruno disaster.

On behalf of the City/ County Association of Governments of San Mateo County (C/CAG), I would like to thank you for the leadership shown on AB 478.

C/CAG will continue to support your efforts to get AB 478 passed. Let us know what the next actions or steps are and how C/CAG can assist. If there are any questions please contact Richard Napier, C/CAG Executive Director at 650 599-1420.

Sincerely,



Richard Napier
Executive Director